

**MINUTES
REGULAR MEETING AND PUBLIC HEARING
GORHAM TOWN BOARD
FEBRUARY 13, 2008**

The Gorham Town Board held a regular meeting on Wednesday, February 13, 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, Chief Operator Water/Wastewater Departments Erb, Joan Busch, Dave Conley, Jon Lewis, 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: Dave Conley requested that the Board go into Executive Session to discuss a personnel issue. Supervisor Calabrese asked if Mr. Conley would mind waiting about thirty minutes. All agreed.
3. Public Hearing: LL#1-2008 – Outdoor Wood Furnaces. The legal notice as it appeared in the official newspaper was read, the hearing opened.

Supervisor Calabrese stated that we had a public hearing last month, but came up with a couple of minor changes and were required to hold another public hearing.

Letter from Mary Della was received expressing her concerns with outdoor wood furnaces.

There were no other comments from the public. The public hearing was closed.

4. Approval of minutes of the January 9th Organizational Meeting, January 9th, Regular Meeting and January 23rd, Special Meeting. On the motion by Councilmember Adam-Anderson seconded by Councilmember Lightfoote, the minutes were approved as submitted. Motion carried unanimously. (4-0)

017-2008

5. Reports of Town Officials
 - a. Water/WasteWater Plants - Written report is on file.
 - b. Highway Superintendent - Written report is on file. Superintendent and Department commended for the great job in keeping our roads clear. Mr. Ayers stated that we are using quite a bit of product on the roads which may affect our overall budget. He has ordered more salt.
 - c. Zoning – Written report is on file. Mr. Freida informed the Board that we have just worked on our first case under the Property Maintenance Code. Everything seemed to go well. The Town Highway Department went to the property and did some clean up. We are in the process of preparing a bill that will be filed with the County as a lien on the property. If the bill is not paid by a specified time, the amount will become part of the next tax bill. We will be working on two other properties in the very near future. If the Highway

Department has time, their staff may assist in other clean ups. Otherwise, we will need to contract the work out.

- d. Assessor – Written report is on file.
- e. Town Clerk – written report on file. Mrs. Hollenbeck informed the Board that we have been investigating black and white and color copiers. We will be scheduling a demo of a machine in the next couple of weeks.
- f. Supervisor – written report on file.

On the motion by Councilmember Busch, seconded by Councilmember Adam-Anderson, the reports of Town Officials were approved. Motion carried unanimously. (4-0) **018-2008**

6. Communications – on file

7. Audit of Bills:

Abstract #2 A	31-85	\$83,285.39
B	31-85	1,126.09
SL	61	889.91
DB	17-44	37,408.77
SW1	16-38	12,547.51
SS	5-9	1,786.77
HN	4	4,457.70
HD	2	6,916.13
HC	3	2,508.13

On the motion by Councilmember Adam-Anderson seconded by Councilmember Lightfoote, the bills were audited and approved for payment. Motion carried unanimously.(4-0). **019-2008**

8. Business:

- a. LL#1-2008 – Outdoor Wood Furnaces. The Short Environmental Assessment Form was reviewed and completed. All agreed that there will be no significant adverse environmental impacts .

On the motion by Councilmember Lightfoote, seconded by Councilmember Adam-Anderson, the following resolution, Determination of Significance of Local Law #1-2008 was adopted. Motion carried unanimously. (4-0). **020-2008**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GORHAM,
ONTARIO COUNTY, NEW YORK,
DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 1 OF 2008**

WHEREAS, the Town of Gorham Town Board, hereinafter referred to as Town Board, has determined Local Law No. 1 of 2008 to be an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Short Form Environmental Assessment Form prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

I, Nancy Hollenbeck, Town Clerk of the Town of Gorham do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Gorham on February 13, 2008, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Richard Calabrese	X_____	_____
William Glitch (excused)	_____	_____
Allyson Adam Anderson	X_____	_____
Frederick Lightfoote	X_____	_____
Anthony Busch	X_____	_____

On the motion by Councilmember Busch, seconded by Councilmember Adam-Anderson, the Board adopted the following resolution determining SEQR. Motion carried unanimously. (4-0). **021-2008**

**RESOLUTION
THE TOWN BOARD OF THE TOWN OF GORHAM**

WHEREAS, the Gorham Town Board (hereinafter referred to as Town Board) is considering taking formal action to enact Local Law No. 1 of 2008 (hereinafter referred to as Action); and

WHEREAS, Local Law No. 1 of 2008 is an Unlisted Action as defined under the State Environmental Quality Review (SEQR) Act; and

WHEREAS, the Town Board is the only Involved Agency identified under SEQR and, therefore, is responsible for making the determination of significance on said Action; and

WHEREAS, the Town Board has completed its review of the Long Form Environmental Assessment Form prepared on said Action.

