

Town of Freedom
Regular Board Meeting / Public Hearing Minutes
December 16,2019

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

Other Officials: Highway Superintended Jim Haggerty, Justice Mary Zink, Court Clerk Kara Brunner, Planning Board Members DeVere Bliss, Norm Feldman, Cattaraugus Assessor Kate Harrington, and Constable Rob Harrington.

Others: 20

Meeting called to order at 7pm by Supervisor Randy Lester

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

II. REVIEW OF MINUTES:

Board Meeting and Public Hearing Minutes of November 18, 2019

A motion was made by Ron Ashworth to accept the Meeting Minutes as submitted.
Seconded by Supervisor Randy Lester.

Roll call: Ayes-2 Ron Ashworth, & Supervisor Randy Lester
Recuse- Jolene Esposito

III. Assessor Kate Harrington was here to speak about Local Law #2 of 2019, Partial Exemption on Real Property Taxation to Certain Senior Citizens. She told the public it's an income base exemption for seniors that live in the Town of Freedom that make a certain amount of money. The income limit is dictated by the Tax and Jurisdiction. The County has its own income limit of \$26,000. The Town can have their own income limit. Income is defined by the law. The Assessor, Town, Tax and Jurisdiction do not get to decide how income is determent for the exemption. With senior exemption more things are taken into consideration, it's not just adjusted gross. It includes Social Security, disability, pensions, and wages. Question- Is it \$26,000 per resident? Kate said per household, this is really for low income Senior Citizens. She said it's an annual review exemption, renewals will be sent out to citizens who received it the year before. This is basically to make sure Seniors still meet the requirements. Seniors who file taxes can give them a copy of the tax return. For those who do not file taxes they need a copy of Social Security statement. Once they have all the information, and what was adopted by a municipality, a percentage is deducted from the total tax amount. Kate gave an example if you are assessed for \$100,000, and you are at the income limit to receive 50% then you are taxed on \$50,000. Question- The \$26,000 is for less then that? Kate said yes, if you make \$26,000 or less you will qualify for the county, but say if your town has a limit of \$24,500 then the exemption will only be on the county portion of the tax bill.

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Question- When is this all going to happen? Kate stated this has been happening. This is already an exemption. Kate went on to say that the Tax and Jurisdiction can't dictate how income is calculated but it can be determined what income limit there is. There is also an option for a sliding scale. Basically, the less you make the higher the exemption. The law before the Freedom Town Board is for an applicate to subtract any unreimbursed medical expenses for there income.

Question- Does this include dental too? Kate was not sure; she explained this is there first year doing this and that they are learning so many things.

Question- What about the cost of health insurance? Kate said that it will not cover that. Kate read a page that explains all medical, and prescription expenses that were not reimburse or paid by insurance. A Veteran disability compensation defined in title 38 of the United States code or both, from connotation of an applicant's income. She said to answer the dental question it would depend on exactly what the dental was.

Question- What about hearing aids? Kate was not sure on that she will get back to the citizens about specifics.

Question- What was it about the Veteran's? Kate stated its an option you can add on this. For the unreimbursed medical exemption, option one its all medical and prescription which are not reimburse or paid by insurance, or the other option two Veteran disability compensation that is included as income for this or both. The County just does the medical.

Question- When do you apply, is it by a certain date? Kate said the deadline is March 1st.

IV.) A motion was made by Supervisor Randy Lester to close the regular board meeting at 7:15pm. Motion seconded by Jolene Esposito.

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

A motion was made by Jolene Esposito to open the Public Hearing at 7:16pm on Local Law 2 of 2019. Motion seconded by Ron Ashworth.

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

**A Local Law Granting A Partial Exemption On
Real Property Taxation To Certain Senior Citizens
And Amending Local Law 1-2016**

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Public Hearing

Councilwomen Jolene Esposito said she is fine with the law other than the Veterans part, she asked if that can be added to the law. Supervisor Randy Lester said is a County Law. He doesn't believe Freedom can add anything to this. Jolene asked Kate Harrington if this is true that the Town can't add anything to the law. Kate said she has no privity to the law-making process in this County, maybe something the Town could add on it. Kate said she read from the tax and Finances website about the Veterans

A motion was made by Ron Ashworth at 7:18 pm to close the public hearing on Local Law 2 of 2019. Motion seconded by Jolene Esposito.

