

**TOWN OF DELHI
BOARD MEETING**

December 13, 2016

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

Those present: Council members Tom Little, Bill Cairns, Al Perkins, Councilman Matt Krzyston
Highway Superintendant Daren Evans
Delaware County Planning Nicole Fransese, Town of Delhi Planning Chairman John Taylor
Town Resident/Planning Board Member: W. Scott Oles
Reporter: Abby Butler, Walton Reporter

The Pledge of Allegiance was led by Councilman Cairns.

Privilege of the Floor:

Supervisor Tuthill invited public comment, no public came forth.

Approval of the Meeting Minutes of November 8, 2016 Board Meeting & Minutes of the Two Public Hearings:

Councilman Perkins made a motion to accept the November 8, 2016 Board Meeting minutes as presented, as well as the two Public Hearing minutes as presented Councilman Cairns seconded the motion. Motion carried.

Old Business:

Deputy Town Supervisor Perkins suggested that the regulations regarding student housing be given to the Codes Committee to review and work into a viable version for the Town's purposes. Supervisor Tuthill asked that it be presented at our next board meeting so that a public hearing can be scheduled.

Supervisor Tuthill stated that he has not received any information from Tanglewood Lake Road residents. Once information is received we will forward it to the attorney.

New Business:

Supervisor Tuthill asked Delhi Planning Board Chairman John Taylor if the board had reviewed the regulations of student housing, he responded they had and there were no issues. He then stated that the Planning Board has made a motion to recommend that the Town Council review and approve the Flag Lot Proposal, Section 545. The Planning Board also recommends that the Town Council change zoning law to include regular and short term rental. Supervisor Tuthill stated that the Flag Lot Proposal would not require much, but felt the short term rental would require careful wording and also stated that we may have to have state approval. Councilman Little questioned the Flag Lot asking if it was reducing the ratio (front to rear). Chairman Taylor read from the handout given to the board explaining the Flag Lot. Nicole Fransese, Delaware County Planning further explained the Flag Lot to the board and added that with the short term

rentals the Planning Board has done much research on the matter Chairman Taylor felt that there are so many short term rentals that are unregulated and they need to be so that the public knows they are staying at a safe environment. Supervisor Tuthill informed him that the state says if you are not living there it is considered a hotel. Our Code Officer is following state regulations and this is creating the problem with some locals. Planning Chairman Taylor brought up tourism and felt that it was necessary to promote such. A copy of the Town of Milford's local law titled "Short Term Transient Rental Regulations" was distributed to the board by Nicole Fransese. She felt the Town Attorney should be consulted for his opinion on how this should best be addressed. Supervisor Tuthill feels strongly that we need guidance from State Codes as it's an issue everywhere, we have attempted to contact our state codes representative but are having difficulties. Chairman Taylor stated there are several Air-B&B's in our area per websites, short term rentals (less than 30 days) are considered as hotels as they are not owner occupied. Councilman Perkins stated that we can enact our own municipal local law as Milford has. There are several issues according to Tuthill; one of the major ones is liability to the Town. Our Code Officer is regulating them as per New York State Building Codes. Chairman Taylor would like the Town do a Zoning Ordinance as opposed to a local law. Supervisor Tuthill felt that a local law holds more weight than an Ordinance. Nicole Fransese agreed it could work either way, she also stated that County Planning could help with the legal notice on the Flag Lots Zoning Law. Supervisor Tuthill added that along with that he would like to see the Floodway Zoning Regulation fixed as there was a misprint. Nicole will provide the corrected information. The Board will have our Town Attorney review the Milford Law and our Code Committee will contact Milford for input of this law. The board made a decision that a Public Hearing will be held prior to our January 10th Regular Board Meeting for the Flag Lots and Floodway Zoning Change, to be held at 7:00 pm.

Chairman Taylor informed the board that there is a pending vacancy on the Planning Board as he will be retiring. An appointment for Chairman will be made at our January Organizational meeting. The Planning Board will vote on his replacement at their next board meeting. They will also recommend a new board member.

Supervisor Tuthill asked the Board if they wanted cleaning services and mowing services for 2017 to be advertised for bids. The Board felt that it should be done. The Clerk will place an ad in the Walton Reporter requesting bids.

