

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

DATE: August 13,2024

KIND OF MEETING: Regular 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: Listing of attendees will be attached to these minutes.

CALL TO ORDER: The meeting was called to order at 5:00 p.m. with Supervisor North leading in the Pledge of Allegiance.

BLESSING: Blessing done by Councilman Atkinson

PUBLIC COMMENT: No comments.

First order of business is the property at 383 Valley Road. Ms. Christina Dischiave, Ms. Michelle Dischiave is here to speak about this property. Speaking for Ms. Dischiave is her daughter Christina. Ms. Dischiave stated her case to the Board and how she had reached out to the Town to try to work with them after the compliance date had passed with a series of email messages and that they had been working with a structural engineer. Her claim was that they were making a good faith effort to work with the Town to make the property code compliant. Councilman Pappa responded that what he is looking at with the Towns report and Ms Dischiave's report is basically the same in the first few pages about the home. He added that the Town has reached out to this owner for several years and lately several registered letters have come to the Town to discuss this issue and nothing has been answered or done. Now after being personally served, Mr Pappa is not speaking for the whole Board when he says he is done and wants to move forward and take this issue to the State Supreme Court. He has made his

decision and there is no more time to give. Per Christina Dischiave, the first notice they received was on October 23, 2023. CEO/ZEO John Howland told the audience that letters have been sent to this home since 2018. Letters were sent to the previous owners continually until he was contacted by them that the Home had been given back to the Bank in June of 2019. Mr Howland told the Board that he has pictures from 2018 with holes in the roof of the home. For 6 years that building sat with holes in the roof. This home was condemned on June 20, 2019. Mr Holland's biggest issue is Christina's mother, Michelle Dischiave, was sent 3 letters that started back on September 9, 2023. Not one response. Another letter was sent, October 9, 2023, no response. Again on April 3, 2024 no response. A letter that was sent to the Board as required per our unsafe structure law on May 13, 2024 no answer. The Town Attorney sent a letter on April 15, 2024, no answer. We had the Administrative Hearing on June 11, 2024. You say that she never got any notification, we sent a certified letter and she was personally served as you see the notification from the process server. She knew about the hearing and never showed up. Did she show up the next day to Court? Yes she did so she knew she was supposed to be here. After that, the Board made the decision and gave until July 26th to take care of it. Mr Howland said that he finally heard from her, 2 weeks before the 26th and she told him that she was going to get a structural engineer in the home and figure out how to fix it. Mr Howland then told Ms Dischiave that the Board gave her until July 26th to get a structural engineer and a design how it was going to be fixed before July 26th or the Town is going to tear it down. This was the only time he ever heard from Michelle Dischiave. Christina Dischiave said there was an extensive email chain throughout the month of July and only got the information on August 1st. Mr Howland asked if Christina had Power of Attorney for her mother. Christina does not. Mr Howland told Christina Dischiave that he does not have to send her anything, that he doesn't know her and without sending a proper FOIL request, he doesn't have to send her anything. Mr Howland told her that he has been doing this job for 32 years, for many towns, and when we get no response that is how we get to where we are tonight. If you had made just 1 call to me, we wouldn't be sitting here tonight. We pride ourselves, if you made contact and said yes we know we have issues and we are working on it. If you would have made an attempt to work with the Town, we wouldn't be here tonight. Ms Dischiave's Engineer explained to the Board his report. Councilman Atkinson asked a question of the engineer's report on page 5, section 3.24 the second floor framing has been exposed to moisture, when probed, the moisture content, the bottom contained 19-22%, the seconded floor was greater than 30%. With holes in the roof, how is it ever going to dry out? It doesn't meet with what the American Wood Council said it should have; it doesn't even make those standards, it exceeds it. So that is an unsafe structure and that is why we are here. It's unsafe and a hazard for people to go into and you are not controlling access from anyone going into the structure. If someone goes in and gets hurt, they are going to sue you then come after the Town. The Town is protecting itself by saying this is an unsafe structure according to our zoning laws. The building needs to be secured or taken down. Per Ms Dischiaves engineer, to start the process, a new roof must be installed. Councilwoman Haynes told the engineer that from everything she has heard and relying on our Zoning Officer that has been doing this job for over 32 years, she wants to put an end to this

