

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

DATE: April 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
Councilman Allen Goodsell
Councilwoman Sue Haynes
Councilwoman Donna Gilson

OTHERS IN ATTENDANCE: CEO/ZEO John Howland
Highway Superintendent John Fox
Town Attorney, Allison Nelson
Town Clerk, Millie Newcomb,

Dustin Clark from B&L, Attorney Kevin Caraccioli, Pulaski Village Trustee Jan Tighe, Water Board Chairman Craig Sternberg, Water Clerk Mary Yerdon, Residents, James Sprague, Cindy Morgan, Carol Ackley, Steve and Jodi Olsen, Daniel Dalin , Jeff Edick and many Salmon River Hockey players.

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 FOR LOCAL LAW #2 IN REGARDS TO PRIOR WRITTEN NOTICE : Attorney Nelson explained that recently NYMIR is requiring municipalities to have a policy in place to keep track of all issues that arise with public sidewalks and culverts. . The Town did have a Local Law in place but was asked to update it. . After a brief discussion, and no one to speak about the Local Law, a motion to closed the Public Hearing was made by Councilman Yerdon, and seconded by Councilwoman Haynes. All were in favor with a vote of **“AYE”** the Public Hearing was closed at **6:05 p.m.**

PUBLIC COMMENT: Village resident Carl Falk would like to commend Superintendent Fox and his crew for taking such good care of the road this winter. A winter that seems to never end.

HAGER DRIVE UPDATES: Attorney Kevin Caraccioli is next to address the Board. Looks like the end may be near. Supervisor Krupke, Attorney Caraccioli, and County Attorney met with Judge Merrill in Utica on March 22, 2018. Mrs. Norfleet was also in attendance representing herself and the Bellingers. The judge previously denied the Town's motion for a summary judgment declaring that Hager Drive be declared a Town Road. With that being said, the reason for that was procedural in nature. Mr. Caraccioli doesn't agree with this nor does the County Attorney but there is a solution that will be proposed tonight. A few issues are this and how to proceed and resolve the issue with the 2 neighbors and address the neighborhood association. One way to proceed and to name the Town the owner once and for all is to file a cross claim. The original lawsuit was filed against the Town of Richland, the County of Oswego and anyone else that held an interest in Hager Drive. There are roughly 15 people. The Town ended up filing a motion what's called a summary judgment arguing that there are no facts that are in dispute, solely on the law that the Town should be credited owning the road. The town has had continuous operation and maintenance of the road for several years. The legal standard says 10 years and the Town has that many times over. Not one person has objected to the Town owning the road, including the Norfleets or the Bellingers. The judge could have ruled in the favor of the Town, however he elaborated in that the Town should file a third party lawsuit or a cross claim against everyone down on Hager Drive that has a legal interest in the road so that he is convinced that everyone has been put on notice. He goes on to say even though the Town has put everyone on notice, it was put in the paper and that many property owners showed in court to say that they were not opposed to the town owning the road, he was not convinced. So this is where we stand. In an effort to resolve the matter, the immediate concerns were that people from out of the area are parking and taking advantage of the area. The Judge took their concerns into consideration. One of the suggestions was a barrier to keep cars parking near the water. The conversation went to maybe trash containers, which would be a nuisance to the nearby property owners. A suggestion to place some park benches at the edge of the right a way to keep cars from going to the water. Attorney Norfleet said she and the Bellingers would be in agreement to the benches. Attorney Caracoli and Supervisor Krupke met with some of the property owners and suggested park benches. The neighbors seemed to be in agreement with that suggestion. The other issue is the fence. It's been made clear that the Norfleets must apply for an application for placement of the fence. Mr. Caracoli feels that once that the cross claim has been filed and at the same time file what is called an Order to show cause. This is an order that is issued by the court that says that everyone that is a defendant come to my court at this time and date and place and show cause why the Town should not be granted ownership of Hager Drive. ***Because it's a legal action and its appropriate to it to be reflected in the record, and authorise filing the cross claim.*** It should be filed within 2 weeks. Everyone has to be personally served everyone. It can be mailed so long as there is a signed acknowledgement that they have received it. The third way because there is potentially another "John Doe" that has a legal interest, it must be published in the newspaper. Once it's out in the paper, it's considered "out there". There should be a court date in June. Dave Scott has offered to personally serve

property owners in the area. Councilman Yerdon wants to add “not precedent” setting to the suit” to protect the town. The Board is in a agreement. A motion to accept the following Resolution, ***Authorizing the commencement of a third party action by the Town of Richland in order to seek a declaratory judgement for the ownership of a portion of Hager Drive laying west of Ramona Beach Road, action to commence in State Supreme Court.*** Councilman Yerdon made the motion. The motion was seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of “**AYE**”.

