

Supervisor Tuthill again asked if anyone else wanted to comment on the budget. No other audience members came forward; he closed the public hearing at 7:41 pm.

Respectfully Submitted,

*Elsa Schmitz*

Elsa Schmitz  
Town Clerk, Town of Delhi

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**TOWN OF DELHI  
BOARD MEETING  
November 13, 2018  
7:30PM**

Supervisor Tuthill called the meeting to order at 7:35pm.

Those present:

Councilmember's: Janet Tweed, Matt Krzyston, Al Perkins, Bill Cairns

Highway Superintendent: Daren Evans

Resident(s): Richard Gumo, Kathrine Mario, Susan McLennan, Don Harris, Christina Viafore, Sean Leddy, Marie VanValkenburgh, Rick Roberts, David Truscott, John Kolodziej

Reporter: Lillian Browne

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

**Privilege of the Floor:**

Supervisor Tuthill announced that if those in attendance were here to address the Bramley Mountain Fire Tower or the All Hazard Mitigation Plan it would be handled under old business. They would have the ability to speak during those discussions. He opened the floor for other discussions.

David Truscott addressed the board and requested that the supervisor address the updates on the Delaware County DPW when the Supervisor discussed his Supervisors Report.

John Kolodziej introduced himself as the Aquatics Coordinator at SUNY Delhi; Mr. Kolodziej stated he was in the process of setting up the Spring 2019 Swim Programs for the spring semester, for over 20 years and more the summer community swim lessons were held at the SUNY Delhi pool, and when the village still had the pool the last years lessons were held at the college he wanted to know if the town of Delhi would continue doing such as he is trying to plan his summer staff and any updated information regarding swim lessons would be appreciated, as this impacts the staffing for the summer swim programs. Supervisor Tuthill asked Councilmember Perkins to speak as he is on the Pool Committee. Councilmember Perkins stated

at this point they are planning to do swim lessons at “our” pool and they are in the process of hiring to run the pool and “so on.”

**Approval of October 9, 2018 Regular Meeting Minutes & Overriding the 2019 Tax Levy Public Hearing Minutes:**

Supervisor Tuthill asked for approval of both the regular and public hearing minutes of October 9th as presented, Councilmember Cairns made the motion to approve the above meeting minutes as presented. Councilmember Krzyston seconded the motion, motion carried.

**Old Business:**

Councilmember Krzyston gave some background information as there was several in the audience that wanted to discuss the Bramley Mountain Fire Tower. He updated the board from what has transpired from the last meeting as it was tabled as to whether the town would be involved with it or not; which means if the town would be insuring the fire tower. After the meeting Councilmember Krzyston took it upon himself to put a “single” question (survey) on social media to see if people even wanted a tower (public support) and as it is imperfect because it went out on “Facebook” to the Delhi area, it was shared by a lot of people, he received about a dozen comments on it. He stated the survey results were in (again this was just an exercise to see if people had any feeling about it at all) the question was “Considering the potential pros and cons, do you feel that restoring the Fire Tower on Bramley Mountain is something the Town of Delhi should support.” Krzyston stated he was able to see 100 results as he did not want to pay for the survey subscription which was expensive, so with the free trial version the results were 80% in favor and 10% didn’t care either way and 10% disagreed. He wanted to share this information that people are responding and chatting on social media positive and negative, he received private messages from two people who were opposed to it and they gave detailed reasons as to why they were opposed to it. There was a lot of concern as to the true cost of the tower to the town, and he stated the truth is they are still trying to figure that out, but very recently they received an email from NYCDEP which suggested the coverage that they already provide for other projects would be sufficient, his understanding is it would not be an additional cost to the town; although there are conflicting reports but it is looking in his eyes not to cost any significant amount of money should the town choose to insure the tower. Councilmember Krzyston wanted to share this before Supervisor Tuthill opened the floor. Supervisor Tuthill stated that insurance is part of the cost and other issues that have been brought up are how does the concrete get up there, how does the tower get transported up to the site to be reassembled, his biggest concern is that the town would be required to get an access permit from NYCDEP and if the town had to redo that road in order to get up in there now that it is overgrown, that could require a storm water pollution plan which could get expensive. This is one of the issues what the city is going to require the road could get extremely expensive. He is leery as to what they are going to throw into it. Most community members that he has spoken to like the idea but the concern is should the town be involved, Tuthill has spoken to the town attorney there needs to be a list to be covered before we can commit one way or the other. Having stated this he opened the floor for comments from those that were in attendance.

