

May 10, 2023

The Town Board of the Town of Harpersfield held a public hearing and regular meeting on May, 10, 2023.

Present were: Lisa M. Driscoll, Town Supervisor
Patrick F. Funk, Councilmember
Erik R. Reeve, Councilmember
Dwayne C. Hill, Councilmember

Absent: Matthew J. Taylor, Councilmember

Also present: Russell Hatch, Supt. of Highways
Linda E. Goss, Town Clerk
Laurel (Laurie) Bedford, Chairperson, Town Assessor

Others present: Henry L. Browning
Rhonda Slicer
Ray Baker
Jake More
Chris Caiazza
Tom McDabo
David Reed
Daniel Fancher
Tami Fancher
Lisa DiRenzo
Tommy Giralles
Brady Pickett
Brianna Cross
Dennis (Dusty) King
Eileen King
Susan Fortier

Others present continued:

- Gloria Anderson
- Jeff Collins
- Tom Clayton
- Joshua C. Sparkes
- Dean Darling
- Bettye (Joey) Darling
- Joe Ferla
- Chris Ferla
- Steven Weiner
- Ted Dziewit
- John (Al) Maiolo
- William (Bill) Eklund Sr.
- William (Billy) Eklund
- Elizabeth Page, the 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 at 7:04 PM opened a public hearing for Local Law No. 02 of the Year 2023 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. Steve Weiner asked Supervisor Driscoll what this local law is for? Supervisor Driscoll answered that with this local law the Town will be able to assess and collect taxes on Solar, Wind and Farm Waste Energy Systems. A discussion was had. At 7:10 PM the public hearing was closed.

RESOLUTION NO. 08 OF THE YEAR 2023

A meeting of the Town Board of the Town of Harpersfield, Delaware County, New York was convened in public session at the Town Hall located in Harpersfield, New York on May 10, 2023 at 7:00 PM, local time. Councilmember Patrick F. Funk offered the following resolution and moved its adoption:

TITLE: A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF HARPERSFIELD IN THE MATTER OF THE ADOPTION OF 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.

WHEREAS, New York State Real Property Tax Law Section 487 provides an exemption from real property taxation for solar or wind energy systems or for farm waste energy systems; and

WHEREAS, New York State Real Property Tax Law Section 487(8) allows a municipality to opt-out of the exemption from taxation; and

WHEREAS, the Town has prepared a proposed Local Law to opt-out of the exemption from taxation applicable with respect to any solar or wind energy system or farm waste energy system; and

WHEREAS, the Town Board has reviewed and considered the proposed Local Law; and

WHEREAS, the Town Board adopted a resolution on April 12, 2023 scheduling a public hearing on the proposed Law for May 10, 2023; and

WHEREAS, the public hearing on the Proposed Local Law No. 02 of the Year 2023 was held on May 10, 2023 at the Town Hall; and

WHEREAS, the Town Board reviewed and considered all public comments received on the proposed Law; and

WHEREAS, the proposed Law was on file for inspection in the Town Clerk's office prior to the hearing and during the public hearing process; and

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 02 of the Year 2023, entitled "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", is hereby adopted and the Town Clerk and Town Attorney are hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law.

IT IS FURTHER RESOLVED, that the Town Clerk and the Attorney for the Town are hereby directed to take such actions as are necessary to implement this resolution.

Seconded by Councilmember Erik R. Reeve with the vote as follows:

Supervisor, Lisa M. Driscoll, Aye.

Councilmember, Patrick F. Funk, Aye.

Councilmember, Erik R. Reeve, Aye.

Councilmember, Dwayne C. Hill, Aye.

Councilmember, Matthew J. Taylor, Absent.

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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 and 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.

Supervisor Driscoll asked the Board if they had received the minutes for the regular meeting held on March 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 regular meeting held on March 8, 2023 as presented was made by Patrick F. Funk seconded by Dwayne C. Hill. All voting Aye.

The April 12, 2023 minutes have been issued to the Board and will be voted on at the next meeting of the Board.

Linda E. Goss reported to the Board that the Supervisor's annual financial reports for the Town and the Transfer Station have been filed in her office. These annual financial reports were reviewed by the Board.

Linda E. Goss informed the Board that she has received a Request for Fireworks Display Permit from American Fireworks Display, LLC for Stamford Fire Department. The fireworks display will be held on July 29, 2023, rain date August 5, 2023, at dark and last approximately fifteen (15) minutes. The display location will be at 105 Terry Road. The application contains a Certificate of Liability Insurance in which the Town of Harpersfield is listed as an additional insured. A motion to accept the Request for Fireworks Display Permit and issue a Fireworks Display Permit to American Fireworks Display LLC for the Stamford Fire Department for a fifteen (15) minutes display to be held on July 29, 2023 with a rain date of August 5, 2023 located at 105 Terry Road was made by Patrick F. Funk seconded by Erik R. Reeve. All voting Aye.

