

Town of Freedom
Regular Board Meeting & Public Hearing
May 17, 2021

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

Other Officials: Dog Control Officer Denise Willard

Others: 8

Meeting called to order at 7:07 pm by Supervisor Randy Lester

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

II. REVIEW OF MINUTES:

Town Board meeting minutes of April 19, 2021 meeting.

A motion was made by John Hill to accept the Meeting Minutes of the April 19, 2021. Motion was seconded by R. Nick Morgan.

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

III. Executive Session:

A motion was made by John Hill to close the regular board meeting and go into executive session regarding an employee matter at 7:08 pm. Seconded by Dustin Bliss.

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

A motion was made by Dustin Bliss to close the executive session and open the regular board meeting at 7:19 pm. Seconded by R. Nick Morgan.

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

IV. Letter from Assessor for Memorandum of Understanding: Town Clerk Mindy Holland read to the Board an email from Kate Harrington explain that this is something the Board should get familiar with these, one is a Memorandum of Understanding that Randy needs to sign—the state will ask for this every year we’re doing a reassessment or update, and the other is a sample resolution—the state will also ask every year for a resolution in support of my department keeping Freedom at 100%. Randy and the board should be familiar with these—Dan and I

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came to the August meeting last year to explain state aid and the purpose of these documents.

V. RESOLUTION #7-2021 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 made by Dustin Bliss, Seconded by R. Nick Morgan

Roll Call:

R. Nick Morgan: Aye

Dustin Bliss: Aye

John Hill: Aye

Geoff Milks: Aye

Randy Lester: Aye

VI. A motion was made by Dustin Bliss to close the regular board meeting at 7:22 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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A motion was made by Dustin Bliss to open the Public Hearing on Local Law 2 of 2021 at 7:23 pm. Seconded by Geoff Milks.

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

LOCAL LAW 2 OF 2021, LOCAL LAW RELATING TO THE LICENSING, CONTROL, CONFINING AND LEASHING OF DOGS IN THE TOWN OF FREEDOM AND REPEALING LOCAL LAWS 1-2001 (“DOG CONTROL LAW OF THE TOWN OF FREEDOM”), 1-2007 (AMENDING LOCAL LAW 1-2001, “DOG CONTROL LAW OF THE TOWN OF FREEDOM”), 1-2010 (“THE DOG LICENSING LAW”. ALSO AMENDING LOCAL LAW 1-2001, “THE DOG CONTROL LAW OF THE TOWN OF FREEDOM”), AND 1-2014 (AMENDING AND REDACTING LOCAL LAW 1-2010, “THE DOG LICENSING LAW”. ALSO AMENDING LOCAL LAW 1-2001, “THE DOG CONTROL LAW OF THE TOWN OF FREEDOM”)

Public Comment:

Dog Control Officer Denise Willard said she had talked Wyoming County Dog Control Justa Goodell, regarding the barking. What is in the new law is the same to what they had on the old law with habitual, barking, crying, whining. Denise said that they must define habitual. To someone 5 Minutes of barking can be annoying. To someone else 30 minutes to an hour can be habitual. It needs to be defined. It was stated that the Town can run the risk of it being too vague and the whole thing can be nullified. Dustin said banking at least ones every 30 seconds for a consistent 15 minutes, it is something we need to be specific on. Ron Preivity stated that his dog barks and he looks to see why. Dustin said the problem is not so much your dog because you can quite it, the problem is the neighbor’s dog that’s barking. Ron said if the neighbor has a dog barking should they know why its barking, the neighbor should make the dog content. Councilman John Hill said dogs barking during the day are not as much as an issue as a dog barking at night, if its on or off 15 minutes at night that’s a problem. If it was 30 minutes during the day with all the back round noise, will you notice the dog barking. Gary Chamberlain stated that there was a dog who barked down in Sandusky all afternoon Sunday. Dustin asked what Denise feels should be written into the law, should they say 15 minutes during the day. Dustin thinks if a dog barks more than 6 times minutes for 5 minutes straight at night or 6 times a minute for 15 minutes during the day that’s a violation. Supervisor Randy Lester stated what’s going to happen if the person who files the complaint wont come to court to testify. Denise explained she had a complaint from a neighbor about some dogs barking,

