



General:	41831.63
Part Town:	2487.95
OWD:	26613.42
Highway:	45107.75
Refuse:	24771.57
Fire:	229246.63
Total:	370058.89

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

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

Assessor Hartman was absent, reports read filed

**CEO**    Read and filed

**HIGHWAY REPORT:**                                      Read and filed

Superintendent Hurtgam was not feeling well, Administrative Assistant, Janet Slack gave the reports. Crews have been busy salting and plowing, patching potholes and keeping the lots clean. Worked with Hartland Central Cemetery with equipment repairs. Held the last e-waste collection in January, which was busy, and will not have another until the large event in May. Completed the annual pesticide reports and submitted to NYSDEC. Attended a demonstration on the GIS mapping from Wendel Engineering. The program is now available to the residents on the Hartland website.

**Set the annual Tire and Electronic Drop off Days for Friday, May 15- 8 AM until 3 PM and Saturday, May 16- 9AM until noon.**

2004 Chevy Silverado

**RESOLUTION 39-2020**

MOTION by Councilman Huntington, seconded by Councilman Hill to declare the 2004 Chevy Silverado as surplus and authorize Superintendent Hurtgam to sell at auction.

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

2019 F150 Crew Cab Pickup

**RESOLUTION 40-2020**

**MOTION** by Councilman Hill, seconded by Councilman Huntington to declare the 2019 F150 Crew Cab as surplus and authorize Superintendent Hurtgam to sell at auction with guarantee minimum of \$32,409.43.

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

2020 F150 XLT Super Crew from Mini Bid

**RESOLUTION 41-2020**

**MOTION** by Councilman Huntington, seconded by Councilman Hill to authorize Superintendent Hurtgam to purchase 2020 F150 XLT Super Crew from Mini Bid # 3405 for \$34,909.43

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

**WATER REPORT:**

Read and filed

Administrative Assistant, Janet Slack reported that water loss for January was at 9%. Crews shut off water on vacant house on Humphrey Road, new tenant on Wheeler Road, water was turned on and discovered a leak, so now is shut off for repair. Crews still checking hydrants throughout the Town.

**PUBLIC PARTICIPATION:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

Supervisor Annable announced that the Town has received notification from Modern that they will change collection day from Thursday to Monday, beginning March 30, 2020.

Attorney Brian Seaman stated that the Town had accepted an agreement with Pinto Trucking due to an issue with the bid. Pinto had been the low bid for refuse collection, however, they were unable to secure the bonding required and the contract could not be completed. Pinto has agreed to pay \$40,000.00 as settlement. They have requested the option to pay \$25,000.00 now and a second payment of \$15,000.00 by March 20, 2020. It was recommended by Attorney Seaman to accept the settlement agreement with Pinto Trucking.

Settlement Agreement

**RESOLUTION 42-2020**

**MOTION** by Councilman Reed, seconded by Councilman Huntington to approve the amendment of the Settlement Agreement and authorize Supervisor Annable to sign the agreement.

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

Supervisor Annable presented Christopher Jenks with a Certificate of Appreciation in recognition of 36 years of service to the Town of Hartland, upon his retirement. Chris has worked for the Town since 1984 and has seen a lot of changes, especially with the addition of waterlines throughout the Town. His 36 years of loyal service, experience and education have made him a trusted and beloved part of our Hartland family. We thank you, Chris and wish you well.

There was short break in the meeting to celebrate with cake and cookies to honor Chris.

### **PUBLIC PARTICIPATION – OPEN**

Terri Farina, Ridge Road stated that she has been a lifelong resident of the Town of Hartland and has seen a lot of changes from farming practices to State regulated first responders. New York State is the #1 State for people to move out of, some of the reasons are taxes, the Governor's laws, the infrastructure is not up to par, etc. NYS college students find better jobs, better retirement and exciting opportunities in other states and move out. Our State laws, rental laws are 90% based on laws made for New York City rentals. We have the Somerset power project; most of the power goes to NYC. We have the solar project with the lithium batteries, running to NYSEG along the powerlines, the power will go to NYC. The sound produced by the batteries is 80 decibels which is the equivalent of a dishwasher or garbage disposal, running constantly, exposure to that for 8 hours could possibly cause hearing damage. Then you have the sheep and the bees, who will care for the sheep, who collects honey, if the sheep eat all the vegetation, there will be no flowers for the bees to pollenate. The Town of Hartland residents did not get enough notice, we get notices on new businesses, garbage collections, newsletters, but never got a notice about the solar panels or lithium battery banks, we don't want to listen to the noise all the time. We need people to want to stay in NY; we need our children to stay for our future. The Native Americans have a saying: Don't do anything without taking into consideration the next 7 generations. The life of the solar fields is 20 years, that is only 2 generations; I would love to see my generation to continue in the Town of Hartland.

