

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

**DATE:** July 9, 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:** Town Residents, Dawn Holynski, Tim Crouch, Robert Jeffery, Helden Raybourn, Jeff Edick, Kory Pearson and Swiat Kaczmar. Oswego County Legislators Herb Yerdon and Ed Gilson, Attorney Graham Seiter and Town Clerk Millie Newcomb

**CALL TO ORDER:** The meeting was called to order at 7:00 p.m. with Supervisor North leading in the Pledge of Allegiance.

**BLESSING:** Blessing was done by Councilman Atkinson.

**PUBLIC COMMENT:** Town Clerk Millie Newcomb asked if she could address the Board. She asked the Board to consider moving the monthly Town Board meetings back to 6:00pm starting time instead of the 7:00pm time. With a brief discussion ***a motion to move the meeting time back to 6:00pm was made by Councilwoman Haynes and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE"***. The new time will start at the August 13th Town Board Meeting.

Councilwoman Gilson read the criteria for the Town Board Meetings.

**WATER REPORT:** Councilman Eric Pappa read the Water Report. We pumped 17,929,500 gallons of water in June this year. Last year we pumped 17,027,000, a difference of 902,500 gallons more in June 2024. Still waiting on P&T for the pump on well B23. Not really waiting.

This pump has only pumped 50 gallons per minute since its inception. Pump was pulled, the motor was bad and both check valves were bad. Parts are on order. Still waiting on Scriba Electric for replacement of the entrance pole in the Richland well site. Put a new long side tap on Canning Factory Road. No major problems in the system this month. Flushing is done. Working on getting the last 50 transmitters changed over. Weed eating hydrants and overall maintenance. Lead and copper samples are done. Results are being sent out to homeowners that were tested.

B&L is doing some investigation work on the Water Tanks. They are looking into replacing the tanks with glass tanks. This won't take place until June of next year. Just waiting on pricing and grants. Ready to move forward with the ARPA money in rehabbing the tanks whether it be repaired or build new. Both tanks are fine for another year. When they were put in they were the up and coming thing. The glass lined tanks are a lot better and last up to 75 years. Councilwoman Gilson would like to update everyone about the ARPA money. The six items that are on the original ARPA contract with the county. They have decided to eliminate some of the items. We have eliminated the generator. That item is already complete. The other is locating the 14" line from Schoellers. We have located that. And the other is the entrance pole. If the math is correct, that left the Town with \$187,200. After discussions, the Board would like to use that toward Water because we are going to need it for the repairs of the tanks. In order for Supervisor North and Councilwoman Gilson to write a letter to Dave Turner, to make sure we can even do this. A motion was made by Councilman Atkinson to reappropriate this money toward water and see where we go from there. This motion was seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE". Legislator Gilson suggested that the Town Board include the \$15,000 for the Broad Band in this letter to Mr. Turner. A motion to include in the letter the \$15,000 for broad band and the changes in the ARPA distribution was made by Councilman Atkinson and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE". The balance of this money per Mr Atkinson, \$15972.88, was to go to the Parks in Richland and use it toward the playground equipment. This motion was made by Councilwoman Haynes and seconded by Councilman Pappa. In a roll call vote, all were in favor with a vote of "AYE". We are moving forward with the park project. The pond park pier is going to be revisited since that would cost over \$200,000.

**LEGISLATIVE REPORT:** Legislator Gilson would first like to commend the Board for allocating money toward the Broadband. The County has allocated \$4 million and has applied for grants. It was hoped that communities that received ARPA money would allocate money toward it. Mr Gilson thanked the Board for that. There is a legislative meeting on Thursday in Oswego. There will be a few Public hearings. One is to pass a local law to accept the special tax assessment on Fitzpatrick. They have negotiated a settlement on that. The 2nd is to prohibit the sale of the drug known as Molly. They have a big problem with it in the city of Oswego. Some resolutions that will be coming up. The first is changing the Legislative meeting in August to be here in

Pulaski at this Courthouse. It will be on August 15th in the Court Room upstairs. Arrangements will be made in case of a trial here at the Courthouse. The second resolution is to reinstate the funding to continue the Lake Ontario septic system replacement. Phase one of this was a few years ago for \$150,000, which assisted in helping residents along Lake Ontario that qualified where there was leaching into the Lake from septic systems. This was a 50/50 grant. There will be another \$100,000 available. There will be some information given to the Town Clerk when it becomes available. Gov. Hochal mandated that the assigned council's legal rate will be increased. The rates used to be \$60 per hour for misdemeanors, \$75 per hour for felonies. Those are now more than doubled to \$158 per hour to defend people. The County mandated \$1.5 million to cover this for the year, but now they have to appropriate another \$700,000 to cover this cost. Bids will be going out soon for the transfer station repairs. Legislator Herb Yerdon is here to give his report. The Veterans Service Agency is here to assist veterans, their dependents and family members in obtaining eligible benefits and healthcare. Locations will be shared on the Town of Richland Website and facebook page. Senior Farmer Market coupon distribution for 2024. All persons aged 60 and over whose gross income is at or below 185% of Federal poverty guidelines (\$2322) per month for a one person household or (\$3152) monthly for a two person household will be eligible to receive a coupon booklet while supplies last. See dates and times on the Town's website and facebook page. Thunder Island Youth day is August 13, 2024 from 10:00am to 5:00 pm. You must register by August 7th. Challenger softball and mentor program at Legends Field 99 Churchill Road in Oswego. Tuesdays 6-8 pm July 9-August 13. Mr Yerdon also supplied the Board with Oswego County EMS program news. Public safety Committee Report for June 2024. Oswego County Pioneer Search and Rescue Team reports and the Oswego County Fire Coordinators Office Report.

**ZONING AND CODES:** June reports for zoning and building permits and violation notices.

Copies of the minutes for the meetings. Last month was the joint meeting with the Planning and Zoning Board. This month just the Zoning Board. Public hearing for a lodge on Court 62 and on Route 3 the Miller Property where they make the mud mats, they want to start making cabinets. Deputy Clerk Julie Peterson isn't doing the minutes anymore so a help wanted ad was done for that position. Only one person applied. Cathy Spinney. Cathy is the Village of Pulaski Clerk. She filled in when Julie stepped down. ***A motion to appoint Cathy Spinney as the Clerk for the Planning and Zoning Boards was made by Councilwoman Haynes and seconded by Councilman Pappa. In a roll call vote, all were in favor with a vote of "AYE". A motion made by Councilwoman Haynes and seconded by Councilwoman Gilson to set Ms. Spinney's rate of pay at \$19.25. With a roll call vote, all were in favor with a vote of "AYE"***

Moratorium on Campgrounds runs out on August 8th, 2024. The Board was handed the resolutions on the Administrative Hearings from last month's meetings. A structure engineer has to get a structural analysis from him. Mr Howland has one quote for demolition and another one should be on its way. We can have approval to demo because we will not have another meeting before the timeframe on the 6th. We have been working on this property

