

## March 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

Town Clerk: Rachel Kushner

Councilman: Joseph Reed

David Huntington

David Hill

Cliff Grant

Attended by: Sign in sheet attached.

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

**Supervisor Annable:** Good evening, everybody. Tonight, we are going to start with two public hearings – our updated solar energy law, and our new battery energy storage law. Just to preface with where we're at – it has been four years now that this has been brought to the town and we have been dealing with this and learning and studying it. As a point of interest, a lot of people were under the impression that EDF was going to file for permit this year. They are not going to file for permit this year. It will be next year at the earliest that they will file for that. There is still a long time before any of this concludes. We have gone through the Article 10 process with this initially. 94C has now come in from the state and taken away our home rule and set standards for these large-scale projects. We are trying to meander through their laws and our laws. We've hired an attorney and representative Drew Reilley from Wendel. They have been working on these laws for us. The initial law came through from the Planning Board which was put together from a couple other townships. What we are going to do is present it this evening and ask for any feedback on issues that are in it. We are going to keep this public hearing open until next month to hear comments and fine-tune this. This is just the initial start to hear from the public and give you the opportunity to provide some feedback on it. I am going to ask that for the Public Hearing, direct your comments and questions to the solar law. If you have comments and questions about the solar project as a whole, we can address those later on, but this is specifically about the solar law. If you have something that you would like us to look at and consider, please step up and give us your name and address.

**Public Hearing 3 – 2023**

**Proposed Amendments to Section 144-17 Solar Energy Systems**

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

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

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.

Hearing was called to order by Supervisor Annable.

**Ray Sullivan**: Have we ever found out about home values?

**Supervisor Annable**: I mentioned that to them. I explained how there are other entities around that have done that like the FMC project, but they didn't say yes or no. We hope that these laws will bring some talking points to the table to mitigate that. The state has set standards, but we are still going to try to address some of those issues.

**Ray Sullivan**: Have they come up with all of the easements yet to join everything together?

**Supervisor Annable**: They are still working on that as far as I know.

**Margaret Zaepfel**: When the Planning Board submitted their draft to you, it was quite specific about a lot of issues, but I see that a lot were gotten rid of. We had about three pages of suggestions and how it went along with our Comprehensive Plan. You got rid of all that and basically said that you were going to create a synergy between solar and the Town's Comprehensive Plan. As the Comprehensive Plan stands right now, that would be like oil and water. The Comprehensive Plan is filled with maintaining the rural nature of the town and maintaining the livelihood of the agricultural district. You also changed that it would be alright to put solar on agricultural land. In the past, it was industrial and business areas. I just want to bring that up because that is a big change. You are going to change the Comprehensive Plan and change the whole town to accommodate something that we were never meant to do. The Planning Board worked on this law for months and months and I would've thought more would've been included. Another thing is I have been working with the Planning Board and attending their meetings and work sessions. We discussed setbacks at length. We also talked with Kevin Campbell, and he said he is willing to negotiate all sorts of setbacks as long as they accomplish their goals and we accomplish ours. Those were completely left out of the draft law from the Town Board. I would ask you to reconsider and consult the Planning Board to see what they were trying to do. They were trying to make sure there would be a certain amount of road left for growth opportunity in our town. By having the solar panels within 50 feet of road frontage, growth would be eliminated in our town. Because the project is not clustered, it is

affecting the whole town rather than just a few roads, it further limits any growth. On certain roads, we'd like to see a 500-foot setback so someone can actually build a house on it and have a little 5 acre farm. On others, where there are no people living there, bring it 5 foot from the road, we don't care. Kevin was willing to negotiate all of that. It was all taken out of your draft, and it is something I really wish you would consider.

**Supervisor Annable:** Please give me some of those highlights when you have time.

**Carol Slack:** I am just wondering why the Planning, Zoning and Town boards aren't all working together on this?

**Supervisor Annable:** We can talk about that later, but this Public Hearing is specifically for the law.

**Carol Slack:** I'm just curious because I just thought you were all on the same team.

**Supervisor Annable:** Does anyone have any comments on the law specifically?

**Ray Sullivan:** Are the fire suppression systems for the batteries still water? It didn't work so well in Florida.

**Supervisor Annable:** That comes from the fire companies.

**Ray Sullivan:** I've actually talked to a company in Tennessee that sells the water suppression systems and they said it does absolutely nothing.

