

**MINUTES
REGULAR MEETING and PUBLIC HEARING
GORHAM TOWN BOARD
FEBRUARY 08, 2017**

The Gorham Town Board held a regular meeting and public hearing on Wednesday February 8, 2017 at 7:00 PM at the Gorham Town Hall. Present were Supervisor Lightfoote, Councilmembers; Case, Malcolm and Chard. Chief Operator Water/Wastewater Plants Coston, Highway Superintendent Ayers, Code Enforcement Officer Freida, Assessor Mineo, and Town Clerk Perrotte. Councilmember Glitch was necessarily absent. Other guests in attendance; Robert Brenner, Tom Amato, Jessica Smith, Kevin Smith, Brenda Jones, Marilyn Boothe and Susan Yarger.

1. Call to Order/Pledge to the Flag:
2. Privilege of the Floor – none requested
3. Public Hearing: Local Law #2- 2017 Zoning Changes – The legal notice as it appeared in the official newspaper of the Town was read. Supervisor Lightfoote opened the public hearing. With no comment from the public the hearing was closed.
4. Approval of Minutes – 1/11/17 Regular and Organizational Meeting Minutes.
On the motion by Councilmember Malcolm, seconded by Councilmember Chard, the minutes of 1/11/17 be approved including the addition of the Town Historian’s Annual Report. Motion carried unanimously. (4-0)
On the motion by Councilmember Malcolm, seconded by Councilmember Chard to approve the 1/25/17 Workshop Meeting Minutes with the correction of those in attendance. Councilmember Glitch was necessarily absent and Zoning Officer Freida was present. Motion carried unanimously. (4-0)

014-2017

5. Audit of Bills:

Abstract #2

A	9-38, 393-399	\$51,740.97
B	11-36	870.06
SL	20, 28	712.17
DB	6-30, 225	81,867.44
SS	6-13	43,354.18
SW1	7-25	45,585.56
TA	2-5	410,515.00

On the motion by Councilmember Malcolm, seconded by Councilmember Case, the bills were approved for payment. Motion carried unanimously. (4-0)

015-2017

6. Reports of Town Officials

a. Water/Wastewater Plants - written report on file. Chief Operator Coston said this past Monday night they had two water main breaks at the same time. Mr. Coston called City Hill Construction Inc. to fix one while the Water Department fixed the other. Mr. Coston thought he would have the bill by tonight's meeting but he does not. Once the bill comes in he would like approval to pay it immediately instead of waiting until the March meeting for approval. Supervisor Lightfoote said it was an emergency situation that does not need prior approval. We will pay the bill when it comes in and the Board will see it along with the other bills at next month's meeting. The Board agreed.

b. Highway Superintendent – written report on file.

c. Zoning – written report on file. Zoning Officer Freida said "I have a resident interested in serving on one of the Boards. Mr. Tom Amato has been a resident for close to twenty years. Right now we need a Zoning Board of Appeals member." Mr. Amato would be filling in for Steve Markell who recently resigned from that Board.

Mr. Amato said "I have been on a couple youth boards for sports. I have always been interested in the inner workings of the Boards so I thought it would be interesting. I live on County Road 11 between Pelican Point and LeTourneau. I plan on staying here, so the future of our Town is important to me."

Supervisor Lightfoote asked the Board if they had any questions for Mr. Amato. Councilmember Malcolm said he didn't have any questions, he thanked Mr. Amato for volunteering and said it is an important position.

On the motion by Councilmember Chard, seconded by Councilmember Malcolm, to appoint Mr. Tom Amato to the Zoning Board of Appeals to finish Steve Markell's term. Mr. Amato's term will run 2/2017 through 12/2019. Motion carried unanimously. (4-0)

016-2017

d. Assessor – written report on file.

e. Town Clerk – written report on file.

f. Supervisor – written report on file.

On the motion by Councilmember Case, seconded by Councilmember Malcolm, the reports of Town Officials were approved. Motion carried unanimously. (4-0)

017-2017

7. Business:

a. Local Law #2-2017 Overriding the Tax Levy Limit for the 2018 Budget.

**ADOPTION OF LOCAL LAW NO. 2-2017 TO OVERRIDE THE TAX LEVY
LIMIT FOR 2018**

Councilmember Malcolm offered the following resolution and called for its adoption. The motion was seconded by Councilmember Case and the resolution was adopted by unanimous vote. (4-0)

018-2017

RESOLUTION

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 2018 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 2018 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.

I, Darby 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 February 8, 2017 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____
William Glitch	absent_	_____

Brian Case
Richard Malcolm
Jake Chard

X	_____	_____
X	_____	_____
X	_____	_____

Councilmember Malcolm offered the following resolution and moved for its adoption. The motion was seconded by Councilmember Case and the resolution was adopted by unanimous vote. (4-0)

019-2017

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF GORHAM OF LOCAL LAW NO. 2 OF 2017

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 February 8, 2017, 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 February 1, 2017 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 8, 2017, 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. 2 of 2017, 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.

