

Town of Freedom
Regular Board Meeting Minutes
Monday, January 14, 2019

Board Members Present: Ron Ashworth, John Hill, Ann Marie Dixon
and Supervisor Randy Lester

Others Officials: Justice Gary Chamberlain, and Legislator Joseph Boberg

Others: 13

Meeting called to order at 7:01 pm by Supervisor Randy Lester.

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

II. REVIEW OF MINUTES:

A) Town Board Meeting – December 17, 2018

A motion was made by Ann Marie Dixon to accept the Meeting Minutes as submitted.
Motion seconded by Ron Ashworth

Roll Call: Ayes-4 Ron Ashworth, John Hill, Ann Marie Dixon
and Supervisor Randy Lester

B) Special Year-End Board Meeting – December 28, 2018.

A motion was made by Ann Marie Dixon to accept the Meeting Minutes as submitted.
Motion was seconded by Ron Ashworth

Roll Call: Ayes-3 Ron Ashworth, Ann Marie Dixon, and Supervisor Randy Lester
Abstain-1 John Hill

C) Town Board Meeting –Organizational Meeting – January 7, 2019

A motion was made by Ann Marie Dixon to accept the Meeting Minutes as submitted.
Seconded by Ron Ashworth.

Roll Call: Ayes-4 Ron Ashworth, John Hill, Ann Marie Dixon,
and Supervisor Randy Lester

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III.

TOWN OF FREEDOM

RESOLUTION # 2-2019

January 14, 2019

A Resolution Transferring Funds

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

Transfer funds from:
Building Savings Account in the amount of \$3,000.00

To:
A1620.4 (Building Contractual) to cover the cost incurred of having a tree removed from the village green (Town of Freedom owned property).

Motion by: Ron Ashworth, Seconded by Ann Marie Dixon

Roll call:

Esposito-Craft: Absent

Ashworth: Aye

Hill: Aye

Dixon: Aye

Lester: Aye

Clerk: Mindy M. Keller Date: 01/14/19.

IV. OLD BUSINESS:

A). Vote on Local Law 1-2019. Public Hearing was held in March 2018. Law was presented to the Cattaraugus County Planning Board on August 21, 2018, along with the Full Environmental Assessment Forms (EAF) Parts 1, 2, and 3, as well as the Negative Declaration adopted by the Town Board. The County Planning Board confirmed receipt of these materials and, as the

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County Planning Board has taken no further action, we are repassing the same law passed August 20, 2018, in order to cover all bases.

A Motion was made by Ann Marie Dixon and seconded by Ron Ashworth.

Roll call:

Esposito-Craft: Absent

Ron Ashworth: Aye

John Hill: No

Ann Marie Dixon: Aye

Supervisor Randy Lester: Aye

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

A. TAX COLLECTOR - \$200.00

B. TOWN CLERK - \$100.00

**C. JUSTICE - \$150.00 {submitted at the January 7, 2019
Organization meeting}**

**D. JUSTICE - \$150.00 {submitted at January 7, 2019
Organization meeting}**

**E. HIGHWAY SUPT. - \$200.00 {submitted at the January 7,
2019 Organization Meeting}**

**F. BUILDING INSPECTOR – 2018 printout of all permits
and petty cash**

G. Supervisor - \$0 petty cash, Supervisor's Books

A motion was made by Ron Ashworth to accept the annual audit of the records as presented. Motion was seconded by Ann Marie Dixon.

Roll call: Ayes-3 Ron Ashworth, Ann Marie Dixon, and Supervisor Randy Lester
Abstain-1 John Hill

C. Ken Zicarelli from Gernatt's thanked the Board for letting them come and speak. Also from Gernatt's was Rich Pecnik, and Brian Schmitt. The gentlemen brought a map up to show the Town Board the location of the area to be mined. It would border line the Town of Freedom Pit. Once they have completed mining they said it would be able to go back to agriculture. Councilmen John Hill asked how deep will this go? Gernatt said that it would match the floor grade they have now and would go about 300ft. Councilwomen Ann Marie Dixon is concerned about the water table? Gernatt said they will not go below water table. They also stated that this has no impact on water. Ann Marie Dixon then asked if the Fox Family is leasing this? Gernatt said we are doing a trade off for materials and acreage. Ann Marie Dixon asked if the Fox family would have to get a permit to have a part of their land mined? Councilmen Ron Ashworth also asked how

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would Gernatt's permit cover mining on their property? Gernatt said the Fox family would have to sign on as a land owner on Gernatt's permit. Gernatt's would also be responsible for all terms and conditions. Also about 5.6 Acres would be used for this.

