

**TOWN BOARD
ORGANIZATIONAL MEETING
JANUARY 15, 2020
6:00 P.M.**

The Organizational Meeting of the Town Board, Town of Sullivan was convened at the Town Office Building by Supervisor John M. Becker at 6:00 P.M.

Those in attendance for the meeting were: Supervisor John M. Becker; Councilors: Thomas J. Kopp, Jr., John E. Brzuszkiewicz, Kerry Ranger and Jeffrey Martin; Highway Superintendent Andrew Busa; Attorney for the Town John R. Langey; Comptroller Beth Ellis; and Secretary to the Supervisor Elaine Morgan.

Also, in attendance: Members of the public.

Pledge to the flag was led by Supervisor Becker.

ORGANIZATIONAL MEETING

THE FOLLOWING APPOINTMENTS, COMMITTEES, DESIGNATIONS, WAGES, AND OTHER ORGANIZATIONAL MATTERS ARE HEREBY MADE AND DETERMINED:

A motion was duly made by Supervisor Becker, seconded by Councilor Kopp and unanimously passed by the Board DESIGNATING THE FIRST AND THIRD WEDNESDAYS OF EACH MONTH AS THE OFFICIAL DATES OF THE REGULAR MEETINGS OF THE TOWN BOARD; THE REGULAR MEETING ON THE FIRST WEDNESDAY OF THE MONTH AT 6:00 P.M. AND THE REGULAR MEETING ON THE THIRD WEDNESDAY OF THE MONTH AT 5:00 P.M. ALL MEETINGS TO BE HELD AT THE TOWN HALL OF THE TOWN OF SULLIVAN LOCATED AT 7507 LAKEPORT ROAD, CHITTENANGO NEW YORK.

THE TOWN OF SULLIVAN PLANNING BOARD MEETINGS WILL BE HELD ON THE FIRST TUESDAY OF EACH MONTH AT 7:00 P.M. AND THE TOWN OF SULLIVAN ZONING BOARD OF APPEALS MEETINGS WILL BE HELD ON THE SECOND THURSDAY OF EACH MONTH AT 7:30 P.M. ALL MEETINGS TO BE HELD AT THE TOWN HALL OF THE TOWN OF SULLIVAN LOCATED AT 7507 LAKEPORT ROAD, CHITTENANGO, NEW YORK.

THE TOWN CLERK SHALL PROVIDE PUBLIC NOTICE OF THE REGULAR MEETING DATES AND TIMES, AND SPECIAL MEETINGS AS THEY OCCUR, BY POSTING ON THE TOWN'S OFFICIAL BULLETIN BOARD AND ON THE TOWN'S WEBSITE AND PROVIDING SAME TO THE OFFICIAL TOWN NEWSPAPERS FOR PUBLICATION IN ACCORDANCE WITH THE OPEN MEETINGS LAW OF THE STATE OF NEW YORK.

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board DESIGNATING THE ONEIDA DISPATCH and THE POST-STANDARD AS OFFICIAL NEWSPAPERS.

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board DESIGNATING COMMUNITY BANK, N.A.; JPMORGAN CHASE BANK, N.A.; SENECA FEDERAL SAVINGS BANK; and M&T BANK AS OFFICIAL DEPOSITORIES OF ALL TOWN FUNDS.

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Kopp and unanimously passed by the Board AUTHORIZING THE SUPERVISOR AND THE COMPTROLLER TO INVEST TOWN MONIES IN SAVINGS MONEY MARKET ACCOUNTS AND CERTIFICATES OF DEPOSIT IN AN OFFICIAL DEPOSITORY WITH PLEDGE SECURITIES REQUIRED FOR ANY INDIVIDUAL ACCOUNT OR CERTIFICATE OF DEPOSIT OVER \$100,000.00.

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board AUTHORIZING THE RECEIVER OF TAXES ON JANUARY 15, 2020 TO PAY THE SUPERVISOR ANY MONIES AVAILABLE AT THAT TIME AND TO AUTHORIZE THE SUPERVISOR AND THE COMPTROLLER TO DEPOSIT THOSE MONIES IN SUCH SAVINGS MONEY MARKET ACCOUNTS AND CERTIFICATES OF DEPOSIT IN AN OFFICIAL DEPOSITORY AS THEY DEEM APPROPRIATE.

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board AUTHORIZING THE PAYMENT TO THE FOLLOWING VENDORS, UPON THE VOUCHERS PREPARED BY THE COMPTROLLER AND WITHOUT FURTHER CERTIFICATION OF THE TOWN BOARD, IN ADDITION TO THE WITHIN RESOLUTION CONSTITUTING A BLANKET CERTIFICATION, TO WIT: VERIZON; NATIONAL GRID; ONONDAGA COUNTY WATER AUTHORITY (OCWA); SPECTRUM/TIME WARNER CABLE; and FUEL PROVIDER. (ALL UTILITIES).

A motion was duly made by Councilor Ranger, seconded by Councilor Kopp and unanimously passed by the Board RENEWING THE TOWN CLERK'S PETTY CASH FUND FOR \$200.00.

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board ADOPTING THE IRS MILEAGE RATE IN EFFECT FOR THE YEAR 2020 FOR TOWN EMPLOYEES USING THEIR OWN AUTOMOBILE IN THE DISCHARGE OF OFFICIAL DUTIES.

A motion was duly made by Councilor Ranger, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board AUTHORIZING THE HIGHWAY SUPERINTENDENT TO ENTER INTO A CONTRACT FOR PUBLIC WORKS INVOLVING AN EXPENDITURE OF \$35,000.00 OR LESS AND ALL PURCHASE CONTRACTS FOR THE HIGHWAY DEPARTMENT INVOLVING AN EXPENDITURE OF \$20,000.00 OR LESS, WITHOUT BID, BUT IN ACCORDANCE WITH THE MOST RECENTLY ADOPTED PROCUREMENT POLICY OF THE TOWN.

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board DIRECTING THAT THE MEMBERS OF THE PARK BOARD, PLANNING BOARD AND THE ZONING BOARD OF APPEALS BE PAID QUARTERLY; AND THE SALARIES OF ALL EMPLOYEES OF THE TOWN BE PAID EVERY TWO WEEKS, WITH THE WEEK ENDING ON WEDNESDAY.

