

February 8, 2023

The Town Board of the Town of Harpersfield held a regular meeting on February 8, 2023

Present were: Matthew J. Taylor, Deputy Supervisor

Patrick F. Funk, Councilmember

Lisa M. Driscoll, Councilmember

Erik R. Reeve, Councilmember

Absent: James Eisel Sr., Supervisor

Also present: Russell Hatch, Supt. of Highways

Linda E. Goss, Town Clerk

Others present: Robert Schneider, Mayor Village of Stamford

Joseph Ferla

Mair Martino

Susan Fortier

Daniel Savatteri

Dwayne Hill

C. J. Karcher

Teddy Kopanos

Robin & Bob Jira

Henry L. Browning

The meeting was called to order at 7:05 PM by Deputy Supervisor Matthew J. Taylor.

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

Linda E. Goss informed the Board that she has received by Priority Mail a Standardized Notice Form for Providing 30-Day Advance Notice to a Municipality or Community Board that Sheridan's 1897 Tavern, LLC located at the Stamford Golf Course will be operating the bar.

Linda E. Goss reported to the Board that Local Law No. 01 of the Year 2023, a local law to Adopt the New York State Minimum Requirements for Enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code has been filed with the Secretary of the New York State Department of State on January 27, 2023.

Deputy Supervisor Taylor informed the Board that he has received a resignation letter from James Eisel Sr., Town Supervisor, effective as of February 17, 2023, which he read to the Town Board. Councilmember Funk asked that it put on the record that the Town Board is very thankful to Jim Eisel for his years of service to both the Town and the County. Mr. Eisel has been a pillar of this community forever. His resignation is a huge loss to this Town Board. Councilmember Driscoll agreed. Deputy Supervisor Taylor asked Linda E. Goss how many years has Jim been a Town Supervisor? Ms. Goss answered thirty two years. Deputy Supervisor Taylor asked for a motion to appoint a Town Supervisor to be effective as of February 17, 2023. A motion to appoint Lisa M. Driscoll as Town Supervisor with a term beginning February 17, 2023 and ending December 31, 2023 was made by Patrick F. Funk seconded by Erik R. Reeve. All voting Aye. Deputy Supervisor Taylor asked for a motion to appoint a councilmember. A motion to appoint Dwayne C. Hill as Town Councilmember with a term beginning February 17, 2023 and ending December 31, 2023 was made by Lisa M. Driscoll seconded by Patrick F. Funk. All voting Aye.

Deputy Supervisor Taylor reported to the Board that Delaware County has raised the tax exemption for persons 65 years of age or over on January 25, 2023. The Town of Harpersfield raised the tax exemption for persons 65 years of age or over on November 10, 2021. The Town's income levels are lower than the County's new income levels. The question is should the Town raise the income levels to be the same as the County's new income levels. All the Town has at this time are the County's new income levels. There are questions as to why the County has come up with these income levels. The assessing year is from March 1<sup>st</sup> to the last day in February. If the Town does not adopt a resolution raising the tax exemption for persons 65 years of age or over at this meeting it will be another year before these individuals will see a change in their assessments. A discussion was had. Deputy Supervisor Taylor added that it is not mandated that the Town follow the County in this matter. The discussion continued. Councilmember Funk asked Deputy Supervisor Taylor if Town Assessor Laurie Bedford could be at the next meeting to answer the questions that the Town Board has? Deputy Supervisor Taylor answered yes. A motion to table the resolution raising the tax exemption for persons 65 years of age or older was made by Patrick F. Funk seconded by Lisa M. Driscoll. All voting Aye.

Deputy Supervisor Taylor recognized Town resident Joseph Ferla for Preserve Harpersfield with privilege of the floor. Mr. Ferla introduced himself to the Board and added that he has been a resident of the Town of Harpersfield, living on Fisher Road, for thirty five years. Mr. Ferla read a document for the record about solar facilities.

#### MORATORIUM ON DEVELOPMENT OF SOLAR FACILITIES

There are numerous articles that are all basically saying the same thing regarding the need for solar regulations. For example, The American Planning Association memo "Planning for Utility Scale Solar Energy Facilities" states:

Tax incentives, among other factors “create land use development pressure that, absent effective and relevant land-use regulatory and planning tools, creates an environment where it is difficult to properly evaluate and make informed decisions for the community benefit.”

