

**TOWN OF DELHI
BOARD MEETING
August 19, 2024
6:00PM**

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

Those present:

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

Town Justice: Mat Burkert

Residents: Jim Smart, Cindie Smart, Kim Cairns,

Delaware County First Assistant District Attorney Schuyler Kinneman

The Pledge of Allegiance was led by Supervisor Boukai.

Privilege of the Floor:

The privilege of the floor was given to Schuyler Kinneman, First Assistant District Attorney for Delaware County who is also the assigned prosecutor for Delhi. He was here to talk about the Traffic Diversion Program that the county board is now considering. He understands through conversations with Judge Burkert that the board may have some questions. Also, there have been a lot of people saying things on both media and Facebook and he wanted to clear up any questions. To be clear, the reason we really want to make sure Delhi feels informed is the justice court here is one of the five we proposed go forward with the PILOT project. We are not going to roll this out in every jurisdiction, and we do want to be clear that if Judge Burkert says he is not interested we will just move onto a different court. This is a completely voluntary program that is not being forced on anyone, it's not being told you must do this. We want to make sure we are partnering with our local villages and towns in order to implement this program. The Advent Program is a Kentucky based company that does traffic diversion throughout most of the Eastern seaboard. This program has been rolled out successfully in many areas. He explained how the current programs throughout the towns and villages stand. It's not so much we are overburdened the roof is on fire; that is something that has been said and we just want to clarify that so that people know why the program is being sought and the benefits. Currently his office receives all traffic reduction via written in mail form which they distribute to the courts, every court has it which gives instructions to complete. All must be done via mail; they do not have a dedicated traffic prosecutor everyone in their office will get around 100 traffic reduction requests; upon receiving it an ADA will usually make an offer if a reduction is appropriate, sometimes it is not. It is very important to note that as things stand now, we have no control over the content of a defensive driving course, we do not review it, we are not able to. There are hundreds of programs in the state of New York that offer these; there are five that he knows of between Hamden, Harpersfield, Delhi and Kortright, he does not know the content of them he trusts that those providers follow DMV regulations. The defendant receives the plea and if acceptable returns the signed plea to the court which enters judgement. This is all done via mail, there are some problems that do occur with this that Judge Burkert can testify to: drivers don't always follow up, they send one thing and think that's it. That often results in scofflaws, what happens when your license gets suspended when people don't answer a traffic summons, drivers don't provide all the documentation which then takes months. As there are several issues that can occur, the DA's office's solution is the Advent Program, which is used in Tioga County successfully. This program is interactive and requires the user to focus and follow commands and

engage. Sheriff Dumond is an advocate of the program as is his department. By and large the research that has been done shows this program works.

Kinneman added they do not want any town to feel they are being forced to participate in the program. It is largely Judge Burkert's decision and the supervisor to advocate to the board. This does not take the place of court, certain offences will not be eligible for the program such as overtaking a school bus, failure to yield to emergency vehicles, leaving the scene of an accident, operating a cell phone, there will be other conditions which have been discussed internally in their office that they are happy to announce which is if they don't provide a copy of their ticket and driver's abstract they cannot advance any further in the program. Points on their license from the last two years will not be eligible for diversion also if they have previously applied for and been granted diversion. And if they have an active unaddressed scofflaw, they will be required to address the judge and then they can apply for the program. This list is not exhaustive, it is something we very much want to work with our local courts, and partner with them to see how it is effective and how well it does. We are trying to make it more streamlined for the vast majority of tickets which are settled by the written plea; it still will create work for the local courts to do.

What they envision is simple, the officer will pull over the driver print an infraction which is diversion eligible, the driver will be given a diversion information card with instruction of how to apply online for the program, the courts will also be given these cards (this is how the other counties do it). The officer can hand out the card with the ticket, if the driver loses it the court staff can give them out also. The DA's office will be running the program. He then explained how the defendant can apply and pay the fee. You cannot apply for the program without paying. The fee is customizable we are working with the county board to see what it will be. The county will determine the revenue and how it will be distributed. Kinneman further stressed they are advocating it be based on which towns have been bringing in the revenue. He stated this gives us a program that is verifiable, we have an opportunity to see exactly what our drivers are taking, he believes it will keep them safe; it includes the county and towns in a much bigger way than the state does at this point. He then stated the state collects a vast majority of any fine or fee revenue, very little if any comes to the town; what this program does is cut out the state. It is at the county agency discretion (the DA's office) the only people that are included are the county and DA's and the town; the state is not included. There is no surcharge collected so the revenue stays in the local community. Delaware County dollars stay in Delaware County.

Supervisor Boukai asked Kinneman if it was a county decision or town as to what is eligible for diversion or will each court decide. Kinneman said with the pilot program they would like to leave it up to the individual justices. She then asked the fee that is charged to the person; is that fee the same fee countywide as well. He stated yes, they want that uniform as that is how Advent gets paid.

