

State of New York
County of Fulton
Town of Caroga

Minutes of the Regular monthly Caroga Town Board meeting held Wednesday April 8, 2015 at the municipal building located at 1840 State Highway #10 at 7:00 pm with the following persons in attendance by Roll Call:

Supervisor Ralph Ottuso - Here
Council Member Robert Sullivan - Absent
Council Member Greta Frasier – Absent
Council Member Anthony Sturchio - Here
Council Member John Glenn - Here

Other town department representatives in attendance were Steve Jennings – Golf Manager, Pro, Greens Keeper, Jack DeWeese – Weed Harvesting Coordinator, Steve Putman – Highway Superintendent, Town Attorney David Jung, John Delesky – BTI Director, and Donald Travis – Building maintenance. There were approximately 79 members of the public in attendance.

Supervisor Ottuso opened the meeting at 7:00 pm. The roll was called. The flag salute was conducted. The reading of the minutes of the March meeting was not mentioned. He thanked everyone for coming out tonight when the weather is bad. He stated, “we are going to be doing Roberts Rules of Order again you will have 3 – 5 minutes to stand up speak, state your name and where you live and anything you want to speak about.

Public:

Jeremy Manning asked when Robert's Rules of Order were adopted. He noted you are supposed to vote on it. So we are not held to that tonight. Supervisor Ottuso explained that it was recommended to him use them.

Mr. Manning handed out a document on governmental immunity. This was one of the conditions talked about at the last meeting. The board was given a copy of the document. He stated that there were some zoning laws that were not followed. It is the Planning Board's job to take applications for subdivisions. This was not done. The point was made at the last meeting that the Sherman's property was illegally subdivided. At the last meeting it was suggested that the town has automatic governmental immunity in issues of zoning. That is not true. Mr. Manning quoted information from the James A. Coon Technical Series for New York State government. He noted there is a nine step process known as the Monroe Test that has to be done prior. This was something the board vote was predicated up this that is why he wanted to make it clear.

Eric Manning asked the board about the about the capacity of the septic system at Sherman's. There has been lots of speculation. Council Member Sturchio thought it was 6000 flushes per day. Supervisor Ottuso stated it is 5000. Mr. Manning met with the Health Department in Herkimer yesterday. It is rated by gallons per day. The system is permitted for 5000 gallons per day. This means that the system is not as big as believed. The design of the system was for the Sherman's property exclusively. Not for any additional flow capacity. It was designed for the input of sewage from two locations one the kitchen and ice-cream area and the banquet hall

bathrooms and the other from the exterior bathhouses. The system cannot be manipulated to take sewage from another location. He read one condition from the donation agreement “the donor reserves the right to have access to and use the wastewater treatment system the donor is donating to the town. The town shall make capacity available in the system to any future use of the two parcels identified in paragraph five.” In other words if the adjacent property were to be developed the donors right to use of the septic system supersedes the towns right to use the septic system. Not only would the town be responsible for the maintenance and upkeep of the system but the town would need to redesign and reengineer and rebuild the system to handle any additional flow. If they wanted to develop the area for a campground or any other use, and they wanted access to the septic system they are allowed to it. We must provide them capacity and make it available to them. Sherman’s would then be without any septic system.

Mr. Manning noted DEC’s zoning regulation for a campsite are a minimum of 1250 sq. ft. per lot. There are 80 acres back there. If only 20 acres were used for campsites they could have 696 campsites. If a mobile home park were developed back there they could have 174 mobile sites on 20 acres. He stated each campsite needs 55 gallons capacity per day per campsite. At 90 campsites we exceed the 5000 gallons. The current septic system is only designs and only used in its current location for its current usage. The banquet hall can only use 100 seats/meals per day Restaurant capacity is 35 gallons per day per customer. So if the town wants to lease out a fully operational restaurant we would be at risk of maxing out the system

Beth Morris asked how this was going to affect our pocketbooks. One question not answered is how is this going to get paid for? Block parties are not going to offset maintenance, insurance, or a lot of things we don’t even know about. At a previous meeting grants were mentioned. She knows professional grant writers and has been talking to them about what it would take for our town to receive a grant. “The first thing we need is our own appraisal. We can’t go by one Mr. Abdella gave us. In order to receive a grant the people requesting one have to show sustainability. We can’t show any because this is new.” We need to know how this will be paid for. “No one wants anymore surprises.” She asked him to level with us so we know what we are dealing with. Her statements are not to be taken as negative but out of concern and common sense. From here on out she wants the board to be transparent.

