

JANUARY 14, 2021

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- absent
	David Hill- phone attendance
Attorney:	David Haylett, Anthony Serianni
Assessor/ CEO:	Michael Hartman
Highway Superintendent:	Keith Hurtgam
Attended by:	No public attendance.

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

Minutes

RESOLUTION 23-2021

MOTION by Councilman Grant seconded by Councilman Reed to adopt the minutes of the December 10, 2020 and January 7, 2021 meetings as presented.

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

Abstract of Bills

RESOLUTION 24-2021

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:

2020

#202001040 -202001070

General:	20,223.19
Part Town:	3,524.91
Highway:	44,862.44
Refuse:	28,727.58
Water:	<u>124,470.15</u>
Total:	221,808.27

2021

Voucher #'s	#20210001 – 20210035
General:	28,462.12
Part Town:	5,972.96
Water:	4,671.09
Highway:	4,770.39
Refuse:	619.77
Fire:	<u>1,000.00</u>
Total:	45,496.33

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

HIGHWAY REPORT: Read and filed

Superintendent Hurtgam reported on winter maintenance, as necessary. Salt shed is full and early shift for snowplowing has begun.

Cornell Local Roads has recommended that each town establish a written policy for snow removal. The policy explains the how, where, and why of snowplowing. An emergency plan in the event of COVID 19 is also addressed. A copy of the policy has been delivered to each resident in Hartland.

Winter Snow Removal Policy

RESOLUTION 25-2021

MOTION by Councilman Reed, seconded by Councilman Grant to adopt the winter snow removal policy as written.

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

Full text of policy attached.

Councilman Grant asked if we help other towns do, we use our own equipment?

Superintendent Hurtgam answered yes. The County is not involved in this agreement as they have enough staff to cover any emergency. Each local municipality has laminated a copy of their routes so that they all have each other's maps. Each will keep track of salt use.

Superintendent Hurtgam also expressed his concern as to the weight limits on Townline Road, the section from the Newfane town line extending east to Hosmer Road. The tractor trailers are going down Townline and then up to 104, causing damage to the roads.

Town Highway Posting

RESOLUTION 26-2021

MOTION by Councilman Grant, seconded by Councilman Reed to enact the following Highway posting:

WHEREAS Vehicle and Traffic Law section 1660(11) allows the Town Board to temporarily exclude from any portion of any town highway any vehicle with a gross weight of over four or more tons when in its opinion such highway would be materially injured by the operation of any such vehicle thereon; and

WHEREAS it is the opinion of the Town of Hartland Superintendent of Highways that the portion of Townline Road extending from the Newfane town line east to Hosmer Road in the Town of Hartland would be materially injured by the operation of any vehicle with a gross weight of over 10 tons, and this Board so finds; now therefore, be it

RESOLVED, that any vehicle with a gross weight over 10 tons is temporarily excluded from Townline Road in the Town of Hartland, extending along said road from the Newfane town line to Hosmer Road, and will remain in effect until removal of signs.

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

The Town of Shelby was in need of a plow, we have loaned them a 1989 plow. They would like to purchase the plow. Superintendent Hurtgam would like to buy 1 new plow each year for the next 3 years.

1989 Plow Declared as Surplus

RESOLUTION 27-2021

MOTION by Councilman Grant, seconded by Councilman Reed to declare the 1989 Plow s/n 213230036 as surplus.

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

Sale of 1989 Surplus Plow

RESOLUTION 28-2021

MOTION by Councilman Reed, seconded by Councilman Grant to authorize the sale of 1989 Plow to the Town of Shelby for \$3500.00.

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

Superintendent Hurtgam presented plans for a 72X90 Calhoun Super Structure HT Series salt shed. The structure has a 50-year life expectancy. It is part of SourceWell contracts. If we were to contract with them, we would need to put \$1500.00 down by mid-February to hold the quoted price.

Supervisor Annable asked if we can borrow funds from the water account?

Hurtgam explained that he could draw \$100,000.00 a year for 3 years. He could not borrow out of highway, as it would leave nothing to work with. Equipment dollars will have to be used this summer for roads as there will most likely not be much coming through CHIPS.

Councilman Grant asked if the grant monies from the courtroom could be used towards the salt shed, since there is little court activity due to COVID.

Hurtgam explained the benefits of a salt shed in that if we do not use much salt then we have to pay to store the excess. In August, when the price of salt is at its lowest, we stock up and store it. The current shed was built in 1985 and is in need of repair. To replace a wooden building today would be too expensive.

Supervisor Annable scheduled a work session on Thursday, January 21, 2021 at 5 pm to discuss the funding options. Attorney Haylett will look into the options.

