

**TOWN OF DELHI  
BOARD MEETING  
January 14, 2020  
7:00PM**

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

Those present:

Councilmember's: Janet Tweed, William Cairns, Matt Krzyston, and Christina Viafore.

Highway Superintendent Daren Evans

Residents: Margaret Baldwin, Kelli Cain, Brian Crabtree, Ed Furgol, Mary Furgol, Jody O'Connell, Ken Schermerhorn, Vanessa Schermerhorn, Adam Atkinson, Jeff Ackerly, Marianne Greenfield, Joel Schermerhorn, Maria Schermerhorn, Ben Decker

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

**Privilege of the Floor:**

Councilmember Cairns stated that before we open the regular meeting to privilege of the floor, on behalf of the town board of the town of Delhi he wished to address Facebook essentially. The board has seen the post; the signatures gathered and believes it's important for everyone in the room to know that the town of Delhi has taken no action regarding the situation at this point. The board felt that they had been painted in a negative light; at this point there has been a complaint, the code enforcement officer has done a drive by and as of today Cairns has not gotten any recommendations from him as to any type of action as to where to go from here. Councilmember Cairns thought it was important to share this with everyone in the audience to clear up any miscommunications or thoughts about what might be going on. Supervisor Tuthill also stated that the Code Officer has also stated to him that he has not taken any action at this time; when he gets a complaint he has to follow up and do an inspection although at this time he has not made any recommendation. There is no cease and desist or fines at this time. Further this would be the time should anyone wish to address this issue or any other situation now would be the time.

Town resident Jeff Ackerly wished to state that in the effort to save time how does one address the situation to proceed with this issue; what is the procedure as they don't know. Another member of the audience stated that basically a lot of those in attendance were there to get their complaints on record. Supervisor Tuthill stated they must file the complaint with the Code Officer at which time he will do his investigation and then respond. He further stated and then if he brings a recommendation to the board then we would discuss that here. Mr. Ackerly stated there are two sides to this story, so the other side doesn't have to do anything till it's done; to where Tuthill stated at this point there has been no report filed. Councilmember Cairns stated as we are in the public comment section of the meeting this would be the time for people with concerns to state their concerns and also to give Joel and Maria an opportunity to state what they are trying to do at this point to address those concerns. Cairns further said that obviously the board would not be taking any action tonight, but he thinks considering everyone is here it would be a shame for nothing to be said. Supervisor Tuthill stated if anyone wished to speak, they should provide a name so the clerk could quote them correctly. Jeff Ackerly spoke stating he is on both sides of this as he likes what they are doing (the idea of a community compost), but unfortunately it is affecting a lot of us with rats and situations that are hard. It's more of a location thing as he is not trying to shun anyone. It's not working where it is, he would like to see it discussed and on the agenda.