issue once and for all. ***Councilman Atkinson made the motion to send this case to the State Supreme Court and let them make the decision. Councilman Pappa seconded this motion. In a roll call vote, all members were in agreement with a vote of "AYE".*** Ms Dischiave asked if any movement could be made on this property during this time. Attorney Seiter said that the Board has made its decision and is taking this matter to the State Supreme Court. We are going to make a motion for a declaratory judgment to take the building down. She asked if they could take the building down. They have the construction equipment to do it and could save the money doing it themselves. If the Board was going to allow that, it would have to be within a set time frame. Mr Howland said that if they set the time frame and how long it would take to take the structure down and you sign a stipulation that if it isn't removed by then, you authorize the Town to take it down. Ms. Dischiave agreed. She was going to ask for an extension to repair the property or if it couldn't be repaired take it down. It was the conscience of the board that the building be taken down within 30 days. First an asbestos survey must be done before a permit is issued for demolition. Attorney Seiter will draw up an agreement that the building be demolished within 30 days of issuance of a permit. If it's not down within that time period, the Town will take it down. The Town already has estimates to take the building down. Christina Dischiave told the Board that she would rather take the building down themselves and not have to pay \$25000 when they have the equipment to do it. No debris is to be buried on site. The building is to be torn down, removed, and graded. The deal is the building is to be torn down, debris to be taken away including the basement. If the building hasn't been taken down by September 12th, the case will be sent to the State Supreme Court. Attorney Seiter will get the papers drawn up and sent to the Dishlave's to sign.

The Conn Property is in good shape. Board members all agreed he has made a lot of progress. Cindy Adam is here to speak to the Board. She is having a lot of water issues due to all the rain we have been having lately. Mayor Tighe suggested she come to the Board meeting to ask for help with the water. After a long discussion, Councilman Pappa agreed with Mrs Adam that some of the issues could be related to maintenance issues like cleaning out culvert pipes and manholes. He told her that the Village has all the tools to get those issues taken care of. Mrs Adam told the Board that Superintendent Balcom did send someone over and they walked her property with her and they were very helpful. Mr Balcom told Mrs Adam that the Town and Village have a good working relationship and unfortunately they are both understaffed but will help in any way he can.

Next are residents of the Hamlet of Richland. The Attorney representing these residents is Dirk Oudemool from Syracuse. Attorney Oudemool outlined why he was here at this meeting and that he was representing a group of residents from the hamlet of Richland. He started this thinking that the tax cap will solve this problem. A judge suggested that he contact the comptroller's office to see if they could help. There has never been a case in this state that decided an issue of whether or not enforcement of the tax cap law is something citizens could enforce or is it only up to the comptroller. He believes that citizens as well as the comptroller can enforce it. At this time that issue has to be set aside. It's on appeal and will probably address it later in the year. As a result I dug into the background and the Towns records and

what he found was that in no way does it prove that there is a Richland Fire Company or a Richland Fire District. He also contacted the County Clerk which is where the paperwork regarding the creation of the Fire District is required by law to be reported and there is nothing in the Oswego County Clerk's Office. He has also contacted the State of NY Secretary of State and asked whether or not the Fire Company exists as a non for profit or some kind of corporate entity and they have no record. The last hope was the comptroller's office and they have pushed him off for another 2-3 weeks. He will not know for a period of time. His clients have tried to talk to some of the fire people and some of other residents to see if there was an easier way to do this. It does not appear at this moment that will be the case. It's really too bad. Rather than to pursue the appeal at this time, it is his recommendation to his clients this evening, to start a declaratory judgment proceeding in the Oswego Supreme Court. He will name in that suite, the Town Board, Fire Department Company and the Fire District. This is to come up with records they have to establish these two entities exist. He feels that the Fire Department and the Fire District have to prove that they legally exist. The problem is he has one appeal. He cannot get a decision no earlier than late October early November. That being the case, now he has another appeal, maybe that will go to Rochester next year and maybe by summer next year we would hear from Rochester. The case with the controller, no one else has raised it. That could go to the Court of Appeals. The concern is the citizens and having competent fire protection at an affordable cost. He thinks that it falls in the Towns lap to solve it. He thinks that the Town should form another fire protection district. He thinks this is the best solution. He thinks that the Town Government is the rock bottom most stable thing we have in our country. The State and Federal Governments are "nuts". He would like the Town Board to take the "bull by the horns" and tell them they have no records of establishing anything. An audience member wants to remind the Board that the rate went up 108%. His tax went up from \$440 to \$950. It's almost as high if not higher than his property tax. It's a huge increase for everyone in that district. Several residents spoke about their experiences going to the meetings. A question was raised about how can they be a district if no one can prove that they are? Attorney Seiter told the audience that this is a very complex legal issue. He has spoken to Attorney Oudemool at length about this. Who has the burden of proving they are a district, the fire company or the people. There is no case law. Attorney Seiter said he could see a Judge saying, for over a decade, people have been treating and acting like this is a district, they have paid taxes, it's on their tax bill, it seems like an established area to some extent. Who is the judge to say anything different? Papers get misplaced all the time. Or it could have been filed so long ago that they could have been kept in a "farm" somewhere and they are all rotted now. Does the lack of paperwork prove there is no district? Attorney Oudemool disagrees. NYS Law clearly says when the district is formed, it should be in the minutes of the organization. 2. It must go to the Oswego County Clerk's Office and be filed there. 3. It must be at the Comptroller's Office. It's not anywhere. Attorney Seiter said that he doesn't know what the law said back when this district could have been formed. Mr Oudemool is confident that the onus is on those organizations to prove their existence and the fact that we don't have anything on it goes a long way. Attorney Seiter countered with wouldn't it be the idea that the concept "we

