

Town of Freedom  
Board Meeting Minutes  
Monday June 15, 2020

Officials Present: Dustin Bliss, Geoff Milks and Supervisor Randy Lester  
Official Present by Zoom: John Hill

Other Officials: Constable Robert Harrington, and Court Clerk Gill Keorner  
Other Officials by Zoom: Town Attorney Eric Firkel

Others Present by Zoom: 17  
Others Present: 1

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Meeting called to order at 7:00pm by Supervisor Randy Lester

- I. PLEDGE TO THE FLAG: Led by Supervisor Randy Lester
- II. Supervisor Randy Lester read a letter of from Councilwomen Jolene Esposito resigning from her position immediately.

A motion was made by Randy Lester to accept her resignation. Seconded by John Hill.

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

**III. REVIEW OF MINUTES:**

- A) Town Board Meeting minutes from Monday, February 24, 2020

A motion was made by Dustin Bliss to accept the Meeting Minutes as submitted.  
Seconded by Geoff Milks.

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

- B.) Town Board Meetings- Emergency meeting minutes from Friday, March 20, 2020

A motion was made by John Hill to accept the Meeting Minutes as submitted. Seconded by Dustin Bliss.

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

- C.) Town Board meeting- Vouchers, summer rec, & trash days meeting minutes from Wednesday, April 22, 2020

A motion was made by John Hill to accept the Meeting Minutes as submitted. Motion was seconded by Dustin Bliss.

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

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D.) Town Board Meeting- Voucher, & trash days meeting minutes from Monday, May 18, 2020.

A motion was made by Dustin Bliss to accept the Meeting Minutes as submitted. Motion was seconded by John Hill.

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

**IV.)** Resolution 21 of 2020- Resolution Opposing the Governor’s Proposed Amendment Known as the “Accelerated Renewable Energy Growth and Community Benefit Act” as included in the State Budget Replacing the Public Service Commission Article 10 Siting Board Process for Renewable Energy Facilities: see attached

Supervisor Randy Lester felt that this resolution becomes some what mute, for the fact that the Siting Board has already gone forward with the decision. Councilman Geoff Milks feels that it effects the project that is coming to Freedom. Its more of a statement to the governor that we are not liking that he is taking Home Law away. Councilman John Hill stated that the Governor is striping Local and County governments of any influence, and resident participation.

**V.)** Snow removal Public Hearing-Was scheduled for March 16, 2020 but due to no quorum there was no public hearing.

Dustin Bliss made a motion to table the Public Hearing for Snow removal to September. Seconded by Geoff Milks

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

Resolution 22 of 2020-Adopting Local Law 4-2020 “A Local Law Repealing Local Law 1-1998 Regulation Snow Removal”; -

A motion was made by John Hill to table this till September. Seconded by Randy Lester.

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

**VI.)** Resolution 23 of 2020 - Authorizing Attorneys to Act on behalf of the Town of Freedom: see attached

Supervisor Randy Lester he feels that the attorney shouldn’t have the right to settle any of the Towns cases, that should have board approval. Town Attorney Eric Firkel stated that settlements should be approved by the Town Board. He recommended to strike the words settle any actual, proposed or threatened litigation.

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**VII.) Wind Energy Status:** Randy Lester updated the status on wind energy stating that in April the New York State Legislator passed a bill giving Towns one year to come up with a usable Wind Law if not the State will take over. On June 3<sup>rd</sup>, the State Siting Board approved the Ally-Catt Wind Farm project, using the Town of Freedom 2019 Wind Law. Randy stated if the Freedom Windmill Law is defeated the Town of Freedom has millions of dollars to lose. Randy also stated its likely the State will come in within a year or so and put them up. He said the money then will likely go back to the State. Councilman Geoff Milks stated some of that is a little speculative, but outside of that its less than ideal for sure.

**VIII.) Town Financials:** Supervisor Randy Lester told the Board that Highway Superintendent Jim Haggerty found out that he was getting CHIPS from the State this year. He said another big revenue the Town has is sales tax. The Town received a check for the first quarter in the amount of \$89,000. In 2019 the Town collected a total in sales tax \$369,921.00. He said, he feels we will be shy with the why things are in the second quarter. He's guessing that this year, we may only get \$200,000.00 in sales tax. Councilman Dustin Bliss asked Randy how \$89,000.00 is compared to last year's first quarter. Randy stated it was close. Councilman John Hill stated it was down less than 10% from last year. John said one of the big businesses that contribute to last year that we no longer have is Bob Mckerrow and Sons, they are no longer in business and we did get a lot of revenue from them. Councilman Geoff Milks said it be worth reaching out to our County Legislators to get a full breakdown.

