

**TOWN OF DELHI
PUBLIC HEARINGS
October 8, 2019**

Those present:

Councilmember's: Janet Tweed, William Cairns, Matt Krzyston, and Al Perkins.

Highway Superintendent Daren Evans

Delaware County Economic Development: Heather Ross

Residents: John Stelter, Don Howard, Nicole Evans, Margaret Baldwin, Allan Alwine, John Kolodziej, Kathleen Tofts, Richard Gumo

Supervisor Tuthill called the first of three public hearing to order at 6:40pm.

Pledge of Allegiance was led by Councilmember Cairns.

Public Hearing

LOCAL LAW NO. 001 of 2019 - LOCAL LAW FOR ROAD PRESERVATION

Supervisor Tuthill invited the public to come forward to comment. He explained that this law will help to protect the Town should contractors do damage to town roads. Highway Superintendent Evans agreed with Supervisor Tuthill stating previous circumstances now make it evident. Supervisor Tuthill explained that we will have to come up with a fee schedule after the law is established.

There being no further public comment the public hearing was closed at 7:45pm.

Public Hearing

7:45pm

**LOCAL LAW NO. 002 of 2019 – LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C**

Supervisor Tuthill explained that if we are going to exceed the two percent tax cap we have to pass a local law; we don't know where we are actually at yet because we have yet to finish the budget. Although he further stated catching up on the roads we have not made it the first five years. He then offered privilege of the floor.

There being no public comment the public hearing was closed at 7:50pm.

Public Hearing

7:50pm

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – PROJECT: 319ED898-17
- GREENSLATE**

Supervisor Tuthill stated the public hearing was necessary as the Greenslate project needs to be closed out by December 13, 2019. Heather Ross of Economic Development gave a brief overview of the project; Greenslate was given a grant totaling \$238,000, of that \$200,000 is to be used as working capital which utilizes the total project with the refurbishing of the building which was over \$848,000. Greenslate then committed to hiring 16 new full time positions, ten of which were to be offered to low to moderate income people; they actually made available 11 positions to low to moderate persons. They did fulfill the hiring of 16 positions. Part of the grant was also for office equipment for the building.

There being no public comment the public hearing was closed at 7:58pm.

Respectfully Submitted,

Elsa Schmitz

Elsa Schmitz
Town Clerk

**TOWN OF DELHI
BOARD MEETING
October 8, 2019
7:00PM**

Supervisor Tuthill called the meeting to order at 7:05pm.

Those present:

Councilmember's: Janet Tweed, William Cairns, Matt Krzyston, and Al Perkins.

Highway Superintendent Daren Evans

Residents: John Stelter, Don Howard, Nicole Evans, Margaret Baldwin, Allan Alwine, John Kolodziej, Kathleen Tofts, Richard Gumo

Privilege of the Floor:

John Stelter discussed Lumbert Hill Road a one lane dirt road, Mr. Stelter stated that the road is beginning to wash out underneath and is becoming much narrower. Heavy equipment from the farms may be playing into the issues. There are six spots that need to be addressed and fixed. He is concerned that should the road collapse and a tractor trailer is coming down at night someone would be hurt.

Nicole Evans introduced herself. She stated for the past five years Daren Evans has been highway superintendent for the Town of Delhi. Daren has worked tirelessly morning through night and has given himself quite literally blood, sweat and tears to the town. He has not only held the position of superintendent but also as an employee performing duties as that of a town employee working side by side with his employees. For the past couple months she said he has been working a secondary job; since then he has continued at the highway garage most mornings, afternoons and evenings. He has continued his duties as outlined in Highway Use Law Section 140. Highway Use Law 140 appendix 12 states “the highway superintendents role is supervisory in nature only. While there may be instances in which the superintendent at his own discretion joins the workforce, performing physical labor he is not required to do so.” Town Law Article 3, Section 32 further states “that a town board does not have the authority to require the highway superintendent to be a working superintendent.” She then stated in recent weeks they have heard some slanderous accusations with regards to Daren and his work as Town Highway Superintendent which are truly an act of defamation of character and these statements and accusations are simply untrue and wholly unwarranted.