want to dissolve this district, we want to get rid of this district". Wouldn't that say that you have to admit that there was a district in order to get rid of it or disband it? He suggested that the Town hold a Public Hearing to form a Richland Fire Protection District. You have a Public Hearing and whoever comes to challenge it under the law because they don't think you have the right to do it. If they don't challenge it, now you have a Fire Protection District. Let them spend the money to challenge it. With a Fire Protection District, you can contract with whomever you want. This may be right for a judge to make this decision. The difference between a fire district and fire company is that a district is its own governing body. A company is an organization like any other company. Orwell is a company. If Richland is not established as a district, what difference does it make what they are called? Assuming there is no paperwork, they are not a district. That is assuming that a judge will agree with you. A judge could say, "why would I change this, they have been in place for decades". He could make an order saying there is a district and now you have a district. Councilman Atkinson read a caption out of Town Law about Fire Districts. The Town Board on its own or by petition can create a Fire Protection District or extend. The bigger issue is what is there now, that is the problem. Orwells budget is \$140,000 and it's bigger than Richland. Attorney Seiter told the audience that he just doesn't have the answers for them. Attorney Oudemool asked why not hold the departments feet to the fire and have them prove they are a district. Attorney Seiter said that he would love to resolve this matter. The Board told the audience that they will try to get a resolution to this matter as soon as they can.

PUBLIC COMMENT: Town of Richland resident Dawn Holyinski would like to thank the Board for sticking with John Howland and hopefully getting to a resolution on the property at 383 Valley Road. Jeff Edick asking about the sale of property on Dry Bridge Road. National Grid hasn't gotten back to the Town about using the property as a staging area. The Town will let Mr Edick know when they do.

LEGISLATIVE REPORT: Herb Yerdon is here with his Legislative report. The West Nile Virus was found in West Monroe. Two or more mosquitos have tested positive for the west nile virus. The Health Department continues to stress the importance of everyone around the county remaining vigilant in their efforts to avoid mosquito bites. A horse has died in the Town of Richland from this virus. Oswego County Health Director Vera Dunsmoor reminds horse owners that their animals are very vulnerable to mosquito -borne viruses if they are not vaccinated. Horses are particularly susceptible to these viruses. The Oswego County Health Department offers back to school vaccination clinics. OCHD weekly immunization clinics are open from 12:30 to 3:30 pm every Tuesday at the Nick Stero Public Health Clinic, 70 Bunner St., Oswego The extended hours are Wednesday Aug 7 from 1-3pm Saturday Aug. 17 from 9-12 Aug 21 from 1-6 Tuesday August 27 from 12:30-6pm and Wednesday August 28 from 1-3pm. Appointments are required for all clinics. To make an appointment, call the OCHD's Preventive Division at 315-349-3547 during office hours 8:30-4:00 pm Monday through Friday. Please have health

