

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

**DATE:** November 27,2023

**KIND OF MEETING:** Special Town Board Meeting - Water Dept

**PLACE:** Grand Jury Room, H. Douglas Barclay Courthouse Pulaski, NY

**BOARD MEMBERS PRESENT:** Supervisor Kern Yerdon  
Councilwoman Donna Gilson  
Councilman Allen Goodsell  
Councilwoman Sue Haynes  
Councilman Robert North

**OTHERS IN ATTENDANCE:** Town residents, Larry Atkinson, Tim Crouch, Carl Falk, Attorney Graham Seiter, Financial Consultant, Laird Petrie, Water Board Chairman Doug Schwam, Water Supervisor Ron Novak and Town Clerk Millie Newcomb.

**CALL TO ORDER:** The meeting was called to order at 10:00 a.m. with Supervisor Yerdon leading in the Pledge of Allegiance.

**PUBLIC COMMENT:** Resident Larry Atkinson asked if there was any way that residents can pay the water bills online. The Town Board will have Water Clerk Mary Yerdon check with Williamson Law to see if it's something that can be added to the Water Department software.

Councilwoman Haynes would like to read a statement for the record about Joe Sikora. ***After Councilwoman Haynes read her statement, she made the motion to bring Mr. Sikora back to the Water Department as a D Operator. Her motion was seconded by Councilwoman Gilson.*** Supervisor Yerdon said that this conversation needed to be in Executive Session especially when it comes to personnel issues. Councilwoman Gilson explained that what happened was an injustice to this Board. They were told things that were not correct and she thinks and believes that what happened to Mr. Sikora is an injustice and to Mrs Gilson personally. She would still like to seconded Councilwoman Haynes' motion. Supervisor Yerdon says that is Executive Session conversation but Councilwoman Gilson reiterated that there is a motion on the floor.

Councilwoman Gilson would like Town Clerk Newcomb to call for the vote and then they could go into Executive Session. Supervisor Yerdon told Councilwoman Gilson she doesn't have all the information. Mrs Gilson told the Supervisor that Councilwoman Haynes interviewed Mr Havner and the information that the Board received was not exactly correct. Councilwoman Haynes asked the rest of the Board how they all felt about going into Executive session. Councilman Goodsell agreed with Mr. Yerdon. Mrs. Gilson did advise one more time that there is a motion on the floor. She was told that she could withdraw the motion. Councilwoman Gilson and Haynes told the rest of the Board that they would not withdraw the motion. Per Attorney Seiter, there is a motion on the table, the motion has to be heard at this point. Supervisor Yerdon asked just what the Board was voting on. Councilwoman Haynes told the Supervisor, that her motion was to bring Joe Sikora back to Water Department because when she spoke to an Official from the Environmental Department, and he says but that is the first complaint he has ever received on Mr. Sikora and he has always done a good job as far as he knows.. ***After a long discussion and with a motion on the table to put Joe Sikora back to the Water Department as a D operator, a roll call vote was taken, Haynes, YES, Gilson, YES, Goodsell, NO, North YES, Yerdon, NO.***

Conversation moved to D operators. The Town of Richland has 2 D operators, Ron Novak and Bob Hicks, Towns with 1000 people with water have to have at least 1 D operator 1 B operator and 1 C operator. The Town of Richland has an IMA with the Village of Pulaski for the use of their D operator. The Town of Richland also has an IMA with the Town of Sandy Creek. The Board feels that the Town should hold off on hiring another water operator at this time. The Water School doesn't start until May of 2024. Supervisor Yerdon feels that a new person would benefit from being on the job to see what goes on before going to the school. There isn't a lot going on in the Winter and Councilwoman Gilson thinks maybe bringing a new person on later on would save the Town money. Ron Novak feels that if you first come on the job and your first exposure is going to Water School, and you have never had hands-on training, it makes the school much harder than if you had exposure to it. It makes the school easier. As far as doing water testing , water sampling and doing paperwork . There are many things to do along that line. He understands the money saving thing but walking into that class cold is difficult. Councilman Goodsell explains that if you get someone in and start training them. You may get a feel if they don't like it before we invest money into them.

