

State of New York
County of Fulton
Town of Caroga

Minutes of a Caroga Town Board work session held Tuesday February 21, 2017 at the municipal building located at 1840 State Highway #10 at 7:30 pm with the following persons in attendance by roll call:

Supervisor Beth Y. Morris- Here
Council Member John Glenn – Here
Council Member Anthony Sturchio - Here
Council Member Jeremy Manning – Here

Other town department representatives in attendance were Steve Putman Highway Superintendent, and Victoria Hayner – Assessor. There were thirteen members of the public in attendance.

Supervisor Morris announced the Community Dinner on February 24th from 4- 7 at the North Bush Church - donations appreciated.

Mrs. Hayner has been here for 4 months and has been looking over things. She has also received some information from the state. This has led her to some concerns. She feels she has information the board needs to know. She needs to declare the level of assessment which previously was being declared at 100%. However in a recent sampling by NYS this town is not at 100% and it is not at an equitable and uniform manner. The town did not conduct a successful revaluation project – it did not reach 100%. The state came out and looked at sales and used comparisons within the town. The State's numbers using 2015 data says we are assessing at 61.71% of the market value.

The Assessor has a 5% leeway so she will determine the value to be at 63%. The repercussions are this when the County has to use the apportionment. It does not make sense to declare at 100%. This will make a change on the tax bills to reflect the true full market value. She stated the taxes should be about the same. She is asking the board to understand and support her findings.

Mr. Subik stated her predecessor did not do a revaluation 1/3 of the town according to what he heard.

The clerk asked what the 2016 data shows. Would that change our situation? There was not a big change Mrs. Hayner noted in the market trend.

Mr. Toskas asked if she would arbitrarily be changing our assessments. She replied that she will be placing a value on the property already there. She is telling the public that we are seeing a value on our properties of probably 63% of market value. There are some properties truly at 100%. Everyone needs to look at their market value when it is at 100%, “Is that a fair market value of what the property is if you were to sell tomorrow?”

Mrs. Hayner noted the second purpose of being here is to have equity in the town. Everyone's property is assessed correctly so each person is paying their fair share of taxes. The town was down in the 40's. That is why the previous Assessor attempted to conduct a revaluation. The town gains equity in the value of each owner's property. The town will not realize more money. By being at 100% the tax rate will be the lowest it can be. It was noted that the state offers an incentive to be at 100%. In the past they have offered a per parcel reimbursement to towns that did a revaluation project and get 100%.

Mrs. Barrett asked how you decide what the market value is. Mrs. Hayner stated one is the cost value for the area and second is the sale comparisons. In her professional opinion she looks at these two numbers and sets a value.

Sales with people coming in from other areas can have an effect on values. Mrs. Hayner noted when you buy real property you expect it will gain in value. It is an investment. She noted it is hard when camps up here have been passed down from generation to generation. The camps have become more valuable.

Mrs. Hayner has an open door policy – she is willing to talk reasonably to anyone. She may or may not agree with the property owner at the end of the day.

It is her professional opinion that a full revaluation project is necessary to get the town to 100%. A benefit of the revaluation is that property owners will get a full benefit of their exemption. Some exemption are percent based others are one shot value.

She gave the board a revaluation proposition quote. She would do the job. An outside company would charge more. It is all on her shoulders anyway. The total cost would be about \$50,000.00. It will take two years. Data mailers go out, then inspections, valuations, then in February impact notices go out to every property owner. Here is the cost broken down.

Assessor Fees - \$42,000.00,	2017- \$21,000.00	2018 \$21,000.00
Data Consultant - \$4,500.00	2017 - \$ 3,000.00	2018 \$ 1,500.00
Supplies & 2 mailings \$3,500.00	2017- \$ 2,000.00	2018-\$ 1,500.00

The clerk stated a mailing was just done with the previous assessor less than two years ago. Those sheets should be in everyone's folder. Mrs. Hayner stated they are not. There are books she has not had a chance to go through. It was hoped that the data was updated. The clerk noted the county can do a less expensive bulk rate mailing for the town. They stuff the envelopes and mail them out.

Mrs. Hayner would have a little staff of people doing data collecting. She pays them herself. She takes care of mileage. She does not adjust the cost if the project runs longer.

The state will look at her new data and run tests against it. She is in contact with the state through the process. She has never missed her 100%.

