

March 9, 2022

The Town Board of the Town of Harpersfield held a regular meeting on March 9, 2022.

Present were: James Eisel Sr., Supervisor
Matthew J. Taylor, Councilmember
Patrick F. Funk, Councilmember
Lisa M. Driscoll, Councilmember
Erik R. Reeve, Councilmember

Also present: Linda E. Goss, Town Clerk

Absent: Russell Hatch, Supt. of Highways

Others present: Steven Weiner
Doreen Remen
Elizabeth Page, Editor for The Mountain Eagle
Gloria Anderson
Duane Martin

The meeting was called to order at 7:01 PM by Supervisor James Eisel Sr..

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

Supervisor Eisel asked if the Board had received the minutes for the regular meeting held on February 9, 2022? The Board had received the minutes. Supervisor Eisel 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 February 9, 2022 as presented was made by Patrick F. Funk seconded by Matthew J. Taylor. All voting Aye.

The Town Clerk had no correspondence to report to the Board.

Supervisor Eisel reported to the Board that he had nothing to report on the Titus Lake Road, Austin Road and Wood Road projects. The Code Enforcement Officer is in a half cast and is away. He will be back starting Monday. He was not up there at all this month. He said that the last time he was up there the one property owner seems to still be working on cleaning up. We will get back at it next month. Supervisor Eisel recognized Steve Weiner. Mr. Weiner commented that with the violation tickets adjourned for six months that will bring us to July. Supervisor Eisel added that they have up to six months. If the Code Enforcement Officer sees that no action is being taken then he can bring them back to court sooner. Mr. Weiner

continued that one property owner has done a lot to clean up their property. The second property owner from what he can see has not done anything to clean up their property. The third property owner has moved the junk cars from the front of the property to the back of the property. Where the junk cars were located in the front of the property now they are just accumulating more stuff. Junk. Mr. Weiner has seen in a newspaper article that there is a State law that is about a year old which in addition to junk yard laws allows a Code Enforcement Officer to go around to properties that are just a mess. They can then speak to the property owners and ask them to clean up their property. There are other Towns that are doing that. He does not want to see the Town of Harpersfield become a haven for these kinds of properties. Doreen Remen introduced herself to the Board and thanked the Board for taking action on this matter as they have no other recourse. Gloria Anderson asked about the one property on the Austin Road side that has an extra camper on it. They were told a year and a half ago that they needed to move the camper. It is still there. This is a third residence on a five acre parcel. There can only be two residences on a five acre parcel. Councilmember Funk has forwarded Ms. Andersons question on and he was hoping that the Code Enforcement Officer was going to be at the meeting to answer this question. Ms. Anderson continued that the Code Enforcement Officer had told her a year and a half ago that the camper had to be removed. That it was not a legal residence. And it is still there. There are people who stay there for several months of the year. Councilmember Taylor asked Supervisor Eisel to speak to the Code Enforcement Officer and ask him to attend next month's Board meeting. Councilmember Taylor asked Ms. Anderson to bring her notes to the next Board meeting. This way Ms. Anderson can say this is the date that we spoke about this and this is what you have told me.

Supervisor Eisel reported to the Board that he has received a check from Delaware County DPW for plowing snow from 12/29/2021 to 01/19/2022 in the amount of \$13,598.01. A discussion was had.

Supervisor Eisel informed the Board that a new member needs to be appointed to the Board of Assessment Review. Diane Taylor has agreed to be a member of the Board of Assessment Review. Lee Marigliano, Chairman of the Board of Assessment Review has recommended Ms. Taylor. A motion to appoint Diane Taylor as a member of the Board of Assessment Review was made by Patrick F. Funk seconded by Lisa M. Driscoll. All voting Aye.

Supervisor Eisel reported to the Board that he has received from the Coalition of Watershed Towns the ballot for the election of Executive Committee members for Delaware County. The ballot is for the regular and alternate members. Alternates may participate in all discussions of the Executive Committee, but may only vote if a regular member is absent. Each Town my vote for three regular and three alternate candidates. Write-in candidates are acceptable, but must be publicly elected officials who reside within a watershed town in the county. Supervisor Eisel informed the Board that the term for these positions are for two years. These are volunteer positions. The nominees on the ballot are Wayland (Bud) Gladstone, Supervisor, Town of

Andes, Edward H. Snow, Sr., Mayor, Village of Walton and Winifred Zubin, Mayor, Village of Fleishmanns as regular members and Shayne Moshier, Town Board Member, Town of Andes as alternate member. A motion to cast the Town of Harpersfield's ballot electing Wayland (Bud) Gladstone, Supervisor, Town of Andes, Edward H. Snow Sr., Mayor, Village of Walton and Winifred Zubin, Mayor, Village of Fleishmanns as regular members and Shayne Mosier, Town Board Member, Town of Andes as an alternate member of the Executive Committee of the Coalition of Watershed Towns Delaware County was made by Matthew J. Taylor seconded by Patrick F. Funk. All voting Aye.

