

**TOWN OF DELHI  
BOARD MEETING  
June 13, 2022  
7:00PM**

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

Those present:

Councilmember's: Margaret Baldwin, Matt Krzyston, and Christina Viafore, Bill Cairns.

Highway Superintendent Daren Evans, Code Enforcement Officer Dale Downin, Town Attorney Dave Merzig

Residents: Horace Lee, Richard Gumo, Rick Ackerly (PAC member), Ellen Pringle (Recreation Director)

**The Pledge of Allegiance** was led by Town Supervisor Tuthill.

**Privilege of the Floor:**

Horace Lee of Dirt Road (a private road) came before the board to discuss an illegal campground on the road. The campground has a cease and desist order and is still advertising and running its business. Mr. Lee stated they have no permits, they have not gone before the planning board for a variance as it is zoned residential in the area, and this has been going on for three years. The road has/is being damaged by all the traffic and there have been accidents due to the traffic and washouts. He feels this is a major liability for the residents of the road and bottom line they are running an illegal campground as they have no permits.

Supervisor Tuthill stated that when they got caught they went to the planning board and they were told they needed to cease and desist; they could not issue a permit or address any of it with a violation still open. Tuthill further stated the DEP and Department of Health have been up there and written them up. The Planning Board Chair has told Tuthill that they are still advertising full boar on websites. Tuthill stated he will talk with the Code Officer.

Richard Gumo, town resident wished to talk about the fire tower as there was an article in the Daily Star that refers to the fact that the fire tower people are working with the town of Delhi and DEP (the actual owners of the property). Tuthill stated that Gumo should leave the word "fact" out of the statement as they have not spoken with either the code officer or himself for nearly three years. Tuthill stated he was as shocked as Gumo was when he read the paper.

Gumo stated before it gets out of hand his suggestion to the board is if this is not factually correct and the town is not engaging with the City of New York and the mountain club to erect the structure on that land; Gumo believes the town should indicate to the public what their position is. He then asked what the board's position was; Tuthill stated they would be having a discussion and announce it later and it will be addressed in the next month publicly. Gumo questioned Tuthill again as to what the agreement would be. Supervisor Tuthill stated in his opinion; that is has been over three and a half years and they have done absolutely nothing that the Code Officer and he had told them to do to ever get a permit to build a fire tower. He is ready to rescind the resolution that passed back in 2019 where the board said if they did this, this and this we would talk to them about insuring it. Tuthill stated he is thoroughly disgusted as he was assaulted at another meeting by a member of the fire tower committee with a bunch of crap and it kind of rubbed me the wrong way. Gumo went back to his original question stating he is not aware of any insurance company that will permit somebody to insure property that is not owned or rented or that has some contractual liability with respect to that property. Further he stated he was told before that the town could just add it to the policy because an "umbrella" policy would cover it. Tuthill said with certain other things falling into place; it was a possibility. Gumo asked if we had a binder from the insurance company, to where Tuthill responded I don't even have a lease on the tower. They have never turned in a special use permit application or a sight plan approval application, they need a variance on the height of the tower. Tuthill further stated this was told to them 3 plus years ago and no paperwork has

been done. A week ago Friday they turned in a building permit application that didn't have enough information to even act on. Tuthill added we can't issue a building permit without NYC and DEC making some serious changes to easements; adding if they had started to do what he asked them to do 3 years ago they are probably still three years from building the tower at best and he has a hard time thinking they will get the permits from NYC.

Councilmember Krzyston stated I think this is totally inappropriate the way you are talking right now and I think we should stop talking about it. It's embarrassing to me as a town representative that people are working their asses off to raise money; we told them we would support them and now let's rescind and it's disgusting. I think this is disgusting; I think people that won't let people do something good is disgusting. Supervisor Tuthill tried to explain that they have had every opportunity to talk to himself or the code officer to where Krzyston said they submitted an application what are they supposed to do; so deny the application but don't say they are disgusting. Adding this is inappropriate. Tuthill responded he believes it's inappropriate to say when you are opening when you don't even have a permit. Richard Gumo added the paper says it will be open by Labor Day; to where Krzyston responded he also spoke with them (Friends of Bramley Mountain Fire Tower) and things are not correct in there. Further stating to crucify them now for the press and for Gumo to come in continually Judge (referring to Gumo) you have made your position clear. Gumo interjected I am a resident not a judge here. Krzyston said how many times you are going to say the same thing; to where Gumo asked you keeping saying this will be great for the town; Krzyston said I think it will be. Gumo went on can you tell me exactly what profit or what benefit is going to accrue to the town by assuming this liability. Krzyston said nobody can; I've had enough you can keep talking I have nothing to say to you. To which Gumo stated that's good from a representative, thank you. Councilmember Krzyston then said go ahead talk; Gumo said I have said my piece you can't answer my questions.

#### **Approval of May 9, 2022 Regular Board Meeting and May 24, 2022 Special Board Meeting Minutes:**

Councilmember Cairns made the motion to accept the both sets of minutes as presented with Councilmember Viafore seconding. Motion carried.

