

**June 15, 2023**

The regular meeting of the Town of Hartland, County of Niagara, State of New York, was held on the above date at the Town Hall, 8942 Ridge Road, Gasport convening at 7:00 p.m.

Members present:

Supervisor: W. Ross Annable

Town Clerk: Rachel Kushner

Councilman: Joseph Reed

David Huntington

David Hill

Cliff Grant

Attended by: Sign in sheet attached.

Supervisor Annable called the meeting to order with all present standing for the pledge to the flag as well as a moment of silence for Larry Fuller and Dorothy Winters who passed this month.

**RESOLUTION 64-2023**

**MOTION** by Councilman Huntington, seconded by Councilman Grant to adopt the minutes of the May 11, 2023 board meeting as presented.

Ayes: Annable, Huntington, Hill, Grant, Reed

Nays: 0

ADOPTED

**RESOLUTION 65-2023**

**MOTION** by Councilman Reed, seconded by Councilman Grant resolved that the following bills, as prepared by the Town Clerk and having been reviewed by the Town Board, be authorized for payment in the following amounts:

Voucher #'s: 2023000415-2023000578

General: \$22,667.10

Part Town: \$4,201.57

Highway: \$165,548.16

Refuse: \$30,152.85

Water: \$20,960.98  
Total: \$243,530.66

Ayes: Annable, Hill, Huntington, Grant, Reed

Nays: 0 CARRIED

**ASSESSOR / CEO REPORTS:** None

**HIGHWAY/WATER REPORT:**

**Supervisor Annable:** There are a couple items that Keith has put in here for the sale of a truck as well the bids that we need to accept. They have had a busy month. I'll just make note that the highway department did a great job for the memorial dedication that we did yesterday. We had a flag raising, rifle salute, and taps. Senator Ortt and Senator Norris spoke. It was a very nice recognition for our town veterans.

**PUBLIC COMMENT – AGENDA ITEMS:**

**Barbara Outten:** The minutes that you just approved from the May Town Board meeting were to be published within two weeks of the meeting. According to the New York State open meeting law, section 106. I do have a copy of that with me. They mentioned in the office that it could have something to do with maternity leave.

**Supervisor Annable:** Our clerk is on maternity leave. That is why our board meeting is tonight and not last week.

**Barbara Outten:** You didn't have a plan to keep the town in compliance with New York State Law.

**Supervisor Annable:** That is not my office but unfortunately, things happen.

**Barbara Outten:** You as the leaders could have done something to make the minutes available to us within those two weeks. This is unacceptable at such a contentious time like this while we are fighting to save our community from misrepresentation by our elected officials. You are all about "we must listen to Albany" so why aren't you following all the laws on the books already? If you are willing to break the law on this issue what other information has not been transmitted to the public in a timely manner? I would also like to ask the lawyer if the agenda needs to be published online 24 hours before the meeting as well.

**Supervisor Annable:** Again, as you are aware, the person was off on leave.

**Barbara Outten:** Okay, so you are violating the open meeting laws of the state. What does our attorney say about this meeting if we didn't have proper notice of the agenda? I would like to hold that accountable.

**Attorney Haylett:** It should be published 24 hours before the meeting, but I don't know what the remedy is for that.

**Barbara Outten:** I would say that is operating without good transparency.

**Leo Shannon:** Are there any plans by the town board or the Town of Hartland to establish a holding cell in any building of the Town of Hartland? Is that being talked about in a budget?

**Supervisor Annable:** There are plans that if there were ever to be an addition that there would be a place for the court to hold a prisoner while the deputies are here. It is not a jail cell. It is just a separate room so the officer can place a person in a temporary hold, so they are not sitting in the court.

**Leo Shannon:** Will we have to have a CO in there?

**Supervisor Annable:** An officer comes from the jail with a prisoner in custody. Right now, they have to sit in open court. In the future if we are ever able to put something together, they would have a small separate room to house them during the time they are going to court.

**Leo Shannon:** What about medical equipment? Will there be Narcan in there or CPR equipment?

**Supervisor Annable:** We have CPR equipment right back there and the officers are equipped with Narcan.

**Leo Shannon:** How long has this been talked about?

**Supervisor Annable:** I don't want to get into a dissertation here. If you want to know what we are looking to do with that I would be happy to talk to you. This is an opportunity for public comment.

**Leo Shannon:** Well, the reason I bring it up is because it is out in the public, but it has never been announced.

**Supervisor Annable:** We haven't done anything with it yet. We have been thinking about it because we are looking at expanding for some more room for the courts. There was a state report that we had that mentioned certain things that we should improve upon, and court security was one of them.

**Leo Shannon:** Why wasn't the public made aware of this?

**Supervisor Annable:** We haven't done anything yet.

**Leo Shannon:** I'm talking about the planning of doing this.

**Supervisor Annable:** It has been discussed in the past. If it comes to a point where we are able to do something, that would be a public hearing and an opportunity to talk about our budget. But there is nothing in the plans for that right now.

**Leo Shannon:** Everybody in the town wants to know and I haven't seen anything about it.

**Supervisor Annable:** That is because nothing has happened. Covid pretty much shut everything down at that time and we haven't expanded on any discussions about that since that time.

**Leo Shannon:** Is every other town court going to have to do this? Is this a law the state is doing?

**Supervisor Annable:** It is a recommendation for safety. Some have them and some don't. it all depends on where you're at.

**Peggy Zaepfel:** I'm just wondering about the fact that the minutes were not ready two weeks ahead of time. I know a lot of people that I know were looking for those minutes because they wanted to prepare for this meeting. Also, the fact that the agenda was not given out 24 hours before. I am wondering if it is appropriate for you to vote on any laws today with people not being notified.

