

## DECEMBER 12, 2019

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
Councilman:	Joseph Reed
	Clifford Grant
	David Huntington
	David Hill
Attorney:	Daniel Seaman
Highway Sup't.:	Keith Hurtgam
Assessor/ CEO:	Michael Hartman
Admin Asst.:	Janet Slack
Attended by:	Sign in sheet attached

Supervisor Annable called the meeting to order with all present standing for the pledge to the flag.

### Minutes

Councilman Hill asked for a correction to the statement that he had made on page 9 of the November 14 minutes. The statement will read as follows:

Councilman Hill stated that if the Town wants this and if it is approved *I would like* to talk with the Attorney about creating a rebate, so that we don't end up with a gap at the end of 40 years. If there are any monies left, after the budget needs, at the end of the year, then there *could* be a rebate to the residents. The whole Town should benefit from this.

### **RESOLUTION 120-2019**

**MOTION** by Councilman Grant, seconded by Councilman Huntington to adopt the minutes of the November 14, 2019 regular meeting as presented.

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

Abstract of Bills

**RESOLUTION 121-2019**

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

Voucher #'s	201900976 - 201901069
General:	43,700.46
Part Town:	1,540.70
OWD:	19,036.02
Highway:	15,048.54
Refuse:	19,261.68
Fire:	79.99
Total:	156,818.89

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

**ASSESSOR / CEO REPORTS:**      Read and filed

Assessor Hartman reported that the roll has been sent to the County for taxes and exemption notices are being collected. Sales are still above assessed value.

**CEO**      Read and filed

Building has slowed for the year. There were 2 court cases on the docket.

**HIGHWAY REPORT:**      Read and filed

Superintendent Hurtgam reported that they have been busy with winter maintenance as needed.

Hurtgam requested a purchase of a John Deere off road mowing tractor, if granted the delivery date will be late July. Recommendation is a new 6110M 4WD mowing tractor with Tiger mowing equipment with total cost at \$153,538.00

**John Deere Mowing Tractor****RESOLUTION 122-2019**

**MOTION** by Councilman Huntington, seconded by Councilman Grant to approve the purchase of John Deere 6110M 4WD mowing tractor with Tiger mowing equipment at \$153,538.00



Pinto Trucking had been awarded the refuse contract with the lowest bid; however, they were unable to fulfill the requirements of the contract and had to rescind their bid. The Town of Hartland will accept the bid bond agreement settlement of \$40,000.00 in damages for failure to fulfill the obligations of the contract by the June 15, 2019 deadline.

Pinto Settlement Agreement

**RESOLUTION 124-2019**

**MOTION** by Councilman Huntington, seconded by Councilman Reed to accept the settlement agreement with Pinto Trucking in the amount of \$40,000.00 for failure to fulfill the contract requirements.

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

Refuse Contract to Modern

**RESOLUTION 125-2019**

**MOTION** by Councilman Reed, seconded by Councilman Hill to accept the Modern bid at \$192.80/ unit and award the contract to Modern.

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

**NEW BUSINESS:**

The date for the Organizational Meeting is set for January 2, 2020 at 7:00 PM. The newly elected officers will take the oath of office at that time.

**PUBLIC PARTICIPATION TO NON AGENDA ITEMS**

Michael Outten, Chapman Road, informed the board that the Coalition To Protect Rural Communities has formed a 501C3, to represent all of western New York from the I81 West.

The mission statement is as follows;

We are a united group that has chosen to raise our families in an agricultural, residential, right to farm community. We place high value on community and family and we desire to maintain our tranquil way of life. We cherish the scenic beauty of our Town and pledge to protect and preserve our land, our homes and businesses against any entity that is looking to devastate the heart of Hartland, that is our precious land it greatest commodity that is the people. This project is not a need, it is just greed. We do not want our Zoning laws changed in any way shape or form.

This project is 350 Megawatts and will transform our community into heavy industrial areas, not industrial farms, but an industrial complex, without the approval of the local residents. EDF

stated that it will cost 200 million to construct, that will change the agricultural into industrial sites for 2000 acres, and the residents are the losers. Industrial solar companies, like EDF, come into our town, talk to you behind closed doors, take steps to change Zoning laws and we are calling on you to exemplify integrity and not do that. There will be a million solar panels and 133 battery stations and then the power is sold to the grid, with no discount to There are sites set up solely for industrial for a reason, this is detrimental to our health and the solar company is the only winner. They tell you what is beautiful and hide what is dangerous. Greener renewable energy will result in higher rates down the road. Home values will plummet, dangerous lithium, ion batteries will become an ugly reality for all of us. Public safety, who pays for modifications to the following – involving public safety, there will be changes to Town and County emergency operation plans – who pays for that- you and I. Changes in school emergency operation plans and training for staff – which pays for that- you and I. Evacuation planning for the community, training and additional equipment for first responders, public alert systems in case of hazardous failure. If on lithium ion battery catches on fire it could burn and explodes. A 2 mile radius that would burn and then a 5 mile evacuation that will have to happen. The company will come in and take a tax credit, for 15 years, unless the government opts out and normally sell out to an investment company in 2-5 years. This project can switch hands 4-5 times in a 40 year lease and we will make up for the tax dollars. Just land developers looking to make money up front. This is our Town, we implore the Supervisor and the Town Board to turn this down and send EDF on their way.