insurance information ready when making an appointment. No one will be turned away for inability to pay. Oswego County Airport Hosts Civil Air Patrol Event August 11 to learn more about the US Air Force Auxiliary Civil Air Patrol. Rain or shine, the organization offers a pancake breakfast for a small charge from 7:30 to 11am. Visitors can join the fun at the Experimental Aircraft Association's hangar at the airport located at 2326 Co. Rte 176 Fulton. The suicide prevention Team at the Syracuse VA Medical Center and the institute for Veterans and military families at Sycause University are reaming up to host the third annual SPEd talks for Suicide Precention education on Wednesday , September 18th, 2024 from 3:30pm to 7:30 pm at the National Vererans Resource Center at the Daniel and Gale D'Aniello Building at Syracuse University. Celebrate the designation of Lake Ontario National Marine Sanctuary. Lake Ontario National Marine Sanctuary, the 16th national marine sanctuary, recognizes the national significance of the area's historical archaeological and cultural resources. Join the celebration on Friday September 6, 2024 11:00am formal program. 12:00-3:00pm Community Celebration. Oswego County United Way to host the 6th Annual Senior Picnic on August 14th The event is open and free to any Oswego County senior aged 60 or older. There is an \$8 charge for guests under age 60. Reservations are required and limited to the first 125 participants. To reserve a spot, call the OFA at 315-349-3484 by noon on Friday, Aug 2nd.

ZONING AND CODES: Mr Howland thanked the Board for not backing down and finally getting that issue taken care of. Building and Zoning Reports for the month were presented to the Board. Planning Board, Mr Miller on St Rt 3, his son wants to buy a place next door to make cabinets. A minor subdivision on Canning Factory Road for RenGen property. A variance application on Riverview Dr. The ZBA has the same. Dave Conn's property does have a dump trailer filled that was supposed to have been picked up today. He does still have some tires and parts but it looks much better. The Garvin property. The rental property still has 8-10 vehicles there. We can have someone go in there and pick the cars up. His home across the road, does the Board want to send that to the State Supreme Court? Or do you want someone to start picking the vehicles up? The cost will be between \$70-\$80,000 to clean that up. There were concerns over picking up the vehicles and having the fluids from the vehicles leaking out. There will be issues with the DEC. ***A motion was made by Councilman Atkinson to send William Garvins property's to the State Supreme Court due to missing the cleanup deadline of July 26th. This motion was seconded by Councilman Pappa. In a roll call vote, all were in favor with a vote of "AYE".*** The campground moratorium has expired. No new campgrounds are in the future. 1 just wants to expand to 4 more sites.

Two applications for Planning Board alternate. We have a vacancy on the Planning Board and alternate for the ZBA. Councilman Atkinson would like to recommend Swiat Kaczmar to the Alternate on the Planning Board so long as he resigns from the Zoning Board of Appeals. He says that he feels that it's important to put someone that does his due diligence and that is qualified for this position. Councilwoman Gilson would like to recommend John Mandigo to the position of Planning Board Alternate. John has wanted to get on a Board for a while and it's good to get new people involved. CEO/ZEO Howland said it would be a good idea to let the

applicants go to meetings to see what they are all about before the Board appoints them. The Applications will be made available to Mr Howland to share with the Chairperson of those Boards.

HIGHWAY REPORT: Only 1 signature is needed for the gravel lease. The mining permit also needs to be signed by all family members. We placed an ad for employment on the website, Indeed. Mr Balcom received 48 applications. He would like to hire Gary Lewis. He lives on Hong Kong Road. ***A motion to grant waivers to work for the Town of Richland due to the fact they are not Town of Richland residents but reside in a neighboring town for Charles Sperling and Gary Lewis was made by Councilwoman Gilson and seconded by Councilman Pappa. In a roll call vote, all were in favor with a vote of "AYE". A motion to hire Gary Lewis full time MEO was made by Councilman Pappa. This motion was seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE"*** Superintendent Balcom also received Kris Watsons resignation. ***A motion to accept his resignation was made by Councilwoman Haynes and seconded by Councilman Atkinson. In a roll call vote, all were in favor with a vote of "AYE"***. Cut trees on Cobb, Partrick, Peck, and Lehigh Roads. Swept Atkinson, Manwaring, Dry Bridge and Halsey Road before chip sealing and paving. Paved Atkinson from St Rt 3 to Salisbury, and all of Manwaring Road. Chip sealed all of Halsey Road and Dry Bridge from Co Rt 41 to the Railroad bridge. Sandy Creek, Redfield, Boylston, Williamstown helped us. Ditching and replacing driveways on Beulah Dr. Installed shoulders on Atkinson and Salisbury with Sandy Creek's help. Helped the Town of Sandy Creeks Highway put their shoulders on. Sent two guys to cold patch roads for the day. Cut a pine tree for the village, and in return the town will use their sewer jet to clean out pipes. Sent two trucks to Redfield to chip seal. Mowing roadsides everyday that we can. Roadside mower repairs- New belt, bearings for rear mower, tensioner, power steering line, gasket around hydraulic tank, shift linkage. Replaced two hydraulic lines on the tree truck. Worked on chipper lights, adjusted chipper bar. Took truck # 10 to the bus garage and hooked up to the computer to see what the problem was. This would normally cost \$300. It is really nice to work with the school. We had 13 roads covered with water and multiple spots with water covering shoulders of the road after the August 9th storm. The guys worked until 2:30am. We lost shoulders on Lehigh, Daysville, Orton and several driveways. One burial in Riverside and one burial in Daysville Cemetery. Met with Shawn Walker and explained our situation. He asked me to send him an email asking to use the salt shed and store sand/salt mix at their shop on Centerville Road for which I did. Mr Walker took the information to the Legislators. They said ok but I don't know the details yet. He is supposed to meet with Shawn on Thursday. Right now the county is trying to get the Towns to mow and plow in one contract. The problem is that our highway will not be able to do that without another mower.

