

May 11, 2022

The Town Board of the Town of Harpersfield held a regular meeting on May 11, 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: Daniel Savatteri  
Steven Weiner  
Gloria Anderson  
Elizabeth Page, Editor for The Mountain Eagle

The meeting was called to order at 7:08 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 April 13, 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 April 13, 2022 as presented was made by Matthew J. Taylor seconded by Patrick F. Funk. All voting Aye.

Supervisor Eisel informed the Board that there is a bid opening for the Austin Road Culvert project. The bids were as follows:

The Fort Miller Company, Inc. \$79,411.00, estimated delivery date +/- October 2022.

Binghamton Precast & Supply Corporation, \$59,629.00, estimated delivery date late October 2022.

LHV Precast Incorporated, \$71,113.00, could be produced for early September Delivery 2022.

Russell Hatch informed the Board that the NYS DEC Stream permit runs out at the end of September. A discussion was had. A discussion was had on ordering the structure and waiting until next June to install it. A discussion was had on where to store the structure. A question

was asked if the existing culvert will be alright until next year? Russell responded that it is in bad shape but thinks that it will be all right until next June. A question was asked what will the cost of shipping and unloading at the Town Highway Garage and then shipping and unloading at the site be? A question was asked if the bid was awarded could the company hold the structure until next June? The discussion continued. It was decided that first Russell needs to find out from Delaware Engineering if the NYS DEC Stream Permit can be extended. If the Stream Permit can not be extended then he would need to ask if the companies can hold the structure and deliver it next June. If the companies can not hold the structure then he will need a place to store the structure for the winter. A question was asked if the structure could be stored on site until next June? Russell answered that there is no room at the site to store the structure. The discussion continued. The Board also requested that Russell sit down and look over each of the bids to make sure that they are comparable and there is not something that could be missing from one of them. The Board tabled the bids until the questions are answered. A special meeting can be held once Russell has those answers. The discussion continued. A motion to accept the bid from Binghamton Precast & Supply Corporation in the amount of \$59,629.00 once Russell has gone over the bids and has gotten answers to all of the questions raised by the Board was made by Patrick F. Funk seconded by Matthew J. Taylor. All voting Aye.

Linda E. Goss reported to the Board that she has received a Request For Fireworks Display Permit from American Fireworks Display, LLC for Stamford Fire Department. The fireworks display would be held on July 30, 2022, rain date August 6, 2022, at dark and last approximately twenty (20) minutes. The display location will be at 105 Terry Road. The application contains a Certificate of Liability Insurance in which the Town of Harpersfield is listed as an additional insured. The Board reviewed the application. A motion to accept the Request For Fireworks Display Permit and issue a Fireworks Display Permit to American Fireworks Display LLC for the Stamford Fire Department for a twenty (20) minutes display to be held at dark on July 30, 2022 with a rain date of August 6, 2022 located at 105 Terry Road was made by Matthew J. Taylor seconded by Patrick F. Funk. All voting Aye.

Supervisor Eisel informed the Board that he has received an update from Duane Martin, Chair of Headwaters EMS, Inc. the not-for-profit ambulance service. Mr. Martin was not able to attend the meeting so he sent the Board a letter updating their progress. The letter is as follows:

May 11, 2022

Dear Harpersfield Town Board

On behalf of the Headwaters EMS, Inc. Board of Directors, I would like to extend our thanks for your confidence and support of this endeavor. We would like to bring you up to date with our progress.

1. We received our Certificate of Incorporation from the State of New York.

2. Elected the following officers – Chair/President of Board: Dwayne Martin, Vice Chair/President of Board: Eileen King, Secretary of Board: Marylee Hill, Treasurer of Board: Meg Hungerford, Directors: Debra Coager, Darby Hartwell, Sandra Ferris.
3. Established a mailing address in Hobart Post Office as noted above in the letterhead. Headwaters EMS, Inc. PO Box 15, Hobart, NY 13788, 607-538-9029, [duane@hemsny.org](mailto:duane@hemsny.org).
4. Retained Terri Hanigan as counsel of Hanigan Law Firm.
5. Next meeting will be Tuesday, May 16, 2022, six pm at Hobart Fire Department, we will be having a discussion with Hancock EMS, President Jim Rotzler and Joe Redente of Sidney EMS to discuss their start up and operation growing pains and successes.
6. Right now, we are gathering information and developing a business plan.