Barbara Lee has information on the appraised value of Sherman’s. The last time we met there were a lot of questions in the donation agreement that were not answered. Insurance - is the value of the contents included? Is there comprehensive insurance and when was it effective? What will the additional liability cost the town? Was a structural inspection done of the buildings on the property? What if any problems were revealed? She does not know if an inventory of the contents was performed. Have the contents been valued separately? She does not know if a separate and independent evaluation and inspection of the septic system has been completed or performed and if any problems have been revealed.

From her research of the donation agreement Mr. Abdella valued this donation at 3.1 million dollars. Mr. Abdella grieved the town’s assessment on the Sherman’s parcels in 2012 and stated at that point in time the most he was offered for the property was \$250,000.00. He requested that his assessment be set at that level. He was successful in his grievance and his assessment was reduced. In 2013 an individual [not to be disclosed] met with Mr. Ottuso and Mr. Abdella. He was interested in purchasing the entire property to develop an RV Park with 100 sites to be leased out at \$3,000.00 per site per summer. Mr. Abdella was offered \$275,000.00 for the property and he rejected that offer. The new full value assessment which was just completed by

the town set the total value of all of the parcels which comprise the Sherman's property including the parcels on East Shore Road, County Highway 112, parcels on Bath Ave. and the parcels on State highway 10 at a total of \$375,000.00 that is only 12 % of the appraised value set in the donation agreement. Why did the town accept the appraised value when there is nothing we have seen to substitute such a high amount?

Bob Ohlidal of 2222 State highway 10 stated there are a lot of people nervous that with the acquisition of Sherman's their taxes are going to go sky high again – 50% increases they are stating. He did a little homework. He called the towns of Stratford and Bleecker after their revaluation the taxes in their town actually went down. He looked into the taxes in this town for his property. The taxes have gone down four years in a row. He thanked Dorothy and Hank for the job they did on the revaluation. He thanked the board for keeping property taxes in line.

Dave Rorick of State highway 29A asked about the blue building on the Sherman's property. The pump for the septic and the well are over there. He is in control of that. He was concerned he would shut it down and there would be nothing the town could do about it. He could wind up with the buildings back after the town put all their money into it to get it up and running. He thinks there are too many loopholes in this whole process. He wondered why the board has not just dropped the whole thing with all the opposition they have heard.

Tony Toskas of S. Shore Rd. East Caroga noticed a lot of trees are down on the road and he wondered what happened to the logs. Are they being sold and is the town getting money for them? Supervisor Ottuso stated the Highway Superintendent will respond when he gives his report.

Scott Horton 264 S. Shore Road West Caroga noted all his life he wanted to come back to Caroga Lake. He loves it here. People come to meetings asking for something to be done to move forward, make things happen. Referring to the Sherman's acquisition - maybe it wasn't as perfect as possible but he is happy someone stood up and did something. He doesn't know where all the negativity is coming from. This is about taking something that is a fantastic gift and making it as good as possible for the community. Those of us that build homes and call this our home love it and are going to stay here. He is tired of the arrows being thrown at the board. He applauds the town board. It is not easy being up there. "If you don't like it- in November put your name on the ballot and run for office." This board and the previous board have done remarkable things to make this community better. This is another step. "If you have a legitimate complaint do it in a way that we are pulling the oars in the same direction." He is convinced that this will lower our taxes because the revenue we used to get was shared with the county and school district. All the revenues will go directly into the town coffers and there will be a lot more than we were receiving before. "We need to gather round as a community with what we have. This is a springboard to making this town better."

Lynn Delesky of 255 S. Shore East Caroga Lake Road requested that the town board consider a moratorium on any future dock permits along East Shore Road until the proposed survey is complete. She thinks this would save the town from being embroiled in future lawsuits.

Bill Bishop Newkirk Road Johnstown reiterated what Mr. Horton said. Sherman's can be an asset as we've seen in the past two years with the block parties, events, fireworks and everything.

The town was packed with people. He volunteers at these events and so do others from out of town. He wanted more people to volunteer and not complain.

Stan Putman Route 10 had a question for Supervisor Ottuso about rumors going around about Sherman's personally toward him. He heard that his big interest in this whole thing is the RV Park – could he straighten this out. When he gets to his report the Supervisor stated he would comment.

Shirley Holiday 2187 State Highway 10 asked what the board's plans were to blacktop this parking lot out here. It is all mud. The end of the building also needs to be taken care of as well. She stated that the golf cart paths 1, 2, & 3 need to be worked on. Mr. Jennings will respond during his report.

Cindy Marler asked if anyone found out who made the calls to cancel the citizens committee meeting. Supervisor Ottuso didn't have any information on this.