Supervisor Driscoll recognized William (Billy) Eklund with privilege of the floor. Supervisor Driscoll informed the Board that the Towns of Stamford and Kortright have enacted a Local Law designating Town Highways for travel by ATV's and/or UTV's. Supervisor Driscoll also recognized the members of the 607Riders Club. Supervisor Driscoll asked the 607Riders Club to explain why they would like the Town of Harpersfield to pass a local law designating Town Highways for travel by ATV's and/or UTV's and why the Towns of Stamford and Kortright have passed this local law? Chris Caiazza answered that when the club first approached the Town of Stamford they were receptive to the idea. The Town of Stamford did not have any questions or concerns against it. They needed to look into it and speak to the Town lawyer. The Town of Stamford Board asked the 607Riders Club to come up with a law. Mr. Caiazza continued that the 607Riders Club also approached the Town of Kortright and it was the Town of Kortright that came up with the local law. The 607Riders Club did not come up with the wording for the local

law. The Town of Stamford copied the Town of Kortright's local law with two additions of a speed limit of 35 mph and that the Town of Stamford is not liable for personal property or property damage to land-owner, or injury or death. Further discussed was:

- The question was asked is this local law similar to snowmobiles accessing trails? The answer was yes they need to start somewhere.
- The statement was made that with the Towns passing a local law for ATV's and/or UTV's to use Town roads that would give the 607Riders Club access to ask property owners to get some kind of trail system going.
- A question was asked what does the sticker issued by the 607Riders Club get a member? The question was answered that the sticker is part of the local law so you have to have it to ride on Town roads. The 607Riders Club decided to issue numbered stickers. If someone is violating the law or laws and you have the sticker number the Club can tell you exactly who that ATV or UTV owner is. A lot of ATV's look the same. The membership and sticker are good for a year according to the Town law. A question was asked did both Towns write it into their local law that the operator of an ATV or UTV need the sticker to ride on Town roads? The answer was yes. Another part of the local law is that the sticker must be from a Town Board approved ATV/UTV club.
- A question was asked what safety equipment are you required to have on the ATV's and/or UTV's when riding on Town roads? Such as directional lights, brake lights etc.. The answer was that the local law states that you have to follow all NY State laws.
- The question was asked do these ATV's & UTV's also have to have insurance? The answer was yes they have to be insured. ATV's also have to be registered. UTV's can not be registered.
- A question was asked do the ATV's and/or UTV's have to have any kind of tail lights, an orange triangle, or anything like that? If you are driving down the road in a vehicle and there is an ATV or UTV on the road they can be hard to see without lights on them. The answer was no.
- It was stated that the 607Riders Club did not write up the local law. The Towns wrote up their own local law.
- A question was asked will these ATV's and/or UTV's be able to ride on all Town Roads at any time at any point? The answer was it was up to the Town and how the local law is written. The other two Towns have not put a stipulation on that. It was stated can they ride on the Town Roads all through the night? The answer was yes just like a snowmobile if that is how the local law is written.
- It was included in the Town of Kortright and the Town of Stamford local laws that all laws are to be followed.

- A question was asked who is responsible to issue these stickers? The answer was that the 607Riders Club will be issuing the stickers.
- Information was given that NY State ATV law requires ATV's to have brakes in good condition, a muffler which is in good operating condition and meets Federal standards, a spark arrester, tires with at least 2/32 of an inch tread without visible breaks, cuts, etc., lighted white headlight, a red tail light if the ATV is driven at night.
- A question was asked on these potential trails will there be signs. Will the 607Riders Club maintain the signs? On snowmobile trails there are stop signs, road crossing signs etc.. The answer was technically this has nothing to do with private property. This local law is just for Town roads. So for the Club to put up signs they would be on the sides of Town roads and have to meet the State and Highway Superintendent's standards. The ATV/UTV operators will just be following traffic laws. If the 607Riders Club can get trails established through private property than yes they will be putting up signs.
- The question was again asked what does the \$25.00 membership fee and sticker get a rider? The answer was the 607Riders Club currently has a lot of administrative costs. They have had to get an LLC, establish a bank account, purchase the stickers and create their By Laws. In the future the 607Riders Club want to go to property owners and try to get a trail established and the funds will then go to maintaining trails.
- A question was asked will the Town be liable for accidents and deaths? The Town has had litigation over automobile accidents. What keeps the Town from being liable? The answer was the 607Riders Club did not know. They are not Attorneys.
- A question was asked is there an age requirement for riders in the local law? The answer was that the State law covers age requirements for riders. The State Law says that if you are age 10 through age 15 you may operate an ATV only under adult supervision or without adult supervision on lands owned or leased by your parent or guardian or on any lands where ATV use is permitted without adult supervision if you have completed an ATV training course approved by the Department of Motor Vehicles. You should carry a course completion certificate while operating an ATV. If you are under the age of 10 you may operate an ATV only under adult supervision or without adult supervision on your own land.
- A statement was made that if a rider on an ATV and/or UTV is riding on a Town Road they should know the rules of the road.

- It was stated that there have already been complaints in the Town of Kortright about ATV's and/or UTV's trespassing on resident's property. This was large groups of people going past their homes.
- It was stated that there are concerns about children riding on Town Roads. There are concerns about ATV's and/or UTV's just riding up and down Town roads. There are concerns about ATV's and UTV's riding on other people's property who have not given them permission to do so. There are concerns of ATV's and/or UTV's riding on Town roads coming to a driveway and trespassing on property they should not be on. There are concerns about people staying in short term rental properties just riding where ever they want.
- A statement was made that with the Town passing a local law for approved Club members to ride on Town roads, the Club members will pull aside people who are violating the laws and/or rules and set them straight.
- A statement was made that the Town approving a local law allowing ATV's and UTV's to ride on Town Roads is giving more access and opportunities to ride on private property where no permission has been given.
- A statement was made that the Town approving a local law allowing ATV's and/or UTV's to ride on Town Roads is taking the burden off of the property owners. ATV's and UTV's can now use the road instead of having to run through a property owner's field or back yard.
- There are concerns about if the Highway Superintendent paves a Town road and ATV's and UTV's are riding up and down those roads they are potentially going to ruin the road. The Highway Superintendent has concerns as the tires on an ATV brings up the oil and stone. If the Highway crew has put down fresh oil and stone on a road the Highway Superintendent has seen where the tires on an ATV lift it. If you have large groups of ATV riders on a road that has just been oiled and stoned they are going to pick up the stone. For example to oil and stone the Town of Harpersfield's portion of Gun House Hill Road is going to cost \$60,000.00. That could be ruined.
- A statement was made that the Town could put into the local law that for a time period, for example two weeks, no ATV's and/or UTV's can ride on that road.
- The Highway Superintendent commented that is going to be hard to police. Currently the Highway Superintendent works with farmers and property owners when a Town road has been oiled and stoned and they stay off of it. We communicate to take care of it. The Highway Superintendent is not going to be able to communicate with a bunch of ATV and/or UTV riders from out of the area to stay off of the freshly oil and stoned road. The discussion continued.

