

**TOWN OF DELHI  
BOARD MEETING**

**July 10, 2018**

**7:30PM**

Supervisor Tuthill called the meeting to order at 7:30pm.

Those present:

Councilmember: Janet Tweed, Bill Cairns, Al Perkins

Highway Superintendent: Daren Evans

Absent: Councilmember Matt Krzyston

Resident(s): Richard Maxey (Mayor), Carol Morrissey, Jeff Barthelmes

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

**Privilege of the Floor:**

Carol Morrissey, President of Tanglewood Lake Homeowners Association approached the board and questioned why under “Old Business” the board was not addressing further June’s meeting of Delaware County Planning Board Flood Mitigation. Supervisor Tuthill stated that they have been given all the updates, Tanglewood Lake Road and Huska have been added.

**Approval of June 12, 2018 Regular Board Meeting Minutes:**

Councilmember Cairns made a motion to accept the minutes of the June 12, 2018 Board Meeting with Councilmember Perkins seconding. Motion carried.

**Old Business:**

Mayor Richard Maxey of the Village of Delhi spoke before the board with regards to the Special Election which was held on June 29<sup>th</sup>. As no one came to vote the Annexation of the properties on State Route 28 (7 properties) did not pass. Mayor Maxey has spoken to the village attorney and as the annexation is less than 90 days our board can allow for just another vote without starting from square one, as time is of the essence for the village to install water lines to the area. He stated that an election could again occur July 26<sup>th</sup> (2 weeks) with Town approval. Mayor Maxey respectfully requested that the Town Board pass a resolution for a re-vote for Thursday July 26<sup>th</sup> so that the seven properties will theoretically have water to their homes. Supervisor Tuthill stated this is where there is a gray area, our attorney felt to protect the town we would need something from the village indemnifying the town if there was any future challenge. This would cover the town for court costs, legal expenses, judgments, etc. at the very least. Our attorney felt the safest thing would be to start over, and it is known that this is not what the village wants. It was agreed that the town’s attorney would draw up an agreement protecting the town from any future lawsuits, challenges, etc., the Village and the Town will hold a Joint Meeting, Monday, June 16<sup>th</sup> at 6:00pm for the purpose of determining the process for holding another special election for the annexing of the seven properties on State Route 28.

Supervisor Tuthill stated that he and Bovina Town Supervisor Tina Mole have been attempting to meet with NYMIR regarding the Bramley Mountain Fire Tower but to date have been unsuccessful. Councilmember Perkins requested as he has an insurance background to speak. He believes as there are so many parties involved with the project that he would like to see a contract from the parties that wish

to put the tower in and what the requirements are going to be. He stated when working with NYC (the property belongs to them) and that will create major issues, normally they have a very long contract wanting to everyone named additional insured and want to be held harmless for anything that can possible happen. The group that wants to do this needs to find out what the requirements are going to be from NYC. Also, all parties need to be part of that contract so that everyone knows what their responsibilities are. He further stated to come to a municipality and ask them to be responsible for a fire tower that isn't owned by the municipality, on town property or that the town has any way of monitoring/protecting should not happen as the town does not have an insurable interest. Furthermore the group involved with this in not a part of the town nor are they sponsored by the town in any way, we are being asked to supply insurance for something that has nothing to do with the town, and could result in a major lawsuit for the town. For the town to pick up everyone's liability is a large thing to ask, people need to understand this. The only way to even look at this in Councilmember Perkins opinion is there would have to be an ironclad contract stating who is asking what, who wants what, who is going to own, who is going to be held harmless and many other factors. This contract would then go to NYMIR for their attorney's opinion on whether or not it is even something they would want to be involved with. If NYMIR did then it would go to the underwriters to figure out the cost of this exposure would be to the town. It is not a simple process; we would be opening the door to major liability as well as having to do maintenance on the tower by the town.

Councilmember Perkins stated he would be more than happy to meet with the Catskill Mountain Club and explain.

#### **New Business:**

Councilmember Perkins stated that all bills presented to the board for approval for the pool have been approved by Lakeside Engineering. He then made a motion to approve payment to A. Treffeisen and Sons, LLC for \$11,685.00 Councilmember Tweed seconded the motion. Motion carried. Clerk to notify Bryan Boyer of Delaware National Bank.

A request has been made via "4<sup>th</sup> party" indirectly about providing a bounce house for the Fair on the Square. As this request was not made via shared services or by trustee of the village the board decided to table it. Councilmember Tweed was questioned by a village trustee though. As this did not come through Shared Services the matter of the bounce house was tabled.