John Snyder has property on Green Lake Road. The town has done a lot to prevent invasive species by having the Lake Steward and weed harvesting programs. He heard the town has received grant money for boat washing stations and asked what the status was on that. Supervisor Ottuso will report on this later in the meeting.

Eric Manning responded to the question on the blue building. The Dept. of Health reviewed the donation agreement. "They were shocked that the town would go into contract under the conditions that we don't have access or ownership of the control panel and alarm systems in the blue building." The Health Department was not able to give him a cost of engineering the plans and building the septic system. George Abdella told the committee that he spend \$250,000.00 to engineer and install the system. He reiterated that as it stands now the septic system cannot be altered in any way to accommodate any other input. If additional toilets or a shower were added we would be encroaching on the capacity of our septic system. If Mr. Abdella wanted to develop the property and it is in the donation agreement that he is allowed to access and we are to provide capacity for the septic system. The town would have to bear the cost of engineering the plans and building a septic system to accommodate any sort of development on that property. Since it was building in 2001 for \$250,000.00 the project would be at least that amount.

Mr. Toskas stated we are getting into a corner here turning this situation into an adversarial relationship. He thinks everyone/ a majority thinks acquiring the property is a good thing. The concerns that people have is crossing the T's and dotting the I's on the agreement. He thinks this can be worked out easily.

Beth Morris understood that block parties are trying to be organized. Where does all of the money go from any of the town functions that are going to be held? Does it go to the Chamber or into the General fund?

Barbara Deluca North Bush Road agreed that the donation is one of the greatest things that has happened to Caroga Lake in a long time. She was born and raised here and things have changed significantly over the years. She thinks if we all work together instead of being advisories we would do a lot better in this town. It is her understanding that there is no precedent in the State

of New York for a donation such as this. We need to pool our resources instead of fighting with the town board and make this work for the town. She stated that she is also the Fire Chief and the fire department is very supportive of this whole acquisition of Sherman's and any events that go on there.

Department Reports:

Assessor – Mrs. Parker submitted a written report that letters went out and there are many questions which she is handling. She will come in to handle the many phone calls she received on Friday and next week. She has 5217 (sales) address changes, and exemptions to do by April 20th.

BTI – Mr. Delesky reported that he will meet with 5 applicators on Saturday to go over the 2015 BTI permit so they are able to treat now. It has been hard getting to the streams in their snowshoes. There is larva in the streams that he has been able to get to. As soon as they can get safely into the streams they will start treating.

Clerk/Registrar - Mrs. Gilbert gave the following reports Tax Collector- there are 333 unpaid parcels and 2495, more paid this year than last. She will return the books to the county tomorrow morning. The monthly Town Clerk Report was given to the board. The Annual NYSTCA Conference is at the end of the month in Rochester. I am being sworn in as President of the Association and ask for permission to attend. The board congratulated the Clerk. There was an inquiry from the Fulton County Health Department on our health officer's qualifications. They were provided with information on file in the office from the Assoc. of Towns.

RESOLUTION #2015-038 for the town clerk to attend the annual conference was offered by Supervisor Ottuso at the regular monthly meeting of the Caroga Town Board held on April 8, 2015 at Town Hall, WHEREAS, the Town Clerk did discuss with the board at the March meeting the upcoming annual conference of the New York State Town Clerks Association meeting, and WHEREAS, Linda M. Gilbert is being sworn in as President of the Association which offers educational opportunities for all 932 towns in the State of New York, now therefore be it RESOLVED, that the clerk is hereby authorized to attend the conference with expenses coming from A1410.4. Council Member Sturchio seconded the motion.

ADOPTED by a vote of 3 Ayes – Ottuso, Sturchio, Glenn

Code Enforcement & Sanitation – No Report She is out due to a surgery. She will be back in the office on April 13. She is working from home.

Dog Control – No Report

Golf Course – Mr. Jennings noted 2 1/2 weeks ago he conducted the Jr. classes at the Wheelerville elementary school for five days. A new mat was purchased for them to use indoors. He took a lot of pictures and the kids learned a lot. The kids will come up to the golf course when the weather gets better. All the equipment stored inside is ready to go. He did cut a bunch of oak and cherry trees down. Should this go out to bid? Mr. Putman stated the last time it went out to bid no one responded. This wood is available for the public to take. Mr. Putman

stated if he needs help just give him a call. There was a pine tree down across #9. He will get rid of it. Last fall a ton of rocks were removed from the cart paths.

