

Town of Freedom
Regular Board Meeting / Public Hearing
November 18, 2019

Board Members Present: Ron Ashworth, John Hill, and Supervisor Randy Lester
Absent: Jolene Esposito

Other Officials: Highway Superintendent Jim Haggerty, Planning Board Member DeVere Bliss, Bookkeeper Jessica Dart, Justice Mary Zink, Court Clerk Kara Brunner, and Constable Robert Harrington

Others: 18

Meeting called to order at 7pm by Supervisor Randy Lester

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

II. REVIEW OF MINUTES:

Board Meeting– Monday, October 15, 2018

A motion was made by John Hill to accept the Meeting Minutes as submitted.
Seconded by Supervisor Randy Lester.

Roll Call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

III. Town Clerk Mindy Holland asked if you have a conversation to please take it outside. She is trying to do her job, recording the minutes and writing the history of the Town. So please refrain from talking during the meeting.

IV. Ron Ashworth made a motion to close the Board Meeting at 7:02 pm.
Seconded by John Hill.

Roll Call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

A motion was made by Ron Ashworth to open the Public Hearings on the 2020 Fire Contracts at 7:02pm. Seconded by John Hill.

Roll Call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

**PUBLIC HEARINGS FOR TWO
FIRE DISTRICT CONTRACTS**

**A). PUBLIC HEARING – 2020 ARCADE FIRE CONTRACT
The 2020 Arcade Fire Contract is down -\$91.00**

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NO Comments

B.) PUBLIC HEARING - 2020 FARMERSVILLE FIRE CONTRACT
The 2020 Farmersville Fire Contract is up \$2,181.00

Comments

A question was asked did they give a reason why it went up? Councilman John Hill asked Bookkeeper Jessica Dart: Jessica told the public they submit a request for payment, they have equipment built into that number, also the number of calls made previous year. John Hill asked what it was the previous year. Jessica said \$19,710.00. John Hill said it went up almost 10%. Jessica said they are not under the same 2% cap that the Town is under.

A motion was made by Ron Ashworth at 7:05pm to **close** the public hearings on the Fire Contracts. Motion seconded by John Hill.

Roll call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

A motion was made by John Hill at 7:06p.m. to **open** the board meeting. Motion seconded by Ron Ashworth.

Roll call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

V. Vote on the Fire Contracts

A) A motion was made by John Hill to accept as reported by the Mayor of Arcade the **2020 Arcade Fire District Contract**. The motion was seconded by Ron Ashworth.

Roll Call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

B) A motion was made by Ron Ashworth to accept as written the **2020 Farmerville Fire District Contract**. The motion was seconded by John Hill.

Roll Call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

A motion was made by Ron Ashworth at 7:07p.m. to **close** the board meeting. Motion was seconded by John Hill.

Roll call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

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A motion was made by John Hill at 7:08p.m. to **open** the Public Hearing on the 2020 Town of Freedom Preliminary Budget. Motion was seconded by Ron Ashworth.

Roll call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

PUBLIC HEARING - 2020 PRELIMINARY BUDGET
2020 Town of Freedom Budget is up by \$9,325.00 up 1.85%

NO Comments

A motion was made by Ron Ashworth at 7:09p.m. to **close** the public hearing on the 2020 Preliminary Budget. Motion seconded by John Hill.

Roll Call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

A motion was made by Ron Ashworth to re-open the Board meeting at 7:10 pm. Motion was seconded by John Hill

Roll call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

VI. VOTE ON THE 2020 Annual TOWN BUDGET

Councilman John Hill asked during the motion if he had to vote on this. When Bookkeeper Jessica Dart was asked, she stated this had to be done by November 21, 2019. John stated he's voting on this except for Jessica raise. He's abstaining from that.

A motion was made by Ron Ashworth to approve the 2020 Annual Town Budget. Motion was seconded by John Hill.

Roll call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

Later in the meeting Town Clerk Mindy Holland received a Text Message from Bookkeeper Jessica Dart and asked Mindy to read it to the Town Board it said: Mindy you need to have the Board redo the motion on the budget. I understand where dad (John Hill) is coming from but even the Board approves their own raises. Technically speaking the board is approving the submitted budget. My term ends 12/31/19. Dad (John Hill) is not voting on my raise per say until reorganization at my hopeful reappointment. All three Board Members need to approve the budget as submitted. By doing so he is not approving my raise necessarily; he is approving a raise to the position.