If you have any questions, please feel free to contact me, or any Director.

Thank you for your support.

Sincerely,

Duane Martin

Chair of Headwaters EMS, Inc.

Supervisor Eisel updated the Board on Titus Lake Road. The Code Enforcement Officer has submitted a report and his mileage for the month of April. The Board went over this report. Gloria Anderson informed the Board that the property with the camper does have people living in it. Supervisor Eisel informed Ms. Anderson that the Code Enforcement Officer will be going up that way and will check that out. The discussion continued. The question was asked what warrants living in a camper? The Board will ask the Code Enforcement Officer the answer to that question. The discussion continued.

Supervisor Eisel informed the Board that an appointment needs to be made for the Chairman of the Assessors. Supervisor Eisel recommended that Laurel L. Bedford be named as Chairman of the Assessors. A motion to appoint Laurel L. Bedford as the Chairman of the Assessors was made by Patrick F. Funk seconded by Lisa M. Driscoll. All voting Aye.

Supervisor Eisel informed the Board that he has received a resolution from Town Attorney Kevin Young on the Climate Act.

TOWN OF HARPERSFIELD RESOLUTION NO. 008 OF THE YEAR 2022

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

TITLE: A RESOLUTION TO SUBMIT COMMENTS ON NEW YORK STATE CLIMATE COUNCIL'S DRAFT SCOPING PLAN FOR NEW YORK'S CLIMATE LEADERSHIP AND COMMUNITY PROTECTION ACT (THE "CLIMATE ACT").

WHEREAS, in 2019, New York State Legislation enacted New York's Climate Leadership and Community Protection Act (the "Climate Act") that requires the total carbon emissions from New York State population be no more than 60% and 15%, respectively, of the 1990 carbon emissions (the average New Yorker's annual carbon footprint is reduced from 22.7 tons/year to 13.6 tons by 2030 ("2030 Mandate") and 3.0 tons per year by 2050 ("2050 Mandate").

WHEREAS, in the 2030 and 2050 Mandates, the Legislature created an energy rationing system that puts all New Yorkers (and their communities) in competition for the affordable energy needed for a sustainable community and/or "healthful environment" (the state cap is 61.47 million metric tons of carbon dioxide equivalent).

WHEREAS, in order to enforce the rationing system, the Climate Act Section 7 requires all state agencies to evaluate whether each and every decision (in particular infrastructure decisions) will be inconsistent with the 2030 and/or 2050 carbon footprint mandates and, if inconsistent (or will interfere with the attainment of the mandates), determine whether it is necessary and, if so, require alternatives or greenhouse gas mitigation measures. If not necessary, deny/terminate.

WHEREAS, the Climate Act Section 12 provides each aggrieved person standing to commence an Article 78 proceeding in the NYS Supreme Court to enforce compliance with the Climate Act including compliance with the mandates and Section 7.

WHEREAS, the Climate Act has granted to every state agency veto power over any and all projecting a state agency approval or decision and has granted the wealthy aggrieved person (who may be in competition for those carbon emissions) a tool to kill and/or delay a competitive and/or disliked project including even the renewal of an existing permit.

WHEREAS, the rationing of carbon emissions will exacerbate the upstate/downstate divide; the urban versus rural divide; the wealthy versus the working-class divide; the divide between municipal officials struggling to provide critical services and the environmental organizations. New York State Department of Environmental Conservation ("DEC") has recently used Section 7 authority to deny the repowering of two natural gas power plants in Orange County. DEC is under pressure to deny a permit renewal to a crypto currency facility because some feel the fossil fuel energy should not be rationed to that product. DEC is holding up numerous Title V air permits due to its inability to make a consistency determination under Section 7.

