

**TOWN OF SULLIVAN
TOWN BOARD MEETING
NOVEMBER 2, 2022 AT 6:00 P.M.**

A regular meeting of the Town Board of the Town of Sullivan was convened at 6:00 P.M. on November 2, 2022 by Supervisor John Becker.

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

Present were: Supervisor John Becker; Town Councilors Jeffrey Martin, John Brzuszkiewicz, David Montroy; and Daniel Gibbons; Attorney for the Town John Langey; Comptroller Beth Ellis; Code Official Larry Ball; Highway Superintendent Andy Busa; Clerk to Highway Superintendent Mary Cate Voss; Receiver of Taxes Katy Vanderwerken; and Deputy Town Clerk Jill Doss.

Also present were: Bruce Burke of PAC99; Art Lelio, Kerry Ranger, and Irma Boswell.

Pledge to the flag was led by Supervisor John Becker.

APPROVAL OF OCTOBER 19, 2022 MEETING MINUTES

A motion was duly made by Councilor Martin and seconded by Councilor Brzuszkiewicz to approve the minutes of October 19, 2022 and, with no further discussion, the following vote was recorded to adopt the draft Town Board meeting minutes of October 19, 2022, without amendment.

JEFFREY MARTIN	COUNCILOR	VOTED	YES
DAVID MONTROY	COUNCILOR	VOTED	YES
JOHN BRZUSZKIEWICZ	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
JOHN BECKER	SUPERVISOR	VOTED	YES

INTRODUCTION OF PROPOSED 2023 TOWN OF SULLIVAN BUDGET

Supervisor Becker reported that the proposed 2023 Town of Sullivan budget tax levy is \$4.507 M with a tax rate for both Town and Village of \$2.72 per thousand of assessed valuation. He commented that the proposed budget for 2023 includes many projects for the Town Parks and Highway using the funds from the Oneida Nation. He also commented that salaries and benefits are a major expense in the budgeting process and the Town wants to pay wages that will keep good help working for us.

BUDGET PUBLIC HEARING - TOWN OF SULLIVAN 2023 BUDGET

Upon the motion made by Councilor Gibbons, seconded by Councilor Martin, the Town Board unanimously approved opening of the budget public hearing for THE proposed Town of Sullivan 2023 budget. Supervisor Becker asked if there were any questions from the audience. Kerry Ranger asked a few questions of the Board:

1. Did you meet with all Department Heads about their budget? Supervisor Becker stated "yes".
2. Mr. Ranger asked about the equalization rate and commented that it is dropping. Supervisor Becker stated it was around 86%. He also commented that the Madison County tax rate is staying the same.
3. Mr. Ranger commented that the revenue line in the Justice Department is down.
4. Mr. Ranger asked what improvements are being planned that the Supervisor commented on in his opening remarks?

Supervisor Becker advised: (a) new kitchen at the Parks & Recreation building; (b) culvert pipe replacement at Town of Sullivan Park; (c) repair and replacement of the siding on the Trooper building with stone and possibly vinyl siding; (d) air conditioning at the Legion building (Parks & Recreation building); and (e) upgrade to tennis courts and a roof for park pavilion to name a few items. He further advised that the CHIPS money reflected an increase but on the other side of that issue is the costs for supplies and services are up 30 to 40%. The Highway Department is looking into the purchase of a new vehicle in 2024 that currently has a price of \$350,000 (up from \$250,000 from the last new truck purchased). Costs are increasing in many areas. The Board spoke of the news release that Micron will be locating in the area and the hope is that many people will build and develop in Madison County in the coming years. Supervisor Becker commented that there has been interest expressed for five (5) lots in the business park area. School enrollment is steady. Sales tax is up overall. Art Lelio asked about the Oneida Nation money. Supervisor Becker advised that the money received from the Oneida Nation is not incorporated in the budget but is accounted for in another area of the Town finances. This money is not guaranteed year to year and the Town doesn't always know what or if the funds will be coming to the Town in any given year. With no further questions or comments from the audience or the Town Board and upon the motion made by Councilor Brzuszkiewicz, seconded by Councilor Martin, the Board unanimously approved closing of the Town budget hearing.