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she looked at her list and realized that they are not licensed. She got the warning tickets, that Justa suggested she gets, she sent them a warning ticket, she got a call from the owner of the dogs and the owner asked was there a complain, she asked who and Denise converted her from the information. The owner of the barking dog said they do have a collar and they keep an eye on it. Denise said by the end of the conversation things were okay. Dustin said if you can smooth it out that's great but if it comes to court the accuser needs to be present. Councilman Geoff Milks asked Denise if she could ask Justa, if they have any laws that may have information, that would be a good template for us. John said if Denise comes up with something completely different then what they suggested then she will need to contact them before the next meeting, so they have it ready to be presented at the June meeting. Dustin suggested that the complained should come from another tax parcel, it can't be someone stopping in front of someone house and recording it. Denise said if someone walks by your house its call justified behavior. Dustin said he would stick with 6 times a minute for five minutes at night and 15 minutes during the day. It was asked what they consider night and what do they consider day. Dustin said 8:00 pm till 6:00 am, John suggested till 7:00pm Geoff told the Board he found a definition for habitual barking and read it to the everyone. Habitual barking shall be unlawful for any person to keep or harbor a dog which habitual barks or cries, habitual barking shall be defined as barking for repeated intervals of at least 5 minutes, with less then 1 minutes of interruption. Dustin said then it can bark once a minute for 4 out of 5 minutes. John said the neighbor can talk to the dog owner about the barking, but if they choose not to then he is filling a complain.

A motion was made by Dustin Bliss to close the Public Hearing on Local Law 2 of 2021 at 7:47 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 7:48 pm.
Seconded by R. Nick Morgan.

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

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A Motion was made by _____ To (pass, decline, or table)
LOCAL LAW 2 OF 2021, LOCAL LAW RELATING TO THE
LICENSING, CONTROL, CONFINING AND LEASHING OF DOGS IN
THE TOWN OF FREEDOM AND REPEALING LOCAL LAWS 1-2001
("DOG CONTROL LAW OF THE TOWN OF FREEDOM"), 1-2007
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Roll Call:

** The Board asked to have Local Law 2 of 2021 revised with the habitual barking for the June meeting. **

VII. NEW BUSINESS:

- A.) **Office 365:** Councilman R. Nick Morgan has been in touch with Microsoft, and he has to find out if New York State wants the town to have a .gov extension with the Comptroller’s office, if not then it can be a .org. Councilman John Hill asked if there is any difference in price. Nick said the .gov has higher security standards, and will cost little bit more, he does not think it will be too much difference. Usually, you get the government price and that’s supposed to be cheaper. John asked would we be able to communicate with video. Nick said yes you can use email, and it also would give the town teams.
- B.) **Rug with American Flag:** Town Clerk Mindy Holland stated that Councilman John Hill had made mention after the last Board meeting that some people had concerns about the American Flag on the rug being walked on. Custodian Jack Lawrence got a new rug, what would the Board like to do with the rug with the flag on it. Councilman Dustin Bliss said to ask the Veterans if they like to take care of it. Ron Previty said to hang it on the wall. Mindy will talk to Ron Ashworth. John said we could hang it up or see if Ron Ashworth has a place to put it.
- C.) **Host Community Agreement adopting another Town agreement:** Councilman Geoff Milks stated that this was lightly discussed last summer. Geoff said the Town of Freedom is significantly less then surrounding towns. He would like the board to get something moved in the event that this project moves forward and there maybe is a PILOT agreement for it, or we will get a substantial less money then then surrounding towns. Supervisor Randy Lester asked Invenergy to speak on that subject. Geoff asked if there is an agreement that they can draft up that mimics the other Towns and puts Freedom in the same ball park. Scott Johnson from Invenergy stated that as far as timing goes the Town has all the way to the commencement of operation to execute, to make your most favor nation clause

