

State of New York
County of Fulton
Town of Caroga

Minutes of the Regular monthly Caroga Town Board meeting held Wednesday February 10, 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, Town Justice Subik and Thelma Subik – Court Clerk, Mike Heberer – Code Enforcement Officer, Joseph Insogna – Highway Superintendent, and Katherine Hillock – Assessor. There were six other members of the public in attendance. Town Attorney Susan Palmer Johnson arrived at 7:25 pm.

Supervisor Selmsler called the meeting to order at 7:00 pm, the flag salute followed.

Public: No one addressed the boards with any concerns this evening.

Department Reports:

Town Justice – Presented his Books for Audit to the town board. Justice Subik stated to the board that every month they receive a tally of what monies have been taken in by the court. This evening he presented a complete history of 2009. He also gave each board member a hand out about the roll of the town justices, and local criminal court throughout the state. The information was from the last Magistrates Assoc. meeting. Justice Subik asked if the board looked at the tally each month. Supervisor Selmsler responded that he did not pass along that information, but maybe that it would be good to do that. The supervisor did have a net/net summary of the justice report. The judge noted that the “court records are open to the public unless there are certain circumstances, 99% of the time anyone is welcome to come to court or to see any case histories, as long as it is not a youthful offender – something that has been sealed by the state.” Monthly reports are always submitted with the payments. He noted his reports are due by the 10 of the following month. This does not include all of the arraignments he’s done or any felonies that have gone to the superior court or family court matters, or domestic matters. It was noted that everything is done electronically. He receives tickets over the Internet. When someone is arraigned in the middle of the night faxes must immediately go out to the public defenders office and the alternative to incarceration office. Everyone is entitled to have an attorney. In the past year he has been called in during the night between 30-40 times.

The board will review and sign the report this evening for the Town Justice.

Highway – No Report

Code Enforcement & Sanitation – Mr. Heberer gave the board a printed report showing one sanitation and two building permits (1 a demo) were issued from January 13 – February 10, 2010.

He has been working on getting a new fire alarm system in the building. The current one cannot be repaired anymore. He talked to three companies and Fulton County Electric did submit a bid estimate. Because of the price this will have to go out to bid. Supervisor Selmsler also contacted Time Warner and they are not interested in doing the job. Mr. Heberer talked to Hart alarm systems, Mahoney Notifier, and Fulton county Electric. Hart is not interested in the work.

The board discussed getting a quote for an alarm system at the highway garage also. Councilman Palcovic wants to go out to bid this evening. Mr. Heberer wants to attend the APA Local Government Day training. Brian Grisi has arranged two non-agenda meetings scheduled for Mr. Heberer on the new boathouse rules and the Class A Regional representative for Cell Towers.

Supervisor Selmsler noted that the utility building is 99.95 finished. There is some staining to do and there is one drywall seam that cracked. These items will be corrected when the weather breaks.

Mr. Heberer stated, “As everyone knows demolition is underway so..”

Dog Control – No report from Mr. Dutcher, the clerk gave him a printout with 11 delinquent renewals from January to December 2009. He should be writing tickets for those people to bring them into court. They have each been sent at least 3 notices the clerk stated.

Supervisor Selmsler reported that the surplus apportionment that we get back every year – of the \$554.00 paid in the Town will get almost \$340.00 back.

Golf Course – Supervisor Selmsler noted that he changed a term in the contract and both Mr. Jennings and the Supervisor have signed it. Supervisor Selmsler gave the board members a report for the total year (2009) revenues and expenses of the golf course. There was also a reconciliation of the cash received, which is balanced to the summery sheet. The only thing not factored in was the liability and property insurance expense. The net/net bottom line was a plus for the town of just \$25,000.00. The cost of liability could be in the range of four to five thousand. There is an approx. net of \$20,000.00 plus on the golf course. This included some repair and building costs last year. It was a good year overall. Councilman Sullivan thanked the supervisor for the report.

There are no capitol projects planned for this year other than some painting on the outside of the building. The paint has been purchased; the highway staff will do the labor.

BTI – supervisor Selmsler reported that the director has been in working. She believes the staff from last year will be back this year. She is going to the necessary trainings and certifications. Everything is in a go forward mode. She has ordered the materials for the program to meet the goals.

Weeds – The amended week permit has been filed in the County Clerk’s Office cost \$75.00. The amendment was for the mat that West Caroga Lake Assoc. wants to use.

Youth - Desiree Hines will be the director again this summer for the program.

