

To the members of the WCLA:

My name is Barbara Lee. I live on West Caroga Lake, and am an attorney with a law practice in Schenectady. I am posting this message to alert you to a major controversy brewing in the Town of Caroga involving the acquisition of Sherman's. This gift was NOT accepted legally. Town Supervisor Ralph Ottuso greatly overstepped his legal authority by unilaterally signing a donation agreement to accept the property, which contains unapproved subdivisions, without having the planning board review the acquisition, without having the zoning board review the acquisition, without bringing the issue of the acquisition before the Town Board for a resolution and vote to accept this gift, without informing the public of such a major and significant acquisition in a public meeting, and without presenting the issue of this acquisition to the public for a vote. He simply announced at a monthly board meeting that he had acquired the property for the town. When his matter was brought to my attention, I wrote a letter to the Town Board which was read into the minutes of the February meeting, and at that meeting a volunteer committee was formed to investigate the terms of the agreement. I was asked to join this committee.

Many of the conditions of the agreement are of questionable benefit to the Town. The Town can never sell or transfer the property, must always maintain it to the highest standards, and must, to the best of its ability, open and maintain the beach for the public's use (a very expensive endeavor). Mr. Abdella is retaining significant amounts of land behind the post office area for his own use. That land is rumored to be zoned to allow an RV park, though Mr. Abdella represented at a meeting on March 5, 2015 that he has no intention of building one. The agreement grants Mr. Abdella an easement which will allow him access to this property, and further allows him to tap into the existing wastewater treatment system (which currently serves Sherman's and which is part of the donated property) at no cost to him, and requires the Town to incur the cost of increasing the capacity in this system, if necessary, to accommodate Mr. Abdella's needs. All of the conditions and limitations in the agreement are FOREVER, which I believe is illegal. I do not know at this point whether or not I will ultimately be in favor of this acquisition, because there is simply NO information available on what the impact of same will be on the Town.

Mr. Ottuso failed to acquire liability insurance for the property for two months, erroneously insisting that Sherman's was covered by the Town's liability insurance (since he never advised the insurance company that Sherman's had been transferred to the Town, the property actually was not covered). There still is no comprehensive insurance on the property, so if the buildings collapse, are vandalized, are burned or otherwise destroyed, there will be no financial recovery available. The agreement establishes a value for the property based upon an appraisal acquired by Mr. Abdella. Despite requesting a copy of this appraisal from Mr. Ottuso, the committee has been only been supplied with a cover page and two other pages of what appears to be a multi-page document. We have no idea whether this appraisal sets the value of the entire parcel or of only that portion of the property which is to be donated to the Town. We do not know if the appraiser had a property inspection to aid him or her in accurately appraising the property. The Town has not acquired its own appraisal, nor has it acquired an inspection or done an inventory of the property.

There have been three meetings of the volunteer committee, whose members include Shirley Holliday, Jeremy Manning, Kent Kirch, Merryn Byrnes, and me. Mr. Ottuso has not provided us with the information that we requested at our first meeting, and, when we arrived for our committee meeting on March 5, 2015, we discovered that he had called an illegal "emergency board meeting" with which he insisted on proceeding, despite being told the the meeting was illegally called. At the meeting, he called for input from the public on the Sherman's gift, but specifically said that he did NOT want to hear from the committee members. The committee was forced to wait to hold its scheduled meeting until after this board meeting was completed; however, although two of the board members left before our presentation, most of the townspeople who has showed up for the board meeting stayed for the committee meeting, so we were able to inform more people of the situation.

The monthly meeting of the Town of Caroga Board is scheduled for Wednesday, March 7th, at 7 p.m. at the Town Hall. If you live within driving distance and can attend this meeting, I urge you to do so. The committee will present our report to the public at that meeting, and it is so important to have as many people there as possible. Not only will the Sherman's issue be discussed, but I anticipate further controversy over a representation by the new code enforcer, Shelia Yates, who announced in an informational session earlier in March that almost all of the beach and lakefront on East Shore Road, from the channel down to Sherman's, is public property which can be accessed by pretty much anyone to put in a dock or use the lake, deeded

beach rights notwithstanding. This is second-hand information from a resident of East Shore Road, as I was not personally present at that meeting, but it appears that the Town, through the Code Enforcer, is involving itself in property disputes which are civil matters that should be handled by the owners of said property, thereby potentially leaving the Town vulnerable to multiple litigations. Obviously, if the Town is taking this position regarding West Caroga Lake, they will likely apply the same principal to all of the other lakes in the Town, as well.

On another related issue, I think that summer residents have historically felt resented, and sometimes hoodwinked by the Town, repeatedly pointing out that all major decisions which affect the taxpayers (and the summer residents are the ones who pay the highest taxes) during the winter when the camps are all closed up. In an effort to have more of a say in what happens in Caroga Lake, I have changed my voter registration to Fulton County, while my husband is retaining his voter registration in Schenectady County. I urge you to do the same. Even if you cannot be physically present to vote, you can acquire an absentee ballot and ensure that your voice is heard in that fashion. You can access a voter registration form by contacting the Fulton County Board of Elections at (518) 736-5526 or by contacting the Caroga Town Clerk, Linda Gilbert, at (518) 835-4211 or carogac@nycap.rr.com. A registration form can be mailed to you.

I hope that this lengthy explanation will both inform you as members of the association, and encourage you to become involved in this matter. Although the Town Of Caroga encompasses several lakes, logic dictates that we will be the ones who will be most affected by what happens here, as we are the ones who live on and love West Caroga Lake. We MUST become involved in this matter.

Thank you for taking the time to read this. I hope that you are startled and appalled by this situation, that you get involved as quickly as possible, and that you pass this message far and wide.