

Town of Delaware Town Board
REGULAR BOARD MEETING
July 10, 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; William Brown, Delaware Engineering

6:55 p.m. PUBLIC HEARING: In the Matter of the Granting of a Cable Television Franchise held by Spectrum Northeast, LLC. The Public Hearing was opened on motion of Councilperson Steppich, seconded by Councilperson Hermann and carried. There being no public comment, the hearing was closed on motion of Councilperson Hermann, seconded by Councilman Blumenthal and carried.

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

GUESTS TO THE BOARD: UDC Representative Harold Roeder introduced Lindsey Kurnath, National Park Service (NPS) Superintendent; Carly Marshall, NPS Community Planner and Kerry Engelhardt, UDC Resource and Land Use Specialist. Mr. Roeder mentioned that he's been representing the Town on the Upper Delaware Council for 26 years.

Mr. Roeder spoke of years past when the federal government was going to take all the land on the river. Along came the park service and for over ten years they worked it out with the communities from Hancock to Deerpark. They worked for the good of the communities. The River Management Plan was the first one in the US where government and people worked together to serve the river corridor and protect private property rights.

Lindsey Kurnath, NPS Superintendent, mentioned that in 1978 Congress established the Upper Delaware Scenic and Recreational River. They collaborate with the 15 local municipalities in the Delaware River Basin to manage 73.4 acres of river. She explained that it's been an incredibly successful experiment to see the river as clean as it is today.

Looking ahead, over next few years, one of the big questions is are they doing the best that they can with the limited resources that they have. They are investing in community engagement to ensure that visitors to the corridor understand all the risks associated with the river, including wearing life jackets.

Kerry Englehardt stated that the UDC represents the states of NY and PA, the DRBC and the 13 member municipalities on both side sof the river. The office is staffed by three people; she handles project review. She needs to determine if it's a significat project, see if it conforms to the River Management Plan and meets substantial conformance to the guidelines. She prepares a report and it's reviewed by the UDCouncil; from there they recommmed to the NPS that it substantailly conforms. Ms.

Englehardt spoke of a number of events they've been involved in around the Delaware. She mentioned that TAG grant applications are open; they provide grants for technical things such as updating zoning, working on a comprehensive plan. She mentioned that Damascus developed an emergency preparedness brochure. Ms. Englehardt said they had 375 volunteers for the Upper Delaware Litterpluck. Ms. Englehardt's background is in land development, civil engineering, land planning experience and she is available to help.

Carly Marshall is the NPS Community Planner and has been involved in municipal planning for ten years. Ms. Marshall coordinates with the municipalities and works with them to coordinate compliance with federal regulations. Ms. Marshall spoke of a new GIS interactive web mapping application; you can look up where the property is and she can assist us in using it. Ms. Marshall provided a one page handout on what kinds of projects would need to be reviewed.

Councilperson Steppich spoke of the emergency meetings he went to about 10 years ago concerning the dam upstream. He is concerned about the dam integrity. If the dam went out and they had mapped every mile, how long it would take this wall of water to come down here. They were talking about an early warning system and the Councilperson feels it's New York City's responsibility. He asked Ms. Kurnath to look into coming up with an early warning system. Ms. Kurnath stated she has a good relationship with NYC DEP because of the aqueduct shutdown in Wawarsing. She was impressed with other emergency action plans they've developed and in coordination with the EPA, they're working on a spill response plan for the Upper Delaware. She will bring up notification protocol when she speaks with the NYC DEP and perhaps write a letter. She spoke of her level of confidence with our first responders in this area. Councilperson Steppich stated the main problem is trying to communicate with people.

ACCEPTANCE OF MINUTES: Minutes of the June 12, 2024 meeting were approved on motion of Councilperson Herbert, seconded by Councilperson Steppich and carried unanimously.

HIGHWAY SUPERINTENDENT: The Supervisor spoke to Bill Eschenberg. They're done with all the paving, he authorized a little extra funding to chip seal a little further. He stated they're presently road mowing, doing maintenance on the vehicles.

