

**MINUTES
REGULAR MEETING
THE GORHAM TOWN BOARD
October 14, 2020 7:00pm**

The Gorham Town Board held a Regular Meeting and Public Hearing on October 14, 2020 at 7:00 pm.

Present were Supervisor Fred Lightfoote, Councilmembers; William Glitch, Brian S. Case, Richard Malcolm and Jake Chard. Water/Wastewater Chief Operator Greg Coston, Highway Superintendent Zach Eddinger, Building/Code Enforcement Officer Jim Morse, Billing Clerk Brenda Jones and Town Clerk Darby Perrotte.

Assessor Enza Mineo joined via video conference.

Other Guests in attendance; Lynn Klotz, Keith Eddinger, Rita Kulp, Gorham Cemetery Association President Bob Clark and Sexton, Dan Bradley, Mayor of the Village of Rushville, David Le Clair and Doug Eldred.

Others guests joining via video conference; Gorham Library Director, Ruth Freier and Sally Napolitano.

1. Call to Order/Pledge to the Flag. Supervisor Lightfoote called the meeting to order and Mayor Le Clair led the pledge to the flag.
2. Privilege of the Floor –none requested
3. Public Hearing 2021 Budget – Town Clerk Perrotte read the legal notice as it appeared in the Town’s official newspaper. Supervisor Lightfoote opened the public hearing.

Councilmember Malcolm said he did not attend the Budget Workshop Meeting on October 6, 2020 but he did read over all the papers and he thinks everything looks good.

Supervisor Lightfoote said he will adjourn the public hearing until next month to give residents ample opportunity to speak regarding the 2021 Town Budget.

Supervisor Lightfoote said “We will be initiating a town tax rate for the Town of Gorham. We have worked our fingers to the bone trying to figure out how we may work into the future without doing this and it’s become obvious it’s impossible. Given what we are faced with right now with Covid-19. We’ve been lucky for about twenty years not having to charge a Real Property Tax to the residents of Gorham. Right now the way we have it set up we will be using a fairly significant amount of fund balance to balance things out in addition to a whole bunch of things that we’ve cut. The tax rate we’re looking at is thirty cents per thousand to the residents on the Town of Gorham side of the Village of Rushville and sixty-five cents per thousand to Town residents outside of the Village of Rushville.”

With no comment from the public, Supervisor Lightfoote adjourned the Public Hearing and will re-open it at next month's meeting.

- 4. Approval of Minutes - 9/9/2020 Meeting Minutes
10/6/2020 Budget Workshop Meeting Minutes

On the motion by Councilmember Case, seconded by Councilmember Chard, both meeting minutes were approved as submitted. Motion carried unanimously. (4-0)

071-2020

Councilmember Glitch joined the meeting at this time.

- 5. Audit of Bills -

Abstract #10

Table with 3 columns: Item Code, Item Description, and Amount. Rows include A (689-783, \$36,389.60), B (694-783, 7,292.95), SL (692-767, 1,276.91), DB (691-784, 63,467.54), SS (692-785, 3,771.25), and SW1 (692-785, 16,123.64).

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

072-2020

- 6. Reports of Town Officials –

A. Chief Operator Water/Wastewater Plants – written report on file. Chief Operator Coston informed the Board that the Department of Health will require testing for PFOA (Perfluorooctanoic Acid) in our drinking water. The testing will be required quarterly for a year. There are few labs that do this type of testing. Chief Operator Coston obtained a quote from one lab for approximately one thousand three hundred fifty dollars per sample. The Department of Health said they have quotes of approximately five hundred dollars per sample. In further researching and speaking with other Water Treatment Plant Operators, he is hopeful to keep the cost of the lab testing down if they partner. They can get the samples tested for approximately two hundred dollars per sample. He will keep the Board informed.

On another issue, Chief Operator Coston received a call from the NYS Department of Transportation regarding a property on Route 364 that has a garage built over the water main.

The DOT would like action because they still own the property. They would either give it to the County or sell it to the homeowner. The DOT wants to know what the Town would like to do. Chief Operator Coston would like to have a signed letter, from the owner of the garage, stating if there is a water main break under the garage that the Town is not liable for any damage incurred. There should be an agreement in place.

