

State of New York  
County of Fulton  
Town of Caroga

Minutes of the regular monthly Caroga Town Board meeting held Wednesday January 13, 2010 at the municipal building located at 1840 State Highway #10 at 7:00 pm with the following persons in attendance by Roll Call:

Supervisor Selmsler - Here  
Councilman Ralph Palcovic - Here  
Council Member Valerie Scribner - Here  
Councilman Robert Sullivan - Here  
Councilman Anthony Russitano - Here

Other town officials in attendance were Mike Heberer – Code Enforcement Officer, Joseph Insogna – Highway Superintendent, Katherine Hillock – Assessor. Timothy Grant of Independent Towers attended the meeting this evening. There were eight members of the public in attendance and a student for a participation in government class.

Supervisor Selmsler called the meeting to order at 7:00 pm. Following was the roll call and flag salute.

Tim Grant of Independent Towers LLC NE Office 11 Herbert Dr Latham NY 12110 was first on the agenda. He approached the town two years ago about putting in a cell tower. The area he is looking at is the alienated land, which he called the stump dump. AT&T has approved the carrier in that location. The site in the far west corner was looked at but the tower would be visible from the road. The APA does not approve of sight of the tower from the public right of way. They like it virtually invisible. The other back corner has been suggested. He would like to proceed with the town and is here tonight to possibly get a resolution from the town to proceed with the negotiations with a lease agreement with his company. He wants to negotiate with a contract. The board members have a copy of the proposal. They want to use the existing road surface where they could put their utilities along side an easement. They are responsible for all utilities. They would need a 100 x 100 lease area. They think they can put an 80 ft tower in there. Two carriers could go on the tower. A pine tree type (top 15 ft) tower would be put in. A drawing shows the tower to the right hand side of the existing road. He wants to see if the board wants to proceed. Councilman Sullivan asked how long it takes to erect a tower. The longest part of the process is the zoning with the APA; construction is 60 days start to finish. Councilman Sullivan asked if the road needed to be maintained in the winter? Mr. Grant stated that they would be responsible for any access. They contract with the utilities for services, telephone, and electricity.

Supervisor Selmsler asked how many towers they put up in the APA and have any been put up on town properties?

Mr. Grant responded that right now they have two sites in the Adirondacks, there are five in the permitting process. The code officer thought the process might be accelerated if the site is on town property. One step may be shortened going through the towns zoning board because the town is exempt from its own zoning. The board would have to submit a letter to be included in

the packet to the APA. The contract is a generic one to be negotiated through. The board would like to give preliminary/ conceptual approval. They are committed to work with Independent Towers. There is a drawing included in the boards paperwork.

The assessor noted that if a tower is constructed on town property it is not exempt from taxation because it is not used for exempt purposes. The cell tower owner pays the taxes.

A member of the public asked what the radius coverage would be. Mr. Grant wanted this question answered by AT&T. They have another proposed site just outside the APA boundaries to connect it. It was noted that Pine and Stoner Lakes would be a far reach. It was noted that towers work by line of site. A representative of AT&T will be in the area on Friday to look at the sites. They have a preliminary OK with the Town of Johnstown to move forward.

**RESOLUTION to move forward with Independent Towers**

**#2010- 009**

Offered by Council Member Scribner

Seconded by Councilman Sullivan

**WHEREAS**, the Caroga Town Board held its monthly meeting on Wednesday January 13, 2010, and

**WHEREAS**, Timothy Grant a representative of Independent Towers LLC 11 Herbert Drive Latham NY 12110, presented a generic contract to the Town Board which contained a drawing and,

**WHEREAS**, the board discussed, and asked questions on the proposed tower and the proposed site, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby desire to move forward with the conceptual, proposed, telecommunication plan presented by Independent Towers LLC.

**Unanimously Carried**

**Public:**

Mr. Altizio asked about the status of the Herms case. The board noted it has been in the newspapers. Supervisor Selmsler responded that there was a hearing with Judge Giardino yesterday. He established a couple of dates for the attorneys to respond to. There is another court hearing scheduled for January 28<sup>th</sup>. The resident asked what it costs us. He hoped nothing, that the losing side would pay the attorney bills. Only a fraction of the cost would be paid - \$60,000.00 or so. The board noted that they had to have representation. The board has to enforce the laws on the books.

