

State of New York  
County of Fulton  
Town of Caroga

Minutes of a Caroga Town Board work session held on Wednesday August 17, 2016 at 7:30 pm at the Caroga Municipal Building 1840 State Highway 10 Caroga Lake NY . Deputy Supervisor Sturchio called the meeting to order at 7:30 pm with the roll being called. The salute to the flag followed.

Deputy Supervisor Sturchio – Here  
Council Member Glenn – Here  
Council Member Morris – Here  
Council Member Manning – Here

Other Department heads in attendance were Steve Putman – Highway Superintendent. Lawrence Magguilli from Attorney Sal Ferlazzo office was also present. There were six members of the public in attendance.

Deputy Supervisor Sturchio noted there is a resolution the board should make about Morey Road. The board needs to discuss retaining the professional services of R. K. Hite & Company Inc.

**RESOLUTION #2016-097 to Hire R. K. Hite & Company to mitigate the issue on Morey Road** was offered by Council Member Glenn at the August 17, 2016 work session. **WHEREAS**, The Town Board of the Town of Caroga wishes to retain the services of R. K. Hite & Co. Inc. of 89 Genesee St. Avon NY to perform the right of way acquisition services outlined in the January 21, 2016 letter from R. K. Hite & Co. Inc., Now therefor be it **RESOLVED**, that the Town Board of the Town of Caroga does hereby authorize the Town Supervisor to execute a written contract with R. K. Hite & Company Inc. in a form approved by the Town Attorney to perform professional services of the town in accordance with the proposal date of January 21, 2016, be it further **RESOLVED**, that the fee for said work shall not exceed \$12,500.00 dated this 17<sup>th</sup> Day of August 2016.

Discussion: Deputy Supervisor Sturchio explained this is to get Morey Road back so snowmobiles are back on track. This is the first step in that direction. Council Member spoke to Attorney Ferlazzo they anticipate it will take about a month for R. K. Hite & Co. Inc. to put everything together. Mr. Magguilli stated that Attorney Ferlazzo would be negotiating with the majority of the land owners. This is specific to one land owner. He noted the rest of the property owners along the road seem willing to enter into an agreement with the town to purchase part of the road. This will be separate aspects. R. K. Hite & Co. Inc. will take the lead on the one land owner that doesn't want to sell their property to the town. A fair price will be offered. Council Member Morris seconded the motion.

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

There was one typo in the proposal submitted under tasks #3 stated titles would be recorded in Wyoming County. The clerk will send out a certified resolution to attorney Ferlazzo.

Deputy Supervisor Sturchio noted the need to enter into an agreement subject to a permissive referendum to accept the \$230,000.00 for the cell tower. If we enter into this the town residents would have 30 days to decide if they wanted to vote on this. The Town Board can pass a resolution authorizing the Town Supervisor to enter into this agreement Subject to a Permissive Referendum. Basically that give the people in town time to get a petition going saying they want to vote on this. They can vote to overturn the Town Board authorizing the Supervisor to enter into the contract. This must be done because it is subject to a lease. Council Member Manning asked if the board had to specify where the money would be going at this point in time. Attorney Magguilli replied at this point it is just be authority. Council Member Morris thought this should be a full board approval on where the money is to be spent. The wont be a transfer of funds until the expiration of the period of time for the public to respond. Then the contract can be signed. Attorney Lawrence Magguilli drafted the resolution

Robert Sullivan asked if Sherman's could be used as a weight station for the fishing tournament this weekend. The board requested that waivers be signed by those on the property. The clerk noted the kayak poker run held last weekend submitted signed waivers sheets into her office. A sample could be sent to Mr. Sullivan as an example of the paperwork the board is requesting. Council Member Morris stated as long as the waivers are signed it would be OK.

**RESOLUTION #2016-098 to enter into contract with American Towers LLC** was offered by Deputy Supervisor Sturchio at the August 17, 2016 Town Board work session held at the Caroga Municipal Building 1840 State Highway 10. **WHEREAS**, the Town Board of the Town of Caroga wishes to enter into a contract with American Tower LLC as outlined in the second amendment lease agreement. Now therefore be it **RESOLVED**, that the Town Board of the Town of Caroga does hereby authorize the Deputy Town Supervisor to execute a written contract with American Tower LLC in a form approved by the Town Attorney subject to the requirements of a permissive referendum, and be it further **RESOLVED**, that the Town Clerk shall publish a notice satisfying the requirements of a permissive referendum. Council Member Glenn seconded the motion.

