

State of New York
County of Fulton
Town of Caroga

Minutes of a Caroga Town Board meeting held Wednesday June 25, 2025 at the municipal building located at 1840 State Highway #10 at 5:00 pm with the following persons in attendance by roll call.

Supervisor Ralph J. Palcovic – Here
Council Member John Glenn – Here
Council Member Barbara DeLuca – Here
Council Member Richard Sturgess – Here
Council Member Matthew Cooper – Here

In attendance from the Caroga Lake Volunteer Fire Company were Brian McIntosh, Robert Sullivan, and John Delesky. Attorney Pinsky was in attendance using Zoom. Roy Stock – Highway Superintendent was in attendance as were five members of the public.

Supervisor Palcovic opened the meeting stating the purpose of the meeting was to discuss the Fire Protection District of where we want to go and how we are going to get there. Questions have come up with the town board.

Mr. McIntosh noted two years ago he came to the board and said they were going to need some extra money added to the contract as a one-time thing in the amount of \$109,000.00 between the Town of Caroga and the Town of Bleecker. The Fire Company was able to get \$75,000.00 of that back from the state. A check was given to Supervisor Palcovic in the amount of \$58,333.33 for reimbursement of those funds. The Fire company was thanked for obtaining the grant and giving the town the reimbursement. John and Lynne Delesky were thanked for doing the work and follow through on the grant.

Attorney Pinsky stated he was approached to form a fire district in part of the town. The proposed name is Southern Adirondack Fire District. He spoke on the benefits of a fire district generally and why Caroga wants to do it. A fire district is a separate governmental agency. They are run by an elected board of five fire district commissioners who are all publicly elected officials and officers. The fire district would not be on the town's tax rolls for purposes of the two percent tax cap. Attorney Pinsky stated fire expenses are going up anywhere from 20 – 45%. Examples were a fire engine that used to cost \$650,000.00 is now 1.1 million dollars, an aerial truck used to cost \$900,000.00 is now 2.1 million dollars. It is criminal. The New York Times just did an article on just how bad this is. Turnout gear has gone from \$2,500.00 to \$4,000.00. Leather helmets used to be \$400.00 and are now \$2,200.00. "Getting a fire district off of the town's tax rolls is beneficial." Mr. Pinsky stated that the benefit is multi-fold. 1) every resident of the fire district can run for a seat on the board of commissioners. 2) a fire district is subject to the Open Meetings and Freedom of Information Laws everything –is public. 3) they are audited. Attorney Pinsky noted there are more restrictions on a district than any other governmental agency. In order to bond a fire district has to receive voter approval. In order to form a reserve, fund the public has to

vote. There is a public hearing on the budget, if they want to sell surplus equipment voter approval is needed. There is a 3% debt limit on financing as with the town.

Attorney Pinsky stated a fire district has something no one else has – a statutory spending limit. The fire department can spend \$1,000.00 only for every one million dollars of taxable assessed value in the district. If they want to exceed that cap then a vote of town residents is needed. The biggest reason to do it is this, a board of fire district commissioners is able to focus just on fire protection. That allows them to focus on OSHA safety requirements, recruitment, and retention. Most fire district meetings last two hours. Currently the meetings are not public.

Council Member Glenn asked how frequently the board of commissioners meet. Attorney stated initially he would suggest for the first 6 months that the board meet every two weeks. There is a lot to do. After that once a month is enough. There will be an appointed secretary and treasurer. Council Member Cooper asked if the monthly meeting was a requirement. Attorney Pinsky replied “no, there is no requirement in the law.”

Council Member Glenn asked if the commissioners elected had to not be from the fire department. Attorney Pinsky stated the only requirement to be a commissioner was to be a resident within the fire district. He noted a fire chief or president of the fire department can't be a commissioner. But a member of the fire department can be. The attorney recommended at least 2 members have no fire service background or very limit background. The Bown Board makes the first appointment of the five commissioners. People who don't know what goes on in a fire department ask questions. That is beneficial. It should be remembered that the commissioners are also taxpayers. Financially it would impact them too. The Attorney always hears that the firemen are going to run up the taxes but it rarely comes to fruition.