Supervisor Eisel reported to the Board he has received a new resolution for the use of American Rescue Plan Act Funds from Town Attorney Kevin Young's office. ARPA funds are to be used as indicated in the United States Department of the Treasury Interim Final Rule. The original resolution passed by the Town Board on October 13, 2021 the salt shed roof project was appropriately classified as falling within the category of an expenditure for a necessary investment in water infrastructure. The Final Rule has expanded the category of replacement of lost sector revenue to allocate a standard allowance for revenue loss up to ten million dollars to recipients for expenses classified as "government service". Additionally, according to the United States Department of the Treasury, the replacement of lost public sector revenue category permits streamlined reporting procedures. The Town may utilize the standard allowance set forth in the Final Rule to classify the salt shed roof project as a government service, falling within the category of replacement of lost public sector revenue to permit streamlined reporting procedures. The Town has currently received \$55,700.00 in ARPA funds last year. The Town is due to receive another \$55,000.00 this year. Replacing the Salt Shed roof cost \$189,000.00. A discussion was had.

RESOLUTION NO. 006 OF THE YEAR 2022

TITLE: RESOLUTION OF THE TOWN OF HARPERSFIELD TOWN BOARD USE OF AMERICAN RESCUE PLAN ACT FUNDS: CONTRACT FOR REPLACEMENT OF ROOF OF TOWN SALT SHED

CONTRACTOR: TITAN ROOFING, INC.

CONTRACT SUM: \$189,000.00.

WHEREAS, the Town Board has received funds from the federal government under the American Rescue Plan Act of 2021 ("ARPA"). ARPA funds are to be used as indicated in the United States Department of the Treasury Interim Final Rule dated May 17, 2021 (the "Interim Final Rule") until April 1, 2022 and the United States Department of the Treasury Final Rule (the "Final Rule") adopted January 6, 2022 and effective April 1, 2022; and

WHEREAS, according to the Final Rule, recipients of ARPA funds may use funds in a manner consistent with the Final Rule prior to April 1, 2022, regardless of when the funds were used; and

WHEREAS, as a Town Board meeting held on October 13, 2021, the Town Board passed a resolution to allocate ARPA funds to the cost associated with the replacement of the Town's salt shed roof (the "Project") and classified the Project as an expenditure for a necessary investment in water infrastructure as outlined in the Interim Final Rule; and

WHEREAS, while the Town Board appropriately classified the Project as falling within the category of an expenditure for a necessary investment in water infrastructure, the Final Rule has expanded the category of replacement of lost sector revenue to allocate a standard allowance for revenue loss up to ten million dollars to recipients for expenses classified as "government services". Additionally, according to the United States Department of the Treasury, the replacement of lost public sector revenue category permits streamlined reporting procedures. Therefore, while the Town did not experience a revenue loss under the calculation set forth in the Interim Final Rule, the Town may utilize the standard allowance set forth in the Final Rule to classify the Project as a government service, falling within the category of replacement of lost public sector revenue to permit streamlined reporting procedures.

NOW, THEREFORE, Be It Resolved by the Town Board:

1. The Town Board had determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.
2. The Town Board has authorized the Town Supervisor to execute any contract documents necessary to complete the Project pursuant to New York State Town Law * 64.
3. The Town Board will use the sum of \$189,000.00 from the total ARPA funds received to date from the federal government to pay for the Project as a government service falling with the category of replacement of lost public sector revenue under the Final Rule. The Town will select the standard allowance for revenue loss in reporting on use of ARPA funds to the federal government.

Town Board Member Lisa M. Driscoll so moved; Town Board Member Patrick F. Funk seconded, and the Town Board voted as follows:

James Eisel Sr., Town Supervisor	Aye.
Matthew J. Taylor, Town Board Member	Aye.
Patrick F. Funk, Town Board Member	Aye.
Lisa M. Driscoll, Town Board Member	Aye.
Erik R. Reeve, Town Board Member	Aye.

Supervisor Eisel submitted to the Board his annual Supervisor report. Documents submitted to the Board were the 2021 payrolls, checkbook stubs, deposit slips, bank statements, investment

records and MMDA register. A motion to accept these documents as presented was made by Matthew J. Taylor seconded by Patrick F. Funk. All voting Aye.

Linda E. Goss submitted to the Town Supervisor and Town Board her annual Town Clerk report. Documents submitted were the Town Clerk's Cash Book, 2021 Town Clerk monthly reports, checkbook register, deposit slips and bank statements. A summary report was issued to the Supervisor and Board. A motion to accept these documents as presented was made by Matthew J. Taylor seconded by Lisa M. Driscoll. All voting Aye.

