

**December 8, 2022**

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: David Haylett

Attended by: Sign in sheet attached.

**Supervisor Annable:** I ask for a moment of silence because we are in the shadows of Pearl Harbor Day. Twenty-four hundred civilians, first responders, and military personnel lost their lives that day. I think it’s always important to remember the sacrifice and courage that the service members offered that day.

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

**Minutes**

**RESOLUTION 99-2022**

**MOTION** by Councilman Grant, seconded by Councilman Hill to adopt the minutes of the October 26<sup>th</sup>, 2022 and November 10<sup>th</sup>, 2022 meetings as presented.

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

**Abstract of Bills**

**RESOLUTION 100-2022**

**MOTION** by Councilman Reed, seconded by Councilman Huntington 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 2022001047-2022001137

General: \$410,049.36  
Part Town: \$2061.34  
Highway: \$68,298.80  
Refuse: \$25,785.54  
Water: \$24,747.25  
Total: \$161,942.29

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

**ASSESSOR / CEO REPORTS:**

**Michael Hartman:** From the Assessor's office, interest rates are climbing, and sales are slowing. Sales are still going about \$100,000 over assessed values. Instead of being on the market for 5-10 days, they are staying on the market for 30-40 days. According to an article that I read in the paper the other day, Western New York has grown by 29% in the past four years. Also, awhile back we discussed raising the limited income from \$19,500 to \$24,500. I suggested that to the Town of Royalton as well and they have agreed. I'm trying to keep the towns the same. Supervisor Annable had asked me to look into the county rates and they are on a sliding scale. They are going to be raising their sliding scale next year. At that time, I think we can go to the sliding sale and match the county but right now I would at least like to get it up to \$24,500.

**RESOLUTION 101-2022**

**MOTION** by Councilman Reed, seconded by Councilman Grant to raise the limited income exemption from \$19,500 to \$24,500.

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

**Michael Hartman:** Our tax roll has already been delivered to the county. All of our numbers have matched so when Tax Collector Rachel Kushner gets the bills, we will be ready to go. From the Code Enforcement office, we have a mandatory update that we need to adopt. There are more stringent code enforcement objectives that the state would like me to report on. That is supposed to be done by the end of the year, but David Haylett and I talked about it and decided it would be next month. Other than that, I am just taking care of the normal business in the town.

**Councilman David Hill:** What is the latest news on the burned house?

**Michael Hartman:** They got the demolition permit. That was about a month and a half ago and that is where it sits right now.

**Councilman Grant:** My question is, there are other homes and barns that have burned in the town, they get the highway department to bring the excavator up. Why did that happen in this case?

**Michael Hartman:** The fire company has to order the excavator to come down. If the fire investigators say no and want to see what caused the fire, the house stays standing. It has been about two and a half years now.

### **HIGHWAY/WATER REPORT:**

**Supervisor Annable:** According to the report, they are working on a grant to help us get the meters that we purchased installed. We will address the water rate increase and purchase of a pickup truck later on in the meeting.

### **PUBLIC PARTICIPATION – AGENDA ITEMS:**

**Mr. Ron Clemens:** I would like to address the solar project. I know there is a lot of animosity within the town and properties that want to install solar panels. My concern is that it is up to the individual property owner to do with their property what they want within what the town specifies. I don't understand how people can stand up and say they don't want them to put solar panels up when they really have no concern for it. Is there any explanation for that or anything that can be done about it?

**Supervisor Annable:** Well, everybody has their right to an opinion and people come in and share the opinion both ways. We realize that with 94C we really don't have control over those large projects from a local standpoint. I don't necessarily like the state telling us what we can or can't do but that is where we're at. We're going to try to mediate through this where we can.

**Mr. Ron Clemens:** Is this good for the town or bad for the town?

**Supervisor Annable:** We did a report to address all the issues that have been brought to the town's attention and we have come to the conclusion that this is not a hazard to the town. It may be visually unappealing, and some people have a different view about the farmland issue but at the end of the day we don't find it to be harmful to the town. We have been on a neutral path studying this but basically, we've determined it's not a health issue for the town. The Town of Cambria just got a permit issued and the objections that the town had, were all overridden by the state. We are working on a town law to try to mitigate as many issues as we can from setbacks to foliage being used so we can come up with the best solution that we can to work with.

**Mr. Ron Clemens:** I assume the foliage is to block the view from someone who may end up living next to solar panels?

**Supervisor Annable:** Yes, and we will continue to negotiate with EDF on certain issues that certain residential areas may encounter.