A motion was made by Ann Marie Dixon to table this Proposal till February 14th 2019 to schedule a work session with the Planning Board and Fox Family.
Seconded by: Ron Ashworth

Roll Call: Ayes-4 Ron Ashworth, John Hill, Ann Marie Dixon,
and Supervisor Randy Lester

V. NEW BUSINESS:

A. Legislator Joseph Boberg gave some County updates. He said the County passed the Budget at 1.5, for the Town of Freedom. Also in the current year many Assessors are retiring and the County has been slowly building up a volunteer Assessor group that Towns can join. What this will do is keep everyone assessment up to date. This program is totally voluntary. The Town of Freedom is up 100% compared to other towns that are not. The Town of Freedom has stayed at 100% sense the reassessment. Councilwomen Ann Marie Dixon asked would this cost the Town if we decided to joined this? Joe said what the Town is paying the Assessor right now is how much it would cost. If the Town chooses this program in the future the county would keep the assessment up and the Town of Freedom would not have to go through a reveal.

Joe also discussed about Roads and Bridge projects for this year. The slide on County road 21 is to be fixed, its being bid out. The bridge over Elton Creek is being replaced in 2019. Councilman John Hill asked if the road will be closed? Joe said yes but they are trying to work it out to where traffic can go through a corner of the Gravel Pit. Joe said that as far as paving projects by the County. County RD 21 will be paved.

B. Highway Superintendent Jim Haggerty wants to get bids for a new Ten Wheeler and new plow equipment. Councilmen John Hill asked how old is the oldest Truck? Councilmen Ron Ashworth said it's a 2009. Ron also said he has no problem with getting bids but he would like them to be opened at the March meeting.

A Motion was made by Ron Ashworth to have Highway Superintendent Jim Haggerty put bids out for a new Ten Wheeler to be opened at March 18' 2019 meeting. Seconded by John Hill.

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Roll Call: Ayes-4 Ron Ashworth, John Hill, Ann Marie Dixon,
and Supervisor Randy Lester

C. The Town Highway Department Employees are wondering if the Town Board is not having a board meeting on Martin Luther King Day, and Presidents Day then why should they work. Councilman John Hill stated that the Board always reschedules the meetings, it's not like we are not working less.

Highway Superintendent Jim Haggerty is looking into having Election Day off, he has looked into it and other Highway Departments have this day off. John Hill thinks this is a good idea for them to be off Election Day. Councilmen Ron Ashworth agrees that they should have Election Day off. Ron also was going to check with Jim and have him bring information to the February Meeting.

A motion was made by John Hill to let the Highway Department have Election Day off, and Martin Luther King Day and Presidents Day will be like it always has been they will work on them days. Seconded by Ron Ashworth

Roll Call: Ayes- 4 Ron Ashworth, John Hill, Ann Marie Dixon,
and Supervisor Randy Lester

D. Invenergy will be having an open house at the Freedom Town Hall Wednesday January 30th 2019 from 5:30pm-7:30pm. They will be here to share information about the Wind Project. Valessa from Invenergy said Post cards were sent out to everyone.

E. Request bids for summer lawn mowing. Supervisor Randy Lester said that he talked to Jim Haggerty. Jim knows of someone who is interested; he owns his own lawn mowing service. Councilman Ron Ashworth asked if Jim Haggerty would be over seeing them. Councilman John Hill also has the same question, he stated would they be reporting to Jim Haggerty or to the Town Board. John feels it's a grey area because it's not really Highway. He feels it's an outside bid then they would report to the Town Board. John also asked if this would be bid for hourly or for summer? Randy said this would be for the summer, from May 1st and it would be weekly. Ron asked if they will have their own equipment. Randy said yes they would use their own equipment.

A motion was made by Ann Marie Dixon for bids for summer lawn mowing. Seconded by John Hill.