Linda E. Goss submitted to the Town Supervisor and Town Board a report on the total number of building permits issued and the total fees collected in 2021. Councilmember Funk asked if the Board could get the amount of mileage claimed by the Code Enforcement Officer in 2021. He feels that it would be good to include it on the Code Enforcement Officers annual report. Linda E. Goss will get those figures together for the next Town Board meeting.

Councilmember Lisa Driscoll asked if there is an annual report for the Transfer Station? She would like to know how much in revenue has come in this year as well as how much revenue has been paid out. The Transfer Station must get some revenue from recycling. Councilmember Funk answered that the Transfer Station gets some revenue from recycling metal. Linda E. Goss added that funds also come in from recycled \$.05 cans and bottles. A discussion was had. Recycled batteries also bring in revenue. The discussion continued. Supervisor Eisel added that any metals that are put into the metal box goes to the County. The Town gets no revenue from that. C & D (construction and demolition debris) the Transfer Station is charged \$70.00 or \$80.00 per ton. The County has a formula to determine the overage fees. Councilmember Funk added that at the landfill the garbage is separated, baled and whatever can be recycled is recycled. They get a fee for that. That is why he feels it is so important that whatever recycling can be done at our Transfer Station really helps out down at the landfill.

Councilmember Funk asked Supervisor Eisel if there has been any change in the situation with the large tires? Has the County come up with a plan on how to dispose of these large tires? Supervisor Eisel answered that there has been no change. The County has not come up with a plan of what to do with the large tires. The discussion continued. Councilmember Funk asked if the County could go out to bid to transport the large tires somewhere closer at a reduced cost per tire than what they are currently doing? Councilmember Taylor added that this is just going to go from one hand in to the other. The County does not have any plan on how to get rid of these large tires. It has been almost a year now. How are people going to get rid of these large tires? They are going to dispose of them over a bank or stack them in their yard. Then we are going to have to send out our Code Enforcement Officer. At some point we are going to have to deal with this. The discussion continued. Supervisor Eisel will look into this and report back to the Board.

Supervisor Eisel informed the Board that the signs that the County made for the Transfer Station have come in.

Councilmember Driscoll asked Supervisor Eisel when the Highway Employees have to go over to work at the Transfer Station has an amount been determined to cover their benefit cost to the Town? Supervisor Eisel answered yes that is an additional 57.8 cents. He is tracking their time over at the Transfer Station and will be vouchering that from the Transfer Station to the Highway.

Councilmember Taylor asked Supervisor Eisel if he has gotten any further information from the other Town Supervisors about their employees helping to cover the Transfer Station when needed? Supervisor Eisel answered no. The Town of Kortright thought that they had someone because they are a part time employee. But they don't want to do it. The Stamford Town Supervisor was going to look into it some more but Supervisor Eisel has not heard back. He will call the Town of Stamford Supervisor to see if he has anybody. Councilmember Taylor added that if that is going to be the case and our employees are the only ones that cover the Transfer Station then they should be compensated and the Towns of Stamford and Kortright will need to pay for it. The discussion continued. Supervisor Eisel informed the Board that the Transfer Station employee that has been out because of a broken ankle will be back to work on March 15, 2022.

Councilmember Taylor asked if there was an EMS run over at the Transfer Station this past month. Supervisor Eisel answered yes. Councilmember Taylor asked what was the reason for the call? Supervisor Eisel answered that an older gentleman collapsed by the recycle table. Councilmember Taylor asked why did he collapse? Supervisor Eisel answered that he has health issues. Councilmember Taylor asked is there an AED (automated external defibrillator) here? Linda E. Goss answered that she thinks there is one in the Highway Garage. She asked Councilmember Taylor to confirm that with Russell Hatch. Councilmember Taylor continued that with all of the hundreds of people going through the Transfer Station there should be a defibrillator there. Supervisor Eisel asked would the Transfer Station employees need to be trained on how to use it? Councilmember Taylor answered that you open the cover and the machine guides you through how to use it. It is very, very simple. Linda E. Goss added that the Highway employees have training in first aid and CPR every year. Maybe the Transfer Station employees should be included in that training. Councilmember Taylor agreed 100 percent. Councilmember Driscoll added that there are more people going through the Transfer Station than through the Highway Department. The discussion continued. Councilmember Taylor will check with Russell Hatch to see if they have a defibrillator and where it was purchased. Supervisor Eisel agreed that one should be purchased for the Transfer Station. The discussion continued.

