

**Town of Delaware Town Board
Regular Board Meeting
June 8, 2016**

Members Present:

Edward T. Sykes, Supervisor
Cindy Herbert, Councilwoman
John Gain, Councilman
Alfred Steppich, Councilman
Christopher Hermann, Councilman

Also present: Tess McBeath, Town Clerk; James McElroy, Building Inspector/CEO; Renée Ozomek, Assessor; Thomas Shepstone, Town Planner

PUBLIC HEARING: Local Law #2-2016: Imposing a limited commercial solar energy generating facility land use moratorium. Supervisor Sykes opened the public hearing at 6:30 p.m. and welcomed the public to speak on the proposed moratorium.

PUBLIC COMMENT: Kristine Heister, National Park Service Superintendent, provided the Board with a map of the area and indicated that a portion of the property that is being proposed for the site is within the Upper Delaware Scenic and Recreational River corridor. She said the zoning is good but the property in question is not, as the park boundary goes halfway through the property. The use will be subject to the land and use water guidelines.

PUBLIC COMMENT: Michael Palumbo told the Board he thinks the moratorium is a great thing. He requested the Board consider all the economic, environmental and social issues. He wondered if there would be other public hearings on the issue after the vote on the moratorium; if the zoning law was amended, would there be another public hearing; the Supervisor responded affirmatively. Mr. Palumbo wants to ensure he has an opportunity to voice his concerns.

PUBLIC COMMENT: Buck Moorhead also agreed that the moratorium is a great idea. He believes there's a reference in the law that if someone has a financial hardship would they get a waiver to proceed. He was confused because the idea is that there's the creation of a special use permit for something that doesn't exist on this property now. Typically you get a variance if there's financial hardship. Whatever property is in question, he believes it can avail itself to the current zoning. He doesn't understand the idea of a variance to the moratorium, it doesn't seem logical. Mr. Moorhead confirmed the moratorium is for six months, with two 30-day extensions. Supervisor Sykes stated that we can always lift the moratorium, it's not a firm six months.

PUBLIC COMMENT: Don Castellow, a Baer Road resident, appreciates the Board's wisdom with a moratorium, and encouraged the Board to extend it for the full six month period. He quoted the comprehensive plan regarding developing a land use plan balancing economic growth and development of the town while preserving its scenic, natural and rural/agricultural character. All resources at their disposal should be studied; Mr. Castellow recommended the NYS Zoning for Solar Energy Resource Guide, the NYS Model Ordinance for Solar Energy, and the resources available from nearby towns to develop land use regulations which reflect the goals of the comprehensive plan.

As neighbors of the proposed Baer Road solar farm they have concerns. Mr. Castellow feels that siting an industrial development along the Upper Delaware Scenic and Recreational River and the Scenic Byway is an ill-advised approach to land use management. He asked that an advisory board be established to work with the Town on this issue.

PUBLIC COMMENT: Dick Reisling of Apple Pond Farm and the Sullivan County Office of Sustainable Energy appreciates everyone's concerns but said that if it's to be done, it has to be done right. He suggested the Board review the model solar energy law from NY State; a recently released toolkit. There is a lot of help in this eight-page law to help you work through these issues. He mentioned we all have concerns about the historic weather changes, we're not in charge of it but we can still do things about it. He feels everyone's concerns about viewscapes, storm water runoff, etc. can be adequately addressed, and the Board can work through the various issues that are here. Mr. Reisling was glad to hear the moratorium can be longer or less than six months. This is an unprecedented historic opportunity to keep our energy dollars home. We should be able to design for ourselves our own power authorities through CCA's which aggregates the buying power and offers affordable and cleaner energy for everyone. This is a historic opportunity for the township, with great economic possibilities.

PUBLIC COMMENT: Carla Hahn asked that the Board take the full six months to consider everything possible before considering an ordinance amendment.