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board SETTING THE HOURLY RATES OF NON-SALARIED EMPLOYEES OF THE DEPARTMENT OF PARKS & RECREATION, HIGHWAY DEPARTMENT AND TOWN CLERK'S OFFICE AT THE AMOUNTS SET FORTH IN THE BUDGET.

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board APPOINTING KATHRYN VANDERWERKEN AS THE RECEIVER OF TAXES FOR THE YEAR 2020 AT THE BUDGETED SALARY.

A motion was duly made by Councilor Ranger, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board ACKNOWLEDGING THE APPOINTMENT BY AMY B. WELLS, TOWN CLERK, OF ROSEMARY CZERNIAK AS DEPUTY TOWN CLERK AT THE HOURLY RATE STIPULATED IN THE BUDGET.

A motion was duly made by Councilor Ranger, seconded by Councilor Martin and unanimously passed by the Board ACKNOWLEDGING THE APPOINTMENT BY AMY B. WELLS, TOWN CLERK, OF AMY RANDALL AS DEPUTY TOWN CLERK AT THE HOURLY RATE STIPULATED IN THE BUDGET.

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board APPOINTING ROSEMARY CZERNIAK AS THE REGISTRAR OF VITAL STATISTICS FOR THE YEAR 2020 AT THE BUDGETED SALARY.

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board AMY RANDALL AS DEPUTY REGISTRAR OF VITAL STATISTICS AT NO ADDITIONAL COMPENSATION.

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board APPOINTING LARRY BALL AS THE FAIR HOUSING OFFICER FOR ONE YEAR AT NO ADDITIONAL COMPENSATION.

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board APPOINTING LARRY BALL AS THE ZONING ADMINISTRATIVE OFFICER AND BUILDING ADMINISTRATIVE OFFICER FOR ONE YEAR AT NO ADDITIONAL COMPENSATION.

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously passed by the Board APPOINTING JERI LEE ROWLINGSON AS THE CLERK TO THE ZONING ADMINISTRATIVE OFFICER AND BUILDING ADMINISTRATIVE OFFICER, AT THE BUDGETED SALARY.

A motion was duly made by Councilor Ranger, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board APPOINTING WILLIAM PINDLE AS THE FIRE ADMINISTRATIVE OFFICER FOR ONE YEAR AT THE BUDGETED SALARY.

A motion was duly made by Councilor Kopp, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board APPOINTING KIMBERLY MUEHLENBEIN AS THE DOG CONTROL OFFICER AND ANIMAL CONTROL OFFICER ON A MONTHLY BASIS AT THE BUDGETED SALARY AND SERVING AT THE PLEASURE OF THE TOWN BOARD.

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board HIRING CHRIS HOLLENBECK, OF ONEIDA, AS PART-TIME DEPUTY DOG CONTROL OFFICERS FOR THE YEAR 2020, WHO IS TO ACT IN THE ABSENCE OF KIMBERLY MUEHLENBEIN, WHEN THE DOG CONTROL OFFICER IS AWAY FROM THE TOWN 24 HOURS OR MORE, AT A DAILY WAGE OF \$40 PER DAY AND AT A WEEKEND WAGE OF \$100 FOR THE PERIOD FROM NOON ON FRIDAY TO 8:00 A.M. ON THE FOLLOWING MONDAY MORNING.

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board RETAINING COSTELLO, COONEY & FEARON, PLLC (JOHN R. LANGEY, ESQ.) AS ATTORNEY FOR THE TOWN OF SULLIVAN FOR THE YEAR 2020.

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board APPOINTING BETH ELLIS AS TOWN COMPTROLLER FOR THE STATUTORY PERIOD AT THE BUDGETED SALARY.

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board ACKNOWLEDGING THE APPOINTMENT BY ANDY BUSA, HIGHWAY SUPERINTENDENT, OF DOUGLAS COMPOLI AS THE DEPUTY HIGHWAY SUPERINTENDENT AT THE HOURLY RATE STIPULATED IN THE BUDGET

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board DESIGNATING FRANK PARK AS CHAIRMAN OF THE PLANNING BOARD FOR A ONE YEAR TERM ENDING DECEMBER 31, 2020.

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board RE-APPOINTING ROSEMARY PARK AS THE SECRETARY OF THE PLANNING BOARD AT THE BUDGETED SALARY.

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Kopp and unanimously passed by the Board APPOINTING BRYAN BENDIXEN TO THE ZONING BOARD OF APPEALS FOR A TERM ENDING DECEMBER 31, 2020 AT THE BUDGETED SALARY.

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board DESIGNATING STEVE DURFEE AS CHAIRMAN OF THE ZONING BOARD OF APPEALS FOR A ONE YEAR TERM ENDING DECEMBER 31, 2020.

A motion was duly made by Councilor Kopp, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board APPOINTING JERI LEE ROWLINGSON AS THE SECRETARY OF THE ZONING BOARD OF APPEALS AT THE BUDGETED SALARY.

A motion was duly made by Supervisor Becker, seconded by Councilor Kopp and unanimously passed by the Board APPOINTING COUNCILOR MARTIN AS THE DEPUTY SUPERVISOR FOR A ONE-YEAR TERM ENDING DECEMBER 31, 2020.

**APPOINTMENT OF FIRE CHIEFS FOR THE FIRE COMPANIES
COMPRISING THE SULLIVAN FIRE DISTRICT**

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Kopp and unanimously passed by the Board ACTING AS THE BOARD OF FIRE COMMISSIONERS, APPOINTING FRANK THOMPSON, JR. AS THE CHIEF OF THE BRIDGEPORT FIRE COMPANY; JOHN MORGAN AS THE CHIEF OF THE CHITTENANGO FIRE COMPANY; and DENNIS SIMMONS AS THE CHIEF OF THE NORTH CHITTENANGO FIRE COMPANY.

TOWN OF SULLIVAN BUSINESS REVOLVING LOAN FUND

The Board determined to table the appointment of individuals to the TOWN OF SULLIVAN BUSINESS REVOLVING LOAN FUND COUNCIL.

TOWN OF SULLIVAN LOAN REVIEW COMMITTEE

The Board determined to table the appointment of individuals to the LOAN REVIEW COMMITTEE.

