

**TOWN OF DELHI  
BOARD MEETING  
April 12, 2021  
7:00PM**

Supervisor Tuthill called the meeting to order at 7:07pm.

Those present:

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

Highway Superintendent Daren Evans

Town Attorney David Merzig

Residents: Rick Ackerly and Peg Baldwin of the PAC Committee

Councilmember Krzyston arrived late

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

**Privilege of the Floor:**

N/A

**Approval of March 8, 2021 Regular Monthly Meeting Minutes:**

Councilmember Viafore made a motion to accept the March 8, 2021 board minutes, with Councilmember Cairns seconding. Motion carried.

**Old Business:**

Supervisor Tuthill stated the O'Connor grant has been submitted he received a letter from them acknowledging they received it. Tuthill further stated we had not received any bids on the concrete work for the pool; we will possibly try later on this season possibly this fall.

**New Business:**

Supervisor Tuthill requested a motion to appoint John Kolodziej as Recreation Director for the 2021 season at a salary of \$6,000. Motion made by Councilmember Tweed and seconded by Councilmember Cairns; motion carried. Supervisor Tuthill announced the following applications for lifeguard positions: Corra Nocella – Lifeguard and Water Safety Instructor hourly rate of \$14.00, Kayleigh Verspoor – Lifeguard and Head Lifeguard hourly rate of \$14.00, Abbrielle Leahy – Lifeguard hourly rate of \$12.50, Magdalena DeMeo-Meres – Lifeguard hourly rate of \$12.50, Jodean Bray – Lifeguard hourly rate of \$12.50, Camille Mueller – Lifeguard at hourly rate of \$12.50 and Elizabeth Lamport – Lifeguard hourly rate of \$12.50. Tuthill stated if a lifeguard becomes a Water Safety Instructor, they will be update at a future town board meeting to the \$14.00 hour rate. This will encourage people to become swim instructors. Councilmember Tweed made the motion to hire all the above at the specified rates with Councilmember Cairns seconding, motion carried. The start date of employment will be May 21, 2021 through September 12, 2021. Tuthill gave Kolodziej permission to contact Todd Shady to set up the pool opening.

Rick Ackerly of PAC and John Kolodziej requested to purchase a 160 gallon storage tank for the pool at roughly \$450 as the one we have now is not big enough; Kolodziej and Ackerly explained the necessity of the tank. Councilmember Cairns made the motion for the purchase with Councilmember Tweed seconding. Motion carried.

**Executive Session:**

Supervisor Tuthill entertained a motion to enter into executive session for potential litigation and contract

negotiations with the town attorney. Councilmember Tweed stated so moved with Councilmember Viafore seconding. Motion carried to enter into executive session at 7:20pm. The board exited the executive session at 8:22pm with Councilmember Cairns making the motion and Councilmember Viafore seconding. Motion carried to exit and return to the regular meeting.

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

**Item #1:** Hauling fees for approximately 4000 yards of #1 washed crushed stone from Seward Sand and Gravel (Rider Pit); any remaining stone that is needed if Rider Pit cannot make enough will have to be hauled from Seward Sand and Gravel Main Pit and 4000 yards of #1 washed crushed stone from Clark Companies (Romar Pit) to Delhi Highway Department stockpile Sherwood Road. Bid will be awarded to one bidder with the lowest combined bids for both pits. Hauling of material must be complete by October 16, 2021.

	<u>Rider (Seward) Pit</u>	<u>Romar (Clark) Pit</u>	<u>Combined Bid</u>
Gerster Trucking	\$4.25	\$2.95	\$7.20
Seward Sand & Gravel	\$5.50	\$4.00	\$9.50
Babcock Trucking	\$5.04	\$2.84	\$7.88
Ben Reynolds Construction	\$4.50	\$2.50	\$7.00

**Item #2:** #1 Diesel Fuel – Price delivered to Town of Delhi Highway Garage.

Bid will be a fixed price per gallon; any/all fees must be included. Fuel must be cut 60/40 Kero by October 16, 2021.

Mirabito - \$2.3913 per gallon fixed price per gallon  
 \$2.7413 per gallon clear kero for winter blend with diesel  
 \$2.5313 per gallon 60/40 blend kero/diesel

**Item #3:** #2 Heating Oil – Price delivered to Delhi Town Hall and Highway Garage.

Bid will be a fixed price.

Mirabito \$2.2956 per gallon  
 Allison Oil \$2.39 per gallon

The board awarded the following: Item #1 – Hauling fees to Ben Reynolds Construction with Councilmember Cairns making the motion and Councilmember Tweed seconding; Item #2 - #1 Diesel Fuel – Mirabito Holdings Inc d/b/a Mirabito Energy Products with Councilmember Cairns making the motion and Councilmember Viafore seconding; Item #3 - Heating Oil – after discussion based upon prior service issues running out of fuel oil with Mirabito the board felt that Allison Oil was the most advantageous due to service experience and the best value for the money. Councilmember Krzyston made the motion with Councilmember Tweed seconding. All motions were carried. The clerk will notify bidders.