#### **Executive Session:**

Councilmember Cairns made the motion at 7:15pm to enter into executive session for the employment history of a particular person, potential litigation and consulting with the town attorney for legal advice. Councilmember Viafore seconded the motion. Supervisor Tuthill requested Code Officer Dale Downin to stay. Motion carried.

Councilmember Cairns made a motion to exit executive session at 8:17pm with Councilmember Viafore seconding. Motion carried.

#### **Old Business:**

Supervisor Tuthill announced that Parson's has been down at the pool/playground property and has done three monitoring wells; results have not been provided at this time.

Supervisor Tuthill announced we have received a bill for the playground; it's not done and he is not inclined to pay the bill. Councilmember Cairns made a motion not to pay the bill until the site is complete. Councilmember Krzyston seconded the motion. Motion carried. Councilmember Baldwin stated the omni-spinner is in and is sitting at the highway department; they are planning on getting the two mats in and put the equipment in. When the final work is complete we will pay the bill and request reimbursement from the O'Connor Foundation Tuthill said.

#### **New Business:**

Supervisor Tuthill discussed the vendor permit application for the recreation area. Councilmember Baldwin said there is a procedure if they provide necessary documentation then the clerk's office could issue the permit. Season would be the deration of the pool season which is September 7<sup>th</sup> of this year. Discussion

was for a mobile operation; not one which requires town services or storage. Certifications are required from the vendor. The fee will stay at the \$25.00 for this year also.

Supervisor Tuthill announced we did not receive any bids for mowing. The board will search for a prospective contractor using the same criteria from the advertisement.

Councilmember Viafore made the motion for Supervisor Tuthill to sign the two contracts for Williamson Law Book (Accounting @ \$1188.00 per year and Payroll @ \$1108.00 per year); Councilmember Cairns seconded the motion. Motion carried.

### **Committee Reports:**

**Highway/Machinery: (Councilmember's Baldwin & Cairns)** Written report from Superintendent Evans provided to councilmembers. Evans requested to re-hire seasonal employee Roger Bolles at a rate of \$21.00 per hour/ 20 hours per week for roadside mowing and traffic control as needs. Councilmember Baldwin made the motion to allow Evans to hire Bolles at the above stated terms with Councilmember Cairns seconding. Motion carried.

Evans announced both culvert replacement projects are moving in the direction of starting the same time (early to mid-July); unfortunately we don't have a start date and as soon as we do we can get the postings out for road closures. Evans will forward Councilmember Viafore the information once determined. Evans stated chances are Webster Brook will be closed for a month, and Federal Hill #2 at Hughes Brook has been redesigned. Chances are it may not have to be closed down as long but that remains to be seen. When we get closer, the closings of the roads will be addressed. Evans then stated on the matter of the redesign of the Federal Hill #2 project has gone significantly higher than what it was supposed to be. With working with Trout Unlimited they have asked if we could help to purchase the structure. Evans went on to say we do have enough that he had budgeted in for that project and the other project to offset the cost of the three sided structure. Evans just wants to make sure we can do it the right way as we are not purchasing the whole project just part of it. Supervisor Tuthill requested a motion to allow Evans to spend the money on the extra cost for the three sided culvert for the Federal Hill project. Councilmember Cairns asked for a hard figure; Evans stated with all the material it will up our expenditure up to \$40,000 on that project, it's about \$10,000. Councilmember Cairns made the motion to allow Evans to spend the extra money for material of \$10,000 as it fits in our budget. Councilmember Baldwin seconded the motion. Motion carried.

Evans announced they will have possibly two days spread out for a closure of Falls Mills Road as they have to replace a culvert at the lower intersection of Falls Mills and State Highway 10 once completed that section will be milled and cold mixed paved roughly a 100 feet from the intersection. A shim coat for the remainder of the road. No date has been set at this time, signage will be out and Evans will work with Viafore for posting.

Evans further stated the section of seasonal Upper Hollister Hill Road has been completely washed away from very heavy rains and will need to be rebuilt to make the road passable. Work will be scheduled as time allows. Councilmember Cairns discussed the road with the board and Evans. He gave reports on all roads they are working on and discussed oil and stoning of them.

Councilmember Cairns thanked the Highway Department for placing the speed bumps at the Legion. Councilmember Baldwin thanked them for putting down the calcium also. Evans discussed timing and material for the playground and costs associated; it was left that the playground company will be contacting the town.

**Personnel: (Councilmember's Viafore & Baldwin):** Councilmember Baldwin gave the floor to Recreation Director Pringle who stated we currently have 12 lifeguards working; she has submitted four other applications for new guards and is waiting on approval for that as she is not sure of the process. Memorial Day weekend was a success 240 in the course of the weekend. The pool is open 7 days a week 3:30 – 7:00 weekends 12-7. Cool weather and rain has kept numbers down so far. They are looking to shift the hours once school is out. They have 40 kids signed up for session I of swimming lessons but received an email today for 5 more students. They have levels from infant/toddler up to level 5.

Councilmember Baldwin stated with great regret the town council accepts Recreation Director Pringle's resignation effective June 19<sup>th</sup>. She thanked her. Motion to accept resignation made by Councilmember Baldwin effective June 19<sup>th</sup> and seconded by Councilmember Cairns. Motion carried.

