

State of New York
County of Fulton
Town of Caroga

Minutes of the Regular monthly Caroga Town Board meeting held Thursday May 7, 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 - Here
Council Member Greta Frasier – Here
Council Member Anthony Sturchio - Here
Council Member John Glenn - Here

Other town department representatives in attendance were Lita Hiller, Budget Director and Secretary to the Town Supervisor, Town Attorney David Jung, and John Delesky – BTI Coordinator. Also in attendance is Sal Ferlazzo of Girvin & Ferlazzo. There were approximately 120 members of the public in attendance.

Supervisor Ottuso called the meeting to order at 7:00 pm by asking for the roll to be called. The flag salute followed. The reading of the minutes of the April 8, 2015 meeting was not mentioned.

Supervisor Ottuso then called for a motion to go into an executive session to discuss a legal issue. Council Member Frasier made the motion at 7:01 pm. Council Member Glenn seconded the motion. All Board members were in favor of the motion. During the executive session the meeting was moved from the meeting room to the gym due to the number of people in attendance.

At 7:22 Supervisor Ottuso called the meeting back to order. He stated that Sal Ferlazzo was going to answer questions. “But I think once he tells you what we’ve come up with, I think it’s going to make a lot of people happy in here that weren’t happy about this whole Sherman’s deal.”

Mr. Ferlazzo stated that he is an Albany attorney. The clerk interrupts to ask who made the motion to exit from the executive session. Council Member Frasier stated she made the motion. Council Member Sullivan seconded the motion. All board members were in favor of the motion.

Attorney Ferlazzo was the plaintiff’s attorney in the Herms case. He has also works with the town on tax certiorari cases also. He got brought in a couple of weeks ago to evaluate what is going on. The issue came up about a donation agreement and a petition/lawsuit. It is his recommendation that the town rescinds the resolution that it passed on March 11th 2015. On the issue of how a document was signed without board approval. “Town law does require that the board acts as a board. One person is not a board. That person’s signature is insufficient to bind the town. It’s best to have a meeting before you sign, but sometimes you need to take quick action to accept something or not take something.” He stated there is a doctrine called ratification. Which means after something is done you can approve it afterwards if the full board approves it? You run the risk that it won’t be ratified. Balboaa ran the risk that this situation

would not be approved. He has gone to the Appellate Court in Herms and the court used that concept – ratification in that case. He looked at the issues that the committee brought up. “There were some excellent points that were made.” It clarified a lot of the questions and concerns. “That donation agreement was fairly tricky and it had a lot of restrictions. The town could not transfer the property. There were all sorts of bells and whistles that would have required some time and thought process for everyone.” “It is my recommendation – and I have a resolution that I am going through with you, but I believe I am going to recommend that the board does reject the donation agreement.” The lawsuit, which currently seeks to vacate and terminate the donation agreement, may go away because he is going to recommend that they not accept the donation agreement.

Interestingly the deed itself is free and clear. The land in the deed is unconditional. There aren’t any restrictions there are no bells there’s no whistles. The deed that was drafted by David (Jung) and signed by Mr. Abdella contains no restrictions nothing that is part of the donation agreement. “What I think the town has the right to do if it chooses is to pick and choose. Get rid of donation agreement and to accept the deed. The deed is free and clear. There have been a lot of questions about permissive referendums. I’ve had a fair amount of experience with permissive referendums. I sued the town of Colonie when they put the dump in because I said they could not lease land to an operating company because that is in violation of Section 64 of the Town Law. Town Law 64 Section 2 does say you have a permissive referendum potential – and there was a petition, and that petition was a nice petition. It’s great that so much public.... energy is here. It is amazing to see so many people here.” “There is not an obligation on the board to do a permissive referendum unless you are establishing bonding,” if you were borrowing money under Town Law 81 and 220. “However Section 8 of 64 specifically says – and I checked this with the Association of Towns, and they confirmed with me that was the case.”

Again I am going to recommend the donation agreement is gone. One of the things that can’t be gone is Planning Board approval. “I do agree with the committee -the lawsuit which recommended that there should have been Planning Board approval – and I agree.” You can’t break up parcels before the Planning Board does that. “What I am recommending if the board does accept this as a conditioned on Planning Board approval.” If the Planning Board approval is not granted then in that event the deed should be returned. Again this is something mentioned in the lawsuit. Mr. Ferlazzo then reviews a resolution that he has drawn up.

RESOLUTION- WHEREAS, the Town Board of the Town of Caroga passed Resolution 34 of 2015 on March 11, 2015, approving the Donation Agreement between the Town and Balboaa Land Development dated December 29, 2014; and, **WHEREAS**, the Supervisor executed the Donation Agreement on December 29, 2014, and the Town accepted a Deed dated December 30, 2014 and filed with the County Clerk on December 31, 2014; and, **WHEREAS**, the Deed and the TP-5217 transfer document for said deed are annexed to this Resolution as Exhibit “A”; and,

