

Town of Freedom
Regular Board Meeting
September 21, 2020

Board Members Present: Dustin Bliss, John Hill, Geoff Milks,
& Supervisor Randy Lester

Other Officials: Highway Superintendent Jim Haggerty, Justice Kara Brunner,
Count Clerk Gill Koerner, Constable Robert Harrington

Others: 15

Meeting called to order at 7pm by Supervisor Randy Lester

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

II. REVIEW OF MINUTES:

Regular Board Meeting minutes for August 17, 2020

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

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

III. The Court is asking the Board for equipment purchase: Court Clerk Gill Koerner stated at the last Board Meeting when they were asking for the approval and permission for JCAP one of the items that would be under JCAP was new furniture for the Court Office. The Court is asking to use money from the budget this year to get the office furniture. She said she does not have a concrete answer right now of a price but it be around \$4,500, also the furniture is from Hon, and that's State bid. This would include two chairs, two work stations, and it would be cabinets for the top and bottom. Gill talked to Bookkeeper Jessica Dart and she said because the amount is over the Justice budget that they need to ask the Town Board for permission to use the money from the building fund for the furniture. Jessica said there is money to cover the furniture. Supervisor Randy Lester asked if Gill had a ball park amount on how much it would be over the grant. Gill state they anticipated it be \$4,000 over the\$30,000 grant. She stated that they do not have final drawings so it could end up scaled back. The company came out and took measurements and they will have a better idea on the amount in a few weeks. Councilmen John Hill asked if they have a laptop or desk top. Gill stated they have laptops that they take back and forth. They are looking to keep things more organize.

John Hill made a motion to approve the amount up to \$4,500, not to exceed \$4,500 at this time. Geoff Milks seconded it.

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

IV. Loader Bids: Highway Superintendent Jim Haggerty let the Board know that the State took 20% of the CHIPS money, about \$30,000.00. Councilman Dustin Bliss asked is that for this past year or this coming year. Jim said that is money that is spent this year for this coming year. Jim stated that he spoke with Bookkeeper Jessica Dart and there is money still available for equipment. The Town has traded the Loader ever three years. Jim is wondering if they can table this till next meeting to go over 8 bids that he received for different loaders. Jim had them bid them as a straight deal and with a trade in amount as well.

-Doosan- \$126,989.26 they offered \$98,000 for the trade in.

-Case- \$153,319.94 they offered \$98,000 for the trade in.

-John Deere- They gave Jim three bids, Jim read one and stated that the board can read the others if they like. The one he read was to trade to the exact machine they have. \$112,500.00 for trade in. It is \$44,000 to trade to a new machine with warranties. The Machine cost \$156,500.00

-JCB-\$136,830.00 they offered \$85,000 for trade in.

-Admar- loader type Waker- \$148,369.00. for the trade is \$105,000.00.

-George & Swede-loader type-Hyundai-They will do a 3 year buy back deal, \$12,000 per year, first year trade in it would be \$12,000, second year it be \$24,000, and the third year it be \$36,000. The price for a new one is \$136,971.00 trade on the loader would be \$90,000.

-Volvo- \$155,252.00, trade in price is \$86,000

-Baschmann- Hitachi- \$150,277.00 for the bigger size loader, then there is the smaller loader and its \$139,309.00. Trade in is \$106,000.00.

The sales rep from Baschmann's equipment was asked to speak about the loader that he has given a quote for. The Hitachi, is make in Japan and then the final assembly is done in Georgia. They have been a dealer for them for about 5 years. They are big on quarry loaders. With the quick coupler like the Town has they can't find as big of a bucket on it. With keeping in the spec of their machine, the smaller one is a 2.8 cubic yard, which is has a 3 cubic yard. The next size bigger goes to 3.2 cubic yard and that puts them a little bit over. That's why they did both quotes because they don't have a direct fit for what the Town has in the 544. They have very good support. It originally was manufactured under the Kawasaki name. Then they were bought by Hitachi. They have great back up service. It runs a Cummins engine, there is no regeneration, just put diesel fluid in it. They have 7 loaders in stock. They would love to bring the loader out and have the highway try it. Councilman Dustin Bliss asked if they were offering a guarantee buy back. The sales rep said no. Dustin asked with the warranty this machine is there an hour limit. The rep stated 2-year, 2,000 hrs. warranty. They can extend the warranty is there is requirements for that. There price is good till the end of January 2021.

