

**TOWN BOARD
TOWN OF SULLIVAN
REGULAR MEETING
April 4, 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: John Brzuszkiewicz, Kerry Ranger, and Jeff Martin; Highway Superintendent Andy Busa; Attorney for the Town John Langey; Comptroller Beth Ellis; and Town Clerk Charlotte A. Ferstler.

Excused: Councilor Thomas Kopp.

Also in attendance were: Members of the Public.

Pledge to the flag was led by Supervisor Becker.

APPROVAL OF MINUTES

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz to approve the minutes of the Town Board meeting of March 7, 2018 and March 21, 2018. Councilor Brzuszkiewicz stated that there was an error in the March 7, 2018 meeting that needs to be corrected. The minutes read that Highway Superintendent Busa was requesting approval to sell a 1995 Spartan Smeal Rescue Truck and should have read that the Town of Sullivan owns the Rescue Truck and is selling the truck to the Syracuse Fire Department.

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board to make this correction and amend the minutes of March 7, 2018.

The motion duly made by Councilor Martin, seconded by Councilor Ranger was thereupon unanimously passed by the Board approving the minutes of March 7, 2018 as amended and March 21, 2018 as read.

**PUBLIC HEARING FOR LOCAL LAW B OF 2018
A LOCAL LAW REPEALING CHAPTER 123 Article II
(Building and Fire Code)
7:03 P.M.**

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to open the Public Hearing at 7:03 P.M. Supervisor Becker asked for anyone who would like to speak, for or against, proposed Local Law B of 2018 or has questions regarding this Local Law to come forward and state their name. No one spoke for or against the Proposed Local Law B of 2018. A motion was duly made by

Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board to close the Public Hearing at 7:04 P.M.

**TOWN OF SULLIVAN
TOWN BOARD RESOLUTION**

April 4, 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”)

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled 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”, was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan held on March 21, 2018; and

WHEREAS, a public hearing was held on such proposed local law on this 4th day of April, 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. B-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. B-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. B-2018 as Local Law No. 1-2018 as follows:

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

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, Article II, titled "Building and Fire Code", of the Code of the Town of Sullivan, which Article promotes and maintains the safety, health and general welfare of Town residents by establish certain building and fire code regulations for residences within the Town of Sullivan, is hereby repealed in its entirety and the use of the "Town of Sullivan Building and Fire Code Law" is discontinued.

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:

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Absent	***
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: April 4, 2018

**PUBLIC HEARING FOR LOCAL LAW C OF 2018
(A Local Law Creating A New Section 275 (Zoning) of the Code of the Town of Sullivan to provide for Agricultural Associated Low-Impact Storage/Warehousing in the Town of Sullivan)**

A motion was duly made by Councilor Ranger, seconded by Councilor Martin and unanimously passed by the Board to open the Public Hearing at 7:05 P.M. Supervisor Becker asked for anyone who would like to speak, for or against, proposed Local Law C of 2018 or has questions regarding this Local Law to come forward and state their name. No one spoke for or against the Proposed Local Law C of 2018. A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to close the Public Hearing at 7:06 P.M.

**TOWN OF SULLIVAN
TOWN BOARD RESOLUTION**

April 4, 2018

TOWN OF SULLIVAN LOCAL LAW C OF 2018

("A Local Law Creating a New Section for Chapter 275 (Zoning)
of the Code of the Town of Sullivan to Provide for
Agricultural Associated Low-Impact Storage/Warehousing in the Town of Sullivan")

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. C-2018, "A Local Law Creating a New Section for Chapter 275 (Zoning) of the Code of the Town of Sullivan to Provide for Agricultural Associated Low-Impact Storage/Warehousing in the Town of Sullivan", was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan held on March 21, 2018; and

WHEREAS, a public hearing was held on such proposed local law on this 4th day of April, 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. B-2018 has previously been determined to be a Type I 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. C-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. C-2018 as Local Law No. 2-2018 as follows:

**"TOWN OF SULLIVAN
LOCAL LAW NO. 2 OF 2018**

**A LOCAL LAW CREATING A NEW SECTION FOR CHAPTER 275 (ZONING)
OF THE CODE OF THE TOWN OF SULLIVAN TO PROVIDE FOR
AGRICULTURAL ASSOCIATED LOW-IMPACT STORAGE/WAREHOUSING
IN THE TOWN OF SULLIVAN**

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. PURPOSE

The Town of Sullivan recognizes that certain established agricultural operations within the Town's Agricultural Zoning District with existing large agricultural buildings may provide the property owner, in certain instances, the ability to provide for low-impact storage/warehousing services with no detriment to surrounding neighbors. It is therefore deemed desirable to provide for agricultural associated low-impact storage/warehousing in such areas upon issuance of a Site Plan Approval by the Town's Planning Board.