Randy also discussed legal fees. In 2019 the Town paid just under \$25,000.00. This year to date \$18,227.00. The Town budgeted \$15,000.00 and we still need Town Attorney Eric Firkle invoice for the first and second quarter. Councilman John Hill said the Town was promised \$25,000.00 in intervenor funds. All the charges from the Zoghlin Group, and some of the charges from Eric Firkle will make it so that the town is under the budget of the \$15,000.00 that doesn't have to do with wind energy. Eric said that the Zoghlin Group is \$18,000.00. He said with his bills the Town will be under the \$25,000.00 from last year. He understands that the Zoghlin Group bills will be reimbursed for much of them. Eric said most of his billing is directed to the Town getting sued. John asked, can we go back to last year for missed intervenor funds. Eric was not sure on the answer and said he check and get back to John. John said it be hove if the Town could get intervenor funds from 2019 to cover some of the expenses. Councilman Geoff Milks said it will be helpful to get the intervenor funds to help offset the expenses. Councilman Dustin Bliss asked Eric when we could expect a bill from his office for the first quarter. Eric said by the end of this month he would get a bill for the first and second quarter.

**IX.) Resolution 24 of 2020: Adopting Local Law 2-2020 “Town of Freedom Wind Energy Facilities Law”;**

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A motion was made by John Hill to table Local Law 2 of 2020. Seconded by Geoff Milks.

**Roll Call:**

**Dustin Bliss-Aye**

**John Hill-Aye**

**Geoff Milks-Aye**

**Randy Lester-Aye**

**X.) Local Law \_\_\_ of 2020 “A Local Law Amending Local Law 1 of 2013, Titled a Local Law Amending the Land Use Ordinance of 1975 of the Town of Freedom. – Resolution 18**

A motion was made by Dustin Bliss to reject Local Law 2 of 2020.  
Seconded by Randy Lester.

Roll Call:

Dustin Bliss-Aye

John Hill-No

Geoff Milks-No

Randy Lester-Aye

A motion was made by John Hill to table this law until after November. Seconded by Geoff Milks.

Roll Call:

Dustin Bliss-Aye

John Hill-Aye

Geoff Milks-Aye

Randy Lester-Aye

**XI.) OLD BUSINESS:**

A.) Freedom Clean Up Days: Highway Superintendent Jim Haggerty told Town Clerk Mindy Holland he wanted to have clean up days the last weekend in September. The dates would be September 25, and 26. Councilman John Hill stated that everything else is opening and he feels we should be able to take care of our employees, also the citizens. John feels that if the employees wear gloves and if a citizen cannot get their trash out of their vehicle then they will have to step a side

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and let the Town employee's take care of it. The 6 feet distance is to be kept between the citizens and employees; they should not have to worry about wearing mask in the extreme heat. John feels we should try to set up a date in July and let the public know it's the public responsibility to protect themselves and not to put the employee's at risk by making them do something they should not be doing. Supervisor Randy Lester is wondering if the person comes in with junk if they should unload it by themselves. John said if they can unload it by themselves, then yes. If you have someone who is unable to unload the trash then they will have to get help, for the most part if they can put the stuff in the vehicle to get it there then they can get it out. John stated he has had a lot of people asking about a clean-up day, no one has said to him that they need someone to help empty their vehicle. The public just wants to get rid of the junk they have. John would like to see a half a day on Saturday and if we can't get our Town employees to do it then maybe the Town can discuss with Ron Prevy about his employees to help take care of the junk, seeing it's at Prevy's anyways. Councilman Geoff Milks asked would Ron Prevy be ok with everyone getting out of their vehicles? Randy said someone would still need to be there to monitor so there is not a big pile of junk outside the dumpsters. Geoff said he was good to hold off not knowing what the Governor's orders would be, also with citizen's camping some might not be available to use an earlier weekend. Geoff wish Highway Superintendent Jim Haggerty was available to see if he or his crew was available for an earlier date. Councilman Dustin Bliss said the reason why he wants to push it off till September is for families who might have a vacation planned, or a long weekend for a distance wedding, basically so the citizen would not miss out on it. Dustin just wants to wait so everyone in the Town that wants to participate could.

A motion was made by Dustin Bliss to schedule trash day for September 25, and 26 at Prevy's. Seconded by Geoff Milks.

