

TOWN OF FREEDOM  
REORGANIZATION MEETING  
MONDAY, JANUARY 06, 2020

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

Other Officials: Justice Mary Zink, Justice Kara Brunner, Planning Board Members DeVere  
Bliss, Brian Arnold, Court Clerk Gill Koerner, Constable Robert Harrington, Town Attorney  
Eric M. Firkel, Esq.

Others: 26

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Meeting called to order at 7 p.m. by Supervisor Randy Lester

- I. **PLEDGE TO THE FLAG:** Led by Supervisor Randy Lester
- II. A motion was made by Geoff Milks to read over the resolution and asked for a 5 minute recess. Jolene Esposito seconded it.

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

**III. RESOLUTIONS #1-2020 SEE ATTACHED**

- Charles Malcomb addressed the Town Board by stating that there is a pending litigation, also that a James McAuley represents the Town in that litigation. He stated its inappropriate for Councilmen Geoff Milks to vote on a matter because his wife has litigation on this matter. Also, he stated the Supervisor Randy Lester is named as a party in that lawsuit and the Town has identified Randy and has appointed James McAuley to represent Randy. It's Randy choice for James McAuley to continue represent Randy in the Litigation.

**RESOLUTION #2-2020 SEE ATTACHED**

-Charles Malcomb asked where these documents came from and if any members of the Town Board discussed these outside of open meeting? Councilmen Geoff Milks asked if the represented from Invenergy to stop asking questions. Supervisor Randy Lester stated this was his first time seeing them.

**RESOLUTION #3-2020 SEE ATTACHED**

-Charles Malcomb asked if anyone did due diligence on the law firm the Town Board just hired? Councilmen Geoff Milks assured him the due diligence have been done.

TOWN OF FREEDOM  
REORGANIZATION MEETING  
MONDAY, JANUARY 16, 2020

**RESOLUTION #4-2020 SEE ATTACHED**

-Councilmen John Hill stated Councilmen Dustin Bliss voted Nay and he does have a conflict with Invenergy. Supervisor Randy Lester stated Councilmen Geoff Milks voted and he has a conflict in this, his wife is the president of Freedom United. Geoff Milks took a moment to introduce Eric Firkel the Town Lawyer. Eric stated that it's not a conflict.

**RESOLUTION #5-2020 SEE ATTACHED**

-Supervisor Randy Lester asked how many families this involves. Geoff Milks said there is a percentage. Randy asked if these families pay taxes. Town Clerk Mindy Holland stated yes. Randy asked how can they become a church. If they were a church wouldn't they be tax exempted. Councilmen John Hill made an amendment that they don't know if its over 10%. Councilmen Dustin Bliss to his knowledge there is only one Amish resident. John asked to strike the 10% of the population on the Resolution.

**RESOLUTION #6-2020 SEE ATTACHED**

-NOTE When Councilmen John Hill made the motion to seconded it he based it on the part of the resolution part " Resolved that acting Supreme Court Justice Terrance M. Parker rendered a decision dated October 21, 2019 declaring that Local Law 1 of 2018 and Local Law No. 1 of 2019 are invalidated and that the Town of Freedom Local Law No. 3 of 2007 remains in effect " and we are making a motion as a Town Board that we expect Terrance Parker decision.

-Councilmen John Hill stated Councilmen Dustin Bliss voted on a law concerning Local Law 2018-2019 rescinding, and he does have a contract with Invenergy.

-Charles Malcomb stated this is an insignificant matter, his point being that this is currently under litigation that Councilmen Geoff Milks has a conflict because his wife is a litigator in this very same litigation. This action is mis conduct and subjective to removal from the board. He stated it is a serious consideration with respective there a proceeding in public office law section 30 for misconduct the board member can be removed, he stated it's a clear conflict with Geoff Milks voting on something that directly applicated by Geoff Milks interest and Geoff wife lawsuit against the Town.

-Stephanie Milks stated what is inappropriate is that Charles Malcomb sat at the Board meeting January 14, 2019 and witnessed the passing of Local Law 1-2019 completely and illegally there was no Public Hearing it was not sent to the county, also it was in violation of General Municipal Law 239M. Also, they were not given parts 1, 2, 3, of the Environmental assessment form, not all the board members where notified. Also, Charles Malcomb is intervening in this appeal, that's a conflict of interest.

Question- Why is Invenergy telling the Board what Councilmen Geoff Milks is doing wrong and not Dustin Bliss?

