

**MINUTES
REGULAR MEETING
GORHAM TOWN BOARD
MAY 9, 2007**

The Gorham Town Board held a regular meeting on Wednesday, May 9, 2007 at 7:30 PM at the Town Hall, Gorham, NY. Present were Supervisor Calabrese, Councilmembers Lightfoote, Glitch, Busch and Adam-Anderson, Code Enforcement Officer Freida, Assessor Davey, Acting Chief Water/Waste Water Erb, Highway Superintendent Ayers, Debbie North, Hank Reynders, Michele Cutri-Bynoe and Town Clerk Hollenbeck.

1. Call to Order/Pledge to the Flag:
2. Privilege of the floor: None
3. Public Hearing – Water District #1, Extension #12, Spring Hill Subdivision. The legal notice was published in the official newspaper of the Town. The public hearing opened. There were no comments from the public. The public hearing was closed.
4. Approval of minutes of the 4/11/07. On the motion by Councilmember Adam-Anderson seconded by Councilmember Lightfoote, the minutes were approved. Motion carried unanimously. (5-0) **056-2007**
5. Reports of Town Officials
 - a. Water/Waste Water Plants - Written report is on file. UV installation is 95% complete. They did have to replace a bulb today. There seems to be a valve problem, but we are working on it. We have not paid for the system yet. The bill will be coming soon. Hopefully all the little issues will be worked out by then.

The UV system should be completed by Friday, it is working. We have had a couple of problems with valves, but they have been readjusted and we anticipate everything to be operational soon.
 - b. Highway Superintendent - Written report is on file. Mr. Ayers stated that it has been very dry. The dirt roads are pretty dusty. Anticipate doing some dust control within the next couple of days. We are ahead of schedule on oil and stone, we will be doing 4 ½ miles tomorrow. We will start prepping the Town Hall parking lot and hope to have it paved next week.

Supervisor Calabrese suggested that we might want to consider purchasing a new tub for the transfer station. One of them is getting pretty old, in bad shape. We could certainly use another one. They cost about \$4800,

After a brief discussion, Councilmember Glitch authorized Mr. Ayers to order a new tub for the transfer station. Motion was seconded by Councilmember Adam-Anderson. Motion carried unanimously. (5-0). **057-2007**

Thank you to the Highway Department for putting up the flags. They painted the poles and they look very nice. Great job!

c. Zoning – Written report is on file.

d. Assessor – Written report is on file

e. Town Clerk – written report on file. Transfer Station permit sales are going well. Roger Carroll is doing a fantastic job reminding residents of the need for new permits and selling permits on site. His efforts are greatly appreciated. Residents often comment on what a terrific job he does.

f. Supervisor – written report on file. Three of the new “Welcome to Gorham” signs have been installed. A few of those in attendance have seen them and stated that they looked very nice. Others have not noticed them yet. Briefly discussed purchasing three more signs. That will be discussed again in the near future.

Supervisor Calabrese briefly talked about the Water Department/District. We have steadily made improvements over the years and improved the efficiency of the hours of pumping, quality of water, etc. Right now we are in good shape as far as supplying water to our customers and Hopewell. Five or ten or fifteen years down the road, if we have the amount of development that is predicted, we are going to need a bigger water storage tank. Say we get to 500 new houses, we will definitely need to do something. This is just something to think about, to be discussed at a future time. Is it fair to have all this development and then come to a point where we have to invest in million and a half gallon storage tank and come back and charge the people who are here for that? The current water district is paid for, we pay for everything we do. Should the people that are developing bid developments, should they be paying into a reserve for the future expansion of the water district.

Another issue that needs to be discussed or addressed is drainage issues. We get more and more complaints and problems. The more new houses, the more problems. How should we handle this problem. Briefly discussed the possibility of having a town wide drainage district. Maybe we should require an engineered drainage study with all the building that is going on.

