

Town of Freedom
Regular Board Meeting
Monday, January 27, 2020

Board Members Present: Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks
and Supervisor Randy Lester

Other Officials: Justice Mary Zink, Planning Board Member DeVere Bliss
and Constable Rob Harrington

Others:29

Meeting called to order at 7 pm by Supervisor Randy Lester.

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

II. A motion was made by John Hill to close the Regular Board Meeting to have an Executive Session to discuss the interaction of the Town Board and the Town Clerk. Seconded by Jolene Esposito.

Roll Call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks
and Supervisor Randy Lester

A motion was made by John Hill to close the Executive Session. Seconded by Jolene Esposito.

Roll Call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks
and Supervisor Randy Lester

A motion was made by John Hill to open Regular Board Meeting at 7:14pm. Seconded by Jolene Esposito.

Roll Call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks
and Supervisor Randy Lester

Councilman John Hill explained what was discussed during the meeting. He said we discussed civility, not only the Town Board but the people who attend the Town meetings. John stated what they would like to do is make sure that Supervisor Randy Lester being the leader of the meeting, he has the authority to allow people to speak and not allow people to speak. What the Town Board would like as a Town Board that when someone is talking that no one else is talking. Also, if you have phones that there turned off or silence mode, so they can't distract other people. Also, with two recorders going all the time, they would like it if there is no background noise. The Board would also ask if some one is sitting next to you and you need to talk either write it down or step outside to talk, so they can hold the meeting in an decent order and not have interruptions, to allow people to speak when they are address.

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III. REVIEW OF MINUTES:

A) Town Board Meeting – December 16, 2019

A motion was made by John Hill to accept the Meeting Minutes as submitted. Motion seconded by Dustin Bliss.

Roll Call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks,
and Supervisor Randy Lester

B) Special Year-End Board Meeting – December 30, 2019.

A motion was made by John Hill to accept the Meeting Minutes as submitted. Motion seconded by Dustin Bliss.

Roll Call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks,
and Supervisor Randy Lester

C) Town Board Meeting –Organizational Meeting – January 6, 2020

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

Roll Call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks,
and Supervisor Randy Lester

D) Public Hearing Minutes– On Local Law 1 of 2020 and Local Law 2 of 2020 on January 13, 2020.

A motion was made by Dustin Bliss to accept the Public Meeting Minutes as submitted. Seconded by Jolene Esposito.

Roll Call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks,
and Supervisor Randy Lester

IV. LOCAL LAW 1 of 2020- Wind Energy Facilities Local Law.

A motion was made by _____ to (adopted/rejecting) Local Law 1 of 2020. Seconded by _____.

Roll Call:

Jolene Esposito-Craft

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Dustin Bliss

John Hill

Geoff Milks

Randy Lester:

John Hill made a motion to table Local Law 1 of 2020 Wind Energy Facilities Local Law. Seconded by Jolene Esposito.

Roll Call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks,
and Supervisor Randy Lester

**V. Local Law 2 of 2020 Drinking Water and Conservation
Area Protection Law.**

A motion was made by Dustin Bliss to rejected Local Law 2 of 2020. Seconded by John Hill.

Roll Call:

Jolene Esposito-Craft: Aye

Dustin Bliss: Aye

John Hill: Aye

Geoff Milks: Aye

Randy Lester: Aye

VI. TOWN OF FREEDOM

RESOLUTION # 10-2020
2020

January 27,

A Resolution Transferring Funds

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

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Roll call:
Esposito-Craft: Aye
Bliss: Aye
Hill: Aye
Milks: Aye
Lester: Abstain

Clerk: Milysmme Date:01/27/2020

TOWN OF FREEDOM

RESOLUTION #13-2020

January 27, 2020

A Resolution of Approval

WHEREAS, Randy Lester, Town Supervisor has completed the annual checklist for review of the Justice Court Records,

AND WHEREAS, he seeks the Town Board's approval

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Freedom, does hereby approve the annual check list as submitted.