TOWN OF FREEDOM  
REORGANIZATION MEETING  
MONDAY, JANUARY 6, 2020

Town Attorney Eric Firkel stated Mr. Malcomb analysis of Councilmen Geoff Milks voting on this being a misconduct is faults. It will not hold up. As for Councilmen Dustin Bliss he stated he did not know if he had a wind contract personally. He can not advise one way or another. Dustin Bliss said he will ask council if he's not aloud to vote he won't. Dustin said from his stand point the issue in the election where very well litigated and he was elected. He stated if that's wrong then he will not vote. Eric stated to continue the meeting without throwing stones at Mr. Bliss and Mr. Milks.

**RESOLUTION #7-2020 SEE ATTACHED**

John Hill made a motion to have a Public Hearing on the proposed Wind Energy Law 1 of 2020 on January 13, 2020 at 7pm at the Town Hall (Highway bey) Jolene Esposito seconded it.

Roll Call: Ayes-4 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks  
Nay-1 Supervisor Randy Lester

**RESOLUTION #8-2020 SEE ATTACHED**

**RESOLUTIONS #9-2020 SEE ATTACHED**

Geoff Milks made a motion to have Local Law 2 of 2020 at the Public Hearing on January 13, 2020 at 7pm. John Hill seconded it.

Roll Call: Ayes-4 Jolene Esposito, Dustin Bliss, John Hill, and Geoff Milks  
Nay-1 Supervisor Randy Lester

Discussion on resolution #9-2020- Supervisor Randy Lester asked how long it has been \$2,500 and Councilmen John Hill and Councilwomen Jolene Esposito said at least 6 years. Randy said that there is about 15-16 Seniors that meet twice a month, but only once in December. One meeting they meet at the Town Hall and have potluck and once at a restaurant. Jolene how much did they go over the year before? Randy said \$400. Then they take it from there own fund. Randy said its about \$150.00 per Senior compare that to the summer rec program with an average attendance of 25 and that cost \$10,000.00, it's about \$400.00 for a 4 week program. John asked is it mostly Freedom residence that attended, Randy said the rule is that you have to be a Senior resident or someone who lived in the Town of Freedom then has moved elsewhere.

**TOWN OF FREEDOM**

**RESOLUTION # 9-2020**

January 6, 2020

The Town Board of the Town of Freedom hereby establishes a petty cash account for the Senior Citizens Recreation committee in the amount of \$2,500.00 funded from budget account # A7620.4 to be used for recreational purposes e.g. trips, buses, supplies, etc.

TOWN OF FREEDOM  
REORGANIZATION MEETING  
MONDAY, JANUARY 6, 2020

Funds used are to be accounted for by receipts submitted by the end of the year 2020 with any remaining balance reimbursed to the Town by December 31, 2020.

John Hill made the motion to amend this to make it \$3,000.00 per year starting 2020. Seconded by Jolene Esposito

Roll call:

Esposito: Aye

Bliss: Nay

Hill: Aye

Milks: Aye

Lester: Aye

Clerk: Mary M. Keller Date: 1/6/2020

**IV. Audit Declaration and Petty Cash and Annual Audit for:**

-Will be available January 27<sup>th</sup> 2020 meeting

**V. ASSIGNMENTS:**

- a) Set Monthly Board Meeting Time/Date/Place: 7PM on the Third Monday of the month at the Freedom Town Hall (unless otherwise stated)
- b) Official Depository: Five Star Bank
- c) Official Payroll Service: GFC Business
- d) Spending Limit for Highway Superintendent (\$1,000):
- e) Hourly Wages: *SEE PAGE 5*
- f) Official Newspaper: Olean Herald (back up Arcade Herald)
- g) Mileage Rate: \$.50
- h) Town Doctor: Dr. Deahn
- i) Authorization for Supervisor to Pay Utilities Prior to Meetings (when necessary): Yes
- j) Authorization for Supervisor to Invest Town Monies According to Investment Policy: Yes
- k) Agreement for the Expenditure of Highway Moneys: (Signed by Board Members) Yes
- L) Appointment of the Association of Towns Delegate-Certificate Of Designation (no one)

TOWN OF FREEDOM  
REORGANIZATION MEETING  
MONDAY, JANUARY 6, 2020

John Hill made an amended motion to except this, under line item F to make Olean Times Herald the official newspaper and the Arcade Herald as back up. Seconded by Jolene Esposito.

Roll Call: Ayes-3 Jolene Esposito, John Hill and Geoff Milks  
Nay-2 Dustin Bliss and Supervisor Randy Lester

**V. APPOINTMENTS**

**A) Appointments:** (All appointments are for 1 year—ending December 31, 2020 unless otherwise noted.)

-Supervisor Randy Lester opened it up for discussion about Deputy Supervisor, he stated Ron Ashworth was his Deputy. The Deputy is for if Randy is unable to attend the meeting or sign payroll if he's not available. After the Boards discussion Randy suggested Councilmen John Hill to take the Deputy position.

