

**Town of Delaware Town Board  
Regular Board Meeting  
June 13, 2018**

Members Present:

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

Also present: Tess McBeath, Town Clerk; 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:** Susan M. Peters, CPA/Partner; Cooper Arias, LLP presented an overview of the 2017 Audit Report. They review our internal controls, compliance with laws. If we have federal funds over \$750,000 then we'd need to have a single audit. The State Comptroller said the towns will need to have a formal fund balance plan; they can give us samples. She reviewed all the fund balances with the Board; she suggested they keep an eye on the Highway fund balance; they need a bigger cushion. Kohlertown Lighting budget should be increased, they've been over budget for two years. Fund accounting is unmodified which is the best opinion.

**GUEST TO THE BOARD:** T. Niklas Moran, Hudson Valley Regional Council (a seven county region) – Clean Energy Communities Program (NYSERDA) addressed the Board regarding becoming a clean energy community. He provides free technical assistance for the ten high impact actions he reviewed. If we do four out of the ten actions to become a clean energy community we can receive grant funding (with no reporting requirements).

**RESOLUTION #51-2018 - ACCEPTANCE OF MINUTES:** Minutes of the May 9, 2018 meeting were approved on motion of Councilwoman Herbert, seconded by Councilman Hermann and carried.

**BUILDING INSPECTOR/CEO:** No report.

**ASSESSOR:** No report.

**HIGHWAY SUPT.:** No report.

**TOWN CLERK:** (1) May receipts totaled \$1,415 with \$1,347 turned over to the Supervisor. Of that, \$1,132 was Building fees. (2) A list of accomplishments and a grants directory for the Scenic Byway was provided by Rosie DeCristofaro in response to a question by Councilman Steppich. (3) Work on the railroad grant continues, and the Local Update of Census Addresses (LUCA) has been completed by the clerk and her deputy. We updated 230 addresses, which is an improvement from the 1,462 addresses updated in 2009. (4) Alice Schlichting was honored today at the Retired Senior Volunteer luncheon. (4) The abstract of settlement from the Treasurer's office was received and the tax collection records balanced for the 20<sup>th</sup> year in a row. (5) The Clerk requested the following resolutions:

**RESOLUTION #52- 2018 – AUDIT OF JUSTICE COURT RECORDS:**

Moved by: Councilman Gain

Seconded by: Council Steppich

RESOLVED, that the Delaware Town Board hereby acknowledges that an audit of the Justice Court records was conducted for fiscal year 2017 and that a copy of such audit be transmitted to the NYS Unified Court System. Resolution carried unanimously.

**RESOLUTION #53-2018: AUTHORIZING THE DISPOSITION OF CERTAIN OBSOLETE RECORDS:**

Moved by: Councilwoman Herbert

Seconded: Councilman Steppich

WHEREAS, The State of New York Education Department Records Retention and Disposition Schedule MU-1 provides the retention schedule for various records, and allows for the legal disposition of official records;

WHEREAS, the Records Management Officer (Town Clerk) has reviewed and inventoried the records held in the Town's records storage areas;

WHEREAS, according to the New York State Archives Records Retention Disposition Schedule MU-1, the Records Management Officer has marked obsolete records for disposal;

NOW, THEREFORE BE IT RESOLVED that the Records Management Officer (Town Clerk) is hereby authorized to destroy those records marked for disposal. Resolution carried.

**GRANTS UPDATE/SUPERVISOR'S REPORT:** Supervisor Sykes reviewed the list of projects we've been working on at Town Hall. Railroad crossing is done; they finished the paving and are striping tomorrow.

**CALLICOON BUSINESS ASSOCIATION:** Andrea Reynosa, CBA President, appeared before the Board with an update on the signage grant and the train station depot. Funding for new signage in the hamlet was approved by the County and they are moving forward. The train depot project will partner with the Scenic Byway for a proposed visitors center and community commons. The CBA is coordinating with Scenic Byway staff and County Planning to review the draft lease from the railroad, craft a draft Memorandum of Agreement and develop a business plan. They will be holding their Country Fair on July 28 and would like to add more activities in the Callicoon Creek Park. It was mentioned that the Town will need a certificate of insurance.

RESOLUTION #54-2018 - PARK ACTIVITIES: Ms. Reynosa requested permission from the Board to allow movies and music in the Callicoon Creek Park. Motion by Councilman Gain, seconded by Councilman Hermann and carried; all in favor.

