

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

DATE: April 30,2024

KIND OF MEETING: Special Town Board Meeting

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

BOARD MEMBERS PRESENT: Supervisor Robert North
Councilwoman Donna Gilson
Councilman Larry Atkinson
Councilwoman Sue Haynes
Councilman Eric Pappa

OTHERS IN ATTENDANCE: Town of Richland Residents, Tim Crouch, Robert Jeffery, Kern Yerdon, Jamie Martin, Jeff Edick, Town Highway Superintendent, Kevin Balcom, Town Attorney Graham Seiter, and Town Clerk Millie Newcomb.

CALL TO ORDER: The meeting was called to order at 1:03 p.m. with Supervisor North leading in the Pledge of Allegiance.

BLESSING: Opening Prayer was done by Councilman Atkinson, 1:03pm

PUBLIC COMMENT: Jeff Edick asked if there was any news on the trees on the well fields. Councilman Atkinson said that he hasn't had a chance to get with the arborist.

Bid for flags for the Town cemeteries is up next. Every year the American Legion puts out bids for flags for all the Town Cemeteries. This year they only got 2 bids back. The first bid was from Action Flag in the amount of \$1354.67 plus another bid with that for the Veterans Bronze metal grave marker in the amount of \$496.80 for a total of \$1851.47. The second bid was from American Flags Express in the amount of \$3745.55. Supervisor North explained to the Board that trying to get bids for flags has been a problem since the time when he was Town Clerk. With a little discussion, ***a motion to award the bid to Action Flag in the amount of \$1354.67 for the flags and \$496.80 for the grave markers for a total of 1851.47 was made by Councilman***

Atkinson and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE".

TOWN FINANCE SCHOOL: Councilwoman Gilson and Supervisor Clerk/Budget Officer Tammie Whaley would like the Boards permission to attend a Town Finance School that will take place on May 7 & 8 2024 in Geneva, NY. Supervisor North has been to this school before and it's a good school. This is an Association of Towns event. The Board agreed this would be a good opportunity for Supervisor Clerk Tammie Whaley. ***A motion to have Councilwoman Gilson and Clerk Whaley to attend this school was made by Councilwoman Haynes and seconded by Councilman Pappa. In a roll call vote, all were in favor with a vote of "AYE"***

TAX COLLECTOR SCHOOL : The Town Clerk and Deputy Clerk would like the Boards permission to attend a Tax Collector school that will be held in Lake George on June 9-12 2024. The cost is \$814.40 for 2 people. ***A motion to let the Tax Collector and Deputy Collector to attend this training was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".***

LABORER WAGES: This issue pertains to a seasonal hire Zach Masicucca. At the last meeting, Superintendent Balcom asked the Board if he could move Zach from seasonal to full time at the Highway Garage. His rate of pay would be laborer at \$16.20 per hour. Per Supervisor Clerk Tammie Whaley and the minimum wage is \$15 per hour. Per Mr Balcom, the seasonal rate of pay for Mr Masicucca is \$18.20 of which he has been being paid. He would have to take a cut in pay for moving up to full time. Back when the contract was being done 3 years ago, no one took into consideration what the minimum wage would be today. It just seems unfair. Per Councilman Pappa, he has his class B CDL. Councilwoman Gilson asked if the recommendation would be to keep him at \$18.20 per hour? The big problem is that this is a contract. It was decided that the Town should contact the Union Business Agent. Mr Balcoms thought about hiring him as a laborer as he is young, he has his CDL and does very well for the highway in 6 months when he proves he can run equipment, then he would bring him up as a MEO. Councilman Atkinson thinks the Board should get the advice from the Union Business agent. Superintendent Balcom will keep him as a seasonal worker until he speaks to the union. Next is Water District 5 issue with the Town of Sandy Creek. In the fall when we do the budget, we set EDU's at that time. Sandy Creek asks what our EDU's are and then they give us a total of what our payment will be for the next year. This is the same figure that goes onto our taxes. Our annual water district 3 payment, they invoiced the Town about a month ago, and the EDU's they had for us changed. Mrs Whaley questioned them about it and they told her that is what it is now. That is not how protocol has been. That is not what or how it's figured. What the figures are in the fall is what goes on our taxes. When questioned, they contacted Mrs Whaley back and told her that they would let it go for now and revisit it in the fall at budget time. Then this week, the Town of Richland got Water District #5 invoice for payment and it was the new higher EDU rate. So Tammie questioned it again about it and they came back and said that they didn't

