

**Town of Delaware Town Board
Reorganizational Meeting
January 10, 2018 – 6:45 p.m.**

Members Present:

Edward T. Sykes, Supervisor
Cindy Herbert, Councilwoman
Alfred Steppich, Councilman
John Gain, Councilman
Christopher Hermann, Councilman

Also present: Tess McBeath, Town Clerk; Jim McElroy, Building Inspector/Code Enforcement Officer; Kenneth C. Klein, Town Attorney

Supervisor Sykes opened the meeting at 6:45 and reviewed the following line by line:

REORGANIZATIONAL APPOINTMENTS/RE-APPOINTMENTS

Building Inspector/ Code Enforcement Officer	James McElroy	\$31,000.00
Bookkeeper	Brenda Long	31,000.00
Bookkeeper Assistant	Lillian Bauernfeind	26,500.00
Registrar	Lillian Bauernfeind	3,090.00
Sewer/Water Clerk	Lillian Bauernfeind	3,000.00
Budget Officer	Edward T. Sykes	2,000.00
County Planning Board	Terry Zieres	
Fire Advisory Board Rep.	Thomas Dent	
E-911 Representative	James McElroy	
Office for the Aging Representative	Vincent Alukonis	
Town Attorney	Kenneth C. Klein, Esq.	26,000.00
Planning & Zoning Attorney	Kenneth C. Klein, Esq.	
Court V&T Attorney	Kenneth C. Klein, Esq.	6,000.00
Court Clerk	Sally Creegan	8,800.00
Court Constable	Roy Sumfleth	15/hr
Cleaning Service	Linda Eschenberg	50/wk
Dog Control Officer		
Town Engineer	Delaware Engineering, P.C.	
Marriage Officer	H. John Kramer, Retired Justice	
Assessor	Renée Ozomek	43,500.00
Data Collector	Thomas Totten	17/hr
Board of Assessment Review:	Edmund Raum	20/hr
	Vincent Alukonis	20/hr
	David Knudsen	20/hr
	Jason Hofer	20/hr
	Joanne Rosenberger	20/hr
BAR Secretary	Terri LaFleur	20/hr
Historian	Cindy Herbert	
Deputy Supervisor	Alfred Steppich	
Deputy Town Clerk/Tax Collector	Terri LaFleur	15/hr
Deputy Town Clerk/Tax Collector	Joanne Maloney	15/hr
Deputy Building Inspector/CEO	Gregg Semenetz	15/hr
Deputy Superintendent of Highways	Michael Eschenberg	
Upper Delaware Council Rep.	Harold G. Roeder, Jr.	
Alternate	David Peters	
Scenic Byway Representative	Rosie DeCristofaro	
Alternate	Robin Mailey	
Planning Board:		
Chairman	Terry Zieres	
Secretary	Lillian Bauernfeind	15/hr
Members	David Peters	
	Warren Blumenthal	
	Brett Erdman	
	Michael Browne	
Alternate:		

Zoning Board:

Chairman	Brad Walrod	
Secretary	Lillian Bauernfeind	15/hr
Members	Kristin Porter	
	Bonnie Cunningham	
	Thomas Roche	

Alternate:

ELECTED OFFICIALS

Supervisor	Edward T. Sykes	\$18,000.00
Council	Cindy Herbert	3,500.00
	Alfred Steppich	3,500.00
	John Gain	3,500.00
	Christopher Hermann	3,500.00
Town Clerk/Tax Collector	Tess McBeath	42,000.00
Justice	Charles A. Nystrom	13,000.00
	Eric Nystrom	13,000.00
Superintendent of Highways	William Eschenberg	49,000.00

All regular Board meetings of the Town of Delaware Town Board for 2018 are to be held on the 2nd Wednesday of each month, except such special meetings requested by the Supervisor or the Town Board. Said meetings shall commence at 7:00 p.m. and are to be held in the Town of Delaware Municipal Building, 104 Main Street, Hortonville, NY.

All mileage connected with the Town of Delaware work by the town officials shall be in accordance with the Internal Revenue Service prevailing rate.

The official depositories for the Town monies will be (1) Jeff Bank, Callicoon, NY; (2) Catskill Hudson Bank, Callicoon, NY; and (3) Wayne Bank, Callicoon, NY.