since 2018. The Bank finally took it over then it was sold on the county tax auction tax sale. The Dischiave's purchased the property in October 2021 from that sale. Since that time Mr Howland has been sending letters. They have had at least 5 letters, then the hearing last month in which they were a no show. The day after the hearing, Mr Howland received a phone call from Ms. Dischiave, saying she wanted to fix the house up. He informed her that the hearing was the night before and she had 45 days, so if she wants to fix it up, she has 45 days. In that time she had to have a structural analysis of the building, and a structural engineer design report of how they are going to fix the building up and a building permit issued. If not, after 45 days the Town will go in and tear the house down. Attorney Seiter received a call from Ms Dischiave in which he told her the same thing. She has to show a good faith effort that she is trying to fix the property up, we have seen nothing. The one quote for the structural engineer analysis was \$500. This was from Mike Patterson and the other is Mike Lasalle. We have to have this before we tear it down. July 26th is the deadline. We have to get bids to clean it up and tear it down. Councilman Atkinson asked about the list of violations, if anyone on his list has complied. Warning letters went out on June 6th. One got a permit and the others have complied. Councilman Pappa made the motion to put the clean up of the properties discussed out for bid and get the dates set. Discussion about using a drone to get an aerial view of the properties involved with junk violations. In Mr Garvins situation it was agreed that he had to remove the vehicles from the property. Attorney Seiter told the board that the estimate will be high. Attorney Seiter said that the Town should seriously consider getting a drone for this kind of code enforcement. Maybe consider going in with another town. Per Mr. Howland, when he attended code school in April, you had to be licensed to operate a drone. This may have been made law in 2022 or 2023 per Mr Howland. Councilman Atkinson thought you could use it recreationally if you kept it under 500'. You wouldn't need a license. The Board will investigate it to be able to enforce zoning codes. John knows someone in Sandy Creek that has one that the Town could hire to do the pictures instead of purchasing. **Councilwoman Haynes made the motion to hire the friend of CEO/ZEO Howland to take drone pictures of properties in violation of the zoning laws. This motion was seconded by Councilman Atkinson. In a roll call vote, all were in favor with a vote of "AYE".** There was discussion on whether or not the Town can fine property owners for junk on their property. Attorney Seiter told the board that they do not have the authority to impose fines for junk, only the Court can do that. The Town Board does not have the jurisdiction over fines. The Board does have the authority to have a property torn down and levy the expense on to property taxes. We are just recovering the expense. Councilman Atkinson cited Town Law 722 variances, enforcement authority, under town law, Town Boards can by local law or ordinance provide for the enforcement of its planning and zoning laws. (1), an injunctive action in Supreme Court or ( 2) a prosecution in the local justice court, and a town simultaneously may maintain an injunctive action in Supreme Court and a prosecution in a justice court. (Fines) If pursuing prosecution in Justice court, a violation of Town Law Article 16 or of a local law ordinance or regulation is considered an offense punishable by a fine not exceeding \$350. Attorney Seiter thinks this is a waste of time. What the Board is doing with Administrative Hearings is the most cost effective. The cost to have someone come in from the

town is \$100 per hour with a 1 hour minimum. ***Councilman Pappa made a motion to hire The drone operator recommended by Mr Howland to check out Mr Garvins property on Lehigh Road. This motion was seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".***

**HIGHWAY REPORT:** Highway Superintendent Kevin Balcom is here with his report. First, Mr Balcom asked how the gravel lease was coming along. Mr Seiter told the Board and Mr Balcom that 2 of the 4 signatures have been obtained. There are many family members involved. Superintendent Balcom is getting concerned that the Town is running out of time to get things ready for the winter. Kris Watson has given his notice at the Highway. He was Mr Balcom's Deputy Highway Superintendent. The Town had just paid for him to go to the Water Operator School. From now on, Mr Balcom wants the Board to consider telling prospective water operators that if the Town sends you to school that you have to agree to staying a certain amount of time or pay for the schooling. The next school is in September and there are a few guys interested in going. We have to reach out further than this to the Town to try to get help. If there is someone in this town that is qualified, Mr Balcom has no problem hiring them. The problem is we haven't been getting any qualified applicants. Per Attorney Seiter the Town has a policy that we have to look within the Town first before we can reach out to surrounding areas. The Town is going to advertise on Indeed to try to get workers. The Town Clerk opened up an account today. Kevin also got a quote for some guide rail for Atkinson Road. The quote was for almost \$30,000 to do 510 feet. He has about 3400 feet that he would like to do around the Township, so he contacted Kristy LaManche to see if there is any grant money available. There is no money this year to do that in the Town Budget. Mr Balcom would like to purchase a paver with the Towns of Mexico and Sandy Creek. They are both interested in paving our own roads. It could save us a lot of money over time. A paver could run up to \$75,000 to \$150,000. The big mower is killing us with repairs. We have spent \$ 5200 on it already this year. We have to fix it. It is over the rail mower. He has 4 quotes. The tractor goes for about \$105,000. It's 8-9 months to get it. If we get on it now, we may not see it in the spring. We don't have to pay for the mower until we get it. We may be able to get \$40-50,000 for the one we have once it's repaired. Paving of Atkinson and Manwaring Roads are complete. Aprons and driveways are also complete. With all the rain, we have repaired several washouts that are fixed. Broomed all roads. Straightened several signs and delineators. Weedeated them at the same time. Cut shoulders under guardrail on Halsey, Canning Factory and Frank Lacy Roads. Working on getting truck #17 back together. Put spreader bars on truck #98 97 96 and #10 for chip seal. Put #96 together after being sandblasted. Ditched on Manwaring Road before paving. The boom mower has been down more than running. Side arm bearing, control arm, belt & tensioner, recharged air conditioner, side arm bearing, control arm, belt tensioner, recharger air conditioner, side arm where it connects to tractor broke. Back flail mower bearings, control valve for the hydraulics has to be rebuilt, cost \$5234.37. Mr Balcom did speak to the salt shed people. The owner sent him the packet to sign and send back with the site plan. We will start the process. Discussion about where the funds were coming from for the Salt Shed. Attorney Seiter will find out if the

Board will need a permissive referendum to use money from the Capital Reserve Fund. Attorney Seiter looked up the information about the Permissive Referendum. He advised that he doesn't think a Permissive Referendum is needed to take money from the Capital Reserve Fund. A permissive referendum to establish the capital reserve not to actually make expenditures from it. The Town has actually gone through the process. You may have to do one anyway because it may have been set up for the new highway barn only. Councilwoman Gilson will contact Laird Petrie tomorrow and find out.

**DRY BRIDGE:** Councilman Atkinson has informed the Board that the Town has received an inquiry from National Grid looking for a proposed site for a transfer station with all the green energy things coming up. They have approached the Town about the lot we were looking to possibly sell. They want to survey the area to see what area would work for this project. Councilman Atkinson feels that the Town shouldn't sell any of the property on Dry Bridge. They have asked for permission to look around the property for this possible site. They are also looking at another site on Route 13 in Albion. The other inquiry from National Grid was a drop zone to store items.

**BUILDINGS AND GROUNDS:** Trying to get the property ready for the salt shed. Mike Laselle gave the Town a site plan.

**RICHLAND PARKS:** Minutes from the meeting Thursday morning will be a part of these minutes.

**COMPREHENSIVE PLANNING BOARD:** No meeting in July. Next meeting on August 1st.

**DOG REPORT:** No report

**SUPERVISOR REPORT:** *A motion to accept the Supervisors Report for May 2024 was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote all were in favor with a vote of "AYE". A motion to accept the Supervisor's Internal Audit was made by Councilwoman Haynes and seconded Councilman Atkinson. With no discussion and in a roll call vote, all were in favor with a vote of "AYE".*

**JUSTICE REPORTS:** Justice Report from Judge Ridgeway for May 2024 was presented to the Board. With no discussion, *a motion to accept the report as presented was made by Councilman Atkinson and seconded by Councilman Pappa. In a roll call vote, all were in favor with a vote of "AYE".*

**IMA WITH VILLAGE OF PULASKI:** Supervisor North told the Board that he and the Mayor have been working with the Comptroller and the Office of Court Administration. They suggested that we stay with the Office of Court Administration because the amount of money is so little money and going back 12 yrs both the Town and Village could get their hands slapped so the Office of Court Administration will come in and do an Independent Audit. Attorney Seiter says they are not going to find any money. An internal audit has already been done and the amount was so small. They have already gone back to 2012. The books are wide open, let them look.

**WARRANT OF BILLS:** Abstract #7 is next. With no questions about the Bills on the abstract, a *motion was made by Councilwoman Haynes and seconded by Councilwoman Gilson to accept the abstract as presented. In a roll call vote, all were in favor with a vote of AYE*”.

**TOWN BOARD MINUTES:** Town Board Minutes for June 11, 2024 was next. With no discussion a *motion to approve the minutes as presented was made by Councilman Atkinson and seconded by Town Supervisor North. 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 and the Town Clerk Audit was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of AYE*”.

**CEMETERY UPDATES:** The Headstones at McClelland Cemetery have been repaired by Kellogg Memorials in Mexico.

**TOWN HISTORIAN REPORT:** No report

**MISCELLANEOUS BUSINESS:** The Town was awarded the Bronze Certification. Information about CNYCF Grant Decision. The Town of Richland was awarded \$50,000 to support the creation of a new park at the Fireman's Pond in the Hamlet Park. The award letter will be part of these minutes. Information about switching over to Solar. Attorney Seiter says that Mexico just did this so he will try to explain it to the Board. There is a Solar Farm coming into Mexico. Residents can get their power from one of these Solar Community Fields. The savings is minimal. It's totally up to the resident. DRI Grant is the Housing initiative. The threat from the Governor is that if the Town doesn't participate, they will not be eligible for grants. The Board's concern is overreach by the State government. The Board feels the State may hinder the Town getting grants.

