

MINUTES
REGULAR MEETING and PUBLIC HEARING
THE GORHAM TOWN BOARD
March 9, 2022 7:00pm

The Gorham Town Board held a Regular Meeting and Public Hearing on Wednesday March 9th, 2022 at 7:00pm at the Town Hall in Gorham, NY.

Present were Supervisor Fred Lightfoote. Councilmembers; Brian S. Case, Jake Chard, Phil Curtis and Brian Lazarus.

Town Officials and employees in attendance; Chief Operator Water & Wastewater Districts Greg Coston, Highway Superintendent Zach Eddinger, Code Enforcement Officer Jim Morse, Tax Collector Adrienne Smith and Town Clerk Darby Perrotte.

Assessor Enza Mineo joined via video/phone conference.

Other guests in attendance and via Zoom; Town of Gorham Conservation Board Members Lynn Klotz, Meg Brewin and Ben Smith, Town Planning Board Member Mike Kestler, Sally Napolitano, Susan Carpenter, Jon Willis, Elke Schmitt, Ann Marie St. George, Greg Hotaling, Dalton Ormsbee, Brent Ayers and Abby Allen.

1. Call to Order/Pledge to the Flag – Supervisor Lightfoote opened the meeting and led the Pledge to the Flag.

2. Privilege of the Floor –

Susan Carpenter, Lake Drive resident, asked if the Town of Gorham is receiving money from the American Rescue Plan and if so what the plans are for that money.

Supervisor Lightfoote said there are several things the Town can do with the money. There are restrictions on it. The Town has received half of the money. He said there is a lot of work that needs to be done, for instance, the Water District has several million dollars of work that needs to be done. Probably a large part of it will go towards that. The Board will have to decide how to break it up.

Mrs. Carpenter asked if the Town had other projects in mind. One item in particular she asked about is infrastructure for high speed internet.

Supervisor Lightfoote said "There are a lot of different things on the list of things we can do with it. The latest guidance on it only came out 10 days ago. We're trying to look at it through the County, trying to figure out how we can address those issues not just here in Gorham but elsewhere in the County."

Sally Napolitano, Lake Drive resident, asked how much the Town received from the Plan.

Supervisor Lightfoote said just over \$400,000.00 total and the Town has received half of it.

Susan Carpenter said "Last year I asked about the Town trying to do something about the overages at the Transfer Station and having the Transfer Station go into a pay as you go so that people are actually paying the cost of disposing of stuff, which would encourage people to recycle and compost. Has the Town come up with a proposal to do that?"

Supervisor Lightfoote said "We had some discussion on it and I recommended to the Board, while we haven't done anything in regards to it yet, that's the direction we go because we cannot seem to keep things under control up there from the perspective of people outside of Town bringing their stuff in. That is the direction we're heading."

Ben Smith, Kearney Road resident and Conservation Board Member, said "I was at the Transfer Station on Saturday, there were 3 trucks backed up to the metal recycling bin just picking through the Town's metal. We are talking about raising taxes, overriding the tax cap but here we are losing money out of the Transfer Station. It is definitely revenue for the Town."

Councilmember Curtis said "It can be watched, people have to pay more attention to what is going on. Do a better job of policing it."

Ben Smith said "I have another question. We scheduled an audit with Kendall, where do we stand with that?"

Supervisor Lightfoote said "I haven't heard back from him and I haven't had time to call him. Brenda and I have done some things on our own in the office. It's not what we're going to need help with, but we've done what we can."

Mr. Smith said "The more and more I've been involved with the Town people are asking me questions and it seems there is an issue with \$0.00 water bills out there. Again, with the tax cap override, how much money are we losing not billing people for water? The more and more I hear about these issues the more and more I question why are we going to raise the tax cap if we have all these issues that we're losing money."

Sally Napolitano said "I'm curious you said you are starting to work through it, what does that mean?"

Supervisor Lightfoote said "There are several things we've done. There were some accounts that the readings coming to the town wasn't reading. The guys have been replacing readers on the meters."

Chief Operator Coston said "I don't think that's what caused \$0.00 billing. There were a bunch that went out at \$0.00. From talking with a customer who actually works for Williamson Law, he called on one. There was something, I don't know what, and I don't know how many went out, he told her how to run a program to find out, I have no idea. I haven't heard how many went out at that. People were writing that they owed something and sent it back. At least the \$37.25."

Ben Smith asked if the Town knows how much money they lost.

Supervisor Lightfoote said "No, we don't."