Ann Roberti of the Catskill Mountain Club who is working on the project introduced Laurie Rankin, NYS Director of Forest Fire Lookout Association, Roberti stated they had taken a fire tower restoration expert whom they would hire for the project up to the Bramley site and he believes no work needs to be done on the access road, as he has done this work prior. He states they can just set up tarps to collect rain water for the concrete so that they do not need to bring

up as much water for the concrete. As far as the costs the Catskill Mountain Club in intending to do fund raising and grant proposals, they are not looking for the town for any expense except being the lessee of the tower and insuring the tower. Laurie Rankin added that the contractor Dave Vana is a FFLA member and a resident of Saranac Lake; he does fire towers all over the country, doing a lot in NYS and forest preserve lands so access issues are common for him. They walked a couple of different routes and with him and his staff and he did not see any barriers in the work he would expect to do. Supervisor Tuthill asked if he had an engineer that he works with, where Rankin stated "yes," Tuthill then said so someone would be reviewing the plans. Rick Roberts President of the Catskill Mountain Club stated the club is not pushing the town to make a decision one way or the other; they would like to be involved in raising money to put up the fire tower. It is a landmark which was taken down in 1976; he explained how people enjoyed it and read a letter from the owner of the fire tower Tom Clark, where Clark states his family was going to erect the tower on their family farm but never did and how he would lease it to the town for \$1.00 to be erected on its original site with the provision that it be returned to the Clark family should it be abandoned by the town. He hopes for great memories to be made once erected.

Richard Gumo stated he has read the Catskill Mountain Clubs website and understands that they have negotiated with NYC (the owner of the property) to establish this as their fifth trail. He is very happy to see all the work they have done, however he has read the NYCDEP rules and regulations for use of any trails that go across their property, he sees nothing in the rules and regulations that allows the erection of any kind of equipment in the NYCDEP area. He questioned those in the audience from the Catskill Mountain Club if they had a written agreement with NYCDEP as to putting the trail across their property; if so was part of that agreement that they must also erect the fire tower. Ann Roberti stated they did not even know putting the fire tower up was a possibility when they built the trail, it was after the trail was already there that Mr. Clark contact them and said he wanted to see the tower back up there, the club thought it was an incredible project. The reason the club got into building trails was because Roberti went to a presentation by the NYNJ Trail Conference a number of years ago and the presenter discussed the economic benefits of having hiking trails in communities. This made them do trails Andes Trail has helped the community financially, they felt having a fire tower would make a draw to our community. Mr. Gumo agrees with the tower being draw but questions why the Town of Delhi needs to become legally obligated on a tower it does not own being erected on property it does not own, why does the Town of Delhi need to be responsible. Roberti stated the DEP is excited about the project but they do not want any structures themselves, they say if it has to be them it will not happen. The Catskill Mountain Club does not own any buildings, no real property so they do not have the type of insurance so that they could just add a fire tower so they can't do it. This is why they came to Delhi, it would not be an expense to the Town she stated. Mr. Gumo questioned how this could not be an expense to the town. She stated they have spoken to many of the towns around who have erected fire towers, they were able to do so as any other playground equipment at almost no expense. Mr. Gumo stated he has taken a survey of towns where trails have been built and fire towers are erected; in every other instance except for this one the property in which the tower is erected was owned by that municipality, whether it was the village, town or the State of New York; on NYCDEP property there is no fire towers that Gumo can find in his research. He asked Roberti is she knew of any on NYCDEP properties, Mr. Roberts said he knew of one which was purchased not erected to the Town of Tompkins, they purchased the Rock Rift Tower from the State of New