1. **Deputy Supervisor (Ø):** John Hill
2. **Deputy Clerks/Collectors (\$13.25/Hr)(3)-** Sherry Bernard, Patty Kline, and Lisa Reynolds.

-Lisa Reynolds is the head Deputy Clerk and Sherry and Patty are Sub Deputy Clerks.

3. **Deputy to Highway Superintendent** (additional \$.50/Hr): Mark Morgan

-Justice Mary Zink and Justice Kara Brunner respectfully ask the Town Board to appoint Gillian Koerner as Freedom Court Clerk. Gill has been the Court Clerk for the Town of Arcade for several years; she is the president of the Court Clerk Association. She is informed with the new Bail reform that started January 1, 2020. Mary said she is respectfully requesting Gill Koerner as the Court Clerk. Supervisor Randy Lester said he had spoken to Gillian and also has seen a presentation she did at a Village of Arcade meeting and she did an excellent job. He would support the Court.

Councilmen John Hill asked if she was a Freedom resident. Mary said her qualifications go far and beyond for this job. John asked Gill if she will retain her position as Court Clerk for Arcade. Gill said yes and there is not conflict.

A motion was made by Supervisor Randy Lester to agree with the Judges and make Gillian Koerner Town Court Clerk. Jolene Esposito seconded it.

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

4. **Clerk to the Court** (\$9,500 annual salary): Gillian Koerner
5. **Constables** (\$60.00 per duty on court night and \$20.00 per hour to service papers): Robert Harrington

TOWN OF FREEDOM  
REORGANIZATION MEETING  
MONDAY, JANUARY 6, 2020

6. **Dog Control Officer** (\$4,000 annual salary): Don Howe
7. **Bookkeeper/Accountant** (\$14,500 annual salary): **Jessica Dart**
8. **Town Historian** (\$1000 annual salary): Lorna Spencer
9. **Deputy Town Historian** (\$500): Sherry Bernard
10. **Town Attorney:**

Geoff Milks made the motion to strike item 10. Seconded it by John Hill.

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

11. **Town Prosecutor** (\$250.00 per month): Robert Kutzuba
12. **Building Custodian** (\$13.25/hr): Jack Lawrence
13. **Planning Board Member: 1 to fill expiring 5 year term** (\$400 per member): Brian Arnold
14. **Building Code Enforcement Official:** (\$13,750 annual salary)  
Appointed thru 2022: Patrick Cummings

A motion was made by Supervisor Randy Lester to accept items 1-9 and 11-14 for the above appointments. Seconded by John Hill.

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

**VI. COMMITTEE ASSIGNMENTS:**

- A) **Building Committee (2):**
  1. Dustin Bliss
  2. Supervisor Randy Lester
- B) **Highway Committee (2)**
  1. Dustin Bliss
  2. Supervisor Randy Lester
- C) **Insurance Committee (2):**
  1. Mindy Holland
  2. Supervisor Randy Lester
- D) **Parks & Recreation & Town Green Committee (3):**
  1. Jolene Esposito
  2. Geoff Milks
  3. John Hill

-Supervisor Randy Lester added the Town Green to Parks and Recreation Committee. He said its been taken a while to get it surveyed because this property has never been surveyed in the past and when they went to survey, they could not determine the lines. Randy was able to get a copy of the survey that Dale McKerrow is selling down at the Corner of Eagle ST. So, going further Randy hopes to get the survey done soon. Randy also stated that Ron Ashworth, Sherry Bernard would like to be involved in the Town Green. The Senior Citizens are also involved in it.

TOWN OF FREEDOM  
REORGANIZATION MEETING  
MONDAY, JANUARY 6, 2020

-Randy would also like an annual inspection be done at the Town Parks and have it documented. He would like the Parks and Recreation Committee to come up with a program on that. Councilmen John Hill asked Planning Board Member Brian Arnold what is required by the state for park inspections. Brian said a certified inspector and to be done yearly. John said that we should plan on an inspection this year.

**E) Liaison to the Planning Board (1): Randy Lester-**He would for now but like to give this to someone else during the coming year.

A motion was made by John Hill to accept the above assignments as suggested by Supervisor Lester. Second by Jolene Esposito.

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

**VI.** Supervisor Randy Lester talked about at the last Board Meeting Bruce Acquard had asked about his property and Invenergy having a disagreement and asked for the Town Board to look into this. Randy asked Bruce if there is a contract in place. Bruce said yes. Randy stated he does not believe the Board has any jurisdiction on a private individual having a contract with any one else that they can get involved with this. Town Attorney Eric Firkel stated that was correct, a contract between a private and a company is a bilateral contract between them. It's not really for the Town Board to weigh in on that.