Councilmember Baldwin asked what if they have signed up to do the diversion program and they fail to do it. Kinneman said they would just come as if it didn't exist (to the court). The hope is that it would phase out the write in the reduction offer. Diversion is the option that does result in dismissal, it's much better than the negotiated plea that we have now. To be able to reserve the traffic court day largely working on places where people may not have the technology, may not have the \$200 to spend, we would be able to individually address those much better than when we have 200 people coming in 5 minutes for each person coming in. It gives us more time to address concerns individually. A person could just when they get a ticket they get a court date, the card is a supplement not a replacement. If someone is taking the diversion program and needs some time and court is tomorrow and they are in the middle of diversion, they can call the court and say they are engaged with the DA's diversion program and they need more time. Now they say they are engaged in the write in process, I would like more time. Usually Judge Burkert grants those adjournments. Baldwin then said Burkert runs a very good program, she doesn't know the percentage that doesn't show up, but I think we are even lucky to have a great majority or all of them show up even in the college town we are. She believes the revenue, depending on where the surcharge fits in if it does, comes back to the town; she didn't understand

how much the town was going to get from this program. And she didn't know the percent that would end up with the DA's office rather than the town. Kinneman responded the way that that has been talked about and discussed that they want to split that and work on that with the county board, that isn't something that he has the information right now. Right now, the state surcharge sends and asked the judge to correct him if he was wrong; it is not that much money fine revenue that we receive. Judge Burkert stated out of a ticket the surcharge is usually \$93 a ticket and if the surcharge is accessed the state gets that full \$93, they (the state) have an algorithm that it runs that's an unknown algorithm to the public or the courts we don't know it, but they take a percentage of the fine money. Historically, the towns get around forty-five to forty percent on \$100 dollars. He waives all surcharges which he can do by law as he doesn't think tickets should be a revenue generator for New York State. The \$93 that would never come here to the municipality he doesn't collect, he waives it; he thinks they are somewhere between 65% now of the fine money; so out of \$100 if it's a fine we are getting maybe between \$60-\$65, it all depends it's an algorithm used to configure that, and they wouldn't tell me what that is.

Councilmember Baldwin said our staff is going to be doing some of the work and they are ready for it they are very capable she just wants to know what they get from the diversion in exchange for the work they are doing in this building. Kinneman said the work is largely a DA thing, the people that run the program will check it to see if people are applying or notifying the individual courts will be DA employees supervised by himself. The actual work that will be done by the town courts will be the same as if they have the write in reduction; instead of receiving that packet they will receive a monthly report with who has completed the program and who has not. The people who have not will be notified to come to court. There will not be a decrease of work in his mind because they still would be doing reporting who is in the program and who is not. The actual running of the program, checking will not be the towns responsibility. The main administration that the town will be seeing is just making sure that when they update their case records of who has been dismissed and who is still active, that will be done on a monthly basis. Councilmember Baldwin said she didn't know how many reductions we have in the court, she hasn't paid attention to that part of it, but I'm not sure we do a lot of reductions. Burkert answered a good majority of cases are reduced, if they are higher speeding tickets the court doesn't entertain reductions of the charge for instance, we had a 90 in a 30 a couple of weeks ago were I made him either plead guilty or go to trial; he pled guilty, he lost his license until he is twenty-one. We have had the 40's in the 35's and the 45's in the 35's with no prior tickets the district attorney will make an offer to reduce it to speed imprudent or so on they are still getting points and they plead guilty to that. Individuals that have prior speeding tickets Mr. Kinneman is very good with not pleading out of charges if they have prior speeding tickets in the municipality, but we reduce a lot of tickets unless they are egregious there is no reduction in the allegation if you are guilty if you are not, you are not. Mr. Kinneman confirmed he has tried cases in front of Judge Burkert a lot of the cases do reduce those are people that charge 42 in a 30 where he will admit to this body that he has made that mistake too, he has had a day where he wasn't exactly paying attention. The example that Judge Burkert provided that individual would not be eligible for diversion pursuant to the guidelines as it is over a certain point threshold. A vast majority of the people do write to us because a lot of the speeding tickets we see you mentioned we are a college town we have a lot of people from the Bronx, Manhattan the boroughs, we always have a lot of people from downstate and they don't want to make the trek up here so they will try to negotiate by mail for reduction, if we can't agree we will set up a trial and we do conduct trials on a fairly normal basis.

Councilmember Baldwin asked if we were to go with this pilot program do you have a percentage in which Judge Burkert cannot opt out of, because he needs to have that. I want to know that he has that judgement to decide whether he wants them to go to the diversion program or whether to pay. Kinneman stopped her and said this is a pre-procedure diversion program, so while they would include Judge Burkert and other judges in terms of what they would like to see from this program once an officer hands the driver that

slip of information if they complete that program the only thing that will show up in that court is the dismissal notice. But again, they want to make sure the offenses Judge Burkert would raise an eyebrow to and be very upset would-be things like 9-point offenses, passing a school bus those won't be eligible. What you are asking is already built into what we are proposing. Baldwin then stated the possibility that you have enough money you can pay for it, and the town loses the revenue. We have such a good court system, the students respond, and the accountability is there. She hates to see it turn into paperwork; she doesn't want to make a judgement but to get all the paperwork together and the mail system and get it all out for some of the students and some of the people that end up here in court would be difficult. Kinneman said I don't want to cut you off, that is already how it works right now, all of the students and all the people who use the write in process have to send those documents, all this does is turn it into an electric format which I can guarantee you having been familiar with the college kids they are very good at dropping us a PDF if they need to. That's something they understand and are good at. Further Kinneman said talking about the pay to play, he does not believe that is the case with this; reason being the current way the system is set up is it depends on a guilty plea, we don't right now have a traffic diversion program. The difference between a plea is you are admitting guilt to something, and you have a conviction for a violation on your record. A diversion is saying this was a mistake, people make mistakes; we are going to make you take this class go through this program and at the end of it, it will be dismissed, and you will go through your life without this on your DMV abstract. Again, this is for only certain eligible offenses, as the court mentioned the fines range usually between \$93 and \$243, so already we are dealing with the fine range that is not in Kinneman's mind bilking people or requiring people to be wealthy to get this benefit. As the program is very expensive in Broome County, he wants to model it after the program in Tioga County, Ontario County, which is much less, what rural counties with comparable sizes to us have done. They have been very successful in keeping the total program for the diversion program in the \$200 range, that is something not only we find is affordable but also matches what a lot of judges already enforce with the fine and the person gets the added benefit that their record is clean. He hoped that addressed Baldwin's concern.