NOW, THEREFORE, BE IT RESOLVED that the Town Board determines the following criteria to be a true and accurate evaluation of the anticipated environmental impacts that are felt likely to occur from the adoption and enactment of this Action:

(i) There will not likely be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; or a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems that will occur from the adoption and enactment of the zoning map changes contained in said Local Law; and

(ii) There will not be a substantial adverse effect upon the environment caused by the removal or destruction of large quantities of vegetation or fauna; or a substantial interference with the movement of any resident or migratory fish or wildlife species; or adverse impacts upon a significant habitat area; or a substantial adverse impact upon a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources; and

(iii) There will be no impairment of the environmental characteristics of any Critical Environmental Areas as designated pursuant to subdivision 617.14 (g) of SEQR; and

(iv) There does not appear to be the potential for the creation of material conflict with the recommended actions, goals and policies contained in the adopted Town of Gorham 1997 Comprehensive Plan, as amended; and

(v) There will be no impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character; and

(vi) There will be no significantly adverse change in the use of either the quantity or type of energy; and

(vii) There will be no creation of a hazard to human health; and

(viii) There will likely be a substantial change in the use of the land provided for in this Local Law based on the regulations created by this law but any

problems associated with a particular application will be mitigated through enforcement of the regulations; and

(ix) There will not likely be an attraction of a large number of people to the land involved with the Action for more than a few days each year, when compared to the number of people who would come to such a place absent the Action.; and

(x) There will not likely be a material demand created for other actions that would likely result in one of the above consequences; and

(xi) There are no known changes in two or more elements of the environment associated with this Action which have a significant impact upon the environment; and

(xii) There are no known related actions to be undertaken, funded or approved by the Town Board, that would have a significant adverse impact upon the environment, and when considered cumulatively would meet or exceed one or more of the criteria contained in Section 617.7 (C).

BE IT FURTHER RESOLVED that the Town Board did reasonably consider the related long-term, short-term, direct, indirect and cumulative impacts associated with the Action which include:

(a) All of these proposed regulations are felt to be consistent with the land use recommendations and officially adopted policy statements contained in the adopted Town Comprehensive Plan; and

(b) The above referenced plan is not dependent upon the proposed Action.

BE IT FURTHER RESOLVED that the Town Board did consider the significance of the likely consequences of the proposed Action in connection with:

(i) its setting and has determined that the proposed land use regulations are consistent with the officially adopted land use recommendations contained in the Town of Gorham 1997 Comprehensive Plan, as amended; and

(ii) its probability of occurrence and has determined that any new sites proposing development will be in a manner defined and/or described in the text of the local law and will be consistent with other similar sites or will offer substantial benefits to the Town to offset any differences with other similar sites; and

(iii) its duration will be over a number of years that will likely mitigate any change in land use; and

(iv) it will not result in a project or projects that cannot allow the land to be reverted back to its original condition should there be need; and

(v) its geographic scope will not likely have an adverse effect on the loss of natural resources including active and productive farmlands that have been identified as being important to the community in its officially adopted plans; and

(vi) its magnitude and has determined that the proposed text amendments will affect a small portion of the total land in the Town and,

therefore, does not appear likely to have a large adverse impact upon the environment; and

(vii) the number of people who likely may be adversely affected by the Action, is presently unknown.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby reasonably conclude that based upon the above evaluation said Action will not likely have a potentially significant adverse impact upon the environment.

