

**TOWN OF DELHI  
BOARD MEETING  
July 10, 2018  
7:30PM**

Supervisor Tuthill called the meeting to order at 7:30pm.

Those present:

Councilmember: Janet Tweed, Bill Cairns, Al Perkins

Highway Superintendent: Daren Evans

Absent: Councilmember Matt Krzyston

Resident(s): Richard Maxey (Mayor), Carol Morrissey, Jeff Barthelmes

**The Pledge of Allegiance** was led by Councilmember Perkins.

**Privilege of the Floor:**

Carol Morrissey, President of Tanglewood Lake Homeowners Association approached the board and questioned why under “Old Business” the board was not addressing further June’s meeting of Delaware County Planning Board Flood Mitigation. Supervisor Tuthill stated that they have been given all the updates, Tanglewood Lake Road and Huska have been added.

**Approval of June 12, 2018 Regular Board Meeting Minutes:**

Councilmember Cairns made a motion to accept the minutes of the June 12, 2018 Board Meeting with Councilmember Perkins seconding. Motion carried.

**Old Business:**

Mayor Richard Maxey of the Village of Delhi spoke before the board with regards to the Special Election which was held on June 29<sup>th</sup>. As no one came to vote the Annexation of the properties on State Route 28 (7 properties) did not pass. Mayor Maxey has spoken to the village attorney and as the annexation is less than 90 days our board can allow for just another vote without starting from square one, as time is of the essence for the village to install water lines to the area. He stated that an election could again occur July 26<sup>th</sup> (2 weeks) with Town approval. Mayor Maxey respectfully requested that the Town Board pass a resolution for a re-vote for Thursday July 26<sup>th</sup> so that the seven properties will theoretically have water to their homes. Supervisor Tuthill stated this is where there is a gray area, our attorney felt to protect the town we would need something from the village indemnifying the town if there was any future challenge. This would cover the town for court costs, legal expenses, judgments, etc. at the very least. Our attorney felt the safest thing would be to start over, and it is known that this is not what the village wants. It was agreed that the town’s attorney would draw up an agreement protecting the town from any future lawsuits, challenges, etc., the Village and the Town will hold a Joint Meeting, Monday, June 16<sup>th</sup> at 6:00pm for the purpose of determining the process for holding another special election for the annexing of the seven properties on State Route 28.

Supervisor Tuthill stated that he and Bovina Town Supervisor Tina Mole have been attempting to meet with NYMIR regarding the Bramley Mountain Fire Tower but to date have been unsuccessful. Councilmember Perkins requested as he has an insurance background to speak. He believes as there are so many parties involved with the project that he would like to see a contract from the parties that wish

to put the tower in and what the requirements are going to be. He stated when working with NYC (the property belongs to them) and that will create major issues, normally they have a very long contract wanting to everyone named additional insured and want to be held harmless for anything that can possible happen. The group that wants to do this needs to find out what the requirements are going to be from NYC. Also, all parties need to be part of that contract so that everyone knows what their responsibilities are. He further stated to come to a municipality and ask them to be responsible for a fire tower that isn't owned by the municipality, on town property or that the town has any way of monitoring/protecting should not happen as the town does not have an insurable interest. Furthermore the group involved with this in not a part of the town nor are they sponsored by the town in any way, we are being asked to supply insurance for something that has nothing to do with the town, and could result in a major lawsuit for the town. For the town to pick up everyone's liability is a large thing to ask, people need to understand this. The only way to even look at this in Councilmember Perkins opinion is there would have to be an ironclad contract stating who is asking what, who wants what, who is going to own, who is going to be held harmless and many other factors. This contract would then go to NYMIR for their attorney's opinion on whether or not it is even something they would want to be involved with. If NYMIR did then it would go to the underwriters to figure out the cost of this exposure would be to the town. It is not a simple process; we would be opening the door to major liability as well as having to do maintenance on the tower by the town.

Councilmember Perkins stated he would be more than happy to meet with the Catskill Mountain Club and explain.