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

B.) Zero-Turn Lawn Mower: Bookkeeper Jessica Dart is asking that this be tabled till the budget time. It has come up in the past about selling the mower or keeping it and hiring an employee to mow by the hour. Supervisor Randy Lester said hiring someone as an employee has not worked in the past. That is why they outsourced by an individual. Councilman John Hill said he sees what Charlie Vince does for the Town and how he takes pride in his work. He is not the cheapest that the Town could get but there is not any better quality then what Charlie gives. Councilman Dustin Bliss stated that putting a kid on a lawn mower you would have to have someone babysit, fixing head stones, fixing the lawn mower. If its someone in the Highway Department mowing then you may have to start paying overtime, also the cost of moving it. Dustin is in favor of selling it. John said Charlie will finish this year mowing. The board will see how much money they

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can get out of the zero-turn mower at the end of the season and sell it in the spring. Dustin said that Masons or Lamb and Webster have a consignment auction in the spring, he does not want the Town to miss out on an opportunity because of a discrepancy because what the people on the Town Board think its worth. What it brings in auction is what its worth.

A motion was made by Geoff Milks to table selling the zero-turn mower till budget time. Seconded by Dustin Bliss.

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

C.) Lawn Mowing Service- Charlie Vince was hired to mow to keep up on the Town grounds. Councilman John Hill spoke with Charlie, and he asked if at the Elton Cemetery if the Town Highway could remove a stump and level the ground. Supervisor Randy Lester will talk to Highway Superintendent Jim Haggerty about the stump.

D.) Town Green- Supervisor Randy Lester said that a tree in the front of the Green had a branch came down the week before. Randy said he feels the tree should be cut down. The tree is in bad shape and it hangs over Route 98. Councilman John Hill is in favor to take the tree down, he is fear full of the quote they would get to take the tree down. John is concerned and feels it should be taken down before it does become a hazard. Councilman Dustin Bliss asked why does the Town own the Town Green. Randy gave the history, he said there was a lot of folklore of what it used to be. The folklore was that it was used in the 1820's for training the militia of Freedom. That came out in a news story when they cut down the big tree in the back. He said that years ago the Town had all their property surveyed. Randy said when he moved next to the property, he had realized it had not been surveyed The Town hired a surveying company last fall and they have dragged their feet, he has requested a meeting with them, and they keep putting Randy off. The Town Green was a piece of property that know one owned and it was called the commons at one time. In 1943 the Town of Freedom filed a lawsuit against the eras of the Wild family. Mr. Wild had bought a large piece of land back in 1830's from the Holland land company. The lawsuit was amended in 1945 and in 1946 the Cattaraugus County Courts awarded it to the Town of Freedom. One issue is the surveyor cannot come up with property lines because it was never surveyed in the first place. Dustin feels this property is costing us something to maintain, it cost some for insurance, taking down trees just adds even more money spent. Dustin feels that Randy should not be dealing with this being he has adjacent property and that someone else in the Town should be dealing with the survey. Dustin would like to see the Town Green gone off the Towns books. Councilman Geoff Milks asked if they could get estimates for the tree to be taken down. John stated without the tree on the green, property should have higher value because of reduced liability. He feels that the Town would be facing a

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\$3,000.00 or more cost for tree removal and the property is not worth that much. John stated to sell the property with the tree on it. Randy said the issue with the survey is it runs down the driveway of the Tucker house that is next to the Town Green. Dustin said we need to get a surveyor that will survey it and if the joining neighbors have an issue with the survey then it's to get resolve at that point. Randy suggest to table this to the next meeting, he will get a hold of this surveyor that has been working on this. The surveyor told Randy he stopped the clock at \$2,000.00. Geoff asked is it possible to sell the property with the buyer's responsibility to survey it. Randy will have Highway Superintended Jim Haggerty gets some estimates for the tree.

A motion as made by John Hill to table this to the July meeting. Seconded by Geoff Milks.

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

E.) Changing By-Laws tabled at the February 24, 2020 meeting-

A motion was made by Dustin Bliss to reject changing of the by-laws. Seconded by Geoff Milks.