Teamsters negotiations may start around the third week in August. The Union representative is Mike Similucka.

Workshop for July 23,2024 at 6:00 here at the Courthouse. Councilman Atkinson told the Board that he has done some research about “workshops.” According to his research, the Town Board can have workshops with the whole Town Board so long as the workshop is advertised and open

to the Public. No action can be taken. Attorney Seiter told the Board that they can have the workshops

Town resident Jeff Edick questioned this ruling. The Board went into Executive Session during a workshop and he feels it shouldn't have happened since it was about Water and it wasn't on the agenda in his opinion. Town Resident Robert Jeffery would like to address the Board. He advised Superintendent Balcom that he can help him with more names of vendors for Guide Rails. Also with the Governors Energy Initiative , National Grid has a 115 feed line from Salmon River Falls to Oswego. It runs through alot of our residents' property. Their goal is to run a second line and they plan on taking an additional 150'of property and it will end up taking a lot of peoples homes and that is not good. What's going on is they are trying to get more energy to NYC and gutting upstate NY. They are trying to make deals right now and if not they will take it by eminent domain. National Grid has it on their website. It's going to look like Cicero down along Route 81, that is what it will be.

***A motion to go into Executive Session to discuss Union issues was made by Councilwoman Haynes and Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE". 8:56pm.***

***A motion to come out of Executive Session was made by Supervisor North and seconded by Councilman Atkinson. In a roll call vote, all were in favor with a vote of "AYE". 9:15pm back into regular session. No decisions were made. With nothing more to bring before the Board, a motion to adjourn was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE". 9:16pm***

**NEXT TOWN BOARD MEETING:** August 13,2024 at 6:00pm

**MEETING ADJOURNED: 9:16pm**

Respectfully submitted by

Millie Newcomb  
Town Clerk



## Richland Town Park Advisory Board

**DATE:** June 27, 2024

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

**BOARD MEMBERS PRESENT:** Sue Haynes  
Julie Peterson  
Alycia Smith  
Kevin Balcom

The meeting was called to order at 8 a.m.

An additional grant was received for the park in the amount of \$50,000 from the CNY Community Foundation. This grant was applied for to help offset the increase in prices since the first grant was submitted.

The pond project was put out to bid and no bids were received. The project has been put out to bid a second time, we are hopeful to receive something. The board has agreed that we can no longer continue putting the playground on hold while waiting on the pond project as originally planned. Julie and Alycia will begin reaching out to playground companies, looking at equipment, and try to stay within a budget of \$150,000 to \$200,000. This should allow enough funds to do the pond project, the basketball court, and the parking lot. Kevin has reached out to RJ Green to get an idea of what the paving cost of the parking lot and basketball court will be. That will help us in estimating what is available for the other portions of the total project. Discussion was had regarding the construction of the playground. Instead of having the company do a complete install, we can ask them to do a supervised build, where they oversee the installation with highway employees or experienced contractors. This will help save on the cost of the installation and allow us to purchase more equipment.

Bids for the pond project have a deadline of July 2, 2024.

The board would really like to get this project moving forward as soon as possible with hopes to finish by late Spring of 2025, if not sooner.

The meeting was adjourned at 9 a.m.

Respectfully submitted,  
Sue Haynes



Julie Peterson  
<deputytownclerk.townofrichland@gmail.com>

---

## CNYCF Grant Decision

1 message

---

**Danielle Johnson** <djohnson@cnycf.org>

Wed, Jun 26, 2024 at 2:05 PM

To: "deputytownclerk@townofrichland.org" <deputytownclerk@townofrichland.org>

Hi Julie,

Thank you for submitting a grant application to the Central New York Community Foundation. While you will receive a formal letter in the mail, I wanted to let you know as soon as possible that our board of directors met today to discuss the applications we received. I am happy to inform you that a grant to the Town of Richland in the amount of \$50,000 to support the creation of a new park at Fireman's Pond and the expansion of Hamlet Park has been approved.

Timing and reporting details will be covered in the letter you will receive. You will also be required to complete and return a grant agreement form before funds are released. This form will be emailed to you via DocuSign after July 8<sup>th</sup>.

If you have any questions in the meantime, please let me know.

Best,

Danielle

At an Administrative Hearing of the  
Town Board for the Town of Richland  
held the 11th day of June, 2024, at the  
Richland Town Hall, H. Douglas Barclay  
Courthouse, Pulaski, New York.

## RESOLUTION

WHEREAS, John Howland, Code/Zoning Enforcement Officer of the Town of Richland has filed a Notice of Violation/Order to Remedy Violation dated May 22, 2022 and April 3, 2024 with the Town Board of the Town of Richland alleging that William Tye Garvin of P.O. Box 34, Orwell, New York 13246, the owner of two properties located at 240 and 263 Lehigh Road, Town of Richland, County of Oswego, State of New York, also known as Tax Map Nos. 086.00-01-20.2 and 086.00-01-33, and the Town Board of the Town of Richland, after having reviewed said Orders to Remedy, having scheduled an Administrative Hearing to occur on June 11, 2024 at 6:00 p.m. or as soon thereafter as possible; and

WHEREAS, Attorney to the Town Board, Graham B. Seiter, Esq., having served a Notice of Hearing, by Personal Service, upon William Tye Garvin, 10 or more days prior to the Administrative Hearing, a copy of the Notice of Hearing and Affidavit of Service having been filed with the Town Board of the Town of Richland; and

WHEREAS, an Administrative Hearing having duly been held on June 11, 2024, Graham B. Seiter, Esq., Attorney to the Town Board of the Town of Richland, and John Howland, Zoning Enforcement Officer for the Town of Richland, having appeared on behalf of the Town of Richland, and William Tye Garvin having appeared; and

WHEREAS, the Town Board of the Town of Richland having held an Administrative Hearing at the aforesaid date and time, John Howland, Code/Zoning Enforcement Officer, having testified at the aforesaid hearing, and having presented photographs of the alleged violations of Local Law No. 6 of 2002 and Local Law No. 5 of 2003; and

WHEREAS, the Town Board of the Town of Richland, after reviewing said items and after hearing testimony from the aforesaid individuals in regards to the alleged violations of Local Law No. 6 of the year 2002 and Local Law No. 5 of the year 2003 pertaining to two properties located at 240 and 263 Lehigh Road, Town of Richland, New York, known as Tax Parcel No. 086.00-01-20.2 and 086.00-01-33 in the Town of Richland and owned by William Tye Garvin and after having duly deliberated upon same, having determined said violations to be unsafe and a public nuisance pursuant to Local Law No. 6 of the year 2002 and Local Law No. 5 of 2003;

NOW, THEREFORE, upon motion made by Haynes and seconded by Pappa, BE IT RESOLVED as follows:

1. That the Town Board of the Town of Richland hereby declares that William Tye Garvin did violate Local Law No. 6 of the year 2002 and Local Law No. 5 of the year 2003 of the Town of Richland in that he has junk vehicles, campers and junk and debris on the two

properties located at 240 and 263 Lehigh Road, Town of Richland, also known as Tax Parcel No. 086.00-01-20.2 and 086.00-01-33 in the Town of Richland and owned by William Tye Garvin, thereby creating a public nuisance dangerous to life, health, safety and welfare.

2. William Tye Garvin is hereby directed to bring his two properties back into compliance with Local Law No. 6 of the year 2002 and Local Law No. 5 of the year 2003 on or before July 26, 2024.


3. In the event that William Tye Garvin fails to correct the alleged violation and bring the subject premises into compliance with Local Law No. 6 of the year 2002 and Local Law No. 5 of the year 2003 on or before July 26, 2024, the Town of Richland, its agents or employees, are authorized to conduct the necessary remediation work and remove the alleged violations found on the two subject premises, and the cost of such removal shall be assessed against the two lands located at 240 and 263 Lehigh Road, Town of Richland, known as Tax Parcel No. 086.00-01-20.2 and 086.00-01-33, and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the collection of a special ad valorem levy pursuant to Section 11 of Local Law No. 6 of the year 2002.