**Barbara Outten:** On page 1-B, it says that the Town Board of the Town of Hartland finds that solar energy that is properly regulated is energy that is clean and readily available and a renewable energy source that benefits the Town of Hartland, residents, and the general public. It is not a benefit to us and two-thirds of us said no. Can that be stricken from the record?

**Supervisor Annable:** We can take a look at that.

**Leo Shannon:** I just want to read from this law – The property must be inspected after the National Weather Service designates a severe weather warning to ensure that the property did not sustain damages. The emergency process must be followed in case of a fire, explosion, release of liquids/vapors, damage of critical moving parts, or other potentially dangerous conditions. Included procedures can be sounding alarms, notifying firefighting departments, evacuating personnel, de-energizing equipment, and controlling and extinguishing fires. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and

extinguishment when an SDS is not required. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility. Systems owners shall provide guaranteed non-emergency response times of a qualified subject matter expected to the town hall and a local fire responder. Other procedures are determined necessary by the town to provide for the safety of occupants, neighboring properties, and emergency responders that shall include but is not limited to the smoke plume. All smoke plume test findings are to be made public. Have you gone over all of that to know what we are going to do in case a catastrophe happens?

**Supervisor Annable:** There are state and national laws that pertain to that and when the system is designed those will all be taken into consideration.

**Leo Shannon:** There were a lot of times in that, that I said town. Is the town ready with our laws?

**Supervisor Annable:** That is why we are working to establish these laws but if that were to happen, we will follow those protocols.

**Leo Shannon:** I think we all know we can't always trust state laws.

**Supervisor Annable:** There will be a redundancy in our laws.

**Margaret Zaepfel:** On the front page, it says the energy is supposed to be clean and readily available and I just wanted to say we don't know anything about these solar panels. We don't know if they're clean, where they're produced, who produces them, if they have any runoff or anything. We know nothing. For us to say in the opening letter that they are clean and readily available is an overreach and I really think we shouldn't have that in there.

**John Davis:** I just want to clarify – are we talking about tier three batteries here?

**Supervisor Annable:** Yes.

**Margaret Zaepfel:** Also, you skipped the definitions of battery storage unit, solar energy system, and wetlands. There is also no tier 3 or 4 in your definitions of systems. You changed it to a utility scale solar system.

**Supervisor Annable:** Anyone else? We will keep this Public Hearing open until the next meeting and continue this discussion on the solar law and see if we want to change or add anything.

**Carol Slack:** I do have one question because I am confused about how this works. When we started our business, all of the neighbors had to approve. So, if you are going to take the lot next to me and turn it into a solar farm, I think the neighbors should have to approve. It is just as

much a business as a body shop. I think it should be a part of the law, that neighbors should be able to approve or disapprove of this. It just seems to me that this is being allowed to move forward without asking the neighbors and nothing else moves forward without asking the neighbors.

**Supervisor Annable:** As neighbors, you have a chance to voice your concerns with those businesses. Unfortunately, that is what New York State is telling us and we have to try to mitigate through that.

**Carol Slack:** This law just seems so pro-solar farm. It just seems so one-sided for ruining the town.

**Ray Sullivan:** Out of curiosity, do they even have the full easements that they need required to hook up to the grid?

**Supervisor Annable:** I am not sure exactly where they are at with that, but I do know they are continuing to work on all of those.

**Ray Sullivan:** Does that mean we are having a discussion about something that may never happen?

**Supervisor Annable:** As I've said before there is nothing saying this is going to happen. We are four years in. It is probably 2-3 years away from getting to that point. There are a lot of things that can come up and stop it. That is where there are a lot of studies being done and I know they are in the process of those studies right now.

**Ray Sullivan:** You haven't got a reply back from all the wetland mitigation?

**Supervisor Annable:** I know they are going through them, but I haven't seen anything on that yet.

With everyone desiring to be heard, having been heard, this Public Hearing is left open until further notice.

#### **Public Hearing 4 – 2023**

**A Local Law to Amend Local Law 4-82, as Thereafter Amended, Entitled “A Local Law to Regulate Zoning (Chapter 144, of the Code of the Town of Hartland, New York**

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

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

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.

Hearing was called to order by Supervisor Annable.

**Ray Sullivan**: Is the battery storage law from New York State?

**Supervisor Annable**: No, we are setting Local Laws for battery storage outside of the tier 3 large scale process. If the solar company builds that into their project when they submit it, we don't control that aspect. If somebody comes in with a battery storage for a smaller project, we as the town, get to control that outside of those larger projects.