Mrs. Parker did not use the state program. There isn't any data in the computer. Pictures are on the roll. Mr. Long spoke to Mrs. Parker and he knows how the lakefronts were figured. He understood she had a formula based on the lake, sq. footage, and linier footage.

The clerk asked if the interior of the house was going to be taken into consideration. Mrs. Hayner explained her land tables and how she uses them. This is all figured through a computer. Mrs. Parker did it manually; it makes more sense to use the technology. Condition is taken into consideration. Mrs. Hayner noted she sets up neighborhoods.

Mrs. Hayner thanked the board for their help in setting up her office.

The key to this project is in keeping the public informed. A preemptive informational letter should go out. A new tab could be placed on the town website. A proposal letter would go out in a mailer also. The clerk noted the lake associations are a good resource to get information to the property owners. Data collection would not start until summer. This project would be completed for the 2018 roll.

RESOLUTION #2017-020 to rescind Resolution #2017-12 a Resolution authorizing the Supervisor to sign the contract with the Fulton County Officer of the Aging was offered by Supervisor Morris at a work session of the Caroga Town Board held on Tuesday February 21, 2017 at Caroga town hall. **WHEREAS**, the Town of Caroga has annually signed this contract with the Office of the Aging, and **WHEREAS**, it was recently brought to the boards attention that the municipal building has not been used as a meal site for several years, and **WHEREAS**, certain inspections and paperwork are required with this agreement in place, now therefore be it **RESOLVED**, that the Caroga Town board does hereby move to rescind resolution #2017-012 a resolution to allow the town supervisor to sign said agreement. Council Member Glenn seconded the motion.

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

RESOLUTION #2017-021 to allow Code Officer to attend training was offered by Supervisor Morris at the February 21, 2017 work session held at Town Hall, and **WHEREAS**, John Duesler Code Officer has indicated a need to attend training to acquire the necessary Continuing Education points, and **WHEREAS**, there is a three day training in Lake Placid on March 6, 7, & 8, 2017, now therefore be it resolved that the Caroga Town Board does hereby move to approve the Code Officer, John Duesler to attend said training with the town paying for expenses from account A3620.4 and A3620.1. Council Member Sturchio seconded the motion.

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

RESOLUTION #2017-022 to adopt Local Law #1 of 2017 to Set Grievance Day in the Town of Caroga was offered by Supervisor Morris at the February 21, 2017 work session held at Town Hall, and **WHEREAS**, Victoria Hayner discussed with the board a need to change the date of grievance day in the Town of Caroga as she is an assessor for multiple assessing units in the state, and **WHEREAS**, a public hearing was held on February 8, 2017 with the Town

Attorney present, and without public comment, Now therefore be it **RESOLVED**, that the Caroga Town Board does hereby move to adopt Local Law #1 for 2017 as follows with Council Member Sturchio seconding the motion.

Section 1. Title – A local Law to set “Grievance Day in the Town of Caroga.

Section 2. Legislative Intent – The Town of Caroga Sole Assessor Victoria Hayner is also the assessor for three other assessing units in the State of New York, Pursuant to Section 512.1-a of the Real Property Tax Law the Town of Caroga hereby sets the second Wednesday after the fourth Tuesday in May as Grievance day in the Town of Caroga.

Section 3. Effective Date – This Local Law shall take effect immediately upon its filing with the New York State Department of State.

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

RESOLUTION #2017-023 to amend Local Law #1 of 2014 to Regulate Traffic in the Town of Caroga was offered by Supervisor Morris at the February 21, 2017 work session held at Town Hall, and **WHEREAS**, the Highway Superintendent Steve Putman has indicated the need to update Section 9: of local Law # 1 of 2014 to change the effective dates from October 1st to April 30 to December 1st to April 1st and to amend Section 11 Exceptions: by adding paragraph B, and **WHEREAS**, a legal notice was posted in the Leader Herald Newspaper and on the official bulletin board as required, Now therefore be it **RESOLVED** that the Caroga Town Board does hereby amend said Local Law #1 of 2014 as follows with Council Member Sturchio seconded the motion.

