

A regular meeting of the Board of Trustees for the Village of Delhi was held **Thursday, September 1, 2022** at 5:30 p.m. at Village Hall.

The meeting started at 5:30 p.m. with the Pledge of Allegiance.

Present: Deputy Mayor: Jeremy Fitch  
Trustees: Ian Lamont and Jeffrey Gearhart

Absent: Mayor Sridhar Samudrala & Trustee Janet Tweed

Guests: Cindi Cobbe, Joshua Hunter, Eddy Acosta and Margaret Baldwin

Privilege of the floor was granted to:

Peg Baldwin indicated there was discussion last month regarding chickens last month that seemed to be dismissed. She wanted to applaud the hard work done by the Zoning Review Board on this issue.

Eddy Acosta and Joshua Hunter were present to propose their project "Delhi 2022 Bio Blitz" that they would like to see done in Delhi in October 2022. It would be Lambda Alpha Upsilon Fraternity Inc. (LAU) partnered with SNY Delhi Campus, Horticulture Club, College Association at Delhi, and Delaware Academy School. They proposed this be held at Reservoir Park in Delhi. Project – "We would like to take 30-40 Delaware Academy students to the Reservoir Park, to interact and educate the students on how important it is to preserve our land, and care for all living things that are here. The event would last two to three hours depending on participation, weather, and what we will be able to see."

Motion was made by Trustee Lamont to approve the minutes of the August 4, 2022 regular meeting and minutes of the August 9, 2022 special meeting. Motion was seconded by Trustee Gearhart and passed unanimously. .

Motion was made by Trustee Lamont to approve Abstract #004 dated September 1, 2022 in the amount of \$298,877.76 (General fund \$29,356.83, Water fund \$114,289.36, Sewer fund \$133,577.23, and Trust & Agency fund \$21,654.34) Motion was seconded by Trustee Gearhart and passed unanimously.

Motion was made by Trustee Lamont to accept the Police Report dated July 2022, Street Report dated September 2022, Water Report dated 8/25/2022, Sewer Report dated August 29, 2022, Code Enforcement Officer's Report dated August 1-25, 2022, Treasurers Report for May 2022 after closing, June 2022 and July 2022, Clerk's Report dated 9/1/22, and Historian Report dated August 2022. Motion was seconded by Trustee Gearhart and passed unanimously.

Bill Brown was present and reported on the following items:

Andes Road Sewer Extension, Water Infrastructure Improvement Act (WIIA Funding), and NYSDOH Fluoride Grant

Motion was made by Trustee Gearhart to authorize the Mayor to sign the professional service agreement with Delaware Engineering not to exceed cost of \$12,500 for design and project coordination of the fluoridation upgrades at Depot Street Wellhouse. Motion was seconded by Trustee Lamont and passed unanimously.

Trustee Fitch reported for the Police Committee.

Motion was made by Trustee Fitch to hire Jeffrey Staples and JoAnn Staples for the position of Crossing Guards at a rate of \$20/hour. Motion was seconded by Trustee Gearhart and passed unanimously.

Motion was made by Trustee Fitch to approve the appointment of Ethan Erlich to the position of Police Officer (Non-Competitive-Part-time) at a rate of \$21 per hour – appointment would be contingent upon the satisfactory completion of his livescan fingerprint submission, background investigation and all other screening processes required by NYS law). Motion was seconded by Trustee Lamont and passed unanimously.

Motion was made by Trustee Fitch to appoint Sharon Radtke to the position of Police Clerk (part-time) at a rate of \$18.50. Motion was seconded by Trustee Gearhart and passed unanimously.

Motion was made by Trustee Fitch to approve quote #QUO-7621 from Advanced Electronic Design, Inc. in the amount of \$19,693.00 to equip the 3 new patrol vehicles. Motion was seconded by Trustee Gearhart and passed unanimously.

Trustee Lamont reported for the Sewer Committee.

Trustee Lamont spoke about the need for an industrial containment tank.

Motion was made by Trustee Lamont to approve Resolution #12 of 2022 – SEQR Funding Wastewater Treatment Plant which reads as follows: “VILLAGE OF DELHI - 9 Court St. - Delhi, New York 13753  
**SEQR and Funding Resolution** -September 1, 2022

WHEREAS, the Village wastewater treatment plant (WWTP) has a permitted capacity of 1.015 MGD, is located at 42032 State Highway 10, south of the Village limits in the Town of Delhi, and provides tertiary treatment of industrial wastewater from two (2) major industries in the Town of Delhi; and

WHEREAS, the average flows from the industries are significant and total to about 0.400 MGD, and each industry is required to comply with discharge limits identified in separate sewer use contracts but, periodically, the industries have had process upsets that have led to problematic wastewater being conveyed to the Village WWTP; and

