

**TOWN OF SULLIVAN  
TOWN BOARD MEETING  
SEPTEMBER 20, 2023 AT 9:00 A.M.**

A regular meeting of the Town Board of the Town of Sullivan was convened at 9:00 A.M. on September 20, 2023 by Supervisor John Becker.

The meeting was held at the Town Office Building located at 7507 Lakeport Road.

Present were: Supervisor John M. Becker; Town Councilors Jeffrey Martin, David Montroy, Daniel Gibbons and John Brzuszkiewicz; Attorney for the Town John Langey; Town Clerk Amy B. Wells; Highway Superintendent Andy Busa; Clerk to the Highway Superintendent Mary Cate Voss; and Comptroller Beth Ellis.

Also present were: Bruce Burke of PAC99; Art Lelio; Kenneth Greene; Fire Chief Jason Baker; Fire Chief Tim Flynn; Tom Kopp; and Jennifer Keville.

Pledge to the flag was led by Supervisor John Becker.

**APPROVAL OF SEPTEMBER 6, 2023 MEETING MINUTES**

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Gibbons to approve the minutes of September 6, 2023 and, with no further discussion, the following vote was recorded to adopt the Town Board meeting minutes of September 6, 2023.

<b>David Montroy</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Daniel Gibbons</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John E. Brzuszkiewicz</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>

Motion carried.

**BID OPENING – EMS BUILDING 3-BAY AMBULANCE/HEAVY EQUIPMENT  
GARAGE PROJECT**

Supervisor Becker advised that one bid has been received for the design/build of the 3-bay ambulance/heavy equipment garage project.

Austerman & Associates, Inc. 115 Mallard Bay Road, Chittenango, NY 13037

Total Lump Sum of base bid: \$504,705.00 (\$422,305 00 and Alt Bid \$82,400.00 which included extra doors and work on ramp and driveway access). A payment schedule was also included with the bid, as well as, a performance bond in the amount of \$402,305.00. Attorney for the Town Langey advised that the performance bond should be the same amount as the total bid. The Board members discussed the bid that was presented. Upon the motion made by Councilor Martin and seconded by Councilor Gibbons, the Board accepts and approves the bid received for EMS Building 3-bay ambulance/heavy equipment garage project and alternate bid for a total amount of \$504,705.00 from Austerman & Associates, Inc. Vendor will be contacted regarding the amount of performance bond amount which needs to match the total bid amount. A roll call vote was taken, as follows:

David Montroy	Councilor	Voted	Yes
Daniel Gibbons	Councilor	Voted	Yes
John E. Brzuszkiewicz	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

Motion carried.

**TOWN OF SULLIVAN LOCAL LAW NO. B OF 2023**  
**(“A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED**  
**IN GENERAL, MUNICIPAL LAW §3-C IN THE TOWN OF SULLIVAN”)**

Supervisor Becker opened the public hearing for proposed Local Law No. B of 2023 and briefly summarized the proposed law. There were no questions or comments from the audience or the Board regarding the proposed Local Law. Upon the motion made by Councilor Martin and seconded by Councilor Gibbons, the Board unanimously approved closing of the public hearing. Thereafter, the following action was taken, to wit:

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

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2023, “A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Sullivan,” was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan held on September 6, 2023; and

**WHEREAS**, a public hearing was held on such proposed local law on this 20<sup>th</sup> day of September, 2023, 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 of the State of New York; and

**WHEREAS**, the enactment of proposed Local Law No. B-2023 has previously been determined to be an unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

**WHEREAS**, it is in the public interest to enact said proposed Local Law No. B-2023.

**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-2023 as Local Law No. 2-2023 as follows:

**“TOWN OF SULLIVAN**  
**LOCAL LAW NO. 2 OF 2023**

**A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED**  
**IN GENERAL MUNICIPAL LAW §3-C IN THE TOWN OF SULLIVAN**

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

**Section 1. LEGISLATIVE INTENT**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Sullivan, County of Madison pursuant to General

Municipal Law §3-c, and to allow the Town of Sullivan to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2024, that requires a real property tax levy in excess of the “tax levy limit” as defined by the General Municipal Law §3-c.

**Section 2. AUTHORITY**

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

**Section 3. TAX LEVY LIMIT OVERRIDE**

The Town Board of the Town of Sullivan, County of Madison, is hereby authorized to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

**Section 4. SEVERABILITY**

If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 5. EFFECTIVE DATE**

This Local Law shall take effect upon enactment by the Town Board.”

