

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF RICHLAND
1 BRIDGE STREET, PULASKI, NY

DATE: March 21, 2017

KIND OF MEETING: Regular Monthly Town Board Meeting

PLACE: Grand Jury Room, H. Douglas Barclay Courthouse Pulaski, NY

BOARD MEMBERS PRESENT: Supervisor Dan Krupke
Councilman Kern Yerdon
Councilman Allen Goodsell
Councilwoman Sue Haynes
Councilwoman Donna Gilson

OTHERS IN ATTENDANCE: CEO/ZEO John Howland
Highway Superintendent John Fox
Town Residents Craig Sternberg, Ann DeKalb, Caroline Rupert,
Jamie Foster, Art DeKalb, Debbie Smith
Historian and Co Legislature Shawn Doyle
Town Attorney, Allison Nelson
Town Clerk, Millie Newcomb

CALL TO ORDER: The meeting was called to order at 6:00 p.m. with Supervisor Krupke leading in the Pledge of Allegiance.

PUBLIC HEARING: Public Hearing on Local Law #1 of 2017 Solar Power Systems was open. Town residents Caroline Rupert, Ann DeKalb and Tom Bruneau are here to discuss this subject. ZEO/CEO is not in attendance to answer questions due to a prior commitment. The Local Law is amending the Zoning ordinance in the Town of Richland for the purpose of regulating Solar Power Systems. Mrs Rupert handed out a list of questions to the Board. Ms. DeKalb who is a neighbor of Ms. Rupert are concerned about the prospect of Solar Fields on adjacent fields, because there is not enough information to fully understand the circumstances under which they go in, get maintained or anything else. The list of questions presented are something they believe the whole community would like to know the answers to. Supervisor Krupke believes that the answers to some of these questions would probably be addressed in the permit process. Councilman Yerdon he believes the Public Service Commission regulates how much power the Solar fields can produce. The limit is 2 mega watts. A field that produces 2 megawatts is about 12 acres of land. Usually the landowner leases the land to the contractor as

a rule. The Board recommends the property owners seek an Attorney's help when dealing with these companies. Preferably an Attorney that has dealt with Solar Companies in the past. They are responsible for setting up the terms. The Town of Richland has been working with New York State for the correct verbiage in the contracts. The Town is looking into the correct verbiage for these contracts. Supervisor Krupke advised Ms. Rupert an answer to one of the questions on her inquiry, "Was the Town looking into starting a Solar Field.?" The Town is investigating the possibilities of it. The site is up near the well fields in Richland. Mr Krupke advises that nothing can be built below the ground so it would it make sense for the Town to help offset some of the Municipal utility costs. So it's something the Town has investigated but it is not ready to proceed. If the Town does decide to proceed, they are looking into a joint venture maybe with the Village of Pulaski. Town resident Craig Sternberg asked to address the board. Mr. Sternberg states by implementing this zoning is an effort to try to help neighboring homeowners. Right now there is very little control on setbacks, and there no rules when it comes to Solar Panels. The Board and Zoning have worked very hard to get a handle on the rules and have them clearly defined in the Zoning Laws. Attorney Nelson explains right now, the Town's Zoning ordinance does not address Solar Energy. The setbacks are already addressed in the Town's zoning ordinance, depending in what zone you are in. The purpose of this Local Law is to indicate that Solar power is a use that is going to be regulated under the Town's Zoning ordinance. Free standing solar panels would need a special permit, so in addition to what is set forth in the proposed Local Law, the applicant would have to comply with all with all requirements of the town's zoning ordinance. Rooftop and building mounted solar systems are allowed with the issuance of a building permit. Where as ground mounted solar systems require a special use permit so they would have to comply with all the criteria set out in the law. The installation has to be in accordance with the manufacturer's requirement. The solar energy system must be located in the least visibly obtrusive location, preferable in a side of rear of a property. Solar energy systems must comply with all NYS fire prevention building codes. The Town also controls the special use permits. The Planning Board can set conditions on those. One of the things they can control is what's called the decommissioning plan. They can have the applicant post a bond for removal. those are some of the things the Planning board can do in reviewing the process. These permits would require a Public Hearing for neighbors that border these solar farms. If a neighbor opposes the the Solar Farm, it isn't legal grounds to not to approve a Special permit. If they don't comply with the special conditions, then it may be denied. Part of the special use permit is that it should not be objectionable to surrounding properties. With no laws on the books, the town doesn't have the ability to regulated these farms at all, this is why it's important to move forward and get something on the books. The question was raised as to any studies done in reference to health or property values. Attorney Nelson explains that to the best of her knowledge she is not aware of any studies of impact of property or health issues. Supervisor Krupke advises as a resident you would have a say, without this law you have none. The residents just would like some assurance that they are going to be protected from having rows of solar panels lining a field near their home. The board feels that is where the Planning Board will help the residents in the planning. The new Solar