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

Attorney Magguilli has drawn up a Local Law on the blight issue. This also deals with junk, junk vehicles per the 2009 Local Law with additions. Copies were given to the board and members of the public. The document consists of definitions. One new addition starts on page 5 Article B – Responsibilities, Requirements. Section 2 outlines general requirements and prohibited acts. Another significant change is in Article D Administration on page 10. This is how the town can go about enforcing the provisions of this Local Law. Notice needs to be served on the responsible party. Page 11 Section 5 outlines how notice is to be served. Section 6 dictates that the town shall be reimbursed for the actual costs and expenses of the work so performed. Section 8 on page 12 talks about penalties. Any failure to abide by the provisions of

this Local Law sets penalties of \$500 for the first violation, \$750 for a second violation, and \$1,000 for any violation after that. He noted \$1,000 is the maximum allowed under state law.

Council Member Morris asked about article C section 1 vehicles - Seasonal she wondered about people who own a boat and don't have a garage. They have limited space where they can store it. She asked what does when feasible mean. When feasible would be left up to the Code Officer it is at their discretion. Attorney Magguilli let the board know that they can make changes to the document. The board wanted to spend more time with the document another work session was suggested.

Council Member Manning asked how long you have to wait to fine a violator for the same violation. Attorney Magguilli thought the document was written so that every day the violation is not remedied would constitute a separate additional offense. This was written to be to the max, it can be cut back. The board will review and discuss this updated Local Law at a future meeting. The board thanked Attorney Magguilli.

Council Member Glenn suggested discussing this at the next monthly meeting. He would like to get the blight committee up and running again. He wants everyone to digest this new information. Having a meeting after Labor Day was suggested. It was noted that an issue has come up in the past that a Dr. issues a written excuse for people not to clean up their property. The board would like no exceptions so a backup plan may be needed. Some level of compassion is necessary Council Member Morris stated. Council Member Manning noted there was a group last year that was willing to help out. Attorney Ferlazzo did stress that any group that is going to be giving any direct physical assistance to people not be directly associated with the town. Council Member Morris suggested written permission. A small contract could be drawn up. Mrs. Manning can think of 6 - 7 people who are willing to work.

Council Member Glenn noted the back log of work with the Code Officer and after the last meeting there was a discussion and Mr. Howard Wilson expressed interest in giving a hand to the Code Officer.

Mr. Wilson has been a resident for 25 years. His qualifications are that he has been in construction for over 45 years. He is a supervisor on several major construction jobs – the Walmart in Johnstown and around the state with restaurants and hotels. Currently he is the clerk of the works for a firehouse in Colony NY. He knows lots of state codes and some local. He is looking for part time work. He is not licensed as a code officer. Council Member Manning noted to do any type of code enforcement at the municipal level you have to be licensed. Some members of the board thought he could be an assistant. The board will discuss their needs.

Mr. Toskas stated he would be helping the code officer with building codes. Mr. Wilson thought blight does take in the conditions of buildings and if they are safe and habitable. Deputy Supervisor Sturchio stated we don't know what we need yet but we have a person who is willing to help us. He could be doing the leg work. Council Member Morris noted we would have to see if there is money in the budget. Secondly this would have to go through the county process. This will take a little time.

Mr. Toskas stated we are talking about stuff and how things look. The board wanted to have Mr. Duesler here for this discussion. Council Member Manning thought Mr. Duesler should be asked if he needed assistance. Council Member Glenn spoke to the code officer after the last meeting – he is inundated with work. This process has been stalled 8 months. He can see giving him 3 – 4 months but he is hearing from all corners of the community that we need to do something. Deputy Supervisor Sturchio noted the need to have a work session. Mr. Wilson stated a willingness to get the certifications. No decisions can be made at this point. Everyone agrees that we have to put more focus on blight in the town. Council Member Manning noted whether we can develop a whole new position remains to be determined. He does have to have a chance to show what he can do. If there is point where he says he needs help... that is a whole other discussion. Council Member Glenn asked where do we start the process. Council Member Manning stated with the Local Law which we are working on.

