

October 9,2024

The Town Board of the Town of Harpersfield held a regular meeting on October 9, 2024.

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

Also Present:            Russell Hatch, Supt. of Highways  
                                  Linda E. Goss, Town Clerk  
                                  Heidi R. Stevens, Deputy Town Clerk

Others Present:        Rhonda Slicer  
                                  Millie Faulkner, Stamford Library Treasurer  
                                  Linda Stratigos, Stamford Library Vice President  
                                  Ted Dziewit  
                                  Thomas VanSickell  
                                  Elizabeth Page, Editor of The Mountain Eagle  
                                  Henry L. Browning

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

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

Supervisor Driscoll asked the Board if they received the August and September minutes? The Board had received the minutes. Supervisor Driscoll asked 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 except the August and September minutes was made by Patrick F. Funk seconded by Dwayne C. Hill. All voting Aye.

Linda Goss reported to The Board that she had received a letter from the Delaware County Historical Association. The letter informed the Board of the Delaware County Historical

Association's activities for 2024. Tim Duerden, Delaware County Historical Association Director, asked The Town Board to raise their annual contribution to \$500.00.

Linda Goss reported to the Board that she had received an email from councilmember Funk on New York State Supreme Court judge rules New Yorks new even-year election law violates state constitution. At this point everything is staying the same with the elections. A discussion was had.

Linda Goss also reported that she had received, from the association of Towns, their October newsletter. There is a legislative update. Linda Goss forwarded this to the Board and sent it to Laurie Bedford. Linda Goss went on to say that there is an Expansion of Emergency Services Responder Exemption. This law that went into effect Sept. 20, 2024, authorizes local governments that provide the emergency service responder real property tax exemption to members providing services within their jurisdiction to extend the exemption to any resident volunteer firefighter or ambulance worker that provides their volunteer services to a neighboring city, village, town, county, or school district.

Supervisor Lisa Driscoll informed the Board that next on the agenda is the new library. Millie Faulkner, Treasurer and Linda Stratigos Vice President of the Stamford Library gave a presentation to the Town Board. Ms. Faulkner explained to the Board that there are a lot of things going on at the library. Ms. Faulkner thanked the Board for their time and for their generous donation each year. Ms. Faulkner went on to explain that the library is a non-profit organization. Every donation that they receive goes to the services and programs that they offer. Ms. Stratigos explained to the Board that locating the library in a new building made more sense than making improvements to the old building. Ms. Stratigos showed the Board the blueprint for the new building. It will have rooms for the community to use even if the library is closed, parking, a children's outdoor space and a reading garden. Ms. Stratigos went on to say that the budget for this project is \$4,000,000.00. They have already collected \$703,000.00 from local foundations. They have started their local fundraising and applied for a number of grants from the Division of Library Development. They have already awarded them \$222,000.00. The library is responsible to match \$80,000.00. Those funds will be used for clearing of the property, regrading the grounds, safety fences and utility work. The next application to the Division of Library Development will be in 2025 in the amount of \$608,000.00 for geothermal infrastructure. This is to keep the operating costs as low as possible. The library is responsible to match \$98,000.00. Ms. Stratigos is hoping that this time next year they can say that they have \$1,500,000.00. The library is hoping to be open late 2026 or early 2027. The library is working with an architectural firm that has been very active in building libraries all over this region. Ms. Stratigos stated that the exterior of the building will be in the arts and craft style. Supervisor Driscoll asked Ms. Stratigos when

will they be clearing the land? Ms. Stratigos answered Spring or early Summer. The discussion continues. Ms. Faulkner informed the Board this library is being built entirely with grants and donations. The tax levy in the school tax bill is a guaranteed revenue stream to meet the library payroll. Councilmember Patrick F. Funk asked Ms. Stratigos if there is any way that the architect can calculate what the new costs are going to be to run the new building? Ms. Stratigos answered yes, they have that from him. Councilmember Funk then asked Ms. Stratigos if that was going to be coming from the taxes? Ms. Stratigos answered no there is an endowment which the interest from that pays for half of those costs now. They are working on refiguring their investments to increase their disbursements using that money to cover the costs. Councilmember Funk mentioned that the geothermal infrastructure is a big investment up front but in the long run it pays. Councilmember Funk pointed out that all the roof lines on the new building could make extra costs with the upkeep. Ms. Stratigos agreed and said she will mention that to the architect.