	<u>Aye</u>	<u>Nay</u>
Richard Calabrese	X_____	_____
William Glitch (excused)	_____	_____
Allyson Adam Anderson	X_____	_____
Frederick Lightfoote	X_____	_____
Anthony Busch	X_____	_____

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Busch the following resolution authorizing adoption of Local Law #1, 2008 was approved. Motion carried unanimously. (4-0). **022-2008**

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF GORHAM OF LOCAL LAW NO. 1 OF 2008 ENTITLED " A LOCAL LAW AMENDING CHAPTER 31 (ZONING) OF THE TOWN OF GORHAM MUNICIPAL CODE, TO INSERT REGULATIONS PERTAINING TO OUTDOOR WOOD FURNACES (AKA: OUTDOOR WOOD BOILERS OR OUTDOOR WOOD-FIRED HYDRONIC HEATING UNITS)"

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Gorham for a public hearing to be held by said Town Board on February 13, 2008, at 7:30 p.m. at Gorham Town Hall, 4736 South Street, Gorham, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law Amending Chapter 31 (Zoning) of the Town of Gorham Municipal Code, to Insert Regulations Pertaining to Outdoor Wood Furnaces (aka: Outdoor Wood Boilers or Outdoor Wood-Fired Hydronic Heating Units)" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on January 28, 2008 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on February 13, 2008, at 7:30 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the

environment and could be processed by other applicable governmental agencies without further regard to SEQR.

WHEREAS, the Town Board of the Town of Gorham, after due deliberation, finds it in the best interest of the Town of Gorham to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gorham hereby adopts said Local Law No. 1 of 2008, entitled "A Local Law Amending Chapter 31 (Zoning) of the Town of Gorham Municipal Code, to Insert Regulations Pertaining to Outdoor Wood Furnaces (aka: Outdoor Wood Boilers or Outdoor Wood-Fired Hydronic Heating Units)", 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 Local Law Book of the Town of Gorham and to give due notice of the adoption of this local law to the Secretary of State of New York.

I, Nancy Hollenbeck, Town Clerk of the Town of Gorham do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Gorham on February 13, 2008, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Richard Calabrese	X_____	_____
William Glitch (excused)	_____	_____
Allyson Adam Anderson	X_____	_____
Frederick Lightfoote	X_____	_____
Anthony Busch	X_____	_____

b. Mutual Aid Agreement Highway Projects and Maintenance – This agreement is to allow municipalities within and adjacent to the County of Ontario to assist each other on highway projects and maintenance to meet temporary demands for machinery and labor. This is an annual agreement.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Lightfoote, Supervisor Calabrese is hereby authorized to enter into and sign the Mutual Aid Agreement for Highway Projects and Maintenance. Motion carried unanimously. (4-0). **023-2008**

9. Other:

a. Flint Creek – Personnel from Soil and Water walked the banks of the Flint Creek project and only found blockage of a beaver dam behind Elmer Knopp’s property. We are looking into the cost of cleaning this area. We are also working on the required permits for this project.

b. On the motion by Councilmember Busch, seconded by Councilmember Adam-Anderson, the Board went into executive session to discuss a personnel issue with Mr. Conley and Mr. Lewis.

On the motion by Councilmember Lightfoote, seconded by Councilmember Adam-Anderson the Board returned to regular session. No action was taken in executive session.

b. Case Property - the property across from the Transfer Station, Yautzy Road, owned by the Town of Gorham, formerly the Case property. We have an opportunity to rent this land to be farmed at about \$25 per acre. This parcel was purchased by the Town some years ago and it was thought that a new Town Hall might be built on it. That never came to be. Over the years this parcel has been discussed a few times. There had been talk of putting in a ball field. At one time there were not enough fields for the number of area children playing sports. That has since changed and there are fewer children and seem to be adequate numbers of fields.

Dave Conley reminded the Town Board that there is a variance on that parcel. Ten acres off Yautzy Road is designated as open space or green space in lieu of green space at the Town Hall site.

This was briefly discussed. Town Board members had no problem with renting the land as long as it complied with the variance that was granted and also agreed that there should be a written lease signed by both parties.

Councilmember Adam-Anderson moved to authorize rental of the Case property at \$25 per acre, one year at a time, with a written signed lease, provided this does not violate the variance regarding this property. Councilmember Busch seconded the motion that carried unanimously. (4-0) **023-2008**

10. Privilege of the Floor: None requested.

11. Set next meeting date: The Town Board will hold a special work session on Wednesday, February 27, 2008 at 7:30 PM.

12. 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