Kelli Cain stated she is a neighbor and they want to support them but, there needs to be some oversight, rules and definitely a buffer space for the operation. Right now they are the closest neighbors, their orchard is 10 feet away from the operation, there is no drainage as it's at the base of the hill; the rats are out of control. She stated she is not saying this lightly; during the day you can see rats everywhere, Cain then said they had no fruit this year from their orchard because the rats got up the trees and ate all the fruit. Their pond is within 40' of where their composting with no drainage, the brook is within 50' and her spring is within 30'; they have a lot of animals also on their .6 acres. They just need more space maybe there is a municipal way that can happen, but where they are at right now she believes the neighbors have it pretty bad; the smell, the noise, she believes everyone has different complaints, but for them there are a lot of rats. Marie Schermerhorn asked if she had walked out recently because she hasn't seen many, to where Ms. Cain stated that's because they are in all of our houses and barns. Mr. Ackerly stated that he got rid of them and he did receive their letter and that the rats again came back. Ben Decker the neighbor behind the Schermerhorn's stated he has spoken and sometimes yelled at them; he further stated he supports what they are doing; it's great for the environment but they got a little bit big for their operation. Decker stated he now has rats in his house, he has a new baby; it's a safety issue with the ability to pull out of their road with where the vehicles are parked. Decker does state that they have definitely cleaned up quite a bit, but that is hard to say if that will continue. Marianne Greenfield stated that she is a customer of the Schermerhorn's and it is life changing as she has become so much more aware of the environment. She has been able to cut her garbage to the landfill in half the rest goes to the compost. She is unaware of what is happening at their facility she is not a neighbor as she lives in the village but she would be devastated if anything were to happen to shut this business down. Brian Crabtree introduced himself as Ms. Cain's partner and also a neighbor, he likewise would like to see their business continue, but it needs to be in a place that can handle the quantity. Mr. Crabtree is not on Facebook, but has been told there are like 400 signatures but if this is any indicator as to how many people are subscribing to the service which is actually taking half of their yard waste and kitchen waste to a .6 acre facility which is right next to a bunch of neighbors, basically you are taking it from one place to another with that small of an area there is not enough room to compost properly; it is just going to a dump where food gets slapped down on the ground which will create a sludge problem; you need a lot more room and facilities to do it properly. Although he applauds the effort but it needs to be done in the right place. JoAnne O'Connell she is also a neighbor and stated that they all agree that the idea and hard work is there and is good, but as Brian has said it is just growing, she also has a problem getting onto Peakes Brook from her road because of the piles of compost on the road and such. The noise is an issue as it is also a residential area, they have rats the neighborhood has rats. The brook the main source of water is right there. Cindy Wright of Dirty Girl Farms in Andes stated that the Schermerhorn's have a drop off location at her farm and they are an asset as a lot of times people who have food waste like to bring it to the farm; as they have goats and people think goats eat everything. She added they don't and that it was great that Schermerhorn's picked up Christmas trees this year which actually changes the taste of the goats milk, so this year they did not have any issues. A lot of the neighbors in the town of Andes bring food to her farm for Schermerhorn, who would normally not come to the farm for goat cheese or milk; but with them coming they stop at her store and have bought things from other farms that she sells there. Ms. Wright further stated when she purchased the farm they were required to get a special use permit from the town; she would like to see the town even if it does not have the recourse, to come up with the people who can fix the problem and advise the Schermerhorn's as it is a great service they are providing for the area. Maria Schermerhorn stated that there was an issue and it's partially because they grew too fast. When she started she didn't think the business would take off she didn't adequately set up or think she would need the land for several years down the road; all of a sudden it all came in and she didn't reach out and say I need more land, they just tried as a family to take care of it themselves and it didn't work. They emailed some of the neighbors and went around and tried to make amends with

some of the neighbors even though it was late after the fact trying to help the issue giving them rat poison and on their end using traps and poison the last few months. They have talked to other people and were told rats don't disappear overnight, they have noticed a significant decrease when they go outside now they don't see them running around; the other day she saw two. They are making efforts but agree they don't have an adequate plan; on the contrary they don't have money to buy new land. They are looking at an abandoned farm and Delaware County Economic Development has been contacting the owner from NYC who is not returning their calls. While they do charge for their services it pretty much goes for their expenses, so business wise it really isn't sustainable and looking to the future trying to rectify the situation more land would be good but the cost would be very expensive. They have been looking for land; someone proposed the land by the village's wastewater treatment plant which is owned by the village they already take trees to this land and leaves to there, she is not sure if this would be an option. She stated she had an email that they sent to Mr. Decker the first time he brought the issues to them, they didn't know if affected the other neighbors at that time, only in December were they made aware it affected others besides Decker. Mr. Decker stated it sounded like they went into it without much planning; there are individuals whom can help and would be a good resource for them. A member from the audience questioned what the next step would be for the residents, to where Supervisor Tuthill stated they should file in writing with the Code Officer as with the town level the board cannot do much with enforcement without written complaints. Ms. O'Connell questioned Ms. Schermerhorn if they were required to obtain any permits; Schermerhorn stated unless one is handling over 3,000 cubic yards of raw materials a year you are not required to have a permit. Ms. Cain stated that as long as you do not have a nuisance factor which they do, Schermerhorn said some of the issues are because they are out in the country most of the leaves etc. are taken to Snyder's property; they were fighting with the village to get the leaves trying to get all the "black" material but even the tree companies don't want to go to the back roads to drop it off and if they go to Snyder's he want to be paid for the wood mulch. Supervisor Tuthill thanked the audience.

**Approval of December 10, 2019 Regular Monthly Meeting, December 27, 2019 Year End Meeting and January 6, 2020 Organizational Meeting Minutes:**

Councilmember Tweed made a motion to accept all board minutes listed above as presented, with Councilmember Krzyston seconding. Motion carried.

**Old Business:**

Supervisor Tuthill stated the Historical Association will be taking the voting machine from the village. Councilmember Cairns stated he has given the association the village's number to contact them regarding pick-up.

