

NOVEMBER 11, 2021

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, Anthony Serianni

Assessor/ CEO: Michael Hartman

Attended by: Sign in sheet attached

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

In honor of Veteran's Day, Supervisor Annable recognized all Veterans in all branches of the military. We must never forget the sacrifices that were made and Thank you on behalf of the Town of Hartland. He then asked for a moment of silence for all Veterans, past and present.

Supervisor Annable opened the Public Hearing for Local Law # 3-2021 at 7:03pm

PUBLIC HEARING

Local Law # 3-2021 entitled

A Local Law opting out of licensing and establishing retail cannabis dispensaries and/or on- site cannabis consumption establishments within the Town of Hartland

The proposed Local Law will opt the Town of Hartland out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments from locating or operating a business within its jurisdictional boundaries, outside the Village of Middleport.

Date/Time/Place: November 11, 2021, at 7:00 pm at the Town Hall, 8942 Ridge Rd., Gasport NY

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

Notice was read and hearing was called to order by Supervisor W. Ross Annable at 7:00 pm

At such public hearing, all persons interested, who wish to be heard , will be heard.

Supervisor Annable opened the hearing to comments

Robert Harris, Planning Board Chairman asked if this law would include limiting use in the park.

Supervisor Annable answered that no retail selling would be allowed in the Town of Hartland, however, people can still smoke at their residences, but cannot sell. There are no-smoking signs and a smoke free policy for the town park. The policy should be updated.

With no one else wishing to comment, the Supervisor closed the Public Hearing at 7:04 pm

Minutes

RESOLUTION 121-2021

MOTION by Councilman Reed, seconded by Councilman Grant to adopt the minutes of the November 4, 2021, meeting as presented.

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

RESOLUTION 122-2021

MOTION by Councilman Hill, seconded by Councilman Huntington to adopt the minutes of the October 14, 2021, meeting as presented.

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

RESOLUTION 123-2021

MOTION by Councilman Hill, seconded by Councilman Huntington to adopt the minutes of the October 29, 2021, meeting as presented.

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

Abstract of Bills

RESOLUTION 124-2021

MOTION by Councilman Reed, seconded by Councilman Grant resolved that the following bills, as prepared by the Clerk and having been reviewed by the Town Board, be authorized for payment in the following amounts:

Voucher #'s

202100930– 202101030

MOTION by Councilman Hill, seconded by Councilman Huntington to adopt the 2022 Preliminary Budget as the Final Budget as presented.

Annable: aye

Reed: aye

Grant: aye

Huntington: aye

Hill: aye

ADOPTED

Said budget is on file with the Town Clerk of the Town of Hartland where any interested person may inspect it during normal business hours. Full text of the budget is attached.

Final budget, with the Tax Cap Report, has been submitted to the Office of State Comptroller.

Attorney David Haylett gave a summary of the extension of the Niagara County Snow and Ice Contract. Niagara County will pick up the insurance on the contract. He recommended that the Supervisor be authorized to enter into a 3 -year extension.

Niagara County Snow and Ice Contract

RESOLUTION 126-2021

MOTION by Councilman Reed, seconded by Councilman Grant to enter into the contract:

WHEREAS, under Section 135-a of the Highway Law, the Town Board is empowered to enter into written contracts with Commissioner of Public Works acting as County Superintendent of Highways for the removal of snow and the sanding and treatment of pavement for ice control purposes. For there (3) years; and

WHEREAS such contracts have been negotiated by the Town Superintendent of Highways at the actual cost incurred by the Town per mile for removal snow from County roads, and the control of ice at the actual cost incurred by the Town; therefore, be it, and it hereby is

RESOLVED, that the Town Highway Superintendent of the Town of Hartland be empowered as an agent of the Town Board to enter into the attached Ice Control and Snow Removal Contracts with the Commissioner of Public Works acting as County Superintendent of Highways for a period of three (3) years.

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

The final order for the Vac Truck, which had been approved at the November 5, 2021, meeting has been revised. Due to increases in the cost of steel, which the dealer was not aware of, the cost would have increased by \$9,500.00. This had not been negotiated by OGS so they could not charge it. The final figure is actually \$796.01 more, the actual cost is \$381,135.69.

Vac Truck

RESOLUTION 127-2021

MOTION by Councilman Huntington, seconded by Councilman Grant to authorize Superintendent Hurtgam to purchase Vac Truck for \$381,135.69 off NYS Contract # PC68449.

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

PUBLIC PARTICIPATION:

Margaret Zaepfel, Zoning Board member, asked if there had been any communication between EDF and the Town?

Supervisor Annable answered that there would be no permit file, it will be 1 year, while waiting on Article 94. We are waiting on our engineering firm to compile the report. They have been hired to investigate all concerns, this will be an independent firm, rather than one hired from EDF. BC3 is the name of the firm.

Rosanne Heitzenrater, Quaker Road asked how to re-zone a property, a question that had been raised in 2018-2019, concerning their property. They had received a violation on their property for running a business out of their home without the proper permits. They would like the Board to consider re-zoning their property as commercial. CEO Hartman suggested that the Heitzenraters request the Board to make a recommendation to the Planning Board.

Mrs. Heitzenrater explained that in 2018 they were given a permit for a shop, then in 2019 they received an occupancy permit, nothing has changed since then, and they have complied with the requirements of that permit.

CEO Hartman stated that the violation was sent because there is now a sign advertising the business, which violates the permit.

Mrs. Heitzenrater explained that it is not really an advertisement, but a backer board for a basketball hoop,

Supervisor Annable asked if it was a sign?

Mrs. Heitzenrater said, no, it was a basketball hoop.

Councilman Hill asked if there was another option, such as making the permit a resident owner business?

Mrs. Heitzenrater stated that she just wanted this to be resolved, because the last local law pertaining to excessive lighting was because of a civil matter between neighbors.

ADOPTION of Local Law #3-2021 entitled

A Local Law opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Town of Hartland

MOTION by Councilman Hill, seconded by Councilman Reed to adopt the following Local Law:

WHEREAS the New York State Marijuana Regulation & Taxation Act permits local governments to opt-out of allowing adult-use cannabis retail dispensaries and on-site consumption licenses from locating within their jurisdictions by local law subject to permissive referendum, and

WHEREAS a local law has been introduced to opt-out the Town of Hartland from allowing such recreational cannabis facilities, and

WHEREAS a public hearing has been held on the proposed local law on November 11, 2021, at 7:00 pm at the Town of Hartland Town Hall, 8942 Ridge Ridge, Gasport, NY 14067, now therefore be it,

RESOLVED, that the Local Law entitled “A local law opting out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Town of Hartland” is hereby adopted by the Town Board of the Town of Hartland, subject to permissive referendum.

Annable: aye

Reed: aye

Grant: aye

Huntington: aye

Hill: aye

ADOPTED

Adjournment

RESOLUTION 128-2021

MOTION by Councilman Hill, seconded by Councilman Huntington that since there is no further business to come before the board, the meeting be adjourned at 7:25p.m.

Respectfully submitted:

Cynthia S. Boyler RMC

Town Clerk

Next scheduled regular meeting will be November 9, 2021, at 7:00 p. m.