

## JANUARY 9, 2020

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:

Highway Sup't.: Keith Hurtgam

Assessor/ CEO: Michael Hartman

Admin Asst.: absent

Attended by: Sign in sheet attached

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

Minutes

### **RESOLUTION 20-2020**

**MOTION** by Councilman Huntington, seconded by Councilman Grant to adopt the minutes of the December 12, 2019 regular meeting as presented.

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

### **RESOLUTION 21-2020**

**MOTION** by Councilman Reed, seconded by Councilman Hill to adopt the minutes of the January 2, 2020 Organizational meeting as presented.

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

Abstract of Bills**RESOLUTION 22-2020**

**MOTION** by Councilman Reed seconded by Councilman Huntington 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 | 2019001070 - 2020000101 |
| General:    | 35159.48                |
| Part Town:  | 10825.59                |
| OWD:        | 63611.89                |
| Highway:    | 90266.19                |
| Refuse:     | 20085.02                |
| Fire:       | 1161.79                 |
| Total:      | 221109.96               |

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

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

Assessor Hartman reported that he has been processing sales and the last round of exemptions have been sent out. Hartman stated that he had met with Senator Ortt and State representatives to discuss the support for a NYS Bill to amend the Real Property Tax Law concerning STAR (School Tax Assistance Relief). The State is doing away with the STAR exemption; new homeowners now receive a check in place of the exemption. The State wants to lower the values, which would hurt Senior Citizens and lower income families. Hartman is requesting of the Town Board to support a resolution to stop this action.

Support NYS Bill Act to Amend the Real Property Tax Law**RESOLUTION 23-2020**

**MOTION** by Councilman Hill, seconded by Councilman Huntington to support the following bill:

Memorializing Resolution: Support of a NYS Bill to Amend the Real Property Tax Law, in Relation to Providing that the Amount of a STAR Real Property Tax Savings May Not Be Less than the amount of the STAR Real Property Tax Savings from the Previous Year





**34-2020 M- Grant 2- Huntington** to Support Ways to Reduce Municipal Health Benefit Costs.

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

Year End Transfers

**RESOLUTION 35-2020**

**MOTION** by Councilman Huntington, seconded by Councilman Reed to authorize Supervisor Annable to make yearend transfers.

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

**OPEN PUBLIC PARTICIPATION**

Hannah Bucholz, 8993 Ridge Road, stated that she has had a career working in the research department of an academic library and has worked developing research collections. She is in favor of the EDF Solar project. Her and her husband moved here to be closer to family and love the rural, agricultural area. She stated that we need to be advocates for the future and work for the quality of the environment. We need the insight to see the impact of the value of EDF; it is a win- win situation for the homeowner, with prospective income for a number of years. The lease is transferrable with the property, the original homeowner may choose to remain in the contract or release to the next owner if the property is sold. Research has proven that the properties next to farms sell for less; this is not the case for properties next to solar fields. There is much misinformation out there and you have to be well informed, educate yourself, it is important to attend the EDF open houses. EDF is sensitive to your concerns. Hannah suggested that if you are against the solar, to please be sensitive to those farmers who are having a hard time. The majority of farmers must have supplemental income to help them, only 42% use farming as their sole income, the income from the solar leases will help them to keep their farms. There is no one to take over the farm and they could be denied retirement. When people are concerned about how it will impact your view, EDF will plant vegetation around the solar fields; they will address your concerns. Our lives are different than they were 50 years ago, as our Councilmen know Hartland is losing population, homes are bulldozed down and there is loss of tax dollars. Families have lived here for generations, paid taxes and dealt with the uncertainty of market prices, weather and legacy. The Council had to entertain any viable options for income, not only for the Town but the schools also.

Jeremy Verratti, Royalton, attended on behalf of Verratti farms, stated that there is a lot of misinformation going out. EDF does have a website [www.ridgeviewsolar.com](http://www.ridgeviewsolar.com) which has much information and addresses the concerns of the public. We need to listen to each other in order to have the information come out. The concern about hunting around the panels, you can hunt right up to the fence, you don't need a 1000 ft. distance that should not be a concern. As far as all of the power potentially going to New York City, we sell lots of products to NYC, with the power

going into the grid, much will stay right in Western New York, Rochester, Buffalo, Syracuse, etc. Agriculture could use some good ground being taken for the solar, there are too many small grains, such as corn, soybean, wheat being produced, farmers are out producing those crops. To use the lower grade agricultural ground for solar is a good thing for the energy sector. The idea that this solar is too new, too big is not true, you need to look around the country and other countries. North Carolina built a large project in 2014, similar to this one and I don't see the fear mongering that is going on. Solar is a good thing and he hopes that the Board will continue to move forward with this.