WHEREAS, the Town Board for the Town of Caroga desires to clarify the intent of the Town Board concerning the actions by the Supervisor in executing certain documents and with respect to the rights and responsibilities of the Town in accepting the real property from Balboaa Land Development at no cost to the Town,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Caroga hereby rescinds in all respects Resolution Number 34 of 2015; and, it is further **RESOLVED**, that the Town Board, subject to conditions described herein and made a part hereof, ratifies the action taken by the Town Supervisor to accept the Deed and to execute all

transfer documents related to the property identified in and annexed hereto as Exhibit "A" free and clear of all rights and responsibilities as an unconditional donation from Balboaa Land Development at no cost to the Town of Caroga; and, it is further **RESOLVED**, that the Town Board confirms that by withdrawing Resolution Number 34 of 2015 that the Town's intent is to clarify that the Town is not bound by any of the terms of the Donation Agreement dated December 29, 2014, and that the Town is accepting the donation of the real property in Exhibit "A" without any of the conditions or terms provided in said Donation Agreement; and, it is further **RESOLVED**, that the acceptance of donated property under the Deed annexed as Exhibit "A" does not require any bonding or financing on the part of the Town and, therefore, under Town Law sections 64(2) and (8), 81 and 220, there is no obligation on the part of the Town to hold or to allow a Petition for a permissive referendum as a condition of accepting said donation; and, it is further, **RESOLVED**, that the final acceptance of the real property donated under Exhibit "A" to the Town is conditioned on approval by the Town of Caroga Planning Board to grant subdivision approval for any parcels formerly owned by Balboaa Land Development which require Planning Board approval in order to lawfully subdivide the parcels that are subject to Exhibit "A"; and, it is further, **RESOLVED**, that pending a determination by the Planning Board on said subdivision application that the Deed (Exhibit "A") filed in the County Clerk's Office shall remain filed so as to protect the Town's rights to the right, title and interest of said donated land and that in the event that the Planning Board does not approve the subdivision application to conform to the descriptions of the Deed in Exhibit "A", that the Supervisor is directed to execute all necessary transfer documents to return the land in Exhibit "A" to Balboaa Land Development.

Attorney Ferlazzo stated it took a couple of months but we got to where the law and the intent of the town board appear to be consistent.

Barbara Lee – I assume that you are aware that the APA has become involved in this because there are wetlands involved in the subdivision issue and a permit was not acquired for that subdivision because of the wetlands. How does that tie into this? Attorney Ferlazzo stated they would be given notice of the application before the Planning Board. They will be a necessary party to be part of the proceedings as they should be. She asked him to explain what if any recourse Mr. Abdella has at this point in time.

Attorney Ferlazzo stated – he has the right to say, gee, I had a donation agreement and you breached it by not... you signed it but then we have the right to say we don't believe you had the lawful authority to sign it. Or he could say gee I didn't mean to give you the deed without all the bells and whistles. But the law is pretty clear it the merger doctrine. Thirdly it is his understanding that he is OK with the things being done under this resolution. "He didn't see the resolution but apparently he signed the deed he is a lawyer – a smart man."

It was asked could the town sell the property now. Attorney Ferlazzo responded, "Yes, it can do whatever it wants. But they need a permissive referendum if they are going to sell it." Section 64 –2 says if you lease or transfer land once it is owned by the town then you have to give a notice of permissive referendum." There are no restrictions in the deed – David (Jung) drafted it and he really protected the town. The town is fully protected there isn't one restriction – nothing in that deed other than just taking care of it.

Council Member Sullivan asked about leasing the facility – Attorney Ferlazzo replied if you lease the facility then you need to do a notice of permissive referendum. The law is a little unclear as to what an operating agreement is vs. a lease. He related a case about the dump in the

Town of Colonie and a lease agreement, which was changed to an operating agreement. He took them to court. It still looked like a lease but the appellate court deemed it an operating agreement. If it is a true lease you need to do ... a notice of permissive referendum. What you do is the board can approve it and then the Town Clerk has to file a notice of permissive referendum. Which just says if enough people don't want that to occur you can petition and force a vote. If there is a sale or a lease that is exactly what you have to do. You have the right as the public to be fully involved in this property. The property can be sold right now there's no restriction of record on that property.

Public: What happens now with the article 78 that was filed? That is up to Barbara Lee and the people who brought it. "I think if the board passes this resolution they probably won't have to worry about more legal fees from me." He will talk to Attorney Lee tomorrow – she has to analyze – the board has to pass it first. If they do approve it then I think the major parts of the lawsuit would get rid of the donation agreement and this does that.

Public: What are we going to do with it – are we going to make money with this or is it going to cost the town? Supervisor Ottuso stated – that's the plan, the plan is to have events there make money with it, you know, we can't lease it without a permissive referendum but we can have an operating agreement with somebody that wanted to do weddings there.

Public: What is the condition of the place – plumbing heating? Supervisor Ottuso stated Mang's been through it – our insurance company and we just got insurance on all the buildings so. They go through it and look at it. They gave us an insurance policy on it. We are in the infancy of this. Council Member Glenn stated, "It is... 4.1 million dollars has been evaluated by the insurance company. And we've got this wonderful gift. We as the town have to come up with a plan for what we are going to do with it."

Supervisor Ottuso stated it is a major part of the Comprehensive Plan for town center to have that as a town center for everybody to use and enjoy. For people who don't have access to the lake now have access to the lake.

