

State of New York
County of Fulton
Town of Caroga

Minutes of the Regular monthly Caroga Town Board meeting held Wednesday February 8, 2017 at the municipal building located at 1840 State Highway #10 at 7:00 pm with the following persons in attendance by Roll Call:

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

Other town department representatives in attendance were Steve Putman – Highway Superintendent, Sal Ferlazzo – Town Attorney & John Duesler- Code Officer.

Attorney Sal Ferlazzo opened the 1st public hearing to adopt Local Law #1 of 2017 A local law to set Grievance Day in the Town of Caroga on the second Wednesday after the fourth Tuesday of the month.

Supervisor Morris noted we have to accommodate our assessor as to when she can be here that is what this is about. Attorney Ferlazzo stated this will apply until it is superseded.

There were no questions from the public. Supervisor Morris made a motion to close the public hearing. Council Member Manning seconded the motion. All board members were in favor of the motion. Attorney Ferlazzo noted if anyone comes in a few minutes the board can reopen the public hearing to hear their comments.

The second public hearing was opened at 7:05 pm for proposed Local Law #2 of 2017 intended to amend two sections of Local law #1 of 2014 entitled a law to regulate traffic in the Town of Caroga. Section 9: Winter Parking: in order to facilitate snow removal operations on all public highways, the parking of vehicles is prohibited on all town and county streets and highways during the period of December 1st through April 1st except and unless special permission in writing, be provided by the Town Highway Superintendent, and then only in the case of an emergency.

Section 11. Exceptions B: When there is a special event taking place within the Town of Caroga the Town Highway Superintendent may lift the winter parking ban on roads, with a request 15 days prior notice from the person or groups sponsoring the event.

There were no questions or comments on proposed Local Law #2 of 2017. At 7:07 pm Supervisor Morris made a motion to close the public hearing. Council Member Manning seconded the motion. All board members were in favor of the motion.

At 7:08 Supervisor Morris made a motion to enter into an executive session to discuss pending litigation and to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation; Council Member Sturchio seconded the motion. All board members were in favor of the motion.

At 8:43 pm Supervisor Morris made a motion to exit from the executive session. Council Member Glenn 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.

Attorney Ferlazzo explained that a couple of months ago there was a hearing with Attorney Ken Ayres representing the Johnsons' one of the Johnson's, there are two sets of Johnsons, and the

estate of Walsh as well as Augusto. What has happened since in addition to appraisals that we have had done of the property to see what we can do in the petition to obtain the property along more road up to the state land – Mr. Ayres has brought an action in the appellate (court) division. He explained there are two actions you can bring. Attorney Ayres brought an action in the appellate division to say we did not follow the right procedure and we don't have the authority to do what we are doing. We disagree with that and this does delay things. Unfortunately they are doing their darndest to do it. Their brief is due February 21st. Our brief is due within 30 days of that. But ours will be in sometime in mid-march. The court is going to make a decision. That is in Albany with a five person bench, they usually knock these out. They set oral arguments and then the court takes 6 weeks to make the decision. Unfortunately using legal maneuvers Attorney Ayres is going to knock us out of this year unless it snows till June. Interestingly Attorney Ferlazzo noted Attorney Ayres represented the Augusto Family and the Johnsons and the estate. The appeal is solely for the Johnsons and the estate of Walsh. Attorney Ferlazzo did call to see if he still represented Charles and Mercedes Augusto. Attorney Ayres did not get back to him yet. The good news is from the other families along the road we either have signed deeds or verbal commitments. Attorney Ferlazzo referenced a map and indicated where the property owners were located. He stated that tomorrow the town will notify Mr. Ayer's clients of the appraisal offer of \$1,300.00 and \$1,400.00 for the land the town wants to take. If they don't accept that offer then the money is deposited into the court and then they will have to prove they own the land. If the appellate division goes our way we still have to file a petition locally to get the land. We will do it on a parallel basis. While the appellate division is going on we will file a petition in the lower court (Supreme Court) Attorney Ferlazzo apologized for not being unable to go forward this year. Attorney Ferlazzo would like to go on a snowmobile. He told the public they know what the board knows. It is a public proceeding, there is a public filing. Attorney Ferlazzo will reach out to the Augusto's to see if they want to cooperate with the town. Attorney Ferlazzo asked if the public had any questions.

