

**MINUTES
REGULAR MEETING
GORHAM TOWN BOARD
JULY 11, 2007**

The Gorham Town Board held a regular meeting on Wednesday, July 11, 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, Michele Cutri-Bynoe and Town Clerk Hollenbeck.

1. Call to Order/Pledge to the Flag:

2. Privilege of the floor:

3.

4. Approval of minutes of the 6/13/07. On the motion by Councilmember Adam-Anderson seconded by Councilmember Glitch, the minutes were approved. Motion carried unanimously. (5-0) **083-2007**

5. Reports of Town Officials

a. Water/Waste Water Plants - Written report is on file. Mr. Erb stated that he would like to put the 2003 Silverado up for sale, sealed bid. This is a 6 cylinder, automatic with 66,070 miles. In the past we have advertised and put the vehicles at the Transfer Station and accept bids. Bid opening would be September 11, 2007.

Councilmember Lightfoote moved to authorize putting 2003 Silverado up for bid with opening 9/11/07 at 10:00 AM. Councilmember Adam-Anderson seconded the motion that carried unanimously. (5-0) **084-2007**

b. Highway Superintendent - Written report is on file. Supervisor Calabrese briefly talked about the old gas station property that is in the process of being given to the Town. We are still awaiting legal paperwork to complete the process. As soon as we are sure, Kelly will have his crew do some work cleaning up the parcel.

c. Zoning – Written report is on file. Supervisor Calabrese had a question regarding some of the new pools that have popped up. Mr. Freida stated that he is aware of them and has written letters to the property owners letting them know that there are regulations and a permit is required. The biggest problem is the blow up pools. We work on them as we see them. NYS Division of Codes has informed retailers that permits may be required for installations of pools. Often times the resident is unaware that a permit is required.

d. Assessor – Written report is on file. There has not been a lot of changes or action during the last month. We are working on following up on new

construction and starting to do analysis for next year's projects. Sylvia, the County Evaluation Expert is coming next week to work on land schedules.

e. Town Clerk – written report on file. Last month we gave permission for a resident to borrow a picnic table from Heritage Park to use at home for a child's birthday party. He sent in a Thank You note expressing his sincere appreciation.

f. Supervisor – written report on file. Most of the items in the Supervisor's report will be addressed later in the agenda.

On the motion by Councilmember Glitch, seconded by Councilmember Busch, the reports of Town Officials were approved. Motion carried unanimously. (5-0) **085-2007**

6. Communications: correspondence is on file.

7. Audit of Bills:

Abstract #4 A	239-288	\$63,712.31
B	239-286	5,233.09
SL	250	618.00
DB	129-148	65,370.79
SW1	121-147	27,466.19
SS	35-39	3,126.75
HM	49,51	84,163.73
HV	50	3,189.92

On the motion by Councilmember Adam-Anderson seconded by Councilmember Lightfoote, the bills were audited and approved for payment. Motion carried. (5-0). **086-2007**

8. Business:

a. Drainage Resolution Review – Draft as follows was discussed. Whereas the Town of Gorham needs to have special drainage districts set up for new minor and major subdivision development. Whereas the cost of repair and maintenance will be born by the homeowner. Resolve that said drainage districts shall be set up by the developer before final approval of lots, Resolve that the tax levy amount will be established by the Town Board each year and each homeowner will be billed in accordance with the benefit method. Resolve that a reserve fund be established for repair of said district with a minimum balance set by the Town Board. Resolve that the Highway Superintendent will over see the repair of said district and will charge the cost against the reserve, whether he uses his own department or hires outside contractors.

All agreed to forward the draft regarding drainage districts to the Planning Board for their recommendation.

b. Insurance payment -\$43,210: This was approved for payment as the bills were audited. Supervisor Calabrese just wanted everyone to be aware of the insurance costs which are a little less than last year. Coverage was briefly discussed.

c. Town Hall Final Report – A report of the Town Hall Project was prepared and included in members packets. The total cost for new construction, renovations, etc. for the Town Hall Project was \$925,573.22. The project is closed out, all bills have been paid.

