

**TOWN OF SULLIVAN
TOWN BOARD MEETING
FEBRUARY 1, 2023 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 February 1, 2023 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. The link and a passcode for the public to join the meeting were posted on the Town's website.

Present were: Supervisor John Becker; Town Councilors Jeffrey Martin, John Brzuszkiewicz, David Montroy; and Daniel Gibbons; Attorney for the Town John Langey; Comptroller Beth Ellis; Code and Building Officer Larry Ball; Highway Superintendent Andy Busa; Clerk to Highway Superintendent Mary Cate Voss; Secretary to Town Supervisor Dawn Cottet; Fire Inspector William Pindle; Deputy Comptroller Kelly Bassett; Receiver of Taxes Katy Vanderwerken; and Deputy Town Clerk Jill Doss.

Also present were: Bruce Burke of PAC99; Art Lelio; Village of Chittenango Mayor Elizabeth B. Martin; James Boswell; John Regan; Jennifer Keville; Thomas Kopp; Louis Cianfrocco; Kerry Ranger; Ernie Hotaling; County Clerk Michael Keville; and Mr. & Mrs. Nathan Hungate

Pledge to the flag was led by Supervisor John Becker.

STATE OF THE TOWN MESSAGE

Supervisor Becker presented the State of the Town message. He highlighted the accomplishments and achievements during 2021 and 2022 for the various Town Departments; including early pay-off of Town Office debt; completion of water and sewer projects; purchase of a new Gradall for the Highway Department, several highway projects completed; Parks & Recreation programs re-starting with added new activities which include a pre-school age summer program; pop-up art bus, start up of the fishing derby; holiday decorating contest and senior programs; updates to Town of Sullivan and Chapman Parks, Codes Department issuing 244 permits; Fire Departments purchasing two new fire trucks at \$650,000.00 for each unit (for Chittenango and Bridgeport Fire Departments); maintaining a strong working relationships with the Village of Chittenango and the Chittenango School District; support of the School Resource Program with the School and providing support for two mental health clinicians for the School District. The Town is in great financial shape currently but there is concern over NYS legislation that is being proposed (CLCPA), Flood Mitigation Programs for Chittenango Creek which are connected with a proposed 1400 acre solar farm project that could impact Chittenango Creek; and a lawsuit with NYS relative to the issue of Home Rule. The Supervisor showed the documents that he referred to and strongly urged residents to read these documents to understand the possible impacts on the community. Supervisor Becker spoke of the possible negative impacts on farmland and the tax base and how communities could have their rights curbed due to changes relative to Home Rule. He thanked the Town employees for their dedication and hard work throughout the past three years and all the changes encountered as we all traveled through the COVID pandemic. He asked if anyone had any questions. No questions were raised.

APPROVAL OF JANUARY 18, 2023 MEETING MINUTES

A motion was duly made by Councilor Martin, seconded by Councilor Gibbons to approve the minutes of January 18, 2023 and, with no further discussion, the following vote was recorded to adopt the draft Town Board meeting minutes of January 18, 2023.

JEFFREY MARTIN	COUNCILOR	VOTED	YES
DAVID MONTROY	COUNCILOR	VOTED	YES
JOHN BRZUSZKIEWICZ	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
JOHN BECKER	SUPERVISOR	VOTED	YES

BOARD OF ELECTIONS – POLLING PLACES

Supervisor Becker reported that the Town Clerk had provided information to the Town Board for designation of polling places for Madison County Board of Elections for 2023 as follows:

<u>Election District</u>	<u>Poll Site</u>
1	Sullivan Free Library, 101 Falls Blvd. Chittenango, NY 13037
2	Sullivan Veterans Memorial Building/Parks & Recreation Building, 707 Mohawk Street, Chittenango, NY 13037
3	Bridgeport Fire House, 427 Main Street, Bridgeport, NY 13030
4	Town Office Building, 7507 Lakeport Road, Chittenango, NY 13037
5	Fyler Community Hall, 1224 Fyler Road, Kirkville, NY 13082

Upon the motion made by Councilor Montroy and seconded by Councilor Brzuszkiewicz, the Board unanimously approved the polling places for 2023 for the Madison County Board of Elections.

COURT – NEW HIRE

Supervisor Becker advised the Board members that the Court has hired Jessica Loomis as a part time Clerk for Justice Scott Bielicki for 20 hours per week at a rate of \$15.00 per hour effective immediately. Upon the motion made by Councilor Martin and seconded by Councilor Gibbons, the Town Board unanimously approves the hiring of Jessica Loomis as a part time clerk for Judge Scott Bielicki for twenty hours (20) per week at a rate of \$15.00 per hour to start work immediately. Motion carried.