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

A motion was made by Ron Ashworth to open the Regular Board Meeting at 7:19 pm. Motion seconded by Jolene Esposito.

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

RESOLUTION #14 - 2019

**AT A MEETING OF THE TOWN BOARD OF THE
TOWN OF FREEDOM AT THE TOWN HALL IN THE
HAMLET OF SANDUSKY, TOWN OF FREEDOM, CATTARAUGUS
COUNTY, STATE OF NEW YORK
ON THE 16th of December, 2019 at 7pm**

PRESENT: Randy C. Lester, Supervisor
Ronald H. Ashworth, Councilman
Jolene M. Esposito-Craft, Councilman
John S. Hill, Councilman-Absent

IN THE MATTER OF ADOPTING Local Law 2-2019, A Local Law Granting a partial Exemption on Real property Taxation to Certain Senior Citizens and Amending Local Law 1-2016.

WHEREAS, since 1984, the Town of Freedom has periodically adopted Local Laws exempting from taxation a portion of the

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assessed valuation of real property owned by Town residents age sixty-five (65) or older; and

WHEREAS, in 2016, the Town of Freedom adopted Local Law 1-2016, which updated the real property exemption requirements and qualifications for residents sixty-five (65) years of age and older; and

WHEREAS, the Town Board of the Town of Freedom intends by this legislation to Amend Local Law 1-2016, t; and

WHEREAS, the offset to the income shall be verifiable medical and prescription drug expenses; and

THEREFORE,

Motion of Ron Ashworth, seconded by Jolene Esposito,

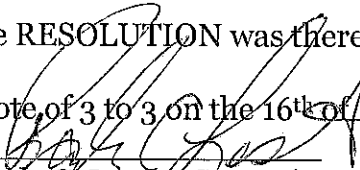
IT IS RESOLVED AND DETERMINED, that the Town of Freedom shall adopt Local Law 2-2019 and amend Local Law 1-2016.

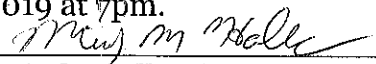
The foregoing RESOLUTION was duly put to roll call vote with the following results:

Randy C. Lester	voting	(Aye)
Ronald H. Ashworth	voting	(Aye)
Jolene M. Esposito-Craft	voting	(Aye)
John S. Hill	voting	(Absent)

The RESOLUTION was thereupon declared duly adopted, by

a vote of 3 to 3 on the 16th of December, 2019 at 7pm.


Randy C. Lester, Supervisor
Term of Office Expires: 12/31/21


Mindy Holland, Town Clerk
Term of Office Expires: 12/31/2019

SEAL

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V. **OLD BUSINESS:**

- A.) **[Signatures required]** The 2020 Farmersville Fire Contract was approved last month, but we did not actually have a contract for the board to sign we had their approved budget.

VI. **NEW BUSINESS:**

- A. Moving Dates for the Regular January and February Board Meeting because of conflict with National Holidays: Martin Luther King Day and President's Day.

A Motion was made by Jolene Esposito to move the regular January Board meeting to January 27th 2020 at 7 PM and the regular February meeting to February 24th 2020 at 7 PM. Motion was seconded by Ron Ashworth

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

B. Residence pushing snow into roadways- Highway Superintendent Jim Haggerty said its illegal Supervisor Randy Lester stated that the fine is \$150.00. Randy asked if it's a state law. Jim said State and Town both. Question was asked who writes the tickets for this? Jim said he does not but if it keeps happening, he will send the Town Constable or State Trooper.

C. Lizbeth Hubbard has had to resign as a Town of Freedom Board of Assessment Review Member she emailed her resignation to Town Clerk Mindy Holland on Friday December 6th 2019 effective immediately.

