

**TOWN BOARD  
TOWN OF SULLIVAN  
REGULAR MEETING  
March 4, 2020  
6:00 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 6:00 P.M. on March 4, 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; Highway Superintendent Andrew Busa; and Secretary to the Supervisor Elaine Morgan.

Also, in attendance: Dan Csaplar from Omni Navitas; Taylor Bottar from Barton and Loguidice; John Dunkle from Dunn and Sgromo; and Members of the public.

Pledge to the flag was led by Supervisor Becker.

Supervisor Becker stated that he has just returned from Washington, DC and the subject of conversation was the Coronavirus. He explained that the Coronavirus is comparable in many ways to the Flu and everyone should continue preventative measures such as cleaning surfaces with disinfectants and handwashing. In addition to preparedness and prevention, the public should be cautious with social media and visit government websites for the most current, up-to-date, and accurate information. Supervisor Becker further explained that the Governor has proposed that the State budget cover 14 days of paid leave from work for government or private employees who test positive for the Coronavirus. Once he has been fully briefed by County Staff, Supervisor Becker intends to post a statement on Social Media.

**PROCLAMATION AND TRIBUTE OF ELWIN “SONNY” CENTNER**

The Town Board presented Mrs. Betty Centner with the following Proclamation and Tribute regarding her late husband, Mr. Elwin “Sonny” Centner. The Town Board also contributed individually to a collection outside of the Town budget and used this collection to purchase a bouquet of flowers for Mrs. Centner.

The Proclamation and Tribute reads as follows:

**PROCLAMATION AND TRIBUTE  
TOWN OF SULLIVAN TOWN BOARD  
Mr. Elwin “Sonny” Centner, Jr.**

On behalf of Town Supervisor John Becker, Councilor Kopp, Councilor Martin, Councilor Ranger, Councilor Brzuszkiewicz, and the People of the Town of Sullivan, this Tribute is made.

A tribute to our Colleague, Public Servant and Friend, Elwin “Sonny” Centner, Jr.

It is an honor to make this tribute to Sonny, a beloved husband to his wife Betty. Sonny was employed by the Town of Sullivan for 57 years, 43 years as our Town Highway Superintendent. He dedicated himself to the job, and the people who lived in the Town. Sonny was a friend to all Town residents, a respected colleague and a respected Superintendent of Highways throughout the County. He stood apart as someone truly special and genuinely a good person and a good man.

Sonny was committed to providing exceptional customer highway service to our taxpayers, including road maintenance, snow removal, and much more.

Comments from people who knew Sonny:

“Unassuming and modest.”

“What do you need and got the job done.”

“Pleasure to work for, treated me with respect.”

“Willing to think out of the box.”

“Used Taxpayer money as if it was his own; very conservative.”

“Slept with his cell phone.”

“Loved his cats and his cats loved him.”

Sonny touched many of us with his positive “can do” attitude and a desire to satisfy our everyday concerns. He got the job done. He was recognized many times throughout his career. His enthusiasm and approach to his job was infectious.

In summary, Sonny was a great colleague, Highway Superintendent, and friend. He will be missed by many but never forgotten by those of us fortunate enough to have known him.

As an honor to Sonny, the Town of Sullivan Town Board is hereby making a motion and resolving to name the Highway Department Building on Boliver Road “The Sonny Centner, Town of Sullivan Highway Building” effective March 14, 2020.

The tribute was received with applause by those in attendance.

### **APPROVAL OF FEBRUARY 19, 2020 REGULAR MEETING MINUTES**

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously approved by the Board to approve the minutes from the February 19, 2020 Town Board Meeting.

### **PUBLIC HEARING: LOCAL LAW B-2020 (SPEED LIMITS)**

Supervisor Becker explained that the proposed Local Law would reduce speed limits in certain specified residential areas and read the road names and changes verbatim. A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously approved by the Board to open the public hearing regarding Local Law B-2020.

Resident Jill Doss asked why there was a reduction of speed in the developments. Highway Superintendent Busa responded that this was a request made by several residents in the areas noted in the proposed law.

Resident Brandon Smith, of Brownell Road, asked if there will be measures taken to monitor and enforce the new local law. Supervisor Becker responded that the Law would be sent to State and Local Police agencies.

Resident Angela Dygert, of Brownell Road, stated that she is in favor of the new Local Law.

Resident Lori Miner, long-time resident of Brownell Road, is in favor of the new Local Law. She requested that a 35-mph speed limit sign be placed at the top of the hill as there are many homes in the area and often drivers reach fast speeds on the downhill.