**Carol Slack**: We don't want battery storage, so if we could just eliminate it, that would be fine. They are proving more and more to be dangerous. In the beginning, the batteries weren't going to be here.

**Supervisor Annable**: There is no knowledge of whether they will be here or not, but it is a possibility.

**Barbara Outten**: If we aren't going to have batteries then why do we need a battery storage law?

**Supervisor Annable**: If someone else comes into town with another kind of a smaller scale project, we get to control it. We currently control small scale solar projects. If someone wanted to put up a wind turbine, we would be able to control that.

**Barbara Outten**: I'd like to thank those that spent time drafting and compiling the information of the proposed law. I appreciate all the people that have spent a lot of time on it. I can see much of this proposed document has been derived from the 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 by making "consulting engineers" available to interact with local governments, all the while making sure that there is no local opposition and doing so under the guise of an independent firm. 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. The recent survey that was conducted by the town that showed only one in four residents are in favor of these projects, while three of four oppose it. Upon reviewing the proposed document, there are many areas that are short on specifics, as it applied to the agricultural, as well as the residential community of Hartland. Do I want a battery energy storage system (BESS) across the street from me? I don't think it should be allowed. I know you are saying Albany is pushing it on us, but I believe Hartland can push back. On the first page of the document below part B section 1 "provide a regulatory scheme for the designation of properties suitable for the location, construction, and operation of battery energy

storage systems” the use of the word scheme is questionable when the work plan should have been used. So where exactly is the proposed area being designated to place these BESS units? Seems off that there is a level of secrecy here when the outcome will affect residents, land owners, and the sg community in many ways. I see no reason that EDF should withhold that information. If they said they were putting a ticking time bomb across the street from me, we would want to know. Are they going to be in one area so if they were to light on fire the big plume would go up? 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. It doesn’t say anything about what is taking place. To date, there has been no Comprehensive Plan update and no opportunity for public input into the 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. Therefore, I am requesting through a FOIA request that the Town of Hartland provide details of the update of the Comprehensive Plan, those assigned to the committee, dates of meetings with agendas, attendees, and the published public notice of those meetings in which the community can voice their concerns. Without this being completed first, and the community knowing the vision of the community for the next 5-10 years, it is pointless to pass any law allowing these renewable energy pipe dreams from Albany. This really is our protection. We may have certain people who would like to make millions of dollars off of what we will be left looking at. Also, in item B on page 1 the fact that public health and safety is number four 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 is NFPA 855 safety standards even 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 should be taken offline until retrofits are completed. In addition, many ICC codes will be changed in 2024. This has come from a deep case study and research to form best practices in this new and unproven technology. 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.

**Margaret Zaepfel**: I do have a copy of the Comprehensive Plan here and this is my favorite couple of sentences. “If on the other hand growth is permitted to take place without guidance and control by the community the overriding self interest of speculating growth may prove to be detrimental to the well being of the entire town.” I think that is so wise. At this point, the town has been talking about updating the Comprehensive Plan. However, up to this point that has always been done by the Planning Board. Now, they have taken it on with attorneys and engineering to guide the Planning Board. Well, not so much the Planning Board. So, the same

people who want to do this, have also taken over the Comprehensive Plan and taken it away from the people and write it up so that it is acceptable for these types of things to go on. As far as battery storage goes, batteries are so dangerous that some of these companies are stepping away from them. The initial money is coming for the solar panels. They don't want to be involved in this battery storage so they are stepping back and saying we will put up the solar panels and let it go the way it is, and they'll get their money and they'll be gone. Then they will let another company come in and do battery storage. In that situation, our law is so important because they no longer fall under 94C. So, we have complete control as to where they are going to go, how far back it has to go, and all that stuff. So, if it goes with the project itself, we're kind of screwed. In dealing with Kevin Campbell, he is willing to bend over backwards and do whatever he can. I really believe that he will try. If we don't negotiate and demand things from him, he will do what is best for the company because he has to think about the company first. I know he will try to make it easy all the way around. A lot of us have been standing here for four years. We really wanted to participate. We are educated people and we want to have a voice. The fact that these laws left out what the Planning Board suggested, just tells you that we have not been listened to. The battery storage law is very important. If EDF does not bring batteries in, batteries will be coming. So, we have to be really stringent on how we propose it.

