

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

DATE: September 10, 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 (absent)
Councilwoman Sue Haynes
Councilman Eric Pappa

OTHERS IN ATTENDANCE: Attorney Graham Seiter, Legislator Ed Gilson , Highway Superintendent Kevin Balcom, Town Clerk Millie Newcomb. See listing 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: Councilman Atkinson was not in attendance.

PUBLIC COMMENT: Beth Salisbury would like to make a comment. I am here about the Richland Fire Department. As you know, we have been to several meetings. We turned in the petition to dissolve the fire department. And we are looking to see what the next steps are going to be with that.

We collected over 75% of the signatures from the taxpayers in the district on those petitions. There are 397 total taxpayers in the district. There were 54 that we could not reach and that don't live here. There are 37 or more that are deceased or separated from spouses, so that there are a total of 91 signatures. We had 10 of them that were hard no's from us, but on that petition we have 192 signatures of the taxpayers of the Richland Fire District. Supervisor North asked Attorney Seiter to speak to this issue. So I guess the question is, what is the next step? Sure. So I'm not going to get too heavily into this. You really need to talk to your attorney about this because the law spells out all the steps that have to be taken from this point forward. I cannot verify one way or another whether your petition is correct or not. What we will verify is a petition was filed with the town clerk and has been accepted by the town and the town had personally served on the commissioners of the fire district per the law. That is the only requirement of the town board at this time if you read the law. It is now in the hands of

the commissioners of the fire district. The question was posed, so is it up to them to dissolve the fire district? Attorney Seiter told the residents, you're going to have to talk to your attorney about that. I can't give you legal advice. I will let you know just from the town's perspective, we have had, initial conversations with the state comptroller's office and we are still waiting on verification but the early opinions from the comptroller's office are what we also suspected that we turn the matter over to the commissioners and it is now up to the

commissioners essentially follow the next steps of the law. There's been issues with the Commissioner's following steps, so is there somebody that holds them accountable? Attorney Seiter told the group, your lawyer, and the state courts at this point, if they don't follow the law. I just can only answer so much. It's not that the Board's opinions differ, but the law requires certain things, and we are just following the law as it's written.

WATER REPORT: Last year in August we pumped 16,381,900 gallons and this year 16,364,300. A difference of 17,600. Well, B23 is all back together and running. That's the one we're waiting for them. I guess they had a problem with their bucket truck this week, so. They should be getting on that within a week or so. We've only got four transmitters left, and I got an appointment for Friday, so that really actually means three. I'm going to throw a big party. We went ahead and canceled the Badger maintenance program, which will save us \$2,000 a year on that. The old generator was put in place by Well B7. Put a pad in and set it on it. Now we're getting quotes to have it hooked up and Eric's getting quotes to have a fence put around it. This is per the Health Department, all generators should have a fence around them. We're going to be doing our fall billing here at the end of this month. So those will go out hopefully on the 1st of October. We're going to start our fall flushing. And we have no leaks or major problems this month at all. I talked with Eric and we've gotten that trailer from the Highway Department. Joe and I were talking about getting a mower so we can mow our own sites and help take the pressure off Kevin a little bit with his guy so he can do some different things. I got three quotes on a Ferris, and will pass them around so you can see the quotes. I talked with Tammie today, and she said there's no problem with the budget for that. It's really not too much. It's just that we would just be maintaining our valves and our office and the well fields. So we'd be mowing them instead of Sam mowing them. I'd like to get approval for it. ***A motion to approve the purchase of the mower for the Water Department by accepting the Low bid of \$8975 from Trux Outfitter was made by Councilwoman Haynes and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE".***

At this time, the water rate we were sending to Orwell is \$5 per thousand. We are working on a lot of stuff, trying to cut costs and help the taxpayers and everything. And at this time we feel like instead of \$5.00 a thousand lower it to \$4.50 per thousand.

