

**Town of Delaware Town Board
Regular Board Meeting
August 10, 2016**

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/CEO; Kenneth C. Klein, Town Attorney

Supervisor Sykes opened the regular meeting at 7:00 p.m.

GUEST TO THE BOARD: Kristen Fischer and Catherine Scott of Rocky's Refuge run a non-profit organization that traps, neuters and releases cats. They've done 18 this year in the hamlet of Callicoon, a colony of cats located between Agway and Electro-Kinetics. Catherine Scott mentioned that they had 7 colonies of cats in Jeffersonville and they've taken a proactive approach and done 48 cats and have 3 more to do. They explained that for a small investment the cats are neutered, vaccinated for rabies and distemper, any health problems are treated and then they're released back to their colony. Cost per cat is \$52; they utilize Youngsville Veterinary Clinic and TARA in Middletown.

Ms. Fischer requested that during budget talks, the Board consider allotting \$1,000 to Rocky's Refuge for cat problems in the Town. Supervisor Sykes said they would take it under advisement and consider the request for next year's budget.

GUEST TO THE BOARD: Helen Budrock, a Community Planner with Sullivan Renaissance, is working with the Callicoon Business Association on projects beyond beautification. For instance, Narrowsburg developed a hamlet-wide master plan, assisted by Buck Moorhead. The CBA has received funding for a community survey, which was developed by Buck and Evadne Giannini of Hospitality Green. They intend to hold community visioning workshops in Sept/Oct to brainstorm ideas to make the community a better place. She would love some of the Board members to attend. Ms. Budrock stated that Callicoon has one of the most successful Main Streets in the county.

RESOLUTION #54-2016 – ACCEPTANCE OF MINUTES: Minutes of the July 13 and August 3, 2016 meetings were approved on motion of Councilwoman Herbert, seconded by Councilman Steppich and carried unanimously, AYES-4, NAYS-0. (Councilman Gain absent.)

BUILDING INSPECTOR/CEO: James McElroy reported that (1) a new hotel, Nine River Road, opens tomorrow. There are 8 very nice rooms, no TV's in any room but they need high speed internet. (2) Mr. McElroy and the Board of Health will be inspecting the Western tomorrow. As it's been closed for a year and one-half, it shouldn't have opened without some inspections. (3) Someone is interested in a distillery in the business district; 150 apple trees have already been planted and there are 650 on order. Mr. McElroy explained how it will be set up, with the distillery, tasting area, gift shop and retail for buying cider. The problem is the property is in the business district but it's not zoned for that. If it was in RU it would be ok, can't have agricultural product processing in Cal B-1. He thinks it's an oversight. Attorney Klein said we'd have to do a local law. Mr. McElroy will speak to the Planning Board.

TOWN CLERK: (1) July receipts totaled \$3,213.75 with \$3,193.75 turned over to the Supervisor. Of that, \$2,474 was building fees. (2) The new Town Code book was presented to the Board.

HIGHWAY SUPERINTENDENT: No report.

ASSESSOR: Supervisor Sykes reported that (1) we're done with the reval and it went really well. It was long overdue. There were 45 grievances, many were stipulations. He just received a letter from the state and out equalization rate is 100%. Vincent Alukonis added that Terri LaFleur deserves credit for all the work she did. (2) The engineer is compiling the bid package for the sidewalks.

UDC REPRESENTATIVE: Harold Roeder (1) reviewed the charts of the river basin storage, noting that we have water issues as the water is a lower than the long-term median. The three dams are at 81.86% capacity. (2) Mr. Roeder spoke of the TAG grants, applications are due the 29th. The UDC has been in business since 1988 and have awarded \$809,325 over the years to the towns. (3) The NPS is celebrating its 125th anniversary, there's a shindig in Narrowsburg the 13th. (4) Mr. Roeder read aloud the Town's letter regarding the Cannonsville Dam hazard; he believes our letter encouraged other towns to write. Councilman Steppich stated that for them to admit that there was a catastrophic situation up there it must have been serious. They spoke of the short timeframes to evacuate people and the different methods that could be used to notify residents of imminent danger.

CALLICOON BUSINESS ASSOCIATION: No report.

SUPERVISOR'S REPORT: Supervisor Sykes reported that in the last couple of weeks, Callicoon is jumping! It's hard to find parking places, every business is busy. The Farm Market continues to be a great success.

A letter was received from the Hortonville Fire Dept. requesting permission to close Main Street from Beechwoods Road to North Horton Avenue between 9:30 a.m. and 5:00 p.m. on Saturday, August 27, 2016. It was also noted that the Second Street R.O.W. will be used for access to their firemen's field.

RESOLUTION #55-2016 – PERMISSION TO CLOSE ROAD: Motion by Councilman Steppich seconded by Councilwoman Herbert authorized the Hortonville Fire Dept. to close Main Street from Beechwoods Road to North Horton Avenue between 9:30 a.m. and 5:00 p.m. on Saturday, August 27, 2016. Resolution carried, AYES-4, NAYS-0. (Councilman Gain absent.)

Supervisor Sykes stated that he and the Board have spent a lot of time on solar development. He's held three workshops and a meeting, attended four different seminars put on by SASD and Sullivan County; and introduced a local law to amend our zoning as our law doesn't address commercial development. We think we addressed all concerns expressed by our citizens and we have a pretty good handle on the law; the only thing we haven't handled is the taxes, coming up with a PILOT. Nancy Hackett from Sullivan West is on board, and he spoke to Ed Homenick; he and Nancy Buck are both on board. It's fine with them doing a PILOT agreement for the Town, school and county – he thanked us for our foresight. Supervisor Sykes stressed that there's still work to do; i.e., the specifics of the PILOT.

