

State of New York  
County of Fulton  
Town of Caroga

Minutes of a Caroga Town Board work session held Friday April 1, 2016 at the municipal building located at 1840 State Highway #10 at 2:00 pm with the following persons in attendance by roll call:

Supervisor Robert - Sullivan - Here  
Council Member - Anthony Sturchio - Here  
Council Member - John Glenn - Here  
Council Member - Beth Morris - Here  
Council Member - Jeremy Manning – Here

There were two members of the public in attendance.

The purpose of the meeting is to appoint a Code Officer. He had another commitment so he could not attend this meeting. He is committed to a job of replacing someone's windows next week. Supervisor Sullivan read through his application. His name is John Duesler. He lives at 1616 State Highway 67 in Johnstown NY. He has lived in Fulton County for 54 years and 6 months. He has been a Code Enforcement Officer from November 21, 1997 to present. Previously he was a firefighter – appointed in March of 1988. He was appointed Captain in March of 2002, Assistant Chief in January 2010, Deputy Building inspector in March 16. He worked in the Gloversville Fire Department from November 2014 to May 2015 as the building inspector. He listed his duties as inspected properties to ensure that they were in compliance with applicable fire code, ordinances, laws, regulations, and standards. That took 30% of his time. He oversaw and reviewed new building plans to insure the plans comply with laws, ordinances, and administrative rules for public safety – 20%. Identified corrective actions needed to bring properties into compliance with laws, codes, regulations, ordinances, standards – 5%. He documented efforts to bring property and its owners into compliance with laws codes, regulations, ordinances, and standards. He issued permits and citations. Study and interpreted Fire Safety Code to establish procedures for issuing permits, and regulating storage or use of hazardous or flammable substances. He reported and documented inadequacies found during inspections. Developed and reviewed building fire exit plans, attended in-service training to retain current knowledge of codes, laws, ordinances and regulations. He has a lot of experience in the Fire Service as well as Code Supervisor Sullivan stated. All Johnstown Officers in the fire department are required to be Code Enforcers.

Council Member Manning asked if he has been a Code Officer on his own. He was in Gloversville from November of 2014 to May of 2015 was the reply. In Johnstown the Code Officer rotated shifts.

Mrs. Holliday asked if he has the required training. “Yes” Supervisor Sullivan stated – “I have a copy of that.” Will he be just our Code Officer was asked. Supervisor Sullivan responded “he is just our code officer at this point.”

It was stated that he wants to do something to get out of the house. Council Member Manning asked what his motivation level? “I didn't get a good impression of that. Does he understand what

we are up against right here?” Supervisor Sullivan stated when he talked to him he was extremely happy to get the position. He did a follow up call to ask if the board had made a decision.

Supervisor Sullivan noted there are a different set of guidelines up here. It will be a challenge and a learning curve for him. We have an approved Zoning Ordinance with the APA. In the Town of Bleecker there is no zoning. Everything goes through the APA. That was a concern of Council Member Manning – getting used to that process with the APA and our Zoning Ordinance. Supervisor Sullivan noted the APA is willing to work with us and him – he did not think it would be an issue.

Council Member Morris wanted to discuss a probationary period of 6 months before a resolution was made. Her reasoning is – the town’s history of retaining a Code Officer over the past several years has not been stellar. In 6 months we will know if the fit is going to be right for us – and him. If it is not we won’t be obligated to pay unemployment insurance for another employee for 18 months.

Supervisor Sullivan stated he is part time. There is no insurance involved.

Council Member Morris noted any period of time after 6 months then the employer is obligated to pay unemployment. Supervisor Sullivan stated if we have an issue we can discharge him at any time.

Council Member Manning stated we may get to the 6 months and not have any issues, but what this does is build in just one mechanism of a checks system. “We have an out.” Supervisor stated we have an out at any time anyway. Council Member Sturchio stated he serves at the pleasure of the board.

Council Member Manning stated this should be standard for all employees.

Supervisor Sullivan noted he is a professional an hourly person vs a salaried person - a professional. They deserve a little bit of respect. If we have a problem with him or something he is doing the Supervisor is sure he would be more than happy to sit down and listen.

Council Member Morris saw this as a way of protecting the town. Council Member Manning stated this is a formality. We give everybody the same. Then sit down and see how things are working out – they most likely would be. As a professional he would understand this is a good course of action.

Supervisor Sullivan thought that the dialog will be open throughout his entire employment here.

Council Member Manning did not see how he would be put off by this – he as a professional would understand the importance of some kind of a system. It is common to have a three month probation period. Supervisor Sullivan did not see the point of doing it.

Council Member Morris stated it is not personal. She thinks he is more than capable of doing the job with this resume. The probationary period protects the town.