4. That Graham B. Seiter, Esq., Attorney for the Town Board of the Town of Richland, is hereby directed to notify William Tye Garvin of the Town Board's decision and said Notice to be served in accordance with the requirements of Local Law No. 6 of the year 2002.

MOTION ADOPTED as follows:

ROBERT NORTH, SUPERVISOR  
SUE E. HAYNES  
LARRY ATKINSON  
ERIC PAPPA  
DONNA GILSON

<u>AYE</u>	NAY
<u>AYE</u>	NAY
<u>AYE</u>	NAY
<u>AYE</u>	NAY
<u>AYE</u>	NAY

  
Mildred Newcomb, Town Clerk

## **AGREEMENT**

**THIS AGREEMENT**, made this \_\_\_ day of July, 2024, by and between the TOWN OF RICHLAND, a municipal corporation duly organized under the laws of the State of New York, 1 Bridge Street, Pulaski, New York 13142, hereinafter referred to as “Town” and William Tye Garvin of P.O. Box 34, Orwell, New York 13246, hereinafter referred to as “Garvin”.

### **WITNESSETH:**

WHEREAS, the parties hereby acknowledge that the Town has cited Garvin with violations of the Town’s junkyard local laws regarding his two properties located at 240 and 263 Lehigh Road, Town of Richland, New York and the parties have reached an agreement to restore said two properties to a state of compliance with the Town’s Junkyard Local Laws; and

WHEREAS, the undersigned parties wish to evidence the terms of the agreement by way of this written agreement; and

WHEREAS, the Town has determined that this Agreement would be in the best interest of the citizens and property owners of the Town.

NOW, THEREFORE, in consideration of One (\$1.00) Dollar and other valuable consideration including, the mutual promises contained herein, it is hereby covenanted and agreed as follows:

1. That Garvin acknowledges that he is the owner of two real properties located at 240 and 263 Lehigh Road in the Town of Richland, County of Oswego, State of New York, known as Tax Parcel Nos. 086.00-01-20.2 and 086.00-01-33.

2. That Garvin admits that his two properties located at 240 and 263 Lehigh Road, Town of Richland, County of Oswego, State of New York, known as Tax Parcel Nos. 086.00-01-20.2 and 086.00-01-33 are in violation of the Town of Richland Junkyard Local Laws.

3. That Garvin covenants and agrees that he will comply with the Junkyard Local Laws of the Town of Richland by completing the following:

Removing any junk vehicles, campers and junk and debris from the aforesaid two properties on or before **July 26, 2024**.

4. That Garvin agrees to cooperate with and allow the Town of Richland Code Enforcement Officer to inspect the premises at any time with reasonable notice.

5. In the event the Town determines that the property has not been brought into compliance with the Town's Junkyard Local Laws pursuant to the time frame outlined herein, Garvin agrees that the Town, its agents or employees may enter the two properties to remove the junk vehicles, junk and debris and to bring the two properties back into compliance with the Town's Junkyard Local Laws, and the Town may assess the cost of the cleanup against the properties, which shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the collection of a special ad valorem levy.

TOWN OF RICHLAND

By:

\_\_\_\_\_  
ROBERT NORTH, Supervisor

\_\_\_\_\_  
WILLIAM TYE GARVIN

# SEITER LAW FIRM, PLLC

Graham B. Seiter

Tel: (315) 963-7333 · Fax: (315) 963-8274 · gseiter@seiterlaw.com  
3306 Main Street, P.O. Box 120, Mexico, New York 13114

*\* Certified Mail/Return Receipt \**

July 2, 2024

William Tye Garvin  
P.O. Box 34  
Orwell, NY 13246

Re: Alleged Violations of Local Law No. 6 of the Year 2002 and Local Law No. 5 of 2003 of the Town of Richland, Local Laws Regulating Junkyards in the Town of Richland Properties Located at 240 and 263 Lehigh Road, Town of Richland Tax Map Nos. 086.00-01-20.2 and 086.00-01-33

Dear Mr. Garvin:

As you are aware, our office represents the Town Board of the Town of Richland, and in that capacity, I am advising you of the results of the Administrative Hearing held before the Town Board of the Town of Richland on the 11<sup>th</sup> day of June, 2024, as required by Local Law No. 6 of 2002 and Local Law No. 5 of the Year 2003. Based upon the evidence adduced at the hearing, the Town Board made findings of fact that there is still unlicensed vehicles, a dismantled camper and junk and debris on your two properties located at 240 and 263 Lehigh Road in the Town of Richland also known as Tax Parcel Nos. 086.00-01-20.2 and 086.00-01-33 which is a violation of Local Law No. No. 6 of 2002 and of Local Law 5 of the Year 2003 for the Town of Richland and constitutes a significant public nuisance, dangerous to life, health, safety and/or welfare.

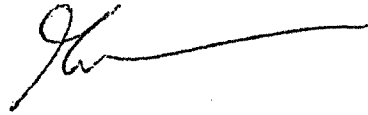
You are hereby instructed to bring your two properties into compliance pursuant to Local Law 6 of 2002 and Local Law 5 of 2003 on or before **July 26, 2024**. In the event that the two properties are not brought into compliance by the aforesaid date, then the Town Board has authorized the entry onto the property to conduct such remediation work and to remove the aforesaid violations in order to bring the property into compliance with Local Law No. 6 of the Year 2002 and Local Law No. 5 of 2003. The Town Board has authorized that all costs incurred in conducting the remediation work and removing the violation, including legal expenses, to be assessed against the land and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

Mr. William Tye Garvin  
July 2, 2024  
Page 2

Enclosed please find an Agreement with request for you to sign and return to my office in the enclosed self-addressed stamped envelope.

If you have any questions or comments relative to this matter, please do not hesitate to contact our office.

Very truly yours,

A handwritten signature in black ink, appearing to read 'G. Seiter', with a long horizontal flourish extending to the right.

Graham B. Seiter

GBS/ymd

cc: Robert North, Town Supervisor  
John Howland, Code Enforcement Officer



COUNTY OF OSWEGO STATE OF NEW YORK  
\*\*\*\*\*

TOWN OF RICHLAND,

Petitioner,

vs.

**NOTICE OF  
HEARING**

WILLIAM GARVIN,

Respondent.

Arising out of alleged violations of Local Law No. 6  
of 2002 & Local Law No. 5 of 2003 of the Town of  
Richland, County of Oswego, State of New York.

\*\*\*\*\*

SIR or MADAM:

**PLEASE TAKE NOTICE**, that charges have been preferred against you under  
Local Law No. 6 of 2002 and Local Law No. 5 of 2003 of the Town of Richland, County  
of Oswego, State of New York, alleging:

**FIRST:** That upon information and belief since your ownership of the  
property and at the present time, you did violate said local laws, in that there are  
unlicensed vehicles, junk and debris on two of your premises located at 240 Lehigh Road  
and 263 Lehigh Road, Town of Richland, also known as Tax Parcel Nos. 086.00-01-20.2  
and 086.00-01-33 in the Town of Richland and owned by William T Garvin, hereby  
creating a public nuisance dangerous to life, health, safety and welfare.

**THAT** a hearing will be held under and pursuant to the provisions of Local Law  
No. 6 of the year 2002 and Local Law No. 5 of 2003 of the Town of Richland, County of  
Oswego, State of New York, at the Richland Town Hall, 1 Bridge Street, Pulaski, New  
York, on **June 11, 2024, at 6:00 p.m.**, and on such adjourned dates as the Town Board  
shall designate, at which time evidence in support of the charges will be induced.

THAT you are entitled to be present and to be heard at the hearing to cross examine witnesses, and to present witnesses and evidence on your own behalf. You have the right to be represented by Counsel at said hearing.

**BE FURTHER ADVISED**, that if after said hearing, the Town Board finds that there is a public nuisance dangerous to health, safety or welfare, the Town Board may enter an Order allowing Town Employees or agents of the Town to enter your property to clean up the violation and all costs incurred, including legal expenses, would be a charge back to you as the property owner as a special ad valorem tax levy in the same manner as provided by Article 15 of the Town Law of the State of New York. Such remedial action is determined necessary by the Town Board, you will be given a minimum of 10 days notice of the Town Board's decision in order to perform the work yourself prior to the entry of the Town.

