

**Town of Freedom
Regular Board Meeting
December 19, 2022**

Board Members Present: Josh Aarum, R. Nick Morgan, & Supervisor Dustin Bliss

Absent: John Hill

**Other Officials: Planning Board Members Lyle Morgan, Michael Kaufman
& Grievance Board Member Randy Lester**

Others: 7

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:

Board Meeting and Public Hearing Minutes of November 21, 2022

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

Roll call: Ayes-3 Josh Aarum, R. Nick Morgan and Supervisor Dustin Bliss

III.

TOWN OF FREEDOM

Resolution #12

June 20, 2022

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 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.

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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.

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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.

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 _____, 2022

Motion by: _____ Seconded by: _____

Aarum:

Hill:

Morgan:

Bliss:

Dustin Bliss made a motion to post pone Resolution 12 till the next board meeting.
Seconded by Josh Aarum.

Roll Call: Ayes -3 Josh Aarum, R. Nick Morgan and Supervisor Dustin Bliss

IV.TOWN OF FREEDOM

RESOLUTION #19-2022

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A Resolution transferring funds in the General Fund accounts to close end of year.

The Town Board of the Town of Freedom, pursuant to Town Law Section 112, Paragraph 1 wishes to:

Transfer funds from: A1120 (Non Property County sales Tax), a surplus in the amount of \$18,653.86

To: A1110.4 (Justice Contractual expenditures) in the amount of \$233.69
A1330.4 (Tax Collection Contractual Expenditures) in the amount of \$2.00
A1410.4 (Town Clerk Contractual expenditures) in the amount of \$899.84
A1620.1 (Buildings Personal Services) in the amount of \$337.51
A1680.2 (Central Data Processing Equipment) in the amount of \$5,496.04
A1910.4 (Special Items – Unallocated Insurance) in the amount of \$1,204.43
A3310.4 (Traffic Control Contractual Expenditures) in the amount of \$18.31
A5010.4 (Supt. Of Hwy. Contractual Expenditures) in the amount of \$646.57
A5182.4 (Street Lighting Contractual Expenditures) in the amount \$482.35
A6410.4 (Publicity Contractual Expenditures) in the amount \$2,762.49
A8020.4 (Planning Board Contractual Expenditures) in the amount of \$1,110.01
A8160.4 (Refuse & Garbage Contractual Expenditures) in the amount of \$2,290.11
A9010.8 (Employee Benefits State Retirement) in the amount of \$3,170.51

Motion by: Dustin Bliss, Seconded by: R. Nick Morgan

Roll call:
Aarum: Aye
Morgan: Aye
Hill: Absent
Bliss: Aye

Clerk:  Date: 12/19/2022

V.TOWN OF FREEDOM

RESOLUTION # 20-2022

December 19, 2022

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A Resolution transferring funds in the Highway Fund accounts to the Highway Savings Account to cover the cost of purchasing new equipment.

The Town Board of the Town of Freedom, pursuant to Town Law Section 112, Paragraph 1 wishes to:

Transfer funds from:
DA9950.9 (Capitol Projects Contractual) in the amount of \$55,000.00

To:
Highway Equipment Savings Account 2023.

Motion by: Dustin Bliss, Seconded by R. Nick Morgan

Roll call:
Aarum: Aye
Morgan: Aye
Hill: Absent
Bliss: Aye

Clerk: *M. Morgan* Date: 12/19/2022

VI. TOWN OF FREEDOM

RESOLUTION # 21-2022

December 19, 2022

A Resolution transferring funds in the General Fund accounts forward to the Playgrounds Contractual 2023.

The Town Board of the Town of Freedom, pursuant to Town Law Section 112, Paragraph 1 wishes to:

Transfer funds from:
A7140.4 (Playgrounds Contractual Expenditures) in the amount of **\$20,044.83**

To:
A7140.4 (Playgrounds Contractual Expenditures) 2023.

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Motion by: Josh Aarum, Seconded by Dustin Bliss

Roll call:

Aarum: Aye

Morgan: Aye

Hill: Absent

Bliss: Aye

Clerk: M. Morgan Date: 12/19/2022

VII. TOWN OF FREEDOM

RESOLUTION # 22-2022

December 19, 2022

A Resolution transferring funds in the General Fund accounts forward to the Celebrations Contractual 2023.

