

Town Board Minutes
December 8, 2020

The monthly meeting of the Torrey Town Board was held on December 8, 2020 in the Town Highway Garage 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: Dave Granzin, John Ghidiu, Linda Downs, George Thompson, Robert Miller, Richard Harper- Legislator, Dwight James- Code, Highway- Tim Chambers, Gary McIntee, Dan Huntington Norbut Solar

Mr. Flynn led the pledge of allegiance.

Abstract of Vouchers Mr. Flynn presented the abstracts for audit.

Motion by Mr. Martini, 2nd Mr. Petersen, that the bills on the General A & B Accts in the amount of \$ 30,894.45 be paid, carried.

Motion by Mr. Martin 2nd Mr. Downs, that the bills on the Highway DA & DB Accts in the amount of \$ 8,503.37 be paid, carried.

Motion by Mr. Flynn 2nd Mr. Martini to approve the November minutes carried by all.

Water District 1 Bond resolution

Mr. Martini presented the following resolution and duly moved that it be adopted and was seconded by Mr. Downs:

BOND RESOLUTION DATED DECEMBER 8, 2020 OF THE TOWN BOARD OF THE TOWN OF TORREY, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE WATER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Town of Torrey Water District No. 1 is a Water District of the Town of Torrey, New York, duly established by the Town Board pursuant to the Town Law; and

WHEREAS, the Comptroller of the State of New York has duly made an Order, dated December 17, 2018, granting permission for the establishment of said the Town of Torrey Water District No. 1; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on May 8, 2018, has duly adopted a negative declaration and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF TORREY, NEW YORK (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Torrey shall undertake certain capital improvements consisting of the acquisition and construction of water improvements for the Town of Torrey Water District No. 1 District, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$892,000 of the Town are hereby authorized to be issued to finance said purpose, and said amount is hereby appropriated therefor, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost to the Town of Torrey of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$1,576,000. The plan for financing of said purpose is to provide (i) up to \$892,000 from USDA Rural Development loan to be evidenced by the issuance of bonds, as well as, bond anticipation notes in anticipation thereof as herein authorized; and (ii) up to \$684,000 from anticipated grant funds.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable

usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to

affix to such bonds and notes the corporate seal of the Town of Torrey.

Section 7. The faith and credit of the Town of Torrey, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Torrey together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution 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 if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

The motion having been duly seconded, it was adopted and the following votes were cast:

- Flynn- Aye
 - Petersen-Aye
 - Martini-Aye
 - Martin-Aye
 - Downs-Aye
- 5 AYES 0 NAYS Adopted

DiOrio Annexation

The clerk presented a petition from Frank & Nancy DiOrio to annex their garage located in the Town of Milo to their Town of Torrey residence property.

Motion by Mr. Downs 2nd Mr. Martini to accept petition for annexation of the DiOrios carried.

Mr. Flynn offered the following resolution calling for a public hearing on DiOrio annexation petition

WHEREAS, Nancy P. Di Orio and Frank M. Di Orio have submitted to this Town Board a petition, pursuant to Article 17 of the New York State General Municipal Law, to annex to the Town of Torrey all of that certain parcel, identified as tax map number 76.59-1-2, that is located within the Town of Milo, County of Yates, New York; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Torrey hereby acknowledges receipt of and accepts a copy of said Petition certified by the Town Clerk of the Town of Milo; and be it further

RESOLVED, that the Town Clerk of the Town of Torrey be, and she hereby is, directed to schedule a joint public hearing with the Town of Milo Town Board to be held on **January 26, 2021, at 7:00 p.m. at the Dresden UMC, 60 Cornelia Street, Dresden, New York**; and be it further

RESOLVED, that the Town Clerk of the Town of Torrey, be and she hereby is, authorized to forward to the official newspapers of the Town of Torrey a Notice of this Joint Public Hearing in the form substantially the same as that attached hereto; and be it further

RESOLVED, that the Town Clerk of the Town of Torrey be, and she hereby is, directed to post a copy of the aforesaid Notice on the Town of Torrey sign board, to provide all other notices as required by law and to take any and all other necessary actions to properly notice this Joint Public Hearing; and be it further

RESOLVED, that the Town Board of the Town of Torrey agrees to act as lead agency relative to this action for purposes of complying with SEQR.