Kevin Ward has lived here for 11 years and struggled to buy the land, pay the taxes and fix the house. He explained that he loves the outdoors, that is why he moved here, he bought the land to enjoy, not to make money like the big businesses in the city. We are "country bumpkins"; they think that we are not smart enough to know better. NYC gets their electric and water from us. This is a rushed deal, we are not doing our homework, if they come in, we will probably leave. He stated that he is a deer and turkey hunter and loves to fish, if these batteries leak, it will destroy the wildlife. This is just money. I want to hear the crickets not a dishwasher type noise.

Bill Mongeon, 9841 Ridge Road, stated that he works for a local recycling company in Lockport and has created equipment that separates materials for recycling. We recycle shingles to make things safe and useable. They now have a \$4.5 million test plant in Lockport for the shingles, we have recycled wood, computers, etc., but no one will touch the solar panels, they are not cost effective. The big solar panels will end up in landfills. The big solar companies came in and said that they would pay to put solar panels on the roof, they still haven't paid the company, it is in litigation. Why can't there be a referendum vote?

Annable stated that by law, there cannot be a referendum vote, by Town law there will be a survey for everyone to state their opinion. There are a lot of NYS laws that we don't like. There have not been any contracts signed yet and the Town has not done anything. EDF came here and talked to the Town, then meetings in August and November and another one is planned for April. Notices were sent out and it was in the newspaper. We want independent information on all issues, not just one sided; we are trying to find the truth. We will then send out a survey and poll everyone to participate, whatever they say, we will follow through. Article 10 has just begun with EDF; we have not participated in this. NYSERDA has not given any monies, they were denied in January, so if no reward, no project. We are doing our due diligence as elected officials; we can't say one way or another without the opinions of the Town. This board has been vilified by being accused of having secret meetings, this has not happened. This is not something that was initiated by the Town and we appreciate everyone's opinion. We need to be educated with real, honest information and this will take a long time.

Walter Crutts, Hosmer Road, asked if we do actually have any truthful information?

Annable stated that the reason that he is meeting with the local fire chiefs is to gather independent information and continue conversations with them.

Walter Crutts asked why are we letting sheep walk around the fields; he has been to the meetings and doesn't feel that we are getting truthful information.

Annable repeated that the Town is not letting anyone do anything, this is not a Town project, we need a poll.

Bill Mongeon asked if the firemen know how to put out a lithium fire – you must use dry chemicals; those trucks that carry the chemicals are not built to travel through the fields, back to the woods. Mongeon stated that Michael Outten ran a 2 week campaign by word of mouth and he almost won because the people came out to vote against the solar.

Cindy Chapman, Bradley Road stated that a lot of people have been saying that we do not have the capacity to feed all the people in the world; it doesn't make sense to take farmland that produces food and use it for solar.

Jon Davis, Ridge Road, said that it is only a matter of time before the DEC starts to put limits on the hunting regulations. It is already illegal to discharge a firearm within 500 feet of a dwelling, this structure is a dwelling. Those opposed to hunting and shooting will use solar panels to raise fears about the danger zones around the batteries. Please don't modify the zoning laws, here in Hartland, to curtail our rights.