York, it sits on DEC property. It was owned by the State of New York, the state basically gave the Town of Tompkins a bill of sale for scrap metal with the provision that they do not take it down, they want it restored; this is a local one right there. Gumo stated the difference between the two is that the Town of Delhi has no ownership interests in the proposed tower at all, and looking at the Clark history that was presented to Gumo he stated that reason why they did not erect it on their own property was due to liability concerns due to damages/injuries that might occur. They were smart enough to realize the liability exposure, but the town who doesn't own the fire tower, doesn't have any operating lease agreement currently with DEP, but the hiking club does he assumes. Anne Roberti stated for the trails they do not the tower, this is a process they are going through so the town, Catskill Mountain Club and the DEP will continue to work together, if the town decides yes. Mr. Gumo questioned if they have a commitment from DEP that the fire tower can be erected on the DEP owned property. Roberti said yes, from Paul Lenz (?), Mr. Gumo questioned is it in writing, she stated they do not have an official document as that takes awhile, they have a working group that is working on this. Mr. Gumo stated again he is in favor of the tower but not at the town's expense. Supervisor Tuthill stated he knows Mr. Lenz and he is the local rep for recreation, Anne Roberti stated Lenz has taken the proposal they had written "up the food chain" before the club came to the town just to see if it was even possible. Mr. Gumo questioned if the town had a copy of the proposal that Roberti is referring to, the Clerk was given a copy from Roberti and is making copies for the town. Ms. Rankin addressed safety issues with fire towers, they are long standing safe structures since fire towers were restored and reopened throughout NYS since the late 1990's there have been no reported accidents on any of the fire tower structures, currently there are 72 standing in New York State. Many of the towers are one hundred years old, and many have been restored specifically for children; we have the NYS zoo at Thompson Park in Watertown, the Raftin Lake Park Visitors Center playground has a fire tower which was just put up two years ago by Dave Vana the contractor that came here, they also have the demonstration tower at the DEC offices in Lowville and here in Delaware County in Deposit at the Girl Scout Camp at Page Pond a fire tower is on their property. She stated there have been no accidents or injuries that have occurred on those towers. Marie VanValkenburgh stated what differentiates from those other towns is we are a college town and college kids do really stupid things and a couple of blocks from the police department, in some of the areas that you state, these areas can be easily policed and areas that can be closed off easily or that have a state or town police that can monitor where the structure is available. Up on Bramley Mountain as she stated earlier during the public hearing there are kids whom have gone up there when stairs were taken down and climbed up the outside to the top so they could see Northern Lights, college kids and high school kids will do this! It is a real liability to the Town of Delhi. Ms. Rankin stated Stamford has the fire tower, VanValkenburgh stated Stamford owns the property and the fire tower. Policing on Bramley Mountain is not so easily policed. Mr. Roberts stated the DEP patrols their own properties, but the town would be insuring it VanValkenburgh stated. Cathy Mario stated she has checked the register for Bramley Mountain and there are vast amounts of visitors to the site not just Delhi residents, as far as college students she says have at it as it is not an easy mountain to hike, it would be a haul to bring beer up to the site. She had two points she wanted to address; one being Franklin Mountain has a rapture counter, a very important citizen/science contribution to migration and detailed research study in connection with several other rapture studies throughout the Appalachian chain, and so there are lots of people counting Golden Eagles, Bald Eagles and all kinds of hawks, falcons and other birds. One big problem with Franklin is a visibility issue,

when you are on the mountain the trees are growing up as it is not public property around. So often they go up in the fall and do rapture migrating counting from up on the lookout on Bramley, you can only see in the one direction, but if you go down a ways to where the table used to be you can see out on the other side. With the fire tower it would be incredible as the hawks would be below you, for students to study migration and nature it would be wonderful. She has talked who people who do counts about this being a counting spot. Also, there is a fire tower challenge in NYS where visiting fire towers hikers get patches or something, but this would be a great draw, the tower would be printed on tours. Mr. Roberts stated this is a process; this will take years to do. The club is asking for a MOU between the various parties to get things rolling.

Highway Superintendent Evans announced that they had found a 2005 Oshkosh Cab & Chassis all wheel drive (identical to the one lost) it has a rebuilt motor and new clutch. All parts from the truck that was lost are transferrable. The price is \$53,850.00. They will use the parts and do the work in-house. Bearing breakdowns on other equipment they are hoping the work to be done in one month. Councilmember Cairns made the motion to purchase the 2005 Oshkosh with Councilmember Perkins seconding. Motion carried for the purchase of the 2005 Oshkosh.