Mr. Busch stated that he thought that any town that gets into the type development that our town is getting into usually does a town wide drainage study and had improved drainage throughout. Would need to determine what would be dedicated to the town and what would remain private.

Mr. Freida stated that the major developments are already engineered, they are not the problem. Single family homes go through site plan review and the drainage is addressed and designed by an engineer as required. The problem is that everyone thinks that it is the “town’s water”. The lack of maintenance of

drain tiles, swales, the field being plowed a different way by the farmer these things are causing some of the problems.

Also some of the natural watercourses on private property are plugged so there is no place for the water to go. How do we deal with these issues on private property. The possibility of addressing this issue in the Property Maintenance Code was briefly discussed. Enforcement would be an issue there. This will need to be discussed further at a later date.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Lightfoote, the reports of Town Officials were approved. Motion carried unanimously. (5-0) **058-2007**

6. Communications: correspondence is on file.

7. Audit of Bills:

Abstract #4 A	145-179	\$14,774.80
B	145-177	3,292.42
SL	158	618.00
DB	82-101	41,301.69
SW1	73-90	15,296.22
SW6	86	1,548.00
SS	21-26	485.72
HM	39	2,768.50
HN	38	60,824.84
HO	41	600.00
HV	37,40	3,542.40

On the motion by Councilmember Busch seconded by Councilmember Glitch, the bills were audited and approved for payment. Motion carried. (5-0).

059-2007

8. Business:

a. WD#1, Ext#12 – Spring Hill Subdivision

1. Determination of Significance Resolution – The Short Environmental Assessment Form was reviewed and discussed. A Full EAF was completed by the Planning Board during the approval process for this subdivision. Any issues have been addressed. All we are reviewing is the installation of the water line and its effect on the environment.

Part II A, does the action exceed any Type I threshold, yes. The full EAF has been done by the Planning Board, all concerns have been addressed. The Town has complete control over the project. The negative declaration means that there will be no negative impact upon final design, construction of the project. The Full EAF has been reviewed by the DEC, DOH, Archeological study has been

done, all of the outside agencies have reviewed the project. A coordinated review has been done, the Town is acting as lead agency and has complete control.

On the motion by Councilmember Glitch, seconded by Councilmember Adam-Anderson the following resolution was adopted regarding determination of significance. Motion carried unanimously. (5-0). **060-2007**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GORHAM,
ONTARIO COUNTY, NEW YORK,
DETERMINATION OF SIGNIFICANCE –
WATER DISTRICT EXTENSION #12, SPRINGHILL SUBDIVISION**

WHEREAS, the Town of Gorham Town Board, hereinafter referred to as Town Board, has determined the above referenced action 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 McMahan LaRue Associates, P.C., Map Plan Report entitled "Engineer's Report of Proposed Public Water Supply Improvements at SpringHill Subdivision" last dated January 5, 2007, the May 9, 2007, 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 May 9th,2007, by the following vote:

	Aye	Nay
Richard Calabrese	X	
William Glitch	X	
Allyson Adam Anderson	X	
Frederick Lightfoote	X	
Anthony Busch	X	

2. Resolution Approving Creation of District Extension #12. On the motion by Councilmember Adam-Anderson, seconded by Councilmember Lightfoote, the following resolution approving creation of Water District #1, Extension #12, Spring Hill Subdivision was approved. Motion carried unanimously. (5-0). **061-2007**

**RESOLUTION OF THE TOWN BOARD
OF THE TOWN OF GORHAM,
ONTARIO COUNTY, NEW YORK,
APPROVING CREATION OF WATER DISTRICT EXTENSION #12
SPRING HILL SUBDIVISION**

WHEREAS, a map, plan and report entitled " Engineer's Report of Proposed Public Water Supply Improvements at SpringHill Subdivision" last dated January 5, 2007, prepared by McMahon LaRue Associates, P.C., in a manner and in such detail as has been determined by the Town Board of the Town of Gorham to be in full compliance with New York law, has been duly filed with the Town Clerk of said Town, in accordance with the requirements of Article 12A of the Town Law; and

