

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

**DATE:** October 8, 2019

**KIND OF MEETING:** Regular Scheduled 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:** Town of Richland residents, Dale Bigelow, Dave Allen, and Gerald Licourt (Water Board Member) Budget Officer, Bob North, Superintendent John Fox, Town Attorney Graham Seiter, and Town Clerk Millie Newcomb

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

**PUBLIC COMMENT:** No public comment currently.

**HAGER DRIVE UPDATES:** Letter from Harris Beach, LLC. The cost of moving forward. *A motion to go into Executive Session to discuss a pending litigation was made by Councilman Yerdon and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE".* 6:10 pm. *A motion to come back from executive session was made by Councilman Yerdon and seconded by Councilwoman Gilson. A motion to advise to withdraw the counter claim on the Norfleet's and Bellinger's on the Hager Drive suit was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".*

Attorney Seiter gave some insight as to what is next for Hager Drive. The Judge in this case has essentially ruled that anyone who has rights to the road must be joined into the action. For the Town to have any opportunity to be declared the owner, they all must be brought into the action, everyone must be served. The amount of money alone to have everyone served and to get all of this done is estimated to be about \$20,000 to \$30,000 more than what has been

already spent. There is no guarantee that the Town would be successful. At this point according to the litigation firm that is handling this matter, has really determined that, after giving the Town the estimate, they can move forward and do all this but are facing a time constraint. At this point now, the Court is beyond its standards and goals. The standard of time of which NYS says you need to wrap up your case within a reasonable amount of time. This case is way beyond the standard and goals. The Judge in the case has said that this either gets moved to a trial or wrap it up in some matter. In order to get everyone served in this case, it could take months. We don't have months. The suggestion made by the litigation attorneys at this time is that the Town withdraw its counter claim which essentially puts the burden of proof on Mrs. Norfleet to prove that she owns the property. She then, has the owner's burden of putting all the residents on notice and proving her ownership. Mr. Seiter does not believe that she is willing to put all the time and money into serving all the people involved. If the Town withdraws the claim, there is a very good chance she will do the same. No one has the proof that the Town owns the property. Mr. Seiter believes that the burden of proof is on the Norfleet's. No one can block access to the beach. So, the recommendation to the board is, withdraw the counter claim, but keep what the reason was to go to court in the first place. The burden of proof is theirs to prove. What is known is that she does not own the road, she must prove that. That is the good news. The case is not in limbo. What Mr. Seiter feels what is going to happen is the judge is going to say to the Norfleet's is, that this is your case to begin with, no more extensions. At this point in time, the deadline is tomorrow to have everything into the court. An extension was going to be requested. Mr. Seiter believes no extension would be given. The date of standard and goals has long past and a date for a trial would have been set. ***A motion to advise to withdraw the counter claim on the Norfleet's and Bellinger's on the Hager Drive suit was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".***

**WATER UPDATES:** Minutes from September 7, October 1 were presented as well as a letter from B & L about extensions. Water Workshop at the Tailwater Lodge will be held on October 29<sup>th</sup>. Cutoff date for anyone wanting to attend will be on October 21<sup>st</sup>.

**ZONING AND CODE REPORTS:** ZEO/CEO John Howland was unable to be at the meeting tonight. Supervisor Krupke will try to answer any questions. Councilman Yerdon has a question. A question about the Bellinger property on Hager Drive. Mr. Yerdon heard that the Bellinger's were going to have to get a DEC permit to rebuild their summer home. Mr. Krupke said that he hadn't heard there was a DEC issue, rather that it was his plans didn't reflect what he was going to build. As far as the DEC, Mr. Howland didn't mention that. Councilman asked about the discrepancy to the actual line and where the fence is located. Mr. Krupke said that from his

understanding its well known that the fence is on Town Property or the roadway. The Norfleet's fence is only 1 foot off the line where it's supposed to be 3 ft from the property line. Mr. Goodsell is just trying to make sure that everyone is being treated fairly. If one must comply then everyone should.

**DOG REPORT:** Questions about a possible enumeration being done in the future. Town Clerk Newcomb advised the board that there is a company that does enumeration by mail. The cost is .44 per parcel. The cost should be around \$1500.00. She has checked with the Town of Scriba. They had great success with the program. The Clerk's Office will look further into it in the spring after Tax season.