Mike Outten, President of PORC, delivered a letter that has been sent to be published. The NRA is standing with the NYS chapter of the Coalition. PORC is a State wide coalition working to stop industrial solar in rural communities, with efforts to stop Governor Cuomo and his green agenda. We are advocates for the preservation of hunting and wetlands. We have concerns due to the 500 foot discharge laws from structures, industrial solar structures have posts and rails, with 7 foot fences topped with prison wire that equals a structure. Between Hartland and Newfane there are 2000 acres, including 1000 easements of farmland, 34 sites in Hartland where adjacent landowners will not be able to discharge firearms because of the 500 foot discharge law. There will be many landowners who will not be able to hunt on their own land. Farmers really want to work their own land, there will be an increase in the cost of seed supply and increases in the cost to buy or lease land. Less land, less supplies, less herds means less profitability to farms because of the magnitude of this large project. It is because of the greed of a few and the agenda of crooked politicians. The power generated is equivalent to 17 tons of TNT. Cuomo wants green energy and he is taking our green away, the industrial solar panels will rob us of valuable farmland and send the energy to New York City. A few landowners, money hungry developers and political downstate agendas are threatening our rural way of life. We are asking the Town Board to stand with us. Outten presented the Board with 125 more petitions of opposition to be filed in the Town Clerk's office.

Sydney Newton, 3507 Drum Road, 20 years old, stated that her family has chosen to live here, the same reason her friends and their families live here. Young adults in this town need to be heard; industrial solar doesn't belong on farmland. As a former president of the FFA and involvement with 4H, agriculture is her life, going to the City of Buffalo helps her to appreciate this community, where I grew up. Solar might be the cleanest, more natural way than fossil fuel, but the solar panels and batteries are not farms; they are massive industrial solar power plants. Young graduates and their families have the right to learn all experiences of agriculture. She is asking the Town Board to understand the purpose of the zoning laws, laws that will affect wildlife and that would interfere with existing uses of this land and to preserve the character of this community. Thank you.

Hannah Bucholz, 8993 Ridge Road, stated that many of the anti-solar people are concerned about their views, guess what, you don't own the view and you don't pay the taxes on that property, you don't have to feed your family from that view. The Right to Farm means that the farmer has the right to farm whatever they choose, using sunlight to produce a commodity is agriculture, harvesting the sun. Gathering solar and selling it to New York City is no different from selling crops to New York City. This is not at all about what we are growing on our

properties, what are we doing about dependence on fossil fuels. She doesn't feel the anti-solar stance is at all about losing agricultural landscape or the feel of the community, it is about losing cheap leased land to the owners who now have the opportunity to get greater value for their land. Values will most likely go up, making lands unavailable to low cost farming. Working the top soil continually, bringing up the rocks to the surface, pesticides, fungicides, etc, the fauna is lost, we can't sell our food, no one is going to starve. Farmers realize that the real threat of monoculture failure and the need to offset, solar is the extension of that concept. Hartland, as stated at the last meeting is losing tax revenue and homes are being bulldozed down, yes there have been farms built and houses torn down, I have checked with the tax assessor and my statements are true and verified. Two credible sources have verified that houses purchased and houses torn down have reduced the tax assessment, challenging a true statement does not make it a false.

Dan Slack, Drum Road, said that he has been to the meetings where anyone can ask questions. The Somerset project would produce 375 watts and this project would produce 675 watts, this location was chosen because of the infrastructure, NYS is the 4<sup>th</sup> cloudiest state and he is worried about the landowners getting into something because Governor Cuomo is throwing lots of dollars out there, it is a modern day gold rush. The company will come in and install them and get NYS tax dollars and then when they don't produce what was projected, the company won't get the dollars. With the rapidly changing technology, the solar panels can become outdated even before the project is finished, the company will walk away and everyone loses.

Richard Herman, Chapman Road, has been collecting pictures, that EDF is putting in the Lockport paper. The cost of each one of these ads is around \$1600.00, he wishes that the opposition had that much cash to spend; he feels the ads are propaganda. EDF stands for Electric Company of France, a socialist country, coming to the US, taking our dollars and buying panels. The idea that they are using our tax money to do this is upsetting. The pictures show a happy farmer, not a solar cell in sight, another picture shows a tree stand and maybe there will be no hunting, because you might not be able to hunt within 500 feet of the structure. This is propaganda it is misleading the people about nature, not telling the whole story. One shows happy workers, but this is not really good because the Nazi's did the same thing, this is deception. It is deceiving us, getting us to believe it is a good idea, workers who will be employed, it takes 79 workers for solar and only 1 person for the coal fired plants, this is not cost effective for the company. Where are they getting the money to throw away on these ads? The government is subsidizing 350 more dollars for solar than it does for coal or natural gas. They are taking our tax dollars and throwing it to socialist and communist countries. Another picture shows children playing in the sun, no solar panels in sight, stating that solar is clean energy, not really. After 30 years of burning coal in Somerset, there are berms from the ash, covered with grass, from burning the coal, the ash is not toxic waste, it is actually can be used to make wallboard and cement. The panels after 30 years will leave 2000 acres of hazardous waste.

