

July 13, 2022

The Town Board of the Town of Harpersfield held a regular meeting on July 13, 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: Russell Hatch, Supt. of Highways
Linda E. Goss, Town Clerk

Others present: Gabriella Leach
Gloria Anderson
Daniel Savatteri

The meeting was called to order at 7:00 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 from the regular meeting held on June 8, 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 from the regular meeting held on June 8, 2022 as presented was made by Matthew J. Taylor seconded by Patrick F. Funk. All voting Aye.

Linda E. Goss reported to the Board that she has filed a certified copy of the Final Assessment Roll for the Town of Harpersfield for the year 2022 in her office.

Linda E. Goss informed the Board that Delaware County Soil and Water Conservation District will be hosting a Prevailing Wage Training on July 27, 2022, starting at 9:00 AM, at the Walton Fire Department, 61 West Street in Walton, NY. This training will be done by representatives from the New York State Department of Labor.

Supervisor Eisel recognized Gabriella Leach, Town resident with privilege of the floor. Ms. Leach informed the Board the NY Safety Track has events scheduled just about seven days a week from the end of April through the middle of October. The owner flies from his home in Queens, NY to the property every day and buzzes Ms. Leach's home each morning at about 6:45 AM. Daniel Savatteri, Town resident added that the name of the business is not at all what goes on at the track. As a person who used to race motorcycles, and no longer does, he has

used NY Safety track. Ms. Leach continued that the people who use the track camp up there all of the time. They shoot there. They drink there. A lot of unlawful things are being done there. Supervisor Eisel informed Ms. Leach that if unlawful things are being done there then she should call either the Sheriff or State Troopers. Ms. Leach stated that the Sheriff and State Troopers use the track to race their motorcycles and cars. They will not help us at all. Supervisor Eisel suggested that Ms. Leach have her attorney send a letter to the Federal Aviation Administration (FAA). Ms. Leach responded that she has called the FAA and they can't do anything about it. They are racing on Parker School House Road. Two hot rods, expensive cars, got right next to each other and were racing on Parker School House Road. Supervisor Eisel informed Ms. Leach that the Code Enforcement Officer went to Parker School House Road right after she had called the Town Clerk with her complaints and sat up there for a half hour. He did not see any racing or skid marks on the road. Ms. Leach continued that in the past the neighbors got together and sued the Town and the Track. We went to court. We spent \$100,000.00 of our own money. We won every case. And we got nothing. Councilmember Funk asked Ms. Leach what were you suing for? Ms. Leach answered we were suing for cars on the track and noise. We took readings of the noise levels. The noise level at my house has been 117 decibels because it bounces off of the hill behind me. We took a lot of noise readings. The Town did not accept our noise readings. They took their own noise readings and theirs were much lower than ours because they probably took them when the cars and motorcycles were not on the track. Councilmember Funk again asked Ms. Leach if you won every case what did you win? Ms. Leach replied nothing. They kept racing. Councilmember Funk asked what were you suing for? Ms. Leach replied we sued for an Article 78. Councilmember Funk asked what is an Article 78? Ms. Leach was not exactly sure. Councilmember Funk continued that if you have gone to court and won every case then it is in the legal system and they need to make NY Safety Track comply. The discussion continued.

Supervisor Eisel updated the Board on Titus Lake Road, Austin Road and Wood Road. Supervisor Eisel thanked Gloria Anderson for the temporary easement for the Austin Road culvert project. The one property owner has removed the frame from their property. The properties on the corner of Wood and Austin Road have been cleaned up. The property owner up Austin Road has made an attempt to clean up. The property owner down Austin Road has submitted a plan to rehab and fix the place up. The property owner on Titus Lake Road has removed a boat and if they do not continue to clean up the property the Code Enforcement Officer will issue the property owner a summons. A discussion was had.

Supervisor Eisel reported to the Board that he has received a check from Delaware County DPW in the amount of \$670.50 for snow removal on 04/19/2022.

Supervisor Eisel informed the Board that he has received a check from Delaware County for Mortgage Tax in the amount of \$16,562.17.

Supervisor Eisel reported to the Board that he has received the annual agreement with the Heart of the Catskills Humane Society. There have been no changes to the agreement. A

discussion was had on the possibility of raising the amount the Town will pay for each stray dog.

