

**Town of Delaware Town Board
Regular Board Meeting
April 11, 2018**

Members Present:

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

Also present: Tess McBeath, Town Clerk; Kenneth C. Klein, Town Attorney

Supervisor Sykes opened the meeting at 7:00 p.m. with a pledge to the flag.

GUEST TO THE BOARD: Casey Mastro from the New York Power Authority (NYPA) addressed the Board about LED streetlight conversion. He is working across Sullivan County to discuss the energy savings with street lighting for small municipalities; aggregating a single program across the county. He's working with eight municipalities; Bethel and Tusten have already signed on. He reviewed the financial document, we have 100 total fixtures. He suggests we purchase those current utility owned fixtures and update them to LED. There is an initial assessment, engineering design, procurement of and full financing of the project. It is designed so we won't be paying anything, we'll be making money. He projects an annual savings of \$11,032.85. The benefit is purchasing the inventory and getting out from monthly charges. NY Power Authority is pushing the municipal owned model as opposed to the utility owned model; Mr. Mastro feels it's a good investment. There are three stages - assessment, design and implementation. Design is approx. \$3,300. If we decide not to do it we'd have to pay for the design services. Debt service would be solely from operational savings.

Supervisor Sykes asked if this includes all of our lighting districts. Cost would have to come out of these districts. We would have to allocate it; each district would have to pay for its own infrastructure. When the question of how we're going to fund it was asked, Attorney Ken Klein advised that the monies be loaned from the General Fund to the light districts and then have the districts pay it back to the General Fund. Attorney Klein has a question on borrowing at a 3.5% rate. Is there a statute that authorizes a borrowing rate of 3.5% or do we need to have bond counsel? NYPA has statutory authority to work with municipalities to provide energy services, to his knowledge this does not have to be done through bond counsel.

NYPA would help us allocate the cost for each of these districts. Can be done by the power we use or by a per fixture basis. Supervisor Sykes mentioned that two Councilmen went to a presentation; both Councilman Gain and Councilman Steppich think it's a prudent thing to do. In the long run it will save us money.

RESOLUTION #30-2018 – AUTHORIZATION TO PROCEED WITH LED STREET LIGHT PROJECT:

On motion of Councilman Gain, seconded by Councilwoman Herbert, it was RESOLVED, that the Supervisor is authorized to sign the agreement in order to proceed with the design phase of the street lighting project for a cost not to exceed \$3,954.64. Resolution carried unanimously.

GUEST TO THE BOARD: William Brown, P.E., Delaware Engineering, reviewed the Map, Plan and Report for the proposed Callicoon Water District, which was filed with the Clerk on April 2, 2018.

Delaware Engineering has prepared a map, plan and report which is the footprint of the existing Callicoon Water Co. If and when this proceeds residents would get a water bill from the Town. There will be a public hearing, then if the Board sees fit they will pass a resolution that formally forms a water district in the town. There are six parcels owned by the water company, the Town will take title of those.

The next step is obtaining the needed funding to make the necessary improvements. Current water sources are a series of wells and springs, located behind the Delaware Youth Center and also off Railroad Avenue. Meters will be installed and people will pay for the amount of water that they use. The estimated cost is \$4.2 million, the bulk of which are construction contracts. About \$4.1 million in funding was secured from the Environmental Facilities Corp (EFC) - a 60% grant and a 40% loan awarded to the town. They're offering a 30-year loan at 0%. Only people in the system will pay toward the system and debt service. Delaware Engineering is

estimating O&M at \$135,000 and debt service at \$55,000/year. There are approx. 200 parcels and 167 service connections, which is about 340 Equivalent Dwelling Units. An Equivalent Dwelling Unit (EDU) is a single family house. Businesses or a large entity like the Job Corps will have more EDU's than Homeowners. Annual costs will be divided among the 340 EDU's, resulting in a homeowner cost of about \$585/year.

A public hearing can be scheduled in May. After the public hearing the Board can then discuss a bond resolution. The next step is then acquisition of the current water company and working with them to dissolve the company through the PSC. Rather than a privately held utility, it will be a municipal operated facility and the PSC won't be involved; the NYS Health Department will monitor water quality.