SECTION 3.

Section 275-2 ("Definitions") of Chapter 275 of the Code of the Town of Sullivan is hereby amended by adding a new definition of "Agricultural Associated Low-Impact Storage/Warehousing" alphabetically therein to read in its entirety as follows:

"Agricultural Associated Low-Impact Storage/Warehousing - An existing agricultural parcel providing large onsite agricultural storage/warehousing services on premises, including but not limited to existing enclosed pole barns, enclosed masonry storage buildings and enclosed farm structures with a minimum individual square footage of 8,000 sq. ft., which enclosed structures were constructed prior to January 1, 1985. 'Agricultural Associated Low-Impact Storage/Warehousing' does not include retail business or other uses separately listed in this Chapter. Agricultural Associated Low-Impact Storage/Warehousing is allowed upon the granting of Site Plan Approval, only in the Agricultural District and as otherwise authorized by §275-____."

SECTION 4.

275 Attachment 2 ("Zoning Use Table") of the Code of the Town of Sullivan is hereby amended by adding a new permitted use (P) in the "A" (Agricultural) District as follows:

"Agricultural Associated Low-Impact Storage/Warehousing"

SECTION 5.

Article V ("Special Procedures and Standards") of Chapter 275 of the Code of the Town of Sullivan is hereby amended by adding a new subsection 275-____ to read in its entirety as follows:

"§275-____. Agricultural Associated Low-Impact Storage/Warehousing.

Low-impact storage/warehousing services shall be allowable only within the Agricultural District subject to the granting of Site Plan Approval by the Town Planning Board and specifically upon the following additional requirements:

- A. The property on which the agricultural associated low-impact storage/warehousing business is located shall be a minimum of 4 acres.
- B. The agricultural associated low-impact business must be contained within an existing structure having a minimum total building area of 8,000 sq. ft. Such existing building must have

been constructed prior to January 1, 1985. Expansion of the existing facilities shall be prohibited.

- C. A detailed Site Plan shall be prepared depicting all site amenities, including ingress, egress, lighting, proposed agricultural associated low-impact storage/warehousing area, any proposed attached signage and other features as deemed necessary by the Planning Board].
- D. All signage shall be attached to the building and must be approved by the Town of Sullivan Planning Board.
- E. The hours of operation associated with the agricultural associated low-impact storage/warehousing business shall be within the hours of 6:00 a.m. to 10:00 p.m. for deliveries and stocking of supplies.
- F. There shall be a written operation/business plan for the agricultural associated low-impact storage/warehousing business, which shall include a summary narrative specifically describing the proposed use, the nature of the storage, the existing buildings with drawings, access points and proposed hours of operation.
- G. There shall be no outdoor storage of any type associated with agricultural associated low-impact storage/warehousing business other than farm equipment.
- H. Agricultural associated low-impact storage/warehousing shall not include direct retail sales but shall be limited to storage and warehousing of goods or items onsite.
- I. Such agricultural associated low-impact storage/warehousing business must front upon, have direct access to or be within 100 feet of a County or New York State Highway with sufficient and safe sight distance for ingress and egress.
- J. All exterior lighting shall be maintained so as to not shine or spill onto neighboring properties or onto adjacent highways and shall be properly shielded.
- K. The parking of vehicles on-site in connection with the storage/warehousing use shall be limited to only those necessary to conduct the low-impact agricultural associated storage/warehousing business.
- L. No overnight parking visible from the road or adjoining properties shall be permitted.
- M. If deemed appropriate by the Planning Board, there shall be an annual inspection of the operations of the agricultural associated low-impact storage/warehousing business conducted by the Town Zoning Enforcement Officer.
- N. The Planning Board may establish appropriate screening to protect impacts to surrounding properties, including but not

limited to fencing, berms and tree and/or hedge plantings upon appropriate findings.

SECTION 6. 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 7. 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	Yes
Thomas J. Kopp Jr.	Councilor	Absent	***
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: April 4, 2018

**AUTHORIZATION FOR EXECUTION OF THE 2018
DOT SUBSTANCE USE TESTING SERVICES AGREEMENT AND
2018 MEDICAL REVIEW OFFICER CONTRACT - MADISON COUNTY**

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board, authorizing the Town of Sullivan Supervisor, on behalf of the Town of Sullivan, to execute the 2018 DOT Substance Use Testing Services Agreement and Medical Review Officer (“MRO”) Contract between the Town of Sullivan and NY Urgent Care Practice, P.C. d/b/a Five Star Urgent Care, copies of which are on file in the Office of the Town Clerk.