Supervisor Tuthill gave the floor to Glenn Nealis and James Thomson of IDA to discuss the pipeline. Mr. Thomson stated the pipeline runs from the Delhi wastewater plant down to Frasier’s to Friesland Campina and Saputo. In 1999 the IDA received funding and put the pipeline in the ground along with the pump station at the plant it has been running for twenty plus years. They replaced the pump station as it wore out and now they are having problems with the pipeline itself. They need to talk about replacing the pipeline now, but also above that the two companies have expanded dramatically from what they were 20 years ago. They are now limited to expand as the pipeline is to its capacity. Thomson stated everything needs to be replaced now. The attorneys feel that it is really not appropriate for the IDA to own and operate a pipeline as they are not set up to do it; they don’t have the equipment to do maintenance work and so forth. They feel the best way to do this is to talk to the town to establish a sewer district to own and operate the pipeline. There was a long conference call today with about 20 people and they feel this is the way to go; basically with the sewer district the entire budget for the district is paid for by the users. It is only owned and operated by the town in name only with no costs to the

tax payers. Thomson did not have much legal information at this point; today was just a preliminary discussion with the board to see what the feelings were. Supervisor Tuthill stated the board had discussed this with the attorney during executive session and as much as we would like to help the businesses the town does not want to get into the middle of a war between the village and the businesses, as there have been issues already. It will come down to legal-eeze how the agreement gets written, how it is going to get split up, who is going to have to pay and if there is a problem who is going to be responsible. The town does not just want to jump in as we need more information. His understanding is that the two businesses are doing all the paperwork; our attorney was the attorney for the village at the original time the pipeline was put in. The town does not want to get into a problem, Thomson stated there are actually three businesses, Clark Companies but they aren't a significant contributor. Glenn Nealis stated the industries he felt are anticipating that they would be kicking in for upgrades to the village plant as well. Thomson stated IDA is ready to go to work and look for funding, now is an opportune time. IDA is ready to go to work looking for funding and put the pipeline in the ground so by the time anything got turned over to the town it would be a new pipeline. Nealis stated the pump-station is new, it went into service in 2019; Tuthill said he can see where there will be issues over sharing costs between Saputo and DOMO. Nealis stated both companies funded 90% of the costs. Councilmember Krzyston questioned why the village doesn't create the district; Nealis answered because it is outside their corporate limits so technically the state changed the rules. He further stated the IDA having it now is a huge grey area; twenty years ago it was all about getting it done. Now there is a chance to do it correctly and the legally correct way is to have a town sewer district. Krzyston said it just looked odd as we have no sewers to where Tuthill said that's where we need to make sure we don't get left with a pipeline to no-where. Councilmember Tweed stated it would require infrastructure work for our personnel and our billing department as this would be brand new and an additional cost the town would be incurring. Krzyston stated we could budget for it; Tuthill said there would be bookkeeping and what-not for the town. Thomson stated there is another conference call next Thursday the lawyers are meeting separately and will come back with a list of tasks, it's starting now. Tuthill told the town attorney that he will be forwarded the information; Thomson said there will be a lot more information to come to the town in the near future. Nealis stated this will not be a quick process it will be about two to three years; Krzyston questioned if it would be in tandem with the upgrade of the plant or can this happen even if the village plant is not upgraded. Nealis answered the idea is to roll the two projects together. Thomson stated they just wanted to see how the town would respond to the idea where Tuthill said we are not jumping in without covering all the bases. Krzyston asked if there was anything the town could do without signing paperwork at this time to help IDA with their efforts. Thomson said as long as they know there is support, Tuthill said our attorney would participate in the talks and we need to find out what the village needs at their plant. Thomson said the problem now with the plants is they are rebuilding their treatment plants and the waste coming up the line now is untreated and the line was never designed to take untreated waste, hopefully by midsummer the plants will come back on line and we will know what we have to deal with.

### **Committee Reports:**

**Highway/Machinery:** (Councilmember's Tweed & Cairns) – Written report from Superintendent Evans was given to council members (see attached.) Evans stated there has been a lot going on due to the good weather, we have accomplished a lot. The Webster Brook Project – culvert replacement project will be scheduled to start in June. Evans further stated we have been lucky enough to get the grant extension for Federal Hill #2 Project through Trout Unlimited and the DEC for next year. This will significantly help all organizations involved with it. The pool site should be all set for the activities to go on down there except for the tonka blocks. Tuthill stated he was told the county may have some old ones; Evans will check with them. Evans said next week they are set to make grader patch which is much earlier than they have in the past with the break in the weather; again this is a bonus for us. They will also start replacing almost every culvert on Arbuckle Hollow hopefully as early as next week as most are in desperate need of replacement then it will be resurfaced. Tuthill asked if notice was necessary regarding delays, Evans stated they will be putting signs up at the ends of the roads; Tuthill stated Councilmember Viafore can put it on the website also. Evans will let her

