

**TOWN BOARD
TOWN OF SULLIVAN
REGULAR MEETING
JUNE 7, 2017
7:00 P.M.**

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 Andy Busa; Attorney for the Town John R. Langey; Comptroller Beth Ellis; and Town Clerk Charlotte A. Ferstler.

Also in attendance were: Animal Control Officer Kim Muehlenbein; Taylor Bottar, of Barton and Loguidice Engineers; 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 Brzuszkiewicz and unanimously passed by the Board to approve the minutes of the Town Board meeting of May 18, 2017.

**GRANT AUTHORIZATION RESOLUTION
FOR PROPOSED SALT SPRINGS WATER DISTRICT**

Taylor Bottar, engineer with Barton & Loguidice Engineers, spoke to the Board about the proposed Salt Springs Water District and the progress to date. He stated that they are well within the deadline date of June 23, 2017 for submitting this application. Thereafter, the Board took the following action:

**IN THE MATTER OF
THE TOWN OF SULLIVAN SALT SPRINGS ROAD WATER DISTRICT
PURSUANT TO ARTICLE 12-A OF THE TOWN LAW**

Councilor Martin moved and Councilor Kopp seconded the following resolution:

WHEREAS, previously the Town Board of the Town of Sullivan has duly authorized the formation of the **"Salt Springs Road Water District"** pursuant to Article 12-A of the Town Law (subject to a permissive referendum) at its regular meeting of May 18, 2017; and

WHEREAS, the financing plan anticipates funding and financing through various sources, including but not limited to the United States Department of Agriculture - Rural Development ("USDA-RD") and/or the New York State Environmental Facilities Corporation ("NYSEFC"), as well as other sources as they may become available, for the construction

and administrative costs associated with the creation of the Water District improvements;
and

WHEREAS, the Town Board has become aware of grant and funding opportunities through New York State Environmental Facilities Corporation, including the Clean Water State Revolving Fund ("CWSRF"), New York State Water Infrastructure Improvement Act grant programs and other State and Federal financing programs (including clean water);
and

WHEREAS, the Town of Sullivan desires to apply for and participate in funding opportunities to the maximum extent possible.

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Sullivan hereby authorizes the Town of Sullivan Town Supervisor to submit an application for grant funding under the New York State Environmental Facilities Corporation's applicable grant programs relative to the project, including but not limited to the CWSRF Program and WIIA Grant Program; and be it further

RESOLVED that the Town of Sullivan Town Supervisor is authorized to execute any Financing and/or Grant Agreements with NYSEFC and any and all other contracts, documents and instruments necessary to bring about the project and to fulfill the Town of Sullivan's obligations thereunder; and be it further

RESOLVED that the Town of Sullivan hereby authorizes and appropriates any required minimum local match, as required by said grant program; and be it further

RESOLVED that the Town of Sullivan Town Supervisor may authorize any required local match through the use of in-kind services pursuant to said financing and/or grant program requirements without further approval of the Town Board of the Town of Sullivan; and be it further

RESOLVED that the Town of Sullivan Town Supervisor may increase this local match to the use of in-kind services without further approval from the Town Board of the Town of Sullivan; and be it further

RESOLVED that the Town of Sullivan Town Supervisor is hereby designated as the Authorized Representative of the Town of Sullivan and the Town of Sullivan Salt Springs Water District for all aspects of the project including all application and district financing purposes. 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/No |
| Thomas J. Kopp Jr. | Councilor | Voted | Yes/No |
| Kerry Ranger | Councilor | Voted | Yes/No |
| Jeffrey Martin | Councilor | Voted | Yes/No |
| John M. Becker | Supervisor | Voted | Yes/No |

The foregoing resolution was thereupon declared duly adopted.

DATED: June 7, 2017

**EXTINGUISHMENT OF EASEMENT
BY BRIDGEPORT SEWER DISTRICT**

Supervisor Becker explained to the Board Members why this resolution is needed. An easement exists within the Bridgeport Sewer District that is no longer needed and the Oneida Nation would like to purchase this easement from the Town of Sullivan. Thereafter, the Board took the following action:

**RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM
June 7, 2017**

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

WHEREAS, the Town of Sullivan and the Bridgeport Sewer District are beneficiaries of a certain interest in land in the Town of Sullivan consisting of an easement for sanitary sewer facilities as granted by Robert T. Benson on or about June 28, 2012, all as described in the attached Schedule "A"; and

WHEREAS, the sanitary sewer easement is no longer needed by the Town as the premises have been disconnected from the sanitary sewer service to the property; and

WHEREAS, the subject easement is therefore excess and is not needed by the Town of Sullivan or the Bridgeport Sewer District; and

WHEREAS, the current owners of the premises, the Oneida Indian Nation, have requested extinguishment of the easement described herein; and

WHEREAS, the Town Board has determined that the extinguishment of the easement is in the best interest of the Town and the Bridgeport Sewer District; and

WHEREAS, the proposed extinguishment of the easement is a Type II action for purposes of State Environmental Quality Review and, as a result, no environmental impact is anticipated.

