

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

DATE: February 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: B/G & Water Supervisor Craig Sternberg, CEO/ZEO John Howland, Town Attorney Graham Seiter, Legislator Herb Yerdon and Town Clerk Millie Newcomb

CALL TO ORDER: The meeting was called to order at 6:04 p.m. with Supervisor Krupke leading in the Pledge of Allegiance.

PUBLIC COMMENT: No Public Comment at this time.

ZONING AND CODE REPORTS: Zoning and Codes Report for the month of January were presented to the Board, along with the violation notices. A bond for the Lehigh Road Solar project was given to the Board members. Also included was the decommissioning plan that Mr. Howland thinks the Planning Board will pass next week. This decommissioning plan is for the project in front of Brennan's Beach. Public Hearing on the Golf Course next week. Owners of the Light House submitted an application to rebuild the restaurant, a pavilion over the gas pumps, another pavilion for storage, demolition of a few cottages to make room for a 6 unit motel and an addition to the current marina building. This first round is for the SEQOR then it moves onto the special permit hearing in March. The owners are supposed to raise the parking lot and put in a new septic system. Zoning Board of Appeals has a Cell Phone Tower variance hearing for the St Rt 13 property next Tuesday. This is located on the Harris property in Port Ontario. A graft was shown why the tower has to be on the Harris property on Rt 13 and not an

alternative site on the Water Tower on Co Rt 5. The sites are chosen as to how much coverage it can cover. The Co. Rt 5 location on the Towns Water Tower would not provide the distance that the Company is trying to cover. Thursday morning, ZEO/CEO Howland has a meeting with Tim Kocheny, Dave Turner and Karen from the Planning Board for the changes for Zoning. Planning Board member Melvin Minot resigned. Councilwoman Gilson is concerned about his resignation and his reason for doing so. Per his resignation, he was concerned about a members mask and why did he feel this way. Mr. Howland explained this meeting was long (3 hours). Mr Howland did try to get the upstairs courtroom so everyone could space out, but because the building was closed that day due to a national holiday, the meeting had to be held in the Grand Jury room. Mr Minot wasn't comfortable with the amount of people in the room nor with one member that was not wearing a mask but a plastic shield. This is not recommended but is permissible by CDC rules. There was a recent win for a Town in which an Appellate Court Division Judge ruled in favor of Townships being able to put the cost of cleanup of properties onto tax bills. A few years ago, Oswego County stopped this practice. Attorney Seiter says this is a win and will have to see how it proceeds. Next derelict properties. Mr. Howland has sent out numerous letters as well as Attorney Seiter. The ones still in question is Bear's Sleepy Hollow, the Commings home that burned a while ago on Sherman Road, that property will be on the County's tax sale and NYS owns property on St Rt 3 on the top of the hill that has been abandoned for several years is falling in. Also the Hatfield property on Valley Road and the Higby property is in the process of being sold. The Board has 3 options under the Towns laws, 1, send them to State Supreme Court, which is very expensive, 2, send them to Local Court which a local Judge can say they are guilty or innocent and they pay a fine and tell them to clean it up. Most cases they don't show up and it goes nowhere because the judge will not issue a warrant for them. 3. The best thing for Zombie Properties is an Administrative Hearing. This is the fastest and cheapest way to get things done. The Town Board is the Judge and Jury. In most cases it takes 45 days. The owner is given 10 days to clean up the property and if it's not done, the Town can hire someone to do it, or get the highway crew to do the clean up. In either case the Town has the legal right to order this. The Board is in agreement to use this method. Attorney Seiter will preside over the hearing, ZEO/CEO Howland will testify and the Board will make the decision. The property owner will then be given the 10 days to take action. The Town has budgeted money over the years for demolition and clean up costs. The Town Board is in agreement with this path to try to clean up some properties. The Board did receive an application from someone that was interested in the Town Planning Board. Supervisor Krupke would like to table this until the March meeting. There are still positions open as an Alternate for the Zoning Board as well at the Board of Assessment review has 2 openings. Mr. Howland has sent a message to Gloria Higby, the former clerk to the boards, asking for the minutes from previous meetings. At this time she has not responded. The new clerk, Julie Peterson is doing a great job in that position. Questions on the decommissioning language were discussed. Solar project on Lehigh, Supervisor Krupke does not have any signed decommissioning agreement from this project. Councilman Yerdons opinion is that the Town should see decommissioning language before a permit is issued.