Clerk/Registrar – The clerk, Linda Gilbert gave the board her monthly report. She also presented the town clerk books for audit. She gave the supervisor a check in the amount of \$2.35 for interest on the clerk account for the year. The clerk discussed with the board her Registrar appointment. She asked the board if the term could run concurrently with her appointment as town clerk so that paperwork does not have to be filled out each year. The board agreed to make a resolution to amend Res. #2010-01.

Assessor's Report – Mrs. Hillock reported that the appraisal company working on the two tax certioraris cases has not been given access to the properties. They would like to conduct a physical inspection of the properties interior. This has been going on for months. The work has been done based on information from the assessor. Attorney Sal Ferlazzo will be contacted.

She noted that the Office of Real Property is going through a transition. They are merging with Taxation and Finance. The town will have a new representative. The Assessor stated that the equalization rate would not be helped this year; she can't possibly get all of the evaluation in to be able to use it by the deadline. They promised help on this project.

Reminder notices were sent out again for exemptions, which are due by March 1, 2010.

The assessor will be on vacation April 20th – April 28th. She will be back before the tentative roll has to be filed.

Supervisors Report: Supervisor Selmsler was in Albany yesterday attending a NYS Supervisors Assoc. Conference. He attended work sessions to cover some of the county issues that affect some of us indirectly. He talked to the NYS DOT Representative about the CHIPS program. The rep. said the funding for this year is set and should be the same as the prior year. There may be changes in the years to come. Supervisor Selmsler told the Highway Superintendent to put in any request to justify having the funding coming to us. Last year we did not use some of the money and it was reserved into this budget year.

Supervisor Selmsler has contacted a couple of local banks – usually at this time of year we have reserve of funds to carry the town through the balance of the year He will ask the budget director to decide on a figure to put aside. The rates are significantly lower than prior years. In past years the rate was 2% now he can only find .5%. NBT is half of that. He will move money around to earn some interest. One of the CD he is looking at allows withdrawals prior to the end of the term.

The Supervisor visited with USDA on funding for future building projects. Under lending situations longer terms are allowable for borrowing vs. some of the state requirements with local banks. The USDA will give longer terms but have different requirements, which may add cost to a project. Research will be done at a future date if the town does some construction/building changes.

The board members received the financial report for the end of January. An update for the end of the year was also given out by the bookkeeper – Mrs. Hillier.

Supervisor Selmsler reported the town as being ahead slightly on revenue and expenditures are down slightly for the general fund in the amount of just under \$50,000.00. In the highway dept. area the revenues and expenses net/net are less than last year. The revenues are less the expenses are less but it is a net of about \$25,000.00. This is partly because of the revenues from the tax assessment in the highway portion was less than the prior year. The general fund was higher for

this year. Councilman Sullivan asked what revenue (A0522) and expenditure (A0960) control meant on the front page. The Supervisor noted that this figure shows the total expenses for the current month. This will accumulate over the year.

Next week a meeting is scheduled with Jeff Bouchard from Dept. of Solid Waste. He will meet with the supervisor and the town clerk to review regulations of the transfer station, stickers requirements. The expectations will be discussed. The board members were invited to attend. Councilman Palcovic noted she is monitoring bag by bag. She is doing a great job. The clerk explained questions she had about families who share a camp for the season and the type/number of permits to be issued to that residence. The clerk looked at the cost of cling type sticker as the county assigns a vehicle to a sticker not a residence.

EAP is scheduled to meet with the highway staff at 1pm on February 18th. Board members were invited to attend. This is a work assignment for the department.

At the county meeting tomorrow a report that the supervisor received from the finance committee shows the printing cost for paper ballots for the first year, there was federal funding, each ballot last year was \$0.57 per sheet. They come in lots of 50 or 100 per pack. The budget for the prior year for the paper for the lever machines was \$3,000.00 in the future it will be \$19,000.00. The 500% increase will be passed on to the towns it will be prorated. Progress!

Committee Reports

Buildings and Grounds – Councilman Palcovic had one more issue to discuss with the board. He met with mechanical contractors J. B. Warren and Mike Heberer to seek an estimate to bring the heating, plumbing, and utilities into the new utility structure. They are still looking at a future project to tie the buildings together. Councilman Russitano would like some specifications to give out to a contractor as well for their opinion. The cost will require that the project go out to bid.

Park Creation - Council Member Scribner no report. Supervisor Selmsler stated that in the spring some more staning and seeding would need to be done. Councilman Sullivan will help.

