

Town of Freedom  
Reorganization Meeting  
Monday, January 4, 2021

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

Other Officials: Justice Kara Brunner, Court Clerk Gill Koerner, Dog Control Officer Denise Willard, and Planning Board Members John Brown and Daniel Meyers

Others: 6

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

- I. PLEDGE TO THE FLAG:** Led by Supervisor Randy Lester
- II. SWEARING IN OF NEWLY ELECTED OFFICIALS:** Justice Kara Brunner and Councilman R. Nick Morgan
- III. REVIEW OF MINUTES:**

A) Town Board Meeting – December 21, 2020

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

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

B) Special Year-End Board Meeting – December 28, 2020.

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

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

**IV. Audit Declaration and Petty Cash and Annual Audit for:**

- A) TAX COLLECTOR - \$200.00-Bank Statements**
- B) TOWN CLERK - \$100.00 -Minute Book- Bank Statements-Annual Report**
- C) JUSTICE - \$150.00**
- D) HIGHWAY SUPT. - \$200.00**
- E) BUILDING INSPECTOR – 2020 printout of all permits**
- F) SUPERVISOR - \$0 petty cash and Supervisor’s Books**

A motion was made by Geoff Milks to accept the annual audit of the records as presented. Motion was seconded by John Hill.

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

**VI. ASSIGNMENTS:**

- a) **Set Monthly Board Meeting Time/Date/Place: 7PM on the Third Monday of the month at the Freedom Town Hall (unless otherwise stated)**
- b) **Official Depository: Five Star Bank**
- c) **Official Payroll Service: Complete Payroll, Perry, NY -(Please note - This appointment is on performance basis, as our current payroll provider recently merged companies and changed software. Should we have an issue with the turnover, we will need to change this assignment.)**
- d) **Spending Limit for Highway Superintendent (\$1,000):**
- e) **Hourly Wages: SEE PAGE 4**
- f) **Official Newspaper: Olean Times Herald, (back up Arcade Herald)**
- g) **Mileage Rate: \$.50**
- h) **Town Doctor: Dr. Deahn**
- i) **Authorization for Supervisor to Pay Utilities Prior to Meetings (when necessary):**
- j) **Authorization for Supervisor to Invest Town Monies According to Investment Policy:**
- k) **Appointment of the Association of Towns Delegate-Certificate Of Designation**
- l) **Agreement for the Expenditure of Highway Moneys: (Signed by Board**

Members)

A motion was made by Dustin Bliss to accept the above assignments. Seconded by John Hill.

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

**VII. APPOINTMENTS**

**A) Appointments:** (All appointments are for 1 year –ending December 31, 2021 unless otherwise noted.)

- 1. **Deputy Supervisor (Ø):** John Hill
- 2. **Deputy Clerks/Collectors (\$14.00/Hr)(3)** Lisa Reynolds, Jessica Dart, Sherry Bernard
- 3. **Deputy to Highway Superintendent (additional \$.50/Hr):** Mark Morgan
- 4. **Clerk to the Court (\$9,800.00 annual salary):** Gill Koerner
- 5. **Constables (\$60.00 per duty on court night and \$20.00 per hour to service papers):** Rob Harrington

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**6. Dog Control Officer (\$4,000 annual salary): Denise Willard**

Geoff Milks made a motion for Denise Willard to be the Dog Control Officer. Seconded by John Hill.