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

**XII.) NEW BUSINESS:**

A.) Playground: Supervisor Randy Lester asked the playground committee if anyone has inspected the playground. Councilman Geoff Milks said he noticed on one of the steps it is lose. Geoff also stated he did not know who was qualified to inspect the playground. Geoff does not have a problem checking in on the playground but does not want to take on the legal reasonability because he has no formal training in this sort of thing. Councilman John Hill said he thought that Planning Board Member Brain Arnold new how-to insect playgrounds or even knows someone who can inspect playgrounds. Randy said he is asking for a monthly walk through and keep record of anything that maybe broken. Councilman Dustin Bliss suggested Building Inspector Pat Cummings to do a general inspection of the structure whether it be bi-weekly or monthly. Pat would not be able to give the official seal of approval. Dustin feels he be the most qualified Town employee and stated that the Town may have to throw in extra money for the added work to do a general walk through. John agreed with Dustin and feels he be a good fit to do a general walk through and let the Town Board know of any issues. Geoff asked would the Town Highway be able to fix something like a loose step instead of hiring someone. Dustin stated it's the Board authority to tell the Hired Highway employees what their job is, it's the Highway Superintendent job to manage that process. Geoff said if someone could discuss this with Highway

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Superintendent Jim Haggerty to make sure that they are on board with this. Dustin will discuss with Jim.

B.) Park Shelter: Councilman Dustin Bliss made a motion to open the park shelter under the condition that people coming to the shelter have the understand of the public health risk at this time and do it on their own accord. Seconded by John Hill. The board did not vote on this because Supervisor Randy Lester wanted to discuss this. He asked how would you tell them, at your own risk. Councilman John Hill said that everyone knows its out there and that the public is mature enough to follow the guidelines. John asked about a contract for when the shelter is rented does it say anything as far as if someone gets injured its at their own risk. Dustin stated if someone came down with Covid-19, how can they track if it was from the Freedom Town Shelter. Randy wanted to know who will police that. Councilman Geoff Milks said if we have to put the stipulation in that states how many people due to the Governor's order of how many people at a gathering. Town Attorney Eric Firkle said he would not push it as far as letting people access the shelter. John Hill said his question is, letting people use the shelter at their own risk is it out of the normal responsibility for our Town, are we being disobedient to the laws of the State of New York. John is suggesting that the Town should not restrict people based on Covid-19. Eric recommends what the Governor order is on public gatherings. Dustin Bliss asked Town Clerk Mindy Holland to make a call to the Association of Towns. The Board stated the citizen must obey by the Governors rules.

C.) Assessor: Town Clerk Mindy Holland wanted to bring to the Town Boards attention regarding an email when the Assessors should come back to the Town Hall. The Assessors sent a follow up email and said they will wait till the end of summer to come back to the Town Hall. The Town does pay them, and, in the contract, it does say up to 3 hours a week in person, at the Town Hall. Councilman Dustin Bliss stated they should be here under those guidelines. Dustin said how is anyone in the Town suppose to wait till the end of summer if they have an issue with there assessment. Councilman John Hill opinion is that it's a salary position why are we paying them, he understands they are concern about their safety, he said he was hoping going from a Town appointed assessor to a County assessor it would be seamless. Now he feels the County Assessors are dictating how they are going to help our Town. Councilman Geoff Milks discussed the final roll is turned in by July 1<sup>st</sup> and we are about near that date; they are stationed in Little Valley if anyone needs to meet with them face to face. Supervisor Randy Lester said they would come here, if someone called and asked if they could meet the Assessor at the Town Hall they would. Jennifer Daughery commented that she asked to meet with the assessor three times and the assessor said no due to Covid-19 they could not meet in person. She had gotten notification in May regarding her taxes. Jennifer called on May 4<sup>th</sup> and stated she wanted to meet with her. She said by law you are aloud to meet with your



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Assessor upon request. She was told due to Covid-19 reasons she could not meet with her in person. The letter Jennifer received stated that she could meet with her in person in Little Valley. When Jennifer asked the secretary to meet with the Assessor on May 4<sup>th</sup> at 6:00pm the appointments were filled up all ready. The secretary told Jennifer to put it in writing. She never got response from the letter she wrote. Around May 15<sup>th</sup> Jennifer called again for a meeting, the Assessor said no due to Covid-19 there was special regulations and rules that she did not have to meet in person and would not be holding office hours till the end of summer. The only chance Jennifer could meet with her was grievance day. Dustin stated he would contact the County Assessor's office.

**XIII). Public Comment:**

Rick Lange- He wants an official open meeting next month; the Town can make it happen regardless of the dictator in New York City says. He stated we can use the Highway Garage. Councilman Geoff Milks said it's a consideration. Councilman John Hill said he does not have a problem with that, hopefully by then we can have more then 25 people. Supervisor Randy Lester said we would have the 6 feet distance still in place, Building Inspector Pat Cummings said for the board room that only be about 20 people. John stated he is thinking the bigger bay section of the Highway Garage.