The Town Board of the Town of Freedom, pursuant to Town Law Section 112, Paragraph 1 wishes to:

Transfer funds from:

A7550.4 (Celebrations Contractual Expenditures) in the amount of \$8,012.90

To:

A7550.4 (Celebration Contractual Expenditures) 2023.

Motion by: R. Nick Morgan, Seconded by Dustin Bliss

Roll call:

Aarum: Aye

Morgan: Aye

Hill: Absent

Bliss: Aye

Clerk: M. Morgan Date: 12/19/2022

VIII. TOWN OF FREEDOM

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RESOLUTION #23-2022

December 19, 2022

A Resolution transferring funds in the General Fund accounts forward to the Cemetery Contractual 2023.

The Town Board of the Town of Freedom, pursuant to Town Law Section 112, Paragraph 1 wishes to:

Transfer funds from:
A8810.4 (Cemeteries Contractual) in the amount of \$33,080.83

To:
A8810.4 (Cemeteries Contractual) 2023.

Motion by: Dustin Bliss, Seconded by R. Nick Morgan

Roll call:
Aarum: Aye
Morgan: Aye
Hill: Absent
Bliss: Aye

Clerk:  Date: 12/19/2022

IX. TOWN OF FREEDOM

RESOLUTION # 24-2022

December 19, 2022

A Resolution transferring funds in the General Fund accounts forward to the Miscellaneous Dog Enumeration 2023.

The Town Board of the Town of Freedom, pursuant to Town Law Section 112, Paragraph 1 wishes to:

Transfer funds from:

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A2771 (Misc. Dog Enumeration Monies) in the amount of \$2,831.50

To:
A2771 (Misc. Dog Enumeration Monies) 2023.

Motion by: Josh Aarum, Seconded by Dustin Bliss

Roll call:
Aarum: Aye
Morgan: Aye
Hill: Absent
Bliss: Aye

Clerk: *Nick Morgan* Date: 12/19/2022

X. TOWN OF FREEDOM

RESOLUTION #25-2022
2022

December 19,

A Resolution transferring funds in the General Fund accounts to close end of year.

The Town Board of the Town of Freedom, pursuant to Town Law Section 112, Paragraph 1 wishes to:

Authorize the Bookkeeper to transfer funds zeroing out the Highway Funds as soon as the NYS CHIPS check arrives. Please note, said check has been approved by the State but not printed or mailed. Actual transfer will be given to the Town Board at their next scheduled meeting.

Motion by: R. Nick Morgan, Seconded by: Dustin Bliss

Roll call:
Aarum: Aye
Morgan: Aye
Hill: Absent
Bliss: Aye

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Clerk: M. Morgan Date: 12/19/2022

XI. Old Business:

- A. Reminder the Reorganization meeting will be held on Saturday January 7, 2023 at 11:00 am.

XII. NEW BUSINESS:

- A. Moving Dates for the Regular January and February Board Meeting because of conflict with National Holidays: Martin Luther King Day and President's Day.

A Motion was made by Dustin Bliss to move the regular January Board meeting to 23rd at 7:00 PM and the regular February meeting to 13th at 7:00 PM. Motion was seconded by R. Nick Morgan.

Roll call: Ayes-3 Josh Aarum, R. Nick Morgan, and Supervisor Dustin Bliss

- B. Streetlight at Route 98 and Moore Road: Town Clerk explained that Highway Superintendent Jim Haggerty had to get board approval before he could ask the Village of Arcade install this light. Supervisor Dustin Bliss asked if there have been accidents at that corner to substantiate the claim that it's dangerous. Dustin said his problem is they do this without hard proof or data to support this and everyone that lives next to a street corner in Freedom will want a light. Councilman R. Nick Morgan stated that there is a light up the hill on the Phillippi Rd. Dustin said unless there is a petition from a lot of residence, then no.

- C. Opening of Bids on Blower: Supervisor Dustin Bliss opened the bids.

David Deperno bid \$251.00
Roland Martin bid \$200.00
Lyle Morgan bids \$380.00

Dustin Bliss made a motion to except Mr. Lyle Morgan bid for the Meteor Snowblower.
Seconded by Josh Aarum.

