

**MINUTES
REGULAR MEETING AND PUBLIC HEARING
GORHAM TOWN BOARD
OCTOBER 14, 2009**

The Gorham Town Board held a regular meeting on Wednesday, October 14,, 2009 at 7:30 PM at the Town Hall, Gorham, NY. Present were Supervisor Calabrese, Councilmembers, Adam-Anderson, Glitch and Hermetet; Assessor Davey, Code Enforcement Officer Freida, Chief Operator Water/Wastewater Plants Erb, Highway Superintendent Ayers, Don and Barb Christmas, Michele Cutri-Bynoe, and Town Clerk Hollenbeck.

1. Call to Order/Pledge to the Flag:

2. Public Hearing –
 - a. Budget 2010 – the legal notice as it appeared in the official newspaper of the Town was read, the hearing opened. There were no comments. The public hearing was closed.
 - b. Ontario County Multi-Jurisdictional All Hazard Mitigation Plan – The legal notice was read. Ontario County, in coordination with all twenty six municipalities within it, has gathered information and prepared the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan to help communities: protect life, safety and property by reducing the potential for future damages and economic losses resulting from natural hazards; qualify for additional pre-disaster and post-disaster grant funding; facilitate recovery and redevelopment following future disaster events; demonstrate a commitment to hazard mitigation principles; and comply with New York State and Federal legislative requirements. The plan has been prepared in accordance with the Disaster Mitigation Act of 2000 and received approval from the Federal Emergency Management Agency in March 2009 pending adoption by each of the twenty-six participating municipalities.

Barb Christmas asked if the Town has an evacuation plan.

Mr. Freida explained that yes we do. We also have the contacts of all of the municipalities in the county. All of the fire departments, hospitals, town halls, schools, etc. have been mapped and are provided in the plan. Depending on the type of emergency, the appropriate people in each area can be contacted and do what needs to be done to address any type of disaster event. The schools have their own evacuation plans but were involved in this plan as well.

After a brief discussion, the public hearing was closed.

3. Privilege of the floor: Barb Christmas stated that she recently visited Heritage Park for the first time and thought it was very nice. Mrs. Hollenbeck explained that during the summer months the park is reserved most weekends for family reunions, parties, etc. Reservations are made by calling the Town Clerk’s office. The park is for use of Town residents, there is no charge to use the park. Donations are accepted.

4. Approval of minutes of September 9, 2009 meeting. Councilmember Adam-Anderson moved to approve the minutes as submitted. Councilmember Hermetet seconded the motion that carried unanimously. (4-0) **085-2009**

5. Reports of Town Officials

a. Water/WasteWater Plants – Written report on file. Water main breaks were briefly discussed. There have been more breaks than usual this summer and fall. Mr. Erb is looking into replacing about three hundred (300) feet of pipe in State Route 364. It would cost about \$27,000 to have a contractor do all that is involved to replace that 300 feet. Our Water Department is not equipped to do projects of this magnitude. It is anticipated that the work will be done in the spring.

b. Highway Superintendent - Written report is on file.

c. Zoning – Written report is on file. Mr. Freida informed the Board that work has been done at East Lake View Estates on the swales, drainage, etc. A 10" pipe was put in, cradled with stone. The swale was eliminated. It is basically an under drain with stone. There will be no standing water or mosquito issues. Work should be completed very soon. It seems that the residents are satisfied with the work that has been done at this time.

Enforcement of the Property Maintenance Code was discussed at length. The property on Greenbriar Drive that the Town had cleaned up last year, is a problem still. The owner does not live at the property and it has not been mowed. The neighbors have expressed their displeasure. A letter has been sent to the homeowner to contact the Town or comply by later this month. Talked about whether to have someone mow the property and charge the owner or tear down the dwelling and bill the owner. At this point we will see if the owner responds and then wait until after the first of the year. If the property is for sale because the taxes have not been paid, maybe it will be sold and the problem can be resolved with a new owner. A couple of people have tried to purchase the property from the owner, but he is not willing to sell at this time.