Supervisor Driscoll informed the board that next on the agenda is the Paintcare Shed. Supervisor Driscoll told the Board that she did receive a second quote from Fred Barns. His quote was higher so she went with Paintcare area. Supervisor Driscoll has signed the contract with Paintcare. Paint care will reimburse the Town for the gravel that will be put down and the shed. Supervisor Driscoll explained that the shed will be placed where the tire trailer is right now. Supervisor Driscoll would like to make sure that the shed is visible by the cameras. The shed would be locked. Residence dropping off paint will need to get a Transfer Station employee to unlock and take the paint. Supervisor Driscoll would like to get signs for the Paint care area, one letting the residents know that they are under surveillance and another saying must see an attendant to drop off the paint. Supervisor Driscoll is putting a 5-gallon limit per day to see how that goes and increase later on if necessary. Supervisor Driscoll informed the board that the invoice for the shed is on a voucher and the abstract. Once the Board has approved the voucher, she can get a date for when the Town will receive the shed.

Supervisor Driscoll informed the Board that next on the agenda was the Community Agreement and Road Use Agreement with Blue Wave Solar. A copy of these agreements was in the Boards packet. Supervisor Driscoll asked Russel Hatch to explain the Road Use Agreement to the Board. Both the company and Mr. Hatch will video tape the road before construction and after construction. Mr. Hatch will monitor damage on the road. Delaware Engineering drew up this Road Use Agreement. The biggest issue was the price of repairs per mile. Councilmember Funk asked Mr. Hatch if he was comfortable with the figure? Mr. Hatch answered yes. Supervisor Driscoll asked Mr. Hatch would it be the Town Highway crew doing the repairs or the company? Mr. Hatch answered it depends. The company has a certain amount of time to repair the road. If they fail to do so the Highway crew will repair

the road and charge the company. There are designated roads that the company needs to use during construction. Supervisor Driscoll explained to the board the three Community Agreements each will give the Town \$16,666.66 with a total of \$50,000.00. These funds will be used for the additional work that will need to be done by the Code Enforcement Officer, the Tax Assessor and for the Town. Supervisor Driscoll continued that the Resolution is that the Town agrees to adopt the three Community Agreements and Road Use Agreement.

#### RESOLUTION NO. 021 OF THE YEAR 2024

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

TITLE: A RESOLUTION APPROVING A ROAD USE AGREEMENT AND THREE HOST COMMUNITY BENEFIT AGREEMENTS RELATED TO THE BRUCE HILL ROAD A,B AND C SOLAR PROJECTS.

At a meeting of the Town Board of the Town of Harpersfield, held at 25399 State Hwy 23, Harpersfield, NY on the 9<sup>th</sup> day of October, 2024, the following resolution was offered and seconded:

WHEREAS, the Town of Harpersfield Planning Board has issued an amended site plan approval to BWC Rexamere Lakes, LLC to construct the so called “Bruce Hill Road A Solar Project”, a five (5) megawatt (AC) distributed generation, ground mounted solar electric generation facility located at Bruce Hill Road, Harpersfield , NY (Tax Map Parcels 40.-1-78.1 and 40.-1-78.2) as set forth in the stie plan application and plans; and

WHEREAS, the Town of Harpersfield Planning Board has issued a amended site plan approval to BWC Basset Brook, LLC to construct the so called “Bruce Hill Road B Solar Project”, a three (3) megawatt (AC) distributed generation, ground mounted solar electric generation facility located at Bruce Hill Road, Harpersfield, NY (Tax Map Parcels 40.-1-78.1 and 40.-1-78.2) as set forth in the site plan application and plans; and

WHEREAS, the Town of Harpersfield Planning Board has issued a site plan approval to Odell Lake, LLC to construct the so called “Bruse Hill Road C Solar Project”, a 5.32 megawatt (AC) distributed generation, ground mounted solar electric generation facility located at Bruce Hill application and plans; and