Peggy Zaepfel, Chapman Road, also commented on the pictures from the paper as propaganda. She spoke about walking through the fields with her grandchildren with no solar panels in sight, what will happen when 20 % of our farmland is gone, this will affect 2 entire generations. When she moved here 36 years ago, there was no internet, no cell phones, even no water to her house. This project in 40 years will be a mess, now with windmills that cannot be recycled, putting them in landfills, the cost was projected to be \$100,000.00, is now \$500,000.00. They say that they have had solar projects for 34 years, there were no lithium batteries, there were only 2 projects in all of the US, how can they say that they are safe? This is what we are getting ourselves into, why would we do that? If they say that property values will go up, there is no data to support that claim. How can they say that they are safe when there were 24 explosions in Korea, there is no record to say that they are safe? They say that you can put the fire out with water; this is not true, even some of the firemen are saying this is not true. Everything that we have seen is not good and cybersecurity is a problem, the cyber-attacks, technology is too fast, these are remote from San Francisco, this is not thought out. Some people will get dollars and the rest will get the mess, the second group involved is the Brownfields, they will be cleaning up the mess just like Hooker Chemical and Love Canal, where they didn't clean up, they put up a fence and it stays forever.

Carol Slack, Ridge Road, stated that she is opposed to large scale industrial solar. She has lived in Hartland for 20 years, her husband grew up here, it has been a great place to raise their blended family. It is important that all the neighbors had planted roots here in Hartland, over the years many of the neighbors have passed and the land and homes have been sold. They enjoy the country life, looking at the stars, listening to the crickets and now there is a good chance that their property will be surrounded by solar panels. They don't want to see or hear them and have their peaceful environment destroyed. We don't know all the dangers and with the bees and the sheep, only 4 employees, who will do all the mowing of the 2000 acres, they will probably use Roundup, which is deadly. This is a new technology and there have been few successful projects, but where there has been lots of sun, there is little sun here. There have been no solar farms with battery storage this large in the whole US, it is impossible to determine the dangers of this project or foresee property values. We have hydro energy right here in Niagara Falls, not running to capacity, this is where the government should be putting our tax dollars, this should be brought up. This should be a priority of this State, this will destroy wildlife and wetlands and our future hope will be shattered, this will change our Town forever. The noise and the sight is a nightmare in the making. EDF is importing panels from China, who don't care for our safety. If you want solar, do it on your own land, we want our own freedom too. It is time to stand up to bullies, we need our Town officials to do whatever steps to uphold and preserve our Comprehensive Plan.

James Minner, Stone Road, Vice President of PORC, stated that he is a firefighter and EMT. Asked about referendum votes and asked how many more people do you need to come, we will keep on coming. We have another 125 petitions; we will get 1000 more if that is what you need.



It is clear that most people are against this. He understands that the Town has to do the due diligence with EDF, but what they are proposing is a violation of Town Law and the Comprehensive Plan. EDF will have to use Cuomo and Article 10 to overturn our laws. We will continue to flood the Board with petitions, the public has spoken. If you want due diligence, one of the Board members has already signed up, this is not impartial, this one knows what he wants. People of this town are against this project, it is a clear as day, if you can't see it, you are not paying attention. You don't have an obligation to hear out EDF, they are violating the code. He encouraged the people to look at the study from the University of Texas on the impact on property values within a ½ mile of these projects. The values, on average, went down by \$23,000.00. If you could vote in November, there is not anything done yet to push this along, but you could do something to stop this project, unify as a Board, vote against EDF. Vote to be with the people and let them know that we are unified as a Town because of the violation of Town law, that would end EDF.

