

Town of Delaware Town Board
REGULAR BOARD MEETING
February 12, 2025 – 6:00 p.m.

A regular meeting of the Town Board of the Town of Delaware, Sullivan County, New York, was held at the Town Hall, in Hortonville, New York, in said Town, on the 12th day of February, 2025 at 6:00 o'clock p.m., prevailing time.

The meeting was called to order by Supervisor DuBois, and there were

PRESENT: Scott M. DuBois, Supervisor
Cindy Herbert, Councilperson
Alfred Steppich, Councilperson
Christopher Hermann, Councilperson
Ian Blumenthal, Councilperson

Present were: Tess McBeath, Town Clerk; Kristofer Scullion, Building Inspector/Code Enforcement Officer; Kenneth C. Klein, Esq.; Town Attorney

Supervisor DuBois welcomed everyone to the Board meeting.

GUEST TO THE BOARD: Appearing on behalf of the Hortonville Fire Department, Marvin Newberg, Esq., presented the Board with a petition to amend the zoning map. The issue is that the fire department is in two different districts. The rear is in the residential district as well as the pavilion. The firehouse and the pavilion were specifically authorized in 2005 and 2006 by the applicable boards. Mr. Newberg stated that it makes sense that it should be in the B1 district for several reasons. #1 it's a firehouse. More than just fire protection services, it's become a community center. Mr. Newberg reviewed some of the activities and stated that they're asking to put the whole property in the B-1 zone.

He requested the Board change the map. Our zoning law for the R-1 district states uses compatible with B-1 are to encourage commercial development. If an event such as the field day does need to get a special use permit, it would be much more appropriate to obtain one from the Planning Board in the B-1 district.

Mr. Newberg stressed that his other important point is that after building this accessory building it's part of the Fire Department property. He's asking that the 1.3 acre piece be put in the B-1 district. Its not going to change any land use but then the fire company can go to the Planning Board and make the appropriate applications. It's an important issue for these folks who give their valuable time to the community.

Hank McGrath of the HFD gave some history of the building and the agency approvals they received. Debbie Hornicek also addressed the Board; and eighteen members of the fire department and the community attended the meeting in support of Mr. Newberg's petition.

Supervisor DuBois told Mr. Newberg that the Board will take it under advisement; they'll talk with our attorney, the Building Inspector.

RESOLUTION - ACCEPTANCE OF MINUTES: Minutes of the January 8, 2025 meeting were approved on motion of Councilperson Herbert, seconded by Councilperson Steppich, and carried unanimously.

HIGHWAY SUPERINTENDENT: Supervisor DuBois reported that he hasn't spoken to Bill for awhile, but it's the busy season. Most places are going through their salt allotment and it's becoming harder to get. He informed the audience that we may see more sand on the road.

BUILDING INSPECTOR/CEO: Mr. Scullion reported that he submitted the annual report to the State. There's another house going up in Kenoza Lake Estates, another on Bauernfeind Road. He's been going through the short term rentals and expects we'll have around 30 of them.

TOWN CLERK: (1) January receipts totaled \$9,759 with \$9,742 turned over to the Supervisor. Of that, \$9,460 was Building fees. (2) We received a letter from the Upper Delaware Scenic Byway thanking us for our \$1,000 municipal contribution. (3) Property tax collections totaled \$3,328,079 in January. (4) Debbie Shea requested permission for Skylar Vairo-Hubbell to take the first class to becoming an assessor, Assessment Administration. *Permission granted.* (5) Isaac Green Diebboll requested a letter of support for the Save the Silos project in Callicoon. They hope to maintain the history of the silos while creating a space for youth engagement. The information was emailed to the Board last week. *Approved as long as it doesn't cost the Town any money.*

UDC REPORT: Harold Roeder's January and February reports included updates on the completion of six 2024 substantial conformance reviews and five project reviews of which four were approved. (2) Their CPA provided a financial picture and the 2025 budget was prepared. (3) The election of officers was held with Jim Rogers from Fremont appointed as Chairperson and Evan Padua as Vice Chair. (4) The Callicoon Depot historian Randal Bushart gave an interesting presentation on the history of the Erie railroad with artifacts, photos, newspaper articles from the beginning of the railroad to the present. (5) Many members of the public attended the last meeting of the Full Council to discuss the Skinners Falls/Milanville bridge. There was also concern from the canoe liveries about the 600% increase in the cost of an NPS ilcense in order to operate on the river. The NPS now wants a percentage of the livery operator's gross sales.

ENGINEER'S REPORT: Bill Brown said there are 40 customers left that we need to get in their house for the meters. The wellhouse construction is on hold for a month now due to weather.

SUPERVISOR'S REPORT: Supervisor DuBois reported he got a call from Cochection Supervisor about a weight restriction on Mueller Road. Cochection would like a 10,000 lb limit excluding local deliveries. That road's not built for tractor trailers and it's getting more use.

Supervisor DuBois wants to change the false alarm local law and give the firemen 50% of the fee when it comes to the false alarm calls toward fuel. When we first wrote it it was more a deterrent, then we had numerous calls.

RESOLUTION – AMEND FALSE ALARM LAW: On motion of Councilperson Hermann, seconded by Councilperson Herbert, the Town Attorney is requested to prepare an introductory local law splitting the fee with the fire districts and doubling the fine after the sixth false alarm.

