

Town of Freedom
Regular Board Meeting
Monday, June 21, 2021

Board Members Present: R. Nick Morgan, Dustin Bliss, John Hill, Geoff Milks,
& Supervisor Randy Lester

Other Officials Present: Highway Superintendent Jim Haggerty, Dog Control Officer
Denise Willard, Constable Rob Harrington.

Others: 10

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

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

II. REVIEW OF MINUTES:

A) Town Board Meeting minutes from Monday May 17, 2021

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

Roll Call: Ayes-5 R. Nick Morgan, Dustin Bliss, John Hill, Geoff Milks,
& Supervisor Randy Lester

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III.) Interview of attorneys for Article 7 application: Councilman Geoff Milks talked to Ben from the Zophlin Group and Ben told him that he was not available for this evening.

Peter Sorgi was asked to speak by Supervisor Randy Lester. Peter stated he was asked to speak about the Article 7 proceeding. He is the Town Attorney for the Town of Yorkshire. He stated that they are having a meeting and are passing a Resolution to authorize himself as well as MDA Engineering to represent them in the intervener process for Article 7. This has to do with the proposed wind farm transmission lines and facilities. The Town of Yorkshire as no wind farm, but they have transmission lines. He is here to see if the Town of Freedom wants to do the same thing. He represents 5 municipalities in Cattaraugus County. Yorkshire has instructed himself, the engineering firm and any other consultant they need to hire to make sure it's done properly and done in the best interest of the Town. He stated that he not here to oppose or support it, just to make sure it done the way it should be done. There are intervenor funds available for this, so Yorkshire is not paying for us to do this. The funds are available for Freedom, Yorkshire and Cattaraugus County. Councilman John Hill asked if he is doing an environmental impacted with the lines going from the Town of Freedom to Yorkshire. Peter stated that they will be reviewing the environmental impact studies making sure that they are proper and they are in line. They will be giving suggestions for alternatives. It really is making sure it done properly. One of the things that Yorkshire wanted is a certain type of transmission lines. They are also looking at financial benefits for the town.

Town of Freedom
Regular Board Meeting
Monday, June 21, 2021

Until they get into the document itself, they are not sure where it's going to go, he will be talking to the town board over this, also talk to the public and see what is the interest and concern, that is what they will focus on. Councilman Dustin Bliss asked when are the intervenor funds available for this. Peter stated that they have to make an application, then there is a court, administrative law judge who determines what to do with those funds. There are other benefits as well, there is a benefit for local cemeteries. There is \$5,000 for each cemetery to do a rehabilitation of monuments, land scaping, and cutting trees. He said Article 7 is different from the Article 10. Article 10 is discussing the project as a whole, and Article 7 talks about how to get from point A to point B. Dustin asked other than the two towns and the County is there any other groups that can gain access to the intervenor funds. Peter said there may be intervenor funds for non-government entities, but in terms to local government its just the three towns because they are affected by the transmission lines. Randy stated that as far as payments for the towns he has heard it's up to the County to either go with PILOT program or full evaluation, then between Yorkshire and Freedom they would divide up the money based on the amount or feet. Peter said the town could opt out of the PILOT. The way the Real Property law is in the State it says that any tax, jurisdiction, Town, County, Village, School district can opt out. The way it is now is it would not pay taxes over or above the taxes on the vacant land that its on now. If the town decided to opt out it be taxes at the full rate, with improvements. The State strongly encourage municipalities to except less money than the full taxation because the project my not be built and may be cost prohibitive if you don't. Peter feels there is a great deal of confusion about the PILOT, he said that they don't have to be dictated by the County, and if it was the Town would not have the option to opt out. This is Real Property Law 487. Peter also stated that you do have to pass a local law opting out. It was stated that as a town Freedom have opted out, Peter said they will have to check and if they continue to do so they will have to make sure it also says transmission lines. John asked Peter, that he keeps saying wind farms vs the transmission lines, does that mean there is a separate PILOT for the transmission lines. Peter said there is certain towns where they have one or the other, example the Town of Farmersville does not have transmission lines or the facilities, Yorkshire does not have the wind farms but they have the transmission lines and facility too. Councilman Geoff Milks asked what firm he works for. Peter said Hopkins, Sorgi, and McCarthy, he said they are out of Williamsville or Eats Aurora. He works out of East Aurora. He also stated that his firm works on land use and zoning, real estate issues. For Municipalities its the attorney's role to provide information and the town board makes the decision. Dustin asked if there are any deadlines for applying for intervenor finds and working on Article 7. Peter stated that with in the next month, he will be working with Yorkshire and start the process in the next week or two.

