

Town Board Minutes
Local Law 1-20
Tax Cap Over-ride for 2021
August 11, 2020

The monthly meeting of the Torrey Town Board was held on August 11, 2020 at 56 Geneva Street, Dresden, New York was called to order by Supervisor Flynn at 7:30PM.

Present: Supervisor Patrick Flynn Councilmen: Colby Petersen, Peter Martini, Lawrence Martin, Grant Downs
Others present: Legislator District II- Richard Harper, Code- Dwight James, Highway- Tim Chambers, George Thompson, Robert Miller, Linda Downs

Mr. Flynn led the pledge of Allegiance.

Mr. Flynn opened the public hearing at 7:35PM on Local Law 1-20 A law to override the tax levy limit established in General Municipal Law §3-c for budget year 2021

With no one desiring to speak on Local Law, Mr. Flynn went on with other business.

Abstract of vouchers - Mr. Flynn presented the abstracts.

Motion by Mr. Martini, 2nd Mr. Petersen that the bills on the General A & B Funds in the amount of \$ 5,015.48 be paid, carried.

Motion by Mr. Downs, 2nd Mr. Martin, that the bills on the Highway DA & DB Funds in the amount of \$ 8,262.64 be paid, carried.

July minutes; Motion by Mr. Martini, 2nd Mr. Petersen to approve July minutes carried.

Mr. Flynn introduced the **DOG KENNEL MORATORIUM RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING,**

After a brief discussion Mr. Petersen offered the following resolution
2nd Mr. Downs,

WHEREAS, the Town Board, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled, "Local Law Establishing a Moratorium on Kennels in the Town of Torrey"; and

WHEREAS, the Town Board of the Town of Torrey has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Torrey to proceed in accordance with the Code of the Town of Torrey and the Laws of the State of New York in adopting said Local Law,

WHEREAS, this action by the Town Board is a "Type II" action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5, thereby requiring no further action by the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on September 8th, 2020, at 7:30 p.m. at the Torrey Town Hall, 56 Geneva Street, Dresden, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspaper(s) of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Torrey sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Torrey for its consideration; and be it further

RESOLVED, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

By roll call vote Mr. Flynn Aye, Mr. Petersen, Aye Mr. Martini, Aye Mr. Downs, Aye Mr. Martin, Aye 5 Ayes 0 Nays

Mr. Flynn introduced a Yates Co. Multi-Jurisdictional All Hazard Mitigation Update resolution, motion to adopt by Mr. Martini, Mr. Petersen,

WHEREAS, Town of Torrey Board with the assistance from Tetra Tech has gathered information and prepared the Yates County Multi-Jurisdictional All Hazard Mitigation Plan Update and;

WHEREAS, the Yates County Multi-Jurisdictional All Hazard Mitigation Plan Update has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, Town of Torrey Board is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan And the actions in the Plan; and

WHEREAS, the Town of Torrey Board has reviewed the Plan and affirms that the Plan will be updated no less than every five years

NOW THEREFORE BE IT RESOLVED BY THE Town Board of the Town of Torrey adopts the Yates County All Hazard Mitigation Update Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

This by roll call vote Mr. Flynn Aye, Mr. Petersen, Aye Mr. Martini, Aye Mr. Downs, Aye Mr. Martin, Aye 5 Ayes 0 Nays **adopted**.

AECOM/Norfolk Southern railroad crossings license agreements
Mr. Flynn presented AECOM/ Norfolk Southern five railroad crossing agreements pertaining to Water District 1. Each crossing invoice is \$ 6,900 plus \$1,000. Insurance for a total \$7,900, grand total of all five is \$39,500. These signed agreements will permit the construction of Water District 1 waterlines to run under the 5 crossings. This is a onetime payment. Motion by Mr. Martini 2nd Mr. Downs authorizing the Supervisor to sign the AECOM/Norfolk Southern railroad crossings license agreements and the clerk to send payment of \$39,500. to AECOM, carried by all.

The **US Army Corp of Engineers** reviewing the Water District 1 has requested a delineation of wetlands, Mr. Flynn presented a proposal of CC Environmental of Batavia to do the study. A delineation map and summary will be provided for \$ 2,750.

