

Town of Mount Morris  
Special Meeting  
June 01, 2023

Present: Supervisor; David DiSalvo, Deputy Supervisor; Don Huff, Councilmember; Nate Guzzardi  
Councilmember; Jeff Coniglio

Also present: Highway Superintendent; Samuel Cipriano, Code Enforcement Officer; Shawn Grasby, Town  
Clerk; Chelsey Woodworth

At 6:30 p.m. Supervisor DiSalvo opened the Town Board meeting held at 103 Main Street,  
Mount Morris, NY.

A motion was made by Deputy Supervisor Huff, seconded by Councilmember Guzzardi, to adopt  
Resolution No.5-2023 A RESOLUTION APPROVING EXHIBITS TO ROAD USE AGREEMENT.

**RESOLUTION NO. 5**

**A RESOLUTION APPROVING EXHIBITS TO ROAD USE AGREEMENT**

**WHEREAS**, Morris Ridge Solar Energy Center, LLC (“MRSEC” or “Applicant”) was issued a  
Siting Permit from the Office of Renewable Energy Siting on June 25, 2021, authorizing MRSEC to  
construct and operate the Morris Ridge Solar Energy Center, a 177 megawatt, alternating current  
photovoltaic solar facility (“Facility”) in the Town of Mount Morris, in Livingston County, New York  
 (“Town”); and

**WHEREAS**, on August 31, 2021, MRSEC and the Town entered into a Road Use Agreement  
 (“RUA”) which addresses MRSEC’s rights to use, improve, upgrade, construct, repair and encroach  
 into the Town’s Roads for certain Permitted Uses related to the Facility during certain Periods of  
 Use as defined in the RUA;

**WHEREAS**, the RUA requires the Town to approve certain Exhibits prior to MRSEC’s use of  
 the Town’s roads for the Permitted Uses as described in the RUA; and

**WHEREAS**, MRSEC has submitted to the Town for review and approval the following  
 Exhibits: Exhibit A-1 (List of Roads), Exhibit A-2 (Map); Exhibit B-1 (Locations of Underground  
 Cables), and Exhibit D (Location of Driveways and Curb Cuts);

**WHEREAS**, MRSEC has consulted with the Town Highway Superintendent regarding the  
 routes to be used by MRSEC and the RUA Exhibits enumerated above, and the Town Highway  
 Superintendent has reviewed said Exhibits in accordance with the provisions of the RUA;

**WHEREAS**, the Town now seeks to approve the aforementioned Exhibits in accordance with  
 Section 3(c) of the RUA; and

**NOW THEREFORE**, be it resolved that the Town Board hereby approves the following  
 Exhibits: Exhibit A-1 (List of Routes), Exhibit A-2 (Map of Routes); Exhibit B-1 (Underground  
 Cables), and Exhibit D (Driveways) as annexed hereto;

**AND THEREFORE**, it is further resolved that the annexed Exhibits shall be attached to the  
 RUA as the final Exhibits and that MRSEC shall not deviate from the routes and improvements  
 established in the Exhibits unless approved by the Highway Superintendent in accordance with the  
 RUA;

**AND THEREFORE**, the Town Highway Superintendent is hereby authorized and directed  
 to issue, if necessary, any encroachment, crossing, driveway or other similar permits for MRSEC’s  
 encroachment into the public right of way; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

I Chelsey Woodworth, Town Clerk of the Town of Mount Morris, do hereby certify that the  
 aforementioned resolution was adopted by the Town Board of the Town of Mount Morris on June 1,  
 2023, by the following vote:

David DiSalvo, Supervisor	Aye
Don Huff, Councilman	Aye
Nate Guzzardi, Councilman	Aye
Jeffrey Coniglio, Councilman	Aye

A motion was made by Councilmember Coniglio, seconded by Councilmember Guzzardi, to approve the  
Decommissioning and Site Plan Restoration.

Vote:           Aye    4 (DiSalvo, Huff, Guzzardi, Coniglio)  
                  No     0  
                  Motion Carried

A motion was made by Deputy Supervisor Huff, seconded by Councilmember Coniglio, to adopt Resolution No.4-2023 A RESOLUTION ACCEPTING A SURETY BOND IN CONNECTION WITH ROAD USE AGREEMENT with corrections.

**RESOLUTION # 4**

**RESOLUTION ACCEPTING A SURETY BOND IN CONNECTION WITH ROAD USE AGREEMENT**

**WHEREAS**, Morris Ridge Solar Energy Center, LLC (the “Company”) and the Town of Mount Morris (the “Town”) have entered into a Road Use Agreement (the “Agreement”) dated August 31, 2021; and

**WHEREAS**, the Agreement requires a form of security to guarantee reimbursement to the Town for all reasonable costs of labor, material and equipment expenses the Town may incur in repairing any road consistent with the provisions of the Agreement; and

**WHEREAS**, the Company has offered to provide a surety bond in the amount of One Million Seven Hundred Thousand and 00/100 Dollars (\$1,700,000.00) as security under the Agreement based upon 10.7 miles of Class 2 road at \$100,000.00 per mile; and

**WHEREAS**, the Town believes the bond is sufficient to satisfy the security requirement of the Agreement; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town hereby will accept the Bond executed by the Company in favor of the Town as security to guarantee the obligations under the Agreement.

I Chelsey Woodworth, Town Clerk of the Town of Mount Morris, do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Mount Morris on June 1, 2023, by the following vote:

David DiSalvo, Supervisor	Aye
Don Huff, Councilman	Aye
Nate Guzzardi, Councilman	Aye
Jeffrey Coniglio, Councilman	Aye

A motion was made by Councilmember Guzzardi, seconded by Councilmember Coniglio, to approve the Decommissioning Bond with language corrections made by the Town Attorney.

Vote:           Aye    4 (DiSalvo, Huff, Guzzardi, Coniglio)  
                  No     0  
                  Motion Carried

Code Enforcement Officer Grasby informed the board that the Towne received a grant from NYSERDA for \$75,000 to Advance Code Technology.

Supervisor DiSalvo said the Town should advertise the Request for Proposal Advancing the Code Compliance Platform.

Clerk Woodworth advised that she would contact NYSERDA to see if they have a list of companies that are qualified to do this type of work.

The town received a quote from Bartholomay Construction for painting the hallway, bathroom, boardroom and all doors and trim in the amount of \$1400.

A motion was made by Deputy Supervisor Huff, seconded by Councilmember Coniglio, to accept the quote for painting the Town Hall.

Vote:           Aye    4 (DiSalvo, Huff, Guzzardi, Coniglio)  
                  No     0  
                  Motion Carried

A motion was made by Councilmember Coniglio, seconded by Councilmember Guzzardi to adjourn this meeting.

Vote:           Aye    (DiSalvo, Huff, Guzzardi, Coniglio)  
              No    0  
              Motion Carried

Meeting adjourned at 6:38 pm.

Respectively Submitted,

Chelsey Woodworth  
Town Clerk/Tax Collector