WHEREAS, an Order was duly adopted by this Town Board on March 28, 2007, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed extension, the fact that the developer is bearing the full cost of installing the improvements within this district, the fact that the map, plan and report describing the same was on file in the office of the Town Clerk for public inspection, and stating all other matters required by law to be stated, and specifying May 9, 2007, as the date, at 7:30 p.m., on said day as the time, at the Gorham Town Hall, 4736 South Street, Gorham, New York as the place where the Town Board would meet and consider said map, plan and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such Order was duly published and posted as required by law; and

WHEREAS, a hearing on said matter was duly held by said Town Board on May 9, 2007, at 7:30 p.m., on said day, in the Gorham Town Hall, 4736 South Street, Gorham, New York, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the creation of said water district; and

WHEREAS, pursuant to Part 617 of the Implementing Regulations pertaining to Article VIII (State Environmental Quality Review Act), it has been determined by the Town Board that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA.

NOW, THEREFORE, upon the evidence adduced at such public hearing, be it

RESOLVED AND DETERMINED:

(a) That the notice of hearing was published and posted as required by law, and is otherwise sufficient;

(b) That all property and property owners within the proposed district are benefited thereby;

(c) That all property and property owners benefited are included within the limits of the proposed district;

(d) That it is in the public interest to establish said water district; and be it further

RESOLVED AND DETERMINED:

That the establishment of the proposed water district as set forth in said map, plan and report, be, and hereby is, approved; that the performance of the improvements therein mentioned be constructed; and such district shall be bounded and described as set forth in Schedule A attached hereto and made a part hereof; and that any future costs and expenses for on-going maintenance and improvements associated with said water district be assessed from the several lots and parcels of land within said water district in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom; and that said extension shall be designated and known as the SpringHill Subdivision Water District in the Town of Gorham; and be it further

RESOLVED AND DETERMINED:

That this Resolution is subject to a permissive referendum as provided in Section 209-e of the Town Law.

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 May 9, 2007, by the following vote:

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

b. WD#1, Ext. #13 – Deep Run Subdivision (Bero). The Bero Subdivision wishes to extend the water district to serve the next phase of their project. They have received Planning Board approval. The next step is for the Town Board to review and approve an extension to the water district.

On the motion by Councilmember Busch, seconded by Councilmember Adam-Anderson the following resolution Authorizing Scheduling of a Public Hearing was approved. Motion carried unanimously. (5-0). **062-2007**

**RESOLUTION OF THE TOWN BOARD OF
THE TOWN OF GORHAM
AUTHORIZING SCHEDULING OF
PUBLIC HEARING**

WHEREAS, by written Petition dated May 2nd, 2007, submitted in due form by Petitioners, containing the required signatures, which has been presented and filed with the Town Clerk of the Town of Gorham, Ontario County, New York, for the Deep Run Extension #13 to the Gorham Water District #1 (“District”) to serve the several lots and parcels of land within the proposed District; and

WHEREAS, the Town Board deems it to be in the best interests of the residents of the Town of Gorham to pursue the District, pursuant to a Map, Plan and Report made Arnold E. Carmichael, P.E. & Associates dated March 13, 2007, and filed with the Town Clerk on April 20, 2007, (See Exhibit 1 attached hereto and made a part hereof.)

NOW, THEREFORE, BE IT RESOLVED

That the Order Calling for Public Hearing, attached hereto, shall be signed by the members of the Town Board of the Town of Gorham and published, posted and entered into the Minutes in accordance with **Section 193 of the Town Law** and the Town Clerk and/or Counsel to the Town are hereby authorized to take any and all further measures necessary to comply with the Town Law in preparation for the final adoption of the aforementioned District.

