

**Town of Delaware Town Board  
Regular Board Meeting  
March 14, 2018**

Members Present:

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

Members Absent:

Christopher Hermann, Councilman

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

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

**RESOLUTION #25-2018 - ACCEPTANCE OF MINUTES:** Minutes of the February 14, 2018 meeting were approved on motion of Councilman Gain, seconded by Councilman Steppich and carried unanimously, AYES-4, NAYS-0.

**BUILDING INSPECTOR/CEO:** Mr. McElroy reported three new homes in the last month. He mentioned that Sims Foster's Kenoza Lake project is moving along.

**TOWN CLERK:** (1) February receipts totaled \$969.00 with \$919.50 turned over to the Supervisor. Of that, \$489 was building fees. (2) Tax collection through February 28 totaled \$3,939,233.96.

**GRANTS UPDATE/SUPERVISOR'S REPORT:** Supervisor Sykes reported that he's had several meetings with representatives from the Callicoon Water Company, Delaware Engineering, and the Town Attorney regarding the Callicoon Water District. We received a grant for 60% and 40% at 0% financing. It's a big project, estimated at over \$4 million. It's moving along; there are a lot of details. The Supervisor mentioned that the generator project, the railroad crossing, property for the sewer plant and Phase I of moving the Highway Department, are all projects we're working on.

**UDC REPRESENTATIVE:** Harold Roeder spoke of (1) the reservoir levels; Cannonsville is at 93.7% capacity. He provided a chart to the Board indicating acreage estimates in the Upper Delaware Scenic and Recreational River corridor. We have the second highest amount of acreage in the river corridor at 15.6%.

Mr. Roeder reviewed a draft UDC resolution regarding renewable energy projects in the river corridor. The resolution recommends that potential impacts relating to Utility-Scale Solar Energy Systems can be adequately addressed through local zoning. They further recommended that Utility-Scale Wind, Geothermal and Hydropower Energy Systems are incompatible land uses within the river corridor. The UDC requested the NPS incorporate their position paper into the Schedule of land uses on the basis that the recommendation is consistent with all of the river acts and guidelines, and the River Management Plan.

In a letter from NPS Superintendent Kristina Heister, she indicated that the NPS does not concur with the UDC's interpretation regarding utility-scale solar energy systems and recommends the UDC follow the process for a minor amendment to the RMP/guidelines.

Mr. Roeder requested guidance from the Board. Councilman Steppich hates to see them cut out wind, geothermal and hydropower, but generally the Board thinks the UDC resolution is ok.

**NEW BUSINESS: RESOLUTION #26-2018: SET DATES FOR SPRING CLEAN-UP:**

On motion of Councilman Gain, seconded by Councilwoman Herbert, it was

RESOLVED, that the Spring Clean-up dates will be May 5 and 6, 2018, and our hauler will be Jeff Sanitation. Resolution carried unanimously.

**RESOLUTION #27-2018: AUTHORIZATION RE: FUNDING FOR NEW TRUCK:**

Moved by Councilman Gain, seconded by Councilman Steppich and carried unanimously, it was

RESOLVED, that the Highway Fund balance be used to pay for the new pick-up truck.

**PUBLIC COMMENT:** At the Board's request, the Clerk read aloud the resolution adopted by the Planning Board on February 21, 2018 with regard to commercial solar farms. Planning Board member Warren Blumenthal feels the resolution was well crafted, well thought through,

and represents the unanimous thought process of the Planning Board. Supervisor Sykes stated that he respects their comments. He doesn't necessarily agree with them but he respects their comments.

Planning Board member David Peters stated that the Board would like to see these two (Baer Road and Hospital Road) already approved to be completed. Make sure what was proposed, happens. Planning Board Chairman Terry Zieres mentioned that now they're looking at 6 and 8 megawatt systems. Mr. Blumenthal stated that the law is open ended - it's not limited to 10 acre parcels, it could be a 40 acre parcel.

Councilman Gain feels that if there are problems then we should slow things down. Mr. Blumenthal said the big concern is that it needs to be limited in scope. There is nothing in the law that limits the scope or anything to stop these solar farms from being all over. It does not conform to what the Planning Board members see as the character of this community. They have a responsibility to protect what we have. It was stated that this has nothing to do with the applicant, it's the concept.

Mr. Zieres informed the Board that an 8 megawatt system is being proposed for Puerschner's farm, and that NYSEG upgraded the transmission line going to Puerschner's last Fall.) When we first spoke of this we were talking about two or three 2-megawatt systems. This is not the case anymore.

Town Attorney Klein advised the Board that with a moratorium, you set the term with an option to extend it. Councilman Gain feels we don't have enough information because one isn't finished and the other hasn't been started. He said a year may not be enough to determine that they operate as presented. Mr. Peters stated that the current law is too open-ended. Mr. Blumenthal would like to know what the total cumulative impact might be.

**RESOLUTION #28-2018: ESTABLISHING A MORATORIUM ON COMMERCIAL SOLAR SYSTEMS:** Councilman John Gain made motion to authorize for the Board's consideration, a local law to impose a one year moratorium on commercial solar development. Motion seconded by Councilman Alfred Steppich.

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; and  
Councilman Alfred Steppich voting aye.

Resolution was thereupon declared duly adopted, AYES-4, NAYS-0, (Councilman Chris Hermann absent).

Mr. Zieres mentioned that Delaware River Solar has 30 or 40 of these solar farms they're working on across New York State. One has been approved in Liberty, in Horseheads and around the Elmira area.

**RESOLUTION #29-2018 - PAYMENT OF BILLS:** On motion of Councilman Gain, seconded by Councilman Steppich, it was resolved that the bills be paid on Abstract #3-2018 in the following amounts:

Callicoon Light	Voucher #3	\$ 879.06
General Fund	Voucher #98-136	65,214.80
Highway Fund	Voucher #55-78	113,487.79
Kohlertown Light	Voucher #3	224.27
Sewer #1	Voucher #1	49,075.00
Sewer #2	Voucher #29-40	10,668.93

Resolution was thereupon APPROVED: AYES-4, NAYS-0.

**ADJOURNMENT:** With no further business, on motion of Councilman Gain, seconded by Councilman Steppich, the meeting adjourned at 7:58 p.m.

Respectfully submitted,

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Tess McBeath, RMC  
Town Clerk