**Ray Sullivan:** What kind of batteries are coming in? If tier 3 batteries come in, where is our industrial and commercial districts? I didn't know Hartland had any. We should probably have the lawyer decipher all of this stuff.

**Supervisor Annable:** There really isn't one. Our lawyer and engineer are the ones who put this together from other areas. EDF does not know if they are going to use batteries or not. If they use batteries, they probably haven't even been designed yet. In 3-5 years, there could be completely different technology. I do know that they plan to have one small area for batteries, not spread throughout the town. There may not be any batteries in this. That is all to be designed and determined down the road.

**Ray Sullivan:** The only reason I am asking about tier 3 is because they need to go into industrial use district.

**Supervisor Annable:** If that's the case then we would control on small projects where that would go and we could rezone an area to do that but right now we don't have an industrial use in our town. We are trying to move through this, and the state is driving what we are going to be able to do. We can put all these laws into place, but they can steamroll the community. They have already done that in a lot of communities. We are trying to put some talking points in. As Peggy said, we have talked to EDF, and they are willing to work around certain areas. I feel confident that they will do that. I have watched the Mount Morris project as a template because



they are in the process of getting ready to construct them and they have done everything they said they were going to do down there.

**Ray Sullivan**: It is apples to oranges though because Mount Morris isn't Hartland.

**Supervisor Annable**: They are mitigating down there and doing what they're saying though.

**Ray Sullivan**: Are they doing battery energy storage in Mount Morris?

**Supervisor Annable**: I don't believe so, no.

**Connie Soemann**: They are on the side of a hill. They are not in good, prime farmland. I guess what really needs to happen here is we need to know that you guys are listening to us.

**Supervisor Annable**: We hear you. I know that the majority of people that come here are opposed. There are people out there that support this, so we have to look at everybody's input. There are landowners and property rights and farmers that are conducting business and don't want to be told how to use their land to make a profit and run their business. So, there are two sides to this.

**Connie Soemann**: We just want you guys to know how we feel.

**Barbara Outten**: We want to know that we are being represented.

**Supervisor Annable**: We are representing you. We also know that the state is telling us what to do.

**Connie Soemann**: Don't you have any say in it?

**Supervisor Annable**: We do not have any say in it.

**Barbara Outten**: The Town of Cambria can fight, and we can too.

**Supervisor Annable**: In the Town of Cambria, they had 100 acres that was deemed not usable because they had that acreage earmarked for something else. It didn't stop the project. It held it up and now they may look for another 100 acres to do it. As far as the Comprehensive Plan goes, the Planning Board was tasked about 5 years ago with updating the Comprehensive Plan. They have not. We are in the process of hiring Wendel engineering to help us through that. This is a large process dealing with these things. This is not simply keeping it rural anymore. These projects are out there in everyone's community. We are not the only ones dealing with this. We

are not trying to reinvent the wheel, but we are trying to look at other municipalities and figure out what works and what doesn't work. We have had some agreements with EDF on certain things and I look forward to mitigating that if this project goes through. At the end of the day, the state has said you can build these on agricultural land, and they've set standards.

**Connie Soemann**: Everyone needs to go down Slayton Settlement right now and see what has happened. That is what is going to go on in our whole town. It's just not right. Do you really believe it's going to work?

**Supervisor Annable**: I do not believe in the electrification of America. What the state is telling us, I do not believe in.

**Connie Soemann**: Then stand up for yourself. You have power that we don't have.

**Supervisor Annable**: I am, but I also have to stand up for those that do want this. This is state law.

**Tim Neadow**: We just want to feel like you guys are standing in front of us and looking at opposition with us, instead of looking at us like we are the opposition. You guys are representing us.

**Supervisor Annable**: We are looking out to be sure there is the least amount of damage. We are trying to mitigate this as best as we can. I have been to four fire trainings. When they tell me that it is a manageable risk, how can I go back and argue that? When this first started there was people telling us there was a bomb going to blow up our town, and that were hazardous materials with these panels. I can't argue something that isn't true. If you go to the state and say these are bombs that are going to blow up our town, and these panels are going to be toxic and destroy our farmland they are going to laugh at you because it is just not true. We wouldn't put them on houses and have them in projects if they were harmful. We have to utilize what we can.