Baldwin said I think I'm the only one talking here; and didn't want to hold Kinneman up any longer; but stated she didn't think we had a lot of return people so whatever has happened in the town seems to stick, the percentage of returnee's is low, she thought but wasn't positive which she stated could be confirmed by the court staff. Suppose they take the driver defensive course because a lot of them have for insurance reasons; what if they have taken it within the last year, they take it all over again? Kinneman stated this is a separate program than a defensive driving course, a defensive driving course is something you can take without any sort of ticket. This is a diversion program that is set up completely different, because if you take a DMV defensive driving course they have a vast array of things they require to do; you could watch a video take a quiz, you could be required to go to Kortright he believed Security, Booty LLC runs a defensive driving course which Kinneman likes a lot; he runs them through a whole course, very professional. This is separate from what we are proposing, that has to do with their insurance and that's something we in the justice system have piggybacked on for lack of better option and we believe now Advent is the better option. Baldwin asked if they would recognize special needs, different varieties and intellectual abilities to comprehend this system. Kinneman said yes, what we do right now is when we have people send in a letter, we are able to check for example people who are not English speaking as we are able to work with them and Advent in particular, is something he has spoken with Shawn for a long time about offers their website in Spanish, Mandarin and a multitude of languages. Right now, we are kind of stuck if we get a letter from someone from India who speaks Hindi, we pull out google translate and try to decipher their handwriting. This program does allow us to if they want to enter the program walk them through it and they are able to upload their documents to it. In terms of people with intellectual disabilities or stuff of that nature, we do find electronic services are generally better. We have had a few people that feel the only way that they can address this in a court system

is that they have to personally come in and struggle. With the electronic system they are able to avoid the trek and potentially what that brings. One of the required documents is still a letter as to why you feel you deserve diversion.

Councilmember Morgan stated obviously our local PD here in the village and our sheriff's department can hand these cards out; how do you feel about the NYS Troopers cutting into our revenue handing these cards out; are they going to be able to do that. Kinneman said generally speaking, he hasn't heard from the troopers that they are wanting to be one of the interested players. A lot of the places that they have been involved with they view themselves as a state agency, they get their funding through the state. He has spoken to a few of the people at Troop C and the attitude has been you guys do what you need to do. If that changes and that becomes the case, we would really want to operate them with Delaware County Sheriff's Department who is 100% on board and with local police agencies like the village pd. Morgan then asked is there another avenue that people could learn about this diversion program besides just handing them a card like an online website before they come forth. Kinneman said what they plan to do and what he has been asking their IT department is to work with Advent, having a webpage on the county website that gives a brief blurb about the program and redirects them and also want to hand out an info sheet to give to each of the courts (which we do right now) that directs them to the write in process. We would want to substitute that and change that for the diversion program so that the courts can see that and say this person didn't get a card didn't hear about the diversion program, they weren't going that fast this is something they may be interested in; they can then refer them to that. Morgan said it is a great program. His son was caught speeding in Yates County, and he went through the diversion program, it cost him some money, but he didn't get any points on his license.

Councilmember Krzyston wanted clarification on how this will change what comes into the town. Kinneman said correct me if I'm wrong as he didn't know the exact amount of money the town receives directly from the state, he assumed instead of the quarterly check we received from traffic revenue we would also receive a quarterly or bi-monthly check from Advent which would be sent to the county first and the county would disburse it. This is how we presented the model to the county. Krzyston said this would be a portion of what they receive for offering the diversion course. Yes, Kinneman said, and Advent would charge, he believed between \$20 and \$35 per applicants and that is how they are making their money. That would not foreclose state money, it would just reduce it. We would still have cases where the judge or the DA's office says no, this person is not eligible if they came in and got a reduction or they plead guilty or they went to trial and were found guilty an assessed fine and surcharge that would still continue to flow to the town unimpeded. Councilmember Baldwin asked who is going to be paying the \$35 for the firm, will it end up at the town level. Kinneman said no, it is part of the \$200 fee, it's built in. Kinneman added although he is from Kentucky, they made sure this program was what most of the DA's in New York were using. New York City has their own program so none of the boroughs will be involved. They have run their own traffic courts which sounds nightmarish; this wasn't Kinneman saying I'm from Kentucky I'm gonna look for Kentucky programs. This was something Tioga and a few others had suggested to us, and we reached out. We believe they are the best of the bids that we discussed. Councilmember Baldwin said ultimately it isn't about money it's about accountability, it's about whoever is on the road and gets a ticket, how they respect and treat the court and how they learn and change their behavior, and we will never see them again. That's what we kind of have we hope that they maintain. Kinneman said he believes it would. It is a program that you just can't press play you have to engage with it; right now, he has no way of verifying beyond seeing a certificate of graduation that someone did a defensive driving course, I won't be able to speak to their driving instructor nor does he know the content of the courses because there are literally hundreds of defensive driving programs out there. He thinks it will actually help and he will be able to know as the ADA assigned to Delhi when these people complete this program what they did, how much of a pain in the butt it was which is a very good deterrent to violating the vehicle and traffic law. Kinneman added he is the one to roll it out and is working with the

