

SEPTEMBER 12, 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:	absent
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: September 12, 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 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.

With no one desiring to be heard, Supervisor Annable closed the Public Hearing and opened the Regular Meeting at 7:02 PM

Minutes

RESOLUTION 95-2019

MOTION by Councilman Huntington, seconded by Councilman Grant to adopt the minutes of the August 8, 2019 regular meeting as presented.

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

Minutes

RESOLUTION 96-2019

MOTION by Councilman Grant, seconded by Councilman Hill to adopt the minutes of the August 28, 2019 Special meeting as presented.

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

Abstract of Bills

RESOLUTION 97-2019

MOTION by Councilman Reed seconded by Councilman Huntington 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	201900674 - 201900787
General:	22,372.92
Part Town:	13,717.19

OWD:	15,133.22
Highway:	394,798.48
Refuse:	19,261.16
Capital Improvements:	9,660.66
Total:	474,943.63

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

ASSESSOR / CEO REPORTS: Read and filed

CEO Read and filed

HIGHWAY REPORT: Read and filed

Removed the old stone arch culvert on Chapman Road and replaced with plastic culverts. Worked with Somerset to install a large culvert on Lonnen Road. The crew has been busy chip sealing several surfaces.

WATER REPORT: Read and filed

Read meters and repaired several meters.

PUBLIC PARTICIPATION:

Michael Outten, 8458 Chapman Road, thanked the Board for the opportunity to voice his concerns. Outten explained that he has been a resident for 29 years and is opposed to the industrial solar that is being introduced across the State of New York and making its way to the Town of Hartland. He is forming a group PORC, Protect Our Rural Community, to protect the landscape of our rural community from the large industrial solar projects that will change our community forever. What we look at today, what will it look like for future generations. The visual clutter will forever change our landscapes. Property values will plummet as research shows, when a solar project comes to an area, property values drop.

Chemical contamination on the land is a concern, if cadmium is used, it leaves a residue that absorbs into the ground and kills plant life for many years- we need plant life for oxygen. This contamination creates brownfields, which means the soil can never be used again for farmland. Cadmium is 300% more toxic than nuclear waste. The converters use large battery packs to collect the power that is generated, they are used to transmit the energy through the town to the converters. These lines leach chemicals into the ground as they transfer.

This whole project is a money grab from Albany as part of our Governor's agenda to push himself to the white House, accomplishing this as he has converted New York State as his green

renewable space, a feather in his cap. We are aware of Article 10, just as the Towns of Cambria and Pendleton are fighting. The Town of Cambria project is a 900 acre proposition – which will make over \$52 Million for the company, Cypress Creek, here in Hartland the company is looking at 2000 acres, gain of over \$100 million for the company and it is using our tax dollars to do this.

When we give way to these types of programs, when the Governor decides what is best for us, we allow those companies from other states, who know nothing about us, and then we lose our local voice. We don't want other people to decide our fate or other people to decide for our future generations, our families, our children, our grandchildren. We need to be people of integrity who stand for what is best for our community. We are not against industrial solar, if we need it, that is fine but put it in an industrial site, it doesn't belong in a residential area where agriculture is happening, where we are raising our families. It is not right – not a move with integrity. We have researched big companies that come in and take the tax credit and then sell off to investment groups in 2-3 years with 20 year leases making the profit 2 times off the property. In the end it is the landowners and the Town that is left with the baggage for clean-up. The clean-up is hundreds of millions of dollars and there are only 2 facilities in all of America that take cadmium, one in Michigan, that is almost full and one in Alabama. Even then you have to retain a lawyer to obtain a permit to transfer. This program is not a need, it is greed. Western New York weather is not accommodating to solar energy – there are only 54 sunny days and 103 partly sunny days in the area – the math doesn't add up – why here? In Arizona or California, in an industrial area makes more sense. Albany says that to pillage Western New York farmland and rural county way of life is ok. We love the Town of Hartland, have raised our family here, we love seeing the hayfields and cornfields, watching the deer and wildlife, we love knowing the safety and security in this wonderful Town. We should have the right to choice, not Albany, choosing for us. This power will go to New York City, not here. Our electric bill might run one to two hundred dollars, we will not sell ourselves to make a profit, and this is not beneficial to the Town of Hartland.