know when they are doing the work. Evans stated the highway department has been out sweeping roads now that everything is operational on the broom. Evans said we are fixing a truck for the village and were able to save them money by using a part off one of our surplus vehicles. The mechanic has been busy although the Ford needed to be sent out as did another vehicle. Everything that was set to go to auction last year will be going to auction 2 weeks prior to the next board meeting, the day of the board meeting we will be able to accept or reject any bids should there be any. Councilmember Krzyston asked a “random” question, if the property on Sherwoods Roads was big enough to have a highway garage on it; is it buildable property? Evans stated what is used down there is out of the flood plain; it would have to be adjacent to the pole barn unless the pole barn wasn’t there. Tuthill stated we would probably have to level everything to have enough room to do anything. Evans said the lower lot is committed to stockpiles of materials.

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

**Recreation/Health/Youth:** (Councilmember’s Tweed & Viafore) – Councilmember Viafore stated there is a NYS Citizens Public Health training starting Wednesday the 13<sup>th</sup> she has signed up for it and forwarded it on to our health officer and Councilmember Tweed.

**Economic Development/Shared Services:** (Councilmen Cairns & Krzyston) – Councilmember Cairns stated other than the village truck being repaired by the town there is no other current business to discuss. Krzyston stated if we do the sewer district it will be a shared service. Councilmember Tweed questioned the housing study to where Cairns said he hopes to get the answer to that the next shared services meeting. Tuthill stated they need to find out about the status of the land transfer of the land for the hotel, as the college sent that request in a long time ago.

**BUILDINGS:** (Councilmember Cairns & Councilmember Krzyston) – Councilmember Cairns stated at some point this week a gentleman from Principle Designs will be coming to look at the highway garage. Mike O’Reilly from Principle Designs will reach out to us and give us a couple of different proposals; it will be up to us as to what we want to do. We can have them write the bid specs for the project or whether we would like them to write the specs and handle the entire bidding process as well. They are well versed on the process and can lead us through so we have not missed steps. Cairns said this will give us the information to move forward to fix the garage roof. Tuthill stated we need the roof on by next winter.

**IT:** (Councilmember Tweed & Councilmember Viafore) – Councilmember Viafore stated a “bid” page has been added to the website on the main menu.

**CODES:** (Councilmember Cairns & Krzyston) – Councilmember Krzyston stated there were two building permits issued, 13 inspections/meetings were done, there were 5 in office conferences, 1 fire inspection, 3 c/o letters, 1 certificates of occupancy letters, two violations and he drove 126 miles.

### **CODES Monthly Report:**

A motion was made by Councilmember Krzyston to accept the March 2021 Code Report. Councilmember Cairns seconded the motion. Motion carried.

### **Justice Court Report:**

A motion was made by Councilmember Krzyston to accept the March 2021 Justice Court Report. Councilmember Cairns seconded the motion. Motion carried.

### **Clerk’s Monthly Report:**

A motion was made by Councilmember Krzyston to accept the March 2021 Clerk’s Report and the March 2021 Tax Collectors Report. Councilmember Viafore seconded the motion. Motion carried.

### **Supervisor’s Financial Report:**

A motion was made by Councilmember Krzyston to accept the March 2021 Supervisor’s Report, with Councilmember Viafore seconding. Motion carried.

Supervisor Tuthill announced he had signed the land use permit application for the fire tower. This will allow the fire tower representatives to meet with the city to see what their regulations are. Councilmember Krzyston thanked Tuthill.

**Supervisor’s County Report:**

Supervisor Tuthill stated the Mental Health Project is doing well; Tweed asked if there was any idea about moving dates. Tuthill stated it is dependent on fiber optics, they have a meeting tomorrow. Tweed questioned if there were any other projects; Tuthill stated DPW has resolutions coming out for Wednesday for the three sites as they are bidding it as one project. He was expecting to see one on EMS but did not as there was talk that Public Safety was putting together one for the county to look at. Tuthill and Cairns are gathering information and talking to people regarding a budget.

**Abstracts:**

Councilmember Cairns made the motion to approve Abstract #004 - 2021 accounts A – DB Voucher No. 00111 – 00153 equaling \$54,146.60, account TA Voucher No. 0020 – 0022 = \$12,803.05. Total vouchers presented equaled \$66,949.65. Councilmember Tweed seconded the motion. Motion carried.

**Executive Session:**

Councilmember Krzyston requested the board enter into executive session to discuss “personnel” He made the motion at 9:20pm with Councilmember Cairns seconding. Motion carried. A motion to exit at 9:38pm was made by Councilmember Krzyston and seconded by Councilmember Tweed. Motion carried.

**Adjourn:**

Councilmember Tweed made a motion to adjourn the meeting at 9:39pm, Councilmember Cairns seconded the motion. Motion carried.

Respectfully submitted,

*Elsa Schmitz*

Elsa Schmitz  
Town Clerk  
Town of Delhi