Public: Why can't we have a vote on it? People don't want it. Attorney Ferlazzo stated if people don't want it you could express your opinion. If you don't want it, go to the Planning Board and try to get the Planning Board to reject it. The issue is there is no mechanism in town law in his opinion. If the lawsuit wants to continue that can happen too.

It was asked why this gentleman did not want it. It was noted there is no money in the budget for it. How are we going to maintain it and invest in it?

Attorney Ferlazzo stated that town has certain rights to subdivide its own land that are a little broader than the public. If necessary the town could cut off some pieces and sell it to other people and use it to fund the big nut. That option was not there before it's there now.

Public: How will that work with the septic system and with Balboaa having the electric and alarms system in their building? There will have to be some type of discussion about an operating agreement. We are starting from strength – instead of being tied together with a donation agreement we are now on equal footing. They may need us - we need them... its horse-trading. We are dealing from a power position. The town board has the bargaining position. It

can choose not to do anything – just take the land that it has use the land it has with no obligation at all.

Public: We don't even know if the septic system is working We don't even know if it can handle the capacity of Sherman's' How much is a new waste system going to cost the town and if it is not big enough – if we don't have enough land now and we have to buy land who are we buying it from and how much will that cost? The bottom line is the dollar. Everyone wants to know how much this is going to cost each and every one of us! Attorney Ferlazzo stated the town has the right of eminent domain just like school districts. "If there is extra land that it needs it can take the land? It will pay fair market value." The town can obtain it by negotiation or imminent domain.

Council Member Sullivan noted one of the committee members did the investigation on the capability of the septic system it is designed exactly for what Sherman's is no more. Do we know if it works or if there is a break in the line? – No we do not.

Supervisor Ottuso stated we have complete control of that place now. The alarm system and the power that's the negotiation with the blue building.

A resident stated, "I think what the people want is a plan. A plan that is written down with some ideas of where we are going to go with this. We have it now but we do not have a plan."

Council Member Sullivan – "I am going to be honest with you – from my point of view – I can't do that myself either and I am not sure that the entire board can. Are we going to need input? Absolutely." Supervisor Ottuso stated that is where the Planning Department comes in because obviously they have a Comprehensive Plan and that is the big part of it. That document explains what Sherman's was designated for as the town center of the Comprehensive Plan. Supervisor Ottuso stated when he went to a meeting two years ago for the Comprehensive Plan he stated this revolves around the town owning Sherman's and the Planning Board confirmed that. The dream is a reality.

A resident asked Mr. Ferlazzo what was meant about the tentative bargaining position. He asked if there was going to be negotiations with Balboaa for another agreement. Mr. Ferlazzo stated that it doesn't imply anything. Anybody can approach the town and want to participate in an operating agreement for all or part of the land. "Before the donation agreement had all these restrictions, and then we got the land – so it was a bargaining position because both sides had something – now we have all the land and no obligation. "If someone wants to do something they are going to have to pay for it. It will have to be passed by the whole board with your input." We are getting just the asset without any liability. "Yes that much property can cost some money and there is a questions as to what to do with it." The only thing the board is approving is the acceptance of the land.

Mr. Fielding thanked the group here, this community - we all work together to make it the best place we possibly can. This shows when we see something not going right we all get together to fight for what we think is right – like when they tried to take the school away years ago. He also commended the Town Board – they may have made a mistake, they hired legal counsel to maximize this and now we have come together as a town. Now what we need to do if we are going to take Sherman's we have to make it something that everybody sees is an asset to the

community. It is going to take a lot of work by the Town Board. Now there has to be more than one meeting a month. Now we need to have business or operating manager to oversee this project. He wants to see everyone get together to fulfill this dream. He thought we should work with the Planning Board on this. Mr. Fielding noted we still have the opportunity to get rid of this whole thing. He recommended that the board accept this resolution and put this behind us. "Let's make Sherman's everything it possibly can be."

Mr. Bishop noted the past events at Sherman's – the Block Party, Fireworks, the Plant Sale and BBQ's. These events help the town to thrive. He wanted to work together and get things going. We need a fresh start not all this negativity.

Mr. Oathout noted this group getting together is not a negative thing. "We are looking out for the best interest of Caroga Lake. We want to know what it is going to cost us, what it is going to cost our children and future and what the future of that place down there is going to be." It will never be what it was. It can be something great but we have to do it the right way and we have to make sure all the citizens in Caroga Lake know that it is being done correctly, not railroaded. We need to know the cost of what it is going to be. So no one can point a finger because we don't know what the septic system was, we've learned that the system will only cover Sherman's area not the RV Park. If we went ahead with the recommendations that were made by the board when we signed that agreement we'd be buying Abdella some septic tanks." He did not think that was right. Council Member Sturchio stated we just got rid of the proverbial noose that the old agreement held and we have some time to breathe now.

Council Member Sullivan wanted to propose a resolution.

Another question was asked – Mrs. Sullivan asked about someone leasing the building for a restaurant. Mr. Ferlazzo commented that the town can authorize a one day permit but if you are going to have a company use that land on a regular basis and they are going to have access and control – that is the type of lease that has to have a permissive referendum resolution. Mr. Ferlazzo stated that he hardly sees permissive referendums – we are one of the first towns, he admired the fact that everybody got out there and got signatures. He has been working with towns for over 20 years. If they lease it to someone who you don't like then you can do it. "You control the ultimate leasing or sale of that property." She asked about having alcohol on town property.