**PURCHASE OF 2023 STADIUM INTERNATIONAL TRUCK FOR
HIGHWAY DEPARTMENT**

Supervisor Becker discussed the proposed purchase of a 2023 new truck for the Highway Department. Superintendent for the Highway Andy Busa advised that the Department is behind in the scheduled rotation of vehicles as no truck was purchased as planned in 2020. Prices for vehicles are up significantly and new vehicles are limited in availability. Anticipated pricing for a vehicle similar to this one in 2025 will be at least \$100,000.00 more in cost. The Board members discussed the information. Thereafter, the following action took place:

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

WHEREAS, the Town of Sullivan Highway Department has previously advised the Town Board of the Town of Sullivan of its continuing need to repair, replace and update its fleet of equipment; and

WHEREAS, the Town of Sullivan Highway Department has also previously advised of its desire to acquire a heavy duty truck and related snowplowing equipment, specifically a new 2023 Stadium International HX620 V 6x4 chassis (front plow and wing with spreader) and new Everest Plow Package with specified equipment; and

WHEREAS, in May of 2020, the Town of Sullivan Town Board amended its Town of Sullivan Procurement Policy to authorize the use of piggybacking pursuant to GML §103 where the procedures of competitive bidding have been observed and the equipment to be procured has complied with the Town of Sullivan's Procurement Policy at ¶7 therein; and

WHEREAS, the Town has investigated the possibility of the use of piggybacking for the procurement of the heavy duty truck and related snowplowing equipment and has determined that such equipment is available for acquisition and purchase through the method of piggybacking through the competitive bidding procedures (GML §103) undertaken previously by Onondaga County (Bid Reference Award #8996) resulting in an award of a contract from retailer Stadium Intl Trucks Inc. for the new 2023 Stadium International HX620 V 6x4 chassis (front plow and wing with spreader) with specified equipment (including, but not limited to, Cummins 15 Liter 470HP, 12.50 x 3.750 x .500 corrosion treated frame rail, Allison full automatic transmission, heated windshield, 5 year engine and after treatment warrant, 5 year Allison transmission warranty and full locking rear tandem) for a total purchase price of One Hundred Forty-One Thousand Four Hundred Seventy-Five and 00/100 Dollars (\$141,475.00) and from retailer Tracey Road Equipment Inc. for the new Everest Plow Package with specified equipment (including, but not limited to, hydraulics, controls, multi-purpose center discharge dump body and tarp system) for a total purchase price of One Hundred Sixty-Three Thousand Nine Hundred Seventy-Five and 00/100 Dollars (\$163,975.00), for an overall total purchase price not to exceed Three Hundred Five Thousand Four Hundred Fifty and 00/100 Dollars (\$305,450.00); and

WHEREAS, it has been determined by the Town of Sullivan that the contract price for sale of the equipment specified herein meets the requirements of piggybacking as set forth in ¶7 of the Town of Sullivan Procurement Policy, to wit:

- A. The contract involved was available for use by other governmental entities through the bid solicitation process. The Town of Sullivan has determined that there is contained within the bidding municipality's bid package a provision that the bid is open to and can be used by other municipalities.
- B. The specific contract was issued in accordance with the equivalent provisions of General Municipal Law §103; and

WHEREAS, the Town Board on the basis of this evaluation hereby directs that the new 2023 Stadium International HX620 V 6x4 chassis (front plow and wing with spreader) and new Everest Plow Package with specified equipment described herein be procured from the successful Government Contract Vendor by way of cash payment, utilizing funds appropriated by the appropriate Highway Department fund; and

WHEREAS, such procurement constitutes a Type II action for purposes of State Environmental Quality Review and, as result, no environmental impact is anticipated.

NOW, THEREFORE, BE IT RESOLVED that the Town of Sullivan Town Board hereby authorizes said procurement and further authorizes the Town Supervisor to execute any necessary documents to purchase the 2023 Stadium International HX620 V 6x4 chassis (front plow and wing with spreader) (VIN 3HTPCAPT5PN369212) and new Everest Plow Package with specified equipment, in an amount not to exceed Three Hundred Five Thousand Four Hundred Fifty and 00/100 Dollars (\$305,450.00) utilizing the processes undertaken by Onondaga County (Bid Reference Award #8996) for piggybacking pursuant to GML §103 by way of cash payment, utilizing funds appropriated by the appropriate Highway Department fund from Navistar, Inc., Loudonville, New York, for the new 2023 Stadium International HX620 V 6x4 chassis (front plow and wing with spreader) with specified equipment and the new Everest Plow Package with specified equipment (Onondaga County Bid Reference Award #8996), upon the terms provided in the submitted proposal by way of cash payment, utilizing funds from the appropriate Highway Department Fund.

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

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

The foregoing resolution was thereupon declared duly adopted.