initiative is flying at the Towns so fast that it is important to have laws in place as soon as possible . Ms. Dekalb asked the board if any vetting has been done on the contractor's putting in the Solar fields. Attorney Nelson advises, for the residents to check references and research the property owners that have had used the contractors that are installing the panels. Councilman Yerdon advises to get an Attorney that deals in Solar Energy contracts. Public Hearing is closed at 6:38pm.

A moment of silence was observed for Supervisor Clerks Tammie Wilson's father Harlan Frank who is ill and fighting for his life in a hospital in Syracuse.

Part 1 for SEQR has been completed. Letters went out and did not receive any other communications for any other agencies under SEQR indicating that they are interested in serving as lead agency. Part II needs to be finished. It will be attached to the minutes. 39:36 The answers to all the questions is no. Attorney Nelson's recommendation is to adopt the resolution naming the Town of Richland lead agency and determining under SEQR that project would not have a significant environmental impact on the Town. Councilman Gilson made the motion to accept the resolution to adopt the SEQR. The **motion** was seconded by Councilman Goodsell. With no discussion, the motion was carried with a vote of "AYE". Councilman Yerdon then made a motion to accept LL #1 Amending the Zoning Ordinance of the Town of Richland for the purpose of regulating Solar Power Systems. The **motion** was seconded by Councilwoman Haynes. With no discussion, and in a roll call vote, all were in favor with a vote of "AYE".

PUBLIC COMMENT : HAGER DRIVE UPDATES: Resident of Hager Drive, Dave Scott advises the board that he and 13 other residents of Hager Drive went to Syracuse to attend the Court Hearing that is a pending case involving the Town of Richland and 2 summer residents that border a right of way at the end of the road. Judge Merrill has 3 issues before rendering his decision. 1. Variance of a fence. 2. Increased signage 3. A barrier system to keep cars from driving down on the beach. Judge Merrill thought the barrier would be at the "T" in the road. Mr. Scott feels that the Judge was not aware that the end of the road was used for a turn around such as the School buses and plows. Mr. Scott advised the board that Judge Merrill will notify all the parties in approximately 30-60 days of his decision. Mr. Scott advised that Judge Merrill was very gracious and willing to answer any and all questions . In the meantime, it's a waiting game. Councilwoman Haynes met with the Richland Hamlet Association. Shawn Doyle will briefly fill the Board in on what is going on. George Harding and some of the other of the board members have discussed turning over the land to the Town of Richland to own and manage. Mr. Doyle is putting in for a Snow Grant and is meeting with Elizabeth Snow in the morning to take her up to the park. The park is putting in for a swing set system that they would like to do. Mr. Doyle would like to know if he can put in for the so he is sure he does it right this time. He needs the board to approve this. He is asking the Board for \$5000 to go ahead. Councilman Yerdon is concerned about the details of the transaction. Attorney Nelson

advises that it may need court approval because it's a non for profit organization and its a process. Another concern is that if the process of the Snow grant is going on, how's that going to affect the Grant?. Mr. Doyle assures the board that he will let the Snow Foundation know what is going on with the Town of Richland taking the park over. Two issues are on the table . 1 is for the Town of Richland to take over ownership. 2. to approve The Association to submit for grants to get playground equipment. The Association will involve the Town through the process. A **motion** to pursue ownership of the Richland Hamlet Playground was made by Councilwoman Gilson and seconded by Councilwoman Haynes. With no further discussion, in a roll call vote, all were in favor with a vote of "AYE". Also, Mr. Doyle advises that the Association was in talks with the Richland Fire Department on purchasing the Basketball court in the hamlet that is owned by the Department. He will continue to talk with the Board and keep them up to date. A motion to allow Mr. Doyle to pursue the Snow Grant was made by Councilman Goodsell and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE" The Richland Hamlet would like to have banners something like the Village of Pulaski has. As it turns out, the company needs to have a Town Resolution to be able to get the banners put on the National Grid poles. They want to get brackets and they must be brackets that the company makes. A motion to empower the Supervisor to draft a letter to National Grid. A motion was made by Councilwoman Gilson and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE".

