

August 14, 2024

The Town Board of the Town of Harpersfield held a regular meeting on August 14, 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  
Dean A. Darling, Chairman of the Planning Board  
Allyson M. Phillips, Town Attorney

Others present: Lindsay Whitbeck, Delaware County Office of Economic Development  
Heidi Stevens  
Elizabeth Page, Editor for The Mountain Eagle  
Gloria Anderson

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 informed the Board that first on the agenda was the bid opening for the purchase of steel to be used for concrete work at the Transfer Station. One bid was received. The bid was from Steel Sales Inc. in the amount of \$14,999.87. A Statement of Non-Collusion was included with the bid. Supervisor Driscoll informed Russell Hatch that \$1,080.00 was included in the bid for the to be holes to be cut. She gave the bid to Russell to look over. Councilmember Hill asked is this the only vendor around to give the Town a bid? Supervisor Driscoll answered that this is the only bid the Town has received. Russell informed the Board that he had reached out to other vendors to submit a bid. A discussion was had. A motion to accept the bid from Steel Sales Inc. for the purchase of steel to be used for concrete work at the Transfer Station in the amount of \$14,999.87 was made by Patrick F. Funk seconded by Dwayne C. Hill. All voting Aye.

Supervisor Driscoll informed the Board that next on the agenda was the Board minutes for July. They were incomplete but almost finished. They will be issued to the Board once they are complete.

Linda E. Goss informed the Board that she has received two letters from New York State Department of Transportation. These letters are to inform the Town that they have received the requests for speed limit reduction for Weaver Road, Streeter Hill Road, Odell Lake Road and Odell Lake Road Extension. The Traffic Safety and Mobility Office (TSMO) will review this request to assess the current situation and outline opportunities for improvement. Once their study is complete, NYS DOT will notify the Town and the appropriate agencies of the results of their review.

Supervisor Driscoll recognized Lindsay Whitbeck from the Delaware County Office of Economic Development. Ms. Whitbeck informed the Board that they have taken on a summer intern whose project was to develop a Strategic Plan for the Office of Economic Development. The Office of Economic Development helps with sourcing grants. They have a low interest loan fund. They assist with grant writing. The survey is to get a better idea going forward of the projects that the Towns would like to pursue and businesses the Towns would like to see in their communities. The survey has received about thirty responses. The Office of Economic Development would like to know beforehand if a Town will need financial help before a deadline and how they can assist Towns in general. Supervisor Driscoll added that the survey has ten questions. She had answered them to the best of her ability and then sent the survey and her answers to the Board. Councilmember Funk added a couple of comments to the survey. Supervisor Driscoll will get the completed survey back to Ms. Whitbeck. Supervisor Driscoll continued that the Town of Harpersfield's Comprehensive Plan is on the Town's website. The Comprehensive Plan is being updated. The Planning Board is in the process of doing that now. Supervisor Driscoll introduced Dean Darling, Chairman of the Planning Board to Ms. Whitbeck. Mr. Darling asked Ms. Whitbeck when the survey needed to be completed and returned to the Office of Economic Development? Ms. Whitbeck responded by Friday. It will not be finalized on Friday. The summer intern will take the responses that they have received and put them into an Excel spread sheet. The summer intern has also started the format of the Strategic Plan itself and has started writing it. They are just waiting for the final answers to implement them and export it out. Mr. Darling added that the Planning Board has a member that was looking into updating the Town's Comprehensive Plan. He thought that the Planning Board member will be giving the Planning Board a report at their next meeting. Ms. Whitbeck added that if there are some responses to the survey that are late that is fine. We are still going to collect them. The summer intern's last day is Friday, so they are trying to get everything wrapped up. Going forward the summer intern will be going back to college. They may be able to work a couple of hours through out the week. That is up to them and their availability.