**OLD BUSINESS:** None

**NEW BUSINESS:**

**Supervisor Annable:** We need to set a date and time to audit the books and have an organizational meeting. Traditionally we do the audit prior to the organizational meeting. We usually do the first Thursday in January and have the regular board meeting the following Thursday. Let's set the organizational meeting for 7 PM on January 5<sup>th</sup>, 2023. We will audit the books at 5:30 the same day.

**Supervisor Annable:** Next up, we need a resolution to authorize the supervisor to make year-end transfers.

**RESOLUTION 102-2022**

**MOTION** by Councilman Hill, seconded by Councilman Huntington, resolved to authorize the supervisor to make year-end budget transfers.

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

**Supervisor Annable:** We take care of the fire departments snow plowing for them and we just want to make sure we're doing everything properly, so we are developing a contract to plow and in turn receive use of their premises as needed.

**RESOLUTION 103-2022**

**MOTION** by Councilman Grant, seconded by Councilman Hill, resolved that the Town Board of the Town of Hartland is authorized to enter into an agreement with the Hartland Volunteer Fire Company Inc for the plowing of snow and use of the fire hall facility for Town purposes.

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

**Supervisor Annable:** Tri-Town ambulance service has asked us to perform the same services for them and we'll have the same agreement with them.

**RESOLUTION 104-2022**

**MOTION** by Councilman Huntington, seconded by Councilman Reed, resolved that the Town Board of the Town of Hartland is authorized to enter into an agreement with Tri-Town Volunteer Ambulance Service for the plowing of snow and use of the hall facility for Town purposes.

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

**Supervisor Annable:** Now we need a resolution to establish a policy for our fill dirt that is piled here for use by the public and we have a list that we currently use to make it fair to everyone. We want to make sure though that we have an established policy set by the board.

**RESOLUTION 105-2022**

**MOTION** by Councilman Reed, seconded by Councilman Huntington, resolved that this constitutes the policy of the Town of Hartland in the disposal of unneeded ditching dirt:

The Board finds that when conducting ditch cleaning and excavating, excavated materials are accumulated which are of no use to the Town, and which need to be disposed of. These materials are determined to be surplus materials with no market value, and which should be disposed of in the most cost-effective manner.

The Highway Superintendent is authorized to dispose of these materials in the manner most convenient as determined by the Superintendent, including, but not limited to:

1. Disposing of dirt and excavated material at any nearby property which is easily accessible for which the owner has requested fill. Generally, unless access is not convenient, this will go to the nearest property where the owner wants fill.
2. Trucking the material to a convenient disposal site.
3. The Highway Superintendent is authorized to use his discretion in disposing of such material.

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

**Attorney David Haylett:** There is a current application at the Planning Board for a property owner on Quaker Road to operate a mulch, stone, and soil business. You drive your truck there and they load it up. The problem is the property is zoned as residential agricultural.

**Michael Hartman:** The first 200 feet of the property from the road is the residential portion and beyond that is agricultural.

**Attorney David Haylett:** They applied for a residential business permit. The problem is, there is no residence on the property. It is a farm. We did start the hearing last month. One of the neighbors came and had no issues with it. However, it is blatantly against town law to allow it. The first law that would need to be passed would amend the town code general business district

to allow the retail sale of dirt, mulch, and stone. The second law would rezone a portion of that parcel 1000 feet from the road, as general business district. We don't want to rezone the whole thing because they will still want to farm the field in the back.

**Michael Hartman**: I believe in the business district, agricultural is an allowed use.

**Attorney David Haylett**: If it is, we can just rezone the whole thing. We had talked at the Planning Board about amending the code to allow any use that is not talked about in the code through a special use permit. After talking with Dan Seaman about it I would recommend that we don't do that. So, this is probably the best avenue to allow this use without causing issues down the road. This would allow that use with a special use permit. It would still have to go before the Planning Board, and they would be able to set conditions on the business.

**Michael Hartman**: We have so many things changing in the town that the code is outdated. It is very difficult to maneuver through to figure out exactly what it is that we can and cannot do. I think it would be helpful to add that agricultural uses are permitted in the business district if it isn't already.

**Introduction of Local Law 4 2022 Entitled  
A Local Law Entitled "Amendment to the Zoning Map of the Town of Hartland"**

The official Zoning Map of the Town of Hartland shall be amended by rezoning the west portion of the premises located at SBL # 56.00-1-38 from the Agricultural Use District and Residential Use District to General Business District. Said rezoning shall apply to the west portion of the premises commencing at Quaker Road and Running each one thousand (1,000) feet.

