

**TOWN BOARD  
TOWN OF SULLIVAN  
REGULAR MEETING  
FEBRUARY 1, 2017**

A regular meeting of the Town Board of the Town of Sullivan was convened at the Town Office Building by Supervisor John M. Becker at 7:00 P.M.

Those in attendance for the meeting were: Supervisor John M. Becker; Councilors: Jeff Martin; Kerry Ranger; Thomas Kopp and John Brzuszkiewicz; Highway Superintendent Andrew Busa; Attorney for the Town John R. Langey; Comptroller Beth Ellis and Town Clerk Charlotte A. Ferstler.

Also in attendance were: Bridgeport Fire Chief Jerry Honors; three students from Chittenango High School; and Members of the Public.

Pledge to the flag was led by Supervisor Becker.

**APPROVAL OF MINUTES OF MEETING**

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board to approve the minutes of the Town Board meeting of January 18, 2017.

**INTRODUCTION OF LOCAL LAW A-2017  
CODE OF ETHICS**

Supervisor Becker informed the Board that an ethics Local Law is required for the Town of Sullivan to be eligible to apply for and receive certain State and Federal Government grants. Therefore, the following resolution was offered:

**TOWN OF SULLIVAN LOCAL LAW A OF 2017**  
(“A Local Law to Add a New Chapter 19 to the Code of the  
Town of Sullivan to Provide for a Code of Ethics”)

Councilor Brzuszkiewicz introduced proposed Local Law No. A-2017, “A Local Law to Add a New Chapter 19 to the Code of the Town of Sullivan to Provide for a Code of Ethics”, which Local Law would add a new Chapter to the Code of the Town of Sullivan to add regulations governing ethics and conflicts of interest for Town of Sullivan officers and employees, and made the following motion which was seconded by Councilor Kopp:

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Sullivan, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) 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**, proposed Local Law A-2017 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

**WHEREAS**, the adoption to said Local Law is an unlisted action for purposes of environmental review under SEQRA; and

**WHEREAS**, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

**WHEREAS**, the said EAF has been prepared and has been reviewed by the Town Board; and

**WHEREAS**, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED** that the enactment of proposed Local Law No. A-2017 is an unlisted action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

**RESOLVED AND DETERMINED** that the Town Board has determined this action shall have no adverse impact on the environment; that accordingly, an environmental impact statement (EIS) shall not be required; and that the Town Board hereby adopts a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617 et seq.

**RESOLVED AND DETERMINED** that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. A-2017 at the Town Hall located at 7507 Lakeport Road, Chittenango, New York on March 1, 2017 at 7:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

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

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

The foregoing resolution was thereupon declared duly adopted.

**DATED: February 1, 2017**

**AUTHORIZING THE SUPERVISOR TO EXECUTE AND ENTER  
INTO THE TOWN OF SULLIVAN SEWER CONSTRUCTION  
AND MAINTENANCE AGREEMENT**

**(Lavern Grant: Improvements and Connection to the South Sullivan Sewer District  
for premises located in the East Sullivan Sewer District - 2377 Route 31, Canastota)**

Attorney Langey explained that Mr. Lavern Grant had received approval for development of his property located at 2377 Route 31 and that the development necessitated a sewer connection be available in the South Sullivan Sewer District (while the property is physically located in the East Sullivan Sewer District). Therefore, the following resolution was offered:

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

**WHEREAS**, the Town of Sullivan has been approached by Lavern Grant, owner of premises more formally known as known as 2377 Route 31, Canastota, in the Town of Sullivan (Tax Map No. 11.-1-12.1), being a property located within the jurisdictional boundaries of the East Sullivan Sewer District, to allow for the physical connection to and construction of certain sewer improvements within the South Sullivan Sewer District; and

**WHEREAS**, said sewer improvements are more particularly described in an engineering report relative to the project; and

