

**TOWN OF DELHI  
BOARD MEETING  
June 12, 2023  
7:00PM**

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

Those present:

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

Highway Superintendent Daren Evans

Residents: Cynthia Cobbe, Kimberly Cairns, Cathy Schuyler, Rick Edwards, William Hancock, Tracey Hancock, David Truscott, Kathy Mario, Elizabeth DeFalco (The Reporter), Colleen Johnson, Amy Randall, Patricia Sprott, Mathew Burkert, Quinn Kelley, Riley Logue, Ulrike Barta, Dave Ortiz, Jayne Anne Harris, Maya Boukai, Jon Crider, Barbara Kaplan, Cindie Smart, Rick Ackerly, Ian Lamont, Jim Smart, Theron Long, Rachel Condry, Matthew Marchese, Dale Downin (Town of Delhi Code Officer)

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

**Executive Session:**

Supervisor Tuthill told the audience that the executive session would be moved until after privilege of the floor.

**Privilege of the Floor:**

**(THE FOLLOWING COMMENTS ARE VERBATIM-PER AUDIO RECORDINGS)**

Ian Lamont resident of Delhi wanted to make it clear he was here in his personal capacity and not in any other capacity. He stated the town's function is gloriously mundane; your job is to care for the roads, issue building permits, to maintain the town court and provide all the other essential town functions both for our local residents and our visitors. The town provides those services to everybody regardless of race, color, creed or any other personal characteristic or back round; he would say you do that generally very well. He has seen ups and downs; but you do that well.

To designate June as Pride month would single out one part of our interwoven community for special recognition above and beyond other parts, doing so does not promote unity or inclusion but separates and divides, so I urge you not to proclaim June Pride month.

Cathy Schuyler, Pastor of the United Ministry in Delhi stated they have been deliberately welcoming and inclusive of all people whoever they chose to love, whoever they know themselves to be for over 20 years; and our welcoming statement says "all are welcome without regard to race, ethnicity, gender, sexual identity orientation, social economic status, disability, dress or any other status or condition which could separate the children of God." We celebrate that in our diversity is our strength. We walk with all as we believe that all human beings are made in the image of God and because he has asked us to love. Yes, I know our religious beliefs are obviously not part of today's proceedings; but I offer this as background to the argument I would like to make. A portion of Christian scripture is addressed to question a variety among people. The word we are given is there are many members yet one body, the eye cannot say to the hand I have no need of you nor again the hand to the feet I have no need of you, that same wisdom applies to our community here as a whole. We all belong. We need each other to be the whole of the Town of Delhi. I cannot say to the Episcopalians that I have no need of you nor can we say to the new neighbors on the block we have no need of you. Together we are Delhi without any of us we would be less than Delhi, but our society, Delhi included has pretended for decades that our LGBT siblings are not important; we have insisted that they be invisible so that we who are not queer could be comfortable and that's why there is a need for pride; because we need to be explicit that we want to see

and include all people who are part of this community. I have heard the argument that we can't be political, but politics is the work of the people, that's what politics means. It isn't wrong to lift up some people sometimes. The farmers have a whole weekend in the fall that celebrates the farmers, there are signs all over about it, and I suppose there are people in the world that don't like maple syrup and they are not interested in such a weekend. I'm sure there are people like that somewhere in the world, but it's still a good thing to lift up farmers. The parade for Fair on the Square will feature a bicycle brigade lots of people don't ride bicycles at all, but it's an excellent thing to include bikes in the parade none the less, so I encourage you to open our community to the joy that is Pride Month for June celebrating that LGBT people belong in Delhi. That we welcome their participation in the town. Thank you very much.

