

**MINUTES
REGULAR MEETING
GORHAM TOWN BOARD
SEPTEMBER 13, 2017**

The Gorham Town Board held a Regular Meeting on Wednesday September 13, 2017 at 7:00 PM at the Gorham Town Hall. Present were Supervisor Lightfoote, Councilmembers; Case and Malcolm. Water/Wastewater Chief Operator Coston, Assessor Mineo and Town Clerk Perrotte. Highway Superintendent Ayers, Councilmembers Glitch and Chard and Zoning Officer Freida were necessarily absent.

Other guests in attendance; Sally Napolitano, Linda Roche, Margaret White, Lynne Klotz, Jennifer Klein and several other residents concerned with drainage issues on Lake Drive.

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

Mrs. Linda Roche 4785 County Road 11, said "At its August meeting this Board voted to approve the re-zoning of three parcels from R-1 and R-R to General Business. This was done despite the fact that numerous residents and property owners spoke against the proposal both this year and last and despite the Board having numerous letters following the July meeting all expressing opposition. Prior to the vote Mr. Glitch and Mr. Malcolm explained why they thought the re-zoning should not be approved. I would like Mr. Case and Mr. Lightfoote and, I expect in the future, Mr. Chard to each explain for the record why you felt that approving the re-zoning request was in the best interest of the residents of this town including all those who clearly felt otherwise."

Supervisor Lightfoote said "Given that Mr. Chard is not here what I suggest is we put together a paper with the three of us explaining, whether it's individually or together, explaining our thought process with the whole thing and we'll have it available for the next meeting."

Mrs. Roche said "Why are you not able to explain, I would like it individually, not a group but each individual why you voted the way you did."

Supervisor Lightfoote said "I understand that. Being Privilege of the Floor this is our opportunity to hear from you people, at the same time, I would rather take time to put it all together because to try and do it justice right now, we could get it partly right but...I myself will give you just a couple things and flesh it out with my other thoughts when I respond on paper. This was one of those decisions that was hard to come to grips with, what is the right answer? I understand there were several people who identified that they would just as soon not see the re-zoning take place for a variety of reasons. Some of those reasons had more to do

with the parcel on 364 and some more to do with the smaller parcels down on County Road 11. Mr. Baxter's attorney, Jared Hirt, identified that it would be counter to what the Town's Comprehensive Plan says. I don't agree with that at all. I will have that section of the Comp Plan that I can point to and say here's where it says that this is a good thing when I respond to your request in print. Given the depth of reasons that the Town Planning Board had it was hard to argue against them. With a different business, for instance, if you consider what our zoning regulations are, what they would allow, with the expanded size of that lot, anything that would have been General Business could have went in there anyway. Zoning regulations and the protections that are there, with whatever type of application that might come in, the protections were there, we felt, that allowed us to go that route and at the same time address the concerns of the individual business owner. We have to take into consideration the residents that were in opposition to this but also we had a business owner, from within the Town that came to us wanting this. When we couldn't see an overriding reason to keep them from accomplishing this, especially with the protections in place going forward, in my opinion there really wasn't a reason to not vote for it. I'll flesh that out much more with a response for the future."

Councilmember Case said "The reason I said what I said, I know there's a safety concern down there on the curve. Mr. Pelicano was very concerned about that and I know he's taken action to try to slow people down. As far as the traffic study that the attorney gave, the time they took that report was right smack in the middle of a holiday weekend in the middle of the summer. It's a very busy business to begin with and everybody down there uses that business. I think he's a good business in this town, that's the reason I said what I said. I can put it on paper for you."

Supervisor Lightfoote said he will have a copy forwarded to Mrs. Roche as soon as it's done.

Mrs. Jennifer Klein asked "Who will be responsible if that further development, that re-zoning, results in flooding to properties up on 364 or down on the lake? Who is going to be responsible if there is an increase in the water problem?"

Supervisor Lightfoote said "While there may be a minimal amount of run off, the Town Planning Board will be looking at that as part of their findings. There will be requirements the applicant will have to follow, whatever devices might be needed to address runoff issues. If there are additional problems it depends on how they are. Typically the landowner would be found at fault, however, with what the Planning Board requires of them, under a 500 year storm, there is no way there could be engineered plans for that. We are looking at increasing the capacity of everything we're doing because of the severity of the storms and particularly the amount of water we're getting. Municipal type things are engineered for at least a 25 year storm. I had the County engineers do a study on County Road 11 based on the problems we've been having over the last few years. Come to find out all the drainage structures on County Road 11 were engineered to handle a 50 year storm. We've had two or three 100 year storms and one 500 year storm when you're looking at that all bets are off. We cannot engineer for a five hundred year storm, we'd be living in a drainage structure."