Richard Nilsen noted the right of way goes back to Nicholas Stoner when the road was drawn from Stratford to the Town of Bleecker and did this have any bearing on the case. Attorney Ferlazzo noted there was noting the title insurance company felt was adequate. Attorney Ferlazzo believes that the deeds as we interpret them the road is still owned by the town. This is a way to extinguish it to not have any doubt. The Walsh estate put up a fence. This situation will be done early in this year. The title company didn't think it was sufficiently clear so the eminent domain proceeding will be pretty clear. It will wipe it out forever. Attorney Ferlazzo did try to talk to Attorney Ayres and his clients but they rejected our overtures unfortunately. Attorney Ferlazzo will keep the public informed. He will have a status report for the next meeting if he does not attend.

Town Justice Subik stated that each year by law he must submit his books for the Town Board's perusal. He also submitted a cover page for the board to sign and date after they review his books. The books were left with the Town Supervisor. He stated he would make himself available to answer any question a board member may have.

Public – Nancy Purcell read a prepared statement regarding the open board seat and having democratic representation on our board. She is in favor of having James Long appointed into the seat. Applause

Mr. Long was asked to speak by Mr. Toskas. He stated he campaigned for four months and his agenda is our lakes. He listened to the many various opinions on what to do with the Sherman's Park. The town was built on Tanning/Logging and Tourism. He stated if the town is to survive we have to focus on tourism. Applause

Frank Malagisi stated 40% voted for Mr. Long but what about the other 60%. He thought the people should vote in the 5th board member.

Steve Putman wants a five person board. He wanted to get it done. He stated the letter with names on it presented to the board only had Mrs. Purcell's signature on it.

Mrs. Patterson noted there will be a lot of changes with the next election. An appointment would only be short term.

Mr. Toskas thought any vote should not exclude the summer people. He wanted a 5th person picked to be on the board. They would have to decide if they wanted to run for the rest of the term.

Mr. Selmsler noted zoning had some incomplete business. He gave the supervisor the response back from the APA on some revised recommendations. Those recommendations are now on the boards table. Action will need to be taken in the future. There is a procedure to be followed. Currently we are on step 3 of 12. SEQR should be completed. Much time has been spent on this old business.

Supervisor Morris noted any public hearings on the proposed changes would be done in the summer when our residents are here.

Mr. Selmsler noted there have been discussions at the county level on mountain biking trails and possible funding. Applications need to be submitted by the middle of July. He hopes it will be done this year. Maybe something can be submitted for funding on the Sherman's property.

Assessor – Victoria Hayner it was noted that enhanced STAR forms are due by March 1st.

BTI – No report

Clerk – Mrs. Gilbert gave a copy of the January monthly report to the board. The Board of Elections (BOE) has asked for a list of death certificates filed in the town for last year. No list exists thus under FOIL I don't have anything to give them. The state has a database resource with this information for the BOE. Also upstairs from the BOE is Fulton County Public Health. The third copy of my monthly death certificate report goes to them. They have access to the information being requested through various other resources. At this point I would like to deny access.

Tax Collection Report – Paid to date \$2,272,940.32 Unpaid - \$806,342.98. There are 2147 parcels paid and 669 unpaid.

Code – Mr. Duesler reminded everyone to get a permit prior to doing any work. This saves time money and aggravation. The code office has been getting the records from 2014 straight. Data is being shared with the assessor. He will be working on blight next. Letters for unsafe structures will be going out. He was asked to get some written costs for the electrical and structural evaluations for Sherman's. He is waiting for one more to come in.

