

**Town of Delaware Town Board
Regular Board Meeting
May 9, 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 first public hearing at 6:30 p.m. with a pledge to the flag.

PUBLIC HEARING: Establishing Callicoon Water District #1

William Brown, P.E., of Delaware Engineering explained the history of issues with the Callicoon Water Co. If you're served by the water company now you're going to be in the water district; there are 167 service connections, the largest one being the Delaware Valley Job Corp Center. Having a Town owned system allows access to state and federal funding; the plan is to upgrade wells, replace some mains, install meters, and basically ensure a water system for future generations. Upgrades are valued \$4,094,900, and the NYS Environmental Facilities Corporation awarded a \$2.4 million grant. It's a 60/40 grant and the remaining \$1.6 million would be financed as a 0% percent loan for the next 30 years. Debt service will be spread out among the users in the district. Mr. Brown explained the legal proceeding necessary for the Town to form the district, acquire the existing water system along with five or six parcels of real property where the wells and springs are located.

Supervisor Sykes explained that part of the upgrade is the metering. Once they're installed then the water district will transfer from an EDU (Equivalent Dwelling Unit) basis to a usage basis. Mr. Mills expressed his concern with EDU's for each apartment and the price increase for his seven apartments prior to the conversion to usage based billing.

In response to questions by Charles Mills, Mr. Brown responded that they've budgeted \$600 per meter per house, to buy the meter and install them in 167 houses. Delaware Engineering recommends a meter that broadcasts a signal to a system which would download water usage. Mr. Brown noted that the Callicoon Water Co. is being mandated to put in water meters by the Delaware River Basin Commission (DRBC), but are unable to adhere due to financial reasons.

There was discussion about replacing the cast iron piping Delvue, one of the target areas; a desire for high flow on the hydrants as they affect the Fire Department - many of them are unusable due to the size of the mains. Mr. Brown stated that every place we replace a main there will be new hydrants, isolation valves. Mr. Brown was unaware of water being sold to commercial tankers as Mr. Mills reported; he will look into it.

Rosie DeCristofaro asked about meters; she has a meter and wanted to know about the EDU based billing. She was told it would be two to three years before we transition to the usage basis.

Mark Heller questioned whether a homeowner could opt out and drill their own well. It was explained by Mr. Brown that you can't opt out if you're within the district boundaries but everyone is obligated by NYS law to pay debt service and if you're connected you have to pay for Operation & Maintenance (O&M) whether you're using the water or not.

There being no further comment, motion to close public hearing at 7:00 p.m. by Councilwoman Herbert, seconded by Councilman Hermann and carried, all in favor.

PUBLIC HEARING: Local Law #2-2018: Commercial Solar Energy System Land Use Moratorium

Supervisor opened public hearing at 7:02 p.m.

Mike Puerschner would like to know the reasons why the Planning Board wants a moratorium. He's had discussions with different Planning Board members and he feels a lot of things don't make sense. He wants them to at least bring out the reasons why they want the moratorium.

Supervisor Sykes explained that the Planning Board is charged with protecting the town through the laws that we establish. The Town Board had a meeting last month with the Planning Board to address their concerns of what the limits are; e.g., are we going to limit them to 2MW systems. Right now we have two solar arrays approved in the town. One is close to being finished, one hasn't been started yet.

Part of the Planning Board's job is to be sensitive to where they're sited; visibility is an issue. Those types of decisions are made on a project-by-project basis. Supervisor Sykes mentioned that these solar projects are part of a pilot project so we do get tax revenue from it.

Mr. Puerschner pointed out that agriculture is finished in this county. At least now he would have a chance to make something; farming isn't making anything. Mr. Blumenthal confirmed that anything that obstructs views is a limiting factor on the values of the property. Mr. Puerschner stated that John Gain told him he doesn't have a problem with a 6MW array or three 2MW installations.

Rich Winter stated that the issues the Planning Board has are easily fixed by grandfathering in the Puerschner project. It's a good project, can be done with good site lines and out of sight in a way that meets the Planning Board's satisfaction. He requested the Board make it so the moratorium takes effect after that project. David Peters stated they wanted these two projects up and running before they approved any more. He mentioned that Rich did a excellent job on Baer Road, met with a lot of people and took a lot of heat until everyone was happy. Mr. Peters just wants to make sure everyone is happy with Hospital Road project. Maybe the idea to meet and talk about switching to the Puerschner farm and put Hospital Road on hold is good.