Councilman Pappa would like to make this a motion. Councilwoman Gilson seconded it. With no more discussion, and in a roll call vote, all were in favor with a vote of "AYE".

Supervisor North advised the Board he has a request from the Village of Pulaski, in regards to the clean energy review team that they have set up. What this is, is to ask for a grant from NYSERDA for solar fields and for more updates to the town water building. Through these projects, you're supposed to have cleaner energy, reduce cost, and lessen the greenhouse effect gas emissions. This letter is asking if we will endorse them in, trying to create a cleaner and more efficient community. I don't know when it starts, it's just a letter that they asked for us to do, and if we can be part of the grant, get part of the money and do something with this, I think it's to our advantage. But is she saying right here that the town is seeking a \$60,000 grant from NYSERDA. This is a community project with both the Town and Village. Questions about what committee is going to be working on this project. Supervisor North said it's in the beginning stages and more will come at a later date.

LEGISLATIVE REPORT: This months legislative meeting is going to be held in the evening. We do that three or four times a year. So this Thursday at 7:00 in Oswego. Pretty much business as usual this month. However there are a few things I wanted to bring you. First, we will be passing a resolution formally accepting your contribution to the broadband program. I would like to thank you again for that. along with the contribution that you made from the ARPA funds that you received, we were just notified, after months of work by Dave Turner's office, we were awarded a \$30 million grant. What this grant is going to do, along with the money that we had set aside, the county set aside \$4 million, and then you and Sandy Creek both contributed, the're going to be running upgrades to broadband all through Oswego County, which should enable several places that can't get internet service today and bring them into the 21st century with fiber optics. It will be quite a project that will be starting in a couple years to do it. I thought it would be a great partner.

There's a lot of people, especially east of here, that cannot get it. Along with that, I mentioned two months ago that we had to appropriate another \$700,000, to fund an assigned counsel program for indigenous people that can't afford an Attorney. It's that much over the \$1.2 million we had appropriated in our budget. There are a lot of people that use this program. It doesn't take much to get an Assigned Counsel. You can make over \$60,000 per year and get assigned counsel. We had approved and initiated a Public Defenders Office. This Office will take the place of the Assigned Counsel except for Family Court right now. We (I) didn't think the program was being developed fast enough. We hired a Public Defender and he failed to get a waiver and he let us along that he was going to so he didn't and they didn't appoint him this year so he decided to resign this position. We have in place his deputy, who is very capable of stepping right in. So, hopefully that program will develop much quicker. We just got a grant of \$322,000, which will allow us to put on a couple more attorneys in that office. A couple paralegals and other secretaries. Our goal is to develop the department and be able to defend these people at a more reasonable cost than what they can afford. Governor has set the rates. For instance, last year it was \$75 an hour to defend someone for a misdemeanor. Governor

Hochul, I say that with a smile, on the whim changed those rates to \$150 an hour. So, what we had budgeted and appropriated, all that, those costs immediately dealt with, hence the \$70,000 that we had. Hopefully we can work that down. These numbers are huge, they are staggering, and I believe they're staggering for us as well. Other than that, those are really the highlights that we'll get finished this month. I'm glad to answer any questions anyone may have. I know they've been discussing the plowing mileage rate this year. Kevin's group has been discussing this also.

MORE PUBLIC COMMENT: We've received a petition from the residents of Towne Road. Ben Tousant spoke on behalf of the residents. We'd like to get the speed limit lowered on Town Road from Co Rt 28 to the dead end, to try to alleviate some of the speeding that goes on. Per the State Police and the County Sheriffs, they both told us that they don't have time to monitor the area and write tickets unless they're going well over 15 miles over the speed limit. Most times the speeds are higher. So we'd like to see what the Town can do to get that lowered to 45, at least slow it down a little bit. Per Mr Tousant, it's the north end of Towne Road. It goes all the way down to where it dead ends at 81 on Town Road. The residents say, speak to pretty much anybody on any of those roads, and they will tell you people are still speeding on it. Highway Superintendent Kevin Balcom told the audience that people that break the law, they're going to break it whether it's at 55 or 45. I'm not trying to discourage you guys or anything like that, but I that's how they are. The Town Clerk will get a resolution together for the Board to pass and get the ball rolling for the residents.

