

**November 10, 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 - absent
- David Hill
- Attorney: Daniel Seaman
- 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:** Before we open our public hearing, I want to take the opportunity since we are in the shadow of Veteran’s Day to recognize the efforts and sacrifices that are made by our veterans. We offer our thanks for their selfless courage and for our freedom. Our country is in their debt for services rendered. We offer our prayers for our past veterans as well as those that are serving now. We recognize that freedom is not free. We have a new memorial that was just placed today in recognition of all of those that have served from the Town of Hartland. We thank those individuals.

**PUBLIC HEARING**

**Preliminary Budget for the Town of Hartland for fiscal year beginning January 1, 2023**

**Date/Time/Place: November 10, 2022 - 7:00 p.m. – Town Hall**

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

**Hearing # 1 – 2022 Budget**

Hearing was called to order by Supervisor Annable.

Pursuant to Section 108 of the Town Law, the proposed salaries of the following Town Officers are hereby specified:

SUPERVISOR:	\$ 20,034.00
TOWN CLERK:	\$ 57,713.00
COUNCILMAN: (4@)	\$ 6,729.00 each
SUPERINTENDENT OF HIGHWAYS:	\$ 52,986.00
JUSTICE: (2@)	\$ 20,181.00 each

With everyone desiring to be heard, had been heard, Supervisor Annable closed the hearing at 7:02 p.m.

**Hearing # 2 – Amounts to be raised by taxation**

Hearing was called to order by Supervisor Annable at 5:03 p.m. on the amounts to be raised by taxes and Fire Districts as follows:

Hartland Water District	\$ 333,000.00
Hartland Fire Protection	\$ 287,108.00
Hartland Refuse	\$ 320,031.00

With no one desiring to be heard, Supervisor Annable closed the hearing at 7:03 p.m.

**Hearing #3 – Fire Protection Contracts**

The following amounts were listed for the fire protection contracts:

Hartland Volunteer Fire Co., Inc.	\$ 146,506.00
Gasport Fire District # 1	\$ 34,167.00
Middleport Volunteer Fire Company No. 1	\$ 47,805.00
Miller Hose Company, Inc.	\$ 11,381.00
Wrights Corners Fire Co., Inc.	\$ 3,849.00

Each fire protection contract shall run from January 1, 2023, through December 31, 2023 and shall thereafter be automatically renewed on a yearly basis until December 31, 2023 unless terminated according to the provision of Section 184 of the Town Law.

Amounts of \$750.00 will be paid to Gasport Fire District #1 and Middleport Volunteer Fire Company #1 for the payment of physicals for the firemen. Also, the amount of \$2000.00 will be paid to Hartland Volunteer Fire Co, Inc for the payment of physicals for the firemen.

With no one desiring to be heard, Supervisor Annable closed the hearing and opened the Regular meeting at 7:06 p.m.

**Minutes**

**RESOLUTION 94-2022**

**MOTION** by Councilman Hill, seconded by Councilman Grant to adopt the minutes of the October 5<sup>th</sup> special meeting, the October 13, 2022 board meeting, and October 26, 2022 special meeting as presented.

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

**Abstract of Bills**

**RESOLUTION 95-2022**

**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	2022000957-2022001046
General:	\$113,691.39
Part Town:	\$10,898.70
Highway:	\$60,661.88
Refuse:	\$26,101.28
Water:	\$60,617.24
Trust & Agency	\$2.34
Total:	\$271,972.83

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

**ASSESSOR / CEO REPORTS:**                      None

**HIGHWAY/WATER REPORT:**

Read and filed

**Supervisor Annable:** A big thing that happened this month was a major leak was found. We have been searching for years for this leak that we knew was happening due to water loss on the west end of the town. Rural Water came out with some new equipment and were able to pinpoint it. It was in one of the hardest spots to find. It was 15 feet deep, under a culvert. The leak was emptying into the creek on Orangeport Road so the water never surfaced to allow us to find it. Due to the depth and work involved we did hire an outside contractor to work with our water department to fix it. It was fixed one day after we did our meter reading. So, thirty days from now when we read the water again, we should see a difference. It was a significant leak and kudos to the water department for finding it.

