

State of New York
County of Fulton
Town of Caroga

Minutes of the Regular monthly Caroga Town Board meeting held Wednesday March 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, Joseph Insogna – Highway Superintendent, Stephen Jennings – Golf Pro, Greenskeeper, Manager, and Katherine Hillock – Assessor. There were five members of the public in attendance. There was also a student for a participation in government class.

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

Public: Steve Putman was displeased on the bids for the Herms “boathouse.” He would have liked to have seen a sealed bid done, but he understood the need to get it done quickly. He gave the low estimate to Judge Giardino.

Mr. Putman further discussed with the board the old Foster property, which is directly across the street from the town barn. He asked the board what the outlook is on the contamination. He noted there are some new board members who may not know about the MTBE – a gas additive problem on that property. He noted the property borders his property. The town was directed to put in a cleanup system for in front of the town barn and behind the golf course building. The state was satisfied with the tests because the process was stopped. Mr. Putman suggested that the highway superintendent stop filling the property in so incase future testing shows contamination there wouldn’t be a lot of material to haul away. It was noted that there is a stream between the two properties.

Councilman Sullivan asked if Mr. Putman’s well was tested at that time. Mr. Putman has been in contact with the state and they will test his well anytime. He wanted to know if the contaminate is still moving. Councilman Palcovic asked if there was a sample well on the property. Mr. Putman said there isn’t one and noted the state made the town fill the well with concrete. The last time Mr. Putman’s well was tested was a year and a half ago he stated.

Fire Alarm Bid Opening: The town clerk received two bids:

#1 Fulton County Electrical - Full price and net delivered price \$11,500.00

#2 Mahoney Notifier - Full price and net delivered price - \$22,474.00 There is a monthly monitoring fee of \$57.00 there were two options presented with this bid.

Both bidders signed the non- collusion certificate.

One of the options was for an auto-dialer. Council Member Scribner asked why the gym needed to be wired. Councilman Palcovic will review the bids tomorrow and discuss it with the Code Enforcement Officer.

RESOLUTION to award bid for Fire Alarm System

#2010-026

Offered by Councilman Palcovic

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held it regular monthly meeting on March 10, 2010, and

WHEREAS, the town published an invitation to bid on February 17, 2010 in the Leader Herald newspaper for the purchase and installation of a Fire Alarm Detection System in 2 separate municipal facilities, and

WHEREAS, the town clerk received two bids where were opened this evening those being from Fulton County Electrical - Full price and net delivered price \$11,500.00 and from Mahoney Notifier - Full price and net delivered price -\$22,474.00, Now therefore be it

RESOLVED, that this bid will be awarded to the lowest bidder – Fulton County Electrical upon review by the Code Enforcement officer.

Unanimously Carried

Council Member Scribner asked if there was money for this purchase. Supervisor Selmsler said the money was not budgeted but noted that the money reimburse from the Herms case would be used. Councilman Sullivan did not think there was a choice. This was something that needed to be done. There was a concern at the town highway barn as there have been fires recently in other municipal highway garages. This is also being done in the hopes of reducing insurance costs.

A member of the public asked what will happen if the municipal offices are moved? Will another system have to be purchased? Councilman Palcovic stated that many of the software and hardware equipment could be recovered.

Department Reports:

Highway – Mr. Insogna noted the Cleanup days will be June 23rd - 26th, 2010. He asked the clerk to post a 4 Ton limit on the town roads. He reported work on the loaders. The 1996 is all checked out. He has ordered new tires for it, which cost almost \$4,000.00 on state contract. There are three tires with good tread but the sidewall are cracked. The sides can be resurfaced for \$200.00, which is better than \$946.00 per tire. He is going to do a couple for the 1990 loader. Nortrak said this loader should have another 3 – 4 years of life in it. The 1996 Loader has 10,000 hours on it and has an expected 6 more years of life on it. The water truck has a new pump on it. It has been painted and has new decals on it. He uses it to put down calcium and to flush culverts. The old grader will be painted.

Supervisor Selmsler asked if the sand was located nearby if the town could get away with one loader. It is hard to call; he uses both of them.

Mr. Insogna will have new grates built for the sanders this summer. He is looking for another used sander. A used one costs about \$4,000.00 a new one about \$18,000.00. The newest one is a 2006.

