

**TOWN OF DELHI  
BOARD MEETING  
November 8, 2021  
7:00PM**

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

Those present:

Councilmember's: Janet Tweed, William Cairns, Matt Krzyston, and Christina Viafore.

Town residents: Eric Rickman, Village Mayor Sridhar Samudrala, Josh Morgan, Margaret Baldwin, Karen O'Connor-Parkitects, Rick Ackerly, John Burgin, Glen Nealis, James Thompson, David Merzig, Town Attorney

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

**Privilege of the Floor:** N/A

**Approval of October 11, 2021 Public Hearing and Regular Monthly Meeting Minutes:**

Motion was made by Councilmember Cairns to accept both the October 11<sup>th</sup> regular monthly board meeting minutes and the public hearing minutes with Councilmember Viafore seconding the motion. Motion carried.

**Old Business:**

Supervisor Tuthill announced IDA, Saputo, DOMO, Clark Companies and Delhi Sewage Works Corporation petition; Tuthill then gave the floor to Glen Nealis. Nealis stated that this has been in the works for the last couple of meetings, there have been ongoing conversations between the IDA and the companies and the petition before the board which was submitted just last week (which he understands was not timely) is one that the industries questions have been answered and all the parties are ready to move forward. Tuthill stated he had heard all the parties were now ok with the petition request. Supervisor Tuthill gave the floor to Mr. John Burgin who stated that his family has not received any details or anything what so ever; and questioned where it was going to be put. Tuthill asked Nealis if he could address this; Nealis said at this point in time for a period of time that is indeterminate, they are going to try and use the existing line that is already in place. Nealis then questioned which property Burgin owned, to which Burgin stated the farm that is around the plant. Nealis said right; it is staying right where it is now. If there are requirements to replace that pipeline in the future, it would keep it in the exact same right of way. It would not create any new easements or anything; just use the exact same right of way; they believe it is significantly wide enough that one could remain in operation while a new one is being installed. There would be no alterations necessary. Burgin questioned when they plan on doing this; Nealis stated they have no definite time frame, they were thinking they were going to move quickly with it but one of the issues they have been speaking with the industries about is the alternatives and a more "go slow approach" and they will have to have continuing discussions with the DEC about their comfort level with the lines before they do anything. Nealis then said one of the first steps would have to be to reach out to everybody who is an easement holder. Supervisor Tuthill then asked if there were any other questions or concerns from the audience. He further stated our attorney has looked things over; David Merzig then stated he wished to comment to both the property owners and to make sure the board was aware there is a provision in the statue that allows transport corporations to condemn land; we have specifically excluded in our authorization so that there can be absolutely no condemnation of any land without it first coming before this board and having approval from this land without having it voiced fully in public. Councilmember Krzyston questioned what would be the reason or if they wanted to change the connection points, expand the points or basically do anything outside the narrow reasons they already have.

Supervisor Tuthill asked if any of the board had any questions for any of the parties; and asked the attorney if he was ok with the town going forward; Merzig said he was good. Supervisor Tuthill then asked for a motion to approve Resolution No. 004 of 2021, motion made by Councilmember Cairns and seconded by Councilmember Krzyston roll call as follows:

**RESOLUTION #004 of 2021  
OF THE TOWN BOARD OF THE TOWN OF DELHI  
AUTHORIZING CONSENT TO INCORPORATE  
THE DELHI SEWAGE WORKS CORPORATION**

WHEREAS, The County of Delaware Industrial Development Authority (hereinafter “Delaware IDA” or “IDA”) is a public benefit corporation duly incorporated, organized and existing pursuant to the New York General Municipal Law and the Public Authorities Law and maintains its principal offices at One Courthouse Square, Suite 4, Delhi, NY 13753; and

WHEREAS, Delaware IDA currently owns and operates a publicly owned sewer system consisting of a pump station (“Pump Station”), a force main (“Transmission Line”), and related equipment (collectively the “System”). The System serves two industrial users - Saputo Dairy Foods USA, LLC and FrieslandCampina Ingredients North America, Inc.; and

WHEREAS, the System is identified by the New York State Department of Environmental Conservation as publicly owned sewer system identification number ID NYS400028 and is connected to the Village of Delhi sewer system/wastewater treatment plant (“WWTP”); and

WHEREAS, the IDA desires to incorporate a sewage works corporation pursuant to Article 10 of the Transportation Corporation Law and subsequently transfer the System and all related equipment to the Sewage Works Corporation; and

WHEREAS, Article 10 of the Transportation Corporations Law provides that the plans for the System should be approved by the New York State Department of Health (Transportation Corporations §117). Since the System is connected to the Village of Delhi WWTP, already in operation and the WWTP has an existing SPDES permit, the plans and specifications have been approved by the DEC through the issuance of the SPDES permit and the assignment of the sewer system identification number 10NYS400028; and

