

April 12, 2023

The Town Board of the Town of Harpersfield held a regular meeting on April 12, 2023.

Present were: Lisa M. Driscoll, Town Supervisor
Matthew J. Taylor, Councilmember
Patrick F. Funk, Councilmember
Dwayne C. Hill, Councilmember

Absent: Erik R. Reeve, Councilmember

Also present: Kevin Young, Town Attorney
Robert McKertich, Solar Projects Attorney
Russell Hatch, Supt. of Highways
Linda E. Goss, Town Clerk
Laurie Bedford, Town Assessor, Chairperson

Others present: Rhonda Slicer
Henry L. Browning
Chris Ferla
Frank Ciulla
Nora Lisanti – Ortiz
Susan Fortier
Lee Marigliano
Elizabeth Page, Editor for The Mountain Eagle

The meeting was called to order at 7:00 PM by Supervisor Lisa M. Driscoll.

Supervisor Driscoll led the Board and those in attendance in the Pledge of Allegiance to the Flag.

Supervisor Driscoll asked the Board if they had received the minutes for the organization meeting held on January 11, 2023 and the regular meeting held on February 8, 2023? The Board had received the minutes. Supervisor Driscoll asked the Board if they had any questions, comments, or corrections to be made to the minutes? The Board had no questions, comments, or corrections to be made to the minutes. A motion to accept the minutes for the organization

meeting held on January 11, 2023 and the regular meeting held on February 8, 2023 as presented was made by Matthew J. Taylor seconded by Patrick F. Funk. All voting Aye.

Linda E. Goss reported to the Board that she has received an email from Ellen Kennedy, Secretary for the Stamford Joint Fire District informing the Board that there will be a public hearing concerning partial property tax exemption for volunteer firefighters and volunteer ambulance workers on Wednesday, April 12, 2023 at 7:00 PM at the Stamford Firehouse, 111 Main Street, Stamford, NY. This public hearing is for the proposed resolution that the Board of Fire Commissioners of the Stamford Joint Fire District, hereby authorizes the Fire District to adopt RPTL § 466-a volunteer firefighter and volunteer ambulance worker partial tax exemption for enrolled members of an incorporated fire company, fire department or incorporated voluntary ambulance service as determined by the authority having jurisdiction in the amount of 10% of the assessed value of a primary residence and upon a minimum service requirement of two years based upon the Fire District's determination as the governing body subject to all other statutory requirements. Supervisor Driscoll informed the Board that she had called over to the fire department to ask why they were having a public hearing and passing this resolution. She was told that because they pay taxes they need to pass a resolution. Supervisor Driscoll informed them that this issue had been discussed by the Board but there were a lot of unanswered questions about this issue. She also let the person she was talking to know that the Board has also spoken to the Town Assessor about this partial tax exemption. Some of the questions that the Board had were if there are two firefighters in a household how does that work? If the primary residence has two hundred acres attached to it how does that work? The fire department was working to find out the answers to these questions. Supervisor Driscoll continued that the Board will continue to work with the Assessors to see if they can get more information on this issue. Councilmember Taylor stated that if the Fire District is not taxing, he does not understand this resolution. Supervisor Driscoll answered that she was told by who she was speaking to that because they are a taxable organization they need to pass a resolution. Councilmember Taylor asked is the Fire District is just passing this resolution to say that they agree with this partial tax exemption for volunteer firefighters and volunteer ambulance workers? Supervisor Driscoll answered yes. Laurie Bedford, Chairperson, Town Assessor stated that each taxing district pays fire district taxes, library tax, all of those different units, need to approve the exemption if they are going grant it. Councilmember Taylor stated that he understood. Councilmember Funk stated that he did not understand as the Town pays the Fire Districts their budgets no matter how much they ask for. Linda E. Goss answered that this exemption will be used for income taxes. This partial exemption is supposed to give volunteers a break on the income taxes for the assessment of their homes. She had heard on the news that the State Legislature was working on this tax exemption. For example this would not be available to a volunteer that rented a place to live. The original legislation excluded a lot of volunteers. The other large concern is that this partial tax exemption will wind up being less than the current \$200.00 deduction currently in place. Councilmember Taylor added that you can only take one exemption or the other. Ms. Goss agreed. The discussion continued. Ms.

Goss continued that each Town was going to be required to pass a local law adopting this partial tax exemption. Supervisor Driscoll added that the current legislation has a lot of holes in it. Councilmember Hill stated that this public hearing was supposed to happen last month. There was an issue of not getting the public hearing notice published in a timely manner. That is why the Fire District is a month late holding this public hearing. Councilmember Funk asked do all volunteer firefighters get a \$200.00 deduction on their income taxes? Councilmember Taylor answered yes. Supervisor Driscoll continued that the Town Board and Town Assessors will continue to look into this issue as it progresses. Councilmember Taylor asked Ms. Bedford does the Board have time to continue to look into this matter due to the Assessing year deadline of March 1st? This would not take effect until next year. Ms. Bedford agreed. There also will be paperwork that will need to be filed. If the school districts pass this legislation it is possible to see an exemption on school taxes in 2024. Ms. Bedford asked the Board to determine what they would like to do by November if possible. That will give everyone enough time to process everything before the March 1st assessing deadline.

