

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

**DATE:** March 9, 2021

**KIND OF MEETING:** Regular 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 Attorney Graham Seiter, ZEO/CEO John Howland, Highway Superintendent, John Fox, B&G/ Water Supervisor, Craig Sternberg Legislature, Herb Yerdon, and Town Clerk Millie Newcomb

**EXECUTIVE SESSION:** *At 5:03 pm, a motion was made by Councilman Yerdon to enter into the Executive Session. No reason was given. This motion was seconded by Councilwoman Gilson. All were in favor with a vote of "AYE". At 6:04 pm, B&G/ Water Supervisor Craig Sternberg was asked to join the executive session. At 6:09 pm, a motion was made by Councilwoman Haynes to exit the Executive Session. That motion was seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE". No results of the Executive Session were given to Town Clerk Newcomb at that time.*

**CALL TO ORDER:** The meeting was called to order at 6:10 p.m. with Supervisor Krupke leading in the Pledge of Allegiance.

**PUBLIC COMMENT:** Ronald Novak of Port Ontario would like to address the condition of the road on Rome Road (State Route 13) in the Village of Pulaski. The area in question is the area around CSX railroad. Mr. Novak advised the Board that he worked with a DOT Design Road and Bridge Engineer and he provided him with a copy of the NYS Consolidated highway Law. It says that whenever a road crosses a Railroad track at grade and that such grade crossing is out of

repair, if it's in the judgement of the Commissioner of Transportation, the Board of Supervisors of the County, the Board or Alderman of a City, the Board of Trustees of a Village or the Town Superintendent of Highways of a Town that the same should be repaired. The Commissioner of Transportation, the Board of Supervisors of a County, the Board or Alderman of a City, the Board of Trustees of a Village or the Town Superintendent of Highways of a Town may repair the road. So in short it says that the Town can notify the Railroad that the crossing is in need of repair and they have 15 days to repair it and if they don't the Town or the Village can step in and make repairs and bill it to the Railroad. So what Mr. Novak is asking is either the Town work with the Village or the Towns Superintendent write a letter to the Railroad to effect repairs to the crossing due to the pot holes that have formed and that have become a hazard. Mr. Novak gave Highway Superintendent Fox a copy of the law. Mr. Fox never knew this law existed. He will get a letter together to send CSX. He imagines that once CSX gets this letter, they will be all over it. Anytime in the past, the railroad would be all over anyone getting anywhere near the tracks. The former Mayor, Angel Rodriguez had reached out to the Railroad when the State repaved Route 13 and got no response. Legislator Gilson has also reached out to the Railroad but got limited response. He spoke to them on the telephone also. He was told that it was a scheduling problem and being in the fall of the year with the fisherman in the area it wasn't a good time. Mr. Gilson thought he would hear back from them but didn't. He states that both Rt 13 and Rt 11 are both in bad shape.

**ZONING AND CODE REPORTS:** The year end report was presented to the Board. Planning Board is a site plan Approval for the Port Ontario Cell Tower, The Selkirk project that was mentioned last month is going for site plan approval. An amended site plan for the Pines Golf Course. They got preliminary approval from the State DOT. Lady Booth, aka Lakeside Restaurant, enclosed the area where the ice cream used to be. They want to move the ice cream down to the end of the Building so they need to get an amendment to the site plan for that. Councilwoman Haynes asked about the driveway for the Golf Course. The golf course entrance will be on the furthest south driveway. Calkins Drive is out. Questions about the Lighthouse project. Supervisor Krupke asked about the site plan approval for a restaurant and tavern and what updates Mr. Howland can give the Board. The SEQR has been completed and a Public Hearing will be scheduled for April per Mr. Howland. If approved, a special permit and site plan will be issued. The owners of the Selkirk Lighthouse are still working with the County about moving the road. There were plans for removing and replacing the wall. Legislator Gilson advised that this was brought up at the Legislative meeting on Thursday they should have a resolution approving the funds. He thinks there is \$525,000 plus 5% to start rebuilding the wall. The issue is the right of way of the road and if the alternate route is going to be adopted and approved has not been finalized. This is the road that goes behind the lighthouse. The front of the lighthouse and the old road is going to be turned into a pocket park. This is still the plan but it has been met with resistance. The details have not been worked out yet. Right of way or right of use has not been figured out yet. The road behind the Lighthouse will be a private road but the County will have right of way. The County had no intention of taking over