WHEREAS, the Delaware IDA, as Petitioner, presented a *Petition of The County of Delaware Industrial Development Authority for Consent to Incorporate “Delhi Sewage Works Corporation” Pursuant to Article 10 of the Transportation Corporations Law*, dated September 16, 2021 (the “Petition”), to the Town Board of the Town of Delhi; and

WHEREAS, the Town Board and the Town Attorney have reviewed the Petition; and

WHEREAS, a draft Certificate of Incorporation for the sewage works corporation is attached hereto as **Exhibit A**. Delaware IDA intends to file this certificate with New York State Department of State upon the Town Board's issuance of this consent; and

WHEREAS, the Town Board and the Town Attorney have reviewed the Certificate of Incorporation; and

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board of the Town of Delhi hereby consents to the formation of the Delhi Sewage Works Corporation and the proposed rate structure under the provisions of Articles 10 of the Transportation

Corporation Law of the State of New York and directs the Town Clerk to provide a certified copy of this resolution to the Petitioner for filing of the Certificate of Incorporation with the NYS Department of State.

2. Prior to contractually committing to construction of the Upgrade, the Delhi Sewage Works Corporation submits to the Town Board the following:
  - a. An engineering report, prepared by a New York State licensed professional engineer, with a construction schedule for upgrades to the force main to address the conditions that have resulted in SSOs (hereinafter the “Upgrade”).
  - b. Sewer Use Agreement executed on behalf of Delhi Sewage Works Corporation, Saputo Dairy Foods USA, LLC and Friesland Campina Ingredients North America, Inc confirming the terms and conditions of service, the parties’ respective obligations and the parties’ commitment to fund the Upgrade.
  - c. Copies of the certificate of incorporation, bylaws and shares of Delhi Sewage Works Corporation
3. Delhi Sewage Works Corporation must obtain all other local, state and federal approvals, if applicable and property rights. As stated in Paragraph 30 of the Petition, Delhi Sewage Works Corporation will not condemn any real property without first obtaining the written consent from the Town of Delhi.
4. The Town Board of the Town of Delhi hereby authorizes the Supervisor to execute any and all documents necessary to give effect to this resolution.

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

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

Village Mayor Sridhar Samudrala on behalf of the Village of Delhi wished to thank everyone for the resolution; he believed it was a small step forward in the bigger picture in getting a new plant and making all of this work for the industries and getting businesses going again.

Councilmember Viafore stated that Kristina Zill was unable to attend she was going to talk to the board about a Clean Energy heating and cooling campaign. Viafore did announce on the solar campaign that we ran she received an email which she forwarded to everyone that we will be getting a check shortly to put towards upgrading the lights.

Supervisor Tuthill stated on the assessment challenges there has been a new judge assigned as Judge Northrup has retired. Tuthill asked Merzig if the school was going to participate, Merzig stated he had reached out to their council and has not heard a reply.

Supervisor Tuthill introduced Karen (KJ) O'Connor of Parkitects. She presented the board with an estimate and preliminary design plans which incorporated phases for a new playground. She discussed the packet and discussed creating a plan so the playground could be updated in phases as to allow funding sources to be obtained. She discussed "phase1" which will be designed for 2 to 5 year olds which consisted of swing sets, some fitness equipment and some bench swings along with a new surfacing system. She discussed how they would reclaim some of the soil and rebuild the mound for children to climb a "mow able mound" she discussed keeping some of the seating. An older kids plan was also presented as another phase for a later time.

Supervisor Tuthill questioned her as to if they have state or federal contracts; she stated they do. She stated she provided the Sourcewell Contract number on the estimate so that the town can look into it.