Golf Course –Council Member Scribner – no report. She noted a tree was blown down on the back 9. Mr. Jennings was out there working to clean it up today.

Cell Service – document from Independent Towers will be discussed at the end of the meeting with the town attorney. Supervisor Selmsler introduced Mr. Eckler – owner of the Pinnacle Restaurant. He recently signed a contract with a vendor to put a cell tower on his property. Royal Mountain has already signed a contract for a tower.

Old Business:

Assessment Board of Review – seat is still vacant. Mr. Ford is not available to be seated on Grievance day. If deliberations extend after May 27th he can be available for those meetings. The board was given copies of letters from two people who expressed interest in the open seat. Training is in May usually for new or reappointed members.

New Business:

Reaffirm Zoning Board of Appeals and Planning board members terms: The clerk read the following: All terms end on December 31st of the year stated.

ZBA members: Mr. Purcell 2011, Mr. Welker 2012, Mr. Kane 2013, Mr. Coirin – 2014, Mr. Malagisi, 2010, Janice Corr alternate is appointed yearly. Planning Board – Mr. Fenzl – 2010, Mr. Miller – 2010, Mr. Voght 2011, Ms. Wheeler – 2012, Mr. Horton and Mr. Putman 2013, Ms. Wager - 2014. The clerk stated all terms were five years. The alternate Mrs. Frasier is appointed yearly. The clerk is working to get the terms staggered so that turnover does not o

RESOLUTION to set terms of ZBA and Planning Board members #2010-018

Offered by Councilman Sullivan

Seconded by Councilman Palcovic

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday February 10, 2010, and

WHEREAS, the clerk read a list of the names and terms of the Zoning Board of Appeals and the Planning Board members to reaffirm them in the records, now therefore be it

RESOLVED, that the following members are appointed to serve five year terms which shall expire on December 31st of the year stated.

Zoning Board of Appeal members: Mr. Purcell 2011, Mr. Welker 2012, Mr. Kane 2013, Mr. Coirin – 2014, Mr. Malagisi, 2010, Alternate Janice Corr is appointed yearly.

Planning Board – Mr. Fenzl – 2010, Mr. Miller – 2010, Mr. Voght 2011, Ms. Wheeler – 2012, Mr. Horton and Mr. Putman 2013, Ms. Wager - 2014.

Unanimously carried

Communication among town officials – no further discussion was necessary at this time.

Correspondence:

Certified mail – Larry Echler Renewal of Liquor License – no waiver was requested.

FC Solid Waste – Caroga Transfer Station closed Monday Feb. 15, Open Feb. 16th, 7-noon

Resolutions:

A request was made for various members of the planning board, the code officer, and the town supervisor to attend the Adirondack Park Local Government Day Conference.

RESOLUTION for various official to attend training #2010- 019

Council Member Scribner

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday February 10, 2010, and

WHEREAS, the town received notice of the Adirondack Park Local Government Day conference to be held at the Crown Plaza in Lake Placid NY on march 23 & 24, 2010, and

WHEREAS, several town officials have indicated a desire to attend said training, (note that Planning Board and Zoning Board members must have 4 hrs of training per year) now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to allow Supervisor Selmsler, Rob Miller, John Fenzl, and Scott Horton members of the Planning board and Frank Malagisi of the Zoning Board of Appeals, and also Mike Heberer - Code Enforcement Officer, to attend the training. Lodging for one night is to be paid for the officials, along with customary/routine expenses.

RESOLUTION to amend resolution #2010-001 term of Registrar #2010-020

Offered by Councilman Sullivan

Seconded by Councilman Russitano

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday February 10, 2010, and

WHEREAS, the town clerk/Registrar of Vital Statistics Linda Gilbert received paperwork from the State of New York Dep. Of Health asking for the Appointment of Registrar of Vital Statistics (DOH-1556) be filled out by the appointing authority, and

WHEREAS, at the reorganizational meeting the town board appointed the town clerk to serve as Registrar for the year 2010, and

WHEREAS, the form DOH –1556 would need to be filled out in triplicate and notarized each year for the Registrar and sub registrar, if the registrar term was only for one year, now therefore be it

RESOLVED, that the term of the Registrar in the Town of Caroga shall run concurrently with the Town clerk - until December 31, 2013, and that any changes in either the registrar or sub registrar will be updated as necessary to keep all paperwork up to date for the Dept. of Health.