I, Darby 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 February 8, 2017, by the following vote:

Aye Nay

Frederick Lightfoote	X_____	_____
William Glitch	absent_	_____
Brian Case	X_____	_____
Richard Malcolm	X_____	_____
Jake Chard	X_____	_____

b. Proposed Re-Zoning of Pelican Point – Mr. Robert Brenner from Nixon Peabody said “this related back to the request that was withdrawn late summer, early fall by Terry Principe and Bill Pelicano. The only change they’ve made is to include the parcel in the rear along Route 364 and the purpose for that was after they went through the public hearing and talked to the neighbors everyone was saying they were worried they were going to put trailers on the two former Lewis lots along East Lake Road. Bill and Terry said it makes sense to use what they’ve got in the back for boat storage and trailers. It is now zoned General Business but they can’t get through from County Road 11 because of the ravine and the terrain, so the intent is to add this 364 parcel to give them access to the rear of their lot. They would tuck boats and trailers further into the parcel away from 364, they’re not going to be staging them right up along the road but that is the only reason for the change in the request.”

On the motion by Councilmember Malcolm, seconded by Councilmember Case, to refer the proposed re-zoning of properties located off County Rd 11 and Route 364 (Pelican Point Marina) to the Town of Gorham Planning Board for formal recommendation. Motion carried unanimously. (4-0)

020-2017

c. Part-Time Office Floater – Supervisor Lightfoote said at last month’s meeting the Board approved and appointed Brenda Jones as Deputy Tax Collector. It appears there is need for more help in this building in several of the different offices. Brenda would work very well with the many extra things that come up in the various offices. Town Bookkeeper Marilyn Boothe split up approximately twenty hours between different departments to show where it would affect each fund for budget purposes.

Mrs. Boothe said “ for me, end of year, beginning of the year, I have so much I do for end of year, now I’ve got the AUD that’s due the end of the month and I haven’t even started it. To have a backup for payroll too.”

Supervisor Lightfoote said we all could use a little help here and there. He would like to try this to see if it works out. It is a part-time position so as far as civil service is concerned it’s a non-competitive position. Councilmember Malcolm asked if part-time is defined as something below thirty hours or twenty-five.

Supervisor Lightfoote said it will be a couple days a week.

Mrs. Boothe said “it would be three six and a half hour days. Tuesday, Wednesday, Thursday, nineteen and a half hours.”

Supervisor Lightfoote said "since this position would be in all the different departments I will be her direct Supervisor."

Councilmember Malcolm asked about benefits. Mrs. Boothe said Mrs. Jones would get half of what a full time employee gets.

Assessor Mineo said "in the summer months it gets busy here I like to go out on Saturdays with Sue to do field work, collecting data and there is no one left here in the office."

Mrs. Jones said her schedule would allow her to be flexible. She is able to work an occasional Saturday or evening if needed.

Supervisor Lightfoote said "We'll find out as we go forward, maybe we'll get caught up and find out that we don't need the number of hours we're looking at. There are things that we just don't get to. I'm tired of just responding to things instead of getting ahead of the curve with some of these projects. Just so everyone's aware we're not really sure how this will turn out."

Councilmember Chard asked if this is on a one year trial basis.

Supervisor Lightfoote said Mrs. Jones will be on probation for six months that is Town policy. We evaluate as we get closer to the end of that six month period.

Supervisor Lightfoote said communication with the staff will be important to determine what Mrs. Jones will be doing when she comes in each week. It will generate more steady staff meetings and in house communication. Supervisor Lightfoote said he has final say on what department and the amount of hours Mrs. Jones works.

Councilmember Chard asked Town Clerk Perrotte her thoughts.

Miss Perrotte said she has a Deputy Town Clerk until the end of the year. She said "I may not need Brenda right now but I could in the future. Right now I have Rita in my office."

Supervisor Lightfoote said Mrs. Boothe is also a deputy for the Town Clerk's office. He said Mrs. Jones will have to keep a log with hours worked for each department so that her paycheck can be deducted from the appropriate fund.

On the motion by Councilmember Chard, seconded by Councilmember Malcolm, to hire Brenda Jones as a part-time office floater (County title would be Typist) with the number of hours worked per week left up to Supervisor Lightfoote, not to exceed the definition of a part-time employee. Motion carried unanimously. (4-0)

021-2017

d. Local Law # 1-2017 Zoning Changes

Ontario County Planning Board recommended approval of the text amendment to Chapter 31 regarding zoning changes and definition changes.

Councilmember Malcolm asked Zoning Officer Freida "How are you going to enforce the leases? Under section 31.9.21, Ground Floor Dwelling Unit in the Hamlet Commercial District. Are you going to get a copy of every lease?"

