

**Town of Freedom
Regular Board Meeting
July 18, 2022**

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

**Other Officials Present: Highway Superintendent Jim Haggerty,
& Planning Board Member Lyle Morgan**

Others Present: 16

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:

Town Board Meeting Minutes from June 20, 2022

A motion was made by Dustin Bliss to accept the Meeting minutes of June 20, 2022 as submitted. Motion seconded by R. Nick Morgan.

Roll Call: Ayes-3 Geoff Milks, R. Nick Morgan, & Supervisor Dustin Bliss

III. RULES OF CONDUCT FOR TOWN BOARD MEETING ATTENDANCE AND PARTICIPATION: Supervisor Dustin Bliss read the rules for attendance of Board Meetings:

The New York State Open Meetings Laws outlines the role of the public at public meetings as that the citizens “be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy.” In short, the public has no right to speak during meetings. In an effort to maintain order and efficiently conduct business, any disruptive behavior from a member of the public in attendance will not be tolerated. Anyone disrupting the business of the town board will be forced to leave the meeting.

IV. TOWN OF FREEDOM

Resolution #12

July 18, 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

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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.

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.

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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.

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:** _____

ROLL CALL:

Aarum:

Milks:

Hill:

Morgan:

Bliss:

Clerk _____ Date / /

Supervisor Dustin Bliss said that this needs to be put off to the next town board meeting. The board just received information from Invenergy that will help them make this decision. The board needs more time to look at this.

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IV. Resolution-#13

TOWN OF FREEDOM

RESOLUTION #13-2022

July 18, 2022

A Resolution Transferring Funds

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

Transfer funds from:

Highway Equipment Savings Account in the amount of \$225,000.00

To:

DA5130.4 (Machinery – Contractual Expenditures) to cover Highway Vouchers 70 & 71, the purchase of a 2023 Volvo Plow Truck.

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

Roll call:

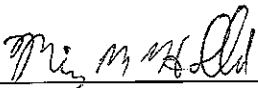
Aarum: Absent

Milks: Aye

Hill: Absent

Morgan: Aye

Bliss: Aye

Clerk:  Date: 7/18/2022

V. Old Business:

1. Regarding Truck Bids, Highway Superintendent Jim Haggerty will explain: Highway Superintendent Jim Haggerty explained that they did not need to bid on a truck now. He had told the board in prior meetings it was a three year wait. He stated that the truck companies have caught up. The salesman from Volvo told Jim that he would call him when they need to get the bids in. Jim explained that the laws have all changed, Towns don't even have to bid trucks. Jim also said that he would rather have three Volvo trucks because they give the pump, and they are the cheapest trucks. He also stated that if the board wants to put three Volvo out in the shop with

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Viking equipment which is also the cheapest, then the town can just go on Sourcewell. Jim said it be nice to have the same truck with the same equipment. He also said to bypass the truck bidding for at least 6 months at this time.

A. Selling old truck: Jim stated that the Town of Hammond has bought Freedom's trucks every year that the Town has had for sale, and they are interested in the truck that has been replaced with the new one that has been received. This Town that is interested will buy this truck a few more dollars than what they could get from Auctions Internationals. The Town of Hammond is offering to pay \$70,000. Jim is going to call Auction International to get an idea of what the price should be on this truck. Supervisor Dustin Bliss is concerned that this Town might be too low.

2. Employee Handbook: Supervisor Dustin Bliss told the board the only changes in the book sense they last talked are on pages 28-30. He stated that on most of page 29 the change is compensation. The pay for a truck driver, Civil Service in Cattaraugus County refers to as a Commercial Driver-Class B. So, for the compensation its \$25.00 an hour. Per Highway Superintendent Jim Haggerty request it also states that the Highway Employees get a frozen turkey prior to Thanksgiving, and a lunch on trash days. Also, per Jim request (it's highlighted in bold) that a commercial driver does related work as required, including manual labor. It is spelled out that an operator and a mechanic is just a position enhancement. It also included the lead man or deputy superintended to make a dollar an hour more than the base rate for level three, and operator will make two dollars over the base rate of level three, and a mechanic will also make two dollar an hour over the level three. Councilman Geoff Milks asked if they are an operator and lead man then they get three dollars more an hour. Dustin stated that he does have in the handbook that all position enhancements must be approved by the Town Board. There can only be one employee designed to an enhancement at a time, however one employee can't have more than one enhancement. Councilman R. Nick Morgan stated that this will be reviewed at the Reorganization Meeting in January and updated with the dollar amounts. The Board discussed the updated-on benefits, on page 8. For a single plan the town will be covering 100% of the plan, 85% single plus one, 70% of a family plan. Insurance opts out provisions is any employee who elects not to utilize any of the health insurance plans provided by the town. They will get a buyout of their benefits of \$2,000 per year, paid prorated in their pay check each pay period.

