

**Town of Delaware Town Board
Regular Board Meeting
August 8, 2018**

Members Present:

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

Members Absent:

John Gain, Councilman

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

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

GUEST TO THE BOARD: Sullivan County Legislative Chairman Luis Alvarez addressed the Board with an update on the status of the County. He said that Sullivan County is #1 in the nation in employing people. Chairman Alvarez reported that the County has invested \$2.9 million rehabilitating the government center, the sidewalks and parking lots. He spoke of the two storms and the collaboration between the State, county and towns and how well it worked. However, during the two big storms the entire emergency system went down. The County got a grant to put a generator in the government center to keep their communication systems active in an emergency.

The County is keeping the Sullivan County Adult Care Center, now known as the Care Center at Sunset Lake. Construction of new jail is almost done; they're working on sewer and water. The Patrol Division will be located in the jail, and they hope that early in 2019 the whole jail will be done. They've stayed within budget and anticipate \$22 million savings in 10 years.

The County purchased a building on Broadway - the Board of Elections (BOE) and the voting machines will be moving over there; with Veterans Affairs and the Office of the Aging moving into the BOE space. There is a new Director of the Office of the Aging.

Mr. Alvarez reported the County will be paving 68 miles of road. He mentioned that the Town/CBA is getting the \$7,500 sign grant for the hamlet of Callicoon, and that DPW is putting new welcome signs in all over the County.

They're raising some of the salaries for County employees. The main problem is they hire people, train them, and then they leave for a higher salary.

County Planning will continue with the Plans and Progress grants, and their staff are willing to help us if we need assistance with grants. Chairman Alvarez explained about the grant program to assist municipalities in demolishing dilapidated buildings.

The Fraud Unit collected over \$8 million in back child support and are arresting people who were obtaining benefits to which they weren't entitled. The Legislature wants to have a homeless residence, only for Sullivan County residents, which would accommodate up to 18 people.

The Visitors Center is planned near exit 106, close to the casino.

Councilman Steppich mentioned that State mandates for volunteer fire departments and ambulance corps just about makes it impossible for a young guy to take all these classes. It's also good to have volunteers who can sweep out the buildings, roll hoses, etc. The State has clamped down so hard with the requirements that you can't get people.

Councilman Steppich also mentioned a warning system for the Cannonsville dam if there were ever a breach. The Supervisor stated that the UDC asked the DEP to come up with a system. If you use a siren, a lot of places can't hear a siren. Harold Roeder mentioned the biggest problem is how to expand this so people can be notified. He said that NYC should be taking the responsibility because it's their facility. Supervisor Sykes asked Chairman Alvarez to see what he can do.

RESOLUTION #68-2018 - ACCEPTANCE OF MINUTES: Minutes of the July 11, 2018 meeting were approved on motion of Councilwoman Herbert, seconded by Councilman Steppich and carried.

BUILDING INSPECTOR/CEO: Jim McElroy did not attend but the Supervisor reported one House going to be built on River Road and there is a house going up in Delvue.

ASSESSOR: No report.

HIGHWAY SUPT.: No report.

TOWN CLERK: (1) July receipts totaled \$10,088 with \$10,006.50 turned over to the Supervisor. Of that, \$9,777 was building fees. (2) The final report for the railroad crossing project should be mailed by Friday. (3) UDC TAG grant applications are due by Aug. 31. (4) Clean-up. We were allotted 61 tons and used 38.41 in the Spring; we have 22.59 tons left for Fall. It was suggested that we only have a one-day clean up in October. (5) There were issues with trash pick-ups in Callicoon during July & we had a lot of complaints; the problems appear to be resolved. (6) Our Dog Control Officer resigned & the Supervisor is working on finding a replacement. (7) The Clerk explained why she recommends the Town not opt in to the Governor's property tax charitable contribution program. (8) The Clerk commended John Erik Karkula for the flowers in Callicoon and congratulations on the Judge's Choice award. (8) The residents of Swiss Hill Road North have requested a speed limit determination; they would like the limit reduced from 35 mph to 25 mph.

GRANTS UPDATE: Supervisor Sykes said we finished with the railroad and we're still working on the paperwork to get reimbursed.

