

Town of Delaware Town Board
REGULAR BOARD MEETING
February 14, 2024 – 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 14th day of February, 2024, 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
Christopher Hermann, Councilperson
Alfred Steppich, Councilperson
Ian Blumenthal, Councilperson

Also present: Tess McBeath, Town Clerk; Kristofer Scullion, Building Inspector/Code Enforcement Officer; Deborah Shea, Assessor; Kenneth C. Klein, Town Attorney; William Brown, Delaware Engineering

GUEST TO THE BOARD: Assessor Deborah Shea spoke of the Senior Citizen low income exemption. Residents have to be age 65 and make less than \$28,500 to even get 5% off the total tax bill. Ms. Shea is proposing a sliding scale of 5% at \$40,000 to \$31,600 for 50%. Attorney Ken Klein stated that we already have it in our Town code so we'd be amending what's in there; we would replace those numbers with the numbers Ms. Shea recommends.

Ms. Shea explained that every town can be different - the school can have one number and the county have another number, so you could have three different percentages off with your income. Supervisor DuBois mentioned that this came up at a Supervisor's meeting. NYS changed the law that the maximum you could go with was \$50,000. The concensus was that everyone was going to raise it a little. Attorney Klein stated he'll generate the local law, introduce in March, hold the Public Hearing in April and it would hit the tax bill in 2025.

ACCEPTANCE OF MINUTES: Minutes of the January 10, 2024 re-organizational meeting were not available.

HIGHWAY SUPERINTENDENT: Supervisor DuBois spoke to Bill Eschenberg, it's business as usual. This winter hasn't been terrible but it's not over yet.

BUILDING INSPECTOR/CEO: Kristofer Scullion reported that he's busy. He sent out 47 short term rental notices and has renewed 15 already; he's started doing inspections on those. A few aren't renting anymore. There's another house being built in Kenoza Lake Estates. There are a few garbage complaints and other things he's working on. Supervisor DuBois asked if there was any news on Valley View. Mr. Scullion reported they have all new management and have brought in an engineer. He spent another half day there last week; they looked at one or two of the other buildings he hadn't been in before. The engineer said they want to tear some walls off and see what it looks like. One building out of eight passed an electrical inspection. Attorney Klein said they need to apply to the Planning Board for the annual renewal of their special use permit. The clock is ticking and the Planning Board is not of a mind to approve a renewal unless Mr. Scullion tells them it's safe. They

have ceilings falling down; it's the same thing as last year, just a different spot. They have flat roofs, lots of issues. Attorney Klein mentioned that Perry Meltzer retired, Henri Shawn is supposedly taking it over.

TOWN CLERK: (1) Taxes taxes taxes. The Clerk reported on the difficulties with the new Systems East tax software. A collection report was unavailable; a balancing report was unable to be verified. (2) January 2024 receipts totaled \$3,412; Building Inspector's receipts totaled \$3,185 and \$3,389 was turned over to the Supervisor.

UDC REPORT: Harold Roeder provided a written report to the Board, along with the hydrologic conditions report. He mentioned that the UDC is reviewing our water project.

ENGINEER'S REPORT: Mr. Brown clarified that it's not a new system, it's bringing our water system to current standards. Mr. Brown provided updates on water: The wells have been drilled; we're down 180' and we're getting 200 gal/min. One's a little over, one's a little under. We're now in the process of developing the wells They'll pump air and water in the well column so the water can get into the well. The next step is a pump test and taking water samples. We did that with the test well, all clear, now we do it with the new wells.

We have plans to replace the wellhouse and piping. The next step is to go to bid. Other reviews in the works are the NYS DOT right-of-way, the contractor needs a permit from them; they'll review the plans. We'll need permits from Sullivan County Dept. of Public Works as Upper and Lower Main is a County roadway. We're planning to go under the railroad; there's a \$2,500 ongoing permit license fee. EFC will pay that fee.