COMMITTEE APPOINTMENTS

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board to appoint the following individuals to the following Committees for the Year 2020:

HIGHWAY - COUNCILOR RANGER
FIRE DEPARTMENT - COUNCILOR KOPP
PARKS & RECREATION DEPARTMENT - COUNCILOR BRZUSZKIEWICZ
PERSONNEL - COUNCILOR RANGER/COUNCILOR MARTIN
BUILDINGS & GROUNDS - COUNCILOR MARTIN

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board NAMING THE FOLLOWING THREE MEMBERS TO THE GRIEVANCE BOARD (PER PERSONNEL POLICY), TO WIT: SUPERVISOR BECKER; COUNCILOR MARTIN; and COUNCILOR KOPP.

CONTRACTS AND LEASES

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously passed by the Board AUTHORIZING THE SUPERVISOR, ON BEHALF OF THE TOWN OF SULLIVAN, TO SIGN THE CONTRACT BETWEEN THE TOWN OF SULLIVAN AND THE TOWN OF FENNER FOR FIRE PROTECTION FOR THE YEAR 2020 AS PER THE AGREEMENT PRESENTED TO THE BOARD SUBJECT TO REVIEW BY THE TOWN ATTORNEY, a copy of which shall be on file in the Office of the Town Clerk.

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board AUTHORIZING THE SUPERVISOR, ON BEHALF OF THE TOWN OF SULLIVAN, TO SIGN THE CONTRACT BETWEEN THE TOWN OF SULLIVAN AND THE TOWN OF CICERO FOR FIRE PROTECTION FOR THE YEAR 2020 AS PER THE AGREEMENT PRESENTED TO THE BOARD SUBJECT TO REVIEW BY THE TOWN ATTORNEY, a copy of which shall be on file in the Office of the Town Clerk.

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and passed by the Board, with Councilor Brzuszkiewicz abstaining, AUTHORIZING THE SUPERVISOR, ON BEHALF OF THE TOWN OF SULLIVAN, TO SIGN THE BUILDING CLEANING CONTRACT BETWEEN THE TOWN OF SULLIVAN AND BOO'S CLEANING SERVICE FOR THE YEAR 2020 AS PER THE AGREEMENT PRESENTED TO THE BOARD SUBJECT TO REVIEW BY THE TOWN ATTORNEY, a copy of which shall be on file in the Office of the Town Clerk.

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously passed by the Board AUTHORIZING THE SUPERVISOR, ON BEHALF OF THE TOWN OF SULLIVAN, TO SIGN THE CONTRACT BETWEEN THE TOWN OF SULLIVAN AND THE SULLIVAN COMMUNITY COUNCIL FOR THE YEAR 2020 AS PER THE AGREEMENT PRESENTED TO THE BOARD SUBJECT TO REVIEW BY THE TOWN ATTORNEY, a copy of which shall be on file in the Office of the Town Clerk, subject to review by legal counsel.

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board, be it

RESOLVED, THAT THE SUPERVISOR, ON BEHALF OF THE TOWN OF SULLIVAN, BE AND HEREBY IS AUTHORIZED TO EXTEND THE TERM OF THE LEASE BETWEEN THE TOWN OF SULLIVAN AND THE COUNTY OF MADISON FOR THE COMPOSTING SITE AT THE TOWN OF SULLIVAN PROPERTY ON BOLIVAR ROAD IN PROXIMITY OF THE TRANSFER STATION THROUGH TO DECEMBER 31, 2020 AS PER THE EXTENSION OF LEASE PRESENTED TO THE TOWN BOARD, a copy shall be on file in the Office of the Town Clerk, subject to review by legal counsel.

APPROVAL OF THE 2020 HOLIDAY SCHEDULE

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board, adopting the holiday schedule presented to the Board as follows:

2020

New Year's Day (Observed)	Wednesday	January 1, 2020
Dr. Martin Luther King, Jr. Day	Monday	January 20, 2020
Presidents' Day	Monday	February 17, 2020
Good Friday	Friday	April 10, 2020
Memorial Day	Monday	May 25, 2020
Independence Day	Friday	July 3, 2020
Labor Day	Monday	September 7, 2020
Columbus Day	Monday	October 12, 2020
Election Day	Tuesday	November 3, 2020
Veterans' Day (Observed)	Wednesday	November 11, 2020
Thanksgiving Day	Thursday	November 26, 2020
Friday after Thanksgiving	Friday	November 27, 2020
Christmas Eve		
(1/2 day - leave at noon)	Thursday	December 24, 2020
Christmas Day	Friday	December 25, 2020
New Year's Eve		
(1/2 day - leave at noon)	Thursday	December 31, 2020

APPROVAL OF DECEMBER 18, 2019 AND DECEMBER 27, 2019 MEETING MINUTES

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Kopp and unanimously passed by the Board to approve the minutes of the Town Board meetings of December 18, 2019 and December 27, 2019.

PUBLIC HEARING: PROPOSED LOCAL LAW G OF 2019

A LOCAL LAW TO AMEND CHAPTER 246 ("TAXATION") OF THE CODE OF THE TOWN OF SULLIVAN TO ADD A NEW ARTICLE V "OPTING OUT OF THE REAL PROPERTY TAX EXEMPTION FOR SOLAR AND WIND ENERGY SYSTEMS AND FARM WASTE ENERGY SYSTEMS PURSUANT TO REAL PROPERTY TAX LAW §487"

Attorney Langey explained that the purpose of this law is to opt out of the tax exemptions currently available to solar and wind energy systems pursuant to RPTL §487. A motion was made by Councilor Brzuszkiewicz, seconded by Councilor Kopp and unanimously passed by the Board to open the public hearing. Supervisor Becker addressed the room and asked if anyone would like to speak for or against the proposed local law. Town resident Art Lelio of 3708 Waterbury Road, expressed that he is in favor of Local Law G-2019.

Supervisor Becker asked if there were any additional comments and none were received. A motion was made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to close the public hearing.

Supervisor Becker addressed the Board and asked for a motion to adopt Local Law G-2019. The following resolution was offered on motion of Councilor Brzuszkiewicz, who moved its adoption, seconded by Councilor Martin, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. G-2019, a local law to amend Chapter 246 of the Code of the Town of Sullivan to add new Article V "Opting Out of the Real Property Tax Exemption For Solar and Wind Energy Systems and Farm Waste Energy Systems Pursuant to Real Property Tax Law §487," was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan held on December 18, 2019; and

WHEREAS, a public hearing was held on such proposed local law on January 15, 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 December 18, 2019 the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. G-2019 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. G-2019.