PUBLIC COMMENT: Elizabeth Rose spoke on favor of the moratorium and greatly appreciates the Board considering it. The fact that we have such expertise in our community that other towns and counties might look to, if we really take our time; and see how the construction of solar and other renewable resources can bring economic power into the community. This can make our community thrive; she feels it very important that we take our time. She suggested an advisory committee with concerned citizens, and utilize Mr. Reisling as an expert.

PUBLIC COMMENT: Rich Winter, developer. He won't comment on the merits of a moratorium but would ask that if there's an expectation that this is going to be sorted out and that solar will come to Delaware, then if we can please amend the moratorium allowing them to proceed with the permitting process, subject to it meeting whatever standards are set. That would help them to continue to develop. There's a fair amount of money involved in the projects, and there's a time sensitive aspect to this in terms of grants and this doesn't just affect Baer Road, it affects any solar development in Delaware. If we all want the energy, a six month moratorium or if we extend it for another period, there's a chance that there won't be any solar. He asked that the permitting process be allowed to continue with no permits being issued until it's resolved.

PUBLIC COMMENT: Wes Gillingham, Catskill Mountainkeeper, addressed the Board. We sit at a point in history where we are embracing a new technology and there are going to be dramatic changes. Multiple meetings are taking place on the local level, state level, commercial and private levels. NYSERDA had a meeting to address how towns are going to address solar; there are no clear goals. There is a push right now to create state laws to help guide this process. Mr. Gillingham encourages the Board to take the time needed, to really evaluate how a town deals with a commercial operation; you have to evaluate the size; i.e., what makes it commercial vs. a private entity. There's a whole series of questions and the Board should really look at what's happening across the state. NYS laws are changing rapidly around this topic; there was a bill recently passed in the Assembly, the Climate Communities Protection Act. The importance of taking a breath and looking at all this and not just inventing it and then being your own wheel in the Town of Delaware, or Town of Cohecton or Town of Callicoon. There are multiple issues on commercial operations. There's a lot of guidance. This same conversation is happening in multiple places around the state, and it's really important to connect into that.

PUBLIC COMMENT: Michael Puerschner owns a farm in the Beechwoods. He feels like this is a similar situation to what happened with natural gas. Whenever there's an opportunity in this town you get all the anti's and everybody else against it. He advised the Board to go slow but go forward. Mr. Puerschner stated that everything gets shot down in this county, any industry - people don't want it. What are the taxpayer's rights on this? You pay taxes on your land but you have no rights to your land; everybody else has more rights than you. When he questioned the moratorium Councilman Gain stated that we're committed to do this right, and we have to take our time; that's why the moratorium.

Mr. Puerschner said Vermont's had solar for years; a lot of farmland. He hopes the Board travels to places where they've had it for several years instead of just going by people who just don't want to look at it. People either have rights to their own property or they don't. He asked how the Town plans to proceed.

Supervisor Sykes stated that there are a whole host of issues starting with taxation. If it was up to the state it wouldn't be taxed at all. We want to do what's right for the Town of Delaware, and that's what the moratorium is.

PUBLIC COMMENT: Mr. Castellow told the Board that no one in the Baer Road group is opposed to solar, shared or commercial. They are in favor of it but they want to make sense of it and do it with advice from people who know what they're doing and how it's supposed to be done. Also, they own houses on the scenic byway and their property values are based on what that is. If we put industrial stuff where the scenic byway is then their property values drop.

PUBLIC COMMENT: Mr. Gillingham told the Board we have someone in the town who's very interested in going forward with a commercial operation and there are multiple questions in terms of the moratorium for his business, there's also the possibility to use that as an advantage. He wants this to happen quickly, to go forward with the permitting process; you could also use

the resources that that person has to provide the town with information from those other places; he feels you'll be getting well documented information from state files. That's somebody who has probably done much of the research already and you should go to that person for information sharing. That person can use this commercial proposal as an opportunity to evaluate the pros and cons of this whole process, rather than inventing this stuff. Theoretically you actually have a proposal in hand to deal with in terms of determining the best way to go forward.

Motion to close the Public Hearings by Councilwoman Herbert, seconded by Councilman Hermann and carried unanimously.

