

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

The Town Meeting of the Town Board of the Town of Sullivan was convened at 6:00 P.M. on March 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 and the link and passcode for the public to join the meeting were posted on the Town's website.

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

Excused: Councilor Brzuszkiewicz

Also present was: Bruce Burke of PAC99

Pledge to the flag was led by Supervisor Becker.

APPROVAL OF FEBRUARY 16, 2022 MEETING MINUTES

A motion was duly made by Councilor Gibbons and seconded by Councilor Martin to approve the minutes of February 16, 2022. With no further discussion the following vote was recorded to adopt the Town Board meeting minutes of February 16, 2022:

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

HARBOUR TOWN ROADS

Attorney for the Town Langey reported that all individuals have signed off on the various title road documents. Developer Mike Mastriano has signed the Road dedication form and lien affidavit. Attorney for the Town Langey advised that all title documents have been certified and accepted. All the paperwork is included in each Councilor's packet this evening. A resolution has been prepared authorizing the Town Board to accept the roads in Harbour Town and release any securities that the Town may be holding for Harbour Town. Supervisor Becker asked Highway Superintendent Busa if the Highway Department was in agreement with acceptance of the Harbour Town roads. Highway Superintendent Busa responded all was in order from the Highway standpoint. Thereafter, the following action was taken:

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

WHEREAS, Michael D. Mastriano, Member of Harbour Town Homeowner's Association, Inc. (successor in interest to Fisher Bay, LLC) (hereinafter "Developer") has executed, pursuant to Highway Law Section 171, a "Dedication of Land and Release of Damages" form proposing to dedicate to the Town of Sullivan (hereinafter "Town") a certain parcel of land for street or highway purposes and releasing the Town from all damages by reason of the laying out and opening of said streets, said parcel of land being described in Schedule "A"; and

WHEREAS, said Developer also executed and delivered to the Town a Warranty Deed/Lien Covenant dated January 27, 2022, conveying said parcel of land to the Town; and

WHEREAS, said Developer also executed and delivered to the Town:

- A certain original “Highway, Sewer and Drainage Construction and Maintenance Agreement” originally executed by Fisher Bay, LLC (predecessor to Harbour Town Homeowner’s Association, Inc.), dated September 26, 2013; and
- Security in proper form and amount as required by said Agreement including a cash deposit for engineering inspection and monuments; and

WHEREAS, the Developer provided to the Town easements for drainage and utility purposes as required by the approved plan, together with a current abstract of title and title insurance in an amount acceptable to the Town Board; and

WHEREAS, the Office of the Highway Superintendent of the Town has made, executed and delivered to the Town Board an order laying out such street; and

WHEREAS, the Town Board, by resolution authorized the Supervisor of the Town to execute and enter into an agreement with the Developer for the construction and maintenance of highway, sewer and drainage facilities within such development; and

WHEREAS, the land described in the aforementioned Warranty Deed/Lien Covenant has been improved as a street or highway, in accordance with standards and specifications for a town highway within this Town, and in conformance with applicable regulations and requirements and provisions of state law pertinent thereto; and

WHEREAS, the Developer has requested that the street be named as follows: “Harbour Town”; and

WHEREAS, the Town Board has reviewed and considered all of the aforementioned documents and have found them to be in proper order and the Town Board having further found that it is in the public interest to accept dedication of said street or highway.

NOW, THEREFORE, it is

RESOLVED that the Town Board, on the behalf of the Town, does hereby consent to the order of the Office of the Highway Superintendent laying out the said streets and does hereby accept the dedication of the said streets or highways as set forth in Schedule “A”; and it is further

RESOLVED that the names of said streets shall be as previously noted herein; and it is further

RESOLVED that the Town Clerk be and hereby is authorized and directed to file and record in her office the aforementioned “Dedication of Land and Release of Damages” dated February 22, 2022 and executed by Michael D. Mastriano, Member of Harbour Town Homeowners Association, Inc. (successor in interest to Fisher Bay, LLC), the written consent of the Town Board and the order of the Office of the Highway Superintendent laying out said streets; and it is further

RESOLVED that the Developer be and hereby is released from further obligation under the original Highway, Sewer and Drainage Construction and Maintenance Agreement dated September 26, 2013, and that any remaining securities be released to the Developer; and it is further

RESOLVED that all authorizations and approvals herein granted be and are expressly conditioned upon the Developer providing to the Town good and quiet title to all streets and easements, receipt of a duly executed affidavit of no liens, and the payment of all outstanding fees and disbursements, including title document and insurance costs, due to the Town resulting from this development.

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	Excused	-----
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: March 2, 2022

SCHEDULE "A"

The premises in which the insured has the estate or interest covered by this policy is described as follows:

All that tract or parcel of land situate in the Town of Sullivan, County of Madison and State of New York, being part of Lot No. 65 in the northwest part of the Late Oneida Reservation, being part of lands conveyed by William G. Barrett to Fisher Bay, LLC by deed recorded in the Madison County Clerk's Office in Book 1380 of Deeds, at page 1,

Being part of Harbour Town, Phase 1, Section 1 according to a map of said tract made by Ianuzi & Romans Land Surveying, P.C. dated August 29, 2009 and revised through June 22, 2011 and filed in the Madison County Clerk's Office September 2, 2011, as Map No. 5116 and 5117, bounded and described as follows:

Street as shown on said map of Harbour Town, Phase 1, Section 1, 60 feet wide and indicated as "Harbour Town".

