

**TOWN BOARD
TOWN OF SULLIVAN
REGULAR MEETING
May 2, 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; and Town Clerk Charlotte A. Ferstler.

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 Brzuszkiewicz, seconded by Councilor Kopp and unanimously passed by the Board to approve the minutes of the Town Board meeting of April 18, 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>BARRETT</u>	<u>NORTHERN</u>	<u>RUSTON</u>
Town	\$40,464.00	\$42,629.00	\$35,350.00	\$35,316.00
Parks	\$30,570.40	\$38,773.50	\$35,015.00	\$34,744.00
Chapman (widen road)	\$53,784.00	\$63,223.50	\$58,050.00	\$49,532.00
Chapman (west and parking lot)	\$55,408.00	\$60,294.50	\$54,130.00	\$50,700.00
Chapman (Main lot)	<u>\$51,423.60</u>	<u>\$54,401.25</u>	<u>\$52,677.50</u>	<u>\$49,500.00</u>
TOTALS	\$231,650.00	\$259,321.75	\$235,232.50	\$219,792.00

The Ulster bids calculated 60,000 square feet on the Parks' parking lot while the other companies calculated 40,000 square feet for the Parks' parking lot.

SECOND BID

<u>ULSTER</u>	<u>BARRETT</u>	<u>NORTHERN</u>
Tuscarora Road \$28,572.16	Tuscarora Road \$30,546.70	Tuscarora Road \$23,450.50
Lonsdale/Brentwood & Heathfield \$50,936.96	Lonsdale/Brentwood & Heathfield \$57,409.90	Lonsdale/Brentwood & Heathfield \$55,577.00
Murray Drive \$12,934.72	Murray Drive \$13,619.80	Murray Drive \$14,114.00
Maple Drive and Sherry Lane \$26,679.36	Maple Drive and Sherry Lane \$32,148.20	Maple Drive and Sherry Lane \$29,827.50
TOTALS \$119,123.20	\$133,724.60	\$122,969.00

BID FOR VILLAGE ROADS

<u>NORTHERN</u>	<u>ULSTER</u>	<u>BARRETT</u>
Tuscarora Road \$62,204.50	Tuscarora Road \$59,223.28	Tuscarora Road \$58,193.15
Tom Tom Street \$19,408.00	Tom Tom Street \$17,854.00	Tom Tom Street \$19,322.00
TOTALS \$81,612.00	\$77,077.68	\$77,515.15

After the reading of the Bids, Supervisor Becker turned the bids over to Highway Superintendent Busa for his review.

**PUBLIC HEARING FOR LOCAL LAW D OF 2018
A LOCAL LAW Amending the Kennel Law of the Town of Sullivan
7:15 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 7:15 P.M. Supervisor Becker explained to the Public why this new Local Law D for 2018 is being proposed at this time. Councilor Brzuszkiewicz stated that he is going to propose a few changes that he would like to see in the new law and he has spoken to Attorney Langey about them and they intend to meet and discuss these changes.

Attorney Langey informed the Board that there are a few residents that have approached the Planning Board for approval to start Dog Kennel Businesses in the Town of Sullivan. They are proposing to open a Boarding/Doggie Day Care Business and they would like to have this new law in place for the Planning Board and move these applications along. Attorney Langey stated that if the Town Board moves to adopt this Local Law D for 2018, it would enable the Planning Board to consider the two applications they have in front of them. He further noted that the Town Board can re-open this Law at any time and make changes. Attorney Langey stated that in this new law, it states that when any Kennel Application is received it must be sent to the Planning Board and they in turn can set restrictions such as hours of operation and number of dogs at one time. Everything will be handled by the Planning Board and this new Local Law will make it easier to enforce restrictions on Kennel Business operations.