PUBLIC HEARING: Local Law #1-2016: Amend Zoning Law to add a new Subdivision 1 to Section 618.5 (Commercial Solar Systems)

PUBLIC COMMENT: Vicki Busch addressed the Board with her concerns about the devaluation of the neighboring properties. Mrs. Busch spoke of landowners investing lifetime earnings to reside in such a pristine area, and significant additional investments of their financial resources have been made to their homes over the years. She's also concerned about tax implications; Mrs. Busch feels that no resident of the Town should be required to absorb any costs associated with the project. She has a road maintenance issue and quoted the road law that no road maintenance issues should be absorbed by the township. They object to the loss of a majestic Baer mountain view, including the view from the rise on Route 97 (at Cross Road).

PUBLIC COMMENT: Frank Hahn of State Route 97 asked what the Board knows about noise pollution; he states that the inverter stations are known to emit noise. Sound carries clearly in their area. He questioned whether the Board knows anything about how noisy they are. Supervisor Sykes believes they're noiseless, but that's an issue the Planning Board would take up when they consider an individual development. Mr. Hahn brought up glare concerns; do they emit glare back off them to the surrounding neighborhood? Supervisor Sykes said that glare is considered in that law.

Tom Shepstone added that this proposal is an amendment of the zoning law. The zoning law already has standards for both noise and glare. Any project would have to meet those standards independent of what we're talking about here tonight.

Vegetation buffer. Mr. Hahn asked if this development was going to be completely enclosed. It's in the zoning law. Lighting: Mr. Hahn wanted to know if it would be lit up like New York City? Tom Shepstone stated the proposal will add to the law we already have; our zoning has standards for zoning and glare. Jim McElroy said the zoning law calls for the minimum amount of lighting necessary for security at night, but it also requires down-fielding the lighting, so it's not going to be very lit up at all. The lighting standards are covered.

PUBLIC COMMENT: Michael Palumbo thanked the Board for giving the public an opportunity weigh in on this complicated issue. He informed the Board he lives on a scenic byway across from Holy Cross Church, and spoke of the viewshed when you come from Callicoon. He doesn't feel there's anything to manage the density of the covered area under the current law and questioned the 25% coverage law, so with a 200 acre property you could put 50 acres of panels in. Solar in its simplest form provides power for residents or an individual business has now somehow become a commercial business. A lot is at stake from both sides of the spectrum. Large scale solar arrays are in the millions. Areas that are considered rural homes and farms for agriculture now have the potential to be large commercial utility businesses in areas where it was not contemplated before. There is nothing regulating where the site may be located and the relationship to the land and photographic profile. This profile can take away from the aesthetic value. It's the Board's responsibility to consider the current laws, the commercial relevance harvesting power from solar arrays and selling the power to utility companies. It is now a commercial business and should be designated in areas as such. He asks if it were another form of power would it be more scrutinized? Mr. Palumbo feels the unintended consequences of not getting this right and not taking the time to make sure the laws are pointed and specific for the location where these large scale solar arrays would be allowed is frightening. He asked the Board not to turn the scenic byway into a solar highway. Mr. Palumbo also requested the formation of an independent advisory committee.

PUBLIC COMMENT: Tom Kappner said he's proud to be a resident of the Town of Delaware. This is being handled exactly the way it should be. Tonight was a very clear expression of all the concerns. It's a good a reasonable start, having a six month moratorium to study the issue further. He has two basic concerns: (1) We want economic development for our community, especially one based on renewable energy. (2) Property rights have to be respected.

PUBLIC COMMENT: Buck Moorhead mentioned that the present zoning in the RU District permits light manufacturing which the Planning Board is obligated to review and approve. This law is a good beginning. He suggested maybe the array isn't in the right spot and they should use the time and give the Planning Board more tools to properly evaluate whether a project is appropriate.

PUBLIC COMMENT: Sybil Sanchez of Solarize Sullivan suggested the Board work with installers for shared solar opportunities. When done right, this is an opportunity to provide solar energy to low and moderate income residents and renters.