WHEREAS, recently poor quality industrial flows and the lack of a containment area have led to permit limit exceedances at the Village WWTP which, in turn, have led to the Village entering into an Order on Consent with NYS Department of Environmental Conservation requiring an implementation schedule for the establishment of a containment tank to receive off-specification pre-treated wastewater from the industrial users; and

WHEREAS, the Village Board of the Village of Delhi is accordingly undertaking a project called the Village of Delhi Industrial Wastewater Containment Project (hereinafter referred to as ‘the Project’) that is proposed to include a new 600,000 gallon containment tank, diversion piping, aeration systems, pumping systems, controls and instrumentation systems, related electrical improvements, and miscellaneous site improvements; and

WHEREAS, the Village is applying to the New York State Water Infrastructure Improvement Act and the New York State Environmental Facilities Corporation Clean Water State Revolving Fund (CWSRF) for project funding, and may apply to other funding agencies, and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF DELHI AS FOLLOWS:

1. The Village Board intends to proceed with the Industrial Wastewater Containment Project to improve wastewater treatment plant performance; and
2. The Village Board hereby determines that the project is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), Article 8 of the New York Environmental Conservation law and its implementing regulations, 6 NYCRR Part 617 and that no further environmental review is required; and
3. The Village Board hereby authorizes the Mayor to sign all funding application documents for the Project on its behalf.

By (unanimous/majority) vote of the Board of Trustees of the Village of Delhi at its meeting of September 1, 2022 “

Motion was seconded by Trustee Fitch and passed unanimously.

Motion was made by Trustee Lamont to approve Resolution #13 of 2022 – “Bond Resolution of the Village of Delhi, New York which reads as follows:

“Legal Notice of Estoppel

NOTICE IS HEREBY GIVEN that the resolution which is published herewith, has been adopted by the Village Board of the Village of Delhi, New York on September 1, 2022, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which said Village is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Dated: Delhi, New York  
September 1, 2022  
Kimberly Cairns, Village Clerk

**RESOLUTION NO. \_\_\_\_ 2022**

Dated: Delhi, New York, September 1, 2022

**BOND RESOLUTION OF THE VILLAGE OF DELHI, NEW YORK (THE "VILLAGE"), DATED SEPTEMBER 1, 2022, AUTHORIZING CONSTRUCTION OF AN INDUSTRIAL WASTEWATER CONTAINMENT SYSTEM AT THE VILLAGE WASTEWATER TREATMENT PLANT; ESTIMATING THE AGGREGATE COST THEREOF TO BE \$1,998,000; APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,200,000 BONDS OF THE VILLAGE TO FINANCE SAID COST**

Resolution by Trustee \_\_\_\_\_ Seconded by Trustee \_\_\_\_\_

**WHEREAS**, the Village of Delhi (the "Village") owns and operates the Village Wastewater Treatment Plant ("WWTP") which processes wastewater flows from two local industries (the "Industries"); and

**WHEREAS**, historically, the Village WWTP has used a spare aeration basin as an equalization/containment tank to stabilize the wastewater from the industries when flows from the industries have been potentially harmful to the treatment system; and

**WHEREAS**, due to increased flows from the industries, the spare aeration basin is now being used regularly for normal operation; and

**WHEREAS**, poor quality industrial flows and the lack of a separate containment area have led to SPDES permit limit exceedances at the Village WWTP; and

**WHEREAS**, the SPDES permit limit exceedances have led to the Village entering into an Order on Consent ("Order") with the Department of Environmental Conservation ("DEC") which Order includes a Schedule of Compliance requiring an implementation schedule for the establishment of a containment tank to receive off-specification pre-treated wastewater from the industries; and

**WHEREAS**, the Village has determined that it is necessary to construct a containment system at the WWTP, which new system will include a new 600,000 gallon, glass-coated steel containment tank with an aeration system, a pumping and controls system and associated sitework and appurtenances (collectively, the "Project") pursuant to DEC recommendation; and

**WHEREAS**, Lamont Engineer, a reputed engineering firm retained by the Village (the "Engineer") has advised the Village Board of Trustees that the cost of the Project will be approximately One Million Nine Hundred Ninety-Eight Thousand Dollars (\$1,998,000); and

**WHEREAS**, the Village plans to apply to the New York State Environmental Facilities Corporation ("EFC") and other entities for grants (the "Grants") to pay a portion of the cost of the Project; and

**WHEREAS**, the Village desires to authorize the issuance of bonds in an amount up to Two Million Two Hundred Thousand Dollars (\$2,200,000) to finance the initial cost of the Project as determined by the Engineer and provide for any unforeseen cost increases due to delays or supply chain issues;

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Trustees of the Village of Delhi, New York, (by a favorable vote of not less than two-thirds of all of its members), as follows:

#### **SECTION 1**

Pursuant to Sections 31.00 and 32.00 of the Local Finance Law, constituting Chapter 33-A of the Consolidated Laws of the State of New York (the “Law”), the Village hereby authorizes financing of the Project. The maximum aggregate cost of the above Project, based upon the letter report prepared by the Engineer, dated December 9, 2021, is hereby estimated to be \$1,998,000, which shall initially be paid from the issuance of up to \$2,200,000 bonds to finance such costs.