Roll call vote- Flynn Aye, Peteren Aye, Martini Aye, Martin Aye, Downs Aye **Carried 5 AYES-0 NAYS**

Discussion on Perry Point Water Contract offered by Village of Dresden. Mr. Downs would like the Attorney to review it.

Motion by Mr. Petersen 2nd Mr. Flynn to send contract to Atty Graff for review carried.

During the winter months observing Covid safety protocol the Town will hold the January February and March regular monthly meetings at the Dresden Methodist Church dininghall, if needed, due to number in attendance. Second Tuesday of each month at 7:00pm.

Brief discussion on status of Torrey Station. Mr. James believe in original permit they are allowed 8 vehicles on site.

Highway report Mr. Chambers reported a problem with many vehicles using private driveways to turn around at end of Perry Point Rd. He requests to place a "Dead End" sign for the end of Perry Point Rd, at the top of hill alerting drivers there is no turn around.

Motion by Mr. Flynn 2nd Mr. Martini to install the sign as suggested, carried.

Replacement septic tank has been installed at the public beach, road crew patching potholes and have been out two days sanding.

Code report Mr. James gave his code report traveled 59 Miles.

Dan Huntington of Norbut Solar appeared in regards to the Town's Solar Law decommissioning plan. He stated that the current law creates a financial hardship for site developers to meet the bond criteria of 20% of the project installation cost. He presented a decommissioning plan revision to current law for the Town to adopt. He stated referring to NYSERTA guidelines, also needed is a deviation to decommissioning to be for 24 months not 18 months as noted in the current solar law. No action taken.

Discussion on depreciation schedule of solar panels. As no panels have been purchased for this project, depreciation and footprint cannot be determined until procurement of panels.

Mr. Downs inquired about Prime farm land designation.

Mr. Petersen stated farm land soils are determined by Ag & Markets.

Richard Harper reported that the Town of Benton has a scale of land production and has high premium soil designation.

Peter Martens stated the landfill on Long Point is scrub land a perfect location for solar farm. But the allotment for the county Long Point Solar project was given to Norbut.

Mr. Huntington stated Norbut's primary focus was purchasing golf courses for solar not farm land. With Covid, golf courses are not for sale and are flourishing. It was not Norbut's intention to beat out the County, they submitted their application earlier.

Discussion on meeting with Dresden Fire Dept and officials. Question on Mutual Aid, Dresden did not sign up because they will be the first to respond. Mr. Martini & Mr. Petersen reviewed fire budget and operations with officials of village and fire department. The Village would like to have a long term contract. Although the budget is set for 2021, they will revisit the contract (possibly a three year contract) requested by the Village starting 2022.

Mr. James with his personal experience with Bellona FD stated there are many regulations that bootstrap fire departments.

Mr. Downs discussed the 170th anniversary of the Town 2021 and 55th year Arrowhead Beach Town Park. Would like to plan a celebration on both. He would also like to find a historian for the Town.

Letter of Appreciation from the Friends of the Outlet for Town & highway department support.

Mr. Flynn presented a letter of resignation from Anthony Cannizzaro- Zoning Board of Appeals, motion by Mr. Petersen 2nd Mr. Martini accepting letter and instructing the clerk to send a letter of Appreciation to Mr. Cannizzaro, carried.

Gary McIntee, Perry Point Rd inquired if the Town is endorsing the Greenidge latest project, bit mining. The new data center impacts of the increase to water flow usage and recreation.

Question: In 2021 the State Pollutant Discharge Eliminations System Permits for Greenidge will be up for renewal, will the Town look into the water flow and temperature change??

Mr. James stated Town is not in position to challenge SPDES which is DEC Permit. The water flow has not been increased. He visited the site, water temp change was 2%. There was a question before on the lack of fish in area, he stated fish were visible when he looked in Keuka Outlet at plant site.

Mr. McIntee questions the safety of residents with this change in water.

Mr. Martin questions if the power being ramped up, the water temperature will also increase greatly.

Mr. Martini stated the Town is limited on controls over companies under the regulations of the DEC. He believes that Greenidge is trying to be good stewards.

Mr. Petersen made a motion to adjourn 2nd Mr. Martini carried at 8:59pm

Respectfully submitted, Betty Daggett