

1972
Minutes of CLPA Directors' Meeting, June 29, Mason's Cottage

Present: Zipp, Ryan, Caringe, Brower, Theisen, White, Fielding, Kukla
Lesser, Ballard, Bates, Decker, Mason

1. Discussion of the problem of the Sprite Creek Dam
 - a. A "summit" meeting was announced for Thursday, July 6 at the Firehouse with representatives of all interested parties present to attempt a resolution of the problem of ownership of the day.
 - b. Zipp discussed a Quit Claim deed from Niagara Mohawk to Oregon Mountain Corp. Nothing concrete developed. Zipp said that if Oregon Mountain doesn't maintain the lake level, the CLPA has the right to do so.
 - c. It was brought out that Charles Caputo, attorney for Fulton county maintains the position that when Fulton County took over ownership of the dam by default, all former agreements between parties formerly concerned with ownership are null and void.
 - d. The dam is currently assessed for 60,000 dollars.
2. A motion was made by Theisen and seconded by Ballard to postpone the CLPA annual meeting to July 22, so directors can provide more accurate information regarding disposition of ownership of the dam. The annual meeting to be at Wheelerville School.
3. It was brought out that Bill Morris wants to join CLPA. Bill is arranging to provide the Wheelerville School for CLPA meetings without charge.
4. The president appointed Al White as an additional CLPA representative to attend the July 6 "summit" meeting. Others attending will be Zipp and Caringe.
5. The president confirmed July 2 as the date of the fireworks with flares to be lighted afterward. Rain dates to be July 3, 4th. It was agreed to continue fireworks for next year. The price this year is about \$225, the same as last year. Next year may see an increase.
6. Zipp brought up the "Fleischman Committee Resolution" asking director to encourage people to vote against it if it comes up for popular vote, and/or to write representatives to vote against it.
7. Zipp said that he was going to put a time limit of 3 minutes on talks by CLPA members at annual meetings in order to move business along at a reasonable speed.
8. Al White gave a membership report, noting that the membership list is revised each year before dues letters are sent out.
9. The question of the need to continue carrying liability insurance on the island was brought up for discussion. It was left that Caringe would talk with Atty. Dal Niles for continuing insurance.

NOT dated

The Canada Lakes Protective Association representing some 300 small property owners on the Canada Lakes in southern Fulton County seeks your aid in inducing the State of New York to take over the ownership and maintenance of the dam on the outlet of the Lakes, controlling the water level. A condensed statement of the problem and the reasons we feel the State should be involved, follow. We then detail other relevant facts.

The water level in the Canada Lakes has been maintained for over 50 years by a dam at Stewart's Landing owned by the Niagara Mohawk Power Co. In 1965 this dam and a relatively small acreage on Sprite Creek, draining the Canada Lakes, was sold to the Oregon Mountain Corp., which agreed to maintain the dam and the water level. After a series of disputes and defaults with the taxing authority - the Town of Stratford - the Oregon Mountain Corp. claimed inability to pay taxes on the dam and the Town and subsequently the County of Fulton took title to the dam for tax arrears. To enforce payment of back taxes Fulton County, in the Spring of 1972, refused to close the gates in the dam controlling the flow, resulting in a drop in the water level of the Lakes, which, if not corrected would have had disastrous consequences. As an emergency measure, the Canada Lakes Protective Association entered into a temporary agreement with the taxing authorities and the Oregon Mountain Corp. so that the water in the Lakes could be restored to it's proper level.

We believe the State of New York should be vitally interested in a permanent solution to this problem for the following reasons:-

1. AMOUNT OF STATE LAND INVOLVED.

Practically the entire area surrounding the Canada Lakes is State Land - the only privately owned property being "Cottage Lots" with a depth of 300 feet on the shoreline of part of the

three main lakes and the shore lots on Sprite Creek just above the dam. These camps also provide an enlarged tax base for the local community.

2. COST TO THE STATE:

No capital expenditure is needed - the Stewart Landing Dam would be transferred to State ownership for nothing! The only cost would be the satisfaction by the State of a tax lien held by Fulton County in the amount of \$25,000.00. The State would then be responsible for maintenance and supervision of the dam - a relatively minor expense in view of the benefits to a large number of N.Y. State residents.

3. BOAT LAUNCHING SITE:

A state owned boat launching and fishing access ramp with adjacent parking lot was constructed a few years ago and is widely used by persons in the region who wish to fish or boat on the Canada Lakes. If the dam is not maintained this development can no longer be used due to insufficient water.

4. CONSERVATION OF WATER RESOURCES:

The Canada Lakes drainage basin consists of four major lakes connected by channels navigable by motor boats. (Canada - 525 acres; West - 156 acres; Green - 51 acres; and Lilly - 39 acres) - a total of 771 acres of water area. Into these major lakes flow some 14 other ponds and small lakes totalling some 700 acres. In addition there are potential impoundment areas which at a comparatively low cost could provide some 2,000 more acres for flood abatement and water storage for excess spring freshet runoffs. All of these storage areas are controlled by the Stewart's Landing dam and are and can be of increasing importance in contributing to the growing water needs of the Mohawk River.