James Minner, Stone Road, also addressed the misinformation, stating that he has not seen one house bulldozed down since he has lived in Hartland. EDF has national headquarters in California, a State that struggles with keeping up with the power. EDF is a for profit company which cares about making money, EDF is not concerned about the people in Hartland.

Jon Davis, 7992 Ridge Road, stated that he has lived in Hartland for 41 years, attended all of the EDF meetings and the Protect Our Rural Community meetings at the Fire Hall, read through the minutes of the last year and has many questions without answers. Once this is set in motion, there is no going back. This is the largest project in Eastern US, there are so many questions, we are guinea pigs in an experiment, common sense must prevail as whether it goes forward. If you look at Google maps or Wikipedia, the largest solar installations are in the Southwestern US, there are solar panels in California, Arizona, Nevada, desert areas and rough terrain, etc. They cover grazing lands, 4700 acres on abandoned gypsum mines and oil fields, places where there are no homes. I believe that real estate values will go down, people, prospective house buyers, want rural landscape, versus structural steel, property evaluation values will go down for many years. There is not currently one like the one proposed in Hartland, this size, located in a rural community setting, so the value data is not available to compare.

Richard Miller, Drum Road, asked if the panels are only being placed on tillable land. What happens when food prices go up? What effect does the solar reflection have on the ozone layer after 50 years? What happens to the batteries when they cannot be rebuilt?

Don Bucholz, Ridge Road, stated that the batteries only last 4 – 5 years and then they are recycled. The question of how much is much? – Hartland and Newfane has vacant land, much will be left untouched, only 11% of the agricultural land will be covered, about 2000 acres, 5% of the total vacant land in Hartland and Newfane. The reflection will not affect the ozone layer; it is not much different from the reflection of city lights or off the lake.

Mike Outten, Chapman Road, presented a letter from the Hartland Conservation Club in opposition of the proposed solar project, along with 100 signed petitions from residents in opposition.

David McCollum, farms in 5 counties, stated that the panels will be going on good prime agricultural land, don't ruin our rural land for someone else's profit, this is greed.

Barb Outten, Chapman Road, stated that she believes that only one farmer has signed the lease and that farmer lives out of Town. When we say that this will benefit farmers, it is individual land owners who benefit, looking to cash out at our expense.

Suzanne McCollum, 7553 Slayton Settlement Road, stated that she doesn't feel that solar is in the best interest of any Town, the monetary value of our homes will decrease and it will destroy our wetlands, our way of life, open spaces, tourism possibilities, our hunting and our scenic beauty of our rural areas. There will be a short term gain from this project, not long term. She noted an article in the Union Sun & Journal in which Governor Cuomo wants to "re-imagine" the Erie Canal; his plan is very contradictory to the solar projects. \$300 million is being invested in the canal community, which is just a stone's throw away; we are one of those communities. The Erie Canal and Lake Ontario are sited, to restore the wetlands and ecosystems and will pay to preserve what we already have and we will destroy this with the solar project. People will realize the devastation that it caused and it will be too late. The extra additional dollars that our Town would receive will leave people feeling betrayed in future generations; they won't be praising the people for the dollars given to the Town. Our Town is an oasis in America and needs to be preserved as unspoiled and undeveloped, just as Governor Cuomo is trying to propose.

Leo Shannon, 9248 Seaman Road, stated that President Trump has ended NAFTA, there is a new deal with between Mexico, Canada and the US that has been signed. With the new deal, US will be selling more milk to Canada, which means we will need more hay and corn; our land will be utilized for this, supply for the animals to produce more milk. We have rich land here, look at the whole project, we are not misinformed, we are not looking down the road. Mexico and Canada now need to buy more potatoes from America, a lot of family farms have gone under because of the low milk prices, they will now need to add more cows and food. All of this will change, Trump made this new deal to save the farms, to sell to Mexico and Canada we will need more land which will mean more dollars for the farmers. John Deere will need to produce more equipment, which will mean more jobs, because of the increase of potatoes from the Idaho potato farmers. All this will change under Trump.

Mr. Shannon also asked if the Town Board have to go to the Town Planning Board to add an addition to the Town buildings. Supervisor Annable answered no. Are there plans to increase the court room?

