

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

DATE: September 12, 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
Councilwoman Allen Goodsell
Councilwoman Sue Haynes
Councilwoman Donna Gilson

OTHERS IN ATTENDANCE: Town Attorney Allison Nelson
CEO/ZEO John Howland
Highway Superintendent John Fox
Town Clerk, Millie Newcomb, Town Residents, Dave Scott, Frank Watson, Roselyn McVicker, Patrick Sheehe, Judith Lynn, Mary and Dale Bigelow, Ryan Parker, Craig Sternberg, Kevin and Jack Caraccioli, Pat Whaley, Bob and Ricki Toppe and Melanie Watson.

CALL TO ORDER: The meeting was called to order at 6:04 p.m. with Supervisor Krupke leading in the Pledge of Allegiance.

PUBLIC COMMENT: Bob Topee would like to let the property owners along the lake know the organization known as "Neighbors of Watertown" is working. He is happy to report that he has been approved for repairs on his sea wall and the process is working very well.

WATER REPORT: Minutes for August 22, 2017 are presented. Some recommendations from the Water Board. 1. Clean the outside of the Water Tank on Co Rt 5 2. Leak detection Survey WD 1 had a leak detection survey after it was completed. Nothing has been done with the remaining water districts. Going forward, a post completion a leak detection. Also a Leak Detection survey to be done on the whole district. Cost maybe \$3,000 to \$5,000. Inspectors are on site during construction to watch back filling and making sure joints are properly fitted. Once the water lines are installed, the contractor would come back about a year later to do a

leak detection. These contractors walk the line and listen for leaks. The Board agrees this may be a good policy going forward. Councilman Yerdon wants to know why our Water Mechanics can't do leak detection. Mr. Fox explains that the equipment is expensive to purchase. He will check to see the cost of the equipment. 3. To require stainless steel needles. These are located mainly in the vaults. 4. Schwartz Hydrants connectors are placed in the design of all future water projects and retrofit all existing as the budget allows. These are quick connects for fire protection. 5. Having a Tier 1 background check using AMRIC cost about \$65 per person to allow individuals access to the well sites such as Water district employees, Superintendents and contractors for repairs. Also photo ID's should be given to Water Department Personal. This is something that the County is starting to require. Mary will inform Dustin of the Stainless needle changes.

ZONING AND CODE REPORTS: CEO/ZEO Permits for the month are presented . Junkyards and Fish Cleaning Stations have been inspected and all have passed. Attorney Nelson has sent out letter to 4 property owners in the town. Jeff Watson on County Route 48 in Richland , Irma Schrodgers also on County Route 48, David Conn on US Rt 11 North and Scott Towsley on County Route 2. Mrs. Nelson did speak to Mr. Towsley today and based on the conversation, he will not have things cleaned up by the deadline of September 20th. The next step, is up to the Board. The least expensive route is Town court or the Supreme Court . If they don't show up then it kind of goes dead with the Town Court. Dave Conn has 34 cars now and is only supposed to have 20. All 4 property are repeat offenders so to go the route of the Town Court is a waste of time. The best results are usually Supreme Court. Usually it get the property owner's attention. The cost could be between \$1500 - \$2000. per case. Tina Jordan was sent to State Supreme court a few years back received a \$1000 fine. After sending letters and giving him a deadline , Mr. Jordan contacted Mr Howland the day before the deadline to let him know everything was picked up. So the threat of Supreme Court and a heavy fine does work. At this point, it's up to the Board as to the direction they would like to proceed. They are all in favor of proceeding with Supreme court. Dave Conns permit can be revoked but it has to go through the Boards and is time consuming. Usually Supreme Court they get a court date within 30 days. Councilwoman Haynes is asking about the status of the Bailey property on US Rt . Per his agreement, he is supposed to have his property cleaned up by the end of October 2017. Mr. Howland will visit the property in the next few weeks to make sure that everything is moving per the written agreement. Attorney Nelson handed out the new Zoning Ordinance including the new descriptions that the surveyor put together. Next month the Board can start the SEQR process and amending the Zoning ordinance. The changes are in place, these are just the changes in the zoning.

