

**TOWN OF SULLIVAN  
TOWN BOARD MEETING  
OCTOBER 20, 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 October 20, 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. Due to the number of participants associated with the public hearing on the Black Point Road Eminent Domain Proceeding, the meeting began in the Town Court Room at the Town Hall.

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; Highway Superintendent Andy Busa; and Deputy Town Clerk Jill Doss.

Also present were: Bruce Burke of PAC99, Dawn Cottet, Don Cotton, John Brenner, Mabel Silliman, Mike Silliman, Don Christo, Dave Marecek, Robert and Janis Kohlbrenner, Lorenda Mohorter, Dan Gibbons, Anthony Salay, Patrick Donnelly, Esq., William Eastman, Zach Beley, John Connor, Esq., George Politis, Chris Politis

Pledge to the flag was led by Supervisor Becker.

**PUBLIC HEARING – BLACK POINT ROAD EMINENT DOMAIN PROCEEDING**

The public hearing for Black Point Road eminent domain proceeding was called to order upon the motion made by Councilor Kopp and seconded by Councilor Martin with all the Town Board members voting in favor.

The public hearing concerns the need by the Highway Department to acquire rights to a safe turnaround at the end of Black Point Road for Town highway equipment. Highway Superintendent Andy Busa explained the reason for the hearing request has nothing to do with connecting Wilson Point Drive and Black Point Road. In this matter the residents of Black Point Road and Wilson Point Drive have made it clear to him that they do not want the road to go through or connect. A resident commented that he appreciated the reassurance from the Highway Superintendent, but was the Town willing to put into writing that the roads would not be connected? Highway Superintendent Busa responded that the Town would put in writing both in the minutes and the formal easement documentation that Wilson Point Drive and Black Point Road would not be connected. Attorney for the Town Langey commented that this language would be included in the easement and resolution language. The Highway Superintendent presented a proposed map which showed the shaded area of the map of the currently paved area and the additional area now being discussed. His research shows that the paving of the area was done over 20-28 years ago. The purpose of the proceeding is to provide the Town with a safe plow turnaround area and snow storage location. Currently, the trucks must back down portions of the road to make multi-point turns to turn equipment around. Highway Superintendent Busa pointed out on the presentation map the area the Town owns, the portion of property that is currently paved and the easement area being discussed this evening. He commented that the easement area would also be used for highway purposes including a turnaround for emergency vehicles and Town Highway brush pickup. With the angle of Black Point Road in this area the needed 62' is greater than what a normal turning radius would be, the normal turning radius for 10-wheeled vehicles with plow or large emergency vehicles would be less, however, the angle of Black Point Road makes the need for a larger turning radius necessary. Highway Superintendent Busa commented that the Town Highway Department has encountered blockages at the end of the paved portion of Black Point Road with logs, a boat, and a trailer obstructing the lane and making it impossible to turn Town vehicles around safely. Highway Superintendent Busa also explained that there is also a drop off in the terrain in this area

