

Town of Freedom
Regular Board Meeting Minutes
December 21, 2020

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

Others Officials: Highway Superintendent Jim Haggerty, & Constable Rob Harrington

Others:6

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

- I. **PLEDGE TO THE FLAG:** Led by Supervisor Randy Lester
- II. **REVIEW OF MINUTES:**

Board Meeting and Public Hearing Minutes of November 16, 2020

A motion was made by John Hill 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

- III. **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”;**

**Tabled at the June 15 Board Meeting.
Public Hearing on this law was held on February 10, 2020**

Supervisor Randy Lester read a letter from a contact from the Department of State. The letter stated that a Town cannot just abolish a Planning Board or Zoning Board because of their decisions. If the Town sub divisions regulations it must be handled by the Planning Board. If a Town has zoning, they have to have a Zoning Board of Appeals. The Town Board is statutorily not aloud to sit on either board. The Town Board can remove members for cause but cannot use disagreeing with their decisions as the cause. The appointment structure of the Planning and Zoning Board is set up this way to try and keep those boards from becoming too political.

**A motion was made by Dustin Bliss to rejecting Local Law ___ of 2020.
Seconded by Supervisor Randy Lester.**

Roll Call:

Town of Freedom
Regular Board Meeting Minutes
December 21, 2020

Dustin Bliss: Aye
John Hill: Aye
Geoff Milks: Nay
Randy Lester: Aye

IV. OLD BUSINESS:

- A.) **[Signatures required]** The 2020 Farmersville Fire Contract was approved last month, but we did not actually have a contract for the board to sign we had their approved budget.
- B.) **Armstrong Internet Update:** Supervisor Randy Lester stated that they had a phone conference about two weeks prior. They are working in this area to bring faster internet. They stated they had to pay \$60,000.00 in permits for this project. The cost is \$13,500.00 per mile putting it up. They are in Cuba now. They started in Central NY and working in the Southern tier. They may get this done in 2021. Councilman Geoff Milks stated that the County has helped remove some of the road blocks. R. Nick Morgan stated that they are running fiber in the Town and are running the main lines. R. Nick stated they got half of Allegany County done this summer. The road block in Allegany County was that the poles were too short to carry the fiber-optic, so they had to wait for pole replacement. Councilman John Hill stated that he has been told that they have been replacing poles in the East Arcade Area. R. Nick said that it was a State bid and Armstrong got granted for Steuben, Allegany, and Cattaraugus Counties. He stated that Steuben is mostly done, they were hoping to be done in Allegany County this year and then move into Cattaraugus County east to west. Geoff said that State Senator George Borrello has done a great job pushing as hard as he can to remove road blocks in the County as well. Denise Willard stated that they changed permits. After the Highway work permit started coming in, they asked for use and occupancy permits.
- C.) Supervisor Randy Lester read a letter from the Towns Comp Alliance (workers' Compensation Association). The Town of Freedom qualified for the Comp Alliance safe work place award for its performance during the policy year 2019. The safe work place award is a monetary award that benefits the members who have had positive lost experience during the year. The Town received a check for \$2,159.00.
- D.) Approval of the Variance at 10007 Blue Street. Public Hearing was held at the November 16, 2020 Meeting. There were no objections during the meeting for erecting the garage.

Town of Freedom
Regular Board Meeting Minutes
December 21, 2020

A motion was made by Randy Lester to approval the variance request.
Seconded by Dustin Bliss.

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

- E.) Reminder the Year-end meeting will be held on December 28, 2020 at 7:00 pm. Also, the Reorganization meeting will be held on January 4, 2021 at 7:00 pm.
- F.) Historical Preservation Committee Discussion: The Town Board recapped what was talked about at the last meeting. Councilman Geoff Milks thought having the first committee meeting before the next board meeting that will be a good idea, the first meeting is on January 11th at 6:00 pm.

V. NEW BUSINESS:

- A. Moving Dates for the Regular January and February Board Meeting because of conflict with National Holidays: Martin Luther King Day and President's Day

A Motion was made by John Hill to move the regular January Board meeting to January 11th at 7 PM and the regular February meeting to February 22nd at 7 PM. Motion was seconded by Geoff Milks.

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

- B. Town Clerk Mindy Holland explained to the Board about the packet from the County Planning Board pertaining Municipal Referrals to the County Planning Board.