AGREEMENT NO. 004 OF THE YEAR 2022

Councilmember Lisa M. Driscoll offered the following agreement and moved its adoption:

This agreement, made this 23rd day of June 2022 between the Town of Harpersfield (the "Town"), in Delaware County, NY, and THE HUMANE SOCIETY OF CENTRAL DELAWARE COUNTY, INC. (d/b/a HEART OF THE CATSKILLS HUMANE SOCIETY) ("HCHS"), in Delhi, NY;

WHEREAS, the Town occasionally has stray or lost dogs that are picked up by its employees;

NOW, THEREFORE, in consideration of the premises and the consideration hereinafter recited, the parties agree as follows:

1. The Town assumes all responsibility for the handling and turning over of any dog to HCHS and agrees to hold harmless and defend HCHS from any and all claims in connection with the picking up and turning over of said animals, and euthanizing of any such animal turned over to HCHS by the Town.
2. In the case where the Town has a holding facility for the handling of stray dogs, the Town will hold such animals for five days before turning over such animals to HCHS on the sixth day.
3. The Town agrees to pay HCHS a fee of forty dollars (\$40.00) for each dog turned over to HCHS by the Town, its agents or employees.
4. If the Town is not a township in Delaware County, the Town shall also pay an annual contract fee of \$250.00 to HCHS, due upon signing of this agreement.
5. For court ordered holds, or for any animal brought to HCHS in connection with allegations of animal cruelty, the Town will be charged a boarding fee of \$10.00 per day for each dog for the period of time of the hold or, in the case of an animal cruelty case, the period of time before the prosecuting authority notifies HCHS in writing that it does not require the animal to be held in connection with its prosecution, payable by the Town upon receipt of billing from HCHS.
6. HCHS assumes all responsibility for collecting fees from any person who redeems any animal that has been turned over to HCHS by the Town. HCHS assumes all responsibility for collecting impoundment fees from any person who redeems an animal that has been turned over to HCHS by the Town. HCHS will keep all impoundment fees as part of HCHS's \$40.00 fee (as set forth in paragraph 3 above) and will bill the remainder of that fee to the Town, which fee shall be payable upon receipt of billing from HCHS.
7. The Town shall deliver the animals to HCHS by the Dog Control Officer of the Town, or a duly designated agent or employee of the Town. The Dog Control Officer shall keep a record of all such animals left with HCHS.

8. The Town understands that fees of HCHS are subject to change. HCHS will notify the Town thirty (30) days before any change is to take effect.
9. HCHS agrees to bill the Town for stray animals brought to the shelter by the Dog Control Officer.
10. HCHS agrees to accept, upon payment of the fees mentioned above, any animal brought to it by the Town and to take good care of each such animal as is HCHS's usual practice.
11. Following the expiration of the redemption period as outlined in Article 7 of the New York State Agriculture and Markets Law ("Article 7"), Section 117 (4)&(6), ownership of seized dogs will be transferred to HCHS pursuant to Article 7, Section 117 (7) for the purpose of placing them in adoptive homes, transferring them to the State University of New York, foster care or another approved shelter, or for any other lawful purpose as provided in Article 7, Section 117 (7-a).
12. This agreement may be cancelled upon review of same by the governing body of either party. Each party agrees to give the other party thirty (30) days' written notice of cancellation.

Seconded by Councilmember Matthew J. Taylor with the vote as follows:

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

Supervisor Eisel informed the Board that he has received an email that the second and final payment of the American Rescue Plan Act has been approved. The Town will be receiving a check in the amount of \$55,692.13. A discussion was had.

Councilmember Funk asked Supervisor Eisel about American Rescue Plan Act funds received by the County going to Delhi Telephone Company. It bothers him that a company which charges for its services had received a million dollars in grant funds. Why wasn't it given as a low income loan? Supervisor Eisel answered that there was a committee that looked into all of the requests for these funds. The committee felt that it is an eligible expense because Delhi Telephone Company wants to expand internet services to everybody. The discussion continued.

Supervisor Eisel reported to the Board that it is budget time again. Budget worksheets will be sent out by the beginning of August.