Resident Art Lelio, of Waterbury Road, was not in attendance; however, he wrote to the Town Board and requested that the Public Hearing remain open until all residents are notified. Members of the Board acknowledged the request, but unanimously agreed that sufficient notice had been provided.

Supervisor Becker asked Highway Superintendent Busa if he would like the Public Hearing to remain open or if he preferred to close the Public Hearing. Highway Superintendent Busa stated he would like to close the Public Hearing. A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously approved by the Board to close the public hearing.

### **ADOPTION OF LOCAL LAW NO. B-2020**

("A Local Law to Amend Chapter 254 of the Town of Sullivan to Establish  
Uniform Speed Limits on Various Roads in the Town")

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

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2020, a local law to amend Chapter 254 of the Code of the Town of Sullivan to establish speed limits on various Town roads in the Town of Sullivan was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan held on February 5, 2020; and

**WHEREAS**, a public hearing was held on such proposed local law on March 4, 2020, 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 February 5, 2020 the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. B-2020 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**, it is in the public interest to enact said Proposed Local Law No. B-2020.

**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. B-2020 as Local Law No. 3-2020 as follows:

**“TOWN OF SULLIVAN  
LOCAL LAW NO. 3-2020**

**A LOCAL LAW TO AMEND CHAPTER 254 OF THE TOWN OF SULLIVAN  
TO ESTABLISH UNIFORM SPEED LIMITS ON VARIOUS ROADS IN THE TOWN**

Be it enacted by the Town of Sullivan, as follows:

**SECTION 1.            AUTHORITY.**

This Local Law is enacted pursuant to the New York State Constitution, New York State Vehicle and Traffic Law §1662-a and New York Municipal Home Rule Law §10.

**SECTION 2.**

Section 254-2 of the Town Code of the Town of Sullivan titled “Speed Limits” is hereby amended to read in its entirety as follows:

“The following speed limits are hereby imposed upon the following Town streets or delineated portions thereof:

<b><u>Name of Street</u></b>	<b><u>Speed Limit (mph)</u></b>	<b><u>Location</u></b>
Barley Court	25	Entirety
Brick Kiln Drive	25	Entirety
Brownell Road	35	Between Fyler Road and Chestnut Ridge Road

Devaul Road	35	Between Fyler Road and Chestnut Ridge Road
North Ridge Road	25	Entirety
Shackelton Point Road	30	North Road East to Pierce Road
Shackelton Point Road	35	Pierce Road East to End
Sleepy Hollow Road	25	Entirety
Stirrup Run	25	Entirety
Trotters Ridge Way	25	Entirety
Wheatfield Drive	25	Entirety
Whisper Ridge Drive	25	Entirety"

### **SECTION 3. EFFECTIVE DATE**

This Local Law shall take effect upon its filing with the New York Secretary of State." 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.

**DATED: March 4, 2020**

### **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 4, 2020.

**ROSEMARY CZERNIAK, Deputy Town Clerk**

**SLEEPY HOLLOW WATER DISTRICT AND SLEEPY HOLLOW WATER DISTRICT  
EXTENSION NO. 1 REPORT & UPDATE**

Taylor Bottar, from Barton and Loguidice, provided an update to residents that six (6) bids were received and all of the bids were over the proposed budget for the Districts. He noted that there is a trend with bids running high for similar projects and the lowest bid was from W.D. Malone Trucking and Excavating. Further, he explained that to move forward the Bond Resolution would need to be increased. To do so, there are a number of additional procedures to follow. Mr. Bottar stated he would like to send a Notice of Intent to W.D. Malone requesting that they hold the bid while the Bond Resolution increase and process is taking place. Supervisor Becker added that the length of time to process the Bond Resolution locally will hopefully be an estimated 90 days. Additionally, there is an unknown amount of time while the application waits for State Comptroller approval.

Mr. Bottar explained that the original project estimated user costs to be \$1,000 per household per year, it now looks like it will be increased to \$1,300 per household per year. There was discussion over grant options for additional funding.

An unnamed resident commented on the project and its timing.

Attorney Langey stated that he will work with all of the parties on the process and reiterated that once the local process is completed, the State Comptrollers' office will have to provide its approval.

An unnamed resident asked if there will be a Petition Referendum. There was a discussion regarding a signed petition from residents or proceeding with a Town Board initiated resolution. The Board decided not to take action as to the process at this time, but they will revisit the next steps at the next Board meeting in 2 weeks. Supervisor Becker made the point that if needed will hold a Special Town Board meeting and a public hearing for a Saturday morning so members of the public may attend.

