

**TOWN BOARD  
TOWN OF SULLIVAN  
REGULAR MEETING  
OCTOBER 4, 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; Attorney for the Town John R. Langey; Highway Superintendent Andy Busa; Code Enforcement Officer Phil Costanzo; Comptroller Beth Ellis; and Town Clerk Charlotte A. Ferstler.

Also in attendance were: Chittenango Village Mayor Michael Keville 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 September 20, 2017.

**APPROVAL TO PURCHASE  
2017 JEEP FOR BUILDING AND CODES DEPARTMENT**

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to approve the purchase of a 2017 Jeep to be used by the Building and Codes Department for a total cost of Thirty-One Thousand One Hundred Fifty-Two Dollars and Fifty Cents (\$31,152.50). The Jeep was acquired on a previously authorized bid process.

**STACEY ATKINS – SEWER ISSUE  
MALLARD BAY AND MINER ROAD**

Supervisor Becker introduced Stacey Atkins, Anthony Chiodo and Michael Chiodo to the Board. Mrs. Atkins explained to the Board that she would like to build a residence on a lot that she owns on Miner Road but needs access to the public sewer.

Supervisor Becker stated that he had spoken with Anthony and Michael Chiodo earlier in the day and they may have a solution to the sewer availability problem. Supervisor Becker suggested that Mrs. Atkins, Michael Chiodo and Anthony Chiodo discuss the matter outside the meeting room and return to the Board meeting for further discussion.

### **MARC BAUM - OZ DAY**

Mr. Marc Baum, Trustee for the International L. Frank Baum & All Things Oz Historical Foundation, appeared before the Board to bring them up to date on what has been happening in the past year with the local Oz Foundation in Chittenango. Mr. Baum gave a brief history on the Oz Foundation, how it originated and how it currently operates. He stated that it is strictly nonprofit and is operated year-round by volunteers who put in 6,500 hours of their time. Mr. Baum reported that the Chittenango Oz Museum was visited by approximately 15,500 visitors within the last year and approximately 21,000 visitors attended the Oz - Stravaganza Festival in June of 2017. He thanked the Board for their time and for all that they do for the Town of Sullivan and Village of Chittenango.

Councilor Kopp spoke very highly regarding Mr. Baum and the hard work and time that he puts into the Oz Foundation. Councilor Kopp extended the appreciation and thanks from the Town of Sullivan Town Board.

### **SNOW AND ICE AGREEMENT WITH MADISON COUNTY HIGHWAY**

A motion was duly made by Councilor Kopp, seconded by Councilor Martin and unanimously passed by the Board authorizing Town Supervisor Becker to sign the Madison County and Town of Sullivan Agreement for Snow and Ice Removal beginning October 1, 2017 and ending April 30, 2018, to wit.

**WHEREAS**, the Board of Supervisors of Madison County adopted **Resolution No. 376-17** on **September 12, 2017** designating the improved roads of the County Road System of the County upon which snow and ice removal should be performed; and

**WHEREAS**, the County Superintendent of Highways was authorized to enter into agreements with the Town for the aforementioned purpose starting **October 1, 2017 through April 30, 2018** at rates as specified in the Agreement; and

**NOW, THEREFORE BE IT RESOLVED**, that the Town Superintendent of Highways of the Town of **Sullivan**, Madison County be and hereby is authorized and directed to enter into an agreement with the County of Madison to perform snow and ice removal upon the improved County Road System as per attached Agreement.

State of New York)  
County Madison)

Town of Sullivan

I, Charlotte A. Ferstler Town Clerk of the Town of Sullivan in the County of Madison, New York, do hereby certify that the preceding Resolution was duly adopted by the Town Board of such Town at a meeting of the Board held on October 4, 2017, and that the same is true

and correct copy of such Resolution and whole thereof.

---

Town Clerk

DATED: October 5, 2017

**AGREEMENT BETWEEN THE COUNTY OF MADISON AND THE TOWN OF SULLIVAN**

**THIS AGREEMENT** made the 1st day of October, 2017 by and between the County of Madison, hereinafter called the "County" acting through F. JOSEPH WISINSKI, County Superintendent of Highways and the Town of Sullivan hereinafter call the "Town".

**WITNESSETH:** that for the consideration and upon the terms and conditions hereinafter provided the Town agrees to furnish its machinery, labor, and material therefore and to keep, within good reason, the paved portion of the highways herein described free from snow and treated with abrasives in accordance with the rules and regulations as set forth by the County Superintendent of Highways and which are part of this Agreement for the year **October 1, 2017 through April 30, 2018.**

**IT IS FURTHER AGREED** that the Town will forward to the County a "Certificate of Insurance", covering all Town vehicles used under this Agreement, with at least \$1,000,000 of Fleet and Public Liability Protection for each occurrence.

**IT IS FURTHER AGREED** that the County will pay the Town the sum of Eighteen dollars and forty-nine cents (\$18.49) per lane mile upon which snow and ice control services are performed, Twelve dollars and seventeen cents (\$12.17) per lane mile upon which regular salt brine is applied, Thirteen dollars and sixty-seven cents (\$13.67) per lane mile upon which salt brine with 5% magnesium chloride is applied and a loader rate of One hundred twenty dollars and no cents (\$120.00) per hour for snow bank removal under certain circumstances with prior approval from County Highway Superintendent. The Town shall bill the County for services hereunder on a monthly basis by submitting a listing of the respective dates, times, roads, and miles on which services were performed pursuant to this agreement and such other information as the County Highway Superintendent determines necessary. Payment shall be made in accordance with Madison County's terms and submission by the Town of properly completed requests for payment.