- C. Board Discussion on Judge Opening- Councilman Dustin Bliss stated he feels it would be a cost savings to eliminated it down to one judge. Supervisor Randy Lester stated he has noticed they are doing more by mail, because of the pandemic. Highway Superintendent Jim Haggerty asked can't they go to one court day a month. Randy stated that is up to the court. Ron Previty asked can't the Town Board suggest it to them that the people at the board meeting are questioning why they can't cut it back on the time. Randy stated that they are separate from the Town Board. Gary Chamberlain stated that the Town Board provided the pay and the place to have Court. Councilman John Hill stated he would like to make a motion in the year 2021 the town does not seek or appoint a second Town Justice and have a referendum in the fall, so the public can decide if they want one or two justices. Town Clerk Mindy Holland read what the Association of Towns wrote to her regarding this. Mindy read what she wrote to them first.

Town of Freedom
Regular Board Meeting Minutes
December 21, 2020

From Mindy to the Association: I am wondering how a Town municipality goes from two Justice, down to one Justice. Does it have to be by resolution of the Town Board or does it have to be a referendum on the election ballot? Something was said if the Town Board passes it by a resolution the public has 150 days to go out and get a petition signed by so many people. What should the Town Board do?

The answer from the Association: That's partially correct- under Town Law section 60-a (2), the town board can adopt a resolution abolishing one of the justice positions. This resolution is subject to permissive referendum, meaning that a petition has to be filed within thirty days with the requisite number of signatures in order for it to go on the ballot (at a general or special election if there is no general election scheduled in the 90-150 days that follow the filing of the petition). The public has thirty days from the date notice of the resolution is published in the official paper to file the petition.

John Hill made a resolution that the Town goes from two Justices down to one Justice. Seconded by Randy Lester.

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

D. Appointment of Barb George to the Board of Assessment Review (B.A.R.).

To re-appoint Barb George to another 5-year term which will end 09-30-2025.

A motion was made by Randy Lester to re-appoint Barb George to the B.A.R. with a term to end 09-30-2025. Seconded by Dustin Bliss.

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

E. Garage Door Openers for Highway: Highway Superintendent Jim Haggerty stated that the old Town Board agreed to change the doors so many a year. Jim would rather have door openers. There are two doors that are left that have not been changed. They still have to walk in and out of the two end doors to shut them, they do not have openers and it is a hazard because the ice could come down on someone. Jim stated they need to make signs to park 50 feet from the doors, because if someone parks their car right in front of the doors the big chunks of ice could come down and it will cause some damage. As for the doors he is asking for just two door openers. Councilman John Hill asked if Jim has gotten quotes for this yet. Jim stated he has not he just wanted to get approval so he can call around. Councilman Dustin Bliss asked if the doors are in good shape. Jim stated yes other then they are smaller than the main doors. Ron Previty suggested not to go through Rupp doors. Denise Willard asked is there a way to stop the ice from falling. Jim stated he could put ice brakers on the roof but then it will be stuck up on the roof.

Town of Freedom
Regular Board Meeting Minutes
December 21, 2020

John asked Jim if he feels that the two doors are good enough shape that they don't need to be replaced. Jim stated they have been maintained and once in a while they have someone come in and change the cable and look at the hinges. They have been maintained and they will last, maybe next year do the doors, he has a safety issue and would like the openers first. John stated he is favor of him getting the garage door openers for the other two doors. Supervisor Randy Lester stated he is also in favor. Jim will also have them do some maintenance on the doors as well.

F. State Mandate on Towns for an Emergency Plan: See Towns Magazine Pages 6-9. This will be on the January agenda. Town Clerk Mindy Holland stated this is for pandemics. She has looked on the AOT website because they stated in a webinar, that they had have ideas and plans to help out Town Boards. They need essential position, remote working protocols, procedures for PPE, protocols for the spread of diseases, contact tracing efforts, temporary emergency housing coordination. It has to be in place by April 1, 2021.

VI. TOWN OF FREEDOM

RESOLUTION #34-2020
2020

December 21,

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:

Highway Savings Account in the amount of \$44,277.00

To:

DA5130.4 (Machinery Contractual Expenditures) to cover the costs of updating to a 2020 Loader. This amount will be reflected in highway voucher #141 of 2020.

Motion by: John Hill, Seconded by Dustin Bliss

Town of Freedom
Regular Board Meeting Minutes
December 21, 2020

Roll call:
Bliss: Aye
Hill: Aye
Milks: Aye
Lester: Aye

Clerk: M. M. Koller Date: 12/21/2020

VII. TOWN OF FREEDOM

RESOLUTION # 35-2020

December 21, 2020

A Resolution transferring funds from Archives Grant Fund.

The Town Board of the Town of Freedom, in compliance with Resolution #13-2019 and pursuant to General Municipal Law Section 6-c, wishes to;

Transfer funds from:

Archives Grant Fund Account in the amount of \$9,693.81

\$971.25 to A1460.1 (Records Management Personal Services) to cover costs incurred while preparing records to be scanned, and checking returned records, as set forth in our grant from the State of New York.

