

State of New York  
County of Fulton  
Town of Caroga

Minutes of the regular monthly meeting of the Caroga Town Board held on Wednesday July 13, 2016 at 1840 State Highway 10 Caroga Lake NY. Supervisor Sullivan called the meeting to order at 7:00 pm by asking that the roll be called. The flag salute followed.

Supervisor Sullivan – Here  
Council Member Sturchio – Here  
Council Member Glenn – Here  
Council Member Morris - Here  
Council Member Manning - Here

Supervisor Sullivan expressed his condolences to the family of Ron McLain.

A moment of silence was held for Robert Stock a 10 year town employee back in the late 50's & 60's who recently passed.

Council Member Manning made a motion to waive the reading of the minutes of the June meeting. Council Member Sturchio seconded the motion. All board members were in favor of the motion.

Others in attendance were: James Selmer- Planning Board Chairman, Don Travis – Building Janitor, and John Duesler – Code Officer,

**Public:**

Cooke Warden of Pine Road has been trying to get a street sign since last fall. One was brought down and nailed to a tree but it was supposed to be out by the road. Lynne Delesky will have John Delesky put the sign up correctly. Supervisor Sullivan stated Mr. Putman is working with the correctional facility to get signs made. Mrs. Warden noted her sign is made.

Deborah Elmendorf of 199 Pine Lake Road asked when she should address the board about the street light since it is under old business.

Supervisor Sullivan stated as long as it doesn't get carried away – he did not mind conversation with the audience as long as time allows.

Lora Nealon of East Shore Rd. thanked the board for the paving of the road. She asked that this be passed on to the Highway Superintendent. Everyone with black top driveways have lovely aprons. She has a dirt driveway with a dip of 4". She is concerned about the clearance with her VW car. She stated the crusher run will be plowed away and asked for a black top driveway apron.

She asked about the retaining wall on East Shore Rd. on Supervisor Waldron's property. A 12 x 12 concrete patio was also put down on the water. They dug up the beach to put these items in.

Mr. Duesler spoke to Bill Waldron but did not put an official stop work order on the project. He notified him that he needed to get APA approval prior to doing any more work. If he got approval then Mr. Duesler would issue him a permit. He was given a Jurisdictional Inquiry Form for the APA and he has not heard anything from him since. Mr. Duesler stated he was working without a permit. Most of what he does is without a permit Ms. Nealon stated. She noted he has a camper for sale one foot from the road and also has a permanent sandbox structure in his front yard. If one does it without a permit then all will. Mr. Duesler stated he is highly against allowing someone to do work without a permit. He tries his best. He noted things happened prior to him being code officer. He will address these things when he can. He has to prioritize things. She did not want things to fall through the cracks.

James Altizio of West Caroga noted over on East Caroga by Scott Road by the campground cove there is a retaining wall the whole length of the beach. (Eldredge) did he have a permit? Mr. Selmsen stated he has already brought this to John's attention. He went to the property and they did have a DEC permit. They did not have a town permit. How far should he go back to make people do the right thing? From here on out he will try to make people do the right thing. He is not sure how much time he can devote to matters that were done prior to him being hired. Any complaint through his office will be acted upon.

Tor Shekerjian S. S. East Caroga thanked whoever painted or repainted the road sign. Linda Gilbert – clerk to the Hwy Superintendent stated that Mr. Putman noticed that the town roads adjacent to a state highway had signs provided by the state. He has asked the state if they will make and install these signs which will save the town a lot of money. He opened this dialog about a week and ½ ago.

**Department Reports:**  
**Assessor's Report – None**

**BTI** – The Black Fly team is still monitoring and treating streams. Many of the small streams have dried up since treatment began this spring. The larger streams are still being checked and treated as needed. They will continue to be checked and treated, if larvae is found, until the end of July.

**Clerk/Registrar** – The June monthly report was submitted to the board. The School Tax Collector has resigned – I am interested in the position and asked the board if they would allow me to collect out of this building.

As a reminder to all department heads a records retention memo went out regarding correspondence and document created for the town, most have a retention of 6 years. Even the town website is a document to be preserved. State Archives does already have a process in place for these types of documents.

Council Member Sturchio made a motion and introduced proposed Local Law #2 of 2016 to increase the salary of the Town Clerk, be it enacted by the Town Board of the Town of Caroga as follows:

**Section 1. Title.**

This Local Law shall be known as “A local Law to Adjust the Compensation of the Town Clerk of the Town of Caroga for the Fiscal Year 2016.

### **Section 2. Intent.**

The Town Board finds that in order to address the question of fair compensation for town officials in a non- partisan objective manner that a Local Law be created per Town Law §27 (1). This authority is in furtherance of the general power of the Town Board to control Town finance forum in §64 of the Town Law. The board may set elected official salaries at amounts greater than those approved in the town’s annual budget through the adoption of an appropriate Local Law.

Whereby salary adjustments were made in January of 2016 to some Department heads and the highway staff after the 2016 Budget had been set. This Local Law is based on the demands placed on the Town Clerk that have increased.

### **Section 3. Salary**

The salary of the Town Clerk Linda Gilbert with 18 years of experience, and knowledge, and who holds certifications as a Registered Municipal Clerk and Certified Municipal Clerk shall be increase by \$5,000.00 for the calendar year 2016.

### **Section 4. Payment of Salaries.**

Within forty-five (45) days of the adoption of this Local Law the Supervisor as required by §29(7) of the Town Law of the State of New York, and the Personnel Director shall take any and all steps necessary to pay the salary established in Section 3. Salaries shall be paid from the balances remaining from unappropriated unreserved monies remaining in the budget or from contingent funds, surplus monies, or any other legal funding source.

### **Section 5. Effective Date.**

In accordance with the provisions of §24 (2) (h) of the Municipal Home Rule Law, this Local Law shall not become operative unless and until forty-five (45) days have elapsed after its adoption and no petition protesting against it, signed and authenticated as required by said section, has been filed with the Town Clerk of the Town of Caroga.

Council Member Morris seconded the motion. Supervisor Sullivan asked that a discussion take place during new business.