HAGER DRIVE UPDATE: Mr. Caracoli, recommends before he gets started to discuss Hager Drive to make sure that these minutes reflect that the Town of Richland actually, and specifically authorised this Legal Action pertaining to Hager Drive. In reference to Hager Drive, Attorney Caracoli appeared before Judge Murrell on Friday September 8, 2017 in Utica, NY. He appeared

with Mrs. Norfleet who is representing the Bellingers and themselves. Also Richard Mitchell, Oswego County's attorney who was granted special permission to be joined by phone. Mr Caracoli presented the Judge with the proposed changes that were made to the order. The Town agrees with the Judge that the Town of Richland owns and controls the road and be declared the owner, but the Town does not want to be told what to do with that road. Mr. Caracoli agrees that is a fairpoint and an understandable one. What the Judge is attempting to do, and has all along, is to address the primary party's concern. Oswego County position is that they side with the Town , and that the Town has demonstrated ownership and control of the road and that it should be declared a town road. The Town's position is that they do not want to be told what to do with the Road. However, the Judge's order says the Town is "Directed" to erect signs and establish a barrier. Mr. Caracoli advised the Judge and the Plaintiffs that there is already signage and has been for many years. The issue is the barrier and the use of the road as a turnaround for snow plows and school buses. The judge understood and advised that he was ready to rule on the ownership of the Road and it is a Town road and the Town has demonstrated that fact. The plaintiffs think they are being "duped" because the Town is not willing to put up a barrier as stated in past litigation. The plaintiffs would like to see something to keep vehicles from accessing the lakefront beach area. . The plaintiffs would like to see barriers about 25' from the the beach front. After a back and forth discussion with Mrs. Norfleet and Mr. Caracoli, Judge Murrell asked Mr Caracoli to go back to the Town and ask for some kind of Low impact barrier 25' from the beach that would allow pedestrian access but prohibit vehicle access. Councilman Yerdon would not like to see any verbiage in this agreement that would mandate the Town to put a barrier up. They would put something up but not told what kind of barrier it would be. Mr. Caracoli said changing maybe just one word may be what the town needs to do. Changing the word "Directed" to the word "entitled" to establish a barrier in a manner designed to impede vehicular traffic but not infringe on pedestrian access to the shoreline of Lake Ontario. The Town has the right to modify as needed. Mr. Caracoli has not proposed this but he feels it may work and satisfy all the parties. Another option instead of a specific order it be a stipulation that the Town agrees to do this and reserves the right to modify it from time to time. Without the permission of anyone, and if all parties sign off on this, the Judge will issue a "so ordered" provision that he orders that this be the order. Supervisor Krupke asked if anyone would have any objections to changing the wording of the decision from Directed to entitled. A few comments from the residents as follows: **Judith Lynn:** Only objection is emergency vehicles to get access. **Pat Whaley:** Culvert along Norfleets, Town needs to get to clean out culvert pipe. **Ryan Parker:** If " Entitled 'means Towns choice he is good with it . **Frank Watson:** He has a 4x4 and he can't drive down to the beach and no bonfires. **Mel Watson:** There has been no "rift rafe" down at that location. There has been no trouble and thinks the barrier is crazy. **Dave Scott:** It's the Town's Discretion. Mr. Caracoli wants to again remind the audience the original suit was to determine ownership of the right of way. It was added later about the signage and barrier. The Board feels the word change is the best way to go at this point. If the Town was to put in a barrier, it would be something low profile to keep vehicle traffic out. The Judge did ask for Mr. Caracoli to report back to him by

October 4th. It is his intention to have a report back to the Judge in the next week or so. Supervisor Krupke would like the minutes to reflect a letter received by the board from Tom McVicker.

