

State of New York
County of Fulton
Town of Caroga

Minutes of a Caroga Town Board meeting held Wednesday November 9, 2022 at the municipal building located at 1840 State Highway #10 at 6:00 pm with the following persons in attendance by roll call. The flag salute followed.

Supervisor Scott Horton - Here
Council Member John Glenn – Absent
Council Member Barbara DeLuca – Here
Council Member Richard Sturgess – Here
Council Member Donald Travis – Here

Supervisor Horton explained that Dr. Glenn had a medical issue and is home recovering. He is doing very well, and wanted people to know he will be back in his seat shortly.

Tor Shekerjian Confidential Secretary to the Supervisor facilitated the Zoom portion of the meeting. Department Heads: Anthony Fancher – Code Officer, Marcus Harazin- Lakes Management, Stephen Stedman – Golf Course Greens Keeper, and Walter Jim Hogan -Weed Harvesting were in attendance. There were ten people in attendance at town hall and twenty-four people online using zoom.

A moment of silence was conducted for former Town Council Member (1992-2007) Timothy Best who recently passed away. He served in the capacity of Deputy Supervisor from 2001 to 2007. He gave a lot to this town.

Council Member DeLuca made a motion to waive the reading of the minutes. Council Member Sturgess seconded the motion. All board members were in favor of the motion: Horton, DeLuca, Sturgess, Travis.

Tonight, there is a special guest Ed Anker from Phinney Design Group. His presentation will be after the opening of the public hearing on proposed Local Law #1 of 2022.

At 6:05 pm Supervisor Horton opened the public hearing on proposed Local Law #1 of 2022 amending Local Law #1 of 2016 Section 8 Terms of License and renewals extending the time (giving an additional fifteen (15) days) until the late fee is charged. The clerk explained that the amendment would give dog owners a total of 60 days to license their dog without penalty.

Joyce Barrett began to speak about Chapel Road and East Shore Road. Supervisor Horton explained public speaking at this time was on the proposed local law only. She can speak later when the public session is opened. The public hearing was kept open.

Supervisor Horton introduced Ed Anker with Phinney Design Group. He is the project manager of our maintenance shed for the golf course and designed the public works garage. He also designed the club house/town hall project. A visual presentation was shown giving detailed information on the two proposed projects. (The presentation will be put on the town website.)

Slide #1: Title slide Caroga Golf Maintenance Facility Department of Public Works Garage Town Board meeting 11/09/2022

Slide #2: overhead view of existing structures on the highway barn and golf course site. The slide also showed the former club house.

Slide #3 a conceptual design showing two buildings in brown; a proposed Golf Course Building/town hall, and a proposed Maintenance shed. Along with proposed parking. Mr. Anker explained the existing pole barn would be cut 2 – 3 feet from the ground and relocated for reuse. This would facilitate additional parking and better egress and ingress of the site.

Slide #4: floor plan of the Golf Maintenance Building. Shows some interior walls. A new concrete slab would be poured. There would be a slot drain down the center. The building would be used primarily for housing golf carts and golf maintenance equipment. The use would be 60/40 carts vs maintenance. A garage door would be added to the back of the building the two overhead doors would be smaller than the existing one.

Slide #5: views/perspectives of the proposed Golf Course Maintenance facility. the re-skinned outside of the building. No color selection yet. A board and batten style siding is shown.

Slide #6: overhead view of the cell tower site where a DPW Garage is being proposed. The current Quonset hut garage is too small. A new structure will enable proper maintenance and storage of highway equipment. The structure is not visible from the road.

Slide #7: shows the placement of the salt storage shed on the site and the proposed DPW building. There is a perimeter marked; showing an area where nothing can be built in case the cell tower were to come down or fall. The building would be pre-engineered metal building. The garage portion would be insulated and heated.

Slide #8: is a scale of the structures placed on site at the cell tower location.

Slide #9: shows a floor plan of the DPW building. This allows for 5 large tri-axel trucks. The bay on the end is an outdoor bay for the garbage truck. It would be covered. The building includes a small driver meeting room, kitchenette, locker area, small office and handicapped accessible bathroom.

Slide #10: There is a storage mezzanine on the one end portion of the building. The end is higher to allow the instillation of one vehicle lift. Water and snow will shed off the back. Shows elevations of the building.

Slide #11: other elevations of the DPW building.

Slide #12: Perspectives of the DPW Building.

Slide #13: slide shows the perspectives of the DPW Garage indicating the open bay at the end for the garbage truck.

Questions: Council Member Deluca asked what the size of DPW building was. Mr. Acker referred back to the slide and replied 120 x 40. The garage doors are 14 ft. wide. He stated flowers would be placed outside the bay doors.

The Town Clerk asked how many oil separators would be in the building. Mr. Acker stated one large one to accommodate all of the bays. There is still planning to be done he stated but thought a slot trench drain would be used.

Ralph Palcovic asked about fire detection – heat and smoke detectors. It will be up to code. Mr. Acker stated there probably would not be sprinklers. Mr. Palcovic asked about a ventilation system provisions. He stated diesel is a known carcinogen. He asked if provisions were made for work place safety and health in regards to exhaust. Mr. Acker stated there would be a whole house ventilation system via fans, or an exhaust capture system. This would be detailed in the next step. Mr. Palcovic asked if there would be retentions ponds. Mr. Acker noted that is in design. Storm water collection, percolation, and wetlands will all be taken into consideration as not to impact any wetlands. It was stated that no new ground would be disturbed.

Mr. Palcovic noted all of his concerns voiced on the DPW garage also apply for the Golf Course maintenance structure. He did not want to have a catastrophic event. Mr. Ackers noted all would be to code.

It was asked if there would be a vehicle wash station. That has not been set up yet. It has the potential to be discussed. Mr. Acker has done it in school bus garages before where one bay is dedicated to that.