Supervisor Becker asked for anyone who would like to speak, for or against, proposed Local Law D of 2018 or have 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 Brzuszkiewicz and unanimously passed by the Board to close the Public Hearing at 7:27 P.M. Thereafter, the following action was taken:

**TOWN OF SULLIVAN
TOWN BOARD RESOLUTION**

May 2, 2018

TOWN OF SULLIVAN LOCAL LAW D OF 2018

("A Local Law to Amend the Town of Sullivan Zoning Law, as Adopted by
Local Law No. 2 of 2016, By Amending the Definition of Kennel and Adding
Certain Kennels, Animal Day Care and Dog Grooming as Specially Permitted Uses
in the Agricultural (A), Business (B) and Industrial (I) Districts")

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

WHEREAS, proposed Local Law D-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. D-2018, "A Local Law to Amend the Town of Sullivan Zoning Law, as Adopted by Local Law No. 2 of 2016, By Amending the Definition of Kennel and Adding Certain Kennels, Animal Day Care and Dog Grooming as Specially Permitted Uses in the Agricultural (A), Business (B) and Industrial (I) Districts", was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan held on April 18, 2018; and

WHEREAS, a public hearing was held on such proposed local law on this 2nd day of May, 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, 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 (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption to said Local Law is a Type I Action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board has determined that a Full Environmental Assessment Form (EAF) shall be required in connection with this matter; and

WHEREAS, 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; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. D-20187.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED that the enactment of proposed Local Law No. D-2018 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 the Town Board hereby adopts a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617 et seq. for the following reasons:

1. If adopted, proposed Local Law No. D-2018 will create a new definition of the term "kennel" and will allow certain kennels, animal day care and dog grooming as specially permitted uses in the Agricultural (A), Business (B) and Industrial (I) Districts within the Town of Sullivan.
2. "Kennel" has been carefully defined to limit potential impacts to surrounding neighbors by balancing the needs of the Town and its residents for such uses to occur on appropriate sized lots in the Agricultural (A), Business (B) and Industrial (I) Districts in the Town, subject to the granting of a Special Use Permit.
3. If proposed Local Law D-2018 is adopted, such uses will only be allowed in the Agricultural (A), Business (B) and Industrial (I) Districts for applications which receive a Special Use Permit from the Planning Board.
4. If adopted, proposed Local Law No. D-2018 sets forth minimum restrictive standards designed to protect the surrounding properties from any potential

negative impacts from such uses. Those protections include minimum acreage requirements for kenneling and animal day care.

5. None of the proposed text amendments will have any direct or indirect impact on the environment, including no impact upon air, water quality, plants or animals, land, architecture, archeological or aesthetic resources; and it is further

RESOLVED AND DETERMINED that the Town's legal counsel shall distribute and publish this Negative Declaration pursuant to the requirements of 6. N.Y.C.R.R., Part 617; and it is further

RESOLVED, that the Town Board of the Town of Sullivan, Madison County, New York, does hereby enact proposed Local Law No. D-2018 as Local Law No. 3-2018 as follows:

**"TOWN OF SULLIVAN
LOCAL LAW NO. 3 OF 2018**

**A LOCAL LAW TO AMEND THE TOWN OF SULLIVAN ZONING LAW,
AS ADOPTED BY LOCAL LAW NO. 2 OF 2016, BY AMENDING THE DEFINITION
OF KENNEL AND ADDING CERTAIN KENNELS, ANIMAL DAY CARE AND
DOG GROOMING AS SPECIALLY PERMITTED USES IN
THE AGRICULTURAL (A), BUSINESS (B) AND INDUSTRIAL (I) DISTRICTS**

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 TO ARTICLE II ("DEFINITIONS") OF THE TOWN OF
SULLIVAN ZONING LAW TO DELETE AND REPLACE THE CURRENT
DEFINITION OF KENNEL.**

Article II ("Definitions") of the Town of Sullivan Zoning Law is hereby amended to delete the current definition of "Kennel" in its entirety and replace it with the following new definitions as follows:

1. **KENNEL:** Any facility that cares for multiple dogs for training, breeding, boarding or harboring, whether for profit or not, but excluding dogs owned solely for personal enjoyment. All kennels shall require the issuance of a Special Use Permit by the Planning Board to ensure compatibility with the neighborhood where such use is proposed to be located.
2. **COMMERCIAL KENNEL AND/OR ANIMAL DAY CARE:** Any facility or building that cares for three or more dogs for training, breeding, boarding or harboring, for any aspect of commercial purposes, sales, for profit or as a business.
3. **PERSONAL PUREBRED:** Any home or personal abode that cares for two or more purebred dogs for breeding or sale where such activity is an accessory use to the principal home.