Dated: May 15, 2024

*s/Robert North*

Robert North, Town Supervisor  
Town of Richland

STATE OF NEW YORK: COUNTY OF Oswego

Town of Richland COURT STATE OF NEW YORK Affidavit of Service

Town of Richland Plaintiff/Petitioner

William Garvin -vs- Defendant/Respondent

I certify that the undersigned served the annexed Notice of Hearing in the above entitled action or proceeding upon William Garvin, the person named therein as defendant/respondent in the following manner:

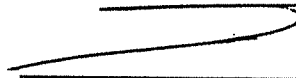
x 1. On the 20th Day of May 2024, at 4:00 o'clock pm., by personal delivery thereof to him/her at 1935 County Route 2 in the Town of Orwell, New York, said person being known to me as the person mentioned and described in the said Notice of Hearing as the defendant/respondent in said action or proceeding.

x 2. I asked the defendant whether defendant was in active military service of the United States or the State of New York in any capacity whatever. Defendant told me defendant was not. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations as narrated.

- |  |  |  |   |   |  |
|--|--|--|---|---|--|
| Description<br>USE WITH<br>1, 2, or 3<br>□ | Deponent describes the individual served as follows: |  |   |   |  |
|  | <input checked="" type="checkbox"/> MALE             | <input checked="" type="checkbox"/> WHITE SKIN | <input type="checkbox"/> BLACK HAIR           | <input type="checkbox"/> 14-20YRS               | <input type="checkbox"/> Under 5' <input type="checkbox"/> Under 100 lbs           |
|  | <input type="checkbox"/> FEMALE                      | <input type="checkbox"/> BLACK SKIN            | <input type="checkbox"/> BROWN HAIR           | <input type="checkbox"/> 21-35 YRS              | <input type="checkbox"/> 5'0"-5'3" <input type="checkbox"/> 100-130 lbs            |
|  | <input type="checkbox"/> GLASSES                     | <input type="checkbox"/> YELLOW SKIN           | <input type="checkbox"/> BLOND HAIR           | <input type="checkbox"/> 36-50 YRS              | <input type="checkbox"/> 5'4"-5'8" <input type="checkbox"/> 131-160 LBS            |
|  |  | <input type="checkbox"/> BROWN                 | <input checked="" type="checkbox"/> GRAY HAIR | <input type="checkbox"/> 51-65 YRS              | <input checked="" type="checkbox"/> 5'9"-6'0" <input type="checkbox"/> 161-200 LBS |
|  |  | <input type="checkbox"/> RED SKIN              | <input type="checkbox"/> RED HAIR             | <input checked="" type="checkbox"/> OVER 65 YRS | <input type="checkbox"/> OVER 6' <input type="checkbox"/> OVER 200 LBS             |
|  |  |  | <input type="checkbox"/> WHITE HAIR           |   |  |
|  |  |  | <input type="checkbox"/> BALDING              | <input type="checkbox"/> MUSTACHE               |  |
|  |  |  |   | <input type="checkbox"/> BEARD                  |  |

OTHER IDENTIFYING FEATURES: \_\_\_\_\_

Date: May 20th, 2024



Todd Masuicca

Sworn to before me this 20<sup>th</sup> day of May 2024

Notary Public Yolanda M Dimon

Yolanda M. Dimon  
 Notary Public, State of New York  
 No. 01DI6344524  
 Commission Expires July 5, 2024



At an Administrative Hearing of the  
Town Board for the Town of Richland  
held the 11th day of June, 2024, at the  
Richland Town Hall, H. Douglas Barclay  
Courthouse, Pulaski, New York.

## RESOLUTION

WHEREAS, John Howland, Code/Zoning Enforcement Officer of the Town of Richland has filed a Notice of Violation/Order to Remedy Violation dated May 23, 2022 and April 3, 2024 with the Town Board of the Town of Richland alleging that David Conn of 5196 US Route 11, Pulaski, New York 13142, the owner of properties located at 5196 US Route 11, Town of Richland, County of Oswego, State of New York, also known as Tax Map No. 049.00-01-24, and the Town Board of the Town of Richland, after having reviewed said Order to Remedy, having scheduled an Administrative Hearing to occur on June 11, 2024 at 6:00 p.m. or as soon thereafter as possible; and

WHEREAS, Attorney to the Town Board, Graham B. Seiter, Esq., having served a Notice of Hearing, by Personal Service, upon David Conn, 10 or more days prior to the Administrative Hearing, a copy of the Notice of Hearing and Affidavit of Service having been filed with the Town Board of the Town of Richland; and

WHEREAS, an Administrative Hearing having duly been held on June 11, 2024, Graham B. Seiter, Esq., Attorney to the Town Board of the Town of Richland, and John Howland, Zoning Enforcement Officer for the Town of Richland, having appeared on behalf of the Town of Richland, and David Conn having appeared; and

WHEREAS, the Town Board of the Town of Richland having held an Administrative Hearing at the aforesaid date and time, John Howland, Code/Zoning Enforcement Officer, having testified at the aforesaid hearing, and having presented photographs of the alleged violations of his approved site plan and Local Law No. 6 of 2002 and Local Law No. 5 of 2003; and

WHEREAS, the Town Board of the Town of Richland, after reviewing said items and after hearing testimony from the aforesaid individuals in regards to the alleged violations of his approved site plan and Local Law No. 6 of the year 2002 and Local Law No. 5 of the year 2003 pertaining to properties located at 5196 US Route 11, Town of Richland, New York, known as Tax Parcel No. 049.00-01-24 in the Town of Richland and owned by David Conn and after having duly deliberated upon same, having determined said violations to be unsafe and a public nuisance pursuant to Local Law No. 6 of the year 2002 and Local Law No. 5 of 2003;

NOW, THEREFORE, upon motion made by Atkinson and seconded by Haenes, BE IT RESOLVED as follows:

1. That the Town Board of the Town of Richland hereby declares that David Conn did violate the conditions of his approved site plan and Local Law No. 6 of the year 2002 and Local Law No. 5 of the year 2003 of the Town of Richland in that he violated the terms and

conditions of his approved site plan having over 20 junk vehicles on the premises and not in an area that was approved on his site plan as well as junk and debris on the property located at 5196 US Route 11, Town of Richland, also known as Tax Parcel No. 049.00-01-24 in the Town of Richland and owned by David Conn, thereby creating a public nuisance dangerous to life, health, safety and welfare.

2. David Conn is hereby directed to bring the property back into compliance with his approved site plan, and clean up the junk and debris to bring the property into compliance with Local Law No. 6 of the year 2002 and Local Law No. 5 of the year 2003 on or before July 26, 2024.

3. In the event that David Conn fails to correct the alleged violation and bring the subject premises into compliance with his approved site plan and Local Law No. 6 of the year 2002 and Local Law No. 5 of the year 2003 on or before July 26, 2024, the Town of Richland, its agents or employees, are authorized to conduct the necessary remediation work and remove the alleged violations found on the subject premises, and the cost of such removal shall be assessed against the land located on 5196 US Route 11, Town of Richland, known as Tax Parcel No. 049.00-01-24, and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the collection of a special ad valorem levy pursuant to Section 11 of Local Law No. 6 of the year 2002.


4. That Graham B. Seiter, Esq., Attorney for the Town Board of the Town of Richland, is hereby directed to notify David Conn of the Town Board's decision and said Notice to be served in accordance with the requirements of Local Law No. 6 of the year 2002.

MOTION ADOPTED as follows:

ROBERT NORTH, SUPERVISOR  
SUE E. HAYNES  
LARRY ATKINSON  
ERIC PAPP  
DONNA GILSON

AYE  
AYE  
AYE  
AYE  
AYE

NAY  
NAY  
NAY  
NAY  
NAY

  
Mildred Newcomb, Town Clerk

## **AGREEMENT**

**THIS AGREEMENT**, made this \_\_\_ day of July, 2024, by and between the TOWN OF RICHLAND, a municipal corporation duly organized under the laws of the State of New York, 1 Bridge Street, Pulaski, New York 13142, hereinafter referred to as “Town” and David Conn of 5196 US Route 11, Pulaski, New York 13142, hereinafter referred to as “Conn”.

