

**Town of Freedom
Regular Board Meeting
Monday, February 13, 2023**

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

Other Officials Present: Planning Board Members Lyle Morgan, Mike Kaufman,
& Grievance Board Member Randy Lester

Others: 8

Meeting called to order at 7 pm by Supervisor Dustin Bliss.

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

II. REVIEW OF MINUTES:

Town Board Meeting – From January 23, 2023

A motion was made by Dustin Bliss to accept the Regular Board Meeting Minutes from January 23, 2023 as submitted. Seconded by R. Nick Morgan.

Roll Call: Ayes- 4 Josh Aarum, Josh Cutler, R. Nick Morgan and 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 ACWE, to ensure that the Town and its residents were compensated for the impacts of

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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.

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

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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 / /

Dustin Bliss made a motion to post pone resolution #2 to the next town board meeting.
Seconded by Josh Aarum.

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

IV.Town of Freedom

Resolution #3-2023

February 13, 2023

**OPPOSING GOVERNOR HOCHUL'S
BAN OF GAS STOVES AND OTHER NEW FOSSIL FUEL HEATING
EQUIPMENT**

I. WHEREAS, Governor Hochul's State-of-the-State address contained a proposal to prohibit the sale of new fossil fuel powered heating systems by 2030 for smaller buildings and by 2035 for larger buildings, and

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- II. WHEREAS, Governor Hochul is further calling for zero-emission new construction, with no on-site fossil fuel combustion by 2025 for smaller buildings and by 2028 for larger buildings, and
- III. WHEREAS, President Biden and the White House have come out against any prohibition of gas stoves, and
- IV. WHEREAS, the Governor's ban is intended to help address climate change, but this government mandate is more of a burden on our region's working-class residents and will have a devastating effect on restaurants, businesses and manufacturing facilities when they have to convert to all electric, and
- V. WHEREAS, the cost to convert a house to electric will result in a cost between \$20,000 - \$50,000 per household and would not include any kind of backup system in the event of a power outage, and
- VI. WHEREAS, the conversion to electric will create unnecessary financial burden and hardship for businesses that compete on a national or global level, and
- VII. WHEREAS, the ban will push a lot of businesses out of state and will contribute to accelerated population loss for those that are fed up with high taxes, the high cost of living, unreasonable government mandates, reckless spending by the government, and unrealistic environmental mandates not consistent with our geographic region, and
- VIII. WHEREAS, a ban on natural gas appliances and water heaters is not feasible for Western New York with harsh winter weather and an exposed electrical infrastructure; appliances used to heat water and cook food need to work during power outages especially during times of inclement weather, and
- IX. WHEREAS, this past December saw a blizzard rip through the Buffalo Metro Area leaving tens of thousands of residents stuck in their home without power, many for several days; gas appliances, fed by a more resilient infrastructure, allowed those residents to heat their homes, boil water, and safely cook their food during the days needed to clear the roads and restore electricity; more than 40 people died during this storm - some froze to death; many more would have suffered if they had to rely on a power grid for cooking and emergency heating, and
- X. WHEREAS, current technology, that is expected to replace gas appliances, such as space heating, does not work well in our climate; this fact was noted in the recent Climate Action Council's report which proposed requiring two heating sources for New York Residents who live in areas that are frequently too cold, and
- XI. WHEREAS, electrical appliances have more moving parts and are expensive to maintain and repair, and
- XII. WHEREAS, all electric appliances have been shown to be less efficient and therefore cost more to generate the same amount of heat than natural gas fed appliances, and
- XIII. WHEREAS, mandating the purchase of electrical appliances is an unnecessary burden we are placing on families across New York State at a time when the cost of living has significantly outpaced wage growth, and
- XIV. WHEREAS, with the higher costs, energy bills will go through the roof for residents, further exacerbating the recent price spikes in food, transportation, and general merchandise, and
- XV. WHEREAS, as we have seen with California's recent push to make everything electric, this government mandate will likely lead to an increased strain on our state's electrical grid leading to black outs and rationing, which is especially dangerous with the winter weather we routinely experience, and

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XVI. WHEREAS, the costs to bury power lines, increase renewable energy infrastructure, and increase the capacity of transformers will be passed on directly to consumers in the form of increased energy costs, and

XVII. WHEREAS, individual homes, especially those in older housing stock like Buffalo, will be forced to conduct costly in-home electrical panel upgrades to accommodate the increased demand from their appliances, and

XVIII. WHEREAS, the ban on fossil-fuel powered heating equipment and appliances will cause severe hardship on the residents and businesses within Town of Freedom

XIX. WHEREAS, the Freedom Town Board condemns the New York State Legislature and Governor Hochul for continuing to pass hypocritical and nonsensical environmental laws which burden the working-class citizens of this county and state all the while ignoring the largest source of pollution - China, a country that has virtually no environmental protections and continues to be irresponsible and indefensible with environmental policies which ultimately end up subsidized by United States consumers through the purchase of hundreds-of-billions of imports much of which are brought to market through New York City ports, now, therefore, be it

I. RESOLVED, that the Freedom Town Board hereby vehemently opposes the Governor's plan to ban natural gas heating and appliances as not feasible or warranted for Town of Freedom and be it further

II. RESOLVED, that the Freedom Town Board hereby strongly urges Governor Hochul and the New York State Legislature to fully examine the real life impact their decisions will have for all New Yorkers, especially those least able to afford them, and be it further

III. RESOLVED, that certified copies of this resolution be forwarded to Governor Hochul, Senator George Borrello, Assemblyman Joseph Giglio, and Cattaraugus County Legislators.

