

**TOWN BOARD
TOWN OF SULLIVAN
SPECIAL MEETING
OCTOBER 9, 2019
3:30 P.M.**

A special meeting of the Town Board of the Town of Sullivan was convened at the Town Office Building by Supervisor Becker at 3:30 P.M. on October 9, 2019.

Those in attendance for this meeting were: Supervisor John M. Becker; Councilors John Brzuszkiewicz; Jeff Martin, Kerry Ranger and Tom Kopp; and Secretary to the Supervisor Emily Burns.

Also, in attendance: Comptroller Beth Ellis; and Assistant Comptroller Michael Harvey.

Meeting opened at 3:30 P.M.

Pledge to the flag was led by Supervisor Becker.

**RESOLUTION OF THE TOWN BOARD AUTHORIZING THE SUPERVISOR TO MAKE APPLICATION
TO THE NEW YORK STATE COMPTROLLER FOR THE CONSTRUCTION AND OPERATION OF
PROPOSED WATER IMPROVEMENTS, PURSUANT TO ARTICLE 12-C OF THE TOWN LAW,
TO BE KNOWN AS “THE TOWN OF SULLIVAN - HAMILTON BROWN/BUSHNELL SHORE
WATER IMPROVEMENT PROJECT”**

Councilor Brzuszkiewicz moved and Councilor Martin seconded the following resolution:

WHEREAS, the Town of Sullivan Town Board on November 7, 2018, pursuant to Article 12-C of the Town Law, approved the construction and operation of **“The Town of Sullivan – Hamilton Brown/Bushnell Shore Water Improvement Project”** (the “Water Improvements”) the Town of Sullivan, County of Madison, State of New York; and

WHEREAS, pursuant to Town Law § 209-q, 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.

NOW WHEREFORE BE IT RESOLVED, that the Town of Sullivan Town Supervisor is hereby authorized and directed to make application for permission to construct and operate of **“The Town of Sullivan – Hamilton Brown/Bushnell Shore Water Improvement Project”** in the Town of Sullivan, Madison County, New York pursuant to Article 12-C of the Town Law in accordance with Town Law § 209-q and 2 NYCRR Part 85; and it is further

RESOLVED AND ORDERED,

- A. That the 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 Water Improvements, construction, operation or expenditure 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 Improvements 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 M. Becker	Supervisor	Voted	YES
John E. Brzuszkiewicz	Councilor	Voted	YES
Thomas J. Kopp Jr.	Councilor	Voted	YES
Kerry Ranger	Councilor	Voted	YES
Jeffrey Martin	Councilor	Voted	YES

The foregoing resolution was thereupon duly adopted.

DATED: October 9, 2019

SCHEDULE "A"

The Hamilton Brown/Bushnell Shore Water District, situated in the Town of Sullivan, Madison County and State of New York, being more particularly described as follows:

Bushnell Shore Road

Commencing at a Point of Beginning, said Point being on the southeastern corner of Parcel 9.-3-8.12, in the Town of Sullivan; said point also being on the westerly highway boundary of Bushnell Shore Road;

1. Thence westerly along the southern boundary of Parcel 9.-3-8.12 to the southwestern property corner of said Parcel;
2. Thence northerly along the western boundaries of Parcels 9.-3-8.12, 9.-3-8.11, 9.-3-8.7, 9.-3-8.6, and 9.-3-8.51 to the northwestern property corner of Parcel 9.-3-8.51;
3. Thence easterly along the northern boundary of Parcel 9.-3-8.51 to the northeastern property corner of said Parcel, said point being the western boundary of the Bushnell Shore Road right-of-way;
4. Thence northerly along the western boundary of the Bushnell Shore Road right-of-way to a point, said point being the westerly projection of the northern boundary of Parcel 9.-3-8.9;
5. Thence easterly across the Bushnell Shore Road right-of-way to the easterly highway boundary and the northwest property corner of Parcel 9.-3-8.9;
6. Thence easterly along the northern boundary of Parcel 9.-3-8.9 to the northeastern property corner of said Parcel;

7. Thence southerly along the eastern boundary of Parcel 9.-3-8.9 to the southeastern property corner of said Parcel;
8. Thence westerly along the southern boundary of Parcel 9.-3-8.9 to the southwestern property corner of said Parcel; said point being the eastern boundary of the Bushnell Shore Road right-of-way;
9. Thence southerly along the eastern boundary of the Bushnell Shore Road right-of-way to the northwestern property corner of Parcel 9.-3-8.42;
10. Thence easterly along the northern boundary of Parcel 9.-3-8.42 to the northeastern property corner of said Parcel;
11. Thence southerly along the eastern boundary of Parcel 9.-3-8.42 to the southeastern property corner of said Parcel;
12. Thence westerly along the southern boundary of Parcel 9.-3-8.42 to the southwestern property corner of said Parcel; said point being the eastern boundary of the Bushnell Shore Road right-of-way;
13. Thence westerly across the Bushnell Shore Road right-of-way, on a projection of the southern boundary of Parcel 9.-3-8.42, to the western highway boundary of Bushnell Shore Road;
14. Thence northerly along the western boundary of the Bushnell Shore Road right-of-way to the southeastern corner of Parcel 9.-3-8.12, said point also being the Point of Beginning.
15. Including part or all of the following Parcels on the east and west sides of Bushnell Shore Road in the Town of Sullivan:

East side:	9.-3-8.42	West side:	9.-3-8.11
	9.-3-8.9		9.-3-8.12
			9.-3-8.51
			9.-3-8.6
			9.-3-8.7

Hamilton Brown Road

Part A: Commencing at a Point of Beginning, said Point being on the southwestern corner of Parcel 9.5-1-2, in the Town of Sullivan; said point also being on the eastern highway boundary of Hamilton Brown Road;

1. Thence easterly along the southern boundary of Parcel 9.5-1-2 to the southeastern property corner of said Parcel;
2. Thence northerly along the eastern boundary of Parcel 9.5-1-2 to the northeast property corner of said Parcel;
3. Thence easterly to a point 300 feet east of the easterly highway boundary of Hamilton Brown Road;
4. Thence northerly through Parcels 3.-3-77.11 and 3.3-77.12 parallel to Hamilton Brown Road to the northern boundary of Parcel 3.-3-77.11;

5. Thence westerly along the northern boundary of Parcel 3.-3-77.11 to the easterly boundary of the Hamilton Brown Road right-of-way;
6. Thence easterly across the right-of-way of Hamilton Brown Road to the northeastern property corner of Parcel 3.-3-74;
7. Thence easterly along the northern boundary of Parcel 3.-3-74 to the northwestern property corner of said Parcel; said point also being a property corner of Parcel 3.-3-73.1;
8. Thence easterly along the northern boundary of Parcel 3.-3-73.1 to a point that is 300 feet west of the western boundary of Hamilton Brown Road;
9. Thence southerly across Parcel 3.-3-73.1 parallel to Hamilton Brown Road to a southern boundary of Parcel 3.-3-73.1 and the northern boundary of Parcel 3.-3-75;
10. Thence easterly along the northern boundary of Parcel 3.-3-75 to the northeastern property corner of said Parcel; said point also being a property corner of Parcel 3.-3-73.1;
11. Thence southerly along the eastern boundary of Parcel 3.-3-75 and a western boundary of Parcel 3.-3-73.1 to the northern boundary of Parcel 3.-3-76;
12. Thence westerly along the northern boundary of Parcel 3.-3-76 to a point 300 feet west of the western boundary of Hamilton Brown Road;
13. Thence southerly across Parcels 3.-3-76 and 8.-2-41 parallel to Hamilton Brown Road to the southern boundary of Parcel 8.-2-41;
14. Thence easterly along the southern boundary of Parcel 8.-2-41 to the southeastern property corner of said Parcel; said point being the western boundary of the Hamilton Brown Road right-of-way;
15. Thence easterly across the Hamilton Brown Road right-of-way on a projection of the southern boundary of Parcel 8.-2-41, to the eastern highway boundary of Hamilton Brown Road; said point also being the western boundary of Parcel 3.-3-77.11;
16. Thence southerly along the eastern highway boundary of Hamilton Brown Road to the southwest corner of Parcel 9.5-1-2; said point also being the Point of Beginning.

Part B: Commencing at a Point of Beginning, said Point being on the southwestern corner of Parcel 4.54-1-12, in the Town of Sullivan;

1. Thence easterly along the southern boundary of Parcel 4.54-1-12 to the southeastern property corner of said Parcel; said point being on the western shoreline of Oneida Lake;
2. Thence northerly along the Oneida Lake shoreline, and the eastern boundaries of Parcels 4.54-1-12, 4.54-1-11, 4.54-1-10, 4.54-1-9, 4.54-1-8, 4.54-1-6, 4.54-1-5.1, 4.54-1-4, 4.54-1-3, 4.54-1-2, and 4.54-1-1 to the northwestern property corner of Parcel 4.54-1-1;
3. Thence southerly along the western boundary of 4.54-1-1 to the southwestern property corner of said Parcel; said point being the northern highway boundary of Hamilton Brown Road;
4. Thence southerly across the right-of-way of Hamilton Brown Road to a corner of Parcel 3.-3-62; said point being on the western boundary of Parcel 4.54-1-2 and on the southern boundary of the Hamilton Brown right-of-way;

5. Thence southerly along the western boundaries of Parcels 4.54-1-2, 4.54-1-4, 4.54-1-5.1, 4.54-1-6, 4.54-1-8, 4.54-1-9, 4.54-1-11, and 4.54-1-12 to the southwestern corner of Parcel 4.54-1-12; said point also being the Point of Beginning.
6. Including part or all of the following Parcels on the east and west sides of Hamilton Brown Road in the Town of Sullivan:

Part A:	3.-3-73.1	Part B:	4.54-1-1
	3.-3-73.2		4.54-1-2
	3.-3-73.3		4.54-1-3
	3.-3-74		4.54-1-4
	3.-3-76		4.54-1-5.1
	3.-3-77.11		4.54-1-6
	3.-3-77.12		4.54-1-8
	8.-2-41		4.54-1-9
	9.5-1-2		4.54-1-10
			4.54-1-11
			4.54-1-12

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 October 9, 2019.