Tuthill stated that with regards to the DEP land acquisition on Elk Creek, all parties now agree the tax information does not match; their legal staff is rewriting all the information. Tuthill further stated he has notification of another land acquisition on Holmes Hollow Road, section 213 block 2 lot 9, roughly 113.9 acres; the owner will keep about 79 acres, the city will buy about 35 acres by the lower side by the stream. We do a generic response with the help of Delaware County Planning, but if anyone has anything they would like to add please let him know.

**New Business:**

Supervisor Tuthill requested a motion authorizing him to sign the franchise agreement with Charter Communication, Tuthill stated there was one change; his email address was incorrect. Councilmember Krzyston made the motion authorizing Supervisor Tuthill to sign the franchise agreement with Charter Communications with the change to the Town Supervisors email corrected, with Councilmember Cairns

seconding. Motion carried. Tuthill gave Kevin Egan the signed copy, Egan requested a copy of the affidavit of advertising be emailed to him; the clerk will scan it to him.

Supervisor Tuthill announced he had spoken with Dominic Morales and he will remain on as Chairperson of the Planning Department. Councilmember Cairns made the motion to re-appoint Morales as Chairperson with Councilmember Tweed seconding. The re-appointment will be retroactive as of January 1, 2020.

Supervisor Tuthill stated he had received the letter from NYS Department of Transportation regarding the request to lower the speed limit on Route 10 by Frasers, Clarks, Saputo and DOMO area. Saputo and DOMO also asked for a reduction. The State DOT has denied this request; they have agreed to put signs in the area. Councilmember Cairns requested an appeal to the DOT's determination, Supervisor Tuthill will give Cairns the engineer's number from the state DOT so that he can contact her directly. Unfortunately this is what Tuthill expected, but he will give the Highway Committee the number to contact the State DOT.

Supervisor Tuthill stated Highway Superintendent Evans has requested to use the grant/donation money from the Helfgott-Renfroe Foundation to purchase a new snow plow for the F-350. Councilmember Cairns made the motion to allow the purchase with Councilmember Tweed seconding. Motion carried.

Supervisor Tuthill stated that in a letter to the board Brian Sprague has volunteered to open and close the pool this year at no charge to the town. Tuthill asked for a motion to allow him to work on the pool as a volunteer. Councilmember Tweed made the motion allowing Sprague to volunteer with Councilmember Krzyston seconding. Motion carried.

Supervisor Tuthill announced he had received a corrected Highway Department Union Contract from Roberta Dunker with the salaries corrected. The calculations were incorrect and she provided the board with corrected amounts. He requested a motion to approve the amended page5; Article 8 -Compensation. Councilmember Krzyston made the motion approving the amended page with Councilmember Cairns seconding. Motion carried.

Supervisor Tuthill provided the board with the 2020 Standard Work Day & Reporting Resolution for Elected and Appointed Officials RS 2417-A, he explained it to the board. Tuthill requested a motion be made accepting the resolution for employees. Councilmember Krzyston made the motion accepting the resolution; Councilmember Tweed questioned the form as this was the first time she has seen one of these forms, she stated her hours are not recorded and questioned if she should speak to the bookkeeper regarding it. Tuthill stated she would have to do a time study, Tuthill stated she would need to do another and explained the process to Councilmember Tweed. Councilmember Viafore seconded the motion; motion carried. Tuthill then told the board a motion was necessary to approve the Standard Work Day Resolution for Employees RS2418 also; Councilmember Krzyston and seconded by Councilmember Cairns seconded the motion, motion carried. The clerk notified the board she would not post the documents as presented. She would white out the social security information prior to posting at the town hall, she also stated the bookkeeper had the original and she would sign and return it to her. Supervisor Tuthill agreed.

Supervisor Tuthill announced we had received the 2019 Delhi Joint Fire District Annual Financial Report; he requested a motion be made accepting the report. Councilmember Cairns made the motion accepting the report with Councilmember Krzyston seconded the motion. Motion carried.

#### **Committee Reports:**

**Highway/Machinery:** (Councilmember's Tweed & Cairns) – Written report from Superintendent Evans was given to council members (see attached.) Supervisor Tuthill stated Evans had submitted the resignation letter from Chris Cole effective February 3, 2020; Tuthill asked for a motion to accept his resignation. Councilmember Cairns made the motion to accept his resignation with Councilmember Tweed seconding. Motion carried. Councilmember Cairns asked if Cole would be working at all; Tuthill stated he would be using