Approval of Amended September 10, 2019 Regular Board Meeting Minutes:

Councilmember Tweed stated that on page 2 paragraph 1, the Clerk misspelled Councilmember Perkins name and under “IT” page 4 the clerk misquoted her stating she had not said “ADA compliant” instead stated she had said “US Web Designs Systems.” Supervisor Tuthill requested a motion be made approving the September 10th minutes with the two noted corrections, Councilmember Krzyston made the motion to approve with Councilmember Perkins seconding. Motion carried.

Old Business:

Supervisor Tuthill stated he and Councilmember Krzyston had not had contact with Charter Communications to date.

Supervisor Tuthill stated he and Councilmember Cairns have been contacting contractors that may have time to do some work soon for the courtroom (box in a room or do one in the corner), they are not having much luck. Kathleen Tofts, Court Clerk stated that they knew of someone who did have insurance coverage and asked if they (the court) could get estimates themselves and give the board the information. Councilmember Cairns stated the room size may be an issue and the Code Officer Dale Downin should be consulted. There was discussion on the room size and capacity. Councilmember Cairns requested that when the contractor comes that he should also quote removing the door and boxing it in for the ATM machine as he already has the bid once the door is boxed in.

Supervisor Tuthill presented the board with a short environmental form (SEQR) which was necessary in order to pass Local Law No. 001 of 2019. Each councilmember had a copy and the

board proceeded to answer questions necessary for the completion of the SEQR. Supervisor Tuthill then submitted Resolution No. 005 of 2019; Adoption of Local Law No. 01 of 2019 for Road Preservation.

WHEREAS, The Delhi Town Board has reviewed and considered the Proposed Local Law NO.1 of 2019

WHEREAS, the Local Law was presented to the Town Board at least 10 days prior to the Town Board meeting on October 8, 2019,

WHEREAS, the Town Board made a motion on September 10, 2019 scheduling a public hearing on Local Law NO.01 of 2019,

WHEREAS, the public hearing was properly noticed in the Town’s official newspaper on September 25, 2019 and October 2, 2019,

WHEREAS, the public hearing on the proposed Local Law was held on October 8, 2019 at the Town Hall,

WHEREAS, the Town Board reviewed and considered all public comments received on the Local Law,

WHEREAS, the proposed Local Law was on file for inspection at the Town Clerk’s Office prior to the hearing and during the public review process; and

WHEREAS, the Town Board has identified the relevant areas of environmental inquiry and taken a hard look at them for the proposed Local Law; and

WHEREAS, the Town Board has issued a negative declaration under SEQR for the proposed Local Law thereby complying with the mandates of the State Environmental Quality Review;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF DELHI, DELAWARE COUNTY, NEW YORK:

That the Town Board of the Town of Delhi hereby determines that Proposed Local Law NO.1 of 2019, attached hereto and made a part hereof, is hereby adopted as A Local Law for Road Preservation; and

IT IS FURTHER RESOLVED, that the Town Clerk and the Attorney for the Town are hereby directed to take such actions as are necessary to implement this resolution and effect adoption of the Local Law.

Motion made by: Councilmember Perkins

Motion Seconded by: Councilmember Cairns

Roll Call:

	YEA		NAY		ABSENT
Supervisor Mark Tuthill	<u> X </u>		___		___
Councilman Matthew Krzyston	<u> X </u>		___		___
Councilman W. Allan Perkins		<u> X </u>		___	___
Councilman William Cairns			<u> X </u>		___
___ Councilman Janet Tweed				<u> X </u>	___
___					___

Supervisor Tuthill then presented the board with another short environmental form (SEQR) which was necessary in order to pass Local Law No. 002 of 2019. Councilmember Perkins made a motion to allow Supervisor Tuthill to complete the SEQR form following the same

format as the above completed SEQR. Councilmember Krzyston seconded the motion. Motion carried. Supervisor Tuthill then submitted Resolution No. 006 of 2019; Adoption of Local Law No. 002 of 2019 for a Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c

RESOLUTION NO. 006 OF 2019

TOWN OF DELHI

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF DELHI
DETERMINING THAT THERE ARE NO ADVERSE IMPACTS ON THE
ENVIRONMENT FROM ADOPTION OF A LOCAL LAW TO OVERRIDE THE
TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c**

