

TOWN OF DELHI
JOINT MEETING OF THE TOWN OF DELHI AND THE VILLAGE OF DELHI
Village Hall
July 16, 2018
6:00PM

Present:

Supervisor: Mark Tuthill
Councilmember's: Janet Tweed, William Cairns, Matt Krzyston
Absent: Councilmember Al Perkins
Mayor: Richard Maxey
Trustees: Jeremy Fitch, Robin Hultenius, Chris Maney

Mayor Maxey called the Joint Meeting of the Town of Delhi Town Council and Village of Delhi Board of Trustees to order at 6:00 pm for the purpose of determining the process of holding another special election on the annexing of the seven properties on State Route 28 as on the prior special election held on July 29th no one voted; and as such the annexation failed.

Both the attorney for the town and village had spoken and via email Mayor Maxey and Town Supervisor Tuthill received an "Intermunicipal Agreement Regarding Indemnification Related To The Annexation Of Certain Real Property As Between The Village And Town Of Delhi." This agreement holds the Village of Delhi responsible for any claims, causes of actions, lawsuits, special proceedings, or other proceedings of every kind or nature, together with any judgment or lien arising out therefrom, or which may be related to the action of the Town in taking the steps requested by the Village of Delhi to hold another Special Election for the purpose of the annexation of land to the Village. This indemnification shall also include any and all reasonable attorney's fees incurred by the Town in defense of itself or its interests arising therefrom or related thereto.

In consideration of the Town taking such steps as requested by the Village to re-initiate and authorize a new Special Election for annexation, the Village agrees to reimburse the Town for any and all expenses incurred by the Town which may be reasonably incurred as a result of taking such action.

Mayor Maxey requested a motion be made by the Village Board to accept the intermunicipal agreement and allow him to sign for the Village. Village Trustee Chris Maney made the motion to accept the agreement allowing Mayor Maxey to sign with Trustee Fitch seconding. Motion carried.

Town Supervisor Tuthill requested a motion be made by the Town Board to accept the intermunicipal agreement and allow him to sign for the Town. Councilmember Cairns made the motion to accept the agreement allowing Supervisor Tuthill to sign with Councilmember Tweed seconding. Motion carried.

With both the Town and Village signing the agreement Resolution No. 008 of 2018 was put forth:

RESOLUTION NO. 008 OF 2018
TITLE: APPROVING THE ANNEXATION OF CERTAIN PROPERTY
BY THE VILLAGE OF DELHI

WHEREAS, the Village of Delhi (the "Village") and the Town of Delhi (the "Town") received a petition (the "Petition") proposing that the Village annex properties identified as SBL # 171.18-4-5.2, SBL # 171.18-4-1.2, SBL # 171.18-4-1.1, SBL # 171.18-4-2.1, SBL # 171.18-4-5.1, SBL # 171.18-4-2.2 and SBL # 171.18-4-4, which are presently situated in the Town; and

WHEREAS, a public hearing on the petition was held on April 2, 2018, at which time there were no objections, either written or verbal; and

WHEREAS, by resolution dated May 21, 2018, the Town determined that the Petition complied in all respects with the requirements of the Municipal Annexation Law (N.Y. Gen. Mun. Law § 700 *et seq.*) and that annexation was in the over-all public interest; and

WHEREAS, in accordance Gen. Mun. Law § 713, the Town called a special election for June 29, 2018, which all residents of the property to be annexed who are qualified to vote were entitled to do so; and

WHEREAS, no resident appeared and voted, either for or against the measure, at the prescribed time and place, despite the Petition having been executed by a majority of the owners of the properties to be annexed; and

WHEREAS, there appears to have been confusion or misunderstanding as to the purpose and necessity of the vote;

WHEREAS, the Village has agreed to and executed the indemnification agreement attached as *Exhibit "A"*;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town, on its own motion, hereby calls a revote on the annexation proposition, to be held on August 2, 2018, at a time and place to be noticed; and
2. If the proposed annexation is approved, the Town will file the certificate of election with Clerks of both the Town and the Village.

Town Supervisor Tuthill requested a motion to accept the resolution. Councilmember Janet Tweed made the motion to accept Resolution No. 008 of 2018 with Councilmember William Cairns seconding. Motion carried. Roll call as follows:

<u>MEMBERS PRESENT</u>	<u>MEMBERS ABSENT</u>	<u>VOTE</u>
Tuthill		Aye
Krzyston		Aye

Tweed
Perkins
Cairns

Absent

Aye

Aye

A motion was made by Councilmember William Cairns to advertise for the Special Election to be held August 2nd between the hours of 9:00am and 3pm. Councilmember Janet Tweed seconded the motion. Motion carried. The Town Clerk will advertise for special election and will contact election inspectors for the Special Election to be held on the Town Hall, 5 Elm Street on August 2nd.

Mayor Maxey discussed the housing development project with the Town Council. Tonight was the public hearing for the village and there was no public in attendance. As there was no public input the public hearing was closed for the village. The Village of Delhi is applying for a community planning grant through the NYS Office of Community Renewal. This grant is to request funding to undertake a housing needs assessment and market study to determine what types of housing needs exist within the Town and Village. It will also identify potential locations within/proximity of the Village that could support housing needs. The program can provide up to \$50,000 of funding to support the study. The Village and Town will split the 5% match. Mayor Maxey requested a motion be made by the Village Trustees to move forward with the grant. Village Trustee Christopher Maney made the motion to authorize moving forward with the grant with Village Trustee Jeremy Fitch seconding. Motion carried. Supervisor Tuthill requested a motion be made by the Town Council authorizing the participation in the grant which will be administrated by Delaware County Industrial Development. Councilmember Janet Tweed made the motion authorizing to move forward with the grant with Councilmember William Cairns seconding. Motion carried. As there was no further business at the special meeting Councilmember William Cairns made the motion for the Town of Delhi to adjourn at 6:23pm with Councilmember Janet Tweed seconding.

Respectfully submitted,

Elsa Schmitz

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Town Clerk, Town of Delhi