**Code Enforcement & Sanitation** – Mr. Duesler noted that he has 8 SBL# folders missing from the last two years. He cannot do any inspections or give a certificate of compliance or a certificate of occupancy for these properties. He is offering a waiver to people to whom he can't do the necessary inspections. Tor Shekerjian previous Code Officer drafted a document which eliminated any liability to the Code Enforcement Officer or the Town of Caroga due to undocumented inspections being done. The town council at the time was consulted about this document. Mr. Duesler stated documentation is everything in code enforcement.

Today he contacted DEC about dock issues in town. He has been getting lots of questions each week on this. They are willing to issue permits for docks until the new (if that's how it goes) zoning ordinance takes effect. They would tell him how it was going to be built so he could then issue a permit. That takes the onus off the town. This would be for repairs and new. They have criteria one of which is land ownership. The person to contact is Susan Clickner at (518) 623-1282. Council Member Morris wondered if by doing this it would be taking the responsibility away from the town therefore becoming a state problem. She is concerned with liability.

Mrs. Barrett asked how close docks can be to each other. Mr. Duesler stated that is up to DEC he has no jurisdiction over docks. Council Member Manning state this is for the interim until the new zoning goes into place. Once it is passed it will be back on the town. Council Member Morris asked if DEC would still continue – Council Member Manning noted we have local zoning so that would take over. DEC and Army Corps does govern over shoreline repairs of old stone walls. Council Member Morris does not want this to be a town issue it is a civil issue. If this were eliminated from our zoning then the state would take over. Mr. Duesler noted the Planning Board decided on 100 sq. feet for docks. Mr. Selmser noted information referring to docks came from the APA. They revised their information about a year ago and that the town has to abide by. They are encouraging towns to put that in their zoning.

From Mr. Duesler's perspective he would just a soon have DEC oversee everything. Let them take the lead – let them take the liability and all the issued involved. Supervisor Sullivan and Council Member Morris agreed with him. The APA does not want a lot to do with docks. Council Member Manning noted we are in the park and the APA and DEC are two very different organizations. Copies of the proposed updated ordinance will be available tonight to the board and public.

Mr. Toskas noted earlier we talked about someone who did some serious concrete construction without a permit. It sounds like you are not going to do anything about it. "That is what I heard, am I right?" Mr. Duesler stated he told him not to proceed until he got approval.

Mr. Centi stated he was still doing work there two days ago. "Did he get approval?" Mr. Duesler stated he may have to take all that out. He stated he "will do whatever he has to do to stop that work stop that project." "If Bill Waldron does not have the proper permits that will all come out I guarantee it." That is what people wanted to hear.

Mr. McGrath noted on the same topic there is punishment regardless of how connected you are for not getting a permit and proceeding with construction work. Mr. Duesler responded, "Yes."

**Blight** – Council Member Glenn noted there is nothing to report as Mr. Duesler is a key component and understands he is overwhelmed. He would like to discuss this as a board. Mr. Capparella asked for a definition of blight. The town attorney is working on this.

**Dog Control** – The town clerk reported that Mr. Dutcher had 11 calls for the month. He took one stray to the Brennan Humane Society and Ag. & Markets conducted its annual inspection. The town received a satisfactory rating.

**Golf Course** – No Report

**Highway** – Recently the Town of Johnstown put a bid out for 85' x 140' Salt/Sand Storage Bldg. The deadline to receive bids is July 25. The town always has the potential to piggyback on to their contract if they like.

Mr. Putman submitted a written report as follows:

- 1) He asked the board to discuss buying the Radio System for the town trucks  
The tower and amp would be on the wall in the gym.
- 2) East Shore Road paving is complete Mr. Male of 193 E. Shore Rd. noted that since the paving was completed the speeding has increased by 25%. He asked the board to actively think about what could be done. Someone is going to get hurt. Supervisor Sullivan said he would call the undersheriff tomorrow. Portable speed signs were suggested.
- 3) He found 3 areas on East Shore Rd where town property (drain boxes) have been tampered with. This was not authorized. One violator is trying to hire someone again to install illegal drainage. There are at least 3 areas on Kasson Dr. that have been cut to install whatever - also unauthorized.
- 4) He asked that a Local Law be created to fine these violator at least \$2,500.00 plus whatever it takes in town resources to rectify unauthorized installation. Most local contractors respect the town and ask the Hwy. Dept. for authorization. We need to make sure nothing illegal is being piped into the waters.

Council Member Glenn really thinks the speed on the road needs to be addressed. It has been talked about and talked about. The public does not want jersey barriers on the road. They were in favor of making it one way. A walking path on one side was suggested. This is a work in progress Supervisor Sullivan stated and won't be done this year. Another problem along E. Shore Rd. is cars parked along the road. It is against NYS law to obstruct the thoroughfare. No parking signs will be reinstalled on the beach side. If people see problems on the road with traffic they can call the sheriff's department.

Mr. Capparella noted another traffic problem area is on S. Shore Rd. of East Caroga. It is narrow. Parking is allowed on both sides of the road now. If cars are obstructing your ability to get through the road it is a problem. Supervisor Sullivan travels the road daily – it does not bother him. Most times it occurs when someone is having a get together. The difference between S. Shore and E. Shore is East Shore is used as a thoroughfare and kids do dart from one side of the road to the other between cars.

**Lake Steward Program** – Mr. Durkee is in the intensive phase. The hours of operation are 6 days a week at the boat launch and 7 days a week at the boat wash station. At the boat launch

they have had over 370 boats since Memorial Day weekend. As expected the boat wash station is very slow. A new sign was put up. The term boat inspection seems to turn some people off. They are simply inspecting the boats and trailers to make sure they are not transporting invasive species. They would like to have the sign changed and hinged. The system is a 160° hot water pressure washer. Most organisms are killed at 140° but with the 150 ft. pressure hose they lose temperature as it goes through the hose. They have found 2 samples 1 at the boat wash station, 1 was found by a steward. They were sent to Paul Smith for analysis. The previous one was found to be native milfoil.

Council Member Manning asked how many towns have made Local Laws to mandate that boats be washed before being launched. Lake George has a special legal jurisdiction that allowed them to pass mandatory inspection laws. It is a state law that boaters take reasonable precaution to remove any visible animal, or plant material from their boats, trailers, fishing rods etc. It is not a mandatory inspection requirement. He thinks it might be heading in that direction in a few years. It is voluntary program now. Very few boaters refuse to be inspected.