***A motion to pass the Procurement Policy as is 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, Councilwoman Gilson asked Water Supervisor Novak about letters that were addressed to Supervisor Yerdon, signed by Mr. Novak. And cc'd to Bill Havner, DOH James McDonald, Commissioner of OPRHP and Letita James, Attorney General and Steve Freeman of Rural Water, Timothy Ridgeway of Sandy Creek and Bill Potter of Orwell. She has no idea what this is. Mr. Novak explained that it's a transfer of liability so what Bob Hicks was told was that as licensed operators we have made a number of recommendations of things that needed to be done to the system that in our opinion could be adversely affecting public health and safety. We have a

personal responsibility under the law to do different things. If we transfer that liability to the Board and the Board doesn't do anything, then the responsibility lies with the Board not the operators. That letter in summation is a transfer of legal liability from Bob and Ron's Operators License to the 5 board members, that was per the recommendation from Rural Water. Councilwoman Gilson wants to know why the Board wasn't copied on this. It was only sent to the Supervisor. Water Supervisor Novak said she sent it to his Supervisor. He feels that maybe the Town should come up with a policy of how information transfers between people. In his list, it's his feeling that there is nothing that can wait 5 years. Over 1 year ago, the Board talked about the 3-5 year plan. Things that are mentioned on this list also include ARPA. Both Councilwoman Gilson and Haynes have repeatedly asked Supervisor Novak about ARPA and its progression. They have been asking for several months. Mr. Novak told the Board that he has preliminary designs but ARPA is its own animal. Mr. Novak also told Mrs. Gilson that the only thing on the list that is ARPA could be some of the Electrical in the well field. The system is old and in need of upgrades. Councilwoman Gilson asked who received the letters. The letters were sent to everyone on the bottom of the letters with the exception of the Town of Orwell and Town of Sandy Creek.

Talk moved to tank painting, Per Supervisor Novak, that is going to be a very large number when it comes around. We have to have a 5 year inspection this year. It has to be done. We will try to get it done, April or May. Why then? WE are going to get the data for that report and it can be used to form the basis of a preliminary engineering report which you need to have done by the middle of June because of the application deadline for the state and federal grant money, which is very significant right now. We are not going to be able to deal with paying for that on our own. They are solidly around \$600,000 right now. Councilman North explained that everything he is looking at right now, the Town has about \$3million to get all of this done. Wells 1 & 2 in Fernwood we already have figures for that. Rough numbers are \$ 40,000. Well #27 We are looking at \$25,000. Each tank will cost about \$500,000-\$600,000. The pedestal I tank is in the worst condition. That is the one that needs to be done first. Mr. Novak suggests that the Board form a committee to go out and research tank painting. It's a difficult task and much more difficult than throwing paint on it. He suggests contacting AQUA. They have 65 tanks in their system. The towns of Hastings, Hounsfield, and Turin. Turin just found out that it's cheaper to replace the tank than paint it. Five years ago the cost was \$125,000 to paint the tank. It's not only the cost but every year the paint on the tank degrades. If you get to the point where you have to sandblast the paint off the tank, the cost will explode. Councilwoman asked what would you do if you replaced the tank? The alternative is, it's a steel structure, if you don't use the tank, you will have to take the tank down. Depending on the market conditions, sometimes you can find someone that the scrap value of the tank could be of considerable value. It's very market dependent upon what the market value of steel at the time. There are 2 well projects and a chemical pump project, Bob and Ron did that. The one the Board needs to be aware of is the tank painting and secondary to that is the electrical system in Richland. Everything is manageable numbers that can be dealt with, with capital reserves and they are so low that you wouldn't get grant money for that. You need the inspection reports for evidence to form the

preliminary engineering report, which is used as the basis for the documentation to get the funding. There was a question about the tanks. There are different kinds of tanks. Sandy Creek put up a glass lined tank. When painting tanks, you have the interior surface and the exterior surface. The issue with the tank on Bishop Road Mr Novak thinks is the exterior paint issue. We will have a complete inspection done late April or early May. The earlier we can get it that will give you the basis. That report will give you the fundamental basis necessary to form your preliminary engineering report so you can go out and get your funding. There is so much funding out there. The Fernwood tank and the Bishop Road tank are the same age. Trying to get funding to paint both tanks. The tank in Fernwood will be cheaper to paint. The higher you go with tanks, the more expensive they get. Richland tank is an Aqua Store tank 314,000 gallons. This tank is a glass lined tank. AquaStore tanks are great.