Amy Randall resident of Delhi who brought the issue of the Proclamation here last month and while I love a good argument and I like to go toe to toe that is not what I am here to do. I am a good story teller so I am going to tell one more story and then I am going to ask you to please listen to your constituents and make the motion and then vote on it, and let's see how democracy works. So Margaret Mead is one of my idols, great cultural anthropologist archeologist; a student asked her once what she thought was the first evidence in her archeological work of a civilization when she came upon it. How did she know was it a wheel, a weapon or was it a broken piece of pottery or spoon and she said no, she said no I found it once and I knew it was the civilization right then; and they said what was it. And she said it was a healed broken femur bone and they said what and she said a healed broken femur bone to me means that somebody stayed behind to help someone heal. That someone in the pack needed attention, needed care and needed compassion and somebody or somebody's stayed with that person until they healed. That is the sign of a civilization, is compassion and I am sure in the town of Delhi we too can show our evidence of being a civilization by showing compassion. Thank you.

Jim Smart resident of Delhi very happy to be here, we searched all over the county to find just the right town to move to and we think we found it. This issue that's been brought before you I mean some of these reasons are just so logical. I speak from some personal experience, in that my older brother was at Stonewall in June of 1969; end of June 1969. And was closeted to the family prior to that and after that came out very proud, very proud. And lived his life that way, died very proud; we are proud of him. All these reasons are really good reasons, I think the overwhelming reason that you really have to look at and that is, is this denied and it hits the news our population is going to suffer because of lack of visitors; I can promise that, I mean it will just be blackballed. So I think there are a lot of good reasons why it should be. There are reasons for Pride and there are reasons for all of us to live together. Thank you.

Quinn Kelly resident of Delhi grew up here graduated high school at Delaware Academy, I have been Trans my whole life. I have been Trans and I have been Queer; I have been met with what I like to describe as begrudging tolerance by a great number of the people that live in this town and overwhelming embrace by a great deal more. I don't have a lot to say, I don't need the whole three minutes but I just want you to know that there are people local to this town, people who love this town, people who care about this town who want to see you love it the way we do. The way that I do. And Delhi should really be a place where everybody feels they can stay. That is not something I feel I can say I always felt. If you were to declare June Pride Month, you would do a great deal of healing and as Amy has already said that is a clear sign of civilization. I know that declaring June Pride Month, just for me you would heal almost 20 years of being ostracized. So I just want you to consider it, just want to you think about it because for everyone of me there are a dozen more. There are tons of kids now, when I was going to school, before that; this is not a now issue that have lived here that have been Queer that have not felt like they can you know live here with abundance, not just exist. So consider it, thank you.

Patricia Sprott resident of Delhi and the other reason I think to declare Pride Month, across the United States they are trying to make it illegal to be who you are. That's a small token to give back and say stop it, you know you can't single out a portion of the community and say you don't exist.

Hi my names Riley, I'm Quinn's wife and I'm just wondering why I had to take my time out of my day to come here; this is kind of ridiculous. Every town in Delaware County; Walton declared Pride Month, if Walton can do it we can do it.

I wasn't going to get up; I'm Quinn's mom, Riley's mother-in-law and I just have one question why? She was asked do you have a name...oh I'm sorry Jayne Harris. My brother was the person who put the flower in the gun in the 60's, that picture of the flower in the gun with the MP's that was my brother. He was gay, my brother-in-law was gay; I was brought up in the theater, everybody is. Why can't we have it, what difference does it make to people. To include people to make people happy.