WHEREAS, in order to achieve the 2050 Mandate, the Climate Act mandates by 2040 that all the electricity generated by fossil fuels and the anticipated demand growth will have to be provided/replaced by wind (onshore and offshore), solar, hydro from Canada and other renewable sources ("2040 Mandates"). Due to lobbying efforts, biomass is no longer considered a renewable energy source in New York.

WHEREAS, the New York Independent System Operator ("NYSISO") – which manages New York's energy grid – divides the state into two distinct areas – Upstate Energy (Zones A-E) and

Downstate Energy (Zones F-K). The Upstate Energy zones currently use about 1/3 of the total electricity generated each year. According to NYISO 2021 Report of 2020 usage, the upstate sources of electricity are 90% zero carbon emission.

WHEREAS, with respect to the Downstate Energy zones, which represent two-thirds of the state electricity consumed, the story is quite different. According to NYISO 2020 Power Trend Report of 2019 usage and NYISO 2021 Power Trend Report of 2020 usage, the downstate sources of electricity were 69% fossil fuel in 2019 and 77% fossil fuel in 2020 (and are projected to be well over 90% fossil fuel in 2022).

WHEREAS, the NYISO 2020 Climate Change Impact and Resiliency Study, which analyzed the Climate Acts 2040 zero emission electricity target determined that the 2040 Zero-Emission Grid Mandate is not feasible and would result in an unreliable (and thus unsafe) electric grid. In other words, the 2040 Mandate and the 2050 Mandate are fantasies.

WHEREAS, in 2019, the GHG emission sources in New York State breakdown as follows:

- Transportation (mostly travel over land) 28%
- Buildings (mostly heating buildings) 32%
- Electricity 13%
- Industry 9%
- Agricultural and Forestry (mostly livestock) 6%
- Waste (mostly methane from landfills) 12%

WHEREAS, the Climate Act delegates to an appointed council of 22 individuals' responsibility to develop a draft plan by December 31, 2021 to reduce the average New Yorker's carbon footprint to near zero. The Draft Scoping Plan was issued in December, 2021 and this resolution and its attachments constitute the initial comments of the Town Board of the Town of Harpersfield (the "Town").

WHEREAS, the Draft Scoping Plan mandates over a hundred (if not several hundred) different measures affecting all aspects of our daily lives and community activities. The following four prohibitions are responsible for the majority of the reductions:

1. Elimination of the use of fossil fuels for land travel.
2. Elimination of the use of fossil fuels for all aspects of residential living including heating, cooking, outdoor equipment, hot water and clothes dryer.
3. Conversion of the electric grid to all renewable and zero emission sources.
4. Transformation of the solid waste management system.

WHEREAS, the prohibition on the use of gas, propane or home heating oil in our daily activities is scheduled to occur over the next 13 years (in 2024 for new homes; starting in 2030 for existing homes).

WHEREAS, the prohibition of the use of fossil fuels for land travel is more gradual and includes the following measures:

1. Provide direct rebates on zero emission vehicles supported by new fees on purchase of fossil fuel vehicles.
2. Adopt mechanisms to discourage vehicle use and generate funds for public projects, including congestion pricing, variable cost parking, increase registration fees on carbon intense vehicles, adoption of a per mile vehicle user fee system, and increase municipal use of special assessment districts to fund public transportation investments.
3. Adopt California's Advanced Clean Car 2 Regulations, expected to require one hundred percent light-duty zero emission vehicle sales by 2035;
4. Adopt California Advanced Clean Truck Regulations requiring increase percentage of zero emissions Micro Hybrid Drives through 2035.

