

**TOWN OF SULLIVAN  
TOWN BOARD MEETING  
DECEMBER 1, 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 December 1, 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: Bruce Burke of PAC99, David Montroy, Larry Ball, Fire Chief Simmons, Chris Politis, John Connor Esq., and Patrick Donnelly Esq.

Pledge to the flag was led by Supervisor Becker.

**APPROVAL OF NOVEMBER 17, 2021 MEETING MINUTES**

A motion was duly made by Councilor Martin and seconded by Councilor Brzuszkiewicz to approve the minutes of November 17, 2021. With no further discussion the following vote was recorded to adopt the Town Board meeting minutes of November 17, 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>

**HAMILTON BROWN BUSHNELL SHORE ROAD PROJECT**

Supervisor Becker advised that the engineering fees for the Hamilton Brown Bushnell Shore Road Project have increased. The Board briefly discussed the fee increases for the project. Upon the motion made by Councilor Martin, seconded by Councilor Kopp, the Town Board approves the increase in Engineering fees for the Hamilton Brown Bushnell Shore Road Project. With no further discussion, the Town Board unanimously voted in favor of the motion.

**PROPOSED REVISED FEE SCHEDULE FOR CODES DEPARTMENT**

Supervisor Becker spoke with the Board in regard to the current fee schedule for the Codes Department. Councilor Brzuszkiewicz suggested that more time be taken to review the current schedule and make recommendations for an updated fee schedule for simplification and streamlining. Code Officer Larry Ball appeared at the meeting to review the current fee schedule and some of the concerns with what is currently in place. Updating the schedule would be helpful not only for the Codes Department but applicants. Councilor Brzuszkiewicz recommended that he, the Code Officer and David Montroy review the current schedule and have a recommendation by the first meeting of January 2022 for an updated fee schedule. It was suggested that Planning and Zoning Board of Appeals application fees be included as part of the review and added to the fee schedule.

**BLACK POINT ROAD CONTINUATION OF PUBLIC HEARING**

Attorney for the Town Langey advised that meetings have taken place with Highway Superintendent Busa, Attorneys for the property owners, and Attorney for the Town Langey to draft a proposed settlement agreement relative to Black Point Road. This evening Chris Politis, property owner and attorneys Patrick Donnelly and John Connor were present. Attorney for the Town Langey continued that all parties have consensus on a binding settlement agreement and easement for the Black Point Road turnaround. There are a few minor outstanding issues, including the finalized legal description to be prepared by Land Surveyor Forrest Seguin before all the paperwork is in place. This evening, the Town Board can authorize the Town Supervisor to sign the agreement and easement paperwork for Black Point Road. Until completion of the outstanding items noted, both Attorney for the Town Langey and Patrick Donnelly, Esq. will each hold one copy of the agreement in escrow. Once all the outstanding documents are received then the filing process can proceed. Attorney Patrick Connelly thanked Attorney for the Town Langey for the cooperation in preparation and finalization of this matter. Upon the motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz the Town Board authorizes Town Supervisor Becker to sign the settlement agreement and accept the easement for Black Point Road. Attorney for the Town Langey and Attorney Patrick Donnelly will each hold one copy of the settlement and agreement until the outstanding items are completed. With no further discussion the Board unanimously approved the motion.

**ESTABLISHING PUBLIC HEARING FOR A LOCAL LAW  
TO AMEND THE TOWN OF SULLIVAN ZONING LAW (CHAPTER 275 OF  
THE TOWN OF SULLIVAN TOWN CODE) BY AMENDING ARTICLE IX  
("SOLAR ENERGY SYSTEMS") TO ADD CERTAIN NEW DEFINITIONS,  
NEW PROVISIONS GOVERNING DECOMMISSIONING OF SOLAR FARMS AND  
PROTECTION OF AGRICULTURAL RESOURCES AND OTHER PROVISIONS  
TO ENSURE THAT THE HEALTH, SAFETY AND WELFARE OF THE TOWN  
IS PROTECTED FROM LARGE-SCALE SOLAR ENERGY SYSTEMS**

**TOWN OF SULLIVAN LOCAL LAW NO. E-2021**

("A Local Law to Amend the Town of Sullivan Zoning Law (Chapter 275 of the Town of Sullivan Town Code) by Amending Article IX ("Solar Energy Systems") to Add Certain New Definitions, New Provisions Governing Decommissioning of Solar Farms and Protection of Agricultural Resources and Other Provisions to Ensure that the Health, Safety and Welfare of the Town is Protected from Large-Scale Solar Energy Systems")

Councilor Ranger introduced proposed Local Law No. E-2021, "A Local Law to Amend the Town of Sullivan Zoning Law (Chapter 275 of the Town of Sullivan Town Code) by Amending Article IX ("Solar Energy Systems") to Add Certain New Definitions, New Provisions Governing Decommissioning of Solar Farms and Protection of Agricultural Resources and Other Provisions to Ensure that the Health, Safety and Welfare of the Town is Protected from Large-Scale Solar Energy Systems", which would allow the Town to address the potential negative impacts of such large-scale projects by providing for additional protections related to agricultural resources, town roadways, decommissioning and uniform solar guidelines for such uses, and made the following motion which was seconded by Councilor Martin:

**WHEREAS**, proposed Local Law No. E-2021 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; 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 after submission of a completed application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Sullivan, such that there are no other involved 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 Town Board shall act as lead agency in this matter; and

**WHEREAS**, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA; and

**WHEREAS**, the Town Board has determined that a Short Environmental Assessment Form (EAF) shall be required in connection with this matter; and

**WHEREAS**, the said EAF has been prepared and has been reviewed by the Town Board; and

**WHEREAS**, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

**NOW, THEREFORE,**

**BE IT RESOLVED AND DETERMINED** that the Town Board has determined that this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA as the proposed local law enhances protection of the environment by mitigating potential harm to town roadways, agricultural resources, property values and drainage; and it is further

**RESOLVED** that this proposed Local Law shall be referred to the Madison County Planning Department pursuant to New York General Municipal Law §239; and it is further

**RESOLVED** that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. E-2021 at the Town Hall located at 7507 Lakeport Road, Chittenango, New York on December 15, 2021 at 5:00 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 be it 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:

<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.

#### **REQUEST FOR INSTALLATION OF FIRE HYDRANT**

Supervisor Becker advised that a letter was received from Bill Pindle, Town Fire Inspector to request an additional fire hydrant on Route 5 West at Sleepy Hollow Road (at the corner). There is a hydrant located further up Sleepy Hollow Road, but there is a need

for an additional hydrant in this location. Upon the motion made by Councilor Martin, seconded by Councilor Kopp, a letter of request for hydrant installation at the corner on Route 5 West at Sleepy Hollow Road will be sent to OCWA. With no further discussion the Town Board unanimously approved the motion.

**AMENDED ROAD INVENTORY RESOLUTION**

**CERTIFICATION OF (ADDITIONAL AND AMENDED) LOCAL HIGHWAY  
INVENTORY, OWNERSHIP, RESPONSIBILITY AND ACTIVE USE OF  
CERTAIN PUBLIC ROADS IN THE TOWN OF SULLIVAN  
(Amended from October 6, 2021)**

A motion was duly made by Councilor Martin, seconded by Councilor Kopp, and unanimously passed by the Board, to wit:

**WHEREAS**, as part of its statewide GIS Public Road Network Project, the New York State Department of Transportation has prepared various reports of local Town highway inventories; and

**WHEREAS**, the Town of Sullivan Town Board had previously been notified that certain Town highways and roads have been identified by the New York State Department of Transportation, for purposes of verification of the ownership, responsibility and active use of said roads and highways as public roads in the Town of Sullivan; and

**WHEREAS**, the Town of Sullivan previously has conferred with the Town of Sullivan Highway Superintendent and has reviewed Town records as to the Town's updated ownership, responsibility for maintenance and repairs and use of said roads and highways; and

**WHEREAS**, the Town Highway Superintendent has advised of additional areas of Town highways and roads having been identified, such that it would be appropriate to include these additional and amended areas as set forth on the attached Schedule "A" and Schedule "B".

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Sullivan Town Board hereby certifies that the additional and amended areas and lengths of roads and highways identified in the attached schedules of highways and roads (Schedules "A" and "B") are owned by the Town of Sullivan and do constitute actively used public roads and highways of the Town of Sullivan, are public roads of the Town for all highway purposes and the Town accepts continued responsibility for their maintenance and repair.

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"**  
**Schedule of Town Highways and Roads**  
**Additional Areas**

LENGTH	NAME	BEGIN DESC.	END DESC.
0.22 miles	GIDRAN DRIVE	WHEATFIELD DRIVE	DEAD END
0.03 miles	HARBOR TOWN DRIVE	HITCHCOCK POINT	
0.31 miles	HARBOR TOWN DRIVE		WILLEY ROAD
0.05 miles	HARBOR TOWN DRIVE	WILLEY ROAD	DEAD END

**"SCHEDULE "B"**  
**Schedule of Town Highways and Roads**  
**Amended Areas**

DOT ID	LENGTH	NAME	BEGIN DESC.	END DESC.	COMMENTS
267248	0.54 miles	WHISPER RIDGE	NY 5	DEAD END	Appears an additional 0.22 miles can be claimed - Yes
	0.47 miles	WILLEY ROAD	HITCHCOCK POINT ROAD	HARBOR TOWN ROAD	
	0.43 miles	WHEATFIELD DRIVE	TUSCARORA ROAD	WHISPER RIDGE DRIVE	Wheatfield Drive is 24' in width
	0.09 miles	BARLEY COURT (In its entirety)	NORTH RIDGE DRIVE	NORTH RIDGE DRIVE	Cul-de-sac/circle 24' in width off of North Ridge Drive

**AUTHORIZING THE TOWN OF SULLIVAN HIGHWAY SUPERINTENDENT TO ERECT STREET SIGNAGE RELATED TO LESTINA BEACH ROAD**

A motion was duly made by Councilor Kopp, seconded by Councilor Martin, and unanimously passed by the Board, to wit:

**WHEREAS**, the Town of Sullivan Highway Superintendent has advised the Town Board with certain information relating to the designation and labeling of Lestina Beach Road for purposes of public safety and highway location; and

**WHEREAS**, previously, portions of the referenced area have been identified as "Lestina Road" whereas a more accurate description of the street would be "Lestina Beach Road" and which would be consistent with 911 responding emergency providers as well as U.S. Post Office addresses.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Sullivan Town Board hereby authorizes the Highway Superintendent to erect appropriate signage to relabel the above-referenced portions of "Lestina Road" to "Lestina Beach Road" in the area located from NY State Route 31 to the previously named "Lestina Road".

