

**TOWN OF DELHI
BOARD MEETING
July 9, 2019
7:00PM**

Supervisor Tuthill called the meeting to order at 7:00pm.

Those present: Councilmember's Janet Tweed, Al Perkins, Matt Krzyston, Bill Cairns
Hwy Superintendent Daren Evans
Town Attorney David Merzig
Recreation Director John Kolodziej
Residents: Jeff Barthelmes, Cynthia Waterman, David Truscott, David DeForest, Don Harris, Susan McLellan, Christina Viafore, Ann Roberti, Barb Jones, John Sandman, Adam Atkinson, Kathy Mario, Tom Leo, Krisy Gashler

The Pledge of Allegiance was led by Councilmember Perkins.

Privilege of the Floor:

Due to the large amount of persons at the meeting Supervisor Tuthill stated privilege of the floor would be cut to 3 minutes not 5. Several persons in attendance spoke in favor of a fire tower and the town supporting the project.

Approval of Amended June 11, 2019 Regular Board Meeting Minutes:

Supervisor Tuthill requested a motion be made approving the amended June 11, 2019 meeting minutes. Councilmember Krzyston made the motion to approve the minutes of the June 11, 2019 meeting with Councilmember Cairns seconding. Motion carried.

Old Business:

Supervisor Tuthill asked Councilmember Krzyston if he had made any headway with the franchise agreement with Charter Communications. Councilmember Krzyston stated no.

Councilmember Cairns stated there is no update on the courtroom as SUNY is on summer break. However on the ATM he has gotten a bid on installing the new 20 amp circuit and wire from the modem to the ATM would be \$700.00 from Patrick Meres Electric. Supervisor Tuthill thought ISD would be doing that work through their contract with the town. The clerk will contact ISD and get the information.

Supervisor Tuthill stated regarding the fire tower that he appreciated everyone's comments but does not necessarily agree that we are not being asked very much. If you look at the MOU that they proposed, he really does not have any issues with it, except for the fact if the trail club does disband after the tower is up; the town is on the hook for any and all expenses after that. Ms. Roberti stated in the agreement they would provide either a reserve fund or bond for removal of the tower or other things. They are also planning are forming a "friends of Bramley Mountain Fire Tower" group. To this Tuthill stated he would hope so, his job as Chief Financial Officer is to protect the town from liability. He then deferred to Town Attorney Merzig for his comments. Merzig stated this is a memorandum of

understanding and not a contract. He further stated if in fact the board adheres to the terms, if you don't move forward until such time as the non for profit organization is created, in fact there is a funding source in place, a bond in place; as long as the town does not go forward with ownership, that sort of thing until all those things that they inspire to do are done, then we will be ok. If they comply with all the provisions then the town is probably ok, if they disband and the bond is in place then at that point the board will be able to act. Supervisor Tuthill said so a long as we don't have a tower being built before there maintenance money or money to take it down; to which Merzig stated yes that would be the concern. Ms. Roberti stated if they cannot raise the money nothing will happen. Fundraising by Catskill Mountain Club was discussed.

Councilmember Krzyston asked for approval of a resolution, to which Tuthill stated he did not have a copy as did the Town Clerk whom requested a copy. Supervisor Tuthill requested the clerk make copies. Town Clerk requested a copy be emailed to her for the towns records, Councilmember Tweed stated she would email her. Town Supervisor Tuthill requested the clerk verify the correct number for the proposed resolution. Supervisor Tuthill then requested a motion be brought forward for the Memorandum of Understanding for Resolution No. 003 of 2019:

RESOLUTION NO 003 OF 2019

TOWN OF DELHI

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF DELHI
OUTLINING HOW THE TOWN IS WILLING TO SUPPORT THE EFFORTS OF THE CATKILL
MOUNTAIN CLUB TO ERECT THE BRAMLEY MOUNTAIN FIRE TOWER**

WHEREAS, The Catskill Mountain Club (CMC) has proposed to re-erect the Bramley Mountain Fire Tower on its original site in accordance with a proposal sent to the NYC DEP; and has agreed to:

1. Work with the NYC DEP on granting the Town a permanent access agreement or easement to the tower site.
2. Work with the DEC to remove any development restrictions that DEC may have on the NYC DEP parcel site.
3. Enter into a contract with Davanna LLC, a fire tower restoration firm, for the construction of the tower.
4. Raise funds to:
 - a. Safely erect fire tower
 - b. Establish a permanent reserve account with funds sufficient to maintain the tower, or remove it in the unlikely event that becomes necessary (see #5 below)
 - c. Provide all required ongoing maintenance to fire tower
 - d. Coordinate volunteers and supervised 'open tower' weekend hours during peak seasons
5. Commit to remove fire tower and return it to the owner (Tom Clark) or his heirs, should the tower become unsafe and irreparable.
6. Establish a *Friends of Bramley Mountain Fire Tower Association* prior to the construction of the tower. This association will be a non-profit established to raise and provide funding for the tower's construction, maintenance and future removal if necessary. The implementation of the above items, may at any time be transferred and become the responsibility of this association.

WHEREAS, the Town of Delhi values the efforts of private citizens to preserve local history, contribute to community culture and promote public health, and; the Town of Delhi recognizes that the CMC requires a

certain level of municipal support in order to move forward with project planning with NYC DEP and DEC and to initiate the required private fundraising efforts.

NOW THEREFORE BE IT RESOLVED, the Town of Delhi is willing to support the CMC project in the following ways:

1. Participate with CMC to negotiate with NYC DEP for the granting to the Town, of a permanent easement or access agreement to the tower site.
2. Once project funding has been secured by CMC, agree to enter into a lease agreement with the tower owner, Thomas Clark, to lease the tower for a cost of one dollar, for 99 years.
3. Provide evidence of liability and property insurance for the tower, at a level that is agreeable to both the Town and NYC DEP, and to provide said insurance on an ongoing yearly basis.

Richard Gumo interjected before a motion could be made and questioned the board if this resolution makes the town a guarantor of the payment of any expenses for the erection, maintenance, upkeep or anything else so far as the tower is concerned. He further stated taxpayers should not be responsible for expenses. Town attorney David Merzig stated it was a statement of support supporting the efforts, it is not a contract. The resolution makes no financial commitment what so ever.

A motion was made by Councilmember Tweed to pass the above Resolution No. 003 of 2019, seconded by Councilmember Krzyston:

Roll call as follows:

	Aye	Nay	Absent
Supervisor Tuthill	<u>X</u>	_____	
Councilmember Krzyston	<u>X</u>	_____	
Councilmember Tweed	<u>X</u>	_____	
Councilmember Perkins	<u>X</u>	_____	
Councilmember Cairns	<u>X</u>	_____	

Judge Gumo stated that the microphones are still not working in the courtroom and he would like to ask that the original microphones be reinstalled, and Councilmember Krzyston stated he will look into this.

New Business:

Supervisor Tuthill announced we had received the annual contract for the Heart of the Catskills Humane Society. They again have included cats. With the exclusion incats to the contract Councilmember Perkins made the motion to approve with Councilmember Cairns seconding. Motion carried. Clerk to complete with Dog Warden's information and mail.

Supervisor Tuthill stated that Marianne Greenfield, Town Historian has requested to attend a conference for \$156.00 per the class and \$130.00 for the hotel (one night stay). Tuthill requested a motion allowing her to attend. Councilmember Cairns made the motion to approve her attendance and stay for one night; with Councilmember Perkins seconding. Motion carried.

Supervisor Tuthill stated that the assessors are required to attend a mandatory training; the closest is in Norwich. Councilmember Perkins made the motion to allow all three assessors to attend the training, with Councilmember Tweed seconding. Motion carried.

