

MINUTES
REGULAR MEETING GORHAM TOWN BOARD
DECEMBER 14, 2011

The Gorham Town Board held a regular meeting on Wednesday, December 14, 2011 at 7:30 PM at the Town Hall, Gorham, NY. Present were Supervisor Calabrese, Councilmembers, Adam-Anderson, Lightfoote and Hermenet, Code Enforcement Officer Freida, Highway Superintendent Ayers, Chief Operator Water/Wastewater Plants Coston, Assessor Davey, Janet Calabrese, Alec Calabrese, Woody Daugherty, Mike Turner, Jerry Hoover, Britta Anderson, Kevin Austin, two boy scouts, two high school students, and Town Clerk Hollenbeck. Councilmember Glitch was necessarily absent.

Supervisor Calabrese welcomed everyone. It's nice to see a good crowd here. This will be the last regular board meeting of his career. It has been a good fourteen years.

1. Call to Order/Pledge to the Flag:
2. Privilege of the floor –
3. Approval of minutes of November 9th, 2011 meeting. Councilmember Lightfoote moved to approve the minutes as submitted. Councilmember Adam-Anderson seconded the motion that carried unanimously. (5-0) **105-2011**

4. Reports of Town Officials –

a. Water/WasteWater Plants – Written report on file. Nothing to add.

b. Highway Superintendent - Written report is on file. Mr. Ayers thanked Supervisor Calabrese for the last eleven years. I think you have done well for the Town and as far as the Highway goes you have always tried to get us what we needed. I appreciate it.

As far as the Department of Labor audit and the need to do work on the garage door. Mr. Ayers received two quotes: Pugsley Overhead doors - \$5625; and Martin's Door Service- \$4022. Mr. Ayers recommends going with Martin's Door Service. The doors, the motors and photocells will be \$4022 unless we run into some other problems.

Councilmember Lightfoote made a motion to establish a capital project for the Doors at the Highway Garage with a budget of \$5,000. Motion was seconded by Councilmember Adam-Anderson. Carried unanimously. (4-0). **106-2011**

Councilmember Lightfoote questioned the issue on Mumby Road. Mr. Ayers stated that the property owner is putting a lot of fill on the land, it's coming from various projects around the county. The Town had to do major repair work on the road. Put probably a thousand tons of material on to get it back in shape.

Supervisor Calabrese, if anybody approves building in that area they ought to have their head examined. That's how problems start. People do things like that then all of a sudden there are lots for sale for a bargain, someone will build on it and then they're going to wonder why they have water problems. Just a word of wisdom.

Supervisor Calabrese stated that it has been a pleasure working with you, Kelly. We got off to a rough start, but (Kelly stated we had a rough start years ago at the Fire Department too!!!) Laughs all around!! We have accomplished quite a bit and have worked well together. You've ignored me when I wasn't right, ha ha ha!!! Thank you. The only other thing, we open bids on Crystal Beach on Friday.

c. Zoning – Written report is on file

d. Assessor–Written report is on file. Mr. Davey thanked Supervisor Calabrese for his support of the Assessor's Office. He never tried to get me to assess anything differently than I thought it should be and that's saying something. Thank you and it has been interesting and enlightening working with you!

Supervisor Calabrese said that the job of assessor is one of the hardest in government. It's kind of like a weatherman, you can be wrong and still get paid!!! Thank you Dirk, it's been a pleasure and I'm going to miss it.

e. Town Clerk – written report on file.

f. Supervisor – Written report is on file

On the motion by Councilmember Hermenet, seconded by Councilmember Adam-Anderson, the reports of Town Officials were approved. Motion carried unanimously. (4-0) **107-2011**

5. Communications – on file

6. Audit of Bills:

Abstract #12 A	403-439	\$75,206.41
B	403-428	12,047.23
SL	419	519.09
DB	220-247	74,275.34
SW1	204-225	35,638.16
SS	85-90	12,777.09
HD	47-53	31,894.72
HM	49	4,422.50
HN	48,50	1,092.41
HI	46	4,500.00

On the motion by Councilmember Hermenet seconded by Councilmember Lightfoote, the bills were approved for payment. Motion carried unanimously. (4-0). **108-2011**

7. Business:

a. Accept resignation of Councilmember Hermenet with regrets. Supervisor Calabrese stated that it is with deep regret that we accept the resignation of Gene Hermenet. He ran for the position about two months ago and he had no idea he would move at this time. His house sold more quickly than he anticipated and plans he had to remain in the Town did not materialize.

