

**TOWN BOARD
TOWN OF SULLIVAN
REGULAR MEETING
JULY 5, 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: Jeff Geer, Chief of Chittenango Fire Department 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 June 21, 2017.

**OPEN BIDS FOR
HVAC SYSTEM FOR THE TOWN OF SULLIVAN HIGHWAY DEPARTMENT**

One Bid, for the purchase of a HVAC SYSTEM for the Town of Sullivan Highway Department was received and opened by Supervisor Becker at 7:05 P.M. and was read aloud by Supervisor Becker and read as follows:

1. COONEY AIR CONDITIONING AND HEATING – BID AMOUNT OF FORTY-SIX THOUSAND TWO HUNDRED THIRTY-THREE DOLLARS AND TWENTY-THREE CENTS (\$46,233.23)

Supervisor Becker asked Highway Superintendent Busa to review the Bid and make a recommendation to the Town Board. Following his review of the Bid, Superintendent Busa asked that the Bid from Cooney Air Conditioning and Heating be accepted by the Town Board.

A motion was duly made by Councilor Ranger, seconded by Councilor Martin and unanimously passed by the Board accepting the Bid from Cooney Air Conditioning and Heating for the amount of Forty-Six Thousand Two Hundred Thirty-Three Dollars and Twenty-Three Cents (\$46,233.23).

**THE WILD ANIMAL PARK PLANNED DEVELOPMENT DISTRICT
PUBLIC HEARING, SEQR AND CONSIDERATION OF
LOCAL LAW TO APPROVE PDD**

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously approved by the Board to open the Public Hearing for The Wild Animal Park at 7:03 P.M. Attorney Langey explained to the public the previous actions taken on this application which have led to the application returning to the Town Board and for this Public Hearing.

Supervisor Becker asked Attorney James Roman, representing Jeff Taylor, to speak to the Board and public regarding the outcome of their attendance at the last Planning Board meeting. Attorney Roman submitted a new set of maps as requested by the Planning Board and he pointed out the changes on the map. The maps show the location of all buildings, parking areas and entrances. The new maps also show the entire dimensions of the Planned Development District and their private roadways.

Several residents spoke in favor of The Wild and praised owner Jeff Taylor on his accomplishments. They spoke of the operation of the Zoo, the condition of the grounds and how The Wild has made a positive impact on the Town of Sullivan.

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed to close the Public Hearing at 7:09 P.M.

Attorney Langey read and completed the SEQR Application with the Board, line by line, showing no negative impact.

**TOWN OF SULLIVAN
TOWN BOARD RESOLUTION**

July 5, 2017

TOWN OF SULLIVAN LOCAL LAW B OF 2017

("A Local Law Creating 'The Wild' Animal Park Planned Development District")

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

WHEREAS, proposed Local Law B-2017 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. B-2017, "A Local Law Creating 'The Wild' Animal Park Planned Development District," was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan held on May 17, 2017; and

WHEREAS, a public hearing was held on such proposed local law on this 5th day of July, 2017, by the Town Board of the Town of Sullivan and proof of publication of notice of

such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Sullivan in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

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

WHEREAS, it is in the public interest to enact said Proposed Local Law No. B-2017.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED that the enactment of proposed Local Law No. B-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. for the following reasons:

1. The parcel is approximately 13.5 acres, with the front section being zoned Business/Commercial and the rear portion being zoned Agriculture and fronting along 7621 Lakeport Road;
2. The parcel has an existing commercial driveway cut sufficient to address ingress and egress;
3. The existing use of the premises has demonstrated sufficient parking availability for the use as an animal park;
4. There have been no identified protected and/or endangered animal species or associated habitats as listed by the State or Federal Government, as threatened or endangered;
5. The project is not located within the 100-year flood plain;

6. It is anticipated that drainage under the existing configuration will be sufficient to create no threat or impact to surrounding neighbors or roadways;
7. There are no critical environmental areas associated with the project;
8. The proposed project has sufficient existing water supply;
9. The existing facility has a sufficient wastewater treatment system in place;
10. The project has not been associated with the production or storing of any hazardous wastes and is not affiliated with any solid waste management facility;
11. The applicant has demonstrated an appropriate waste management plan; and it is further

RESOLVED AND DETERMINED that the Town's legal counsel shall distribute and publish this Negative Declaration pursuant to the requirements of 6. N.Y.C.R.R., Part 617; and it is further

