

## NOVEMBER 14, 2019

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:	Brian Seaman
Highway Sup't.:	Keith Hurtgam
Administrative Asst.:	Janet Slack
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.

Supervisor Annable thanked and honored all Veterans who are serving and who have served, in honor of Veteran's Day. A round of applause was given in respect for those who defend our freedoms.

Supervisor Annable also recognized Jeffrey Chapman on receiving the rank of Eagle Scout. We thank him for his efforts and service on the LeValley Cemetery and congratulate him on achieving this high honor.

Minutes

### **RESOLUTION 111-2019**

**MOTION** by Councilman Grant, seconded by Councilman Huntington to adopt the minutes of the October 10, 2019 meeting as presented.

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

Minutes

**RESOLUTION 112-2019**

**MOTION** by Councilman Huntington, seconded by Councilman Reed to adopt the minutes of the November 7, 2019 meeting as presented.

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

**Abstract of Bills****RESOLUTION 113-2019**

**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	201900877 – 201900975
General:	53,736.36
Part Town:	7,296.95
OWD:	49,866.41
Highway:	60,300.50
Refuse:	19,261.68
T:	572.00
Fire:	12.00
Total Expenditures:	191,045.90

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

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

Assessor Hartman reported that he has been processing sales unpaid water has been levied on the 2020 tax bills. The tax roll has been sent to the County. Processing the next round of agricultural exemption renewals. The average time frame for a home on the market today is 41 days, with the average cost of \$99.36 per sq. foot. Most homes are priced in the \$145,000.00 range.

**CEO:**      Read and filed

Currently there are 2 court cases, scheduled for December 3.

**HIGHWAY REPORT:**      Read and filed

Superintendent Hurtgam reported that roadside ditches have been cleaned; the trucks have been serviced and sprayed with rust proof. New shoulders have been built, culverts installed and off road ditches have been cleaned. Received 600 ton of salt is delivered and the crew has been working on the brine. The roads have been cleaned after the silage has been cleared and hauled from the fields. The first snowfall of the season has occurred and the crew and plows are ready.

### **WATER REPORT:**

Read and filed

Water Superintendent Hurtgam reported that the hydrants have been flushed and winterized. GIS system training is completed. There is now a public version of the map on the Town website.

Councilman Grant asked if there was ever a time when the water loss was at zero? Hurtgam replied that anything under 20% is good; the average is 5 – 8%.

### **PARKS**

Final mowing is done and equipment put away for the season. The splash pad is winterized.

### **CEMETERY**

The crew replaced an engine in the Termite and is back in service.

### **PUBLIC PARTICIPATION:**

Mike Outten, Chapman Road asked Superintendent Hurtgam if the waterlines in the Town were in poor condition and if the infrastructure is in need of major repair, as has been stated around town. Hurtgam replied that the waterline infrastructure is fairly young as compared to other Towns. Most waterlines are good for 100 years before they need to be replaced. What causes problems are the valves and fittings, the hardware rots out and will need to be replaced, but the pipes are like new. Standard maintenance will continue, the hydrants are where the hardware will need work. Our lines are in excellent condition, no problems.

Mark Burger, Carmen Road stated that there have been lots of improvements with hydrants, if the valves fail, they should be looked at for anodes, which are inexpensive. If they are iron, you don't want them to degrade. New hydrants can be bought with these on them, they are easy to braze on and will avoid brackage water and salt, those hydrants should last 100 years.

Superintendent Hurtgam stated that the hydrants are flushed once a year and serviced regularly. The earliest ones were put installed in 1969 and 90% of the work was performed with our own workforce.

Burger suggested comparing the maintenance cost, longevity, the reliability and liability.

Hurtgam stated that if we used ductal iron pipe, which is older, they give the electrodes somewhere to go but when the pipes are plastic, the electrodes have nowhere to go, when they get to the metal then there are problems.

Burger stated that when the pipes are put in, the backfill doesn't get compacted well along the pipe, the water runs off the roads and fills around the pipe and makes it appear that the pipe is leaking. Hurtgam stated that we do have spots with that issue and they have been repaired.

Carol Slack, Ridge Road, questioned about a survey that is to be mailed to everyone, when that can be anticipated, since the last large mailing was not sent to everyone.