Mrs. Napolitano said "Just to finish where we were, how will that get worked through?"

Supervisor Lightfoote said "As we have time, as I have time to work with Kendall, between he's busy, trying to match up with him."

Mrs. Napolitano said "I still struggle to understand, this isn't a DOH issue."

Supervisor Lightfoote said "I'm looking for advice from him."

Councilmember Case said "The font with the printing was small, we could have a printer issue. We are getting a new printer."

Supervisor Lightfoote said he has worked with Williamson Law there is more than one issue. He said the overall issue is more complex than one would think. They are watching things, keeping an eye on it.

The Zoom connection for tonight's meeting was only available for calling in.

One caller, identified by a phone number, said "Anyone that did not pay last quarter because they received a \$0.00 water should be re-billed."

Councilmember Chard said "Where do we stand with the people that received a \$0.00 water bill?"

Supervisor Lightfoote said "I'm not sure at this point whether they have been re-billed, I can't remember I'd have to ask Brenda, but they will be paying that money."

Mrs. Napolitano asked if they know how long this has been going on.

Chief Operator Coston said "It was the last read on the Lake side. What's nice is honest people started calling. They called the water plant and asked why did I get a \$0.00 bill? That's the only way I knew."

Mrs. Napolitano said "I think it's important that this gets shared, there are a lot of rumors going around. I heard that LeTourneau, who has a \$600.00 - \$700.00 bill quarterly, got a \$0.00 bill. Things get blown up as they get passed around.

It would behoove the Board to do a thorough reporting to the community."

3. Public Hearing for Local Law #1 of 2022 Tax Cap Override for the 2023 Budget –

Supervisor Lightfoote re-opened the public hearing from February 9, 2022.

Town Clerk Perrotte confirmed that the meeting and public hearing were properly advertised.

Susan Carpenter, said "I understand it is you're obligation you're the elected representatives of the Town and you've got to make decisions about what to spend to support the Town. Part of that is making decisions about how much to tax the Town residents and that's an important obligation. I might disagree with you about the decisions you make, about what to spend. You guys would all consider me a tax and spend Democrat, I probably think differently about a lot of things. What I do think is there is a legislative process we should all respect and that is the budget process. The budget process presumes, you will come up with a preliminary budget and that preliminary budget will take into account all the things you need to spend money on. The point of the 2 % tax cap was to ask you when you do that preliminary budget, to go back and compare that preliminary budget to last year and try to stay within 2 % in terms of an increase. Try to conserve the town's fiscal resources. If you still can't do that you will then override the cap and come up with a budget that you feel is responsible. I understand there are times responsible spending and responsible stewardship of the town requires you to spend more money than you spent last year. I think its part of the responsible stewardship of the town's finances to recognize that process and to acknowledge that process is meant to make you look back at last year and compare to this year and it's not budget season yet. You're going to do your preliminary budget in the fall. The process presumes that when you do your preliminary budget that's when you make the decision about whether you need a tax cap override."

Supervisor Lightfoote said "I understand what you mean. One of the things with this Board, long before I've been on it, it's been very responsible as far as spending goes. At some points probably too light on spending. Everything came more into focus when we started having to charge a town tax. My opinion, the whole reason for the tax cap was to shine the light away from our State tax load and throw it back towards localities. This was done at the same time that the State was basically trashing off programs to the Counties and to the Towns where we have increased spending in addition to our regular increases in our input costs. It was very disingenuous to a lot of us, a game that the Governor's office was playing to try and send some of the blame for spending practices elsewhere. At the time, one of the statements I made was how dare they try and tell us how to appropriately spend money when I don't think there are many places that are worse at acting responsibly, fiscally, than the State of New York.

Now, does that have anything to do with the Town of Gorham and how we go about the tax cap itself? No, and we can do that, whenever anyone wants to do it, I don't care. If the Town's people want us to wait, we'll wait. I almost guarantee the budget will look the same one way or the other. Whether the tax cap is in place or not, because we don't look at it as excess money what can we spend it on? We have never done that."

With no further comment from the public Supervisor Lightfoote closed the public hearing.

4. Approval of Minutes – 2/9/2022 Regular Meeting and Public Hearing Minutes

On the motion by Councilmember Chard, seconded by Councilmember Lazarus, regular meeting minutes were approved with correction to typos that included former Councilmember Glitch adjourning the February meeting and an error in page numbers. Motion carried unanimously.

