

**Town of Freedom  
Regular Board Meeting  
Monday, April 17, 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 Members  
Lyle Morgan, and Mike Kaufman.

Others: 9

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**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 – Monday, March 20, 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  
and Supervisor Dustin Bliss

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**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

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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.

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

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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:

Milks:

Hill:

Morgan:

Bliss:

Clerk \_\_\_\_\_ Date    /    /

**A motion was made by Supervisor Dustin Bliss to post pone the discussion on Resolution #2 till the next board meeting. Seconded by R. Nick Morgan.**

**Roll Call: Ayes-4 Josh Aarum, Josh Cutler, R. Nick Morgan, & Supervisor Dustin Bliss**  
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## IV. TOWN OF FREEDOM

RESOLUTION #5-2023

April 17, 2023

### A Resolution Transferring Funds

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

Transfer excess funds from:

DA201 – General Fund Monies in the amount of \$5,021.25

To:

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DA9050.8 (Employee Benefits – Unemployment Insurance) to cover the cost of  
Unemployment Insurance in the Highway Department for the first quarter of 2023.

Motion by: Dustin Bliss, Seconded by Josh Aarum

Roll call:

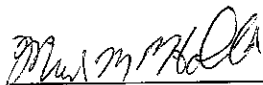
Aarum: Aye

Cutler: Aye

Hill: Absent

Morgan: Aye

Bliss: Aye

Clerk:  Date: 04/17/2023

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V. Town of Freedom

Resolution #6-2023

April 17, 2023

Please see attached resolution

Motion made by: R. Nick Morgan, Seconded by Josh Cutler

Aarum: Aye

Cutler: Aye

Hill: Absent

Morgan: Aye

Bliss: Aye

Clerk:  Date 04/17/2023

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**VI. Wyoming County Animal Control Officer Justa Goodell:** Supervisor Dustin Bliss stated that the town would like to establish a relationship with the shelter for dog control purposes. This would replace the Cattaraugus County SPCA as the designated shelter. The town would pay them contractually to take dogs in for the town as needed. Justa Goodall told the board that they cover 16 towns in Wyoming County. After she was approached, she went to her Ag & Market board and stated that the Town of Freedom is interested in using the shelter to bring the dogs they may pick up too. She said they came up with a list of things that would cover, basically the Town of Freedom's Dog Control Officer would transport the dogs to the shelter. Then the Dog Control Officer would sign a form of where they picked it up, time they picked it up, and if he knows anybody that might own the dog. Once the dog is left at the building the rules are they have seven days to redeem their dog, it's \$20 to pick up the dog plus

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they need a copy of the license from the town they live in. The \$20 is for the first time that the dog may end up at the shelter, the second time the dog ends up at the shelter is \$60, and after the first 24 hours is three dollars a day. For the third time it's \$100. Also, this is per family/ per household. Justa Stated that if nobody claims the dogs after seven days it becomes abandon, the law says five days but because the Shelter is closed on Sundays and Mondays, they don't count them days as part of the fourth or fifth day. On the eighth day they get the dog a rabies shot, DHLPP shots, Bordetella for kennel cough, and micro chipped. If the dog comes in and it is not well, they will seek vet attention right away. After all the shots, spay/neuter, microchipped, the dogs are ready to be adopted out. Dustin stated that the prices Justa has given are pretty much in line if not cheaper than what Cattaraugus County SPCA has been charging the town. Dustin said that every single month he receives a letter from Ag & Market stating that the SPCA has failed their inspection. Wyoming Counties facility is very clean. The shelter is on route 19 just under the viaduct, near the county highway building, in Rock Glen. Dustin is asking for the town to enter into an agreement with Wyoming County Animal Shelter and cancel the agreement with Cattaraugus County SPCA. Once Justa gets a copy of the resolution, she will take it to her Ag Board and then they will be passing this along to the county attorney, they will then write up an agreement. Justa stated that it would be \$50 for every dog the town brings to the shelter, and they would send a statement starting the town brought a dog to the shelter. Justa also suggested the contract be open-ended to where if the town is not happy, they can end the contract, and same for the shelter. Justa said that she thinks it will be a three-year contract, she will confirm this with her county attorney.