ADOPTION OF TOWN OF SULLIVAN 2023 BUDGET

The Town Board discussed the information presented and discussed this evening in regard to the proposed 2023 Town of Sullivan budget. Upon the motion made by Councilor Brzuszkiewicz and seconded by Councilor Montroy, the Town Board approved the 2023 Town of Sullivan Budget presented as follows:

JEFFREY MARTIN	COUNCILOR	VOTED	YES
DAVID MONTROY	COUNCILOR	VOTED	YES
JOHN BRZUSZKIEWICZ	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
JOHN BECKER	SUPERVISOR	VOTED	YES

TOWN OF SULLIVAN AND CHITTENANGO CENTRAL SCHOOLS INTERMUNICIPAL AGREEMENT – PAVING

The Board briefly discussed the intermunicipal agreement with the Chittenango School District and Town of Sullivan. Upon the motion made by Councilor Martin and seconded by Councilor Montroy, the Board unanimously approved the Intermunicipal agreement, to wit:

INTERMUNICIPAL AGREEMENT PAVING

This Agreement is made as of July 1, 2022, by the following Parties:
The CHITTENANGO CENTRAL SCHOOL DISTRICT (the "School District"), a public school District with offices located at 1732 Fyler Road, Chittenango, New York 13037;
and
The TOWN OF SULLIVAN (the "Town"), a municipality with offices located at 7507 Lakeport Road, Chittenango, New York 13037.

Recitals

The School District owns and operates an elementary school known as Bolivar Road Elementary located at 6983 Bolivar Road, Chittenango, NY 13037
The School District desires to have the upper parking lot paved and the Town of Sullivan is willing to perform the labor as set forth below;

The School District and the Town are authorized to enter into cooperative agreements pursuant to Article 5-G of the General Municipal Law;

The respective governing board of each Party has authorized the execution of this Agreement;

In Consideration Thereof, and of the promises and covenants contained herein, the Parties agree as follows:

1. The School District agrees to reimburse the Town of Sullivan for all labor and equipment costs associated with the paving project. The Town of Sullivan will use its employees and equipment to accomplish the project. The total cost of the reimbursement from the School District to the Town of Sullivan shall be in the amount of \$42,620.90
2. The Town shall maintain general and automobile liability insurance naming the School District as an additional insured in the minimum amount of \$1,000,000 from insurance companies reasonably acceptable to the School District, and Workers Compensation coverage in accordance with statute. The Town shall provide evidence of insurance coverage in the form of a certificate of insurance which shall show that the liability policies have been endorsed to provide at least 30 days' notice to the School District prior to cancellation or any alteration of the coverage.
3. The Parties agree that each will perform its duties and/or exercise its rights under this Agreement in such a manner as not to create an unreasonable risk of liability or damage to the other. In the event that either Party performs or acts under this Agreement in a negligent or other culpable manner, causing uninsured damage or liability to the other Party, the Party causing the damage or liability shall hold harmless, defend at its expense, indemnify, and make whole the other Party from such damage or liability to the extent permitted by law.
4. Every provision of this Agreement is intended to be severable. If any provision is held to be invalid or unenforceable by a court of competent jurisdiction, such provision shall be deemed modified or rescinded to the extent necessary to comply with law and all other provisions shall continue in full force and effect.
5. All notices to the Parties shall be in writing and personally delivered or mailed or to the Parties at their addresses set forth above, or to such other address as a party may designate by written notice. Notices shall be effective upon personal delivery or when deposited in the mail.

IN WITNESS WHEREOF, the School District and the Town have caused this Agreement to be executed by their respective duty authorized officers as of the day and year first above written.

GRANTING EASEMENT TO MADISON COUNTY

Supervisor Becker advised that an easement (20' x 20') is needed east of the Parks & Recreation Building for the installation of a switch box. Not all of the details and drawings have been completed at this time. The Board discussed the information. Upon motion made by Councilor Gibbons, seconded by Councilor Martin, the Town Board unanimously authorizes the preparation of paperwork by Attorney for the Town Langey for a 20' x 20' easement east of the Parks & Recreation Building with Madison County for the installation of a switch box as discussed.

SETTING A PUBLIC HEARING FOR TOWN OF SULLIVAN LOCAL LAW NO. F-2022

("A LOCAL LAW UPDATING THE CODE ENFORCEMENT PROGRAM IN THE TOWN OF SULLIVAN")

Councilor Martin introduced proposed Local Law No. F-2022 updating the Code Enforcement Program in the Town of Sullivan and made the following Resolution, which was seconded by Councilor Montroy:

WHEREAS, proposed Local Law F-2022 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Sullivan, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law.

