

**MINUTES  
VIRTUAL MEETING  
THE GORHAM TOWN BOARD  
May 13, 2020 7:00pm**

The Gorham Town Board held a Regular Meeting May 13, 2020 at 7:00 pm.

Present via Video/and or Phone Conference were; Town Supervisor Fred Lightfoote, Councilmembers; William Glitch, Brian S. Case, Richard Malcolm and Jake Chard. Water/Wastewater Chief Operator Greg Coston, Highway Superintendent Zack Eddinger, Building/Code Officer Jim Morse, Assessor Enza Mineo, Billing Clerk Brenda Jones and Town Clerk Darby Perrotte.

Other Guests in attendance by Phone or Video Conference; Lynn Klotz, Sally Napolitano, Susan Carpenter, Greg Talomie, Nick Mendola, Jack Lightbody and Richard Calabrese.

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 –

Sally Napolitano, 4661 Lake Drive, said "I had my meeting with Enza and you had told me at the last Board meeting that she would provide me with comp's and she refused to provide me with comp's. She would not go through the inventory with me, she did, kind of with one of the parcels. She told me that I needed to do my homework and I told her that I had done my homework. She asked me to share my comp's and I must say at that point the conversation had deteriorated and I did not provide the comp's. But, as you know Fred, I did after that, send you the comp's, I sent Enza the comp's, I asked for a reply by May 1<sup>st</sup> for her to provide me with the comp's she used and I have not heard a thing."

Mrs. Napolitano referred to speaking with Supervisor Lightfoote after the April Town Board Meeting in which he explained Assessor Mineo had a death in her family.

Mrs. Napolitano said "You and I spoke, Enza I'm very sorry, and I'm sensitive to that but, I had asked for this before that even happened, there was six days in which she could have provided me that information. I guess I feel like there was no consideration given and let's back up to the phone call itself. You told me, as Supervisor, that she would provide me with comp's and she refused to provide me with comp's."

Supervisor Lightfoote asked Assessor Mineo to go ahead and address Mrs. Napolitano's concerns.

Assessor Mineo said "At the time that I was contacted by Mrs. Napolitano, that's called an informal review. An informal review is an exchange of information. A demand of what comparables were used is not an exchange of information. Nor do I, by law, need to provide you that. The burden of proof lies on the homeowner. Mrs. Napolitano was getting to a point where, if I'm in a position where we can't reach an agreement or a conversation that is suitable for an informal then at that point, you don't like the informal process by all means that's what

the Board of Assessment Review is for, the impartial Board that does that review. I do not take this personally. Clearly everybody in Gorham is. Everyone's property is very personal to them, I understand that. My job is not personal. My job is one and it's a simple one. My job is to place the market value on a property. I do that based on the research that I do over the years I've been doing this. So, if you don't like that then you go to the Board of Assessment Review and you take your complaint to the Board of Assessment Review. That's there for the purpose of taking it away from it being personal. The informal review, becomes a little bit too personal, people get a little bit too emotion, myself included because it's impersonal but it's an informal it's a courtesy that I supply that's not necessary by law. The thing that's necessary by law is the formal process. I have put all the sales on the website. I have answered questions on top of questions to people all the time. Now it's interesting that I have spoken to many, many people and it's always the same few that I have a hard time with. I'm not saying that you're being difficult all I'm saying is the reason why there is the formal process it takes the personal out of it. It's not my decision at that point, it's the decision of the Board of Assessment Review. Which sometimes is a lot easier for homeowners to deal with than me making that decision for them. If you don't like my value, that's what we're arguing and that's most certainly what the Board is for. It takes my information, your information and they make the decision. It takes it completely out of my hands and a lot of times that's preferable. It takes away the personal aspect of it."

Mrs. Napolitano said "This is kind of like my ten minute thing, when we spoke, where you do all the talking and I don't get an opportunity to ask any questions."

Several people were speaking over each other, making it inaudible for the Town Clerk to decipher.

Mrs. Napolitano said to Supervisor Lightfoote "Enza wasn't in the last meeting, hopefully she's read the minutes. You, as Town Supervisor, indicated that you would provide comp's. I gave an example of when I owned a home in Victor and the assessor there provided comp's."

Supervisor Lightfoote said "Maybe I didn't tell you but after I talked with Enza she told me they are on the website."

Mrs. Napolitano said "That's a sales array, that's not comp's."

Mrs. Mineo said "The Real Property Tax Law does not require me to give you comp's."

