

Town of Freedom
Regular Board Meeting Minutes
Monday, April 15, 2019

Board Members Present: Jolene Esposito, Ron Ashworth and Supervisor Randy Lester
Absent: John Hill, Ann Marie Dixon

Other Officials Present: Highway Superintendent Jim Haggerty,
Justice Gary Chamberlain, Planning Board Members DeVere Bliss, and Jim Shannon

Others: 22

Meeting called to order at 7:00 pm by Supervisor Randy Lester

I. PLEDGE TO THE FLAG: Led by Supervisor Randy Lester

II. Supervisor Randy Lester read the rules of Freedom Public Meeting from
Resolution #11-2008

III. REVIEW OF MINUTES:

A) Town Board Meeting – Monday, March 18, 2019

A motion was made by Ron Ashworth to accept the Meeting Minutes as
submitted. Seconded by Jolene Esposito.

Roll call: Ayes-3 Jolene Esposito, Ron Ashworth and Supervisor Randy Lester

IV. OLD BUSINESS:

A) Reminder of Local Government Conference May 9th at Houghton College
9 am -4pm

B) Summer Rec.Program- Was discussed with Tanya Siddle and Micki
Matyjasik. Tanya submitted the calendar to the Town Board, with swim days if
they can get a lifeguard. Also the calendar included field trips. Tanya would be
available to do staff interviews on May 17 during the day also that evening. Also
June 7th if need be. She also said the online registration could start the beginning
of May or they could wait till the end of May did not matter to her. In person
registration she's looking at June 13th from 5pm -7pm and June 15th from 10am
to 12 noon. Tanya had sent an email out and she had talked about restricting the
ages due to problems with 13 and 14 year olds who do not want to be there and
do not participate or cause problems. Councilwomen Jolene Esposito said if
there is an issue with a student come to the Board and the Board will address it.
If it does not get resolved they can't come. Jolene feels 13 and 14 year old
should be able to still come and participate. Jolene also suggested at sign up to
let them know the rules. Tanya asked about cleaning out the craft room.
Councilmen Ron Ashworth said it will get done.

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V. NEW BUSINESS:

A) Gernatt Fishing Day will be held at the South Dayton location. Friday May 10 from 7am- 4pm. Lunch is from 11:30- 1pm. Fishing License is Required

B) Supervisor Randy Lester talked about an informational dog aggression and control discussion with special guest speaker Justa Goodel from Wyoming County on May 4 at the Freedom Town Hall from 9am- 11am. If interested in coming please sign up with the Town clerk Mindy Holland so we have a head count.

C) A Citizen brought to the attention of Board Member Ron Ashworth about the Yield sign at the end of Fisher-Blake RD and Brown School House RD. The Citizen would like a stop sign at that intersection. Highway Superintendent Jim Haggerty and Councilmen Ron Ashworth discussed this and no need for a stop sign there. It's always been a yield sign. Jim Haggerty said he has received a call about putting a stop sign at the corner of North RD and Bray RD and see a need there due to a blind. Ron Ashworth explained that the Postal Service will not put a mail box across the street from the citizen's driveway near the intersection of Fisher-Blake RD because of the intersection. The question was asked about the mailboxes on that end of Brown School House RD be brought all over to the other side of the road Jim Haggerty said it would help his plow drivers as well push banks back. Supervisor Randy Lester said they maybe on that side because of the route. There will be a yield ahead sign erected on Fisher-Blake Rd. Ron Ashworth wanted to bring it up at a Board meeting for it to be on record.

D) Highway Superintendent Jim Haggerty asks for the Town Board to set a date for Fall Trash day.

A motion was made by Ron Ashworth to have Fall Clean Up day on Saturday October 5 from 7am-3pm. Seconded by Jolene Esposito

Roll Call: Ayes-3 Jolene Esposito, Ron Ashworth,
and Supervisor Randy Lester

VI. A motion was made by Ron Ashworth to close the board meeting at 7:17 pm and open to public meeting. Seconded by Jolene Esposito.

**Roll Call: Ayes-3 Jolene Esposito, Ron Ashworth,
and Supervisor Randy Lester**

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Public Meeting

Amanda Hill- Question about the 260 plus tower on Brown School House Rd what is it? A gentlemen answered it was a Met Tower and it measures wind speeds. Amanda asked the Town Board why it was allowed to go up without notifying the residence? Supervisor Randy Lester said local residence should have been made aware of it and asked Valessa Souter-Kline to give more information. Valessa said there is a permit process on that.

Denise Willard-She asked the Town Board how the secret meeting went behind closed doors with Invenergy with the Host Agreement? Supervisor Randy Lester replied there has been no meeting with Invenergy toward Host Agreement. Denise said she thought it was being set up. Randy Lester said nothing has been set up. Denise asked will the residence be notified when it is set up and going to happen. Councilmen Ron Ashworth said if there is a work session on it yes you will be notified. Ron Ashworth also started at the last meeting it was brought up about Host Agreement from the Town of Sheldon, he has retained one from them. He is also trying to get one from Noble for Eagle so they can compare. Denise said that Councilwomen Ann Marie Dixon had talked about getting a team together to work on a host agreement. Denise feels that people from both sides should work on this to get what's best for the Town of Freedom. She stated we don't need them they need us. Ron Ashworth agreed and said we will contact the public.

