

**TOWN BOARD
TOWN OF SULLIVAN
REGULAR MEETING
March 7, 2018
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: Thomas Kopp, John Brzuszkiewicz, Kerry Ranger, Jeff Martin; Highway Superintendent Andy Busa; Attorney for the Town John Langey; Comptroller Beth Ellis; Parks Director Justin Pokines; and Town Clerk Charlotte A. Ferstler.

Also in attendance were: Animal Control Officer Kim Muehlenbein and Members of the Public.

Pledge to the flag was led by Supervisor Becker.

APPROVAL OF MINUTES

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Ranger and unanimously passed by the Board to approve the minutes of the Town Board meeting of February 21, 2018.

**CONTINUATION OF PUBLIC HEARING FOR LOCAL LAW A OF 2018
AND INTRODUCTION OF LOCAL LAW B OF 2018**

Supervisor Becker asked for anyone who would like to speak for or against proposed Local Law A of 2018 or have questions regarding this Local Law to come forward.

One resident asked Supervisor Becker to review this new Local Law so that he could better understand how this would change the current laws. Supervisor Becker stated that the Local Law would amend Section 123-23 of the Building and Fire Code, which was the section that was causing a problem for some concerned residents. He explained that this Law has been in effect for many years, however, they will be removing the sections that would control sheds, personal property and debris in residential yards.

Attorney Langey stated that the Town has other means of enforcing the Building and Fire Code and this new Section 123-23 is not necessarily needed. Attorney Langey also stated that the Board will have to schedule a Public Hearing to consider and vote on Local Law No. B of 2018 which will repeal the former provisions of Article II of Chapter 123.

There were no further comments for or against Local Law No. A of 2018. A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board to close the Public Hearing at 7:05 P.M. Supervisor Becker asked for a motion and a vote to adopt Local Law No. A of 2018.

TOWN OF SULLIVAN

TOWN BOARD RESOLUTION

March 7, 2018

TOWN OF SULLIVAN LOCAL LAW A OF 2018

(“A Local Law to Amend Article II (‘Building and Fire Code’) of Chapter 123 (‘Construction Codes, Uniform’) of the Town of Sullivan Town Code Relating to Building and Fire Code Regulations”)

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

WHEREAS, proposed Local Law A-2018 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. A-2018, “A Local Law to Amend Article II (‘Building and Fire Code’) of Chapter 123 (‘Construction Codes, Uniform’) of the Town of Sullivan Town Code Relating to Building and Fire Code Regulations”, was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan held on January 17, 2018; and

WHEREAS, a public hearing was held on such proposed local law on this 21st day of February, 2018, 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, the enactment of Proposed Local Law No. A-2018 has previously been determined to be an Unlisted action and will have no significant effect on the environment thus concluding the SEQR review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. A-2018.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of Sullivan, Madison County, New York, does hereby enact proposed Local Law No. A-2018 as Local Law No. 1-2018 as follows:

**“TOWN OF SULLIVAN
LOCAL LAW NO. 1 OF 2018**

**A LOCAL LAW TO AMEND ARTICLE II (“BUILDING AND FIRE CODE”)
OF CHAPTER 123 (“CONSTRUCTION CODES, UNIFORM”) OF
THE TOWN OF SULLIVAN TOWN CODE RELATING TO
BUILDING AND FIRE CODE REGULATIONS**

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

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2.

Chapter 123 ("Construction Codes, Uniform"), Article II ("Building and Fire Code"), Section 123-23 ("Building and fire code regulations") of the Town of Sullivan Town Code is hereby amended to provide that Section 123-23 shall read in its entirety as follows:

"This article and the building and fire code requirements set forth below are applicable to all residential buildings throughout the Town of Sullivan.

- A. Storage Requirements. All residences without a watertight and suitable storage basement or garage storage area must construct a storage building having at least 100 square feet of watertight and suitable storage area. There shall be no outdoor storage of personal property of any kind unless contained within a fenced-in area, which prevents the contents of the area being viewed from outside of the fence.
- B. Living Area. All residences must contain at least 900 square feet of living area, exclusive of basements, garages and similar spaces."

SECTION 3. COMPLIANCE AND CONSISTENCY WITH NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE AND ALL OTHER APPLICABLE LAWS, RULES AND REGULATIONS.

This Local Law is not intended to amend, supersede or override the New York State Uniform Fire Prevention and Building Code or any other law, rule or regulation, and each and every law, rule and regulation shall be and remain applicable to all residences within the Town of Sullivan, and the terms of this Local Law shall be deemed and construed to supplement each and every applicable law, rule and regulation.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, section, article 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 operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect upon filing with 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	No
Thomas J. Kopp Jr.	Councilor	Voted	No
Kerry Ranger	Councilor	Voted	No
Jeffrey Martin	Councilor	Voted	No
John M. Becker	Supervisor	Voted	No

The foregoing resolution was thereupon declared duly defeated and the proposed Local Law was not enacted.