Supervisor Annable gave a rundown of the events that have occurred with EDF. He stated that in March 2019, EDF and Brownfield, approached the Town Board and presented their project. This process needs to be educational and long term, as reflected in the minutes; the amount of monies received by the Town will bring much revenue. The Board is doing their due diligence so that everyone knows the process and everyone's opinion is considered. The November 20<sup>th</sup> meeting will be an open house forum and Town hall meeting. Anyone can come to a Town hall meeting and speak; there are lots of opportunities to educate yourself. The first meeting there were mailers sent out; it was posted on the website and the newspaper, plenty of notice even if some did not receive the mailers. This will be a long process, first Article 10 will take a couple of years, it is a permitting process. In the same way as a local law is introduced, this states the permitting process for this large scale operation. Right now we have local laws in place that don't allow for large industrial solar fields, there will need to be a public hearing on changing the local law. There will be lots of bumps to go through and at the end of the day; we want to find out what all of our residents want. This cannot be put to a public vote, but an independent consultant will be hired to do a survey so that everyone gets an opportunity, if they want to comment.

Slack expressed that too many things have happened that people don't know about, we should have been more involved, things slid through that no one knew about until it was too late. I feel that we are doing that with this.

Annable stated that we have Board meetings every month with discussions on local business and minutes from those Board meetings. If people don't come to the Board meetings or read their newspaper then they are not informed.

Slack asked about Executive Sessions, is that where no one knows what you are talking about?

Annable said that issues that require Executive Session are held on rare occasions for specific issues. If a decision is made during an Executive Session, it will then be brought to the public. Tonight, there will be an Executive Session to discuss the Refuse contract; the financial negotiations are not discussed in public.

Slack stated that the residents do not want something to go forward without being informed. Most people do not read the newspaper and most will be dead before the 40 years are up, we are looking out for our future generations.

Annable said that the Board could not just send the solar company away without learning more about their proposal. The Board is doing their due diligence; it is our job to see what is best for our Town residents. There was no secrecy, come to our meetings; there are lots of opportunities for public input. The Union Sun & Journal is our primary news source, has been for many years, every municipality selects a newspaper; it is your choice to choose not to get it.

Slack asked if the information can be posted on the website, Facebook or Gasport news?

Annable said that the information was posted on both; we encourage people to read both. We have a great town; we are the smallest town, with the smallest budget.

Slack said that Hartland is a great place to live and she is worried what it will be like in 20 years, with empty houses, if this happens. This has been the biggest issue in 20 years and we want to make sure that we are informed every step of the way, there are lot of people with strong opinions both ways.

Annable agreed that this is one of the biggest issues that Hartland has had to deal with and the Board is learning too. Nothing is being done in secret; we want everyone to know about.

Slack continued that everyone has their own thoughts on this and we want everything to be out and open. She also stated that Bill Annable was a wonderful man and she wondered how Ross had been put in his position, she didn't remember an election.

Annable stated that there had been an election. He repeated that everyone has to read the newspaper to stay informed.

Slack asked if there wasn't a better way to communicate with people, perhaps flyers at the area stores, she just wishes there was a better way to get the news to everyone.

Annable noted that the meetings are posted at the Town hall as well.

James Minner, Stone Road, asked if there was any way to hold a public vote on the project.

Attorney Brian Seaman answered that there is a list of reasons for a public referendum vote. The survey is the best way to go and let your elected officials make the other decisions on Town business. You could also hire a 3<sup>rd</sup> party to compile the information from the survey, but it is not binding.

Minner asked why you couldn't have a non-binding vote that would tell the will of the people and clarify the position. Moodys is a national rating agency, they have recently raised the credit rating of Amherst from A2 to A1 and the reason being because of increased development of

agriculture in their Town. Planting more trees and larger blocks of farms has increased. If Erie County is focusing on developing agriculture and the Town Supervisor is adamant about developing agriculture and as a result the credit rating has increased, why aren't we concerned? As we move forward, elected people have due diligence to bring issues and pursue any opportunities that would be beneficial to the Town, clarify what is the process to get going. Saying the right thing that you want to get the people educated, looks as if it is one sided. EDF has a clear agenda, what is the other side in the educational process; we need to hear both sides.

Annable stated that we need independent people for the opposite responses. There is no MSDF sheet for the solar panels, because they do not contain any chemicals. We need to find out what EDF's proposal is first so that we can respond to it. The MSDF states that the solar panels are not considered toxic, but they do have lists of the chemicals for the rest, they do not contain cadmium, which is old school, technology is always changing.

