

**Town of Freedom  
Regular Board Meeting Minutes  
Monday, January 20, 2025**

Board Members Present: Josh Cutler, R. Nick Morgan, Denise Willard  
& Supervisor Dustin Bliss

Other Officials Present: Planning Board Member Lyle Morgan

Others: 2

Meeting called to order at 7:00 pm by Supervisor Dustin Bliss.

#### I PLEDGE TO THE FLAG: Led by Supervisor Dustin Bliss

## II REVIEW OF MINUTES:

A Town Board Meeting –Reorganizational Meeting – January 6, 2025

**A motion was made by Dustin Bliss to accept the Meeting Minutes as submitted. Seconded by Josh Cutler.**

**Roll Call: Ayes-4 Josh Cutler, R. Nick Morgan, Denise Willard & Supervisor Dustin Bliss**

### III TOWN OF FREEDOM

## RESOLUTION #1-2025

January 20, 2025

## A Resolution of Approval

WHEREAS, the Town Board added monies to the 2025 Budget to cover cost increases to both cable and cellphone usage.

**THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Freedom, does hereby approve changing the annual per diam rate for the Town Clerk and Accountant to \$100.00 per month to cover costs incurred for both their cellphone and cable service.

Motion by: Dustin Bliss Seconded by R. Nick Morgan

### Roll call:

Aarum: Absent

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Cutler: Aye

Morgan: Aye

Willard: No

Bliss: Aye

Clerk: M. Holland Date: 01/20/2025

Town Clerk Mindy Holland wanted to make a public statement on this. Back in the fall the board discussed increasing Jessica's per diam. Bookkeeper Jessica Dart asked Mindy if they had included the Clerk in this as well. Mindy had told Jessica that it was only to cover the per diam of the bookkeeper. Jessica put the clerk's name in this resolution because she felt that it was not fair that Mindy was not included in the per diam. Mindy stated that she does not want any attacks on her for this resolution. If there is an issue, discuss this with Jessica.

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**IV. OLD BUSINESS:**

**A. Employee Handbook:** Supervisor Dustin Bliss asked why this was on the agenda. Town Clerk Mindy Holland stated that he was going to have this ready for this meeting. Dustin stated that is what it is, and they have spent enough time on this. Councilman R. Nick Morgan asked if they approved it at the reorganization meeting. Mindy stated that it was the 2013 one. Dustin stated that all the changes that were made to this and had been adopted. Mindy stated that she never got them in writing or confirmed. The Board took a few minutes looking back at past emails. The last updated version was in 2023. Dustin decided to make this version official.

**A motion made by Dustin Bliss to adopt the employee was last edited on 6/12/23. Seconded by R. Nick Morgan.**

**Roll Call: Ayes-4 Josh Cutler, R. Nick Morgan Denise Willard,  
& Supervisor Dustin Bliss**

**B. Window Bids: Two bids received,**

**\*Brian's Home Improvement- \$5500.00  
\* Dunwell Home Improvement-\$5,610.00**

**Dustin Bliss made a motion to accept Brian Fugel bid for the window replacement at the Town Hall. Seconded by R. Nick Morgan.**

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**Roll Call: Ayes-4 Josh Cutler, R. Nick Morgan, Denise Willard  
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**V. NEW BUSINESS:**

**A. Building Permit Fees:** Building Inspector Pat Cummings is concerned about the Windmill Structure. Councilman Josh Cutler has sent the Board an email with fees from the Town of Sheldon, he stated that they have \$500 per 1.5 megawatts. Councilwomen Denise Willard read for commercial energy production facility \$1500.00 application fee plus \$150 per megawatt and other application fees above. Supervisor Dustin Bliss asked if Pat provided a current fee structure for what they are doing. Denise had responded to Pat by email asking what other towns charge. Denise said that the met tower would qualify for a commercial communication facility and the turbines would be commercial energy facility. Councilman R. Nick Morgan stated that he feels that they should defer this after they talk to the Wendel Group. Also, Pat is asking for agriculture, and should the towns charge for the agriculture building or should they be exempt. Nick said that for agriculture maybe the town should have a recording fee to give the paperwork to the assessor for the record. Dustin read what is considered to be charge for agriculture, the amount of time a human spends in the building is not considered agricultural, some buildings are exempt and some are not.

