

**TOWN OF SULLIVAN
TOWN BOARD MEETING
NOVEMBER 3, 2021 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 3, 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; Highway Superintendent Andy Busa; Supervisor's Secretary Dawn Cottet; Deputy Comptroller Kelly Bassett; and Deputy Town Clerk Jill Doss.

Also present were: Ernie Hotaling, resident Hamilton Brown Road; Fire Chief Jason Baker; Fire Chief Dennis Simmons; and Dan Gibbons

Pledge to the flag was led by Supervisor Becker.

APPROVAL OF OCTOBER 20, 2021 MEETING MINUTES

A motion was duly made by Councilor Brzuszkiewicz and seconded by Councilor Martin to approve the minutes of October 20, 2021. With no further discussion the following vote was recorded to adopt the Town Board meeting minutes of October 20, 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

PUBLIC HEARING – PROPOSED 2022 TOWN OF SULLIVAN BUDGET

The public hearing for the proposed 2022 Town of Sullivan Budget was called to order upon the motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz and all of the Town Board members voting in favor.

Supervisor Becker commented that the proposed 2022 Town Budget had been on the Town's website. He thanked everyone for all their work in preparing the budget. Supervisor Becker noted that there is a 3% pay increase included for all Town employees. He further noted that there has been a significant decrease in Court revenue for 2020 and 2021. It is also anticipated that there will be a deficit for 2022, largely due to the COVID outbreak. He continued that revenue has also been down for the Town Clerk's Office and Parks & Recreation due to COVID. Sales Tax has increased. There is no increase in the Town tax rate. There is a \$0.05 fire tax increase, to be \$0.85 due to the increase in expenses. Supervisor Becker continued that Madison County will be starting work tomorrow on their budget preparation. There is an anticipated increase in the County tax due to the increase in tax assessments. With no further comments or questions and upon the motion made by Councilor Martin, seconded by Councilor Kopp, the Board voted unanimously to close the hearing.

ADOPTION OF 2022 TOWN OF SULLIVAN BUDGET

Supervisor Becker asked for a motion for the adoption of the proposed 2022 Town of Sullivan Budget. Upon the motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz the Town Board approved the adoption of the 2022 Town of Sullivan

Budget. Councilor Ranger asked about the cost of sewer treatment and if it had increased. Comptroller Ellis responded that the cost went up 3% and that was reflected in the Budget. With no further questions, 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

PUBLIC HEARING - PROPOSED 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

Upon the motion made by Councilor Kopp, seconded by Councilor Martin, the Town Board called the public hearing to order with all the Town Board voting unanimously in favor. The purpose of the hearing is 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). There is 60% funding in place and ARPA funds are being used. The Supervisor advised that the Town of Sullivan is getting as much financial help as possible. Attorney for the Town Langey advised that work continues on securing the last two easements for the project. He advised he will need some help with securing one of these easements. With no further questions and upon the motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz, the public hearing was closed with all Town Board members voting unanimously in favor.

Thereafter, the following action was taken:

RESOLUTION - PROPOSED 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

**TOWN OF SULLIVAN TOWN BOARD
PUBLIC INTEREST RESOLUTION AND 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 November 3, 2021 at 6:00 P.M.

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 pursuant to Article 12-C of the Town Law, the Town Board of the Town of Sullivan hereby determines that:

- A. it is in the public interest to increase the maximum amount proposed to be expended for the Water Improvements 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;

- B. it is in the public interest to make such Water Improvements as specifically referred to above and as described in the Map, Plan and Report, as amended, prepared by Dunn & Sgromo Engineers, PLLC;
- C. all the property owners within the Water Improvement area are benefitted hereby;
- D. all the property and property owners benefitted are included within the Water Improvement area;
- E. the Notice of Public Hearing was posted and published as required by law; and it is further

RESOLVED AND ORDERED that the Clerk of the Town of Sullivan be and hereby is authorized and directed, on behalf of said Town, to file and record certified copies of this resolution and such other documents or instruments as may be required by law; and it is further

RESOLVED AND ORDERED that this Resolution and Order is adopted subject to a Permissive Referendum; and it is further

RESOLVED AND ORDERED that this Resolution and Order shall take effect immediately as authorized by 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.