PAMELA BRIONES
Deputy Town Clerk

(SEAL)

**APPROVAL FOR BOND RESOLUTION FOR HAMILTON BROWN BUSHNELL SHORE WATER
IMPROVEMENT PROJECT**

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

BOND RESOLUTION DATED OCTOBER 9, 2019.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$800,000 SERIAL BONDS OF THE TOWN OF SULLIVAN, MADISON COUNTY, NEW YORK, TO PAY THE COST OF WATER SYSTEM IMPROVEMENTS IN AND FOR THE TOWN OF SULLIVAN, MADISON COUNTY, NEW YORK.

WHEREAS, pursuant to the proceedings heretofore duly had and taken in accordance with the provisions of Article 12-C of the Town Law, and more particularly an order dated November 7, 2018, said Town Board has determined it to be in the public interest to establish the Town of Sullivan - Hamilton Brown/Bushnell Shore Water Improvement Project and make certain water system capital improvements therefor, at a maximum estimated cost of \$800,000; and

WHEREAS, said improvements have been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act the implementation of which, as proposed, the Town Board has determined will not result in any significant environmental effects; and

WHEREAS, it is now desired to provide funding for such improvements; NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Sullivan, Madison County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the construction of water system improvements, consisting of approximately 6,900 feet of 8" water main with 6 hydrants on Hamilton Brown Road and approximately 1,200 feet with 3 hydrants on Bushnell Shore Road, and including machinery, apparatus, appurtenances and other incidental improvements and expenses in connection therewith, to serve the Town of Sullivan - Hamilton Brown/Bushnell Shore Water Improvement Project, at a maximum estimated cost of \$800,000, there are hereby authorized to be issued \$800,000 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of said class of objects or purposes is by the issuance of the \$800,000 serial bonds of said Town authorized to be issued therefor pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Sullivan, Madison County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. To the extent not paid from assessments and/or water rates with the Hamilton Brown/Bushnell Shore Water Improvement Project, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of said Town; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Town shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matter related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

Section 8. The intent of this resolution is to give the Supervisor sufficient authority to execute those agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or notes without resorting to further action of this Town Board.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution which takes effect immediately shall be published in summary form in the official newspaper of the Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<u>John E. Brzuszkiewicz, Councilor</u>	VOTING	<u>Aye</u>
<u>Thomas J. Kopp, Jr., Councilor</u>	VOTING	<u>Aye</u>
<u>Kerry Ranger, Councilor</u>	VOTING	<u>Aye</u>
<u>Jeffrey Martin, Councilor</u>	VOTING	<u>Aye</u>
<u>John M. Becker, Supervisor</u>	VOTING	<u>Aye</u>

The resolution was thereupon declared duly adopted.

* * * * *

A motion was duly made by Councilor Brzuszkiewicz, seconded by Councilor Martin and unanimously approved by the Board to accept the official quote made by Over the Top Roofing for \$ 74,000.00 for completing the Parks and Recreation Roof.

TAKE DOWN AND REPLACEMENT OF BLUE SPRUCE IN FRONT OF BRIDGEPORT METHODIST CHURCH

Supervisor Becker presented a quote from Walker Tree Care for the removal and replacement of the Blue Spruce tree located in front of the Bridgeport Methodist Church for \$2,550.00.

A motion was duly made by Councilor Ranger, seconded by Councilor Brzuszkiewicz and unanimously approved by the Board to accept the quote for the removal and replacement of a Blue Spruce tree located at the Bridgeport Methodist Church provided by Walker Tree Care, Inc.

BUDGET WORKSHOP

Budget Workshops began at 3:50 P.M. with Highway and Parks and Recreation.

BUDGET MODIFICATION

Transferring \$5,000.00 from A1990.4 Contingent to A1410.172 Town Clerk Deputy Line as the Town Clerk is out of money in this line.

A motion was duly made by Councilor Ranger, seconded by Councilor Kopp and unanimously approved by the Board to approve the budget modification allowing the transfer of \$5,000.00 from A1990.4 Contingent to A1410.172 Town Clerk Deputy Line.

ADJOURNMENT

A motion was duly made by Supervisor Becker, seconded by Councilor Brzuszkiewicz and unanimously approved by the Board to adjourn the Special Board Meeting at 5:05 P.M.

Respectfully Submitted,
Emily Burns, Secretary to the Supervisor