On a motion made by Councilman Cairns, and seconded by Councilman Krzyston, the Town Board of the Town of Delhi authorized Town Supervisor Tuthill to execute an agreement; Resolution No. 10-2016 titled "Resolution to Retain Appraisal Services, Burdkidz, LLC VS Assessor of the Town of Delhi, ET AL Tax Parcel No.171.14-1-8.2" with North East Appraisals & Management Co. Inc., for the Preliminary Appraisal Report arising from the tax reduction litigation. The retainer fee of \$5,000 to be sent with the signed agreement and stipulating per said agreement the fee proposal to prepare a Self-Contained Appraisal Report is not to exceed \$11,200. The \$5,000 retainer is to commence the work with the fee being the estimated cost of preparing the Preliminary Appraisal Report; with the hourly rate for additional consulting services, trial preparation and testimony of \$285 per hour. Trial preparation and other services

would be performed only as instructed by the Town of Delhi. The motion was carried, Councilman Perkins abstaining.

Supervisor Tuthill stated the O'Connor Foundation is giving the Town of Delhi a \$300,000 grant towards insulating the Delhi Pool. The grant gives the requirements as to insulating the pool. A motion was made to accept the grant for the pool insulating and piping by Councilman Perkins and seconded by Councilman Krzyston. Motion carried.

An amendment to "Schedule of Salaries" section of the 2017 Town Budget was made as figures were not put in the correct section. The Town Budget remains the same. A motion to approve this amendment was made by Councilman Krzyston and seconded by Councilman Little. Motion carried.

Committee Reports:

Highway/Machinery: (Councilmen Perkins & Cairns) – Supervisor Tuthill stated the \$70,000 check from NYSEG has been received and he has the release form for them. We are still waiting on ABB.

Health/Youth: (Councilmen Krzyston & Cairns) – Councilman Krzyston stated that the ice skating rink has been set up, should be ready for skating this weekend. Also, as we were the hosts of the Basketball Open Gym last year at Delaware Academy has started, Sunday's 1:00pm – 4:00pm through March.

Economic Development/Shared Services: (Councilmen Perkins & Krzyston) – N/A

Recreation: (Councilman Perkins) – Pool is still moving along, they have asked for an extension from Parks & Recs. They are aware of where we are in the pool.

Personnel: (Councilman Little) – N/A

Building: (Councilman Little) – Councilman Little thanked David Krzyston and the SUNY students for installing the outside outlet for the wreath. The wreath is up and working. Also, he thanked Delaware County for installing the memorial marker for Lois Ray at the Sherwoods Bridge.

IT: (Councilman Krzyston) – N/A

CODES: (Councilman Cairns & Little) – Councilman Little stated he, Mayor Maxey and the Chairman of the Village Sewer Plant will be meeting with officials from the Rehab Center regarding the municipal sewer system agreement that will need to be worked out.

CODES Monthly Report–

A motion was made by Councilman Little to accept the November 2016 Code Report. Councilman Cairns seconded the motion. Motion carried.

Justice Court Report:

A motion was made by Councilman Krzyston and seconded by Councilman Little to accept the November 2016 Justice Report. Motion carried.

Clerk's Monthly Report:

A motion was made by Councilman Little to accept the November 2016 Clerk's Report, and seconded by Councilman Cairns. Motion carried.

Supervisor's Financial Report:

A motion was made by Councilman Perkins to accept the November 2016 Supervisors Report, seconded by Councilman Krzyston. Motion carried.

Supervisor's County Report:

Supervisor Tuthill stated there have been some personnel changes at the County due to retirements.

Abstracts:

Councilman Perkins removed Voucher No. 538 which was for ordering new labor law posters as he stated updates can be printed without purchasing a new poster at the cost of \$79.50. With this voucher being removed, Councilman Perkins made the motion to approve the abstract Councilman Little seconded the motion. Motion carried.

Adjourn:

A motion was made at 9:30pm to adjourn by Councilman Carins and seconded by Councilman Krzyston. Motion carried.

Respectfully submitted,

Elsa Schmitz

Elsa Schmitz, Town Clerk, Town of Delhi