PUBLIC COMMENT: Isaac Green Diebboll was very happy with the turnout. He's in favor of an advisory Board and wants to thoroughly hear all the concerns.

PUBLIC COMMENT: Mav Moorhead, Energy Committee Chair, wants detail. She would like to get people to identify every concern and develop points for the Board to review. Mrs. Moorhead wants to take a knowledgeable effort to explore everything that needs to be addressed, and appoint a committee to address the concerns.

PUBLIC COMMENT: Molly Denver of Baer Road told the Board she's a lead architect in an energy and environmental design firm and provided photos of her perception of what the fields will look like with solar arrays.

PUBLIC COMMENT: NPS Supt. Kris Heister mentioned that the 1987 River Management Plan (RMP) did not contemplate solar power. The UDC will be discussing and making a decision on where solar energy fits in the RMP; it may be an incompatible action. Ms. Heister reminded the Board that any zoning amendment needs to go through the UDC.

There being no further comment, the public hearing was closed on motion of Councilwoman Herbert, seconded by Councilman Gain and carried unanimously.

REGULAR MEETING

Supervisor Sykes opened the regular meeting at 7:20 p.m.

GUEST TO THE BOARD: John Theodore, Esq., representing Ian Leifer, requested direction from the Board in order for Mr. Leifer to host a program called "The Camping Trip" on his property. Attorney Theodore wanted to know if he should go before the Planning Board for a special use permit or the Zoning Board for a variance in order to hold the event.

Ian Leifer detailed his ties to the Town beginning in childhood, as his parents owned Indigo Stables. He held his first Camping Trip in 2010 with 17 people exploring nature and then seeing a concert at Bethel Woods. Mr. Leifer's research found no clear law that prohibited anyone from hosting a private party on his land. He was advised by Mr. McElroy to apply for a special use permit or otherwise apply for a variance with the Zoning Board.

Mr. Leifer reviewed his preparations regarding sanitary facilities, potable drinking water, dumpsters. He had a shower trailer and light towers. He rented school busses and arranged for cars to be parked at Sullivan West. He hired security and arranged emergency services. He has a place for people to celebrate the Sabbath. He has a \$2 million insurance policy for the event. Mr. Leifer spoke to the neighbors and got their approval. He feels he has demonstrated that he can do this.

Mr. Leifer reviewed what he charges people and his expenses. Mr. Leifer said he would like to have a maximum of 800 people this year (last year he had 400), 1,200 people the following year, and 3,000 people after that. He offered to donate 5% of his profits to the Town of Delaware and then 5% to a charity of his choice.

Supervisor Sykes questioned why Mr. Leifer hasn't gone to the Planning Board as he was advised. It was explained that the process was what was missing last year. He needs to go to the Planning Board and if he is denied then go to the Zoning Board for a variance. Mr. McElroy mentioned that musical events are only allowed in the Cal B-1 District; what Mr. Leifer claims he did was throw a big birthday party. Mr. Leifer hosted his event as a private party last year; he asked if he could continue planning the event, which is scheduled for the weekend of August 19.

RESOLUTION #38-2016 – ACCEPTANCE OF MINUTES: Minutes of the May 11 and May 19, 2016 meeting were approved on motion of Councilman Gain, seconded by Councilwoman Herbert and carried unanimously.

BUILDING INSPECTOR/CEO: James McElroy mentioned a land sale taking place in Kenoza Lake Estates this weekend; he expects all sixteen lots to be sold. He stated there are a few solar things going on.

TOWN CLERK: (1) May receipts totaled \$4,561.60 with \$4,518.10 turned over to the Supervisor. Of that, \$4,172.60 was building fees. (2) We received a letter from Charter Communications re: the merger with Time Warner Cable. They are the second largest cable company in America. The ultimate ownership and control of our cable franchise has changed to the new company, the actual entity that holds the franchise remains TWC. David Whalen remains the Director of Government Relations. They claim that Charter is well known for its customer-focused and friendly operational practices, network investment, and product and pricing strategies. We will continue our efforts to bring cable to all residents of the Town, and hope the new company is more amenable to expansion.