**Tim Neadow**: We all have TVs too, but we still have to recycle them.

**Supervisor Annable**: That is correct and that is part of the project - to make sure that they are decommissioned properly and make sure that they are recyclable. There are laws in place for that. Those are the things we are focusing on. There is not a way to put up roadblock and just say we don't want it. We have to accept the fact that it can come and work the best that we can through those avenues. That is why we have hired an attorney and Wendel Engineering. They are experienced with this. I've been doing this for four years but after four years I am nowhere near an expert. We get it. This takes up half my time in the last four years. I would rather spend much more time doing other things. We have to learn, we have to understand this, we have to know

what is fact and fiction, and that is where I rely on the experts. That is why we are trying to get these laws through. That is why we are trying to put it out to the public here, because we want to hear what your comments are and come back and try to address some of those things. We have to work around the state. Unfortunately, that is what drives the train.

**Carol Slack:** We know that you want to go based off of the facts and the fact is 2/3 of this town does not want this project and we don't feel that is being heard.

**Supervisor Annable:** Even if 100% of the people in town didn't want it and the state still wants it to go through, all we can do is try to work around the edges where we can.

**Carol Slack:** A small percentage of the people in this town want to do this for the money and you are still backing them. I also understand that your hands are kind of tied but we also need to feel that you are on our side, and I don't ever get that.

**Supervisor Annable:** We aren't backing anyone here. We are backing our laws. I am not going to stand up and say we don't want this in our town because there are some that do. What I want is for this to be done safely if it comes. We already allow 50 acres of small scale solar. Right now, a person can put in small scale solar in town. This is just that it is a larger project and may have battery storage.

**Carol Slack:** It needs to be treated as a completely different animal because it is.

**Supervisor Annable:** We recognize that solar is a new technology that is out there. We are working to develop the laws to make sure it is done as safely as we can.

**Darrell Lindahl:** How many acres of viable farm land are in the town?

**Supervisor Annable:** 12,000

**Darrell Lindahl:** What is the percentage that they are proposing for this?

**Supervisor Annable:** Probably around 15%, 16-18 hundred acres.

**Darrell Lindahl:** I have heard that it should be somewhere around 2%. That is something I read on a site about these types of industrial solar projects. I think it was down in Virginia or one of the Carolinas. They said that is the mold and they try to keep it at 2% of the viable farmland in an area.

**John Davis**: Under the tier 2 section it talks about decibel levels. I don't see anything about that under the tier 3. That is something to look at in the new law.

**Ray Sullivan**: You always say that you talk with the experts. EDF are not the experts. Have you talked to anyone from the Air Force base about these batteries?

**Supervisor Annable**: You're right. I've talked to a lot of people outside of EDF. I've been to four fire trainings. At the last one there was someone from the Air Force base. There are always going to be issues. At the end of the day, all of the people I've talked to at those trainings call it a manageable risk. They are more worried about the cars on our highways than they are about battery storage all the way out in a field.

**Ray Sullivan**: Do we know what would be in there? Are they lithium?

**Supervisor Annable**: I would imagine that at this point, they would be lithium.

**Dave Snyder**: I did some homework on that subject. We have just cut 15% loss in a major lithium company because our folks from Tesla are working with a battery company in China and they have a silica battery that will not be used in cars, but will be used in the near future to take over for the storage problem with lithium. A lot of things we are talking about now, you are pushing it back. I think things are like lightning right now and your electric cars are going to be 30% more efficient in two years because they just figured out how to battery energize the system. I think that as this goes on we have to stay abreast of what is out there and what we can ask because if we can state that we want something other than lithium it may be available in three years. This whole lithium craze might not go away in the automobile but I also think we are going to see a great change in everything.

**Leo Shannon**: This is about tier 3. For all large-scale solar energy systems, the recommendations of a landscape professional are required. The Planning Board can require that large-scale systems involving complex or sensitive visual and/or aesthetic concerns be approved by a NYS registered landscape architect OR all large-scale solar energy systems landscape plans must be approved by a NYS registered landscape architect. Do you have any idea who that is?

**Supervisor Annable**: I'm sure that there is one.

**Leo Shannon**: What about the lawyers you said you hired? Can you ask them who this guy is? It sounds like this guy might be Kathy Hochul's right hand man. Look what is going on in our government today. This is the last thing it says - for any buildings or structures (not panels) to be placed on the site, the applicant shall be required to submit plans illustrating how these structures will blend into the character of the area. That is a tricky thing.