**Dustin Bliss made a motion to postpone discussion on this matter to the next Board Meeting. Seconded by Denise Willard.**

**Roll Call: Ayes-4 Josh Cutler, R. Nick Morgan, Denise Willard  
& Supervisor Dustin Bliss**

**VI. Potential Town Attorneys:** Councilman R. Nick Morgan asked the Board if they saw his email in regard to potential town attorneys. Nick did a search for municipal attorneys that also do environmental work. Nick got responses from two firms, with the names of Underberg & Kessler from Buffalo and the other is Camp Shaw from Rochester, both firms would be interested in talking further. The Board will be making calls with the firms on Thursday January 23 at 4 for one and 4:30 for the other.

The Board will be having an Executive Session about an employment matter on Wednesday January 22 at 5:00.

**VII. Streetlight at Cheney and Brown School House Rd:** Town Clerk Mindy Holland notified the Board that the light at the corner of Cheney and Brown School House has not been fixed even after a letter was sent from the town about the light being out.

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**VIII. Postponement of Expenditures for Highway Monies letter from County:** Town Clerk Mindy Holland wanted to let the board know they still have not received the letter from the County for the board to approve and sign.

**IX. Public Comments:**

**Marsha North:** Please see attached. Marsha made a comment that it takes money to put the Turbines up, but it will also take money to take them down. Supervisor Dustin Bliss asked where Marsha came up with 3 hundred million dollars. She showed Dustin in her letter where it stated. Councilwomen Denise Willard stated that the Enel Wind Company who installed the turbines said that they might have underestimated with the 3 hundred million dollars, to return the land to original condition.

**X. REPORTS & COMMUNICATIONS:**

- A. Assessors –Report Submitted
- B. Building Committee –
- C. Building Inspector – Report Submitted
- D. Highway Superintendent – Report Submitted
- E. Clerk/Collector – Report Submitted
- F. Constable –
- G. DCO –
- H. Highway Committee –
- I. Justices –
- J. Parks & Recreation –
- K. Planning Board – Minutes Submitted
- L. Supervisor –Report Submitted at Reorganization.
- M. Other Town Officials –

**A motion to accept the reports & communications as submitted was made by Dustin Bliss. Seconded by Denise Willard**

**Roll call: Ayes-4 Josh Cutler, R. Nick Morgan, Denise Willard  
& Supervisor Dustin Bliss**

**XI. APPROVAL OF VOUCHERS:**

**General #5 to # 29, Amt. \$7,344.03, Yrly Amt. \$40,307.95.**

**Motion made by R. Nick Morgan to accept the General vouchers as submitted. Seconded by Josh Cutler.**

**Roll call: Ayes-4 Josh Cutler, R. Nick Morgan, Denise Willard**

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**& Supervisor Dustin Bliss**

**Highway # 3 to #13, Amt. \$21,231.98, Yrly Amt. \$39,546.98.**

**Motion made by R. Nick Morgan to accept Highway vouchers as submitted.  
Seconded by Denise Willard.**

**Roll call: Ayes-4 Josh Cutler, R. Nick Morgan, Denise Willard  
& Supervisor Dustin Bliss**

**Lighting District #1 to #1, Amt. \$358.26, Yrly Amt. \$358.56.**

**Motion made by R. Nick Morgan to accept the Lighting District voucher as submitted. Seconded by Josh Cutler.**

**Roll Call: Ayes-4 Josh Cutler, R. Nick Morgan, Denise Willard  
& Supervisor Dustin Bliss**

**Delevan Fire District #1 to # 1, Amt. \$12,750.00, Yrly Amt. \$12,750.00.**

**Motion made by R. Nick Morgan to accept the Delevan Fire District voucher as submitted. Seconded by Josh Cutler.**

**Roll Call: Ayes-4 Josh Cutler, R. Nick Morgan, Denise Willard  
& Supervisor Dustin Bliss**

**Farmersville Fire District #1 to #1, Amt. \$27,000.00, Yrly Amt. \$27,000.00.**

**Motion made by R. Nick Morgan to accept the Farmersville Fire District voucher as submitted. Seconded by Denise Willard .**

**Roll Call: Ayes-4 Josh Cutler, R. Nick Morgan, Denise Willard  
& Supervisor Dustin Bliss**

**XII. Executive Session on Legal issues facing the Town:**

**A motion was made by Dustin Bliss to close the Regular Board Meeting at 7:42 for an Executive Session on Legal Matters facing the Town. Seconded by R. Nick Morgan.**

**Roll Call: Ayes-4 Josh Cutler, R. Nick Morgan, Denise Willard  
& Supervisor Dustin Bliss**

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**A motion was made by Dustin Bliss to open the Executive Session at 7:43. Seconded by R. Nick Morgan.**