Linda E. Goss submitted to the Town Supervisor and Town Board her 2021 annual Tax Collector report. Documents submitted were the Warrant to Collect Taxes, renewal of the Collector's Warrant, receipt of payment by the Town Financial Officer, receipt of payments made to the

County Treasurer, daily cash up sheets, checkbook register, deposit slips, deposit receipts from the bank, bank statements, monthly Tax Collector reports, proof of payment made to the County Treasurer from the utilities, worksheet to cash up with the County Treasurer and the Tax Collector's settlement sheet. A summary report was also issued to the Supervisor and Town Board. A motion to accept these documents as presented was made by Matthew J. Taylor seconded by Patrick F. Funk. All voting Aye.

Councilmember Funk asked if the assessment for the Tractor Supply Store has been completed? Linda E. Goss answered that the Town Assessors are working on it. A discussion was had.

Councilmember Driscoll asked Supervisor Eisel if he would explain to the Board about the 1.5 million for backup ambulance service discussed at the Delaware County Board of Supervisor's meeting? Supervisor Eisel explained that these are COVID funds that the County has received. At today's Supervisor meeting they passed a resolution to obligate these funds toward AMR or a backup ambulance service. There is a group of Fire Departments that have ambulance service that seem to think this should be run by the County. If this happens they would become County employees. That becomes quite a bit more expensive. They do not have the professional expertise for billing. We have to give them all of the benefits for County employees. The County Board of Supervisors have obligated these funds. Steve Hood from Delaware County Emergency Services is going to sit down with AMR and get the final contract details worked out. Councilmember Taylor asked wasn't there a bid put out a couple of meetings ago? Supervisor Eisel answered AMR was the only bid received. The bid has not yet been approved by the Board of Supervisors. It is a process. Councilmember Taylor asked when did this other group of local Fire Departments get involved and who is involved with that? Supervisor Eisel answered that he has only heard about this group today at the Supervisors Board meeting.

Councilmember Taylor asked if this has anything to do with the Northern Catskills EMS group that started here in Stamford? Supervisor Eisel was unaware of the Northern Catskills EMS group. Councilmember Taylor continued that it was in The Daily Star and was attached to this ambulance service that we are trying to put together. The Daily Star was misquoted but they never corrected it. The correct name of the group is the Northern Catskills Emergency Medical Services Council. Their website states it is a group of community members generating awareness of current EMS occurrences and the need for a better EMS system. Councilmember Taylor asked Supervisor Eisel that once he has more information about this group can he share it with the Board? Supervisor Eisel answered yes, you can even come to the next Board of Supervisors meeting. The group will be there. That meeting will be held at the end of this month. The cost of a County run backup ambulance service would be 2.3 or 2.4 million per year which is quite a bit more. Councilmember Driscoll asked why not contract with AMR?

Supervisor Eisel agreed. He would like to give AMR a contract for a year to see how it works out. Councilmember Driscoll asked would AMR put on additional ambulances?

Councilmembers Taylor and Funk answered that they will dedicate two ambulances and a fly car to the County. Councilmember Driscoll asked where will they be out of? Supervisor Eisel answered that they will move around. There is no definite location for them. Councilmember

Taylor added that the problem is if they put them in a designated area the local volunteer ambulance would disband because they are no longer needed. You can't put them in one Town. They will have a headquarters and then satellites throughout the County. The discussion continued.

A motion to accept the Tax Collector's February monthly report with the Town receiving penalties in the amount of \$1,252.31, bank interest in the amount of \$18.61 and the County Treasurer's Office receiving taxes collected in the amount of \$233,512.88, bank interest in the amount of \$18.60 was made by Patrick F. Funk seconded by Matthew J. Taylor. All voting Aye.

Councilmember Driscoll asked Supervisor Eisel when she looks at the resolutions from the County Board of Supervisors it says "the resolution was adopted by the following vote Ayes 4,459". What does the 4,459 represent? Supervisor Eisel answered that it is a weighted vote. It goes by population. Each Town has so many votes. For the Town of Harpersfield it is 140 weighted votes. A very small Town like Bovina has 60 votes.

A motion to accept the Town Clerk's February report in the amount of \$478.28 was made by Patrick F. Funk seconded by Lisa M. Driscoll. All voting Aye.

The abstract and vouchers for the month of February were presented to the Board. Presented were General Claims #037 to #062 in the amount of \$9,369.75; Highway Claims #031 to #047 in the amount of \$15,271.24 and Transfer Station Claims #007 to #012 in the amount of \$4,549.01. A motion to pay the vouchers as presented was made by Matthew J. Taylor seconded by Patrick F. Funk. All voting Aye.

The Supervisor's report for the month of January was issued to the Board.

A motion at 8:03 PM to adjourn was made by Patrick F. Funk seconded by Matthew J. Taylor. All voting Aye.

Linda E. Goss

Town Clerk