We need to amend our comprehensive plan, and/or enact a solar law to deal with the growing number of solar facility applications. The Planning board has to go by our comprehensive plan and SEQR to deal with these applications, yet there is no reference to solar in the comprehensive plan. The plan needs to be updated. The absence of a solar law means there’s no guidance for the Planning Board on how to treat solar installations. It makes the process subjective which creates uncertainty for both the residents of the community and the solar developers.

We ask the Town Board enact a 6 month moratorium to give both the Board and the community time to consider, draft, and adopt land-use plans or rules to respond to these new circumstances not adequately dealt with under the current laws.

Respectfully submitted,

Joe Ferla

Harpersfield, NY

2/8/23

Deputy Supervisor Taylor told Mr. Ferla that the Board will take this under advisement. The discussion continued. Discussed was:

- A statement was made that the laws that are currently in effect were made many, many years ago and don’t really deal with what is going on. They know how to deal with pole barns, driveways etc.. This is new territory.
- A statement was made that five years ago Preserve Harpersfield dealt with the same piece of property that they wanted to put a solar facility on. There are issues with this property. To put this solar facility in they are going to create problems that they will not be able to fix.
- A statement was made that there is another company Blue Wave Solar that is proposing a two part solar facility on Bruce Hill Road and they are doing everything right. They have found a good spot. They are not going to cut down trees. They are not going to mess with the environment too much. Preserve Harpersfield does not have a problem with that. We are not against solar.
- A statement was made that the location on Weaver Road is really troublesome. Preserve Harpersfield thinks the Planning Board needs some help. A question was asked when you say troublesome what do you mean? The answer was cutting down twenty acres of trees. Then trying to figure out how are they are going to replicate what it was before the trees were cut down. The way water runs down that land. How it effects the

wetlands. A question was asked where will the entrance be? The answer given was 21 Weaver Road. This is quite a substantial parcel of land.

- A statement was made that the last residence on Weaver Road their well will be seventy feet away from the proposed solar project site. The previous solar company said that they needed to put in a retention pond for storm water runoff as the location is all downhill. The grade of soil on the property where the proposed solar facility wants to be located is the worst there is for run off. There are a lot of wetlands on that property and a lot of wildlife. The resident at the end of Weaver Road continued that they have had to put in a sump pump a couple years ago because of water issues. The water tables have changed. This resident is concerned that the value of their home and property will really be impacted if this project happens. This resident stated that they are not opposed to solar it is the location that is bad.
- A statement was made that bald eagles have been seen in that area. Cutting down twenty acres of trees that is going to effect a number of things.
- A question was asked that when you say land-use plans that is basically zoning correct? The answer given was not necessarily zoning. If a local law regulating solar facilities was implemented the solar companies would know in advance what can and can not be done before submitting a site plan application. Five years ago Preserve Harpersfield came to the Town Board with this issue and Town Attorney Kevin Young said that the Planning Board had the tools in their tool box to deal with whatever needed to be dealt with. The company ended up going away because Preserve Harpersfield and the Town's people were relentless. Showing up at every meeting and really giving them the third degree to see what they were going to do and how they were going to do it right.
- A statement was made that SEQRA covers all of the environmental impact, run off, etc. so that is already in place. Any applicant has to comply with SEQRA. That goes through NYS DEC. A question was asked is this project in the watershed? The answer was that they did not think so. A question was asked was the last property on Weaver Road located at the headwaters of the Susquahana river? The discussion continued. A statement was made that the Planning Board is working to get from the applicant a SEQRA, a storm water prevention plan and whatever else is necessary to prevent flooding and any other issues. The discussion continued.
- A statement was made why is the Town Board opposed to enacting laws regarding solar facilities? The answer given was that the Planning Board is following all of the rules and regulations that are currently in place. There is also the issue that if the Town Board did enact a moratorium that the two solar companies who have already submitted Site Plan applications which are in progress can bring litigation against the Town. The discussion continued.
- A statement was made that a portion of the Village of Stamford is located in the Town of Harpersfield. There are concerns that are less aesthetic as they are from a taxation point of view. There is a lawsuit that several of the municipalities in Schoharie County