\$8,722.56 to A1410.4 (Town Clerk Contractual Expenditures) to cover costs incurred in the purchase of a server and initial scanning costs, as set forth in general vouchers #257 & #259 of 2020.

Town of Freedom
Regular Board Meeting Minutes
December 21, 2020

Motion by: John Hill, Seconded by Dustin Bliss

Roll call:

Bliss: Aye

Hill: Aye

Milks: Aye

Lester: Aye

Clerk: Mary M. O'Leary Date: 12/21/2020

VIII. TOWN OF FREEDOM

RESOLUTION # 36-2020

December 21, 2020

Resolution of Town of Freedom Surplus

WHEREAS, the Town of Freedom owns surplus items – black file cabinet and black office chair; and

WHEREAS, the Town Supervisor has recommended that we publicly put said items out for bid, advertising them in the Arcade Pennysaver; and

WHEREAS, upon completion of sale, the Town Board further directs the Town Comptroller to delete this surplus property from the inventory of the Town;

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Freedom, New York that the Town Supervisor is authorized to dispose the property as listed.

All sales will be cash or certified checks made payable to the Town of Freedom. These items will be sold on an “as is” basis. The Town of Freedom reserves the right to reject any and all bids.

Town of Freedom
Regular Board Meeting Minutes
December 21, 2020

Motion by: John Hill, Seconded by Dustin Bliss

Roll call:

Bliss: Aye

Hill: Aye

Milks: Aye

Lester: Aye

Clerk: *Mary M. De* Date: 12/21/2020

IX. Town of Freedom

Resolution # 37

12-21-2020

- I. WHEREAS, on March 7, 2020, Governor Andrew M. Cuomo issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York, and
- II. WHEREAS, on December 18, 2020 said declaration was extended to include: Subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law, and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law, which permits the governing body of an assessing unit to adopt a resolution directing the assessor to grant exemptions pursuant to such section on the 2021 assessment roll to all property owners who received that exemption on the 2020 assessment roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons, and
- III. WHEREAS, the Town is desirous in adopting such resolution while also allowing the assessor to require a renewal application to be filed when he or she has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died, now, therefore, be it
- IV. RESOLVED, that the Town Board is authorized to pass such resolution, and that the assessor is instructed to take any such necessary actions in the above-described directives.

Town of Freedom
Regular Board Meeting Minutes
December 21, 2020

A motion was made by John Hill Seconded by Geoff Milk

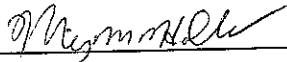
Roll Call:

Dustin Bliss Aye

John Hill Aye

Geoff Milks Aye

Randy Lester Aye

Clerk  Date:12/21/2020

Councilman John Hill asked for explanation. Town Clerk Mindy Holland read an email for the Assessor Kate Harrington.

On Friday, the Governor signed Executive Order 202.83, which eliminates the requirements for the assessors to mail renewal applications to most Seniors Citizens Exemptions recipients by local option.

The intention of this executive order is to protect seniors during the pandemic. Because the exemption is income-based, many seniors need copies of their income information to submit with their application, which they get by coming to town hall, public libraries, ect.

I would like to encourage your town to pass this resolution. This means that most seniors who currently receive the exemption will continue to do so without reapplying 2021. We can require renewal applications if we believe "an owner who qualified for the exemption on the 2020 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died".

Please keep in mind that if your town does not pass this resolution the renewal applications will be due March 1, 2021.

X. Public Comments:

Ron Preivity: He stated that he asked four months ago, what the Town is using for a Junk Yard Law. There is a lot of Junk Yard between Galen Hill Rd and Bray RD. He stated if we have to have a Junk Yard Law in the Town of Freedom, and have to have a license why doesn't everyone who has a Junk Yard. What started this is that they were going to put news laws in that the Board would be putting in effect. His question is why we have laws in this Town, and he question about his transfer station being in Town, asked if there are any laws that the Town should have. He has laws from the State and the County. He did not get an answer from the Town. He said the Town gave the Planning Board all these questions. He has not heard back from the Planning Board. Why is Town Board bring more laws in when we have laws that are already made that are not being enforced. Councilman John Hill asked Supervisor Randy Lester being he is the liaison for the Planning Board and if he has a idea on what they did on the Junk Yard law. Randy stated