DPW BUILDING PROJECT UPDATES: Application is in with USDA Rural Development they are working on finalizing it to submit it. Once approved they can move forward on making it a public vote or not a public vote.

EXECUTIVE SESSION: A **motion** to go into Executive Session to discuss purchase of property. Motion was made by Councilwoman Haynes and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE". 7:12PM . Back into regular session at 7:26pm. A **motion** to enter into an agreement to purchase Steven Beckers property on County Route 41 was made by Councilman Yerdon and seconded by Councilwoman Haynes. In a roll call vote all were in favor with a vote of "AYE".

WATER UPDATES: March 7th minutes were submitted. Waterboard Chairman Craig Sternberg asked the board the results of the survey for the line coming from the well fields to Richland and whether it was going to be a transmission line or serviceline. Councilman Yerdon advised that after spending 2 days of going door to door, not one person changed their minds on getting municipal water. As it stands now, the Nice and Easy and the Hair Dresser on the corner and the park are the only ones getting municipal water . Intermunicipal between the Town of Richland and the Town of Sandy Creek for the purchase of a Tap Machine. It was jointly purchased and will be housed in Sandy Creek. A **motion** to enter into the agreement was made by Councilwoman Haynes and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE" Agreement of municipal cooperation for construction, finance

operation and maintenance for the Eastern Shore Water System. This meeting was with the Town of Sandy Creek . It also includes the meter language and it also includes provision of the Water Salesman for the Town of Sandy Creek. The motion was made by Councilman Goodsell and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE" Councilman Goodsell has some updates for the Water Department crew. Superintendent Fox, Water mechanics Robert Hicks, and Kevin Hurd and Councilman Goodsell meet at least once a week. They have been working on streamlining down on some of the paper work. Working on a schedule for maintenance of hydrants like painting, numbering and exercising the valves for flushing. New signs for the water salesman. A new fax line has been installed. The Water Mechanics have been working with Bob North on inventory. Everything seems to be working well.

ZONING AND CODE REPORTS: February reports submitted. Zoning Law changes. A special meeting will be scheduled for April 4, 2017 at 6:00 pm. to discuss the changes. Councilman Yerdon would like to make some changes to the Fish Cleaning License procedures.

DOG REPORT: Reports for January and February were presented to the Board. Councilwoman Gilson asked about what Onondaga County has done with a running list about Animal Abuse cases. Attorney Nelson said she has heard just a little something about them keeping track of abusers and that they couldn't not adopt from shelters. Mrs. Nelson would like to talk about Local Law violation in regards to dogs. One of her associates has been to court 3 times in the past where the Defendant has not showed up. Many times the ticket issued has been for an unlicensed dog or a dog at large. Judge Conger has suggested that the Dog Control Officer just pick the dog up and her thinking is that if the owner wants the dog that they would then license the dog and pay the fees. The downside is that the Town would be stuck with the kennel fees and in turn, the Attorney is coming to court and sitting for 3 hours is also a waste of the Town's resources.

HIGHWAY REPORT: Busy with truck repairs. A 1995 frontend loader has a pretty severe oil leak in the engine. They think its the rear main seal. Mr. Fox has 2 quotes for the repair. The first quote is from Five Star Equipment. It's between \$ 4800-\$5400. The engine has to come out of the machine. The second is from Delong's from Clay. Their quote is \$3710. The machine needs to be repaired. Also Mr. Fox has some things he would like to put on Auctions International 1991 Gradall is worth between \$10,000-\$15,000, 2007 Chevy P/U with plow, Utility Box for a P/U, Fiberglass. Sander, 2 trailers 1971 equipment trailer and a homemade trailer. A **motion** was made by Councilman Goodsell to put the used equipment on Auctions International. The motion was seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE" .

SUPERVISOR REPORT: No report

COMPREHENSIVE PLANNING BOARD MINUTES/UPDATES: Resolution update. There is going to

be a language change in the last paragraph. The correction will be available at the next Comp Board meeting. Councilwoman Gilson will keep the Board updated after the April 6 meeting. A special meeting to discuss the Zoning Changes will be on April 4th. This meeting will discuss the changes in the Town of Richlands Zoning only. The Comp Board needs the boards approval to keep moving forward with recommendations.