Supervisor Driscoll informed Mr. Darling that she would get him Ms. Whitbeck's contact information. The discussion continued. Councilmember Reeve asked Ms. Whitbeck how are the Agricultural Grants awarded? Ms. Whitbeck answered that Agricultural grants are awarded based on job creation and total project costs. Ms. Whitbeck informed the Board that the Office of Economic Development has updated their website. On the website you can access the Agricultural grants. The Agricultural grants listed on the website are primarily focused on dairy farming. The Office of Economic Development are also developing a website for tourism. If you have an event going on and you want more outreach, beyond Delaware County, you can go on this website and place your ad. Supervisor Driscoll added that the Office of Economic Development is also working on a website that will tell where all the hiking trails are located in Delaware County. The discussion continued. Supervisor Driscoll informed Ms. Whitbeck that she would get the Town's information to her.

Supervisor Driscoll recognized Dean Darling, Planning Board Chairman. Mr. Darling informed the Board that they had a member resign a month or two ago. The Town Board has appointed the Alternate Planning Board member to the regular Planning Board member's position. The Planning Board has received an application from a local resident for the Alternate Planning Board member position. The Planning Board recommended forwarding this individual's name to the Town Board for their consideration. A copy of the application was in the Town Board's packets. A motion to appoint Douglas Cole, as Alternate Planning Board member with the term starting on 08/14/2024 and ending on 12/31/2025 was made by Patrick F. Funk seconded by Donna M. VanSickell. All voting Aye.

Linda E. Goss informed the Board that she has appointed Heidi Stevens as a Town Clerk Deputy.

Supervisor Driscoll informed the Board that next on the agenda was the State Comptroller audit response. A copy of the response was in the Boards packets. Supervisor Driscoll had also sent the response out to the Board members to review before the meeting. The response must contain an acceptance or denial of the audit and/or the corrective actions that the Town will take. Supervisor Driscoll was told by the auditors that both the response and corrective actions could be in the same document. Supervisor Driscoll asked the Board for a motion to accept the letter of response and corrective actions to the audit, as presented, to respond to the State Comptroller. A motion to accept the letter of response and corrective actions to the audit as presented to respond to the State Comptroller was made by Dwayne C. Hill seconded by Erik R. Reeve. All voting Aye.

Supervisor Driscoll informed the Board that next on the agenda was the Transfer Station concrete project. The Board had accepted the bid for the steel for the project. Russell Hatch reported to the Board that they are looking at starting the project after the Labor Day Holiday weekend. He will be calling the steel company tomorrow to order the steel. He does not think

that ordering any of the steel will hold the project up. They will also need to get an excavator with a hammer. The old concrete will be taken up. Then the concrete will be poured as soon as they can. The concrete will need to set for twenty-one days to cure. Russell continued that the project should be finished by the first week in October. Supervisor Driscoll told Russell that she needs a firm start date because once they take the old concrete out, they will not be able to pull the boxes out. She will need to talk to Tyson Robb, Delaware County Solid Waste Coordinator. She will also need to talk to the large haulers about taking their loads to Walton for a month during the concrete project. Russell informed Supervisor Driscoll that they will start the project on September 9<sup>th</sup>.

Councilmember VanSickell informed Supervisor Driscoll how good that the Town Buildings look with a new coat of paint. The Board agreed. The discussion continued.

Councilmember Funk asked while the concrete project is going on at the Transfer Station how will the regular household trash be taken care of? Supervisor Driscoll answered that there will be an open box next to the C & D box where household trash will be collected. We have gotten steel for railings to put in front of the open box to keep people from falling into the box. The discussion continued. Councilmember Funk informed the Board that he will put a note on the Town's Facebook page about the start date of the concrete project and where people will need to put their household garbage during the project. He will ask people to be flexible and patient during the project. Russell added that the biggest thing is going to be keeping up with the garbage boxes. The discussion continued. Supervisor Driscoll added that the County should be dropping empty boxes most of the time and picking up the full boxes as quickly as possible.