**Introduction of Local Law 5 2022 Entitled  
A Local Law Amending Section 144-32 of the Town Code**

Section 144-32(F) of the Code of the Town of Hartland shall be amended by adding the following:

- E. Uses Permitted with Special Use Permit.
  - 1. Retail sale of mulch, soil, and stone.

**Attorney David Haylett**: We need to set a public hearing on each one and if we need to change some of the language, we can do that.

**Supervisor Annable**: We can set that for our next board meeting on January 12, 2023 at 7PM. That will be two separate public hearings.

**Councilman Grant:** Do you think we should limit it to dirt, mulch, and stone? Or do you think we should add in the sale of more goods. I think there will be more coming down the pipe eventually.

**Attorney David Haylett:** We can amend the language a little bit to include more things if you'd like. I think the most important thing though is to make it by special use permit, so the Planning Board has the ability to set parameters for the business for dust, noise, and that kind of thing. If this goes through, we will go back to the Planning Board to answer any other questions about this specific business.

**Michael Hartman:** That Planning Board meeting will be January 19<sup>th</sup>, 2023.

**Supervisor Annable:** We are moving on to our water rates. The Niagara County Water District has increased its rates by ten cents this year. So, we have revamped our water rates. You can see the current rates and the 2023 rates. We just need a resolution to approve those.

**RESOLUTION 106-2022**

**MOTION** by Councilman Hill, seconded by Councilman Huntington, resolved to accept the new 2023 water rates as presented (see attached).

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

**Supervisor Annable:** Next, Highway Superintendent Keith Hurtgam is looking at the possibility of purchasing a new vehicle for the highway department. You can't just order a mini bid anymore and have a truck made. We've chosen to do an open bid for this and see where that goes. Municipalities aren't getting any kind of discounts anymore. It goes by manufacturer retail price now. We will be paying more for our vehicles in the future because of that. To start with, we just need a resolution to go to bid for a 2023 half ton pickup and see where it gets us.

WHEREAS, the Town Highway Department desires to purchase a new 2023 Ford F-150 4x4 Supercrew; and

WHEREAS, the estimated purchase price exceeds the monetary threshold in General Municipal Law Section 103 and requires public bidding.

**MOTION** by Councilman Reed, seconded by Councilman Grant, resolved that the Town Board of the Town of Hartland hereby authorizes the Town Highway Superintendent to solicit bids for the purchase of a new 2023 Ford F-150 4x4 Supervrew; and be it further

RESOLVED, that the bids shall be due by Thursday, December 22, 2022 at 10:00am in the Town of Hartland Clerk's office located at 8942 Ridge Road, Gasport, New York.

**Supervisor Annable:** Annually we are supposed to a sexual harassment training and workplace violence. Last year we had people do it online and it was very complicated and not very user friendly. This year we have a video that we can watch. We will have to establish some dates in the future to get that done. I think it is about thirty minutes all together. I'd like to get as many people together as we can to get that done.

**PUBLIC PARTICIPATION:**

**Mr. Ron Clemens:** Can you not get the truck through a state bid?

**Supervisor Annable:** Not any longer. It used to be that you could do a mini bid and two or three companies would apply. They don't do that any longer. Now you actually have to do a bid. They also are not building trucks as they receive a build out. We've done pretty well in the past with our vehicles but pretty soon everyone will be in the same boat.

**Attorney David Haylett:** Keith does want this done pretty quick and the bid is already drawn up so I will send it over to Town Clerk Rachel Kushner.

**Councilman Huntington:** Why are we in such a hurry?

**Attorney David Haylett:** So, we can get it built and if you don't lock in a rate now the price is only going to go up. Before we end the meeting I would like to enter into Executive Session.

**RESOLUTION 107-2022**

**MOTION** by Councilman Huntington, seconded by Councilman Grant to enter into Executive Session for legal advice at 7:32 PM.

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

**RESOLUTION 108-2022**

**MOTION** by Councilman Huntington, seconded by Councilman Grant to close Executive Session and return to the regular meeting at 7:45PM.

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



**MOTION** by Councilman Huntington, seconded by Councilman Grant that since there is no further business to come before the board, the meeting be adjourned at 7:46 PM.

Ayes: Annable, Reed, Grant, Hill

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 January 12, 2023 at 7:00 p. m.