**A motion was made by Josh Aarum to enter into a contract with Wyoming County Animal Shelter. Seconded by R. Nick Morgan.**

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

**VII. OLD BUSINESS:**

A. **Highway Position:** Highway Superintendent would like to keep that position open. He does not feel he needs anyone in that role. Jim feels if it's not working, he can then hire someone.

B. **Mowing Position:**

**A motion was made by Dustin Bliss to hire Matt Haggerty for the summer mowing position. Seconded by Josh Aarum.**

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

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C. **Planning Board Applications:** No one applied for the position. Supervisor Dustin Bliss stated that he would like to repost the opening in both the Pennysaver and the Arcade Herald.

D. **Cares Act Money:**

A. **Spray Foam-** Supervisor Dustin Bliss stated that there were two bids. One of the bids came back at just over \$60,000. The bids for the spray foam will be opened at the May 15, meeting.

2.) **Truck Lift bids-** They are between \$53,000 and \$62,000. Dustin said that they need to figure out the options between battery operated or corded operated.

3.) Dustin said a stand-alone generator, that has a transfer switch so if no one is there and the power went out it would automatically turn on. The price on that is \$73,000.

4.) The parking lot at the post office is in need of repair. Dustin stated that the drainage down there is really bad because the parking lot is not sloped away from the building. It needs to be dug out at least 6 inches. There is plenty of slope in the back of the parking lot just passed the tree. Dustin and Highway Superintendent Jim Haggerty met at the post office with Zach Matuszak. This project has to go out for additional bidding. So, the idea is for the town to buy the Asphalt, provide the roller and the trucks, then the paver contractor would just provide the know-how and the paver. The Estimate that Zach Matuszak gave the town was \$31,000.

Dustin said that this all comes to \$217,000-\$226,000 and the town received \$235,000 from the American Rescue Plan Funds. Dustin stated he liked to get bids for the projects that need bids.

**Dustin Bliss made a motion to get bids for the projects that need bids and to have them for the next meeting.**

E. **EMPLOYEES POLICY AND PROCEDURES POLICY:** This will be postponed till the next meeting because there are some questions, that need to be run by the town attorney, and the state about federal holidays.

**A motion was made by Dustin Bliss to postpone the discussion of the Employees Policy and Procedures Policy to the next meeting. Seconded by R. Nick Morgan.**

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

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F. **Grievance Board:** The Town Board needs to approve the Grievance Board to be here for Grievance Day from 3:45-8 pm on May 25, 2023.

**A motion was made by Dustin Bliss to approve the Grievance Board to work from 3:45-8pm on May 25, 2023. Seconded by Josh Aarum.**

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

**VIII. NEW BUSINESS:**

A. **Porta potty at the Sandusky Park:** Zeuchers would be \$125.00 a month and Blue Moon is \$100.00 a month, both give service once a week:

**Dustin Bliss made a motion to hire Blue Moon for a porta potty for the duration of the summer. Seconded by R. Nick Morgan.**

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

B. **Elton Cemeteries:** Supervisor Dustin Bliss said the issue with the cemetery is that the town is only charging \$400 for a full lot, which means it could be up to four burials because there's an A and a B. The Cemetery Association was here in January, they along with Dustin attended the Sandusky Cemetery Meeting. The State Cemetery Board suggested that the town raises that price because if Someone has passed, and there's no family, the undertakers from a city funeral home are given a certain amount of dollars by Medicaid or the state to bury that person. Dustin suggested that the town charges \$800 for a A or a B lot, it will be \$1,600.00 for a full plot of four total burials. Councilman R. Nick Morgan said that they should specify where that money goes, he suggested the cemetery account. Dustin said that he feels that it be a good place to put the money.