APPOINTMENT OF KELLY BARRY TO THE BOARD OF ASSESSMENT REVIEW

The Town Board discussed filling the vacancy on the Board of Assessment Review. Upon the motion made by Councilor Martin, seconded by Councilor Montroy, the Town Board unanimously approved the appointment of Kelly Barry as a member of the Board of Assessment Review.

DECLARATION OF TWO PIECES OF HIGHWAY EQUIPMENT AS SURPLUS

Highway Superintendent Busa advised there are two pieces of highway equipment; a bus and Acme Sweeper that he would like the Town Board to declare as scrap/surplus. Neither vehicle runs and parts are impossible to obtain. The Town has tried to sell the equipment previously and have had no success. Supervisor Becker requested that Highway Superintendent Busa get the serial numbers for the vehicles to Comptroller Ellis for the record. Upon the motion made by Councilor Martin and seconded by Councilor Gibbons, the Town Board unanimously declared, as surplus, a bus and Acme Street Sweeper at the Town Highway garage as neither vehicle runs, serial numbers for these vehicles will be provided to the Town Comptroller.

UPDATE ON INTEREST SURVEY FOR SMITH RIDGE SEWER PROJECT

Supervisor Becker advised that it doesn't appear that the Smith Ridge Project will be moving forward at this time based upon the surveys that were recently conducted by the Town.

The Complete Interest Survey that was done the responses were: 21 yes
33 no
60 no response

The Condensed Interest Survey the responses were as follows: 18 yes
20 no
35 no response

PARKS & RECREATION PICKUP TRUCK PURCHASE UPDATE

Highway Superintendent Busa reported that a Ford F-250 XL pickup truck matching the specifications for the proposed purchase for the Parks & Recreation Department has been located at Don's Ford in Utica, New York. The amount the Town had budgeted is \$40,000. The price for the vehicle which includes a plow at Don's Ford is \$49,395.00. Lou LaPlante from the Town Parks & Recreation Department is planning to take the 2014 pickup currently in the Parks & Recreation fleet to Don's Ford to see what would be offered for a trade-in. There are approximately 38,000 miles on the 2014 pickup truck. The hope would be a trade-in between \$20,000. to \$25,000.00 would be offered. The Board discussed the information. Currently, vehicles are not available for order from dealers until possibly late in the year or longer. There is an emergent need now for a replacement vehicle to properly operate the Department for the foreseeable future. Other efforts have been made to locate an acceptable vehicle. There is currently a lack of vehicles available due to the supply chain issue. Attorney for the Town advised this purchase could be considered an emergent need for the Department as orders can't be placed and there is a known lack of material available in the marketplace. Upon the motion made by Councilor Montroy, seconded by Councilor Martin, the Town Board authorizes the purchase of the Ford F-250 XL pickup truck with plow from Don's Ford in Utica, New York as an emergency purchase under the circumstances in the amount of \$49,395.00 for the Parks & Recreation Department as vehicles can't be ordered currently and there is a known lack of material available in the marketplace. The Town-owned 2014 pickup truck will be taken to Don's Ford to establish a trade-in value toward this purchase. With no further discussion by the Board, the unanimously approved proceeding with the purchase of the new Ford F-250 XL pickup truck from Don's Ford in Utica in the amount of \$49,395.00 and a trade-in value to be determined for the 2014 Town-owned pickup.

BUDGET MODIFICATION

Supervisor Becker advised that a budget modification is requested to transfer \$26,700.00 from A1990.4 Contingent to A1620.4030 Telephone and Internet. This is to pay the billing for the new telephone system, that was accepted by the Board at the September 2021 meeting.

Upon the motion made by Councilor Martin, seconded by Councilor Gibbons, the Town Board unanimously approved the budget modification as outlined in detail above.

FIREFIGHTER APPLICATIONS

There were no firefighter applications submitted for review this evening.

PUBLIC INFORMATION MEETING ON THE PROPOSED WHITELAW WATER DISTRICT TO BE HELD ON MARCH 21, 2022

Supervisor Becker mentioned that there is a public information meeting planned for the proposed Whitelaw Water District project on March 21, 2022 at 7:00 p.m. At this time the thought is to hold it in Zoom platform. Taylor Bottar from Barton & Loguidice will be speaking at the meeting. More details to follow.

PROPOSED FEE SCHEDULE DISCUSSION

Code Enforcement Officer Ball spoke to the Board about the recent proposed fee changes that were discussed at the last Town Board meeting. He commented he thought the proposed fees should be compared to those charged in other neighboring Towns. He shared some other fees that the Towns of Clay and Cicero charged for various Code and Building applications/permits. The current software program that the Town has does not calculate fees based on square footage and changes to that Program would be required if that is the avenue that the Town pursues. There would be a cost incurred for updating the Program that is currently in place. It was agreed that the fee changes need to be further discussed. Code Enforcement Officer Ball said he would not be available for the next Town Board meeting but would be available for the first meeting in April. He commented that a proposed fee schedule change should be simplified for the public and Town staff. He also commented that all the Towns he has researched charge fees based on cost and not on square footage. More discussion is needed before any changes are made. Currently, there is no charge for PDD requests.

EXECUTIVE SESSION

There was no Executive Session held this evening.

ADJOURNMENT

With no further business and upon a motion made by Councilor Gibbons, seconded by Councilor Martin and unanimously passed by the Board, the meeting was adjourned at 6:17 p.m.

Respectfully submitted,

Jill A. Doss
Deputy Town Clerk