

**MINUTES
REGULAR MEETING
GORHAM TOWN BOARD
AUGUST 12, 2009**

The Gorham Town Board held a regular meeting on Wednesday, August 12, 2009 at 7:30 PM at the Town Hall, Gorham, NY. Present were Supervisor Calabrese, Councilmembers Lightfoote, Adam-Anderson and Glitch; Assessor Davey, Code Enforcement Officer Freida, Chief Operator Water/Wastewater Plants Erb, Highway Superintendent Ayers, Michele Cutri-Bynoe, and Town Clerk Hollenbeck.

1. Call to Order/Pledge to the Flag:
2. Privilege of the floor: none requested
3. Approval of minutes of July 8, 2009 meeting. Councilmember Adam-Anderson moved to approve the minutes as submitted. Councilmember Lightfoote seconded the motion that carried unanimously. (4-0) **064-2009**

4. Reports of Town Officials

a. Water/WasteWater Plants - Written report is on file. Mr. Erb informed the Board that about a month ago, there was a water problem on County Road 11, late at night, a resident called the sheriff (proper procedure), Greg Coston was the employee on call and went out. The resident was very pleased with the quick response and was impressed with the knowledge shown by Mr. Coston. The problem was quickly taken care of. Mr. Coston is to be commended and thanked for doing such a good job.

Mr. Erb wanted the Board to be aware that this fall it will be time to have the water tanks inspected. It will cost less than \$5,000 to have both tanks inspected. There are two types of inspections, one with a diver; the other is a mechanical inspection. Mr. Erb is not sure yet which one he will procure, but he plans to do both tanks at the same time.

The Sewer Plant was inspected recently, everything passed without any problems.

b. Highway Superintendent - Written report is on file. Mr. Ayers stated that his crew has been working hard. They have done 13 miles of oil and stone, 6 miles of wedging, shoulders on roads that were wedges, etc. The fire alarm system at the garage has been installed and is in working order. Have had a problem with the gradall, it is being repaired.

c. Zoning – Written report is on file. Mr. Freida stated that regarding unsafe buildings, five of them have been taken care of. He continues to work with one property owner to see what his plans are, he still has three more weeks until the date we had specified as the target finish date.

d. Assessor – Written report is on file. Mr. Davey stated there have been very few sales in the last couple of months. The certificate of the Final State

Equalization Rate for the 2009 Assessment Roll was received and it is 100. Mr. Davey also explained briefly the tentative agreement reached regarding litigation of a pending Article 7 case against a property assessment for the years 2006/07, 2007/08 and 2008/09. The stipulation and consent order was briefly explained and discussed. If the Town Board agrees with the stipulation and consent order as outlined by legal counsel and explained by Mr. Davey, a motion must be made to that effect. (see below)

e. Town Clerk – written report on file. Mrs. Hollenbeck informed the Board that we have contracted with the Ontario County Humane Society to conduct a dog enumeration. NYS AG and Mkts law includes provisions for the Town to impose a \$5.00 fee for each dog that is enumerated but unlicensed or the license has lapsed. When the last dog enumeration was done, the Town Board made a determination that they did not want to impose this fee. Mrs. Hollenbeck asked the Board if they wanted to impose the fee this year. This fee would help defray the cost of the enumeration.

After a brief discussion, a motion was made by Councilmember Glitch, seconded by Councilmember Lightfoote to add a \$5.00 enumeration fee to any dog that is enumerated but unlicensed or the license has lapsed. Motion carried unanimously. (4-0). **065-2009**

Transfer Station permit fee – it is time to order permit stickers for 2010. We have talked about increasing the fee for the permit to either \$65 or \$70. Supervisor Calabrese stated that if we raised it to \$65 it would do us for about two years. It would give us about half of the \$118,000 it costs to run the facility annually. If we raised the fee to \$70 it would cover us for about ten years. Also talked about raising the fee for construction/demolition debris. Talked about \$5 each. Truckloads now are \$15 and \$25, would increase to \$20 and \$30.

Councilmember Adam-Anderson moved to increase the Transfer Station permit fee from \$60 to \$65 beginning with the 2010 permits. Also the fees for truck loads of construction and demolition debris will be increased from \$15 and \$25 to \$20 and \$30 per load. Motion carried unanimously. (4-0). **066-2009**

Mrs. Hollenbeck also informed the Board that she has come up with a list of about one hundred people who had permits last year but have not gotten them this year. She will be sending letters to them to see if they have made other arrangements or maybe they just forgot?! We run our Transfer Station on the "honor system". Roger does a fantastic job running the facility and checking permits, but he cannot check every single one.

f. Supervisor – written report on file.

