

**MINUTES**  
**REGULAR MEETING and PUBLIC HEARING**  
**THE GORHAM TOWN BOARD**  
**August 12, 2020 7:00pm**

The Gorham Town Board held a Regular Meeting and Public Hearing on August 12, 2020 at 7:00 pm.

Present were;

Town Supervisor, Fred Lightfoote.

Councilmembers; William Glitch, Brian S. Case, Richard Malcolm and Jake Chard.

Water/Wastewater Chief Operator Greg Coston, Building/Code Enforcement Officer Jim Morse, Assessor Enza Mineo, Billing Clerk Brenda Jones and Town Clerk Darby Perrotte.

Highway Superintendent Zach Eddinger was necessarily absent.

Other Guests in attendance; Town of Gorham Conservation Board Chairman, Brett Johnson, his granddaughter Cheyanne, Conservation Board Councilmember Lynn Klotz.

Susan Carpenter, Fred and Kathy Allen, Okke and Kathy Postma, David McClane, Chris Jacobs and Emily Palumbos.

Via video conference; Lauren Kelly, Director – Government Affairs, Finger Lakes of Charter Communications.

1. Call to Order/Pledge to the Flag. Supervisor Lightfoote called the meeting to order and led the Pledge of Allegiance.

2. Privilege of the Floor –

Kathy Postma, 5071 County Road 11, spoke in regards to a letter her neighborhood wrote to the Town Board regarding seasonal weekly rentals in their neighborhood.

Mrs. Postma said "We have a number of concerns regarding the rental houses in our neighborhood that has been ongoing. We have met with Fred, in the past, and we met with Gordon Freida in the past and the issues continue to be unresolved and it has truly changed the nature of our neighborhood and with the fact that everyone got increased assessments this year we felt that we needed to bring these issues before the Board."

Kathy Allen said "I have several concerns. These are homes that are listed as single family residential. One of them has eleven bedrooms. One of them has a room that sleeps sixteen people. Between the two of them, side by side, they sleep forty-eight people. The noise level is ridiculous. We consider it transient because every week there's new and different renters. We have to call the police and complain or we go over to them and complain. The number of bedrooms is not consistent with OnCor. The water and sewer. A lot of us are single family, husband and wife, just two people and we're paying the same sewer that they are and you got twenty four people in a house. We need help. We need help from you guys to do something to limit the number of rentals. It's a business. They are raising money constantly. Are you guys making money off of it, other than your taxes? It's a business."

Mrs. Postma brought pictures and said "This is what we deal with in terms of parking all the time. We have to walk in the middle of the road."

Mrs. Allen said "'These houses don't function as a single family residential home, which is what it says on here (referring to OnCor). There is another one next to the Christian Camp, your records show its four bedroom. The realtor has it listed as eleven bedrooms. It's like, come on guys something's not right, so we're asking for help."

David McClane 5090 County Road 11, said "It does get very crazy. They're out there, they don't follow the rules for the lake. They're water skiing in the dark. They're flying past very close to shore. Music is, most nights, well past twelve, one o'clock in the morning. At times there could be twelve cars. I cannot see to get out of the driveway. This has been an ongoing thing. The one next door gets fourteen thousand a week. He's making one hundred thousand a year just in rent."

Mrs. Postma said "5088, also that house has a storage house. Which is on the property. It has running water, a full bath and it has a mini kitchen but it's listed on the tax rolls as a storage house. We also have a concern for that sixteen person bedroom, which is above a garage, has one single egress, no fire escape. If there were ever a fire in that house there's no way sixteen people could get out of there alive without jumping out the second floor windows."

Susan Carpenter 5050 County Road 11, said "One other concern, and I've actually gone and knocked on doors a few times. These people are coming from out of town. They're coming a lot of times with kids and they don't know there are times when they really shouldn't be going in the lake and they shouldn't be allowing their kids to go in the lake. People who have cottages on the lake, we sort of know. Everybody gets the word out. Most people have gotten a flyer but, these people, say coming in from Ohio, with a bunch of kids and the kids are going out and jumping in the lake right in the middle of really heavy duty algae blooms. It's really not safe so I think there really is a public health concern here. It's like a public beach. Nobody really takes any responsibility, and the health department doesn't, so nobody does. It's not safe and it's not fair to people, whether they're annoying or not, to allow them to put their children's health at risk."

Chris Jacobs, 5080 County Road 11, we do see a lot of cars in the driveway, a lot of people around the places. Frankly I think it's been a little bit better this year than year's past. I'm hoping the new owner is doing something about it."

Kathy Allen asked if they are they taxed at four bedrooms or are they taxed at twelve bedrooms.