ZONING AND CODES: The list of permits for the month. We're almost up to a hundred. Just a little bit above normal. The list of permits. Violations, zoning permits. Planning board agenda and minutes, Zoning board's agenda. Planning board has just a couple things going on. Cabinet shop on Route 3, and then the Selkirk Subdivision over on Canning Factory Road where the campground is. ZBA, just a variance for a split of property going on Riverview Dr. Other than that, that's all I have on that. And then the planning board alternate. The Planning Board has five members now. ZBA has five members, and Joe Skotnicki would be the alternate. We're going to have four because Jamie's retiring and then we have no alternates. We don't have a resignation yet so that will have to wait. We have a ZBA meeting next week so I will speak to him on that.

The Planning Board is in need of an alternate for that Board. ***Councilwoman Haynes would like to recommend John Mandigo to fill that position. Councilwoman Gilson seconded her motion. In a roll call vote, all were in favor with a vote of "AYE".***

Another item on the agenda was Ty Garvin, William Garvin. Attorney Seiter advised the Board that John Howland called him today and apparently there's been some discussion, that Mr. Garvin may be willing to work on removing some of the remaining vehicles that were there. Per Mr. Howland, the Board voted to send Mr. Garvin to State Supreme Court. Since then, he contacted me and said that he wanted to talk to the board and maybe the board could come up with a stipulation. Attorney Seiter agreed and told the Board that he thinks that you would rather see the homeowner clean it up themselves than have to bring litigation. That's preferable to everybody, but I guess we would tell the board, you know, what are your plans? Mr Garvin explained that he misunderstood John. I understand that if you can't see it from the road. No

problem. Mr Howland said that he has always said that for 32 years. When you're driving by and can't see it. I told Ty, Bill, what the issue was, and I personally don't believe in drones. There's probably no one in here who doesn't have a skeleton in the closet in their backyard. Mr. Howland continued, if you look at 263 Lehigh Road, that goes back to 2005. That's 20 years. And then five years ago, when I started pressing you, and I said there's coming a day, and we got to that day He would always call and say he was working on it. So when we got to the day where they had the administrative hearing. You were given plenty of time. I sent three letters. The attorneys sent two more letters. Before the hearing, when we had the hearing, everything that you could see in plain sight from the road, was covered by a black fence, which was kind of a slap in the face to the town board because it was still clear that every vehicle that I took a picture of in March. was still there in June, the day of the meeting, and you could see over the top of it. So nothing was done except the big smoke guard was put in front and that upset the board and requested a drone. Councilman Atkinson isn't here, he's the one that counted them, I didn't count them. But he counted a lot of vehicles. We got a quote of between \$70,000 and \$80,000 to clean your property up. The town doesn't want to spend it and the town doesn't want to bill you for it. So I would think that if you can come to an agreement of X amount of vehicles before December 1st and the rest gone by sometime June next year, but it would be a stipulation. Mr Garvin told the board that it's pretty mushy out there right now. I just got it back in town. I believe there's a breakdown of communication, feedback in this situation. I found out from a guy working on a road that there's a problem that this went to the state Supreme Court level and all this other stuff. Mr Howland told Mr. Garvin, when I send you the letter, it's not up to me to call you and see how you're coming along. It says, there's a violation and here's the time frame for compliance. Mr Garvin told CEO/ZEO Howland, I got the letter, I'm working on it. But working on it wasn't what it should have been. Well, I sent the letter, the last meeting, and you had, until the 26th. The fence blew down from that east wind when 100,000 people went out in southern New York. And that was in June. That fence was down way before the 26th. I'm not here to argue that point. I plan to fix it, take care of the situation, and get the cars out of there. Simple as that. Councilwoman Haynes told Mr. Garvin, we'd like you to do it sooner rather than later. The board has two options. They can continue with the state Supreme Court, and have a judge determine the date, or you can request that he sign a stipulation, remove a certain amount of vehicles before a certain amount of time. Because there's quite a bit there, and even if it takes up to a year. That is up to the Board. Mr Garvin told Mr Howland, that's up to you guys. I personally, John, like December. Mr. Garvin told Mr Howland that he would agree to have all the cars gone by December. Mr Howland told Garvin, I don't want you to commit to that, because there's going to be a stipulation, whatever the date is, we're going to let you pick it, so that way when it comes, if you say December and everything is not gone by December, and we come in with wreckers and start to tow vehicle out of there and you say, "oh, I couldn't get them done". So, that's up to you, that's why we have you pick the date and the Board agreed with it. Attorney Seiter told Mr Garvin, I'm willing to back the board on this and give you some time, but here's what I can tell you, sir. If we take this matter to the Supreme Court, I think a judge would normally, if you asked for it and said, I want to do this myself, I think a judge would give you some more time. What I'm going to argue to the judge is that we sat right in this room tonight and you said, hey, give me some more time and I'll do it, and we gave you to December. And that's going to be on the record. So, if you're going to do it, just do it, please. That's all the Town is asking. Because otherwise I'm going to say to the court, no, don't

