

**TOWN OF SULLIVAN
TOWN BOARD MEETING
MAY 5, 2021 AT 6 P.M.**

A regular meeting of the Town Board of the Town of Sullivan convened at 6:00 p.m. on May 5, 2021 by Supervisor John Becker.

The meeting was held at the Town Office Building located at 7507 Lakeport Road, streamed via Zoom and YouTube. The link and passcode to join the meeting were posted on the Town's website for the public to join and the meeting was streamed live via YouTube.

Present were: Supervisor John Becker; Councilors John Brzuszkiewicz, Jeff Martin, Kerry Ranger, and Thomas Kopp; Comptroller Beth Ellis; Receiver of Taxes Katy Vanderwerken; and Deputy Town Clerk Jill Doss.

Also present was: Bruce Burke of PAC99.

Pledge to the flag was led by Supervisor Becker.

APPROVAL OF APRIL 21, 2021 MEETING MINUTES

A motion was duly made by Councilor Martin, seconded by Councilor Kopp to approve the minutes of April 21, 2021. Discussion was held on the motion, including the following corrections: under SCC discussion, add Councilor Brzuszkiewicz's name, Highway Law §284 Agreement amend budget to \$370,000 and remove the language "Town picking up difference", add Jeff Taylor and Ed Reid attended via Zoom platform, add Fire Chief Smith attended via Zoom platform, correct title for Mr. Dombrowski to Sales Representative, under Hamilton Brown Water District discussion remove the word "extra" (Sentence should read "There are twelve properties..."). Under Highway Truck Purchase, add the language "funds from the equipment sold in prior years and in the fund balance will be used for purchase." With no further corrections or further discussion, the following roll call vote was taken to adopt the minutes of the April 21, 2021 Town Board Meeting, as corrected.

Thomas J. Kopp Jr.	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
John Brzuszkiewicz	Councilor	Voted	Yes
John M. Becker	Councilor	Voted	Yes

POLLING LOCATIONS – LEASE AGREEMENT

Supervisor Becker spoke with the Board in regard to the lease agreement with the County for polling locations. Polling locations would need to be open 10 days prior to the election. The Board discussed this information briefly. Upon the motion made by Councilor Martin, seconded by Councilor Kopp, the Town Board approved the Polling Location Lease Agreement with Madison County and authorized execution of the agreement. The following roll call vote was taken with no further discussion.

Thomas J. Kopp Jr.	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
John Brzuszkiewicz	Councilor	Voted	Yes
John M. Becker	Councilor	Voted	Yes

HIGHWAY LAW §284 AGREEMENT

Supervisor Becker reviewed with the Board the Highway Law §284 Agreement. There is \$370,000 in the Town Budget line. Upon the motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz, the Town Board approved the Highway Law §284 Agreement and authorized signing the Agreement. If additional funding is received through CHIPS, PACENY and Extreme New York beyond what was budgeted, the Board can discuss these additional funds which may be set aside in revenue in the Highway Fund. The Board may then have a conversation on the appropriate spending of these funds. At this time, the funding that will be provided to the Town from the State has not yet been received. Councilor Ranger wanted to confirm that the highway budget line will be adequately covered. No funds can be spent until the confirmation letter is received advising what the Town will be receiving. This will give the Town the opportunity to keep its finances as strong as possible. The Agreement will need to be signed by each Councilor.

The following roll call vote was taken with no further discussion.

Thomas J. Kopp Jr.	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
John Brzuszkiewicz	Councilor	Voted	Yes
John M. Becker	Councilor	Voted	Yes

BUDGET MODIFICATION FOR MAY 5, 2021

Transferring from A599 Appropriated Fund Balance (from Host Community Funds) to A9710.601 principal for \$1,145,000.00 and A9710.701 (interest) \$3,520.00 for a total payment of \$1,148,520.00 to pay off the Town Hall bonds.

The payment was made on April 23, 2021. Paying this callable bond off in 2021, is saving the Town \$98,048.76 in interest.

SLEEPY HOLLOW WATER DISTRICT – EXTENSION #1 BOND RESOLUTION

Supervisor Becker advised that the changes to the Bond Resolution for the Sleepy Hollow Water District -Extension #1 in the amount of \$98,788.00 were previously discussed and are now ready for approval. Thereafter, the following action took place:

A resolution was offered by Councilor Martin, who moved its adoption, seconded by Councilor Kopp, to wit:

BOND RESOLUTION DATED MAY 5, 2021.

A RESOLUTION AUTHORIZING AN INCREASE IN THE ORIGINAL MAXIMUM AMOUNT TO BE EXPENDED FOR ESTABLISHMENT AND IMPROVEMENT OF THE FACILITIES OF SLEEPY HOLLOW WATER DISTRICT EXTENSION NO. 1 IN AND FOR THE TOWN OF SULLIVAN, MADISON COUNTY, NEW YORK, AT A REVISED MAXIMUM ESTIMATED COST TO SAID DISTRICT OF \$277,088 AND AUTHORIZING THE ISSUANCE OF \$98,788 ADDITIONAL SERIAL BONDS OF SAID TOWN TO PAY A PART OF THE COST THEREOF.

