

MINUTES OF THE MEETING OF THE TOWN BOARD

TOWN OF RICHLAND

1 BRIDGE STREET, PULASKI, NY

DATE: January 12, 2021

KIND OF MEETING: Regular Town Board Meeting (Meeting with Comprehensive Board Chair Dawn Holynski at 5:00pm for updates)

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: Comprehensive Board Chairperson, Dawn Holynski. Legislators Ed Gilson, Herb Yerdon, B&G & Water Supervisor, Craig Sternberg, CEO/ZEO John Howland, Highway Superintendent John Fox, Attorney Graham Seiter, Supervisor Clerk Tammie Whaley, and Town Clerk Millie Newcomb

COMPREHENSIVE BOARD UPDATE: 5:00 pm The Town of Richland Board met with Dawn Holynski, Chairperson for the Comprehensive Board for a brief update before the joint Village and Town meeting that is to be held in February. Councilman Yerdon advised the board that he and Ms. Holynski had been working together on this project. At the moment, they are working on trying to separate what parts of the plan pertain to the "Village" and what pertains to the "Town". The upcoming meeting with the two boards is on February 11th at 7:00pm in the auditorium at the Village Office. Ms. Holynski would like to invite Jeanne Gleisner from Regional Planning to attend.

Having a Comprehensive Plan helps with the development of the Town and Village. The plan is based on what the community has asked for and using this book that Ms. Holynski has put together as a guide. The Planning and Zoning Boards of both the Town and Village need to be able to communicate with each other. CEO/ZEO Howland told the board he has contacted Dave Turner and Tim Konetchy and will go over the proposed changes with them sometime over the next few months.

CALL TO ORDER: The Regular Board meeting was called to order at 6:00 p.m. with Supervisor Krupke leading in the Pledge of Allegiance.

PUBLIC COMMENT: No Public Comment

LEGISLATIVE REPORT: Legislator Herb Yerdon is here to give his report from the County. COVID is running rampant at the moment throughout the county. All Oswego County Offices will be closed for Observance of Martin Luther King Day on January 18th. As of January 11th, there have been 115,189 total residents tested for COVID 19 in the County. As of today, 1144 of them are active and 1654 are in isolation or quarantined. Oswego County and the Veterans recently won an award for help getting 233 Veterans jobs. The age range was from 21 to 84. The Veterans are from all branches of the Service. The Board of Elections is going to be closed from January 11th -January 21st due to an outbreak of COVID. HOSPICE of Oswego County is putting together a Mission Statement. The Health Department and the school districts are working together on the notifications of positive COVID tests. The County Health Department is offering the Flu vaccine for 65 and older adults. The 2021 County Budget was passed. The per 1000 assessed value was brought down from \$7.69 to \$7.48. Many things some legislators wanted were cut to make sure the budget was lowered especially during this time. Death rate for COVID has changed. In the beginning the County was using their figures to determine the rate. Now Oswego County is using the State's figures now. Currently there have been 57 deaths in the County from the virus. The CDC has changed the quarantine time from 7-10 days but New York State and Oswego County are staying with the 14 days quarantine until further notice. Next up Legislator Ed Gilson would like to add that a bit of good news. The County wound up taking in a little over \$50 million in sales tax this year. This was good news considering everything going on. The County's effort in cutting spending really helped along with the hiring freeze and purchasing items that were unneeded. And of course a good fishing season. COVID vaccines were the other news. This changes every week on who is eligible to receive it. As of today people 65 years old and above can now get these vaccines. Oswego County has the capability to vaccinate about 5000 per week if the vaccines are available. It's moving slowly.

