

**TOWN OF DELHI  
BOARD MEETING  
February 14, 2022  
7:00PM**

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

Those present:

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

Absent: Highway Superintendent Daren Evans

Residents: Rick Ackerly-PAC, Andy Cahill- Delaware River Solar, Allan Alwine – Dog Control Officer, John Kolodziej, Jackie Oliver

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

**Privilege of the Floor:**

Allan Alwine, Dog Control Officer stated he had researched salaries of neighboring towns and has found four town DCO's who earn substantially more than he earns. He had copies of the minutes of four different towns showing such. He then said we need to do something about that; he further stated that he receives numerous calls from the sheriff's department to respond to other towns for dog issues as the DCO is not responding or they don't have one and he is tired of it. Supervisor Tuthill said don't go; if you keep responding they won't get anyone. Alwine stated the last time it was due to an emergency and the ambulance wouldn't respond there because it was a dangerous dog attack. He went there along with the Delaware County Sheriff Department and the NYS Police. He further stated he received a call from Stamford today and he didn't respond. The amount of hours he puts in at night making phone calls, going to dog calls and other things; it's not worth it to him. Tuthill stated understood; to which Alwine stated, if we can't work out some solution, I'm done at the end of the month. Tuthill stated we can't change a salary now as we have already set the budget, this would have been helpful if you brought it to us in September or October. Alwine stated he didn't realize until he got calls from other towns with no DCO and then he did some research but that's the way the cards fell. Alwine then stated as of the end of the month; I'm done. Tuthill said ok, put in your written notice we will have to find somebody.

Jackie Oliver stated she was visiting again because of the playground; she knows there was some holdup and she has people interested in funding Phase 2. Supervisor Tuthill said we have to get Phase 1 off the ground first. Oliver stated she is trying to figure out the holdup with Phase 1. Tuthill stated we would be discussing it under "Old Business."

**Approval of January 10, 2022 Regular Board Meeting Minutes:**

Councilmember Krzyston made a motion to accept the January 10<sup>th</sup> board minutes as presented, with Councilmember Baldwin seconding. Motion carried.

**Old Business:**

Supervisor Tuthill stated he was going to try and make it as simple as he can make it; Parkitect's lawyer needs to contact Dave Merzig. Merzig has some legal questions and no one is calling him and when he has called there they have been too busy to talk to him. If we could get the two lawyers together, Tuthill believes we could have a contract and could move forward. We have taken care of all the other issues, it's just our

attorney has a couple of legal issues that he wants clarification on. Tuthill further stated the board has already authorized him to sign the contract so if their attorney would contact our attorney to answer the questions he will sign off on it and we will be good to go. Tuthill asked Councilmember Baldwin to reach out to them again; she verified it was Parkitect and not Sourcewell. Tuthill stated Parkitect would be fine. Baldwin will reach out.

Supervisor Tuthill announced the Committee appointments for 2022:

Highway/Machinery: Baldwin, Cairns

Personnel: Viafore, Baldwin

Health/Youth/Recreation: Viafore, Baldwin

Economic Development/Shared Services: Cairns, Krzyston

Buildings: Cairns, Krzyston

IT: Viafore, Krzyston

Code Enforcement: Cairns, Krzyston

Supervisor Tuthill announced to the board that the audits for fiscal year 2021 have been completed. Councilmember's Viafore and Baldwin audited the Justice Court, Town Clerk/Tax Collector and Bookkeeper as required. The clerk will forward a copy of the minutes to the State of New York Unified Court System. The councilmember's accepted all three audits.

Supervisor Tuthill presented the council with the 2021 budget amendments. A motion was made by Councilmember Baldwin to accept the amendments as presented with Councilmember Cairns seconding allowing the bookkeeper to close out 2021. Motion carried.

#### **New Business:**

Supervisor Tuthill announced that one bid had been received for the Pool Deck Extension from BH Decker, Inc. Tuthill opened the bid and stated the bid came in over the \$30,000 which was not surprising as costs are much higher; the bid presented was \$37,380. After discussion by the council Councilmember Viafore made the motion to allow Supervisor Tuthill to sign the contract with BH Decker upon the review of paperwork by the town attorney and the reference review by PAC. Motion seconded by Councilmember Baldwin. Motion carried. Baldwin asked where the money will come out of; Tuthill stated the pool savings account. The clerk will scan the paperwork to the town attorney tomorrow.

