

**TOWN BOARD  
TOWN OF SULLIVAN  
REGULAR MEETING  
November 18, 2020  
5:00 PM**

A regular meeting of the Town Board of the Town of Sullivan was convened by Supervisor John Becker at 5:00 p.m. on November 18, 2020.

The meeting was held at the Town of Sullivan Office Building 7507 Lakeport Rd. Chittenango, NY and streamed live on YouTube.

Members present were: Supervisor John Becker; Councilors John Brzuszkiewicz, Jeff Martin, Kerry Ranger and Tom Kopp; Comptroller Beth Ellis; Attorney for the Town John Langey; Receiver of Taxes/Records Management Officer Katherine Vanderwerken; Assistant Comptroller Kelly Bassett; and Highway Superintendent Andy Busa.

Note: Katherine Vanderwerken filmed the meeting as it was streamed live on YouTube for any questions/comments from the public at:

[https://www.youtube.com/channel/UCr9O9yfy128B6AwR4nu6\\_QI](https://www.youtube.com/channel/UCr9O9yfy128B6AwR4nu6_QI)

The meeting opened at 5:00 p.m.

Pledge to the flag was led by Supervisor Becker.

**APPROVAL OF NOVEMBER 4, 2020 MEETING MINUTES**

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz, and unanimously approved by the Board to approve the minutes from the November 4, 2020 Town Board meeting, with no further discussion.

The following Roll Call vote was taken to approve the minutes of November 4, 2020:

<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>

**DISCUSSION ON 2021 PICK UP PURCHASES**

Supervisor Becker requested the Highway Superintendent to inquire about pick-up trucks for the Parks Department (a Ford F250) and the Highway Department (a Ford F350). The pick-up truck for the Parks Department will be priced out with a plow as well.

**HIGHWAY DEPARTMENT REQUEST**

The Highway Superintendent met with NYSDOT concerning setting speed limits on the Town roads. The Town can set the limits or, alternatively, NYSDOT can set them. At this time, the Highway Superintendent believes he would like to have NYS take this over. The Board discussed the situation and will need more information before a decision is made. The Highway Superintendent will get information and email the Board with further details.

**HIGHWAY HIRING PART TIME**

A motion was made by Councilor Ranger, seconded by Councilor Martin to hire Jennifer Compoli on a part time basis at \$20.00 per hour with further discussion.

The following Roll Call vote was taken to approve the hiring of Jennifer Compoli on a part time basis:

<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>

**SUPERVISOR BECKER INQUIRED ON ANY YOUTUBE QUESTIONS**

Supervisor Becker took the time to ask Katherine Vanderwerken if there were any questions via YouTube at this point in the meeting. No questions from the public, at this time.

**RESOLUTION FOR NYS LOCAL GOVERNMENT RECORDS**

Supervisor Becker stated Katherine Vanderwerken is the Town of Sullivan Records Management Officer. Every record for the Town on what the Town is keeping or deleting will go through Katherine Vanderwerken. Supervisor Becker wanted to make sure this was stated as such in the minutes.

A motion was made by Councilor Martin, seconded by Councilor Brzuszkiewicz to adopt the Retention and Disposition Schedule for New York Local Government Records (LGS-1) with no further discussion, to wit:

**WHEREAS**, the Town of Sullivan is a local government that is required by New York State to retain records pursuant to minimum standards set forth according to Article 57-A (Local Government Records Law) of the Arts and Cultural Affairs Law; and

**WHEREAS**, the New York State Archives, a part of the Office of Cultural Education of the New York State Education Department, has required all local governments to adopt the newly published *Retention and Disposition Schedule for New York Local Government Records* (LGS-1); and

**WHEREAS**, the Town of Sullivan seeks to adopt the LGS-1 in order to adequately preserve and retain records in accordance with state law; and

**NOW, THEREFORE BE IT RESOLVED** that in accordance with Article 57-A:

1. only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records* (LGS-1), after they have met the minimum retention periods described therein; and
2. only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

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: November 18, 2020**

**CERTIFICATE**

**STATE OF NEW YORK    )**  
**COUNTY OF MADISON    )**

I, the undersigned 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 November 18, 2020.

**JILL DOSS  
Deputy Town Clerk**

**BUDGET MODIFICATION FOR NOVEMBER 18, 2020**

Supervisor Becker stated there were two (2) Budget Modifications needed at this time.

1) Transferring \$3,625.00 from A1990.4 Contingent to A1420.418 Outside Legal fees. This is to pay the legal fees for matters concerning the Town Clerk's office.

A motion was made by Councilor Martin, seconded by Councilor Kopp to adopt the above Budget Modification with no further discussion.