#### **New Business:**

Councilmember Perkins stated that all bills presented to the board for approval for the pool have been approved by Lakeside Engineering. He then made a motion to approve payment to A. Treffeisen and Sons, LLC for \$11,685.00 Councilmember Tweed seconded the motion. Motion carried. Clerk to notify Bryan Boyer of Delaware National Bank.

A request has been made via "4<sup>th</sup> party" indirectly about providing a bounce house for the Fair on the Square. As this request was not made via shared services or by trustee of the village the board decided to table it. Councilmember Tweed was questioned by a village trustee though. As this did not come through Shared Services the matter of the bounce house was tabled.

#### **Committee Reports:**

##### **Highway/Machinery:** (Councilmember's Perkins & Cairns) –

Highway Superintendent Evans provided the board with a written report. Councilmember Perkins stated that we need to make sure that there are "men working" signs at every work zone. There were issues reported on Arbor Hill and Elk Creek. Evans requested better details as he was not aware and signs have been placed at sites. Flagman cannot be used as we do not have ability to hire workers. Evans stated they have had incidents where people do not pay attention to signs, but he will remind the employees to do due diligence. Evans then stated oil and stone is scheduled for the first week of August weather permitting, there is a ton of work to do prior. Roads will be Elk Creek, Dry Brook, a little work on Delside and Fitches Bridge to get them prepped and the approach to Betts Hill. The town will be helping the Village of Delhi on the 17<sup>th</sup> and 18<sup>th</sup> as they do every year. The mechanic is very busy and is doing fantastic.

**Health/Youth:** (Councilmember's Tweed & Cairns) – Councilmember Tweed continuing to collect information on a sustainable plan.

**Economic Development/Shared Services:** (Councilmen Perkins & Krzyston) – Councilmember Perkins stated they are still working along they college on the new hotel, they are having hang-ups on the value of the properties.

**Recreation:** (Councilmember Perkins) –Councilmember Perkins stated things are going well on the pool. The hole is dug; they are working on the power and water lines now. Supervisor Tuthill stated they have filed the BAN (one year note) paperwork with the bank on Monday.

**Personnel:** (Councilmember Perkins & Councilmember Tweed) – N/A

**Building:** (Councilmember’s Cairns & Krzyston) – Councilmember Cairns wished for guidance on the roof issue at the highway garage to move the project forward. Supervisor Tuthill will contact the town attorney for information on the correct way to bid out the project. Councilmember Cairns discussed issues with the building and lights in the clerk’s office.

**IT:** (Councilmember Tweed) – Councilmember Tweed stated that regarding the Cyber security issue she is attempting to contact ISD regarding our coverage. Also, she discussed getting e-mails for board members so that community members could contact members directly. She will contact Delhi Telephone regarding this and voicemail for councilmember’s.

**CODES:** (Councilmember Cairns) – Councilmember Cairns announced there were four building permits issued for June and one complaint, the code officer traveled 134.5 miles.

#### **CODES Monthly Report:**

A motion was made by Councilmember Perkins to accept the June 2018 Code Report. Councilmember Tweed seconded the motion. Motion carried.

#### **Justice Court Report:**

A motion was made by Councilmember Perkins and seconded by Councilmember Cairns to accept the June 2018 Justice Report. Motion carried.

#### **Clerk’s Monthly Report:**

A motion was made by Councilmember Cairns to accept the June 2018 Clerk’s Report, and seconded by Councilmember Perkins. Motion carried.

#### **Supervisor’s Financial Report:**

Supervisor Tuthill presented the board with June Supervisors Financial Report with Councilmember Cairns making the motion to accept and Councilmember Perkins seconding. Motion carried. Councilmember Tweed questioned the “pool committee” checking account, when the pool is done how will that line item change. Supervisor Tuthill stated it will become part of the budget line item, there will not be a separate account.