Andy Cahill, of Delaware River Solar discussed community solar and stated they have farms where they have solar panels and what the town does is become a member of that farm consequently you get solar power without ever having to have anything on our property. She stated they will be able to save the town 10% on the supply and delivery. It costs nothing to sign up and provided Supervisor Tuthill the contract. She went on to state she had been talking to Councilmember Viafore and had explained how the process works with them. She stated right now NYSE&G is charging something like 6.5 cents per kwh and American Power and Gas is charging 14 cents per KWH to the town. Tuthill doesn't even remember how the town got signed up with them. Cahill stated Delaware River Solar can't change the price per kwh because their price is tied directly to NYSE&G, so it will always be 10% less whatever NYSE&G is charging. We will save a lot more money. Cahill went on to say with the contract we will be signing, should we decide down the road to get solar panels if you give 60 days' notice you are out of the contract you can do anything you want. A motion was made by Councilmember to stop the service with American Power and Gas and go back to NYSE&G as our supplier. Councilmember Cairns seconded the motion. Motion carried. The clerk will contact NYSE&G and American Power and Gas to request the change. A motion was made by Councilmember Viafore to sign the contract with Delaware River Solar for their services. Motion seconded by Councilmember Cairns. Motion carried.

Supervisor Tuthill noted that the board had received the Annual Financial Report for 2021 from the Delhi Fire District.

Supervisor Tuthill stated he had been speaking with the Town Attorney Dave Merzig and one of the assessment challenge attorneys contacted Patrick Seely who represents Jones Hacker Murphy LLP; who did an assessment challenge for us three years ago. This attorney assumed we had hired them again. Patrick Seely spoke to our attorney stating the attorney for the other party is interested in making a proposal. Merzig would like permission to work with Seely's firm to see if we can settle this. Tuthill requested a motion to hire Patrick Seely of Jones, Hacker Murphy LLP for pending litigation. Tuthill further stated he believed the county would participate with us but the school seems to be balking. We may have to pay it all out of our pocket. Councilmember Viafore made the motion per the above request with Councilmember Cairns seconding the motion. Motion carried.

**Committee Reports:**

**Highway/Machinery:** Written report from Superintendent Evans provided to councilmembers. Evans stated with the continuation of the large construction project on the substation on Hamden Hill, Avangrid (NYSE&G) has requested more or less a bare road (roads that will match a state road) to do that requires the use of road salt which we don't use traditionally on our roads nor do we budget it. They have agreed to pay a one-time amount of \$5,000 to the Town of Delhi to purchase the road salt that will be needed to maintain Hamden Hill Road. Evans drafted a letter to Avangrid (a copy was attached to his report) stating the effect the use of road salt will have on the overall condition of Hamden Hill Road as the normal heavy truck traffic continues and he reminded them of the terms of the Ruse Use Agreement they signed prior to the construction project. Tuthill stated our attorney has looked at the letter and it does state that it will probably going to accelerate road damage so your expense at the end is going to be higher; Tuthill didn't want them coming back at the end and saying we didn't put the salt down you did. Councilmember Baldwin said it's in the Road Use Agreement in the first place; Tuthill and Evans said yes. Tuthill said we already have a bond and our attorney said with the letter and bond we are good.

Evans announced the Town of Delhi Highway Department specifically was graciously donated \$5,000 from the Helfgott-Renfroe Foundation, stating "thank you and the highway crew for keeping the Town roads safe and in good order. Please accept this donation for use as the Highway Department sees to use it." Evans would like to purchase a truck mounted sander to be placed in the bed of a pickup truck at the cost of \$5,000. Tuthill requested a motion accepting the donation for the highway department. Councilmember Cairns made the motion with Councilmember Viafore seconding. Motion carried. Councilmember Cairns then made the motion to allow Evans to purchase a small sander for the bed of the pickup. Councilmember Baldwin seconded the motion. Motion carried.

Evans and Tuthill discussed the '92 Oshkosh which had a front axle problem; they agreed to purchase a new axle. Evans stated it is all back together now but the mechanic found the bearings needed to be replaced. Should be back in service within the next couple of days. Evans then told the board the '07 Volvo needs a new fuel pump; it will need to be installed as we don't have the tools. The new trucks are now working fine after one had some issues. All other truck information is in his report.

