

Town Board Minutes
January 11, 2021
Reorganization meeting

The first monthly meeting of 2022 was held on January 11, 2022 at 56 Geneva St. Dresden New York and called to order by newly elected Supervisor Peter Martini at 7:30PM.

Present: Supervisor Pete Martini, Councilman; Colby Petersen, Lawrence Martin, Grant Downs

Others present: George Thompson, Gary McIntee, George Dowse, Patrick Flynn, Bruce Henderson, Dale Irwin, District II Legislators Terry Button & Richard Harper, Ken Campbell, Darlene Conley, Dwight James- Code Officer

Mr. Martini led the pledge of allegiance.

Patrick Flynn, Supervisor 1980-2021 handed the gavel of leadership over to Mr. Martini and wished him well.

Mr. Downs presented a hand drawing by artist/town resident Patricia Crosby Kratchovil. This rendering is of the Flynn Farm on Flynn Rd. as a thank you for Supervisor Flynn's loyal 44+ years of service to the Town of Torrey. Mr. Downs then gave a brief lineage time line of the Flynn family.

Mr. Flynn expressed his appreciation of the kindness shown by all present.

Abstract of vouchers - Mr. Martini presented the abstracts. Motion by Mr. Petersen, 2nd Mr. Martin that the bills on the General A & B Accounts in the amount of \$ 33074.65 be paid, carried by all.

Following discussion on cost of heated windshield wipers, a Motion by Mr. Downs, 2nd Mr. Petersen that the bills on the Highway DA & DB Accounts in the amount of \$ 3,827.98 be paid, carried by all.

December 14 minutes-

Mr. Martin asked that a correction of "no action taken" be added to the discussion regarding an audit of Supervisors books.

Motion by Mr. Martin 2nd Mr. Downs to accept the December 14 minutes with correction as noted. Carried by all.

December 29 minutes- Motion by Mr. Petersen 2nd Martin to accept the December 29 minutes carried by all.

Mr. Martini introduced Local Law 1/22 entitled "A local law to override the tax levy limit established in General

Municipal Law §3-c". Public Hearing set for February 8, 2022 at 7:30pm

Mr. Martin introduced the slate of 2022 Appointments and Compensation.

Motion by Mr. Martini 2nd Mr. Petersen to accept and approve the following list Appointments and Compensations

- ❖ Any town official /employee, board members to attend training sponsored by the Association of Towns & local trainings during the year, at the Towns expense.
- ❖ Finger Lakes Times, Chronicle Express as official newspaper of the Town
- ❖ Town Board Meeting date 2nd Tuesday of the month at 7:30PM
- ❖ Community Bank NA official bank of Deposit for Health District, Town Clerk/ Tax Coll. and NYSDEC
- ❖ Community Bank NA, Lyons National -official banks of deposit for Gen. A & B, Highway DA & DB, Fire Protection, Trust Agency
- ❖ Code Officer - Dwight James \$ 17,567./ year & mileage
- ❖ Setting mileage reimbursement for .58 per mile.
- ❖ Deputy Supervisor-Colby Petersen \$ 500./year
- ❖ Deputy Highway Supt. - Dave Bond \$ 2000./year
- ❖ Deputy Town Clerks- Darlene Conley,\$ 13.20/hr
- ❖ Supervisors Bookkeeper- Betty Daggett \$ 15./hr
- ❖ Justice Data Entry Clerk - Betty Daggett \$ 15./hr
- ❖ Town Attorney - Jeff Graff at 150./hr
- ❖ Make necessary Inter fund transfers of money on overdrawn accts for General or Highway
- ❖ Highway HEO Fulltime - \$20.78/hr - \$ 22.96/hr with medical benefits and OT
- ❖ Highway Plow P/T \$ 18./hr, No benefits
- ❖ Highway Laborer part time - \$ 13.20/hr no benefits or OT
- ❖ Lifeguards/ Rec. Leaders- \$13.20/hr no benefits
- ❖ Beach/ Rec. aides- \$ 13.20/hr no benefits
- ❖ Planning Board Chairmen/Sec. each \$ 300./year
- ❖ ZBA Chairman/ Sec - \$ 150./year
- ❖ Planning members each - \$ 200./year
- ❖ ZBA Members each - 100./year
- ❖ Historian \$ 150./year
- ❖ Janitor \$ 20./hr
- ❖ Board of Review (Assessment Grievance) \$ 50./ year, additional reviews \$ 10./hr .

Motion to adopt, carried by all.