5 - Ayes – Lightfoote, Case, Chard, Curtis, Lazarus.

023-2022

5. Reports of Town Officials -

A. Chief Operator Water/Wastewater Plants – written report on file. Chief Operator Coston informed the Board that there is a drive for one of the pumps at the booster station on Turner Road that is failing. Each motor has its own drive so this leaves the Water Department without a backup. Chief Operator Coston is obtaining quotes for a new drive, prices are approximately \$10,000.00, just for the drive, that does not include installation.

Chief Operator Coston said SUNY Morrisville is open, he is scheduling Water Department employees to attend to get their Wastewater License.

B. Highway Superintendent – written report on file.

Lynn Klotz asked Highway Superintendent Eddinger how much the Town pays per ton for dumping fees.

Town Clerk Perrotte said it is currently \$36.85 per ton.

Supervisor Lightfoote wanted to clarify on the Highway Report, it says '53 trips for plowing snow.' Supervisor Lightfoote said that is 53 trips per truck.

C. Zoning/Building Officer – written report on file.

Councilmember Curtis asked for an update on Easton Park.

Officer Morse said the electric is being installed this month. Plumbing and insulation is getting completed, the interior siding is going in and fixtures will be installed. Trying to have it open for the summer season.

Sally Napolitano had a question regarding an item on Officer Morse's Report. She asked what maps are being updated in regards to the Comprehensive Plan Update.

Officer Morse said basically some properties have dual zoning, with 2 zonings on the same parcel which makes it a huge challenge when someone asks him what code to go by. They are basically going through and updating Town Codes and maps for accuracy.

D. Assessor –written report on file.

E. Town Clerk – written report on file.

F. Town Supervisor – no financial report on file while the bookkeeping company closes out 2021.

Supervisor Lightfoote said the Town is in the midst of switching software. Not for the Water and Wastewater billing but for the Bookkeeping.

Ben Smith asked what the reason is for changing software.

Supervisor Lightfoote said the software the bookkeeper has been using works pretty well for large towns but not for smaller towns. The Town of Gorham is switching to AccuFund.

Supervisor Lightfoote said it looks like it will be easier to prepare and analyze reports.

On the motion by Councilmember Curtis, seconded by Councilmember Lazarus, the Reports of Town Officials were approved as submitted. Motion carried unanimously.

5 - Ayes Lightfoote, Case, Chard, Curtis, Lazarus.

024-2022

6. Audit of Bills – Abstract # 3

Councilmember Chard had questions regarding the new format of the abstract by AccuFund.

Supervisor Lightfoote said he will check to see if AccuFund can give him alternatives to the abstract so the Board can see the funds and vouchers individually per department.

Abstract of pre-paid vouchers prepared by Billing Clerk Jones.

Abstract of unaudited vouchers prepared by Town Clerk Perrotte.

Approval of Vouchers

On the motion by Councilmember Chard, seconded by Councilmember Case, Abstract #3 totaling \$149,468.38 was approved unanimously.

5 - Ayes - Lightfoote, Case, Chard, Curtis, Lazarus

025-2022

7. Business:

a. Resolution to adopt Local Law #1-2022 Tax Cap Override

Supervisor Lightfoote asked Councilmembers to move to adopt the resolution to Override the Tax Cap for the 2023 Budget.

Councilmembers did not move the resolution, it dies on the floor.

**TOWN OF GORHAM
RESOLUTION #9-2022
TAX CAP OVERRIDE FOR 2023 BUDGET**

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 January 12, 2022 at 7:00 p.m. at Gorham Town

Hall, 4736 South Street, Gorham, New York, to hear all interested parties on a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on January 26, 2022 and February 23rd, 2022 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on February 9th and March 9th, 2022 at 7:00 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 2022, entitled, "A local law to override the tax levy limit established in General Municipal Law §3-c", 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 minutes of this meeting and in the Local Law Book of the Town of Gorham, and to give due notice of the adoption of said local law to the Secretary of State of New York.

Supervisor Lightfoote asked Councilmembers for a motion to move to adopt the Resolution to Override the Tax Cap for Special Districts.

No motion was made to move the resolution, it dies on the floor.