LEGISLATIVE REPORT: Due to a time conflict, Legislator Yerdon was not able to present his report.

HIGHWAY REPORT: No Highway Report. Mr. Seiter did have the Intermunicipal Agreement for the Shoulder Machine. ***A motion to accept the IMA for the shoulder machine and to have Supervisor Krupke sign was made by Councilman Goodsell and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".*** Craig Sternberg prepared a request to Bid for a ceiling in the heated portion of the Cold Storage Building. At the present time, the ceiling is falling down and replaced with new panels, insulation and LED lighting. Also because of codes, heat sensors will also be installed. Mr. Sternberg separated the bid into 3 phases. The ceiling, insulation and the electrical work. A draft of specifications was handed out to the Board. The estimated cost of the project is \$35,000. Discussion went on about pro's and con's of replacing the ceiling and maintaining this building. A motion was made by Councilwoman Gilson and seconded by Councilwoman Haynes to proceed with the bid process. In a roll call vote, all were in favor with a vote of "AYE".

WATER REPORT: Minutes for February 2, 2021 was presented to the Board. An issue was discussed about the Fahnestock property in Richland. At this time the issue has been resolved between the Water Contractor and Mr. Fahnestock. The Water Department is going great. The Water Department would like to purchase a cargo trailer to keep all equipment available for service calls. Mr Sternberg has gotten 3 quotes and would like to purchase the trailer that is available on the lower end of the quotes. The trailer is gray and has a drop door in the back. The trailer has a tandem axle. Stock is very low. Caprara's in Adams does have one in stock. The trailer is \$6800-\$7000. These trailers typically are not on State Bid. The trailer will be stored at the Haldane Center in the zambony room. Discussion on a new truck in 2022 for the Senior Water Operator. ***A motion to approve the purchase of a new Cargo Trailer for the Water Department up to \$7000 was made by Councilman Goodsell and seconded by Councilman Yerdon. In a roll call vote, all were in favor with a vote of "AYE".*** The boring under the railroad tracks on County Route 28 has hit a snag. They have tried once and hit large rocks. They tried a second time 6-8 feet over and tried again then again hit solid rock. Everytime they bore a charge. Malone is now up to \$80,000 just to put in round figures for 2 borings. It's \$30,000 more than what was budgeted. They did get the Railroad to approve directional drilling, which would cost another \$45,000. To get the drilling done, it's an additional charge of \$ 75,000. There is contingent money built into this project per B&L for this kind of problem. Craig Sternberg asked Malone for an itemized listing of the cost over run. The Town can approve it now or they can wait for the itemized list. The other option is to have 2 dead ends on either side of the tracks instead of doing the drilling. Mr. Sternberg's opinion is that change orders are supposed to take place before work is done and not after. These things are not negotiable. Directional drilling is not something that the Railroad is crazy about because it dislodges materials and causes voids and can do things to the tracks. Directional drilling can go several

feet down. Malone hasn't even submitted a change order so it should not be paid until the change has been submitted. This issue/ payment will be tabled until the March meeting.

JUDGE CONGER: She would like to advise the Board that she was just notified that she was awarded a grant in the amount of \$2119.33. This grant is mostly equipment to enhance the Courts to do virtual court appearances because now when they do them they only have the laptop. With this new equipment, the defendant does not appear in person but when that is allowed again they do not have the ability to see them. The grant application was for a big television monitor with a computer and the mounting equipment and the cart to put it all on. Microphones and cameras for the desk tops in the court office. It's set up basically like the state courts are now. The equipment will be on a cart, wheeled into where the defendant would be able to see the District Attorney and his own Attorney. As soon as the money comes in, Judge Conger will give Town Clerk Mille Newcomb the information to order the equipment. This grant was a Court grant but the equipment is owned by the Town of Richland and the Town is free to use it at any time. The Town Board appreciates Judge Congers effort in getting this equipment.

