

**TOWN OF SULLIVAN
TOWN BOARD MEETING
FEBRUARY 7, 2024 AT 7:00 P.M.**

A regular meeting of the Town Board of the Town of Sullivan was convened at 7:00 P.M. on February 7, 2024 by Supervisor Thomas Daviau.

The meeting was held at the Town Office Building located at 7507 Lakeport Road. The meeting was also streamed live via YouTube. The link and a passcode for the public to join the meeting were posted on the Town’s website.

Present were: Supervisor Thomas Daviau; Town Councilors David Montroy, Jeffrey Martin, Daniel Gibbons, and Kerry Ranger; Attorney for the Town John Langey; Clerk to the Supervisor Dawn Cottet; Comptroller Beth Ellis; Deputy Comptroller Kelly Bassett; Parks Department Lou LaPlante; Parks & Recreation Lori Davies; Highway Superintendent Andy Busa; Clerk to the Highway Superintendent Mary Cate Voss; Building and Code Officer Larry Ball; Court Clerk Kim Howard; and Deputy Town Clerk Jill Doss.

Also present were: Bruce Burke of PAC99; Ernie Hotaling; Lou Cianfrocco; Paula Busa; Fire Chief Jim Ostrowski; Fire Chief Tim Flynn; Dale Lanphear; Terry Mann; Shannon Emmons; Barton & Loguidice Ken Knutsen; Eric Tedford; Bruce Gardner; Pete Darmento; Russ Wehner; Town resident (Brent); and Art Lelio.

Pledge to the flag was led by Supervisor Thomas Daviau.

APPROVAL OF JANUARY 17, 2024 MEETING MINUTES

A motion was duly made by Councilor Martin seconded by Councilor Montroy to approve the minutes of January 17, 2024. It was noted on Page 9 of the minutes under Organizational Portion of Meeting Follow-up Activities the vote should be corrected as follows:

DAVID MONTROY	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
KERRY RANGER	COUNCILOR	VOTED	YES
<i>JEFFREY MARTIN</i>	<i>COUNCILOR</i>	<i>VOTED</i>	<i>NO</i>
<i>THOMAS DAVIAU</i>	<i>SUPERVISOR</i>	<i>VOTED</i>	<i>ABSTAIN</i>

With no further correction or discussion, the following vote was recorded to adopt the Town Board meeting minutes as corrected of January 17, 2024.

DAVID MONTROY	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
KERRY RANGER	COUNCILOR	VOTED	YES
JEFFREY MARTIN	COUNCILOR	VOTED	YES
THOMAS DAVIAU	SUPERVISOR	VOTED	YES

Motion carried.

**SEQR DETERMINATION WITH NEGATIVE DECLARATION
ASSOCIATED WITH THE FINANCING AND CONSTRUCTION
OF A 3 BAY AMBULANCE/HIGHWAY EQUIPMENT GARAGE
FOR THE TOWN OF SULLIVAN**

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

WHEREAS, the Town of Sullivan has previously held discussions regarding the financing and construction of a new proposed 3 bay ambulance/heavy equipment garage to be erected at 7507 Lakeport Road, Chittenango, New York 13037 (the “Project”); and

WHEREAS, the Project consists of the undertaking of the construction and erection of an approximately 30-foot x 50-foot stick built insulated structure on a concrete slab floor to accommodate three (3) 16’+/- wide bays with overhead door openings and other improvements; and

WHEREAS, previously the Town of Sullivan, in furtherance of the Project, has made application through the Dormitory Authority State of New York (“DASNY”) for financial assistance by way of the Community Resiliency, Economic Sustainability, and Technology Program (“CREST Program”) to obtain funds to offset the cost of the Project; and

WHEREAS, the Town of Sullivan has been advised of the award of monies through the CREST Program for portions of such costs and expenses; and

WHEREAS, the Town of Sullivan has previously solicited bids for the construction of said Project; and