Council Member Glenn asked if there was a rush to get this fire district set up immediately or can it be done over a years' time? Attorney Pinsky replied there is not a rush...you have to ask the fire department. It was noted the fire budget has to be done no later than November 20 and there are two-months of preparation on this. Ideally this should be done by the end of September. The process can be finished but the start date could be for January 1st of 2027 or any other time. The company would have all the money. The district would be unfunded. The town can do whatever it wants in terms of dates. The attorney noted he is not pushing in one direction but if this goes more than another couple of weeks then this might as well be pushed off till next year.

Attorney Pinsky stated he would need the town board to start the process here tonight or shortly thereafter. There is no reason not to start it unless the board has questions. He noted the commissioners will need 6 hours of training – it is on his website approved by the state. If he is chosen as the attorney for the district, he does the training and selecting the policies to meet all the requirements of the state. (about 400 pages of policies) that can be done in a couple of days. He can have this up and running on January 1, 2026.

Council Member Sturgess asked if there could be a public referendum on this or is it the Town Board's decision? Attorney Pinsky replied it has to be the town board. No part of this is subject to a permissive referendum.

Councilmember DeLuca had questions: it was noted that Bleecker was spelled wrong but has been corrected. Councilmember DeLuca wanted another picture of the district map. Mr. Sullivan stated a big map is available. Mr. McIntosh stated the map follows the existing borders. Councilmember DeLuca asked why Arietta was not included in the district. Mr. Sullivan replied it is in a different county and it was a time constraints thing. Mr. McIntosh stated there will still be a contract with Arietta and they expect to be incorporated it in the district at some point of time. Supervisor Palcovic noted the Town of Benson was incorporated into the Northampton District and that is in a different county. Councilmember DeLuca noted Arietta is closer to the Caroga Lake fire station than to Piseco. There are a lot of calls up there. Supervisor Palcovic noted Arietta would be another source of money and why not include them in now in one package.

Mr. McIntosh stated if Arietta was incorporated into the fire district now this wouldn't get done. Mr. Sullivan noted there isn't a defining line in Hamilton County.

Mr. Delesky did a call analysis from the year 2023 and there was one call to Arietta. Conversely Supervisor Palcovic noted there have been other years when there have been many responses up there.

Councilmember DeLuca has a document entitled "Creating a Fire District" from the Association of Fire Districts of the State of New York was this the guideline used for this? Attorney Pinsky does not read their stuff; he writes his own books and thought the publication might be out dated. The publication was dated 2018. Attorney Pinsky stated there have been significant changes to the laws since then. Councilmember DeLuca asked about the two paths that this can be done by. One path involves a motion by the Town Board the other by a petition by 50% of persons who own real property in the proposed district. Attorney Pinsky replied yes, that is somewhat accurate. We are taking the path of the Town Board. A petition is a request and is nonbinding. It was noted a petition for dissolution would be binding.

Councilmember DeLuca stated if the district contained land within the Adirondack Park, it would require consent from the State Comptroller. Attorney Pinsky asked if we had lands within Adirondack Park. Absolutely was the reply. Attorney Pinsky stated that didn't change anything and that the last step was to file with the Comptroller. Councilmember DeLuca also asked about doing a State Environmental Quality Review (SEQR). Attorney Pinsky disagrees on this point he has formed 30 districts in the past 10 years and it has never been required. It can be done. The Comptroller has reviewed his districts and it's never been asked for. The document on Creating a Fire District is an opinion.

Councilmember DeLuca asked the fire company where they were with their budget at this point. Mr. McIntosh stated six months ago the quote for turnout gear was \$6,000, now it is \$8,000. It is not in the budget. Back in 2005 or 2006 when Councilmember DeLuca was Fire Chief there was money set aside to purchase 2 sets of turnout gear per year. Mr. McIntosh noted that was not followed. They didn't buy the gear sometimes the money was used for other things. Back then the contract with the town went up 48% and then the budget with the town was raised 5% per year to build in a mortgage payment into the budget. Meanwhile money was being set aside for the truck. In 2019 the funds were there to build and buy a new truck then COVID hit. Then the money was not there due to the huge increases almost overnight. Mr. McIntosh stated today, if we don't start

the formation of the district, we will be opening up the budget contract with the town. Councilmember DeLuca understands and is in total support of a fire district but unfortunately the board received the documents for this less than 24 hour prior to the June meeting. If the department has known this was something they wanted to do since 2020 that they should have come to the Town Board a lot sooner. The contract with the Fire Company was just signed two years ago. The board was told by Mr. McIntosh that the contract would get them through.