Linda E. Goss informed the Board that she has received an email from Jen Gregory, Executive Director, Southern Tier 8 Regional Board the State ConnectAll office is hosting a listening session to develop the State's Digital Equity Plan. They have asked us to share an invitation to their Zoom call scheduled for April 24th, 9:30 AM to 11:30 AM. The suggested message to be discussed is frustration by the lack of Broadband access or affordability in your neighborhood. Councilmember Funk asked does anyone know what our coverage for broadband is? Ms. Goss answered broadband via wireless carrier is spotty at best. The Village of Stamford is covered. Not so much for the rest of the Town. The discussion continued.

Supervisor Driscoll informed those present that the public has not asked to be put on tonight's agenda, so our conversation will be just with the Board.

Supervisor Driscoll asked the Board to go into executive session for a personnel matter. A motion at 7:13 PM was made by Councilmember Patrick F. Funk seconded by Dwayne C. Hill to go into executive session for a personnel matter. Invited in to executive session will be Nora Lisanti-Otriz. Town Attorney Kevin Young asked Linda E. Goss to remain for executive session because she is familiar with this issue, but she has to honor the attorney-client privilege and attorney work product privilege. Ms. Goss stated that she will honor the attorney-client privilege and the attorney work product privilege. All voting Aye. Supervisor Driscoll asked those present to step outside for the executive session. She informed those present that she would come and get them once executive session was finished.

A motion at 7:56 PM to come out of executive session was made by Patrick F. Funk seconded by Dwayne C. Hill. All voting Aye. No action was taken in executive session.

Supervisor Driscoll notified those who had been asked to step outside during executive session that the meeting was back in session.

Supervisor Driscoll introduced Robert McKertich, Attorney with the law firm Coughlin & Gerhart LLP. Mr. McKertich told the Board that he is the co-leader of their municipal law practice group. He has been practicing municipal law for twenty years. Mr. McKertich has been asked to assist the Planning Board with the three proposed solar projects in the Town. During the course of the Planning Board's review of the projects a question has been raised as to whether or not there should be a moratorium enacted on solar development within the Town. At the Planning Board meeting in March the question of a moratorium was raised by a number of residents. The Planning Board does not have the authority to enact a solar moratorium. They administer the laws that the Town Board puts in place. That is why Mr. McKertich was asked to this meeting to help provide some advice to the Town Board that has the legislative authority in the Town. A moratorium is a land use tool that municipalities have. The Town has a number of land use tools in their arsenal. One tool is a moratorium that a municipality can put in place in order to put a temporary pause on particular activities within the Town. It is directed at particular land uses for a specific period of time usually six months or so maybe up to one year is a frequent length of time. A moratorium is a planning tool. The main purpose of a moratorium is to address some deficiency that the Town Board may find in the local laws. A moratorium allows the Town time to do some planning and look at revising laws if the Board feels it is needed. What a moratorium is not, it is not a tool that can be used to frustrate a particular project that has been proposed. It can not be a back door method to deny a project that is currently pending in the Town. That is the general frame work for a moratorium. If we take those principals and apply them to what we have here we have a Town without zoning. The fact that the Town does not have zoning really narrows the scope of our reviews. We have to take a look at the laws we have in place. The Town has a Site Plan Review Local Law which Mr. McKertich would characterize as one of the more robust in comprehensive site plan review laws that he has come across over the years. In that Site Plan Review Local Law regulates land use activities within the Town. The Town also has SEQRA which is the State Environmental Quality Review Act. That is a State Law that is administered by municipalities to address potential environmental impacts of particular projects. As the Town is analyzing whether or not you feel the need for a moratorium, you are going to want to look at those laws and the tools that you have to figure out is there some deficiency, is there some reason that you feel that you need to put a pause on solar development in order to correct some kind of deficiency or update your laws. Connected to that and something that we can't ignore is the fact that there are three pending solar projects in Town. That doesn't necessarily preclude a moratorium but what it does do is raises red flags for any judge who is going to review something like this. What you can't do is enact a moratorium in bad faith as a way to subterfuge these existing projects. It's got to be done as a true comprehensive land use tool in order to address some problem you have found in the process. It's a legislative decision for this Board to make. Mr. McKertich then asked the Board if they had any questions. Kevin Young asked Mr. McKertich if he thought that the Town of Harpersfield needed any additional tools or do you think that the tools the Town has, Site Plan Review Local Law and SEQRA, are adequate to insure that the Planning Board has enough control over the projects to protect the community? Mr. McKertich answered that is a