B. Highway Superintendent – written report on file.

C. Zoning/Building Officer – written report on file. Code Enforcement Officer Morse said he is mobile now! The IPS Program he had installed on a Tablet is integrated with the modules that he has here in the office which enables him to streamline his workflow and significantly increase his productivity out in the field.

Councilmember Case asked about a property maintenance issue in Crystal Beach. Code Enforcement Officer Morse said he printed out a violation notice for that particular property today. Officer Morse said he spoke to the owner of another property that has been the subject of scrutiny in Crystal Beach. The owner has communicated with Officer Morse and is in the process of finishing up now that he has materials on site.

Officer Morse is following up and working on a few other complaints as well.

D. Assessor – written report on file.

E. Town Clerk – written report on file.

F. Town Supervisor – written report on file.

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

073-2020

7. Business –

a. Ruth Freier Director of Gorham Free Library.

Mrs. Freier joined via video conference. She spoke about the unique and adventurous year the Library has been having due to Covid-19. The Library is open and operating under their normal hours as of June.

Mrs. Freier thanked the Town for their continued financial support of the Library.

b. Bob Clark, President of the Gorham Hillcrest Cemetery Association.

Mr. Clark introduced Dan Bradley, Sexton of the Cemetery Association, and remarked on what a fantastic job Dan does.

Mr. Clark said the State recently conducted an audit for the Cemetery. The Auditor suggested the Cemetery ask the Town to put a small blurb on their website for the Cemetery. Mr. Clark said they appreciate everything the Town does for them now. An example Mr. Clark talked about was the Town allowed them to put a few paragraphs about the Cemetery in the Town's Newsletter. He said they have had results with that with people interested in buying lots or asking for information about the Cemetery. There were some donations generated by the Town Newsletter. One in particular was a very sizable donation. Mr. Clark spoke about the

driveway needing attention and thanked the Town for mowing the roadsides with a little extra attention near the entrances. Mr. Clark asked if the Highway could look at the driveway with the large incline and maybe give them some direction on what could help in that area.

Dan Bradley said the Cemetery is two hundred four years old. There is truly a sense of pride for those that are involved with the Cemetery and a sense of passion for the community. The Cemetery is listed in the division of not for profit cemeteries. The Cemetery wants everything on the table concerning any help they receive from the Town.

Supervisor Lightfoote suggested to Mr. Clark and Mr. Bradley to meet with the Highway Superintendent and himself to look at the driveway and come up with some helpful suggestions for repairing it.

Mr. Clark said the Cemetery Association has their yearly meeting on November 10th, 2020. He will gladly give the Town a copy of their budget.

c. Dave Le Clair, Mayor of the Village of Rushville.

Mayor Le Clair was at the meeting to ask the Town Board to consider allowing the other half of the Village residents to be able to use the Town of Gorham Transfer Station. One half of the Village is in Ontario County and the other half is in Yates County.

Mayor Le Clair said it's a hardship on residents because it's hard to find haulers that are dependable and reasonably priced. He is asking the Board to consider establishing an out of district user fee.

Mayor Le Clair said "Whatever the fee might be, I don't think anyone would complain about it. I've always found the Transfer Station and that service to be just perfect for us. We respect it and we don't abuse it. I don't think anybody else will. It's a very, very nice amenity. We could probably come up with a good plan. We would have an application in our office, just a verification that they lived in the Village limits. If you are willing to consider it. We would have to work out the logistics of it. I always thought the charges were very fair."

Councilmember Glitch said "The charges are fair because we supplement it. If you actually charge what it cost it would be significantly more. I don't know the number off the top of my head but I know that it is substantial."

Mayor Le Clair said "That is good to know, even if it's a bigger number, at least it's there."

Supervisor Lightfoote asked Mayor LeClair what the residents have available in the Town of Potter for trash disposal.

Mayor Le Clair said Potter has one or two clean-up days a year. They have no means of garbage disposal other than that and private haulers.