Supervisor Driscoll informed the Board that there was an incident today at the Transfer Station. People are not putting their Transfer Station stickers on their vehicles. When approached by the Transfer Station employee, who asks the person where is their Transfer Station sticker, they go into their vehicle and get the sticker and hand it to the Transfer Station employee. The Transfer Station employee has told these people that if the sticker is not put on the driver side window on their vehicle they will not be able to dump their trash. Supervisor Driscoll agreed that the Transfer Station employee was correct.

A discussion was had about Town residents who rent or lease vehicles, to come to their property, and want a Transfer Station sticker but will not have the same vehicle to put the sticker on to.

Supervisor Driscoll informed the Board that Paint Care has given the Town approval to buy the shed. They will reimburse us for the shed. The Town has also got approval from Paint Care for the materials to get the area set up and ready to go. They will pay for this also. Paint Care has informed Supervisor Driscoll that a contract is coming. She has seen the contract that Tyson

Robb has signed. Mr. Robb has signed all the contracts for Delaware County. Supervisor Driscoll is unsure if she will also need to sign a contract like the County. The discussion continued. A motion approving Supervisor Driscoll signing a contract with Paint Care to purchase a shed and the materials needed to set the shed up, with the Town to be reimbursed by Paint Care for the purchase of the shed and materials needed for setting up the shed, was made by Dwayne C. Hill seconded by Patrick F. Funk. All voting Aye.

Supervisor Driscoll informed the Board that she has followed up with the pollution insurance. The insurance for the pollution liability is \$29,000.00. The insurance company is splitting the bill in half between the Transfer Station and the Town. It would be going into effect the end of August/September. For this year we will pay the full amount, and it is good for a year. The discussion continued. Councilmember Reeve asked is that a fair number, half and half, or should the Transfer Station be paying a little bit more? Supervisor Driscoll answered that the insurance company was not sure how to split the cost up. The insurance company has to get back to Supervisor Driscoll to show her how they came up with who will pay what. Councilmember Reeve asked would the Transfer Station have their own coverage? Supervisor Driscoll answered no, the coverage would be in the Town's name. The Transfer Station will pay for their portion of the insurance. Councilmember Funk asked if the insurance company can not figure out how to split the cost how did they come up with the numbers? Supervisor Driscoll answered it goes to another company. Councilmember Funk continued then they should ask them. Are they insuring the Town for \$29,000.00 because the Highway Department has diesel fuel, trucks with oil in them, etc.? He is confused why the insurance company can not easily figure it out. Based upon this we came up with the numbers for the Transfer Station. Based upon this we came up with the numbers for the Highway Garage. Supervisor Driscoll continued that it is more about the coverage. Russell added that he thinks that the Highway Garage's liability is higher. There are a lot of chemicals at the Highway Garage. Granted you never know what types of chemicals you are getting at the Transfer Station. Supervisor Driscoll added that at the Transfer Station there are spills. Then does it get into the ground water etc. There is more opportunity to have a spill at the Transfer Station, but the Highway Garage can have a bigger issue. It is more about how it is covered. The Highway Garage has a large fuel tank. This tank is covered with this. It is more about what the insurance company is going to do if the tank leaks. It is not so cut and dry when Supervisor Driscoll reads the policy. It is more if they have a leak these are the things that the insurance company will do. Councilmember Reeve added that the compactor at the Transfer Station holds a lot of hydraulic oil. If there is a ruptured fitting this could be a large issue. Russell added that happens. Supervisor Driscoll informed that Board that once she has received the information from the insurance company, she will provide it to the Board. She continued that the Town will be going over budget for insurance because of the

pollution insurance. The Town has also added in some cyber liability for the computers. Currently the Town is a little bit over budget for insurance.

