

**TOWN OF DELHI
BOARD MEETING
April 8, 2024
6:00PM**

Supervisor Boukai called the meeting to order at 6:00pm.

Those present:

Councilmember's: Margaret Baldwin, Josh Morgan, Matt Krzyston, Christina Viafore
Highway Superintendent Daren Evans
Town Justice Mat Burkert

Absent:

Residents: Cynthia Cobbe, Elizabeth DeFalco – The Reporter

The Pledge of Allegiance was led by Supervisor Boukai.

Privilege of the Floor:

N/A

Approval of March 11, 2024 Regular Monthly Meeting Minutes:

Councilmember Viafore made the motion to approve the March 11, 2024 minutes as presented, Councilmember Krzyston seconded the motion. Motion carried.

Old Business:

Supervisor Boukai stated that the RS 2417-A Standard Workday Resolution would be continued to be tabled. The Resolution requires 120 days of people's documentation of their days, we are going to wait until those 120 days have passed from the beginning of the year since we have some new people. The goal is to have this on either May or June's agenda to have that vote but need the documentation to do so.

Supervisor Boukai stated as mentioned previously we have divided the Recreation Director position into a Swim Director and someone that will be a Head Lifeguard. She showed on the projector screen the job description for the Swim Director and stated they have worked quite extensively with John Kolodziej on it making sure responsibilities and duties were explicitly stated. He will be teaching one of the classes and because of that we will only need two other people on deck, one as another instructor and the required lifeguard. In the instance we might need a second lifeguard on deck he is going schedule the classes to where he might need a lifeguard earlier in the day so the guards that are there for open swim don't have to take an hour break and then come back to guard for those lessons. One of things we wanted to focus on with him also was recruiting, so if the appointment passes tonight, he and Boukai have worked out they will hit the ground running with getting other instructors and he will connect Boukai with lifeguards he has a relationship with so we can get rolling on getting interviews going. We will also be working out any kind of compensation for some of the new classes we would like to add, including adult aerobics, maybe a mommy and me class which he has one instructor in mind for both of those. Councilmember Baldwin stated she now understands why Boukai started the date the way you are as he is going to hit the ground with you to get all the preliminary stuff out of the way; Boukai stated because the SUNY pool is not opening this summer, they have identified five different municipalities that could potentially be using our pool so we want to reach out to them to see if the towns would be interested in paying for swim lessons on their communities behalf, or at a discounted rate so a lot of those procedural things will have to be dealt with within the next six weeks. He will be doing all the

advertising, registrations with Laura’s help for some of it, but it’s falling on him and Boukai to make connections with the other towns and see what kind of classes we can come up with that fit the entire region and not just Delhi. There are a full 90 hours that he will be actually on the pool deck teaching swim lessons, and we are estimating between 40-60 hours with all of the paperwork. John is already a little ahead of the game as he already has documents that he can use but he will be dealing with her learning curve so that may slow him down a little. Supervisor Boukai stated they are proposing a \$4,000 stipend for the summer and he would start basically tomorrow so we can get rolling on everything; the last date of the appointment will be August 2nd; this will give us the six weeks of swim lessons. Councilmember Baldwin stated there will be no question that we will have swim lessons despite what our open hours might be, that’s comforting.

Boukai requested a motion to appoint John Kolodziej to the position. Councilmember Krzyston made the motion to appoint John Kolodziej as Swim Director at the stipend of \$4,000 with a starting date effective immediately. Councilmember Viafore seconded the motion. Motion carried.

Supervisor Boukai brought forth Resolution No. 006 of 2024, which was introduced last month, and the board has been able to review the rest of the documents associated with the resolution. She asked if there were any questions on the resolution; Councilmember Baldwin questioned because of the “ten bullets” of what is trying to be accomplished she would think we would be seeing what the group put together and then approve it with solid evidence before we move forward; she is curious what proposals the committee would come up with that would make us want to be part of this. Baldwin stated she understands the point system that we get on board and get rolling we can piggy-back with the village. The other thing is because this is new, we would like to know that it doesn’t escalate into something more restrictive, right now it’s just grassroots putting things together, but will we be bound by things that will tighten the reins around us later. Councilmember Viafore said if you do an action item to get a certain amount of points then you get grants, we are already a clean energy community, so we have gotten \$5,000 for a training the code officer went to; Councilmember Morgan stated nothing in the resolution is binding, it’s just when you go above and beyond you get extra points. He further stated like with NYSERDA a certain amount of people with heat pumps or if you change the lighting to LED or energy efficiency, its nothing binding. If you go above and beyond you get points Morgan said. Councilmember Morgan made the motion to accept the resolution with Councilmember Viafore seconding. Motion carried.