CALLICOON BUSINESS ASSOCIATION: The Clerk mentioned that the Country Fair was a great success and they're starting work on the Art Walk.

UDC REPRESENTATIVE: Harold Roeder reviewed the reservoir levels; Cannonsville is at 93.2% capacity. Together, the three reservoirs have daily storage of 36 billion gallons. Mr. Roeder spoke of the TAG grants, they only have \$15,000 to distribute now. One town did a cemetery inventory. He spoke of the UDC's lack of funding from the States of New York and Pennsylvania. This is the UDC's 30th year of operation.

SUPERVISOR'S REPORT: Supervisor Sykes stated he would review everything under New Business.

OLD BUSINESS: None.

NEW BUSINESS:

a. **RESOLUTION #69-2018 – AUTHORIZATION TO SIGN AGREEMENT:**

Moved by: Councilman Steppich

Seconded: Councilman Hermann

RESOLVED, that Supervisor Sykes is authorized to sign a \$30,000 contractual agreement with Delaware Engineering, D.P.C., to provide planning and design services for the new Sewer District #2 wastewater treatment plant under the terms of the NYS Environmental Facilities Corporation's Engineering Planning Grant (EPG) program.

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;

Councilwoman Cindy Herbert voting aye;

Councilman Christopher Hermann voting aye;

Councilman Alfred Steppich voting aye;

The resolution was thereupon declared duly adopted, AYES-4, NAYS-0. (Councilman John Gain absent.)

b. **RESOLUTION #70-2018 – AUTHORIZATION TO SIGN AGREEMENT:**

Moved by: Councilwoman Herbert

Seconded: Councilman Steppich

RESOLVED, that with approval from the Town Attorney, Supervisor Sykes is authorized to sign a Grant Disbursement Agreement with DASNY (Dormitory Authority of the State of New York) for a \$100,000 grant for the construction of a new salt shed.

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;
Councilwoman Cindy Herbert voting aye;
Councilman Christopher Hermann voting aye;
Councilman Alfred Steppich voting aye;

The resolution was thereupon declared duly adopted, AYES-4, NAYS-0. (Councilman John Gain absent.)

c. RESOLUTION #71-2018 – SPEED LIMIT REQUEST: On motion of Councilman Alfred Steppich, seconded by Councilman Christopher Hermann, the Clerk is requested to complete the necessary documents for a speed limit review of Swiss Hill Road North. Resolution approved: AYES-4, NAYS-0 (Councilman John Gain absent.)

Tom Kappner feels that a speed limit won't be effective. He suggested a flashing warning light or crosswalk. Supervisor Sykes will reach out to Valley View to see if they can help us find a resolution.

d. RESOLUTION #72-2018: SET DATE FOR FALL CLEAN-UP: On motion of Councilwoman Herbert, seconded by Councilman Hermann the Fall cleanup will be set for September 29, pending the Highway Dept. crew availability. Resolution carried unanimously

e. There was discussion regarding the proposed amendments to the solar regulations. Attorney Klein stated that we have a work product developed by the Planning Board in consultation with the Town. He suggested the local law be introduced and if anyone wants to comment on it, their opportunity to do so will be at the public hearing.

Councilman Hermann informed the Board that he has to abstain from any decisions relating to solar.

f. RESOLUTION #73-2018: INTRODUCTORY LOCAL LAW #3-2018:

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

BE IT RESOLVED, that introductory Local Law No. 3 of the Year 2018 entitled “A local law amending Chapter 220, entitled Zoning, of the Code of the Town of Delaware” 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 I Action pursuant to the regulations promulgated under the State Environmental Quality Review Act for which a full environmental assessment form shall be prepared; and

BE IT FURTHER RESOLVED, that the Town Board hereby designates itself as Lead Agency pursuant to the regulations promulgated under the State Environmental Quality Review Act; 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 6:30 p.m., prevailing time, on September 12, 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;
Councilwoman Cindy Herbert voting aye;
Councilman Alfred Steppich voting aye;
Councilman Christopher Hermann abstaining;

The resolution was thereupon declared duly adopted, AYES-3, NAYS-0, ABSTENTION-1. (Councilman John Gain absent.)

