

**TOWN BOARD
TOWN OF SULLIVAN
REGULAR MEETING
SEPTEMBER 5, 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 on September 5, 2018.

Those in attendance for the meeting were: Supervisor John M. Becker; Councilors: John Brzuszkiewicz, Kerry Ranger and Jeffrey Martin; Attorney for the Town John R. Langey; Comptroller Beth Ellis; Highway Superintendent Andrew Busa; and Deputy Town Clerk Amy Bettinger.

Absent: Town Clerk Charlotte A. Ferstler.

Also in attendance: Kyle Coon, Assistant Comptroller; 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 August 15, 2018.

OPEN BIDS FOR PROPANE FOR HIGHWAY DEPARTMENT

Bids for propane for the Highway Department were opened by Supervisor Becker at 7:03 P.M. Two bids were opened and read as follows:

- 1.) Buell Fuels - Propane (vendor owned tanks) 1.4859/gal (town owned tanks) 1.4359/gal
- 2.) Mirabito - Propane (vendor owned tanks) 1.5700/gal (town owned tanks) 1.4700/gal

Upon review, Highway Superintendent Busa asked that the bid submitted, by Buell Fuels, be accepted by the Town Board. A motion was duly made by Councilor Kopp, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to accepting Buell Fuels propane bid.

TOWN BOARD MEETING ON SEPTEMBER 19, 2018 TIME CHANGE

Supervisor Becker stated that the Town Board meeting on Wednesday, September 19, 2018, would be changed from 9:00 a.m. to 6:00 p.m. He stated that this would be an informational meeting on the Hamilton Brown/Bushnell water project at 6:00 p.m.

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board to change the meeting on September 19, 2018 to 6:00 P.M.

**DESIGNATION OF A BANKING DEVELOPMENT DISTRICT
(SENECA SAVINGS)**

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

WHEREAS, the Town of Sullivan is desirous of Seneca Savings opening a full-service Branch office in the Town of Sullivan/Hamlet of Bridgeport;

WHEREAS, Seneca Savings will provide a source of capital for local businesses, which promotes job creation; banks are a source of capital for mortgages, which increase home ownership and allows home improvement: Banks provide services that allow individuals to cash checks, pay bills, and transmit money more cheaply than other types of financial institutions such as check cashers, and Bank help people create wealth through savings programs and other banking services; and

WHEREAS, the Town of Sullivan acknowledges that the Banking Development District (BDD) program aims to reduce the number of unbanked and underbanked New Yorkers; Enhance access to credit for consumers and small businesses; reduce the reliance on alternative providers of financial services; and promote an asset building consciousness; and

WHEREAS, it is the intent of Seneca Savings and the Town of Sullivan to apply in conjunction for the designation of the BDD area in the Town of Sullivan; and

WHEREAS, the Town of Sullivan acknowledges Seneca Savings intent to open a full-service banking facility in Bridgeport, New York; and

WHEREAS, the Town of Sullivan also acknowledges that without the appropriate New York State BDD designation and approval by the State of New York, Seneca Savings would not be able to attract enough retail deposits to become a viable office over the short-term; and

WHEREAS, both the Town of Sullivan and Seneca Savings is desirous of proper and appropriate NYS BDD designation approval; and

WHEREAS, the Town of Sullivan will not prohibit other financial institutions from opening a Branch and will not prohibit other banks from receiving approval for an additional BDD designation.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Sullivan that the Town of Sullivan designate an area to be known as a Banking Development District in Bridgeport, New York (Town of Sullivan).

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: September 19, 2018

MIKE GARONE CAMPING TRAILER

Mike Garone addressed the Board and stated that he had owned property on Route 31 in Bridgeport, the property is on two and a half acres and the property is for sale, Mr. Garone stated that a potential buyer asked if they could place a camper on the property while their house was being built. The Board stated that they would consider the request and respond to Mr. Garone at the September 19, 2018 Town Board meeting.