Councilmember Krzyston stated that he had emailed with Kevin Egan from Charter Communications regarding the Franchise Agreement. Mr. Egan stated there would be an additional cost for a public access channel for the towns meetings. Krzyston explained that as part of the franchise agreement the town would like to have its recorded meetings broadcast through their cable system, there are roughly 200 customers serviced. They said we would need equipment upgrade which they would provide us with a grant for the upgrade but then they would take the cost of that grant onto the 200 people. Town Attorney David Merzig asked Councilmember Krzyston if he had contacted the Public Service Commission Cable Advisor, they have an advisor for municipalities in negotiating as we as a town have very little power but the Public Service Commission is familiar in dealing with Franchise Agreements. Councilmember Krzyston will contact the Public Service Commission for help. Resident Christinia Viofore asked if they could be put on the website, Krzyston stated that has been talked about. Supervisor Tuthill stated we would hold off on approving the Franchise Agreement till Councilman Krzyston reports back to the board.

Delaware County Planning Department presented the board with a current Multi-Jurisdictional All Hazards Mitigation Plan; this is a 5-year plan. He stated a resolution needs to be adopted in order for it to be filed with FEMA. Supervisor Tuthill stated the board will look over the paperwork and will put forth a resolution for the December board meeting.

**New Business:**

Supervisor Tuthill stated all councilmember's had heard the comments from the floor during the public hearing regarding the proposed 2019 budget, he asked if any councilmember's wanted to change the budget. Councilmember Krzyston made a motion to adopt the 2019 budget as presented, with Councilmember Perkins seconding. Motion carried.

Resolution No. 0011 of 2018 – Adoption of the Delaware Co. Multi-Jurisdictional All Hazard Mitigation Plan Update was tabled until the December 11, 2018 regular board meeting per the discussion under “Old Business.”

Supervisor Tuthill stated a motion was necessary for the approval of the following payments for the pool project equaling \$375,019.09:

- Upstate Companies I, LLC \$ 41,063.75
- Atlantic Testing Lab \$ 1,847.00
- A. Treffeisen and Sons, LLC \$ 30,537.34
- Andrew R. Mancini Assoc., Inc. \$ 301,571.00

Councilmember Perkins made the motion to approve the above payments with Councilmember Tweed seconding. Motion carried. Clerk to email Bryan Boyer.

Supervisor Tuthill announced that Joe Gifford and Jim Corcoran are in need of Assessor's training and are requesting approval to attend training. Councilmember Perkins made the motion to allow both Assessors's to attend training, Councilmember Cairns seconded. Motion carried.

Councilmember Krzyston asked if the Town had received any notification from the O'Connor Foundation regarding the grant applied for the highway department. Supervisor Tuthill stated he had spoken with Mr. Bishop regarding the grant, although no word has been received as to if the grant was accepted.

### **Committee Reports:**

#### **Highway/Machinery: (Councilmember's Perkins & Cairns) –**

Highway Superintendent Evans provided the board with a written report. Mother Nature is breaking equipment again! Other than what has been provided in the written report Highway Superintendent Evans stated we have our old Athey Belt Loader, it is no good for the town as it costs more to fix it then it does to rent one, also the parts for it are obsolete. The only option is a used machine for that but that still doesn't fit into our purpose. The Town of Kortright does have one that they are still using a bit newer than ours as ours in a 1981 machine. We have the parts machine they need and they have a snow plow (11 foot) that we need; in speaking with they would trade for the machine with the agreement to use either our former machine or their machine once rebuilt into one operating machine as we need it when they are not using it. So to trade our Belt Loader for a plow that is needed with use of the belt loader when Kortright is not using it is requested by the Superintendent. Councilmember Cairns asked if one belt loader would be sufficient for both towns, Evans stated the highway department will still be renting one as this is already budgeted for, the one we rent puts our old one to shame as it is new and much faster. The machine from Kortright would be if we needed to go over the one that we rent for a month, so that we could use theirs without adding further expense to the town. This is with approval of our board and the Town of Kortright. The plow is slightly used and was too big for their trucks and has been sitting in Kortright, we have inspected it and it is much better than some that we have. Councilmember Cairns made the motion to allow Superintendent Evans to "trade" the Arthey Belt Loader for the plow, Councilmember Krzyston seconded the motion. Motion carried. Evans stated he will get a letter from Kortright.

