

**TOWN OF SULLIVAN  
TOWN BOARD MEETING  
SEPTEMBER 6, 2023 AT 6:00 P.M.**

A regular meeting of the Town Board of the Town of Sullivan was convened at 6:00 P.M. on September 6, 2023 by Deputy Supervisor Jeffrey Martin.

The meeting was held at the Town Office Building located at 7507 Lakeport Road. The meeting was also streamed live via YouTube. The link and a passcode for the public to join the meeting were posted on the Town's website.

Present were: Deputy Supervisor Jeffrey Martin; Town Councilors 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; Building and Code Official Larry Ball; Comptroller Beth Ellis; Receiver of Taxes Katy Vanderwerken; Court Clerk Kim Howard; and Deputy Town Clerk Jill Doss.

Excused: Supervisor John Becker

Also present were: Ernie Hotaling; Penelope Richardson; Linda Hauberg; Tamara Dawkins; Peter Marsenison; Dennis Simmons; Dale Lamphear; Marcus Todd; Kenneth Greene; Tom Daviau; Lou Cianfrocco; Art Lelio; Fire Chief Tim Flynn; Fire Chief Jim Ostrowski; and Tom Kopp

Pledge to the flag was led by Deputy Supervisor Jeffrey Martin.

**APPROVAL OF AUGUST 16, 2023 MEETING MINUTES**

A motion was duly made by Councilor Gibbons, seconded by Councilor Montroy to approve the minutes of August 16, 2023 and, with no further discussion, the following vote was recorded to adopt the draft Town Board meeting minutes of August 16, 2023.

<b>JEFFREY MARTIN</b>	<b>DEPUTY SUPERVISOR</b>	<b>VOTED</b>	<b>YES</b>
<b>DAVID MONTROY</b>	<b>COUNCILOR</b>	<b>VOTED</b>	<b>YES</b>
<b>JOHN BRZUSZKIEWICZ</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 BECKER</b>	<b>SUPERVISOR</b>	<b>EXCUSED</b>	<b>----</b>

Motion carried.

**BID OPENING – DESIGN/BUILD 3-BAY AMBULANCE/HEAVY EQUIPMENT  
GARAGE PROJECT**

Deputy Supervisor Martin 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: \$388,885.00

Alternate bid: \$82,400.00 (Alternate 1 – optional 3 overhead garage doors and parking lot extension. Excavate off the existing top layer of earth 17" below existing grade to allow for a 12" base and allow for 5" asphalt driveway. Install 3-12' garage overhead doors on the backside of the garage with 6" metal bollards to protect the overhead door jambs)

The bid documents were handed to Attorney for the Town Langey for his examination and review. No action will be taken until documents have been reviewed. Bid opening will continue to remain open in the event another bid is submitted.

**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")**

The following resolution was offered by Councilor Montroy, 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:

<b>JEFFREY MARTIN</b>	<b>DEPUTY SUPERVISOR</b>	<b>VOTED</b>	<b>YES</b>
<b>DAVID MONTROY</b>	<b>COUNCILOR</b>	<b>VOTED</b>	<b>YES</b>
<b>JOHN BRZUSZKIEWICZ</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 BECKER</b>	<b>SUPERVISOR</b>	<b>EXCUSED</b>	<b>----</b>

The foregoing resolution was thereupon declared duly adopted.

**SNOW AND ICE AGREEMENT 2024-MADISON COUNTY AND TOWN OF SULLIVAN**

Deputy Supervisor Martin advised that the annual renewal agreement for the Snow and Ice Agreement between the Town of Sullivan and Madison County needs to be executed by the Town. This Agreement covers snow and ice removal for the period October 1, 2023 through April 30, 2024. A Town Board resolution is required to approve this Agreement. The Highway Superintendent has signed the Agreement and the Town Supervisor and Town Clerk are also required to execute the paperwork. Upon the motion made by Councilor Montroy and seconded by Councilor Gibbons the Board unanimously approved the Agreement and authorized the Supervisor and Town Clerk to sign the annual Snow and Ice Agreement between the Town of Sullivan and Madison County.

