

Town Board Minutes
October 11, 2022

The monthly meeting of the Torrey Town Board was held on October 11, 2022 at 56 Geneva Street, Dresden, New York, and called to order by Supervisor Martini at 7:30PM.

Present: Supervisor Peter Martini Councilmen: Colby Petersen, Lawrence Martin, Grant Downs, Bruce Henderson

Others present: Gary McIntee, George & Rosa Thompson, Robert Miller, George Dowse, Donna Rae Sutherland, Linda Downs, Jeremy Delyser & Dave of CPL Engineering, John Christensen, Walt Mayo, Dwight James, John Ghidiu

Supervisor Martini led the pledge of Allegiance.

Supervisor Martini presented the Abstracts of Vouchers Mr. Martin found an addition error in General A & B Funds Motion by Mr. Martin 2nd Mr. Martini that the bills on the General A & B Accounts in the corrected amount of \$ 14,194.48 be paid, carried.

Motion by Mr. Downs, 2nd Mr. Henderson that the bills on the Highway DA & DB Accounts in the amount of \$ 53,684.23 be paid, carried

Motion by Mr. Martin to approve the minutes of September, following question on water line break at public beach. Mr. Chambers stated the water line is repaired. Mr. Downs seconded the motion carried by all with correction Mr. Petersen was absent at September meeting.

Supervisor Martini presented the 2023 Preliminary Budget and set the public hearing date for November 1, 2022 at 7:30PM Following a discussion on Elections being held on November 8th the regular town board meeting night. The November regular town board meeting will be held one-week earlier November 1, 2022 due to elections.

Mr. Downs gave a report on the Justice Audit on Judge Thompson's September 2021-August 2022 reports and financial records.

Supervisor Martini offered the following resolution,
2nd by Mr. Henderson,

WHEREAS, the Town of Torrey Town Board on September 13, 2022 did request that the Torrey Justice Financial Records for the Year September 2021 - August 2022 be audited by Councilmen- Downs & Martin and

WHEREAS, an audit was performed on September 28, 2022 on the Town of Torrey Justice Financial Records for the year September 2021 - August 2022, this audit took place in the Town Offices at 56 Geneva Street, Dresden, NY, and

THEREFOR BE IT RESOLVED, on October 11, 2022 the Town of Torrey Town Board did receive and approve the audit report on the Town of Torrey Justice Financial Records for the year September 2021-August 22 as presented by Councilmen Downs & Martin, who's findings were that to the best of their knowledge, the Torrey Justice Financial Records for the year 2021-2022 to be true and correct.

Roll Call Vote: Supervisor Martini- Aye

Councilmen: Downs Aye, Martin - Aye Petersen - Aye

Henderson - Aye (5 Ayes 0 Nays) carried

Supervisor Martini thanked Councilman Downs and Councilman Martin for their time on the audit.

Supervisor Martini offered the following reappointments to Zoning Board of Appeal - Chris Hansen term to 2027

Planning Board - Robert Miller term to 2027

seconded Mr. Petersen, carried by all.

Jeremy Delyser Engineer for CPL presented a recommendation of Award Letter on Water District 1. Along with the Change Order, updated pricing spreadsheet. Review of Project Budget. He has been contacted by John Helgren P.E. of USDA who has acknowledged all the paperwork in in order but final approval will need to come from Rural Development.

Randsco Pipeline Inc. came in with updated bid of \$ 2,117,200.

Nardoizzi Paving and Construction LLC came in with a bid of \$ 1,998,585.

Supervisor Martini made the following motion seconded Mr. Petersen "Accepting the Base Bid B - Polyvinyl Chloride (PVC) Pipe received from Nardoizzi Paving and Construction, LLC for a total amount of \$1,855,000.00, and awarding the Contract to them contingent upon concurrence of Award by USDA Rural Development." This motion carried by all.

