

OCTOBER 10, 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: Daniel Seaman

Highway Sup't.: Keith Hurtgam

Assessor/ CEO: Michael Hartman

Admin Asst.: Janet Slack

Attended by: Sign in sheet attached

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

PUBLIC HEARING

Date/Time/Place: October 10, 2019 - 7:00 PM- 8942 Ridge Road, Gasport NY 14067

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

Supervisor Annable read the annexed notice of the Amendment to the Comprehensive Plan.

Amendment to the Local Law is required to be advertised and read two times before the vote.

Amendment to the Comprehensive Plan for the Town of Hartland

The Comprehensive Plan for the Town of Hartland, Section III is hereby amended to include the following:

Goal/Objective:

**TO PROVIDE THAT PARKS AND RECREATIONAL OPPORTUNITIES ARE
ESSENTIAL AND SHOULD BE EXPANDED**

Policy: Town parks and recreational centers act as the cornerstone of the Town's community activities. As such, the Town Park hosts a number of recreational facilities, including a pavilion, tennis courts, two softball diamonds, a hardball diamond, a tee-ball diamond, a playground and a snack shack. Because of the essential role town parks play in fostering community activity, it is the policy of the Town to provide for the expansion of the Town Park, as well as the development of other park lands as needed. The expansion includes the construction of an inclusive playground, improved sports facilities, and nature trails and sites, among other amenities for active and passive uses. Construction of additional facilities should be accomplished by utilizing land the Town has purchased adjacent to the existing park, and other lands, as the need arises.

Supervisor asked if there was anyone wishing to speak on the Amendment.

Michael Outten, 8458 Chapman Road, thanked the board for the opportunity to address his concerns. Outten stated that while he loves the park and the way that it looks, he is unsure about what the plan, the amendment to the comprehensive plan, is about. What are the Town dollars being spent on with a splash pad costing \$100,000.00, while it has been good for the Town. There has been discussion and concern that the Town is in a financially bad place. What are the intentions, where is this plan going? There is a driveway leading to the park, where is everyone going to park. If the Town is broke, why do we seek to acquire more land, why do we have to purchase the Nate Harris land? The more land that we obtain, the more maintenance, if the population is not growing, why not spend the money on what is not needed, but what is wanted?

Attorney Seaman answered that there is no money involved in this action. The amendment gives the Town the ability to expand, if necessary. A comprehensive plan typically spans 10-20 years, not immanent in any way, the outlook is for clarification of the comprehensive plan, in the event that in the future we may need expansion or amplification. There is money involved in this particular action.

Supervisor Annable stated that the Town is not broke

Barb Outten, 8458 Chapman Road asked what the amendment actually states.

Supervisor Annable read the complete amendment as follows:

AMENDMENT TO THE COMPREHENSIVE PLAN FOR THE TOWN OF HARTLAND

The Comprehensive Plan for the Town of Hartland, Section IV, Subsection H, is hereby repealed and replaced with the following:

Parks

The Town of Hartland has established a centrally located Town Park on Route 104 behind the Hartland Volunteer Fire Hall. This park has grown under the direction of the Town Board, with input from the Recreation Commission, from a mere covered pavilion and tennis courts to include a paved road and parking lot with additional lighting, two softball diamonds, a hardball diamond and a youth (tee-ball) diamond, a playground, and a snack shack.

The existing park is at or near capacity, and is no longer sufficient in area to fulfill the Town Park needs. There is a need for additional park land and recreational opportunities in the park and in other areas within the Town for both active and passive recreation, including such things as nature trails and sites, expanded sports facilities, and inclusive playground, and other amenities to be developed as the recreational needs become apparent. These amenities are desirable and enhance the quality of life in the Town.

The Town has purchased additional land adjacent to the existing park. This land, and other land as needed, should be developed for the purposes of maintaining, upgrading and developed for the purposes of maintaining, upgrading and expanding the existing park to include desired facilities.

Supervisor Annable explained that an inclusive playground is the responsibility of the municipality and the Town will be fined if not involved in updating playground equipment to include inclusive equipment.

Outten asked, with that in mind, should that have happened before the splash pad was installed, is the splash pad accessible?