Dustin Bliss moved for the adoption of this revised Employee Hand Book, and it will be effective on June 15, 2022, the town needs to go back and make the pay raises retroactive to two pay periods ago when they were promised. They also need to pay out the accumulated insurance for the old policy in the next pay check effective two pay periods ago.

Geoff stated he does not have any problems with it but he would like more time to go through it.

Jim stated that there should be something in writing that the book needs to be gone over every two years. Town Clerk Mindy Holland stated this should be reviewed at every Reorganization Meeting.

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3. Back Up: Town Clerk Mindy Holland is still waiting for a quote from Prizm. It will have to be tabled till the next meeting.

4. Redact Resignation:

A motion was made by Dustin Bliss to redact the resignation of Roland Martin. Seconded by Geoff Milks.

**Roll Call: Ayes-3 Geoff Milks, R. Nick Morgan,
& Supervisor Dustin Bliss**

5. Reminder August Board Meeting will be on Monday, August 22, 2022.

6. Color Copier: Town Clerk Mindy Holland and R. Nick Morgan have been discussing this back and forth with Prizm through emails. They decided not to get a color copier at this time.

VI. New Business:

1. Ventilation in Offices: This is regards to concerns during the Primary Day. The Election workers stated that there were diesel fumes that came into the poll area from the truck starting. Supervisor Dustin Bliss asked Highway Superintendent Jim Haggerty where is the clean air intake. Jim said that the fans are as old as the building, he said we have nothing that is going to suck fumes out. There are two fans up top, he stated that one works and one doesn't. Dustin stated that the best way to avoid any issues is to shut doors on any Election Day. Jim stated that they were shut. Jim stated that we may need new exhaust fans.

2.New Loader: Jim told the board that the loader company salesman called him and stated that he's looking into an upgrade for the Town to get an upgrade loader for \$16,000, it be another brand-new loader. Councilman R. Nick Morgan would like to find out from Bookkeeper Jessica Dart what the Town has available in the equipment fund.

3. Dog Control Officers Job: Supervisor Dustin Bliss stated that there has been some concern about this, and to clarify the Town of Freedom does not have a dog catcher. As the Dog Control Officer, Supervisor he will not require him to catch dogs. If someone has the dog, he will come get it.

The meeting came to a halt due to the State Troopers having to be called for an issue with some citizens. After the Troopers arrived the meeting continued.

4. Fall Junk Day:

A motion was made by Dustin Bliss to have Fall junk day on September 24, 2022 from 7:00am-3:00pm. Seconded by R. Nick Morgan.

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**Roll Call: Ayes-3 Geoff Milks, R. Nick Morgan,
& Supervisor Dustin Bliss**

5. Gift Card, Councilman R. Nick Morgan will explain: Nick stated with the Comprehensive Survey that the town will be mailing out, he was thinking that each member of from the Town Board could get a gift card from businesses in the Town of Freedom to give an incentive for the Town residents to complete the survey and send it back. The person must reside in the Town of Freedom. Once the survey is returned to the Town the person's name will be put in a drawing to win a gift card.

VII. Public Comment:

Rick Lange: Rick stated that Supervisor Dustin Bliss and Councilman Geoff Milks referred to a meeting last week, where there was an incident. He assumed they meant a month ago. He stated as for the meeting a month ago, they closed that meeting and went into executive session, so anything that took place during their session was just citizens having a talk, argument. He wanted to point that out.