HIGHWAY SUPERINTENDENT: No report.

ASSESSORS: Renée Ozomek reported on Grievance Day: there were 45 grievances filed and several others, one a large property owner with 14-16 parcels; along with a handful of stipulations. The data for the final roll is going out approximately June 17.

GRANTS REPORT: Supervisor Sykes stated that the railroad square grant is moving slowly. Our highway department grant through Senator Bonacic is waiting on a contract from the Dormitory Authority.

CALLICOON BUSINESS ASSOCIATION: No report.

UDC REPRESENTATIVE: Harold Roeder (1) reviewed the charts of the river basin storage, mentioning we have plenty of water but it's been very warm, and the fishermen are upset. (2) Mr. Roeder introduced Pete Golod, the new Resource Specialist at the UDC. He also introduced Laurie Ramie, Executive Director of the UDC and a Town of Delaware resident. (3) Mr. Roeder provided a chart and information on the Emerald Ash Borer. The chart indicates the insect's path eastward across Pennsylvania from 2007 to the present. 59 out of 67 counties have been infested; they have not yet reached Wayne and Pike counties.

SUPERVISOR'S REPORT: Supervisor Sykes stated that we're very busy at Town Hall. We're also looking at a possible location for a new sewer plant.

OLD BUSINESS: None.

NEW BUSINESS:

a. **RESOLUTION #39-2016: ADOPTION OF INTRODUCTORY LOCAL LAW #2-2016 AS LOCAL LAW #1-2016 – IMPOSING A LIMITED COMMERCIAL SOLAR ENERGY GENERATING FACILITY LAND USE MORATORIUM:**

Moved by: Councilman John Gain
Seconded: Councilman Alfred Steppich

§1 **Title.** This local law shall be known as the “2016 Town of Delaware Limited Commercial Solar Energy Generating Facility Land Use Moratorium.”

§2 **Purpose.** The purpose of this local law is to protect the public health, safety and welfare by restricting the development of commercial solar energy generating facilities within the Town of Delaware for a limited period of time in order to develop and implement zoning

law provisions specific to special use review and approval of such uses and establishment policies and procedures to implement a program for payment in lieu of taxes pursuant to §487(9)(a) of the Real Property Tax Law.

§3 **Findings.** The State of New York has, as a matter of public policy, undertaken to encourage the development facilities for the generation of solar energy. As the result, there has been a sudden increase in developmental pressures within the Town of Delaware with respect to development of commercial solar energy generating facilities. The Town Board is therefore concerned that the current Town of Delaware Zoning Law (“the Zoning Law”) may not be adequate for the review of the impacts and mitigation of the consequences of such uses and the approval thereof. There is also little guidance within the provisions of §487 of the Real Property Tax Law with respect to establishing programs for payment in lieu of taxes agreements as an alternative to opting out of the exemption provided thereby. The Town Board wishes to explore the development of a payment in lieu of taxes program in an effort to avoid the necessity of opting out of the tax exemption under §487 of the Real Property Tax Law. Therefore, it is necessary and appropriate to implement a temporary and limited moratorium with respect to the development of commercial solar energy generating systems in the Town of Delaware. Doing so shall preserve the status quo while the Town Board completes an evaluation and formulates revisions in the Zoning Law to provide for an effective process to regulate, review and approve applications for commercial solar energy generating facilities, and develops policies and procedures for a payment in lieu of taxes program, thereby reducing the possibility that any such zoning revisions may be rendered ineffective and their purpose defeated in the interim, and avoiding the necessity of immediately opting out of the tax exemption afforded under §487 of the Real Property Tax Law.