BUILDING INSPECTOR/CEO: Kristofer Scullion reported (1) that he's spent most of the last month at camp Bnos Rochel. He explained that the Planning Board had a special meeting and granted the special use permit with conditions. He reviewed the CO's he's issued; mentioned that three buildings had a considerable amount of work done. The fire alarm systems are all working. Kenoza Lake Fire Dept. turned in 5 false alarm reports, so that's \$2,000 they owe as of today. They're pumping and hauling all their waste because their SPEDES permit is not done yet. (2) Ian Leifer's property has proposed 50 tiny homes but he hasn't contacted anyone here yet. There's a new sign and he has a website to get on a waiting list. Mr. Scullion is getting calls about that. (3) There are a couple new houses going up in Kenoza Lake. (4) Pecks Market is doing environmental tests to make sure there aren't any oil tanks or anything buried there.

TOWN CLERK: (1) June receipts totaled \$3,697.75 with \$3,612.80 turned over to the Supervisor. Building Inspector receipts totaled \$3,260. (2) The Callicoon Train Depot Visitor Center project is holding a Town Hall meeting on Tuesday July 16 from 6-8 p.m. at the Youth Center. (3) A special thank you and recognition to Norman Campbell and Joan Rafferty – Norman repaired the two benches out front and they look great. Thank you Norman!

UDC REPORT: Harold Roeder's report was included in the NPS/UDC presentation.

ENGINEER'S REPORT: Mr. Brown provided an update on the water project. The work will run from late summer and go through fall. The contractors are ordering materials, getting permits, it'll probably be a month or so for construction to start. We have three contracts in place, invoices will start coming in next month. It's EFC funding. One contractor will be putting in water meters in all properties in the hamlet; they'll reach out to individual property owners with a postcard in the mail. Meters are a requirement of the Town water law and it's a mandate of the DRBC for all properties to have water meters. An initial letter was sent out to give people an update.

The plan is to get the water meters done before Fall. There are 152 meter to go in. Every water system in the state has to do a water inventoy to see if there are any lead pipes. They'll be in every single residence so we'll want to see what kind of pipe is coming out of the wall.

SUPERVISOR'S REPORT: Supervisor DuBois spoke of how busy it is downtown on the weekends. He said it's a double edged sword. We want people to come here, build new homes, that's the only way the town can generate revenue - through property taxes. It's great for the businesses, but not for everyone. We were all born and raised here, if we didn't have that influx we'd be paying more in taxes. It's nothing the town can control.. We're not creating new zones or allowing new building down there, it's the ebb and flow right now. COVID reshaped everything. It drove the city folk up here, now they have internet and they can be here during the week. It's summertime in the Catskills and this is just a product of where we live right now. We don't encourage or discourage. Councilperson Blumenthal added that a lot of people want to be here. Councilman Steppich said this is nothing. Back when we had all the boarding houses, the train station brought people up. They had school buses, taxies. This congestion is nothing compared to what it was then. Councilperson Blumenthal's father used to ride his bike and show movies at all the camps. In those days the wife and kids stayed up and husbands came up on weekends. He couldn't drive through Liberty on his bike because it was so crowded.

PUBLIC COMMENT: :Peg Luty spoke of the bid opening for the Youth Center's athletic courts. The bids came in high and she asked that we hold off awarding the bid, they're going to call a meeting of her Board and figure out what they want to do. They may have to change their scope of work. She'll report back at the August meeting. Supervisor DuBois said that it's at their direction, we're just a pass through. Whatever they decide is fine. He suggested they tap the county for some more money, perhaps the youth bureau; and possibly Aileen Gunther could come up with some extra money. Mrs. Luty reported that the Youth Center is doing great. Their first day of summer program they had 132 children. It's been like that every day. Pool is always busy, the circus was a success and now they're organizing a bus trip to Sesame Place.

PUBLIC COMMENT: Nicole Vallance, gave an update on the Calicoon Business Association, the July 27 country fair which is a hamlet-wide event with 60 vendors, and the Depot Town Hall at the Youth Center on July 16. She reported that they're about to submit the DASNY grant. With regard to the parking lot, they have had a lot of property damage lately – people are hitting things, taking down lines and doing damage. The CBA can't afford the liability.

COUNCIL COMMENT: None

OLD BUSINESS: Motion to table the bid award for the Delaware Youth Center athletic courts made by Councilperson Herbert, seconded by Councilperson Steppich and carried.

NEW BUSINESS:

RESOLUTION: APROVAL OF TEN-YEAR CABLE TELEVISION FRANCHISE AGREEMENT WITH SPECTRUM NORTHEAST, LLC, an indirect subsidiary of CHARTER COMMUNICATIONS, INC.:

STATE OF NEW YORK
Town of Delaware
County of Sullivan

Moved by: Councilperson Christopher Hermann
Seconded: Councilperson Alfred Steppich

In the Matter of the Granting of a Cable Television Franchise Held by Spectrum Northeast, LLC in the Town of Delaware, County of Sullivan, New York

RESOLUTION

An application has been duly made to the Board of the Town of Delaware, County of Sullivan, New York, by Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. (“Charter”), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Charter's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission.

The franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of Delaware, New York on July 10, 2024 at 6:55 P.M. and notice of the hearing was published in the Sullivan County Democrat on July 2, 2024.

NOW, THEREFORE, the Board of the Town of Delaware finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Town of Delaware hereby grants the cable television franchise of Spectrum Northeast, LLC and the Town of Delaware for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence.

BE IT FURTHER RESOLVED that the Board of the Town of Delaware hereby confirms acceptance of this franchise renewal agreement.

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.

CLEAN-UP DATE: Tabled until August.

RESOLUTION: WAIVER OF 30-DAY WAIT - FAY HOSPITALITY CATSKILLS LLC:

Moved by: Councilperson Alfred Steppich
Seconded: Councilperson Christopher Hermann

RESOLVED, that the Town of Delaware acknowledges that a new liquor license application by Fay Hospitality Catskills LLC for the Beechwood Golf & Country Club, located at 639 County Road 164, 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: WAIVER OF 30-DAY WAIT - FAY HOSPITALITY CATSKILLS LLC:

Moved by: Councilperson Alfred Steppich
Seconded: Councilperson Christopher Hermann

RESOLVED, that the Town of Delaware acknowledges that a new liquor license application by Fay Hospitality Catskills LLC for Eleanor's Country Kitchen, a restaurant located at 5 Tuscan Circle, 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: WAIVER OF 30-DAY WAIT - FAY HOSPITALITY CATSKILLS LLC:

Moved by: Councilperson Alfred Steppich
Seconded: Councilperson Christopher Hermann

RESOLVED, that the Town of Delaware acknowledges that a new liquor license application by Fay Hospitality Catskills LLC for Beechwood Golf & Country Club/Golf Cart, located at 639 County Road 164, 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: WAIVER OF 30-DAY WAIT - FAY HOSPITALITY CATSKILLS LLC:

Moved by: Councilperson Alfred Steppich
Seconded: Councilperson Christopher Hermann

RESOLVED, that the Town of Delaware acknowledges that a new liquor license application by Fay Hospitality Catskills LLC for a Bowling Alley establishment located at 356A Villa Roma Road, 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: WAIVER OF 30-DAY WAIT - FAY HOSPITALITY CATSKILLS LLC:

Moved by: Councilperson Alfred Steppich
Seconded: Councilperson Christopher Hermann

RESOLVED, that the Town of Delaware acknowledges that a new liquor license application by Fay Hospitality Catskills LLC for the Villa Roma Outdoor Pool Bar, located at 356 Villa Roma Road, 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: WAIVER OF 30-DAY WAIT - FAY HOSPITALITY CATSKILLS LLC:

Moved by: Councilperson Alfred Steppich
Seconded: Councilperson Christopher Hermann

RESOLVED, that the Town of Delaware acknowledges that a new liquor license application by Fay Hospitality Catskills LLC for Ad Bar 1 “Villa Roma Country Club – Marty’s” and Ad Bar 2, “Mezzanine Bar” a full premises Hotel and Restaurant located at 356 Villa Roma Road, 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: WAIVER OF 30-DAY WAIT - FAY HOSPITALITY CATSKILLS LLC:

Moved by: Councilperson Alfred Steppich
Seconded: Councilperson Christopher Hermann

RESOLVED, that the Town of Delaware acknowledges that a new liquor license application by Fay Hospitality Catskills LLC for the Chalet, located at 41 Polster Road, 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: PAYMENT OF BILLS: July 2024 bills/vouchers were reviewed and approved for payment on motion of Councilperson Steppich, seconded by Councilperson Blumenthal and carried:

Callicoon Light	\$ 722.82
Callicoon Sewer	35,495.69
General Fund	38,993.90

Highway Dept.	124,831.06
Kohlertown Light	159.76
Water District	5,807.43
Water Imp. Capital	4,995.00

ADJOURNMENT: With no further business, on motion of Councilperson Steppich, seconded by Councilperson Herbert and all in favor, the meeting adjourned at 7:52 p.m.

Respectfully submitted,

Tess McBeath, RMC
Town Clerk