

## MINUTES OF THE MEETING OF THE TOWN BOARD

TOWN OF RICHLAND

1 BRIDGE STREET, PULASKI, NY

**DATE:** November 13,2018

**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 Dawn Holynski  
Councilwoman Sue Haynes  
Councilwoman Donna Gilson

**OTHERS IN ATTENDANCE** CEO/ZEO John Howland  
Highway Superintendent John Fox  
Town Attorneys, Allison Nelson and Rebecca Prosachik  
County Legislature Ed Gilson  
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 : LOCAL LAW #3 WIND TURBINES** The floor was open for discussion on Local Law #3 on Wind Turbines. With no discussion, A motion to close the Public Hearing was made by Councilwoman Gilson and seconded by Councilwoman Haynes. *In a roll call vote, all were in favor with a vote of "AYE".*

**PUBLIC COMMENT:** The floor was open for Public comment. No Public Comment

**ZONING AND CODE REPORTS:** Planning Board has a few items on the agenda for the upcoming meeting. . The Norflets are coming in for a variance for a 6' fence on Hager Drive. In Fernwood, an application for a small engine shop in Fernwood and Campground on Dry Bridge Road. The Planning and Zoning Boards are going to work together again this year on the Zoning Laws. Ten Code Enforcement Offices got together recently in the Town of Sandy Creek. Two Code Enforcement Officials from the state were also in attendance. They had a great sit down work

session. Junk Laws were the topic of the conversation. All Towns are having the same issues the Town of Richland has not been getting responses from property owners or the Justice system .Most of the CEO/ZEO do is send most of the cases to State Supreme Court. Hopes are that with the new Sheriff elect they can get that police agency to cooperate with serving warrants. Railroad Property on Bulah Drive in Richland is still a mess. Letters have been sent with no response. The property has been like this for the last 2 yrs. The Fedora Property on Co Rt 2 and the property on the corner of Route 11 and Canning Factory Road. Those letters have been sent back with no forwarding address. Mr Howlands recommendation is to send them to State Supreme Court. Attorney Nelson advised that the Town send pictures to the Railroad Property to the Rail Road to let them know the condition of the property. Also to pick 2-3 properties that wouldn't be too expensive to clean up and attach the clean up to the property taxes or to send to Supreme Court to get them cleaned up. The letters that are coming back, Attorney Nelson suggests to do a Postal Forward or hire a Private investigator to find them. The Conn property on Route 11 North was not in compliance again. He was warned the last time he was in Supreme Court not to violate the Court Order again. Questions on whether the Town could revoke his Special Permit. The Planning Board actually has the authority to revoke his Special Permit. The Small Engine shop in Fernwood has met the provisions in his permit that he can only have so many pieces on Display at one time. Action will be taken on the Woodmancy/Eby property, Spragues, and the Railroad property in Richland. Letters will go out first, and if they don't come into compliance, they will be sent to Supreme Court. The Woodmancy/ Eby property letter will be sent to Mr. Eby. Councilman Yerdon is wondering if a survey has been done for our records. The Board is in agreement that before the Norfleets put up their fence a proper survey should be done to make sure the Towns interest is protected. Supervisor Krupke advised that he has invited Sheriff Elect Hilton to discuss certain matters and to meet the staff. He invited the Board to come and meet him on Thursday at 11:00 am at the Courthouse Offices. *A motion was made to add clean up expenses to the property tax bills was made by Councilman Yerdon and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE".*

**DOG REPORT:** Dog Control report was submitted for review.

**HIGHWAY REPORT:** Mr. Krupke has been in contact with Matt from B&L about repackaging a plan for the New Highway Garage to present to the Public in the future. The previous barn size was 18,000 square feet. The scope of service is the "needs" for the building. A repair area, storage for equipment, bathrooms, office space, and wash bay. The last package really didn't have any bells and whistles. The inside washbay is more of a requirement for the DEC than anything. The site had been looked at many times for storage facilities. Nothing is set in stone for the current site. Timber structures can be cheaper to build than metal. Metal goes up quicker. B&L have been involved in both. Councilwoman Gilson wants to know what B&L is trying to achieve with the different designs. Per Matt, taking a hard look at the size and what the Town really needs. And the cost of square foot. At first it started at 13,000 sq ft based on

what the Town currently had. After many discussions, the size grew to 18,000 sq ft. Supervisor Krupke would like to move forward with discussions with adding a few people outside the Board to help out with the design of the building. Adding members of the community would help. Board Members would like to know if the project could be done in sections. Typically funding entities do not like to do this. To get funds, it usually has to be paid for as you go along. What happened before is that the Village thought they should be part of this project. Now they don't want to be a part of it. Councilwoman Gilson feels that the Town should approach the Village one more time to see if they want to be a part of the project, just so they can't say they were not invited into participate.

