

**TOWN BOARD  
TOWN OF SULLIVAN  
REGULAR MEETING  
October 7, 2020  
6:00 PM**

A regular meeting of the Town Board of the Town of Sullivan was convened by Supervisor John Becker at 6:00 pm on October 7, 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. Highway Superintendent Andy Busa and Receiver of Taxes/Records Management Officer Katherine Vanderwerken.

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

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

The meeting opened at 6:00 pm.

Pledge to the flag was led by Supervisor Becker.

**SUPERVISOR'S UPDATE**

Supervisor Becker gave an update on the State's financial condition from the Governor's conference today. Madison County will receive a 20% cut out of the Host Community funds.

**APPROVAL OF SEPTEMBER 2, 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 September 7, 2020 Town Board meeting.

**EMERGENCY PURCHASE OF BOILERS**

The Town Office Building has three boilers in need of replacement as they are not operating and have been struggling for a few years. The new boilers are stainless steel based in place of the aluminum boilers, that needed water treatments. The need for the purchase is emergent due to the oncoming Winter months. Thereafter, the following action was taken; to wit:

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

**WHEREAS**, the Town of Sullivan Comptroller has advised the Town Board of failures to the existing boilers located at the Town of Sullivan Town Hall; and

**WHEREAS**, the Town desires to acquire and install replacement boilers in anticipation of the onset of the Winter season and to protect the Town Hall from cold weather and incidental damage caused by same; and

**WHEREAS**, the necessity for the purchase of the proposed boilers and installation of same is hereby deemed to be an emergency by the Town Board, as such boilers are necessary and are used continuously throughout the Winter season for purposes of public health, safety and welfare; and

**WHEREAS**, the Town of Sullivan has undertaken a review of available heating equipment suitable to meet the Town's emergency needs; and

**WHEREAS**, the Town of Sullivan has determined that such equipment is available for immediate acquisition and installation from Air Temp Heating & Air Conditioning, Inc., said acquisition being the purchase and installation of three (3) replacement boilers (Lochinvar Natural Gas Fired High Efficient Boilers), together with associated equipment (including copper piping, electrical wiring, etc.), as referenced in the attached sales quote, for an amount not to exceed Twenty-Seven Thousand Eight Hundred Ninety-One and 00/100 Dollars (\$27,891.00); and

**WHEREAS**, it has been determined by the Town Board that the contract price for such equipment is a fair and reasonable price and that such immediate purchase has been deemed an emergency for purposes of New York State General Municipal Law §103(4); 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 Board of the Town of Sullivan hereby authorizes the Town Supervisor and/or Town Comptroller to execute the necessary documentation to complete the purchase and installation of three (3) Lochinvar Natural Gas Fired High Efficient Boilers, together with associated equipment (including copper piping, electrical wiring, etc.), for an amount not to exceed Twenty-Seven Thousand Eight Hundred Ninety-One and 00/100 Dollars (\$27,891.00) from Air Temp Heating & Air Conditioning, Inc., 8181 Seneca Turnpike, Clinton, New York 13323, upon the terms provided in the submitted proposal by way of cash payment, utilizing funds from the appropriate Town 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:

<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:      October 7, 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 October 7, 2020.

**JILL DOSS**  
**Deputy Town Clerk**

**AUTHORIZING THE MS4 PROPOSAL WITH BARTON AND LOGUIDICE**

Supervisor Becker updated the Board on municipal stormwater issues that are the responsibility of the Town, as the Town is an MS4 community. He advised the Board that he will confer with Madison County to see if Soil and Water would take over the reporting for the Town in the future due to the heavy mandatory reporting and extra work that is required by NYSDEC. Barton and Loguidice has submitted a proposal for this year's assistance with MS4 reporting. The contract amount is \$5,700.00 for NYSDEC Audit Assistance for the Town of Sullivan.

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously approved by the Board to approve the Barton and Loguidice proposal, dated September 8, 2020, as revised September 24, 2020, in the amount of \$5,700.00.

The following Roll Call Vote was taken to purchase the above mowers, snowblower, brush, with tree and pond work.

<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>

**AUTHORIZING THE AMENDMENT #3 (GIGP #1383)**  
**WITH BARTON AND LOGUIDICE**

Supervisor Becker distributed an Amendment #3 for Bridgeport Streetscapes Project in the amount of \$8,000.00 with Barton and Loguidice for Professional Services-Final Design and Construction Phases. This Amendment is for additional work needed within the project area and will close out the project with this increase.

A motion was made by Councilor Kopp, seconded by Councilor Ranger to accept Amendment #3 with Barton and Loguidice and unanimously passed by the Board with no further discussion.

The following Roll Call Vote was taken to purchase the above mowers, snowblower, brush, with tree and pond work.