WHEREAS, in 2018, DEC issued an order to close Indian Point Nuclear Power Plant due to the aquatic impacts from the withdraw of non-contact cooling water from the Hudson River. In April, 2020, Indian Point was required to shut down Unit 2, and in April, 2021, Indian Point was required to shut down Unit 3. In 2019, when Indian Point was in full operation, it provided 25% of the downstate annual electric load (16.7 million megawatt-hours of zero-emission power).

WHEREAS, in an April 29 press statement marking the closure of Indian Point, NYSERDA CEO Doreen Harris implied that the zero-emission electricity lost from Indian Point would be addressed stating that "New York State's electric grid is undergoing a transformative evolution in pursuit of the nation-leading goals of the Climate Leadership and Community Protection Act" including "developing a tremendous renewable energy project pipeline." As a follow up to that press statement, in November 2021, NYSERDA submitted a petition to the PSC seeking approval and ratepayer funded subsidies for two massive transmission projects to bring non-fossil fuel electricity to NYC. The Petition states that "[t]he selected projects are expected to deliver 18 million megawatt-hours of renewable energy per year to Zone J (i.e. New York City), more than a third of New York City's annual electric consumption, from a diverse generation portfolio including onshore wind, solar and hydroelectric power from Upstate New York and Quebec. Total investment into both projects is expected to amount to nearly \$24 billion." Under NYSERDA's Petition, ratepayers throughout New York State (both upstate and downstate) are being required to fund two transmission projects. The PSC granted the petition on April 14, 2022.

WHEREAS, the TOWN supports the Climate Council's objective of promoting the transition to electric heating from fossil fuel heating. The TOWN does not support (and vigorously objects) to the mandate approach selected by the Climate Council to require all homes to install electric heating regardless of cost and feasibility. In lieu of a mandate, the TOWN suggests and encourages that the Climate Council to develop a plan to make electric heat pumps and the preferred and affordable technology when the homeowners need to replace their existing heating system. The correct approach is for the Climate Council to take an enabling approach –

create the reality where the typical homeowner would select an electric heat pump system over fossil fuel system to heat their home. In Delaware County the average low temperature during December, January, February and March are 16\* F, 9\* F, 11\* F and 18\* F, respectively – which is at or below the temperature that electric heat pumps provide reliable and efficient heat.

WHEREAS, the TOWN does not support the mandate approach selected by the Climate Council to require all outdoor equipment to be all electric. Homeowners and users should have the choice whether to use gas fueled equipment and/or electric equipment – each has their own benefits and costs. Homeowners in New York State should have the same rights as homeowners in other states. Gas is mobile and is readily available; it allows a landscaper to move from site to site without stopping to recharge the battery; it allows the work to be performed where it is needed and in difficult weather. There is a role for both gas and electric power equipment and the decision should be left to the individual that is using the equipment – not to an elected official's political objective.

WHEREAS, the TOWN does not support the mandate approach selected by the Climate Council to force the consumer to purchase an electric car. The Climate Council should focus on developing a plan/program that makes electric vehicles the preferred choice because they become affordable, available and feasible. In Delaware County a car or truck is a necessity – not a luxury. As a necessity, it must be affordable, available and feasible to the vehicle owner. Affordability will depend, in part, on whether electricity remains affordable. Availability and feasibility will depend on whether the necessary infrastructure is available and affordable to meet the needs of the vehicle owner. In our cold climate, parents need to know that they will get to their destination, that the car will work in the cold, that there is enough charge to get back home and that the car can meet the family hauling needs. There needs to be enough electricity in the local grid to handle the additional load, the charging station must be accessible, convenient and not be inordinately time consuming.

WHEREAS, the TOWN does not support imposition of a carbon tax, a mileage surcharge, increased registration fee for gasoline powered cars, or any additional tax on gas, propane, natural gas or home heating oil or a tax on solid waste. A carbon tax on the building heating sector and the transportation sector would simply make natural gas, gasoline, fuel oil and propane more expensive and thus make a vital necessity less affordable (transportation and heating) to residents. While the wealthy can afford an all-electric car and home, and second and third home, the working class (the median family income in Delaware County is \$49,544) will more likely rely on fossil fuel to heat their home or fuel their car. Delaware County residents are more likely to have to travel day-to-day long distances and heat a home in a cold climate. The utility bills and gas bills are already too high and not sustainable on the median family income. As the use of fossil fuels decreases, the cost of maintaining the fossil fuel infrastructure will be spread over a smaller base increasing the costs to the remaining users.

