

F-0600-325

TOWN OF FRIENDSHIP MINUTES

SEPTEMBER 20, 2023

6:30 PUBLIC HEARING-TAX CAP OVERRIDE

7PM Regular Meeting

Pledge of Allegiance.

At a regular meeting of the Town Board of the Town of Friendship, County of Allegany, State of New York, held at the Friendship G.A.R. Hall, located at 29 West Water Street, Friendship, New York, on September 20, 2023, at 6:30 P.M. there were

PRESENT: Russell Hall, Supervisor  
Linda Mascho, Councilperson  
Carolyn Carney, Councilperson  
Steven Ritter, Councilperson

ABSENT: one vacancy (councilman)

ALSO PRESENT: Patricia Schurr, Town Clerk  
David T. Pullen, Esq., Town Attorney.

Assemblage: Mark Voorheis, Dell & Michelle Baker  
Okley Sortore, George Ritter, BJ Howe, Don & Betty Weir, George Ritter, B.J. Howe,  
Les Dahill, Jim Monheim.

A public hearing was held before the Town Board at 6:30 P.M. to hear all persons interested in the matter of the adoption of the Introductory Local Law No. 1 of 2023 entitled "A Local Law to Override the Real Property Tax Cap Levy Established by General Municipal Law Section 3-c@ for the purpose of enabling the Town Board to adopt a budget for 2024 that exceeds the 2023 real property tax levy by more than 2.0%.

The Tax Cap Override Local Law is only necessary if there are insufficient resources available to the Town of Friendship to meet the budget for 2024. The Board members answered questions from those present for the public hearing. The Supervisor declared the public hearing to be closed.

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Supervisor Hall opens up the Regular Meeting.

Pledge of allegiance.

Roll call: Supervisor Russell Hall-present

Councilperson- Carolyn Carney-present

Councilperson-Linda Mascho-present

Councilperson Steve Ritter-present

Also Present: Patricia Schurr, Town Clerk

Town Attorney: David Pullen

Assemblage :Mark Voorheis, Dell & Michell Baker, Oakley Sortore, George Ritter, BJ Howe, Don & Betty Weit, Les Dahill, Jim Monheim.

Motion to approve the Tax Cap

Following the close of the public hearing the Tow Board considered the adoption of the proposed local law for which the public hearing had earlier been held. The following resolution was offered by Linda Mascho, who moved its adoption, and seconded by Carolyn Carney. To wit:

WHEREAS, the Town Board of the Town of Friendship, Allegany County, State of New York, has determined that the adoption of this local law is necessary for the purpose of enabling the Town Board to adopt a budget for 2024 that may exceed the 2023 real property tax levy by more than 2.0%: and

WHEREAS the Town Board of the Town of Friendship desires to adopt a budget for fiscal year 2024 that may require a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law Section 3-c;

NOW, THEREFORE, be it resolved that the Town of Friendship adopt Local Law No. 1 of 2023 entitled "A Local Law to Override the Real Property Tax Cap Levy Established by General Municipal Law Section 3-c@ which local law shall provide as follows:

**A LOCAL LAW TO OVERRIDE THE REAL PROPERTY TAX CAP LEVY  
ESTABLISHED BY GENERAL MUNICIPAL LAW SECTION 3-c.**

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**Section 1. Legislative Intent.**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Friendship, pursuant to General Municipal Law Section 3-c, and to allow the Town of Friendship to adopt a budget for fiscal year 2024 that requires a tax levy increase in excess of the Atax levy limit@ as defined by General Municipal Law Section 3-c.

**Section 2. Authority.**

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

**Section 3. Tax Levy Limit Override.**

The Town Board of the Town of Friendship, County of Allegany, State of New York, is hereby authorized to adopt a budget for fiscal year 2024 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law Section 3-c. This override is necessary to deal with the following increased costs:

- a. increased health insurance costs and other fringe benefit costs incurred pursuant to the Collective Bargaining Agreement that the Town is obligated to pay pursuant to the State Taylor Law;
- b. increased wages for Town employees pursuant to the Collective Bargaining Agreement that the Town is obligated to pay pursuant to the State Taylor Law;
- c. increased wages for non-union Town employees;
- d. to offset increased operating costs that impact critical and necessary operations of the Town of Friendship; and
- e. to cover a possible loss of taxable assessment within the Town of Friendship.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not

affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. 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:

Russell Hall-voting-aye

Carolyn Carney-voting-aye

Linda Mascho-voting-aye

Steve Ritter-voting-no

The Supervisor declared the Local Law to be duly adopted and directed the Town Clerk and Town Attorney to file the local law with the Department of State as quickly as possible.

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**Motion** to approve the Minutes from August 16, 2023, offered by Steve Ritter, seconded by Carolyn Carney. All approve.

**Motion** to approve the Supervisor's report for August 2023, offered by Linda Macho, seconded by Steve Ritter. All approve.

**Motion** to approve the audited bills in the amount of \$129,662.37, offered by Steve Ritter, seconded by Carolyn Carney.

