

MINUTES
REGULAR MEETING and PUBLIC HEARING
THE GORHAM TOWN BOARD
July 13, 2022 7:00pm

The Gorham Town Board held a Regular Meeting and Public Hearing on Wednesday July 13th, 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 in attendance; Chief Operator Water & Wastewater Districts Greg Coston, Highway Superintendent Zach Eddinger, Code Enforcement Officer Jim Morse, Assessor Enza Mineo and Town Clerk Darby Perrotte.

Other guests in attendance; Lynn Klotz, Ben Page, Aaron Airth, Mike Kestler, Brent Ayers, Debbie North, Deb & Ed Merritt, Brett Johnson & granddaughter Cheyenne, Susan Carpenter, Chrissy Watkins.

Guests joining via Zoom; Christine Ayers, Abby Allen, Elke Schmitt, Danielle Ayers.

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

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

2. Privilege of the Floor –

Robert Baldwin, Lincoln Ave resident, attended the meeting along with neighbors looking for help in seeing the eviction process finished at a property on Lincoln Ave. Mr. Baldwin said there are “squatters” at the property at 4591, unit 1. It has been an ongoing situation for 3 years and it is currently in superior court in Ontario County.

Mr. Baldwin listed many code violations pertaining to the property. Mr. Baldwin said the owner is an absentee landlord who lives in California.

Mr. Baldwin is asking the town for any help in Superior Court, and beyond, that would help get the problems resolved.

Pamela Vanskyver, Lincoln Avenue resident, said she confirmed there are several code issues/violations on the property.

Supervisor Lightfoote said he spoke to the court. He has to write a synopsis and submit it to the court for them to consider. Mr. Baldwin will leave a list of items for Supervisor Lightfoote to help with his summary to the court.

Debbie North, County Road 18 resident, addressed her previous remarks regarding the ongoing issue of the DWI arrest of Highway Superintendent Zach Eddinger. Mrs. North said she contacted the NYS Highway Superintendents Association for a job description. She said they told her there is no job description. With no requirements or qualifications anyone can run for this elected position. She said there have been several cases in NY State of elected officials being arrested. Elected Officials have to resign, they cannot be fired.

Mrs. North said what can be done is to follow the process, through the Appellate Courts, for the removal of Zach Eddinger from the position. She said citizens can bring up a referendum to make the Highway Superintendent an appointed position instead of an elected position. The Town could hold a special election for the residents to decide if the position should be elected or appointed.

Mrs. North is suggesting a committee of town Officials and Concerned Residents to interview potential candidates. Mrs. North would like to be included on that committee.

Mrs. North referred to the Town of Enfield NY who now has their Highway Superintendent as an appointed position. She said one thing that is very clear, if it is an appointed position, is the Board sets minimum qualifications, performance reviews are done and if necessary disciplinary action is allowed if the employee is not performing their duties.

Supervisor Lightfoote said the first step would be that a petition be passed and then submitted to the Town Board. He said she is very welcome to do that, it is her right.

Mrs. North said she will make sure they have more than enough signatures for that.

Ed Merritt, Deer Run resident, Mr. Merritt said he thinks the points Mrs. North has brought up are important when you look at the risk this individual has placed on the community, especially the financial risk. Mr. Merritt thinks it is a great idea to make this an appointed position.

Supervisor Lightfoote said Zach was not in the process of performing Town duties therefore he was not on the clock. As an elected official he is not on the clock. There is no danger of the Town being embroiled in a lawsuit because of his DWI. There are no problems from that perspective.

Supervisor Lightfoote thanked everyone for their comments.

3. Public Hearing: Local Law #4 of 2022 Allowing Video Conferencing to Participate in Public Meetings.

Supervisor Lightfoote opened the public hearing. With no comment from the public the hearing was closed.