Motion by: Dustin Bliss, Seconded by John Hill

Roll call:
Esposito-Craft: Aye
Bliss: Aye
Hill: Aye
Milks: Aye
Lester: Abstain

Clerk: Milysmme Date:01/27/2020

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Resolution #14-2020 – See attached

Discussion on Resolution #14-2020: Councilman Dustin Bliss and Supervisor Randy Lester stated they are not available for the February 10, 2020 meeting. Dustin suggested to amend and strike February 10 from the resolution just have it on the 3rd if they need an additional meeting just reschedule for a different night. Councilman Geoff Milks suggested to leave it and cancel as needed. Councilman John Hill asked if it's a work session. Geoff said it's a Town Board Meeting. Randy also asked if this should be a work session. Town Clerk Mindy Holland ask if the February 24, 2020 meeting will be voided. The board stated no that still remains. Geoff stated these meeting are primarily to work on the Wind Law and any other business to go along with it. Dustin said not being told what we are doing at these meetings, he is not sure why they would schedule in advance. Geoff stated its on the resolution. Dustin stated he knows its on there, he said we really have no idea what we are actually working on. He not saying he objects to working on Local Law #1-2020. Geoff stated it's the environmental assessment form, he feels that the last Local Law regarding the wind facility they could of used more stuff like this, its meant for the board to work together, and if the public wants to be involved they can be involved.

A motion was made by Dustin Bliss to ament this resolution to strike Monday February 10, 2020 and only leave February 3, 2020. Seconded by John Hill.

Roll Call: No's -3 Jolene Esposito, Geoff Milks and Supervisor Randy Lester
Yes's -2 Dustin Bliss, John Hill

Resolution for both meeting dates remains the same.

- VII. Randy wanted to just put out there he had a few citizens approached him concerning the Town newspaper. He also did some research. The Olean times is not available in Freedom, not available in Arcade, it is available Yorkshire, Lime Lake, and Fillmore. You can subscribe to it, comes in the mail and it little over \$200.00 a year. Also, he has not confirmed this statement, but if your mailing address is Arcade, they will not deliver to you. It was stated from the audience that statement is true.

VIII. OLD BUSINESS:

A) Audit Declaration and Petty Cash and Annual Audit for:

1. TAX COLLECTOR - \$200.00-Bank Statements
2. TOWN CLERK - \$100.00 -Minute Book- Bank Statements

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3. **JUSTICE - \$150.00**
4. **JUSTICE - \$150.00**
5. **HIGHWAY SUPT. - \$200.00**
6. **BUILDING INSPECTOR – 2019 printout of all permits and petty cash.**
7. **SUPERVISOR - \$0 petty cash and Supervisor's Books**

A motion was made by Supervisor Randy Lester to accept the annual audit of the records as presented. Motion was seconded by Dustin Bliss.

Roll call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks
and Supervisor Randy Lester

B.) Agreement for the Expenditure of Highway Moneys: (Signed by Board Members)

A motion was made by John Hill Expenditure of Highway Moneys. Seconded by Dustin Bliss.

Roll Call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks
and Supervisor Randy Lester

C.) Resumes Submitted for Grievance Board: Only one submitted by Barbara Baker.

A motion was made by John Hill to except Barb Baker as the grievance board member. Seconded by Dustin Bliss.

Roll Call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks
and Supervisor Randy Lester

D) Snow removal laws- Local and State Laws handed to Town Board: Councilman John Hill stated his understanding is that the intent of November 19, 1998 Law was to coincide to A1219 of the Vehicle and Traffic Law that states that your not allowed to deposit anything on a public highway. A1219 says that if is on the road you have to remove it immediately. Including snow, stones, gravel, mud or dirt. What ever can oppose a hazard to drivers on the road. The interpretation based on secondhand information he was in violation of that law along with November 19, 1998 Law, that repeats the same thing other than the penalties are drastically increased and you can also spend 15 days in jail. John said he has along with others either have had part of the snow in the road or pushed off the road. If you go to the exact extreme there is no depositing in the road. He would perceive it as if you get rid of the snow as you take it across the road or when you are blowing it because the way the wind blows that you're not in violation. John stated he was accused of being in violation and he has never left any thing more then an inch and half in the roadway when he was getting rid of the snow. He has done