that complicates turning as well. Highway Superintendent Busa reported that discussions with the property owner Kristoforos Politis had been going well but later stopped with the request from Mr. Politis for a piece of land. He continued that the Town legally needs to have a place to turn large vehicles around and a place for snow storage. There are currently sewer and OCWA easements on this area, making the land otherwise useless. According to Highway Superintendent Busa, the Town Assessor has estimated the property value of the area to be \$3,700.00. The area in question is pretty much useless, unless added to other parcels or for lawn mowing. David Marecek of 2409 Black Point Road commented the Town has maintained this area for the last 30 years and he asked why we need all this storage area now, what has changed? Highway Superintendent Busa responded that normally a 10-wheeled truck with a plow needs 30 feet in width for turning around but with the angle of Black Point Road a greater radius is needed; this isn't a normal straight "T" or hammerhead turnaround, the angle of the road creates a difficult turning radius and there is also a drop off in the land at the other end. The greatest need is the turnaround area and the snow storage area which would be dependent on the amount of snow that falls. The snow storage area would only be used as needed. An easement allows the Town to use the area for snow storage. Dave Marecek asked you are asking for 100 feet deep, there used to be trees along that area that Chris Politis had removed, the Town never needed 100 feet deep, why all of sudden do you need 100 feet deep? He understands the need for the space for a vehicle turnaround and snow storage area, but not the 100 feet. Mr. Marecek commented where Black Point Road should be is 100 feet. He further commented the Road is not where it should be. Highway Superintendent Busa said he couldn't change that. Highway Superintendent Busa responded that the request is for 62 feet and as he explained previously the angle of the road creates a difficult turning radius for a truck with a snowplow. He commented that he had taken a Town truck down to the area complete with snowplow and the requested easement is necessary for safely turning a large vehicle around. He added that a portion of Black Point Road is paved, and has been paved since before he started as Highway Superintendent and is designated currently as highway by use. Highway Superintendent Busa further commented that moving the existing road area would be expensive and without having any easement or written agreement the Town can't move the road and not have a place to turn around. It is very expensive to move the road. This whole gray area on the map is what I've come up with as what is necessary to turn a large truck around safely. Patrick Donnelly, Attorney representing property owner Kristoforos Politis, commented that he had submitted a letter to the Town Board. He asked if an easement is being taken as the legal description doesn't say or have what the easement is being taken for. The legal description published does not show what the easement will be. Attorney Donnelly commented that he doesn't know what the easement will be used for as it is not contained in the legal description. Attorney for the Town Langey commented that the easement does state its purpose (highway purposes) and that Highway Superintendent Busa has explained this. Attorney for the Town Langey commented it would be for unblocked access for highway vehicle turnaround and snow storage. Attorney Donnelly asked that this information be included in the legal description and notice be given to the public. Attorney for the Town Langey commented that this was included in the Notice and that the Town Board will not be voting on this request tonight as findings and determinations are also required to be presented. Attorney Donnelly asked to see the revised language of the permanent easement before filing and he also requested that the public hearing be kept open to further study this request to give him and others time to consider the request. Attorney Donnelly asked how much snow will be stored. Attorney for the Town Langey responded it would be dependent on the amount of snow fall. Attorney for the Town Langey commented that a short EAF will be reviewed as part of the hearing process. Attorney Donnelly questioned has the Town considered the run-off from stored snow into Oneida Lake and possible issues with salt in the snow. Attorney for the Town Langey commented that these and other questions relating to the environment will be reviewed by the Town Board. Attorney for the Town Langey and Supervisor Becker said there would be two weeks additional time for Mr. Politis and his Counsel to come up with a proposal. Attorney Donnelly commented that his client is willing to work with the Town. George Politis, father of applicant, spoke about the property in question which was owned by someone in Florida and advised the Town Board that the Town had the opportunity to purchase the property at the time but did not, he

purchased the land then sold the land to his son. His son has made improvements to the property by cleaning it up. Mr. G. Politis doesn't agree with this proposition and he is willing to fight the Town from taking the property from his son. He doesn't believe that the Town needs 100 feet to turn around vehicles. Attorney Donnelly commented that trucks can turn around in the area currently, what is the issue. There was a comment about obstruction with logs making it impossible for turn around use. Highway Superintendent Busa commented that the area was blocked by logs and the Town Highway removed the logs with a Gradall. Attorney Donnelly asked what did the Highway Department do with the snow when the logs were in the way. The logs were moved before snow. Highway Superintendent commented that the turn around does get used year-around; limited use during the spring/summer/fall for brush pickup in the area by the Highway Department or a fire truck or emergency vehicle would also need access to turn around larger vehicles. Attorney Donnelly commented he needs to see the language in the easement. Attorney for the Town Langey commented that the language would be included in the permanent easement. John Connor, attorney for Kristoforos Politis, disagrees with Attorney for Town Langey's assessment that the paved area is highway by use. The technical and factual requirements need to be explored. Those requirements, in his view, are not satisfied and are a point of discussion and clarification. Attorney for Town Langey commented he believes that the requirements are fulfilled. Attorney Connor commented that there had been meetings held at the Town Highway Garage with Attorney for the Town Langey, Kristoforos Politis, Highway Superintendent Busa and himself to discuss the matter and there was some agreement as to what the scope of the request would be, his client was not opposed to grant some form of an easement. What are parameters of easement – only metes and bounds are shown. What is the purpose? Attorney for Town Langey commented it is for snowplow turn around, snow storage area, and some access in non-winter months for brush pickup, and limited summer use -- all Town highway related purposes. He continued there had been discussion with Kristoforos Politis and Highway Superintendent Busa and there was desire to get to a point of agreement; they were trying to sort out the issues. The map presented this evening was part of those discussions; and during the discussions the group never got to a final drawing. Attorney Connor commented that his client did not shut down the discussion and he doesn't believe Highway Superintendent shut down the discussion either. Attorney Connor asked will the Town pursue eminent domain proceeding, what amount of Town funds would be tapped to pursue this proceeding? He commented that his client is not opposed to doing the right thing. Supervisor Becker asked Attorney Connor what is the scope of the right thing? Attorney Connor asked what will the process be from this evening. Attorney for the Town Langey commented the Town would re-introduce the discussion in a two-week period with a satisfactory suggestion from Mr. Politis and his Counsel in regard to the easement. The Town Board would leave the hearing open. Attorney Connor commented the two-week window would be tight. Supervisor Becker commented that in two-weeks things can be made to happen. Highway Superintendent Busa commented again that the challenge that needs to be kept in mind is the angle of Black Point Road. He showed on the map what he and Kristoforos Politis had arrived at their previous discussions. No one wants to go to litigation in this matter. Attorney Connor commented he is not trying to postpone and delay; he and his client are looking for a reasonable easement where both parties get substantially what they want. Attorney for the Town Langey commented that the Highway Superintendent has to be sure that from a public highway purpose whatever he agrees to is physically going to work safely for the people and the highway workers and that nobody's property is going to be damaged and that is primarily what his focus must be. The Supervisor suggested that this hearing be continued for two weeks. Attorney Connor is concerned that the two-week time period might be cutting it close. Highway Superintendent commented the Town Highway needs to be able to turn trucks around. Attorney for the Town Langey further commented at the next meeting we either get this done or the Town will proceed with the eminent domain proceeding. The Town Board has not made up their mind at this point, but the Town Board can't push this decision out too far or we will be back where we started. Attorney for the Town Langey commented the hearing would be continued until November 3, 2021. The Town Board will continue to receive comments in regard to the issue until that date. Supervisor Becker commented we are all reasonable and not looking to hurt anyone with this request. He thanked everyone for their comments