**Councilman Grant:** Was that one of the original water lines?

**Supervisor Annable:** That dated back to 1969. Apparently when it was put in, the line shifted at the connection. Even though the connector was made of stainless steel, it still rusted. It has been leaking for quite a while.

**Councilman Reed:** That west end has always had water loss.

**Supervisor Annable:** They also went throughout the town and checked all the hydrants and said they did not find any other notable leaks.

**PUBLIC PARTICIPATION – AGENDA ITEMS:**

**Mr. Leo Shannon:** What is the amount that we pay Modern per year for our garbage and recycling pick-up? Is it a one-year contract?

**Supervisor Annable:** Usually it is a three-year contract. It is \$320,031.00 for the coming year.

**Mr. Leo Shannon:** That includes recycling and garbage?

**Supervisor Annable:** Yes, that comes out to \$207 per household.

**Mr. Leo Shannon:** When is the contract up?

**Supervisor Annable:** We're on a one-year extension from the original three-year contract. We have options that if both parties agree, we can extend it. They chose to extend it by one year. I would suspect that next year we will probably have to rebid it with the cost of everything going up.

**Mr. Leo Shannon**: Are you going to check with all of the other companies?

**Supervisor Annable**: We bid to every company but there's only like 3 companies.

**Mr. Leo Shannon**: You have Waste Management, Modern, and the one we had before, Republic.

**Supervisor Annable**: Republic is no longer in business. There is another company that has just come in, but I just saw in the paper that they refused to bid in Lockport. I suspect that we will get two, maybe three bids when it comes time.

**Mr. Leo Shannon**: What if the town looked into a process of having recycling dumpsters? Maybe a kind of system where the homeowner would dump the recycling. We'd make the money on the recycling.

**Supervisor Annable**: We will have a conversation about that separately, but we have looked at lots of options and it came away that it was not worth our while to do it ourselves. I don't think people are going to want to travel to dump their recycling though. We will cross that bridge when we come to it.

**Councilman Reed**: People aren't going to want to drive to drop off their recycling. They will just put it in the garbage.

**Mrs. Margaret Zaepfel**: Are people still recycling a lot? I've heard stories that it mixes in with the garbage.

**Councilman Reed**: Most of it goes right to the garbage.

**Supervisor Annable**: They recycle what they can but its not the volume we think it is.

**Mrs. Margaret Zaepfel**: Do we pay a lot extra for the recycling portion?

**Supervisor Annable**: It's one price in combination. We have to recycle. We did save money years ago when we went to the cart system because we got a better price by doing it that way. Now, everything is cart systems so there is no separation.

**Supervisor Annable**: Next we are looking at our tax cap local law. We are going over our tax cap by about \$18,000 so it isn't a lot. We did have a public hearing last week. With the way the cost of things is rising, it will probably be an issue in the coming years.

**RESOLUTION 96-2022**

**MOTION** by Councilman Reed, seconded by Councilman Hill resolved to adopt the Local Law entitled **A Local Law to override the tax levy limit established in General Municipal Law §3-c.**

**ADOPTION of Local Law entitled**  
**A Local Law to override the tax levy limit established in General Municipal Law §3-c.**

Annable: Aye

Reed: Aye

Grant: Aye

Hill: Aye

**ADOPTED**

The Local Law will become effective immediately upon filing with the Secretary of State.

The complete text of said Law is on file in the Office of Town Clerk and is available for review by any interested person during business hours.

**Supervisor Annable:** Having held our public hearing and having no comments, I ask for a motion to approve the final budget as presented for 2023.

**RESOLUTION 97-2022**

**MOTION** by Councilman Hill, seconded by Councilman Grant to adopt the 2023 Preliminary Budget as the Final Budget as presented.

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

**Supervisor Annable:** Next, just for some discussion, is the Public Library Box in the park. It got damaged when we had it in the park, so the gentleman next door volunteered to put it in his front yard, It was there for a while but he doesn't believe it is getting enough attention there. I don't believe putting it back in the park is a good idea so I'm thinking we put it out front at the Town Hall by the mailbox. We don't have to make a decision today or vote on it. I just wanted to bring it up so you all could share your thoughts about it.

