

MINUTES
REGULAR MEETING & PUBLIC HEARING
THE GORHAM TOWN BOARD
September 13, 2023 7:00pm

The Gorham Town Board held a Regular Meeting & Public Hearing on Wednesday September 13, 2023 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 Greg Coston, Highway Superintendent Zach Eddinger, Code Enforcement Officer Jim Morse, Deputy Code Enforcement Officer Jamie Kincaid, Assessor Enza Mineo and Town Clerk Darby Perrotte.

Residents/guests in attendance in person and via zoom.

The full Zoom recording of this meeting is posted on the Town of Gorham Website.

1. Call to Order/Pledge to the Flag
2. Privilege of the Floor –

Debbie North, County Road 18 resident, stated an observation she has made is the Board doesn't have a full table at Town Board meetings. She recommends Councilmember Lazarus resign his Council seat to allow the next Supervisor, effective January 1st, to appoint someone to fill out Councilmember Lazarus' term. She stated it is important to seek community members that are interested in representing the Town of Gorham at meetings when the meetings are held.

Supervisor Lightfoote said it doesn't work that way, it would be by Board vote.

Amanda Gibeau, Gorham/Stanley/Hall Ambulance, updated the Board on the status of the ambulance. She stated they were able to secure a power structure for the Ambulance at a significantly reduced price. They continue to meet with their contractor. They have a new CPA and fundraising efforts are back in full swing for the Ambulance.

Dale Stell, County Road 1 resident, stated he met with Dave and Candy Eldredge regarding an ongoing issue. Mrs. Eldredge will be in touch with Supervisor Lightfoote.

Supervisor Lightfoote introduced new Deputy Code Enforcement Officer Jamie Kincaid.

3. Public Hearing for Wastewater Treatment Plant Improvements –

Supervisor Lightfoote opened the public hearing.

Town Clerk Perrotte confirmed the meeting and public hearing were duly advertised.
With no comment from the public, Supervisor Lightfoote closed the public hearing.

- 4. Approval of Minutes – 8/9/2023 Regular Meeting Minutes
 8/30/2023 Special Meeting Minutes

On the motion by Councilmember Curtis, seconded by Councilmember Chard, both meeting minutes were approved as submitted. 5-0

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

077-2023

5. Reports of Town Officials -

- A. Chief Operator Water/Wastewater Plants – written report on file.
- B. Highway Superintendent – written report on file.

Councilmember Case asked Highway Superintendent Eddinger to list on his monthly report how much time is being spent helping other towns.

Highway Superintendent Eddinger said yes he would.

- C. Zoning/Building Officer – written report on file.
- D. Assessor - written report on file.

Sally Napolitano, Lake Drive resident, asked Assessor Mineo the number of SCAR (Small Claims Assessment Review) hearings she has.

Assessor Mineo said 67. Discussion was held.

- E. Town Clerk – written report on file.
- F. Town Supervisor – no report on file.

Supervisor Lightfoote said he has been busy. Busier than usual. He has had a lot of work with zoning issues, flooding issues and working on getting new employees seated.

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

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

078-2023

6. Audit of Bills -

Abstract #9

Abstract prepared by the Bookkeeper, Town Clerk and Highway Clerk
Approval of Vouchers

On the motion by Councilmember Chard, seconded by Councilmember Case, Councilmember Chard has several questions.

Councilmember Chard asked about the purchase of food and beverages by department heads. Councilmember Chard didn't think it was allowed.

Highway Superintendent said they are allowed to. It's in writing, it's in the budget, every town does it.

Councilmember Chard asked about a tablet purchase by the Code Enforcement Department, Ag Committee payments and cameras bought by the highway department.

The abstract for September, totaling \$296,696.61 was approved for payment. Motion carried unanimously. 5-0

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

079-2023

7. Business –

a. Jones Road Retaining Wall –

Kevin Olvany, Canandaigua Lake Watershed Manager, was present to explain what engineers came up with after a thorough review of the slope on Jones Road. Mr. Olvany explained a 'soil-nail launcher' as a preferred method of stabilization. The overall cost is much more economical.

A discussion was held about the proposal from the engineer to the Town for review.

b. David and Candace Eldredge Property Drainage Issue –

Supervisor Lightfoote explained the drainage issues on the Eldredge property.

The Eldredge's would like the Town to install pipe to resolve the issues from previous years.

Councilmembers agreed, if it is something the Town is responsible for, it should be taken care of.

Discussion was held.