**WHEREAS**, no other agency (including any Federal agency) is involved within the meaning of the New York State Environmental Quality Review Act ("SEQR") with respect to this matter, with the result that the Town Board shall act as lead agency in this matter; and

**WHEREAS**, the construction of sewer improvements in said District is an unlisted action for purposes of environmental review under SEQR; and

**WHEREAS**, the Town Board has given due consideration to the impact that such construction of sewer improvements in said District may have on the environment and on the basis of such consideration, the Town Board will hereby determine the environmental impact, if any, to be caused by such construction of sewer improvements in said District under SEQR; and

**WHEREAS**, the Town Board has determined that a short environmental assessment form ("EAF") shall be required in connection with this matter; and

**WHEREAS**, the said EAF has been prepared and has been reviewed by the Town Board; and

**WHEREAS**, the entirety of the costs to be expended for the construction of sewer improvements in said District shall entirely be borne by the applicant/petitioner and at no expense to the District, all as shown in the submitted financing plan; and

**WHEREAS**, all future costs and expenses of operation, maintenance and improvements, in said District, including all expenses related to all future extensions of said District which may thereafter be established, shall be a charge against the entire area of said District as extended.

**NOW THEREFORE, BE IT RESOLVED AND DETERMINED** that the construction of sewer improvements in said District will have no significant adverse affects on the environment, and this Resolution shall constitute a negative declaration under SEQR for the following reasons:

1. The improvements shall consist of connecting the existing Lavern Grant premises (located in the East Sullivan Sewer District) to an existing sewer service line within the South Sullivan Sewer District and related site work serving the property as described in the Engineer's Report submitted by the applicant.
2. Such construction of sewer improvements in said District will result in no substantial adverse changes in existing air quality, water quality or noise levels, no substantial increase in solid waste production and no substantial increase in the potential for erosion, flooding or drainage problems.
3. The improvements themselves provide a method for the safe treatment of waste for the property owner in the District in a safe and efficient manner.
4. No substantial interference with or adverse affects on animal life are anticipated.
5. None of the other criteria listed in 6 NYCRR Part 617.11 have been identified as being relevant to this action; and it is further

**RESOLVED AND DETERMINED** that the Town Board of the Town of Sullivan that the Town of Sullivan Supervisor be and hereby is authorized to execute and enter into the Town of Sullivan Sewer Construction and Maintenance Agreement (Lavern Grant Improvements and Connection to the Bridgeport Sewer District for premises located in the East Sullivan Sewer District, 2377 Route 31, Canastota, in the Town of Sullivan) between Lavern Grant and the Town of Sullivan, the East Sullivan Sewer District and the South Sullivan Sewer District for the proposed connection, including the Addendum to said Agreement.

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

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

The foregoing resolution was thereupon declared duly adopted.

**Dated: February 1, 2017**

### **LISA LEWIS – ROXBURY ROAD EXTENSION**

Supervisor Becker asked the Board Members to accept a proposal submitted by Lisa Lewis for an extension of Roxbury Road in order for her to further subdivide her property. The original road was not extended far enough to allow for further subdivision of lots. Ms. Lewis is also going to put a hammerhead turn-around in as part of the Town owned road with the assistance of the Town Highway Department.

A motion was duly made by Councilor Kopp, seconded by Councilor Ranger and unanimously passed by the Board authorizing the Supervisor to execute a Highway and Drainage Construction and Maintenance Agreement subject to the review and approval of the Town's Attorney.

