

Town of Freedom
Regular Board Meeting Minutes
March 20, 2023

Board Members Present: Josh Aarum, Josh Cutler, R. Nick Morgan, & Supervisor Dustin Bliss
Absent: John Hill

Other Officials Present: Highway Superintendent Jim Haggerty, Planning Board Member Lyle Morgan, & Grievance Board Member Randy Lester

Other: 8

Meeting called to order at 7:00 pm by Supervisor Dustin Bliss

I. PLEDGE TO THE FLAG: Led by Supervisor Dustin Bliss

II. REVIEW OF MINUTES:

A. Town Board Meeting – Monday, February 13, 2023

A motion was made by Dustin Bliss to accept the Meeting Minutes as submitted. Seconded by R. Nick Morgan.

Roll Call: Ayes-4 Josh Aarum, Josh Cutler, R. Nick Morgan, & Supervisor Dustin Bliss

III. TOWN OF FREEDOM

Resolution #2 _____ 2023

Resolution Requesting the Cattaraugus County Legislature and the Cattaraugus County Industrial Development Agency (the “IDA”) to Support a Payment in Lieu of Taxes (“PILOT”) for the Alle-Catt Wind Energy Project to Ensure Adequate Financial Compensation for the Host Communities

WHEREAS, in 2018, Alle-Catt Wind Energy LLC (“ACWE”) applied to the New York State Board on Electric Generation Siting and the Environment (the “Siting Board”) for a Certificate of Environmental Compatibility and Public Need pursuant to Article 10 of the New York Public Service Law for the construction and operation of a 340 megawatt wind-powered electric generation facility located in the Towns of Centerville and Rushford in Allegany County, the Towns of Farmersville and Freedom (the “Town”) in Cattaraugus County, and the Town of Arcade in Wyoming County (the “Wind Project”).

WHEREAS, in 2019, the Town Board of the Town of Freedom (the “Town Board”), agreed to and adopted Host Community Agreements (the “HCAs”) with

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ACWE, to ensure that the Town and its residents were compensated for the impacts of the Wind Project, as well as for ACWE's use of the Town's roads and infrastructure to construct the Wind Project.

WHEREAS, the projected total compensation under the HCAs for the Town is several millions of dollars, paid over a period of 20 years.

WHEREAS, the HCAs contemplate ACWE applying for and obtaining a PILOT from the IDA and set the compensation for the Town based on the size of the approved PILOT.

WHEREAS, the Town Board recognizes that many of the Town's residents, including the Board Members themselves, have been either opposed to or concerned about the Wind Project or certain aspects of it, or about the policy of New York State to overrule local communities, or both.

WHEREAS, members of the County Legislature shared these concerns when, in August of 2018, they adopted Resolution/Act No. 368-2018, which requested that the IDA not approve a PILOT for the Wind Project.

WHEREAS, in June of 2020, the Siting Board granted ACWE's application for the Certificate.

WHEREAS, the Town of Farmersville and a group of local citizens filed lawsuits challenging the Siting Board decision to award the Certificate.

WHEREAS, in late 2021, the New York State Supreme Court, Appellate Division, Fourth Department denied and dismissed these lawsuits and upheld the Siting Board's decision to award ACWE a Certificate, meaning the most viable legal challenges against the Wind Project have now concluded.

WHEREAS, the Wind Project is now poised to move forward, with construction expected to begin in 2023.

WHEREAS, the Town understands that ACWE intends to move forward with the Wind Project regardless of whether a PILOT is approved.

WHEREAS, if the IDA does not approve a PILOT, ACWE has the right to terminate the HCAs, including the annual payments, as ACWE will instead be paying taxes on the Wind Project.

WHEREAS, the Town Board recognizes that significant portions of these taxes will not go directly to the host community Towns, whose residents will be most impacted by the Wind Project.

WHEREAS, in the absence of a PILOT, the Town and their residents will stand to lose several millions of dollars in annual payments under the HCAs, which would not be equitable, as a host community Town will be most directly impacted by the Wind Project.