Jeff Newland- He asked that sense there is no deal made yet, would the Town of Freedom be able to negotiate like Farmersville. Jeff stated that all the windmills would be around \$450,000 will the Town be able to negotiate. Supervisor Randy Lester there has been no discussion of any numbers, there has been no meeting to discuss financials. Jeff stated in the March minutes that Randy Lester said that was a ball park figure. Randy Lester said he would reread the minutes he also stated that was the original amount proposed for all of them before there was any negotiations.

Gary Bruesed- Question regarding the Highway Department. Why did they sweep the side of the roads after it rained all night? Highway Superintendent Jim Haggerty said you don't want them to do it on a dry day. Gary is upset because it made a mess on his vehicles and mailbox. Jim Haggerty said on a dry day it would dust the whole house. Gary stated that the dust was flying on the house on a dry day before they broomed. Jim Haggerty said he would watch his broom operator and make sure he slows down.

Bruce Acquard- In regards to the Met Tower he has a problem with it. Originally started being building it on his property he told the company building it they were on his property. Bruce said they tore up his property; also he has not come up with an

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agreement with the Invenergy. Bruce wanted to bring to the attention of the Town Board that the lease that were signed with land owners that Invenergy does not have to obey to the wind law that the Town made. The set back, in active wind laws do not have to fallow. Supervisor Randy Lester set backs are for the height of the windmill tower. Bruce also stated that the distance from his property to the met tower sits 180' from his property and 400' from his house. The Met Tower to the permit it's illegal. Randy Lester would have to reread the law. Bruce said it's too close to his property line. Also there has been damage to the property and no one has been back on that. In the lease they said that there would be nothing on this property now there is a road way on his property. Randy Lester asked Bruce if he has spoke with Scott from Invenergy? Bruce stated that he is putting it in the Town Boards hands. Randy Lester said one of the provisions of the wind mill law is that if a property owner and Invenergy cannot come up with agreement then it should go to mediation or arbitration. Bruce said he signed a lease and that's it. Valessa Souter-Kline said that Bruce has a lease and Invenergy has offered to try to improve the situation. Bruce did not except the offer. Randy Lester said there is a provision of mediation process, there is a mediation service in New York State. Councilmen Ron Ashworth asked was there anything in the agreement about the distance the wind tower would be. Bruce said yes. Bruce also said that the person would be notified 30-60 before construction on the property. They started and he was not notified. Randy Lester explained it was an error on the contractor. Bruce said they also had an error on the property lines and he had to stop them. Randy Lester said he would offer to meet with Bruce and Scott from Invenergy to see if they could work it out.

Robert Morgan-He said in the Arcade Herald it said that Arcade was getting \$100,000.00 (Stephanie Milks corrected Mr. Morgan on this number and the correction is \$10,000) a windmill more than the Town of Freedom, if there is no negotiation where is the information coming from. Supervisor Randy Lester said one issue is what the Counties gets Cattaraugus County gets 80% and Wyoming County gets 20%. Randy explains that Wyoming County takes a lot less for the County and gives it to the Town.

Robert asked Highway Superintendent Jim Haggerty if there is any plans for the hole on Mutton Hollow Rd. Jim said that something is taking the shoulder material away. He will be looking into it soon.

Susan Lester- She would like the Town Board to put a hold on grinding the tree stump down at the Village Green. She is representing the Freedom Seniors and they are interested in doing a project in the Village Green. Susan would like to come back in May with plans and present to the Town Board their idea. The Board will put the stump grinding on hold.

Stephanie Milks- The Host Community Agreement she feels there is confusion with people because Irivenergy has been putting out a economic benefit sheets. There was one put out in May 2018 allotting the Towns for certain amount of money. Then she

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received one on March 14, 2019 at the Towns work session. The May of 2018 sheet shows combing Freedom and Farmersville a total \$620,000 being poured into the Cattaraugus County Towns. The March 2019 sheet only shows for Cattaraugus County Towns \$471,000. Stephanie broke it up by ration and amount of turbines that the Town of Freedom will get verses Farmersville and it dropped the Town down about \$287,000 for the Host Community Agreement. She said it's next to nothing seeing that the Town of Freedom is the hub. She can't understand why Invenergy gives a small amount of money she hopes the Town Board will advocate for a lot more. She stated that the taxes went up a lot in 2019 and this would not be able to cover the Town tax on everyone's Bill. She's asking the Town Board if they can negotiation for more. Supervisor Randy Lester said his notes are the same and it shows Freedom is the lowest.

Marsha North- She would like to see the Town of Freedom negotiate for the best deals, the best amount for this Town. She also would like to see residence in this Town have property value protection. Also protection for TV and Radio reception as well.