Baldwin asked Pringle for information to be given to her on behalf of the town for the pool.

**Recreation/Health/Youth: (Councilmember's Viafore & Baldwin):** Councilmember Baldwin stated PAC Chair Rick Ackerly stated there was no interest on the chair at the pool. Tuthill stated give Evans the information on the chair for Auctions International. Evans explained the bid process and suggested a minimum bid be placed as it's easier to reject it. Councilmember Cairns wondered if putting it on the site at a different time of year may make a difference on the bid; as it's free to advertise. The board felt there was nothing to lose. Councilmember Baldwin will work with Evans to place the chair on the site.

Ackerly stated the pool heater is not working; Daniel Kennedy of Kennedy Plumbing and Heating Cooling LLC will drop necessary paperwork off to the clerk's office and look into fixing the heater. Councilmember Baldwin discussed purchasing (through the savings account) a vacuum for the pool at roughly \$3,000; she discussed the savings it would allow. Tuthill stated it is more paperwork as money was not budgeted for an item. He explained how it effects the report to the state and the added work and red flags it causes down the road. Baldwin will consider budgeting it next year.

Ackerly asked with accepting the resignation of Pringle how it will affect the pool; Tuthill stated we have an idea. Baldwin will reach out and if it works out it works out. If it doesn't work out and we don't get an adult to supervise we are looking at closing the pool. We cannot have kids running the show without adult supervision. Ellen Pringle added the schedule is done for the next two weeks and swim lessons are set up. Scheduling and swim lessons are ready. Tuthill said we are not worried about the pool running we are worried about it running legally. We understand we have good lifeguards we need an adult supervisor as the lifeguards are kids. He then added Baldwin and Viafore will work on that; they are the personnel committee.

**Economic Development/Shared Services:** Councilmember Krzyston and Cairns said there was nothing to report. Supervisor Tuthill stated the mayor and he have been going back and forth trying to set up a meeting but are having scheduling difficulties. Councilmember Cairns stated he wished to set up a joint meeting between both entities to discuss items. The board discussed meeting with the village; Tuthill stated when he and the mayor connect they will figure something out.

**Buildings:** Councilmember Cairns stated a start date has not been set for the highway garage roof but the metal has been ordered; Tuthill added we will have a pre-construction meeting and they are aware it needs to be done by the deadlines.

Cairns added the clerk's windows are not opening and he has not come up with a solution yet; he is working on it.

**IT:** Councilmember Viafore stated we now have 77 residents signed up for Nixle. She has been sending out road closures.

**Codes:** Councilmember Cairns stated in May: six building permit issued, 7 inspections / meetings, 5 in-office conferences, 2 c/o letters and one violation he drove 110 miles.

### **CODES Monthly Report:**

A motion was made by Councilmember Cairns to accept the codes report for May 2022 Councilmember Krzyston seconded the motion. Motion carried.

### **Justice Court Report:**

A motion was made by Councilmember Baldwin to accept the May 2022 Justice Court Report. Councilmember Viafore seconded the motion. Motion carried.

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

A motion was made by Councilmember Baldwin to accept the May 2022 Clerk's Report seconded by Councilmember Viafore. Motion carried.

**Supervisor’s Financial Report:**

Supervisor Tuthill presented the board with the May 2022 Financial Report. Councilmember Cairns made the motion to accept the May 2022 Supervisor’s Report with Councilmember Viafore seconding the motion. Motion carried.

**Supervisor’s County Report:**

Supervisor Tuthill announced that the house on Main Street has been removed. Councilmember Krzyston questioned the cost as asbestos was in the house; Tuthill stated he did not see the cost but knows those costs have doubled.

Tuthill said the DPW facility in Bloomville is starting they have poured concrete. The building down by the landfill probably will not start this year; they are still waiting for the engineered design for the steel and that is way behind.

Councilmember Cairns questioned when the Board of Elections was moving; Tuthill stated he believed after the primaries, NYS needs to also inspect it.

**Abstracts:**

Councilmember Krzyston made the motion to approve Abstract #006 – 2022 accounts A – DB Voucher No.00170 – 00230 equaling \$51,728.27 account TA No. 0067 – 006 equaling \$12,800.59. Total vouchers presented equaled \$64,528.86. Included with 06-2022 abstract was Voucher No. 0059 from Abstract No. 003-2022 account SF in the amount of \$244,952.65. Councilmember Viafore seconded the motion. Motion carried.

**Adjourn:**

Supervisor Tuthill announced that Dale Downin, Code Officer will be drafting a letter to the Friends of Bramley Mountain Fire Tower that he will run past our town attorney making it clear that we need NYC to authorize them to act on their behalf before anyone can issue any permits or planning board can act on an action.

Councilmember Cairns made a motion to adjourn the meeting at 9:08pm, Councilmember Viafore seconded the motion. Motion carried.

Respectfully submitted,

*Elsa Schmitz*

Elsa Schmitz  
Town Clerk  
Town of Delhi