

State of New York  
County of Fulton  
Town of Caroga

Minutes of a Caroga Town Board work session held Wednesday September 21, 2016 at the municipal building located at 1840 State Highway #10 at 7:30 pm with the following persons in attendance by Roll Call:

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

Other department heads in attendance were Steve Putman – Highway Superintendent and Donald Travis – Bld. Maintenance.

Mr. Putman spoke to the CAT dealer. A resident at the last meeting wanted the town to keep machinery for 20 years again. This would be a disaster we don't want to do that again anymore. It is not good for us. In 12 years if we continue to turn over this machine we will have it for free basically. That is a good thing. He offered CAT \$2,000.00 and our machine. They countered with \$5,500.00 and our machine. He asked the board for their opinion.

**RESOLUTION #2016-107 to Trade current CAT Loader** was offered by Council Member Glenn at a work session held on Wednesday September 21, 2016 at Caroga Town Hall. **WHEREAS**, Steve Putman Highway Superintendent has been in communications with the CAT dealer about trading in our current 3 year old machine, and **WHEREAS**, negotiations took place regarding the price the town would pay to turn in the current machine, now therefore be it **RESOLVED**, that the Caroga Town Board does hereby move to trade in the 2014 Caterpillar 930K serial # RHN03147 along with a payment of \$5,500.00 in trade for a brand new model. Deputy Supervisor Sturchio seconded the motion.

Adopted by a vote of 4 Ayes, Sturchio, Glenn, Morris, & Manning

Mr. Putman announced that the radios are being installed today in the vehicles. They are testing the range of the radios. It is going to be great to be able to talk to these vehicles back and forth. The Code Enforcement Officer truck will also get a radio in it. Mr. Putman can communicate with fire dispatch from his vehicle.

Mr. Putman checked on the CHIPS timeframe to use their funds. It is still 10 years. Once CHIPS money is used for a project it has to be 10 years before money from that fund can be used again for the same area i.e. paving on the same road. We currently stand at 7 – 8 years from when South Shore Road East and West were paved with CHIPS funds. Mr. Macintyre thought differently stating that the previous Highway Superintendent did, one year, put a ½ inch of asphalt down to make it smooth and it was classified as a repave. He thinks the road is horrible. Mr. Putman noted if a previous Superintendent used CHIPS funds we can't use those same funds

for 10 years on those roads. It is not to say he won't work on starting to dig some of the rocks and stumps. Some attention can be put on the roads out of the town's pocket.

Mr. Putman is still gathering information on the funding available for bike paths. He does not believe we have anything in the category to file properly. He has until Oct. 21<sup>st</sup>. He does not know if this will be an annually. Council Member Glenn wanted him to keep checking on this.

Lastly Mr. Putman was most interested in being involved in the updating of the Local Junk Law. He has read it over. He has noted before that he has more time on the Planning Board than anyone currently on the board. He has circled some wacky stuff. He wants to know when the next work session on updating the Local Law from 2009 is. He wants to be involved. Council Member Glenn stated this is nothing more than a draft. Council Member Manning noted there would be a public hearing on this. Mr. Putman thought the document should go back to the Planning Board – it is not ready. Council Member Manning noted this came from Attorney Ferlazzo. Mr. Putman stated this is as crazy and the new proposed zoning. It is not to our best interest.

Bill VanGorder of NBT Mang Insurance introduced Margaret (Peggy) Booth she is an agent for the Health and Benefits Division. He thanked the board for their time this evening. He gave a copy of the town's insurance policy to Deputy Supervisor Sturchio. He noted the town purchased the Cyber Security Policy. Mr. VanGorder has put some sample cyber policies, and risk analysis to go along with the cyber insurance.