Town of Freedom
Regular Board Meeting Minutes
December 21, 2020

they talked about it several times, but there was a hesitancy by someone on the board due to the beginning of this year, when there was an attempt to get rid of the Planning Board. Ron stated if the Town Board does not point out to the Planning Board that we want what we want done on a timely matter, so the Town Board can move forward. Ron asked is there are permits in the Town of Freedom, according to the Towns Law there is a permit needed. Ron stated no one has told him what is yet. He has the State one and the County one. The Town has one in writing. Councilman Dustin Bliss asked are you referring to junk yards or people with too many cars on there property. Ron stated that the State of New York says 2 cars or more unregistered vehicles, unless they are a car collector or an antique car collector, they are the only two that he knows of that legally can get by. Also, in the Town Law a break down of what is good for farm equipment, appliances. Ron said if the Planning Board can't come up with an answer, seeing the Town Board is making the Laws. Dustin stated there is a lot of laws that are across the Town, County, State Government that came and never went off the books, they are there because no one is bothered by is. Ron stated no one else has a license, he's the only one. Dustin stated that the Board could spend months combing through the Town Laws. Dustin asked do you want the Town to abolish the permitting process, or do you want it enforced. Ron discussed how and what happened for him to get his license and what rules he had to follow to get his license. Ron asked if he needs a license from the Town of Freedom for the transfer station. He said he thought there was something that stated he needed a license to pick up scrap in the Town of Freedom. How's that work with garbage? Ron stated transfer station is garbage. He is griping because there is a junk yard license that is not being applied but only to him. Dustin stated so you want it evenly applied, no changes. John stated that Ron would like the junk yard law enforced equally and Ron would like it so no one can just go and spend \$5.00 and start a junk yard. John can understand it be better for Ron but it also be good for the Town, so if Constable Rob Harrington went out and issued tickets to everyone that is not following the junk yard law. Ron is asking if we are going to have a law in the Town, the Board needs to enforce it. Councilman Geoff Milks, he was under the impression that the previous constables wrote tickets, and they did not hold up in court. Randy stated yes, he was at the tail end of that. Gary Chamberlain stated that they where not sufficient to start with. Rob stated the Town needs to get a number by the State, in order for them to write the tickets. Dustin stated that the Town needs to resolve the enforcement capability to enforce the law. John stated that the Town needs to look at the law that they have and revise it a little bit, but make sure we can enforce the law that we have, and make sure we have the mechanism to make sure we can enforce every town law that we have.

Denise Willard: She would like to see a copy of the minutes for the public hearing for the amendments for the land use ordinance, written documentation that was presented to the public that shows what the land use ordinance were, public advertisement of the public hearing for the amendment for the land use ordinance.

Denise stated that the Dog Control officer needs to do better. Dog Control officer needs its own Facebook page instead of being on his personal page. Denise read a bunch of post that was on Dog Control officer Don Howes personal page about a dog that Don had

Town of Freedom
Regular Board Meeting Minutes
December 21, 2020

picked up. She stated that as a Town of Freedom Dog Control Officer you are a public servant. She only seen it because it was shared by one of her friends on Facebook. Rick Lange suggested that he should start his own Facebook page and call it the Town of Freedom Dog Control.

Denise wanted it know if they are looking for Dog Control Officer she be interested in the position.

Councilman Dustin Bliss asked if Don had a term. His term is up at the end of the year. Dustin stated that all the tickets that Don has written have been thrown out of Court because they were poorly written. Councilman Geoff Milks asked do we have a system in place for Dog Control Office, anymore then the junk yard tickets, that we don't have a system in place to write a ticket. Dustin stated he is guessing that we do because previous Dog Control office Joe Neamon successfully wrote tickets. Constable Rob Harrington stated that previous Constables tickets had been thrown out before because they were improperly. Rob needs to see if the Town has the proper mechanism to fill out tickets, he will look into it.

XI. REPORTS & COMMUNICATIONS:

- A) Assessors – Report 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 – No meeting this month
- M) Supervisor – Report Submitted
- N) Other Town Officials –

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

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

XII. APPROVAL OF VOUCHERS:

General #253 to # 287, Amt. \$25,755.68, Yrly Amt. \$295,662.04.

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

Town of Freedom
Regular Board Meeting Minutes
December 21, 2020

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

Highway #132 to #143, Amt. \$57,790.38, Yrly Amt. \$482,027.28.

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

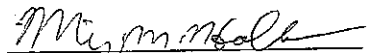
Roll call: Aye-4 Dustin Bliss, John Hill, Geoff Milks, & Supervisor Randy Lester

XIII. ADJOURNMENT:

John Hill made the motion to adjourn the meeting at 8:24pm. Seconded by Geoff Milks.

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

Respectfully Submitted By:



Mindy Holland
Freedom Town Clerk
12/24/2020