Motion by Mr. Petersen 2nd Mr. Downs authorizing the Supervisor to sign the proposal of CC Environmental for a cost of \$ 2,750. Carried by all.

With no one desiring to speak on **Local Law 1-20**

Mr. Flynn closed the public hearing on this **Local Law to Override the tax levy limit established in General Municipal Law §3-c** at 8:25pm.

Mr. Flynn offered the following resolution, 2nd by Mr. Martini

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Torrey for a public hearing to be held by said Town Board on August 11, 2020 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 July 29th and August 5, 2020, 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 August 11, 2020, at 7:30 p.m. at 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. 1 of 2020, 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 Local Law 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.

This by roll call vote Mr. Flynn Aye, Mr. Petersen, Aye Mr. Martini, Aye Mr. Downs, Aye Mr. Martin, Aye 5 Ayes 0 Nays **adopted**.

Mr. Flynn introduced a resolution for Local Law 1-20 Tax Cap override to include special Districts and/or fire protections districts 2nd Mr. Petersen

WHEREAS, the Town Board of the Town of Torrey is the governing body of the special districts and/or fire protection districts set forth in the Schedule attached hereto and made a part hereof; and

WHEREAS, it is the intent of this resolution to override the limit on the amount of real property taxes that may be levied by the Town of Torrey, on behalf of the aforesaid special districts and/or fire protection districts, pursuant to General Municipal Law §3-c, and to allow the Town of Torrey, on behalf of the aforesaid special districts and/or fire protection districts, to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c; and

WHEREAS, this resolution is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the tax levy limit for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Torrey, County of Yates, is hereby authorized to adopt a budget for the fiscal year 2021 on behalf of the special districts and/or fire protection districts set forth in the Schedule attached hereto and made a part hereof that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

This by roll call vote Mr. Flynn Aye, Mr. Petersen, Aye Mr. Martini, Aye Mr. Downs, Aye Mr. Martin, Aye 5 Ayes 0 Nays **adopted**.

Resignation; With regret the board accepted the resignation of Daniel Hoover, member of Town Planning Board, Motion by Mr. Petersen 2nd, Mr. Downs to accept the resignation letter carried by all. The board members signed a letter of appreciation for Mr. Hoover' service.

Robert Miller submitted a letter of interest last month to serve on the Planning Board as an alternate. Mr. Miller was in the audience and volunteered to fill Mr. Hoovers position. Motion by Mr. Downs 2nd Mr. Martini appointing Robert Miller to the Planning Board to serve Mr. Hoovers remaining term to 2022 carried by all.

Code Report- Dwight James gave his report. Issued 5 building permits, 2 C of O's, 2 Special Use applications, 12 building inspections, 1 site visit, traveled 121 miles.

Highway Report- Tim Chambers reported pipe installation on Larzalere, updated sinkhole issue on Arrowhead Beach Rd, is located on private property and not on Town right of way.

Presently paving Hopeton Rd on west end to meet with pavement end at north east.

Mowing roadsides for third round.

New dumptruck is at Valley Fab. No installation work has begun yet. (Box, Plows, etc.)

Water District # 1 Easement, he did research and found Carlsen Rd is a maintained town road and there is no right of way issues, or easements needed for the water lines on WD # 1 .

Discussion on Rene Corver of Perry Point Rd. Flooding into his garage after a recent rainstorm. Why was the flow directed into his property, and where was the redirection created. Does the Town highway share in some responsibility with this water issue.

Mr. Chambers & Mr. Petersen will look into this.

Discussion on clean up day, volunteers and Ewaste collection.

District Legislator Richard Harper gave a brief overview of County meetings

He spoke of Natural Resource Grants available. Dan Long- County Planner will facilitate the grant applications, Occupancy Taxes collected will be available resource.

County is seeing state funding cuts, but sales tax after Covid hit seems to be leveling.

Mr. Flynn made a motion to adjourn 2nd Mr. Petersen, carried at 8:45PM

Respectfully submitted,
Betty M. Daggett