

**Town of Delaware Town Board
Regular Board Meeting
October 12, 2016**

Members Present:

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

Also present: Tess McBeath, Town Clerk; James McElroy, Building Inspector/CEO; Kenneth C. Klein, Town Attorney

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

RESOLUTION #64-2016 – ACCEPTANCE OF MINUTES: Minutes of the September 14, September 20, September 22 and September 28, 2016 meetings were approved on motion of Councilman Gain seconded by Councilman Steppich; carried unanimously, AYES-5, NAYS-0.

BUILDING INSPECTOR/CEO: Mr. McElroy explained that he's entering the complaint season, when the leaves fall and everyone sees abandoned cars. He's dealing with five complaints now. Permits have been issued for five new houses; three are nice size. After violating the Sattler house in Kohlertown it's being cleaned out. Sims Foster has received preliminary approval for his driveway in Kenoza Lake. The Planning Board is lead agency. He's coming in with drawings. There's a new house going up on Overlook Drive, and the landlocked cabin in the back that has been there for years is being demolished. In response to a question by Councilwoman Herbert, RJ Malara still has an open permit and is waiting on a few other things.

TOWN CLERK: (1) September receipts totaled \$3,269.40 with \$3,201.90 turned over to the Supervisor. Of that, \$2,770.40 was building fees.

HIGHWAY SUPERINTENDENT: No report.

ASSESSOR: No report.

GRANTS UPDATE: Supervisor Sykes will provide an update under the Supervisor's report.

UDC REPRESENTATIVE: Harold Roeder reviewed the charts of the river basin storage, we're in a drought watch as we're below the long-term median. The Delaware River basin storage is at 66.6%; Cannonsville is at 44.4% capacity and Pepacton at 70.7% capacity. We're 12 billion gallons below the daily storage median.

Mr. Roeder spoke of the UDC meeting concerning boundaries. He agreed with NPS that the boundaries did not move. There was apparently some confusion between the Town's river district boundaries and the NPS boundaries. Supervisor Sykes remarked that if a project falls inside their boundary, we are not bound; we can still approve and do it and still be in substantial conformance. He feels this particular project is less visible and has less impact if in the district as opposed to out. Councilman Gain interjected that we made sure it wasn't going to be visible; Mr. McElroy said there's nothing in our zoning that says it has to be invisible. Terry Zieres added that the whole project is in the river corridor, and the way it's proposed the whole top third is visible for quite a ways. He believes they have a better spot on the other side of the farm, out of the river district and near the woods. Councilman Gain added that our guidelines tried to make sure visibility is minimized.

Mr. Roeder sees what's happening in the whole river corridor, not just Delaware. He spoke of industrial commercial enterprises and mentioned that tourism is an industry. Mr. Roeder googled solar arrays in national parks and found many of them across the country – Natural Bridge national park in Utah, Alcatraz to name two. Mr. Roeder serves the UDC at the pleasure of the Board. He asked for a response to the UDC's position paper before their December meeting. Councilman Steppich mentioned that they expect landowners to pay taxes and not be able to do anything on their property just so someone else can look at it.

CALLICOON BUSINESS ASSOCIATION: Supervisor Sykes reported that the Art Walk looked very successful, and that Callicoon is doing well this year.

SUPERVISOR’S REPORT: Supervisor Sykes informed the Board that (1) the sidewalks will start Tuesday and the job should take three days. (2) There will be a meeting on the interstate bridge November 2 at 6:30 p.m. at the Youth Center. It’s an informational meeting about when, how, etc. Engineers from both sides of the river will be there, but NYS DOT is heading up the project. (3) We want to get the railroad square crossing done in the Spring so we’ll be doing the ground work in the next few months. The grant is done June 2017. (4) They’ve been working on the budget, he asked for any comments from the Council.

COUNCIL COMMENT: Councilman Steppich brought up Rocky’s Refuge and asked if we’d allocated any money. The Supervisor said \$1,000 was in the tentative budget. Councilman Steppich has a problem with it, that if we have \$1,000 for feral cats he would just as soon give it to the Youth Center for the kids. After minimal discussion, Town Attorney Klein was directed to develop a service contract and then they can present us with a voucher and bill us.

OLD BUSINESS: None.

NEW BUSINESS:

a. Supervisor Sykes reviewed the sewer rents which have decreased this year; the savings is due to the refinancing we did last year.

