

State of New York  
County of Fulton  
Town of Caroga

Minutes of the Regular monthly Caroga Town Board meeting held Wednesday June 9, 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 department representatives in attendance were Stephen Jennings – Golf Pro, Greenskeeper, Manager, and Katherine Hillock – Assessor, Jack DeWeese – Weed Harvesting coordinator, Code Clerk – Sandra Pavlus, Charles Wager – Deputy Highway Superintendent, ZBA Chairman – Pete Welker, Planning Board member John Fenzl, and 22 members of the public.

At 7:00 p.m. Supervisor Selmsler called the meeting to order. The flag salute was held.

**Public:**

Jim Altizio asked if the town got paid back from the state for the money it gave them for the campground. Supervisor Selmsler responded that the town submitted the refund form and we have been verbally told and also in an email that the town would be reimburse for the total amount sent to the State of New York.

Another resident asked where the money was taken from. Supervisor Selmsler responded it was taken out of unbudgeted funds. Funds that came to the town through a legal settlement.

**Department Reports:**

Highway – Mr. Wager stated everything was going smooth until late last week when they lost the 10 wheeler. The hoist system that dumps the box had rotted out and ended up coming through the bottom of the box. They have looked everywhere to find a replacement for the box, but have been unsuccessful. Mr. Putman was contacted; he said there was a company just out of NYC on route 17 that has a big bone yard. The prices they've gotten were between \$3,000.00 & \$4,000.00. The town truck is a 1991 with almost 300,000 miles on it. The County has two 10 wheelers they are putting up for bid. They have plow and wing assemblies. If the town were the successful bidder that truck would work as an extra plow truck and another 10 wheeler for hauling. He asked for permission to bid on one of the two county trucks referred to as truck #17. The minimum bid is \$10,000.00. Truck #38 is a little newer and a better truck. It would be more money – he did not have additional information on it.

Councilman Palcovic looked at the town truck today. He said it has significant damage. He asked why through routine maintenance and inspection wasn't the extent of rust and corrosion underneath found. Mr. Wager stated that from what they saw to tear it apart and weld everything... Councilman Palcovic stated that this was foreseeable then? Deputy Hwy.

Superintendent Wager stated no. Councilman Palcovic thought it could have been reinforced before it got to this point. He is very disappointed.

Councilman Sullivan noted that the department heads have been asked to evaluate every piece of equipment they have and to extend out the life to figure out what purchases are needed for the future. This is an example that this process did not take place. The board should have anticipated this and planned ahead financially to buy a new truck. Supervisor Selmsler stated that we did. He evaluated each vehicle last year with the status so marked for future/continued use. A hand written report was given to board members a year or so ago. Councilman Palcovic still believes this could have been preventable or extendable. Rust and corrosion was visible... It was noted that the hydraulics were done on both Ram trucks recently. Councilman Palcovic & Supervisor Selmsler were in favor of buying a secondhand box. Council Member Scribner was not in favor of purchasing used equipment from the county. Councilman Palcovic asked that the contents of the box be safely removed.

Roadwork has been done on Summit Ave. adjoining roads are scheduled to have work done on them as well.

Council Member Scribner asked if the town highway dept. has access to a computer to search for parts. Mr. Morrison has a home computer he uses.

*Code Enforcement & Sanitation* – Mr. Heberer submitted a written report from May 13 to June 9, 2010. He issued 22 building permits and 7 sanitation permits. From May 11 to June 9, 2010 fourteen violation notices were issued with seven of them having resolution to date. Mr. Heberer took a boat trip on Canada Lake. Council Member Scribner stated that the Herms site needs to be cleaned up better. Mr. Heberer had another issue on that lake. Supervisor Selmsler stated that she would have to talk to Mr. Heberer on that. It was known that after the snow melted the site would be looked at again.

*Dog Control* – The Town Clerk reported that there are six delinquent renewals from 2009. She didn't think tickets had been written as yet.