WHEREAS, after all proceedings were duly had and taken by the Town Board of the Town of Sullivan, Madison County, New York, pursuant to Article 12 of the Town Law, said Town Board has found it to be in the public interest to establish Sleepy Hollow Water District Extension No. 1 in and for said Town at an increased maximum amount for improvements therefor, consisting of the construction of water facilities therein, including

incidental improvements, at a revised maximum estimated cost of \$277,088, an increase of \$98,788 over that previously authorized; and

WHEREAS, it is now desired to authorize said increase in the maximum amount to be expended for said improvement and to provide for the financing thereof.

NOW, THEREFORE, BE IT

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Sullivan, Madison County, New York, as follows:

Section 1. The establishment of, and improvement of the facilities of Sleepy Hollow Water District Extension No. 1 in and for said Town, consisting of the construction of water facilities therein, including incidental improvements, is hereby authorized at a new maximum estimated cost of \$277,088.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost shall consist of the issuance of:

- (a) by \$178,300 serial bonds of said Town previously authorized therefor by bond resolution dated January 23, 2019; and
- (b) by \$98,788 additional serial bonds hereby authorized to be issued therefor pursuant to the provisions of Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Sullivan, Madison County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be levied and collected in the manner provided by law within said Sleepy Hollow Water District Extension No. 1 as described in the proceedings heretofore adopted in connection therewith, an amount sufficient to pay principal of and interest on said bonds as the same become due and payable, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of an ad valorem tax, without limitation as to rate or amount, sufficient to pay the principal of and interest on said bonds.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The following roll call vote was taken with no further discussion.

Thomas J. Kopp Jr.	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
John Brzuszkiewicz	Councilor	Voted	Yes
John M. Becker	Councilor	Voted	Yes

SLEEPY HOLLOW WATER DISTRICT – BOND RESOLUTION

Supervisor Becker advised that the changes to the Bond Resolution for the Sleepy Hollow Water District in the amount of \$158,512.00 were previously discussed and are now ready for approval. Thereafter, the following action took place:

A resolution was offered by Councilor Martin, who moved its adoption, seconded by Councilor Brzuszkiewicz, to wit:

BOND RESOLUTION DATED MAY 5, 2021.

A RESOLUTION AUTHORIZING AN INCREASE IN THE ORIGINAL MAXIMUM AMOUNT TO BE EXPENDED FOR ESTABLISHMENT AND IMPROVEMENT OF THE FACILITIES OF SLEEPY HOLLOW WATER DISTRICT IN AND FOR THE TOWN OF SULLIVAN, MADISON COUNTY, NEW YORK, AT A REVISED MAXIMUM ESTIMATED COST TO SAID DISTRICT OF \$540,212 AND AUTHORIZING THE ISSUANCE OF \$158,512 ADDITIONAL SERIAL BONDS OF SAID TOWN TO PAY A PART OF THE COST THEREOF.

WHEREAS, after all proceedings were duly had and taken by the Town Board of the Town of Sullivan, Madison County, New York, pursuant to Article 12 of the Town Law, said Town Board has found it to be in the public interest to establish Sleepy Hollow Water District in and for said Town at an increased maximum amount for improvements therefor, consisting of a water system to serve Sleepy Hollow Water District, consisting of the installation of water mains, valves, a pump station and meters to serve said District, including the acquisition of land and rights-in-land and incidental costs in connection therewith, at a revised maximum estimated cost of \$540,212, an increase of \$158,512 over that previously authorized; and

WHEREAS, it is now desired to authorize said increase in the maximum amount to be expended for said improvement and to provide for the financing thereof.

NOW, THEREFORE, BE IT

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Sullivan, Madison County, New York, as follows:

Section 1. The establishment of, and improvement of the facilities of Sleepy Hollow Water District in and for said Town, consisting of the installation of water mains, valves, a pump station and meters to serve said District, including the acquisition of land and rights-in-land and incidental costs in connection therewith, is hereby authorized at a new maximum estimated cost of \$540,212.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost shall consist of the issuance of:

- (a) by \$150,000 serial bonds of said Town previously authorized therefor by bond resolution dated June 3, 2015;
- (b) by \$231,700 additional serial bonds of said Town previously authorized therefor by bond resolution dated January 23, 2019; and
- (c) by \$158,512 additional serial bonds hereby authorized to be issued therefor pursuant to the provisions of Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Sullivan, Madison County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be levied and collected in the manner provided by law within said Sleepy Hollow Water District as described in the proceedings heretofore adopted in connection therewith, an amount sufficient to pay principal of and interest on said bonds as the same become due and payable, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of an ad valorem tax, without limitation as to rate or amount, sufficient to pay the principal of and interest on said bonds.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The following roll call vote was taken with no further discussion.