WHEREAS, the Town Board has previously determined that it will be in the best interest of the Town and its citizens to undertake the proposed Project; and

WHEREAS, Volume 6 N.Y.C.R.R., Sections 617.3 and 617.6 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (SEQRA), requires that as early as possible an involved agency shall make a determination whether a given action is subject to the aforementioned law; 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 Town Board has reviewed Parts 1, 2 and 3 of the submitted Short EAF prepared for this action and has fully considered, analyzed and discussed the areas of concern of said EAF.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Sullivan hereby determines for purposes of SEQR that:

1. The proposed project is an Unlisted Action;
2. The Town of Sullivan Town Board will assume lead agency status for SEQR review purposes; and it is further

RESOLVED, that the Town of Sullivan Town Board, after careful review of the proposed action and the completed EAF, hereby determines that the proposed action will 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 for purposes of SEQRA; and it is further

RESOLVED that the reasons and findings supporting the foregoing Negative Declaration are as follows:

1. The proposed Project will not create a material conflict with any adopted land use plan or zoning regulations, including any Town of Sullivan adopted Comprehensive Plan;
2. While the proposed Project will result in some change in the use or intensity of the use of land at 7507 Lakeport Road, Chittenango after construction of the proposed structure, such minor changes will be positive insofar as they

will help to address the needs of the Town and its residents for emergency services through the equipment and staffing housed in said structure;

3. The proposed Project will not impair the character or quality of the existing community as it will act to benefit those receiving assistance from the ambulance and emergency services housed therein;
4. The proposed Project will not impact any established critical environmental areas, as no such areas exist in the Town;
5. The proposed Project will not result in an adverse change to the existing levels of traffic or negatively affect any existing infrastructure for mass transit, biking, or walkways. It is anticipated that dispatches to and from the structure will be intermittent throughout the week and the existing road system is sufficient to handle such limited additional traffic;
6. The proposed Project will not involve any increased use of energy, other than at the time of construction which will be temporary and minimal in nature;
7. The proposed Project will not impact existing public/private water supplies or public/private wastewater facilities as such public facilities are available to the site;
8. The proposed Project will not impair the character or quality of any important historic, archeological, architectural or aesthetic resources since the proposed projects involves work in and alongside the existing Town of Sullivan Town Hall parking area;
9. The proposed Project will not result in any adverse change to any natural resources, as no such resources have been identified;
10. The proposed Project will not result in an increase in the potential for erosion, flooding or drainage improvements, as no such issues have been identified and it is further recognized that the site has experienced no such issues in the past;
11. The proposed Project will not create a hazard to any environmental resources or human health as identified by the Town Board; and it is further

RESOLVED that the Town's legal counsel shall distribute and publish this Negative Declaration pursuant to the requirements of 6. N.Y.C.R.R., Part 617, if necessary; and it is further

RESOLVED AND DETERMINED that the Town of Sullivan Town Board hereby determines to proceed with the Project subject to sufficient financing and in accordance with the previously awarded construction contract; and it is further

RESOLVED AND DETERMINED that the Town Supervisor is hereby authorized to sign any additional documentation in association with the construction and operation of the approved 3 bay ambulance/heavy equipment garage which is the subject of this Resolution and to further complete any additional documentation necessary for the referenced Grant Programs.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

KERRY RANGER	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
JEFFREY MARTIN	COUNCILOR	VOTED	YES
DAVID MONTROY	COUNCILOR	VOTED	YES
THOMAS G. DAVIAU	SUPERVISOR	VOTED	YES

The foregoing resolution was thereupon declared duly adopted.