Minner stated that the major concerns deal with the storage. The County Fire Coordinator, Hazmat and all local fire chiefs should be involved with the public safety aspects.

Annable said that he had visited Mount Morris, which was fully supported by the public; their fire department could come here to meet with our local fire companies and address any issues.

Jeremy Veratti, Royalton, stated that he is a landowner and supports solar, he is happy to be able to speak after 2 meetings where he was not allowed to speak. There is a tremendous amount of wrong information out there and he is amazed, as a farmer, that people now, all of a sudden, support agriculture. After all the bad comments from the people, he didn't know that there were so many fans of agriculture in this community. As far as communication and people saying that they didn't know about meetings and lots of talk about the Governor and what he is doing, there is lots of terribly wrong information. People are saying that the Governor is taking away our freedoms, shoving his agenda down our throats, at the end of the day, Mr. Veratti agrees with the Governor, he is not taking our freedoms away, but the people here are taking Mr. Veratti's freedoms away. He implored everyone, here to be very careful about talking about the right to farm and farm rights, when you come away from this; it is a very slippery slope. All of a sudden people are loving corn and soybeans, he knows, being an owner, what a cash property is, that is where he can choose what to put on his own property. I could choose to put Christmas trees or hops, which require tall fences and tall poles and don't look pretty. I am also for public health that is where the bad information that is being shared is coming from, fear mongering, the issues are not correct. I want to see all these issues being addressed but those meetings were not 2 sided. There needs to be a couple of "experts" to be outside voices to address those issues. One thing that was talked about was Mount Morris being approved on a bid; they are not building yet in Mount Morris. This will be a very long process. Why are people saying we are getting rid of coal, I find it hard to argue with renewables, coal you have to go get each day and harvest, but with solar it is always going to be there. Fuel that supplies this renewable, you need only to

harvest it, that is the genius of renewables, it will be the wave of the future. I implore the Council and the Supervisor to continue to support this project going forward.

John Eckles, Bradley Road, stated that he does appreciate the farmers and has never complained about them. When Mr. Veratti talks about raising hops, that would still be agriculture, he explained that he bought his house in an agricultural area for a reason and enjoys where he lives. He is not for 12 ft. high industrial, commercial solar farms, the zoning does not allow for that. Solar does not always work and shipping the power to New York City, why the City, why not us, we are not benefitting from this. When you say that we bought our house, not the view, you are wrong about that.

Burger stated that it doesn't matter whether you are a Liberal, Democrat, Republican or Conservative doesn't matter what your background is, all parties should look at the environment. We need to look at the solar panels and where they are made; they are made in China, what is the technology. There have been breakthroughs beyond your dreams, there is a method using sea water to remove the toxic materials, there are improvements coming out all the time, but ultimately the product is still made in China. Just because it is being put up on our soil, does not mean that it will create jobs, once it is up, there are no more jobs. Against the United Nations code that has taken away the US Constitutions functionality of application of citizen feedback, via the constitution, via the States. Solar energy does not provide power longevity, windmills are good, but not the ones made in China. There are local producers here that are much more efficient, those that are here are money pits. We should wait for those that are produced in Williamsville by a 95 year old inventor. That would be a payback for us to use local technology. Don't vote for this just because this is solar, what is best for your dollars and not an eyesore is windmills. If we wait until they are produced here, it is better. It is always windy somewhere, there are modern ways to connect into the grid. The windmills will still be powerful in 20 years and we will have an active nationwide grid. If we study windmills built here, we will have the world's safest source of renewable energy and the power generated is strong enough to run all the factories, solar panels cannot do that. Everyone has been excited about solar energy for 30 years, the solar panels that are on people's homes, do not have batteries, the electricity being generated is sold back to the company at retail cost. If you allow foreign companies to come in and build the solar farms, all of our citizens are subsidizing the company, we will all pay more. The company makes the money, not the local residents, to feed New York City. If power is sold back into the grid, with the water power in Niagara Falls, we should have the cheapest electricity in the country. What is the best energy source; it is not the best source for your money. New York City does not want the project to be built there; people are different from this end of the State. We don't want to be told that the energy continues to be subsidized for NYC. Is solar the most efficient? We pay more for the electricity because it is sold back to the company and then our rates are raised because the company's profits are less.

Councilman Reed interrupted to remind Mr. Burger that we need to stay on track and set a time limit to comments.