**TOWN OF GORHAM
RESOLUTION # 10-2022
TAX CAP OVERRIDE FOR SPECIAL DISTRICTS**

WHEREAS, the Town Board of the Town of Gorham is the governing body of the special districts and/or fire protection districts set forth in the Schedule attached hereto and made a part hereof; and

WHEREAS, it is the intent of this resolution to override the limit on the amount of real property taxes that may be levied by the Town of Gorham, on behalf of the aforesaid special districts and/or fire protection districts, pursuant to General Municipal Law §3-c, and to allow the Town of Gorham, on behalf of the aforesaid special districts and/or fire protection districts, to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c; and

WHEREAS, this resolution is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the tax levy limit for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gorham, County of Ontario, is hereby authorized to adopt a budget for the fiscal year 2023 on behalf of the special districts and/or fire protection districts set forth in the Schedule attached hereto and made a part hereof that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

b. Resolution to approve online water/sewer payments.

Councilmember Lazarus offered the following resolution and called for adoption. Seconded by Councilmember Chard. The resolution was adopted unanimously.

5 - Ayes Lightfoote, Case, Chard, Curtis, Lazarus.

026-2022

**TOWN OF GORHAM
RESOLUTION # 13-2022
Resolution to purchase software Training and Support from
Williamson Law Book Company to provide Internet Pay Option
For Town of Gorham Residents**

WHEREAS, The Gorham Town Board wishes to provide the ability for an internet pay option to the residents of Gorham, and;

WHEREAS, The Town of Gorham currently uses Williamson Law Book Company Software for Gorham Water District and Gorham Wastewater District billing, and;

WHEREAS, Williamson Law Book Water Quick Pay software is designed to interface with Williamson Law Book Company Water Billing Software, then;

THEREFORE, The Gorham Town Board resolves to purchase Water Quick Pay Lookup for a not to exceed price of \$570.00, as well as an annual support fee of \$490.00 which includes installation and training.

I, Darby L. Perrotte, 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 March 9, 2022 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____

Brian S. Case	X_____	_____
Jake Chard	X_____	_____
Phil Curtis	X_____	_____
Brian Lazarus	X_____	_____

c. Local Law # 2-2022 – Repealing existing Chapter 36 of the Code of the Town of Gorham and Adopting a new Chapter 36.

Councilmember Chard offered the following resolution and called for adoption. Seconded by Councilmember Case the resolution was adopted unanimously.

5 - Ayes Lightfoote, Case, Chard, Curtis, Lazarus.

027-2022

**TOWN OF GORHAM
RESOLUTION #11-2022
RESOLUTION AUTHORIZING SCHEDULING OF A PUBLIC HEARING
FOR A PROPOSED LOCAL LAW**

WHEREAS, the Town Board of the Town of Gorham, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled "A Local Law Repealing the Existing Chapter 36 of the Code of the Town of Gorham and Adopting a New Chapter 36 Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code", attached hereto as Exhibit 1; and

WHEREAS, the Town Board of the Town of Gorham has reviewed the draft of the aforementioned proposed Local Law and deems it in the best interests of the Town of Gorham to proceed in accordance with the Code of the Town of Gorham and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on April 13, 2022, at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Gorham sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Gorham for its consideration; and be it further

RESOLVED, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

I, Darby L. Perrotte, 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 March 9, 2022 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____
Brian S. Case	X_____	_____
Jake Chard	X_____	_____
Phil Curtis	X_____	_____
Brian Lazarus	X_____	_____

d. Residency Requirements for Various Boards in the Town of Gorham –

Councilmembers held a lengthy discussion on whether there should be residency requirements to serve on a Board in the Town. The Town Board will discuss it further and clarify the details of residency requirements if they want to make it a requirement.

e. Cannabis Opt Out - Regarding Local Law #2-2021 To Opt Out of Allowing Retail Dispensaries and Onsite Consumption Sites as Authorized under Cannabis Law Article 4. Subject to Permissive Referendum.

A petition was filed February 5, 2022, in the office of the Town Clerk protesting against Local Law #2-2021.

The Town Clerk certified, on March 3rd 2022, that the petition complies with all the requirements of law.

Supervisor Lightfoote said the Town has the option to hold a Special Election or see to it that the question of whether to opt out of onsite cannabis retail sales and onsite consumption goes on the ballot at the next General Election.

Supervisor Lightfoote said because the intent of the petition is to have a Special Election the only responsible thing for the Town to do is hold a Special Election. The Town of Gorham is responsible for the entire cost of the Special Election.

Councilmember Lazarus said he is not interested in a Special Election. He said there is no urgency, if the County can have it on the ballot in the fall that would be sufficient.

Councilmember Chard suggesting the Town reach out to the Board of Elections to get a projected cost of holding a Special Election.

