

**TOWN BOARD
TOWN OF SULLIVAN
REGULAR MEETING
March 18, 2020
5:00 P.M.**

A regular meeting of the Town Board of the Town of Sullivan was convened at the Town Office Building by Supervisor Becker at 5:00 P.M. on March 18, 2020.

Those in attendance for this meeting were: Supervisor John M. Becker; Councilors: John Brzuszkiewicz; Jeff Martin; Kerry Ranger; and Tom Kopp; Attorney for the Town John R. Langey; Comptroller Beth Ellis; Assistant Comptroller Michael Harvey; and Highway Superintendent Andrew Busa.

Also, in attendance: Members of the public.

Pledge to the flag was led by Supervisor Becker.

Supervisor Becker began the meeting stating that there was a Facebook post today discussing the Town of Sullivan offices will be closed starting Friday March 20, 2020 at 5:00 PM due to the current state of emergency and the Town of Sullivan will follow the lead of Madison County. Emergency Operation at Madison County are set up along with the MAC program. Supervisor Becker continued to explain that there will be daily video conferencing between essential personnel. He explained that we are all in uncharted territory however, we will get through this together as a community. Supervisor Becker encouraged all residents to remain civil to one another and be concerned about their neighbors. In addition to being civil, he encouraged all to donate to Demario's Restaurant and Lakeport Market as they are working to prepare lunches for students who are currently out of school.

PUBLIC HEARING: HAMILTON BROWN/BUSHNELL SHORES WATER DISTRICT

The public hearing for the Hamilton Brown/Bushnell Shores Water District was continued. There were no speakers from the public. A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz to close the public hearing for the Hamilton Brown/Bushnell Shores Water District project. Thereafter, the following resolution was offered by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously approved by the Board, to wit:

**RESOLUTION AND ORDER OF THE TOWN BOARD OF THE TOWN OF SULLIVAN
TO CONDITIONALLY APPROVE THE CONSTRUCTION OF PROPOSED WATER
IMPROVEMENTS, PURSUANT TO ARTICLE 12-C OF THE NEW YORK STATE
TOWN LAW, TO BE KNOWN AS "THE TOWN OF SULLIVAN - HAMILTON
BROWN/BUSHNELL SHORE WATER IMPROVEMENT PROJECT"
Subject to Permissive Referendum**

WHEREAS, previously, 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 maximum amount proposed to be expended for the creation and construction of the Water Improvements is estimated to be Eight Hundred Thousand and 00/100 Dollars (\$800,000.00) 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, 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 estimated cost of hook-up fees is approximately Two Thousand and 00/100 Dollars (\$2,000.00); 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, an order was duly adopted by the Town Board on January 15, 2020 for the hearing of all persons interested in this matter at a meeting of the Town Board to be held at the Town Hall on February 19, 2020 at 5 P.M. to consider the approval and potential construction of the proposed Water Improvements as described herein and for such other action on the part of the Town Board with relation thereto as may be required by law; and

WHEREAS, the Town Board did conduct a public hearing on February 19, 2020 in consideration of the proposed Water Improvements, which public hearing was thereafter continued on March 4, 2020 and March 18, 2020, and all comments of the public having been heard and considered; and

WHEREAS, it was previously determined by the Town Board that for purposes of the State Environmental Quality Review Act (“SEQRA”) to issue a Negative Declaration pursuant to 6 N.Y.C.R.R. Part 617.1, *et seq.*

NOW THEREFORE, on motion of Councilor Martin, seconded by Councilor Brzuszkiewicz, it is hereby

RESOLVED AND ORDERED that pursuant to Article 12-C of the Town Law (§ 209-q), the Town Board of the Town of Sullivan hereby determines that (a) 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, (b) all the property owners within the Water Improvement area are benefitted hereby, (c) all the property and property owners benefitted are included within the Water Improvement area; and (d) the Notice of Public Hearing was posted and published as required by law, subject however to the following:

A. Approval of the New York State Comptroller's Office of the above-referenced Water Improvements;

B. That the costs of such Water Improvements shall be borne entirely by the properties located within the described benefitted areas as amended, including the several lots and parcels of land within the benefitted areas (as described in the attached Schedule "A"), as associated with the Water Improvements, which the Town Board has determined 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 and interest on said bonds as the same shall become due and payable, all as set forth in the financing plan for said Water Improvements;

C. That said approval of (and authorization for) the construction of said Water Improvements is contingent and conditioned upon realizing and 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;

D. The cost and expense of operation and maintenance 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 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.