Councilmember Baldwin told Evans nice job.

Supervisor Tuthill said we need to get a plan together to get the old equipment out of the playground. He asked Evans if his department might sometime in March might be able to do anything. Evans stated there were hopefully some options where whoever wanted them would take them out. Evans asked Baldwin if this was possibly going to happen. Councilmember Baldwin said Hamden is taking the one and there is still the other group (the private group) that has the ability to take it out. She then stated we would be putting it on the auction site (Auction's International); Tuthill said yes and they could bid on it there. Tuthill explained for another municipality we can donate the equipment but we cannot for private individuals or groups. Baldwin stated she did not have that capability. Evans stated he can work with her on it. Rick Ackerly of PAC stated he had several photos of the equipment. Baldwin asked questions regarding how the bidding worked on the site;

Evans discussed it with them. Tuthill stated he is frustrated as things could get done if Parkitect's attorney would contact our attorney. Baldwin will get on the situation and get it addressed.

Councilmember Cairns asked Evans if he had gotten numbers for the pad down at our Sherwoods property; Evans stated he had not brought that information but he did have numbers for it if they were to do it themselves although they will have to move a lot of things. Evans stated he will get other numbers for blacktop and grader patch. He will get the numbers to Tuthill tomorrow.

**Personnel: (Councilmember's Viafore & Baldwin):** Supervisor Tuthill stated they had already covered the audits. Councilmember Baldwin stated she was concerned about the DCO; Tuthill stated he does not like being given an ultimatum and the budget has been set for months. If we are going to play that game, Tuthill can find several town supervisors that make double than he makes. Tuthill will make some phone calls and we will find someone. Baldwin asked if we could talk the DCO out of it because of the budget situation; the board didn't feel so. Tuthill stated we cannot have people coming in two months into the year and pulling this type of behavior.

**Recreation/Health/Youth:** Councilmember Krzyston stated the manager of the ice rink is doing a good job; he is very conscientious. Krzyston further stated there are some problems with the property but they are the village's responsibility such as a broken door knob and water issues. Baldwin stated she wished to divert to PAC member Ackerly in case he has anything for recreation; Ackerly questioned what the issue was with PAC members having keys for the pool. Supervisor Tuthill said it's a town pool and it should be limited to basically the pool director, a key here for emergencies and probably a key for the PAC chair. Ackerly said his concern during the off season is he is the only one responsible and he is not the maintenance man for the pool and that seems to be happening. There are a lot of times that he keeps an eye on it and has had to be there frequently when the heaters went out. Tom Leo used to have a set and when he left it is just Ackerly; he asked that Will Outsen (PAC member) get a set and he has been having a hard time getting it. Tuthill said we are not giving out another set of keys; he is not insured, not an employee of the town. Tuthill further said it is the same thing with Ackerly, the town is taking its chance with him having keys. There are enough people monitoring and if there is an emergency we can get someone down there to get done what needs to be done. Ackerly understands but his only concern is if he is away and an alarm goes off on his phone; to which Councilmember Viafore stated she also monitors the alarms. Ackerly said well she doesn't have keys to which Tuthill said we have keys here the Clerk has them. Baldwin stated this is happening between the times that the recreation director is here, that's the real dilemma time to where Ackerly said Outsen has offered to help as the town can't just leave him to handle it all. Tuthill said that's why we are trying to give the pool back to the village. Baldwin thanked Ackerly for his work all hours of the day and night.

**Economic Development/Shared Services:** Councilmember Krzyston stated they had a meeting last week with the two representatives from the village they discussed a handful of issues, some are led by the village and some by us. The village is working on a project with SUNY and will be putting gazebos in different areas, the students will be building them although none will be outside the village. They did discuss the idea of transferring the pool and the playground; there are questions involved around money and in a nut shell Krzyston told them it's a turnkey operation and the town would still be collecting money but the village would own it and be responsible for managing it. The two representatives from the village listened and one stated it should have never been the Town's and the other said they want to learn more about what the capacity of the village really is to manage it before they came up with their recommendation to the Village council. The Village council meets on February 28<sup>th</sup> and Krzyston believes it will be discussed at that meeting. Krzyston said they asked if it included the playground to which he told them yes.