Annable replied that the splash pad was accessible and is part of the inclusive playground. It is the responsibility of the municipality to include equipment for the handicapped residents. If those features are not included the Town could be found in violation of federal law and face a fine and lawsuits. If we intend to make improvements, it has to include inclusive play in the playground. We have received grants in the past to provide funds; this amendment allows us to apply for more grants to include updated additions. Three quarters of the cost of the splash pad came from grants and casino money, which is no longer available. There were no taxpayer monies used to fund the project. The park has been a great amendment to the public; lots of people have made use of it. There has been positive feedback and requests from the public without a huge cost to the taxpayers. The changes to the park will not all be done at one time; this will allow us to continue to ensue grants.

Outten asked that if the Town wanted expansion, we would have to buy additional property, how would we pay for it and would the public have input?

Annable stated that the current plan states that we have sufficient land; we will now have the ability to expand if needed. The cost would have to be something that would be budgeted for, everything costs money.

Peggy Zaepfel, 8474 Chapman Road, stated that there are several who are upset about the solar project; we have been told that the Town needs more revenue and we need to think about the future. Before our property loses value, why spend money on things that we don't need, we live in the country, we don't need these things, what we need are the trees and open spaces. If these industrial plants are coming, there will not be trees and open spaces. Before we ok this expansion, we need to fight industrial solar, giving up our rural environmental, spending money on a playground that we don't need.

Annable stated that our Town doesn't have any industry, no tourism, waterways or infrastructure which means there is no revenue coming in, so the tax rate will go up eventually. Our tax rate has not gone up in many years, in fact it is lower than it was 10 years ago and we have kept it under the 2% tax cap. We aren't in any financial hardship, but at some point we won't be able to stay under the cap. The park plans have been discussed for 2 years now, with the addition of inclusive playground features. This solar plant came along and has nothing to do with our park plans. We have never expanded our tax base, it has all been on the residents, this could help offset it. It is great that we are rural, but you people pay the bill, there are no businesses and none are coming in.

Zaepfel, who sits on the Zoning Board, is concerned about expanding the playground and destroying our agricultural land. Our comprehensive plan protects our rural landscape; we need to fight this industrial solar plan. She stated that our town has passed up opportunities for growth, we pushed business away with regulations, we were constantly being told that we didn't want businesses. When Titan came in, they were given problems until it was decided that the company employed several Hartland residents, so they were granted. The Town of Hartland was anti-business, when we say that we haven't grown, it is because we have prevented growth in this Town. Why don't we have a Senior development? We need to look at the laws, open land locked areas, amend the 1-2 employees for resident owner applications; there is a big difference between small businesses and large industrial solar developments. We don't have to lose the whole character of the Town. Zaepfel stated that she had taken her grandchildren to the splash pad this past summer, while it was nice, it is not a needed addition, it is most important to protect the nature of our Town.

Supervisor Annable asked if there was anyone else wishing to be heard concerning the Amendment to the Comprehensive Plan. With no one wishing to speak, the public hearing was closed at 7:15 PM

Supervisor Annable opened the Regular meeting with the adoption of the minutes.

Minutes

RESOLUTION 104-2019

MOTION by Councilman Grant, seconded by Councilman Huntington to adopt the minutes of the September 12, 2019 Regular meeting as presented.

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

Abstract of Bills

RESOLUTION 105-2019

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	201900825 – 201900876
General:	49,657.23
Part Town:	3,931.33
OWD:	98,962.25
Highway:	110,724.22
Refuse:	19,273.68
TOTAL	282,548.71

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

ASSESSOR / CEO REPORTS: Read and filed

The office has been busy processing sales, installing unpaid waters and former exempts. Roll totals will be sent to the county for processing. The Multiple Listing have made it easier for the valuation of sold properties.

CEO Read and filed

Court cases going for a property on Drum Road, Carmen Road needs to either demolish or have a sales contract and CEO requested that the Supervisor attend a meeting with a resident from South Quaker Road.

Michael Hartman reported that he has taken the Sexual Harassment/ Violence in the Workplace training, as required by New York State.

HIGHWAY REPORT: Read and filed

The Town Board took a tour of the Highway/Water for the annual equipment inventory, at 5PM before the meeting Superintendent Hurtgam reported that most of the road sides have been mowed. Installed pipes and culverts on Drum Road and Chapman Road. The Town Hall parking lot has been milled and hot patched.