1. Councilman Ron Ashworth said the Town should advertise for this. If anyone is interested to bring there resume to the Town Clerks office before the January Board Meeting.
2. Board Discussion on Judge Opening- Councilman Ron Ashworth said that Court Clerk Kara Brunner is interested in the position. She has been the Court Clerk for 4 years. Ron stated it would be in the Towns best interest to appoint a judge. They would have to run in the elections next fall.

A motion was made by Ron Ashworth to appoint Kara Brunner as temporary Town Justice so she could go to school in early 2020 and

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then the Town will have her in the court the remainder of next year.
Jolene Esposito seconded it.

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

D. The Deputy Town Clerk in particular has to be a Freedom Resident unless its superseded by a local law. Town Clerk Mindy Holland has received a resume from Lisa Reynolds a Town resident and is asking the Town Board to approve Lisa Reynolds as a deputy Town Clerk. Mindy Holland feels with her back round in Real Property she would be a great fit especially during Tax season.

A Motion was made by Ron Ashworth to appoint Lisa Reynolds Deputy Town Clerk. Seconded by Jolene Esposito.

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

E. Tanya Siddle submitted a letter to the board stating she will unfortunately be unable to return in 2020, as Rec Director.

VII. TOWN OF FREEDOM

RESOLUTION # 15, 2019

December 16, 2019

A resolution authorizing the Records Management Officer to dispose of certain records.

Whereas:

The State of New York Education Department has established a Disposition Schedule for Archives Records Retention identified as Schedule MU-1, which is a guideline for the disposal of certain records, and

Whereas:

Said Schedule MU-1 identifies the following records of the Town of Freedom as being disposable;

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1. Agendas, Notes, sign in sheets from the years 2010-2017
2. Monthly Reports for the Town Clerk, Building inspector, Supervisor, Dog Control, Planning Board, Senior Citizens, Highway, Marriage Licenses, Cattaraugus County Transfer Station Ticket, Clerk to Supervisor, and Assessor from the years 2010-2017
3. General and Highway Vouchers for the years 2010-2013
4. Payroll duplicates from the years 1970-1997 & 2000
5. Quarterly – 941's from the years 1983-1997
6. W-2's from the years 1983-1997

Whereas:

The Records Management Officer of the Town of Freedom has identified the aforementioned documents to be available for disposal

Be it Resolved that:

The Town Board of the Town of Freedom does hereby authorize the Records Management Officer to dispose of the previously identified records in accordance with accepted practices.

Motion by: Jolene Esposito, Seconded by Ron Ashworth

Roll call:

Jolene Esposito-Craft: Aye

Ron Ashworth: Aye

John Hill: Absent

Supervisor Randy Lester: Aye

Clerk: *M. J. M. M. M.* Date: 12/16/2019

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VIII. Supervisor Randy Lester talked to the public about the State Attorney's for the windmills had testimony at Pioneer School, they took testimony from various people. Randy said there is on going discovery and these attorneys will be submitting their recommendations to the State Planning Board in May.

-Randy also talked about a letter that was sent out, stating Invenergy least holders beware of bait and switch-fake news.

-Randy discussed that Eric Miller was going to come to the meeting, but was unable to come because he is meeting with Cattaraugus County Legislators on windmills. Randy discussed the letter to the editor in the Arcade Herald that Eric Miller had submitted explaining that anything you hear is a rumor.

-Randy also said he would not discuss any of the ongoing litigation that is pending. He stated likely to be more litigation.

IX. Public Comments:

Denise Willard read from a paper she submitted to the Town Clerk to be put on the minutes please see attached.

Dan Meyers- Dan stated he was at the hearings that was held at Pioneer School. He stated that Eric Miller did state that there will be a good possibility of 30-40 less windmills. Dan asked the Town Board if anyone new how much all these lawsuits are costing the taxpayers that Supervisor Randy brought on himself and the Board. Dan asked who is paying on all these lawsuits, taxpayers? Randy said yes. Dan asked who pays for the lawyer for the appeal. Randy said by taxpayers. Dan stated without the Board approval on this. Dan also said with the election results does the Board still believe the Town residence still want to see windmills. Randy said yes.