Mrs. Jennifer Klein said "It seems worrisome to rezone add more potential area that can't handle these storms we're having. We don't know what's happening with the climate, we may be seeing more and more of these storms it seems almost like we should be erring on the side of, pausing so what we see, what's really happening if this becomes the weather pattern of the future, everything we do development wise is going to have major effects in so many ways."

Supervisor Lightfoote said "Let's use Pelican Point as an example. If we keep having these storms we need to look at what we, as a Town and the County, can do. At the same time they need to look at, ok, this creek keeps overflowing maybe what we need to do is have a berm around our building so it doesn't come in and flood the building out. In addition to what the Town is doing, I'm not saying instead of, I'm saying in addition to. We can't deal with the storms alone, we all have to look at it from a big picture, see what possibilities there are in each individual's circumstance."

Mrs. Sally Napolitano said "I was here in July. I was pretty disappointed when I read the minutes. I had a ten or twelve page document that I gave everybody. I pretty much went through it and there were two statements attributed to me, and Bob Brancato asked you about putting something together, which you did and I thank you for that, that wasn't in the minutes. If you still have this document I'd like you to add it to the minutes and if you don't have this document I can forward you an electronic version."

Town Clerk Perrotte said "if the Board would like it added I can do it for this month's minutes. I can't put it in July's minutes they are already done and approved."

The Board asked Town Clerk Perrotte to add the document to the September minutes per Mrs. Napolitano's request. The document starts on page 110 of these minutes, under section 8. Correspondence.

Mrs. Napolitano also brought it to the Board's attention that there are some pipes that have become exposed, because of scour, in the creek at 364 and County Road 11.

Mrs. Napolitano said "My neighbor at 4640 Lake Drive hired Bergman Associates. They did a survey of the creek that comes into his property which actually has two branches, one that comes under 364 and one that's fed off of 364 and County Rd 11 underneath the road there. When they did the survey they found an exposed, what they believe is a sewer line and a gas line. Which presents a public safety hazard. We believe that that is on either County or Town property because it's right at the edge of the culvert. This kind of goes to show some of the issues we have and now is effecting utilities."

Supervisor Lightfoote said they certainly would look into it.

Mrs. Lynne Klotz asked about the Town's website and how one would find out who's terms are how long, for the elected officials. She also asked if the Conservation Board was going to be 'reinvented' and how the community might learn about that.

Supervisor Lightfoote said the Conservation Board has been defunct for approximately a year and a half. The Town is taking steps to get it back together.

Supervisor Lightfoote said Mrs. Klotz was right in the fact that some of the functions that the Conservation Board held falls under our Agriculture Committee with guidance from the Department of Ag and Markets. Some of what the Conservation Board was dealing with has been absorbed by the Town's Ag Committee.

As far as the terms; Supervisor Lightfoote suggested Mrs. Klotz look at the County Board of Elections Website for a listing of elected officials within the County.

Mrs. Jennifer Klein said "We heard at the last meeting about homeowners doing as much as they can, and then we've heard it again at this meeting. Just to give you an example; we have spent hundreds of thousands to raise up an old place to do everything we can. Our backs are up against the wall. We have done everything humanly possible. We don't use pesticides, we don't use anything that hurts the lake. We can't do any more and yet we are by a creek that is putting out sediment. Our beach is extended probably twenty extra feet from the rocks that have come down as well as we have sediment on the bottom of our beach which used to be rock which is now giving off vegetation we've never seen before. I think, at the last meeting, there was a defensive posture. We are pro farmer. We want us all to be collaborative and relation-able but, we feel that there is a defensive posture about farmers doing their part. I hear what you're saying about the fifty year storm and all this but, we are experiencing something totally different. I'm more concerned about the lake than whatever work we have to do for the cottage we'll keep doing it. The lake is literally changing from what's coming down that creek. We need to feel like both party's are, we're doing everything we can but, we need to feel like the farmers are willing too."