**UDC REPRESENTATIVE:** No report.

**SUPERVISOR'S REPORT:** The Supervisor sent letters to Teddy Bauernfeind and Jeff Sattler thanking them for the excellent work they do at the Town clean ups; they help everyone unload and are very accommodating. Supervisor Sykes mentioned that the Sullivan County Self Insurance department has been struggling. They're changing the funding and it will no longer be a self-insurance program. Last year our Workers Compensation cost was \$57,000; this year it's \$84,000. Our comp costs include the fire districts and the ambulance corps. They got the benefits but there was never any money put aside to fund the benefits.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

a. RESOLUTION #55-2018 – PERMISSION TO CLOSE ROAD: The Delaware Youth Center is hereby authorized to close River Road on July 22, 2018 from 8:15-10:15 a.m. for holding their annual River Race fundraiser. Motion to approve by Councilwoman Herbert, seconded by Councilman Gain and carried unanimously.

b. RESOLUTION #56-2018 – RESOLUTION #39-2017 - PERMISSION TO BID:  
Motion by: Councilman John Gain  
Seconded: Councilman Chris Hermann

RESOLVED, that the Highway Superintendent is authorized to go to bid for diesel fuel and heating oil, with bid opening set for 6:55 p.m. on July 11, 2018. Resolution carried.

c. RESOLUTION #57-2018 – AUTHORIZATION TO SIGN DOCUMENTS:  
Moved by: Councilman Gain  
Seconded: Councilman Steppich

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Edward T. Sykes is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the

Town of Delaware's obligations under the Engineering Planning Grant Agreement. Resolution carried unanimously.

d. RESOLUTION #58-2018 – AUTHORIZATION AND APPROPRIATION OF LOCAL 20% MATCH:

Moved by: Councilwoman Herbert  
Seconded: Councilman Hermann

NOW, THEREFORE, BE IT RESOLVED, that the Town of Delaware authorizes and appropriates a minimum of 20% local match as required by the New York State Environmental Facilities Corporation's Engineering Planning Grant program for the Town of Delaware's Waste Water Treatment Plant Engineering Study project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the grant award of \$30,000. The total estimated maximum project cost is \$36,000. The Town Supervisor may increase this local match through the use of in-kind services without further approval from the Town of Delaware. Resolution carried, AYES-5, NAYS-0.

e. William Brown, P.E., of Delaware Engineering reviewed the Environmental Assessment form and stated it was a Type II action in order to do the report to come up with a preliminary plan for what a new or upgraded sewer plant will look like and what it will cost. Then that's the basis to try to secure funding for that project. SEQR is required by the state to move forward with the grant. That report will assess what they think the environmental impacts will be. Attorney Klein mentioned that because it's a study it falls into a Type II action for activities that are deemed to have no environmental impact.

RESOLUTION #59-2018 – SEQR TYPE II DETERMINATION:

Moved by: Councilman Steppich  
Seconded: Councilman Gain

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law;

NOW, THEREFORE, BE IT RESOLVED that the Town of Delaware hereby determines that the proposed Town of Delaware Waste Water Treatment Plant Engineering Study is a Type II action in accordance with 6 NYCRR Section 617.5 (c)(18) *information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action*; and is therefore not subject to review under 6 NYCRR Part 617. Resolution carried, AYES-5, NAYS-0.

f. RESOLUTION #60-2018: FINAL ORDER IN THE MATTER OF THE ESTABLISHMENT OF A WATER DISTRICT IN THE TOWN OF DELAWARE, SULLIVAN COUNTY, NEW YORK, TO BE KNOWN AS HAMLET OF CALLICOON WATER DISTRICT:

PRESENT:

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

In the Matter  
of  
The establishment of a Water District in the Town of Delaware, Sullivan County, New York, to be known as Hamlet of Callicoon Water District

FINAL ORDER

The following resolution was offered by Councilman John Gain, who moved its adoption, seconded by Councilman Alfred Steppich to-wit:

WHEREAS, a map, plan and report, including an estimate of cost, have been filed in the office of the Town Clerk of the Town of Delaware, Sullivan County, New York, in relation to the establishment of the Hamlet of Callicoon Water District; and

WHEREAS, the improvements in connection with the establishment of said Hamlet of Callicoon Water 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, as more fully described in the aforesaid map, plan and report; and

WHEREAS, the maximum amount proposed to be expended for said improvements is \$4,202,672; and

