

**JULY 14, 2022**

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
- Assessor/ CEO: Michael Hartman – absent
- Highway Superintendent: Keith Hurtgam
- 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 66-2022**

**MOTION** by Councilman Hill, seconded by Councilman Huntington to adopt the minutes of the June 9<sup>th</sup>, 2022 and July 6<sup>th</sup>, 2022 meetings as presented.

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

**Abstract of Bills**

**RESOLUTION 67-2022**

**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	2022000426-2022000538
General:	\$37,251.17
Part Town:	\$7,697.09
Highway:	\$206,659.26
Fire:	\$383.41
Refuse:	\$26,279.93

Water: \$73,764.93  
Trust & Agency: \$3,424.04  
Total: \$355,459.83

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

**HIGHWAY/WATER REPORT:** Read and filed

**Highway/Water Superintendent Keith Hurtgam:** We paved South Quaker Road and chip sealed it. Robson Road has been chip sealed. The roadside mow is about 90% complete for the second time around. We're hauling in 1A's to chip seal with. The off-road ditch on Johnson Creek to Bradley Road is done and now were working on the one that goes from Hosmer Road to Gill Road. We repaired a leak on Pearson Road. We responded to 30 dig requests and 5 emergency dig requests. We read meters for the quarter. They finally changed the master meter on Quaker Road. They just did it within the last couple weeks, so it doesn't reflect the water loss here. Our water loss is 12.5%. A year ago, it was 8.5%. We'll see what next month brings with the new meter in there. The only reason the water loss is down, is because we used a lot more. The fireworks went well, and they cleaned up well. We got them 25 garbage cans and two gators and barricaded around the town building. At the splash pad in the park, we got a new device for the kids to turn it on and off. Before the attendant had to turn it on and off manually but now it works like it's supposed to.

**Supervisor Ross Annable:** Does that have electronic meter read on it?

**Highway/Water Superintendent Keith Hurtgam:** It will but they haven't let anyone else use it yet. It's cellular somehow. Everybody should be able to read it. When they went to shut it off the valve broke on the Somerset side, so Somerset had to dig out and fix their shut off valve. This just went in service about 10 days or so ago. The 930 loader was traded this year too.

**ASSESSOR / CEO REPORTS:** None

**Retirement Recognition**

**Supervisor Ross Annable:** We're reliant on our individuals that work for us, and we have an excellent crew that maintains the Town. We have one of the most efficient operations and I'd put our department up against any of our Water/Highway Departments in the area. We have a lot of excellent workers and get as much done as anybody else with the crew that we have. We're losing one of our guys that has been a major part of making that highway operation efficient and well-run and that is Paul Hessel. Paul has been with us for ten years. He and Gary Garrow were

kind of two-man operation. They could fix, repair, manufacture and do just about anything. You name it, they were able to fabricate it. The Town has been very fortunate to have them because we have saved a lot of money by doing our own in-house operation rather than have to shop them out. I tried to talk him into sticking around for a couple more years. We are still going to continue to use him on a part-time basis, but I wanted to make sure we recognize him for all the good work he has done with a Certificate of Recognition. We do appreciate all your efforts.

**Mr. Paul Hessel:** Thank you guys for hiring me and giving me a chance.

**Highway/Water Superintendent Keith Hurtgam:** He and Gary are the ones that made that army truck transition a success.

**Supervisor Ross Annable:** It saved us a lot of money during that aspect as well as all the other projects that Keith puts you on. Good luck and congratulations and we'll be seeing you but enjoy the time off.

**PUBLIC PARTICIPATION – AGENDA ITEMS:** None

**OLD BUSINESS:**

**Peddler's Law**

**Supervisor Ross Annable:** Up next is a Peddler's Law. This has been discussion for some time. Sometimes we run into issues, so we've proposed a new law. If everybody is good with it, we will set a Public Hearing date. Is the next meeting okay?