ZONING AND CODE REPORTS: Zoning and Codes Annual Report was handed out to the Board Members. Permits were a little above normal than the previous year. The fee schedule that was approved last month is on the back page of the report. Last summer Mr. Howland sent out violations and a stop work order to Bakula Wieslaw at 4141 Us Rt 11. This is the old Jake Hubbard property just south of Baldwig Drive. Mr. Hubbard got a permit 10 yrs ago for a shed. That shed since then has been turned into a cabin. Since then a home has been built on the property and since then, a pole barn has been built on this same property. Mr. Howland has sent them stop work orders, violation notices and Attorney Seiter has sent him a letter with no response. He did send in permit paperwork that was not completed and that was sent back to him. Since that time Mr. Howland has not heard from him. CEO/ZEO Howland would like the

Board to move to send him to State Supreme Court to get an injunction on the property. There was someone that loaned Mr. Howland a drone to get pictures of everything that has been done. The Legal step now is the State Supreme Court. If he keeps building, when the injunction is received, Mr Howland can request that the buildings be taken down until he gets the permits because none of the buildings can be certified due to no inspections or permits issued. Per Attorney Seiter, the Town can summon a complaint with an order to show cause, and in that order the Town is asking the court to ask why an injunction should not be in place ceasing this work until that matter can be settled. No permits have been issued , he has been told to cease and desist from building any further and now the Town is asking the courts to do it. Also add in attorneys fees. Councilman Yerdon asked whether or not the Board has to give permission to proceed. Attorney Seiter advised that CEO/ZEO Howland is asking for approval from the board to start legal action against the property owner. ***A motion to start action against the property owner on Us Rt 11 was made by Councilman Yerdon and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE"***. Planning and Zoning Boards joint meeting next week. One permit going before the Boards is on County Route 28 is a Special Permitted use and another on State Route 13 Use variance. Mr Howland presented the board with the case history which with cell tower companies its use variance because public facilities are only allowed in industrial zones, this cell tower is in a RR3 zone so they need a use variance. Most of the time use variances don't get granted but this time if there is a case history and the utility company can prove that there is a need for cell service in this area they have no choice but to grant the variance. Mr. Howland shared pictures of what the area looks like now and some with what the area would look like with the cell tower. The cell tower on County Route 28 a few neighbors do not want the tower at all in their area. The Public Hearing will be next Monday January 18th. Lastly, the Pines Golf Course on State Route 3 was recently sold. The new owners are going to take the 18 hole course down to a 9 hole course and put a 153 unit campground instead. Also they plan on keeping the Restaurant in the down stairs and put a banquet facility upstairs. The new owners are planning on using Calkins Drive to bring the campers in. Russell Hilton who owns a home on Calkins Drive, doesn't have a problem with the campground, however he does not want campers driving past his home. The plan is to enter the camp grounds before his home and keep the road as far away as possible. Mr. Howland spoke to Mike Lasalle, the architect on the project about the site plan so there may be another option. Question over the ownership of Calkins Drive came up. Per Superintendent John Fox, once the Town abandons a road, the land automatically becomes the property of the land owners where the road went through. The conversation turned to travel trailers on lots within the Township. The Board does not want travel trailers on lots within the Town. Travel Trailers that are stored on lots that belong to the homeowner are not what the Board is worried about. It's the travel trailers that are put on vacant lots around the Town being hooked up to water or sewer and being used as a "camp". Too many properties around the Town are being used for this purpose and the Board would like to know what can be done to stop this. The definition of a "campsite" is "one travel trailer, tent , cabin on a property on a piece of property. If this is the definition of a campsite, Councilman Yerdon feels that the Town has a lot of work to do on this

subject. Mr. Howland explains that a campground has 2 or more campers. The Towns definition is 2 or more campers. Mr Howland explains for the last 20 yrs under the Town's Zoning laws, the definition of a campsite is an RV, Motor Home or cabin on a piece of property. Mr. Yerdon explains that if it's a campsite, it has to be moved after 6 months. Mr. Yerdon explained that while these travel trailers are on a lot, some have roofs over the top, and most times they are hooked up to town water and electricity. To him and Attorney Seiter, this is considered a permanent structure. The issue to Councilman Yerdon is that when a roof is built over the travel trailers they are hooked up to water, electricity and most cases a sewer, how is it considered a movable object?. Mr. Howland explained to the Board that in the Towns of Redfield and Williamstown, the owners of the RV's have to get a RV permit. They have to be able to prove that they have a septic system. If they are going to be parked there more than 30 days, they have to have a permit and certify they have a septic system. Mr Howland feels the Town has to come up with a law and not with the intent where the law says this is what it has to be. Mr Howland advised the board that is one of the projects that he is working on to revise the zoning laws this spring, to come up with a different idea for a "campsite". It was suggested that the Board look at what other towns are doing and how they are addressing this issue. Supervisor Krupke would like to have a recommendation from the Zoning Board to the Town Board at the next meeting. Councilman Yerdon asked about the assessed value of the travel trailers sitting on property. Mr Howland explained that you can not assess the travel trailer according to the NYS Real Estate Law but you can assess any improvements. The Board is concerned that this is getting out of control and would like to get a handle on this before it gets out of control. Enforcement is going to be the biggest problem.