Supervisor Lightfoote said he will find out all the information and will post it on our website.

f. Resolution to Contract with MRB Group for Engineering Services to Construct a New Highway Garage.

Greg Hotaling, from MRB Group, said MRB and the Town of Gorham have gone through a lengthy process and concept phase for constructing a new Highway Facility. The existing barn

is undersized and relatively outdated and unsafe for employees to be in there when all the trucks are in there.

The design is a new modern highway garage concept plan that should be viable for 50 years.

When the planning for the new garage initially started it was just for a garage but it has expanded to include a maintenance bay, a wash bay, storage, etcetera. The plan is to put all the uses of the highway facility under one roof.

The Board held discussion on safety issues, cost of the construction, cost and length of bonding and the need to move forward before prices increase again.

Lynn Klotz asked why the Highway Barn Construction was not budgeted for if it has been in the works for so long.

Supervisor Lightfoote said the Town was at this point in 2019 but with Covid it was put on hold.

The potential for spending this amount of money will be put before the community for public input and consideration.

This resolution is to contract with MRB for engineering services.

Sally Napolitano commented that the engineering fees seem high for a building that is a cookie cutter design she said they are not recreating the wheel. Mrs. Napolitano said knows the town deals almost exclusively with MRB Group. She asked if the Town sends this type of work out to bid.

Supervisor Lightfoote said "Not on this one. We do not have a contract with MRB, the Town contracts with them for certain jobs. MRB Group has done an enormous amount of work that they have not charged for in putting this together. This is how we, kind of, compensate them."

Greg Hotaling, from MRB Group, said "When it comes to professional services it is not something that is required by law to do an RFP for these types of services, you need to know and trust your consultant I believe that is what we bring to the table."

Supervisor Lightfoote offered the following resolution and called for adoption. Seconded by Councilmember Chard the resolution was adopted unanimously.

5 - Ayes - Lightfoote, Case, Chard, Curtis, Lazarus

028-2022

**TOWN OF GORHAM
RESOLUTION # 12-2022
CONTRACT WITH MRB GROUP FOR ENGINEERING SERVICES
TO CONSTRUCT NEW HIGHWAY GARAGE**

WHEREAS The Town of Gorham has understood that there has been a need for additional building space for Highway Department use for many years, and;
Whereas: The Gorham Town Board has been planning for a new highway facility for almost three years, and;

WHEREAS, After very substantial discussion and revision of plans, the Town Board, working with the Highway Superintendent and MRB Group engineers, have agreed upon a concept plan that should be viable for at least fifty years, then;

THEREFORE, The Town Board recommends bonding approximately five-million dollars of the projected five-million two-hundred thousand cost of the building, and;

THEREFORE, The Town Board agrees to contract with MRB Group to provide the following services:

- A. Extended Schematic Design
- B. Design Development and Construction Document Phases
- C. Construction Documentation Phase
- D. Bidding Phase

Total fee for these four phases will be \$335,500.00 Dollars.

I, Darby L. Perrotte, 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 March 9, 2022 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____
Brian S. Case	X_____	_____
Jake Chard	X_____	_____
Phil Curtis	X_____	_____
Brian Lazarus	X_____	_____

8. Privilege of the Floor –

Sally Napolitano asked about the Bond for upgrading the Wastewater Treatment Plant.

Supervisor Lightfoote said the Town has received a grant for a portion of the project and the Town would require a bond to bridge the gap for the upgrade project.

Supervisor Lightfoote said with the Water Treatment Plant Upgrade the Town is able to submit for grant opportunities every year.

9. Executive Session – On the motion by Supervisor Lightfoote, seconded by Councilmember Chard, the Board entered into executive session at 8:43 pm to discuss employment history of a particular person.

On the motion by Supervisor Lightfoote, seconded by Councilmember Chard, the Board returned to regular session at 10:30 pm. No action was taken in executive session. Both motions carried unanimously.

5 - Ayes – Lightfoote, Case, Chard, Curtis, Lazarus.

10. Set the Next Meeting Date – The next meeting and public hearing will be held on April 13, 2022 at 7:00pm at the Gorham Town Hall.

11. Adjournment – with no further business, on the motion by Councilmember Case, seconded by Councilmember Chard, the meeting was adjourned at 11:05 pm. The motion carried unanimously.

5 - Ayes – Lightfoote, Case, Chard, Curtis, Lazarus.

030-2022

Respectfully Submitted,

Darby L. Perrotte
Town Clerk