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this for 35 years and if he pushes it across the road that's what he has done. John would say that like everyone else in the Town of Freedom they have a way to get rid of snow. If it across the road he does not see a problem, if others on the Town Board think it's a problem then he like to hear their interpretation of this law. John thinks the 1998 law is almost redundant as to what the vehicle and traffic law of New York State says. Basically, it says if something gets on the road remove it. Where the 98 law says even if you remove it you can be found guilty. John was asking the Town Board Members is it a strict interpretation of the law if its deposited, he said it may be the case of depositing for a couple seconds and removing it. You would be in violation. Councilman Dustin Bliss stated he would like to read this. He said it comes down to being the convenience of the property owner to move the snow across the road or of it's a necessary. Dustin stated when he first moved back, he did the same thing, he plowed the driveway at the farm and pushed it across the road because its on a hill and easier to do that. He was told by his Uncle who was the Highway Superintendent at the time that was against the law. Dustin stated when he went to Arcade earlier in the day it looked like a Freedom resident on 98 had blew what looked like half his driveway into 98. John said he agrees if he leaves it there its wrong. Dustin stated it is illegal to blow grass clippings in the road. John said its common sense if your doing things safely. In early part of a winter season he just plows it and pushes it a cross and cleans up everything. When its heavier winter he usually has to blow 4-5 feet into the road because its never plowed in front of his house. Supervisor Randy Lester said the story he had heard is when Al Bishoff was Highway Superintend went around and identified if the citizens keep it on their own side of the road, if it would cause drifting and hazard across the road, this was put in for that to allow those people at least. Randy stated Highway Superintended Jim Haggerty would like to get rid of the 1998 Law and just use the State Law. Question from audience is the Town using the Law effect properly? This law was written in November 1998 it did change, mainly the penalties that changed. This was snow removal only as to oppose A1219, that includes anything that's maybe be put into the road. John said the Town should look at just excepting just the State Law and rejecting the Town Law. Randy suggested talking to Jim at the next board meeting. This will be tabled till next months meeting.

IX. NEW BUSINESS:

- A) Local Law needed per the Assessor; she needs to change Freedom Grievance Board date to the fourth Thursday of May. It must be put in as a law. The Town Board was submitted an example law she submitted: Should be written in similar verbiage.

A motion was made by John Hill to update the law changing Grievance date, also to have the Public Hearing on this law during the February 24, 2020 meeting. Seconded by Dustin Bliss.

Roll Call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks and Supervisor Randy Lester.

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X. Public Comments:

Dan Meyers- Dan ask at the January 6, 2020 Board Meeting the Board voted to terminate the Town Attorney James McAuley and hire new attorney Eric Firkel, is this still true. The Board stated we do have a new attorney. Dan stated on January 13, 2020 at the Town meeting Supervisor Randy Lester made it clear that the new attorney does not represent him, that he's a liar, and that James McAuley does represent him. Why should the taxpayers pay for two attorneys one for Randy and one for the board? Councilman John Hill said the Town has a new firm and Randy is being represented by McAuley for a lawsuit that has been on going. Dan said the appeal has been dismissed. Randy said it still on going. John said that appeal has not been dismissed. Dan said so the new attorney can't take care of that. Randy said it his choice as a descendant. Dan said so right now we are paying for two lawyers. John said you pay for the attorneys per diem, so it's one attorney or another attorney. One attorney is representing him because he is a Board Member, he is getting representation by the person he wants, and the Town as a whole is represented by the new attorney. Dan asked what happened after this case is over, he keeps him as his attorney. John said no. Dan stated so after this is over the Town uses the same attorney. Randy said yes. Dan asked why it was not changed on the website. Town Clerk Mindy Holland stated she has not had a minute to change it. Councilman Geoff Milks stated going back to the original statement that there is some disagreements as to whether or not Mr. Lester supposed to be represented separately, his understanding from the lawyer that Randy is a member of the Town Board and he is listed as a member of the Town and is not being sued independently from the Town and there for should be Town represented.

Denise Willard- see attached

John Brown- He said after attending the last meeting and hearing the wind law and reading a copy he has; he would like to thank the Board Members that where elected and are on the Board for writing such a comprehensive law. That anybody would understand what is in that law was asked for by citizens throughout this Town. He said going back to the 50's and 60's the population was about 800-850, few major farms, lots of older people. Checking the increase 60's, 70's, 80's and 90's on the census. The population base changed we have more people that moved out here that farmed. They moved out here for what the farms had such as pastures, the acreage, also to enjoy the weekends. He would like to thank the Board for the law. He heard at the last meeting where did this law come from. His question to the attorney who

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brought that out is, if you go to your office you consult with other office attorneys and you say this is our game plan. So, if your law been drawn up maybe 10 years ago. These people listen to what the people who live here asked for.