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Jim stated that the only one offering a guarantee buy back is George and Swede. Supervisor Randy Lester asked Jim to put the bids in a folder and leave them with the Town Clerk so Dustin, and himself or anyone else that would like to take a look at them can. Then Dustin and Randy can meet with Jim before the next meeting to discuss further.

Councilman John Hill asked how many hours are on the loader we have now. Jim stated 1300 hrs., he said not many, but the warranty is up on it this year.

V. NEW BUSINESS:

A) Mary Zink resignation as Town Justice: Supervisor Randy Lester stated that he thanks Mary for her many, many years as Town Justice. Mary Zink stated it has been a privilege to be the Town Justice for almost 22 years. A part of the reason for her resigning is because of the new technology changes that is required. She stated she sees that Lynn Guertin, who is replacing her for the month, he is from the Town of Yorkshire and they have recently gone to one judge. She feels going to one judge in the Town of Freedom should be considered. She said she was against it when it first was brought up 5 years ago, but so much has changed with Covid. She gave each of the Board Members a copy of a letter, she stated that she resigned as of September 1, the letter she received was on August 26, she got it in an email and then they sent her a hard copy. The letter was from Judicial Conduct, she stated in 22 years, she had been reported to them once before three years ago, sense then it's just an ongoing thing. Mary read the letter. The commission on Judicial Conduct has completed its review of a complaint from Eric and Jennifer Daugherty alleging that, you advised a local resident of an impending search of there property all these allegations of abuse. The commission dismisses the complaint, that it's not substantial. Mary stated it's just an ongoing thing with the complaints. She said it's never going to stop. She just wanted to make claim that she received this letter before she resigned. That it had nothing to do with her resignation. She finished with its been an honor, it's been a privilege and she thanks the people of Freedom for trusting her, and giving her the opportunity. She said so much has changed and its over and above her as far as technology.

John Hill made a motion to accept Mary Zink resignation. Dustin Bliss seconded that motion.

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

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B) Assignment for acting Judge in the Town of Freedom: Supervisor Randy Lester stated that Lynn Guertin was appointed by the State. He has already started.

1. The Town Board was asked how they want to pay to Lynn Guertin.

Dustin Bliss made a motion that the Town pays Lynn Guertin Monthly at the same rate the Town was paying Mary Zink. Seconded by Geoff Milks.

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

C.) Funds for historical sites in Freedom: Supervisor Randy Lester just received notification and gave a copy of the email to the board members. Invenenergy has to fund \$578,000.00 for historical preservation for the 5 Towns. Its not automatic, also not based on the number of windmills. This goes to the Historical Society, and they make the decisions on the allocations. He is asking any Board Members, any Citizen, that may know of any historical building, or anything historical to let Town Clerk Mindy Holland or himself know and we can coordinate it. Councilman Dustin Bliss asked who is on the Historical Society in the Town. Councilman John Hill answered Lorna Spencer. Randy stated Sherry Bernard is the assistant. Dustin asked if Randy has talked to them about this. Randy stated yes, he has talked to Sherry about it, also Ron Ashworth had previously had said last year he would like to be involved in the development of the Town Green. Sherri also has some thoughts concerning the Town Green. Randy stated he will be meeting with the Invenenergy to get more information. Councilman Geoff Milks asked if the Town should consider doing a committee. Randy stated the train depo in Freedom is in rough shape. John said it would take a lot of restoration. Dustin asked should the committee be of local citizens or just Board Members. John feels it should be residents and Historical Society, and maybe one Board Member.

Dustin Bliss made a motion to advertise in the Arcade Herald and the Penny saver that there is potentially money available for historic preservation in the Town of Freedom and the Town Board is looking for any and all interested parties for their involvement. Seconded by John Hill.