RESOLVED, that the Town Board of the Town of Sullivan, Madison County, New York, does hereby enact proposed Local Law No. B-2017 as Local Law No. 2-2017 as follows:

**TOWN OF SULLIVAN
LOCAL LAW NO. 2 OF 2017**

**A LOCAL LAW CREATING "THE WILD" ANIMAL PARK
PLANNED DEVELOPMENT DISTRICT**

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

SECTION 1. LEGISLATIVE FINDINGS, INTENT AND PURPOSE

The Town Board is permitted to establish zoning districts known as Planned Development Districts ("PDD") in order to protect the health, safety and general welfare of the community, while, at the same time, encouraging the development of unique residential, commercial, or industrial uses or combinations thereof that will benefit the Town as a whole. The Town Board hereby finds and determines that the application and Preliminary Development Plan ("PDP") submitted by Jeffrey Taylor, as owner of "The Wild" Animal Park, with a street address of 7621 Lakeport Road, Chittenango, New York, and occupying lands designated and generally known as Town of Sullivan Tax Map Parcels 33.1-1-1, 33.1-1-2 and 33.1-1-3, and containing approximately 13.67 acres (the "Premises"), has undergone the applicable review process and meets the requirements for a PDD as set forth in Section 275-12 of the Code of the Town of Sullivan.

SECTION 2. AUTHORITY

The Town Board enacts this Local law pursuant to Sections 10 and 22 of the Municipal Home Rule Law and Section 275-12 of the Code of the Town of Sullivan. To the extent that this Local Law is contrary to or inconsistent with any other State or Local Law or regulation, it is the intent of the Town Board that this Local Law supersede all such contrary or inconsistent laws.

SECTION 3. AMENDMENT OF ZONING MAP

The zoning classification of the Premises is hereby amended and reclassified as “The Wild’ Animal Park PDD.” This PDD shall be operated in accordance with the terms of the application and Preliminary Development Plan of Jeffrey Taylor, described and designated as “The Wild Animal Park”, a survey and map prepared by SeGuin Land Surveying, PLLC, and as “The Wild Animal Park”, a site plan map prepared by the Madison County Planning Department, all of which are on file with the Town Clerk, and are expressly incorporated herein by reference. The Zoning Map of the Town of Sullivan shall be and hereby is amended to reflect this change in classification.

SECTION 4. SEVERABILITY

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

SECTION 5. 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: July 5, 2017

SUSAN BROWN – PETRIE ROAD, BRIDGEPORT PLANNED DEVELOPMENT DISTRICT

Susan Brown appeared again before the Board, along with Mr. Raymond Carney, prospective buyer of the Brown property, and Mr. Brian Manthey, Architect representing Mr. Carney. Supervisor Becker asked Mr. Manthey to update the Board on what has happened since the meeting of June 21, 2017. Mr. Manthey explained the changes that have been made to the map and noted that the original application was for the entire Brown property to be encompassed into the proposed Planned Development District. The new map submitted shows 20.8-acres will be for the new District and the remaining 83-acres will remain zoned Residential. Mr. Manthey showed the proximity of the new, proposed buildings to the business owned by Drew Kuryla and known as “Drew’s Automotive”, which is located on Route 31. He stated that the new buildings will be barely visible from Route 31 and Petrie Road.

Several neighbors spoke in favor of the application and the character of Mr. Raymond Carney, the prospective buyer. Several of the neighbors stated that they would rather see this operation allowed than a housing development.

Mr. and Mrs. Harry Hale appeared and submitted a petition against the proposed application. The petition consisted of ten (10) signatures of residents of Petrie Road. Harry Hale and John Valenti both spoke against the application stating that bringing an equipment yard into this area will not serve the Community in any positive way.

A motion was duly made by Councilor Martin and seconded by Councilor Kopp to send this application on to the Town of Sullivan Planning Board for a formal recommendation.

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 | No |
| 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: July 5, 2017

SPEED LIMIT FOR SLEEPY HOLLOW ROAD

Highway Superintendent Busa had previously asked the Town Board to set a speed limit of 30 miles per hour on Sleepy Hollow Road. Supervisor Becker asked if anyone wanted to speak for or against the proposed 30 mile per hour speed limit.