**IN THE MATTER OF THE AUTHORIZATION OF  
AN AGREEMENT BETWEEN  
THE ONONDAGA COUNTY WATER AUTHORITY  
AND THE TOWN OF SULLIVAN, NEW YORK  
(Hamilton Brown/Bushnell Shore Road Water Improvement District)**

Councilor Brzuszkiewicz moved and Councilor Gibbons seconded the following resolution:

**WHEREAS**, the **Town of Sullivan**, on behalf of the **Hamilton Brown/Bushnell Shore Road Water Improvement District** (the “**Town of Sullivan**” or the “**District**”) and the **Onondaga County Water Authority** (“**Authority**”) desire to enter into an Agreement for the lease of a water distribution system and for the supply of water and water service to the District; and

**WHEREAS**, the Town of Sullivan represents to the Authority that the District was duly established as provided by law, including the imposition of a permissive referendum; and

**WHEREAS**, the Town of Sullivan represents to the Authority that the Town of Sullivan has the power and the authority to bind itself to the provisions of the proposed agreement.

**NOW, THEREFORE,**

**BE IT RESOLVED** that the agreement between the Authority and the Town of Sullivan, New York in the form as is annexed hereto shall be and hereby is approved by the Town of Sullivan; and

**BE IT FURTHER RESOLVED** that the Town Board of the Town of Sullivan hereby executes said agreement on behalf of the Town of Sullivan and the District and the Town Clerk is hereby authorized to deliver a copy of the executed agreement to the Authority, and any other party; and

**BE IT FURTHER RESOLVED** that public notice of this meeting was duly given as required 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:

<b>JEFFREY MARTIN</b>	<b>DEPUTY SUPERVISOR</b>	<b>VOTED</b>	<b>YES</b>
<b>DAVID MONTROY</b>	<b>COUNCILOR</b>	<b>VOTED</b>	<b>YES</b>
<b>JOHN BRZUSZKIEWICZ</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 BECKER</b>	<b>SUPERVISOR</b>	<b>EXCUSED</b>	<b>----</b>

The foregoing resolution was thereupon declared duly adopted.

**AUTHORIZING THE PURCHASE OF A USED 2017 FORD UTILITY VEHICLE  
WITH ALL EMERGENCY EQUIPMENT AND COMMAND CABINET  
(VIN 1FM5K8AR4HGA28006)**

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

**WHEREAS**, the North Chittenango Fire Department has previously advised the Town of Sullivan Town Board of its need to repair, replace and updates its fleet of equipment; and

**WHEREAS**, the Chief of the North Chittenango Fire Department had advised of the Department's desire to acquire a used 2017 Ford Utility Vehicle with all emergency equipment and command cabinet to replace a used and worn-out similar piece of fire equipment; and

**WHEREAS**, the North Chittenango Fire Department has learned of the potential sale of a used 2017 Ford Utility Vehicle with all emergency equipment and command cabinet by CNY Emergency Vehicles, Inc. of Syracuse, New York; and

**WHEREAS**, the Town Board has determined there is a present and emergent need for the used 2017 Ford Utility Vehicle and associated equipment to service the needs of the North Chittenango Fire Department and to adequately provide fire and emergency services to the Community; and

**WHEREAS**, the Town Board wishes to authorize the purchase of a used 2017 Ford Utility Vehicle with all emergency equipment and command cabinet (VIN 1FM5K8AR4HGA28006) from CNY Emergency Vehicles, Inc. of Syracuse, New York, at a total price not to exceed Twenty-Two Thousand Six Hundred Twenty-One and 00/100 Dollars (\$22,621.00); and

**WHEREAS**, such procurement constitutes a Type II action for purposes of State Environmental Quality Review and, as a result, no environmental impact is anticipated thus ending the environmental review process.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Sullivan hereby authorizes the purchase of a used 2017 Ford Utility Vehicle with all emergency

equipment and command cabinet (VIN 1FM5K8AR4HGA28006) at a total price not to exceed Twenty-Two Thousand Six Hundred Twenty-One and 00/100 Dollars (\$22,621.00) from CNY Emergency Vehicles, Inc. of Syracuse, New York, it being anticipated that the purchase shall be by way of available cash payment from the appropriate fund upon delivery of said equipment; and it is further

**RESOLVED AND DETERMINED** that the Town of Sullivan Supervisor is hereby authorized to sign any documentation and take all actions to give full force and effect to this resolution.

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>JEFFREY MARTIN</b>	<b>DEPUTY SUPERVISOR</b>	<b>VOTED</b>	<b>YES</b>
<b>DAVID MONTROY</b>	<b>COUNCILOR</b>	<b>VOTED</b>	<b>YES</b>
<b>JOHN BRZUSZKIEWICZ</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 BECKER</b>	<b>SUPERVISOR</b>	<b>EXCUSED</b>	<b>----</b>

The foregoing resolution was thereupon declared duly adopted.