**Supervisor Annable:** I will look into seeing who that committee is.

**Leo Shannon:** You know how things work in government. It is just like when Kathy Hochul tried to put that gun deal through, and it failed. She got beat. We can beat her. We can beat Kathy Hochul. We don't have to give in to Kathy Hochul if we want to fight. Never give up the good fight. Ben Franklin said that – never give up the good fight. If we are all willing to fight, then let's fight. We have one farm in the Town of Hartland that is a humongous farm. They are a very old family probably from the 1860s and they don't want solar on their land. They've got beans, they've got corn, they've got everything they've got, and I know because I know one of the owners. These people are smart. They don't make decisions without looking at what they've got to do years ahead of time. You know who I'm talking about – the McCollums. Why are they not in favor of it? Doesn't that make you question it?

**Supervisor Annable:** We can talk about this outside of this. We want to get through the public hearing aspect of the battery storage. We can talk about that later on.

**Leo Shannon:** My last thing please, hear me out. You said that when you talk to them you talked about the fire. Do you remember when I was at a meeting, and I asked you to look into the fire that they had in Texas on top of the Walmart building? There were 200 solar panels and 16 of them caught fire. They had a 60-mile area where they had to evacuate everybody because of the plume. The plume is not just a lithium battery. There are carcinogens and chemicals in there that are dangerous to the waterfowl, our creeks, and our soil. I would appreciate it if that lawyer you're talking about can go find that film. Its true. I watched it with several people in this room. A 60-mile area they had to evacuate. There were 13 different chemicals and they were all carcinogens inside those panels.

**Supervisor Annable:** Can you provide to me where that was in Texas?

**Leo Shannon:** I am not sure of the town, but I watched the movie from a retired DEC officer. We went to the Town of Cambria. They invited us up there to see it because they wanted us to see what plume was. A lot of people don't know what plume is. But when you have to evacuate a 60 mile for 12 panels out of 200 on fire it doesn't take a rocket scientist to find out something isn't right here. I suggest, if you would please, to ask this lawyer that you talk about to go and find and search out this film. You councilmen, get on your computers and look it up. It's on there. Do it for the people. Take time. You guys are smart guys. You can go to the computer and look that up. I forgot what the name of the town was, but it was in Texas at a Walmart and you can't imagine the fire they had. Sixty miles is from here to Ellicottville for God's sakes. I'm asking you councilman to take some time and look that up on your computer and sit and watch what we all watched on that film of that fire. The reason I say it is because one car fire that starts on fire takes a fire company 6.5 hours to put that fire out. When they are fighting that fire where are those chemicals going? Down into the ditch. Please councilmen, go and look it up on your computers. Go look it up and see what that looked like and see how much damage, and just remember 60 miles. I'm asking you to please take the time to do it.

**Margaret Zaepfel:** We just had that disaster in Ohio. You said that early on we were afraid

of something exploding. That's because it happened. Everybody knows that lithium-ion batteries explode. We are talking about unprecedented amounts of new technology right in our backyards and right next to our homes right where we live. With that disaster in Ohio, animals are dying, fish are dying, people are sick. They want to evacuate the whole community. We can't just sit back and say it most likely wouldn't happen here. You've said too that you wanted to represent the whole town. Four years ago, you said you don't know where the people stand. Our petitions didn't have any weight and finally 3.5 years later we got the survey. They still showed the majority against. Three-quarters were against, and one-quarter was for solar. How does this community work? If three quarters of our town is against something, do we go for the one quarter who is for it who is going to benefit financially whereas the rest of the town will be hurting? It will destroy their way of life and their incomes and everything and their futures. I feel sorry for the people who signed up. I think they're going to make some money but I really think that in the end it is going to come around and bite them because technology will change and things like Ohio will happen. I just hope it doesn't happen here.

Connie Soemann: If things do move away from lithium, how do we know that isn't even worse? I guess we just want to be heard.

**Supervisor Annable:** Well, we don't. I'm sure there will be new battery energy storage coming down the line.

**Ray Sullivan:** Reading through here, who will be responsible for these access roads leading back there – the town or EDF?

**Supervisor Annable:** They have to comply with laws that are already established by the state and we will include that too.

**Ray Sullivan:** It doesn't say anything about tier one and two, but tier three can't be a dead end. I'm just wondering who is going to take up that bill?