Mr. Richard Riley, of 109 Sleepy Hollow Road, spoke in favor of the speed zone and stated that 7 of the 12 homes on Sleepy Hollow have young children and Sleepy Hollow is used as a short cut between Route 5 and Salt Springs Road. Currently, there is no speed limit posted on Sleepy Hollow Road, which means it is a 55 mile per hour speed limit.

Supervisor Becker stated that he and Highway Superintendent Busa are both in agreement with the residents of Sleepy Hollow Road and need to pass a resolution at this time to lower the speed limit to 30 miles per hour. A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board to introduce Local Law C-2017 (a Law to create a New Chapter 88 – Vehicle and Traffic, to establish vehicle and traffic regulations that protect the health, safety and welfare of residents, travelers and visitors of the Town of Sullivan), complete the SEQR Application and set the Public Hearing. SEQR was completed by the Town Board and Attorney Langey and declared a Negative Declaration. A Public Hearing will be set for August 2, 2017 at 7:00 P.M.

**TOWN OF SULLIVAN
TOWN BOARD RESOLUTION**

July 5, 2017

TOWN OF SULLIVAN LOCAL LAW C OF 2017
("A Local Law To Create A New Chapter 88 of the Code of the
Town of Sullivan, Titled 'Vehicles and Traffic'")

Councilor Martin introduced proposed Local Law No. C-2017, "A Local Law to Create a New Chapter 88 of the Code of the Town of Sullivan, Titled 'Vehicles and Traffic'", which local law will amend the Code of the Town of Sullivan to establish vehicle and traffic regulations that protect and preserve the health, safety and welfare of residents, travelers and visitors of the Town of Sullivan, which was seconded by Councilor Ranger:

WHEREAS, proposed Local Law C-2017 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

WHEREAS, Volume 6 N.Y.C.R.R., Sections 617.3 and 617 of the Regulations relating to Article 8 of the New York Environmental Conservation Law of New York (SEQRA), requires that as early as possible after submission of a completed application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

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

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 SEQRA with respect to the proposed enactment of said proposed Local Law, with the result that the Town Board shall act as lead agency in this matter; 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 Short 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. C-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 this resolution shall constitute a negative declaration under SEQRA; and it is further

RESOLVED AND DETERMINED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. C-2017 at the Town Hall located at 7507 Lakeport Road, Chittenango on August 2, 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:

| | | | |
|------------------------------|-------------------|--------------|------------|
| 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: July 5, 2017

**ESTABLISHMENT OF THE SALT SPRINGS ROAD WATER DISTRICT
IN THE TOWN OF SULLIVAN, COUNTY OF MADISON, NEW YORK
(Scheduling of Referendum)**

Supervisor Becker advised the Board that a legally sufficient Petition has been submitted to the Town for a referendum of the formation of the Salt Springs Road Water District. Therefore, the following action took place:

**IN THE MATTER OF THE
ESTABLISHMENT OF THE SALT SPRINGS ROAD
WATER DISTRICT IN THE TOWN OF SULLIVAN,
COUNTY OF MADISON, NEW YORK
Pursuant to Town Law Article 12-A**

**RESOLUTION CALLING FOR A
REFERENDUM VOTE (SPECIAL
TOWN ELECTION) TO BE HELD
AUGUST 19, 2017 AND
MAKING CERTAIN OTHER
DETERMINATIONS IN
CONNECTION THEREWITH**

The following resolution was moved by Councilor Martin, seconded by Councilor Kopp.

WHEREAS, a Map, Plan and Report, dated March 2017, 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, Madison County, New York (the "Town") relating to the formation and construction, pursuant to Town Law Article 12-A, of a proposed Water District to be known and identified as the "**Salt Springs Road Water District**" in the Town of Sullivan, Madison County, New York (the "Water District"); and

WHEREAS, the proposed improvements consist generally of the construction and installation of approximately 28,000 l.f. of 8-inch diameter ductile iron water main, approximately 35 mainline valves spaced at 800+ feet on average, approximately 26 hydrants, a 260 gpm duplex packaged booster pump station, 150,000 gallon ground-level water storage tank, 52 water services extended to the highway right-of-way, three (3)

“mainline” pressure reducing valves, and two (2) connections to Onondaga County Water Authority’s (“OCWA”) water system, all to be installed in the existing road rights-of-way and to be constructed in areas generally described as being along Salt Springs Road and Sleepy Hollow Road in said Town and consisting of approximately fifty-six (56) properties, including lands or rights in land, tanks, pumps, pump systems, original equipment, machinery, valves, furnishings, fittings, connections, fill, services, hydrants, appurtenances and related site work, all as described in the Map, Plan and Report prepared by Barton & Loguidice, D.P.C., competent engineers; and