WATER REPORT: Things in the Water Dept are going well. Alarm notices are down. Three hydrates have been damaged, 3 hit and runs which means the Town has to pay for them. Plowing at the Haldane has been done during business hours by one of the Water Mechanics with Charlie Masuicca being on standby. If something happens during business hours and one of the Water Mechanics cannot plow, Mr. Masuicca can get a truck from the Highway Department . Boring under the tracks on County Route 28 hit a snag. After hitting some large rocks, it was decided to close up the current hole and try some directional drilling if CSX permits it. The Zenner meters are coming along. Malone Construction cut the black top on Spath Drive and did not repair it before the bad weather set in. Highway and the Water Dept will keep an eye on it and make sure it gets repaired in the spring after the frost leaves the ground.

WATER SURVEY: The survey for the property on Main Street in Richland was completed. Supervisor Krupke went to the property recently. The property in question is located in both the Towns of Richland and Albion. The property is on the townline. The property owner has encroached the property lines in the Town of Richland by 4.2 ft. with the building structure over the property line. This is both a zoning and building code violation and is now a civil matter. The Town is now waiting on a certified copy of the survey, the one with the seal on it. Craig Sternberg has had a meeting with the property owner's representative recently. About the time

that this property owner had issues with a property in the hamlet of Richland, Superintendent Fox noticed junk cars on the property in question. These cars are on the Town of Richlands property. Mr. Fox went and found the deeds and survey maps. The house on the south side of the property is a trailer inside of the house that is standing now. They have added on to it immensely. It may have been close or on the line before but now it's over the line. The front pin on the survey is missing so Mr. Fox took the hand wheel to measure from the property line of the Pollics and sure enough the pin was found in the middle of the sandbox in the front yard. After the formal survey, it was found that the new structure that was built onto the trailer is actually on the property properly, they didn't have the setbacks. The difference is that the property line is on a bias that's not perpendicular to the road. This is the one that they don't have a building permit for. Building permits were issued to put the 2 trailers there which are the ones that are over the line. Mr. Sternberg feels that one problem in our Town is that we don't require a survey to get a building permit. We don't require an accurate site plan to build. He states most Towns do. They also ask for a "as built" survey when the project is complete. The Town's Zoning has a lot of work to be done. Per Mr. Fox, if this is true, the 2 places on the north of the property were there when the Town purchased the property from Schoeller. Nothing was surveyed at the time of purchase in the front. So the back corners of the property were never marked so the Town never pushed it. A survey was done after the purchase but it never showed the encroachment. Just a small camper that is still on the property. Supervisor Krupke would like Attorney Seiter to write a letter about the expansion on the Towns property and that they must clean up the junk cars and debris. With the weather, getting the property owner to clean up the property, the Town would like it cleaned up by the end of April. Councilman Yerdon is not in favor of giving the property owner a buffer of that 4'. Attorney Seiter will send a letter to put the owner on notice. Conversation went to maybe conveying the 4'x265' property over to the property owner. After much discussion it was decided to let the addition to stay on the encroached land as long as no more building was done and a quick claim deed be filed. With a quick claim deed they will be signing off any rights to the encroach property. They are saying that we acknowledge it is not our property. And all liability will be assumed by them. A contract can be drawn up to remove the junk cars off the property. The Windmill decommissioning is moving forward. Mr. Sternberg has connected the local tech service. They are researching a list of people that use this particular windmill. To see if there is any value. This tech said decommissioning the Wind Mill shouldn't be a problem. It's just a matter of getting rid of it. Tim Maine, the Tech is working on any buyers or maybe the Town will have to abandon it all together. Mr. Maine says that this windmill is an "oddball" and really doesn't have much value. Tires were just replaced on Bob Hicks work truck. The Water Dept would like to purchase a trailer to take to water projects. It makes hauling equipment easier. Supervisor Krupke advised that the money to purchase a trailer was built into the budget for this year. Quotes range from \$6000-\$10,000. The water clerk has been doing a great job.