**HIGHWAY REPORT:** Getting ready for the Winter. A few trucks are ready to go. All the landscaping at the Haldane is done. The Richland Playground was way more labor intensive than first thought. The Highway sent 4 men and they worked on assembling for 3 weeks. The bases are in and set. Six inches of fiber wood chips are in and it goes up to 12" deep in places where people can fall. The zip line and swings are going to put up in a few more days. A few more days and the kids will be able to play on it. The Richland Hotel has put up a security camera to keep an eye on things at no charge to the town. The next phase of the park is more difficult than this part. The park hours will be open from sunup to sundown. The Sand pile is done for now. Superintendent Fox says he is about 100 loads short. If they wait for Oswego county to come back to screen the sand, it will be too late. No trucks will be available to haul it back to the garage. That sand will be okay for next year. Mr. Fox says he has money set aside to purchase sand from another source. The closest place to purchase sand is at Earl Becker's in the Mexico-Parish. He gets about \$8.50 per yard. Mr. Fox tells the Board that he can go 11 miles farther and get it for \$5.00 per yard on Red School House Road. The difference in price is \$4900.00 going the extra miles is still cheaper. No way they will burn \$5000 in fuel. NYS just passed a new law for training for a screener. Currently, there is not enough time to train men on it. When the budget was done in 2019, there was a discussion to get rid of one of the old dump trucks, a 6 wheeled dump that is 29 yrs. old. The cab is getting rotted and instead of replacing it with another dump, discussion about replacing it with a 2-ton truck, a Ford F450 dual wheeled with a landscape box on it. It sits much lower and is easier to work out of. Mr. Fox got prices on the truck. The moneys to pay for the vehicle is in reserves. It takes 12 weeks to get and he would like to place the order soon. The vehicle is a 2020. The retail price on the truck is \$46850.00. The Towns price is \$38,067.00. The box is about \$10,000. So, the total is about \$48,067.00. No plow was figured in this price. This price is on State Bid. Councilman Goodsell thinks this type of truck would work the best for the men patching roads and doing smaller jobs. Much easier than working out of the bigger dump truck. The price for the old truck at auction, Superintendent Fox thinks he could get between \$5000 and \$10,000. Now is a good time to put the truck on the auction list. Many towns would be looking to purchase something like this now and the Highway doesn't use it much this time of year. A motion to purchase the new Ford F450 for approximately \$48,067.00 was made by

Councilman Goodsell and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE". Councilman Yerdon would like to share some information about the Snowplow agreement that the Town signed at the last meeting. One to two days later, a foil was received, and the information revealed that the State of NY paid Oswego County, \$22-23,000.00 dollars to plow. That is about \$14,000 more than they pay the Town for the same mile. It bothers Councilman Yerdon that the County is not working that well with the Towns in order to have such a difference between what they make verses what we make. They didn't come out with this information; it came out through a Freedom of Information Act (FOIL) that was filed with them. Mr. Yerdon does not think this is fair at all. An example we plow 26.74 miles of county roads. In Councilman Yerdons opinion, and his figuring, that is \$248220.00 we get from the county. Just take those figures and the 26.74 miles they would be getting paid \$ 588280.00 which is \$ 340060.00 more. Mr. Yerdon feels the county should be working better with the Municipalities when it comes to fairness. In his opinion this just isn't fair. All towns got taken advantage of.

**SUPERVISOR REPORT:** *A motion to accept the Supervisors report for August 2019 was made by Councilwoman Haynes and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE".* September report was done, but Supervisor Krupke did not have time to review it. It will be presented at the next meeting.

**NOCA REPORT:** David Allen, from Northern Oswego County Ambulance is here to give the NOCAS Annual report. And he would like to add, an apology for the lateness of the report. There is a slight increase to fees due to an increase of the cost of Ambulances and staffing, drove the increase in the Budget. Mr. Allen states, that NOCA is in good financial shape, and would like to take this time to thank the Town of Richland as well as all the other towns for all the support. Councilman Yerdon told Mr. Allen that NOCA does a great job and the rest of the Board agreed. After a brief discussion, *a motion to enter into an agreement to continue with Northern Oswego Ambulance for service in the area was made by Councilman Goodsell and seconded by Councilman Yerdon. In a roll call vote, all were in favor with a vote of "AYE".*

**RICHLAND PARK:** Some discussion about a possible ribbon cutting ceremony like the Haldane Center Bath house upon completion. At the **Haldane**, the contractor has agreed to put weather strip around the garage doors and locks on the bathrooms. He will provide locks for the garage door and bathrooms as well. The contractor will most likely install them. The Town will provide the paper towel and toilet paper dispensers. Highway will install them. All dispensers will be enclosed with a key to open to refill. A big Thank you to all the Highway workers for all the hard work.