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 May 9, 2007, by the following vote:

	Aye	Nay
Richard Calabrese	X_____	_____
William Glitch	X_____	_____
Allyson Adam Anderson	X_____	_____
Frederick Lightfoote	X_____	_____
Anthony Busch	X_____	_____

On the motion by Councilmember Busch, seconded by Councilmember Adam-Anderson the following Order Calling Public Hearing was approved. Motion carried unanimously. (5-0). **063-2007**

At a regular meeting of the Town Board of the Town of Gorham, in the County of Ontario, New York, held at the Town Hall of the Town of Gorham on May 9, 2007.

PRESENT: Town of Gorham
Richard Calabrese, Supervisor
William Glitch, Councilperson
Allyson Adam Anderson, Councilperson
Frederick Lightfoote, Councilperson
Anthony Busch, Councilperson

In the Matter

of the

ORDER CALLING PUBLIC
HEARING

Creation of the Deep Run Extension #13 to the
Gorham Water District #1 in the Town of
Gorham, County of Ontario, New York.

WHEREAS, by written Petition dated May 2, 2007, submitted in due form by Petitioners, containing the required signatures, which has been presented and filed with the Town Clerk of the Town of Gorham, Ontario County, New York, for the Deep Run Extension #13 to the Gorham Water District #1 ("District") to serve the several lots and parcels of land within the proposed District; and

WHEREAS, Arnold E. Carmichael, P.E. & Associates has prepared a map, plan and report entitled "Engineer's Report Deep Run Subdivision Section III & IV & More To Deep Run Extension #13 to the Gorham Water District #1" dated March 13, 2007, which the Town Board of the Town of Gorham, New York has determined was prepared in such manner and detail as the Town Board has required relating to the creation of the District; and

WHEREAS, such map, plan and report has been duly filed in the office of the Town Clerk of the Town of Gorham, New York, and is available for public inspection thereat; and

WHEREAS, the boundaries of the proposed water district are set forth in Exhibit 1, attached hereto and made a part hereof; and

WHEREAS, the improvements proposed consist of the construction and maintenance of distribution mains with associated appurtenances to serve said water district, in accordance with the aforementioned map, plan and report now on file in the office of the Town Clerk of said Town; and

WHEREAS, the Town will not bear any of the expenses of constructing the improvements within this District as the developer is paying 100% of these expenses.; and

WHEREAS, the estimated costs of the district to the typical property or one-family or two-family home is \$0 for debt service and \$114 for water usage. The cost of constructing any future improvements shall be assessed, levied and collected from the several lots and parcels of land within the district in the same manner and at the same time as other town charges.

Additionally, the initial estimated hook-up fee is \$175.00 per lot which will be paid by the developer. Any hook up fees to be charged shall be determined on an annual basis by the Town Board. Additionally, the owner will be required to pay for installation of the water service from the right-of-way to the structure using the water and an individual pressure reducing valve. These items are to be purchased by the affected property owner from a private contractor. The homeowner is responsible for all inside plumbing.

NOW, THEREFORE, be it **ORDERED**, that a public hearing of the Town Board of the Town of Gorham will be held at the Gorham Town Hall, 4736 South Street, Gorham, New York, on June 13, 2007, at 7:30 p.m. on said day, to consider creation of said district including the environmental significance thereof and to hear all persons interested in the subject thereof, concerning the same, and for such other and further action on the part of said Town Board, with relation to the premises; and

BE IT FURTHER ORDERED, that this Order Calling for a Public Hearing shall be published and posted as required by law.

c. Conservation Board – discussed steep slope suggestion. Mr. Freida stated that the Planning Board has suggested that the Conservation Board look at applications on steep slopes, 15% or greater. The CB does not feel that they have the expertise to review this type of application. Our zoning already requires that anything in a slope of 15% or greater would be required to be reviewed by the Planning Board during site plan review. Mr. Freida has the authority to send applications to the engineer when necessary. The Town's Design and Construction Standards address slopes as well. This topic was briefly discussed and everyone agreed that this item could be left out of the CB's duties.

d. Wind Energy Local Law (time frame/moratorium). Supervisor Calabrese prepared a possible time line. This revised time line is only the best estimate of the quickest this can be done. Keep in mind when we set the last moratorium, which expires July 6th, there were many unknowns. He recommended a one year extension of the moratorium. We could rescind it if we get the law in place before that. We are awaiting a revised draft from the Planning Board, and expect that the Town Board can review it on May 23rd. If it is acceptable, we should schedule a public informational meeting, then incorporate any changes, get the legal work done, schedule a public hearing and hopefully be able to adopt a law by October or November.