Supervisor Annable stated that the original plans call for an addition, which was never done. The recent court room was built prior to the concerns of safety today. Security for court concerns have increased, there is a need for a secure area for jury trials. There is a plan that can be extended, which may or may not ever come, depending on approval of grant money, for additional court facilities to address those issues.

Mr. Shannon asked how many judges does Hartland have how much will the addition cost and couldn't the salary of the judges be increased?

Supervisor Annable explained that we have 2 justices and the work load is not the problem, the facility is unsecure. The cost of the courtroom would be \$400,000.00 that is why we are applying for grants, if we don't get the grants, and then we won't build. The court cases have tripled and our court room is multi purposed, so things like, securing the chairs to the floor have not been done.

Leigh Lindahl, Quaker Road asked if the courtroom addition is really necessary? She had attended court for a dog ticket and it did not seem too busy, are we expecting an increase in crime?

Supervisor Annable noted that dog tickets are not seen on criminal night, those nights there is much more traffic. We do need to look at making changes.

Carol Slack, Ridge Road, questioned the courthouse increase. She stated that she had owned a bar in Johnson's Creek and does not believe that this is a violent area. There is not enough crime to justify a new courthouse. When she ran the bar, the police would harass the customers, if we get a new fancy courthouse, what will happen next? Will that justify them to harass people more, this is foolish.

Supervisor Annable stated that there are no plans to build a new one, at this time.

Rich Herman, Chapman Road, stated that the Department of Energy website stated that there are 2 places where solar is at a minimum, the west coast of Oregon and Washington and Western New York. Where is EDF getting their data from, are they modeling the information from California statistics? EDF should come forward as to where they are getting their figures from. There is a spread sheet on the Department of Energy that will spit numbers out; it is a good idea to investigate.

Ray Sullivan, 7984 Ridge Road, moved here from Amherst and he came because of the Comprehensive Plan. We have had no growth and now we are going to be the solar industry leader, this is a far cry from the Comprehensive Plan. It is pretty sad that a rural area is going to be a solar leader. EDF calls themselves brownfields, are our fields considered brownfields now?

Peggy Zaepfel, Chapman Road, stated that she was looking at what is going to be the biggest solar project in Nevada, 7000 acres, built in the desert. While watching an old John Wayne movie that was filmed on ground that had been a nuclear testing site, most of the actors had passed away with cancer, exposure to chemicals. Why can't the solar fields be built on land that cannot accommodate residential areas, contaminated areas, not on viable farmland.

Dan Jenks, Orangeport Road, stated that the solar project is an immediate gratification for something that we will all pay for later. Do we all remember what happened with the Urban Renewal project in Lockport, that didn't work out so well? All of Main Street went downhill and there are some cities in other areas, other towns that have pristine beautiful buildings. They have

rules where you don't destroy the historic value and rebuild everything. What did Lockport throw away for money, they leveled Main Street. Is this immediate thing to hold in our hand and later regret? We have a real live example, here in Lockport, is it worth it?

Marty Roeseler, 9320 Ridge Road, asked how many acres are available and what is the percentage used by the solar project? All they want is open farmland, the percentage may sound small but overall it seems like they will take all vacant farmlands, it is a big percentage. All we will wind up with is wooded areas and solar panels.

Supervisor Annable answered that there are 12,000 tillable acres in Hartland; this project will take up 2000 acres.

April Volkosh, Hartland Road, stated that she is probably the youngest landowner attending this meeting and that she bought 68 acres to raise her children on and has paid lots of taxes. She had bought the land because it is rural, but the taxes and maintenance is difficult, especially for a single parent. She has leased her land to farmers, which has helped, but this would be an option to help her children. She stated that her family had lost jobs because of the shutdown of the Somerset power project, the kids realize this. We see the trucks that would haul the coal and knew that some of that power was going to the city, but we need natural resources for energy. We are concerned about the land, we will still be able to hunt, the kids will be able to camp and ride their 4 wheelers on the property. The kids are excited about no chemicals, there will be sheep and bees with honey on the fields, it is agricultural in a different way. Ms. Voelker stated that she has worked hard for what she has and this is a way to keep her family in Hartland on the property that they love. She has been paying taxes on the property for 20 years, she has owned the land, don't take my future away, not one person is being forced to do this, it is the landowners choice.

