

Town of Freedom
Special Town Board Meeting
Monday, February 3, 2020

Board Members Present: Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks,
and Supervisor Randy Lester

Other Officials: Town Attorney Eric Firkle

Others: 12

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

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

II. OLD BUISNESS:

A.) Snow removal laws- Local and State Laws handed to Town Board at the January 27, 2020 meeting: Tabled at last board meeting for future discussion. Councilman John Hill said at the last meeting the Board had talked about eliminating the Local Law and just going with the State Law. John does not have any objections to that. The Town Board decided to table this to the February 24, 2020 meeting to discuss with Highway Superintendent Jim Haggerty.

Dustin Bliss made a motion to table the Snow Removal Law until the next Regular Schedule Board Meeting on February 24, 2020. Seconded by John Hill.

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

B.) Junk Yard Laws, Tabled at the January 27, 2020 meeting. Councilman John Hill said the recommendation of increasing the fee makes sense, so we don't have 100 junk yards in the Town of Freedom. Councilman Dustin Bliss stated he likes Ron Previty, and it's kind of a moot point because whatever we do as a municipality compare to regulation from the State, complying with DEC regulations, whether it's a dairy farm, or junk yard is quite a barrier to entry. But sense Ron is a resident and taxpayer Dustin does not mind hearing the issue. Councilman Geoff Milks feels it's wise to hear a little bit more from him to.

Dustin Bliss made a motion to table the discussion on the Junk Yard Law till the next Regular Schedule Board Meeting on February 24, 2020. Seconded by John Hill.

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

Geoff Milks made a motion to go into Executive Session to discuss some pending litigation that he was made aware of moments before the Meeting. Seconded by John Hill.

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

NOTE: Councilwomen Jolene Esposito came to meeting as they were going into Executive Session

John Hill made a motion to end the Executive Session. Seconded by Jolene Esposito.

Roll Call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks and Supervisor Randy Lester

John Hill made a motion to open the Special Board Meeting. Seconded by Jolene Esposito.

Roll Call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks, and Supervisor Randy Lester

C.) Environmental Assessment form discussion: Councilman Geoff Milks stated that 3 Board Members have done an EAF form previously. Supervisor Randy Lester stated our Town Attorney had done it. Geoff said our Town Attorney was present. Town Attorney Eric Firkel went through the EAF form with the Town Board and filled it in accordingly.

III. Resolution-15 Resolution Introducing Local Law 2-2020 “ 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”; Scheduling Public Hearing- see attached

Discussion-Councilman Dustin Bliss stated that the Town is eroding institutions of the Town. If you want people to feel comfortable with what the Town Board doing, they need to have vying. That is why we have public meetings, that's why we have Public Hearings. His opinion the Planning Board in another way for residence of the Town to voice opinion, seek grievance. For a short-term gain this may benefit a few people in the Town, long term this may hurt the Town and its residence.
Councilman John Hill stated he agrees the people from the Town should have weigh-in and able to discuss their issues. John personal opinion about the Town Planning Board was it's a very selective to a selective group of people, that made decisions based on, represented of a minority of Freedom because it

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has to do with an assignment in 2017 that they were giving regarding a wind law that was to protect the Town of Freedom and at the end of 2017 they had not done any of this accordingly. The previous Supervisor, Councilwomen Jolene Esposito, and himself, wrote up and proposed a Town Law for the windmills in 2017. It got voted down because of procedural issues. Then the standing Town Planning Board followed the recommendations of Invenergy completely and made their own law. John does not feel the Planning Board is an avenue to get to the Town Board to discuss things. John thinks the Town Board is were more people can get influence.

Supervisor Randy Lester said the Planning Board does more then that, they do code issues, they investigated solar energy and other things. They are people who have been around the area for some time

Councilman Geoff Milks said they were established in 2013, the law was established 1975 but the Planning Board is a relatively new thing. Geoff has read through their minutes prior to coming into office. He said there is not of ton of stuff that goes through them. He said he feels the Board can handle the little bit of work that goes with it. Councilwomen Jolene Esposito agrees with Geoff.

Randy stated in the light of this it should be advertised in the Arcade Herald because not too many get the Olean Times. Also, he asked why the rush, Geoff said its open for comments.

IV. LOCAL LAW 1 of 2020- Wind Energy Facilities Local Law.

A motion was made by John Hill to tabled Local Law 1 of 2020. Seconded by Geoff Milks.