county board, he has reached out to Judge Burkert, Judge Messila, Judge O'Brian and these are conversations he is willing to have and wants to have these conversations as he does believe this program will be more effective, it may not be the motivation for many people but there will be increased fines and fees surcharge revenue for the towns and on a personal selfish level it will streamline our process at the DA's office so our DA's are freed up to focus on crimes that we need all departments to focus attention to. Councilmember Krzyston asked if he was happy Delhi was chosen to be pilot location. Judge Burkert said their staff went over it with Ms. Tofts, she is more than comfortable with administrating it. She wants to talk with the company administrating it to ensure our process, he believes our staff can handle it, no issues there are all. Mr. Kinneman said it's the court's decision, Burkert said he spoke with Maya about it as he personally feels it's more of a board's decision, it's a policy that the community needs to adopt, I think it's a decision that you folks need to make. If you think we should do it then I am all for it, but if you feel we shouldn't then he will be for that too. Burkert feels it's not his job to make policies, you folks make the policies; so, he would prefer the board decide, not tonight of course, take some time to think about it decide what you would like to do. If you would like to be part of the pilot program, the positive part of the pilot program would be if there are changes, we can make changes as he believes it easier to make changes when it's just a few courts than when it's all a bunch of courts. It has its positives and its negatives like anything else, he believes. Ms. Baldwin and Mr. Kinneman spoke about the fines (the amount of money) amount of revenues for people to pay, its an opportunity and its something that he believes the board as the elected officials of the people of the town who make laws and policies need to make the decision if we are going to do it. If you decide we are then I will go along with that and if you decide you don't want to that's fine too.

Supervisor Boukai stated we are looking at 3 months for the pilot starting in September; Kinneman said he wants to be realistic as with schedules he is hoping to roll it out in October and seeing the cards being distributed at that time. Once the county board approves and figures out how we are going to do the financial sharing, how the fees will be allocated then it really is just talking to Advent to see how opening the program and the website both of which having spoken with their IT, they are lightening fast. They are very good about building the programs because it is building off a template and addressing county by county concerns which is why we have been having these meetings to get feedback. Boukai asked who at the county should she be speaking with about the revenue share; Kinneman said the board meeting at the end of the month is where they are addressing the whole thing, he would suggest Tina Mole as he has spoken with her and the Legislative Committee has discussed this at length along with Shawn. He does know there were no descents at the last vote they want to take it to the full board. Boukai wants to understand how the sharing goes, if the charge is \$200 and \$35 is going to Advent how is the other being split; Kinneman believes that will be the main debate at the meeting at the end of the month because it seems to be that once the account is approved the ability to have this program implemented the county wants to do that as the second step, deciding how it is to be divvied up.

Councilmember Baldwin questioned again, so there is no opting out on Burkert's behalf if we accept the program. Councilmember Krzyston said the judge can say "these" violations are not eligible for diversion. Burkert added he believes if there are violations that members of the board or community think should not go to diversion, he is not comfortable making legislative decisions for our community, that's not his place that is the board's place. He said if the board feels this offense should be for diversion regardless of if he likes it or not. It's not about him, it's about what the community thinks. It's more a legislative body determination than a court determination. Kinneman added if you have offenses, you personally feel should be excluded from the diversion program, he asked that you direct it to Judge Burkert so that when they are meeting and talking about implementing the Delhi program the information is there. He has been asking all towns to use their judges as the contact apart from their supervisors for talking about how it's going to be implemented. Kinneman said if the pilot program is not a success, if Burkert says it's not working he will be allowed to say he

will not accept the diversion program, tickets will not be eligible for diversion. Kinneman believes not all courts will join the program, smaller ones like Bovina.

Approval of July 8, 2024, Regular Monthly Meeting Minutes:

A motion was made by Councilmember Baldwin to approve the July 8, 2024, meeting minutes, with Councilmember Morgan seconding. Motion carried.

Old Business:

Supervisor Boukai asked if there were any questions regarding the Code of Ethics Policy that was presented last month by both Councilmembers Baldwin and Viafore. As there were no questions from the board, she requested a motion to accept the updated Code of Ethics for local government. Councilmember Krzyston made the motion to accept the policy with Councilmember Morgan seconding. Motion carried.

New Business:

Supervisor Boukai announced there was no new business.

Committee Reports:

Highway/Machinery: (Councilmember's Baldwin & Morgan) Written report from Superintendent Evans provided to councilmembers. Evans announced we were lightly affected by the last storm; figures have been sent to the county along with other townships that were hit harder than us. Our materials are all in order. We still have to make some more repairs, but we have recorded the damage. Overall, we fared very well. Some of the repairs will stem on if there will be FEMA money or not. Those instances will depend on if there is an incident or not. The day of the storm and the following day we had 85 total hours of overtime working into the night and throughout the day Saturday getting everything cleaned up and opened up. At that point we were in good shape and had no road closures or limited travel. We will continue the process on that and wait to see how it comes together.

Evans announced this will be very short notice and he expressed his frustration with this paving for going on two months now. They may be coming tomorrow but obviously the weather is wet out there now and once again it will be weather dependent. But if they come tomorrow, they did set it up late this afternoon and we will be doing Hamden Hill tomorrow, and we can complete it in one day. The following day will be Dick Mason completed once again weather dependent. The rest of the week looks decent, but I know they will have rain again for Wednesday. Viafore will send out a Nixle for Hamden Hill and worst-case scenario we will have to cancel it like we have ten times already. He hopes it's not the case, the paving company had its breakdowns, and the weather has not cooperated on five different occasions. But until paving is done, we can't move forward on any of the oil and stone projects surface treatments because that's all stemming on the paving. The longer the paving is put out the longer that gets put off so he has no dates on those either for the roads that will be oil and stoned. He is hoping in another couple of weeks after the paving.

