

**TOWN OF DELHI  
BOARD MEETING  
April 10, 2023  
7:00PM**

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

Those present:

Councilmember's: Margaret Baldwin, Matt Krzyston, Christina Viafore, and Bill Cairns.

Highway Superintendent Daren Evans

Residents: Cynthia Cobbe, Brad Lockwood, Kimberly Cairns, Mathew Burkert

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

**Privilege of the Floor:**

Brad Lockwood stated there was not a Planning Board meeting last month as they did not have quorum; he asked if there would be quorum in April. Tuthill stated you can't appear before the planning board until you have a complete application which he understands is being addressed and we will be appointing one new member this evening.

**Approval of March 13, 2023 Public Hearing and Regular Monthly Meeting Minutes:**

A motion was made by Councilmember Baldwin to accept the minutes of both meetings as presented. Councilmember Cairns seconded the motion, motion carried.

**New Business:**

Stacey Green who manages the Lead Program for Delaware County Public Health; anytime a child has a lead level of 5 micrograms per deciliter or higher they are considered elevated. She discussed lead sources and stated there can be a lot of negative effects for children. Children are tested at the ages of 1-2 and there is no safe amount of lead although there is no age limit to exposure. At a younger age it can have greater effects. Homes built/painted prior to 1978 may have lead levels and once disturbed through renovations those levels can be moved around into the home environment, water and even the dirt. She further stated in 2022 she had a total of 16 new identified cases. She then stated out of 25 active cases, the Town of Delhi currently has 3 active lead cases. In 2022 there were a total of 16 cases and 5 of those cases were in Delhi that is a third of the cases. Green gave the clerk handouts for her office. Supervisor Tuthill asked where the lead cases were, Green stated three were in the town and 2 were in the village. She noted that in 2020 the numbers exploded. Councilmember Krzyston asked about testing; Green stated testing is through the primary care provider and is only done at the ages of 1 to 2 although lead can affect any ages. She is here this evening to shed light on lead issues and discussed renovating safely, and stated there are EPA certified renovation firms. Green announced Delaware County Public Health is sponsoring an EPA certifying class in Hamden on April 27<sup>th</sup> for contractors to safely remove lead during renovations.

Councilmember Viafore asked if one has a positive lead screening can it be determined where they got it from in their home; Green stated she makes a referral to the district office out of Oneonta and they come and do an inspection on a home. They have a radar gun which they will go around the home, if it's in dirt they will take samples, if there are concerns it's in the water they will also do water sampling. There is a tracing process.

Supervisor Tuthill announced the opening of the bids for hauling, fuel oil and diesel fuel. They are as follows:

**Item #1:** Hauling fees for approximately 4000 yards of #1 washed crushed stone from Seward Sand and Gravel (Rider Pit); any remaining stone that is needed if Rider Pit cannot make enough will have to be

hauled from Seward Sand and Gravel Main Pit and 4000 yards of #1 washed crushed stone from Clark Companies (Romar 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 13, 2023.

	<u>Rider (Seward) Pit</u>	<u>Romar (Clark) Pit</u>	<u>Combined Bid</u>
Gerster Trucking	\$ 6.25	\$4.25	\$10.50
Seward Sand & Gravel	\$14.00	\$9.00	\$23.00
Delaware Bulldozing	\$10.83	\$6.50	\$17.33

**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 13, 2023.

Mirabito - \$3.4775 per gallon fixed price per gallon  
 \$4.2275 per gallon clear kero for winter blend with diesel  
 \$3.7775 per gallon 60/40 blend kero/diesel

\*\*Pricing is inclusive of current taxes and governmental fee. L.U.S.T. fee of .0010 per gallon and Federal Superfund fee of .0039 per gallon. Mirabito reserves the right to pass along future changes in taxes and governmental fees to the customer.

**Item #3:** #2 Heating Oil – Price delivered to Delhi Town Hall and Highway Garage. Bid will be a fixed price.

Mirabito \$3.395 per gallon \*\*  
 Allison Oil \$3.49 per gallon

\*\*Pricing is inclusive of current taxes and governmental fee. L.U.S.T. fee of .0010 per gallon and Federal Superfund fee of .0039 per gallon. Mirabito reserves the right to pass along future changes in taxes and governmental fees to the customer.