#### **Health/Youth: (Councilmember's Tweed & Cairns) – N/A**

#### **Economic Development/Shared Services: (Councilmen Perkins & Krzyston) –**

Councilmember Perkins stated the committee met a couple of weeks ago and discussed the new rink liner for the skating area. The swapping of land for the new hotel is in Albany now; they worked out the details on the parcels. Once a decision is made hopefully they can move forward on further planning. Councilmember Krzyston stated that the Flood Commission received a copy of a press release that stated money has come in for Steel Brook stream bank work; this is

the first project in Delhi from the work of the Flood Commission. This will allow to mitigate the debris. Also, according to Krzyston accomplishments of the Shared Services Committee:

1. Communications – improved relationships between the Village and Town and community perception of the relationships.
2. The Flood Commission being formed.
3. Construction of the pool
4. Sheldon Park – Ice Rink/Volleyball
5. Hiking Trails
6. Joint housing study which is about to begin
7. Annexation for infrastructure expansion
8. Collaboration with other entities
9. Open gym for community during winter months
10. Advocating for new business in Delhi
11. Joint approach in dealing with DPW projects
12. The Town of Delhi also has a mechanic which they will be sharing with the Village of Delhi

Councilmember Cairns stated as we speak there is a Village of Delhi truck at our highway garage to be worked on.

**Recreation:** (Councilmember Perkins) – Councilmember Perkins stated the pool is pretty much completed now, we are working on putting the fencing around it, the propane is connected and filled and there is water in the pool for the winter and will be drained in the spring when the final coating will be applied. Councilmember Perkins has met with the Delhi Telephone Company with regards to a security system for the pool we will be looking into cameras; this particular system sets up with the village police whom would be notified if there were any problems down there; that will include the playground area also. In meeting with the phone company they would work with us and would like to make a donation in regards to the installation of the system as well as WI-FI. All of the cost for this will be paid through the grant program as part of funds raised already, he will be getting a full proposal from them soon. He informed the audience that there will be a pool meeting tomorrow at 7:00pm at the Town Hall and welcomed the public to attend. Once the pool is complete we will move forward with the playground; that will be part two of the phase of the program.

**Personnel:** (Councilmember Perkins & Councilmember Tweed) – Councilmember Tweed stated they are waiting for NYMIR to get the educational materials for the Sexual Harassment Training.

**Building:** (Councilmember's Cairns & Krzyston) – Councilmember Cairns stated Dave Gile of Gile Electric came and looked at lighting issues out in the Court parking lot and the entrance to the Court. Both entrances are working fine now. Councilmember Cairns also stated that he had been given an estimate from Gile Electric as to making repairs to the lighting in the Clerk's office; currently it is fluorescent lightening they would like to switch it to LED. The estimate is \$900.00 Councilmember Cairns wanted the board to let him know their thoughts on moving forward with the work. Councilmember Krzyston questioned if the cost was just for the Clerk's office, Cairns stated yes. Councilmember Cairns also stated that he and Supervisor Tuthill has discussed possibly seeing if there is a NYSERDA grant available so that we can consider going deeper than just the Clerk's office. Supervisor Tuthill stated possibly NYSE&G is running any programs that may help to offset the cost. Councilmember Krzyston stated he thought the cost was more than he thought it would be although he likes the idea of LED

lighting. Supervisor Tuthill stated we need to look into grant possibilities to see if we can do a larger project and see if we can get help. Councilmember Cairns stated we did that 3 or 4 years ago with the highway garage and were able to get reimbursement on that.

Councilmember Krzyston stated students from SUNY Delhi installed new microphones for the court that Cathy Fletcher the former court clerk obtained through a court grant. There are issues with one of the mics and he will request they return and address them.

**IT:** (Councilmember Tweed) - The credit card program is up and running in the Clerk's office, although there is a 48 hour turn-around per the Clerk. The program seems to be working well.