Roll Call: Ayes-4 Ron Ashworth, John Hill, Ann Marie Dixon,
and Supervisor Randy Lester

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VI. Supervisor Randy Lester is asking the Board what changes they may want for the Town of Freedom in the next three years to make a better Town. Councilmen John Hill said he feels a Community Center would be a good idea, instead of having activities in a truck barn. Both Councilmen Ron Ashworth and Councilwomen Ann Marie Dixon agree on the Community Center. Also Ann Marie Dixon said to improve the park building. She would like to see a kitchen in the building and more room added. Randy also included the citizens of Freedom on this discussion, no one responded from the floor.

VII. ITEMS FROM THE FLOOR:

Supervisor Randy Lester introduced Judy Hanes from the Arcade Herald as the new reporter.

Richard Lange- Commented that the town paper is the Arcade Herald for the town to send out notices in that paper. Also he made a point that the Gentlemen from Gernatt's should have talked not just to the town board but to the public as well because he could not hear or understand what they were talking about.

Stephanie Milks- How did the wind law get to the State? She wanted to know how the Town Board did not know that the Law had been filed with the state and the letter was filed in the Town Clerks office. Stephanie read the letter she had obtained from the Town Clerks office to the Town Board. Charles Malcomb attorney with Hodgson & Russ explained to everyone that State Law Governs the procedure of municipalities use to adopts local laws, specifically section 20 governs you have to have a public hearing, and so on. One of the requirements is that you file the local law with the Department of State. He explains the letter is letting the Town know that the law was filed with Secretary of State as required by State Law. Stephanie wants to know why the Town board was unaware of this law being filed with the State when the Town Board has been saying it was with the county. Chuck stated that she conflating to separate legal requirements one is that you refer materials to the county under general municipal law 239M. Stephanie asked is the Wind Law effective as of right now and Chuck said that is correct. Stephanie asked the why the Town board not aware of this is? Councilwomen Ann Marie Dixon stated it's a procedure, she was not aware of the letter, but when the board votes on this it becomes a law and then it's a procedure with the State of New York. Stephanie is also wondering why the law is sitting at the County if it's already filed with the State? Ann Marie Dixon answered that the County, State and Local Town all have a part in this. Stephanie asked if the Wind Law was official now that it has gone to the State. Ann Marie Dixon said official when the Town Board Voted on it.

Supervisor Randy Lester wanted to let everyone know that Local Law 1-2019 the Windmill Law is identical to Local Law 1-2018.

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Councilmen Ron Ashworth asked Joe Boberg if he could give any information as far as where the Windmill Law is with the Legislators. Joe said a few months ago there was a resolution to recommend the IDA not to approve a pilot program. Windmills are mostly a Town Issue.

VIII. REPORTS & COMMUNICATIONS:

- A) Assessors –Councilmen Ron Ashworth wanted to make the Senior Citizens aware of the Enhance Star program for anyone over 65 and if they are eligible to contact the Assessor.
- B) Building Committee –
- C) Building Inspector – Report Submitted.
- D) Highway Superintendent –
- E) Clerk/Collector – Report Submitted
- F) Constable –
- G) DCO –
- 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 Ron Ashworth. Seconded by John Hill

Roll call: Ayes-4 Ron Ashworth, John Hill, Ann Marie Dixon,
and Supervisor Randy Lester

IX. APPROVAL OF VOUCHERS:

General 5 to # 39, Amt. \$ 35,324.89 Yrly Amt. \$64,041.84.

Motion made by Ann Marie Dixon to accept the General vouchers as submitted. Seconded by Ron Ashworth.

Roll call: Ayes- 4 Ron Ashworth, John Hill, Ann Marie Dixon
and Supervisor Randy Lester

Highway 3 to 14, Amt. \$20,164.25 Yrly Amt. \$39,604.30

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Motion made by Ron Ashworth to accept the Highway vouchers as submitted.
Seconded by Ann Marie Dixon.

Roll call: Ayes-4 Ron Ashworth, John Hill, Ann Marie Dixon,
and Supervisor Randy Lester

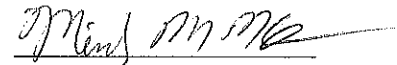
Supervisor Randy Lester read a handmade card from the Senior Citizen Group
to the Town Board thanking them for the support the Town Board gives them.

X. ADJOURNMENT:

Ron Ashworth made the motion to adjourn the meeting at 8:03 p. m. Seconded
by Ann Marie Dixon.

Roll call: Ayes-4 Ron Ashworth, John Hill, Ann Marie Dixon,
and Supervisor Randy Lester

Respectfully Submitted,



Mindy M Holland

Town Clerk

1/23/2019