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happen. Scott said all the Town has to do is have their solicitor send notice to the company prior to the commencement of operation that the Town wishes to adopt Town X host community payment terms. This project is not going to start this calendar year and even if it did, it be 12 months of construction prior to commencement of operation. Aaron Saykin Attorney for Invenergy to answer Geoff's question the board really just needs to vote to adopt the payment terms. Aaron said he does not think anything has to be drafted, you just send notice to their client that they voted to adopt Host Community Agreement from X community within the project area, its not the whole community agreement it's the payment terms. He recommends the Board to speak to the Town Attorney. Councilman John Hill said that he heard that Arcade Host Community Agreement could not be duplicated, he would like to know why they would have a clause like that, he realizes that we are in a different County and that there are different amounts of funds going to the Town vs County. He would like to see that our Town gets a lot more money, and Arcade is getting a lot more money, but they are in a different County. Scott stated he does not know who is saying from Arcade that theirs can not be duplicated, he does not know what the contents says either. Scott said Wyoming County IBA PIOLT vs Allegany County IBA PILOT, and the potential, because there is not PILOT in Cattaraugus County so its potential. He said Wyoming County is known for there IBA PILOT numbers, there agreement is set up to that. There is plus, minus off of the PILOT numbers, he said same with Freedom's agreement too. Allegany County is roughly \$5,000 per megawatt. Wyoming County is roughly \$2,500 per megawatt. Basically, with Arcade being in Wyoming County they are getting a much bigger chunk of the over all pie because the County is taking a much small piece of the pie. Councilman Dustin Bliss asked Scott if he is saying that these wind turbines are going to pay the same amount of money to the combination of Town and the County. Scott said yes if the County negotiates a deal. Dustin said at this point Wyoming County is taking a much smaller chunk of that pie leaving more money for the Town, as is Allegany and Cattaraugus. Scott said you can encourage the County of Cattaraugus to take a much smaller piece in the PILOT agreement and that would leave a much larger piece of the pie for the Town of Freedom specifically. Dustin said until Cattaraugus County IBA decides whether or not they are going to issue a PILOT, this discussion is a little pre mature because we don't know what the County taking. Geoff stated that it does have a clause, there is a plus or minus. Dustin stated that if they made a motion tonight to take Farmersville's, its pre mature at this point because if the County doesn't actually extend a PILOT to Ally Catt, the Town of Freedom should take Arcades. Dustin stated that if the Governor goes through with his uniform assessment on alternative energy project the discussion with the PILOT with Cattaraugus County is irrelevant. Geoff asked Invenergy if the HCA still has as much effect or any effect if there is not PILOT agreement. That would depend on the overall financial consideration. Scott said his personal opinion is the town is not in a position to make a educated decision at this time, you should defer that until you

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have all the information. Geoff said that's a very different piece of advice Invenergy gave the Board when they sign the HCA. Scott said they signed an HCA that has a favor nation clause in it that allows them to execute that all the way up till commencement of operations. Geoff said he wanted to be on top of it so when the time is right, we make the right decision. Dustin stated that he wants to get as much money for the town. Geoff is disappointed in the HCA the town has, especially because we have transmission lines running through our town, to have them running through and not to get an extra nickel for them and at best we are going to match our surrounding towns is a crud deal. Geoff read an article that was written in the Arcade Herold, regarding Arcade HCA.

D.) **Rails to Trails:** Councilman Geoff Milks that this is in the early stages for sure, its an idea at this point. Geoff and Councilman R. Nick Morgan are working to create a rail to trails possible UTV and ATV trail network in the northeast part of Cattaraugus County, the old rail bed that runs through Freedom and Farmersville, and out towards Lime Lake. The plan is to utilize rail line, around under power lines and designated Town and County roadways. They have been working on this plan for the last few months. He has been involved at a number of meetings at the County department of economical development. He has talked to some of the County Legislators and with neighboring towns and other local government officials, snowmobile clubs, Farmersville fire department, and Pioneer Motor Sports. Geoff said that everyone so far seems excited about the opportunity. Recent pass of the American rescue plan, there is some funds that maybe available to bring this plan forward. Also, Cattaraugus County revitalization grant could double funds up to \$5,000.00. There is a lot of work to it but it is getting some excitement. Councilman Dustin Bliss ask how the Town was able to build Swanson Hill RD on the old railroad bed. Councilman R. Nick Morgan stated they just did it. Dustin asked Geoff what would happen with the funds, grant money, what is your vision to do with it. Geoff vision would be to fix some of the bridges on the trail, so they are more walk friendly, and ATV friendly. Geoff hopes to create a tourist attraction and local recreation. Dustin said it be great if they could redo the bridges. Councilman John Hill said that he went to Tug Hill and they are doing a massive road and trail type thing for UTV. Dustin said it be great for local business and restaurants if they were next to the tracts but moving this direction it be great. John said we should not just worry about the tracts, but as a town we can make UTV legal to drive on Town roads, but they have to be insured. Nick said if you use the railroad tracts as the base main line then was able to branch off towards Sandusky and go to the gas station, and smiles, or go to turkey run as a restaurant destination. Geoff said the tourism said that dice runs are an immensely popular search on their tourism website. Geoff also talked to Pioneer Motor Sports and they love the idea and if there is anything they can do let them know. Geoff said Rushford is also working on legalizing the town roads for ATV. Nick said Friendship has, Birdsall had tried but the State shut them down because of the State land. Dustin is glad that Geoff is looking into this.

