

**September 14, 2023**

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

Town Clerk: Rachel Kushner

Councilman: Joseph Reed

David Huntington

David Hill

Cliff Grant

Attorney: David Haylett

Attended by: Sign in sheet attached.

Supervisor Annable called the meeting to order with all present standing for the pledge to the flag as well as a moment of silence in remembrance of September 11, 2001.

**RESOLUTION 87-2023**

**MOTION** by Councilman Huntington, seconded by Councilman Grant to adopt the minutes of the August 10, 2023 board meeting and September 6, 2023 work session as presented.

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

**Supervisor Annable:** We do not have our bills for this meeting so we will need to set a date for next week for a quick meeting to approve the bills because Judy was out of town.

**ASSESSOR / CEO REPORTS:**

**Michael Hartman:** As always, we are processing sales. I gave you guys a three-month sales report. That is what I send to the state. Right now, I am splitting tax bills and sending them off to where they are supposed to be. I am about halfway through the inventory collection. Jennifer, my clerk, is redrawing every single house in the town. As I was requested to do, I created a new line just for special districts to show which houses are in which fire district so that everything can be

tallied up, so you know which dispatch is calling for which fire company. I am about halfway through that. I have to go on each parcel one by one to install it. It's a pain but once it's there, it's there forever. I am about a third of the way through taking pictures of every house in the town. Right now, I am kind of waiting for the leaves to fall down. It's hard to take a picture when the leaves are in front of the house. Right now, is the time we start getting together for our unpaid waters. To get these into the system we have to do those one at a time also which is about \$30,000 for this town. Building is steady. See the building report it was a pretty busy month for August. For our court cases one was dismissed because it was cleaned up but they didn't show up for court. They still have to come to court for it to be dismissed. The other person received an extension to clean it up. You can see what I have for permits attached.

**Supervisor Annable:** When you are breaking up those fire districts you are doing them for every district, correct?

**Michael Hartman:** Every district, yes. Wrights Corners, Miller Hose, Gasport, Hartland, Middleport.

**HIGHWAY/WATER REPORT:** None

**PUBLIC COMMENT – AGENDA ITEMS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

**Supervisor Annable:** We have a grant approval resolution. We will do the SEQR resolution first. This is an application to the Niagara River Greenway and the Grigg Lewis Foundation.

**RESOLUTION 88-2023**

**MOTION** by Councilman Reed, seconded by Councilman Huntington for SEQR approval for the Niagara River Greenway Commission: Placemaking / Public Access / Wayfinding – Enhanced recreational Access & Connections within the Niagara River Greenway.

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

**RESOLUTION 89-2023**

**MOTION** by Councilman Reed, seconded by Councilman Grant to support applying for the grant for the Niagara River Greenway Commission: Placemaking / Public Access / Wayfinding – Enhanced recreational Access & Connections within the Niagara River Greenway.

Ayes: Annable, Huntington, Hill, Grant, Reed

Nays: 0      ADOPTED

**WHEREAS**, the Town Board of the Town of Hartland is applying and eligible for Niagara River Greenway funding for their proposed project Enhanced Recreational Access & Connections within the Niagara River Greenway with a project scope that aligns with the Greenway Plan, dedicated to improving public access for all while supporting recreational resources of the Niagara River Corridor; and

**WHEREAS**, the project advances the Niagara River Greenway Vision “to be a world-class corridor of places, parks, and landscapes that celebrate recreational resources and provides access to connections” by increasing access for people of all abilities with the installation of accessible playground equipment, walkway’s, pavilion and increased handicap parking as well as wayfinding signage; and

**WHEREAS**, the project proposal corresponds with many of the commissions corresponding principles, goals, and criteria most specifically Accessibility, Connectivity, Restoration, Partnerships, and Community Based will be brought through one of the Niagara River Greenway four standing committees as well as the full commission for review and endorsement; and

**WHEREAS**, the Town has demonstrated extensive support and measures taken at the local level for the project, gaining community and government support including collaborating organizations, youth groups, and individuals as well as id reflected in various local planning documents and the Town, County, and Local Foundations will be providing local matches to the project; and

**WHEREAS**, the projects proposed activity to be conducted will comply with the provisions of the State Environmental Quality Review Act (SEQRA).

