

**TOWN OF SULLIVAN
TOWN BOARD MEETING
OCTOBER 5, 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 October 5, 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, and Daniel Gibbons; Attorney for the Town John Langey; Comptroller Beth Ellis; Deputy Comptroller Kelly Bassett; Clerk to Superintendent Dawn Cottet; Highway Superintendent Andy Busa; Clerk to Highway Superintendent Mary Cate Voss; Receiver of Taxes Katy Vanderwerken; and Deputy Town Clerk Jill Doss.

Excused: Councilor David Montroy

Also present were: Bruce Burke of PAC99; Ernie Hotaling, Michael & Christine Robbins; Donni Look (daughter of Richard Look); and Art Lelio.

Pledge to the flag was led by Supervisor John Becker.

APPROVAL OF SEPTEMBER 21, 2022 MEETING MINUTES

A motion was duly made by Councilor Brzuszkiewicz and seconded by Councilor Gibbons to approve the minutes of September 21, 2022 and, with no further discussion, the following vote was recorded to adopt the draft Town Board meeting minutes of September 21, 2022, without amendment.

David Montroy	Councilor	Excused	----
Daniel Gibbons	Councilor	Voted	Yes
John E. Brzuszkiewicz	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes

PUBLIC HEARING

**PROPOSED TOWN OF SULLIVAN LOCAL LAW NO. E OF 2022
A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C IN THE TOWN OF SULLIVAN**

Upon the motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz the Board unanimously approved opening of the public hearing for Proposed Local Law E of 2022.

Supervisor Becker asked if anyone from the audience or the Board wished to speak for or against the proposed Local Law. No one spoke.

Upon the motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz, the Board unanimously approved the closing of the public hearing for Proposed Local Law E of 2022. Thereafter, the following action was taken:

**ADOPTION OF TOWN OF SULLIVAN LOCAL LAW NO. E OF 2022
("A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C IN THE TOWN OF SULLIVAN")**

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. E-2022, "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Sullivan," was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan held on September 21, 2022; and

WHEREAS, a public hearing was held on such proposed local law on this 5th day of October, 2022, by the Town Board of the Town of Sullivan and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Sullivan in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of proposed Local Law No. E-2022 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said proposed Local Law No. E-2022.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Sullivan, Madison County, New York, does hereby enact proposed Local Law No. E-2022 as Local Law No. 7-2022 as follows:

**"TOWN OF SULLIVAN
LOCAL LAW NO. 7 OF 2022**

**A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C IN THE TOWN OF SULLIVAN**

Be it enacted by the Town Board of the Town of Sullivan as follows:

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Sullivan, County of Madison pursuant to General Municipal Law §3-c, and to allow the Town of Sullivan to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2023, that requires a real property tax levy in excess of the "tax levy limit" as defined by the General Municipal Law §3-c.

Section 2. AUTHORITY

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

Section 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Sullivan, County of Madison, is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations

to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. EFFECTIVE DATE

This Local Law shall take effect upon enactment by the Town Board.”

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	Excused	----
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.

BID OPENING FOR THE PURCHASE AND DELIVERY OF A USED 2021 OR NEWER 3.2-TON DOUBLE VIBRATORY COMPACTOR (“ROLLER”) FOR USE BY THE TOWN OF SULLIVAN HIGHWAY DEPARTMENT

Supervisor Becker opened the single bid that was received for the used 2021 or newer 3.2-ton double vibratory compactor (roller). The only bid received was from Tracey Road Equipment, Inc. in the amount of \$32,900.00 with a delivery date of fifteen (15) days. Supervisor Becker turned the bid information over to Highway Superintendent Andy Busa for his review and recommendation. Bid opening closed.

HIRING OF NEW HIGHWAY DEPARTMENT FULL-TIME EMPLOYEE

Supervisor Becker advised that Highway Superintendent Busa has recommended the hiring of Scott Renshaw as a full-time Highway Department employee for an hourly rate of \$27.46. The Town Board members discussed briefly. Upon the motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz, the Town Board unanimously approved the hiring of Scott Renshaw as a full-time Highway Department employee at an hourly rate of \$27.46 and a 52-week probationary period.

SNOW AND ICE AGREEMENT -MADISON COUNTY AND TOWN OF SULLIVAN OCTOBER 1, 2022 THROUGH APRIL 30, 2023

Supervisor Becker advised that the Town has received the 2022-2023 Snow & Ice Agreement between Madison County and the Town of Sullivan. Upon the motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz, and with no further discussion, the Town Board unanimously approved the 2022-2023 Agreement between the County of Madison and Town of Sullivan for Snow & Ice.

BUDGET MODIFICATIONS

There were no Budget modifications presented this evening.

FIREFIGHTER APPLICATIONS

There were no firefighter applications presented at the meeting.

PUBLIC COMMENT

Michael Robbins of 187 Andrews Shore Road and Donni Look (whose dad owns property at 181 Andrews Shore Road and wasn't able to attend this meeting), appeared before the Town Board this evening to discuss the right-of-way and road issue on Andrews Shore Road by their properties. Mr. Robbins and Mr. Look are proposing keeping the road where it is and adjust the r.o.w. There would be the need to deed over to the Town portions of the Robbins and Look properties and transfer property of the Town of Sullivan to Look and Robbins. Mr. Robbins showed a map of the affected areas to the Town Board and Counsel. Supervisor Becker and Highway Superintendent Busa both visited the site and confirmed the actual existing road location and r.o.w. location do not match. There is also a drainage easement that would need to remain where it is. Attorney for the Town Langey advised that he will review the documents presented by Mr. Robbins and will make a determination on how the Town should proceed on the matter. He will work on having an opinion for the next meeting, October 19, 2022. With the transfer of land, this process might be subject to permissive referendum. Attorney for the Town Langey recommended that Mr. Robbins check with his attorney on the matter and have that attorney call him to discuss the process and costs. A determination would need to be made for preparing new maps showing the location of the road and right-of-way as it stands, and the proposed changes along with determining who will bear the various costs related to filing new maps and paperwork with Madison County.

EXECUTIVE SESSION

Upon the motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz, the Town Board unanimously approved entering into an Executive Session at 6:15 P.M. for the purpose of advice of Counsel. No formal action will be taken after the Executive Session.

A motion was made by Councilor Gibbons, seconded by Councilor Brzuszkiewicz and unanimously approved by the Board to come out of Executive Session at 7:220 P.M.

ADJOURNMENT

With no further business and upon a motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board, the meeting was adjourned at 7:23 P.M.

Respectfully submitted,

Jill A. Doss
Deputy Town Clerk