Supervisor Lightfoote suggested more discussion on the subject.

On another topic Mayor Le Clair mentioned the Village Comprehensive Plan is sixty years old. He reached out to Tom Harvey, Chair of the Town of Gorham Planning Board, with questions regarding the Town of Gorham Comprehensive Plan Update. Mr. Harvey responded with the suggestion of perhaps piggyback with the Town. Mayor Le Clair has Yates County side to consider as well. For now it's just a thought but he wanted to inquire and said it's something to think about in the near future.

The Board said they would be in touch with Mayor Le Clair regarding these specific issues and see what they can come up with.

d. Property Development on Route 364 –

Doug Eldred spoke to the Board. Mr. Eldred is interested in doing a Development Project on a property south of Angela Way in the Town of Gorham. Mr. Eldred presented some sketches to the Board and said he has had a pre-application meeting with the Town. Mr. Eldred said there is a lot to consider as far as the land purchase, water main, roadways...etc. before he makes a financial commitment. He is interested in the Town Boards thought on a project of this nature and what the layout may look like. Mr. Eldred said he obtained a lot of useful information from Chairman Thomas Harvey during the meeting he had with the Town Planning Board.

Mr. Eldred said he was looking at the incentive zoning clause to the code. Where there is the potential to get additional density for providing things that are consistent to the Town's Comprehensive Plan. Mr. Eldred is interested in the Town Board's opinion on whether incentive zoning would be practical and to see if the Town is at all interested in his plan.

The Board and Mr. Eldred, along with Chief Operator Coston of the Water District, held a discussion. It was suggested by Chief Operator Coston to extend the water main onto Turner Road.

Supervisor Lightfoote said the Board isn't tremendously knowledgeable about the Town's Incentive Zoning.

Mr. Eldred explained that generally speaking, Incentive Zoning is a provision of municipal zoning ordinance that allows developers to create higher density in return for providing features considered to be in the public interest. Such as, the preservation of open space or the preservation of farmland. Incentive Zoning is enabled by Section 261-B of the Town Law of the State of New York. The Town of Gorham enacted Section 31.8.13 Incentive Zoning in its zoning local law.

Mr. Eldred has been an engineer for forty three years but said this is his first time at being a developer. He is here to get a feel for what the Town is interested in. If they are interesting in Incentive Zoning, then he would take the next step on this project.

Supervisor Lightfoote said the first time he met with Mr. Eldred the Planning Board Chair asked if the plan met with the Town's Design Guidelines.

Mr. Eldred said "Yes, I originally had many more lots on the plan but Chairman Harvey gave me a better idea of the number of lots that would be allowed on the property by code. I wanted to see if there was a way to do this, that's why I'm here."

Supervisor Lightfoote said He told Mr. Eldred, at their initial meeting, if he were to buy this property it would be incumbent upon the Board that they consider what he brought to them and how it would fit within the Town. He asked for the Board's opinion.

Councilmember Malcolm said he questions whether there is an interest for this. He said he doesn't have much interest in a project like this.

Councilmember Glitch asked what Mr. Eldred's vision for this project.

Mr. Eldred said "Once you get up above the lower lots, all the eastern lots will have views of the Lake. Single family homes and duplexes are what is intended."

Councilmember Chard asked about the roadway.

Mr. Eldred said it would go from Route 364 up to Turner Road. That would be the benefit for the Town, to extend the water main in that area.

Supervisor Lightfoote said the Board will be in discussion and will keep Mr. Eldred informed.

- e. Canandaigua Lake Watershed Commission Contract – Watershed Inspection Program.

On the motion by Councilmember Chard, seconded by Councilmember Glitch, authorizing Supervisor Lightfoote to sign the Watershed Inspection Program Contract for 2021. Motion carried unanimously. (5-0)

074-2020

f. Schematic Design of the Library –The schematic design is finished and was fully funded by a grant. Although the project has been put on hold until further notice the Board agreed to approve the schematic design presented by MRB Group.