Susan Carpenter, 5050 County Road 11, said "I think that one of the problems is that people expect to have some kind of an exchange of information at the meeting with the Assessor and in fact that does not happen, certainly in my experience. It's just a waste of time to bother to meet with Enza. You have to just go to the Board of Assessment Review. My experience with the Board of Assessment Review is they look at it and then look at Enza and say oh, that's what she says, and that's the end of it. And then you have to go to a SCAR decision. This is a problem. If you're going to have these there should be an exchange of information but there really isn't."

Several people were speaking at the same time making it hard to decipher the conversation.

Supervisor Lightfoote ended the discussion.

Supervisor Lightfoote said "This isn't the place for this to be hashed out. It's going to take too long."

Mrs. Napolitano asked "Where is the place?"

Supervisor Lightfoote said "We will address this, whether it be with another one of these calls, if any of you want to sign onto that, with Enza and myself here at the Town Hall Offices."

Lynn Klotz, Susan Carpenter, Jack Lightbody, Sally Napolitano and Greg Talomie would all like to be included for a meeting regarding their assessment.

Supervisor Lightfoote said he will set up an informational meeting and we will have this discussion soon. It will be advertised. It will be before Grievance Day.

3. Approval of Minutes – 4/8/2020 Regular Meeting Minutes

On the motion by Councilmember Glitch, seconded by Councilmember Case, the meeting minutes from 4/8/2020 were approved as submitted. Motion carried unanimously. (5-0)

**036-2020**

4. Audit of Bills -

Abstract #5

A	274-344	\$27,298.43
B	274-342	2,840.19
SL	276-344	1,310.39
DB	204-271	45,062.53
SS	277-340	17,351.22
SW1	277-346	18,377.42
T/A	4	110.00

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

**037-2020**

5. Reports of Town Officials -

A. Chief Operator Water/Wastewater Plants – written report on file.

B. Highway Superintendent – written report on file.

C. Zoning/Building Officer – written report on file. Councilmember Case asked Officer Morse what the status is with the wood cutting operation on Turner Road. Officer Morse said Mr. Baxter is looking at two possible places to move his operation. Mr. Baxter will cease operating the wood cutting business on Turner Road.

D. Assessor – written report on file. Assessor Mineo said “I’d like to encourage everyone, especially those who want their special day, go on the State website at [www.tax.ny.gov](http://www.tax.ny.gov), and look up Contesting your Assessment in New York State. Please read through that carefully and then we can answer questions from there. According to that, I am

following all rules, protocols, laws and that is what assessment is, governed by New York State Real Property Tax Law. Please refer to that and I can answer questions based on that.”

Assessor Mineo said the BAR meeting will be on Zoom.

E. Town Clerk – written report on file.

F. Town Supervisor – written report on file.

With no other questions, regarding the Reports of Town Officials, Supervisor asked for a motion to approve the reports.

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

**038-2020**

6. Business:

a. Resolution Approving 2019 Annual Financial Report

Councilmember Glitch offered the following resolution and called for its adoption. Seconded by Councilmember Case the resolution was adopted by unanimously. (5-0)

**039-2020**

**TOWN OF GORHAM  
RESOLUTION #14-2020  
ANNUAL FINANCIAL REPORT**

**WHEREAS** the Town Board of the Town of Gorham met on May 13th, 2020

**WHEREAS** the Town Supervisor made available the Annual Financial Report for the Town of Gorham for the year 2019

**RESOLVE** that the Annual Financial Report is a public record and is available for inspection during regular office hours of the Town Clerk at 4736 South Street, Gorham NY

**RESOLVE** that the Town Board did examine this item to the best of their ability

**RESOLVE** that a copy of this resolution be sent to NYS Comptroller’s Office.

I, Darby L. 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 May 13<sup>th</sup>, 2020 by the following vote:

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

b. Engineering Planning Grant Resolution Project Costs for Award Allocations

Councilmember Chard offered the following resolution and called for its adoption. Seconded by Councilmember Glitch the resolution was adopted unanimously. (5-0)

**040-2020**

**TOWN OF GORHAM**  
 Engineering Planning Grant  
*Resolution of Authorization and Project Costs for Award Allocations*

**WHEREAS**, the Town of Gorham submitted and was awarded an Engineering Planning Grant (EPG) under the Consolidated Funding Application (CFA) process on behalf of the Town, for upgrades to their WWTP Disinfection Project; and

**WHEREAS**, the New York State Department of Environmental Conservation and the New York State Environmental Facilities Corporation offer a competitive statewide reimbursement grant programs for local governments, administered through the New York Clean Water State Revolving Fund; and