The town of Mohawk has put out to bid a 1999 Ford pickup F550 7.3 Diesel. It has a 9 Ft Plow and sander controls. The box has sides. There are 73,000 miles on it. The minimum bid is \$9,000.00 and has to be submitted by tomorrow. He would like to put the 2001 two-wheel drive truck out to bid and ask \$6,000.00 for it. A new truck costs around \$45,000.00. Council

Member Scribner asked why this was needed. The Highway Superintendent responded that the job could be done all at once, plow, and sand. It would be used on the smaller roads.

Councilman Palcovic asked where the money was coming from. Supervisor Selmsler noted at this time last year money was put into a CD. There was \$150,000.00 left in highway dept fund along with another CD. Ultimately Mr. Insogna wants to sell two trucks, which would defray the cost of another vehicle. Council Member Scribner though he should hold off and look through the summer. The board could not cut a check for the 10% needed to be put down for the bid on the truck in Mohawk. He will call to see if the bid goes through.

Mr. Insogna talked to Dan Kelly about a 1995 truck on surplus. We are on a priority list to flag a backhoe and a loader.

There have been many compliments on garbage pickup, the cans are set down properly, and the tops are on them.

Code Enforcement & Sanitation – Mr. Heberer submitted a written report – from Feb 10th to March 10th, two building permits have been issued and one heating permit.

Dog Control – In a note Mr. Dutcher stated he responded to 6 calls and issued one ticket.

Golf Course – Mr. Jennings would like to put the ad in the newspaper for memberships and the April & May Monday special. The membership tickets have been printed, and the daily tickets have been requested from Fulton County Printing. Every single machine has been serviced and is ready to go. He has 16 Pine Logs to put out to bid. They range in size from 10 – 12 feet in length, and are anywhere from 20” – 35” in diameter. They are in the grove.

The Fulton County Chamber was sent a list of the upcoming tournaments at the Nick Stoner Golf Course and the fees for their website and for a publication.

Supervisor Selmsler asked how the building faired through the winter? Mr. Jennings responded there were no leaks detected so far. He cannot tell if the snowmobiles did any damage yet. They did go over some greens. The trails are closed now.

BTI – Mr. Selmsler thought she was getting things started. She is meeting with Stratford to get their program going.

Weeds – No report

Youth - No report

Clerk/Registrar – Supervisor Selmsler reviewed the town clerks book submitted for audit.

RESOLUTION to accept the Town Clerks Books for 2009 #2010-027

Offered by Supervisor Selmsler

Seconded by Councilman Palcovic

WHEREAS, the Caroga Town Board held it regular monthly meeting on March 10, 2010, and

WHEREAS, Linda M. Gilbert, - Town Clerk submitted her books for audit at the last town board meeting, and

WHEREAS, Supervisor Selmsler reviewed the books and found them to be satisfactory to his audit,

Now therefore be it **RESOLVED**, that the Caroga Town Board does hereby move to accept the Town Clerk's books as presented for audit for the year 2009.

Unanimously Carried

Supervisor Selmsler noted that the Town Clerk was recognized in the Leader Herald Newspaper for her recent completion of the Certified Municipal Clerk program through Cornell University and the IIMC Program. The board congratulated her.

Assessor's Report - Katherine Hillock reported that the Office of Real Property was here on Tuesday for several hours. They worked on her computer and gave her the equalization rate for next year. They estimate it to be 43.16 it is less than last year. There is a 5% rule so she hopes to get it to 45, which would be the same. She said the sales are still high and the assessments have been stagnant – steady for 20 years. The state did set up valuation tools for her to use and work on next years roll. This will be helpful when she is putting on the new construction. There will be a new representative for her to work with. There will be future training so she can set up the computer herself. She hopes other towns will go down and Caroga would stay the same. She will be putting new construction on the roll through mid April. In her report to the board she reviewed the various types of properties – there are not a lot of commercial - type C. This drags down the other assessments. Since there aren't a lot of commercial sales in town sometimes the state uses properties from outside the town to do a comparison. The board asked if she could challenge these. She can but there is not a lot of leeway. The out of town commercial properties are selling so much higher than what our assessments are here. So she can't defend it to make it lower. She will keep working on it. The Herms property will be lowered as the structure is gone and there have been some fires in town too.

There are some RV/trailer properties with a lot going on in them. She doesn't know if they are all accounted for. There are new cabins in one park. With the new program she can actually number lots in the parks. The GIS & Pictometry programs are helpful. The clerk noted that the Code Officer does yearly inspections and counts the number of units in each park. She will look at state land also.

The clerk noted the Annual NYSTCA conference would be held in April. She told the board that her Deputy would be leaving because of health reasons. She has given an extended period of time before she leaves.

Supervisor's Report

Update on Kelly lawsuit – There was a hearing and evidence was submitted to Judge Aulisi and he will make a determination in about 30 – days.