A meeting with the Fulton Companies is set up about the 6" line in the back of the building. The Town has given them 5 or 6 different ideas. They want to keep the water so a meter will have to be installed. The Attorney for Fulton wants Bob and Ron to service the Hydrants. They acknowledged that the hydrants have never been serviced. Ron has spoken to Attorney Seiter about a release of Liability if something would happen while servicing the hydrants that the Town will not be liable. The other issue that they have been working on is the Gravel bed at the Pollic Property. Kern got the drone report. Things are moving along.

The Osmosis report. It's a contract proposal. This should be run by Attorney Seiter. The discussion was to have Graham look it over to modify it so as a government municipality we can make sure the costs are fixed. They usually work with companies like National Grid. This is for a complete inspection of all the poles, active poles and active electrical grid in the Richland grid. They inspect to find out what the overall structural integrity is based on all visual appearance. And figure out which ones need to be replaced. The estimated cost of this program is around \$7900. This should complete the analysis of the pole. This inspection report is also listed in the ARPA application as a first step is necessary to go through this whole project. Mr. Novak believes that there is a \$1749 immobilization fee, and there are 20 active poles at \$221 that should come up to \$7900. What is concerning is the language, if fuel prices go up they can alter their immobilization fee. They said they will entertain any changes the town is looking for as far as making sure it's a set amount with no fluctuation. Its primarily immobilization. Not only will they be looking at the poles but will inspect the electrical hardware, lines, things of that nature. They will do an outside visual on the transformers. They will not get into the electrical panels. It's not your standard 3 phase system or a portion of the system is 280 volt, a portion is 480 volt, a portion is wired Y some is wired delta. As they brought different wells on the system, they handled things differently. Councilwoman Gilson asked if it was Mr Novak's recommendation to have this company inspect the poles. He answered Yes, and tried to get it done mid-April. So we can ascertain the condition of the pole. Each pole is about \$9,000-\$10,000 to replace the power pole along with the hardware that goes along with it. There are 28 active poles. He is looking to relocate some of the poles to the other side of Trout Brook. He has 2 proposed designs one is above ground and the other underground. Would it make sense to have it all underground? Mr. Novak doesn't disagree with that at all. He had 120 trees hanging over one

portion of the system. Going forward it may sound like more money but going forward it may be cheaper going underground the whole distance. If your system is in really bad shape, and going for grants you may get more points. Underground would cost approximately \$65,000 and going overhead \$60,000. Well #21 is 2500 feet or more away. Based on the Boards approval, Mr Novak has reached out the the well contractor for ordering parts for well #21. He hasn't gotten a hold of me and the parts are in rehab that well. It definitely has a check valve failure. This could be going the wrong way. There is a chance that this valve failed because of inadequate design. It really needed a DFD check valve. We have a standard check valve in there. The check valve may have a warranty . The warranty for the installation ended on August 23,2023. WE are just past the warranty. There is a possibility there is sand infiltration. If that is the case, it will have to be sent out to be rebuilt. We won't know until it's apart.

Verizon Contact is next. Graham said it's ready to proceed. Just waiting on them. Verizon doesn't have a design yet. Rons plan is to be General Contractor. He will do all the General Contracting including the concrete forms. It may take up to 100,000 yards of concrete. It will cost the Town between \$18-20,000 for B&L to design this. Mr Novak feels he could do it himself. Ron showed the Board the Compliance Manual for the ARPA Funds. It came with the contract that came from the county. You have to follow everything in this document. This has to be completed. It is the function of the Town Board or the Budget Officer or the Compliance Officer for the Town. The engineering requirements are significant. There are so many rules with the money that you wonder why any town would take the money. Conversations that Mr Novak has had with the county, many municipalities are having second thoughts about taking the ARPA funds. Nothing is free and there are alot of strings attached to these funds. The only reference to engineering was for the review of the inspection report for Richland , so Dave Turner and the second individual indicated that the engineering costs are not covered by the \$260,000 we got from the county. None of it can be used for that. Mr Seiter says that he wouldn't be surprised if there are some bigger law firms that do this compliance document. He will look around for the Town and get back to the Board. There are a different set of rules for the money that was sent to the Towns directly. Maybe the best way now is to have the County come and speak to the Board about the rules of the ARPA Funds.

With nothing more to bring before the Board, ***a motion to adjourn was made by Councilwoman Haynes and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE". 12:27pm.***

Respectfully submitted by

Millie Newcomb

Town Clerk