On the motion by Councilmember Chard, seconded by Councilmember Case, to approve the schematic design for the Library. Motion carried unanimously. (5-0)

075-2020

g. Contract for the Broom Rental for Highway Department –

Highway Superintendent Eddinger said they sold the tractor mounted broom, it was not working. They rented a new broom.

Superintendent Eddinger said “We ended up renting a phenomenal broom, we use it now more than we ever have because the guys like running it. It works ten times better. We got ourselves in a situation where the rent will go eighty five percent towards the purchase of the broom. We should purchase it. It’s a piece of equipment that we use a lot. We sweep roads with it. When we sand and salt we try to take all the leftover sand from intersections, every time we go to pave and when someone drags mud out into the road. Any debris we have in the roads we use it and it’s getting to the point where we use it now more than we ever have. We use it at least once a week for four or five hours.”

Supervisor Lightfoote added that Superintendent Eddinger plans to use it for sweeping leaves off the road this Fall.

On the motion by Councilmember Malcolm, seconded by Councilmember Chard, to purchase the broom sweeper from American Equipment, LLC. For \$14,870.00. (\$47,000.00 total paid). Motion carried unanimously. (5-0)

076-2020

h. New Highway Truck Purchase –

Supervisor Lightfoote said the Highway Department has a heavy plow truck ordered. He have the Town has the ability to cancel but given that we made the commitment to buy it he didn’t feel that it was right for us to up and cancel it. The purchase price of the truck, outfitted as we need it, is two hundred forty thousand dollars. Supervisor Lightfoote is suggesting the Town finance the truck through Lyons National Bank at fifty thousand dollars a year at two point four percent interest rate. That’s for five years with the interest rate included in the fifty thousand dollar payment. Supervisor Lightfoote suggests we utilize that plan to purchase the truck.

Councilmember Glitch asked if there would be a penalty to pay it off early.

Supervisor Lightfoote said "As I understand it, not from the bank. I had a discussion with the Finance Manager at the County regarding it. Her thoughts are because of the type of the loan that it is, that we can't do that, that's her opinion. Probably it would be to our benefit to continue on with that five years. One of the other financial institutions that I got a quote from it was a lease that we were looking at. We would still own the truck at the end of the lease, there was no pre-payment penalty after two years. However, when I talked with the County's Finance Manager and read her the details, she said that's illegal they can't do that, because we would have to then pay sales tax on the remainder. So what I'm looking for is permission to utilize that payment plan, (through Lyons National Bank), to purchase the truck."

On the motion by Councilmember Malcolm, seconded by Councilmember Chard, to approve financing for the heavy Highway truck through Lyons National Bank, payments will be approximately fifty thousand dollars per year, for five years. Motion carried unanimously. (5-0)

077-2020

8. Executive Session – On the motion by Councilmember Chard, seconded by Councilmember Glitch, the Board entered into executive session at 9:00pm to discuss pending litigation.

On the motion by Supervisor Lightfoote, seconded by Councilmember Chard, the Board returned to regular session at 9:14pm. No action was taken in executive session. Both motions carried unanimously. (5-0)

078-2020

9. Privilege of the Floor -

Lynn Klotz, Lake Drive resident, asked if there will be leaf pickup this year.

Highway Superintendent Eddinger said yes, they typically start around Halloween. He will make sure it is on the Town's website once he determines a start date.

Highway Superintendent Eddinger asked the Board to reconsider their decision regarding the purchase of a new loader and garbage truck. He is asking for them to be included in the 2021 Budget.

Superintendent Eddinger said "I understand it's a substantial amount of money but we are paying in fix it bills a lot of money for the loader and the Transfer Station truck. I've gone to where I keep track of every single truck that we've had, every single piece of equipment has a number and everything keeps track of each truck. In four years we spent over fifty thousand dollars on our Transfer Station truck. Yes, I understand the new one is two hundred thousand. I don't see it lasting another four or five years to do what we want. The truck's already eighteen years old, we've tried to do everything we can to keep it going, we've had to do motor work twice, between rear ends everything we have on it we're just nonstop working on it. It's tough when our truck goes down, it's not like when our plow truck goes down we can grab another one and keep going. I have to go to Canandaigua and say hey can I borrow yours or Manchester. It seems like that roll off is one of those trucks that you just can't let it go down. It's getting to the point where we're really putting a lot of money into it. Possibly, do we look at a five year buy out like the plow truck? Along with the loader we're up around twelve thousand hours. Our main loader, the one we use every single day, is getting to the point where now

