

**Town of Delaware Town Board
Regular Board Meeting
June 20, 2012 – 7:00 p.m.**

Members Present:

Edward T. Sykes, Supervisor
John Gain, Councilman
Cindy Herbert, Councilwoman
Harold G. Roeder, Jr., Councilman
Alfred Steppich, Councilman

Also present: Tess McBeath, Town Clerk; William Eschenberg, Superintendent of Highways; Virginia Andjkar, Assessor; Howard Fuchs, Building Inspector/Code Enforcement Officer; Kenneth C. Klein, Town Attorney

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

RESOLUTION #37-2012 – ACCEPTANCE OF MINUTES:

Motion to accept the May 14, 15 and 16, 2012 meeting minutes was made by Councilman Gain, seconded by Councilwoman Herbert and carried unanimously.

GUEST TO THE BOARD: Allan Scott from the Sullivan County Partnership for Economic Development appeared before the Board. He reviewed the role of both agencies – to facilitate projects for economic development. Mr. Scott outlined projects supported by both the Partnership and the IDA, the availability of loan funds through the Revolving Loan Fund or the Millennium Loan Fund, and provided contact information.

TOWN CLERK: (1) May receipts totaled \$3,492.30, with \$3,447.80 turned over to the Supervisor. \$3009.30 of that was building fees. (2) The abstract of settlement for the 2012 tax year was received with a zero balance. \$8,145.14 in interest and penalties was turned over to the Supervisor. (3) The DEC cleaned out the overflow channel again, they did an excellent job. (4) The Clerk requested the Town Board send a letter to Senator Bonacic and Assemblywoman Gunther in opposition to pending legislation regarding the timely filing of notices of claim and the proposal to shift the submission requirements from the Clerks to the Secretary of State. *Request approved on motion of Councilman Gain, seconded by Councilman Steppich and unanimously carried.*

HIGHWAY SUPERINTENDENT: Bill Eschenberg requested permission to go to bid for diesel fuel and heating oil. Motion by Councilman Roeder, seconded by Councilman Steppich:

RESOLUTION #38-2012 - PERMISSION TO BID:

RESOLVED, that the Highway Superintendent is authorized to go to bid for diesel fuel and heating oil, with bid opening set for 6:55 p.m. on July 18, 2012. Resolution carried.

Mr. Eschenberg reported that paving was going well, the stone is clean so they're using less oil and saving money. They're paving Tonjes, Polster, the back side of the Villa Roma and possibly Schoolhouse roads.

BUILDING INSPECTOR/CEO: Howard Fuchs reported little activity and no problems; one new home should be starting.

ASSESSORS: Assessor Virginia Andjkar stated that the final roll will be available on July 1.

GRANTS COORDINATOR: Kara McElroy was unable to attend; the Supervisor reported that the Callicoon streetscape went out to bid, with two contractors bidding. The bids were way over budget mainly because of prevailing wage. They came in at \$72,000 and \$73,000; there is \$42,000 in grant money available. They're not sure what's going to happen now.

CALLICOON CREEK PARK COMMITTEE: Michael Chojnicki provided the dates for the concert series, June 30, July 21 and August 25. They've hired local artists. They raised \$500 at the plant swap and sale; will be getting watering sacks for the river birches. Supervisor Sykes mentioned that town looks good and the baskets are great!

UDC REPRESENTATIVE: Councilman Harold Roeder provided hydrology reports with the following storage levels reported as of May 31: Neversink 100.4%, Pepacton 100.1%, Cannonsville 98.8% and Roundout 98.1%. He spoke of the Didymo algae which is invasive and was adhering to the rocks in the river; the high water in May washed it all away.

SUPERVISOR'S REPORT: (1) Financial reports were provided to the Board. (2) Supervisor Sykes stated that ads for sole assessor were placed in the Democrat, the River Reporter and The Record. Interviews will be conducted by the entire Town Board in executive session. (3) Bridge project. The Supervisor was asked to sign an agreement with the county which holds the county harmless and includes a \$20,000 cost to move the sewer pipe. He explained the ramifications should any damage be done to the sewer line when the bridge is being replaced; and the high costs of any alternative (i.e., the district would have to put the pipe across or under the brook, get the permits, and it will probably cost \$100,000.) There was discussion among the Board, resulting in

RESOLUTION #39 – AGREEMENT WITH COUNTY, SEWER LINE:

On motion of Councilman Roeder, seconded by Councilwoman Herbert, it was

RESOLVED, that Supervisor Sykes is authorized to sign the agreement with the county regarding the sewer pipe and the bridge project.

RESOLUTION APPROVED: AYES-5, NAYS-0 (so noted: Councilman Steppich reluctantly voting aye.)

OLD BUSINESS:

a. Bid award for 6x4 Municipal heavy duty multi-axle highway truck with dump body and snow plow cheek plate hitch. Highway Supt. Bill Eschenberg stated that the Arkel Motors bid meets all specifications. Councilman Roeder clarified that this truck will be equal to two trucks that we have now. Councilman Steppich feels this truck will hold more than that - between 2-2-1/2 loads. He saw the paving job that's being done and was impressed with the cooperation between Bill and other highway superintendents; he said it's outstanding and wishes that the towns and the county could cooperate this well.