#### **SECTION 2**

It is determined that the period of probable usefulness of the aforesaid Project is forty (40) years pursuant to Section 11.00(a)(3) of the Law;

#### **SECTION 3**

The plan of financing includes the issuance of \$2,200,000 serial bonds or a statutory installment bond, the potential reimbursement of a portion of said amount from the Grants, payment of wastewater charges (the “Charges”) by the Industries and, to the extent of any shortfall from the Grants and/or the Charges, the levy of a tax upon all of the real property in the Village to pay the principal of and interest on said bonds as the same shall become due and owing.

#### **SECTION 4**

The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized to be expended pursuant to Section 165.10 of the Local Finance Law for the Project described in Section 1 of this resolution. If such temporary funds are used for any expenditure authorized in this resolution, the Village intends to reimburse such funds with the proceeds of the tax-exempt borrowing authorized and identified pursuant to Section 1 above.

#### **SECTION 5**

The proposed average maturity date of the bonds authorized pursuant to this resolution is expected to exceed five (5) years.

#### **SECTION 6**

The bonds issued to finance the cost of the Project described in Section 1 above shall mature no later than the date of the expiration of the period of probable usefulness for each such object or purpose.

#### **SECTION 7**

The Village hereby covenants and agrees with the holders from time to time of the Village issued pursuant to this resolution, and any bond anticipation notes of the Village issued in anticipation of the sale of said bonds, that the Village will duly and faithfully observe and comply with all provisions of the United States Internal Revenue Code of 1986, as amended (the “Code”), and any proposed or final regulations of the Internal Revenue Service issued pursuant thereto (the “Regulations”) unless, in the opinion of Bond Counsel to the Village, such compliance is not required by the Code and Regulations to maintain the exemption of interest on said obligations from Federal income taxation.

#### **SECTION 8**

Pursuant to the regulations of the New York State Department of Environmental Conservation, the Village has identified the Project as a “Type 2” action under the State Environmental Quality Review Act (“SEQRA”), and no further “action” as the same is referred to in Article 9 of SEQRA and SEQRA regulations, needs to be taken prior to issuance of the Bonds.

## **SECTION 9**

Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village without legal or constitutional limitation as to rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any bond anticipation notes issued in anticipation of said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

## **SECTION 10**

Subject to the provisions of this Bond Resolution and the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes, or the renewals of said obligations and of Section 50.00 and Section 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bonds and bond anticipation notes and prescribing the terms, form and content as to sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Treasurer of the Village, the chief fiscal officer of the Village. Pursuant to the provisions of paragraph a of Section 56.00 of the Local Finance Law, the power to determine whether to issue bonds and bond anticipation notes having substantially level or declining annual debt service, as provided in paragraph d of Section 21.00 of the Local Finance Law, is hereby delegated to the Treasurer of the Village, as the chief fiscal officer of said Village. In addition to the delegation of powers described above, the powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale and award the bonds in such manner as she shall deem best for the interests of the Village; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any other order or rule of the State Comptroller applicable to the sale of municipal bonds.

## **SECTION 11**

All costs and expenses in connection with the acquisition and development of the objects and purposes set forth in Section 1 above, and the financing thereof by the sale of bonds, including but not limited to, the fees and expenses of bond counsel, financial advisors, counsel for the Village and other professionals, shall be paid to the extent permitted by law from the proceeds of the sale of such bonds.

## **SECTION 12**

The validity of the bonds authorized by this bond resolution and of any notes issued in anticipation of said bonds may be contested only if:

- (a) Such obligations are authorized for any object or purpose for which the Village is not authorized to expend money; or
- (b) The provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) Such obligations are authorized in violation of the provisions of the constitution.

## **SECTION 13**

This resolution shall be published in full or in summary format in the designated official newspaper of the Village for such purpose, together with a notice of the Clerk of the Board of Trustees in substantially the form provided in Section 81.00 of the Law.