Bonnie Hill-see attached

Justice Mary Zink- She has been a resident for 44 years, a justice for 22 years, she said she is very happy to hear the Board went into executive session and discussed some of the issues going on at the Board Meeting. At the Reorganizational meeting by the time she got to the point where she was supposed to appoint her Court Clerk, the Court Clerk, herself and Judge Brunner all felt and did not even know their own name, much less appoint someone. The nonsense that goes on, and the audacity of people to speak to each other as if your dirt was just outstanding. All the stuff that was just bam, bam, bam. You are the Town Board in this Town and you should act as a Board, that is what she heard when they came out of the meeting tonight and she hopes that goes forward. The people who elected you, and like it or not Mary said people were not voted by small minority fashion in this town. People don't speak for everyone, and the reason people don't come to these meetings, because they feel exactly like she did. She said you feel intimidated, you feel like your dirt under their feet, you get booed, and hissed at. You have cameras in your face. It's unbelievable that goes on.

Stephanie Milks- see attached

Councilman John Hill commented on the Water Law, the reason the Water Law was rejected was because it basically was attacking every single business in this Town. He thinks it over zealously written and that is why the Town Board rejected that law. This does not mean we are not going to look at something. They just did not want to have a prejudice into one direction of it. The Town Law proposed for the Windmills does have certain requirements about drinking water in it. To have a Law that is val seclusive about all different businesses. He knows Gernatt's has done water testing for the last 27 years.

Ron Preivity- He question his fee for his license it was \$30.00, it dropped to \$5.00. He asked what is the law to have a junk yard in this Town. What law are they using? He thinks they should look at that law and see what he had to go through to get his license in this Town. What has to be done now a days? Is the junk yard law same today as it was when he got into it. Has it changed? He never heard his price went down but he would rather it be \$1,000.00. The other thing Ron discussed is this meeting was relatively calm to some of the Board Meetings that the Town has had. He has no objection on anyone saying anything they want to but if you want to criticize or talk about somebody on the knitting mill program. Why can't people go right to the source and talk to

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the person. This looking on Facebook, anyone can post stuff on Facebook. He does not know how people can criticize someone because you saw it on Facebook. As far as the junk law he like to sit down and go over it.

XI. REPORTS & COMMUNICATIONS:

- A) Assessors –Repost Submitted
- B) Building Committee –
- C) Building Inspector – Report Submitted.
- D) Highway Superintendent – Report Submitted
Councilman John Hill asked when did the new truck get delivered?
Supervisor Randy Lester stated about 3 weeks ago.
- E) Clerk/Collector – Report Submitted
- F) Constable –
- G) DCO – Report Submitted
- H) Highway Committee –
- I) Justices –
- J) Parks & Recreation –
- K) Planning Board – Report Submitted
- L) Supervisor –Report Submitted at Year End Meeting.
- M) Other Town Officials –

A motion to accept the reports & communications as submitted was made by Dustin Bliss. Seconded by John Hill.

Roll Call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks
and Supervisor Randy Lester

XII. APPROVAL OF VOUCHERS:

General #6 to # 42, Amt. \$34,063.35, Yrly Amt. \$89,702.44.

Motion made by Jolene Esposito to accept the General vouchers as submitted.
Seconded by Dustin Bliss.

Roll call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks
and Supervisor Randy Lester

Highway #3 to #15, Amt. \$130,407.32, Yrly Amt. \$148,600.73.

Motion made by Dustin Bliss to accept the Highway vouchers as submitted.
Seconded by Jolene Esposito.

Roll call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks

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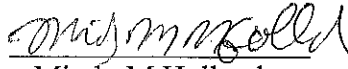
and Supervisor Randy Lester

XIII. ADJOURNMENT:

John Hill made the motion to adjourn the meeting at 8:25 p. m. Seconded by Dustin Bliss.