### **AUTHORIZING THE SALE OF TOWN OF SULLIVAN SURPLUS EQUIPMENT THROUGH AUCTIONS INTERNATIONAL**

1. **Metal Brake**
2. **Ingersoll-Rand Industrial Air Compressor**
3. **2004 Chevrolet Silverado 2500HD Pickup Truck  
(VIN 1GCHK24U14E311306)**
4. **1999 North Chittenango Fire Truck (VIN 1FV6JLCB2XH959955)**

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

**WHEREAS**, the Town of Sullivan owns a metal brake; an Ingersoll-Rand Industrial Air Compressor; a 2004 Chevrolet Silverado 2500HD Pickup Truck (VIN 1GCHK24U14E311306); a 1999 North Chittenango Fire Truck (VIN 1FV6JLCB2XH959955) (jointly the "equipment"), which equipment is utilized by the Town of Sullivan; and

**WHEREAS**, the Town of Sullivan Town Board has been advised that the equipment is dated and has advanced past its useful life for Town purposes such that it may be disposed; and

**WHEREAS**, the equipment is excess and surplus equipment and is not needed by the Town of Sullivan; and

**WHEREAS**, an analysis of the value of the equipment was undertaken by the Town; and

**WHEREAS**, the Town Board having previously determined that the manner of sale of the equipment which is likely to facilitate the best price for the equipment is by way of listing said equipment with Auctions International ([www.auctionsinternational.com](http://www.auctionsinternational.com)), an online auction site.

**NOW, THEREFORE, IT IS RESOLVED AND DETERMINED** that the Town Board of the Town of Sullivan hereby authorizes the sale and transfer of said equipment as follows and for the following amounts to the highest received bidder through Auctions International:

- |    |   |             |
|----|---|-------------|
| 1. | Metal Brake (AI ID Lot #0007)   | \$1,275.00  |
| 2. | Ingersoll-Rand Industrial Air Compressor (AI ID Lot #0014)                                | \$350.00    |
| 3. | 2004 Chevrolet Silverado 2500HD Pickup Truck<br>(VIN 1GCHK24U14E311306) (AI ID Lot #0005) | \$3,600.00  |
| 4. | 1999 North Chittenango Fire Truck (VIN 1FV6JLCB2XH959955)<br>(AI ID Lot #0001)            | \$18,200.00 |

Such sale is hereby designated "as is" and with no warranties of any kind, express or implied; and it is further

**RESOLVED AND DETERMINED** that the Town of Sullivan Supervisor (and/or Highway Superintendent) is hereby authorized to sign any papers and take all actions to give full force and effect to this resolution and it is further

**RESOLVED AND DETERMINED** that the proceeds of said sale shall be deposited into the appropriate Town of Sullivan Fund, 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>John E. Brzuszkiewicz</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Thomas J. Kopp Jr.</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Kerry Ranger</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Jeffrey Martin</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John M. Becker</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**Dated: February 1, 2017**

**AUTHORIZING THE LISTING AND THE SALE OF TOWN OF SULLIVAN  
SURPLUS EQUIPMENT THROUGH AUCTIONS INTERNATIONAL**

5. AI ID Lot #0002 – Lot of Tires
6. AI ID Lot #0003 – Lot of Tires
7. AI ID Lot #0004 – Lot of Tires
8. AI ID Lot #0008 – 1994 Volvo/White ACL Autocar 6x4 Salter Truck (VIN 4V2SCBJF7RR13816)
9. AI ID Lot #0009 – 1990 Volvo/White WG 6x4 Salter Truck (VIN 4V2JCBME3LR807199)
10. AI ID Lot #0010 – Lot of Loader Tires
11. AI ID Lot #0011 – Power Angle V-Plow
12. AI ID Lot #0012 – Power Angle V-Plow
13. AI ID Lot #0013 – 1988 International 2674 Dump Truck (VIN 1HTZTGJNOJH597884)

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

**WHEREAS**, the Town of Sullivan owns AI ID Lot #0002 – Lot of Tires; AI ID Lot #0003 – Lot of Tires; AI ID Lot #0004 – Lot of Tires; AI ID Lot #0008 - 1994 Volvo/White ACL Autocar 6x4 Salter Truck (VIN 4V2SCBJF7RR13816); AI ID Lot #0009 – 1990 Volvo/White WG 6x4 Salter Truck(VIN 4V2JCBME3LR807199); AI ID Lot #0010 – Lot of Loader Tires; AI ID Lot #0011 – Power Angle V-Plow; AI ID Lot #0012 – Power Angle V-Plow; and AI ID Lot #0013 – 1988 International 2674 Dump Truck(VIN 1HTZTGJNOJH597884) (or jointly the “equipment”), which equipment is utilized by the Town of Sullivan; and