**Councilman Grant:** Do the people in the town use it?

**Supervisor Annable:** I don't really know how much use it gets, and I don't think it got a lot of use in the park especially in the winter months. We actually have library books here in the hallway too. I'm just throwing it out there to think about and share any ideas there may be.

**Supervisor Annable:** Lastly, we need to raise income limits for the limited income deductions. Mike had reported on it at the last meeting. I'll wait till next month when Mike is here to do more with that. It will benefit those with lower incomes.

**PUBLIC PARTICIPATION:**

**Mr. Shawn Florkowski:** Thank you gentlemen for your time. I am a resident at 4025 Hartland Road. My wife and I and our two children came to this community about 15 years ago. We chose to come here to put down roots in the most beautiful part of Western New York as far as we're concerned. While I am a Royalton resident, my northern property line shares a boarder with Hartland town line. The person that owns the property next to me has chosen to lease his property to EDF. I am here today to just voice my disapproval for the project. I know there has been a lot that has gone into this project, and I have been educating myself over the last 6-8 weeks of the scope and magnitude of the project. I was made aware of the magnitude of the project when I was sent a letter by the surveying companies informing me that the adjoining property would need to be surveyed. After seeing the project map, it became clear that the project is larger than we could've ever imagined. My concern would be that other residents including my neighbors have no idea what were in store for them. My concern is that I have the perspective of being surrounded on four sides by solar panels, which could happen if Royalton agrees to sign up with EDF. It has become clear to me that 94C law is a huge factor here. It seems strong-handed that we as a community don't have a say in which directions our towns and governments decide to take on projects. I know these projects are economic engine drivers for our community, but they also have an impact on the people and families in the community. These solar farms will be surrounding homes, communities, and families like mine. I think its difficult to understand unless you are directly impacted. Also, it impacts my hopes to have my son or daughter put down roots in this community and not drive up and down the road to see solar farms no matter where they go here. From the standpoint of my property value and what brought us to this community, we chose to come here because we saw the beauty of it. First and foremost, the scope and footprint it is almost 7 times larger than the new bills stadium. After having some brief discussions with my neighbors, I don't think they truly know the magnitude of what is about to happen here. With the 94c law, there is a shield because there can't be a referendum. This is gigantic. I just don't think that unless you are immediately going to be impacted, you can truly understand. At this point I just wanted to voice my opinion and opposition for it. I do appreciate your time and the work you guys do. I know you're working hard to do what is in the best interest of all of the community. We are one home and one family, and we see the next 30 years of our life and we are trying to build roots in this community and trying to raise young kids to the values that my parents

and my wife's parents had. We are hardworking healthcare professionals. We choose to live here. I have a hard time believing that my kids, 20 years from now, are going to want my place. I thank you for your time.

**Supervisor Annable:** Just in quick response, 94C does overwrite everything we have.

**Mr. Shawn Florkowski:** That is what I struggle with. We choose to live here. When we did that, we didn't choose to look at recyclable plastic fields around us. If you don't have that in front of you it's hard to understand. 94C seems so handcuffing that it does not allow a community through a vote which is the most democratic institution that we have and celebrated two days ago, it does not seem fair, it does not seem constitutional or right that we don't have the right to self-govern.

**Supervisor Annable:** It is home-rule, and the state took that away from us.

**Mr. Shawn Florkowski:** What is to keep this from happening in Royalton? I can jump up and down and put signs up and they're going to tell me the state can do what it wants. Should I assume that I will be surrounded sir?

**Supervisor Annable:** I don't know what is being proposed in Royalton. Is there anything in Royalton that is going on now?

**Mr. Shawn Florkowski:** I just suspect with the way things are going. If 94C can dictate, and the farmer to the north of me that owns the Hartland property that he has already leased is approached from the Royalton side, I should expect to be surrounded.

**Supervisor Annable:** I don't know that anything has been proposed in Royalton. One of the reasons they came to Hartland, is because of the power lines.

**Mr. Shawn Florkowski:** I understand. Those same power lines run right into Royalton. I should expect that the Green New Deal is coming for Royalton.

