

January 12, 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

Clifford Grant

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.

Public Hearing 1 – 2023

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

Date/Time/Place: January 12, 2023 7:00PM – 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 left the Public Hearing open until the next meeting on February 9th, 2023.

Public Hearing 2 – 2023

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

Date/Time/Place: January 12, 2023 7:00PM – 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 left the Public Hearing open until the next meeting on February 9th, 2023.

Minutes

RESOLUTION 23-2023

MOTION by Councilman Huntington, seconded by Councilman Grant to adopt the minutes of the December 8, 2022 and January 5th, 2023 meetings as presented.

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

Abstract of Bills

RESOLUTION 24-2023

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:

Voucher #'s: 2022001138 - 2022001224

General: \$47257.66

Part Town: \$10464.27

Highway: \$26466.96

Refuse: \$26188.43

Water: \$441344.79

Total 2022: \$551722.11

Voucher #'s: 2023000001-2023000046

General: \$27655.99

Part Town: \$1210.00

Highway: \$12147.57

Refuse: \$1132.17

Fire: \$60094.26

Water: \$5798.21

Total 2023: \$108038.20

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

ASSESSOR / CEO REPORTS:

Supervisor Ross Annable: According to our assessor, the one thing for this month is a notice needs to be sent out to our residents according to state law in regard to taxation. Other than that, no action needs to be taken.

HIGHWAY/WATER REPORT:

Supervisor Ross Annable: They have installed two of our signs. They look nice and Mark Weld did a great job. The ones at the west end of town and in front of the Town Hall are up. They are working on the one at the east end.

PUBLIC PARTICIPATION – AGENDA ITEMS: None

OLD BUSINESS:

Attorney David Haylett: We have that business that wants to go in but the way the property is zoned, it can't at this point. Mike maybe doesn't want to rezone it to general business and instead use a special use permit. The problem is the first couple hundred feet off the road are zoned residential and the back portion is zoned as agricultural. I'm hesitant to allow a business use in the residential district. We are just trying to work through that and figure out the best way to do

it. It can be done within the right zoning districts, and we can make it happen, it is just a matter of how. We have some time because they don't want to be open until the spring.

NEW BUSINESS:

Supervisor Ross Annable: Now we will jump ahead to new business and our historian Norm LaJoie has a presentation for his new book.

Historian Norm LaJoie: Audrey and I would like to thank the board. We just published this new book. I wrote a portion, and Audrey wrote a portion. We'd like to present each of the board members with a copy of the book. The money that you've spent will hopefully be repaid as the books are sold. I've said it before, and I've written it in the books, a historian that spends a long time as historian in their jurisdiction has a lot of knowledge. If they give up the position or pass away, all that knowledge goes to the grave with them. So, we're hoping what we've put in these books is the bulk of the information that I have in my head so that doesn't happen.

Supervisor Ross Annable: I want to thank you both as well. I know it is a lot of work to put something like this together and we appreciate it.

Councilman Hill: Are they for sale yet?

Historian Norm LaJoie: They are for sale in the Town Clerk's office for \$21.00. They are also available at the library and the Niagara County Historical Society.

Supervisor Annable: I know this isn't in the book, but we had a Constable back in 1913 in the Town of Hartland. We will have to recognize him in the future. It was Abner Hawkins. He returned a pistol that he had borrowed from a storekeeper in the Village of Middleport. As the storekeeper took the gun and put it back in the case it went off and shot him in the heart and killed him. That is just something for us to add to the history of the town.

Mr. David Snyder: I thank you both for the work that you have done. Would there be a way of putting a small section in the Medina paper or Union Sun stating that there is a book and what it's about. I think there would be a lot of people interested in that.

Mrs. Audrey Annable: It was already in the paper.

Mr. David Snyder: Oh good. Anytime we can get some PR for the town, I'm always for it.

Association of Towns Resolutions

RESOLUTION 25-2023

MOTION by Councilman Hill, seconded by Councilman Huntington to adopt the Association of Towns 2023 Proposed Legislative Program.

1. Preserve and Support Home Rule
2. Support Highway, Bridge and Transportation Funding
3. Strengthen State and Local Government Partnerships by Increasing Local Revenue-Sharing Program Funding
4. Reform Inequities in the real Property Tax Cap Formula
5. Support Affordable Housing while Preserving Local Authority
6. Support the Expansion of Cellular and Broadband Service while Preserving Local Authority
7. Provide all Towns with the Authority to Set Speed Limits on Local Roads
8. Increase Justice Court Funding
9. Prior Written Notice for Trees Planted or Maintained by Towns
10. Amend Civil Service Rules to Foster a More Efficient Hiring Process for Public Employers
11. Amend Prevailing Wage Regulations

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

Attorney David Haylett: I think the biggest one this year will be supporting affordable housing while preserving local authority. They want to be able to prevent towns from zoning out multi-family residences. This is a big issue in places like Long Island where housing is really tight. I see it affecting smaller towns in situations where older people want to put residences on the same property as their children’s houses. A lot of our zoning prohibits that because you can only have one residence per property. That is where we will see it the most around here.