Dustin Bliss made a motion to hire Mr. Sorgi to represent the Town of Freedom and completing the Article 7 application. Seconded by Supervisor Randy Lester.

Roll Call: Ayes-2 Dustin Bliss, Supervisor Randy Lester
Nay-3 R. Nick Morgan, John Hill and Geoff Milks

Town of Freedom
Regular Board Meeting
Monday, June 21, 2021

Geoff stated that he does not know anything about Mr. Sorgi. Dustin said he is only guy here, and he's not conflicted like the Zophlin group. Peter passed to the board a copy of the resolution that Yorkshire was passing at that moment. He said that it retains by his firm as well as an engineering firm did most of the work. Yorkshire used MBA engineering, but the Town can use what ever engineer firm that they see fit. Geoff requested that they delay this and have a special meeting in two weeks. Geoff stated that the Zophlin group is reviewing all the same documents put forth to the County and we do have an opportunity to work with the County. Councilman R. Nick Morgan asked Dustin what research he did to bring Peter in. Dustin stated he was aware of the fact that he was working for the Town of Yorkshire, after a conversation with a Town Board member. He would be aware of the issues, being he is working on it in Yorkshire. This is with in his wheel house, being in development and municipal law. Nick asked Geoff if the Zophlin group would be cost neutral as well because of the intervenor funds. Geoff said yes, it be cost neutral and would be working with another entity, where they can combine funds, whether it be Yorkshire or Catt Co. Geoff would like the board to reach out to both. Dustin asked regarding the application if the deadlines been set, an Invenergy attorney stated he did not believe the deadline been set yet. John stated he has two concerns, if we don't get Intervenor funds for having someone look at this. John said he has made it clear he is not for the wind project in our town, but with that being said he wants to make sure the town gets the most that we can and the best deal we can for the windmills and for the transmission lines. John said he agrees with Geoff that they do a great job fighting a project, as an engineer himself he wants someone to do it without any bias and check things out. John said if we hire someone like Peter, he feels it be someone neutral evaluation. If the Zophlin Group wants to do opposition then they get intervenor funds for that, then you have a center of a grow position and then you have a bias position, where the bias position and Invenergy would be on the other side as the bias position. John likes the thought that someone is doing it unbiased. Peter said to the Board he can stress enough that if the Board hired him and said they want this defeated, Peter would walk away from it. He also said that engineering firms do a majority of the work on this. John said that Governor Cuomo has more tricks up his sleeve, and he wants to be prepared for the town so we get the best deal, so if the State said we have to have them. If home rule gets over ruled and oppose the project then we are stuck, and getting nothing for it. Peter stated Article 10 took the zoning power away from the town, if there is a challenge to that and that goes away, the power is back in the board's hands. Nick asked if there are any other engineering groups. Peter stated that there are quite a few different groups.

John Hill made a motion that the Town Board has a special meeting on July 1st at 7:00pm to decide on an attorney for the Article 7 proceedings, also discussion on an engineering firm also, finalize the Junkyard law and the Dog law to set the public hearings at the July 19 meeting. Seconded by Nick Morgan.

Roll Call: Ayes-5 R. Nick Morgan, Dustin Bliss, John Hill, Geoff Milks
and Supervisor Randy Lester

Town of Freedom
Regular Board Meeting
Monday, June 21, 2021

IV.) OLD BUSINESS:

