

State of New York  
County of Fulton  
Town of Caroga

Minutes of a Caroga Town Board meeting held Wednesday November 17, 2021 at the municipal building located at 1840 State Highway #10 at 12:00 pm with the following persons in attendance by roll call. The flag salute followed.

Supervisor Scott Horton - Here  
Council Member John Glenn – Arrive at 12:23 pm  
Council Member James Long – Here  
Council Member Richard Sturgess - Here  
Council Member Donald Travis – Here

Tor Shekerjian Confidential Secretary to the Supervisor facilitated the zoom meeting. One person did log in using zoom while the board was in the executive session and one member of the public was in attendance.

Supervisor Horton stated the purpose of the meeting was to go into executive session. There was one piece of business to conduct first. He received a call from John Delesky. He would like to attend a BTI seminar. It is not an overnigher and he said he would pay for his own transportation. The Supervisor stated, which he did not have to do. Mr. Delesky would like the seminar fee of \$120.00 paid for by the town.

**RESOLUTION #2021-124 to approve the BTI training expense for John Delesky** was offered by Council Member Long at a meeting of the Caroga Town Board held on November 17, 2021 at 12:00 pm at Town Hall.

**WHEREAS**, Supervisor Horton received a call from John Delesky asking the town to approve a training expense of \$120.00 for his work in the BTI program, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to approve the training expense of \$120.00 for Mr. Delesky to attend a training session for the BTI program.

Seconded by Council Member Sturgess

All Board members voted in favor of the motion, Horton, Glenn, Long, Sturgess and Travis

The Clerk read the bulletin from the committee on open government. On November 8, 2021 the Governor signed into law Chapter 587 of the Laws of 2021 which amends the Open Meetings Law to require agencies that maintain a website and use a high-speed internet connection to post meeting minutes on its website within two weeks of the date of the meeting, or within one week of an executive session, it further states: “unabridged video recordings or unabridged audio recordings or unabridged written transcripts may be deemed to be meeting minutes. Nothing in this section shall require the creation of minutes if the public body would

not otherwise take them.” The clerk noted this pertains to Planning & Zoning Board of Appeals minutes also.

At 12:03pm Supervisor Horton makes a motion to enter into an executive session to discuss personnel matters. The motion was seconded by Council Member Sturgess. All board members were in favor of the motion, Horton, Long, Sturgess and Travis.

Council Member Glenn arrived at 12:23 pm and entered the Supervisor’s office where the executive session was being held. The town attorney was in attendance remotely.

At 12:57 pm Council Member Glenn made a motion to exit from the executive session. Council Member Travis seconded the motion. All board members were in favor of the motion; Horton, Glenn, Long, Sturgess and Travis. Supervisor Horton stated, no decisions were made as a result of the executive session.

The Clerk stated this evening the Zoning Board of Appeals has a scheduled meeting with a public hearing and the Planning Board has an invitation to attend. (The clerk did not receive notice of the meeting, it was not in the newspaper, nor was it posted on the bulletin board or town website. )

Council Member Long stated as a guest of the ZBA Chairman. It is a ZBA meeting called by the ZBA Chairman. He will not adjourn it. It starts as a public hearing at 6:30 and the Planning Board can attend at any point. The clerk asked if there was going to be a quorum. Council Member Long again stated the ZBA Chairman will not adjourn it until he is done and he can conduct any and all business during that. Supervisor Horton stated just to be clear a ZBA meeting was scheduled and a public hearing was scheduled and sometime between that and today the Planning Board was invited to the meeting. They were invited by the ZBA Chairman. The Supervisor stated that is a joint meeting. Supervisor Horton stated if the Planning Board is there then the public should be notified of that. The Supervisor thought it was a little sneaky. This should be an open meeting if issues are going to be discussed between the Planning Board and the ZBA. Council Member Long stated the ZBA wanted to communicate certain things to the Planning Board without making any decisions. The clerk stated they are acting as a board.

Supervisor Horton would have liked to attend this meeting to see the interaction between the two boards. However, he is not available. Council Member Long stated this was about the Planning Board Chair. Supervisor Horton and Council Member Glenn referred to the meeting as illegal. Council Member Long stated he should talk to the ZBA Chair. Supervisor Horton noted the first part is legal but he has an issue with the two boards meeting without the public knowing about it. Supervisor Horton asked if the ZBA can go into an executive session. Council Member Long stated it is not a personnel matter it is a public matter. Supervisor Horton stated then the public should know about it. Council Member Sturgess stated he understands the concern if the people don’t know the Planning Board is going to be there. Council Member Long stated there was a quorum of Town Board Members at a Planning Board meeting, three board members were there. The clerk stated but the board was not there to conduct business. Council Member Long argued they are not conducting business it is a ZBA meeting. Council Member Long stated it starts with a public hearing on a run of the mill ZBA application. The ZBA is going to do ZBA business and

they want to communicate this. The clerk again states it is a joint meeting. Council Member Long firmly says “No.”

Supervisor Horton stated he will reach out to Al Kozakiewicz (Planning Board Chairman) and advise him that he should not attend. He can do what he wants. Council Member Long stated he is just the (Planning & Zoning) clerk. The clerk stated she should have been notified of this version of the meeting. Council Member Long stated the ZBA passed a resolution saying that their working website is townofcaroga.com. Council Member Glenn also thought Mr. Kozakiewicz should be notified.

Council Member Long was blunt and stated Al is not following the law and the Zoning Board wanted to notify him of that. The clerk asked if the town board had been notified that there is a problem. Council Member Long stated they will be in the minutes of tonight’s meeting. Supervisor Horton stated the minutes should be sent to the town clerk. The Supervisor stated this did not feel right. He thought the public would want to know. Council Member Long stated that the Supervisor knew what the issue was.

At 1:05 Council Member Glenn made a motion to adjourn. Council Member Long seconded the motion. All Board members Horton, Glenn, Long, Sturgess and Travis. were in favor of the motion.

Submitted by Caroga Town Clerk

Linda Gilbert, RMC, CMC