PUBLIC HEARING

(Demolition/Removal of the unsafe Build/Structure Located at 7376 Wheeler Road Pursuant TO CHAPTER 118 OF THE CODE OF THE TOWN OF SULLIVAN)

A motion was duly made by Councilor Kopp, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to open the Public Hearing on Demolition/Removal of the unsafe Building/Structure located at 7376 Wheeler Road Pursuant to chapter 118 of the Code of the Town of Sullivan at 7:15 p.m. No one spoke for or against the Demolition/Removal of the unsafe Building/Structure located at 7376 Wheeler Road Pursuant to chapter 118 of the Code of Town of Sullivan. A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously passed by the Board to close the Public Hearing at 7:16 P.M. Thereafter, the following action occurred:

A RESOLUTION TO ORDER THE DEMOLITION/REMOVAL OF THE UNSAFE BUILDING/STRUCTURE LOCATED AT 7376 WHEELER ROAD PURSUANT TO CHAPTER 118 OF THE CODE OF THE TOWN OF SULLIVAN

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

WHEREAS, a structure located at 7376 Wheeler Road, Chittenango, New York was destroyed by fire on or about July 6, 2014; and

WHEREAS, the Town of Sullivan Building and Codes Department has previously made numerous visual inspections of the property; and

WHEREAS, the Town Board of the Town of Sullivan received a written report from the Town Code Enforcement Officer, dated August 3, 2018 that the building/structure located at 7376 Wheeler Road is unsafe and the building remains are hazardous to the health, safety and welfare of the public as a result of suspected asbestos, the presence of vermin and the build-up of trash and refuse; and

WHEREAS, on August 15, 2018 the Town Board adopted a resolution commencing unsafe building proceedings pursuant to Chapter 118 of the Code of the Town of Sullivan; and

WHEREAS, said resolution further directed that a Notice of Unsafe Building be served on the necessary parties in accordance with Chapter 118 of the Code of the Town of Sullivan; and

WHEREAS, said Notice of Unsafe Building was duly served on all necessary parties and was posted at the subject property; and

WHEREAS, the Notice of Unsafe Building was also duly filed with the Madison County Clerk's Office on August 20, 2018, Index No. 2018-1745; and

WHEREAS, the Notice of Unsafe Building set a hearing to be held on September 5, 2018 to receive testimony and other evidence to determine whether the Code Enforcement Officer's determination that the subject building is unsafe and directing the repair or removal of said building should be affirmed, modified or vacated; and

WHEREAS, the Town Board of the Town of Sullivan held the hearing on September 5, 2018 and heard testimony from the Code Enforcement Officer that the building and property remain in an unsafe and hazardous condition; and

WHEREAS, neither the property owner nor any other person or entity with an interest in the property appeared at the hearing to object to said order; and

WHEREAS, the Town Board desires to undertake any and all measures permitted and necessary to protect the public's health, safety and welfare; and

WHEREAS, the Town Board previously determined this unsafe building proceeding constitutes a Type II action for purposes of State Environmental Quality Review and, as a result, no environmental impact is anticipated.

NOW, THEREFORE, BE IT RESOLVED that the Town of Sullivan Town Board upon the documentary evidence and oral testimony presented at the hearing, hereby affirms the Code Enforcement Officer's determination that the subject building and property (7376 Wheeler Road, Chittenango, New York) are unsafe and remain in a hazardous condition; and be it further

RESOLVED, that the Town Board, having duly declared the property and building to be unsafe, hereby orders and directs the immediate final demolition and removal of the structure/building and any debris/materials located therein; and be it further

RESOLVED, that the cost of the said demolition and removal, if undertaken by the Town, shall thereupon become a lien against the subject property and shall be collectible in the same manner as taxes levied therein.

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: September 5, 2018

APPROVAL FOR COURT CLERK KIM HOWARD

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to approve Court Clerk Kim Howard to use the Town vehicle for a Justice Court Conference on September 16, 2018 through September 19, 2018 in Lake Placid.

SALE OF 2004 MACK TRUCK TO THE TOWN OF SMITHFIELD

A motion was duly made by Councilor Ranger, seconded by Councilor Martin and unanimously passed by the Board to approve the sale of a 2004 Mack Truck VIN #1M2AG11C44M010880 to the Town of Smithfield for \$32,000.00 as is, and with no warranties, expressed or implied. The final sale of the Truck will not occur until approximately February 2019, therefore the parties will enter into an Inter-Municipal Agreement for the Town of Smithfield's temporary use of the vehicle, conditioned upon them carrying insurance and risk of loss naming the Town of Sullivan an additional insured for said vehicle.