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	Absent	***
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: April 4, 2018

APPROVAL OF POLLING PLACES WITHIN THE TOWN OF SULLIVAN FOR THE YEAR 2018

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Ranger and unanimously passed by the Board approving the polling locations in the Town of Sullivan for the Election Year 2018. See list of polling places below:

04/02/2015 1:57 pm		Madison County Board of Elections Mail Check Polling Place Report				Page 1		
Twtn/Wrd/Dis	Name	Address		City	St	Zip	Handicap	Has Changed
TOWN OF SULLIVAN/000/001	SULLIVAN FREE LIBRARY	101 FALLS BLVD	PO BOX 310	CHITTENANGO	NY	13037	Y	N
TOWN OF SULLIVAN/000/002	SULLIVAN VETERANS MEMORIAL	707 MOHAWK ST		CHITTENANGO	NY	13037	Y	N
TOWN OF SULLIVAN/000/003	BRIDGEPORT FIREHOUSE	427 MAIN ST	PO BOX 600	BRIDGEPORT	NY	13030	Y	N
TOWN OF SULLIVAN/000/004	SULLIVAN TOWN OFFICE BLDG	7507 LAKEPORT RD		CHITTENANGO	NY	13037	Y	N
TOWN OF SULLIVAN/000/005	FYLER COMMUNITY HALL	1224 FYLER RD		KIRKVILLE	NY	13082	Y	N
TOWN OF SULLIVAN/000/006	SULLIVAN FREE LIBRARY	101 FALLS BLVD	PO BOX 310	CHITTENANGO	NY	13037	Y	N
TOWN OF SULLIVAN/000/007	SULLIVAN TOWN OFFICE BLDG	7507 LAKEPORT RD		CHITTENANGO	NY	13037	Y	N
TOWN OF SULLIVAN/000/008	SULLIVAN VETERANS MEMORIAL	707 MOHAWK ST		CHITTENANGO	NY	13037	Y	N
TOWN OF SULLIVAN/000/009	BRIDGEPORT FIREHOUSE	427 MAIN ST	PO BOX 600	BRIDGEPORT	NY	13030	Y	N
TOWN OF SULLIVAN/000/010	SULLIVAN VETERANS MEMORIAL	707 MOHAWK ST		CHITTENANGO	NY	13037	Y	N
TOWN OF SULLIVAN/000/011	SULLIVAN TOWN OFFICE BLDG	7507 LAKEPORT RD		CHITTENANGO	NY	13037	Y	N

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HIGHWAY SUPERINTENDENT BUSA'S REQUEST FOR APPROVAL TO PURCHASE A NEW TRUCK (2018 FORD F-250) FOR THE SEWER/HIGHWAY DEPARTMENTS

Highway Superintendent Busa spoke with the Board regarding the possibility of purchasing a 2018 Ford F-250 Truck with plow for use by the Sewer Department and the Highway Department. He stated that the pickup they are using at this time is in very rough shape and should be replaced. He also stated that he has priced out taking an older vehicle and replacing the box and having it painted to match the other vehicles and feels that they would just be putting new money into an old vehicle. Superintendent Busa told the Board that he had received quotes from different Dealers and received a price from NYE Motors for \$46,595.00 which would be the State Bid price. (OGS Contract #PC67318; Award #22898).

A discussion followed with Councilor Ranger asking if it would be more economical to use an old highway truck for the Sewer Department and keep the new one for the Highway Department. Supervisor Becker stated that if Superintendent Busa gets a new vehicle he will take care of it and maintain it, so that it does not end up in the condition that the current sewer truck is. Councilor Ranger stated that he is not as concerned about the purchase of a new truck as he is about where the money is coming from to pay for the truck.

Further discussion followed regarding which account the \$46,595.00 should be taken from. Supervisor Becker stated that they can take the money from the Host Community Fund rather than the sewer fund which would cause a problem if there was an emergency. He stated that the Sewer Department still has to purchase grinder pumps, pipes and other parts for the upcoming year.

Councilor Martin asked Superintendent Busa if he needed the new truck and the answer was that the Sewer Department definitely needs a new or newer truck.