#### **Supervisor’s County Report:**

Supervisor Tuthill stated most of what has been done on the DPW issue has been done in executive session. He did state that the DPW Committee put forth a resolution on the eminent domain of the Bishop property, seven supervisors voted for it and eleven voted against it. With the numbers it still passed. Now the DPW committee needs to go back and negotiate with the Bishops. When a resolution is brought up, it is supposed to be the majority of the committee, actually it was 3 to 3, and then one member changed their vote, which raised an issue too. So they ended up voting 4 to 2 against their own resolution. This is becoming a shell game. Councilmember Perkins stated this project should have from the beginning gone to the Capital Projects Committee. He further stated that the Mental Health project

went well due to the committee; he does not understand why Chairman Mole has allowed this to escalate to where it is now. Councilmember Tweed questioned if the Town were to do a formal statement, would it help. Councilmember Perkins stated he has told Chairperson Mole this and nothing has happened. In comparing the slated DPW building which shows a 1,400 square foot lunchroom for employees to the new nursing home which will eventually have 200 plus employees the lunch room for them is roughly 400 square feet. There is no rhyme or reason. Councilmember Tweed again asked what the town could do; Councilmember Perkins stated that in other towns councilmember's don't even have a clue as to what is happening in Delhi with the Delaware County DPW. Supervisor Tuthill stated this has torn the board he wished to discuss more but was unable to do so.

**Abstracts:**

Councilmember Krzyston made the motion to approve Abstract #007 - 2018 accounts A – SF Voucher No. 266 – 326 \$68,658.25 and account TA Voucher No. 161 – 163 = \$14,035.05. Total of presented vouchers for Abstract #007-2018 - \$82,693.30. Councilmember Tweed seconded the motion. Motion carried.

**Adjourn:**

A motion to adjourn the regular monthly meeting at 9:00pm was made by Councilmember Cairns and seconded by Councilmember Perkins. Motion carried.

Respectfully submitted,

*Elsa Schmitz*

Elsa Schmitz

Town Clerk, Town of Delhi

**TOWN OF DELHI**  
**JOINT MEETING OF THE TOWN OF DELHI AND THE VILLAGE OF DELHI**  
**Village Hall**  
**July 16, 2018**  
**6:00PM**

Present:

Supervisor: Mark Tuthill  
Councilmember's: Janet Tweed, William Cairns, Matt Krzyston  
Absent: Councilmember Al Perkins  
Mayor: Richard Maxey  
Trustees: Jeremy Fitch, Robin Hultenius, Chris Maney

Mayor Maxey called the Joint Meeting of the Town of Delhi Town Council and Village of Delhi Board of Trustees to order at 6:00 pm for the purpose of determining the process of holding another special election on the annexing of the seven properties on State Route 28 as on the prior special election held on July 29<sup>th</sup> no one voted; and as such the annexation failed.

Both the attorney for the town and village had spoken and via email Mayor Maxey and Town Supervisor Tuthill received an "Intermunicipal Agreement Regarding Indemnification Related To The Annexation Of Certain Real Property As Between The Village And Town Of Delhi." This agreement holds the Village of Delhi responsible for any claims, causes of actions, lawsuits, special proceedings, or other proceedings of every kind or nature, together with any judgment or lien arising out therefrom, or which may be related to the action of the Town in taking the steps requested by the Village of Delhi to hold another Special Election for the purpose of the annexation of land to the Village. This indemnification shall also include any and all reasonable attorney's fees incurred by the Town in defense of itself or its interests arising therefrom or related thereto.

In consideration of the Town taking such steps as requested by the Village to re-initiate and authorize a new Special Election for annexation, the Village agrees to reimburse the Town for any and all expenses incurred by the Town which may be reasonably incurred as a result of taking such action.

Mayor Maxey requested a motion be made by the Village Board to accept the intermunicipal agreement and allow him to sign for the Village. Village Trustee Chris Maney made the motion to accept the agreement allowing Mayor Maxey to sign with Trustee Fitch seconding. Motion carried.

