

**TOWN BOARD  
TOWN OF SULLIVAN  
REGULAR MEETING  
MARCH 1, 2017**

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

Also in attendance were: Bridgeport Fire Chief Jerry Honors; Taylor Bottar, from Barton and Loguidice Engineers and Members of the Public.

Pledge to the flag was led by Supervisor Becker.

**APPROVAL OF MINUTES OF MEETING**

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to approve the minutes of the Town Board meeting of February 15, 2017.

**PUBLIC HEARING  
LOCAL LAW A – FOR THE YEAR 2017  
CODE OF ETHICS**

("A Local Law to Add a New Chapter 19 to the Code of the  
Town of Sullivan to Provide for a Code of Ethics")

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Kopp and unanimously passed by the board to open the Public Hearing on proposed Local Law A for the Year 2017 at 7:01 P.M. This Local Law if adopted will add a New Chapter to the Code of the Town of Sullivan to provide for a Code of Ethics.

Supervisor Becker asked Attorney Langey to explain to the public why this proposed Local Law is necessary.

Supervisor Becker asked anyone who would like to speak on proposed Local Law A-2017 to come forward and state their name and address. Michael Keville, residing at 218 Seneca Street, Chittenango, stated that he is in favor of passing this proposed Local Law. No one else spoke for or against the proposed Local Law.

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.

**ADOPTION OF LOCAL LAW NO. A – 2017  
AS LOCAL LAW NO. 1-2017**

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

**WHEREAS**, proposed Local Law A-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. A-2017, “A Local Law to Add a New Chapter 19 to the Code of the Town of Sullivan to Provide for a Code of Ethics,” was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan held on February 1, 2017; and

**WHEREAS**, a public hearing was held on such proposed local law on this 1<sup>st</sup> day of March 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**, the enactment of Proposed Local Law No. A-2017 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-2017.

**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-2017 as Local Law No. 1-2017 as follows:

**“TOWN OF SULLIVAN  
LOCAL LAW NO. A OF 2017**

**A LOCAL LAW TO ADD A NEW CHAPTER 19 TO THE CODE OF THE  
TOWN OF SULLIVAN TO PROVIDE FOR A CODE OF ETHICS**

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.            AMENDMENT OF CODE OF THE TOWN OF SULLIVAN TO ADD A  
NEW CHAPTER 19 TITLED “CODE OF ETHICS”**

The Code of the Town of Sullivan is hereby amended by adding a new Chapter 19 titled “Code of Ethics” to read in its entirety as follows:

## **“CHAPTER 19 CODE OF ETHICS**

### **§ 19-1. Intent.**

Pursuant to the provisions of § 806 of the General Municipal Law, the Town Board of the Town of Sullivan recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this Chapter to promulgate these rules of ethical conduct for the officers and employees of the Town. These rules shall serve as a guide for official conduct of the officers and employees of said Town.

### **§ 19-2. Effect on other Provisions.**

The rules of ethical conduct of this Chapter as adopted, shall not conflict with, but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law or common law rules and judicial decisions relating to ethical conduct and interest in contracts of municipal officers and employees.

### **§ 19-3. Definitions.**

- A. “Municipal Officer or Employee” means an officer or employee of the Town of Sullivan whether paid or unpaid, including members of an administrative board, commission or other agency thereof. The term Municipal Officer or Employee includes members of the Town Board, Planning Board and Zoning Board of Appeals.
- B. “Interest” A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

### **§ 19-4. Standards of Conduct.**

- A. Every municipal officer and employee of the Town shall be subject to and abide by the following standards of conduct:
  - (1) Gifts. He shall not directly or indirectly, solicit any gift; or accept or receive any gift having a value of seventy-five dollars or more; whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.
  - (2) Confidential Information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
  - (3) Representation Before One’s Own Board or Agency. He shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any Town board or agency of which he is an officer, member or employee or of any Town board or agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

