

**Town of Delaware Town Board
REGULAR BOARD MEETING
August 14, 2024 – 7:00 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 10th day of July, 2024, at 7:00 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
Christopher Hermann, Councilperson
Alfred Steppich, Councilperson
Ian Blumenthal, Councilperson

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

The regular meeting was opened by Supervisor DuBois at 7:00 p.m. with a pledge to the flag.

GUEST TO THE BOARD: Eugene Thalman, President of the Sullivan County Farm Market approached the Board to seek approval to bury coaxial cable in the Callicoon Creek Park. The vendors are having troubles with internet connectivity which results in problems with the credit card companies. He explained coaxial cable in layman's terms. They're paying for the three modems in the shed, but they have 34 vendors and each person potentially has two accesses so the bandwidth gets eaten up. Spectrum is willing to do the upgrades, dig and bury the coaxial cable lines. There will be no expense to the town, and they won't be burying the electric. Spectrum will do Dig Safely.

Mr. Thalman mentioned one project he'd like to see in the future – have WiFi beamed across the hamlet. He hopes we could leverage state resources and county support to upgrade the infrastructure. Supervisor DuBois relayed that the County is piloting that now to jump off the emergency towers. They're trying it out in Monticello and Liberty and see if it's worth dropping it throughout Sullivan County off the emergency towers. He knows it's being piloted in Monticello now.

ACCEPTANCE OF MINUTES: Minutes of the July 10, 2024 meeting were approved on motion of Councilperson Herbert, seconded by Councilperson Steppich and carried unanimously.

HIGHWAY SUPERINTENDENT: The Supervisor spoke to Bill Eschenberg, business as usual; they're doing maintenance on roadsides. Supervisor DuBois reported that we're expecting another big truck and possibility a little one to arrive before winter.

BUILDING INSPECTOR/CEO: Kristofer Scullion reported that new homes dropped off but there's still a lot of construction. Camp Bnos Rochel had quite a few false alarms. They dropped off a couple of checks - some for building permits, some for the false fire alarms. The Kenoza Lake fire chief has another batch of tickets which are now at \$1,000 for each false alarm. There are different causes for these false alarms, one was actually a real fire.

Mr. Scullion questioned whether some of those funds could be sent to the Kenoza Lake Fire Dept. Attorney Ken Klein responded that they can't take a donation. We'd have to make an intermunicipal agreement. The nature of false alarms laws are not to raise money, but to try to deter. Maybe what we

need to do is look at the next year increasing what the maximum fine is. The problem is they have to respond every time one of the alarms go off. Councilman Steppich suggested re-writing the law so the fire company gets a portion of the fines. Attorney Klein will look into it.

Mr. Scullion's mentioned in his report that another house on old Taylor Road is going to be torn down. He's spoken to the owner of the Fern, no action there. It will probably end up in the county's hands.

TOWN CLERK: (1) July receipts totaled \$7,894 with \$7,809.78 turned over to the Supervisor. Building Inspector receipts totaled \$7,065. (2) The Abstract of Settlement was received for property taxes. Collections for the 2024 season totaled \$4,912,372.54 with \$793,887.48 returned unpaid. A \$9,181.56 check for interest and penalties was submitted to the Supervisor. (3) Debbie Shea requested permission to attend the NYS Assessor's Assn conference in September; *permission granted*. (4) Linda Bashoor from 408 Mueller Road contacted us about a road sign. She has an adult son who is disabled with a traumatic brain injury. She asked if we could put up a warning sign. The Board isn't opposed but wants to give some thought as to what type of warning sign.

UDC REPORT: Harold Roeder provided a hydrologic report. He stated our water project was discussed at the Project Review committee meeting. The River Valley awards banquet is set for September 22 and he encourages you to attend. The Full Council heard a presentation on the USGS Steam Gauging Networks. The Barryville gauge is not operational, but Callicoon's is.

ENGINEER'S REPORT: See below.