5. IMPORTANCE TO TOWN OF CAROGA OF THE CONTINUED MAINTENANCE OF THE DAM.

During the six or seven years the Oregon Mountain Corp. owned the Dam they sold some 50 of a proposed 200 lots along Sprite Creek to prospective summer residents. About 35 new owners

a source of income to the permanent residents of the Town of ^{lined} Caroga. These camps also provide an enlarged tax base for the local community and its' schools - all ^{might be} jeopardized by any ^{substantial fluctuation} severe decline

in the water level of the Lakes. The Lakes lie in an industrially depressed area in the Adirondacks - the unemployment in Fulton County being ^{the highest in the State} roughly 1 1/2 times the State average. The County's

economic base indicates a very considerable dependence on tourism and recreation. Both require constant water level since most recreation is water-based.

6. ENVIRONMENTAL ASPECTS:

The Lake region is included in the "Wild Forest Area" of the Adirondack Master Plan for the management and recreational use of the Adirondack State Park approved in July '72 by Gov. Rockefeller. The primary consideration of the management is the protection of the forest setting that affords public enjoyment of the woods, lakes and trails. Our region is used by many summer visitors for hiking, camping, sailing, canoeing and other outdoor recreation. The owners of shore line property, most directly

affected, also deserve consideration after their many years of maintenance of clean pollution-free lakes with open access for many New Yorkers. Now that the Environmental Quality Bond Act of 1972 has been approved by the voters in 11/7/72 election, it is clear that the people of the State of New York are in sympathy with environmental control. The Act provides 44 million dollars for acquisition and preservation of forest preserve lands in the Adirondacks. We ask for no capital outlay - only maintenance and supervision on a dam whose existence is vital to the conservation of this forest recreational area.

7. AFFECT ON NEW LOT OWNER AT STEWART'S LANDING:

During the six or seven years the Oregon Mountain Corp. owned the Dam they sold some 50 of a proposed \$200. lots along Sprite Creek to prospective summer residents. About 35 new owners

have built cottages on their lots. If the dam is not maintained there will be little water in front of their homes - Sprite Creek will be reduced to a small brook, hardly navigable by canoe.

"cottages", the majority for summer occupancy, but many now winterized for

ADDITIONAL PERTINENT INFORMATION.

1. LOCATION OF AREA.

The Canada Lakes are approximately 14 miles north of the southern boundary of Fulton County, entirely within the Adirondack State Park. The Lakes are within the Town of Caroga; the dam and Sprite Creek in the Town of Stratford. As previously mentioned the water area of the Lakes total 771 acres, with the greatest length being about 3 miles. All of the shoreline of Lilly Lake; about half of both West Lake and Green Lake; and most of the westerly end of Canada Lake is State Owned. The Lakes are drained by Sprite Creek, on which is the Stewart's Landing Dam, about 3 miles below Lilly Lake. Sprite Creek flows into East Canada Creek near Dolgeville, which in turn empties into the Mohawk River between St. Johnsville and Little Falls.

2. THE STEWART'S LANDING DAM.

The Dam, constructed in 1923 is made of concrete. It is about 100 feet long, 40 feet high, with a bottom width of 15 feet and a top width of 6 feet. It has been kept in relatively good condition and the only visible need of repair is redressing the sloping downstream side. As long as the Niagara Mohawk Power Co. (and up to recently the Oregon Mountain Corp.) owned the Dam there was no problem on Canada Lake. The owners cooperated by keeping the water level at a uniform height during Spring and Summer and lowered it about 4 feet in the fall to permit cottage owners to work on docks and lakefront walls. The gates were closed again in the spring to restore the water level. A wooden viaduct (since removed) carried the water downstream from the dam to a power plant which generated electricity for the company's system.

3. THE CANADA LAKE PROTECTIVE ASSOCIATION.

On the Canada Lakes there are about 250 owners of "cottages", the majority for summer occupancy, but many now winterized for all-year use. Some of the families owning these cottages have used them for over 100 years. Some 25 years ago the Canada Lake Protective Association was formed to protect the property of its members; to assist in stocking the Lakes with fish; for the enforcement of the laws of the State relating to fish and game; for preserving the waters from pollution and for maintaining health standards in the area. About 50 lot owners in the area just above the dam have their own association, affiliated with the C.L.P.A.

CONCLUSION

If the Canada Lakes served only the owners of shoreline property a case could be made for these owners to assume the tax burden imposed by the Town of Stratford and Fulton County on the Stewart's Landing Dam, with the additional future cost of maintenance. However, the Dam impounds waters needed for increased enjoyment of the area by non-lake residents; for additional necessary flood control; and for the continued prosperity of the local residents of Southern Fulton County. The Canada Lakes Protective Association asks the State of New York to take over the ownership and maintenance of this Dam - possible with no initial capital expenditure and low future operating costs.

Johnston

February 26, 1973

Mr. John F. Ryan
1 Abbey Lane
Yonkers, New York 10701

Dear Mr. Ryan:

I am pleased to advise that I have scheduled a meeting on Thursday, March 8th at 2:00 p.m. in my office, Room 521, Legislative Office Building to discuss the problems with Stewart's Landing Dam.

Mr. James L. Biggane, First Deputy Commissioner of the Department of Environmental Conservation has consented to attend this meeting and is attempting to have Commissioner Henry L. Diamond also present. I have written to Lieutenant Governor Malcolm Wilson advising him of the scheduled meeting.

Would you kindly advise my secretary whom you will have participating from the Canada Lakes Protective Association.

I would appreciate hearing from you as to whether these plans meet with your approval.