Mr. Kidder noted the golf course equipment is washed every time it is used. There will be an area out back to hose off equipment and golf carts. Or perhaps there is an area inside. It was noted there is enough space to house all of the golf carts in the winter.

Supervisor Horton noted what we wanted to do today is to show the concepts. Engineered/construction drawings have not been done at this point. The would be done as part of the financing package. He asked the Phinney Design Group and Environmental Design Group to get things for the public to see conceptually.

The Supervisor noted other details like fuel storage was not shown but will be addressed, there are lockers for chemicals. Once the details are put in place there will be time for more public comment.

Council Member Travis thanked Mr. Palcovic for his good questions. Mr. Palcovic did environmental intake for a living.

Mr. Acker was thanked for the presentation this evening.

At 6:27 pm Supervisor Horton asked if there was any more input on the proposed Local Law #1 of 2022. Hearing none the public hearing was closed.

Department Reports:

Wheelerville Bike Trail – Supervisor Horton spoke to Jeremy Manning today. The last day of use until we get into winter will be November 11, 2022. It was a very, very successful season. The

Supervisor encouraged people to watch the videos on the Wheelerville Bike Trail Facebook page. The Supervisor and Mr. Manning are working with the county and other towns to encourage them to start a bike program like this. Eventually there could be connectors between them.

BTI – Supervisor Horton noted there is some bad news. The town received a letter from Mr. Delesky - he does not intend to renew his pesticide license in April 2023. He asked if any town resident was interested in the applicators job. There are 30 hours of training to take to be an applicator. The Supervisor thanked Mr. Delesky.

Sole Assessor – Leigh Anne Loucks submitted a written report. She is doing data collection on the avenues. She is fortunate enough to meet some of the residents who are either year-round or still in the area. It has been good to talk to people and get inventories from them. They have been receptive and helpful. There have been a number who have voiced concerns with some practices they feel have been unfair with regard to permits. She has documented the concerns to forward them on to Codes. But it is the same issue we (myself and the Board) have discussed over the last 18 - months. The report states she has also been doing any data collection needed for Codes, when there is a question of the inventory or if there is a need.

Supervisor Horton stated the hours were cut back to stay within budget. She will be working fewer hours until the end of the year.

Town Clerk/Tax Collector– The monthly report was submitted to the board. The clerk stated she received 356 photo negatives of Barbara McMartin’s book Caroga today. The clerk then handed out her written determination and findings to Mrs. Long, and to the Town board on the three petitions that were submitted to her. The clerk noted that she had been working with the town attorney, the Association of Towns and done research herself.

**DETERMINATION AND FINDINGS ON VALIDITY OF
“PETITION FOR GOLF COURSE STORAGE AND MAINTENANCE
FACILITY, HIGHWAY BARN, SALT/SAND STORAGE FACILITY BOND
REFERENDUM PER TOWN LAW § 91”**

I, Linda Gilbert, in my capacity as Town Clerk of the Town of Caroga, New York, do hereby issue the following Determination and Findings regarding the validity of a “Petition for a Town Barn, Petition for Golf Course Storage and Maintenance Facility, and for a Salt/Sand Storage (Building) Bond Referendum per Town Law § 91” (“Petition”) filed with the Town Clerk on October 11, 2022, a true and accurate copy of which is attached hereto:

1. The subject Petition was filed with the Town Clerk on October 11, 2022.
2. In my capacity as Town Clerk, I have reviewed and examined the subject Petition to determine whether the Petition, on its face, complies with and satisfies the statutory requirements of Town Law § 91 governing petitions requesting that a resolution or act of the town board be submitted for a referendum.
3. Town Law § 91 provides, in pertinent part, that a petition requesting that a resolution or act of the town board be submitted for a referendum shall include a statement “protesting against

such act or resolution and requesting that it be submitted to the qualified electors of the town or district affected for their approval or disapproval.”

4. Town Law § 91 further provides, in pertinent part, that a petition requesting that a resolution or act of the town board be submitted for a referendum “shall be authenticated in the manner provided by the election law for the authentication of nominating petitions.”

5. Election Law § 6-140(1) (a), which governs nominating petitions, provides in pertinent part, that a signer of a petition shall affirmatively state that “my present place of residence is truly stated opposite my signature hereto...”

6. Election Law § 6-140(1)(b), which governs nominating petitions, further provides that the Statement of Witness shall state the residence address of the witness, and shall provide “Witness Identification Information” stating the town or city where the witness resides and the county where the witness resides.

7. The following content appears at the top of each page of the subject Petitions:

Petition for Golf Course Storage and Maintenance Facility Bond Referendum per Town Law § 91

We, the undersigned electors and legal voters of the Town of Caroga, New York, qualified to vote at the next general or special election, respectfully petition that there be submitted to the electors of the Town of Caroga for their approval or rejection at a referendum held for that purpose, a proposal detailed in: **Resolution #2022-134 Bond Resolution** dated September 14, 2022 to authorize the relocation and reconstruction of a **Golf Course Storage and Maintenance Facility Building**, authorizing the issuance of serial bonds of the Town of Caroga, Fulton County, New York in an aggregated principal amount not to exceed **\$450,000.00** pursuant to the local finance law to finance said purpose and delegating the power to issue bond anticipation notes in anticipation of the sale of such bonds to the Town Supervisor.

In witness whereof, we have signed our names on the dates indicated next to our signatures.

Petition for Salt/Sand Storage Building Bond Referendum per Town Law § 91

We, the undersigned electors and legal voters of the Town of Caroga, New York, qualified to vote at the next general or special election, respectfully petition that there be submitted to the electors of the Town of Caroga for their approval or rejection at a referendum held for that purpose, a proposal detailed in: **Resolution #2022-135 Bond Resolution** dated September 14, 2022 authorizing the construction of a **Salt/Sand Storage Building**, authorizing the issuance of serial bonds of the Town of Caroga, Fulton County, New York in an aggregated principal amount not to exceed **\$107,000.00** pursuant to the local finance law to finance said purpose and delegating the power to issue bond anticipation notes in anticipation of the sale of such bonds to the Town Supervisor.