The Town Clerk thought that education is the key to this program. I suggested that the kids from the summer recreation program, which is being conducted in the park adjacent to the boat wash station, be given a tour and educate them on what the town is doing. Mr. Durkee thought this was a great idea.

***Sherman's Advisory Committee*** – Kent Kirch noted on June 9<sup>th</sup> there was an informational meeting with 50 – 60 people. He noted that committee is only an advisory committee – the town board is making all the decisions about Sherman's despite rumors going around town. On June 15<sup>th</sup> he concluded 6 property tours with top commercial real estate brokers and one local developer. As of last night there was a fourth meeting as a committee. They have on full marketing proposal from Christian Wakefield, a letter of interest from Berkshire Hathaway, and are expecting a marketing proposal from Sotheby's any day. The good news is there are three interested parties to market the property. The bad news is we had ½ or 3 of them decline because it is a difficult property to market, a complex transaction because it is not a company or business owned property. They will make a recommendation to the board next week on which one we think makes the most sense and why. They will give the board all the materials they received so they can review each of them. None of them so far involve fees up front to market the property. So far it is contingent of sale or lease. That is good news for the town in terms of cost. His sense of the committee is that they would recommend the town engage a real estate broker to try and market the property given it could be difficult and the town does not have the resources to do that well. He also discussed with the real estate agents looking into excluding any current interested parties we currently have for example the Music Festival Group along with this local developer.

While touring the facilities comments were made about the restaurant equipment in the buildings. Mr. Kirch will be contacting a broker of that type of equipment to come through and give an estimate on the value of the equipment.

Mr. Kirch thought it could help us with some of the expenses and maintenance and other things toward the things the town might want to do. We won't know what the figure is until they do an estimate. They will look at everything from the walk in coolers to plates and glasses.

**RESOLUTION #2016-084 to get an estimate from a restaurant supply company** was offered by Council Member Manning at the regular monthly meeting of the Caroga Town Board held on Wednesday July 13, 2016 at Caroga Town hall, **WHEREAS**, Kent Kirch who serves on the Sherman's Committee conducted multiple walks through of the Sherman's Property with realtors recently, and **WHEREAS**, it was observed that the equipment in the kitchen may be of some value, now therefore be it **RESOLVED**, that a restaurant supply company will be contacted to inventory and give the town an idea of the value of the equipment at no charge. Council Member Morris seconded the motion.

Discussion: Council Member Glenn asked do we know what belongs to the town and what belongs to Guy Parenti? Supervisor Sullivan responded that the board will be talking about that later in executive session. Certain things could be excluded Council Member Manning noted.

Adopted by a vote of 5 Ayes; Sullivan, Sturchio, Glenn, Morris, Manning

At the Sherman's committee meeting last night a resident put forth the idea to put the property on the auction block. Council Member Morris noted we have to discuss all different ideas here.

Mr. Kirch and some people want to create an information booth in the building near the highway. They would repaint, refurbish, and landscape it. They would cut some of the dead trees along the highway also. They would pay for everything. Council Members Manning and Morris noted the need for insurance waiver forms for the volunteers. Supervisor Sullivan will contact our insurance company.

Also John Roscioli an auctioneer discussed using the Sherman's pavilion for an auction. His idea is to use the property for two days – one to load it Friday with a Saturday morning auction of antiques and collectables. He has a rider policy with his insurance he could present to the board with his liability policy. He heard that the flooring of the structure may not be safe it that is the case he would withdraw the request. He wants to rent the pavilion. No date was offered he could wait till September but hopes to have the seasonal people come. There could be 60 – 80 people. The parking is adequate. There are no facilities so he would rent 2 port-a-johns. The main building was looked at and he offered to liquidate some of the items in there instead of them being thrown away either with a sale of our own or one he was doing. Mr. Kirch has his contact information. Supervisor Sullivan does have some reservations about the floor. People would mill around for an hour prior to the sale. Mr. McGrath has contacted someone about food for the event. Council Member Manning suggested contacting the town's insurance company and also the board of health. Mr. Roscioli noted the debris in the building which he offered to sell. He needs electricity for his amp. He has people to work the floor and in the office. Anything brought in would be removed that Saturday. If the floor is bad he does not want to have it there. Mr. Kirch noted this could bring people and some money for the town.

***Lake Steward Program and Boat Washing Station:*** Supervisor Sullivan thanked Mr. Fielding for donating his time to install the pump. He worked for 6 hours at no charge to the town. The board echoed his thanks.

**Town Hall Building** – Mr. Travis reported having a water test done on June 23, another test will be done tomorrow for July and another one in August. He has a drawing for rebuilding the ramp, stairs, and a roof over the clinic area. The board decided to obtain estimates for the project.

The town clerk brought information from Home Depot on Ductless Heating & Cooling Systems. The hallway and clerk's office temperature is recorded all winter long. Mr. Travis noted the office is 47° on a Monday morning. He runs extra heaters in the office. The hall is 55° – 58° everyday it never gets to 60°.

**Weeds** - Mr. Egert reported the harvester is 100%. They are getting a good number of bushels per day. They are leaving the boat out on the lake at night. He stated they are getting about 60 bushels of weeds per day. "The hours are up to the divers – they can only work 32 hours a week. They only have one shift/crew. They choose the hours they work. He asked them not to start too early in the morning. They start roughly at 10 till 5. It was asked were they being monitored. Mr. Egert responded, "No, I have a trusted lead diver." A resident has watched them today the engine was started at 10:10 and it went off at 11:12am. They took 9 baskets out and never came back to the machine except to move it. On another day they were over in Kowalski's point swimming. If you don't know when they are coming and going and others are seeing them stop at 2:30 how are they supervised? Mr. Egert put a Hobbs meter on the motor. It can gage the number of bushels per hour that the machine is running. He can check and verify it.

Mr. Centi noted as a board member of the East Caroga Lake Environmental Assoc. they are not happy. This is the worst the lake has been with weeds in a long time. They did start late and have had challenges with the new machine. "Normally we would be going by the third week in May." The machine was going the second week of June. He noted the lack of snow this past winter. He stated he was "doing the job better than any job you've had in the past 20 years." It was hoped that the director would monitor as Mr. DeWeese did over the years. The number of baskets coming out of the lake per day now is significantly less than last year. Council Member Glenn knows the start was late but by the end of the year he thinks the total of baskets will be similar to last year.

