

**TOWN OF DELHI
BOARD MEETING
August 14, 2018
7:30PM**

Supervisor Tuthill called the meeting to order at 7:35pm.

Those present:

Councilmember: Janet Tweed, Matt Krzyston, Al Perkins

Absent: Councilmember Bill Cairns, Highway Superintendent: Daren Evans

Resident(s): Carol Morrissey, Jeff Barthelmes, Rick Roberts, Tom Little, Susie Little, Carol Morrissey, Gerard Barnhardt, Ann Roberti

The Pledge of Allegiance was led by Councilmember Tweed.

Privilege of the Floor:

Privilege was offered no community members spoke.

Approval of July 10, 2018 Regular Meeting Minutes, July 16, 2018 Joint Meeting Minutes & August 8, 2018 Emergency Meeting:

Supervisor Tuthill stated the date on the minutes was incorrect, the clerk had dated the minutes of the July 10th meeting as July 11th, with this correction a motion was made by Councilmember Perkins to accept the minutes with the stated correction and seconded by Councilmember Tweed. Motion carried. Councilmember Tweed made the motion to accept the July 16th meeting minutes with Councilmember Krzyston seconding, motion carried. Councilmember Perkins made the motion to accept the August 8th meeting minutes with Councilmember Krzyston seconding, motion carried.

Old Business:

Supervisor Tuthill announced that five people voted at the Special Election held for the Annexation of the seven properties on State Route 28, as such the annexation has been approved. He stated that the Clerk is to contact Mayor Maxey and allow the Village attorney to draw up any other necessary paperwork to finalize the annexation.

Supervisor Tuthill stated that Councilmember Perkins met with the Catskill Mountain Club.

Councilmember Perkins announced that he, Councilmember Krzyston, Councilmember Tweed held a meeting with Ann Roberti and Laurie Rankin of the Catskill Mountain Club. Please note this meeting was not advertised as the town clerk was not notified of such meeting. Councilmember Perkins stated the meeting was held on July 31, 2018 at 3:00pm; they discussed in depth the fire town, took notes and contacted NYMIR the town's insurance carrier. Per Councilmember Perkins initially he had a lot of concerns as he has an insurance background, his main concern was that through the process of insuring the fire town it would not bring on any additional liability on the town or taxpayers. Through meeting with the organization he has found that this is a state wide thing, a national thing. He further stated throughout the state of New York there are various towns that are doing this, being involved as such he took the information contacted NYMIR and spoke with the claims people and requested to know what it would cost the town if they decided to do this. He said NYMIR insures many towns in the state and figured that if there were other fire towers they were certainly aware of it. NYMIR has no major issues with this project, as a matter of fact he asked for \$25,000 to cover the structure itself and the cost to the town would be about \$25.00 year to add the covering of the building portion of the tower. There is no additional charge for liability at this point. NYMIR does not find it to be a major problem.

The maintenance of the facility would be taken care of by the organization; the construction would be done by an individual who is an authority on fire towers. Even having to add NYC as an additional insured on the policy, it is very small if anything charge to do it. Perkins further stated his initial concerns have been basically settled speaking with the insurance company. One of the things he would suggest (although this is a project that could take up to two years to happen) is working out to see if the owner is willing to donate the structure or remain the owner, this needs to be worked out. It would be wise to have a contract of understanding so everyone knows where they stand. He feels it could be a benefit to the town with tourism, a lot of people use the trail. He does not believe as the tower will be located two miles up the trail that it will entice students up there to party. Supervisor Tuthill questioned if NYMIR has insured fire towers on city owned property, Councilmember Perkins stated not on city but state owned properties, he further stated the city is "ok" with this. Perkins stated he works with the city on a regular basis and usually they request one million in coverage. Supervisor Tuthill said that some of their contracts can be up to five million, we need to make sure we have that spelled out. Councilmember Perkins said all parties must come to an agreement and have it in writing. Town resident Rick Roberts of Catskill Mountain Club stated that both the Catskill Mountain Club and the Fingerlakes Trail Conference have had to add the city at a cost of approximately \$50.00 a year with their two million dollar liability. He was surprised the town did not have them already as additionally insured. Councilmember Perkins stated we don't do much with the city; we don't have that kind of relationship with them. A future contract for down the road is a must, he also stated he was initially against the undertaking but after speaking with all the involved parties he feels it is a viable project and that if done right could happen. When questioned by town resident Jeff Barthelmes about who covers the cost of mantling and if necessary dismantling or maintenance of the tower, Perkins stated the organization would be responsible. Ann Roberti of the Catskill Mountain Club stated she has spoken with Peggy Ellsworth of the MARK Project and she would be happy to work with them in applying for grants, the local Chambers will help support as well, Roberti has spoken with Senator Seward and he thought it was very exciting and wants to be a part of it. Councilmember Perkins stated he has gotten much information on fire towers and has it available for members should the like to see it. Resident Tom Little stated concerns of engineering and questioned the certification and yearly recertification of the tower, who is responsible for these. Ann Roberti stated an expert has been contacted; the tower does not have to be inspected yearly. The Catskill Mountain Club would inspect it visually, these towers some of them have been up for hundreds of years. The maintenance is very low; painting every five years and in fifty years possibly the roof she also stated it is quite minimal. Jeff Barthelmes questioned how long the tower has been in storage; Roberti stated since 1975 and is in good condition. The map table is still in all the nuts bolts are there although they will use new ones, new footings will also be done. Councilmember Krzyston stated emergency access can be gotten to by four-wheeler and by snowmobile, so there is not a concern. Resident Little stated his concern of youth having parties there. Resident Elsa Schmitz questioned the liability of the tower should someone be injured and the cost to taxpayers should this occur. Councilmember Perkins said if you are going to move forward and do anything ever, you have to take a chance. Schmitz stated at whose expense, the taxpayers? Perkins said the insurance company would have to pay and the insurance would not go up that much, but would go back down eventually. He further said he hated to see people stop doing things out of fear of being sued; living in a world like that sooner than later we end up doing nothing. By putting in the brand new pool we could be sued, should we not build a pool because of this...because a kid could drown, slip and fall in split their heads. Anything could happen, we are bringing more liability to the town by bringing the pool on board, and if we say no we will ever be doing anything. Rick Roberts of the Catskill Mountain Club further stated there are cages and it is impossible to fall off of it. The stairs have landings so that helps, Ann Roberti stated she has spoken to the Mayor of Stamford and they have had

