

February 9, 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

Councilman: Joseph Reed

David Huntington

David Hill

Attorney: David Haylett

Attended by: Sign in sheet attached.

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

Minutes

Public Hearing 1 – 2023

A Local Law Amending the Zoning Map of the Town of Hartland

Date/Time/Place: February 9, 2023 7:00 PM – Town Hall

Notice of said hearing was duly published in the Lockport Union Sun & Journal.

Hearing was called to order by Supervisor Annable.

The proposed Local Law amends the Town of Hartland Zoning Map to rezone the premises located at SBL #56.00-1-38 from Agricultural Use District and Residential Use District to General Business District. Said rezoning only applies to the west portion of the premises commencing at Quaker Road and running east one thousand feet from the right of way.

The complete text of said Law is on file at the Office of the Town Clerk and is available for review by any interested person during business hours.

With everyone desiring to be heard, having been heard, Supervisor Annable closed the Public Hearing.

Public Hearing 2 – 2023

A Local Law Amending Section 144-32 of the Town Code

Date/Time/Place: February 9, 2023 7:00 PM – Town Hall

Notice of said hearing was duly published in the Lockport Union Sun & Journal.

Hearing was called to order by Supervisor Annable.

The proposed Local Law amends the Town of Hartland Zoning Code to add the retail sale of mulch, soil, and stone as a permitted use with a special use permit in the General Business District.

The complete text of said Law is on file at the Office of the Town Clerk and is available for review by any interested person during business hours.

With everyone desiring to be heard, having been heard, Supervisor Annable closed the Public Hearing.

RESOLUTION 28-2023

MOTION by Councilman Huntington, seconded by Councilman Reed to adopt the minutes of the January 12, 2023 meeting as presented.

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

Abstract of Bills

RESOLUTION 29-2023

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	2023000047-2023000146
General:	\$52,376.56
Part Town:	\$3,403.41
Highway:	\$60,485.14
Fire:	\$209,541.00
Refuse:	\$26,301.25
Water:	\$9,387.73
Total:	\$361,495.09

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

ASSESSOR / CEO REPORTS:

Michael Hartman: As you know Kathy Hochul signed in that we had to send out post cards to every household about exemptions. I received probably three to four hundred phone calls about it. In doing so, we have received about 42 new people that qualify for exemptions so far. The housing market is starting to slow due to the interest rates hovering between 6% and 8%. As far as zoning, I gave everyone a copy of a regulation that is applicable to all districts. I want you to pay attention to subsection K. It is a law from Royalton about horses. Royalton says you need to have 5 acres for horses which is good but what I really want you to pay attention to is the storage of manure. It says manure must be stored at least 100 feet from all property lines. I have people right now that are putting it on the property line and it is only 30 or 40 feet from the neighbor's window. Agriculture and Markets said there's no law against it. Soil and water said there's nothing against it. The only way I can do anything is through local option. So, I'd like it if you guys would take a look at that.

Supervisor Ross Annable: Why don't you submit that to the Planning Board next week for discussion. I know we have had that discussion in the past. It has been an ongoing problem and we haven't been able to come up with a resolution for that.

Michael Hartman: The most important part right now is the manure. Also, New York State requires that I do a report to show all inspections, all fire codes, and everything else that I've done in the office. It is a total year end report and then some. That has been filed. Our new annexed boundary report has been filed. The excavator showed up down the street for the burned house. If you've been down Quaker Road, you'll notice Flor's place is cleaned up, There is nothing there at all.

Supervisor Ross Annable: Then we have the adoption of the hazard mitigation plan.

Michael Hartman: The hazard mitigation plan is something that Keith, Michelle, and me have been working on pretty much all year. If you don't have these hazards listed, and something does happen, FEMA wont give out any money. If you have the hazards listed and they are on their list, you may be eligible for some money. It hasn't changed much from five years ago.

RESOLUTION 30-2023

WHEREAS, the Town of Hartland, with the assistance from Niagara County Department of Emergency Services, has gathered information and prepared the 2022 Niagara County Hazard Mitigation Plan; and

WHEREAS, the 2022 Niagara County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Hartland have reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the Hartland Town Board that the Town of Hartland, NY adopts the 2022 Niagara County Hazard Mitigation Plan as this jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

MOTION by Councilman Huntington, seconded by Councilman Reed to adopt the 2022 Niagara County Hazard Mitigation Plan as this jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan..

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

HIGHWAY/WATER REPORT:

Councilman Huntington: So, there are new guidelines for the swing sets in the park and the old ones aren’t grandfathered in at all?

Supervisor Annable: We have some to purchase through one of our local companies. Hopefully we will get them installed this spring. The only thing Keith has proposed here tonight is the purchase of a 2011 Chevy Tahoe though the Federal purchasing that we do. The purchase is for \$19,000 for a Chevy Tahoe with 10,000 miles on it. It would replace the current truck that the assessor uses, and we would place that truck up for auction at that time.

RESOLUTION 31-2023

MOTION by Councilman Hill, seconded by Councilman Huntington to approve the purchase of a 2011 Chevy Tahoe for \$19,000.