Supervisor Sykes went on to explain how most PILOTs with the IDA start out with a pre-negotiated number with the taxing jurisdictions; payments go up every year until you get to 100%. Anything we do has to be the same period as the NYS exemption – 15 years. Councilman Steppich asked if we have a PILOT for this one, do we stick to it for other projects? Assessments are now based on productivity, figures from the state are based on income. A \$1.5 million project with our tax rates and full taxation would be approx. \$49,000. With that in mind, Supervisor Sykes asked the Board to give it some thought.

The Town is electing to exercise their option to impose a PILOT, according to Attorney Ken Klein. He recommended the Board hold their public hearing on September 14, if there are still issues the Board can make a decision to adopt or table for another meeting. The Clerk was directed to send the revised local law to the County for a 239-review.

OLD BUSINESS: None.

NEW BUSINESS:

a. RESOLUTION # 56-2016:

RESOLUTION TO HOLD PUBLIC HEARING

ON PROPOSED LOCAL LAW

WHEREAS the Town Board of the Town of Delaware has entered into a project for the codification of local laws, ordinances and certain resolutions of the Town of Delaware for the purposes of increasing the effectiveness of town governmental administration, providing for

greater public awareness of and access to town legislation and protecting the health, safety and welfare of town inhabitants; and

WHEREAS the proposed codification has been published in loose-leaf form and the Town Board now desires to formally effect the adoption of said codification by enactment of a local law;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held by the Town Board with respect to enactment of the following local law, such public hearing to be held on the 14th day of September, 2016, at 6:30 p.m., in the Town Municipal Building, Town of Delaware, New York. The proposed local law to be considered is as follows:

LOCAL LAW NO. 3-2016

A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF DELAWARE INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF THE TOWN OF DELAWARE”

Copies of the text of the above-named local law shall be filed in the office of the Town Clerk.

AND BE IT FURTHER RESOLVED that the Town Clerk is hereby directed and authorized to cause public notice of said hearing to be given in accordance with the Municipal Home Rule Law, the Open Meetings Law and §§ 264 and 265 of the Town Law of the State of New York.

Moved by: Councilman Steppich

Seconded: Councilman Hermann

VOTE OF TOWN BOARD: AYE-4, NO-0 (Councilman John Gain absent.)

RESOLUTION # 57-2016: SEQRA: Councilman Steppich made motion to classify the adoption of the Town Code as a Type II action under the (state Environmental Quality Review Act (SEQRA) and is not subject to SEQRA. Motion seconded by Councilman Hermann and carried unanimously.

RESOLUTION # 58-2016: REVISED ZONING LAW AMENDMENT (Commercial Solar Farms): The following resolution was introduced by Councilwoman Herbert, who moved its adoption, and seconded by Councilman Hermann, to wit:

BE IT RESOLVED, that introductory Local Law No. 1 of the Year 2016, as revised, entitled “A local law amending the Zoning Law of the Town of Delaware with respect to solar energy systems” is hereby introduced before the Town Board of the Town of Delaware, County of Sullivan, State of New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid revised local law be laid upon the desk of each member of the Town Board; and

BE IT FURTHER RESOLVED, that the Town Board hereby reaffirms its determination that the aforesaid local law is an Unlisted Action pursuant to the regulations promulgated under the State Environmental Quality Review Act for which a short Environmental Assessment Form has been prepared and reaffirms its declaration of itself as Lead Agency for such purposes; and

BE IT FURTHER RESOLVED, that the Town Board hold a public hearing on the aforesaid revised local law at the Town Hall, 104 Main Street, Hortonville, New York, at 6:40 p.m., prevailing time, on September 14, 2016; and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the Sullivan County Democrat, of such public hearing at least five (5) days prior thereto.

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 Alfred Steppich voting aye;
Councilman Christopher Hermann voting aye;

The resolution was thereupon declared duly adopted (Councilman John Gain absent).

Attorney Klein stated we will complete the SEQRA process next month before adopting the local law.

PUBLIC COMMENT: Buck Moorhead feels the law is grounded in a lot of good research, and he appreciates everything everyone has done; the effort to get tax dollars is fantastic. He said this is the first project in the scenic byway and we don't really have a scenic overlay district tied to it. Supervisor Sykes responded by saying if you take out the river district and the Beechwoods, where else can we put it? If we get too restrictive there will be no solar in the Town of Delaware.

PUBLIC COMMENT: Don Castellow stated that the solar project is in his back yard, literally. He had questions on the total surface area, which were answered by Mr. McElroy. With regard to the 100' setback, he wondered if we were tying the hands of the planning board. Attorney Klein said that 100' is a minimum setback. Terry Zieres stated that 25' doesn't leave any room for screening and vegetation. The Planning Board could change the setback; they have discretion to impose a greater standard if conditions on the ground warrant it. Mr. Castellow also asked about the possibility of having an overlay done of the scenic byway.

PUBLIC COMMENT:

PAYMENT OF BILLS: On motion of Councilman Steppich, seconded by Councilman Hermann, it was resolved that the bills be paid on Abstract #8-2016 in the following amounts:

Callicoon Light	Voucher #8	\$ 754.40
General Fund	Voucher #263-287	40,789.17
Highway Fund	Voucher #171-188	46,883.57
Kohlertown Light	Voucher #8	199.19
Sewer #2	Voucher #91-105	11,129.27

Resolution was thereupon APPROVED: AYES-4, NAYS-0.

ADJOURNMENT: With no further business, on motion of Councilman Steppich, seconded by Councilwoman Herbert, the meeting adjourned at 8:22 p.m.

Respectfully submitted,

Tess McBeath, RMC
Town Clerk