On equipment as we have talked about for the last couple of months, the upcoming replacements we will need, we have one more year of payments of our five-year payment plan for the 2021 trucks that we purchased; there is one more payment on them of \$105,000 that will be in the 2025 budget that will automatically budgeted in. At that point those two trucks will be paid off, at that point we would have to start looking for the replacement of our two other trucks, a 2002 model and a 2007 model truck. The 2007 is a 10-wheel dump truck that does run year-round for hauling material all summer and plowing and sanding in the winter months. The 2002 Freightliner is more so retired and only a snowplow truck at this point, we only use it in the wintertime because of its age and condition. Within the past three years the 2002 Freightliner has had around \$5,000 to \$7,000 spent on repairs and that's only using it through the winter months. Some of the

work was front end parts replaced, drive shaft replaced numerous times, electrical repairs, a whole new exhaust repairs on it. The truck is an all-wheel drive truck and the way it is set up, the best way to put it is a bunch of different manufacturers were involved in the building of the truck, so it's more so a Frankenstein type of a vehicle. This has caused a lot of problems with it from almost the time it was new in 2002. Upcoming repairs that are still going to be needed on it are transfer case is leaking oil, quite a bit of front-end rebuilds and it's a specific front end on it. The hydraulics need to be re-built, spring replacements for the front and back and the engine oil leaks. Those are just some of the major conditions that we have with it. Councilmember Morgan asked if that was the truck that costs about \$14.00 a mile to operate; Evans said when we would use it frequently but like he said at this point because of the age and condition of it, it's just retired; it's a back up snow truck. We have two all-wheel drive single axles where one route that we plow requires a single axle truck for maneuverability where the 10-wheelers can't do it because of the turn arounds and of the steepness and curviness of the hills; so, between those two trucks we do pretty much that route alternating them. But yes, when that one was used as an all-season truck it did at that point cost that much to operate.

The 2007 Volvo, in the past three years we have put approximately \$18 to \$20,000 in repairs to it. Councilmember Krzyston said a total for 3-years; Evans said yes. Evans then said it's on its second dump box, the first factory dump-box rotted out relatively quick, we replaced the box with a used box and that one is also at the point now of pretty severe rot. The steering box has been replaced, the clutch has been replaced, major wiring issues and needed repairs that will need to be done on it are main brake valve, hydraulics brands they all leak, front springs, it will need transmission work and suspension bushing replacement in the rear-end. Councilmember Morgan asked is this the one that has the wiring harness that's spliced and spliced; Evans said it is for some reason that truck has been a corrosion magnet. Morgan said it will need a new wiring harness too; Evans said yup, from new, like I said it just draws in corrosion, it's been an issue for years.

Evans stated from Sourcewell contracts for two replacement trucks; one we are actually reusing a newer box that we have on one of the trucks will be proposed on it which will be a huge cost savings. The total of those two trucks together give or take would be \$590,000 for the purchase of them. Through a Sourcewell lease for five years that would bring the payments to about once again give or take a few couple of thousand a \$150,000 a year for five years. That payment if we committed to buying those trucks would not start until 2026 budget season. That would not affect this coming budget season. Supervisor Boukai asked the delivery on those two trucks would be when; Evans said close to 2026, if we were lucky enough to receive them at all in 2025 it would be late 2025, the payments would be worked because they are locked in. Unfortunately, with some confusion he doesn't have that form tonight, but it's locked in and states already that the payments wouldn't start until 2026, until January of 2026 even if we did receive them early. Councilmember Baldwin said I should know this, but do we have any reserves specifically for equipment; Evans said yes, we don't have that much; Boukai said \$250,000 something right now not counting any interest. Baldwin said which we would not use all of anyway, but you had some thoughts; and your budget looks really good the way it stands now for the end of July; really good planning. Evans said right now we are on board, it obviously has some changes for the better in the long run, there were some pieces of equipment that we had planned to rent and actually one of them we were never able to receive we just kept working, it was a rental grader; that grader was broke by who previously rented it from the company, so we never received it. We saved that money and used our machine to finish all the work. Baldwin then asked isn't there something else you can get with one of these trucks; Evans said one truck would be fully set up brand new because there is nothing salvageable (severe wear) on the all-season, the one that hauls gravel and plows in the wintertime. The other one the box we will reuse, it has been slightly used we put that on years ago, but at that point it was only used for winter use. Baldwin said she believed that we have gotten a lot of mileage from the trucks.

Evans said very much so, especially the ones that run all season, they never stop. They do a lot of work and are constant maintenance.

Councilmember Krzyston asked Evans to repeat the numbers that he said earlier. Evans said through the Sourcewell lease program it would be roughly \$150,000 a year where now we are paying \$105,000 which we have paid for the last four years. There is one last payment of \$105,000 due in January of 2025. Baldwin said there is not always an advantage to leasing, in this situation there is an advantage. Evans said there is we don't have to front the money up front, it's a lease to own which the last payment which we will be doing on the current trucks we have when we pay it in January the trucks are paid off. We will own them fully, we own them now, but we are paying for them. Krzyston said obviously you are not going to walk away from them, Evans said exactly we aren't turning them in at that point. Krzyston asked you are not getting any maintenance while you are leasing them; just the manufacturer's warranty Evans said. He added most of the repairs besides basic (tires, brake cams and such) have been covered although there hasn't been a lot of it needed. They have been good trucks and held up well.