Edward T. Sykes, Supervisor and Alfred Steppich, Councilman and Deputy Supervisor, shall be authorized as signatories for each fund account.

The Supervisor shall be authorized to pre-pay for postage and to pay utilities and service contracts when due.

At the determination of the Supervisor and whenever possible, all accounts are to be interest bearing and the Supervisor is directed to invest idle funds in Certificates of Deposit at his discretion.

That Edward T. Sykes, Town Supervisor, be authorized to purchase equipment and supplies for the Town, not to exceed \$20,000.00, and in accordance with the Town procurement policy.

That William Eschenberg, Superintendent of Highways, be authorized to purchase tools, implements, and equipment for the Town Highway Department maintenance and snow removal, not to exceed \$10,000.00, and in accordance with the Town procurement policy.

That Cindy Herbert be named Town Historian.

The Town designate the Sullivan County Democrat as its official newspaper.

The Town will continue its membership in the:

- Association of Towns
- Upstate New York Association of Towns
- New York State Planning Federation
- New York State Magistrates Association
- Sullivan County Supervisor's Association
- New York State Assessor's Association

- Sullivan County Assessor's Association
- Orange-Sullivan Town Clerk's Association
- New York State Town Clerk's Association
- Sullivan County Tax Collector's Association
- NYS Association of Tax Receivers and Collectors
- NYS Association of Local Government Records Officers
- Association of Public Historians of New York State
- Tri-County Chapter of New York State Building Officials
- New York State Assoc. of Town Superintendents of Highways, Inc.

The Building Inspector shall be required to attend and participate in all meetings of the Town, i.e., Planning, Zoning, Town Board, etc.

The Town Board shall review the investment and procurement policies for possible changes as needed.

The Town Board shall review the Emergency Management Plan prior to the April Board meeting.

The Bookkeeper shall be the primary person to have access to the Federal Treasury for the purposes of drawing down funds required for any Community Block Grants.

Earl Bertsch be retained as the financial consultant for the Town and to assist in the preparation of the Annual Report at a per diem rate of \$25.00 per hour.

Thomas Shepstone be retained as the planner for the Town at a per diem rate of \$125.00 per hour plus out-of-pocket expenses.

That the positions of Deputy Supervisor, Deputy Town Clerk/Tax Collector (2), Deputy Superintendent of Highways and Deputy Building Inspector be created.

There was no public comment.

RESOLUTION #1-2018 REORGANIZATIONAL APPOINTMENTS/RE-APPOINTMENTS: On motion of Councilman John Gain, seconded by Councilwoman Cindy Herbert, the reorganizational appointments and reappointments are accepted; motion carried AYES-5, NAYS-0.

Regular Board Meeting

Supervisor Sykes opened the regular meeting at 7:00 p.m.

GUEST TO THE BOARD: David Bodenstein reviewed the NYMIR insurance proposal for the 2018 policy renewal. This year an appraisal of the Towns' properties were done on buildings with a value of \$100,000 or more. He reviewed the Highway Dept. equipment coverage, some vehicles were appraised at Actual Cash Value (ACV) and others at Replacement Cost (RC). Out of a \$730 increase, \$600 was under the public officials line. Mr. Bodenstein spoke of cyber liabilities and the coverage NYMIR offers for a \$462 premium, which includes a cyber employee handbook.

RESOLUTION #2-2018 – CYBER INSURANCE: Motion by Councilman Gain, seconded by Councilman Steppich to purchase the cyber liability policy; all in favor.

RESOLUTION #3-2018 - NYMIR INSURANCE POLICY RENEWAL: Motion to renew the NYMIR insurance policy for 2018 was made by Councilwoman Cindy Herbert, seconded by Councilman John Gain and carried, AYES-5, NAYS-0.

GUEST TO THE BOARD: Bill Brown of Delaware Engineering addressed the Board about the Callicoon Water System. He spoke of the Town forming a special improvement district to allow the Town to take over operation of the public water system in the Hamlet of Callicoon. As part of the process, a Preliminary Engineering Report describing the system, existing conditions and proposed improvements was prepared. These improvements would include upgrading the well house, replacing pipes, rehab existing wells, and installation of water meters.