Randy also said there is a lot of finger pointing at him for being the cause of the legal expenses. He held up a copy of a summons and complaint, that the Town is paying the legal expenses on. That what caused the Town to hire a attorney, and it was done by Freedom United Stephanie Milks.

Randy read the Town of Freedom meeting rules. Rules are available in the Town Clerks office.

**VII. Public Comment:**

Stephanie Milks asked the Board if they are aware that Mr. McAuley filed a opposition, a motion that was made to delay the appeal. The motion was made so the Town Board could consider what to do. McAuley stated the Town Board is opposed to the delay. She stated Mr. McAuley was speaking for the Town Board before they where in place. Who gave him permission to do that? Supervisor Randy Lester said he did. Stephanie asked what was the reason given for that instruction. Randy said he does not have to give a reason; he's defending him in the lawsuit. Stephanie said its not just you in the lawsuit, it's against the whole Town. Randy said there is two defendants there is the Town of Freedom and himself Randy Lester. Town Attorney Eric Firkel stated he wanted to review this further but till now McAuley was

TOWN OF FREEDOM  
REORGANIZATION MEETING  
MONDAY, JANUARY 6, 2020

representing Randy and the Town. Randy said that's correct. Eric stated moving forward McAuley has been terminated and he should not continue to do that.

Denise Willard regarding Bruce Acquard stated about the road on his property, he wanted to highlight that Mr. Eric Miller from Invenergy had put an article in the Arcade Herald stating that all lease holders and the land owners were notified immediately of any changes that happened on their property. She stated Bruce was not notified and they put a road on his property. That was brought to his attention by the concern citizens, not by Invenergy.

Councilmen Geoff Milks asked for the Town's side of this what is the Town's obligation if Invenergy or any company violated a Town law, if a Town law applies. Town Attorney Eric Firkel depends on Town law, and it depends on how it was violated.

Councilmen Dustin Bliss asked if the Town Attorney could introduce himself. Town Attorney Eric Firkel stated he's out of the City of Olean. He has represented Towns for 7 to 8 years. They handle Real Estate issues, right away work, also represents oil and gas companies. The firm he works with has experience with commercial litigation. Dustin asked what other towns do you represent? Eric stated the Town of Carrolton, Farmersville, and Freedom just appointed this evening. Dustin asked how long have you worked with other Towns? Eric said the Town of Carrolton since 2013 or 2013.

**IX. APPROVAL OF VOUCHERS:**

General #1 to #5, Amt. \$55,639.09, Yrly Amt. \$55,639.09.

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

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

Highway #1 to #2, Amt. \$18,193.41, Yrly Amt. \$18,193.41.

Motion made by Jolene Esposito to accept the Highway vouchers as written. Seconded by John Hill.

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



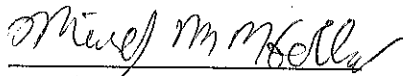
TOWN OF FREEDOM  
REORGANIZATION MEETING  
MONDAY, JANUARY 6, 2020

**X. ADJOURNMENT:**

John Hill made the motion to adjourn the meeting at 8:29 p.m. Seconded by Geoff Milks.

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

Respectfully Submitted



Mindy M. Holland  
Freedom Town Clerk 01/13/2020

TOWN OF FREEDOM  
 REORGANIZATION MEETING  
 MONDAY, JANUARY 6, 2020

Town of Freedom  
 2020

PAY SCALES FOR APPOINTED POSITIONS

GENERAL GOVERNMENT

	2015	2016	2017	2018	2019	2020
CLERK ASSISTANTS	11.00	11.50	11.75	12.25	12.75	13.25
CUSTODIAN	11.00	11.50	11.75	12.25	12.75	13.25

ALL APPOINTED POSITIONS PAID FROM BUDGETED PERSONAL SERVICES ACCOUNTS WILL BE PAID ON ANNUAL SALARY PER BUDGETED AMOUNTS.

PAY SCALES

HIGHWAY DEPARTMENT

	2015	2016	2017	2018	2019	2020
TERRY SMITH -	18.45	19.17	19.93	20.42	21.02	21.64
SCOTT BROWN -	18.02	18.74	19.50	19.99	20.59	21.21
MARK MORGAN - +.50=21.70	18.01	18.73	19.49	19.98	20.58	21.20
R. PHETTEPLACE	17.82	18.54	19.30	19.79	20.39	21.01

2020 - \$0.62 INCREASE ACROSS THE BOARD (3%)

- MARK MORGAN - DEPUTY HIGHWAY SUPERINTENDENT – ADDITIONAL \$0.50/HOUR
- SECOND SHIFT (WINTER) DIFFERENTIAL **ADDITIONAL \$100.00/WEEK**

**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: 01/06/2020

RESOLUTIONNUMBER: 1 YEAR: 2020

MOVED BY: Milks

SECOND BY: Hill

TITLE: **Resolution Terminating Contract with James I. McAuley, Esq. as Attorney for the Town;**

**WHEREAS**, the Town Board desires to terminate its contract for general municipal legal services currently provided by James I. McAuley, Esq.; now therefore be it

**RESOLVED**, that James I. McAuley, Esq. is terminated effective immediately as Attorney for the Town; and be it further

**RESOLVED**, that the Town Board directs that Mr. McAuley provide all records, documents, files and the like that belong to the Town to the Clerk.

