

**Town of Delaware Town Board
Regular Board Meeting
February 14, 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

6:55 p.m. PUBLIC HEARING: Local Law #1-2018: Amending section 193-17 of the Code of the Town of Delaware to eliminate the ten year limitation upon Cold War Veterans Exemptions

Supervisor Sykes opened the public hearing at 6:55 p.m. There being no public comment, the public hearing was closed on motion of Councilman John Gain, seconded by Councilwoman Cindy Herbert, and carried unanimously.

Guest to the Board: William Brown, P.E., of Delaware Engineering, addressed the Board. He reviewed the SEQR for the Callicoon Water System. It is currently a privately owned system. The Town needs to move forward with the District formation in order to apply for grants and loans. SEQR is part of that process, to identify what the environmental constraints are for the actions being taken. The Town Board and Town Engineer reviewed and completed parts 2 and 3 of the EAF. Mr. Brown further explained that there will be excavation to replace piping, work on the well houses, and fill in the bypass channel. There are only four water meters now, all homes and businesses will have water meters installed. A filtration system will be installed near the Youth Center well house.

RESOLUTION #16-2018 - ADOPT A NEGATIVE DECLARATION FOR THE HAMLET OF CALLICOON WATER SUPPLY PROJECT:

Moved by: Councilman Steppich
Seconded: Councilwoman Herbert

WHEREAS, 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 residents of the Hamlet of Callicoon of establishing a special improvement district for the public water supply (hereinafter "THE PROJECT"); and

WHEREAS, the PROJECT will also involve the rehabilitation of the existing public water system and will replace aged infrastructure and upgrade facilities to maintain regulatory compliance; and

WHEREAS, the PROJECT is a discretionary decision that requires an environmental review pursuant to 6 NYCRR PART 617; and

WHEREAS, the TOWN adopted a resolution of Intent to Act as Lead Agency for the purposes of conducting the environmental review required by 6 NYCRR Part 617 and determined this to be a Type 1 action; and

WHEREAS, the TOWN has caused to be circulated the Resolution of Intent together with Part 1 of the Long Environmental Assessment Form and other application materials, including a project description and a site location map, to the identified involved or interested agencies to solicit agreement with the TOWN'S declaration of Intent to Act as Lead Agency for the SEQR Review; and

WHEREAS, the TOWN has reviewed these documents and comments submitted on behalf of the identified involved or interested agencies and has caused to be prepared Parts 2 and 3 of the Long Environmental Assessment Form; and

WHEREAS, the TOWN, following review of these documents, has considered reasonable related long-term, short-term, direct, indirect, and cumulative impacts;

NOW THEREFORE, BE IT RESOLVED THAT

1. Having received no objections from other involved agencies, the TOWN is hereby designated Lead Agency for the environmental review of the proposed project;

2. Having received no objections from other involved agencies, the TOWN is hereby designated Lead Agency for the environmental review of the proposed project;
3. The TOWN has determined that there will be no significant environmental impacts associated with the PROJECT;
4. Therefore, the TOWN hereby adopts a Negative Declaration for the Hamlet of Callicoon Water System Project.

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 #17-2018 - ACCEPTANCE OF MINUTES: Minutes of the January 10, 2018 meeting was approved on motion of Councilman Gain, seconded by Councilman Hermann and carried unanimously, AYES-5, NAYS-0.

BUILDING INSPECTOR/CEO: Mr. McElroy is in the midst of finishing the inspections of the Baer Road solar farm. There are new owners in three of our local restaurant businesses; they'll be remodeling and expanding. Tavern on Main is expanding their restaurant and plan to move their liquor store to the Erdman house. They're doing very well.

TOWN CLERK: (1) January receipts totaled \$711.00 with \$692 turned over to the Supervisor. Of that, \$425 was building fees. (2) Tax collection in January totaled \$2,588,604.84. (3) The DEC sent a notice on January 19 stating that the Route 52 culvert by Dick's Auto Sales meets permit issuance standards; work will start in the Spring. (4) Permission requested to attend the NYS Town Clerks Assn conference April 22-25. The continuing education has been invaluable over the years. *Permission granted on motion of Councilman Steppich, seconded by Councilman Hermann and carried.*

HIGHWAY SUPERINTENDENT: No report.

ASSESSOR: No report.

GRANTS UPDATE: Supervisor Sykes reported that some people at The Trust for Public Land were working on a CFA grant for the Callicoon campground. The Town was awarded a grant to study relocating the wastewater treatment grant.

UDC REPRESENTATIVE: Harold Roeder reported that the reservoir levels are just below the median. The UDC did receive funding from the Dept. of the Interior. Funding for over 800 similar programs across the nation were under scrutiny. The Interior Dept. wanted to review financial records for the last 30 years. The UDC hadn't been paid since last October, so the funding was crucial to continued operations.

SUPERVISOR'S REPORT: Supervisor Sykes reported that we managed to obtain a lease from the railroad to install a generator near the pump station. The railroad has a standard entry permit fee of \$1,975.00 and every contractor has to pay this fee.

COUNCIL COMMENT: Councilman Steppich asked if we're going to break ground on the Highway Dept. site this year. We need a General Contractor, and as a lot of ground needs to be removed we need to decide what we're going to do with the fill.