The board awarded the following: Item #1 – Hauling fees to Gerster Trucking with Councilmember Cairns making the motion and Councilmember Viafore seconding; Item #2 - #1 Diesel Fuel – Mirabito Holdings Inc d/b/a Mirabito Energy Products with Councilmember Viafore making the motion and Councilmember Cairns seconding; Item #3 – Heating Oil – after discussion based upon prior service issues running out of fuel oil with Mirabito the board felt that Allison Oil was the most advantageous due to service experience and the best value for the money. Councilmember Baldwin made the motion with Councilmember Cairns seconding. All motions were carried. The Clerk will notify bidders. The board also discussed the ad which states “any and all fees included.”

### **Executive Session:**

A motion was made by Councilmember Cairns at 7:15pm to enter into executive session to discuss the contract negotiations. Councilmember Krzyston seconded the motion, motion carried. Town Supervisor Tuthill requested Joe deMauro, Town Clerk Schmitz and Bookkeeper Reinmann to remain.

Motion was made by Councilmember Cairns to exit executive session at 7:50pm with Councilmember Viafore seconding. Motion carried.

### **Old Business:**

Supervisor Tuthill requested a motion to designate the highway garage roof, the Nixle money spent and the rest of the money to the playground to finish out the ARPA report, this will close out ARPA.

Councilmember Cairns made the motion designating the above with Councilmember Viafore seconding. Councilmember Krzyston asked what the total money received from ARPA was; Tuthill stated it was roughly \$184,000. Councilmember Baldwin said we are not talking about draining the savings for the pool we are discussing some other funds to get the balance for the playground paid off. Tuthill said he hopes they get a grant from someone. Both Tuthill and Baldwin stated it is food for thought.

A motion was made by Councilmember Baldwin that the town go with Delhi Telephone for the phone system upgrades and go with ISD (Information Systems Division) for the computer, upgrades and support. Councilmember Cairns seconded the motion. Motion carried. Councilmember Viafore will contact both Delhi Telephone and ISD for contracts.

Supervisor Tuthill announced the AUD (Annual Financial Report) for 2022 was complete. He stated they had some help come in who went through everything for us so we matched up with the states codes and then helped file it on time. Councilmember Krzyston asked if we had done this in the past; Tuthill said no, there are code changes and other things so they decided to do it. Normally they send it in and it's sent back with needed changes and we correct them they send it back with more needed changes. This time they thought it easier to just to get it through on the first try; not that it's guaranteed, but he believes they are in a better spot this time. A motion was made by Councilmember Krzyston to accept the AUD as presented with Councilmember Baldwin seconding. Motion carried. The clerk will advertise for two weeks its availability.

**Highway/Machinery: (Councilmember's Baldwin & Cairns)** Written report from Superintendent Evans provided to councilmembers. Evans stated the Terrastar is the only truck completely out of service. Road work they are taking advantage of the weather, they will be brooming, stone is brought in for grader patch which will be made at a later date. Evans stated that the fence in front of the Sherwood Road lot has fallen down over the winter and needs to be rebuilt as it is rotten, the estimated cost is \$1,952.19 for materials using treated boards to ensure longevity and strength. Councilmember Cairns asked about materials and wondered if using painted roof metal would be more cost effective and last longer, Tuthill said that would catch more wind Evans agreed. Tuthill said the highway committee and Evans can work it out.

Councilmember Baldwin discussed speed bumps at the recreation area, Evans said now is the time. Councilmember Krzyston asked if there were any fixtures that needed replacing as we have extra LED's, Evans said everything was updated at the shop already.

**Personnel: (Councilmember's Viafore & Baldwin):** Councilmember Baldwin gave the floor to Judge Burkert who stated the deputy clerk for the court will be leaving at the end of the month they will be advertising for her position. Laurie was a great asset and will be missed.

**Recreation/Health/Youth: (Councilmember's Viafore & Baldwin):** Councilmember Baldwin stated they need to make some decisions regarding the walkway at the playground. Parkitect has put in a bid and Baldwin has been pursuing another company to do the same and it gets done in the next couple of months. KJ of Parkitect has been working on the plaques; O'Connor Foundation is fine with their name being on it. Branches need to be cut per Parkitect, also she spoke to the athletic director at Delaware Academy as in the past they have asked about using the pool prior to closing of the school; Baldwin stated we have no policy in place. Todd Shady is well aware of the chair lift and goes to different schools and municipalities and is looking into it for us to see if he can help us sell it. Shady will be coming the week of May 15<sup>th</sup> but cannot give us an exact date yet. Dusty White our CPO will observe as he thinks somewhere down the road he can help us. Baldwin asked Evans about Absolute Auctions as they have exhausted the ability to use Auctions International for the chair lift. Tuthill and Evans stated they had just received information on Absolute and have not had the opportunity to review their services. Baldwin also stated they will be putting in the DOH application in mid-May (within 30 days of opening), the kiddie pool latch needs to be repaired prior. Ed from DOH is helping to get the proper things done so once they come it is taken care of.