DPW BUILDING PROJECT: The Town has received a preliminary approval from the USDA in the amount of \$2,690,000 at 3.25% fixed rate for 30yrs. The yearly payment back will be \$136,648.00. Assessor Warren Wheeler was asked what the impact would be. It would be about .49 per \$1000 assessed. For an example, a home assessed at \$100,000 the increase in taxes would be about \$49.00 per year. This is the high end according to the payment structure. The Town has about \$300,000 in the building reserve. Where do we go from here? Bond council will have to be brought in to start working on a Bond Resolution so it can go out for a referendum. Councilwoman Gilson would like to know about a Bond Council. Usually when the EFC is involved or Rural Development, they require Bond Council. The Town will be using Barclay and Damon. Attorney Nelson will take care of setting this up. Supervisor Krupke informs the Board that there is a possibility there is a \$100,000 grant that is attached to this loan. It's not confirmed but it would help with some of the soft costs that will be involved. The discussion at this point to set up to vote on this by permissive referendum or bring it to a public vote. That time frame is probably a few months. Probably by December. Councilman Yerdon asks about a public vote. Attorney Nelson explains she would not recommend putting this out for a public vote because of the turn out for special votes typically has a very low turn out and can be costly. Mr. Yerdon also explains that the 2 meetings we had in the past were very low turn out. Highway Superintendent Fox said the word is out and everyone is asking when it's going to happen. The opinion is about 60-40 in favor of the new garage. The conversation turns to the either a Public Vote opposed to Board Vote. Councilwoman Gilson would like to see another letter or informational meeting to the public to let everyone know what is going on. Its money well spent to keep the public informed. A letter, news release or an article in the newspaper. In the past the Kallet Theater and the Information Board in the South Park have been used. Maybe a sign on the property to say Future Home of Town of Richland Highway Department. Councilwoman Haynes still thinks that it should be put up for a Public Vote. Also with many of the local residents going out of Town for the Holidays especially if the vote is held in December. If the vote is done by the Town Board alone, it's subject to a permissive referendum, what does that entail? Per Attorney Nelson, someone would have to petition. They have 20 days and after the board approves the resolution we then have to put a notice in the paper saying that the Board has adopted this subject to permissive referendum, you then have 10 days so the timing has to be right. A percentage of how many voted in the last primary determines the number of signatures needed for the petitions. It could be about 120 signatures. In some of the special elections that Mrs. Nelson has participated in the last year, maybe 100 people had voted. There has to be a certain number of signatures on the petition in order for it to be forced to go out to a referendum. Someone who is against the referendum would be the one to do this. Mr. Krupke will get a hold of Eric to see if there is some kind of

press release he can put together. Brochures for the new building can be found at various offices in the courthouse.

DOG REPORT: Dog Control report was presented. Waiting on response from Albion about the dogs. Councilman Yerdon would like a call for a meeting with the Dog Control Officer for Albion and Town of Richland Dog Control. The Board agreed to wait until the results of the Albion Board Meeting that is also being held tonight.

HIGHWAY REPORT: Snow and Ice agreement with Oswego County is next. It was discussed at the last meeting that the Town would like to stay the course with the way it's going. All the contracts are due October 1st. Councilman Yerdon feels the way the town's gets paid should also be included in the contract. All 22 Towns in the county have been offered the same contract. Councilman Yerdon doesn't feel the Town should sign the contract unless the language is changed. Superintendent Fox says the Town has to meet with the county because the contract is due October 1st. This contract goes back to the County Superintendent Kurt Ospelt. Supervisor Krupke asked Mr. Fox if it's worth the effort for the County to change the language in the contract.? If it can be changed. Mr Fox has the boards permission to sign the contract. Attny Nelson's thought is that the county will say it's too late to make the changes that the board wants for this year. Councilman Yerdon does not agree. He feels the county has had all summer to fix the problems and it's up to the county to listen to the Town's position. Councilwoman Gilson asked if the County can do an addendum to the contract. Attorney Nelson says they can the question is if they will. Never hurts to ask. Next up, Williamson Law Program for Highway use. Although Mr. Fox likes the program, but he was shocked with the cost of the program and the updates. He feels that Bob North has made up all the forms and would like just to continue on with that. There has been money put in the budget in 2018 for Deputy Clerk Julie Peterson to help Superintendent Fox set up the forms that Mr. North has created.