Supervisor Ross Annable: Next up we have our two resignations. One is from Darin O’Shea, who was the chairman of our Recreation Program. Another is from his Delany O’Shea who was the Recreation Program’s secretary. We thank them both for the work they did on the Recreation Board.

RESOLUTION 26-2023

MOTION by Councilman Hill, seconded by Councilman Reed to accept resignations of Darin O’Shea and Delany O’Shea from the Recreation Board.

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

PUBLIC PARTICIPATION:

Mrs. Margaret Zaepfel: Kevin Campbell came to my house and gave me some paperwork regarding the bus trip that we went on. It has been over two years in developing our solar law so I’m just checking to see where we are at with that.

Supervisor Ross Annable: We have a law that has been proposed. I will probably have it for the Planning Board meeting next week so we will take a look at it and go from there. That includes a battery storage law as well.

Mrs. Margaret Zaepfel: Also, have you published the results of the solar survey? Years ago, you said you would.

Supervisor Ross Annable: The results are in the newsletter.

Mr. Darrell Lindahl: I have been in contact with Mike back and forth for three years now regarding lights. Where do we stand on that?

Supervisor Ross Annable: We have had conversations with our attorney on that and we are working through it. Are the lights all back on?

Mr. Darrell Lindahl: No, there are four on and three off. The hill has come down five feet, so they are all right back to where they were. All four shine at our house. Anything off the footprint of their property is considered a trespass. The town spent a lot on this law.

Supervisor Ross Annable: We are working with Mike to try to get it sorted out. There are a couple different actions that can be taken but it is in the process.

Mr. Darrell Lindahl: Also, about solar, a friend of ours was approached and they tried to bully him into buying his property which runs along the grid. They ended up settling on an easement. Why would they be getting an easement if this isn't going through? I feel like the town is being left in the dark again and nothing has been published.

Supervisor Ross Annable: They are still in the process of planning the solar project. They are signing a lot of easements. They don't mean a whole lot if the project doesn't go through. They are paying to lease lands and the ability to do easements. If it goes through, they will use those easements. If it doesn't go through, it would be similar to the easements that were acquired for fracking. They have not put in an application for the project yet. They are out actively recruiting and surveying and testing wildlife and wetlands, but they haven't applied for a permit yet.

Mrs. Margaret Zaepfel: I have one more question. I know they set up some sort of a thing to test the lighting in the area. Early on, I read a study that said there were only two places where solar would not make sense. That was here and the state of Washington. Because of what we've gone through with the weather the last month or so, what if those results come back that it wouldn't make sense? Is it still driven by the money from the state, and they will be put up whether it makes sense or not?

Supervisor Ross Annable: I don't believe so because then they wouldn't recoup any money back. If they installed them, they wouldn't have any money to make the project work. I don't know exactly how much sunlight this area gets but people have them on their roofs. Mr. Snyder has one on his roof, how has that been going?

Mr. David Snyder: The panels have been on our roof for a little over 5 years. They projected that we should see between 9,000 and 10,000 kw per year with the 29 panels. They have produced 52,586 kw as of today, so they are ahead of the projection. When Liberty did mine, that is what they projected. The degradation has been less than half of 1% and they watch that. All I'm going to say about the whole thing is I got involved with wind when I was a councilman and I had the attitude that it didn't blow enough for wind energy here. But, I found out that we were second in the state for wind. That is why Royaltan and Somerset put their wind turbines up. They've been very efficient. I know how dark it gets. The biggest issue is, they are trying to stymie the solar panels on each house. In the summer when we don't use all the electricity, the credits go into the grid. Now my power bill is shaded back because they use the credits to offset the bill. My power bill is about \$91 per month. I waited 2 years to put the panels on my house. It went from 14% efficiency to 17.5%. in that time. The new panels that are coming out are going to be around 20% efficient. The panels are going to get more efficient as time goes by. The panels that are used on the space station are 87% efficient because it is always rotating and being seen by some light. This is my experience.

Supervisor Ross Annable: Those results will tell the company what they are working with. On the days it makes more energy it goes into the grid and then those people get a break on their bill. It is not a consistent year-long thing. But, when it is producing, it is producing more than your house needs. So, it still goes into the grid.

Mr. David Snyder: A lot goes into it like rotation, direction of the panels, etc. Going back to California, the thing that will stymie solar project for homeowners is that when you produce that power in the middle of the day, that extra power goes into the grid, but they want to give the dollar price of that kw at that hour, not when it is used.

Councilman Joseph Reed: Not in the evening when its worth more.

Mr. David Snyder: I hope Kathy hasn't heard about this yet. The utility companies are still very much involved in trying to make money. On the other side of the coin, I understand there is a big push for homeowners to have batteries because there are so many black outs. Now they want each group of people to have these batteries, so they don't depend on the grid anymore. It is very interesting.


Supervisor Ross Annable: We will see what that study shows. If there is no other questions and nothing from the board, I will entertain a motion to adjourn.

Adjournment

RESOLUTION 27-2023

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 7:35p.m.

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 February 9, 2023 at 7:00 p. m.