Unanimously carried

RESOLUTION to Contract with Stephen Jennings for his services as the Nick Stoner Municipal Golf Course Greenskeeper, Course Manager, and Golf Pro #2010 - 021

Offered by Councilman Palcovic

Seconded by Council Member Scribner

WHEREAS, the Caroga Town Board held its regular monthly meeting on February 10, 2010, and

WHEREAS, the Board did discuss their desire to renew the contract with Stephen Jennings, Now therefore be it

RESOLVED, that the Town Board of the Town of Caroga desires to enter into an agreement with Stephen Jennings to act as the Golf Pro, Greenskeeper, Course Manager of the Nick Stoner Municipal Golf Course for the year 2010 as follows:

This Agreement made the 3rd day of February 2010 by and between the Town and Stephen Jennings:

WHEREAS, The Town of Caroga, a duly incorporated municipality existing in the County of Fulton, New York State owns and operates a golf course, including a pro shop, a summer residential apartment and attendant rooms and buildings, and

WHEREAS, the Town Board of the Town of Caroga (hereinafter the Town) desires to have its municipal golf course professionally managed, its greens and fairways capably maintained and the services of a qualified golf professional available to its customers, and

WHEREAS, Stephen Jennings (hereafter Mr. Jennings) possesses the prerequisite qualifications to perform all the above services, and

WHEREAS, Mr. Jennings desires to enter into an agreement with the Town to act as the Manager of the municipal golf course, its Greenskeeper and Golf Pro, for hire, and

WHEREAS, Mr. Jennings wishes to use the summer residence and space in the attendant real estate to place vending machines, retail golf –related merchandise, and store and rent golf carts,

THEREFORE

That, in return for the use of these premises and other good and valuable considerations and compensations, the receipt of which is hereby mutually acknowledged by the parties, who agrees as follows:

1. That the Town agrees to pay Stephen Jennings for his services as Course manager, Greenskeeper, and Golf Pro the sum of Thirty Seven Thousand Two Hundred and Ninety Four Dollars (\$37,294.00) to be paid semi-monthly from January 1, 2010 through December 31, 2010 in twenty-four installments.
2. Stephen Jennings agrees to his employment in this capacity for this amount, paid under these terms, and the other considerations extended to him.
3. Stephen Jennings agrees to keep all necessary licenses and certifications updated and that he will notify the Town Board of any additional instruction or training, the need of which might arise, whether required for his position or as voluntary enhancement to it.
4. The Town agrees to pay Stephen Jennings New York State retirement contribution and family health insurance coverage, the carrier of which is at the town's discretion.
5. The Town will allow Stephen Jennings the use of the residential apartment above the pro shop during the tenure of this agreement.

6. The town agrees to allocate to Stephen Jennings the space in and around the clubhouse for vending machines, the storage and maintenance of golf carts and the display of retail golf-related items.

7. Mr. Jennings agrees to provide the Town Supervisor with a copy of his comprehensive Liability Insurance policy, naming the Town as additional insured.

8. Mr. Jennings agrees to provide the Town Board with a list of proposed new hires each year, to become Town employees, when applicable.

9. Mr. Jennings agrees to execute his duties as course manager, Greenskeeper, and resident golf pro in a capable and professional manner, those duties shall include, but are not limited to:

a. The sale of memberships and tickets (supplied by the Town), a report of memberships will be summarized at the end of each month and copies given to Supervisor and Golf Course committee members.

b. To record said memberships and any tournaments, that record to be broken down into the number of members and non-members playing.

c. To record all locker rentals

d. To make available a starter, when required

e. To give a minimum of two seminars for students at the Wheelerville School each spring. The Supervisor is to be notified of the date and time of the golf seminars.

f. To submit a weekly sales reconciliation form to the supervisor, the form to be supplied by the Town of Caroga.

g. To provide and maintain a non-member log of players. A register of cash tickets and sales (log book) will be maintained daily and reviewed with the Golf Course committee monthly.

10. The Town agrees to provide maintenance and custodial services to the course.

11. The town assumes no liability nor responsibility for the condition of or potential damage to the golf carts.

12. Any and all existing or future concessions are the responsibility of Mr. Jennings with the prior approval of the Town Board.

And be it known that the fully executed document is on file in the Town Clerk's Office.

Unanimously Carried

It was noted that section F was altered from the previous year. The words “The weekly sale reconciliation form shall also have the Year to Date sale information and prior year comparison.” Were removed from the contract.