WHEREAS, the Town Board is adopting a Local Law to Override the Tax Levy Limit established in General Municipal Law §3-c; and

WHEREAS, the possible environmental impacts of the adoption of this Law have been considered by the Town Board;

NOW THEREFORE BE IT RESOLVED, that the Town Board has determined that the adoption of a Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c will not have significant adverse impacts on the environment; and

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

Motion made by: Councilmember Krzyston

Seconded by: Councilmember Perkins

Roll call:

	Aye	Nay	Absent
Supervisor Tuthill	<u> X </u>	_____	
Councilmember Krzyston	<u> X </u>	_____	
Councilmember Tweed	<u> X </u>	_____	
Councilmember Perkins	<u> X </u>	_____	
Councilmember Cairns	<u> X </u>	_____	

With both resolutions put forth being carried, the Town Clerk was instructed to mail both local laws to the state for filing.

New Business:

Supervisor Tuthill announced that Village Mayor Richard Maxey has asked if the town cares

what the village does with the old voting machine. The board discussed options; Councilmember Cairns thought possibly the Historical Association may be interested. Supervisor Tuthill will follow up on possibly the Board of Elections wanting the machine or other alternatives.

Supervisor Tuthill presented the board with a request from the Town Clerk requesting disposition of records that are eligible for destruction per the MU-1. She provided them with the retention schedule which follows the state requirements. The clerk will look into other businesses that are shredding for piggy backing. Councilmember Perkins made a motion to approve Supervisor Tuthill signing the authorization of the destruction of specified records with Councilmember Krzyston seconding. Motion carried.

Supervisor Tuthill discussed the Arbor Hill Project; the County has put out a flyer with three different proposals. The county prefers number three as it will replace the bridge and allow for five foot of walking on each side of the driving lanes. Tuthill stated that the county web site has the proposals and is open to the public for comment and questions. Tuthill has met with Sue McIntyre and agrees that number three is the best. Councilmember Cairns asked if Highway Superintendent Evans had looked over the proposals, Evans stated yes and agreed three fits the needs and benefits the town's roadway.

Supervisor Tuthill stated we had received our Fiscal stress report from the state which is based on our annual update document. Our fiscal stress number was "0" which is great, we have never been that low. We did really well. The environmental stress which is based on population, age, income and multiple factors to where Delaware County and the Southern Tier as a whole do not fare well; we are at a 33.2, we are not in danger but basically means you are living in an area where this is not much money. Overall, it was the best report we have had and we are doing the best we can.

Supervisor Tuthill stated he had been contacted by NYMIR and they are recommending that our drivers take fleet safety training. Tuthill further stated he is unaware of any accidents other than the one caused not by driver error rather by equipment failure. Councilmember Perkins stated these programs are good and we should probably utilize, he also believes a couple of individuals may do well to taking this training. Highway Superintendent Evans agreed with Tuthill and further stated "our guys always come back."

Town Clerk Schmitz stated that the information for Sexual Harassment Training was not received in a timely manner as such employees are unable to obtain training in the timely manner. Highway Superintendent Evans announced he has done the training, Councilmember Perkins stated if an employee has taken it from another source they are not required to retake it. Schmitz requested Councilmember Tweed re-email her with this information so she can resend it to the appropriate parties.

Supervisor Tuthill stated the Town Judge and Dog Control Officer were here to discuss issues with the current dog law. Al Alwine, Dog Control Officer stated he and the town clerk have been working together trying to get people to obey the law. He has had to go to the same homes several times; people are ignoring notices and court appearances. Judge Gumo stated the current

town law is archaic and does not provide with the tools necessary for the dog control officer to do his job and the court to do anything. The Agricultural and Markets says if the control officer can seize the dog and the dog can be impounded, in the mean time who is to pay for those expenses. Even under the Ag & Markets law the judge has no power to issue an arrest for their failure to appear. The case just keeps rolling over. The only option is to impound the dog and if the individual does not comply the dog will be put up for adoption. Councilmember Cairns asked what the town's liability should people not comply; to which Councilmember Perkins stated it falls back to the owner if the dog bites someone, Tuthill stated the town could be sued but chances are slim. Gumo wishes that the board to update the dog laws as it all stems from town ordinance. Supervisor Tuthill stated he would talk to the town attorney possibly he may have a good working law for them; the town clerk will call other towns for their laws. The board can then determine which is best to suit the town's needs.