and questions. John Brenner, 2403 Black Point Road, asked at what point would the Town stipulate that the roads would not be connected, that there will be no through road? Attorney for the Town Langey commented this language would be included in the easement documentation. Highway Superintendent Busa asked about the timetable for the easement. His concern is if we don't move forward on this issue, how do we resolve the issues going into winter? Attorney for the Town Langey commented that we can't proceed until there is something approved and in writing that the lawyers have reviewed. Supervisor Becker commented that the Town Board will continue to accept comments in regard to this matter. Attorney Donnelly commented that he will be submitting a memorandum to be included in the proceedings of the hearing for consideration by the Town Board. With no further discussion and upon the motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz the Town Board moved to continue the public hearing for Black Point Road eminent domain proceeding discussion on November 3, 2021 at 6:00 p.m. with all the Town Board members voting in favor.

At this time, the meeting moved to the Town Board Room.

Persons who joined meeting at this time: Kelly Bassett Deputy Town Comptroller, Taylor Bottar and Alex Hess of Barton & Loguidice.

#### **APPROVAL OF OCTOBER 6, 2021 MEETING MINUTES**

A motion was duly made by Councilor Brzuszkiewicz and seconded by Councilor Martin to approve the minutes of October 6, 2021. With no further discussion, the following vote was recorded to adopt the Town Board meeting minutes of October 6, 2021.

<b>Thomas J. Kopp Jr.</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Jeffrey Martin</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Kerry Ranger</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John Brzuszkiewicz</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John M. Becker</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

#### **CONSTRUCTION OF THE TOWN OF SULLIVAN – HAMILTON BROWN/BUSHNELL SHORE WATER IMPROVEMENT PROJECT (WITH CONDITIONS)**

##### **AWARDING BID TO: *Highland Construction, Inc.***

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

**WHEREAS**, the Town of Sullivan Town Board has undertaken consideration of a water project in the Town to be known as the Town of Sullivan - Hamilton Brown/Bushnell Shore Water Improvement Project (the "Water Project"); and

**WHEREAS**, on March 18, 2020, the Town Board previously adopted a Resolution and Order to approve the construction and operation of the Water Project pursuant to Article 12-C of the Town Law; and

**WHEREAS**, the Town Board previously adopted a Negative Declaration and completed its SEQRA review relative to the Water Project; and

**WHEREAS**, the Town caused to be prepared said advertisement for bid and bid contract documents for said services; and

**WHEREAS**, the advertisement for bids was let by the Town by placing a notice on the Town's website and further through advertisement and mailings as directed by the Town's Consulting Engineers and as required by law; and

**WHEREAS**, copies of the proposed advertisement for bids and bid specification documents were filed in the Town Clerk's Office and said notice advised of the availability of said documents both at the Town Hall and at the Town's Consulting Engineer's offices located at 5800 Heritage Landing Drive, East Syracuse, New York; and