**Supervisor Annable:** We have included language for roads and drainage ditches and our access and those types of things.

**Leo Shannon:** Ross that was Decatur, Texas for all you councilmen. Please look it up.

**Supervisor Annable:** If you have any information to provide, please provide documentation that you have on some of these things that have been commented on. Standing up and saying this is ok but we want to see some factual information to back it up.

With everyone desiring to be heard, having been heard, this Public Hearing is left open until further notice.

**RESOLUTION 45-2023**

**MOTION** by Councilman Huntington, seconded by Councilman Grant to adopt the minutes of the February 9, 2023 and February 27, 2023 meetings as presented.

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

**RESOLUTION 46-2023**

**MOTION** by Councilman Reed, seconded by Councilman Grant 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                      2023000147-2023000236

General:	\$42,926.93
Part Town:	\$1,006.34
Highway:	\$59,403.94
Refuse:	\$26,301.25
Water:	\$7,400.72
Total:	\$137,039.18

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

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

**Supervisor Annable:** Mike asked me to make note that the building that was knocked down on Ridge Road should be cleared by the end of the month. So, we will keep that on the top of the list and make sure it gets done.

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

**PUBLIC PARTICIPATION – AGENDA ITEMS:**                      None

**OLD BUSINESS:**                      None

**NEW BUSINESS:**

**Supervisor Annable:** Just for the record our Annual Report has been filed as of February 24, 2023.

**Supervisor Annable:** We need to increase the milage rate to 62.5.

**RESOLUTION 47-2023**

**MOTION** by Councilman Hill, seconded by Councilman Huntington to increase the milage rate to 62.5/mile.

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

**Supervisor Annable:** We also want to set the recreation director and attendants and leaders salaries for the coming summer. I'd like to set recreation director at \$2600 for the summer, park attendants at \$15 per hour and recreation leaders at \$14.20 per hour.

**Councilman Huntington:** What is the difference between a recreation leader and a park attendant?

**Supervisor Annable:** The attendants are there as a laborer type position to oversee the park. Recreation attendants are watching over the kids.

**Councilman Huntington:** Is \$14.20 minimum wage?

**Supervisor Annable:** Yes.

**RESOLUTION 48-2023**

**MOTION** by Councilman Huntington, seconded by Councilman Reed to set the following salaries for the summer of 2023:

Recreation Director: \$2600.00

Park Attendants: \$15/hour

Recreation Leaders: \$14.20/hour

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

**Supervisor Annable:** We have a new appointment to add to the Recreation Board, John Turrell. We just need a motion for that.

**RESOLUTION 49-2023**

**MOTION** by Councilman Hill, seconded by Councilman Huntington to appoint John Turrell to the Recreation Board.



Ayes: Annable, Reed, Huntington, Hill, Grant

Nays: 0 ADOPTED

**PUBLIC PARTICIPATION:**

**Carol Slack:** We are paying pretty good money to have a park attendant. After the car show when it was supposedly vandalized and some kid put stones in the water park area, the park was open, and the attendant was there because the water was on at the time. What is the point of the attendant if they sit there and watch people do things to the water park?

**Supervisor Annable:** I don't believe there was an attendant at that particular time.

**Carol Slack:** The stones were all in a swirl so that would be because the water was on.

**Supervisor Annable:** There are times when there is not an attendant there. We do try to keep somebody there.

**Carol Slack:** I'm just wondering if it is wasting town money because I watched the kid play on his phone the whole time I was there.

**Supervisor Annable:** He is no longer with us.

**Carol Slack:** Well good because God forbid something actually does happen, we need somebody there that is actually looking at the water park.

**Leo Shannon:** What are the town bi-laws that say you are on the Planning or Zoning Board? What are the laws if you want somebody off of the Planning Board or Zoning Board? What is the procedure? Do you mail them a letter and tell them their services are no longer needed? Or do you call them in, in front of you to tell them?

**Supervisor Annable:** When your term runs out, someone else can be appointed.

**Leo Shannon:** You don't send them a letter in the mail to explain to them why they are no longer on it?

**Supervisor Annable:** If you have a term, you run your term. You know when your term ends.

**Leo Shannon:** So, you don't need to renew a person's term? Is that how it's done?

**Supervisor Annable:** It can happen, yes.

**Leo Shannon:** Do all of you make that decision or just you?

**Supervisor Annable:** It is the Town Board's decision as to who is on those boards.

**Margaret Zaepfel:** So, what we are talking about is my term. I served for 10 years on the zoning board and last year, I heard a rumor that Ross was not going to reappoint me but Ross never said anything to me, so I continued to serve. I went to all the meetings, when EDF came I went on the bus, and I was invited to more meetings and I was paid at the end of the year. So, I continued to serve even though I was not appointed along with every other board member that was not appointed last year. I attended every board meeting along with zoning and planning.