give him time, he's been given time. He's got 30 days or give me an order to go in there now with bulldozers and we'll do it ourselves. And I don't want to have to go there. Okay. Please, do this. Get it cleaned up. That's all they're asking. For the good of the town, get it cleaned up. Supervisor North asked, clean up what? Just the ones you can see? Attorney Seiter said, at least what's visible. That's the board's decision. Whether you guys want it cleaned up or not. At this point, Mr. Garvin said he just wants everyone off his back. I just want it cleaned up. I was thinking at the very least what's visible. Attorney Seiter asked if he had a junkyard permit. You can't give a junkyard license to a property that's in violation. You'd have to clean everything up, then apply for a junkyard license. Supervisor North asked with the stipulation, can we go check it dailey? Mr Howland answered yes. . We're going to draw up a stipulation that, if you want December whatever, that's up to you. Mr Garvin asked, "Come in December, take a look and see what you think. There's no spring deadline then? Not if there is stipulation in place. If it's not done by December, the town will clean it up. That's why I'm saying, have it that, the first week of December, I come in and take a look at it, make sure you're making progress, and then pick a date, say June 1st of 2025. Councilman Pappa told the Board that he is definitely for the December - June thing. He has a lot of work and you never know what the fall is going to bring. In December, do what you can, let Mr Howland do a walk around and by June 1st, and maybe in January it may get better because the ground will be frozen. Speaking for the board, Attorney Seiter told Mr Garvin, I don't think I've ever seen this board not say, this person is 100% acting in good faith, and they're making a great effort at cleaning this up to give some more time. I think as long as you guys are seeing him making an effort, I think they'd give you more time. I think that the December deadline, you're taking on too much. That's a lot of cars today. I'll get you all a proposed stipulation. If you could just get your email out or something to Mr. Holland so that I can get you a stipulation. I'm going to draft a stipulation to at least clean up the visible vehicles by December 1st. The Board agreed and also to make an effort to clean up some of the other vehicles if weather permits. This is for the property at 263 Lehigh Road. There are still a few things on 240 Lehigh that need to be cleaned up. ZEO/CEO Howland told Mr Garvin, that the town isn't really concerned with the cargo trailer but some of the other stuff needs to go. Attorney Seiter told Mr Garvin, just because he doesn't have the agreement in hand, doesn't mean he can't start cleaning up the property. The stipulation still has to be drawn up and approved. Attorney Seiter told the Board that he just received information from Kevin Caraccioli is the one that drew it up on behalf of this client, so he at least wanted to get us something for the board meeting so I could give it all to you to review. Attorney Seiter told the Board that he has some edits for this document. I'm not waiting around for two months to have this drafted. I gave their Attorney until last Friday to have it done because I want this thing moved and I said there's not a lot of patience with this board. We want this building down or we want it fixed but we're not going to keep sitting on it. So a couple of comments Mr Howland has, is one of the things they said was that they want to repair the roof. I don't understand. Our engineer and their engineer, you know, 19% moisture content is, once you get above moisture 19% you're rotten. They did the moisture content, their architect and engineer, and they were at 33%. That's kind of like you can stick a knife through a rafter. So they want to put a new roof on, bad rafters. That's like trying to pour a concrete pad on top of a pool, it just doesn't work. And I don't know. Maybe they can tear the whole roof system off, but it says roof. Roof is plywood shingles. I just don't see how they're going to repair it. And, two weeks ago, I got a phone call from a guy, and he said Well, I'm looking at this property up in Fernwood, perhaps buying a

