

**TOWN BOARD
TOWN OF SULLIVAN
REGULAR MEETING
DECEMBER 19, 2018
9:00 A.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 9:00 A.M. on December 19, 2018.

Those in attendance for the meeting were: Supervisor John M. Becker; Councilors: Kerry Ranger; Thomas J. Kopp, John Brzuszkiewicz and Jeffrey Martin; Attorney for the Town John R. Langey; Comptroller Beth Ellis; and Town Clerk Amy B. Wells.

Also, in attendance: Kyle Coon, Assistant Comptroller; Emily Burns, Secretary to the Supervisor; and members of the public.

Pledge to the flag was led by Supervisor Becker.

APPROVAL OF MINUTES OF DECEMBER 5, 2018

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board approving the minutes of the Town Board Meeting of December 5, 2018.

**RESOLUTION OF THE TOWN BOARD AUTHORIZING THE SUPERVISOR
TO MAKE APPLICATION TO THE NEW YORK STATE COMPTROLLER
FOR APPROVAL TO INCREASE THE MAXIMUM AMOUNT TO BE EXPENDED FOR
IMPROVEMENT OF FACILITIES IN THE SLEEPY HOLLOW WATER DISTRICT
PURSUANT TO SECTIONS 202-d and 196 OF THE TOWN LAW**

Councilor Brzuszkiewicz moved and Councilor Martin seconded the following resolution:

WHEREAS, the Town of Sullivan Town Board on November 7, 2018 pursuant to Sections 202-d and 196 of the Town Law, authorized an increase in the maximum amount to be expended for improvement of facilities in the Sleepy Hollow Water District, County of Madison, State of New York; and

WHEREAS, pursuant to Town Law §209-f, upon adoption of such a Resolution and Order the Town is required to make application to the New York State Department of Audit and Control (NYS Comptroller) for permission to construct and operate said Water Improvements in compliance with the statutes in such cases and pursuant to 2 NYCRR Part 85; and

WHEREAS, the Board desires to direct and authorize the Supervisor to make such application copy of which is attached hereto.

NOW THEREFORE BE IT RESOLVED, that the Town of Sullivan Town Supervisor is hereby authorized and directed to make application for permission to increase the maximum amount to be expended for improvement of facilities for the Sleepy Hollow Water District in

the Town of Sullivan, Madison County, New York pursuant to Sections 202-d and 196 of the Town Law in accordance with Town Law §209-f and 2 NYCRR Part 85; and it is further

RESOLVED AND ORDERED,

A. That the attached Application was prepared at the direction of the governing Board;

B. That the Board believes the contents of the Application to be accurate;

C. That the Board has determined that the District expenditure (the increase in the maximum amount to be expended) for which permission is sought is in the public interest and will not constitute an undue burden on the properties which will bear the cost thereof; and

D. If the cost of the proposed Water District is to be assessed in whole or in part against a benefitted area, that all real property to be so assessed will be benefitted by the proposed Water Improvements and that no benefitted property has been excluded.

RESOLVED AND ORDERED, this Resolution shall take effect immediately.

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: December 19, 2018

CERTIFICATE

STATE OF NEW YORK)
COUNTY OF MADISON)

I, the undersigned Town Clerk of the Town of Sullivan, Madison County, New York,
DO HEREBY CERTIFY:

That I have compared the foregoing Resolution with the original thereof on file in the Office of the Town Clerk of the Town of Sullivan, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on December 19, 2018.

AMY B. WELLS
Town Clerk

(SEAL)

**RESOLUTION OF THE TOWN BOARD AUTHORIZING THE SUPERVISOR
TO MAKE APPLICATION TO THE NEW YORK STATE COMPTROLLER
FOR APPROVAL TO ESTABLISH THE SLEEPY HOLLOW WATER DISTRICT
EXTENSION NO. 1 PURSUANT TO ARTICLE 12 OF THE TOWN LAW**

Councilor Martin moved and Councilor Brzuszkiewicz seconded the following resolution:

WHEREAS, the Town of Sullivan Town Board on November 7, 2018 pursuant to Article 12 of the Town Law, authorized the establishment and formation of Sleepy Hollow Water District Extension No. 1 in the Town of Sullivan, County of Madison, State of New York; and

WHEREAS, pursuant to Town Law §209-f, upon adoption of such a Resolution and Order the Town is required to make application to the New York State Department of Audit and Control (NYS Comptroller) for permission to construct and operate said Water Improvements in compliance with the statutes in such cases and pursuant to 2 NYCRR Part 85; and

WHEREAS, the Board desires to direct and authorize the Supervisor to make such application copy of which is attached hereto.