Sincerely yours,

GLENN H. HARRIS
Majority Whip

GHH/js

cc: Honorable Chester R. Hardt

M E M O R A N D U M

TO: Honorable James L. Biggane
Honorable Dalwin J. Niles
Honorable Glenn H. Harris
Mr. John F. Ryan
Mr. Alvin W. White, Jr.
Mr. Harold A. Egan, Jr.
Mr. Bernard D. Caringe

RE: Minutes of Meeting held March 8, 1973
Stewart's Landing Dam; Canada Lakes Protective Association

The question of the future of Stewart's Landing Dam and Canada Lake were discussed and explored in detail. It was the consensus of the group that the following alternatives were open:

1. Special legislation could be introduced which would authorize and empower the Department of Environmental Conservation to take over the Dam operation and continue it as a special part of the Conservation Department's water level district. It was also the general opinion of those present that while this alternative would be the most desirable from the standpoint of the Canada Lakes Association, it was a solution that offered the least possibility of success.

2. A suggestion was made that special legislation be introduced to expand the powers of the Hudson River-Black River Regulating District. As a part of that District, a subdistrict would then be formed encompassing the area of Canada Lake and Stewart's Landing and adjacent lands so that they would form a water level subdistrict to be administered by the Hudson River-Black River Regulating District who would then operate, own and control Stewart's Landing Dam. Under this alternate proposal, owners within the District would be assessed for the main cost and operation of the Dam. The State being a landowner within the District should provide for paying taxes on its assessment thereby sharing proportionately in the cost for operating the Dam. It was also the consensus that this proposal depended entirely upon the attitude of the Hudson River-Black River Regulating Board as to their willingness to assume this new function. It was agreed that

the Commissioner should explore this with the Board and report back to the group within a week's time.

3. The third suggestion, perhaps the least desirable but the most practical, was the formation of a new water level district by special legislation along the lines already established by Assemblyman Harris' bill, being Chapter 994 of the Laws of 1969. This would require a petition signed by the owners of taxable real property situated in the proposed district owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed district. The Town Boards would be obliged to call public hearings after which they would determine whether or not the formation of such a district was in the best public interest. As an alternative to the Town Boards creating the district, the legislation might provide for the County to form the district since all the property would be in the County of Fulton.

After discussion of all of these proposals, it was the consensus that Assemblyman Harris attempt to have introduced at this Session legislation providing for all three alternatives as soon as possible and that they be acted upon by the local legislative representatives, both Assembly and Senate, in the order set forth within this memorandum.

PROGRESS REPORT ON
STEWART LANDING DAM PROBLEM

Your Committee wishes to bring you up to date on the events which have transpired over the last several months concerning the problem of preserving and maintaining the Stewart Landing Dam.

As reported at our last meeting, the County of Fulton has made it clear that they cannot and will not retain ownership of the Dam and maintain the same. A solution which was offered by some of you was to take steps enabling the State of New York to take over and operate the Dam.

Following this latter suggestion, Jack Ryan arranged a meeting with our legislator in Albany, Assemblyman Glenn Harris, and Assistant Commissioner of Environmental Conservation, James L. Biggane. Attending this meeting were Al White, Harold Egan, Bernie Caringe, and Dal Niles.

The Commissioner indicated that there were some dozen similar situations throughout the State of New York and the State had no authority nor funds to assume responsibility for and operate any of these various dams. He further stated that he felt it extremely unlikely that any extension of power would be granted to the Department enabling it to assume this function. However, in spite of this almost total rejection, Assemblyman Harris agreed to introduce legislation which would authorize and empower the Department of Environmental Conservation to take over the Dam operation. It is extremely unlikely that this legislation will ever receive the approval of leadership and the Legislature.

Further discussions were had as to the possibility of following the suggestion worked out last summer, namely, the creation of a water control or water level district. According to the Commissioner, this appeared to be the most realistic of any of the solutions advanced. Several alternative suggestions for the creation of such a district were advanced. One would be to enlarge the powers of the Hudson River-Black River Regulating District to include the area surrounding the Stewart Landing Dam, and the other, to form a new water level district either on a County or bi-town level.

Each of the above suggestions is being pursued and Assemblyman Harris has introduced legislation providing for all the alternatives. While there are problems connected with each suggestion made, your Committee is working diligently to provide the simplest and most economical answer for the campers at Canada Lake. It is anticipated that by the end of the present legislative session we will have authority to proceed in one or more of the avenues outlined above.

Your Committee wishes to report further that Assemblyman Harris was most cooperative in setting up this meeting and in formulating and introducing the legislation immediately. He has further assured your Committee and the Association of his deep interest in the problem we face and his desire to be of help in every way possible. For his efforts and his willingness to help, your Committee is deeply grateful.

Fairfield, New York
March 26, 1973

Mr. Alvan W. White, Jr. Pres.
Canada Lake Protective Association
29 W. Fulton St.
Gloversville, New York 12078

Al:

Thank you for the copy of the news letter concerning the progress made toward a solution to the Stewarts Landing Dam problem.

I hope in your negotiations you have not forgotten us at Stewarts Landing who are also vitally interested in this project and are probably more directly affected by the dam than are the Canada Lake Campers. As you know, without that dam we have nothing, where Canada and Green Lakes would at least have smaller lakes.