Thomas J. Kopp Jr.	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
John Brzuszkiewicz	Councilor	Voted	Yes
John M. Becker	Councilor	Voted	Yes

FIREFIGHTER APPLICATIONS

No firefighter applications were presented this evening.

LETTER FROM BILL PINDLE – RESPONSE TO RECENT ACCIDENT ROUTE 31

Supervisor Becker read a letter from Bill Pindle in regard to an accident on Route 31 which took place a few weeks ago and to which Bridgeport Fire Department, Chittenango Fire Department and North Chittenango Fire Department all responded. He commented that the Departments worked well together in saving lives and property and he couldn't be prouder to be a member of the Bridgeport Fire Department.

USE OF TENNIS COURTS AT TOWN PARK FOR PICKLEBALL

Councilor Brzuszkiewicz reported that he and Councilor Kopp attended the Town Park Board meeting on April 26, 2021 to discuss the question recently posed to the Town about use of the Town Park for Pickleball. The group discussed the questions about resident/non-resident use. Councilor Brzuszkiewicz reported that the Park Board made the following decision:

The Board has decided to limit all non-resident reservations to a maximum of two (2) hours on two (2) courts on any given day. The 3rd court will be left available for walk-in tennis play. Courts can be reserved from noon until 7 p.m. Monday-Sunday. All reservations need to go through our website and will be monitored by the Parks Department. The Town may revoke these privileges for any group or person abusing this system. Parking will be allowed in the parking area by the tennis courts as well as in the main parking lot at the bottom of the hill. Parking will not be allowed on the grass or roadway entering Sullivan Park. Reservations will open for the courts as soon as the courts are repaired.

One resident, who Councilor Brzuszkiewicz commented thinks this is a reasonable approach. Kevin Curtis thanked the Board saying *"This sounds like a very fair and reasonable approach. My thanks to you, the Parks Board, the Town Board and all involved"*.

Councilor Brzuszkiewicz commented that he doesn't believe this requires a resolution from the Town Board but wants to acknowledge and thank the Park Board for addressing this issue. Supervisor Becker commented that the Park Board has done a good job and thanked them for working through this matter.

Councilor Kopp commented that the Park Board had also requested that Pickleball information be removed from the CNY Pickleball site and that reservations be handled through the Town Parks & Recreation Department. Per Councilor Kopp, this information has been removed from the website as requested.

Councilor Brzuszkiewicz reported that there has been discussion on whether obtaining waivers for attendance at Parks & Recreation programs relative to COVID19 should be required. At the advice of Town Attorney Langey, waivers will not be necessary as they don't appear to be effective for those attending programs or managing programs.

NEW BEGINNINGS CHURCH – REQUEST TO PLANT TREE

Councilor Brzuszkiewicz reported that the Parks & Recreation Department had received a request from New Beginning Church in Wampsville to plant a tree (red sunset maple) on May 22 in memory and honor of all who have died of COVID19 in one of the Town parks and have a ceremony following the planting. Supervisor Becker asked what the Park Board thought regarding the request. Councilor Brzuszkiewicz reported the request came in after the Park Board meeting. The request is a nice gesture and idea, but there was concern expressed on opening the door to any and all similar requests. The issue of maintenance and care were also a concern. Councilor Brzuszkiewicz commented that the idea should be discussed with the Park Board. Councilor Martin thought if the group partnered with a local group or organization, it might be a good idea. For now, the group

will be told no. Councilor Brzuszkiewicz will bring the matter to the Park Board at their next meeting.

OPENING CLERK'S OFFICE

Councilor Ranger discussed with the Board a recent email from Town Clerk Amy Wells about opening the Town Clerk's Office to the public. He inquired what the Board thought about allowing the Clerk's Office to open. Supervisor Becker commented that all the remaining Departments are fine with the status of the building being closed except by appointment. Deputy Clerk Jill Doss advised that currently the only ones that have been allowed in the building are people applying for hunting and fishing licenses. A contact tracing sheet is completed on each and temperature taken before allowing into the counter area. The tracing sheets are placed in the Comptroller's mailbox. Counters are wiped down and area sprayed with disinfectant after each person and only one or possibly two (if they are family) are allowed access at a time. COVID-19 prevention protocols are being followed. The Board agreed to allow the Clerk's Office to open, being certain to follow CDC guidelines. If COVID-19 cases begin to elevate in the area, the open status will be evaluated at that time.

EXECUTIVE SESSION

There was no Executive Session.

DRAFT MINUTES

Supervisor Becker advised the Deputy Town Clerk that the draft minutes are to be sent to the Attorney by the Friday following the Wednesday Board meeting.

ADJOURNMENT

With no further business and upon the motion made by Councilor Martin, seconded by Councilor Kopp, and unanimously passed by the Board the meeting was adjourned at 6:29 p.m.

Respectfully submitted,

Jill A. Doss
Deputy Town Clerk