**Attorney David Haylett:** Yes, I will send a copy to Cindy so she can print it off to have on file.

**Supervisor Ross Annable:** Okay, then we'll set it for the next meeting at 7pm.

**RESOLUTION 68-2022**

**MOTION** by Councilman Grant, seconded by Councilman Reed to set the Public Hearing date for the Peddler's Law for August 11<sup>th</sup>, 2022 at 7:00PM.

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

**NEW BUSINESS:**

**Mileage Rate**

**Supervisor Ross Annable:** New business starts with a new milage rate adjustment of \$.625 per mile for travel.

**RESOLUTION 69-2022**

**MOTION** by Councilman Huntington, seconded by Councilman Hill to adopt the new mileage rate adjustment of \$0.625.

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

**American Legion Recognition**

**Supervisor Ross Annable:** Next is to make recognition to the Herbert W. Carr American Legion Post that places markers on the graves of veterans in our town every year. In 2022 they decorated approximately 986 graves in six cemeteries in the Town of Hartland. Flags cost \$1.25 each and markers cost \$32.95 each. Last year their total cost was \$1563.00. We have provided the funds to reimburse them for that service. We thank them for their work in recognizing our veterans in the cemeteries.

**Donation**

**Supervisor Ross Annable:** We have a donation to accept from ComTech of Western New York in the amount of \$816.92. On an annual basis they have provided our recreation program with funds for t-shirts.

**RESOLUTION 70-2022**

**MOTION** by Councilman Huntington, seconded by Councilman Hill to accept the donation from ComTech to the Recreation Department.

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

**PUBLIC PARTICIPATION:**

**Supervisor Ross Annable:** I'd like to introduce someone who is new to Hartland. He purchased a home about three years ago, Pierre Gourdain. He had called to see if he can talk to us for a few minutes regarding the solar project.

**Mr. Pierre Gourdain:** Thank you for letting me talk. I moved here three years ago to Johnson Creek Rd. I wanted to discuss the solar project with you. I went to the meeting that we had on Saturday, and I just wanted to bring some facts so we can all discuss them. Pretty much what

Ross said last time is accurate. The solar company is going to come here, and they have the signatures. The first thing I want to say is that you have two towns close to Hartland that have projects that are going to happen. One of them is in Ripley. It is a 200-megawatt project. The one that you have here is 350 megawatts. There is also one in Elba/Oakfield that is 500 megawatts. When I looked at the law, Article 94C, it is clearly written that if you try to put solar zoning in place that is overbearing, ORES will disregard it. My advice would be that since the Town doesn't have solar zoning, we might as well work with EDF to get the solar zoning that we want and that they are willing to provide and try to connect those two. The Town of Riley is a good example because I think that is what they have done. If you go through the two or three-thousand-page application that was submitted to ORES, you'll find that they have visual buffers. In the other example, which is the town of Elba, they were not really willing to deal with the company. They had pretty much the bare minimum for buffers. They did a really good job for Ripley and a really minimum job for Elba. An association in Elba called the Elba Neighborhood Association, attacked the solar company, and said that they should not rule above the solar zoning that they have. That was seen by a judge and was overturned because 94C says they can. So, what I also noticed is, these applications take a long time. If EDF says that they are going to submit their application in September, they are preparing the application right now. It's probably going to take them six months to a year to get the application through. If you look at the different towns on the ORES website, all of the applications are documented. They go to a town and give a presentation and the meeting goes on the website. They go to a town and go against solar zoning and explain why and most of the zoning is overturned. The zoning that is overturned it usually because the company finds that the town is applying harsher rules to solar projects than other industries in the area. Some things that are a concern are the batteries storage, decommissioning, and the visual aspect. Make sure this is done in cooperation between the Town and company. I have a feeling that EDF can steam roll and barge into the town and do the bare minimum. On the other hand, if the town is sitting with them for a negotiation process and if the negotiation process fails you can bring them to court. If there is no negotiation, I don't know what is going to happen. The thing that is concerning about the decommissioning, is the fact that there is a law for decommissioning and the company is willing to put some money down but what they don't tell you is that they may have signed leases with farmers where the farmer or landowner will have to decommission. That is in the fine print of 200 pages of documents. If you want to know how I know, it is because that happened in France. They were looking at windmills and the Mayor before signing noticed that in the contract it was written that the landowner was responsible for decommissioning. That becomes a problem because all of the money we get, ultimately will go to decommissioning. Based on what I have found, the project you have will cost 20 million dollars to decommission according to NYSERDA. That means if they give the Town five hundred thousand dollars a year for 40 years, and then they just leave town, you've got 20 million dollars to decommission the site. I mentioned to Ross that you have to make sure that all the contracts address that. Some people know the law and will say they don't want to decommission, and others don't know that and will be forced to if its in the contract. That's