f. RESOLUTION #74-2018: INTRODUCTORY LOCAL LAW #4-2018:

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

BE IT RESOLVED, that introductory Local Law No. 4 of the Year 2018 entitled “A local law to override the tax levy limit established by General Municipal Law Section 3-c” is hereby introduced before the Town Board of the Town of Delaware, Sullivan County, 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 Municipal Building, 104 Main Street, Hortonville, New York, at 6:25 p.m., prevailing time, on September 12, 2018; and

BE IT FURTHER RESOLVED, that the Town Board hereby determines the said 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; 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 T. Sykes voting aye;
Councilwoman Cindy Herbert voting aye;
Councilman Christopher Hermann voting aye;
Councilman Alfred Steppich voting aye;

The resolution was thereupon declared duly adopted, AYES-4, NAYS-0. (Councilman John Gain absent.)

COUNCIL COMMENT: Councilwoman Herbert mentioned that they have a Small Town Country 4-H group in Hortonville, and with Cornell sponsoring a great portion of it, the 4-H group wants to do a 5K run/walk on October 13 and keep it in Hortonville. They’ll start in front of the firehouse and end behind the firehouse. They would obtain a DPW permit and contact the Sheriff’s department. Councilman Hermann made motion to approve, seconded by Councilman Steppich and carried, all in favor.

COUNCIL COMMENT: Councilman Hermann asked if we should start working on selling some surplus equipment through Auctions International. He said if the equipment hasn’t been used we should think about getting rid of it.

PUBLIC COMMENT: Tom Kappner commended the Town for closing down the Camping Trip festival. It was clearly a commercial enterprise. He’s all in favor of property rights but

doesn't feel that it should encroach on the property rights of your neighbor. He thanked the Board for shutting it down; it had to be done.

PUBLIC COMMENT: Nancy Bivins addressed the Board. On July 31 she got home from work and saw that Mr. Forbes March now has a house trailer in the back field. She called Mr. McElroy with her concerns, who said Mr. March was told he could not put a trailer there. The trailer is there, Jim said he was going to look into it, get on him about it and get it out of there. He just does things and waits to see if the Town or the neighbors pick up things. Supervisor Sykes said he would speak to the Building Inspector. Ken said the process would be that it's a violation and Jim will duly notify him of that, give him an order to remedy and if he doesn't do that we can proceed with a violation of the zoning law. She owns the property on the side of him and behind him so he affects her property in two ways. Supervisor Sykes told Mrs. Bivins he would look into it and speak to the Building Inspector.

RESOLUTION #75-2018 - PAYMENT OF BILLS: On motion of Councilman Steppich, seconded by Councilman Hermann, it was resolved that the bills be paid on Abstract #8-2018 in the following amounts:

Callicoon Light	Voucher #8	\$ 786.22
General Fund	Voucher #249-286	41,311.58
Highway Fund	Voucher #152-174	152,347.98
Kohlertown Light	Voucher #8	211.19
Sewer #2	Voucher #101-116	12,409.47

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

EXECUTIVE SESSION: On motion of Council Herbert, seconded by Councilman Hermann, it was

RESOLVED, that this board move into Executive Session at 8:32 p.m. to discuss pending litigation. Resolution was thereupon APPROVED: AYES-4, NAYS-0. (Councilman John Gain absent.)

RESOLUTION #76-2018: RETURN TO REGULAR SESSION: On motion of Councilman Hermann, seconded by Councilwoman Hermann, it was

RESOLVED, that this Board go out of Executive Session and return to Regular Session at 8:55 p.m. Resolution approved unanimously.

RESOLUTION #77-2018 - AUTHORIZATION TO PROCEED:

RESOLVED. that the Town Attorney is hereby authorized to bring a contempt proceeding against Ian Leifer on behalf of the Town.

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;
- Councilwoman Cindy Herbert voting aye;
- Councilman Christopher Hermann voting aye;
- Councilman Alfred Steppich voting aye;

The resolution was thereupon declared duly adopted, AYES-4, NAYS-0. (Councilman John Gain absent.)

ADJOURNMENT: With no further business, on motion of Council Steppich, seconded by Councilwoman Herbert, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Tess McBeath, RMC
Town Clerk