Evans added the issue is as far as committing to them, obviously prices are never going to go down. With mandates that are to be implemented in 2025 under the "advanced clean truck rule" which will mandate manufacturers and retailers to sell a certain amount of electric vehicles and if they can't meet that mandate amount obviously hurting on their profits and the price of everything will go up. Rumors have it at up to \$10,000 more for a vehicle right off the bat and the availability to make purchases make/purchase find cab and chassis is getting very limited at this point. Councilmember Baldwin said she didn't see a way out of this, Councilmember Morgan said these trucks are nickel and diming, \$18 and \$20,000 with the one truck costing around \$14 a mile to operate. Evans added rust and corrosion there is absolutely no stopping it in the municipal world, in the Northeast in general. Baldwin said with the purchase of these two trucks you have a five-year plan are we pretty much unless there is something unforeseen doing ok with the other trucks that we have. Evans said our oldest truck at that point would be a 2019 which is a good truck and well taken care of; it will last at least till the point where these are done financed.

Evans then added our bid list unfortunately everything in it is very expensive and we will come to the point in the future with the grader, the costs have skyrocketed which we will have to have do it, we use this every day, those are the costs we will have to look forward to and have to deal with. Councilmember Baldwin said we are looking for \$45,000 per year extra. Evans said yes, \$40-\$45,000 for whatever the final figures come in at. The way to crunch it is changing transmissions to knock a couple of thousand off here or there if we find it necessary to do so but otherwise, they are plain jane work trucks set up for municipal work. Morgan said then you have your backhoe, grader and loader too. Evans said yes, we do that's the other subject, the loader lease which we have traditionally done. Evans said to bring everyone up to speed again, we traditionally had the same thing had a lease to own two-year program through Caterpillar for our loader, we had done that for years and then when COVID hit Caterpillar didn't have their manufacturer it was shut down, so they didn't have the machines to follow through with it. They do now, and surprisingly the prices are considerably competitive and down from what it really should be for that machine to do it again for another two years we would owe in the 2024 budget season he thinks would be \$66,000 but by adding a power broom which we have talked about for sweeping the roads which is used in the spring time to get our winter material off the roads which is a full month if not longer project with one machine going now, it gets used throughout the year for anything that requires sweeping the road. Our current broom is a 2006 that has been re-built numerous times that we would still keep but with two units we could get the work done a lot quicker and a lot more efficiently especially without having breakdowns which we usually do with the one broom. When it breaks down people don't care. They care about their roads being dusty and don't care about the explaining at that point. Morgan said so, your 2019 Caterpillar has probably met its peak for trade in, Evans said that's absolutely correct. When they locked in the prices on the new one that they would offer it was \$66,000 the

hours were locked in at the beginning of summer, so all the hours we have done which has been quite a bit will not effect the trade in and by doing the power broom with the purchase we save about \$5,000 because of manufacturers discount when you buy a package. If we were to buy it afterward, we would be paying full price (municipal price). Morgan said how much are they offering for the 2019, they were offering a pretty good amount for the 2019 and with the new broom and new loader it was about \$80,000, Evans said \$81,951 with the broom package; Morgan asked how much the broom package was stand alone, Boukai had the figures up on the computer and said around \$22,500. Morgan said that's just to speed up the roads, more aggressive down pressure, Evans added it will cut down the work on the 2006 that has had the engine rebuilt 3 times with the conditions of the roads and the wheel bears are constantly a problem because it is literally on a little Ford Escort chassis carrying all that weight. Morgan said if we stay up on what you have done in the past trading out the loader about every two years we shouldn't see much of a depression or maintenance issues with the dusty situations. Evans said exactly with the dusty roads, every two years we would receive a new one which is the main purpose as it is one of the main equipment that gets used the most, once again it is all season ours runs all summer and all winter long.

Evans said so to do the loader next year on top of the last payment for the 2022 trucks it would bring the equipment purchase budget up to \$186,951 for 2025 budget season. Morgan asked what it was in the prior year, Evans said \$105,000 because we just did the payment of the two trucks. Morgan asked if this was everything, Evans said yes, for 2025. Morgan said you are saying the two older trucks are worn out, but you would surplus those, Evans said we would auction them off the trade in value would be not enough. Evans added we would be running them next year because we won't have the new ones. Obviously, the one would be a front-line plow running everyday throughout the summer also. The other would continue its purpose as a plow truck until the following year. Councilmember Baldwin asked Supervisor Boukai as she has been following it for a while. Boukai said she felt that we were in a comfortable spot, so she had no problem moving forward Baldwin said she didn't either. Morgan said it was gut-wrenching as he was very conservative, but he understands that this is the peak time where it doesn't shock us later on. Evans said that is the key the longer they go either you risk major repairs to them and the obvious they depreciate value. Morgan said we have other things coming up that look like they need replacement too, Evans said eventually yes. Morgan said he would hate to see everything shock a budget in a few years. Baldwin said to Evans you are watching constantly anyway, Evans said very much so.

Supervisor Boukai asked if there were more questions for Evans, if not was the board able to proceed and approve the purchases that Evans discussed. She asked if anyone has issues or needed more time, Morgan said it's just a letter of commitment at this time, so we are really not tied to anything. Evans said yes, the trucks would not affect anything sooner until the 2026 budget, as far as purchasing especially the cab and chassis and hydraulics. Morgan said he believed it was important that everyone knows that we need to jump on this because manufacturers are limited with production and if we don't get on this now then it might not be for another two years. Evans said that's exactly what happened for this medium duty truck that we are still expecting that we have been waiting two years for. Hydraulics have been out for that long, a lot of that was a backlash from the economy more or less from COVID, manufacturing really fell behind. Morgan said he was in favor to do the commitment. Boukai asked for a motion to do the commitment letter. Councilmember Morgan made the motion with Councilmember Baldwin seconding. Motion carried. Evans will give a copy to Supervisor Boukai as he has updated ones. Councilmember Krzyston noted interest rates are coming down, how frequently do they adjust based on that, is that something we can play with later. Evans said that was a good question he would have to probe this. The motion included the loader with broom for the 2025 budget season and the two trucks for the 2026 budget season. Morgan added he is hesitant on the broom.