Supervisor Lightfoote said "There was one individual farmer that was kind of being called out that operates the farm that's right at the intersection of County Road 11 and 364. He actually is already working with Soil and Water from Yates County because they were already involved with them on other projects. If you recall the ponds up above, they were not retention ponds. The previous owner just pushed some dirt up. The banks washed out and the ponds failed. They made the decision to take them out and may have already started construction on an actual retention pond. His purchase of that property has kind of coincided with the timing of these more extreme storms, it's kind of a double whammy. He participates in a lot of different programs through Soil and Water. He's probably the most conservation conscience farmer there is in this area. He works a great amount of land. I can assure you as time goes on he'll be doing what he can, on all his land not just that parcel, to make sure things are right."

Supervisor Lightfoote said Assemblyman Kolb has helped with a grant to help in the use for retention ponds and infrastructures to hopefully help resolve the problems.

Mrs. Margaret White has two concerns; one is the Transfer Station, the other is a passing zone on County Road 11.

Mrs. White asked who, on this Board, oversees the Transfer Station.

Supervisor Lightfoote said the Board oversees the Highway Department. The Highway Department oversees the Transfer Station. Kelly Ayers, being the Highway Superintendent, is basically in charge of the Transfer Station.

Mrs. White said "Well, Roger and I are good friends. I see Roger every week sometimes twice a week. Roger is a busy man, this is no intention as a negative comment towards him. I am really concerned with what happens at the Transfer Station that goes into the dumpster that is hauled off to the landfill. I would say a guesstimate, very conservative, twenty five to thirty percent of some of the stuff that goes into the dumpster for the landfill is recyclable. On September second I saw two gentlemen pull up, back up to the dumpster haul out a TV set, a VCR, several other electronic items and put it into the dumpster."

Supervisor Lightfoote said "If you see it again while you are there please bring it to Roger's attention. As time goes on we are trying to get more and more recycling to take place. Part of the problem with the recycling program is we don't have enough outlet for the recycling material. From time to time a load of recyclables goes up on top of the landfill to be buried simply because they can't get rid of it all."

Mrs. White said "and so it's ok?"

Supervisor Lightfoote said "No obviously not. We're trying to do this more with a 'carrot' approach than a 'stick' approach because we have more effort that needs to take place regarding recycling. If we get too heavy handed it will end up in our ditches instead of at the Transfer Station. We are working with the County to see what changes we can make up there to have more of an educational awareness."

Mrs. White asked what we can do as a community to help, for our future, for our land.

Supervisor Lightfoote asked Mrs. White if she would be interested on serving on a committee associated with the Transfer Station.

Mrs. White said yes.

Supervisor Lightfoote said he has thought about putting together a committee of some of our Town Board members, Planning Board Members and members of the community to address a lot of things as we move forward in our recycling efforts.

Mrs. White said her second concern is that there is a passing zone in front of LeTourneau Christian Camp on County Road 11. She is concerned with safety.

Supervisor Lightfoote said he can pass it on to the Department of Transportation, it's up to them to address issues on County Highways, to ask for this to be changed to a no passing zone.

3. Approval of Minutes – 8/9/17 Regular Meeting Minutes.

On the motion by Councilmember Malcolm, seconded by Councilmember Case, the minutes from the 8/9/17 meeting were approved as submitted. (3-0)

076-2017

4. Audit of Bills:

Abstract # 9

A	224-253	\$95,173.81
B	238-251	85.65
SL	239,244	568.11
DB	157-172	166,088.14
SS	71-77	3,197.90
SW1	146-167	26,622.09

On the motion by Councilmember Case, seconded by Councilmember Malcolm, the bills were approved for payment. Motion carried unanimously. (3-0)

077-2017

5. Reports of Town Officials:

a. Water/Wastewater Plants – written report on file. Chief Operator Coston said it's been in the works to replace the pumps at the Water Plant. Mr. Coston said he planned on replacing the 30 horse pumps with 50 horse because of the increased volume anticipated for Hopewell. Mr. Coston said they need to be replaced as soon as possible.

Mr. Coston said "Our pumps are failing rapidly. Typically we are pumping about 900 gallons a minute, we are down to around 500 gallons a minute. What's happening is the pumps are getting down to the end of their life. We are pumping fifteen, sixteen hours where typically we are down to ten hours this time of year. We have a flow meter that is down. I want to get going with pumps because if they fail we are in a tough spot so we need to move fairly rapidly."

