

**Town of Freedom
Special Meeting Minutes
Thursday, July 1, 2021**

**Board Members Present: R. Nick Morgan, Dustin Bliss, John Hill, Geoff Milks,
& Supervisor Randy Lester**

Other Officials: Dog Controller Denise Willard

Other: 7

Zoom Meeting:1

Meeting called to order at 7:03 by Supervisor Randy Lester.

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

II. Junk Yard Law: Town Clerk Mindy Holland told the board that she had changed the recommendations that Councilman John Hill had asked. It was just two switch five and six, on page 5 of the new junk law. Mindy asks the board if they wanted to separate the last three pages in the law and pass them as a resolution, the pages are application for junk yard permit, and notice to comply with junk storage law. Councilman R. nick Morgan agreed that it would be easier to change then pages if needed by resolution.

Dustin Bliss made a motion to have a public hearing on the Junk Yard Law July 19, from pages 1-17, that does not include the application at 7:00pm. Seconded by Geoff Milks.

**Roll Call: Ayes-4 R. Nick Morgan, Dustin Bliss, Geoff Milks,
& Supervisor Randy Lester.**

Dustin Bliss made a motion to have a public hearing on July 19, for pages 18-19 the application for junk yard permit following the Junk Yard Law public hearing. Seconded by R. Nick Morgan

**Roll Call: Ayes-4 R. Nick Morgan, Dustin Bliss, Geoff Milks,
& Supervisor Randy Lester.**

Dustin Bliss made a motion to have a public hearing on July 19, for the notice to comply with the junk storage law immediately following the application for junk law. Seconded by R. Nick Morgan.

**Roll Call: Ayes-4 R. Nick Morgan, Dustin Bliss, Geoff Milks,
& Supervisor Randy Lester.**

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- III. Internet update:** Councilman R. Nick Morgan told the board that the quote that was in front of them from Bear Communications was the first one that they had received. Nick said it has a pretty good number he's just concerned about the hours. Nick said we will get a quote from Boces, and Prizm will quote this as well. So, there will be three options to look at. This will be tabled to the July 19th meeting.

NOTE: Councilman John Hill joined the meeting during this discussion.

- IV. Attorney discussion:** Councilman Geoff Milks told the board that he had Bridget from the Zophlin group on through zoom.

Geoff Milks made a motion to go into executive session to discuss legal. Seconded by R. Nick Morgan.

**Roll Call: Ayes-2 R. Nick Morgan, Geoff Milks
Nays-3 Dustin Bliss, John Hill, and Supervisor Randy Lester**

Geoff Milks told Bridget that it was going to be a public discussion and ask the board to ask her questions. Councilman Dustin Bliss ask Bridget, the Town of Freedom already had a previous engagement for a client attorney relationship it was cancelled in the last year, why does the Zophlin Group have any desire to work for the Town of Freedom now. Bridget responded by saying that the firm was approached, and it would be happy to work with the Town of Freedom again. Bridget said her perspective is that was a previous in endeavor and it makes more sense for the Cattaraugus County and the Town of Freedom have joint interests in this and the Zolphin Group already represents Cattaraugus County in the article 7 action. If the Town of Freedom would like to retain its own separate council, she stated there is plenty of reasons to do that as well. It is essential for conflict of interest between the County and the Town of Freedom so there must be a waiver signed by the town and the county in order to do joint representation. Dustin said he was not aware of the relationship with Cattaraugus County, but he is aware of the relationship with the Town of Farmersville who is currently using their services to appeal the Article 10 application and permit. Dustin said this town is not appealing the Article 10, his understanding is Article 10 is not being appealed Article 7 is just a near formality. Dustin asked Bridget how do you feel you can represent the Town of Freedom and moving forward with Article 7 when you're currently fighting Article 10 in the Town of Farmersville. Dustin feels at some points there could be a divergence of interests between your client in Farmersville and your potential client in the Town of Freedom. Bridget stated that the Article 10 and article seven are separate legal proceedings. The Article 10 refers to the wind farm itself, the article 7 has to do with transmission lines, even though the transmission lines go to the wind farm it is not the same thing. Bridget said she can understand if