Council Member Glenn's son Trever is monitoring the East and West Caroga Lake for purity, and nitrates to name of few. Mr. Long went out on the lake with him. The reports won't be back till the fall. Most lakes take 2 – 3 samples some do 5. Council Member Glenn paid \$750.00 for the licensure and equipment. He asked to be reimbursed through the weed program. Supervisor Sullivan asked him to submit a voucher.

Mr. Selmser noted in previous years an analysis is done on the lake to assess the results of the program. Mr. Egert noted that is done every 5 years. He "does not have a need for that report because it is obvious where the large area growths of milfoil is. It talks about way more species than we're focusing on – it didn't really help me at all actually." But he thought it was part of the process to obtain the permit. He asked the clerk about the report. I noted DEC will be looking for this survey again at the end of this season as part of the permit renewal. He would like to have more divers. He could not get any applicants- through his search on Craig's list, the stores around town and the college.

A few volunteers may hand harvest in front of the association beach which is only 6 ft. deep. Mr. Egert reported the divers were over by the association beach for 5 – 6 days.

**Youth** – No Report, but Shirley Holliday noted 38 kids from recreation went to the museum yesterday.

### **Supervisor's Report**

- 1) The county sent the 2015-2016 Snow & Ice Contract voucher to the town. They pay \$5,000.00 per mile for the 5.15 miles of CR#111 and CR#137 in the Town of Caroga. They will pay the town \$25,750.00.

**RESOLUTION #2016 -085 to approve the 215-2016 Snow and ice Contract** was offered by Council Member Glenn at the regular monthly meeting of the Caroga Town Board held on Wednesday July 13, 2016 at Caroga Town hall, **WHEREAS**, Kimberly Satterlee, Senior Account Clerk sent a voucher dated June 9, 2016 for the Supervisor to sign, and **WHEREAS**, the county pays the Town of Caroga \$5,000.00 per mile per the Snow and Ice Contract for CR #111 at 1.36 miles and CR#137 @ 3.79 miles, now therefore be it **RESOLVED**, that Supervisor Sullivan is hereby authorized to sign this document for payment of the 2015-2016 County of Fulton Snow and Ice Contract totaling 5.15 miles. Council Member Manning seconded the motion.

The clerk asked if the supervisor had the actual contract which used to be signed by the board in triplicate. This looks like a bill. It is a voucher for payment. Mr. Selmser stated the contract comes later.

Adopted by a vote of 5 Ayes; Sullivan, Sturchio, Glenn, Morris, Manning

- 2) Proposed update to Zoning Ordinance: Supervisor Sullivan asked the Chairman of the Zoning board to make an announcement. Mr. Selmser reported “on May 4, 2016 the Planning Board did a public presentation on revising recommendations they were making with a brief explanation on the reasons for them with a comparison of the prior which was adopted in most cases in 1979 vs what they think it should be now. We took some comments at that point and at the next meeting on June 1<sup>st</sup> the board went through and addressed all those comments and did make some minor revisions. The recommendations were presented to the town board. After that was done they felt they had exhausted pretty much what needed to be looked at.” Mr. Selmser stated that during the whole process they went through numerous conversations with the APA. One time their representatives came here to discuss some possible zoning changes. “The APA was kept totally informed and they’ve taken a lot of stuff and this is our way and how it has to be – this is what we recommend.” After the minor revisions the Planning Board did pass a resolution unanimously to move the document to the town board for their action. There is a list of requirements the board has to fulfill. He recommended the board pass a resolution tonight to accept the document and starting the process which may take anywhere from 6, 8, 9 months and still give them options to make minor changes if they so desire. One of the requirements is to have a public hearing. The town Planning Board would assist with any questions.

Council Member Glen thanked the board for their work. Mr. Selmser had a question about the area in the center of town be considered a town center – there are 2-3 pages of

recommendations for the area - # 4 lists one of the features of the Town center shall include municipal sewer collection and treatment system. He stated this is in the Comprehensive Plan they felt there was a need for that. He hopes the town will take action on that in the future.

Supervisor Sullivan noted a number of documents were sent to the board for the agenda. The one long email did not go through so three small files were sent. One of them was the SEQR review.

- a) Resolution to adopt the comprehensive update to the Town of Caroga Zoning Law and propose that the town board act as lead agency for SEQR review.
- b) Resolution declaring the Town Board as the lead agency authorizing the issuance of a negative declaration under SEQR.
- c) Conduct 239 Review
- d) Send the proposed update to the APA for their Review
- E) Conduct Public hearing at a future date

Council Member Manning asked if the board would be able to see the changes made after the May public hearing. Council Member Morris has not had a chance to review the document yet. She is not comfortable making a resolution to go ahead. She stated there were other issues to deal with. Supervisor Sullivan explained the board was "accepting this document which we have to do. We are going to be the lead agency as far as SEQR is concerned, that we have to do. We are also going to notify the planning board of its initiation of the process." At some point there can be changes made but it would be part of the public hearing. Council Member Morris can voice here concerns for any changes at the public hearing. Supervisor Sullivan noted the Town Board can make the changes or it can be sent back to the Planning Board to make changes. Council Member Morris saw a couple of things stated as being a jail-able offense which she knows is not the case. There are things she is concerned about. Council Member Glenn asked if the document was amendable. Mr. Selmser stated if you don't like the document they could start over again or change certain things – it depends.

The Town clerk asked how any changes would affect the 239 review at the county level as the document was already sent to them to review. Mr. Selmser stated he did not believe it would have a major effect.

Council Member Manning & Morris asked to see the changes the Planning Board made to the document as a result of the meeting in May. The clerk will forward the minutes to them of the two meetings.

The town clerk/zoning clerk had copies of the Proposed Caroga Zoning Regulation printed along with the map. Supervisor Selmser will forward the document to the Clerk and to Chairman Selmser as he previously requested. Any comments can be forwarded to Mr. Selmser if they are unable to attend the hearing, prior to a public hearing.

The APA was sent a copy of the proposed ordinance. They have 25 days to get back in touch with the town with their comments.