Mrs. Holliday noted that the town has not budgeted one penny for this. Mr. Ferlazzo stated "correct this has to be out of surplus." The budget has to be amended to allow for costs such as mowing. Next year you will learn about this when there is a line item.

Mrs. Lee noted the problem with the RP5217 and the lots listed on it are not correct. Mr. Ferlazzo noted it has to be corrected with the subdivision approval and he saw the letter from the APA obviously we need full approval before this is final. "There is a difference between void and void-able. Certain agreements are void due to prejudice being involved. Certain agreements are void –able and this is one of them – if we can't get a full approval of the Planning Board then it's got to go away and we are at square one, and we have no bargaining position. You are right.

A resident noted we've beat this enough. It is time for the board to take their vote and we will start over again. He is hearing an awful lot of what if's but thought it was time to move on.

A resident thought it was sad we had to hire another attorney when the town already has one who could give the town a recommendation. She noted that she was again assessed this year so when you talk about where the money is going and coming from it is from us. She is happy to pay here dues if it is across the board and even.

A resident noted in the original agreement there was a lot of liability in it. The nullification of the agreement takes the liability away and gives us an opportunity. The cost of mowing a lawn the septic system issue aside, if we can't find a way to generate revenue from Sherman's then we don't deserve the property. Let's not worry about the small stuff. We have really big stuff. The liability surrounding the agreement is gone. Now we have a piece of property – let's do something really cool with it and make some money – put Caroga Lake on the map.

Council Member Sullivan stated he was making a motion and Council Member Glenn seconded it but first Council Member Sullivan said "this board cannot really manage this property." We are going to need some outside help, without a doubt, with some consistency. "There are three people on this board that may not be here in January that is not consistency." There needs to be a committee or a development corporation or something along those lines.

Council Member Frasier stated in the last four years of planning events on that property it is a full time commitment. If you people want to see this property do what we've shown in four years that it can do... She gets emails every day from people who want to know when the next event is so they can plan their summer vacations. It's working. She agreed that an event/facility manager planner is needed to make this happen. "This is a serious undertaking. It will happen you have to believe in it."

RESOLUTION #2015-040 to rescind all respects of Resolution# 34 of 2015 and ratify actions taken by the Town Supervisor was offered by Council Member Sullivan at the May 7, 2015 Town Board meeting held at 7 pm at Caroga Town hall, Council Member Glenn seconded the motion on this resolution drawn up by Attorney Sal Ferlazzo as follows:

WHEREAS, the Town Board of the Town of Caroga passed Resolution 34 of 2015 on March 11, 2015, approving the Donation Agreement between the Town and Balboaa Land Development dated December 29, 2014; and, **WHEREAS**, the Supervisor executed the Donation Agreement on December 29, 2014, and the Town accepted a Deed dated December 30, 2014 and filed with the County Clerk on December 31,2014; and, **WHEREAS**, the Deed and the TP-5217 transfer document for said deed are annexed to this Resolution as Exhibit "A"; and,

WHEREAS, the Town Board for the Town of Caroga desires to clarify the intent of the Town Board concerning the actions by the Supervisor in executing certain documents and with respect to the rights and responsibilities of the Town in accepting the real property from Balboaa Land Development at no cost to the Town,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Caroga hereby rescinds in all respects Resolution Number 34 of 2015; and, it is further **RESOLVED**, that the Town Board, subject to conditions described herein and made a part hereof, ratifies the action taken by the Town Supervisor to accept the Deed and to execute all transfer documents related to the property identified in and annexed hereto as Exhibit "A" free and clear of all rights and responsibilities as an unconditional donation from Balboaa Land Development at no cost to the Town of Caroga; and, it is further **RESOLVED**, that the Town

Board confirms that by withdrawing Resolution Number 34 of 2015 that the Town's intent is to clarify that the Town is not bound by any of the terms of the Donation Agreement dated December 29, 2014, and that the Town is accepting the donation of the real property in Exhibit "A" without any of the conditions or terms provided in said Donation Agreement; and, it is further **RESOLVED**, that the acceptance of donated property under the Deed annexed as Exhibit "A" does not require any bonding or financing on the part of the Town and, therefore, under Town Law sections 64(2) and (8), 81 and 220, there is no obligation on the part of the Town to hold or to allow a Petition for a permissive referendum as a condition of accepting said donation; and, it is further, **RESOLVED**, that the final acceptance of the real property donated under Exhibit "A" to the Town is conditioned on approval by the Town of Caroga Planning Board to grant subdivision approval for any parcels formerly owned by Balboaa Land Development which require Planning Board approval in order to lawfully subdivide the parcels that are subject to Exhibit "A"; and, it is further, **RESOLVED**, that pending a determination by the Planning Board on said subdivision application that the Deed (Exhibit "A") filed in the County Clerk's Office shall remain filed so as to protect the Town's rights to the right, title and interest of said donated land and that in the event that the Planning Board does not approve the subdivision application to conform to the descriptions of the Deed in Exhibit "A", that the Supervisor is directed to execute all necessary transfer documents to return the land in Exhibit "A" to Balboaa Land Development.