no issues. Mr. Roberts asked what the next step is the Town Board needs to take; Councilmember Perkins said the board needs to decide if they want to move forward than stated a contract with details needs to be worked out that could be brought back to the board which could be voted on. The committee which is Councilmember Krzyston and Councilmember Tweed needs to continue meeting to get a contract which works for everyone involved. Councilmember Perkins made a motion to allow the committee to move forward with the organization to develop some sort of agreement between all parties involved to be voted on a later date. Councilmember Krzyston seconded the motion. Motion carried. Resident Jeff Barthelmes stated an issue with the fire tower that needs to be addressed. Everything attached to the land becomes real-estate, so now a currently owned hardware will become real estate, this will complicate issues being on city land more than people think, and it is worth taking a very good look into this. Supervisor Tuthill stated this would have to be part of the agreement with the city. Ann Roberti stated they want a permanent easement with the city and NYC is aware of this, although they have not stated they are willing to put monies into the project. Councilmember Perkins stated there would be volunteers running the fire tower.

Town Supervisor Tuthill stated Highway Supervisor Evans has asked if the board would extend the agreement to spend monies on a truck if he can find one. We won the previous auction but did not get the truck. The town that had the truck did not accept our high bid, sold it to a neighboring town for \$5,000 less. Highway Supervisor Evans received a call from the owner of Auctions International apologizing on behalf of the said town, they are not happy either as they lost commission on the sale themselves. We will leave the dollar amount open for them to use towards purchase of another truck. The adjuster was here today, we will probably not hear from them for another two to three weeks. Supervisor Tuthill stated we will not have another emergency meeting as we have given them permission to pursue a purchase. Councilmember Tweed stated that calling it an “emergency meeting” caused much uproar and asked that in the future we be more specific with wording should an emergency meeting be necessary. Councilmember Perkins made a motion to allow Highway Supervisor Evans to continue to look for a truck to replace the damaged truck at the price we had quoted before of \$44,900. Councilmember Tweed seconded the motion. Motion carried.

Supervisor Tuthill stated the Court Clerk will be retiring. We will be discussing the position further in Executive Session.

New Business:

The Delaware County Historical Association has requested a \$500.00 donation which is on the abstract for approval.

The board received the yearly contract from the Heart of the Catskills for 2018. Councilmember Perkins made a motion to approve the contract with the deletion of “cats” from the contract, Councilmember Krzyston seconded. Motion carried.

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 NYSE&G for \$374.00, Schoolhouse Construction Services-\$6,750.00, Lakeside Engineering-\$5,850.00, A. Treffeisen and Sons, LLC for \$20,520.00, Atlantic Testing Labs-\$2,525.00, Andrew Mancini Assoc., Inc.-\$154,019.00 and Walsh & Walsh, LLP-\$1,219.45. The total of all presented bills being \$191,257.45. Councilmember Krzyston seconded the motion. Motion carried. The Town Clerk to notify Bryan Boyer of Delaware National Bank.

Supervisor Tuthill stated a public hearing was necessary for the cable franchise agreement with Charter Communications. He would like to have it at our next meeting at 7:15. Councilmember Perkins made

the motion to schedule the public hearing for September 11th at 7:15pm, Councilmember Tweed seconded motion carried. Town Clerk will advertise such.