There will be changes in Transfer Station hours based on research done by Mr. Bouchard Director of the Fulton County Solid Waste. Two part time staff will be hired. The county committee recommended the hours and the full board voted on them. The hours in the winter will go from 14 hrs per week to 12. The summer hours will be reduced from 31 to 24 per week. The Station will be open as follows:

Summer Monday 8 – 4 Wednesday 4 – 8 Friday 8- 4 Saturday 8 – Noon
Winter: Monday 8 – Noon, Wednesday Noon – 4, Saturday 8 - Noon

One member of the public said garbage would be back on the sides of the road.

Supervisor Selmsler gave the board a Summary of expenses for Herms Demo. This was sent to the Attorney.

Councilman Palcovic attended a Fulton Co. Hazardous Mitigation committee meeting. Supervisor Selmsler also attended part of the meeting. There will be funds available for certain projects to prevent hazards in the future. The town may qualify to have work done on some of the old bridges.

Supervisor Selmsler asked Mrs. Hillier to review tax money that is not needed until the end of the year. In the Highway Dept. a \$50,000.00 CD was rolled over and a \$150,000.00 in the general fund was put in a CD at Bank of America. They had the highest rate .4 other banks were .1 or .25. This CD has no penalty for early withdrawal.

Supervisor Selmsler attended a meeting with NBT officials on Cyber Terrorism issues. The bank made some recommendations to segregate computer systems from email and any bank transmissions. In the future the supervisor would like to have a separate computer dedicated for just bank transmissions. The town does not make regular EFT or ACH transfers. The Supervisor also met with Bill VanGorder regarding an upgrade in insurance in relationship to these terrorism issues. Mr. VanGorder thought the risk was very low. He will put a survey together when the renewals notices go out.

The Fulton County Board of Supervisors made a resolution opposing the closing of Tryon at their meeting this week. It is a major employer in the county and contributes nearly nine million dollars in payroll. The Board recommends that the towns also submit letters to the legislators and to pass their own resolution in opposition to the closing of the facility.

RESOLUTION Opposing Closure of Tryon Residential Center **#2010-028**

Offered by Councilman Palcovic

Seconded by Councilman Russitano

WHEREAS, the Caroga Town Board held it regular monthly meeting on March 10, 2010, and

WHEREAS, Supervisor Selmsler relayed to the board information on a resolution that was passed at the county level regarding the closure of the Tryon Residential Center, and

WHEREAS, Governor Paterson's proposed Executive State Budget identifies closure of the Tryon Residential Center, located in the Town of Johnstown, County of Fulton; and

WHEREAS, Tryon Residential Center has a long tradition of service to troubled youth and to the community at large; and

WHEREAS, closure would remove an important option from the Office of Children and Family Serves system and have a detrimental impact on the local economy, including the loss of approximately 150 jobs; now, therefore be it

RESOLVED, that the Caroga Town Board does hereby oppose closure of the Tryon Residential Center and urges Governor Paterson and the NYS Legislature to reinstate appropriate funding for the Tryon Residential Center in any adopted State Budget for 2010-2011; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Governor David Paterson, Senate Majority Leader Pedro Espada, Jr., Senator Hugh Farley, and Assemblyman Marc Butler.

Unanimously Carried

Supervisor Selmsler reported the following financial conditions: over all the revenues in the general fund year to date are \$137,000.00 vs. \$54,000.00 last year. That is a net gain of \$82,000.00. Expenses are \$22,000.00 less that is a total effect of \$105,000.00 in the general fund. The highway fund is approximately impacted with a negative effect of \$18,000.00. "Overall we are ahead \$87,000.00 vs. prior year."

Committee Reports

Buildings and Grounds – no further comments

Park Creation - Council Member Scribner noted the park still needed swings, grills, benches, a bike rack, signs, flower beds, the netting is getting ready to be hung. She is getting prices on all of those things. Councilman Sullivan volunteered to be on this committee. He replaces Councilman Sprung.

Golf Course – no additional report

Cell Service – Supervisor Selmsler reported that he is still waiting for the town attorney to conclude her discussions with the attorney representing the Independent Tower Company. He is waiting for a finalized document. A meeting is going to be held with the tower company and the Adirondack Park Agency to review the site and to do a balloon test. Supervisor Selmsler spoke to Gary Weiss from AT&T who confirmed that he has an agreement with Independent Towers for all of their new construction in the Adirondack Park. They are anxious to get this moving and to keep it moving. They are the primary company utilizing these towers. Council Member Scribner noted that Kim from J & S Towers is available to answer any question the board may have. She wants the town to get the best deal they can. She noted the town should get reimburse for any co-locators in the future. The board is looking to get the wording in the Independent Tower contract changed regarding notification of sale of a tower. Even though the town would be notified of a sale, they would not have any input on the sale.