that road, but it has to be built to accommodate school buses and plows. The Sheriffs will also keep a boat slip at the Marina. All the camps to the north will have a right of way to get to their camps. A few hurdles have to be figured out. Councilman Yerdon thinks it would be a great idea that Mr. Fox was present at some of these meetings about the moving of the road. The owner has always been very cooperative with the Highway Department and Superintendent Fox doesn't feel that will change. Councilwoman Haynes would also like to see a Local Law regarding campers on parcels of properties. Mr. Howland told Mrs. Haynes that all the definitions of trailers, camping trailers need to be "tweaked" in the zoning books with the proper definitions. The issue is buying an RV and parking it on a vacant lot. Is there something that the Town can do to prevent this from happening? In our Zoning law currently the definition of a campsite is 1 camper RV, tent. A campground is 2 or more. We do have a law that you can't have a campsite or variance in this area. The Board would like to prevent people from purchasing a lot and putting a camper on it, and living in it for the summer-fall months. The Town of Williamston has a law that a camper can stay on a lot up to 30 days. The owner has to get a permit for that camper after that time. But the neighbor can have 2 campers on their property and have people stay in them all year. The biggest problem is enforcement. If there is a camper parked on a vacant lot or not, if it's parked there it's a vehicle, if it's being used it's a campsite. Councilman Goodsell feels that something has to be done so that people just can't buy a lot and drop a camper on it and stay in it for a few weeks during Salmon Season and the rest of the year its covered with a blue tarp or unmowed and being unsightly. One of the only ways to prevent something like this from happening is to create a Local Law that you can't park a camper on a vacant lot. That would solve the problem. The Board was all for something like this happening. Other Towns are okay with this type of thing happening because they collect permit fees from the property owners. They do however, have to have a septic or an outhouse on the property and pay permit fees. If the Board does not want campers on vacant lots being used, the enforcement part would be a nightmare. Is it being used or not being used. Mr Howland does not have an issue if it's a law or not a law, it's the enforcement of it and there has to be some exceptions to it. Like for sale. Councilman Yerdon thinks every member should do some research on this and come back next month with suggestions or if the Planning Board can come up with some suggestions. Mr Novak, the Planning Board Chairman feels this should be a Local Law because you can do different things right now according to the Zoning Laws as far as putting campers on properties in certain areas. He feels the Board is heading toward a Local Law. Board members feel the same. Seasonal Cabins do not have to meet the energy code. They still have to meet egress, electrical codes and smoke detectors. The structure that both Councilwomen are talking about looks like people are living in these "sheds" year round. CEO/ZEO Howland will take a ride by and check it out. The Town of Williamstown has laws on the books that allow 2 campers on one lot but must pay a \$50 permit fee each year. The Town of Sandy Creek, Mr. Howland told the Board that he addressed this issue about 2 years ago. Their RV law is terrible. It says that you can use an RV on your property 90 days in a calendar year. His question is what is the definition of "use". Everyone knows that you can't enforce that.. Who is going to keep track of how many days someone is there. Conversation turned into

the sheds and people making them into camps. The definition of a house is that you need 220 sq ft of living space. One hundred fifty sq ft for a kitchen, 70 sq ft for a bedroom. No living room is needed and that is NYS definition of a single family dwelling. Mr. Howland will get the laws for Williamstown and Redfield. Right now in the current zoning laws, Mr. Novak explains, Campsites are allowed with a special permit in a good portion of the Town. A Local Law is needed and he agrees with ZEO/CEO Howland that it will be a nightmare to enforce. These are registered and insured vehicles for parking and then try to say when they used it and how long they used it, it will be difficult. Per Mr. Howland 80% of the Town is zoned RA and campsites are not allowed. However RR zone which is along Route 3 is allowed with a special permit. The Town is going to work on a Local Law to control the storage of travel trailers on vacant properties. Moving on, there is 1 vacancy on the Planning Board and applications for the Board to go over. There are 4 applications to look over. The current members of the Planning Board are as follows, Ron Novak is the Chairman, Joe McGrath, Brian Leary, Jonathan Goodsell, Melvin Minot and Craig Sternberg is the Alternate. Also needed is an Alternate for the Zoning Board of Appeals. The vacancy on the Zoning Board is for an Alternate. Two people are needed for the Board of Assessment Review. The Richland Park consists of Craig Sternberg, Sue Haynes, Julie Griffith, Alycia Smith and Alan Goodsell. ***A motion to go into Executive Session to discuss candidates for the Planning Board was made by Councilman Yerdon and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".***