He showed the board information on Foot Golf, a combination of soccer and golf. It is a new nationwide game. Council Member Glenn had heard about it. The nearest course is in Poughkeepsie. For every golf hole there are two soccer holes. There could be 18 holes on the back 9 for soccer. It is played on certain days a specific times when your course, There are leagues it is just catching on. The cost is \$4,600.00 for them to come out and map the course and provide holes, flags, balls. The holes are not on the greens but off to the side. The cost to play is \$10 - \$15 per person. This is something we might want to look into. It is not a huge investment but not currently in his budget.

Mr. Jennings has met with four dealerships on Win a Car Wednesday. He will have a car for June 6th the make a wish tournament in memory of Garth Hillier.

He hopes to open by the end of the month.

Highway– Mr. Putman stated the area he dug up on the cart path was left in better shape than he found it. As far as the wood along the roadways that were cut it was done in conjunction with National Grid. That saved us money. He asked anyone with questions to contact him anytime at his office or after this meeting if they have questions.

Hohler Road is in bad shape. He received notice from the police and fixed our 150 yard section. Most of the road is in Bleecker. People then came in with four-wheel drive trucks and dug up the road again. Unfortunately the people who live on the road did not place a second call to report the trucks damaging the road.

Mr. Putman found out that the CAT Grader for the past 43 years has been licensed under the Village of Corinth.

Mr. Putman discussed the condition of the dump truck. He also noted the sweeper is old and he will be looking into replacing it.

There was severe damage on the pole barn due to ice and snow. A claim was filed with NYMIR to have the barn repaired. They assessed the damage at \$10,332.72. They will send a check out to the town for \$7841.33 to start. When the job is completed the town will get the full amount.

Town Hall Building–Mr. Travis reported the necessary work has been completed on the boilers. He called the NYS Dept. of Labor Boiler Safety to come back to re-inspect.

Weeds– Mr. DeWeese is waiting for spring. No Report

Youth– Supervisor Ottuso asked if Rachael Simonds was here this evening. They were talking to her about the youth director position for this year.

Blight– 3/31/15 Press Release from KMVB kickoff starts April 1st looking for places that need to be cleaned and volunteers to get the job done. This template could be used to get our program going. Supervisor Ottuso showed the distinguished service award the town received from the KMVB. Council Member Sturchio noted there is a blight meeting scheduled for April 20th at 7 pm.

Supervisor's Report

Supervisor Ottuso first answered the questions from the public.

The RV Park “I have no interest in an RV Park, never had an interest in an RV Park.” Stan Putman commented, “A year from now you ain’t going to open something. Because a year ago people were saying we acquired Sherman’s. That came true. Sherman’s did not come about 3 months ago. This was talked about years ago. Sometimes you don’t always tell the truth.” Supervisor Ottuso again stated he was not doing anything with a RV Park.

Block Parties and other events will be run by the Chamber. What the town is looking to generate income is by having town events there. He noted the Chamber is still going to have to have their insurance as a binder. The revenue the Chamber makes is what they make. There is probably going to be some sort of a fee to use the facility.

Someone asked about insurance “I met with NYMIR on Monday or Tuesday and they went through all the buildings, they came up with figures on values and stuff like that.” Right now there is just liability insurance. This is at no charge to the town. There will be additional charges for insurance for the structures. He should have these figures sometime next week.

The alarms on the Septic system- Supervisor Ottuso stated they are in the Sherman’s building. He was there the alarm was going off - lights on. He was there and checked it out. He called Guy Parenti to discuss them with him. The alarms are there when you walk through the kitchen set up across there. He further stated that he did not know if they were the actual alarms for the septic system. But they are for the pumps on the property. Eric Manning stated the septic alarm is in the blue building he saw the plans. Supervisor Ottuso stated, “I just know that these alarms are here.”

Barbara Lee had asked about the contents and inspections. Supervisor Ottuso responded that the state would have to do an inspection on the carousel. “We’ve contacted them and will wait for them to get back to us on that inspection.”

Plans for blacktop – Supervisor Ottuso has discussed this with the highway superintendent to do when he is doing other work in town. He would like to seal the driveway also.

Moratorium on dock permits - Chris Voss called him last week and said as soon as the weather breaks up here they will start doing that survey. “Then I am sure stuff like that will come about.”