Councilmember Herment expressed his regret and also thanked Dick and everybody on the Board and Dirk, Kelly, Gordy you're fun to work with, a great staff and this Town, Fred you should have no worries with those guys working with you. Much power to you. Mr. Hermenet will still own land here and would be willing to assist as needed.

Thank you!

b. Policies: Cell Phone Use, Conference/Travel Expense Reimbursement, Credit Card Use, Computer Systems/Internet/On-line Service. Mrs. Hollenbeck explained that one of the areas where we were found to be deficient in a recent audit is written policies. We should have written policies, approved or adopted by the Town Board for many things. The four we are starting with are: Cell phone use; Conference/travel expense reimbursement, credit card use and Computer systems/internet/on-line service. Drafts of these proposed policies are in Boardmember packets for their review.

On the motion by Councilmember Lightfoote, seconded by Councilmember Adam-Anderson the four policies are approved and are to be added to the official Policy Book. Motion carried unanimously. (4-0). **109-2011**

c. NYS Dept of Labor Inspection. Mrs. Hollenbeck stated that we were recently inspected by the NYS Dept. of Labor. At the Town Hall, violations were minimal and corrected immediately except for our deficiency in having a Workplace Violence Protection Program in place. That program has been developed and will be implemented with Board approval. Basically the program and statement say that we are not going to allow violence in the workplace and if it does happen, it will be reported and we will do something about it. We will also have annual training for all employees on the program. We will need a motion to approve the Policy Statement which will be posted at each building and adoption of the Workplace Violence Protection Program.

1. Approve Policy Statement, On the motion by Councilmember Adam-Anderson, seconded by Councilmember Hermenet, the Town of Gorham Workplace Violence Protection Statement is approved. Motion carried unanimously. (4-0). **110-2011**

2. Adopt WorkPlace Violence Protection Program (WVPP). On the motion by Councilmember Adam-Anderson, seconded by Councilmember Hermet, the Workplace Violence Protection Program is approved. Motion carried unanimously. (4-0). **111-2011**

Mrs. Hollenbeck thanked the Board and stated that she would get together with Mr. Ayers, Mr. Freida and Mr. Coston to implement the program.

Supervisor Calabrese stated that 90% of the violations have been corrected. When the Highway garage doors are done we should be in compliance. Gordy, Kelly and Greg did a great job getting everything done in a very timely manner. Supervisor Calabrese also stated that we have been through three different audits in the last few weeks. Department of Labor, Office of State Comptroller did a procedural audit, and Ray Wager's staff have been here to start the complete financial audit that will be completed next month. We have passed all with flying colors.

d. Appoint Tom Bay to Agricultural Advisory Board (1/1/11-12/21/13) On the motion by Councilmember Lightfoote, seconded by Councilmember Hermet, Tom Bay is appointed to a term on the Agricultural Advisory Board, effective 1/1/11 to 12/21/13. Motion carried unanimously. (4-0). **112-2011**

e. Adopt 2012 Wage Schedule. On the motion by Councilmember Adam-Anderson, seconded by Councilmember Lightfoote, the 2012 Wage and Salary Schedule is approved. Motion carried unanimously. (4-0). **113-2011**

f. Resolution authorizing Supervisor to complete year end budget transfers. On the motion by Councilmember Hermet seconded by Councilmember Adam-Anderson, Supervisor Calabrese is hereby authorized to complete year end budget transfers as necessary. Motion carried unanimously. (4-0) **114-2011**

g. NYS Office of Comptroller Audit. A procedural audit was completed of Town operations. There were no serious concerns. Some suggestions were made regarding computer security that will be implemented. Overall, we did well.

h. Water Truck Bids. We received five sealed bids for the 2006 pick up truck. The high bid was for \$5,025, they were all close. Supervisor Calabrese stated that if we keep the truck we will not gain anything. On the motion by Councilmember Lightfoote, seconded by Councilmember Adam-Anderson the high bid of \$5,025 is accepted. Motion carried unanimously. (4-0). **115-2011**

i. Association of Towns Annual Meeting (NYC) in February. If anyone wants to go and ride on the chartered bus, we need to know as soon as possible. Councilmember Adam-Anderson expressed interest in attending and would like to make a reservation for the bus.

j. Resolution prohibiting hydrofracking in Canandaigua Lake Watershed. Supervisor Calabrese stated that he and Councilmember Lightfoote went over the resolution and made a couple of changes that were discussed.