Assessor Mineo said "The way that works you don't get taxed per bedroom. Everything is based on market value. Your tax bill is based on your assessment times the tax rate. We value property and that's what your assessment is. I go by market value. Just because it has eleven bedrooms doesn't make it a commercial property. The property is based on its market value, not the bedrooms, we're not using the income that they take in. The property that they own they have a bundle of rights that goes with it. They have the right to rent it, lease it, sell it, buy it, do nothing, set it on fire. That's part of their right. It's up to the town to put up moratoriums to allow them not to do that. It has nothing to do with what their assessed at or what their taxed at. We don't have two tax rates. Everyone is taxed at the same rate. It's not like we have a commercial rate and a non-commercial rate. We have one rate, we don't even have a town tax. Ultimately eleven bedrooms or four bedrooms isn't going to change the value of that property as much as you think it would. As homeowners they have rights also. If I

don't see what's in there I don't know. If I don't get a permit and I don't know what's in there I can't just assume what's in there."

Code Enforcement Officer Morse said "Some of it is their advertising. It sleeps twelve people because they have fold out couches, bunk beds and stuff like that. It's kind of like an RV that's advertised as it 'sleeps ten'. There are two bedrooms but, it has fold out couches fold out tables. That is advertising. I did look in the file after our last meeting. Three or four years ago permits were issued for those properties. There were renovations done. They had a permit and they were closed out."

Assessor Mineo said "For the record, OnCor gets updated with my data. Unless I see it and I change it and I'm convinced that there's fourteen bedrooms in there it's not going to change. If it's changed on OnCor it means I've changed it on my file."

Mrs. Allen addressed Assessor Mineo regarding her property. She said Assessor Mineo's information on OnCor was wrong regarding square footage of her property because Assessor Mineo didn't remove the footage of decks that were replaced.

Mrs. Allen and Assessor Mineo had a disagreement regarding updates to Mrs. Allen's property inventory. Supervisor Lightfoote stopped privilege of the floor on this matter. He suggested Mrs. Allen follow up with Assessor Mineo at a different time regarding inventory of her property.

Supervisor Lightfoote explained that the town has been talking about the rental properties, dealing with the normal complaints that come in every summer season.

Supervisor Lightfoote said "Just so you know we talked about this years ago. Our intent was, as we investigate this, what we can do as far as regulation goes to make it part of our Comprehensive Plan Review. The Town Code Enforcement Officer started the process of getting info around regarding this. Cazenovia has regulation in place. Geneva has regulation in place. We will gather what other towns have put together. The plan is to do this parallel with the update to the Town's Comprehensive Plan."

Susan Carpenter said "These are rented out by the week. Maybe you don't have a classification in your zoning and a description of what it means to be a commercial rental but, you could. In your Masterplan, review people's rights and their property and limit it by Zoning. You don't have unfettered rights to do what you want, only the rights that are in your zoning regulations." She suggested having a description of what it means to be a commercial renter in the zoning regulations.

Supervisor Lightfoote asked if there were any other questions regarding other topics.

Chris Jacobs, 5080 County Road 11, asked about a problem with electricity in the area. He said they lose power often on their road. Every Labor Day and every Fourth of July they lose power.

Supervisor Lightfoote said the town has complained in the past with virtually no success. Town Water Department transformers were burned out a few years ago. The fact that they are no longer a local company is one reason it doesn't get resolved. Supervisor Lightfoote said to go ahead and complain. The Town will keep complaining as well. The squeaky wheel get the grease.

Kathy Postma brought up the Dark Sky Rule. 5088 County Road 11 is not in compliance with the law. Mrs. Postma asked how something like that can pass inspection when there is a law in the books against it.

Code Enforcement Officer Morse said "As soon as their C of O is issued the stuff that they were told not to do, they go do it. Everyone does it. Nobody is innocent on the Lake. We basically take it complaint by complaint. This time of year it's busier. With Covid on top of it, and everybody being home, it's even busier yet. So we've been following up as best we can with each complaint. I didn't know about the Dark Sky violation. The Planning Board will require that "lighting is dark sky compliant" and they get their C of O. They might go buy a light at Lowe's and not even realize it's not the right lumens. Sometimes engineers present it to the planning Board and owners don't even know they are doing something wrong. We just follow up on a case by case basis. These are easy ones."

Councilmember Brian Case said "Please don't feel you are the only ones it's happening to. It's all around the lake. Especially this year, things are snowballing. It's a Lake issue."

Supervisor Lightfoote thanked everyone for their comments.

3. Public Hearing – Supervisor Lightfoote opened the public hearing regarding the Cable Franchise Agreement between Time Warner Cable Northeast LLC and the Town of Gorham. Town Clerk Perrotte read the legal notice as it appeared in the Daily Messenger.

Lauren Kelly was available to answer questions regarding the franchise agreement.

Code Enforcement Office Morse asked, as a resident of the Town, who takes care of the poles left behind that are not active. Officer Morse said there are lots of them around town and it may be a safety issue as well as an aesthetic issue.

Ms. Kelly said as these questions come up she will ask the construction department. She said sometimes it may be hard to determine who owns the poles but she will ask and they will get them taken care of.

With no other comments from the public, Supervisor Lightfoote closed the public hearing.

