

November 13, 2024

The Town Board of the Town of Harpersfield held two public hearings and a regular meeting on November 13, 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: Linda E. Goss, Town Clerk
Russel Hatch, Supt. of Highway
Dean Darling, Chairman of the Planning Board
Laurie Bedford, Town Assessor
Allyson Phillips, Town Attorney
Heidi R. Stevens, Deputy Town Clerk

Others present: Henry L. Browning
Dennis Dusty King
Elizabeth Page
Thomas VanSickell
Deborah Rybicky
Ted Dziewit
John Anderson
Bettye Joey Darling

This 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 October minutes? The Board had received the minutes. Supervisor 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 was made to except the October minutes by Dwayne C. Hill seconded by Patrick F. Funk. All voting Aye.

Supervisor Driscoll informed the Board that next on the agenda is the public hearing for the tentative 2025 budget. Supervisor Driscoll asked the public if there was any question regarding the 2025 budget? How can you trim the budget was asked? Supervisor Driscoll answered that retirement and health insurance has increased, also a raise in pay for the highway department. Councilmember Patrick F. Funk reminded the public of the ambulance service. Supervisor Driscoll continued with the building maintenance, new lighting, and attorney fees. Supervisor Driscoll told the public that everything has gone up, such as fuel. Everything you buy these days. She said she had looked over the budget for hours and gave it to the Board to look at. Supervisor Driscoll said that the budget is where she thinks it should be. A discussion was had regarding the Pollution Insurance that was paid for this year. Supervisor Driscoll asked if anyone had any other questions about the budget? No one came forth to be heard. The public hearing was closed at 7:09 PM.

Supervisor Driscoll opened the public hearing for Going Over the Tax Cap at 7:10 PM. Supervisor Driscoll said that the Tax Cap is about 2%, the budget is at 5.5%. Supervisor Driscoll asked if anyone has any questions about going over the Tax Cap? A question was asked if this was discussed at the last meeting with a Resolution? Supervisor Driscoll answered no. The Town had a Resolution to have the public hearing at this meeting. No one else came forth to be heard. Supervisor Driscoll closed the Public Hearing at 7:11 PM.

Linda Goss reported to The Board that she had received two letters. The First letter was from herself informing the Town Board that she will be retiring from her position as Town Clerk, Tax Collector, Registrar of Vital Statistics and Records Management Officer for the Town of Harpersfield as of January 1, 2025, with a last day of work on December 31, 2024. Linda Goss said it has been a privilege to work with the Town. Supervisor Driscoll went on to tell Linda that she will be very missed the Town is losing a wealth of information. The Town Board told Linda thank you very much for everything she had done for the Town and the people in the Town and congratulated her on her retirement.

Linda Goss informed the Board the second letter is from Code Enforcement Officer Tom Little. Mr. Little wanted to formally announce his intention to retire at the end of December 2024. Mr. Little wanted to thank the Town of Harpersfield for the opportunity to work with them for the last 11 years.

Linda Goss informed the Board that she has been notified from DEC that the Town now can charge the public a \$1.00 fee for printing their hunting licenses. This fee is to pay for paper,

ink and toner for printing the licenses. Linda Goss asked the Town Board if they would be ok with her not collecting that fee until hunting season next year. She didn't think it would be right to start charging the fee now. A discussion was had. A motion was made to not charge the \$1.00 fee for the hunting licenses until next year by Dwayne C. Hill seconded by Donna M. Van Sickell. All voting Aye.

Supervisor Driscoll asked for a motion to nominate Heidi R. Stevens as the next Town Clerk starting January 01, 2025. A motion was made by Patrick F. Funk seconded by Dwayne C. Hill. All voting Aye.

Supervisor Driscoll informed the Board the Town would need a Resolution for the adoption of the Town Budget for 2025.

RESOLUTION NO. 025 OF THE YEAR 2024

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

TITLE: ADOPTION OF THE TOWN BUDGET FOR 2025.

NOW, THEREFORE, BE IT RESOLVED, at the regular meeting of the Town Board of the Town of Harpersfield held on November 13, 2024, the Town Board adopts the 2025 Town budget as presented.

Second by Councilmember Donna M. VanSickell 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 a Resolution is needed for the local law to go over the Tax Cap override. A discussion was had.