house. I said, don't tell me it's 383 Valley Road. He goes, that's what it is. They had it on Facebook Marketplace or somewhere for \$10,000. I can tell you, I spoke with Kevin Caraccioli. I just, I don't know how you're going to repair this place, for \$50,000 I think you could put \$100,000 into it, and I don't think you could make this livable or salvageable. It had an open roof for 6-8 years or more. Attorney Seiter made it very clear to him. CEO/ZEO Howland told the board that he just got this stipulation from the Dischiaves. You got 30 days to do it, but I'm going to tell you that if our engineer gets there, and our engineer says, this is still structurally unsound it's coming down. I don't care whether you put \$50,000 into it or not, it's coming down. We'll still take you to court. I think they're better off just ripping it down on their own and saving the money. Mr Howland and added, in my opinion, we always work with people but here is a case where I don't see where we can. All they have done is jerk us around from day one. Never ever answering one letter then coming to last month's meeting, emails from her daughter about being transparent and demanding things. We have been more than transparent, more than fair, but everytime they had to get the last word in on doing it their way. This has been going on for more than 1 year. Nothing until they came here last month has Mr Howland ever spoken to them. Mr Howlands opinion is stick by the rules. We already have authority to tear it down. We have engineering reports in our favor from the Town and their own engineer report. If we give them a permit and they start it and get half way through after 60 days, then what do we do? Mr Seiter feels that the court would give them more time if it went to court. Mr Seiter also feels that the Towns engineer has to go in and inspect it. If our engineer still says that the home is still structurally unsound, it's rotted, the agreement still says we have the right to take it down. It doesn't mean that they can't go and defend themselves in court, but Mr Seiter cannot imagine that they want to put this much money into this house. The time frame is still in place because they retained an Attorney, and that slows things down. The weather will also slow things. Attorney Seiter told the Board that he thinks they should enter into this agreement because either way we would be looking for a timeframe regardless. He would rather do this because it would show the court we even entered into an agreement to give them more time and an engineer who is an expert still said this thing has to come down. Then we call our expert to the stand and it becomes a battle of experts. If there is an honest engineer who is going to sit there and say this place is structurally sound, when it clearly isn't? Shame on them. ***A motion to allow Attorney Seiter to enter into a Stipulation with Dischiave's Attorney was made by Councilwoman Gilson and seconded by Councilwoman Haynes. In a roll call vote, all were in favor with a vote of "AYE".*** CEO/ZEO Howland will call Attorney Seiter about a few items in the agreement that need to be changed.

CEO/ZEO Howland would also notify the Board that on December 31, 2024 he will be retiring from the Town of Richland. The Town will start to advertise for this position. The Town and Village will share a grant from NYSERDA for mini splits that are to be installed Mr Howland was able to get 5 units installed and the Village had the same. With this, the Village and Town will get \$5000 a piece from the grant.