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the Town of Freedom feels that there is a conflict and that would be a reason to engage other council, but the town needs to be on the same page with the county, because part of the tax with the county bring to adjoin engagement is that the county has the final say on how the intervenor funds are spent. Dustin asked if the Zophlin Group was not officially hired by the Town of Freedom until January 6th of 2020, when we received the itemized bill for work and services rendered there was work done prior to January 6th starting on January 2nd of 2020, who gave Zophlin group permission to start working for the Town of Freedom before the Town Board hired them. Bridget said she is here to talk about the Article 7, and she cannot speak about this because she does not have the bill in front of her. She is happy to talk about the Article 7 and any questions the board has about it. Councilman John Hill ask what the approach is going to be, how are you going to help the Town of Freedom, what is the goal in the matter of Article 7, is it to get the best deal that the town can get or is it to basically fight it tooth and nail so that Article 7 does not happen in the Town of Freedom. Bridget stated it is not about her goals, it is about my clients' goals. Bridget said right now they are representing Cattaraugus County and they are to do what Cattaraugus County wants them to do. She said she cannot discuss litigation strategy in a public session. John asked how I know that the Town of Freedom and Cattaraugus County are basically in agreement with each other. Bridget said she was under the impression that there was discussion between the town and the county. John said he is not saying that there has not been discussion between the town and county with certain members of the town board, he does not think it's been on public record or executive session as to the whole town board knowing the direction that we are going in. Geoff stated that he did reach out to the county and that was because the town was speaking to attorneys last week and knowing that the town would be speaking to attorneys this evening and he wants to know where they stand before he made a final decision. John said it's a question how we know what attorney to choose if we can't discuss the goals during public session. Councilman R. Nick Morgan asked what other towns have been worked with for Article 7. Bridget responded that with article 7 they represent the Village of Arcade, currently Cattaraugus County, and privately an owner in Article 7 for Canisteo. Bridget was thanked by Geoff for being on zoomed, she left the meeting. Dustin asked Peter Sorgi if he had anything to add. Peter stated if he were on the board, he'd have some questions when she stated the county would be in control of all litigation decisions, unless he miss heard her. He said it if that is the case that takes it out of the town's hands, and he said he doesn't even think it's legal to convey your authority to the county on this matter. Peter stated his understanding is the county is in opposition of this. Peter said that is not what he does he made that clear last meeting, his goal for the Town of Yorkshshire is to make sure that the placement is in the correct place, if there is any such variance going through and to negotiate that along with the financial terms and environmental factors. Geoff ask Peter if the Town of Freedom was the client at what level would you deem opposition if it was something just

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counter productive to the project would he consider that opposition, Geoff asked because he would be frustrated that the lawyer would not do what was requested of them. Peter stated that he would say opposition would be trying to defeat the project from going in. Geoff stated that the Article 7 does not even allow that, its not against the project, it is how the town wants power lines in a certain way, safe ways, further distance, and setbacks. Peter stated if the board wanted to stop the project from happening and you can definitely stop a project from happening by not allowing the transmission lines to come in, or by objecting each and every option that comes about, but if the overall goal is to defeat it then that is not something that his firm would do. Peter stated if there is a different path or a different alternative that the town suggested that would be his job to advocate their position. Geoff stated he is curious to know where Peter determines that overall goal. Peter stated at the beginning of the representation he asked the client what they want, whether it's a complex litigation, a zoning matter, what's your overall goal.

John Hill made a motion to go in executive session to discuss the options that they have. seconded by Dustin Bliss.

**Roll Call: Ayes-4 R. Nick Morgan, Dustin Bliss, John Hill,
& Supervisor Randy Lester
Nay-1 Geoff Milks**

Geoff Milks made a motion to close the executive session at 8:25 and reopen the board meeting at 8:25. Seconded by Dustin Bliss

**Roll Call: Ayes-5 R. Nick Morgan, Dustin Bliss, John Hill, Geoff Milks,
& Supervisor Randy Lester**

Geoff Milks made a motion to discuss the reason for the State Police being called to the board meeting while the board was in executive session.

Town Clerk Mindy Holland explained to the board that while the board was in executive session there was quite a bit of conflict in the boardroom between citizens. She stated she is the Town Clerk who takes the notes not the referee for the board room. Mindy explained what happened between citizens, she recommended that the board listened to the recording. Mindy told the board that she is not the referee and after dealing with what she dealt with she hit the panic button and that is why the State Troopers had been called. She said that she had a feeling that it was going to get nasty during public comment.