- A statement was made what is the benefit of letting ATV's and/or UTV's riding up and down Town roads. Where are you going? Why? One answer given was a property owner hunts two miles up the road. He would like to take his side by side up the road to his tree stand and load up his deer to take it home. He can't really do that now as he has no way to get his side by side to the site. A statement was made that if that was all that this was going to be used for it would be great. That will not be the case. The discussion continued.
- A statement was made that riding ATV's and/or UTV's are a recreational activity for entire families. It is not just one person riding up and down the road. The entire family gets out in nature. They are going all over the place. They get together and ride together. It has become very popular as a recreational sport.
- Again was asked where are you going? You are just riding up and down the Town roads. A statement was made that the end game is to talk to land owners and promote a trail system. The trails could lead to restaurants.
- A question was asked what happens if a land owner refuses to let ATV's and/or UTV's put a trail though their land? The answer was that is fine. It is the property owners land. Hopefully other land owners will allow ATV's and/or UTV's to use their land.
- A statement was made by a property owner that he is tired of chasing ATV's off of his land. They come down abandoned and Town roads illegally on to his land. A statement was made that this is not what this local law is promoting. A statement was made that he understands that. How are you going to keep ATV's and UTV's from going around my posted cabled signs and keep them off of my property? A statement was made that is your choice as a land owner to say you don't want anybody on your land. A statement was made it is not my choice when I have to hire people to patrol my land. It is not my choice to put up cameras. I don't want ATV's and UTV's trashing my fields. Look at what happened on Jesse's Way.
- A statement was made about the maintenance of the Town roads. With a Town approved ATV and/or UTV club or group will have the capability under the application for a membership to set guidelines to include an email where members can be reached to say a road is going to be freshly oiled and stoned on a road as of today until the end of the week. That road is currently closed to any ATV use until such a date. The group or club could also have points of contact for all of the members to inform them of road closures. An individual recently went to Tug Hill for an event. There were approximately 13,000 machines at the event. It was very well controlled. There were no access signs. Everybody veered off and respected no entry signs. For road

maintenance there are ways to address this. You can also notify members on Facebook. The discussion continued.

- The question was asked who is going to control if the ATV/UTV operator is not a club member and is driving on Town roads? Who is checking permits ? The answer given was law enforcement. The statement was made that you can't get law enforcement to do that. A questions was asked are the County Sheriff's Deputies or NYS Troopers going to be out checking on weekends and late at night? A statement was made that while riding on a snowmobile the person has been pulled over and checked numerous times on the train tracks. The statement was made that was a snowmobile. That is totally different that an ATV and/or UTV. A statement was made that a person who lives on Terry Road has driven his ATV and/or UTV down Terry Road to State Hwy 10 to access Murphy's trails. When he came out he was met by a NYS Trooper 100 yards from the trails and was 10' on the State Road. The NYS Trooper informed him that he was not to be riding his ATV and/or UTV on the State Road. The person explained that he lived on Terry Road and was going home. The NYS Trooper allowed this person to return home on Terry Road with a warning if he did this again they would issue him tickets. They are all over. This person thinks that law enforcement would step up the game. A statement was made they would have to. A statement was made that Town of Stamford's Highway Superintendent John Ballard asked the ATV and/or UTV riders if they had studs on their tires. They answered no. Mr. Ballard informed those present that the Town Highway crew has to repair damage done to the Town roads from snowmobiles with studs in their tracks. It is part of road maintenance.
- A statement was made that as a land owner they are worried about liability, damage to their fields and letting their animals loose. A statement was made that the NYS Law states that kids under the age of fifteen should not be riding up and down the roads. He has seen kids under the age of fifteen riding up and down roads. Many times these are not permanent residents kids. They are seasonal resident's kids. The parents are not supervising these kids. This land owner has had to chase a lot of his cows because ATV riders have opened a gate and not closed it once they had gone through. The discussion continued.
- A statement was made that as a Town Board member this is the first time they have heard of problems or issues. This is the first that they are hearing about it. This Town Board member was reminded that they have sat through Board meetings listening about complaints on Austin Road. At that time the Town Board told the property owner to call law enforcement, which the property owner did numerous times. Law enforcement could not help the

property owner unless they saw the ATV operators in the act of breaking the law. So what enforcement is there? There isn't. How are you going to get law enforcement up on a hill miles from the road? The question was asked did this happen on the road or private land? The answer given was it did not matter law enforcement has to be called in both instances. The discussion continued.