A.) **Junk Law:** Councilman Dustin Bliss stated himself and Town Clerk Mindy Holland worked on this. He said that he took in to consideration what well run and historical business would be impacted with this. Originally in the law the board had recommended 100 tires for an auto repair business, but a load of tires would be 300, rather then them have to pay more money to have to come and pay for a load of tires, Dustin and Mindy increased that to 300 tires assuming that they would be out of site. That was the objective of the Junk law was to prevent unsightly operations to the public. This was not to be competitive and not to give favoritism to larger business, or existing business. Dustin pointed out under M, is that a Junkyard has to a minim of one acre, that be a designated operation. There is a limit of 500 feet, from joining properties. So that be 500 feet from the on each side of the property, the square root of the square footage of an acre is roughly 208 feet, so 1208 feet wide x708 feet deep is 20acres, that is not really a small parcel of land. In the law it is written if they have fence that meet the conditions of the underline section in N, were it states the fence must be 8 foot high, that they could have the boundary of the junkyard up to 50 feet from any of those setbacks. They would still have to have a minimum of 5 acres on the tax parcel under which the junkyard can sit. Much of this law is taking suggestions form the New York State law and the Town Law we have now and cleaning it up and consolidate them. Councilman John Hill asked under the section where is states Junkyard item number 5. Where is says 10 or more automotive tires. Is that considered a combination of one, because 5 and 6 don't co inside with each other. It could be interrupted those 6 tires, you're not in compliance. John stated that line 6 should be moved to line 5 as items 1-4 would total the combination of 6 or more. Then tires would be separate. John suggested to reverse 5 and 6, it makes more sense. Mindy told the board under Section 6 A., the section that said 1,000 tires, the State recommends 1,000 tires, it is conflicting with the Towns law. Dustin stated the reason why it was removed was because 1,000 tires is for an operation that has a license to operate a scrap or salvage yard under the DEC. The board will get the corrected vision for the next meeting on July 1st.

B.) **Dog Law:** Dog Control Officer Denise Willard told the board that she added the description for habitual barking on page 3 at the very top of the dog law, and then in section 5, number 2 on page 3, it has engaged in habitual and loud howling, barking, crying, or whining, or conduct as to reasonably. Denise said at the end it has refer to section 2 for habitual barking definition. Denise said that she found out that not everything is in this dog law. She has a situation where anther persons dog killed someone else's chicken. Denise stated it's not in here, but it is in the Ag and Market law. Councilman John hill stated that there may not need to be any further discussion and the dog law. Town clerk Mindy Holland told the board that

Town of Freedom
Regular Board Meeting
Monday, June 21, 2021

she sent a copy of the updated dog law to all the members of the board and if they're happy with it they can set the public hearing.

Dustin bliss made a motion to hold a public hearing regarding local law 2 of 2021, call the dog law for July 19th at 7:00 PM. Seconded by R nick Morgan.

Roll call: Ayes-5 R Nick Morgan, Dustin Bliss, John Hill, Geoff Milks, and Supervisor Randy Lester

C.) **Town Green:** Councilman Dustin bliss stated that the board needed some time to digest what they saw tonight and discuss this at the next town board meeting. Councilman Geoff Milks agreed with that. Supervisor Randy Lester stated that it's not easy to measure out 110 by 70 because the adjoining property owner doesn't have a straight rectangular property line. Dustin bliss said that he wanted to get clarity to what was actually the Village Green, so that if the motorhome shows up or if a variety of other things show up in the future, we will know what is the Village Green. Councilman Geoff Milks said that we don't know exactly where the line is, but we do have a better understanding of the Village Green. Dustin Bliss stated they would like to defer this to the next town board meeting to decide what they would like to do. Councilman John Hill agreed. Randy stated that there has been since Memorial Day a car on the Town Green without license plates.

V.) NEW BUSINESS:

A.) **INTERNET ISSUES:** Councilman Dustin Bliss received a call from Court Clerk Gill Keorner, she was up at the town hall for two hours trying to do work for court, everything she does for court is online right now and she had to go home after sitting for two hours without getting work done. Dustin called Rich Owens to get a part that was needed. Town clerk Mindy Holland told the board that the part had come in and has been changed last Friday. The morning of the board meet the Internet went down again, Mindy called Rich again and had him come in and now it is the router. Councilman R Nick Morgan stated to put a new switch in it be about \$400, everything's plugged in correctly. He stated if we want Boces to come in and rewire they gave him some numbers without looking at it, based on just wire footage it be approximately \$4,000 in material, it be about \$5,000 in labor. Nick said they would come out and give us a more accurate quote. Dustin said \$9000 sounds like a big number, he asked what does that get us right now and then for the future. Nick stated that there is not one piece of hardware in there that everything connects to that's all-little pieces, daisy chained together so you have multiple points going back and then you don't know where the problem is, it is also slowing things down on top of it. Nick stated that the equipment is dated, and then the connection speeds are at 10% of the potential because they are daisy chained things together. Dustin and nick discussed the shared agreement with Boces, and Boces would charge \$75 hour for technicians to come in and work,

