

**TOWN OF DELHI  
BOARD MEETING  
February 12, 2024  
5:44PM**

Supervisor Boukai called the meeting to order at 5:44pm.

Those present:

Councilmember's: Margaret Baldwin, Josh Morgan, Matt Krzyston, Christina Viafore

Highway Superintendent Daren Evans

Residents: Jim Smart, Mat Burkert

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

**Approval of January 8, 2024 Meeting Minutes:**

Councilmember Krzyston made the motion to approve the January 8, 2024 meeting minutes as presented, Councilmember Morgan seconded the motion. Motion carried.

**Old Business:**

Supervisor Boukai stated that the RS 2417-A Standard Workday Resolution would be tabled until the March meeting.

Supervisor Boukai requested a motion to approve Resolution No. 002 of 2024 – Delaware County – Governmental Immunity of Local Regulations for the Fire Tower. Councilmember Krzyston made the motion to accept the resolution as presented with Councilmember Viafore seconding. Resolution as follows with roll call:

**Town of Delhi  
Resolution No. # 002 of 2024  
February 12, 2024**

***RE:** Governmental Immunity from compliance with Town of Delhi local regulations for the reconstruction of the Fire Observation Tower on the New York City-owned Bramley Mountain property located on Glen Burnie Road in the Town of Delhi.*

**WHEREAS**, Delaware County is seeking to partner with the Friend's Of Bramley Mountain Fire Tower to restore and erect the historic Bramley Mountain fire tower to its original location; and,

**WHEREAS**, on July 26, 2023 the Delaware County Board of Supervisors passed Resolution #135 authorizing the County to take the lead role in the implementation of, and responsibility for, the Bramley Mountain fire tower project; and,

**WHEREAS**, in the effectuation of this Resolution the County has or is taking the following steps:

- Delaware County has applied to the New York City Department of Environmental Protection (NYC DEP) for a Land Use permit to secure the use of roughly 1,600 square feet of land at the summit of Bramley Mountain on which the restored fire tower will be erected,
- Delaware County has entered into a 50-year lease for the fire tower structure.
- Delaware County has entered into a memorandum of understanding with the Friends of Bramley Mountain Fire Tower, Inc for the maintenance of the fire tower and operation of the tower in respect to visitation and use by the public,

- Delaware County has committed to the decommissioning and removal of the fire tower if and when it may become necessary, and
- Delaware County added the fire tower and its use to the County’s liability insurance policy, and has made provisions to name the Town of Delhi as an additional insured member, in perpetuity for the duration that the County manages the tower under its liability insurance policy.

**WHEREAS**, Delaware County is requesting governmental immunity from the Town of Delhi local regulations pertaining to site plan review and zoning for the purpose of expediting the approval of the Land Use Permit by the NYC DEP so that the fire tower will be installed and open to the public in 2024; and,

**WHEREAS**, the Town of Delhi Town Council has completed the New York State tests for balancing of public interests for the granting of governmental immunity; and,

**WHEREAS**, the Town of Delhi Town Council has held a public hearing to solicit the input of the local community in regards to the Bramley Mountain Fire Tower; and,

**WHEREAS**, the findings are listed at the end of this resolution.

**NOW THEREFORE BE IT RESOLVED**, the Town of Delhi Town Council determines that strict compliance with the Town site plan and zoning ordinances would negatively impact the undertaking of the proposed project.

**BE IT FURTHER RESOLVED**, the Town of Delhi grants governmental immunity to Delaware County for the purpose of proceeding with the Bramley Mountain Fire Tower project.

**Decision of the Town of Delhi Town Council, Resolution No. # 002 of 2024  
February 12, 2024**

Approved:   X      Disapproved: \_\_\_\_\_

	Aye	Nay
Maya Boukai, Supervisor	<u>  X  </u>	_____
Josh Morgan, Town Council Member	<u>  X  </u>	_____
Christina Viafore, Town Council Member	<u>  X  </u>	_____
Matthew Krzyston, Town Council Member	<u>  X  </u>	_____
Margaret Baldwin, Town Council Member	<u>  X  </u>	_____

The Town of Delhi Town Council’s evaluation of the proscribed factors for the granting of governmental immunity regarding the Bramley Mountain Fire Tower is summarized as follows:

1. The instrumentality seeking immunity is the County of Delaware. Delaware County is a municipal corporation or subdivision of New York State, with geographical jurisdiction, an elected, governing legislature, and the fiscal capacity to provide a wide range of services to its residents. Due to the project’s intermunicipal partnerships, specifically the Land Use permit for the tower location and requirements thereof, Delaware County is the most suitable municipal entity to undertake the project.
2. The County of Delaware’s legislative authority has been granted through New York State upon the incorporation of Delaware County in 1797. In regards to this project, on July 26,2023 the Delaware County Board of Supervisors passed Resolution #135 authorizing the County to take the lead role in the implementation of, and responsibility for, the Bramley Mountain fire tower project. Through this resolution Delaware County has taken the following actions to implement the project:

- Delaware County has applied to the New York City Department of Environmental Protection (NYC DEP) for a Land Use permit to secure the use of roughly 1,600 square feet of land at the summit of Bramley Mountain on which the restored fire tower will be erected,
  - Delaware County has entered into a 50-year lease for the fire tower structure,
  - Delaware County has entered into a memorandum of understanding with the Friends of Bramley Mountain Fire Tower, Inc for the maintenance of the fire tower and operation of the tower in respect to visitation and use by the public,
  - Delaware County has committed to the decommissioning and removal of the fire tower if and when it may become necessary, and
  - Delaware County added the fire tower and its use to the County's liability insurance policy, and has made provisions to name the Town of Delhi as an additional insured under its liability insurance policy.
3. The proposed land use is the restoration of the fire tower that was decommissioned by the NYS Department of Environmental Conservation in 1970 and removed in 1975. Tourism has become an increasingly important component of the local economy and is primarily focused upon outdoor recreation. The addition and improvement of outdoor recreational assets is a key component of local and County plans to further develop the tourism industry.
  4. The proposed project requires the cooperation and involvement of a number of entities including Delaware County, New York City and the Department of Environmental Protection, and likely, other State regulatory bodies, requiring multiple steps and conflicting timeframes/processes. The granting of governmental immunity would facilitate the completion of the steps and processes to ensure the project can be initiated and completed on a timely basis. Through the grant of governmental immunity, Delaware County will be able to more expediently finalize the terms and conditions of the Land Use permit, with the intention to be able to complete the reconstruction of the fire tower in the spring of 2024, so that it will be ready for public use at the onset of our local hiking and tourism season.
  5. The project location is not the cause for seeking governmental immunity and an alternate location would not ease the zoning restriction impacting the project. Furthermore, this project will restore the fire tower to its historic location. Alternative locations will not accomplish the full intent of the project, neither historically nor recreationally.
  6. The impact upon legitimate local interests has been evaluated through a large expression of public support for the project over the last several years. The project has involved a great deal of fundraising and has garnered public support as expressed in local meetings and published articles. To date, the project has raised over \$170,000, primarily through 296 donations from mostly local residents and businesses. The Friends of Bramley Mountain Fire Tower have 260 subscribers to their email list, over 800 followers on Facebook and 381 on Instagram.
  7. The opportunity to restore the Bramley Mountain Fire Tower as a feature of the Bramley Mountain Hiking trail is limited to the original site of the Tower. In order to maintain the authenticity and historic character of the Bramley Mountain Fire Tower and its original viewshed, it is critically important for the tower to be restored at its original location. The intent of the project is to provide the same unique and historic view scape as the original tower at the summit of Bramley Mountain. There are no other hiking trails with similar summit attributes in the Town of Delhi.

8. The public interest is served in several ways by this project. It provides both historical and recreational opportunities, while continuing to utilize NYCDEP-owned lands to support outdoor recreation and tourism. As previously cited, tourism has become an increasingly important component of the local economy and is primarily focused upon outdoor recreation. The addition and improvement of outdoor recreational assets is a key component of local and County plans to further develop the tourism industry.

In recognition of this, Delaware County has committed \$50,000 to support this project through funds from the County's Occupancy Tax and American Rescue Plan Funds. The funding committed to this project was recommended by two separate boards, the Tourism Advisory Board and the ARPA Committee, made up of tourism related professionals and municipal officials, respectively. This funding was formally approved by the Delaware County Board of Supervisors, in recognition of the potential benefits to the local community and tourism. The importance of tourism to the local economy is further endorsed in the Town's comprehensive plan which calls for "[promoting] tourism as a significant regional economic driver".

Further at the Town level, the Town and Village of Delhi joint comprehensive plan articulates within its vision statement the desire to "provide a variety of recreational activities and facilities for residents and tourists of all ages: improved parks, walking, hiking, and biking trails, river access points and community gathering areas". The Town approved Comp plan also recommends that the Town work with the NYCDEP to expand access to protected lands for recreational use, as well as preserving historic resources including buildings, places, views, and stone walls which represent distinctive elements of our historic, architectural and cultural heritage for the economic, cultural and educational benefit of the community.

9. This project entails multiple levels of intergovernmental participation and cooperation. Both the County Board of Supervisors and the Delhi Town Council have received informative presentations specific to the project, affording community members multiple opportunities to express their support for the project, as well as to have concerns appropriately addressed. The Town of Delhi has held a public hearing on this matter to solicit public input. Additionally, the local community has already spoken multiple times over the last several years as evidenced by continued public support, financial donations for the project and interest in "following" the Bramley Mountain Fire Tower through its social media outlets and mailing list.

Supervisor Boukai requested a motion to approve Resolution No. 001 of 2024 –Residency Requirements for Deputy Highway Superintendent. Councilmember Baldwin made the motion to accept the resolution as presented with Councilmember Morgan seconding. Resolution as follows with roll call:

**RESOLUTION NO. 001 of 2024**

**Town of Delhi**

**Residency Requirements For Deputy Highway Superintendent**

**WHEREAS** the Town of Delhi, Delaware County has determined that in order to maximize the number of qualified persons to fill the position of Deputy Highway Superintendent in the Town, it should extend the area where such a candidate may reside beyond the boundaries of the Town; and

**WHEREAS**, it is also the intention of the Town, however, that any person holding that position should be available at the Town Garage within a short period of time, at any time, in order to be able to quickly respond to or address any situation that might arise requiring such attention; and

**WHEREAS**, it has been determined that in order to appropriately address those needs, it is proposed that a local law be enacted that would require that any person holding the position of Deputy Highway Superintendent reside within a fifteen (15) mile radius of the Town Highway Garage;

**Now therefore be it resolved that** the proposed local law as set forth below, be adopted and approved by this Board.

**I SO MOVE.**

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

	Aye	Nay	Absent
Supervisor Boukai	<u>  X  </u>	_____	_____
Councilmember Krzyston	<u>  X  </u>	_____	_____
Councilmember Morgan	<u>  X  </u>	_____	_____
Councilmember Viafore	<u>  X  </u>	_____	_____
Councilmember Baldwin	<u>  X  </u>	_____	_____

With Resolution No. 001 of 2024 carried Supervisor Boukai requested a motion to accept Local Law No. 001 of 2024 Local Law to Amend Local Law No. 001 of 2020 Entitled “A Local Law to Establish the Residency Requirements for Deputy Highway Superintendent.” A motion was made by Councilmember Krzyston to adopt Local Law No. 001 of 2024 with Councilmember Baldwin seconding. Local Law No. 001 of 2024 as follows with roll call:

**TOWN OF DELHI  
LOCAL LAW #001 OF 2024**

**A LOCAL LAW TO AMEND LOCAL LAW #001 OF 2020 ENTITLED  
“A LOCAL LAW TO ESTABLISH  
THE RESIDENCY REQUIREMENTS  
FOR DEPUTY HIGHWAY SUPERINTENDENT”**

Be it enacted by the Town Board of the Town of Delhi as follows:

**Section 1.** This is a local law to amend the residency requirements for the appointed position of Deputy Highway Superintendent.