**WHEREAS**, numerous proposals were duly received by the Town of Sullivan in response to the bid solicitation as previously authorized; and

**WHEREAS**, said timely bids were received and opened on October 1, 2021 at the Sullivan Town Hall, 7507 Lakeport Road, Chittenango, New York; and

**WHEREAS**, the Town has conducted due diligence and a review of the specifications of the timely bid packages; and

**WHEREAS**, the bid response has been reviewed carefully by the Town Board.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Sullivan Town Board hereby awards the successful bid for the construction of the Town of Sullivan - Hamilton Brown/Bushnell Shore Water Improvement Project specifically set forth in the bid specification documents to **Highlander Construction, Inc.**, as lowest responsive, responsible bidder, for a total bid price of Seven Hundred Thirty-One Thousand and 00/100 Dollars (\$731,000.00), subject to Highlander entering into the appropriate contract documents and further upon the filing of appropriate bonds, insurance and other required matters set forth in the bid solicitation documents; and it is further

**RESOLVED** that the Town of Sullivan Supervisor is authorized to execute the necessary documentation to undertake the improvements as above-described; and it is further

**RESOLVED** that the above authorization is subject to the Town securing appropriate financing for such improvements and further subject to the expiration of the permissive referendum period (without a petition being filed) required under the applicable provisions of the Town 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:

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

The foregoing resolution was thereupon declared duly adopted.

**TOWN OF SULLIVAN TOWN BOARD**  
**PUBLIC HEARING ORDER**

At a Regular Meeting of the Town Board of the Town of Sullivan, Madison County, New York, held at the Town Hall, located at 7507 Lakeport Road, Chittenango, New York on October 20, 2021 at 5:00 P.M.

The meeting was called to order by the Supervisor, and upon roll being called, there were:

<b>PRESENT:</b>	John M. Becker	Supervisor
	John E. Brzuszkiewicz	Councilor
	Thomas J. Kopp Jr.	Councilor

Kerry Ranger  
Jeffrey Martin

Councilor  
Councilor

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**IN THE MATTER OF  
AN INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED FOR  
“THE TOWN OF SULLIVAN - HAMILTON BROWN/BUSHNELL SHORE  
WATER IMPROVEMENT PROJECT” PURSUANT TO  
ARTICLE 12-C OF THE NEW YORK STATE TOWN LAW**

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Councilor Martin moved and Councilor Brzuszkiewicz seconded the following resolution:

**WHEREAS**, a Map, Plan and Report has been duly prepared in such manner and in such detail as heretofore has been determined by request of the Town Board of the Town of Sullivan, New York (the “Town”), relating to the creation and construction, pursuant to Town Law Article 12-C (§209-q), of water system improvements to be known and identified as the “Town of Sullivan - Hamilton Brown/Bushnell Shore Water Improvement Project” (the “Water Improvements”); and

**WHEREAS**, such Water Improvements include those described in the Town Engineer’s Map, Plan and Report and consist generally of approximately 6,900 feet of 8” water main with 6 hydrants on Hamilton Brown Road and approximately 1,200 feet with 3 hydrants on Bushnell Shore Road, all being areas currently with no access to public water and consisting of approximately 28± properties; and

**WHEREAS**, such Water Improvements are to be constructed and owned by the Town; and

**WHEREAS**, said Map, Plan and Report have been prepared by Dunn & Sgromo Engineers, PLLC, the Town Engineers who are a competent engineering firm duly licensed by the State of New York, and has been filed in the office of the Town Clerk where it is available for public inspection, and

**WHEREAS**, the proposed Water Improvements consist of the improvements more particularly set forth in the Map, Plan and Report and as described by Deed of Conveyance and in the areas of the Town as set forth above (using tax map numbers of the benefitted parcels), presently on file in the Office of the Town Clerk and are located as specifically described in the attached Schedule “A”; and

**WHEREAS**, the Town Board previously authorized the construction of the Water Improvements at a maximum amount proposed to be expended of Eight Hundred Thousand and 00/100 Dollars (\$800,000.00); and

**WHEREAS**, the Town Board previously made application to the New York State Department of Audit and Control (NYS Comptroller) for permission to form the Water District in compliance with the statutes in such cases and pursuant to 2 NYCRR Part 85; and

**WHEREAS**, upon review, the NYS Comptroller approved the construction of the Water Improvements at an estimated maximum cost of Eight Hundred Thousand and 00/100 Dollars (\$800,000.00); and