pretty much all I gathered for now. I have to say that I think Ross is doing a good job at trying to navigate that. This is a huge project with a lot of people behind it. I ride my bicycle to work everyday so I'm a guy that is more for solar energy than gasoline or things like that, but it is a big project for a town that has never had solar before. So that's the main concern that you have and fortunately, based on today's data, you have two paths. Either you work with EDF, or you work against them. One of these two paths is going to trigger a series of reactions from the company. If EDF is doing everything that they're supposed to do, which I think they are, and you go against the application, ORES is going to look at it and give them the go ahead. There is no zoning law that you can put in place that is going to prevent them from doing that. Senator Ort is trying to modify the 94C section 5E that would allow for referendum by the Town. If the Town accepts by 51% then the solar project can go ahead. The problem with that is I don't think it has bipartisan support. I'm not sure if that's actually going to go forward or not. Since 94C is designed to accelerate the amount of renewable energy being produced, I don't think it's going to pass. I will give Cindy a copy of my Google Drive to see my documents if Ross is okay with that. Everything there is public information from the ORES website. If you need my help, I'm here to help you. I'm not a lawyer or a person who worked with solar companies. I'm just a teacher who talked about renewable energy.

**Supervisor Ross Annable:** Just to respond to some of those things, we had a meeting this morning with an attorney, Mr. George Van Nest, that we hired to manage us through the process and an environmental engineer, Mr. Andrew Reilly, who gave us a rendition of 94C and many of the issues that you've commented on. We're working towards developing something of a coordinated plan to work with EDF. I spoke to them yesterday and they are willing to sit down and deal with our project. Hopefully we can do some mitigation in some of those areas. Thank you for your information and welcome to town. Would anyone else like to address the board on the solar project or any other issues?

**Mrs. Barbara Outten:** I want to know how to help notify the landowners about those leases.

**Supervisor Ross Annable:** They need to talk to their lawyers because those are individual contracts so that's something they have to manage on their own because like anything else if you signed a contract your obliged by it.

**Pierre Gourdain:** I think if you asked EDF they would give you the information. The process is supposed to be open and that is what ORES is forcing them to do. There is also a meeting on July 27<sup>th</sup>. Of course, they won't tell you all of the information, but I would think they would tell you that.

**Mrs. Margaret Zaepfel:** Ultimately doesn't it end up being the town's responsibility to decommission if the landowner that takes the money and doesn't have enough to decommission?

**Supervisor Ross Annable:** There would still be a decommission process that the town has.

**Mrs. Margaret Zaepfel:** But the town would have to get involved at that point.

**Supervisor Ross Annable:** We would have to utilize a form of bond or letter credit. Either way those monies are controlled by the town the only thing we have to make sure of is that we escalate that over the length of the project and that periodically gets bumped up