WHEREAS, the Town Board of the Town of Sullivan, in the County of Madison New York, duly adopted Resolution and Order which would create a water district to be known as the Salt Springs Road Water District pursuant to Town Law Article 12-A and said Resolution and Order was subject to a permissive referendum; and

WHEREAS, that on or prior to June 19, 2017 a petition in sufficient form and with sufficient signatures was filed in the Town of Sullivan Town Clerk’s office calling for a referendum vote upon the formation of the Salt Springs Road Water District; and

WHEREAS, it is now incumbent upon the Town Board to call for a referendum (special election) to consider the adoption of said approval resolution establishing the Salt Springs Road Water District;

WHEREAS, the Town Board finds it appropriate to include in the proposition for the permissive referendum the specific limitation that the district improvements be contracted for and constructed if, and only if, the financing of said district improvements be accomplished by the combination of actual costs, grants and financing resulting in an annual unit charge of \$966 per unit (or less), excluding water use, meter installation fee and individual private water hook-up service and individual plumbing services based upon a financing plan not to exceed 30 years.

THEREFORE, BE IT RESOLVED, ORDERED AND DETERMINED:

a. That a Referendum (Special Town Election) of the Town of LaFayette will be held on August 19, 2017, between the hours of 9 a.m. and 3 p.m. to enable the voters then present to cast their votes, at which Special Town Election the proposition contained in the notice hereinafter set forth shall be submitted to the owners of taxable real property situate in the proposed District and must be approved by the affirmative vote of a majority of such owners of taxable real property voting on such proposition. The polling place for said Special Town Election shall be the Town Hall, 7507 Lakeport Road, Chittenango, New York.

b. That the Town Board hereby adopts “Rules of Voting,” attached hereto as **Appendix “A,”** for the August 19, 2017 Special Election on the proposed formation of the Salt Springs Road Water District pursuant to Article 12-A of the Town Law.

c. That the Town Clerk is hereby authorized and directed to publish at least once in the official newspaper of the Town for such publication, and to post on the signboard of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law, and to provide written notice to each owner in said District, that the Town Board will submit the proposition for the approval or disapproval of the resolution as hereinabove referred to, said publication, posting and mailing to be at least ten (10) days before such Special Town Election. Said notice shall be in substantially the following form:

**“TOWN OF SULLIVAN, NEW YORK
NOTICE OF SPECIAL TOWN ELECTION TO BE HELD ON
AUGUST 19, 2017
(PERMISSIVE REFERENDUM)
IN THE MATTER OF THE
ESTABLISHMENT OF THE SALT SPRINGS ROAD WATER DISTRICT
THE TOWN OF LAFAYETTE, IN THE COUNTY OF MADISON, NEW YORK**

Pursuant to Town Law Article 12-A

NOTICE IS HEREBY GIVEN that a Special Town Election/Referendum will be held on August 19, 2017, and the polls shall remain open from 9 a.m. and 3 p.m. at the following polling place:

**Polling Place
Town of Sullivan Town Hall
7507 Lakeport Road
Chittenango, New York**

At said Referendum (Special Town Election) the following proposition is to be voted upon:

“Shall the Resolution and Order of the Town Board of the Town of Sullivan to Approve the Formation of the Salt Springs Road Water District Pursuant to Article 12-A of the Town Law adopted by the Town of Sullivan Town Board adopted on May 18, 2017, upon the limitation that the maximum amount to be expended for the construction of the Salt Springs Road Water District shall not exceed Five Million One Hundred Twenty Thousand and 00/100 Dollars (\$5,120,000.00) and the construction shall not occur nor shall debt be issued or collected unless the combination of actual costs, grants and financing result in an annual unit charge of \$966 or less excluding the cost of the water use per unit, meter installation fee and individual private water hook-up services and plumbing services, be approved.”