**COMPREHENSIVE PLANNING BOARD MINUTES/UPDATES:** Minutes were presented for April 4<sup>th</sup>, May 2<sup>nd</sup>, and June 6<sup>th</sup> meetings. A draft should be coming soon per Councilwoman Gilson. **A**

***motion to accept the minutes presented was made by Councilwoman Haynes and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE".***

**HALDANE ADVISORY BOARD MINUTES:**

**JUSTICE REPORTS:** A motion to accept the Justice report for Judge Conger for August and Justice Ridgeway for August 2019 was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE". ***Next a motion to approve Michael Trask, to the title of Scheduler for the Constables Association was made by Councilman Yerdon and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE".***

**WARRANT OF BILLS:** Next, Abstract #10 was presented to the board. ***With no discussion, a motion to accept Abstract #10 was made by Councilman Yerdon and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".***

**TOWN BOARD MINUTES:** ***A motion to accept the Town Board Minutes for August 13, 2019 was made by Councilman Goodsell and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".***

**TOWN CLERKS REPORT:** The Town Clerks report was next. ***With no discussion a motion to accept the report was made by Councilwoman Gilson and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE".***

**CEMETERY UPDATES:** Last mowing is done. Now just picking up old flowerpots and dead flowers. All cemeteries close the first of December.

**TOWN HISTORIAN REPORT:** No report.

**LEGISLATIVE REPORT:** No report. Supervisor Krupke advised the Board that they were thinking about taking out the Bridge at Sandy Island Beach and putting in \$4 million dollars but decided that the bridge really didn't need to be replaced so they thought that the money could be used elsewhere. We have a study that was put in for Brennan's Beach Marsh which also impacts Brennan's at Ontario Shores on the Towns side. We have the study but no money to do any repairs or replacement to that. They want to hold some or all the money for the need of replacing to what the study says needs to be done. Sandy Creek is good with it as well as the Town of Richland. Dave Turner has been doing a great job in keeping control and lead role and keeping things in perspective. Nothing is final yet.

As far as the part-time residents getting help, Supervisor Krupke said that 20 million dollars was going toward permanent residents along Lake Ontario. Any moneys that are not appropriated for that they want to use for the season residents. Supervisor Krupke agreed with other Board members that 20 million dollars does not go very far. Is that enough to take care of the full-time residents? He can't see that there is going to be any money left over. In his opinion. The Board feels the money should be coming from the Federal Government and not the State. He is pretty sure there must be a certain dollar amount of damage before it qualifies for FEMA moneys. The marinas were going to be put into a bigger pot, but now the marinas are going to have to come up with half the money. This could and will cause many of the businesses to close and go out of business.

**MISCELLANEOUS BUSINESS:** Bonadio's Audit services for 2020. \$12,000.00 for the regular audit and another \$2,000.00 for Justice Audit The total will be \$14,000. *The audit will be done by the Syracuse Office so hopefully it will be done in a timelier manner. A motion to approve the moneys for Bonadio to do the Audit for the Town of Richland was made by Councilwoman Haynes and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE".* Reappointment of Warren Wheeler for Sole Town Assessor. His term is from October 1<sup>st</sup>, 2019 to September 30, 2025. *The motion was made by Councilman Yerdon and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".* Solar Lease Agreement from Abundant Energy for the gravel bed in the Town of Albion. The Town of Richland will get \$25,000 per year. That is \$675,000 over 25 years. Attorney Seiter has gone over the lease. It's very straight forward and fair for both sides. Highway workers should be mindful of the panels while working around them. Per Superintendent Fox, the Highway should be pulled out of the gravel bed by the time the panels will be put in. Decommissioning language is in the contract per Attorney Seiter. They also go into detail about bankruptcies and insolvency. A motion to enter into this agreement with Abundant Energy for the planned Solar Field in the Town of Albion on Town of Richland property State Route 13, was made by Councilman Yerdon and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE". Starting date for the Solar Field on County Route 41 at the Water Building will be at the end of October. Everything is marked out for them to begin. The newly elected officials conference will be in Rochester or Albany training. Dates are in all Board members packets. December 20<sup>th</sup> is the cutoff date to attend.