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.

### **FUEL AND PROPANE FOR 2022 BID NOTICES**

Supervisor Becker advised that Highway Superintendent Busa has provided the following information for bidding for propane, diesel fuel and gasoline for 2022:

Town of Sullivan Town Highway Department 7500 Bolivar Road Chittenango, New York 13037 Andrew Busa Office: 315-687-6031 Highway Superintendent Fax: 315-687-5257  
**NOTICE TO BIDDERS SPECIFICATIONS FOR PROPANE FOR THE YEAR 2022**  
Requirement: Tank Size: Approx. Usage 2 1,000 13,000 gallons Per gallon lock in price including tank rental and delivery/removal of 2- 1000 propane tanks. Products to be delivered to the Town of Sullivan Highway Department. Location: 7500 Bolivar Road, Chittenango, New York 13037. Contract Terms: January 1, 2022 through December 31, 2022. A Non-Collusive Bid Certificate must accompany all bids. Bids will be received at the office of the Town Clerk until 4:00 PM on December 15th, 2021. Location: 7507 Lakeport Road, Chittenango, New York 13037. Bids will be opened at a public meeting at 5:00 PM on December 15th, 2021. The right is reserved to reject any and all bids, by order of the Town Board, Town of Sullivan. Please direct any questions to Highway Superintendent Andrew Busa 315-447-1072.

Town of Sullivan Town Highway Department 7500 Bolivar Road Chittenango, New York 13037 Andrew Busa Office: 315-687-6031 Highway Superintendent Fax: 315-687-5257  
**NOTICE TO BIDDERS SPECIFICATIONS FOR GASOLINE AND DIESEL FOR THE YEAR 2022**  
Requirement: Tank Size: Approx. Usage 3,500 Gasoline 9,000 Gallons 6,000 Diesel 30,000 Gallons Gasoline and Diesel fuel to be delivered to the Town of Sullivan Highway Department. Location: 7500 Bolivar Road, Chittenango, New York 13037. Contract Terms: January 1, 2022 through December 31, 2022. A Non-Collusive Bid Certificate must accompany all bids. Bids will be received at the office of the Town Clerk until 4:00 PM on December 15<sup>th</sup>, 2021. Location: 7507 Lakeport Road, Chittenango, New York 13037. Bids will be opened at a public meeting at 5:00 PM on December 15<sup>th</sup>, 2021. The right is reserved to reject any and all bids, by order of the Town Board, Town of Sullivan. Please direct any questions to Highway Superintendent Andrew Busa 315-447-1072. Andrew Busa Highway Superintendent

Upon the motion made by Councilor Brzuszkiewicz seconded by Councilor Martin, the Town Board authorizes advertisement for bid propane and fuel for 2022 on December 15, 2021. With no further discussion the Town Board unanimously approved advertisement of bid for propane and fuel for 2022.

### **BUDGET MODIFICATION**

Transferring from A1990.4 Contingent to A1997.2 in the amount of \$446,580.54. This is to purchase Gradall XL 4100V SN 4140000384 - Wheel Truck Mount Excavator 6x4 Series V- including SN F60S530 Fixed Thumb Grapple 80755023 with a standard two year/ 3000-hour warranty coverage.

This purchase is being paid for with HOST Community Funds out of the A fund. The Highway department will be paying back the A fund within the next few years until the amount of \$446,580.54 is paid back to the General Fund. This purchase was not known during the 2021 budget process.

Upon the motion made by Councilor Ranger, seconded by Councilor Martin, the Town Board approves the budget modification as outlined 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:

<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>

### **FIREFIGHTER APPLICATIONS**

No firefighter applications this evening.

### **EXECUTIVE SESSION**

Upon a motion made by Councilor Martin seconded by Councilor Brzuszkiewicz, the Board entered into Executive Session at 6:40 p.m. for advice of Counsel with regard to a certain matter and for a particular Town employee. All of the Town Board Members voted in favor of the motion.

A motion was made by Councilor Martin, seconded by Councilor Kopp and unanimously approved by the Board to come out of Executive Session at 7:05 p.m. No action was taken.

### **ADJOURNMENT**

With no further business and upon a motion made by Councilor Brzuszkiewicz, seconded by Councilor Kopp and unanimously passed by the Board, the meeting was adjourned at 7:06 p.m.

Respectfully submitted,

Jill A. Doss  
Deputy Town Clerk