

**TOWN OF SULLIVAN
TOWN BOARD MEETING
SEPTEMBER 15, 2021 at 5:00 P.M.**

A regular meeting of the Town Board of the Town of Sullivan was convened at 5:00 p.m. on September 15, 2021 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 Jeff Martin, Kerry Ranger, Tom Kopp and John Brzuszkiewicz; Comptroller Beth Ellis; Receiver of Taxes Katy Vanderwerken; Attorney for the Town John Langey; and Deputy Town Clerk Jill Doss.

Also present were: Bruce Burke of PAC99; David Montroy; and Kenneth Katzenstein.

Excused: Highway Superintendent Andy Busa.

Pledge to the flag was led by Supervisor Becker.

APPROVAL OF SEPTEMBER 1, 2021 MEETING MINUTES

A motion was duly made by Councilor Brzuszkiewicz and seconded by Councilor Martin to approve the minutes of September 1 2021.

With no further discussion, the following vote was recorded to adopt the Town Board meeting minutes of September 1, 2021.

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	Supervisor	Voted	Yes

**SNOW AND ICE AGREEMENT BETWEEN THE COUNTY OF MADISON
AND THE TOWN OF SULLIVAN**

Supervisor Becker advised that the Town has received the Snow and Ice Agreement for the period October 1, 2021 through April 30, 2022 from Madison County. Councilor Martin asked if it was substantially the same as past years and it was noted that there are no major changes in the Agreement.

The Town Board briefly discussed the Agreement. A motion was made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously approved by the Board to approve the Madison County Snow and Ice Agreement for October 1, 2021 through April 30, 2022.

TURN-AROUND EASEMENT FOR 587 SHORE LAWN DRIVE

Supervisor Becker advised that the Town has been working to secure property for a turn-around on Shore Lawn Drive for use by the Highway Department. Attorney for the Town John Langey advised the Town Board that he has been working with Highway Superintendent Andy Busa and John and Mary Milligan, owners of the property located at 587 Shore Lawn Drive, in an attempt to secure the requested easement for the turn-around on Shore Lawn Drive. Thereafter, the following action took place:

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

WHEREAS, the Town of Sullivan Highway Department has generally used a driveway located at 587 Shore Lawn Drive in the Town (tax map number 3.49-01-28) (hereinafter the "Property") for purposes of snow storage and snowplow turnaround during the winter months; and

WHEREAS, the Property is owned by John D. Milligan and Mary M. Milligan; and

WHEREAS, the driveway located on the Property is in need of substantial repairs; and

WHEREAS, the property owners have advised the Town that they are willing to repair the said driveway and grant a formal right of way and easement to the Town for purposes of snow storage and snowplow turnaround in exchange for consideration of seven thousand and 00/100 dollars (\$7,000.00) to be paid by the Town; and

WHEREAS, the Town Board has determined there is a present need for an easement over the Property for highway purposes.

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Sullivan hereby authorizes the purchase of a permanent right of way and easement from John D. Milligan and Mary M. Milligan over the driveway located on the Property at a total price not to exceed Seven Thousand and 00/100 Dollars (\$7,000.00); and it is further

RESOLVED AND DETERMINED that the Town of Sullivan Supervisor is hereby authorized to sign any documentation and take all actions to give full force and effect to this resolution.

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

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	Supervisor	Voted	Yes

**PROPOSED LOCAL LAW NO. C-2021 - CREATING THE BOLIVAR ROAD MINING
PLANNED DEVELOPMENT DISTRICT**

Councilor Martin introduced proposed Local Law No. C-2021, "A Local Law Creating the Bolivar Road Mining Planned Development District", which Local Law would approve the application and Preliminary Development Plan submitted by Kenneth C. and Cheryl E. Katzenstein, as Owners of the premises located on Bolivar Road (Tax Map Nos. 32.-2-50 and 32.-2-50.5) and White Bridge Road (Tax Map No. 32.-2-49.12), Chittenango consisting of approximately 127.04± acres (50.10± acres, 8.79± acres and 68.15± acres respectively) (the "Premises"), to establish the "Bolivar Road Mining Planned Development District" on said lands, subject to the provisions of Section 275-12 of the Code of the Town of Sullivan, and made the following motion which was seconded by Councilor Brzuszkiewicz:

WHEREAS, pursuant to Section 275-12 of the Code of the Town of Sullivan, the Town Board is required to determine whether the instant application for the proposed Planned Development District ("PDD") has been initially completed to the Board's satisfaction and, if so completed, refer said application to the Town of Sullivan Planning Board for its review and recommendation; 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, pursuant to the provisions of the Municipal Home Rule Law, previously at a regular meeting of the Town of Sullivan Planning Board held on August 3, 2021 the Planning Board reviewed the application and documents submitted by Kenneth C. and Cheryl E. Katzenstein (as Owners/Applicants), for the granting of a request for a Zone Change to create the proposed “Bolivar Road Mining Planned Development District” on the premises owned by Owners/Applicants located on Bolivar Road (Tax Map Nos. 32.-2-50 and 32.-2-50.5) and White Bridge Road (Tax Map No. 32.-2-49.12), Chittenango, Town of Sullivan, New York consisting of approximately 127.04± acres (50.10± acres, 8.79± acres and 68.15± acres respectively) in order to establish the “Bolivar Road Mining Planned Development District” on said lands, subject to the provisions of Section 275-12 of the Code of the Town of Sullivan; and

WHEREAS, the Planning Board conducted its review of the proposed PDD and on August 3, 2021, the Town of Sullivan Planning Board made the following determinations:

1. This project anticipates the creation of a Planned Development District in the Town of Sullivan;
2. The proposed action is a Type I Action;
3. That the Planning Board wishes to assume Lead Agency status in connection with the SEQRA review for this project and shall undertake a coordinated review;
4. The following agencies have been designated involved/interested agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said proposed Local Law, with the result that the Planning Board shall act as lead agency in this matter, to wit:
 - **U.S. Army Corps of Engineers**, Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, New York, New York 10278-0090;
 - **U.S. Army Corps of Engineers**, Auburn Field Office, 7413 County House Road, Auburn, New York 13021;
 - **New York State Department of Environmental Conservation**, Region 7, 615 Erie Boulevard West, Syracuse, New York 13204;
 - **New York State Department of Agriculture and Markets**, New York State Fairgrounds, 581 State Fair Boulevard, Syracuse, New York 13209;
 - **New York State Office of Parks, Recreation and Historic Preservation (Via CRIS)**, Peebles Island Resource Center, P.O. Box 189, Waterford, New York 12188-0189;
 - **Madison County Planning Department**, 138 North Court Street, Building 4, Room 249, P.O. Box 606, Wampsville, New York 13163;
 - **Town of Sullivan Town Board**, 7507 Lakeport Road, Chittenango, New York 13037; and

5. The proposed action will require the preparation of a Full Environmental Assessment Form (EAF) to provide information with regard to the environmental issues pertinent therein; and

WHEREAS, on August 9, 2021, the Planning Board circulated lead agency notices to all involved/interested agencies together with the distribution package including the June 11, 2021 Application Letter, the Full Environmental Assessment Form Part 1, Planned Development District (PDD) - Concept Plan, prepared by SeGuin Land Surveying, P.L.L.C. and such other information as had been prepared and submitted to date by the Owners/Applicants and/or their representative; and

WHEREAS, the Planning Board, as Lead Agency, has caused the completion of a Full Environmental Assessment Form for the careful review of the environmental impacts of the project.

NOW, THEREFORE, it is

RESOLVED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. C of 2021 at the Town of Sullivan Town Hall, located at, 7507 Lakeport Road, Chittenango, New York on October 6, 2021 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 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:

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

The foregoing resolution was thereupon declared duly adopted.