In witness whereof, we have signed our names on the dates indicated next to our signatures.

Petition for Town Barn Bond Referendum per Town Law § 91

We, the undersigned electors and legal voters of the Town of Caroga, New York, qualified to vote at the next general or special election, respectfully petition that there be submitted to the electors of the Town of Caroga for their approval or rejection at a referendum held for that purpose, a proposal detailed in: **Resolution #2022-133 Bond Resolution** dated September 14, 2022 to authorize the construction of a building to be used as a **Town Barn**, authorizing the issuance of serial bonds of the Town of Caroga, Fulton County, New York in an aggregated principal amount not to exceed **\$1,000,000.00** pursuant to the local finance law to finance said purpose and delegating the power to issue bond anticipation notes in anticipation of the sale of such bonds to the Town Supervisor.

In witness whereof, we have signed our names on the dates indicated next to our signatures.

8. The subject Petitions do not contain or include a statement “protesting against such act or resolution” of the Town Board, as required by Town Law § 91. While the subject Petition requests that the referenced Town Board resolution be submitted to the qualified electors of the town or district affected for their approval or disapproval, there is no statement which would indicate that those signing the subject Petition, in fact, protest against the resolution adopted by the Town Board.

9. The subject Petitions do not include a statement by each signer stating that “my present place of residence is truly stated opposite my signature hereto...” as required by Town Law § 91 and Election Law § 6-140(1) (a). While a residence address is listed next to the signed and printed name of each person signing the subject Petition, there is no statement by each signer indicating that such residence address is “truly stated.”

10. The Statement of Witness on the subject Petitions do not state the residence address of the witness, and does not provide “Witness Identification Information” stating the town or city where the witness resides and the county where the witness resides, as required by Town Law § 91 and Election Law § 6-140(1)(b). No residence address, town or city, or county information is stated.

11. Based on the foregoing, I hereby determine and find that the subject Petitions do not comply with and satisfy the statutory requirements of Town Law § 91.

THEREFORE, BASED ON THE FOREGOING, THE SUBJECT PETITIONS ARE DETERMINED TO BE INVALID AND IS HEREBY REJECTED.

Dated: November 9, 2022

By: Linda Gilbert
Linda Gilbert
Town Clerk of the Town of Caroga

TO: Scott Horton, Town Supervisor
Town Board, Town of Caroga
Anita M. Long

There were no comments by the board. The Supervisor noted the clerk did a lot of work on this.

Code Enforcement & Sanitation – A monthly report was submitted by Mr. Fancher. Permit fees collected for October 1st through October 31, 2022 total \$2,675.00. Supervisor Horton asked to speak to Mr. Fancher tomorrow about the total number of permits issued. Code Officer Blowers sent the board a report for a different number of permits for the same time period. The amount collected differ. He wants to reconcile this so the records are accurate.

Dog Control – The clerk received paperwork, via fax, from Fulton County Dept. of Health on a dog bite case for Mr. Dutcher to complete. It has been submitted to the county.

Golf Course – Mr. Stedman reported for the last few weeks- the last month, they worked on aerifying everything. The greens, Tee’s and fairways are all done. He used about 200 lbs. of bent grass. The Tee’s are growing some new bent grass. He hopes to get rid of the crab grass on the tees next year. He has been doing some drainage work. He replaced culvert piping that was crushed a few years ago. He did just under 100 feet of drainage on #7 at the bottom of the hill leading to the ditch. He hopes to put drainage in on #3 this year. Right off the cart path is a really wet spot. He will continue to work on the back of #4 tee box. He is removing stumps getting ready to sod it in the spring.

The cross-county trail will remain the same. He will get it marked out when the time comes. Mr. Stedman will work with Craig Ivancic of the Nick Stoner Snow Mobile Club to help mark the course for the winter. For the rest of the month, he will be working on equipment. The irrigation system has been blown out and winterized. That takes about two days. He thanked the Fulton County Highway Department for the use of the compressor.

Mr. Manning joined the meeting. He noted the upcoming storm this weekend so the rain and cold stretch means the trails won't dry out so the trails will be closed until there is an extended stretch of dry weather or more likely until the trails freeze solid and can be opened up for winter use. As of Friday the trails will be closed for the rest of the fall.

Last week Mr. Manning did a video presentation to the Economic Development Committee and to the Fulton County Board of Supervisors. They were excited to hear about the progress on the trails. He reported to them on the festival this year and the plans for the upcoming years. At the end of the video Steve Smith the CEO of LL Bean came on and made some nice comments. In December or January Mr. Manning would like to do the same presentation for the town board. The Supervisor noted our trail system was featured on a video. Mr. Manning stated that double barrel is the most popular and photogenic downhill free style trail. There is a really big rock face on it. You can wall ride on the sides of it. On Pinkbike.com videos are posted each Saturday from all over the world. There was one from Wheelerville on there last week. You can buy and sell anything on the site, it is widely used. Lastly Mr. Manning noted and thanked Fulton County Soils and Waters. They came up and used the Hydro-seeder in the sand pit hillside area to prevent erosion.

Highway – Mr. Voght is on vacation the Supervisor noted. The crew finished laying all the block for the salt shed. They will be putting on the metal plates next. Hybrid notified the town that the cover for the salt shed should be installed the first week in December. The crew has saved the town a lot of money. One of the things they also did was to pave the salt shed floor. Empire Paving gave a price of \$20,000.00 to do the floor of the salt/sand storage building. We did the job by using our small paver and bought the material for about \$5,500.00. We had some assistance from the State of New York which was at no cost to the town.