- (4) Representation Before Any Board or Agency for a Contingent Fee. He shall not receive any fee, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of the Town, whereby his compensation is to be dependent or contingent upon any action by such board or agency with respect to such matter, provided that this subparagraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- (5) Disclosure of Interest in Town Legislation or Board Decision. To the extent that he knows thereof, every municipal officer or employee of the Town, whether paid or unpaid, who participates in the discussion, gives official opinion or participates in the decision of the Town Board on any legislation or other action before said Board or who participates in the discussion, gives official opinion or participates in the decision of any administrative board, commission or other agency of said Town, shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation, decision or other board, agency or commission action.
- (6) Prohibition on Town Board of Board Decision. Where a municipal officer or employee of the Town discloses an interest or otherwise has a direct or indirect interest in Town Board legislation or in an administrative board, agency or commission decision or other action, said municipal officer or employee shall recuse himself from participating or voting on said legislation, decision or other action and is hereby prohibited from participating or voting on said legislation, decision or other action.
- (7) Investments in Conflict with Official Duties. He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his official duties. Prior to acceptance of public office he shall divest himself of any such investments.
- (8) Private Employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties. Such conflict shall be deemed to exist in private employment when the private interests being served are subject to regulation by license or permit by the Town or by any board or agency of the Town. Further, he shall not use the powers of his official duties to obtain outside employment.
- (9) Future Employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

**§ 19-5. Claim, Account, Demand or Suit Not Barred.**

Nothing in this Chapter shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town, or any Board or agency thereof on behalf of himself or any member of his family

arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

**§ 19-6. Distribution of Chapter.**

The Supervisor of the Town shall cause a copy of this Chapter to be distributed to every municipal officer and employee of the Town within thirty (30) days after the adoption of this Chapter. Each municipal officer and employee elected or appointed thereafter shall be furnished with a copy of this Chapter before entering upon the duties of his office or employment.

**§ 19-7. Penalties.**

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this Chapter may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

**SECTION 3. 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 4. 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:

<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: March 1, 2017**

**AUTHORIZE THE SUPERVISOR TO EXECUTE PURCHASE CONTRACT DOCUMENTS  
FOR THE PURCHASE AND DELIVERY OF A 2017 FORD F-150 VEHICLE FOR USE BY  
THE TOWN OF SULLIVAN HIGHWAY DEPARTMENT**

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

**WHEREAS**, the Town of Sullivan Highway Superintendent has previously advised the Town Board of the Town of Sullivan Highway Department's continuing need to repair, replace and update its fleet of vehicles and equipment; and

**WHEREAS**, the Town of Sullivan Highway Department Superintendent has previously advised of the Department's desire to acquire a 2017 Model Year Ford F-150 XL Super Crew 4WD Vehicle with specified equipment package, including XL power equipment group, cruise control, rubber floors, cloth seat fabric and grey or silver paint; and

**WHEREAS**, the Town Board has placed a request through the Office of General Services Vehicle Marketplace (Mini Bid #17020101) and received an offer and proposal on same; and

**WHEREAS**, purchase through the Office of General Services Vehicle Marketplace is compliant with the provisions of General Municipal Law §104; and

**WHEREAS**, the Town of Sullivan Highway Department has utilized said services to obtain a bid, which bid upon review by the Town Board has been deemed to have achieved the best price for such equipment; and

**WHEREAS**, the bid price for such equipment from the Office of General Services Vehicle Marketplace has been determined to be Thirty Thousand Nine Hundred Thirty-Three and 92/100 Dollars (\$30,933.92), without application of any applicable trade-ins or other allowances (Mini Bid #17020101); and

**WHEREAS**, such procurement constitutes a Type II action for purposes of State Environmental Quality Review and, as a result, no environmental impact is anticipated thus ending the environmental review process.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Sullivan Town Board hereby authorizes the Town Supervisor to execute any necessary documents to purchase a 2017 Model Year Ford F-150 4x4 Crew Cab (VIN 1FTEW1EF4HFA691B1) Vehicle with specified equipment package, including XL power equipment group, cruise control, rubber floors, cloth seat fabric and grey paint, in an amount not to exceed Thirty Thousand Nine Hundred Thirty-Three and 92/100 Dollars (\$30,933.92) through the Office of General Services Vehicle Marketplace from Nye Automotive Group, 1479 Genesee Street, Oneida, New York 13421 (NYS Contract # PC67318, Mini Bid #17020101), upon the terms provided in the submitted proposal by way of cash payment, utilizing funds from the appropriate Highway Department Fund.