Don Bucholtz, Ridge Road, stated that he supports solar and he support the right to farm. Moodys does rate on the potential income from agriculture and what it brings to the community. He encourages opinions and he believes that solar is agriculture. The toxicity of industrial components of solar, according to his industrial background in energy engineering, is something that he would like the opportunity to talk to the community about. EDF is not using the type of panels that everyone is talking about, the lead content is going down, they are complying with other countries standards for reduced hazardous materials. Every car on the road has 700 more times the amounts of lead than the solar panels contain. The recycling programs are growing with the solar panels; he has information on the toxicity on where the gas goes on a damaged panel. He understands that people do not want to look at the solar panels, but we need to look at the benefits to both sides and how much money can be brought in per acre.

Cindy Chapman, Bradley Road, asked if the zoning would change from agricultural to industrial, with the solar panels?

Annable explained that there would not be a re-zoning of the property, it would still be agricultural, but the exemptions would be changed.

Chapman asked how does this affect property values, you would assume that a field full of solar panels would be assessed higher than a field full of corn?

Annable stated that was a good question to ask because you can't determine the value.

Linda Ark, Root Road, stated that she has been a resident for many years and doesn't know if she is for or against solar energy because she does not have a background to know the facts. We need education and I cannot slam the door on something because I don't understand it. She stated that she is disappointed in the way that the community has handled this. It is almost like a Bonnie and Clyde situation, instead of asking questions, there have been words used such a war and battle. She contacted EDF and they gave her answers as she is trying to educate herself and have a better understanding as time goes on. The posts that are shared from other places won't necessarily happen here, we can't tell what the panels are composed of, it is like throwing fuel on the fire. She stated that she is highly offended when someone uses Sandy Hook, shame on you, innocent babies died at Sandy Hook. It is my hope that even though, as Jeremy stated, people are not allowed to talk at the meetings, questions having to be written on cards, etc. I know that the November 20<sup>th</sup> meeting will be handled much differently, I know that there will be an open forum, as it should be. I know, from doing estates, that the information must be published in the newspaper and the Law journal, in case there was an unknown heir. Some will read it, but it is fulfilling the requirements of the law, this is just like that, fulfilling the requirements of the law. I cannot pretend to be an expert; I look forward to asking questions and getting answers.

Matthew Snell, Hartland Road, stated that he keeps hearing about agendas, we are here to as residents, to ask questions and give viewpoints, everyone should ask the Town officials questions, with respect. He had 3 questions to present to the Board.



1. Is the Town of Hartland a “Right to Farm” town?
2. If the Town were to accept this solar proposal, where would the dollars go?
3. If the Town does not receive funds from the project to support the Town, where would it come from?

Annable answered that we are by County designation, a Right to Farm community, not an individual resolution. The impact of the monies received from this project could be seen in 20 to 25 years in the future, the tax rate will rise but this Board will not be here to see that. The benefit is \$500,000.00 to the Town on a Community Host Agreement. The Town will decide where to use the funds; this will stabilize the tax rate and can be used for road projects. You would not see a steady tax rise in the tax rate.

James Minner, Stone Road, asked if the Town had looked at other sources of revenue?

Annable said that we are a resident based Town, no infrastructure, we love this Town but, there are no businesses in this Town. Small businesses have left due to the nature in how we shop; no new business means no money. It would take 300 high end homes, in tax dollars; we receive a million from taxes. Based on our population, according to the last census, we have lost 150 people, with less individuals and being a resident based Town, it will shrink that revenue. If residents are happy with a tax increase, so be it. We need a thorough investigation; otherwise it would not be fair to the Town or the future tax base.

Snell asked if there is a guarantee that our taxes would not go up, if accepted?

Annable stated that there was no guarantee.

Councilman David Hill stated that if the Town wants this and if it is approved there has been talk with the Attorney about creating a rebate, so that we don't end up with a gap at the end of 40 years. If there is are monies left, after the budget needs, at the end of the year, then there will be rebate to the residents. The whole Town should benefit from this.

Minner said that not many are opposed to solar, but this is the biggest solar project in NYS. Solar panels are benign, but the major concern is energy storage, that is where the health concerns standpoint. The \$500,000.00 in tax revenue might end up less if ½ of the Town moves away because of the solar panels. Then we would actually lose tax revenue. We won't know what the revenue will be in 30-40 years; factor in inflation, purchase power and the effects of industrial solar on the Town.