Councilman Palcovic made a motion to enter into an executive session to discuss personnel matters. Council Member Scribner seconded the motion. Unanimously carried.

At 7:27 pm Council Member Scribner made a motion to exit from the executive session. Councilman Palcovic seconded the motion. Unanimously carried. A resolution will be made this evening as a result of the executive session.

**Department Reports:**

Highway – Mr. Insogna reported they have been plowing snow. They have been doing some small repairs on the trucks. They started switching the cab over on the old water truck to make it a calcium truck. They are shopping for tires.

Supervisor Selmsler noted two association dues are being paid tonight. He asked if they were a good resource for him. Supervisor Selmsler knows they have meetings and asked if Mr. Insogna planned to attend any of them. He said he would.

Councilman Palcovic gave the supervisor a landfill report and it indicated that there was a damaged well cap. Mr. Insogna saw where the area had been driven over. The supervisor asked if the area could be fenced off. Mr. Insogna will put some posts up for now and in the spring fence it off with some barriers.

*Code Enforcement & Sanitation* – Mr. Heberer submitted his report to the board. He had the year to date totals. Last year at this time they had almost 2.4 million dollars worth of construction costs and \$10,000.00 for permits. This report shows 1 million dollars less in construction costs and about \$3,000.00 less in permits. It is real slow right now. He will be going out with the assessor to look at the construction that was completed this year so it can be put on the tax roll.

*Dog Control* – The clerk gave a report that there were 15 dogs delinquent for the year-end.

*Golf Course* – Mr. Jennings is away taking a course currently.

*BTI* – No Report

*Weeds* – Mr. DeWeese sent the clerk the APA permit for harvesting weeds. The document must be filed in the County Clerks Office by March 1, 2010.

*Youth* – No Report

Councilman Sullivan asked if anyone saw the small blocks of snow placed in the road throughout town the other night. They were responding to a fire call. The Sheriff's Dept. cleared most of them off the roads.

*Clerk/Registrar* - Last months revenues were very small. The office is very busy with Tax Collection.

*Assessor's Report* - Mrs. Hillock welcomed Councilman Russitano. She noted that his position on the Board of Assessment Review would need to be filled by the end of April. Her new computer is up and running. There were people here from the State. One of the girls took her file and is going to help her set up all the evaluation tools on the computer. Scott Henze will come up to install the Pictometry program on Friday. She is busy with exemptions and taking calls with a lot of questions on the tax bills. Most of the questions are the equalization rate, the assessment, and why the full market value is there.

All of the exemption paper work is out. The renewal applications are due March 1, 2010.

Usually her files are turned in mid – April. This year she would like to take a vacation during the time before the first of May when the assessment roll is put up. Within that time she wants to take 10 days off. She estimates that equalization rate will be the same as last year. She noted the sales are stagnant from 1989 – 1990. She believes people are being driven here to the lake front

properties, as the other areas lake areas in Fulton County are higher. She is working to look at inventories, which allow her to change valuations.

Supervisor Selmser hoped that after the state people come back, and work out some of the bugs in the system, he hopes they will help to update and make corrections on our roll. Mrs. Hillock noted that she is going to run some reports, and analyze some of the sales to come up with the tools to have the program set up better. She could not make sense of the way the previous assessor set the computer up. They will work with Kathy to help her with the new tools in the program. The Pictometry program has been helpful also.

### **Supervisor's Report**

The Supervisor received paperwork for Delta Dental Coverage for town employees, through the Chamber of Commerce. The board members received some basic costs. He has additional information and forms to sign up for the program. It would not come out of our payroll.

Time Warner business rate – Supervisor Selmser checked and we are paying the lowest rate available. Business is the same as government rate. He is checking with Frontier on the phone rate. The county has a discount plan, but he believes the difference would be pennies.

Fulton County Disaster- mitigation plan. The county got a grant and the grant will allow the towns to link in for any needs. The town will be responding to a questionnaire.