4. Approval of Minutes – 6/8/2022 Regular Meeting Minutes
6/22/2022 Special Meeting Minutes

On the motion by Councilmember Case, seconded by Councilmember Chard, the 6/8/22 and 6/22/22 meeting minutes were approved as submitted. Motion carried unanimously. 5-0

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

072-2022

5. Reports of Town Officials -

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

B. Highway Superintendent – written report on file. Councilmember Chard asked Highway Superintendent Eddinger to give the Board a list or schedule of days and times the Town Highway Department helps other Towns with road work or projects.

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

D. Assessor – written report on file.

E. Town Clerk – written report on file.

F. Town Supervisor – financial report on file.

On the motion by Councilmember Case, seconded by Councilmember Chard, the Reports of Town Officials were approved and accepted as submitted. Motion carried unanimously. 5-0
5 - Ayes - Lightfoote, Case, Chard, Curtis, Lazarus.

073-2022

6. Audit of Bills – Abstract # 7

Abstract prepared by the Billing Clerk and the Town Clerk.
Approval of Vouchers

On the motion by Councilmember Chard, seconded by Councilmember Lazarus Abstract #7 totaling \$237,130.23 was approved for payment with the exception of a NYSEG bill for the Water Treatment Plant. Supervisor Lightfoote will look into why the bill is high and then pay what is determined to be owed. Motion carried unanimously. 5-0

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

074-2022

7. Business:

a. Local Law #4 -2022 – Adopt Resolution Allowing Videoconferencing

Councilmember Chard offered the following resolution and called for adoption. Seconded by Councilmember Curtis. Councilmember Chard said he likes the idea of continuing future meetings via zoom or video conferencing. He is concerned about security whether this allows opportunity for hackers. Supervisor Lightfoote said he will check to see what other security measures can be added. With no further discussion the motion carried 5-0.

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

075-2022

**TOWN OF GORHAM
RESOLUTION # 31-2022**

**ADOPTION BY THE TOWN BOARD OF THE TOWN OF GORHAM OF LOCAL LAW NO. 4
OF 2022**

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 June 8th, 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 authorizing the Town Board and the other public bodies of the Town to use videoconferencing technology to participate in public meetings; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on July 2nd, 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 July 13th, 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. 4 of 2022, entitled, "A Local Law Authorizing the Town Board and the Other Public Bodies of the Town to Use Videoconferencing Technology to Participate in Public Meetings", 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 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 July 13th, 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_____	_____

b. Adopt 2021 AUD Resolution -

Councilmember Chard offered the following resolution and called for adoption. Seconded by Councilmember Curtis, The resolution was adopted unanimously. 5-0
Ayes - Lightfoote, Case, Chard, Curtis, Lazarus

076-2022

**TOWN OF GORHAM
RESOLUTION #32-2022
ADOPT 2021 ANNUAL FINANCIAL DOCUMENT**

WHEREAS the Town Board of the Town of Gorham met on July 13th, 2022

WHEREAS the Town Supervisor made available the Annual Financial Report for the Town of Gorham for the year 2021

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.

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 July 13th, 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. Discuss Town Wide Reassessment -

The Board discussed starting the process for a town wide reassessment for 2023.

Councilmember Chard offered the following resolution and called for adoption. Seconded by Councilmember Lazarus the resolution was adopted unanimously. 5-0

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

077-2022

**TOWN OF GORHAM
RESOLUTION #33-2022
ASSESSMENT REVALUATION**

WHEREAS, the Town of Gorham has undergone the data collection of real properties within the Town; the Town feels that it is necessary to conduct a revaluation project of all properties for the 2023 assessment roll to maintain a uniform standard of assessment for the Town; and

WHEREAS, the State of New York may provide financial assistance to the Town for the implementation of a system of real property tax administration which conforms to the standards established pursuant to Subdivision 1 of #1570 of the Real Property Tax Law;

RESOLVED, by the Town Board of the Town of Gorham, New York, hereby requests Sylvia Staples to help do a revaluation project to achieve and maintain a uniform standard of assessment in accordance with Section 305 of the Real Property Tax Law; and it is further

RESOLVED, that the Supervisor is hereby authorized and directed to expend the necessary funds for the preparation of said plan and the establishment and maintenance of the Real Property Improvement Program and to make application to the Office of Real Property Tax Services for financial assistance therefore pursuant to #1572 of the New York State Real Property Tax Law.