Dan Meyers- He feels that what he's been reading in the Arcade Herald it seems like Freedom is the Hub of everything and without Freedom the windmills will not come in. He said we know they are coming; he would like to see Freedom negotiate the best we can to possibly get some of the Taxes paid. He's said we should get some stuff paid off and taxes lowered.

Stephanie Milks- The Host Agreement is only for the first 20 yrs then it gets renegotiated in good faith on project evaluation. She would like a set amount for the full 40yrs. Valessa Souter-Kline stated that no Town has signed the Host Community Agreement this is the next step. The numbers Stephanie Milks is referring to are in the project application and it is on line at Ally-Catt.com. Those numbers are what Invenergy proposed for the project they budget 8,000 per mega watt. That money is split between the County IDA Pilot Agreement. So that's why there are difference between County because the IDA takes that split. There is wiggle room for the Towns to negotiate. The dollar amount that we are talking about is the shift due to the number of mega watts per turbine. The good news is Invenergy has a set rate per capacity of turbines. It's a flat payment not an Invenergy payment. Regarding the 20yrs it's tied to the PILOT for municipality reasons. Valessa said it in their best interest to get payments for sure but the Towns will continue to get payments. Stephanie asked will you renegotiate the Host Community Agreement with the Towns in 20yes. Velessa said the PILOT runs out in 20yrs that's where that comes from.

Denise Willard- She had spoken to a Real Estate agent and she told Denise that wind turbines do decrease property values and they will go down. Denise would like to see a property value guarantee based on assessments of every ones property. Valessa Souter-Kline asked there is not a lot of strong evidence for going down the road on that.

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A motion was made by Ron Ashworth to close public meeting at 7:47 pm and reopen board meeting. Seconded by Jolene Esposito.

**Roll Call: Ayes-3 Jolene Esposito, Ron Ashworth,
and Supervisor Randy Lester**

VIII. Supervisor Randy Lester spoke about an email that he received from Ginger Schroeder husband Mark Heberling. He read the email and wanted to let everyone know its fake news.

IX. REPORTS & COMMUNICATIONS:

- A) Assessors –
- B) Building Committee –
- C) Building Inspector – Report Submitted
- D) Highway Superintendent – Report Submitted
- E) Clerk/Collector – Report Submitted.
-Tax season went well and the Clerk reconcile with the County to the penny. Also the Deputies did a great job. The Deputies and Clerk worked as a great team during the busy season.
- F) Constable –
- G) DCO – Report Submitted.
- H) Highway Committee – Regarding the truck the Town has for sale the Town can consider it sold.
- I) Insurance Committee-
- J) Justices –
- K) Parks & Recreation –
- L) Planning Board – Report Submitted
-Randy read report talking about the park building.
- M) Supervisor – Report Submitted
- N) Other Town Officials –

Planning Board member DeVere Bliss and Supervisor Randy Lester meet with an architect and asked him a ruff number on how much it would cost to make the park building more year round usable. He gave a number of \$60,000 that depends again on what you have done. Councilmen Ron Ashworth said maybe in the future the Town can work on a Community Center. Ron said as for the building now it is what it is. Ron also thanked the planning board for getting a price on how much it would cost to update the existing building. Ron said Community Center would be the next step. Randy Lester would like to see a building to the left of the Post Office. He said its visible, lots of parking space but the community would have to address what it be used for in the community. The question was asked could the Town put it on a referendum ballet so the public could Vote on a Community Center. Randy said he would like to have a work

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session first, have the public come and learn about it first before they vote on it. Randy told everyone this is in the early stages. They have looked at a grant for the Park building we have now and even with a grant it will still be a pole barn. A question was asked to Ron and Randy wasn't there already a grant? The grant that was for down at the park that AJ wells got was to fix the baseball diamond. The grant was for basically landscaping the Town received \$8,000.

A motion to accept the reports & communications as submitted was made by Ron Ashworth. Seconded by Jolene Esposito.

Roll call: Ayes-3 Jolene Esposito, Ron Ashworth, and Supervisor Randy Lester

X. APPROVAL OF VOUCHERS:

General #93 to # 118, Amt. \$13,561.33, Yrly Amt. \$97,505.60.

Motion made by Jolene Esposito to accept the General vouchers as written. Seconded by Ron Ashworth.

Roll call: Ayes-3 Jolene Esposito, Ron Ashworth,
and Supervisor Randy Lester

Highway # 46 to 59, Amt. \$6,394.96, Yrly Amt. \$82,368.54.

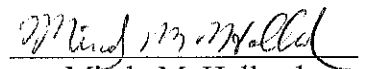
Motion made by Ron Ashworth to accept the Highway vouchers as written. Seconded by Jolene Esposito.

Roll call: Ayes-3 Jolene Esposito, Ron Ashworth,
and Supervisor Randy Lester

XX. ADJOURNMENT: Ron Ashworth made the motion to adjourn the meeting at 8:08 pm. Seconded by Jolene Esposito.

Roll call: Ayes-3 Jolene Esposito, Ron Ashworth,
and Supervisor Randy Lester

Respectfully Submitted By



Mindy M. Holland
Freedom Town Clerk

4/20/2019