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 6<sup>th</sup> day of January in the year 2020, the ayes and nays take and recorded below:

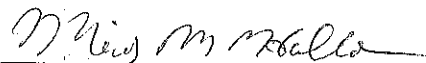
Nay \_\_\_\_\_ Randy Lester, Supervisor

Aye \_\_\_\_\_ Geoffrey Milks, Councilmember

Aye \_\_\_\_\_ John Hill, Councilmember

Aye \_\_\_\_\_ Jolene Esposito-Craft, Councilmember

Nay \_\_\_\_\_ Dustin Bliss, Councilmember

CERTIFIED:   
Mindy Holland, Clerk  
Town of Freedom

**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: 01/06/2020

RESOLUTION NUMBER: 2 YEAR: 2020

MOVED BY: Milks

SECOND BY: Hill

TITLE: **Resolution Authorizing Town Board to Execute Contract with Shane & Firkel, P.C. for General Municipal Legal Services for 2020;**

**WHEREAS**, the Town Board desires to contract for general municipal legal services for the period of January 6, 2020 through December 31, 2020; and

**WHEREAS**, Eric M. Firkel, Esq., Partner of the firm of Shane & Firkel, P.C., will provide general legal counsel and special legal counsel in conjunction with the Town's Article 10 environmental counsel to the Town of Freedom, its officers and agents; and now therefore be it

**RESOLVED**, that the Town Board be authorized and directed to execute an agreement with Shane & Firkel, P.C. to act as Attorney for the Town commencing January 6, 2020 and terminating December 31, 2020, and such agreement shall include, at a minimum, the following stipulations:

- Hourly rate billed by Shane & Firkel, P.C. will be \$175.00;
- Town will pay a retainer of \$3,000.00 to Shane & Firkel, P.C. within 30 days; Shane & Firkel, P.C. will provide an itemized invoice to the Town quarterly for all time charged against the retainer and will thereafter invoice Town for amount due;
- Contract may be terminated by either party without notice; and be it further

**RESOLVED**, that Shane & Firkel, P.C., Eric M. Firkel, Esq., is hereby directed and authorized to commence litigation, defend litigation, settle any actual, proposed or threatened litigation, conduct and participate in settlement conferences, appear on behalf of Town in any and all matters of the Town, and generally exercise broad legal discretion in protecting and defending the interest of the Town of Freedom in all legal actions.

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 6<sup>th</sup> day of January in the year 2020, the ayes and nays take and recorded below:

NAY Randy Lester, Supervisor

AYE Geoffrey Milks, Councilmember

AYE John Hill, Councilmember

AYE Jolene Esposito-Craft, Councilmember

NAY Dustin Bliss, Councilmember

CERTIFIED: Mindy Holland  
Mindy Holland, Clerk



**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: 01/06/2020

RESOLUTION NUMBER: 3 YEAR: 2020

MOVED BY: Milks

SECOND BY: Hill

TITLE: **Resolution Authorizing Town Board to Execute Contract with The Zoghlin Group, PLLC for Special Legal Services and Article 10 Environmental Counsel;**

**WHEREAS**, the Town Board desires to contract for special legal counsel, particularly Article 10 Facilities Siting Counsel, for the period of January 6, 2020 through December 31, 2020; and

**WHEREAS**, The Zoghlin Group, PLLC will provide special Article 10 Facilities Siting legal counsel to the Town of Freedom, its officers and agents; and now therefore be it

**RESOLVED**, that the Town Board be authorized and directed to execute an agreement with The Zoghlin Group, PLLC for special Article 10 Facilities Siting legal counsel commencing January 6, 2020 and terminating December 31, 2020, and such agreement shall include, at a minimum, the following stipulations:

- Hourly rate billed by The Zoghlin Group, PLLC is Mindy Zoghlin - \$350; Benjamin Wisniewski - \$325; Bridget O'Toole - \$325; Senior Associate Attorney - \$275; Associate Attorney - \$225; Staff Attorney - \$195; Law Clerk/Legal Assistant - \$115;
- The Zoghlin Group, PLLC will invoice Town monthly for payment;
- Contract may be terminated by either party without notice;
- Contract may include such other demands and stipulations as may be agreed upon by the Town Board and The Zoghlin Group, PLLC.