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. G-2019 as Local Law No. 1-2020 as follows:

**"TOWN OF SULLIVAN
LOCAL LAW NO. 1-2020**

**A LOCAL LAW TO AMEND CHAPTER 246 ("TAXATION") OF
THE CODE OF THE TOWN OF SULLIVAN TO ADD A NEW ARTICLE V
"OPTING OUT OF THE REAL PROPERTY TAX EXEMPTION
FOR SOLAR AND WIND ENERGY SYSTEMS AND FARM WASTE
ENERGY SYSTEMS PURSUANT TO REAL PROPERTY TAX LAW §487**

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

SECTION 1. LEGISLATIVE FINDINGS AND INTENT

It is the intent of the Town Board of the Town of Sullivan to opt-out of the real property tax exemption for wind and solar energy systems and farm waste energy systems within the

jurisdiction and geographic boundaries of the Town of Sullivan. The Town has received multiple applications for solar energy systems to be located within the Town and additional applications are anticipated in the future. These systems are eligible for a real property tax exemption under New York State Real Property Tax Law which would otherwise eliminate real property tax revenue generated for the Town from these systems. New York State Real Property Tax Law authorizes municipalities to opt-out of the real property tax exemption for solar, wind systems and farm waste energy systems provided the municipality enacts a local law "opting out" of the tax exemption. In accordance with Real Property Tax Law § 487, it is the intent of this Local Law that the Town of Sullivan opt-out of the real property tax exemption for solar and wind energy systems and farm waste energy systems.

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to New York Real Property Tax Law §487(8), the New York State Constitution, and New York Municipal Home Rule Law §10.

SECTION 3. SECTION 246-15

Chapter 246 ("Taxation") of the Code of the Town of Sullivan is amended to add a new Article V thereto, as follows:

"Article V
§246-15 Opting Out of the Tax Exemption for Solar and Wind
Energy Systems and Farm Waste Energy Systems
Pursuant to Real Property Tax Law §487

Pursuant to and consistent with New York State Real Property Tax Law §487(8) the Town of Sullivan Town Board hereby declares that solar and wind energy systems and farm waste energy systems shall not be exempt from real property taxes within the jurisdiction and geographic boundaries of the Town of Sullivan."

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. FILING

Pursuant to New York Real Property Tax Law §487(8), following the enactment of this Local Law a copy of this Local Law shall be filed with the Commissioner of the New York State Department of Taxation and Finance and the President of the New York State Energy Research and Development Authority (NYSERDA).

SECTION 6. EFFECTIVE DATE

This Local Law shall be effective upon filing with the office of the 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:

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: January 15, 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 January 15, 2020.

**AMY RANDALL
Deputy Town Clerk**

(SEAL)

**AUTHORIZING THE PURCHASE OF A USED 2011 CHEVY TAHOE
(VIN 1GNSK2E00BR346353)**

The following resolution was offered by Councilor Kopp, who moved its adoption, seconded by Councilor Martin, 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 North Chittenango Fire Department has learned of the potential sale of a used Chevy Tahoe by the North Patchogue Fire Department, Long Island, New York; and

WHEREAS, the Town Board has determined there is a present need for a used Chevy Tahoe to service the needs of the North Chittenango Fire Department; and

WHEREAS, the Town Board wishes to authorize the purchase of a 2011 Chevy Tahoe (VIN 1GNSK2E00BR346353) from the North Patchogue Fire Department, Long Island, New York, at a total price not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00).

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Sullivan hereby authorizes the purchase of a 2011 Chevy Tahoe (VIN 1GNSK2E00BR346353) at a total price not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00), it being anticipated that the purchase shall be by way of available cash payment 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:

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: January 15, 2020

**RESOLUTION AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR
THE CONSTRUCTION OF THE SLEEPY HOLLOW WATER DISTRICT
IMPROVEMENTS AND EXTENSION NO. 1 PROJECT**

Motion duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously approved by the board to authorize advertisement for bids for the Sleepy Hollow Water District project. Supervisor Becker asked the Board if there was any further discussion.

Councilor Martin explained that this is the first step in the actual construction of project. This project extends up Salt Springs Road and then returns down Sleepy Hollow Road. He continued to state that this is the first step in continuing forward with this water district project

and the residents within this area of are in need of this project. Additionally, it was explained that there is no fire protection in this district as there are currently no fire hydrants in the area. At this time, the residents are under a boil water mandate by the Department of Health until completion of this project and residents are happy that this project will be moving forward. Thereafter, the following resolution was unanimously passed by the Board, to wit:

WHEREAS, the Town of Sullivan (Town) is the Owner of the Sleepy Hollow Water District Improvements and Extension No. 1 Project ("Project"); and

WHEREAS, Barton & Loguidice, D.P.C. (B&L), has been retained by the Town to prepare design Contract Documents for the proposed Project, and to assist the Town with bidding the Project in accordance with General Municipal Law; and

WHEREAS, the Town Board wishes to complete the bidding process as expeditiously as possible and without unnecessary delay.

WHEREAS, the Town Board acknowledges the Plans and Specifications are currently under review and have not yet been approved by the New York State Department of Health, Madison County Department of Health, Madison County Highway Department, and Onondaga County Water Authority.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Sullivan, does hereby authorize the advertisement for bids for the Sleepy Hollow Water District Improvements and Extension No. 1 Project, subject to approval by the above agencies; and

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

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

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: JANUARY 15, 2020

CERTIFICATE

STATE OF NEW YORK)
COUNTY OF MADISON)

I, the undersigned Deputy Clerk of the Town of Sullivan, New York, **DO HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in my office, 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 January 16, 2020.

AMY RANDALL
Deputy Town Clerk

(SEAL)

FIRE DEPARTMENT AGREEMENT FOR MUTUAL AID: TOWN OF CICERO

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Ranger and unanimously passed by the Board to approve a Mutual Aid agreement with Town of Cicero and Bridgeport Fire Department.

PROPOSED HAMILTON BROWN/BUSHNELL SHORES WATER DISTRICT

Supervisor Becker explained that a grant in the amount of \$480,000 has been received from the WIIA program and these funds will be used for the Hamilton Brown/Bushnell Shores Water District.

A motion duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously approved by the Board to accept the WIIA Grant associated with the project and to execute all necessary documents thereto.