his time. Supervisor Tuthill stated we didn't do it at the Organizational Meeting and said we should probably touch base stating he wished a motion to approve Brian Rosenthal working part time as needed for 2020 which would be paperwork only. Councilmember Tweed made the motion to approve Rosenthal with Councilmember Cairns seconding. Motion carried. Tuthill then stated due to the rapid depletion of our grit pile, Evans has been trucking in more while it's been decent weather. Tuthill stated Evans had given out the Expenditures of Highway Monies for 2020; he had Evans highlight the big projects for this year. Evans stated they would be continuing to stick with the Highway Maintenance Plan for sealing roads, that's the majority of it. To finish the section of Scotch Mountain that was not finished last year, level and shim Peakes Brook oil and stone it, Bell Hill also, the same on West Platner Brook, Arbuckle Hollow and the adjoining section of East Terry Clove (the section that is in the Town of Delhi), that's what the CHIPS money will go towards it; the oil and stoning the rest of the funds will come out of the money's budgeted. A copy goes to the county and we keep one here. Tuthill stated if the plan changes Evans needs prior approval. Evans stated they have no idea if they are going to get extra CHIPS money this year and Pave New York has ended its five years; whether the state decides to redo it or something along the lines of it hasn't been budgeted and of course extreme winter recovery is never settled until after winter is done. Tuthill also stated you can't count on it but hope for the best with the state. Supervisor Tuthill requested a motion to approve the Expenditure of Highway Monies for 2020; Councilmember Cairns made the motion to approve with Councilmember Tweed seconding, motion carried.

**Recreation/Health/Youth:** (Councilmember's Tweed & Viafore) – Councilmember Viafore announced Tomas Aguirre who lives in the area of the ice rink reached out via Facebook as he would like to help out with the rink when needed. He is concerned about "stepping on toes," Councilmember Krzyston stated he delegated the opening of the rink to Sam Samudrala and if anyone wanted to help with that it would be great. Councilmember Tweed stated the PAC meeting is scheduled for next Tuesday.

**Economic Development/Shared Services:** (Councilmen Cairns & Krzyston) – Councilmember Krzyston stated they be meeting later this month.

**Personnel:** (Councilmember Cairns & Councilmember Tweed) – Councilmember Tweed announced they would be setting up the Annual Audits for the Court, Bookkeeper and Town Clerk/Tax Collector.

**Building:** (Councilmember's Cairns & Krzyston) – Councilmember Cairns stated he has spoken with Jay Trussell and he took a look at the roof above the entryway and as Cairns suspected when he peeled the moss away there was not much shingle left under it. In addition to fixing the missing siding up top he will throw a number at us to put a new roof over the little entryway also. Supervisor Tuthill said Cairns had a quote from last year to paint the building, Cairns stated he did not have it with him at this time; Cairns will double check and make sure the quote is still good. Supervisor Tuthill stated the specs need to be figured out for the highway garage also; it needs to be done before next winter. Adam Atkinson stated they are losing stuff off the back side the wind is starting to take it away. Councilmember Tweed asked if there was any word on the USDA grant opportunities, Councilmember Krzyston stated he had talked to the office that is in charge of our region and he sent him the requirements so he has all their paperwork. They stated to him is you share information with them they will help you with the process; to get the advice we have to do a ton of work, he was encouraging so Krzyston felt it was positive. Councilmember Tweed stated she spoke with Congressman Delgado's office; they are able to write a letter in support for us once we go through the process. Krzyston stated the USDA did not streamline the paperwork for towns, it is a process. Supervisor Tuthill stated he has completed and sent in the paperwork for the pool grant, hopefully we will hear soon. He stated he had to reprint 25 pages as it was missing from his office.

**IT:** (Councilmember Tweed & Councilmember Viafore) – Councilmember Tweed stated she reached out to Dave Kopecek and he will be meeting with the clerk they are hoping to go live the 24<sup>th</sup>.

**CODES:** (Councilmember Cairns & Krzyston) – Councilmember Cairns stated for the month of December two permits, eleven inspections, five in office conferences, three c/o letters and a total distance traveled of 81 miles.

**CODES Monthly Report:**

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

**Justice Court Report:**

A motion was made by Councilmember Krzyston to accept the December 2019 Justice Court Report. Councilmember Viafore seconded the motion. Motion carried. Tuthill stated he was missing his report and he knew it had been in his office. The clerk stated the best way to handle Tuthill's concerns of paperwork missing from his office would be to turn over the key which was located in the lock box. She gave Tuthill his key from the lock box and stated that if necessary he would have to come to the hall, as there would no longer be access to his office from the lock box; if keys are in possession of other officials that would be of his dealing.

