

**MINUTES
REGULAR MEETING AND PUBLIC HEARING
GORHAM TOWN BOARD
SEPTEMBER 9, 2009**

The Gorham Town Board held a regular meeting on Wednesday, September 9, 2009 at 7:30 PM at the Town Hall, Gorham, NY. Present were Supervisor Calabrese, Councilmembers Lightfoote, Adam-Anderson, Glitch and Hermenet; Assessor Davey, Code Enforcement Officer Freida, Chief Operator Water/Wastewater Plants Erb, Highway Superintendent Ayers, Kevin and Jill Bailey, Don and Barb Christmas, Bob Gusciora, Michele Cutri-Bynoe, and Town Clerk Hollenbeck.

Supervisor Calabrese introduced Gene Hermenet as the new member to the Town Board.

1. Call to Order/Pledge to the Flag: Supervisor Calabrese commented that regarding the editorial in tonight's newspaper regarding Town involvement in the recent referendum at the Gorham Fire Department. The Town Fire District is an entity by itself, it has nothing to do with Town Board business and therefore, he believes that what they do is their business and they do a good job of it.

2. Public Hearing – Local Law#1-2009 – Amending Chapter 36 of the Town of Gorham Municipal Code to Enact Regulations Establishing a Residential Development Rate Cap. The legal notice as it appeared in the official newspaper was read, the hearing opened.

Mr. Gusciora commented that he is glad that you don't have the equivalent of "roll over minutes" in this proposed law. If you don't use the decided upon number in a given year, it doesn't go to the next year, that is a good thing. The one concern he has is that the number proposed, 50 houses per year, is in excess of the inflation rate and for a farming community that prides itself on farming and open spaces he feels the number is a little too high. Our running average seems to be about 25 houses per year, he feels it would be better to adjust the proposed number closer to what the average is and keep it at about 1% per year. If you think about it, at 50 per year, in ten years that's 500 new homes which would be about a 27% increase in the households in the Town for a community that, again, prides itself on farming, open space and so on.

Supervisor Calabrese thanked Mr. Gusciora for his comments.

Councilmember Glitch stated that we did discuss the number at length during the process.

Supervisor Calabrese stated that the average of 25 houses per year which is what has been built each year over the last few years, are all single family homes. If we limit the number to 25 we will not have any subdivisions at all. We have to have a cushion for the subdivisions that are in progress. In order for them to operate you are going to have to be able to allow a developer to obtain half a dozen permits a year, at least. Supervisor Calabrese stated that he did not believe that a 3% growth rate was bad.

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

3. Privilege of the floor: none requested
4. Approval of minutes of August 12, 2009 meeting. Councilmember Adam-Anderson moved to approve the minutes as submitted. Councilmember Glitch seconded the motion that carried unanimously. (5-0) **073-2009**
5. Reports of Town Officials
 - a. Water/WasteWater Plants – Written report on file. Department has been busy with water main breaks, had two today. It is unusual to have so many this time year, typically they occur during the winter months. The mains are old, cast iron.
 - b. Highway Superintendent - Written report is on file. Talked briefly about the new policy that stone cannot be taken by residents. There have been a few comments or complaints, but not many. This was a case where a few people ruined it for everyone. There were a few who would drive a truck to the backside of the stone pile and take truck loads to do their entire driveway. The original intent was to allow residents to take a pail or two occasionally to fill a hole. It got out of hand and it has been stopped.
 - c. Zoning – Written report is on file.
 - d. Assessor – Written report is on file. We received a letter from Robin Johnson, Director Ontario County Real Property Services, relating to a study they got a grant for and completed in January, relating to consolidation and/or shared services for assessment purposes. They found that there was not really any cost savings for a county take over. In some counties it may be a good thing, but Ontario County assessors are keeping up and doing a good job. The next round of grants available by the State who are trying to promote any kind of consolidation of services throughout the State, currently offers four grants for consolidation of services. The attempt of these grants is to hire consultants to research assessing policy and procedures to implement centralized commercial appraisal system and also would relate to commercial, industrial and large agricultural properties. There are a couple of options that they will look into. In order to even investigate this it requires resolutions of support by the County Board of Supervisors.