*Golf Course* – Mr. Jennings reported the revenues to date are \$97,158.00. There are 192 members. 26 Husband/wife, 129 single memberships, and 11 Junior memberships. He believes this number is up 5 from last year. Revenues are up. The sod has been installed on the new green #4. It is doing well. They are working on the slopes/banks of it now. They are getting ready to put sod blankets down. This is for erosion control. He did not know when the green would be open for use, maybe in a month. There was an unforeseen pump station problem. A circuit panel burned up due to a power surge or lighting strike. It has been replaced; while here the whole system was looked at. All the valves are good. the pressure valve was changed. It was noted that the same number of tournaments are booked for this year as last.

*BTI* – No Report, Supervisor Selmsler talked to the director and they are winding down. They will be working this week to finish up.

*Weeds* – Mr. DeWeese reported the weeds are plentiful. The divers started over on S. Shore Road over in the bay by the campsite. They have taken four loads to Everson Road. There are two teams of divers one male team and one female team. There is a male and female tender topside. There is a little competition going. This morning the harvester conked out. The town

highway dept. looked at it. The alternator is thought to be the problem. The part is in Poland NY. It can be rigged to run. Mr. DeWeese keeps in contact with Ed Snizek and DEC filing the necessary paperwork with them.

On July 2, 2010 at Town Hall at 7 pm there will be a presentation by Dr. Nina Schoch called the Story of Loons. A collection will be taken up to pay her mileage. It is a power point presentation on Adirondack Loons. There is a pair of loons on East Caroga Lake. A baby hatched it's name is Edna. The divers schedule is – first team from 7 am – noon the second crew works from 12 – 5pm. That is their 20 hours in four days. They work Monday – Thursday. If there is a weather issue thunder or lighting or a problem with the harvester they will work on Friday as a makeup day. They can only work 20 hours a week. It is part time work.

*Youth* – Supervisor Selmsler gave the board a spreadsheet with some recommended changes for the Youth salaries. Initially during the organizational meeting other figures were adopted. There are some minor adjustments, which will still keep the department under the budgeted amount, which was \$19,316.00. The director was underpaid last year. The board reviewed the proposed changes.

**RESOLUTION to amend Salaries Set at the 2010 Organizational Meeting #2010-049**

Offered by Councilman Palcovic

Seconded by Councilman Russitano

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on Wednesday June 9, 2010, and

**WHEREAS**, it has come to the board's attention that adjustments need to be made to certain staff salaries on the youth program due to mistakes and because some of the staff are returning to the program, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to set the following salaries of those listed below on the Youth Program for the year 2010.

Youth Director	\$2,968.00
Bus Driver (\$14.00/hr.)	\$1,300.00
1 Returning Lifeguard	\$1,569.00
1 Lifeguard – hired 2010	\$1,492.00

**Unanimously Carried**

The Supervisor though the salaries should be set in June next year. Council Member Scribner asked who hires the teachers? The director is working to replace one teacher. Council Member Scribner wanted to have input on selecting this position. A teaching position has not been open for many years.

*Clerk/Registrar* – There has been a lot of discussion at the state level that Ag. & Markets wants to get out of the dog licensing business. The NYSTCA position is that they would like the state to continue to administer this program. The Supervisor estimated an additional licensing fee of

\$5.00 - \$10.00 cost per animal to take over the duties of Ag. & Markets. It would be an additional burden to some residents.

**RESOLUTION in Opposition to the Elimination of NYS Ag. & Markets Role in Dog Licensing** **#2010- 050**

Offered by Councilman Sullivan

Seconded by Council Member Scribner

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on Wednesday June 9, 2010, and

**WHEREAS**, Linda Gilbert – Town Clerk has discussed with the board the desire of Governor Paterson and the New York State Department of Agriculture and Markets Commissioner and Deputy Commissioners to eliminate the role of Agriculture & Markets in dog licensing, and

**WHEREAS**, this change will abandon the single centralized date management and license renewal system resulting in the costly development of over 900 different data management and license renewal systems to be maintained and operated by each locality, and

**WHEREAS**, this action will require numerous mailing and wasteful license renewal notice to dog owners who have moved to new residences, and

**WHEREAS**, the State will no longer purchase and stamp dog tags in bulk, requiring each of the hundreds of localities to separately design, purchase and produce dog tags in smaller quantities, and

**WHEREAS**, this proposed system will result in higher local share costs and greater bureaucratic burdens, now therefore be it

**RESOLVED**, that the Caroga Town Board opposes the Governor’s Plan to eliminate New York State Department of Agriculture & Markets Role in Dog licensing.