An abstract of such resolution concisely stating the purpose and effect thereof, is as follows:

“The purpose and effect of the Resolution and Order of the Town Board of the Town of Sullivan to Approve the Formation of the Salt Springs Road Water District Pursuant to Article 12-A of the Town Law is to construct and install approximately 28,000 l.f. of 8 inch diameter ductile iron water main, approximately 35 mainline valves spaced at 800+ feet on average, approximately 26 hydrants, a 260 gpm duplex packaged booster pump station, 150,000 gallon ground-level water storage tank, 52 water services extended to the highway right-of-way, three (3) ‘mainline’ pressure reducing valves, and two (2) connections to Onondaga County Water Authority’s (“OCWA”) water system, all to be installed in existing road rights-of-way and to be constructed in areas generally described as being along Salt Springs Road and

Sleepy Hollow Road in said Town (consisting of approximately 56+ properties), as more particularly described in the attached Schedule "A." The maximum amount to be expended for the construction of the water improvements is estimated to be \$5,120,000.00. The financing plan includes the Town's procurement of a combination of long-term, low interest financing and available grants to finance the cost and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District (for a period not to exceed 30 years), which the Town Board has determined to be benefitted thereby, all as described in the financing plan for said District on file with the Town of Sullivan Town Clerk. The estimated cost of the district to the typical property will be \$966. A negative declaration has been previously adopted with regard to this action."

a. The following persons whose names are included on the list of election inspectors previously designated for general election purposes pursuant to the Election Law are hereby appointed to act as Election Inspectors at such Special Town Election and to perform all duties and undertakings in relation thereto, as prescribed by the Town Law and the Election Law:

To Be Designated by Town Clerk

Election Inspectors

b. That those qualified to vote in such Referendum/Special Town Election are the owners of taxable real property situate in the proposed Salt Springs Road Water District (which is bounded and described in the attached Schedule "A") as shown upon the latest completed assessment roll of the Town, all pursuant to Town Law § 209-e.

DATED: July 5, 2017

Charlotte A. Ferstler, Town Clerk

(Seal)

SCHEDULE "A"

The Town of Sullivan Salt Springs Road Water District, situated in the Town of Sullivan, Madison County and State of New York, being more particularly described as follows:

Commencing at a Point of Beginning, said Point being on the western boundary of Parcel 48.-1-1.11, 475 feet North of the southwestern property corner of said Parcel; thence proceeding 1,150 feet southeasterly along the offset 475 feet North of the southern boundary of Parcel 48.-1-1.11 to a point where the offset is 300 feet North of the southern boundary of said Parcel; thence continuing southeasterly along the offset 300 feet North of the southern boundary of Parcel 48.-1-1.11 as it turns to the northwestern property corner of Parcel 48.-1-3; thence proceeding easterly along the northern boundary of Parcel 48.-1-3 to the northeastern property corner of said Parcel; thence continuing easterly along the offset 300 feet North of the southern boundary of Parcel 48.-1-1.11 to the intersection with the western boundary of Parcel 48.-1-28.1; thence continuing easterly along the offset 300 feet North of the southern boundary of Parcel 48.-1-28.1 to the intersection with the western boundary of Parcel 48.-1-8.3; thence proceeding northerly along the western boundary of Parcel 48.-1-8.3 to the northwestern property corner of said Parcel; thence proceeding