Supervisor Lightfoote suggested Mr. Coston get the price quotes needed and we'll move forward quickly.

b. Highway Superintendent - written report on file.

c. Zoning – written report on file.

d. Assessor – no report on file. Assessor Mineo said she is wrapping up on the STAR Hearings. She anticipates another couple weeks of hearings and then she will be back out in the field, business as usual.

e. Town Clerk - written report on file.

f. Supervisor – written report on file.

On the motion by Councilmember Malcolm, seconded by Councilmember Case, the reports of Town Officials were approved. Motion carried unanimously. (3-0)

078-2017

6. Business:

a. Budget Transfers – On the motion by Councilmember Malcolm, seconded by Councilmember Case, the following budget transfers were approved; \$2,000.00 from A599 to A1220.4, \$5,400.00 from A599 to A8540.4. Motion carried unanimously (3-0).

079-2017

b. Supervisor Lightfoote presented a quote from Cyncon Equipment, Inc. for roll off units for the Transfer Station. Supervisor Lightfoote said the \$36,000.00 funds that came through from Casella, through the County, will cover the cost of the new containers.

Councilmember Malcolm suggested the Town get more price quotes. Supervisor Lightfoote said he will ask Highway Superintendent Ayers to get a few more quotes.

c. Drainage Channel Landscape Blocks – On the motion by Councilmember Case, seconded by Councilmember Malcolm, to approve the quote from Lakelands Concrete Products, Inc. to supply additional blocks and PVC sleeves for the drainage channel in Crystal Beach. Not to exceed \$7,000.00. Motion carried unanimously. (3-0)

080-2017

On the motion by Councilmember Case, seconded by Councilmember Malcolm to authorize \$20,000.00 to be used to dredge and replace blocks along the drainage channel in Crystal Beach. Motion carried unanimously. (3-0)

081-2017

7. Privilege of the Floor:

Mrs. Lynn Klotz said "Surprise, surprise this is about water flowing down hill! When businesses or homeowners are doing work, yardwork, landscaping, diverting water around their property, do they, should they let you know? Do they have to let you know if they are adding to a ditch, if they're draining into a ditch?"

Supervisor Lightfoote said "typically, no, by law they don't."

Mrs. Klotz said there is a natural spring behind the house. She said "my personal concern is that the ditch that has been created may not be able to handle...I don't know that the water is going to flow any differently rushing over the soil or coming through a pipe, I don't know."

Supervisor Lightfoote said I don't know either it could come faster. I'm glad you brought it to our attention because we will look into it. It's a situation where the Town could work with the homeowner to try to address their problem and make it fit into the Town's drainage structure."

Mrs. Klotz said "I just didn't know what the overall process was for directing water, private water, virtually into public drains."

Supervisor Lightfoote said "There really isn't one. This is a case where because we've got such issues there already that we need to look at see if there is more

that needs to be done and we'll work with the homeowner because they've got problems with what's coming down from above."

Supervisor Lightfoote said just for informational purposes the Town is scheduled to pour the gutter on Lake Drive mid to late October. The company that is going to do it has us on their schedule.

Mrs. Klotz asked if there is a chance of getting a line drain in. She would hate to miss an opportunity to collaborate on that with her neighbor and work with the Town.

Supervisor Lightfoote agreed and asked Mrs. Klotz to give him a couple days to check into it.