The following roll call vote was taken to adopt the Budget Modification:

<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>

2) Transferring \$21,424.50 from A1990.4 Contingent to A8030.461 Engineering fees. This is to pay the engineering bill for Hamilton Brown/Bushnell Shore Road Water District.

A motion was made by Councilor Kopp, seconded by Councilor Martin to adopt the above Budget Modification with no further discussion.

The following roll call vote was taken to adopt the Budget Modification:

<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>

**CNY STORMWATER COALITION STAFF SERVICES AND EDUCATION  
COMPLIANCE ASSISTANCE AGREEMENT**

Supervisor Becker noted that the Town is an MS-4 entity. He then introduced the CNY Stormwater Coalition Staff Services and Education Compliance Assistance Agreement for 2021. The Regional Planning Department is helpful with many programs and workshops for Local Governments. This resolution will be for the annual participation in the CNY Coalition.

A motion was made by Councilor Martin, seconded by Councilor Brzuszkiewicz to join the CNY Stormwater Coalition, with no further discussion.

The following roll call vote was taken to join the CNY Stormwater Coalition:

<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 FOR APPROVAL**

A motion was made by Councilor Kopp, seconded by Councilor Martin to accept Hayden Haas and Ben Hess into the Chittenango Fire Department.

The following roll call vote was taken to accept the application from Hayden Haas into the Fire Department:

<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>

**DISCUSSION ON SOLAR MORATORIUM AND  
MODIFICATIONS TO THE EXISTING SOLAR LAW**

Supervisor Becker stated that the current Solar Moratorium will expire on December 16, 2020. Discussion ensued regarding modifications to the Town's Solar Law to provide for no solar from the North of Route 31 and anything on the South side of Route 31 could be considered.

Thereafter, the following resolution was acted on, to wit:

**TOWN OF SULLIVAN LOCAL LAW NO. D OF 2020**

(“A Local Law to Amend the Town of Sullivan Zoning Law, by Amending Article IX (“Solar Energy Systems”) at §275-50 (“Solar Farms”), Subparagraph “B” (“Districts Where Prohibited”) and Adding New Subparagraph “R” (“Road Remediation”))”)

Councilor Martin introduced proposed Local Law No. D-2020, “A Local Law to Amend the Town of Sullivan Zoning Law, by Amending Article IX (“Solar Energy Systems”) at §275-50 (“Solar Farms”), Subparagraph “B” (“Districts Where Prohibited”) and Adding New Subparagraph “R” (“Road Remediation”)”, which would prohibit Solar Farms on all lands north of New York State Route 31 in the Town of Sullivan between the boundaries of the Town of Cicero and the Town of Lenox, and require developers to post a public improvement bond for damage to local roads prior to the issuance of any building permits, and made the following motion which was seconded by Councilor Kopp:

**WHEREAS**, proposed Local Law No. D-2020 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

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environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; 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. D-2020 at the Town Hall located at 7507 Lakeport Road, Chittenango, New York on December 16, 2020 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.

**DATED: November 18, 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 November 18, 2020.

**JILL DOSS  
Deputy Town Clerk**

**CANCELLATION OF DECEMBER 2, 2020 MEETING**

A motion was made by Supervisor Becker, seconded by Councilor Martin to cancel the December 2, 2020 meeting, with no further discussion. A reminder was made that the fuels bids will be opened at the December 16, 2020 meeting.

The following roll call vote was taken to cancel the December 2, 2020 Town Board Meeting:

<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>

Supervisor Becker asked if there were any questions from anyone participating through YouTube. There were no questions at this time.

Supervisor Becker reported that the Town of Sullivan's 2021 Budget had no tax increase. However, there will be an increase to the Madison County's 2021 tax at approximately 4.9%. The Supervisor wished everyone a safe Thanksgiving and reminded everyone to wear a mask, practice good hand washing and social distancing when in the public.

**EXECUTIVE SESSION**

A motion was made by Councilor Martin, seconded by Councilor Brzuszkiewicz to go into Executive Session at 5:22 p.m. for advice of Counsel.

The following roll call vote to go into Executive Session:

<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>



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A motion was made by Councilor Ranger, seconded by Councilor Martin and unanimously approved by the Board to come out of Executive Session at 6:33 p.m.

The following roll call vote was taken to come out of Executive Session:

<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>

**QUESTION ON SOLAR FROM YOUTUBE**

A question came in from Mr. Matt Longman wanting to know if there will be documents available for the public on the Solar Law modifications before the public hearing? The documents will be available in the Clerk's office and online.

A motion was made by Councilor Kopp, seconded by Councilor Ranger to adjourn the meeting at 6:34 p.m.

Respectfully Submitted  
Beth Ellis  
Comptroller