I'm David Truscott, I have lived in Delhi for 54 years in the town of Delhi; I live on \_\_\_\_\_ Street in the town of Delhi. I have come before you a number of times over the past several years, to advocate for the town reassessing all the property in the town having comprehensive reassessment. And I am still here to reiterate that; I came 6 months ago a year ago with all sorts' of data from the Department of State's website about how and why so on properties should be assessed periodically. That website says that the town of Delhi was last reassessed at a last general reassessment before 1974. 1974 is 49 years ago, now so at least 49 years the state says it has been since a general reassessment. A couple of you have said that you don't believe that's correct. I sent an email to the Finance and Taxation Department last week asking them if they could tell me when the last assessment was; the website says before 1974 when was it. They said they can't tell us they don't have that data that the assessments are done by the town, the assessments are the responsibility of the town and the information must come from the town. If you know, some of you have said that is incorrect; if in fact it is incorrect then I would like to know what the correct number is. And quite frankly it looks pretty poor on the state website to show that Delhi is so backward so behind the times without your correcting it if in fact this group thinks that's not the right number, then tell the Department of Taxation Finance that it's not the right number and here is the right number, right, do it. Instead we have this thing this says year after year, I have been after you for a couple of years that says year after year that it's before 1974. Some of you have said the reason for not doing is because we are waiting for all of this turmoil and the home prices to settle down; I guess I would ask you how are you going to know when that happens, what is the metric that you are going to look at? Now the time the prices and the turmoil in the real estate market how you know that how are you going to tell that. So to summarize I again say that I think you, I know that the property in the town of Delhi should be reassessed, generally reassessed all the way across the board. After 50, 49 years surely there are huge inequities you know. If there are huge inequities then it's time for the town of Delhi which has the responsibility to straighten it out, to straighten out those inequities. I've looked at my own personal records for my tax bills going back 15 years as far back as I could find bills and my property has not changed, my property assessment has not changed in those years. Now the assessor's estimate of the fair market value has gone up and that's because every year the assessors are using previous year's equalization rate and we are getting the weeds here; I will be glad to talk with you individually if you want to. Using previous year's equalization rate to generate what the assessor believes what the fair market value of my property is, but my assessment (what the taxes are based on) not on what the assessor did. We need to have a general reassessment of all the property in the town of Delhi. And let me say one more sentence; I ask you to put in for your budget for this coming year, when you start making your budget in November or October or whenever you guys start putting aside money for a general reassessment for the property in the town of Delhi. Thanks.

Supervisor Tuthill said good news for you Dave, you might want to stick around for New Business because we are working on it. Truscott said "good news."

Tracy Hancock, I was here for the May meeting when Amy proposed the proclamation and it was a little confusing to me that the reason a vote wasn't allowed was because there might be legal implications. Pride is celebrated at a Federal level, at the State level and as was pointed out is celebrated at Roxbury, Walton village,

Herkimer passed it, and so I hope that's made clear tonight. Also, the Human Rights Campaign just declared a state of emergency for the LGBTQIA+ community, that's a reason we need Delhi to make this proclamation to show everyone in this county that this community is loved and welcomed. Thank you.

Rachel Condry and I live on \_\_\_\_\_ Street, I am a queer woman, a mother, and my child goes to DA. My family moved here with every intention of spending the rest of our lives here we are very invested in this community. I wrote an extensive op-ed in the newspaper a few weeks ago about this issue, and depending on whether you vote on this tonight or don't then I would like you to maybe take a look at that; it's a lot of research and made sure it was a very logical argument. But I just want to say following up on what Tracy said that Delaware County Pride is a relatively newish organization that we are supporting the community here; I always like to say we have always been here, although I have only been here the last two years. People like me have always been here. The question is whether we have been visible, visibility is important. I grew up in a small town not much bigger than Delhi outside of Rochester and I did not have visibility and I did not see myself in my community, I did not see people that reflected back and if I did see them I saw them feeling shamed and not really being out not really being proud. It does make a difference inclusion does not equal exclusion so one group and this is a heritage month that's celebrated as Tracy said federally and state wide. Delaware County Pride actually received a proclamation from the governor's office this weekend making a proclamation of pride in our county, so Delhi would be in good company, so please consider it. Thank you.

Rick Ackerly I live up on \_\_\_\_\_ Street, I have been here before you know me I know you. I didn't plan to speak so I really don't have anything prepared but I am going to ask you one thing and I want you all to hear this real well. I know you like to refer to your lawyers and I know a lot of the times that's important, this is not one of them. Don't make this about your lawyer, just don't do that. I have listened to all these people they have a lot to say. Your lawyer has nothing to say that has anything to do what they are talking about. It really doesn't. You may not believe me but I'm telling you if you make the mistake and follow your lawyer on this one you might regret it. That's about it.

Supervisor Tuthill asked if anyone else would like to speak, no one approached.