- A statement was made that with youngsters riding ATV's on private property, not on the roads, maybe not riding safely or without a helmet, maybe it would be a good focus for the 607Riders Club to provide safety training sessions for youngsters. Then the Club would be providing a service.
- A question was asked does ATV registration make them more liable for private property damage? The answer was the ATV and/or UTV has to be insured.
- The statement was made that motor vehicles and ATV's and/or UTV using the same road don't mix. There most likely will be fatalities. Then somebody is going to be sorry about passing this local law. Then somebody is going to wish you hadn't passed this local law.
- A question was asked what about the revenue? Passing this local law will bring revenue to the Town? The question what would the Town's revenue be? The answer given was sale of gas, restaurants and short term rentals. The statement was made that the Town of Harpersfield does not have gas stations or restaurants on Town roads.
- A statement was made that adopting this local law is not protecting the Town's people because someone is going to get hurt and the Town will be sued. Even if the Town is not found liable we will pay out on it. That will cost the Town's tax payers money. The discussion continued.
- A statement was made that a Board member would like to wait and see if over the next thirty or sixty days what happens in the Towns of Kortright and Stamford. See if there are service calls, calls for accidents etc..
- A statement was made that there have got to be statistics out there like the State of Tennessee where you can ride UTVs' on public highways. State highways. The State of Arizona is another one. There have to be a lot of statistics out there.
- A statement was made there are a lot of places in New York that have passed local laws as well.
- A statement was made that an article in The Reporter on the Town of Stamford approval of this local law states "New York State Vehicle and Traffic Law allows local municipalities the authority to allow ATV's and UTV's to traverse municipal roads." To traverse means to cross over or under. It does not mean to travel on them. It is an entirely different interpretation of the

use of the law than the article says travel along the edge of the roads. That is not traversing, that is traveling along the edge of the road. The Highway Superintendent has already stated that these vehicles can do damage to Town roads. The edge of the roads are also vulnerable to a lot of misuse and destruction.

- A statement was made that the Town Board should get legal advice before writing up a local law. There is a lot of different information and different use. It was also recommended that the Town Board talk to the NYS Troopers and Delaware County Sheriff before they consider a local law. The Town Board should also find out what the Town's liability is going to be if they pass this local law.
- A statement was made that ATV's have to have insurance. The question was asked what happens when a gate is left open and an animal gets into the road and gets run over by a vehicle and the vehicle gets damaged? Who is liable for that? The farmer for his animal being out in the road.
- A statement was made that if the Town Board is going to approve this type of a local law it has to be a lot more specific as to what it allows and what it does not allow. The liability for the Town could be tremendous.
- A question was asked why can't the Town of Harpersfield wait a year and see what happens in the Towns of Stamford and Kortright and if it works or not? Why do we have to do this now? Then we can see if there are land owners that have been complaining about ATV's and/or UTV's trespassing on their land. We can see if there are issues with collisions and accidents from drinking and operating ATV's and/or UTV's. The discussion continued. A statement was made that the Town Board can table this issue and see what happens. The discussion continued.
- A statement was made that the County Sheriff will be interested in talking to the Town Board about this local law.
- A statement was made that the Town needs to be concerned about everyone's safety. The discussion continued.
- A statement was made that any training that can be given to ATV and/or UTV riders will be a good thing. If the 607Riders Club is willing to conduct these training classes they will not just benefit young operators it can also benefit a lot of older operators who have never had much or any training on ATV's and/or UTV's. This could also help with the problems of trespassing on private land.
- A statement was made that liability is liability. A person can be walking up the side of the road and get hit and the Town is still responsible. Even if they are not in a vehicle.

The discussion continued. It was decided that the Town Board would do some research with the Delaware County Sheriff, the Town Attorney and give it some time to see how the Towns of Kortright and Stamford's local laws are working out.

Supervisor Driscoll reported to the Board on Low Income Tax Exemption for Senior Citizens. She has contacted Delaware County and asked how they came up with the raise in the amount of income. Supervisor Driscoll was informed that the County has no way of knowing how much individuals 65 years of age or older make. The County looked at the last census but did not get enough information from it. They do not use COLA. The County discussed the issue and came up with the new figures. They have had a meeting and they are trying to figure out the best way to come up with income levels. They have not found a good way to do that yet. When looking at the COLAs the hard part is finding the starting number. What is the base number to go with? You can't get the figure from Social Security. Everyone's income is a different amount. A question was asked when was the last time the Town raised the income level? The answer was 2021. It was proposed that the Board take the current income levels adopted in 2021, and then figure out the COLA for the last three years and then going forward. The Town should tie our thresholds to that COLA percentage. Most of the people who receive this exemption are only getting Social Security income. With Social Security going up it is moving them out of the lower income brackets. This could lower the percentage of their Low Income Tax Exemption or they could lose the exemption all together. Social Security is just trying to help seniors. If the Town based the amount of income with the COLA it should make the amount of income more up to date. Supervisor Driscoll added that the Town Board each year could look at what the exemption limits are and find out what the COLA is and increase the exemption limits. The Town Board would have to decide if they want to determine the exemption limits using the COLA or take whatever the COLA is and that will be the new exemption limit. While speaking to Supervisor Driscoll, Sherri Falcone, Director of Real Property Tax Services asked that no matter what the Town decides to let her know. She has to put it in to the software and it gives the exact income that would be in the resolution. A question was asked when does the Town have their organization meeting? The answer is January. A question was asked of Laurie Bedford, Chairperson, Town Assessor, if changes were made at the Town Board's organization meeting, would that give her enough time to get the changes in to the County? Ms. Bedford answered that Supervisor Driscoll would need to check with Ms. Falcone but it would be cutting it really tight. Ms. Bedford sends out renewal applications in December. The applicants are always using the previous year's income on an application or on a renewal application. The only thing with this exemption there is a loop hole. To determine a person's income annuity income is counted, Social Security income is counted and interest income is counted. If a person has thousands of dollars invested in stocks and bonds, they can pull and use that money whenever they want, to pay for whatever they want and that is not counted because it is not income. It is just invested funds. The discussion continued. Seniors that are applying for or renewing the Low Income Tax Exemption have used 2022 income on 2023 applications. The Town Board knows what the COLA was for 2022 Social Security and they

will know what the COLA is for 2023. I think the Town Board can pass a resolution with the updated income levels in the fall. A statement was made that they announce the COLA on October 13th. The discussion continued. The discussion that the Town Board could set the income levels at the November meeting. It was proposed that the Town Board and Town Assessors take the current income levels set in 2021, figure out the COLA for three years, and adjust the income levels each year based on what the COLA is. Ms. Bedford added that the COLA announced on October 13, 2023 will be the amount used in 2024. The Town Board does not have to wait until October 13th for the COLA. The discussion continued. The statement was made that the Town Board does not want to hurt the low income seniors. The discussion continued.