Some of our people have seen the article in the Little Falls Evening Times concerning the meeting with Mr. Harris and the Conservation Commissioner. They have asked me what is happening and I have to be honest and say I don't know. I would appreciate your keeping me informed and alert us in those areas where we can help.

We, as you know, have been trying to get our property assessments corrected at Stewarts Landing to bring them more in line with the rest of the Township. This has been an uphill struggle for the past two years and it appears that the Town of Stratford is taking corrective action without our resorting to legal action. They elected a new assessor last November who is doing his best to revise the complete assessment rolls and to assess on a percentage of the fair market value. This is just what we have wanted. (Equality). So our struggle here may be nearly over.

Al, we at Stewarts Landing want to be kept informed of the dam progress and to be of assistance where possible. I understand that The Oregon Mountain Corporation has paid the taxes on the dam and will keep their part of the bargain for the next two years. ✓

Thank you for your consideration.

George W. Dieffenbacher
George W. Dieffenbacher, Pres.
Stewarts Landing Association

P.O. BOX # 1

FAIRFIELD, N.Y. 13332

March 30, 1973

Dear George:

Thank you for your letter of March 26th. Our C.L.P.A. has not forgotten the Stewart Landing people. In all our negotiations your interests are considered as well as our own.

Our board of directors would like you to consider joining the C.L.P.A.. This would give us a total membership of over 300 members. Naturally you could pick directors and have an equal voice in deciding policies.

We have an "Echo" which will be published in April and sent to our membership. The "Echo" contains scheduled events, officers of C.L.P.A., committee information, information about families, sailing races, church services, water safety information, fire protection etc. If you decide to merge with the C.L.P.A we would be pleased to mail our "Echo" to your members.

The newspaper article was a little premature and you should have received my informational letter before it hit the newspaper.

We will have no problem with the water level this year and hopefully Legislation will be passed to solve our problem once and for all.

I assure you I will keep you informed of any new developments.

Thank you for your interest.

Yours truly,

A. W. White, Jr. Pres. C.L.P.A.

The following resolution was offered at the regular meeting of the Fulton County Planning Board on Monday, May 22, 1972:

Resolution introduced by Mr. McManus, seconded by Mr. Diltz, adopted unanimously.

RESOLUTION REGARDING CANADA LAKE-STEWART'S LANDING DAM

WHEREAS, the Fulton County Planning Department has been undertaking an extensive study of water resources and has found that Canada Lake and many other lakes in Fulton County have been or are now controlled by many and various outside sources, and

WHEREAS, Canada Lake is vital to the economy of Fulton County, particularly in regards to Fulton County's interest in tourism and recreational potential, and

WHEREAS, Fulton County now has an opportunity to obtain control of the Stewart's Landing Dam and thus control of the lake through tax foreclosure, and

WHEREAS, Canada Lake lies within more than one town; namely, the Towns of Caroga and Stratford, now, therefore

BE IT RESOLVED, that the Fulton County Planning Board recommends to the Fulton County Board of Supervisors that Fulton County take over the Stewart's Landing Dam and retain all rights and land comprising the dam and its environs, particularly for the purpose of gaining control of the water level in and by Fulton County, and to insure a high quality of tourism and recreational facility, and, further

BE IT RESOLVED, that the Fulton County Planning Department recommends that the County Board of Supervisors investigate and, hopefully, establish a Canada Lake Drainage Improvement District in the Towns of Caroga and Stratford, said Improvement District to include the dam and the entire lake and all lake front, as well as other property owners around the lake benefiting from the lake, said Improvement District to include Canada Lake, West Lake and Green Lake, and, further

BE IT RESOLVED, that the Canada Lake Drainage Improvement District be established to operate and maintain the dam and that all expenses for such operation and maintenance shall be charged to the property owners within the suggested Canada Lake Drainage Improvement District.

1 Abbey Place,
Yonkers, N.Y. 10701
May 22, 1973

Assemblyman Glenn H. Harris,
Room 521, Legislative Office Bldg.,
Albany, N.Y. 12224

Dear Glenn:

Many thanks from yours truly and the members of the Canada Lake Protective Association for your exceptional effort and skill in getting through the legislature your three bills on the Stewart's Lake Dam.

I enclose copies of letters I have sent to Governor Rockefeller and Commissioner Diamond in an effort to get the bills signed into law. The other three members of our committee are also writing the Governor.

I hope to see you in Canada Lake within the next few weeks to thank you in person.

Cordially yours,

John F. Ryan.

1 Abbey Place,
Yonkers, N.Y. 10701
May 22, 1973

The Honorable Nelson H. Rockefeller,
Governor of the State of New York,
Executive Chambers,
Albany, N.Y. 12201

Dear Governor Rockefeller: *by the State file in steady with
the purpose of the new Adirondack Park Land Use and
Development Plan.*

As a member of the Canada Lakes Protective Association Committee for the protection of Stewart's Landing Dam, I have been informed that three bills relating to the matter have passed both houses and are before you for final consideration.

#7568 authorizing the Towns of Caroga Lake and Stratford to take over the Dam. *John P. Ryan.*

#7569 authorizing the County of Fulton to take over the Dam.

#7688 authorizing the Dept. of Environmental Conservation to take over the Dam.

We of the CLPA greatly prefer #7688 and ask you to sign this bill into law.

The Canada Lakes lie in the southern part of Fulton County, entirely inside the Adirondack Park Boundary and the Association represents over 300 small property owners on the Lakes. The bill transfers to the State, at no cost the ownership of the dam controlling the water level on the Lakes.

