

**TOWN OF DELHI
BOARD MEETING
May 9, 2022
7:00PM**

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

Those present:

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

Highway Superintendent Daren Evans

Residents: Cynthia Cobbe, Rick Ackerly (PAC member), Ellen Pringle (Recreation Director)

The Pledge of Allegiance was led by Councilmember Krzyston.

Privilege of the Floor:

Town Supervisor Tuthill stated that he had received a note for our chief assessor that the last reval was done in 1990; not 1974 he wanted to clarify this from the last meeting. He then offered privilege of the floor; no one stepped forward.

Approval of April 11, 2022 Regular Board Meeting Minutes:

Councilmember Krzyston made the motion to accept the April 11, 2022 minutes as presented with Councilmember Viafore seconding. Motion carried.

Old Business:

Supervisor Tuthill announced that the pool concrete project has been postponed indefinitely as the specs did not include a temporary fence. This issue has made it too late to do the work, we may or may not rebid the project in the fall.

Tuthill further stated that Parson's is doing the monitoring wells for DEC; he informed that board that the village is now involved as sewer lines were incorrectly noted on maps. Jay Decker of the Village Water Department will now contact Parson's. Tuthill believes there will be three test pits dug.

Councilmember Baldwin stated on May 23rd playground equipment will be delivered; someone from Parkitect will meet them at the site. They have communicated with PAC regarding where to put the equipment so that the chemical trucks will not have any issues making deliveries. Councilmember Cairns asked the status of the ground work coming along at the playground site; Highway Superintendent Evans stated everything is now pulled out of the ground. Evans further stated there is not enough material there as what they have dug up so far is boney and gravel. Tuthill agreed we will need to purchase some tandems of top soil in order to get things smoothed out. Evans asked how they should go about that; Tuthill stated he believed we could get it on the county bid. Tuthill further said we could set things at the grade that is there and then do the mulch sloping the top soil back toward the fence to finish things out; Evans stated that's what he envisioned also as it would help with drainage. Councilmember Baldwin said Parkitect would be available to check out the prep work. Evans stated they would have to work with them on the mound area, that will require more material too when the time comes for it.

Supervisor Tuthill requested a motion authorizing Evans to purchase whatever top soil necessary to get the playground leveled out. Councilmember Baldwin made the motion with Councilmember Cairns seconding. Motion carried.

Supervisor Tuthill requested a motion to advertise for bids for mowing for the town. Both the town hall, highway garage and playground/pool. Adding to the ad that sidewalks are to be blown/swept off and inside the pool area to be bagged. Councilmember Baldwin made the motion with Councilmember Viafore seconding. Motion carried. Clerk to advertise with bids being awarded at the June meeting.

Supervisor Tuthill announced the bid awards from the bids opened last month were as follows:

Item #1 for hauling, fuel oil and diesel fuel has been awarded to Gerster Trucking at a combined bid of \$8.50.

Item #2: #1 Diesel Fuel – Price delivered to Town of Delhi Highway Garage. Has been awarded to Mirabito Energy Products as follows:

Mirabito - \$3.9034 per gallon price per gallon- Fixed pricing motion made by Councilmember Cairns and seconded by Councilmember Baldwin. Motion carried.

\$4.6534 per gallon clear kero for winter blend with diesel-Fixed pricing motion made by Councilmember Krzyston seconded by Councilmember Cairns. Motion carried.

\$4.2034 per gallon 60/40 blend kero/diesel – Fixed pricing motion made by Councilmember Cairns and seconded by Councilmember Krzyston. Motion carried

Item #3: #2 Heating Oil – Price delivered to Delhi Town Hall and Highway Garage. Bid will be a fixed price; any/all fees must be included. – Councilmember Cairns made the motion to hold off awarding Item #3 with Councilmember Krzyston seconding. The heating oil will be rebid in July with bids to be opened at our August board meeting. Motion carried.

The clerk will send letters to all bidders.

Councilmember Krzyston stated that he has not gotten information from other towns yet regarding tax re-evaluation. He has contacted some other towns and they have said do it. He has heard it creates more equality. Tuthill said it costs about \$300,000. Krzyston discussed seniors and reduced property taxes; it gets out of date quickly. Tuthill stated we could get out assessors to come talk with the board. Tuthill said the way the market is we are being told to hold off until prices level out or we will have to do another reval in a couple years.