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Geoff said gives more reason possibly have a restaurants in town to keep them busy.

E.) ORES Litigation:

Geoff Milks made a motion to go into executive session to talk about protentional litigation regarding ORES/ Article 7 litigation at 8:17 pm. Seconded by John Hill.

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

Dustin Bliss made a motion to close the executive session at 8:32pm. Seconded by Geoff Milks.

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

Dustin Bliss made a motion to open the regular board meeting at 8:33pm.
Seconded by Nick Morgan.

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

VIII. OLD BUSINESS:

A.) **Comprehensive plan:** Councilman Geoff Milks asked if they would like to refer that to the Planning Board, the board talked about adopting the Counties. Town Attorney Eric Firkel had emailed some questions. He has some concern about adopting the County as well because there are some parts that only pertain to only the County. Geoff said we would have to pick and choose some parts for the Town of Freedom.

Geoff Milks made a motion to refer the Comprehensive Plan to the Planning Board. Seconded by Dustin Milks.

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

B.) **Junk Law:** Tables to the June meeting

C.) **Shared Highways agreement, Highway Superintendent Jim Haggerty has asked for the letter from the County to be read out loud and his letter to the Board regarding a pothole matter on Maple Grove Rd. The letter was read by Councilman Dustin Bliss. (See attached copies of both):** Denise

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Willard said she was the person that complained. Wade Willard stated that there were rocks all the way across the road for days, it was not a few pebbles across the road, he stated that was a lie. Wade also said that they just had swept the road off earlier that day. He said it was a mess when they filled the hole, we stood and watched them do it. Denise explained that they had someone flagging traffic at the top of the hill by Wade's dad's house, then they took a dump truck and dumped dirt on the road, they used dirt with stone. Denise said it should have been on the shoulder of the road, but it was on to the asphalt. Ron Previty asked if it was a County road. Dustin stated that they do a terrible job maintaining it. Dustin said that the morning the Town sanded the road he tried calling the Franklinville garage three times because his daughter's school bus stops at his house at 7:50 and it was a sheet of ice. Dustin called Cattaraugus County Legislator Joe Boberg because he is on the County Highway Department, no one in Little Valley is responsive. Dustin said the intersection at Cheeseman Hill Rd and Maple Grove Rd is full of potholes and the only one who has ever fixed it in the 11 year that he has lived where he is, was the Town of Freedom. He contacted Kathleen Ellis and complained to her, the County came up and swept the milling the Town of Freedom used in the potholes and used bank-run gravel in, the next time it rained there was muddy potholes. Denise thought it was the County doing the work that's why she complained to the County, she said they just took the dirt and filled it and dragged the high lift across it. Dustin said nothing ever gets done because no one ever holds the County Highway Department accountable. Dustin would propose that something in the middle and basically state to the County to do their job. Town Clerk Mindy Holland stated that the County is writing some kind of revision to add to the agreement. Dustin stated that they need to do their job, all of our town residence drive on a lot of County roads, he's not sure what they can do to hold them accountable. Councilman R. Nick Morgan asked can we request a maintain schedule from them, asking what their plan are with the roads in town.

D.) **Extra Camera:** Councilman Dustin Bliss asked Town Clerk Mindy Holland how much was the extra camera, she said it was \$448.00 for the one camera, that goes on the office end of the building by the ball diamond.