RESOLUTION # 65-2016: INTRODUCTION OF LOCAL LAW #4-2016: FIXING SEWER RENTS FOR 2017: The following resolution was introduced by Councilman Steppich, who moved its adoption, and seconded by Councilman Gain, to wit:

BE IT RESOLVED, that Introductory Local Law #4 of the year 2016 entitled “A local law fixing sewer rent for the year 2017 in Sewer District No. 1 and Sewer District No. 2 of the Town of Delaware” is hereby introduced before the Town Board of the Town of Delaware, Sullivan County State of New York; and

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

BE IT FURTHER RESOLVED, that the Town Board hold a public hearing on said local law at the Town of Delaware Municipal Building, 104 Main Street, Hortonville, NY at 6:30 p.m. prevailing time, on November 9, 2016 and

BE IT FURTHER RESOLVED, that the Town Board determines the proposed local law to be a Type II action pursuant to §617.5(C)(20) and (27) of the regulations of the Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, for which no further environmental review is required; and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the Sullivan County Democrat, of said 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 Sykes voting aye;
Councilman John Gain voting aye;
Councilwoman Cindy Herbert voting aye;
Councilman Alfred Steppich voting aye; and
Councilman Christopher Hermann voting aye.

The resolution was thereupon declared duly adopted, AYES-5, NAYS-0.

b. **RESOLUTION #66-2016 – ADOPT TENTATIVE BUDGET AS PRELIMINARY BUDGET:**

Motion by Councilman Steppich
Seconded by Councilman Gain

RESOLVED, that the 2017 tentative budget be adopted as the preliminary budget, and setting the Public Hearing date for November 9, 2016 at 6:35 p.m.

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

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

The resolution was thereupon declared duly adopted, AYES-5, NAYS-0.

PUBLIC COMMENT: Tom Kappner informed the Board that he had resigned from the Sullivan County Agricultural Task Force, which was charged with implementation of the Agricultural and Farmland Protection Plan. Mr. Kappner said although it was an excellent planning document, the process was not moving in the direction he thought it should go. Councilman Gain asked if there were any agricultural people on the task force; Mr. Kappner listed Amy Erlwein, Magestic Farms, John Gorzynski. Supervisor Sykes thanked Mr. Kappner for his service to the Town.

RESOLUTION #67-PAYMENT OF BILLS: On motion of Councilman Steppich, seconded by Councilman Gain, it was resolved that the bills be paid on Abstract #10-2016 in the following amounts:

Callicoon Light	Voucher #10	\$ 832.87
General Fund	Voucher #324-353	34,138.93
Highway Fund	Voucher #213-238	197,266.53
Kohlertown Light	Voucher #10	213.01
Sewer #2	Voucher #121-133	10,157.89

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

EXECUTIVE SESSION: RESOLUTION #68-2016: EXECUTIVE SESSION:

Moved by: Councilman Gain

Seconded: Councilwoman Herbert

RESOLVED, that this Board move into Executive Session at 7:45 p.m. to discuss litigation. Resolution was thereupon APPROVED: AYES-5, NAYS-0.

RESOLUTION #69-2016 - RETURN TO REGULAR SESSION:

Moved by: Councilman Gain

Seconded: Councilwoman Herbert

RESOLVED, that this Board go out of Executive Session and return to Regular Session at 7:58 p.m. Resolution unanimously carried.

RESOLUTION #70-2016: ACCEPT SETTLEMENT AGREEMENT:

Moved by: Councilman Gain

Seconded: Councilman Hermann

RESOLVED, that the Board accept the settlement agreement on the tax certiorari for 255 Villa Roma Road, SBL: 20.-1-12.7, from \$638,000.00 to \$550,000.00 for the 2016 assessment roll.

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 approved.

RESOLUTION #71-2016: ACCEPT SETTLEMENT AGREEMENT:

Moved by: Councilman Steppich

Seconded: Councilman Reimer

RESOLVED, that the Board accept the settlement agreement on the tax certiorari for Lee and Cathy Reimer, SBL: 4.-1-34.3 from \$306,700.00 to \$287,500.00 for the 2016 assessment roll.

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 approved.

ADJOURNMENT: With no further business, on motion of Councilman Gain, seconded by Councilman Hermann, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Tess McBeath, RMC
Town Clerk