In June 2017, the Town submitted an application to the New York State Environmental Facilities Corporation for funding of the improvements to the public water system as described in the Preliminary Engineering Report.

In December 2017, the Town was notified by the NYS Department of Health that they were approved for funding under the Drinking Water State Revolving Fund (DWSRF) program. The funding includes a 60% grant and a 30-year interest free loan for the other 40%. Additionally, the Town received confirmation that they are eligible for Hardship financing which can be as low as 0%.

The next step is the district formation. The debt service will be converted into user fees and user fees will be estimated. At that point a public hearing will be held. Once the district is formed the Town would acquire the private water company and send in an application to the State to lock in the funding.

As part of the District formation process, an environmental review (SEQR) needs to be completed, an application submitted, bond resolution passed, apply to the State for the financing, sign a mortgage with them. We would then replace pipes, fix the wells as the existing system needs to continue to be operated and maintained throughout the process. In response to a question by Supervisor Sykes, the public hearing would be held in March. The SHPO review is in process now; that rolls into the environmental review.

RESOLUTION #4-2018: DECLARE INTENT TO SERVE AS LEAD AGENCY (SEQR) FOR CREATION OF A SPECIAL IMPROVEMENT WATER DISTRICT AND TO AFFECT SYSTEM REPAIRS NEEDED TO BRING THE SYSTEM INTO REGULATORY COMPLIANCE:

Motion: Councilman John Gain
Seconded: Councilman Alfred Steppich

WHEREAS, the Town Board of the Town of Delaware, Sullivan County, New York, (hereinafter the “TOWN”) has determined that it is in the public interest to evaluate the public benefit to the Hamlet of Callicoon residents of establishing a special improvement district for the public water supply; and

WHEREAS, the creation of a special improvement district is governed under the provisions of Article 12A of New York State Town Law; and

WHEREAS, the creation of the special improvement district would require the TOWN to assume ownership and control of the existing Public Water Supply, identified by the New York State Department of Health ID # NY5203321 and which is currently owned by the Callicoon Water Company (Department of State ID# 14407); and

WHEREAS, the PROJECT will entail the rehabilitation of the existing water system including, but not limited to, the demolition of Well House #1, the construction of a new well house with a new filtration and chemical feed system on the same site, replacement of 7,150 feet of distribution pipe, installation of water meters at all service connections, and the reclamation of the by-pass channel adjacent to Well House #1; and

WHEREAS, the establishment of this water district and the construction of improvements are actions subject to review under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the TOWN has determined itself to be the appropriate body to act as “Lead Agency” for the SEQR process, including a coordinated review:

NOW THEREFORE BE IT RESOLVED THAT:

The TOWN intends to proceed, pursuant to the provisions of Article 12A of New York Town Law, to determine the public benefit of establishing a new water district for the Hamlet of Callicoon; and

The TOWN declares its intention to serve as Lead Agency for the SEQR process, provided that no involved agency objects within thirty days of notification of the TOWN’S intent to serve as lead agency; and

The TOWN hereby determines that the project is classified as a Type 1 action under the State Environmental Quality Review Act (SEQRA), pursuant to the regulations found in 6 NYCRR Part 617; and

The TOWN shall cause to be prepared a Full Environmental Assessment Form and to notify potentially involved and interested agencies of the TOWN'S intent to serve as lead agency and to further initiate a coordinated review of the project under SEQR regulations.

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

Supervisor Edward Sykes voting aye;
Councilman John Gain voting aye;
Councilwoman Cindy Herbert voting aye;
Councilman Alfred Steppich voting aye; and
Councilman Christopher Hermann voting aye.

The resolution was thereupon declared duly adopted, AYES-5, NAYS-0.

RESOLUTION #5-2018– ACCEPTANCE OF MINUTES: Minutes of the December 13, 2017 meeting were approved on motion of Councilman Hermann, seconded by Councilman Gain and carried unanimously, AYES-5, NAYS-0.

BUILDING INSPECTOR/CEO: Jim McElroy reported (1) 104 building permits in 2017. He has 91 active permits now which is up 10% over the prior year. Mr. McElry stated that the revenue from permits paid his salary last year. (2) With regard to the Baer Road solar farm, third party inspectors performed an electrical inspection and it passed; Delaware Engineering was one of two inspections. It is expected to be operational the second week in February. NYSEG powered it up, they had a few problems but basically it's going very well.