**WHEREAS**, the Town of Sullivan has advised that the equipment is dated and has advanced past its useful life for Town purposes such that it may be disposed; and

**WHEREAS**, the equipment is excess and surplus equipment and is not needed by the Town of Sullivan; and

**WHEREAS**, an analysis of the value of the equipment was undertaken by the Town; and

**WHEREAS**, the Town Board has presently determined that the manner of sale of the equipment which is likely to facilitate the best price for the equipment is by way of listing said equipment with Auctions International ([www.auctionsinternational.com](http://www.auctionsinternational.com)), an online auction site and said equipment has been listed on said online auction site.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Sullivan hereby authorizes the utilization of the online auction site Auctions International ([www.auctionsinternational.com](http://www.auctionsinternational.com)) for the disposal of the excess and surplus equipment referenced above as is and without any warranties, express or implied; and it is further

**RESOLVED** that the Town Board of the Town of Sullivan hereby authorizes the sale and transfer of said equipment as follows and for the following amounts to the highest received bidder through Auctions International:

- |    |  |             |
|----|--|-------------|
| 1. | AI ID Lot #0002 - Lot of Tires   | \$12.00     |
| 2. | AI ID Lot #0003 - Lot of Tires   | \$42.50     |
| 3. | AI ID Lot #0004 - Lot of Tires   | \$105.00    |
| 4. | AI ID Lot #0008 – 1994 Volvo/White ACL Autocar 6x4 Salter Truck (VIN 4V2SCBJF7RR13816) | \$17,700.00 |
| 5. | AI ID Lot #0009 - 1990 Volvo/White WG 6x4 Salter Truck (VIN 4V2JCBME3LR807199)         | \$5,200.00  |
| 6. | AI ID Lot #0010 - Lot of Loader Tires  | \$460.00    |
| 7. | AI ID Lot #0011 - Power Angle V-Plow   | \$2,550.00  |
| 8. | AI ID Lot #0012 - Power Angle V-Plow   | \$4,150.00  |

Such sale is hereby designated “as is” and with no warranties of any kind, express or implied; and it is further

**RESOLVED AND DETERMINED** that the bid for the item designated as AI ID Lot #0013 (1988 International 2674 Dump Truck, VIN 1HTZTGJNOJH597884) is hereby rejected; and it is further

**RESOLVED AND DETERMINED** that the Town of Sullivan Supervisor (and/or Highway Superintendent) is hereby authorized to sign any papers and take all actions to give full force and effect to this resolution and it is further

**RESOLVED AND DETERMINED** that the proceeds of said sale shall be deposited into the appropriate Town of Sullivan Fund, 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>John E. Brzuszkiewicz</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Thomas J. Kopp Jr.</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Kerry Ranger</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Jeffrey Martin</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John M. Becker</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**Dated: February 1, 2017**

#### **RE-APPOINTMENT OF THERESA VINCELLETE TO BOARD OF ASSESSMENT REVIEW**

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously passed by the Board RE-APPOINTING THERESA VINCELETTE TO THE BOARD OF ASSESSMENT REVIEW FOR A FIVE YEAR TERM ENDING DECEMBER 31, 2021.

#### **APPROVAL OF APPLICATIONS FOR MEMBERSHIP IN THE FIRE COMPANIES COMPRISING THE SULLIVAN FIRE DISTRICT**

The Board, acting as the Board of Fire Commissioners, received an application from Adam Arvidson for membership in the Chittenango Fire Company.