Councilmember Perkins presented the board with a “vendor permit” application to be used at the pool; this permit will allow parties with the necessary credentials and necessary fee paid (\$25.00) the ability to sell food at the site. The application mimics the Village of Delhi’s vendor permit with minor changes. This application will be available at the clerk’s office. Councilmember Cairns would like to see a fee schedule, Perkins stated the fee this year will be \$25.00 next year things will change. Councilmember Tweed stated she has spoken with Dave Kopecek to have it online as it is almost a reservation type of thing. She further stated the website updates and upgrades will be hopefully be ready to go live by the end of this month. The town attorney had no problem with a vendor permit. Councilmember Perkins made the motion to accept the vendors permit application with Councilmember Krzyston seconding. Motion carried.

Supervisor Tuthill asked John Kolodziej, Recreation Director if there was a problem with garbage pickup at the pool/recreation area. Kolodziej stated no. Councilmember Perkins said information is to come from the PAC Committee all other information so-called information is to be disregarded.

Committee Reports:

Highway/Machinery: (Councilmember’s Perkins & Cairns) – Written report from Superintendent Evans was given to council members. He stated they have been very busy, the weather has cooperated and still having mechanical woes. Councilmember Krzyston stated he participated in a meeting with the village and NYSDOT regarding complete streets and walk-ability Krzyston wants to know the right process to go through now with interest in having lines on Arbor Hill Road, which he knows the county does lines for us. He questioned do they do it as we request it or they know what we want and they just get to it when they can. What is the process he asked; Supervisor Tuthill stated we have to request it and then pay for it. Superintendent Evans stated we request it and pay usually they do it when they are caught up with their roads. It is a double line with nothing on the sides. Councilmember Tweed stated she was at the meeting and spoke with Sue from DCDPW directly; she stated Sue would need to know the distance that is; as Tweed believed they were also doing fog lines (side lines) for Sherwoods around the curve. She would need to know the prioritization for timing as to when it would be done and that painting only lasts about one year. Superintendent Evans stated the highway department budgets in each year for this painting of the double lines up past the child care center. Councilmember Perkins stated it would be nice to see it done before September. Evans said he would speak to the county regarding it. Councilmember Krzyston then stated the Complete Streets Committee has money to purchase signs that say “Share the Road” which is what the DOT has recommended for Sherwoods Road. He then questioned if the signs are purchased do we put them up, Evans stated yes. Councilmember Tweed said we were promised two to replace the ones there now, she will set up a time to discuss with Evans. Resident Don Harris asked what was being done with wild parsnip around the roads. Evans said all they can do is mow the sides of the road, with the recourses they have they have no way of spraying; it’s a never ending battle.

Health/Youth: (Councilmember’s Tweed & Cairns) – Councilmember Cairns stated the Delaware County Sheriff’s Department was looking for support for a program that teaches child safety as well as violence prevention and drug awareness. He wondered if the town could donate towards this program. Councilmember Perkins didn’t feel the town should put taxpayer’s money towards this type of program. Town attorney Merzig stated the town cannot donate taxpayer’s money to a charitable organization. Councilmember Krzyston stated the ice rink has been put away as of today.

Economic Development/Shared Services: (Councilmen Perkins & Krzyston) – Councilmember Perkins stated they have not had a meeting. They will try to meet the first week of

August. Councilmember Tweed stated she and Barb Jones, Village Trustee are having a table at the Fair on the Square each week, part of it is to get input from the constituents, and to let people know what the difference is between the town and village. Also, there will be a bike clinic this week. Perkins stated they are still working on the housing study as well.