**WHEREAS**, pursuant to Article 12-C the Town Board is authorized to increase the maximum amount proposed to be expended for said Water Improvements subject to certain procedures outlined therein, including holding a public hearing relative to the increase in the maximum amount proposed to be expended; and

**WHEREAS**, the increase in the maximum amount proposed to be expended is necessitated by the increase in labor and material costs resulting from numerous economic factors including the COVID-19 pandemic; and

**WHEREAS**, although the maximum amount proposed to be expended will increase, the cost to the typical property is not estimated to increase as the Town Board is proposing to use stimulus monies received from the Federal Government and other funding sources to offset the proposed increase in the maximum amount and accordingly no additional borrowing is proposed; and

**WHEREAS**, the maximum amount proposed to be expended for the creation and construction of the Water Improvements is estimated to increase from the previous amount of Eight Hundred Thousand and 00/100 Dollars (\$800,000.00) to the new amount of Nine Hundred Sixty Thousand and 00/100 Dollars (\$960,000.00) and the plan of financing includes the issuance of bonds of the Town to finance said cost and the assessment, levy and collection of special assessments (pursuant to Town Law §209-q(8)) shall be borne entirely by the properties located within the described benefitted areas including the several lots and parcels of land within said benefitted areas as associated with the Water Improvements, which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, all as shown on the attached financing plan (Schedule "B") as set forth in said Map, Plan and Report and further that the Town of Sullivan Town Board has determined to seek and obtain public sources of funding and financing through the United States Department of Agriculture - Rural Development ("USDA-RD") and/or the New York State Environmental Facilities Corporation ("NYSEFC"), if applicable, as well as other sources, for the construction and administrative costs associated with the creation of the Water Improvements and that any final order of the Town Board for construction of the Water Improvements will be conditioned upon obtaining an actual cost to the "typical property" (as defined in the Town Law) of Nine Hundred Thirty-Five and 00/100 Dollars (\$935.00) per unit (or less) and that if such additional grant monies and funding are not obtained and the cost of typical property is not at or below Nine Hundred Thirty-Five and 00/100 Dollars (\$935.00) per unit, then the Town Board shall not authorize the construction of said Water Improvements; and

**WHEREAS**, the estimated cost of the Water Improvements to the "typical property" (as defined in the Town Law) is Nine Hundred Thirty-Five and 00/100 Dollars (\$935.00) annually; and

**WHEREAS**, that the estimated cost of the Water Improvements to the typical two-family home is One Thousand Eight Hundred Seventy and 00/100 Dollars (\$1,870.00); and

**WHEREAS**, that the estimated cost of hook-up fees is Two Thousand and 00/100 Dollars (\$2,000.00); and

**WHEREAS**, the cost and expenses of operation and maintenance (being an additional expense) of said Water Improvements, shall be a function of charges to the benefitted property owners by the Onondaga County Water Authority (OCWA) and shall not be a general charge against the Town; and

**WHEREAS**, the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk a detailed explanation of how such estimates were computed; and

**WHEREAS**, the creation and construction of the Water Improvements was previously determined to be a Type I action for purposes of environmental review under SEQR; and

**WHEREAS**, the Town Board previously gave due consideration to the impact that such creation and construction of the Water Improvements may have on the environment and on the basis of such consideration, the Town Board previously determined that there would be no environmental impacts associated with the project and adopted a Negative Declaration.

**NOW, THEREFORE, BE IT RESOLVED AND DETERMINED** that a hearing of the Town Board of said Town of Sullivan shall be held at the Town Hall located at 7507 Lakeport Road, Chittenango, New York on the 3<sup>rd</sup> day of November, 2021 at 6:00 P.M., or as soon thereafter as the matter can be heard, to consider an increase in the maximum amount to be expended for the proposed Town of Sullivan - Hamilton Brown/Bushnell Shore Water Improvement Project from Eight Hundred Thousand and 00/100 Dollars (\$800,000.00) to the new amount of Nine Hundred Sixty Thousand and 00/100 Dollars (\$960,000.00) herein referred to and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and it is further

**RESOLVED AND DETERMINED** that the Town Clerk cause a copy of this order to be published once in the Oneida Daily Dispatch, a newspaper having a general circulation in the Town and previously designated as the official newspaper of the Town for such purposes; to also post a copy thereof on the Town's official signboard maintained pursuant to §30(6) of the Town Law; and to further place a copy of this order upon the Town's website, all as certified by the Town Clerk, the first publication thereof and said posting are to be not less than 10 nor more than 20 days before the day designated for the hearing as aforesaid, all in accordance with the provisions of the Town Law; and it is further

**RESOLVED AND DETERMINED** that the Town Clerk file a certified copy of this order with the Comptroller of the State of New York on or about the date of publication and posting of a copy of this order.