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 July 13th, 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. Review Employee Handbook - Supervisor Lightfoote tabled discussion/changes to the August 10, 2022 meeting.

e. Healthcare Policy Changes - Health Insurance Broker, Dan Botsford, was present to discuss changes and increases to the Town Insurance Coverage for employees. The Town is looking at a 16.3% increase which is approximately \$40,000.00 increase in premiums. Mr. Botsford explained options for different plans to offer employees. Mr. Botsford left a table of breakdown in plans offered for Supervisor Lightfoote to give to Department Heads. They will share with employees and will discuss at a later meeting.

Councilmembers discussed the importance of having employee input in the options of health coverage.

Councilmember Lazarus suggested employees contribute 5 to 10 percent more to keep a better insurance plan rather than switch to a plan with less coverage. Councilmember Lazarus said it is important to recognize that the Town has good employees and they should get employee input. He suggests that Mr. Botsford meet with the employees, preferably one on one, to get their input before the Board makes a final decision.

Mr. Botsford will send more paperwork to Fred and Brenda to give to the employees and then will schedule a time to meet.

f. Easton Park Update -

Supervisor Lightfoote said countertops are coming in, sinks will be hooked up soon. Water and Sewer hookup is being scheduled.

g. Resolution for Local Government Efficiency Grant Application – With questions from Councilmember Chard, specifically why the water and wastewater districts are left out of it, Supervisor Lightfoote said he would get more information, he tabled the Resolution until the next meeting on August 10, 2022.

h. Resolution to retain Timothy R. McGill for bond council services for Water District #1 Improvements and Wastewater District Improvements.

Councilmember Chard offered the following resolution and called for adoption. Seconded by Councilmember Case, the resolutions were adopted motion carried unanimously. 5-0

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

078-2022

**TOWN OF GORHAM
RESOLUTION # 35-2022
BOND COUNCIL SERVICES FOR WTP IMPROVEMENTS**

Resolution to retain Timothy R. McGill for bond council service Associated with the Town of Gorham Water District Number One proposed Improvements

Whereas: The Town of Gorham has approved an update of the Town of Gorham Water Treatment Plant, and;

Whereas: The update will require the Town to access a portion of the needed funds for the project through the acquisition of bonds, and;

Whereas: The services of a Bond Council are needed to effectuate the acquisition of said bonds, and;

Whereas: The Law Offices of Timothy R. McGill work with BPD INC. to procure bond funding for municipalities, and;

Whereas: The Town of Gorham has contracted with BPD INC. to access a portion of the needed funds for the Water Plant updates through the bond process, then;
Therefore: The Gorham Town Board hereby approves the use of services by The Law Offices of Timothy R. McGill for the update of the Town of Gorham Water Treatment Plant, per the terms below:

1. Each issuance of temporary debt (notes): base charge of \$500 plus \$.50 per thousand dollars of notes issued, payable upon issuance of such obligations; provided, however that a note issue through the NYS EFC

Revolving fund the base charge shall be increased by \$750

2. Each issuance of permanent debt (bonds): base charge of \$2,000 plus \$1.00 per thousand dollars of bonds issued, payable upon issuance of such obligations; provided, however, that for a bond issue through the NYS EFC revolving fund or USDA Rural Development the base charge shall be increased by \$750;

3. Extraordinary services, unforeseen complications, conferences or meetings, such as arbitrage and rebate analysis, litigation, the drafting of legislation, negotiation and review of incidental contracts, environmental determinations, proceedings or ruling requests before the Internal Revenue

Service, and the like: legal fee at hourly rates acceptable to the Town, to be determined at the time such services are requested.