Annable said that we could factor in 2% annual increase for inflation.

Veratti stated that with the added revenue, the revenue that is generated to the landowners with the solar, the homeowners might build additions to their homes, this increasing the assessment.

The idea that you would only have additional revenue, there could be more coming in, a tremendous amount coming in.

Elaine Herman, Chapman Road, stated that she had received several mailings for the November 20; she asked if this meeting would be an open house or a meeting? People assume that if this is an open house, they can come and go or will we be able to voice our concerns.

Annable said that the meeting will be from 4 until 8 and there will be a couple of sessions for discussion. There will more meetings in the future. This meeting the public can come in and view display boards, this is an introduction; the whole process cannot be explained in one hour. Someone asked if there will be minutes taken; the Supervisor stated that there would not be minutes. We will answer questions; the next meetings will be strictly solar, not part of the regular Town meetings.

Herman stated that if we do have those meetings, both sides need to be represented.

Annable said that we are looking for neutral professionals; we need to know what the product is first and then move on to the next phase.

Herman asked if the zoning laws need to be changed? The current law does not allow for large solar farms.

Annable stated that the zoning does not change; the zoning law will have to be changed to allow for large solar farms on agricultural land.

Herman asked who would change it and could the questions on the survey be phrased in a certain way to not be impartial. We need both sides represented then a 3<sup>rd</sup> party involved as well. There should be no biased account.

Annable stated that there would have to be a public hearing to determine if this is something everyone wanted and we don't want a biased account. We want everyone to have a say, the survey is to get everyone's opinions, not just registered voters, because not everyone is registered to vote, so they would not be represented.

Herman stated that at the October 28<sup>th</sup> meeting, Grant Cushing stated that he had been working with the Town for a year. It was said why couldn't others speak, they didn't want the meeting to get out of control. No one knew anything about the meeting.

Annable stated that the first meeting was in March, not a year ago, then in August the Board met with the Zoning and Planning boards. He encouraged everyone to read the minutes, read the newspaper and come to the Town Board meetings. We are being accused of not notifying and we have, but you haven't been looking for it.

Herman said that it should be posted at the library. If this is just the beginning then why have several landowners already signed contracts with EDF? If this has been made public and you

really want the information out, there was only one meeting and not everyone got a card for it, the project already has a State number.

Annable stated that it was posted in the paper and people can lease their land for anything and not have to let us know.

Herman asked if the people do not want this, will it still go through, could the Town say no at any time?

Annable stated that Article 10 is a permitting process and the number given is a public record for that process.

Herman suggested that the Town slow down the process so that everyone gets educated.

Lisa Roessler, Ridge Road, said that Mount Morris is simply storage, the one here in Hartland is solar and storage. The EDF website keeps account of all proceedings and has a record of all communications. We need to look at the places that have storage; you can't compare Hartland with Mt. Morris.

Minner reminded everyone that EDF is a for profit company with one agenda and that is to make money. At the open house, EDF will only give their side, we need access to the other side, we need an independent company without money interests involved. It is all about the money.

Annable said that all questions have been run back and forth and all concerns discussed.

Bucholz presented copies of what the solar cells look like, showing good and bad. There are 2 kinds, one to be used and one not to be used. The pictures also showed what it looks like when broken.

Mongeon asked if it were true that there were only 2 places to recycle the panels? What is the lifespan of the batteries? So in 35 years our grandchildren will have to worry about what to do with these?

Bucholz answered that the lifespan is 35-40 years, a few years ago, everyone was concerned about recycling bottles, they couldn't go back to a food source and since China is not taking our waste anymore. The batteries used need to be thrown away, because we no longer have a place to recycle. We need to stop insufficient recycling, the trend is moving in the right direction for us to be responsible on how we handle our refuse.

Annable stated that we have had a recycling program in Hartland for 20 years.

Mongeon asked what type of batteries are going to be used to store the power.

Bucholz stated that they are lithium ion batteries.

Mongeon stated that no company is trained to put out a fire from these batteries.

Barb Outten, Chapman Road, said that this is not in Veratti's backyard and the Council's job is to represent us, we are asking you not to change the zoning, please uphold our laws. That is what we are asking you to do, to uphold the laws and not change from rural agricultural to industrial.

Annable said that you cannot go after someone's character; this is a civil Town Board meeting.

