

Town of Freedom
Regular Board Meeting & Public Hearings
October 18, 2021

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

Other Officials: Highway Superintendent Jim Haggerty,
& Dog Control Officer Denise Willard.

Others: 13

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:

Review of minutes of the Regular Board Meeting for September 20, 2021.

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

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

Review of the Work Session Minutes from October 4, 2021.

A motion was made by John Hill to accept the Work Session Minutes from October 4, 2021 as submitted. Seconded by Geoff Milks.

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

A motion was made by John Hill to close the Regular Board meeting at 7:02 PM.
Seconded by Geoff Milks.

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

A motion was made by John Hill to open the Public Hearing on Local Law 4 of 2021 at 7:03 pm. Seconded by Geoff Milks.

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

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III). PUBLIC HEARING

**Local Law 4 of 2021, The Town of Freedom, “The Junk Law / Junkyard Law of the Town of Freedom”
Repealing Local Law 3-2009 (“The Junk Law of the Town of Freedom”)**

Public Comments

No Public Comments

A motion was made by Dustin Bliss at 7:03 pm to close the public hearing on Local Law 4 of 2021. Motion seconded by Geoff Milks.

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

A motion was made by Geoff Milks to open the Regular Board Meeting at 7:03 PM.
Seconded by R. Nick Morgan.

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

A motion was made by John Hill to Pass Local Law 4 of 2021, The Town of Freedom, “The Junk Law / Junkyard Law of the Town of Freedom” Repealing Local Law 3-2009 (“The Junk Law of the Town of Freedom”). Seconded by Dustin Bliss.

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

The Public Hearings for the following two Resolutions #8 & #9 for the Application for Junkyard Permit and the Notice to Comply with Junk Storage Law, were held on July 19, 2021 during the Regular Board Meeting. No Public Comments were made on the Application for Junkyard Permit. There was one Public Comment made during the

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Notice to Comply with Junk Storage Law. Please see following Comment.

Stephanie Milks asked who is going to be enforcing the Notice to Comply with Junk Storage Law. Councilman Geoff Milks said it would be the code enforcement officer. Councilman R. Nick Morgan said it's written in the law that's the code enforcement officer enforces this. The Board Tabled both resolutions till the new Junk law/ Junkyard Law was passed.

IV) TOWN OF FREEDOM

RESOLUTION # 8-2021

October 18, 2021

A Resolution Approving the use of the Blank Forms as follows –

Application for Junkyard Permit

WHEREAS, The Town of Freedom has adopted Local Law 4 of 2021

AND WHEREAS, The Town Board has determined that it would be appropriate to approve forms for said Junk Yard Law separately,

THEREFORE, be it resolved, that the attached Application for Junkyard Permit, will be used until such a time that the Freedom Town Board amends or abolishes them.

Motion by: John Hill Seconded by: Dustin Bliss

Roll call:

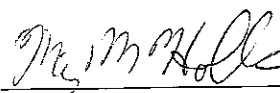
Morgan: Aye

Bliss: Aye

Hill: Aye

Milks: Aye

Lester: Aye

Clerk:  Date: 10/18/2021

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V) TOWN OF FREEDOM

RESOLUTION # 9-2021

October 18, 2021

A Resolution Approving the use of the Blank Form as follows –
Notice to Comply with Junk Storage Law

WHEREAS, The Town of Freedom has adopted Local Law 4 of 2021

AND WHEREAS, The Town Board has determined that it would be appropriate to approve forms for said Junk Yard Law separately,

THEREFORE, be it resolved, that the attached Notice to Comply with Junk Storage Law, will be used until such a time that the Freedom Town Board amends or abolishes them.

Motion by: Dustin Bliss Seconded by: R.Nick Morgan

Roll call:

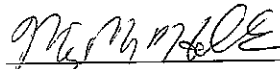
Morgan: Aye

Bliss: Aye

Hill: Aye

Milks: Aye

Lester: Aye

Clerk:  Date: 10/18/2021

Town Clerk Mindy Holland ask if someone from the Board is going to talk to Building Code Enforcer Pat Cummings about the new law. Councilman Dustin Bliss said he talk to Pat.

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A motion was made by Dustin Bliss to Close the Regular Board Meeting at 7:07 pm.
Seconded by: Geoff Milks.

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

A motion was made by Dustin Bliss to open the Public Hearing on a Variance to
Construct a Pole Building 24 x 32 at 478 Zimmer Rd the Eugene Martin residence.
Seconded by Geoff Milks.

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

VI) Public Hearing

**Public Hearing regarding a variance to construct a pole building 24 X
32 at 478 Zimmer RD the Eugene Martin residence.**

**Note: The Town Planning Board has sent this to the County Planning
Board. The response from the County Planning Board was proposed
action has no significant countywide or inter-community impacts.
Matter is of a local concern.**

Public Comment:

No Public Comments

A motion was made by Dustin Bliss at 7:08pm to close the Public Hearing on a Variance
to Construct a Pole Building 24 x 32 at 478 Zimmer Rd the Eugene Martin residence.
Motion seconded by R.Nick Morgan.