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: March 1, 2017**

### **AGREEMENT FOR THE BRIDGEPORT GATEWAY GREEN INFRASTRUCTURE PROJECT**

Supervisor Becker asked Engineer Taylor Bottar (Barton & Loguidice Engineers) to speak to the public and Board Members about the next step for the Bridgeport Gateway Green Infrastructure Project. Engineer Bottar stated that the deadline of June 30, 2017 is fast approaching for submitting the application for this Grant. He further stated that he has a prepared project checklist which must be followed in order to receive this Grant and listed the three steps as follows:

1. Environmental Review
2. Final Design
3. Project close-out.

Engineer Bottar explained that this agreement covers Section 1, which includes Environmental Review and SEQR. A motion was duly made by Councilor Ranger, seconded by Councilor Brzuszkiewicz and unanimously passed to authorize Supervisor Becker to enter into this agreement on behalf of the Town of Sullivan.

### **TOWN OF SULLIVAN JUSTICE COURT PART TIME HELP**

A motion was duly made by Supervisor Becker, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to table this agenda item due to the absence of representation from the Town Justice Court Department.

### **REVIEW AND APPROVAL OF PARK BOARD CANDIDATES**

Councilor Brzuszkiewicz spoke on behalf of the Park Board and updated the Town Board Members on two (2) potential candidates that he knows are being recommended by the Park Board for Town Board approval. The Park Board is recommending Brian O'Connor (residing at 130 Woodgate Road) and Renee Rudd (residing at 242 Marine View Drive), both residents of the Town.

Upon recommendation of Supervisor Becker, a motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously passed by the Board to table approval of these candidates until the March 15, 2017 meeting.

### **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 Richard Amato 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, approving Richard Amato as a member in the Bridgeport Fire Department.

### **SALES QUOTE – WEATHER STATION AND CAMERA**

Supervisor Becker submitted a quote to the Board Members for their review for the proposed Weather Station and Camera System for Chapman Park. He would like to table any decision until he verifies that this quote includes the installation.

### **OTHER MATTERS DISCUSSED**

1. Supervisor Becker updated the Board on the proposed purchase of a Weather Station and Camera System for Chapman Park.
2. Councilor Kopp informed the Board that Bridgeport Fire Department's Banquet is going to be held on March 11, 2017 and Chittenango Fire Department will hold their banquet on April 1, 2017. Both banquets will be held at the Doubletree Inn in East Syracuse.
3. Paul Hrynio, who resides at 8565 Bridgeport Kirkville Road, returned before the Board to question any new decisions on the possibility of him purchasing the old Oxbow Road. Councilor Brzuszkiewicz responded to Mr. Hrynio's questions and told him that they are dealing with several issues that need to be resolved before any action can be taken regarding the old road. Councilor Brzuszkiewicz will keep Mr. Hrynio advised.

Attorney Langey discussed with the Board the legal aspects of selling this road.

4. Nancy Shaver, who resides at 1374 Lestina Beach Road, inquired to the Board about the residences that have not been connected to the Bridgeport Sewer System as required. Ms. Shaver also made inquiry to the Board on the possibility of the Bridgeport Sewer System not having ample capacity for handling of any future development by the Oneida Nation in the Bridgeport area.

### **MEETING TIME CHANGE**

At the request of Supervisor Becker, a motion was duly made by Councilor martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board changing the time of the March 15, 2017 Town Board meeting from 9:00 A.M. to 7:00 P.M.



### **EXECUTIVE SESSION**

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board to go into executive session to discuss the employment history of a particular person or a matter potentially leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person and to seek legal advice and invited Attorney Langey into the session at 7:20 P.M.

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Ranger and unanimously passed by the Board to close the executive session at 8:20 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 8:21 P.M.

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