Supervisor Driscoll informed the Board that next on the agenda is the contract with Headwaters EMS. A copy of the draft agreement was in the Board's packets. The things that have been changed in the agreement have to do with the Town no longer having to have a Certificate of Need (CON) as Headwaters EMS has their own. There is another change in the agreement that the insurance companies will no longer need to pay the Towns but will be able to pay Headwaters EMS directly. The cost for the paid EMS service to the three Towns remains at \$100,000.00 each. The remainder of the agreement is the same as last year. A motion approving Supervisor Driscoll to sign the final copy of the agreement between the Town of Harpersfield and Headwaters EMS with the changes listed above was made by Patrick F. Funk seconded by Donna M. VanSickell. All voting Aye.

Supervisor Driscoll informed the Board that the proposal for the new cameras for the Highway Garage and Town Hall has not been sent to her. She has spoken to Kevin Brown who will be sending her the proposal next week. She will get the information out to the Board and will discuss the project at the next Town Board meeting.

Councilmember Funk informed those present that there is grant money coming for people who were affected by hurricane Debbie or the remnants of hurricane Debbie. There is a sign up on the County website. There are requirements that need to be met to receive the grant funds. Councilmember Funk highly recommended that anyone affected by hurricane Debbie, or the remnants of hurricane Debbie, go to the website and sign up. Supervisor Driscoll added that there was a declaration of emergency in Delaware County. The County has asked all the Town Highway Superintendents to provide information on what damages had occurred in the Towns. They can then see if they can get State and/or Federal money to help pay for the damages caused by the hurricane Debbie or the remnants of hurricane Debbie.

Councilmember Funk reminded those present that the sign up for Delaware County Clean Sweep Chemical Disposal Day is coming up.

Russell Hatch reported to the Board that the Town of Harpersfield did not have any damage done by hurricane Debbie. There were a few trees down, but no damage from water etc.

Councilmember Hill informed the Board that he has just purchased a tanker load of fuel, and the price was low. He was unsure being the Town is under contract if they could take advantage of the lower price. Russell added that the contract will not be renewed until November. The Town has just purchased 7,500 gallons of diesel fuel. Councilmember Hill added that his price was \$2.85 per gallon for 3,000 gallons. Russell asked Councilmember Hill if the company that he purchased the fuel from has a tractor trailer? Councilmember Hill answered no they do not.

Russell added that the Town paid \$2.61 per gallon for a delivery on June 16<sup>th</sup>. Councilmember Hill continued that he had just gotten the fuel on Monday. Russell added that the market might be dropping. Then it goes back up in September.

Russell Hatch informed the Board that he has spoken to the company about the new truck. The plow system has been built and they are still waiting on the body. They were hoping to have the body in August. The salesperson sent Russell a text late this afternoon and they are now looking at possibly the end of September/October. The Town knew that there might be delays back in March.

Russell reported to the Board that the Highway employee that has been doing the painting on the Highway buildings has been doing a good job. The buildings are a little bit better than halfway done. They still have the back of the main building to do. A discussion was had. Hopefully painting the buildings will be done by the end of August. They then will be painting the doors at the Town Hall. The discussion continued.

Supervisor Driscoll informed the Board that the Town Justice would like to have the interior upstairs meeting room painted. They will be putting in for a grant to paint the meeting room. A discussion was had.