Committee Reports:

Highway/Machinery: (Councilmember's Perkins & Cairns) – Highway Superintendent Evans provided the board with a written report. Supervisor Tuthill stated the weather has created several issues with oil and stoning. Other than the search for a truck there hasn't been much else.

Health/Youth: (Councilmember's Tweed & Cairns) – Councilmember Krzyston stated we had received a letter from the O'Connor Center for Community Engagement. They organize student volunteers from the college and on September 29th they want to have projects for students between 10am-2:30pm.

Economic Development/Shared Services: (Councilmen Perkins & Krzyston) – Councilmember Krzyston stated there have been discussions regarding the emergency squad branching outside of the fire district to add their ability to bill insurance companies. This is a long term project which we will hear about in the next several months. There is possibility that they will become a non for profit.

Discussion on skating rink liner, they are looking into costs on replacement liners.

Recreation: (Councilmember Perkins) – Councilmember Perkins read a report from Schoolhouse Construction. The project is moving along nicely now other than some pre-construction snags. Excavation did reveal rebar and concrete which has been removed from the site. It was stated that Joe Rosa donated a generator for the project keeping the site dry. Permanent electric lines are installed and were activated last Friday. Sewer and water is also done, plumbing has been tested for leaks. Councilmember Perkins wanted to publicly thank Joe Rosa for coming to the pools aid with the generator, he allowed us to use it for 11 days at no charge. The Pool Committee has chosen Dubben's Gas to handle the propane for the pool. During construction it was necessary to do so. The town attorney has stated this was acceptable due to reasons why. They don't fit under the need to bid as the amount is under the necessary monies.

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

Building: (Councilmember's Cairns & Krzyston) – Councilmember Krzyston stated they will be painting the town sign in front of the building. Supervisor Tuthill stated they will be getting specs drawn for the roof at the garage.

IT: (Councilmember Tweed) – Councilmember Tweed stated that she was able to get emails for all councilmember's. They are published on the town's website. Voicemail for councilmember's will not happen as there is a cost of \$12.00 per month, the rational was not only due to cost but the inconvenience to the councilmember's of having to come into the office to check the voicemails due to the current phone system that we have. Email can be used to reach councilmember's.

CODES: (Councilmember Cairns) – Supervisor Tuthill stated the code officer is on vacation and Tom Little is covering. One complaint has been addressed and taken care of.

CODES Monthly Report:

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

Justice Court Report:

A motion was made by Councilmember Krzyston and seconded by Councilmember Tweed to accept the July 2018 Justice Report. Motion carried.

Clerk's Monthly Report:

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

Supervisor’s Financial Report:

Supervisor Tuthill presented the board with July 2018 Supervisors Financial Report with Councilmember Tweed making the motion to accept and Councilmember Perkins seconding. Motion carried.

Supervisor’s County Report:

Supervisor Tuthill stated the county public comment forum was held last week. Most felt the public wanted the Delaware County DPW to stay on Page Avenue or turn the roads over to the towns. They made it clear they do not like eminent domain, also that county DPW had not use this as a back door play to go back after the MacFarland Farm.

Tuthill stated that he has heard of multiple counties turning roads back to the towns. The counties have saved a lot of money doing this. There may be a growing consensus to do due-diligence and do a study of these other counties to find out what we can save. He further stated by not having to build a new DPW building there is a large savings there. Hamden Town Supervisor has spoken to several counties and they state they are saving millions. He believes Cayuga County is doing this now. Fives towns in Delaware County are already plowing county roads. The Town Council would like to see this looked into and see the success rate of this. Councilmember Perkins made a motion that the Delaware County Board of Supervisors move forward with the concept of turning roads back to the towns for plowing and maintenance. Councilmember Krzyston seconded the motion. Motion carried.

Discussion regarding the counties stance on privilege of the floor, our board feels the county needs to allow this.

Mental Health facility is coming along well, hopefully in September the county can get the design moving forward.

Abstracts:

Councilmember Tweed made the motion to approve Abstract #008 - 2018 accounts A – SF Voucher No. 327-385 \$270,701.91 and account TA Voucher No. 164 - 166 = \$12,074.46. Total of presented vouchers for Abstract #008-2018 - \$282,776.37. Councilmember Perkins seconded the motion. Motion carried.

Executive Session:

A motion was made by Councilmember Perkins at 8:35pm to enter into executive session to discuss the employment history of a particular person. Councilmember Krzyston seconded the motion, motion carried. A motion was made to exit executive session at 9:00pm by Councilmember Perkins and seconded my Councilmember Krzyston, motion carried.

Adjourn:

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

Respectfully submitted,

Elsa Schmitz

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Town Clerk, Town of Delhi