decision that the Town Board has to make. In his experience moratoriums are generally most effective when a municipality has zoning in place. Because through zoning you can prohibit certain land uses in certain areas of the Town. With zoning you have various districts in the Town residential, business, industrial, agricultural etc. and it is intended to kind of divide up the Town so that like uses are near each other. If you have a situation where a new type of use is being proposed and it is not envisioned by your zoning code. If the town has not figured out which districts they want to allow this new type of use in then they can impose a moratorium. The Town then figures out that they want to allow this new type of use in an industrial area but not in a residential area. The Town then goes ahead and amends their zoning law accordingly. We don't have that situation here. Mr. McKertich understands that zoning is not even on the table. The Town is not going to enact some zoning code. That is a much bigger discussion than what we are here for. With that in mind I think we look at the laws we have. The Site Plan Local Law that the Town has in Mr. McKertich's opinion is a really comprehensive law. It gives the Planning Board the authority to review the proposals, to regulate the potential land use impacts of the projects and it gives that oversight. SEQRA gives a lot of tools to the municipality to address any environmental concerns. If there is some kind of potential significant adverse environmental impact that is being proposed that law in and of itself allows the Planning Board to halt the project, to require an environmental impact statement to be prepared and to fully analyze the environmental impact. From that perspective the Town has laws in place in order to properly address what is being presented. Some municipalities enact solar laws that are specific to solar development. They address that particular use. Some of those solar laws have things like requirements for decommissioning plans, for surety bonds to insure that projects are decommissioned and certain conditions for vegetative covers or buffers around the projects. Councilmember Funk asked Mr. McKertich if the Town were to enact a solar law like this could it be a double edge sword? For example if the Town put in a solar law that contained setbacks have to be 200' and the vegetation has to be seven to ten feet high. A solar company can then come to the Town and meet all of these requirements. Then at the public hearing when the public says that we can see the solar panels. Can we make the height of the vegetation twenty feet high? The answer would be no. The solar company has met the requirements of the Town law. Mr. McKertich answered yes. In this example the solar company is not allowed to plant vegetation below seven feet tall, but is not required to plant vegetation that is twenty feet tall. That is not to say that either a Site Plan Review Local Law or a Solar Facility Local Law are wrong. It comes down to what law or laws the Town Board wants to enact. Mr. McKertich continued that he has not seen for the most part, with the solar companies that he has dealt with, where the applicant has said no we are not going to do a decommissioning plan or no we are not going to do a surety bond to ensure that decommissioning is enacted. He has not seen solar companies putting up much of a fight on vegetative buffering if there is a legitimate basis for it. For example if there are neighbors nearby that might be able to view the solar panels typically that kind of thing the applicants will be accommodating for that. Mr. McKertich continued that with the Town's Site Plan Review Local Law and the SEQRA Law provide the tools to address that kind of visual impact. Councilmember Funk added that if the Town were

to enact a solar law he feels that it will take away the little bit of the flexibility that the Planning Board currently has to ask an applicant to accommodate a request from residents. Mr. McKertich agreed that this is a fair point. Linda E. Goss asked Mr. McKertich if these solar projects are completed and the Town Board decided to enact a moratorium and adopt a solar law could there be potential litigation from these solar companies? Mr. McKertich answered there is always a potential that there is going to be litigation. I always counsel that you want to enact laws more in a vacuum rather than when there is a particular project pending. It is not guaranteed that a court will overturn a moratorium just because there is a project pending. As I said it does raise red flags for a judge to now view whether or not what the Town is really trying to do is undermine a project that is being proposed. The judge is going to say look that should be reviewed by the Planning Board. The Planning Board reviews the projects. The Town Board is planning and enacting laws that are Town wide that are intended to stand the test of time not to target a particular project. So by enlarge the Town would rather do a moratorium when there are not projects pending. It is cleaner to do it that way. There is also no requirement to do a moratorium at all. The Town can enact a solar law and not have a moratorium in place. Mr. McKertich has just had a municipality do exactly that. The Town said no we do not want to do a moratorium. We don't think that we need one. We do want to update our solar law and we are going to go through the process of doing that. That is also an option. None of these options are right or wrong but there are these considerations that the Town should take into account. Supervisor Driscoll asked the Town Board if anyone thought that the Town should enact a moratorium? The Town Board did not want to enact a moratorium at this time. It was decided that in the future if the Board felt there was a need to enact a moratorium for a solar law that they would revisit this issue at that time. Kevin Young added that now there is State law that if a solar project is more than 20 megawatts then the State law supersedes all local approvals. Mr. McKertich agreed that if a solar project is between 20 and 25 megawatts the applicant has the option of doing a State level review or a local level review. Any solar project over 25 megawatts has to be reviewed by the State. Councilmember Funk asked so any solar project over 25 megawatts the Town will have no say what so ever? Mr. McKertich answered the Town has no ability to regulate it through the Town's local laws. You can have a say as a party in the proceedings. There is going to be a State administrative proceeding and the Town can intervene in that as a party and have a say. The Town does not have the authority to regulate that large of a solar project.