WATER REPORT:

Read and filed

Read water meters in September, installed meters and meter pits, did 2 pushes and a tap. Water loss report, attached.

PARK

The snack shack and rec pavilion are winterized and still weekly mowing.

HARTLAND CENTRAL CEMETERY

Repaired the gator and took a loaner for use.

PUBLIC PARTICIPATION:

Michael Outten thanked the Board once again for the opportunity to speak. Mr. Outten noted that there were 2 sunny days and 11 with some sun in the month of September. He is not opposed to industrial solar in a sunny place, away from residences and housing, but not on viable farmland. The Town of Hartland wants funds for the future, a few hundred thousand dollars, for the Town, that makes sense and a couple of Councilmen have land involved with the solar project, so there is money to be had. Outten understands, however, where in the industrial solar talk do we see that this is the best option for the Town of Hartland and all of it's' residents? This is more money than what agriculture brings in. Outten stated 4 points that he would like the Board to consider.

- We do not live in a sunny area, being by the Great Lakes, we tell people that it is possible to experience all 4 seasons in 1 day. The weather in Hartland is not viable for industrial solar.
- The Town of Hartland has great viable farmland, with large crop production. The ditching jobs, by the town highway are phenomenal, overall, this has benefited the farmers and us, as residents in a positive way.
- Many of the proposed sites are in the front and back yards of the residents, no one wants the visible clutter. Whether it be cadmium, electromagnetic fields or the toxic radiation from the panels, no one wants the health hazards to their families.
- Industrial solar is not what is best for the Town of Hartland, it is not in the best interest for our Town. Industrial solar scars our land forever, what will profit a man if he gains income, but forfeits the well-being of his neighbor and community. What price on the health of another, what price on the slaying of thousands of acres of our community for the profit of a few? We have limited information on the solar that is proposed, if it so

good, why wouldn't EDF be up front with all information? The MSDF sheets with the entire make-up of the products, information with facts on the history, maker, tailor, stamped plans, so that they could say this is the product that we have worked with for years. They have not done this, what are they not telling you, what is the hidden agenda?

Richard Burman, Chapman Road, spoke of information gathered from the Clear Energy Alliance from the Institute of Chicago. According to the Energy Policy history, much of what we have been told is entirely false and misleading. This is a dangerous forum to follow, it challenges claims on their website. New York State has a renewable portfolio standard that most people don't even know about. This is a government program that sucks 30 billion dollars a year from out of our wallets. This is massive government seizures of your money for a program that people don't even know exists. The Institute of Chicago reports uncomfortable answers to what is going on, the true cost of renewable energy is underestimated. Previous studies did not account for the backup cost of the renewable energy when it is not being generated, this happens ¾ of the time, a need for back up energy. The message of high energy costs aren't getting around to the public. The cost of energy is higher than before, increased by 11 – 12 %, years later in spite of the cost of windmills and solar, which supposedly lessen the threat of climate change. A lot of what people are told is a myth, the attempt to lower carbon dioxide levels, it is still the most expensive way to do it. The goal of the renewable companies is not to save our climate or to put money in the pockets of the average person.

Peggy Zaepfel stated that she is concerned about the cost of decommissioning. She worked on the board with Keith Hurtgam, setting up a garbage pickup and recycling program for the Town of Hartland. When the program was set up, there was a lot of recyclable materials, now the market limits what can be recycled, so with all that time and effort, the materials go to a landfill. The idea of decommissioning with bond money promised by Governor Cuomo for recycling centers, EDF trusts that Governor Cuomo is "on it" and he has a program. The idea to take the decommissioned materials, dump them on a boat and take to a foreign land. This is not a good deal, there are no good resources to recycle, why would we set ourselves up, if in the end we can't decommission. If the company goes bankrupt, the subsidies dry up and incentives, the people from California take their money and go home. We will be left with the mess when in 5 years the panels are obsolete, we need to be very cautious about the bond that the Governor promises. There are solar panels in Newfane that are an eyesore, the company went bankrupt and the money is gone, we don't want our whole town to be a mess. The Supervisor stated that hunting has gone down in Hartland, there is a new couple who moved on to Bradley Road, avid hunters, they moved to the country to hunt, what happens when all those people who moved here for those reasons?