NOW THEREFORE BE IT RESOLVED, that the Town of Sullivan Town Supervisor is hereby authorized and directed to make application for permission to establish the Sleepy Hollow Water District Extension No. 1 in the Town of Sullivan, Madison County, New York pursuant to Article 12 of the Town Law in accordance with Town Law §209-f and 2 NYCRR Part 85; and it is further

RESOLVED AND ORDERED,

A. That the attached Application was prepared at the direction of the governing Board;

B. That the Board believes the contents of the Application to be accurate;

C. That the establishment and formation of the District Extension for which permission is sought is in the public interest and will not constitute an undue burden on the properties which will bear the cost thereof; and

D. If the cost of the proposed Water District is to be assessed in whole or in part against a benefitted area, that all real property to be so assessed will be benefitted by the proposed Water Improvements and that no benefitted property has been excluded.

RESOLVED AND ORDERED, this Resolution shall take effect immediately.

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: December 19, 2018

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on December 19, 2018.

**AMY B. WELLS
Town Clerk**

(SEAL)

**AUTHORIZE THE TOWN OF SULLIVAN SUPERVISOR TO EXECUTE
AN AGREEMENT FOR LEGAL SERVICES BY AND BETWEEN
THE TOWN OF SULLIVAN AND COSTELLO COONEY & FEARON, PLLC
RELATIVE TO AN INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED
FOR THE SLEEPY HOLLOW WATER DISTRICT IN THE TOWN OF SULLIVAN,
COUNTY OF MADISON AND STATE OF NEW YORK**

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

WHEREAS, the Town of Sullivan Town Board has undertaken consideration of the formation of a water district in the Town to be known as the "Sleepy Hollow Water District" ("the District"); and

WHEREAS, the Town Board previously adopted a Negative Declaration and completed its SEQRA review relative to the District; and

WHEREAS, the Town Board previously adopted a Resolution and Order to Approve the Increase in the Maximum Amount to be Expended for the Sleepy Hollow Water District pursuant to Town Law §202-d and §196; and

WHEREAS, it is anticipated that legal services relative to the construction, review and financing of the improvements of the District will be necessary to accomplish the goals for the supply of a reliable source of water for this area, as described in the Map, Plan and Report of the Sleepy Hollow Water District; and

WHEREAS, the Town of Sullivan desires to engage legal services from an attorney with experience in such matters; and

WHEREAS, the Town of Sullivan has been presented with a proposed Local Counsel Legal Services Agreement titled "An Agreement for Legal Services By and Between The Town of Sullivan and Costello Cooney & Fearon, PLLC Relative to an Increase in the Maximum Amount to Be Expended for the Sleepy Hollow Water District in the Town of Sullivan, County of Madison and State of New York"; and

WHEREAS, the Town of Sullivan desires to engage the services of Costello, Cooney & Fearon, PLLC for such purposes pursuant to the terms of said Agreement; and

WHEREAS, the engagement of Costello, Cooney & Fearon, PLLC for such professional engineering services 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 hereby authorizes the Town Supervisor to execute the proposed Local Counsel Legal Services Agreement titled "An Agreement for Legal Services By and Between The Town of Sullivan and Costello Cooney & Fearon, PLLC Relative to an Increase in the Maximum Amount to Be Expended for the Sleepy Hollow Water District in the Town of Sullivan, County of Madison and State of New York", subject to final review by the attorney for the Town, and to take such other and further actions as are necessary to engage such services.

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: December 19, 2018

CERTIFICATE

STATE OF NEW YORK)
COUNTY OF MADISON)

I, the undersigned Town Clerk of the Town of Sullivan, Madison County, New York,
DO HEREBY CERTIFY:

That I have compared the foregoing Resolution with the original thereof on file in the Office of the Town Clerk of the Town of Sullivan, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on December 19, 2018.