RESOLUTION NO. 026 OF THE YEAR 2024

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

TITLE: IN THE MATTER OF THE ADOPTION OF LOCAL LAW NO. 004 OF 2024 ENTITLED "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c".

WHEREAS, in accordance with Subdivision 5 of the General Municipal Law § 3-c of the State of New York which provides municipalities with the express authorization to override the tax levy limit established in General Municipal Law § 3-c by passing a Local Law approved by a vote of at least sixty (60%) of the Town Board; and

WHEREAS, the proposed Local Law was presented to the Town Board at least 11 days prior to the Town Board meeting on November 13, 2024; and

WHEREAS, the Town Board adopted a resolution on October 9, 2024 scheduling a public hearing on the proposed Local Law for November 13, 2024; and

WHEREAS, the public hearing on the proposed Local Law was held on November 13, 2024 at the Town Hall; and

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

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF THE TOWN OF HARPERSFIELD, DELAWARE COUNTY, NEW YORK:

The Town of Harpersfield Local Law to Override the Tax Levy Limit Established in Municipal Law § 3-c, being Local Law 004 of 2024, is hereby adopted and the Town Clerk is hereby directed to file said Local Law with the Office of the Secretary of State in accordance with State Law.

WHEREUPON, Councilmember Dwayne C. Hill seconded the motion and Resolution No. 026 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 THEREUPN DECLARED DULY ADOPTED.

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 judgement 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 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 amended Resolution for Robinson-Broadhurst grant. Supervisor Driscoll has received updated quotes for the approximate cost of the jobs that will be getting done.

AMENDED RESOLUTION NO. 024 OF THE YEAR 2024

Councilmember Dwayne C. Hill offered the following resolution and moved its adoption:

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

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	\$ 40,539.20
Sealing Parking Lot	\$ 9,705.27
Harpersfield Cost	\$ 10,624.00
TOTAL:	\$ 60,868.47

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 Erik R. Reeve seconded the motion and Amended 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 AMENDED RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Supervisor Driscoll informed the Board that next on the agenda is the Volunteer Firefighter Law. Supervisor Driscoll explained that the change that will be made is 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. Previously the real property tax exemption only applied if you served where you reside. The Town will work on amending the Local Law starting next month. A discussion was had.

Supervisor Driscoll informed the Board that next on the agenda is Odell Lake, Odell Lake Extension and Streeter Hill speed limit. Russel Hatch told the Board that Delaware County DPW reduced the speeds of Odell Lake and Odell Lake Extension to 50 MPH. Streeter Hill has been reduced to 40 MPH. Patrick F. Funk asked if the Highway Department could put up one sign on each end? Russel Hatch answered no. The signs would need to be put up according to code. Russel Hatch asked the Delaware County Sheriff if the roads are not posted to code if they could enforce the new speed limit? The Sheriff answered that all the Deputies have already been informed of the new speed limits. A discussion was had.

Supervisor Driscoll informed the Board that the NYS Retirement Resolution is next on the agenda. Supervisor Driscoll told the Board that seven employees had to do a three-month record of activities. From the record of activities these employees determine how many days they worked. The form will need to be signed and sent to the NYS Retirement. Supervisor Driscoll informed the Board that they will all need to do the three-month record of activities. Supervisor Driscoll then went over the Resolution with the Board.

RESOLUTION NO. 027 OF THE YEAR 2024

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

TITLE: STANDARD WORKDAY AND REPORTING RETIREMENT RESOLUTION.

BE IT RESOLVED, that the Town of Harpersfield hereby establishes the following as standard workdays for Elected and Appointed Officials/Employees for the purposes of determining days worked reportable to the New York State and Local Retirement System.

This resolution will cover employees currently enrolled in the New York State and Local Retirement System.

Union Highway Department Employees – Full time – 8 hours standard workday – 5 days per week.

Transfer Station Employee – Full time – 8 hours standard workday – 5 days per week.

Town Supervisor – 8 hours standard workday- 8.44 days/month.

Superintendent of Highways – Full time – 8 hours standard workday – 5 days per week.

Town Clerk – Full time – 8 hours standard workday – 5 days per week.

Assessor, Chairperson – -8 hours per day-5.38 days per month.

Dog Control Officer– 8 hours per day-0.31 days per month.

Councilmember – 8 hours workday-1 day per month.

Building Code Enforcement Officer – 8 hours per day-5.08 days per month.