Adopted by a vote of 5 ayes, Ottuso, Sullivan, Frasier, Sturchio, Glenn

The public asked for a roll call vote as follows:

Council Member Sullivan - Yes, Aye

Council Member Frasier- Aye

Council Member Sturchio – Aye

Council Member Glenn – Aye

Supervisor Ottuso – Aye

Department Reports:

Assessor's Report – Supervisor Ottuso announced that Mr. Parker was in critical condition at the hospital so Dorothy has been there for the last week. Our thoughts and prayers are with them.

Council Member Sullivan noted the re-assessment is designed to be fairer across the board. But if you have lake front property it is worth more. Our budget is 3 million dollars. According to our governor he does not want that to change more than 2% so we have a cap. Some people's taxes will go down because they were over assessed before. Some are going to go up because they are under assessed. Some people are going to be the same. That tax rate is going to go down that is guaranteed because our total budget dollar cannot change more than 2%. Supervisor Ottuso has received a lot of calls on the assessment. "You are looking at the assessment and saying it went up what your assessment did was go from 47% assessment to 100% assessment. This is what the town assessor feels is the full value of your home." It was noted that we don't know the equalization rate yet. But our goal is 100%.

One resident noted 3 years ago he was reassessed for a parcel on the lake but not everyone was reassessed. Another resident spoke to Mrs. Parker about inaccuracies on his data. He is trying to reschedule and appointment to show her his proof of an inventory inaccuracy but she is not available. What does he do? We hope she will be back in before Grievance Day. Mrs. Parker's clerk will be in on Monday to try to help out.

Another resident noted that everyone is at 100% but that does not mean that you will be paying taxes at the same rate. People are assuming that if your assessment went up 50% they assume their taxes will go up 50%. The board confirmed that is not the case.

The assessor clerk noted that if you fill out grievance forms a lot of people are mailing them in and they are not complete – by the time she sends them back.... She noted all four pages have to be filled out. Grievance Day is 4 – 8 pm on Tuesday May 26th.

BTI – Mr. Delesky reported that they have treated 150 streams at least once if not twice. The streams are drying up which is good – the black flies die. They began on April 12th.

Clerk/Registrar Tax Collector – Linda Gilbert presented the tax books for audit. She noted the new signage for Access for the Disabled. I obtained a quote for a redesign of the town website from Virtual Towns & Schools. A total redesign one-time expense was \$2,500.00 the annual expense would be \$1,500.00. I received a scholarship to the IIMC conference May 17 – 20th the any additional costs will be paid by the clerk.

Code Enforcement & Sanitation – Shelia Yates reported income from permits for the month is \$1444.75 from March 11, to May 7th. The permit fee increase has helped. She wanted to schedule a BLIGHT meeting. She received an email from Val Scribner re: work on the septic at the golf course. She stated it was a minor repair.

Dog Control – Mr. Dutcher called in a report stating he received 7 calls for the month and that he issued 2 tickets. The clerk noted a lot of delinquent renewal and stated that tickets should be written.

Golf Course – No Report

Highway – Mr. Putman submitted a written report this month. He requested a resolution to have Morey Road Extension be surveyed and marked from the end of the pavement to the state gate. According to NYS Police the town board and Attorney need to start proceeding against “Johnson” to have a judge remove the barriers. If Mr. Putman removes them without a judge’s order then he is liable.

Mr. Putman asks when the new lights and other electrical work will be done at the highway barn.

Mr. Putman wants to move forward with the plans for a new Highway Garage and Salt Storage Shed.

The highway Superintendent would like to make a new town law that garbage is to be placed in sealed containers not to exceed 20 gallons. This will eliminate garbage being spread around the front of residences. If there is noncompliance the law would contain a minimum fine of \$250.00 for littering.

He lastly asked when the bid opening scheduled for the second Wednesday of the month will be opened for the necessary repair work on the highway pole barn. Supervisor Ottuso stated a work session could be held not a meeting to open the bids at 7 pm.

Council Member Glenn asked Mr. Briot of the Nick Stoner Snowmobile club to explain what is going on with the Morey Road. The landlord up there Charlie Johnson from Oppenheim closed off the road to anyone who wanted to use it last fall. The trail is known as corridor 8 trail on the maps for snowmobiles. The club has a stewardship with DEC in Northville to maintain the trail. He has completely stopped people from going up there.

RESOLUTION #2105-041 to have the Morey Road Extension surveyed was offered by Council Member Sullivan at the May 7, 2015 monthly Caroga town Board meeting.

WHEREAS, Steve Putman notified the board that a resolution to the situation on the Morey Road Extension was needed, and **WHEREAS**, Mr. Putman asked the board to have the road surveyed from the end of the existing pavement to the state gate on the west end of the Road, Now therefore be it **RESOLVED**, that the Caroga Town Board does hereby move to hire Ferguson and Foss to survey, and be it further resolved that any additional mileage be documented for CHIPS funding. Supervisor Ottuso seconded the motion.

Adopted by a vote of 5 Ayes, Ottuso, Sullivan, Frasier, Sturchio, Glenn

Mr. Briot noted on most of the deeds up there the road is the boundary for the property. This would re-access our road.