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

D.) Planning Board is asking the Board to amend local law 1 of 2001. Its regarding a barking dog issue. Councilman John Hill read the letter.
We, the Freedom Planning Board are suggesting to add an amendment to Local Law 1 of 2001, Dog Control Law of the Town of Freedom. We are asking to add if a dog barks, howls, bays, cries, ect, which consumes 30 to 60 minutes of an hour throughout the day over a period of two consecutive weeks, then the plaintiff must contact the Dog Control Officer with the issue and provide to him a written evidence of the issue in the form of a "bark log" that contains the dates, times, and duration of the dog's barking for that consecutive two week period. A court appearance is recommended for both parties to resolve the issue.

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Councilman Dustin Bliss asked if they will have to have a work session. Town Clerk told them they will have to have a work session, then a public hearing when they have an amendment drawn up. Norman Feldman from the Planning Board was introduced to give clarification. Dustin conflict with this idea is if you have two neighbors that hate each other, one guy will just write down that the other guys dog was barking for 30 mins a day for 14 days in a row just to throw a dagger at him, then it will take up the courts time because the Town justice will have to serve as a referee, to tell each other to be polite to each other. He feels there should be more proof then just hear say. Norman asked Dustin how he would recommend doing this. Norman asked if they should record it to prove it. Councilman John Hill stated he feel that the Dog Control officer should talk to the individual with the dog and tell them about the issue and the complaint and state that they may get charged if the issue continues. Councilman Geoff Milks stated similar situation with the racetrack complains that Supervisor Randy Lester was receiving. Randy stated it would be very difficult to minister this because the person who files the complaint would have to come to court and testify and submit his documentation, and it can't be just the dog barks a lot. It will have to be recorded, maybe photographed. Geoff asked if the Board can have an example from another Town that maybe a law that has some meat behind it. Doug Morgan asked how does NYS Ag and Market handle this. Dustin would like to post pone this till next meeting and follow Doug direction regarding AG & Market and try to find out what other Towns have done. Dustin asked if the Dog Control Officer been brought into this. Norman stated no, not that he knows of. Dustin asked was there a particular person bring this to the Planning Board. Randy stated it was discussed about three Planning Board meetings ago.

John Hill made a motion to table this till the Board can get some more information.
Seconded by Geoff Milks.

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

E.) Work Sessions on 2021 Town Budget, Monday, October 5, 2020 @ 7:00pm and Monday, November 2, 2020 at 7:00 pm at the Freedom Town Hall.

A motion was made by John Hill to accept the dates for the work session. Motion seconded by Geoff Milks.

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

F.) Halloween Night: Will there be Trick or Treat this year, and what times, from 5 pm to 7:30pm. Councilman John Hill said that Constable Rob Harrington could stay out till 8:00pm making sure everyone was off the streets. Rob said he will be available again on Halloween night during Trick or Treats.

A motion was made by Geoff Milks to set Trick or Treat times for 5:00pm to 7:30pm.
Seconded by Dustin Bliss.

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

G) Three public hearings for fire contracts, one public hearing for 2021 town budget and town board meeting on November 16th 2020.

A motion was made by Geoff Milks to hold the public hearings for the three fire contracts and 2021 budget to be held during the November 16th 2020 Board Meeting. Motion was seconded by Dustin Bliss.

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

The work sessions and public hearing will be advertised in the Olean Times and Arcade Herold.

The Trick or Treat ad will be the Pennysaver and the Arcade Herald.

H) Cyber Policy: Town Clerk Mindy Holland told the Board that the Insurance Company is requiring that any Town of Freedom employee that uses the computers, have to take a test and have a policy. The Board has to adopt this to be given to the employees who use the computers.

Dustin Bliss made a motion to except the Town internet and acceptable use policy. Geoff Milks seconded it.