Shepard Oil Co. – Last year the town went out to bid for gasoline, fuel oil, and diesel. There was only one response back – that being Shepard Oil. It was a firm bid, but the company interpreted the bid differently. Prior year bids were reviewed. Only in one year did they make side notes regarding delivery price change. Shepard faxed over what their bid was represented of. Councilman Russitano noted that normally the rack price is stated. Supervisor Selmser will check periodically on what the market price is. The journal commerce price is readily available. Next year the bid information will be more specific – adding the Albany Rack price wording. Councilman Palcovic would like to review the state bid contract price next year.

The board received the Financial report from the bookkeeper, everything is on it except the sales tax revenues for the last quarter of 2009. The general expenses year to date compared to the prior year were down \$233,761.00. Highway revenue was up \$119,086.00 Expenses were \$27,005.17 less than 2008. He estimates the sales taxes will come in less than the fourth quarter for the prior year.

### **Committee Reports**

Buildings and Grounds –Councilman Palcovic is working on the fire alarm problem/upgrade. There are two contractors stopping by tomorrow to look at the building. Councilman Palcovic stated the system is antiquated, and cannot be repaired. It is deficient – there are no smoke detectors in the section of the building currently in use. There are manual pull stations. The old section just need two trip stations. One in the boiler room and one along the firewall. The alarm will not transmit. Any new system will have an auto-dialer. We will save the line fee. The estimate several years ago was around \$5,000.00. Supervisor Selmser suggested the alarm companies also look at the highway garage. Council Member Scribner asked whom the school used to protect their building. It was stated that the town would have to get three quotes if the cost is over \$5,000.00. The Electrical contractors use the Simplex or Nutone brands. It needs a UL- FM stamp. If the alarm goes off in the building someone will have to dial 911.

Park Creation – no comments

Golf Course – no comments

Cell Service – The other party talking about cell service in the town is Fred Di Maggio. He has issued a contract to Royal Mountain. Supervisor Selmsler continued, “Who does what first, I don’t know. Fred said he would like to come and sit with us but we’ve pretty much decided that first come first served, so...I’ll put him on hold.” The board was in favor of discussing cell towers with both companies. Councilman Palcovic mentioned the town owned Irving Pond Dam property.

**Old Business:**

Census – will not be using the municipal building.

Feed back of Resolutions for Assoc. of Towns meeting – there were no comments from the board. Supervisor Selmsler asked Council Member Scribner to vote in her best interest regarding things that will affect the town.

**New Business:**

EAP contract – same as last year. Supervisor Selmsler thought the program was under used.

**RESOLUTION to renew contract with E.A.P. #2010 -010**

Offered by Councilman Palcovic

Seconded by Council Member Scribner

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on January 13, 2010 and

**WHEREAS**, the clerk did receive two signed copies outlining the terms of the contract with the Employee Assistance Program “A service of St. Mary’s Hospital, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to enter into contract with Employee Assistance Program 427 Guy Park Ave. Amsterdam NY 12010, (518) 842-1900. The town agrees to pay the hospital \$15.00 per full-time employee per year for the E.A.P. The total contract for 12 full-time employees shall equal \$180.00 and whereby this contract shall be effective for twelve months, commencing January 1, 2010 to December 31, 2010, the full contract on file in the Clerk’s office.

**Unanimously Adopted**

**Correspondence:**

Dave Falvo – re: septic problem

Pasquariello Law Firm – re: Dave Falvo septic problem

Resignation letter Tony Russitano from Board of Assessment Review

Fulton County Solid Waste – holiday Transfer station closed

**RESOLUTION to accept resignation letter #2010-011**

Offered by Councilman Palcovic

Seconded by Council Member Scribner

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on January 13, 2010 and

**WHEREAS**, the clerk received a letter of resignation from Anthony Russitano a member of the Board of Assessment Review, and

**WHEREAS**, Mr. Russitano was elected by the people to serve as a councilman on the Town Board, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to accept the letter of resignation, and does thank Mr. Russitano for his years of service on the Board of Assessment Review.

**Unanimously Adopted**

Councilman Palcovic asked that the building maintenance person remove any and all combustible materials from the boiler room.