Supervisor Martini made the following motion seconded Mr. Petersen "Requesting Change Order No. 1 from Nardozzi Paving and Construction, LLC for the increased costs associated with the eleven-month delay to Award in the amount of \$143,585.00, pending approval by USDA Rural Development." This motion carried by all

Supervisor Martin presented the following resolution and duly moved that it be adopted and was seconded by Mr. Petersen:

**SUPPLEMENTAL BOND RESOLUTION DATED OCTOBER 11, 2022
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, pursuant to a bond resolution dated December 8, 2020 (the "Original Bond Resolution"), the Town Board of the Town of Torrey, New York (hereinafter referred to as the "Town") approved an estimated maximum project cost of \$1,576,000, and the issuance and sale of, up to \$892,000 aggregate principal amount of general obligation bonds and bond anticipation notes relative to the construction of such water system capital improvements; and

WHEREAS, actual project costs have proved to be approximately \$824,000 higher than the maximum estimated project costs, the Town had duly authorized such increase in maximum amount pursuant to Section 209-h of the Town Law, and the Town now desires to provide for the financing thereof by supplementing the Original Bond Resolution by adoption of this Supplemental Bond Resolution; and

the Comptroller of the State of New York has duly made an Order, dated September 22, 2022, granting permission to increase the maximum amount to be expended on behalf of 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

(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 use, as set forth in the Original Bond Resolution (hereinafter referred to as "purpose") in an additional amount not to exceed \$824,000, and general obligation serial bonds in an additional aggregate principal amount not to exceed \$400,000 of the Town are hereby authorized to be issued to finance said purpose (hereinafter referred to as "purpose"), and said amount is hereby appropriated therefor, and additional 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 now estimated to be \$2,400,000. The plan for financing of said purpose is to provide (i) up to \$1,576,000 of such maximum cost as authorized under the Original Bond

Resolution; and (ii) (a) up to \$400,000 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 (b) up to \$324,000 from anticipated grant funds; and (c) \$100,000 of available 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:

**Supervisor Martini- Aye, Councilman Petersen: Aye
Councilman Downs Aye, Councilman Martin - Aye
Councilman Henderson - Aye 5 Ayes 0 Nays) carried**

Supervisor Martini discussed the long history of this water project, acknowledging George & Rosa Thompson many hours and diligent commitment in pursuit of this water district.

Supervisor Martini made the motion seconded Mr. Petersen to **Award Water District 1 Project** to Nardoizzi Paving & Construction LLC, accepting Nardoizzi Paving & Construction LLC bid of \$ 1,998,585. for Water District 1.

Noting this Award is contingent of Rural Developments concurrence.

This by Roll Call vote:

**Supervisor Martini- Aye Councilman Petersen: Aye
Councilman Downs Aye, Councilman Martin - Aye
Councilman Henderson - Aye (5 Ayes 0 Nays) carried by all.**

Highway Supt Tim Chambers gave his report.

Seconded coated Henderson Road.

Removing many dead or dangerous trees along roadsides

Replaced road signs that were stolen on Nutt Rd

Paved problem sot on Hopeton Road

T-3 parts are delayed at Regional International.

70 Ton salt has been delivered to salt barn by Cargill.

Dug up septic system in back parking lot need new tank & dry well. Still researching system.

Mr. Martin questioned the roadside trimming of tree limbs with machine leaving a mess along the way.

Mr. Chambers explained it is necessary to remove these limbs, during winter snow will weigh the limbs down into the path of the plow trucks, creating new dangerous problems. The trees are trimmed to avoid this.

Mr. Chambers presented the new water spigot sign to be installed on building encouraging anyone drawing water to be good water stewards. Donna Rae Sutherland at an earlier meeting suggested this sign.

John Christensen of Chronicle express took a photo of Mr. Chambers and Ms. Sutherland with the sign.

Dwight James gave his Code report. Total fees for September were \$626. Received 1 SUP app., 2 Steep Slopes app, 1 Area variance hearing, had 3 site visits traveled 166 miles. He has issued 39 short term rentals this year.

Torrey Station pending legal action is still in the court if there is no resolve at next court date October 18, 2022, It will then be set for trial.

Perry Point Water District 2; Mr. Delyser was asked what the steps are now going forward with Perry Point (Water District # 2) He stated the Map Plan Report needs to be updated and cost estimates. Needs update list from assessor on owners and assessments. Will need to go to USDA for funding.

Bob Miller- Chairman of the Water Committee, recalled an emailed property assessment list was sent by Assessor, this may be the updated one needed for the WD #1 documents requested by State Comptroller.

Mr. Delyser will check into this.

Donna Rae Sutherland announced Oktoberfest on the Keuka Outlet Trail at Cascade Falls Sunday October 23, 2022 Noon-4 Free Music, Refreshments: bratwurst, wine and beer

Ms. Sutherland inquired about public alert/ health notices for water and how to access them. Mr. James told her of NIXLE and NY Alerts on DEC website.

There being no further business, Mr. Downs made a motion to adjourn seconded My. Petersen at 8:40PM, carried.

Respectfully submitted,

Betty M. Daggett