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

A motion was made by Dustin Bliss to open the Regular Board Meeting at 7:09 PM.
Seconded by Geoff Milks.

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

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Councilman John Hill asked if the Town Board has to vote on the variance. Town Clerk Mindy Holland explained the Planning Board is the only ones to vote on this, they have the final say. The Town Board is the board of appeals. If the Planning Board does not vote yes on the variance, it can be taken to the Town Board, and they can approve this variance.

A motion was made by Dustin Bliss to close the Regular Board Meeting at 7:10pm. Seconded by R. Nick Morgan.

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

A motion was made by Dustin Bliss to go into Executive Session at 7:11 pm with Highway Superintendent Jim Haggerty regarding potential employees for the Highway Department, also after the meeting with Jim the Board will be having a meeting regarding another personal issue. Seconded by John Hill.

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

A motion was made to by Dustin Bliss to close the Executive Session at 7:29 pm. Seconded by Geoff Milks.

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

A motion was made by Dustin Bliss to open the Regular Board Meeting at 7:30 pm. Seconded by Geoff Milks.

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

VII). Vote on new Highway Employee:

A motion was made by Dustin Bliss to hire Mark Powell as the new Highway Employee. Seconded by Geoff Milks.

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

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VIII) OLD BUSINESS

- A) Reminder: Work Session on 2022 Town Budget, Monday, November 1st, 2021 @ 7:00 PM**

Reminder: November Regular Board Meeting and Public Hearings on 2022 Fire contracts and 2022 Town Budget will be Monday, November 15th, 2021 @7:00 pm

- B) Halloween Trick or Treat Times will be 5:30pm to 8:00pm on October 31st, 2021**

C). ARPA discussion:

1. **Committee:** Councilman Dustin Bliss and R. Nick Morgan will be working on this together, to get ideas on how to use the funds.
2. **Village of Arcade idea, Supervisor Randy Lester to explain:** Randy stated he was contacted by Larry Kilburn from the Village of Arcade, for Randy to attend a meeting with them. The meeting was to discuss the possibility to expand the water service in Freedom. Freedom would become the Freedom water district. The board was given a map of the potential area. The map showed that they would like to put a water tower on Brown School House Road and run a 12-inch line down Cheney RD and tie into the existing replaced 12-inch line on Route 98. Possibly new hydrants as well. The Village would like to attend a Freedom meeting to discuss this with the board, they will be asked to come to the November meeting.
3. **Using Funds:** Councilman John Hill stated he talked to Mark Morgan. Mark's idea is for the Town Hall and Highway have a backup generator. It should be large enough so that the Town Hall could be used for an emergency shelter.

The board would like a community member to get involved with the committee. Also, the board would like input from the community on ideas on how to use the funds. Both will be advertised in the paper.

4. **Improve the building:** Highway Superintendent said that they heat with waste oil, and there has been no issues so far. He suggested to use the money on another waste burner. Also, the waste burner the town has now, the chimney pipe on it is 15 to 20 years old, it should be changed and rerouted. Councilman R. Nick Morgan also said man doors should also be changed.

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5. **Hourly wage employees get 3% from April of 2020- March 31, 2021:** Jim stated that some of the towns have done this, the Town of Freedom could give the highway guys 3% of their yearly wage from April of 2020 to March 31, 2021. Jim said it would be like giving the highway guys a Christmas bonus. He said that he got a call from Randy after the town had been shut down for two weeks with the COVID shut down, saying that people are complaining that the highway guys are getting paid and not working. The highway guys came back to work after two weeks, some other Towns we're off for a month and a half, the County was off for three months. Jim said it would cost about \$5,000 out of \$150,000, it gives each the guys about \$800 after taxes. This would also include Jack Lawrence, the Town Custodian, or anybody else that is hourly. Elected officials and salary paid are unable to get this money. Dustin does not disagree that they did not work, he feels that a lot of other town taxpayers worked and are not going to get paid 3% for that period. Dustin feels either give the highway guys that 3% or give use the \$5000 to benefit all taxpayers in town. It was said that it's an idea.

D) Insurance Inspection: Supervisor Randy Lester told the Board that every two years the insurance company comes does a walkthrough all the buildings at the town hall, and then they went to the Post Office and the Sandusky Park to check and look at things. They're looking to see if there's any issues are problems that need to be fixed. One comment was made was one of the slides at the playground has a large hole under the slide where the kids have knocked out the wood chips that should be filled in, also under the swing, the holes need to be filled in.