**Resolutions:**

**RESOLUTION to amend Res. # 2010-004 rate for Golf Course Laborer II #2010-012**

Offered by Councilman Palcovic

Seconded by Councilman Russitano

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on January 13, 2010 and

**WHEREAS**, the Budget Director Lita Hillier has indicated a correction to the salary rate of the Golf Course Laborer II position for the 3<sup>rd</sup> year after 2 summers, now therefore be it

**RESOLVED**, that the rate for the Golf Course Laborer II is hereby set at \$12.75 per hour for the year 2010.

**Unanimously Adopted**

**RESOLUTION to appoint Deputy Highway Superintendent #2010 -013**

Offered by Councilman Palcovic

Seconded by Council Member Scribner

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on January 13, 2010 and

**WHEREAS**, the Town Board held an executive session with the highway Superintendent this evening, and

**WHEREAS**, the Highway Superintendent Joseph Insogna discussed with the board his desire to appoint a Deputy Highway Superintendent for the year 2010 in the town, now therefore be it

**RESOLVED**, that Charles Wager of 2291 State Highway 10 mailing address PO Box 27 Caroga Lake NY is hereby appointed to serve as Deputy Highway Superintendent in the Town of Caroga until December 31, 2010.

**Unanimously Adopted**

**RESOLUTION to amend Res. # 2009-086 a budget transfer #2010-014**

Offered by Councilman Sullivan

Seconded by Councilman Palcovic

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on January 13, 2010 and

**WHEREAS**, the Budget Director Lita Hillier has indicated that a necessary correction be made to resolution #2009-086 which included a transfer made To: A5132.4 Highway Garage C.E. from various account to read correctly as follows:

To: A5132.4 – Highway Garage C.E.	\$ 8,000.00	
From: A1990.4 – Contingent		\$ 6,000.00
From: A7550.4 – Celebrations		\$ 1,000.00
From: A9060.8 – Health Insurance		\$ 1,000.00

**RESOLVED**, that above stated information be adopted by the board as the correct amounts transferred.

**Unanimously Adopted**

**RESOLUTION to amend Res. # 2010-004 which states the Highway Superintendents Salary #2010-015**

Offered by Councilman Palcovic

Seconded by Councilman Russitano

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on January 13, 2010 and

**WHEREAS**, the Budget Director Lita Hillier has indicated a correction is necessary to the salary rate adopted in Resolution #2010 -004 for the Elected Highway Superintendent, and

**WHEREAS**, Town Law §108 is specific in the compensation of elected members of the town board, and elected town clerk and elected highway superintendent, now therefore be it

**RESOLVED**, that the rate for the salary of the Highway Superintendent – Joseph Insogna is hereby set at \$41,269.00 for the year 2010 as was posted in the legal notice dated October 28, 2009 which ran in the official newspaper – the Leader Herald.

**Unanimously Adopted**

Council Member Scribner would like the board to work on updating the Code of Ethics. It has not been done since 1970. She suggested doing it in segments.

**RESOLUTION to respond to Fulton County Planning Board #2010-016**

Offered by Supervisor Selmsler

Seconded by Councilman Palcovic

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on January 13, 2010 and

**WHEREAS**, Fulton County Planning Board sent a notice asking the Zoning Board Chairman in September of 2009 to enter into an agreement on a provision of General Municipal Law 239m which mandates the certain local municipal land use actions be forwarded to the County Planning Board to assess whether these actions may have any significant countywide or Intercommunity impacts, and

**WHEREAS**, the Chairman of the Planning Board Pete Welker asked for direction from the Town board on this matter, and

**WHEREAS**, Supervisor Selmsler did submit the paperwork back to the county with the following response: that the Zoning Board of Appeals of the Town of Caroga would like to enter into an Agreement with the County Planning board stipulating that area variances are not subject to the referral requirements outlined in Section 239m of the General Municipal Law, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to enter into said agreement with the Fulton County Planning Board.

**Unanimously Carried**

Councilman Sullivan made a motion to pay the bills as presented for audit; accept the minutes of the 12/29/09 & 1/5/10 meetings. The motion was seconded by Councilman Palcovic unanimously carried.

At 8:21 pm Councilman Russitano made a motion to adjourn, the motion was seconded by Councilman Sullivan. All board members were in favor of the motion.

Respectfully Submitted,

Linda M. Gilbert – RMC  
Town Clerk