The Board Members re-voted on the 2020 Annual Town Budget.

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A motion was made by John Hill to approve the 2020 Annual Town Budget. Motion was seconded by Ron Ashworth.

Roll Call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

VII. NEW BUSINESS:

1.) YEAR END MEETING

A motion was made by Ron Ashworth to have the year end meeting on December 30, 2019 at 7 pm. Seconded by John Hill.

Roll Call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

2.) REORGANIZATION MEETING

A motion was made by John Hill to have the reorganization meeting on January 6th, 2020 at 7pm. Seconded by Ron Ashworth.

Roll Call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

3.) Brenda Schmidt has resigned as Deputy Town Clerk her letter submitted to Town Clerk Mindy Holland.

4.) Town Clerk Mindy Holland is asking the Town Board to please approve Jessica Dart as a Deputy Town Clerk appointment expires December 31, 2019 this was put off till the December meeting due to the fact that there only be two votes because Councilman John Hill would have to abstain.

5.) Supervisor Randy Lester read a letter to the Board from Gary Chamberlain stating he has resigning as a Town Justice.

John Hill made a motion to except Gary Chamberlain resignation. Ron Ashworth seconded it.

Roll Call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

6.) Supervisor Randy Lester had been invited to a worker's compensation meeting. The Town carrier is NY State Municipal WC Alliance, it's a self-funded program that has been in existence for 25yrs. Randy got a check for the Town of Freedom in the amount of \$500.00. They have extra money they give each town Randy explained. Last year the town received a check for \$50.00.

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Also, on the renewal Randy has heard there it will be a 7.8% decrease for 2020. So, the premium would go from \$21,558.00 down to \$19,908.00. They also offered all the Towns with a good report to be able to lock into that rate for three years.

VIII. OLD BUISNESS:

1.) Assessor Kate Harrington will be addressing question on Real Property taxation to certain Senior Citizens Law that was tabled at the October Board Meeting during the December Meeting.

A.) Updated Copy of the Senior Exemption Law was submitted to the Town Board for review. Councilman John Hill stated that the Town can say what they like to see happen, but it does not matter because the County says what is going to happen.

B.) A motion was made by Ron Ashworth to have a public hearing on Local Law 2 of 2019 Senior Exemption Law during the December 16th, 2019 Board Meeting. Seconded by John Hill.

Roll Call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

C.) Informational Sheet from James McAuley regarding "What is Income for Purpose of The RP-467"

2. Supervisor Randy Lester talked to Dale Smith regarding the tree at the Freedom Cemetery that was tabled at the October meeting. When Dale and Randy spoke, Randy agreed to pay Dale \$500.00 to cut it down. He has trimmed it down to 8ft. and will be finishing the rest of it. Councilman John Hill said \$500.00 is a good deal.

3. At the October 21st Board Meeting the Board approved 2, 12-hour days for the spring and fall junk days. Highway Superintendent Jim Haggerty asked the Town Board to make the junk days 24 hrs. all together with 2 days in the spring and 1 day in the fall. Jim also stated that it would be the same weekend in the spring the weekend before Memorial Day and he like to have the fall junk day on the last Saturday of September. Denise Willard asked to get it publicized regarding the change to 8 hr. days.

Ron Ashworth made a motion to 3, 8-hour days not 12. John Hill Seconded.

Roll Call: Ayes-3 Ron Ashworth, John Hill, and Supervisor Randy Lester

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4. Regarding the fence at the Sandusky Park Highway Superintendent Jim Haggerty stated that they do not have the tools to put the fence back up. Jim recommended to tear it down between the park building and playground. He said his advice would be to get a fancier fence with a chain link across to keep cars off the playground. Councilmen John Hill asked if he's just talking about the fence between the playground and parking lot. Jim said he would leave the one between the baseball diamond and the church. John asked how the rest of the fence was. Jim said that the whole section between the park building and the park should be taken down. Also, the other section back to the baseball diamond. He said there is a triangle in that area that is useless. It could become more playground or whatever. Supervisor Randy Lester said he liked to table this till the spring because there are other issues associated with the park that need to be discussed. Some landscaping going to need to be done in the spring. Randy said also regular inspections have never been done and he like to see this get done on a regular basis and documented. Randy also wanted to bring up about a motorized vehicle on the sled hill. If anyone sees anything, please let the Town know.