AMY B. WELLS
Town Clerk

(SEAL)

**AUTHORIZE THE TOWN OF SULLIVAN SUPERVISOR TO EXECUTE
AN AGREEMENT FOR LEGAL SERVICES BY AND BETWEEN
THE TOWN OF SULLIVAN AND COSTELLO COONEY & FEARON, PLLC
RELATIVE TO THE SLEEPY HOLLOW WATER DISTRICT EXTENSION NO. 1**

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

WHEREAS, the Town of Sullivan Town Board has undertaken consideration of the formation of a water district in the Town to be known as the "Sleepy Hollow Water District" ("the District"); and

WHEREAS, the Town Board previously adopted a Negative Declaration and completed its SEQRA review relative to the District; and

WHEREAS, the Town Board previously adopted a Resolution and Order to the Sleepy Hollow Water District Extension No. 1 pursuant to Town Law Article 12; and

WHEREAS, it is anticipated that legal services relative to the construction, review and financing of the improvements of the District will be necessary to accomplish the goals for the supply of a reliable source of water for this area, as described in the Map, Plan and Report of the Sleepy Hollow Water District; and

WHEREAS, the Town of Sullivan desires to engage legal services from an attorney with experience in such matters; and

WHEREAS, the Town of Sullivan has been presented with a proposed Local Counsel Legal Services Agreement titled "An Agreement for Legal Services By and Between The Town of Sullivan and Costello Cooney & Fearon, PLLC Relative to the Sleepy Hollow Water District Extension No. 1"; and

WHEREAS, the Town of Sullivan desires to engage the services of Costello, Cooney & Fearon, PLLC for such purposes pursuant to the terms of said Agreement; and

WHEREAS, the engagement of Costello, Cooney & Fearon, PLLC for such professional engineering services 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 hereby authorizes the Town Supervisor to execute the proposed Local Counsel Legal Services Agreement titled "An Agreement for Legal Services By and Between The Town of Sullivan and Costello Cooney & Fearon, PLLC Relative to the Sleepy Hollow Water District Extension No. 1", subject to final review by the attorney for the Town, and to take such other and further actions as are necessary to engage such services.

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: December 19, 2018

DISCUSSION OF AUTHORIZATION FOR SUPERVISOR TO EXECUTE ENGINEERING SERVICES AGREEMENT (SLEEPY HOLLOW WD AND EXTENSION)

Engineer Taylor Bottar, Barton & Loguidice, addressed the Board and discussed the construction schedule for the Sleepy Hollow Water Project. Mr. Bottar addressed the Board in regards to the amount of time that the Board would like the Engineer to be on-site for the project.

OPEN FUEL BIDS FOR HIGHWAY DEPARTMENT FOR THE YEAR 2019

Supervisor Becker opened two (2) bids for the Highway Department diesel and gas fuel requirements for the year 2019, to wit:

1. Buell Fuels
2. Mirabito Energy Products

Supervisor Becker read both bids aloud and turned the bids over to Highway Superintendent Busa for his review and recommendation. Upon recommendation of Highway Superintendent Busa, a motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously passed by the Board to accept the bid of Buell Fuels for gas and diesel fuel purchases based upon the terms as proposed.



2676 State Route 12B
Deansboro, NY 13328
(315)841-3000 Fax: (315)841-3585

TO: Town of Sullivan
From: Buell Fuel LLC

December 19th 2018

Buell Fuel LLC would like to thank you for the opportunity to bid on your 2018/19 fuel needs.

	Base	Differential	Fluctuating Net Price	Fixed Net Price
ULSD (Diesel)	1.8550	+.0900	1.9450	2.0705
ULSD Winter 60/40	1.9375	+.0900	2.0275	2.2100
Gasoline	1.4205	+.1405	1.5610	N/A

Please feel free to call me at 315-841-9008 with any questions or concerns.