E) Vandalism still an issue at the park: Supervisor Randy Lester got a phone call from the State Police in regards to some graffiti on the playground. The Trooper does have some suspects, they are possibly two minor females not from Freedom, also a male that is old enough to drive. Randy is asking the board if they'd be willing to prosecute them. Councilman Dustin Bliss stated that he knows the State Trooper, he said the two suspects are two sisters 14 and 16 the complainant knows the two girls. Dustin said that the State Trooper it's just piecing together the evidence on this. The Trooper has a year to close his investigation, he needs to know if the town would prosecute these individuals if it going to be turned over to a prosecutor. Dustin said he feels that the board should. Councilman John Hill agrees with him on that. Dustin also stated that someone had been smoking marijuana at the Post Office Lobby, and then tried putting a blunt in one of the mail slots, trying to start the Post Office on fire. Dustin asked since we own the Post Office building, is the Town allowed to put in cameras around the premises, or is it stipulated in the lease that the Town can't. Randy stated he doubts that it's in the least because the lease goes back 25 to 30 years. Dustin stated that the town need to talk to Town Attorney Eric Firkel. This will be discussed again at the next board meeting.

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F) Alcohol Consumption: Jessica Felschow told the board that she has a liquor license for a winery, and she would like to open one in the Town of Freedom. She stated that they are waiting to see what the ramifications are here in the Town of Freedom, some things are wet, and some things are dry for alcohol consumption. Councilman Dustin Bliss stated this is discussed at a previous board meeting. Town Clerk Mindy Holland told the board if he turned to page 7 of the September board minutes it summarizes what was discussed. The summary of this is that every time it has been brought to a ballot it was too narrow, the Board doesn't want to discourage new business from coming into the town. This Town Board does not want to stop her from running her business, until they can get it on the ballot next year. The Town Board can't give her permission without having it on the ballot for the voters to approve. She'd like to know if the Town would like to abolish the laws and make the whole town wet, she would like to know what the intentions are. Dustin stated that his intent and he believed a majority of the Board was that any business selling alcohol could do business. She will have to get signatures to get on the ballot. The Town needs to talk to Town Attorney Eric Firkel and see if there's any formal resolution that they can get drawn up by the next board meeting, to help with the process of getting on the ballot.

G) Clerks Window: Town Clerk Mindy Holland stated that she only got one quote for putting in the clerk's window, for the window to be installed it will cost \$1500. The door will have to be replaced as well with a full steal door.

John Hill made a motion to go ahead and get the clerk window put in. Seconded by Randy Lester.

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

IX). NEW BUSINESS:

A) Phones: Town Clerk Mindy Holland has been working to get quotes on a cloud type phone service. She got a quote from Hover Networks. She is waiting on another quote from Spectrum. The Board needs to decide on the number of phones that they want to have covered. There are 6 phones in the offices plus the highway department has three phones and then there is an extra phone that the court uses if someone is arraigned and in need to make a phone call. Mindy went over the quote with the board that she has at this time, whether they buy the phones outright, or they rent the phones. They also have an option to do 36 months or a 60-month plan. Mindy has been working with Prizm to get this quote. Prizm told her that they put in the equipment to use this type of phone, to get rid of the landline. Councilman R. Nick Morgan Would like to see numbers from Spectrum as well. Mindy is going to get an updated quote from Hover Networks for an additional phone for the highway

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department. She will also talk to the court to see if they need the extra phone in the boardroom. Nick stated that the town would be better off with a five-year rental because after 30 months we cover the cost of buying the phones, if the phone breaks they're just replacing it. This will be tabled till next board meeting when all the quotes are in, then they will decide on this.

- B) **Highway Superintendent would like to discuss with the Board if taxpayers should pay for gravel or if the Town should pay for the gravel when the Highway puts in a sluice pipe:** Jim Haggerty Stated that they should leave it like it is for right now. The only reason this came up is because the auditor stated that all taxpayers in the Town of Freedom should have the exact same options as anyone else in the Town of Freedom. The problem is the State DOT, Cattaraugus County, and the Town of Freedom don't offer the same deal when it comes to putting in sluice pipe. The state DOT does not offer anything when putting in a sluice pipe, Cattaraugus County does everything like the Town except for they supply the pipe as well. The Town of Freedom has the citizen pay for the pipe, but the Town supplies the gravel. Jim feels that it should be kept the same, as it has been for years.
- C) **Councilman Nick Morgan is working on prices on updates for printers, laptop computer and a computer screen:** For a new laptop that is for Highway Superintendent Jim Haggerty, it will cost \$800 plus a three-year warranty, it be a Dell business grade laptop. The monitors would roughly be \$322, one monitor would be for the Clerk's office, and the other would be for the Bookkeeper's office. The printer for the Supervisor's office would be between \$500 and \$600.