Town Supervisor Tuthill requested a motion be made by the Town Board to accept the intermunicipal agreement and allow him to sign for the Town. Councilmember Cairns made the motion to accept the agreement allowing Supervisor Tuthill to sign with Councilmember Tweed seconding. Motion carried.

With both the Town and Village signing the agreement Resolution No. 008 of 2018 was put forth:

**RESOLUTION NO. 008 OF 2018**  
**TITLE: APPROVING THE ANNEXATION OF CERTAIN PROPERTY**  
**BY THE VILLAGE OF DELHI**

**WHEREAS**, the Village of Delhi (the "Village") and the Town of Delhi (the "Town") received a petition (the "Petition") proposing that the Village annex properties identified as SBL # 171.18-4-5.2, SBL # 171.18-4-1.2, SBL # 171.18-4-1.1, SBL # 171.18-4-2.1, SBL # 171.18-4-5.1, SBL # 171.18-4-2.2 and SBL # 171.18-4-4, which are presently situated in the Town; and

**WHEREAS**, a public hearing on the petition was held on April 2, 2018, at which time there were no objections, either written or verbal; and

**WHEREAS**, by resolution dated May 21, 2018, the Town determined that the Petition complied in all respects with the requirements of the Municipal Annexation Law (N.Y. Gen. Mun. Law § 700 *et seq.*) and that annexation was in the over-all public interest; and

**WHEREAS**, in accordance Gen. Mun. Law § 713, the Town called a special election for June 29, 2018, which all residents of the property to be annexed who are qualified to vote were entitled to do so; and

**WHEREAS**, no resident appeared and voted, either for or against the measure, at the prescribed time and place, despite the Petition having been executed by a majority of the owners of the properties to be annexed; and

**WHEREAS**, there appears to have been confusion or misunderstanding as to the purpose and necessity of the vote;

**WHEREAS**, the Village has agreed to and executed the indemnification agreement attached as *Exhibit "A"*;

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The Town, on its own motion, hereby calls a revote on the annexation proposition, to be held on August 2, 2018, at a time and place to be noticed; and
2. If the proposed annexation is approved, the Town will file the certificate of election with Clerks of both the Town and the Village.

Town Supervisor Tuthill requested a motion to accept the resolution. Councilmember Janet Tweed made the motion to accept Resolution No. 008 of 2018 with Councilmember William Cairns seconding. Motion carried. Roll call as follows:

<u>MEMBERS PRESENT</u>	<u>MEMBERS ABSENT</u>	<u>VOTE</u>
Tuthill		Aye
Krzyston		Aye

Tweed  
Perkins  
Cairns

Absent

Aye  
  
Aye

A motion was made by Councilmember William Cairns to advertise for the Special Election to be held August 2<sup>nd</sup> between the hours of 9:00am and 3pm. Councilmember Janet Tweed seconded the motion. Motion carried. The Town Clerk will advertise for special election and will contact election inspectors for the Special Election to be held on the Town Hall, 5 Elm Street on August 2<sup>nd</sup>.

Mayor Maxey discussed the housing development project with the Town Council. Tonight was the public hearing for the village and there was no public in attendance. As there was no public input the public hearing was closed for the village. The Village of Delhi is applying for a community planning grant through the NYS Office of Community Renewal. This grant is to request funding to undertake a housing needs assessment and market study to determine what types of housing needs exist within the Town and Village. It will also identify potential locations within/proximity of the Village that could support housing needs. The program can provide up to \$50,000 of funding to support the study. The Village and Town will split the 5% match. Mayor Maxey requested a motion be made by the Village Trustees to move forward with the grant. Village Trustee Christopher Maney made the motion to authorize moving forward with the grant with Village Trustee Jeremy Fitch seconding. Motion carried. Supervisor Tuthill requested a motion be made by the Town Council authorizing the participation in the grant which will be administrated by Delaware County Industrial Development. Councilmember Janet Tweed made the motion authorizing to move forward with the grant with Councilmember William Cairns seconding. Motion carried. As there was no further business at the special meeting Councilmember William Cairns made the motion for the Town of Delhi to adjourn at 6:23pm with Councilmember Janet Tweed seconding.