**IT IS FURTHER AGREED** that the Town Board by Resolution accepts the proposal of the County for Snow and Ice Control on the County Road System as noted hereunder for the sum of money per lane mile as set forth below.

<u>County Road</u>	<u>Lane Miles (both ways)</u>	<u>Road Length (one way)</u>
<b><u>NORTH ROAD</u></b>	<b><u>3.26</u></b>	<b><u>1.63</u></b>
BRIDGEPORT-KIRKVILLE ROAD	10.56	5.28
PECK ROAD	1.58	0.79
CHESTNUT RIDGE ROAD	8.50	4.25
FYLER ROAD	0.90	5.45
LAKEPORT ROAD	12.84	6.42
NEW BOSTON ROAD	2.50	5.00

**Total Reimbursement Mileage will be the sum of each individual road length multiplied by the number of trips each way.**

**IT IS FURTHER AGREED** that the Town will keep the entire width of the pavement free from snow and sanded within reason; shall provide its equipment and personnel to maintain this condition at all times. Keeping the pavements clear of snow will necessarily require keeping the shoulders clear to retard that formation of drifts and afford space for the safe plowing from the pavement in a succeeding storm.

**IT IS FURTHER AGREED** that all materials used by Towns must pass a 3/8" sieve.

**IT IS FURTHER AGREED** that to receive payment for any road, the Town must keep the same open for traffic for its entire length and will not receive any payment if only portions are kept open, except by previous agreement with the County.

**IT IS FURTHER AGREED** that the Town will make every effort to eliminate slippery conditions on the pavements, and that steep hills, sharp curves, intersection, and straight sections will be sanded or otherwise treated to restore said traction for reasonable and careful use.

**IT IS FURTHER AGREED** that the Town Superintendent shall submit a Daily Report of Operations (original) to the County Highway Department, on a form furnished to the Town by the County Highway Superintendent.

**IT IS FURTHER AGREED** that the County Highway Department shall be the sole judge as to the method used in performance of this Agreement and the County reserves the right to withhold payment under this Agreement and to correct any conditions in any way which does not meet requirements and deduct the cost of this work from the amount of this Agreement.

**IT IS FURTHER AGREED** that if the Town is unable to obtain liability insurance coverage relative to the services to be rendered under this Agreement and so notifies the County, the County will either:

- a. Add the Town as an additional insured to its liability insurance policy covering the plowing and sanding of County roads;

or

- b. Indemnify the Town for any loss arising out of a claim for personal injury to third persons and property damage sustained by third persons because of the alleged negligence of the Town in the performance of the plowing and sanding services pursuant to this Agreement, exclusive of any liability covered in the New York Standard Automobile Liability Policy, including No Fault Insurance provisions; as the County may elect.

**Town of Sullivan**

BY: \_\_\_\_\_  
Supervisor

BY: \_\_\_\_\_  
Town Superintendent of Highways

**COUNTY OF MADISON**

BY: \_\_\_\_\_  
Madison County Highway Superintendent

**BUDGET MODIFICATIONS  
FOR OCTOBER 4, 2017**

Transferring 11,278.00 from Contingent A1990.4 to A5132.486 Highway Garage. This is to pay for the upgrade on the Fuel system at the Highway Garage 7500 Bolivar Road.

Transferring 25,000.00 from B3620.476 Safety Inspection to Building and Codes Vehicle B3620.411- For the expense of a 2017 Jeep VIN 1C4RJFAGXHC834953 total cost of vehicle \$31,152.50.

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin to approve two Budget Modifications as read.

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:      OCTOBER 4, 2017**

**OTHER MATTERS BROUGHT BEFORE THE BOARD**

1. Village of Chittenango Mayor Michael Keville spoke to the Board and Highway Superintendent Busa about the possibility of the Town of Sullivan and the Village of Chittenango creating an Agreement for the use of the Town Highway fuel system for the Village's plow trucks. Supervisor Becker stated that he would set up a meeting between Highway Superintendent Busa, himself and Mayor Keville in the near future.

2. Ernest Houghtaling, resident of 873 Marsh Mill Road in Kirkville, questioned Supervisor Becker as to why he has not received an answer to his question from two (2) months ago as to why the Code Officer questioned the home owner at a job site where he was the contractor.
3. Attorney Langey, spoke to the Board about a new Comprehensive Zoning Law that he is working on for the Town. He stated that this will bring the Town of Sullivan up-to-date with other Towns. When it is complete, Attorney Langey will give each Board Member a copy for their review.
4. Nancy Shaver and a friend asked about a new store coming to Lakeport. Supervisor Becker stated that it is true, there is definitely a store coming into the Business Park in Lakeport and they will be breaking ground very soon.
5. Councilor Brzuszkiewicz inquired Supervisor Becker about the on-going problem with the property owned by Pat Honors in Bridgeport that should have been demolished several months ago.

### **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 seek legal advice and invited Attorney Langey into the session at 7:25 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 8:35 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 8:36 P.M.

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