

**TOWN BOARD
TOWN OF SULLIVAN
REGULAR MEETING
SEPTEMBER 4, 2019
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 Becker at 7 P.M. on September 4, 2019.

Those in attendance for this meeting were: Supervisor John M. Becker; Councilors Jeff Martin, Kerry Ranger, John Brzuszkiewicz, and Tom Kopp; Attorney for the Town John R. Langey; Secretary to the Supervisor Emily Burns; Comptroller Beth Ellis; and Assistant Comptroller Michael Harvey.

Also, in attendance: Members of the Public.

Meeting opened at 7:00 P.M.

Pledge to the flag was led by Supervisor Becker.

APPROVAL OF AUGUST 21, 2019 MEETING MINUTES

A motion was duly made by Councilor Kopp, seconded by Councilor Brzuszkiewicz and unanimously approved by the Board to approve the minutes of the August 21, 2019 Town Board Meeting.

SENECA FEDERAL SAVINGS BANK

Members of Seneca Federal Savings Bank attended to introduce themselves to the public and provided a brief presentation regarding the Bank's services. They stated they hope to have the new location in Bridgeport open by the end of next month.

PARKS & RECREATION ROOF PROJECT

The Town of Sullivan received zero (0) bids for the Parks and Recreation building roof replacement project in response to the bid solicitation. The Town Board made the decision to re-bid the project and have any bids be due on September 24, 2019 by noon for opening and potential awarding of the bid.

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously approved by the Board to re bid the Parks and Recreation roof replacement project with a due date of September 24, 2019 by noon.

CANCEL SEPTEMBER 18, 2019 BOARD MEETING

Supervisor Becker explained the Town Board Meeting on September 18, 2019 at 9:00 A.M. will be cancelled due to the scheduling of the Budget Workshops the following week on September 24, 25, and 26, 2019.

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously approved by the Board to cancel the Town Board Meeting scheduled for September 18, 2019 at 9:00 A.M.

CHANGE LOCATION OF OCTOBER 2, 2019 BOARD MEETING

Supervisor Becker stated the Town Board Meeting scheduled for October 2, 2019 at 7:00 P.M. will be held at the Chittenango High School Auditorium for the presentation of the strategic plan for the Town of Sullivan following the results of the town wide survey.

A motion was duly made by Councilor Martin, seconded by Councilor Brzuszkiewicz and unanimously approved by the Board to change the location of the Town Board Meeting on October 2, 2019 at 7:00 P.M. to the Chittenango High School Auditorium.

INTRODUCTION OF LOCAL LAW NO. B-2019 FOR SPECIAL EVENTS

Supervisor Becker stated the Town has been requested to consider a process for the granting of one day permits for certain special events. In the past, there have been a few local business owners who have expressed interest in holding one-day events. This law would create a process for this to be considered. Thereafter, the following action occurred:

Councilor Kopp introduced proposed Local Law No. B-2019, "A Local Law to Enact a Special Events Law in the Town of Sullivan," and made the following motion which was seconded by Councilor Martin:

WHEREAS, proposed Local Law B-2019 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible after submission of a completed application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; 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 (SEQRA) with respect to the proposed enactment of said proposed Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the said 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.

NOW, THEREFORE, BE IT RESOLVED that the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

RESOLVED that this proposed Local Law will be referred to the Madison County Planning Board pursuant to New York General Municipal Law §239; and it is further

RESOLVED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. B-2019 at the Chittenango High School located at 150 Genesee Street, Chittenango, New York on October 2, 2019 at 7:05 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and be it further

RESOLVED that notice of said public hearing shall be provided at least ten (10) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Sullivan and to any affected municipalities described above.

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 4, 2019

CERTIFICATE

STATE OF NEW YORK)
COUNTY OF MADISON)

I, the undersigned Deputy 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 September 4, 2019.

PAMELA BRIONES
Deputy Town Clerk

(SEAL)

INTRODUCTION OF LOCAL LAW NO. C-2019 FOR PDD AMENDMENTS

Supervisor Becker stated that the Town has been asked to alter the process for amendments to PDDs in the Town to allow the Planning Board to make adjustments to existing PDDs, such as lighting, extensions, etc. Thereafter, the following action occurred:

Councilor Brzuszkiewicz introduced proposed Local Law No. C-2019, "A Local Law to Amend Chapter 275 ("Zoning") of the Town of Sullivan Town Code To Change the Procedure for Amending Certain Components of Established and Existing Planned Development Districts", which Local Law would change the procedure for amending certain components of established and existing Planned Development Districts to create a more efficient amendment process while still ensuring that the health, safety and welfare of the Town of Sullivan is protected, and made the following motion which was seconded by Councilor Martin:

WHEREAS, proposed Local Law C-2019 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law, requires that as early as possible after submission of a completed application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; 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 (SEQRA) with respect to the proposed enactment of said proposed Local Law, with the result that the Town Board shall act as lead agency in this matter; and

WHEREAS, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA; and

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

WHEREAS, the said 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.