**Supervisor Annable:** Unfortunately, it seems that could be true.

**Mr. Shawn Florkowski:** Until a few months ago when I realized the magnitude of the project, I had hoped that my children would someday say they love the school and the area and decide to live here too. I think it's unfortunate that the state has that type of power. It's a greater good question.

**Mrs. Margaret Zaepfel:** I have had some people ask me about the results of the survey. Last month you said you were going to publish them somewhere.

**Supervisor Annable:** I haven't had a chance to publish them yet. I have to work on the comments section. It is 319 opposed and 93 support out of 181 residents – two had no opinion.



**Mr. Roger Middlestat**: I had a house in Newfane for a number of years and their water bill was every four months. I've been here 28 years and its every 3 months. I don't know if it would be worth considering switching that around to save ¼ of the billing costs and everything else. It would be kind of a headache for the first time around but after that it would save time and effort.

**Councilman Reed**: We can give that a thought.

**Supervisor Annable**: We can take a look and see what the cost ramifications are.

**Mr. Roger Middlestat**: The other thing is, I talked to Mr. Hartman about the profane political signs out by the road. He said he talked to the lawyer and there is nothing he can do about it. Its pretty upsetting. You have busses of school kids going down the road, looking at signs with swear words on them. If I put a sign out there, I'd be afraid of the opposition.

**Supervisor Annable**: Unfortunately, those things have been put under the umbrella of free speech and people are entitled to do that. You can put a sign in your yard supporting or opposing something and unfortunately it can be profane. I don't agree with it but that's how it goes.

**Mr. Leo Shannon**: In the last election, we gained four republican seats, right?

**Supervisor Annable**: We might have but there's still a long way to go.

**Mr. Leo Shannon**: There's four more republican seats that we don't have to fight. What I'm trying to get at is, can't you go to our lawyer now that were going to have four more people in there as republicans? Why can't we at least try to have a proposition against Kathy Hochul and the State of New York to fight solar?

**Supervisor Annable**: Even with four republican seats it is still two to one democrat to republican.

**Mr. Leo Shannon**: We can at least try. Let's call the news companies and get cameras down here and go to people's houses and interview. If we lose, we lose. Maybe we can get the legislature to get rid of 94C and some of the democrats might look at it differently now.

**Supervisor Annable**: I will take that into consideration, but it is a state law. We don't have that control. We have lots of laws that we don't like. We still follow the law.

**Mr. Leo Shannon**: I just feel we shouldn't give up. Petition the state of New York. Get people to go door to door.

**Mr. Shawn Florkowski**: So, am I to understand that the Ridgeview project is a green light, and nothing will stop it?

**Supervisor Annable:** They still have to go through a volume of different studies and surveys, and they are in the process. They have a lot of hurdles to get through and any one of them could stop them. There is no legal action that we can take.

**Mr. Shawn Florkowski:** I read something quoted in the paper that said if the community doesn't want solar there, they will go to the next community.

**Supervisor Annable:** One of the things you have to remember is there are two sides to the story. There are landowners who want to develop their property. If you talk to the landowners, they look at it as another type of business entity to use their property to make a profit. We all love to be in the rural community and that's why we are here. At the end of the day its their property they are signing up. If you look at the New York state map they are all over, Ripley, Concord, Mount Morris, Rochester. They are going to do this.

**Mr. Shawn Florkowski:** Where does that stop though? As the CEO of our local government your hamstrung and I get that.

**Supervisor Annable:** There are lots of things we are hamstrung on that aren't as big as this issue. We have to do things according to the law. Take a lot at any other community that doesn't want things like Amazon warehouses or huge factories. We have zoning authority over small projects but 94C takes that from us with large projects.

**Mrs. Margaret Zaepfel:** There are groups in New York state that have lawsuits against 94C saying it is unconstitutional. I don't know where they are in process yet. That is one thing we could do.

### **RESOLUTION 98-2022**

**MOTION** by Councilman Hill, seconded by Councilman Grant that since there is no further business to come before the board, the meeting be adjourned at 7:38 PM.

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

Respectfully submitted:



Rachel M Kushner  
Town Clerk

Next scheduled regular meeting will be December 8, 2022 at 7:00 p. m.