**Unanimously Carried**

The clerk has another resolution in regard to section 25 of Town Law, which requires an oath of undertaking. She explained that as well as having the oath administer when officials take office and undertaking should also be on file. This has been discussed at the New York State Town Clerks Assoc. annual conference for the past two year. The Town Supervisor, Highway Superintendent, and Town Justice should also execute the undertaking. Councilman Palcovic stated I was already accountable regardless of the oath a criminal act would send me to jail. The clerk stated there were consequences if the undertaking was not fulfilled. Council Member Scribner read from the blue book from the Assoc. of Towns. The undertaking should be filed within 30 days of taking office. Councilman Sullivan stated, “We should do this because it is legal.” The Supervisor noted that the clerk brought this up last year but did not force them to act on it.

**RESOLUTION of Official Undertaking by Municipal Officers**

**#2010-051**

Offered by Supervisor Selmsler

Seconded by Councilman Sullivan

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on Wednesday June 9, 2010, and

**WHEREAS**, Linda Gilbert – Town Clerk discussed with the board the need to file an official undertaking per Section 25 of New York State Town Law, and

**WHEREAS**, James Selmsler has been elected for a two year term to the office of Supervisor, and

**WHEREAS**, Linda Gilbert has been elected for a four year term to the office of Town Clerk/Collector, and

**WHEREAS**, Joseph Insogna has been elected for a two year term to the office of Highway Superintendent, and

**WHEREAS**, James Subik has been elected for a four year term to the office of Town Justice, and

**WHEREAS**, the Town does and shall maintain insurance coverage, presently with Mang Insurance in the sum of \$250,000.00 for the Town Supervisor, \$400,000.00 for the Town Clerk/Collector, and all other employees \$250,000.00.

**THEREFORE**, we as the respective officers above, do hereby undertake with the Town of Caroga that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law, and do hereby sign below in accordance with Town Law.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2010

Dated this \_\_\_\_ day of \_\_\_\_\_ 2010

\_\_\_\_\_  
Town of Caroga Supervisor

\_\_\_\_\_  
Town of Caroga Town Clerk

Dated this \_\_\_\_ day of \_\_\_\_\_ 2010

Dated this \_\_\_\_ day of \_\_\_\_\_ 2010

\_\_\_\_\_  
Town of Caroga Justice

\_\_\_\_\_  
Town of Caroga Highway Superintendent

**Unanimously Carried**

*Assessor's Report* – Mrs. Hillock reported that she went through grievance. She is waiting for all of the paperwork to come through. She does not have any of it yet – probably by the end of the month. The final roll will be filed July 1<sup>st</sup> or near that. She will give the board more information later. Councilman Sullivan asked if the state did anything to the town this year? The assessor responded “they took away some value on their state owned land a couple of

months ago. They are going to give us a transition to lessen the blow for this year but then they will pull that out from under us for next year.” She will have all those figures for the board as soon as she gets the information in.

### **Supervisor’s Report**

Pine Lake Park asked for support from the town for July 3 fireworks display. Supervisor Selmser discussed \$500.00. They are doing some joint advertising with other businesses. Councilman Russitano wondered if the chamber could assist them. A local business association may be in the making.

### **RESOLUTION to Donate Funds**

**#2010-052**

Offered by Council Member Scribner

Seconded by Councilman Palcovic

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on Wednesday June 9, 2010, and

**WHEREAS**, the Town Supervisor was approached by the owners of Pine Lake Park who asked for a donation toward the July 3, 2010 celebration they are planning at Pine Lake, and

**WHEREAS**, the board discussed an amount of \$500.00 be contributed toward the fireworks as a way to promote tourism in the Town of Caroga, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to donate \$500.00 from A7550.4 Celebrations.