NOW, THEREFORE,

BE IT RESOLVED AND DETERMINED that the Town Board has determined that this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

RESOLVED that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. C-2019 at the Chittenango High School located at 150 Genesee Street, Chittenango, New York on October 2, 2019 at 7:10 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and be it further

RESOLVED that notice of said public hearing shall be provided at least ten (10) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Sullivan and to any affected municipalities described above.

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 4, 2019

CERTIFICATE

STATE OF NEW YORK)
COUNTY OF MADISON)

I, the undersigned Deputy 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 September 4, 2019.

PAMELA BRIONES
Deputy Town Clerk

(SEAL)

INTRODUCTION OF LOCAL LAW NO. D FOR TAX LEVY OVERRIDE

Supervisor Becker states that a local law to override the tax levy limit has been put in place every year as a precaution and the Town Board has the ability to rescind if appropriate. Thereafter, the following action occurred:

Councilor Ranger introduced proposed Local Law No. D-2019, relating to the ability of the Town of Sullivan to override the limit on the amount of real property taxes that may be levied by the Town of Sullivan pursuant to General Municipal Law §3-c, and to allow the Town of Sullivan to adopt a Town budget for the fiscal year 2020 in excess of the "tax levy limit," and made the following motion, which was seconded by Councilor Martin:

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 an unlisted action for purposes of environmental review under SEQR; and

WHEREAS, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

WHEREAS, the said 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.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the enactment of proposed Local Law No. D-2019 is an unlisted action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQR review; and it is further

RESOLVED AND DETERMINED, the Town Board has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. D-2019 at the Chittenango High School located at 150 Genesee Street, Chittenango, New York on October 2, 2019 at 7:15 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

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 4, 2019

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STATE OF NEW YORK)
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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 September 4, 2019.

PAMELA BRIONES
Deputy Town Clerk

(SEAL)

OTHER MATTERS DISCUSSED

1. Supervisor Becker spoke about the Veterans of Vietnam ceremony that was recently held at the County.
2. Supervisor Becker spoke about the ribbon cutting ceremony held at the Yellow Brick Road Casino that happened earlier in the day.
3. Supervisor Becker stated the County is holding their Tax Foreclosure Auction on September 21, 2019 at 10 A.M. at the Kallet Civic Center in Oneida.
4. A member of the public addressed the Town Board with questions pertaining to the Special Events Law.
5. A member of the public addressed the Board with his concerns with a neighbor of theirs on Damon Point Road.
6. A member of the public asked for an update on the ditched that need to be cleared out by Sun Chevy. Councilor Martin stated he will follow up on the issue.
7. A member of the public thanked the Town Board members for the action being taken on North Road in Bridgeport.

Prior to the Board attempting to enter into Executive Session, an individual present at the meeting (Jeffrey Mulcahy) was asked to exit the meeting room. Mr. Mulcahy refused, stating that he believed that he was allowed to attend Executive Sessions per New York State Law. Attorney Langey indicated that he had not been invited in by the Town Board to the Executive Session and must leave. Mr. Mulcahy refused to leave after multiple attempts to convince him to exit the meeting room. At that time, Supervisor Becker summoned the Madison County Sheriff's Department for assistance relative to Mr. Mulcahy. Upon arrival of the Madison County Sheriff's Department, Deputies from the Department requested that Mr. Mulcahy leave. Mr. Mulcahy initially refused to leave. After some time, the Deputies were able to extricate Mr. Mulcahy from the meeting room. Thereafter, the Board did lawfully enter the following executive session.

EXECUTIVE SESSION

A motion was duly made by Councilor Martin, seconded by Councilor Kopp and unanimously approved by the Board to enter into executive session at 7:56 P.M. to discuss attorney client matters as well as personnel.

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously approved by the Board to exit executive session at 9:37 P.M.

SCHEDULE A SPECIAL BOARD MEETING

A motion was duly made by Councilor Ranger, seconded by Councilor Kopp and unanimously approved by the Board to schedule a Special Town Board Meeting on September 9, 2019 at 11:00 A.M. to discuss a Foil Appeal that was submitted to the Town Board.

ADJOURNMENT

A motion was duly made by Councilor Martin, seconded by Councilor Ranger and unanimously approved by the Board to adjourn the Town Board meeting at 9:38 P.M.

Respectfully Submitted,
Emily Burns, Secretary to the Supervisor