Baldwin said if we use Youth Bureau employees we will need a description of how they will be used and what work they will be performing. Kali the Recreation Director will have to do this.

Baldwin discussed the hydro-seeding which was done at the playground. Evans has been helping her with options. Evans stated Kruppo will be looking at it and possibly fertilizer will make it take off. Kruppo will let Evans know. Baldwin stated it needs to be resolved.

PAC discussed the allergen sign and Baldwin spoke to our insurance company, they were skeptical on how it would be used and what it would look like. The insurance company is requesting a copy of the letter that was received regarding the request so he can look into it.

Baldwin stated Councilmember Viafore will discuss the cameras during IT, and that PAC was concerned about the ARPA money and grant writing.

The chemicals will be delivered on May 11<sup>th</sup>, Amish Barn will be delivering the shed ramp and understand payment will be on the next abstract.

Tuthill stated at this point we need to decide how we will proceed with the damage at the pool; he believes all the board feels they should be held accountable. Tuthill said we could have them arrested and then they will be taken to probation. The other option is talking with the parents. Baldwin stated she has worked with children for over 30 years and the best gift we can give them is accountability. Baldwin has spoken with the police department and said then we can work with services in the community and give the gift to the kids to have services that might help them understand the impact and move forward more responsibly. Tuthill asked what the pleasure of the board was; Councilmember Krzyston said he believed we should contact the parents and say we have to get this stuff paid for and they will have to cover the expenses. Tuthill informed Krzyston that it will not meet our deductible and the tax payers will be responsible for the repairs if the parents do not cover it. Baldwin said I don't see where it puts any responsibility on these young people, it doesn't serve the kids. Krzyston said maybe they can come and apologize and pay for it as he doesn't want the taxpayers to have to cover the damage but he doesn't want to go too far with it (overboard.) Councilmember Cairns said in essence he agrees with Krzyston whether it's the kids the parents whatever member of the family needs to come up with the money to make this whole again; but he does believe the kids should be made to meet at the very least with Tuthill or the whole board. Baldwin then said it did work successfully when we did have issues at the pool prior that we did have the perpetrators with the parents sat with the lifeguards and had a discussion with them and it was successful. The understanding of what they did was made clear. She is in the middle with this situation as they need to be accountable in some way, understand the impact and the importance of it. There may be other ways to work around it through possibly community service. Krzyston said community service is a good concept but he believes we should just get the cash. Baldwin said definitely we need the money. Cairns said at this point we don't have a firm dollar figure on the damage, we know the cost of the new light fixtures and the cameras but the cost of an electrician we don't know. He read the letter which all the board received wants them to just have the kids come down and fix the damage, but they can't they are not electricians so it does go deeper than that. Cairns believes we will be best served as a board to get the cost of this covered for our taxpayers, try to help the youngsters understand where they went wrong and move forward. The board discussed setting up a meeting with the children and their families giving them options. Tuthill stated get ahold of PD and have them set up a meeting with the children and families along with two board members.

**Economic Development/Shared Services: (Councilmember Cairns & Krzyston):** Councilmember Krzyston stated they are setting up a meeting later this month with the village's committee. They have reached out to Graydon Dutcher as part of Shared Services is the Flood Commission as he is from Delaware County Soil and Water and is our advisor and damage has been noticed on the Woolerton Street Bridge. It has been on our radar as part of the re-design project but we are trying to set up a meeting to expedite the process.

Councilmember Cairns stated he is relieved that the shared services committee is back up and running and will be moving forward.

**Buildings: (Councilmember Cairns & Krzyston):** Councilmember Krzyston announced last week we had the college students come in and replace the last of the fluorescent lights with LED's, today Highway Superintendent Evans met with their instructor at the concession building and we are scheduling to dig the trench to connect the nearest utility pole to the building so we can have electric there. All the supplies have been purchased and hopefully we will have electric before our next meeting. Councilmember Cairns questioned

Krzyston as to the time frame do the students have left to complete projects at this point; Krzyston stated not much although they have enough to finish this project. Councilmember Viafore stated May 13<sup>th</sup> is commencement. Cairns stated obviously we have light fixtures at the pool that need to be replaced and the mini split for this room we will look outside the college for those projects and see who we can get to get them done for us. Krzyston said it is possible they can get the lights done for us, Cairns said Drogen's can get us the lights and asked if Krzyston could look into it. Krzyston said they are waiting to see what unit to buy as they are looking into it for us. It's unlikely they will be able to get it installed. Justice Burkert stated they looked at the electric and they believe they can tie into our existing system this will be more cost effective. Krzyston will follow through.