***7:30pm.***

***A motion to come out of the Executive Session was made by Councilwoman Gilson and seconded by Councilwoman Haynes, In a roll call vote, all were in favor with a vote of "AYE".***

***7:56pm.*** The result of the Executive Session is as follows. ***Councilman Goodsell made the motion to appoint David Scott to the position of Planning Board member. This motion was seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".***

**LEGISLATIVE REPORT:** Full Legislature was in full session on Thursday. The goal is to start opening slowly. Rabies clinics are still going to be by appointment. Working on a resolution on Solar projects for projects up to 5 megawatts. Mr. Howland asked about Zombie Properties. The county stopped putting clean ups costs on Town and County taxes a few years back. Recently Monroe County lost in New York State Court of Appeals allowing Towns to put the costs on the tax bill. It's been in Court for 2 years. Mr. Gilson will check on the progress and let the Board know.

**WATER REPORT:** Water report was presented to the Board. The trailer purchase is complete. The Water Department was able to save another 10% on the final cost. The Water Supervisor is set to attend water school the week of April 19th. The new meters will be installed in the last week of March. The biggest challenge is setting the 688 appointments to change out the old meters. The audit for the Water Department is complete. ***A motion to accept the Audit of the Water Department was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote, all members were in favor with a vote of "AYE".*** There has been no

new news for the Directional Drilling . The crews have been on Vacation. Mr. Sternberg will follow up with the Change order when the crews come back.

**BUILDINGS AND GROUNDS & RICHLAND PARKS:** Report was presented to the Board. Conversation about cameras at Richland Park. Issues with the connectivity with the internet.

**DOG REPORT:** Dog Report was presented to the board.

**HIGHWAY REPORT:** Mr Fox is back to work part-time. Doing truck repairs, working on trailers, cutting trees and brush. Filling the wood shed. The men will be going on 4- 10 hours days starting April 1st. Each year the Town Highway gets Chips money, pave NY money and Emergency Winter recovery money. Last year they advised us to be prepared to get a 20% cut in these monies. So Superintendent Fox rolled over \$291,000 deducted 20% or \$58,300. Today Mr Fox found out that the Town's got that money back. Which is good and it looks like the Town will get this year's money also. From a budget standpoint how we anticipated the revenue to come in 20% short which means the expense side was going to be 20% short of what the Town could spend. So now we go in and spend more than our budget, then our expense side is going to be off even though the revenue side will be up. So Supervisor Krupke and Hwy Superintendent will talk late how they will approach this. Right now we have 2 truck payments (lease) The Town just purchased a new plow truck that took 1 ½ years to get. One of the 2 trucks was paid off , we still haven't made a payment on the new truck. Board members were invited to come look at the new truck. It is now in service. The first payment will be in September. On the second truck, the last payment will be made this coming September. Mr Fox would like to start the ball rolling on another new plow truck. A new truck is in the budget. IF we order it now or in the next month, Mack and Viking agreed if it's ordered before June 1 they would keep the prices the same as the last one. If we order now, the Highway will not see the truck until October of 2022. The oldest truck in service now is a 1997. If we go ahead with the new truck order, a payment will not be due until January 2023. This method of purchasing has worked well with the Highway. Mr Fox will have the specs for the new truck at the next meeting. Bids for the ceiling were opened at 4:00 today with Supervisor Krupke, B/G Supervisor Craig Sternberg and Town Clerk Newcomb in attendance. The bids were reviewed by Mr. Sternberg and he will give the Board his opinion. Three bids were received by qualified contractors for removing and replacing the ceiling in the Storage Building on Laveck Drive. Also reinsulate to R38, install LED lighting and heat detection system. Caza Contractors of Cicero, Oscar Contracting, and Sperino Contractors. Items were broken down by replacement of the ceiling , insulation and electrical. Caza Contractors bid was for \$23,044 without electrical work. Oscar Roofing quoted without the electric also at \$23400 for ceiling and \$7900 for insulation. And the third was Spereno Construction at \$19,300 for ceiling , \$7600 for electrical and \$9300 for insulation for the total cost of \$36,200. The pricing was in line of which the Town thought it would come in at. Both Caza and Oscar have worked for the Town before. Materials cost if the