SNOW AND ICE AGREEMENT WITH MADISON COUNTY HIGHWAY

A motion was duly made by Councilor Martin seconded by Councilor Brzuszkiewicz and unanimously passed by the Board authorizing Town Supervisor Becker to sign the Madison County and Town of Sullivan Agreement for Snow and Ice Removal Beginning October 1, 2018 and ending April 30, 2018, to wit:

RESOLUTION OF THE TOWN BOARD APPROVING AGREEMENT WITH MADISON COUNTY FOR SNOW AND ICE CONTROL ON THE COUNTY ROAD SYSTEM

WHEREAS, the Board of Supervisors of Madison County adopted **Resolution No. 18-348** on **August 14, 2018** designating the improved roads of the County Road System of the County upon which snow and ice removal should be performed; and

WHEREAS, the County Superintendent of Highways was authorized to enter into agreements with the Town for the aforementioned purpose starting **October 1, 2018 through April 30, 2019** at rates as specified in the Agreement; and

NOW, THEREFORE BE IT RESOLVED, that the Town Superintendent of Highways of the Town of **Sullivan**, Madison County be and hereby is authorized and directed to enter into an agreement with the County of Madison to perform snow and ice removal upon the improved County Road System as per attached Agreement.

**AGREEMENT BETWEEN THE COUNTY OF MADISON
AND THE TOWN OF SULLIVAN**

THIS AGREEMENT made the **1st** day of **October, 2018** by and between the County of Madison, hereinafter called the "County" acting through F. JOSEPH WISINSKI, County Superintendent of Highways and the Town of **Sullivan** hereinafter call the "Town".

WITNESSETH: that for the consideration and upon the terms and conditions hereinafter provided the Town agrees to furnish its machinery, labor, and material therefore and to keep, within good reason, the paved portion of the highways herein described free from snow and treated with abrasives in accordance with the rules and regulations as set forth by the County Superintendent of Highways and which are part of this Agreement for the year **October 1, 2018 through April 30, 2019**.

IT IS FURTHER AGREED that the Town will forward to the County a "Certificate of Insurance", covering all Town vehicles used under this Agreement, with at least \$1,000,000 of Fleet and Public Liability Protection for each occurrence.

IT IS FURTHER AGREED that the County will pay the Town the sum of Eighteen dollars and ninety cents (\$18.90) per lane mile upon which snow and ice control services are performed, Twelve dollars and seventeen cents (\$12.17) per lane mile upon which regular salt brine is applied, Thirteen dollars and sixty-seven cents (\$13.67) per lane mile upon which salt brine with 5% magnesium chloride is applied and a loader rate of One hundred twenty dollars and no cents (\$120.00) per hour for snow bank removal under certain circumstances with prior approval from County Highway Superintendent. The Town shall bill the County for services hereunder on a monthly basis by submitting a listing of the respective dates, times, roads, and miles on which services were performed pursuant to this agreement and such other information as the County Highway Superintendent determines necessary. Payment shall be made in accordance with Madison County's terms and submission by the Town of properly completed requests for payment.

IT IS FURTHER AGREED that the Town Board by Resolution accepts the proposal of the County for Snow and Ice Control on the County Road System as noted hereunder for the sum of money per lane mile as set forth below.

<u>County Road</u>	<u>Lane Miles (both ways)</u>	<u>Road Length (one way)</u>
NORTH ROAD	3.26	1.63
BRIDGEPORT-KIRKVILLE ROAD	10.56	5.28
PECK ROAD	1.58	0.79
CHESTNUT RIDGE ROAD	8.50	4.25
FYLER ROAD	10.90	5.45
LAKEPORT ROAD	12.84	6.42
NEW BOSTON ROAD	5.00	2.50

Total Reimbursement Mileage will be the sum of each individual road length multiplied by the number of trips each way.

County/Town Agreement cont'd.
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IT IS FURTHER AGREED that the Town will keep the entire width of the pavement free from snow and sanded within reason; shall provide its equipment and personnel to maintain this condition at all times. Keeping the pavements clear of snow will necessarily require keeping the shoulders clear to retard that formation of drifts and afford space for the safe plowing from the pavement in a succeeding storm.