New Business:

Supervisor Tuthill announced he had completed the ARPA report a week early. We will hold a special meeting to decide what to do with the money.

Supervisor Tuthill announced the Board of Assessment Review will meet on May 24th from 1pm-4 and 7pm-9pm.

Bids were opened for the Highway Garage Roof as follows:

- Mid State Industries, Schenectady, NY
 - Base Bid-removal & disposal - \$188,800.00
 - R38 insulation in ceiling 8.00 square foot
 - Steel Z-Purlin Replacement 1,000.00
- Roof Systems Management LLC, Greenville NY
 - Base Bid-removal & disposal - \$180,710.00
 - R38 insulation in ceiling 13.75 square foot
 - Steel Z-Purlin Replacement 875.00
- Clapper Construction, Otego, NY
 - Base Bid-removal & disposal - \$129,998.00
 - R38 insulation in ceiling 5.00 square foot
 - Steel Z-Purlin Replacement 625.00

The clerk will scan and email the bid documents to Principle Design for their review and recommendation. Councilmember Cairns will contact Mike O'Reilly and discuss. We will call a special meeting to award/reject the bids.

Supervisor Tuthill stated the 2021 AUD has been completed and filed. He explained the process of completing it. Councilmember Baldwin made the motion to have the clerk advertise its availability with Councilmember Viafore seconding. Motion carried. Viafore asked if it was available in an electronic format; Tuthill will check.

Supervisor Tuthill brought forth Resolution No. 001 of 2022, he gave an explanation to the board as this resolution was from Delaware County and was sent to the Governor; Tuthill stated some of their deadlines were unobtainable at this time:

RESOLUTION TO SUBMIT COMMENTS ON NEW YORK STATE CLIMATE COUNCIL'S DRAFT SCOPING PLAN FOR NEW YORK'S CLIMATE LEADERSHIP AND COMMUNITY PROTECTION ACT (THE "CLIMATE ACT")

WHEREAS, in 2019, New York State Legislature enacted New York's Climate Leadership and Community Protection Act (the "Climate Act") that requires the total carbon emissions from New York State population be no more than 60% and 15%, respectively, of the 1990 carbon emissions (the average New Yorker's annual carbon footprint is reduced from 22.7 tons/year to 13.6 by 2030 ("2030 Mandate") and 3.0 tons per year by 2050 ("2050 Mandate").

WHEREAS, in the 2030 and 2050 Mandates, the Legislature created an energy rationing system that puts all New Yorkers (and their communities) in competition for the affordable energy needed for a sustainable community and/or "healthful environment" (the state cap is 61.47 million metric tons of carbon dioxide equivalent).

WHEREAS, in order to enforce the rationing system, the Climate Act Section 7 requires all state agencies to evaluate whether each and every decision (in particular infrastructure decisions) will be inconsistent with the 2030 and/or 2050 carbon footprint mandates and, if inconsistent (or will interfere with the attainment of the mandates), determine whether it is necessary and, if so, require alternatives or greenhouse gas mitigation measures. If not necessary, deny/terminate.

WHEREAS, the Climate Act Section 12 provides each aggrieved person standing to commence an Article 78 proceeding in the NYS Supreme Court to enforce compliance with the Climate Act including compliance with the mandates and Section 7.

WHEREAS, the Climate Act has granted to each and every state agency veto power over any and all projects requiring a state agency approval or decision and has granted the wealthy aggrieved person (who may be in competition for those carbon emissions) a tool to kill and/or delay a competitive and/or disliked project including even the renewal of an existing permit.

WHEREAS, the rationing of carbon emissions will exacerbate the upstate/downstate divide; the urban versus rural divide; the wealthy versus the working-class divide; the divide between municipal officials struggling to provide critical services and the environmental organizations. New York State Department of Environmental Conservation ("DEC") has recently used Section 7 authority to deny the repowering of two natural gas power plants in Orange County. DEC is under pressure to deny a permit renewal to a crypto currency facility because some feel the fossil fuel energy should not be rationed to that product. DEC is holding up numerous Title V air permits due to its inability to make a consistency determination under Section 7.