Supervisor Sullivan stated he serves at the pleasure of the board so there is no point in doing that. Council Member Morris disagreed.

Council Member Manning stated in saying there is no point is pushing the point you want. Supervisor Sullivan disagreed stating the lines of communication will be open.

Council Member Manning noted Shelia had a 6 month probation period.

Supervisor Sullivan stated he wants to appoint till the end of December. It is appointed on a yearly basis.

Council Member Glenn stated when an issue comes us we will discuss it.

Supervisor Sullivan stated “What we need to do is have one person have the communication. Which will be me.” “If anybody has a question it will be me – you can’t have five bosses.” If you have a question you can come to me and I will take care of it or you can come in with me.” He serves at the pleasure of the board.

Council Member Morris wanted a compromise. Council Member Manning felt like the Supervisor was pushing on this. Supervisor Sullivan did not see the point of what you are looking at. “If there is a problem we will discharge like we’ve done in the past.”

Council Member Manning did not know he was annually reappointed. Given that, have we ever sat down annually or every so often and had anyway of reviewing what the positions are doing and if they are effective. We don’t have that built in. Supervisor Sullivan stated we can do that. Council Member Manning stated we have to do this. That is why we have gotten to be where we are. We need do some analysis - collect some data before we make an appointment again. We never looked at it in the past.

Supervisor Sullivan stated that if he had to continue filling in for the Code Officer, he would have sent everything to the ZBA or APA to deal with.

The board will have to work on some way to evaluate not just this position but other positions bookkeeping to golf course as well to be able to see how appointed staff is doing. How are we measuring that? We need something Council Member Manning stated.

Supervisor Sullivan thought he was too hung up on that. “We don’t have personnel department here.” “How are you going to judge a department you know nothing about?”

Council Member Manning stated you learn about it. The Supervisor stated – “stop right there. One thing we are not going to do is micromanage him.” This is the end of the year review not daily – Council Member Manning stated. He wants to come up with a way to make the assessment. You have to go by something objective.

Supervisor Sullivan stated the board can have an executive session and sit with him every three months if you want. “But you can’t put things on paper you know nothing about.” Council Member Manning asked if the Assessor was given the information she needs. We now know that she wasn’t. Supervisor Sullivan only found out about this because Jennifer pulled all this information together.

Council Member Manning asked what the point was if they serve at pleasure of the board and we know nothing about their jobs. The supervisor stated in three months the board will sit down with the Code Officer to review his position. “Is that a compromise that we can agree on?” Council

Member Manning stated they can look at tickets, and see if complaints have been followed up on. Have the time frames been met?

Supervisor Sullivan noted there are computer programs that can help him with scheduling. The cost is about \$2,200- \$2,400 to add them. He noted that the part of the program had not been updated in two years. Now it is up to date.

Council Member Morris stated the Supervisor said we can have a 3 month probationary period to see where he is at. The Supervisor asked why do you have to call it probationary period? Council Member Morris again stated it would protect the town. Both were talking at the same time. Council Member Morris stated you don't have to yell at me just listen. "I am trying to make a point. The history of this town with Code Officers is not good. Anybody can see that. All I am saying is protect the town a little bit so we don't have to pay somebody else unemployment if it doesn't work." She hopes and thinks it will be great with the new Code Officer. "For once we need to make a decision to protect the town."

Supervisor Sullivan stated he has "been on the Town Board for 8 years and now I am the Town Supervisor. I have been involved with the entire Code Officer. I know their weaknesses and strengths. You don't find out until after they leave where the issues are." The Supervisor noted he is just trying to treat this guy as a professional.

Council Member Glenn reiterated that we could sit down with a cup of coffee is three months. He is good with that.

Council Members Manning & Morris want to make a compromise and make it a probationary period/ appointment. No one is disrespecting anyone.

Council Member Manning stated on the point of respect and disrespect "I was not told about this meeting by anybody." I found out about this... The clerk was asked if she sent out emails. The clerk did not and stated it was in the newspaper. He found out by calling Beth about how the last meeting went to find out about this meeting. "I found out through Beth."

Supervisor Sullivan was not sure this was a legal meeting. "If he was not notified ...we don't have a legal meeting." Supervisor Sullivan made a motion to adjourn at 2:31 pm. Council Member Morris seconded the motion. All board members were in favor of the motion.

Council Member Sturchio asked if it could be a legal meeting if we reconvene. Supervisor Sullivan stated everyone has to be notified if you are going to have a board meeting within a specified period of time. He thought within 72 hours. The clerk noted it was published in the newspaper.

Council Member Manning stated the Supervisor can call a meeting and all the board members have to be present if within a certain period of time or notified within 3 days. He noted any board member can call a meeting within 10 days and the Supervisor can call one within 3 days but everyone has to be notified and notice has to be made.