#### **Committee Reports:**

##### **Highway/Machinery:** (Councilmember's Perkins & Cairns) –

Highway Superintendent Evans provided the board with a written report. Councilmember Perkins stated that we need to make sure that there are "men working" signs at every work zone. There were issues reported on Arbor Hill and Elk Creek. Evans requested better details as he was not aware and signs have been placed at sites. Flagman cannot be used as we do not have ability to hire workers. Evans stated they have had incidents where people do not pay attention to signs, but he will remind the employees to do due diligence. Evans then stated oil and stone is scheduled for the first week of August weather permitting, there is a ton of work to do prior. Roads will be Elk Creek, Dry Brook, a little work on Delside and Fitches Bridge to get them prepped and the approach to Betts Hill. The town will be helping the Village of Delhi on the 17<sup>th</sup> and 18<sup>th</sup> as they do every year. The mechanic is very busy and is doing fantastic.

**Health/Youth:** (Councilmember's Tweed & Cairns) – Councilmember Tweed continuing to collect information on a sustainable plan.



**Economic Development/Shared Services:** (Councilmen Perkins & Krzyston) – Councilmember Perkins stated they are still working along they college on the new hotel, they are having hang-ups on the value of the properties.

**Recreation:** (Councilmember Perkins) – Councilmember Perkins stated things are going well on the pool. The hole is dug; they are working on the power and water lines now. Supervisor Tuthill stated they have filed the BAN (one year note) paperwork with the bank on Monday.

**Personnel:** (Councilmember Perkins & Councilmember Tweed) – N/A

**Building:** (Councilmember's Cairns & Krzyston) – Councilmember Cairns wished for guidance on the roof issue at the highway garage to move the project forward. Supervisor Tuthill will contact the town attorney for information on the correct way to bid out the project. Councilmember Cairns discussed issues with the building and lights in the clerk's office.

**IT:** (Councilmember Tweed) – Councilmember Tweed stated that regarding the Cyber security issue she is attempting to contact ISD regarding our coverage. Also, she discussed getting e-mails for board members so that community members could contact members directly. She will contact Delhi Telephone regarding this and voicemail for councilmember's.

**CODES:** (Councilmember Cairns) – Councilmember Cairns announced there were four building permits issued for June and one complaint, the code officer traveled 134.5 miles.

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

A motion was made by Councilmember Perkins to accept the June 2018 Code Report. Councilmember Tweed seconded the motion. Motion carried.

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

A motion was made by Councilmember Perkins and seconded by Councilmember Cairns to accept the June 2018 Justice Report. Motion carried.

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

A motion was made by Councilmember Cairns to accept the June 2018 Clerk's Report, and seconded by Councilmember Perkins. Motion carried.

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

Supervisor Tuthill presented the board with June Supervisors Financial Report with Councilmember Cairns making the motion to accept and Councilmember Perkins seconding. Motion carried.

Councilmember Tweed questioned the "pool committee" checking account, when the pool is done how will that line item change. Supervisor Tuthill stated it will become part of the budget line item, there will not be a separate account.

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

Supervisor Tuthill stated most of what has been done on the DPW issue has been done in executive session. He did state that the DPW Committee put forth a resolution on the eminent domain of the Bishop property, seven supervisors voted for it and eleven voted against it. With the numbers it still passed. Now the DPW committee needs to go back and negotiate with the Bishops. When a resolution is brought up, it is supposed to be the majority of the committee, actually it was 3 to 3, and then one member changed their vote, which raised an issue too. So they ended up voting 4 to 2 against their own resolution. This is becoming a shell game. Councilmember Perkins stated this project should have from the beginning gone to the Capital Projects Committee. He further stated that the Mental Health project

went well due to the committee; he does not understand why Chairman Mole has allowed this to escalate to where it is now. Councilmember Tweed questioned if the Town were to do a formal statement, would it help. Councilmember Perkins stated he has told Chairperson Mole this and nothing has happened. In comparing the slated DPW building which shows a 1,400 square foot lunchroom for employees to the new nursing home which will eventually have 200 plus employees the lunch room for them is roughly 400 square feet. There is no rhyme or reason. Councilmember Tweed again asked what the town could do; Councilmember Perkins stated that in other towns councilmember's don't even have a clue as to what is happening in Delhi with the Delaware County DPW. Supervisor Tuthill stated this has torn the board he wished to discuss more but was unable to do so.

**Abstracts:**

Councilmember Krzyston made the motion to approve Abstract #007 - 2018 accounts A – SF Voucher No. 266 – 326 \$68,658.25 and account TA Voucher No. 161 – 163 = \$14,035.05. Total of presented vouchers for Abstract #007-2018 - \$82,693.30. Councilmember Tweed seconded the motion. Motion carried.

**Adjourn:**

A motion to adjourn the regular monthly meeting at 9:00pm was made by Councilmember Cairns and seconded by Councilmember Perkins. Motion carried.

Respectfully submitted,

*Elsa Schmitz*

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Town Clerk, Town of Delhi