8. Correspondence – a document prepared by Mrs. Sally Napolitano regarding flooding issues in Cottage City.

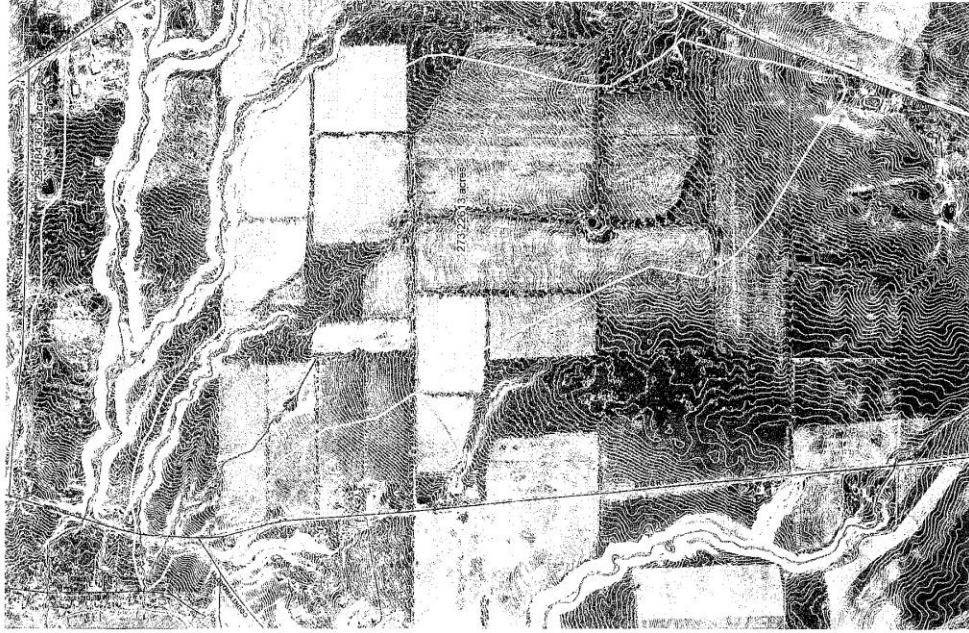
Recent history of Cottage City Flooding

- Two creeks flow under Lake Drive south of Cottage City Road.
- Prior to 2014 the southern bridge/culvert had never overflowed.
- After 2014 FEMA Event the Cottage City Cove Association spent \$35K on repairs to the north bridge and \$13K to **assist** with expenses to replace and enlarge bridge/culvert of the southern creek. Capacity of southern culvert was nearly doubled.
- Homeowner of southern creek spent additional **tens** of thousand dollars in 2014 to improve flow and capacity of southern creek.
- Prior to 2010 same homeowner installed rip-rap and gabion on creek walls upstream of culvert expending **tens** of thousands of dollars.
- June 15th, 2017 storm caused flooding in south end of Cottage City.
- Newly enlarged southern bridge/culvert overflowed causing damage to properties.
- SOMETHING HAS CHANGED

SOMETHING HAS CHANGED CREATING MORE WATER FLOW INTO SOUTH END OF COTTAGE CITY

- 6/20/2017 Kevin Olvany provided a liDAR map showing drainage into southern creek of Cottage City.
- Comparison of Google Earth Satellite photos show that farmland upland of Cottage City and within the drainage area has changed by eliminating two ponds and three hedgerows.
- From Bergmann Associates- "While storm events are creating more precipitation in recent years, development upstream of the subject properties has also changed. Notably a property owner along the south branch the subject tributary removed two substantial ponds and a large amount of vegetation, which may have resulted in an increase of peak runoff that runs through this waterway."

LiDar Map of Drainage into South End of Cottage City- provided by Kevin
Olvany 6/20/2017

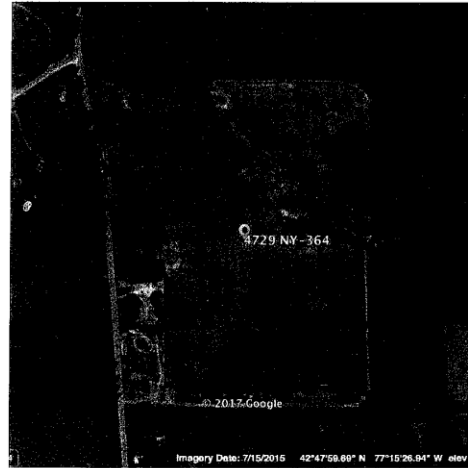


Waterflow changes in upland drainage area.

Google image of 4729 St Rt 364 taken 9/23/ 2013



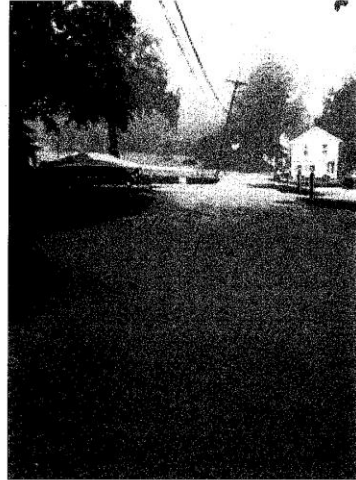
Google image of 4729 St Rt 364 taken 7/15/2015