Sue Ringanese asked if East Shore Road was going to be paved again. It was torn up two years ago. Supervisor Ottuso noted that the governor put out another 50 million dollars more due to the severe winter. That up'd our CHIPS money \$13,000.00. The board cannot say what roads will be done yet. He should have a list at the June meeting. Council Member Sullivan spoke with Mr. Putman recently; he was waiting to see what happens tonight with the Sherman's property. There has been talk of changing the traffic pattern in that area. The Highway Superintendent stated he would like a public vote on this. Now we can look into getting this on the ballot. The clerk suggested that a letter be sent to the property owners of Morey Road notifying them about the survey.

Town Hall Building – Don Travis noted the lights for the garage are here. We are waiting for 12 more to do the hallway. The electrician will be back when the materials arrive. He noted the lights that were taken down were changed to the newer energy saving bulbs and ballasts. Since they are newer Mr. Travis did not want to scrap them. He suggested selling the fixtures to recoup some of money. He suggested \$25.00 each. There are 55 lights. We should put an ad in the paper. John Lucas gave a written proposal of almost \$16,000.00 for the work at south end of building. Mr. Ottuso expects another quote tomorrow.

RESOLUTION #2105-042 to sell light fixtures was offered by Council Member Sullivan at the May 7, 2015 monthly Caroga town Board meeting. **WHEREAS**, Donald Travis-building maintenance staff notified the board that the light fixtures recently replaced at town hall were upgraded just a few years ago and are energy efficient and therefore too good to scrap, Now therefore be it **RESOLVED**, that the Caroga Town Board does hereby direct the clerk to have an ad put in the Leader Herald newspaper to sell the 55 fixtures for \$25.00 each.

Adopted by a vote of 5 Ayes, Ottuso, Sullivan, Frasier, Sturchio, Glenn

Council Member Sullivan suggested reviewing the bids for the repair at the south end of the building at the May 13, 2015 meeting.

Weeds – Mr. DeWeese reported that the personnel are all ready to go. He will hold an orientation on May 27, 2015. The permit from APA and DEC begins on June 1st 2015. He will conduct a survey of the lake next Wednesday and Thursday on both East & West Caroga Lake. He will ask Mr. Putman to transport the harvester to his house to set it up.

Council Member Glenn asked Supervisor Ottuso for an update on the boat washing stations. He replied that John Perish called him on the boat wash stations and said everything was approved. Three units are coming. Mike Durkee also spoke to Mr. Parish and noted we won't see them till fall. Once you have them the areas have to be set up. The state contacted Supervisor Ottuso about expanding the West Lake fishing access which would help with the parking with the boat washing station.

Lake Steward - Position description for Lake Stewards was given to Mrs. Hillier. They have hired two staff.

Youth -The town received a resignation letter from Rebecca Ward as the Youth Director. Rachael Simonds applied for the position. She was introduced and stated that she has been a counselor for the past 3 years. The town also received a letter from Danielle Mercier to work this summer.

Council Member Frasier asked if the certified aquatic director is coming back this year. Rachael did not know at this time. Council Member Sullivan noted there is a lifeguarding course at the YMCA in the middle of June. Supervisor Ottuso suggested putting in an ad for youth counselors, and then he and Council Member Frasier would meet with her to conduct the interviews.

He noted a lot usually come back, but we are going to have to determine how many we will need to hire. We must have a person with the Aquatics Director Certification.

RESOLUTION #2105-043 to conduct garbage pickup at the campsite for in kind services
was offered by Council Member Sullivan at the May 7, 2015 monthly Caroga Town Board meeting. **WHEREAS**, the town desires to utilize the New York State Campground for its 6 week Summer Recreation Program, and **WHEREAS**, the town has an in kind commitment to pick up the garbage at the campsite from Memorial Day to Labor Day, Now therefore be it **RESOLVED**, that the Caroga Town Board does hereby authorize the Highway Superintendent to send the town garbage truck onto the premises to pick up the garbage at the NYS Campground in Caroga Lake. Supervisor Ottuso seconded the motion.

Adopted by a vote of 5 Ayes, Ottuso, Sullivan, Frasier, Sturchio, Glenn

Supervisor Ottuso stated that 90 kids participated in the program last year. Jennifer Blowers stated there were 70 participants.

RESOLUTION #2105-044 to hire Rachael Simonds as the Youth Director was offered by Supervisor Ottuso at the May 7, 2015 monthly Caroga Town Board meeting. **WHEREAS**, Rebecca Ward submitted an email resigning as the Town Youth Director on April 8, 2015, and **WHEREAS**, Rachael Simonds did express interest and submitted a letter to the town stating as

such, Now therefore be it, **RESOLVED**, that the Caroga Town Board does hereby hire Rachael Simonds as the Caroga Youth Director for the summer program. Council Member Sturchio seconded the motion.

Adopted by a vote of 5 Ayes, Ottuso, Sullivan, Frasier, Sturchio, Glenn

RESOLUTION 2015-045 to hire two Lake Stewards was offered by Supervisor Ottuso at the May 7, 2015 monthly Caroga town Board meeting. **WHEREAS**, Mike Durkee who oversees the Lake Steward Program at Canada Lake put an advertisement in the Leader Herald newspaper seeking staff for the 2015 Lake Steward Program, and **WHEREAS**, Mr. Durkee interviewed and selected two people to work on the program, now therefore be it **RESOLVED**, that the Caroga Town Board does hereby hire Geoff Nehr and Sheila Danylak for the program which will start on Memorial Day weekend. Council Member Glenn seconded the motion.