WHEREAS, the TOWN finds that in adopting the Climate Act with its 2030, 2040 and 2050 Mandates, the Legislature made a grave mistake – the Legislature prioritized their goal of being recognized as a world leader in fighting Climate Change over the energy security of the State’s residents. Under the recently adopted Green Constitutional Amendment, every New Yorker has a constitutional right to a “healthful environment”. Available and affordable energy is a critical component (comparable to air, water and food) to a healthful environment. Energy security is a constitutionally protected right. In the Climate Act, the Legislature effectively ordered the cessation of the use of fossil fuels; required all the State Agencies Officials to enforce that mandate in each and every decision; and empowered every aggrieved well-heeled donor/person the right to go to court to enforce the mandate. The Climate Act mandates are the law and are enforceable in court regardless of whether the alternative energy sources are affordable, achievable and available. The Climate Council selected its wish list of lofty directives without determining the feasibility, cost and funding for those directives. The TOWN agrees that reducing the use of fossil fuels for building heating, electric generation and land travel will reduce CO2 emissions and is an admirable goal. The Legislature can support that goal by enabling the availability, affordability, and the feasibility of the alternative energy sources so that the public/consumer selects those technologies over fossil fuel powered technology. The Legislature and the Climate Council should focus on enabling carbon reductions; not ordering those reductions against the will and at the expense of its citizens’ constitutional rights to choose the technology that protects their families.

NOW, THEREFORE, BE IT RESOLVED the TOWN BOARD authorizes and adopts this resolution and the attached white paper as its initial comments and directs the Town Clerk to submit these documents as comments on the Draft Scoping Plan.

WHEREUPON, Councilmember Lisa M. Driscoll seconded, the Resolution was put to a vote and recorded as follows:

Ayes: 5   Nays: 0   Abstentions: 0

Dated: May 11, 2022      So Approved: May 11, 2022

Supervisor Eisel reported to the Board that he has received a check for plowing snow from Delaware County DPW for 02/18/2022 to 04/02/2022 in the amount of \$9,397.98.

Russell Hatch informed the Board that he has received a resolution from Delaware Engineering for the Austin Road Culvert project. If NYS DEC requires a SEQRA for the project the Town Board will need to declare the project as a Type 2 Action under NYS SEQRA. This means that the Town is replacing an existing culvert. The Highway Department is just doing general maintenance. A discussion was had.

RESOLUTION NO. 009 OF THE YEAR 2022

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

TITLE: A SEQRA RESOLUTION FOR THE AUSTIN ROAD CULVERT PROJECT.

BE IT RESOLVED, that the Town Board of the Town of Harpersfield is replacing an existing culvert that passes under Austin Road in order to maintain use of the roadway. The project is a Type 2 Action under NYS SEQRA.

Seconded by Councilmember Patrick F. Funk 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. |

Councilmember Funk discussed with Russell Hatch cleaning up the sides of Gunhouse Hill Road. The Hobart Boy Scouts have disbanded. Councilmember Funk is going to ask the residents on Gunhouse Hill Road to help him clean up the sides of the road. He asked Russell if the Adopt A Highway signs could be changed to read Gunhouse Hill Road Residents? A discussion was had. Russell agreed to help Councilmember Funk change the signs.

Russell Hatch reported to the Board that the Highway crew has begun sweeping roads, ditch work, continuing to clean out culverts and removing plow gear from the trucks. Supervisor Eisel reminded Russell that the Harpersfield Historical Society has asked for their help in putting up the new Historical Markers.

