

February 15, 2024

The Town Board of the Town of Harpersfield held a regular meeting on February 15, 2024.

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

Also present: Russell Hatch, Supt. Of Highways  
Linda E. Goss, Town Clerk

Others present: Donna VanSickell  
Gloria Anderson  
Rhonda Slicer

The meeting was called to order at 7:01 PM by Supervisor Lisa M. Driscoll.

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

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

Linda E. Goss reported to the Board that the Association of Towns will be having their 2024 Training School and Annual Meeting at the New York Marriott Marquis, February 18-21, 2024. If anyone is interested she has the packet. Councilmember Funk is unhappy about the location of this event. They pick the most expensive city that is the farthest to travel to hold this event. The discussion continued.

Linda E. Goss informed the Board that Supervisor Driscoll has received a letter from the New York State Parks, Recreation and Historic Preservation. It has to do with the North Harpersfield Churches, located at 4289 and 4298, County Road 29 in Jefferson. The letter states that they are pleased to inform the Town that the property will be considered by the New York State

Board for Historic Preservation at its next meeting, March 14, 2024, for nomination to the National and State Registers of Historic Places. These registers are the official lists of properties that are significant in history, architecture, engineering, landscape design, and culture. Being listed in the registers provides recognition of our national state and local heritage and assistance in preserving it. Along with the letter is a copy of the criteria under which the properties are evaluated for listing. The letter goes on and states that if the Town owned these properties certain things must be done or not done. These properties are owned by a private individual. If a property cannot be listed because of owner objection, SHPO will submit the nomination to the Keeper of the National Register for a determination of eligibility for listing. A discussion was had. Councilmember Reeve asked does that mean the owner of these properties would qualify for grants? Ms. Goss answered yes, they will qualify for grants. Councilmember Reeve asked if they receive those grants there will be rules and regulations on what can be done and how it will be done? Councilmember Funk asked how does this work for taxes? Ms. Goss answered that the letter states "Listing in the National and State Registers affords properties a measure of protection from the effects of federal and/or state sponsored or assisted projects, provides eligibility for certain federal and/or state tax credits and renders properties owned by non-profits or municipalities eligible for state preservation grants. In general, there are no restrictions placed upon private owners of registered properties. The results of listing are explained more fully in the attached fact sheet." Councilmember Funk asked Ms. Goss if she would email the letter and fact sheets to the Board members for them to read. Ms. Goss agreed to email the letter and fact sheets to the Board. Gloria Anderson informed the Board that years ago the Grange in Jefferson wanted to be listed on the National and State Registers. They lost out on grant funding because they put siding on three sides of the building. Just the front of the building was original. The discussion continued.

Supervisor Driscoll asked the Board if they would like to appoint Donna VanSickell as a Councilmember? A motion to appoint Donna VanSickell as a Councilmember with the term being 02/15/2024 to 12/31/2024 was made by Patrick F. Funk seconded by Erik R. Reeve. All voting Aye.

Supervisor Driscoll informed the Board that next on the agenda was the Verizon cell tower lease agreement. The Councilmembers each had a packet of paperwork from the Town Attorney. Included in the packet was the Short Environmental Assessment Form, Part 1 – Project Information, Part 2 – Impact Assessment, Part 3 – Determination of Significance, a Resolution Authorizing the Town of Harpersfield Town Board to Authorize the Lease of Real Property Located at 797 Colonel Harper Road and Issuing a Negative Declaration Pursuant to the New York State Environmental Quality Review Act ("SEQRA") and a Notice of Resolution Adoption. A discussion was had on the Short Environmental Assessment forms. Supervisor Driscoll informed the Board that if the resolution is passed it will be subject to a Permissive Referendum. A motion was made to accept the Short Environmental Assessment Forms, Part 1 – Project Information, Part 2 – Impact Assessment and Part 3 – Determination of Significance by Patrick F. Funk seconded by Dwayne C. Hill. All voting Aye.

RESOLUTION NO. 007 OF THE YEAR 2024

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

TITLE: RESOLUTION AUTHORIZING THE TOWN OF HARPERSFIELD TOWN BOARD TO AUTHORIZE THE LEASE OF REAL PROPERTY LOCATED AT 797 COLONEL HARPER ROAD AND ISSUING A NEGATIVE DECLARATION PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA").