Local Law #2 of 2017 to amend Local Law #1 of 2014 to Regulate Traffic in the Town of Caroga

SECTION 1. Title
SECTION 2. Purpose
SECTION 3. Applicability
SECTION 4. Definitions
SECTION 5. Removal and Storage of Vehicles
SECTION 6. Temporary Emergency Restrictions
SECTION 7. Parking for Certain Purposes Prohibited
SECTION 8. Blocking Highways and Driveways
SECTION 9. Winter Parking
SECTION 10. Interference with Snow Removal
SECTION 11. Exceptions
SECTION 12. Penalties for Offense
SECTION 13. Severability
SECTION 14. Effective Date

Section 1. Title

A. The title of this Local Law is “A local law to Regulate Traffic in the Town of Caroga, New York (town)”.

SECTION 2. Purpose

A. The purpose of this Local Law is to preserve the good order of the Town.

SECTION 3. Applicability

A. This Local Law shall apply to all territory within the confines of the Town.

SECTION 4. Definitions

A. In this Local Law the words "owner", "parked" and "vehicle" have the meanings assigned to them by the New York State Vehicle and Traffic Law.

SECTION 5. Removal and Storage of Vehicles

A. The Town shall provide for the removal and storage of vehicles that are

(1) Parked or abandoned in any town and county streets and highways in violation of the provisions of this Local Law.

(2) Parked or abandoned on public highways during snowstorms, floods, fires or other public emergencies

(3) Found unattended where they constitute an obstruction to traffic.

(4) Found at any location where stopping, standing, or parking is prohibited.

B. In addition to the payment of any penalty, the owner or operator of any such vehicle shall be liable for payment of all expenses actually and necessarily incurred in effecting such removal and storage thereof.

SECTION 6. Temporary Emergency Restrictions

The Highway Superintendent is authorized to prohibit or limit parking in any designated area, where he determines that there is a serious traffic problem.

The order of the Highway Superintendent shall prohibit or limit parking no longer than fourteen (14) days. In the event the Highway Superintendent desires to limit or prohibit parking, suitable signs or other instructions specifying the limitations must be placed in the area in order to inform the motorists of the prohibition or limitation.

SECTION 7. Parking for Certain Purposes Prohibited

No person shall park a vehicle upon any roadway for the principal purpose of:

1. Displaying such vehicle for sale.

2. Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.

SECTION 8. Blocking Highways and Driveways

No person shall park any vehicle in such a manner as to block a town highway, entrance to a public parking lot or any private driveway.

SECTION 9. Winter Parking

In order to facilitate snow removal operations on all public highways, the parking of vehicles is prohibited on all town and county streets and highways during the period of December 1st through April 1 except and unless special permission in writing, be provided by the Town Highway superintendent, and then only in the case of an emergency.

SECTION 10. Interference with Snow Removal

It shall be unlawful for any person to delay, hinder or obstruct any Town vehicle or equipment while the same is engaged in plowing or removing snow from the highways or public places of the Town, and the owner or person in control of any vehicle standing in any highway or public place in the Town shall move or cause the same to be moved to permit the plowing or removal of snow at the request of any authorized agent or the Town.

SECTION 11. Exceptions

The provisions of the Local Law shall not apply to commercial vehicles while stopped for the purpose of loading or unloading merchandise or to operator of a vehicle who has been granted special permission by the Town Highway Superintendent.

When there is a special event taking place within the Town of Caroga the Town Highway Superintendent may lift the winter parking ban on roads, with a request 15 days prior notice from the person or groups sponsoring the event.

SECTION 12. Penalties for Offense

Any person violating any of the provisions of this article may be punished upon conviction for the first offense by a fine not exceeding one hundred dollars (\$100.00) and, for the second offense a two hundred and fifty dollars (\$250.00) fine within the time frame of eighteen months, and for the third offense a three hundred and fifty dollars (\$350.00) fine within the time frame of eighteen months; or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment.

SECTION 13. Severability

A. If any clause, sentence paragraph, subdivision, section or part of this Local Law shall be adjudged by any Court of Competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof.

SECTION 14. Effective Date

A. This Local Law shall become effective immediately upon its filing with the New York Department of State.

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

Supervisor Morris stated a topic on everyone's mind is Sherman's. Next Tuesday night the Sherman's Advisory Board will have a meeting at 7 pm. At that time there are two proposals to be presented to the committee. The property has not been marketed due to a legal cloud but that is an option that the town has. Supervisor Morris wanted people to know there were more than the two proposals out there. The public is invited to attend.

