

**TOWN OF SULLIVAN
TOWN BOARD MEETING
June 16, 2021 AT 5:00 P.M.**

A regular meeting of the Town Board of the Town of Sullivan convened at 5:00 p.m. on June 16, 2021 by Supervisor John Becker.

The meeting was held at the Town Office Building located at 7507 Lakeport Road, streamed via YouTube. The link and passcode to join the meeting were posted on the Town's website for the public to join and the meeting was streamed live via YouTube.

Present were: Supervisor John Becker; Councilors John Brzuszkiewicz, Jeff Martin, Kerry Ranger, and Thomas Kopp; Comptroller Beth Ellis; Receiver of Taxes Katy Vanderwerken; Highway Superintendent Andy Busa; Attorney for the Town John Langey; and Deputy Town Clerk Jill Doss.

Also present were: Bruce Burke of PAC99; Attorney Stacy Marris of Costello Cooney & Fearon; Ken Knutsen of Barton & Loguidice; Mr. & Mrs. Ernest Yates; Ken Katzenstein; Lorie Davies; Village Trustee Wayne Horning; Kelly Barrett; Village Mayor Bough Martin; North Chittenango Fire Chief Dennis Simmons; Jay Ronald and Maggie Neuhiel, residents of the Salt Springs Road area.

Pledge to the flag was led by Supervisor Becker.

APPROVAL OF JUNE 2, 2021 MEETING MINUTES

A motion was duly made by Councilor Brzuszkiewicz and seconded by Councilor Kopp to approve the minutes of June 2, 2021. With no further discussion, the following vote was recorded to adopt the minutes of the June 2, 2021 Town Board meeting:

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

JOE GAISER DAY – JUNE 16, 2021

Supervisor Becker read the proclamation from the Town of Sullivan Town Board recognizing Joe Gaiser:

PROCLAMATION

**JOE GAISER DAY
Wednesday June 16, 2021**

WHEREAS, The Town of Sullivan likes to recognize senior citizens for their active involvement in the community; and

WHEREAS, Joe Gaiser is a very special active citizen in our community; and

WHEREAS, Joe has spent a lifetime dedicated to the Citizens of the Town of Sullivan and Madison County by lending his expertise to further the good work of numerous Community Organizations including the Town of Sullivan Parks and Recreation Department, Sullivan Leisure Time Club, William Cain American Legion Post #1287, and as a Safe Driving, Snowmobile Safety and Boating Safety Instructor, and the Annual Sullivan Christmas Basket Drive, among others.

WHEREAS, Joe is known to be found in the kitchen and for volunteering to work on any and all community projects and for sharing his enthusiasm and community spirit wherever he goes.

NOW, THEREFORE, I, John M. Becker, Supervisor for the Town of Sullivan do hereby proclaim Wednesday, June 16, 2021 as:

JOE GAISER DAY

In the Town of Sullivan, and on behalf of all the citizens in the Town of Sullivan, I would like to extend my sincere and warmest wishes to him on this his special day.

Given under my hand and the seal of the Town of Sullivan in Chittenango, New York on this Sixteenth day of June, Two Thousand and Twenty-One.

John M. Becker
Supervisor, Town of Sullivan

MARIJUANA REGULATION & TAXATION ACT

Stacy Marris, Legal Counsel from Costello Cooney & Fearon, PLLC, appeared at the meeting to present the Board with information regarding the newly enacted Marijuana Regulation and Taxation Act for New York State signed into effect on March 31, 2021. Ms. Marris' discussion focused on the impact of the law on local government issues. Cannabis will now be regulated similar to tobacco. The new law will include regulation over licensing, taxes, and local revenue from cannabis sales.

Cities, towns and villages may opt out of allowing two areas: adult-use cannabis retail dispensaries and/or on-site consumption establishments. Municipalities cannot prohibit possession or use, generally. Municipalities are prohibited from developing their own local license system. Municipalities may opt out by adopting a local law subject to a permissive referendum on or before December 31, 2021. A local government that previously opted out of retail dispensaries and/or on-site consumption establishments, may opt back in (to either or both) by repealing or amending the relevant law at any time. Municipalities can only prohibit the establishment of retail cannabis dispensaries and the operating of on-site consumption establishments prior to the beginning of 2022. Municipalities cannot prohibit: cultivating cannabis, processing cannabis, distributing cannabis, delivering cannabis, operating a cooperative, operating a microbusiness; or operating a nursery. A Town opt-out only applies to the area of the town outside of any village(s) located therein. Local laws adopted prior to March 31, 2021, involving adult-use cannabis, have no effect on opting out of retail dispensaries or on-site consumption establishments; a new law must be passed subject to a permissive referendum.

Other provisions of the law discussed were traffic safety (relating to drivers), workplace safety, the criminal justice impact, and record expungement. The Board thanked Ms. Marris for her explanation and presentation this evening.

Mayor Bough-Martin commented that she had set up a meeting with Mayors within the County to discuss the legislation and how municipalities would be handling the legislation. She commented that the Village and Town have worked together in the past and she urged common sense and having conversations in regard to this issue. One of the biggest concerns is how cannabis edibles will be addressed.