Councilmember Sturgess noted he is a huge supporter of the fire company. This whole situation pisses him off. Mr. McIntosh came to the board a year and a half ago and told us a district would be talked about in the future and then went on to talk about the contract. It was said "this will get us through." This was after COVID in 2024 yet you did not anticipate budget problems. Mr. McIntosh agreed. Councilmember Sturgess asked when do they run out of funds? Mr. McIntosh stated its probably 2027. He did not budget for inflation he cannot forecast that. He raised the contract 5% per year.

Attorney Pinsky noted the vendors are saying if you don't sign now next month the price goes up 30%. It is not Mr. McIntosh's fault. What the vendors are doing is criminal. Some of it is due to tariffs. Many of the materials in firefighting are made outside the US.

Councilmember DeLuca thought the fire company should have had a lot more communication with the town board leading up to this point in time. Mr. McIntosh stated it is his fault the fire company did not come to the town board. He stated two members of the town board have known this was happening.

Councilmember Sturgess asked why we bought a new truck. The Insurance Services Office - ISO requires that one truck in the station has to be less than 20 years old.

Councilmember Glenn asked if any turnout gear had been purchased. Mr. McIntosh replied yes, they had to replace pieces that had failed. Mr. Sullivan has holes in his gear. He has been there for 20 years. He is allowed to be within 20 yards of the fire. He does not go into the interior. Mr. Richards has a whole new outfit. One is on order for a new firefighter. She is small and nothing fits her. There is no negotiating with the vendors. Mr. McIntosh stated there are only a few vendors. Supervisor Palcovic noted there used to be state contracts to get a fixed price. This is no longer available. None of the gear is made in the US. It is all imported.

Councilmember Sturgess asked how much does the fire company receive from the town right now. Mr. McIntosh stated the total budget is \$240,000.00. They get money from the Towns of Arietta and Bleecker along with donations and fundraising.

Councilmember Sturgess stated the taxable assessed value is \$279 million. Attorney Pinsky had a value of \$165,495. He thought the equalization rate was 40.9. The rate is 33% - the attorney had incorrect information. Councilmember Sturgess called the assessed value at \$280 million if the fire district happens it only gives them an additional \$40,000.00 a year. The figures from the assessor had Arietta and Bleecker included. It is actually less because Arietta is not included. Councilmember Sturgess figures there is a difference of \$25,000.00 which could be covered by fundraising which hasn't been done since the Fire house was built.

Mr. McIntosh wanted to step up on this and give his opinion on fundraising. The company has 30 members who attend required training, do maintenance on equipment, and on the building. This is all done by volunteers and now the community thinks we should more work to get more money to do things with. At the fundraisers, it is the fire fighters contributing the most. He did not think it was right.

Councilmember Cooper stated he grew up in a small town Poestenkill NY. For 30 years the fire company has done a car show. They have a 20-acre field and bring in 250 cars in August. You are inviting the public into the fire department. The outreach goes a long way. They get to know and appreciate the fire department. You have a thankless job someone has to do it. You can't look at it as more work, it is, but it is also outreach. You are more likely to pull in potential recruitment from that. Mr. Delesky noted in April they had a recruitment day and no one showed up. It was a statewide event. The fire company does own 49 acres of wooded land.

Councilmember Sturgess noted this is not anyone in this rooms fault. He has been in business for 14 years. Ten years ago, at the previous location he asked to rent the firehouse for a party. The answer was no, so he built his own pavilion. Now the new building also has space which could be used for revenue. He doesn't know their expenses, or how they spend their money.

Kim Walker thought the fire company should do fundraisers like pancake breakfasts, or chicken dinners. They could also do a boot drive. She had wanted to hire fire company to help with traffic after her rodeo events for \$200 - \$300. Mr. Delesky stated they are on an emergency call basis and items like this would not be covered by insurance.