Lakes Management Program – John Olm gave a brief update. Operations were ended at the boat launch station and stewards' coverage on Columbus Day. The pressure washer was winterized. He is waiting for the final data from the Adirondack Water Shed Institute. He did hear from Sue O'Rielly at the end of October. She stated Caroga had the second overall in the number of decontaminations of watercrafts performed in the Adirondacks. The highest station was over on the 87 Northway rest stop area.

Council Member Glenn was sorry he could not attend he asked Markus Harazin, John Olm & Mr. Hogan to report in tonight. They are doing an outstanding job. Mr. Harazin added that a lot of times people wonder why we stay open but he stated there are boaters actively using the launches. He stated the town washed 74 boats after Labor Day. Primarily the boaters were coming from lakes that have invasive species. He was happy with the results and noted it is now a requirement as of June 8 to have your boat inspected. He stated the number went up about 66% from last season. He stated a lot of local boaters were assisted in getting their boats cleaned. The next closest station is 45 minutes one way, up in Piseco Lake. It is a good service.

The Bookkeeper, Joanne Young and another resident arrive to attend the meeting. (6:50 pm)

Supervisor Horton stated there are rumors or suggestions that there is no reason to have lake stewards on Canada Lake. The Supervisor stated that was completely false. He wanted Mr. Harazin to address that. People familiar with invasive species (East and West Caroga Lakes) are aware of what milfoil is. Peck Lake has the spinney water flea. This town has put forth a lot of effort to remove weeds for the past 20 years from East Caroga because they created such an issue. Back in 2008 Mr. Harazin was given an opportunity to work on this program when he was the President of the Canada Lake Conservation Association (CLCA). It began with a stewardship program through Department of Environmental Conservation, with volunteers to get the awareness out across the Adirondacks on the quick spread of invasive species. The first year of the program maybe 440 boats were inspected, the next year it was 560, in 2018 it was 2206 and this year it was reported there were 3288 boats inspected. There was a partnership with DEC, the Town, Fulton County Soil and Water, Adirondack Park Invasive Plant Program, the Adirondack Watershed Institute, and DOT to put the boat wash station in.

Supervisor Horton stated the rumor is that Canada Lake is naturally immune. Mr. Harazin has seen software that maps the lake, and he noted that there are more natural weeds per acres in Canada Lake than Caroga Lakes. He stated it would be ground zero where West Lake is, it has a fertile bottom and is full of natural weeds. He thought people should go around on East Caroga Lake to see the nightmare it creates for the homeowners.

Jim Hogan submitted his Annual Report

Supervisor Horton stated it was 7:00 pm and time for the budget hearing. As Mr. Ackers was leaving Supervisor Horton gave kudos to him and his firm for being selected by Fulton County to design the new museum about the Sacandaga in Northville.

The public hearing on the 2023 budget was opened for comment.

Mr. Hogan stated he is on the board of the West Caroga Lake Association. He noted on the agenda under correspondence that there were 22 letters of concern about cutting the budget for the invasive species program. Mr. Hogan stated he had nothing to do with that. The question he had is on page 11. He noted to the bookkeeper that money was moved to pay the divers which means the line item for 2022 was exceeded. He noted the year-to-date total in the budget says \$60,000.00. The other concern he has is in looking at the year-end report it shows they worked more hours this year than last year yet they pulled less milfoil out of the lakes. Mr. Hogan explained there were 7 divers last year and no tenders. So, there were three staff that there were no salaries paid for. This year there were 8 divers and two tenders and we should have done more milfoil. He learned that it depends on the beds of milfoil found, and the density. If there are heavy fields you can pull a lot quickly. There weren't those types of fields this year which is a good sign. It was in small quantities and smaller areas and you can't pull as fast. He did not want to run out of money next year.

Supervisor Horton explained the budget for 2022-line item A8090.12 was for \$62,000.00. The amended budget was \$65,000.00. Joanne Young noted the year to date is listed as of September 15th so he is correct, there was a budget adjustment last month. They did go over the last payroll of \$65,000.00. He understood that the report he has is not current. The total expenditure in 2022 for A8090.12 was \$65,100.00. His point was well taken. It was noted that more hours may have been worked this year if there weren't mechanical issues.

Supervisor Horton noted there may not be speakers tonight but the town received a lot of emails from the public making sure that we fund the environmental programs the best we can.

Council Member DeLuca asked the budget officer if the other figures on the budget for the environmental programs were up to date. The Budget Officer referred Council Member DeLuca to look at the reports she gives the board members each month. It shows what is spent each month.

Supervisor Horton proposed changes to A8090.1, A8090.11 and A8090.4.

Mr. Harazin did not suggest any other changes when asked. He stated he hopes to get another DEC grant. The Canada Lake Conservation Association is also looking to get two three-year grants for the town. He wants to put a spotlight on this area. We need support from our representatives and organizations. He noted we are not the only town that struggles with this.

Supervisor Horton reminded the board and the public that the board recognizes that we work for you. We want to listen to the public to see what they want. When there is an outpouring of support for a program it is important and we should respond to it. Supervisor Horton stated his tentative budget had full funding in it. At the last meeting areas were cut back and we found the public was really supporting it. Supervisor Horton wanted to propose the changes but the clerk noted that the public hearing was still going on.

Mr. Harazin noted the CLCA wanted the funding for the museum increased. It helps to expand the notoriety of our area.

Joyce Barrett hated to see the museum loose \$2,500.00. She noted they are trying to build another building. Surely the town can find the money to restore the original amount. Mrs. Barrett noted the museum is a source of recreation and tourism.

The clerk noted the town received 8 letters of concern, via email, about the cutting of the line item for the museum in the 2023 budget. Supervisor Horton noted the number of letters he received concerning the museum. He (and the board) had a really nice email from Doug Purcell President of the museum. He detailed his budget and showed the impact to the museum.