Personnel: (Councilmember's Viafore & Baldwin): N/A

Recreation/Health/Youth: (Councilmember's Krzyston & Supervisor Boukai): Supervisor Boukai announced the final numbers the recreation programs. The money earned for swim lessons for the season was \$2,620 (Meredith has paid) and the numbers for water aerobics may change as the program goes through August 22nd (they may change by maybe \$10-\$15) but to date \$2,977. Boukai stated she had Brinley sent a questionnaire that she and Brinley had put together similar to a questionnaire-customer satisfaction survey for swim lessons. They received a lot of feedback that will help create an even stronger program next year. Everything from lessons should be longer from a half hour to forty-five minutes to an hour. To change them from two weeks to three weeks. These are things she feels good about trying to implement next year. Boukai said obviously department labor costs, chemical costs Boukai has had Brinley for everyday the pool is open the guards have been keeping track of how many people are at the pool at the thirty of the hour. She has created a spreadsheet for Boukai which we will go over once the season is over to determine if the day was sunny, we had this many people right when it opened, if it was cloudy the first person didn't come for two hours so we are paying the guards to be there for \$32 (2 guards) and hour to guard an empty pool. She believes we will be able to make some better decisions on time and things like that with this data. The last two things she and Boukai will work on is a questionnaire for the water aerobics participants anything from would you be interested in a Saturday class next summer in addition to the Monday through Thursdays as this is the first time we have participated in the town level also. Lastly an aquatic staff questionnaire which we will work on getting out. The pool is planning on closing September 1st.

Councilmember Krzyston added we completed the arts and crafts program which was new this year which was popular with the people who attended. Sometimes it was only five children that participated but other days it was between 15 and 20. Boukai stated there were 20 in the last two sessions. Krzyston said it was a nice thing to see, we didn't spend our entire budget, so we probably have enough to run it next year, he was glad we did it. He thanked Lynn Dennis and Brinley for running the program.

Economic Development/Shared Services: (Councilmember Morgan & Viafore): N/A

Buildings/Codes: (Councilmember Morgan & Krzyston): Supervisor Boukai stated she has emailed twice to see if we had gotten our Pro-Housing community designation, she will let us know when she hears from them.

Councilmember Baldwin said our landscaping is pretty bad at town hall, she would like to see flowers planted and cleaned up. Krzyston said he agreed, it needs something. Baldwin discussed the front of town hall and said maybe we could rally up some of the community to help. The clerk said people used to take pictures out front but no longer do. Krzyston thanked Baldwin as he agreed. He also added he doesn't like the plow out front of the highway garage; Morgan said every town has them. Evans said at one time it was going to be painted by a local artist, but it was necessary to have it sand blasted first. The artist moved so it never went forward. Unfortunately getting it to bare metal was not a priority as they needed to get other things done.

Baldwin asked Judge Burkert if we did the pilot program would the town need to pursue a town ordinance, Burkert said that would be something separate the board would decide. The difference from the diversion program and an ordinance program he thinks would be an ordinance program you would still take vehicle and traffic, and it would be plead to an ordinance the moneys would be remitted to the state and all the money would come back to the ordinance. Diversion is somewhat similar the difference is diversion you are taking the course its going to the county, its being administered differently. He asked does that makes sense. One they would be doing a course, and the ordinance is you wouldn't be doing a course. You would come it with your failure to stop at a stop sign be plead to a town ordinance and then you get your fine assessed it would go to the state the whole thing would come back there would be no surcharge. Boukai said maybe they could work in conjunction with each other. Those that don't want to do the diversion could come in and plead to the ordinance. Burkert said he believed that would be a wonderful idea if we could do

something like that. You could still have infractions where someone doesn't have the three hundred dollars to pay for diversion they could come in here and pled to an ordinance and they have never had a prior ticket they walk out with a \$30 fine for the first time they have ever had a ticket instead of going and paying \$300 (he doesn't know what the numbers will be). Baldwin said there is a lot we have to figure out to put it together the right way. Boukai said she wanted to make an acknowledgement theoretically this is a county and judge decision, they have made this very clear. They don't want all the town boards getting involved in a formal way, that being said he and I both agree we are representing the community and people are going to reach out to us about these situations so we need to be educated about it and understand the logic behind why specific violations are going to be ineligible for it and why we decided certain ones will. It is a good way to collaborate, it's a pilot program where there is limited amount of time that it will be done. If we like it great continue if not there is no obligation. Baldwin said how it affects our budget, Boukai said she believes we will see it right away. As long as the county is sharing in a way that reduces the amount of money coming into the towns by not participating. Baldwin interrupted stating what does a town ordinance do for us and what kind of revenue does that bring in and have that direct contact and the accountability. Boukai stated a town ordinance is definitely worth circling back to because when she did discuss it, we can't just do town ordinances and not let the village do village ordinances. So, it will have to be a town and village thing together. Baldwin said even though we are running the court; Boukai said yes, they are doing the enforcement to an extent, Baldwin said the county and state police are doing the majority of it. Boukai said the village has asked for this. Baldwin said whatever direction we go, would you (Burkert) feel comfortable saying you just don't want us to get involved in diversion. Burkert said I have my own person views on things but its not for me as the judge to say, "I think this, I want the town to do this." He didn't want the board to think he was telling them how to do their job but believes it's the board's place to say we think this is best for the community and we want to do this, you are the judge and here is what we have decided. It's his obligation to fulfill that requirement. He believes they are taking the courts out of their lane and putting them in the board's lane. Boukai said people will have the issue to either come before the court or do diversion. The board again discussed what could qualify and if the town would be required to stay in the program. They discussed the money being broken down and how it would be implemented through the county. Boukai will investigate this with the county.