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

I.	Construction Costs:		
	Hamilton Brown Road	- 6,900 feet (20.0 units)	
	Bushnell Shore Road	- <u>1,200</u> feet (5.0 units)	
	Total	8,100 feet of waterline	= \$731,000 (per 2021 bid)
II.	Contingency – 10%		= \$ 75,000
III.	Soft Costs – 20%		= <u>\$150,000</u>
IV.	Total Project Cost		Use \$960,000
V.	WIA Grant		= \$480,000
VI.	Town of Sullivan Funding		= \$160,000
VII.	Water District Unit Costs		
	1. Hydrant Rental – 9 hydrants @ \$80 each (subject to change by OCWA)		= \$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 ²		
	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:		= \$609
VIII.	Other Costs:		
	1. Water Use Per Unit = \$325/year (typical single-family home) (subject to change by OCWA) ³		
	2. Meter Installation Fee = \$200 or \$250 (one time charge) (subject to change by OCWA)		
	3. Individual Private Water Service and Plumbing = varies		
IX.	Annual cost to typical property (water use + debt service)		= \$ 934 ¹ .

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

**AUTHORIZATION TO ACCEPT HAMILTON BROWN/BUSHNELL SHORES
 WATER IMPROVEMENT PROJECT – PROPERTY EASEMENTS**

Supervisor Becker requested a motion for acceptance of the easements relative to the Hamilton Brown/Bushnell Shores Water Improvement Project. Upon the motion made by Councilor Kopp, seconded by Councilor Martin, the Town Board authorized the acceptance of the easements and the recording of such easements by the Attorney for the Town Langey relative to the Hamilton Brown/Bushnell Shores Water Improvement Project, with all Town Board members voting unanimously to approve.

PUBLIC HEARING - PROPOSED TOWN OF SULLIVAN LOCAL LAW NO. D-2021
(A Local Law Pursuant to Cannabis Law §131 Opting Out of
Licensing and Establishing Retail Cannabis Dispensaries and
On-Site Consumption Establishments Within the Town of Sullivan)

Supervisor Becker requested a motion to open the public hearing for proposed Local Law D-2021. Upon the motion made by Councilor Brzuszkiewicz, seconded by Councilor Martin, the Town Board opened the public hearing for proposed Local Law No. D-2021, with all Town Board members voting unanimously in favor.

Supervisor Becker asked if anyone had any questions or comments in regard to the proposed Local Law. There were no questions or comments.

Upon the motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz, the Town Board voted unanimously in favor of closing the public hearing for proposed Local Law No. D-2021.

Thereafter, the following action was taken:

TOWN OF SULLIVAN LOCAL LAW NO. D-2021
(A LOCAL LAW PURSUANT TO CANNABIS LAW §131 OPTING OUT OF
LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSARIES AND
ON-SITE CONSUMPTION ESTABLISHMENTS WITHIN THE TOWN OF SULLIVAN)

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. D-2021, a local law to opt out of licensing and establishing retail cannabis dispensaries and on-site consumption establishments within the Town of Sullivan was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan held on October 6, 2021; and

WHEREAS, a public hearing was held on such proposed local law on November 3, 2021, 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 Law of the State of New York; 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 of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on October 6, 2021, the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. D-2021 is an unlisted action and will have no significant effect on the environment, issuing a negative declaration, thus concluding environmental review under State Environmental Quality Review Act; and

WHEREAS, the enactment of proposed Local Law No. D-2021 was subject to a permissive referendum pursuant to Municipal Home Rule Law §24 as set forth in Cannabis Law §131; and

WHEREAS, it is the determination of this Board that it is in the public interest of the residents of the Town of Sullivan to enact said proposed Local Law No. D-2021.