Justice – 8 hours per day-4.0 days per month.

Planning Board Chairperson –8 hours per day- 2.50 days per month.

Seconded by Councilmember Donna VanSickell 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 Headwaters Contract is next on the agenda. Supervisor Driscoll explained that the Town will pay \$100,000.00 in 2025, the same for their services as last year. The new contract shows the Certificate of Need taken out, everything else stayed the same. A motion to accept the new Headwaters Contract by Dwayne C. Hill seconded by Patrick F. Funk. All voting Aye.

Next on the agenda is the Union Contract. Supervisor Driscoll told the Board that she does not have the contract back at this time. The Board will have to view it and accept it in December.

Supervisor Driscoll informed the Board that next on the agenda is the Transfer Station. Supervisor Driscoll would like to have the flow of the traffic to be changed. When the traffic pulls into the Transfer Station the new flow is going to have vehicles stay to the right and come around and out. Supervisor Driscoll is going to have the boxes in the center reduced to one. In that area there are going to be parking spots made. There also has been conversation on moving C&D and the metal. The back is getting cleaned up and the fence is being repaired. Looking at other possible improvements to be made at the Transfer Station. Councilmember Dwayne C. Hill asked if the shed had been purchased for Paint Care. Supervisor Driscoll answered yes, there should be a phone call in the next week or two to schedule delivery. Hoping to have it open to the public in December. A discussion was had. Russel added that the Town is working on making it easier to access the tire trailer. A discussion was had.

Supervisor Driscoll asked if there was anything that the Board would like to address. Councilmember Patrick F. Funk informed the Board that Gun House Road is clean. He wanted to thank Larry Frazee for helping with the clean-up. Councilmember Funk also asked about the raises for Delaware County. Supervisor Driscoll answered that they passed today. Some of the raises are mandated.

Supervisor Driscoll informed the Board that next on the agenda is the Highway Superintendent Russel Hatch. Supervisor Driscoll asked for a truck update. Russel answered that the Town will not be getting the truck in November. A discussion was had. Russel told the Board that he has yet to get the trucks on the auction site, but they are all ready to go. There are also some small items such as chainsaws and water pumps that he would like to list on the auction site as well. A discussion was had.

Town Clerk's report for the month of October was issued to the Board. The amount that the Town received was \$2,275.68.

Supervisor Driscoll informed the Board that next on the agenda is the Abstract and Vouchers for the month of October. Supervisor Driscoll issued the vouchers to be reviewed by the Board. Supervisor Driscoll let the Board know that the mix-up with Aces invoices is finally all cleared up and Ace and the Town are now on the same page. C&D is \$5,000.00 for the third quarter. Councilmember Patrick F. Funk asked where is that compared to where the Town has been before? Supervisor Driscoll answered, for the third quarter that is usually about where the Town is at. A discussion was had. The new lights have been installed. They were very reasonable on the price. Supervisor Driscoll also mentioned the street signs that were purchased. A motion to pay the bills that have been reviewed as presented was made by Patrick F. Funk seconded by Dwayne C. Hill. All voting Aye.

The Supervisor's report for the month of October was issued to the Board. The Town has spent \$5,246.00 on Central print and mail so far this year. Transfer Station Contractual expenses \$94,000 and personal is \$73,000. In the budget the Highway employees are put under PS, they need to be under contractual. Supervisor Driscoll is going to make that switch. Supervisor Driscoll asked if there are any questions. A question was asked about the Firefighter Law, it was believed that in order to get the tax break you would need to serve for two years. Supervisor Driscoll replied that it is all explained in the law. The only thing that is being changed in the law is that they do not have to live in the town that they serve to receive the tax credit. A recommendation was made to the outgoing clerk to put a jar for donations to help pay for paper and toner when the public comes in and requests copies. Linda Goss Town Clerk explained that we charge \$.25 a sheet if it is over 7 pages.

At 7:52 PM a motion was made to go into executive session for personnel and litigation by Patrick F. Funk seconded by Dwayne C. Hill. All voting Aye.

At 8:52 PM a motion to come out of executive session was made by Dwayne C. Hill seconded by Patrick F. Funk. All voting Aye. No action was taken during the executive session.

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

The next Regular Meeting of the Town Board will be held on Wednesday December 11, 2024 at 7:00 PM.

Heidi R. Stevens

Deputy Town Clerk