Mr. Toskas suggested getting the blight committee together to come up with some suggestions. The committee would be the liaison to the town board. Council Member Manning noted that usually a member of the community would be the head of the committee and a Town Board member would just be a member of the committee. Mr. Wilson was thanked for coming to the meeting and offering his help.

The clerk reported that 17 people are signed up to go into the transfer station for the cleanup weekend scheduled for Friday and Saturday. The permit shows proof of residency. Some coupons for tires have already been sold.

The Town Clerk received notice from the County that two parcels in the town are delinquents in their taxes from 2015. The parcels are the Sherman's property. In speaking with the Fulton County Treasurer this afternoon he informed me that this board could ask for a waiver for the two parcels both on the County and Town level so these taxes would be forgiven. A letter would be drawn up to the Fulton County Board of Supervisors to clear up this matter. Currently the town owes \$583.00 and \$8024.16 on the other parcel. The clerk wondered why this was not prorated by an attorney when the agreement was made. Council Member Morris wondered how this could have happened. The clerk noted taxable status day is March 1 of each year. The town took over the property on January 1<sup>st</sup> therefore the town is responsible for the monies owed. The parcels were not tax exempt. There is nothing automatic about the process. The town has until April of 2017 before the properties would go into foreclosure before the county would take them over. Council Member Morris stated "this could possibly be what we do with Sherman's." The county board won't meet until next month. The town clerk could not produce a letter tomorrow for the board. Her workload precluded this happening. This matter was tabled.

Assessor's Job - The town clerk stated that previously she had suggested to Supervisor Sullivan that letters go out to the assessors in adjacent counties. There are also Assessor Associations that could be contacted in each county also. The clerk will draft a letter and send it out to adjacent counties. The town is looking for a part time Assessor salary will be based on their experience and availability.

Clinic Ramp – the clerk has three estimates to replace the ramp in front of the clinic:  
A-Z Group Inc. PO Box 612 Gloversville NY - \$14,750.00

Custom Woodcrafters 111 N Main St Mayfield NY -\$10,700.00

Adirondack Construction \$36,450.00

Questions arose on the project like is the ceiling going to be finished or open

What is the width of the ramp? Structural components 2 x 6's vs 2 x 10's

Council Member Glenn will bring a copy to the maintenance department of the hospital he works for so they can review and make recommendations. Council Member Manning offered to price out the job. Mr. Travis drew up the design. This matter was tabled until the next meeting.

The board reviewed the Snow & Ice Contract submitted by the Fulton County Highway Department.

**RESOLUTION #2016-099 to accept the 2016-2017 Snow and Ice Contract** was offered by Council Member Glenn at a Caroga Town Board work session held on Wednesday August 17, 2016. **WHEREAS**, the Fulton County Highway Department sent over a proposal to undertake the snow removal and ice control contract for two roads in the Town of Caroga, and **WHEREAS**, The town will maintain 5.15 miles of county roads those roads being County Highway 111 and 137 for the amount of \$25,550.00 and **WHEREAS**, Steve Putman Highway Superintendent was in favor of accepting the agreement. Now therefore be it **RESOLVED**, that the Caroga Town Board does hereby move to accept the proposal to undertake the snow removal and ice control for the winter of 2016-2017. The motion was seconded by Deputy Supervisor Sturchio.

ADOPTED 4 Ayes, Sturchio, Glenn, Morris, Manning

Cushman Proposal – Council Member Manning emailed out copies of the proposal to the board members prior to the meeting. Council Member Glenn did not receive his copy. This is just a preliminary proposal not an agreement or a contract. First the town has to say they want to work with them. From that point Attorney Ferlazzo would work with them to draft a contract. The public could petition for a referendum. Attorney Ferlazzo liked the idea of using a broker to market the Sherman's property. He asked his fellow board members their thoughts. Council Member Glen read the information from Council Member Manning's computer. The Board continued the meeting.

Council Member Manning asked that the discussion with Sheriff Giardino on security not be discussed in detail.