She stated site prep was not included in the estimate provided. The board discussed ways to achieve the site prep. Rick Ackerly stated they could use the recreation savings, have the village and town highway departments to help also. He discussed the existing equipment and that Hamden does want a piece also it has been said that the Amish would like some of the equipment. Margaret Baldwin of PAC stated they need guidance as to what the legal standings are for giving or selling the equipment. The town attorney stated there are laws it can be given to another municipality otherwise you have to get rid of it at "fair market value" and this is done usually by bidding. You cannot give away taxpayer assets even to non-profits. This will be discussed further at a later time. Ackerly stated at this time PAC has come this far and is handing it to the town for their thoughts and guidance; Tuthill said he wished he had had numbers when we were doing the budget. He further stated if we do this now/next year it creates a lot more paperwork for revenue lines, grants expense lines and moving moneys from savings. Ackerly said hopefully right now there is money in the savings although he doesn't know the cost of prepping the land as that would have to be put out to bid. Tuthill was concerned as to the concrete in the ground now; O'Connor stated that was in the estimate new holes and concrete she explained ways to balance it out. Margaret Baldwin said by doing Phase 1 we are right within the O'Connor grant. Ackerly added all we need to do is the site prep pretty much; O'Connor added we would be using a lot of the soil so there wouldn't be much hauling. Baldwin again said using the savings would not affect the town budget; Tuthill again said it makes more paperwork to shuffle money around. Ackerly said the O'Connor money is there and we will do the park in phases so that when funding is gotten they can proceed further. Tuthill questioned ADA compliance; O'Connor explained. Councilmember Krzyston asked what the Recreation Committee thought of the proposed project; Councilmember Tweed stated she liked it and we need to move forward she apologized that it would create more paperwork but Ackerly stated it very well. She further stated we need a new playground as ours is aging. Tuthill asked the board if they wanted to proceed with Phase 1 if our attorney signs off on the contract with Parkitects and to see how much we will have to bid out for the site work depending on what our highway department can do. Baldwin stated they have the obligation to go to O'Connor with proposal and Tuthill added to see how they will disseminate the money for the work. PAC will work with O'Connor. Councilmember Krzyston made the motion to proceed pending approval of the contract town attorney and pending the approval of the O'Connor Foundation using the original site for Phase 1 of the project. Councilmember Tweed seconded the motion, motion carried. Councilmember Krzyston said O'Connor did present the proposal to the O'Connor Foundation in detail; Tuthill stated we need to get out the bid for earthwork early next year so we don't get stuck with no one bidding the project. Tuthill told O'Connor to get him the contract for Phase 1 so that our attorney can review it and we will have PAC get a hold of O'Connor Foundation to make sure they are okay; as long as everyone agrees we will move forward.

#### **New Business:**

Supervisor Tuthill requested a motion to approve the 2022 Tentative Budget as the 2022 Final Budget. Councilmember Cairns made the motion to approve the 2022 budget as presented, Councilmember Krzyston

seconded the motion. Motion carried.

Supervisor Tuthill entertained a motion to enter into executive session to get some legal counsel from the town attorney; Councilmember Cairns made the motion with Councilmember Tweed seconding at 7:49pm. Motion carried. Tuthill requested Highway Superintendent Evans to remain for the first part of the session. A motion was made at 8:25pm by Councilmember Cairns to exit executive session with Councilmember Tweed seconding. Motion carried. Board entered into regular session immediately.

There was no public hearing was set for the opting in/out of the new cannabis laws.

### **Committee Reports:**

**Highway/Machinery:** (Councilmember's Tweed & Cairns) – Written report from Superintendent Evans was given to council members (see attached). Supervisor Tuthill questioned Superintendent Evans as to the stone that was being hauled down to Sherwood's if that was the stone from the highway garage. Evans stated some of it and some of it is newer material as trucking will not be very reliable next year. Evans and Tuthill agreed there is a shortage of drivers and materials. Evans said this is a chain reaction with our new trucks he stated the flow control pumps were recalled and the new pumps on order the date they have been given is November 18<sup>th</sup> and they still have not received a confirmation; this is the date the factory has told them. Once again we are waiting on parts. Evans stated all of our existing trucks are set up and have been serviced in operating condition. Evans went on to say they had to make an emergency repair on a cross culvert on Rueben Todd Road. There is extensive work being done at the substation on Hamden Hill Road; he has been monitoring and inspection the roadway a few sections of the roadway may cause concern with the work being done by NYSE&G contractors. Tuthill said we have the road preservation bond from them this time. Evans further announced he had drafted up a sign for Falls Mills Road for commercial trucks warning them of the grade, telling them not to use their GPS and follow NYS Route 10, he gave the board a copy. One on each end 4x4 reflective signs. Councilmember Tweed questioned a weight limit Evans stated that would have to go Tuthill thinks it's worth trying these. Evans has a spot where he believes they will work well. Tuthill liked the idea the board was in agreement.

**Personnel:** (Councilmember's Tweed & Viafore) - N/A

**Recreation/Health/Youth:** (Councilmember's Tweed & Viafore) – Councilmember Viafore stated there will be a holiday parade will be December 3<sup>rd</sup> at 5:30, the Greater Delhi Chamber of Commerce is hosting it. This will be a night parade. She will post on the website how to be a participant. Santa and Mrs. Claus will be there.

**Shared Services: (Councilmember Cairns & Councilmember Krzyston)** - Councilmember Krzyston stated there was a meeting to promote the housing study and what could be done to attract developers They want to feature one of the sites with IDA's help. He announced Penfield Hill is off the sites now as it has been purchased and they don't want it developed. The Delaware Avenue site (gravel area) is in limbo now. Phoebe Lane looks to have the most potential value to our current population and the needs of the study.