Recreation: (Councilmember Perkins) – Councilmember Perkins stated both the Recreation Director John Kolodziej and Tom Leo, Chairman of the PAC Committee were here and gave them the floor. Kolodziej stated the pool is 80° the heat goes on automatically when the temperature calls for it. Session II of swim lessons will start on Monday, July 22nd, based on July 1st figures we have 107 in the program with more to come as sign up ends for session II July 18th. There are 66 in the first session, and so far 41 in the second. They are offering two three week swim sessions from 9:30 – 12:00, 30 minute time periods. Open swim Monday – Sunday from 12:30 to 8:00pm weather permitting. Weather has been great. They would like to thank the EMS squad and Councilmember Cairns for the spinal board for rescues. They have been using it a lot during trainings. Also, if there are at least thirty people (adults) in the pool, they are offering adult swim for the last 15 minutes of the hour. Councilmember Perkins stated as this is a new pool they are still working through issues, a lot of supporters have come out offering to help and everyone is working hard. Supervisor Tuthill stated he has discussed with John that he has a meeting July 30th regarding the grant that was put in for the AED and per the list given to him. Money should be seen shortly after that meeting. He has received the verbal ok, he just needs to sit with them. Councilmember Perkins wanted to thank Peg Baldwin as well as Rick Ackerley they have spent a lot of time with John helping out at the pool. Tom as chairman is also doing a great job. On a further note they are finalizing things with the contractors. Councilmember Tweed announced she had been contacted by the village regarding a bounce house for the Fair on the Square for the 26th; Councilmember Perkins will contact our insurance company for funding, per a motion made by Councilmember Perkins and seconded by Councilmember Cairns. Councilmember Tweed will handle contacting bounce house rental company. Motion carried.

Personnel: (Councilmember Perkins & Councilmember Tweed) – Councilmember Perkins and Councilmember Cairns met July 8th with the union to start negotiations, they will be having another meeting the first part of August.

Building: (Councilmember's Cairns & Krzyston) – Councilmember Cairns stated the light in the judge's chambers is failing. To convert to LED the quote was \$250.00, Councilmember Perkins made the motion to have the light converted, seconded by Councilmember Tweed. Motion carried. Cairns will contact electrician.

IT: (Councilmember Tweed & Councilmember Krzyston) – Councilmember Tweed stated Dave Kopecek upgrades/updates with the website should be live at the end of the month. The search ability features and updates requested.

CODES: (Councilmember Cairns) – Councilmember Cairns stated there were six permits issued for the month of June, 15 inspections and traveled 163 miles. He has been busy with the large projects going on.

CODES Monthly Report:

A motion was made by Councilmember Perkins to accept the June 2019 Code Report. Councilmember Cairns seconded the motion. Motion carried.

Justice Court Report:

The June 2019 Justice Court Report was unavailable as the court clerk was had been on vacation. The report will be given out for the August meeting.

Clerk’s Monthly Report:

A motion was made by Councilmember Perkins to accept the June 2019 Clerk’s Report and seconded by Councilmember Krzyston. Motion carried.

Supervisor’s Financial Report:

Councilmember Krzyston made the motion to approve the June 2019 Supervisor’s Report, with Councilmember Perkins seconding. Motion carried.

Supervisor’s County Report:

Supervisor Tuthill stated plans are moving forward with the new mental health building. The tax foreclosure sale is this Saturday at the courthouse. Councilmember Cairns asked if Supervisor Tuthill has heard anymore on land for the DPW. Tuthill stated they are looking at several pieces, they are putting a new roof on the salt building on Page Avenue.

Abstracts:

Councilmember Krzyston questioned paying the American Legion for flags, Councilmember Perkins stated we do this every year. Councilmember Krzyston made the motion to approve Abstract #007 - 2019 accounts A – SF Voucher No. 00240 - 00284 equaling \$78,114.78, account TA Voucher No. 00115 - 00116 equaling \$14,267.51. Total vouchers presented equaled \$92,381.99. Councilmember Perkins seconded the motion. Motion carried.

Councilmember Perkins asked Highway Superintendent Evans if the highway department was able to fill in some potholes down by the pool area.

Executive Session:

Supervisor Tuthill announced the board would be going into two executive sessions the first would be for “the employment history of a particular individual” and the second executive session would be for “potential litigation.”

Councilmember Perkins made the motion to enter into executive session with Councilmember Krzyston seconding. Motion carried. The board entered into executive session at 8:20pm. A motion was made by Councilmember Perkins to exit the executive session at 10:00pm with Councilmember Cairns seconding.

Adjourn:

A motion to adjourn was made by Councilmember Cairns at 10:01pm with Councilmember Tweed seconding. Motion carried.

Respectfully submitted,

Elsa Schmitz
Elsa Schmitz
Town Clerk
Town of Delhi