Mr. Martini introduce a Resolution authorizing scheduling a public hearing for Water District 1

WHEREAS, upon Resolution adopted on February 14, 2017, the Town Board of the Town of Torrey has previously approved the establishment of the Town of Torrey Water District No. 1 in the Town of Torrey, pursuant to Article 12 of the Town Law, said water district extension having been approved in accordance with the details in a map, plan and report dated November 2015 and revised June 2016 and prepared by Clark Patterson Lee, said map, plan and report having been filed with the Town Clerk of the Town of Torrey; and

WHEREAS, pursuant to said February 14, 2017 resolution, the maximum amount authorized to be expended for the initial creation of the Town of Torrey Water District No. 1 was \$1,605,000, with this maximum amount being reduced to \$1,576,000 based on the revised cost estimate contained in the November 27, 2017 letter of Clark Patterson Lee; and

WHEREAS, Clark Patterson Lee has prepared a Project Budget/Cost Certification as an amendment ("Amendment No. 1") to the aforesaid map, plan and report, dated November 8, 2021, showing an increase in the maximum amount to be expended for the Town of Torrey Water District No. 1 of an additional \$820,420.00. Amendment No. 1 further shows that USDA Rural Development approved two grants to the Town of Torrey in the amounts of \$684,000 and \$324,000 to be applied to the total cost of construction. As required by the \$324,000 USDA grant, the Town must apply \$96,000 the Town will receive from American Recovery Plan funds and must also contribute \$4,000 of local funds; and

WHEREAS, Amendment No. 1 sets forth that the Town of Torrey had solicited bids for the initial construction of the Town of Torrey Water District No. 1 based on the construction design contained in the map, plan and report and that "All bids received exceed the current budget and cannot be considered or awarded at this time.";

WHEREAS, Amendment No. 1 to the map, plan and report detailed some of the factors that have contributed to the higher pricing, which included:

- The material supply chain shortages and pricing increases following the COVID Pandemic of 2020. DIP pricing has doubled since 2019 and PVC has nearly tripled, resulting in higher pricing. There are also worker shortages at the factories and foundries making the pipe and appurtenances needed for pipe utility projects.
- The delay in obtaining all signed easements: Easement Maps and Descriptions were first sent to the Town

Attorney in February 2020; the last signed easement was obtained June 2021; USDA Forms were not submitted for approval until July 2021. This extended period delayed the potential advertisement for bids over a year.

- The Occupation Fees for installation of the water main crossings of the Norfolk Southern Railroad were not disclosed until receiving the Agreements in February 2020 (Original fees were \$62,500, and later negotiated down to \$39,500 by CPL, with an additional \$8,000 for construction flagging/inspection by the Railroad).
- Additional installation requirements by Norfolk Southern for all crossings, but additional review for Caton Road crossing due to the easement relocation.
- Recent material price increases have risen above the normal inflation rate.
- The Project Capital Budget was established in 2016 and Water District No. 1 was formed in 2018. Costs have escalated in the six (6) years that have passed for products that comply with the American Iron and Steel (AIS) requirements.; and

WHEREAS, Amendment No. 1 concludes, "In reviewing the project, we do not believe that altering the current design will benefit the Water District No. 1 long term" and establishes that the new Estimated Capital Cost of the Town of Torrey Water District No. 1 is \$2,400,000, rather than \$1,576,000, an increase in the maximum amount to be expended of \$824,000; and

WHEREAS, the Town Board of the Town of Torrey, after due deliberation, finds it in the best interests of the Town to schedule a public hearing, to solicit public comment upon a proposed increase in the maximum amount proposed to be expended for the improvements of the Town of Torrey Water District No. 1 pursuant to Section 209-h of the New York State Town Law; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing, to be held on January 25, 2022, at 7:30 p.m. at the Dresden Methodist Church Hall - 60 Cornelia Street, Dresden, New York; and be it further,

RESOLVED, that the Town Clerk, be and hereby is, directed to forward to the official newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "1", such notice to be published not less than ten nor more than twenty days before the day set herein for the public hearing ; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the Notice of Public Hearing on the Town of Torrey sign board, not less than ten nor more than twenty days before the day set herein for the public hearing and to provide notice of this public hearing as otherwise required by law.

Motion by Mr. Martini 2nd Mr. Petersen to hold a public hearing on January 25, 2022 at 7:30pm in the Dresden Methodist Church Hall carried, this by roll call vote:

Martini Aye, Petersen Aye, Downs Aye Martin Aye 4 Ayes 0 Nays.

Clerk was instructed to send out the Water District 1 update newsletter along with public hearing notice.