WHEREAS, an order was duly adopted by said Town Board on April 11, 2018, reciting a description of the boundaries of said proposed Hamlet of Callicoon Water District, the improvements proposed therefor, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk's office for public inspection, and specifying the 13th day of June, 2018, at 6:30 o'clock P.M., Prevailing Time, at the Town Hall, in Hortonville, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law and proof of such publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which time all persons desiring to be heard were duly heard; and

WHEREAS, following said public hearing and based upon the evidence given thereat, said Town Board duly adopted a resolution determining in the affirmative all of the questions set forth in subdivision 1 of Section 209-e of the Town Law and a resolution approving the establishment of said Hamlet of Callicoon Water District; and

WHEREAS, such resolution establishing the District was adopted subject to permissive referendum and the period of time during which a petition could be filed requesting a referendum elapsed without a petition being so filed;

NOW, THEREFORE, IT IS HEREBY

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

Section 1. The Hamlet of Callicoon Water District, in the Town of Delaware, Sullivan County, New York, is hereby established, to be bounded and described as set forth in Appendix A attached hereto and made a part hereof.

Section 2. 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, as more fully described in the aforesaid map, plan and report, is hereby authorized and approved. The maximum estimated cost to said Hamlet of Callicoon Water District pursuant to these proceedings for said improvements shall not exceed \$4,202,672. Said cost of said improvements for said District shall be financed by the issuance of not exceeding \$4,202,672 serial 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, payable in

the first instance from assessments upon the taxable real property in said District at the same time and in the same manner as ad valorem taxes, 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 sufficient to pay the principal of and interest on said bonds as the same shall become due.

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, resulting as follows:

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

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

- Note: Appendix A is attached at the end of the minutes.

g. RESOLUTION #61-2018: BOND RESOLUTION:

At a regular meeting of the Town Board of the Town of Delaware, Sullivan County, New York, held at the Town Hall, in Hortonville, New York, in said Town, on June 13, 2018, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Edward T. Sykes, and upon roll being called, the following were

PRESENT:

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

The following resolution was offered by Councilman John Gain, who moved its adoption, seconded by Councilman Alfred Steppich to-wit:

BOND RESOLUTION DATED JUNE 13, 2018

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,202,672 SERIAL BONDS OF THE TOWN OF DELAWARE, SULLIVAN COUNTY, NEW YORK, TO PAY THE COST OF THE ESTABLISHMENT OF HAMLET OF CALLICOON WATER DISTRICT OF SAID TOWN

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12 of the Town Law, the Town Board of the Town of Delaware, Sullivan County, New York, has established Hamlet of Callicoon Water District of the Town of Delaware; and

WHEREAS, it is now desired to authorize the financing of the improvements proposed for such District;

NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of paying part of the cost of the improvements in connection with the establishment of Hamlet of Callicoon Water District, consisting 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, as further described in the map, plan and report prepared in connection with the establishment of such District, there are hereby authorized to be issued \$4,202,672 serial bonds of the Town of Delaware, Sullivan County, New York pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforescribed improvements is \$4,202,672 and that the plan for the financing thereof is by the issuance of \$4,202,672 serial bonds of said Town authorized to be issued pursuant to this bond resolution; provided, however, the amount of bonds to be issued shall be reduced to the extent of grants received therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Delaware, Sullivan County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. To the extent not paid from other sources, there shall be annually assessed upon and collected from the several lots and parcels of land within said Hamlet of Callicoon Water District at the same time and in the same manner as ad valorem taxes, 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 sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town, including, but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the Sullivan County Democrat, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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;  
Councilman John Gain voting aye.

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

**PUBLIC COMMENT:** Cindy Menges discussed the Youth Center selling land to the Town for the purposes of the water company.

**PUBLIC COMMENT:** Mike Puerschner noted that when John Gain toured his property, he didn't have a problem with 4 MW array, the minutes incorrectly reflected 6 MW.

**RESOLUTION #62-2018 - PAYMENT OF BILLS:** On motion of Councilman Gain, seconded by Councilman Steppich, it was resolved that the bills be paid on Abstract #6-2018 in the following amounts:

Callicoon Light	Voucher #6	\$ 740.45
General Fund	Voucher #206-248	106,440.28
Highway Fund	Voucher #120-151	262,534.97
Kohlertown Light	Voucher #6	201.06
Sewer #2	Voucher #66-85	48,303.16
Kohlertown Sewer	Voucher #1	2,921.68

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

**ADJOURNMENT:** With no further business, on motion of Councilwoman Herbert, seconded by Councilman Gain, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

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Tess McBeath, RMC  
Town Clerk