#### **SECTION 14**

This Resolution shall constitute the declaration of the Village's "official intent" to reimburse expenditures related to the additional costs of the Project authorized by Section 1 with proceeds of the bonds and notes, as required by the United States Treasury Regulation Section 1.150-2.

#### **SECTION 15**

This resolution shall take effect immediately. "

Motion was seconded by Trustee by Trustee Gearhart and passed unanimously.

Trustee Lamont / Gearhart reported for Water/Street Committee.

A request was received from James Noviello – 4 Elm Street for relief on acct #C4390 because of a leak.

After some discussion the board decided that we could not offer any relief because of our "Water Leak and Non-Sewer Discharge Policy" that was revised May 17, 2021. We need to follow our policy but the board was in agreement that the Clerk could offer a payment plan and waive penalty as long as Mr. Noviello abided by the payment plan.

Motion was made by Trustee Lamont that the "Water Leak and Non-Sewer Discharge Policy" should be mailed by the Clerk's office to all water/sewer customers. Motion was seconded by Trustee Fitch and passed unanimously.

Trustee Gearhart obtained 3 quotes from DTC for installation of security cameras at the 3 Village wells and these quotes were discussed.

Motion was made by Trustee Gearhart to accept the 3 quotes from DTC for security cameras at the 3 wells totaling \$2,672.89. Motion was seconded by Trustee Lamont and passed unanimously.

Trustee Lamont reported for the Parks & Recreation Committee:

Motion was made by Trustee Lamont to approve Tennis 2022 report from Eileen Kline. Motion was seconded by Trustee Gearhart and passed unanimously.

Trustee Lamont wanted to thank Ms. Kline and the other recreation directors for their assistance in running the Summer 2022 programs.

Trustee Gearhart reported for the Codes, Building & Planning Committee:

Bishop building (56 Main Street) – Trustee Gearhart indicated that Code Enforcement Officer Tom Little received a revised proposal and has told the contractor that this revised proposal was unacceptable but hasn't yet received an acceptable proposal. This should be back in court on September 21, 2022.

Village Hall Projects – Trustee Gearhart received quote from Davies Locksmith for transferring pushbar on front door at Village Hall for \$500. Tom Little can obtain front doors at a cost of \$1,500 and would be willing to install them at no additional cost. Kevin Brown @ ZS Security presented a quote of \$3,442.26 for keypad option to include installation.

Motion was made by Trustee Gearhart to move forward with building projects totaling \$5,442.26. Motion was seconded by Trustee Fitch and passed unanimously.

Motion was made by Trustee Lamont to pass Resolution #14 of 2022 "Standard Work Day and Reporting Resolution for Elected and Appointed Officials" for Thomas Little. Motion was seconded by Trustee Gearhart and passed unanimously.

Chickens in village – Trustee Lamont indicated the committee decided that a poll of residents should be done. This item should be tabled and brought back to the October 2022 meeting.

The draft financial report from EFPR Group for May 31, 2021 was discussed but it was felt that this item should be tabled until October 2022 meeting as Mayor Samudrala and Trustee Tweed were not present and they may wish to have some input in this report.

CORRESPONDENCE - 30 day advanced notice for liquor license for Donald W. Gleason Post 190 American Legion @ 41 Page Avenue was received.

8/16/2022 A. Lindsay and Olive B. O'Connor Foundation received payment of \$1,000 to be used toward the cost of hosting the summer 2022 youth volleyball program.

8/16/2022 A. Lindsay and Olive B. O'Connor Foundation received payment of \$1,000 to be used toward the cost of hosting the summer 2022 youth basketball program.

8/16/2022 A. Lindsay and Olive B. O'Connor Foundation received payment of \$5,000 to be used toward the cost of upgrading 10 Village owned streetlights to LED lighting.

8/16/2022 A. Lindsay and Olive B. O'Connor Foundation received payment of \$30,000 to be used toward the cost of purchasing a new patrol vehicle.

The Village board indicated they wished the Village Clerk to forward written acknowledgment to The A. Lindsay and Olive B. O'Connor Foundation, Inc. for the above four (4) payments that were received.

Trustee Gearhart indicated he attended the recent Delaware County Board of Supervisor meeting, as requested by Mayor Samudrala. Village of Delhi had requested \$10,000 for Reservoir Park and were awarded \$15,000. James Small had requested \$10,000 on behalf of the Village for the Police range and were awarded \$20,000.

Trustee Gearhart also added that Larry Govendo will look at the wall at the Village garage, bandstand and front of Village Hall building to give us estimates of cost to repair these items.

Motion was made by Trustee Gearhart to adjourn. Motion was seconded by Trustee Lamont and passed unanimously.

Meeting adjourned at 6:54 p.m.

Respectfully submitted,

Kimberly Cairns  
Clerk-Treasurer