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. D-2021 as Local Law No. 4-2021 as follows:

**“TOWN OF SULLIVAN
LOCAL LAW NO. 4 OF 2021
A LOCAL LAW PURSUANT TO CANNABIS LAW §131 OPTING OUT OF
LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSARIES AND
ON-SITE CONSUMPTION ESTABLISHMENTS WITHIN THE TOWN OF SULLIVAN
Be it enacted by the Town of Sullivan Town Board, as follows:**

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10 and Cannabis Law §131.

SECTION 2. INTENT.

It is the intent of the Town Board of the Town of Sullivan to opt the Town out of hosting retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

SECTION 3. LOCAL CANNABIS RETAIL DISPENSARY AND ON-SITE CONSUMPTION OPT-OUT.

The Town Board of the Town of Sullivan, County of Madison, hereby opts-out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments from locating and operating within the boundaries of the Town of Sullivan.

SECTION 4. VALIDITY & SEVERABILITY.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the New York State Department of State. Pursuant to Cannabis Law §131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local 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.

BLACK POINT ROAD CONTINUATION OF PUBLIC HEARING

Supervisor Becker and Attorney for the Town Langey advised that the involved parties have met and are working together for the easement agreement for Black Point Road and an agreement is currently being negotiated and should be completed by the November 17, 2021 meeting. The public hearing will be held open until the next meeting.

HIGHWAY LAW SECTION 284 AGREEMENT FOR 2022

Supervisor Becker advised that the Highway Law Section 284 Agreement has been completed. Highway Superintendent Busa commented that this will get highway expenses for the Town back on schedule. Upon the motion made by Councilor Martin, seconded by Councilor Ranger, the Town Board approved the Highway Law Section 284 Agreement between the Town of Sullivan and the County of Madison and authorized the Town Board members to sign this Agreement. With no further discussion, all the Town Board members voted unanimously in favor.

STAFF HIRING – SUPERVISOR’S OFFICE, PARKS & RECREATION, COURT

Supervisor Becker advised the Town Board of three new Town employees and their pay rates for the upcoming year.

Chris Lowe - Parks & Recreation Department at \$18.50 per hour

Dawn Cottet - Secretary to the Supervisor at \$40,000 per year

Dave Eckerlin – Court Assistant at \$15.00 per hour

With no further discussion and upon the motion made by Councilor Kopp, seconded by Councilor Brzuszkiewicz, the Town Board unanimously approved the staff hiring payrates for the above-listed individuals.

BUDGET MODIFICATIONS

There were no budget modifications this evening.

FIREFIGHTER APPLICATIONS

A firefighter application was received from Chittenango Fire Company for Christina Centner. The Board members reviewed the application for Ms. Centner. Upon a motion made by Councilor Kopp, seconded by Councilor Martin, the Board unanimously approved the firefighter application for Christina Centner for membership in the Chittenango Fire Company.

TOM OOT - POOLSBROOKE SUBDIVISION SECTION 4 STORM SEWER RELEASE

Attorney for the Town Langey spoke with the Board about a requested a partial security release for Section 4 of the Poolsbrooke Subdivision Development. Attorney for the Town Langey advised that the Town will have to confirm that all work has been completed to the satisfaction of the Town. Highway Superintendent Busa stated that the drainage in this area needs attention and there are some areas of concern. He advised that he received a report from the Engineer for the project and there are some minor items that need completion. Highway Superintendent Busa will forward the Engineer’s report to the Town Board members and Attorney for the Town Langey. Highway Superintendent Busa

noted that Developer Thomas Oot has been made aware of the information that is required and the outstanding issues.