Board members discussed this item at length. If it is decided that the moratorium is to be extended we need to be sure that the time line is followed. We certainly need to be cautious and do the best we can, but, we need to get to a conclusion. It was suggested that there should be three sections to the law, one for large scale wind farms; one for a windmill to serve a farm or business and one for residential use.

After a lengthy discussion, all agreed to go forward with an extension of the moratorium for eight months.

e. Moody Trail – Supervisor Calabrese received an estimate from Clark Patterson Associates for \$12,000 to do the engineering for replacement of the bridges on the trail. The budget for this trail is \$113,500. We have a \$50,000 grant, which requires an equal match. So far we have \$25,000 in cash. We will have to make up the difference in "in kind services" or receive more money through grants.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Busch, authorization is granted to accept the engineering proposal from Clark Patterson Associates for the associated engineering to be done on the Moody Trail. Motion carried unanimously. (5-0). **064-2007**

9. Other:

a. Supervisor Calabrese asked for a motion to authorize creation of a reserve account for Recreation Fees. Councilmember Busch moved to authorize creation of a reserve fund account for recreation fees. Councilmember Glitch seconded the motion that carried unanimously. (5-0). **065-2007**

b. The new "Welcome to Gorham" signs have been installed. Some in attendance have seen them. They look great. Supervisor Calabrese asked for authorization to order three more. Board members discussed this and decided to wait until later to make a decision. By then everyone will have had a chance to take a look at them. It was suggested that they be placed on County Roads 24 and 29 and Route 245 from Rushville. Right now there are signs on Route 364 from Canandaigua, County Road 18 and Route 247.

10. Set next meeting date: May 23, 2007 at 7:30 PM

11. Privilege of the Floor: Debbie North expressed her approval of the proposed time line with regard to the wind energy law. She feels that the moratorium does need to be extended, eight months is a good compromise from the one year requested. As Nancy and Dick have said repeatedly, no one is beating on the door to have a tower of any kind. If no one has approached the Town with being impatient that they had to wait or will have to wait any longer, she does feel it is in the Town's best interest to err on the side of caution and don't let it lapse. If someone truly is interested in inviting a commercial wind farm to their property then they would have approached the Town. If you extend the moratorium and get the law adopted before its expiration, you can rescind the moratorium. She feels it is in the best interest to not only protect the rights of land owners and adjoining land owners and people who do want to have them, but to protect the rights of the individual who wants one, the farmer who may want one and those who may want to sign leases for commercial windmills. We need to do the best for the majority of the residents of our Town.

Hank Reynders spoke regarding the discussion on drainage and creation of a drainage district. You may have the mechanism in place with the Property Maintenance Law. You could amend that so that it included the maintenance of drainage areas, if not taken care of by the land owner, the Town would do it or have it done and the owner would be billed accordingly.

The other item that was discussed was the possibility of needing a new water tank in the future. He suggested that the Water Superintendent draw a line in the sand right now, if we have another 500 homes or whatever that number is, we will require a new water tank. Then what you do is set up a reserve so that as subdivisions are approved or individual homes are built effectively at closing they

would be charged accordingly. That money would go into a reserve for the new tank, so that when the time comes you have some of the money on hand.

12. Adjournment: On the motion of Councilmember Busch, seconded by Councilmember Adam-Anderson, the meeting was adjourned at 9:12 PM.

Respectfully submitted,

Nancy Hollenbeck
Town Clerk