BLACK POINT ROAD TURN-AROUND

Supervisor Becker advised that the Town is working to secure property for a turn-around on Black Point Road. Attorney for the Town John Langey spoke to the Town Board about the New York Statute Eminent Domain Procedure Law and how it applies to securing the turn-around on Black Point Road. A public hearing is held first in this procedure. There have been several meetings with Mr. Politis and his attorney about this proposal with Attorney for the Town John Langey and Highway Superintendent Busa. Attorney for the Town John Langey continued that per EDPL the Town Board needs to schedule a public hearing. Thereafter, the following action took place:

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

WHEREAS, the Town of Sullivan is seeking a permanent right-of-way easement over portions of the land that is commonly referred to as “Black Point Road,” Tax Map ID number 5.78-1-18 (hereinafter the “Property”) for purposes of snow removal, snow storage and the turnaround of highway vehicles; and

WHEREAS, the Property is purportedly owned by Kristoforos J. Politis; and

WHEREAS, the Town of Sullivan has attempted to acquire the proposed permanent right-of-way easement directly from the Property's purported owner, with said attempts being unsuccessful; and

WHEREAS, the Town of Sullivan is authorized to exercise eminent domain pursuant to Eminent Domain Procedure Law in order to acquire a permanent right-of-way easement over the Property for Town highway purposes.

NOW THEREFORE, BE IT RESOLVED, that pursuant to Article 2 of the Eminent Domain Procedure Law, a public hearing concerning the Black Point Road eminent domain proceeding shall be held on October 20, 2021 at 5:00 p.m. (or such other available date and time that conforms with New York State Laws upon due notice and publication) at the Town of Sullivan Town Hall located at 7507 Lakeport Road, Chittenango, New York to hear testimony or receive evidence or information regarding said eminent domain proceeding, including any objections thereto. If the purported owner of the Property subsequently wishes to challenge the condemnation of the Property via judicial review, he may do so only on the basis of issues, facts and objections raised at the public hearing.

RESOLVED that copies of the map, survey, and suggested metes and bounds description be kept on file for public review at the Town Clerk's Office during regular business hours.

RESOLVED AND DETERMINED that the Town of Sullivan Supervisor is hereby authorized to sign any documentation and take all actions to give full force and effect to this resolution.

RESOLVED that notice of the time and place of the public hearing shall be published pursuant to the requirements set forth in Article 2 of the Eminent Domain Procedure Law.

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

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

The foregoing resolution was thereupon declared duly adopted.

BUDGET MODIFICATIONS

There were no budget modifications this evening.

FIREFIGHTER APPLICATIONS

There were no firefighter applications this evening.

BID SNOW PLOWING TOWN OFFICES

Supervisor Becker commented that snow plowing for the Town Offices parking lot will be discussed during budget discussions. No action taken this evening.

ANNOUNCEMENTS

Supervisor Becker advised that there will be a fishing derby held at the newly dredged and improved pond at Sullivan Park this Saturday, September 18, 2021. This is the first derby since all the work done at Sullivan Park. The pond was recently stocked with bass. Councilor Brzuszkiewicz advised that the Derby will be held from 9:00 a.m. to 12:00 p.m..

Councilor Kopp advised that the Village held the 9-11 20th Anniversary Program on Saturday 9-11 at 8:30 a.m. He thanked Jill Doss for organizing the event for the community.

Supervisor Becker advised that he will bring materials to the next meeting from the recent NYSAOT conference.

SLEEPY HOLLOW WATER PROJECT UPDATE

Councilor Martin provided an update on the construction status with the concrete having been poured and the pump having arrived. He had received word of possible installation of the equipment tomorrow. He advised that there have been four or five changes in delivery dates. It does not appear possible at this time that the Contractor will be able to meet the substantial completion date of October 2. The water lines will need to be installed as soon as possible; residents have been waiting a long time for completion. Product availability is the major problem for timely delivery as there is a breakdown in the supply chain. Supervisor Becker advised that there has been no word on WIIA grant funds from the State. No information has been released from the State on availability. This funding is important to some of the projects that the Town is working on.

ADJOURNMENT

With no further business and upon a motion made by Councilor Kopp, seconded by Councilor Ranger and unanimously passed by the Board the meeting was adjourned at 5:16 p.m.

Respectfully submitted,

Jill A. Doss
Deputy Town Clerk