Supervisor Driscoll informed the Board that they will need to discuss adopting a Local Law to Opt-Out of the Real Property Tax Exemption provided by Section 487 of the New York State Real Property Tax Law. Kevin Young informed the Board that approximately twenty five years ago the State legislature when trying to encourage renewable energy determined that wind projects and solar projects are exempt from real property tax. A municipality could require a PILOT in lieu of tax. At the same time if a municipality actually wanted to subject the project to tax they could adopt a local law to Opt-Out of the exemption. Delaware County in 2016 came up with a resolution for the Town to have a PILOT for these projects. With the PILOT 50% of the

payment would go to the Town, 25% of the payment would go to the School District and 25% of the payment would go to the County. The total PILOT payment could not be more than what the property owner would otherwise pay in taxes. If the property owner paid \$100,000.00 in taxes the PILOT could not be more than \$100,000.00. If the wind or solar project were to pay taxes the School District would receive the overwhelming majority of those taxes. Typically the School District would receive 50% to 60% of the total tax. The Town would receive 20% to 25% of the total tax and the County would receive about the same. The PILOT was a good deal for the Town. When the first solar project came to the Town we entered into negotiations on a PILOT payment. It turned out that the School District was not in favor of this. The School District wanted to subject the project to tax. The Town, School District and County are each an independent taxing jurisdiction. Each gets to choose. What Mr. Young is proposing is that the Town adopt a local law that allows the Town to Opt-Out of the Exemption to make the project subject to real property tax. That way whatever the tax is it is. This is not a small issue in the sense that one of these projects that are before the Planning Board when it was first introduced had a cost of construction of \$13 million dollars. Power plants are generally assessed based on their cost of construction. If you think of \$13 million dollars construction cost and say your tax rate is 1% of fair market value that would be \$130 thousand dollars. That is substantial. The solar companies say that they can't afford that. They can't afford to pay real property tax based on their actual cost of construction. The State legislature in order to encourage renewable energy has adopted a law that says that renewable energy is to be assessed based on their income value. So for example if you have a building that cost \$10 million dollars to construct but when you go to sell the building what the buyers are going to care about is what the income is going to be verses the expenses. What is the rate of return on the building? With these solar projects even though it is going to cost \$13 million to construct, the income value which is pretty certain because it is going to generate a certain amount of electricity at a certain rate, and it really does not have any costs, is more like \$5 million dollars. This is technically the law now. These projects will be assessed on their income value. It is a good value not a great value. If the Town does not enact this local law we then have to go in to negotiations on a PILOT and the most we are going to get from them would be the real property tax that they otherwise would pay. The Town Assessor is still going to have to assess these solar projects because the School District is going to charge a tax and the special districts are going to charge a tax. Mr. Young continued that they have drafted a local law that they have used in other communities. The Town will need to schedule a public hearing at your next Town Board meeting. Then the Town will need to adopt the local law. After the law is adopted it needs to be filed with the New York State Energy Redevelopment Authority (NYSERDA) because if it is not filed with the NYSERDA it is not effective. Linda E. Goss asked even though it is filed with the Department of State? Mr. Young answered yes it needs to be filed with both State agencies. NYSERDA maintains a website with all of the communities that have adopted this local law. If it is not on the website the local law is not effective. Ms. Goss asked Mr. Young if this local law would take the place of the resolution passed by the Town Board in 2016? Mr. Young answered yes. Councilmember Funk asked Mr. Young so the solar companies will be

taxed on their Real Property value and the energy that they generate? Mr. Young answered no. Before 2020 NYSEERDA was pushing communities to use the assessment based on income. A lot of Assessors said no. This is a power plant and we are going to assess it as a power plant. That made it difficult for solar companies to get funding for their projects. These solar projects are like securities. When these solar projects are completed they have all of these tax benefits and a certain level of income. Then another party comes in and buys the solar facility as an investment. The Real Property Tax really decreases the income value. The State Legislature came in and ordered the Office of Real Property (ORPS) to come up with a method for assessing solar projects on income value. ORPS adopted this method and they published it last year. In Schoharie County a solar project was submitted. That project cost \$99 million dollars to construct. This project according to the ORPS formula is worth \$15 million dollars. A big difference. Schoharie and several of the Towns have sued the State and got a temporary restraining order from a court as they sued on procedural grounds. In the State budget there is a piece of legislation that is going to supersede that litigation and adopt by legislation the ORPS formula. This gives you an idea of how much leverage we have. The State of New York Climate Act is really going to change the way you live. What they have done is they have indicated that by 2050 we have to reduce greenhouse gases by 85% from what they were in 1990. By 2040 the grid has to be zero emissions. That means no fossil fuels to generate electricity in the grid. By 2030 we have to cut greenhouse gas emissions by 40 to 60%. The only way to do that is that 32% of greenhouse gases are from home heating and another 30% comes from transportation. Only 16% comes from electricity. 6 to 7% comes from farming. Others come from solid waste. They have to convert all home heating and all vehicle travel to electricity. Then all of that electricity has to be made up by wind and solar. If you are at 100 megawatts per year and now you are going to add heating your house to it and you are going to add charging a vehicle to it so that 100 megawatt usage is going to be so much more and every fossil fuel plant has to shut down. That has to be made up either by wind, solar, off shore wind or hydro that they are importing from Canada. We could do new hydro but we are maxed out as a State on hydro. This is all being led by New York and California. Councilmember Funk asked Mr. Young again are the taxes on these solar projects going to be based on how much power they generate? Mr. Young answered yes. They know that a wind or solar farm generates or has an efficiency of 14 to 18%. That means if you have a one megawatt system over the year it is only generating 14 to 18% of the time. They know how much electricity it is going to generate because that is pretty consistent based on sunshine does not change. Then they come up with electric rates. They know what the revenue is. They have a good idea of what the expenses are what the debt service is going to be. Councilmember Funk asked so the taxes will be based on that instead of a PILOT? Mr. Young answered yes. Councilmember Taylor asked if the Town goes with a PILOT the assessment will not be able to go over the amount that would be normally taxed? Mr. Young answered yes. The PILOT caps the Town at the amount of the real property tax. Why not just get the real property tax? Linda E. Goss added that with this local law the Town would get the real property tax. Mr. Young agreed. Laurie Bedford, Chairperson, Town Assessor informed the Board that when she has talked to other Assessors and they would be able to