Supervisor Driscoll informed the Board that she did not get the updated paperwork on the Assessor local law from Lindsey Dodd. The Town will be moving forward with changing that the Assessors are appointed not elected. The original paperwork stated that the Town was reducing the number of Assessors to one. That needs to be changed to two. There were a couple of things in the original paperwork that need to be corrected. The updated paperwork should be ready by the next Town Board meeting.

Supervisor Driscoll introduced Ray Baker, Director of Operations for Headwaters EMS. Mr. Baker was present to give the Board an update. Supervisor Driscoll informed the Board that they had a meeting and discussed the process to move forward, how the money is going to come in, etc.. Mr. Baker told the Board that they are finally ready to be up and running. Ambulance service should begin on May 22, 2023. They have an ambulance in place. The CONs for each Town are done. The State Health Department has to come and inspect the house, the oxygen and ambulance. They are coming next week May 17, 2023. Mr. Baker was informed that he will receive the three Town's CONs on that date. He has had to file NPI's with the State. The NPI is like a license. Mr. Baker has gotten them back today. They have hired staff so they will be ready to start. A question was asked where will Headwaters EMS be operating out of? Mr. Baker answered 65 Terry Road at the top of Mile Hill. The property has been leased from Eklund Family Farm Machinery. They are building a garage for the ambulance. Supervisor Driscoll asked Mr. Baker for documentation stating how much the three Towns are going to pay to Headwaters EMS each year. She would like this documentation before they begin operation. Mr. Baker informed Supervisor Driscoll that the three Towns will not be paying anything this year. Supervisor Driscoll told Mr. Baker she understood that. She knows that there was a lot of discussion about \$100,000.00 to be paid in from each Town each year. She has just received a figure of \$200,000.00 and they are trying to work out how that is going to be split between the three Towns. She would like in writing what the Town of Harpersfield's cost is going to be. The Board has agreed that the amount would not be over \$100,000.00 a year. That is something that is very important for the Town. Mr. Baker told Supervisor Driscoll that Headwaters EMS Board and the three Town Supervisors should have a meeting. Supervisor Driscoll agreed. Mr. Baker believes that Headwaters EMS should not be telling the three Towns what they should be paying. Supervisor Driscoll agreed. She still would like something in writing. It is very

important so that we are well aware and all agree how much is expected for each year. It was stated as we were working through all of this that we did not want to pay more than \$100,000.00 a year regardless. Mr. Baker stated that he will reach out to Headwaters EMS's attorney and see what he and the Towns attorney have worked out. He will work on setting up a meeting between himself, Meg Hungerford, President, Headwaters EMS and the three Town Supervisors next week. The discussion continued. Supervisor Driscoll stated that the Town has gotten the CON. Next week she will be setting up two bank accounts, a money market account and a checking account. What will happen is Priority One Billing will bill for the money. The money will go directly into the Town's bank account. The money will be moved into the money market account so that it can make some interest. Once a month the Town will get a bill from Headwaters EMS. We will then pay Headwaters EMS. Headwaters EMS still needs to make a decision if they will be going outside of the three towns to pick up patients. Mr. Baker stated that was correct. Obviously Headwaters EMS's CON is for the three Towns. All of the calls will be in the three Towns. Headwaters EMS could go to Davenport and to Schoharie County as it is part of Stamford's Joint Fire District. They could do that. What they have to decide is that is revenue but it is not located in any of the Towns. Where does that revenue go? At the meeting between Headwaters EMS and the three Towns next week a decision needs to be made. A suggestion was made that Headwaters EMS do not go further than Davenport, Bloomville and Schoharie County portion of Stamford Joint Fire District. The Town of Stamford's suggestion was if it is a call to Davenport the Town of Harpersfield would get that money and if it is a call to Schoharie County the Town of Stamford would get that money. A statement was made that all of that money is coming back to Headwaters EMS anyway. Mr. Baker continued that the additional amount of funding that the Towns are going to have to give to Headwaters EMS might be less than what had been discussed. The more calls they have, the more revenues are collected, the less funds the Towns will have to contribute. A question was asked can that amount be divided by three and then charged to the Towns? The answer was yes. The issue is the money that the Town will be collecting and putting into a money market account will make interest or revenue for the Town. A decision needs to be made who gets that revenue. Mr. Baker continued that the billing company has suggested that if a call is taken outside of the three Towns to split the payment between the three Towns. Ms. Hungerford asked the billing company how to do that. Supervisor Driscoll has spoken to Lindsey Dodd, Attorney for the three Towns, about the amount that the Town will need to be budgeting for the ambulance service. Ms. Dodd informed the Town Supervisors that they did not want to figure the amount on a Town's population. There has been a discussion about figuring the amount on the amount of taxes. Nothing has been decided. The discussion continued.