On the motion by Councilmember Lightfoote, seconded by Councilmember Adam-Anderson, the reports of Town Officials were approved. Motion carried unanimously. (4-0) **067-2009**

5. Communications – on file

7. Audit of Bills:

Abstract #8 A	245-291	\$63,658.70
B	248-286	2,256.07
SL	245,261,272	686.67
DB	134-150	64,571.85
SW1	126-144	14,306.04
SS	58-71	2,736.35
HP	37	750.00
HI	36	450.00
HN	35	3,594.95
HC	38	780.00
HH	39	3,000.00

On the motion by Councilmember Lightfoote seconded by Councilmember Adam-Anderson, the bills were approved for payment. Motion carried unanimously. (4-0). **068-2009**

7. Business:

a. DiMarco – approval of stipulation and consent order. This item was discussed above. On the motion by Councilmember Lightfoote, seconded by Councilmember Adam-Anderson, the stipulation and consent order regarding the DiMarco case is approved. Motion carried unanimously. (4-0). **069-2009**

b. Ford Garage – parking lot bid approval. Remediation has been on going on the Ford Garage property for some years under the DEC Brownfield program. We are at the point where the paving can finally be done. DEC has put the project to pave out to bid and bids have been received. The lowest qualified bidder is Babcock Enterprises, Inc. at a cost of \$53,500. As with the rest of this project, 90% of the cost is reimbursable from the State.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Glitch, the bid to pave the Ford Garage Parking area by Babcock Enterprises is approved. Motion carried unanimously. (4-0). **070-2009**

c. Set Public Haring on Growth Cap Local Law – On the motion by Councilmember Glitch, seconded by Councilmember Adam-Anderson, the following resolution was adopted to schedule a public hearing on Local Law #1 or 2009. Motion carried unanimously. (4-0) **071-2009**

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW AMENDING CHAPTER 36 OF THE TOWN OF GORHAM MUNICIPAL CODE TO ENACT REGULATIONS ESTABLISHING A RESIDENTIAL DEVELOPMENT RATE CAP"

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 36 of the Town of Gorham Municipal Code to Enact Regulations Establishing a Residential Development Rate Cap" 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 September 9, 2009, at 7:30 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York; 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.

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 August 19, 2009.

d. Budget Schedule – Supervisor Calabrese stated as it looks right now, we may be able to leave the Crystal Beach Project at \$200,000, but if the sales tax has a problem in October and November, we may have to make an adjustment there. That's the good news. The bad news is that we had to reduce the amount for the Crystal Beach project for the next two years. Copies of the budget should be ready for distribution within a week or so and will be discussed at the September 9th meeting. The budget includes a 2.5% wage increase.

e. Hamlet Park – Request for Proposals. Requests for proposals for the Gorham Hamlet Park improvements, Phase I have been prepared. Legal notice has been sent. We are inviting proposals from qualified landscape installers for the furnishing and installation of landscape improvements on Town park property including grading, retaining wall, walkway, fence, foundation, drainage and

electrical conduit. Bids must be received at the Town Hall by September 8, 2009 at 10:00 AM.

f. Comprehensive Plan – time line – Wednesday, August 19, 2009 at 7:00 PM at the Gorham Fire House, public information meeting regarding the draft of the Comprehensive Plan Update document. After this meeting, the document needs to be forwarded to the County Planning Board for their review in September. After that we can set a public hearing and it is anticipated that we can have this completed in November.

g. Town Board Vacancy- Board members discussed filling the vacancy on the Town Board. Tony Busch was two years in to a four year term at the time of his death. The Town Board has the option of leaving the seat vacant until the November 2010 election or they may appoint someone to fill the position until December 31, 2010. In November 2010 the position will be up for election for a one year term. Then in 2011 it will be up for election again for a full four year term. Boardmembers discussed various candidates at length. Over the years the Town Board has tried to have each area of the Town represented, agriculture, hamlets, lake, etc. At this time there is no one from the west side of the town.

On the motion by Councilmember Lightfoote, Gene Hermet is appointed as Councilmember until December 31, 2010. Councilmember Adam-Anderson seconded the motion that carried unanimously. (4-0) **072-2009**

h. Excellus BCBS – program change. We are reviewing our plan and looking for cost savings. We may be able to save the town several thousand dollars a year and also save the employees some in premium and copay costs. We will have a report and recommendation for the October meeting.

i. Hopewell water customer District #6 – Mr. Erb explained someone wants to buy a building lot in Hopewell. It borders the Town of Gorham. The District #6 water line ends at that last house and the new home owner would like to hook up to our water line. At present, Hopewell does not have public water in that area. If approved, this would be an Out of District user, would pay 25% more for the water as well as the tax that the others on that line are paying, would also pay the legal fees to get this done.

After a brief discussion, all agreed to this extension of water to a new house on the Gorham border with Hopewell. The tax will be billed by the Town, the same way we bill for some of the street lighting, etc.

8. Other:

a. 2002 Chevy Cavalier and 1987 Steiner Mower. The bid opening on these two items was held August 11, 2009 at 10:00 AM. Eight bids were received for the car, the highest bid was \$2,850; seven bids were received for the mower, the highest bid was \$3,500.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Lightfoote, the high bid of \$2850 for the Chevy Cavalier and the high bid of \$3500 for the Steiner Mower are accepted. Motion carried unanimously. (4-0). **072-2009**

9. Privilege of the Floor: None requested
10. Set next meeting date: September 9, 2009, 7:30 PM
11. Adjournment: On the motion by Councilmember Glitch, the meeting was adjourned at 8:47 PM.

Respectfully submitted,

Nancy Hollenbeck
Town Clerk