Mr. Altizio stated the document is mind boggling. He asked for a summary here is what it was – here is how it will change. The Planning Board did do that Supervisor Sullivan said.

**RESOLUTION#2016-086 A resolution Classifying the Proposed Adoption of a Comprehensive Update to the Existing Town of Caroga Zoning Law as a Type 1 Action and Proposing that the Town Board act as the Lead Agency for the State Environmental Quality Review (SEQR) Process** was offered by Supervisor Sullivan at the July 13, 2016 regular monthly Caroga Town Board meeting.

**WHEREAS**, the town of Caroga Planning Board has prepared a comprehensive update to the existing Town Zoning Law and has submitted its recommendation to the Town Board, and

**WHEREAS**, the Planning Board has prepared a Full Environmental Assessment Form for the proposed action, now, therefore be it

**RESOLVED**, that the Town Board hereby classifies the proposed adoption of a comprehensive update to the existing Town of Caroga Zoning Law as a Type 1 Action and proposes that it act as the Lead Agency for the purpose of issuing a determination of significance under SEQR, and be it further

**RESOLVED**, that each Involved Agency be given 25 calendar days to comment on the Town Board's proposal to act as Lead Agency or on the updated Zoning Law itself, and be it further

**RESOLVED**, that certified copies of this Resolution be forwarded to the Town of Caroga Planning Board, the Fulton County Planning Department, and to each and every other person who will further the purport of this Resolution.

The motion was seconded by Council Member Manning

Adopted by a vote of 5 Ayes, Sullivan, Sturchio, Glenn, Morris, Manning

The clerk asked who had the full Environmental Assessment Form. Supervisor Sullivan stated he has it on his desk. The clerk asked was it filled out. Yes, it is. Supervisor Sullivan stated. The board discussed setting up a separate meeting on this.

3) The Assessor Dorothy Parker challenged the State Equalization rate. She had to go back into the 2010 records and update her inventory. It was submitted to the state by the deadline. The state will make their determination sometime after Aug. 25.

4) Consider a resolution leading to a Local law authorizing opting out of real property tax exemption for Solar, Wind and Farm Waste Systems. Sample law from Salisbury Center NY. Current systems grandfathered. There seems to be some interest in solar farms in our town. At this point if someone builds a solar farm they are tax free. The board will discuss this at the next meeting. He noted this came up last year and fell by the wayside.

5) Specialized Environment Monitoring completed the Town of Caroga Landfill. Cost \$1987.00. The town may be required to resume testing quarterly due to lack of testing for several years. The town had requested it be changed to yearly but there was never any follow up. SEM will talk with DEC to see if anything can be done to reduce monitoring based on the current results. The 36 page results are back.

6) Discussion regarding the public's access to the Sherman Properties- Supervisor Sullivan spoke to the Under Sheriff and at this point in time unless someone is doing something illegal we have no recourse – they cannot be removed from the beach. We are covered by liability insurance. That is not an issue – we've posted the appropriate signs as far as no swimming/no lifeguard on duty. We can put a public announcement in the newspaper. Illegal activity on the premises will not be tolerated and will be prosecuted – like a posted sign. The other option is to pass a resolution stating that there will be "No Trespassing" what-so-ever. At that point the Sheriff's Dept. can give warnings and also issue tickets. The Under Sheriff recommends the soft approach. He is not recommending the no trespassing signs as that means everything. Council Member Morris stated there can't be a fireworks show on the property. Someone from W. Caroga stated there are videos on YouTube of people going into Sherman's at night they were videotaping and showed up on Facebook. The carousel was broken into. The town has to pay to secure these buildings. Council Member Morris noted the structures are old and we don't know how structurally sound they are. We don't want anyone hurt. She knows we have coverage. That won't make her feel better if someone breaks their neck.

Billy Bishop saw that a fire extinguisher had been discharged in the carousel building. Two boards were broken off the picnic tables to make ramps. He noted the latch to the gate of the propane tanks is broken.

Barbara Lee wondered what will happen to our premium if the insurance company has to pay out a claim. Supervisor Sullivan stated we have a municipal insurance agency. We all own a piece of it – so it is not the case the cost would go up.

Mr. McGrath stated he was in complete agreement with the Under Sheriff and Supervisor Sullivan. He is in favor of the soft approach regarding the beach. As far as the buildings people from the Outdoors man have chased people off the property. Supervisor Sullivan did not want the public approaching people. He wants law enforcement called.

Council Member Manning noted the difference between people using it lawfully and those doing damage. Council Member Morris asked where people go to the bathroom?

Shirley Holliday heard from a child attending summer recreation who was visiting the museum that he skateboards at Sherman's all the time. She told him he was not supposed to be on the property.

Council Member Manning spoke to a former DOH employee. He had some serious concerns about our signage. The sign was suggested by the insurance company and used by DEC Supervisor Sullivan stated. Council Member Manning noted there are two different kinds of beaches in NYS law. Town beaches and public waterfront. Some towns have public waterfront

that the public can use at their own risk – it is not monitored there isn’t a lifeguard. That is much different than a town beach which has to have a lifeguard on duty. The current signage is suggested it might be a town beach because there is no lifeguard on duty. Council Member Manning has reached out for additional signage that could be offered by the board of health. We may not be in compliance with state law. Supervisor Sullivan noted it was not a public beach per say. But we are not saying that Council Member Manning stated. To close a beach you have to close the whole thing and run a fence into the water. To say you can use it there is different language. “You are there on your own accord.” Supervisor Sullivan spoke to the insurance company and as long as we have had the attempt out there to say there is no swimming, and no lifeguard on duty they are fine with that. Council Member Manning did not think this was legal from the state standpoint. Supervisor Sullivan stated he should pursue his avenue, and we will get that information to our insurance company and disseminate.

At this time Council Members Sturchio and Glenn agree with the Under Sheriff soft approach. Council Members Manning and Morris want the Sheriff’s department to know the board will follow their lead. If the public make a call it should be followed up on promptly. If someone is vandalizes the property will the town press charges? Supervisor Sullivan replied absolutely. Was the latest incident of vandalism reported? It wasn’t. We need to push on the issue Council Member Manning stated. There are certain people who hang around there – ask them if they’ve seen anything.

Billy Bishop noted there used to be cameras on the property.