#### 4. Approval of Minutes 7/8/2020 Regular & Public Hearing Meeting Minutes

On the motion by Councilmember Chard, seconded by Councilmember Glitch, the 7/8/2020 minutes were approved as submitted. Motion carried unanimously. (5-0)

**058-2020**

#### 5. Audit of Bills -

Abstract #8

A	523-609	\$ 59,577.74
B	525-603	3481.10
SL	523-607	700.61
DB	526-610	158,125.38
SS	523-608	3882.67
SW1	523-608	14473.02
T/A	6-10	4787.47

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

**059-2020**

6. Reports of Town Officials –

A. Chief Operator Water/Wastewater Plants – written report on file. Chief Operator Coston said James Shirk from Windy Ridge Metals made some shafts for the Water Department. He would like to pay for the labor in addition to the material.

On the motion by Councilmember Glitch, seconded by Councilmember Case, to pay Windy Ridge Metals \$250.00 for labor, in addition to materials, to build two shafts for the Water Department. Motion carried unanimously. (5-0)

**060-2020**

B. Highway Superintendent – written report on file.

C. Zoning/Building Officer – written report on file. Code Enforcement Officer Morse had comments about the lake rental properties. Officer Morse said if you start issuing permits for rentals on the Lake that is another full time job for the Code Enforcement Office. The State will require yearly/seasonal inspections.

Officer Morse said "We talk about the rentals all the time and we can't send the message out that if you can afford a house on the lake, and the taxes, that you're the only person allowed to enjoy it. People have the right to rent a house out to a family so that they can enjoy the lake as well." He thinks the Town is being pro-active on it. Officer Morse said the best thing to do is look at it while we are updating the Comprehensive Plan. That way the Town gets input from a wider range of people in the town.

D. Assessor – written report on file.

E. Town Clerk – written report on file.

F. Town Supervisor – financial report on file.

On the motion by Councilmember Glitch, seconded by Councilmember Malcolm, the reports of Town Officials were approved as submitted. Motion carried unanimously. (5-0)

**061-2020**

7. Business:

a. Cable Franchise Agreement – Agreement between Charter Communications and the Town of Gorham.

On the motion by Supervisor Lightfoote, seconded by Councilmember Malcolm, the Cable Franchise Agreement was approved with a change on page 8 that changes the annual franchise fee from zero percent to three percent for the annual gross revenue amount. Motion carried unanimously. (5-0)

**062-2020**

b. Appoint Richard Perry to the Town of Gorham Planning Board.

Supervisor Lightfoote tabled the appointment until the September meeting.

c. Gorham Conservation Board Pilot Program for Solid Food Waste

The Town of Gorham Conservation Board has been working on implementing a program for residents to recycle their kitchen food waste. In an effort to reduce waste being sent to the landfill and to help increase recycling and composting by residents. The Conservation Board has asked for help with the purchase of buckets to be used for this purpose. They will be setting up at the Transfer Station to give the buckets to residents who are willing to participate in the program. Brett Johnson, Chairman of the Conservation Board and Conservation Board Councilmember Lynn Klotz were present and held a lengthy discussion with the Town Board.

Chairman Johnson brought an example bucket to show the Board. This is a program they have been working on for two years and are hopeful to kick off and get it started by this fall.

Supervisor Lightfoote said the Highway Department will dig a small trench across from the Transfer Station. There will be a loader at the Transfer Station for residents to dump the waste into and the Transfer Station employees will be able to dump into the trench after it is collected.

Councilmember Chard asked if the Town has room for a trench. He recalled that when they talked about this two years ago it was shot down because there wasn't room for a trench at the current Transfer Station. Councilmember Chard wants to make sure Supervisor Lightfoote spoke with Highway Superintendent Eddinger about the current plan regarding space and Transfer Station employee's time. Councilmember Chard is asking because Highway Superintendent Eddinger is not present and Councilmember Chard wants to make sure he is aware of this action.

Supervisor Lightfoote said "Yes, I've told him. We're not talking about up on top where we're talking about building a Transfer Station but, beyond that, about half way across that same field. Another reason I'd like to get it done now is before real wet weather sets in. Matt Horn from the City of Geneva got this program going. We've discussed this with him and Fred Brockway, from the City of Geneva, we've looked into it. We feel this will work at least to try."

On the motion by Supervisor Lightfoote, seconded by Councilmember Glitch, to give the Conservation Board Seven Hundred fifty Dollars for the purchase of buckets and bags to recycle food waste. Motion carried unanimously. (5-0)

**063-2020**

8. Privilege of the Floor – none requested
9. Executive Session – Town of Gorham v Clegg

On the motion by Supervisor Lightfoote, seconded by Councilmember Glitch, the Board entered into executive session at 9:10pm to discuss litigation.

On the motion by Councilmember Case, seconded by Councilmember Malcolm, the Board returned to regular session at 9:20pm. No action was taken in executive session. Both motions carried unanimously. (5-0)

**064-2020**

10. Set Next Meeting Date – the next regular meeting and public hearing will be September 9, 2020 at 7:00pm at the Gorham Town Hall.

11. Adjournment – with no further business on the motion by Councilmember Chard, seconded by Councilmember Glitch, the meeting was adjourned at 9:30pm. Motion carried unanimously. (5-0)

**065-2020**

Respectfully Submitted,

Darby L. Perrotte  
Town Clerk