Blight – Jack Glenn would like to have a work session on the Junk Law submitted by Attorney Ferlazzo. This needs a lot of work Supervisor Morris stated. She asked for another less strict law from the attorney. Supervisor Morris stated the board can adopt all the new laws it wants. We have to enforce the laws on the books now. Attorney Ferlazzo will work with the code officer on this.

Dog Control – No report, the Clerk stated there were a number of dogs that are still unlicensed from last year. Tickets still need to be written.

Golf Course - A lot of clean up needs to be done due to the storm.

Highway – Mr. Putman and his crew have been putting in long hours due to the storm last night. Some roads are still not accessible due to downed power lines. The man from Bleecker never showed up to pick the Bleecker garbage today. Matt Hillock was called to help get the generator hooked up at the Town Barn. They need it to pump fuel. Due to the bad wiring the base station on the radio burnt up today. Mr. Putman needs a better switching system so the barn does not burn down. It is a safety issue. He believes the Town Hall should have a generator also. He needed help

form the town clerk's office today during the storm but the town offices were closed as it became too cold (55°) to work in the building.

Mr. Putman noted there are 3 contractors coming to the town sand pile and using it on their job sites. He will step to them.

The freightliner is up and running. The transfer case weighted 800 lbs. His men put it in saving the town a ton of money. He is working on the capitol plan with Mrs. Hillier. He noted the need to keep rolling things over so the town doesn't get into the same situation with old equipment. He will talk about it at the next work session. He has been thinking about the placement of the sand/salt storage bldg. He is still looking for the blue prints for the storage shed.

Lake Steward Program – no report it was noted that the town received the reimbursement check for \$19,009.46. This was for hours and expenses for the program. Mrs. Hillier stated we are still waiting for the boat wash station reimbursement and for the shed.

Building – nothing to report

Weeds – No report

Youth – No report

Sherman's Advisory – Mr. Kirsch stated there were two proposals. After the last committee meeting there was a lot of feedback. The two applicants agreed to rewrite the proposals based the committee's input at the meeting. He expects them back in by the last week of this month. The committee is scheduled to meet on Feb. 28th at 7 pm at town hall. He asked the board to think about having the final proposals presented to the them. He wondered if the board should hear both or just the one the committee is going to recommend. One proposal is from a developer who wants to acquire the property for mixed use, and a proposal from the Caroga Arts Collective.

Supervisor's Report: Supervisor Morris discussed rescinding Resolution 2017-12 authorizing her to sign the contract with the Office of Aging as the senior have not used Town Hall as the meal site for several years. The town would still contribute \$500 to the Meals on Wheels Program as it does annually. The state requires yearling inspections by the health department which includes a water test.

RESOLUTION #2017-018 to rescind Resolution #2017-12 a Resolution authorizing the Supervisor to sign the contract with the Fulton County Officer of the Aging was offered by Supervisor Morris at the regular monthly meeting of the Caroga Town Board held on Wednesday February 8, 2017 at Caroga town hall. **WHEREAS**, the Town of Caroga has annually signed this contract with the Office of the Aging, and **WHEREAS**, it was recently brought to the boards attention that the municipal building has not been used as a meal site for several years, and **WHEREAS**, certain inspections and paperwork are required with this agreement in place, now therefore be it **RESOLVED**, that the Caroga Town board does hereby move to rescind resolution #2017-012 a resolution to allow the town supervisor to sign said agreement. Council Member Manning seconded the motion.

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

Supervisor Morris received a letter from Nancy Purcell regarding the vacant board seat. It was done online, Mrs. Purcell signed it and 46 other names were listed. It read as follows:

Town Officials, as residents of the Town of Caroga, we are frustrated by the lack of leadership and transparency as publicly demonstrated by our current Town Board. As of the November election our board has been operating with an open seat. In the election for Town Supervisor, James Long received 242 votes, nearly 40% of all votes cast, which is more than the number of votes received by two current board members when they were elected. In spite of public commentary at the December and January meetings, the board has not filled this vacancy. In our current situation, a four-person board is unable to break a tie. The residents of Caroga deserve full representation.