PDD REQUEST - BOLIVAR ROAD MINING

Ken Katzenstein appeared before the Board this evening to discuss a proposal to create a Planned Development District for property he owns on Bolivar Road adjacent to White Bridge Development, CSX Railroad and Bolivar Road to ensure continuation of their mining operations on certain sections of the land and agree to forgo mining on others, while providing a large buffer from mining activities to the neighbors residing to the south of the White Bridge Crossing Housing Development. Mr. Katzenstein's attorney, Shelia Chalifoux, prepared a letter of explanation dated June 11, 2021 along with a sketch plan of the proposed concept plan. Mr. Katzenstein reviewed and explained the sketch to the Board Members. Attorney for the Town Langey explained that he has been in discussion with Mr. Katzenstein's attorney in regard to the request. This request for creation of a PDD would be sent to the Planning Board and then a work-up of a detailed formal recommendation would be done by the Planning Board to the Town Board. A public hearing will be required, as well as referral to the Madison County Planning Department. The ultimate decision for creation of this requested PDD would come from the Town Board. Attorney for the Town Langey advised Mr. Katzenstein that it would also be subject to any mining permits that the State requires. Mr. Katzenstein agreed. Upon the motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz, the PDD request was directed to the Town Planning Board. Discussion followed. Mr. Katzenstein advised that he has marked an area on the property with two flags to show the start of the area being discussed in this proposal. He is in the process of selling his home which will be excluded from this request. There is also a parcel across the road that is part of the presentation. Attorney for the Town Langey advised that the next Town Planning Board meeting is July 6. Attorney for the Town Langey will make contact with the Secretary and Planning Board Chairman advising them of the PDD request from Mr. Katzenstein. With no further discussion, Supervisor Becker asked for a vote from the Town Board. All Town Board members voted in favor of the motion. No votes cast in opposition. Motion carried.

PROJECTS UPDATE - BARTON & LOGUIDICE

(Whitelaw Road Water District, Sleepy Hollow Water District, Salt Springs Road Water District & Bridgeport Gateway Green Infrastructure Enhancement Project)

Ken Knutsen of Barton & Loguidice appeared to update the Town Board on various ongoing projects. For the Whitelaw Road Water District, an amended plan has been prepared which shows four (4) OCWA connections. They have provided a preliminary plan of finance. It appears that Rural Development funds may be the best opportunity for a long-term plan of financing the project. User cost estimates have been determined between \$900 - \$1,000 per property. An application with JCDC based format has been completed. District formation information will be provided describing the service. This will include the map, plan and report, environmental review documents, and submission for a shovel ready project. This information will be provided to the Board at a future meeting. An informational meeting, bond resolution assistance and technical support are all included in the contract cost change in the amount of \$17,500. Councilor Martin asked if there are any other amendments anticipated. Mr. Knutsen replied there would be at least one more amendment. He commented that the fees are recoverable. Upon the motion made by Councilor Martin, seconded by Councilor Kopp, the Board approved the contract amendment change amount of \$17,500 for items outlined by Mr. Knutsen. Copies of the amended document will be left with Comptroller Ellis for signing by the Town. With no further discussion, the Town Board unanimously approved the contract amendment changes. Motion carried.

Mr. Knutsen also reported on the Bridgeport Gateway Green Infrastructure Enhancement Project that was completed last year but is still within the one-year warranty period. There will be a walk-through next week with contractor Davis-Wallbridge to determine any issues or concerns. This report will be provided to the Town. In regard to the Sleepy Hollow Water District project, Mr. Knutsen noted that the pump station is due to arrive in mid-July. The pipe for the project has been ordered but delivery will be delayed to August

or September. Councilor Martin asked what supplies for the project are on-site. Mr. Knutsen responded there are no materials on site. There is a meeting set up for next week to meet with Frank Park of the St. Patrick's Cemetery Association about the staking of the access road.

Mr. Knutsen advised that the petitions are out for the joint project on the Salt Springs Road Water District. They are trying to schedule a meeting with Department of Health sometime next week to discuss the bond resolution and the existing Skyridge Water District. Maggie Neuhierl of 1228 Salt Springs Road asked about the process for the proposed Salt Springs Road Water District. Attorney for the Town Langey explained that petitions will be collected and a determination whether or not a public hearing may be scheduled will be based upon the responses to the Petitions. If the owners of 51% of the taxable real property located in the District responds in favor, then the process for formation would begin but if less than this is obtained, the process would stop. A resident from 1373 Salt Springs Road asked about information being available to the public regarding district formation. Jay Ronald asked for transparency about the process. Attorney for the Town Langey stated whether or not a district is formed is up to the residents and how they respond to the petitions that are currently being circulated and made available to the area residents. He briefly explained the process of evaluating the Petitions. If it is determined that there are sufficient signatures and taxable real property values contained on the Petitions then there would be a public hearing, environmental review and several other steps. It is a long process. Funding is not available until a water district is formed. Mr. Ronald asked how much the Town has spent to date for this process. The main costs to the Town would be engineering and legal but would be reimbursed in the project financing plan. A specific cost was not readily available this evening.