Judge Gumo stated that the microphones are still not working, and again requested either the old ones be put back or these fixed. Supervisor Tuthill questioned Councilmember Krzyston as to why this has not been done, Krzyston stated he will address it, Tuthill will send him an email reminding him.

Supervisor Tuthill announced he had correspondence; he has passed out a letter to the board members. He further stated it was something they are all aware of and he does not discuss personnel so it is what it is.

Supervisor Tuthill stated he had contacted the town's attorney David Merzig and the board needs to pass a vote to accept any and all donations and or grants. A motion is necessary to accept the O'Connor grants. Councilmember Perkins made the motion to accept the grant moneys with Councilmember Tweed seconding. Motion carried. The town clerk requested paperwork on the grants, as she has nothing. Councilmember Tweed questioned if there was an amount required or was it any and all. Supervisor Tuthill stated any and all donations that are given to the town have to be accepted by the town. He further stated if there are any conditions you have to accept it with the conditions noted. Councilmember Perkins differed with Supervisor Tuthill and stated working on the pool project they had no problems doing what they were doing before; the town clerk stated it is the law any and all paperwork needs to be given to the town and stated it is a law. She further stated the board was on notice for the lack of paperwork being provided.

Supervisor Tuthill stated that the town attorney received a letter from DEC as there was a complaint filed that we built the pool in a landfill. He further stated that it was not disclosed at the time of transfer from the village and that the village mayor is the one that sent the complaint to DEC. Our attorney said let the DEC come down and dig and what they find will be the village's problem. Councilmember Perkins stated the village did test on everything down there and there are records he has as they put two wells down there. When they dug the wells they tested all of that and we had to do our own tests (drilling) the only things that came out of the ground were cement and rebar. Perkins said there has never been a dump where the pool is.

Committee Reports:

Highway/Machinery: (Councilmember's Perkins & Cairns) – Written report from Superintendent Evans was given to council members. Highway Superintendent Evans stated the

big thing is we finally have the on-site analysis scheduled for the two failing culverts (Webster Brook and Federal Hill.) Webster Brook's culvert and the severity of it has surpassed Federal Hill's by far and is now a priority. The on-site analysis is the first step and receiving some funding (matching funds). Supervisor Tuthill stated the truck grant disbursement check for \$75,000 has been approved a check should be received shortly. Councilmember Perkins asked about oil and stoning and questioned if they were finished, Evans stated that weather earlier in the year has caused us to not be done on schedule. Trying to finish now would be a quality control issue.

Supervisor Tuthill read a letter from Brian Rosenthal; he has notified the town that he will be retiring effective November 1st. He is offering to help Highways Superintendent Evans with clerical duties on a part time basis. Supervisor Tuthill wanted to thank Rosenthal for 30 years of dedicated work, he will be missed.

Health/Youth: (Councilmember's Tweed & Cairns) – Councilmember Cairns reminded that there will be the Citizens Preparedness Course Thursday night at Delaware Academy.

Economic Development/Shared Services: (Councilmen Perkins & Krzyston) – Councilmember Krzyston announced they have received nine proposals for the housing study with the village. They are to be reviewed and someone will be selected before the next meeting.

Recreation: (Councilmember Perkins) – Councilmember Perkins stated everyone has received a copy of the recreation report. Perkins asked Peg Baldwin the new chairperson for the PAC Committee for an update on the closing up of the pool for the season. She stated Watson's was here today and did all the winterizing of the pool pipes; they also put the covers on for the season. There are a few things that need to be addressed such as locks, sensors in the bathrooms and the wire framing behind the brick building they want that removed. Councilmember Perkins stated he thought Mr. Outsen had spoken with Highway Superintendent Evans and requested the highway department take it to the dump. Evans stated yes when they had down time. Ms. Baldwin also requested to surplus the old pool vacuum from the village pool as it is very difficult to use in the new pool. Perkins stated they will have to look at pricing at the next PAC meeting and surplus the vacuum. The cover also has some holes and Watson is aware and is working on correcting it. They will be winterizing the bathrooms soon. Ms. Baldwin stated it was important as far as warranty that Watson do a cleaning around the pool, they did the obligation and that took some time. Councilmember Perkins wished to thank all those that were there helping and attended training to get everything pulled together. Supervisor Tuthill asked who will "un-winterize" the pool in the spring, Perkins stated they have someone in mind. Perkins stated the costs for opening and closing the pool is in the budget for 2020.