**RESOLUTION NO. 006 of 2024
TOWN OF DELHI
CLIMATE SMART COMMUNITY**

Councilmember _____ moved and Councilmember _____ seconded that;

WHEREAS, the Town of Delhi (hereinafter “local government”) believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that Town of Delhi, in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:

1. **Build a climate-smart community.**
2. **Inventory emissions, set goals, and plan for climate action.**
3. **Decrease energy use.**
4. **Shift to clean, renewable energy.**
5. **Use climate-smart materials management.**
6. **Implement climate-smart land use.**
7. **Enhance community resilience to climate change.**
8. **Support a green innovation economy.**
9. **Inform and inspire the public.**
10. **Engage in an evolving process of climate action.**

WHEREUPON, the Resolution was put to a vote and recorded as follows:

	Aye	Nay
Maya Boukai, Supervisor	<u> X </u>	_____
Josh Morgan, Town Council Member	<u> X </u>	_____
Christina Viafore, Town Council Member	<u> X </u>	_____
Matthew Krzyston, Town Council Member	<u> X </u>	_____
Margaret Baldwin, Town Council Member	<u> X </u>	_____

Councilmember Viafore stated that Resolution No. 008 of 2024 was the joint task force that will be working towards these things. Supervisor Boukai stated that the resolution would be appointing a climate smart community coordinator; Boukai would like to appoint Councilmember Viafore. Councilmember Baldwin questioned if we were just appointing Councilmember Viafore or the committee. Viafore stated just her. Councilmember Morgan was curious, as some people on the committee he knew and others he did not. He questioned how this was all organized; Viafore stated that Janet Tweed had been the force on the village side, so they (Viafore and Tweed) had reached out to community residents that they knew who were interested in this type of thing. Tim Pham emailed Viafore years ago about solar stuff, when we were doing the solar campaign, he helped us get the \$5,000 grant through Clean Energy and Candace Kuwahara is one of his friends is a village resident. This worked out we wanted to have village and town people. Councilmember Morgan said the village has already adopted Climate Smart and they have village residents on theirs. So, he is questioning about "town" he understands we are supplementing off the village, but he is curious as he would like to see a little more diversity. Councilmember Baldwin stated we need to be focusing on the town. Councilmember Viafore stated there are things we can both do together, Morgan said there already is a task force for the village. Viafore said we are just piggybacking off them. Councilmember Krzyston asked if there was anyone on the village's task force that is not listed here; Viafore stated these are the people. Krzyston said so it is the same committee with people added to it. Viafore said it is the committee we are going to be

working together with and Ashley, who was here last month when asked if it was fine stated yes. Morgan asked if the other individual was a student; Viafore stated yes, she is a SUNY Delhi student, Morgan asked what will happen when she graduates. Viafore said we would have to get another one and she is the intern at the village. Councilmember Krzyston said maybe in the future we could add a high school student, Morgan said he felt that would be very good. Viafore stated this is just the initial one, we can expand it, she can bring it up at the next meeting to add someone. Morgan said expanding to appoint them at another meeting, Viafore said yes. Councilmember Krzyston made a motion to approve the below resolution, Councilmember Morgan stated he would second the motion with the conditions of adding other residents in the future. Councilmember Baldwin stated she felt it should be town residents as we are the town. Motion carried.

**RESOLUTION NO. 008 of 2024
TOWN OF DELHI**

RESOLUTION TO IMPLEMENT A CLIMATE SMART COMMUNITY TASK FORCE AND APPOINT A CLIMATE SMART COMMUNITY COORDINATOR

WHEREAS, the Town of Delhi adopted the New York State Climate Smart Communities Pledge by Resolution on April 8, 2024; and

WHEREAS, the Town wishes to obtain Certification under the Climate Smart Communities (CSC) Program by taking proactive steps towards reducing greenhouse gas emissions and adapting to climate change; and

WHEREAS, a Climate Smart Community Task Force serves as a central body of leadership that promotes and supports climate change mitigation and adaptation strategies within the community and will act as an advisory group to the municipality on any community issues related to climate change; and

WHEREAS, the CSC Task Force will meet at least twice a year and maintain meeting minutes and attendance records for each meeting; and

WHEREAS, the CSC Task Force will consist of community members, municipal representatives, and other relevant stakeholders; and

WHEREAS, a CSC Coordinator is responsible for convening and managing the task force as Chair, serving as a liaison between the CSC task force and the chief executive officer and other officials, and interfacing with the New York State Department of Environmental Conservation on the CSC program as needed.

THEREFORE, IT IS HEREBY RESOLVED that a Climate Smart Community Task Force be initiated with the initial membership list below; and

BE IT FURTHER RESOLVED that the Town of Delhi appoints Christina Viafore as the Climate Smart Community Coordinator.

Initial Membership List for CSC Task Force:

Name	Affiliation
Christina Viafore	Town of Delhi
Janet Tweed	Village of Delhi

Kristina Zill	Transition Catskills
Kathy Mario	Town Resident
Tim Pham	Town Resident
Amy Warner	O'Connor Foundation
Candice Kuwahara	Village Resident
Melissa Gundogan	SUNY Delhi Student

Roll call as follows:

	Aye	Nay
Maya Boukai, Supervisor	<u>X</u>	_____
Josh Morgan, Town Council Member	<u>X</u>	_____
Christina Viafore, Town Council Member	<u>X</u>	_____
Matthew Krzyston, Town Council Member	<u>X</u>	_____
Margaret Baldwin, Town Council Member	<u>X</u>	_____

Supervisor Boukai brought up the Travel Policy for the town; Councilmember Baldwin stated she wanted to sit with Councilmember Viafore to discuss a couple of loopholes in the policy. After discussion the policy was tabled for further discussion until the May meeting.

