Town of Freedom
Regular Board Meeting Minutes
September 21, 2026

Board Members Present: Josh Aarum, S. R. Cory Higgins, R. Nick Morgan, Denise Willard, & Supervisor Josh Cutler

Others: 3

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Meeting called to order at 7:01pm by Supervisor Josh Cutler

I. PLEDGE TO THE FLAG: Led by Supervisor Josh Cutler

II. REVIEW OF MINUTES:

Regular Board Meeting minutes for August 24, 2026

A motion was made by Josh Cutler to accept the Regular Board Meeting Minutes as submitted. Seconded by Josh Aarum.

Roll Call: Ayes-5 Josh Aarum, S. R. Cory Higgins, Denise Willard, & Supervisor Josh Cutler

**R. Nick Morgan Joined meeting

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III. Data Center Discussion: A question was asked by Ed Klee if they are coming here. Supervisor Josh Cutler said that per our Town Attorney requests we need to have a history weather or not we want them or not. Councilwomen Denise Willard asked if they are for AI. Josh said a majority are for AI, some are for the internet. Denise said that research has to be done on what they are used for. She said they use a lot of water to cool them down and they use a lot of electricity. Amanda Domagalski asked why Freedom? Josh said they are targeting low density areas for solar, windmills, and data centers. Denise asked if the town could put a size restriction on data centers. The questions that came up are the impacts from data centers, are there more than what is out to the public.

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IV. Town of Freedom

Local Law #3 of 2026

ADOPTING A MORATORIUM ON CERTAIN BATTERY ENERGY SOLAR SYSTEM (BESS) UTILITY SIZED USES

SECTION 1. PURPOSE AND INTENT

The purpose of this Local Law is to the protect the public health, safety, and welfare of the residents of the Town of Freedom and to maintain the status quo as to certain BESS uses, as the preset laws and ordinances regulations on the Town do not adequately address this type of use. The moratorium will stop the processing of applications for, and the issuing of any permits, certifications of occupancy and approvals of certain land uses relating to BESS, including, but not limited to solar farms. The moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Freedom laws and ordinances concerning this use.

SECTION 2. LEGISLATIVE FINDINGS

The Town of Freedom Town Board does hereby find that without a temporary halt on the processing, permitting and approvals for certain solar land uses there is the potential that such uses could be located in unsuitable areas within the town and/ or on particular lots without adequate dimensional regulations in place. The potential for unsuitable location of, and lack of proper dimensional regulations for, such uses would have materially adverse and irreversible impacts on the Town.

The Town Board also finds that it is in need of time to perform the necessary analysis if the potential types of BESS facilities that could be located in the Town. By maintaining the status quo regarding such uses, the Town Board can provide for the planned orderly growth and development of the Town.

SECTION 3. MORATORIUM IMPOSED, APPLICABILITY

For the period of time of six (6) months following the effective date of the adoption of this Local Law, no application may be processed and no permits, certificates of occupancy, approvals, denials, determinations or interpretations may be issued or granted for any land uses relating to BESS, including, but not limited to solar farms.

The term "land uses relating to BESS" shall be broadly construed to include any facility designated to generate electric power to be marketed, sold or used for other than the power demands of the improvements on the property on which such facility is located. Not included within the scope of this moratorium are BESS facilities designed to generate electric power solely for the use of the improvements located on the same property.

The term "solar farm" shall mean "a collection of solar panels covering one-quarter (1/4) acres or more of land that are designed to capture sunlight and transform it into electricity. This definition includes freestanding and ground pole-mounted photovoltaic panels that are mounted on or affixed to residential dwellings for their use, or municipal buildings, or existing panels mounted on commercial or industrial buildings.

This Local Law shall be binding on the Town Board, Building Inspector, Code Enforcement Officer, all Town officials and employees, and any applicant or real

property owner in the Town desiring to apply for or receive a permit, certificate of occupancy or approval in the Town of Freedom.

During the period of moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and if warranted, revisions to the Town of Freedom laws and ordinances. During the period of moratorium, no applications will be accepted, nor permits, certificates of occupancy or approvals issues, which would authorize development within the Town for land uses relating to BESS as described above.