The fees for the services described under paragraphs 1 and 2 above include the preparation of all typical authorizing financing resolutions, the drafting of all financing documentation and review of district or improvement area formation proceedings, intermunicipal agreements, if any, and review of official statements prepared by the municipality or by a financial advisor on the municipalities behalf. The Law Offices of Timothy R. McGill will not undertake any extraordinary services without the municipalities prior request.

In addition to the legal fee, The Law Offices of Timothy R. McGill will render a statement at each closing for out-of-pocket disbursements, the largest of which are typically photocopied, courier services, telephone, fax transmissions and travel expenses, if required.

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 July 13th, 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_____	_____

**TOWN OF GORHAM
RESOLUTION # 36-2022**

BOND COUNCIL SERVICES FOR WWTP IMPROVEMENT

Resolution to retain Timothy R. McGill for bond council service Associated With the Town of Gorham Waste-water District proposed Improvements

Whereas: The Town of Gorham has approved an update of the Town of Gorham Waste-Water Treatment Plant, and;

Whereas: The update will require the Town to access a portion of the needed funds for the project through the acquisition of bonds, and;

Whereas: The services of a Bond Council are needed to effectuate the acquisition of said bonds, and;

Whereas: The Law Offices of Timothy R. McGill work with BPD INC. to procure bond funding for municipalities, and;

Whereas: The Town of Gorham has contracted with BPD INC. to access a portion of the needed funds for the Waste-Water Plant updates through the bond process, then;

Therefore: The Gorham Town Board hereby approves the use of services by The Law Offices of Timothy R. McGill for the update of the Town of Gorham Waste-Water Treatment Plant, per the terms below:

1. Each issuance of temporary debt (notes): base charge of \$500 plus \$.50 per thousand dollars of notes issued, payable upon issuance of such obligations; provided, however that a note issue through the NYS EFC

Revolving fund the base charge shall be increased by \$750

2. Each issuance of permanent debt (bonds): base charge of \$2,000 plus \$1.00 per thousand dollars of bonds issued, payable upon issuance of such obligations; provided, however, that for a bond issue through the NYS EFC revolving fund or USDA Rural Development the base charge shall be increased by \$750;

3. Extraordinary services, unforeseen complications, conferences or meetings, such as arbitrage and rebate analysis, litigation, the drafting of legislation, negotiation and review of incidental contracts, environmental determinations, proceedings or ruling requests before the Internal Revenue

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 July 13th, 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_____	_____

f. NYMIR Insurance Renewal –

Supervisor Lightfoote said the Towns property insurance policy is up for renewal. NYMIR representative suggested some minor changes and updates. Submitting a list of daily activities from the Highway Department and the Water Department and updating maintenance for computer programs. Supervisor Lightfoote will discuss it further with Highway and Water Departments. Supervisor Lightfoote explained the cost increases and discussed areas of coverage.

On the motion by Supervisor Lightfoote, seconded by Councilmember Chard, to approve the Insurance policy contract with NYMIR for 2023. Motion carried unanimously. 5-0

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

079-2022

7. Privilege of the Floor –

Susan Carpenter, County Rd. 11 resident, said she wants to make a comment about the Open Meeting Laws in NY State. She said regarding any documents the Board is reviewing or discussing are supposed to be posted on the website 24 hours ahead of a public meeting. She said she can't ask a question on something she hasn't had an opportunity to see or even make a comment on it. Mrs. Carpenter said it would be much more helpful if things were posted so that residents could look at them. She said some of the resolutions were not posted. It leaves the town open to litigation if someone were to challenge it which is an expensive proposition. She is concerned that a lot of things are not posted on the website.

Supervisor Lightfoote said it is a concern of his as well. Some items he just received the day of the meeting and it cannot wait until the next Town Board meeting because it's time critical.

He said the Town needs more help, this is the best he can do. He has been working Sundays, evenings and early mornings. He said fellow Supervisors are facing the same problems.

Mrs. Carpenter asked what the increased amount of money to the Town is to do a Town wide reassessment.