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

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

The foregoing resolution was thereupon declared duly adopted.

#### **SCHEDULE "A"**

The Hamilton Brown/Bushnell Shore Water District, situated in the Town of Sullivan, Madison County and State of New York, being more particularly described as follows:

#### **Bushnell Shore Road**

Commencing at a Point of Beginning, said Point being on the southeastern corner of Parcel 9.-3-8.12, in the Town of Sullivan; said point also being on the westerly highway boundary of Bushnell Shore Road;

1. Thence westerly along the southern boundary of Parcel 9.-3-8.12 to the southwestern property corner of said Parcel;
2. Thence northerly along the western boundaries of Parcels 9.-3-8.12, 9.-3-8.11, 9.-3-8.7, 9.-3-8.6, and 9.-3-8.51 to the northwestern property corner of Parcel 9.-3-8.51;
3. Thence easterly along the northern boundary of Parcel 9.-3-8.51 to the northeastern property corner of said Parcel, said point being the western boundary of the Bushnell Shore Road right-of-way;
4. Thence northerly along the western boundary of the Bushnell Shore Road right-of-way to a point, said point being the westerly projection of the northern boundary of Parcel 9.-3-8.9;



5. Thence easterly across the Bushnell Shore Road right-of-way to the easterly highway boundary and the northwest property corner of Parcel 9.-3-8.9;
6. Thence easterly along the northern boundary of Parcel 9.-3-8.9 to the northeastern property corner of said Parcel;
7. Thence southerly along the eastern boundary of Parcel 9.-3-8.9 to the southeastern property corner of said Parcel;
8. Thence westerly along the southern boundary of Parcel 9.-3-8.9 to the southwestern property corner of said Parcel; said point being the eastern boundary of the Bushnell Shore Road right-of-way;
9. Thence southerly along the eastern boundary of the Bushnell Shore Road right-of-way to the northwestern property corner of Parcel 9.-3-8.42;
10. Thence easterly along the northern boundary of Parcel 9.-3-8.42 to the northeastern property corner of said Parcel;
11. Thence southerly along the eastern boundary of Parcel 9.-3-8.42 to the southeastern property corner of said Parcel;
12. Thence westerly along the southern boundary of Parcel 9.-3-8.42 to the southwestern property corner of said Parcel; said point being the eastern boundary of the Bushnell Shore Road right-of-way;
13. Thence westerly across the Bushnell Shore Road right-of-way, on a projection of the southern boundary of Parcel 9.-3-8.42, to the western highway boundary of Bushnell Shore Road;
14. Thence northerly along the western boundary of the Bushnell Shore Road right-of-way to the southeastern corner of Parcel 9.-3-8.12, said point also being the Point of Beginning.
15. Including part or all of the following Parcels on the east and west sides of Bushnell Shore Road in the Town of Sullivan:

East side:	9.-3-8.42	West side:	9.-3-8.11
	9.-3-8.9		9.-3-8.12
			9.-3-8.51
			9.-3-8.6
			9.-3-8.7

### **Hamilton Brown Road**

Part A: Commencing at a Point of Beginning, said Point being on the southwestern corner of Parcel 9.5-1-2, in the Town of Sullivan; said point also being on the eastern highway boundary of Hamilton Brown Road;

1. Thence easterly along the southern boundary of Parcel 9.5-1-2 to the southeastern property corner of said Parcel;
2. Thence northerly along the eastern boundary of Parcel 9.5-1-2 to the northeast property corner of said Parcel;
3. Thence easterly to a point 300 feet east of the easterly highway boundary of Hamilton Brown Road;
4. Thence northerly through Parcels 3.-3-77.11 and 3.3-77.12 parallel to Hamilton Brown Road to the northern boundary of Parcel 3.-3-77.11;
5. Thence westerly along the northern boundary of Parcel 3.-3-77.11 to the easterly boundary of the Hamilton Brown Road right-of-way;
6. Thence easterly across the right-of-way of Hamilton Brown Road to the northeastern property corner of Parcel 3.-3-74;
7. Thence easterly along the northern boundary of Parcel 3.-3-74 to the northwestern property corner of said Parcel; said point also being a property corner of Parcel 3.-3-73.1;
8. Thence easterly along the northern boundary of Parcel 3.-3-73.1 to a point that is 300 feet west of the western boundary of Hamilton Brown Road;
9. Thence southerly across Parcel 3.-3-73.1 parallel to Hamilton Brown Road to a southern boundary of Parcel 3.-3-73.1 and the northern boundary of Parcel 3.-3-75;