MS4 STORMWATER PRGRAM COMPLIANCE AGREEMENT
WITH BARTON & LOGUIDICE

Attorney for the Town Langey briefly explained the MS4 Compliance Agreement. Ken Knutsen of Barton & Loguidice spoke of the proposal to assist the Town through this review process. He also spoke of the reviews Barton & Loguidice have assisted the Town Planning Board with to date. Code Officer Larry Ball commented he has seen the new MS-4 form on line with the new requirements and key dates. Mr. Knutsen advised that the fee to cover these items will not exceed \$6,500.00. Upon the motion made by Councilor Martin and seconded by Councilor Ranger, the Town Board approves the described services by Barton & Loguidice for MS-4 compliance services on a time and expense basis for a not-to-exceed fee of \$6,500.00. Monthly invoicing will be provided. With no further discussion, a roll call voted was taken as follows:

KERRY RANGER	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
JEFFREY MARTIN	COUNCILOR	VOTED	YES
DAVID MONTROY	COUNCILOR	VOTED	YES
THOMAS G. DAVIAU	SUPERVISOR	VOTED	YES

Motion carried.

HARBOR LIGHTS SENIOR HOUSING APARTMENT BUILDING
PROPOSAL FOR ENGINEERING AND ENVIRONMENTAL REVIEW SERVICES –
AMENDMENT NO. 1 – BARTON & LOGUIDICE

Attorney for the Town Langey updated the Town Board on the status of the Planning Board’s review of the project. Ken Knutsen from Barton & Loguidice explained in detail the need for the Amendment to the engineering and environmental review. Mr. Knutsen explained the process with the Planning Board and the Harbor Lights developer, as well as the reviews that have taken place to date. Upon the motion made by Councilor Martin and seconded by Councilor Gibbons, the Town Board approves the additional expense for Amendment No. 1 by Barton & Loguidice for Harbor Lights Senior Housing project. Councilor Martin asked about the reviews and how, in the future, a second detailed review could be avoided. Mr. Knutsen explained that ensuring an application is complete and accurate, assure design plans are in accordance with DEC wetland regulations any geo-thermal well information is included at the initial stages can reduce this expense. Supervisor Daviau commented that perhaps setting up a preliminary meeting with the developer, Board Chairman and perhaps a B & L representative and Code Officer, might be a way to ensure necessary information is included at the start of the process. Mr. Knutsen commented that going forward he will be certain that the Code Officer and Town Board are included in information updates on various projects that Barton & Loguidice are reviewing. Art Lelio commented that he had reviewed the Barton & Loguidice responses and they are right on point relative to their review of the Harbor Lights Senior Housing project. With no further discussion, a roll call vote was taken as follows:

KERRY RANGER	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
JEFFREY MARTIN	COUNCILOR	VOTED	YES
DAVID MONTROY	COUNCILOR	VOTED	YES
THOMAS G. DAVIAU	SUPERVISOR	VOTED	YES

Motion carried.

PROPOSED DOLLAR GENERAL -ROUTE 31 REVIEW BY BARTON & LOGUIDICE

Ken Knutsen from Barton & Loguidice spoke to the Board in regard to the services that would be provided for the Town Planning Board relative to the review of the proposed site plan and Special Use Permit for the Dollar General store on Route 31; traffic and archeological studies will be included. The plan would be to have the review done prior to the next Planning Board meeting. The proposed review agreement for Barton & Loguidice for these services would be \$7,000.00. Upon the motion made by Councilor Ranger and seconded by Councilor Gibbons, the Board approves the \$7,000.00 for review costs by Barton & Loguidice for the proposed Dollar General on Route 31. With no further discussion, a roll call vote was taken as follows:

KERRY RANGER	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
JEFFREY MARTIN	COUNCILOR	VOTED	YES
DAVID MONTROY	COUNCILOR	VOTED	YES
THOMAS G. DAVIAU	SUPERVISOR	VOTED	YES

Motion carried.