§4 **Moratorium Imposed.**

- A. **Commercial Solar Energy Generating Facilities Temporarily Prohibited.** For a period of six (6) months following the date of adoption of this local law, no site plan or special use permit shall be reviewed or approved by the Planning Board and no building permit shall be issued by the Code Enforcement Officer with respect to commercial solar energy generating facilities, hereby defined as non-farm commercial solar systems generating 25kW or more of energy for sale to utility companies or for other commercial use.
- B. **Evaluation and Revision of Existing Regulations.** During the period of the moratorium established by this local law, the Town Board shall endeavor to evaluate and adopt revisions to the Town’s Zoning Law to address the use and regulation of commercial solar energy generating facilities and to evaluate and adopt policies and procedures for a payment in lieu of taxes program pursuant to the provisions of Real Property Tax Law §287(9)(a).

§5 **Extension of Moratorium.** This moratorium may be extended for up to two (2) additional periods not exceeding three (3) months each by resolution of the Town Board upon a finding of necessity for such extension.

§6 **Relief From Requirements.** The Town Board reserves to itself the power and sole discretion to vary or adapt the strict application of this local law in the case of unusual hardship or circumstances that would deprive a property owner of the reasonable use of lands affected by this local law. Accordingly, by duly adopted resolution, the Town Board may authorize the Planning Board to review and consider for approval or disapproval a special use and site plan the review of which is otherwise precluded by this local law, or the Code Enforcement Officer to issue a building permit that is otherwise precluded by this local law, subject to the regular review process for such special use and site plan, or building permit, under circumstances where:

- A. An application for a variance is filed, in writing, with the Town Clerk, together with a filing fee in the sum of \$150.00. The application shall specifically identify the land involved, recite the nature and scope of the proposed development, provide a narrative description and a sketch plan of the proposed development, and describe the reasons for which the variance is requested and the grounds upon which it is sought to be approved, including all facts and circumstances upon which hardship is claimed.

- B. All costs incurred by the Town in connection with the consideration of the application for a variance are paid by the applicant, including but not limited to all professional consulting fees such as attorneys, engineers and planners.
- C. The applicant demonstrates that this local law has resulted in unnecessary hardship in that: the applicant has been deprived of substantially all economic use or benefit from the property in question, which must be established by competent financial evidence; the alleged hardship is unique to the applicant's property and does not apply to a substantial portion of other properties in the areas of the Town to which this local law applies; and the variance, if granted, will not pose a present or future risk to the health, safety and welfare of the residents in the vicinity of the proposed development and the Town at large.
- D. The Town Board may refer any applications for a variance hereunder to the Town Planning Board, the Zoning Board of Appeals, any other Town board, committee or department, and/or its professional consultants for their advice and recommendations. Nevertheless, all decisions as to the granting or denying of such variances shall be made by the Town Board in its sole and absolute discretion after determining whether the requested variance is compatible with protection of the environment and any contemplated revisions to the Town's Zoning Law. No variance shall be granted unless the Town Board determines the requested variance is compatible therewith.
- E. The Town Board shall conduct a public hearing on any request for a variance within forty-five (45) days after it determines that a complete application has been submitted to it. The Town Board shall render its determination upon any application for a variance within sixty-two (62) days after the conclusion of the public hearing.

§7 **Conflict With Other Laws.** This local law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law and, during the time it is in effect, it specifically supersedes and shall take precedence over any contrary laws, ordinances and provisions, including but not limited to §267, §267-a, §267-b, §274-a and §274-b of the Town Law of the State of New York, the Zoning Law of the Town of Delaware and any other local law or ordinance of the Town of Delaware.

§8 **Penalties for Offenses and Enforcement.** Any person who shall develop or erect or install improvements upon land in violation of this local law, or break ground for the purpose thereof, shall be guilty of a violation and subject to a fine not to exceed \$1,000.00 or six (6) months in jail, or both. Each week a violation continues shall be considered a separate violation. This local law shall be enforced by the Code Enforcement Officer of the Town of Delaware who is hereby granted authority to issue appearance tickets for the purpose thereof. Upon authorization by the Town Board, this local law may also be enforced by civil action brought in the name of the Town for the purpose of obtaining injunctive relief and recovering civil penalties of \$1,000.00 for each week a violation of the local law continues.

