

**Town Of Freedom**  
**Regular Board Meeting Minutes**  
**Monday, June 17, 2019**

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

Other Officials Present: Highway Superintendent Jim Haggerty,  
Justice Gary Chamberlain, and Legislator Joseph Boberg

Others: 21

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Meeting called to order at 7pm by Supervisor Randy Lester

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

**II.** Supervisor Randy Lester started the meeting off by discussing the Towns policy for Board meetings. He pointed out a sign that is hung on the wall that states "If you must have a conversation, take it outside". He also explained that no person other than the Board and the person speaking shall be permitted to speak into the conversation. The presiding officer may exclude or limit cumulative, repetitious or immaterial matter. Any person can be removed from the public meeting by the providing officer if they engage in any of the fallowing activities during the public meeting: personal attacks, slander, impertinent or rude behavior, ect... There is a set of the rules available for the public in the Town Clerk's Office.

Randy also answered questions that had been asked during the last public meeting in May. The question was asked about eminent domain Randy said as for Invenergy no for the State doubtful, no. The other question was do we have to publish the public meetings, Randy looked into this and the answer is no it's during a regular Board meeting.

**III. REVIEW OF MINUTES:**

A) Town Board Meeting minutes for Monday, May 20, 2019

A motion was made by Ann Marie Dixon to accept the Meeting Minutes as submitted. Seconded by Jolene Esposito.

Roll Call: Ayes-4 Jolene Esposito, John Hill, Ann Marie Dixon,  
and Supervisor Randy Lester

**III. NEW BUSINESS**

A) Don't Burn Trash! DEC part 215-Supervisor Randy Lester letting the public know that burning barrels or garbage such as trash and plastic is illegal to burn in New York. Phone Numbers provided if you need to call with concerns. They are 844-332-3267, 716-851-7006; you can call 24/7.

**IV. OLD BUSINESS**

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A). **2019 RECREATION PAYSCALE-** Supervisor Randy Lester explained that Bookkeeper Jessica Dart took the previous minimum wage and new minimum wage figured out a percentage to determine the increase in pay from last year.

**DIRECTOR – \$14.00/HR.**  
**ASST-DIRECTOR - \$12.30/HR.**  
**LIFEGUARD - \$11.75/HR.**  
**AIDE – \$11.10/HR.**

**NOTE – THE LAST FOUR DAYS OF RECREATION, MICKI MATYJASIK, ASST DIRECTOR WILL BE ACTING DIRECTOR AND WILL GET \$13.00/HR. THOSE DAYS.**

A motion was made by Ann Marie Dixon to accept the proposed wages for 2019 Freedom Summer Recreation employees. Motion was seconded by Jolene Esposito.

Roll call: Ayes-4 Jolene Esposito, John Hill, Ann Marie Dixon,  
and Supervisor Randy Lester

1.) Any other updates of status for the summer rec program.  
Town Clerk Mindy Holland told the Board Members that Rec Director Tanya Siddle had 42 signed up.

B) Host Community Agreement-Supervisor Randy Lester gave Board Members an updated Host Community Agreement at the last board meeting. Randy meet with Town Attorney Jim McAuley and he made some changes in the Host Community Agreement. They are legal ease type of stuff Randy stated.  
Councilwomen Ann Marie Dixon meet with Valessa from Invenergy regarding the Met Tower issue that Bruce Acquard has brought to the Town Boards attention. Valessa could not discuss the lease between landowner and Invenergy but Valessa told Ann Marie it is being worked on. Ann asked Bruce Acquard if there is anything new and he said no. Randy added he was told it should be resolved in the next month. Ann Marie also spoke with Valessa about the Host Community Agreement as well. Ann brought up to Valessa that the Town of Farmerville is getting more for mega watt compared to Freedom. Valessa told Ann that Freedom will not get any less then Farmerville.  
Councilmen John Hill feels its only in the best interest of Invenergy to have a Host Community Agreement. Everyone else in the Town will be paying taxes because Invenergy going to take a reduction to what they normally should pay. There will be no new jobs from this. Invenergy has proven time and time again they can't be trusted. John Hill stated that we have a tax assessment of \$500,000 for the Town. With 33 windmills in the Town that's \$100,000,000.00 He feels that if Invenergy only is giving \$380,000 a