Dustin Bliss made a motion to hire Peter Sorgi for Article 7. Seconded by Supervisor Randy Lester.

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**Roll Call: Aye-4 R. Nick Morgan, Dustin Bliss, John Hill,
& Supervisor Randy Lester
Nay-1 Geoff Milks**

V. Engineer Firm:

Dustin Bliss made a motion to hire the same engineering firm that Mr. Sorgi is working with in the Town of Yorkshire. Seconded by Supervisor Randy Lester.

**Roll Call: Ayes-3 R. Nick Morgan, Dustin Bliss, & Supervisor Randy Lester
Abstain-1 John Hill
Nays-1 Geoff Milks**

Councilman John Hill stated he has had some information given to him regarding a couple of counties that are being constitutional seniority of counties, he would like our town to look into it, as far as declaring ourselves constitutional seniority. John would like to discuss this at the next board meeting. John also thanks the State Troopers for coming and keeping the peace in our town.

John Hill made a motion that the board does not have public comments this evening.

VI. Public comment:

Ray Feness: Ray asked the board for permission to ask dog control officer a question. The board said no it is public comments you need to address the board. Ray said that he has a complaint against the dog warden, the warden issued him a citation. Ray passed it around to the board members. Ray told the board that his dog has a disease called Cushing's disease. Cushing's disease is very treatable to dogs, it is a pituitary problem, there is a tumor on the pituitary gland causes the dog to drink excessive amount of water. This will shut the dogs' kidneys off and kill her if she does not stop drinking water. Ray stated he has been in the process of treating her for this for over a month. It took him three weeks just to get the medication for his dog. He stated his dog gets anxiety and wants to get through the doorway to get to any water source that there is available to drink. It is causing havoc in his house for a month, he had to do what the doctor said, that is to put the dog outside. Ray showed a picture to the board of some of the damage the dog has done to his house. That is why the dog had to be put outside. Ray said the disease is treatable with the medication. He discussed the information he had about Cushing's disease, he stated he tried to have this discussion with the dog control officer on the phone he said she did not want to listen to what he had to say, he said she said what she had to say and that's all that she wanted to hear. Ray stated that this is upsetting, this is

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ridiculous, and this is an attack, because he went to every single one of his neighbors and not one of his neighbors had a problem with his dog or reported him to her. Ray stated he has had issues with her in the past because he's getting a windmill on this property. Dog Control Officer Denise Willard called Cattaraugus County Sheriff's Department after he left her a message. Ray spoke to the sheriff and the sheriff told him she's using her job against him; he has every right to call her and tell her he has the right to sue her. He stated there will be no more phone calls.

Denise Willard: Denise stated that her original public comments were about Peter Sorgi having a conflict of interest because he represents Gernatts and the Schwab farm. She said she guesses that does not matter.

Denise stated when it got escalated earlier, is because Ray called her baby. She said don't call me baby. She stated yes, he did call her because she had one of his neighbors complain and that was the 2nd complaint that this neighbor had. The first complaint was because his dog was in the neighbor's garbage, and it was on May 11th. When she told the neighbor what she could do the neighbors said never mind I do not want to deal with him. On Saturday June 26th, the same neighbor called her again he said he's had it he can't even open his windows at night because the neighbor's dog is crying and crying and crying, the dog is tide out all night long. The gentleman stated he feels bad for the dog. Denise told the gentleman that she could write him a warning letter and that is exactly what she did. She sent the warning letter and told him what the complaint was that the dog is habitually crying and causing annoyance. Denise got a phone call from Ray she explained to him what is going on, Ray explained to her about his dog's disease. Denise explained this not up to her. Denise stated that Ray said earlier that Denise told him to kill his dog. She said she never said that, and she would never tell anybody to kill their dog. What she was appointed to do is to enforce the laws whether it be the Town of Freedoms Town Laws or New York State Farm and Ag laws. Denise played the phone calls that was left on her phone from Ray. Denise 3 minutes of public comments was up, Supervisor Randy Lester stated we're done discussing this.

- VII. ADJOURNMENT:** Dustin Bliss made the motion to adjourn the meeting at 8:39 pm.
Seconded by R. Nick Morgan.

Roll call: Ayes-5 R. Nick Morgan, Dustin Bliss, John Hill, Geoff Milks
& Supervisor Randy Lester

Respectfully Submitted By,

Freedom Town Clerk
07/06/2021

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