**PROPOSED PURCHASE OF PORTABLE GENERATOR(S) FOR
SEWER PUMP STATIONS AND SLEEPY HOLLOW DISTRICT**

Highway Superintendent Busa advised that he has been researching the purchase of two portable generators for emergency use for the two sewer pump stations and for the Sleepy Hollow District. These would not be for the Highway Department. Each generator would be three-phase to single phase with four selections for power. The generators would handle the service that would be required for the pump stations and Sleepy Hollow District. Pricing has been received from Sourcewell for model - Doosan G25WDO-3A-T4F generator, and from Atlas Copco -- a model QAS-25. The option to rent a portable generator was also discussed, but in an emergency, generators are not always available and if they are, cost on average per week is \$1,000.00. The question was raised if the generator were used for a specific district how would the financial purchase be handled? Would it be a District expense? Attorney for the Town Langey will investigate this further and advise the Town Board. If this were an expense that was taken from town-wide portion of budget, then the units could be used other places throughout the Town. Councilor Ranger suggested that the Board review the information further and discuss it at the next Board meeting.

**PROPOSED PURCHASE OF 2024 FORD F-350 TRUCK
FOR HIGHWAY DEPARTMENT**

Highway Superintendent Busa reported that the Town Highway Department will be replacing the 2014 Ford F-250 with a Ford F-350 gas engine, single cab, with dumping capacity, dual rear tires, flatbed, and snowplow. This type of vehicle has proven to be more useful for the Department. Highway Superintendent Busa asked for permission to order the vehicle as part of the 2024 budget and vehicle rotation schedule. The truck and equipment price is \$62,800.00. Thereafter, the following action took place:

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

WHEREAS, the Town of Sullivan Highway Department has previously advised the Town Board of the Town of Sullivan of its continuing need to repair, replace and update its fleet of equipment; and

WHEREAS, the Town of Sullivan Highway Department previously advised of its desire to acquire a new 2024 Model Year Ford F-350 DRW XL Regular Cab with specified equipment; and

WHEREAS, the Town has placed a request through the Office of General Services Vehicle Marketplace (NYS OGS Award 23166/Contract #PC69830) and received an offer and proposal on same; and

WHEREAS, purchase through the Office of General Services Vehicle Marketplace is compliant with the provisions of General Municipal Law §104; and

WHEREAS, the Town of Sullivan Highway Department has utilized said services to obtain a bid, which bid upon review by the Town Board has been deemed to have achieved the best price for such equipment; and

WHEREAS, the bid price for such equipment from the Office of General Services Vehicle Marketplace has been determined to not exceed Sixty-Eight Thousand Two Hundred Eighty-Seven and 21/100 Dollars (\$68,287.21) from retailer NYE Automotive Group; and

WHEREAS, such procurement 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 any necessary documents to purchase 2024 Model Year Ford F-350 DRW XL Regular Cab with specified equipment (Boondocker Upfit – dump, plow, undercoat, etc.), in an amount not to exceed Sixty-Eight Thousand Two Hundred Eighty-Seven and 21/100 Dollars (\$68,287.21) through the Office of General Services Vehicle Marketplace from Nye Automotive Group, 1479 Genesee Street, Oneida, New York 13421 (NYS OGS Award 23166/Contract #PC69830), upon the terms provided in the submitted proposal by way of cash payment, utilizing funds from the appropriate Highway Department Fund.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

KERRY RANGER	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
JEFFREY MARTIN	COUNCILOR	VOTED	YES
DAVID MONTROY	COUNCILOR	VOTED	YES
THOMAS G. DAVIAU	SUPERVISOR	VOTED	YES

The foregoing resolution was thereupon declared duly adopted.

SULLIVAN COMMUNITY COUNCIL (SCC) CONTRACT CHANGE

Parks & Recreation Lori Davies reported that the Sullivan Community Council met and have requested that the Sullivan Community Council Contract be changed. Currently, the language in the Contract requires an audit of finances. The Council is recommending that this requirement be changed from an “audit” to a “financial review” due to a review being much less expensive. The Council agreed that if in the future an audit would be

required, that the contract could be amended to cover that as well. Upon the motion made by Councilor Martin and seconded by Councilor Montroy, the Town Board unanimously approves the recommendation of the Sullivan Community Council to change the contract language to require a “financial review” to “audit.”