WHEREAS, in order to achieve the 2050 Mandate, the Climate Act mandates by 2040 that all the electricity generated by fossil fuels and the anticipated demand growth will have to be

provided/replaced by wind (onshore and offshore), solar, hydro from Canada and other renewable sources (“2040 Mandates”). Due to lobbying efforts, biomass is no longer considered a renewable energy source in New York.

WHEREAS, the New York Independent System Operator (“NYISO”) – which manages New York’s energy grid – divides the state into two distinct areas – Upstate Energy (Zones A-E) and Downstate Energy (Zones F-K). The Upstate Energy zones currently use about 1/3 of the total electricity generated each year. According to NYISO 2021 Report of 2020 usage, the upstate sources of electricity are 90% zero carbon emission.

WHEREAS, with respect to the Downstate Energy zones, which represent two-thirds of the state electricity consumed, the story is quite different. According to NYISO 2020 Power Trend Report of 2019 usage and NYISO 2021 Power Trend Report of 2020 usage, the downstate sources of electricity were 69% fossil fuel in 2019 and 77% fossil fuel in 2020 (and are projected to be well over 90% fossil fuel in 2022).

WHEREAS, the NYISO 2020 Climate Change Impact and Resiliency Study, which analyzed the Climate Acts 2040 zero emission electricity target determined that the 2040 Zero-emission Grid Mandate is not feasible and would result in an unreliable (and thus unsafe) electric grid. In other words, the 2040 Mandate and 2050 Mandate are fantasies.

WHEREAS, in 2019, the GHG emission sources in New York State breakdown as follows:

Transportation (mostly travel over land)	28%
Buildings (mostly heating buildings)	32%
Electricity	13%
Industry	9%
Agricultural and Forestry (mostly livestock)	6%
Waste (mostly methane from landfills)	12%

WHEREAS, the Climate Act delegates to an appointed council of 22 individuals’ responsibility to develop a draft plan by December 31, 2021 to reduce the average New Yorker’s carbon footprint to near zero. The Draft Scoping Plan was issued in December, 2021 and this resolution and its attachments constitute the initial comments of the Delaware County Board of Supervisors.

WHEREAS, the Draft Scoping Plan mandates over a hundred (if not several hundred) different measures affecting all aspects of our daily lives and community activities. The following four prohibitions are responsible for the majority of the reductions:

1. Elimination of the use of fossil fuels for land travel
2. Elimination of the use of fossil fuels for all aspects of residential living including heating, cooking, outdoor equipment, hot water, and clothes dryer
3. Conversion of the electric grid to all renewable and zero emission sources.
4. Transformation of the solid waste management system

WHEREAS, the prohibition on the use of gas, propane or home heating oil in our daily activities is schedule to occur over the next 13 years (in 2024 for new homes; starting in 2030 for existing homes).

WHEREAS, the prohibition of the use of fossil fuels for land travel is more gradual and includes the following measures:

1. Provide direct rebates on zero emission vehicles supported by **new fees on purchase of fossil fuel vehicles**.
2. Adopt mechanisms to discourage vehicle use and generate funds for public projects, including congestion pricing, variable cost parking, **increased registration fees on carbon intensive vehicles, adoption of a per mile vehicle user fee system**, and increase municipal use of special assessment districts to fund public transportation investments.
3. Adopt California's Advanced Clean Car 2 Regulations, expected to require one hundred percent light-duty zero emission vehicle sales by 2035;
4. Adopt California Advanced Clean Truck Regulations requiring increase percentage of zero emissions Micro Hybrid Drives through 2035;

WHEREAS, in 2018, DEC issued an order to close Indian Point Nuclear Power Plant due to the aquatic impacts from the withdraw of non-contact cooling water from the Hudson River. In April, 2020, Indian Point was required to shut down Unit 2, and in April, 2021, Indian Point was required to shut down Unit 3. In 2019, when Indian Point was in full operation, it provided 25% of the downstate annual electric load (**16.7 million** megawatt-hours of zero-emission power).