Respectfully submitted,

*Elsa Schmitz*

Elsa Schmitz  
Town Clerk, Town of Delhi



**TOWN OF DELHI**  
**EMERGENCY BOARD MEETING**  
**August 8, 2018**  
**5:00PM**

Supervisor Tuthill called the emergency meeting to order at 5:00pm.

Those present:

Councilmember: Janet Tweed, Bill Cairns, Al Perkins, Matt Krzyston

Absent: Highway Superintendent: Daren Evans

Resident(s): Lillian Browne – The Reporter

**Emergency Business:**

Supervisor Tuthill explained the reason for the “emergency meeting,” due to equipment failure one of the town trucks “came apart” and the dump body flipped over. The good news is that no one was injured. We are short on trucks already and the highway department has been scrambling; they have found a truck on an auction site which will end tonight at 6:15pm. Highway Superintendent Evans and the highway mechanic Matt Condon have driven to the auction site to inspect the truck and have been in contract with Councilmember Cairns regarding such. Councilmember Cairns stated the truck is very clean and Matt Condon has driven the truck.

Supervisor Tuthill stated that he spoke with the attorney this morning and although it is not necessary to hold an emergency meeting to purchase a truck from an auction it alleviates any potential issues to hold the meeting.

Councilmember Cairns further explained that a neighboring town has offered \$25,000 for the truck but the Town of Mohawk decided to put it on the auction site for high bid. There are a couple of bidders on this truck now as he was watching the site. The truck is a 2004 Paystar 500 6x6 with 100,150 miles and 5,583 hours diesel with 11 foot Viking plow, wing and a 14’ dump box. The truck is all-wheel drive. Councilmember Cairns stated that we could reach them by cell now to discuss what their thoughts. Councilmember Cairns proceeded to call them and Town Supervisor Tuthill questioned what the mechanic thought. Superintendent Evans stated the mechanic was happy with the truck and that the Town had put \$17,000 into the truck last year. The mechanic gave his thoughts and felt it was a good truck. Supervisor Tuthill asked what they believed should be offered, both the Highway Superintendent and the mechanic both agreed between \$35,000 and \$40,000. They were told to bid on auction as the neighboring town would get it if it did not make enough at auction. Superintendent Evans has access to the auction site and would be back in time to bid before the auction ends.

Supervisor Tuthill stated that we would use the “Good Neighbor” account until the claim is settled. Supervisor Tuthill stated that superintendent Evans fought with the insurance company last year to keep the coverage as it is as they wanted to lower the value, Councilmember Perkins stated that we should be fine; we may have negotiate after the facts with the insurance company regarding salvaging the truck if wanted. The new truck which is being purchased may not be here until March of 2019.

Councilmember’s discussed the cap to be placed on the bid and it is necessary that we have an all-wheel drive with our roads. The auction process was discussed as far as placing bid increments and capping



the bid. Councilmember Cairns made the motion to allow Highway Superintendent Evans to cap the bid at \$44,900 with Councilmember Perkins seconding. Motion carried.

Supervisor Tuthill stated that Judge Gumo had informed him that the Court Clerk has submitted her resignation; he is requesting that the board approve advertising for the position before the August 14<sup>th</sup> regular board meeting. Councilmember Perkins authorized the town clerk to advertise in the Reporter, Indeed and CDO Workforce the position of Court Clerk, Councilmember Tweed seconded. Motion carried. Salary will be based on experience.

**Adjourn:**

There being no further business to come before the board Councilmember Cairns made the motion to adjourn at 5:30pm, Councilmember Perkins seconded the motion. Motion carried.

Respectfully submitted,

*Elsa Schmitz*

Elsa Schmitz

Town Clerk, Town of Delhi