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

PUBLIC PARTICIPATION – AGENDA ITEMS:

Mrs. Barbara Outten: I’d like to thank those that spend time drafting and compiling the information of the proposed law. Who would that be?

Supervisor Annable: It would be a combination of our Planning Board and the attorney that we hired to handle solar and our town engineer.

Mrs. Barbara Outten: I can see much of this proposed document has been derived from guidance from NYSERDA and other state documents that promote the agenda of Albany. Here we see an example that Albany is dictating what needs to be put into the local laws to satisfy

their political agenda, and yet the opposing side has no voice to oppose the agenda of Albany that stands the potential of using unproven technology in a rural agricultural community. The residents have not had the opportunity to voice their input into the formulation of the proposed law. Upon reviewing the proposed document, there are many areas that are short of specifics as it applied to the agricultural community of Hartland. On the first page of the document below part B section 1, it states “provide a regulatory scheme for the designation of properties suitable for the location, construction, and operation of battery energy storage systems.” Just the use of the term scheme is questionable when the word plan should have been used. This should all be laid out in a current Comprehensive Plan for the town. A current Comprehensive Plan is the first step in the community’s vision for what the residents want the town to look like in 10-15 years. When is the last time the Comprehensive Plan was updated?

Supervisor Ross Annable: It has been a while. The Planning Board has been working on it for several years now. We’re looking to hire a firm, Wendel Associates, to help mitigate that process so that we have someone to channel a template of how and what that should look like.

Mrs. Barbara Outten: So, to date there has been no Comprehensive Plan update and no opportunity for public input into said plan. Until the residents of the community can be gathered, and a proper Comprehensive Plan can be put together, it is highly unusual for this step to be taken to designate something that may or may not fit into the scope of the new Comprehensive Plan. Also, in item B on page 1, the fact that “Public Health and Safety” is fourth on the list when it should be number one. This should be a primary focus and not fourth on the list. There is no mention of an evacuation plan, a sheltering plan, or a recovery plan either. Nowhere in the document are NFPA 855 safety standards mentioned. This is the national standard for battery storage which is evolving on a monthly basis and needs to state that systems have to be in compliance with the most current revision of that document if they have to be retrofitted, and that they should be taken offline until the retrofits are completed. The community deserves to be safeguarded in every way and for them to fully understand the risks involved, and not be gaslighted to promote a political agenda that has not been proven. I thank you for your time and I submit this testimony to be part of the public record of this meeting.

OLD BUSINESS: None

NEW BUSINESS:

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

RESOLUTION 32-2023

MOTION by Councilman Huntington, seconded by Councilman Reed to make year-end transfers as necessary.

Ayes: Annable, Reed, Hill, Huntington

Nays: 0

CARRIED

Supervisor Annable: In regards to our solar project, it has gone through the Article 10 process and now the 94C process. That changes how our state monitors and tells us what we can and cant do in local government. 94C allows the state to override most of our local laws. Initially we had a solar law that proposed no large scale solar. When article 94 came along it became apparent that we need to enhance our laws, so we have been working on that. The Planning Board did submit a lengthy proposed law that we have passed along to our attorney and engineer that has been gone over and tweaked. What you have in front of you is what is being presented. We will be presenting the solar law and battery energy storage law this evening. We will schedule a public hearing and you can speak at the public hearing, or you can call or send us correspondence as to what you think should be included. The premise of this is to get everyone's input in this as it might be needed. This is a lengthy piece of legislation for the town. There are things that we know the state has already set standards on but we are going to use this law to help mitigate some of those issues. That is where we are to date. Last I talked to EDF, they were looking to start the permitting process this summer, but it may not occur now until next year. We will have these laws enacted so that they're there so when the process begins we will be able to use those to mitigate and work through the process. That is where we are currently at and leads us into the introduction of these two local laws.

**Introduction of Local Law 3-2023 Entitled
Proposed Amendment to Section 144-17 Solar Energy Systems**

WHEREAS, the Code of the Town of Hartland contains and specifies the local law, and ordinance of the Town of Hartland; and

WHEREAS, the Town of Hartland has an outdated solar law in the Town; and

WHEREAS, the Town worked with its Planning Consultant and received input from the Planning Board, and they have drafted a revised Solar Energy System Law and this draft law was presented to the Town Board; and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact the local law as follows:

Be it enacted by the Town Board of the Town of Hartland, New York that the Hartland Town Board amends the Town Zoning Law, Chapter 144, Article IV, Section 17 of the Code of the Town of Hartland, "Solar Energy Systems" as illustrated in the attached copy; and

NOW THEREFORE BE IT RESOLVED, that the Town Board would like to start the process of considering this Hartland Town Code revision by referring this proposed code revision to the Niagara County Planning Board in accordance with General Municipal Law section 239-M, and authorizing its Planning Consultant to begin the SEQR process in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, by completing a SEQR coordinated review to establish the Hartland Town Board as SEQR Lead Agency, and

RESOLUTION 33-2023

MOTION by Councilman Huntington, seconded by Councilman Hill that the Hartland Town Board sets a Public Hearing on this proposed Hartland Town Code Revision at the Town Hall – 8942 Ridge Road, Gasport, NY at 7:00PM on March 9, 2023.