assess the land at a business rate along with the income based assessment. Mr. Young added that is correct. A short discussion was had. Mr. Young continued that the solar plant is going to be like a separate tax parcel almost and get a separate assessment from the land and the land will still be assessed. Ms. Bedford continued that two of the solar projects have already applied for, like a cell tower, the leased portion of the land will have a slash A on them. Councilmember Funk asked Mr. Young in your opinion that is the better way to go? Mr. Young answered that is the better way to go. Supervisor Driscoll asked Mr. McKertich if he had any comments? Mr. McKertich answered that he thinks the central point is the question that was asked is the maximum you can get under the PILOT is what you could get if you were taxing it. This does not decrease the money you are going to receive through taxation. Councilmember Matthew J. Taylor introduced Local Law No. 02 of the Year 2023 to be as follows:

TOWN OF HARPERSFIELD
LOCAL LAW NO. 02 OF THE YEAR 2023

TITLE: A LOCAL LAW TO OPT-OUT OF THE SOLAR AND WIND ENERGY SYSTEM AND FARM WASTE ENERGY SYSTEM EXEMPTIONS PROVIDED BY SECTION 487 OF THE NEW YORK STATE REAL PROPERTY TAX LAW.

Be it enacted by the Town Board of the Town of Harpersfield as follows:

Section 1. Title: This Local Law shall be referred to as “A Local Law Opting-Out of the Solar and Wind Energy System and Farm Waste Energy System Exemptions Provided by Real Property Tax Law § 487.”

Section 2. Legislative Authority: This Local Law is adopted pursuant to Municipal Home Rule Law § 10 and New York’s Real Property Tax Law (“RPTL”) § 487(8)(a).

Section 3. Purpose and Intent: The State of New York has adopted an exemption from taxation for certain solar and wind energy and farm waste energy systems under RPTL § 487. RPTL § 487(8) provides that a Town may provide that no exemption under this section shall be applicable within its jurisdiction by adopting a Local Law to that effect. It is the intent of this Local Law to provide no exemption from taxation under RPTL § 487 shall be applicable within the Town of Harpersfield with respect to any solar or wind energy system or farm waste energy system subsequent to the effective date of this Local Law.

Section 4. Exemption From Taxation: Section 487 of the Real Property Tax Law of the State of New York exempting from taxation certain solar, wind or farm waste energy systems shall not be applicable, nor available, to such real property within the Town of Harpersfield, Delaware County, New York. It is the expressed intention of the Town Board of the Town of Harpersfield in adopting this Local Law to exercise the opt-out provision afforded local municipalities by Section 487 so that the exemption from real property taxation for solar, wind or farm waste

energy systems shall not apply, nor be available, within the Town of Harpersfield, Delaware County, New York.

Section 5. Inconsistency: All other Local Laws and Ordinances in the Town of Harpersfield that are inconsistent with the provision of this Local Law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this Local Law shall be in addition to such other Local Laws or Ordinances regulating and governing the subject matter covered by this Local Law.

Section 6. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

Section 7. Effective Date: This Local Law shall take effect immediately upon filing with the Secretary of State.

Seconded by Councilman Patrick F. Funk.

Voting Aye: Lisa M. Driscoll, Supervisor
Matthew J. Taylor, Councilmember
Patrick F. Funk, Councilmember
Dwayne C. Hill Councilmember

Voting No: None.

Absent: Erik R. Reeve, Councilmember

RESOLUTION NO. 07 OF THE YEAR 2023

A regular meeting of the Town Board of the Town of Harpersfield, Delaware County, New York held on April 12, 2023 at 7:00 PM at the Town Hall.

Councilmember Matthew J. Taylor offered the following resolution and moved its adoption:

TITLE: A RESOLUTION SCHEDULING A PUBLIC HEARING ON LOCAL LAW OPTING-OUT OF THE SOLAR AND WIND ENERGY SYSTEM AND FARM WASTE ENERGY SYSTEM EXEMPTIONS PROVIDED BY REAL PROPERTY TAX LAW SECTION 487.