Jane Ross- Asked Supervisor Randy Lester about the November Board meeting he had said that by law he is allowed to tell our Town Attorney to do the appeal on Local Law 1-2018 and 1-2019. What local law was that she asked? Randy said he believes it's a State Law. Jane asked if Randy could get her a copy. Randy said he will have to get it from Mr. McAuley.

Stephanie Milks- said about the bait and switch that Supervisor Randy Lester is claiming is fake news, she said the project has a compacity of 340 megawatts which means if Invenergy is talking about using 3.6 mega watts or 4.8 mega watts, that has been discussed in their testimony's and in the application. The 3.6 has to take away 22 turbines, the 4.8 has to take away 46 turbines. Stephanie referred to a letter that she had that said all 116 sites are used that it would have to be 2.9 mega watt turbines. Them models do not appear in the application. Stephanie then asked how much money in the intervenor funds has the Town of Freedom been awarded? Randy said that would go directly to the Town Attorney he submits that to them, then he gets reimburse. Randy does not know how much he gets reimburse. Stephanie asked so the intervenor funds are

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awarded to the attorney or the Town of Freedom. Randy said his understanding the check goes to the attorney. Stephanie asked how is the Town of Freedom using the intervenor funds? Randy said that its to pay the attorney for the work he done. Stephanie stated that McAuley had requested intervenor funds to hire a engineer to review and analyses studies performed by the applicate, such as David Britten. She said he should have looked at our road agreement before it was signed off on. McAuley talked about checking into environmental issues, and other things for the Town of Freedom. She stated the intervenor funds are not strictly to pay for McAuley. Randy said he was not saying that they are to pay for McAuley, they are also to pay for David Britton. Stephanie asked how is David Britten getting paid if the money is going to McAuley. Randy does not have the answer to that. Stephanie understanding that the Intervenor funds are awarded to the Town itself. Stephanie said that the Town would be voting on this to be approved on how its spent. She said based on what has happened with the appeal. She also would like the Board to beware of these intervener funds and the Board majority should vote on how its spent. Stephanie also submitted a written statement (please see attached).

Scott Johnson- He wanted to highlight certain aspects of the Article 10 Application. Four to Five project Towns have assigned and adopted wind laws, host community agreements and road use agreement, to allow the Ally Catt development to move forward. Invenergy has worked with the Town of Arcade to finalize their host agreement and road use agreement; which Invenergy expects to be completed in the coming months. Number of proposed turbines sites have been consistent in the Article 10 process based on the maximum impact. The decisions on turbines selected for the projects have not been made. Once made will comply with Article 10 Application. For all standards. Ally Catt is approaching the final stages of the Article 10 process the expectation is the Sitting Board will make recommendations on the projects in May of 2020. We substantially can make benefits to community, schools and fire districts and are based on mega watts installed not on number of turbines. He also stated that Valessa Souter Kline has moved to Virginia, with her husband. She is working on a project in Virginia. She was not demoted, fire or otherwise.

Bruce Acquard- He wanted to make the Board aware of the fake news Supervisor Randy Lester brought up. Eric miller wrote in an article to the Arcade Herald. What Eric wrote if it's true that residence and landowners would be notified of changes. Bruce said he's a lease holder, landowner and a resident they have moved an access road from neighbor property on to his property and never came to talk to him about the change. He's asking the Town Board to investigate into Invenergy and have the changes discussed with lease holders.

Highway Superintendent Jim Haggerty- Jim wanted to say regarding the last meeting about the millings by the side of the road. Jim spoke with the gentleman whose name was brought up during the last meeting who does not want his name to be mentioned. This individual said millings are a great idea it holds the edge of the road, he said he should put oil on the millings. Jim stated he is, but he can't always do that because he does not

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have enough money in the budget. Every year that he has millings on the edges he goes 23 feet wide instead of 20 feet wide. The individual told Jim that's was a great idea. Jim also stated that Councilman John Hill is on his Highway Committee and if John was the Highway Superintendent and Jim was on his Committee, Jim would have called him on this first instead of bring this up during a Board meeting. Jim also said John is one of the residences plowing across the road. At the reorganization meeting Jim would prefer on his Highway Committee either Newly Elected Councilman Geoff Milks, Councilwomen Jolene Esposito, or Newly Elected Councilman Dustin Bliss.

