

**Town of Freedom
Regular Board Meeting
August 22, 2022**

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

**Other Officials Present: Planning Board Members Lyle Morgan, & Mike Kaufman,
and Grievance Board Member Barb George**

Others: 19

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 July 18, 2022

A motion was made by Dustin Bliss to accept the Meeting minutes of July 18, 2022 as submitted. Motion seconded by Josh Aarum.

**Roll Call: Ayes- 4 Josh Aarum, Geoff Milks, R. Nick Morgan,
& Supervisor Dustin Bliss
Abstain-1 John Hill**

Special Board Meeting Minutes from July 28, 2022

A motion was made to by Dustin Bliss to accept the Special Board Meeting Minutes from July 28, 2022 as submitted. Seconded by Josh Aarum.

**Roll Call: Ayes-4 Josh Aarum, Geoff Milks, John Hill, & Supervisor Dustin Bliss
Abstain-1 R. Nick Morgan**

III. Supervisor Dustin Bliss explained that in 2008 the Town Board passed Resolution #11 titled TO SET THE AGENDA, RULES, & FORMAT FOR PUBLIC MEETINGS HELD IN THE TOWN OF FREEDOM. Dustin read the paragraph from page 2, "Any person who engages in any of the following activities during a public meeting, or shall be subject to removal from said public meeting at the direction of the Presiding Officer: personal attacks, slander, impertinent or rude behavior, vulgar or obscene behavior, speaks or uses profanity, disruptive behavior, boisterous activity, threatening behavior, speaks out of order, or refuses to refrain from the objectionable behavior when asked by the presiding officer." Dustin told the public that this is to warn everyone, including Public Comments that the Town Board is here to conduct business on the behave of the Town Tax Payers, not exact revenge, or to engage in theatrics.

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*****II

IV. 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.

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.

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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 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:

Milks:

Hill:

Morgan:

Bliss:

Clerk _____ Date / /

Supervisor Dustin Bliss suggested that they continue to postpone this to the next Town Board Meeting based on the pending litigation against the uniform assessment for wind

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energy projects. Councilman Geoff Milks stated that he agrees to postpone this till they have more things that are not assumptions. Dustin stated that he would like to use the money to reduce town taxes. If they go the route of uniform assessment, the County does not do a PILOT, the Town Host Community Agreement is rejected or nullified by Invenergy, they would become a tax payer just like everyone else. If the Town has a budgetary surplus the board can either spend it or reduce the taxable rate. If Invenergy is a tax payer, they would receive the same benefit tax rate reduction as anyone else. If the Town has a Host Community with subsequent payments, they would not be a tax payer because they would not be assessed, and any budgetary surplus can go directly back to the tax payers in the Town of Freedom without Invenergy receiving a benefit of that reduction. Dustin stated information from Dan Martonis the County Assessor, stated that New York State office of Real Property and NYSEDA reached out to the Association of Towns Assessors. The three of them came up with a formula to come up with Assessment rates for alternative energy projects. Dustin said that prior to being passed NYSEDA and the office of Real Property came up with their own formula, without noticing the Association of Town Assessors, and that was in the budget. Dan Martonis could not give Dustin specifics, but in his opinion the assessment rate under model B was less than the assessment values under A. Dustin stated there is not a hard number to determine what is better for the Town. Under any assessment the revenue that goes to the County and School just would go for the County and School to potentially either increase spending or reduce tax revenue for all tax payers in their jurisdiction. That would mean the benefit would not come back exclusively to the Town of Freedom.

Dustin Bliss made a motion to postpone the decision on Resolution #12 Of 2022 till the following board meeting. Seconded by Geoff Milks.

Roll Call: Ayes-5 Josh Aarum, Geoff Milks, John Hill, R. Nick Morgan,
& Supervisor Dustin Bliss

V. Resolution #14-2022: Standard Work Day and Reporting Resolution for Elected and Appointed Officials. - Please see attached for the resolution.

**A motion was made by Dustin Bliss to accept resolution #14-2022 as submitted.
Seconded by John Hill.**

**Roll call: Ayes-5 Josh Aarum, Geoff Milks, Josh Hill, R. Nick Morgan,
& Supervisor Dustin Bliss**

VI. Old Business:

REMINDER FALL JUNK DAY will be on Saturday, September 24, 2022 from 7:00 am to 3:00 pm:

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Employee Handbook: Post pone till September

Appointing someone to the Grievance Board: Supervisor Dustin Bliss stated that no one applied for the position. Supervisor Dustin Bliss stated that we have only had three members in the past. There was a resolution years ago to have a 5-member board. Dustin stated he feels it be best to go back to three. Town Clerk Mindy Holland is waiting on the State Real Property office to see if it should be done by Resolution or Local Law. Mindy will have more information at the next Board Meeting.