**WHEREAS**, that the Town of Gorham Town Board accepts the EPG program grant award on behalf of the Town for a WWTP Disinfection Improvement Study; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Supervisor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the project and to fulfill the Town of Gorham's obligations under the Grant Agreement; and

**BE IT FURTHER RESOLVED**, that the Town of Gorham authorizes and appropriates a minimum 20% local match as required by the Engineering Planning Grant Program for the WWTP Disinfection Improvements Study. Under the EPG program, this local match must be at least 20% of the EPG grant award of up to \$30,000. The source of the local match, and any amount in excess of the required match, shall be provided through the general fund. The maximum local match shall not exceed \$6,000 based upon a total estimated maximum project cost of \$30,000. The Town Supervisor may increase this local match through the use of in kind services without further approval from the Town of Gorham Town Board.

I, Darby L. 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 May 13<sup>th</sup>, 2020 by the following vote:

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

c. Engineering Planning Grant Resolution of SEQR

Councilmember Glitch offered the following resolution and called for its adoption. Seconded by Councilmember Chard the resolution was adopted unanimously. (5-0)

**041-2020**

**TOWN OF GORHAM**  
Engineering Planning Grant  
*Resolution of SEQR for Award Allocations*

**WHEREAS**, the Town of Gorham submitted and was awarded an Engineering Planning Grant (EPG) under the Consolidated Funding Application (CFA) process on behalf of the Town, for upgrades to their WWTP Disinfection; and

**WHEREAS**, the New York State Department of Environmental Conservation and the New York State Environmental Facilities Corporation offer a competitive statewide reimbursement grant programs for local governments, administered through the New York Clean Water State Revolving Fund; and

**WHEREAS**, that the Town of Gorham Town Board accepts the EPG program grant award on behalf of the Town for a WWTP Disinfection Improvement Study; and

**WHEREAS**, Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Section 617.5 under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; and

**NOW THEREFORE BE IT RESOLVED**, that the Town of Gorham hereby determines that the proposed WWTP Disinfection Study is a Type II action in accordance with 6 NYCRR Section 617.5(c) (24) and (27) which constitute “information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted Action; conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action” and is therefore not subject to further review under 6 NYCRR Part 617.

I, Darby L. 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 May 13<sup>th</sup>, 2020 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X _____	_____
Brian S. Case	X _____	_____
Richard Malcolm	X _____	_____

Jake Chard  
William Glitch

X \_\_\_\_\_  
X \_\_\_\_\_

## 7. Privilege of the Floor –

Sally Napolitano said "I'm sure you all are aware that the Governor, by executive order, has allowed you to extend not only the tentative roll date, that has already passed but, also the Grievance Day. Have you considered that?"

Supervisor Lightfoote said "We haven't to this point." He asked the Board members if they would like to address that.

Councilmember Glitch said "I think we should continue with the original date because the farther we put stuff off, the farther behind we get. In the past that's bit us in the rear end, that's my opinion."

Councilmember Malcolm said "Bill, I agree with you."

Councilmember Chard said "I have to agree with Bill as well. Given today's technology. I understand that it's not as easy for everyone to get on board, on their own, but there are ways to contact Enza whether it's via a skype meeting, a zoom meeting, calling her on the phone. She's always been very open to that idea. Moving it forward is just going to set us back. There's plenty of ways to go about it now."

Councilmember Case said "I'll go along with that too."

Richard Calebrese said "I think due to the circumstances of Covid-19 you should give everybody a chance to meet with the Assessor in person."

Sally Napolitano said "I have a lot of neighbors that are in their eighties. I saw Brian's wife help him get on WebEx tonight. Jake, you've heard all the background noise you know how discombobulating this whole thing can be. Fred, you have a lot of constituents that have lakefront properties that can't even call in."

Supervisor Lightfoote said "Yes, they can call in."

Lynn Klotz, 4554 Lake Drive, said "Not successfully."

Mrs. Napolitano said "Look how many people had trouble getting in tonight. I have a neighbor that's eighty six and she said I don't know how to do this."

Supervisor Lightfoote said "Sally I have to disagree with you because signing in for one of these meetings is different than dialing the phone number for the office. Wouldn't you agree?"

Mrs. Napolitano said "I would agree but Jake was making the argument about being face to face, as Enza said, to exchange information."

Councilmember Chard said "If I could clarify, there's lots of ways to do it whether it's this, Zoom or telephone."

Mrs. Napolitano said "We are past the Assessor conversation time. We're now at the Board of Assessment Reviews and Richard asked, rightfully so, as citizens we have a right to meet and exchange information."