easterly along the northern boundary of Parcel 48.-1-8.3 to the northwestern property corner of Parcel 48.-1-8.2; thence continuing easterly along the northern boundary of Parcel 48.-1-8.2 to the northeastern property corner of said Parcel; thence proceeding southerly along the eastern boundary of Parcel 48.-1-8.2 to the northeastern property corner of Parcel 48.-1-8.1; thence continuing southerly along the eastern boundary of Parcel 48.-1-8.1 to a point 300 feet North of the southeastern property corner of said Parcel; thence proceeding easterly along the offset 300 feet North of the southern boundary of Parcel 48.-1-28.1 to the intersection with the western boundary of Parcel 49.-1-2.13; thence continuing easterly along the offset 300 feet North of the southern boundary of Parcel 49.-1-2.13 to the intersection with the western property boundary of Parcel 49.9-1-7.3; thence proceeding northerly along the western boundary of Parcel 49.9-1-7.3 to the southwestern property corner of Parcel 49.9-1-7.2; thence continuing northerly along the western boundary of Parcel 49.9-1-7.2 to the southwestern property corner of Parcel 49.9-1-6; thence continuing northerly along the western boundary of Parcel 49.9-1-6 to the southwestern property corner of Parcel 49.9-1-5; thence continuing northerly along the western boundary of Parcel 49.9-1-5 to the southwestern property corner of Parcel 49.9-1-4; thence continuing northerly along the western boundary of Parcel 49.9-1-4 to the southwestern property corner of Parcel 49.9-1-3; thence continuing northerly along the western boundary of Parcel 49.9-1-3 to the southwest property corner of Parcel 49.9-1-2; thence continuing northerly along the western boundary of Parcel 49.9-1-2 to the southwestern property corner of Parcel 49.9-1-1; thence continuing northerly along the western boundary of Parcel 49.9-1-1 to the northwestern property corner of said Parcel; thence proceeding easterly along the northern property boundary of Parcel 49.9-1-1 to the northeastern property corner of said Parcel; thence continuing easterly across Sleepy Hollow Road along the projection of the northern boundary of Parcel 49.9-1-8 to the northwestern property corner of said Parcel; thence continuing easterly along the northern boundary of Parcel 49.9-1-8 to the northeastern property corner of said Parcel; thence proceeding southerly along the eastern boundary of Parcel 49.9-1-8 to the northeastern property corner of Parcel 49.9-1-9; thence continuing southerly along the eastern boundary of Parcel 49.9-1-9 to the northeastern property corner of Parcel 49.9-1-10; thence continuing southerly along the eastern boundary of Parcel 49.9-1-10 to the northeastern property corner of Parcel 49.9-1-11; thence continuing southerly along the eastern boundary of Parcel 49.9-1-11 to the northeastern property corner of Parcel 49.9-1-12; thence continuing southerly along the eastern boundary of Parcel 49.9-1-12 to the northeastern property corner of Parcel 49.9-1-13; thence continuing southerly along the eastern boundary of Parcel 49.9-1-13 to the northeastern property corner of Parcel 49.9-1-14; thence continuing southerly along the eastern boundary of Parcel 49.9-1-14 to the southeastern property corner of said Parcel; thence continuing southerly across Salt Springs Road along the projection of the eastern boundary of Parcel 49.9-1-14 to the intersection with the northern boundary of Parcel 49.-1-2.11; thence proceeding easterly along the northern boundary of Parcel 49.-1-2.11 to the northeastern property corner of said Parcel; thence proceeding southerly along the eastern boundary of Parcel 49.-1-2.11 to a point 300 feet South of the northeastern property corner of said Parcel; thence proceeding westerly along the offset 300 feet South of the northern boundary of Parcel 49.-1-2.11 to the intersection with the eastern boundary of Parcel 49.-1-2.12; thence proceeding southerly along the eastern boundary of Parcel 49.-1-2.12 to the southeastern property corner of said Parcel; thence proceeding westerly along the southern boundary of Parcel 49.-1-2.12 to the southwestern property corner of said Parcel; thence proceeding northerly along the western

boundary of Parcel 49.-1-2.12 to a point 300 feet South of the northwestern property corner of said Parcel; thence proceeding westerly along the offset 300 feet South of the northern boundary of Parcel 49.-1-2.11 to the intersection with the eastern boundary of Parcel 49.-1-2.2; thence proceeding southerly along the eastern boundary of Parcel 49.-1-2.2 to the southeastern property corner of said Parcel; thence proceeding westerly along the southern boundary of Parcel 49.-1-2.2 to the southeastern property corner of Parcel 49.-1-2.3; thence continuing westerly along the southern boundary of Parcel 49.-1-2.3 to the southwestern property corner of said Parcel; thence proceeding northerly along the western boundary of Parcel 49.-1-2.3 to a point 300 feet South of the northeastern property corner of Parcel 49.-1-2.1; thence proceeding westerly along the offset 300 feet South of the northern boundary of Parcel 49.-1-2.1 to the intersection with the western boundary of said Parcel; thence continuing westerly along the offset 300 feet South of the northern boundary of Parcel 49.-1-2.11 to the intersection with the eastern boundary of Parcel 48.-1-8; thence continuing westerly along the offset 300 feet South of the northern boundary of Parcel 48.-1-8 to the intersection with the eastern boundary of Parcel 48.-1-28.1; thence continuing westerly along the offset 300 feet South of the northern boundary of Parcel 48.-1-28.1 to the intersection with the eastern boundary of Parcel 48.-1-22.11; thence continuing westerly along the offset 300 feet South of the northern boundary of Parcel 48.-1-22.11 to a point 400 feet East of the eastern boundary of Parcel 48.-1-16; thence proceeding southerly along the offset 400 feet from the eastern boundary of Parcel 48.-1-16 to the intersection with the southern boundary of Parcel 48.-1-22.11; thence proceeding westerly along the southern boundary of Parcel 48.-1-22.11 to the southeastern property corner of Parcel 48.-1-16; thence continuing westerly along the southern boundary of Parcel 48.-1-16 to the southeastern property corner of Parcel 48.-1-15; thence continuing westerly along the southern boundary of Parcel 48.-1-15 to the southeastern property corner of Parcel 48.-1-14; thence continuing westerly along the southern boundary of Parcel 48.-1-14 to the southeastern property corner of Parcel 48.-1-11; thence continuing westerly along the southern boundary of Parcel 48.-1-11 to the southwestern property corner of said Parcel; thence proceeding northerly along the western boundary of Parcel 48.-1-11 to the northwestern property corner of said Parcel; thence continuing northerly across Salt Springs Road along the projection of the western boundary of Parcel 48.-1-1.1 to the southwestern property corner of said Parcel; thence continuing northerly along the western boundary of Parcel 48.-1-1.1 to the southwestern property corner of Parcel 48.-1-1.11; thence continuing northerly along the western boundary of Parcel 48.-1-1.11 to a point 475 feet North of the southwestern property corner of said Parcel, said point also being the Point of Beginning, encompassing all parcels between said boundary."