We're getting closer to construction, coordinating with various entities, permitting entities, Youth Center. We will communicate with property owners in town, including the property owner near the Delvue water tank. We'll be replacing the water lines through most of the hamlet. There will be a new services, valves and fire hydrants. Within our budgetary confines we'll work with the Fire Department on nozzles and connectors.

SUPERVISOR'S REPORT: Supervisor DuBois gave kudos to George Gattus, our sewer operator. He just went through the DEC inspection process; we got a satisfactory rating which is the highest rating that a plant could get.

The Supervisor attended a Council of Governments meeting where the Supervisors met with the County Legislators; there were discussion on sales tax sharing, sharing services, etc.

PUBLIC COMMENT: Edward Schaefer and his father appeared before the Board. He spoke of difficulties with Mr. Eschenberg and felt he was shorted in his pay. Supervisor DuBois informed him that we can't discuss personnel matters in open meeting. He further stated that the Board has zero control statutory-wise over the highway superintendent. He hires, fires, calls in, doesn't call in. If there's a discrepancy on the time it will have to go back to Bill Eschenberg.

The Schaefer's pointed out the lack of time clocks. Attorney Ken Klein stated that would probably have to be negotiated under the collective bargaining agreement. Attorney Klein stated that Mr. Eschenberg is elected. This Board does not hire him, fire him, nor do they have supervisory authority over him. He is autonomous. Councilperson Hermann explained how the call-in time works, and further explained that the only thing we control is the Highway budget. Supervisor DuBois reiterated that the Schaefer's need to speak with Mr. Eschenberg about the hours and if they need an adjustment it will be his decision and he will make the adjustment.

COUNCIL COMMENT: None.

OLD BUSINESS: None.

NEW BUSINESS:

RESOLUTION: AUTHORIZATION BID FOR STONE:

Moved by: Councilperson Hermann

Seconded: Councilperson Herbert

RESOLVED, that the Highway Superintendent is hereby authorized to bid for stone, with bid opening set for Thursday March 7, 2024 at 3:00 p.m. Motion carried unanimously.

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

Callicoon Light	\$ 609.05
Callicoon Sewer	14,186.51
General Fund	900,434.60
Highway Dept.	159,700.57
Kohlertown Light	123.52
Kohlertown Sewer	51,703.37
Water District	9,483.00
Water Imp. Capital	812.80

GUEST TO THE BOARD: Michael Gallagher addressed the Board about his microbusiness application. He intends to develop an educational cannabis growing program, membership based. People would learn how to grow, given a plant to take care of; perhaps sell the proceeds into the new Jeffersonville dispensary. It would be a small business under 30 plants for the year. Microbusiness license enables a certain square footage that they can use. He is still going through the application process with the Office of Cannabis Management. Supervisor DuBois stated that we encourage business; the Board simply didn't know who he was and wanted to know his intentions.

Attorney Ken Klein mentioned the question is whether he needs Planning Board approval for it. Kris Scullion needs to get a sense of the processing part. There are different levels of agriculture - growing, reaping, selling. If you're processing, which it sounds like it might be, Attorney Klein thinks he might have to appear before the Planning Board to get site plan and special use permission. If he only grows the crop, sells the raw product to a third party it's a principal permitted use. Mr. Gallagher stated they are going to turn them into edibles. In that event he will have to go the Planning Board, present it to them and ask for a special use permit. They will need a site plan outlining parking, etc. Attorney Klein told Mr. Gallagher that this is not an impediment to doing it. It's not a cannabis issue, it's the processing issue. He should Mr. Scullion us once he receives the OCM approval.

ADJOURNMENT: With no further business, on motion of Councilperson Steppich, seconded by Councilperson Blumenthal and carried unanimously, the meeting adjourned at 6:58 p.m. Resolution was thereupon APPROVED: AYES-5, NAYS-0.

Respectfully submitted,

Tess McBeath, RMC
Town Clerk