SECTION 4. TERM

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date. This local law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by Resolution of the Town Board.

SECTION 5. EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provision of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit and certificate of occupancy, procedure and requirements, this Local Law shall control and supersede such law ordinance, rule or regulation.

SECTION 6. WAIVER

Owing to the limited scope and duration of this moratorium, there is no provision being made in this Local Law for any waivers of applicability. However, the Town Board may, but is not obligated to, promulgate regulations by a Resolution of the Board authorizing a hardship waiver process to this moratorium.

SECTION 7. SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provision shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule.

A motion was made by S. R. Cory Higgins to have a Public Hearing on Local Law #3 of 2026 titled "ADOPTING A MORATORIUM ON CERTAIN BATTERY ENERGY SOLAR SYSTEMS (BESS) UTILITY SIZED USES": on October 19, 2026, at 7:01 pm. Seconded by Denise Willard.

Roll Call: Ayes-5 Josh Aarum, S. R. Cory Higgins, R. Nick Morgan, Denise Willard, & Supervisor Josh Cutler

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V. TOWN OF FREEDOM

RESOLUTION #9-2026 **September 21, 2026**

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:
A201 General Fund in the amount of $50,000.00

To:
DA5112.2 (Improvements – Capital Outlay) to cover costs of additional road work to be done in 2026.

Motion by: Josh Cutler, Seconded by Josh Aarum

Roll call:

Aarum: Aye

Higgins: Aye

Morgan: Nay

Willard: Aye

Cutler: Aye

Clerk: _____ **Date:09/21/2026**

- **There was discussion about Highway Superintendent Jim Haggerty fixing Siloam Rd. and not contacting Invenergy, like he was told at the last meeting. At the last board meeting he was told to contact Invenergy to see if they could pay to fix this road because it has become dangerous for people to drive on. It was told to Bookkeeper Jessica Dart by Jim that he spent the $50,000 plus to fix the road. Grace from Invenergy asked for receipts to see if she could help get reimbursement for the Town.**

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VI. Old Business:

1.) **Further Freedom Rd discussion from last meeting:** Highway Superintendent Jim Haggerty got a letter from Cattaraugus County DPW. In the letter they give the amount of $16,478.62 for 2.18 miles of length to do winter maintenance on County Rd 23 (Freedom Rd) for 2026/2027. Jim was not able to attend this meeting, but he spoke to Town Clerk Mindy Holland, and she stated that Jim is trying this for this year, also this amount should cover the sand, salt and fuel that would be used. Jim would like the board to think about this because of insurance reasons, such as liability. Jim also wanted the board to know that they are also thinking about the town taking over Freedom RD. in the future. One of the comments was that Freedom would be able to get to this road before the school busses head out, because the County does not always get to do that. Councilman R. Nick Morgan stated that he has no interest in Freedom taking over Freedom Rd., he does not agree on how they rebuilt it, the road is not wide enough for the type of traffic that travels on it, the shoulders are coming apart on a brand-new road. Councilman S. R. Cory Higgins said that the truck traffic in the last three years has quadrupled, that road takes a lot of abuse and will need continued maintenance, this should continue to be the Counties problem. Cory said as far as plowing this winter Freedom Rd is a main road verses the town roads that are secondary and that road needs to be opened first before the town roads. Councilwomen Denise Willard said that she sees the county trucks go by her house a lot more than the town trucks. Jim is fine with amount, he has talked to Arcade Highway Superintendent, and the numbers are comparable for them to plow Wyoming County Roads per mile. Councilman Josh Aarum said if Jim wants to try lets do it for one winter.

A motion was made by Josh Cutler to accept winter maintenance, including snow removal and treatment of icy conditions to keep residents, visitors, and emergency vehicles safe throughout winter on County Rd 23. Freedom RD for the winter of 2026/2027. Seconded by Denise Willard

Roll Call: Ayes-3 Josh Aarum, Denise Willard, & Supervisor Josh Cutler
Nays-2 S. R. Cory Higgins, & R. Nick Morgan

2.) REMINDER FALL JUNK DAY will be on Saturday, September 26, 2026, from 7:00 am to 3:00 pm:

3.) REMINDER WORK SESSION ON 2027 TOWN BUDGET DATES:

a.) The First Tentative 2027 Town Budget work session will be on Monday, October 5, 2026 @ 7:00 pm.

b.) The Preliminary 2027 Town Budget work session will be on Monday, October 19, 2026 @ 6:00 pm.