Photos of 6/15/2017 Flooding



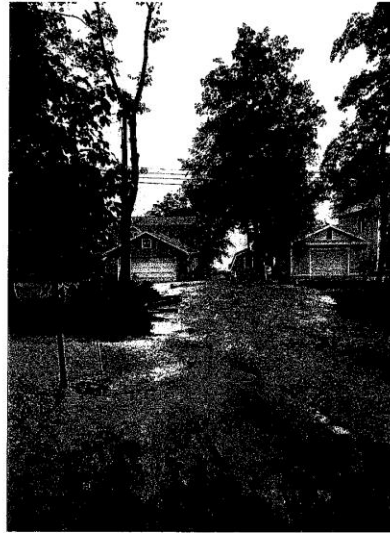
View of Lake Drive from 4662 Lake Dr.



4' by 6' Bridge/culvert at 4640 Lake Drive



Before overflow



After overflow

View of two branches of south creek just upstream of bridge/culvert.

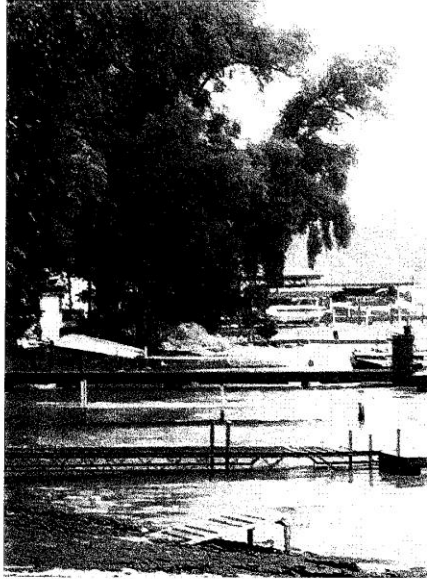
- First photo shows new phenomenon of southern branch delivering more water than northern branch.
- Second photo shows southern branch overflowing creek bank for the first time ever.



Water coming down from intersection of Route 364 and County Road 11 culvert onto property addresses 4668, 4670 and 4678 Lake Drive. May also have been wash from over Route 364.



Left photo- View of water entering lake at ravine between 4684 and 4680 Lake Drive.
Right photo- View of water entering Lake at 4662 and 4640 lake Drive.

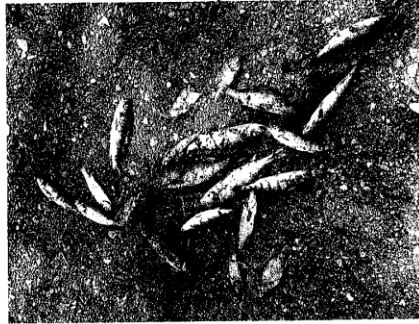


Sediment and debris entering lake.



Consequences of inaction-

- Continuing degradation to water quality and clarity of lake due to run-off of silt, sediment and fertilizer.
- Increased nutrient load delivered to lake increasing likelihood of HABs and possible additional expenses to water treatment to the Town of Gorham.
- Fish kills due to sediment run-off.
- Continuing personal property damage and losses to lakefront homeowners.
- Degrading lakefront property values while assessments are increasing.
- Ultimately loss of tax revenue for the town and county as lake degrades and flooding continues.



Possible solutions-

- Lakefront property owners can only do so much to mitigate the water, sediment, debris and nutrients entering their property and the lake.
- Focus needs to be east of Route 364 in slowing, naturally filtering and diverting water before it enters the property west of Route 364 and the lake.
- Need zoning requirements for farmland to have retention ponds, hedgerows and run-off mitigation.

9. Set Next Meeting Date – the next regular meeting of the Gorham Town Board will be held on October 11, 2017 at the Gorham Town Hall.

10. Executive Session - at 8:31pm on the motion by Councilmember Malcolm, seconded by Councilmember Case, the Board entered into executive session to discuss litigation regarding Cregg v Town of Gorham.

At 8:46pm on the motion by Councilmember Case, seconded by Councilmember Malcolm, the Board returned to regular session. No action was taken in executive session. Motions carried unanimously. (3-0)

082-2017

11. Adjournment - With no further business, on the motion by Councilmember Malcolm, seconded by Councilmember Case, the meeting was adjourned at 8:51pm.

Respectfully submitted,

Darby Perrotte
Town Clerk