WHEREAS, the Town was presented with an offer from Cellco Partnership d/b/a Verizon Wireless ("Lessee") to enter into a Land Lease Agreement ("Lease") for a portion of the real property located at 797 colonel Harper Road in the Town of Harpersfield, Delaware County, New York, Tax Map No. 28.-2-31.1 the ("Property") owned by the Town of Harpersfield for the installation, maintenance, replacement, addition and operation of communications equipment and related utilities and appurtenances for Lessee's use; and

WHEREAS, the Town Board has confirmed that the portion of the Property proposed to be leased by Verizon Wireless (defined in the Lease as the "Premises") is not currently used by the Town and there are no plans to use such Property for Town purposes in the foreseeable future; and

WHEREAS, the Town Board has determined to lease a portion of the Property for adequate consideration of no less than fair market value without the services of a real estate broker; and

WHEREAS, the Town Board and its representatives have negotiated the terms of the Lease with Lessee; and

WHEREAS, the Town Board believes that leasing the Premises to Lessee is in the public interest of the residents of the Town, particularly since the end result will be more efficient and reliable cellular telephone communications within the Town; and

WHEREAS, the Town Board preliminary classifies this action (i.e., execution of the Lease) as an unlisted action under SEQRA, and determines that it will act as the Lead Agency with respect to the environmental review of the proposed lease of the Premises in accordance with SEQRA and Part 167 of the regulations implementing SEQRA; and

WHEREAS, the execution of the Lease for the Premises is: (1) an action under SEQRA, which requires the Town Board to issue a determination of significance prior to authorizing the execution of the Lease; and (2) subject to a permissive referendum pursuant to Section 90 et. al. of the New York State Town Law; and

WHEREAS, the Town Board has reviewed the Short Form Environmental Assessment Form ("EAF") prepared for this action.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Harpersfield determines that the project is an unlisted action pursuant to Part 617 of the regulations implementing SEQRA and that the Town Board shall act as Lead Agency for the required environmental review related to the execution of the Lease; and

BE IT FURTHER RESOLVED, that the portion of Property proposed to be leased by Lessee is surplus property that is not currently used for Town purposes, nor are there any plans to use such Property for Town purposes in the foreseeable future; and

BE IT FURTHER RESOLVED, that the Town Board determines that entering into the Lease with Cellco Partnership d/b/a Verizon Wireless will have no significant adverse impacts on the environment, and hereby issues a negative declaration for the proposed lease and authorizes the Supervisor of the Town of Harpersfield to execute Pages 3 and 4 of the EAF; and

BE IT FURTHER RESOLVED, that pursuant to the provisions of Section 64, Subdivision 2 of the Town Law of the State of New York, the Town Board agrees to enter into the Lease with Lessee for a portion of the Property for not less than its fair market value; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute all documents required to complete the leasing of the Premises to Lessee, including the Lease, a Memorandum of Lease, and all other related and customary forms and documents; and

BE IT FURTHER RESOLVED, that this Resolution is adopted subject to a permissive referendum and that the Town Clerk is directed to publish and post the notice of adoption of this Resolution in accordance with Article 7 of the Town Law; and

BE IT FURTHER RESOLVED, that subsequent to complete execution of the Lease and prior to the installation and operation of its communications facility, Lessee shall be required to obtain all necessary local land use approvals required under the Town's local laws including site plan approval from the Town of Harpersfield Planning Board.

Seconded by Councilmember Erik R. Reeve whereupon the Resolution was put to a vote and recorded as follows:

Supervisor	Lisa M. Driscoll	Aye.
Councilmember	Patrick F. Funk	Aye.
Councilmember	Erik R. Reeve	Aye.
Councilmember	Dwayne C. Hill	Aye.
Councilmember	Donna M. VanSickell	Aye.

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Supervisor Driscoll informed the Board that next on the agenda was the Town Justice Annual Report for 2022. The documents submitted to the Board were the letter addressed to the

Town Supervisor advising the Town that the records and docket for the Court calendar year 2022 are available to be presented for examination, the Appendix 10 – Annual Checklist for Review of Justice Court Records and the docket. A discussion was had. The Town Board reviewed the documents presented.