Supervisor Annable stated that Councilman Reed has recused himself from any discussion or vote. There are 4000 people in the Town, 400 petitions is just only 400 petitions. We want to see everyone's ideas, there are landowners who want this, that is their right, we have to support their rights as well as yours. If a majority of people don't want this, then we will honor that and shut this down. It is a long lengthy process. The Town of Hartland has done nothing for this project, it is not our project, the Zoning laws, already establish that we do not allow this in our Town and at this date, they would have to be changed. We are not promoting or denying this project, at this time we are trying to educate, this will take time.

Peggy Zaepfel stated that only EDF has come in, we would love to have other experts come as well.

Supervisor Annable said that EDF is like a car dealership, selling their product, we need a poll, not just voting. We will have others come in, there is propaganda everywhere. If we were to do a referendum vote, then only those who are registered could vote, this is not fair to all residents.

Shaun Walp, Hosmer Road, stated that it is as clear as day, we are the majority. We have taken time away from our personal life because we believe in our Town, we are a republic, as elected officials, you need to do what the majority wants.

Supervisor Annable answered that we haven't approved anything yet, that is why we are here, we hear you. This is not our project, this is through a State permitting process, there is a long way to go to find out what this entails. We will be on the side of the majority of the people. This is the biggest thing to hit Hartland, it is not one sided, we have to look at both sides.

Walp stated that we need people looking out for us, this is not all one sided, 95% of the Townline Road was canvassed and not one person wanted it. Many did not even know about it and when the facts were presented to them, they did not want it. We are asking everyone to be on our side, we don't have lots of dollars like EDF to spend. Don't delay for months and

months, we have limited income, we are small town folks. Think what you want for the people in your town.

Karen Walp, Hosmer Road, said that all of her family was raised here, she and her husband have made their home here for 12 years. They are here because they love to hunt and have always wanted to live here, if we had wanted to look at big solar panels and buildings, we wouldn't be here. Don't allow EDF to come here and wreck our Town. There is only one person here who wants this, this is only greed for dollar signs, let Cuomo put it in NYC, that is where the power will go, let them take the chance of burning down. This is greed, please stop them from coming. Dr. Denzel had a lot of land, he has died now and he would not have wanted this for his land. The Town of Hartland Town Board needs to be behind us and stop this, stop the greed, tell Cuomo to go to hell and take it to NYC.

Leo Shannon, Seaman Road, asked the Town to set up a meeting with the Town of Ridgeway Board, they have solar projects coming also. When the company came to the board, they were told that they could put out a fire with water, now the fire company in Ridgeway is asking what do we do with solar panels only 1/8 mile from Main Street, Medina. What happens when there is a fire and they don't have the training, knowledge or equipment to put it out. EDF is saying the same thing at the meeting, water will never put out this fire, you will need special chemicals and a trained unit. Senator Ortt is working to change the law to present to the Town to come up with a vote for residents. Call Senator Ortt and let him know how you feel. We are a republic first, elected to fight for us. Set up a meeting with Ridgeway, we don't want battery stations by the road, these people are taking us for fools. They put a 6 month moratorium because of public support. If a board member has already signed, isn't that putting the horse before the cart, how could you sign up for this, we need you to take care of it for us. Did anyone tell you the facts, in the interest of the people, how could you sign up for this, did you know about the fire hazard?

Annable said that that is why he is meeting with the fire companies in Town to find out the facts, we are all learning.

Councilman Reed stated that it was he, who had signed up for the lease, why are you against it? I love this town too, but that is why I bought the property, to make a profit on it, and you are denying me a profit.

Shannon stated that he was not denying Mr. Reed anything. He asked what are you going to do if we have a fire and we are sued, are you prepared to fight the environmental lawsuit? Will the Town have to hire another environmental lawyer to take the case?

Attorney Seaman stated that this is not how it would work. He stated that this was not a question and answer session.