RESOLUTION to solicit Bids for a Fire Alarm System #2010-022

Offered by Councilman Palcovic

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday February 10, 2010, and

WHEREAS, the municipal building relay fire alarm system has been in disrepair and is antiquated to the point that parts are no longer available for the system, and

WHEREAS, Councilman Palcovic has been concerned about this system for several years, and has had several inquiries and meeting with various companies about the system over the years, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to go out to bid for the purchase of equipment and installation of a fire alarm system for the existing useable space at the municipal building and the highway garage, and be it further

RESOLVED, that a legal announcement for bids shall be put in the official newspaper, with the bids being accepted until 4 pm on March 10, 2010 and opened at 7pm the same day at the regular monthly meeting.

Unanimously Carried

RESOLUTION to accept the Town Justice’s Books as presented for Audit #2010 –023

Offered by Council Member Scribner

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held a regular monthly meeting on Wednesday February 10, 2010, and

WHEREAS, Justice James Subik did present his books to the Caroga Town Board for audit, and

WHEREAS, the Caroga Town Board did review and audit the cash disbursement journal, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to accept the Town Justices books for 2009 as presented for audit and do hereby signoff on said books.

Unanimously carried

Councilman Sullivan made a motion to pay the bills as presented for audit, accept the minutes of the January meeting. Councilman Palcovic seconded the motion. Comments: The board had a question on the NAPA parts bill in the Highway Fund. They wondered by multiple parts were ordered. The board was in favor of having the maintenance and repair records for each vehicle available for review. The motion to pay the bills and accept the minutes was unanimously carried.

Supervisor Selmsler called for an executive session to review legal matters with the town attorney. At 7:57 pm Councilman Palcovic made a motion to go into an executive session to review legal contract issues with a cell tower company and another pending litigation against the town of Caroga zoning board of appeals decision, Council Member Scribner seconded the motion. Unanimously carried

At 8:40 pm Councilman Palcovic made a motion to exit from the executive session. Council Member Scribner seconded the motion. Unanimously carried

Supervisor Selmsler announced that the Entry and Testing agreement paperwork was reviewed from Independent Towers LLC 11 Herbert Drive Latham NY 12110 (518) 690-0790. There was also a contract that was previously submitted by the same company - A sight lease agreement. There is wordage that the Town Attorney Susan Palmer Johnson will consult with their attorney on in the lease agreement. Supervisor Selmsler will talk to their people on the entry and testing agreement to get the wording changed tomorrow. A revised copy will be obtained with the corrections and the board would like to move forward with this when they are available.

RESOLUTION to sign Entry and Testing agreement **#2010-024**

Offered by Councilman Palcovic

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday February 10, 2010, and

WHEREAS, the board discussed the Entry and Testing agreement with Independent Towers LLC, 11 Herbert Drive Latham NY 12110 (518) 690-0790 with the Town Attorney Susan Palmer Johnson in executive session, and

WHEREAS, changes were made to the Entry and Testing agreement namely section 17 for insurance requirements and the document will be revised prior to the supervisor signing said document, now therefore be it

RESOLVED, that the Town Supervisor is hereby authorized to sign said agreement.

Unanimously carried

RESOLUTION to go into contract with Independent Towers **#2010-025**

Offered by Councilman Palcovic

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held its regular monthly meeting on Wednesday February 10, 2010, and

WHEREAS, the board discussed with the Town Attorney Susan Palmer Johnson in executive session, the Ground Lease Agreement with Independent Towers LLC, 11 Herbert Drive Latham NY 12110 (518) 690-0790 and,

WHEREAS, a 100 ft by 100ft portion of town owned land located off state highway 10 in the town of Caroga and identified as tax map # 68.-1-27 will be used, with a lease term of five years with eight additional renewal terms at an option of 5 years each, was stated and, with rent commencing on the first day of the month following the date that lessee starts construction of the facility in the amount of \$1,000.00 per month, with increases by 3% for the preceding year, and

WHEREAS, changes were made to the document, which will be revised prior to the supervisor signing, said document, now therefore be it

RESOLVED, that the Town Supervisor is hereby authorized to sign said agreement.

Unanimously carried

Council Member Scribner noted that special Attorney for the Town Sal Ferlazzo had written legislation concerning cell towers in the Adirondack Park. A copy was given to Attorney Palmer- Johnson.

At 8:43 pm Councilman Palcovic made a motion to adjourn, Councilman Sullivan seconded the motion. Unanimously carried

Respectfully Submitted,

Linda M. Gilbert – RMC
Town Clerk