SCHEDULING AN ADDITIONAL PUBLIC HEARING FOR
THE HAMILTON BROWN/BUSHNELL SHORES WATER DISTRICT
IMPROVEMENT PROJECT

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously approved by the Board to schedule a public hearing with respect to the Re-Adoption of the Hamilton Brown/Bushnell Shores Water District Notice of Adoption, to wit:

WHEREAS, a Map, Plan and Report has been duly prepared in such manner and in such detail as heretofore has been determined by request of the Town Board of the Town of Sullivan, New York (the "Town"), relating to the creation and construction, pursuant to Town Law Article 12-C (§209-q), of water system improvements to be known and identified as the "Town of Sullivan - Hamilton Brown/Bushnell Shore Water Improvement Project" (the "Water Improvements"); and

WHEREAS, such Water Improvements include those described in the Town Engineer's Map, Plan and Report and consist generally of approximately 6,900 feet of 8" water main with 6 hydrants on Hamilton Brown Road and approximately 1,200 feet with 3 hydrants on Bushnell Shore Road, all being areas currently with no access to public water and consisting of approximately 28± properties; and

WHEREAS, such Water Improvements are to be constructed and owned by the Town; and

WHEREAS, said Map, Plan and Report have been prepared by Dunn & Sgromo Engineers, PLLC, the Town Engineers who are a competent engineering firm duly licensed by the State of New York, and has been filed in the office of the Town Clerk where it is available for public inspection, and

WHEREAS, the proposed Water Improvements consist of the improvements more particularly set forth in the Map, Plan and Report and as described by Deed of Conveyance and in the areas of the Town as set forth above (using tax map numbers of the benefitted parcels), presently on file in the Office of the Town Clerk and are located as specifically described in the attached Schedule "A"; and

WHEREAS, the Town Board has received confirmation of certain grant monies which impact the annual cost to users of the Water Improvements and therefore the Town Board has determined to conduct an additional public hearing; and

WHEREAS, the maximum amount proposed to be expended for the creation and construction of the Water Improvements is estimated to be Eight Hundred Thousand and 00/100 Dollars (\$800,000.00) and the plan of financing includes the issuance of bonds of the Town to finance said cost and the assessment, levy and collection of special assessments (pursuant to Town Law §209-q(8)) shall be borne entirely by the properties located within the described benefitted areas including the several lots and parcels of land within said benefitted areas as associated with the Water Improvements, which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, all as shown on the attached financing plan (Schedule "B") as set forth in said Map, Plan and Report and further that the Town of Sullivan Town Board has determined to seek and obtain public sources of funding and financing through the United States Department of Agriculture - Rural Development ("USDA-RD") and/or the New York State Environmental Facilities Corporation ("NYSEFC"), if applicable, as well as other sources, for the construction and administrative costs associated with the creation of the Water Improvements and that any final order of the Town Board for construction of the Water Improvements will be conditioned upon obtaining an actual cost to the "typical property" (as defined in the Town Law) of Nine Hundred Thirty-Five and 00/100 Dollars (\$935.00) per unit (or less) and that if such additional grant monies and funding are not obtained and the cost of typical property is not at or below Nine Hundred Thirty-Five and 00/100 Dollars (\$935.00) per unit, then the Town Board shall not authorize the construction of said Water Improvements; and

WHEREAS, the estimated cost of the Water Improvements to the "typical property" (as defined in the Town Law) is Nine Hundred Thirty-Five and 00/100 Dollars (\$935.00) annually; and

WHEREAS, that the estimated cost of the Water Improvements to the typical two-family home is One Thousand Eight Hundred Seventy and 00/100 Dollars (\$1,870.00); and

WHEREAS, that the estimated cost of hook-up fees is Two Thousand and 00/100 Dollars (\$2,000.00); and

WHEREAS, the cost and expenses of operation and maintenance (being an additional expense) of said Water Improvements, shall be a function of charges to the benefitted property owners by the Onondaga County Water Authority (OCWA) and shall not be a general charge against the Town; and

WHEREAS, the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk a detailed explanation of how such estimates were computed; and

WHEREAS, the creation and construction of the Water Improvements was previously determined to be a Type I action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board previously gave due consideration to the impact that such creation and construction of the Water Improvements may have on the environment and on the basis of such consideration, the Town Board previously determined that there would be no environmental impacts associated with the project and adopted a Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED that a hearing of the Town Board of said Town of Sullivan shall be held at the Town Hall located at 7507 Lakeport Road, Chittenango, New York on the 19th day of February, 2020 at 5:00 P.M., or as soon thereafter as the matter can be heard, to consider the creation and construction of the proposed Town of Sullivan - Hamilton Brown/Bushnell Shore Water Improvement Project herein referred to and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and it is further

RESOLVED AND DETERMINED that the Town Clerk cause a copy of this order to be published once in the Oneida Daily Dispatch, a newspaper having a general circulation in the Town and previously designated as the official newspaper of the Town for such purposes; to also post a copy thereof on the Town's official signboard maintained pursuant to §30(6) of the Town Law; and to further place a copy of this order upon the Town's website, all as certified by the Town Clerk, the first publication thereof and said posting are to be not less than 10 nor more than 20 days before the day designated for the hearing as aforesaid, all in accordance with the provisions of the Town Law; and it is further

RESOLVED AND DETERMINED that the Town Clerk file a certified copy of this order with the Comptroller of the State of New York on or about the date of publication and posting of a copy of this order.

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

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: January 15, 2020

SCHEDULE "A"

The Hamilton Brown/Bushnell Shore Water District, situated in the Town of Sullivan, Madison County and State of New York, being more particularly described as follows:

Bushnell Shore Road

Commencing at a Point of Beginning, said Point being on the southeastern corner of Parcel 9.-3-8.12, in the Town of Sullivan; said point also being on the westerly highway boundary of Bushnell Shore Road;