Russell Hatch reported to the Board on paving the roads. He still has not received anything in writing from New York State. The people working on this are still working on the wordage and rewriting the regulations. It is getting late in the season. The Town has an opening next week to do some paving. Since Roxbury sustained some flood damage from hurricane Debbie the paving company is looking for other projects in the area. There are two roads that need to be paved so Russell would like to do them. After a road is paved, it needs to set for two weeks before it needs to be sealed. That will put him into the end of August. The rest of the work oil and stoning the other roads can be done after the paved roads have been sealed. He has scheduled these roads to be paved next week. The first road is going to be West View Drive with an approximate cost of \$36,000.00. The second road is going to be Austin Road with an approximate cost of \$68,000.00. Russell wanted to make the Board aware that he is going to pave these roads because he can not continue to wait around for the State. Supervisor Driscoll added that the Town has received \$35,000.00 in grant funds from the Robinson-Broadhurst Foundation to pave roads. We still need to put in for the new truck to CHiPs. That is \$104,000.00 in paving minus the \$35,000.00 which leaves \$69,000.00 which the Town could have to pay for if CHiPs will not cover paving these roads. Russell continued that there are certain moneys that he can not use for purchasing equipment. These funds are allocated specifically for paving. One of the funds is going to be the Extreme Winter Recovery fund which he thinks is approximately \$90,000.00. The other fund is the Pave Our Potholes fund which he

thinks is approximately \$50,000.00. These funds must strictly go toward paving. The discussion continued.

Russell Hatch informed the Board that he has been contacted by Jessica from Delaware County Soil and Water Conservation District on the grant for the Reed Road and Gun House Hill Road project. The Town has applied twice for the grant. The first grant the top amount was for \$500,000.00. The project for the Town will cost between \$600,000.00 to \$700,000.00. The second grant the funding was up to \$1,000,000.00. The Town did not get the second grant. Supervisor Driscoll added that no one in Delaware County received funds from the second grant. The first two grants were for trying to mitigate nutritional load into the streams. The funding the Town is now seeking is for flood mitigation. Jessica is more optimistic about the Town getting these grant funds because these grant funds are tied together for the Town's project. Supervisor Driscoll asked Russell if the Town has to come up with a certain amount to put toward this grant? Russell answered 25% in matching funds. Supervisor Driscoll added that the use of our employees and equipment will count toward the 25% matching funds for the project. Russell just wanted the Board to be aware that the Town's application for the grant has been put in again.

The Town Clerk's report for the month of July 2024 was issued to the Board. The amount that the Town has received is \$1,233.54.

Supervisor Driscoll informed the Board that next on the agenda was the abstract and vouchers for July. She issued the Board the vouchers to be reviewed. Supervisor Driscoll told the Board that in this abstract are some annual contributions. The fuel bill is \$20,000.00. From Highway, voucher #099, DA-5130.4, Burr Truck & Trailer Sales there was a credit of \$389.22, a pressure sensor & freight spent \$122.57 leaving a credit of \$266.65. This has been handwritten on the abstract. She did not know how to get this into the system. She has sent this to the bookkeeper to ask her how to enter it into the system. The paperwork is in with the vouchers.

Councilmember Reeve asked what is an annual pictometry charge? Linda E. Goss answered that every year or two the County takes aerial photographs of the Town. They do this in the spring of the year before the leaves come out on the trees. The Assessors use these images frequently. Councilmember Funk asked about the C & D bill? Supervisor Driscoll answered yes that is the bill for the second quarter of this year. A discussion was had. 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 July was issued to the Board. As per the Auditors she still has to move some of the retirement money. She has not done this yet. She informed the Board that the Transfer Station Contractual Expense has only spent \$12,695.03 to date. More will be spent from this line in the budget on the concrete project minus the grant funds.

A motion was made to agree to have Allyson Phillips of Young Sommer LLC represent the Town of Harpersfield in the litigation with Mountian Top Airfield LLC by Patrick F. Funk seconded by Dwayne C. Hill. All voting Aye.

At 8:05 PM a motion to go into executive session for possible litigation so the Board and Planning Board Chairman can receive legal advice and counsel from the Town Attorney and a personnel matter was made by Dwayne C. Hill seconded by Patrick F. Funk. All voting Aye.

At 9:21 PM a motion to come out of executive session was made Patrick F. Funk seconded by Dwayne C. Hill. All voting Aye. No action was taken during executive session.

At 9:23 PM a motion was made to adjourn the meeting 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, September 11, 2024 at 7:00 PM.

Linda E. Goss

Town Clerk