Through his extraordinary outreach, speaking to hundreds of residents throughout Caroga during the last election, it is obvious that James Long earned a seat on the Caroga Town Board. We insist that town board resolve to nominate Mr. Long for appointment to the Caroga Town Board, as we feel he is the most qualified elector for the position. Signed by Nancy Purcell

Joyce S. Barrett	Sydney Greenwood	Anita Miller
Agatha Burns	Richard H griffin	Amy Mulyca
Robert Burns	Jean Griffin	Joe Mulyca
Hank Bromirski	Linda Hayner	Mary Lou Paterson
Dona Dise	Ralph Hayner	Doug Purcell
Barb Donnelly	Brandy Hladik Hayner	Val Scribner
Mary Cleland	Deborah Hoffman	Marion Snell
Patrick Cleland	Mary Jablonski	Linda Stevens
Shawn Cleland	Peter Kiernan	Robert Stevens
Joan Eckler	Kent Kirch	Bob Sullivan
Thomas Eckler	Karen Kirch	Linda Sullivan
Jackie Fake	Barbara Lee	Sue Tantalo
Carole Fisher	Dorothea Loomis	Betsy Thomas
Doreen Ford	Mike Manning	Mary O'Leary Taskas
Mark Ford	Kathy Manning	Stan Waddle
	Eric Manning	

The Supervisor understands their disappointment. She knows how hard James worked and he should be proud of getting 40% however 60% can't be disrespected or ignored. Supervisor Morris stated she agrees there should be a fifth person should be on the board. To do this fairly is to advertise for the position, interview for the position as a board.

Council Member Manning noted you don't get to vote twice in an election so your vote is cast for someone not against someone else. He noted the number of votes Mr. Long got was more than what he or Council Member Glenn received. He has legitimacy to be on the board.

Supervisor Morris has spoken to many people who do not want Mr. Long put into the seat.

Council Member Sturchio thought Mr. Long should be appointed to the board. He welcomed Mr. Long's intelligence on the board.

Council Member Glenn agreed with Mr. Putman and thought there should be an emergency election.

Attorney Ferlazzo has been through his with other towns. He thought it would be best to have a fifth. The Board Members are not obligated to listen to the 60 or 40%. He stated the board could make a resolution tonight to appoint someone or he can gather information on a quick election. The state does not like to have long-term absences Attorney Ferlazzo stated. There could be quorum issues. A special election would create a lot of problems and expense. He highly recommends the board fill this spot. He thought there should be someone who is loved by everybody that could fill the seat and wants to help out for the next few months. He thought advertising is helpful, but ultimately it is a board decision. The vacancy is until the end of the year. Or the person could resign after the election and then the council member elect could be placed in the seat earlier. There are 2 & 4 year Council Member terms open and 1 -2 year term board seat open as well as the Supervisor's position.

Mr. Putman noted the good'ol boy syndrome should be avoided if someone is appointed. He did not want to have the deck stacked. Supervisor Morris stated an appointment is always controversial. Council Member Sturchio wanted to appoint Shirley Holliday.

Supervisor Morris made a motion to advertise and interview for applicants to fill the board seat. Council Member Glenn seconded the motion.

Adopted by a vote of 3 Ayes, Morris, Glenn, Sturchio 1 Nay – Manning

The clerk asked if the notice was to be placed in the legal section or the news in brief. Attorney Ferlazzo suggested putting it on the website and contacting the press as a story. Interviews could be at the next meeting. Supervisor Morris wanted interested parties to mail a resume to the town in-care-of the Town Clerk who will keep them sealed until the board meets. The envelope should state vacant board seat on the outside. Supervisor Morris stated the board would discuss the applications in an executive session. Council Member Sturchio wanted to meet prior to the board meeting. Attorney Ferlazzo asked if the board would interview every applicant or would they screen? The requirements are the same as if you were running for a regular election.

Old Business: Nick Stoner Trailers are looking for letters of community support for a grant application.