10. Thence easterly along the northern boundary of Parcel 3.-3-75 to the northeastern property corner of said Parcel; said point also being a property corner of Parcel 3.-3-73.1;
11. Thence southerly along the eastern boundary of Parcel 3.-3-75 and a western boundary of Parcel 3.-3-73.1 to the northern boundary of Parcel 3.-3-76;
12. Thence westerly along the northern boundary of Parcel 3.-3-76 to a point 300 feet west of the western boundary of Hamilton Brown Road;
13. Thence southerly across Parcels 3.-3-76 and 8.-2-41 parallel to Hamilton Brown Road to the southern boundary of Parcel 8.-2-41;
14. Thence easterly along the southern boundary of Parcel 8.-2-41 to the southeastern property corner of said Parcel; said point being the western boundary of the Hamilton Brown Road right-of-way;
15. Thence easterly across the Hamilton Brown Road right-of-way on a projection of the southern boundary of Parcel 8.-2-41, to the eastern highway boundary of Hamilton Brown Road; said point also being the western boundary of Parcel 3.-3-77.11;
16. Thence southerly along the eastern highway boundary of Hamilton Brown Road to the southwest corner of Parcel 9.5-1-2; said point also being the Point of Beginning.

**Part B:** Commencing at a Point of Beginning, said Point being on the southwestern corner of Parcel 4.54-1-12, in the Town of Sullivan;

1. Thence easterly along the southern boundary of Parcel 4.54-1-12 to the southeastern property corner of said Parcel; said point being on the western shoreline of Oneida Lake;
2. Thence northerly along the Oneida Lake shoreline, and the eastern boundaries of Parcels 4.54-1-12, 4.54-1-11, 4.54-1-10, 4.54-1-9, 4.54-1-8, 4.54-1-6, 4.54-1-5.1, 4.54-1-4, 4.54-1-3, 4.54-1-2, and 4.54-1-1 to the northwestern property corner of Parcel 4.54-1-1;
3. Thence southerly along the western boundary of 4.54-1-1 to the southwestern property corner of said Parcel; said point being the northern highway boundary of Hamilton Brown Road;
4. Thence southerly across the right-of-way of Hamilton Brown Road to a corner of Parcel 3.-3-62; said point being on the western boundary of Parcel 4.54-1-2 and on the southern boundary of the Hamilton Brown right-of-way;
5. Thence southerly along the western boundaries of Parcels 4.54-1-2, 4.54-1-4, 4.54-1-5.1, 4.54-1-6, 4.54-1-8, 4.54-1-9, 4.54-1-11, and 4.54-1-12 to the southwestern corner of Parcel 4.54-1-12; said point also being the Point of Beginning.
6. Including part or all of the following Parcels on the east and west sides of Hamilton Brown Road in the Town of Sullivan:

Part A:	3.-3-73.1	Part B:	4.54-1-1
	3.-3-73.2		4.54-1-2
	3.-3-73.3		4.54-1-3
	3.-3-74		4.54-1-4
	3.-3-76		4.54-1-5.1
	3.-3-77.11		4.54-1-6
	3.-3-77.12		4.54-1-8
	8.-2-41		4.54-1-9
	9.5-1-2		4.54-1-10
			4.54-1-11
			4.54-1-12