TOWN CLERK: (1) December receipts totaled \$585 with \$559 turned over to the Supervisor. Of that, \$350 was building fees. (2) Tax collection from December 27-30, 2017 totaled \$358,579.15, with 126 parcels pre-paying their 2018 property taxes. It was a busy 4 days.

ASSESSOR: No report.

HIGHWAY SUPERINTENDENT: Supervisor Sykes presented the Agreement for Expenditures of Highway Monies on behalf of Mr. Eschenberg.

RESOLUTION #6-2018 – AGREEMENT FOR EXPENDITURE OF HIGHWAY MONIES:

Moved: Councilman John Gain

Seconded: Councilman Alfred Steppich

RESOLVED, that pursuant to the agreement Highway Superintendent William Eschenberg had prepared, which stated that the sum of \$205,000 is set aside for the general repair and improvement of highways, be spent as outlined in the 2018 agreement. Resolution approved: AYES-5, NAYS-0.

UDC REPRESENTATIVE: No report.

SUPERVISOR'S REPORT: Supervisor Sykes reported (1) that the railroad crossing work is scheduled to begin in mid-April; the Clerk reported that we will start renewing the work permits in March. (2) The Supervisor spoke of the Callicoon water system. He feels it is prudent to protect the wellhead, which is located on Delaware Youth Center property. The wellhead should be built up so it's above flood level. There are easements to the wellhead, but the land is not sufficient for a filtration plant. Supervisor Sykes requested permission to speak to the Youth Center Board of Directors in order to see how much property they'd be willing to part with in order to create a buffer around the well. Councilman Gain pointed out that these are the steps we have to take in order to build a stable water system. *Permission granted.* (3) Supervisor Sykes requested authorization to make a firm offer to buy the real estate we need for a new sewer plant.

RESOLUTION #7-2018 – AUTHORIZATION TO PROCEED:

Moved: Councilman John Gain
Seconded: Councilman Alfred Steppich

RESOLVED, that Supervisor Sykes is authorized to approach the owner of the prospective sewer property for the purpose of attempting to negotiate the purchase of the property. Resolution approved: AYES-5, NAYS-0.

COUNCIL COMMENT: Both Councilman Gain and Councilman Steppich gave kudos to the Highway Department for the great job they're doing on the roads.

NEW BUSINESS:

RESOLUTION #8-2018 – INTRODUCTORY LOCAL LAW #1-2018 – A LOCAL LAW AMENDING SECTION 193-17 OF THE CODE OF THE TOWN OF DELAWARE TO ELIMINATE THE TEN YEAR LIMITATION UPON THE COLD WAR VETERANS EXEMPTION:

The following resolution was introduced by Councilperson Herbert, who moved its adoption, and seconded by Councilperson Hermann, to wit:

BE IT RESOLVED, that introductory Local Law No. 1 of the Year 2018 entitled "A local law amending section 193-17 of the Code of the Town of Delaware to eliminate the ten year limitation upon Cold War Veterans Exemptions" is hereby introduced before the Town Board of the Town of Delaware, County of Sullivan, State of New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid local law be laid upon the desk of each member of the Town Board; and

BE IT FURTHER RESOLVED, that the Town Board hold a public hearing on said local law at the Town Hall, 104 Main Street, Hortonville, New York, at 6:55 p.m., prevailing time, on February 14, 2018; and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the Sullivan County Democrat, of said public hearing at least five (5) days prior thereto.

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

Supervisor Edward Sykes voting aye;
Councilman John Gain voting aye;
Councilwoman Cindy Herbert voting aye;
Councilman Alfred Steppich voting aye; and
Councilman Christopher Hermann voting aye.

The resolution was thereupon declared duly adopted, AYES-5, NAYS-0.

RESOLUTION #9-2018 – APPOINT BRAD WALROD CHAIRMAN OF ZONING BOARD OF APPEALS:

On motion of Councilman Gain, seconded by Councilwoman Herbert, Brad Walrod is appointed Chairman of the Zoning Board of Appeals. Resolution carried unanimously.