The dam impounds waters needed for the increased enjoyment of the area by non-residents; for additional necessary flood control; for the continued prosperity of local residents of southern Fulton County; and for the protection of the property rights of over 300 small cottage owners on the Lakes.

1 Abbey Place,
Yonkers, N.Y. 10701

May 22, 1973

The Honorable Nelson H. Rockefeller,

Governor of the State of New York,
Executive Chamber,

Dear Governor Rockefeller:

Its acquisition by the State fits in nicely with the purpose of the new Adirondack Park Land Use and Development Plan.

Please sign the bill!

Respectfully,

John F. Ryan.

The Canada Lakes lie in the southern part of Fulton County, entirely inside the Adirondack Park boundary and the Association represents over 300 small property owners on the Lakes. The bill transfers to the State, at no cost the ownership of the dam controlling the water level of the Lakes.

The dam impounds waters needed for the increased enjoyment of the area by non-residents for additional necessary flood control; for the continued prosperity of local residents of southern Fulton County; and for the protection of the property rights of over 300 small cottage owners on the Lakes.



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

T. N. HURD
SECRETARY TO THE GOVERNOR

June 25, 1973

Dear Mr. Caringe:

On behalf of Governor Rockefeller, I acknowledge your recent letter concerning legislation to authorize the Department of Environmental Conservation to accept title of the Stewarts Landing Dam and certain contiguous property in the Town of Stratford (Assembly Bill No. 7688).

The Governor approved this legislation on June eleventh and it is now Chapter 619 of the Laws of 1973.

Sincerely,

T. N. Hurd

Mr. Bernard D. Caringe
Chairman, Environmental Committee
Canada Lakes Association
Glove Cities Chevrolet Co., Inc.
Washington Street at Broadway
Gloversville, New York 12078

- (a) All such wages have remained unpaid to such person, and
- (b) No written communication has been received from such person by the holder, and
- (c) Notice regarding such wages, if sent by the broker or dealer, via first class mail, to such person at his last known address has been returned to the broker or dealer by the postal authorities for inability to locate such person.

§ 7. Sections one, two, three, four and five of this act shall take effect on the first day of January, nineteen hundred seventy-three. Section six of this act shall take effect on the thirty-first day of December, nineteen hundred seventy-five.

CHAPTER 618

AN ACT to amend the estates, powers and trusts law, in relation to the signing of a testator's name by another to a will

Became a law June 11, 1973, with the approval of the Governor. Passed by a majority vote, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraph (C) of paragraph one of subdivision (a) of section 3-2.1 of the estates, powers and trusts law is hereby amended to read as follows:

(C) Any person who signs the testator's name to the will, as provided in subparagraph (1), shall sign his own name and affix his residence address to the will but shall not be counted as one of the necessary attesting witnesses to the will, provided that a failure to comply with this subparagraph shall not affect the validity of the will. *A will lacking the signature of the person signing the testator's name shall not be given effect; provided, however, the failure of the person signing the testator's name to affix his address shall not affect the validity of the will.*

§ 2. This act shall take effect on the first day of September next succeeding the date on which it shall have become a law and shall apply to all wills executed on or after such date.

CHAPTER 619

AN ACT to authorize the department of environmental conservation to accept title to the Stewart's Landing Dam and certain contiguous property in the town of Stratford, county of Fulton

Became a law June 11, 1973, with the approval of the Governor. Passed on Home Rule request pursuant to Article IX, section 2(b)(2) of the Constitution by a majority vote, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Notwithstanding any contrary provision of law, the department of environmental conservation may receive and accept

title in the name of the people of the state of New York, to the Stewart's Landing Dam and certain contiguous property within the town of Stratford, county of Fulton, described herein, pursuant to authorization by the board of supervisors of the county of Fulton, without a public hearing or referendum, subject to the approval of the director of the budget, and shall maintain and operate such dam in accordance with appropriate provisions of law:

All that tract or parcel of land with the structure thereon, located in the town of Stratford, County of Fulton and State of New York, more particularly bounded and described as follows:

Being all that property known as Stewart's Landing Dam and beginning at a point located at the northeast foundation of said dam and running thence southeasterly along the base or foundation of said dam approximately 350 feet to the southeast corner thereof; running thence southwesterly along the easterly or southeasterly base or foundation of said dam to the southwesterly corner thereof; running thence northwesterly along the southerly or southwesterly base or foundation of said dam approximately 350 feet to the northwesterly corner thereof; running thence northeasterly along the northerly or northwesterly edge of the base or foundation of said dam to the point and place of beginning.

Together with all the land beneath said dam and upon which the base or foundation rests. Also together with the entire structure resting upon said base or foundation together with all appurtenances thereunto attached.

§ 2. This act shall take effect immediately.