DATED: March 18, 2020

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 |

SCHEDULE "B"
Hamilton Brown/Bushnell Shore
Water District Improvement Project
With USDA Funding Preliminary Budget
October 9, 2018
Revised January 15, 2020

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 | x \$80/foot¹ = \$648,000 |

| | |
|--|------------------------------------|
| II. Contingency – 10% | = \$ 65,000 |
| III. Soft Costs – 14% | = \$ <u>85,000</u> |
| IV. Total Project Cost | Use \$800,000 ¹. |
| V. WIA Grant | = \$480,000 |
| VI. 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 2020) | = \$ 14,226/year |
| 4. Total Annual District Cost: | = \$ 15,246 |
| 5. Units | = 25 (approximate) |
| 6. Annual Unit Cost: | = \$ 610 |
| VII. 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 | |
| VIII. Annual cost to typical property (water use + debt service) | = \$ 935 |
| ¹ Costs for 2020 (estimated). | |
| ² Rates and amounts subject to change by USDA-RD (estimated for 2020, market financing rate). | |
| ³ Based on OCWA's 2020 Rate Schedule 2A, with a daily water use of 130 gpd with inflation for 2021 | |

CERTIFICATE

STATE OF NEW YORK)
COUNTY OF MADISON)

I, the undersigned Deputy Town Clerk of the Town of Sullivan, Madison County, New York,
DO HEREBY CERTIFY:

That I have compared the foregoing Resolution with the original thereof on file in the Office of the Town Clerk of the Town of Sullivan, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on March 18, 2020.

ROSEMARY CZERNIAK, Deputy Town Clerk

(SEAL)

AUTHORIZATION: NOTICE OF INTENT TO PURCHASE
FIRE DEPARTMENT EQUIPMENT

A motion was duly made by Councilor Ranger, seconded by Councilor Kopp to approve the notice of intent to purchase two (2) 2016 Chevrolet Tahoe's from the Fayetteville Fire Department. The letter of intent reads as follows:

"The Chittenango Fire Department came to the Town of Sullivan requesting to purchase (2) 2016 Chevrolet Tahoe's from the Fayetteville Fire Department on March 4, 2020. (VIN Numbers: **1GNSKFEC3GR250175** and **1GNSKFEC7GR250213**). These purchases were not budgeted for Fiscal Year 2020. The purchases will be authorized at the March 18, 2020 Town Board Meeting, where the Town agreed to assist with the financing of the vehicles as per the request of the department.

The total purchase price of the \$55,000.00 will be paid by the Town of Sullivan's equipment line. With \$5,000.00, the Town of Sullivan will pay and the Department paying back the Town a total of \$50,000.00 over a five-year period. Chittenango Fire Department agrees to the following funds to be paid back to the equipment line from Chittenango's future budgets:

| | |
|-------|-------------|
| 2021: | \$10,000.00 |
| 2022: | \$10,000.00 |
| 2023: | \$10,000.00 |
| 2024: | \$10,000.00 |
| 2025: | \$10,000.00 |

By the end of the first quarter of the above years, \$10,000.00 will be taken out of the Chittenango Fire Department Budget and returned to the equipment line."

This letter of intent was signed by both Fire Chief, John Morgan and Supervisor Becker on March 11, 2020.

CANCELLATION OF APRIL 1, 2020 TOWN BOARD MEETING

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously approved by the Town Board to cancel the meeting scheduled for April 1, 2020. The next Town Board meeting is scheduled for April 15, 2020.

FIREFIGHTER APPLICATIONS

There were no firefighter applications presented for review at this time.

BUDGET MODIFICATIONS

There were no budget modifications proposed or requested.

OTHER MATTERS DISCUSSED

1. The Mayor of Chittenango engaged in conversation with the Town Board about current events. The Town Board responded that the Highway Department and Sewer Departments are available for Emergencies. Town Offices will be closed as of 5:00 PM and staff will be on call as needed. Parks will remain open however the Parks and Recreation offices will be closed. Codes and Assessment offices will also be closed. The Comptroller's office will be available as needed.
2. Resident Art Lelio, of Waterbury Lane, requested a copy of the draft meeting minutes.

EXECUTIVE SESSION

A motion was duly made by Councilor Kopp, seconded by Councilor Martin and unanimously approved by the Board to enter executive session for advice of legal counsel (Attorney-Client Privilege) at 5:11 PM.

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board to close the executive session at 5:50 P.M.

CORRECTION OF JANUARY 15, 2020 TOWN BOARD MEETING MINUTES: REGISTRAR OF VITAL STATISTICS

A motion was duly made by Councilor Kopp, seconded by Councilor Martin and unanimously passed by the Board to correct the January 15, 2020 Organizational Meeting Minutes to properly reflect the following:

“APPOINTING ROSEMARY CZERNIAK AS THE REGISTRAR OF VITAL
STATISTICS FOR THE YEAR 2020 AT NO ADDITIONAL SALARY.”

ADJOURNMENT

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and
unanimously approved by the Board to adjourn the Town Board Meeting at 5:54 PM.

Respectfully Submitted,
Elaine Morgan, Secretary to the Supervisor