

Town Board Minutes  
Public Hearing LL 02-13  
October 8, 2013

The Town Board monthly meeting/public hearing held on Tuesday, October 8, 2013 was called to order by Supervisor Flynn at 7:30pm.

Present: Patrick Flynn, Burge Morris, John Martini, Colby Petersen, Linda Francisco  
Others: Mary Lilyea –Assessor, Dwight James– Code, Jeff Finger– Highway, John Ghidiu

Mr. Flynn opened the Public Hearings on the Local Law 2/13 proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; at 7:35 PM

Mr. Flynn presented the insurance proposal from Stork Insurance.

Motion by Mr. Martini 2<sup>nd</sup> Mr. Morris, to accept Stork Insurance proposal of \$14, 987 for 2014 carried.

Mr. Flynn presented the abstracts for audit.

Motion by Mrs. Francisco 2<sup>nd</sup> Mr. Martini, that the bills on the General A & B accounts in the amount of \$ 27,868.14 be paid, carried.

Motion by Mr. Morris, 2<sup>nd</sup> Mr. Petersen, that the bills on the Highway DA & DB accounts in the amount of \$ 15,410.33 be paid, carried.

After a brief discussion on medical insurance brokers, Mr. Flynn made the motion 2<sup>nd</sup> by Mr. Morris to sign yearly contract with Brown & Brown Insurance as the towns medical insurance brokers, carried. The clerk was instructed to send out notification letters to Brown & Brown and Optima Insurance.

Mr. Martini gave a report on the Justice Books financial audit conducted by Mr. Petersen and him. The audit of the records starting October 1, 2012 to September 30, 2013 found all records were in good order. The only recommendation was that the Justice accepts credit card payments which would be beneficial to efficiency and bring closure to many delinquent fines and cases.

Mr. Flynn offered the following resolution, 2<sup>nd</sup> by Mr. Morris,

**WHEREAS**, the Town of Torrey Town Board on September 10, 2013 did request that the Torrey Justice Financial Records for the Year October 1, 2012–September 30, 2013 be audited and **WHEREAS**, an audit was performed on October 1, 2013 on the Town of Torrey Justice Financial Records for the year 2013, this audit took place in the Town Offices at 56 Geneva Street, Dresden, NY, and

**THEREFOR BE IT RESOLVED**, on October 8, 2013 the Town of Torrey Town Board did receive and approve the audit report on the Town of Torrey Justice Financial Records for the year 2013 as presented by Councilmen Martini & Petersen, who's findings were that to the best of their knowledge, the Torrey Justice Financial Records for the year 2013, to be true and correct.

Roll Call Vote:

Supervisor Flynn– Aye Councilman Martini –Aye Councilman Morris – Aye  
Councilwoman Francisco –Aye Councilman Petersen–Aye Vote carried 5 Ayes 0 Nays

Mr. Flynn presented the Snow Contract for 2014 with Yates County. Motion by Mr. Morris, 2<sup>nd</sup> Mr. Martini, authorizing the Supervisor to sign the contract for 2014 carried.

Mr. Flynn introduced a Preliminary town budget for 2014, public hearing on this budget has been set for October 29, 2013 at 7:30PM in the town meeting room. The clerk will advertise this public hearing and post notices of such.

Motion by Mr. Morris 2<sup>nd</sup> Mrs. Francisco that the minutes of the September 10, 2013 meeting be approved, carried.

Mr. Finger reported that the '99 Volvo ten wheeler has been shipped to Hawk Frame for frame repair, estimated time for repair 6 weeks.

The 2008 International ten wheeler is having regeneration and catalytic issues and is at Regional for repair of this.

The board instructed Mr. Finger to draw up specs for a used back hoe so it can be advertised for bids.

Dwight James– Code Officer gave his monthly report; 6 Site visits, issued 1 Building permits, 2 C of C, 3 Area Variance, 5 Building progress inspections, 6 violation inspections. 1 meetings w YCSW, Completed 4th set of code classes. 349 miles traveled.

He reported Short Term Rental applications have been picking up, he has 17 presently filed. Has the Wag system operating, he is entering data, should go online next month.

There being no one present to speak in favor or apposition to Local Law 2–13 entitled 2014 local law to override the tax limit established in General Municipal Law §3–C Mr. Flynn closed the public hearing at 8:05PM.

The following resolution was offered by Mr. Flynn, 2<sup>nd</sup>, Mrs. Francisco

**WHEREAS**, a resolution was adopted on September 10, 2013 by the Town Board of the Town of Torrey for a public hearing to be held by said Town Board on October 8, 2013 at 7:30 p.m. at Torrey Town Hall, 56 Geneva Street, Dresden, New York, to hear all interested parties on a proposed Local Law to override the tax levy limit established in General Municipal Law §3–c; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town of Torrey, on September 25, 2013, October 2, 2013 and all other notices required by law to be given were properly served, posted or given; and

**WHEREAS**, said public hearing was duly held on October 8<sup>th</sup>, 2013, at 7:30 p.m. at the Torrey Town Hall, 56 Geneva Street, Dresden, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

**WHEREAS**, the Town Board of the Town of Torrey, after due deliberation, finds it in the best interest of the Town of Torrey to adopt said Local Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Torrey hereby adopts said Local Law No.2 of 2013 entitled, “A local law to override the tax levy limit established in General Municipal Law §3–c”, a copy of which is attached hereto and made a part of this resolution, and be it further

**RESOLVED**, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Minutes Book of the Town of Torrey, and to give due notice of the adoption of said local law to the Secretary of State of New York.

Roll Call Vote: Mr. Flynn–Aye Mr. Martini –Aye Mrs. Francisco– Aye Mr. Morris– Aye  
Mr. Petersen–Aye Adopted 5 Ayes– 0 Nays

## A 2013 local law to override the tax levy limit established in General Municipal Law §3-c

### 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 Torrey, County of Yates pursuant to General Municipal Law §3-c, and to allow the Town of Torrey to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2014 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

### Section 2: Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §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 Torrey, County of Yates, is hereby authorized to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

### Section 4: Severability

If any clause, sentence, paragraph, section 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, section 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.

Mr. Flynn presented the Assessor contract with Benton for 2014 \$ 34,245.

Motion by Mr. Martini 2<sup>nd</sup> Mr. Morris authorizing the Supervisor to sign this Assessor contract for 2014, carried

A resident stated he enjoyed watching the board at work.

Mr. Flynn made a motion to adjourn 2<sup>nd</sup> Mrs. Francisco carried at 8:15PM

Respectfully submitted

Betty M Daggett