4.) REMINDER: A Special Public Hearing Meeting will be held on November 16, 2026, at 7:00 pm during the regular November Board Meeting to discuss the 2027 Town Budget and Three Fire Contracts on Arcade, Delevan and Farmersville:

VII. NEW BUSINESS:

1.) Grievance Board: Angel Feness term ends on September 30, 2026, she has agreed to stay on as a Grievance Board member.

A motion was made by Josh Cutler to reappoint Angel Feness for 5 years as a Grievance Board member. Seconded by Josh Aarum

Roll Call: Ayes-5 Josh Aarum, S. R. Cory Higgins, R. Nick Morgan, Denise Willard, & Supervisor Josh Cutler

a. Ad for the open position on the Grievance board: The Town Clerk will place a ad in both papers.

2.) **Adding on to the parking lot at the post office:** This will have to wait till spring of 2027. The parking lot will be widened for the little league and park usage. Councilman R. Nick Morgan asked if there are any drawings for the proposed addition. Supervisor Josh Cutler said there is no drawing they are extending the parking lot to the property line. The mailbox at the post office will have to be moved. They need to come up with a solution for this.

3.) **Arcade Fire Contract:** Supervisor Josh Cutler said that the contract has the verbiage of an increase of $20,000.00 for their overall budget. The Town of Freedom position would be $76,658.00; that's an increase of $5,422.00 to help cover the cost of the parking lot. Josh said they only used 80% of the budget from last year, so they would be taking the remaining 20% from last year and the money from all the Arcade Fire District coverage to redo the parking lot. This fire contract is just for fire trucks, no ambulatory. Councilman R. Nick Morgan read outload documentation from the Village of Arcade the number of calls from August 2025 – July 2026 there were 36 calls. Nick said for reference the Town of Arcade had 43 calls, and the Village of Arcade had 81, there were 36 calls for Freedom and 26 mutual aid calls. Councilwomen Denise Willard stated that if she was doing this budget meeting she wouldn't have even talked about the parking lot. Nick agrees and states that it should go under maintenance and sense they are talking about the parking lot, and the parking lot belongs to the Village of Arcade, he does not feel that should be covered under the fire contract. Anything they want to do with Village property should have a separate intermunicipal agreement. Nick feels if they have not spent all of last year's money they need to refund it to the Town of Freedom. Councilman S. R. Cory Higgins said that they need to come up with an estimate on the parking lot. Nick said being that its Village property it should be a separate intermunicipal agreement because we are using town monies to pay for the village to pave their property. Nick said it is beneficial to us, and we can do it, but it should be separate from the fire contract. Nick also would like to see quarter payments made by the Town of Freedom due to the fact that there is an extra $20,000.00 of Freedom's money that's sitting in the Village of Arcade hands. Nick said that there should be a memorandum stating that Freedom has $20,000.00 left over from last year and the Village would like to roll it over, and if Freedom would like to prove it or get a refund. Nick said it seems like we don't really know what's happening, Freedom was paying for ambulatory and fire a few years ago. Nick would like to know if we are not paying ambulatory anymore why are we paying the same amount. The Village should be able to calculate what they got reimburse for ambulatory this last year and take it off the fire contract. Cory would like to see their numbers before we enter into a contract. Josh said the numbers they gave him were a $15,000.00 decrease from last year. It would save Freedom $3,126.00. Josh said that would put us in line with the 2025 fire contract that had ambulance service. Cory asked if they were looking to redo the entire parking lot. Josh said yes, it would be a complete redo. Cory would like to present some of these concerns to the fire company at the October 5th budget meeting and rediscuss this. Nick feels for next year Freedom should only have to pay 80% of last year, because that's what they used. Nick said it should be about $58,000.00. Nick would like to discuss a memorandum, also discuss quarterly payments, and a separate intermunicipal agreement.