Supervisor Calabrese explained that there are two ways to condemn the house if needed to be torn down. One would be if someone complained of a public health hazard, the Town Board would convene as a Board of Health and do what needs to be done. The other way is if you send the Code Enforcement Officer in to do an inspection, then you would need to hire a structural engineer to give an assessment before you could have it torn down. It is very costly if we have to tear it down. We should wait until after the tax sale in January to make any decision regarding tearing down the structure.

Agreed to wait and see if he responds by the due date. We can issue a ticket if the property is not cleaned up and then it is in the hands of the court.

Also talked about the property on Goose Street that the Town cleaned up last year. The owner has done nothing since we cleaned it up last time. Mr. Freida has sent a letter to the owner with a date to comply.

d. Assessor – Written report is on file. Mr. Davey updated the Board regarding the stipulation consent order regarding the DiMarco case. A new order has been prepared which includes 2009/10.

Councilmember Adam-Anderson made a motion to accept the stipulation consent order for DiMarco as written, Councilmember Glitch seconded the motion. Motion carried unanimously. (4-0). **086-2009**

e. Town Clerk – written report on file.

1. Letter to resident who refuses to get a permit and uses the facility when it is closed. Mrs. Hollenbeck has been notified that a resident uses the facility when it is closed, trespassing, and without a permit. His name and address were obtained from the recycling bin. Mr. Carroll and Mr. Ayers have both had opportunity to speak to the man and he continues to use the facility. A letter has been prepared informing the resident that he may use the recycling center without a permit only when the facility is open and if he wants to deposit trash, he must obtain a permit or further action will be taken. Boardmembers all agreed to sign and send a letter.

2. Resolution to accept credit/debit cards for payments. Mrs. Hollenbeck recently attended a meeting regarding use of debit/credit cards and would like permission to pursue the possibility of offering this service to our residents. There will be no charge to the Town. The customer will pay a fee of 2.45% or \$1.50 minimum to pay with a card. These fees to use cards are built into most everything we buy, most people probably don't realize that fees are involved. At the Town, we cannot add the fees to our transactions or absorb the costs, they must be paid by the user. If the Town Board approves use of credit/debit cards, Mrs. Hollenbeck will further investigate and pursue this service.

On the motion by Councilmember Hermet, seconded by Councilmember Adam-Anderson, a motion was made to allow use of credit/debit cards for transactions at the Town Hall. Motion carried unanimously. (4-0). **087-2009**

3. Retirement service credit reporting for elected and appointed officials who are enrolled in the NYS Retirement System. Reporting service credit to the NYS Retirement System has changed, and establishing standard workdays for elected and appointed officials must comply with the new regulations. Since retirement benefits are based in part on service credit, correctly reporting the number of days members work during a reporting period helps ensure they receive the benefits they deserve.

For those enrolled in the New York State Retirement System who are appointed or elected and do not have regularly scheduled work hours, they will be required to keep a record of time worked and activities performed for a three

month period beginning in January 2010. The documentation will be submitted to the Town Clerk and reviewed by the Town Board to determine if the activities listed constitute reasonable and appropriate work for the position and if the hours reported seem appropriate for the duties. From this information, a standard work day will be determined and the number of days to be reported to the Retirement System will be calculated.

f. Supervisor – written report on file.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Hermetet, the reports of Town Officials were approved. Motion carried unanimously. (4-0) **088-2009**

6. Communications – on file

7. Audit of Bills:

Abstract #10 A	325-354	\$15,063.23
B	327-350	2,476.72
SL	329,336	617.03
DB	175-192	26,238.11
SW1	166-189	15,299.02
SS	80-87	1,396.07
HB	50	1,200.00
HD	52,53,54	9,813.41
HF	48	10,500.00
HG	51	10,369.29
HI	47	2,924.62
HN	46	3,251.33
HP	49	350.00

On the motion by Councilmember Glitch seconded by Councilmember Adam-Anderson, the bills were approved for payment. Motion carried unanimously. (4-0). **089-2009**