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

**Introduction of Local Law 4-2023 Entitled
A Local Law to Amend Local Law 4-82, As Therefore Amended, Entitled “A Local Law to Regulate Zoning” (Chapter 144 of the Code of the Town of Hartland, New York)**

WHEREAS, the Code of the Town of Hartland contains and specifies the local law, and ordinance of the Town of Hartland; and

WHEREAS, the Town of Hartland does not have a local law that regulates battery energy storage systems (BESS) and a Battery Energy Storage System Law; and

WHEREAS, the Town worked with its Planning Consultant and received input from the Planning Board, and they have drafted a Battery Energy Storage System Law and this draft law was presented to the Town Board; and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact the local law as follows:

Be it enacted by the Town Board of the Town of Hartland, New York, that the Hartland Town Board amends the Town Zoning Law, Chapter 144, Article IV of the Code of the Town of Hartland by adding a new Section entitle, “Battery Energy Storage Systems” as illustrated in the attached copy; and

NOW THEREFORE BE IT RESOLVED, that the Town Board would like to start the process of considering this Hartland Town Code revision by referring this proposed code revision to the Niagara County Planning Board in accordance with General Municipal Law section 239-m, and

authorizing its Planning Consultant to begin the SEQR process in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, by completing a SEQR coordinated review to establish the Hartland Town Board as SEQR Lead Agency, and

RESOLUTION 34-2023

MOTION by Councilman Huntington, seconded by Councilman Hill that the Hartland Town Board sets a Public Hearing on this proposed Hartland Town Code Revision at the Town Hall – 8942 Ridge Road, Gasport, NY at 7:00PM on March 9, 2023.

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

Supervisor Annable: Next up we have a resignation from Margaret Darroch. She is resigning from the Planning Board effective January 1, 2023. She has been on the board for several years, and we thank her for that service.

RESOLUTION 35-2023

MOTION by Councilman Reed, seconded by Councilman Huntington to accept the resignation from the Planning Board by Margaret Darroch effective January 1, 2023.

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

Supervisor Annable: Lastly, we have a request from the Hartland Independence Day Committee. They would like to ask permission again to hold the annual Independence Day celebration in the Hartland Town Park on Saturday July 1, 2023. They would like to use the park for set up on Friday June 30, 2023 and clean up on Sunday July 2, 2023.

RESOLUTION 36-2023

MOTION by Councilman Reed, seconded by Councilman Huntington to grant use of the park to the Hartland Independence Day Committee on all three of the dates listed for the annual Independence Day celebration.

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

RESOLUTION 37-2023

MOTION by Councilman Reed, seconded by Councilman Huntington to accept Local Law 1-2023 which amends the Town of Hartland Zoning Map to rezone the premises located at SBL #56.00-1-38 from Agricultural Use District and Residential Use District to General Business District. Said rezoning only applies to the west portion of the premises commencing at Quaker Road and running east one thousand feet from the right of way.

The complete text of said Law is on file at the Office of the Town Clerk and is available for review by any interested person during business hours.

Annable: Aye
Reed: Aye
Huntington: Aye
Hill: Aye
CARRIED

RESOLUTION 38-2023

MOTION by Councilman Hill, seconded by Councilman Huntington to accept Local Law 2-2023 which amends the Town of Hartland Zoning Code to add the retail sale of mulch, soil, and stone as a permitted use with a special use permit in the General Business District.

The complete text of said Law is on file at the Office of the Town Clerk and is available for review by any interested person during business hours.

Annable: Aye
Reed: Aye
Huntington: Aye
Hill: Aye
CARRIED

PUBLIC PARTICIPATION:

Mr. Leo Shannon: How many people do we have on the Town Zoning Board right now?

Supervisor Annable: I believe four.

Mr. Leo Shannon: And how many does it hold?

Supervisor Annable: I believe five.

Mr. Leo Shannon: And the Town Planning Board?

Supervisor Annable: It holds five and we just had one resignation, so they currently only have four.

Mr. Leo Shannon: How does it work for someone who might want that position?

Supervisor Annable: We are looking for individuals at this time. See Mr. Hartman with a resume and a request for consideration.

Mr. Leo Shannon: Okay, and how many councilman seats are up for election this fall?

Supervisor Annable: There are two.

Mr. Leo Shannon: Does a resident come to the Town to run for that, or do they go to the Niagara County Board of Elections?

Supervisor Annable: That is a separate entity.

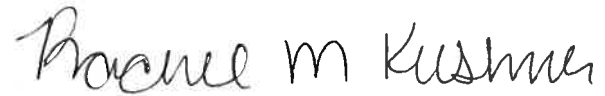
Mr. Leo Shannon: So, I should go to the County.

RESOLUTION 39-2023

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 7:24 PM.

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

Respectfully submitted:



Rachel M Kushner
Town Clerk

Next scheduled regular meeting will be March 9, 2023 at 7:00 p. m.