Roll call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks
and Supervisor Randy Lester

Respectfully Submitted



Mindy M Holland
Freedom Town Clerk

02/02/2020

Resolution of the Town of Freedom

Randy Lester, Supervisor

Members of the Town Council: Geoffrey Milks | John Hill | Jolene Esposito-Craft | Dustin Bliss

Clerk: Mindy Holland

DATE: 1/27/2020

RESOLUTION NUMBER: 14 YEAR: 2020

MOVED BY: Geoff Milks SECOND BY: John Hill

TITLE: **Resolution Scheduling Town Board Meeting Dates;**

WHEREAS, New York State Town Law authorizes the Town Board to establish the date, time and locations of meetings of the Town Board; and

WHEREAS, The Town Board requires that two town board meetings be scheduled in order to meet deadlines for the review and submission of documents related to Local Law 1 - 2020 entitled the Wind Energy Facilities Local Law, and to conduct any such other business of the Town that shall come before the Town Board; now therefore be it

RESOLVED, that the Town Board of the Town of Freedom shall hold a meeting for the purpose of conducting any town business that may come before the Town Board on the following dates and times, with both meetings being held at the Freedom Town Hall located at 1188 Eagle Street, Sandusky, NY 14133 in the Town of Freedom:

- Monday, February 3, 2020 - 7:00 p.m.**
- Monday, February 10, 2020 - 7:00 p.m.;** and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to post the notice of such meetings at the Town Hall and by providing notice to the Town's official newspaper as required by law.

The resolution as stated above is hereby adopted by a majority vote of the Town of Freedom Town Board at an official meeting held on the 27th day of January in the year 2020, the ayes and nays take and recorded below:

- No Randy Lester, Supervisor
- Yes Geoffrey Milks, Councilmember
- Yes John Hill, Councilmember
- Yes Jolene Esposito-Craft, Councilmember
- Yes Dustin Bliss, Councilmember

CERTIFIED: *Mindy Holland*
Mindy Holland, Clerk
Town of Freedom

Tonight I would like to recap of some of the unethical/corrupt behaviors that have taken place within the Town of Freedom and remind everyone that if a statement IS true, it is NOT a personal attack or libel. I'd like to, before I go too far, warn you that if you Google Randy Lester, you may come across inappropriate pictures which would make one question his fitness as a Town Supervisor, and you just can't unsee those. Anyway, let's go back to September of 2018 when Freedom's Town Supervisor, Randy Lester, showed up at the Cattaraugus County Legislature and spoke for 1 (one) person in the Town. Now, let's also go back to election time and talk about the Special Election and how, in just a matter of minutes, Pat Gaskill and Ron Ashworth nominated Ray Feness, a candidate that had already been voted out in the primary, even though there were at least 3 other candidates that had stated intent and then remind everyone that you didn't hear much about Ray after Dustin was nominated because they, in another one of their schemes, didn't want to split the votes, you know, sort of like the letter from Taxpayers United, with all the lies and misinformation that arrived in mailboxes the day before the election. You do, however, know your town is corrupt when the Democratic Chairs, Randy Lester, who has a brother with a wind lease with Invenergy and Barb George, who has a turbine lease with Invenergy, picked a Republican candidate with a wind lease with Invenergy and other conflicts of interest between his grandfather and father, when there was a highly qualified Democratic candidate who stated intent in writing to both Randy and Barb and was not even offered an interview. Nope, Freedom's Democratic Chairs picked a Registered Republican lease holder, not because he was the best and most honorable candidate, as a matter of fact, after Googling his name, I question his lack of concern for the public's health, welfare, and safety, but hey, he met their agenda. I may not be a rocket scientist, but it is pretty obvious that several people involved in Freedom's town happenings, aren't involved because they care about the town that they live in or the people within the town, they are involved because they are self-serving. Has Freedom always been this corrupt? The good ole boy/stand-up guy mentality has no place in Freedom anymore, cause we know it's not true!! How many people here have taken the time to read some of the over 1067 filed documents to see the severe deficiencies and lack of regard by Invenergy to follow the NYS Public Service Laws and that even the NYS Department of Public Service has called out Eric Miller and Invenergy's misleading and mischaracterizing statements? There are also over 420 public comments on the DPS site, most of them opposed to the project.

Denise Willard
Freedom Resident

Jim Hagerly -

1/27/2020

I stand corrected. The only driveway on Hughes Rd. you didn't put millings on was Lynn Casillo's. Why is that? Our driveway skirt was fine. In fact, you put our skirt on just 10 months previously.

I was going to talk to you at the Oct. meeting of which you weren't at. I waited until Nov.