RESOLUTION NO. 008 OF THE YEAR 2024

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

TITLE: TOWN JUSTICE ANNUAL REPORT.

WHEREAS, Town Justice Lawrence R. Musella has presented the Town Supervisor with a letter advising her that the records and docket for the Town of Harpersfield Court, Calendar Year 2022, are available to be presented for examination.

WHEREAS, the Appendix 10 – Annual Checklist for Review of Justice Court Records, the monthly reports and the report of certifications have been presented to the Town Board for review.

BE IT RESOLVED, that the Town Board of the Town of Harpersfield acknowledges that the required examination has been conducted at their regular meeting held on February 15, 2024.

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	Donna M. Van Sickell	Aye.

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Supervisor Driscoll informed the Board that next on the agenda was the Town Justice Annual Report for 2023. The documents submitted to the Board were the letter addressed to the Town Supervisor advising the Town that the records and docket for the Court calendar year 2023 are available to be presented for examination, the Appendix 10 – Annual Checklist for Review of Justice Court Records and the docket. The Town Board reviewed the documents presented.

RESOLUTION NO. 009 OF THE YEAR 2024

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

TITLE: TOWN JUSTICE ANNUAL REPORT.

WHEREAS, Town Justice Lawrence R. Musella has presented the Town Supervisor with a letter advising her that the records and docket for the Town of Harpersfield Court, Calendar Year 2023, are available to be presented for examination.

WHEREAS, the Appendix 10 – Annual Checklist for Review of Justice Court Records, the monthly reports and the report of certifications have been presented to the Town Board for review.

BE IT RESOLVED, that the Town Board of the Town of Harpersfield acknowledges that the required examination has been conducted at their regular meeting held on February 15, 2024.

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

Supervisor	Lisa M. Driscoll	Aye.
Councilmember	Patrick F. Funk	Aye.
Councilmember	Erik R. Reeve	Aye.
Councilmember	Dwayne C. Hill	Aye.
Councilmember	Donna M. Van Sickell	Aye.

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Supervisor Driscoll informed the Board that next on the agenda was the reappointment of Diane Taylor as a member of the Board of Assessment Review. The term will be from 10/01/2023 to 09/30/2028. A motion was made by Erik R. Reeve to appoint Diane Taylor as a member of the Board of Assessment review with the term being 10/01/2023 to 09/30/2028 seconded by Patrick F. Funk. All voting Aye.

Supervisor Driscoll reported to the Board that Heartland payroll is coming along. Tomorrow she is going to purchase two iPads. They will need to be configured so that the employees can sign in and their hours will go directly to Heartland. She has been working on getting all the correct information on the software. She has been following the Union contract. The employees will have access and be able to see their time off. All of that information. Councilmember Funk asked will Supervisor Driscoll and Russell Hatch still look at the hours, approve them and make sure everything is correct? Supervisor Driscoll answered that at the end of a pay period, Russell will look over the time to make sure it is correct. Then that information will be given to Supervisor Driscoll. She will then also verify the time worked and/or time taken off. If an employee has put in for comp time, she will have to put that in for that payroll. Supervisor Driscoll also has to put in the rest of the employees that need to be paid who do not use the iPad. She sends all that information over to Heartland. The discussion continued. Councilmember Reeve asked will the Transfer Station employees also be clocking in on an iPad? Supervisor Driscoll answered yes, they will have their own iPad. We will somehow adhere it to the wall so it can't walk. Councilmember Reeve asked does the iPad take a photo of the person who is logging in? Supervisor Driscoll answered she has not seen how this works. She will need to get the iPads first. Once she has purchased the iPads she will need to contact Heartland and together they will set them up. Then we will have to do a training which she thinks will be

simple. A couple of employees are having problems logging on. She is looking into that also. Supervisor Driscoll can print out their paystubs to give to those employees.

Supervisor Driscoll reported to the Board that QuickBooks is coming along. She is working very closely with the Bookkeeper. The Bookkeeper is doing a reconciliation of 2023. We have just processed the last set of bills for 2023. Russell is entering his highway bills into QuickBooks. She then prints the checks out. Supervisor Driscoll has been entering the general and transfer station bills and it has been working out well. The Bookkeeper has access to view the bank accounts. This allows her to check and confirm things. We should have much more up-to-date information. There are a couple of kinks still being worked out but it's coming along. The abstracts also come from QuickBooks. At least we're all placing the information in one place and not in four different places.