**HIGHWAY REPORT:** Plows have been out 3 times. Still putting up winter markers fixing trucks and working on the roof when weather permits. Some part time workers start tomorrow. Mr. Fox has 3 quotes for plow for the new Pick up. He would like to go with Dicks Auto. The price is \$5870 for 8 ½ foot Western Plow ***A motion to accept the bid for the new plow was made by Councilman Yerdon and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE"***

**DPW ROOF REPAIR PROJECT:** With the way the weather has been its been hard. At this time, the back part of the Roof has almost been completed. Several boards were rotted and water was pouring into the garage. The cost so far is about \$800.00. One other part that leaks and one part that is soft. Just waiting on the weather to work in our favor. There is still a leak at the Haldane. Mr. Fox called the company and they will be up to look at it.

**WATER UPDATES:** Minutes from the joint meeting on October 2,2018 and November 6th minutes. Discussion about Co Rt 2. There are residents that get water from the Village of Pulaski and are paying for it unless its in their deed that they get it for free. The Map Plan and report for the Town of Richland says that the the Town is supposed to charge them a full EDU for it. There was discussion about this at the Towns Water Board Meeting and they are recommending that we pursue the full EDU charge. If the Waterline goes in front of their home they get charged even if they currently get water from the Village. Mrs. Gilson agrees that once they are in the District according to the Map Plan and report, they have to be charged. You can't have prejudice if one has to pay and the other doesn't . The entire Board sympathises with residents. There is a history with the Village of Pulaski. The Town in the past has tried to work the the Village in regards to Route 11 north of the Village in the Town of Richland and County Route 2 . There was a verbal agreement with the Village Water Board that the residents that have Village water outside the Village of Pulaski would pay 30% (\$150) of the \$450 EDU to the Town and the Village would keep the rest if the resident decided to stay with the Village and not hook into the Town Water. When it came time to sign the agreement, the Village backed out of the deal. The Town of Richland was out of a lot of money to change the Map Plan and Report to take all the people on County Route 2 and Route 11 out of the plan. There will be a joint Village and Town Board Meeting on November 27th at 7:00 pm here at the Courthouse in

the Grand Jury Room. Supervisor Krupke asked Superintendent Fox if he has an opinion on the decision that the Board has made in reference to the EDU charge. Mr. Fox thought that the line was originally supposed to be a transmission line. Mr Yerdon explains that the Board contacted Attorney Nelson and the Association of Towns. What they said was, Coming from the well field as a transmission line was fine, however, but once you start the first parcel or EDU that is on line you can't go from distribution line to paying customer back to transmission line. Once its started its started. Minutes from May 2, 2017 meeting Discussion about where the Transmission line should start. Supervisor Krupke spoke to Attorney Nelson and Deputy Supervisor Yerdon. They in turn called the Association of Towns. The suggested, if the Property fronts a water main it should be included in the water district. A Transmission line should not go from transmission line only to a service area back to transmission line Once the transmission line starts, the service area should continue that way regardless who wants to be included in the district and who does not. The possibility of outside users was discussed. Mr. Clark did not recommend this because there is no way to collect delinquent water bills. It is pointed out that there are 2 different Legal Opinions on this matter. There is a list of over 100 customers on the late paying there water bill. The question is should these bills be put on the Town and County Bills.? The Water Advisory Board wants to add a \$50 service fee. Attorney Nelson advises there is not a Local Law that supports that charge. ***A motion to add the past due water bills to the Town and County taxes that are 60 days overdue was made by Councilman Yerdon and seconded by Councilman Goodsell. In a roll call vote all were in favor with a vote of "AYE". Attorney Nelson will work on a Local Law to charge a \$ 50 service fee for unpaid Water Bills.***