Back up: Councilman R. Nick Morgan reviewed the quotes that had been forward to him prior to the meeting from the Town Clerk. The quotes are from Prizm. Nick stated that he would recommend the quote that had both the yearly plan and the maintenance for \$200.00. This is a team back up to back up all the computers in the offices.

R. Nick Morgan made a motion to except Prizm quote of \$200.00 to purchase IDrive Teams and have them configure it for the Town. Seconded by John Hill.

Roll Call: Ayes-5 Josh Aarum, Geoff Milks, John Hill, R. Nick Morgan, & Supervisor Dustin Bliss

Selling Truck: Supervisor Dustin Bliss stated that Highway Superintendent Jim Haggerty said the truck is worth \$65,000- \$70,000 was a good price. Town Clerk Mindy Holland stated that she talked to Jim and he talked to Auction International, the gentleman told him that they are having a hard time selling trucks, and if the Town can get \$65,000 - \$70,000 for the truck to take it. Dustin stated that it will not cost anything to put it on Auction Internationals, he also stated that the Town that is interested would like to place a bid with the town privately, then if they want to take it off Auction International at the end and sell it to them, the town will not be out of anything. The Board would like to see this on Auction International.

Dustin Bliss made a motion to hire Auction International to sell the out-dated plow truck in the Town's inventory. Seconded by John Hill.

Roll Call: Ayes-5 Josh Aarum, Geoff Milks, John Hill, R. Nick. Morgan, & Supervisor Dustin Bliss

VII. New Business: NO NEW BUSINESS

VIII. Public Comment :

Susan Lester: She came to speak to the Town Board on behalf of the Freedom Senior Citizens. They have a concern about the exterior grounds of the Rec Center. They met at the Rec Center and noticed each time that debris scattered all over the ground, in the grass and under the pavilion. The concrete has been marked up by chalk and the tables under the pavilion are a sticky mess. The Seniors would like to bring this to the Board the attention that all this should be kept up, especially because several people use the building throughout the summer and fall season. The inside is kept clean, the garbage is emptied and the lawn is mowed but a general

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maintenance should be done to all things throughout the season. Also, she stated that the fence and the dig holes under the swings are still in the same condition as when the concern was talked about last summer. They would like to see the park maintained and kept up.

Mike Kaufman: Mike thanked the Board for appointing him to the Town Planning Board. He told the board that he sees that New York State has a program going, they are offering a lot of money to install EV Charging Stations in Towns and they are underwriting the cost. He stated that eventually we will all be driving these cars whether we like it or not, and we should ask the State to fund this before the funds run out and the town must fund it. He asked the board if it could be handed to the Planning Board.

Ron Ashworth was supposed to be present but something came up and he could not be. Randy Lester stated that Ron wanted to talk about the Green to put a Veteran's Memorial on the Green. Town Clerk Mindy Holland added that she spoke to Ron earlier in the day. He told her that he would like to get with Town Historian Lorna Spencer and Deputy Historian Sherry Bernard. Mindy stated that Sherry has done some further research on the Green and more historical information has come to the surface. Mindy's understanding is that Ron and Sherry would like to talk to the board at some point to get a Veteran's Memorial on the Green. Councilman John Hill asked if they got the survey for the Green. Councilman R. Nick Morgan stated it's in the works.

Randy Lester: Randy stated that he talked to Town Historian Lorna Spencer several years ago and she had moved to Freedom in 1975 had heard nothing about the Green. Randy communicated with Deputy Historian Sherry Bernard and she gave Randy an 1869 map of Sandusky. Randy stated that the Green was larger than what it is now. It extended down Route 98 to Cheney Road. Randy said that is where the parade would have started and came up to the Town Green. Years ago, the residents that lived on that side of the road where the Green was could buy it back from the Town as long as they continued to mow the grass and they also could not build any building in front of the existing housed that where behind the Green. Randy told the board that the survey company came about three weeks ago, he stated that they were there about two hours. He said all they did was find the points on his property. He is wondering if the property on the other side of the Green has been sold. He like the Town Clerk to look into that for the board.

Denise Willard: Denise asked the board what happened to the Freedom Dog control guidelines and duties. She stated that paperwork she had to sign stated that the Dog Control Officer was to respond to complaints and concerns of the public, with regards to dog disturbances. Also, to apprehend, impound, transport dogs to the town approved holding facility. She also started to respond to on-call emergencies that included evening, weekends, and holidays. Denise told the board if the Dog Control Officer no longer captures, or apprehends dogs then why does the Town have a Dog Control Officer. She asked the board who would be going on a call like she did when four Huskies where loss and chasing cattle and only three came back with her to her house where she kept them till, she could find the owner, or when she went on a call to rescue 10 dogs that where in awful condition and took them to Grand Island because there was not

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facility to take them to. She also asked what she should do with the records she has. She has them in a box at home and they should be kept for 3 years. Denise asked why did the Dog Control officer get a raise when he does much less.