SECTION 3. AMENDMENT TO THE ZONING SCHEDULE OF THE TOWN OF SULLIVAN ZONING LAW TO PROVIDE FOR KENNELS COMMERCIAL KENNELS, ANIMAL DAY CARE AND DOG GROOMING AS SPECIALLY PERMITTED USES IN THE AGRICULTURE (A), BUSINESS (B) AND INDUSTRIAL (I) DISTRICTS.

The Zoning Schedule of the Town of Sullivan is hereby amended to add Kennels (Commercial Kennels and/or Animal Day Care) as a specially permitted use in Agricultural (A), Business (B) and Industrial (I) Districts.

SECTION 4. AMENDMENT TO ARTICLE V (“SPECIAL PROCEDURES AND STANDARDS”), SECTION 275-9 (“SPECIAL USE PERMITS”), SUBPARAGRAPH D (“ADDITIONAL STANDARDS”) OF THE TOWN OF SULLIVAN ZONING LAW.

Article V (“Special Procedures and Standards”) at §275-9 (“Special Use Permits”) is hereby amended to add a new subsection (D)(13) with the following standards for Kennels and Animal Day Cares:

“13. **Kennels.**

A. **Commercial Kennel and/or Animal Day Care.** A commercial kennel and/or animal day care is permitted, upon issuance of a Special Use Permit by the Planning Board, in the Agricultural (A), Business (B) and Industrial (I) Districts subject to the following additional requirements:

1. The use must be located on a lot at least 2 acres in area.

2. A commercial kennel and/or animal day care (except for outside runs) shall be completely enclosed within a suitable building and shall be no closer than 100 feet to any lot line or residential use or district boundary as measured from the nearest lot lines.

3. Fenced areas used in association with animal day care and commercial kennel uses may not be permitted within 50 feet of any side or rear lot line and shall be prohibited in a front yard. Kennels must demonstrate an appropriate dog run area that will not have an adverse impact on neighboring properties.

4. For animal day care and commercial kennels, an acceptable waste storage, management and removal program must be submitted and approved by the Planning Board and must otherwise comply with all State, County and Local laws, rules, regulations and requirements related to said waste storage and removal.

5. The animal day care or commercial kennel use shall not interfere or conflict with the peaceful enjoyment of neighboring residential uses.

6. For animal day cares and commercial kennels, such other materials the Planning Board deems necessary upon which to determine the impact of such specially permitted use must be submitted. The Planning Board may set reasonable hours of operation and a limit to the

number of dogs kenneled where appropriate, as well as set hours for outdoor exercise for kenneled dogs.

B. **Personal Purebred Kennels.** Personal purebred kennels may occur on any lot subject to the issuance of a Special Use Permit and the following standards:

1. Provision for adequate fencing.
2. Acceptable waste management plan submitted to the Code Enforcement Officer.
3. No more than 4 adult (12 months or older) dogs shall be associated with a purebred kennel.

C. **Dog Grooming Business.** Dog grooming may occur subject to the issuance of a Special Use Permit in the Agricultural (A), Business (B) and Industrial (I) Districts and subject to such reasonable conditions as shall be set by the Planning Board.”

SECTION 5. SEVERABILITY.

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 6. EFFECTIVE DATE.

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: May 2, 2018

HIGHWAY DEPARTMENT EQUIPMENT SALE AUCTIONS INTERNATIONAL

Highway Superintendent Andy Busa approached the Board asking for approval to sell two trucks on Auctions International. He stated that he had listed three vehicles for sale on Auctions International and the offers are as follows:

- | | |
|--------------------------------------|-------------|
| 1. 1997 Volvo Truck with a plow | \$ 7,600.00 |
| 2. 2011 F150 – 3500 | \$14,000.00 |
| 3. 2004 Mac (Sander Truck with Plow) | \$28,000.00 |

Supervisor Becker also read a complete list of smaller items that are also listed on Auctions International. These items are as follows: V-Plow for \$26.00, V-Plow for \$105.00, Viking Plow for \$260.00, One Way Plow for \$260.00, Sander Body for \$240.00, Dump Box and Hoist for \$3,300.00, Sander Body for \$450.00, Sander Body for \$410.00, Shoulder Machine for \$2,425.00, Spreader Box for \$230.00, Spreader Box for \$210.00, Spreader Box for \$190.00, Spreader Box for \$185.00.