**Town of Sullivan**  
**Hamilton Brown/Bushnell Shore Water District Improvement Project**

With USDA Funding Preliminary Budget

October 19, 2021

<b>I. Construction Costs:</b>		
Hamilton Brown Road	- 6,900 feet (20.0 units)	
Bushnell Shore Road	- <u>1,200</u> feet (5.0 units)	
<b>Total</b> 8,100 feet of waterline		= \$731,000(per 2021 bid)
<b>II. Contingency – 10%</b>		= \$ 75,000
<b>III. Soft Costs – 20%</b>		= \$ <u>150,000</u>
<b>IV. Total Project Cost</b>		<b>Use \$960,000</b>
<b>V. WIA Grant</b>		= <b>\$480,000</b>
<b>VI. Town of Sullivan Funding</b>		= <b>\$160,000</b>
<b>VII. Water District Unit Costs</b>		
1. Hydrant Rental – 9 hydrants @ \$80 each ( <b>subject to change by OCWA</b> )		= \$720/year
2. MWB Levy – .0001 x total district assessment (approximately \$3 million)		= \$ 300/year
3. Project Cost Financing for \$320,000 with USDA-RD <sup>2</sup>		
a. 38-year loan @ 3.0% (.0444) (estimated for 2022)		= \$14,208/year
4. Total Annual District Cost:		= \$15,228
5. Units		= 25 (approximate)
6. Annual Unit Cost:		= <b>\$609</b>
<b>VIII. Other Costs:</b>		
1. Water Use Per Unit = \$325/year (typical single-family home) ( <b>subject to change by OCWA</b> ) <sup>3</sup>		
2. Meter Installation Fee = \$200 or \$250 (one time charge) ( <b>subject to change by OCWA</b> )		
3. Individual Private Water Service and Plumbing = varies		
<b>IX. Annual cost to typical property (water use + debt service)</b>		= \$ <b>934<sup>1</sup></b>

<sup>1</sup> 2020 New York State Comptroller's Limit (2021 New York State Comptroller's Limit = \$887).  
<sup>2</sup> Rates and amounts subject to change by USDA-RD (estimated for 2022, market financing rate).  
<sup>3</sup> Based on OCWA's 2021 Rate Schedule 2A, with a daily water use of 130 gpd with inflation for 2022.

**284 AGREEMENT FOR 2022**

Supervisor Becker advised that information in regard to the Highway Law §284 Agreement will be presented at the November 3, 2021 Town Board meeting.

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

Supervisor Becker advised that Kenneth Katzenstein's attorney has submitted a request to suspend the application to create the Bolivar Road Mining Planned Development District. The Town Board will still be taking written public comment.

**ESTABLISHING PUBLIC HEARING FOR PROPOSED 2022 TOWN BUDGET**

Supervisor Becker discussed with the Town Board establishing a public hearing for the 2022 proposed Town Budget. Comptroller Ellis advised that she had just received sewer

budget numbers from Sylvan Beach this evening so will have budget numbers tomorrow. Supervisor Becker advised there is a zero percent (0%) tax increase proposed. Upon the motion made by Councilor Martin, seconded by Councilor Kopp, a public hearing date for the 2022 proposed Town Budget will be held on November 3, 2021 with all Town Board members voting in favor.

### **BUDGET MODIFICATIONS**

There were no budget modifications this evening.

### **FIREFIGHTER APPLICATIONS**

There were no firefighter applications presented this evening.

### **SEWER LIEN RELEASE 9376 LAKE SHORE PARK**

Attorney for the Town Langey advised that a sewer lien release relative to a CDBG grant lien for 9376 Lake Shore Park needs to be prepared. Upon the motion made by Councilor Ranger, seconded by Councilor Martin, authorization is given to Attorney for the Town Langey to process the sewer lien release and for Supervisor Becker to sign the documents for 9376 Lake Shore Park relative to the CDBG Grant process. All Town Board members voting in favor.

### **AUCTION RESULT – USED HIGHWAY GRADALL**

Highway Superintendent Busa reported that yesterday was the closing date for bids for the used Highway Gradall. The bid submitted was \$20,100. He advised that he will decline the bid offer and keep the Gradall for now. An alternate site was suggested to post for sale the used Gradall – MunicBid. Highway Superintendent Busa will check the MunicBid site.

### **SUPERVISOR'S SECRETARY**

Supervisor Becker introduced Dawn Cottet as his Secretary. Welcome Dawn.

### **WHITELAW AND BRIDGEPORT PROJECT – UPDATE**

Taylor Bottar from Barton & Loguidice gave a brief update on the Whitelaw and Bridgeport released the draft map plan reports for these projects. Taylor Bottar asked about trying to get to public input meetings scheduled. Supervisor Becker said that the Town Board is working on a project list and these projects are included on that list.

### **EXECUTIVE SESSION**

Upon a motion made by Councilor Martin, seconded by Councilor Kopp, the Board entered into Executive Session at 6:00 p.m. for advice of Counsel. Alex Hess and Taylor Bottar of Barton & Loguidice, Town Comptroller Ellis, and Daniel Gibbons invited into the Executive Session. All of the Town Board Members voted in favor of the motion.

A motion was made by Councilor Kopp, seconded by Councilor Ranger and unanimously approved by the Board to come out of Executive Session at 6:54 p.m. No action was taken.

**ADJOURNMENT**

With no further business and upon a motion made by Councilor Ranger, seconded by Councilor Kopp and unanimously passed by the Board, the meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Jill A. Doss  
Deputy Town Clerk