Adopted by a vote of 5 Ayes, Ottuso, Sullivan, Frasier, Sturchio, Glenn

Blight – Council Member Glenn wants to set up a meeting. We were unable to meet yesterday. He noted the last meeting was attended by 25-30 people. Emails were exchanged for people to communicate. Code needs more teeth in the town law when people are sighted. Ms. Yates urged stricter enforcement. Instead of writing a letter then sending a second one certified she really needs to have it stated that she can just issue a ticket. Supervisor Ottuso asked if other towns have this in place. She affirmed that they do. He asked for a copy of that town law. Council Member Glenn noted this can be handed to the Planning Board as a recommendation. This will be discussed at the June meeting. Council Member Glenn discussed using the highway department equipment and personnel to assist in the blight cleanup. The Highway Superintendent stated at the BLIGHT meeting that his staff would be happy to help but the funding would have to come from the town budget for this. It was unclear if it would be once a month, once or twice a year. He asked the board if they would be willing to entertain that idea. The Supervisor thought it was great idea if we could find the funds. He noted there would be additional tipping fees and man and equipment hours. Ms. Yates has a call into Jeff Bouchard but he did not return her call about having a curbside cleanup. Caroga used have one years ago. Lastly Council Member Glenn has been in contact with a retired Code Officer Rob Robbins Jr. who has offered his services with codes. Art Simonds is on the Gloversville Common Council BLIGHT Committee. He is happy to help us too. Ms. Yates stated she is new to this in general so she is growing with the board and trying to clean up the town and still keep up with the work of code enforcement and sanitation inspections and building inspections. There were some volunteers from the last BLIGHT meeting who are coming in and helping on their own time. A work session was set for Thursday 7 pm on May 14th. Council Member Glenn will call to see if Mr. Robins or Mr. Simonds can attend our next meeting. Mr. Selmser asked if the County Wide cleanup organized by the Fulton County Chamber has happened or is it coming up.

Supervisor's Report

Supervisor Ottuso stated we got insurance on all the buildings and everything now over at Sherman's. We are insured for 1.4 million (all town buildings) and the cost for the insurance for the year is \$731.05 from Mang Insurance. He has a breakdown.

The supervisor has been in touch with the Laberge Group – Benjamin Syden wants to meet with the town on Wednesday May 27th about grants that are available for Sherman's. The work

session will begin at 7pm. Laberge has acquired 11 of the 14 grants they submitted last year. There is a half million dollar grant for parks and recreation available this year. This will be a full board work session.

Supervisor Ottuso asked for volunteers to help clean up Sherman's. He has talked to a couple of locksmiths – we're getting prices to change the locks. The flower sale is Memorial Day weekend with vendors coming in like last year. Supervisor Ottuso spoke to Mr. Jennings about doing the lawn but he cannot send his guys down there. Also Scott Parillo who previously took care of the property got back to the Supervisor this evening. He said he would do the complete cleanup of the brush, pine cones, weed whack, and trim everything for \$250.00 - \$300.00 and he will maintain the lawns the parking lot and everything for \$40.00 per week.

RESOLUTION 2015-046 to hire Scott Parillo to clean up and mow the Sherman's property
was offered by Supervisor Ottuso at the May 7, 2015 monthly Caroga town Board meeting.

WHEREAS, Supervisor Ottuso contacted Scott Parillo who previously had worked to cleanup and maintain the Sherman's property, and **WHEREAS**, Mr. Parillo stated that he would completely clean up the property from the winter by trimming, cleaning up brush and debris including pine cones, weed whack, and mow, for a cost of \$250.00 to \$300.00 and also mow weekly for \$40.00 per week, now therefore be it **RESOLVED**, that the Caroga Town Board does hereby hire Scott Parillo to do the initial cleanup and weekly mowing at Sherman's.

Council Member Glenn seconded the motion.

Adopted by a vote of 5 Ayes, Ottuso, Sullivan, Frasier, Sturchio, Glenn

Mr. Fielding thought it was nice we could find someone to mow but he wanted everyone to take the time to look around this room. The walls have peeling paint stained ceiling tiles, missing floor tiles, and debris. "Up to now the way the town board and the town is structured we don't have the ability to maintain what we got. Another example is the end of the building which has had a tarp over it for three years since it was torn down. Our town hall needs work; our golf club house needs work and now we are taking on a huge thing – in his estimation (Sherman's) is in more sad repair than what you are looking at on that wall. We are taking on buildings – he encouraged people to go take a walk around to see what we have taken on. We can operate like we have been. "If you keep doing the same thing over again the way you did it before you can expect the same results. You have to change something. You have to restructure." He offered to help. He noted this is not just an asset it is a huge liability. You have to figure out how to manage it. Supervisor Ottuso stated this will be run just like a business.