IX. PUBLIC COMMENTS:

Bonnie Hill addressed Highway Superintendent Jim Haggerty. She thanked him for taring the skirt of the road. Regarding millings on the shoulder of the road and some of the driveways on Hughes RD. Some driveways she said he did not put millings on never touch them. What he put on the year prior, then he put the millings over top of it and Bonnie feels it's ridiculous. She stated it was not level at all it was way above the surface. The millings will be scrapped off with the plow. Bonnie does not understand why Jim had to do this at all, instead of patching holes in the road he did the shoulders. The trucks are making a mess of the millings, they are going all over the road. Also, when they plow it, they are coming up. Bonnie question is in the spring when the milling are in her yard she will gather it up where would Jim like her to put them. Jim stated he be willing to bet it's not coming up, he said take a pick ax out and try to dig it up. He also stated they are hard as a rock. Bonnie asked why he did not put millings on 4 to 5 other driveways that where paved or tared. Jim said there are two driveways that he knew of he did not have to put millings on. Jim offered to go look at her driveway after the meeting. Bonnie said to Jim thanks anyways but don't bother coming to my house. Bonnie asked Jim again if there is stuff in my yard in the spring could she bring it to Jim. Jim replied yes.

Denise Willard wanted to say when they start working on the new wind law, she wants to bring up property value guarantee agreements. Further setbacks because with the 4.8-megawatt turbines, the 41 to 46 of the turbines will go away. The reason is because of the cap of 349 watts. She asked what 46 are going to go. She is wondering why no one is worried about that. If there is a 3-megawatt model that can throw something 1726 feet, 660 feet is not enough. She stated it also depends on size of the turbine. She also said that the manufactures themselves have an evacuation radius of 1640 feet, 660 ft off none

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participating residence property line she said is ridiculous. There also needs to be shadow flicker limits of 20 mins a day or less. Nighttime decibels limits of 42 decibels or less, as deemed appropriate by the world health organization. Also, she is asking that Dustin Bliss to recuse himself, by leaving the room, when anything wind related is spoke about because he has a direct conflict of interest.

Geoff Milks said he could offer to help give guidance for tools and heavier ties then what they have used on the park fence.

Sue Lester wanted to speak in regards of the appalling way that our town and her town has been talked about. The Town Elected Officials have been characterized she stated. It is downright evil by direct calling, putting our town down in a humiliating way it has been. How ugly people act when sharing their opinions about different issues. Integrity, what's right about disrespectful, impolite, unkind, dreadfully, rude, savage, wicket, cold hearted and malicious. Sue said people moving? How is it to be expected that many people would want to move here and raise a family or set up a business with such negativity swarming about us. She said there is controversial decisions being made, yes! There is changes in town and the town board. She said curtain changes are hard for some people. Also, everyone deserves and has a right to their opinion, should as well be respected for it. She also said there has been talk about our beautiful environment, she listed things that can get disturbed animals, trees, and people's health. Sue stated that from the beginning of time there has been changes. There will probably continue to be, despite people opposed opinions. In the past, present, and future there has been and will be railroads, golf courses, lumber yards, clearing of land & forest, airports, roads, gravel pits, gas lines, water lines, cemeteries, schools, parks, trailer parks, ball fields, homes, barn construction, driveways paved, cell towers, water towers, underground cables, all disrupting our environment. We have junkyards, gun clubs, parking for fishing, racetracks, green houses, business. Also, the electric lines that run-in front of everyone's homes. She said just think of the current going through our airwaves. She listed appliances such as microwaves, washers, dryers, etc. She finished by saying good luck to the new town board.

Rick Lange wanted to speak about a comment that was made about Dustin Bliss recusing himself. Rick agreed with the statement of conflict of interest but the part of Dustin leaving the room, Rick stated Dustin is a resident and a taxpayer and he should be allowed to stay whether he speaks or not.