Supervisor Lightfoote said the Board will make a decision next week on how to proceed.

c. Easton Park Update –

Councilmember Curtis said the building is stained, eaves and gutters are installed, gas and electric installation is under way. Interior supplies are being ordered. The bids for installing the sewer line are back and awarded. Gas and electric installation is under way.

On the motion by Councilmember Curtis, seconded by Councilmember Chard, authorizing Supervisor Lightfoote to sign the contract for gas hook up at Easton Park.

Discussion was held.

Supervisor Lightfoote amended the motion to state if it is beyond 2 weeks to complete the installation, the town can be on a temporary basis to bring propane on site.

Councilmember Chard seconded the motion. The motion carried unanimously. 5-0

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

080-2023

On the original motion by Councilmember Curtis for gas hook up, the motion passed unanimously. 5-0

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

081-2023

- d. Adopt Resolution Approving Proposed Improvements to Sewer District #1. And Bond Resolution for SD#1.

Councilmember Curtis offered the following resolutions and called for adoption. Seconded by Councilmember Lazarus both resolutions were adopted unanimously. 5-0

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

082-2023

**TOWN OF GORHAM
RESOLUTION 27-2023
APPROVING PROPOSED IMPROVEMENTS TO GORHAM SEWER DISTRICT #1**

WHEREAS, the Town Engineer has prepared a map and plan and estimate of the cost for improvements to the Gorham Sewer District #1, being the installation and implementation of an ultraviolet disinfection system to enable the Gorham Sewer District #1 to implement effluent disinfection at the wastewater treatment plant; and

WHEREAS, the plan shows the estimated costs of these improvements to be \$1,700,000.00, such estimated costs to be the responsibility of Gorham Sewer District #1. The Town intends to apply for a DEC grant administered through its Water Quality Improvement Project (WQIP) program to pay for part of the cost of these improvements. Any remaining amount owing for these improvements will be borrowed from the EFC and financed and repaid by the owners of property within the Gorham Sewer District #1.

WHEREAS, the Town Board of the Town of Gorham duly adopted a resolution on August 30th, 2023 calling a public hearing to consider said proposed improvements and estimate of expense, to be held at the Gorham Town Hall, 4736 South Street, Gorham, New York, on September 13, 2023 at 7:00 p.m.; and

WHEREAS, notice of said public hearing was duly published and posted in the manner provided by law and proof thereof has been submitted to the Town Board; and

WHEREAS, said public hearing was duly held at the time and place aforesaid, at which all persons interested were duly heard; and

WHEREAS, the Town Board has duly considered all of the evidence given at such public hearing; 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 approval of these improvements to Gorham Sewer District #1 would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Gorham that, based upon the evidence given at the aforesaid public hearing and its review of the environmental assessment form and findings based thereon, it is hereby found and determined to be in the public interest to provide for the aforesaid improvements of the facilities of Gorham Sewer District #1 in the Town of Gorham, as described in the preambles hereof, at an estimated cost of \$1,700,000.00, and the same is hereby authorized.

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 September 13th, 2023 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_____	_____

SUPPLEMENTAL BOND RESOLUTION DATED SEPTEMBER 13, 2023 OF THE TOWN BOARD OF THE TOWN OF GORHAM, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE SEWER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Town of Gorham Sewer District #1 is a sewer District of the Town of Gorham, New York, duly established by the Town Board pursuant to the Town Law and the purpose hereinafter described consists of sewer system capital improvements duly authorized to be undertaken by the Town pursuant to §202-b of the Town Law; and

WHEREAS, pursuant to a bond resolution dated November 10, 2021 (the "Original Resolution"), the Town Board of the Town of Gorham, New York (hereinafter referred to as the "Town") approved expenditures for, and the issuance and sale of, up to \$900,000 aggregate principal amount of general obligation bonds and bond anticipation notes relative to the construction of such sewer system capital improvements; and

WHEREAS, actual project costs have proved to be approximately \$800,000 higher than the maximum estimated project costs, the Town has duly authorized such increase in maximum amount pursuant to Section 202-b of the Town Law, and the Town now desires to provide for the financing thereof by supplementing the Original Bond Resolution by the adoption of this Supplemental Bond Resolution; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on November 10, 2021, has duly adopted a negative declaration and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF GORHAM, NEW YORK (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Gorham shall undertake certain capital improvements consisting of the acquisition and construction of sewer improvements for the Town of Gorham, to include the installation and implementation of an ultraviolet disinfection system to enable the Gorham Sewer District #1 to implement effluent disinfection at the wastewater treatment plant, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and district use, as set forth in the Original Bond Resolution (hereinafter referred to as "purpose"), and general obligation serial bonds in an additional amount not to exceed \$800,000 of the Town are hereby authorized to be issued to finance said purpose, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost to the Town of Gorham of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is now estimated to be \$1,700,000. The plan for financing of said purpose is to provide (i) up to \$900,000 of such maximum cost by issuance of bonds or bond anticipation notes as authorized under the Original Bond Resolution; and (ii) up to \$800,000 of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar for dollar by the amount of any grants received, if any.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, and the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Gorham.