1. Thence westerly along the southern boundary of Parcel 9.-3-8.12 to the southwestern property corner of said Parcel;
2. Thence northerly along the western boundaries of Parcels 9.-3-8.12, 9.-3-8.11, 9.-3-8.7, 9.-3-8.6, and 9.-3-8.51 to the northwestern property corner of Parcel 9.-3-8.51;
3. Thence easterly along the northern boundary of Parcel 9.-3-8.51 to the northeastern property corner of said Parcel, said point being the western boundary of the Bushnell Shore Road right-of-way;
4. Thence northerly along the western boundary of the Bushnell Shore Road right-of-way to a point, said point being the westerly projection of the northern boundary of Parcel 9.-3-8.9;
5. Thence easterly across the Bushnell Shore Road right-of-way to the easterly highway boundary and the northwest property corner of Parcel 9.-3-8.9;
6. Thence easterly along the northern boundary of Parcel 9.-3-8.9 to the northeastern property corner of said Parcel;
7. Thence southerly along the eastern boundary of Parcel 9.-3-8.9 to the southeastern property corner of said Parcel;
8. Thence westerly along the southern boundary of Parcel 9.-3-8.9 to the southwestern property corner of said Parcel; said point being the eastern boundary of the Bushnell Shore Road right-of-way;
9. Thence southerly along the eastern boundary of the Bushnell Shore Road right-of-way to the northwestern property corner of Parcel 9.-3-8.42;
10. Thence easterly along the northern boundary of Parcel 9.-3-8.42 to the northeastern property corner of said Parcel;

11. Thence southerly along the eastern boundary of Parcel 9.-3-8.42 to the southeastern property corner of said Parcel;
12. Thence westerly along the southern boundary of Parcel 9.-3-8.42 to the southwestern property corner of said Parcel; said point being the eastern boundary of the Bushnell Shore Road right-of-way;
13. Thence westerly across the Bushnell Shore Road right-of-way, on a projection of the southern boundary of Parcel 9.-3-8.42, to the western highway boundary of Bushnell Shore Road;
14. Thence northerly along the western boundary of the Bushnell Shore Road right-of-way to the southeastern corner of Parcel 9.-3-8.12, said point also being the Point of Beginning.
15. Including part or all of the following Parcels on the east and west sides of Bushnell Shore Road in the Town of Sullivan:

East side:	9.-3-8.42 9.-3-8.9	West side:	9.-3-8.11 9.-3-8.12 9.-3-8.51 9.-3-8.6 9.-3-8.7
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Hamilton Brown Road

Part A: Commencing at a Point of Beginning, said Point being on the southwestern corner of Parcel 9.5-1-2, in the Town of Sullivan; said point also being on the eastern highway boundary of Hamilton Brown Road;

1. Thence easterly along the southern boundary of Parcel 9.5-1-2 to the southeastern property corner of said Parcel;
2. Thence northerly along the eastern boundary of Parcel 9.5-1-2 to the northeast property corner of said Parcel;
3. Thence easterly to a point 300 feet east of the easterly highway boundary of Hamilton Brown Road;
4. Thence northerly through Parcels 3.-3-77.11 and 3.-3-77.12 parallel to Hamilton Brown Road to the northern boundary of Parcel 3.-3-77.11;
5. Thence westerly along the northern boundary of Parcel 3.-3-77.11 to the easterly boundary of the Hamilton Brown Road right-of-way;
6. Thence easterly across the right-of-way of Hamilton Brown Road to the northeastern property corner of Parcel 3.-3-74;
7. Thence easterly along the northern boundary of Parcel 3.-3-74 to the northwestern property corner of said Parcel; said point also being a property corner of Parcel 3.-3-73.1;
8. Thence easterly along the northern boundary of Parcel 3.-3-73.1 to a point that is 300 feet west of the western boundary of Hamilton Brown Road;
9. Thence southerly across Parcel 3.-3-73.1 parallel to Hamilton Brown Road to a southern boundary of Parcel 3.-3-73.1 and the northern boundary of Parcel 3.-3-75;
10. Thence easterly along the northern boundary of Parcel 3.-3-75 to the northeastern property corner of said Parcel; said point also being a property corner of Parcel 3.-3-73.1;
11. Thence southerly along the eastern boundary of Parcel 3.-3-75 and a western boundary of Parcel 3.-3-73.1 to the northern boundary of Parcel 3.-3-76;

12. Thence westerly along the northern boundary of Parcel 3.-3-76 to a point 300 feet west of the western boundary of Hamilton Brown Road;
13. Thence southerly across Parcels 3.-3-76 and 8.-2-41 parallel to Hamilton Brown Road to the southern boundary of Parcel 8.-2-41;
14. Thence easterly along the southern boundary of Parcel 8.-2-41 to the southeastern property corner of said Parcel; said point being the western boundary of the Hamilton Brown Road right-of-way;
15. Thence easterly across the Hamilton Brown Road right-of-way on a projection of the southern boundary of Parcel 8.-2-41, to the eastern highway boundary of Hamilton Brown Road; said point also being the western boundary of Parcel 3.-3-77.11;
16. Thence southerly along the eastern highway boundary of Hamilton Brown Road to the southwest corner of Parcel 9.5-1-2; said point also being the Point of Beginning.

Part B: Commencing at a Point of Beginning, said Point being on the southwestern corner of Parcel 4.54-1-12, in the Town of Sullivan;

1. Thence easterly along the southern boundary of Parcel 4.54-1-12 to the southeastern property corner of said Parcel; said point being on the western shoreline of Oneida Lake;
2. Thence northerly along the Oneida Lake shoreline, and the eastern boundaries of Parcels 4.54-1-12, 4.54-1-11, 4.54-1-10, 4.54-1-9, 4.54-1-8, 4.54-1-6, 4.54-1-5.1, 4.54-1-4, 4.54-1-3, 4.54-1-2, and 4.54-1-1 to the northwestern property corner of Parcel 4.54-1-1;
3. Thence southerly along the western boundary of 4.54-1-1 to the southwestern property corner of said Parcel; said point being the northern highway boundary of Hamilton Brown Road;
4. Thence southerly across the right-of-way of Hamilton Brown Road to a corner of Parcel 3.-3-62; said point being on the western boundary of Parcel 4.54-1-2 and on the southern boundary of the Hamilton Brown right-of-way;
5. Thence southerly along the western boundaries of Parcels 4.54-1-2, 4.54-1-4, 4.54-1-5.1, 4.54-1-6, 4.54-1-8, 4.54-1-9, 4.54-1-11, and 4.54-1-12 to the southwestern corner of Parcel 4.54-1-12; said point also being the Point of Beginning.
6. Including part or all of the following Parcels on the east and west sides of Hamilton Brown Road in the Town of Sullivan:

Part A:	3.-3-73.1	Part B:	4.54-1-1
	3.-3-73.2		4.54-1-2
	3.-3-73.3		4.54-1-3
	3.-3-74		4.54-1-4
	3.-3-76		4.54-1-5.1
	3.-3-77.11		4.54-1-6
	3.-3-77.12		4.54-1-8
	8.-2-41		4.54-1-9
	9.5-1-2		4.54-1-10
			4.54-1-11
			4.54-1-12

