

JANUARY 12, 2017

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 7:30 p.m.

Members present:

Supervisor: W. Ross Annable

Councilman: Joseph Reed

Daniel Hill

Clifford Grant

David Huntington

Attorney: Dan Seaman

Highway Sup't.: Keith Hurtgam

Highway Admin. 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 opened Public Hearing #'s 1, 2 and 3 at 7:31 PM

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

Hearing was called to order by Town of Hartland Supervisor, W. Ross Annable, who read the annexed notice of hearing.

Public Hearing for Local Law #1-2017

A Local Law adding Chapter 144-17 "Solar Energy Systems"

Date/Time/Place: January 12, 2017 at 7:30 PM at the Hartland Town Hall

Supervisor Annable asked those in attendance if anyone wished to comment on the proposed Local Law.

Attorney Daniel Seaman explained that this law sets the criteria and regulations for the operation of solar energy systems. There are three type of systems discussed, building mounted, rooftop

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mounted, and ground mounted. There would not be a need for a Special Use Permit unless the system would be mounted in a side yard or in the case of a large commercial system.

With all comments being heard and addressed, Supervisor Annable closed the Public Hearing at 7:32p.m.

Public Hearing for Local Law # 2-2017

A Local Law adding Chapter 144-18 “Noncommercial Wind Energy Conversion Systems”

Date/Time/Place: January 12, 2017 at 7:30 PM at the Hartland Town Hall

Supervisor Annable asked those in attendance if anyone wished to comment on the proposed Local Law.

Attorney Seaman stated the requirements of said law which establishes maintenance and fees, as well as permit revocation and violation. The windmills may be up to 165’ to service a residence or building on a property. This would require a special use permit along with requirements for removal when no longer useful. It establishes setbacks from property lines.

Supervisor Annable was concerned that if in the future the height requirements would be more than 165’, would the local law need to be amended?

Seaman: If that becomes the standard, down the road, then the applicant can apply for an area variance.

Annable: One company asked about a 150’ height, and then most were 160-165’, now some are asking about 200’, in order to grab more wind.

Seaman: The tall windmills will need enough room for a fall zone, so that will limit the size of a structure. Hartland will probably deal mostly with the solar systems.

Councilman Grant: Will the higher windmills need to be lighted?

Seaman: The Federal Aviation Authority would regulate lighting specifications. There is a concern about the effect of the lighting on the neighbors.

With all comments being heard and addressed, Supervisor Annable closed the Public Hearing at 7:40 p.m.

Public Hearing for Local Law # 3-2017

A Local Law adding Chapter 144-19 “Commercial / Industrial Wind Energy Conversion Systems”

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Date/Time/Place: January 12, 2017 at 7:30 PM at the Hartland Town Hall

Supervisor Annable asked those in attendance if anyone wished to comment on the proposed Local Law.

Attorney Seaman: This law is composed with several parts, set forth to protect the health, safety and well-being of the Town residents. This is modeled after the Somerset wind turbine law with some differences. Article 10 of State law allows the State to supersede local municipal rule, unless the law proves to be unduly burdensome, so that is why this local law is very specific, with 14 sections.

With all comments being heard and addressed, Supervisor Annable closed the Public Hearing at 7:44 PM.

No vote was taken at this time, pending a recommendation from the Niagara County Planning Board.

Supervisor Annable opened the regular meeting at 7:45 PM

Minutes

RESOLUTION 19-2017

MOTION by Councilman Grant, seconded by Councilman Reed to adopt the minutes of the December 8, 2016 meeting as presented.

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

RESOLUTION 20-2017

MOTION by Councilman Hill, seconded by Councilman Grant to adopt the minutes of the January 5, 2017 Re-organizational meeting as presented.