BUILDINGS AND GROUNDS & RICHLAND PARKS: Report was submitted to the Board. Councilman Goodsell asked about the Richland Park meeting. Mr. Sternberg will be reaching out to the members now that spring has sprung to set something up.

DOG REPORT: Dog report was next. No questions or concerns were noted.

HIGHWAY REPORT: No Highway Report. Mr. Seiter did have the Intermunicipal Agreement for the Shoulder Machine. *A motion to accept the IMA for the shoulder machine was made by Councilman Goodsell and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".*

SUPERVISOR REPORT: The Supervisors Report for December 2020 was presented to the Board for review. *A motion was made by Councilwoman Haynes to accept the report as presented and seconded by Councilwoman Gilson. With no discussion, and in a roll call vote, all were in favor to accept the report submitted with a vote of "AYE".*

COMPREHENSIVE PLANNING BOARD MINUTES/UPDATES: Councilman Yerdon has taken the lead into separating the Village and Towns responsibility. He then met with Comp Board Chairwoman Holynski. In the end both were very happy with the results. Councilman Yerdon would like to prioritize a list of what is important to the Town and the Village will do the same. Then both would come together to decide what would work with both the Town and Village and go after grants. All Board members want to commend Councilman Yerdon and Chairwoman Holynski for all the hard work they have both put into the Plan. Supervisor Krupke informed the

Board of a meeting at the Village Office auditorium at 7:00 pm Thursday February 11. This will be a "in person" meeting. The room is pretty big so everyone will be able to keep the social distance of 6' with no problem. The Comp Board consists of Donna Gilson, Robin Philips, Robin Ford, Shawn Doyle, Dawn Holynski, Melissa Wadkinson and Jan Tighe. The number is to alternate between 4 for the Town and Village. Discussion over whether Mayor Tighe should stay on the Board given her new position of Mayor.

JUSTICE REPORTS: Justice reports for December 2020 for Justice Conger and reports from Justice Ridgeway for December 2020 and January 2021 were presented next to the Board. ***A motion to accept the reports as presented was made by Councilwoman Gilson and seconded by Councilman Goodsell. With a brief discussion and in a roll call vote, all were in favor with a vote of "AYE".***

WARRANT OF BILLS: Abstract #15 for 2020 and Abstract #2 for 2021 were presented next. With no discussion, ***a motion to pay both abstracts 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: No Minutes

TOWN CLERKS REPORT: Next was the Town Clerks report for January 2021. ***With no discussion, a motion to accept this report 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. Supervisor Krupke has Historian Shawn Doyle's resignation from his position as Town Historian. ***A motion to accept the resignation of Historian Shawn Doyle was made by Councilman Yerdon and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE".***

MISCELLANEOUS BUSINESS: Judges year to date figures for 2020 are \$82,052.00. This was an expected decline due to the Pandemic. The Budget was for \$150,000. Budget Transfers that are done at the end of each year. A motion was made to approve the year end 2020 reserve transfers and it will be combined with the 2020 Budget transfers made by Councilwoman Haynes and second by Councilman Goodsell. In a roll call vote, all were in favor with a vote of "AYE". Copies of the transfers will be attached to these minutes. The Supervisors report that was just approved did not include these transfers/ changes. The new numbers will be in the Year End Supervisors report once the figures are figured into the totals. Letter from Attorneys handling the land dispute in Richland. The Town has 2 properties that were challenged for the assessment. One property is on Maple Ave, on the corner of Pine Street and