**Supervisor Annable:** It is. That is a recommendation by the state for those notices. It's not a law.

**Peggy Zaepfel:** I'm just saying that seeing that many people are concerned about this, I think it would be a poor idea.

**Shawn Florkowski:** I learned about the EDF solar project from a land survey that was sent to my house. Otherwise, I wouldn't have known about it. I feel that the community hasn't been well

informed about this project. I don't think the community fully understands the issues with the project. I think some sort of vote of the people of Royalton and Hartland, as we are combined communities, should be considered. Even if 94C is to be considered we should at least know in public forum what the tide of public opinion is of the constituents that comprise this community. I ask you to oppose the EDF project. I believe that 94C is a convenient excuse to remain neutral on this. I think a vote of neutrality is a vote for the project. I think that the project will cause harm to the community for a number of different reasons, and I'd be happy to state them. First, I think it is important to understand that decades ago the farming community here decided to become agricultural and for decades we have received the benefits of remaining an agricultural community including the people that decide to live here, the people that drive 30-50 minutes to work and come back here to live. I believe that there was a commitment to that agricultural ground of this area, the most rich and fertile agricultural ground in New York State, to continue the agricultural culture of this region. There is a reason why we have the best apples, the best peaches, and the best corn and it is because we have the best farm ground because thousands of years ago glaciers pushed this fertile land around us. It should not be covered with solar panels. It should be used for growing food. The farm land will never be able to be used again. It will cause harm to our property values. Our number one source of wealth in America is our properties and our homes. It will cause harm to our legacies. I moved here 15 years ago. I know many of you have been here for generations and you have legacy families here. I had hoped to have a legacy family here as well. The impact of property value and what it will do to our community by surrounding our homes and properties is not just push families away and not allow them to have a legacy, it will prevent future legacies from wanting to move up and down these roads. Thirty years. Certainly, your natural lifetime and mine. My children who I had hoped to bring to this community to appreciate what we have as a country culture, an agricultural culture. It's different. It's different than where I was born and raised on the east side. My wife and I chose to come here. It's going to push away people whose homes are here that aren't signed up with EDF to benefit themselves. It's going to prevent the next house that's built and the next. People may say it's my land and I want to do what I want with it but if you build a subdivision up the road from me it is going to increase my property value. By doing this you have to ask yourself a simple question- would you want it surrounding all four sides of your home? I appreciate that it is someone else's land and they should be able to do what they want with it but when you cause harm to your neighbors it is up to government to address the fact that we believe we will be caused harm whether it is the land being taken from our use or property value taken from me or the potential impact to the 18 mile creek water shed if there is a fire. The fire thing is relevant and should be considered. Has the DEC considered the fact that the east branch of 18-mile creek will run right through the middle of this? I just think it is multifactorial. I ask you guys to contemplate whether or not this is the best decision for our town.

**Matthew Austin:** I live next to Shawn. In pursuant to US section title code 16 section 668 established by John F. Kennedy bald eagle and golden eagle protection act – my question is, has

the federal government stated whether this is legal or not because we are in a bald and golden eagle protected area?

**Supervisor Annable:** They do a bird study.

**Matthew Austin:** That is not what I asked.

**Supervisor Annable:** I don't know what it includes. I know there are state and federal laws that they have to comply with. I don't know exactly what they are looking for but they do studies.

**Matthew Austin:** They do studies. Do you have the studies?

**Supervisor Annable:** They haven't been completed yet.

**Matthew Austin:** How long will they take to be completed?

**Supervisor Annable:** Right now, in the process the town has nothing to say to a developer coming to a person and asking to lease their property. There will be a permitting process. If this ever comes to a permitting process, all of that is provided and all the documentation is able to be gone through. The Town of Somerset just received their information if you want to go down and see what it is going to look like, they have all of that there to look at. You will be able to see exactly what that study entails. We won't know until the process begins.

**Matthew Austin:** Who does the study?

**Supervisor Annable:** The company is responsible for paying for these studies. Through the permitting process, they need to do all these aspects to comply with the state.

**Matthew Austin:** Should the bird people for lack of a better term say it is bad, the project is done?

**Supervisor Annable:** That is one possibility. Any one thing they discover during that process can shut a program down.

**Shawn Florkowski:** I just want to pass along a couple pictures of a visual barrier of a similar solar project in our region. I understand that we just went through three weeks of drought, but this project was completed a number of years ago and the visual barrier is decrepit, compromised, rotting, and blown over and I think it should be acknowledged.