**Section 2.** Local Law #001 of 2020 entitled, “A Local Law To Establish The Residency Requirements For Deputy Highway Superintendent” is hereby repealed in its entirety and is replaced with the following provision:

**Section 3.** The position of Town Deputy Highway Superintendent may be filled either by a resident of the Town of Delhi, or by any other eligible person who may reside within a fifteen (15) mile radius of the Town of Delhi Highway Garage.

**Section 4.** If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 5.** This local law is adopted pursuant to Municipal Home Rule Law, §10[1][ii][a][1] that grants to local governments the authority to enact local laws regarding the qualifications of local officers, and the provisions of Municipal Home Rule Law §10 (d)(3) that grants to Towns the power to enact local laws which may override the provisions of Town Law with regard to governance matters.

**Section 5.** This local law shall take effect upon filing in the office of the Secretary of State.

ROLL CALL  
February 12, 2024

	AYE	NAY	ABSENT
Maya Boukai, Town Supervisor	<u>X</u>		
Josh Morgan, Councilmember	<u>X</u>		
Margaret Baldwin, Councilmember	<u>X</u>		
Matthew Krzyston, Councilmember	<u>X</u>		
Christina Viafore, Councilmember	<u>X</u>		

Local Law No. 001 of 2024 will be filed with the state by the clerk.

Supervisor Boukai stated regarding the travel policy it will be put on hold as there are other updates we will be working on. Councilmember Baldwin stated these will be shared as they discuss them.

Supervisor Boukai explained Resolution No. 004 of 2024 which is to invest funds with NYCLASS. Councilmember Morgan questioned the amount to invest; Boukai stated she had sent information to the board regarding what was invested. The bookkeeper will be giving numbers of what will be appropriate to invest at a later date. Boukai wants to get this rolling this week because of timing. Morgan stated he liked NYCLASS but he also liked keeping investments local too. Boukai said the three-month CD's are just under 5% but they don't pay out the interest until after the CD term where this is a day later; it really does make a difference. Morgan stated after doing research he does feel more comfortable with NYCLASS; Boukai added we will be mindful of what gets invested. She has already let the bank know she wants a weekly interest rate email, as the rates start to converge, we can relocate. The nice thing about NYCLASS is we can take the money out and the next day have it in a CD. We just need to not put all the money in a CD at one time. She stated we put money in last Friday and we would want to wait a minimum of two weeks to invest more monies so that we are not tying everything up all at one time. Councilmember Baldwin questioned if the town attorney accepted it or if he just stated the legal-eez was correct; Boukai said yes. Baldwin didn't know how to accept the resolution as we don't know how much money we are setting aside, as that will determine whether she says ok or not. Councilmember Krzyston said I think this is we are agreeing to participate in it; Boukai said it's like designating a bank at like Wayne or whatever it's just opening an account. Krzyston then stated he believes it's up to the Supervisor to determine, we can weigh in and give our opinion, but the supervisor is really the one on the hook. Supervisor Boukai stated the bookkeeper gave her preliminary numbers based on the middle of January funds but with the collection of property taxes it will change; she can put them side by side for a comparison too. And we can also do what the village did; move slow until everyone feels comfortable with it. Morgan agreed with starting slow. Krzyston said what are you thinking \$10,000, 50,000 or 100,000 to which Boukai said based on what's in the bank now I was thinking a half million was conservative. She went on to

say I think we have about 3 million that could technically be allocated, with that being said she is waiting another ten days so we can do another CD with DNBD or another few CD's. Boukai further stated she can send reports as to what's going on with everything, we just have to keep the funds separate in NYCLASS. Money's will have to stay within those allocations. Morgan added it's on you to Boukai.

Councilmember Krzyston made the motion to accept Resolution No. 004 of 2024 – NYCLASS Municipal Cooperation with Councilmember Viafore seconding. Resolution as follows with roll call:

**RESOLUTION NO. 004 of 2024**  
**Town of Delhi**  
**Municipal Cooperation Resolution**

**WHEREAS**, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties **on a cooperative or contract basis**;

**WHEREAS** the Town of Delhi wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019;

**WHEREAS** the Town of Delhi wishes to satisfy the safety and liquidity needs of their funds; Now, therefore, it is hereby resolved as follows: That Maya Boukai, Meg Hungerford of the Town of Delhi is/are hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019.

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

	Aye	Nay	Absent
Supervisor Boukai	<u>  X  </u>	_____	
Councilmember Krzyston	<u>  X  </u>	_____	
Councilmember Morgan	<u>  X  </u>	_____	
Councilmember Viafore	<u>  X  </u>	_____	
Councilmember Baldwin	<u>  X  </u>	_____	

Councilmember Baldwin wanted it noted she is very nervous about this.

**New Business:**

Councilmember Krzyston requested to give the floor to Glen Nealis; Nealis explained historically the town has allowed the St. Patrick's Day Parade pipe bands that travel in to us the bathrooms and parking area. Nealis requested that they be allowed to use the facilities again this year March 23<sup>rd</sup> from 11:00am to 12:00pm. Councilmember Krzyston stated he unlocks and locks up after the band. Supervisor Boukai stated she would get back to him after she speaks to the town attorney. Nealis stated insurance would be covered through the parade policy which is through the Village of Delhi. Councilmember Morgan questioned if we could do a motion tentatively with Merzig's approval. Councilmember Krzyston made the motion as long as there are no insurance issues we allow the pipe bands to use our restroom and parking area. Councilmember Morgan seconded the motion. Motion carried tentatively.