Mongeon said that 2 ½ years ago, a solar company approached a business in Lockport, offering to pay to put solar on the roof, it is now damaged and the company refuses to fix it. What proof do we have that this company will fix it?

Annable the State law is way to fund the decommissioning and also part of a local law that there has to be funding up front, there are mechanisms in place. People feel we will be responsible.

Mongeon asked if the funding would be in a Town account? He would hate to see a Town resident be stuck with the mess.

Annable stated that it would be held by a financial company.

Richard Herman, Chapman Road, stated that the due diligence before decisions would be to look for examples of communities where the solar is, such as Germany, California, Minnesota, there are lots of problems there.

Mike Outten said that his concern is for the Town to keep to the Comprehensive Plan goals and objectives; we demand to preserve the rural agricultural integrity of our land. It is important to stick to our Comprehensive Plan; he has been reading it over and over. There is no safety plan in place for decommissioning, very little documentation for companies. This company is a LLC and could be gone tomorrow; the EDF contracts have so many discrepancies, mineral and drilling rights for 40-45 year leases. The decommissioning of the lithium batteries is scary; Hartland residents who love home and community have to think about the public outcry that this is creating. Outten is asking to propose a one year moratorium so that all the studies can be done thoroughly and without bias from both sides, I don't think that is too much to ask.

Annable stated that it would probably be a 2 year process, this will go slow and there will be lots of hurdles for this company to go through.

Minner asked how old is the Comprehensive Plan?

Annable answered that the Plan is 20 years old and the Boards are in the process of updating. 20 years ago, no one thought about this.

Hannah Bucholz said that there is money set up for decommissioning, that money is put in an escrow account, there are no mineral or drilling rights, only panel rights. A lot of farmers are hurting and can't support themselves, farmers are leaving, the County census numbers are going down.

Jason Vanderbeck, a Newfane resident, stated that he is concerned because this will affect Newfane, also.

Annable said that the first time he had contact with Grant Cushing was in March and he could not just say no to something that could potentially benefit the Town.

Vanderbeck contacted the Town because he knew the laws would need to be changed, so as Supervisor, you make decisions as a board, collectively. Would the Board make a decision to look at something even if the laws prohibit that activity?

Annable replied that we change our laws periodically to benefit our businesses and residents. This was presented to our Board, and then we need education from EDF.

Vanderbeck asked if anyone had spoken to the Governor, EDF website states that the project will be operational by 2024, according to the timeline. How much is NYS subsidized? There is a huge agenda by the State to push renewable energy.

Annable said through everything goes through NYSERDA, New York State Energy Research & Development Authority, who promote energy efficiency and use of renewable energy sources.

Vanderbeck asked who owned EDF? He also stated that through NYSERDA, they will take our tax dollars and give them to EDF.

Annable stated that EDF was a California based company; United States based company and reminded everyone that this meeting was an opportunity to make your concerns known.

Attorney Seaman commented that this was not a cross examination and the Board will answer what they can.

Vanderbeck said that EDF was not an American company; in fact it is owned by the French State and asked who had given that information to the Supervisor? A foreign entity will be taking our money to make money for another company, he asked the Supervisor to please investigate.

Annable stated that EDF had given him this information and that the rest remains to be seen and he will investigate.

Sue McCollum, landowner in Hartland, stated that farms are not leaving Hartland, some are consolidating. McCollum farms does not support industrial solar, they support agriculture and want to see everyone treating each other as neighbors. All their lives they have fought for farmland organizations.

Cindy Chapman stated that the representative from EDF came to her house and stated that the company was a French company.

Someone asked if there was a map of where the company plans to put the solar panels and asked if one of the Board members had already signed on.

Attorney Seaman stated that Councilman Joe Reed has submitted a letter of reculsion, which is on file as per New York State Law.

David McCollum is opposed to the project and stated that the one problem with NYSERDA grant is that the dollars that everyone puts in are only paying the utility company. This is splitting up communities.

Annable noted that NYSERDA funds projects such as lights and street lights. We need a revenue stream to fund these projects as we get limited revenue from farms because of the agricultural exemptions.

Ark stated that there is a fund available to hire experts for an unbiased opinion, EDF supplies that fund.

Annable said that Article 10 provides funds so that Towns don't have to bear the cost.

Minner asked if there was a resolution in the County Legislature against Article 10?

McCollum asked how much is this going to cost in 40 years?

Annable stated that there are escalating costs to cover and then asked that everyone to please come to the future meetings.