**Floyd Snyder:** I don't know how many of you people – I know Cliff Grant – fought in the first airborne in Vietnam. I believe in the Constitution of the United States. If you look at the Constitution, a landowner has the right to do with their property as they see fit. No different than a farmer has the right in the State of New York by the Right to Farm Act so that subversive groups could not stop the farmers. Where I have a problem is people who come from outside of the community – I've been here 50 years and lived in Lockport all my life. Those people that are involved in this project, there isn't eminent domain, those people made that decision. I have a suggestion. If we are going this route all of the people that are against the solar project should pay my taxes along with everybody else because they want to control what we do. I don't expect to go and pay a farmer's taxes. I did when I was a farmer. But we have to look at the rights of individuals. It's no different than taking the second amendment away. When we get a group of people that think they are going to control the majority because they have all of this misinformation. There isn't any proof that it devalues the property. There are projects in North and South Carolina where the houses have been sold for more money. Our town building code enforcement officer told me that even with the knowledge of this project, the prices of houses that are being paid in the Town of Hartland right now are more than they were last year. I am on a soap box and I apologize. Fifty years ago, on Chapman Road, there were six farms. There isn't any farm on Chapman Road anymore. There is one big farm there and another big farm over there. What has happened is we have lost in our community something that nobody in this world can understand. When the graduating class of Barker Central School is only going to put 45 kids through graduation, and they are going to spend 14.8 million dollars to educate kids there is something wrong. I got off the phone with Mike Norris. I asked him what the matter is with the Niagara County IDA helping the Town of Hartland. He said we aren't close to Interstate 90. Genessee County has 5 different IDAs going right now, and all kinds of people and you know as well as I, they want water from Niagara County. I don't see any dairy farmers over there getting all excited because they have yogurt plants and stuff like this. We have to start looking at where we are going. I'll be honest with you, I'm 78 years old and I don't think I'm going to live much longer anyways after being in Agent Orange. All I'm saying is we've got a population in this community that is older, and we have less people. I got on the town board and Dan Seaman made this statement to me. He said you are not going to do what Floyd did in the Town of Lockport. They still have the schools and everything else going. Let's not turn the Town of Hartland into the Town of Somerset. Mike Norris told me there is nothing we are going to do to get large business in this part of Niagara County. It is going to be around Niagara Falls and a little in Lockport if we're lucky. We've lost all those good paying jobs like Delphi. Niagara County has done nothing for this end of the county. We've been fighting for 50 years to get business here and it hasn't worked. We might be able to generate 50 or 60 jobs in this area with sheep farming or something but that is all we've got left. Last time I knew if you don't have 5% growth in the town, we are going to be second rate very shortly. Everybody starts to realize. Anybody that has been in farming knows that Governor Cuomo froze the land value for farmers. We lost 365 people in the last census. You can't make that up. That is \$65,000 for the next 10 years and

hopefully we can turn it around. Looking back with my economics degree from the University of Georgia, I see this coming. I'm not saying solar is the way to go but if you look at the paper tonight NSYEG just told you that the power price for the next three years is going to go up 22%. I know what I did to prevent it. I put solar panels on my house. Somebody better start thinking whether we do it in the future because you aren't going to get out of it. We can't live with increases like that. I wish the dairy farmers could get that increase every year. I hope everybody in this room starts to think about how we're going to get more people here. When I was on the town council, we fought when the Wruck Road bridge closed. That was the north south corridor for this town. The closure of that bridge caused us to lose the traffic coming from clarence. That is why Royalton has a big influx of housing near Tonawanda Creek. Keeping this town and the fire company going is going to take some engineering.

**Peggy Zaepfel:** I've heard many times that we don't have the right to tell people what to do on their property except, we do it all the time with zoning laws. I fought it all the time. I stood up and said why are we telling people they can only have 3 dogs or how many horses they can have, or they can't have a trailer on their property, and they have to jump through hoops to have a small business with an employee because it may increase the traffic in the area. In my 11 years on the zoning board, I saw things like that happen all the time. They always said it was because we want our town to remain as it is. There was a person that wanted to have popcorn – nope can't have popcorn because there might be a traffic jam. Someone else wanted to have hayrides – nope can't have hayrides. There were all sorts of things that I've seen and heard from people when going door to door because small business has been discouraged. When you mentioned the power plant, that was a state issue. They closed down a clean coal plant and destroyed the neighborhood and community. Here the state is trying to do the exact same thing to us. As far as zoning laws go, what gives you the right to destroy my life. That is why zoning laws are enforced. You can't build too close to the street so you can see and don't have an accident. Mike was always big on trailers. I don't know why he hates trailers, but he was always concerned about trailers on someone's property becoming an eyesore. I don't believe in that stuff but I do believe that if it is going to destroy a community it should be looked at. It is going to benefit 40 people. There are hundreds of people in this town that are going to be negatively impacted. There is a study that shows that property values have gone down. I presented it to the town board a year or two ago. I still have it, but I have a stack this big of things I've submitted but just like the pictures you submitted, they were thrown to the side and that is the end of it. You will never see it again. I gave each one of you a copy of that study that says property values drop from 17-30%. I've been going door to door and talked to a lady on Hartland Road. She is going to move. She had no idea. She was just about in tears. She said Jeremy didn't tell her that. We all probably know who Jeremy is. These people are devastated. I wasn't here last month but there was a lady here last month and we went to her house last week. She said she is on an acre of land and is going to be surrounded on all sides. I see that in this law that I wish you would not approve today, you wrote that it could not be within 100 feet of any public road. This is exactly what