SUPERVISOR'S REPORT: Supervisor DuBois stated that within the next couple weeks they're going to roll out the meters, so that's moving forward. Not sure when wellhouse construction is going to start, probably the end of Youth's Center's summer camp. Mr. Scullion mentioned that Rutledge applied for the permit for the wellhouse. (2) The Supervisor reported that Sullivan County DPW is closing a section of the Welsh Road bridge. (3) Supervisor DuBois made it a point to recognize a couple of employees who recently retired. Mike Eschenberg had 21 years in and Jay Dirie 34 years. He wanted to go on record sending our appreciation for their dedication and say thank you to them. (4) The Supervisor mentioned that summertime coming to a close, everyone should enjoy the remainder of the season.

PUBLIC COMMENT: None.

COUNCIL COMMENT: Councilperson Herbert reported that we finished the Sullivan 180 grant, and the new sign is up. She wanted to thank Jay Dirie and Danielle Rutledge. On the second day of his retirement, he rototilled and they planted the whole thing. Another thank you to the Clerk and Katey Dnistrian for their work on the grant.

OLD BUSINESS: The Sullivan 180 Community Impact Grant for the Delaware Youth Center athletic courts was discussed. Alex Gardner explained that the two bids that came in were way too high. The Youth Center Board of Directors wants to rebid and have Bill Brown come and work with them on a new bid package. They have two years to work with the Sullivan 180 grant.

RESOLUTION: REJECT BIDS FOR DELAWARE ATHLETIC COURTS: Motion by Councilperson Steppich, seconded by Councilperson Hermann that the two bids for resurfacing the Delaware Youth Center's athletic courts be rejected. Motion carried; all in favor.

NEW BUSINESS: General Municipal Law §239-Review.

Attorney Ken Klein explained that Section 239 is a division of the General Municipal Law that requires under certain circumstances that applications pending before the Planning Board, Zoning Board or even our Board if we're amending the zoning law, be sent to Sullivan County Planning for review. They review it for the purpose of identifying whether there are any intercommunity or countywide impacts. They can make recommendations on site plan approval, zoning use variances. The local Board has the ability to override what they recommend by supermajority vote. Attorney Klein explained that we already have an agreement, this broadens it out and adds a few more instances.

RESOLUTION: AGREEMENT WITH SULLIVAN COUNTY REGARDING GML §239-REVIEWS:

Motion: Councilperson Steppich

Seconded: Councilperson Hermann

RESOLVED, that the Supervisor is authorized to enter into an agreement with Sullivan County to exempt certain planning and zoning actions from the GML §239 review. Motion carried unanimously.

RESOLUTION: WAIVER OF 30-DAY WAIT - DEEMAR NY LLC:

Moved by: Councilperson Christopher Hermann

Seconded: Councilperson Cindy Herbert

RESOLVED, that the Town of Delaware acknowledges that a new liquor license application by Deemar NY LLC, located at 28 Upper Main Street, Callicoon, NY. In this instance the Town of Delaware waives its right to the 30-day hold and consents to the processing and issuance of the aforesaid license and does hereby grant the 30-day waiver.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, resulting as follows:

Supervisor Scott M. DuBois voting aye;
Councilperson Cindy Herbert voting aye;
Councilperson Christopher Hermann voting aye;
Councilperson Alfred Steppich voting aye; and
Councilperson Ian Blumenthal voting aye.

The resolution was thereupon declared duly adopted.

RESOLUTION: SET CLEAN-UP DATE: On motion of Councilperson Herman, seconded by Councilperson Steppich, it was determined that the Fall Clean-up will be held on September 14th from 9 a.m. to 4 p.m. with Thompson Sanitation as the hauler. Resolution carried.

RESOLUTION: PAYMENT OF BILLS: August 2024 bills/vouchers were reviewed and approved for payment on motion of Councilperson Herbert, seconded by Councilperson Steppich and carried:

Callicoon Light	\$ 1,439.48
Callicoon Sewer	15,197.10
General Fund	41,779.27
Highway Dept.	72,988.55
Kohlertown Light	317.73
Water District	11,936.42
Water Imp. Capital	7,851.33

EXECUTIVE SESSION: Motion to go into Executive Session to discuss potential litigation at 7:45 p.m. by Councilperson Herbert, seconded by Councilperson Blumenthal and carried.

Motion to go out of Executive Session at 8:30 by Councilperson Steppich, seconded by Councilperson Herbert and carried.

ADJOURNMENT: With no further business, on motion of Councilperson Hermann, seconded by Councilperson Steppich and all in favor, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Tess McBeath, RMC
Town Clerk