**Roll Call: Ayes-4 Josh Cutler, R. Nick Morgan, Denise Willard  
& Supervisor Dustin Bliss**

**A motion was made by Dustin Bliss to close the Executive Session at 8:20. Seconded by R. Nick Morgan.**

**Roll Call: Ayes-4 Josh Cutler, R. Nick Morgan, Denise Willard  
& Supervisor Dustin Bliss**

**A motion was made by Dustin Bliss to open the Regular Board Meeting at 8:21. Seconded by R. Nick Morgan.**

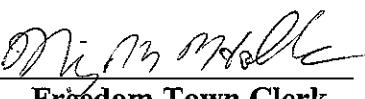
**Roll Call: Ayes-4 Josh Cutler, R. Nick Morgan, Denise Willard  
& Supervisor Dustin Bliss**

**XIII. ADJOURNMENT:**

**Dustin Bliss made the motion to adjourn the meeting at 8:21p.m. Seconded by R. Nick Morgan.**

**Roll call: Ayes-4 Josh Cutler, R. Nick Morgan, Denise Willard  
& Supervisor Dustin Bliss**

**Respectfully Submitted by**

  
**Freedom Town Clerk**  
01/27/2025

January 20, 2025

Freedom Town Board  
1188 Eagle Road  
P.O. Box 89  
Sandusky, NY 14133

RE: Alle-Catt's Responsibility for Decommissioning Wind Turbines in Freedom

Dear Freedom Town Board,

I am the President of Freedom United, a concerned citizens group committed to securing protections for the residents of Freedom in regards to the Alle-Catt Wind Project.

Alle-Catt Wind Project has failed to meet two Certificate conditions: noise compliance and decommissioning plan. The NYSDPS has advised that Freedom and the other impacted Towns have the opportunity to negotiate a better deal with Alle-Catt than the Alle-Catt Decommissioning Plan. On Nov. 18, 2024, Alle-Catt submitted its Decommissioning Plan for Freedom to the NYSDPS. The Alle-Catt Decommissioning Plan for Freedom provides for a decommissioning cost (including disassembly, removal, and disposal) of \$135,600 per wind turbine. Freedom is currently scheduled to get 26 turbines so Alle-Catt's proposed decommissioning cost for Freedom totals \$3,525,600.

While this represents an improvement over the mere \$10,000 decommissioning cost per turbine with no inflation clause in the 2019 Alle-Catt Host Community Agreement with Freedom, we bring to your attention the recent Osage Energy LLC matter where the Judge of the US District Court for the Northern District of Oklahoma ordered decommissioning costs of \$3,000,000 per turbine (based on an estimated removal cost of \$259M for 84 turbines).

<https://osagenews.org/historic-win-judge-orders-enel-to-remove-turbines-by-december-2025/>

<https://robertbryce.substack.com/p/osage-tribe-wins-again-federal-judge>

<https://martinmachtan.substack.com/p/the-osage-nation-taught-us-what-big>.

Thus, the Alle-Catt Decommissioning Plan is inadequate for Freedom. Instead the Freedom Town Board should use the Osage order to negotiate a decommissioning cost of \$3M/turbine for a total decommissioning cost of  
 $(26 \text{ turbines})(\$3M/\text{turbine})=\$78,000,000$  for Freedom with Alle-Catt. We note that the Osage matter involved 420-foot tall wind turbines. Obviously the taller Alle-Catt turbines would be more costly to decommission. Also the flat terrain of Osage Wind in Kansas would be less costly to restore than the impacted Freedom land. So a decommissioning cost of \$3M per Alle-Catt turbine in Freedom should be the minimum that you negotiate with Alle-Catt.

Since the 2019 Freedom Town Board failed to negotiate a favorable Host Community Agreement with Alle-Catt, the current Freedom Town Board needs to learn from its past mistake and do a better job in negotiating a sufficient Decommissioning Agreement with Alle-Catt. NYS can be expected to support you in this effort, as the PSC's December 24, 2024 Order, Condition 20, states: "*A Full Construction 'Notice to Proceed' will not be issued until the Final Decommissioning Plan, as required by Certificate Condition 45, ... are approved by the Commission*". Certificate Condition 45(b) states that the decommissioning plan will not be accepted without "*approval by the Towns of Arcade, Centerville, Rushford, Farmersville, and Freedom of an acceptable form of letter of credit*." You therefore have ample room to negotiate for an effective decommissioning plan of \$78M for Freedom. I urge you to do so for all our sakes.

These costs are more than reasonable based not only on the court's review in the Osage Energy case, but based on the full investment Alle-Catt must make to build the project. Last month PSC approved investment debt in the amount of \$1.5 billion for the Alle-Catt project.

Very truly yours,

*Marsha North*

Marsha North

Freedom United