Councilmember Krzyston further stated that Councilmember Cairns had to get off the call but Krzyston announced he talked about an idea that he is an advocate of which has to do with a new highway garage. He is talking about it openly to try and one of his incentives to this is that municipalities should not be in the real

estate owning business. He wanted to share just the basic things that he believes are useful to know; the town occupies 1.3 acres of village real estate where our current highway garage is and the building is  $\frac{3}{4}$  an acre of that the rest is outdoor storage. We also own  $3\frac{1}{2}$  acres on Sherwoods and about 2 of that (less than 2) is used or useful, the rest is riverbank type property. So that adds up to 5ish acres that we are using; Sherwoods is not village but it's sort of village. The village highway occupies  $2\frac{1}{2}$  acres in the village also a  $\frac{1}{4}$  acre building and the rest is vacant for outdoor storage. When you add it all together out of all the property we use (the two municipalities) it adds up to 5 acres. Krzyston believes there is an option on village owned property, they own 48 acres at the wastewater treatment plant; 14 acres are usable. Three of those acres are occupied already, the firing range occupies an acre and they built a new highway garage there two or three years ago. If there were no issues permitting or stuff that is buried in the ground; it looks like there is 10 acres of usable land down there. Krzyston wants to investigate it further as we have prime real estate in Delhi that is being used for trucks and storage which could be located on other tax exempt property that's already down there. He spoke to the village officials about it and they understand the logic of it and they are not saying that property is buildable but they are saying it's something we should consider an option. The other reason Krzyston thinks it makes sense is because we have to make a major improvement (the roof) and it's going to be expensive and maybe this is the time to get aggressive about it. Tuthill added it is a pole barn which lasts 40-60 years depending on conditions and is something to consider. Krzyston added his original vision was that there is no storage for highway for village and town in the village but he understands now after speaking with Evans that's not logical. There is certain equipment and supplies that should remain centrally located in the village because of how they are used. You can't drive a skid steer back and forth to the wastewater treatment plant as it's not safe. Krzyston's original vision of just vacating all these current properties does not hold water but it could be significantly reduced. He wanted to bring this up as he feels it is worth seriously considering although he has no ideas on other locations.

Councilmember Cairns stated they discussed the future for EMS in Delhi. There have been a couple of attempts at moving things forward that don't appear to have been successful. They agreed as a shared services committee what we would like to do instead of the both municipalities trying to do something on their own they would like for the shared services committee to have both of their board's approvals to engage with the fire district. That gives us the best opportunity he believes to represent the entire fire district. Supervisor Tuthill felt this was a good idea. A motion was made by Councilmember Baldwin to have the shared services committee of the town and village work together on the EMS issue. Councilmember Viafore seconded the motion. Motion carried. Councilmember Cairns informed the board he had attended the fire districts meeting in February and he told them this was the way we were leaning from a shared services prospective and they seemed quite agreeable to it.

**Buildings:** Councilmember Cairns stated we going to have to make a decision sooner than later as he came here tonight thinking it was time to reengage with Mike O'Reilly of Principle Design to get those bids out there for the highway roof before everyone gets booked for the year. Tuthill said it was a good question as we don't want to put a bunch of money in the roof and then decide to relocate the building either, but it doesn't cost us anything to put it out to bid. Tuthill told Cairns to move forward and get bids so we know what it's going to cost. In the meantime Krzyston can poke around down at the wastewater treatment plant area and see what he digs up. Councilmember Baldwin asked Evans how long he believes the roof can hold up; he stated it is leaking pretty steady for at least 3 years. It is hard to tell where it leaks from also he said. Tuthill added the roof was nailed on the ridges the problem is they used rubber washers that overtime have disintegrated. A motion was made by Councilmember Cairns to put it out to bid with Councilmember Krzyston seconding. Motion carried.

Councilmember Krzyston informed the board they ordered the lights to replace the existing lights to LEDs; they installed one just to make sure it was what we were hoping it would be. The students are

not available to do it for another few weeks.