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 6<sup>th</sup> day of January in the year 2020, the ayes and nays take and recorded below:

NAY Randy Lester, Supervisor

AYE Geoffrey Milks, Councilmember

AYE John Hill, Councilmember

AYE Jolene Esposito-Craft, Councilmember

NAY Dustin Bliss, Councilmember

CERTIFIED: Mindy Holland  
Mindy Holland, Clerk  
Town of Freedom

**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: 01/06/2020

RESOLUTION NUMBER: 4 YEAR: 2020

MOVED BY: *milks*

SECOND BY: *Hill*

TITLE: **Resolution Opposing Waiver of Local Law regarding Wind Energy Facility;**

**WHEREAS**, Invenergy/Alle Catt Wind Energy LLC (“ACWE”) has advanced a proposed 340 MW industrial wind energy facility in the Town of Freedom (“Alle Catt”) since on or about approximately the year 2015, and

**WHEREAS**, ACWE has filed an application under New York State’s Article 10 Law with the New York State Board on Electric Generation Siting and the Environment, to issue a Certificate of Environmental Compatibility and Public Need permitting said facility; and

**WHEREAS**, under New York State’s Article 10 Law, the New York State Board on Electric Generation Siting and the Environment must consider any local law or ordinance, respecting wind facilities or impacting wind facilities but may disregard such local law or ordinance if the Siting Board finds it to be unreasonably burdensome; and

**WHEREAS**, the decision of the New York State Supreme Court, Judge Parker presiding, declaring the 2007 Wind Law of Freedom as the applicable and current law of the Town of Freedom respecting wind facilities was issued in October of 2019, prior to the November 2019 general election (“General Election”) for Freedom Town Board seats; and

**WHEREAS**, Mr. John Hill and Mr. Geoffrey Milks, current Councilmen in the Town of Freedom, having taken office only five days ago, on January 1, 2020, were elected to their respective four (4) year terms on the Freedom Town Board in the General Election by significant margins, and

**WHEREAS**, Mr. Hill and Mr. Milks ran their collective political campaign on a platform opposing ACWE’s Alle Catt project, opposing industrial wind turbines in the Town of Freedom greater than approximately 450 feet in height, the height currently called for in the applicable 2007 Wind Law of Freedom and in support of the Town’s 2007 Wind Law; and

**WHEREAS**, Mr. Milks and Mr. Hill now join a current Town Board member, Ms. Jolene Esposito Craft in forming a “majority” of three of Town Board members numbering five on the Freedom Town Board who oppose the Alle Catt industrial wind project, who oppose industrial wind turbine heights greater than approximately 450 feet, and who support all aspects of the Town’s 2007 Wind Law, and

**WHEREAS**, Freedom’s 2007 Wind Law aims to regulate the placement of commercial and industrial wind energy conversion systems to protect the public safety, health and welfare; to provide a regulatory structure that promotes the protection of the Town of Freedom

residents; to minimize the adverse impacts on the Town's character and environment and economy and property values, to minimize negative impacts on the Town's unique resources and community character; and

**WHEREAS**, the Siting Board recently approved a wind project in Case 16-F-0328 Application of Number Three Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of a Wind Project Located in Lewis County; and

**WHEREAS**, in the decision approving Case 16-F-0328, the Siting Board stated, "Other ways a Town can make its intent known with respect to this issue is through the filing of testimony in the proceeding or a town resolution making clear that it does not object to the waiver of specific local laws"; and

**WHEREAS**, the Town of Freedom desires to express to the New York State Board on Electric Generation Siting and the Environment that the Town of Freedom explicitly and vehemently objects to the waiver of any Town of Freedom local law; now therefore be it

**RESOLVED**, that the Freedom Town Board hereby categorically opposes the waiver of any Town of Freedom local law in regard to the application of ACWE for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 340 MW Wind Energy Facility; and be it further

**RESOLVED**, the Town of Freedom Town Board is hereby directed to file a copy of this resolution with the New York State Public Service Commission under Case No. 17-F-0282, – Application of Alle-Catt Wind Energy LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for a Proposed Wind Energy Project, Located in Allegany, Cattaraugus and Wyoming Counties, New York, in the Towns of Arcade, Centerville, Farmersville, Freedom, and Rushford.