The Callicoon Water Company as it is now uses approx. 125,000/gal/day which is produced currently by the existing wells, the equivalent of 645 gallons per user. Supervisor Sykes interjected that the system is losing a lot of water; a lot of infrastructure is needed. Downsville has 224 users and they only use 47,000/gal/day which turns out to 209 gallons/day/user. Mr. Brown feels we're losing about half of it. They're not replacing all the pipes in the system; mains that are 4" don't meet current fire statutes; the mains should be 6". The plan is to bring the system up to current standards

RESOLUTION # 31-2018 – ORDER CALLING PUBLIC HEARING IN THE MATTER OF THE ESTABLISHMENT OF THE HAMLET OF CALLICOON WATER DISTRICT:

Moved by: Councilman John Gain
Seconded: Councilwoman Cindy Herbert

PRESENT:

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

In the Matter :
of :
The Establishment of the Hamlet of Callicoon: ORDER CALLING
Water District in the Town of Delaware, : PUBLIC HEARING
Sullivan County, New York :
_____:

WHEREAS, the Town Board of the Town of Delaware, Sullivan County, New York, has duly caused to be prepared a map showing the boundaries of a proposed Water District in said Town, to be known as the Hamlet of Callicoon Water District in the Town of Delaware (hereinafter, the "Water District" or simply, the "District") a general plan to serve said District, and a report of the proposed method of operation thereof; and

WHEREAS, said map, plan and report, including an estimate of the cost, were prepared by Delaware Engineering, D.P.C., a competent engineer duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof, including estimate of cost; and

WHEREAS, the boundaries of said District shall be as described in Exhibit A attached hereto and hereby incorporated herein; and

WHEREAS, the improvements proposed for said District consist of the acquisition of the existing water supply, storage and distribution system from the Callicoon Water Company, and improvements thereto, including, original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, all as more fully described in the map, plan and report hereinbefore described; and

WHEREAS, the maximum estimated cost of said improvements is \$4,202,672; and

WHEREAS, the proposed method of financing the cost of said improvements consists of the issuance of not exceeding \$4,202,672 bonds of said Town (to be reduced by grants expected in the amount of \$2,456,940) maturing in annual installments over a period not exceeding forty years, which will be payable in the first instance from the annual apportionment and assessment from the several lots and parcels of land within said District in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due and payable; and

WHEREAS, the estimated cost of said District to the typical property therein is \$585 in the first year in which operation, maintenance, debt service and other charges and expenses are to be paid; and

WHEREAS, a detailed explanation of the manner by which were computed said estimated cost to the typical property has been filed in the office of the Town Clerk where the same are available during regular office hours for examination by any person interested in the subject manner thereof; and

WHEREAS, said capital project for said District and the establishment thereof has 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 adverse environmental effects; and

WHEREAS, it is now desired to call a public hearing upon the question of the establishment of said District and the improvements proposed therefor, all pursuant to Section 209-d of the Town Law;

NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Delaware, Sullivan County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Delaware, Sullivan County, New York, shall be held at the Town Hall, in Hortonville, New York, in said Town, on the 9th day of May, 2018, at 6:30 o'clock P.M., Prevailing Time, for the purpose of holding a public hearing to consider the establishment of the Water District in said Town as described in the preambles hereof, to be known as to the Hamlet of Callicoon Water District, and the improvements proposed therefor, and to consider the map, plan and report filed in relation thereto, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this order to be published once in the Sullivan County Democrat, the official newspaper of said Town, the first publication thereof to be not less than ten nor more than twenty days before the day set herein for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law not less than ten nor more than twenty days before the day set for the hearing as aforesaid.

Section 3. This order shall take effect immediately.

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

Supervisor Edward T. Sykes VOTING aye;
Councilperson Cindy Herbert VOTING aye;
Councilperson Christopher Hermann VOTING aye;
Councilperson John Gain VOTING aye; and
Councilperson Alfred Steppich VOTING aye.

The resolution was thereupon declared duly adopted.

Generator for Sewer District Pump Station: William Brown, P.E., Delaware Engineering, presented the SEQR document for the installation of an emergency power supply (generator) for the Wastewater Treatment Plant pump station.

Supervisor Sykes spoke of the wires running through the pipe along the bridge. There's a short in the wire and we don't know where it is. Estimated cost to string wire from the sewer plant to the pump station is \$80,000. We can do that but when we relocate the sewer plant we're going to have the same problem. The piece of property is owned by the railroad and we've done a lease for the property; now we can start constructing a place for the generator. This job will probably be \$60,000.