New Business:

Supervisor Boukai stated we had received bids for the Hauling, Diesel Fuel and Fuel Oil, she stated we received three bids for hauling fees, they are as follows:

Item #1: Hauling fees for approximately 4000 yards of grit and 4000 yards of #1 washed crushed stone from Seward Sand and Gravel (Rider Pit); any remaining grit or stone that is needed if Rider Pit cannot make enough will have to be hauled from Seward Sand and Gravel Main Pit to Delhi Highway Department stockpile Sherwood Road. Bid will be awarded to one bidder with the lowest combined bids for both pits. Hauling of material must be complete by October 11, 2024.

NAME:	RIDER PIT	MAIN PIT	TOTAL COMBINED BID
Gerster Trucking	\$ 6.75	\$ 7.25	\$14.00
Seward Sand & Gravel	\$12.00	\$14.00	\$26.00
Double M Industries	\$11.00	\$11.29	\$22.29

A motion was made by Councilmember Krzyston to accept the bid from Gerster Trucking at a total combined bid of \$14.00. Councilmember Viafore seconded the motion. Motion carried. The clerk to notify.

Item #2: #1 Diesel Fuel – Price delivered to Town of Delhi Highway Garage.

Bid will be a fixed price per gallon; any/all fees must be included. Fuel must be cut 60/40 Kero by October 11, 2024.

No bids were received for Item #2 – Diesel Fuel.

Item #3: #2 Heating Oil – Price delivered to Delhi Town Hall and Highway Garage.

Bid will be a fixed price; any/all fees must be included.

Allison Oil - \$3.39 per gallon

Councilmember Morgan made the motion to accept the bid from Allison Oil at \$3.39 per gallon.

Councilmember Baldwin seconded the motion, motion carried. The clerk to notify.

The question was brought up as to what we do with no bids for diesel fuel. Supervisor Boukai said she and Evans talked about potentially piggybacking off state bid numbers. We will explore that Boukai will get numbers, Evans stated this is the first time we have not had a bid for diesel fuel. Councilmember Baldwin questioned how they would go about this now. Evans said they would have to look at what the options are on state bid. Boukai said it's limited as a lot of them don't want to deliver to our area. Boukai stated Mayor Gearhart has identified one that can, Councilmember Krzyston asked if we could piggyback on the county, Boukai will investigate. Councilmember Krzyston made a motion that if there is an option to piggyback on the state then we can do that. Furthermore, if there is a county option we can deal with them. Councilmember Morgan seconded the motion. Motion carried.

Supervisor Boukai stated a motion was necessary to advertise mowing for the 2024 season. Councilmember Viafore made a motion to have the clerk advertise for two weeks the ad for mowing. Councilmember Baldwin stated we need to make sure they know where to mow at the recreation area. Supervisor Boukai stated she would show them the areas. Councilmember Krzyston seconded the motion for advertising. Motion carried. The board discussed the number of times mowing was done in the past.

Supervisor Boukai stated that she would like to send a letter of intent to the New York State Pro-Housing Community Program. The letter of intent is how it gets initiated. We do not need to pass a resolution; we have the growth required for the program. They will send us log-in information to upload all our supporting documents which will be reviewed and allow us to become a Pro-Housing Community. The main advantage of this is the priority given to towns and villages that have gone through the procedure. She noted the village is currently doing this and if we were to apply for grants together for specific types of housing initiatives that we are exploring it will make our application look more robust especially that we are communicating and working together. She asked the council for permission to email the LOI. Councilmember Krzyston made the motion to have Boukai email the letter of intent with Councilmember Morgan seconding. Motion carried. The council all signed the letter.

Supervisor Boukai discussed with the council Cyber Insurance. She had reached out to both our insurance company rep and ISD and the consensus is basically it is not if you will be hacked, it is when you are hacked. There is a procedure that we would have to go through and reporting that occurs, and Cyber Insurance would help pay for that. That being said, right now we only qualify for the lowest coverage which is \$250,000 which costs \$1,139 but for double the coverage would be \$1,595 but we don't qualify for that because we haven't done a couple of things authentication wise. Chris from ISD said we don't need to purchase anything; it would be him having to come to the office and having to activate certain things and then we would qualify for the \$1,595. That being said, we can start at the \$250,000 level and then whenever we get in compliance with the other level at any time, we can add that additional coverage and pay the difference.

Boukai has spoken with other towns that do have cyber coverage and she believes it is time. Councilmember Krzyston questioned the damages, and Boukai had time information on the board for the council to see. Councilmember Viafore made a motion that the town add cyber insurance for \$250,000. Councilmember Baldwin seconded the motion. Motion carried.