HALDANE ADVISORY BOARD MINUTES: Haldane Agreement. A **motion** to enter into the agreement with the Hockey Association was made by Councilwoman Haynes and seconded by Councilman Yerdon. Supervisor Krupke did express to William Wood that the Town is going to continue to have Summer Recreation at the Haldane Center with the understanding that the building would be returned back to the Association in the same if not better condition that they found it in. Grant for the Haldane is about \$280,000 The town's share is about \$90,000. Last week Supervisor Krupke and Councilwoman Haynes met with Kristy Lamanche, Bill Wood and Jean Egenhofer. It was a very good meeting. Kristy has already started working on things. Kristy has an agreement for her services which is built into the cost of the project. A **motion** to enter into the agreement to make Kristy LaManche the administrator of the grant was made by Councilman Yerdon and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE". The Town has to spend the money before we get the grant money from the state. With that being said, it was suggested that the Town goes with a BAN. Supervisor Krupke got in touch with Pathfinder Bank. For the amount of \$300,000, it would have a 3% rate noncallable. For a callable rate it would be 3.45% rate. With an amortization schedule that Mr. Krupke found online, It would be a difference of \$5000 compared to \$5600 for interest. Non callable means you cannot pay it off early verses a callable you can pay off as you go. It's only for a 12 month period and 5 yr renewable. Any work that the Town Highway does, the time gets added in. Work should start maybe as early as late July. The thought of getting at the roof and compressors as a priority. A **motion** to accept a resolution as presented was made by Councilman Councilwoman Haynes and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE"

JUSTICE REPORTS: The Board approved Beth Dunham to keep working on the backlog of court matters in both courts. A **motion** to allocate another \$3000 for the courts to help with the backlog of cases was made by Councilman Goodsell and seconded by Councilman Yerdon. In a roll call vote, all were in favor with a vote of "AYE"

WARRANT OF BILLS: Abstract #3 was presented. After some discussion a **Motion** to accept Abstract # 3 was made by Councilman Yerdon and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE"

CEMETERY UPDATES: No report. All Town Cemeteries are closed for the season.

TOWN HISTORIAN REPORT: Working with Students for their community service credits.

LEGISLATIVE REPORT: The Oswego County Committee approved the Town of Richland's expansion in the the Health Department space. The move will take place after Tax Collection and telephone, cable lines can be moved. **Motion** to accept the "Supernova" merry go round . The **motion** was made by Councilwoman Gilson and seconded by Councilwoman Haynes. All were in favor with a vote of "AYE" The Kompan Company is the company that the Hamlet is working with for the banners in Richland. Also, Oswego County is consolidating the purchasing departments with Onondaga County which will be huge. They will handle all the purchasing for Oswego County. Kevin Gardner has been meeting with Joanie Mahoney to try to do things with Onondaga County as much as possible. The County Legislature is planning to hold 2 meetings at the H.Douglas Barclay Courthouse this summer. Maybe July and August. The meetings will be held in the evenings. Mr. Doyle will keep the Board informed for a definite dates and times.

MISCELLANEOUS BUSINESS: A list of Equipment that is no longer used or inoperable is presented to the Board. A short discussion about the type of equipment and it was decided to destroy the unused and inoperable equipment. A **motion** to discard was made by Councilwoman Haynes and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE". Three proposals were presented to the Board for Flags for the Veterans graves in all the Town of Richland cemeteries. Omar Davis from the American Legion suggests using Action Flag. The amount of the flags are \$1230.50 A **motion** to accept the Action Flag bid was made by Councilwoman Gilson and seconded by Councilman Yerdon. In a roll call vote , all were in favor with a vote of "AYE". A **motion** to approve the Town Clerk and Deputy Clerk to attend the Town Clerks Convention in Rochester April 24th and April 25th. was made by Councilman Goodsell and seconded by Councilman Yerdon. In a roll call vote, all were in favor with a vote of "AYE"

NEXT TOWN BOARD MEETING: April 11, 2017

MEETING ADJOURNED: A **motion** to adjourn the meeting was made by Councilwoman Haynes and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE". Time 9:21pm.

Respectfully submitted by

Millie Newcomb
Town Clerk