WHEREAS, the Planning Board served as Lead Agency under the State Environmental Quality Review Act for each of the Bruce Hill Road A, B and C Solar Projects and has issued a negative declaration thereon; and

WHEREAS, each of the Planning Board resolutions approving the projects required, as a condition of approval, that the applicants (or their affiliate), enter into a Road Use Agreement and Host Community Benefit Agreements for said projects; and

WHEREAS, the Town Board finds that it is in the best interest of the Town to enter into the above referenced Road Use Agreement and Host Community Benefit Agreements; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Harpersfield hereby approves and authorizes the Town Supervisor to enter into and execute the Road Use Agreement for the Bruce Hill Road A, B and Solar Projects; and

BE IT FURTHER RESOLVED, that the Town Board hereby approves and authorizes the Town Supervisor to enter into and execute the Host Community Benefit Agreement for the Bruce Hill Road A Solar Project; and

BE IT FURTHER RESOLVED, that the Town Board hereby approves and authorizes the Town Supervisor to enter into and execute the Host Community Benefit Agreement for the Bruce Hill Road B Solar Project; and

BE IT FURTHER RESOLVED, that the Town Board hereby approves and authorizes the Town Supervisor to enter into and execute the Host Community Agreement for the Bruce Hill Road C Solar Project; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Seconded by Councilmember Dwayne C. Hill 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. VanSickell	Aye.

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Supervisor Driscoll informed the Board that the Tentative Town Budget is next on the agenda. Supervisor Driscoll had emailed a copy of the Tentative Town Budget to the Board members and explained that the Town is at a 5.5% increase. Supervisor Driscoll goes on to explain that the Town is still paying for the new ambulance service. Supervisor Driscoll continued that another significant raise in the budget will be retirement. The retirement will be going up \$11,000.00 next year. Supervisor Driscoll has made increases in the Election

and Central Print and Mail lines in the budget. Insurance has also increased for the Pollution Liability insurance. Councilmember Funk asked Supervisor Driscoll if that is going to be a every three year payment? Supervisor Driscoll answered yes. Health insurance also increased 4%. The discussion continued. Supervisor Driscoll discussed the Transfer Station budget. Repairs that she would like to see done next year are rebuilding the back staircase concrete and paving. Supervisor Driscoll has written the grant to help pay for the paving. There is no increase on the Transfer Station budget this year. Supervisor Driscoll discussed the Highway portion of the budget, and changes have been made because of the recommendations by the Auditors for the New York State Comptroller's Office. Supervisor Driscoll added that the negotiated tentative union contract figures have been added to this budget. Supervisor Driscoll discussed the CHIPS funds for next year. The discussion continued. She also went over the salaries for the elected officials. The discussion continued. Supervisor Driscoll went over the unexpended fund balance. Councilmember Hill complimented Supervisor Driscoll for thoroughly going through the budget. Supervisor Driscoll continued with the revenue portion of the budget. The discussion continued.

Supervisor Driscoll informed the Board that the fan for the Transfer Station has been purchased, the concrete is complete. There are steel plates that will need to be replaced that protect the concrete. Mr. Hatch explained to the Board that the existing steel does not match up to the way the Transfer Station is operating now. Supervisor Driscoll would like to replace the steel later this year or early next year. Supervisor Driscoll also reported to the board that the lights are up and working and the boy scouts came and fixed up their bottle return box.

A motion was made to accept the Tentative Budget by Patrick F. Funk, seconded by Dwayne C. Hill. All voting Aye.

Supervisor Driscoll informed the Board that next on the agenda was the Resolution to go over the tax cap.

#### TOWN OF HARPERSFIELD

#### RESOLUTION NO.022 OF THE YEAR 2024

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

TITLE: RESOLUTION OF THE HARPERSFIELD TOWN BOARD ACCEPTING A PROPOSED LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c AND SCHEDULING A PUBLIC HEARING FOR THE SAME.