Supervisor Driscoll reported to the Board on the large haulers dumping at the Transfer Station. She is concerned about the residents using the Transfer Station as well as the employees. She would like to have the large haulers not use the Transfer Station on Saturdays because there are too many people coming in and out using the facility. She has spoken to a couple of the large haulers and they have no problem not using the Transfer Station on Saturdays. When the

large haulers are dumping Supervisor Driscoll would like to have the Transfer Station employees put up cones to keep people out of the Transfer Station. If people come to use the Transfer Station while the large haulers are dumping they can leave their garbage to the side and the Transfer Station employees will bring it in to the Transfer Station once the large hauler has finished dumping. Supervisor Driscoll has created a Large Hauler's agreement which basically states the garbage that they are picking up is coming from the three Towns and two Villages and that they agree that is where the garbage is coming from. The agreement also states that they will not come in to dump at the Transfer Station on Saturdays and that they will follow all of the recycling rules. The agreement also informs the Large Haulers that the Transfer Station reserves the right to inspect any bag or bags of garbage to see if it is coming from other places. Supervisor Driscoll would like all of the large haulers dumping at the Transfer Station to sign an agreement so that everybody is aware of the rules. The only change in the current rules is that the large haulers will not use the Transfer Station on Saturdays. A question was asked will large haulers from outside of the three Towns and two Villages be able to dump at the Transfer Station? Supervisor Driscoll answered everybody in the three Towns and two Villages has paid to dump their garbage at the Transfer Station. Some of these residents are paying to have someone pick up their garbage and bring it to the Transfer Station. She does not have a problem if the hauler is from outside of the three Towns and two Villages as long as the garbage that they are dumping at the Transfer Station has been collected from residents of the three Towns and two Villages. Supervisor Driscoll will check to see if any of the haulers dumping at the Transfer Station are from outside of the three Towns and two Villages. The discussion continued. Supervisor Driscoll informed the Board that copies of the recycling rules will also be available for everyone at the Transfer Station. She would also like to get a sign put up outside of the Transfer Station informing everyone of what needs to be recycled. She would like to inform and remind people who are using the Transfer Station what the recycling rules are to be followed. The discussion continued. A statement was made that it is very difficult to find clear plastic garbage bags. Supervisor Driscoll told the Board that the Rotary Club is looking in to trying to reduce plastics. They are looking into writing a grant to give the Transfer Station compostable bags to give to people for free to use. It was suggested that it might be a good idea for the large haulers to have some of those compostable bags to give to customers to use also. The discussion continued.

Supervisor Driscoll informed the Board that she is looking into purchasing new stickers for the Transfer Station. The current stickers being used are just label stickers. She is looking into a sticker that can't be easily reproduced. There is also the issue of someone purchasing a vehicle with a sticker on it using the Transfer Station when they are not a tax paying resident of the three Towns and two Villages. A decision needs to be made as to when to change the stickers. Should it be every two years or four years? Supervisor Driscoll has also talked to a Delaware County Sheriff's deputy as to where on a vehicle the sticker can be placed. He informed her that the sticker can not be placed on the front windshield or the back window. The sticker could be placed on either window on the driver's side of the vehicle. The discussion continued.

A question was asked if the window is rolled down will the sticker come off or be pulled off of the window? Supervisor Driscoll answered that is a good question. The discussion continued. A suggestion was made that if possible could the hours that the Transfer Station is open be listed on the sticker. Supervisor Driscoll responded that if she can get them on there she will. A question was asked will the updated recycling rules be on the Town's website? The answer was yes. The discussion continued.

Supervisor Driscoll reported to the Board that there have been a couple of new issues that have been brought to her attention about who can use the Transfer Station. The first issue is can short term rental individuals, not the property owner, bring trash to the Transfer Station. It was stated that it is the property owner's responsibility to either bring the trash or hire someone to bring the trash to the Transfer Station. The second issue is a woman living in the Village of Stamford Senior apartments needed to bring a couple of pieces of furniture to the Transfer Station. This lady no longer drives. Her daughter and son-in-law were coming up from where they live with their pickup truck to bring the furniture to the Transfer Station. Is there a way to potentially have a temporary sticker for the Town Clerks to issue residents with this type of issue? A discussion was had. It was agreed that some sort of temporary sticker should be found for these instances.

Councilmember Funk asked if a person purchases a building permit from the Town could there be a way for that person to dump more than a fifty five gallon drum of C & D at the Transfer Station? A discussion was had on the limited space of one trailer for C & D and three Towns and two Villages to use that space. A discussion was had on how the Transfer Station has to pay for over limit C & D. The discussion continued.

Supervisor Driscoll recognized Chris and Joe Ferla. Ms. Ferla stated that they still feel that the Town of Harpersfield should pass a solar law. The Town has a Wind Energy Local Law. Why don't we have a solar law? Supervisor Driscoll informed Mr. & Ms. Ferla that the information that they sent to the Town Board has also been put on the Town's website. Ms. Ferla continued that the Planning Board has the ability to issue a waiver during a Site Plan review. There is a way around the one size fits all. This is also in the Town's Subdivision Local Law. They have been looking at other Town laws. The Town of Duanesburgh has a whole description of the kind of plantings that they want, eight feet tall and three inch caliber diameter of the trunk, and it ends with final decisions on appropriate planting will be made by the Planning Board. Another Town law states that on site power lines shall be installed underground in the event that such requirement is impossible or impractical the Planning Board will have the discretionary authority to modify this requirement. These laws are not written in stone. You can put in the law that the Planning Board still has discretion about things. A statement was made that the Planning Board has discretion now. A question was asked what concerns do you have that the Planning Board has not addressed? The answer given was there are two things that the Planning Board can not do. The Planning Board can not say to a solar company you have to be set back 200' or 300' from any boundary. The Town does not have zoning. We can't