WHEREAS, the Town Board members, regardless of their personal feelings or concerns about the Wind Project (or the State's policy), cannot in good conscience allow their communities to lose these annual payments under the HCAs while the Wind Project moves forward, nor can they support a greater share of revenues being diverted away from a host community Town, which is the end result absent an appropriate PILOT.

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NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Freedom that:

1. The Town Board respectfully request that the County Legislature and IDA support a PILOT for the Wind Project, particularly a PILOT that would allow for ACWE to make the largest possible annual host-community payments to the Town whose residents must endure the most significant impacts of the Wind Project. Specifically, the Town Board would request the PILOT agreement be for at least 20 years and for an amount at \$5,000 per megawatt (MW) or less of installed capacity.

2. The Town Board believes that support for a PILOT is not the same thing as support for the Wind Project. Instead, support for a PILOT simply recognizes that the Wind Project is now moving forward, and that it is in the best interests of the host community—and their elected representatives in Little Valley—to maximize the financial benefits for the affected Town and its residents. At the time the County Legislature adopted Resolution/Act No. 368-2018, it was far from clear whether the Wind Project would ever move forward. The situation has changed considerably since then.

3. This resolution is effective immediately.

PASSED AND ADOPTED by the Town of FREEDOM Town Board on this ____ day of _____, 2023

Motion by: _____ **Seconded by:** _____

Aarum:

Cutler:

Hill:

Morgan:

Bliss:

Clerk _____ Date / /

A motion was made by Dustin Bliss to post pone Resolution #2 to the next Board Meeting. Seconded by R. Nick Morgan.

Roll Call: Ayes-4 Josh Aarum, Josh Cutler, R. Nick Morgan, & Supervisor Dustin Bliss

IV. NEW BUSINESS:

A). Freedom Clean Up - Set Date, Time and Place.

A motion was made by Dustin Bliss for Freedom Clean up days to be May 19 & May 20 between the times of 7:00 am – 3:00 pm, and location will be Preivity's Auto Wrecking. Seconded by Josh Aarum.

**Roll Call: Ayes-4 Josh Aarum, Josh Cutler, R. Nick Morgan,
& Supervisor Dustin Bliss**

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B.) Seasonal Mowing: Highway Superintendent Jim Haggerty said Matt Haggerty is still interested in mowing if the Town wants him. Supervisor Dustin Bliss asked to have an ad put in the paper, for all interested parties to have a cover letter and resume to the Town Clerk by April 10. Park and Rec committee will do an interview with interested parties before the April 17 Board meeting. Jim asked if they are using the same machines. Dustin stated yes, and Jim is to get them serviced. Jim said the they serviced the John Deere but the other goes to Lamb and Webster because of the zero turn rear end. Councilman R. Nick Morgan stated that they should plan on replacing the John Deere before next winter, because that is used to clean the sidewalks. Dustin said we should collect bids on that.

C.) Planning Board member John Brown submitted a letter of resignation to resign from the Town Planning Board on March 9, 2023, to the Town Clerk:

A motion made by Dustin Bliss to accept John Brown's resignations letter. Seconded by Josh Cutler.

**Roll Call: Ayes-4 Ayes-4 Josh Aarum, Josh Cutler, R. Nick Morgan,
& Supervisor Dustin Bliss**

D.) Advertise for new Planning Board Member to finish out John Brown term through 2026: Resumes will need to be in by April 10 for the Planning Board to interview anyone interested and then give a recommendation to the Town Board to approve the individual at the April 17, Board Meeting.