### **Unanimously Carried**

Laberge Group sent information on grant funding available four types – Development, Preservation, Heritage, & Acquisition. The Supervisor asked the board if they wanted to pursue this through the Laberge Group or independently? Council Member Scribner was not in favor of pursuing this with the company, who would be interested in getting hired to design our project. Councilman Palcovic will take a look online to see what is available. Supervisor Selmser and Mr. Fenzl recently attended training and found there is money for clean water out there. The supervisor stated it may be worth the effort.

Supervisor Selmser noted a form was submitted on June 2<sup>nd</sup> to DEC for reimbursement of the money for the campsite. The Supervisor noted that Council Member Scribner was immediately on the phone finding out how to get our money back after the funds to open the campsite were put back in to the State Budget.

Financial Report – General Fund Revenues are up last month \$171,000.00 year to date now its \$259,000.00. Expenses are up over last year but the general net figure is \$221,000.00 ahead. Conversely the Highway Dept. revenues are down slightly due to the tax numbers. The expenses are down also so there is a net amount of \$13,000.00 being behind in the Highway Department. Net overall of everything is approx. \$208,000.00 to the good for us. The main revenue is from

the tax base on the general fund was up. Plus sales tax revenues are up Last year 1<sup>st</sup> quarter were \$114,000.00 vs. this year \$135,000.00. There was a legal settlement in the amount of \$61,692.00. Mortgage taxes were down slightly. It was noted that the town received a higher portion of the sales tax because our equalization rate is low. Councilman Sullivan wondered if full value assessment might not be a good thing. The Supervisor responded, "it is not an equal."

Today the Supervisor received in the mail a contract from the Fulton County Planning Dept. for services in 2011. They would like a commitment by the end of July. The Town Planning Board did meet with Jim Mraz at their meeting. The contract comes into effect after the town has used up the ten free hours given each year.

**RESOLUTION to enter into an agreement with the Fulton County Planning Dept. for Services #2010-053**

Offered by Council Member Scribner

Seconded by Councilman Palcovic

**WHEREAS**, the Caroga Town Board held its regular monthly meeting on Wednesday June 9, 2010, and

**WHEREAS**, the Town Supervisor received a correspondence dated June 8<sup>th</sup> 2010 asking if the Town of Caroga wanted to renew its Planning Services Agreement for 2011 with the Fulton County Planning department, and

**WHEREAS**, the board discussed the agreement and their desire to continue using their services, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to direct the Town Supervisor to sign the contract with the Fulton County Planning Board for the year 2011 for the same amount as the 2010 agreement that being \$1,500.00.

**Unanimously Carried**

The Supervisor will attend court with Attorney Ferlazzo June 16 in Albany regarding the Herms case.

**Committee Reports**

Buildings and Grounds – Councilman Sullivan and Councilman Palcovic – Supervisor Selmsler asked if Councilman Russitano had received quotes on temporary office trailers. He had not. Brian Correll roofing did not yet submit an estimate to repair the roof.

Councilman Palcovic stated he would not be in favor of investing large sums of money on this structure. Council Member Scribner stated that the mold has to be fixed. Councilman Sullivan noted that the package as a whole needs to be looked at. Councilman Russitano wants all the numbers to rehab the building before deciding to build new. Council Member Scribner has some information for Councilman Russitano. Councilman Russitano wants to get estimates on each problem based on what Spectrum Environmental has recommended. He would like hard numbers from contractors. It was explained that this has to be bid out.

Supervisor Selmsler stated that if the board is going to do something new a decision must be made by the middle of September. [To get a proposition on the ballot] The board decided to set a work session for Tuesday June 15<sup>th</sup> at 7 pm to discuss and review all the previous reports and information.