WHEREAS, in an April 29 press statement marking the closure of Indian Point, NYSERDA CEO **Doreen Harris** implied that the zero-emission electricity lost from Indian Point would be addressed stating that "New York State's electric grid is undergoing a transformative evolution in pursuit of the nation-leading goals of the Climate Leadership and Community Protection Act" including "developing a tremendous renewable energy project pipeline." As a follow up to that press statement, in November 2021, NYSERDA submitted a petition to the PSC seeking approval and ratepayer funded subsidies for two massive transmission projects to bring non-fossil fuel electricity to NYC. The Petition states that "[t]he selected projects are expected to deliver **18** million megawatt-hours of renewable energy per year to Zone J (i.e., New York City), more than a third of New York City's annual electric consumption, from a diverse generation portfolio including onshore wind, solar and hydroelectric power from Upstate New York and Québec. ...Total investment into both projects is expected to amount to **nearly \$24 billion**." Under NYSERDA's Petition, ratepayers throughout New York State (both upstate and downstate) are being required to fund two transmission projects.

WHEREAS, the DCBS support the Climate Council objective of promoting the transition to electric heating from fossil fuel heating. The DCBS do not support (and vigorously object) to the mandate approach selected by the Climate Council to require all homes to install electric heating regardless of cost and feasibility. In lieu of a mandate, we suggest and encourage that the Climate Council develop a plan to make electric heat pumps the preferred and affordable technology when the homeowners need to replace their existing heating system. The correct approach is for the Climate Council to take an enabling approach – create the reality where the typical homeowner would select an electric heat pump system over fossil fuel system to heat their home. In Delaware County the average low temperature during December, January, February, and March are 16°F, 9°F, 11°F, and 18°F, respectively—which is at or below the temperature that electric heat pumps provide reliable and efficient heat.

WHEREAS, the DCBS do not support the mandate approach selected by the Climate Council to require all outdoor equipment to be all electric. Homeowners and users should have the choice whether to use gas fueled equipment and/or electric equipment – each has their own benefits and costs. Homeowners in New York State should have the same rights as homeowners in other states. Gas is mobile and is readily available; it allows a landscaper to move from site to site without stopping to recharge the battery; it allows the work to be performed where it is needed and in different weather. There is a role for both gas and electric power equipment and the decision should be left to the individual that is using the equipment – not to an elected official's political objective.

WHEREAS, the DCBS do not support the mandate approach selected by the Climate Council to force the consumer to purchase an electric car. The Climate Council should focus on developing a plan/program that makes electric vehicles the preferred choice because they become affordable, available, and feasible. In Delaware County a car or truck is a necessity – not a luxury. As a necessity, it must be affordable, available, and feasible to the vehicle owner. Affordability will depend, in part, on whether electricity remains affordable. Availability and feasibility will depend on the whether the necessary infrastructure is available and affordable to meet the needs of the vehicle owner. In our cold climate, parents need to know that they will get to their destination, that the car will work in the cold, that there is enough charge to get back home; and that the car can meet the family hauling needs. There needs to be enough electricity in the local grid to handle the additional load; the charging station must be accessible, convenient, and not be inordinately time consuming.

WHEREAS, the DCBS do not support imposition of a carbon tax, a mileage surcharge, increased registration fee for gasoline powered cars, or any additional tax on gas, propane, natural gas or home heating oil or a tax on solid waste. A carbon tax on the building heating sector and the transportation sector would simply make natural gas, gasoline, fuel oil and propane more expensive and thus make a vital necessity less affordable (transportation and heating) to residents. While the wealthy can afford an all-electric car and home, and second home and third home, the working class (the median family income in Delaware County is \$49,544) will more likely rely on fossil fuel to heat their home or fuel their car. Delaware County residents are more likely to have to travel day-to-day long distances and heat a home in a cold climate. The utility bills and gas bills are already too high and not sustainable on the median family income. As the use of fossil fuels decreases, the cost of maintaining the fossil fuel infrastructure will be spread over a smaller base increasing the costs to the remaining users.