Councilmember Hermet moved to adopt the following resolution. Councilmember Adam-Anderson seconded the motion that carried unanimously. (4-0). **116-2011**

Calling on the Governor, the Legislature of NYS, and the NYS DEC, to provide equal protection by prohibiting high volume hydraulic fracturing in the Canandaigua Lake Watershed and all Finger Lakes Watersheds the same as the DEC has indicated it will prohibit in the NY City and Syracuse Watersheds

WHEREAS, Canandaigua Lake and its surrounding watershed is the source of drinking water for over 60,000 New York State residents and the unfiltered source of water for thousands more residents of the Canandaigua Lake Watershed who do not have access to public water and obtain their unfiltered water directly from Canandaigua Lake, or from ground water wells within the watershed; and

WHEREAS, the pure, clean water of Canandaigua Lake and all the Finger Lakes is the region's most valuable asset, upon which the local economy is dependent; and

WHEREAS, numerous contaminants associated with hydraulic fracturing can pass through our standard basic municipal water treatment plants and into our water supply; and

WHEREAS, replacing our existing water treatment plants with water treatment plants that could filter out contaminants known to be associated with hydraulic fracturing would be prohibitively expensive; and

WHEREAS, under the proposed regulations, the DEC will prohibit high volume hydraulic fracturing within the Skaneateles/Syracuse watershed and the New York City watershed; and

WHEREAS, the protection of the health, safety and economic well being of the residents of the Town of Gorham is no less important than the protection of the health, safety and economic well being of the residents of Skaneateles, Syracuse, or New York City; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Gorham calls on Governor Cuomo and Legislature of New York State to apply uniform standards to prohibiting high volume hydraulic fracturing to the Canandaigua Lake Watershed and all the Finger Lakes Watersheds; and

BE IT FURTHER RESOLVED that copies of this resolution will be sent to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Leader Dean Skelos, NYS Health Commissioner Nirav Shah, DEC Commissioner Joe Martens, NYS Dept. of Agriculture & Markets Commissioner Darryl Aubertine, the NYS Association of Counties, State Senator Thomas O'Mara, Assemblyman Phil

Palmesano, Attorney General Eric Schneiderman, and NYS Assembly Minority Leader Brian M. Kolb.

k. Town of Seneca Water Agreement – Three residents on County Road 29 and Fredericksen Road will be able to get municipal water when they put the water line in. On the motion by Councilmember Adam-Anderson, seconded by Councilmember Lightfoote, the Town of Seneca Water Agreement is approved. Motion carried unanimously. (4-0). **117-2011**

l. Road Dedication – East Lake View. The paperwork is complete. We are ready to finish the road dedication. There are three resolutions to be adopted.

1. On the motion by Councilmember Adam-Anderson, seconded by Councilmember Lightfoote, the following resolution regarding the consent of the Town Board to dedicate Angela Way and Carmelo Lane in the East Lake View Estates Subdivision is approved. Motion carried unanimously. (4-0). **118-2011**

**RESOLUTION REGARDING THE CONSENT OF THE TOWN BOARD
TO DEDICATE ANGELA WAY AND CARMELO LANE
IN THE EAST LAKE VIEW ESTATES SUBDIVISION**

TOWN BOARD CONSENT

WHEREAS, Upon reading the dedication dated the 27th day of October, 2011 and Release dated the 27th day of October, 2011, in the above entitled matter, wherein the owner of lands described therein have released the same to the Town of Gorham and its Highway Superintendent for highway purposes; now, therefore, be it

RESOLVED, that consent be and the same hereby is given to the Town Superintendent of Highways of the Town of Gorham to make an order laying out the lands described in said dedication, dated the 27th day of October, 2011, for highway purposes, in accordance with the provisions of the Highway Law and other statutes applicable thereto. Town Board of the Town of Gorham, Ontario County, New York