WHEREAS, the Town Board of the Town of Harpersfield (“Town Board”) has proposed a new Local Law to opt-out of the solar, wind and farm waste energy system exemptions provided by Section 487 of the New York State Real Property Tax Law (RPTL); and

WHEREAS, the proposed Local Law would provide that the Town of Harpersfield is exercising the opt-out provision afforded to local municipalities by Section 487 so that the exemption from real property taxation for solar, wind or farm waste energy systems shall not apply, nor be available, with the Town of Harpersfield, Delaware County, New York; and

WHEREAS, the Town Board members and Town Attorney have reviewed a proposed draft of the Local Law which has now been introduced by a member of the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the proposed draft Local Law that has been introduced; and

BE IT FURTHER RESOLVED, that a copy of the proposed draft Local Law shall be placed in the Town Clerk's office and made available for public inspection; and

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing for consideration of the Local Law on May 10, 2023 at 7:00 PM at the Town Hall; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish notice of said hearing in The Daily Star, and to post copies of such notice in the manner provided by law.

WHEREUPON, the Resolution was seconded by Councilmember Patrick F. Funk and was put to a vote and recorded as follows:

Supervisor	Lisa M. Driscoll	Aye.
Councilmember	Matthew J. Taylor	Aye.
Councilmember	Patrick F. Funk	Aye.
Councilmember	Erik R. Reeve	Absent.
Councilmember	Dwayne C. Hill	Aye.

Supervisor Driscoll reported to the Board that she attended an informational meeting on March 23, 2023 for the proposed new Library building in Stamford. They discussed where the new Library is going to be placed, what it is going to look like, how large it is going to be, that they will be applying for grant funds to build the Library, etc.. The new Library will be located in the Town of Harpersfield, Village of Stamford. As they receive grant funding they will begin by clearing the land, putting in the footers, etc.. Supervisor Driscoll was impressed that this will be a social library. This will not be a Library where you are not able to talk and have to be quiet. This is a very different concept. She feels it will be great for the community. Laurie Bedford added that the Library has already filed their 501-c-3 exemption paperwork. Kevin Young asked will it have real people or virtual people? Supervisor Driscoll answered real people. Councilmember Taylor asked with the internet will this Library also have real books? Supervisor Driscoll answered yes they will have real books. Linda E. Goss add both internet and books.

Supervisor Driscoll continued that like a lot of community spaces they will be encouraging groups to come. It is just a very different concept. Supervisor Driscoll looks forward to having it in our community. Councilmember Hill asked how big will the building be? Supervisor Driscoll answered bigger than the building they are in now. There will also be more parking which has been a problem in the past. The current building where the Library is located can not be repaired and has been sold. They will be allowed to stay there until the new Library is completed. Linda E. Goss added that the Library has been a central location with Wi-Fi access. During the COVID epidemic the Library was one of the hot spots and the kids with their parents or even by themselves would go and sit in parked cars or on the front porch to do their homework. The Library is very essential. Supervisor Driscoll felt that the plans for the new Library are very well done.

Supervisor Driscoll informed the Board that there was a broken lock at the post office. A locksmith has been called in to replace the broken lock.

Linda E. Goss reported to the Board she had been contacted by telephone by Jack Redmond, Site Acquisition Specialist, Pyramid Network Services, LLC. Back in 2001 the Town began the process to adopt a local law for cell towers. In 2008 the Town had a group that wanted to put up a cell tower on Town property up by the Salt Shed. This group talked to the Planning Board about Site Plan Review. There was a short stop in the process. When Supervisor James Eisel Sr. was able to get a hold of the group he was told that they could not get vendors for the cell tower and they were not going to build one in the Town of Harpersfield. The process stopped. A short time later they built a cell tower on Parker School House Road in the Town of Davenport. Last week Ms. Goss received the telephone call from Mr. Redmond who is a scout for Verizon. Mr. Redmond said that Verizon had been talking to the original group that wanted to build a cell tower on Town property back in 2008. Mr. Redmond asked if he could come to Town Hall and look at the property. He also had other properties that he would be looking at. The information was going back to Verizon's engineers for them to go over. Mr. Redmond said that the Town would be notified one way or the other in a month or so. The discussion continued. Kevin Young asked how is the cell service in the Town of Harpersfield? He was answered spotty. Mr. Young informed the Board that the County about a year ago passed a resolution inviting and encouraging cell companies to come to Delaware County. Verizon and all of the big companies with technology changing so fast just invested in urban areas. They have just stopped investing in the urban areas. Now they are coming back and investing in rural areas. Just yesterday Mr. Young who is also the Attorney for the Town of Roxbury received an email that they are interested in putting up a cell tower there. It's a good thing. Councilmember Hill agreed Roxbury needs cell service. They have none. Mr. Young agreed. How does small business operate without cell coverage? Councilmember Taylor asked Mr. Young since this would be a lease agreement would the Town get a monthly check? Mr. Young answered that he has been involved in a similar lease in which the client received approximately \$40,000.00 per year. This client gets paid monthly but this is also in a more urban area. A discussion was had about leases. The discussion continued.

