

**TOWN OF FRIENDSHIP MINUTES
JANUARY 18, 2017
7:00PM
DEPOT STREET MEETING ROOM**

Call to Order by Supervisor Blouvet.

Roll Call: Supervisor James Blouvet-Present
Councilperson: Russell Hall-Present
Councilperson: Carolyn Carney-Present
Councilperson: Linda Mascho-absent
Councilperson: Donette Shelley-absent

Also present: Patricia Schurr, Town Clerk

Assemblage: Brett Clouse, Mike Stump, Mark Voorheis, Theo Bullock, Garry Reynolds.

Motion to approve the minutes from December 14, 2016 offered by Carolyn Carney, seconded by Russell Hall. All approve.

Motion to approve the minutes from the Organizational Meeting of January 4, 2017, offered by Russell Hall, seconded by Carolyn Carney. All approve.

Motion to approve the Audited Bills from December 2016 in the amount of \$64,154.38 offered by Russell Hall, seconded by Carolyn Carney. Roll call vote: James Blouvet-aye, Russell Hall-aye, Carolyn Carney-aye.

Motion to approve the Supervisor's report for December 2016 offered by Russell Hall, seconded by Carolyn Carney. All approve.

Motion to advertise for Superintendent of Public Works in O.T.H., applications to be received by 2/15/17. Preference given to Friendship residents, offered by James Blouvet, seconded by Russell Hall. All approve.

SUPERVISOR'S CONCERNS

Supervisor Blouvet advised that he attended a Fire Dept. Meeting and the Lease of the Fire Hall was discussed. It was decided that everything in the contract should stay the same except they wanted a 1 year(short) lease. The Fire Dept. has A grant request in for a New Municipal Building for all departments.

Supervisor Blouvet advised that Court Clerk has acquired a part time job along with her Court Clerk job and needs to change her hours slightly. After discussion, the board advised it would be ok as long as the Justice was o.k. with it and it covered Court hours. New hours to be given to the Town Clerk and Website to show new hours.

PUBLIC CONCERNS

Theo Bullock who lives at 4153 Co. Rd. voices concerns about the erosion behind her house, her shed is almost ready to go into the creek, also concerned about the cemetery as well as there being a safety issue to kids who play out near there. She advised she has been at Board meetings in the past to voice her complaints about this. She has been in touch with the DEC, Senator Cathy Young's office, she was only referred to the Historian, Mark Voorheis. The Supervisor, advised he knows this is a problem and stated they were working on the erosion problem in Nile, specifically the Nile Cemetery. Mr. Voorheis advised her that they are working

on getting some kind of grant, but it takes time, right now the State has first to declare the Nile Cemetery and the G.A.R. Hall as Historic National Landmarks. The paperwork is into the State and just waiting to hear from them. It was suggested that Channel 4 news be called about this problem.

Motion to approve the 2017 Systems East Maintenance fee for tax collection in the amount of \$250.00(increase from last year of \$7.00) offered by Russell Hall, seconded by Carolyn Carney. Roll call vote: James Blouvet-aye, Russell Hall-aye, Carolyn Carney-aye. All approve.

Motion to approve the 2017 Retainer Agreement for Town Attorney David Pullen per retainer agreement(increase hourly rate from 140/hr. to 150/hr), offered by James Blouvet, seconded by Carolyn Carney. Roll call vote: James Blouvet-aye, Russell Hall-aye, Carolyn Carney-aye.

Motion to correct amount from Organizational meeting on 1/4/17(page 20)Under Salaries of Elected Officials –Justices (2) was shown as \$6,407.00/year payable bi-weekly, corrected to \$6,535.00 offered by Russell Hall, seconded by James Blouvet. All approve.

PUBLIC HEARING 7:10PM

Public Hearing in the matter of the Introductory Local Law No. 3 of 2016 entitle “A Local Law to Opt-Out of Real Property Tax Exemption for Solar Energy Systems in the Town of Friendship” to provide for the opting out of the tax exemption for solar energy systems as authorized by Real Property Tax Law Section 487.

Any questions from public:

Supervisor declares the Public Hearing to be closed, returning to regular meeting.