**Supervisor Annable:** You were held over in an interim capacity even though you weren't appointed to a full year term. I apologize that you never got a letter.

**Margaret Zaepfel:** I was called after the last meeting and everyone asked where I was and they were informed through the secretary that I was no longer on the board. The chairman of the committee didn't know I was not on, I did not know I was not on, but I would think that if I was a hold over, we were all hold over positions because there were no reappointments made last year. There has to be a cause and a public hearing for me to be let go. I would think that once I received my pay for the year, any prudent person would say I was on it. It is not my fault the town board neglected to appoint. I asked our ex-town clerk how often that has happened and she said it has never happened in the past that someone was not reappointed to the board. I have come to every Town Board meeting and spoken my mind, and I was not reappointed by the board. However, that is not reason to not reappoint someone to a board just because we have different opinions. I would think in the future that you would be so kind as to, at least after 10 years of service, send a letter to say I was no longer needed. Today I am here again, and nothing would have been said to me.

**Supervisor Annable:** Well, I apologize that you didn't get a letter.

**Margaret Zaepfel:** I'm sure you are very sorry. I also would like cause and a public hearing because I think that once I got paid that is enough to say I was serving, and you let me go without cause.

**Supervisor Annable:** If you want to stop in and have a conversation about it, we can.

**Margaret Zaepfel:** Well, I wanted it to be in front of everyone.

**Supervisor Annable:** We don't discuss personnel in an open meeting.

**Barbara Outten:** If you are allowing them to do it and you are the personnel it should be fine.

**Supervisor Annable:** We still don't discuss personal business in a public meeting.

**Margaret Zaepfel:** I want the people to know what goes on in the Town of Hartland.

**Supervisor Annable:** That is fine. Thank you. Anyone else for public participation?

**Darrell Lindahl**: Two months ago, I questioned Mike about the lighting issue. Has anything happened with that?

**Supervisor Annable**: I believe there has been some litigation started on that so I am not going to comment.

**Darrell Lindahl**: Also, was the lighting law ever filed with the secretary of state?

**Supervisor Annable**: Yes, it was.

**Darrell Lindahl**: Does the town have a photometric light meter?

**Supervisor Annable**: Yes, we do.

**Darrell Lindahl**: How does one go about filing a complaint? Mike was very standoffish, and he couldn't give me specifics about how to file a complaint in this town. You would think that the Code Enforcement Officer would know what the steps are.

**Supervisor Annable**: This was a little bit of a different situation because of the way it unfolded and there are a couple things. I'd be happy to talk to you about it but because there is litigation, not in a public meeting.

**Darrell Lindahl**: I'd be happy to because this has been going on for four years almost and my eyes are getting bad from it. In regard to the zoning change to the same property across the street, last month unfortunately I got here just a couple of minutes too late due to some weather issues but now that the change has gone into effect, I was reading in the town code that shielding has to be in place for that business to be operative. The business is operative, and the shielding is not on. I just want to make sure that it gets done.

**Supervisor Annable**: That is why we put the law into play. There is litigation on it now, but I'd be happy to talk to you about it.

**Barbara Outten**: How long is the term for the Zoning Board?

**Supervisor Annable**: I believe it is five years.

**Barbara Outten**: Is that the same for the Planning Board?

**Supervisor Annable**: Yes.

**Carol Slack**: And who appoints the members?

**Supervisor Annable**: The town board.

**Ray Sullivan**: How do I get the speed limit sign in front of my house put back up?

**Supervisor Annable**: The state.

Adjournment

**RESOLUTION 50-2023**

**MOTION** by Councilman Huntington, seconded by Councilman Grant that since there is no further business to come before the board, the meeting be adjourned at 8:10 p.m.

Respectfully submitted:

A handwritten signature in cursive script that reads "Rachel M. Kushner".

Rachel M. Kushner

Town Clerk

Next scheduled regular meeting will be April 13, 2023 at 7:00 p. m.