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year we should have gotten a million dollars a year. Another problem with the Host Community Agreement is if we are saving the Town \$380,000 in taxes. People getting money from the windmills are they double dipping? John also does not agree that the Town Board is supposed to vote on having the Town Supervisor to be the spoke man for the Town Board. John stated that Randy has an apparent conflict of interest with his brother because his brother has a contract with Invenergy. Also John wants to know why Randy is having private communications with Invenergy. Also Invenergy is not telling the public that they were fined \$25,000 because they did not disclose the conflict of interest. Invenergy is not talking about a lawsuit in the Town of Orangeville that they postponed. Invenergy don't want to settle because they were infringing on people's rights. John Hill also looked into the depth for the foundations, he was not sure if they referred to a 450ft windmill or a 600ft windmill. If it's a 450ft windmill it does not pass code. If it's for a 600ft windmill they will tip over because the depth is only 15ft and a 775 diameter. The amount of the area with 45 mile per hour wind speed is for 150ft radius compared to 225ft radius; it is 2.8 times that square area. So that much more weight is needed to compensate. So instead of 75ft diameter they will need a 220ft diameter to keep the windmill from tipping. John feels the best for the town is full taxation. Another concern for John is TV reception. For example John will have to pay for TV service now instead of using an antenna. John stated that Ray Feness told the Town board at a meeting that windmills will not interfere, but John said they will block. Something else is blade throw/ snow throw. The law that was voted on John said is not safe, and 650ft is a joke. He wants to know why a worker on a 450ft windmill is only allowed to go within 1640 ft for maintenance only or emergency only. The workers otherwise have to stay outside of the radius. Residence who are non participants will have them 1,000ft from their homes. Out of 33 windmills only 13 are town residence. It really is not for the Town of Freedom John said it's for Invenergy. Resident Ruth Morgan had spoken to John and she feels 600ft towers will destroy this Town.

Ann Marie Dixon told John she appreciates his input, the base is new information to her as far as the height. Ann also stated she did not feel the Town Board meeting should be used for a political speech. John Hill answered that Ray came to a meeting and said it's against the law for wind turbines to interfere.

Randy Lester responded and said his wife and himself have the best interest in Freedom. They own three pieces of property in the Ally Catt project. As to the clam a conflict of interest with his Brother Scott, he lives in a different Town and different County. Randy stated that Scott and him do not speak. So as far as a conflict of interest Randy feels there is none. Randy said as for being in contact with Invenergy he feels someone needs to be the contact person. No one has asked if they can go along to meetings. As for jobs this project would give 12 to 13 people high paying jobs in the area. With money coming in over the years for the 5 Towns that will put money back into the economy. Allegany County and Cattaraugus County need the support because they are fading away. Also not just Towns are getting the money, Cattaraugus County will be getting the money and 3 School districts will get money out of this. Randy suggests that the Board moves forward with the Host Community Agreement and two people be involved. Randy feels himself and a Board member that's available.

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Ann Marie Dixon said the Town Board needs to work together and the Supervisor is the spokesman for the Board. As for Randy making decisions solely no. As for a conflict of interest she not about to bring her personal feeling to this Town. She won't vote for something if she was for or against something if relatives are going to benefit from it. John Hill said according to New York State Law Randy has an apparent conflict of interest. If Randy himself had a windmill lease he would have a conflict of interest. John also added that Invenergy failed to notify the Town resident that there is an apparent of interest. Ann Marie asked John if he feels it's a problem for her to have a conversation with Invenergy one on one. John asked Ann do you feel it's an issue and she stated she does not feel it is a issue. John whole point is why does he not know until till the Town meetings that Randy has spoke with Invenergy. Ann Marie asked Randy if he has ever contacted the rest of the Town Board to see if anyone would like to join. Randy said no but someone needs to be a contact person and if there are 3 or more Board Members present it's considered a meeting. Ann Marie asked Jolene, and John if they have ever went to Invenergy and talked one on one? Councilwomen Jolene Esposito said she been asked to go meet with Invenergy but she refused because she did not feel it was right. Ann Marie told the Board that she speaks with Invenergy to get more information. Randy said as for the \$300,000 he says it's a figure that is no longer applicable. Also there have been no negotiations or discussions of it. If there were any discussion it needs Board approval. Randy suggested that he and another Board member meets with Invenergy to discuss some numbers that has been discussed with the Town of Farmersville. Also to have a special Board Meeting to discuss the information with the whole Board.