Thank You,

Garth Curtis
Buell Fuel, LLC
315-841-9008
garth@bueellfuel.com

PROPOSAL FOR USIC LOCATING SERVICES, LLC

Highway Superintendent Busa addressed the Board with information on underground locate requests and explained to the Board the cost for USIC services in-comparison to what it costs for the Highway Department to handle the services.

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously passed by the Board to accept the USIC proposal, subject to final Attorney review and approval.

AUTHORIZING THE SALE OF A 2008 JEEP GRAND CHEROKEE TO THE CHITTENANGO FIRE DEPARTMENT

A motion was duly made by Councilor Kopp, seconded by Councilor Martin, and unanimously passed by the Board, to wit:

WHEREAS, the Town of Sullivan (Parks & Recreation Department) owns a 2008 Jeep Grand Cherokee (VIN 1J8GR48K88C237775); and

WHEREAS, the 2008 Jeep Grand Cherokee is excess and surplus equipment and is not needed by the Town of Sullivan (Parks & Recreation Department); and

WHEREAS, the Town has inquired as to the potential sale of the 2008 Jeep Grand Cherokee through various avenues and means; and

WHEREAS, the Chittenango Fire Department has offered to purchase said 2008 Jeep Grand Cherokee from the Town of Sullivan for Five Hundred and 00/100 Dollars (\$500.00); and

WHEREAS, an analysis of the value of the 2008 Jeep Grand Cherokee was undertaken by the Town of Sullivan; and

WHEREAS, the Town Board having determined that this manner of sale is likely to facilitate the best price for the 2008 Jeep Grand Cherokee.

NOW, THEREFORE, IT IS RESOLVED AND DETERMINED that the Town of Sullivan Town Board authorizes the sale of the aforementioned 2008 Jeep Grand Cherokee (VIN 1J8GR48K88C237775) to the Chittenango Fire Department, "as is", without any warranties, express or implied, for a purchase price of Five Hundred and 00/100 Dollars (\$500.00); and it is further

RESOLVED AND DETERMINED that the Town of Sullivan Supervisor is hereby authorized to sign any documentation and take all actions to give full force and effect to this resolution; and it is further

RESOLVED AND DETERMINED that the proceeds of said sale shall be deposited into the appropriate Town of Sullivan Fund, as required pursuant to New York State Law.

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	Ye
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: December 19, 2018

BUDGET MODIFICATIONS

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

Transferring the following:

From	To	Amount
A599 Appropriated Fund Balance	A1010.4	10,720.00

This is to pay the 2nd installment on Trans Pro.

A599 Appropriated Fund Balance	A3120.403	15,040.00
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This is to pay the insulation service on the ESB.

A599 Appropriated Fund Balance	A5010.1702	1,100.00
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This is to pay the overages on this account.

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

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 Eric Rhode for membership in the Bridgeport Fire Department.

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, accepting Eric Rhode as a member in the Bridgeport Fire Company.

OTHER MATTERS DISCUSSED

- 1.) Art Leilo, resident of Eddy Road, addressed the Board with concerns on the shoulders that the NYS Department of Transportation removed on Route 31 near K-Z Automotive in Bridgeport.
- 2.) Jeffrey Taylor, resident of New Boston Road, addressed the Board and stated that he checked in with the front office before entering the building. Mr. Taylor addressed the Board with his concerns about the Codes Enforcement Officer.
- 3.) Erik Solberg, resident of Moore Road, addressed the Board with questions on the 2018 Amendment of the Local Kennel Law.
- 4.) Ernie Houghtaling, resident of Marsh Mill Road, addressed the Board with concerns on a list of unregistered vehicles in the Town of Sullivan that he submitted to the Codes Enforcement Department back in the summer and he has not received an update. Mr. Houghtaling stated that he would like to see the Codes Enforcement Officer attend the Town Board meetings.

EXECUTIVE SESSION

A motion was duly made by Councilor Kopp, seconded by Councilor Brzuszkiewicz and unanimously passed by the Board to go into executive session for advice of Counsel at 10:37 A.M.

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board to close executive session at 11:00 A.M.

ADJOURNMENT

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously passed by the Board to adjourn the meeting at 11:03 A.M.

Respectfully Submitted,

Amy B. Wells, Town Clerk