Marsha North: She wanted to tell the board about her concerns with Resolution #12- 2022. She would like the board to get more information. In June of 2019 sign leases with Invenergy, 29 lease holders live out of town and 33 live in town. Department of Public Service website says no eminent domain. Invenergy has 136 conditions and three-month compliance packages to meet that they have not met. The Siting Board has not approved for them to build. Once they are approved, they will need to have another public comment period. Marsha also stated that turbine sizes change. The bigger the turbine, the less they are needed, and that is less money in the community where the turbines are eliminated. She stated that Freedom should have a legal binding contract for money and a final layout of the project before any agreement. She said to negotiate for underground lines, because above ground lines can reduce property value by 40%. She said PIOLTS do not offset property devaluations, environmental amenities, low number of full-time jobs, also to harm residence to noise and shadow flicker. Marsha asked if this is not a conflict of interest that Supervisor Dustin Bliss has a lease with Invenergy. She would like an explanation why Dustin should not recuse himself from voting on anything that pertains to the wind project.

IX. Reports & Communications :

- A. Assessors-Report Submitted
- B. Building Committee-
- C. Building Inspector-Report Submitted
- D. Highway Superintendent- Report Submitted
- E. Clerk/Collect- Report Submitted
- F. Constable-
- G. DCO- Report Submitted
- H. Highway Committee
- I. Insurance Committee-
- J. Justices-
- K. Planning Board- NO MEETING BECAUSE OF NO QUORUM
- L. Park & Recreations-
- 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-5 Josh Aarum, Geoff Milks, John Hill, R. Nick Morgan
& Supervisor Dustin Bliss**

X. Approval of Vouchers:

General #174 to #200, Amt. \$7,099.58, Yrly Amt. \$158,724.75.

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

Roll Call: Ayes-5 Josh Aarum, Geoff Milks, Johns Hill, R. Nick Morgan, & Supervisor Dustin Bliss

Highway # 73 to # 83, Amt. \$166,469.59, Yrly Amt. \$571,403.00.

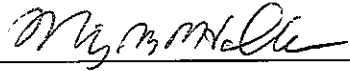
Motion made by Dustin Bliss to accept the Highway vouchers as written. Seconded by R. Nick Morgan.

Roll Call: Ayes-5 Josh Aarum, Geoff Milks, Johns Hill, R. Nick Morgan, & Supervisor Dustin Bliss

XI. Adjournment: Dustin Bliss made the motion to adjourn the meeting at 7:33 pm. Seconded by Geoff Milks.

Roll Call: Ayes-5 Josh Aarum, Geoff Milks, Johns Hill, R. Nick Morgan, & Supervisor Dustin Bliss

Respectfully Submitted by



Freedom Town Clerk

8/26/2022

Received Date

Resolution #14-2022
Standard Work Day and
Reporting Resolution for
Elected and Appointed Officials

Employer Location Code

3 0 3 1 7

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

RS 2417-A

(Rev. 11/19)

BE IT RESOLVED, that the TOWN OF FREEDOM / 30317 hereby established the following standard work days for these titles and will

(Name of Employer) (Location Code)

report the officials to the New York State and Local Retirement based on their record of activities:

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
Elected Officials:									
MINDY HOLLAND	0712	50189349	TOWN CLERK	1/1/20 - 12/31/23	8 HR.	7.99	<input type="checkbox"/>	Bi - Weekly	<input type="checkbox"/>
KARA BRUNNER	9680	40812810	TOWN JUSTICE	1/1/21 - 12/31/24	8 HR.	1.59	<input type="checkbox"/>	Monthly	<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
Appointed Officials:									
GILLIAN KOERNER	2675	41481862	COURT CLERK	1/1/22 - 12/31/22	8 HR.	1.55	<input type="checkbox"/>	Monthly	<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>

I, MINDY HOLLAND

secretary/clerk of the governing board of the TOWN OF FREEDOM

(Name of Secretary or Clerk) (Name of Employer) of the State of New York,

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 22ND day of AUGUST, 2022

on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the TOWN OF FREEDOM

on this 22ND day of AUGUST, 2022

(Name of Employer)

Mindy Holland

(Signature of Secretary or Clerk)

Affidavit of Posting: I, MINDY HOLLAND

(Name of Secretary or Clerk)

being duly sworn, deposes and says that the posting of the Resolution began on

8-22-2022 and continued for at least 30 days. That the Resolution was available to the public on the:

(Date)

☐ Employer's website at:

☐ Official sign board at:

☐ Main entrance Secretary or Clerk's office at:

Date

of

(for additional rows attach a DS 2417-B form)

(seal)