Councilmember Cairns added that site looks to be able to happen sooner than later. Krzyston announced he went to Reservoir Park where our Joint Flood Committee had completed a project with Delaware County Soil and Water and the Army Core of Engineers was there along with the county. It was a good event and a successful project. He believes the village will reopen it as a recreation area, they have talked to other entities for picnic tables and such it will be a public space. Krzyston said the grant submitted to Soil and Water for the Woolerton Street project he has learned we are on the short list.

Krzyston stated he attended the fire departments public hearing regarding their budget; it helped clear up his questions as to the moneys necessary.

Krzyston will write the ad for the ice rink maintenance as this is a shared service item.

**Buildings:** (Councilmember Cairns & Councilmember Krzyston) – Councilmember Krzyston stated the students are interested in the lighting project; they are finishing another project now. He questioned their ability to purchase materials; Tuthill stated to give Cairns the list and he will have it delivered. Krzyston will have them contact Cairns.

**IT:** (Councilmember Tweed & Councilmember Viafore) – Councilmember Viafore stated she had signed up for various other towns to get on their communications. She found where they send out alerts to residents as to roadwork, and other weather alerts that the public needed to be aware of. She believes our Delhi residents would benefit from this and thinks it is almost a Shared Services issue as the village could benefit from it also. She has looked into two companies Nicksell and Rave both are roughly \$5,000 this cost could be split. Councilmember Krzyston questioned if this was text messages or emails. Viafore stated you can sign up for what you want as residents would have to opt in. Supervisor Tuthill stated we could possibly use the ARPA money for something like this. Councilmember’s Cairns and Krzyston will talk with the village at Shared Services and Viafore will try and get them to come here to do a demo.

**Codes:** (Councilmember Cairns & Krzyston) – Councilmember Cairns stated in the month of October we issued 3 building permits, 12 inspections/meetings, six in office conferences, four C/O letters and drove 85 miles.

**CODES Monthly Report:**

A motion was made by Councilmember Cairns to approve the October 2021 Codes Report. Councilmember Viafore seconded the motion. Motion carried.

**Justice Court Report:**

A motion was made by Councilmember Krzyston to approve the October 2021 Justice Court Report. Councilmember Viafore seconded the motion. Motion carried.

**Clerk’s Monthly Report:**

A motion was made by Councilmember Krzyston to approve the October 2021 Clerks Report. Motion seconded by Councilmember Tweed. Motion carried.

**Supervisor’s Financial Report:**

Supervisor Tuthill announced there were two financial reports, the September and October reports. Councilmember Cairns made the motion to approve the September report with Councilmember Tweed seconding. Motion carried. Councilmember Krzyston made the motion to accept the October report with Councilmember Tweed seconding. Motion carried.

**Supervisor’s County Report:**

Supervisor Tuthill announced three mental health units are all moved in. They had a trial run today seeing some clients. The building is almost done some work is still to be done. The DPW building on the corner of Bridge and Main Streets; the foundation is almost done they are hoping to continue to work depending on materials.

He wasn’t sure if the budget would be presented this month or the next. The last numbers showed a 1.7% increase which is under the 2% cap. Councilmember Tweed questioned the bonuses proposed for department heads. Tuthill stated there are two different ways that this is being handled; some people’s terms are up and are going to be reappointed in January. These bonuses will be added into their new contract as a onetime bonus and people that aren’t being reappointed there has to be a local law to give them this onetime bonus. Tuthill stated everyone pretty much agrees there are department heads that went above and beyond for COVID purposes and deserve a bonus. He did state there has been dissention on how big of a bonus. This proposal has been brought forward by the Health and Human Resources Committee. The board is being told if they give a department head a bonus they have to give them all a bonus. Tuthill stated he strongly disagrees with that, he went on to say several earned a bonus as they were working seven days a week for a year and a half. He also feels it’s a slap in the face to them when the board is giving bonuses to everyone when there were others that didn’t even come into the office. He has mixed feelings. Tuthill stated there will be a public hearing prior.

**Abstracts:**

Supervisor Tuthill requested a motion be made to approve abstract number 0011-2021. Councilmember Cairns made the motion to approve Abstract #0011 - 2021 accounts A – SF Voucher No. 00407 – 00460 equaling \$151,434.84, account TA Voucher No. 0044 – 0047 = \$11,738.48. Total vouchers presented equaled \$163,173.32. Councilmember Krzyston seconded the motion. Motion carried.

**Adjourn:**

Councilmember Krzyston noted that PAC member Baldwin had spoken with him regarding the garbage cans at the recreation area need replacing. Krzyston will speak with Evans after the meeting.

Councilmember Cairns made the motion to adjourn the meeting at 9:01pm, Councilmember Viafore seconded the motion. Motion carried.

Respectfully submitted,

*Elsa Schmitz*

Elsa Schmitz  
Town Clerk  
Town of Delhi