There is one item left to do, the fence on the side of the building to Mr. Capozzi's barn. That should cost about \$1,000 and will be done soon.

d. Project list review: list dated 7/5/07 was discussed at length.

Programs:

Wind Towers – is in progress.

Comprehensive Plan Update – is on the horizon. Within a year we should be able to start the process.

Building Cap – (number of houses to be built per year) Supervisor Calabrese is continuing to work on that.

Adult Entertainment – Supervisor Calabrese asked if the Board still wanted to pursue this regulation. In the past when we have discussed this it has been questioned, if you did have regulations, where would you allow adult entertainment. No suggestions have been made. Obviously it would need to be so many feet from schools, churches, residential, etc. Would it be allowed in Hamlet Commercial/Industrial? Are those the most logical places? Mr. Freida stated that right now it is not an allowed use, one would have to apply for a use variance. It is not listed as an allowed or special use in our zoning in any district. Applicant would need to prove dollars and cents that they need the use. The Town could limit this type of use to the Industrial Zone, etc. You could be more restrictive than the State regulations.

Outdoor Furnaces – This has been an issue in many densely populated areas. Need to make sure the chimney's are high enough so that the smoke does not bother the neighboring homes. A lot of the villages have banned these types of furnaces. The State of New York is having difficulty with these also. Regulations for these will be added to the new Code in the near future. These types of furnaces do not burn clean, the chimney's are three feet above the roof of the furnace and the smoke cannot get out high enough. Mr. Freida stated that he has talked to a couple of dealers and the first thing they do is ask the customer where they live. If they live in a hamlet type area they will not sell the

units. These are not a clean burning unit, it takes a couple of years for people to get used to using them. The wood burns very slow, creosote build up is a problem. If the chimney was taller, the problems would decrease. Supervisor Calabrese will work on this.

Capital Projects & Improvements:

Signs – Town of Gorham – Three signs have been installed. Do you want to continue? We have received several favorable comments and a couple of comments that there should be something on the back of the sign, this was briefly discussed. We could place three more signs on Route 364 from the South, Route 245/247 from Rushville and maybe County Road 29. This was briefly discussed and was agreed that three more signs would be ordered.

Ford Garage Remediation – They are still putting the chemicals in the ground and still have a couple of months of recording to do. We will probably not be able to black top this year.

Railroad Property, Rushville Hiking Trail – they need to re-measure the beams and are in the design stage of the bridges.

Gorham Oil Property – this parcel will be given to the Town, we are awaiting the paperwork.

Flint Creek Dredging – Supervisor Calabrese stated that the Flint Creek needs to be dredged, from Lake to Lake Road to Tileyard Road. The cost is anticipated to be about \$160,000. The Flint Creek Association is willing to contribute about \$30,000 towards the project. Supervisor Calabrese is proposing that the Town of Gorham contribute about \$50,000 and we try to get federal funding for the rest of the cost. This area has not been done in years. Cleaning it would be very beneficial to the property owners nearby, those on Kearney Road who periodically get flooded as well as those on Lake to Lake and points south. It would also be beneficial to the road infrastructure. It was stated that dredging would also be of benefit to the Sewer Plant. On occasion the pits at the sewer plant get flooded and there is no place for the water to go, there is no flow and they cannot perform required testing.

On the motion by Councilmember Busch, seconded by Councilmember Adam-Anderson, all agreed to pursue dredging and funding options. Motion carried unanimously. (5-0). **087-2007**

Water & Sewer:

Blacktop sewer driveway – Supervisor Calabrese stated that many people walk down that driveway and walk down to the creek bank. He is trying to negotiate with neighbors to get land and making a hiking trail through there. If that is successful, the difference between oil and stone and blacktop could that be

paid for out of the parks fun. The road would be partly hiking trail, partly Gorham driveway. This was briefly discussed, legally, this can be done, it is up to this Board. This will be discussed again later.