RESOLUTION #32-2018 - NEGATIVE DECLARATION OF UNLISTED SEQR ACTION:

Motion offered by: Councilman John Gain

Motion seconded by: Councilman Christopher Hermann

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 provide for the installation of an emergency power supply (generator) for the WWTP pump station located at the intersection of Main Street and SR 17 (hereinafter the "PROJECT"); and

WHEREAS, the PROJECT will entail the construction of an approximately 130sf concrete platform, the installation of a diesel generator, the installation of a transfer switch, and the installation of barrier fencing around the site perimeter; and

WHEREAS, the action described above is subject to review under the State Environmental Quality Review Act (SEQRA) pursuant to 6 NYCRR Part 617; and

WHEREAS, the TOWN has determined itself to be the appropriate body to act as "Lead Agency" with the sole discretion and authority to conduct the environmental review for the PROJECT; and

WHEREAS, the TOWN has consulted with the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) concerning the PROJECT for which OPRHP has issued a *Letter of No Effect* dated April 4, 2018; and

WHEREAS, the TOWN has caused to be prepared a *Short Environmental Assessment Form* (SEAF) for the purpose of determining whether the PROJECT shall have an adverse impact on the environment.

NOW THEREFORE BE IT RESOLVED BY THAT:

1. The TOWN declares its intention to serve as Lead Agency for the purposes of the SEQR; and
2. The TOWN hereby determines that the project is classified as an Unlisted action under the State Environmental Quality Review Act (SEQRA), pursuant to 6 NYCRR Part 617; and
3. The TOWN, having reviewed Part 1, Part 2, and Part 3 of the *Short Environmental Assessment Form*, hereby determines that the PROJECT will not have an adverse environmental impact and hereby issues a "Negative Declaration" for the PROJECT.

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

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

Resolution was thereupon declared duly adopted, AYES-5, NAYS-0

RESOLUTION #33-2018 - STREAM DISTURBANCE PERMIT: On motion of Councilman Gain, seconded by Councilwoman Herbert, it was

RESOLVED, that Delaware Engineering is authorized to apply for a Stream Disturbance Permit from the NYS Department of Environmental Conservation. Resolution carried unanimously.

RESOLUTION #34-2018 - PERMISSION TO BID GENERATOR/INSTALLATION FOR PUMP STATION:

Moved by: Councilman Steppich

Seconded: Councilman Hermann

RESOLVED, that Delaware Engineering is authorized to prepare a bid for a generator with installation for the Sewer District pump station. Bid opening set for May 9th at 6:55 p.m. Resolution carried unanimously.

RESOLUTION #35-2018 - ACCEPTANCE OF MINUTES: Minutes of the March 14, 2018 meeting were approved on motion of Councilman Gain, seconded by Councilman Herbert and carried.

BUILDING INSPECTOR/CEO: No report.

ASSESSOR: No report.

HIGHWAY SUPT.: No report.

TOWN CLERK: (1) March receipts totaled \$3,234 with \$3,201 turned over to the Supervisor. Of that, \$3,015 was building fees. (2) 2018 Tax collection totaled \$4,254,945.92, or 84.8% of my warrant. (3) We received a letter from NYS DOT on March 22 regarding a Sullivan County Residency request for a parking restriction due to a complaint on State Route 52 in front of Tavern on Main. (4) A letter from DOT dated March 29 outlined the culvert replacement on State Route 52 near Dick's Auto Sales; scheduling the work in either 2018 or 2019. Our project is the last of seven; the first will start up by Bainbridge.

GRANTS UPDATE/SUPERVISOR'S REPORT: Supervisor Sykes reported that the railroad crossing is scheduled for May 14; the work will take about a week. People won't be able to take a truck down across the tracks; they'll either have to go down the ramp by Roche's or Viaduct Road by Agway. The crossing will be closed to all traffic for a week. He spoke to the CBA and notified them.

UDC REPRESENTATIVE: Harold Roeder reviewed the reservoir levels; Cannonsville is at 101.6% capacity or 97.3% billion gallons. Total storage for all three reservoirs is at 99.3%. He mentioned the UDC is 30 years old this year and Sunday April 22 is their awards ceremony.

Mr. Roeder recapped the UDC's position on small scale commercial solar in the corridor. NPS doesn't want it; they feel it's not a compatible use with the River Management Plan (RMP) and the land and water use guidelines within it. NPS doesn't care if you had solar on the roof of your house, but believe utility-scale solar energy systems does represent a new land use within the river corridor and they agreed with the UDC that it should be a conditional use. They suggested a minor amendment to the RMP. Mr. Roeder expressed his misgivings over this suggestion.