Dustin Bliss made a motion to buy the laptop for Jim, the two monitors for Mindy and Jessica, and the Kyocera printer for the Supervisor's office. Seconded by R. Nick Morgan.

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

It was discussed about how to purchase these items; the Board was not aware that the Town does not have a credit card. The Board would like to see what we can do about getting a Town credit card. Town Clerk Mindy Holland was asked by the Board to ask the auditor what we should do to get a credit card.

- D) **Internet Survey:** The State of New York would like the town citizens to do a survey on their Internet access. The information on how to do get to the surveys is available on the freedomny.org website, and the Clerks bulletin board.

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- E) **Bids on Equipment:** Highways Superintendent Jim Haggerty said he has bids for a excavator, he has bids on a chipper that's about \$8,000. Jim would like an excavator, the price on them run about \$230,000- \$240,000. Jim said it's the same as what we have the only thing different is there's a push blade on the front instead of the downriggers. Jim also has prices to updating the mower, he'd like to update it to have a belly mount, it still has a boom mount, but it would be attached to the tractor permanently. The price would be \$130,000 before a trade. Jim will get some bids for the next board meeting.
- F) **Tree on Depot Street:** Highway Superintendent Jim Haggerty had gotten a call about a tree that was supposedly dead, also supervisor Randy Lester has had the same phone call. Jim stated that the tree is not dead, it is splitting up the middle half is leaning towards the road and the other half is leaning towards the individuals wire on the house. She'd like it removed; the Board would have to have it hired done. Its half in the right of way and half out of the right of way. The board does not feel that they should do anything on this because they feel would be opening up more issues with other people's trees.
- G) **Emails, who gets freedom.org email, with office 365:** Town Clerk Mindy Holland asked who would be a part of this, also the Town is paying by the email address, and does the Board want to do this by position or by name. Councilman R. Nick Morgan asked if the Planning Board be included in these emails, everybody else would be a yes. Councilman John Hill stated that the chairman of the Planning Board should have an email. Nick said that we could do paid accounts for everybody and with the Planning Board they would get a free account called A1 license. They can change the licenses at any time. Councilman Dustin Bliss ask do they all have to have freedomny.org. Nick said yes. The Board decided that it would be by position unless it's a Councilman. For the Councilman it would be Councilman with initials. The Town can always create a new email. Mindy will contact Nick so they can discuss further. Councilman Geoff Milks suggested that we look at other Towns for ideas of how they did their emails.

X). Public Comments :

Denise Willard : Denise wanted to ask why there was such a rush to hire Peter Sorgi, so he could apply for intervenor funds because the deadline was within that month. Denise is wondering if there's been any intervenor funds applied for, she's not heard any mention in the last few meetings of them being applied for. She asked also why hasn't another Host Community Agreement been adapted, she knows there's been talked about waiting for Cattaraugus County to see if they are giving Invenergy a PILOT or not. She said it doesn't matter about the PILOT because if Cattaraugus County does not do a

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PILOT, then the Town can choose any other Town's Host Community Agreement and protect the Town, and make sure that the Town gets the money in the event that the Cattaraugus County issues of PILOT. Charles Malcomb attorney for Invenergy stated the first question is regarding the completion determination for the application. Once that happens there will be an ordered issue by the Commission, they will set a time period for that. Charles also commented that Peter Sorgi following up making sure there was no missing of the deadline. Councilman John Hill stated as far as the Host Community Agreement, the Board has been discussing that in executive session.

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- Justices –
- J) Parks & Recreation –
- K) Planning Board – Report Submitted
- L) Supervisor –. Report Submitted
- M) Other Town Officials –

A motion to accept the reports & communications as submitted was made by Dustin Bliss. Seconded by R. Nick Morgan.

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

XII). APPROVAL OF VOUCHERS

General #197 to # 218, Amt. \$11,022.57, Yrly Amt. \$203,230.87.

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

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

Highway # 120 to #128, Amt. \$17,534.18, Yrly Amt. \$409,900.07.

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

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

Councilman Geoff Milks had some questions from the Planning Board. One was if the board had addressed the dispensary possibilities for marijuana, for them to opt out or opt in. The Town does not have to opt in, they're opted in if they don't opt out. The Board has to the end of December to consider opting out if they choose to. The Board can opt back in later, but they cannot opt out later. This be on the board agenda for the next meeting.

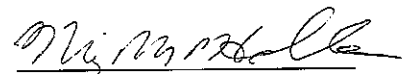
Geoff also had an email that came to him regarding the noise at the racetrack, it was sent last month. Councilman Dustin Bliss asked if they're breaking any ordinances. Geoff said as long as they're not going past the curfew for the time, then no.

XIII. ADJOURNMENT:

Geoff Milks made the motion to adjourn the meeting at 8:37 pm. Seconded by Dustin Bliss.

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

Respectfully submitted by



Freedom Town Clerk

10/22/2021