Supervisor Calabrese stated that if there is enough support from the Towns they will investigate further, this item will be before the County Board.

e. Town Clerk – written report on file.

f. Supervisor – written report on file.

On the motion by Councilmember Lightfoote, seconded by Councilmember Glitch, the reports of Town Officials were approved. Motion carried unanimously. (5-0) **074-2009**

6. Communications – on file

7. Audit of Bills:

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|---------------|---------|-------------|
| Abstract #9 A | 292-323 | \$11,445.71 |
| B | 292-324 | 2,028.83 |
| SL | 302 | 487.20 |
| DB | 151-174 | 196,155.84 |
| SW1 | 145-165 | 11,912.50 |
| SS | 72-79 | 960.57 |
| HB | 45 | 9,796.14 |
| HN | 41 | 5,256.84 |
| HM | 44 | 4,450.00 |
| HP | 40 | 2,625.00 |
| HH | 42 | 9,000.00 |
| HI | 43 | 13.70 |

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

075-2009

8. Business:

a. Local Law #1-2009 – Adopt local law On the motion by Councilmember Adam-Anderson, seconded by Councilmember Glitch, the following resolution to adopt Local Law #1 was adopted. (5-0) **076-2009**

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF GORHAM OF LOCAL LAW NO. 1 OF 2009 ENTITLED " A LOCAL LAW AMENDING CHAPTER 36 OF THE TOWN OF GORHAM MUNICIPAL CODE TO ENACT REGULATIONS ESTABLISHING A RESIDENTIAL DEVELOPMENT RATE CAP"

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 September 9, 2009, 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 36 of the Town of Gorham Municipal Code to Enact Regulations

Establishing a Residential Development Rate Cap" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on August 25, 2009 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on September 9, 2009, 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, 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 2009, entitled "A Local Law Amending Chapter 36 of the Town of Gorham Municipal Code to Enact Regulations Establishing a Residential Development Rate Cap", 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 September 9,, 2009, by the following vote: **Aye** **Nay**

| | | |
|-----------------------|--------|-------|
| Richard Calabrese | X_____ | _____ |
| William Glitch | X_____ | _____ |
| Allyson Adam Anderson | X_____ | _____ |
| Frederick Lightfoote | X_____ | _____ |
| Eugene Hermenet | X_____ | _____ |

b. Budget Review – the proposed 2010 Budget was presented and discussed. There were few questions. A couple of typos were discovered and will be corrected.

Councilmember Glitch suggested that maybe the 2.5% salary increase should be reduced to 2%. Last year's increase was 4% then this year at 2% gives an average over two years of 3% per year, that is a pretty good deal. It's only a half a percent difference.

Typically we look at the Consumer Price Index when proposing pay increases. The CPI is way off this past year, it is below 1. Supervisor Calabrese stated that we have good employees, they work hard and step up to the plate and do more when needed. Due to that fact we have not had to add any staff since he has been here (12 years). The volume of work gets more and more every year. I think you have to look at that too. He thought it was well worth it to keep the staff happy. Turnover can be costly.

Councilmember Lightfoote commented that we take a look at what's happening in the private sector, but he agrees with Supervisor Calabrese wholeheartedly. We have a good staff and it is necessary to do what you can to keep them happy within reason of course.

Councilmember Glitch made a motion to change the pay increase on the proposed 2010 Budget from 2.5% to 2%. There was no second to the motion.

c. Set PH on Budget – On the motion by Councilmember Lightfoote, seconded by Councilmember Adam-Anderson, a public hearing on the 2010 Budget will be held on Wednesday, October 14, 2009 at 7:30 PM. Motion carried unanimously. (5-0). **077-2009**

d. Hamlet Park RFP – Supervisor Calabrese informed the Board that the Requests for Proposals for the work at the Hamlet Park have been received and reviewed. The low proposal was from Landis Scaping and Design and we are recommending working with them. This proposal was substantially lower than the other proposals. We have scheduled a meeting with them next week with Mr. Landis, Roger Vanderbrook of Clark Patterson Lee, Highway Superintendent Ayers, CEO Freida, etc. It is requested that a motion be made to go with Landis contingent on a positive meeting with them next week and addition of a 10% contingency.