WHEREAS, the DCBS finds that in adopting the Climate Act with its 2030, 2040 and 2050 Mandates, the Legislature prioritized their goal of being a world leader in Climate Change mitigation over the energy security of New Yorkers. Neither the Legislature nor the Climate Council have determined what is affordable, achievable, and available. The Climate Council selected its wish list without determining the cost and funding for its lofty mandates. Energy is a basic life necessity critical to all aspects of our daily activities. The priority should be energy security; carbon footprint reduction is an admirable goal but not if it results in an unhealthful environment. The Climate Council should focus on enabling carbon reductions; not dictating their lofty goals.

NOW, THEREFORE, BE IT RESOLVED the Town of Delhi petitions DEC, DOH and DEP for the following relief:

1. The Town of Delhi adopts this resolution and the attached white paper at its initial comments and directs the County Planning to submit these documents as comments on

the Draft Scoping Plan.

2. The Town of Delhi requests that County Planning, County DPW, and County Emergency Services review the draft scoping plan and provides comments as they deem appropriate.

Tuthill asked for a motion to send a copy of the resolution to the governor and the parties that be; Councilmember Cairns made the motion with Councilmember Baldwin seconding. Roll call as follows:

	YEA	NAY	ABSENT
Supervisor Mark Tuthill	<u> X </u>	<u> </u>	<u> </u>
Councilmember Matthew Krzyston	<u> </u>	<u> X </u>	<u> </u>
Councilmember ChristinaViafore	<u> </u>	<u> X </u>	<u> </u>
Councilmember William Cairns	<u> X </u>	<u> </u>	<u> </u>
Councilmember Margaret Baldwin	<u> X </u>	<u> </u>	<u> </u>

Councilmember Krzyston stated he had not read it therefore he cannot vote yes; he might agree with it but he needs to read it over he doesn't know yet. Councilmember Viafore agreed. Councilmember Baldwin said the concept is great but timewise it's impossible; Tuthill stated utilities have tried to explain this to them. The vote carried 3 to 2.

Supervisor Tuthill stated Councilmember Baldwin had given the board information regarding the disabilities chair and ADA requirements. Baldwin and PAC chair Rick Ackerly stated that the disabilities lift chair at the kiddie pool is not used nor is it required by DOH (from their contact who has since retired) there is one in the main pool which is operational. Per their research it is safer not to have it in the kiddie pool. They (PAC)) are requesting that the town sell the chair either through Auctions International or another municipally. SUNY may be interested; Councilmember Viafore will speak with the appropriate party. Councilmember Baldwin made the motion to try and sell the kiddie pool disabilities chair with Councilmember Krzyston seconding. Motion carried.

Dubbens Brothers needs to do an inspection on the propane tank. Ellen (Recreation Director) will call to set up a time for them to inspect.

Highway/Machinery: Councilmember's Baldwin & Cairns) Written report from Superintendent Evans provided to councilmembers. Evans announced the bid has been awarded for the Webster Brook culvert replacement, dates will be set and notifications will be sent for road closing. Tuthill asked about the Platner Brook wall replacement; Evans stated it is slated for next year. The culvert replacement for Federal Hill #2 they are finding that the structure proposed may not be available for funding. Evans isn't sure what this means but will follow up.

Evans stated he has already given the report on the playground work the highway department has done. The department has been cleaning up the downed limbs and trees from the recent storms. Otherwise they will be getting ready for their summer road work ditching and prepping for oil and stoning.

Councilmember Cairns stated the union rep has passed away and there is a new person. Negotiations will begin next summer.

Councilmember Baldwin asked about the "hamburger" from the playground. Evans states it should be scrapped, Tuthill agreed. All is removed from playground except pavers and block wall.

Personnel: (Councilmember's Viafore & Baldwin): Councilmember Baldwin stated they are staying in touch with what is going on and how people feel about things.

Recreation/Health/Youth: (Councilmember's Viafore & Baldwin): Councilmember Baldwin and PAC member Ackerly stated that Aqua Concept is coming Saturday the 14th to open the

pool. Wednesday at 4pm they will be removing the cover from the pool. Baldwin deferred to Ellen Pringle, Recreation Director who requested the following approvals for employment as lifeguards and WSI:

Abbiele Leahy – WSI/Lifeguard - \$14.50
Elizabeth Lamport – WSI/Lifeguard - \$14.50
Jodean Bray – WSI/Lifeguard - \$14.50
Rowan Walsh – Lifeguard - \$13.20
Sophia Piro – Lifeguard - \$13.20
Alex Stanton – Lifeguard - \$13.20

Hire date of May 25, 2022. Supervisor Tuthill stated all paperwork must be completed and returned to the bookkeeper before they start work. Councilmember Baldwin made the motion to hire the above with WSI's earning the \$14.50 per hour and Lifeguards earning \$13.20, hire date of May 25, 2022 with all paperwork being submitted to the bookkeeper prior to start date; Councilmember Viafore seconding the motion. Motion carried.