§9 **Effect of Invalidity.** If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjusted finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

§10 **Effective Date.** This local law shall take effect immediately upon adoption.

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 John Gain voting aye; and

Councilman Christopher Hermann voting aye;
The resolution was thereupon declared duly adopted.

PUBLIC COMMENT: Kris Heister addressed solar along the river corridor. She informed the Board it has to be in conformance with the water and land use guidelines of the River Management Plan. Solar could be considered an industrial use and would then not be in conformance.

b. Introductory Local Law #1-2016 Amend Zoning Law to add a new Subdivision 1 to Section 618.5 (Commercial Solar Systems). Supervisor Sykes requested the Board take time to consider the comments from the public hearing. Councilman Gain moved to table the law; seconded by Councilman Steppich and carried, all in favor.

PUBLIC COMMENT: Carla Hahn questioned what happens next. Supervisor Sykes feels that the concerns mentioned are addressed in the new zoning law. He said it's not his intent to retard solar development, but we need to regulate it. Taxation is one of the big issues. The Board has a responsibility to its residents. There are ways to tax these things; we can opt out of the law and do a PILOT (Payment in Lieu of Taxes) agreement. We need to explore how to do that, as the State would like it to be tax free.

Mrs. Hahn clarified that it was inaccurate to categorize them as a NIMBY (not in my back yard) group; the comments their group made had to do with the issue of solar across the township. They feel there are better places for solar and the entire township is our back yard. Solar affects social, economic and other issues and impacts.

It was explained that the locations have to have 3-phase and have to be a certain distance from a substation, which really limits where they can go. It costs between \$4-5 million for a 2 megawatt system.

RESOLUTION #41-2016: BUDGET AMENDMENT – INCREASE IN CONSOLIDATED LOCAL STREET AND HIGHWAY IMPROVEMENT PROGRAM (CHIPS):

Moved by: Councilman Hermann

Seconded: Councilman Gain

RESOLVED, that the 2016 budget be amended as follows: State Aid budget line item (DA-3501) for the 2016-2017 CHIPS program be amended to \$166,000, representing a \$31,000 increase for from the PAVE-NY program.

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 John Gain voting aye;
Councilman Christopher Hermann voting aye; and
Councilman Alfred Steppich voting aye

The resolution was thereupon declared duly adopted.

RESOLUTION #43 -2016: MEMORIAL PROCLAMATION IN MEMORY OF EUGENE F. HAHN

Moved by: Councilman John Gain

Seconded: Councilwoman Cindy Herbert

WHEREAS, the people of the Town of Delaware have been grieved by the passing of our former Chairman of the Board of Assessment Review, Eugene F. Hahn, who served with honor and dignity; and

WHEREAS, Eugene F. Hahn, 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 sincere sympathy at the passing of Eugene F. Hahn on June 3, 2016, and extends its

condolences to his family and friends, and in respect for his memory cause this Resolution to be published in the official newspaper and made a part of the official minutes of the Town Board.

Resolution was approved by roll call vote:

Edward T. Sykes, Supervisor voting aye,
Alfred Steppich, Councilman voting aye,
Cindy Herbert, Councilwoman voting aye,
John Gain, Councilman voting aye; and
Christopher Hermann, Councilman voting aye.

RESOLUTION #44 -2016: PAYMENT OF BILLS: On motion of Councilman Gain, seconded by Councilwoman Herbert, it was resolved that the bills be paid on Abstract #6-2016 in the following amounts:

Callicoon Light	Voucher #6	\$ 704.98
General Fund	Voucher #183-217	46,308.62
Highway Fund	Voucher #114-138	57,729.90
Kohlertown Light	Voucher #6	185.08
Sewer #2	Voucher #63-74	9,960.80

Resolution was thereupon APPROVED: AYES-5, NAYS-0.

ADJOURNMENT: With no further business, on motion of Councilman Gain, seconded by Councilman Hermann, the meeting adjourned at 8:40 p.m. Motion carried unanimously.

Respectfully submitted,

Tess McBeath, RMC
Town Clerk