we're starting to put money into it more and more and more. So I've come here asking you to consider do we just keep paying for expenses and having it go down, be out time or do we look at options. Fred and I have looked at numbers, hours upon hours of trying to cut and do what we can do. Trying to do what's best for the Town, trying to do what's best for everything it seems like we're spending a lot of money on equipment. The loader I'm looking at to replace, that's run seven days out of the week in the winter, five days out of the week during the summertime."

Councilmember Glitch said "I thought you were talking about replacing the smaller one."

Highway Superintendent Eddinger said "We were until we sat down and looked at it and said ok can we make smaller one last a little bit longer until we get through this mess that we're in right now because that one has five thousand hours on it. We use that one on the road where the other one's on the lot all the time. I understand we're in a so called crisis and I've tried to do everything and anything I can do to cut that budget."

Councilmember Malcolm asked if we have money to pay for it or to finance it"

Highway Superintendent Eddinger said "The Transfer Station truck actually comes out of the A Fund so that doesn't affect my budget but it does affect the whole budget. The loader, I'd like to get thirty to forty thousand out of it and that would pay for the first year. Get us on to where we're maybe more financially stable and go from there."

Councilmember Glitch asked if we could make it go another year and a half or two years.

Highway Superintendent Eddinger said he didn't know. It has radiator and fan issues. He said it's about at the same hours it was when the motor went the last time.

Councilmember Malcolm again asked if we could afford to do it.

Supervisor Lightfoote said "What it amounts to is the tax rate that we looked at, and had the public hearing for tonight, we are utilizing quite a bit of Fund Balance. Machinery Contractual is One Hundred Twenty Five Thousand Dollars. The Transfer Station truck would be Two Hundred Thousand Dollars. We're using Two Hundred Forty One Thousand out of the Appropriated Fund Balance for Highway. I don't know what that leaves the Fund Balance as."

Councilmember Malcolm said "So do we have the money to do it? You could just as easily throw it into the 2022 budget, we don't have the money for it. I think we have to wait."

The Board held a lengthy discussion and Councilmembers agreed to wait until 2022 Budget for purchase of the roll off and pay loader.

The Board discussed the need to talk more about increasing the fees for the Transfer Station Permits for 2021.

10. Privilege of the Floor - Councilmember Glitch had some points he wants to consider for the 2021 Budget. He said he wants to revisit charging the the churches in town for their water usage. He wants to check the Laundromat water pricing. He had a question about water and Gatorade being purchased for the Highway Department. He wants to check the amount we are paying for bookkeeping. He said he thinks the Transfer Station should be raised to one hundred twenty five dollars per year. He suggested giving employees a one percent token raise in place of no raise for 2021.

11. Executive Session – On the motion by Supervisor Lightfoote, seconded by Councilmember the Board entered into executive session at 10:12 pm to discuss a matter which may disclose the identity of a law enforcement agent or informer.

On the motion by Councilmember Chard, seconded by Councilmember Case, the Board returned to regular session at 10:36pm. No action was taken in executive session. Both motions carried unanimously. (5-0)

079-2020

12. Set Next Meeting Date –

Veteran’s Day falls on Wednesday November 11, 2020 therefore on the motion by Councilmember Glitch, seconded by Councilmember Malcolm, to hold the regular meeting and public hearing of the Gorham Town Board on Wednesday November 4, 2020 instead of on November 11, 2020. Motion carried unanimously. (5-0)

080-2020

13. Adjournment – with no further business on the motion by Councilmember Chard, seconded by Councilmember Glitch, the meeting was adjourned at 10:40pm. Motion carried unanimously. (5-0)

081-2020

Respectfully Submitted,

Darby L. Perrotte
Town Clerk