Supervisor Horton noted the A line expenses... the amount of money the town raises minus the credit by using the fund balance we were around \$177,000.00 (divided by the assessed value) this is how we get the tax rate. We have a 3-million-dollar budget.

Joyce Barrett expressed her concern about how dark East Shore Road is. She was reminded we were in the budget hearing. She felt the lighting was part of the budget. Supervisor Horton noted the lighting project budget was set in 2020. It is not a budget item at this time.

At 7:26 pm the public hearing on the 2023 Budget was closed. Supervisor Horton wanted to make all the changes and if the board does not agree then the preliminary budget becomes the adopted budget, if it does pass then the modified budget becomes the budget.

Council Member DeLuca offered to reduce the line item for CTC (PLRT) – Celebrations. Council Members Sturgess and Travis were in favor of increasing the line item for the Fish & Game Club. Their budget line item was dedicated to fish stocking – the town is telling them what to do with it. Supervisor Horton stated the public want to stay below the tax cap. He did not subscribe to the, if you give one you give all (philosophy) – all organizations have different needs. Supervisor Horton noted the town cannot take from the fund balance year after year. The bookkeeper kept a tally on how the changes would affect the budget. Council Member Sturgess asked if the sales tax and mortgage tax money was figured into the fund balance. It was included. Council Member Sturgess expressed his concern about cutting the CTC line item. He noted they just had an event that brought 1000 people together and in to the town. Supervisor Horton noted this budget is tight and will have to be monitored closely next year. He stated you can't save money and increase services. The CTC does not have a detailed budget for next year. There were two more vouchers to be added to this evening's bill to be paid. The board decided to use \$345,476.00 from the fund balance.

The board discussed and agreed to make the following changes to the 2023 Proposed Budget:

A7450.4 Museum CE	\$ 2,500.00 to \$ 4,000.00
A7550.4 Celebrations PLRT CE	\$14,000.00 to \$ 5,000.00
A8090.1 Boatwash PS	\$13,000.00 to \$18,500.00
A8090.11 Stewards PS	\$ 5,000.00 to \$5,500.00
A8090.12 Weed Diver/Tender PS	\$62,000.00 to \$68,000.00
A8090.4 Boatwash Steward CE	\$ 2,000.00 to \$ 1,000.00
A8720.41 Fish & Game CE	\$ 0.00 to \$ 1,000.00

RESOLUTION #2022-154 to adopt the preliminary budget to be the final budget with the changes listed within making it the Adopted 2023 Budget was offered by Supervisor Horton at the regular monthly meeting of the Caroga Town Board held on November 9th 2022.

WHEREAS, the Budget Officer Joanne Young and Supervisor Horton have spent countless hours putting together the tentative, and preliminary budgets, and

WHEREAS, the board met on October 5 for their first budget work session, and

WHEREAS, the board held a budget work session after the October 12, 2022 regular monthly town board meeting, and

WHEREAS, the public hearing on the proposed 2023 budget was held at 7 pm November 9th, 2022, and

WHEREAS, following the public hearing the board discussed and agreed to make the following changes to the 2023 Proposed Budget:

A7450.4 Museum CE	\$ 2,500.00 to \$ 4,000.00
A7550.4 Celebrations PLRT CE	\$14,000.00 to \$ 5,000.00
A8090.1 Boatwash PS	\$13,000.00 to \$18,500.00
A8090.11 Stewards PS	\$ 5,000.00 to \$5,500.00
A8090.12 Weed Diver/Tender PS	\$62,000.00 to \$68,000.00
A8090.4 Boatwash Steward CE	\$ 2,000.00 to \$ 1,000.00
A8720.41 Fish & Game CE	\$ 0.00 to \$ 1,000.00

Now, therefore be it **RESOLVED**, that \$345,476.00 be used from the fund balance to have a balanced 2023 budget.

Seconded by Council Member Sturgess

Adopted by a roll call vote as follows:

Supervisor Scott Horton - Aye

Council Member Barbara DeLuca - Yes

Council Member Richard Sturgess - Yes

Council Member Donald Travis - Yes

Supervisor Horton thanked the board members for their work on the budget. He also thanked the budget director.

At 8 pm the board took a break. At 8:12 pm the board was back in session. There were four members of the public still in attendance at the meeting.

Town Hall Building – Council Member Travis noted that Anthony Fancher fixed the leak in the roof over by the bookkeeper's desk. He noted that ¼ of the mercury vapor lights in the gym are not working. Mr. Travis talked to an electrician who said the lights could be changed to LED's. Supervisor Horton didn't want to spend money to fix the lights.

CTC (former PLRT) – Council Member DeLuca – stated this has already been talked about earlier in the meeting.

Supervisor's Report: Supervisor Horton gave a brief presentation on how bonding works. He stated once the project is finished, we then know the total dollars spent on the project which is converted to a bond. The bonding company will give the town the rate. Supervisor Horton stated if we had done this process a year ago it would have been 1/3 of the cost. The first year you don't pay back any principal only interest. He showed a chart showing how the cost will vary from year to year. He summarized by saying the cost would be about \$0.35 or \$35.00 per taxpayer. He reviewed the bond numbers for both projects.

The Supervisor noted the cost involved in renting the old fire house will go down next year. He noted that until two days ago he did not have enough information about the structures to put together bond and bond information.

Old Business:

9/7 NYS DOT Safety Study results

Auctions International results

Supervisor Horton did contact the attorney to begin working on the Franchise agreement with Spectrum Northeast LLC. The agreement expired in 2020.

Caroga Book – request photo negatives back

Not later than March 31 of each year the Planning board, Code officer, and ZBA shall reexamine the ordinance and submit a report to the Town Board recommending changes or amendments

Public Comments and Questions

Anita Long she wants to defend the referendum petitions. Less than a month ago she stood before the board to make clear that there is a public consensus that there is a wish for a public referendum about the bond for the buildings. "People want the board to simply follow the law." She came to move forward in good faith to proceed with a special election. People have come to her asking if what the town is doing is legal. Her response to these people is to read the town laws, election law, and other sections of New York State law. Anita Long claimed the petitions were valid, and she will continue to defend them. She will request judicial intervention and stated to the board, "You asked for it."