Attorney Pinsky wanted to politely say something as a 30-year fire fighter and makes his living off fire fighters. Last year he gave a presentation at the Association of Towns meeting on the death of the volunteer fire service. One of the reasons they will not exist in 10 years is because town boards do not require their DPW's to fund raise or police. They want everything from the volunteers. He has missed his kids' birthdays, vacations, and holidays to go to drills, trainings, and meetings. Now he's being asked to take more time away from family by doing fundraising. Now OSHA makes the town the employer. The Town Board has to comply with all regulations. They have to comply by law. A fire district would change that. It was noted that legally a town can not fundraise. Attorney Pinsky stated the town can't solicit donations but DPW could go out and fundraise and donate it back to the town. No one joins the fire company to go to meetings or to do fundraising.

Councilmember Cooper thought it wasn't a hardline on this there has to be middle ground. Don't shut the door on options. He did not want to hear it.

Attorney Pinsky stated federal law requires the town to provide all mandatory equipment everything that is a want and not a need could be fundraised for. Councilmember Sturgess asked if the law states the town has to provide turnout gear, helmets and all these things, how come we are not. Councilmember Sturgess asked when the cost of gear went up why wasn't the town notified? Supervisor Palcovic noted it is more complicated than that.

Supervisor Palcovic stated he has been with the fire company for almost 50 years. Under fire protection contracts there is a reopener clause. You try to be conservative for the taxpayers. The dynamics of an annual budget as a fire district will be more fluid based on the board of commissioners. The town has to make sure the public has adequate protection and also has to set a fair and equitable tax rate based on the fire department request. The liability falls back to the town board. Attorney Pinsky cited case law Sawyer vs Town of Lewis.

Councilmember Sturgess wanted to talk about the budget. He is looking at the assessed value provided by the Town Assessor. He wished we were at 100%. With Arietta out of the district the total assessed value of Bleecker and Caroga is \$265,000,000. The net change is \$25,000.00. He assumes there are a couple of paid positions with the new district. Bleecker is assessing at 99% Supervisor Palcovic noted. Mr. McIntosh noted if this is the case and Councilmember Sturgess is correct then there will not be enough funding. The fire company already has a budget of \$240,000.00 right now.

Attorney Pinsky jumped into to say he has an hour-long video on this. The statutory spending limit says you can only spend one thousand dollars for every hundred thousand dollars of assessment. The attorney noted that insurance is never taxed. That is your number one cost. Fuel, heat, money going in or out of the reserve fund, and audit costs are not included. The law views these expenses as not controllable. If you need to exceed the statutory spending limit then it goes to a mandatory referendum where you ask the public to raise it. But remember insurance- liability and collision as well as workers compensation are not taxed. Salaries are excluded also.

Mr. McIntosh reviewed if he owned a property in Caroga that was assessed total value is at \$100,000.00 the top limit on that is going to be off \$39,000.00 (whatever the equalization rate is) In Bleecker a house assessed at \$100,000.00 he can spend \$100,000.00. The Attorney noted it all gets equalized. The statutory spending limit is calculated at 100%.

Councilmember Sturgess calculated the fire company would instantly have available \$613,000.00 per year. The fire company just doubled their budget so explain how the taxes are not going to go out of sight. Attorney Pinsky replied that the Town board appoints the first board of commissioners. The town has a 3% limit on debt. Have we gone over it? Not the 2% tax cap. This is the debt limit. The appointed commissioners are controlled by the town board for the first year. They are also tax payers.

Supervisor Palcovic looks forward to, not hearing, should the fire district come into fruition, that at budget time the town goes over the tax cap.

Mr. McIntosh didn't think they would spend more than \$10,000.00 on salaries per year. It is a part time job for the secretary and treasurer.

Supervisor Palcovic noted down in Colonie the fire districts have paid career firefighters on duty because the fire trucks were not moving without them. Councilmember Sturgess has the fear that down the road... it was noted that for EMS calls there is no reimbursement. They would still respond if there was a fire district. Nothing changes was the response. Mr. Delesky noted in 2023 there were 237 calls for the year, 162 were EMS, 4 were structure fires, 8 grass fires, one chimney

fire and one vehicle fire. Supervisor Palcovic noted a structure fire can consume \$1,000.00 in gas. Then if something breaks it is not unusual to spend \$5,000.00 during a fire. The fire company does not bill it back to insurance unless there is an exceptional hazmat expense and the county usually handles that. If there is mutual aid Caroga has to reimburse them.