Supervisor Calabrese explained that this is a Request for Proposals, not a bid. We are asking for a proposal to work with someone. You can do that with a landscaper because it is considered professional services, like an engineer.

Councilmember Adam-Anderson moved to go with Landis on the Hamlet Park project contingent on a positive meeting with all involved parties. Motion was seconded by Councilmember Hermenet. Councilmembers Adam-Anderson, Hermenet, Lightfoote and Supervisor Calabrese voted AYE; Councilmember Glitch voted NAY. Motion carried (4-1). **078-2009**

e. Resolution SEQR for PB to be lead agency on Comp Plan – provided in Boardmembers packets was a letter from the Town of Gorham Planning Board outlining their intent to be lead agency for the SEQR review of the Adoption of Comprehensive Plan.

Councilmember Glitch moved that the Gorham Planning Board be lead agency in SEQR review of adoption of the Comprehensive Plan. Councilmember Lightfoote seconded the motion that carried unanimously. (5-0). **079-2009**

The next step in the Comprehensive Plan will be for the Town Board to set a public hearing. We will set that date at the October meeting and it is anticipated that the public hearing will be the November meeting. The Comprehensive Plan is not adopted by local law, it is done by a resolution of the Town Board.

f. Intermunicipal Agreement with Canandaigua Lake Watershed Council 2010 to 2014. There are no changes in this agreement.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Glitch, the following resolution is adopted. Motion carried unanimously. (5-0). **080-2009**

A RESOLUTION RE-AUTHORIZING THE
INTERMUNICIPAL AGREEMENT TO CONTINUE
THE CANANDAIGUA LAKE WATERSHED COUNCIL

WHEREAS, the Canandaigua Lake Watershed encompasses 174 square miles within two primary counties (Ontario and Yates) and twelve municipalities (Towns of Gorham, Canandaigua, Hopewell, Middlesex, South Bristol, Italy, Naples, Potter and Bristol, Villages of Rushville and Naples and the City of Canandaigua, with another two municipalities outside the watershed utilizing water from the Lake (Villages of Palmyra and Newark-Wayne County); and

WHEREAS, Canandaigua Lake and its surrounding watershed provide numerous benefits to the region including water for over 60,000 people, varied recreational opportunities, scenic beauty and ecological significance; and

WHEREAS, the goal of the Canandaigua Lake Watershed Council is to protect the lifeblood of this region – Canandaigua Lake and its surrounding watershed by maintaining and enhancing the high water quality of this watershed; and

WHEREAS, the continued successful protection of the watershed will require the leadership, coordination and commitment of the fourteen municipalities throughout the Canandaigua Lake Watershed Council; and

WHEREAS, we, the Town Board of the Town of Gorham, will send our Chief Elected Official or Gordon Freida to act as our designated representative on the Canandaigua Lake Watershed Council; and

WHEREAS, all decision making authority regarding municipal fund expenditures for plan implementation and the position of Watershed Manager will reside with the Canandaigua Lake Watershed Council;

NOW THEREFORE BE IT RESOLVED that we the Town Board of the Town of Gorham agrees to re-authorize the Canandaigua Lake Watershed Council Intermunicipal Agreement until December 31st 2014.

9. Other:

a. Supervisor Calabrese stated that he has been talking to John Bero for about 18 months about purchase of a 9 acre parcel on County Road #1, part of the Deep Run Subdivision. This parcel would be ideal for a Town park. The price started at \$500,000 and after a year and a half of negotiations we have agreed on a price of \$225,000. Supervisor Calabrese did not intend to move forward with this until the first of the year, but he became aware of a grant from Parks and Recreation, which is due next week. Supervisor Calabrese and Barb Trautman have been working feverishly getting the information together for the grant to apply for \$100,000 towards the purchase of this parcel. There is a good chance that we may receive this grant, although it is not a guarantee. If the Board agrees, there are a couple of resolutions necessary to apply for the grant. It is proposed that we will pay for this purchase with funds from the Open Space Reserve Fund. If the Town purchases this parcel it will come off the tax roll. It will take several years to develop this park and a park is certainly needed in this area of the Town. Supervisor Calabrese envisions a playground, pavilion, restrooms, trails and parking. This would enhance the Deep Run Park owned by Ontario County and we would look into assistance from the County when developing the parcel. It was further stated that it is our intent, if everyone agrees, that we continue with this purchase whether we obtain the grant or not. It is still a golden opportunity to provide park space in the Town of Gorham. If the grant is denied this year, we can apply again next year and we can also look for other grant funding.