Supervisor Lightfoote said "The point I'm trying to make right now, they can call to make an appointment with the BAR."



Assessor Mineo said "First, I want to clarify, that you have to hand in a Grievance form before you get an appointment to the Board of Assessment Review. You can download it, you can ask Sue to send it to you. The important thing is that has to be filed before you get a call to get an appointment with the Board of Assessment Review, by the twenty eighth of May. We just finished the reassessment in the City of Rochester where we reassessed sixty-six thousand properties and we did all of the Board of Assessment Review via phone conference with no video conference, which I think is trickier for the seniors. We managed to do it all via Zoom phone and we had all the Board members on the phone and we set up a Zoom meeting where you will call in and then you get an ID number and everyone in Gorham, once I set that up, I think the Zoom meeting allows up to five hundred people to come into the meeting and hear the entire day of Board of Assessment Review hearings if they would like. That's what I'm working on setting up. It's a very simple process to call in. We just completed a month of hearings in the City of Rochester, that was extremely successful."

Lynn Klotz said "I appreciate the Board wanting to stay on track, scheduling, budgeting I understand that but, with having done so many re-assessments this year I think the Board of Assessment Review is going to have a lot of cases to look at and so it's not only our benefit but the benefit for the Board of Review to have time to really look at each case individually and thoughtfully."

Assessor Mineo said "The Board of Assessment Review does not convene until they have heard all the cases that have been submitted and have had plenty of time to do their deliberation. Just because Grievance Day is one day does not mean that the Board does not convene more than one day. So far, the response I have had from this Grievance has been typical of any other Re-Val that has been done. It's a typical response of ten percent. This is not anything above what has been typical. I think a lot of this has been inflated because people are home and able to do a little bit more research and a little more time on their hands but this is no different than any other reassessment. I think the influence of the Covid has everyone in a bit of an uproar. The way the State contacts me and lets me know that we have fallen below one hundred percent is the same way that the State will contact and let me know that I have gone over one hundred percent. If there is a result of that, then I will be notified. That means I will do another reassessment to re-lower if I'm over the mark. If not, everything will stand. I repeat, the Board of Assessment Review has repeatedly and every year been, since I've been doing these reassessments, I've been more than stellar and more than fair and more taken as much time as they need and they have taken up to be here midnight at times deliberating on these cases. I repeat, they do not convene until all cases are heard, nor do they finish their deliberations and sometimes days until they figure out where the values need to lie."

Mrs. Klotz said "That's good to know. I appreciate you clarifying that because it was not clear in any other document I read."

Supervisor Lightfoote said "This is one reason I want to have this meeting here soon so that everyone has a better understanding of the process."

Mrs. Klotz would like it to be part of the public record.

Susan Carpenter said "I think it is also the case that unless you go to a SCAR Hearing you may not get a thorough hearing. From anybody. In my experience that is the only time that anybody actually sat down and looked at the appraisal that I brought to the process and asked for some justification for the Assessor's value. The Board of Assessment Review did not do that."

Assessor Mineo said "An appraisal that is handed in is not one hundred percent sure that you're going to get a reduction. Appraisals are done for many reasons. There's many facets that come into play. If the Board did not agree with your appraisal a lot of reasons could have been. It could have been an old appraisal, it could have been sales of properties that were not in the Town of Gorham, which is a different scope. You can't use properties that are outside of Gorham, according to Real Property Tax Law, for assessment purposes. So there's more than that and I don't know how many times you've had that done but in my experience there's been quite a few years that the Board does significant review and the Board is appointed by the Town Board and has experience and has knowledge and they are deliberating without me there. These are people that live in Gorham and are professionals such as; commercial appraisers, residential appraisers, people that live on the Lake, Farmers and everybody in the Town of Gorham that understand where the values are. So I would have to say that I disagree with that statement and you have nothing to back that statement with. That is just your opinion that that has happened to you."

A disagreement ensued and Supervisor Lightfoote ended the discussion.

Supervisor Lightfoote said "Folks, it got rather heated but I appreciate everyone and your comments. In no way are we trying to shut down anyone from voicing their opinion. We just need to do it in a different form."

8. Set Next Meeting Date – Regular Meeting June 10, 2020. Meeting will be held at the Gorham Town Hall at 7:00pm.

9. Adjournment - with no further business, on the motion by Councilmember Case, seconded by Councilmember Glitch, the meeting was adjourned at 7:58pm. Motion carried unanimously. (5-0)

**042-2020**

Respectfully Submitted,

Darby L. Perrotte  
Town Clerk