RESOLUTION #10-2018 – APPOINT THOMAS DENT TO SULLIVAN COUNTY FIRE ADVISORY BOARD:

On motion of Councilman Gain, seconded by Councilwoman Herbert, Thomas Dent is appointed Town of Delaware representative to the Sullivan County Fire Advisory Board. Resolution carried unanimously.

RESOLUTION #11-2018 – WAIVER OF 30-DAY WAIT – CALLICOON CAFFE CORP.: Motion by Councilman Alfred Steppich, seconded by Councilman John Gain and carried unanimously:

RESOLVED, that the Town of Delaware acknowledges that a Restaurant Wine License Application is being filed by the above captioned for Callicoon Caffe Corp, 23 A. Dorrer Drive, Callicoon, NY 12723. In this instance the Town of Delaware waives its rights to the 30-day hold and consents to the processing and issuance of said license.

RESOLUTION #12-2018 – AUTHORIZATION TO PREPARE GRANT APPLICATION:

Moved: Councilman John Gain
Seconded: Councilwoman Cindy Herbert

RESOLVED, that a grant application through the IDA be prepared toward the Community Choice Aggregation project. Resolution approved unanimously.

DOT Undertaking: The Clerk explained that the NYS Department of Transportation requires an undertaking in lieu of an insurance certificate for the detour signage on State Route 97 for the railroad crossing project.

RESOLUTION #13-2018 - NYS DEPARTMENT OF TRANSPORTATION UNDERTAKING:

Moved by: Councilman John Gain
Seconded: Councilman Chris Hermann

RESOLVED, that the Supervisor is authorized to execute an Undertaking with the Department of Transportation. Resolution carried unanimously.

RESOLUTION #14-2018 – OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS:

Moved by: Councilman John Gain
Seconded: Councilwoman Cindy Herbert

REQUIRING AND APPROVING THE OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS:

WHEREAS, various sections of the state Town Law and Public Officers Law require that certain municipal officials execute an Official Undertaking; and

WHEREAS, the Town Board of the Town of Delaware hereby require the Supervisor, Town Clerk/Tax Collector, Town Justices, Court Clerk, Building Inspector/Code Enforcement Officer, Highway Superintendent, Bookkeeper and Bookkeeping Assistant, Deputy Town Clerks/Tax Collectors to execute said Official Undertaking as required by said law;

NOW, THEREFORE BE IT RESOLVED that we, the Town Board of the Town of Delaware approve the document entitled "Town of Delaware Official Undertaking of Municipal Officers" as to its form and manner of execution and the sufficiency of the insurance, and

BE IT FURTHER RESOLVED that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk, as well as the original copies of the Insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

Motion by Councilman John Gain, seconded by Councilwoman Cindy Herbert and adopted by a vote on roll call, resulting as follows:

Supervisor Edward Sykes voting aye;
Councilwoman Cindy Herbert voting aye;
Councilman John Gain voting aye;
Councilman Alfred Steppich voting aye; and
Councilman Christopher Hermann voting aye.

the resolution was thereupon declared duly adopted; AYES-5, NAYS-0. This resolution shall take effect upon adoption.

OTHER BUSINESS: Supervisor Sykes mentioned an electrical problem in the wire running through the conduit from the sewer plant to the pump station. It would cost approximately \$80,000 to replace it. A new generator will run \$70,000; it can be put on a platform to raise it out of the flood plain. The railroad will lease us the land. If the lease comes in Deputy Supervisor Alfred Steppich can sign it.

RESOLUTION #15-2018 - PAYMENT OF BILLS: On motion of Councilman Chris Hermann, seconded by Councilwoman Cindy Herbert, it was resolved that the bills be paid on Abstract #1-2018 in the following amounts:

Callicoon Light	Voucher #1	\$ 924.16
General Fund	Voucher #1-46	80,921.74
Highway Fund	Voucher #1-22	81,474.43
Kohlertown Light	Voucher #1	232.15
Sewer #2	Voucher #1-15	17,325.92

Resolution was thereupon APPROVED: AYES-5, NAYS-0.

ADJOURNMENT: With no further business, on motion of Councilman Gain, seconded by Councilman Hermann, the meeting adjourned at 8:07 p.m.

Respectfully submitted,

Tess McBeath, RMC
Town Clerk