Councilmember Baldwin questioned Supervisor Boukai on the NYCLASS. She asked if Boukai would confer with the bookkeeper and get a good idea together. Boukai answered yes, she has given her preliminary numbers and they will go over new numbers based on the property tax deposits.

Supervisor Boukai announced the following appointments, and the following was voted upon:

- Dusty White as CPO at \$3,500 for the months May through September. Councilmember Viafore made the motion to accept the appointment with Councilmember Krzyston seconding. Motion carried.

- For the Planning Board appointments: Mercedes Newkirk and Sal Grasso – Councilmember Viafore made the motion to approve the appointments with Councilmember Baldwin seconding. Motion carried.
- For the ZBA appointment: Dave Rama Jr. – Councilmember Viafore made the motion to approve the appointment with Councilmember Baldwin seconding. Motion carried.

Supervisor Boukai brought forth Resolution No. 005 of 2024 - Request for Proclamation, should any residents want to request a proclamation. Councilmember Baldwin questioned why, just because our position is to represent all town residents what kind of proclamations are we talking about? Supervisor Boukai stated this is just a procedure if someone wants a proclamation, so we are not with our back in the corner like we were last year; with no procedures or parameters. Boukai explained this requires 50 signatures so it's not like they can just come up with something and bring it upon themselves just as one person, they need to involve the community with it. Councilmember Baldwin stated we talk about opening up the door to all sorts of proclamations, she thinks it dilutes that we are here to represent everybody and if it's covered by the state or whatever of what the proclamations say we don't need to address it again because it's already coming from the state. Boukai said I understand but I think the problem is the cat was out of the bag last year so it already set that precedent. If someone comes this year and wants to do the same thing and we are like no, we are setting a really poor standard. This will at least put parameters on it and the burden is on the person requesting it. Councilmember Krzyston stated he didn't think it dilutes what we do, he felt that having a procedure is required not whether or not we should do proclamations. We plow roads we run the pool but if we can make people feel recognized or valued and its not hurting anybody or offending groups of people, I don't think it dilutes what we are. Further he believed the language that is in there protects us from having to celebrate things that are not worth celebrating. Boukai added that at least it requires a few people to acknowledge that's what they want. Krzyston added he would like the board to do what they can for the community, and this is one small thing we can do. Councilmember Krzyston made the motion that we approve Resolution No. 005 of 2024 Procedure from Proclamation Request with Councilmember Viafore seconding. Resolution and roll call as follows.

**RESOLUTION NO. 005 of 2024**  
**TOWN OF DELHI**  
 Request for Proclamation

Proclamations are ceremonial documents signed by the Town Supervisor and issued for public awareness, charitable events, and other special honors with the goal of honoring and celebrating events and increasing awareness of noteworthy issues among citizens. The Town will not recognize any group whose policies or aims advocate violence, hatred or any other position contrary to the wellbeing of the citizens of Delhi, or the quality of life in Delhi. These public service documents are strictly honorary and are not legally binding.

1. Request should be submitted to Town Clerk's office at least 30 days before it is needed to ensure enough time for review.
2. Request must include draft language for proclamation.
3. Request must include petition with 50 signatures of Town residents who are registered voters (half of whom voted in previous town election). A list can be requested through the Delaware County Board of Elections by calling (607) 832-5321.
4. Proclamations are not automatically renewed.

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Address in Delhi, NY: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Date, Week, or Month when the proclamation is needed: \_\_\_\_\_

Title of Proclamation: \_\_\_\_\_

Brief summary and/or background of the event, organization, or individual: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please attach to this form:

1. Draft of the proclamation
2. Petition with at least 50 signatures before submitting.

Return completed form to the Town Clerk’s Office, 5 Elm Street, Delhi, NY 13753

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

	Aye	Nay	Absent
Supervisor Boukai	<u>  X  </u>	_____	
Councilmember Krzyston	<u>  X  </u>	_____	
Councilmember Morgan	<u>  X  </u>	_____	
Councilmember Viafore	<u>  X  </u>	_____	
Councilmember Baldwin	<u>  X  </u>	_____	

The proclamation must be brought forth to the board for approval.

Supervisor Boukai announced that Councilmember Viafore and Councilmember Baldwin of the Personnel Committee along with herself did audits for the following: Town Justice, Town Clerk/Tax Collector and Bookkeeper for fiscal year 2023. Councilmember Baldwin stated we are in good shape and what they all do keeping track and recording is great.

Supervisor Boukai announced that Highway Superintendent Evans has provided the board with the 2024 Expenditures of Highway Moneys; Evans gave an explanation of the agreement stating its basically everything that has been budgeted in this year; the set projects that will be reimbursed through the funding of the CHIPS moneys and stated separately the funds from our general highway for the oil and stoning of the set roads that will be completed this year that directly follows our extended five year plan. This agreement is required every year by the county to file the report with them to show where the monies are being spent. Councilmember Baldwin questioned the agreement, Evans stated it’s basically a plan to show the county. Councilmember Viafore made the motion to approve Evan’s 2024 Agreement for the Expenditures of Highway Moneys with Councilmember Baldwin seconding. Motion carried with Boukai and the board signing the documents which are to be sent to Delaware County DPW.

Supervisor Boukai stated the town had received the 2023 Fire District Annual Financial Report. Councilmember Krzyston made a motion to accept the report with Councilmember Viafore seconding. Motion carried.