Peter Gierszewski has a business installing various types of security systems. He would first have to inspect the property. He has set up systems at Vrooman's and the Caroga Post Office and several homes in the area. He understands there was a system on the premises. He would check the wiring and see what types of cameras are there. He would look at the problem areas. There would be no cost to look at the property. Deputy Supervisor Sturchio noted there was just another break in today. The door to the carousel was open and a window broken. They are taking down the lightbulbs and smashing them. He stated there was no electricity there and wondered if a battery operated system could be put in place. Can it be wireless and connected to a phone? Mr.

Gierszewski stated without power it is difficult. There are solar powered units. To connect to a phone you need an internet connection. There are several different options. Deputy Supervisor Sturchio and Council Member Glenn will meet with him at 10 am on Saturday at Sherman's. A basic system depending on quality, number of cameras can range from \$800 to several thousand dollars. The location of the cameras can be inside and outside and they would be vandal proof. The cameras have infrared lights on them for night vision that is a deterrent. Council Member Morris noted we have to do something every time vandals get in there and wreck the joint it is going to cost us money.

Back to the Cushman proposal; Council Member Glenn stated in principal he thought it was "ok to go ahead and start the preliminary stuff. We are not committed." The agreement would be reviewed by the Town Attorney. It appears they are open to lease options and other situations that may work for the property. It was noted that two groups would be excluded from paying additional compensation to Cushman as they have already contacted the town.

**RESOLUTION #2016-100 to accept the proposal from Cushman/Wakefield** was offered by Council Member Manning at a Caroga Town Board work session held on Wednesday August 17, 2016. **WHEREAS**, preliminary proposal was sent to Council Member Manning and was forwarded to the board, and **WHEREAS**, all board members did review the document, now therefore be it **RESOLVED**, that the Caroga Town board does hereby move to proceed with having a draft agreement with Pyramid Brokerage and the Town of Caroga for marketing the Sherman's property with the understanding that the proposal would be reviewed by the Town Attorney Sal Ferlazzo. Council Member Morris seconded the motion.

ADOPTED 4 Ayes, Sturchio, Glenn, Morris, Manning

**New Business:**

The clerk received a request via email from John Karbowski-Athletic Director of Northville High School for golf passes for an event they are having on December 3<sup>rd</sup> called Coaches vs Cancer at FMCC. Mr. Jennings is in favor of this donation and has signed a certificate for 2 greens fees and a cart.

**RESOLUTION #2016-101 to donate golf** passes was offered by Deputy Supervisor Sturchio at a Caroga Town Board work session held on Wednesday August 17, 2016. **WHEREAS**, the clerk received a request via email from John Karbowski Athletic Director of Northville High School for golf passes for an event they are having on December 3<sup>rd</sup> called Coaches vs Cancer at FMCC, and **WHEREAS**, this request was brought to the attention of Steve Jennings Golf Pro and Manager of the Nick Stoner Municipal Golf Course who supported the request, now therefore be it **RESOLVED**, that the Caroga Town Board does hereby move to authorize the donation of two greens fees for this cause and Mr. Jennings will donate a cart.

ADOPTED 4 Ayes, Sturchio, Glenn, Morris, Manning

The Town Clerk was contacted by two separate bicyclists to park a vehicle somewhere in Town as they bike in the Adirondacks. One request came via the Fulton Montgomery Chamber of Commerce. The Town hall parking lot was offered as a place to park for 3 – 5 days.

Kent Kirch asked if the person mowing Sherman's property could mow the strip of land next to the creek. Council Member Morris took care of this last week by contacting Lawn Tech the company the town uses to maintain the property. She had to ask the adjacent property owner James Subik for access.

Deputy Supervisor Sturchio wrote a letter to the Leader Herald editorial page about the Pine Lake Park disaster. The amount of people who helped out during this event was extraordinary. He read this letter of thanks to the board for their approval to submit it. The letter will be submitted by the Deputy Supervisor Sturchio and the Town Board. Council Member Morris wanted to make a couple of changes to the letter.