Mr. VanGorder stated we have talked a little bit about what the town is going to do at Sherman's when someone is using the facility. Section 7 of the policy have sample risk management information, a facilities use agreement, sample insurance agreement for contractors, sample insurance agreement for professional consultants, and a hold harmless agreement. He explained there are two types of facility use agreement the town can execute with people who are looking to use the facility. The first one requires them to have insurance and requires them to list the town as an additionally named insurer. The second one does not have an insurance requirement in the written facilities use agreement. He noted it depends on what is going on down there as to what is required. If the event is low key, low risk, no vendors selling food, not a large crowd of people, or money exchanged. It is a judgement call. Then you may want to use the facilities use agreement that has a hold harmless clause in it. That says we are going to allow you to use the facility but you are going to hold us harmless for any loss that occurs on the property and if they do cause loss on the property then they are going to repair it for the town.

Deputy Supervisor Sturchio noted someone wants to take wedding pictures on the property this weekend so they would sign the hold harmless agreement. The clerk asked if each person going on the property has to sign or one person for the group. The person who wants to come onto the property is taking the responsibility. Council Member Glenn asked if there was a number that triggered one policy vs another. Mr. VanGorder stated he likes to use common sense. If there were 25 people doing something rowdy compared to 100 people playing bridge...The Town board has the authority having jurisdiction. He strongly encouraged the town attorney to review these before they are executed. There may be policies the town may want to build in.

Council Member Manning noted both of these don't protect the town from being named in a lawsuit. That is a great point Mr. VanGorder stated... you are absolutely right. He would not want to be a position where we don't execute something.

Council Member Morris asked when did he recommend that an event/organization carry their own insurance for a day. Mr. VanGorder responded if you had an organization that was having a rally with vendors. That brings risk. A member of the public asked if the board should run each situation by the Insurance Company, Mr. VanGorder stated he was just a phone call away. It was noted that the town board has the authority having jurisdiction. The clerk stated so they have to approve each and every situation.

Mr. Long asked what is done presently with an event/tournament at the golf course. It would potentially have the same risk as we have at Sherman's. Mr. VanGorder noted that is not the same as it is a town owned and operated golf course. This is someone who is not a representative of the town using the facility. The golf course is covered under the liability policy.

Beach coverage was discussed next. Mr. VanGorder stated what we have down there is insurance covering a park. Not an amusement park. There is beach coverage there – but we are not running a beach that he knows of. There is no lifeguard it is not open for swimming.

Mr. McGrath stated you can die walking down the hall or if you work in the building for two years and you die of the mold that is in the building. He did not see a great liability using the beach. He and his daughter swim there even if it is against the law. "We own the property too." As residents it was given to us as a gift. He wanted to sign a waiver once a month or something. Mr. VanGorder noted the board has the authority to set policy/rules and regulations and enforce it. As far as Mr. VanGorder is concerned it lies here with the board. Mr. VanGorder stated the town has not issued a waiver for anyone to swim down there. Council Member Manning noted to run a town beach, in any way shape or form, the New York State Dept. of Health has to verify and allow it.

Deputy Supervisor Sturchio noted there were 60 kids on the property for a school project and they had an insurance policy naming the town.

Mr. VanGorder then discussed the ramification or risk/liability of a bike path. It can be done - it is no different than a lot of the other recreational activities like a skate park or ice skating. He did not talk to the underwriter but it can be done. There may be a small charge on the policy. He did not expect it to be a big issue from an insurance standpoint. From a risk management standpoint guidelines may be discussed on how the bike path is build/construct and regulate and run. Council Member Manning wanted information posted to make the bike trails as close to a ski area as possible. Mr. VanGorder stated it can be done and covered on the insurance policy.

Mrs. Barrett asked about a music arts collective that wants to do 4 – 6 concerts on the grounds of the Sherman's property not in the building. What do they have to do to use the property? Mr. VanGorder again stated the type of event needs to be reviewed and risks assessed. It may be

something where the town would want to be listed on their policy. Anyone wishing to use the facility should contact a member of the town board.