#### **Approval of May 8, 2023 Regular Monthly Meeting Minutes:**

A motion was made by Councilmember Krzyston to accept the minutes of the May 8, 2023 board minutes as presented. Councilmember Baldwin seconded the motion, motion carried.

#### **Old Business:**

Supervisor Tuthill stated he has heard from both sides on this issue, everybody should have the right to feel welcome. I don't want start down the slippery slope of doing proclamations, once we do that it just opens the door for anybody for anything and some of them most all of us won't be in favor of. I just I don't know and asked what the rest of the boards thoughts were.

Councilmember Krzyston had made the motion that we adopt this proclamation but I also do think there should be a policy, procedure and I have looked at what other town's do cities do, villages do and it's just a simple procedure. You fill out an application you request it so instead of like Amy came she requested in person we would have just added a piece of paper to that and would have been given time to review it. In a lot of communities just the mayor or just the supervisor could decide this, it's not really a board thing; I could go either way on it personally. I hear both sides I heard what Ian says some people feel it creates an exclusion or creates a special, it doesn't serve the purpose that it's intended to; I am still in favor of passing the proclamation but I'm also interested in what my colleagues think if we should first adopt a procedure and then allow it to go through the process. I know that's not instant gratification and it seems like we are just creating road blocks; it's not my intent it's so that as Mark mentioned we don't have...I like the request we have before of us, I don't even want to imagine some requests that might come in if people think that it's very easy to get a proclamation.

I hope that's clear. So I mean I would be in favor of passing a proclamation now but I also see the value of having a procedure too.

Councilmember Viafore said I think because it is already federally recognized and state recognized I don't see the harm in having Delhi recognize that.

Supervisor Tuthill stated I on the other hand if it's state and federally recognized already what is our little board going to impact. Viafore stated I think we can make a big impact to that community and people that aren't a part of that community, just to show that we are welcoming.

Councilmember Baldwin stated she actually like Matt's (Krzyston) suggestion we really need to have something, some policy set and we also have some kind of written request. It's hard on proclamations/resolutions because we generally proceed a bit different they take time and have to be screened and the verbiage and everything is recorded. I do like Matt's direction of trying to establish a policy.

Councilmember Cairns said that would make me next wouldn't it. So oddly enough anyone who knows me won't expect to hear this out of my mouth but oddly enough I am kind of on board with what Matt said as well. And I am disappointed that we don't have a policy in place already for proclamations being issued, but I think it's just one of those things you don't know until you have to find out. That being said I would feel comfortable moving ahead with this proclamation. I have close friends and family that are part of that group. Tuthill said we all do. I don't view them any differently than any of you, Tuthill joked you probably don't treat them any different, Cairns said I don't.

Supervisor Tuthill stated I do like Matt's idea of having some kind of guidelines, procedure and request. Councilmember Viafore said for this first one can we just have a vote on this one, Tuthill said once you let the cat out of the bag, the cats out of the bag. Once we issue one then (the audience interrupted with comments) Viafore interjected because it's federally; Tuthill said once we issue a proclamation anybody can come to the town and ask for a proclamation and we have to give them. Audience member \_\_\_\_\_ interrupted not all the groups are Heritage like recognized by the federal government but this group is. Keep that in mind when doing your argument right now, we are already recognized as a Heritage group because it's limited to Heritage groups and we have plenty in this community not just LGBTQIA+ community. Audience member \_\_\_\_ said going forward you could have the process. Tuthill said that would be difficult. Amy Randall said there are two weeks left in June, so do a half a proclamation for the rest of June. Tuthill stated I will just be up front with the board, I am not going to sign it. If the board wants to pass one it's an act of the board. The audience was interrupted calling for a vote...