**TOWN BUDGET FOR 2020:** This is the Tentative budget. Changes must be before October 15<sup>th</sup>. This is the Public Hearing for the Budget. AS of right now there is a .66 increase over last year. If the board decided to reduce water district #5 Edu rate to \$250.00. vs \$460 then there would be a negative increase of 1.398%. Most of the Board members have had the opportunity to speak to Budget Officer Bob North about this and ask questions. Mr. North gave a synopsis of the budget lines. Everything was gone over with Department heads. Department heads have come to thinking as to what they need and not what they want. This is new and different. The staff has a better understanding of the Budget than in years past. Superintendent Fox says

going over it line by line with Mr. North has helped tremendously. Funds: Working funds are General, Village, Town and Highway. Every line item is reviewed, every expense and every revenue. Looking at expenses, if something looks way off, its printed and gone over to see why it's off. Then, an experience test is done to see why it was done over the last 5 years. It was easier than it has been in a long time. Special Districts pay for themselves. Only certain people are affected by Special Districts. The appropriations have increased by 3.2%, estimated revenues by that was applied or they thought they were going to have more 6.4%, the unexpended fund balance that increased over 12% over the years. Working with a .46% increase per \$1000. At home assessed at \$100,000 would only increase .46 cents per 1000. The 2 fire districts those appropriations are up 3.4% estimated revenues are up 3.4%. The amount to be raised in taxes even in Special Districts is only up 1.7% What you really care about is the overall appropriations. overall the total budget is up 3.3% the revenues up 5.4% the revenues is, we are getting money in more places than we did last year. The applied fund balance increased 19.1%. Overall or the tax cap we are only up 2/3 of 1%. The Town is really trying to end all the inconsistency's in the budget. The next step is trying to get the fund balances down. You want to underestimate revenues and overestimate appropriations. Councilwoman Gilson credits classes she took from Laird Petrie and sitting with budget officer Bob North for her understanding of Budgets. The amount to be raised by taxes is \$17408. More accounts must be transferred into other accounts to help with the fund balance and Mr. North will talk to the Comptroller's Office to help in that process. Water District #5 is the question now. Should the Edu be reduced to \$250.00? It was the consensus among the Water Board to leave the rate as it is. Councilwoman Gilson said if people can save \$250, they would surely appreciate it. Councilman Yerdon advises that a letter should be sent out to everyone in District #5 explaining the issues with the DEC and that the rate will go back up next year in the hope that the issues are resolved, and pipe will be in the ground. ***A motion made by Councilwoman Gilson to accept the tentative budget with the change of a reduction of the EDU charge to everyone in the proposed Water District #5 and that a letter go out to everyone explain the reasoning for the reduction and they understanding that this will go back up next year with the hope that the issues are resolved. The charge on the property taxes will be \$249.03 for the EDU. An email from Dustin Clark has a few dates to meet with the DEC for the week of October 20<sup>th</sup>. The motion was seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE"***

A handout about Lake levels Forecast. Councilman Yerdon has a little information that allows municipality's to put money into private cemeteries. In most cases towns are not allowed to do this. This law provides for towns to help smaller privately owned cemeteries. Attorney Seiter has an update about looking into having the ability to turn the Planning Board into an advisory board instead. Attorney Seiter reached out to the Association of Towns and they advised that most times that Towns created the Planning Boards to be advisory Boards. The Town Board can set parameters on decision making. An example is any project over \$500,000 would have to come to the Town Board for approval. It must be very specific. If the Town wants to do it just turn the Planning Board into an advisory board and have the Town Board make all decisions.

Attorney Seiter says the Town Board will have much more work to deal with and do they really want to do it. Towns are dealing with millions of dollars. The bottom line is what does this Board really want to do. The Association of Towns has never heard of a Town doing this. Mr. Seiter really wants direction. Councilwoman Gilson says the Board must watch out and not tie the hands of all the Boards. It's hard enough now getting residents to get on various boards. The town must be careful on the language. Another possibility to have the Town Board aware to what is coming up is to have ZEO/CEO email agendas to all board members. An increase in communications seems to be the best way to know what is coming up.

**NEXT TOWN BOARD MEETING:** November 12, 2019

**MEETING ADJOURNED:** *A motion to adjourn was made by Councilman Yerdon and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE" 8:45*

*Respectfully submitted by*

Millie Newcomb  
Town Clerk