Peggy Booth is the Health Insurance Specialist. NBT- MANG has been in business for over 100 years. She handed out information to the board. One of the things they help with is compliance. There are a lot of rules and regulation with the Affordable Care Act. They offer bulletins and go over all the points of compliance that apply to our group. They have benefit open enrollment. When there is a renewal they come to the board and let them know what is available. They offer calculation on the costs so the board can make an informed decision. She also meets with the employees to explain the health insurance options to them and how to use the policy. She helps with claims or questions. She is only a phone call away. She noted they have the wellness program which has information on weight control, and smoking cessation. This company, if we changed brokers, would be able to take over where the previous insurance was. Peggy noted it would be seamless. She gave a form to the board to review. This form would allow her to become the broker of record immediately. They would then get information from CDPHP. Council Member Morris stated we needed to do this. There is a team of customer service representatives that help with enrollment, claims, and questions.

**RESOLUTION#2016-108 to Switch Health Insurance Brokers to NBT- Mang Insurance** was offered by Deputy Supervisor Sturchio at a work session held on Wednesday September 21, 2016 at Caroga Town Hall, and **WHEREAS**, the Caroga Town Board had a presentation on health insurance from NBT- Mang Insurance tonight, now therefore be it **RESOLVED**, that the Caroga Town Board does hereby move to switch brokers. The motion was seconded by Council Member Glenn.

Adopted by a vote of 4 Ayes, Sturchio, Glenn, Morris, Manning

Deputy Supervisor Sturchio signed the agreement this evening.

The Town Clerk stated the one thing she did not hear this evening was that they were going to save the town money. The agent Peggy Booth laughed and stated she will review all the options to determine the best plan. She will give us the best coverage for the buck. She will call Lita tomorrow for the policy number.

**RESOLUTION#2016-109 that we allow the Ziemann family to take pictures at Sherman's** was offered by Deputy Supervisor Sturchio at a work session held on Wednesday September 21, 2016 at Caroga Town Hall, and **WHEREAS**, Carol Ziemann contacted Council Member Morris earlier this week about going onto the Sherman's property to take wedding photos on Saturday September 24<sup>th</sup> 2016, now therefore be it **RESOLVED**, that the Caroga Town Board does hereby move that Karl or Carol Ziemann shall sign the hold harmless agreement for insurance purposes. Council Member Morris seconded the motion.

Adopted by a vote of 4 Ayes, Sturchio, Glenn, Morris, Manning

Deputy Supervisor Sturchio noted the 2017 Budget shall be presented to the clerk by 9/30. The clerk shall present the budget to the town board by October 5<sup>th</sup>. Budget workshops need to be set. The next Town Board meeting is October 12<sup>th</sup>. The board set a meeting for Monday October 3, 2016 at 9 am. Council Member Glenn may not be available but Council Member Morris will deliver a budget to him. The board set a work session for October 18<sup>th</sup> at 7:30 pm. A tentative work session was set for Tuesday October 26<sup>th</sup> at 7:30 pm.

**RESOLUTION #2016-110 to set Budget Meetings** was offered by Council Member Morris at a work session held on Wednesday September 21, 2016 at Caroga Town Hall, and **WHEREAS**, the board was notified and did discussed of the budget calendar and, **WHEREAS**, a discussion took place to set a time to receive the budget from the Town Clerk – Linda Gilbert, and **WHEREAS**, work session dates were also discussed, now therefore be it **RESOLVED**, that the Caroga Town Board does hereby move to set the following dates: Monday October 3<sup>rd</sup> the board shall receive the budget from the Town clerk in her office at 9 am, on Tuesday October 18<sup>th</sup> the board shall hold a budget work session at 7:30 pm and a tentative work session was also set for October 26<sup>th</sup> at 7:30 pm at town hall. The motion was seconded by Deputy Supervisor Sturchio. It was noted that the public was invited to attend.