IT IS FURTHER AGREED that all materials used by Towns must pass a 3/8" sieve.

IT IS FURTHER AGREED that to receive payment for any road, the Town must keep the same open for traffic for its entire length and will not receive any payment if only portions are kept open, except by previous agreement with the County.

IT IS FURTHER AGREED that the Town will make every effort to eliminate slippery conditions on the pavements, and that steep hills, sharp curves, intersection, and straight sections will be sanded or otherwise treated to restore said traction for reasonable and careful use.

IT IS FURTHER AGREED that the Town Superintendent shall submit a Daily Report of Operations (original) to the County Highway Department, on a form furnished to the Town by the County Highway Superintendent.

IT IS FURTHER AGREED that the County Highway Department shall be the sole judge as to the method used in performance of this Agreement and the County reserves the right to withhold payment under this Agreement and to correct any conditions in any way which does not meet requirements and deduct the cost of this work from the amount of this Agreement.

IT IS FURTHER AGREED that if the Town is unable to obtain liability insurance coverage relative to the services to be rendered under this Agreement and so notifies the County, the

County will either:

- a. Add the Town as an additional insured to its liability insurance policy covering the plowing and sanding of County roads;

or

- b. Indemnify the Town for any loss arising out of a claim for personal injury to third persons and property damage sustained by third persons because of the alleged negligence of the Town in the performance of the plowing and sanding services pursuant to this Agreement, exclusive of any liability covered in the New York Standard Automobile Liability Policy, including No Fault Insurance provisions; as the County may elect.

BUDGET MODIFICATION FOR SEPTEMBER 5, 2018

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz, to adopt the following budget modifications, to wit:

Transferring \$6,000.00 from Contingent (A1990.4) to (A1410.171).

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: September 5, 2018

SALE OF CHITTENANGO FIRE TRUCK ON AUCTIONS INTERNATIONAL

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board, accepting the proposed purchase of a 1999 Smeal Custom Cab Pumper Fire Truck VIN #4KFT4285XWZ18789 in the amount of \$6,700.00, as is, and without any warranties, implied or expressed.

REQUEST FROM HIGHWAY SUPERINTENDENT

Supervisor Becker stated that Superintendent Busa requested that the Highway Pave New York monies of \$41,189.42 and the Highway Extreme Winter Recovery monies of \$33,405.81 be transferred into the DB5110.4 account for more road repairs and paving projects that he wanted to complete by the end of this year. A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board.

UPDATE ON SLEEPY HOLLOW WATER

Taylor Bottar, Engineer with Barton and Loguidice, appeared before the Board to give an update on the Sleepy Hollow Water District public informational meeting with the residents that was held back in July 2018. Mr. Bottar stated that the only discussion that came up at this meeting was the location of the future pump station. Mr. Bottar stated that the residents suggested there wasn't a lot of space and that Mr. Bottar should look into placing the pump station at the other end of the road where Salt Springs joins Sleepy Hollow. Mr. Bottar stated that the next step for this project would be meeting the deadlines with the funding agency. Mr. Bottar suggested that the Town should move forward with the Map, Plan and Report to meet the funding deadline of April 15, 2019.

UPDATE ON BRIDGEPORT STREETSCAPES

Councilor Ranger stated that he spoke with a few residents on North Road in Bridgeport and stated that they were opposed to the proposed sidewalk project in front of their homes. Councilor Ranger stated that he will meet with the Engineer and Board to see if they can come up with a different solution.

OTHER MATTERS BROUGHT BEFORE THE BOARD

- 1.) Clayton Wilson, resident of Taylor Road, had questions on bringing fill into the Town from other counties.
- 2.) Nancy Shaver, resident of Lestina Beach, stated that the pump station in Lakeport had a terrible odor.

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 and to discuss the employment history of a particular person at 7:52 P.M.

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board to close the executive session at 8:25 P.M.

AUTHORIZATION TO EXECUTE

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board to authorize the Town Supervisor to execute the "Separation Agreement and Release" with regard to the employment of a particular person.

ADJOURNMENT

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

Respectfully Submitted,

Amy Bettinger-Wells, Deputy Town Clerk