Supervisor Boukai brought forth Resolution No. 003 of 2024 Resolution Authorizing the Chief Executive Officer to Sign a Contract for Shared Highway Services on Behalf of the Town of Delhi. She explained this was basically renewing a contract that expired in 2021 and we are adding two different towns Stamford and Harpersfield to the agreement. The dates and the addition are the only changes made. Evans explained the process of the agreement. Boukai stated we have been doing this with the surrounding towns already. Councilmember Baldwin made the motion to approve the resolution with Councilmember Morgan seconding. Resolution and roll call as follows:

TOWN OF DELHI  
Resolution # 003-2024

**RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO SIGN A  
CONTRACT FOR SHARED HIGHWAY SERVICES ON BEHALF OF THE TOWN OF  
DELHI.**

At the Regular meeting of the Board of the Town of Delhi duly held at the Town Hall, 5 Elm Street, Delhi NY on the 12<sup>th</sup> day of February 2024.

Present:	Maya Boukai	Town Supervisor
	Christina Viafore	Councilman
	Margaret Baldwin	Councilman
	Josh Morgan	Councilman
	Matthew Krzyston	Councilman

The following resolution was offered for adoption by Councilmember Viafore, which resolution was seconded by Councilmember Baldwin.

WHEREAS, Resolution #002 of 2016 has expired in 2021, it has been determined the resolution has been reviewed and shall remain in effect and shall expire five years from the date of this signing.

**Resolution** Authorizing the Town Supervisor to sign a contract on behalf of the Town of Delhi to permit the Town Superintendent of Highways to share services with the Highway Department Head in other municipalities who possess similar authorization for borrowing or lending of materials and supplies and the exchanging, leasing, renting or maintaining of machinery and equipment, including the operators thereof, for the purpose of aiding the Town Superintendent of Highways in the in the performance of his duties.

WHEREAS all municipalities, including the Town of Delhi have power and authority to contract for the purpose of renting, leasing, exchanging, borrowing, or maintaining of machinery and equipment, with or without operators, with other municipalities, and;

WHEREAS, all municipalities, including the Town of Delhi, have power and authority to borrow or lend materials and supplies to other municipalities, and;

WHEREAS, it is hereby determined that the Town of Delhi and other municipalities have machinery and equipment which is not used during certain periods, and;

WHEREAS, it is determined that the Town of Delhi and other municipalities often have materials and supplies on hand which are not immediately needed, and;

WHEREAS, it is hereby determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending of materials and supplies, the Town of Delhi and other municipalities may avoid the necessity of purchasing certain needed Highway machinery and equipment and the purchasing of or storing a large inventory of certain extra materials and supplies, thereby saving the taxpayers money, and;

WHEREAS, it is recognized and determined, from a practical working arrangement, that no program or borrowing, exchanging, leasing, renting or maintaining of Highway machinery and equipment or borrowing or lending of materials can be successful if each individual arrangement or agreement has to receive prior approval by the Board of the Town of Delhi and the governing board of each of the other municipalities which may be parties to such agreements, since such agreements must often be made on short notice and at times when governing boards are not in session, and;

WHEREAS, it is incumbent upon each municipality to design a simple method whereby materials and supplies, equipment, and machinery, including the operators thereof, may be obtained or maintained with a minimum of paperwork and inconvenience and with swift approval process, and;

WHEREAS, it is the intent of the Town of Delhi to give the Town Superintendent of Highways the authority to enter into renting, exchanging, borrowing, lending or maintaining arrangements with persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the Board of the Town of Delhi prior to the making of each individual arrangements, and;

WHEREAS, a standard contract has been prepared which is expected to be adopted and placed into effect in other municipalities, and will grant the person holding the position comparable to that of Town Superintendent of Highways, authority to make similar arrangements, and;

WHEREAS, it is hereby determined that it will be in the best interest of the Town of Delhi to be a party to such shared services arrangements:

NOW, THEREFORE BE IT RESOLVED, that the Town Supervisor is hereby authorized to sign on behalf of the Town of Delhi, the following contract:

1. For purposes of this contract, the following terms shall be defined as follows:
  - A. "Municipality" shall mean any City, County, Town, or Village which has agreed to be bound by a contract for shared services or equipment similar in terms and effect with the contract set forth herein, and has filed a copy of said contract with the Clerk of the undersigned City, County, Town, or Village.
  - B. "Contract" shall mean the text of this agreement which is similar in terms and effect with comparable agreements, notwithstanding that each such contract is signed only by the Mayor/Town Supervisor of each participating municipality filing the same, and upon such filing each filing municipality accepts the terms of the contract to the same degree and effect as if each Chief Executive Officer has signed each individual contract.
  - C. "Shared Services" shall mean any service provided by one municipality for another municipality that is consistent with the purposes and intent of this contract and shall include but not be limited to:
    - I. The renting, exchanging, or lending of Highway machinery, tools and equipment, with or without operators;
    - II. The borrowing or lending of supplies between municipalities on a temporary basis conditioned upon the replacement of such supplies or conditioned upon the obtaining of equal value through the provision of a service by the borrower, or by the lending of equipment by the borrower, the value of which is equal to the borrowed supplies;
    - III. The providing of a specific service for another municipality, conditioned on such other municipality providing a similar service, or a service of equal value, in exchange;
    - IV. The maintenance of machinery or equipment by a municipality for other municipalities.
  - D. "Superintendent" shall mean, in the case of a City, the Head of the of Public Department Works; in the case of a County, the County Superintendent of Highways, or the person having the power and authority to perform the duties generally performed by County Superintendents

of Highways; in the case of a Town, the Town Superintendent of Highways and in the case of a Village, the Superintendent of Public Works.