Adopted by a vote of 4 Ayes, Sturchio, Glenn, Morris, Manning

**RESOLUTION #2016-111 to designate the Planning Board to do updates** was offered by Deputy Supervisor Sturchio at a work session held on Wednesday September 21, 2016 at Caroga Town Hall, and **WHEREAS**, at the regular monthly meeting of the Town Board – Planning Board Chairman, James Selmsler notified the board that the APA had made several changes to the proposed zoning update, and **WHEREAS**, the board desires the Planning to once again review the document, and **WHEREAS**, since the Planning Board had previously turned the document over to the town board stating it was in its final format, now therefore be it **RESOLVED**, that the Caroga Town Board does hereby move to designate the Planning Board to again work on the corrections as recommended by the Adirondack Park Agency. The motion was seconded by Council Member Morris.

Adopted by a vote of 4 Ayes, Sturchio, Glenn, Morris, Manning

Deputy Supervisor Sturchio noted the town received estimates for the clinic ramp. It was broken down by just labor with a list of stock materials coming from Kingsboro Lumber of Gregory St. in Gloversville NY. Council Member Manning had asked for a list of stock which totaled \$5290.43. The estimate from Custom Woodcrafters of PO Box 284 Mayfield was \$5,400.00. Warren Construction of 138 Scott Road Caroga Lake NY 12032 gave a labor estimate of \$4,425.00. Total with materials \$11,700.00. One of the reasons for the change to the structure is for stretcher access to the clinic also the boards are rotting on the underside of the decking. The board reviewed the various proposals. A member of the public asked who would warrantee the job if there was a problem in the future. They could say it was with the materials.

**RESOLUTION #2016-112 to hire Custom Wood Crafters to construct deck** was offered by Council member Glenn at a work session held on Wednesday September 21, 2016 at Caroga Town Hall, and **WHEREAS**, Donald Travis – building maintenance has been soliciting bids since mid-July to replace the clinic ramp with railings, install a new door, and put a roof over the ramp from various vendors and, **WHEREAS**, four contactors did review the project and submit estimates for the work, and **WHEREAS**, the board reviewed estimates for just labor on the job with the town purchasing materials, now therefore be it **RESOLVED**, that the Caroga Town Board does hereby move to hire Custom Wood Crafters at PO Box 284 Mayfield NY 12032 (518) 661-5914 and they will supply the materials and labor at a cost of \$10,700.00. And be it further **RESOLVED**, that once the contract is signed the contractor will start within 30 days and they must finish within a week - once started. The motion was seconded by Deputy Supervisor Sturchio.

Adopted by a vote of 4 Ayes, Sturchio, Glenn, Morris, Manning

The board reviewed five bills for payment from the Highway fund.

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|---------------------------|-------------|
| Callanan invoice #754635  | \$15,196.76 |
| Carver – invoice #46024 - | \$1,158.28  |
| Carver – invoice # 45290  | \$ 289.27   |
| Carver – invoice #45570   | \$ 355.76   |
| Carver- invoice #45183    | \$ 71.99    |
| Power Plan (has a Credit) | (\$529.52)  |

A motion was made by Deputy Supervisor Sturchio to pay the five bills not put on the September abstract. Council Member Morris seconded the motion. All board members were in favor.

Copies of the draft Local Law #3 of 2016 from Attorney Ferlazzo were discussed. Those in attendance were given copies and asked to review and mark items they wanted to discuss. Mr. McGrath noted the governor just passed a law that may help with this (blight) it is called the zombie property law. It has to do with out of town banks owning properties.

Council Member Glenn spoke to Code Enforcement and he is critical in this whole thing - he was not sure if he wanted to get involved in the blight part of this. He is still trying to catch up on things. Mr. Wilson came to a meeting a few months ago and said he would be willing to help the town out on a part time basis. Council Member Manning spoke to Mr. Duesler today about having help. He admitted he is still busy with permits but he wanted to get the junk ordinance ironed out first and he would be willing to take a stab at this initially. It may be hard to have another person come on. Mr. McGrath offered to come to a blight meeting or write up something to show the board exactly how that person could do it without interfering with the department. It is picture taking, and documenting, then the code office verifies. Council Member Manning wanted to have Mr. Duesler at the next meeting to talk on his own behalf.