Supervisor Eisel informed the Board that a resolution and a letter of commitment need to accompany the grant application for the Reed Road and Gun House Hill Road culverts replacement. The grant is for \$500,000.00 and the Town will need to commit to providing cash

or in-kind contributions for the required 25% matching funds in an amount not to exceed \$125,000.00. Russell Hatch informed the Board that he is allowed to hold back some of the CHIPs funds to help pay the \$125,000.00 matching funds. The Highway employees can also work toward the in-kind contributions. Russell continued that these projects have not yet been designed and the costs are not yet known. Councilmember Driscoll asked how large do these culverts need to be? Russell Hatch answered we don't know they have not been designed. The estimates that we used was the bridge on Odell Lake Extension which cost approximately \$230,000.00. If they would design another bridge like that for each of the two roads the cost would be about \$250,000.00 each. Russell would like to see bridges put on both roads. He does not know what they are going to design. It could be a three sided box culvert like the Austin Road project. For the grant they decided to ask for the maximum amount as it would be better than to ask for less and not be able to cover the cost of the projects. This resolution just needs to be passed for the Town to apply for the grant. Linda E. Goss added that the grant application needs to be in by July 29, 2022. Councilmember Taylor asked can this project be bigger than this? Russell answered that he did not think so. Linda E. Goss continued that the award will be some time in December. The discussion continued.

RESOLUTION NO. 010 OF THE YEAR 2022

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

TITLE: SUPPORT FOR THE APPLICATION TO THE NYS DEC WQIPP FOR FUNDS TO ASSIST IN THE REPLACEMENT OF THE REED ROAD AND GUN HOUSE HILL ROAD CULVERTS REPLACEMENT.

WHEREAS, the Town of Harpersfield has examined and identified the Reed Road and Gun House Hill Road culverts as both undersized in design and in a deteriorating condition; and

WHEREAS, the replacement of the Reed Road and Gun House Hill Road culverts has been identified as an eligible project type specific to Aquatic Connectivity Restoration; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Town of Harpersfield deems this project necessary and to be in the public interest and benefit under this law to enter in to a contract therewith; and

WHEREAS, the Town of Harpersfield has enlisted the Delaware County Soil and Water Conservation District to assist in the preparation, project design/implementation and reporting of application to the Water Quality Improvement Project Program ("WQIPP") for funds necessary to replace the Reed Road and Gun House Hill Road culverts; and

WHEREAS, the cost estimates to complete the replacement project is \$500,000.00; and

NOW, THEREFORE BE IT RESOLVED, the Town of Harpersfield supports the application to the WQIPP and is committed to providing cash or in-kind contributions for the required 25% matching funds in an amount not to exceed \$125,000.00.

Seconded by Councilmember Matthew J. Taylor with the vote as follows:

Adopted:	Supervisor	James Eisel Sr.	Aye.
	Councilmember	Matthew J. Taylor	Aye.
	Councilmember	Patrick F. Funk	Aye.
	Councilmember	Lisa M. Driscoll	Aye.
	Councilmember	Erik R. Reeve	Aye.

Russell Hatch reported to the Board that the Highway crew has been paving. They have paved half of Shaver Road, all of Dibble Road and Truax Road. They have paved first as it has to sit for two weeks before it is sealed.

Russell Hatch informed the Board that nothing has been done with the culvert pipes on Johnson Road. This is because Russell is unsure if he will have the time or the money. The discussion continued. Councilmember Funk asked what is the problem on Johnson Road? Russell answered there is a 4' culvert pipe which washed out this past spring. This culvert pipe is on the side of Johnson Road and allows the property owner to access their field. This 4' culvert pipe is just barely out of the Town's right-of-way. The head walls on one side are in the Town's right-of-way. There have been problems with the stream that runs under Johnson Road into this culvert. Russell has gotten grants and has done work in the stream. A decision needs to be made since the culvert sits both in and out of the right-of way should the Highway replace the washed out culvert along with the culvert that goes under Johnson Road. Russell and the Highway Committee have come to the conclusion that the Highway should replace both culverts so that it will be done properly. Councilmember Taylor added that this is one of those streams that comes off of the mountain with a lot of water in the spring. Supervisor Eisel asked are the culverts not large enough to take on the large amount of water in the spring? Russell continued that this is an upgrade. NYS DEC wants Russell to replace the washed out culvert with a 6' pipe. Currently the property owner has a 4' washed out culvert pipe and the Town has a 4' culvert pipe under Johnson Road. If the Highway replaces the washed out culvert with a 6' pipe we will need to put in a 6' culvert pipe under Johnson Road. We have not had issues with Johnson Road flooding to this point. The discussion continued.