Roll call vote: Carolyn Carney-aye

Linda Mascho-aye

Steve Ritter-aye

Russell Hall-aye

#### **SUPERVISOR'S CONCERNS-**

#1- Whitaker Rd.- In the mapping Dept. at the County, Russell Hall does the mapping and the Road sign at the end of Hess Road has the Road as Whittier Rd. There has been different versions of the spelling, however Russell Hall had the County Clerk pull the deed from the original owners who named the Road after their family and it was spelled **Whitaker Road**. It was suggested that this be corrected. The Highway Dept. will just have to fix it on their inventory side, otherwise it will be corrected with the State to read **Whitaker Road**.(see attached copy of deed)

After a brief discussion the following motion was offered:

Motion to change/correct the spelling of Whittier Road to **Whitaker Road**(original family name), offered by Steve Ritter, seconded by Linda Mascho. All approve.

#2 Discussion on 2<sup>nd</sup> Justice- One Justice has resigned and there was a brief discussion regarding only having one Justice. Supervisor Hall has spoke with the present Justice Szucs and he advised he approved of him being the only Justice. After Board discussion, Supervisor Hall asked the Town Attorney to prepare a Resolution for the next meeting to reduce from two Justices to One Justice. The notice will have to be published within 10 days of adoption and then there is 30 days after to see if anyone objects.

#3 UPDATES on 9 and 10 Elmwood Ave and Main Street sidewalks/foundation.

Regarding 9 and 10 Elmwood it was cleaned per the violation. Everything is on the porch. Discussion on how far does the Town go to "clean up" properties. When does it interfere with your personal liberties. It's your property, you pay for it and the taxes.

LIBER 516 PAGE 518

# This Indenture,

November Nineteen Hundred and Fifty-Seven day of  
Between BENJAMIN H. ALLEN, LEE B. WHITAKER and DORIS ACHSA WHITAKER

all residing at no street or number in the Town of Friendship,  
County of Allegany, State of New York,

parties of the first part, and  
FRED KUHN and LENA KUHN, husband and wife, both residing  
1390 E. Gunhill Road, Bronx, New York,

Witnesseth that the parties of the first part, in consideration of  
parties of the second part,

Main Street foundation and sidewalks still not fixed. The Town cannot Pay or afford to have it corrected. The owners need to fix the problem. Oakley Sotore reminds everyone it is a safety hazard. The Code Enforcement aware of the need for correction, supposedly he has given a order to start work to correct.

Ambulance update – The Health Dept. will be recertifying. Noone has given or called back regarding a quote on fixing the building.

**PUBLIC CONCERNS**-Don Winchell has a problem because the Town will not pick up his garbage at the property he owns on West Water. He lives out of the refuse district but he wants to bring his garage from there to inside the district where he does pay refuse tax. The Town Local Law specifically states you cannot bring garbage from outside the district to inside the District. Supervisor Hall advised that if you make an exception then everyone will want the same. Will take a look in the Local Law, maybe there can be a waiver. There was a suggestion to expand the Refuse District.

**RESOLUTION 15 OF 2023 - Justice Audit Acknowledgement**

**Be it hereby resolved**, that the Town Board acknowledges that they have received the annual 2022 Justice Audit reports completed by the Town's Accounting firm EFPR Solution, and that it was determined that the procedures followed by the Justice Courts are consistent with general recordkeeping requirements for Town Justice Courts issued by the Office of State Comptroller. Offered by Steve Ritter, seconded by Carolyn Carney.

Roll call: Russell Hall-aye

Carolyn Carney-aye

Linda Mascho-aye

Steve Ritter-aye

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**RESOLUTION 16 of 2023 Community Hall Rental agreement**

**Be it hereby resolved** to change the Rental fee for the Community Hall(GAR Hall) at Island Park From \$50.00 rent fee to \$75.00 rent fee with a \$25.00 deposit(total \$100.00). No fee for Senior Citizens meeting(2x/month)or Meals on wheels. Rate to begin Jan. 1, 2024. Motion offered by Carolyn Carney, seconded by Linda Mascho.

Roll call: Carolyn Carney-aye

Linda Mascho-aye

Steve Ritter-aye

Russell Hall-aye

**Motion to set** Halloween trick- or- treat hours date Tuesday, October 31, 2023

From hours 5:00 to 7:00 pm., offered by Steve Ritter, seconded by Linda Mascho.

**PUBLIC WORKS CONCERNS:**

**Oakley Sortore let the Town Board members know that the owners at 4 South Street have placed a large Shipping container over the Town's Sewer Main and manhole. This needs to be removed/corrected.**

**REPORTS RECEIVED:**

TOWN CLERK REPORT FOR AUGUST

HIGHWAY REPORT

POLICE REPORT

Water Report

Dog Control report

Justice report



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**8:23 Motion** to go into executive session to discuss personnel offered by, Linda Mascho seconded by Carolyn Carney. Oakley Sortore asked into session.

**9:18 Motion** to go out of executive session back into regular session offered by Linda Mascho, seconded by Carolyn Carney.

**9:19pm Motion** to adjourn offered by Steve Ritter, seconded by Caroyrn Carney.

Respectfully submitted,

Patricia Schurr, Town Clerk