PUBLIC COMMENT: Joan Rafferty addressed the Board. They have lived here for over 30 years. They moved here specifically because it was a quiet quaint hamlet. Mr. Buckmaster, who was the

Building Inspector/Code Enforcement Officer alerted them about building a new firehouse. The time to make the proposed to change from Residential to B1 was then. He didn't ask for a special use permit for events, yet all of a sudden it's an event space. Ms. Rafferty stated that you can't change the use after the fact. Spot zoning is something we don't do. This has nothing to do with the firemen. It has destroyed their peace and quiet and affects everyone who lives on North Horton Avenue. She doesn't want to fight the firement but it's not fair to the neighbors to change it now.

Norman Campbell added they don't have the septic system for the events, it's not a high capacity septic system. If there is a septic and a leach field, it's underneath the new firehouse. Town Hall building shares the water and septic with the firehouse. This a DEC concern. He said they're talking about spot zoning and on Route 52 you got rid of spot zoning.

Henry McGrath responded that there are two septic for their facility, one of which provides service to the courthouse and the firehouse. In May 18, 2005 Mr. Bucknaster recused himself from the matter. He did bring up to the ZBA, they said no issue if they continued with the existing usage – graduation parties, funerals, etc.. They had noise complaints and have required that the noise stop at 8 p.m. and everyone off the field by 9 p.m. Once they were notified of that complaint they made changes.

Debbie Hornicek stated that she's been here almost 65 years and this neighborhood was never quiet. There were three bars here which were allowed to be open until 4 a.m. It's quieter now than it ever was.

COUNCIL COMMENT: None.

OLD BUSINESS: None.

NEW BUSINESS:

RESOLUTION – PERMISSION TO BID FOR STONE:

Moved: Councilperson Steppich

Seconded: Councilperson Herbert

RESOLVED, that the Highway Superintendent is hereby authorized to bid for stone, with bid opening set for Thursday March 6, 2024 at 2:00 p.m. Motion carried unanimously.

RESOLUTION – ZONING BOARD OF APPEALS RE-APPOINTMENT:

Moved: Councilperson Herbert

Seconded: Councilperson Hermann

RESOLVED, that Bonnie Cunningham is hereby re-appointed as Zoning Board of Appeals Chairperson with a five year term ending December 31, 2029. Resolution carried; all in favor.

RESOLUTION – PLANNING BOARD RE-APPOINTMENT:

Moved: Councilperson Steppich

Seconded: Councilperson Hermann

RESOLVED, that George Rose be is hereby re-appointed to the Planning Board for a term ending December 31, 2029. Resolution carried; all in favor.

RESOLUTION – MEMORIAL PROCLAMATION: The following resolution was offered on motion of Councilperson Steppich, seconded by Councilperson Herbert, and carried unanimously:

**In Memory of
Richard Wall
August 4, 1948 – January 30, 2025**

WHEREAS, the people of the Town of Delaware have been grieved by the passing of one of our former members of the Town Council who served with honor and dignity, Richard Wall, a respected citizen of the Town of Delaware; and

WHEREAS, Richard Wall had served the Town of Delaware as a member of the Town Board from January 1, 1995 through December 31, 1999; and

WHEREAS, Richard Wall, during his period of service, had diligently performed his duties and had always exhibited those qualities essential as a public servant; and

WHEREAS, his death leaves our community with a deep feeling of sorrow for the loss of such an honored and respected citizen;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Delaware Town Board expresses its most sincere sympathy at the passing of Richard Wall on January 30, 2025, and extends its condolences to his family and friends, and in respect for his memory cause this Resolution to be published in the official town newspaper and made a part of the official minutes of the Town Board.

RESOLUTION – WEIGHT RESTRICTION MUELLER ROAD:

Motion: Councilperson Herbert

Seconded: Councilperson Steppich

RESOLVED, that a weight limit be established so that traffic not exceed 10,000 lbs on Mueller Road, except for local deliveries. Resolution carried, all in favor.

PUBLIC COMMENT: Earl Kinney questioned the firemen’s exemption. Supervisor DuBois stated that some towns went with out, others want to pressure the State to increase the income tax credit from \$200 presently to \$800. The supervisor feels it shifts the exemption cost burden to your neighbors. It’s based on assessments, so some of the people will make out really well and others won’t. Attorney Klein stated that it could wind up that the property owner would only get the exemption on the town line, not county or school. The Fire Department has to send a list of active members each year; and you have to participate. For now, it is an income tax credit.

RESOLUTION: PAYMENT OF BILLS: February 2025 bills/vouchers were reviewed and approved for payment on motion of Councilperson Hermann, seconded by Councilperson Steppich and carried unanimously:

Callicoon Light	\$	737.31
Callicoon Sewer		15,943.31
Capital		65,225.30
General Fund		1, 128,321.76
Highway Dept.		284,971.09
Kohlertown Light		161.43
Water District		8,899.80

ADJOURNMENT: With no further business, on motion of Councilperson Herbert, seconded by Councilperson Steppich and carried unanimously, the meeting adjourned at 6:40 p.m. Resolution carried.

Respectfully submitted,

Tess McBeath, RMC
Town Clerk