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: July 5, 2017

APPENDIX "A"

**AUGUST 19, 2017 SPECIAL ELECTION
PROPOSED FORMATION OF THE SALT SPRINGS ROAD WATER DISTRICT
PURSUANT TO ARTICLE 12-A OF THE TOWN LAW**

RULES OF VOTING

1. The special election for the proposed formation of the Salt Springs Road Water District in the Town of Sullivan shall occur on August 19, 2017 from 9 a.m. to 3 p.m. to be held at the Town Hall located at 7507 Lakeport Rd., Chittenango, New York.
2. All owners of taxable real property located within the proposed water district as shown on the 2017 assessment role are entitled to vote in this election. See Town Law § 209-e(3).
3. Every joint tenant, tenant in common, or other person with a direct ownership of taxable real property located within the proposed water district. In other words, each person who owns the fee to real property as a joint tenant, tenant in common or as a tenant by the entirety has an ownership in the property which entitles them to vote. For example, a husband and wife who own a property jointly are both entitled to vote on the proposition. See e.g., Op.St.Compt. 92-39. **Please be prepared to show proof of ownership.**
4. A corporation, limited liability company or partnership owning taxable real property titled in the name of the corporation, limited liability company or partnership located within the proposed water district is entitled to one (1) vote each. The person voting on behalf of the entity must present a copy of the appropriate resolution authorizing said person to vote on behalf of the entity.
5. When the owner listed on the 2017 assessment roll has passed away or property is listed as being owned by an estate, an estate representative may vote. The representative of the estate must present proof of representative capacity.
6. A trust owning taxable real property within the proposed district is entitled to one (1) vote. A representative of the trust must present a copy of the trust agreement or appropriate documentation authorizing the person to vote on behalf of the trust.
7. Regardless of the number of parcels owned by a land owner, each landowner is entitled to one (1) vote only. See e.g., Op.St.Compt. 92-39.
8. Absentee ballots will be allowed as provided by Chapter 30, Article I, of the Code of the Town of Sullivan, titled, "Elections." (Adopted by Local Law No. 1 for the year 2009).
9. No vote may be made by an attorney-in-fact (power of attorney) or agent except as provided for corporations, limited liability companies, partnerships, estates and trusts. Each designated and authorized individual voting must

provide valid identification to the Election Inspectors and the documentation authorizing the designation.

10. All persons voting in person, after presenting valid proof of identification and signing the register of owners & parcels, may proceed to the balloting device.
11. One or more voting booths/devices shall be available for voters to cast their vote.
12. At the close of the election, the votes shall be tallied, including the absentee ballots delivered to the polling place and the Town Clerk's office by 3:00 p.m. on the date of the election.

STATE OF NEW YORK)
COUNTY OF MADISON)

I, the undersigned 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 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 July __, 2017.

CHARLOTTE FERSTLER
Town Clerk

(SEAL)

**RESOLUTION SUPPORTING PARTICIPATION IN
THE CNY STORMWATER COALITION STAFF SERVICES
AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM**

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

Resolution authorizing the items listed below pursuant to requirements of the New York State Pollutant Discharge Elimination System Municipal Separate Storm Sewer System General Permit.