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED that there are no other involved agencies, the Town Board shall act as lead agency, and that the enactment of this proposed local law is a Type II action under SEQR, thus concluding the environmental review process; and be it further

RESOLVED AND DETERMINED that the Town Board conduct a public hearing as to the enactment of proposed Local Law F-2022 at the Town of Sullivan Town Hall located at 7507 Lakeport Road, Chittenango, New York on December 7, 2022 at 6:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and it is further

RESOLVED AND DETERMINED that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Sullivan and to any affected municipalities described above.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

David Montroy	Councilor	Voted	Yes
Daniel Gibbons	Councilor	Voted	Yes
John E. Brzuszkiewicz	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

FIRE HYDRANT APPROVAL FOR POOLSBOOKE (OCWA)

Supervisor Becker advised there is an application for an additional fire hydrant for the Poolsbrooke Development. Upon the motion made by Councilor Martin and seconded by Councilor Gibbons, the Board unanimously authorized the Supervisor to sign the paperwork from OCWA and approved the additional hydrant for the Poolsbrooke Development.

HARBOR LIGHTS TRAFFIC STUDY REQUEST

Supervisor Becker advised that a request has been received from Renae Rudd to conduct a traffic study on Route 31 by Harbor Lights to reduce the speed limit down to 45 mph. Highway Superintendent Busa commented that a study was done in this area in 2019. Highway Superintendent Busa requested that the Deputy Clerk research the Traffic Study file to see if this previous study was in the same area as the current request and provide

a copy of the report to him. Supervisor Becker requested that he also be given a copy of this study.

SHORT-TERM RENTAL (AIR BNB) DISCUSSION - KERRY RANGER

Kerry Ranger appeared before the Board this evening to discuss the issue of short-term rentals in the area. Many of these units have become available at the lake side and within the Town. Currently, there are no regulations within the Town for this type of use. Mr. Ranger commented that with the increase of this type of use, it is causing a lot of duress for area residents and property owners in many areas with extra cars, noise, partying and not taking care of the properties. Mr. Ranger understands the property owners that are doing this do make a substantial financial return with short term rental use of their properties. Mr. Ranger suggested that the Town consider the establishment of a moratorium on this type of use to investigate the various aspects of the use and the concerns related to the use. Attorney for the Town Langey suggested that a moratorium would be a good idea to give the community time to look into the various aspects of this type of use and he also suggested that a committee be formed to review the concept and what is involved and the concerns as well. The Town Board asked the Attorney for the Town to supply samples of legislation used in other communities. Supervisor Becker commented he can check at the County level on what units are registered. Mr. Ranger suggested that creation of some type of registration list showing where the units are and also incorporate the need for inspections of these properties be incorporated in the discussion because of the different use. He also suggested that parking and rules for use be incorporated in whatever language is decided by the Town. The Town Board will review this information and determine whether or not to establish a moratorium.

STREET LIGHT QUESTIONS ON REQUESTS FOR SERVICE

Highway Superintendent Busa commented that his department has received calls from residents for street light outages and issues. Currently, there are five lights out on Lakeport Road from Dad's Ice Cream to the Wild. National Grid has not been timely in their response to repair the lighting with three to four month waiting periods being the norm. Supervisor Becker commented he will contact the Power Authority and speak with them in regard to this delay in service. In the meantime, he advised to have the individuals contact either his office or the Comptroller's Office with these street light issues and they will handle.

WETLAND DISCUSSION

Art Lelio asked about the wetland discussion noted on the agenda as it relates to commercial solar projects. Attorney for the Town Langey explained the process to Mr. Lelio. The process begins with review and SEQR determination; which in this particular case the Planning Board is the Lead Agency. The Planning Board reviews and then it goes to the Zoning Board of Appeals for variance review and then back to the Planning Board. The applicant for this process is paying for legal and engineering fees. The Town does not pay for these fees.

RESIDENT QUESTION

Irma Boswell, resident of 8243 Lakeport Road, asked about the proposed solar project. Mrs. Boswell is directly across the road from the project. Attorney for the Town Langey advised Mrs. Boswell will receive notices from the Town for Planning and Zoning public hearings when they are scheduled as she is within 500 feet of the applicant request.

BUDGET MODIFICATIONS

There were no Budget modifications presented at the meeting.

FIREFIGHTER APPLICATIONS

There were no firefighter applications presented at the meeting.

EXECUTIVE SESSION

Upon the motion made by Councilor Martin and seconded by Councilor Brzuszkiewicz, the Board unanimously approved going into an Executive Session at 6:45 P.M. for advice of counsel with no action to be taken after the Executive Session.

A motion was made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously approved by the Board to come out of Executive Session at 8:02 P.M.

ADJOURNMENT

With no further business and upon a motion made by Councilor Martin, seconded by Councilor Gibbons and unanimously passed by the Board, the meeting was adjourned at 8:03 P.M.

Respectfully submitted,

Jill A. Doss
Deputy Town Clerk