Supervisor Tuthill stated the Mayor sent a proposal to have one of their part time employees take care of the ice rink and have the town pay half of their salary. Councilmember Perkins stated there is a shared services meeting next week and this should be going to the committee and they will discuss it there when they meet.

Ms. Baldwin stated the playground has a lot of uneven ground and they are going to do a quick survey before the next PAC meeting. The unevenness could be a hazard.

Personnel: (Councilmember Perkins & Councilmember Tweed) – Councilmember Tweed stated we have sexual harassment training going on now, as long as you have a training certificate (from another source) it just needs to be put on file. It has to be for this calendar year.

Building: (Councilmember's Cairns & Krzyston) – Councilmember Cairns and Supervisor Tuthill stated that possibly the person giving the estimate on the courtroom can give other estimates.

IT: (Councilmember Tweed & Councilmember Krzyston) – Councilmember Tweed stated the website in nearing competition, we should know more next month it is in the final stages of the website being able to go live.

CODES: (Councilmember Cairns) – Councilmember Cairns five permits were issued in September and traveled 208 miles. He did 16 inspections, the jobs at DOMO and Clarks are still ongoing. Cairns believed the golf course was complete, Supervisor Tuthill stated yes he believes so. Councilmember Perkins asked if fire inspections are being done in the town, Supervisor Tuthill stated they are done in the winter when things are slow.

CODES Monthly Report:

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

Justice Court Report:

A motion was made by Councilmember Krzyston to accept the September 2019 Justice Court Report. Councilmember Tweed seconded the motion. Motion carried.

Clerk’s Monthly Report:

A motion was made by Councilmember Krzyston to accept the September 2019 Clerk’s Report and seconded by Councilmember Perkin. Motion carried.

Supervisor’s Financial Report:

Councilmember Krzyston made the motion to approve the September 2019 Supervisor’s Report, with Councilmember Cairns seconding. Motion carried. Councilmember Perkins asked if the money from the village for the pool had been received, Tuthill stated yes it was received yesterday.

Supervisor’s County Report:

Supervisor Tuthill stated it is pretty quiet at this point. The unofficial news from DPW is that Kortright is willing to sell a piece of property for a satellite snow plowing garage. They are looking to keep the maintenance garage smaller and staying on Page Avenue. The board had the presentation from C&S on the mental health, it’s moving along quite well. They are hoping to go out to bid in the late fall early winter. Councilmember Krzyston asked what is next for the hearings regarding the Social Services Director, Supervisor Tuthill gave him the dates. Krzyston asked if charges were made, Tuthill stated yes but they are confidential. She chose to have the public at the hearings. Councilmember Perkins stated at the hearing there were seven charges announced.

Abstracts:

Councilmember Krzyston made the motion to approve Abstract #0010 - 2019 accounts A – SF Voucher No. 00397 – 00435 equaling \$192,278.80, account TA Voucher No. 00124 - 00126 equaling \$14,267.51. Total vouchers presented equaled \$206,546.01. Councilmember Perkins seconded the motion. Motion carried.

Executive Session:

Supervisor Tuthill asked if an executive session was necessary, Councilmember Perkins stated he thought we should just to see where we are at. Supervisor Tuthill stated he did not have any information on potential litigation so it would only be for the employment history of a particular individual. Councilmember Perkins made the motion to go into executive session for the employment history of a particular individual with Councilmember Krzyston seconding. Motion carried. Councilmember Perkins requested Highway Superintendent to say. The time entered into executive session being 8:30pm. A motion was made to exit executive session was made by Councilmember Tweed at 9:18pm with Councilmember Krzyston seconding. Motion carried.

Adjourn:

A motion to adjourn was made by Councilmember Perkins at 9:19pm with Councilmember Cairns seconding. Motion carried.

Respectfully submitted,

Elsa Schmitz

Elsa Schmitz
Town Clerk
Town of Delhi