

State of New York
County of Fulton
Town of Caroga

Minutes of a Caroga Town Board special meeting held Saturday January 28, 2023 at the municipal building located at 1840 State Highway #10 at 11:00 am with the following persons in attendance by roll call. The flag salute followed.

Supervisor Scott Horton - Here
Council Member John Glenn – Here
Council Member Richard Sturgess – Here
Council Member Donald Travis – Here
Council Member Barbara DeLuca – Here

There were two members of the public in attendance.

At 11:01 Council Member Glenn made a motion to enter into an executive session to discuss possible/proposed litigation. Council Member Sturgess seconded the motion. All board members were in favor of the motion. Horton, Glenn, DeLuca, Sturgess, Travis.

RESOLUTION #2023-017 to respond to the letter sent by Andrew Healey of the Law Offices of John R. Seebold, PLLC was offered by Council Member Travis during the executive session held on Saturday January 28th 2023.

WHEREAS, the town received a letter from the law offices of John Seebold PLLC Re: Charles F. Johnson & Helen Johnson v. Town of Caroga, and

WHEREAS, the board entered into an executive session to discuss this proposed litigation, now therefore be it

RESOLVED, that the Caroga Town Board does hereby move to have the Town Attorney, Chris Langlois, respond to the letter stating that the town does/will not place snow at the Morey Road Trail, that the town will abide by the agreement in place, and that notice shall be given that damage shall not be done to the trail by Mr. Johnson.

Seconded by Council Member Glenn

Adopted by a vote of five Ayes: Horton, Glenn, DeLuca, Sturgess, Travis.

At 12:05 pm Council Member Glenn made a motion to exit the executive session. Council Member Sturgess seconded the motion. All board members were in favor of the motion. Horton, Glenn, DeLuca, Sturgess, Travis.

At 12:06 the board resumed in open session.

Supervisor Horton stated they had a long conversation with the Town Attorney and reviewed the rights of the property owners, the town and the snowmobile club for the Morey Road trail.

The Supervisor stated that a resolution was passed in executive session.

Council Member Glenn wanted to have public comment. Supervisor Horton stated the board supports the snowmobile club and their activities. They are looking for avenues with the attorney to address the situation with the plowing of the trail by Mr. Johnson in order for snowmobiles to have more snow on the trail.

Craig Ivancic emailed questions to the board a few days ago. He asked if there were any specific deeded rights to plow the trail. He asked in the ruling was it stated what the trail was supposed to be used for.

Council Member Sturgess noted the attorney reviewed the rights both parties have for use of the trail. Mr. Johnson has to have access to his property. He hopes everyone can meet in the middle on this.

In the correspondence to the town it stated that in December of 2022 the town plowed snow at the end Morey Road to the beginning of the trail leaving a bank of snow. Council Member DeLuca stated the plow created a snow bank in her driveway making it difficult for her to gain access to her home.

Mr. Ivancic was told to document any problems the club encounters with the trail. The trail is for public use.

It was noted that the town owns 15 feet of trail width and the snowmobile club maintains ½ of it. Mr. Ivancic was asked about the condition of the trail. He noted that logs have been placed along the side of the trail. Mr. Ivancic stated if work needs to be done on the trail he knows people with equipment who would help.

Mr. Ivancic noted that this trail is very important as it is the only trail that goes from north to south in the town that doesn't cross a lake. [A snowmobile went through the ice on Peck Lake two days ago and the rider died] It was noted that maps do not show trails crossing bodies of water, the trail stop at the edge of the water. The club has no liability or responsibility for sleds on a body of water.

Mr. Ivancic asked if another survey should be done of the road and stated he would ask the snowmobile club board if they would pay for the survey. He offered to give back the \$2,500.00 that the town donated to the club this year. The full survey was done by Chris Foss.

It was noted that the groomer is 7 feet wide and puts snow back on the trails.

At 12:25pm Council Member Glenn made a motion to adjourn. The motion was seconded by Council Member Travis. All board members were in favor of the motion. Horton, Glenn, DeLuca, Sturgess, Travis.

Submitted by Caroga Town Clerk

Linda Gilbert, RMC, CMC