Supervisor Tuthill informed the board the fire proof filing cabinets will be here on the 20<sup>th</sup> of April. Cairns stated the assessors lock is on and the clerk will make another key.

**IT: (Councilmember Viafore & Krzyston):** Councilmember Viafore stated the internet went down at the pool yesterday, she was going to go down and adjust the camera as it got switched a little bit. DTC said there was some kind of set screw, she was going to try and figure it out. When she went there everything was down, she got notification at 3:34 am this morning that everything was down. Viafore stated Rick got the same message and went down and reset the router. She will now go down and adjust the angle of the camera.

Viafore announced we now have 133 Nixle subscribers.

Tuthill stated in July the Army will be coming to Walton to do a type of field hospital (IRT) it will be free medical, dental and eye care. Tuthill said basically will be a triage, it will be walk in and all free. Tuthill said it would be good to get this out on Nixle when the time gets closer.

Councilmember Baldwin stated we don't have the lifeguards and WSI staffing so Viafore will be posting it and Baldwin has spoken with the high school and they will do an announcement during morning announcements that we are looking for lifeguards and WSI, they will also put it on their website.

**Codes: (Councilmember Cairns & Krzyston):** Councilmember Cairns stated in March there were: 2 building permits issued, 13 inspections / meetings, 4 in-office conferences, 2 fire inspections, 4 c/o letters, 3 certificates of compliance, 1 violation and he drove 161 miles.

### **CODES Monthly Report:**

A motion was made by Councilmember Krzyston to accept the codes report for March 2023 Councilmember Cairns seconded the motion. Motion carried.

### **Justice Court Report:**

A motion was made by Councilmember Baldwin to accept the March 2023 Justice Court Reports. Councilmember Cairns seconded the motion. Motion carried.

### **Clerk's Monthly Report:**

A motion was made by Councilmember Baldwin to accept the March 2023 report and seconded by Councilmember Viafore. Motion carried.

### **Supervisor's Financial Report:**

Supervisor Tuthill presented the board with the March Supervisors Report. Councilmember Baldwin made the motion to accept the report with Councilmember Viafore seconding. Motion carried.

### **Supervisor's County Report:**

Supervisor Tuthill stated progress has slowed to a crawl at the new county building, this is a work force issue. Baldwin asked are they thinking about getting any options for the property on the corner of Gallant and Page; Tuthill said he didn't think anything was finalized.

Councilmember Krzyston stated the village residents want to know who to talk to about a county owned building on Main Street; 97 as to more maintenance needing to be done. Tuthill said they could talk to Pete Montgomery who is head of buildings and grounds.



Krzyston also noted that people have said the letter in the Reporter was unusual; Tuthill said so noted.

**Abstracts:**

Councilmember Baldwin stated one of the vouchers is being paid out of the wrong fund, she made a notation on the voucher. The board discussed the voucher, Tuthill stated until the project is complete it will have to come out of the fund, it will not affect the pool budget. Councilmember Krzyston made the motion to approve Abstract #004 – 2023 accounts A – DB Voucher No. 00109 – 00147 equaling \$100,538.05 and account TA Voucher No. 00103 – 00105 equaling \$13,527.00. Total vouchers presented equaled \$114,065.05. Councilmember Viafore seconded the motion. Motion carried.

**Adjourn:**

Supervisor Tuthill stated that Josh Morgan of the Planning Board had given him Steve Hood's name for being considered as a Planning Board member. We will be having two more openings shortly, Baldwin questions if names should be given to Tuthill; Tuthill stated yes. A motion was made by Councilmember Krzyston to appoint Hood for the seven year term. Councilmember Baldwin seconded the motion. Motion carried.

Councilmember Cairns made a motion to adjourn the meeting at 9:00pm, Councilmember Krzyston seconded the motion. Motion carried.

Respectfully submitted,

*Elsa Schmitz*

Elsa Schmitz, Town Clerk, Town of Delhi