Supervisor Eisel stated that oil and diesel fuel prices are sky high. He asked Russell if he has any idea if it is going to limit what he can do this year? Russell answered he can check on the cost of what the oil is going to cost for oiling and stoning. Oil prices are up but it hasn't gone up like diesel fuel has. Diesel fuel cost between \$12,000.00 and \$15,000.00 a load last year. Our last load cost \$30,000.00. Our fuel costs have doubled. The Board asked if Russell will have enough

money in the budget to make it until the end of the year? Russell answered it is too close to tell. Supervisor Eisel added that the Highway Department also has fund balance. Russell added that there is a cushion with the fund balance. Councilmember Driscoll asked Russell your fuel costs have doubled from what you normally pay. You have to figure that for the rest of this year the cost is going to be double. Do you have enough cushioning to get you through the end of the year? Supervisor Eisel answered yes. Councilmember Funk asked Russell if the Town can bid fuel and maybe lock in a price? Russell answered yes we are going to have to do that. The discussion continued. It was decided to go out to bid for diesel fuel at next month's meeting. Russell added that will give the Board an idea of what to put in to the budget for next year. A discussion was had on a fluctuating bid price and a fixed bid price for fuel. The discussion continued.

A motion to accept the Town Clerk's June report in the amount of \$351.53 was made Patrick F. Funk seconded by Matthew J. Taylor. All voting Aye.

The abstract and vouchers for the month of June were presented to the Board. Presented were General Claims #139 to #169 in the amount of \$9,085.50; Highway Claims #099 to #113 in the amount of \$49,544.48 and Transfer Station Claims #025 to #030 in the amount of \$903.24. Supervisor Eisel informed the Board that there is a bill in General for a weed wacker that was purchased for the Green Thumb workers who are working in the Town's cemeteries. They were in need of one. Supervisor Eisel really appreciates all of the work that they do. A discussion was had on if the AED has been purchased for the Transfer Station. A motion to pay the vouchers as presented was made by Matthew J. Taylor seconded by Lisa M. Driscoll. All voting Aye.

Councilmember Funk informed the Board that he has been approached by a Transfer Station employee who asked that the Transfer Station be closed on Memorial Day, Labor Day and 4th of July weekends. Supervisor Eisel said that the Transfer Station was closed this 4th of July. They were not closed on Memorial Day weekend. It is in the Union contract that the Transfer Station Attendant gets that Holiday. Since the Transfer Station is already closed on Monday they would have to close on the Saturday before the Holiday. Councilmember Funk agreed that the Transfer Station should be closed on that Saturday. The Transfer Station employees work every Saturday during the year. Councilmember Taylor added that some years the employees want the time off and others they do not. Whatever is decided should be across the board. Councilmember Reeve asked what about the 4th of July not being on a Friday or a Monday? Will the Transfer Station employees still want Saturday off? Supervisor Eisel asked should we agree that Memorial Day, the 4th of July if it falls on a Friday or Monday and Labor Day the Transfer Station will be closed on Saturday giving the Transfer Station employees a three day weekend? The discussion continued. The Board agreed that for Memorial Day, the 4th of July if it falls on a Friday or Monday and Labor Day weekends the Transfer Station will be closed on Saturday giving the Transfer Station employees a three day weekend.

Councilmember Taylor stated that the Transfer Station and grounds are a mess. All of the employees are working but he feels that they are overwhelmed. Can the Transfer Station employees work cleaning up the Transfer Station while it is closed to the public? Russell Hatch stated that a previous Transfer Station Attendant used to work on Thursdays while just the Commercial Haulers used the Transfer Station to clean up. A discussion was had.

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

Councilmember Driscoll asked Supervisor Eisel if he would remind the Transfer Station Attendant to get the sign put up about being closed for the Labor Day Holiday. Supervisor Eisel agreed to speak to the Transfer Station Attendant.

The meeting was adjourned at 8:02 PM.

The next regular meeting of the Town Board will be held on Wednesday, August 10, 2022 at 7:00 PM.

Linda E. Goss

Town Clerk