8. Business:

a. Speed on gravel roads. Supervisor Calabrese asked if it might be worth while to ask for a reduction in the speed limit on all gravel roads from 55 to 45 miles per hour. We could put in a formal request with documentation supporting the need to reduce the speed. Results from the safety study should be included. There have been complaints on West Swamp Road that the traffic is too fast. Farming activities, children, pets, horse and buggies are active on these roads frequently. All agreed that it is worth a try applying for a speed limit reduction on the gravel roads.

b. Traffic study and Lake Drive update. Supervisor Calabrese stated that the Traffic Study is about 75% done. They have to go back and make a few changes then do the pricing or cost estimates. They will include the two or three outlets that need repair.

c. Set Public Hearing on Comprehensive Plan (11/11/09). On the motion by Councilmember Adam-Anderson, seconded by Councilmember Glitch, a public hearing on the Comprehensive Plan is set for 11/11/09 at 7:30 PM. Motion carried unanimously. (4-0). **090-2009**

d. Adopt 2010 Budget. Supervisor Calabrese informed Boardmembers that he is recommending one change to the budget. We need to add \$17,750 to the state retirement line. It is expected that the NYS State Retirement System payment for 2010 will be about double what it was this year. In 2008 the amount was \$70,500, in 2009 it was \$55,000 and the 2010 amount will be \$104,000. Supervisor Calabrese explained how the retirement system payments are calculated. It makes it very difficult to budget.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Hermet, the 2010 Budget is adopted with the change to the Retirement line by adding \$17,750. Motion carried unanimously. (4-0).

091-2009

e. Approve Multi-Jurisdictional All Hazard Mitigation Plan – On the motion by Councilmember Hermet, seconded by Councilmember Glitch, the All Hazard Mitigation Plan was adopted by the following resolution. Motion carried unanimously. (4-0).

RESOLUTION TO ADOPT
ONTARIO COUNTY MULTI-JURISDICTIONAL
ALL HAZARD MITIGATION PLAN

WHEREAS, the Town of Gorham, in coordination with Ontario County municipalities, have gathered information and prepared the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan; and

WHEREAS, the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan was developed to help communities:

- Protect life, safety and property by reducing the potential for future damages and economic losses resulting from natural hazards;
- Qualify for additional pre-disaster and post-disaster grant funding;
- Facilitate recovery and redevelopment following future disaster events;
- Demonstrate a commitment to hazard mitigation principles; and
- Comply with New York State and Federal legislative requirements; and

WHEREAS, the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan has been prepared in accordance with the disaster Mitigation Act of 2000; and

WHEREAS, the Plan was financed in part by a Pre-Disaster Mitigation Grant through the Federal Emergency Management Agency and the New York State Emergency Management Office. The Ontario County Planning Department and participating municipalities provided the required grant match through in-kind service; and

WHEREAS, in March 2009, the Federal Emergency Management Agency granted approval of the plan pending adoption by each of the participating municipalities; and

WHEREAS, the Town of Gorham is a local unit of government that has afforded the citizens the opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Town of Gorham has reviewed the Plan and commits to review and update the Plan as required; now, therefore be it

RESOLVED by the Town Board that the Town of Gorham adopts the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

f. Cable TV – In the past, the Town has not asked for a fee for Cable TV. We could ask for up to 5%, which would amount to approximately \$50,-60,000 per year. In the past we have felt this is just another tax. In order to expand the service area there needs to be money available. Do we turn a blind eye or look into setting up something? If the Town collected the franchise fee, it could be put into a fund to be used to expand the service. The reason this has been brought up, the contract expires in 2012. If any changes are desired, you must by law start the discussions three years in advance.

g. Permissive Referendum to spend \$225,000 out of Open Space Reserve Fund to purchase 9.284 acres from the Bero family for a park. This was discussed at the last meeting. The purchase offer has been signed, the appraisal completed.