Boukai will talk to ISD about what is required to get us to the next level. The costs would be the time associated. Councilmember Morgan asked Town Justice Burkert if his system was protected by the state. Burkert said that was a question he was going to ask as ISD does work on their computers, if the state system is hacked, we are tied into their servers. Boukai stated this was discussed and coverage would be for them also.

Supervisor Boukai presented Resolution No. 007 of 2024, the resolution requires a SEQR to be completed and she requested the board allow her to complete and sign the resolution as it has been identified the local law will not have any adverse effects on the environment. A motion was made by Councilmember Morgan to allow Boukai to complete the SEQR with Councilmember Viafore seconding. Motion carried. Boukai then presented Resolution No. 007 of 2024:

**RESOLUTION NO. 007 of 2024
TOWN OF DELHI**

**In the Matter of the Adoption of
“A LOCAL LAW TO REGULATING
THE LICENSING OF DOGS”**

WHEREAS, the Town Council of the Town of Delhi has reviewed the proposed Dog Licensing Law; and

THEREFORE, BE IT RESOLVED that the proposed law has been put forth to a public hearing and the Town Council of the Town of Delhi has determined that the adoption of the Dog Licensing Law will not have significant adverse impacts on the environment.

Councilmember Viafore made the motion to approve Resolution No. 007 of 2024 and Councilmember Baldwin seconded. Roll call as follows:

	Aye	Nay	Absent
Supervisor Boukai	<u> X </u>	<u> </u>	
Councilmember Krzyston	<u> X </u>	<u> </u>	
Councilmember Morgan	<u> X </u>	<u> </u>	
Councilmember Viafore	<u> X </u>	<u> </u>	
Councilmember Baldwin	<u> X </u>	<u> </u>	

With Resolution No. 007 of 2024 carried Supervisor Boukai requested a motion to accept Local Law No. 002 of 2024 Local Law #002 of 2024 “A Local Law to Regulating the Licensing of Dogs.” A motion was made by Councilmember Baldwin to adopt Local Law No. 002 of 2024 with Councilmember Krzyston seconding. Local Law No. 002 of 2024 as follows with roll call:

**TOWN OF DELHI
LOCAL LAW #002 OF 2024**

**“A LOCAL LAW TO REGULATING
THE LICENSING OF DOGS”**

BE IT ENACTED by the Town Board of the Town of Delhi, New York as follows;

Section 1:

The provisions of Local Law #001 of 2010, entitled “A Local Law to Regulating the Licensing of Dogs” hereby repealed in its entirety and replaced with the provisions below similarly titled.

ARTICLE 1

SHORT TITLE AND PURPOSE

Section 101 – Short Title

For brevity and ease of communication, the Town of Delhi Dog Licensing Law may be cited as “this Law.”

Section 102 – General Purpose

The general purpose of this Law is the following:

To govern the licensing of all dogs residing within the Town.

Section 103 – Specific Purposes

The specific purposes of this Law are the following:

- (1) To provide the operating framework for the licensing by the Town Clerk of all dogs residing within the Town.

ARTICLE 2

DEFINITIONS

Section 201 – Defined Terms

Unless otherwise stated in the section where the term is used in this Law, the meaning of terms used in this Law shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. For the purposes of this Law, shall is mandatory; may is permissive.

Dog – means male and female, licensed and unlicensed, member of the species *Canis familiaris*

Detection Dog – means any Dog that is trained and is actually used for such purposes of is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.

Guide Dog – means any Dog that is trained to aid a person who is blind and is actually used for such purpose, or any Dog owned by a recognized guide Dog training center located within New York State during the period such Dog is being trained or bred for such purpose.

Hearing Dog – means any Dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any Dog owned by a recognized training center located within New York State during the period such Dog is being trained or bred for such purpose.

Identification Tag – a tag issued by the Town Clerk or its designee which sets forth the identification number together with the name of the Town and State of New York, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk or its designee.

Owner – means any person who harbors or keeps any Dog.

Owner of Record – means the person whose name any Dog was last licensed pursuant to this Law, except that if any license is issued on application of a person under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person. If it cannot be determined whose name any Dog was last licensed or if the owner of record has filed a statement pursuant to the provisions of Article 7 of the New York State Agriculture & Markets Law, the Owner shall be deemed to be the owner of record of such Dog, except that if the Owner is under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person.

Police Work Dog – means any Dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.

Resident – means an individual who maintains a residence with the Town of Delhi

Run at large – means to be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands.

Service Dog – means any Dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the Dog is or will be owned by such person or that person's parent, guardian, or other legal representative.

Therapy Dog – means any Dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and is actually used for such purpose, or any Dog owned by a recognized training center located within the state during the period such Dog is being trained or bred for such purpose.

Town – means the Town of Delhi.

War Dog – means any dog which has been honorably discharged from the United States armed services.

Working Search Dog – means any Dog that is trained to aid in the search for missing persons, is actually used for such purpose and is registered with the NYS Department of Agriculture & Markets; provided, however, that such services provided by said Dog shall be performed without charge or fee.