Town of Freedom
Regular Board Meeting
Monday, June 21, 2021

Nick figures three days, three technicians. Dustin asked can they maintain the equipment. Nike stated yes, if there was an Internet problem or even a word problem, they would be available to call. Councilman John Hill ask Nick if he'd want to supervise getting a quote. Nick said he was trying to get a quote for the switch for the board meeting, he's also trying to get a date for the Boces to come out and look at the Town Hall.

John Hill made a motion to have Nick look into all the equipment necessary to update the Internet. Seconded by Dustin Bliss.

Roll Call: Ayes-5 R. Nick Morgan, Dustin Bliss, John Hill, Geoff Milks, and Supervisor Randy Lester.

Councilman Geoff Milks asked at the special meeting Nick discuss the quote for the switch. Nick said regarding Office 365, he found out that Freedom can move forward with using FreedomNY.org website for Office 365. With that plan it would cost us about \$1800 a year for the town to have Office 365, he will have quotes for that as well.

B.) August meeting: Due to the fair schedule this year, it is recommended to move the August meeting to the 23rd.

A motion was made by Geoff Milks to change the August meeting to August 23rd at 7:00 pm. Seconded by John Hill.

Roll Call: Ayes-5 R. Nick Morgan, Dustin Bliss, John Hill, Geoff Milks, and Supervisor Randy Lester

C.) American Rescue Plan Act: Supervisor Randy Lester stated with the trillion dollars that was put into it, by the time it trickles down to Freedom with the population of 2500 he does not think it's going to be very much. He has forms to be filled out, the town can opt out or opt in. Councilman Dustin Bliss would like to pursue it because we are not a large town, but we did pay a lot of paid time off to the town employees. Randy stated that the town has to show the cost, and he has Bookkeeper Jessica Dart helping him with this. Councilman Geoff Milks said he does not see why we shouldn't opt in to see what we get out of it.

VI.) Public Comment:

Highway Superintendent Jim Haggerty commended but on Sunday he could not drive 50 feet down Maple Grove Rd without having to swerve around horse manure. Jim stated they make leather bags, they can also shovel it up, they need to do something. Councilman R. Nick Morgan stated in Pennsylvania they make the Amish put bags on the

Town of Freedom
Regular Board Meeting
Monday, June 21, 2021

horses. Nick recommended having the Town Attorney look and see if there's any municipal laws that the town could pursue to require them to have a bag.

VII). REPORTS & COMMUNICATIONS:

- A) Assessors – Reports Submitted:
- B) Building Committee –
- C) Building Inspector –Reports Submitted:
- D) Highway Superintendent – Reports submitted:
- E) Clerk/Collector – Reports Submitted -Tax season went well, and we reconciled to the penny with the Treasure office.
- F) Constable –
- G) DCO-Report submitted.
- H) Highway Committee –
- I) Insurance Committee-
- J) Justices –
- K) Parks & Recreation –
- L) Planning Board –
- 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:

VIII). APPROVAL OF VOUCHERS:

General #109 to # 137, Amt. \$ 18,181.82 Yrly Amt. \$147,513.45.

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

Roll call: Ayes-5, R. Nick Morgan, Dustin Bliss, John Hill, Geoff Milks,
and Supervisor Randy Lester

Highway # 63 to #72, Amt.\$7,749.40, Yrly Amt. \$112,412.99.

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

Roll call: Ayes-5, R. Nick Morgan, Dustin Bliss, John Hill, Geoff Milks,
and Supervisor Randy Lester

Town of Freedom
Regular Board Meeting
Monday, June 21, 2021

IX). ADJOURNMENT: John Hill made the motion to adjourn the meeting at 8:14 pm. Seconded by Geoff Milks.

Roll call: Ayes-5, R. Nick Morgan, Dustin Bliss, John Hill, Geoff Milks,
and Supervisor Randy Lester

Respectfully Submitted by

Freedom Town Clerk
06/25/2021