know it was going to take this long to refinance the loan and this is what the EDU rate is. She completely understands but it's not her call to pay this especially this is not how it should be done. After conversations with the Sandy Creek Supervisor, Supervisor North and Laird Petrie, Mrs Whaley wants to recommend that the Town of Richland pays this extra amount of \$1015.90 just this one time only for Water District #5. Typically you never refinance during a water project. This is out of the ordinary. She thinks that maybe she is squabbling over pennies but she has to bring it to their attention because the Board has to approve the higher EDU. In this situation Mrs. Whaley would like the Board to approve, just this one time, the Water District #5 payment at the higher rate, with a letter saying the protocol is you follow what you set at budget time. What you charge at tax time is what you follow for the whole year. This is only for 5 EDU's. ***A motion to pay the 5 EDU's in the amount of \$1015.90 to the Town of Sandy Creek with a letter stating because of the uniqueness of the situation this is a one time payment and not part of the budget was made by Councilman Atkinson and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".***

Next is the Dry Bridge Road Property. Discussion over the road frontage and depth of the lot that is to be sold. Councilman Atkinson figures the lot is approximately 12.4 acres. It's recommended that the Town get the lot surveyed. Per Attorney Seiter, the Town has to figure out what they want to sell. Either way we have to have a legal description of the property. The Board had originally decided that this property was no longer of any use to the Town. Then the Town found out there was sand on the property that the Town could use. Now the Town has to figure out any portion that the town wants to sell, that is of no use to the Town. This is the only way the Town can sell the property. Per the Attorney this property has to go out for bid. The Town has to figure out where the DEC will allow a Road so it doesn't impact the wetland. It was agreed that a survey will have to be done in order to proceed.

Amended minutes from April 12,2022. The Town Clerk had to make the language more clear in these minutes. The issue was in the bids for the generator. There were 3 bids for the generator. 1 was a sealed bid and the other 2 were received by email. The minutes had to define why the Town went for the sealed bid and not the lower bid that was received by email. The advertisement clearly stated the bids must be received by sealed bid and turned into the Town Clerk's Office. The Town does not have a policy accepting bids by email. The amended minutes will be sent to Dave Turner, so he may proceed in getting the reimbursement to the Town for the generator. ***A motion to accept the amended minutes as presented was made by Councilman Pappa and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".***

There are some questions with the ARPA Contract. It was decided that some of the things on the ARPA Contract needed to be done. There are some other ideas like doing the underground service at the well site instead of new poles. The most important item has been done such as the Generator. The next one is the relocation of the 3 phase power supply. The Water operators

are going to do a map of what should be done if it's decided to go underground. The third one is the 14" water main line for which has been located. That leaves us between \$20-\$25,000 estimated that we may be able to use for something else. On the back of the contract it is suggested about a storage shed behind the Water Building in Fernwood. The Water Operators don't feel they need that. The Town could do without that and maybe instead they can have the highway crew build a lean-to on the side of the Water Building. The replacement entrance pole, Councilwoman Gilson, spoke to Councilman Pappa about this yesterday to find out how we were doing with that project. The estimate for that building was to be \$40-\$45,000 for which we could use that money someplace else. The replacement entrance pole, the estimate is for \$30,000, so we are waiting for Scriba Electric to get back with us on that. Councilman Pappa told the Board that the actual cost is \$31,214 for the complete job. Currently, underway this morning to get the ball rolling. Jim Soule submitted everything and has all the parts after a delay and as soon National Grid signs off it should be underway. The last one is the 17 power pole. This is something that the Town Highway can do the digging for and we can bury everything and not do the power poles and save a lot of money in the long run. We are moving forward with that also. Underground is the way everything is going. It will be out of the way. It's easy digging. The Tanks were inspected for \$3200. They are going to paint the outside for about \$60,000 and we have an issue with one on the inside but it doesn't seem to be too bad. Hopefully we will be in it for around \$100,000. We are hoping to get back with the county to reevaluate the contract we have with ARPA because we need a salt shed. Once we get the estimate for the underground electrical system, the interior painting for the tank, that will give us an idea of what we have left over for which we are hoping to put toward the salt shed. Per Superintendent Balcom, he has a good idea of how the building will be laid out on the lot. If we can take care of these other issues so we can let Dave Turner know by the end of 2024. We want to get the Salt shed issue taken care of and we are looking for a grant and we are also looking for other ways of funding it.