ARTICLE 3

LICENSING

Section 301 – License Required

An Owner of a Dog four (4) months of age or over in the Town shall obtain a current license for said Dog and shall place and keep on such Dog a collar to which shall be securely attached a valid identification tag for that Dog in accordance with the requirements of the Agriculture and Markets Law of the State of New York, including subsequent amendments, changes and successor laws and this Law.

Section 301 – Rabies Vaccination Required

A. REQUIREMENTS

- (1) An Owner of a Dog four (4) months of age or over in the Town in accordance with the requirements of the Agriculture and Markets Law of the State of New York, shall be required to have the Dog vaccinated to prevent the spread of rabies.
- (2) Section 302 (1) shall not apply to dogs brought into the Town for a period not to exceed fifteen (15) days; Dogs confined to the premises of an incorporated society devoted to the care of lost, stray or homeless animals; Dogs confined to the premises of educational or research institutions for the purpose of research; or Dogs confined to the premises of a person licensed as a Class A dealer under the Federal Laboratory Animal Welfare Act engaged in the business of breeding or raising Dogs for profit.
- (3) Section 302 (1) shall not apply to any Dog whose health would be adversely affected by a rabies vaccination, provided that a written statement, certified by a duly licensed veterinarian, specifying such condition is presented to the Town Clerk or its designee and filed with the Town Clerk's office.
- (4) An Owner of a Dog who willfully fails or refuses to submit said Dog for vaccination within ten (10) days after a request by the Dog Control Officer, Police Officer, Health Officer or Town Clerk shall be subject to penalties provided for in this Law.

Section 303 – Licensing Exemptions

- (1) No license is required for any Dog (i) under the age of four (4) months and which is not at-large or (ii) residing in a pound or shelter maintained by or under contract by the Town, Delaware County or State of New York, or a duly incorporated society for the prevention of cruelty to animals, or a duly incorporated humane society or duly incorporated Dog protective services.
- (2) No license is required of a Dog confined to a public or private hospital devoted solely to the treatment of sick animals or confined for the purpose of research by any college or other educational or research institution.

Section 304 – Application for a License

- (A) Applications for a license or a renewal thereof shall be accompanied by a non-refundable processing fee of six dollars (\$6.00) for a spayed or neutered Dog and fifteen dollars (\$15.00) for Dog that is not spayed or neutered. **Excepted from payment of the licensing fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police, and therapy dogs.** All Dog licenses may be purchased by visiting the Town Hall or a designated place in the future. The Town Clerk

may designate one or more pounds or shelters that are under contract with the Town or Delaware County to issue licenses in accordance with procedures established by the Town Clerk. An application for a license or renewal shall be on the form prescribed by the Town and shall provide for the following minimum information:

- a. The name, residence address and telephone number of each Owner; and
 - b. The name, sex, approximate age, breed, color, markings, and other identifying details of the Dog; and
 - c. State whether the Dog has been spayed or neutered; and
 - d. Such other information or documentation deemed necessary by the Town Clerk or its designee to effectuate the purpose of this Law.
- (B) Rabies certification. The application for a license or renewal shall be accompanied by a statement certified by a licensed veterinarian showing that the Dog has received the rabies vaccine; or, in lieu thereof, a statement certified by a licensed veterinarian that because of the Dog’s age or other reason, the life of the Dog would be endangered by the administration of the vaccine.
- (C) In the case of a spayed or neutered Dog, every application shall be accompanied by a certificate signed by a licensed veterinarian or a sworn affidavit signed by the Owner in the form acceptable to the Town Clerk or its designee showing that the Dog has been spayed or neutered, except that such certificate or affidavit is not required if same is already on file with the Town Clerk. In lieu of the spay or neuter certificate an Owner may present a statement certified by a licensed veterinarian stating that he or she has examined the Dog and found that because of old age or other reason, the life of the Dog would be endangered by spaying or neutering. In such case, the license fee for the Dog shall be the same as a spayed or neutered Dog.
- (D) No individual under the age of eighteen (18) years shall be deemed an Owner of record and be issued a dog license.

Section 305 – Licensing Fees

All fees will be used in funding the administration of the Dog Licensing And Control Law of the Town of Delhi.

<p>Spayed or Neutered Dog License Fee (Revenues derived from this fee shall be the sole property of the Town of Delhi and may be used only for controlling Dogs and enforcing Article 7 of the NYS Agriculture & Markets Law and this Local Law)</p>	<p>\$6.00</p>
<p>Unspayed or Un-neutered Dog License Fee (Revenues derived from this fee shall be the sole property of the Town of Delhi and may be used only for controlling Dogs and enforcing Article 7 of the NYS Agriculture & Markets Law and this Local Law)</p>	<p>\$15.00</p>
<p>Unspayed/Un-neutered Surcharge In addition to the License fee established by section 305 of this Law, each applicant for a Dog license shall pay a surcharge of \$3.00 if</p>	<p>\$3.00</p>