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

Abstract of Bills

RESOLUTION 21-2017

MOTION by Councilman Reed, seconded by Councilman Hill 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:

2016

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2016 Voucher #'s 2016000961- 201601062

General: 17002.28

Part Town: 2823.76

OWD: 58750.94

Highway: 157911.75

Refuse: 19518.61

2017 Voucher #'s 2017000001 – 2017000046

General: 32357.96

Part Town: 6265.00

OWD: 5031.96

Highway: 12753.56

Refuse: 178.12

Fire: 1000.00

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

ASSESSOR / CEO REPORTS: Read and filed

Assessor Hartman stated that the Town equalization rate has dropped from 98% to 85% . The market is up, especially Colonials are selling. A two year study of sales in Hartland shows 180 sales and the County has 7-8 splits now, which means more building. Hartman will be conducting a revaluation of the Town and would like the State to come to do a presentation for the public to explain why and how a reval is done.

CEO Read and filed

HIGHWAY REPORT: Read and filed

The cold storage building has been reorganized to make room for the garbage carts. The carts need to be stored in a certain order, along with the e-Waste, both take up much more room than was anticipated.

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Hurtgam requested a Work Session, before February, to discuss and plan yearly trades in order to get ready for the auction.

Roads have been plowed and salted as needed.

WATER REPORT: Read and filed

Repaired a major water leak on Carmen Road and worked on the service at 2295 Quaker Road, which caused significant water loss.

Discussion on providing water to Countyline Road, there is one property that is in the Hartland Township and they have requested several times. Superintendent Hurtgam will work with the Town of Ridgeway for a solution.

PUBLIC PARTICIPATION: None

OLD BUSINESS: None

NEW BUSINESS:

RESOLUTION 22-2017

MOTION by Councilman Reed, seconded by Councilman Hill to approve the following Standard Workday for Justice Sullivan

Title	Standard Work day	Name	Current Term Begin/ End dates	Record of Activities Result
ELECTED				
Justice	6	Joanne Sullivan	09-24-16-12-31-17	3.83

Ayes: Annable, Reed, Hill, Grant, Huntington Nays: none ADOPTED

A copy of this Resolution will be posted on sign board and website for 30 days and will be reported to the Comptroller's office after February 10, 2017.

Association of Towns Resolutions

RESOLUTION 23-2017

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MOTION by Councilman Hill, seconded by Councilman Reed to support Resolution # 1 NYS dedicated funding program to provide fair and equitable formula to distribute funds annually to municipalities to ensure the integrity and reliance of municipal water, sewer and stormwater infrastructure.

RESOLUTION 24-2017

MOTION by Councilman Reed, seconded by Councilman Huntington to support Resolution #2 which calls upon the Governor and Legislature to increase funding for the CHIPS and ensure that the PAVE-NY and BRIDGE-NY programs are fully funded for the lifespan of these programs.

RESOLUTION 25-2017

MOTION by Councilman Hill, seconded by Councilman Grant to support Resolution # 3 which calls upon the Governor and Legislature to increase general purpose, unrestricted revenue sharing by 50 percent over a multiyear period to be distributed to local governments in a fair and objective manner.

RESOLUTION 26-2017

MOTION by Councilman Huntington, seconded by Councilman Grant to support Resolution # 4 which calls upon the Governor and Legislature to enact comprehensive mandate relief legislation that provides permanent and full funding of existing and future mandates and requires all legislation to include thorough local fiscal impact notes regarding the actual expense of implementing said legislation.

RESOLUTION 27-2017

MOTION by Councilman Hill, seconded by Councilman Grant to support Resolution # 5 which calls upon the State to

- Provide ways for not-for-profit cemetery corporations to improve operations and increase revenue streams; and
- To reform the dissolution process utilized by not-for-profit cemetery corporations to require notice of abandonment to the town board and sufficient waiting period prior to abandonment; and
- To allow Towns that have assumed responsibility for abandoned mausoleums and crematories to apply for additional state funds for any repairs required under the Uniform Fire Prevention and Building Code within 25 years from the date of application of funds from the state abandoned cemetery fund; and
- To provide indemnification of cemetery activities to towns that assume maintenance of abandoned cemeteries;

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- To provide towns with more options to operate abandoned cemeteries

RESOLUTION 28-2017

MOTION by Councilman Reed, secondee by Councilman Hill to support Resolution # 6 which calls upon the State to authorize towns, at their discretion, to collect gross receipts tax.