Maple Avenue. This property was purchased through the County Auction. The assessment was \$64,600. The new owner took it to Small Claims and the assessment was lowered to \$16,000. This is what they paid for it at the auction. The Town Assessor Warren Wheeler does not agree with the new value. Mr. Wheeler told Supervisor Krupke that it makes no sense in lowering the value that low. Especially since it was purchased at the County Auction. According to the Town Attorney Graham Seiter, if the Town does not agree to the SCAR (Small Claim Assessment Review) Hearing, the Town can file a lawsuit. This is called an Article 78. This has to go to the Supreme Court and argue the Towns Stand on the unfair reduction. There are different issues to argue. One is did the Hearing Officer act on a rational basis that is the burden. The Officer can say that the property is over assessed. The judge can ask if this appears to be rational . But Town Assessor Wheeler is trying to argue, and it is a good argument that, if you look at the procedural law in these cases, the petitioner must be owner occupied and that is it. Case law backs that up. The new owners do not occupy the home. They bought these homes at the Tax foreclosure Auction. One of the homes the buyer purchased the home then turned around and sold it but they had already petitioned. Now the new owner is using that petition which is completely illegal. If the Town decided to challenge the reduction, Mr Seiter thinks the Town would have a good chance of being successful in throwing out the reduction. But the cost may outweigh the revenue that may be gained. It may not be cost effective to sue. What Assessor Wheeler is worried about is that particular Hearing Officer has been causing these kinds of problems in other Towns in the area. He doesn't seem to be following the Law and being very fair to Towns. Hamilton County has had some issues with this particular Hearing Officer. The County Attorney has heard some rumblings about this gentleman and had Mr Seiter check with the Tax Director. She has definitely had some run ins with this person as well. The Town of Sandy Creek has also had dealings with him also. Mr. Seiter has never brought up a petition to have someone removed like this. The 5th Judicial District does put these hearing officers in these positions. That would be Chief Judge Murphy is the person to speak with. The conversation with the County Attorney today was perhaps a letter to Chief Justice Murphy or maybe a phone call to let him know that the Town of Richland as well as other Towns are having issues with this hearing officer and to let them know that what he is doing may force Towns into filing lawsuits to get him to stop and to start following the law. Maybe reaching out to other Towns also, to try to get them to speak to the officer. If this is a procedural issue, the hearing should have never taken place because they had no standing even asking for the hearing because the property was not owner occupied. From a cost perspective, getting a group of Towns and maybe schools together to offset the cost of ligation. In the assessors notes, the SCAR needs to be filed by July 31, 2020. Everyone found out about this in January 2021. Attorney Seiter advised it will be blamed on the Pandemic. Councilman Yerdon also added that when a property owner comes into the Assessors office to grieve his assessment, he is told to get comparable properties . The board agreed that it wouldn't be hard to find comparable homes in the area to compare. The Board agreed to have Attorney Seiter get a letter together to send to the 5th Judicial Judge Murphy. The other property in question is on Rome Road across from the Kwik Fill gas station. That property was purchased by the same person. It was

assessed for \$57,400 and the assessment was settled on at \$22,500. A question about getting a dumpster at the Highway Dept for the scrap metal. Councilman Goodsell advised that he reached out to a company called Weismans. They are used by the Fulton Companies. This company will bring out a container box. The Highway Dept will call when it's full. The initial cost of dropping the box is \$350 then the cost is deducted each month after that. The company will send a check directly to the Town Offices. This Company is one of the biggest scrap metal companies in the Eastern US. Councilman Goodsell will get a written quote from Weissman. ***Councilwoman Haynes would like to make a motion to go into the Executive Session to talk about personal matters. This motion was seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE". 8:25pm. A motion to come out of 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". The results of the Executive Session were no result. 8:55pm.***

NEXT TOWN BOARD MEETING: March 9, 2021 at 6:00 pm

MEETING ADJOURNED: ***A motion to adjourn the meeting was made by Councilman Yerdon seconded by Councilman Goodsell. All were in favor with a roll call vote of "AYE" 8:56 pm.***