Councilmember Glitch moved to withdraw \$225,000 from the Open Space Reserve Fund to purchase 9.284 acres of land from the Bero family for a park, subject to a permissive referendum. Councilmember Adam-Anderson seconded the motion that carried unanimously. (4-0). **092-2009**

h. BAR appointment – On the motion by Councilmember Adam-Anderson, seconded by Councilmember Hermenet, Henry "Hank" Reynders is appointed to a five year term on the Board of Assessment Review, effective 10/1/09 through 9/30/14. Motion carried unanimously. (4-0). **093-2009**

Supervisor Calabrese stated that there will be a vacancy on the BAR, if you know of anyone who may be interested in serving, please let him know.

i. Blue Cross Blue Shield – Changes: Supervisor Calabrese stated that we recently met with our representative from Excellus BCBS to get an early

update on rate increases projected for 2010. A new program is being introduced that has similar coverage that would have lower co-pays for employees, cost less for the employee and save the Town about \$8,000 per year. There is no paperwork involved in making the change. We would simply notify BCBS and the change would be completed over the telephone. Employees participating in our Health Insurance Program will notice little change except for possible lower monthly costs if they are currently contributing.

On the motion by Councilmember Hermenet, seconded by Councilmember Adam-Anderson, Supervisor Calabrese is authorized to make the change in the Blue Cross Blue Shield insurance program for Town employees, as proposed and discussed. Motion carried unanimously. (4-0) **094-2009**

j. Authorization to borrow \$55,000 from the General A Fund and transfer to Ford Garage Capital Project. Funds will be reimbursed from the Brownfield Grant.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Glitch, authorization is given to borrow \$55,000 from the General A fund and transfer to Ford Garage Capital Project. Motion carried unanimously. (4-0) **095-2009**

9. Other:

a. Association of Towns Annual meeting in NYC in February 14th to 17th, 2010. Supervisor Calabrese encouraged attendance at this meeting/training session. In past years two or three Town officials have attended and been part of a bus charter from Cayuga County. Anyone interested in attending, please let Supervisor Calabrese know as soon as possible so that seats on the bus can be reserved.

d. Marcellus shale – gas well drilling – regulations. NYSDEC has a moratorium on gas well drilling until December at least while they work on regulations. We should look into environmental impacts, regulations that maybe we should have in place to protect our residents, the roads, etc. from problems that may arise from gas well drilling. Maybe the Planning Board or Conservation Board could work on draft regulations.

c. Hamlet Park – work is coming along quickly. There is a possibility that a local organization may be interested in donating a gazebo. If so they may want to dedicate the structure with a plaque, etc. We will be needing extra blacktop along the parking lot and by the sidewalk. Supervisor Calabrese has asked Babcock's if they could do this work when they are doing the parking lot next door. We will be billed separately.

On the motion by Councilmember Hermenet, seconded by Councilmember Glitch, authorization is granted for the extra black top for the Hamlet Park to be installed when the neighboring parking lot is paved. Motion carried unanimously. (4-0). **096-2009**

Change order to the Landscape Proposal by Landis Scaping and Design was discussed. On the motion by Councilmember Adam-Anderson, seconded by Councilmember Hermenet final change order with project cost of \$38,176 is approved. Motion carried unanimously. (4-0). **097-2009**

e. Budget transfers. On the motion by Councilmember Adam-Anderson, seconded by Councilmember Glitch, the following budget transfers were approved. \$25,000 from Land Preservation Reserve Fund to Land Preservation Capital Projects; \$10,000 from A9950.99 Interfund Transfer Capital to HG5031 Highway Safety Study. Motion carried unanimously. (4-0). **098-2009**

g. On the motion by Councilmember Hermenet, seconded by Councilmember Glitch, the Board went into executive session to discuss current litigation.

On the motion by Councilmember Glitch, seconded by Councilmember Hermenet, the Board returned to regular session. No action was taken in executive session.

10. Privilege of the Floor: None requested

11. Set next meeting date: November 11, 2009, 7:30 PM

12. Adjournment: On the motion by Councilmember Hermenet, the meeting was adjourned at 10:00 PM.

Respectfully submitted,

Nancy Hollenbeck
Town Clerk