**CONTINUATION OF PUBLIC HEARING: HAMILTON BROWN/BUSHNELL SHORES  
WATER DISTRICT**

It was noted that the public hearing was being continued at this meeting. Supervisor Becker explained that they are working on the numbers as the WIIA Grant received is not enough to

cover the cost of the project as prices are increasing. He explained that the Town is working with Rural Development to bring the cost down.

Representative from Dunn and Sgromo, John Dunkle, discussed current challenges with the Hamilton Brown/Bushnell Shores Water District. He explained that there is an application process that can be taken with Rural Development for more funding for this project. Mr. Dunkle explained the purpose of conducting the public hearing and revisiting steps is to confirm that residents are comfortable with the increase of \$904 to \$935 per home prior to taking the next steps.

An unnamed resident asked how a person will know if they are in the water district. Mr. Dunkle explained that the boundaries for the water district are shown on a map (provided) as well as listed in a letter sent from the Town of Sullivan to all owners in the proposed District. The resident lives on Tag Road and is part of a different water district in progress.

Resident William Hard is in favor and discussed the \$31 increase and stated that residents have been waiting 30 years for a water district, so this should not stop the process.

Mr. Dunkle explained that the public hearing will be continued until the next meeting.

Supervisor Becker explained the next steps are to close the public hearing at the next meeting, and then the Town Board will vote on the \$31 increase per household added to the district, there would then be a 30-day waiting period in the event there is a Referendum triggered. If there are no petitions against the Water District, the Town will approach the State Comptroller's Office to obtain the necessary approvals, then the bidding process takes place.

An unnamed resident asked if residents need to return on March 18 for the Town Board meeting. Mr. Dunkle explained that it was not necessary to return for the next meeting as the same information will be discussed.

Resident Connie Tessier asks how long it takes for Rural Development funding to be approved. Supervisor Becker responds that this could be approved at any time. He explained that they are in the process of updating their technology systems and data and, as a result, their processes have changed. Mr. Dunkle added that it should be within the project timeframe.

Resident Hard spoke again to advise that Cornell University owns property and he would like to know if the University will participate in this water district. Supervisor Becker stated that if the University wanted to participate; they would need to buy into the water district. Mr. Dunkle explained they have water from a different source and will not be included at this time.

Mr. Hard stated that there is a concern that is unrelated to the water district that involves the creeks that cross Hamilton Brown Road as they are getting plugged up with fallen timber. Supervisor Becker acknowledged there is a concern with trees and this topic is being addressed in a different project plan.

**OMNI NAVITAS; - VARIANCE REQUEST FROM MORATORIUM ON SOLAR FARMS**  
**(LOCAL LAW NO. 4-2019)**

As a follow-up to last month's public hearing on a variance request, Attorney Langey explained that there is a proposal for a large solar farm to be located at 7677 Black Creek Road made by Omni Navitas on lands known as "Callahan's Farm". A representative of the Company has attended past Town Board Meetings, as well as Planning Board Meetings. Omni Navitas had applied for a variance from the moratorium on Solar Farms (Local Law No. 4-2019) to continue moving forward with the Planning Board. The Moratorium was put into place to allow the Town Board time to review the existing laws on Solar Farms. No representative from Omni Navitas was in attendance for the Public Hearing or its request for the variance at the meeting held on February 19, 2020. Attorney Langey contacted Omni Navitas regarding the Public Hearing and their failure to appear that night. Dan Csaplár, 75 Central Street, Boston, MA, is attending and representing Omni Navitas.

Attorney Langey explained that Omni Navitas' application for the Variance was based around an argument of the Company's financial expenditures towards its application. Attorney Langey noted that Omni Navitas stated in its letter application that the interconnection fee would be \$806,710. Attorney Langey asked Mr. Csaplár if the initial installment of 25% or \$201,000 said to be due by December 13, 2019 had been paid. Mr. Csaplár responded "no" they had not. Attorney Langey continued, reading language verbatim from the Variance Application, then asked Mr. Csaplár if their application was forfeited with National Grid. Mr. Csaplár explained that they lost only their interconnection position with National Grid and they are required to submit a new application at the cost of \$750 as well as CESIR fees estimated between \$5,000 to \$6,000 that will be requested in a month or two. Mr. Csaplár explained that they have submitted a new application with National Grid. No interconnection fee has been paid or lost.