RESOLUTION 29-2017

MOTION by Councilman Hill, seconded by Councilman Grant to support Resolution # 7 which calls upon the State to amend state law to authorize local governments to impose dishonored check charges of up to \$35.00 for any check returned for insufficient funds or other cause.

RESOLUTION 30-2017

MOTION by Councilman Huntington, seconded by Councilman Grant to support Resolution # 8 which calls upon the State to preserve and strengthen home rule and to continue to strongly oppose any initiative that serves to weaken or eliminate New York's long-standing tradition of home rule and local government authority.

RESOLUTION 31-2017

MOTION by Councilman Reed, seconded by Councilman Grant to support Resolution # 9 which calls upon the State to support the constitutional rights of local governments to decide how land will be used within their jurisdiction, which is closest to the citizens of that region and to seek amendments to Article X state siting procedures to involve local governments and communities more in the siting of industrial wind energy facilities.

RESOLUTION 32-2017

MOTION by Councilman Huntington, seconded by Councilman Grant to support Resolution # 10 which calls upon the State to make reforms to the property tax cap, such as

- Exemptions for expenditures that improve public safety and invest in local infrastructure including emergency expenditures, acquisition and development of open space and capital improvements mandated by consent orders from government agencies, and investments in municipal infrastructure to enhance economic capacity and community development; and to
- Examine and report on the property tax cap's impact on local government operations and infrastructure;
- To fund and/or eliminate state mandates, provide meaningful state aid, reform the real property tax system and address cost drivers in the provision of local government services/operations in order to lower property taxes for all New Yorkers

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RESOLUTION 33-2017

MOTION by Councilman Hill, seconded by Councilman Huntington to support Resolution # 11, which calls upon the State to define and enact a uniform, well-defined approach to exemption and taxable status date legislation and provide state funding for any state-mandated or encouraged exemption programs and protect local property tax revenues.

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

Transfers

RESOLUTION 34-2017

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

Increase DB5132.200 Machinery Equipment by \$633.64 from unreserved fund balance

Increase DB5130.400 Machinery Contractual \$2535.39 from unreserved fund balance

Increase DB5148.400 Services other Gov't Contractual from \$6694.20 from unreserved fund balance

Increase DB9060.800 Medical Insurance by \$10000.00 from unreserved fund balance

Increase SR8160.400 Refuse Contractual by \$193.36 from unreserved fund balance

Increase SW9060.800 Medical Insurance by \$10000.00 from unreserved fund balance

<u>Transfers From:</u>	<u>Transfer To:</u>	<u>Amount</u>
A1220.120 Conf. Sec. Pers. Serv.	A1110.110 Justice Clerk	500.51
A1220.120 Conf. Sec. Pers. Serv.	A1110.100 Justice	.08
A1110.200 Justice Equipment	A1110.400 Justice Contract.	419.92
A9030.800 Social Security	A9060.800 Medical Ins.	2162.47
A1990.400 Contingent	A9060.800 Medical Ins.	100.00
A1220.110 Bookkeeper	A9060.800 Medical Ins.	433.47
B1990.400 Contingent	B1989.400 ZBA Contract	72.56
DB5110.400 Gen.repair Contract.	DB5130.400 Machinery Contract.	695.47
DB5132.400 Garage Contract.	DB5130.400 Machinery Contract.	115.38

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DB5140.400 B&W Contract.	DB5130.400 Machinery Contract.	57.32
DB5142.400 Snow Contract.	DB5130.400 Machinery Contract.	156.30

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

Adjournment

RESOLUTION 35-2017

MOTION by Councilman Reed, seconded by Councilman Hill that since there is no further business to come before the board, the meeting be adjourned at 8:15 p. m.

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

Respectfully submitted:

Town Clerk

Next scheduled regular meeting will be February 09, 2017 at 7:30 p. m.