Ann Marie said her opinion is to hold off on the Host Community Agreement because of what Farmersville is going through. Depending on Farmersville the whole project as far as wind turbines is concern, it could be void.

John Hill suggest that it should be either Jolene or himself to speak with Randy and Invenergy. Randy said he see about seating a time for the following Monday.

A motion was made by John Hill to have a special meeting July 1<sup>st</sup> at 7pm to discuss the Host Community Agreement findings that Randy and Jolene find. Seconded by Ann Marie Dixon.

Roll Call: Ayes-4 Jolene Esposito, John Hill Ann Marie Dixon  
and Supervisor Randy Lester

C) Village Green- Highway Superintendent Jim Haggerty asked what about the stump? Supervisor Randy Lester said not to grind the stump. Randy also asked if anyone knows anything about the Village Green because they can't find the deed. There is no filing at the County Clerk's Office according to the surveying company. Councilmen John Hill said we should get it surveyed to show the County it exists. At this point there is no proof of ownership by the Town or anyone else.

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- V. A motion was made by John Hill to close the board meeting at 7:45pm and open to public meeting. Seconded by Jolene Esposito

**Roll Call: Ayes-4 Jolene Esposito, John Hill, Ann Marie Dixon  
and Supervisor Randy Lester**

**Public Meeting**

Geoff Milks- He would agree on holding off on the Host Community Agreement, until we see what other Towns are doing, also until the Law that is in litigation is settled. Supervisor Randy Lester answered that it states in the Host Community Agreement if it falls through the deals fall through. Geoff heard the footers are only as deep as a basement and more resent meetings he heard 15ft. He's also asking who ever meets with Invenergy to remember that they have invested interest in this project and they will give answers to help this project go through.

Bonnie Hill- She would like to set the record straight from the May meeting. It was not her that had an outburst it was Randy Lester Wife. Bonnie was the one to get reprimanded. She feels that Randy needs to treat everyone the same way. She said that Randy wife had sat the whole meeting talking to the gentleman from Invenergy. Bonnie stated one little thing under her breath and she got reprimanded.

Denise Willard- Denise is questioning a statement made by Randy earlier in the meeting; he is for the Town of Freedom, why would he show up at a Cattaraugus County Legislator and only speak for one resident? Randy said he was speaking on behave of the Farmers. Denise disagrees; she feels it was for only one resident. Councilwomen Ann Marie Dixon stated that Randy and she discussed this back when it happened. Ann Marie agrees with Denise and Ann told Randy at the time he should have not taken that step. Denise also stated that it took a letter to the Attorney General office to get Invenergy to disclose the 13 conflicts of interest or apparent of interest with this project.

Donnis Morgan- What Councilmen John Hill said is what she wanted to say. The meeting that was held on Tuesday June 11<sup>th</sup> in the afternoon at the Arcade Fire Hall and in the evening at Pioneer High School; a majority of the people are against windmills for the fear of the peace and quiet.

Bruce Aquard- Bruce thanked Ann Marie Dixon for contacting Invenergy. He also is speaking as a lease owner; he would like the Town Board to know that he signed a lease with Invenergy in 2017 with false pretense. He was told that only 400ft of his property would be touched. He stated with the new maps they have changed the location and now they would be clearing 3 acres of his woods. They are putting a roadway a cross his