Leo Shannon, Seaman Road, asked why this cannot be a public vote, I always vote, it is my right. Why can't this be a resolution that is brought up to the Town? I would like to have it so that the taxpayers can vote, the people have the say, we all own the Town, and we pay your salaries. We are a republic, not a democracy; we are a republic that is a government for the people. I want a resolution, Attorney Seaman. We deserve the right to vote on this solar panel situation. If we need to vote to have a resolution passed, please do that – all the people of the Town of Hartland, not just 6 or 8. We have a lot to lose. This is a great little town, I love it here and I am looking out for generations after us. There are no problems with anything here. Our forefathers wrote the constitution and stated that when the government ceases and fails the people, the people have the right to revolt that is a revolution. They had the fore thought that if government is so big, the little guy is nothing. That means we are the little ones, we are nothing. If it costs the County Hazmat \$6 Million to start up 24/7, then the County will raise taxes on the towns people. Money should not be a factor, the government will get too big, and money comes before everything.

Sue McCollum, 7553 Slayton Settlement Road has written a letter to the editor and would like the Board to consider the thoughts. \*See attached article\*

Charles Smith, Ridge Road stated that he is concerned with the effects on wildlife. This could displace the bees, the birds and animals populations are low now, the deer population is high but

if you take away habitat and food, this should be taken into consideration. Hunting is a viable sport; a project like this will help destroy them.

Tim Neadow, Johnson Creek Road, stated that he has worked in hazardous waste for 30 years. In the Town of Porter, he worked with all the chemicals and especially lithium batteries. A lithium fire is bad, you can't stop it or simply put it out, and it is crazy the way it burns. You want to put batteries on a substation; the underground drainage is pumped up. Underground water is pumped and contaminates the surface water, wherever it flows off, such as Johnson Creek. It will leach through and it won't take long to do so. I know firsthand, I don't work anymore, I am retired, but I did the same thing as this company is doing. The company said that if I wore the shirt, then I had to stand up for my job. I stated that this is not bad, everything that is in the landfill, I know exactly where it is; I put it in the landfill in Lewiston-Porter. I'm the one who drove it to NYC; I drove it to the landfill. Now that is all sitting there and if in 27 years they don't get a permit to run that facility or reopen it, guess who holds that problem and this is just a 270 acre hazardous waste facility that is all contained. This one is for miles, you have to consider, solar could be good but lithium ion batteries are bad. Someone just had a lithium battery on their computer explode and it burned down the house. Please consider that.

Don Bucholz, Ridge Road, has an apiary and is looking forward to having more handouts. He offered the Board a research paper on the tax properties of lands by the solar fields.

Barb Outten, Chapman Road, asked about the financial impact on the Town budget – 1 million split is \$300, 00.00 only 8% of the budget, I don't believe this is a reason to do this to our town and devastate our community. This is wrong on every level, please don't do this. Uphold our rural character, don't change our comprehensive plan, as our representatives, please listen to us. There is very little documentation on lithium batteries, what is the safety plan. Due to the public outcry, I suggest a moratorium, at least consider, time to take a breather and have everyone discuss it. Attorney Seaman will look into this. When we voted we had 407 come out to vote, a huge cry out. Please don't do this to us. You say that this is not moving fast, however, once it is in Article 10, it could go very quickly. What kind of studies are done, what are the implications of EDF coming into the Town, how will this impact everything? Please uphold the comprehensive plan, page 10 states to preserve the natural environment of the rural portions of our Town, preserve and protect our agricultural activity as an important part of the economic base. Please enforce the laws and not change them, will you uphold and not change the existing laws?

Hannah Bucholtz, Ridge Road stated that people are concerned about the effect that lithium batteries might have on the environment, but with the farming practices around the community, what about the insecticides and fungicides that are used, they have an effect on the honeybees. These do a lot of damage to the pollinators, if we put in solar panels then there won't be insecticides in the land. We don't know that there will be a fire, we don't know about a 2 mile dead zone. It is the right thing to do; we cannot be dependent on fossil fuel. The big picture is to

go solar, for our future. We want our kids to live in a wonderful community, if they can't breathe the air, then it is not a good lifestyle for them.

Bill Buncy, 3624 Checkered Tavern Road, stated that he was born and raised here in this community. He has worked in hazardous waste since 1974, with Love Canal. People were told that everything was ok, there was nothing to hurt them, and we went into houses with people living there and wore masks when we went in. I have been schooled in hazardous waste, I have been on 15 hazardous waste sites, before I retired, I have been to Kentucky where the whole town was burned and plowed under because the use of fertilizers, I have been to all kinds of landfills where drums have been buried, 55 gallon barrels that were buried and left to rot. The chemicals leach into the water transit system is purified and then to the city sewage treatment plants, which then dumps into the Niagara River. All the things they say are good will come back to bite us. There are only 2 landfills that will take these batteries, one is almost full now and once they close down, these companies don't care. They will leave them there and we will get stuck taking care of them.