CHAPTER 620

AN ACT to amend the insurance law, in relation to requiring prior approval of automobile insurance rates in connection with the comprehensive automobile insurance reparations system and to amend section five of chapter one hundred eighty-nine of the laws of nineteen hundred sixty-nine, entitled "An act to amend the insurance law, in relation to making automobile insurance more readily available, protecting policyholders against cancellation of personal insurance policies, securing policyholders and claimants against loss due to insurance company insolvency, prohibiting price-fixing agreements among insurers and providing for greater competition in insurance rates", in relation to extending the effectiveness of the provisions of such chapter

Became a law June 11, 1973, with the approval of the Governor. Passed by a majority vote, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions one and three of section six hundred seventy-seven of the insurance law, as added by chapter thirteen of the laws of nineteen hundred seventy-three, are hereby amended to read, respectively, as follows:

Canada Lake Dam Issue Under Study

Assemblyman Glenn H. Harris of Canada Lake met recently with officers and directors of the Canada Lake Protective Association, a representative of the State Environmental Conservation Department, and former Sen. Dalwin J. Niles of Johnstown to discuss the Stewart's Landing Dam problem.

Harris reported that at the meeting, held in the assemblyman's office in Albany, three alternative proposals to alleviate the present problem were put forth by James L. Biggane, first deputy commissioner of the Environmental Conservation Department. These proposals will be studied by Harris and former Sen. Niles and they expressed hope that legislative proposals will be forthcoming soon.

Attending from the Canada Lake Protective Association were: Alvin W. White, Jr., president; John Ryan, Harold Egan, and Bernard Caringe, directors of the association.

"We are all aware of the seriousness of this problem for those residents at Canada Lake," Assemblyman Harris said. "It is our hope that, as a result of this meeting, we can find solutions to this problem as quickly as possible."

THANK YOU

I wish to thank all my friends, relatives and neighbors and co-workers from the N.Y. State Env. Con. Dep't. for the wonderful cards and flowers while I was in the Veterans Hospital from Dec. 10 'til March 7. I am home now for a month to rest up before coming back to work. Thank you all.

DICK E. BERRY

Bill Solving Canada Lake Water Level Introduced

Assemblyman Glenn H. Harris of Canada Lake has introduced legislation to authorize the town boards of Stratford and Caroga to establish a water level control district in those towns to maintain and control the water level of Canada Lake.

The bill also would authorize the County of Fulton to establish a water level control district in the Towns of Stratford and Caroga and to maintain and control the water level of Canada Lake.

The towns may establish such district upon a proper petition being presented to them, and is subject to approval by the state comptroller if the cost thereof is to be financed by the issuance of obligations, according to the measure.

Any improvements acquired or constructed in the district shall be maintained by the towns, and the expenses shall be a charge upon the district.

"The water level in the Canada Lakes has been maintained for over 50 years by a dam at Stewart's Landing owned by the Niagara Mohawk Power Company," Assemblyman Harris said. In 1965 this dam and a relatively small acreage on Sprite Creek, draining the

Canada Lakes, was sold to the Oregon Mountain Corporation which agreed to maintain the dam and the water level.

After a series of disputes and defaults with the taxing authority — the Town of Stratford — the Oregon Mountain Corporation claimed inability to pay taxes on the dam and the town and subsequently the County of Fulton took title to the dam for tax arrears. To enforce payment of back taxes Fulton County, in the spring of 1972, refused to close the gates in the dam controlling the flow, resulting in a drop in the water level of the Lakes, which if not corrected would have had disastrous consequences.

As an emergency measure, the Canada Lakes Protective Association entered into a temporary agreement with the taxing authorities and the Oregon Mountain Corporation so that the water in the lakes could be restored to its proper level.

The Stewart's Landing dam impounds waters needed for increased enjoyment of the area by non-lake residents, for additional necessary flood control, and for the "continued prosperity" of the local residents of Southern Fulton County.

The enactment of this legislation is thus designed to maintain the water level of Canada Lake for the benefit of all and eliminate major problems experienced in the spring of 1972, Harris said.

If passed by both houses and signed by the governor, the measure would take effect immediately.

762-3103

Harris Considering Three Proposals on Canada Lake

Three proposals for solving the problem of the Canada Lake water level and determining who controls the dam at Stewart Landing are being considered by Assemblyman Glenn H. Harris of Canada Lake.

Harris, according to his office had prepared three bills which he has delivered to former State Sen. Dalwin J. Niles of Johnstown for his study.

Both Harris and Niles will meet and discuss which of the three proposals would best meet the situation and have the best chance of passage in the Legislature. It is possible that Harris will submit two bills on the matter.

A fourth proposal now under consideration is a bill to provide for a statewide study of the situation as there are a number of similar situations in the state.

The Canada Lake committee, seeking a solution to the problem, has noted that Fulton County has made it clear that it cannot retain ownership of the dam and maintain it. The idea of having the state take over the dam and maintain it appears quite unlikely at this point.

In a meeting between the committee, Harris and James L. Biggane, assistant commissioner of Environmental Conservation, the committee noted it was extremely unlikely that any extension of power would be granted to his department allowing it to assume the control and maintenance of the dam.

Among the bills being considered by Harris is the creation of a water control or water level district. "According to the commissioner, this appeared to be the most realistic of any of the solutions advanced.

"Several alternative suggestions for the creation of such a district were advanced. One would be to enlarge the powers of the Hudson River-Black River Regulating District to include the area surrounding the Stewart Landing Dam, and the other, to form a new water level district either on a county or bi-town level."

The committee noted that while there were problems connected with each suggestion the committee "is working diligently to provide the simplest and most economical answer for the campers at Canada Lake. It is anticipated that by the end of the present legislative session we will have authority to proceed in one or more of the avenues outlined above."