Respectfully submitted by

Millie Newcomb
Town Clerk

2020 Year End Budget Transfers							
	DEBIT		CREDIT				
A FUND							
FROM:		TO:					
A1340.1 Budget Payroll	906.26	A1220.1 Supervisor Payroll	906.26				
A1355.2 Assessor Equipment	65.00	A1220.2 Supervisor Equipment	65.00				
A1620.1 Buildings Payroll	373.75	A1410.1 Town Clerk Payroll	373.75				
A1410.4 Town Clerk Other	131.25	A1410.42 Town Clerk Legal Fees	131.25				
A1620.4 Buildings Other	539.71	A1620.41 Buildings Utilities	539.71				
A1990.4 Contingent Account	16211.43	A5132.4 Garage Other	12429.01				
A5132.41 Garage Utilities	4292.40	A5132.4 R Garage - Contractual	9987.75				
A5132.42 Garage Legal Fees	187.50						
A5010.4 Highway Other	1725.43						
A1340.1 Budget Payroll	4486.73	A7140.1 Haldane Payroll	4486.73				
A7140.49 SK8 Park Other	52.23	A7140.48 SK8 Park Utilities	52.23				
A9055.8 DBL Insurance	43.86	A9050.8 Unemployment Insurance	43.86				
A9060.81 Retiree Insurance	1654.49	A9060.82 B Lewis Insurance	1654.49				
	30670.04		30670.04				
FROM:		TO:					
B FUND							
B8020.1 Planning Payroll	2027.79	B7310.1 Youth Program Payroll	2027.79				
B8010.4 Zoning Other	1545.44	B8020.4 Planning Other	1545.44				
B9010.8 Employee Retirement	275.98	B9030.8 Employee Social Security	275.98				
B9055.8 DBL Insurance	41.45	B9050.8 Unemployment Insurance	41.45				
	3890.66		3890.66				
DA FUND							
DA5142.1 Snow Removal Payroll	9940.50	DA5130.1 Machinery Payroll	1096.42				
		DA5140.1 Misc Brush/Weeds Payroll	8844.08				
DA5142.43 Snow Removal Fuel	24215.85	DA5142.4 Snow Removal Other	21157.22				
		DA5130.4 Machinery Other	3058.63				
DA511 Appropriated Reserve	76475.80	DA5130.2R Machinery Reserve	76475.80	Purchase of Equipment			
	110632.15		110632.15				

DB FUND			
DB9030.8 Social Security	890.71	DB9010.8 State Retirement	754.00
		DB9050.8 Unemployemnt Insurance	136.71
SW1 FUND			
SW1-1950.4 Tax & Assessment	15.06	SW1-1910.4 Unallocated Ins	24.80
SW1-8310.44 Rent	9.74		
SW1-1990.4 Contingent	4045.82	SW1-8310.1 Administration Payroll	167.15
SW1-9050.8 Unemployment	172.91	SW1-8320.1 Source of Supply Payroll	6691.03
SW1-9055.8 DBL Insurance	14.67	SW1-9010.8 State Retirement	845.53
SW1-9060.8 Hospital Medical Ins	240.03	SW1-9030.8 Social Security	25.56
SW1-8310.4 Administration Other	3200.50		
SW1-8310.44 Rent	55.34		
SW1-8310.2 Admin Equip	505.73	SW1-8320.4 Source Other	13657.17
SW1-8320.2 Source Equip	9121.16	SW1-8320.42 Source Legal Fees	129.37
SW1-8330.2 Purification Equip	1168.79	SW1-8330.4 Purification Other	856.77
SW1-8320.41 Source Utilities	3178.71		
SW1-8320.43 Source Fuel	608.74		
SW1-8310.44 Rent	60.18		
	22397.38		22397.38
FROM:		TO:	
SW2 FUND			
SW2-1950.4 Tax & Assessment	9.18	SW2-1910.4 Unallocated Insurance	9.18
SW2-1990.4 Contingent Account	2524.07	SW2-8320.1 Source of Supply Payroll	2845.16
SW2-9030.8 Social Security	150.77	SW2-9010.8 State Retirement	541.77
SW2-9050.8 Employment Insurance	116.70	SW2-9055.8 DBL Insurance	3.28
SW2-9060.8 Hospital Medical Ins	196.58		
SW2-8310.1 Admin Payroll	201.14		
SW2-8310.44 Admin Rent	83.71		
SW2-8320.43 Source Fuel	117.24		
SW2-8310.4 Administration Other	1794.96	SW2-8320.4 Source Other	1199.35
		SW2-8320.42 Source Legal Fees	86.25
		SW2-8330.4 Purification Other	509.36
SW2-1990.4 Contingent Account	180.00	SW2-9730.6 BAN (EFC)	180.00
	5374.35		5374.35