2. On the motion by Councilmember Hermenet, seconded by Councilmember Adam-Anderson the following resolution authorizing acceptance of easement from East Lake View Estates Homeowners Association, Inc. is approved. Motion carried unanimously. (4-0). **119-2011**

**RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENT
FROM EAST LAKE VIEW ESTATES HOMEOWNER'S ASSOCIATION, INC.**

WHEREAS, the Town of Gorham, by its officers or representatives, has engaged in discussions with the East Lake View Estates Homeowner's Association, Inc. ("Owner") regarding the Town's obtaining a Water and Utility Easement over portions of its properties in the East Lake View Estates Subdivision, as shown on maps prepared by MRB Group Engineering, Architecture, Surveying, P.C. filed with the Town of Gorham; and

WHEREAS, Town of Gorham officials have recommended to the Town Board that said Owner grants to the Town this easement over said lands of said Owner; and

WHEREAS, said easement has been offered by the Owner to the Town of Gorham; and

WHEREAS, the Town Board of the Town of Gorham is desirous of accepting said offered easement on behalf of said Town; and

WHEREAS, the Town Board of the Town of Gorham has examined said instrument and finds the consideration described in said easement to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Gorham does hereby accept the Easement attached hereto as Exhibit 1 from Owner in accordance with the terms and conditions contained in said instrument and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by the Owner, and be it further

RESOLVED, that the Town Supervisor shall be and hereby is authorized to take any and all further action necessary to carry forth the intent of this resolution, including but not limited to the execution of all documents necessary to complete the conveyance of the premises referenced herein.

3. On the motion by Councilmember Adam-Anderson, seconded by Councilmember Hermetet, the following resolution authorizing acceptance of lawn mowing agreement from East Lake View Estates Homeowner's Association, Inc. is approved. Motion carried unanimously. (4-0). **120-2011**

RESOLUTION AUTHORIZING ACCEPTANCE OF LAWN MOWING AGREEMENT

FROM EAST LAKE VIEW ESTATES HOMEOWNER'S ASSOCIATION, INC.

WHEREAS, the Town of Gorham, contemporaneously herewith, will be accepting dedication of Town Highways to be known as Angela Way and Carmelo Lane in the East Lake View Estates Subdivision from the East Lake View Estates Homeowner's Association, Inc. (the "HOA"); and

WHEREAS, to ensure the Town is able to open these roads to the width required by the NYS Highway Law, the Town needs to accept title to the seven (7) eyebrow islands and the cul-de-sac circle island in Angela Way and the cul-de-sac circle island in Carmelo Lane (the "Islands"); and

WHEREAS, the Town is not willing to take on the obligations of mowing and maintaining the Islands; and

WHEREAS, as part of the dedication transfer, the HOA is willing to accept the responsibility of ongoing mowing and maintenance of the Islands and has presented the Town with an Agreement obligating the HOA to mow and maintain the Islands for perpetuity; and

WHEREAS, the Town Board of the Town of Gorham has examined said instrument and finds the consideration described therein to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Gorham does hereby accept the Agreement attached hereto as Exhibit 1 from the HOA in accordance with the terms and conditions contained in said instrument and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by the HOA, and be it further

RESOLVED, that the Town Supervisor shall be and hereby is authorized to take any and all further action necessary to carry forth the intent of this resolution, including but not limited to the execution of the Agreement and all other documents necessary to make the Agreement effective and to have it recorded.

The resolutions are complete. The next step is for the Town Clerk to prepare the resolutions for the attorney and return the packet of information for filing.

Britta Anderson applauded. Thank you so much. It has been a long cumbersome and sometimes slightly difficult road, but we have gotten there and that is the important thing and I appreciate all of your help throughout the process.

Kevin Austin expressed his thanks as well.

Supervisor Calabrese thanked Gordy Freida and Kelly Ayers for all they have done to get this accomplished. We are in receipt of an email from the attorney with a few exceptions. This will be on file with the rest of the documents. One of the exceptions was one one hundredths of a foot difference between the description and the survey map. We did get through it. We have one more hurdle with the drainage district. We need easements from all of the properties that border the swales so that if we need to get in there to work. Gordy and Nancy have volunteered to come to an HOA meeting to assist in getting things signed and notarized. Supervisor Calabrese further stated that within the next two weeks he will go over the bills for the drainage district and come to an agreement on that so the money can be taken out of the next two year's levy.