Councilmember Viafore stated I will move forward to make a motion that we move forward with the proclamation and was interrupted by Ulrike Barta (audience member) who said see who shows up from your constituencies see what you should do. Matthew Marchese interrupted staying I am going to leave but it's so weird this is (Tuthill used the gavel to stop Marchese from interrupting and said please) to where Marchese said f@#k off, it's so weird that this is (Tuthill said please stop) Marchese ignored and continued it's so weird that this is everyone's elephant in the room, it's happening it's gonna happen just do the right thing. Tuthill stated privilege of the floor was over. Marchese said don't be a f@#cking old time weirdo. Things are happening, you are on your way out, you can exclude me from here. Tuthill said we can end privilege of the floor from here on out if that's what you people want. Several audience members shouted no and all started talking. Marchese said twice what's that and several audience members started to talk. Tuthill said I don't need to sit here and be cussed at so stop. Tuthill further stated if we pass this I can guarantee you there will be other groups here because they have already, an audience member said and you can deny them, you have the right too! Audience member Bill Hancock shouted you can deny them, do a litmus test are they a hate group are they inclusive, do they include everybody, is it for the good of the town, the good of the people, the good of your neighbors. Supervisor Tuthill then said is it for the good of all the people or only some of the people, Hancock interrupted Tuthill and said why don't we celebrate all the good people ok; the first gentlemen that spoke he might be right in a way to where Rick Ackerly interrupted and said are you going to decide who the right people are, is that what you are doing? Tuthill gavelled the audience and said stop we are done, that's it. Ackerly yelled no motion, someone yelled no, another yelled she made a motion.

Tuthill said we will handle this as a board, no more comment from the floor. Someone from the audience yelled Christina say it again. Councilmember Viafore said I make the motion we move forward with the proclamation. Tuthill asked is there a second; Councilmember Cairns stated I will second it. Tuthill said call the roll Elsa.

Elsa Schmitz called the roll as follows:

Matt Krzyston	Yes
Bill Cairns	Yes
Mark Tuthill	No
Margaret Baldwin	No
Christina Viafore	Yes

Someone in the audience shouted, yes and the audience clapped. Someone shouted this is how democracy works.

Supervisor Tuthill asked if there was any other old business. No one replied, Tuthill then stated let's go into executive session as we still have Dale and Josh here for a legal matter. A motion was made by Councilmember Krzyston to enter into executive session with Councilmember Viafore seconding. Motion carried at 7:35pm.

### (NO LONGER VERBATIM)

#### **Executive Session: To discuss potential litigation**

A motion was made at 8:40pm to exit executive session by Councilmember Cairns and seconded by Councilmember Viafore. Motion carried.

#### **New Business:**

A motion was made by Councilmember Cairns to have Supervisor Tuthill sign the contracts with Williamson Law Book for the Payroll & Accounting Software. Councilmember Krzyston seconded the motion. Motion carried.

Supervisor Tuthill announced Delaware County Soil and Water has the contract drawn up for the Woolerton Street Project, it has to be approved by NYC, but he requested a motion be made authorizing him to sign the contract. Councilmember Krzyston made the motion to authorize Tuthill to sign the contract with Councilmember Baldwin seconding. Motion carried.

Councilmember Baldwin shared that an offer may be forthcoming on the 155 chlorine drum. If that be the case the deliverability of free chlorine is not ideal down there so maybe next board meeting if there is a good offer (any offer) she will bring it here. We have been getting 55 gallon drums and she will confirm with Dusty. Todd Shady a Chemtrol part be ordered and have on hand for \$585.00; if ok she will call Watson because they initiated that and know the parts. She wants to see if they feel we are at the time where we need extra parts as we have only been in operation 5 years. She will bring it to our next meeting. Baldwin showed the board the plagues of what will go on the benches. The board all agreed it was fine.

Supervisor Tuthill stated it was brought up earlier about assessments; and he believes about 7 towns in Delaware County got their new equalization rates (one of the lucky few). Our equalization rate dropped from last year to this year from 48.85 down to 36 even. We were at about 61 for quite a few years, so we need to do something. Joe and Jim have been working on reorganizing and getting things set up by tax numbers so that so we can get things going easier when we get to the point where we are ready to hire a consultant. We still have more leg work to do. New York State is telling all the assessors it will probably be two years before you want to do a revaluation. We will need to start budgeting for this in September.