It was noted that we need a Code Office. Supervisor Sullivan noted they were hung up on a probationary period and an appointment. We have compromised and said we can all sit down with him in an executive session in three months. Council Member Manning stated that works for him.

At 2:35 pm the meeting was reconvened. Supervisor Sullivan called the meeting to order. The roll was called:

Supervisor Robert Sullivan - Here  
Council Member Anthony Sturchio - Here  
Council Member John Glenn - Here  
Council Member Beth Morris - Here  
Council Member Jeremy Manning – Here

**Resolution #2016-054 to appoint John Duesler Code Officer, Zoning Officer, & Sanitation Inspector**

was offered by Supervisor Sullivan at the April 1<sup>st</sup>, 2016 work session held at Caroga Town hall, and **WHEREAS**, the Caroga Town Board met for the purpose of hiring a Code Officer, and **WHEREAS**, the board reviewed the application/resume of John Duesler 1616 State Highway 67 Johnstown NY, and **WHEREAS**, the board held a discussion on his appointment, as Code Officer, Zoning Officer, and Sanitation Inspector for the Town of Caroga for the period till December 31, 2016 at the wage of \$20.00 per hour, and **WHEREAS**, the board will sit down with Mr. Duesler after three months in executive session in his office and have him go through his duties and where he is in his timeframe. Council Member Glenn seconded the motion.

Discussion: Council Member Manning asked what the policy on Saturdays was. Council Member Glenn spoke to him and he would be willing to work one Saturday per month but would be available by telephone to make appointments for anytime – Saturday’s or Sundays.

Council Member Manning stated he would work 20 hours per week. Supervisor Sullivan wanted some hours posted on the website after he gets going. Council Member Manning also suggested having a Code Officer page on the website.

The clerk asked if her office was going to collect fees for him. Supervisor Sullivan will ask him about that.

Adopted by a vote of 4 Ayes, Sullivan Sturchio, Glenn, Manning  
1 Nay – Morris

Supervisor Sullivan asked the Deputy Supervisor Sturchio or anyone to introduce him to the staff when he comes in. He will begin on April 11<sup>th</sup>, 2016. He should also call the APA and introduce himself.

They will discuss the software upgrade at a later date. Jennifer may be gone the 3<sup>rd</sup> week of this month. She works at the campground. Supervisor Sullivan stated she may be back to work a couple of days per week. If not they “may look at someone else for both of them.” Council Member Manning wanted to see what Mr. Duesler’s needs were first. Supervisor Sullivan thought he was used to having a secretary and may not be used to the computer.

Supervisor Sullivan questioned the data in the code program. Council Member Manning suggested a training session for him.

Supervisor Sullivan did not see the copy of the Zoning Ordinance in the Code office. The clerk will see that he gets one.

Council Member Manning wondered where the town was on updating the junk law. Attorney Ferlazzo will be contacted by Council Member Glenn to follow up on this. The clerk will get the list of what the Attorney was requesting. (See minutes of the January work session) The word “if feasible” was going to be removed. A public hearing will need to be held.

Council Member Manning looked up the Newton CT junk ordinance and found it to be interesting. They define junk as anything in someone’s yard that is no longer being used for the purpose for which it was designed. Council Member Sturchio stated one man’s trash is another’s treasure. Some have an old tractor on the lawn and it looks awesome.

Supervisor Sullivan noted there was an oil spill on Morey Road. DEC sent a cleaning crew up to take care of it. The vehicle has been moved. Mr. Flansburg told the supervisor that DEC told him that if there is ever a sewage issue that needed to be addressed they would look at that. Supervisor Sullivan will double check that. It would take a lot of pressure off our Code Officer who may or may not have the ability to go on someone’s property.

Council Member Glenn wondered if DEC could weigh in on the East Shore Road problem. See if it is sewage as stated in the lawsuit.

Council Member Manning noted there is a meeting on May 4<sup>th</sup> for the zoning update. He wondered if there would be more than one hearing. He wanted to make sure the summer residents could participate. Supervisor Sullivan stated they are not required to do the hearing on the 4<sup>th</sup>. After that meeting the Planning Board will send the comments back to the APA for their final review then it comes to the town board and we have a public hearing.

Gina Dabiere-Gibb had some marketing ideas for the Sherman’s Proposals – a simple website. Shermansproposal.com It would have the RFP, the comprehensive plan, and some photos of the property. Council Member Sturchio will contact his son about the domain name. It cost \$11.00 for the year. His son would design a webpage if we have content. He can host it.

At 2:50 pm Supervisor Sullivan made a motion to adjourn. Council Member Manning seconded the motion. All board members were in favor of the motion.

Respectfully submitted,

Linda M. Gilbert RMC, CMC  
Caroga Town Clerk