

Hello, Caroga townsfolk-

It's hard for me to believe that it's been three months since the Sherman's donation was brought to my attention, and I wrote a letter to the town board expressing my concerns. I am sad that this matter has become so polarizing, and that the members of the citizens' committee have been vilified for their efforts to provide town residents with information about the property and the terms of the donation which were unknown at the time Mr. Ottuso signed the donation agreement. As so often happens, misinformation has spread like wildfire, and the motivation of the committee has been misstated and maligned.

I feel that I must clarify, once again, that the members of the committee ARE NOT NECESSARILY OPPOSED TO THE TOWN OF CAROGA OWNING THE SHERMAN' S AMUSEMENT PARK PROPERTY. AFTER A MONTH OF INTENSIVE INVESTIGATION AND RESEARCH, WE FELT, AND STILL FEEL, THAT THERE WAS INSUFFICIENT INFORMATION AVAILABLE AT THE TIME THE AGREEMENT WAS SIGNED TO MAKE A WELL-REASONED DECISION. OUR PURPOSE IS TO PROVIDE THE PUBLIC WITH AS MUCH INFORMATION AS POSSIBLE ABOUT THE EXISTING VALUE AND CONDITION OF THE PROPERTY, AND THE LEGALITY OF THE AGREEMENT. WE BELIEVE THAT THIS IS THE MOST IMPORTANT DECISION TO FACE THE TOWN OF CAROGA IN DECADES, AND WE ALSO BELIEVE THAT SOMETHING THIS IMPORTANT SHOULD BE DECIDED BY THE RESIDENTS OF THE TOWN.

Our research into town law has shown that the donation was illegally accepted by the town supervisor, as he did not have the authority to unilaterally sign the donation agreement. We are further concerned that the donation was accepted with little or no knowledge of the condition of the property and of the current and future financial ramifications of the acceptance of this donation to the town, especially in light of the restrictive provisions imposed upon the town and the permissive provisions which benefit the donor and which bind the town.

Please bear with me while I summarize what has happened thus far.

In December, the Donation Agreement and the deed were drawn up and were signed by the donor and the town supervisor. At the end of December, the deed was filed in the Fulton County Clerk's Office. The town board did not vote on a resolution to accept this property prior to the supervisor's signing of the agreement.

The supervisor announced the donation of Sherman's to the town at the town board meeting on January 14, 2015. The town board did not vote on a resolution to accept this property at the January meeting.

On February 6, I reviewed a copy of the signed Donation Agreement. On February 10, 2015, I wrote a letter to the Caroga town board outlining my concerns about the agreement. As I could not attend the February 11th board meeting, Val Scribner delivered my letter to the Town Clerk, who read the letter into the minutes of the

meeting. This letter is reproduced in the written minutes which are published on the town's website (carogalakeny.com). The minutes of this board meeting state the following:

"RESOLUTION #2015-020 to set up a committee to review the Sherman's agreement was offered by Supervisor Ottuso at the February 11, 2015 regular monthly town board meeting, WHEREAS, the board and the public discussed several aspects of the recent donation agreement of the Sherman's property to the Town of Caroga, and WHEREAS, there remain questions within the document, now therefore be it RESOLVED, that the Caroga Town Board does hereby move to have members of the public sign up to form a committee to review the donation agreement. Council Member Glenn seconded the motion.

Adopted by a vote of 5 ayes, Ottuso, Sullivan, Frasier, Sturchio, Glenn."

This citizens' committee was, therefore, established by resolution of the town board. Kent Kirch, Shirley Holliday, Merryn Byrnes, and Jeremy Manning volunteered to serve on the committee. I was asked to join the committee by Merryn Byrnes, and I agreed to do so.

The citizens' committee held public meetings between the February and March 2015 town board meetings. We met on February 17th, February 24th, and on March 5th and March 9th.

When we arrived for our scheduled and published committee meeting on March 5th, we discovered that the supervisor had illegally called a town board meeting for the same date and time as the scheduled committee meeting. This meeting was illegal because he did not give proper notice to the members of the board pursuant to town law. Despite being informed of the illegality of this meeting by a committee member, the supervisor refused to cancel this meeting, thereby forcing the committee to wait until he was finished conducting his illegal meeting to hold the public committee meeting.

On March 9th, the committee met with the donor and the supervisor to review the changes to the agreement that were going to be recommended based upon the work the committee had done since February 11th.