BUSINESS PARK OFFERS

Supervisor Becker advised that two purchase offers have been received for Lot #5 and Lot #4 in the Business Park by Stoneleigh Housing for Lot #5 and St. Cosmos and St. Damian (MVR Corp.) for Lot #4. MVR Corp. proposes to build a warehouse, office space and storage, while Stoneleigh Housing proposes to construct and operate senior housing. Each offer was for \$50,000.00 for their respective lot. Upon motion made by Councilor Montroy, seconded by Councilor Gibbons, the Town Board unanimously conditionally accepted the purchase offers of \$50,000.00 each presented from Stoneleigh Housing and St. Cosmos and St. Damian (MVR Corp.) for Lots #5 and #4, respectively, in the Business Park. No further discussion. Motion carried.

**AUTHORIZATION TO PREPARE AND ADVERTISE BIDS FOR NEW X-SERIES
HEART MONITOR/DEFIBRILLATOR WITH SPECIFIED EQUIPMENT
AND NEW STAIR PRO MODEL 6252**

Supervisor Becker requested that bid documents be prepared for a new X-Series Heart Monitor/Defibrillator with specified equipment and a new Stair Pro Model 6252 (chair lift) for the ambulance. He suggested a bid opening date of March 1, 2023. Upon the motion made by Councilor Martin and seconded by Councilor Gibbons, the Board unanimously approved preparation of bid documents by Attorney for the Town Langey for the X-Series Heart Monitor/Defibrillator with specified equipment and a new Stair Pro Model 6252 chair lift and established a bid opening date for these two pieces of equipment for March 1, 2023. With no further discussion the motion was carried.

**PREPARATION OF BID DOCUMENTS AND ESTABLISHMENT OF BID OPENING
FOR TWO (2) UTV UNITS FOR PARKS AND RECREATION DEPARTMENT**

Supervisor Becker advised that the Town Parks & Recreation Department is seeking to trade in two (2) used UTV units and purchase two (2) new units. Bid documents need to be prepared and a bid opening date needs to be established. Upon the motion made by Councilor Montroy, seconded by Councilor Brzuszkiewicz, Attorney for the Town Langey is authorized by the Town Board to prepare bid documents for two (2) new UTV units and the Town Board establishes a bid opening date for these units for March 1, 2023. With no further discussion, the Board unanimously approved the motion. Motion carried.

BUDGET MODIFICATION

Supervisor Becker presented the following request for budget modification to the Town Board:

Transferring \$251.36 from AA.5010.4020 and \$365.12 from AA.5132.4860 to AA.5010.1702 for a total of \$616.48 as this line as over-budgeted amount for December 31, 2022.

Upon the motion made by Councilor Martin and seconded by Councilor Gibbons, the Town Board approves the requested budget modification as outlined above. With no further discussion and upon a roll call vote as follows:

JEFFREY MARTIN	COUNCILOR	VOTED	YES
DAVID MONTROY	COUNCILOR	VOTED	YES
JOHN BRZUSZKIEWICZ	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
JOHN BECKER	SUPERVISOR	VOTED	YES

Motion carried.

FIREFIGHTER APPLICATIONS

Supervisor Becker reported that three applications for Fire Police have been received from the Bridgeport Fire Department, as follows:

Debbie LaCelle – 7915 John Huss Ave., Bridgeport, NY 13030
Shannon R. Laflamme – 7851 Areopagitica Ave., Bridgeport, NY 13030
James Ostrowski – 7851 Areopagitica Ave., Bridgeport, NY 13030

Upon the motion made by Councilor Brzuszkiewicz, seconded by Councilor Montroy, the Town Board unanimously approves the appointments of Debbie LaCelle, Shannon R. Laflamme, and James Ostrowski as Fire Police Officers for the Bridgeport Fire Department. No further discussion. Motion carried.

SURPLUS HIGHWAY EQUIPMENT

Supervisor Becker reported that various pieces of Highway equipment were listed on the Auctions, International website. The equipment items: 2002 Mack Truck, 2001 Dodge Truck, Dump box, Snowplow, tires and rims, with the total bid on Auctions, International site for all of these surplus items being \$27,885.00. Thereafter, the following action took place:

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

WHEREAS, the Town of Sullivan owns the following used equipment:

- 1. Used 2002 Mack CL713 Dump Truck (VIN 1M2AD05C82M011895)
- 2. Used 2001 Dodge 2500VS Pickup Truck (VIN 1B7KF23Z81J578386)
- 3. Used 13' x 8' Dump Truck Box
- 4. Used SnowDogg 10'6" V-Plow (Model #16021744)
- 5. Used Eight (8) Dump Truck Tires 11R24.5

which equipment was previously utilized by the Town of Sullivan; and

WHEREAS, the Town of Sullivan has advised that the equipment is dated and has advanced past its useful life for Town purposes such that it may be disposed; and