WHEREAS, the Town of Sullivan, herein called the "Municipality", after thorough consideration of the various aspects of the problem and consideration of available information, has hereby determined that certain work, as described in Attachment A, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Central New York Regional Planning & Development Board, herein called the "Board", has provided program planning and implementation assistance

pertaining to the requirements of the New York State Pollutant Discharge Elimination System (SPDES) Stormwater Phase II General Permit for Municipal Separate Storm Sewer System (MS4) operators since 2002; and

WHEREAS, the Board has proposed staff and education assistance services in support of sustaining the CNY Stormwater Coalition and to provide a regional public education, outreach and training compliance program to reduce municipal staff burdens, ensure consistency, provide widespread priority audience targeting the most efficient use of limited municipal funds by distributing total program costs over a number of entities within a twelve-month timeframe as outlined in Attachment B.

NOW, THEREFORE, BE IT RESOLVED BY the Town of Sullivan Town Board:

1. That John Becker, Supervisor, or such person's successor in office is the representative authorized to act in behalf of the Municipality's governing body in all matters related the Project;

2. That the Municipality agrees that it will fund its portion of the program cost in the pro-rated amount of \$1,800 for the balance of the year 2017, and that those funds will be made available to the Board upon receipt of invoice;

3. That one (1) certified copy of this Resolution will be prepared and sent to the Board upon adoption; and

4. That this Resolution take effect immediately.

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: July 5, 2017

APPOINTMENT OF SEWER INSPECTOR/SUPERINTENDENT

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to appoint Mark Justin to replace Clayton Wilson as Sewer Inspector/Superintendent for the Town of Sullivan with a fifty-two week probationary period.

**MICHAEL MIMASSI AND JANETTE SPRINGER
REQUEST FOR A REVOCABLE LICENSE AGREEMENT
FOR CAMPER ON PRIVATE PROPERTY**

Michael Mimassi, 1307 Black Point Road, and Janette Springer, 147 Hitchcock Point Road, are both asking permission to store and occupy their camping trailers on their respective properties. Supervisor Becker suggested that the Board table this matter until he can review and decide what the Town needs to do prior to approving campers being placed on private property for occupancy.

A motion was duly made by Supervisor Becker, seconded by Councilor Martin and unanimously passed by the Board to table this issue until Attorney Langey and the Town Board can undertake further study on this matter.

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

The Board, acting as the Board of Fire Commissioners, received two applications for membership in the Chittenango Fire Company.

Michael Lavoie, of 7010 Bolivar Road, Chittenango, and Robert Smith, of 225 Hills Street, Chittenango, both submitted applications for membership in the Chittenango Fire Department. Both applications were complete with physical and background checks. 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, approving Michael Lavoie and Robert Smith as members in the Chittenango Fire Department.

**OTHER MATTERS
BROUGHT BEFORE THE BOARD**

1. Supervisor Becker spoke on the possibility that National Grid, if approved by the Public Service Commission, would undertake a rate increase in the next few months. He stated that the public should stay informed, attend the Public Meetings and make calls to their representatives.
2. Councilor Brzuszkiewicz informed the Board that Pat Honors, who owns property in Bridgeport, has had sufficient time to remove an old shed as ordered by the Town. He would like to proceed with legal action to have the shed removed by the Town and have the cost assessed against the property. Attorney Langey will look into the procedure to be followed.
3. Nancy Shaver spoke with the Board regarding a street light that is located on Route 31 in Lakeport that is on constantly, night and day. Supervisor Becker stated that if she can call him with the pole number he will call National Grid. Ms. Shaver also pointed out to the Board the amount of hogweed that lines the ditches along

Lakeport Road. Councilor Martin stated that if she takes a picture of the weed and sends it to the DEC they will come out and look at the issue.

4. Ernie Houghtailing, from Marsh Mill Road, asked Supervisor Becker if he had spoken to Code Officer Costanzo about what Mr. Houghtailing had talked to Supervisor Becker about. Supervisor Becker told Mr. Houghtailing that he hadn't but will speak to Code Officer Costanzo this week.

EXECUTIVE SESSION

A motion was duly made by Councilor Brzuszkiewicz, 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 for legal advice at 8:47 P.M.

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to close the executive session at 9:11 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 9:12 P.M.

Respectfully Submitted,
Charlotte A. Ferstler, Town Clerk