Park Creation - Council Member Scribner reported that Councilman Russitano has recently agreed to serve on this committee. It's going to get finished. The gazebo will have a façade added at the peak. Then it will be painted. A plaque for Mr. Rubinstein will be created from donations received and placed in the park. The Nick Stoner Seniors will donate \$200.00 toward flowers or trees.

Cell Service – Supervisor Selmsler confirmed that the minutes of the Zoning Board hearing were sent to the Adirondack Park Agency for their review on June 4<sup>th</sup>. He will check to find out when they will review the decision. Once the APA approves the tower then it is ordered. Each tower is built based on specifications, which takes about six weeks.

**Old Business:**

Decision Notice to the Town from ZBA Application Z2010-04 granted  
Workforce Integrity Network – agreement terminated

**New Business:**

Council Member Scribner wanted the Code Enforcement Officer to check some signs on the lake front beach. They look awful. She also noted a snowplowing sign on a tree in the middle of town needs to be taken down. The supervisor said it would be followed up. Councilman Sullivan thought the highway superintendent might help also if the signs are on town land then it is the highway dept. issue.

Council Member Scribner is still working on the idea of having a Paddle Fest to bring people into the town. July 17 is being looked at. She needs to contact Mr. Abdella.

She is also talking to the golf pro about a tournament to draw people to Caroga Lake.

**Correspondence:**

American Red Cross Disaster planning event June 10<sup>th</sup> 7 –8:30 Gloversville Middle School

Land Use Training FMCC June 17, 2010 Corridor Management Principals DOT

July 4<sup>th</sup> Holiday Transfer Station Hours July 4<sup>th</sup> Closed Monday Open Tues. July 5<sup>th</sup> 8 – 4

David Rogers – submitted a bill for garage doors damaged by plow

Pine Lake Lodge – renewal of Liquor license received by certified mail

Caroga Museum asks for a donation of 6 Caroga books for resale

June 2 Marcia Johnson thanks for prompt response to requests

June 1 Ed & Betty Young love work needed on S. Shore Canada Lake potholes

The Supervisor noted the correspondence from the New York State Town Clerks Association and recognized Town Clerk Linda Gilbert being elected to 3<sup>rd</sup> VP of Association.

**Resolutions:**

**RESOLUTION to approve transportation expense for Nick Stoner Seniors #2010-054**

Offered by Council Member Scribner

Seconded by Councilman Sullivan

**WHEREAS**, the Caroga Town Board held its regularly monthly meeting on Wednesday June 9, 2010, and

**WHEREAS**, three contracts were received from Brown Coach for two trips for the Nick Stoner Seniors - Charter # 26796, in the amount of \$740.00 to go to Turning Stone Casino on June 8, 2010, Charter #26797 in the amount of \$705.00 to go to the Holiday Inn Lake George on September 14, 2010 for a luncheon theatre, Charter # 26798 to travel to Beeches, Rome NY on November 7 in the amount of \$795,00 now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to spend funds from account # A6772.4 for the trips with a limitation that the expenditures are within the 2010 Budget.

**Unanimously Carried**

Council Member Scribner made a motion to pay the bills as presented for audit and to accept the minutes of the May meeting. Councilman Russitano seconded the motion. All board members were in favor.

At 8:00 pm Supervisor Selmser made a motion to go into an executive session to discuss some legal matters. Council Member Scribner seconded the motion. All board members were in favor.

Mr. Altizio saw on the agenda the notice that the supervisor was going to court. No mention was made of this during the meeting, as it is a pending legal action. Supervisor Selmser did explain that there is a need for legal representation as Mr. Herm's attorney has filed a motion back in January saying it was going to be unsafe to go out on Canada Lake to perform the demolition even though another Judge approved it. Because it was scheduled the town has to respond.

**Executive session:**

At 8:30pm Councilman Palcovic made a motion to exit from the executive session. Council Member Scribner seconded the motion. All board members were in favor of the motion. There were no decisions or actions as a result of the executive session.

A motion to adjourn was made by Councilman Palcovic and seconded by Council Member Scribner. Unanimously Carried.

Respectfully Submitted,

Linda M. Gilbert, RMC, CMC  
Caroga Town Clerk