2. The undersigned municipality has caused this agreement to be executed and to bind itself to the terms of this contract and it will consider this contract to be applicable to any municipality which has approved a similar contract and filed such contract with the Clerk of the undersigned municipality.
3. The undersigned municipality by this agreement grants unto the Superintendent, the authority to enter into any shared service arrangements with any other municipality or other municipalities subject to the following terms and conditions:
  - A. The Town of Delhi agrees to rent or exchange or borrow from any municipality any and all materials, machinery and equipment, with or without operators, which it may need for the purposes of the Town of Delhi. The determination as to whether such machinery, with or without operators, is needed by the Town of Delhi, shall be made by the Superintendent. The value of the materials or supplies borrowed from another municipality under this agreement may be returned in the form of similar types and amounts of materials or supplies, or by the supply of equipment or the giving of services of equal value, to be determined by mutual agreement of the respective Superintendents.
  - B. The Town of Delhi agrees to rent, exchange, or lend to any municipality any and all materials, machinery and equipment, with or without operators, which such municipality may need for its purposes. The determination as to whether such machinery or material is available for renting, exchanging, or lending shall be made by the Superintendent. In the event the Superintendent determines that it will be in the best interest of the Town of Delhi to lend to another municipality, the Superintendent is hereby authorized to lend to another municipality. The value of supplies or materials loaned to another municipality may be returned to the Town of Delhi, by the borrowing municipality in the form of similar types and amounts of materials or supplies, or by the use of equipment or receipt of services of equal value, to be determined by the respective Superintendents.
  - C. The Town of Delhi agrees to repair or maintain machinery or equipment for any City, County, Town, Village under terms that may be agreed upon by the Superintendent, upon such terms as may be determined by the Superintendent.
  - D. An operator of equipment rented or loaned to another municipality, when operating such equipment for the borrowing municipality, shall be subject to the direction and control of the Superintendent of the borrowing municipality in relation to the manner in which the work is to be completed. However, the method by which the machine is to be operated shall be determined by the operator.
  - E. When receiving the services of an operator with a machine or equipment, the receiving Superintendent shall make no request of any operator which would be inconsistent with any labor agreement. All machinery and the operator, for purposes of Workers Compensation, liability, and any other relationship with third parties, shall be considered the machinery of, and the employee of, the municipality owning the machinery and equipment.
  - F. The lending municipality shall be liable for any negligent acts resulting from the operation of its machinery or equipment by its own operator. In the event damages are caused as a result of directions given to perform work, then the lending municipality shall be held harmless by the borrowing municipality.

- G. Each municipality shall remain fully responsible for its own employees, including but not limited to salary, benefits, and Workers Compensation.
4. The renting, borrowing, or leasing, repairing, or maintaining of any particular piece of machinery or equipment, or the exchange or borrowing of materials or supplies, or the providing of a specific service shall be evidenced by the signing of a Memorandum by the Superintendent. Such Memorandum may be delivered to the Superintendent. Such Memorandum may be delivered to the other party via mail, personal delivery, facsimile machine, or any other method of transmission agreed upon. In the event, there is no written acceptance of the Memorandum, the receipt of the materials or supplies or the acceptance of a service shall be evidence of the acceptance of the offer to rent, exchange or lend.
  5. In the event any shared services arrangement is made without a Memorandum at the time of receipt of the shared service, the Superintendent receiving the shared service shall within five days thereof, send to the provider a Memorandum identifying the type, time and date of the acceptance of the repair or maintenance shared service. In the event shared service related to or included any materials or supplies, such Memorandum shall identify such materials or supplies and time and place of delivery.
  6. In the event a municipality wishes to rent machinery or equipment from another municipality or in the event a municipality wishes to determine the value of such renting for the purposes of exchanging shared services or a comparable value, it is agreed that the value of the shared service shall be set forth in the Memorandum.
  7. All machinery and the operator, for the purposes of Workers Compensation, Liability, and any other relationship with third parties, except as provided in paragraph E. of section 3. Of this agreement, shall be considered the machinery of, and the employee of, the municipality owing the machinery and equipment.
  8. In the event machinery or equipment being operated by an employee or the owning municipality is damaged or otherwise in need of repair while working for another municipality, the municipality owning the machinery or equipment shall be responsible to make or pay for such repairs. In the event machinery or equipment is operated by an employee of the borrowing, receiving, or renting municipality, such municipality shall be responsible for such repairs.
  9. Records shall be maintained by each municipality setting forth all machinery rentals, exchanges, borrowings, repair or maintenance and other shared services. Such records will be available for inspection by any municipality which has shared services with such municipality.
  10. In the event a dispute arises relating to any repair, maintenance, or shared service, and in the event such dispute cannot be resolved between the parties, such dispute may be resolved through mediation or arbitration.
  11. Any municipality which is a party to this contract may revoke such contract by filing a notice of such revocation. Upon the revocation of such contract, any outstanding obligations shall be submitted within thirty days of such revocation unless the parties with whom an obligation is due agree in writing to extend such date of settlement.
  12. Any action taken by the Superintendent pursuant to the provisions of this contract shall be consistent with the duties of such official and expenditures incurred shall not exceed the amounts set forth in the Town's budget for highway purposes.

13. The record of all transactions that have taken place as a result of the Town of Delhi participating in the services afforded by this contract shall be kept by the Superintendent and a statement thereof, in a manner satisfactory to the Town Board, shall be submitted to the Town Board semiannually on or before the first day of June and on or before the first day of December of each year following the filing of the contract, unless the Town Board requests the submission of records at different times and dates.
14. If any provision of this contract is deemed to be invalid or inoperative for any reason, that part shall be deemed modified to the extent necessary to make it valid and operative, or if it cannot be modified, then severed, and the remainder of the contract shall continue in full force and effect as if the contract had been signed with the invalid portion so modified or eliminated.
15. This contract shall be reviewed each year by the Town of Delhi and shall expire five years from the date of its signing by the Town Supervisor. The Town of Delhi Board may extend or renew this contract at the termination thereof for another five-year period.
16. Copies of this contract shall be sent to the Clerk and the Superintendent of each municipality with which the Superintendent anticipates engaging in shared services. No shared services shall be conducted by the Superintendent except with the Superintendent of a municipality that has completed a shared services contract and has sent a copy thereof to the Clerk of his municipality and the Superintendent.