ANNOUNCEMENTS

Supervisor Becker shared with the Board the upcoming activities for the Leisure Time Club

- Turkey Feast, reinvented – Wednesday November 17 at Theodore's Restaurant with CCS Dixieland Band \$15 per dinner
- Holiday Party – Wednesday December 8 at Theodore's Restaurant from 11 a.m. to 2:30 p.m. Buffet \$15 complete with Bell Ringers
- Beginning Thursday, November 4 at 10 a.m. at Parks & Recreation Building Coffee & Conversation
- Senior Bowling League beginning at Green Lakes Lanes
- Snack Lunch Program will begin on Monday, Tuesday, Friday
Lunch Program beginning under the direction of Theresa Combs
- Holiday Pops Program – December 18 for \$87 per person, reservations due December 3, great seats at the theater, charter bus, and dinner included.
- Lights on the Lake program van trips planned 11/29, 12/6, 12/13, 12/20 cost for Town Seniors \$5. Depart the Parks & Recreation building at 4:00 p.m.
- Quilt and Afghan Raffle to be drawn at the December 8 Holiday Party
- Bake-less Annual Bake Sale - consider donating the cost of your baking supplies in lieu of selling prepared bake goods

PROPOSED TAYLOR CAMPGROUND & BANQUET FACILITY PLANNED DEVELOPMENT DISTRICT - PRELIMINARY REVIEW BY FIRE DEPARTMENT

Chief Simmons of the North Chittenango Fire Department commented to the Board that he had done a preliminary review of the proposed campground and banquet facility drawings. He advised the Town Board that he has requested that a dry hydrant be added to the back corner of the proposed development and that the proposed access was reviewed as well. He advised that there is no kitchen proposed for the banquet facility as the food for scheduled events will be catered. He has prepared his comments and will get copies to Attorney for the Town Langey, the Town Planning Board and Ed Reid the Engineer for the project.

1833 MARSH MILL ROAD – QUESTION ON BUILDING ACTIVITY

Ernie Hotaling appeared at the meeting to inquire what is happening at 1833 Marsh Mill Road. It appears there is a pole barn on the land and he questioned if it is the intent of the property owner to build a home. Attorney for the Town Langey would need to confirm the language in the Town Code. Mr. Hotaling commented he would like to know what is going on with the property; there are boats, poles and other items being left or stored on the property. The Board will ask the Code Officer to check the status of this property and have him get back to Mr. Hotaling with a response.

HIGHWAY SUPERINTENDENT UPDATE

Highway Superintendent Busa advised that due to the extremely heavy rainfall over the last few weeks, there is significant damage to Olmstead Road and a portion of the road has been closed. A large mudslide on one side and a portion of the roadway is giving way to erosion from Chittenango Creek. Repairs to correct this road damage would be extremely expensive. Highway Superintendent Busa commented he is working with the County on this issue, he has contacted the School District, and also the Post Office. The

bridge project work on Dyke Road by Route 13 should be nearing completion allowing for the opening of Dyke Road. There will be an announcement about the re-opening. Highway Superintendent Busa also reported he is working on creating a turn around on Olmstead Road due to the closure of a portion of the road. This turnaround is needed for not only the Town vehicles, but emergency vehicles as well.

WELCOME TO NEW BOARD MEMBERS

Supervisor Becker welcomed Dan Gibbons as one of the new Councilors whose term will begin in January. David Montroy will also be starting in January as a new Councilor.

HAMILTON BROWN/HAMILTON SHORE RESIDENT

A resident from Hamilton Brown Road came to the Board meeting to question the annual fee that will be charged to each resident once the water project is in place. She recently inherited her parents' home which is a two-family home. The \$1,870.00 (for two units) annual cost will be difficult for her to pay. She asked if there was any additional funding available to help reduce the cost per property owner. Supervisor Becker explained that the Town is at the maximum amount of borrowing and financing possible. She asked if she could pursue other funding possibilities on her own to help reduce homeowner cost.

EXECUTIVE SESSION

Upon a motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz, the Board entered into Executive Session at 6:30 p.m. for advice of Counsel. All of the Town Board Members voted in favor of the motion.

A motion was made by Councilor Ranger, seconded by Councilor Kopp and unanimously approved by the Board to come out of Executive Session at 7:35 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 7:36 p.m.

Respectfully submitted,

Jill A. Doss
Deputy Town Clerk