these people are upset about. One hundred feet from the center of the road means that the area will never be sued for anything again. The people that live there will open their front door and see solar panels on all sides. They are going to be surrounded. If it was set back even like the one on Slayton Settlement. That is 500 feet. Some people have done 750 feet. Some have done more and some have done less and regretted it. That person can come out of their house and not see solar panels. I know you changed it from 50 feet to 100 but that isn't good enough. It should be farther back so there is room if somebody wanted to build a house on that road or plant something. Our whole comprehensive plan says to preserve our rural character. I know you say those are just guidelines, but they are guidelines that we were entrusted to work on. We can blame it on the state, but this law is not helping. If it happens if we have a law that says 800 feet, we have wiggle room to negotiate. We can say you can use that land that doesn't have anybody around. Where it doesn't hurt anybody. When we have 100 feet in our law, we have no wiggle room. We just gave it to them without a fight. Also, in regard to decommissioning, it was after 30 or 40 years it is supposed to be decommissioned. What if technology changes and it becomes defunct? Does it sit there for 30 years before it is taken down? What is the guarantee? I've been in Rochester and Sweet Road, and they were put up and then there was a glitch. They are sitting there not being used. In our case do we have to wait 40 years before we can get the money to decommission, not that it would go back to farmland anyways? You say that there is money, and we will decommission and recycle even though there is no recycling. We keep saying it is going to happen when we're dead. They are only lasting around 20 years. After 10 years they are becoming very brittle. We are just starting to see where these projects are going because they haven't been around for a long time. I remember when everyone said plastic lumber was going to be so great and now it's chipped and broken and brittle and discolored. Someone just brought up the other day that these panels have a 20-year lifetime and it's been 10 years and they're brittle and breaking. What do we do at that point? Do we wait 30 years before we decommission? That is what I wanted to say. I want you to please not vote on this until some of these things are addressed, especially the 100-foot setback. Obviously, you know I am running for supervisor and my main thing is if it comes to this town setbacks, setbacks, setbacks to try to preserve and make it as painless a possible on the people that are going to be negatively impacted. If this goes in at 100 feet and for some reason the power project comes in, we've just screwed a bunch of people in our town, and we didn't have to. Even in Lockport on Slayton Settlement, that was 500 feet. Why do we put 100 feet in our law, especially because the planning board gave you a law that took all of this into consideration?

**Ron Clemens:** I have a question about setbacks. That 100 feet that you speak of, that starts where?

**Peggy Zaepfel:** The center of the road to the panels.

**Ron Clemens:** What is the setback from a house or property line?

**Supervisor Annable:** One hundred feet from a property line and 250 from a house.

**Ron Clemens:** What happens if the house is closer to the property line than 250 feet?

**Supervisor Annable:** Whichever is farthest away is the one that will be used.

**Ron Clemens:** Then I don't see the issue. You have 100 feet from the edge of your property line and they can't encroach on that. If you did 750 feet from a property line, there would be no property left, unless that is your goal.

**Peggy Zaepfel:** What I'm saying is to leave the frontage with the water lines with the potential for growth for our town and for building new houses.

**Supervisor Annable:** Let's keep public comments addressed to the board please.

**Barbara Outten:** Our town comprehensive plan that hasn't been updated protects us along with our zoning laws. That poor lady was distraught because she was having her land surveyed and had to deal with Jeremy Silsby and said that she had to sell and leave. I could be in that situation. I'm going to be across the road from 70 or 80 acres. A few people get rich literally at our expense. I don't understand it. If I'm going to do something that is going to harm my neighbors that bad – I don't get it. If you are going by the comprehensive plan, that should be updated before a vote.

**Linda Ark:** I came here with the intent of not saying anything but first I'd like to tell Mr. Snyder thank you for your integrity and for feeling the need to say sorry so much. You really have no need to be sorry. Everything you stated was true and factual. Mine are very generic points because I wouldn't begin to discuss things that I have no knowledge of. I'm not going to get a solar degree from Google. I'm not going to go and drive by different places where there is solar. I'm not going to listen to the naysayers or the people that are for it because they each have their own agenda. I understand that. It is human nature. The brief points I want to make are how I feel and can't be disputed because they are my feelings. I also have lived here all my life and I am 65 years old. My father lived here all his life and he was a hardworking man. He started his businesses with a pick and shovel. He had no help. He left his family 84 acres, and he was concerned. He knew his children would be okay but where his concern came in was for his grandchildren. He died in 1996. He could already see how hard it was going to be. He didn't have acreage all over. He didn't have the benefit of government subsidies. What he did have, he worked hard for himself. I am fiduciary of the trust he had set up for his grandbabies. It is my obligation to do the best that I can do and the things my father would have done. No one has the right to dispute that. I know that when I sit down someone will say "we aren't disputing that" but

you are. Our property is on Root Road. Nobody has to look at anything. You won't see anything. You don't live there. We aren't talking about acres and acres of continuous solar panels. That isn't what we are talking about. I see signs all over. I also want to say I, for years, worked in the area of law. I had a passion for that. I thought that when I retired I would love to give back to my community and maybe work for my town. That happened but then it didn't happen because of this. So when I see these signs that say "our community, our choice" it's very insulting to me because it is not our community, our choice. It's your community and your choice. Now I'm seeing signs that say "supported by Royalton". Now you are taking jurisdiction of all of Royalton too? I don't think that is true. It is not our community, our choice. Say it the way it is. And legacy? This is my family's legacy. I don't see some of these same people shutting down their businesses. As a matter of fact one of them has stone being delivered and they are going to expand their business. I'm sure that is quite an eyesore for the people across the road to be looking at that. But that's okay, because it depends on whose pockets we're filling. I think it has also caused such a division in this town. Believe me when I say I am for it but at this point I don't care if it ends up happening or not. If it does, it does. If it doesn't, it doesn't. I'll still eat. I'll still live. I think it would be really entertaining though, when China comes around and wants to sign some contracts. I don't think you'll be able to tell me what to do with that. Lastly, I know ultimately who is in control. No matter which way this goes, don't ever feel like you've won because I know who is really fighting and it's no one in this room. Thank you.

**Donna Weeks:** EDF came here and offered people a different option than farming. You could choose to join or not. No one was strong-armed to sign on. We liked the idea of keeping our land and leaving it to our children after we are gone. Solar was a way to help our environment and our families. When solar ends our land will be in better shape than before it went in. It will be free of proven cancer-causing chemicals and will be organic. The industrial sized farms have pushed many small farms out of our area. The fields are treated with pesticides and herbicides with chemicals that we know will cause cancer. They can spray it right up to our doorsteps with no setbacks. They can even fly it in with planes and fill the air that we breathe. We are not told when it will be sprayed to avoid contact with it. We deal with the dust that flies onto our patios and porches from tractors and equipment. We deal with the smell of liquid manure and the flies that it brings. It is difficult to host outdoor activities and yet we live with these things because we are good neighbors. We would like to expect the same from you. Maybe you could be a good neighbor.