Roll Call:

Jolene Esposito-Craft: Aye

Dustin Bliss: Aye

John Hill: Aye

Geoff Milks: Aye

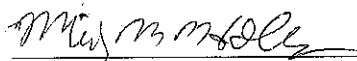
Randy Lester: Aye

V. ADJOURNMENT:

John Hill made the motion to adjourn the meeting at 8:10 p. m. Seconded by Jolene Esposito.

Roll call: Ayes-5 Jolene Esposito, Dustin Bliss, John Hill, Geoff Milks and Supervisor Randy Lester

Respectfully Submitted By:



Mindy M. Holland, Freedom Town Clerk

02/06/2020

Resolution of the Town of Freedom

Randy Lester, Supervisor

Members of the Town Council: Geoffrey Milks | John Hill | Jolene Esposito-Craft | Dustin Bliss

Clerk: Mindy Holland

DATE: 2/3/2020

RESOLUTIONNUMBER: 15 YEAR: 2020

MOVEDBY: John Hill

SECOND BY: Geoff Milks

TITLE: **Resolution Introducing Local Law 2 -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"; Scheduling Public Hearing;**

WHEREAS, Pursuant to section 10 of the municipal home rule law and section 271, the Town of Freedom may from time to time enact such local laws regarding land use planning as it deems necessary; and

WHEREAS, the Town of Freedom is desirous of eliminating the Town's Planning Board and reverting any responsibility heretofore designated to the Planning Board to the Town Board; and

WHEREAS, placed on the desks and delivered to each Councilman and the Clerk is Local Law 2 – 2020 entitled "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"; now therefore be it

RESOLVED, there be introduced Local Law 2 – 2020 entitled "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" on this date, February 3, 2020; and be it further

RESOLVED, that a public hearing shall be held on the proposed Local Law 2 –2020 by the Freedom Town Board on the **10th** day of **February, 2020**, at **7:00** p.m. at Freedom Town Hall, 1188 Eagle Street, Sandusky, NY, and that at least five (5) days notice of such hearing shall be given by the Clerk by the posting thereof upon the bulletin board in the Town Hall and by publishing such notice at least once in the Olean Times Herald.

The resolution as stated above is hereby adopted by a majority vote of the Town of Freedom Town Board at an official meeting held on the 3rd day of February in the year 2020, the ayes and nays take and recorded below:

Nay Randy Lester, Supervisor

Aye Geoffrey Milks, Councilmember

Aye John Hill, Councilmember

Aye Jolene Esposito-Craft, Councilmember

Nay Dustin Bliss, Councilmember

CERTIFIED: 

Mindy Holland, Clerk
Town of Freedom

TOWN OF FREEDOM

LOCAL LAW NUMBER 2 - 2020

Pursuant to Section 271 of the Town Law and Section 10 of the Municipal Home Rule Law

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

WHEREAS, the Town of Freedom is desirous of eliminating the Town's Planning Board and reverting any responsibility heretofore designated to the Planning Board to the Town Board; now therefore

BE IT ENACTED by the Town Board of the Town of Freedom, in the County of Cattaraugus, as follows:

SECTION 1.

1. Local Law 1 of 2013, A local law amending the Land Use Ordinance of 1975 of the Town of Freedom is hereby amended as set forth herein.

SECTION 2.

1. Section 4: Board Composition and Terms of Office is hereby amended as follows:
 - a. Paragraphs (A) through (G) are repealed.
2. Section 5: Duties of the Planning Board is hereby amended as follows:
 - a. Paragraphs (A) through (G) are repealed.
3. Section 6: Training is hereby amended as follows:
 - a. Paragraphs (A) through (E) are repealed.
4. Section 8: Town Board Liaison is hereby amended as follows:
 - a. Section 8 is repealed.
5. Section 9: Meetings is hereby amended as follows:
 - a. Section 9 is repealed.
6. Section 10: Meeting Minutes is hereby amended as follows:
 - a. Section 10 is repealed.

SECTION 3.

1. If any provision of this Local law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication shall not affect, impair or invalidate the

remainder thereon, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4.

1. This Local Law shall take effect immediately upon the filing thereof in the office of the Secretary of State of the State of New York.