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

David Montroy	Councilor	Voted	Yes
Daniel Gibbons	Councilor	Voted	Yes
John E. Brzuszkiewicz	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

**CERTIFICATION OF ADDITIONAL LOCAL HIGHWAY  
INVENTORY, OWNERSHIP, RESPONSIBILITY AND ACTIVE USE OF  
CERTAIN PUBLIC ROADS IN THE TOWN OF SULLIVAN**

A motion was duly made by Councilor Montroy seconded by Councilor Martin and unanimously passed by the Board, to wit:

**WHEREAS**, as part of its statewide GIS Public Road Network Project, the New York State Department of Transportation has prepared various reports of local Town highway inventories; and

**WHEREAS**, the Town of Sullivan Town Board had previously been notified that certain Town highways and roads have been identified by the New York State Department of Transportation, for purposes of verification of the ownership, responsibility, and active use of said roads and highways as public roads in the Town of Sullivan; and

**WHEREAS**, the Town of Sullivan previously has conferred with the Town of Sullivan Highway Superintendent and has reviewed Town records as to the Town’s updated ownership, responsibility for maintenance and repairs and use of said roads and highways; and

**WHEREAS**, the Town Highway Superintendent has advised of additional areas of Town highways and roads having been identified, such that it would be appropriate to include these additional areas as set forth on the attached Schedule “A.”

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Sullivan Town Board hereby certifies that the additional areas and lengths of roads and highways identified in the attached schedule of highways and roads (Schedule “A”) are owned by the Town of Sullivan and do constitute actively used public roads and highways of the Town of Sullivan, are public roads of the Town for all highway purposes and the Town conditionally accepts continued responsibility for their maintenance and repair.

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>David Montroy</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Daniel Gibbons</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John E. Brzuszkiewicz</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.

**“SCHEDULE “A”**

**Schedule of Town Highways and Roads  
Additional Areas**

<b>LENGTH</b>	<b>NAME</b>	<b>BEGIN DESC.</b>	<b>END DESC.</b>
.08 x 16’	MOHR ROAD	PERRYVILLE ROAD	DEAD END
.10 x 16’	COON ROAD	PERRYVILLE ROAD	DEAD END
.10 x 16’	CENTNER ROAD	LAKEPORT ROAD	DEAD END

**ASSESSMENT OFFICE NEW PART-TIME HIRE**

Supervisor Becker reported that one of the current part time staff in the Assessor’s Office is leaving and a new hire has been recommended for the part time position; Marie Hetherly at a payrate of \$15.00 per hour. No effective date mentioned for the new hire at the meeting. Upon the motion made by Councilor Montroy and seconded by Councilor Martin, Marie Hetherly was approved as the new part time clerk in the Assessor’s Office at a payrate of \$15.00 per hour. With no further discussion, all Board members voted in favor of the motion.

**AIR PAK DISCUSSION**

Fire Chief Jason Baker appeared before the Board to discuss the purchase of the new and updated Air Pak system which are 45-minute bottles with new technology, an alarm warning system, and metal detectors as some of the many new features. These units will be replacing very outdated units. Fire Chief Baker expressed his thanks for the funds received to allow the upgrade for each of the fire departments. An additional \$60,000.00 will be needed to pay off the entire cost of the units which will be charged to the equipment

line in the fire department budget. Upon the motion made by Councilor Montroy and seconded by Councilor Brzuszkiewicz, the Board unanimously approved the expenditure of \$60,000.00 from the fire equipment budget for the balance of the cost of the Air Pak units not covered by the grant money received.

#### **BUSINESS PARK LOT – PURCHASE OFFER FROM STONELEIGH HOUSING, INC**

Supervisor Becker advised there has been a purchase offer submitted for thirty (30) additional feet for Lot 5 in the Business Park by Stoneleigh Housing, Inc for \$5,000.00. There has been discussion over the last several weeks involving the Army Corps of Engineers and Barton & Loguidice regarding the wetland determination on the lot. The issue has been resolved. There is up to \$400,000.00 in funds available through the County in ARPA funds to be used toward pre-construction costs. Authorization is needed to sign the Purchase Offer that has been presented. This has previously been authorized by the Town of Sullivan Development Corp. Board. Upon the motion made by Councilor Martin and seconded by Councilor Brzuszkiewicz the Town Board unanimously authorized the signing of the Purchase Offer with Stoneleigh Housing, Inc. for Lot 5 in the Business Park. Attorney for the Town Langey advised that he will work to establish a meeting with the Development Corp to finalize necessary paperwork.

#### **BUSINESS PARK DISCUSSION**

Supervisor Becker advised that a purchase offer has been presented by Alan Olmsted for property in the business park. Attorney for the Town Langey has had discussions with Mr. Olmsted regarding planned use and what covenants are in place. Control of use of the property is controlled with zoning and covenants as secondary. There are currently five (5) lots left in the business park and Mr. Olmsted would be required to mitigate the wetlands. Supervisor Becker will investigate obtaining additional information from Barton & Loguidice relative to the wetland mitigation issue in the business park. It was discussed that a meeting should be scheduled to meet with Mr. Olmsted relative to his inquiry.