**Raffaella Clemens:** I have lived here for 69 years. I've always been quiet. I've never come here and complained. I think my opinions and the things that affect me are just as important as those that affect other people. My father bought 100 acres. There are 44 acres left. Our family of four siblings signed on with EDF. So, we're not going to get rich. All of the setbacks are causing us to be eliminated because there is not enough land to do anything with. So, it's not going to happen for us. But it is our land. We have a neighbor that just put a business in next to us. It is his land,

and he has that right. We didn't complain about the people that don't want to sign on, but they are complaining because we do. We do not have a choice. It's not our community, our choice. It is someone else's choice, and we are being strongarmed.

**Liz Neadow:** I would just like to say that I have talked to a lot of people that signed on for solar and regret it. I've done a lot of research. I've talked to actual scientists. It is not environmentally friendly. The only reason it will be cheap energy is because it is being subsidized by the state just like coal was in the past. At this point they can't even store the power from the solar panels. We are not yet there to be able to store even 50% of the solar energy from these. I have good information if you want to watch the scientific videos. I am a product of Love Canal. The videos from my family show that local government thought that was okay and most of my family is not here to tell you their stories. I don't believe that the land will be put back. This is a huge project that takes over our whole town. We have the capability of clean power from the intakes of Niagara Falls. I talked to a man that worked there for 39 years. One out of six of those intakes would create as much power as this whole town full of solar. Our state should look at real clean energy. To make these solar panels, you dig up the ground, you put in chemicals and concrete, and you fence the land. To me that doesn't look or sound very environmentally friendly. I'm afraid for the people that have signed up and in the end it turns out to be not as good as they had hoped. I talked to the EDF guy personally and he said that as soon as they get the project up and going, they plan to flip the whole thing. The company doesn't even plan to keep it is what he told me personally. I don't believe that this is neighbor against neighbor. I believe in the Constitution and this country. I believe in my government. I know there are about 40 families that signed up and hundreds that aren't. I feel like setbacks and stuff make it a compromise. That is neighbors being good to each other. I think it is important to make a strong law, not just for the people that are signed up, but for all of us. I'm concerned for the next generation. I want my grandkids to live in this community too. I have talked to a lot of people that say they are out if this comes. They don't want to be here. I honestly don't want to be here either. Somebody asked me if it is going to surround my house, it's not. I'm fighting for the people that it is and I would just like you all to consider that. I do have a lot of sites and information. If I could come down some day and show you some of this, I would love to do that. Past experience with the state is, they do not have our best interest in mind. I just would like that to be seriously considered. I have also talked to other towns that did put in setbacks and they were followed by the company. I have also talked to people, not in this part of the state, that actually have cases against their neighbors and have won because it does infringe on their lifestyle. I moved out here from Ransomville 20 years ago because to me, this is the last frontier of Niagara County. This is open land and beautiful scenery and that means a lot to me and a lot of people. Solar is not beautiful. A lot of people have asked me if I've seen Slayton Settlement. That is 50 acres. We're talking about 1700 acres. I've actually heard higher numbers but what I've read from the information you guys have put out, 1700 acres. That is a lot of land to destroy for power that isn't going to save us money on our electric bill. EDF said \$100 per year, per household. I'm not saying I don't like solar. If

people personally put solar that is their prerogative. But this is an industrial project. It's huge. It is not a farm. It's a factory. I really hope that you consider the other side and that you take this really slow and get as much information as you can. I know you have gone to meetings but talk to other people in New York State. It hasn't worked out to their benefit. I would hate to be the guinea pig.

**Raffaella Clemens**: I have a friend that is a scientist and before EDF even offered, I wanted to know everything I could about solar panels. He said that as far as he knows they do not pollute, and they just sit there and gather energy. He just put solar panels on his house in Maryland. They subsidized and his property value went up \$20,000.

**Shawn Florkowski**: Would you want them across the street from your house?

**Raffaella Clemens**: I don't care.

**Supervisor Annable**: Please address the board.

**Barbara Outten**: Mr. Grant, in the newspaper you said that you did not have enough information to make a decision. You said you are still gathering information. From what the newspaper said you should not vote tonight. You said you do not have all the information therefore how could you vote on either law?

**Councilman Grant**: What were Somerset's setbacks?

**Supervisor Annable**: They have 750 feet.

**Attorney Haylett**: The developer down there is asking to override those.

**Councilman Grant**: You people came to this board and asked us to adopt the Somerset law.

**Barbara Outten**: This is not the Somerset law.

**Liz Neadow**: I would love for you guys to put this on hold until the current election is over.

**Supervisor Annable**: We aren't talking about elections here. This is not a question and answer.

**Peggy Zaepfel**: The law that you are about to vote on is not the Somerset law.

**Supervisor Annable**: It is the Somerset law except for the setbacks

**Peggy Zaepfel:** That is the most important part.

**Supervisor Annable:** That is what you propose, I know.

**Jon Davis:** People talk about the solar being green and there is a lot of question on that. The panels are made in China and you have all the mining to dig up silicon and all the other materials then they are shipped here. It is not green energy that is shipping them here. For the batteries, they have to mine lithium which isn't legal in this country. No one considers the pollution being created by huge solar factories. You can't say they're green.