Motion made by Josh Aarum Seconded by Dustin Bliss

Roll Call:

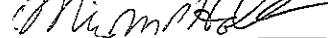
Josh Aarum: Aye

Josh Cutler: Aye

John Hill: Absent

R. Nick Morgan: Aye

Dustin Bliss: Aye

Clerk:  Date 02/13/2023

V.TOWN OF FREEDOM

RESOLUTION #4-2023

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A Resolution of Approval

WHEREAS, Dustin Bliss, Town Supervisor has completed the annual checklist for review of the Justice Court Records,

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AND WHEREAS, he seeks the Town Board's approval

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Freedom, does hereby approve the annual check list as submitted.

Motion by: Josh Aarum, Seconded by R. Nick Morgan

Roll call:

Aarum: Aye

Cutler: Aye

Hill: Absent

R.Nick Morgan: Aye

Bliss: XXXX

Clerk:  Date: 02/13/2023

VI.OLD BUSINESS: NONE

VII.New Business:

A. Councilman R. Nick Morgan asked if they want to move forward with getting the spray insulation for the highway bay. Supervisor Dustin Bliss said they should. They need to get specs the bids. One of the company's that come out to look at this last fall stated that they may want to get 3-4 inches of spray foam because it does not really matter when the doors are open to get the trucks out, the heat is going out the door. Highway Superintendent Jim Haggerty said spray foam is the way to go. Nick said they are looking at the roof and end walls. Jim would have to take down the existing insulation.

B. Councilman R. Nick Morgan said that last fall they talked about the lighting out in the Highway Department. They were told to wait for the new year with Arcade Electric. Supervisor Dustin Bliss said its for the EIP, he stated that he needs to get with Brian Lane to see if they have more of the funds available.

C. Denise Willard asked if the tractor trailers that are parked at the Highway building have wavers signed, and proper insurance in case someone brakes into the trucks with them sitting here. Highway Superintendent Jim Haggerty stated they have not signed any waves, and he also only lets three trucks park here. Jim said he will come up with a waver and have Town Attorney Eric Firkel look at it to approve.

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D. Councilman Josh Aarum asked how should the town go about redoing the baseball fields. Supervisor Dustin Bliss said it is in their court, the guys from the local league are supposed to be putting together an in-depth plan with pricing.

Highway Superintendent Jim Haggerty said he will fix the rest of the back stop. Dustin said the town may have to remove some dirt from the baselines to put in ball diamond sand, he told Jim to wait on bring in top soil until they know what is being done. Jim said local gravel pits will give the baseball league baseball dirt.

VIII. Public Comment:

Sean Perry: He wanted to update the board on the amendment they just filed with the state the end of January. He stated its a refresh amendment that the submitted for consideration to DPS. They have reduced the number of turbine sites from 117, to 83. They have made a few changes in terms of infrastructure. There are a couple turbine shifts, nothing more than a couple hundred feet turbines. Collection line shifts that they made to reduce impasses to the wetlands, reduce tree clearing and overall reduce impacts to the environment. Sean also wanted to address some false information that's been going around, that the turbine height has been increased to 820 feet, this is completely false, the tip height is unchanged, the max tip height is 591 feet. They are bound by town laws in all the towns and the certificate conditions from the State. Sean said with the tip height being unchanged it also has not changed noise or shadow impacts. Sean stated the new infrastructure drawings for ADLS, which is aircraft detection lighting systems, those are radar towers that detect if there is a low flying aircraft in the area, if there are low flying aircraft then they turn on the lights on the towers. There are microwave towers at the substation and POI. That was out into place for redundant communication so if the fiber- optic cable on the line was to fail, they would not loss communication between the substation and the POS. Another new piece of infrastructure is identify flight towers. These towers have cameras on them that detects eagle or large birds that are flying in the area. If they detect a large bird they can curtail the turbine or shut it off to reduce impact on birds. Sean said it's a refresh lay out that they been working on for the past year and a half.