Supervisor Becker duly made a motion, seconded by Councilor Martin authorizing Highway Superintendent Busa to purchase a new 2018 Ford F-250 Truck from NYE Automotive Group LLC pursuant to State Bid (OGS Contract #PC67318; Award #22898) which will be used by the Highway Department and the Sewer Department at a price not to exceed \$46,595.00.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call which resulted as follows:

John E. Brzuszkiewicz	Councilor	Voted	Yes
Thomas J. Kopp Jr.	Councilor	Absent	***
Kerry Ranger	Councilor	Voted	Nay
Jeffrey Martin	Councilor	Voted	Yes
John M. Becker	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: April 4, 2018

OPEN BIDS FOR HIGHWAY DEPARTMENT FOR BLACKTOP FOR THE YEAR 2018

Bids for blacktop for the Highway Department requirements for the year 2018 were opened by Supervisor John Becker at 7:00 P.M. Four (4) bids were opened and read as follows:

FIRST BID

	<u>ULSTER</u>	<u>CORNERSTONE</u>	<u>NORTHERN</u>	<u>RUSTON</u>
Town	40,222.00	36,750.00	41,875.00	43,188.00
Parks	43,924.00	32,725.00	37,825.00	37,572.00
Chapman (widen road)	52,330.00	51,010.00	58,142.50	61,205.00

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Chapman 45,809.00 (west and parking lot)	54,600.00	58,160.00	44,640.00
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Chapman 48,921.00 (Main lot)	50,400.00	51,035.00	50,160.00
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TOTALS 231,206.00	225,485.00	247,037.50	236,765.00
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(Ulster was showing 60,000 square feet on the Parks' parking lot while the other companies showed 40,000 square feet for the Parks' parking lot)

SECOND BID

<u>ULSTER</u>	<u>CORNERSTONE</u>	<u>NORTHERN</u>
Tuscarora Road 25,998.80	Tuscarora Road 37,146.00	Tuscarora Road 33,325.00
Lonsdale/Brentwood Heathfield 46,310.80	Lonsdale/Brentwood & Heathfield 68,718.00	Lonsdale/Brentwood & Heathfield 60,135.00
Murray Drive 12,707.00	Murray Dr 17,469.00	Murray Dr 14,555.00
Maple Drive and Sherry Lane 24,217.60	Maple Dr & Sherry Lane 30,179.00	Maple Dr & Sherry Lane 31,420.00
\$109,234.20	\$153,512.00	\$139,435.00

BARRETT PAVING

Tuscarora Road 28,131.52
Lonsdale/Brentwood & Heathfield 48,035.32
Murray Drive 13,459.60
Maple Drive and Sherry Lane 26,539.00
\$116,165.44

After the reading of the bids, Supervisor Becker turned the bids over to Highway Superintendent Busa for his review. Supervisor Becker stated that if necessary the Board will schedule a special meeting for consideration and possibly awarding of the bids.

OTHER MATTERS

- 1.) Steve Burton, 988 Marsh Mill Road, spoke to the Board regarding flooding on Marsh Mill Road and how to correct the problem. He stated that years ago a culvert pipe was put in which did stop the flooding; however, the neighbors were forced to remove the pipe. They would like to ask the Board to again put the pipe in to alleviate the problem. Supervisor Becker asked Highway Superintendent Busa to go to Marsh Mill Road and see if the Town can do anything to alleviate the flooding without causing problems for neighboring properties.
- 2.) Steve Burton also asked the Board if there was any chance for Marsh Mill to get natural gas. Councilor Brzuszkiewicz stated that he would look into the possibility and will contact National Grid.
- 3.) Brett Myles, 1243 Palmer Circle in Bridgeport, questioned Supervisor Becker on when they can expect the next phase of the Bridgeport Sewer Project to start. Supervisor Becker explained that until money, in the form of a grant, becomes available, there will not be any new progress with the sewers.

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 for advice of Counsel at 7:47 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 8:25 P.M.

THE WILD AUXILIARY PARKING LOT INDEMNIFICATION AGREEMENT

A motion was duly made by Councilor Ranger, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board authorizing the Town Supervisor to execute an Indemnification Agreement between the Taylor's Wild Enterprises, LLC, Jeffrey S. Taylor, II and the Town of Sullivan, subject to the Town Attorney's final review and approval.

ADJOURNMENT

A motion was duly made by Councilor Ranger, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to adjourn the meeting at 8:26 P.M.

Respectfully Submitted,
Charlotte A. Ferstler, Secretary