say that. Supervisor Driscoll asked Dean Darling if the Planning Board has asked for setbacks on different projects. Mr. Darling answered that each site is different. We don't have a law that says that it has to be a 50' or 100' setback. It is site specific. We are trying to look at that site and any other site and come up with a plan that works. The solar companies come to the Planning Board with a plan that has a certain amount of feet set back and the type of vegetation they want to use. The Planning Board is looking the plan over and seeing what works best for that site. Supervisor Driscoll asked Mr. Darling if there are setbacks in all of the solar plans that the Planning Board is considering? Mr. Darling answered yes. Ms. Ferla continued it is what the developer is proposing. Councilmember Funk asked Mr. Darling has the Planning Board ever had a developer present a plan and the Planning Board ask the developer to have a 150' set back and if there are any problems or issues with that setback? Mr. Darling answered the Planning Board has looked at the situation and then tried to come up with a plan that works for both sides. That has been the case. If a company has a 50' setback and the Planning Board wants a 100' setback before the plan will be approved by the Planning Board they need to come up with something that will work for that situation. If you have a solar law that says the project has to have a 50' setback the developer will come in and say here is our plan with the 50' setback from the property line because that is what the law says and the Planning Board would not be able to do anything about it. Ms. Ferla stated isn't it the opposite. If you said we have a law that said a 100' setback and the developer came in and said that is too much. Then it is easy for you to negotiate down. It is not easy to negotiate up. Ms. Ferla continued that Town Attorney Allyson Phillips said the Town has Site Plan Review and without zoning the Town Board does not have setbacks. The discussion continued. Ms. Ferla continued that the Town Board has the ability to write a local law with a setback that any developer coming to the Town has to go by. Councilmember Funk continued that it has been a consensus of the Town Board that the Planning Board has the ability to do what is best for everybody involved right now. They don't need a solar local law. The discussion continued.

Councilmember Funk informed the Board that on the corner of South Street and Main Street (State Hwy 23) in the Village of Stamford there is a spot that says "No Parking Here To The Corner" and there are individuals that are constantly parking in that spot. The Grey Hound bus also parks there across from the Sunoco. With vehicles and/or the bus parked in that spot motorists can not see if traffic is coming while turning off of South Street on to Main Street. Numerous accidents have almost happened because of this. Councilmember Funk has spoken to the Village Mayor about the situation. Councilmember Funk asked the Village Mayor if it would be possible to paint the curb to get people's attention not to park in that area. The Village Mayor told Councilmember Funk that because it is a State road the Village can not do anything. Councilmember Funk asked can this issue be brought to the Counties attention so that they can say to the State that something needs to be done? Councilmember Funk is very concerned because if he pulls out in traffic and is involved in an accident it will be his fault. This is a severe safety hazard. Somebody is going to get hit. There are children crossing the road there coming and going to school. Supervisor Driscoll asked Russell Hatch if he could talk to the

Village Public Works Superintendent to find out if the Town could paint the curb in the Village? Russell answered yes he will speak to the Village Public Works Superintendent about this important matter.

Russell Hatch reported to the Board that he has completed the Agreement of the Expenditure of Highway Moneys for 2023. Typically he tries to have this agreement done for the Board's January meeting. It works out better if he has a little more time to look over the roads and see what work needs to be done and to see what the State has passed in the budget. The State's budget has passed and the Town's CHIPs money has remained the same. Supervisor Driscoll asked Russell to explain CHIPs. Russell stated that CHIPs stands for Consolidated Highway Improvement Program. New York State gives the State Highway Department, County Highway Departments and Town Highway Departments money to improve their highways. There is a formula which includes how many miles of roads are in the Town and the population in the Town. Supervisor Driscoll stated that the amount that the Town will receive from CHIPs is \$411,000.00. Russell explained that is because he has held over \$100,000.00 from the year before. He can roll money over especially if there is a big project that needs to be done. This year's CHIPs amount will be approximately \$318,000.00. Supervisor Driscoll asked Russell if the Town had received CHIPs funds for 2022 or are you holding it for this year? Russell answered the Town has to spend the money to get CHIPs funds. This is a reimbursement program. A question was asked are the Extreme Winter funds included also? Russell answered that the year before he had left \$100,000.00 in CHIPs for the Austin Road project, for CHIPs the Town receives \$200,000.00, Pave NY funds the Town receives approximately \$47,000.00, Extreme Winter Recovery funds that the Town receives approximately \$40,000.00 and POT to repair pot holes the Town receives approximately \$31,000.00. These additional programs can be taken away at any time. CHIPs is a long on going program.

AGREEMENT NO. 03 OF THE YEAR 2023

Councilmember Patrick F. Funk offered the following Agreement and moved its adoption:

TITLE: AGREEMENT FOR THE EXPENDITURES OF HIGHWAY MONEYS FOR 2023.

AGREEMENT between the Town Superintendent of the Town of Harpersfield, Delaware County, New York and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for repair and improvement of highways and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$167,965.10 shall be set aside to be expended for primary work and general repairs upon 5.54 miles of town highways, included sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

2. PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvement of town highways:

(a) On the road commencing at Austin Road starting at Titus Lake Road and leading to Champlin Road, a distance of 1.12 miles, there shall be expended not over the sum of \$82,838.68. Type: pave. Width of traveled surface: 20'. Thickness: 1 ½ ". Subbase: pavement.

(b) On the road commencing at Parker School House Road starting at the Town line and leading to Quaker Hill Road, a distance of 1.12 miles, there shall be expended not over the sum of \$20,472.88. Type: seal. Width of traveled surface: 20'. Thickness: ½ ". Subbase: pavement.

(c) On the road commencing at Middlebrook Hill Road starting at State Hwy 23 and leading to County Hwy 29, a distance of 3.3 miles, there shall be expended not over the sum of \$64,653.56. Type: seal. Width of traveled surface: 20'. Thickness: ½ ". Subbase: pavement.

(d) On the road commencing at Moxham Road starting at Middlebrook Hill Road and leading to the Town line, a distance of 1.05 miles, there shall be expended not over the sum of \$19,187.24. Type: seal. Width of traveled surface: 20'. Thickness: ½ ". Subbase: pavement.