We represent PORC, Protect Our Rural Community; our motto is “If not a need, then it is greed”. We have written letters and have petitions and we are ready to fight for our Town. Our community won't sit back. We have connected with other towns. We are for the people, by the people.

I pray, gentlemen that you will look at all of the facts and make wise decisions.

Mr. Outten thanked the Board for their time.

Barbara Outten, 8458 Chapman Road, also expressed her opposition to the solar project.

She cited that the minutes of the August 28th meeting stated that the Supervisor said that the only issue that Hartland had was the size of the project. It is not right that a few people should make decisions for the larger of all of us. Mrs. Outten stated that she did not realize that the Town of Hartland was in such need of financial help, does the Town need that much money? Property

values will drop and the sites will be an eyesore. Mrs. Outten stated that for the record, she opposed the industrial solar project. We are organized, and how many people, in opposition, will it take for the Board to vote against this project?

Supervisor Annable answered by saying that the Town of Hartland finances are not in jeopardy, however, in 20 years we would need to have 200 high end homes built to bring in as much tax dollars as this project will be supplying. So consideration must be given for this substantial revenue. We are just in the early stage of this process and there will be more public hearings on this project. All issues will be addressed and anyone can voice their questions. It will be a long process, there will not be any decisions made and he has already looked at some of these same issues.

Peggy Zaepfel, 8474 Chapman Road, stated that she has a copy of the Town's Comprehensive Plan and this proposal goes against the plan, which is to always stand and maintain rural integrity for our Town. We must stand against this plan and save our rural, small community of our Town, which is what we stand for. The panels, batteries and large facility don't fit into our community. Money shouldn't change or dictate our whole Town into something we don't want it to become. As a member of the Zoning board, over the years there have been decisions on lot sizes and subdivisions that have been made in order to maintain this rural community. Allowing an industrial complex just doesn't fit.

Sue McCollum, a farmer and landowner in the Town of Hartland, stated that solar power is fine, however, not a large complex. This industrial project does not belong in a rural residential area that will change the town, change the community forever. McCollum has been approached by several companies, so if this project does not happen, then there will be others to come in and approach the community, this is not the end. McCollum's own property in Cambria as well and have received the letter from the residents and the board in Cambria, who oppose the large projects, as well as the Town of Pendleton. The Town of Cambria included a map showing the loss of viable farmland and voiced concerns for the loss of property values; this will have a real potential impact on the tax base. There is an absence of any benefits to the Town of Cambria. There is a need to get the word out to residents, just like the windmill issue, people need to be informed. Many people in Cambria are just not aware of the project. Mrs. McCollum thanked the board.

Annette Brown, 3587 South Quaker, asked what the timeline was for the project.

Supervisor Annable answered that it would be 4-5 years until fruition, it is a long process, and we are just starting. There will be several meetings in the future, so that everyone who can voice their support or opposition. This company came before the board 2-3 months ago and we have not received any other proposals from other companies. We have had one public meeting and will continue to make the public aware of future steps.

Mrs. Brown asked who would make the final decision; would it ultimately be the Town Board?

Supervisor Annable said yes, and the results remain to be seen.

Carol Drum, 3581 South Quaker Road, asked if all the agricultural property need to be rezoned?

Supervisor Annable stated that the property does not need to be rezoned, under Article 10, the property would stay agricultural, the exemption would be eliminated for the farm, but status of the property would not change.

Supervisor Annable asked if there was anyone else wishing to speak on the solar project, with no one else coming before the Board on the solar, public participation continued.

Joe Hickman, Director of Municipal Sales for Modern Disposal addressed the Board. Mr. Hickman stated that Modern Disposal has had a 39 year relationship with the Town of Hartland. He thanked the town for the opportunity to serve the residents and appreciated the fact that the current contract could have been extended. Modern could not extend the contract as the lowest responsible bidder. Mr. Hickman stated that he has met Giorgio Panepinto, from Pinto Trucking, they have worked together and is an honorable competitor. When considering awarding the contract to the lowest qualified bidder, he is concerned what qualifications and standards were used to decide? While acknowledging that his concerns were late in coming, the following points should be considered:

What are the total number of trucks that will be assigned to the Town of Hartland, what if one breaks down?