Supervisor Horton stated he did not interfere with any of the signers. It was a desire which is not coercion. Other than that, he stated he appreciated her comments.

At 8:26 pm the public comment portion of the meeting was closed.

RESOLUTION #2022-155 Local Law #1 of 2022 a law to amend Section 8 Term of License and Renewals of Local Law #1 of 2016 a law to regulate dogs in the Town of Caroga was offered by Supervisor Horton at the regular monthly meeting of the Caroga Town Board held on November 9, 2022.

WHEREAS, the Caroga Town Board held its regular monthly meeting on November 9, 2022 and

WHEREAS, each municipality must adopt its own Local Law to regulate dogs, and

WHEREAS, the Town board held a public hearing on November 9, 2022, at 6:05 pm now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to amend section 8 of Local Law #1-2016 creating Local Law # 1 of 2022.

Section 1: Title:

The title of this law shall be dog Licensing and Control Law of the Town of Caroga, County of Fulton.

Section 2: Authority:

This Local Law is enacted pursuant to the provisions of (Chapter 59; Part T of the law of 2010) Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

Section 3: Purpose:

The Town Board of the Town of Caroga, County of Fulton, hereby finds and declares that the purpose of this local law is to provide for the licensing and identification of dogs.

Section 4: Definitions:

All terms not specifically defined herein shall have the meaning assigned to such terms within §108 of the Agriculture and Markets Law of the State of New York

As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURE AND MARKETS LAW: The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Chapter, as amended by this Chapter, and as thereafter amended.

DETECTION DOG: means any dog that is trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.

GUIDE DOG: means any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the state during the period such dog is being trained or bred for such purpose.

HEARING DOG: means any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.

IDENTIFICATION TAG – a tag issued by the Town Clerk which sets forth the identification number together with the name of the Town and State, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk.

OWNER: means any person who harbors or keeps any dog or other animal.

OWNER OF RECORD: means the person in whose name a dog was last licensed pursuant to this chapter.

PERSON: A person, partnership, corporation, association, or other organized group of persons, business entity, municipality or other legal entity.

POLICE WORK DOG: means any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.

RESIDENT: [A person] An individual who maintains a residence within the Town of Caroga, County of Fulton, State of New York.

SERVICE DOG: means any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative.

THERAPY DOG: means any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.

TOWN: means the Town of Caroga, County of Fulton, State of New York.

RUN AT LARGE: means to be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands.

WAR DOG: means any dog, which has been honorably discharged from the United States armed services.

WORKING SEARCH DOG: means any dog that is trained to aid in the search for missing persons, is actually used for such purpose and is registered with the department; provided, however, that such services provided by said dog shall be performed without charge or fee.

Section 5: Licensing of Dogs

No person shall own or possess a dog within the Town unless such dog is licensed and identified as provided in Article 7 of the Agriculture and Markets Law and laws of the Town.

All dogs within the Town that are four (4) months of age or older, unless otherwise exempted, shall be licensed. No license shall be required for any dog which is under the age of four months and which is not at large.

The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk of the Town, a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town.

Section 6: Licenses issued by Animal Shelters and Pounds

The Town does not allow the licensing of dogs by a shelter. The shelter MUST send the adoptive dog owners to the Town Clerk of the Town or City in which the dog will be harbored for licensing.

Section 7: Proof of Vaccination against Rabies

Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required.

Section 8: Term of License and Renewals

Each license issued pursuant to this local law, shall be valid for a period of one year, and shall expire on the last day of the last month of the period for which it was issued. No license shall be issued for a period expiring after the last day of the eleventh month following the expiration date of the current rabies certificate for the dog being licensed.

Any dog license renewal that is delinquent on the 31st day of the month following the expiration date will be assessed a late fee of \$10.00. If the dog license remains delinquent after the 32nd day following the license expiration an appearance ticket will be issued.

Section 9: Fees

(A) Individual Dog License Fee

\$5.00 for a spayed or neutered dog

\$15.00 for an unspayed or unneutered dog

(B) State Mandated Animal Population Control Surcharge

Each individual dog license for a spayed or neutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$1.00 payable at the time the dog license application is filed.

Each individual dog license for an unspayed or unneutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$3.00 payable at the time the dog license application is filed.

Section 10: Dog Enumeration Surcharge

Each dog found to be unlicensed during a Town dog enumeration, shall be subject to a \$5.00 dog enumeration surcharge payable at the time the application is filed to license said dog.

Section 11: Replacement Tag Fee

A replacement tag fee of \$1.00 shall be charged to offset the costs associated with the provision and replacement of identification tags.

Section 12: Fee Exemptions

There shall be no fee for any license issued for the following:

a guide dog, a hearing dog, a service dog, a war dog, a working search dog, a detection dog, a police work dog, a therapy dog

Each copy of any license for such dogs shall be conspicuously marked “Guide Dog”, “Hearing Dog”, “Service Dog”, “Working Search Dog”, “War Dog”, “Detection Dog”, “Police Work Dog”, or “Therapy Dog”, as may be appropriate, by the clerk.

Section 13: Issuance of license; identification tag

(A) Upon validation by the Town Clerk of the Town, a dog license shall be issued and a record of its issuance retained in the office of the Town Clerk of the Town. Such record shall be made available upon request to the State Commissioner of Agriculture and Markets, or successor thereof.

(B) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately apply for a new license for the dog. A license cannot be transferred to another dog.

(C) Change of Ownership, Lost or Stolen Dogs

Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog. The original issued identification tag shall remain the same for the life of the dog.