Mrs. Frasier asked if the board of commissioner member has to live in the district? Yes, was the response. With a fire district are they open for more grant opportunities? Maybe a little more was the response by the attorney. When the budget is voted upon is that for town residents or the district residents and is there a different registration for them? Attorney Pinsky responded you don't vote on the budget. There is a public hearing on the budget. To vote on other issues especially financial things you have to be a registered voter at least 23 days prior to the election. They have to live in the district and be a registered voter with the county.

Lynne Delesky noted it takes an enormous amount of time with a small amount of people to do fundraising to make a small amount of money. Councilmember Sturgess commended the Deleskys for all they do. He was talking more along the lines of missed opportunities.

Attorney Pinsky went back to the Adirondack Park the law says if the district is in the park within the town boundaries and the state lands within it are subject to taxation which are more than 30% of the total taxable assessed valuation of the town. Do we know that? Supervisor Palcovic believed it to be more than 30%. "We have a lot of state land." The attorney just wanted to make sure he includes a line on it.

Mr. Livingston confirmed that Supervisor Palcovic was a firefighter and also the town supervisor. Mr. Livingston asked if there was any conflict of interest there. Attorney Pinsky replied no there isn't a statutory conflict. There were several opinions on this. Supervisor Palcovic noted he went through the political training required to sit on the board. There are five exceptions by the comptroller. He believed the entire town board could be made up of volunteer fire personnel. There is an exemption approved by the Comptroller. Attorney Pinsky confirmed that the Supervisor could vote on the creation of a fire district.

Councilmember Cooper stated he has done some independent research and talked to people so he can be educated in this matter. He has more questions now than before. He has been in town since 2007. He lives and has a business in the town. The one thing that he feels is missing is a mailer out to the public. In the comptroller's review of establishing fire districts, it clearly says one of the issues they have with public hearings and voting is turnout. It is not the normal polling site. It is normally at the fire department and also not on a regular voting day. He suggested getting the word out. Some people don't even know this is coming. Let people know this is what is going on, this is why it is going on, and these are the benefits of this, in a mailer. You have to get everyone involved. Small-town rumors spread like wild fire. If there was information given out prior to the public meeting then when they come to the meeting, they could have their questions prepared.

Supervisor Palcovic has already heard the fire tax is going to double if there is a fire district. The current tax rate is \$0.91 per thousand. Mr. McIntosh noted if someone has a \$100,000.00 property, they pay \$91.00. Mr. McIntosh stated they are not asking for money, they are asking for oversight. The fire district is also limited to the 2% tax cap. It can be overridden like the town one can. The

budget goes to the comptroller and is auditable. Attorney Pinsky stated once and if a district is created the comptroller will come in a set a new tax cap rate for both the town because we loose fire expenses and for the new district.

Councilmember Sturgess asked if there was a ballpark for the rate per thousand that the fire company is going to need. Mr. McIntosh noted the budget hasn't been prepared. Last year some numbers were put together by Supervisor Palcovic and Mr. Sullivan. They were at \$400,000.00. He was not sure how much was going to be put into a reserve. If the district isn't formed then Mr. McIntosh will have to do that. Mr. Sullivan noted based on a \$350,000.00 budget the rate per thousand would be \$1.50 - \$1.75 per thousand as a ballpark figure. As the assessed value of the town goes up...there amount wouldn't necessarily go up.

Attorney Pinsky talked about get the information out using the chicken and the egg scenario. The town board would say wait we haven't even received the information yet. Councilmember Cooper stopped him because the chick and the egg is you wanted the resolution passed at the June meeting to set the public hearing so the egg is already out of the hen house.

Councilmember Sturgess wanted to take back the comment about this being sprung on the board having heard the 2027 date and the timeline of doing this. This is the fire company's way of planning having this happening a year or two out. Councilmember Cooper stated their plan was for this to happen in 2026.

Attorney Pinsky noted that he has provided the town with everything the law requires via documents that outline the process step by step. This also has to happen in Bleecker also. Hopefully people come to the public hearing with questions. At that time hopefully all of the ducks would be in a row. The attorney did state that he agreed this was sprung on the board. Part of which is his fault by assuming the board was already on board and knew what was going on. It was not his or the fire company's intent to shove this down their throat. He just wanted to get the papers to the board in time for the meeting. It came across rude and it wasn't his intent.