Christy Sullivan, Ridge Road, stated that the few that get something out of this is only 1%. They moved here 15 years ago and love the Town just the way that it is. To go down the road and see solar panels will be an eyesore, 99% of the people do not want this and don't receive any benefits from it.

Bill Buncy, Checkered Tavern Road, asked if there was a time frame to start, because the EPA does not know anything about it. He had worked in hazardous waste and the State and Federal agencies know nothing about this solar system. The biggest hazard waste will be the batteries. Governor Cuomo was going to oversee this project and he will let it slide right through. The batteries come from China, they don't know what they are going to do with them, will they be sent back to China to be disposed of? What is the plan for disposal, will they sit in containers in ship yards before being disposed?

Nathan, Drake Settlement Road, asked when did EDF and Brownfield present this to the Board? EDF is a private corporation; there are lots of opinions, the pipeline coming through Governor Cuomo and his green new deal. Part of that deal is to push townships, target townships to

change their laws; this is a dangerous precedent to set. We are a home rule state. He also asked if EDF had asked about if Hartland was a no discharge community, is there a no discharge ordinance? Other townships have been approached as to where and who can hunt and how close.

Supervisor Annable asked if there were any other persons wishing to speak, with all being heard, Annable then answered the concerns of the public.

The Town Board has taken the position to listen to the 2 views that have come before the Board. It is the Town Board's obligation to listen to whatever is proposed and to make decisions. There has not been much development here in Hartland. There has been much misinformation about the suppositions, from the opposition, that the Board has had secret meetings. Other groups have come into the Town of Hartland, seeking leases, but have not come to the Board; EDF came in and talked to our Town Assessor about properties within the Town. This is public information, it is on our website, anyone can look at it. EDF came in the winter and looked at that public information and then in March they met with the Supervisor and the Board. There were 2 advertised Board meetings. Then in August, there was a posted meeting, mailers sent, advertised on the website and the newspaper. From day 1, we are educating the public and will let the public decide what we want to do with our Town. There is so much information to learn about solar and we want to get that information to everyone. We need legitimate independent information and then let the public make that decision. EDF is like the car dealer, selling their product, the meetings are for the public to ask all their questions and then make their decision. At the last meeting, someone asked as to why this could not be put to a vote, we are not able to do a referendum vote. A republic means that you elect representatives to establish laws, with the input of the public, a democracy is where everyone votes – we are a republic, we elect representatives.

Supervisor Annable read an advisory statement from Attorney Seaman's office:

*The New York State Comptroller has provided opinions on advisory referendums on several occasions. Each opinion cited pertinent court cases. The answer is that a municipality (town) may not conduct an advisory referendum.*

*Referendums are only allowed when the state law either mandates a referendum or provides for a permissive referendum. Nos such provision exists for solar installations.*

*Therefore, the Town of Hartland may not conduct an advisory referendum on this issue.*

*Pursuant to section 64 of the Town Law, the Town Board has the general authority to see public input by means of a survey.*

Supervisor Annable continued to state that there will be a poll from all Town residents. This is a very divisive situation in our Town, neighbor being nasty to neighbor, this is not good, there is no place for this in a small rural community. The Board wants to do what is best. Annable

stated that his family has been here for generations, I care for this Town. This could be a huge financial benefit, with the volume of money, taxes could be frozen and we could afford infrastructure work projects with additional funds. These projects would not be at the taxpayers' expense, what is more important? These additional funds could offset taxes. This will be a lengthy process; the NYSERDA grants did not award this project this year, so that halts progress for another year, since EDF has no subsidies for this project now. This doesn't mean that it will stop, Article 10 is a process, this is a huge project with a huge maze of information and this is just the beginning. This could be a 3, 4 or 5 year plan so we have time to look, educate and gather opinions; we are not set to push this through. We established local laws a few years back to prevent this type of project, current zoning laws do not allow for large scale solar. Under Article 10 the State could overrule our local laws, we don't control that. The Planning and Zoning Boards have met to get their ideas and we are trying to present a town wide effort to all in order to make an informed decision. So please attend the meetings, ask the questions, we have to weigh everyone's opinion. We will look at both sides, also the middle ground, educate, then poll and go forward.

As to the question of a no discharge ordinance, you may hunt right up to the fence, no laws for no hunting from the solar group. We use the New York State guidelines for the discharge of firearms. EDF has no issues for setbacks or discharge, other than State rules.

#### Adjournment

#### **RESOLUTION 36-2020**

**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 8:25 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 February 13, 2020 at 7:00 p. m.