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

**7. Bookkeeper/Accountant (\$14,500.00 annual salary): Jessica Dart**

**8. Town Historian (\$1000 annual salary): Lorna Spencer**

**9. Deputy Town Historian (\$500): Sherry Bernard**

**10. Town Attorney: Post Pone**

Supervisor Randy Lester read some information he had received in an email form; agenda Freedom, rescind of 2019 law, status of lawsuit and appeal, hire appellate council, resolution need and can they be done during Organizational meeting, rescind 2019 law, withdrawal appeal, fire McAuley, substitute, appoint Town Attorney Eric Firkel and Zoghlin Group, sue McAuley, any other things we can do by resolution on January 6<sup>th</sup>, to help article 10, water, Amish, roads. Do we rescind road use and host agreement? New law draft, what about EAF, Zoghlin Group, Councilman Geoff Milks asked is this from a pending case and Randy does not know where it is from? Randy read another email that stated that the emails came from Ginger Schroeder, in the email it stated to Mike that these are all the resolutions needed, it stated that she is working on drafting the Wind Law and Water Law. Randy stated it went to Farmersville and then a list to Freedom. Randy stated that in the emails there was a resolution appointing Eric Firkel, the attorney for the Town including board powers such as bring, defend and settle all litigation and threaten litigation. Resolution appointing Zoghlin Group as special council for the Town, Resolution nullifying and rescinding the Town of Freedom New York Law of 2019 a Local Law regarding Wind Energy Facilities within the Town of Freedom. A resolution regarding the Amish and the use of homes and other business as churches. Resolution regarding introducing of Freedom Local Law number 2020 regarding the Town of Freedom Wind Energy, Resolution introducing Freedom Local law 2020 regarding the Drinking Water Protection Law. Randy stated that the emails came out in the December of 2019, just before we got involved in the 2020 Windmill Law. Randy stated that when the Board interviewed Eric Firkle, he stated he was good friends with Ginger. Randy said that he copied all members of the Board when the Siting Board was going to render their decision on Farmersville appeal of the original Windmill Laws for Freedom and Farmersville. Randy stated that the Siting Board was not taking any further information as of 2019. Eric Firkel told Randy he had the authority to submit information to the Siting Board. Randy stated he does not know who he got the authority from, but it was not from the Freedom Town Board. As a result of this Ben from Zoghlin Group resigned as an attorney for the Town of Freedom. Randy stated that Eric was asked to give an opinion about getting rid of the Planning Board he stated it was ok but as Randy indicated it at the last meeting the Association clearly says you must have a ZBA, and a Planning Board. Randy does not feel Eric is doing any thing in the best interest of the Town of Freedom and he does not feel they should reappoint him. Geoff stated he disagrees with Randy and stated Eric did a great job over all with a lot of work in front of him. He has kept the cost down through the whole thing. Geoff stated Eric is not here to rebuttal what Randy is accusing him of. Geoff stated if he is throwing this much information out, he would hope that Randy would bring him here to explain what Randy brought up. Councilman John Hill asked Randy if he does not want Eric Firkel to be reinstated

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this year as the Town Attorney, then does Randy have someone to replace him or does the Town not have a signed Town Attorney at this time. Randy stated that he has no one in mind to replace Eric. Randy wanted to discuss this with the Board. Councilman Dustin Bliss stated any good Attorney that works for us is going to take to the Town Board. So, if we stay with Eric or switch, we just have to expect that is what going to happen. John stated he did not like McAuley he was not working in the best interest of the Town in 2016, 2017. John stated that he has talked to the Town Clerk and the Town Accountant, they have had difficulty getting information from Eric. John said whether we keep Eric or not, Eric has to be able to respond to the Town Clerk because the Clerk is here more times than anyone else is. If the Board wants something done, the Clerk has to be able to discuss with the Attorney on certain things. John stated that Town Clerk Mindy Holland and Bookkeeper Jessica Dart have stated he does not get things back on a timely matter. If that can be rectified, he has no problem with Eric. John stated he would not reapprove McAuley. John feels that the Town should postpone the Town Attorney till at least next week. Geoff asked would Eric still be the Attorney being that there is still pending litigation. Randy stated he wrote to Eric regarding the litigation and he did not get back to Randy. Randy stated that Eric could be the interim. Randy has talked to an attorney very little; he be willing to speak to this attorney to see what their interest is in this. Geoff would be interested to hear what their interest is and what their fees would be. John stated that if the Town wanted to postpone to February 22 and Eric would be the interim with the cases that are open. Randy asked if Eric should come and speak regarding the lack of communication and expectation with the Board and the Attorney.

John Hill made a motion to postpone assignment of the Town Attorney until February 22.  
Seconded by Dustin Bliss.

Roll Call: Ayes-3 R. Nick Morgan, Dustin Bliss, John Hill, & Supervisor Randy Lester  
Nay-1 Geoff Milks

- 11. Town Prosecutor** (\$250.00 per month): Robert Kuzuba
- 12. Building Custodian** (\$14.00/hr): Jack Lawrence
- 13. Planning Board Member: 2 to fill expiring 5-year term** (\$400 per member):

Councilman Geoff Milks stated that he has two gentleman that have expressed interested in the Planning Board, John Brown and Dan Meyers. Geoff would like to see new faces on the Planning Board. Councilman John Hill agreed with Geoff statement, that there should be new faces on the Board, as well as the fact that at last month meeting the Town Board was accused for not doing their job because the where waiting on the Planning Board to come up with some suggestion on the junk yard law. John asked John Brown and Dan Meyers, what do you have to bring to the Planning Board Member.

Dan Meyers stated he is a 50-year resident of the Town. He is a member of the concern citizens. He has attended quite a few Cattaraugus County Legislative meetings. He is aware of the issues that the citizen face in Freedom. He has attended Court, related to lawsuits that involve the Town of Freedom. He has gained the understanding the proper protocol to follow that can be a asset to the Planning Board. Dan has attended almost all Town Board meeting the past 3 years. He stated

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we need new people new perspective, on how to improve our community for everyone to enjoy. He stated he does not have a Harvard degree, but he has common sense. He is open to new ideas to help improve our way of life. He would like to unify the Town, stop all the corrupt back door deals and take Lester chair. He feels they need new faces and new ideas and quit all the back-door politics.