Dan Meyers: Dan stated that he understands the Dog Control Officers job. He has called Don Howe before to catch a dog and take it to the SPCA. Dan agrees with Councilman Geoff Milks in regards to keeping employees at the Town. Dan said that a relation of his quit because of Supervisor Dustin Bliss, he had one, to two years before he retired and he could not work with Dustin. Dan also said in regards to a DEC issue, he had called Dustin about him spreading manure in a Dan's creek. Dustin told him it was not true. Dan stated he called the DEC and they came out to look at it two weeks later and determined that there was manure in the ditches and in the creek, and they also wrote Dustin up for it. Dustin asked for proof of the write up Dan stated the FOIL was with the Arcade Herald Reporter Leslie Lange. Dan said that the DEC put Dustin on notice and had to show corrective action he would have to take to correct these unethical farm practices. Dan stated the FOIL request will be in the Arcade Herald. Dan asked Dustin why he's in executive sessions for the transmission lines if he has a conflict of interest.

Marsha North: Marsha said that as for Resolution #12, Invenergy is again looking out for their best interest. She said that Freedom has the worst Road Use Agreement and the worst Host Community Agreement. Marsha said on June 11, 2019 at 1:30 pm and 6:00 pm there was packed meeting on the Ally-Catt Wind Project with the New York State sighting board. The public had over whelming concerns about this project. On January 13, 2020 comments for the 2020 Wind Law, a majority of the comments were from the public for support on the new restrictions. Marsha gave a few examples, 3,000 feet setbacks from property lines, a property value guarantee agreement for properties within 2 miles of a turbine that maybe exercised in 10 years, an escrow account of \$500,000 plus \$250,000 for each turbine sited in the town. Marsha also added that the latest technology is being stated by Invenergy, the use of 600-foot turbines with larger blades will remove 46 turbines in the project area, that is a big savings for Invenergy. Marsha said would least holders still be in favor of this project if they are not getting any money. She asked if

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the Town was to receive a lot less money would the Town still be in support of this project. There 800-foot turbines coming down the pipe, they would use even less turbines. Marsha said the Board needs to know all the statistics of this project because they can change things at the last minutes. She would vote no to this resolution it is in the best benefit for the Town to have Invenergy to pay the taxes.

Councilman Geoff Milks asked Supervisor Dustin Bliss how is it that he does not have a conflict of interest, Dustin does have an easement with Invenergy. Dustin stated that they have gone through this with the Town Attorney. Dustin is part of a group of people, if it was just himself it would be a conflict of interest. Geoff stated that he has a contract with transmission lines that are coming in and that Dustin is voting on something that effect the transmission lines. Dustin stated if it was a true conflict of interest then an attorney Geoff knows would have not waisted anytime to take Dustin to task.

VIII. 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. Planning Board- Report Submitted.
- L. Parks & Recreation-
- M. Supervisor – Report Submitted.
- N. Other Town Officials –

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

Roll Call: Ayes-3 Geoff Milks, R. Nick Morgan, & Supervisor Dustin Bliss

IX. APPROVAL OF VOUCHERS:

General #152 to # 173, Amt. \$8,517.23, Yrly Amt. \$151,625.17.

Motion made by Dustin Bliss to accept the General vouchers as written. Seconded by Geoff Milks.

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Roll Call: Ayes-3 Geoff Milks, R. Nick Morgan, & Supervisor Dustin Bliss

Highway # 63 to #72, Amt. \$289,138.37, Yrly Amt. \$404,933.41.

Motion made by Dustin Bliss to accept the Highway vouchers as written. Seconded by Geoff Milks.

Roll Call: Ayes-3 Geoff Milks, R. Nick Morgan, & Supervisor Dustin Bliss

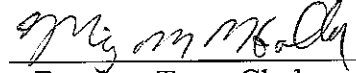
R. Nick Morgan made a motion to have a Special Meeting on August 1, 2022, @ 7:00 pm to vote on the Employee Handbook. Seconded by Dustin Bliss.

Roll Call: Ayes-3 Geoff Milks, R. Nick Morgan, & Supervisor Dustin Bliss

X.ADJOURNMENT: Dustin Bliss made the motion to adjourn the meeting at 8:29 pm. Seconded by Geoff Milks.

Roll Call: Ayes-3 Geoff Milks, R. Nick Morgan, & Supervisor Dustin Bliss

Respectfully Submitted By



Freedom Town Clerk
7/22/2022