A motion was duly made by Councilor Kopp, seconded by Councilor Martin and unanimously passed by the Board, acting as the Board of Fire Commissioners, accepting Adam Arvidson as a member in the Chittenango Fire Company.

#### **ANIMAL CONTROL CONTRACT WITH TOWN OF LENOX**

Supervisor Becker informed the Board that at this time he has not been contacted by the Town of Lenox regarding the yearly contract for sharing the services of the Animal Control Officer. He recommends that no action be taken on this matter until after he speaks with the Town of Lenox Supervisor.



**BUSH HOG MOWER SALE BY HIGHWAY DEPARTMENT**

Highway Superintendent Andy Busa informed the Town Board that the Town of Fenner would like to purchase the Bush Hog Mower that the Highway Department has for sale. Highway Superintendent Busa is asking for approval to sell the Bush Hog Mower to the Town of Fenner for Twenty-Five Hundred Dollars (\$2,500.00). The sale will be without any warranties and in "as is" condition. Therefore, the following resolution was offered:

**AUTHORIZING THE SALE OF A BUSH HOG SM60 MOWER  
WITH 3-POINT HITCH AND EQUIPMENT TO THE TOWN OF FENNER**

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

**WHEREAS**, the Town of Sullivan Highway Department owns a Bush Hog SM60 Mower (Serial No. 12-03998) with 3-point hitch and associated equipment; and

**WHEREAS**, the mower and associated equipment is excess and surplus equipment and is not needed by the Town of Sullivan Highway Department; and

**WHEREAS**, the Town inquired as to the potential sale of the mower and associated equipment through various avenues and means; and

**WHEREAS**, the Town of Fenner has offered to purchase said mower and associated equipment from the Town of Sullivan Highway Department for Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00); and

**WHEREAS**, an analysis of the value of the mower and associated equipment was undertaken by the Town of Sullivan Highway Department; and

**WHEREAS**, the Town Board having determined that this manner of sale is likely to facilitate the best price for the mower and associated equipment.

**NOW, THEREFORE, IT IS RESOLVED AND DETERMINED** that, pursuant to Section 142(5) of the New York State Highway Law, the Town of Sullivan Town Board authorizes the Town of Sullivan Highway Superintendent to sell the aforementioned Bush Hog SM60 Mower (Serial No. 12-03998) with 3-point hitch and associated equipment to the Town of Fenner, "as is", without any warranties, express or implied, for a purchase price of Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00); and it is further

**RESOLVED AND DETERMINED** that the Town of Sullivan Highway Superintendent is hereby authorized to sign any documentation and take all actions to give full force and effect to this resolution; and it is further

**RESOLVED AND DETERMINED** that the proceeds of said sale shall be deposited into the appropriate Town of Sullivan Highway Fund, as required pursuant to Section 142(5) of the New York State Highway 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>John E. Brzuszkiewicz</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Thomas J. Kopp Jr.</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Kerry Ranger</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Jeffrey Martin</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>John M. Becker</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**Dated: February 1, 2017**

#### **OTHER MATTERS BROUGHT BEFORE THE BOARD**

1. Ernie Houghtaling spoke to the Board about his objections to how the Code Enforcement Officials are subjectively enforcing the New York State Building Codes.
2. Councilor Brzuszkiewicz informed the Board that the Park Board has appointed Kim Guignard as the Chairman of the Town of Sullivan Park Board. Also, the Annual Fishing Derby will be held at the Canal Park again this year.
3. Supervisor Becker spoke on the possible purchase of a weather station for Chapman Park.

#### **EXECUTIVE SESSION**

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to go into executive session to discuss legal advice and invited Attorney Langey into the session at 7:20 P.M.

A motion was duly made by Councilor Ranger, seconded by Councilor Kopp and unanimously passed by the Board to close the executive session at 8:55 P.M.

#### **ADJOURNMENT**

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to adjourn the meeting at 8:56 P.M.

**Respectfully Submitted,**  
**Charlotte A. Ferstler, Town Clerk**