DATED: March 7, 2018

Subsequent to this action, the Town Board discussed a method to address the concerns of the public as it relates to Article II of Chapter 123. The following action was thereafter taken:

**TOWN OF SULLIVAN
TOWN BOARD RESOLUTION**

March 7, 2018

TOWN OF SULLIVAN LOCAL LAW B OF 2018

("A Local Law Repealing Article II ('Building and Fire Code') of Chapter 123 ('Construction Codes, Uniform') of the Town of Sullivan Town Code in its Entirety")

Councilor Ranger introduced proposed Local Law No. B-2018, "A Local Law Repealing Article II ('Building and Fire Code') of Chapter 123 ('Construction Codes, Uniform') of the Town of Sullivan Town Code in its Entirety", which Local Law would repeal Chapter 123, Article II in its entirety and the use of the "Town of Sullivan Building and Fire Code Law" would be discontinued, and made the following motion which was seconded by Councilor Martin:

WHEREAS, proposed Local Law B-2018 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., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, 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, 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 adoption of 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,

BE IT RESOLVED AND DETERMINED that the Town Board has determined that this action shall have no significant 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 that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. B-2018 at the Town Hall located at 7507 Lakeport Road, Chittenango, New York on April 4, 2018 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; and be it further

RESOLVED that notice of said public hearing shall be provided at least ten (10) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Sullivan and to any affected municipalities described above.

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: March 7, 2018

**APPROVAL FOR HIGHWAY SUPERINTENDENT BUSA
TO SELL A 1995 SPARTAN SMEAL RESCUE TRUCK**

Supervisor Becker read a purchase offer submitted on February 26, 2018 by the City of Syracuse Fire Department to purchase a 1995 Spartan Smeal Rescue Truck owned by the Town of Sullivan for a purchase price of Forty Thousand Dollars (\$40,000.00). Supervisor Becker stated that the City of Syracuse will not take possession of the vehicle until the Town receives the check and the vehicle is being stored at the Highway Department. Attorney Langey stated that it will be written in the contract that this sale is without any warranties. Thereafter, the following action occurred:

**TOWN OF SULLIVAN
TOWN BOARD RESOLUTION
AUTHORIZING THE SALE OF A 1995 SPARTAN SMEAL RESCUE VEHICLE
TO THE CITY OF SYRACUSE**

March 7, 2018

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

WHEREAS, the Town of Sullivan (Chittenango Fire Department) owns a 1995 Spartan Smeal Rescue Vehicle (VIN 4S7CT9G08TC018150) with associated equipment; and

WHEREAS, the 1995 Spartan Smeal Rescue Vehicle is excess and surplus equipment and is not needed by the Town of Sullivan (Chittenango Fire Department); and

WHEREAS, the Town has inquired as to the potential sale of the 1995 Spartan Smeal Rescue Vehicle through various avenues and means; and

WHEREAS, the City of Syracuse has offered to purchase said 1995 Spartan Smeal Rescue Vehicle from the Town of Sullivan for Forty Thousand and 00/100 Dollars

(\$40,000.00); and

WHEREAS, an analysis of the value of the 1995 Spartan Smeal Rescue Vehicle was undertaken by the Town of Sullivan; and

WHEREAS, the Town Board having determined that this manner of sale is likely to facilitate the best price for the 1995 Spartan Smeal Rescue Vehicle.

NOW, THEREFORE, IT IS RESOLVED AND DETERMINED that the Town of Sullivan Town Board authorizes the sale of the aforementioned 1995 Spartan Smeal Rescue Vehicle (VIN 4S7CT9G08TC018150) with associated equipment to the City of Syracuse, "as is", without any warranties, express or implied, for a purchase price of Forty Thousand and 00/100 Dollars (\$40,000.00); and it is further

RESOLVED AND DETERMINED that the Town of Sullivan Supervisor 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 Fund, as required pursuant to New York State 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:

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: March 7, 2018

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 March 7, 2018.

CHARLOTTE FERSTLER
Town Clerk

(SEAL)

**BOARD DISCUSSION REGARDING
PAVING AND REPAIR OF PARKING LOTS**

Supervisor Becker, Parks Director Pokines and Highway Superintendent Busa discussed with the Board the need for repair and replacement of the three parking lots owned by the Town of Sullivan. Supervisor Becker stated that the Parks and Recreation Office parking lot needs repair, the Town Office Parking lot is definitely in need repair and the Chapman Park parking lot is also in need of repair. They would also like to figure in the possibility of widening the road in Chapman Park by two (2) feet on each side. Supervisor Becker stated that the Town now has the additional funds from the Oneida Nation and would like approval to bid these projects out and use this money to pay for the work that needs to be done. Superintendent Busa and Parks Director Pokines will prepare the bid specs and schedule the bid opening for the April 4th, 2018 Meeting at 7:00 P.M. They will also schedule the Notice to be published in the Newspaper. A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously passed by the Board to schedule these bids to be opened on April 4, 2018 at 7:00 P.M.

**CHURCH USE OF
TOWN PARKING LOT**

A resident asked if the Town of Sullivan would be liable if someone was hurt or there was an accident in the Town owned parking lot while it is being used by the Crossroads Church. He stated that it is mostly used on weekends when the Town Office is not open, however, it is often also used for funerals during the week. Following discussion, Supervisor Becker stated that he will approach the Church and request that they get some kind of insurance coverage for the Town property if they are going to continue using this property for parking.