Russell Hatch informed the Board that he has talked to the salesperson about the new truck, and we are still on schedule for the middle of March. That is still going hopefully as planned. Supervisor Driscoll asked Russell if he could get some information that could be sent to the Robinson-Broadhurst Foundation? They have asked for some documentation by February. Russell answered that he would reach out to the salesperson and get some documentation as he has some other things to discuss with them also. Supervisor Driscoll asked Russell the company that the cab and chassis will be sent to be completed that portion will also need to be bid? Russell answered yes that will need to be bid. The discussion continued.

Councilmember Reeve asked Russell that the trucks that are in service right now is everything good with them? Russell answered yes, nothing major. There is a problem with the loader. A radiator was put into it in December, it pushed the bottom out. The loader is a 2009 and it was determined that happened because of salt and age. The problem is it just blew out the new radiator today which is only one month old. The cost of that new radiator was \$2,100.00. It was a new radiator, not a re-cored radiator. Russell is checking on the warranty for the radiator that was put in December. That radiator was installed exactly thirty days ago today.

Supervisor Driscoll asked does the Town Hall uses propane? Do we bid the purchase of propane? Linda E. Goss answered that the Town has an automatic delivery twice a year. No, we do not bid propane. It is a 1000 gallon tank that the Town owns. The tank size was raised to accommodate MTC generator, which they have allowed the Town Hall to be hooked up to. When the electric is out the Town has power because of that generator. Propane also heats the Town Hall. The discussion continued.

Councilmember Reeve asked how far back do they go with this audit? Linda E. Goss answered as far back as the New York State Comptroller's office wants to go. Usually, they go back six years. Councilmember Hill asked how many years records must you keep? Ms. Goss answered it depends on the record. Councilmember Van Sickell asked how do you know which records to keep? Ms. Goss answered that she has a schedule, LG-1, from NYS Archives that tells her how long a record must be kept. For example, Court records are kept indefinitely. Vouchers and invoices are kept for six years. Before those old vouchers and invoices are shred, they are gone

through. We keep any large purchases of equipment or vehicles until they are longer in service or sold. Minutes are kept forever. Vital records are kept forever. Payroll is kept for a certain number of years after an employee retires or passes away. Councilmember Reeve asked do these records have to be kept in a fireproof vault? Ms. Goss answered yes, they are kept in the vault downstairs which is all concrete. There is also a safe in the vault. The discussion continued.

Supervisor Driscoll informed the Board that next on the agenda is the Tax Collector report. Linda E. Goss reported to the Board that she received her warrant to collect taxes which is dated December 27, 2023. The total amount of the warrant is \$2,665,384.76. The total amount collected through January 31, 2024, which was twenty one days of collecting, is \$1,633,284.49. The total payment to the Town Supervisor on February 6, 2024 was \$1,252,588.31. The total payment to the Delaware County Treasurer was \$379,424.36. January bank interest paid to the Town was \$1,265.72. Councilmember Hill asked if the collection of these taxes was normal? Was the amount up or down? Ms. Goss answered things are about the same as last year. Usually within the first six weeks of the year she collects enough to pay the Town for their budget. There is always an amount left over that is paid to the County Treasurer. After the first six weeks things slow down dramatically and then pick up again toward the end of the month. There is approximately \$800,000.00 left to collect. Ms. Goss never collects the full amount. There is usually about \$300,000.00 left unpaid which is turned over to the County once she cashes up. Councilmember Hill continued that the taxes that Ms. Goss now collects she sends into the County because she has paid the Town their budget. Ms. Goss agreed. Also each month that she continues to collect taxes the Town keeps the penalties and half of the bank interest. The other half of the bank interest from February on goes to the County Treasurer.

Linda E. Goss presented the Town Board with her December 2023 Town Clerk report in the amount of \$243.31.

Linda E. Goss presented the Town Board with her January 2024 Town Clerk report in the amount of \$221.82.