Pringle stated the pool is slated to open Memorial Day weekend with swim lessons to commence Monday, June 27th for a three week session. There will be two sessions. Paperwork will be done shortly.

PAC member Ackerly asked again about the naming of the pool; Tuthill stated the pool will stay as the Town of Delhi West Branch Recreation and Aquatic Center. Councilmember Baldwin gave a brief explanation as to why they wanted the pool name changed.

Economic Development/Shared Services: Councilmember Krzyston stated the ice rink has been put away the liner has not it is still on the ground. Flood commission is working with Delaware County Soil and Water to get a redesign of the crossing over Steele Brook at Woolerton Street. They are going to identify a firm that can do the design work. Krzyston stated as far as the shared highway garage he has no specs for the size of the building.

Buildings: Councilmember Cairns stated both boilers should be serviced in June or July.

IT: Councilmember Viafore stated subscribers have doubled for Nixle (from 30 to 65). Tuthill stated Steve Hood emailed him stating how it can help towns. Viafore stated she has started a weekend wind-up of events through Nixle. She has been using the Chambers calendar.

Councilmember Viafore stated that Councilmember Krzyston stated a member of the ZBA stated they had a meeting here recently and had an issue trying to zoom. They were not able to get it going. She believes we need to be able to; Tuthill said there is nothing easy about it. He is opposed to it. Krzyston stated they were using a laptop and it became problematic. The member said the building should be made to be able to handle it. Tuthill stated security protocols become an issue. The board discussed zoom. Councilmember Krzyston discussed You-Tube and interactive meetings.

Codes: Councilmember Cairns stated in April: five building permit issued, 13 inspections / meetings, 5 in-office conferences, 2 fire inspections, 9 c/o letters and he drove 128 miles. Councilmember Krzyston reminded board members to read the letter (he headed out at the beginning of the board meeting) that relates to NYS what they call their response regarding the permitting issue of the fire tower. Krzyston asked board members to read it and soak it in and we can talk about it outside or the next meeting whatever.

CODES Monthly Report:

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

Justice Court Report:

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

Clerk's Monthly Report:

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

Supervisor's Financial Report:

Supervisor Tuthill presented the board with the April 2022 Financial Report. Councilmember Baldwin made the motion to accept the April 2022 Supervisor's Report with Councilmember Cairns seconding the motion. Motion carried.

Supervisor's County Report:

Supervisor Tuthill announced that next Tuesday at 3pm is the ribbon cutting grand opening of the Behavioral Health Building in Walton. He also stated the building on Main Street which had the fire is still coming down, it will be a "controlled demo" they will have to hire a company due to asbestos.

Councilmember Krzyston asked about the lawsuit with Social Services with the previous commissioner. Tuthill believed she was trying to appeal it again, as she lost the last one.

Krzyston asked what the projection of the new building completion date was; Tuthill said he has heard that they are still saying this year.

Councilmember Cairns questioned the counties plan of the brick building. Tuthill said it is supposed to be knocked down and put back to green space. Cairns asked if there was any chance of it being returned to the tax rolls; Tuthill didn't know.

Abstracts:

Councilmember Cairns made the motion to approve Abstract #005 – 2022 accounts A – DB Voucher No.00137 – 00169 equaling \$120,181.22 account TA No. 0064 – 0066 equaling \$12,776.59. Total vouchers presented equaled \$132,957.81. Councilmember Baldwin seconded the motion. Motion carried.

Adjourn:

Councilmember Cairns made a motion to adjourn the meeting at 8:45pm, Councilmember Viafore seconded the motion. Motion carried.

Respectfully submitted,



Elsa Schmitz
Town Clerk
Town of Delhi