A member of the public wanted Mr. Wilson to work on the construction part of codes as that is his background. Council Member Morris noted the person has to be licensed. She stated the town is not hiring another person. So the town would be hiring two people to do one job. Only

the Code Officer can issue tickets. The blight committee used volunteers last year. Mr. McGrath suggested a sub-contractor with 1099 be used. Mr. Centi questioned how 3 year old permits get closed out if there were no inspections done? Council Member Manning noted the Code Officer is having to review these issues on a case by case basis. Mr. McIntyre noted the Code Officer can't be selective in his enforcement, he has to do blight and building permits. He wondered if 20 hours a week is enough for this job. He has known people who have gotten a building permit but never had inspections done. Council Member Morris noted the town board has to have authority over a position. If the jobs go to full time for an appointed position then it becomes civil service thus taking authority away from the town board. "We don't want that." If someone is not doing their job they want the authority to terminate that person. Council Member Morris stated Mr. Duesler is making progress with blight.

Regarding the proposed changes to the junk law – comments were made that this looks like we have a gated community. It is more restrictive than Long Island. The public wanted the board to review it before just putting it out there. The board noted this was just received and the reason for the meeting is to have a work session on it. Mr. McGrath stated the last thing people should do is to defend the code officer. He saw that things were not getting done and there was no one he could report it to.

It was noted that the 2009 Law is still on the books.

A Blight committee meeting was set for October 6<sup>th</sup> at 7:30 pm.

The clerk notified the board that the line item budget for the Deputy Town Clerk is running low. There will not be enough to cover the rest of the year. She noted the budget line item was cut by 10% but the salary was increased by 25% after the budget was set. The clerk noted she has not had to use the equipment line item yet this year.

The clerk noted there are 31 soft cover Caroga "A Town Recalls its Past" books and only 12 hard cover books are left.

At 8:58 pm Council Member Manning made a motion to enter into an executive session for pending litigation. Council Member Morris seconded the motion. All board members were in favor of the motion.

At 9:27 pm Council Member Glenn made a motion to exit from the executive session. Deputy Supervisor Sturchio seconded the motion. All board members were in favor of the motion.

**RESOLUTION #2016-113 to pay George Abdella a 10<sup>th</sup> of the amount owed for taxes from 2015 on parcel 83.6-1-1** was offered by Council Member Morris at the work session held on Wednesday September 21, 2016 at Caroga Town Hall, and **WHEREAS**, parcel 83.6-1-1 was part and parcel of a larger parcel prior to the town receiving lands from George Abdella in a property transfer, and **WHEREAS**, Mr. Abdella was notified of outstanding taxes on said property, now therefore be it **RESOLVED**, that the Caroga Town Board does hereby move to reimburse Mr. Abdella for the value of one tenth (1/10<sup>th</sup>) of the outstanding taxes due on parcel

83.6-1-1 for the year 2015 in the amount of \$58.69 (Fifty eight dollars and sixty nine cents)  
Council Member Glenn seconded the motion.

Adopted by a vote of 4 Ayes, Sturchio, Glenn, Morris, Manning

**RESOLUTION #2016-114 to return certain items to Guy Parenti** was offered by Council Member Glenn at the work session held on Wednesday September 21, 2016 at Caroga Town Hall, and **WHEREAS**, Mr. Parenti discussed with the town clerk two personal items that were located on the Sherman's property that he would like to have back in his possession, and **WHEREAS**, the clerk reiterated this conversation to the town board, now therefore be it **RESOLVED**, that the Caroga Town Board does hereby move to turn over a portrait of Mr. Parenti's son which hangs over the bar and another item a **painting by the artist** \_\_\_\_\_.  
Council Member Morris seconded the motion.

Adopted by a vote of 4 Ayes, Sturchio, Glenn, Morris, Manning

At 9:33 pm Council Member Glenn made a motion to adjourn. Council Member Morris seconded the motion. All board members were in favor of the motion.

Respectfully Submitted,

Linda M. Gilbert, RMC, CMC  
Caroga Town Clerk