filed against New York State specifically to revisit the mechanism that they use for assessing the property on which these facilities are being built. The State has a skewed the assessment parameters in favor of these projects to a great degree. It comes out at about 20%. If the solar company were to invest \$20 million dollars on improving this parcel the Town's Assessors would only be able to assess that at approximately 20% of that investment. A project like this has to represent satisfaction in a form of income to the Town to completely overwhelm whatever aesthetic issues and decreases in property values that surround the project may produce. The State has basically made that impossible. These solar companies wouldn't exist in the real market economy. There are grants and government subsidies and there is so much activity in wanting to promote this energy source. They come to communities like ours that are rural and do not have zoning. They are figuring that there will not be a big push back. The concern that the people in the Village of Stamford and the Town of Harpersfield have is that there is no way we can get a representative amount of money to offset these projects. They don't have employment. They don't bring tourism. They really are just taking something in the form of solar energy from our community which is being dispersed in a broader electric market. We are not getting a benefit from solar facilities being here. The statement was made that it comes down to the way that the property is going to be assessed. It is so advantageous to these companies that municipalities will not really see that kind of income. A question was asked do you have any sources or documentation that looking at a solar array is going to reduce home and/or property values? A discussion was had.

- A statement was made that it was discovered that the State has a moratorium on the system that they are using now simply because it is slanted so much in favor of these solar projects. There is little opportunity to increase our tax base and the one thing that we do have in our favor is the rural environment that people like to move here to be part of. If we are going to make a substantial sacrifice it has to be reflected at least in revenue for the Town, County, School and everyone.
- A statement was made that as solar panels degrade they give off heavy metals such as cadmium and lead which will run downhill.
- A statement was made that there is a concern that the solar company may end up using chemical defoliant which will wind up getting into our water. The solar companies may start off saying that they are going to use goats instead of chemical defoliant, but can the Town hold them to it.
- A statement was made that solar panels also give off electromagnetic radiation and it is proven there are health effects from that. The discussion continued.

Deputy Supervisor Taylor again informed those present that the Board will take their comments under advisement and will also research a moratorium with the Town Attorney. The discussion continued. The Board asked the Preserve Harpersfield group if they could

provide them with relevant documentation backing up their concerns. The discussion continued.

- A discussion was had on how Towns assess these facilities.
- A discussion was had on how to determine what should be put in escrow or a bond to retire these facilities as it is an unknown cost.
- A statement was made that the five or six members of the Planning Board are making a decision about solar facilities in the Town of Harpersfield. This person felt that the Planning Board are trying to represent all of the people in the Town of Harpersfield. If a moratorium is put into effect then the Town's people can speak up and let both Boards know what they think. Shouldn't the people of the Town of Harpersfield be more involved in making decisions on what happens in this Town? People come to the Town of Harpersfield because it is beautiful. It is not like a city. They want to see fields. They want to see beautiful countryside. Solar panel facilities are not the reason people come here.
- A statement was made that solar facilities are ruining the rural landscape, which is the reason people come here, which brings property values up. Then the Town can not tax these facilities. This is a lose, lose situation.
- A statement was made that the Town can not tax solar facilities is not true. The Town has the ability to negotiate a PILOT agreement with these solar companies. The Planning Board has not approached the Town Board so that the Town Attorney can begin the negotiation process. No decisions have been made. This PILOT agreement would determine the assessment on the solar facility and that assessment would benefit the Town, the County and the School District. The discussion continued.
- A question was asked are you asking for this moratorium to find a way to have no solar in this Town or are you trying to make the guidelines stricter? The answer was no, Preserve Harpersfield is not against solar projects and that is not the point. The point is that the location for one solar project is much better than the second solar project's location. The first solar project will not be cutting down trees and there are no wetlands. The discussion continued. A statement was made that leaving this decision to the Planning Board when there are no solar laws is subjective. For example how close do you think solar panels should be to a house? One hundred feet? Three hundred feet? If there was a solar law in effect that defined what can be done on a piece of property that would make things so much easier and it would not be so subjective. The discussion continued.
- A statement was made that the one thing that the Town of Harpersfield has going that the Town of Jefferson does not is five years of experience working on a solar project. We have and are going through SEQRA on both projects. NYS DEC is involved. There are so many agencies and professionals involved with these projects we don't understand what more you are looking for. During the process with the first solar project storm water was discussed in depth. The Planning Board is very concerned and is working very