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board to accept all Bids **except** the 2004 Mac (Sander Truck with Plow) in "as is" condition with no warranties.

SUMMER PLAYGROUND PROGRAM AGREEMENT

Supervisor Becker asked the Board for approval to sign the Annual Agreement between Madison County Department of Social Services and the Town of Sullivan for the Summer Playground Program. This Agreement was submitted with an attached Certificate of Liability.

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board authorizing Supervisor Becker to sign this Agreement.

SULLIVAN PARK TENNIS COURT REPAIR

Supervisor Becker asked the Board to authorize him to bid for the repair and replacement of the tennis court in Sullivan Park. A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board authorizing Supervisor Becker to put this repair work out to bid.

STREET LIGHT REQUEST

Supervisor Becker stated that he had a request from a resident for a street light in front of 7598 Lakeport Road, Chittenango, pole Number MN95. He is requesting Board approval for Beth Ellis to contact National Grid who will continue the process of the installation.

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board authorizing Supervisor Becker to move forward with this request.

COMPLIMENTARY LETTER FOR HIGHWAY DEPARTMENT

Supervisor Becker read aloud a letter from Dick and Marsha McConnell of Lucas Road, Bridgeport to the Town Board complimenting Highway Superintendent Andy Busa and the Highway Department Workers for the fast, efficient work they did on the clean-up of the fallen trees on their property following the last storm. They stated that they are and always

have been appreciative of the work of the Highway Department in the Town of Sullivan. The Board agreed and thanked Highway Superintendent Busa.

ACCEPTANCE OF BIDS FOR HIGHWAY DEPARTMENT

Superintendent Busa, asked Board approval to accept Ruston Paving for the Parking Lot Projects and Ulster Paving, also known as Dolomite Paving for the Town Road Projects.

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board accepting the Bid of Ruston Paving for the Parking Lot Bid.

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board, accepting the Bid of Ulster Paving for the Town Road Bid.

OTHER MATTERS BROUGHT BEFORE THE BOARD

1. Matthew Lasnicki, 124 Mallard Bay Road, would like to purchase a 20 ft. right-of-way from the Town, which right-of-way borders Sullivan Park. Supervisor Becker stated that at this time he does not know if this right-of-way could be sold. This property was part of the property that the Town received a HUD Grant for and they cannot split the property.
2. Harvey Benn III and his sister appeared before the Board to ask that they be allowed to purchase a 12 ft. right-of-way from the Town that borders their property on Walnut Grove Road in Bridgeport. Highway Superintendent Busa stated that he is concerned with the drainage problems in that area and that the Town could need this right-of-way in the future. Supervisor Becker stated they will have to look further into this prior to making any decisions are made on this proposal.
3. Steven Burton, Marsh Mill Road, asked Supervisor Becker if anything could be done with the railroad crossing on Canaseraga Road. He stated that it is in serious need of repair. Supervisor Becker stated that he has contacted CSX before and will call them again.
4. Councilor Ranger spoke on the Streetscape Project in Bridgeport and updated the Board Members on what has been done.
5. Ron Smith, resident of Wheeler Road, spoke to the Board Members and asked their help in getting the burnt remains removed from the property on their Road. He stated it is becoming a health and safety issue. He also stated that there are now over fifty tires that have been dumped on the property along with garbage. Supervisor Becker and Highway Superintendent Busa stated that they have been working on and will continue to do so until the debris is cleared.

6. Ernie Houghtailing, Marsh Mill Road, spoke on the Town-wide cleanup of cars, stating that he has a list of 80 junk vehicles that are in violation. He further stated that he doesn't care as long as everyone gets treated the same as the next person and not selective enforcement.

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 discuss employment history of a particular individual and invited Attorney Langey into the session at 8:29 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 9:20 P.M.

ADJOURNMENT

A motion was duly made by Councilor Ranger, seconded by Councilor Martin and unanimously passed by the Board to adjourn the meeting at 9:21 P.M.

Respectfully Submitted,
Charlotte A. Ferstler, Secretary