Council Member Manning wanted to discuss the bike path a bit. He gave some background on the project. The town is consideration doing a Mountain Bike Trail System on the area behind the current fire house. There are 115 acres back there. The town purchased the land in 1962 for recreational use. The trails could also be used for snowshoeing, and cross country skiing. The

county is pushing tourism and biking is something they are pushing. Insurance has been discussed with our carrier – they are not interested in insuring the project. The insurance company has specific guidelines.

Mr. Putman wanted the property logged. He thought that would save taxpayers money. In checking with the Attorney General and Assoc. of Towns Council Member Manning found that the proceeds from logging would have to be used on the property the logs came off from unless an alienation process was done. Council Member Manning has reached out to other Mt. Bike clubs for information on insurance. If the town had a plan drawn up other agents could give him quotes. Council Members Manning and Sturchio met with a bike club in Johnstown on Monday. They will let him know if they want to carry liability coverage on their own and also maintain the trails.

Council Member Manning noted there is grant funding coming up and the town needs to get the ball rolling. Mr. Ovitt would come on the property and conduct a feasibility study and develop a map with a multi-phase project for the town. Then the town can go after grants. We need this first. The mapping can be done in two weeks. This is not a commitment.

Supervisor Morris noted this is town property. Lots of trails are done on state or private property. She stated this can go up to permissive referendum. It is a project on town property. It was asked why snowmobiling on town property is allowed. Supervisor Morris stated the cost for the trails would be \$80,000 - \$100,000. He was not sure about the referendum – no transfer of town property would occur. Supervisor Morris does not want to make a quick decision.

Council Member Sturchio is in favor of the project and wants to move forward.

Supervisor Morris has invited Bill VanGorder of Mang Insurance to the March meeting to discuss this topic.

Council Member Manning has a goal to have an outside organization insure this and to have another organization maintain it at no cost to the town. This is why he needs a plan in place. The other organizations work together as in exchange they want a location to ride. That is how this is done.

Council Member Glenn stated this seems parallel to the snowmobile club. They form a LLC to use easements across property.

It was noted most groups don't have funding to build the trails or the backing. Council Member Manning's goal is to get several non-matching grants. Or if it is matching volunteer time can be used. Many groups will volunteer for that 25%.

Mr. Subik stated the town would have to co-insure it. He stated you can't sign a waiver – you never waive your rights.

Mr. Toskas thought it was a great idea. He thought there were plenty of ways to get this done. He offered \$200 toward the project.

Council Member Manning stated the first thing he needs is a proposal in writing and a map with phases. When talking to these groups you need to have something to show them, a physical plan. This is the next step. Supervisor Morris wanted Mr. Ovitt to come to a meeting.

Supervisor Morris thought this non matching grant could be used for the town hall building. It has been neglected for so many years. There have to be priorities.

Council Member Manning has reviewed the grant and this project fits every category.

The cost of the survey is \$1,500.00. It can be rolled into the grant application even retroactively. People have offered to help the town out with this expense. The town can't elicit or solicit for donations. At this point in time Council Member Manning needs the board's approval to contract with Mr. Ovitt of Wilderness Property Management to complete the onsite assessment of the property. These projects are enormously popular. People travel 4 hours to go on trails.

People are excited about this project. Individuals can donate to the town to help out this cause.

Council Member (Doctor) Glenn pulled up information on google. He stated the projects he found were either on state property or through a LLC limited liability company. He then noted the injuries from the sport.

Council Member Manning stated a lot of times municipalities put up the funding as this brings in tax revenue. Then pass it off to another organization to insure and maintain. If the site is not good Mr. Ovitt may just say so and not charge the full \$1,500.

Supervisor Morris noted a lot of work has gone into this already. She wants to make an informed decision. She wanted Mr. Ovitt to come to a meeting and maybe have some bike clubs come too.

Eric Manning noted he is proud of his brother the Council Member. He is doing what he stated he would do during his campaign. He is expanding the recreational opportunities in this town. He is embarrassed that this small amount of money is the obstacle.

Supervisor Morris thought the grant money could be better spent on the town hall building or on weed harvesting. She argued that Council Member Manning needed to show her a plan. That is what he is trying to do. Supervisor Morris stated maybe he could apply next year.

The board and the public continued to debate how to achieve funding the bike path.

It was noted that the proposal has been on the table since November. Council Member Manning cannot wait another 2 weeks until the meeting.