OLD BUSINESS:

RESOLUTION # 18-2018 - ADOPTION OF LOCAL LAW #1-2018 AMENDING §193-17 OF THE CODE OF THE TOWN OF DELAWARE TO ELIMINATE THE TEN YEAR LIMITATION UPON COLD WAR VETERANS EXEMPTIONS:

Moved by: Councilman Gain
Seconded: Councilman Steppich

§1. Purpose

This local law is adopted pursuant to Real Property Tax Law §458-b(2)(c)(iii) for the purpose of exercising the Town of Delaware's option to eliminate the ten year limitation otherwise imposed with respect to Cold War Veterans Real Property Tax Exemptions.

§2. Amendment of §193-17 of Article V of Chapter 193 of the Code of the Town of Delaware.

§193-17 of the Code of the Town of Delaware is hereby amended to read as follows:

“The exemption from taxation provided by this local law shall be subject to the limitations set forth in Real Property Tax Law §458-b(2)(c)(ii) and (iii), except the exemption shall apply to qualified owners of qualifying real property without regard to the ten year limitation otherwise provided for in Real Property Tax Law §458-b(2)(c)(iii).”

§3. If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudged finally by a Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby stated to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

§4. This local law shall take effect immediately upon filing in the office of the Secretary of State.

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.

NEW BUSINESS:

RESOLUTION #19-2018 - SEWER UNIT CHANGE, SBL: 14.-5-14:

Moved by: Councilwoman Hebert

Seconded: Councilman Hermann

RESOLVED, that a sewer unit change be made to SBL: 14.-5-14 owned by Victoria Lesser for new house construction. Resolution adopted unanimously.

RESOLUTION #20-2018 - MERGE TWO PARCELS:

Moved by: Councilman Steppich

Seconded: Councilman Gain

RESOLVED, that the Town Assessor is hereby authorized to merge two parcels (SBL: 16.-1-1 and SBL 16.-1-2) on the Callicoon Sewer plant property into one. Resolution carried unanimously.

RESOLUTION #21-2018 - DONATED PROPERTY:

Moved by: Councilwoman Herbert

Seconded: Councilman Hermann

RESOLVED, that the Town accept the donation and ask the Town Attorney to prepare a deed for a donated .46 acre parcel adjacent to the new Highway Dept. property, more particularly described as SBL: 26.-1-11.1, presently owned by Rosemary Rosenberger. Resolution carried unanimously.

RESOLUTION #22-2018 – WAIVER OF 30-DAY WAIT – BENZINA & MARKET, INC.:

Moved by: Councilman Gain
Seconded: Councilman Steppich

RESOLVED, that the Town of Delaware acknowledges that a Restaurant Wine License Application in being filed by the above captioned Benzina & Market, Inc., 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 carried unanimously.

It was explained that the application previously noticed by the Callicoon Caffe Corp., will be filed under a different corporate name, Benzina & Market, Inc.

RESOLUTION #23-2018 – APPOINTMENT OF DOG CONTROL OFFICER:

Moved by: Councilman Gain
Seconded: Councilman Hermann

RESOLVED, that Edward Moran, Jr. be appointed as the Town Dog Control Officer (DCO) at the rate of \$150.00/month. Resolution carried unanimously.

PUBLIC COMMENT: Rosie DeCristofaro was asked why the Town cut their funding allocation at the last meeting of the Scenic Byway. She was embarrassed - she wasn't told that we were cutting the budget from \$1,000 to \$500. She pointed out that the Town has made out pretty well - vista clearing, trash cans; she feels the Town got a fair amount of the scenic byway money that was there. Other townships are going to \$1,500; she asked that the Town restore the budget allocation to \$1,000 again. She also asked to be advised when things like this happen.

Councilman Steppich asked what service the Scenic Byway provides. Rosie was a representative of the town ship for the creation of the byway; she's been on the Scenic Byway Board for the last 20 years. The Byway was formed in 2002. She goes to the monthly meetings as a volunteer. We had vista clearing for \$8,000; another \$5,000 was spent on trash cans for the hamlet of Callicoon. They ran ads, they have a brochure; it's economic development.

Councilman Gain said we have so many issues on our plates, he prefers to wait until next budget season and revisit.

PUBLIC COMMENT: Tom Kappner mentioned signage he's seen about being a farming community. He wondered if the Town could reach out to Brian Brustman and get signs for us.

PUBLIC COMMENT: Fred Stabbert questioned the channel being filled in as it was built for flood mitigation. Mr. Brown feels that water quality is just as important as flood mitigation.

RESOLUTION #24-2018 - PAYMENT OF BILLS: On motion of Councilman Gain, seconded by Councilman Steppich, it was resolved that the bills be paid on Abstract #2-2018 in the following amounts:

| | | |
|------------------|----------------|------------|
| Callicoon Light | Voucher #2 | \$ 984.14 |
| General Fund | Voucher #47-97 | 857,185.57 |
| Highway Fund | Voucher #23-54 | 139,366.90 |
| Kohlertown Light | Voucher #2 | 242.67 |
| Sewer #1 | Voucher #1 | 49,075.00 |
| Sewer #2 | Voucher #16-28 | 17,956.54 |

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 8:30 p.m.

Respectfully submitted,

Tess McBeath, RMC
Town Clerk