Hurtgam also stated the Town of Hartland welcome signs at both ends of the town need to be replaced. Annable said that he would check with Mark Weld to redesign new ones for both signs, as well as the sign between the 2 buildings.

WATER REPORT:

Read and filed

Water loss is 15% and the County has replaced old meters. All hydrants have been flushed and repaired, as necessary.

ASSESSOR / CEO REPORTS: Read and filed

PUBLIC PARTICIPATION – AGENDA ITEMS: None

OLD BUSINESS: None

NEW BUSINESS:

Transfers

RESOLUTION 29-2021

MOTION by Councilman Reed, seconded by Councilman Grant to approve the year end transfers as per attachment.

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

Association of Towns Resolutions

RESOLUTION 30-2021

Motion- Reed Second- Grant

1. **Preserve and Support Home Rule.** Preserve and strengthen home rule and afford town governments the authority and autonomy needed to make local decisions to better serve town residents. Oppose any state or federal initiative that would weaken or eliminate New York’s long-standing tradition of home rule and local government authority.

RESOLUTION 31-2021

Motion -Reed Second-Grant

2. **Share Potential Cannabis Revenue and Support Local Option.** Calls on the Governor and the Legislature to share any revenue derived from legalizing cannabis operations to help fund town programs and functions impacted by such legalization.

RESOLUTION 32-2021

Motion – Hill Second-Grant

3. **Support the Expansion of Cellular and Broadband Service while Preserving Local Authority.** Calls for continued support for broadband and cellular access and deployment through additional funding, legislative initiatives and programs while preserving local government’s authority to tax telecommunications infrastructure as real property. Executive budgets had contained proposals to pre-empt local authority over small cell

wireless facilities sited in municipal rights of way. This violates home rule principals, the proposed pre-emption in no way guarantees that service would be extended to underserved areas.

RESOLUTION 33-2021

Motion – Hill Second-Grant

4. **Seek Town Input for Clean and Renewable Energy Decision Making and Initiatives**
CLCPA – Climate Leadership and Community Protection Act has set forth state’s goal of 70% renewable energy by 2030, while also cutting greenhouse gas emissions 85% by 2050. This calls on the Governor, Legislature, relevant state agencies and other stakeholders to meaningfully involve town officials and their representatives in the development and advancement of any clean energy project taking place within a town’s geographical jurisdiction. Calls relevant state agencies and other stakeholders to abide local laws in the development and implementation of CLCPA goals as they reflect the needs and wants of the community.

RESOLUTION 34-2021

Motion- Reed Second-Grant

5. **Provide Towns the Authority to Determine Town Real Property Tax Exemptions and PILOT Agreements for County IDA Sponsored Projects.**
Calls on the Governor and state Legislature to amend General Municipal Law Article 18-A and any other relevant statutes to give towns the authority to determine the level of any exemption for any IDA project as it relates to town real property taxes and amend to give towns the authority to negotiate and enter PILOT agreements as they relate to town taxes on any IDA project.

RESOLUTION 35-2021

Motion. – Hill Second-Reed

6. **Support and Fund Local Roads, Bridges and Highway Operations** Local governments are responsible for 85% of NY roads and bridges, the repair and maintenance of which are funded by real property taxes and state and federal funding. The FAST – Fixing America’s Surface Transportation and the current NYSDOT capital plan are both expiring in 2021. Without an enduring and reliable stream of revenue for our local road system, local governments cannot properly plan their highway and bridge programs. Calls on the Governor, Legislature and DOT to develop a new long-term NYSDOT capital plan that fully supports local transportation systems including local roads, bridges and culverts. Calls to restore, maintain and support CHIPS, PAVE-NY, BridgeNY, Extreme Winter Recovery and other highway funding in the 2021-2022 State

Budget and to provide stable and sustainable funding for local transportation infrastructure. Calls for NY Congressional Delegation to adopt a multiyear federal surface transportation bill that includes funding for local roads, bridges and transportation projects.

RESOLUTION 36-2021

Motion – Reed Second-Grant

7. **Provide Training and Funding for Police Reform Requirements.** Calls on Governor, the Legislature and relevant state departments and agencies to provide training on ways to address issues of racial inequity in policing so that local governments are best able to identify and end any practices that contribute to such inequalities. Calls to provide funding to local governments with police agencies to assist in creating plans and implementing new policies and practices to end any racial bias and disparate treatment by local police.