Mr. Puerschner signed up over a year ago. He spoke of all the run down farms, run down houses, abandoned houses. Here they're trying to put a project in; they're proposing putting a whole tree line in so it won't be visible. There was discussion about taxpayers having some freedom to do things with their property. It was mentioned that so far nothing's been submitted to the Planning Board about the Puerschner project.

Rich, he'll bring it in June and they can decide. He's already spent the money on the interconnect agreement' he'd like to bring it to the Planning Board in June and swap it with Hospital. He would take the same approach, bring it to the Planning Board and get everyone comfortable, taking into consideration the neighboring property values, view shed, and other concerns. Puerschner project is more remote than Hospital; it's set back.

Cindy Menges feels it important to understand that the only reason the Puerschner project hasn't been in front of the Planning Board is because they've been asked not to bring it forward. Otherwise it would have been before the Planning Board six months ago. Mr. Blumenthal stated that not all the members were aware of that agreement.

Councilman Steppich mentioned that the Governor wants 50% of NYS in renewable energy and if the sun doesn't shine and the wind doesn't blow we're not getting any energy. He prefers oil and gas drilling, where people will make money on that well for the next 100 years.

Supervisor Sykes believes changes can be made fairly quickly; he suggested the discussion on changes to the law continue after the Planning Board concludes their regular business next week. It was agreed that Mr. Winter did a great job on Baer Road, he took a lot of punishment but was very accommodating.

There being no further comment, the Public Hearing was closed on motion of Councilwoman Herbert, seconded by Councilman Steppich and carried.

REGULAR MEETING

Supervisor Sykes opened the regular meeting at 7:30 p.m.

RESOLUTION #40-2018 - ACCEPTANCE OF MINUTES: Minutes of the April 9, 2018 and the Special Meeting on April 25, 2018 were approved on motion of Councilwoman Herbert, seconded by Councilman Hermann and carried.

BUILDING INSPECTOR/CEO: James McElroy reported work is beginning at the proposed location for the Cidery. They have 350 apple and pear trees. He expects to receive plans from architect next week. Mr. McElroy stated that the Kenoza Lake hotel moving along. It will be a seventeen room hotel with a public restaurant. There are a number of new businesses opening in Callicoon.

ASSESSOR: No report.

HIGHWAY SUPT.: No report.

TOWN CLERK: (1) April receipts totaled \$4,661 with \$4,633 turned over to the Supervisor. Of that, \$4,253 was building fees. (2) We received notice that the Kenoza Lake Fire District held a special election on March 23rd authorizing the purchase of a new custom pumper truck; at a maximum estimated cost of \$300,000 from their capital reserve fund. (3) The Clerk reported she is primarily working on the railroad.

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 the restaurants. The parking lot won't be completed until early June.

CALLICOON BUSINESS ASSOCIATION: Andrea Reynosa (President) and Nicole Vallance (Secretary) appeared before the Board on behalf of the CBA. They would like to submit a small grant through County Planning's Sullivan Signs program, and add additional wayfinding signage to the hamlet. It's a 75/25% matching grant. To get the \$7,500 they'd have to spend at least \$2,500 in in-kind services. They're looking for quotes for four welcome signs; they'd like to have some existing signs repainted and refreshed.

UDC REPRESENTATIVE: Harold Roeder reviewed the reservoir levels; Cannonsville is at 96.3% capacity, with storage of 271.9 billion gallons in all three reservoirs. Mr. Roeder reviewed the UDC's position on commercial solar in the corridor; the NPS recommends a minor amendment to the River Management Plan. Mr. Roeder feels that if there's a place in the corridor where you can't see the solar array from the river or roads coming in and out of the river, people should be able to utilize their private property for solar arrays.

SUPERVISOR'S REPORT: The Supervisor reviewed the list of projects we've been working on at Town Hall.

OLD BUSINESS:

a. **RESOLUTION # 41-2018 – ADOPTION OF LOCAL LAW #2-2018: COMERCIAL SOLAR ENERGY SYSTEM LAND USE MORATORIUM:** Councilman Steppich made motion to table the law; seconded by Councilwoman Herbert and carried, all in favor.

b. **RESOLUTION # 42-2018 – BID AWARD-CRUSHED STONE:**

Moved by: Councilman Steppich

Seconded: Councilman Hermann

RESOLVED, that all bids be accepted and the bid be awarded to the lowest bidder for each product. The next lowest bidders (in order) are approved as back-up suppliers in the event the product is not available from the lowest bidder. Resolution was thereupon APPROVED: AYES-4, NAYS-0 (Councilman Gain absent).