RESOLUTION # 2017-024 To fund Recreational Assessment Proposal for a Caroga Lake Mtn. Bike Trail System at Irving Pond Park was offered by Council Member Manning at the February 21, 2017 work session held at Town Hall, **WHEREAS**, the Town of Caroga

recognizing the importance of encouraging healthy lifestyles and activities, and **WHEREAS**, the Town Board of the Town of Caroga recognizes the need to improve and diversify its recreational offerings for both residents and visitors. **WHEREAS**, the Town Board of the Town of Caroga on March 13, 1961 purchased parcel 53.-1-14 with the State of New York providing 75% of the purchase price as land for recreational use, and **WHEREAS**, Wilderness property Management Inc. (hereafter referred to as) WPM will meet with Caroga Lake representatives to document specific interests for bike trail development on town parcel 53.-1-14, **WHEREAS** WPM will provide onsite assessment to establish potential trail destinations grades, corridors, in addition to information and the establishment of realistic trail standards and risk management, and **WHEREAS**, WPM will provide a plan to develop a cohesive and highly quality trail system that includes analysis of recreation and opportunities for mountain biking, hiking, nature observation on town owned lands, and **WHEREAS**, WPM will develop a conceptual outline that identifies potential bike trail corridors, connecting parcel 53.-1-14 to surrounding lands. **WHEREAS**, WPM will create a map with potential trial corridors identified in addition to the conceptual plan. Now therefore be it **RESOLVED**, by the Town Board of the Town of Caroga as follows: The town board of the Town of Caroga hereby approves the proposal submitted by Steven Ovitt of WPM Inc. in an amount not to exceed \$1,500.00 for the creation of a conceptual plan and a design standards for a Caroga Lake Mountain Bike Trail System and shall instruct the supervisor to execute the recreational assessment proposal. Council Member Sturchio seconded the motion.

A vote of 2 Ayes – Manning, Sturchio
2 Nays – Glenn, Morris

More information was requested by Supervisor Morris and Council Member Glenn. Supervisor Morris stated she didn't say we were not behind the project.

Mr. Toskas suggested allowing Mr. Ovitt on town property to evaluate the property. Waiting is not going to get this done. Something has to start. Money has been offered. Council Member Manning noted he cannot as a board member solicit donations for this project. Other funding sources may be looked into.

Council Member Glenn has been reading in the newspaper back in November 17, 2016 about the Smart Waters program that Jim Mraz is the head of. Senator Tedisco is rolling out a new program. They are looking to make several creeks and East and West Caroga Lakes part of the Smart Waters initiative. Council Member Glenn noted water and sewage pipes were run through Vail Mills and out to FMCC. Now they want to do this to the smaller villages within the county. In a third article from Feb. 17 2017 a program for infrastructure was rolled out by Senator Tedisco. Council Member Glenn stated he and Beth have been working with Jim Mraz and Johnathan Pirro concerning this issue. There is a file on Senator Tedisco's desk. Mr. Mraz prepared a position paper as a proposal to evaluate the development operation, maintenance of a waste water collection and treatment system for a portion of the Town of Caroga. He presented a 4 -5 page document to the board. Requests for proposals can be obtained free of charge. Then grants can be obtained and low interest loans if necessary. The area being proposed is the town center for the beginning of this project. It can be expanded upon over the years. Council Member Glenn thinks they have done their homework. Copies were given to the public. Mr. Long confirmed that he was talking about a sewage treatment facility for the Town Center. He

asked where the discharge was going to be. Council Member Glenn stated it would all up in the RFP's.

Joyce Barrett stated she did not want it dumped into her lake. Council Member Glenn stated he was sure it would not be going into her lake. It could be sent to Johnstown. The main trunk would be by Sherman's.

Mr. Subik wished we had done this 25 years ago. Council Member Glenn wanted to take advantage of it. He suggested a work session to educate everyone. He is trying to save the lakes and the environment and increase business up here.

The public wanted to know what exactly the proposal is. Supervisor Morris stated we have to find this out. It is just a study. They wanted a resolution but we are not here yet. She hopes Mr. Long attends the work session. It was asked how far beyond Sherman's would the project go. They were talking down to the Avenues.

At 9:50 pm Supervisor Morris made a motion to adjourn, Council Member Glenn seconded the motion. All board members were in favor of the motion.

Respectfully Submitted,

Linda M. Gilbert RMC, CMC
Caroga Town Clerk