Supervisor Driscoll informed the Board that next on the agenda were the abstract and vouchers for January 2024. Copies of the abstract were in the Councilmembers packets. Supervisor Driscoll continued that the Town has ordered new checks which should have come out of the general account. The bank took the fees out of each of the bank accounts so that had to be corrected. Supervisor Driscoll continued that the check for the Davenport Fire District was incorrect, and the check had to be voided and rewritten. She also informed the Board that the payroll and insurance payments are also on the abstract. The Board will only be approving the vouchers be paid. Supervisor Driscoll also informed the Board that all of the vouchers and invoices were available for them to look over. Linda E. Goss added that this is a matter of checks and balances being the Town is spending taxpayer money. A discussion was had. A motion to pay the bills as presented was made by Dwayne C. Hill seconded by Patrick F. Funk. All voting Aye.



Councilmember Funk reported to the Board that he had seen a news report on one of the Counties where they do what's called a Snert Run. This is an ATV and Side-by Side big event. Last fall it was determined that they were not going to allow the roads to be used by ATVs and Side-by Sides from April to May 15<sup>th</sup> because the Town Superintendent of Highways said that is when the frost comes out of the ground and that is when the most damage is done to the roads. Councilmember Funk let the 607 Riders Club know that the event would not be taking place as many of them go to this event. It was discussed that the people in that County asked couldn't they just use the roads for the day when the Snert Run was to take place. The answer was no because that is when the most damage is done to the roads. A comment was made that those folks elected the wrong people. Councilmember Funk responded to the comment that there has to be a balance. The Town has come out and informed the public of the reason that they are doing this. He is sure that the residents who live in that Town that do not ride ATV's and Side-by-Sides would tend to disagree with you. Councilmember Funk also pointed out that the law or resolution was passed in the fall. The Snert run was scheduled for April 15<sup>th</sup>. They had ample time to move the run.

Supervisor Driscoll informed the Board that next on the agenda are the Supervisor's reports for November and December 2023. Both reports were in the Boards packets. Supervisor Driscoll continued that she will be working with the Bookkeeper on the December report. Hopefully all the bills are in for December. This report will need to be updated. Then the annual fund balances can be issued to the Board. A discussion was had. Another discussion was had on CHIPs funds not covering roads for ten years. Councilmember Hill reported to the Board that Senator Oberacker had told him that the law had been on the books for a long time, and they decided to start enforcing it this past year. Russell Hatch added that around 2010 they have found communications from the people in charge of the CHIPs program informing the Highway Superintendents that the five-year plan was working. They did not change the law because it is a ten-year bond. The State bonds the money and since it is a ten-year bond the work that's done has to be on a ten-year plan. Supervisor Driscoll reminded the Board that the Town has put in a grant to the Robinson Broadhurst Foundation to pave some of the roads. The Town has also put in a grant for the Transfer Station. Hopefully we will be able to do some paving. We definitely have to put the concrete in back of the Transfer Station. It is just a big mud ball back there that must be fixed. Councilmember Funk asked could the Town apply for grant funds from the NYC DEP? Supervisor Driscoll answered that a large portion of the Town is not in the watershed. The Transfer Station is not in the watershed.

Supervisor Driscoll informed the Board that for the fourth quarter the C&D over limit bill from the County was \$250.00. As opposed to a \$6,000.00 bill last year. The new Transfer Station stickers are working.

Supervisor Driscoll reported to the Board that she has been notified by NYS DEC that there is an annual report for the Transfer Station that is due by March 1<sup>st</sup>. She has spoken to Tyson Robb at the County land fill. Mr. Robb completes this report for all the Transfer Stations in Delaware County. For each day that this report is late NYS DEC can fine \$500.00. Mr. Robb has

completed this report and sent it into NYS DEC. He has sent a copy of the report to Supervisor Driscoll.

A discussion was had on how the new transfer station stickers are working for the Transfer Station employees. They are also happier with the updated conditions at the Transfer Station.

A motion at 8:03 PM to go into executive session for a personnel matter was made by Patrick F. Funk seconded by Erik R. Reeve. All voting Aye.

A motion at 8:17 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.

A motion to adjourn the meeting was made by Dwayne C. Hill seconded by Patrick F. Funk. All voting Aye.

The next regular meeting of the Board will held on Wednesday, March 13, 2024 at 7:00 PM.

Linda E. Goss  
Town Clerk