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 6<sup>th</sup> day of January in the year 2020, the ayes and nays take and recorded below:

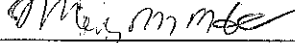
NAY Randy Lester, Supervisor

AYE Geoffrey Milks, Councilmember

AYE John Hill, Councilmember

AYE Jolene Esposito-Craft, Councilmember

NAY Dustin Bliss, Councilmember

CERTIFIED:   
Mindy Holland, Clerk  
Town of Freedom



**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: 01/06/2020

RESOLUTION NUMBER: 5 YEAR: 2020

MOVED BY: Milks

SECOND BY: Hill

TITLE: **Resolution Recognizing Amish Properties as Containing Churches**

**WHEREAS**, the Town of Freedom is home to the Old Order Swartzentruber Amish ("Swartzentruber Amish") and the Town Board declares that the Swartzentruber Amish are a valued cultural resource to the community and currently comprise more than ten percent (10%) of the population of Freedom, which population is rapidly growing and it is the sense of the Town Board that it desires to make certain that this vulnerable population is protected and that this vulnerable population is permitted to observe their religion and engage in their religious practices without interference and in peace, and

**WHEREAS**, the Town of Freedom has been apprised that in the Case 17-F-0282 – Application of Alle-Catt Wind Energy LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for a Proposed Wind Energy Project, Located in Allegany, Cattaraugus and Wyoming Counties, New York, in the Towns of Arcade, Centerville, Farmersville, Freedom, and Rushford, before the New York State Department of Public Service, expert testimony was provided by Professor Steven Nolt regarding the Swartzentruber Amish and such testimony established that the Swartzentruber Amish worship on a rotating basis in their family homes ("Amish Homes") and other buildings on their properties such as barns that are of sufficient size and quality that the church district can conduct religious services and proceedings therein ("Amish Buildings") and that Amish Homes and Amish Buildings are churches; now therefore be it

**RESOLVED**, the Town Board hereby declares that Amish Homes and Amish Buildings are churches for all purposes, including but not limited to all laws dealing with churches in the Town of Freedom.

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 6<sup>th</sup> day of January in the year 2020, the ayes and nays take and recorded below:

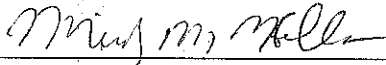
NAY Randy Lester, Supervisor

AYE Geoffrey Milks, Councilmember

AYE John Hill, Councilmember

AYE Jolene Esposito-Craft, Councilmember

AYE Dustin Bliss, Councilmember

CERTIFIED:   
Mindy Holland, Clerk



**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: 01/06/2020

RESOLUTIONNUMBER: 6

YEAR: 2020

MOVEDBY: Milks

SECOND BY: Hill

TITLE: **Resolution Recognizing that Town of Freedom Local Law 1 – 2019 A Local Law Regulating Wind Energy Facilities within the Town of Freedom is void and Law 3 of 2007 remains in full force and effect;**

**WHEREAS**, the Freedom Town Board (hereinafter “Town”) passed Local Law 1 – 2019 A Local Law Regulating Wind Energy Facilities within the Town of Freedom (hereinafter “the Law”); and

**WHEREAS**, Local Law 1 – 2019 was adopted in violation of several statutorily required provisions, specifically section 20 of the municipal home rule law, section 239-m of the general municipal law, article 18 of the general municipal law, and the public service law; and

**WHEREAS**, the Town is desirous of being proactive to avoid the time and expense of litigation commenced against it when the law’s infirmities are clear; now therefore be it;

**RESOLVED**, that the Town of Freedom hereby recognizes that Local Law 1 – 2019 A Local Law Regulating Wind Energy Facilities within the Town of Freedom was adopted illegally absent the procedural requirements of Section 239-m of the General Municipal Law, Section 20 of the Municipal Home Rule Law, the Public Service Law, and Article 18 of the General Municipal Law; and be it further;

**RESOLVED**, that Acting Supreme Court Justice Terrance M. Parker rendered a decision dated October 21, 2019 declaring that Local Law 1 of 2018 and Local Law 1 of 2019 are invalidated and that the Town of Freedom Local Law No. 3 of 2007 remains in effect;

**RESOLVED**, that the Town of Freedom hereby declares that Local Law 1 – 2019 A Local Law Regulating Wind Energy Facilities within the Town of Freedom is void and is of no legal effect; and further declares that as a result of Local Law 1 – 2019 being void, that Local Law 3 of 2007 entitled “Wind Energy Facilities” (“2007 Law”) is in effect (a copy of which is attached hereto as Exhibit B).