**APPROVAL FOR PARKS AND RECREATION DEPARTMENT
EMPLOYEES TO ATTEND THE STATE CONFERENCE**

Supervisor Becker received a request from Jen Smiley and Peter Bardou for approval to attend the 2018 New York State Parks and Recreation Conference to be held April 15 through April 18, 2018. They stated that the cost is within the Parks Department budgeted amount. A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously passed by the Board authorizing their attendance at the Conference.

**TOWN OF SULLIVAN
TOWN BOARD RESOLUTION
(A Resolution Establishing the Standard Workday and Reporting Days
for Certain Elected Town Officials)**

March 7, 2018

Councilor Kopp introduced the following resolution, and made the following motion, which was seconded by Councilor Brzuszkiewicz to wit:

WHEREAS, the Office of the State Comptroller New York State and Local Employees' Retirement System requires that a Standard Work Day and Reporting Resolution be established for retirement credit reporting purposes for elected and appointed official; and

WHEREAS, on July 7, 2010 the Town Board of the Town of Sullivan duly adopted a Standard Work Day and Reporting Resolution for such purposes; and

WHEREAS, subsequently the Town of Sullivan has been notified of the need to amend, modify and revise said resolution; and

WHEREAS, the adoption of this resolution is a Type II action for purposes of environmental review under SEQRA thus concluding the environmental review process.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the Town of Sullivan hereby establishes the following as standard work days (as amended and modified from the previous July 7, 2010 resolution) for the specified elected official and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the officials listed below and as shown on the attached Form RS 2417-A attached hereto to the Clerk of the Board:

TITLE	NAME	STANDARD WORK DAY (HRS/DAY)	TERM BEGINS/ENDS	PARTICIPATES IN EMPLOYER'S TIMEKEEPING SYSTEM (Y/N)	DAYS/MONTH (BASED ON RECORD OF ACTIVITIES)
Highway Superintendent	Andrew Busa	8	12/01/16 - 12/31/19	N	28.34

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: March 7, 2018

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A
(Rev. 8/15)

Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001



BE IT RESOLVED, that the _____, Town of Sullivan, hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials								
Highway Superintendent	8	Andrew Busa	****	*****	<input type="checkbox"/>	12/01/16-12/31/19	28.34	<input type="checkbox"/>
Appointed Officials								
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, _____, secretary/clerk of the governing board of the _____, Town of Sullivan, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the _____ day of _____, 20____ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the _____, Town of Sullivan, on this _____ day of _____, 20____.

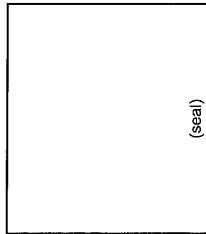
(Signature of the secretary or clerk)

Affidavit of Posting: I, _____, being duly sworn, deposes and says that the posting of the Resolution began on _____ and continued for at least 30 days. That the Resolution was available to the public on the _____ (Date)

☐ Employer's website at _____

☒ Official sign board at _____

☐ Main entrance secretary or clerk's office at _____



(seal)

CERTIFICATE

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 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 March __, 2018.

CHARLOTTE FERSTLER, Town Clerk

(SEAL)

**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 David M. Lafferty for membership in the Chittenango Fire Company.

The Board, acting as the Board of Fire Commissioners, also received an application from Casey Donnelly for membership in the Bridgeport 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 David M. Lafferty as a Member of the Chittenango Fire Company and Casey Donnelly as a Member of the Bridgeport Fire Company.

**SUPERVISOR BECKER
REPORT ON TRIP TO WASHINGTON**

Supervisor Becker reported on his trip to Washington, D.C. Supervisor Becker discussed The President's Initiative for Rebuilding Infrastructure in America. Supervisor Becker also spoke on the Farm Bill, Congresses Tax Reform and explained the formula for funding infrastructure.

OTHER MATTERS

- 1.) Craig Elmy, residing at 8694 Bridgeport Kirkville Road, asked the Board if they are going to repair the side of Bridgeport Kirkville Road where the tractor trailer smashed the curbing. Highway Superintendent Busa stated that he will look into getting it repaired.

Mr. Elmy also questioned Highway Superintendent Busa on the possibility of his Department picking up branches that came down during the storm. He said that he can get the branches to the edge of the road. Superintendent Busa stated that they will be picking up branches if they are at the side of the road.

- 2.) Jim Sanson asked if the Town will pick up brush and branches from a County Road. Highway Superintendent Busa stated that he will be picking up on all the roads within the Town of Sullivan.

EXECUTIVE SESSION

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board to go into executive session for advice of Counsel at 7:32 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 8:40 P.M.

ADJOURNMENT

A motion was duly made by Councilor Kopp, seconded by Councilor Martin and unanimously passed by the Board to adjourn the meeting at 8:41 P.M.

Respectfully Submitted,
Charlotte A. Ferstler, Secretary