**IT:** Councilmember Viafore stated she had had the onboarding Friday for Nixle, she is now going through and making sure she understands how everything works. There are three types of messaging that can be sent out through Nixle; an alert message that goes out to all the points of contact (people who are in the group) an advisory which would only go to email (if an email address was entered) and then a community alert which would only go to email. The way Nixle works is every time someone gets called or texted it takes away from our 500,000 limit that we have. As we go through there are prompts as to what's an alert, what's an advisory, what's community. Viafore put herself in a group just to test it and sent herself a community message and it worked. There are a couple of things she is trying to figure out; so if we do a voice mail she needs to figure it out if it needs to have a delay so the message doesn't get cut off. Other people can have users, she felt Elsa (Town Clerk) should have a user account. Viafore will forward her the recording that Nixle recorded during her onboarding session as it goes through everything. We also paid for them to upload to the Nixle dial group all the phone numbers in the 13753 zip code; they are already in there as such we could push out a message (it would only be to phones), she believes the number is 2,500 people. We have a Nixle wire group that is all the people who have already signed up for Nixle by the zip code. She further stated anyone can go to the Nixle website and put in their zip code and see what towns/municipalities have this system. Delhi has not had it now we do so those 37 people are already in that group; she can see 10 had emails, 9 had mobiles, as it breaks it up although she cannot see who those people are as it protects their privacy. If we set up a group ourselves (like a Town of Delhi one) we can see partially those who opt in to get messages. Viafore has not had a chance to go through the many things they offer so we can get the word out to people. Supervisor Tuthill said once we are familiar with it we can get the word out to people so they can sign up. Councilmember Baldwin was mostly concerned with the older people as to how they will figure out how they should opt in and how to do it. Viafore said that's where the Nixle dial group comes in as that has everyone, so you don't have to opt in to anything. Viafore assumes they only have landlines and not cell numbers; that you would have to add yourself.

Councilmember Baldwin asked Councilmember Viafore if there was any update on the heat pump campaign; Viafore said she submitted the letter NYSEDA and she has not heard back that we are approved. She did attend a webinar as to when we do get approved how to move forward getting people signed up. There is another webinar in April and she is hoping there will be one sooner than that.

**Codes:** Councilmember Cairns stated in January: one building permit issued, twelve inspections / meetings, five in-office conferences, two c/o letters, two c/c letters, one closed demo permit and he drove 174 miles.

#### **CODES Monthly Report:**

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

#### **Justice Court Report:**

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

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

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

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

Supervisor Tuthill presented the board with the December 2021 Financial Report. Councilmember

Baldwin made the motion to approve the report with Councilmember Cairns seconding. Motion carried. Tuthill further stated the “year-end” report would be submitted next month as the board just approved the amendments.

**Supervisor’s County Report:**

Supervisor Tuthill stated they are still finishing the paperwork on the mental health building, they are getting closer then there will be a couple of issues outside to be addressed. Councilmember Baldwin questioned if they were tearing down the house on Main Street that had the fire. Tuthill said yes it is not salvageable. He went on to say the weather has not been cooperating with the building on Main and Page. Councilmember Krzyston asked Tuthill what will be in there; Tuthill stated the DPW offices and County Planning along with storage. There will be parking behind the Wickham’s building. Councilmember Krzyston questioned if there was any news on the highway buildings. Tuthill said right now they can’t even get the engineering plans done, they will not start until late fall and possibly not till 2023. If all goes well they may be completed in 2023. The sites are shut down for the winter.

Councilmember Krzyston announced he received a message from Ann Roberti of the fire tower and she told him they have made a lot of progress. He then said they are close to their funding goal; Tuthill asked are their funding goals matching his funding goals. Krzyston said they are optimistic that something can happen in 2022.

**Abstracts:**

Councilmember Cairns made the motion to approve Abstract #002 – 2022 accounts A – SF Voucher No. 0026 – 0067 equaling \$65,146.64 , account TA No. 0054 – 0056 equaling \$12,828.57. Total vouchers presented equaled \$77,975.21. Councilmember Viafore seconded the motion. Motion carried.

**Adjourn:**

Councilmember Krzyston made a motion to adjourn the meeting at 8:20pm, Councilmember Viafore seconded the motion. Motion carried.

Respectfully submitted,



Elsa Schmitz  
Town Clerk  
Town of Delhi