**NOW THEREFORE, be it RESOLVED** by the Town Board of the Town of Hartland as follows:

SECTION I. That by adoption of this resolution the Town Board of the Town of Hartland finds, determines, and supports the securing of grant funds through the Niagara Greenway Commission of its Enhanced Recreational Access & Connections within the Niagara River Greenway, and comply with New York States SEQRA provisions.

SECTION II. That the Supervisor be, and he hereby authorized to execute any and all grant applications.

Supervisor Annable: Judge Sullivan has requested that we look into hiring a part-time court clerk on a temporary basis because the current clerk will be on leave for 3-4 months. She is looking at having court open during the week during that time period from 9AM-2PM Tuesday, Wednesday, and Thursday and have court three times a month. We need to set an approval for her to do that. We settled on and \$18-20 an hour range depending on experience.

**RESOLUTION 90-2023**

**MOTION** by Councilman Huntington, seconded by Councilman Hill to approve the court to hire a part-time court clerk on a temporary basis with a salary range of \$18-\$20 per hour based on experience.

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

**Supervisor Annable:** Along with that for the court, we have a JCAP grant that we apply for every year, so we just need a resolution to approve the court applying for that.

**RESOLUTION 91-2023**

**MOTION** by Councilman Huntington, seconded by Councilman Grant to authorize Hartland Town Court to apply for the JCAP grant in the 2023-2024 grant cycle up to \$30,000.

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

**Supervisor Annable:** We need to set a date for the tentative budget presentation for October 5<sup>th</sup> which is a Thursday. It can be done prior to that but that is the date it needs to be done by.

Deliberation ensued regarding date and time of the meeting. It was decided to hold the meeting for the tentative budget presentation on October 4, 2023 at 5:00PM.

**Supervisor Annable:** Also, just for the record, I want to include the minutes that last month we discussed the battery storage fire that occurred in Jefferson County. I haven't gotten anything back, but I sent a letter to our governor to ask them to take a harder look at battery storage considering then recent fire and that there needs to be more research done. One of the issues for us, as with any volunteer fire department, is they are not paid so it taxes our fire departments and as well as the expenses that go along with it, including water. I've requested an in-depth study by the state to address some of these issues. I know that she has put together a committee but that is just to enforce that there needs to be more research done on that. Next, Councilman Grant will talk about the National POW/MIA Recognition Day.

**Councilman Grant:** Tomorrow is National POW/MIA Recognition Day throughout the United States. We always think about the MIAs and POWs that were in service when we all were. There

are still a lot of people still missing from WWII and Korea and Vietnam. Tomorrow is the recognition day. Personally, I don't totally agree with how they labeled all the dead people from Vietnam. If they could not find enough body parts of that individual, they are missing in action and us guys all know they were dead, but they don't count that. They were listed as MIA.

**Supervisor Annable:** Is there any special ceremony?

**Councilman Grant:** Not that I know of.

**Supervisor Annable:** So, we'll just recognize it throughout the day as a memorial. We appreciate everyone's sacrifice including the families as well as those members. Our hearts go out to everyone that has been affected by that.

**OPEN PUBLIC COMMENT:**

**Darrell Lindahl:** Regarding the EDF project, what is the proposed fence height?

**Supervisor Annable:** I believe it is eight feet.

**Darrell Lindahl:** And another thing, I have been patient for four years. What is going on across the street from my house?

**Supervisor Annable:** You will have to take that up with our attorney.

**Darrell Lindahl:** No, I want it right now. What is going on with that? I want it on the record.

**Supervisor Annable:** You can have it on the record that you asked the question.

**Darrell Lindahl:** He is advertising a business.

**Supervisor Annable:** I understand, but it is a legal action, and you will have to talk to the attorney.

**Darrell Lindahl:** Isn't this open public comment?

**Supervisor Annable:** You can comment on it.

**Darrell Lindahl:** I'd like an answer.

**Supervisor Annable:** You can talk to the attorney after the meeting.

**Darrell Lindahl:** I want it on the record. We always push this crap for after and we can call you later. We know what is going on. I don't believe anything that comes out of any of your mouths anymore. You can kiss my a\*\* too you bunch of f\*\*\*\*\* liars.