Highway Report- Mr. Downs reported that Mr. Chambers, Mr. Petersen and he went down to public beach project and reviewed drainage issues. Will pursue a grant from Yates County for remediation cost.

Both buildings at park need reroofing, plan is to go with metal roofs in spring.

Code Report- Dwight James submitted his 2021 report traveled 127 miles for code.

Discussion on Torrey Station. Board members received letter from Mr. Higgins citing violations on neighboring property but no plan of compliance at his own property.

Mr. Downs would like to Code Officer to proceed with violation action regarding noncompliance.

Discussion with Torrey Station status as exempt from property taxes. Mr. Harper will check on this with County.

Motion by Mr. Downs 2nd Mr. Petersen authorizing the Code Officer to proceed with action on Torrey Station.

Mr. James will contact Bond Schoeneck & King LLC for procedure.

Perry Point WD Bob Miller submitted as Chairman, on behalf of the Town Board appointed Water Committee, the water contract with Village of Dresden, to send out to lawyer. Mr. Downs has drafted a cover letter to go with the water contract review. In his draft he has listed contention with annual inspection and replacement of the Master Meter as unnecessary and unwarranted expense and EDU definition and charge. He gave an overview of the long contract negotiation process with the village for water supply. Mr. Downs would like to see one point of contact for Perry Point Water District.

Mr. Martin volunteered to be this point of contact. He stated the majority of property owners in this district want the water project to move ahead. He will draft a cover letter to send with the Contract to lawyer. Board agreed that Mr. Martin send the letter to lawyer.

Mr. Downs stated he will send his letter on his own accord. Discussion on the 40-year contract, a long commitment to be arbitrarily reviewed every five years.

Yates County Soil & Water Report- Mr. Petersen gave the Annual Watershed Inspection report. 2020 there were 97 inspections, 2021 there were 80 inspections. He explained property sale inspections, repairs and past due inspections. There are 11 past due from 2016-2020 the property owners have were notified to comply by August 2021. Next step will be notice of violation within 30 days followed by a summons.

Asked if they have run across cheater pipes, 50-gallon barrels used for septic tanks.

Mr. Petersen said they have found no cheater pipes directly discharging into streams or lakes. NO blatant pollution going into watercourses. Majority of the failures are caused from alarms and baffles.

Terry Button District II Legislator thanked Mr. Petersen for YCS&W professional service on a recent inspection performed at his property on the lake.

Vacant Board seat - Motion by Mr. Downs 2nd Mr. Petersen to appoint Bruce Henderson of 2453 Route 14 to the Town Board filling a vacant seat to 12/31/2022. Election for this seat to serve the 1 year unexpired term will be in November 2022.

This by Roll call vote:

Martini Aye, Petersen Aye, Downs Aye Martin Aye (**4 Ayes 0 Nays**)

Dale Irwin President of Greenidge Generations appeared before the board to report on the pilot payment. The payment will increase significantly this year due to sales. He reported the fish screens will be installed by August, and the DEC permitting process is still under review.

Discussion on auditing the Supervisors books, Motion by Mr. Downs 2nd Mr. Petersen to sign contract with Mengel Metzger Barr & Co LLP for an Agreed Upon Procedure Audit, carried by all.

Gary McIntee questioned how new councilman seat is determined

and filled. Mr. Martini stated the Town Board appoints the new member and they serve the term to the end of 2022. This seat is open for election in November.

Mr. McIntee questioned executive session the board went into at December 14 meeting. He referred to Roberts Rules of Order going into and out of session.

Mr. Martini answered when the town board left executive session they reconvened into regular session. This is when any action taken by the board in Executive session is entered into the minutes. If no action is taken, that is what is entered into the minutes- no action taken.

The December Executive session was called for a personnel issue.

Terry Button Torrey District II Legislator gave an update on actions at County level. Leslie Church was voted in as the County Legislator Chairwoman, first woman in this position in history of Yates County, Ed Bronson was elected Vice Chairman. Covid numbers are rising in Yates County. NYS is helping with additional clinics in the county, Dundee and Rushville.

Encouraging Clinics to be held in Fire Houses.

County Public Health received 200 additional test kits

Communication tower in Barrington, Italy and Angus Rd. Will be attaching to water towers.

Looking to build a new highway structure, plans are to move the emergency management office into the former highway department offices.

Ronald Spike celebrated 50 years in Yates County Sheriff Office, 28 years as Sheriff.

With no further business before the board Mr. Downs made motion to adjourn 2nd My Petersen carried at 8:45.

Respectfully submitted,