Mr. Stock asked what's the fire gear... ten years? What's in your budget if Mr. Sullivan has 20-year-old equipment. Mr. McIntosh replied they have been replacing gear but don't have enough to replace it fast enough so every year it gets older. The interior firefighters get it first, the guys directing traffic get it last. Mr. McIntosh stated even if the 10-year-old gear is pristine it has to be replaced.

Linda Gilbert as an auxiliary member felt bad that the auxiliary donated money they fundraised on for a pontoon (rescue) boat instead of buying turnout gear. And that money was spent for a dock. Mr. Sullivan stated that came from donations and a grant. Mr. Delesky stated they do have a request in to the federal government for turnout gear which may or may not happen.

Councilmember Sturgess noted the Bleecker Town Board has to do this also. In fact, Mr. McIntosh and others are going there after this meeting. If Caroga turns this down but Bleecker votes for it.... They won't do it if either entity turns this down. They will still come back for money.

Councilmember Sturgess wanted to go into an executive session and asked what grounds could that happen on. Supervisor Palcovic did not think it could occur.

Mr. McIntosh stated the resolution tonight states there would be a public hearing...It is the persona Councilmember Sturgess noted. The persona is if the board votes yes, they are in favor of it.

Councilmember DeLuca reads the top of the resolution to Attorney Pinsky; "Resolution of the Town of Caroga Town Board pursuant to Town Law §170 to Establish a Fire District." If the board passes this resolution, it says we are prepared to move forward to establish a fire district. It doesn't say anything about subject to a public hearing. Attorney Pinsky stated the 700 - word document is clear there is a public hearing and even says where the notice has to go. He even gave the board a template of the notice that has to be put in the paper. Councilmember DeLuca understands all that. Councilmembers Sturgess and Cooper replied it is to hold the public hearing after which time the board would vote to establish. The board is not bound to take a vote after the public hearing it was noted by the attorney. Attorney Pinsky also state the board could set a date a year from now for this to take effect.

Councilmember Sturgess noted we are in the information gathering stage. We have time with the 2027 date given. He suggested having a private five-year audit of the fire department to get a better idea of where the money goes. To see where the expenses go. The Attorney asked if the fire company had 990's which would help out with the investigation. They are online.

Councilmember Sturgess made a motion to table the agenda on the fire district proposal and dissolution of the fire protection district this in order to gather more information. The motion was seconded by Councilmember Glenn.

Discussion: Councilmember Glenn agreed with Councilmember Sturgess "we are not trying to jeopardize our fire services in any way shaper or form here." It is too early in the process he would like more information. Information needs to be gotten out to the community/ the taxpayers. "Let's go forward and work this out together."

Councilmember Cooper is for the fire district. He's read all good things about it. But it is the board's responsibility to look out for the wellbeing of the town as well as the wellbeing of the fire department. We have to be comfortable when the decision is made. Get the information out there and have the board not make a hasty decision on the wrong premise.

Mr. McIntosh wanted to be clear, it is OK, the contract has to be opened if we are not doing a fire district this year for 2026. It has to be opened by August 10 or so.

Councilmember DeLuca stated she strongly supports the formation of the fire district. She agreed the fire department needs to step up and make sure the community knows what you are doing and what they want. The public have to be educated. After 27 years in the fire department 18 of which were chief, she knows what work goes into that. It will be worth it. Everyone in the Town of Caroga needs this fire department.

Supervisor Palcovic stated there is a motion and a second on the table to table the agenda on the fire district proposal and dissolution of the fire protection district this in order to gather more information. A vote was called: All board members were in favor of the motion Palcovic, Glenn, DeLuca, Sturgess, Cooper.

Councilmember Sturgess asked if the board was comfortable hiring an outside firm to do an audit. Supervisor Palcovic noted the fire department already does business with Mr. Becket. Lynne Delesky asked who was paying for the audit. Councilmember Sturgess replied the town would.

At 6:23 pm Councilmember Cooper made a motion to adjourn. Councilmember DeLuca seconded the motion. All board members were in favor of the motion Palcovic, Glenn, DeLuca, Sturgess, Cooper.

Submitted by Town Clerk

Linda Gilbert, RMC, CMC