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

VI. Resolution of the Town of Freedom
Randy Lester, Supervisor
Members of the Town Council: Geoffrey Milks | John Hill | Dustin Bliss
Clerk: Mindy Holland

DATE: 09/19/2020

RESOLUTION NUMBER: 22 YEAR: 2020

MOVED BY: Dustin Bliss SECOND BY: John Hill

TITLE: **Resolution Introducing Local Law -2020 “A Local Law Repealing Local Law 1 – 1998 Regulating Snow Removal”; Scheduling Public Hearing;**

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

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WHEREAS, the Town of Freedom is desirous of repealing Local Law 1 – 1998 regulating snow removal in the Town of Freedom; and

WHEREAS, placed on the desks and delivered to each Councilman and the Clerk is Local Law – 2020 entitled “A Local Law Repealing Local Law 1 – 1998 Regulating Snow Removal”; now therefore be it

RESOLVED, there be introduced Local Law – 2020 entitled “A Local Law Repealing Local Law 1 – 1998 Regulating Snow Removal” on this date, September 21, 2020; and be it further

RESOLVED, that a public hearing shall be held on the proposed Local Law – 2020 by the Freedom Town Board on the **19th** day of **October, 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 21st day of September in the year 2020, the ayes and nays take and recorded below:

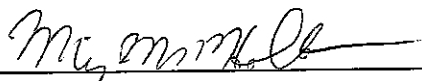
Aye Randy Lester, Supervisor

Aye Geoffrey Milks, Councilmember

Aye John Hill, Councilmember

Aye Dustin Bliss, Councilmember

_____ VACANT, Councilmember

CERTIFIED: 
Mindy Holland, Clerk
Town of Freedom

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**VII. RESOLUTION #25-2020 SUPPORTING THE CATTARAUGUS COUNTY
REAL PROPERTY TAX SERVICES IN UPDATING THE Town of Freedom
ASSESSMENT ROLL**

WHEREAS, the Town of Freedom, Town Board supports the efforts of Cattaraugus County's Real Property Tax Services in updating the Town of Freedom assessment roll to full-market value, and

WHEREAS, the Town feels that it is necessary to conduct a reassessment project of all properties to maintain a uniform standard of assessment for the Town; and

NOW, THEREFORE, it is hereby

RESOLVED, by the Town Board of the Town of Freedom, New York, that the Town of Freedom hereby requests State assistance, specifically from the New York State Office of Real Property Tax Services, to do a reassessment project to maintain a uniform standard of assessment in accordance with Section 305 of the Real Property Tax Law

Motion by: John Hill, Seconded by Geoff Milks

Roll call

Bliss: No

Hill: Yes

Milks: Aye

Lester: Yes

Clerk: *M. M. Miller* Date: 09/21/2020

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VIII. Town of Freedom

Resolution #28-2020

September 21, 2020

RESOLVED, By the Freedom Town Board of the Town of Freedom that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

A motion was made by John Hill. Seconded by Geoff Milks.

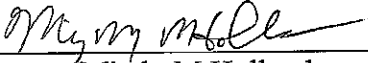
Roll Call:

Dustin Bliss: Aye

John Hill: Aye

Geoff Milks: Aye

Supervisor Randy Lester: Aye

Certified By  Date: 9/21/2020
Mindy M Holland
Freedom Town Clerk

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IX. TOWN OF FREEDOM

RESOLUTION #29-2020
2020

September 21,

Resolution Introducing Local Law 3-2020 “Deputy Town Clerk Residency”; Scheduling Public Hearing;

WHEREAS, Pursuant to Municipal Home Rule Law, § 10 (1) (ii) (a) (1) that grants to local governments the authority to enact local law regarding the qualifications of local officers. Furthermore, this local law recognizes that the State Legislature in Public Officers Law, § 3 (20) added a new subdivision expanding the residency requirements for the Deputy Town Clerk for the Town of Freedom thereby rendering Public Officers law a special law with respect to the office of Deputy Town Clerk

THEREFORE BE IT RESOLVED, This local law shall supersede Town law, §23 (1) in its application to the position of Deputy Town Clerk for the Town of Freedom.

NOW THEREFORE BE IT FURTHER RESOLVED, Residency requirements for the position of the Deputy Clerk for the Town of Freedom. The person holding the office of Deputy Town Clerk in the Town of Freedom not be a resident of an elector of the Town of Freedom, provided, however, that such person shall reside in the county in which such town is located or an adjoining county within the State of New York.