Barb Outten stated that her and her husband had stopped and talked to the people who live in Newfane, by the solar panels. They had tried to buy the property with the solar panels and were told that they weren't allowed to buy, so now they have to look at the mess every day. They

were not given any choice. How many people do we need for the Town to listen to their constituents. How is ok for the Town, if we don't mount the opposition now?

Supervisor Annable stated that as we reported, this is a long process and there is another meeting the end of November, one of several to take place, everyone will be invited, it will be mailed to everyone. We don't want toxic chemicals here, we don't want to destroy our Town. Many of the issues are not true, not necessarily how the system works or the recycling process. Many things that the people are saying, they picked up on the internet, they need to do their own research.

Barb Outten said that they will have to look at 80 acres of solar fields across from their home, this is a disaster. How is it that for money, a neighbor can do this. This will take land values down, it has already happened in Cambria.

Supervisor Annable stated that just because you say that, does not make it true. We want to hear from the public, there are just as many people in favor of the solar project. We want to make sure that at the end of the day, what benefit is it to the Town. We appreciate your efforts, we want to make sure that the facts are accurate. It is not true that home values will go down, you want hard facts on everything before decisions are made, many things cannot be proven. We need to do all the research that we can. The people who want to come to Hartland for the view, if you want it, buy it. At the end of the day, it is the farmer who owns the property. Farmers who want money, as well, they are in business and need to make decisions based on their finances. There is not necessarily always going to be that view, you like the farm view, but that doesn't help the farmer to survive.

Peggy Zaepfel said that for zoning purposes, if your neighbor's home is a pig sty, they are directed to clean it up or face a court appearance with fines. This is why we have a Comprehensive Plan, now all of a sudden we need to change it.

Supervisor Annable stated that the Comprehensive Plan is a guide and it is 20 years old and needs to be updated. Nothing is cast in stone.

Zaepfel stated that she had 8 acres that she put up for sale, had a buyer and now they are not sure that they want land next to a solar field, the deal fell through. You are telling me that it may be coming, may be in 5 years, to wait. The property values are down in Cambria, whether or not the industrial solar park is built, according to Zillow the values are down \$25 – 30,000.00.

Annable said that he believes that Zillow is just a real estate guide, you cannot believe the projections. This is going to take some time.

Zaepfel said that she bought that property years ago, with the idea to sell it when she needed to, maybe the people who are getting the money from the solar fields can buy it.

Jeremy Veratti, a landowner in Hartland, came forward to say that a few months ago, he was very disappointed with the Town of Hartland Council over the conflict with using the roads with agricultural equipment and transporting manure. He felt, at that time, that the Council was not pro-business. However, where the solar is concerned, he is happy that the Town is looking at this project. The Veratti's are involved with the solar company and they could stand to gain or lose depending on the outcome. Veratti continued, there is a saying, don't look a gift horse in the mouth, someone gives you something, check it out. While still doing due diligence, when the first phone call came, Mr. Veratti did not take it seriously, but when he found out that the research had been done, he was happy that this would be pro-business. This farm profitability is bad for dairy farmers and will continue to be, even after the solar project. The years from 2015-2018 were terrible, the farmers have tried to diversify, it has been difficult for crop farmers also. While the fields are beautiful that doesn't guarantee a profit from them. It is the right of the people to complain and they complain about many things but that doesn't equate to profitability, farmers have to be careful, the numbers are not good. Veratti's still plan to farm and operate. The Town of Hartland need to look at home values and the leases on these sites, they have to make sure that the funding for the decommissioning is in place. The lease states that the clean-up will dig up 36-46" under the field. There are stories about people being left with a mess, being an owner, we are very interested in making sure that a plan is in place. The Council needs to do due diligence. We were told that the company would not be clearing any trees, in fact they are supposed to plant trees. They are willing to sit at the kitchen table to discuss what people would like to see, they will camouflage the area, it will be higher than the panels.

Mr. Veratti continued that he does not believe that the solar project will affect hunting or hurt wildlife, there is supposed to be fences around the property. There is some concern about noise, but now you have the noise from the tractors and equipment that hinder hunting. He said that there is not supposed to any fences, so they will still have the ability to hunt. Veratti is not convinced that the home values will plummet, Cambria stating that on a whim. When farming, people hate the dust, mud, noise, etc., they are always complaining – people highlight what they don't like about farming and farmers all the time. Now, with this project there will be no dust or mud, now people want farming, (and at a potential loss to farmers), as opposed to solar fields. People make judgement out of fear and not facts. Solar is the cheapest form of energy, Cuomo is not throwing out money.