hard to prevent any issues. The same with the issue of waste water. NYS DEC is also involved. With the first solar project the Town Board had gotten as far as negotiating a PILOT agreement to determine the assessment and taxation. What happened was the Planning Board had everything that they needed for the Site Plan application. The Town Board had contacted the Town Attorney who begin negotiations with the Solar Company's Attorney to come up with a PILOT agreement on how the property was going to be assessed. Both the Town Attorney and the Solar Company's Attorney had reached an agreement. At that time Stamford School District came forward wanting a larger portion of the assessment. That ended the negotiations. These projects are still a few months away from the Planning Board having everything that they need for the Site Plan applications. Once the Planning Board is satisfied then they will notify the Town Board to have the Town Attorney begin negotiations on a PILOT agreement for each project.

- A statement was made that a resident found it concerning that the Planning Board did not know what the Town would gain financially. The response was that the Planning Board would not know until the PIOLT agreement has been negotiated what the assessment on the property would be. That is also not something that the Planning Board is responsible for. The Planning Board is responsible for having a complete Site Plan application before moving forward.

No further discussion was had.

Russell Hatch informed the Board that he has gotten the signs ordered for Austin Road.

Russell Hatch reported to the Board on the discussion that was had on getting diesel fuel. A load of diesel fuel has been ordered. The price has come down considerably. The markets have opened up so we were able to get kerosene. He does not think that the Town will have any trouble getting diesel fuel from now on.

Russell Hatch informed the Board that he has talked to Delaware Count Soil and Water in January about the Reed Road and Gun House Hill Road projects. There is still no word yet from the State. Delaware County Soil and Water think this is positive. Councilmember Funk asked would these grant funds be used for replacing both the culverts on Gun House Hill Road and Reed Road? Russell answered yes we are trying to get two bridges in that area. Councilmember Driscoll asked Russell how much is this going to cost? Russell answered that the bridge on Odell Lake Road Extension cost \$325,000.00. That was for one bridge. The discussion continued. Councilmember Funk asked Russell if the Town does not get grant funding for both of these projects and we are going to do one project which one is the priority? Russell answered the Reed Road project just because the road is so narrow. It really needs to be changed. Linda E. Goss added that Russell has had a lot of issues on Reed Road in the past caused by a couple of the major super storms. There has been a lot of flooding and damage. Russell continued that Gun House Hill Road is the Town's busiest road. Back in 2002 or 2003 there was a bridge there and under that FEMA storm the bridge was removed. It was replaced

with a squash pipe and a three foot pipe off to the side. When the Town is under a FEMA event they only allow the Town to go up one size. That is why the previous Highway Superintendent did not replace the bridge. FEMA would not fund it. Councilmember Funk asked how would you divert traffic? Russell answered traffic was diverted to Odell Lake Road Extension and Whiskey Hollow Road. Councilmember Funk added that it would be good if both projects could be done at the same time. The discussion continued. Councilmember Driscoll asked when will you know if you will be getting the funding for these projects? Russell answered that he will just keep checking with Delaware County Soil and Water. The discussion continued. Russell added that once the funding for these project has been awarded it will need to go to the engineers for design. This will take another year or more to actually begin construction. The discussion continued.