Section 7. The faith and credit of the Town of Gorham, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without

limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This supplemental bond resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Gorham together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

- e. Adopt Resolution to Purchase Trucks for Code Enforcement Officer and Deputy Code Enforcement Officer.

Councilmember Curtis offered the following resolutions and called for adoption.
Seconded by Councilmember Lazarus both resolutions were adopted unanimously. 5-0
5 - Ayes - Lightfoote, Case, Chard, Curtis, Lazarus

083-2023

**TOWN OF GORHAM
RESOLUTION 28-2023
PURCHASE 2 GMC CANYONS**

WHEREAS, the Town of Gorham Code Enforcement and Zoning Enforcement Officer has requested quotes to obtain a vehicle for the Deputy Code Enforcement Officer/ Zoning Officer and to replace the Code Enforcement/ Zoning Enforcement Officers vehicle as well

WHEREAS, the Town of Gorham Supervisor has allowed for me to obtain quotes and has suggested getting midsize trucks to help offset the cost of fuel consumption

WHEREAS, The Town of Gorham Code Enforcement/ Zoning Enforcement Officer has obtained Quotes from local dealerships

WHEREAS, The B8010.2, B8020.2, and B9950.9 budget accounts have been assigned to replacing and purchasing said equipment at such time they see fit and has a cumulative balance of \$62,827.00

NOW THEREFORE BE IT RESOLVED THAT, the Town of Gorham Town Board authorizes the purchase of 2-2023 White GMC Canyon Quad cabs utilizing the trade of the current Code Enforcement Officer/ Zoning Enforcement Officers 2022 Ford F150 extended cab at a cost not to exceed \$62,161.10

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 September 13,2023 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. Discussion regarding Water/Wastewater Chief Operator and Deputy Pay Increase.

The Board will enter into executive to discuss pay increases for the Chief Operator and his Deputy.

- g. Discussion with Doug Eldred regarding Proposed Scenic Ridge Rise -

Doug Eldred, Engineer and Developer of the proposed Scenic Ridge Rise Subdivision, addressed the Board to discuss options for an extra water connection for the proposed development.

A lengthy discussion was held.

Mr. Eldred asked the Board to consult with Planning Board Chairman Harvey so that everyone is on the same page.

h. Award the Bid for Easton Park Sewer Project –

On the motion by Councilmember Curtis, seconded by Councilmember Chard, to award the bid for sewer line installation at Easton Park to City Hill Construction for the amount of \$40,000.00. Motion carried unanimously. 5-0

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

084-2023

8. Privilege of the Floor –

Sally Napolitano, Lake Drive resident, asked what type of billing schedule EFPR is on. She has not seen a bill for them the past 2 meetings but she heard reference to them tonight.

Supervisor Lightfoote said they are transitioning to a different company. He anticipates a bill from them soon.

Mrs. Napolitano asked about the Crystal Beach Fire Department Audit.

Councilmember Lazarus said he sent it to the Board.

Supervisor Lightfoote said he will make it available.

9. Set the Next Meeting Date – A Special Budget Workshop Meeting will be held August 20, 2023 at 7:00 pm.

Next Regular Meeting will be held on October 11, 2023 at 7:00 pm.

10. Executive Session –

On the motion by Supervisor Lightfoote, seconded by Councilmember Case, the Board entered into executive session at 8:46 pm to discuss pending litigation and the medical, financial, credit or employment history of a particular person or corporation or relating to promotion demotion, discipline, appointment or removal.

On the motion by Supervisor Lightfoote, seconded by Councilmember Case, the Board returned to regular session at 9:22 pm. No action was taken in executive session.

Both motions carried unanimously. 5-0

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

085-2023

11. Adjournment – with no further business, on the motion by Supervisor Lightfoote, seconded by Councilmember Chard, the meeting was adjourned at 9:23 pm. The motion carried unanimously. 5-0

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

086-2023

Respectfully Submitted,

Darby L. Perrotte
Town Clerk