NEW BUSINESS:

a. **RESOLUTION #43-2018 – A RESOLUTION MAKING CERTAIN DETERMINATIONS IN RELATION TO AND FINDING IT TO BE IN THE PUBLIC**

INTEREST TO ESTABLISH A WATER DISTRICT IN THE TOWN OF DELAWARE,
SULLIVAN COUNTY, NEW YORK, TO BE KNOWN AS HAMLET OF CALLICOON
WATER DISTRICT:

The following resolution was offered by Councilwoman Cindy Herbert, who moved its adoption, seconded by Councilman Alfred Steppich, to-wit:

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, and a plan and report in connection therewith; and

WHEREAS, said map, plan and report were prepared by Delaware Engineering, D.P.C., competent engineers, 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 is available during regular office hours for examination by any persons interested in the subject matter thereof; and

WHEREAS, the estimated cost of said District to the typical property therein \$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 said estimated cost to the typical property was computed 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 matter 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 (“SEQRA”), the implementation of which as proposed, the Town Board has determined will not result in any significant adverse environmental effects, and a Full Environmental Assessment Form is available on file in the office of the Town Clerk where it may be inspected during normal business hours; 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, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said petition, map, plan and report were on file in the Town Clerk's office for public inspection and specifying the 9th day of May, 2018, at 6:30 o'clock P.M., local time, at the Delaware 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 consider the establishment of said Hamlet of Callicoon Water District and said map, plan and report filed in relation thereto and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of publication and posting have been duly presented to said Town Board; and

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

WHEREAS, said Town Board has duly considered said map, plan and report and the evidence given at said public hearing;
NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

- a) The notice of hearing was published and posted as required by law and is otherwise sufficient;
- b) All the property and property owners within said proposed Hamlet of Callicoon Water District, as described in the preambles hereof, are benefited thereby;
- c) All the property and property owners benefited are included within the limits of said proposed Hamlet of Callicoon Water District; and
- d) The establishment of said proposed Hamlet of Callicoon Water District is in the public interest.

Section 2. This resolution 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.

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

In addition, at such meeting, the following resolution was offered by Councilman Christopher Hermann, who moved its adoption, seconded by Councilwoman Cindy Herbert, to-wit:

b. RESOLUTION #44-2018 – A RESOLUTION APPROVING THE ESTABLISHMENT OF HAMLET OF CALLICOON WATER DISTRICT AND THE IMPROVEMENTS IN CONNECTION THEREWITH.

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 Hamlet of Callicoon Water District, and a plan and report in connection therewith; and

WHEREAS, said map, plan and report were prepared by Delaware Engineering, D.P.C. competent engineers, 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 is available during regular office hours for examination by any persons interested in the subject matter thereof; 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 said estimated cost to the typical property was computed 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 (“SEQRA”), the implementation of which as proposed, the Town Board has determined will not result in any significant adverse environmental effects, and a Full Environmental Assessment Form is available on file in the office of the Town Clerk where it may be inspected during normal business hours; and

WHEREAS, an order was duly adopted by said Town Board on April 11, 2018, reciting a description of the boundaries of said proposed the Hamlet of Callicoon Water District, the improvements proposed, the maximum amount proposed to be expended for said improvements,

the proposed method of financing to be employed, the fact that said petition, map, plan and report were on file in the Town Clerk's office for public inspection and specifying the 9th day of May, 2018, at 6:30 o'clock P.M., local 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 consider the establishment of said Hamlet of Callicoon Water District and said map, plan and report filed in relation thereto and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of publication and posting have been duly presented to said Town Board; and

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

WHEREAS, said Town Board has duly considered said map, plan and report and the evidence given at said public hearing; and

WHEREAS, said Town Board has adopted a resolution on May 9, 2018, the date hereof, making the findings and determinations required pursuant to Section 209-e (1) of the Town Law;

NOW, THEREFORE, BE IT

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

Section 1. The establishment of Hamlet of Callicoon Water District in the Town of Delaware, Sullivan County, New York, to be bounded and described as hereafter set forth, and the improvements proposed therefor of the acquisition of the existing water supply, storage and distribution system from the Callicoon Water Company, and improvements thereto, together with original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$4,202,672, is hereby approved. The method of financing the cost of said improvements shall be by the issuance of \$4,202,672 serial bonds of said Town (to be reduced by grants expected to be 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 by the annual apportionment and assessment upon the several lots and parcels of land within the 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.