Council Member Morris noted the owners of the Campers Corner Store made food and provided beverages for the emergency responders at Pine Lake on Saturday August 6<sup>th</sup>. She feels the Town should reimburse them for the food they provided. The owners did not want any money for all they provided and do not know she is asking for compensation for them. The clerk discussed this with the bookkeeper this afternoon and she said the town can cover this as this event was declared a disaster.

**RESOLUTION #2016-102 to compensate Rick & Jennifer Sturgess of Campers Corner Store** was offered by Council Member Morris at a Caroga Town Board work session held on Wednesday August 17, 2016 **WHEREAS**, on Saturday August 6<sup>th</sup> 2016 straight line winds created havoc at the Pine Lake Park Campground, and **WHEREAS**, numerous emergency personal from the county, town, and surround towns including fire, police, highway, ambulance, and private individuals responded to this later declared disaster, and **WHEREAS**, Council Member Morris contacted the Campers Corner store at 8:45 pm to provide food and beverages for the responders, and **WHEREAS**, within an hour the store had put together 9 Pizza's about 24 large subs, 15 bags of chips, & at least 12 - 2 liters of soda and paper products, now therefore be it **RESOLVED**, that the Town of Caroga does hereby move to compensate the Campers Corner Store \$600 for all of the food and beverages they provided. Council Member Glenn seconded the motion.

ADOPTED 4 Ayes, Sturchio, Glenn, Morris, Manning

The board would like them to attend the next board meeting to personally acknowledge them.

Council Member Morris expressed an idea to hold a public informational/Town Hall meeting every two months or so in an effort to shorten the regular monthly town board meetings. Deputy Supervisor Sturchio wondered if all board members had to attend, would minutes be taken. Mr. Toskas suggested having it the night before the regular town board meeting. It would be unofficial. Council Member Manning liked the idea of having another means of public feedback. There are lots of issues to discuss in the town Blight, Sherman's were just two. The Town board meetings need more focus and less getting off topic so they are not so lengthy. This will be discussed again.

Mr. Jennings suggested reducing the greens fees rates on the Golf Course after Labor Day. The rate would be \$24 for greens fees with a cart. The town would get \$15 and \$9 goes to him for

cart rental. This would start on September 6<sup>th</sup> and run Monday – Friday's. Deputy Supervisor Sturchio wondered if the percentage split was equal. She did not know. He did not want the town to absorb the whole discount.

**RESOLUTION #2016-103 to run a special rate at the Nick Stoner Municipal Golf Course after Labor Day** was offered by Council Member Morris at a Caroga Town Board work session held on Wednesday August 17, 2016. **WHEREAS**, several golf courses have specials in the fall to encourage play, and **WHEREAS**, Mr. Jennings desires to offered the same type of promotional rate by running a special promotional price at the Nick Stoner Municipal Golf Course, now therefore be it **RESOLVED**, that the Caroga Town Board does hereby authorize a special promotional rate of \$24 Monday through Friday for greens fees and a cart at the Nick Stoner Municipal Golf Course beginning September 6, 2016 until the closing of the course for the 2016 season. The motion was seconded by Deputy Supervisor Sturchio.

ADOPTED 4 Ayes, Sturchio, Glenn, Morris, Manning

**Correspondence:**

A letter from Donald Curtis marked Personal & Confidential was given to the town board.

Council member Glenn asked what the board decided to do about blight. Deputy Supervisor Sturchio stated the board would set a meeting at the next town board meeting. The board has to review the proposed Local Law drafted by Attorney Ferlazzo. Council Member Manning suggested putting a sign in sheet at the meeting to see who is interested in serving on this committee/project. Mrs. Manning asked if a person was on the blight committee that you would be involved with the town and therefore could not participate in cleaning up someone's property. Council Member Morris confirmed that any person on the committee could not have anything to do with going to some ones property.

At 8:58 pm Deputy Supervisor Sturchio 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; This is a highway employee situation.

At 9:18 Council Member Glenn made a motion to exit from the executive session. Council Member Manning seconded the motion. All board members were in favor of the motion. The highway employee was asked to provide documentation regarding this situation.

At 9:19 Council Member Glenn made a motion to adjourn. Council Member Morris seconded the motion. All board members were in favor of the motion.

Respectfully Submitted,

Linda M. Gilbert, RMC, CMC  
Caroga Town Clerk