;  
 IN WITNESS THEREOF, the Town of Delhi has by order of the Town Board, caused these present to be subscribed by the Town Supervisor, and the seal of the Town of Delhi to be affixed and attested by the Clerk thereof, this 12<sup>th</sup> day of February 2024.

Town of Delhi

By:

\_\_\_\_\_  
 Maya Boukai, Town Supervisor

Attest:

\_\_\_\_\_  
 Laura K Mills, Deputy Town Clerk

The Town Clerk is authorized and directed to file a copy of the contract set forth in this resolution with the Chief Executive Officer of the following municipalities:

Village of Delhi, Town of Bovina, Town of Hamden, Town of Kortright, Town of Franklin, Town of Andes, Town of Walton, Town of Meredith, Town of Davenport, Town of Harpersfield, Town of Stamford, SUNY Delhi, Delaware Academy, Delaware County DPW, Delhi Fire District

**This resolution shall take effect immediately.**

	Aye	Nay	Absent
Supervisor Boukai	<u>  X  </u>	_____	
Councilmember Krzyston	<u>  X  </u>	_____	
Councilmember Morgan	<u>  X  </u>	_____	
Councilmember Viafore	<u>  X  </u>	_____	
Councilmember Baldwin	<u>  X  </u>	_____	

Supervisor Boukai announced that Town Justice Burkert has requested to attend CJE training in March. The training is for two nights and dinners. It is a continuous education which is required. Councilmember Viafore made the motion to approve the request for training with Councilmember Morgan seconding. Motion carried.

### **Committee Reports:**

**Highway/Machinery: (Councilmember's Baldwin & Morgan)** Written report from Superintendent Evans provided to councilmembers. Evans stated everything is up and running at this time. The board discussed the equipment and conditions of the equipment. Evans stated the roads are soft and the equipment digs in. When the ground doesn't freeze it makes it harder. Evans also stated he wishes to appoint Adam Atkinson as Deputy Highway Superintendent. Boukai said we need to make sure the law is filed and then we can retroactively appoint Atkinson at the next meeting. Councilmember Baldwin wished to have the commencement date and salary; Evans said the salary is per union contract. Councilmember Morgan made a motion to accept the highway report with Councilmember Viafore seconding. Motion carried.

**Personnel: (Councilmember's Viafore & Baldwin):** Councilmember Viafore stated she wished to do more Microsoft 365 training with people; she will be sending an email to everyone to coordinate a time. Trainings do not have to be advertised as a meeting.

**Recreation/Health/Youth: (Councilmember's Krzyston & Supervisor Boukai):** Councilmember Krzyston stated we just agreed that we would be appointing Dusty as CPO, we are preparing to appoint the swim director and it is his opinion that we should appoint John Kolodziej but we still have to agree on terms of payment. He would run the swim program and be the lifeguard for it. Also, the community fund a local organization that supports community initiatives is open to receiving requests from the town to support a couple of small projects that that we have discussed at the committee level the amount is for \$1,000; including sunshades, sunscreen dispenser and a shower head that would allow people to rinse off before entering the pool. This news just came today Krzyston stated, and we will prepare a request for those funds and itemized what the money will be spent on. Krzyston then asked the board to allow the supervisor to send a request for patron safety and pool enhancement. Viafore stated we have a sunscreen dispenser that public health donated to the town last year, but we have to refill it. Krzyston then made a motion to have the supervisor submit the request for the enhancements to the community fund. Councilmember Viafore seconded the motion. Motion carried. Krzyston then stated there is interest from the community fund to support a pavilion and an arts and crafts program.

Supervisor Boukai stated we have been getting pricing on chemicals Laura put together a spreadsheet together regarding the chemical purchases in 2022 and 2023. Boukai reached out to Mayor Gearhart of the Village of Delhi and he sent Jay from the water department; we could save roughly \$2.00 a gallon on the chlorine. She is also looking to changing the barrel size to 100 gallons from 50 gallons as it will save on the per fill rate as well. Also, in splitting the director position, the other component to that is a head lifeguard and she has reached out to the O'Connor Foundation and the Youth Bureau and she is waiting for final confirmation that we can use some of the funding that is available to pay for lifeguard training for youths and to pay for two adults to get certified so that we have an adult on deck as a lifeguard to supervisor and also do all the scheduling. She is hoping to have all that information by the end of the week.

Supervisor Boukai stated she had received a bid for the opening and closing of the pool from Aqua Concept (Todd Shady), Dusty did not bid this year. Councilmember Baldwin stated the cost would be \$928 for opening and \$992 for closing of the pool. Councilmember Krzyston made the motion to approve the bid from Aqua Concept for the above pricing with Councilmember Viafore seconding. Motion carried. Councilmember Baldwin stated there is a certain amount of prep that must be done in order to open the pool.

Councilmember Krzyston stated we have had issues like all communities have had attracting lifeguards and that Delaware Academy has a new designation of diploma that you can earn a civic readiness seal (like a gold seal on your diploma) it can be earned by doing community service and by volunteering at different levels. There are not a huge number of opportunities for kids to even earn those hours or at least they don't know how to earn them. Krzyston has talked to the administration at the school, and they said given that it's a municipal

need and a community need that this would qualify as a community service even though they are being paid to be a lifeguard as there is a shortage. It's at the early stages but the need to earn community service for other things like the honor society. He also spoke briefly to the college about students who are also looking for community service or paid internships as they have a recreation program at the college. Maybe this would be something the college would allow them to get credit for. Krzyston added we are trying different things to attract people to work at the pool.