Mr. Roeder also brought up that the NPS has large solar facilities in Utah, Natural Bridge, Alcatraz, among others. They aren't concerned about solar on their own properties. The UDC's position paper indicated that there may be places along the river corridor where you may be allowed to put up a small commercial facility as long as you can't see it from the river. The position paper was reviewed, vetted and passed by every town and township in the Council.

Supervisor Sykes stated that the RMP was developed with a lot of blood, sweat and tears. There was upheaval in the valley. He feels that the RMP is a good and enduring document and we should fight to keep it. The original intent was to preserve private property rights in the corridor. Mr. Roeder mentioned that this plan has been replicated and used all over the country. Mr. Roeder requested guidance from the Board. By voice vote, the Board advised Mr. Roeder to fight for no change to the RMP.

NEW BUSINESS:

Supervisor Sykes spoke of the introductory local law regarding a solar moratorium. He's gone to four meetings to better understand solar; he's not in favor of this moratorium. The Supervisor stated that no matter what anyone thinks, solar is coming. He doesn't think it's going to hurt either agriculture or tourism.

Brett Erdman from the Planning Board responded that they gave their best thoughts on it and now it's in the Town Board's hands. Councilman Gain stated that we approved two solar projects and one is essentially done. Councilman Hermann asked if the Planning Board wanted them to fine tune some things in particular; Planning Board member Warren Blumenthal responded that the way the code is now is flawed. Difficult for them to function the way it is defined; the law needs tweaking and needs to be revised.

Councilman Steppich wants to hear their recommendations on what they'd like to do. Councilman Gain pointed out the moratorium is a period of time where we can all look at it. Supervisor Sykes mentioned that we did the law with people on the Planning Board and had four workshops with at least one guest speaker. He feels what they came up with was a reasonable law. Planning Board members think there are some things that the Board didn't consider.

RESOLUTION #36-2018 - INTRODUCTION OF LOCAL LAW #2-2018: IMPOSING THE 2018 TOWN OF DELAWARE COMMERCIAL SOLAR ENERGY SYSTEM LAND USE MORATORIUM:

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

BE IT RESOLVED, that introductory Local Law No. 2 of the Year 2018 entitled "A local law imposing the 2018 Town of Delaware Commercial Solar Energy System Land Use Moratorium" 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 hereby determines the aforesaid local law to be a Type II Action pursuant to the regulations promulgated under the State Environmental Quality Review Act for which no environmental review is required thereunder; and

BE IT FURTHER RESOLVED, that the Town Board hold a public hearing on the aforesaid local law at the Town Hall, 104 Main Street, Hortonville, New York, at 6:45 p.m., prevailing time, on May 9, 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 such 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 T. Sykes voting aye;
Councilperson Cindy Herbert voting aye;
Councilperson Christopher Hermann voting aye;
Councilperson John Gain voting aye; and
Councilperson Alfred Steppich voting aye.

The resolution was thereupon declared duly adopted.

RESOLUTION #37-2018 – SURPLUS EQUIPMENT:

Moved by: Councilman Steppich

Seconded: Councilman Hermann

RESOLVED, that surplus highway equipment be sold through Auctions International, with the option to reserve a minimum bid. Resolution carried unanimously.

RESOLUTION #38-2018: PERMISSION TO GO TO BID FOR CRUSHED STONE:

Moved by: Councilman Hermann

Seconded: Councilman Gain

RESOLVED, that the Highway Superintendent is authorized to go to bid for stone, with bid opening set for May 7, 2018 at 12:00 Noon. Bid award will be made at the regular meeting on May 9, 2018. Resolution APPROVED: AYES-5, NAYS-0.

PUBLIC COMMENT: Tom Kappner wanted to thank the Board for following up on his request to up signage on the town roads indicating we're a farming community. Mr. Eschenberg said he'll put up the signs in the next few weeks. Mr. Kappner thinks it's important to let our second homeowners know that we have right to farm laws, and that we're a farming community.

RESOLUTION #39-2018 - PAYMENT OF BILLS: On motion of Councilman Gain, seconded by Councilman Steppich, it was resolved that the bills be paid on Abstract #4-2018 in the following amounts:

Callicoon Light	Voucher #4	\$ 830.29
General Fund	Voucher #137-175	55,271.52
Highway Fund	Voucher #79-100	93,911.64
Kohlertown Light	Voucher #4	215.75
Sewer #2	Voucher #41-54	27,559.88

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

ADJOURNMENT: With no further business, on motion of Councilman Gain, seconded by Councilman Steppich, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Tess McBeath, RMC
Town Clerk