**A motion was made by Dustin Bliss to raise the cost of burial plot in Elton Cemetery to \$1,600.00 for a full plot and that's \$800.00 for a half a plot, the money will go into the town's cemetery fund.  
Seconded by R. Nick Morgan.**

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

C. **Moving the June meeting because of Juneteenth:**

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**A motion was made by Dustin Bliss to move the June Regular Board Meeting to June 12, 2023, due to Juneteenth being on Monday June 19, 2023.  
Seconded by Josh Aarum.**

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

**IX. Public Comment:**

**Denise Willard:** She stated that the board did not vote on Resolution #2 and she held up a picture from a meeting at the legislature on August 22, 2018. She said that 150 supporting people came to ask the legislator to vote on NOT granting a PILOT. The vote was 13 to 2 not to grant them a PILOT. The promise of the action that the project is moving forward to begin construction in 2023 is faults. Alle Catt Wind Energy says so in their amendment application. This is why they asked for a five-year extension.

**Ron Ashworth:** He just wanted to ask the board to get some bids to get rid of the two stumps that are at the Town Green. He said he's not just saying this because Randy and Susan Lester were at the board meeting, he feels that the property not being taken care of and it makes the town look like slum lords. He also said that another issue is the parking lot at the post office, he sees the board is working on that as well. The Town Green, Ron and Deputy Historian Sherry Bernard have spoken on how it was a parade ground at one time, they can't find anything in New York State that was an original staging area, parade ground. He is not sure if it's in the federal registry or state registry. He also talked about the Veteran's sign that he liked to get cleaned up and put it at the park. Highway Superintendent Jim Haggerty stated that the stump in the back he can try to remove that. The stump in the front will have to be ground out because of the gas line, and water lines.

**Randy Lester:** He asked if they have heard anything from the survey company that the Town Attorney got to do the survey on the Town Green. Councilman R. Nick Morgan stated we still have not heard back from the Town Attorney. Randy also told the board that there are two cars on the Town Green that are disabled. Susan Lester stated that it's been mentioned that because the Town Green is next to their home and they care, she said everyone should care. She wishes their name would keep out of it.

**X. 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 –



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- H. Highway Committee –
- I. Insurance Committee–
- J. Justices –
- K. Parks & Recreation –
- L. Planning Board –
- 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: Aye-4 Josh Aarum, Josh Cutler, R. Nick Morgan,  
& Supervisor Dustin Bliss.

**XI. APPROVAL OF VOUCHERS:**

General #73 to # 94, Amt. \$7,304.34 Yrly Amt. \$75,659.93.

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

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

Highway #34 to #43, Amt. \$30,310.47, Yrly Amt. \$93,958.77.

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

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

Lighting District #4 to #4, Amt. \$282.56, Yrly Amt. \$1,270.75.

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

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

**XII. Executive Session regarding litigation about Article 7:**

A motion was made by Dustin Bliss to close the regular board meeting and open the executive session at 7:49 pm. Seconded by Josh Aarum.

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

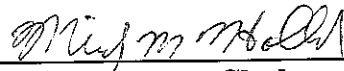
**A motion was made by Dustin Bliss to close the executive session and open the  
regular board meeting at 8:08 pm. Seconded by R. Nick Morgan.**

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

**XIII. ADJOURNMENT: Dustin Bliss made the motion to adjourn the meeting at  
8:08 pm. Seconded by R. Nick Morgan.**

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

**Respectfully Submitted by**

  
\_\_\_\_\_  
**Freedom Town Clerk**  
**04/21/2023**

## **Municipal Cooperation Resolution**

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis;

WHEREAS the Town of Freedom wishes to invest portions of its available  
Entity Name  
investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019;

WHEREAS the Town of Freedom wishes to satisfy the safety and liquidity  
Entity Name  
needs of their funds;

Now, therefore, it is hereby resolved as follows:

That Dustin Bliss, Supervisor of  
Key Contact\* Title  
Town of Freedom is hereby authorized to participate in the NYCLASS program under  
Entity Name  
the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019.

\_\_\_\_\_  
Key Contact Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\*The key contact on an account is the main point of contact for an entity. They receive voting credentials for Governing Board elections and all other important communications.