The members of the committee prepared written reports to hand out to the board and the public at the March 11, 2015 town board meeting. We had previously advised the supervisor that we intended to give oral reports at the meeting, as well. When we arrived at the town hall prior to the meeting, the supervisor initially told Mr. Kirch that we would not be given an opportunity to deliver an oral report. After some discussion with Mr. Kirch, the supervisor changed his mind, and the committee gave oral reports addressing what had been identified as problems with the donation, and recommending changes to be made to the Donation Agreement. After the committee's reports were concluded, the supervisor called for a resolution to

accept the donation of Sherman's to the town pursuant to the terms of the existing Donation Agreement, unless the donor was willing to alter the agreement to reflect some of the recommended changes, in which case the town board would accept the altered Donation Agreement. This resolution was passed unanimously. This meeting was well-attended, and when this resolution was passed, at least half the attendees got up and left. The comments which I heard from those who left were generally not favorable toward the action just taken by the board.

Subsequent to the March 11, 2015 board meeting, members of the committee were approached by a number of residents of the town who expressed their displeasure at the action taken by the board to accept the Sherman's donation according to the terms of the unaltered Donation Agreement. In response to the requests of these residents, the committee prepared a petition entitled "Petition for Permissive Referendum". The petition states, "We, the undersigned electors and legal voters of the Town of Caroga, New York, qualified to vote in the next general or special election, respectfully petition that there be submitted to the electors of the Town of Caroga, for their approval or rejection at a referendum held for that purpose, the repeal of the Town Board Resolution on March 11, 2015, by which the Town Board voted to accept the Donation Agreement between the Town of Caroga and George Abdella, President of Balboaa Land Development." At a referendum, the sole issue for the decision of the voters would be whether or not to repeal the town board's acceptance of the current Sherman's Donation Agreement.

The committee held an informational meeting at the town hall on March 26, 2015. This meeting was properly scheduled and published via the Leader Herald newspaper and radio station WENT. On the morning of March 26, 2015, an unknown male individual contacted the newspaper, falsely identifying himself as committee member Jeremy Manning, and stated that the informational meeting for that night was cancelled. An unknown male individual also contacted WENT, claiming that he was a town councilman, and stated that the informational meeting was cancelled. The false report to the newspaper was corrected early enough that there was no cancellation notice printed. WENT initially reported that the meeting was cancelled, but upon learning that it was not, repeatedly broadcast that the meeting was still scheduled. The meeting was well-attended. The committee still does not know who attempted to cancel the informational meeting.

The law requires that the petition have signatures representing ten percent of the number of people who voted in the last gubernatorial election. In the Town of Caroga, there were 450 people who voted in that election. Therefore, 45 signatures were required. It is my understanding that well over 45 registered voters have signed the petition, which has now been submitted to the Town Clerk for verification of the signatures.

Committee members attended the monthly town board meeting on April 8, 2015. Jeremy Manning advised the supervisor that he was in violation of town law by arbitrarily deciding to institute Robert's Rules of Order as the procedural format for

that meeting and the previous board meeting, because the board had never voted to institute this procedure. Eric Manning reported that he had gone to Herkimer for a meeting with the New York State Department of Health to discuss the condition and viability of Sherman's septic system. He advised the board that the capacity of the system was insufficient to serve more than a 100-person banquet room, and provided further information which can be found in my recent Facebook post, where his written report is reproduced. Jeremy Manning also advised the board about the town zoning laws, reiterating that the subdivisions created by the donor were not legal, and that, contrary to the supervisor's previous representation, the town did not have immunity from its own zoning laws. This written report, with the pertinent law, is also reproduced in the aforementioned Facebook post. I advised the board of information that I had obtained about the value of the subject property, which, according to the donor, is appraised at \$3,100,00.00. All of the parcels of the property were assigned a total full-value assessment of \$375,000.00 in the recent tax revaluation. I also asked several questions regarding information about the property with which the public had not previously been provided, the subjects of which and the responses to which are discussed in the aforementioned Facebook post.

It is the intention of the committee to schedule another public information meeting in the near future. The newspaper and the radio station have been advised to call committee members if they receive any further notices that these informational meetings are cancelled.

Although many the public meetings at which the Sherman's donation was discussed were well-attended, I don't think there were ever more than seventy-five people at any one meeting. Therefore, many of the people who have formed opinions on this issue have not had the benefit of hearing the facts presented by the committee, the statements made by the supervisor, or the questions asked and the comments made by the members of the public in attendance. I hope this post will serve to inform and educate those who wish to understand these events. Thank you for reading, and hopefully, sharing, this.