Denise Willard-She wanted on record that all though Randy Lester and Dustin Bliss along with Invenergy gave the appearance that it was extremely important that the Freedom Town Board needed to vote for Article 7 attorney, even going so far as calling for a special meeting on July 1, 2021. The reason given was so the attorney could apply for intervenor funds. Denise stated on the DPS site the intervenor funds did not become available till March 9, 2022. She said there was no hurry to vote for Article 7 attorney. Denise said that Invenergy should start over. There should be more shadow flicker studies should be done, noise study should be done, wetland study should be done because the one shift is 2500 feet shift of a collection line up on Brown School House Rd. This will come across Brown School House Rd, go in between Cheney Rd and Green Rd, down in a gully. Denise said there are a lot of changes. She also found out that there are 8 turbines in one location signed by Dax. She stated that they have 8 turbines in Freedom and in another location they have 27 turbines in Freedom. She said they also have the wrong number of turbines slated in Rushford. Denise said that people might want to pay attention because there is changes, plus with the current list of turbine models submitted two weeks after public notice, had

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nothing listed for turbine model needing to reduce either 75, for the 4.5 model or 70 turbines for the 4.8 turbines. The 83 turbines on the map are wrong or the turbine models are wrong. Denise said that should be a red flag. Denise stated that if anyone wanted to call Stephanie Milks, she has been reading through this, she would be available on speaker and she will do math one on one with everybody. Denise said people need to pay attention to all the changes.

Randy Lester: He asked if the board could update the citizens on the status of the Green. Randy said that the stump needs to be removed and the dead tree out by the road. Highway Superintendent Jim Haggerty said he would get rid of the tree. As for the stump Jim thought it was being turned into a flower bed. Randy said he will speak on behalf of the Seniors. They had made it a flower bed for two years until the funds got cut shut off. Supervisor Dustin Bliss said the only reason we are doing anything with the tree is because it's a liability and the stump is not a liability. Randy asked if the development of the Green is off. Dustin said if it was up to him, he sell it. Jim stated he buy it for \$100. Dustin asked if the tree is on the Green or is it on the property line. Randy said it's in the middle by the sidewalk. Jim said it's on the State right-a-way. Jim said it needs to go. Dustin asked if Jim has a contact at the State. Jim said yes Bob Butler. Dustin said to call Bob and see what he recommends. Randy reminded the board if they are going to sell the Green they need to figure out where the property lines are.

Marsha North: She also wanted to say something about the wind turbines. It is on the New York ISL site that the wind turbines 81 vestas, V150-4.2 that she had stated last meeting. Also, on page 9 of the certificate amendment Invenergy has different turbines that they want to use, the GE 4.8-158 or the other vestas. She said 46 turbines leaving 70, and the B150-4.5 that was 41 turbines leaving a total of 75 turbines. Marsha said Invenergy also shows in figures 6 alternative of 83 turbines with their flicker and noise study they do show using the GE158 wind turbines with the height of 592 feet. She said there are discrepancy. She also said it would be nice if the maps that they show would be readable and see where everything is. Marsha that they also want to extend the certificate by 10 years.

Pam Tilton: She came to the meeting tonight partly of the wind turbines but not totally. She said because of things that have been written in the paper and the Town of Freedom and Farmersville are very similar. She stated that we have similar wind laws. Pam said if you go to the Farmersville website the State site that shows everything that has happened with the windmills from the very beginning to now. She said also the fact that Freedom's wind law is the same as Farmersville in the fact that it can't go over 600 feet. Pam said the stuff that was written in the paper was incorrect in the fact that our own wind laws currently say 600 feet and they can't go over that, and the application does say 591 feet. Pam said they do have other wind turbines on there, but Pam has done some investigating, and the ones they are using are at the height that they have agreed to the town's law and their own application. Pam said that she has heard things about Supervisor Dustin Bliss like he has a wind turbine, or he has lines going through his property and he should not be Supervisor. Pam said she knows he was not on the board when the Host Community Agreement was made. She said at that point Dustin had not voted on any of the money situation that was involving the turbines. She said now the only thing she can see that is happening in Farmersville is whether they can PILOT agreement or not. Pam said that we all

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know the windmills are coming and they have been fought against several times and so far, have the lawsuits have failed every single time. Pam said she was on the Farmersville Town Board before the windmills subject came up. She said so if any questions please investigated and look it up. The Farmersville website is Farmersvilleny.org. She said is you look at thing you would realize we are getting the windmills, and she said they want to do the best for the town. Pam said that there has been rumors about her as well and she is not benefiting anything from these windmills at all and she does not work for anybody who does either.

IX.REPORTS & COMMUNICATIONS:

- A. Assessors –Repost 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. Justices –
- J. Parks & Recreation –
- K. Planning Board – January meeting minutes submitted
- L. Supervisor –Report Submitted
- M. Other Town Officials –

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

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

X. APPROVAL OF VOUCHERS:

General #41 to # 53, Amt. \$2,809.51, Yrly Amt. 63,323.94.

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

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

Highway #16. to #23, Amt.\$23,725.37, Yrly Amt.\$49,490.53.

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

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

Lighting District #2 to #2, Amt.\$347.06, Yrly Amt.\$694.33.

Motion made by Dustin Bliss to accept the Lighting District vouchers as submitted.
Seconded by Josh Cutler.

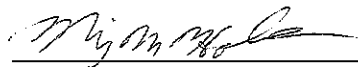
Roll Call: Ayes-4 Josh Aarum, Josh Cutler, R. Nick Morgan,
& Supervisor Dustin Bliss

XI. ADJOURNMENT:

Dustin Bliss made the motion to adjourn the meeting at 7:33 p. m. Seconded by R. Nick Morgan.

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

Respectfully Submitted By,



Freedom Town Clerk

02/17/2023