

Caroga News Flash

Town Board Meeting Highlights

August 21, 2023

TownOfCaroga.com contains all issues of the ***Caroga News Flash***.

This special Town Board meeting at Town Hall began at 4:00 PM and lasted 80 minutes with 70 minutes in executive session with attorney consultation. Fifteen citizens attended the meeting.

Resolutions / Local Laws:

Contested Bond Referenda — The Board voted to comply with the August 17, 2023 *Memorandum and Order* of the New York State Supreme Court Appellate Division, Third Department in *Matter of Anita M. Long, Registered Voter in the Town of Caroga v Town of Caroga; Linda Gilbert, Town Clerk; and Scott Horton, Town Supervisor* (4-0 vote).

see <https://townofcaroga.com/2022-10222/5.appeal/cv-23-0720.13.memorandum.and.order.pdf>
<https://wowza.nycourts.gov/vod/WowzaPlayer.php?source=ad3/CourtSession&video=CV-23-0720>

The unanimous Court Order preserved and protected citizens' rights to petition and vote on bond resolutions in New York State towns. The Court emphasized, "[A]ny attempt to prevent a permissive referendum should be viewed with utmost circumspection since the right to petition the government is deeply rooted in our democracy."

Pro se appellant Anita M. Long brought the case to defend and validate voters' petitions—that requested voter referenda for bond resolutions passed in 2022 by the Town Board—after Town Clerk Linda Gilbert and Town Supervisor Scott Horton belatedly tried to void voters' petitions.

The five justices of the appellate panel held, "the plain and unambiguous statutory requirements applicable to a referendum petition (see Town Law § 91) were not followed here." In particular, "A town clerk has a statutory duty to accept and 'file all...papers required to be filed in his [or her] office' (Town Law § 30[2])", and by claiming to reject petitions 29 days later, Clerk Gilbert failed to comply with Town Law § 91's mandate "that a person wishing to challenge the petition must file a written objection with the town clerk *and* a verified petition in Supreme Court '*within five days after the filing of such petition*' (Town Law § 91 [emphasis added])." "Consequently," after the 5-day objection period ended, "the Town Board should have fulfilled its duty and made 'the statutory arrangements to fix a day for holding [an election] within the timetable prescribed by law'...(Town Law § 91)." Essentially, "the electorate should not be disenfranchised."

Therefore, the Court directed "the Town Clerk to immediately transmit to the Fulton County Board of Elections, for submission to the electorate at the next biennial town election to be held on November 7, 2023 (see Town Law § 80) a certified text copy of the two bond resolutions authorizing the issuance of serial general obligation bonds to fund the construction of a Town barn/highway garage (Resolution No. 2022-133) and a Town golf course storage and maintenance facility (Resolution No. 2022-134)."

This means that at the November 7 election, Caroga citizens will vote on phase one borrowing and building plans—as specified in 2022 by the current Town Board—with two ballot items:

- approve or reject borrowing for the **\$1,000,000.00 Town Barn** and
- approve or reject borrowing for the **\$450,000.00 Golf Storage and Maintenance Facility**.

Upcoming Meetings and Events:

<https://TownOfCaroga.com/calendar>

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