BUILDINGS AND GROUNDS: Removed sod at the Haldane where the new 12x24 building is going to be located. Filled in with crushed stone, formed and poured concrete pad. Replaced 12- 2x10x12's and 6-2x8x12's on the bleachers.

RICHLAND PARKS: Having a ZOOM meeting in the morning with the DEC, Julie and Kristy LaManche. Next meeting will be in September

COMPREHENSIVE PLANNING: The committee met last Thursday. Got back to updating the Comp Plan. Welcomed the new member Cheris Fox.

WATER REPORT: We pumped 16,375,000 gallons of water in July. That is 4,365,000 thousand less than last year. Still waiting for P&T on well B23 pump is on order waiting for Ron to set up a date to instal. Still waiting on Scriba Electric on pole in Richland. Pole is set and now we are waiting for them to come and transfer everything over. No leaks or problems in the system this month. Working on transmitters. Only have 23 left to do after tomorrow. Weed eating hydrants and maintenance. All samples are done for 2024. We just have our Bac/t every month. Pam is working on the Lead and Copper form for the state.

SOLAR PANELS AT WATER BUILDING: *A motion by Councilman Pappa to proceed with the grant for the new Solar Array at the Water Control Building. This motion was seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".*

DOG REPORT: Dog control report for the months of June and July was presented to the Board. With no discussion, *a motion to accept the reports as presented was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".*

SUPERVISOR REPORT: Supervisors Report for June is next. *With no discussion, a motion was made by Councilwoman Haynes to accept this report. Councilwoman Gilson seconded the motion. In a roll call vote, all were in favor with a vote of "AYE".*

JUSTICE REPORTS: Justices reports for June 2024 from Judge Conger and Judge Ridgeway are next. With no discussion, *a motion to accept the reports as presented was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote all were in favor with a vote of "AYE".*

WARRANT OF BILLS: Abstract #8 is next. *A motion to approve Abstract #8 for payment 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: Town Board Minutes for July 2nd, July 9th and July 23rd are next. With no discussion, *a motion was made by Councilman Pappa to accept the minutes*

mentioned. This motion was seconded by Councilman Atkinson. In a roll call vote, all were in favor with a vote of "AYE".

TOWN CLERKS REPORT: *A motion to accept the Town Clerks Report as presented 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: None

TOWN HISTORIAN REPORT: No report

MISCELLANEOUS BUSINESS: Teamsters negotiations. Maybe start the first of September. August 19 the Board will start holding Workshops to work on the Budget. The Board will hold these workshops once a week at 2:00pm. The County Legislative Meeting will be on August 15th at 2:00pm

Kern Yerdon said there are rules and timelines to follow for Teamsters negotiations and to talk in Executive Session about salaries.

Jeff Edick said that John Howland mentioned a subdivision on Canning Factory Road. The property is where the campground was supposed to go. The wetlands have expanded. The 448 property was for a campground and not supposed to be split up now they are subdividing it. Councilwoman Gilson will have the permit tomorrow to look at it.

NEXT TOWN BOARD MEETING: September 10,2024 at 6:00pm.

MEETING ADJOURNED: With nothing more to bring before the Board, a motion to adjourn was made by Councilman Pappa and seconded by Councilman Atkinson. All were in favor with a vote of "AYE". 8:35pm

Respectfully submitted by

Millie Newcomb
Town Clerk