Supervisor Selmsler noted there was second cell company that is communicating with Royal Mountain and The Pinnacle. They need to talk to Verizon or another company to get their equipment constructed. It was noted that Planning Board approval might be necessary. It was not know if a SEQR form needed to be filled out. Supervisor Selmsler thought SEQR had already been done on the town site.

A member of the public asked what was happening with the building next door. Councilman Palcovic responded there currently isn't any funding. He noted it was costly to move the services. Supervisor Selmsler noted it ended up being a lot more than what the board was lead to believe.

Old Business:

Dave Falvo and Tor Shekerjian submitted letters of interest in the vacant Board of Assessment Review seat. The board noted the need to fill two planning board seats also. Mr. Horton noted the alternate would fill that one seat. The local law allows for two alternates on the Planning Board.

RESOLUTION to appoint Board of Assessment Review Member #2010- 029

Offered by Councilman Palcovic

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held it regular monthly meeting on March 10, 2010, and

WHEREAS, Anthony Russitano submitted a letter of resignation dated December 21, 2009 from the Board of Assessment Review (BAR) due to his election as a Councilman in the Town of Caroga, and

WHEREAS, a notice was placed in the Leader Herald Newspaper announcing the vacant seat on the Board of Assessment Review, and

WHEREAS, the Town received two letters of interest for the vacant seat, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to appoint Dave Falvo of 135 Green Lake Road, PO Box 310 Caroga Lake NY 12032 to serve out the term of Mr. Russitano which shall run until September 30, 2012.

Unanimously Carried

It was noted that three council members formerly served on the BAR.

Assessor Katherine Hillock noted that there would be a four-hour training that he must attend.

The clerk noted that a couple of changes needed to be made to the terms of the appointed Planning Board members. Since there are 7 members the terms are for seven years. The two terms to be amended via a resolution are: Scott Horton term to run until December 31, 2016 and John Fenzl term to run until December 31, 2015.

RESOLUTION to amend resolution # 2010 –018 terms of Planning Board #2010 - 030

Offered by Council Member Scribner

Seconded by Councilman Sullivan

WHEREAS, the Caroga Town Board held it regular monthly meeting on March 10, 2010, and

WHEREAS, at the February 10, 2010 Town board meeting the terms of the Planning Board and the Zoning Board of Appeals were discussed and voted upon, and

WHEREAS, Scott Horton Planning Board Chairman indicated that the terms of the Planning Board members is 7 years, now therefore be it

RESOLVED, that resolution #2010-018 be amended to change the following terms: Scott Horton whose term shall run until December 31, 2016 and John Fenzl whose term shall run until December 31, 2015.

Unanimously Carried

New Business:

The board discussed the WIN – Workforce Integrity Network contract. This is for drug testing for the highway employees with a CDL license. Councilman Palcovic asked about finding a company that was closer and in New York State. This company is in Knoxville Tennessee. He asked whom the school and the county used? This issue was tabled until next month.

Correspondence:

- 1) Fulton County Great Appliance Swap Out notice – goes through Mud Road
- 2) Barbara Fasake – satisfied with Herms outcome – a thanks to the board
- 3) Nick Stoner Trailers appreciates cooperation – annual winter picnic March 13th
- 4) Charles Ackerbauer – re: Dave Falvo – working on solving problem.
- 5) Mary Jo Healey – concern about condition of 207 Kasson Dr. property
- 6) William Houck renewal of Liquor license Pine Lake Park LTD
- 7) Adirondack Appalachian Medical Services notice of operating territory. Councilman Palcovic explained there was additional information on the district boundaries in the agreement that needed to be updated.
- 8) Donna Dise – grateful that garbage can issue has been resolved

A resident in attendance asked about item # 4, and item #5, which the supervisor stated, are being worked out.

At 8:22 pm Council Member Scribner made a motion to pay the bills as presented for audit and to accept the minutes of the February meeting, & February 4th emergency session. Councilman Russitano seconded the motion. Unanimously carried.

Councilman Sullivan made a motion to adjourn. Council Member Scribner seconded the motion. All board members were in favor of the motion.

Respectfully Submitted,

Linda M. Gilbert – RMC, CMC
Caroga Town Clerk.