

Town rejects land donor's terms

Plan for former Sherman's Amusement Park still unclear

BY KYLE ADAMS Gazette Reporter

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The Caroga Town Board voted Thursday night to rescind its resolution accepting the donation of the former Sherman's Amusement Park, retaining the land but dropping all the conditions of the original agreement. The town has faced mounting opposition to the agreement since it was signed by Supervisor Ralph Ottuso in late December and then formally accepted by the Town Board March 11. In rescinding the resolution, the board acted on the recommendation of Albany-based attorney Sal Ferlazzo, who serves as special projects counsel for the town. "There were a number of issues with [the agreement], and we decided this was the best course of action," said town Councilman Robert Sullivan. The roughly eight acres of land, formerly the popular Sherman's Amusement Park, was donated to the town by George Abdella, an attorney based in Gloversville, with explicit instructions that the town open and operate a public beach and maintain the property — which includes a carousel, pavilion and banquet hall — to "the highest standards." The donation agreement valued the land at about \$3.1 million. A citizens committee appointed by the Town Board in February to review the agreement raised concerns about the conditions of the agreement, including potential costs to the town, an apparent improper subdivision carried out in the deed transfer and other possible liabilities. The committee's review eventually led to a petition to the Town Board to force a referendum on the donation and a lawsuit against the board to void the contract. "We had felt since January that these terms were not in the town's best interest and I'm glad the board finally agreed," committee member Jeremy Manning wrote in an email Friday. "It's just unfortunate that we had to file a lawsuit to get to this point, and I wish they would have taken this action sooner." Thursday night's resolution rescinded the resolution of March 11, instead accepting the deed to the property "free and clear of all rights and responsibilities as an unconditional donation." The resolution states that the "town's intent is to clarify that the town is not bound by any of the terms of the Donation Agreement dated December 29, 2014, and that the town is accepting the donation ... without any of the conditions or terms provided in said Donation Agreement." It also directs that the parcels be "lawfully subdivided" by the town Planning Board before the donation is finalized. Given that the March 11 resolution has been rescinded, Thursday's resolution states that there is "no obligation on the part of the town" to hold a referendum on the donation. Abdella declined to comment Friday, saying he would continue discussions with the Town Board and its attorneys. Ottuso did not respond to requests for comment. The Adirondack Park Agency has also become involved, as the property contains wetlands that require an APA permit for subdivision, which was not acquired. Ferlazzo said Friday he has been in talks with the APA and that it will be working with the Planning Board through the subdivision process. Given the pending lawsuit, Ferlazzo said he was limited in what he could comment on, but said he found the work of the citizens committee thorough and "thoughtful." "It was impressive that

the committee put a lot of effort in and tried to assist the town," he said. "I didn't look at the validity of the comments, but I certainly thought that the hard work that was done was very instructive." Ferlazzo said he hoped Thursday's resolution would resolve the lawsuit, but Barbara Lee, the attorney who filed the suit on behalf of nearly 30 petitioners, said she's not so sure. "The petitioners have to decide whether they are happy with what has happened at this point in time or whether they want to carry it further," she said Friday. Lee said she was "surprised, gratified and still concerned" by the board's latest decision, and Manning described his mood as "cautiously optimistic." Lee is on the fence about whether the town should accept the donation at all. There are still more questions than answers, she said. "We still don't know the condition of it, we still don't know the condition of the septic system, we still don't know how much it's going to cost to fix it and maintain it. We still don't know what we're going to do with it." As the Planning Board takes up the subdivision issue, Manning said the citizens committee will continue to take an active role in the proceedings. "Above all else, people want to know the plan, though I think it will be a long time until we finally have that answer in place," he said. "As a town, we will have to go through a long process of determining the most beneficial use of the property and ultimately filter all of these ideas and energy into one project. I don't think that's going to happen overnight.