### **WITNESSETH:**

WHEREAS, the parties hereby acknowledge that the Town has cited Conn with violations of his approved site plan and junkyard local laws regarding his property located at 5196 US Route 11, Town of Richland, New York and the parties have reached an agreement to restore said property to a state of compliance with the approved site plan and the Town’s Junkyard Law; and

WHEREAS, the undersigned parties wish to evidence the terms of the agreement by way of this written agreement; and

WHEREAS, the Town has determined that this Agreement would be in the best interest of the citizens and property owners of the Town.

NOW, THEREFORE, in consideration of One (\$1.00) Dollar and other valuable consideration including, the mutual promises contained herein, it is hereby covenanted and agreed as follows:

1. That Conn acknowledges that he is the owner of real property located at 5196 US Route 11 in the Town of Richland, County of Oswego, State of New York, known as Tax Parcel No. 049.00-01-24.

2. That Conn admits that his property located at 5196 US Route 11, Town of Richland, County of Oswego, State of New York, known as Tax Parcel No. 049.00-01-24 is in violation of his approved site plan and the Town of Richland Junkyard Local Laws.

3. That Conn covenants and agrees that he will comply with the approved site plan and Junkyard Local Laws of the Town of Richland by completing the following:

Removing any vehicles over the 20-junk-vehicle limit, move the junk vehicles to the approved site on the property and to remove any junk and debris from the aforesaid property on or before **July 26, 2024**.

4. That Conn agrees to cooperate with and allow the Town of Richland Code Enforcement Officer to inspect the premises at any time with reasonable notice.

5. In the event the Town determines that the property has not been brought into compliance with the approved site plan and the Town's Junkyard Local Laws pursuant to the time frame outlined herein, Conn agrees that the Town, its agents or employees may enter the property to bring the property back into compliance with the approved site plan and to remove the junk and debris from the properties and the Town may assess the cost of the cleanup against the properties, which shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the collection of a special ad valorem levy.

TOWN OF RICHLAND

By:

\_\_\_\_\_  
ROBERT NORTH, Supervisor

\_\_\_\_\_  
DAVID CONN



# SEITER LAW FIRM, PLLC

Graham B. Seiter

Tel: (315) 963-7333 · Fax: (315) 963-8274 · gseiter@seiterlaw.com  
3306 Main Street, P.O. Box 120, Mexico, New York 13114

*\* Certified Mail/Return Receipt \**

July 2, 2024

David Conn  
5196 US Route 11  
Pulaski, NY 13142

Re: Alleged Violation of Local Law No. 6 of the Year 2002 and Local Law No. 5 of 2003 of the Town of Richland, Local Laws Regulating Junkyards in the Town of Richland Properties Located at 5196 US Route 11, Town of Richland  
Tax Map No. 049.00-01-24

Dear Mr. Conn:

As you are aware, our office represents the Town Board of the Town of Richland, and in that capacity, I am advising you of the results of the Administrative Hearing held before the Town Board of the Town of Richland on the 11<sup>th</sup> day of June, 2024, as required by Local Law No. 6 of 2002 and Local Law No. 5 of the Year 2003. Based upon the evidence adduced at the hearing, the Town Board made findings of fact that there is still over 20 junk vehicles on the property not in the location of the approved site plan for your property along with junk and debris still on your property located at 5196 US Route 11 in the Town of Richland also known as Tax Parcel No. 049.00-01-24 which is a violation of Local Law No. No. 6 of 2002 and of Local Law 5 of the Year 2003 for the Town of Richland and constitutes a significant public nuisance, dangerous to life, health, safety and/or welfare.

You are hereby instructed to bring your property into compliance pursuant to your approved site plan and remove any vehicles over the 20-vehicle limit, moving the vehicles to the approved site on the property pursuant to your approved site plan and remove any junk and debris from your property located at 5196 US Route 11 in the Town of Richland on or before **July 26, 2024**. In the event that the property is not brought into compliance by the aforesaid date, then the Town Board has authorized the entry onto the property to conduct such remediation work and to remove the aforesaid violations in order to bring the property into compliance with your approved site plan and Local Law No. 6 of the Year 2002 and Local Law No. 5 of 2003. The Town Board has authorized that all costs incurred in conducting the remediation work and removing the violation, including legal expenses, to be assessed against the land and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

Mr. David Conn  
July 2, 2024  
Page 2

Enclosed please find an Agreement with request for you to sign and return to my office in the enclosed self-addressed stamped envelope.

If you have any questions or comments relative to this matter, please do not hesitate to contact our office.

Very truly yours,

A handwritten signature in black ink, appearing to read 'G. Seiter', with a long horizontal flourish extending to the right.

Graham B. Seiter

GBS/ymd

cc: Robert North, Town Supervisor  
John Howland, Code Enforcement Officer

COUNTY OF OSWEGO STATE OF NEW YORK  
\*\*\*\*\*

TOWN OF RICHLAND,

Petitioner,

vs.

**NOTICE OF  
HEARING**

DAVID CONN,

Respondent.

Arising out of alleged violations of the terms and conditions of your Special Use Permit and Local Law No. 6 of 2002 & Local Law No. 5 of 2003 of the Town of Richland, County of Oswego, State of New York.

\*\*\*\*\*

SIR or MADAM:

**PLEASE TAKE NOTICE**, that charges have been preferred against you under Local Law No. 6 of 2002 and Local Law No. 5 of 2003 of the Town of Richland, County of Oswego, State of New York, alleging:

**FIRST:** That upon information and belief since your ownership of the property and at the present time, you did violate said local laws, in that there is junk tires and vehicle parts on your premises located at 5196 US Route 11, Town of Richland, also known as Tax Parcel No. 049.00-01-24 in the Town of Richland and owned by David Conn, hereby creating a public nuisance dangerous to life, health, safety and welfare.

**SECOND:** That pursuant to the terms and conditions of your Special Use Permit, the vehicles placed on your property were not placed pursuant to the approved site plan conditions.

**THAT** a hearing will be held under and pursuant to the provisions of Local Law No. 6 of the year 2002 and Local Law No. 5 of 2003 of the Town of Richland, County of

Oswego, State of New York, at the Richland Town Hall, 1 Bridge Street, Pulaski, New York, on **June 11, 2024, at 6:00 p.m.**, and on such adjourned dates as the Town Board shall designate, at which time evidence in support of the charges will be induced.

**THAT** you are entitled to be present and to be heard at the hearing to cross examine witnesses, and to present witnesses and evidence on your own behalf. You have the right to be represented by Counsel at said hearing.

**BE FURTHER ADVISED**, that if after said hearing, the Town Board finds that there is a public nuisance dangerous to health, safety or welfare, the Town Board may enter an Order allowing Town Employees or agents of the Town to enter your property to clean up the violation and all costs incurred, including legal expenses, would be a charge back to you as the property owner as a special ad valorem tax levy in the same manner as provided by Article 15 of the Town Law of the State of New York. Such remedial action is determined necessary by the Town Board, you will be given a minimum of 10 days notice of the Town Board's decision in order to perform the work yourself prior to the entry of the Town.

Dated: May 15, 2024

*s/Robert North*

Robert North, Town Supervisor  
Town of Richland

STATE OF NEW YORK: COUNTY OF Oswego  
 Town of Richland COURT STATE OF NEW YORK  
 Affidavit of Service  
 Town of Richland Plaintiff/Petitioner  
 -vs-  
 David Conn Defendant/Respondent

I certify that the undersigned served the annexed Notice of Hearing in the above entitled action or proceeding upon Davis Conn, the person named therein as defendant/respondent in the following manner:

x 1. On the 17th Day of May 2024, at 3:30 o'clock pm., by personal delivery thereof to him/her at 5196 US RT 11 in the Town of Richland, New York, said person being known to me as the person mentioned and described in the said Notice of Hearing as the defendant/respondent in said action or proceeding.

x 2. I asked the defendant whether defendant was in active military service of the United States or the State of New York in any capacity whatever. Defendant told me defendant was not. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations as narrated.