8) Cell tower status – The board was given information from the Town Attorney- Sal Ferlazzo. American Tower was asking for use in perpetuity. That has been changed to 49 years at a buyout price of \$230,000.00. Landmark offered a purchase lease and a perpetual associated easement at around \$200,000.00. Landmark says they can close the deal in 3 weeks. They say American Tower will take 3-4 months. Council Member Manning asked what if we do nothing. We would still get \$1300.00 per month. Supervisor Sullivan stated we were not under contract but they are still obligated to pay us. Council Member Manning noted they are getting paid from the cell providers. How long can we just sit? Supervisor Sullivan thought it was time to do something it has been 7 months. American wants a decision. If at some point if the tower becomes inoperative they would take it out. Supervisor Sullivan stated we could put that in the agreement. Council Member Manning thought we would not be seeing changes in the near future. He does not want to give up the rights for 49 years. Supervisor Sullivan disagreed with him and wanted to go with Attorney Ferlazzo recommendation. Council Member Sturchio wanted to make sure the money was used to fix the infrastructure. Council Member Manning wanted a fund set up before we decide. He would like to see it go into an investment fund. Supervisor Sullivan stated the town is limited in what it can do and stated an investment fund is not an option. Council Member Manning thought money should not be put into the town hall building. It should be torn down. He disagrees to where the money should be spent. He does not want to specify right now. Supervisor Sullivan stated infrastructure is a broad term. Council Member Sturchio did not want to spend it on Sherman’s. Mr. Selmser interjected that you should come up with a plan as to what needs to be done in the town. “If you don’t make decisions you will be stuck on hold for the rest of your life.” (With that he left the meeting.)

A member of the public asked for a representative from the Cell tower companies to come to a meeting. Supervisor Sullivan noted this started last year he would like to come to a decision.

**RESOLUTION #2016-087 to have Attorney Sal Ferlazzo follow up with American Tower to enter into a contract for \$230,000 with a 49 year lease** was offered by Supervisor Sullivan at the July 13, 2016 regular monthly Caroga Town Board meeting. **WHEREAS**, the Caroga Town Board has been in discussion with American Tower and Landmark since last year on a buyout of the lease of the Town's cell tower site, and **WHEREAS**, Town Attorney Sal Ferlazzo has conducted research on this matter and provided his opinion and recommendation to the board on this matter, now therefore be it **RESOLVED**, that the Caroga Town Board does hereby move to go forward with an agreement. Council Member Sturchio seconded the motion.

Discussion – Council Member Manning stated everything he reads says don't give up your rights. It is a loud message. Mr. Long noted if the counter party thinks it is adventitious to pay capitol cost in return for the income stream they are getting from AT& T. If it is profitable to them it would be more profitable for the town not to do the deal. Supervisor Sullivan stated they would not negotiate on this monthly rate. Nothing has been negotiated for a second vendor on the tower. That will never change.

Adopted by a vote of 4 Ayes, Sullivan, Sturchio, Glenn, Morris  
1 Nay, Manning

9) Ice cream stand at Sherman's status – Matt Hillock will come out to take the power out of the building. After that the windows will be taken out by Fulton County Glass. Mr. Houck has expressed some interest in the building itself. We are not sure there is enough to move. Supervisor Sullivan will talk to Attorney Ferlazzo to see if we can give it to him. He has offered to buy it, or it will go in the trash. The bear will be retained by the town.

**RESOLUTION #2016-088 for Supervisor Sullivan to sign the Public Access Defibrillation Agreement** was offered by Supervisor Sullivan at the July 13, 2016 regular monthly Caroga Town Board meeting. **WHEREAS**, the town board has discussed having an AED device for use on the golf course, and **WHEREAS**, the Caroga Lake Volunteer Fire Company has offered to purchase an AED for the Town and **WHEREAS**, The CLVFC will purchase and donate to the Town of Caroga an AED unit to be housed at the Nick Stoner Municipal Golf Course during golf course operation period. After the course is closed for the season, the AED will be housed at the Town of Caroga Municipal offices, and **WHEREAS**, the Public Access Defibrillation Agreement was outlined below between the Town of Caroga and the Caroga Lake Fire Company Inc. (CLVFC)

*The Caroga Lake Volunteer Fire Company will:*

- a. assist in the administration of the PAD program,
- b. provide training to town employees regarding manufacturer's guidelines for AED provide maintenance and upkeep.

- c. provide the necessary Personal Protective Equipment for use with AED
- d. Assist in completing and submitting Quality Assurance information as required by PAD Collaborative Agreement.
- e. Provide initial Certification of Town Employees in American Heart Association BLS at no cost.
- f. Provide AED pads after AED is used while waiting of delivery of replacement pads
- g. Provide all information regarding purchase of replacement AED pads.

*The Town of Caroga will:*

- a. Assist in gathering data for Quality Assurance as required by NYS DOH
- b. Purchase replacement pads after use or expiration
- c. Provide employees with subsequent BLS training and recertification (employees will be included in Fire Company classes; fees will be paid by the Town of Caroga)
- d. Maintain AED as stated by manufactures guidelines and NYS DOH policy.

The motion was seconded by Council Member Glenn.

Adopted by a vote of 5 Ayes; Sullivan, Sturchio, Glenn, Morris, Manning

The shelf life for the pads is two years. Replacement cost of the pads is about \$120.00.

**RESOLUTION #2016-089 the Public Access Defibrillation Agency Collaborative Agreement** was offered by Supervisor Sullivan at the July 13, 2016 regular monthly Caroga Town Board meeting. **WHEREAS**, pursuant to 3000-b New York State Public Health Law, as Amended by Chapter 552 of the Laws of 1998, this agreement between the Town of Caroga and John Glenn MD, Emergency Healthcare Provider, and WHEREAS, in collaboration with the American Heart Assoc. and other national authorities developed the Chain of Survival Model of optimal response to an out –of –hospital cardiac arrest emergency and will assist the agency in the capacity of Emergency Health Provider and, WHEREAS, the Town is desirous of strengthening the chain of survival and will abide by all standards and written record keeping requirement as outlined in the two page document on file in the Town Clerk's office, now therefore be it RESOLVED, that the parties hereto have duly executed the AGREEMENT as of the 5<sup>th</sup> day of July in the year 2016. Council Member Morris seconded the motion.