Council Member Sullivan stated that Supervisor Ottuso has to let him know when he is going away. Supervisor Ottuso stated that he did. Council Member Sullivan noted we have a town audit going on, which he did not know about ahead of time. He got a phone call while Supervisor Ottuso was away. Supervisor Ottuso stated "we (he and Lita) did not know about it. They just showed up." They called to say they would be here in June or July. Council Member Sullivan stated the town received a letter dated April 13th – he has a copy of it. Mrs. Hillier stated that the Supervisor called the state to ask when they were coming. They said they would let us know. Deputy Supervisor Sullivan asked that the board be notified. Supervisor Ottuso stated when he got the letter he called them back. They said they will call you and let you know. Council Member Sullivan does not like surprises.

Old Business:

- 1) The bid opening set for May 13 @ 7 pm for repairs to pole barn will still be held.
- 2) Karen Kirch gave the town a quote to take over and maintain the town's website. She would maintain the current account with GoDaddy as the URL. It is registered until next February. At that time she may be able to propose a better plan for website maintenance with another provider. Eventually she estimates spending approx. 2 hours a month updating and maintaining the content she wants to work on a freelance basis submitting hours for reimbursement at the rate of \$12.00 per hour. We just got the information tonight. Supervisor Ottuso asked for a flat rate for the year.

New Business:

- 1) NYMIR Statement of Values of Town owned Property
- 2) Public is asking for Code Officer Summer Schedule – they want Saturday hours.
- 3) Anthony Gramarossa (a Caroga property owner) of Integrated Leasing of Vehicles & Equipment – offered help.
- 4) Request to waive fee for demo permit for Caroga Lake Volunteer Fire Co.

RESOLUTION #2015-047 to Waive Building and Demolition fees for the Caroga Lake

Volunteer Fire Department was offered by Supervisor Ottuso at the monthly meeting of the Caroga Town Board on Thursday May 7, 2015, **WHEREAS** the Caroga Lake Volunteer Fire Department purchased 3237 State Highway 29A parcel #83.-1-1 also known as the Baker Property in the Town of Caroga, and **WHEREAS**, they have a five year plan to utilize the property as the site for a new firehouse. Now therefore be it **RESOLVED** that the Town of Caroga does hereby move to waive demolition fees associated with this project at the above stated location which is anticipated to be demolished in August. The motion was seconded by Council Member Frasier.

Adopted by the following vote: 4 Ayes – Ottuso, Frasier, Sturchio, Glenn
Council Member Sullivan Abstained

They want to do some training in the building but noted it cannot be burnt.

Correspondence: The clerk stated that copies will be available for anyone who requests a copy of this evening's correspondence.

- 1) Keep Mohawk Valley Beautiful memo on re-designate the function of the board.
Council Member Glenn asked if it was possible to get these people to come and talk to us again. Supervisor Ottuso will reach out to them about the meeting on Thursday May 14th.
- 2) Transfer Station -Memorial Day Holiday Closed Monday 5/25 open Tuesday 8-4 Time
- 3) Warner/Comcast Transaction terminated
- 4) MVEDD Funding applications available soon
- 5) Smart Cities Week Sept 14-16 Washington DC
- 6) Samuel Corsi – Reassessment – urges the board to reduce the tax rates
- 7) Donald Curtis – re: Sherman's Acquisition
- 8) NYMIR Proxy vote for slate of officer was signed by Dep. Supervisor Sullivan 4/18/15
- 9) Fulton County Res.# 117 Authorizing Demo Team to demo building owned by Caroga Volunteer Fire Dept.
- 10) 1st Quarter Workers Compensation Report
- 11) NYMIR statement of Values

Resolutions:

RESOLUTION 2015-048 to create a standard workday for Highway M.E.O's, Mechanics and Laborers was offered by Supervisor Ottuso at the May 7, 2015 monthly Caroga Town Board meeting. **WHEREAS**, the town bookkeeper Lita Hillier has received a suggestion from the New York State Comptroller's Office whose staff is here conducting an audit, and **WHEREAS**, they have suggested that there be a standard work day for any employee with the title of MEO's, Mechanics, or Laborers which will be six (6) hours per day minimum part-time and eight (8) hours per day full-time, now therefore be it **RESOLVED**, that above stated minimum hours shall designate a part-time and full-time MEO, Mechanic, or Laborer in the Town of Caroga, and be it **further RESOLVED**, that this shall become part of our organizational each year as well. Council Member Sullivan seconded the motion.

Adopted by a vote of 5 Ayes, Ottuso, Sullivan, Frasier, Sturchio, Glenn

Mrs. Holliday asked how the board was going to address the maintenance at town hall. She noted nothing has been done in the last two years.

Supervisor Ottuso stated at one time volunteers were working to paint the room. Council Member Glenn remarked the Mr. Fielding had a good idea for someone to oversee all of the town buildings. He stated we need someone or a committee to oversee all this stuff. Council Member Sullivan noted there is a building reserve fund in the amount of \$150,000.00

Council Member Frasier made a motion to pay the bills as presented for audit, and to accept the minutes of the April 8, 2015 meeting. Council Member Sturchio seconded the motion.

At 8:50 pm Supervisor Ottuso announced that the meeting was adjourned.

Respectfully Submitted,

Linda M. Gilbert, RMC, CMC
Town Clerk verticel

General \$11,766.94 Highway \$9,094.27 Prepaid \$49,226.50 General Park \$17,759.99