DOG REPORT: Dog Report for November and December 2020 were presented to the Board for review.

HIGHWAY REPORT: Superintendent Fox is back in the shop a few days a week. Mostly doing paperwork and payroll. Deputy Superintendent Kevin Balcom is back out on the road and running the crew. Mr. Balcom has done a great job during Mr. Fox's absence. Everything is up and running well. Not using much sand. Councilman Yerdon has spoken to town resident Fred Jensen. He advises Mr. Yerdon that his farm on Atkinson Road has about 20 acres of gravel and limestone. He dug a few test holes. Mr. Yerdon asked Mr Fox to stop over to talk to him. Maybe a good location for the future. The Board was happy to have Superintendent Fox at this month's meeting and wish him a speedy recovery.

SUPERVISOR REPORT: No report.

COMPREHENSIVE PLANNING BOARD MINUTES/UPDATES: Already covered.

JUSTICE REPORTS: No report.

WARRANT OF BILLS: *Motion to accept Abstracts 14 of 2020 and abstract 1 of 2021 was made by Councilwoman Gilson 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 Minutes for December 8th, December 17th and December 30th was made by Councilman Goodsell and seconded by Councilman Yerdon. In a roll call vote, all were in favor with a vote of "AYE".*

TOWN CLERKS REPORT: Town Clerks report is next. With no discussion, *a motion to accept the Town Clerk's report for the month of December 2020 was made by Councilwoman Goodsell and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".*

CEMETERY UPDATES: No updates

TOWN HISTORIAN REPORT: No report.

MISCELLANEOUS BUSINESS: The IRS mileage rate for 2021 is .56 per mile. *A motion to accept the IRS mileage rate was made by Councilwoman Haynes and seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE". A motion to accept the Procurement Policy, the Investment Policy 2021 was made by Councilman Goodsell and seconded by Councilwoman Haynes. With no other comments and in a roll call vote, all were*

in favor with a vote of "AYE". A motion to accept the Appointments and Resolutions for 2021 was made by Councilman Yerdon and seconded by Councilman Goodsell. With no discussion, and in a roll call vote, all were in favor with a vote of "AYE". There are a few vacancies for Boards in the Town of Richland. They are zoning board alternate, and 2 openings for Board of Assessment Review. Question about the Drug Council Representative. Supervisor Krupke will find out what this position entails. Teamsters contract has been signed. The Employer Health Emergency Plan is up next and must be submitted by February 4, 2021. The Plans have to be finalized by April 1, 2021. Supervisor Krupke was unaware of this but Councilman Yerdon found this in one of the Monthly publications that the Town receives. Supervisor Krupke did however get an email from the Development Authority of the North Country advising that it was coming and they could assist the Town with it. Many things in this plan, the town of Richland has been doing but have not formalized it in writing. It is suggested that the cost of their assistance of putting this together is not to exceed \$2500. ***A motion to go ahead and accept this agreement they have presented to the Town so it can be completed in the time specified. This motion was made by Councilwoman Haynes and seconded by Councilman Goodsell. With no other discussion, and in a roll call vote, all were in favor with a vote of "AYE".***

NEXT TOWN BOARD MEETING: February 9, 2020 at 6:00pm There will be a combined Village and Town Board meeting on February 11th at 7:00pm at the Village Auditorium

MEETING ADJOURNED: With nothing further to bring before the Board, a motion was made by Councilman Yerdon to adjourn. That motion was seconded by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE". 7:50pm.

Respectfully submitted by

Millie Newcomb
Town Clerk