SW3 FUND			
SW3-1950.4 Tax & Assessment	2.78	SW3-1910.4 Unallocated Insurance	28.95
SW3-8310.44 Admin Rent	26.17		
SW3-1990.4 Contingent Account	1430.04	SW3-8310.1 Administration Payroll	83.83
SW3-9030.8 Social Security	58.40	SW3-8320.1 Source Payroll	1594.60
SW3-9050.8 Unemployment Ins	60.12	SW3-9010.8 Employee Retirement	324.94
SW3-9055.8 DBL Insurance	4.41		
SW3-9060.8 Employee Medical Ins	39.92		
SW3-8340.4 Trans Other	410.48		
SW3-8340.4 Trans Other	1008.95	SW3-8320.4 Source Other	685.21
		SW3-8320.42 Source Legal Fees	46.00
		SW3-8330.4 Purification Other	277.74
	3041.27		3041.27
SW5 FUND			
SW5-1950.4 Tax & Assessment	2.58	SW5-1910.4 Unallocated Insurance	2.58
SW5-1990.4 Contingent	820.08	SW5-8310.1 Administration Payroll	1.64
SW5-9060.8 Hospital/Medical Ins	106.32	SW5-8320.1 Payroll	589.55
SW5-8340.4 Transmission Other	1948.93	SW5-9010.8 Employee Retirement	1490.04
		SW5-9030.8 Social Security	749.48
		SW5-9050.8 Employee Unemployment	43.58
		SW5-9055.8 Employee DBL	1.04
SW5-8340.4 Admin Other	1138.18	SW5-8310.42 Payroll Legal Fees	93.75
		SW5-8320.4 Source Other	870.16
		SW5-8320.42 Payroll Legal Fees	25.88
		SW5-8330.4 Purification Other	148.39
	4016.09		4016.09

2020 Year End Reserve Account Transfers			
A FUND			
FROM:	AMOUNT	TO:	EXPLANATION
DB		CR	
A912	\$971.54	A878	YTD interest - Capital
A912	\$61.60	A899	YTD interest - Assessment
A1355.4R Assessment Revaluation	\$20,000.00	A235 Assessment Reserve	New Assessment Revaluation
DB		CR	
A235	\$20,000.00	A201	
A912	\$20,000.00	A899	
A7140.4R Haldane Repairs Reserve	\$20,000.00	A233 Haldane Reserve	\$ not spent
DB		CR	
A233	\$20,000.00	A201	
A912	\$20,000.00	A882	
DA FUND			
DB		CR	
DA912	\$546.49	DA878	YTD interest
DA2665R Sale of Equipment	\$23,742.50	DA231 Capital Reserve	Sale of Equipment
DB		CR	
DA231	\$23,742.50	DA201	
DA912	\$23,742.50	DA878	
DA231 Capital Reserve	\$76,475.80	DA5130.2R Machinery Reserve	\$ over spent
DB		CR	
DA201	\$76,475.80	DA231	
DA878	\$76,475.80	DA912	
DA511	\$76,475.80	DA5130.2R Machinery Reserve	
SW1 FUND			
DB		CR	
SW1-912	\$886.86	SW1-878	YTD interest
SW2 FUND			
SW2-912	\$414.19	SW2-878	YTD interest
SW3 FUND			
SW3-912	\$179.08	SW3-878	YTD interest