RESOLUTION 37-2021

Motion-Grant Second- Reed

8. **Support Funding for Town Justice Courts by Increasing Reimbursement Rates, Authorizing Surcharges and Addressing Unpaid Parking and Traffic Fines.** COVID has impacted court operations and thereby resulted in the collection of fewer fines and fees. Towns and Villages are reimbursed when they perform justice court services on behalf of another government entity, such as prosecuting and plea-bargaining traffic violations for the state and county. Authorizing towns to impose a surcharge on certain traffic fines would help neutralize the added expense of funding town prosecutors. Towns have limited cost-effective and efficient ways to collect unpaid parking and vehicle and traffic violation tickets. Increases in reimbursement rates, authorizing surcharges, and creating ways to recoup unpaid traffic and parking tickets will not impose a cost on the state and would reduce real property taxes for residents. Calls for the Governor and state Legislature to increase reimbursement fees to towns and to establish a new surcharge to maintain the office of town prosecutor, thus reducing the expense to town taxpayers. Calls to create ways for towns to collect revenue due from unpaid parking traffic violation fines, such as temporary programs where individuals can pay a one-time reduced fee to discharge their debt or authorize a payment plan for unpaid fines.

RESOLUTION 38-2021

Motion- Reed Second- Grant

9. **Provide Towns with More Options to Address Revenue Shortfalls and Cover Operating Expenses.** Due to COVID, Calls on the Governor and State Legislature to

authorize local governments to borrow from their reserve funds to cover shortfalls in revenue. Calls to give all local governments the ability to cover operational expenses and address revenue losses through means such as but not limited to the ability to issue bonds.

RESOLUTION 39-2021

Motion – Reed Second- Grant

10. **Support Funding for Towns during COVID 19.** Due to the coronavirus pandemic, there has been significant financial stresses on the towns, which continue to provide necessary services to residents. Loss of revenue through permit fees, justice court fines and mortgage recording taxes will result in reduction or delay of essential services and shifts the cost onto real property taxpayers. The CARES, Coronavirus Aid, Relief, and Economic Security Act, adopted by the federal government supplies direct funding to local governments with an excess of 500,000 people, 932 of 933 towns are not eligible. Calls for the NY Congressional Delegation to support direct federal funding to all local governments, regardless of population, in any COVID 19 federal relief legislation.

RESOLUTION 40-2021

Motion- Hill Second - Reed

11. **Collaborate With Towns on Responses to COVID 19 and Vaccine Distribution.** Calls on the Governor, relevant state agencies, counties, and local health departments to further collaborate with towns and involve them in the decision-making process regarding COVID 19 vaccine distribution to ensure it is done in an equitable and efficient manner and to provide direct funding or reimburse towns for any expenses incurred. Calls to further include towns in conversations and decision making on the ongoing response to the COVID 19 pandemic, particularly when local resources are involved.

RESOLUTION 41-2021

Motion- Grant Second- Reed

12. **Create a Statewide Committee to Evaluate the Impacts of Recent Criminal Justice Reforms.** Calls on NYS to create a statewide committee consisting of representatives of various groups impacted by the 2019 and 2020 criminal justice reforms, to evaluate the impact of these reforms, on local government, and to make recommendations on what, if any, further amendments are needed to ensure the fair and reasonable treatment of all participating in the criminal justice system.

RESOLUTION 42-2021

Motion- Grant Second - Reed

13. **Amend the Utility Moratorium on Termination of Services to Ameliorate the Financial Burden on Local Governments.** Governor Cuomo signed into law, on June 17, 2020 as Chapter 108, which provides that no local government shall terminate or discontinue residential service of utilities for nonpayment of bills, taxes or fees during the duration of COVID 19 State of Emergency and prohibits service termination for 180 days after the State of Emergency expires. Calls for the federal and state government to provide direct financial assistance to municipal utility enterprise funds to prevent further interruptions in essential residential services.

RESOLUTION 43-2021

Motion- Reed Second - Grant

14. **Proactively Eliminate the “Dark Store Theory” As a Valuation Method to Reduce Real Property Tax Assessments.** NYS Real Property Tax Law Section 305 requires real property to be assessed at a uniform percentage of value in each assessing unit. There is a national trend to use the “Dark Store Theory” when assessing “big box” real property parcels. This relies on the use of shuttered, deed-restricted and abandoned properties that are in no way similar to lighted stores as touchstones. This increases the tax burden to all remaining taxpayers within the jurisdiction. Calls on the Governor and state Legislature to adopt legislation prohibiting the use of the Dark Store Theory as a valuation method in real property assessment.

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

Attorney Haylett stated that he is still working on the Easement and Fire contracts for the Hartland Fire Company. He has reached out to the Fire Company’s lawyer and is waiting to hear back.

PUBLIC PARTICIPATION:

None

ADJOURNMENT:

MOTION by Councilman Grant, seconded by Councilman Reed that since there is no further business to come before the board, the meeting be adjourned at 7:51 p.m.

Ayes: 4 Nays: 0 CARRIED

Respectfully submitted:

Cynthia S. Boyler RMC

Town Clerk

Next scheduled regular meeting will be February 11, 2021 at 7:00 p. m.