Councilmember Krzyston discussed the difference between purchasing through Hummels or Amazon. The clerk was given permission to order from Amazon when pricing is better.

IT: (Councilmember Viafore & Krzyston): N/A

CODES Monthly Report:

A motion was made by Councilmember Viafore to accept the code's report for July 2024 with the corrected mileage. Councilmember Krzyston seconded the motion. Motion carried.

Justice Court Report:

Justice Burkert discussed the J-Cap grant, they will have it together for the September meeting. He discussed a new printer for the grant. A motion was made by Councilmember Viafore to accept the July 2024 Justice Court Report. Councilmember Krzyston seconded the motion. Motion carried.

Clerk's Monthly Report:

A motion was made by Councilmember Viafore to accept the July 2024 Clerk's report, seconded by Councilmember Baldwin. Motion carried.

Supervisor's Financial Report:

Supervisor Boukai brought forth budget amendments, Boukai stated for Veterans Services the flags were \$26.80 more than budgeted. Historian training caused an overage of \$300, for Lifeguard they are just moving \$400 to separate the two-line items for head lifeguard expense. The highway general repairs was \$10,297.06 for the increase to cover the actual expenses T&T Sales (snow plow lights), Evans said that will be reimbursed through CHIPS, Meg Hungerford, Bookkeeper asked should we have coded to a different line item, Evans said no, it's tough because that hold up on the medium duty truck, everything is in the cab and chassis, the plow, dump body and hydraulics are three different manufacturers, so they were purchased through three different companies but when it is all complete that one unit, that is when we can submit it for reimbursement through CHIPS. So, Evans stated we had to pay for them right now, we could have coded it through CHIPS, but we couldn't submit it as of yet. Hungerford said we have a contingency budget which is where she took the transfer, Evans said the money will eventually be reimbursed all because of the holdup he discussed earlier. Boukai said the town board contractual is increased by \$500 due to advertising for year end. She requested a motion to authorize the amendments. Councilmember Krzyston made the motion to approve the budget amendments with Councilmember Morgan seconding. Motion carried.

Supervisor's County Report:

Supervisor Boukai stated she is making a point to go to finance committee meetings at the county twice a month, she shared the audit report with the board. The last meeting was when the Mayor's Task Force presented the sales tax revenue sharing, there were six mayors there. The finance committee has agreed to consider the proposal in preparation of this year's budget which is nice because then there will at least be a conversation sooner rather than later. What the mayors have proposed is 12% of the sales tax generated is split 60% to the villages and 40% to the towns. The thought behind that is most of the sales tax earned is generated in the villages. How they are proposing the towns share it is through weighted voting, it would be around 11% and some change that we would get through the remaining amount. She provided a breakdown via her computer screen; they made it very clear this is just a proposal this is what they came up with after chatting with other counties. There is a presentation on the comptroller's website, which shows how other counties do it she gave those figures. Boukai discussed which county board members have villages within their towns. Boukai said we have the 2% tax cap, if the county goes over the 2%, they lose a lot of state or federally funded programs, it really behooves them to stay in that area and if you read the audit report they are very well off in terms of reserves. They are supposed to keep around 25% of next year's budget in reserves they are well over that she believes they were like 38% range. They only budget for twenty million of sales tax coming in which makes sense because this year they are doing the budget, but they don't know what the sales tax will come in in total. She is trying to understand when the budget needs to balance, I'm told they are pulling from that sales tax to make it balance. So, while they are only allocating twenty million sales tax turns into a piggy bank you can pull from in order to make things balance. She doesn't know if this is right or wrong hopefully, they are pulling from interest money they have earned, but she believes there are other counties that are our size that don't have cities that share and are sharing more than this specific request. She is not on this committee, but she is trying to understand, she is thinking of getting other counties budgets to see how they share.

Councilmember Krzyston said it is frustrating to read in the paper how it is disregarded by some of the committee members who wouldn't benefit from it. Krzyston has been told by some of the board members that they have to look for the benefit for the whole county and not just think about our towns, he gets that, but you can't just disregard these requests because they don't benefit your town. Boukai said the mayor's made sure there would be some piece for the towns, it would be less as villages generate the revenue. There is data to collaborate this.

Krzyston asked if Boukai could shed light on what Hamden Town Supervisor Marshfield said regarding the county giving to villages and towns. Boukai said there are different things the county does like the youth bureau, sheriff's department. Boukai read the article from the Reporter to the board. She said there are people on the board that are willing to listen. Boukai said she will keep the board in the loop.

Abstracts:

Councilmember Baldwin made the motion to approve Abstract #008 – 2024 accounts A – DB Voucher No. 00310 – 00357 equaling \$153,543.90. Councilmember Krzyston seconded the motion. Motion carried.

Adjourn:

Councilmember Baldwin made a motion to adjourn the meeting at 8:05pm, Councilmember Morgan seconded. Motion carried.

Respectfully submitted,

Elsa Schmitz

Elsa Schmitz, Town Clerk Town of Delhi