In the event of a change in ownership of any dog, which has been assigned an official identification number, or in the event of a change of address of the owner of record of any such dog, the owner of record shall, within ten days of such change, notify the Town Clerk.

If any dog, which has been assigned an official identification number, is lost, or stolen, the owner of record shall, within ten days of the discovery of such loss or theft, notify the Town Clerk.

In the case of a dog’s death, the owner of record shall so notify the Town Clerk either prior to renewal of license or upon the time of such renewal.

(D) Identification tag.

i. The Town Clerk shall assign a Town permanent official identification number to a dog when it is first licensed. The dog on an identification tag, which shall be affixed to the collar of the dog at all times, shall carry such identification number.

ii. An identification tag is not required to be worn while the dog is participating in a dog show.

- iii. The official permanent identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.
- iv. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the number has been assigned.
- v. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no additional charge. Any replacement tag shall be obtained by the owner at the owner's expense. Any person wishing to replace a tag previously issued shall pay the sum of \$1.00 dollar to the Town Clerk for a replacement tag.

Section 14: Penalties

Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Twenty-five Dollars (\$25.00) for a first violation; of Fifty Dollars (\$50.00) for a second violation and Seventy-five Dollars (\$75.00) for each subsequent violation.

Section 15: Repeal of Inconsistent Local Laws or Ordinances:

This Local Law shall supersede all prior inconsistent Local Laws, Ordinances, Rules, and Regulations relative to the licensing of dogs within the Town. All prior inconsistent Local Laws, Ordinances, Rules, and Regulations shall be, upon the effectiveness of this Local Law, null and void.

Section 16: Severability Clause

The provision of this local law is declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 17: Effective Date

This local law shall be effective upon its adoption and upon filing with the Secretary of State.

Seconded by Council Member Sturgess

Adopted by a roll call vote as follows:

Council Member Barbara Deluca - Yes

Council Member Richard Sturgess - Yes

Council Member Donald Travis – Yes

Supervisor Scott Horton - Aye

RESOLUTION #2022-156 to make the following transfers as listed on the November agenda which are necessary to maintain a balanced budget: was offered by Supervisor Horton at the regular monthly meeting of the Caroga Town Board held on November 9, 2022.

To: A8091.41 WEED C/E	\$ 1,300.00	
From: A8090.2 WEED Equipment		\$ 1,300.00
To: A8090.13 WEED Diver/Tender	\$ 101.00	
From: A8090.2 WEED Equipment		\$ 101.00

To: A8090.10 Boat Wash P/S	\$ 2,800.00	
From: A8090.11 Stewards P/S		\$ 2,800.00
To: A5132.40 Garage C/E	\$ 10,000.00	
From: A1440.4 Engineer C/E		\$ 10,000.00
To: A5182.4 Street Lighting	\$ 5,000.00	
From: A1440.4 Engineer C/E		\$ 5,000.00
To: A8160.4 Garbage C/E	\$ 4,000.00	
From A8160.1 Garbage P/S		\$ 4,000.00
To: A3620.4 Codes C/E	\$ 250.00	
From: A3620.1 Codes P/S		\$ 250.00
To: A1355.4 Assessor C/E	\$ 100.00	
From A1355.1 Assessor P/S		\$ 100.00
To: A1620.4 Building C/E	\$ 20,000.00	
From: A1440.4 Engineer C/E		\$ 20,000.00
To: A7180.42 Golf Course Merch	\$ 1,500.00	
From: A7180.13 Club House P/S		\$ 1,500.00
To: A9030.80 Social Security	\$ 13,000.00	
From A1440.4 Engineer C/E		\$ 13,000.00
To: DA5130.4 Machinery C/E	\$ 18,000.00	
From: DA5110.1 General Repairs P/S		\$ 18,000.00
From: A7145.10 Rec. Trails P.S	\$3,100.00	
To: A2025.40 Rec. Trails C.E		\$ 3,100.00

Seconded by Council Member Sturgess

Adopted by a vote of 4 Ayes, Horton, DeLuca, Sturgess, Travis

Supervisor Horton noted to the board that he made a proposal to Mr. Zeitler regarding the terms of a lease agreement for 1785 State Highway 10. This is where the golf course equipment was being stored. He asked Mr. Zeitler to reduce the rent from \$2,200.00 a month to \$1,000.00 a month and the town would give up ½ of the space currently using. Supervisor Horton stated that he sent him a letter on October 28, 2022. He has not heard back from him so there is nothing to take action on at this time. Supervisor Horton stated he sent all of the board members the letter. This is notification to the public. The Supervisor stated a new lease agreement would have to be entered into. Supervisor Horton noted the town had a lease agreement with the fire company. When the fire company sold the building to Mr. Zeitler, Mr. Zeitler assumed the lease, that was part of the agreement we had that it was transferable. The town has to give the landlord 30 days' notice of our intent to vacate. The Supervisor had some informal conversations with the landlord. He thinks the

landlord is interested, but to discuss this further the board would have to go into an executive session.

Council Member DeLuca noted under old business in her packet it said, "Not later than March 31 of each year, the Planning Board, in consultation with the Code Enforcement Officer and Board of Appeals, shall reexamine the provisions of this Ordinance and the location of district boundary lines and shall submit a report to the Town Board recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or general welfare."

Supervisor Horton stated the clerk brought this to his attention. The town has never done that. He thought it was a good idea. Council Member DeLuca asked if we were going to do that this year. The Supervisor thought it would probably be next year. Council Member DeLuca wanted it before March. The Supervisor stated he had not talked to the Planning Board Chairman about this. He will let the Planning Board Chairman know of this requirement. Supervisor Horton stated the board would have to discuss this and direct the Planning Board to do so.

At 8:34 pm Supervisor Horton made a motion to enter into an executive session to discuss a personnel issue and for a potential land exchange contract. Council Member DeLuca seconded the motion. All board members were in favor of the motion. Horton, DeLuca, Sturgess, Travis.