HIGHWAY REPORT: We helped Sandy Creek haul sand. They are returning the favor. We started today to haul our pile over to the county building. Did three water digs for Sandy Creek. We ditched 3,000 feet on Lehigh Road. Still not complete, but I've got a couple of green guys running the grade all, they are learning, but it's a slow process, unfortunately We replaced a

couple of driveways. That's where it flooded so bad we almost lost the road. We've got the screener set up in Fernwood. We've been screening a little bit of sand down there and gravel. And we went and picked up some two-by-two blocks from Rural Hill to put in front of the screener for washouts to have them on hand in case we get rain like that again because we had nothing. Still fixing washouts, main wearing Peck, Wharton, Maltby, Lehigh, Rainbow Shores, Halsey, Springbrook, Daysville Roads, and I've still got more to do. There's some on Town Road, Dry Bridge that we haven't finished. So that really, really put us back. The front tire on the gradall blew, and I was just going to leave it there, but it cost us almost \$800 to fix one tire. Billy Neuralt needed a couple of trucks to help him do James Street here in the village and Church Street when they ground the road a week ago or so. And then when I needed him for a couple of trucks or whatever, once we got the sand straightened around, he said he'd let us use his 10-wheeler. There were trees that we had on Wart Road, Canning Factory Rd from that storm that we cleaned up. We ditched in Richland on Beulah Drive that's needed for a long, long time. Replaced 70 feet of 10-inch pipe in the driveways. They were so rotted that when the machine pulled it out, it just crumbled 40 feet of 8-inch pipe. And we installed the 18x18x36 catch basin at the end of that to be able to catch the sand before it goes into the new pipes. Also from the storm, we ended up hauling three-quarter crushed stone and shot rock from Kings to be better prepared for the next time it rains like that. That first storm that we had there that was ten days before that, we kind of got caught with our pants down. And now we're better prepared if it happens again. Our new truck #98 went back to Mack for DEF system problems. The big Boom mower had a big hydraulic leak on it and repaired it. Changed the oil and greased truck #17. Put new batteries in the grader. Truck #96 had to be towed due to a computer failure. Changed oil on truck 8, did a turn up on truck 7, and took truck 13 up to Jim Taylors to have a new hydraulic tank built to put on it. He can do it for about \$2000 less than what we can buy one. Had a bad bearing and rear seal on the small tractor just haven't had time to do it yet. It's torn apart and the parts are here. Mr. Balcom asked Attorney Seiter where the Town stands on the gravel lease. Attorney Seiter advised that the contract is signed and just waiting on the mining permit.

BUILDINGS AND GROUNDS: The Haldane trail got washed out during the storms. The trails are now repaired. The ladies room door has been damaged but now is repaired at the pavilion. The men's room sink was leaking and was repaired. Outside light is repaired. The back of the cold storage building at the Highway is in the process of being fixed. The crew moved all the stone away so now they can see the wall. Discussion about the power poles at the windmill at the well site. Councilman Pappa advised that the Highway can move those out of the way for the moment.

RICHLAND PARKS: Just waiting on the DEC for clearance to get going.

From the Village of Pulaski, they would like the town to help them out with a grant to build a bridge to go over the river from Dunbar Field to Haldane. The Board hesitated to get on Board until they had more information.

DOG REPORT: Dog report was reviewed by the Board. *A motion accepting this report was made by Councilwoman Gilson and seconded by Supervisor North. In a roll call vote, all were in favor with a vote of "AYE".*

SUPERVISOR REPORT: *A motion to accept the Supervisor Report for July 2024 was made by Councilwoman Haynes and seconded by Councilwoman Gilson. With no discussion and in a roll call vote, all were in favor with a vote of "AYE"*

JUSTICE REPORTS: *A motion to accept the Justice reports from Judge Ridgeway and Judge Conger for the month of July was made by Councilwoman Haynes and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE".*

VILLAGE POLICE CONTRACT: Discussion over the Contract with the Village of Pulaski for the Constables. The Board will look it over and send questions to the Attorney for him to review and vote at a later date.

