

Town Board Minutes  
March 9, 2021  
Local Law 2/21 Public Hearing

The monthly meeting of the Torrey Town Board was held on March 9, 2021 in the Dresden Methodist Church Hall 60 Cornelia Street, Dresden, New York was called to order by Supervisor Flynn at 7:30PM.

Present: Supervisor Patrick Flynn Councilmen: Peter Martini, Lawrence Martin, Grant Downs Absent: Colby Petersen

Others present: Dave Granzin, John Ghidiu, George Thompson, Robert Miller, Richard Harper- Legislator, Richard Wilson- Legislator, Dwight James- Code, Highway- Tim Chambers, Gary McIntee, Dale Irwin, Tim Dennis, Kevin & Kim Fultz, John Cooley, Jacob Welch, Peter & Mary Beth Gamba, Neal Holtzman, Tim Cruttenden, Jessica Prior, Lance Irwin, Mike Black, Ernie Callaway, Shawn Schaeffer, Tim Logan, and 10 more.

Mr. Flynn led the pledge of allegiance.

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

Motion by Mr. Martini, 2<sup>nd</sup> Mr. Downs, that the bills on the General A & B Accounts in the amount of \$ 11218.73 be paid, carried.

Motion by Mr. Martin 2<sup>nd</sup> Mr. Martini, that the bills on the Highway DA & DB Accounts in the amount of \$ 6,069.37 be paid, carried.

Motion by Mr. Flynn 2<sup>nd</sup> Mr. Downs to approve the January 26, 2021 minutes carried by all.

Motion by Mr. Martin, 2<sup>nd</sup> Mr. Flynn to approve the February 9, 2021 with corrections, carried by all.

**Local Law 2/21** Mr. Flynn opened the public hearing for Local Law 2/21 entitled A Local Law to override the Tax Cap Levy for 2022 at 7:37pm No one desiring to be heard, Mr. Flynn went on with business.

**Municipal Solutions-** Motion by Mr. Downs 2<sup>nd</sup> Mr. Martini authorizing the Supervisor to sign the amendment to renew original contract with Municipal Solutions for Water District #1 for an additional 24 months at \$35,000. carried by all.

**Pandemic Operations Plan** Motion by Mr. Martini 2<sup>nd</sup> Mr. Flynn to adopt Pandemic Continuity of Operations Plan per State regulations carried.

With no further discussion on Local Law 2-21, Mr. Flynn closed the public hearing at 7:47PM

Councilman Martini offered the following resolution

**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 March 9, 2021, at 7:30 p.m. at Dresden United Methodist Church Hall 60 Cornelia 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 February 24<sup>th</sup> and March 3<sup>rd</sup> 2021, 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 March 9, 2021, at 7:30 p.m. at Dresden United Methodist Church Hall 60 Cornelia 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 to override the tax levy limit established in General Municipal Law §3-c; 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 2021, 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.

Motion by Mr. Flynn to adopt Local Law 2-21 2<sup>nd</sup> Mr. Downs, by the following roll call vote: Patrick H. Flynn- Aye Downs- Aye Martin Aye Martini - Aye Councilman Petersen- Absent 4 Ayes 0 Nays -Adopted.

**Mr. Martini introduced** the following resolution for Special Districts

**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 2022 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 2022 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.

Roll call vote: Patrick H. Flynn- Aye, Downs- Aye, Martin Aye, Martini - Aye, Councilman Petersen- Absent 4 Ayes 0 Nays -Adopted.

**A 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 2022 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 2022 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.

**Fischlein letter-** Discussion on easement issue at Arrowhead Beach Park. It has been asked by property owner at 75 Charles St for the Town to plow private driveway from town roadway into park. This is an easement and the Town has no obligation to maintain an easement. The park is seasonal and closed in winter months. Motion by Mr. Martini 2nd Mr. Downs to send a letter to the Fischlein's informing them it is their responsibility to clear their own driveway, carried by all.

**Highway Report-** Mr. Chambers spoke on the Sand/Salt barn needing maintenance work. Hybrid Solutions the original installer will do the work for estimated \$6,011. Board approved. A growing problem in the Town of Torrey is the stealing of our street signs e.g. Jensen Road, Nutt Road, and Quenan Road. The stealing of street signs is a punishable crime subject to a \$100 fine and/or one year confinement. The Town of Torrey is offering a \$100 reward leading to the information and identification of the culprit(s) NYS DOT reinstating 20% CHIPS monies that was in state budget cuts NYS DOT Shared Service contract up for renewal, Board approved signing renewal.

**Correspondence- Seneca Lake Pure Waters Association** objections to Greenidge Bit coin mining and request the Town deny permits.  
**Rachel Triechler** Zoning Decisions regarding Bitcoin Mining.  
**Yvonne Taylor** Seneca Lake Guardian stating opinion on Greenidge.  
**Letters and emails** in opposition of Greenidge projects by Torrey property owners and others. Requesting Planning Board to deny Greenidge site plan and expansion, many emails were calling for a temporary moratorium against bit coin expansion. Discussion on the emails, Councilman Martini stated most of the emails concerns and issues have already been addressed at Planning Board meetings. All letters and emails are on file in the Town Office. Discussion on temporary moratoriums. No action taken.

John Ghidiu inquired if the Town has ever gone over the tax cap levy. Mr. Flynn stated no.

Mike Black of Dundee stated he lives on Seneca Lake and would like to know when the temporary moratorium will go into effect. He listed the decline of fish in the lake, HABs, allow DEC studies.

Tim Cruttenden questions if Greenidge is Industrial or Commercial Code Office James stated it is light industry. Mr. Cruttenden had questions on water intake and discharge depth,

and offered some suggestions. Concerned with the impacts and implications of the data center.

Kim Fultz spoke on behalf of Greenidge, her husband works there. She is a nurse who is concerned with both the environment and health of public. She stated that Greenidge strives to be a good steward of the environment. They have done major upgrades to guard and protect the environment while increasing their labor force, helping the local economy.

Gary McIntee inquired about email rumor that Greenidge is looking into installing batteries.

Dale Irwin President of Greenidge replied that there are no plans for batteries at this time.

John Cooley a retired physician read a statement on his view of the expansion of bit coin operation. He requests a complete SEQRA be performed and the Town enact a moratorium.

Jacob Welch President of Seneca Lake Pure Waters Assoc. stated his appreciation to the Town for its adoption of a Wastewater Law and town support of the SWIO. He stated his concern of the lack of environmental impact study on Greenidge project and encourages the board to consider the comments they have received. He will not be staying for entire meeting due to his wife's health concerns.

Dale Irwin spoke on truths and facts about Greenidge. They are in compliance with all permits with the DEC. They have been to courts over and over on these complaints. He presented a copy of DEC letter dated 10/23/2020 to Mary Anne Kowalski DEC letter stated Greenidge is in compliance with all DEC permits and therefore no violation to suspend, revoke or modify their permits in response to her letter dated 9/16/2020.

**Water District 1-** Jeremy Delyser, Engineer sent an update on last month's status of easements (2 left) and a review of agencies.

**Perry Point Water District-** Robert Miller and Councilman Martin will meet with Mayor and Village Trustee to finalize the water contract, date TBD. Would like a letter request from Mayor for meeting, for the files.

**Arrowhead Beach Grant-** Mr. Downs reported Yates County released grant awards, Arrowhead Beach park will get \$9,300. for the improvement project.

**Town LOGO** -He also reported Town LOGO contest is underway.

There being no further business, Mr. Flynn made a motion to adjourn, 2<sup>nd</sup> Mr. Martini, carried at 8:40PM

Respectfully Submitted,