Is the company compliant with the DOT? Are they high risk, what safety measures do they take?

Does Pinto have a secure contract for disposal? Where do they dispose now, they must have a proper disposal procedure?

As you move forward, please be aware of these issues. Mr. Hickman thanked the board once again.

Giorgio Panepinto, Owner and President of Pinto Trucking, explained that his company was a small family owned business, serving over 10,000 homes and business' a week. The company takes pride in their hands on service, he always wears his work boots and is ready to pitch in and help. He will always be available to help with concerns and issues from the Town Clerk's office. The company would like to work with emails and text messaging with the residents for changes and emergencies, to keep communication lines open. Pinto has provided the bid bond was the lowest bidder and has insurance. Pinto is a small business and which will be an advantage to our community. Pinto also said that they would like to work with the annual tire drop off event.

OLD BUSINESS:

National Grid street light program

After discussing the different options for replacing street lights, it was decided to use the National Grid program. National Grid will maintain ownership and maintenance. Councilman Grant stated that we have 22 lights, can we add more if we need. Supervisor stated that we can add at any time.

National Grid Street Light Program

RESOLUTION 97-2019

MOTION by Councilman Huntington, seconded by Councilman Reed to contract with National Grid's program, in which National Grid maintains ownership and maintenance of the LED street light conversion.

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

The Refuse bid opening was August 27, 2019 at 2:00PM. The bid gave 2 options; an once a month large item pickup or a quarterly large item. Pinto Trucking gave the lowest responsible bid, with the Option # 1, once a month large item pickup.

Attorney Daniel Seaman stated that his office had prepared the bid and has prepared the bids for several years. Pinto Trucking was the lowest responsible bidder, with the base bid at \$174.00 per unit, 177.50 with option #1. The Supervisor had checked on the quality of service to the residents of Grand Island and found that the company was well received. The Performance Bond will be provided, which protects the Town in the event of inability to perform. Attorney Seaman recommended awarding the bid to Pinto Trucking.

NEW BUSINESS:

Refuse Bid

RESOLUTION 98-2019

MOTION by Councilman Huntington, seconded by Councilman Hill to award the Refuse Bid to Pinto Trucking, as the lowest responsible bidder. The bid was approved for Option # 1 with a monthly large item pickup.

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

Public Hearing on the Amendment to the Comprehensive Plan, the SEQR review has taken place and found to have no adverse comments made.

Town of Hartland Lead Agency

RESOLUTION 99-2019

MOTION by Councilman Huntington, seconded by Councilman Reed to declare the Town of Hartland as the lead agency for the SEQR.

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

Adverse Effect**RESOLUTION 100-2019**

MOTION by Councilman, seconded by Councilman Huntington declared that based upon coordinated review and having taken a look at the project; the amendments will not have an adverse effect on the environment.

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

Adoption of the Amendment to the Comprehensive Plan**RESOLUTION 101-2019**

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

Transfers**RESOLUTION 102-2019**

MOTION by Councilman Reed, seconded by Councilman Grant to approve the following transfers:

<u>Transfer From:</u>	<u>Transfer To:</u>	<u>Amount</u>
A1990.4 Contingent	A3310.4 Traffic Control	1000.00
A1990.4 Contingent	A7510.4 Historian	1200.00

A1990.4 Contingent	A7550.4 Celebrations	800.00
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B1990.4 Contingent	B1650.4 2 Way Radio	2000.00
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To increase A1460.4 Records Management by \$12000.00 from unreserved fund balance

To increase A1990.4 Celebrations by \$200.00 from unreserved fund balance.

To increase B7110.1 Park Personnel by \$2500.00 from unreserved fund balance.

To increase B7110.4 Parks Contractual by 3500.00 from unreserved fund balance.

To increase B7140.1 Playgrounds Personnel by 1707.51 from unreserved fund balance.

To increase B7140.4 Playgrounds Contractual by 600.00 from unreserved fund balance.

To increase DB5110.4 General Repairs Contractual by 35000.00 from unreserved fund balance.

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

Adjournment

RESOLUTION 103-2019

MOTION by Councilman Huntington, seconded by Councilman Grant that since there is no further business to come before the board, the meeting be adjourned at 7:45 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 October 10, 2019 at 7:00 p. m.