Water Storage Tank #1 Capacity - This is moved out to 2009. A new water tank will be necessary in the future, depending on the amount of development that occurs. We looked into the possibility of adding a charge to new development to pay for the new tank or to start saving for it, but that is not a legal option. You need to wait until you need the tank and then bond the cost over many years and everyone pays for it. We can try to regulate the number of houses built per year to ensure that we don't need the tank for some years. We don't have enough storage space for water. We are managing, but it would be better if we had a new tank. This was discussed at length.

WD.Ext.#9, Yautzy Rd/Cr#18 –
Meter Update, to be completed 2007.

Highway:

Crystal Beach Project - in progress, working on the planning and engineering.

Blacktop Highway Garage area – to be done 2007

Alarm for Highway Bldg – in progress. Kelly has had difficulty getting return information for quotes. Will try again.

Recycle Goose, from Depew Road to Seneca Line – completed in 2007

Turner Road was oil and stoned. Application rate wasn't right, Suit-Kote came back and re did it at no charge when they were here doing Middle Road.

Are trying to schedule a paving date for Twitchell Road.

Oil/Stone has been done on Baldwin, Blodgett, Arnold and Hall Roads. Will work on Crowe and Clark as time permits.

e. Budget transfers – On the motion by Councilmember Adam-Anderson, seconded by Councilmember Busch, the following budget transfers were approved: From A1990-4 Contingency to A9950.9 Interfund Transfer, \$10,704.55 to close out Town Hall Project; from A9950.9 Interfund Transfer to HV5031 Interfund Transfer, \$10,704.55 to close out Town Hall Project; from A1990.4 contingency to A1220.4 Supervisor, \$1,000 for conference in NYC; from A9950.9 Interfund Transfer to HD5031 Crystal Beach, \$25,000 budgeted; from A1990.4 contingency to HP5031 Land Preservation, \$500 Gathercole Property Trailer Removal; from SW1-9950.9 Interfund Transfer to HM5031 Interfund Transfer, \$35,000 UV and Meter Replacement. Motion carried unanimously. (5-0).

088-2007

f. Local Law #3 – Amending Chapter 31 as it pertains to Wind Energy Facilities. Local law has been prepared and given to Board members. If the Board desires, it may set the public hearing for August 8, 2007. This Local Law has been referred to the Town Planning Board and the Ontario County Planning Board.

On the motion by Councilmember Glitch, seconded by Councilmember Adam-Anderson the following resolution setting a public hearing for 8/8/07 was adopted. Motion carried unanimously. (5-0). **089-2007**

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 31 (ZONING ORDINANCE) AS IT PERTAINS TO WIND ENERGY FACILITIES"

WHEREAS, the Town Board of the Town of Gorham, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled "A Local Law Amending Chapter 31 (Zoning Ordinance) as It Pertains to Wind Energy Facilities" and

WHEREAS, the Town Board of the Town of Gorham has reviewed the draft of the aforementioned proposed Local Law, attached hereto as Exhibit "1", and deems it in the best interests of the Town of Gorham to proceed in accordance with the Code of the Town of Gorham and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on August 8, 2007, 2007, at 7:30 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York; and be it further

RESOLVED, that this local law is referred to the Town Planning Board for report thereon, in accordance with §31.7 B. of the Town Zoning Code; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Gorham sign board and take any

and all other necessary actions to properly bring this Local Law before the Town Board of the Town of Gorham for its consideration.

9. Set next meeting date: August 8, 2007 at 7:30 PM.
10. Privilege of the Floor: None requested.
11. Adjournment: On the motion of Councilmember Busch, seconded by Councilmember Glitch, the meeting was adjourned at 9:12 PM.

Respectfully submitted,

Nancy Hollenbeck
Town Clerk