CERTIFICATION

I hereby certify that the local law annexed hereto, designated as local law number 2 of 2020 of the Town of Freedom was duly passed by the Town Board on the _____ day of _____, 2020 in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

DATE: _____

Mindy M. Holland, Clerk
Town of Freedom

Resolution of the Town of Freedom

Randy Lester, Supervisor

Members of the Town Council: Geoffrey Milks | John Hill | Jolene Esposito-Craft | Dustin Bliss

Clerk: Mindy Holland

DATE: 2/3/2020

RESOLUTION NUMBER: 16 _____ YEAR: 2020

MOVED BY: Geoff Milks

SECOND BY: Jolene Esposito

TITLE: **Resolution Introducing Local Law 3 -2020 "A Local Law Establishing the Date for the Town of Freedom Board of Assessment Review to Hear Complaints in Relation to Tax Assessments and Repealing Town of Freedom Local Law 1 - 2008"; Scheduling Public Hearing;**

WHEREAS, Pursuant to section 10 of the municipal home rule law and section 512 (1-a) of the real property tax law, the Town of Freedom may from time to time enact a local law regarding its meeting date of the board of assessment review; and

WHEREAS, the Town of Freedom Assessor has recommended that a change in the date and the law is necessary to coordinate the tax grievance dates of multiple towns; and

WHEREAS, placed on the desks and delivered to each Councilman and the Clerk is Local Law 3 – 2020 entitled “A Local Law Establishing the Date for the Town of Freedom Board of Assessment Review to Hear Complaints in Relation to Tax Assessments and Repealing Town of Freedom Local Law 1 - 2008”; now therefore be it

RESOLVED, there be introduced Local Law 3– 2020 entitled “A Local Law Establishing the Date for the Town of Freedom Board of Assessment Review to Hear Complaints in Relation to Tax Assessments and Repealing Town of Freedom Local Law 1 - 2008” on this date, February 3, 2020; and be it further

RESOLVED, that a public hearing shall be held on the proposed Local Law 3 –2020 by the Freedom Town Board on the **24th** day of **February, 2020**, at **7:00** p.m. at Freedom Town Hall, 1188 Eagle Street, Sandusky, NY, and that at least five (5) days notice of such hearing shall be given by the Clerk by the posting thereof upon the bulletin board in the Town Hall and by publishing such notice at least once in the Olean Times Herald.

The resolution as stated above is hereby adopted by a majority vote of the Town of Freedom Town Board at an official meeting held on the 3rd day of February in the year 2020, the ayes and nays take and recorded below:


 Aye Randy Lester, Supervisor

 Aye Geoffrey Milks, Councilmember

 Aye John Hill, Councilmember

 Aye Jolene Esposito-Craft, Councilmember

 Aye Dustin Bliss, Councilmember

CERTIFIED: 
Mindy Holland, Clerk
Town of Freedom

TOWN OF FREEDOM

LOCAL LAW NUMBER 3 - 2020

Pursuant to Section 512 (1-a) of the Real Property Tax Law and Section 10 of the Municipal Home Rule Law

A LOCAL LAW ESTABLISHING THE DATE FOR THE TOWN OF FREEDOM BOARD OF ASSESSMENT REVIEW TO HEAR COMPLAINTS IN RELATION TO TAX ASSESSMENTS AND REPEALING TOWN OF FREEDOM LOCAL LAW 1 - 2008

BE IT ENACTED by the Town Board of the Town of Freedom, in the County of Cattaraugus, as follows:

SECTION 1.

1. It is the Intent of this Local Law to change the date on which the Town of Freedom Board of Assessment Review shall first meet to hear complaints in relation to real property tax assessments and to repeal Local Law 1 – 2008, a Local Law Establishing the Date for the Meetings of the Board of Assessment Review.

SECTION 2.

1. The Board of Assessment Review shall initially meet to hear complaints in relation to tax assessments in the Town of Freedom on the first Thursday following the fourth Tuesday in the month of May of each year.
2. This public meeting of the Board of Assessment Review shall also be known as Grievance Day.
3. If the number of real property owners desirous of grieving their assessment be greater than the time available at the initial meeting, the Board of Assessment Review shall hold a subsequent public meeting as soon as possible, with required public notice, but in no event later than the second Tuesday of the month of June.

SECTION 3.

1. Local Law 1 – 2008 of the Town of Freedom, entitled A Local Law Establishing the Date for the Meetings of the Board of Assessment Review is hereby repealed.

SECTION 4.

1. If any provision of this Local law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication shall not affect, impair or invalidate the

remainder thereon, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5.

1. This Local Law shall take effect immediately upon the filing thereof in the office of the Secretary of State of the State of New York.

CERTIFICATION

I hereby certify that the local law annexed hereto, designated as local law number 3 of 2020 of the Town of Freedom was duly passed by the Town Board on the _____ day of _____, 2020 in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

DATE: _____

Mindy M. Holland, Clerk
Town of Freedom