SALMON RIVER HOCKEY ASSOCIATION: Steve Olsen along with Salmon River Hockey Association players and parents presented the Town of Richland with a plaque in appreciation for the Towns support of the association and the Haldane Center Complex. The Town Board Members posed for a pictures with the kids and parents. The Picture has been posted to The Town of Richlands Facebook page.

WATER REPORT: Update on Water District 5. Dustin Clark is here to present to the Board. Good news is that the Towns project scored above the funding line. That is great news and great accomplishment. Its means its a 30 year interest free loan. What it means is a 14 million dollar project and 3% interest means a saving of \$7 million dollars. It's an unbelievable savings. Also a grant opportunity. It was premature but the Town is in the mix. This would be a \$3 million dollar grant. Field work is starting. Construction should start next summer. There are grant opportunities for Drainage and Sewer . Income requirements need to be done for the Hamlet of Richland. \$50,000 is available for planning and another \$700,000 for implementation . The program has not been announced. The first step is the income survey. Rcap is a company Matt has had great success with. The application itself is cumbersome. To have B&L do it it would be \$7000-\$8000. Candace Baumer is the person from RCAP. Matt will have her contact our office. Water agreement is next to discuss. A motion to accept the agreement as presented. The 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**”

ZONING AND CODE REPORTS: John Howland is not present for his report.

DOG REPORT: Dog Report was presented to the Board. An intermunicipal agreement with the Town of Albion was presented by Attorney Nelson. The Board decided to wait until the May meeting to act.

HIGHWAY REPORT: Plowed 26 times. Total of 157 times this year. Doing spring clean up. Trucks getting cleaned up. Roads are posted up to 6000 lbs. Superintendents School in June in Ithaca. The county has agreement to spend Highway money. Chips money is \$145,400 Pave New York moneys are \$33,199 and the emergency winter recovery fund is \$27,200 for a total of \$205,000. In the DB fund there is \$170,000 for a total of \$375,000. The roads that are scheduled to be paved is as follows, Sherman Road to Daysville Road 1.89 miles. All the streets

in Richland Hamlet, approximately 1.3 miles. If the water problem is taken care of Mr. Fox would like to get them done to dress up the area. Also, 5-8 miles of chip seal and many culverts to be replaced. If there is a water project to do in Richland, Supervisor Krupke is concerned about tearing up newly paved roads. Superintendent Fox will double check. If it turns out the water project will be delayed, Mr. Fox feels he can move to Port Ontario and revisit Richland after the water project. A motion to spend the highway fund moneys was made by Councilman Goodsell and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE". Mr. Fox would like to purchase a new mower for the cemetery. The old mower is now 7 years old. The mower is a 2012 and was purchased for \$6950 on state bid. A new one is \$8900 Municipal cost. The trade in price is \$3400. There is enough money in the Cemetery accounts to pay the difference. The Bid is from Whites Farm Supply. A motion to purchase a new Ferris mower for the trade difference of \$3400 was made by Councilman Yerdon and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE". Superintendent Fox would like to move Joe Sikora over to Water full time and make one seasonal worker to full time. The Board would like to wait until the May meeting to make that permanent. Supervisor Krupke would like the names of the applicants Mr. Fox received for position in the garage.

NOCA REPORT: Looks like NOCA is doing fine.

HALDANE UPDATES: The Hockey Associations Contract for Lease of the Haldane Building. The Town would be able to utilize the Building June, July and August. The Hockey Association would like to make ice sooner and make the season last longer. A motion to enter into the Lease agreement with the Salmon River Hockey Association was made by Councilwoman Gilson and seconded by Councilman Yerdon. In a roll call vote, all were in favor with a vote of "AYE". Haldane report. Softball league will combine with South Jeff, Watertown, Sackets Harbor and Pulaski. It will work out better for insurance reasons. In the future the league would like a new fields. Part of the Haldane grant, Supervisor Krupke would like to put up a bathroom. Right now, the estimate is around \$100,000, which includes sitework and utilities. Right now, there is about \$104,000 unspent with the project if they eliminate everything they were going to do. That would include eliminating the fencing, upgrade to the trail, the signage and the workout stations. The money, that was budgeted for the pavillion was about \$48,000 money saved from the roof and compressor was about \$8000.00. The unknown is there is a grant from the Snow Foundation in the amount of \$25,000. If that grant comes through then they can revisit some of the things that were eliminated. Mr. Krupke feels that the bathroom facility is something that is needed. The Board agrees. Connecting to the sewer is the question at this point of time. A septic system is not allowed with Village Zoning and the proximity of the Salmon River. A motion to move forward with the engineering fees and surveyor fees. The motion was made by Councilman Yerdon and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE".