E) Tile for the bathroom, and the entire office area: Supervisor Dustin Bliss stated that Highway Superintendent Jim Haggerty and the Highway crew fixed and replaced the urinal in the men's restroom. The floor needs to be fixed because the other urinal was installed into the floor. Custodian Jack Lawrence has been wanting to change the floor in the men's room for a while. Dustin asked if the Board would be in favor with Jim putting new tile in the bathrooms, hallway, offices and board room. The bathroom would be done this spring and the rest would have to get done next winter. If they decided to do this, they need to buy all the tile now so if the tile gets discontinued the pattern is not different throughout. Councilman R. Nick Morgan asked Jim what kind of tile is the existing tile. Jim stated probably asbestos. It was mentioned that this was brought up a few years ago and that's why they have not replaced the floor because of the concern of asbestos. Jim is going to get a tile tested. Nick suggested a laminated floor instead. Dustin asked the board if they would rather Jim just do the bathroom. Councilman Josh Aarum said if it's going to be a headache then maybe unless he can put something over the existing tile. Dustin stated they will approach the issue someday. Jim will get a existing tile tested for asbestos.

V. OLD BUSINESS:

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- A. Employee Handbook:** Supervisor Dustin Bliss said the last time they addressed the Employee Handbook they adopted the changes to Compensation and the definition of positions.

A motion was made by Dustin Bliss to have a Public Work Session on April 17, 2023 at 6:00 pm. Seconded by Josh Aarum.

Roll Call: Ayes-4 Josh Aarum, Josh Cutler, R. Nick Morgan, & Supervisor Dustin Bliss

- B.** Highway Superintended Jim Haggerty told the Board that he just had received a two week notice from Roland Martin. Supervisor Dustin Bliss asked to have an ad posted in the paper, all cover letters and resume should be in by April 10.

VI. Public Comment:

Randy Lester: See Attached

Leslie Lange: Asked if Mr. Hill is still a Councilman. Supervisor Dustin Bliss stated that we have not received a resignation.

Denise Willard: She stated that she handed all the Councilman a document from the New York Siting Board. She wants to make sure that the residence of the Town of Freedom is aware of the New York Siting Board returns of 6 pages of deficiencies that they found with Invenergy certificate amendment overview. It's 6 pages of what Invenergy needs to do before the Siting Board will rule whether their amendment application is a revision or not. Denise stated that 6 pages of deficiencies under certificate amendment overview, and 21 pages of deficiencies under the original application. Denise stated that the deficiencies should concern the board and residents within the town. Also, Invenergy own certificate amendment would require them to use the Town of Freedom's 2020 wind law. Invenergy requested that in the public interest for the Siting Board to exercise its authority and override the local government and local law. Denise said in the short time allotted the coalition of concern citizens found that Invenergy failed to mention two large connection lines shifts that would be well over 500 foot in this certificate of amendment overview. Invenergy failed to mention all of the new streams and wetlands that they would be disturbing. Invenergy failed to mention the new drilling locations that will alter the streams and impact the water. Denise stated that Invenergy has 6 different numbers of turbines listed. One list has 81 Vestas, the certificate overview has two models that they use on with cause for removal of 46 turbines, therefore leaving 70. Invenergy is also proposing the Vestas 154.5, that would mean they would have to remove 41 turbines for a total of 75 remaining turbines. The overall layout map in the amendment has 83 turbines. The notice of amendment has 84 turbines. The Conservation Benefit Plan for Bald Eagles has 81. Denise said they also have numerous numbers for the 5 towns from the proposed amendment application. The petition of amendment has Arcade with 10 turbines, Centerville with 24 turbines, Rushford with 14,

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Farmersville with 27 turbines and Freedom with 8 turbines. The map shows Arcade with 10 turbines, Centerville with 24 turbines, Rushford with 8 turbines, Farmersville with 14 turbines, and Freedom with 27 turbines. Denise stated that there are more deficiencies in the public comments.