**Supervisor Annable:** Before we go into the old business, I want to reiterate to everybody that we have spent four years and countless hours. I can give you the good, the bad, and the ugly. I can find anything I want to, good or bad, about solar. I don't dispute that. What you have to understand is at the end of the day, no matter who sits on this board, your town has no control over this process. Right now if a developer comes to you and wants to lease your land, he has every right to do that and the landowner has every right to receive that. Until this goes to the permit process, there is nothing the town can do. When it goes to the permit process there will be an opportunity for everyone to voice their concerns. A judge will make a ruling at the end of the day. We've had lawyers, engineers, and people from other communities. Cambria just had all their objections steamrolled. Somerset is in the same boat right now. They've applied for their permit. We don't control this. We cannot stop this. The only thing that is going to stop this is the permit process itself if something comes up. They are going to override all of our laws. Whether it is 750 feet or 500 feet, they are going to override those laws. So we are not going to put a law into place that we know is not going to hold up. That is where we are coming from. We realize that this is probably going to happen. I also want to point out that we are a right to farm community. Solar falls under the right to farm community. It is an allowed use in farming and agriculture.

**Tim Neadow:** Can I make a comment?

**Supervisor Annable:** No, we shut that down and you can make a comment at the end of the meeting. This is a right to farm community. You want to tell a farmer what he can and can't do with his property. That is what you are basically saying. There are property rights involved here as well. I understand that you don't want solar, and you don't want to look at it. I understand that. But you are not going to be able to stop this project if it goes through the state. The state controls this. We've put this law together. We took the law that was presented to us and worked with our attorneys and engineer, and we've come up with this law. It gives us some opportunity to negotiate. We have had some discussions with EDF about clusters around homes where there may be some setbacks that we can negotiate. They have agreed to do that. They've agreed to the

100-foot rule instead of the 50 foot rule. The state has set setbacks. You are not going to change those setbacks. I don't care what you do, they are not going to change them.

**Peggy Zaepfel**: Mount Morris did.

**Supervisor Annable**: They negotiated, and we can negotiate with EDF. They have already said they are willing to look at those situations. But the state is not going to say you can have these setbacks beyond what the state controls. That is where we are coming from. We are trying to set a law that we can use. We have spent multiple months researching this, and talking to legal experts and this is what we have come up with. At this point in time, we will present our laws.

### **OLD BUSINESS:**

#### **TOWN OF HARTLAND TOWN BOARD RESOLUTION OF THE TOWN BOARD ISSUING A NEGATIVE DECLARATION FOR LOCAL LAW NO. 3 – 2023 AND LOCAL LAW NO. 4 – 2023**

#### **RESOLUTION 66-2023**

**MOTION** by Councilman Huntington, seconded by Councilman Hill to issue a negative declaration for Local Law 3-2023 and Local Law 4-2023.

Ayes: Annable, Huntington, Hill, Grant      Abstained: Reed      Nays: 0      **CARRIED**

#### **Rollcall Vote:**

Annable: Aye

Reed: Abstained

Grant: Aye

Huntington: Aye

Hill: Aye

WHEREAS, the Town Board of the Town of Hartland has determined that the Hartland Local Law regulating solar energy systems is outdated, inadequate and fails to address the potential impacts of solar development in the Town, and that a local law is also needed to address the siting of battery energy storage systems within the Town; and

WHEREAS, the Town Board, through the Town's consultant and Town Consulting Attorney, has prepared an updated Solar Energy Systems Law, identified as Town of Hartland Local Law No. 3 – 2023, amending Section 144-17 of Code of the Town of Hartland, and has drafted a Battery Energy Storage Systems Law, identified as Town of Hartland Local Law No. 4 – 2023, adding Section 144-20 to the Code of the Town of Hartland; and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 9 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law,

the Hartland Town Board has conducted a coordinated environmental review of these proposed local laws and has established itself as SEQR Lead Agency (no objections received)

WHEREAS, a public hearing was duly held on March 9, 2023, and continued to April 13, 2023 and May 11, 2023, receiving the comments of the public and all other interested parties; and

WHEREAS, the prepared Local Law No. 3 – 2023 and Local Law No. 4 – 2023 were duly referred to the Niagara County Planning Board in accordance with New York State GML Section 239 m with the prepared Local Law No. 3 – 2023 and Local Law No. 4 – 2023 being duly recommended for approval by the County Planning Board; and

WHEREAS, pursuant to Municipal Home Rule, the Town Board is proposing to adopt these local laws;

NOW, THEREFORE, BE IT RESOLVED, that the Hartland Town Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed local laws will not adversely affect the natural resources of the State and/or the health, safety, and welfare of the public and are consistent with social and economic considerations and, therefore, issues the attached SEQRA Negative Declaration in accordance with Section 627.7 of the SEQRA regulations; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign the Full Environmental Assessment Form (FEAF Parts 1, 2, and 3), which will act as the Negative Declaration, and that the required notifications be completed

**TOWN OF HARTLAND TOWN BOARD  
RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 3 – 2023  
REGULATING SOLAR ENERGY SYSTEMS**

**RESOLUTION 67-2023**

**MOTION** by Councilman Hill, seconded by Councilman Huntington adopting Local Law 3 – 2023 Regulating Solar Energy Systems.