Expenditure of the funds for this purchase will be contingent on a permissive referendum. That means that we give legal notice that the Board intends to expend funds from the reserve for this project. If 5% of the voters in the last Gubernatorial election sign a petition against this expenditure then it would be necessary to have a mandatory referendum (vote by all residents).

On the motion by Councilmember Glitch, seconded by Councilmember Adam-Anderson, Supervisor Calabrese is hereby authorized to sign the Purchase Offer for the 9 acres on County Road #1, subject to an appropriate appraisal. Motion carried unanimously. (5-0). **081-2009**

On the motion by Councilmember Glitch, seconded by Councilmember Lightfoote, the following resolution was adopted. Motion carried unanimously. (5-0). **082-2009**

RESOLUTION
GORHAM TOWN PARK

Whereas, The Town of Gorham Town Board is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under

the Environmental Protection Fund for a park project to be located on County road #1 in the Town of Gorham, a site located within the territorial jurisdiction of this Board; and

Whereas, a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

Now, therefore, be it resolved by this august body that the Town Board of the Town of Gorham hereby does approve and endorse the application of Gorham Town Board for a grant under the Environmental Protection Fund for a park project known as Gorham Town Park and located within this community.

And further, it is resolved that, should the Town of Gorham be unable to do so, said property shall be forever maintained by Town of Gorham as a municipal park in this community consistent with the rules promulgated by OPRHP

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 September 9, 2009 by unanimous vote. **083-2009**

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Hermet, Supervisor Richard M. Calabrese, Supervisor, Town of Gorham is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$100,000 and upon approval of said State for such financial assistance to the Town of Gorham for purchase of property to be developed as a Town park. Motion carried unanimously. (5-0) **084-2009**

b. Tamberlane Farms update - The Town Board had previously approved expenditure of up to \$4400 for an appraisal for Dr. Martin's property. It seems that the State of New York has changed the game plan. Now for these grants they not only want the appraisal for the land involved in what you are doing, but also appraisals on all of the buildings, all of that land that he owns and any land that he has sold. Due to that we have received back a re-quote of \$11,800 for the appraisal for the purchase of development rights (PDR) for the Martin property. We will obtain another quote before making a determination.

c. Supervisor Calabrese informed the Board that the proprietor, Mr. Daugherty, of the Gorham Grocery Store has asked if a "15 minute parking" sign could be put at the parking place directly in front of the store. Supervisor Calabrese suggested he contact NYSDOT because it is a State roadway. He did that and they told him to talk to Dick. Board members discussed the parking situation in the hamlet area. There is no enforcement of parking in the area and if

a sign is put up there still won't be any enforcement. Mr. Daugherty understands that and would still like a sign installed to see if it helps. Often times people want to just run into the store. Sometimes people park there and go to the restaurant, also tractor trailers sometimes park there taking up most of the spaces.

Councilmember Glitch was not supportive of the proposed signage. There is parking around the corner from the store and also a parking lot directly across the street. Fifteen minutes is not long enough for someone to park and go the restaurant and eat, etc.

After a brief discussion, Supervisor Calabrese indicated that he would check with Mr. Ayers and install a sign and see how it goes.

10. Privilege of the Floor: None requested
11. Set next meeting date: October 14, 2009, 7:30 PM
12. Adjournment: On the motion by Councilmember Hermenet, the meeting was adjourned at 9:22 PM.

Respectfully submitted,

Nancy Hollenbeck
Town Clerk