Councilmember Baldwin asked Krzyston when he speaks to Delaware Academy (elementary level) if they want to use the pool for the last week of school as she didn't feel it was something we could say yes to right away because of the liability and authorization from the school board. They would pay and provide lifeguards, or we would provide the service.

Councilmember Baldwin discussed the electricity use of the brick building.

**Economic Development/Shared Services: (Councilmember Morgan & Viafore):** Councilmember Morgan stated he and Councilmember Viafore are working with the village on a flood plan project that extends from Price Chopper to Bridge Street. We are working with Delaware County Soil and Water. It will reduce and mitigate flood damage and will open up areas for future development. Councilmember Viafore added our other priority is the Comprehensive Plan. Supervisor Boukai asked if they were doing it the way the village is where Barb is working on the flood issue and Janet is working on the Comprehensive Plan; Morgan stated we touched on the Comprehensive Plan a little bit and he put in a couple of calls. The county is updating theirs and we are going to see if we can piggy-back off theirs a little bit.

Councilmember Baldwin questioned how the Woolerton Street Bridge was to be handled; she asked if Boukai wanted another committee to handle it. Boukai stated she will keep it with the Highway/Machinery Committee. Boukai added she had followed up with Graydon Dutcher of Soil & Water; he had sent us the RFP and she sent it back saying it looked fine. We are waiting for him to get back to us, Morgan added they have a meeting and he will touch base. The board discussed the damage done recently to the bridge.

**IT: (Councilmember Viafore & Krzyston):** Councilmember Viafore stated there are 203 Nixle subscribers and she will be setting up the Microsoft 365 training.

**Buildings/Codes: (Councilmember Morgan & Krzyston):** Councilmember Morgan stated in the month of January 2024 there were: 1 building permits issued, 12 inspections / meetings, 1 in-office conference, 2 construction meetings, 1 c/o, 1 c/c issued and he drove 152 miles.

Councilmember Morgan stated there were some current issues with the heating system in the Town Hall building.

### **CODES Monthly Report:**

A motion was made by Councilmember Viafore to accept the codes report for January 2024. Councilmember Krzyston seconded the motion. Motion carried.

### **Justice Court Report:**

A motion was made by Councilmember Morgan to accept the January 2024 Justice Court Reports. Councilmember Viafore seconded the motion. Motion carried.

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

A motion was made by Councilmember Viafore to accept the January 2024 report, seconded by Councilmember Baldwin. Motion carried.

The Tax Collectors report was at 65% collected for the month of January.

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

Supervisor Boukai introduced Meg Hungerford, Boukai stated that in the Microsoft 365 drive she has put reports in the folders for the board to review once everyone has access to all it. Hungerford discussed the reports she will provide for the Supervisor's Report. She explained the trial balances to the board and cash receipts journal to the board and the summary. She discussed budget amendments with the board. Boukai

stated the budget transfers for 2023; a lot was ARPA funds and money's to be moved around. She explained the overages. This year we will do the amendments quarterly instead. The board welcomed her on board.

A motion was made by Councilmember Viafore to accept the Supervisor's Report for January with Councilmember Morgan seconding. Motion carried.

### **Supervisor's County Report:**

Supervisor Boukai stated that in her Supervisors folder there is a folder in which she will be sharing information from the county meetings. She stated she is on the Social Services Committee and the Mental Health Committee. Today was the first committee meeting she attended for Social Services. She has uploaded that packet into the folder for review, she is going to get a tutorial on the acronyms as she is not familiar with some of the terminology; Sylvia or someone in her office will help her to understand it. She has also put general committee meeting minutes in the general folder, her voting records, and the resolutions. The one thing that came out of the meeting was they have changed the weighted voting; the public hearing will be at the next meeting. And there is a report in her folder that shows how SUNY New Paltz was hired to conduct the report, this just explains the statistics they used to come up with the new system. Councilmember Baldwin asked if it made it easier; Boukai stated she believed they were required to update every ten years after a census. Our percentage really didn't change. The next meeting is at the end of February, she will make sure to send resolutions as they come out.

Councilmember Krzyston asked if she had heard anything about the office building that is being vacated/changing hands. Boukai stated she has not heard anything formally about it at this point. She stated that the bids are in on the new shelter, they have received more bids than last time, that's a good sign. Krzyston questioned if the building that is there was a supervised visitation center; Boukai said yes. Krzyston asked if she could help with making it look better; Boukai stated that is in the budget for both. Krzyston then asked if the new building on Main and Page was moved into; Boukai said as far as she knew although there could be some straggling work, but they are up and functional. He questioned where they park, Boukai stated behind 99 Main along Main Street and she noticed more cars along the highway garage. That's one of the ideas that Mayor Gearhart has with a joint village and town hall with the court and the police we could potentially accommodate the additional parking needs that DPW has. Baldwin thanked her for her thoroughness.

### **Abstracts:**

Councilmember Viafore made the motion to approve Abstract #002 – 2024 accounts A – DB Voucher No. 0024 – 0070 equaling \$323,852.20 and Account TA Voucher No. 001 equaling \$18,427.67. Total vouchers submitted \$342,269.87. Councilmember Baldwin seconded the motion. Motion carried.

### **Adjourn:**

Councilmember Viafore made a motion to adjourn the meeting at 7:00pm, Councilmember Baldwin seconded. Motion carried.

Respectfully submitted,

*Laura K Mills*

Laura Mills  
Deputy Town Clerk  
Town of Delhi