Gloria Anderson asked Russell Hatch about the speed limit signs that need to be put up on Titus Lake Road? Russell answered that he will remember to get that done. He has the signs but winter began before the Highway crew could get them put up. Ms. Anderson asked if the Town has heard back about establishing a speed limit on Austin Road? Linda E. Goss answered that she has not heard back from NYS DOT about a speed limit for Austin Road.

Supervisor Eisel reminded Russell Hatch about the County Summer Youth program. The paperwork will need to be filed soon. The Town can have two youths in the program. One for the Department of Public Works and the other for community service. Russell informed Supervisor Eisel he will start looking for a candidate. Councilmember Taylor asked what is the criteria to hire a summer youth? Russell Hatch answered that youth has to be in school, high school or college, and at least eighteen years of age. Councilmember Taylor asked when does the program end? Russell Hatch answered sometime in mid-August. Supervisor Eisel answered the youths can work up to two hundred hours in this program. Councilmember Funk asked what will they be paid? Supervisor Eisel answered the County will pay the Town back minimum wage which is \$13.20 per hour for the hours that are worked. The Town has raised the hourly

rate up a couple of dollars to get more young people to apply for the positions. The discussion continued.

A motion to accept the Tax Collector's April monthly report with the Town receiving penalties in the amount of \$3,239.65, bank interest in the amount of \$1.13, bad check charge in the amount of \$20.00 and overpayment in the amount of \$1.67 and the County Treasurer's Office receiving taxes collected in the amount of \$109,790.18 and bank interest in the amount of \$1.12 was made by Patrick F. Funk seconded by Lisa M. Driscoll. All voting Aye.

A motion to accept the Town Clerk's April monthly report in the amount of \$248.69 was made by Patrick F. Funk seconded by Matthew J. Taylor. All voting Aye.

The abstract and vouchers for the month of April were presented to the Board. Presented were General Claims #089 to #113 in the amount of \$7,240.41; Highway Claims #069 to #082 in the amount of \$40,447.53 and Transfer Station Claims #020 and #021 in the amount of \$368.64. Councilmember Taylor asked Russell when the new loader is going to be delivered? Russell answered as far as he knows it should be delivered at the end of September. It was ordered in January. Councilmember Driscoll asked Russell what is a wafer spacer? Russell answered they go on the road broom. They are made of plastic and space portions of the broom across the axel. Councilmember Taylor commented that fuel prices are going up. Russell added that the bill for fuel on the abstract is double what it was last year. Supervisor Eisel asked Russell what are the paving companies saying about the cost of oil for the roads? Russell answered that they have not been saying anything currently. Councilmember Taylor added that the cost of roofing shingles have gone up dramatically. Anything with oil in it. Councilmember Reeve added the same with the cost of tires and automobile batteries which have gone up 20% as of May 1st. A motion to pay the vouchers as presented was made by Matthew J. Taylor seconded by Lisa M. Driscoll. All voting Aye.

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

Councilmember Funk stated that the Harpersfield Historical Society is doing a fantastic job. What they have done is amazing. Councilmember Driscoll added that they have done a lot of work. Supervisor Eisel was impressed with the amount of work cataloguing the old Mirror Recorder newspapers. It has taken thousands of hours. Councilmember Taylor added that they have done 27,000 pages so far. Supervisor Eisel continued that this is our history and they are doing a good job. The discussion continued. Councilmember Driscoll added that a short time ago when you would go on their website they had no pictures. So when she was taking pictures for the Town's website she went over and took a lot of pictures for them. They put some of those pictures on their website.

Councilmember Driscoll asked if anyone takes some nice pictures of the Town of Harpersfield please get them to her so that she can put them on the Town's website. Elizabeth Page had taken a picture of the Town Highway trucks lined up in front of the Highway garage before

going out to plow snow which she has given to Lisa for the Town Highway page. The discussion continued.

The meeting was adjourned at 8:06 PM.

The next regular meeting of the Town Board will be held on Wednesday, June 8, 2022 at 7:00 PM.

Linda E. Goss

Town Clerk