ATTENDANCE APPROVAL FOR PARKS & RECREATION CONFERENCE

Parks & Recreation Lori Davies requested permission for Parks & Recreation staff member Chris Lowe to attend the Parks & Recreation Conference April 14-16, 2024 in Glens Falls, NY. Cost for the conference is \$700.00 plus travel expenses. It was suggested that the Town vehicle be used. Upon the motion made by Councilor Martin and seconded by Councilor Gibbons, the Town Board unanimously approves attendance for Chris Lowe from Parks & Recreation Department at the Parks & Recreation Conference in Glens Falls, NY April 14-16, 2024 for a cost of \$700.00 plus travel expenses with the recommendation that the Town vehicle be used for transportation.

BUDGET MODIFICATION

The following budget modification was requested: Transfer \$20,000.00 from Contingent to Insurance Unallocated Items to cover the increase of insurance costs for 2024. Upon the motion made Councilor Montroy and seconded by Councilor Ranger, the Town Board approves the budget modification as outlined above. With no further discussion, a roll call vote was taken, as follows:

KERRY RANGER	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
JEFFREY MARTIN	COUNCILOR	VOTED	YES
DAVID MONTROY	COUNCILOR	VOTED	YES
THOMAS G. DAVIAU	SUPERVISOR	VOTED	YES

Motion carried.

**NORTH CHITTENANGO FIRE DEPARTMENT REQUEST
TO PURCHASE DEMONSTRATOR TOOL SET FOR DEPARTMENT**

Fire Chief Tim Flynn advised the Board of the North Chittenango Fire Department’s request to purchase a demonstrator model auto-extricating, cutting, jaws, lifting tool set to replace the Department’s existing twenty year old tool. The demonstrator model is eight years old and does carry a limited warranty and is available through Jerome Fire Equipment for a cost not to exceed \$12,200.00. The plan would be to use the reserve fire line in the Town budget and pay back the cost over a four-year period. Upon the motion made by Councilor Gibbons and seconded by Councilor Ranger, the Town Board approves the request to purchase the demonstrator tool set from Jerome Fire Equipment for a cost of \$12,200.00 which will be charged to the reserved fire line in the 2024 Town budget and paid back over a four-year period. With no further discussion, a roll call vote was taken, as follows:

KERRY RANGER	COUNCILOR	VOTED	YES
DANIEL GIBBONS	COUNCILOR	VOTED	YES
JEFFREY MARTIN	COUNCILOR	VOTED	YES
DAVID MONTROY	COUNCILOR	VOTED	YES
THOMAS G. DAVIAU	SUPERVISOR	VOTED	YES

Motion carried.

FIREFIGHTER APPLICATION

No firefighter applications received at this meeting.

RESIDENT QUESTION

Art Lelio asked about the status of a “junk yard” that has recently developed on the north side of Route 31 near Monroe Ave. He questioned if any action will or has been taken. Art Lelio also commented that he had reviewed Barton & Loguidice’s response to the Harbor Lights review and stated that Barton & Loguidice had done a nice job on the review.

EXECUTIVE SESSION

Upon the motion made by Councilor Martin and seconded by Councilor Montroy, the Board went into Executive Session at 7:37 p.m. for advice of Counsel concerning the employment history for a particular employee. Attorney for the Town Langey and Parks & Recreation Lori Davies were invited to attend the Executive Session. It was noted that there may be action at the conclusion of the Executive Session.

A motion was made by Councilor Ranger and seconded by Councilor Martin, the Board unanimously approved to come out of Executive Session at 8:10 P.M. No action was taken.

ADJOURNMENT

With no further business and upon the motion made by Councilor Martin and seconded by Councilor Gibbons, the Town Board meeting was adjourned at 8:11 P.M. with all Town Board Members voting in favor.

Respectfully submitted,

Jill A. Doss
Deputy Town Clerk