<p>the Dog to be licensed is not spayed or neutered. (Surcharge is remitted to NYS Department of Agriculture & Markets for deposit by the State Comptroller into the “population control fund”)</p>	
<p>Spayed/Neutered Surcharge In addition to the License Fee established by Section 305 of this Law, each applicant for a Dog License shall pay a surcharge of \$1.00 if the Dog sought to be licensed is spayed or neutered. (Surcharge is remitted to NYS Department of Agriculture & Markets for deposit by the State Comptroller into the “population control fund”)</p>	\$1.00
<p>Replacement of Lost Tag</p>	\$3.00
<p>Enumeration Fee – In addition to the License Fee imposed by Section 305 of this Law, each applicant for a Dog license shall pay a surcharge of \$1.00 which shall be retained by the Town of Delhi and used to defray the cost of an of an enumeration of dogs living within the Town of Delhi and the cost of providing replacement identification tags.</p>	\$1.00
<p>Purebred License</p>	There is no current surcharge (Monies to be forwarded to administrator of New York State’s Animal Population Control Program).
<p>A \$10.00 late fee shall be imposed on the owner where an animal is required to be licensed under the provisions of Article 7 of the New York State Agriculture and Markets Law, if said animal is not licensed prior to the expiration of the most recent valid license for the animal. Late fee will be in addition to the renewal fee and any criminal or civil penalties. Fee will be imposed for each month the animal remains unlicensed, commencing the day after the license expired and accrue until animal is relicensed and all fees are paid in full.”</p>	\$10.00+

Section 306 – Issuance of License and Identification Tag

(A) Upon validation by the Town Clerk or its designee, a Dog license shall be issued to the Owner and a record of its issuance retained in the office of the Town Clerk. Such records shall be made available to

the Commissioner of the NYS Department of Agriculture and Markets pursuant to New York State Agriculture and Markets Law.

- (B) No license shall be transferable. Upon the transfer of ownership of any Dog, the new Owner shall immediately apply for a new license for the Dog. A license cannot be transferred to another Dog.
- (C) 1. The Town Clerk or its designee shall assign an identification number to a Dog when it is first licensed. Such identification number shall be carried by the Dog on an Identification Tag which shall be affixed to the collar of the Dog at all times, except that the tag is not required to be worn while the Dog is participating in a Dog show.
2. No tag carrying an identification number shall be affixed to the collar of any other Dog other than the one to which the number has been assigned.
3. Any person withing to replace a tag previously issued shall pay the sum of three dollars (\$3.00) to the Town Clerk or its designee for a replacement tag.

Section 307 – Term of License and Renewals

All licenses shall be issued for a period of one year. All licenses issued pursuant to this Law, and any renewal thereof, shall expire on the last day of the month of the period for which they are issued, except that no license or renewal shall be issued for a period expiring after the expiration date of the current rabies certificate for the Dog being licensed and/or the expiration date of the certified statement by a licensed veterinarian, in lieu of a rabies certificate. The Town Clerk may require an updated rabies certificate and/or updated statement certified by a licensed veterinarian with an expiration date after the termination of license prior to renewing or issuing a license.

Section 308 Change of Ownership; Lost or Stolen Dog; Death

- (A) Change in Owner or address. In the event of a change of address of the Owner of record of any Dog, the Owner of record shall, within ten (10) days of the change, file with the Town Clerk or its designee a written notification of such change. Such Owner of record shall be liable for any violation of this Law until such filing is made or until the Dog is licensed in the name of the new Owner.
- (B) Lost or stolen Dog. If any Dog which has been licensed is lost or stolen, the Owner of record shall, within ten (10) days of discovery of such loss or theft, file with the Town Clerk or its designee a written notification of such event. In the case of loss or theft, the Owner of record shall not be liable for any violation of this Law committed after such notification has been made.
- (C) Death of Dog. In case of the death of a licensed Dog, the Owner of record shall notify the Town Clerk or its designee of the Dog’s death within ten (10) days from the date of death of the Dog.

ARTICLE 4

VIOLATIONS/PENALTIES

Section 401 – NYS Department of Agriculture and Markets Article 7 Violations

Pursuant to New York State Agriculture and Markets Law, all money and penalties collected by the Town for violation of this Law remain the property of the Town. The money can be used for Dog control purposes, funding low-cost spay/neuter programs and subsidizing humane education programs.

Any Dog control Officer or any Police Officer is authorized to issue appearance tickets for any violation of this Law.

Section 402 (a) – Seizure & Impoundment of Dogs:

The Dog Control Officer or Police Officer shall seize any Dog that:

1. Is running at large and not under the immediate and full control of the Owner of the Dog; or
2. Is not licensed, whether the Dog is located on or off the Owner’s property; or
3. Is licensed but is not in control of the Dog’s Owner, or not on the property of the Dog’s Owner, if there is a probable cause to believe that the Dog is dangerous; or
4. Is, in the opinion of the Dog Control Officer or Police Officer, posing an immediate threat to the public safety.