Russell Hatch reported to the Board on the Highway crew's activities. The Highway crew has started sweeping roads. They are about half way through. Hopefully we do not get any more snow. The Highway crew has just about finished hauling stone for this upcoming season. By the end of next week that should be finished. Russell informed the Board that since the ground never really froze the wings on the truck did do some damage. He has a Highway employee out fixing roadsides, lawns and blacktop. Next week if the weather stays good the Highway crew will start honing the Town's gravel roads. They will also be patching pot holes. After next week if the weather remains good the Highway crew will begin removing the plow gear from the trucks getting them ready for summer work.

Councilmember Funk asked Russell for an update on the new truck situation. Russell informed the Board that the sales person that he spoke to told him they would get their allotment of trucks in June. Councilmember Funk asked is this the sales person that told you that we are on a list to be put on the list? Russell answered no this sales person made him feel like we are on the list. Councilmember Funk asked then there was the outfitter that had the ten trucks? Russell answered that he was pretty sure that those trucks are gone. Back in February when Russell spoke to them they only had three trucks left. Councilmember Funk asked so then we are on the list? Russell answered that the sales person told him that they could almost guarantee him a truck. Supervisor Driscoll asked will this new truck be more expensive than what we had originally thought? Russell answered that two years ago when we were pricing these trucks out we came up with the number of \$230,000.00. He would like to change the way that our sanders work. The new sander will sand in front of the tandems. The sander is going to be more expensive. The cost of the new truck will be about \$300,000.00. The grant from Robinson-Broadhurst Foundation is for \$200,000.00. We are going to need to come up with the remainder. Supervisor Driscoll asked but with the new sander the truck will be safer? Russell answered it is safer for the drivers. It also makes the truck more versatile in the winter. The current sanders that we are using are slide in's. So the truck is basically just able to sand during the winter time. With these do all bodies it only takes them between fifteen and twenty minutes and the sanding components are covered up and you can use that truck as a dump truck. With the slide in sanders it is an issue taking them in and out. It is not something that you want to do. Councilmember Funk asked just thinking long term once we get this truck where is that going to put us? Russell answered as far as the big trucks we are going to be in better shape. The next truck I would like to update would be one of the small plow trucks which will be a lot cheaper. If we got into a bind with trucks that Mack that we just bought cost the Town \$38,000.00. That got us out of a jam. That could always happen again. That is actually our newest truck. The hit that you take when you purchase a new truck and if you sell it in ten years the value just drops. Councilmember Funk asked Russell that the next truck he would like to update a smaller plow truck? Russell answered yes. Supervisor Driscoll asked do you have a price on a smaller plow truck? Russell answered the 2013 truck that we bought cost \$74,000.00. Councilmember Taylor added that it is ten years later and after COVID.

Councilmember Funk added that you can't buy a Ranger for that now. The discussion continued.

Supervisor Driscoll asked Russell if the speed limit signs that needed to be put up are up? Russell answered yes.

The Assessor's report was issued to the Board. Laurie Bedford went over her report with the Board. Ms. Bedford discussed the Senior Citizen Partial tax exemption. Thirteen new applications have been received. Almost all of them did not qualify for any reduction at the Town level. They did qualify at the County level. It is up to the Board if they would like to raise the income level to match the County for next year. Councilmember Funk stated that he would like to get to a point where we feel comfortable that this is the right rate. Then possibly every year revisit it and tie it to the COLA for Social Security. He guessed that most of these individuals who meet these income levels are just on Social Security. What he would hate to see is somebody be exempt this year and then COLA kicks in to bring their income level to where it is supposed to be and now all of a sudden they no longer qualify for the Senior Citizen Partial tax exemption. The raises in Social Security rates over the last two years have been approximately 15%. Ms. Bedford continued that the income that was used this year for the coming year was the 2021 income. Social Security had a big increase in 2023. Next year the Assessors will be using the 2022 income in which there was a 7% or 8% increase in Social Security. Councilmember Taylor agreed with Councilmember Funk and asked Ms. Bedford if any other Towns raise their levels with COLA? Ms. Bedford answered that there are a few Towns in Delaware County that have much higher levels than we do. Schoharie County also has higher levels than we do. Councilmember Funk added that the median income in the Town is \$70,000.00. That is the average. He thinks our levels are too low. Ms. Bedford agreed. Currently the Town is at \$19,300.00 or more, household income, has no Senior Citizen Partial tax exemption. This is a single income household that is only receiving Social Security. Councilmember Funk continued that the Town Board needs to take a look at what our rates are and come up with something that is fair and equitable for everyone. He thinks that we should do something to tie our rate to the COLA increases every year. Councilmember Taylor agreed. This issue was brought to the Board in February of this year and a decision needed to be made immediately to meet the March 1st assessing deadline. The Board did not have enough information at that time to make that decision. Councilmember Funk added that the County had just raised their rates. Councilmember Taylor continued that the Board should get more information so that they can make smart decisions and apply this for the coming year. The discussion continued. Linda E. Goss asked Ms. Bedford why did the County raise their rates back earlier this year? Ms. Bedford answered it was a decision of the County Board of Supervisors. Ms. Bedford also suggested that the Town start by raising their levels to be the same as the County levels. The discussion continued. Supervisor Driscoll added that she can ask at the County how they came up with their levels and report back to the Board at their next meeting. The discussion continued.