Adopted by a vote of 5 Ayes; Sullivan, Sturchio, Glenn, Morris, Manning

Supervisor Sullivan will send a copy of the agreement to each board member. Ultimately Supervisor Sullivan would like to see every town employee trained. Training is required every two years.

#### **Old Business:**

Pine Lake Rd. Street Light - Mrs. White has owned the property since 1978. Her concern is arbitrarily one man made a decision to put a light on the road without any due diligence to others

on the road. It shines directly into her home. Supervisor Sullivan stated this is a learning experience for the board, everyone should have been consulted. Council Member Sturchio apologized for not contacting her or the other neighbors. He contacted the power company and there are three options. The town can have it removed for \$2,000.00, a shield can be put on, move the light, or red cap it for 36 months with a cost of \$136.00 a year. There are 20-30 houses on the road and she stands in the road to unlock her door. The board discussed their options.

**RESOLUTION #2016-090 to red cap a street light on Pine Lake Road** was offered by Council Member Glenn at the July 13, 2016 regular monthly Caroga Town Board meeting. **WHEREAS**, last year a street light was moved and placed at Pine Lake Road based on information from Mr. Ciko, and **WHEREAS**, Mrs. White and her family now have to contend with the street light shining directly into their home at 193 Pine Lake Rd. and **WHEREAS**, the Caroga Town Board desire to correct this situation, now therefore be it **RESOLVED**, that the Caroga Town Board hereby directs National Grid to redcap the light at pole # \_\_\_\_\_ and further agrees to pay the fee of \$136.00 per year for three years for this service. The motion was seconded Council Member Sturchio.

Adopted by a vote of 5 Ayes; Sullivan, Sturchio, Glenn, Morris, Manning

**New Business:**

Supervisor Sullivan did not see a problem with a request from the Clinic that the lock be changed and 4 keys issued. The clerk wondered about the proposed renovation and installation of a new door for the clinic slated for next month. Supervisor Sullivan noted the core can be moved from one lock set to another. He will contact the clinic.

Boat wash station schedule – Mr. Durkee noted a press release was given to the Leader Herald and Fulton County Express. They are open Monday through Thursday 8 am – 6 pm, Friday, Saturday, Sunday 7 am to 7 pm. The salaries are paid for the grant for the next three years. Supervisor Sullivan thought after three years boat washing would be mandatory.

Council Member Manning discussed a Caroga Mountain Bike Trail System with Mr. Selmsen last year. He would like to put a comprehensive mountain bike trail system up here. You cannot just go out and ride your bike in the Adirondacks. The mountain biking community is massive, extensive, and mobile. Council Member Manning spoke to Richard Williams the head of the Adirondack Velo-Club of Johnstown. He came up to Caroga and he is interested in the area for potential trails. Council Member Manning would like permission to pursue this. They looked at the area behind the firehouse which is town land which is supposed to be used recreationally. He spoke to another person who did a trail system design for North Creek (a 300 acre park) and another in Queensbury (150 acre park) both municipal entities. This company Wilderness Management Planning would come in for \$1,500.00 and map, assess soil, and examine the feasibility. They liked the site it has a pull off to park in. He currently has to leave the area to do this sport. People go to VT from all over the country to ride the trails. Council Member Manning spoke to Attorney Smrtic about liability on public lands. When you go onto public lands like this and you are doing something you know could be dangerous, you accept that there is an inherent risk and danger. You can't sue the state for something by your own doing.

Supervisor Sullivan stated it is the same with skiing. Council Member Manning has been to towns with trails – you roll in and roll out – no waiver is signed. Supervisor Sullivan knows many people are interested in this sport. In the future trail systems can be developed and connected i.e. Wheelerville to Peck Hill state forest. Wilderness Property Management has offered to cut the tails and maintain them every year. The cost would be to lay thing out – design the trails. The board members would like more information. This could be a mountain bike hub for the southern Adirondacks. This will bring tourism into the area. Council Member Manning will bring more information to the next meeting.

Council Member Morris thanked Supervisor Sullivan and Council Member Sturchio for all the work they did on Saturday to secure the Sherman's building. She appreciates all they did. If the public sees something that does not look right call a board member. 30 pieces of plywood were installed. Supervisor Sullivan also mows down there.

Council Member Morris asked for a monthly financial report. One was provided this month.

**Correspondence:**

- 1) Save the date 1<sup>st</sup> Annual NYS Tax Summit
- 2) Workers Compensation 2<sup>nd</sup> quarter assessment
- 3) The Town clerk drafted a letter to NYS DOT engineer in Utica. They responded to the letters assigning case Study #'s for the request for cross walks at 3 locations in the town and to the Town's request from three years ago to reduce speed limits on 6 roads in the town. The board and the public discussed various ways to slow traffic on the East Shore Road ranging from the green plastic turtles to having the road one way. Cross walks were also discussed.

Supervisor Sullivan opened the discussion for the motion to increase the compensation of the Town Clerk. Council Member Glenn asked what the other town clerks were getting. The clerk began to discuss her increased duties but Supervisor Sullivan stated it was their discussion. He did a survey:

Town	Population	Office is open	Salary
Stratford	610	26 a week	\$12,000.00
Ephratah	1682	3 days a week	\$10,385.00
Oppenheim	1924	About 7 ½	\$10, 815.00
Broadalbin	5250	19 hours	\$18,455.00
Mayfield	6495		\$24,639.00 +1104.00 RMO +\$882.00 registrar
Town of Johnstown	7098	35 hours	\$24,885.00 + \$3064 registrar
Caroga		40 +	\$31,449 reg 550 hwy clerk 2,040 web 750 34,789.00

The clerk noted those are the hours it takes to get the job done. Based on what the other town clerks in the county are paid Supervisor Sullivan had a difficult time looking for another \$5,000.00. He stated this should be discussed at budget time. Council Member Manning noted the board made the same argument when they were discussing raising the code enforcement

officer salary. Other towns throughout the state were looked at, towns of our size, and work load, "We were told it didn't matter." Council Member Morris stated we can't pick and choose when we want to apply reason. In January a lot of research and hours were put into the information for the code officer salary and it fell on deaf ears. We couldn't even totally express ourselves.

