

**TOWN BOARD  
TOWN OF SULLIVAN  
REGULAR MEETING  
OCTOBER 18, 2017  
9:00 A.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 9:00 A.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; and Comptroller Beth Ellis.

Excused were: Highway Superintendent Andy Busa; and Town Clerk Charlotte A. Ferstler.

Also in attendance were: North Chittenango Fire Company Assistant Chief Dennis Simmons 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 October 4, 2017.

**AUTHORIZATION FOR SUPERVISOR TO EXECUTE  
NATIONAL GRID'S SMALL BUSINESS SERVICES PROGRAM  
SMART WATT AGREEMENT**

Supervisor Becker advised the Board that the Smart Watt Program, which had previously been utilized by the Town for the Highway Department building, is being considered for portions of the Town Hall. A proposed Agreement has been forwarded to the Town for consideration and was reviewed. The terms include a payment of Ten Thousand Six Hundred Fifty-Eight Dollars and Twenty-Eight Cents (\$10,658.28) with a payback period of 47 months. The Board was in agreement with the proposal. Therefore, a motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board authorizing the Supervisor to execute and submit the proposal documents to National Grid.

**AUTHORIZATION FOR SUPERVISOR TO EXECUTE OCWA SERVICE CONTRACTS  
FOR THE DYKE ROAD WATER DISTRICT; DEVAUL ROAD WATER DISTRICT;  
MYCENAE ACRES WATER DISTRICT; ROUTE 5 WEST WATER SUPPLY DISTRICT;  
AND ASH LANE WATER LATERAL NORTH SULLIVAN WATER DISTRICT**

Supervisor Becker addressed the Board and requested authorization to execute Water Supply Service Contracts between the Onondaga County Water Authority (OCWA) and the following Water Supply and Water Districts:

1. Dyke Road Water District
2. Devaul Road Water District
3. Mycenae Acres Water District
4. Route 5 West Water Supply District
5. Ash Lane Water Lateral North Sullivan Water District

It was mentioned that these districts are debt free.

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously passed by the Board authorizing the Supervisor to execute and submit the Service Contracts to OCWA for their execution.

**SCHEDULING OF PUBLIC HEARING FOR PROPOSED LOCAL LAW F-2017  
(SOLAR LAW)**

Attorney Langey addressed the Town Board to explain that the Town's Zoning Law currently contains no specific regulations relating to solar energy systems on properties within the Town. There is currently a pending application for a solar farm before the Planning Board. The Town Board previously authorized the preparation of a proposed amendment to the Zoning Law to add regulations for solar energy systems on Town properties. Attorney Langey presented the Board with proposed Local Law F-2017 entitled "A Local Law to Amend the Town of Sullivan Zoning Law to Add a New Article Regulating Solar Energy Systems in the Town". Attorney Langey then briefly described the proposed regulations and the fact that they are based upon model regulations offered by the Department of State. Thereafter, the following action on the local law occurred:

**TOWN OF SULLIVAN LOCAL LAW F OF 2017**  
("A Local Law to Amend the Town of Sullivan Zoning Law to Add  
a New Article Regulating Solar Energy Systems in the Town")

Councilor Martin introduced proposed Local Law No. F-2017, "A Local Law to Amend the Town of Sullivan Zoning Law to Add a New Article Regulating Solar Energy Systems in the Town", which Local Law will permit and regulate the construction of solar energy systems in the Town of Sullivan in a manner that preserves the health, safety and welfare of the Town, while also facilitating the production of renewable energy, and made the following motion which was seconded by Councilor Brzuszkiewicz:

**WHEREAS**, proposed Local Law F-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 a Type I action for purposes of environmental review under SEQR; 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 (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 Full Environmental Assessment Form (EAF) shall be required in connection with this matter; and

**WHEREAS**, the said full 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. F-2017 is a Type I 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 for the conditions outlined below; and it is further

**RESOLVED AND DETERMINED** that the reasons for the foregoing declaration are as follows:

1. If adopted, proposed Local Law No. F-2017 will incorporate a new Article in the Town of Sullivan Zoning Law (Chapter 275) to be titled "Solar Energy Systems" to the Town Code to permit and regulate the construction of solar energy systems in the Town of Sullivan in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy.

2. In reviewing and regulating the placement and use of solar energy systems, the Town has recognized that a carefully coordinated special use permit and site plan review will be taken by both the Zoning Board of Appeals and Planning Board respectively.

3. In regulating the placement and use of solar energy systems, the Town proposed regulations are designed to minimize the impact of such uses on the environment and surrounding properties while encouraging appropriate placement of those solar energy systems in the proper circumstances.

4. While it is recognized solar energy systems may be perceived to be aesthetically detrimental to surrounding properties in some instances, especially residential neighbors, the proposed regulations provide for aesthetic impacts to be considered in the review process and further provide for tools available to the permitting board to mitigate impacts.

5. This local law seeks to accommodate public demand for solar energy systems, while minimizing potential adverse impacts upon neighboring uses.

6. Aesthetic impacts will be reduced as a result of this Local Law which imposes various site requirements upon these facilities, including screening, height limitations, separations, design, proliferation, landscaping, lighting, utility services, setbacks, visibility and others.