WARRANT OF BILLS: Abstract 9 is next. With no discussion a *motion to accept Abstract 9 as presented was made by Supervisor North 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 August 13, 2024 is next. Board members reviewed the minutes and with no discussion, *a motion to accept the minutes as presented was made by Councilwoman Haynes and seconded by Councilman Pappa. 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 for August 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".*

CEMETERY UPDATES: No report.

TOWN HISTORIAN REPORT: No report

MISCELLANEOUS BUSINESS: Teamsters negotiations. Superintendent Balcom didn't go to the meeting but he said that he will call Bob in the morning to set a meeting up. Health ins is next. Discussion about retirees insurance. F plan with Globe Insurance. Councilwoman Haynes made a motion to accept the Globe Insurance F Plan for the retirees. ax. The Village will be collecting 2.5% the sales while the Town will receive .05%. A memorandum of understanding is needed

to receive the town portion. ***A motion to have Supervisor North sign this understanding was made by Councilwoman Haynes and seconded by Councilman Pappa. In a roll call vote, all were in favor with a vote of "AYE".***

TENTATIVE BUDGET FOR 2025: With little discussion a motion to accept the Tentative Budget for 2024 was made by Councilwoman Haynes and seconded by Councilwoman Gilson. In a roll call vote, all were in favor with a vote of "AYE".

LAST PUBLIC COMMENT: A resident from Richland would like to address the Board. She is not part of the law suite but is a resident of the Richland Fire District. From what she understands some years ago the the Town of Richland appointed the Fire District and then it was up to the residents to elect the Commissioners of the Fire District. Attorney Seiter explained not necessarily. We have no paperwork showing how that whole process came about. We don't really know when this was all set up. We did talk to the Comptroller's Office and surprisingly enough they said you would be surprised that this is not the first Town that doesn't have paperwork on a fire district. It's more common than we think. It could be that when the District was formed, that the town either appointed these people or in some manner or another the district elected those commissioners. She said at some point we have been electing them. Mr Seiter agreed. So the commissioners are responsible to oversee the fire district. The commissioners are responsible for establishing the tax levy. Mr Seiter answered correct. The Town of Richland cannot change it, again Mr Seiter answered correct and the Town just implemented it. The resident asked if the Town approves it. Again Attorney Seiter answered, the Town just collects the money. The problem is that the Richland Fire is so small. Its small in tax base, its small square miles, we can't afford this fire district that is being overseen by these fire commissioners who thought it was appropriate to double the budget including the \$55,000 line item to improve the building so they could have public functions and our recourse is to file a petition that goes back to the commissioners that thought this was a good idea and ask them to dissolve themselves? Attorney Seiter explained that what the State of New York Legislators decided was the plan. From the IRS standpoint, the Fire Company hasn't filed a 990 since 2008, They don't have a 501c3 exemption. They haven't filed with the Comptrollers since 2021. The commissioners that are supposed to be overseeing the Fire District aren't even filing the proper paperwork with NYS. Who has oversight over the Commissioners? Attorney Seiter said, the Comptroller. As residents of this district, there are 5 commissors and they only get voted every year, one gets voted out which means, it could take 3 yrs for our residents that are getting taxed to death to over take that Board so we could dissolve ourselves. Attorney Seiter said not necessarily. He explained that a petition has been filed to dissolve, but your salvation lies within that law. He continued that he doesn't represent the residents so he really can't give legal advice, just tell you the law. The lawsuit is in appeal per Beth Salisbury. The law indicates that once the petition is filed, the only thing the Town is responsible for is accepting that petition, filing it and making sure that it goes back to the controlling entity whose interpretation of the law is the commissioners. So we have done that . It's in the hands of the commissioners. The next step is a mandatory referendum. That has to be established by the commissioners. It's a vote. It was asked if it's a vote in the District in the Fire Hall? It could be depending on timing. It's probably too late to get it on the ballot for the November election. So the commissioners, through their Attorney, would have to set up a Special Election. Mrs. Salisbury said that she was under the impression from their Attorney that it fell back on the Town once they turned the petitions over to the Town. Attorney Seiter explained to Mrs. Salisbury that he disagrees with their Attorney on the law. The NYS Comptroller's Office also disagrees with him on that. Mrs. Salisbury cited a case of the Village of