WHEREAS, on June 24, 2011 the New York State legislature enacted Chapter 97 of the NYS Laws of 2011, hereinafter referred to as the "General Municipal Law § 2-c"; and

WHEREAS, General Municipal Law § 3-c expressly authorizes local governments to override the tax limit by adoption of a local law approved by a vote of at least sixty percent (60%) of the total voting power of the governing body (in this case, the Harpersfield Town Board”); and

WHEREAS, the Town’s Attorney has prepared a proposed Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-3; and

WHEREAS, the Town Board has reviewed and modified the proposed Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c; and

NOW, THEREFORE, BE IT RESOLVED, THAT THE Town Board shall hold a public hearing for consideration of the Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c on November 13, 2024 at 7:00 PM at the Town Hall; and

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

Whereupon, Councilmember Erik R. Reeve seconded and 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.

TOWN OF HARPERSFIELD

LOCAL LAW NO. 004 OF THE YEAR 2024

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c

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

SECTION 1. LEGISLATIVE INTENT: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Harpersfield pursuant to General Municipal Law § 3-c, and to allow the Town of Harpersfield to adopt a budget for the fiscal year beginning January 1, 2025 and ending December 31, 2025 that

requires a real property tax levy in excess of the “tax levy limit as defined by General Municipal Law § 3-c.

SECTION 2. AUTHORITY: This local law is adopted pursuant to subdivision 5 of the General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of at least sixty percent (60%) of the Town Board.

SECTION 3. TAX LEVY LIMIT OVERRIDE: The Town Board of the Town of Harpersfield, County of Delaware is hereby authorized to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

SECTION 4. 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 judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confirmed in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which the judgement or order shall be rendered.

SECTION 5. EFFECTIVE DATE: This local law shall take effect immediately upon filing with the Secretary of State.

Supervisor Driscoll informed the Board that next on the agenda is the Resolutions for the Robinson-Broadhurst Grants. The first Resolution is for a medium sized truck. Supervisor Driscoll is putting the grant at \$125,000.00. The grant is needed to be in by November 1, 2024. Supervisor Driscoll has not received the exact amount for the truck so this resolution will need an amendment when she receives that amount. The second Resolution is for paving the parking lot at the Transfer Station. The grant will be for \$60,000.00. Once the new quote comes this Resolution will also need an amendment. Councilmember Patrick Funk asked if there was anyway for the Board to approve a resolution up to a dollar amount instead of having to do amendments? Supervisor Driscoll answered no. Supervisor Driscoll explained that she would need to have exact dollar amounts in the Resolution. A discussion was had.

#### TOWN OF HARPERSFIELD

#### RESOLUTION NO. 023 OF THE YEAR 2024

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



TITLE: RESOLUTION FOR REQUESTING A GRANT FROM THE ROBINSON-BROADHURST FOUNDATION, INC. FOR THE APPLICATION OF A MEDIUM SIZED F-550 TRUCK.

WHEREAS, the Town of Harpersfield, a municipality in Delaware County, New York, will request a grant from the Robinson-Broadhurst Foundation, Inc. for \$125,000.00 to purchase s F-550 truck with a plow, sander and dump box.

NOW, THEREFORE, BE IT RESOLVED, that the Twon Board of the Town of Harpersfield authorizes the Town Supervisor to apply for a grant from the Robinson-Broadhurst Foundation, Inc. for the F-550 truck with a plow, sander and dump box.

WHEREUPON, Councilmember Dwayne C. Hill seconded the motion the Resolution No. 023 Of The Year 2024 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.

#### TOWN OF HARPERSFIELD

#### RESOLUTION NO. 024 OF THE YEAR 2024

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

TITLE: RESOLUTION FOR THE REQUESTING A GRANT FROM THE ROBINSON-BROADHURST FOUNDATION, INC. FOR PAVING WORK AT THE HARPERSFIELD TRANSFERSTATION.

WHEREAS, the Town of Harpersfield a municipality in Delaware County, New York, is requesting a grant from the Robinson-Broadhurst Foundation, Inc. for \$ 60,000.00 to pave the Harpersfield Transfer Station sponsored by the Town of Harpersfield; and

WHEREAS, the summary of the work is as follows:

TASK:	APPROXIMATE COST:
Paving Parking Lot	\$ 39,312.16
Sealing Parking Lot	\$ 10,324.15

Harpersfield Cost \$ 10,624.00

Total: \$ 60,260.31

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Harpersfield authorizes the Town Supervisor to apply for a grant from the Robinson-Broadhurst Foundation, Inc., for the paving of the Harpersfield Transfer Station sponsored by the Town of Harpersfield in the amount of \$60,000.00.