#### **GIGP UPDATE**

Deputy Supervisor Martin updated the Board and audience on the current status of the 2020 Bridgeport Beautification Project. He advised the Board that he has been in contact with Keith Ewald of Barton & Loguidice and they have been in touch with EFC regarding the condition of the project currently. Deputy Supervisor Martin advised that whatever is done, the residents have to be involved and approve of plans as things move forward. Currently, the project area is in poor condition, grasses and plantings are overgrown and there is concern of visual safety for motorists and pedestrians. Deputy Supervisor Martin advised he has also met with some residents and he reinforced that it is critical that the residents are involved and happy in the re-design or re-working of this area. It must meet the need for which it was designed and satisfy the residents.

#### **SATISFACTION OF CONSENSUAL LIEN FOR WILLIAM AND DIAN GEHRKE**

Attorney for the Town Langey reported to the Board the request for a satisfaction of an Agreement for Consensual Lien (more commonly known as Instrument No. 1986-2393, filed with the Madison County Clerk on June 17, 1986) for William and Dian Gehrke for property located at 9577 Hitchcock Point Road, Bridgeport (Tax Map No. 2.27-1-9). The necessary satisfaction documents have been prepared and on motion of Councilor Montroy, seconded by Councilor Brzuszkiewicz, the Board unanimously approved the execution of the satisfaction document.

#### **BUDGET MODIFICATION**

No budget modifications were presented this evening.

#### **FIREFIGHTER APPLICATIONS**

Deputy Supervisor Martin advised that three firefighter applications were submitted for review and approval this evening; Diane Paul and Arthur Paul for Chittenango Fire Department and Griffin Dupree for Bridgeport Fire Department. Upon the motion made by Councilor Montroy and seconded by Councilor Gibbons, the Town Board unanimously

approved the three firefighter applications; Diane Paul, Arthur Paul for the Chittenango Fire Department and Griffin Dupree for Bridgeport Fire Department.

**REQUEST TO AUTHORIZE THE WATER LINE EXTENSION BY OCWA  
FOR 8587 WILSON POINT ROAD**

Deputy Supervisor Martin advised that a request for an extension has been made for 8587 Wilson Point Road. The property is within the East Sullivan District. The Board discussed the information. Upon the motion made by Councilor Gibbons and seconded by Councilor Montroy, the Board unanimously approved the requested extension by OCWA for 8587 Wilson Point Road located within the East Sullivan District.

**9605 HITCHCOCK POINT ROAD ISSUE**

Residents Linda Hauberg, Tamara Dawkins, Penelope Richardson, and Peter Marsenison appeared before the Board this evening to discuss their concerns regarding the property located at 9605 Hitchcock Point Road. The resident's inquired about the status of the complaints filed on the property. Building and Code Officer Ball reported that this matter was before the Town Court today and the owner has been given a new Court appearance date of October 3 at which time the property is required to be cleaned up and debris removed from the property. Building and Code Officer Ball continued that he has just completed drafting a letter to the property owner outlining all the conditions set forth by the Town Justice relative to this violation. Tamara Dawkins asked if there was anything else that could be done with this issue as the property owner has been given several timeframes to complete a cleanup and disposal with the threat of fines and nothing happens. The property owner's son is living in a boat on the property, garbage is accumulating in another boat (without a trailer) that is parked on the front lawn, garbage is packed into a car on the property, and garage; in addition to the trash and garbage there are nine pit bull puppies running loose in the yard and the neighboring properties. The Police and Dog Control have been called. Attorney for the Town Langey advised that the Town could file an action in State Supreme Court to obtain a court order to access the property and direct its clean up. Attorney for the Town Langey continued he will investigate the Court order procedure for the property. He explained the time frame for taking matters before the Supreme Court which does involve a process with several timelines that need to be followed. Ernie Hotaling commented that he would like to know the result of this procedure as he has filed several complaints before the Town relative to similar issues and with no resolution. If rules are in place, they need to be enforced.

**EXECUTIVE SESSION**

No Executive Session was held this evening.

**ADJOURNMENT**

With no further business and upon the motion made by Councilor Montroy and seconded by Councilor Gibbons, the Town Board meeting was adjourned at 6:32 P.M. with all Town Board Members voting in favor.

Respectfully submitted,

Jill A. Doss  
Deputy Town Clerk