SCHEDULE "B"
Town of Sullivan
Hamilton Brown/Bushnell Shore
Water District Improvement Project
With USDA Funding Preliminary Budget
October 9, 2018
Revised January 15, 2020

- I. Construction Costs:**
- | | | | |
|---------------------|---------------------------------|----------|--|
| Hamilton Brown Road | - 6,900 feet (20.0 units) | | |
| Bushnell Shore Road | - <u>1,200</u> feet (5.0 units) | | |
| Total | 8,100 feet of waterline | x | \$80/foot¹ = \$648,000 |
- II. Contingency – 10%** **= \$ 65,000**
- III. Soft Costs – 14%** **= \$ 85,000**
- IV. Total Project Cost** **Use \$800,000¹**
- V. WIA Grant** **= \$480,000**
- VI. Water District Unit Costs**
1. Hydrant Rental – 9 hydrants @ \$80 each (**subject to change by OCWA**) **= \$ 720/year**
 2. MWB Levy – .0001 x total district assessment (approximately \$3 million) **= \$ 300/year**
 3. Project Cost Financing for \$320,000 with USDA-RD².
 - a. 38-year loan @ 3.0% (.0444) (estimated for 2020) **= \$14,226/year**
 4. Total Annual District Cost: **= \$ 15,246**
 5. Units **= 25 (approximate)**
 6. Annual Unit Cost: **= \$ **610****
- VII. Other Costs:**
1. Water Use Per Unit = \$325/year (typical single-family home) (**subject to change by OCWA**)
 - 3.**
 2. Meter Installation Fee = \$200 or \$250 (one time charge) (**subject to change by OCWA**)
 3. Individual Private Water Service and Plumbing = varies
- VIII. Annual cost to typical property (water use + debt service)** **= \$ 935**
1. *Costs for 2020 (estimated).*
 2. *Rates and amounts subject to change by USDA-RD (estimated for 2020, market financing rate).*
 3. *Based on OCWA's 2020 Rate Schedule 2A, with a daily water use of 130 gpd with inflation for 2021.*

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 January 15, 2020.

AMY RANDALL
Deputy Town Clerk

(SEAL)

**AUTHORIZE THE EXECUTION OF AN AGREEMENT
BETWEEN THE TOWN OF SULLIVAN AND
THE STATE OF NEW YORK-DIVISION OF POLICE
(EFFECTIVE 06/01/2020 - 05/31/2020)
(Subject To Permissive Referendum)**

The following resolution was offered by Councilor Kopp and seconded by Councilor Martin, to wit:

WHEREAS, the Town of Sullivan has been approached by the State of New York - Division of State Police ("NYSP"), an instrumentality of the State of New York, with a request to renew the existing Agreement for an SP Sullivan Satellite Office (L001312) for an additional ten (10) year period; and

WHEREAS, the Town Board of the Town of Sullivan and the NYSP have an existing agreement for accessible facilities located at 7507 Lakeport Road, Town of Sullivan, Madison County, Chittenango, New York 13037, that will suit the needs of NYSP; and

WHEREAS, the aforesaid land area is excess space and is not needed by the Town for its own purposes and is surplus and available for this proposed purpose; and

WHEREAS, the Town could derive a substantial public safety return for NYSP's use of the aforementioned space, all to the benefit of the Town's taxpayers; and

WHEREAS, pursuant to Section 64-2 of the New York Town Law, such an agreement may be entered into by the Town, subject to a permissive referendum; and

WHEREAS, such agreement constitutes a Type II action for purposes of State Environmental Quality Review and, as a result, no environmental impact is anticipated.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Sullivan approves the agreement between the Town and NYSP for the continued occupancy of space at 7507 Lakeport Road, Town of Sullivan, Madison County, Chittenango, New York 13037, in substantial accordance with the attached Agreement that has been negotiated for this purpose and authorizes the Supervisor to execute said Agreement and take any and all further action needed to give full force and effect to this approval; and it is further

RESOLVED that appropriate notice of this action shall be posted and shall be published in the official Town newspaper; and it is further

RESOLVED that this action be and the same hereby is subject to a permissive referendum; and it is further

RESOLVED that this resolution is subject to the final review and approval of the Town's Attorney.

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

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: January 15, 2020

INTRODUCING PROPOSED LOCAL LAW A OF 2020

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF SULLIVAN TO CREATE A NEW CHAPTER 210 TITLED "SMALL CELL WIRELESS DEPLOYMENT REQUIREMENTS"

Attorney Langey explained that this law has been adopted by several municipalities throughout Central New York. At this time, the law would be adopted as a way to establish to potential developers a procedure within the Town of Sullivan, as well as schedule of fees.

The following resolution was offered by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board, to wit:

WHEREAS, proposed Local Law A-2020 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

WHEREAS, the Federal Communications Commission ("FCC") has issued a Declaratory Ruling and Third Report and Order, known as FCC 18-133 or the "Order", to encourage and facilitate the deployment of small cell wireless communications facilities throughout the United States of America; and

WHEREAS, referencing several reasons and determinations as to why the deployment of small cell wireless communications facilities throughout the United States is considered beneficial, the Order is intended to streamline and accelerate the wireless infrastructure siting review process; and

WHEREAS, the Order does, however, explicitly reserve the right of local governments to impose aesthetic requirements and safety considerations upon such small cell wireless communications facilities; and

WHEREAS, by Resolution dated April 3, 2019, the Town of Sullivan Town Board expressed its desire to preserve and maintain all of its legal rights and options to address and reasonably regulate additional telecommunication technologies, including, but not limited to so called "4G" and "5G" technology, which rights and options included the ability to establish standards and requirements relative to the siting, construction, operation, maintenance, and permitting of such small commercial wireless facilities; and

WHEREAS, the Town Board desires to regulate the deployment of small cell wireless communications facilities throughout the Town in conformance with the guidance and rules set forth in the Order; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of Local Laws 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 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 a Short Environmental Assessment Form (EAF) in support of this Local Law 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, IT IS

RESOLVED AND DETERMINED that there are no other involved agencies, that the Town Board shall act as lead agency and the enactment of proposed Local Law No. A-2020 is an unlisted action for purposes of SEQRA review; and it is further

RESOLVED AND DETERMINED that the Town Board, upon review of the EAF and proposed Local Law has determined that this action, which will streamline and accelerate the wireless infrastructure siting review process while regulating local aesthetics and imposing public safety consideration in accordance with FCC 18-133, will have no adverse impact on the environment; that accordingly, an environmental impact statement (EIS) shall not be required and that this resolution shall constitute a negative declaration pursuant to SEQRA; and it is further

RESOLVED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. A-2020 at the Town Hall located at 7507 Lakeport Road, Chittenango, New York on February 19, 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 ten (10) 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:

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: January 15, 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 January 15, 2020.