**CODES:** (Councilmember Cairns) –Councilmember Cairns stated six permits issued in October and five Certificates of Occupancy's.

### **CODES Monthly Report:**

A motion was made by Councilmember Perkins to accept the October 2018 Code Report. Councilmember Cairns seconded the motion. Motion carried.

### **Justice Court Report:**

Richard Gumo requested to speak as Town Justice and make a correction to the record as he did not make his point very clear when he addressed the board with regards to the Court Clerk. Her position by law and by the appointment of this board; she was appointed without restrictions attached to it and by law this town board cannot fire her without his consent. She is not subject to any probationary period and he continues to make his objection that she did not get the same cost of living increase other employees received. He further stated by law the board cannot fire her without his consent and she is doing an excellent job. Supervisor Tuthill stated so noted and also noted she is doing a great job; the board would discuss her salary next budget as she definitely is working out very well. It has been a policy of the town board for as long as he can remember, that you never get a raise your first year. Judge Gumo stated his objection is that she is not a probationary employee but rather a statutory by law position, Tuthill agreed and stated again "so noted"

A motion was made by Councilmember Krzyston and seconded by Councilmember Perkins to accept the October 2018 Justice Report. Motion carried.

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

A motion was made by Councilmember Tweed to accept the October 2018 Clerk's Report, and seconded by Councilmember Cairns. Motion carried.

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

Supervisor Tuthill presented the board with October 2018 Supervisors Financial Report and stated the one thing you will see although he believes it will show up on next month's report is that the bank balances account that says Sportsfield (the non-interest bearing account set up for grants); the Greenslate grant now it should be noted that the first draw down came in and Councilmember Perkins and himself went down to the bank and transferred the money for that (201,000 roughly). This will show next month, but he wanted the board to know they have gotten their first draw down.

Motion to accept the October 2018 Supervisor's Financial Report was made by Councilmember Tweed with Councilmember Perkins seconding. Motion carried.



**Supervisor's County Report:**

Supervisor Tuthill stated that as per David Truscott's request earlier the last he has heard regarding the DPW is that they are proposing a smaller garage on Page Avenue, for the Northern Satellite Garage/Shop and another satellite garage to replace the one in Walton that they want to move out of the floodplain. From what he understands it is going to be two much smaller economical reasonable buildings. He hopes that is the way it turns out. They have also taken down the part of the garage that the roof was bad. He believes what they are waiting for is finalizing a site for the Walton garage, they want to handle everything in one plan, and the DEC has lots of questions as to what they are going to put over here. It is put on hold at this point. The Mental Health land has been purchased, they are working on a contract to get the survey work completed and the designers are in the process of getting a rough plan on how they will combine the three different agencies into one building. Once they get an agreement on that they will start working on the actual layout of the property and the design of the building. Hopefully they will go out to bid early next year.

Councilmember Cairns asked if there has been more talk regarding purchasing more property in the Village of Delhi near 97 Main. Supervisor Tuthill stated there will be no purchasing there. Councilmember Krzyston wanted to announce that the Delaware Academy Cross County boys and girls have both placed third in the state for Class C schools.

**Abstracts:**

Councilmember Cairns made the motion to approve Abstract #011 - 2018 accounts A – SF Voucher No. 474 – 4533 = \$161,008.62 and account TA Voucher No. 173 - 175 = \$18,631.06. Total of presented vouchers for Abstract #011-2018 is \$179,639.68. Councilmember Tweed seconded the motion. Motion carried.

**Executive Session:**

Supervisor Tuthill requested a motion be made to enter into executive session to discuss potential litigation. Councilmember Cairns made the motion to enter into executive session for the reason mentioned, with Councilmember Krzyston seconding. Motion carried to enter into executive session at 8:45pm.

A motion was made by Councilmember Perkins to exit executive session at 9:00pm with Councilmember Krzyston seconding the motion. Motion carried.

**Adjourn:**

A motion to adjourn was made by Councilmember Perkins at 9:00pm and seconded by Councilmember Tweed. Motion carried.

Respectfully submitted,

*Elsa Schmitz*

Elsa Schmitz

Town Clerk, Town of Delhi