Campsites are up next. Councilman Atkinson spoke to John Howland and his opinion is he would like to leave them in the RR area and none in the RA. For someone that has a camper or motorhome, that owns 3 acres, they can set it up and use it for temporary vacationing purposes so long as it has water and a way to dispose of waste. It can not be a permanent fixture to the property. This all needs to be clarified with Mr Howland, the use of an accessory building. Mrs Gilson took a class about accessory buildings. This type of building is legal in New York State and the State encourages them for children, elderly parents. She still has a question if they are used for a "lodge". Councilwoman Gilson is speaking about the use of campers or motorhomes. Since they have wheels, Attorney Seiter told the board that it can be moved easily. Since it is movable, per CEO/ZEO Howland, anyone can put it on their property so long as they have 3 acres they can use it on their property. Mr Howland is recommending this to the Town Board. Attorney Seiter explains, the word "mobile" has to be defined in the town law. Enforcement will definitely be the issue. There is not an easy answer. Other Towns are having the same issues. Councilwoman Haynes said it's hard to make a decision when Mr Howland isn't here to ask

questions. Councilwoman Gilson wants to make sure campgrounds shouldn't happen in residential areas such as what happened to Mr Edick on Canning Factory Road. There are a lot of things to take into consideration when making these decisions. The Board has to get it right. Councilman Atkinson thinks the Board should meet with the Planning, Zoning, and Mr Howland and have a Workshop to come up with a resolution. Right now they are making changes to the Local Law so the Board should consider having this Workshop in the beginning of June.

Tug Hill Conference on Thursday May 2 at the Turning Stone Casino.

Next Town Board Meeting June 11, 2024 at 7:00pm

IMA with the Village. With the Diversion Plan coming into effect, Mr Seiter doesn't think there is going to be anything more. When it comes to traffic court, nothing is going to come to the Town Court unless they request a trial. Judge Conger already went back to 2013 and there were very very few tickets that were issued by the Village. There were 2-3 that were remotely related to the Village. Mr Seiter thinks there will not be a need for an IMA with the Village and he suggests we wait to see how this Diversion program progresses. Maybe revisit it in December or January. There was \$75 that was related to an open container ticket. The mayor told Supervisor North that there was \$850 to which Attorney Seiter says the burden of proof is on them to prove. Judge Conger put in an incredible amount of time going through the records to find out what was there. There was just nothing there. The Town Court has agreed to forward any money owed to the Village.

Polic Gravel Pit. They should have a letter to Attorney Seiter with the changes they are requesting and hopefully by the next meeting we should have the agreement in hand.

Town of Albion Water. The Town Board of Albion is discussing. We won't even begin to talk about it until at least June. They are ready to talk to B&L. They are ready but may have to cut some roads out due to the increase in costs. The increase is about 60%. The Map Plan and Report isn't even done yet. It's going to be another 3-4 years.

A motion to go into Executive Session to speak about appointment of new members to the Comp Board and Planning Board. This motion was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".

2:12pm

At 2:38 a motion to come out of Executive Session and back into regular session was made by Councilman Atkinson and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE".

Results: A motion to correct Joseph Sikora's salary back to Water Operator Rate from January 1, 2024 to present. He was reinstated to Water Operator and stayed with the Town Highway

and ran a snow plow as needed. This motion was made by Councilman Pappa and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE".

A motion to appoint Cheris Fox to the Comprehensive Planning Board and Joseph Skotnicki to Planning Board Alternate. The motion was made by Councilwoman Haynes and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE". Councilwoman Haynes left at 3:00pm.

In May Attorney Seiter will send letters to violators of the Junk Law therefore, for the June Town Board Meeting on June 11th, the Town Board will hold Administrative Hearings for non compliant property owners of the Junk law. This will take place at 5:00pm on June 20th. Letters will be sent out by Attorney Seiter.

Attorney Seiter left the meeting due to a prior commitment. 3:02 pm.

Town Resident Jamie Martin of Orton Road asked several questions about the Camp Ground on Canning Factory Road.

NEXT TOWN BOARD MEETING: May 14, 2024 at 7:00pm

MEETING ADJOURNED: With nothing more to bring before the Board, a motion to adjourn was made by Supervisor North and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE" 3:07pm

Respectfully submitted by

Millie Newcomb
Town Clerk