Russell Hatch reported to the Board on the new truck. He has not heard anything. He has been talking with a company that outfits trucks and they have purchased ten new trucks. Councilmember Funk added that was discussed at the last meeting and these trucks cost more money. Councilmember Funk continued that these trucks have different sanders. Russell answered yes the sanders that these trucks have are a different style than what we use. That raises the cost of the truck. There were ten trucks purchased. A couple have been reserved. Councilmember Funk asked is there any way for the Town to ask this company if realistically we can purchase one of these vehicles? Russell answered that he would reach out to this company again. He had contact with them in December and they said that they would get back to Russell in January. He has not heard from them yet. Councilmember Reeve asked are you down a truck right now? Russell answered no, we purchased a used truck. We have enough trucks but we are falling behind. Deputy Supervisor Taylor added that a discussion has been had about the Town getting on a list to be on a list to purchase a new truck and this company with ten trucks. Are those are our only options? Are there no other companies that deals in these trucks that might have a shorter list? Are there any other options? Russell answered that he can reach out to other truck companies tomorrow. International, Volvo, Mack, Freightliner, Kenworth would not even talk to Russell. Their response to him was that they did not know. Councilmember Funk added that the pandemic has caused a backlog of everything. That is driving the cost of everything through the roof. Councilmember Reeve asked Russell if there are any military trucks available? Russell answered that he looks every a week. Deputy Supervisor Taylor added that everyone else in the Country is in the same boat that the Town is in. Any of those trucks that were available are gone. Russell added that they are a good deal. The truck that the Town purchased from the military cost \$4,000.00. The gear cost about \$60,000.00. That was a pretty good deal for a truck with only 2,000 miles on it. Councilmember Driscoll asked did Supervisor Eisel write a grant for a new truck to the Robinson-Broadhurst Foundation? The answer was yes. Councilmember Funk added that the Town has to do something soon. Russell continued that if he can get a truck from the company with the list to be on the list the Town will not see that truck until next summer or fall. The outfit company with the ten trucks will be ready this October. They are actually being built



right now. I guess when an outfit company orders ten trucks they get moved up the list. Deputy Supervisor Taylor added he is concerned with the outfit company and the back log to purchase new trucks then why are there ten new trucks sitting there waiting for someone to buy them. There has to be a reason for it. It could be the price. Why are other Towns that may be ahead of us on the list and are in worse shape than our Town is why aren't they jumping on these trucks? Russell answered that he had just found out about these trucks in December. So now the salesmen are really starting to push them. I don't think that they are going to last long. Councilmember Funk asked are they all brand new trucks? Who makes them? Russell answered they are Internationals. These trucks are going to be built the way that the company speced them out. Some Town's aren't going to like those specs. They are going to be automatic transmissions. He does not know what they are going to have for engines. How the rear ends are set up with differential locks and etc.. Councilmember Funk asked can you get the specs from the two companies and compare them? Russell answered he has tried to get the specs but neither company has sent them to him. Councilmember Funk added that the outfit company truck may be more money but then it may be a lot more truck. Councilmember Reeve asked Russell if these trucks have a decent warranty? Russell answered that he was unable to get the warranty information. International usually has a good warranty. The one International truck that the Town has purchased we also purchased an extended five year warranty. In the fourth year the engine went. That warranty covered a \$20,000.00 motor. Deputy Supervisor Taylor added that he didn't know how to get these companies to call Russell back but I think before we proceed any farther we need more information. We have a number of what the truck will cost. We don't know what we are getting for that number. We don't know the size of the motor. You can't do any research to see if we are getting any kind of a deal or how much over cost the truck might be. We just don't know. Russell added that he would contact all of the truck companies again to see if he could get more information. Russell added that the \$36,000.00 received from the sale of the surplus equipment on Auctions International can help offset some of the cost of the new truck.

Susan Fortier thanked Russell and the Highway Crew for doing a nice job on the roads.

Linda E. Goss informed the Board that in the month of January she has collected enough taxes to pay the Town and the County.

Linda E. Goss presented the Board with the vouchers but did not have the abstract completed. A motion to pay the vouchers as presented with the abstract to be given to the Board at next month's meeting was made by Patrick F. Funk seconded by Erik R. Reeve. All voting Aye.

Councilmember Funk asked if the Town sees any benefit from the Margaretville Telephone Company having their switching station out back of the Town Hall. Linda E. Goss answered that the Town has a Special Franchise agreement with Margaretville Telephone Company in which the Town receives free internet service, use of the generator and they also pay the Town land taxes.

A discussion was had on an email that was sent to the Town by The Association of Towns of the State of New York's about the annual meeting. The Town Clerk was going to draft a letter with the Boards questions about date and the location of this meeting. The Town Clerk has not written the draft letter for the Board. Councilmember Funk will respond the email with the Boards concerns.

A discussion was had on transferring the collected tax funds over to the Town.

A discussion was had on the tax exemption for persons 65 years of age or over.

A motion to adjourn the meeting at 8:24 PM was made by Patrick F. Funk seconded by Lisa M. Driscoll. All voting Aye.

Linda E. Goss

Town Clerk