(e) On the road commencing at Odell Lake Road starting at State Hwy 23 and leading to Odell Lake Road Extension, a distance of 2.44 miles, there shall be expended not over the sum of \$44,588.92. Type: seal. Width of traveled surface 20'. Thickness: ½ ". Subbase: pavement.

(f) On the road commencing at Odell Lake Road Extension starting at Odell Lake Road and leading to Gun House Hill Road, a distance of .95 miles, there shall be expended not over the sum of \$17,365.66. Type: seal. Width of traveled surface 20'. Thickness: ½ ". Subbase: pavement.

(g) On the road commencing at West View Drive starting at Truax Road leading to a dead end, a distance of .53 miles, there shall be expended not over the sum of \$12,105.56. Type: seal. Width of traveled surface: 18'. Thickness: ½ ". Subbase:

Pavement.

(h) On the road commencing at Johnson Road starting at the Town line and leading To the dead end, a distance of .87 miles, there shall be expended not over the sum of \$14,301.00. Type: seal. Width of traveled surface: 18'. Thickness: ½". Subbase: Pavement.

(l) On the road commencing at Zimmerman Road starting at Parker School House Road leading to the dead end, a distance of .24 miles, there shall be expended not Over the sum of \$3,968.96. Type: seal. Width of traveled surface: 18'. Thickness: ½". Subbase: pavement.

(j) On the road commencing at New Road starting at Shaver Road and leading to Hornbeck Road, a distance of .89 miles, there shall be expended not over the sum Of \$16,269.52. Type: seal. Width of traveled surface: 20'. Thickness: ½". Subbase: Pavement.

(k) On the road commencing at Hornbeck Road starting at Fenn Hill Road and leading To the dead end, a distance of 1.28 miles, there shall be expended not over the sum Of \$21,059.68. Type: seal. Width of traveled surface: 18'. Thickness: ½". Subbase: Pavement.

Seconded by Councilmember Erik Reeve with the vote as follows:

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

Russell Hatch informed the Board that the Town has bought a new body for a dump truck last year. He has sent the truck out to have the new body installed.

Russell Hatch reported to the Board that they will be paving Austin Road the week of May 21st. Once it gets closer to the date he will inform Supervisor Driscoll so that she can put it on the website as the Road will be closed for one day.

Russell Hatch informed the Board that he has called the large truck company and they have guaranteed the Town a slot. The salesman said in June we will start spec'ing it out. The company can have that delivered the first quarter of next year. The company may want the Town to sign a purchase agreement. Russell has also talked to a small truck company and was told that before the Town can place an order for a truck we must sign a purchase agreement. Supervisor Driscoll asked will the Town have to put money down when the purchase agreement is signed? Russell answered no but we will have to sign an agreement to order the truck. The sales person he was speaking to said that too many of the dealerships have been saying they want so many trucks and they were taking all of the inventory and did not have a designated buyer. Now that inventories are so limited for example Ford wants to know that the vehicle is going to a person or municipality. The new pricing for a small truck comes out in June for 2024 possibly 2025.

Russell Hatch reported to the Board that he has been contacted by NYS DOT and they will be paving State Hwy 23 from North Kortright Church to the Village of Stamford. He was not given a date. The discussion continued.

Councilmember Funk asked if we have found a possible location for an AED between the Town Hall and the Town Highway Garage? The discussion continued. Supervisor Driscoll added that eyewash needed to be purchased for the Highway Garage and Transfer Station. A motion to purchase an AED to be used at the Town Hall and Highway Garage was made by Patrick F. Funk seconded by Dwayne C. Hill. All voting Aye.

The Tax Collector's March monthly report with the Town receiving penalties in the amount of \$1,499.86, bank interest in the amount of \$116.91 and the County Treasurer's Office receiving taxes collected in the amount of \$78,891.69, bank interest in the amount of \$116.91 was given to the Board. The April Tax Collector monthly report has not been completed and will be given to the Board at their next meeting.

Supervisor Driscoll informed the Board that she has received a check in the amount of \$14,896.49 for mortgage tax from the County. The Town receives a check for the mortgage tax semiannually.

The Town Clerk's April monthly report in the amount of \$1,656.94 was given to the Board.

The abstract and vouchers for the month of April were presented to the Board. Presented were General Claims #079 to #103 in the amount of \$58,749.53; Highway Claims #058 to #077 in the amount of \$58,232.15 and Transfer Station Claims #019 to #025 in the amount of \$822.41. A discussion was had. A motion to pay the vouchers as presented was made by Patrick F. Funk seconded by Erik R. Reeve. All voting Aye.

Councilmember Funk asked Supervisor Driscoll if she could please check with Tyson Robb about disposal of the large tires? It will just be a matter of time before they start to get thrown out on the side of the road or down embankments.

A discussion was had on the repairs that need to be done at the Transfer Station.

The Supervisor's report for the month of March was presented to the Board.

Laurie Bedford asked the Board what can she do with excess old equipment that is in the Assessor's office? There is an old printer and ink that were the Justice's, an old 35mm camera, an old telephone and the Assessors old laptop. Is there a way for her to legally get rid of this excess old equipment? A suggestion was given that she inventory the excess old equipment and present it to the Board. Once the Board has looked it over if there is anything that can be disposed of they could tell her then. It was suggested that with the old laptop Ms. Bedford check with Delaware County Office of Real Property to see if there are any requirements for disposing of it. The discussion continued. It was decided that Supervisor Driscoll and Ms. Bedford would check with the County on what will be the best way to dispose of this excess old equipment.

A motion was made at 10:07 PM for the meeting to adjourn.

The next regular meeting of the Board will be held on Wednesday, June 14, 2023 at 7:00 PM.

Linda E. Goss

Town Clerk