AMY RANDALL
Deputy Town Clerk

(SEAL)

PUBLIC HEARING: OMNI NAVITAS HOLDINGS, LLC
FOR A USE VARIANCE FROM LOCAL LAW NO. 4 OF 2019

Supervisor Becker explained that there is an established Moratorium on all solar uses in the Town. Omni Navitas Holdings, LLC has applied for a variance from the Moratorium for Solar Farms (Local Law 4-2019). The Planning Board received an application and made a positive recommendation to consider the variance. At this time, a public hearing is needed for input as part of the variance procedure.

The following resolution was offered by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to schedule a public hearing for the variance of Local Law No. 4 of 2019, to wit:

NOTICE OF PUBLIC HEARING
TOWN OF SULLIVAN

PLEASE TAKE NOTICE that the Town Board of the Town of Sullivan, New York, shall conduct a public hearing on the application by Omni Navitas Holdings, LLC for a use variance from Local Law No. 4 of 2019 ("A Local Law Imposing a Twelve (12) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems Within the Town of Sullivan Law") concerning Omni Navitas Holdings, LLC's application for a 5 MWac solar photovoltaic array system to be located on premises known as 7677 Black Creek Road, Sullivan, New York (Tax Map No. 24.-2-81.). Said public hearing shall be held in the meeting room of the Town of Sullivan Town Hall located at 7507 Lakeport Road, Chittenango, New York on February 19, 2020 at 5:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested will be heard. A copy of the application for said variance is on file at the Town Clerk's Office at the Town Hall located at 7507 Lakeport Road, Chittenango, New York for inspection by all interested persons during regular business hours.

DATED: January 15, 2020

AMY RANDALL,
Deputy Town Clerk

BUDGET MODIFICATIONS

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board to adopt the following Budget Modifications, to wit:

Transferring \$2,930.00 from Contingent A1990.4 to A1410.172 Deputy Town Clerk Lines. As this account is out of funds.

Transferring \$57,000.00 from A1990.4 Contingent to A1620.1 Buildings School Resource Officer Reimbursement to Madison County.

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

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Voted	Yes
Kerry Ranger	Councilor	Voted	Yes
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

AUTHORIZATION FOR SPENDING: NORTH CHITTENANGO FIRE DEPARTMENT

Chief Dennis Simmons, North Chittenango Fire Department, submitted an invoice regarding the purchase of one BH-20 "Blowhard" Fan. The invoice was submitted with a final purchase price of \$3,300.00.

Chief Dennis Simmons, North Chittenango Fire Department, submitted an invoice regarding the purchase and installation of Amkus Mono Couplers. The invoice was submitted with a final purchase price of \$7,470.00.

A motion to approve the purchases was made by Councilor Martin, seconded by Councilor Ranger and unanimously approved by the Board.

FIRE FIGHTER APPLICATIONS

Chief Frank Thompson of the Bridgeport Fire Department submitted an application for Emily Wolf and all supplemental forms. Chittenango Fire Department Chief John Morgan approached the Town Board during the meeting to reinstate Gary Scofield who was returning to the area.

A motion to approve the acceptance of Emily Wolf to the Bridgeport Fire Department and Gary Scofield to the Chittenango Fire Department was made by Councilor Kopp, seconded by Councilor Martin and unanimously approved by the Board.

487 DAMON POINT ROAD

Dana Kaiser, owner of 487 Damon Point Road, had until December 31, 2019 to submit a Building Permit or Demolition Permit for the premises. Supervisor Becker would like the Codes Office to move forward with taking action on the demolition of the structures on the site. A motion was made by Councilor Ranger, second by Councilor Martin and unanimously passed by the Board to proceed with an unsafe structure action. Attorney Langey stated that he will provide an update with regards to the procedures that will be followed on this matter.

OTHER MATTERS DISCUSSED

1. Supervisor Becker noted that the Bail Reform Legislation has caused trouble throughout New York State. He encouraged all to call their State legislators to express dissatisfaction with the Bail Reform Law.
2. A resident on Marsh Mill Road, commented that the new culvert that was recently installed was helpful and water level had gone down. He requested a second culvert because of Chittenango Creek rising in Spring. This would help to mitigate some of the water in that area. The Board is undecided on this topic.
3. Resident Art Lelio mentioned that Local Law F-2019 is still open and asked when the matter would be closed. Per Supervisor Becker, the Public Hearing to amend the original law would be closed at the next meeting. Attorney Langey explains that Local Law F-2019 is a proposal to amend the original law, the original Law is on the books and Local Law F-2019 would amend the original language.
4. Resident Terry Lee Haynie discussed a concern with a neighbor. Attorney Langey believes the previous concern to be closed. The Town Board and Mr. Haynie exchanged questions and answers regarding the matter. At this time, it does not appear that there is a valid complaint to investigate.
5. The Fire Chiefs are concerned with the response time of AMR Ambulance Service as well as the system status management of second ambulance when primary ambulance is on an emergency call. The Fire Chiefs would like a second Ambulance stationed within the Town of Sullivan. Supervisor Becker explained the cost of having AMR locally as well as the option of an Ambulance District. Supervisor Becker intends to set up a meeting with the Fire Chiefs and AMR respectively.
6. Resident Ernie Houghtaling inquired as to the policy for junk on private parcels in the Town. He stated that laws need to be enforced equally. Supervisor Becker stated that he has a written response prepared in with respect to the written complaint received from Mr. Houghtaling, and that response is ready for review by the Town Board.

EXECUTIVE SESSIONS

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to enter into executive session at 7:04 P.M. to "obtain advice of Counsel on pending litigation matters".

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to close the executive session at 8:06 P.M.

ADJOURNMENT

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board to adjourn the meeting at 8:07 P.M.

Respectfully Submitted,
Elaine Morgan, Secretary to the Supervisor