Stewart's Landing Dam Takeover by State to be Requested by Board

A special meeting of the Fulton County Board of Supervisors has been called for Monday night to request the takeover of Stewart's Landing Dam, and surrounding

land, in the Town of Stratford.

The board will consider a resolution, the only one on the agenda, which would place the board on record as requesting the state Legislature to enact companion Senate and Assembly bills to authorize the State Department of Environmental Conservation to accept title to the dam and certain contiguous property.

Copies of the resolution, if approved, will be sent to Gov. Rockefeller, Sen. Mary Anne Krupsak, Assemblyman Glenn H. Harris and the State Department of Environmental Conservation.

The county currently holds tax-acquired title to the Stewart's Landing Dam property, which has been a controversial issue as to maintenance of the dam.

Supervisors Ask State to Accept Title to Stewart's Landing Dam

The Fulton County Board of Supervisors last night unanimously requested the state legislature to authorize the State Department of Environmental Conservation to accept title from the county to Stewart's Landing Dam in the Town of Stratford.

Action on the resolution asking the state Senate and Assembly to approve companion bills to grant the authority was taken at a special board meeting at the county office building.

On the initial roll call, Supervisor Mrs. Virginia Ploss of the Town of Stratford cast the one "no" vote as the measure was approved 17-1. She then asked to change her vote in view of the approval and the action was made unanimous.

Absent from the session were Supervisors William Zierak of the Town of Perth and Everett C. Quackenbush Jr. of the Town of Oppenheim.

In addition to the dam itself, a small parcel of contiguous land was included in the request for state takeover.

Davidson answered affirmatively. A Gloversville Supervisor, Mrs. Sylvia K. Rubinstein of the Third Ward, noted she had received telephone calls from several persons who have property in the dam area and who favor state takeover.

Board Chairman Anthony C. Bunnio of the Fourth Ward indicated that most supervisors received calls concerning the proposition.

Supervisor Mrs. Emma B. Krause of the Town of Caroga declared that the dam is a county problem, and added that last May the board adopted a resolution asking the environmental conservation department to take over the dam.

However, she said that legislative authorization was needed, and the necessary bills have now been offered.

Davidson commented that the county is liable at this point for maintenance of the dam, which controls water levels and flows in upstream lakes and waterways.

Former Supervisor Edward M. Richards of the Town of Stratford, who attended the meeting with his wife, was permitted to address the board. He indicated there is a

question as to ownership of the dam property, but County Atty. Charles P. Caputo said the county has tax-acquired title.

Richards said there was a state Supreme Court order to compel the Oregon Mountain Corporation, which owned the dam site as well as surrounding land, to pay its 1968 taxes. The 1968 taxes were paid in 1971, he said.

Caputo said, however, that taxes for 1969 were not paid. The former Stratford supervisor felt that the county will have to put the dam site property through tax sale again to perfect its title to the property.

Delving into attempts to resolve ownership and operation of the dam, Caputo said a proposal had been made to the Stewart's Landing Dam Association and the Canada Lake Protective Association to establish an authority to take over the dam.

Richards said there is a bill in the Legislature to permit creation of an authority to own and operate the dam, but Caputo said there has been no petition to the Board of Supervisors, as required, in quest of the authority.

Citing the ramifications, Caputo pointed out that if the

dam was destroyed, the surrounding property would be affected.

Supervisor Roy A. Ward of the Fifth Ward, Gloversville, in reference to the question of the county's title to the property, asked whether the Oregon Mountain Corporation would agree to the state takeover, if this was necessary.

Caputo declared that the corporation would agree, and said that the question of title, if any, was a technicality that could be worked out. He said the property could be run through another tax sale, if necessary, but said he was assuming that the property was properly processed through tax sale in the first place.

The county attorney further maintained that the state could take title to the property from both the county and Oregon Mountain Corporation.

Richards contended that the county should not have taken title to the dam site in 1969, again referring to a court order on 1968 taxes which were paid in 1971. Caputo replied he was "pretty well satisfied" with the sale.

Continuing to pursue the matter of the court order, Richards declared that the county should have brought a

contempt of court proceeding to collect the back taxes.

Caputo answered that the county was not a party to the legal proceeding but the Town of Stratford was, and could have enforced the court order.

The county attorney further explained that Assemblyman Glenn H. Harris of Canada Lake has been working to help resolve the situation, and bills must be passed by the Legislature to authorize the takeover.

In addition, he pointed, the bills must provide \$20,000 for maintenance of the dam. He said that state engineers have placed a \$30,000 estimate on the annual maintenance.

With the state takeover, the county and town of Stratford would be getting rid of a "headache," Caputo stated.

The county attorney added that proper maintenance of the dam site would be of "tremendous value" to the town because surrounding land could be developed and added to the tax rolls.

Mrs. Ploss said it was her understanding that the State Health Department would not allow any more development of the surrounding land, but Caputo explained after the meeting that this was just of matter of in-

creasing lot sizes to meet regulations.

The Stratford supervisor said her township has paid \$29,000 in tax chargebacks on the property over a period of four years.

She said she didn't want to rush ahead with the state takeover proposal, maintaining that formation of an authority to operate the dam was the answer.

Caputo mentioned the other bill pending in the Legislature to permit establishment of an authority.

He indicated this could be done through the Stewart's Landing Association and the Canada Lake Protective Association. He added that the dam controls water levels in Canada, Green and Lily Lakes.

Richards, in conclusion, said he was not opposed to state takeover as long as taxes were paid.