Barb Outten, Chapman Road, PORC is based in Gasport, but is fighting across the whole State. Our coalition places high value on the farming community and the desire to maintain our tranquil

value of life, living in a rural community. We are here to help all of NYS, each group is autonomous, but each one is too small to fight Albany. We unify and send one voice to Cuomo on his agenda. We have been contacted by people across this state to fight for your land. It is our desire to protect and preserve our lands against any entity that would come here to threaten, devastate the heart of any of our precious land and its greatest commodity, its people. Blank panels are like blank billboards, this is so wrong, especially when so many are against this in our community. Outten submitted an article by Paul Dreeson, which states that these policies are destroying our environment, it is not feasible. Here 10 landowners are ready to sell, one huge landowner doesn't even live in Hartland, they are looking to ruin our Town, only to benefit from it. If your Town wants to fight Article 10, we need to start now, every day that we wait, the process gets further. We don't have time, we are against Albany, we need to be against this. How many petitions do you need, 2500?, what is a majority. We will go door to door, will you honor the petitions?

Supervisor Annable stated that petitions are only petitions with names, we have 4000 people, we will need to look to see what is the majority.

Outten stated that there is a hurry and presented the Board with a copy of the article. She also asked if there were any local laws on file for the storage of hazardous materials.

Annable stated that the question would be referred to CEO Hartman.

Don Bucholz, 8993 Ridge Road, he respects everyone's opinions and he knows that the batteries are the biggest concern. He asked EDF if they used lithium batteries and responded that they did not know what they will be using. He stated that a fully fueled car with a lithium battery is equal to a 1000 sticks of dynamite. Germany is teaching us how to recycle solar panels. 100 years ago, our Town put in telegraph lines, changed heat to coal, in 1925 electricity wasn't even our main source, things have changed and by 2120 things will change even more, but electricity will remain a central force in our lives. The way that we choose will change, we will continue to change, all we have is what we have now. We will continue to collect energy from the sun and wind in some proportion. We can't deny change, we don't own the future, our children need to build, to sustain the world with planning to decide the best way, we cannot take the position of no change. Living on the past is easy, planning for the future is difficult.

Sue McCollum, Gasport, stated that EDF has continued to put pressure on our community. The use of pictures of John Deere tractors and a happy family and sheep grazing in areas where they could not possibly survive for a long time is a fairy tale. EDF has deep pockets, our grass roots group is very limited, they have access to a lot of money. We all care about our community and we will not give up. Yesterday, EDF visited our local elementary class, this is inappropriate for them in light of the controversy surrounding our homes and farms. Without subsidies, solar has proven to not pay for itself, during construction our town will be physically torn apart, roads will be destroyed and after they leave, we will be left with 4-5 permanent jobs. Technology will be

obsolete. There will continue to be a multitude of reasons that this is bad for Hartland and Newfane. Bill Gates has talked about new, very small panels already the technology is changing. If we choose industrial solar, it is a dead end for our town, wherever these are placed, the land will never be farmed again. This is not a temporary use as we have been told, all of our eggs are in one basket and if it doesn't work out, then what? It is a bleak future for our towns, this area, the Niagara Escarpment to Lake Ontario, should be protected. Solar panels do not produce anything edible, we produce green food, animals, open spaces, beauty and resources. We can grow almost anything here, except citrus, in Niagara County. Our resources have been protected by zoning laws up until now, but if we give in to industrial solar threats, the legacy that we are going to leave behind depends on us. I hope that the Town of Hartland will take a stand against industrial solar and EDF.

Rich Miller, Drum Road, stated that he doesn't understand why EDF would consider this area, Buffalo has had 54 days of full sunshine, but by Lake Ontario, we get less. He has his own small scale solar panel and October through March they do not produce any energy. Why would we consider this except that it is big money to go to New York City and there would still not be enough solar to use. Farmers do not want to stop farming the land, they put nutrients back into the soil by rotating crops, the rocks are going to come up no matter what, this has nothing to do with farming. Farmers are not destroying the land.

With everyone wishing to be heard, Supervisor Annable asked for a motion to adjourn.

#### Adjournment

#### **RESOLUTION 43-2020**

**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 8:50 p. m.

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

Respectfully submitted:

Cynthia S. Boyler, RMC

Town Clerk

Next scheduled regular meeting will be March 12, 2020 at 7:00 p. m.