#### **BRIDGE NY PROGRAM DISCUSSION**

Highway Superintendent Busa spoke to the Board relative to the \$1.1M in funding that the Town received from Bridge NY program. A representative from Bridge NY, Brian spoke to the Board relative to how the program works; how the Town is reimbursed and how will the project be funded upfront. Brian advised that the State has been good at reimbursing within two weeks of a request for reimbursement for projects. The invoices would be sent to the Highway Superintendent by Bridge NY who would then forward them to the Comptroller. The tentative schedule would be planning and development in 2024 and construction in 2025. The Board spoke of how to finance the project, which covers a bridge replacement on Tag Road. The Board and Comptroller spoke of financing/payment options and initially a BAN (Bond Anticipation Note -short term financing -5 years) was thought to be the best approach for the Town to pursue. Attorney for the Town Langey has a basic resolution from Bridge NY that can be used. Highway Superintendent Busa thanked Brian for his review of the project process. He further commented that this is a great program and glad that the Town was awarded the funding. The Town will need to determine the initial funding source information for the resolution. The Comptroller will provide this information to the Attorney for the Town to be inserted into the Basic Resolution provided by Bridge NY. Upon the motion made by Councilor Montroy and seconded by Councilor Gibbons, the Town Board approved entering into an agreement with Bridge NY for the recently granted funding program of \$1.1M to the Town of Sullivan. A roll call vote was taken, as follows:

DAVID MONTROY	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
JOHN BRZUSZKIEWICZ	COUNCILOR	VOTED	YES
JEFFREY MARTIN	COUNCILOR	VOTED	YES
JOHN BECKER	SUPERVISOR	VOTED	YES

Motion carried.

**LAKE STREET LEASE**

Councilor Martin updated the Board on the status of the former Lake Street School facility lease with Alliance Apartments, LLC. Councilor Martin advised that negotiations are very close to completion and agreement on the terms. Currently a monthly fee of \$1,100.00 is being suggested for users of the gym facility. There will be further meetings for a final review of the terms and conditions, including time of use, use of space, and term of lease. As it stands currently, a five (5) year lease term with an annual renewal is being proposed. The School, Town, and Developer are working on a Memorandum of Understanding. Kenneth Greene, a resident of Chittenango, asked what space is being considered in this lease arrangement. Supervisor Becker explained what the lease represented.

**ZBA APPOINTMENTS**

Councilor Martin reported to the Board that the Town personnel committee had reviewed/interviewed the three candidates who had expressed an interest in serving on the Town Zoning Board of Appeals. All three candidates interviewed well and each would be an asset to the ZBA. At this time, the recommendations being presented by the Personnel Committee are for Derek Joncas to serve as ZBA Member and Shawn Hannon to serve as Alternate ZBA Member. The Board briefly discussed the recommendation. Upon the motion made by Councilor Martin and seconded by Councilor Gibbons, the Town Board unanimously approved the appointments of Derek Joncas as ZBA Member and Shawn Hannon as Alternate ZBA Member.

**GIGP UPDATE**

Councilor Martin updated the Board on the current status of the 2020 Bridgeport Beautification Project. He advised that the residential safety concerns along North Road and Route 31 have been addressed. He has been in touch with EFC and Barton & Loguidice. The area has been cleaned up and looks good for the fall. Work will continue.

**BUDGET MODIFICATION**

No budget modifications were presented this morning.

**FIREFIGHTER APPLICATIONS**

Supervisor Becker advised that one firefighter application was submitted for review and approval this evening; Alexander Szkotak for North Chittenango Fire Department. Upon the motion made by Councilor Gibbons and seconded by Councilor Montroy, the Town Board unanimously approved the one firefighter application; Alexander Szkotak for the North Chittenango Fire Department.

### **COMMUNITY UPDATES**

Ken Greene asked the Board about real property tax values which he noted are up on average 16%. He inquired if a major revaluation in the Town could be forthcoming based on the market values. Attorney for the Town Langey advised that individuals do have opportunity to protest their assessments. He reviewed with Mr. Greene the schedule for grieving assessments.

Art Lelio congratulated the Town Board on the 20-year investment in the Industrial Park. He inquired if the Town has considered contacting the Madison County Planning Board about developing another business park. The Board commented that there are all new regulations and the process would be more difficult than 20 years ago.

The Board discussed the status of the Bridgeport Sewer project.

### **EXECUTIVE SESSION**

No Executive Session was held today.

### **ADJOURNMENT**

With no further business and upon the motion made by Councilor Martin and seconded by Councilor Montroy, the Town Board meeting was adjourned at 10:01 A.M. with all Town Board members voting in favor.

Respectfully submitted,

Amy Bettinger-Wells  
Town Clerk