Ayes: Annable, Huntington, Hill, Grant    Abstained: Reed    Nays: 0    **CARRIED**

**Rollcall Vote:**

Annable: Aye

Reed: Abstained

Grant: Aye

Huntington: Aye

Hill: Aye



WHEREAS, the Town Board of the Town of Hartland has determined that the Hartland Local Law regulating solar energy systems is outdated, inadequate and fails to address the potential impacts of solar development in the Town, and

WHEREAS, the Town Board, through the Town's consultant and Town Consulting Attorney, has prepared an updated Solar Energy Systems Law, identified as Town of Hartland Local Law No. 3 – 2023, amending Section 144-17 of Code of the Town of Hartland, and

WHEREAS, a public hearing was duly held on March 9, 2023, and continued to April 13, 2023 and May 11, 2023, receiving the comments of the public and all other interested parties; and

WHEREAS, the prepared Local Law No. 3 – 2023 was duly referred to the Niagara County Planning Board in accordance with New York State GML Section 239 m with the prepared Local Law No. 3 – 2023 being duly recommended for approval by the County Planning Board; and

WHEREAS, the Town of Hartland Town Board, acting as SEQR Lead Agency, has issued a SEQR Negative Declaration; and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board proposes the adoption of Local Law No. 3 – 2023.

NOW THEREFORE BE IT RESOLVED that the Town of Hartland Town Board hereby adopts Local Law No. 3 – 2023, amending the Code of the Town of Hartland, as presented therein, and providing for the regulation of solar energy systems within the Town of Hartland.

**TOWN OF HARTLAND TOWN BOARD  
RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL LAW NO. 4 – 2023  
REGULATING BATTERY ENERGY STORAGE SYSTEMS**

**RESOLUTION 68-2023**

**MOTION** by Councilman Huntington, seconded by Councilman Hill adopting Local Law 4 – 2023 Regulating Battery Energy Storage Systems.

Ayes: Annable, Huntington, Hill, Grant    Abstained: Reed    Nays: 0    **CARRIED**

**Rollcall Vote:**

Annable: Aye

Reed: Abstained

Grant: Aye

Huntington: Aye

Hill: Aye

WHEREAS, the Town Board of the Town of Hartland has determined that a local law is needed to address the siting of battery energy storage systems within the Town, and

WHEREAS, the Town Board, through the Town's consultant and Town Consulting Attorney, has drafted a Battery Energy Storage Systems Law, identified as Town of Hartland Local Law No. 4 – 2023, adding Section 144-20 to the Code of the Town of Hartland, and

WHEREAS, a public hearing was duly held on March 9, 2023 and continued to April 13, 2023 and May 11, 2023, receiving the comments of the public and all other interested parties; and

WHEREAS, the prepared Local Law No. 4 – 2023 was duly referred to the Niagara County Planning Board in accordance with New York State GML Section 239 m with the prepared Local Law No. 4 – 2023 being duly recommended for approval by the County Planning Board; and

WHEREAS, the Town of Hartland Town Board, acting as SEQR Lead Agency, has issued a SEQR Negative Declaration; and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board proposes the adoption of Local Law No. 4 – 2023.

NOW THEREFORE BE IT RESOLVED that the Town of Hartland Town Board hereby adopts Local Law No. 4 – 2023, amending the Code of the Town of Hartland, as presented therein, and providing for the regulation of battery energy storage systems within the Town of Hartland.

**Supervisor Annable:** Moving on to Recreation. We need to appoint two new recreation leaders.

#### **RESOLUTION 69-2023**

**MOTION** by Councilman Huntington, seconded by Councilman Reed resolved to appoint Emma Livergood and Jacob Maracle as recreation leaders with a salary of \$14.40 per hour.

Ayes: Annable, Huntington, Hill, Grant, Reed      Nays: 0      CARRIED

#### **NEW BUSINESS:**

**Supervisor Annable:** We need to accept the bids for the highway department for fuel.

**RESOLVED**, that Drum Oil and Propane is hereby awarded the Diesel Fuel, Diesel Fuel Blend and Unleaded Gasoline contract and the that the Town Highway Superintendent and Town Supervisor are authorized to execute any and all documents in such form as is satisfactory to the Town Attorney and take whatever other actions may be necessary to give effect to this resolution.

**RESOLUTION 70-2023**

**MOTION** by Councilman Hill, seconded by Councilman Reed to accept the fuel bid from Drum Oil for the highway department.

Ultra Low Sulfur Diesel Fuel Undyed: \$2.662

Ultra Low Sulfur Winter Diesel: \$2.662

Unleaded Gasoline 87 Octane Minimum 10% Ethanol: \$2.611

Ayes: Annable, Huntington, Hill, Grant, Reed                      Nays: 0              ADOPTED

**Supervisor Annable:** Next will be the water truck that the Village of Middleport is going to purchase.

**WHEREAS**, the Town of Hartland owns a 1996 Ford L 9000 Vac-Truck, VIN number 1FTFW1EFODFA69110, and (the equipment), and

**WHEREAS**, the Town Highway Superintendent has advised that this equipment has been replaced, and is surplus equipment, and

**WHEREAS**, the Village of Middleport has offered to purchase said equipment, and that the fair market value of said equipment is \$18,000.00 in as is condition, and be it further

**RESOLVED**, that the Town of Hartland sell the equipment to the Village of Middleport in “as is” condition for the amount of \$18,000.00 and take necessary steps to transfer title.

**RESOLUTION 71-2023**

**MOTION** by Councilman Huntington, seconded by Councilman Hill to sell the 1996 Vac-Truck to the Village of Middleport in as is condition for \$18,000.00

Ayes: Annable, Huntington, Hill, Grant, Reed                      Nays: 0              ADOPTED

**Supervisor Annable:** Next, we need a resolution for a CFA application which is a funding application to apply for a grant to assist us with updating our Comprehensive Plan.