4.) **Green and Brown School House RD:** Town Clerk Mindy Holland stated that she almost got hit there a few weeks ago, she stated that no one pays any attention to the speed limit and that it's a blind coming off Green. This is also a safety concern for the buses that have to turn off of Green Rd on to Brown School House Rd and also the snowplows turning off of Green Rd because they have to turn into the other lane heading toward 98 on to Brown School House to get around that intersection. Mindy had a meeting with the NYMIR and when they spoke, she mentioned this situation. The NYMIR rep felt it be in the Towns best interest to have a road study done at this intersection; this is to cover ourselves if there ever was an issue. Councilman R. Nick Morgan said to do this. Councilwoman Denise Willard asked if the hills on Brown School House near Green Rd. could be shaved. Supervisor Josh Cutler said that he has asked Highway Superintendent Jim Haggerty and he does not want to spend the money or does not have the equipment to do that. Councilman S. R. Cory Higgins stated that's the only speed bump we need to keep it. Mindy will get names of road study companies and give the names to the board.

A motion was made by R. Nick Morgan to have Town Clerk Mindy Holland explore different avenues for a road study for the intersection of Green Rd and Brown School House Rd. Seconded by S. R. Cory Higgins.

Roll Call: Ayes-5 Josh Aarum, S. R. Cory Higgins, R. Nick Morgan, Denise Willard, & Supervisor Josh Cutler

5.) **School Taxes:** Town Clerk Mindy Holland told the board that most of the town has Pioneer School district for their taxed area. Small portion is Cuba -Rushford. Mindy is hearing a lot of complaints about the hours that Pioneer is available to collect in person. The hours are only 12-4pm on Tuesdays and Thursdays. Some of the public would like hours later. Councilman S. R. Cory Higgins stated he would ask some questions at the next school meeting and report back.

6.) **Building maintenance:** Supervisor Josh Cutler said that he was told that there are two lights inside the post office that have been out for a month. Also, an emergency exit sign inside the post office that is out. Custodian Jack Lawrence has been working on certain things, but he is up there in age, and they feel he should not be climbing ladders. Josh would like to see them hire it out. Josh said with building maintenance they need make a list of fixes, because the roof at the town hall / highway is leaking and the pavilion at the park is leaking. The last time a contractor fixed the roof was they did a rubber coating, and it cost $12,000.00. Josh said it's a standing seam roof at the town hall/ highway building and the roof at the pavilion is a regular metal roof. Councilman R. Nick Morgan said that roof probably needs the washers replaced. Josh will get estimates for repairs for both roofs. Councilman S. R. Cory Higgins feels they should have someone inspect the town hall/ highway roof and check vents, chimney to see if water is finding its way around a hole.

VIII. TOWN OF FREEDOM, STATE OF NEW YORK
RESOLUTION NO. 10 OF 2026

WHEREAS, the Town Board of the Town of Freedom, New York (the "Town Board") is governed by New York State Town Law ("Town Law") §63, which provides that "Every act, motion or resolution shall require for its adoption the affirmative vote of a majority of all the members of the town board"; and

WHEREAS, on or about Sunday, September 20, 2026, a Town Board member for the Town of Freedom, New York (the "Town") prepared and/or transmitted a letter on Town letterhead (the "Letter") expressing an opinion on a matter of Town business and/or public concern;

WHEREAS, the Town Board never adopted, by an affirmative vote of a majority of the Town Board's total members, a resolution authorizing the Letter, the opinions expressed in the Letter, or for the Letter to be prepared and transmitted on behalf of the Town or Town Board; accordingly, the Letter does not represent the views of the Town or Town Board, conveys no official position of the Town or Town Board; and take no action on behalf of the Town or Town Board; and

WHEREAS, the Letter was prepared and transmitted by an individual Town Board Member without the authorization of the Town or Town Board;

NOW, THEREFORE, BE IT RESOLVED, by the Town of Freedom Town Board as follows:

1. The Town Board hereby disclaims and disavows the Letter, and expressly states that the Letter does not reflect the views of the Town or Town Board, and does not reflect a policy position of the Town or Town Board; and

2. The Town Board hereby confirms that the Letter was not authorized and was not prepared or transmitted on behalf of the Town or Town Board; and

3. Town of Freedom Town Board members are reminded that they do not have unilateral authority to bind the Town or speak on behalf of the Town, and that the Town Board may only act by resolution adopted by an affirmative vote of a majority of all of its members.