RESOLUTION TO NAME ELECTION INSPECTORS: Resolution to name the election inspectors for the upcoming Public Vote on the proposed Highway Building project. A motion was made by Councilman Yerdon and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of **"AYE"**. Reminder that the Vote is on April 17th. Notice will be on the Kallet Theater, the Village Park sign in South Park, and also on the Towns Facebook Page. There have been articles in the Salmon River News, The Watertown Times and the Town website. Everyone is urged to get out and Vote. Superintendent Fox showed the Board some changes in the layout of the proposed building. The layout is similar to the County barn on Centerville Road.

SUPERVISOR REPORT: No report due to audit.

COMPREHENSIVE PLANNING BOARD MINUTES/UPDATES: Working on Flag lots. Working on Floating Zones. Councilwoman Gilson is getting frustrated in the length of time its taking to get the Comp Plan getting going. It's been over 4 years. Negative reports on Social Media are getting out of hand.

JUSTICE REPORTS: No Justice Reports

WARRANT OF BILLS: A motion to accept Abstract #4 was made by Councilman Yerdon and Councilman Goodsell. With no discussion, and in a roll call vote, all were in favor with a vote of **"AYE"**

TOWN BOARD MINUTES: A motion to accept Minutes for February 13, March 13 and a Special Meeting on March 19th, was made by Councilwoman Haynes and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of **"AYE"**.

CEMETERY UPDATES: No updates

TOWN HISTORIAN REPORT: No report

LEGISLATIVE REPORT: No report

MISCELLANEOUS BUSINESS: Motion to adopt Local Law # 2 was made by Councilman Goodsell and seconded by Councilwoman Gilson. All were in favor with a vote of **"AYE"**. Department meeting Thursday at 8:00 am.

Radar Speed signs. The Board recently talked about purchasing this sign. The cost is \$3500. Trustee Tighe said the sign was purchased with grant money. The Board thinks its a good idea. Permission from the county may be needed if posted on a county road. They come solar or battery powered.

Windmill law is up next. Page 9 8-2.10. Should read Town Board not Planning board. Attorney Nelson advised the Board that the SEQR Process must be the next step before the Public

Hearing can be scheduled. A motion to determining that the proposed Local Law is an unlisted action under SEQR authorizing Nelson Law Firm to proceed with sending out SEQR notices and notifying interested agencies of the Town Boards desire to act as lead agency. This will also be given to the Planning Board. The Public Hearing will be scheduled for Junes Meeting. Once this Local Law is adopted, it will supercede any other Local Law that existed. A motion to move forward with the SEQR was made by Councilwoman Gilson and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of **"AYE"**. A tentative meeting is scheduled for Thursday at 10:00am to meet with a couple of Highway Superintendents and a couple of Town Supervisors from this end of the County to discuss the Snow Removal Contract. Mr Krupke attended a Supervisors meeting a few weeks ago and agreed to meet with a few others from this end of the county, then come back in a few weeks to meet with other Supervisors. At that point they will meet with some county Officials, Kurt Ospfelt and the County Attorney to try to get things worked out before October 1st deadline when the Towns have to sign the agreement for snow plowing. With the current plan of \$5000 mile, the Town would have taken a huge loss this year. It is a big deal. Hazard waste flyers were included with the packets. The flyers are available in the Town Clerk's Office. Information was handed out about the Lake levels. Its projected that the Lake will be 1 foot above average during the months of May and June. The Governor's Office has been in contact with Towns along the Lake about the high winds last week . Councilman Yerdon thinks that the survey needs to be completed. Superintendent Fox advised that the survey has been completed just needs to be marked in the woods. Mr. Yerdon feels it should be completed as soon as possible. Conversation has taken place as to the timber that is on the property around the well fields. There is a company out of Cortland that supplies lumber to big companies like Harden Furniture. They do the calculations and a print out and that is all they do. They tell you what kind of trees are there. He feels it wouldn't be a bad idea to call them to see if they are interested. Councilman Yerdon will call to see if the company is interested in meeting.

NEXT TOWN BOARD MEETING: May 8, 2018 at 6:00 pm

MEETING ADJOURNED: With no other business to discuss, a motion to adjourn was made by Councilman Goodsell and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of **"AYE"**. **7:59 p.m.**

Respectfully submitted by

Millie Newcomb
Town Clerk