Section 402(b) – Fees for Seizure of Dogs

The fee for seizure and impoundment of Dogs in violation of this Law or the Laws of the New York State Department of Agriculture and Markets are as follows:

First Offense: The same impoundment and euthanasia (if applicable) fees per Dog that are charged to the Town for such service. Second (and each subsequent) Offense: \$60.00 plus the impoundment and euthanasia per Dog.

Section 403 – Penalties

In addition to those penalties proscribed by State law, any person convicted of a violation of this Law shall be liable for a civil penalty of Fifty Dollars (50.00) for the first violation; of Seventy-Five Dollars (75.00) for a second violation; and One Hundred Dollars (100.00) for each subsequent violation. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Town.

Injunctive Relief: An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this Law, including for a party’s failure to respond to an appearance ticket.

Remedies Not Exclusive: No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in any other section of this Law, or in any other applicable law.

SECTION 2. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically Article 3, Section 27 of the New York State Municipal Home Rule Law.

ROLL CALL
April 8, 2024

	Aye	Nay	Absent
Supervisor Boukai	<u>X</u>	_____	
Councilmember Krzyston	<u>X</u>	_____	
Councilmember Morgan	<u>X</u>	_____	
Councilmember Viafore	<u>X</u>	_____	
Councilmember Baldwin	<u>X</u>	_____	

Local Law No. 002 of 2024 will be filed with the state by the clerk.

Committee Reports:

Highway/Machinery: (Councilmember’s Baldwin & Morgan) Written report from Superintendent Evans provided to councilmembers. Evans stated that beginning tomorrow and Wednesday maybe into Thursday if we don’t finish, we will be building two retaining walls on Dick Mason Road in preparation of road reconstruction. The materials are being hauled now and stockpiled. Monday, April 22nd we will start the gravel base on Hamden Hill for the reconstruction project. We will be doing culvert replacements also. Councilmember Baldwin said she was trying to follow the grader situation which Supervisor Boukai and Evans had discussed; Evans stated the cost was for the hydraulic cylinders that need to be replaced. It was ordered and has been delivered. Hopefully by the end of the week it will be back in service. She further questioned the weather and issues faced. Evans said sweeping the roads has been difficult without a lot of plowing we weren’t able to plow off a lot of the material used; we have been out numerous times already. The entire month of April they will be out sweeping up the roads, we should be all caught up and in good shape by the end of April. Councilmember Viafore discussed with Evans putting the information of road closures on NIXLE, he will keep her in the loop. There is signage up for Peakes Brook. Councilmember Baldwin asked Evans about Hamden Hill and the work that has been done with NYPA; Evans stated currently there hasn’t been traffic, there are a lot more phases to that project to go. There is no sign of them putting money in the road at this time. They did sign the Road Use Agreement when they started, at this point we will keep maintaining it as obviously there are no signs it is ending now.

Supervisor Boukai asked if Evans had been able to schedule with Tyson when the guys can pick up the compost; Evans stated they should be doing it tomorrow. He will contact Tyson again just to let him know. Boukai will let the Cemetery Association know.

Councilmember Krzyston asked Evans if he knew anything about the state project on Route 10. Evans stated he believed they had it planned for next summer, time wise is hard to tell.

Supervisor Boukai requested a motion to accept Evan’s report. Councilmember Krzyston made the motion to accept as presented with Councilmember Morgan seconding. Motion carried.

Personnel: (Councilmember’s Viafore & Baldwin): Councilmember Viafore stated they are working on policies. Councilmember Baldwin asked Boukai what she wished they work on next after tweaking the travel policy. Boukai stated there are so many, urgency would be the email policy and strengthen the FOIL

policy we have. But she is not attached to them. She believes it's reasonable to have it completed by the end of the year.

Recreation/Health/Youth: (Councilmember's Krzyston & Supervisor Boukai): Supervisor Boukai stated appointing John will get the ball rolling on the pool. She updated the board on the chlorine container from Stamford, they have offered to drop it off for us. When she visited the Walton pool she saw nice lounge chairs and thought ten would be appropriate for our pool. She has found four used ones in Cooperstown at a cost of \$25 each. She has the link when they were originally purchased new, they are \$130 each. She has found ACE has similar ones at \$80 apiece. Viafore said ACE is probably not commercial grade and will not last as long. Viafore wondered if the resort in Cooperstown has more to sell, Boukai will ask them. Boukai stated she added the lounge chairs to the community grant. She asked for permission to purchase the four chairs at \$100 from the resort in Cooperstown. Councilmember Baldwin made the motion to allow Boukai to purchase the four chairs. Councilmember Viafore seconded the motion. Motion carried.

Councilmember Baldwin questioned bids for chlorine, and questioned if Boukai was positive the 55-gallon drum can be returned to Slack. Boukai said Barbara at Slack had stated it was \$65 per barrel is what we get back and there are four here. Boukai said she wants to be there for the first delivery which will be scheduled for late May. She will reconfirm the price of the barrels and that they are fine filling the 250-gallon drum. Evans asked if they had to do anything before the drum is delivered. Boukai thought the area was muddy and possibly stone could be put down.

Boukai wants to work with the college to have them install an outdoor shower for the pool.