**Mrs. Barbara Outten:** I live on Chapman Road. About 80 or 90 acres of solar is supposed to go across from my house. I do represent McCollum farms and many of the residents of the Town of Hartland in voicing our opposition of the take over of our community by EDF. For the past two and half years those in the agricultural industry has raised their concerns to the Town on this proposed project. What have we received back? Further intimidation in many ways and nothing showing that the Town Board is taking these seriously. We do not even have a decent solar law protecting us, as the Town of Somerset or various other towns do. The absence of any law is definitely scary. We are left undefended and helpless, fodder for the wolves that are looking to devour our land and community quickly before we realize it's too late. Most people are alarmed and had no idea what was coming. Earlier this week an EDF parent company in France announced that the French government will be nationalizing EDF to ensure control of power in France. It raises many questions about EDF and its various branches around the globe as to their viability to ensure a stable grid and perform up to their promises. With EDF being nationalized, how does it feel that the French government will be putting down stakes on over 2000 acres of land right here in Hartland? The land leases can be transferred to other entities as well, so who is next? They can sell the leases to China or any country in the world, potentially hostile. This project should be stopped cold until many questions are answered and federal laws are followed. The USDA strictly controls the foreign operation of leased agricultural lands, and we demand they supply a statement before any work takes place. Since EDF is now fully controlled by France, the US Department of State needs to weigh in. Hartland's elected officials need to step up, not cave in, to Albany's misguided agenda and ensure that the long-term effects to the Town are not detrimental. Do not be distracted by the big money that has been thrown on the table. We don't need the money. Most people said they would pay tons more money to keep our community. These revenue streams can dry up tomorrow. With the upheaval in today's world, the entire project could become a dormant wasteland and blight on the community. Home rule does still have meaning and value in Hartland. We just want you guys to help us. Stand up for those who you have the honor of standing for. Stop letting Albany drive our town into the abyss they've created. This is well documented that EDF is being taken over by the French government. I know I definitely want answers. There are various articles. It's not hearsay. It's going to be controlled by the French government. Its all over the Wall Street Journal.

**Supervisor Ross Annable:** Thank you. Anyone else?

**Mr. Leo Shannon:** You said you don't know a lot about the panels. Do you know what chemicals are in the panels? Do any of us know exactly what chemicals are in the panels?

**Supervisor Ross Annable:** We don't know which panels they are going to be utilizing. As they've advised us, they don't have the contaminants like cadmium.

**Mr. Leo Shannon:** What will it have then? We don't know.

**Supervisor Ross Annable:** We don't know until they tell us. I don't know what is in the solar panels on people's houses either. At some point in time, we will.

**Mr. Leo Shannon:** That's my whole point. We don't know what is in these panels. To get back to what she was saying about the French government, they have taken over all of France's solar projects. As we all know, a lot of times when the government takes over something, it usually doesn't work out well. France is having brown outs. That is why EDF is going to the French government and having the French government take over the solar panels so they can put solar panels in anybody's back yard and anywhere they want because France does not have enough solar panels to take care of the job. This would go back to last year when it happened in Texas and they had a big brown out. The Texas state government had the solar panels come in and they gave them all the great talk. This is a foreign government telling us this. So, they said we can do away with the nuclear power and coal and they thought it was great. You saw what happened in Texas with the brown outs. They had people die.

**Supervisor Ross Annable:** People come here to give us information you need to have some documentation because this is way above my head as far as what causes what, and what's doing what. So, do you have some documentation to show what you're talking about?

**Mr. Leo Shannon:** It was that big freeze. I'm sure you all saw it on the news.

**Supervisor Ross Annable:** To give us a rendition of exactly what caused it though, I don't think any of us know that without an expert to tell us what happened so please stick to Hartland.

**Mr. Leo Shannon:** That's what my whole concern is and now you have the German government building six new coal power generation plants because their solar didn't work. They put it in and all it is now, is freeze outs. They have about three and a half months of solar power from their panels, and they found out it didn't work so now they're building all new coal plants.

**Supervisor Ross Annable:** I don't dispute any issues with solar whether it's good, bad, or indifferent. Our problem is, New York State has set up a law that overrides everything that we



have. There's not much we can do about it. There's not an action we can take. If we don't work with EDF and come up with reasonable agreements with them, nothing is going to happen for us. That is why we want to try and negotiate some of the mitigating circumstances to make this happen. There's nothing we're going to do to stop this project.

**Mrs. Barbara Outten:** With the new information about the French government, wouldn't it behoove the Town, or the attorney or somebody to at least legitimize and investigate?

**Supervisor Ross Annable:** We can look at that but what France does to the company but what they do doesn't necessarily impact what the United States does.