John Brown stated he has been a resident for 42 years. He was in the Board room in early 2000's, he was told that there was going to be a lot of changes within the Town. It got put on hold for several years. He was told to talk to the Planning Board, they had made recommendations for certain things. A gentleman asked John how long he had lived in the Town. He asked John why he has not done anything for the Town. John stated that he worked in the afternoon for 40 years. He had 20 years at Fisher-Price, 20 years General Mills. It was tough for him to show up to meetings, but now that he older he has some time to see what's going on and to make the Town what the citizens want. In regard to the junk yard law, Ron Previty been looking for 6 months asking what it takes to start one, stop one. Ron is a junk yard, he maybe watching out for competition. John stated at least Ron is looking and asking to make sure it does not become an issue, and to look out for everybody in general.

Supervisor Randy stated that he was involved in the process of new members 4 years ago, he stated that it was the Planning Board that had the interview and there was two people that was interviewed, and no one made a decision on it. Randy stated to John Hill that at a Town Board meeting Randy had asked about the Planning Board, John said to put both Randy and the other gentleman on. John stated it has been historically hard to get people on the Planning Board, it is up to the Town Board to decide who is on the Planning Board. John feels at this time we need new blood on the Planning Board. John stated he did not know that there was going to be two candidates at the meeting that are interested. He was going to suggest advertising it in the paper. The bottom line is it is up to the Town Board who is on the Planning Board. Randy agreed about putting an ad in the paper. Councilman Dustin Bliss agree that there needs to be new blood on the Planning Board, and he appreciate that Dan and John came out and expressed interest. John Brown stated that if the Town Board appoints, what stops the Board from appointing.

Geoff Milks made a motion that they appoint them to this position. John Hill seconded the motion.

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

**14. Building Code Enforcement Official: (\$14,000.00 annual salary)**  
Appointed thru 2022: Patrick Cummings

A motion was made by Geoff Milks to accept the above appointments. Seconded by John Hill.

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

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**VIII. COMMITTEE ASSIGNMENTS:**

- A) **Building Committee (2):**  
1. **Dustin Bliss**      2. **Randy Lester**
- B) **Highway Committee (2)**  
1. **Dustin Bliss**      2. **Randy Lester**
- C) **Insurance Committee (2):**  
1. **Mindy Holland**   2. **Randy Lester**
- D) **Parks & Recreation Committee (2):**  
1. **R. Nick Morgan**   2. **John Hill**
- E) **Liaison to the Planning Board (1): Geoff Milks**

A motion was made by John Hill to accept the above committee appointments. Second by Geoff Milks.

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

**IX. Public Comment:**

**Denise Willard:** She said that there is 4 Dog Laws, with all the 4 dogs' law its confusing because you have to go back and forth with each law. She stated that the 1-2001 was 20 year ago, the impounding fees are very cheap. Its \$10.00 for the first day and \$5.00 for every day after. The Town Board has this on the agenda for the Regular Board Meeting.

**X. APPROVAL OF VOUCHERS:**

General # 1 to #5, *Amt. \$ 58,661.19, Yrly Amt. \$58,661.19.*

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 #1 to #2, *Amt. \$18,211.42, Yrly Amt. \$18,211.42.*

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

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

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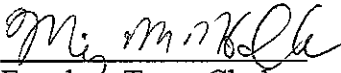
**XI.** Councilman John Hill stated that the Town's profit has increased in the 4<sup>th</sup> quarter from people buying online, the sales tax is coming back to the Town. For the year it was \$194,000.00 for non-property county sales tax.

**XII. ADJOURNMENT:**

John Hill made the motion to adjourn the meeting at 7:12 p.m. Seconded by Dustin Bliss.

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

Respectfully Submitted,



Freedom Town Clerk

01/10/2021

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 2021

PAY SCALES FOR APPOINTED POSITIONS

GENERAL GOVERNMENT

	2016	2017	2018	2019	2020	2021
CLERK ASSISTANTS	11.50	11.75	12.25	12.75	13.25	14.00
CUSTODIAN	11.50	11.75	12.25	12.75	13.25	14.00

ALL APPOINTED POSITIONS PAID FROM BUDGETED PERSONAL SERVICES ACCOUNTS WILL BE PAID ON ANNUAL SALARY PER BUDGETED AMOUNTS.

PAY SCALES

HIGHWAY DEPARTMENT

	2016	2017	2018	2019	2020	2021
TERRY SMITH -	19.17	19.93	20.42	21.02	21.64	22.39
SCOTT BROWN -	18.74	19.50	19.99	20.59	21.21	21.96
MARK MORGAN - 21.95+.50=22.45	18.73	19.49	19.98	20.58	21.20	
R. PHETTEPLACE	18.54	19.30	19.79	20.39	21.01	21.76

2021 - \$0.75 INCREASE ACROSS THE BOARD (4%)

- MARK MORGAN - DEPUTY HIGHWAY SUPERINTENDENT – ADDITIONAL \$0.50/HOUR
- SECOND SHIFT (WINTER) DIFFERENTIAL **ADDITIONAL \$100.00/WEEK**