Veratti explained that he is of the millennial generation and in fact is a hard working person with very little debt, and they wants changes in how this country is run, on an energy standpoint and show that with their checkbook. Many companies who want this type of energy now see options and they are the ones who are paying for this type of energy. The reasons why this industrial size and where it is to be, it seems to be in smaller blocks so it is not some huge acreage, so it can be hidden. As to why people think that solar in WNY is not a good idea, there are giant black computer chips which heat up in the sun, such as in November or March, the cooler days are actually better for performance.

Barb Outten stated that she had spoken with Dan Veratti and told him that they were upset, why would you do this and ruin the community. The land where the panels will go is not next to where you live.

Veratti said that he found the comments disappointing, EDF didn't offer to put up solar panels by the farm and that they wanted to put the panels near the power lines that lead to the Somerset project.

Supervisor Annable stated again to please speak only on facts. If you don't own your view, you can't regulate that person that does. If they want to put something in there, they are trying to make a living.

Sue McCollum said that there is a difference, some people complain and some do not. People come with the expectation that the property is zoned rural and agricultural residential, yes the view is not guaranteed and it has been tough for the farmers, but don't sell out your neighbors. No one wants to have to look at the solar panels.

Annable answered that we won't be looking at the solar panels, we would be looking at trees as opposed to cornfields. The plan does not require rezoning as this is a 30-40 year lifespan, not permanent. If we did rezone it, then it would forever be zoned that way.

Zaepfel asked that after 20 years, wouldn't that be considered permanent zoning?

Annable stated that Ag & Markets do not have control over this plan.

Greg Kempton asked if there were any other avenues for notices on the meetings and information? He did not see the information on the website or the newspaper.

Annable stated that the information on the meeting was on our website and Facebook. The Town will make a better effort to reach all residents.

Supervisor Annable asked if there were any further comments on the solar project.

OLD BUSINESS:

The Resolution on the Comprehensive Plan Amendment from the September meeting needs to be rescinded as the Local Law needs to be presented 2 times before coming to a vote.

Rescind Resolution 101-2019

RESOLUTION 106-2019

MOTION by Councilman Huntington, seconded by Councilman Reed to rescind the Resolution adopting the Amendment to the Comprehensive Plan.

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

Adoption of the Amendment to the Comprehensive Plan

RESOLUTION 107-2019

MOTION by Councilman Huntington, seconded by Councilman Reed to adopt the amendment to the Comprehensive Plan

Annable Aye

Reed Aye

Grant Aye

Huntington Aye

Hill Aye

ADOPTED

NEW BUSINESS:

Clerk Boyler brought to the Board a proposal to waive the local fee on a marriage license for full time active duty military. The State has already passed a resolution to waive the State fee and the Niagara County Municipal Clerk's Association are in agreement to present to each of their respective boards to waive the local fee of \$17.50.

Waive Local Fee for Full Time Active Military

RESOLUTION 108-2019

MOTION by Councilman Huntington, seconded by Councilman Reed to waive the local fee on a marriage license for full time active military, in the amount of \$ 17.50.

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

TENTATIVE TO PRELIMINARY BUDGET

RESOLUTION 109-2019

MOTION by Councilman Hill, seconded by Councilman Huntington that the Tentative Budget for 2020 be adopted as the Preliminary Budget for 2020.

FURTHER MOVED that a Public Hearing on the 2020 Preliminary Budget for the Town of Hartland be held on November 7, 2019 at 7:00 p.m.

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

The Regular meeting of the Town Board will be held on Thursday, November 14 at 7:00 PM

Supervisor Annable recognized Superintendent Keith Hurtgam on having been made an Honorary Life Member of the New York State Association of Town Highway Superintendents. A round of applause was given for this well - deserved honor.

Adjournment

RESOLUTION

MOTION by Councilman Huntington, seconded by Councilman Hill that since there is no further business to come before the board, the meeting be adjourned at 8:00 p. m.

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

Respectfully submitted:

Cynthia S. Boyler, RMC

Town Clerk

Next scheduled regular meeting will be November 14, 2019 at 7:00 p. m.