**Clerk's Monthly Report:**

A motion was made by Councilmember Krzyston to accept the December 2019 Clerk's Report and seconded by Councilmember Tweed. Motion carried.

**Supervisor's Financial Report:**

Supervisor Tuthill stated that in the December month end Supervisor's Report councilmember's would notice line items with negative numbers which will need budget amendments to balance everything out, once the bookkeeper completes the adjustments they will receive the year-end report; the report will be available at our February meeting. Councilmember Krzyston made the motion to approve the December 2019 Supervisor's Report, with Councilmember Viafore seconding. Motion carried.

**Supervisor's County Report:**

Supervisor Tuthill stated they were told at last Wednesday's finance meeting that the DPW committee wants to meet to go over a proposal and that the MacFarland Farm is off the list. Tuthill stated he is cautiously optimistic, he is hoping their plan is more acceptable. He is vice chairman again, the chairperson along with the budget officer, county attorney they all remain the same. Committees will change as there are three new members, this should be known next week too. Councilmember Krzyston asked if everything was good with the Mental Health Facility; Tuthill stated it is proceeding well. Tuthill, Marshfield, Pete Montgomery and Cindy Heaney have all reviewed the one hundred percent complete plans, they have only picked up on some minor tweaks, so it was discussed at the county meeting to move forward with a resolution to authorize his committee to put it out to bid as soon as they are ready. Tuthill has talked to Eric at CNS and they think we are ready to go, Tuthill expects a week from tomorrow that they will have the authorization to go out to bid as soon as the bid documents are completed. Right now they are waiting on insurance requirements and formalities such as that. If all goes well they may be on track for late spring maybe, it will be about a one year build. Councilmember Tweed asked what other projects has he heard of or that have been brought to his committee; Tuthill stated there has been talk of buying the back half of 97 Main Street. He further stated the Shepherds' have bought Delaware County Electric Coop. on Elm Street; the Coop has purchased the Kiff building on Depot Street. He stated they are a ways apart on money and terms; Councilmember Cairns asked what the county needs it for. Supervisor Tuthill stated they are not sure yet as they don't know DPW's plan, that's why it was suggested to put a hold on everything till the board hears from them what their plan is. He

stated they do have to move elections and veteran’s affairs somewhere and it needs to be done probably before the end of this year. Councilmember Tweed asked if there was an elevator in the building, Tuthill stated they put one in the front half. She further asked if they are moving two offices there what are they going to do about parking; Tuthill stated they would take control of the rest of the parking lot, now the Reporter has part of the parking lot. Tweed asked if that would meet the requirements for code; Tuthill stated for us it would be enough, but the problem is it is on Main Street you can’t control who parks there.

**Abstracts:**

Councilmember Tweed made the motion to approve Abstract #001 - 2020 accounts A – SF Voucher No. 001 – 0027 equaling \$30,819.10, there were no vouchers for account TA. Total vouchers presented equaled \$30,819.10. Councilmember Krzyston seconded the motion. Motion carried.

**Executive Session:**

A motion was made at 8:25pm by Councilmember Tweed to enter into executive session to discuss the employment history of a particular individual, with Councilmember Krzyston seconding. Highway Superintendent Evans was requested to stay by Supervisor Tuthill.

A motion was made by Councilmember Cairns to exit Executive Session with Councilmember Krzyston seconding at 9:10pm. Upon re-entering the regular meeting, a motion was made by Councilmember Cairns to adopt a local law to allow waive the residency requirement for deputy highway superintendent, to allow for an individual to live within a 10 mile radius of the highway department as the crow flies. Councilmember Tweed seconded the motion. Supervisor Tuthill requested the Town Clerk do a roll call of the votes:

Councilmember Cairns	Yes
Councilmember Krzyston	No
Supervisor Tuthill	No
Councilmember Tweed	Yes
Councilmember Viafore	Yes

Supervisor Tuthill stated he would contact the town attorney and have him write up the local law, he then stated a public hearing should be scheduled for February 11<sup>th</sup> as we should have everything by then. A motion was made by Councilmember Cairns to schedule the public hearing for the 11<sup>th</sup> at 6:45pm and to allow the clerk to advertise with Councilmember Tweed seconding. The clerk originally was to contact the town attorney for the local law, resolution and advertisement; but after much discussion Supervisor Tuthill stated he would contact the town attorney instead and work with him on the information.

**Adjourn:**

A motion to adjourn was made by Councilmember Cairns at 9:25pm with Councilmember Viafore seconding. Motion carried.

Respectfully submitted,



Elsa Schmitz  
Town Clerk  
Town of Delhi