**Highway/Machinery: (Councilmember's Baldwin & Cairns)** Written report from Superintendent Evans provided to councilmembers. Pretty simple normal seasonal operations Evans stated. Tuthill asked Evans if we were going to have to file a new road work plan with the county. Evans stated yes, once we are all

updated with everything we will have to. Evans will submit for the board to sign. Evans said they are pretty much on schedule. Councilmember Viafore said let me know when you need alerts sent out.

Councilmember Cairns said signs need to be replaced and questioned if Sherwood Road would be stenciled. Evans said he is setting them back a little bit more this year for traffic.

**Personnel: (Councilmember's Viafore & Baldwin):** Councilmember Baldwin said two things the assistant court clerk is working out very well.

Baldwin then added we do not have enough lifeguards to open the swimming pool so it remains closed. She reached out asking for help.

Councilmember Viafore will be covering for the Bookkeeper while she is out.

The board discussed SUNY swim lessons and decided to wait until the special meeting to have a better idea of what would be happening.

**Recreation/Health/Youth: (Councilmember's Viafore & Baldwin):** Councilmember Viafore stated she sent out a Nixle alert about the Healthy Delaware Program which will be coming out next month. The clinic hours have been published, sent to residents and she put it on our website as well. The program is July 11<sup>th</sup> to the 19<sup>th</sup> people should go if they need services. They will also be providing veterinary services.

**Economic Development/Shared Services: (Councilmember Cairns & Krzyston):** Tuthill stated he and the mayor will be meeting, they have a couple of things they are working on.

**Buildings: (Councilmember Cairns & Krzyston):** Councilmember Cairns stated a couple of issues. The a/c cover and the clerk's office states there are birds in the soffit. Tuthill stated he has spoken with someone regarding the soffit at the highway garage. Tuthill requested a motion allowing Jim DeWitt to fix the soffit at the highway garage for \$3,600. Councilmember Cairns stated so moved with Councilmember Baldwin seconding. Motion carried. Tuthill will confer with DeWitt.

Councilmember Krzyston stated there were windows in the concession stand were destroyed. The cost is expensive to replace. He put the plywood back, Tuthill stated there is plexi glass at the clerk's office Krzyston could use. The clerk's computer is set up as is the server.

**IT: (Councilmember Viafore & Krzyston):** Tuthill stated his new computer is working well. Councilmember Viafore stated we have 150 Nixle subscribers and we sent several air quality alerts last week.

**Codes: (Councilmember Cairns & Krzyston):** Councilmember Krzyston stated in May there were: 9 building permits issued, 16 inspections / meetings, 7 in-office conferences, 1 certificates of compliance, 1 violation and he drove 285 miles.

### **CODES Monthly Report:**

A motion was made by Councilmember Krzyston to accept the codes report for May 2023 Councilmember Cairns seconded the motion. Motion carried.

### **Justice Court Report:**

A motion was made by Councilmember Cairns to accept the May 2023 Justice Court Reports. Councilmember Viafore seconded the motion. Motion carried.

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

A motion was made by Councilmember Krzyston to accept the May 2023 report and seconded by Councilmember Baldwin. Motion carried.

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

Supervisor Tuthill presented the board with the May Supervisors Report. Councilmember Baldwin made the motion to accept the report with Councilmember Krzyston seconding. Motion carried.

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

Supervisor Tuthill stated the building on the corner of Main & Bridge is almost done, just little issues.

Working on getting a meeting set up for the fire department to tour the building. The other two buildings are moving along making progress.

**Abstracts:**

Councilmember Cairns made the motion to approve Abstract #006 – 2023 accounts A – DB Voucher No. 00186– 001252 equaling \$61,547.31 and account TA Voucher No. 00109 – 00111 equaling \$14,011.63. Total vouchers presented equaled \$75,558.94. Councilmember Viafore seconded the motion. Motion carried.

**Adjourn:**

Councilmember Krzyston made a motion to adjourn the meeting at 9:00pm, Councilmember Cairns seconded the motion. Motion carried.

Respectfully submitted,

*Elsa Schmitz*

Elsa Schmitz, Town Clerk, Town of Delhi