Supervisor Lightfoote said the Assessor doesn't get any more pay, her salary includes those costs. There are other costs for copying, additional time for the BAR and several smaller things included.

Mrs. Carpenter said it cost people in the town because every time she has had to challenge her assessment it has cost her money in court, and to an appraiser, and her assessment has been reduced every time.

Supervisor Lightfoote thanked Mrs. Carpenter for her comments, he acknowledged she has a little more insight because she was a Supervisor at one point.

Mr. Merritt asked if the Town would consider having another Open House on the Highway Building Construction Project. He believes there are lots of residents interested in reviewing the plans. Mr. Merritt said the Open House in May was poorly advertised and poorly attended. He thinks it is in the Town's best interest to have another Open House or have an opportunity to review the building plans.

Supervisor Lightfoote asked for Councilmember input.

Councilmember Chard said he thinks more people have asked about another Open House than people that actually attended in May. He thinks there should be another Open House held.

Councilmember Curtis said hopefully they would get more than 4 people next time.

Supervisor Lightfoote asked Highway Superintendent Eddinger if that works for him, he said yes.

Supervisor Lightfoote said "We'll have to figure out, when the best time is, we'll set that date, we'll put it on the website."

Curvin Shirk, Middle Road resident, asked how the drainage project on Lake to Lake and Kearney Roads is coming along.

Supervisor Lightfoote said the engineering is done but we don't have timing for it yet, it can be scheduled anytime now, before winter sometime.

Debbie North asked how many employees in the town take advantage of the health coverage through the Town.

Supervisor Lightfoote said he doesn't have the figure in front of him but a majority of them do.

Lynn Klotz, Lake Drive resident, asked if the Board decided if there will be a vote on the Highway Building.

Supervisor Lightfoote said they are waiting on a petition to see.

Mrs. Klotz said it was talked about at the last meeting if there would be a table that would show the total cost of the 3 major projects in the Town. Water, Wastewater and Highway Projects.

Supervisor Lightfoote said he has endeavored to get that to her but he just hasn't had time.

Aaron Airth, East Swamp Road resident, asked about the Highway Project going to a vote. He said he understands that if a petition is filed it would but, does the Town Board have the ability, without a petition, if they wanted to, could they put it to a vote. Mr. Airth said any part of it whether it's the bond resolution or the construction.

Supervisor Lightfoote said he would have to review that and get Mr. Airth the information. Supervisor Lightfoote said if enough people were concerned and wanted a public vote, on the building itself, his assumption was that if there was a vote on the bond resolution itself and the vote was in favor of not obtaining funding through bonding then the project would be dead in the water anyway because how are you going to build it without financing.

Mr. Airth said it would be his opinion that the Board, with a project of that magnitude and that quantity of money, the Board would want the opinion of the people.

Supervisor Lightfoote said he will call Mr. Airth with that information.

Mrs. Klotz asked if the AUD is available and on the website.

Supervisor Lightfoote said he just got it and yes it will be.

Councilmember Curtis reminded everyone that the Special Election will be held regarding the Cannabis Opt-Out Local Law on August 9, 2022.

8. Set the Next Meeting Date – The next Regular Meeting will be held on August 10, 2022 at 7:00 pm at the Gorham Town Hall.

9. Executive Session –

On the motion by Supervisor Lightfoote, seconded by Councilmember Lazarus, the Board entered into executive session at 8:47 pm to proposed, pending or current litigation.

On the motion by Councilmember Chard, seconded by Supervisor Lightfoote, the Board returned to regular session at 9:51 pm. No action was taken in executive session. Both motions carried unanimously. 5-0

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

080-2022

10. Adjournment – with no further business, on the motion by Councilmember Lazarus, seconded by Councilmember Chard, the meeting was adjourned at 9:52 pm. The motion carried unanimously. 5-0

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

081-2022

Respectfully Submitted,

Darby L. Perrotte
Town Clerk