X. REPORTS & COMMUNICATIONS:

- A) Assessors – Report Submitted
- B) Building Committee – Councilman Ron Ashworth asked Highway Superintendent Jim Haggerty about the two garage doors if they had been replaced. Jim said that they had been installed the week before. Also, Jim wanted to let the board know that the new Truck would be in by the end of the week. Ron Ashworth said to bill them for being late. Jim said he would talk to the gentleman about getting a tarp system in the spring.
- C) Building Inspector – Report submitted.
- D) Highway Superintendent – Report submitted
- E) Clerk/Collector - Report submitted
- F) Constable –
- G) DCO –Report Submitted
- H) Highway Committee –
- I) Insurance Committee-
- J) Justices –
- K) Parks & Recreation –
- L) Planning Board – No meeting this month
- M) Supervisor – Report Submitted
- N) Other Town Officials –Report Senior Citizens- Welcoming new members- also if anyone wants to bring food for the Rushford food pantry on the first Wednesday of March, July and September the Seniors would take it to them.

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,
& Supervisor Randy Lester

XI. APPROVAL OF VOUCHERS:

General #310 to # 339, Amt. \$20,408.67, Yrly Amt. \$278,925.06.

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

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

Highway #165 to #174, Amt. \$6,571.37, Yrly Amt. \$535,689.00.

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

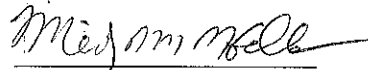
Roll call: Ayes-3 Jolene Esposito, Ron Ashworth,
& Supervisor Randy Lester

XII. ADJOURNMENT:

Ron Ashworth made the motion to adjourn the meeting at 7:58pm. Seconded by
Jolene Esposito.

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

Respectfully Submitted



Freedom Town Clerk

12/23/2019

First, I would like to, once again, reiterate the protections that I, and many other residents, have asked for in a responsible wind law. Many residents have repeatedly requested further setbacks, especially with regards to non-participating residents, noise limits, both day and night time noise to reflect the WHO (World Health Organization) guidelines, shadow flicker limits of not more than 20 minutes per day, and property value guarantees, just to list a few.

Second, I would like to highlight that this is OUR town too, and remind you, Mrs. Lester, that you had left for nearly 40 years and just returned about 3 years ago and it is your husband, in his capacity as Town Supervisor, who has repeatedly violated multiple laws and behaves in an unethical and misconducted manor.

I think that the people that might be interested in moving here to raise a family, would be more interested in the character of the town representatives, and the people who are simply requesting the protections that the town officials are neglecting are the very people that I want in my corner!!

Also, if you are going to eavesdrop on conversations while walking through the parking lot, you may want to be sure you are understanding the correct context of the conversation and not go around telling others what you THOUGHT you heard. It was very interesting that much of Invenergy Project Manager, Valessa Souter-Kline's testimony was thrown out by the Siting Board judges themselves as her credibility was questioned. She is also no longer the project manager for Alle-Catt and was moved to a project in a different state.

I find it disturbing that Freedom's Town attorney, Jim McAuley, and Freedom's town Supervisor, Randy Lester, took it upon themselves to file an appeal against the Wind Law without consulting the rest of the town board, which is in violation to NYS Town Law Section 65, which states that a town board must approve, authorize and direct the town attorney to institute, appear and/or defend any legal proceeding in the name of the Town by a majority vote.

I also find it disturbing that this same Town Attorney would also give bad legal advice about how to implement Local Law 1-2019 in the first place as that law violated way more laws than Local Law 1-2018, that was also nulled and void and then go ahead and waste tax payers' money on trying to claim it was properly done. This behavior is teetering from unethical to just plain criminal when our tax money is involved.