Resolution that the proposed Local Law be adopted. The following resolution was offered by Russell Hall , who moved its adoption, and seconded by Carolyn Carney to wit:

WHEREAS, the Town Board of the Town of Friendship, Allegany County, New York, has determined that the adoption of this local law is necessary for the purpose of providing for the opting out of the tax exemption for solar energy systems as authorized by Real Property Tax Law Section 487 ; and

WHEREAS, the Town Board of the Town of Friendship desires to prevent loss of real property tax revenue that might be otherwise available to the Town from the construction of solar energy systems within the Town of Friendship;

NOW, THEREFORE, be it resolved that the Town of Friendship adopt Introductory Local Law No. 3 of 2016, to be now identified as Local Law No. 1 of 2017 entitled “A Local Law to Opt-out of Real Property Tax Exemption for Solar Energy Systems in the Town of Friendship” which local law shall provide as follows:

SECTION 1. PURPOSE AND INTENT

It is the intent of the Town Board of the Town of Friendship to opt-out of the tax exemption for solar energy systems. The Town Board believes that solar energy systems are being planned and may be constructed throughout the Town. Such solar energy systems will be eligible for a real property tax exemption under New York State Real Property Tax Law. These tax exemptions eliminate the real property tax revenue available to the Town that construction of these solar energy systems would otherwise generate. The New York State Real Property Tax Law allows municipalities to “opt-out” of said tax exemption.

SECTION 2. EXERCISE OF OPT-OUT AUTHORITY.

Pursuant to New York State Real Property Tax Law Section 487(8), the Town Board of the Town of Friendship hereby declares and provides that the exemption provided by RPTL 487 shall not be applicable within its jurisdiction with respect to any Solar Energy System constructed, erected or installed subsequent to the date of this Local law.

SECTION 3. SUPERSEDE AND REPEAL:

This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent that they may be inconsistent with this Local Law.

SECTION 4. SEVERABILITY:

If any clause, sentence, paragraph, section or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment of invalidity shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the proceeding in which such judgment shall have been rendered.

SECTION 5. WAIVER OR RESTRICTION:

Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Friendship to further regulate the subject matter of this Local Law.

SECTION 6 FILING:

A copy of this Local Law shall be filed with the State Board of Equalization and Assessment and with the President of the New York State Energy Research and Development Authority (NYSERDA) as required by law.

SECTION 7. EFFECTIVE DATE:

This local Law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

The Supervisor asked if there was any further discussion. There being no further discussion the Supervisor put the matter to a roll call vote which resulted as follows:

James B. Blouvet: aye

Linda Mascho: absent

Russell Hall: aye

Carolyn Carney: aye

Donette Shelley: absent

The Supervisor declared the Local Law to be duly adopted.

Resolution adopting Local Law increasing the salary of the Town Justice for 2017

Resolution to adopt a Local Law increasing the salary of the Town Justice from \$6,535.00, to \$13,070.00 for 2017. This would bring the Town into compliance with Municipal Home Rule Law Section 24 paragraph b.2(h). The Local Law would be subject to a permissive referendum.

The following Resolution was offered by Russell Hall who moved its adoption, and seconded by Carolyn Carney, to wit:

WHEREAS the Town Board had established salaries for two Town Justices which salaries were equal in compensation in the amount of \$6,535.00 each, and

WHEREAS, the Town Attorney has advised that the salaries for the prior two Town Justices cannot be combined into one salary for the remaining Town Justice covering the Court Calendar for two Town Justices without adoption of a local law that would be subject o permissive referendum, and

WHEREAS, the proposed increase would apply to only one Town Justice,

NOW, THEREFORE, BE IT RESOLVED that the following local law be adopted to provide for a one year increase in the salary for the current Town Justice, to wit:

1. That proposed local law number 1 of 2017 entitled “ A Local Law to raise the annual salary of the Town Justice of the Town of Friendship Thirteen Thousand Seventy Dollars (13,070.00) for the year two Thousand Seventeen” is hereby introduced for consideration by this Town Board. That a copy of the text of the proposed local law is attached hereto, and incorporated hereto by reference.
2. That a public hearing concerning the adoption of the proposed local law be hold on February 15, 2017, at 7:10 pm., at the Friendship Community Room, located a 7 Depot Street, Friendship, New York.
3. That the Town Clerk with the assistance of the Town Attorney, prepare the necessary legal notice to be published and posted as required by law, so that the proposed local law can be voted upon following the public hearing.

