

**MINUTES
REGULAR MEETING AND PUBLIC HEARING
GORHAM TOWN BOARD
JANUARY 9, 2008**

The Gorham Town Board held a regular meeting on Wednesday, January 9, 2008 at 7:30 PM at the Town Hall, Gorham, NY. Present were Supervisor Calabrese, Councilmembers Lightfoote, Busch and Adam-Anderson, Code Enforcement Officer Freida, Highway Superintendent Ayers, Assessor Davey, Acting Chief Operator Water/Wastewater Departments Erb, Tom Whipple, Joan Busch, Michele Cutri-Bynoe and Town Clerk Hollenbeck. Councilmember Glitch was necessarily excused.

1. Call to Order/Pledge to the Flag:
2. Privilege of the floor:
3. Public Hearing: LL#1-2008 – Outdoor Wood Furnaces. The legal notice as it appeared in the official newspaper was read, the hearing opened.

Tom Whipple asked what prompted this new regulation, is it just an update and getting on board or have their been complaints? After review of the proposed regulation he commended the Town for a good job.

Supervisor Calabrese stated that we are not banning these furnaces, we are basically going by the manufacturer's installation instructions and recommendations. These will be allowed in the agricultural district. The only ban is that they will not be allowed in the hamlets and around the lake, where the houses are close together.

Mr. Freida further stated that we looked at this and the State has tried to address this issue but depends on the local officials for enforcement. We need to have regulations in place.

The public hearing was closed.

3. Approval of minutes of the December 12, 2007 meeting. On the motion by Councilmember Adam-Anderson seconded by Councilmember Glitch, the minutes were approved as submitted. Motion carried unanimously. (4-0) **004-2008**

4. Reports of Town Officials
 - a. Water/WasteWater Plants - Written report is on file.
 - b. Highway Superintendent - Written report is on file. Mr. Ayers mentioned that he met with Roger Vanderbrook yesterday and they will be meeting with this Board later this month with more information on the proposed Crystal Beach Drainage project.
 - c. Zoning – Written report is on file.
 - d. Assessor – Written report is on file.
 - e. Town Clerk – written report on file.
 - f. Supervisor – written report on file.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Lightfoote, the reports of Town Officials were approved. Motion carried unanimously. (4-0) **005-2008**

5. Communications

6. Audit of Bills:

Abstract #13 A	486-511	\$11,305.87
B	485-507	163.70
SL	502	635.53
DB	259-266	18,177.31
SW1	261-272	91,933.21
SS	79-88	8,053.64
Abstract #1 A	1-12	\$18,121.83
B	1-30	4,801.18
DB	1-16	36,341.59
SW1	1-15	14,681.36
SS	1-4	1,625.59

On the motion by Councilmember Busch seconded by Councilmember Adam-Anderson, the bills were audited and approved for payment. Motion carried unanimously.(4-0). **006-2008**

7. Business:

a. LL#1-2008 – Outdoor Wood Furnaces. Supervisor Calabrese stated that the Town Planning Board recommended a couple of changes. If this Board agrees, we will discuss those changes and proceed to incorporate those changes into the document and hold another public hearing on the amended regulation in February.

The changes recommended by the Planning Board were to either delete the requirement that the chimney be two feet above the roof of any residence within 250 feet that is not served by the furnace, or to make that a requirement of any variance issued wherein a furnace is proposed to be located within 250 feet of a residence not served by the furnace. Add a new paragraph that application to install an Outdoor Wood Furnace shall be made to the Building Inspector and shall be accompanied by a sketch plan showing the location of all properties within 250 feet, including their property boundaries.

Mr. Freida stated that he has talked to a couple of dealers of the outdoor wood furnaces and they say that the chimney should only be two sections or about 15 to 16 feet above grade. If you go higher than that you need support or

a free standing chimney. In the agricultural and rural residential areas many properties have plenty of room to meet the regulations as they are written.