Economic Development/Shared Services: (Councilmember Morgan & Viafore): Councilmember Viafore stated they have a meeting next week. Councilmember Krzyston asked about the flood commission and wanted to know if they were looking or using community members. Councilmember Morgan we need to get the ball rolling; Krzyston said "old members are still interested."

Supervisor Boukai said when she spoke to the mayor last week she had proposed a joint town-village meeting that just focuses on shared services and committees where residents can participate.

Buildings/Codes: (Councilmember Morgan & Krzyston): Councilmember Morgan stated in the month of March 2024 there were: 1 building permit issued, 14 inspections / meetings, 4 in-office conferences, 4 c/o letters, 1 violations and he 118 drove miles.

Councilmember Krzyston said the students want to get to the concession stand building to do a small project there.

Councilmember Morgan asked Town Justice Burkert if his door lock was functioning, as it was not. Morgan told Burkert to get a new lock and he will install it.

IT: (Councilmember Viafore & Krzyston): Councilmember Viafore stated we were asked to get an additional camera down at the playground pool area, so she added Boukai to the DTC account. Boukia stated for the equipment the cost is \$250 for the installation, the cost is \$97 for a total cost of \$347 and an additional \$22.66 a month for monitoring. The camera would connect to what we already have. Boukai questioned if we should wait until the building is finished, the board felt it should be done. A motion was made by Councilmember Baldwin to go ahead with the camera installation with Councilmember Morgan seconding. Motion carried.

Councilmember Baldwin brought up the NYSE&G rate for the concession stand as the cost is \$90 for no electricity being used. She also brought up the pool policy, Boukai stated she emailed our insurance carrier about specific policy.

Councilmember Baldwin then brought up the Woolerton Street Bridge and questioned if there were any documents she would print them out to do whatever Boukai wished the board to do. Boukai stated the paperwork is with the county planning board, then it would be sent to the DEC and then it would be ready to be advertised. So based on when we get it back from DEC, we will set a date. Baldwin said she would like to

get a jump on it with the neighbors and the public as they would like to read it; Boukai said yes, it's on her radar.

CODES Monthly Report:

A motion was made by Councilmember Viafore to accept the codes report for March 2024. Councilmember Morgan seconded the motion. Motion carried.

Justice Court Report:

A motion was made by Councilmember Krzyston to accept the March 2024 Justice Court Reports. Councilmember Baldwin seconded the motion. Motion carried.

Clerk's Monthly Report:

A motion was made by Councilmember Krzyston to accept the March 2024 report, seconded by Councilmember Baldwin. Motion carried.

Supervisor's Financial Report:

Supervisor Boukai stated that she had uploaded everything for the board into the drive, and with the court everything will go above the threshold due to the way certain things have been accounted for as well as with the hydraulic cylinder that the highway garage purchased. The bookkeeper believes in April we may have some adjustments to make. Also, as of this morning in CLAS we have made \$3,700 for the general fund and \$2,700 for the highway department outside village, we have eight CD's with DNB currently and by the time all of them mature (the last one's maturing at the end of May) not including what we will be earning from CLAS between now and the end of May we have close to \$18,000. Councilmember Krzyston asked if that was from the CD's alone; Boukai said the CD's earnings are going to be \$18,000. We are rolling some over and the money isn't payable till the maturity date. Krzyston said it looks like it will be \$25,000 in interest and told Boukai good job.

Supervisor's County Report:

Boukai stated she sent the board all the resolutions for this week's county board meeting. She received some feedback, and she is trying to clarify what's what on the major questions she got on the public defender's office and the raises; what all those entails. As soon as she hears something she will let everyone know. There will be three public hearings, one on the public defenders raise, one regarding the district attorneys raise and then the new law being proposed for youth hunting as the state is leaving it up to each county to determine if they implement it (the law is for 12- and 13-year-olds.) Boukai noted all the bed taxes can only be used for tourism related items, there was a breakdown of non-profits that were getting funding and for profits; it showed what was requested and what the project is what they are going to fund for this round. She noted the kayaks for the village are in the report for 50% funding. Councilmember Morgan asked when the public hearings would be, Boukai stated the 24th. Councilmember Baldwin thanked Boukai for all her work, stating it's refreshing.

Abstracts:

Councilmember Baldwin made the motion to approve Abstract #004 – 2024 accounts A – DB Voucher No. 00115 – 00171 equaling \$142,497.77. Councilmember Morgan seconded the motion. Motion carried.

Executive Session:

Councilmember Viafore made the motion at 7:19pm to go into executive session for Personnel Matters, requesting Town Justice Burkert to remain. Councilmember Morgan seconded. Motion carried.

A motion to exit the executive session was made by Supervisor Boukai at 7:48pm with Councilmember Viafore seconding. Motion carried.

Adjourn:

Councilmember Baldwin made a motion to adjourn the meeting at 7:49pm, Councilmember Morgan seconded. Motion carried.

Respectfully submitted,

Elsa Schmitz

Elsa Schmitz, Town Clerk Town of Delhi