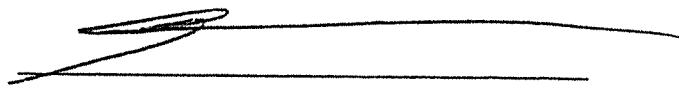
Description USE WITH 1, 2, or3

Deponent describes the individual served as follows:

<input checked="" type="checkbox"/> MALE	<input checked="" type="checkbox"/> WHITE SKIN	<input type="checkbox"/> BLACK HAIR	<input type="checkbox"/> 14-20YRS	<input type="checkbox"/> Under 5' <input type="checkbox"/> Under 100 lbs
<input type="checkbox"/> FEMALE	<input type="checkbox"/> BLACK SKIN	<input checked="" type="checkbox"/> BROWN HAIR	<input type="checkbox"/> 21-35 YRS	<input type="checkbox"/> 5'0"-5'3" <input type="checkbox"/> 100-130 lbs
<input type="checkbox"/> GLASSES	<input type="checkbox"/> YELLOW SKIN	<input type="checkbox"/> BLOND HAIR	<input type="checkbox"/> 36-50 YRS	<input type="checkbox"/> 5'4"-5'9" <input type="checkbox"/> 131-160 LBS
	<input type="checkbox"/> BROWN	<input type="checkbox"/> GRAY HAIR	<input checked="" type="checkbox"/> 51-65 YRS	<input checked="" type="checkbox"/> 5'9"-6'0" <input type="checkbox"/> 161-200 LBS
	<input type="checkbox"/> RED SKIN	<input type="checkbox"/> RED HAIR	<input type="checkbox"/> OVER 65 YRS	<input type="checkbox"/> OVER 6' <input checked="" type="checkbox"/> OVER 200 LBS
		<input type="checkbox"/> WHITE HAIR		
		<input type="checkbox"/> BALDING		
			<input type="checkbox"/> MUSTACHE	
			<input type="checkbox"/> BEARD	

OTHER IDENTIFYING FEATURES: \_\_\_\_\_

Date: May 17th, 2024



Todd Masuicca

Sworn to before me this 17<sup>th</sup> day of May 2024

Notary Public Yolanda M. Dimon

Yolanda M. Dimon  
 Notary Public, State of New York  
 No. 01DI6344524  
 Qualified in Oswego County  
 Commission Expires July 5, 2024



At an Administrative Hearing of the  
Town Board for the Town of Richland  
held the 11th day of June, 2024, at the  
Richland Town Hall, H. Douglas Barclay  
Courthouse, Pulaski, New York.

## RESOLUTION

WHEREAS, John Howland, Code/Zoning Enforcement Officer of the Town of Richland has filed a Notice of Violation/Order to Remedy Violation dated October 9, 2023 and April 3, 2024 with the Town Board of the Town of Richland alleging that Michele Dischiave of 383 Valley Road, Pulaski, New York 13142, the owner of properties located at 383 Valley Road, Town of Richland, County of Oswego, State of New York, also known as Tax Map No. 101.00-02-16, and the Town Board of the Town of Richland, after having reviewed said Order to Remedy, having scheduled an Administrative Hearing to occur on June 11, 2024 at 6:00 p.m. or as soon thereafter as possible; and

WHEREAS, Attorney to the Town Board, Graham B. Seiter, Esq., having served a Notice of Hearing, by Personal Service, upon Michele Dischiave, 10 or more days prior to the Administrative Hearing, a copy of the Notice of Hearing and Affidavit of Service having been filed with the Town Board of the Town of Richland; and

WHEREAS, an Administrative Hearing having duly been held on June 11, 2024, Graham B. Seiter, Esq., Attorney to the Town Board of the Town of Richland, and John Howland, Zoning Enforcement Officer for the Town of Richland, having appeared on behalf of the Town of Richland, and Michele Dischiave having not appeared but having contacted the Office of Graham B. Seiter, Esq. on June 12, 2024 acknowledging that she forgot about the hearing; and

WHEREAS, the Town Board of the Town of Richland having held an Administrative Hearing at the aforesaid date and time, John Howland, Code/Zoning Enforcement Officer, having testified at the aforesaid hearing, and having presented photographs of the alleged violations of Local Law No. 1 of 1993 and Local Law No. 5 of 2002; and

WHEREAS, the Town Board of the Town of Richland, after reviewing said items and after hearing testimony from the aforesaid individuals in regards to the alleged violations of Local Law No. 1 of the year 1993 and Local Law No. 5 of the year 2002 pertaining to properties located at 383 Valley Road, Town of Richland, New York, known as Tax Parcel No. 101.00-02-16 in the Town of Richland and owned by Michele Dischiave and after having duly deliberated upon same, having determined said violations to be unsafe and a public nuisance pursuant to Local Law No. 1 of the year 1993 and Local Law No. 5 of 2002;

NOW, THEREFORE, upon motion made by Atkinson and seconded by Pappa, BE IT RESOLVED as follows:

1. That the Town Board of the Town of Richland hereby declares that Michele Dischiave did violate Local Law No. 1 of the year 1993 and Local Law No. 5 of the year 2002 of the Town of Richland in that she has an unsafe structure on said premises located on 383 Valley

Road, Town of Richland, also known as Tax Parcel No. 101.00-02-16 in the Town of Richland and owned by Michele Dischiave, thereby creating a public nuisance dangerous to life, health, safety and welfare.

2. Michele Dischiave is hereby directed to tear down the unsafe structure and to bring the property into compliance with Local Law No. 1 of the year 1993 and Local Law No. 5 of the year 2002 on or before July 26, 2024.

3. In the event that Michele Dischiave fails to correct the alleged violation and bring the subject premises into compliance with Local Law No. 1 of the year 1993 and Local Law No. 5 of the year 2002 on or before July 26, 2024, the Town of Richland, its agents or employees, are authorized to conduct the necessary remediation work and remove the alleged violation found on the subject premises, and the cost of such removal shall be assessed against the land located on 383 Valley Road, Town of Richland, known as Tax Parcel No. 101.00-02-16, and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the collection of a special ad valorem levy pursuant to Section 3 of Local Law No. 5 of the year 2002.

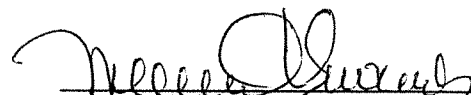
4. That Graham B. Seiter, Esq., Attorney for the Town Board of the Town of Richland, is hereby directed to notify Michele Dischiave of the Town Board's decision and said Notice to be served in accordance with the requirements of Local Law No. 5 of the year 2002.

MOTION ADOPTED as follows:

ROBERT NORTH, SUPERVISOR  
SUE E. HAYNES  
LARRY ATKINSON  
ERIC PAPPA  
DONNA GILSON

AYE  
AYE  
AYE  
AYE  
AYE

NAY  
NAY  
NAY  
NAY  
NAY

  
Mildred Newcomb, Town Clerk



## AGREEMENT

**THIS AGREEMENT**, made this \_\_\_ day of July, 2024, by and between the TOWN OF RICHLAND, a municipal corporation duly organized under the laws of the State of New York, 1 Bridge Street, Pulaski, New York 13142, hereinafter referred to as “Town” and Michele Dischiave of 383 Valley Road, Pulaski, New York 13142, hereinafter referred to as “Dischiave”.

### WITNESSETH:

WHEREAS, the parties hereby acknowledge that the Town has cited Dischiave with violations of the Unsafe Building Local Laws regarding her property located at 383 Valley Road, Town of Richland, New York and the parties have reached an agreement to restore said property to a state of compliance with the Town’s Unsafe Structure Law; and

WHEREAS, the undersigned parties wish to evidence the terms of the agreement by way of this written agreement; and

WHEREAS, the Town has determined that this Agreement would be in the best interest of the citizens and property owners of the Town.

NOW, THEREFORE, in consideration of One (\$1.00) Dollar and other valuable consideration including, the mutual promises contained herein, it is hereby covenanted and agreed as follows:

1. That Dischiave acknowledges that she is the owner of real property located at 383 Valley Road in the Town of Richland, County of Oswego, State of New York, known as Tax Parcel No. 101.00-02-16.

2. That Dischiave admits that her property located at 383 Valley Road, Town of Richland, County of Oswego, State of New York, known as Tax Parcel No. 101.00-02-16 is in violation of the Town of Richland Unsafe Structure Local Laws.

3. That Dischiave covenants and agrees that she will comply with the Unsafe Structure Local Laws of the Town of Richland by completing the following:

All unsafe structures shall be removed from the aforesaid property on or before **July 26, 2024**.

4. That Dischiave agrees to cooperate with and allow the Town of Richland Code Enforcement Officer to inspect the premises at any time with reasonable notice.