Roll Call: Ayes-2 Josh Aarum and Supervisor Dustin Bliss
Abstain- 1 R. Nick Morgan

- XIII.** Supervisor Dustin Bliss introduced Anthony Stampone from the Pioneer Youth Baseball. Anthony stated that they utilize the diamond behind the Sandusky Church for both games and practice. They also use the field next to the Town Hall for practice. They have question to the town regarding the church field. Anthony asked if the Town owns the field behind the church

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or does the church? Dustin stated the town. They have question / concerns in order to continue to use that diamond. The home plate is unsafe, that needs to be ripped out and built back up. There are no base paths, meaning there is no drawing of lines, Anthony said the towns normally does this but they will do that if they negotiate that with the town. At the bases, a normal field has dirt at each base where they cut out diamonds at each base. The bases at this field have grown in with grass, so when the kids slide, they stop. The bases have been left out in the weather so long they are rotted and decayed. Anthony also asked with the amount of funds went into the new back stop at the Town Hall field why wasn't the league asked where they would benefit from the funds seeing that they utilize the diamonds. Dustin said it was something they did not consider; the back stop at the Town Hall was deemed dangerous. Anthony stated that the Town Hall diamond may require a reconfiguring of this diamond because it is a 60/90 field and that is for high school age. Dustin asked what would it take to reconfigure this diamond. Anthony said if it's like the one at the church they would just have to cut the grass out at a shorter distance, fill it in with baseball dirt, and do what they are asking to do behind the church. Anthony said if they can reconfigure the diamond at the Town Hall, they would be very interested in using this diamond as well. They sometime run out of diamonds to use to it be nice to have this diamond. They are not against contributing if necessary. The maintenance of has been a concern, either the grass is way too tall or once it was mowed it was like a hay field. They would like to see more maintenance with the diamonds. They would like to see more frequent mowing, cleaning of the grass if it gets high, base lines being sprayed, or chalked. Anthony said the league was wondering if the Town was prepared yet, seeing that the league has held their end of the bargain of utilizing the facilities to start receiving financial assistance from the Town like they use to do for the league. Dustin stated that it would be great for himself and one other board member to meet with Anthony and go over more of these items in detail. Dustin said as for the financial contribution the town has drawn a fine line, unless it benefits a lot of the taxpayers in the town, we don't put money towards it. This is his personal belief. Dustin said that he would like to meet and discuss what the town needs to do to uphold their obligations.

XIV. Public Comments:

No Public Comments

XV. 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 –

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- I. Insurance Committee-
- J. Justices –
- K. Parks & Recreation –
- L. Planning Board – November Minutes submitted. No meeting in December.
- M. Supervisor – Report Submitted
- N. Other Town Officials –

A motion to accept the reports & communications as submitted was made by Dustin Bliss. Seconded by Josh Aarum.

Roll call: Ayes –3 Josh Aarum, R.Nick Morgan, and Supervisor Dustin Bliss

XVI. APPROVAL OF VOUCHERS:

General #289 to # 317, Amt. \$9,357.04, Yrly Amt.\$280,951.91.

Motion made by Dustin Bliss to accept the General vouchers as written. Seconded by R. Nick Morgan.

Roll call: Ayes-3 Josh Aarum, R.Nick Morgan and Supervisor Dustin Bliss

Highway # 131 to #142, Amt. \$26,660.91, Yrly Amt. \$862,227.23.

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

Roll call: Ayes-3 Josh Aarum, R.Nick Morgan, and Supervisor Dustin Bliss

XVII. Executive Session: Discussion of the appoint of the open board seat.

A motion was made by Dustin Bliss to close the Regular Board Meeting and open an Executive Session at 7:30 pm. Seconded by Josh Aarum.

Roll Call: Ayes-3 Josh Aarum, R.Nick Morgan, and Supervisor Dustin Bliss

A motion was made by Dustin Bliss to close the Executive Session and Open the Regular Board Meeting at 7:40 pm. Seconded by R. Nick Morgan.

Roll Call: Ayes-3 Josh Aarum, R. Nick Morgan, and Supervisor Dustin Bliss

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XVIII. Board Councilmember Position:

Dustin Bliss made a motion to fill the open board seat with Josh Cutler. Seconded by Josh Aarum.

Roll Call: Ayes-3 Josh Aarum, R. Nick Morgan and Supervisor Dustin Bliss

XIX. ADJOURNMENT:

Dustin Bliss made the motion to adjourn the meeting at 7:41 pm. Seconded by R. Nick Morgan.

Roll call: Ayes-3 Josh Aarum, R. Nick Morgan, and Supervisor Dustin Bliss

Respectfully Submitted By,



Freedom Town Clerk

12/20/2022