The clerk wanted this information on the record. As a town clerk Caroga is unique we have a golf course I help with advertising, taking memberships/gift certificates revenues are entrusted to me. The town has a weed harvesting program, a boat washing station, a new code officer who is not familiar with the Code/APA regulation. I am here all day long to answer questions. The work load has increased. Today a woman came to the town looking for services for her husband who needed physical therapy. (The county public health and office of the aging phone numbers were given to her.) Does the board want me to say that is not my job – call the town supervisor or a board member? That is not how I run my office.

Supervisor Sullivan stated that the clerk should not be compensated for helping others. Council Member Manning noted Supervisor Sullivan's information did not include the support staff that other offices have. The clerk noted the Town of Johnstown has 1 other full time staff for 35 hrs. a week @ \$12.48 per hour. Council Member Manning noted if this does pass it is subject to permissive referendum.

Joyce Barret stated she didn't think this town appreciates all Linda Gilbert does. She is the President of the NYSTCA. Mr. Pawlows noted the clerk has been helping him out all month with a zoning situation. Supervisor Sullivan thought the code officer should have helped him. Supervisor Sullivan stated he has no problem with the Caroga clerk being the highest paid in the county. He thought the \$5,000.00 was inappropriate at this time. Mrs. Barrett questioned why the code officer was given a \$12,000.00 salary adjustment. The clerk noted when other department heads earn \$34.00 per hour and work 18 hours a week I think I am being abused. Newly hired employees were given a salary of \$20.00 per hour and an 18 year employee makes less than that. In January the salary of a newly hired Highway employee was increased and they now make an hourly rate similar to the Town clerk/Collector with 18 year experience. Supervisor Sullivan noted the Code officer and Assessor have certifications they have to maintain. The town clerk is an elected official that anybody can be elected into. I'm not saying anybody can do it, not saying the job can be done better than Linda, just saying we are talking apples to oranges.

Council Member Morris stated when we have people who have served the town for decades when they see people just starting out at a much, much higher rate... I can understand how my nose would be bent a little bit too. This isn't fair we've given increases and people are starting out making more money. We have to be fair as a board not just for certain groups. This is the problem we ran into in January. Supervisor Sullivan stated many town clerks don't get a cost of living increase.

Mrs. Holliday stated the clerk knows her job inside and out.

Council Member Manning again noted the permissive referendum and if the public does not have a problem with this then the public is clearly OK paying the clerk they elected more money.

Mr. Bishop noted when Greta ran against the clerk they voted her back in.

Mr. Kirch noted in business compensation is based on market data. Not a popularity contest, it is based on what the job is what the responsibilities are. The job is what it is, you have to compare this job and this job alone and how it compares with similar jobs in the market place.

Supervisor Sullivan stated this is an elected office and the salary is known ahead of time. If she gets a salary increase and someone else is elected regardless of their experience they would get that salary. The board asked how that could be changed.

Mr. Bojarski noted in his business they paid to retain good employees. Supervisor Sullivan noted this is elected. He believed it did.

A resident asked why a base salary could not be established with years of experience set up. A new employee would begin at the base.

Supervisor Sullivan stated when she was elected she knew what the salary was. Council Member Morris stated so did a previous code officer. Supervisor Sullivan noted they are not elected. Council Member Morris responded that makes it even worse. Council Member Manning stated business vs public.... apples and oranges. Council Member Morris noted last November the previous board and Supervisor were talking about a salary adjustment just as the clerk is. "We have to be fair across the board."

Council Member Glenn suggested the discussion come to a close.

**RESOLUTION #2016-091 an introduction of Local Law #2 to Adjust the Compensation of the Town Clerk of the Town of Caroga for the Fiscal Year 2016** was offered by Council Member Sturchio at the regular monthly meeting of the Caroga Town Board held on Wednesday July 13, 2016 at Caroga Town Hall. **WHEREAS**, the Town Clerk/Collector has asked for a salary adjustment in the amount of \$5,000.00 for the year 2016, and **WHEREAS**, the Town Board discussed the subject in length, now therefore be it **RESOLVED**, that the Caroga Town board will hold a public hearing at the August 10, 2016 regular monthly town board meeting at 7:05 pm. The motion was seconded by Council Member Morris

Adopted by a vote of 3 Ayes, Sturchio, Morris, Manning  
2 Nays, Sullivan, Glenn

At 10:01 pm Supervisor Sullivan made a motion to enter into an executive session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal

or removal of a particular person or corporation of two people and 3 lawsuit items. Council Member Glenn seconded the motion. All board members were in favor of the motion.

At 10:58 pm Supervisor Sullivan 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 were no decisions as a result of the executive session.

Restore NY Communities Initiative Council Member Manning and the board discussed support of the KMVB Landbank. Council Member Manning noted Fulton County can keep primary control of the structures they have. This is an option for them to get the properties back on the tax rolls. Council Member Glenn wanted to discuss this with Art Simonds from the City of Gloversville Blight committee. Council Member Morris wants to better understand this before a resolution is made. She stated there are only 3 foreclosed properties – as far as abandonment the tax rolls show the taxes are still being paid on them. Council Member Manning noted the places are not being maintained. If we were part of the Landbank they would approach the banks about rehabbing the properties.

Supervisor Sullivan made a motion to pay the bills as presented for audit and to accept the minutes of the June meeting. Council Member Glenn seconded the motion. All board members were in favor of the motion.

**RESOLUTION #2016-092 to pay Dave Egert** was offered by Supervisor Sullivan at the regular monthly meeting of the Caroga Town Board held on Wednesday July 13, 2016.

**WHEREAS**, Dave Egert – weed harvesting coordinator submitted a third bill for payment for parts and labor to rebuild the harvester, now therefore be it **RESOLVED**, that the Caroga Town Board does hereby approve the expenditure of \$ 1,416.20 from account A8090.4 for rebuilding the harvester. Council Member Glenn seconded the motion.

Adopted by a vote of 5 Ayes; Sullivan, Sturchio, Glenn, Morris, Manning

At 11:14 pm Council Member Glenn made a motion to adjourn. Seconded by the entire board. All board members were in favor.

Respectfully Submitted,

Linda M. Gilbert, RMC, CMC  
Town Clerk