At 9:15 pm Council Member Sturgess 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, DeLuca, Sturgess, Travis.

RESOLUTION #2022-157 to get permission from the board to discuss with an individual a property swap with the town, was offered by Supervisor Horton at a regular monthly meeting of the Caroga Town Board held on November 9, 2022.

WHEREAS, the board held its regular monthly meeting on November 9, 2022, and

WHEREAS, there was an executive session held beginning at 8:34 pm until 9:15 pm, now therefore be it

RESOLVED, that the town Supervisor Scott Horton is hereby authorized by the board to talk to an individual in town about a property swap with the Town of Caroga and get the details to bring back to the board.

Seconded by Council Member Sturgess

Adopted by a vote of 4 Ayes, Horton, DeLuca, Sturgess, Travis

RESOLUTION #2022 - 158 to get permission from the board for the Supervisor to talk to an employee about a change in position and compensation, was offered by Supervisor Horton at a regular monthly meeting of the Caroga Town Board held on November 9, 2022.

WHEREAS, the board held its regular monthly meeting on November 9, 2022, and

WHEREAS, there was an executive session held beginning at 8:34 pm until 9:15 pm, now therefore be it

RESOLVED, that the town Supervisor Scott Horton is hereby authorized by the board to talk to an employee about a change in position and compensation and bring the employees response back to the board.

Seconded by Council Member DeLuca

Adopted by a vote of 4 Ayes, Horton, DeLuca, Sturgess, Travis

The clerk was contacted by Fulton County Department of Solid Waste asking if the town was going to change any of the fees for permits for the transfer station of for disposing of appliances next year. The information is placed in their recycling calendar each year. Supervisor Horton notified the board that the tipping fees charged to the town in 2023 will not change.

RESOLUTION #2022-159 to leave the fees for the Transfer station tipping fees and appliance disposal the same was offered by Supervisor Horton at a regular monthly meeting of the Caroga Town Board held on November 9, 2022.

WHEREAS, the board held its regular monthly meeting on November 9, 2022, and

WHEREAS, the board was asked if the fees would change for 2023 and stated they would not, now therefore be it

RESOLVED, that the town board does hereby move to leave the fees for the Transfer Station tipping fees and appliance disposal the same for 2023.

Seconded by Council Member Sturgess

Adopted by a vote of 4 Ayes, Horton, DeLuca, Sturgess, Travis

The clerk noted to the board that recently the town has sold various items on Auctions International. She noted that the board needed to accept the bids.

RESOLUTION #2022-160 accept the bids for various items sold on Auctions International was offered by Council Member Sturgess at a regular monthly meeting of the Caroga Town Board held on November 9, 2022.

WHEREAS, the board held its regular monthly meeting on November 9, 2022, and

WHEREAS, the town received two invoices for items sold through Auctions International 11167 Big Tree Road East Aurora NY 14052 (800) 536-1401 , now therefore be it

RESOLVED, that the town board does hereby move to accept invoice 96712 for the sale of one never used Firestone 20.5-25 tire and Constellation 20.5-25 tires in the amount of \$1,580.04 and be it **further RESOLVED**, to accept invoice 97970 for a 1996 tow behind sweeper in the amount of \$984.96.

Seconded by Council Member DeLuca

Adopted by a vote of 4 Ayes, Horton, DeLuca, Sturgess, Travis

Supervisor Horton stated the town made close to \$3,000.00 selling scrap iron.

Council Member Sturgess asked the supervisor if he should be authorized to purchase a storage box. The Supervisor stated he did not know where he would get the money from right now. It would be at our or the golf courses expense. Council Member DeLuca asked what was being discussed to buy. The Supervisor stated if we only have one bay to store the golf course equipment in, we still don't have a secure storage area for the remainder of the equipment. Later on, the unit would be used by the highway department to store signs and tires and things while they are building. If we purchased it as golf course expense the asset would have to be transferred over to a highway and he was unsure how to do that.

Supervisor Horton stated he needed a resolution to purchase Tee shirts for \$2600.00 for resale for the bike trail. He explained that the Tee shirt sales were successful so more should be ordered for the holiday season. Initially the town invested \$2,000.00. To date we have received revenues totaling \$3,600.00.

RESOLUTION #2022-161 to purchase Wheelerville Bike Trail Tee shirts was offered by Council Member Sturgess at a regular monthly meeting of the Caroga Town Board held on November 9, 2022.

WHEREAS, the board held its regular monthly meeting on November 9, 2022, and

WHEREAS, the summer sales of the shirts were very successful, and

WHEREAS, the town would like to have more shirts to sell during the holiday season, now therefore be it

RESOLVED, that the town board does hereby move to spend \$2,667.30 for the purchase of additional Wheelerville bike trail shirts for resale.

Seconded by Council Member DeLuca

Adopted by a vote of 4 Ayes, Horton, DeLuca, Sturgess, Travis

Supervisor Horton made the motion to approve the minutes of the October 12, 2022 meeting. The motion was seconded by Council Member Sturgess. All of the board members were in favor of the motion; Horton, DeLuca, Sturgess, and Travis.

Supervisor Horton made the motion to approve the bills as presented for audit. Two additional bills were added to the general fund vouchers; to reimburse Angela Germany \$50.00 and one from Rogers Orchard in the amount of \$100.00. Both were for Trunk or Treat. The motion was seconded by Council Member Sturgess.

At 9:27 pm Supervisor Horton made a motion to adjourn. Council Member Sturgess seconded the motion. All of the board members were in favor of the motion; Horton, DeLuca, Sturgess, and Travis.

Submitted by the Town Clerk,

Linda Gilbert, RMC, CMC

General #'s 354 to 392 \$29,518.02

Highway #'s 128 to 142 \$36,626.31

Prepaid #'s 301 to 325 \$31,767.91

General Park #'s 99 to 103 \$784.89