WHEREAS, the equipment is excess and surplus equipment and is not needed by the Town of Sullivan; and

WHEREAS, an analysis of the value of the equipment was undertaken by the Town; and

WHEREAS, the Town Board having previously determined that the manner of sale of the equipment which is likely to facilitate the best price is by way of listing said equipment with Auctions International (www.auctionsinternational.com), an online auction site, “as is” without any warranties, expressed or implied.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Sullivan hereby authorizes the sale and transfer of said equipment as follows:

Used 2002 Mack CL713 Dump Truck (VIN 1M2AD05C82M011895)	\$ 16,600.00
Used 2001 Dodge 2500VS Pickup Truck (VIN 1B7KF23Z81J578386)	\$ 4,050.00
Used 13' x 8' Dump Truck Box	\$ 4,550.00
Used SnowDogg 10'6" V-Plow (Model #16021744)	\$ 2,025.00
Used Eight (8) Dump Truck Tires 11R24.5	\$ <u>660.00</u>
For a total sale price of	\$ 27,885.00

Such sale and transfer of said equipment is to be clearly designated “as is” and with no warranties of any kind, express or implied; and it is further

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

RESOLVED AND DETERMINED that the proceeds of said sale shall be deposited into the appropriate Town of Sullivan Fund, as required 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:

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

The foregoing resolution was thereupon declared duly adopted.

RESIDENT QUESTIONS

Art Lelio asked about the Hazard Mitigation Plan. The Supervisor explained the Plan that was adopted at the last meeting. Mr. Lelio asked about the Tag Road Culvert project. Highway Superintendent Busa explained that he had applied for funding through the recently adopted program Bridge, NY to complete work on this project. All the applications have been submitted and the Town is waiting to hear whether the funding will be approved. He asked about the Chittenango Creek Log Cleaning program. Supervisor Becker reported that this is a program that is undertaken annually. \$5,000.00 is budgeted annually and as much clearing work as can be done within the \$5,000.00 annual allotment is done. Soil & Water evaluates/assesses areas of greatest need annually to aid in the decision of where work will be done. Mr. Lelio asked if a guardrail has been considered on Gee Road with the 8-foot ditches.

HIGHWAY TRUCK PURCHASE

Highway Superintendent Busa requested that the Town Board authorize a letter of intent for the purchase of the Mack Truck from Henderson Equipment in the amount of \$259,000.00. Henderson Equipment is requesting the letter of intent. The purchase amount would be reflected in the 2024 Town Highway budget. Upon the motion made by

Councilor Martin and seconded by Councilor Montroy, the Town Board authorizes the preparation of a letter of intent for Henderson Equipment for the purchase of the 2023 Mack Truck in the amount of \$259,000.00. With no further discussion and upon a roll call vote as follows:

JEFFREY MARTIN	COUNCILOR	VOTED	YES
DAVID MONTROY	COUNCILOR	VOTED	YES
JOHN BRZUSZKIEWICZ	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
JOHN BECKER	SUPERVISOR	VOTED	YES

Motion carried.

SHORT TERM RENTAL DISCUSSION

Jennifer Hungate of 1241 Palmer Circle spoke to the Board in regard to the recent Town Board meeting discussion on short term rentals. She commented that the meeting agenda wasn't posted on the Town website and she would have attended the meeting. Ms. Hungate commented that if the Town were to ban short term rentals it would hurt homeowners, business and tourism. She commented on what is in place at the County level. Supervisor Becker commented that the County does have some rules in place and the 4% occupancy tax collected by the County is distributed mainly toward the promotion of tourism within the County including a quarterly magazine highlighting what the County has to offer for tourism. Ms. Hungate commented that Airbnb has been changing their rules based on complaints/criticism from various communities about parties, parking and a few other issues. She sees short term rental in a positive light and she acknowledges that they have to be safe and orderly. Supervisor Becker advised that the Town is in the beginning stages of review of this issue and all input will be welcome.

EXECUTIVE SESSION

Upon the motion made by Councilor Martin, seconded by Councilor Gibbons, the Town Board went into Executive Session at 6:40 P.M. for advice of Counsel. No further discussion and all members voting in favor. Motion carried.

A motion was made by Councilor Gibbons and seconded by Councilor Brzuszkiewicz, the Board unanimously approved to come out of Executive Session at 7:10 P.M. No action was taken.

ADJOURNMENT

With no further business and upon a motion made by Councilor Martin, seconded by Councilor Montroy and unanimously passed by the Board, the meeting was adjourned at 7:11 P.M.

Respectfully submitted,

Jill A. Doss
Deputy Town Clerk