Copenhagen something similar and that Board dissolved that fire department. Attorney Seiter asked to see the case law because the NYS Comptroller's Office agrees with our position. If the law was going to say that the Town of Richland was responsible, why didn't the law say that? It doesn't control the entity. The commissioners have controlled everything about this district. The Town has done nothing. The taxes everything goes through the commissioners. Why would all of a sudden the Town be the controlling entity? If that was the legislators intent, why wouldn't they put it into the law, that the Town shall resolve this dissolution. They didn't. That's why I disagree with your Attorney. He thinks they're attorney should call the Comptroller's Office and listen to their opinion. Attorney Seiter told the Richland residents that they should talk to the Legal Department at the Comptroller's Office. They have been speaking to the Comptroller's themselves and getting nowhere. This law is incredibly complicated. It is what it is and it says what it says. WE could find nothing, The controlling entity must be the commissioners. I don't think there is any way to look at this. If it was the Town, the Town would be running everything right now if it was them. The law tells them they must hold a Public Referendum. If they don't do that, you 100% sue the commissioners and the judge will order them to hold a mandatory referendum. This is an ugly situation. The group has been asking for months for the Bylaws. They were told the bylaws are being rewritten by their Attorney. It's in the law the timeframe for setting up a public referendum. The petition has to be validated. Attorney Seiter told the group that they are looking at a 1-2 year battle to get this dissolved. This is just an awful mess. The Town just cannot get involved. Budget meeting on September 17th at 2:00 pm.

NEXT TOWN BOARD MEETING: October 8, 2024

MEETING ADJOURNED: With nothing more to bring before the Board, a *motion to adjourn was made by Councilwoman Haynes and seconded by Councilman Pappa. In a roll call vote, all were in favor with a vote of "AYE". 7:35pm*

Respectfully submitted by

Millie Newcomb
Town Clerk

MEETING ATTENDANCE SIGN-IN

Meeting Date

Sept 10, 2024

Committee/Board

Town Board Meeting

Please PRINT your name and address clearly to assure the correct spelling in the minutes of this meeting.

NAME

ADDRESS

BEN SALISBURY

2593 Co Rt 2 Richland

VICKI PARVESE

210 Main St. Richland

BEN TOUSGANS

474 Co Rt 28 Pulaski

ANNA & MARVIN BLACKMAN

2897 COUNTY RT 2 PULASKI

ROBERTA SEBELOWITZ

1087 County Rt 28 Pulaski

KATHY GREENWOOD

410 Towne Rd Pulaski

MICHAEL HAYS

306 Towne W Pulaski

MAIDEN ST

395 Towne Rd Pulaski

DEER PATH

395 Towne Rd. Pulaski

ED GILSON

3734 US RT 11 Pulaski

ROBERT HILLS

2755 Co Rt 2. Richland.

AUC DAYNE

Pal.

TOMMY SCHMIDT

330 Towne rd pulaski

JAMIE SHARER

330 Towne Rd Pulaski

WT GARVIN

Lehigh Rd Pulaski

JOHN MANDIGA

293 County Route 2A

SUZAN KOSZMAY

Ramona Beach

JEFF ELECIO

Richland.

JOSE ROLLIN

359 Towne Pulaski NY 13142

BRANDON JOHNSON

225 Towne W PULASKI NY