James Minner, Stone Road is a firefighter and EMT, trained for level one fire investigation. NFPA55, one of 6 volunteers trained in Niagara County, 21 in Western New York. Federal protocol regulates battery storage systems; this was published 6 months ago. There are 68 pages of federal regulations on just battery storage and the dangers of lithium ion batteries. The County HAZMAT is not prepared to handle this battery storage system. There has been years of total loss in fires going down, almost nonexistent. Recently, because of solar panels that are put on buildings, the fires cannot be put out, and now you want to put 1 million panels in Hartland. I am working with the County to figure out what the County's stance is on these solar panels. You will see a statement saying that they are not prepared. They are professionals who state that the dangers of lithium ion are significant and this is on a small scale. Keep in mind that you cannot fly on a plane with lithium ion batteries because it has the potential to blow up, TSA will not let you. You want to put 30 foot shipping containers on every 40 acres, this is the type of hazards it presents.

Lisa Roessler, 9320 Ridge Road, stated that their house was built in 1835 and they have been working hard to keep the historical character of their property. Please consider our historical house and what we will have to look at across the road, to see solar panels and fields of storage. Please don't tell me that the value of my home will not go down.

Mr. Vanderbeck, Drake Settlement Road, Newfane, asked if the Town was aware of the County's 2030 Comprehensive Plan? Any changes to the law will be considered spot zoning, which is against the County law. Any changes to your law will result in spot zoning, which will go against what the County has just spent hundreds of dollars to protect, so that these things cannot happen.

Suzanne Newton, Drum Road, stated that 23 years ago they bought their house because of the location with all the open fields. They have invested dollars and heart to make our home, our forever home, a place to raise their children. The investment is now being threatened by this large industrial solar project; they do not want this project. Home values will go down; this doesn't belong in an agricultural community. They will vote against it. This threatens the very reason why people have chosen to live in a Town like Hartland that currently has open fields, filled with various crops. She stated that I want to look outside on summer evenings and watch the deer sneaking corn, not looking at a field full of acres of solar panels, surrounded by 9 – 12 foot high metal fences and unsightly storage batteries. Please don't try to sell me on the beauty of that, I am not buying it for one minute. The value of my house will go down, the serene beauty of surrounding, that will have an effect. People will look elsewhere to live. Industrial solar does not belong in an agricultural community. Forty years is a long commitment and will destroy the soil, for the gain of some money, by these holders of some land to these solar companies. This does not outweigh the loss of investment of some homeowners that make with their families, homes and our community. Please vote against this for the sake of my family and future generations of my family and the many other families in our Town. We have saved our money to buy the land, hunt and raise bees. We want to be able to hunt, we don't want to look out and see them. This is greed on the owner's part.

Karen Walp, Hosmer Road, stated that 10 years ago, they saved money to buy land in Hartland to raise bees and have gardens. We don't want to look out and see solar. We want to hunt, don't tell us to not hunt within 500 feet of these things. We don't want it, it is not right; it is greed on their part. All should decide.

Darrel Lindahl, 2449 Quaker Road, asked the Board where do you live? Councilman Reed answered "smack in the middle of it"

Supervisor Annable stated that the Board will try to answer some of the concerns that the public has. There is much misinformation out there as to how this occurred. The Board had met in March with EDF, there was a second meeting with the Town Board, and it was not secret. The Town Board has open meetings and is trying to present you with the facts and gather your opinions. We determined that this was something that the Town people needed to hear. This is a long term process with Article 10; this is only a permitting process. This is a "large animal", it will take a couple of years, will be putting programs out and everyone will have the opportunity to voice their opinion. There is no legal way to put this to a referendum vote, only certain things can be voted on. If it were put to a vote, only those who are registered would have a say, not everyone is registered. We also want independent studies and a survey where everyone will have an opportunity to give their opinion. We want independent information so that we know what will actually happen, a lot of information out there is not accurate. We want to wait until we get everyone's opinion, make that available to everyone. We want independent studies done, after EDF gets the information out, we need to continue with meetings. There are no exact numbers for revenue, our Town stands to receive ½ million dollars per year for 25, 30 or 40 years. We

could freeze taxes, it is important for residents to understand all of the ramifications, we are not taking a side, and we want opinions.

Attorney Dan Seaman stated that an Assemblyman has introduced a bill to allow for a referendum on any Article 10 procedure. The State legislators would have to adopt that bill, only problem is that New York City dominates the State. It is hard to get good legislation through.

Supervisor Annable stated that we have Zoning laws in place that would have to be changed; we won't change if the majority of the people don't want this. There will be public hearings and everyone will have a chance to have their say.

James Minner asked Attorney Seaman to clarify why there is no referendum, nothing to prevent the Town to have a non-binding referendum?

Attorney Seaman stated that he will advise the Board on the matter.

#### Adjournment

#### **RESOLUTION 126-2019**

**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 8:00 p. m.

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

Respectfully submitted:

Judith Slabyk, Deputy Clerk

Transcribed by:

Cynthia S. Boyler RMC

Town Clerk

Next scheduled regular meeting will be January 9, 2020 at 7:00 p. m.