Alvin White, president of the Canada Lake Protective Association, spoke briefly just prior to the supervisors' vote, noting the effect on Canada Lake if the dam was not operated.

He said he has been all over the world during seven years in military service, and has never seen "anything more beautiful" than the natural scenery in Fulton County.

MAY 21, 1973

Leader H

Senate Passes 3 Bills Dealing with Future of Stewart's Landing Dam

Three bills dealing with the future operation and maintenance of Stewart's Landing dam in the Town of Stratford were passed Friday by the state Senate after having been previously approved by the Assembly.

Introduced by Assembly Majority Whip Glenn H. Harris of Canada Lake, the bills now go to Gov. Rockefeller for his action.

The first bill, if signed into law, would turn over the title, operation and maintenance of the dam to the State Department of Environmental Conservation.

Enactment of this bill was recently requested by the Fulton County Board of Supervisors, which currently holds tax-acquired title to that dam that controls water levels at Lily, Canada and Green Lakes.

The second bill would authorize the town boards of the Towns of Stratford and Caroga to establish a water level control district to maintain and control the water level of Canada Lake.

Also approved was the third bill which would authorize Fulton County to establish a water level control district in the Towns of Stratford and Caroga and to maintain and control the water level of Canada Lake.

Assemblyman Harris, commenting on the Senate passage, said, "I am greatly encouraged

with the action taken today in the passage of my bills and anticipate solution to the problem, concerning the operation and maintenance of the Stewart's Landing dam, will be reached with the signature of Gov. Rockefeller on these three proposals."

In a related action, the Senate passed and sent to the Assembly a bill sponsored by Sen. Mary Anne Krupsak of Canajoharie to authorize establishment of a water level control district in the Towns of Stratford and Caroga.

Results
of meeting

\$50,000 Allocated for Takeover Of Dam in Town of Stratford

A \$50,000 appropriation is included in the state supplemental budget in connection with the proposed state takeover of Stewart's Landing dam in the Town of Stratford.

Assemblyman Glenn H. Harris of Canada Lake yesterday announced the funds have been earmarked, provided that Gov. Rockefeller signs legislation authorizing the takeover.

If the takeover is implemented, the State Department of Environmental Conservation will maintain and operate the dam, which controls water level in Canada, Green and Lily Lakes.

The state Assembly and

Senate recently passed a bill authorizing the state takeover, which was requested by the Fulton County Board of Supervisors.

During the county board session at which the request was officially made, it was noted that state engineers estimated the annual operating and maintenance cost at \$50,000.

The dam takeover would be from the county, which holds tax-acquired title.

Operation and maintenance of the dam has been the center of a controversy for the last few years, with the county maintaining that it was not interested in owning and operating the structure.

Among alternate solutions was a proposal for creation of a special district to maintain and operate the dam.

Bills to permit establishment of a district were also reported passed by the Legislature.

Rocky Signs Law Authorizing State Takeover of Stewart's Landing Dam

A bill providing for state takeover of the Stewart's Landing Dam in the Town of Stratford was signed into law yesterday afternoon by Gov. Rockefeller.

Assemblyman Glenn H. Harris of Canada Lake, who sponsored the legislation, announced the signing of the bill which had been passed by both houses of the State Legislature.

The Fulton County Board of Supervisors several weeks ago formally requested the Senate and Assembly to approve the bill.

Under provisions of the act, the State Department of Environment Conservation will take title to the dam and a parcel of adjoining land from the county, which has tax-acquired title.

A \$50,000 appropriation is contained in the state supplemental budget to pay for repairs to the dam and for the first year's operational and maintenance expense.

The dam, which controls water levels in Canada, Green and Lily Lakes, has been the center of controversy for the last few years.

With the county determined not to become permanently saddled with ownership and operation of the dam, various attempts were made to reach a

solution with affected property owners as represented by the Canada Lake Protective Association and the Stewart's Landing Dam Association.

The proposal for state takeover developed earlier this

year, resulting in the bill submitted to the State Legislature.

In addition to the legislation authorizing the takeover, the Legislature also passed two alternate proposals providing for establishment of special districts to maintain and operate the dam.

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For Stratford, Ephratah, Johnstown, Amsterdam—

New Bills Affect Fulton, Montgomery Area

By LOU AGOSTA
Gazette Reporter

GLOVERSVILLE — A bill sponsored by majority whip Glenn H. Harris of Canada Lake for a state takeover of Stewart's Landing Dam in the Town of Stratford was one of five which became law yesterday afternoon when Gov. Rockefeller signed the measures.

Three of the five pieces of legislation affect the Fulton and Montgomery Counties area.

When the dam bill passed the Assembly on May 8, Harris commented the measure would turn over the title, operation and maintenance of the dam to the Department of Environmental Conservation, subject to the approval of the state director of the budget.

Early in June, Harris reported funds had been allocated from the state's \$35 million supplemental budget, with \$50,000 earmarked for the takeover the Stewart Landing Dam.

The dam controlled the water level of Canada Lake in addition to the levels of nearby Green and Lily Lakes. In 1965, the dam was sold by Niagara Mohawk Power Corp. to an organization which agreed to maintain the dam and water level.

The new owners were unable to pay taxes owed the Town of Stratford, and subsequently Fulton County took title to the dam for tax arrears.

*G. Harris
835-3751
762-4508*