Supervisor Ottuso then stated, “This whole thing with the Sherman’s is it’s been getting way out of control. OK, you listen to one side then you hear another side. The only thing we as a town board can go by is what the State Comptroller tells us and what the Assoc. of Towns tells us and that’s what we did. There was no wrong doing in this. I am the Chairman of the Board of Supervisors this year. There are several negotiations going on in the county that aren’t public knowledge. You cannot negotiate in public. Nothing will ever get done. That is why you put us folks here to make these decisions. OK. Come November it’s all up to you whatever you want to keep us here or if you don’t want to keep us here. We’re here to put these decisions, make these decisions for the town. The decision of the Town Board was to accept Sherman’s and that is what we did. As far as I’m concerned we’re moving forward. We are going to make things happen in this town.” He noted the building is gorgeous. “And Yeah is it going to cost money? Hey did anyone say anything when we started the golf course here? Did it take time to get it up and running and cost money? Absolutely it did, does it make money for the town – yes

it does.” The supervisor noted you don’t go into business and start making money the next day. You have to work towards it. “I feel this is what this board is doing – working toward a better plan for the Town of Caroga. After everything settles, and we get everything worked out, which we are doing I think when we have the events there, and people are smiling and enjoying the Town of Caroga – I think the naysayers are going to be really pleased with it.” He noted the Memorial Day flower sale already has 60 vendors signed up to set up a booth. At that point Sherman’s will be opened for people to go through and look at. He thinks people will say this is a great idea and good for the town.

Boat washing – Supervisor Ottuso was contacted by John Perish. “We got three boat washing stations through a grant. I will have the letter of confirmation – they were waiting for (Gov.) Cuomo to sign the paper work. I will have the letter of confirmation on Friday.” The plan is one at West Lake boat launch, one at the Caroga Lake Marina, and one that is portable. They are all self-contained units.

Things are moving forward and onward. That is what we need to concentrate on. “Myself as a supervisor that is my plan. I believe my board is behind me on that. They want to see things move forward and that is exactly what we are going to do.”

New Business:

Use of Building by CLPA Board of Directors on Sunday August 23 was requested by Dave Graves. He does not have room at his home to hold the meeting. The general meeting is in July.

Supervisor Ottuso stated, “If anybody ever needs to use the town hall for anything – this is your town hall.” He encouraged use of the park and pavilion across the street.

Correspondence:

Notice of Training requirement for member Mark Ford. He is registered for the training.

Landmark Dividend – Cell Tower Lease

NYMIR 3/6/15 report on recent visit – the board received their written report.

Pinnacle Restaurant notice of application to State Liquor Authority

The AOT – Municipal Energy Program information came in.

Fulton County reminder of that 1st quarter assessment is coming due

Jennifer Smith – email regarding website to John Unser

Mr. Putman asked the board for a resolution to solicit bids to repair the pole barn. He stated he will receive an official confirmation from the insurance company.

RESOLUTION #2105-039 to solicit bids to repair the Town Highway Pole Barn was offered by Council Member Sturchio at the regular monthly meeting of the Caroga Town Board held on April 8, 2015 at Town Hall, WHEREAS, The Highway Superintendent- Steve Putman notified the board about damage to the pole barn at the highway garage, and WHEREAS, Mr. Putman contacted the town’s insurance agent and has received a verbal go ahead with written notification to follow, now therefore be it RESOLVED, that the Caroga Town Board does hereby move to solicit bids to replace the 26 Gauge Galvanized Steel Exterior siding and to replace the 2 x 4 cross supports as needed. The bid shall include all labor and materials and once

awarded the bidder shall complete all work within 30 days. Supervisor Ottuso seconded the motion.

Adopted by a vote of 3 Ayes – Ottuso, Sturchio, Glenn

Mr. Jennings asked if the town could borrow the digital “this is your speed” signs for Memorial Day to put near the golf course. Supervisor Ottuso will call the Sherriff Department to see if one is available.

At 8:20 pm Supervisor Ottuso made a motion to go into an executive session for employment history. Council Member Glenn seconded the motion. All board members were in favor of the motion.

At 8:52 pm Council Member Sturchio 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 was no further action or decisions forthcoming as a result of the executive session.

Council Member Glenn made a motion to pay the bills as presented for audit and to accept the minutes of the March 11, 2015 meeting. The motion was seconded by Council Member Sturchio. All board members were in favor of the motion.

The board discussed foot golf briefly. The clerk stated that if 460 people play the course it would pay for itself. Supervisor Ottuso thought it was something to be looked into. Money could be found out of Mr. Jennings budget. Council Member Glenn suggested watching and seeing how the other course does with it.

Supervisor Ottuso is still looking for quotes to repair the south end of the building. John Lucas was here for two hours yesterday. He said he would call with a verbal quote for this meeting. Nothing was received.

At 9:01 pm Council Member Glenn made a motion to adjourn. Supervisor Ottuso seconded the motion. All board members were in favor of the motion.

Respectfully Submitted,

Linda M. Gilbert, RMC, CMC
Town Clerk