The Tax Collector's January monthly report with the Town receiving taxes collected in the amount of \$1,166,660.25 and bank interest in the amount of \$483.95 and the County Treasurer receiving taxes collected in the amount of \$339,989.46 was issued to the Board.

The Tax Collector's February monthly report with the Town receiving penalties in the amount of \$928.10 and bank interest in the amount of \$309.43 and the County Treasurer receiving taxes collected in the amount of \$229,230.37 and bank interest in the amount of \$309.43 was issued to the Board.

The Town Clerk's January monthly report in the amount of \$472.33 was issued to the Board.

The Town Clerk's February monthly report in the amount of \$84.00 was issued to the Board.

The Town Clerk's March monthly report in the amount of \$869.50 was issued to the Board.

The abstract and vouchers for the month of March were presented to the Board. General Claims #052 to #078 in the amount of \$12,306.78; Highway Claims #042 to #057 in the amount of \$26,521.32 and Transfer Station Claims #012 to #018 in the amount of \$1,525.96. Supervisor Driscoll informed the Board that a window was broken on the skid steer today. That will need to be replaced. Supervisor Driscoll continued that in the 2024 Transfer Station budget she will need to be raising the repair line. It currently has \$1,500.00 in that line. Several repairs need to be done. She is currently working on getting estimates for those repairs. This way she will have a better idea of just how much the budget is going to need to be raised. A motion to pay the vouchers as presented was made by Matthew J. Taylor seconded by Patrick F. Funk. All voting Aye.

The Supervisor's reports for January and February 2023 were issued to the Board.

Supervisor Driscoll informed the Board that she has received the cost for the Town's insurance which will be renewing on April 15, 2023. The cost has gone up \$2,500.00 from last year. There were a couple of things that were increased. If the Board would like to take a look at the new insurance please let Supervisor Driscoll know. Linda E. Goss added that she has received the new insurance cards for the equipment which she has given to Russell Hatch.

Councilmember Funk asked Supervisor Driscoll if she can put a spot on the agenda for comments from the Board? Supervisor Driscoll agreed to put that on the agenda.

Councilmember Funk had been asked a question of who puts stuff up on the Town's website. Supervisor Driscoll is the person who posts things on the website. A discussion was had.

Councilmember Funk asked Councilmember Taylor if the Stamford Fire Department is still putting up 911 signs as he did not get one? A discussion was had.

Councilmember Funk asked how does it work when commercial haulers bring loads of trash to the Transfer Station? He was at the Transfer Station on Saturday and a hauler came in with a dump trailer and dumped both garbage and C & D in where the garbage should go. Both the

Transfer Station Attendant and Councilmember Funk said something to the hauler about getting the C & D out of the garbage box and putting it into the C & D box. How are we policing that to make sure that these people are not just dumping whatever they want in the garbage box? A discussion was had. Supervisor Driscoll added that at some point we are going to need to address this issue with the haulers. Letting them know when they can bring it in to the Transfer Station and where they are supposed to be putting it. The discussion continued. Councilmember Funk asked how do we know that the haulers are bringing in trash from residents within the Transfer Station area? A discussion was had. Councilmember Funk continued that we need to come up with a way to insure that these haulers are bringing in trash from the three Towns and two Villages. The discussion continued. Councilmember Taylor added that it is also a safety issue to have individuals that need to get rid of their trash trying to use the Transfer Station when the commercial haulers are also there. The discussion continued.

Russell Hatch asked if any of the Board members would like to come to a First Aid & CPR class that is going to be given on Monday, April 17, 2023 from 8:00 AM to Noon, at the Town Hall? Linda E. Goss informed him that two from her office will be attending. Supervisor Driscoll added that Laurel Bedford will also be attending. The discussion continued. A discussion was had on purchasing AED machines for the Highways Garage and Town Hall. The discussion continued. Laurie Bedford added that she has also gone to a Mental Health First Aid Class. These classes teach how do you react to someone that is going through a crisis. It is being promoted a lot in our rural areas. She could get a trainer here if there are twenty or more people to take the course. Supervisor Driscoll asked Ms. Bedford to get her that information. The discussion continued.

Supervisor Driscoll asked the Board for a motion to go into executive session for a personnel matter. At 9:39 PM a motion was made to go into executive session by Dwayne C. Hill seconded by Patrick F. Funk. All voting Aye.

A motion at 10:30 PM to come out of executive session was made by Matthew J. Taylor seconded by Patrick F. Funk. All voting Aye. No action was taken in executive session.

The meeting was adjourned.

The next public hearing and regular meeting of the Board will be held on Wednesday, May 10, 2023 at 7:00 PM.

Linda E. Goss

Town Clerk