<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>

**AUTHORIZING THE SNOWPLOWING AGREEMENT**

Supervisor Becker introduced a contract with ABJ Maintenance for snowplowing the Town Office Parking lot. The Town's lot needs to be plowed each time there is 1-inch of snow present, due to the Emergency Services staffing vehicles (NYS Police and AMR Ambulance services) which park in the Town owned lots. The contract is from November 1, 2020 through April 1, 2021 in the amount of \$13,500.00 per season. Attorney Langey will prepare a formal contract for execution by the Town Supervisor.

A motion was made by Councilor Brzuszkiewicz, seconded by Councilor Kopp to accept the bid from ABJ Maintenance in the amount of \$13,500.00 and unanimously passed by the Board with no further discussion, subject to preparation of a final contract document by the Town's Attorney. (Copy attached hereto).

### **AUTHORIZING CHANGES TO THE PERSONNEL POLICY**

Supervisor Becker explained changes are needed to update the Town of Sullivan Personnel Policy. The changes are to include language to generally reflect that any newly hired employee within the Town shall be accepted by the Town Board before commencing work pursuant to applicable law. All rates of pay whether it be hourly, or salary shall be set by the Board. Background checks need to be complete before anyone can start working as a Town employee".

A motion was made by Councilor Martin, seconded by Councilor Kopp, to table this discussion until it's discussed further in Executive Session.

### **AUTHORIZING THE HIRING OF AN ASSISTANT COMPTROLLER**

Comptroller Beth Ellis advised the Board that an Assistant Comptroller is needed for the Comptroller's Office. Kelly Bassett is the candidate proposed for the position at \$45,000.00. A background check has been completed.

A motion was duly made by Supervisor Becker, seconded by Councilor Martin and unanimously approved by the Board to hire Kelly Bassett for the Assistant Comptrollers position.

### **SOLAR MORATORIUM DISCUSSION**

Supervisor Becker stated the current Solar Moratorium expires December 12, 2020. The Board needs to decide if it will expire, or if they will be going over the concerns from the Planning Board and Town Board. The Town requirements need to be established before any Solar companies can place Solar farms within our area. Concerns of soil conditions, placement of panels, size and number of panels, maintenance of Solar farms as well as continual ownership of properties they are placed on.

### **PDD DISCUSSION**

Supervisor Becker turned the discussion over to Councilor Martin. Councilor Martin stated that the Planning Board has reviewed the documents associated with the proposed PDD requested by Jeffrey Taylor II on the property known as "The Wild Safari Drive-Thru" at 7591 Lakeport Road

(Tax Map No. 33.1-1-5.2). Attorney Langey explained the Planning Board has spent a significant amount of time working with the applicant. The Planning Board has copied the Town Board the entire set of documents they have received on the matter. The Planning Board sent their recommendation to approve the PDD with exceptions and concerns stated. There are required documents that are not completed to date by Mr. Taylor. The Town anticipates the public hearing on November 4, 2020 to be broadcasted live at:

[https://www.youtube.com/channel/UCr9O9yfy128B6AwR4nu6\\_Q](https://www.youtube.com/channel/UCr9O9yfy128B6AwR4nu6_Q)

Attorney Langey stated as a reminder, the Supervisor will be abstaining on any upcoming voting on this matter. Thereafter, the following action was taken; to wit:

**TOWN OF SULLIVAN LOCAL LAW C OF 2020**  
("A Local Law Creating The Wild Drive Thru Safari Planned Development District")

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

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, previously at a regular meeting of the Town Board of the Town of Sullivan held on June 17, 2020 proposed Local Law No. C of 2020, titled "A Local Law Creating The Wild Drive Thru Safari Planned Development District," was presented and introduced, which Local Law would approve the application and Preliminary Development Plan submitted by Jeffrey S. Taylor II, as owner of the proposed "The Wild Drive Thru Safari", with a street address of 7591 Lakeport Road, Chittenango, New York, and occupying lands designated and generally known as Town of Sullivan Tax Map No. 33.1-1-5.2 and containing approximately 40.03± acres, and establish "The Wild Drive Through Safari Planned Development District" on said lands, subject to the provisions of Section 275-12 of the Code of the Town of Sullivan; and

**WHEREAS**, pursuant to Section 275-12 of the Code of the Town of Sullivan, the Town Board is required to determine whether the instant application for the proposed Planned Development District ("PDD") has been completed to the Board's satisfaction and, if so completed, refer said application to the Town of Sullivan Planning Board for its review and recommendation; and

**WHEREAS**, at the June 17, 2020 regular Town Board meeting, the Town Board made a formal referral of the proposed PDD to the Planning Board for its review and recommendation; and

**WHEREAS**, the Planning Board conducted its review of the proposed PDD and by correspondence to the Town Board dated September 8, 2020, recommended approval of the proposed PDD with certain suggestions to the Town Board; 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 an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, on June 17, 2020, the Town of Sullivan Town Board (the “Board”) made the following determinations:

1. The action is a Type I action for purposes of SEQR;
2. The Town Board of the Town of Sullivan shall act as Lead Agency;
3. The following agencies have been designated involved/interested 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, to wit:
  - a. **U.S. Fish and Wildlife Service**, 1849 C Street, NW, Washington, DC 20240;
  - b. **New York State Department of Environmental Conservation, Region 7**, 615 Erie Boulevard West, Syracuse, New York 13204;
  - c. **Madison County Highway Department**, 139 North Court Street, P.O. Box 15, Wampsville, New York 13163;
  - d. **Madison County Health Department**, 138 North Court Street, Building 5, P.O. Box 605, Wampsville, New York 13163;
  - e. **Madison County Planning Department**, 138 North Court Street, Building 4, Room 249, P.O. Box 606, Wampsville, New York 13163;
  - f. **Town of Sullivan Planning Board**, 7507 Lakeport Road, Chittenango, New York 13037; and
4. The action will require the preparation of a Full Environmental Assessment Form (EAF) to provide information with regard to the environmental issues pertinent therein; and

**WHEREAS**, on June 24, 2020, the Town Board circulated lead agency notices to all involved/interested agencies and no objections or environmental comments were received by the Board and the Board hereby confirms that it shall act as Lead Agency for purposes of SEQR; and

**WHEREAS**, the Lead Agency has caused the completion of a Full Environmental Assessment Form for the careful review of the environmental impacts of the project.

**NOW, THEREFORE**, it is

**RESOLVED** that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. C of 2020 using the online streaming service known as YouTube ([https://www.youtube.com/channel/UCr9O9yfy128B6AwR4nu6\\_\\_Q](https://www.youtube.com/channel/UCr9O9yfy128B6AwR4nu6__Q)) on November 4, 2020 at 6:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested will be heard (due to the current Covid-19 pandemic, meetings shall be held in this manner until further notice when meetings shall resume being held at the Sullivan Town Hall, 7507 Lakeport Road, Chittenango, New York). Should the public wish to participate in the public hearing, the Town has posted an informational sheet on their website ([www.townofsullivan.org](http://www.townofsullivan.org)) and their Facebook page outlining the steps that will need to be completed so that questions can be asked in real time. The public may mail or electronically submit comments on proposed Local Law No. C of 2020 to the Town Clerk ([abettinger@townofsullivan.org](mailto:abettinger@townofsullivan.org)) by noon on November 4, 2020.

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:      October 7, 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 October 7, 2020.

**JILL DOSS**  
**Deputy Town Clerk**

**DISCUSSION ON A FOUR-YEAR AGREEMENT**  
**WITH NYS DEPARTMENT OF TRANSPORTATION**

Highway Superintendent Busa advised that he has received a letter and proposed Agreement from NYSDOT concerning a request for “shared services.” The agreement inquired as to what services the Town could offer for a four-year period to New York State. Some other Counties and Town’s that have State Roads running through them, have signed the agreement with the state. At this time, the Town of Sullivan will not be entering into such an agreement, and this will be revisited.

There are no Firefighter applications.

There were no Budget Modifications.

Supervisor Becker asked Katherine Vanderwerken if there were any questions from residents on the streaming live YouTube channel. At that time, there were no questions from the public on anything that was discussed.

**OPEN DISCUSSION**

Councilor Martin expressed frustration on the Sleepy Hollow Water District and NYS Comptroller’s Office not receiving any news to date, on the approval to move forward with construction on the water lines. Councilor Martin wants the residents to know that the Town is working hard to get an answer and feels at this point that our State Officials are not responding to the dire need for water services within the area. The Town understands the residents have unanimously approved the district as well as the costs they are required to bear for installation of the water district. The Town still hopes to hear on this matter soon, particularly considering the health concerns with the water that they currently have.

Supervisor Becker announced there will be a “trick or treat drive through” at the Parks Building on Legion Drive, on Saturday October 31, 2020 from 1:00 pm - 4:00 pm for ages 12 and under. Few programs are going on due to COVID-19 concerns. This will be one of the last programs of the year. Residents must pre-register on the Parks website: <https://sullivan.recdesk.com>.

Supervisor Becker asked Ms. Vanderwerken if there were any questions from residents on the streaming live YouTube channel. At that time, there were no questions from the public on anything that was discussed.

### **EXECUTIVE SESSION**

A motion was made by Councilor Martin, seconded by Councilor Kopp to go into Executive session at 6:36 pm and was unanimously passed by the Board for advice of Council.

At 6:47 pm the Board came out of Executive Session with the following action being taken on the update of the Personnel Policy and hiring Town employees.

All new employees of the Town shall be formally accepted by the Town Board before commencing work per applicable law. All rates of pay whether it be hourly, or salary shall be set by the Board. Background checks shall be completed before anyone can start working as a Town employee (with all appropriate paperwork being completed and submitted).

A motion was made by Councilor Martin, seconded by Councilor Brzuszkiewicz to accept the update to the Personnel Policy, with no further discussion.

### **ADJOURNMENT**

A motion to close the meeting was duly made by Councilor Martin and seconded by Councilor Ranger at 7:10 pm.

Respectfully Submitted,  
Beth Ellis  
Comptroller