**SUPERVISOR REPORT:** *At this time, Supervisor Krupke would like a motion to rescind the previously approved 2019 Town of Richland Budget. That motion was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".* A motion to accept the Supervisors Report for September and October 2018 was made by Councilwoman Haynes and seconded by Councilman Goodsell. With no discussion, ***a roll call vote was taken with all members voting "AYE"***

**HALDANE BUILDING PROJECT:** Nothing to report at this time.

**COMPREHENSIVE PLANNING BOARD MINUTES/UPDATES:** Very short meeting. Getting close to finalizing a few things. Councilwoman Gilson is a little frustrated with how slow things are moving along. More housing is needed, apartments. She would like to have our Town grow and feels that not everyone on the board feels the same.

**JUSTICE REPORTS:** Justice Reports for September and October were presented to the Board for their review. With no discussion, a motion to accept the justice reports was made by Councilwoman Haynes and seconded by Councilman Goodsell. ***In a roll call vote, all were in favor with a vote of "AYE".***

**WARRANT OF BILLS:** A motion to accept Abstract 11 of 2018 was made by Councilman Yerdon and seconded Councilwoman Gilson. *In a roll call vote, all were in favor with a vote of "AYE".*

**TOWN BOARD MINUTES:** A motion to approve minutes for September 11, October 9th and October 11, 2018 was made by Councilman Goodsell and seconded by Councilwoman Gilson. *In a roll call vote, all were in favor with a vote of "AYE".*

**CEMETERY UPDATES:** No updates at this time.

**TOWN HISTORIAN REPORT:** No update at this time.

**LEGISLATIVE REPORT:** New Legislature Edward Gilson is here. Thursday November 15th will be his first meeting with the full Legislature. He has been appointed to Economic Commission and the Courts Commission. He invited the Board to let him know of any concerns they may have.

**MISCELLANEOUS BUSINESS:** Resolution of Amicus Curiae (Friend of the Court). Mr. John Dros recommended that the Town that there is a lawsuit going on that the Wind Turbines are not Taxed Friend of the Court, a brief supporting arguing that the Wind Mills in their totality should be taxed. The Town of Richland would be the first to take the lead to support the Association of Towns in this matter. The argument is that they should be assessed at 18% of there value. *A motion to adopt the resolution was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE". The SEQR received no comment from any other agency to be lead agent. No comment against adopting the Local Law. Need to adopt the resolution that the Town review part 2 of the short environmental assessment form, determine the laws of unlisted action under SEQR, The Town Board is acting as lead agency, determined the local law will have no adverse environmental impact. 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 Yerdon made the motion to accept Local Law # 3 Regulating Wind Turbines in the Town of Richland. Councilwoman Gilson seconded this motion. Supervisor Krupke wanted to personally congratulate Councilman Yerdon for all of his hard work on this new Local Law. In a roll call vote, all were in favor with a vote of "AYE"*

**RFP** was put out for Legal Services. Association of Towns information packet for upcoming meetings. Next meeting to approve the 2019 Town Budget of \$2,708,154.91 will be on November 20th. Joint meeting with the Village will be at 7:00pm here in the H.Douglas Courthouse on November 27th. Next Town Board Meeting will be on December 11th. Annual Christmas party will be at 12:00 on December 13th. Lastly, David Turner with the Dept of Tourism with a letter of support for a \$850,000 grant for repairs of septic and new water infrastructure. Supervisor Krupke has been talking with Craig Sternberg about the Highway building. They have reached out to a steel building company from Cortland . A 60x140 building.

Once you go over 60' wide, the scale of it increases proportionally. That cost came in at \$250,000. The mechanics of the building such as concrete etc would still have to be done. So after speaking to Mr. Fox, they reached back out to the manufacturer to make the building 80x140. At the time of the meeting, no callback was received. Hopefully the sand pile and salt shed will be on County Route 41 in the next year. The intermunicipal agreement with Albion for dog control is to be renewed. That will be on the agenda for December. ***With no other business to be brought before the Board, a motion to adjourn was made by Councilman Yerdon and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE"***

**NEXT TOWN BOARD MEETING:** Regular Meeting December 11, 2018

**MEETING ADJOURNED: 8:02**

Respectfully submitted by  
Millie Newcomb  
Town Clerk