5. In the event the Town determines that the property has not been brought into compliance with the Town's Unsafe Structure Local Laws pursuant to the time frame outlined herein, Dischiave agrees that the Town, its agents or employees may enter the property to remove the unsafe structure on the properties and the Town may assess the cost of the cleanup against the properties, which shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the collection of a special ad valorem levy.

TOWN OF RICHLAND

By:

\_\_\_\_\_  
ROBERT NORTH, Supervisor

\_\_\_\_\_  
MICHELE DISCHIAVE

# SEITER LAW FIRM, PLLC

Graham B. Seiter

Tel: (315) 963-7333 · Fax: (315) 963-8274 · gseiter@seiterlaw.com  
3306 Main Street, P.O. Box 120, Mexico, New York 13114

*\* Certified Mail/Return Receipt \**

July 1, 2024

Michele Dischiave  
1661 County Route 12  
Central Square, NY 13036

Re: Alleged Violation of Local Law No. 1 of the Year 1993 and Local Law No. 5 of 2002 of the Town of Richland, Local Laws for Unsafe Buildings in the Town of Richland Properties Located at 383 Valley Road, Town of Richland  
Tax Map No. 101.00-02-16

Dear Ms. Dischiave

As you are aware, our office represents the Town Board of the Town of Richland, and in that capacity, I am advising you of the results of the Administrative Hearing held before the Town Board of the Town of Richland on the 11<sup>th</sup> day of June, 2024, as required by Local Law No. 1 of 1993 and Local Law No. 5 of the Year 2002. Based upon the evidence adduced at the hearing, the Town Board made findings of fact that there is an unsafe building on your property located at 383 Valley Road in the Town of Richland also known as Tax Parcel No. 101.00-02-16 which is a violation of Local Law No. No. 1 of 1993 and of Local Law 5 of the Year 2002 for the Town of Richland and constitutes a significant public nuisance, dangerous to life, health, safety and/or welfare.

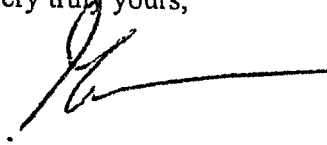
You are hereby instructed to remove the unsafe structure from the premises and bring the property into compliance with Local Law No. 1 of 1993 and Local Law No. 5 of the Year 2002 on or before July 26, 2024. In the event that the property is not brought into compliance by the aforesaid date, then the Town Board has authorized the entry onto the property to conduct such remediation work and to remove the aforesaid violation in order to bring the property into compliance with Local Law No. 1 of the Year 1993 and Local Law No. 5 of 2002. The Town Board has authorized that all costs incurred in conducting the remediation work and removing the violation, including legal expenses, to be assessed against the land and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

Ms. Michele Dischaive  
July 1, 2024  
Page 2

Enclosed please find an Agreement with request for you to sign and return to my office in the enclosed self-addressed stamped envelope.

If you have any questions or comments relative to this matter, please do not hesitate to contact our office.

Very truly yours,

A handwritten signature in black ink, appearing to be 'G. Seiter', with a long horizontal line extending to the right.

Graham B. Seiter

GBS/ymd

cc: Robert North, Town Supervisor  
John Howland, Code Enforcement Officer

COUNTY OF OSWEGO STATE OF NEW YORK  
\*\*\*\*\*

TOWN OF RICHLAND,

Petitioner,

vs.

**NOTICE OF  
HEARING**

MICHELE DISCHIAVE,

Respondent.

Arising out of alleged violation of Local Law No. 1  
of 1993 & Local Law No. 5 of 2003 of the Town of  
Richland, County of Oswego, State of New York.

\*\*\*\*\*

SIR or MADAM:

**PLEASE TAKE NOTICE**, that charges have been preferred against you under  
Local Law 1 of 1993 and Local Law No. 5 of 2003 of the Town of Richland, County of  
Oswego, State of New York, alleging:

**FIRST:** That upon information and belief since your ownership of the  
property and at the present time, you did violate said local laws, in that there is an unsafe  
structure on your premises located at 383 Valley Road, Town of Richland, also known as  
Tax Parcel No. 101.00-02-16 in the Town of Richland and owned by Michele Dischiave,  
hereby creating a public nuisance dangerous to life, health, safety and welfare.

**THAT** a hearing will be held under and pursuant to the provisions of Local Law  
No. 1 of the year 1993 and Local Law No. 5 of 2003 of the Town of Richland, County of  
Oswego, State of New York, at the Richland Town Hall, 1 Bridge Street, Pulaski, New  
York, on **June 11, 2024, at 6:00 p.m.**, and on such adjourned dates as the Town Board  
shall designate, at which time evidence in support of the charges will be induced.

THAT you are entitled to be present and to be heard at the hearing to cross examine witnesses, and to present witnesses and evidence on your own behalf. You have the right to be represented by Counsel at said hearing.

**BE FURTHER ADVISED**, that if after said hearing, the Town Board finds that there is a public nuisance dangerous to health, safety or welfare, the Town Board may enter an Order allowing Town Employees or agents of the Town to enter your property to tear down the unsafe structure and all costs incurred, including legal expenses, would be a charge back to you as the property owner as a special ad valorem tax levy in the same manner as provided by Article 15 of the Town Law of the State of New York. Such remedial action is determined necessary by the Town Board, you will be given a minimum of 10 days' notice of the Town Board's decision in order to perform the work yourself prior to the entry of the Town.

Dated: May 15, 2024

*s/Robert North*

Robert North, Town Supervisor  
Town of Richland

STATE OF NEW YORK: COUNTY OF Oswego

Town of Richland

COURT

STATE OF NEW YORK

Affidavit of Service

Town of Richland

Plaintiff/Petitioner

-vs-

Michele Dischiave

Defendant/Respondent

I certify that the undersigned served the annexed Notice of Hearing in the above entitled action or proceeding upon Michele Dischiave, the person named therein as defendant/respondent in the following manner:

x 1. On the 20th Day of May 2024, at 3:30 o'clock pm, by personal delivery thereof to him/her at 1661 County Route 12 in the Town of Hastings, New York, said person being known to me as the person mentioned and described in the said Notice of Hearing as the defendant/respondent in said action or proceeding.

x 2. I asked the defendant whether defendant was in active military service of the United States or the State of New York in any capacity whatever. Defendant told me defendant was not. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations as narrated.

Description	Deponent describes the individual served as follows:				
USE WITH	<input type="checkbox"/> MALE	<input checked="" type="checkbox"/> WHITE SKIN	<input type="checkbox"/> BLACK HAIR	<input type="checkbox"/> 14-20YRS	<input type="checkbox"/> Under 5' <input type="checkbox"/> Under 100 lbs
1, 2, or 3	<input checked="" type="checkbox"/> FEMALE	<input type="checkbox"/> BLACK SKIN	<input checked="" type="checkbox"/> BROWN HAIR	<input type="checkbox"/> 21-35 YRS	<input type="checkbox"/> 5'0"-5'3" <input type="checkbox"/> 100-130 lbs
<input type="checkbox"/>	<input type="checkbox"/> GLASSES	<input type="checkbox"/> YELLOW SKIN	<input type="checkbox"/> BLOND HAIR	<input type="checkbox"/> 36-50 YRS	<input checked="" type="checkbox"/> 5'4"-5'8" <input type="checkbox"/> 131-160 LBS
		<input type="checkbox"/> BROWN	<input type="checkbox"/> GRAY HAIR	<input checked="" type="checkbox"/> 51-65 YRS	<input type="checkbox"/> 5'9"-6'0" <input type="checkbox"/> 161-200 LBS
		<input type="checkbox"/> RED SKIN	<input type="checkbox"/> RED HAIR	<input type="checkbox"/> OVER 65 YRS	<input type="checkbox"/> OVER 6' <input type="checkbox"/> OVER 200 LBS
			<input type="checkbox"/> WHITE HAIR		
			<input type="checkbox"/> BALDING	<input type="checkbox"/> MUSTACHE	
				<input type="checkbox"/> BEARD	

OTHER IDENTIFYING FEATURES: \_\_\_\_\_

Date: May 20th, 2024



Todd Masuicca

Sworn to before me this 20<sup>th</sup> day of May 2024

Notary Public Yolanda M Dimon

**Yolanda M. Dimon**  
 Notary Public, State of New York  
 No. 01DI6344524  
 Qualified in Oswego County  
 Commission Expires July 5, 2024