RESOLUTION #40-2012 – BID AWARD 2013 6x4 MULTI-AXLE TRUCK: Councilman Roeder moved to award the bid, seconded by Councilman Steppich

RESOLVED, that the bid be awarded to the sole bidder, Arkel Motors, Inc., 70 Windsor Highway, New Windsor, NY 12553 for a cost of \$137,064.

RESOLUTION APPROVED: AYES-5, NAYS-0.

NEW BUSINESS:

a. **RESOLUTION #41-2012: SEWER UNIT CHANGE – SBL 7.-5-21:** Motion by Councilman Gain, seconded by Councilwoman Herbert:

RESOLVED, that the sewer units for 4966 State Route 52, owned by Kevin Graham be reduced from two units capital and two units maintenance for 2012, to one unit capital and one unit maintenance as it was converted from a two family to a one family residence. Resolution was APPROVED: AYES-5, NAYS-0.

b. **RESOLUTION #42-2012: AUTHORIZING THE DISPOSITION OF CERTAIN OBSOLETE RECORDS:**

WHEREAS, The State of New York Education Department Records Retention and Disposition Schedule MU-1 provides the retention schedule for various records, and allows for the legal disposition of official records;

WHEREAS, the Records Management Officer (Town Clerk) has reviewed and inventoried the records held in the Town's records storage areas;

WHEREAS, according to the New York State Archives Records Retention Disposition Schedule MU-1, the Records Management Officer has marked obsolete records for disposal;

NOW, THEREFORE BE IT RESOLVED that the Records Management Officer (Town Clerk) is hereby authorized to destroy those records marked for disposal.

Moved by: Councilman Gain

Seconded: Councilwoman Herbert

Resolution carried unanimously.

c. RESOLUTION #43-2012: IN SUPPORT OF GRANT APPLICATION: Motion by Councilwoman Cindy Herbert, seconded by Councilman John Gain:

WHEREAS, the Western Sullivan Public Library is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located at 45 Lower Main St., Callicoon, NY, a site located within the territorial jurisdiction of this Board; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, be it resolved by this august body that the Board of the Town of Delaware hereby does approve and endorse the application of Western Sullivan Public Library for a grant under the Environmental Protection Fund for a park project known as Callicoon 2nd Floor Renovations and located within this community.
RESOLUTION APPROVED: AYES-5, NAYS-0.

d. Dog Control Officer. Supervisor Sykes reported that we are in need of a new DCO; he's negotiating with the Town of Cocheton for coverage, and the Town of Callicoon also offered to collaborate.

PUBLIC COMMENT: Highway Supt. Bill Eschenberg asked the Board if there is any way they could get a cell tower in the town. Jerry Euker mentioned that in the proposed zoning changes they relaxed the requirements for cell towers. After much discussion the Supervisor stated he and Mr. Euker would do some research on cell towers.

PUBLIC COMMENT: Zeke Boyle addressed the Board, asking that they look at the issue of gas drilling and how it's going to impact the town. Councilman Roeder responded; a heated discussion ensued regarding gas drilling, and resulted in the following resolution being offered by Councilman Roeder. Councilman Steppich seconded; Councilman Gain then stated that the Board had already passed a resolution and voted on it.

RESOLUTION #44: GAS DRILLING:

Be it hereby resolved, that any landowner or entity that owns the rights to minerals within the corporate bounds of the Town of Delaware has the right to determine how they exercise and protect their mineral rights in accordance to the laws of the State of New York and to the laws of the United States of America.

Be it further resolved that, if gas drilling does come to the Town of Delaware, that those who are involved in the process of gas drilling and those who regulate the gas drilling process see to it that the entire process of gas drilling be made in a responsible and safe manner.

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 Harold Roeder voting aye;
Councilman Alfred Steppich voting aye;
Councilman John Gain voting aye; and
Councilwoman Cindy Herbert abstaining.

AYES-4, NAYS-0, ABSTENTION-1.

PUBLIC COMMENT: Rosie DeCristofaro asked about the Scenic Byway sign; said she's made numerous calls about installation; this is our in-kind contribution to the grant. Mr. Eschenberg said when he gets a chance he'll do it.

COUNCIL COMMENT: Councilman Steppich read a letter to the editor from Earl Myers, speaking to the Millennium loan fund; that the funds should go to the individual towns where the pipeline actually went through. Supervisor Sykes stated that a neighboring county took it to Court and that's why it's open to the entire county.

RESOLUTION #45-2012: PAYMENT OF BILLS: On motion of Councilman Roeder, seconded by Councilman Gain, it was resolved that the bills be paid on Abstract #6-2012 in the following amounts:

Callicoon Light	Voucher #6	\$ 677.16
General Fund	Voucher #199-230	37,553.73
Highway Fund	Voucher #144-166	54,685.64
Kohlertown Light	Voucher #6	175.41
Sewer #1	Voucher #2	3,199.98
Sewer #2	Voucher #61-71	5,575.35

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

ADJOURNMENT: With no further business, on motion of Councilman Roeder, seconded by Councilman Steppich, the meeting adjourned at 9:15 p.m. Motion carried unanimously.

Respectfully submitted,

Tess McBeath, RMC
Town Clerk