Section 2. Said District shall be bounded and described as set forth in Exhibit A attached hereto and hereby made a part hereof.

Section 3. The Town Clerk shall, within ten (10) days after this resolution takes effect, being the date thirty days from the date hereof should no petition for referendum be filed relating hereto, file certified copies of this resolution in duplicate in the office of the State Department of Audit and Control at Albany, New York.

Section 4. This resolution is adopted subject to permissive referendum in accordance with Section 209-e(3) of the Town Law, and establishment of said District is not subject to the approval of the State Comptroller pursuant to Section 209-f of the Town 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.

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

c. RESOLUTION #45-2018 – AUTHORIZE SUPERVISOR TO SIGN JOINT PETITION TO THE PSC BY THE CALLICOON WATER COMPANY AND THE TOWN OF DELAWARE:

Moved by: Councilwoman Cindy Herbert
Seconded: Councilman Christopher Hermann

RESOLVED, that Supervisor Sykes is authorized to sign a joint petition to the Public Service Commission by the Callicoon Water Company and the Town of Delaware for the approval of the transfer of all water supply assets serving the hamlet of Callicoon.

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.)

d. RESOLUTION #46 -2018 – SEWER UNIT CHANGE, SBL 14.-5-49:

Moved by: Councilwoman Cindy Herbert
Seconded: Councilman Alfred Steppich

RESOLVED, that a sewer unit change be made to SBL: 14.-5-49, owned by Nine River Road Property Co. for renovations of the building which added five additional bathrooms. The sewer units will be increased to 3 units O&M and 3 units capital. Resolution adopted unanimously.

e. RESOLUTION #47-2018 – WAIVER OF 30-DAY WAIT – RAFTER’S TAVERN:

Moved by: Councilman Alfred Steppich
Seconded: Councilman Christopher Hermann

RESOLVED, that the Town of Delaware acknowledges that a new Application for an On-Premises Alcoholic Beverage license is being filed by the above captioned Rafter’s Tavern, 28 Upper Main Street, 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.

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.)

f. RESOLUTION #48-2018 – SALE OF SURPLUS PROPERTY:

Councilman Alfred Steppich made motion to declare the 2018 pickup truck surplus property and accept the \$31,700 bid from G. Haynes Holdings, Inc., PO Box 752, Bloomville, NY. Motion seconded by Councilman Christopher Hermann and carried, all in favor.

g. RESOLUTION #49-2018 – IN SUPPORT OF THE CALLICOON BUSINESS ASSOCIATION’S 2018 SULLIVAN SIGNS GRANT APPLICATION:

Moved by: Councilwoman Cindy Herbert
Seconded: Councilman Alfred Steppich

WHEREAS, the Sullivan County Division of Planning and Community Development has invited municipalities to submit projects for funding under the Sullivan Signs Program; and

WHEREAS, the Town of Delaware can receive up to \$7,500 with a 25% total project cost match; and

WHEREAS, the Town of Delaware is working with the Callicoon Business Association to facilitate the proposed Callicoon signage project; and

WHEREAS the Town wishes to beautify and assist in wayfinding in the hamlet of Callicoon and outlying areas in the Town of Delaware to attract residents and visitors to the hamlet center needs, updated signage to increase business activity and improve the flow of traffic through the hamlet.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Delaware formally supports the application of the Town, in partnership with the Callicoon Business Association, to the Sullivan County Division of Planning for 7,500 through the Sullivan Signs 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.)

PUBLIC COMMENT: Andrea Reynosa informed the Board that the CBA was awarded a \$2,900 Sullivan Renaissance beautification grant; they have volunteers to help and a paid intern. Ms. Reynosa also reported that the first draft of the lease for the train depot came in.

RESOLUTION #50-2018 - 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:

Ckindy and Al

| | | |
|------------------|------------------|-----------|
| Callicoon Light | Voucher #5 | \$ 899.52 |
| General Fund | Voucher #176-205 | 45,896.63 |
| Highway Fund | Voucher #101-119 | 72,201.16 |
| Kohlertown Light | Voucher #5 | 227.90 |
| Sewer #2 | Voucher #55-65 | 7,724.02 |

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

ADJOURNMENT: With no further business, on motion of Councilwoman Cindy Herbert, seconded by Councilman Alfred Steppich, the meeting adjourned at 8:10 p.m.

Respectfully submitted,

Tess McBeath, RMC
Town Clerk