**Mrs. Barbara Outten:** The French government owns the company that is coming here to lease land.

**Supervisor Ross Annable:** They own a company in France. If they own a company, it's still a company.

**Mrs. Barbara Outten:** It is the French government nationalizing. That's the French government coming here.

**Supervisor Ross Annable:** Okay but we don't have French laws here.

**Mrs. Barbara Outten:** Why would we want to send our resources back to France?

**Supervisor Ross Annable:** There are a lot of companies that operate in the United States that send their money back to the countries they're based out of. Target for example is a French company. That money goes to France.

**Mrs. Barbara Outten:** Well, this is a recent development. It changes everything with agricultural lands. I just wish somebody in the Town would at least take a look at it. It's a huge deal.

**Supervisor Ross Annable:** That could be something that we can investigate. I don't know what kind of an impact it might have.

**Mr. Pierre Gourdain:** This is just a clarification. I am not for the project. I just wanted to give some facts. The thing is that the laws are appalling but they are what they are. Though I have to say that when I looked at the process, they try to make it as least impactful as possible. The process is really thorough. If you put all the negotiation on their side, it's not going to be good.

**Supervisor Ross Annable:** That's the problem. They've taken away our Home Rule and we're not happy with that, but New York State does what they want. Anyone else?

**Mrs. Margaret Zaepfel:** I just wanted to say for the people who weren't at the meeting this morning, I learned a couple of things. Basically, our attorney said the law is atrocious. The guidelines for renewable energy took away our home rule. The attorney was like this is a travesty. I know there's lawsuits against the state for doing that. All I can say on that aspect is that if we can stall this might all go away with a regime change. I hate to be the first town to be destroyed so anytime we can stall would be good. I agree with Pierre that we should have laws on the books and negotiate but at the same time this is a take over of our country and state. The attorney agreed. It was a bad law, and it was unconstitutional, so I hate to be the first one to lose our town when that happens. The environmental engineer doesn't they didn't even consider if you take so much farmland away how it will affect the farmer next door that leases that land to grow the corn to feed his cows. It's going to be a ripple effect. And then, he rolled his eyes when he said they say it will go back to farmland. It's not going back to farmland. I know we have to work with EDF. For two years, the Planning and Zoning Boards have wanted to talk and be involved, and it could've solved a lot of problems and heartache and anger if we can protect ourselves as well as do everything we can to stall or put the project off. Maybe we can join the lawsuits against New York State and ORES. What they did is unconstitutional, and they did it anyways because they don't care. We want to work. I like both of the guys today and they feel the same way we do except their hands are tied. They have to make the best of a really bad situation. We should be able to be involved. We can fight whatever way we can by stalling. We have to be heard. I think it'll go away in a few years. Even the environmental engineer said its not a viable situation. Solar is not going to supply enough for our energy needs. Right now, our administration is spending money hand over fist that we do not have. Anybody knows that anyone that spends money like that is going to go bankrupt and the money will be gone. And so well have a bunch of solar panels that don't supply our energy needs, no money, and our town will be destroyed. I want to work with you guys if we could.

**Supervisor Ross Annable** Thank you. Anyone else?

**Councilman Huntington** It's nice to see the video of recreation and little snippets of what they do at the recreation program.

**Supervisor Ross Annable:** There has been a good effort over there.

**Councilman Grant:** Do they have a lifeguard over there when the splash pad is open? On the news tonight the City of Buffalo is not going to open 18 splash pads because they don't have anybody there to watch them.

**Councilman Reed:** We have attendants there all the time so it's open. We don't need a lifeguard because it isn't a pool.

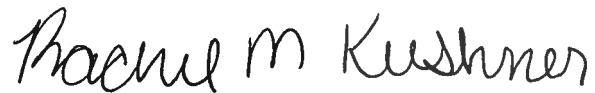
**Adjournment**

**RESOLUTION 71-2022**

**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 7:45p.m.

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

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

Deputy Town Clerk

Next scheduled regular meeting will be August 11, 2022 at 7:00 p. m.