4. No Town of Freedom Town Board member may transmit a communication on Town Letterhead or that purports to speak on behalf of the Town or bind the Town without Town Board approval, plainly conferred, from a duly adopted Town Board resolution.

5. This Resolution shall take effect immediately.

Duly adopted this 21 day of September 2026, by the Town of Freedom Town Board.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF FREEDOM, NEW YORK.

A motion was made by S. R. Cory Higgins moving forward the best practice is to follow the Town of Freedom, State of New York, Resolution 63. Seconded by Josh Aarum.

Roll Call:

Aarum: Aye

Higgins: Aye

Morgan: Aye

Willard: Abstain

Cutler: Aye

Clerk: _____ Date:09/21/2026

IX. Public Comment:

Amanda Domagalski: She stated that moving forward there should be communication between board members. She agrees with Councilman S.R. Cory Higgins discussion about Resolution 10. She feels this would have been less disrupted in a meeting setting. She would like them to have a conversation to keep working together.

X. REPORTS & COMMUNICATIONS :

A) Assessors – Report Submitted
B) Building Committee –
C) Building Inspector – Report submitted
D) Highway Superintendent –
E) Clerk/Collector – Report submitted
F) Constable –
G) DCO –
H) Highway Committee –
I) Insurance Committee-

J) Justices –
K) Parks & Recreation –
L) Planning Board –September Meeting Minutes Submitted
M) Supervisor – Report Submitted
N) Other Town Officials- Wendel Group Reports from 8/19/2026-9/9/2026

A motion to accept the reports & communications as submitted was made by Josh Cutler. Seconded by Josh Aarum.

Roll call: Ayes-5 Josh Aarum, S. R. Cory Higgins, R. Nick Morgan, Denise Willard, & Supervisor Josh Cutler

XI.. APPROVAL OF VOUCHERS

General #214 *to # 239, Amt. $26,511.14, Yrly Amt. $226,333.47.*

Motion made by Josh Aarum to accept the General vouchers as submitted. Seconded by Josh Cutler.

Roll call: Ayes-5 Josh Aarum, S. R. Cory Higgins, R. Nick Morgan, Denise Willard, & Supervisor Josh Cutler

Highway #91 to #104, Amt. $49,099.63, Yrly Amt. $839,665.74.

Motion made by Josh Aarum to accept the Highway vouchers as submitted. Seconded by S. R. Cory Higgins.

Roll call: Ayes-5 Josh Aarum, S. R. Cory Higgins, R. Nick Morgan, Denise Willard, & Supervisor Josh Cutler

Lighting District #9 to #9, Amt.$386.52, Yrly Amt.$3,552.30.

Motion made by Josh Aarum to accept the Lighting District vouchers as submitted. Seconded by Josh Cutler.

Roll Call: Ayes-5 Josh Aarum, S. R. Cory Higgins, R. Nick Morgan, Denise Willard, & Supervisor Josh Cutler

XII. Excessive Session about Legal Matters on the Town Green:

A motion was made by Josh Cutler to close the regular board meeting and open excessive session at 9:04. Seconded by R. Nick Morgan.

Roll Call: Ayes-5 Josh Aarum, S. R. Cory Higgins, R. Nick Morgan, Denise Willard, & Supervisor Josh Cutler

A motion was made by Josh Cutler to close the excessive session and open regular board meeting at 9:52. Seconded by Josh Aarum.

Roll Call: Ayes-5 Josh Aarum, S. R. Cory Higgins, R. Nick Morgan, Denise Willard, & Supervisor Josh Cutler

XIII. ADJOURNMENT:

Josh Cutler made the motion to adjourn the meeting at 9:53 pm. Seconded by S. R. Cory Higgins.

Roll Call: Ayes-5 Josh Aarum, S. R. Cory Higgins, R. Nick Morgan, Denise Willard, & Supervisor Josh Cutler

Respectfully Submitted by

Freedom Town Clerk
10/02/2026