Highway crew replaced the ceiling is \$10,241. This will be a wafer board ceiling and rolling out R38 insulation. This estimate is from Whites Lumber. The Town Board will wait to make a decision on this ceiling at the April Town Board meeting.

**LOCAL LAW #1: SOLAR LAW** Councilman Yerdon and Planning Board Chairman Ron Novak have worked many hours and did a lot of research on the language on this Solar law. For Solar you have a building integrated system which means that the building material is part of the design. You have roof mounted systems so if you have a roof mounted system if its going on a primary residence or an accessory structure, that is allowed by building permit. Any Other form of Solar in the Township whether it be a ground mounted residential system or commercial solar farm is by special permit in front of the Planning Board. The decommissioning language per Councilman Yerdon is real good and he feels the town is protected. There is also information about the abandonment , 5 acres and height and setback distances. Ground mounted solar systems shall not exceed the minimum height of 15' and shall be set back a minimum of 100' from all property lines to the edge of the solar array and a minimum of 300 square feet from the centerline of the road to the edge of the solar array. They tried to cover everything they could think of and added many definitions and more in depth. The Solar Law is meant to be a stand alone law. It's not incorporated into the zoning law. Councilman Yerdon would like to send this to the same person in Buffalo , Ginger Schroder, who was so helpful with the Wind Law that Councilman Yerdon was instrumental in getting done.

**SUPERVISOR REPORT:** No report.

**COMPREHENSIVE PLANNING BOARD MINUTES/UPDATES:** Chairwoman to the Comp Board could not make the meeting tonight, but there is one thing she would like to add on page 8 Implement a plan waterful plan for the Salmon River that would create a year round plan for recreational use. IE River rafting, kayaking and fishing. What she is looking for is an approval to add it to the plan and then set up a hearing for April 13th to approve the Comp plan draft, do a SEQR then review paper then adopt the updates. Councilwoman Gilson did mention to Mayor Tighe about replacing herself on the Comp Board. Councilwoman Gilson didn't get the feeling that she wanted to give up that position. ***A motion to accept the revision on page 8 BB of the draft to be added to the Comp. Plan was made by Councilwoman Gilson and seconded by Councilman Yerdon. In a roll call vote, all were in favor with a vote of "AYE".***

**JUSTICE REPORTS, WARRANT OF BILLS, TOWN BOARD MINUTES, AND THE TOWN CLERKS REPORT:** ***A motion to accept the following reports for Justice Report for Judge Conger Abstract #3, Minutes for January 12,2021 the Town Clerks Report for February 2021 was made by Councilman Yerdon and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE".*** Supervisor Krupke and Councilwoman Gilson have been working on the Justice Audit. It's been going well .

**CEMETERY UPDATES:** No updates

**TOWN HISTORIAN REPORT:** *A motion to reappoint Shawn Doyle to the position of Town Historian was made by Councilman Kern Yerdon and seconded by Councilwoman Gilson. In a roll call vote, all members were in favor of the motion with a vote of "AYE".*

**MISCELLANEOUS BUSINESS:** A Local Law in moving the Supervisors term from 2 yrs to 4 yrs. Attorney Seiter will look into writing up the Local Law. Public Employer Emergency Plan. There have been no changes to it since the Board discussed it last month. The Highways Union Rep Robert Dye has also agreed to this. *A motion to accept this agreement as presented and Adopt the resolution was made by Councilman Yerdon and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE".*

**NEXT TOWN BOARD MEETING:** April 13,2021 at 6:00 pm

**MEETING ADJOURNED:** With no further business to bring before the Board, a motion to adjourn was made by Councilman Yerdon and seconded by Councilwoman Haynes. All were in favor with a vote of "AYE". Meeting adjourned at **8:45 pm.**

Respectfully submitted by

Millie Newcomb  
Town Clerk