On the motion by Councilmember Busch, seconded by Councilmember Adam-Anderson the Board unanimously agreed to make changes to the Outdoor Wood Furnace regulation. Motion carried unanimously. (4-0). **007-2008**

b. Water Capital Reserve Fund Resolution – On the motion by Councilmember Lightfoote, seconded by Councilmember Adam-Anderson, the following resolution establishing the Water Capital Improvement Reserve Fund, was approved. Motion carried unanimously. (4-0). **008-2008**

RESOLUTION ESTABLISHING
“WATER CAPITAL IMPROVEMENT RESERVE FUND OF THE TOWN OF GORHAM”,
ONTARIO COUNTY, NEW YORK, UNDER SECTION 6-C OF THE GENERAL
MUNICIPAL LAW

The Town Board of the Town of Gorham, duly convened in regular session, does hereby RESOLVE as follows:

1. That there be and hereby is established a capital reserve fund in the amount of \$90,000.00 to be utilized, either 1) for the construction, reconstruction or acquisition of a type of capital improvement, or 2) for the acquisition of some type of equipment.

2. That such fund is to be known as the “Water Capital Improvement Reserve Fund of the Town of Gorham.

3. That the sum of \$90,000.00 be and the same hereby is appropriated for the Water Capital Improvement Reserve Fund of the Town of Gorham and the Supervisor of the Town of Gorham is hereby authorized, empowered and directed to transfer from Town funds the sum of \$90,000.00 to the Water Capital Improvement Reserve Fund of the Town of Gorham.

4. That such additional sums as may hereafter be appropriated shall become part of the fund

5. That the monies in the fund shall be deposited in a separate bank account as determined by the Town Board

6. That the Supervisor, in his discretion, may invest the monies in the fund in the manner provided in Section 6-c of the General Municipal Law of the State of New York. Any interest earned or capital gains realized on the money so deposited or invested shall accrue to and become part of the fund.

7. That no expenditure shall be made from the fund except by authorization of the Town Board of the Town of Gorham pursuant to the provisions of Section 6-c of the General Municipal Law of the State of New York.

8. That this resolution shall take effect immediately.

c. Water Damage Private Property – Supervisor Calabrese included in his monthly report that we need to have a policy for when there is a water main break that damages a resident's property. This does not happen often. Currently our insurance does not cover damage unless we have been negligent. Therefore, it is up to the Homeowner's Insurance to either cover the damage or sue our Insurance Company. In many cases the homeowner's have deductibles as high as \$1,000. It was questioned whether the Town should pay the deductible. Some Water Departments pay it and some do not. It seems if it is our water line that has caused damage to private property, we should be somewhat responsible. Board members did not have a problem with reimbursing a property owner for the insurance deductible, but we should have a written policy that states when and how this is accomplished.

Supervisor Calabrese will work on this and bring it back to the Board.

d. Sidewalks – This item was tabled until Councilmember Glitch could be present.

e. Comprehensive Plan – Supervisor Calabrese stated that Tom Harvey has been working on the RFP (request for proposals) regarding update of the Comprehensive Plan. This will be on the agenda for the work session on January 23rd.

f. Ontario County Soil & Water Agreement - This agreement provides professional services to review storm water management plans for certain residential or commercial development, and monitor the implementation of erosion and sediment control measures in accordance with such plans as approved by the Town. The agreement is the same as last year.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Busch, Supervisor Calabrese is authorized to sign the agreement with the Ontario County Soil & Water Conservation District for 2008. Motion carried unanimously. (4-0). **009-2008**

g. Moody Trail Bridge Bid – The bid opening for the bridge work was held Tuesday, January 8th, 2008. The low bid was \$88,000.00. That is \$10,000 more than our estimate of two years ago. A report of expenses and revenues for this project was prepared and discussed. We have about a \$37,000 shortfall. It is suggested that the Village of Rushville be asked if they would contribute \$12,000

and the Town of Gorham will put in the remainder of \$25,000. We have \$20,000 in a Parks Account that could be used for this project. The project budget was briefly discussed. Supervisor Calabrese will talk to the Village of Rushville and bring this item back to the Board after we have received the report from the bid opening.

h. Executive Session – On the motion by Councilmember Adam-Anderson, seconded by Councilmember Lightfoote, the Board went into Executive Session to discuss a personnel issue. Motion carried unanimously. (4-0).

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Lightfoote, the Board returned to regular session. No action was taken in Executive Session. Motion carried unanimously. (4-0).

9. Privilege of the Floor: None requested.

10. Adjournment: On the motion of Councilmember Busch, seconded by Councilmember Lightfoote, the meeting was adjourned at 9:22 PM.

Respectfully submitted,

Nancy Hollenbeck
Town Clerk