**Supervisor Annable:** That will be enough.

**Darrell Lindahl:** What are you going to do about it?

**Supervisor Annable:** We will have you removed the next time.

**Darrell Lindahl:** Are you going to remove me?

**Supervisor Annable:** I will.

**Darrell Lindahl:** Try it. Try it. You'll have a f\*\*\*\*\* lawsuit pal.

**Supervisor Annable:** Anyone else?

**Barbara Outten:** I have five Freedom of Information Act requests. The first one is digital copies of the Town of Hartland Emergency Operations Plan, etc. The second Freedom of Information Act request is digital copies of all communications with the fire department. The third one is digital copies of communications with all town standing such as historical, ethics, zoning, planning and any other special committees formed regarding town funding and budgeting for the last four years and all communications and notes from planning discussions. Number four is digital copies of all stipends and any reimbursements paid to any elected or appointed official, reimbursements for travel and any distributions made for any special purpose such as outside consultants. The fifth one is digital copies of all of the audio recordings for all of the past meetings for the past three years. Thank you.

**Jon Davis:** Hartland Central Cemetery has a lot of trees that are dead. Does the cemetery have enough money to pay for them to come down?

**Supervisor Annable:** It is my understanding that they are going to take those down.

**Jon Davis:** I am just wondering if the town is going to end up footing the bill for that.

**Supervisor Annable:** We do assist the cemetery with certain aspects of it. Our highway superintendent has had some conversations with them. They are going to be coming down.

**Councilman Grant:** Speaking on behalf of the cemetery, we had the Cooperative Extension soil and land guys physically come down and look at those trees. Their take on it is, it is the drought. If you stop and look at what has happened over the years in that cemetery, years ago, there was a waterline at every driveway. We used to put the pump in the creek on April 1<sup>st</sup> and that pump ran twenty-four hours a day, seven days a week and it ran until November when they would physically take it back out. They're thinking that possibly those lines were leaking and that is what kept the water pumping. Two years ago, they shut it off and put one line down the east driveway and across the back of county water only which dried up every one of those driveways. They think that is why they are physically droughted.

**Jon Davis:** They didn't think it was weed killer? Everything is sprayed with Round Up around everything.

**Councilman Grant:** Their comment on that is, Round Up only kills green leaves. The roots on most of those trees are deep but they are lacking water. If you go anywhere in Hartland Cemetery it is dry.

**Jon Davis:** I talked to the caretaker a couple years ago and that is what he told me but at the same time if you look at the trees on the surrounding properties and across the road, they are all green. So, it is kind of weird that the only dead ones are in the cemetery.

**Councilman Grant:** It was because of the water line that they sensed to a point that they are physically starving for water.

**Jon Davis:** So, the roots didn't go deep enough because they were nursing off the old lines.

**Councilman Grant:** Those lines had been in there for years. That is from the Cooperative Extension.

**Jon Davis:** Well, I guess they are the experts.

**Councilman Grant:** That's right. That is why we went to them in the first place.

**Karen Walp:** We received this (EDF brochure) on our front porch yesterday – Ridgeview Solar Project from EDF Renewables saying the project located in the Town of Hartland will be operational in 2027. Now I thought there was no permit put in.

**Supervisor Annable:** There hasn't been.

**Karen Walp:** How can they go around advertising that it is going to be operational in 2027?

**Supervisor Annable:** That would be the proposal. If it gets approved, that is their time-frame. That is their plan if it goes through. They will probably apply next year.

**Councilman Grant:** Did they go door to door on Hosmer Road?

**Karen Walp:** I don't know. All I know is this was on our front porch.

**Councilman Huntington:** I didn't get one.

**Councilman Grant:** I didn't get one either.

**Supervisor Annable:** Unless anyone else has a comment, we will entertain a motion to adjourn.

**RESOLUTION 86-2023**

**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 7:19 PM.

Ayes: Annable, Huntington, Hill, Grant, Reed

Nays: 0

ADOPTED

Respectfully submitted:

A handwritten signature in black ink that reads "Rachel M. Kushner". The signature is written in a cursive, flowing style.

Rachel M. Kushner

Town Clerk

Next scheduled regular meeting will be October 12, 2023 at 7:00 p. m.