New Business: Congratulations to Heather Graves Miss Fulton County daughter of Coleen Ricardi and Chris Graves and Granddaughter to Joe Ricardi. Supervisor Morris would like to present a proclamation to her at next month's meeting. This is a real honor for the town. A motion was made by the Supervisor and seconded by Council Member Glenn. All board members were in favor of the motion.

Correspondence:

The Workers Compensation Report 1/18/17 is on file in the clerk's office.

Caroga Transfer Station will be close on Monday 2/20 for Presidents Day but open on Tuesday 2/21 from 8 am till noon.

The clerk received a letter from John Springer on behalf of the Nick Stoner Inn, They asked to have the has requested the 30-day waiting period be waived. The letter will go out tomorrow.

RESOLUTION #2017-019 to Waive the 30 waiting period for The Nick Stoner Inn was offered by Supervisor Morris at the March 8, 2017 regular monthly meeting of the Caroga Town Board held at the municipal building. **WHEREAS**, the town clerk has the authority to waive the 30 –day waiting period for Liquor Licenses per NYS regulations, and **WHEREAS**, the clerk received written notification on January 25, 2017 from John Springer representing The Nick Stoner Inn 1810 State Highway 10 Caroga Lake NY 12032 asking that the waiting period be waived, and **WHEREAS**, since the Caroga Town board was scheduled to meet within days of receiving this request the clerk notified the board at said meeting, now therefore be it **RESOLVED**, that the Town clerk and Town Board of the Town of Caroga do hereby approve waiving the 30 waiting period for The Nick Stoner INN located at 1810 State Highway 10 in the Town of Caroga. The motion was seconded by Council Member Sturchio.

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

Council Member Glenn wanted to discuss opting out of Section 487 of the Real Property Tax Law as it pertains to solar energy. This will be discussed next month.

Scott Henze provided information to the Supervisor on a Smart Growth grant for up to \$75,000.00 with no requirement for matching funds. Council Member Manning asked for more information. Supervisor Morris will get more information for the board at the next meeting.

Mr. Putman noted that the county received almost \$400,000.00 from the casino ordeal. He wondered if the funds were going to be used on our road or was the county just going to keep the money. He stated there were a couple of county roads that needed some work. Supervisor Morris will check into this.

Attorney Ferlazzo reviewed the information on the opt out of Real Property Tax Law 487 as it pertains to solar, wind, or farm waste energy system approved by the state energy research and development authority and how property is exempt from taxation for a period of 15 years to the extent of any increase in assessed value. He has worked with one town and there was a question on if there should be a pilot system together – payment in lieu of taxes. He will take a look at and make a recommendation to the board for the next meeting. The clerk stated the town has received a few call about solar farms.

Mr. Malagisi of the Planning Board recommended talking to Sean Geraghty of the County Planning Board. Attorney Ferlazzo suggested putting something specifically in the town's zoning that they have to have proper configuration. Mr. Selmsler – Planning Board Chairman noted the Town of Johnstown have 10 pages of criteria that had to be met. The Caroga Planning Board took their information and changed the wording and put it into our proposed zoning.

Attorney Ferlazzo stated the town could create a moratorium for 6 months to give the town time to study the issue. The town may want to do this prior to the zoning going into effect. Council Member Glenn suggested having the town put up panels and having National Grid buy back the electricity generated.

Mr. Long stated some municipalities utilize old landfills sites for this. He understands we are restricted to what we can do on the property.

Supervisor Morris made a motion to pay the bills as presented for audit and accept the minutes of the January 11 & January 23 work session. Council Member Sturchio seconded the motion. All board members were in favor of the motion.

At 9:07 pm Supervisor Morris made a motion to adjourn. Council Member Glenn seconded the motion. All board members were in favor of the motion.

Respectfully Submitted,

Linda M. Gilbert, RMC, CMC
Caroga Town Clerk

General #'s 21 – 50, \$19,917.68

Highway # 9 – 18, \$23,217.95

Prepaid #4-23, \$42,142.85

Gen. Park #2-5, \$1196.89

Fire #1, \$131,456.00