Marsha North: She wanted to address a comment from Pam Tilton from Farmersville comments at the February 13, Board Meeting. Pam had stated that Dustin Bliss is not gaining anything monetarily from the wind project, since he does not have a wind lease. Marsha said nothing was mention about Dustin that he has a lease agreement with Invenergy for transmission lines on several properties. He will personally gain from this monetarily from this wind project. Marsha spoke with Sean Perry a representative from Invenergy after the February meeting, she would like information on the other turbine models that are being considered for the wind project in this town, since they would remove more turbines. She is interested in the GE4.8-158 that would remove 46 turbines, and the V150-4.5 that would remove 41 turbines. She is especially interested in the size and height of the turbines. She is still waiting for the information that was going to be sent to her email. Supervisor Dustin Bliss asked Scott Johnson from Invenergy to follow up with that. Dustin stated that what Pam Tilton said, he had not asked Pam to come to the board meeting, he has never asked for Pam to act on his behave, everything she said was on her free will and accord.

VII. REPORTS & COMMUNICATIONS:

- A. Assessors- Report Submitted
- B. Building Committee –
- C. Building Inspector –Report Submitted
- D. Highway Superintendent – Report Submitted
- E. Clerk/Collector – Report Submitted.
- F. Constable –
- G. DCO –
- H. Highway Committee –
- I. Insurance Committee-
- J. Justices –
- K. Parks & Recreation –
- L. Planning Board – February Meeting Minutes Submitted
- M. Supervisor – Report Submitted
- N. Other Town Officials –

A motion to accept the reports & communications as submitted was made by Dustin Bliss. Seconded by R. Nick Morgan.

**Roll call: Ayes-4 Josh Aarum, Josh Cutler, R. Nick Morgan,
& Supervisor Dustin Bliss**

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VIII. APPROVAL OF VOUCHERS:

General #54 to # 72, Amt. \$5,031.65 Yrly Amt. \$68,355.59.

Motion made by Dustin Bliss to accept the General vouchers as written. Seconded by Josh Aarum.

**Roll call: Ayes-4 Josh Aarum, Josh Cutler, R. Nick Morgan,
& Supervisor Dustin Bliss**

Highway # 24 to #33, Amt. \$14,157.77, Yrly Amt. \$63,648.30.

Motion made by Dustin Bliss to accept the Highway vouchers as written. Seconded by Josh Cutler.

**Roll call: Ayes-4 Josh Aarum, Josh Cutler, R. Nick Morgan,
& Supervisor Dustin Bliss**

Lighting District #3 to #3, Amt.\$293.86 Yrly Amt.\$988.19.

Motion made by Dustin Bliss to accept the Lighting District vouchers as submitted. Seconded by R. Nick Morgan.

**Roll Call: Ayes-4 Josh Aarum, Josh Cutler, R. Nick Morgan,
& Supervisor Dustin Bliss**

Councilman R. Nick Morgan wanted to let the board know about the outline bid proposal for the spray foam insulation that they talked about to replace the current insulation in the roof. Supervisor Dustin Bliss asked to get this in the paper for bids on this. The bids need to be in by April 14. Dustin stated they should reach out to the companies that do this.

IX. ADJOURNMENT:

Dustin Bliss made the motion to adjourn the meeting at 7:32pm. Seconded by Josh Aarum.

**Roll call: Ayes-4 Josh Aarum, Josh Cutler, R. Nick Morgan,
& Supervisor Dustin Bliss**

Respectfully Submitted by



Freedom Town Clerk

03/20/2023

As my term as Town Supervisor was coming to an end , Freedom had a state audit. Results was that Freedom was finally overfunded. I did not receive any further feedback.

Previously the American Rescue Plan Act (ARPA) awarded Freedom \$233,062

To my knowledge 2 citizens came forward to get involved. There was no response to this offer from Supervisor Bliss (Dustin) nor the board and no action to my knowledge.

Important dates regarding the ARPA

12/31/24 Obligates towns use of the funds

12/31/26 completed and submitted.

Supervisor Bliss (Dustin) was going to speak to Town Historian Lorna Spencer, and Sherry Bernard & Mr. Ron Ashworth. None of them were spoken too. I did speak with them and they all support The Green use as a memorial to our towns Veterans. The Freedom School Bell would also make a great addition.