Attorney Langey pointed out that the applicant, Omni Navitas, had failed to provide any proof of its actual expenditures. He would have recommended submitting supporting documents with their application. Attorney Langey explained that if they showed proof of payments, whether these are invoices or cancelled checks, the Board could take this into consideration. It was noted that the letter application was confusing and somewhat misleading as to actual expenses incurred.

Attorney Langey asked if the civil engineering fee of \$62,000 was paid. Mr. Csaplár responded "Yes", and stated they have an invoice. No cancelled checks or actual proof of payment was presented. Attorney Langey explained that getting approved for a Variance in the State of NY is very difficult and it is the responsibility of the developer to prove their case/position to the Town Board.

Attorney Langey asked about the "substantial annual rental fees" for 25 years which are noted in their request along with the other referenced smaller expenses. Attorney Langey reiterated there were no supporting documents or backup regarding the alleged expenses paid for the project.



Attorney Langey confirmed with Mr. Csaplar that Omni Navitas, at this point, has only lost their “block” position, to which Mr. Csaplar responded “yes”.

Attorney Langey noted that Omni Navitas claimed to have invested \$65,479.89; however, the Board would have liked to have seen supporting documents. A utility application is mentioned in the request, but it is unclear if that amount is included in the total amount listed. Mr. Csaplar responded that the utility cost is in addition to the total amount listed.

Attorney Langey confirmed that Omni Navitas had paid \$250 for the local Variance Application. Attorney Langey spoke to the Board directly and informed the Board that it is the property owner’s burden to prove their case to the Town Board, reminding them that they do not need to make a decision immediately. He then informed the Board that they could ask the developer questions if they would like.

Supervisor Becker explained that the Town of Sullivan had opted out of the pilot program.

Resident Jill Doss asked how long the Moratorium lasts. Attorney Langey stated that the Moratorium was effective for 12 months, was enacted a couple of months ago and is specific to the Town of Sullivan. He explained that several applications had been submitted for Solar Farms around Madison County and Oneida County. He further explained that the purpose of the Moratorium was to ensure the Town’s laws are strong enough with regard to Solar and/or Renewable Energy systems.

Attorney Langey explained the public Hearing was already closed. It was noted that the Board would not vote tonight, but will wait for a future meeting so he has time to walk the Board through the legal standards of the law that they have to review.

Resident Doss opposes the Variance and stated that the board does not have all the data to make an informed decision, asks the Board not to approve the Variance.

There is discussion between the Board and Attorney Langey on the “forfeited” conversation and Attorney Langey reiterated that Omni Navitas lost their position with National Grid, it was not a forfeited application in its entirety. There is also discussion of the overall cost of the project. Mr. Csaplar explained the rule of thumb is an estimated \$1 million per megawatt plus the \$800k interconnect fee.

Resident Robert Doss, owns property on Black Creek Road, noted the property being discussed for Solar Farm development is unsightly. He continued to explain neighbors are upset because of the view and old equipment. Mr. Doss is concerned that the only ones who benefit are the neighbor selling property and the developer. Mr. Doss would like to see the developer pursue a different area as neighbors are against development in that area. He also thanked the Board for the Moratorium.

### **BUDGET MODIFICATIONS**

There were no budget modifications proposed or requested.

### **OTHER MATTERS DISCUSSED**

1. Highway Superintendent Busa requested advice from the Board on responding to Spectrum Communications. There was discussion of a Road Use Law and/or a Road Bond in the future.
2. Counselor Ranger discussed the Ash trees mentioned in the meeting on February 19, 2020. Highway Superintendent Busa would like to spend funds above Highway Budget to remove Ash trees.

Supervisor Becker encourages Highway Superintendent Busa to use his current budget of \$2.4 Million Dollars. Counselors Martin and Kopp support Supervisor Becker and noted that if necessary, budget modifications can be made later in the year.

Councilor Brzuszkiewicz understood Highway Superintendent Busa's position with some of the areas and believed there may be a plan to address trees over time instead of in bulk.

There will be more discussion on this topic in the future.

3. An unnamed resident asks questions about the Town Budget.

### **EXECUTIVE SESSION**

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously approved by the Board to enter into executive session for advice of counsel at 7:17 P.M.

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board to close the executive session at 8:05 P.M.

### **ADJOURNMENT**

A motion was duly made by Councilor Ranger seconded by Councilor Brzuszkiewicz and unanimously approved by the Board to adjourn the Town Board Meeting at 8:06 P.M.

Respectfully Submitted,  
Elaine Morgan, Secretary to the Supervisor