Following discussion the foregoing resolution was call to a roll call vote:

James Blouvet -aye
Russell Hall-aye
Linda Mascho-absent
Carolyn Carney-aye
Donette Shelley -absent

The Supervisor declared the resolution to be adopted.

Proposed Resolution Establishing Building Code Fees.

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF FRIENDSHIP IN REGULAR SESSION DULY CONVENED AS FOLLOWS:

1. Pursuant to the provisions of Section 16 of Local Law No. 2 any person applying for a building permit shall in addition to filing an application therefore as provided in said Local Law, pay to the Code Enforcement before the permit is issued, the fee required, as follows:

SEE TOWN OF FRIENDSHIP BUILDING PERMIT FEES (ATTACHED)

2. This Resolution shall take effect immediately upon adoption following a public hearing.
3. That a public hearing be held on February 15, 2017 at 7:15 pm at the Friendship Community Room located at 7 Depot Street, Friendship, New York.
4. That the Town Clerk, with the assistance of the Town Attorney, is directed to prepare the legal notice required to be published and to provide such notice for timely publication in the official newspaper.
5. That a copy of such legal notice be posted upon the Town Clerk’s bulletin board as required by law.

Resolution offered by James Blouvet seconded by Carolyn Carney.

Roll call vote: James Blouvet-aye
Russell Hall-aye
Linda Mascho-absent

Carolyn Carney-aye
Donette Shelley –absent

Supervisor declared the resolution adopted.

BOND RESOLUTION- 2017 FORD EXPLORER POLICE UTILITY VEHICLE

WHEREAS, the Town Board of the Town of Friendship, Allegany County, New York, by Resolution duly adopted on October 19, 2016 authorizing the purchase of a 2017 Ford Explorer Police Utility Vehicle for use by the Town of Friendship Police Department, said police vehicle to be purchased at a total price of \$41,519.00, and

WHEREAS, it is now desired to provide for the financing of said police vehicle;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. THE PURCHASE OF A 2017 Ford Explorer Utility Vehicle is hereby authorized at a maximum cost of \$41,519.00.
2. The plan for the financing of said police vehicle is by the payment of \$519.00 from the Police Equipment Fund, and by the issuance of \$41,000.00 serial bonds of said Town, pursuant to the Local Finance Law, which bonds are hereby authorized therefore; further details pertaining to said bonds may be prescribed in another resolution or resolutions of this board.
3. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of said notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Said notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.
4. It is hereby determined that the period of the probable usefulness of the aforesaid object or purpose is five years, pursuant to subdivision 29 of paragraph A of Section 11.00 of the Fiscal Finance Law, and the said bonds will mature over a period not in excess of five years.
5. The faith and credit of said Town of Friendship, Allegany County, New York are hereby irrevocably pledge for the payment of the principal of and interest on said bonds as the same respectively becomes due and payable.
6. The bonds hereby authorized are declared to be “exempt bonds” under the provisions of the Internal Revenue Code of 1986 inasmuch as the Town of Friendship will not issue more than \$10,000,000.00 of bonds during the year of issue.
7. The validity of such bonds or notes or any bond anticipation notes issued in anticipation of the sale of such bonds may be contested only if:
 - i. Such obligations are authorized for an object or purpose for which the municipality, school district or district corporation is not authorized to expend money, or
 - ii. The provisions of law which should be complied with at the date of the publication of such resolution or summary thereof, or certificate, as the case may be, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
 - iii. Such obligations are authorized in violation of the provisions of the constitution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

James Blouvet-aye
Russell Hall-aye
Carolyn Carney-aye
Donette Shelley- absent
Linda Mascho-absent

The Resolution was thereupon declared duly adopted.

DEPARTMENT REPORTS

Highway Department reports for November and December 2016
Town Clerk Report for December 2016
Town Clerk annual Report for 2016
Code Enforcement report for December 2016
Police Department report for December 2016
Justice Reports for November and December 2016
Public Works activity report for December 2016
Cuba/Friendship Refuse report for December 2016
Fuel Farm Report for December 2016
Water System Report for December 2016
Dog Control report for December 2016
Town Historian Report for the year of 2016.

Motion to adjourn offered by James Blouvet, seconded by Russell Hall.

adjourned 7:50pm

Respectfully submitted,

Patricia Schurr, Town Clerk