I heard about your little whine fest at the Dec. meeting, of which I was unable to attend. 1st you said that I should have come to you privately about the millings. Really? Your dealing ^{with} the public at meeting are part of your job! 2nd, why would I come to you privately, when the last person complained about about your shoddy work, you said "if you don't like it, vote me out in 2 years."

As for the "guy" you said that I needed to talk to, I have no idea who or what you're talking about! You must be making things up as you go along.

I find it funny and pathetic that you boo hoo-ed to Al Bishoff. He told you that you did the millings wrong. You didn't use oil & then roll.

I have picture from 1/11/20 a 60° plus day of the millings in my yard from the plows. You said, "a pick axe wouldn't break them up and yet your plows did. Had you used oil and then rolled, that statement might be true. Only in Freedom can our tax money be ~~wasted~~ wasted on road ~~shoulder~~ shoulder millings than actually repairing the holes in the road before winter.

Now I will mention Mark Bliss, so you can go whine to him too. He wouldn't have done something that

Stupid either! Maybe Dustin can give you
some pointers on improving roads in Freedom.

I'll see you in the Spring with your
millings and HOPE to vote you
out in a year and a half!

Bonnie Hill

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Submitted by: Stephanie Milks

WATER CONCERNS

To begin, I would like to point out the importance of protecting our water sources in conjunction with the proposal of wind turbines in Freedom as Invenergy has already proven negligence of our water sources. *and upon any other projects entering Freedom such as Solar, gravel, or any other commercial, industrial project, etc.*

1. First, in the Draft Stipulations that were proposed in May of 2018 by Invenergy to the Siting Board and participating parties, failed to follow the requirements of NYS Public Service Law 164 Section 1001.23 for appropriately identifying all wells within a 1 mile radius of an excavation site. Invenergy stated they would only identify wells drilled after 2001 within 500 feet. Meanwhile, they had just done a project in Orangeville, NY in 2013. Did they forget how to follow the law in just a few short years? Who was assisting Invenergy with drafting this negligent document? Was it Charles Malcomb or Dan Spitzer of Hodgeson Russ?

2. Second, Invenergy also failed to identify that all of Freedom and much of the proposed project area along with Yorkshire, and multiple other surrounding towns in Cattaraugus, Wyoming, Erie and Allegany Counties sits on a Federally identified Sole Source Aquifer as designated by the Environmental Protection Agency. (Cattaraugus Creek Basin Aquifer Federal Register ID 52 FR 36100 in Region 2) Identifying aquifers and other water sources is also a requirement of the NYS Public Service Law.

Neglecting something as important as our wells and our sole source aquifer has been very alarming to the Freedom residents and other residents in the surrounding Alle-Catt host towns and needs to be addressed. The EPA (Environmental Protection Agency) states that the SSA program is authorized by Section 1424(e) of the Safe Drinking Water Act of 1974 (Public Law 93-523, 42 U.S.C. 300 et seq) which states:

If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register.

INVENERGY CAN NOT BE TRUSTED

Further exasperating the mistrust of Invenergy and the compromised town board members is the the continued misleading information put forth by Invenergy and accepted by many town board members without reviewing the vast amounts of information posted on the DPS site that puts information in front of the Siting Board. The Department of Public Service (DPS) stated in their brief filed on January 17, 2020 as item 324 on the DPS site that Invenergy has made "misleading," "mischaracterized," and "unsupported statements" in their testimony. DPS also made countless objections to the calculations and noise studies submitted by Invenergy and conducted their own calculations to reflect the accurate noise limits of the World Health Organization's (WHO) guidelines to provide appropriate noise

protections to the Alle-Catt project residents as Invenergy neglects our health, welfare and safety on multiple issues.

RANDY LESTER IS VIOLATING MULTIPLE LAWS

Town Supervisor, Randy Lester is no longer able to utilize Jim McAuley as a lawyer in any further proceeding related to Local Law 1-2019. The Verified Petition and Complaint brought by Freedom United on the Freedom Town Board specifically states on page 2, "This is a hybrid action and proceeding pursuant to Article 78 and Section 3001 of the Civil Practice Law and Rules brought by the Petitioners/Plaintiffs to annul and invalidate ab initio amendments to Local Law No. 3 of 2007, titles "Wind Energy Facilities," purportedly adopted on or about August 27, 2018 and then filed by the Town of Freedom Town Board (hereinafter, the "Town Board") with the New York State Secretary of state..."