X. REPORTS & COMMUNICATIONS :

- A) Assessors – Report Submitted
- B) Building Committee –
- C) Building Inspector – Report Submitted
- D) Highway Superintendent -Report Submitted

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Highway Superintendent Jim Haggerty explained that they put in riprap (gray rock) on Edmonds Rd near Bobergs. The ditch was very unsafe Jim said. The Town paid around \$21,000.00 but we will be getting paid back from soil and water. Councilman John Hill asked Jim to explain more of this project. Jim said the south side of the road D&H did the work, but the town paid for the stone. The reason D&H did the work is because the town could not reach it with their excavator. That was paid for by soil and water the Town paid for riprap. The north side of Edmonds RD the town hauled 100-150 loads of overburden. Put that in the ditch and put 600 ton of rip raff in the ditch.

Town Justice Mary Zink asked Jim if there is any chance Galen Hill RD can get some of the millings along the edge of the road? Jim said he tries to get some every year.

Councilman John Hill asked Jim if they repaired the bridge again on Eagle Street. Jim said they did. Jim said he went underneath, and the bridge is not even attached to the beams. John asked if there someone at County level to contact to get the bridge taken care of. John Hill then addressed the board and said should they contact Legislator Joe Boberg and Richard Helmich to see if the bridge can be taken care of. Jim suggested writing a letter for a paper trail.

E) Clerk/Collector - Report submitted

ALSO NOTE: The Town Clerks Office will be closed for the Thanksgiving weekend November 28, 29, & 30.

F) Constable –

G) DCO –

H) Highway Committee –

I) Insurance Committee-

J) Justices –

K) Parks & Recreation –

L) Planning Board – Report submitted

M) Supervisor –Report Submitted

N) Other Town Officials –

Councilman John Hill had a few comments, he had found out a couple of days prior to the meeting that there has been an appeal submitted on local wind law 2018/ 2019. He would like to know how the authorization was given to appeal a law that was struck down by Cattaraugus County Supreme Court Judge Parker. Supervisor Randy Lester said he discussed it with our attorney Jim McAuley and Randy authorized it. John does not understand how one board member can authorize an appeal. He said it something that should be brought to the Town Board and voted on by the Town Board. John asked for the following to be put on record; the decision to appeal local law 2018/2019 was decided by Town Supervisor, not by the Town Board.

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John Hill had another comment regarding a citizen stating at a previous board meeting how they did not like coal burning as far as producing electricity. John read a paper that the Village of Arcade sent, it said biomass less than 1%, he added that Arcade electric customers use biomass. By coal it 1%, hydroelectric it 81%, natural gas 9%, nuclear 9%, oil less than 1%, renewable biogas is less than 1%, Solar is less 1%, solid waste is less than 3% and wind is less than 3%. He pointed out that customers using Village of Arcade electric are 90% green energy.

Stephanie Milks asked where the money is coming from to have this appealed. Supervisor Randy Lester he believes from intervenor funds. Stephanie asked how is that possible? Randy said then that would be billed to the Town of Freedom. Stephanie asked how is it being billed to us the taxpayers? Who is authorizing the use of our tax money? Randy said its anything that's is needed by our Town Attorney. Stephanie said so you decide how our taxes are spent. Does Jim McAuley have authorization to spend our tax money. Randy said yes. Stephanie asked Randy you sole authorize on how to use our tax money. Randy said I believe so, as the Towns Supervisor.

A motion to accept the reports & communications as submitted was made by Ron Ashworth. Seconded by Supervisor Randy Lester.

Roll call: Ayes-2 Ron Ashworth, and Supervisor Randy Lester
Abstain-1 John Hill

XI. APPROVAL OF VOUCHERS:

General #280 to # 309, Amt. \$77,720.56, Yrly Amt. \$258,516.39.

Motion made by Ron Ashworth to accept the General vouchers as written.
Seconded by John Hill.

Roll call: Ayes-3 Ron Ashworth, John Hill and Supervisor Randy Lester

Highway # 154 to #164, Amt. \$62,552.33, Yrly Amt. \$529,117.63.

Motion made by Ron Ashworth to accept the Highway vouchers as written.
Seconded by John Hill.

Roll call: Ayes-3 Ron Ashworth, John Hill and Supervisor Randy Lester

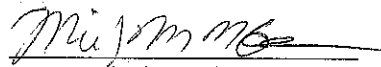
XII. ADJOURNMENT:

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John Hill made the motion to adjourn the meeting at 7:56pm. Seconded by Supervisor Randy Lester.

Roll call: Ayes-3 Ron Ashworth, John Hill and Supervisor Randy Lester

Respectfully Submitted By



Mindy Holland
Freedom Town Clerk
11/22/19