NOW, THEREFORE, IT IS

RESOLVED AND DETERMINED that **subject to a permissive referendum**, this Board hereby authorizes the extinguishment of the easement, described above, with all costs and expenses of such extinguishment to be borne solely by the Oneida Indian Nation; and it is further

RESOLVED AND DETERMINED that the Town of Sullivan Town Supervisor is hereby authorized to sign any papers and take any and all actions necessary 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/No |
| Thomas J. Kopp Jr. | Councilor | Voted | Yes/No |
| Kerry Ranger | Councilor | Voted | Yes/No |
| Jeffrey Martin | Councilor | Voted | Yes/No |
| John M. Becker | Supervisor | Voted | Yes/No |

The foregoing resolution was thereupon declared duly adopted.

DATED: June 7, 2017

CERTIFICATE

**STATE OF NEW YORK)
COUNTY OF MADISON)**

I, the undersigned 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 June 7, 2017.

CHARLOTTE A. FERSTLER
Town Clerk

SLEEPY HOLLOW SPEED LIMIT REQUEST

Highway Superintendent, Andy Busa has requested a lower speed zone for Sleepy Hollow Road. Supervisor Becker stated that the Chittenango end of Sleepy Hollow Road is currently set at 30 miles per hour, however, the other end of the road is not marked which means that the speed limit is 55 miles per hour. Supervisor Becker then asked Attorney Langey to explain the procedure for a speed zone change.

Attorney Langey explained the procedure for a speed limit change to the Board Members. He stated that he will prepare the paper work for a Local Law for the next meeting to be held on June 21, 2017. At this time the Board may set a public hearing date for the following meeting.

Superintendent Busa is recommending that the speed limit be lowered to 30 miles per hour for the entire Sleepy Hollow Road.

Councilor Brzuszkiewicz stated that the Board should be assured that the majority of the residents in that area support the lowering of the speed limit for Sleepy Hollow Road to 30 miles per hour. Attorney Langey stated that there will be a public hearing prior to passing a new local law at which time the public will be allowed to state their opinions, both for and against the proposed local law.

MARK ASHE PROPOSAL

Supervisor Becker asked for the approval of the Board to send several Town employees from the Court, Building, Zoning and Assessment Departments within the Town, to a seminar that is being hosted by Mark Ashe. The objective of attending this seminar is for Mark who is with Trans Pro to instruct the employees on how to put emphasis on ways to effectively manage challenging customers.

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board to allow certain Town of Sullivan Offices to participate in the seminar offered by Mark Ashe.

BROWN PROPERTY – PETRIE ROAD BRIDGEPORT PLANNED DEVELOPMENT DISTRICT

Susan Brown was unable to attend this meeting, however, the prospective buyer of the Brown property, Mr. Raymond Carney and his architect and representative, Mr. Brian Matthews did appear before the Board.

Brian Matthews gave a short presentation for the Board showing how they would like to convert the existing building to a residence and build two new buildings on this property. Mr. Matthews followed with a synopsis of what took place at the Town of Sullivan Planning Board meeting on Tuesday, June 7, 2017. Mr. Matthews submitted new maps and drawings to the Board for their review. Councilor Kopp stated that he went for a tour with Mr. Carney to the proposed site and asked several questions with regards to the road and how it will be used for ingress and egress.

Attorney Langey stated that the Planning Board asked for information and questioned the applicants, however, now it is up to the Town Board to make a policy decision to decide where they would like to see this application go. Attorney Langey further informed the Board as to the procedure the Board should follow prior to any action being taken on this application.

Supervisor Becker informed the applicants that the Board will discuss the application and determine whether to move forward and refer this to the Planning Board prior to their next meeting which is scheduled for July 11, 2017 at 7:00 P.M.

OTHER MATTERS BROUGHT BEFORE THE BOARD

1. Ernie Houghtaling, 873 Marsh Mill Road, questioned the Board regarding a building and zoning enforcement issue. Supervisor Becker stated that he will look into them.

2. Craig Elmy and Scott Fields asked if the Board is concerned about the deterioration of Bridgeport Kirkville Road due to the heavy truck traffic. They stated that there are anywhere between 20 to 100 trucks running that road per day. Supervisor Becker stated that he will discuss this issue with the Madison County Highway Supervisor, Joe Wisinski.
3. Ken Mosher resident of 703 Norton Ave. Chittenango, appeared before the Board to complain about his neighbor allowing their dog to run unattended in the neighborhood. He stated that the neighbor's dog has attacked his dog before even though he keeps his dog on a leash at all times. Supervisor Becker and Attorney Langey both agreed that they will look into the possibility of a dangerous dog case against the neighbor and/or a change in the amount of fees that can be charged for repeat offenders of the leash law.
4. Councilor Brzuszkiewicz noted that due to the efforts of Julie LaFave, Parks and Recreation Director, the Department is receiving a Five Thousand Dollar Grant that will be used for Archery Equipment and the Town Board would like to acknowledge her efforts.
5. Supervisor Becker reported to the Board that he had received a report from ORPS showing the Town of Sullivan rating to be holding at 98%, which is good.

EXECUTIVE SESSION

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board to go into executive session to seek legal advice and invited Attorney Langey into the session at 7:30 P.M.

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board to close the executive session at 8:45 P.M.

ADJOURNMENT

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board to adjourn the meeting at 8:47 P.M.

Respectfully Submitted,
Charlotte A. Ferstler, Town Clerk