SUPERVISOR REPORT: Supervisor's Report for June, July and August was presented. A motion to accept the Supervisor's report as presented was made Councilwoman Gilson and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of **"AYE"**

PRELIMINARY WAGE REVIEW: At the last meeting the Board was given a handout with wages of employees. The Board reviewed line by line. The Board will go into Executive session. A motion was made by Councilwoman Haynes to discuss employment, discipline of a particular person. The motion was seconded by Councilwoman Gilson. All were in favor with a vote of **"AYE"**. 8:08pm. At 8:46pm a motion to come out of Executive Session was made by Councilwoman Gilson and seconded by Councilwoman Haynes. The result of Executive Session was not revealed to the Town Clerk. ZEO/CEO position was discussed. It's the conscience of the Board that they would like to have Mr. Howland in the office another day. It will be discussed with him at a later time. Attorney Nelson left at 9:00 pm.

TEAMSTERS CONTRACT: Employees will receive a 3% increase in wages. 1 year extension in the Union Contract, premium for insurance will increase \$70 to \$1976.

COMPREHENSIVE PLANNING BOARD MINUTES/UPDATES: Village resident and Comprehensive Planning Board member Selena Belzer has resigned her seat on the Board. The Board is looking for new members if anyone is interested.

JUSTICE REPORTS: July and August Justice reports are presented. With no discussion, a 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"**. Officially accept the Court Clerk Job description, a motion to accept was made by Councilwoman Haynes and seconded by Councilwoman Gilson. In a roll call vote all were in favor with a vote of **"AYE"**. Justice Beth Dunham who was helping with the Court fell on the steps in the front of the courthouse, injuring her leg and knee. She is currently out on Workers Comp and will not return to The Town of Richland Court.

WARRANT OF BILLS: Abstract #9 was presented to the board. With no discussion, a motion to accept the Abstract as presented was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of **"AYE"**.

TOWN BOARD MINUTES: July 11,2017 and August 31st . A motion to accept was made by Councilwoman Haynes and seconded by Councilwoman Gilson. In a discussion, Councilwoman Haynes wanted to bring up a matter that if someone works for the Town of Richland and have a family member that is in any kind of business that the Town may contract with, The town will always want Local residents to bid without fear of Conflict of Interest. The Town has no policy in place to cover this issue. After discussion, all were in favor with a vote of **"AYE"**

CEMETERY UPDATES: Richland Cemetery update. All the roads in the cemetery have been cut out 3" of run a crush, and chip seal is in place.

TOWN HISTORIAN REPORT: No Report

LEGISLATIVE REPORT: No Report

MISCELLANEOUS BUSINESS: Ringgold Budget, Library Budget and NOCA Budget are presented for review. That will be voted on with the Budget. Next The Solar Feasibility Study. The Town is still exploring the possibility of a Community Solar Field on the Well Site. The county went through and did the interviewing and screening for potential members or companies to do it . They did select one so they are currently doing the power source where the have to go to tie in, what that cost will be . Then they will come back to the table around mid October to give more information. They are looking at enough kilowatts to take care of the Town property's. More answers will come as the research continues. Oswego county shared services meeting: Next

meeting will be in November. Village of Pulaski would like the Town of Richland take over the Comprehensive Insurance Policy for the Haldane Center. The Village of Pulaski feels it's the Town's responsibility to pay the bill. The policy payment is due Friday September 15th. Supervisor Krupke advised Mayor Hax that the Town did not plan on that payment and it's not in the Town's Budget. The best the Town can do is the Village can bill the Town in January when the Town can budget the money appropriately. The Town has taken over the Street lights at the Haldane. Haldane Meeting is September 25th. Next Richland Park meeting is September 19th.

NEXT TOWN BOARD MEETING: October 17,2017

MEETING ADJOURNED: A motion to adjourn was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of **"AYE"** Meeting was adjourned at 9:37pm

Respectfully submitted by
Millie Newcomb
Town Clerk