The Decision and Judgment made by Hon. Terrence M. Parker also states, " The Petitioner (hereinafter "Freedom United") have brought this proceeding against the Respondents (hereinafter "Town Board") under Article 78...."

Randy Lester needs to abide by the laws in the Town Law Manual as issued by the Association of Towns and proper procedures for and refrain from taking actions without town board approval including any unauthorized payments.

Randy Lester was unable to produce the documentation from a Freedom of Information Law request asking him to show which law that would have allowed him to solely approve an appeal or payments to a town lawyer. He was unable to present it because he statement was false and it does not exist. Randy Lester needs to be removed from office or step down due to his repeated and escalating misconduct, maladministration and malfeasance.

THE HOST COMMUNITY AGREEMENT

In Section 5.1d of the HCA under Host Community Payments it states that:

If prior to the Commercial Operations Date, the Company and another town participating in the Project (the "Other Town") enter into a Host Community Agreement with the Host Community Payment Terms that differ from the terms in this Agreement, the the Town may substitute the Other Town's Host Payment Terms for the Host Payment Terms of this Agreement. If the Town decides to substitute the Host Payment Terms, it must substitute all of the Other town's Host Payment Terms. The Town shall promptly notify the Company of the substitution.

At no time has the Town of Freedom discussed, made a motion or a vote to substitute the terms from another Host Town's HCA to change the payments to the town. We are still currently due to receive only \$3,800 per MW as opposed to Farmersville's \$5,950 per MW. This is a good time to ask why no one from Invenergy or Hodgeson and Russ recommended that Randy Lester and the Freedom Town Board take the necessary steps to adopt another town's HCA to allow for us to get more money. Perhaps it is because Invenergy is counting on the Freedom Town Board remaining uninformed and neglecting to read or understand the Host Community Agreement terms so that Invenergy does not have to give out any more money.

In Section 5.1 and 5.1 e the Host Community Agreement can be summarized as stating that the terms of the HCA will last for only 20 years in which they are relying on a PILOT from Cattaraugus County to

offer more money to the Town of Freedom. At the end of that 20 years Invenergy will then, "in good faith" negotiate to amend this agreement considering any PILOT extensions, real property taxes and Project valuations at the time of extension.

First problem, the leases are for a duration of 49 years. We should not be negotiating a contract based on 20 years that will be amended "in good faith." We should be negotiating for a fixed sum with increases for a 40 year duration.

Second problem, if a PILOT were to be granted and expired in 20 years, Invenergy claims that they will then pay taxes based on the Project valuation. Eric Miller states in his testimony that he expects the turbine value to decrease by 50% in the first year alone and then approximately 10% every year thereafter. If the Project valuation is down to zero within the next 20 years, then the Town will be getting zero dollars for the remainder of the 40 years the turbines will be here. No one who is looking out for the Town residents would sign such a one-sided, negligent contract. Based on the misleading information provided to the town of Freedom by this unfit company (Invenergy) the Host Community Agreement should be torn apart and re-written with a professional and honest lawyer.

ROAD USE AGREEMENT

On page 1 under Bonding it states, "The Company shall file with the Town a bond or equivalent security of \$100,000 per mile of paved Haul Road and \$75,000 per mile for unpaved Haul Road. But not more than \$700,000 in total, for the faithful performance of the obligations of the Company as described herein (the "Road Security"). Meanwhile, in Exhibit A, the table shows that there are 19.9 miles of Haul Roads in the Town of Freedom. According to the statement under bonding, Invenergy should be providing the Town of Freedom with \$1.9 million. Farmersville has less haul roads and were granted \$1.3 million in bonding. Randy Lester, Ashworth and Dixon signed for \$700,000.

Again, if Charles Malcomb, Invenergy and Hodgeson Russ were looking out for the Freedom residents, he would have assisted Randy Lester in better terms being that both Charles Malcomb and Dan Spitzer have been at liberty to speak on behalf of the Town of Freedom's business.

WIND LAW WRITING

The public would like to know who wrote the negligent wind laws for the Town of Freedom and surrounding Alle-Catt towns. It has been confirmed through discovered emails in a neighboring host town that Invenergy's lawyers with Hodgeson Russ assisted with the writing of the negligent wind laws within the Alle-Catt project.