

**TOWN BOARD  
TOWN OF SULLIVAN  
OCTOBER 3, 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 Thomas K. Kopp at 7:00 P.M. on October 3, 2018.

Those in attendance for the meeting were: Councilors: Kerry Ranger; Thomas K. Kopp; John Brzuszkiewicz and Jeffrey Martin; Attorney for the Town John R. Langey; Comptroller Beth Ellis; Highway Superintendent Andrew Busa; and Town Clerk Amy B. Wells.

Excused: Supervisor John Becker.

Also in attendance: Kyle Coon, Assistant Comptroller; and members of the public.

Pledge to the flag was led by Deputy Supervisor Thomas K. Kopp.

**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 September 19, 2018.

**PUBLIC HEARING  
LOCAL LAW F-FOR THE YEAR 2018**

A motion was made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously passed by the Board to open the Public Hearing on proposed Local Law F for 2018 at 7:02 P.M.

Deputy Supervisor Kopp asked if anyone would like to speak on proposed Local Law F to come forward, state their name and address. No one spoke for or against the proposed local law.

A motion was duly made by Councilor Brzuszkiewicz seconded by Councilor Martin and unanimously passed by the Board to close the Public Hearing at 7:03 P.M. Thereafter, the following action was taken:

**TOWN OF SULLIVAN LOCAL LAW F OF 2018**

("A Local Law Overriding the Tax Levy Limit Established  
in General Municipal Law §3-c in the Town of Sullivan")

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

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. F-2018, "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-c in the Town of Sullivan," was presented and introduced at a regular meeting of the Town Board of the Town of Sullivan held on September 19, 2018; and

**WHEREAS**, a public hearing was held on such proposed local law on this 3<sup>rd</sup> day of October, 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. F-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. F-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. F-2018 as Local Law No. 5-2018 as follows:

**"TOWN OF SULLIVAN  
LOCAL LAW NO. 5 OF 2018**

**A LOCAL LAW OVERRIDING THE TAX LEVY LIMIT ESTABLISHED  
IN GENERAL MUNICIPAL LAW §3-C IN THE TOWN OF SULLIVAN**

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

**Section 1. LEGISLATIVE INTENT**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Sullivan, County of Madison pursuant to General Municipal Law §3-c, and to allow the Town of Sullivan to adopt a Town budget for (a) Town purposes; (b) fire protection districts; and (c) any other special or improvement district governed by the Town Board for the fiscal year 2019, that requires a real property tax levy in excess of the "tax levy limit" as defined by the General Municipal Law §3-c.

**Section 2. AUTHORITY**

This local law is adopted pursuant to Subdivision 5 of the General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

**Section 3. TAX LEVY LIMIT OVERRIDE**

The Town Board of the Town of Sullivan, County of Madison, is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

#### **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:

<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>Excused</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED: October 3, 2018**

#### **MOORE ROAD RESIDENTS DAVID RANK AND DAVID MARZULLO**

Mr. David Rank, resident of 701 Moore Road, addressed the Board and read a letter addressing the Town of Sullivan Planning Board meeting held on October 2, 2018.

Mr. David Marzullo, resident of 713 Moore Road addressed the Board with questions regarding the kennel law that was amended in the year 2014 and also presented questions from the Planning Board meeting of October 2, 2018.

#### **BUDGET MODIFICATION FOR SEPTEMBER 19, 2018**

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

Increasing appropriations in the amount of 28,500.00 for the account of A1620.429 Buildings – This is to pay the Seymour Excavating bill for the property of 7376 Wheeler Road, Chittenango, NY 13037.

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>Excused</b>

### **APPROVAL OF APPLICATIONS FOR MEMBERSHIP IN THE FIRE COMPANIES COMPRISING THE SULLIVAN FIRE DISTRICT**

The Board, acting as the Board of Fire Commissioners, received and application from Brittany Haas for membership in the Chittenango Fire Company.

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board, acting as the Board of Fire Commissioners, approving Brittany Hass as a member in the Chittenango Fire Department.

### **OTHER MATTERS**

1. Ernest Hotaling, resident from 873 Marsh Mill Road, addressed the Board regarding a masonry job that he was performing.
2. Steve Burton, resident from 988 Marsh Mill Road, had concerns with a culvert on Marsh Mill Road and stated that he would like natural gas down his road. Councilor Brzuszkiewicz stated that he actively worked on getting natural gas and met with National Grid to get natural gas on Marsh Mill Road, but the cost for installing it was very high. Councilor Brzuszkiewicz asked if anyone knew someone that could take down a tree for Mr. Burton economically to please give Councilor Brzuszkiewicz a call.
3. Councilor Ranger addressed Mr. David Rank and stated that the Board would follow-up with the meetings on the Proposed Dog Kennel. Councilor Ranger stated that the letters, emails and concerns don't go unrecognized.
4. Nancy Shaver resident of 1374 Lestina Beach Road, stated that she was traveling north bound on Lakeport Road and a mountain lion ran out in front of her car. Ms. Shaver wondered if anyone else has seen any mountain lions around the Town.

### **EXECUTIVE SESSION**

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously passed by the Board to go into executive session for advice of Counsel at 7:30 P.M.

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously passed by the Board to close the executive session at 7:54 P.M.

### **ADJOURNMENT**

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to adjourn the meeting at 7:55 P.M.

**Respectfully Submitted,**

**Amy B. Wells, Town Clerk**