Mr. Knutsen continued his report and advised that the draft information will be completed by the end of the week.

ERNEST YATES – PLACEMENT OF A TRAVEL TRAILER ON PROPERTY IN AN MR-12 DISTRICT

Mr. & Mrs. Yates appeared before the Board this evening to discuss a travel trailer that they have located on their lot in the MR-12 District. Attorney for the Town Langey advised Mr. Yates that placement of a trailer is not allowed pursuant to the Town Code for that particular zoning classification. Mr. Yates explained the trailer is moveable and that he and his wife own property in East Syracuse. They come to the area to use their boat and stay at the trailer. He explained he has been in touch with the NYSDEC, Army Corp and FEMA. Mr. Yates has talked with Code Enforcement Officers Larry Ball and Phil Costanzo and has given copies of all the information he has gathered to the Town; which information includes a survey, hydro analysis and engineer review. He has also sent the information to an engineer. Mr. Yates is looking to build a home on the property in the near future. Attorney for the Town Langey reiterated that the camper is in technical violation of the Code. Mr. Yates commented that the trailer is registered and insured. He asked the Board why there are campers allowed at the marina next door to him; how are they allowed to be there if Special Use Permits are not permitted for this area. He said the trailer is not hooked to sewer. Attorney for the Town Langey commented that it appeared that Mr. Yates had done all he had been requested to do and suggested that perhaps the Yates could appear before the Town Planning Board for additional discussions. Mr. Yates commented that he was originally scheduled to attend the Planning Board meeting and then the matter was turned over to the Town Board. The Yates are willing to move the trailer. For now the Board commented that the Yates should wait until further review of the Code. This matter will be discussed further with the Planning Board and after more data has been compiled for clarification.

BUDGET MODIFICATION FOR JUNE 16, 2021

Transferring \$13,000.00 from A1990.4 Contingent to A8030.460 Engineering. This is for the engineering costs for Hamilton Brown/Bushnell Shore Road Water District.

Upon the motion made by Councilor Kopp, seconded by Councilor Martin, the Board approves the budget modification as outlined above.

With no further discussion, the Board members voted as follows:

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

FIREFIGHTER APPLICATION

A firefighter application was received from North Chittenango Fire Company for Shawn P. Foster. The Board members reviewed the application for Mr. Foster. Upon the motion made by Councilor Kopp, seconded by Councilor Martin, the Board approved the firefighter application for Shawn P. Foster for membership in the North Chittenango Fire Company. With no further discussion, the Board Members unanimously approved the membership of Shawn P. Foster with the North Chittenango Fire Company.

REQUEST FOR ATTENDANCE AT ANNUAL COURT CLERK CONFERENCE

Supervisor Becker reported that Court Clerk Kim Howard had requested permission to attend the Annual Court Clerk Conference at a conference cost of \$883 and registration of \$65. Court Clerk Howard is in line for 2nd Vice President of the Court Clerk Association. The funds for attending the conference are in the Court Clerk budget. Upon the motion made by Councilor Martin, seconded by Councilor Ranger, the Town Board approves attendance at the annual Court Clerk Conference for Court Clerk Kim Howard for a cost of \$883 for conference and \$65 for registration. All Town Board members voted in favor of the request.

ANNOUNCEMENTS

Supervisor Becker highlighted some Senior Program events for the next few months:

July 7 at Chapman Park – Elvis & Band
July 28 at Chapman Park Pavilion 1- Tom Reitano
August 18 at Sullivan Park- Eddie Fagan
September 22 at Sullivan Park - Praxis Saxes Quartet

These programs each include a lunch. Contact the Town of Sullivan Parks & Recreation for Senior Events for more information on time, cost and registration.

There is a special program slated for September 5 as part of the Labor Day programming at Chapman Park featuring Fritz Polka Band 6-7:30 p.m.

Supervisor Becker advised the County has set aside \$500,000 for a gift card program for restaurants within the County to help jump start business after the rough year due to COVID. There are 15-20 restaurants that have signed up to participate in the program. The funds will be used as a match for purchasing gift cards for these participating restaurants. If you buy a \$50 to \$100 gift card, the County will match the amount. An

individual can purchase up to \$300 in matching gift cards. The County is encouraging the Buy Local Program. Sign up for the program will begin next week.

FIRE CHIEF -QUESTION OF IMPACT OF CANNABIS ON FIRE DEPARTMENTS

Fire Chief asked questions relative to the impact of cannabis legislation for Fire Departments. Attorney for the Town Langey will put Fire Chief Simmons in touch with Stacy Marris the Attorney who provided the presentation this evening.

EXECUTIVE SESSION

Upon the motion made by Councilor Brzuszkiewicz, seconded by Councilor Martin, the Board entered into Executive Session at 6:44 p.m. for advice of Counsel. Supervisor Becker advised that there will be no action taken coming out of the Session. 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 7:04 p.m. No action was taken.

ADJOURNMENT

With no further business and upon a motion made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board the meeting was adjourned at 7:05 p.m.

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

Respectfully submitted,

Jill A. Doss
Deputy Town Clerk