Thank you's all around. Everyone worked hard to get this completed.

8. Other

a. Budget Transfers. On the motion by Councilmember Lightfoote, seconded by Councilmember Hermet the following budget transfers were approved: \$15,000 from A1990.4 to A9950.9, \$7,900 from A9010.8 to A9901.9, \$1,600 from A9901.9 to B5031, \$6,300 from A9901.9 to DB5031, \$75,000 from A9950.9 to HD5031, \$10,000 from A9950.9 to HI5031, \$15,000 from A9950.9 to HN5031, \$350 from A1990.4 to A1330.4, \$1,600 from B599 to B9010.8, \$6,300 from DB599 to DB9010.8, \$25,000 from DB5142.1 to DB5110.1, \$30,000 from DB599 to DB5142.4, \$15,000 from SW1-9901.9 to HM5031, \$35,000 from SW1-9901.9 to SW1-5031R, \$10,500 from SS9901.9 to SS5031R. Motion carried unanimously. (4-0). **121-2011**

9. Set next meeting date: We may need a short meeting on Wednesday, December 28th to award the bid for the Crystal Beach project. We will let you know as soon as possible. January 11, 2012 at 7:30 PM, Organizational and Regular meetings.

10. Privilege of the floor - Supervisor Calabrese stated that we accomplished a lot in the last fourteen years. We could not have done it without all of us working together including the Planning Board, Zoning Board of Appeals, the Conservation Board, Agricultural Advisory Board and Board of Assessment Review. I have enjoyed the last fourteen years and I would be remiss not to say the Town Board has stood behind all of us for those years, Fred, Allyson, Gene, Bill and also June Fisher, John Frank, Tony Bush, Scott Murphy, Tom Bay. It has been good working with all of you. I will miss it and I will also miss Barb and Nancy, they kept me in line, let me tell you. They had no problem telling me what to do or where to go when I was wrong. I have to tell you a story. I had a mentor who was a supervisor and he was a school teacher of mine too, I had shop under his guidance and that was Clyde Beebe. Clyde could convince anybody whether right or wrong, it was the law, the way to do it. Well, I came in here and I was going to do it my way because that was the way Clyde did it. Well, Nancy soon told me that wasn't the way you did it. You do it according to the book and the law. You can't do it that way. Well after six months of beating me to the ground, we got along good after that.

Jerry Hoover as Chairman of the ZBA wanted to express appreciation for the support you and Gene have given us during your ten year as supervisor and councilmember. You have not always agreed on some of the decisions we have made but you have supported us none the less. We have had a couple of Article 78's that you are aware of and supported us and spent the money to defend and support us and we appreciate that. As a resident and taxpayer I want to express my individual congratulations to both of you and really appreciate the situation you left the town in. We are in good financial situation, we have had a lot of projects that have been completed that help to make this a nice place to live. Thank you and congratulations to both of you on your retirement and good luck in everything that you do.

Councilmember Lightfoote stated that it's hard to expand on what Jerry said, he said it so well. Dick, you have really done an awful lot for this Town over the last 14 years. The perspective that you brought to this position was unique, you have done an admirable job. The average town person has no idea the amount work you put into the job, the many many meetings you have been to all over the state representing not only the Town, but the County and the Region. You have done it very well. I have had the privilege of speaking with supervisors from other towns, and without fail they can't help but point out that there is no way I can fill the shoes that you've got on. But there is a reason for that. You have done a great job. Dan Marshall put it best at a meeting the other night, he mentioned that when the Town of South Bristol opened their overlook which affords a tremendous view of the lake, he invited numerous dignitaries to that opening including Dick and when he asked Dick what he thought of it, Dick said

that's the most beautiful view of the Town of Gorham I have ever seen. It has been a privilege working with you and I know I'm not done working with you as you have offered to be there for whatever is necessary. Thank you so much.

Councilmember Adam-Anderson added it has been an awesome pleasure working with you, very enjoyable, you make the work fun and exciting. I know where you live so will visit.

11. Adjournment: On the motion by Councilmember Hermenet, the meeting was adjourned at 8:15 PM.

Respectfully submitted,

Nancy Hollenbeck
Town Clerk