WHEREUPON, Councilmember Dwayne C. Hill seconded the motion and Resolution No. 024 Of The Year 2024 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 asked the council members if they had any items to address with the Board? Patrick F. Funk wanted to bring to the Boards attention that the Village of Stamford is looking to buy the house next to the bridge on South Street. A discussion was had.

Supervisor Driscoll informed the Board that next on the agenda is the Town Highway Superintendent Russel Hatch. Russel reported to the Board that they put a bid on a medium sized 2019 F550 truck with 60,000 miles on it. The bid went for \$34,000.00 after the buyer's premium the cost of the truck is \$37,415.00. The truck is in really good shape and will be replacing a 1999 F350 truck that the Town currently has. Russel wants to surplus the 1999 F350 and a 1990 10-wheel dump truck. He would like to have the amount for the next Board meeting so that it can be approved at that time. Councilmember Erik R. Reeve asked Russel if it would be worth the Town to hold on to the trucks for spares rather than sell them? Russel answered no. The trucks are to the point now where the cabs of both trucks are beyond repair. A discussion was had. Russel told the Board that the Highway department has purchased a box for one of the 10-wheelers for \$9,475.00. This box has never seen a winter. With wiring the funds for the box the Town saved 2.5%. Russel then spoke about CHIPS paperwork which needs to be submitted in the second week in November. The Town has \$400,000.00 in CHIPS funds and has spent about \$300,000.00. There will be a carry over for next year. A discussion was had. Russel is resubmitting the grants for the Reed and Gun House Road projects and to do a large concrete structure next

year on Whiskey Hollow Road. Councilmember Patrick F. Funk asked Russel if this is the third time that the grant has been submitted for the Reed and Gun House Road project? Russel answered yes. Councilmember Patrick F. Funk asked Russel if the Town should have reason for concern with Gun House and Reed Road at this time? Russel answered no, the Town has problems when its flooding and that is the main concern. The reason for the flooding is that the culvert pipes are both undersized. A discussion was had.

The Town Clerk's report for the month of September 2024 was issued to the Board. The amount that the Town has received is \$1,833.02.

Supervisor Driscoll informed the board that the Abstract and Vouchers for August are next on the agenda. Supervisor Driscoll issued the Board the vouchers to be reviewed.

Supervisor Driscoll needed to correct voucher numbers on the Transfer Station abstract from July 10<sup>th</sup> to September 11<sup>th</sup>, 2024, she added those to the Boards packets.

Councilmember Patrick F. Funk asked if the late fee from D&W that was spoken about at the last meeting had been taken care of? Linda E. Goss answered that they had responded by email saying that they received the information from the Town. A discussion was had.

Supervisor Driscoll told the Board that the Highway has the box for the truck on it which is \$9,500.00 also the auctions international for the truck. She told the Board that there is \$23,000.00 for paving which will be paid back from CHIPS. The big expenses are for the concrete, steel for the Transfer Station and the Paintcare shed. A motion to pay the bills that have been reviewed as presented was made by Patrick F. Funk seconded by Donna M. VanSickell. All voting Aye.

The Supervisor's report for the month of September was issued to the Board. As per the Auditors she has moved the retirement money. There is still money in general A line that needs to be moved to the Transfer Station for retirement. Supervisor Driscoll is anticipating using a good portion of the \$100,000.00 in the Appropriated Fund Balance in General A for attorney fees and Buildings Contractual. Supervisor Driscoll informed the Board that she is keeping an eye on the DA Machinery Contractual line as it is at \$94,000.00.

At 8:28 PM a motion to go into executive session for possible litigation, contract negotiations and personal issue was made by Dwayne C. Hill seconded by Donna M. VanSickell. All voting Aye.

At 9:00 PM a motion to come out of executive session was made by Patrick F. Funk seconded by Dwayne C. Hill. All voting Aye. No action was taken during executive session.

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

The next Public Hearings and Regular Meeting of the Town Board will be held on Wednesday  
November 13, 2024 at 7:00 PM.

Heidi R. Stevens

Deputy Town Clerk