7. Enactment of proposed Local Law No. F-2017 will be more protective of the environment.

8. Proposed Local Law No. F-2017 seeks to minimize aesthetic and other impacts of such uses on their neighbors, and as such, its adoption will have no significant effect on land use, air or water quality, traffic, solid waste production, drainage, animal or vegetation life; will not attract numbers of people to the Town; will not create any conflict with the Town's plans or goals; will not impair the character of any community or neighborhood resource; will not create any health hazard; will not result in any change in energy use; and will not create any demand for other action which would result in the above consequences; and it is further

**RESOLVED AND DETERMINED** that this Board adopts and incorporates into this Resolution the attached Notice of Negative Declaration and instructs counsel to make the required filing and publication of same; 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. F-2017 at the Town Hall located at 7507 Lakeport Road, Chittenango, New York on November 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:      October 18, 2017**

**AUTHORIZATION TO EXTEND A REVOCABLE PERMIT/LICENSE AGREEMENT  
FOR THE TEMPORARY PLACEMENT OF A SINGLE-WIDE TRAILER  
ON PROPERTY LOCATED AT 8429 BLACK CREEK ROAD  
(ONE YEAR RENEWAL)**

Supervisor Becker recognized Jean Stevens of 8429 Black Creek Road. Ms. Stevens stated to the Board that the Town has previously permitted for one (1) year increments the siting on a temporary basis (and through a Revocable Permit/License Agreement) a 14' x 65' single-wide trailer for occupation by Ms. Stevens' mother. A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Kopp and unanimously passed by the Board authorizing an additional one (1) year continuation of the Revocable Permit/License Agreement which will expire on October 23, 2018.

**AUTHORIZATION FOR SUPERVISOR TO EXECUTE  
A SEWER CONSTRUCTION, CONNECTION AND MAINTENANCE AGREEMENT  
(LAKEPORT MARKET, 1686 NYS ROUTE 31, CHITTENANGO, NEW YORK)**

Attorney Langey explained that the Lakeport Market project, previously approved by the Planning Board, is preparing to commence development. In that regard, his office has prepared a proposed "Sewer Construction, Connection and Maintenance Agreement" for that purpose. Supervisor Becker advised the Board that he and Code Enforcement Officer Costanzo had walked the premises and noted that the lateral sewer facilities had previously been constructed and brought directly into the site, therefore there will be no extension of sewer facilities but merely a connection on the site by Shackelton Point Properties, LLC to the existing lateral. A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board authorizing Supervisor Becker to execute the "Sewer Construction, Connection and Maintenance Agreement" and the "Addendum to the Sewer Construction, Connection and Maintenance Agreement" (contractor's addendum).

**AUTHORIZATION FOR SUPERVISOR TO EXECUTE  
A STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT  
(LAKEPORT MARKET, 1686 NYS ROUTE 31, CHITTENANGO, NEW YORK)**

Attorney Langey commented that a second agreement relative to the Lakeport Market project has been prepared with respect to the Developer's responsibility to control stormwater onsite. He noted that his office has prepared a proposed "Stormwater Control Facility Maintenance Agreement" for that purpose and presented same to the Town Board. A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board authorizing Supervisor Becker to execute the "Stormwater Control Facility Maintenance Agreement".

### **HIGHWAY SUPERINTENDENT PURCHASE OF PLOW EQUIPMENT FOR THE HIGHWAY DEPARTMENT**

Supervisor Becker advised the Board Members that Highway Superintendent Busa had obtained proposals for the purchase of snow plow equipment described generally as a 9'6" snowplow suitable as an accessory to a Ford F250 pickup truck or equivalent. The Board discussed the methodology employed under the Town's Procurement Policy. It was acknowledged that the Highway Superintendent would obtain this equipment and that the Highway Superintendent should ensure that he is obtaining the lowest price for comparable snowplows. It was further acknowledged that the expense of the snowplow would be deducted from the appropriate Highway budget line.

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

The Board, acting as the Board of Fire Commissioners, received one application for membership in the North Chittenango Fire Company.

Justin Rounds, 1796 Chestnut Ridge Road, Chittenango, submitted an application for membership in the North Chittenango Fire Company. The application was complete with physical and background check. 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 Justin Rounds as a member in the North Chittenango Fire Company.

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

1. Dan Millert from the Bridgeport Lakeport Civic Organization (BLCO) addressed the Board relative to happenings in the Bridgeport area. Terry thanked the Town Board for their assistance with recent activities in Bridgeport, including the cancer marathon and the Bridgeport Paddle Festival.
2. Tear-down of blighted building on Route 31. It was also mentioned by Mr. Millert that the Bridgeport area is pleased that the Honors property located on NYS Route 31 has been torn down given its lengthy state of disrepair. It was noted that the Code Enforcement Office facilitated this action.

### **SETTING A BUDGET HEARING**

Supervisor Becker stated that the budget hearing for the 2018 Town Budget will be held on November 1, 2017 at 7:00 P.M. at the Town Hall. A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Kopp and unanimously passed by the Board to set the hearing as noted.

### **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 9:15 A.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 9:55 A.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 9:56 A.M.

**Respectfully Submitted,  
John R. Langey, Attorney for the Town  
Acting Secretary**