Slack suggested to Mr. Veratti to please put in those hops and Christmas trees, she would rather look at those.

### **OLD BUSINESS:**

Attorney Seaman stated that the Town had previously awarded the refuse bid to Pinto Trucking, Inc. since the notice of reward, Pinto has failed to execute the contract as required by the bid documents and cannot perform the contract. In this event, the award of the bid goes to the second lowest bidder. Attorney Seaman recommended awarding the bid to Modern, as the second lowest bidder.

Refuse Contract

### **RESOLUTION 114-2019**

**MOTION** by Councilman Huntington, seconded by Councilman Hill to approve the following;

**WHEREAS**, the Town previously solicited sealed bids for Refuse, Waste Collection and Disposal and Recyclables Collection and Marketing for an initial term of 3 years commencing January 1, 2020, with optional renewal terms, and

**WHEREAS**, sealed bids were received and opened on August 27, 2019, and Pinto Trucking Services, Inc. (“Pinto”) was the low bidder, and Modern Disposal Services, Inc. (“Modern”) was the next lowest bidder and

**WHEREAS**, the Town Board thereafter awarded the Contract to the low bidder, Pinto, and by letter dated September 13, 2019 gave notice of the award and requested that signed copies of the Contract, performance bond, and insurance certificates be delivered, and

**WHEREAS**, Pinto has failed to execute the Contract as required by the bid documents, and has informed the Town through their attorney that they would not deliver the signed contract and are not able to perform the Contract, and

**WHEREAS**, the next low bidder, Modern, has indicated that it is ready and willing to perform the Contract pursuant to the bid documents and their proposal, now therefore be it

**RESOLVED**, that, upon failure of the low bidder to execute and deliver the signed Contract, performance bond, and insurance certificate, the Contract for Refuse, Waste Collection and Disposal and Recyclables Collection and Marketing is hereby awarded to Modern, under the Base Bid, and notice of award shall issue, and be it further

**RESOLVED**, that the attorney for the Town pursue remedies from Pinto for their failure to deliver the signed contract and perform thereunder.

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

It was suggested that the Town consult for legal advice concerning the contract with Pinto.

Joe Hickman, Sales Manager for Modern, stated that the base bid still stands at \$192.00 per unit.

**NEW BUSINESS:**

**Adoption of Preliminary Budget to the Final Budget**

**RESOLUTION 115-2019**

**MOTION** Councilman Huntington, seconded by Councilman Grant to adopt the 2020 Preliminary Budget as the Final Budget as presented.

Annable:      aye

Reed:          aye

Grant: aye

Huntington: aye

Hill: aye

Nays: 0 CARRIED

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 budget is attached.

Unpaid Water Levy to Taxes

**RESOLUTION 116-2019**

**MOTION** by Councilman Reed, seconded by Councilman Huntington to authorize the amount of \$ 28,871.98 in unpaid water to be levied to the appropriate properties on the tax warrant.

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

Transfers

**RESOLUTION 117-2019**

**MOTION** by Councilman Hill, seconded by Councilman Huntington to approve the following transfers from the unreserved fund balance:

<u>Transfer To:</u>	<u>Amount</u>
Increase A1220.4 Supervisor Contractual	\$500.00
Increase A1410.110 Deputy Town Clerk Personal Service	\$4000.00
Increase A1620.4 Buildings Contractual	\$12000.00
Increase A5010.4 Highway Superintendent Contractual	\$1500.00
Increase A8810.1 Cemeteries Personal Service	\$440.00
Increase B7140.1 Playgrounds Personal Service	\$1340.00
Increase DB5110.4 Repair Contractual	\$40000.00
Increase DB5130.2 Machinery Equipment	\$32000.00

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

It was noted Councilman Joseph Reed has filed a letter of recusal on the Solar Project and is filed in the Town Clerk's office.



Executive Session**RESOLUTION 118-2019**

**MOTION** by Councilman Reed, seconded by Councilman Huntington to enter into Executive Session to discuss the Refuse Contract at 8:40 p.m.

**MOTION** by Councilman Grant, seconded by Councilman Reed to close the Executive Session and enter into regular session at 8:46 p.m., with no decision made.

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

Adjournment**RESOLUTION 119-2019**

**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 8:50 p. m.

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

Respectfully submitted:

Cynthia S. Boyler

Town Clerk

Next scheduled regular meeting will be December 12, 2019 at 7:00 p. m.