Zoning Officer Freida said “we have been getting into looking at leases and also if the Planning Board set some conditions upon site plan review they will want to see the lease. Any change of use for example, if the restaurant closes and an insurance company goes in they have to come in for a site plan so we can get a new lease off those. So basically it will be enforced through my office. We’ll have a special file for leases.”

Councilmember Malcolm recommended Mr. Freida’s office keeps an electronic file as well as a paper file.

With no further discussion on the amendments, Supervisor Lightfoote moved to adopt Local Law No. 1-2017.

ADOPTION OF LOCAL LAW NO. 1-2017 AMENDING CHAPTER 31 (TOWN OF GORHAM ZONING LOCAL LAW) OF THE TOWN OF GORHAM MUNICIPAL CODE.

Supervisor Lightfoote offered the following resolution regarding SEQR, with a negative determination of significance, and moved for its adoption. Councilmember Malcolm seconded the motion and the resolution was adopted by unanimous vote. (4-0)

022-2017

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GORHAM,
ONTARIO COUNTY, NEW YORK,
DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 1 OF 2017**

WHEREAS, the Town of Gorham Town Board, hereinafter referred to as Town Board, has determined Local Law No. 1 of 2017 to be a Type 1 Action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Long Form Environmental Assessment Form prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

I, Darby 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 February 8, 2017, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____
William Glitch	absent_	_____
Brian Case	X_____	_____
Richard Malcolm	X_____	_____
Jake Chard	X_____	_____

Supervisor Lightfoote offered the following resolution and moved for its adoption. Councilmember Chard seconded the motion and the resolution was adopted by unanimous vote. (4-0)

023-2017

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF GORHAM OF LOCAL LAW NO. 1 OF 2017 ENTITLED " A LOCAL LAW AMENDING CHAPTER 31 (TOWN OF GORHAM ZONING LOCAL LAW) OF THE TOWN OF GORHAM MUNICIPAL CODE "

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 11, 2017 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 entitled, "A Local Law Amending Chapter 31 (Town Of Gorham Zoning Local Law) of the Town of Gorham Municipal Code" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham on January 1, 2017 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on January 11 2017, 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, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR.

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 2017, entitled "A Local Law Amending Chapter 31 (Town Of Gorham Zoning Local Law) of the Town of Gorham Municipal Code", 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 Local Law Book of the Town of Gorham, to give due notice of the adoption of said local law to the Secretary of State of New York, to amend the Town's official zoning map in accordance with this Local Law, to publish an abstract of this local law in the Town's official newspaper and to post a copy of this local law conspicuously at or near the main entrance to the office of the Town Clerk.

I, Darby Perrotte, Town Clerk of the Town of Gorham do hereby certify that the Town Board of the Town of Gorham adopted the aforementioned resolution on February 8, 2017 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____
William Glitch	absent	_____
Brian Case	X_____	_____
Richard Malcolm	X_____	_____
Jake Chard	X_____	_____

Other - Zoning Officer Freida had one other item for the Board. He said the large screen Monitor System is installed and ready for use. Mr. Freida said ONCOR (Ontario County Online Resource) is installed on it and Assessor Mineo is

going to add Pictometry as well for aerial imagery of properties. Mr. Freida said it will help the Planning, Zoning, Agricultural and Conservation Boards as well as the Town Board.

8. Privilege of the Floor – Ms. Jessica Smith said she is here on behalf of Jon Bagley. She said with Mr. Bagley’s permission they would like to start transitioning the wrestling club from Rushville into the building that Mr. Bagley owns, the former Auction Gallery, on Main Street in Gorham.

Mr. Kevin Smith said for right now they are going to store the equipment and wanted to let the Town know what is taking place. They also would like to start the process to be able to utilize the building for a Wrestling Club/Community Center.

Supervisor Lightfoote said the owner of the property would have to submit a proposal and go before the Planning Board.

Supervisor Lightfoote said the Town has no problem with them moving things in and he appreciates them attending to bring it to the Board’s attention. He also stressed how important it is to work with Zoning/Code Enforcement Officer Freida throughout the process.

9. Executive Session – On the motion by Supervisor Lightfoote, seconded by Councilmember Chard, to enter into executive session at 8:37pm to discuss acquisition, lease or sale of real property when publicity would substantially affect the value.

On the motion by Supervisor Lightfoote at 8:55pm, seconded by Councilmember Case, to return to regular session.

No action was taken in executive session. Both motions carried unanimously. (4-0)
024-2017

10. Set Next Meeting Date – the next regular meeting of the Gorham Town Board will be on March 8, 2017 at 7pm at the Gorham Town Hall.

11. Adjournment: With no further business, on the motion by Councilmember Malcolm, seconded by Councilmember Case, the meeting was adjourned at 9:09pm.

Respectfully submitted,

Darby Perrotte
Town Clerk