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 19th day of **October, 2020**, at 7:00 p.m. at Freedom Town Hall, 1188 Eagle Street, Sandusky, NY and at least (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 21st of September in the year 2020, the ayes and nays take and recorded below:

Motion by: Dustin Bliss, Seconded by Geoff Milks

Roll call:

Bliss: Aye

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Hill: Abstain

Milks: Aye

Lester: Aye

Clerk: Mignon Moll Date: 09/21/2020

X. Old BUSINESS:

- A) Legislator Joseph Boberg has sent a letter updating the Board on the Eagle Street bridge. Supervisor Randy Lester stated the County will coming later in the week to work on the bridge. Highway Superintendent Jim Haggerty stated it looks like a grinder and a paver. Councilman Dustin Bliss stated so they are just resurfacing it. Jim said yes, the bridge is no longer attached to beams underneath. The bridge jumps every time a car goes across it.
- B) Town Green: Supervisor Randy Lester has meet with he Tucker family. They are receptive about getting the motor home out of there. Wilma Tucker was under the impression that the Town of Freedom granted them a 1500 ft right-a-way. The information Randy has looked at there was no right-a-way for the Tuckers. In the mid 1980's the Dawson family lived behind the Tuckers and they had a right-a way by the Town of Freedom Board. When Randy asked Wilma, she stated both the Dawson and the Tuckers used the same driveway. Randy stated he believes it would be incumbent for the Board to grant them a 1500ft right-a-way once things are resolved and get the motor home out of there. Dustin Bliss asked is the motor home sitting there because of the lack of funds for the Tuckers or is there some emotional attachment to it. Randy stated yes, it was a motor home that Wilma's husband Dan bought years ago, there is a sentimental value. She also tried giving it a way but she can't because it needs lots of work.
- C) Park Fence: Councilman John Hill stated the Board realizes that something needs to be done with the park fence, but due to budging issues they are going to reframe from that and the season for the park being used is about over. They will be looking at replacing some of the fence next year. Councilman Dustin Bliss called Nate Fox a resident in the Town of Freedom that owns a local fence company. He asked him to take a look at it and give the Town a quote on fixing, replacing, or removing some or all of the fence.
- D) Comprehensive Plan: Supervisor Randy Lester gave out copies of the Comprehensive Plan that was done in the Town of Freedom 25 years ago. The State requirements is that it be updated on an annual basis. It something the Town Board needs to put a plan together for the future.

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Councilman Geoff Milks stated the on the County website they have a Comprehensive Plan for the County, it has very good details. The County did some research and talked to County residents, and they have all the information on what they have done. Geoff stated its 2-3 years old. He thinking that maybe the Town could adopt some of there pieces into the Towns. Dustin stated that we will need to have a special work session to review and discuss. Randy thought it be best to wait till January.

- E) Reminder of Trash Dates September 25, & 26 from 7:00am – 3:00pm.

XI. Public Comment:

Denise Willard: She stated with the historical, for Invenergy \$578,000, in the application has a huge list of historical sites on the DPS.

Stephanie Milks: She stated the State Historic preservation is involved in helping to develop this.

**THE OCTOBER 19, MEETING WILL BE AT THE
FREEDOM TOWN HALL, 1188 EAGLE STREET**

XI. REPORTS & COMMUNICATIONS:

- A) Assessors –Repost 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) Insurance Committee-
- J) Justices –
- K) Parks & Recreation –
- L) Planning Board – Report Submitted
- M) Supervisor – Report Submitted
- N) Other Town Officials –

Councilman John Hill asked when the Senior Citizens meets. Supervisor Randy Lester stated they meet the first Wednesday of the month, at noon. They meet at the Town Hall.

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

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

XII.) APPROVAL OF VOUCHERS

General #171 to # 200, Amt. \$ 13,923.62, Yrly Amt. \$174,646.92.

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

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

Highway # 93 to #107, Amt. \$52,813.77, Yrly Amt. \$378,952.16.

Motion made by Dustin Bliss to accept the Highway vouchers as submitted.
Seconded by Geoff Milks.


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

XIII. ADJOURNMENT:

John Hill made the motion to adjourn the meeting at 8:20pm. Seconded by Geoff
Milks.

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

Respectfully Submitted By



Mindy M. Holland
Freedom Town Clerk
9/24/2020