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 6<sup>th</sup> day of January in the year 2020, the ayes and nays take and recorded below:

NAY Randy Lester, Supervisor

AYE Geoffrey Milks, Councilmember

AYE John Hill, Councilmember

AYE Jolene Esposito-Craft, Councilmember

NAY Dustin Bliss, Councilmember

CERTIFIED: Mindy Holland  
Mindy Holland, Clerk  
Town of Freedom

**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: 01/06/2020

RESOLUTION NUMBER: 7 YEAR: 2020

MOVED BY: Milks

SECOND BY: Hill

TITLE: **Resolution Introducing Local Law 1 -2020 "Town of Freedom Wind Energy Facilities Law"; Referring Proposed Local Law to County Planning Board; Authorizing Town Board;**

**WHEREAS**, Pursuant to section 10 of the municipal home rule law, the Town of Freedom may from time to time enact such local laws as it deems necessary; and

**WHEREAS**, placed on the desks and delivered to each Councilman and the Clerk is Local Law 1 – 2020 entitled "Town of Freedom Wind Energy Facilities Law"; and

**WHEREAS**, prior to adoption by the Town Board, a series of actions are required; now therefore be it

**RESOLVED**, there be introduced Local Law 1 – 2020 entitled "Town of Freedom Wind Energy Facilities Law" on this date, January 6, 2020; and be it further

**RESOLVED**, that the Town Board is hereby authorized and directed to refer proposed Local Law 1 – 2020 to the Cattaraugus County Planning Board for review and feedback as required by Section 239-m of the General Municipal Law; and be it further

**RESOLVED**, that the Town Board is hereby authorized and directed to sign and submit all required documents, applications, contracts and the like for the required Environmental Assessment Form, Environmental Impact Statement and State Environmental Quality Review processes required by Law; and be it further

**RESOLVED**, that the Town of Freedom will serve as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), designates this a Type I Action, and hereby authorizes the Town Board and/or the Attorney for the Town to carry out all required actions; and be it further

**RESOLVED**, that a public hearing shall be held on the proposed Local Law 1 – 2020 by the Freedom Town Board on the 13 day of January, 2020, at 7 p.m. at Freedom Town Hall, 1188 Eagle Street, Sandusky, NY, and that at least five (5) days notice of such hearing shall be given by the Clerk by the posting thereof upon the bulletin board in the Town Hall and by publishing such notice at least once in the Olean Times Herald.

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 6<sup>th</sup> day of January in the year 2020, the ayes and nays take and recorded below:

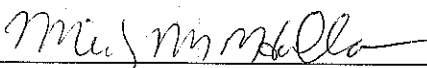
  NAY   Randy Lester, Supervisor

  AYE   Geoffrey Milks, Councilmember

  AYE   John Hill, Councilmember

  AYE   Jolene Esposito-Craft, Councilmember

  AYE   Dustin Bliss, Councilmember

CERTIFIED:   
Mindy Holland, Clerk  
Town of Freedom

**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: 01/06/2020

RESOLUTION NUMBER: 8 YEAR: 2020

MOVED BY: Milks

SECOND BY: Hill

TITLE: Resolution Introducing Local Law 2 - 2020 "Town of Freedom Drinking Water Protection Law"; Referring Proposed Local Law to County Planning Board; Authorizing Town Board;

**WHEREAS**, Pursuant to section 10 of the municipal home rule law, the Town of Freedom may from time to time enact such local laws as it deems necessary; and

**WHEREAS**, placed on the desks and delivered to each Councilman and the Clerk is Local Law 2 – 2020 entitled "Town of Freedom Drinking Water Protection Law"; and

**WHEREAS**, prior to adoption by the Town Board, a series of actions are required; now therefore be it

**RESOLVED**, there be introduced Local Law 2 – 2020 entitled "Town of Freedom Drinking Water Protection Law" on this date, January 6, 2020; and be it further

**RESOLVED**, that the Town Board is hereby authorized and directed to refer proposed Local Law 2 – 2020 to the Cattaraugus County Planning Board for review and feedback as required by Section 239-m of the General Municipal Law; and be it further

**RESOLVED**, that the Town Board is hereby authorized and directed to sign and submit all required documents, applications, contracts and the like for the required Environmental Assessment Form, Environmental Impact Statement and State Environmental Quality Review processes required by Law; and be it further

**RESOLVED**, that the Town of Freedom will serve as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), designates this a Type I Action, and hereby authorizes the Town Board and/or the Attorney for the Town to carry out all required actions; and be it further

**RESOLVED**, that a public hearing shall be held on the proposed Local Law 2 – 2020 by the Freedom Town Board on the 13<sup>th</sup> day of January, 2020, at 7 p.m. at Freedom Town Hall, 1188 Eagle Street, Sandusky, NY, and that at least five (5) days notice of such hearing shall be given by the Clerk by the posting thereof upon the bulletin board in the Town Hall and by publishing such notice at least once in the Olean Times Herald.

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 6<sup>th</sup> day of January in the year 2020, the ayes and nays take and recorded below:

NAY Randy Lester, Supervisor

AYE Geoffrey Milks, Councilmember

AYE John Hill, Councilmember

AYE Jolene Esposito-Craft, Councilmember

NAY Dustin Bliss, Councilmember

CERTIFIED: Mindy Holland  
Mindy Holland, Clerk  
Town of Freedom