It is also disturbing that our Town Attorney would review and approve the Host Community Agreement and Road Use Agreement, recommend that the town board majority go ahead and vote yes on it, and then turn around about 6 weeks later and claim

he had concerns and "issues" with decommissioning and traffic. Why was it not addressed before voting "yes" on the contracts?

I'm also disturbed that Chairman of the Planning Board, DeVere Bliss, has a conflict of interest and continued to participate in the writing of the wind law without any protections for the Freedom residents. Especially when he is aware of the damaging effects of stray voltage and yet agreed to Invenergy's request for a 1.1 setbacks on a 600' tall turbine without even knowing what model they are using, and now Invenergy is considering the 4.8MW turbine. And, what kind of respectable town official would tell a candidate to ignore a resident asking a fair question before an election?

I find it disturbing that planning board member, Jim Shannon, is under a lawsuit for libel and continues to chastise residents that are just simply requesting protections for their health, welfare, safety and property rights. He is also the president for a group called Freedom & Farmersville Taxpayers United. The lawyer for this group, Edward Pekarek, has submitted written documentation stating that "the mission of Taxpayers United is to ensure the public receives accurate information, regardless of whether it favors or disfavors the proposed project" and repeatedly claims that the group is neutral and yet the president of the group sent out a nasty letter filled with outright lies and misinformation the day before the election about candidates in favor of more protections for our health, welfare, and safety. He also repeatedly scolds the town residents he is supposed to protect and calls them names and dismisses anyone who expresses their legitimate concerns of property value decline, ice throw, blade breaks, fires, or dangerously short setbacks. Have you seen Taxpayers United's T-shirts?

I also find it disturbing when our Town Supervisor openly demonstrates that he does not care for the Freedom residents that he took an oath of office to protect. It's unnerving when residents have repeatedly expressed concerns about their well water, especially since Invenergy openly failed to follow the Public Service Law for plotting wells on maps in relation to project components and Randy's response to that was that he doesn't have to worry because he has town water. Could there be a bigger demonstration of neglect for Freedom's well-being? And then he turns around and abuses his position to threaten the Town of Freedom residents with lawsuits if we speak the truth about what is going in our town.

If I was looking for a place to live and raise a family, would it be where the Town Justice, Gary Chamberlain, would rather resign than face being investigated by the NYS Commission on Judicial Conduct? I think not!!

Who would want to raise a family in Freedom under these hypocritical, neglectful, law violating conditions?

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Submitted by: Stephanie Milks

How much money in intervenor funds has the Town of Freedom been awarded?

How much money in intervenor funds has the Town of Freedom deposited into a town account?

What is the Town of Freedom's plan for use of the intervenor funds?

Jim McAuley stated in the intervenor fund applications dated February 27, 2018 and April 3, 2019....

Has this expenditure been approved by the town board?

What motions have been made in regards to the use of the intervenor funds that were awarded to the Town of Freedom?

What services has Town Attorney, Jim McAuley provided that warrants intervenor funds, if any, be paid to him?

Some of Mr. McAuley's charges include reading the Olean Times and Arcade Herald.

Who will approve payment of intervenor funds to Jim McAuley and how will you decide what will be eligible?

Town Law Article I General Provisions Section 4-3 Budget and Fiscal Year B. Expenditures "Every expenditure or commitment of town monies must be within the provisions expressed within the annual town budget. No monies may be spent or contracted to be spent, nor any liability incurred, involving the expenditure of money unless otherwise provided for in the annual budget." Page 49 of the Town Law Manual 2016

Town Law Article III Budgeting Process Section 4-22 Appropriations and transfers 3. "State and federal aid and gifts that are required to be expended for a particular object or purposemay be appropriated by the town board by resolution at any time for such objects or purposes. Page 61 of the Town Law Manual 2016

Councilman, John Hill is the only Town Board member that has made a motion for the expenditure of intervenor funds to date. He made a motion to have a Net Economic Impact Analysis be done to determine what financial losses the town and residents could sustain as a result of 600ft industrial wind turbines. He made this motion on August 20, 2018.