**WHEREAS**, because the Town’s current Comprehensive Plan was adopted in 1998, over twenty years ago, and has not been updated or revised since, and a 350-megawatt solar project is proposed in the Town, which has a potential to have significant impacts on the future land use of the Town, the Town of Hartland wishes to update its Comprehensive Plan; and

WHEREAS, the NYS Department of State has made grant funds available, through the Consolidated Funding Application process, to allow communities to update their comprehensive plans in accordance with smart growth principles; now therefore be it

RESOLVED, that the Town of Hartland hereby agrees to submit a Consolidated Funding Application to the NYS DOS 2023-2024 Smart Growth Community Planning and Zoning Grant Program for grant funds to update its Comprehensive Plan in accordance with smart growth principles; and be it further

RESOLVED, that the Town of Hartland hereby commits the required local match funds of at least 10% of the total eligible cost of the project, with grant funds expected to cover up to 90% of eligible costs.

### **RESOLUTION 72-2023**

**MOTION** by Councilman Hill, seconded by Councilman Huntington to submit application for the CFA grant in order to update the Town of Hartland Comprehensive Plan.

Ayes: Annable, Huntington, Hill, Grant, Reed

Nays: 0

ADOPTED

**Supervisor Annable:** We also need to set a work session for Wednesday, June 28, 2023, at 9:30 AM to have a phone conference on a fire insurance policy.

### **OPEN PUBLIC COMMENT:**

**Tim Neadow:** I came here 20 years ago and started my own little farm the old way and tried to do some modern kind of farming. I tried to put in three shacks to have farmstead days and have people come and handle the animals and that kind of stuff. These guys notified every neighbor which is fine, I'm good with that. I came here and applied and paid the application fee to put three little sheds in with all of the money coming out of my own pocket with no corporate development for people to stay in on a farm so they can milk a cow. I do not use pesticides on my property. I am a natural farmer. That is what I am trying to do. These guys notified all the neighbors that I was requesting to have something done on my property. I came up here and they gave me approval for one shed. All my neighbors stood here because they did not want me to do more than one shed. I can't put in that kind of investment on one shed, so I didn't do it. I can't get kids in the neighborhood. There aren't even kids anymore to help me milk the cows on my farm. I'm still in business. I don't even get acknowledged in this town and I've been here 20 years. I don't even get acknowledged in this town that my farm even exists. As for solar panels, they are a massive complex. They are not farms. You can just run a generator to farm electricity if that is what you think you're going to do. That is just like having one cow. All of these solar panels are like having 30 cows. Like my wife said, if they were to develop and put the money

back into hydro power, they could make it so much more efficient. We can't get away from that but all of this push is subsidized by all of our tax dollars. Remember that Love Canal was approved by the City Council of Niagara Falls to take that land back and they developed that property when they were not supposed to. They paid a dollar and developed all that land when they weren't even supposed to break that ground. As a country, we were lucky that they were able to sue them and make them pay for that clean up because in the end it should have been on the taxpayers because they did nothing wrong. They built a landfill that was up to specs at that time and the City of Niagara Falls broke that barrier. We are so lucky as a community that they ended up footing that bill. Now they all know how to write the laws so when that goes awry, and they decide to go bankrupt – guess who is paying for it. Your neighbors will be cleaning it up.

**Supervisor Annable:** This board did not deny your requests. The Planning Board did.

**Tim Neadow:** I understand that it wasn't this board, but our Planning Board told me what to do as a farmer too as well as the people that live around me and I get it. They have that right.

**Supervisor Annable:** You have to remember, as I've said, we don't control this. We control small projects, but we don't control the large projects.

**Tim Neadow:** So, if I decided to put in a solar project for myself, I would follow the town setbacks. How far does that have to be from the road on mine? Can I get away with 100 feet? Doesn't the town have a Comprehensive Plan that says the first 250 feet from the road is zoned residential?

**Supervisor Annable:** Everybody talks about the Comprehensive Plan like it's a law. It is a guide. The guide says that we want to remain rural. We, the Town Board, are not trying to change that. The state is trying to change that. I get your disagreement and frustration with that. We are frustrated because they take away our home rule but that is the way it is. There are a lot of laws that I don't like with the state. They want to shut off our gas. I don't agree with or appreciate that either, but the law is the law. Our laws are not going to hold up.

**Tim Neadow:** Do we have an industrial development area in our township at all?

**Supervisor Annable:** No.

**Tim Neadow:** Don't you think that kind of industrial thing should be on industrial land? I can't just build a landfill on my farm.

**Supervisor Annable:** It has been determined by the state that they are going to use farmland. They made those decisions. I don't agree with it, but they made those decisions.

**Peggy Zaepfel:** The Town of Yates got out of it. Maybe you should talk to the Town Supervisor over there.

**Supervisor Annable:** That is not a 94C project. There is a difference. The project on Slayton Settlement Road, the town controlled that. That is not a 94C project. Anything else? If there is nothing else, I will entertain a motion to adjourn.

**RESOLUTION 73-2023**

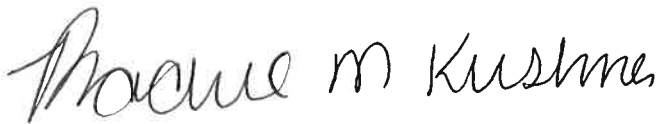
**MOTION** by Councilman Huntington, seconded by Councilman Hill that since there is no further business to come before the board, the meeting be adjourned at 8:16 PM.

Ayes: Annable, Huntington, Hill, Grant, Reed

Nays: 0

ADOPTED

Respectfully submitted:

A handwritten signature in black ink that reads "Rachel M Kushner". The signature is written in a cursive, flowing style.

Rachel M Kushner

Town Clerk

Next scheduled regular meeting will be July 13, 2023 at 7:00 p. m.