John Hill made a motion that we do get the extra camera. Seconded by R. Nick Morgan.

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

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E.) MATCH FREE grant program being put on by the New York State Energy Research and Development Authority (NYSERDA), info in board packet, from Jonathon Mayr, GISP NYSERDA Clean Energy Communities Coordinator.

F.) Public Employer Health Emergency Plan for the Town of Freedom: The Freedom Town Board had a work session on May 3, 2021 and discussed the areas that needed to be filled in.

A motion was made by Geoff Milks to adopt the Public Employer Health Emergency Plan for the Town of Freedom. Seconded by Dustin Bliss.

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

G.) Emergency Operation Plan: Updated copy in your packet.

A motion was made by Geoff Milks to adopt the Emergency Operations Plan for the Town of Freedom, County of Cattaraugus. Seconded by Dustin Bliss.

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

H.) Playground fence: Councilman Dustin Bliss is waiting on one more quote, he will have that next meeting. Supervisor Randy Lester stated that on the playground under the swings there is a very large hole. Councilman Dustin Bliss said to add that to Matt Haggerty lawn maintenance job to rake the mulch back under the swings. Randy said maybe we can get Matt to pick up the garbage on the playground. Dustin said that if its on the yard he should pick it up.

IX. Public Comments:

Town Clerk Mindy Holland stated that there was a question about what was written in the March Board Minutes regarding the amount of money for the Freedom Baptist Church, it was said it supposed to be \$10,000 and Mindy wrote \$20,000, she did go back and listen and it did say \$20,000. The Town Green has been a hot topic during board meetings, Mindy reached out to Historical Deputy Sherry Bernard, and Bookkeeper Jessica Dart and both said that there has been plans for years to do something with the Town Green it just never went through. Sherry also gave Mindy books written about the Town of Freedom. There is a book from 1961, it talks about how they use to play baseball on the Green. She wanted to let the Board know that this is something that has been talked about, but the plans never went forward. Ron

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Preivity asked if they ever moved the motor home off the Green. Mindy said no. Ron asked how big is the lot. Supervisor Randy Lester said the size of the lot is 110 feet deep and 70 feet wide, that was based on a court decision in 1946. Randy has invited someone to go down and measure up the parcel to say that the motor home is on the Town property, no one from the Board is willing to do it. Dustin asked is a matter of it getting it out of the way. Councilman Geoff Milks said it's a good question is she attached to it, or could Dustin show up with a tractor. Randy said it does run. Ron asked if it was mentions if Mrs. Tucker, is she going to do anything with it. Randy said one of her kids was doing something with it. Dustin asked the Board if they want to give them 30 days to get it off. Dustin said it's on the Towns land. Randy said we don't know if its on the Town land or not, it needs to be measured. Councilman R. Nick Morgan said for the Board to have a work session before the next meeting. Nick asked Randy if there are any stakes at the back of the property or just the front. Randy said there is no stakes. Randy said we could not get a surveyor because there is no deed. Nick said next meeting June 21, the Board should meet at the Green at 6:30 and measure it out.

R. Nick Morgan made a motion before the next board meeting the Board meet at 6:30 at the Village Green for the purpose of measuring out the property. Seconded by Dustin Bliss.

Roll Call: Ayes-4 R. Nick Morgan, Dustin Bliss, John Hill,
& Supervisor Randy Lester
Nay- Geoff Milks

VIII. REPORTS & COMMUNICATIONS:

- A) Assessors –**Grievance day May 27th from 4 pm to 8pm**
- 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 – April Minutes, May Minutes submitted.
- M) Supervisor – Report submitted.
- N) Other Town Officials –

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

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

VII. APPROVAL OF VOUCHERS:

General #85 to # 108, Amt. \$7,230.58 Yrly Amt. \$129,331.63.

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,
& Supervisor Randy Lester

Highway #51 to #62, Amt. \$22,641.68, Yrly Amt. \$104,680.59.

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,
& Supervisor Randy Lester

VIII. ADJOURNMENT: John Hill made the motion to adjourn the meeting at 9:02pm. Seconded by Dustin Bliss.

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

Respectfully Submitted,



Mindy M. Holland

05/21/2021

Freedom Town Clerk