Denise Willard-She feels it was convenient for the Town to have meetings for others to be involved until after Siting Board made their decision. She also stated as far as the surveyor that was talked about, if they said they would call Supervisor Randy Lester and they didn't and the surveyor's wife said that she would call Randy and has not, then maybe that's not the surveyor we should be using. Supervisor Randy Lester stated they got the survey done but there is one part of it that was never surveyed, that is why he would like to meet with them to find out what the problem is. Denise said that Randy should not be a part of the survey being that he is the landowner next the Town Green and it is a conflict of interest. She also stated you cannot do a survey without all the components. Councilman John Hill said as far as the survey Randy has always been acting as the Town Supervisor and not as the person next to it. If the survey is done, the surveyor should be able to supply the Town with the correct survey. John stated if he is not confident to have the survey done correctly or there is miss communications, then the Town should move on to another person that can do a survey. As far as the Sitting Board continuing to make their rules during Covid-19 he feels its atrocious on Governor Cuomo's part to allow that to proceed and close every other form of government in New York State. Denise, she agrees but she feels that the Town could have done a zoom in April, and May and we are just now doing it in June. John said the Town Board choose what they did so that they were not the cause of anyone getting Covid-19 in the Town of Freedom because we held a meeting. That's why until today John said he would come to the Town Hall when no one else was around and sign vouchers and made a sworn statement to Town Clerk Mindy Holland that he was approving the vouchers because the Town Board has to be able to continue on. The Board was trying to follow the guidelines

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and we are continuing to follow the guidelines. This has been a major inconvenience on everyone. John apologized for the Town, if we could have done something better, and he does not know if we could have. Denise said she is just talking about what we are doing right now we call in and we have a board meeting, is it inconvenient yes, but we are still continuing on doing Town Business. John said thank Councilman Geoff Milks for the ability to do this with zoom.

**XIV). REPORTS & COMMUNICATIONS:**

- A) Assessors – Reports Submitted: from March, May, and June
- B) Building Committee –
- C) Building Inspector –Reports Submitted: March, May, and June
- D) Highway Superintendent – Reports submitted: March
- E) Clerk/Collector – Reports Submitted: February, March, April, and May
  - Tax season went well, and we reconciled to the penny with the Treasure office.
  - Clerks Hours: Monday & Friday the same 9:00 am – 1:00 pm
  - Thursday 5:00 pm- 8:00 pm
  - Saturday: 9:00 am – 11:00 am
- F) Constable –
- G) DCO-Report submitted.
- H) Highway Committee –
- I) Insurance Committee-
- J) Justices –
- K) Parks & Recreation –
- L) Planning Board – Report Submitted from March
- M) Supervisor – Report submitted: February, March, April, and May
- N) Other Town Officials –

A motion to accept the reports & communications as submitted was made by Dustin Bliss. Seconded by Geoff Milks.

Roll call: Ayes-4 Dustin Bliss, John Hill, Geoff Milks,  
and Supervisor Randy Lester

**XV). APPROVAL OF VOUCHERS:**

General #114 to # 129, Amt. \$6,530.02, Yrly Amt. \$139,285.23.

Motion made by Geoff Milks to accept the General vouchers as written.  
Seconded by Dustin Bliss.

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Roll call: Ayes-4 Dustin Bliss, John Hill, Geoff Milks,  
and Supervisor Randy Lester

*Highway # 61 to #65, Amt. \$1,726.58, Yrly Amt. \$ 186,803.26.*

Motion made by Dustin Bliss to accept the Highway vouchers as written.  
Seconded by John Hill.

Roll call: Ayes-4 Dustin Bliss, John Hill, Geoff Milks,  
and Supervisor Randy Lester

**XVI). Executive Session regarding Litigation:**

A motion was made by Dustin Bliss to go into Executive Session. Seconded  
by Geoff Milks.

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

Side Note: The Town Board had to end the zoom meeting because the public  
would have been able to hear the Executive Session, through Councilman  
John Hill end of the zoom. Due to that John was no longer able to participate  
on.

A motion was made by Dustin Bliss to open the Regular Board Meeting.  
Seconded by Geoff Milks.

Roll Call: Ayes-3 Dustin Bliss, Geoff Milks, and Supervisor Randy Lester

**XVII). ADJOURNMENT:** Dustin Bliss made the motion to adjourn the meeting at  
8:58 pm. Seconded by Randy Lester.

Roll call: Ayes-3 Dustin Bliss, Geoff Milks, and Supervisor Randy Lester

Respectfully Submitted,

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Freedom Town Clerk  
06/22/2020