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property, in a hay field that he sells the hay off of. The farmer will no longer hay the property with the roadway. Also Invenergy will be putting a electric line across his field when they originally told Bruce the line would be in the very back corner of his woods. During a meeting that was between Bruce, Scott from Invenergy and Supervisor Randy Lester, Bruce asked Scott when he was going to come to the lease holders and tell them about all the changes. Bruce said that Scott replied he does not have time to tell every one of the changes. Bruce took Invenergy on their word and he stated his property will now be destroyed because he was lied to. He is asking the Town Board before they sign Host Community Agreement to ask Invenergy to go back and talk to the lease holders and renegotiate. Councilwomen Ann Marie Dixon asked wasn't the details in the least explaining what they were going to do. Bruce said No they showed 1500ft radius and only 400ft of his property would be used. He would like the Board to take into consideration that they lie. Ann Marie asked Scott Johnson for his opinion. Scott said he appreciates what Bruce said, he stated what Bruce has heard is what he has heard. Ann Marie Dixon would like an explanation on the lease. Scott said the application has changed where the turbines will be sitting. Scott said at one time the Newland property was sited and there is no longer one sited at the Newland property. Another individual did not have a turbine sited at one time but now they do. Scott said things have changed. Bruce feels they should come back and discuss things with lease holders if they changed.

Jeff Newland- Thanked Supervisor Randy Lester for answering his question about eminent domain. Jeff also stated that they were going to sign with Mr. Johnson/ Invenergy. They had promised them two but they would not put it in writing so that's why they did not sign.

**A motion was made by John Hill to close public meeting at 7:58 pm and reopen board meeting. Seconded by Ann Marie Dixon.**

**Roll Call: Ayes-4 Jolene Esposito, John Hill, Ann Marie Dixon  
and Supervisor Randy Lester**

**VI. REPORTS & COMMUNICATIONS:**

- A) Assessors –Letter to the Board requesting two news computers. Councilmen John Hill asked why she needs a lap top and a desk top. A lap top would do because she could bring it back and forth. Supervisor Randy Lester pointed out that the Town Clerk, and the Highway Superintendent, also need new computers, John Hill is wondering; like the agreement for buying vehicles is there agreement for buying electronics through the state. Randy will look into this.
- B) Building Committee –
- C) Building Inspector – Report submitted
- D) Highway Superintendent – Report Submitted
- E) Clerk/Collector – Report Submitted.

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Town Clerk Mindy Holland reported that the Archives Grant Tentivly came through just need to submit a few more documents. The Town was granted \$43,953.00.

- F) Constable –
- G) DCO –
- H) Highway Committee –
- I) Insurance Committee-
- J) Justices –
- K) Parks & Recreation –
- L) Planning Board – Report Submitted

The planning board will be moving the July meeting to the 25<sup>th</sup> and attending the Town of Eagles Board meeting to find out more about solar power. Legislator Joe Boberg said that the Town Of Ashford is getting a 35-40 acres of solar power. Councilmen John Hill asked if it's thermal or photovoltaic. Joe said both he believes.

- M) Supervisor – Report submitted
- N) Other Town Officials –

A motion to accept the reports & communications as submitted was made by John Hill. Seconded by Ann Marie Dixon.

Roll call: Ayes-4 Jolene Esposito, John Hill, Ann Marie Dixon,  
and Supervisor Randy Lester

**VII. APPROVAL OF VOUCHERS:**

*General #141 to # 174, Amt. \$22,176.74, Yrly Amt. \$127,506.86.*

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

Seconded by Ann Marie Dixon

Roll call vote: Ayes-4 Jolene Esposito, John Hill, Ann Marie Dixon  
and Supervisor Randy Lester.

*Highway #82 to #90, Amt. \$40,553.94, Yrly Amt. \$140,766.28.*

Motion made by Ann Marie Dixon to accept the Highway vouchers as written.

Seconded by John Hill.

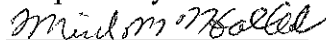
Roll call vote: Ayes-4 Jolene Esposito, John Hill, Ann Marie Dixon,  
and Supervisor Randy Lester

**VIII. ADJOURNMENT:** John Hill made the motion to adjourn the meeting at 8:12pm.

Seconded by Ann Marie Dixon.

Roll Call: Ayes-4 Jolene Esposito, John Hill, Ann Marie Dixon,  
and Supervisor Randy Lester

Respectfully Submitted



Freedom Town Clerk

6/28/2019