

MINUTES
REGULAR MEETING and PUBLIC HEARING
GORHAM TOWN BOARD
APRIL 11, 2018

The Gorham Town Board held a Regular Meeting and Public Hearing on Wednesday April 11, 2018 at 7:00 PM at the Gorham Town Hall. Present were Supervisor Fred Lightfoote, Councilmembers; William Glitch, Brian S. Case, Richard Malcolm and Jake Chard. Water/Wastewater Chief Operator Greg Coston, Highway Superintendent Zach Eddinger, Assessor Enza Mineo and Town Clerk Darby Perrotte. Zoning Officer Gordy Freida was necessarily absent.

Other guests in attendance; Eric Goeca, Rita Kulp, Tina DeNigro, Brenda Jones, Mike Bentley and Lynn Klotz.

1. Call to Order/Pledge to the Flag
2. Privilege of the Floor – none requested
3. Public Hearing: Local Law #3-2018 – On-Site Wastewater Treatment System Law.

Supervisor Lightfoote opened the public hearing at 7:04pm. The legal notice as it appeared in the Town’s official newspaper was read. With no comment from the public the hearing was closed at 7:06pm.

4. Approval of Minutes – On the motion by Councilmember Malcolm, seconded by Councilmember Glitch, the 3/7/18 and 3/14/18 meeting minutes were approved as submitted. Motion carried unanimously. (5-0)

037-2018

5. Audit of Bills:

Abstract # 4

A	73-100	\$68,745.66
B	84-91	175.25
SL	83	569.50
DB	61-88	43,761.09
SS	19-27	1,461.72
SW1	50-68	8,420.52

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

038-2018

6. Reports of Town Officials:

- a. Water/Wastewater Plants – written report on file.

Chief Operator Coston supplied the Board with cost comparison prices for new trucks for the Water Department. Mr. Coston suggested to Supervisor Lightfoote that the Town look into leasing options.

Supervisor Lightfoote said the County leases a lot of vehicles and it has proven to be more advantageous cost wise. Supervisor Lightfoote said he contacted the County to find out if the Town can piggyback on their contract or possibly Chautauqua County's contract. Supervisor Lightfoote said he will get information for the next meeting.

Chief Operator Coston said "I would like to thank the Highway Department. They put a new driveway in for us at the Turner Road booster station."

- b. Highway Superintendent - written report on file.

- c. Zoning – written report on file

- d. Assessor – written report on file.

- e. Town Clerk - written report on file.

f. Supervisor – written report on file. Supervisor Lightfoote said he met with several people at Deep Run Park regarding the County's up and coming Park plan. It is part of the 364 corridor plan to provide more recreational activity. Things such as; a bike lane on Route 364, a fishing pier at Deep Run Park, dredging the swimming beach there since it has silted in so much it's more like a wading pool. The plan also includes the kayak launch at Ontario Park that has been anticipated for years. The County would like to include our up and coming Park, Easton Park, within the study area as well.

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

039-2018

7. Business:

a. Mr. Eric Goeca was present to get a determination regarding his property on Old East Lake Road. Mr. Goeca wants to tear down a carriage house and rebuild a bunk house. A section of his property is with-in the Town's road right-of-way.

Supervisor Lightfoote spoke extensively with the Town's lawyer regarding this matter.

Supervisor Lightfoote said "We found there is absolutely no means by which to address the situation such as what we have there. Everything is a one size fits all when you are looking at State Highway Law regulating local roads. All of the buildings on that stretch of road are well within the right-of-way. Some of them are only a couple feet off the pavement. The Town attorney said if we want to go one hundred percent by the letter of the law then we have to tell Mr. Goeca although he has a building in sad need of repair or replacement because it is in the right of way you can't do anything. In this case, with that road, the road right-of-way means nothing. There is nothing that's going to happen there. There is no road ditch on that side, it's just the road and then the houses. Just my opinion, the law that's in place, that regulates this, is inappropriate. It will accomplish absolutely nothing other than take away private property rights of the people that own residences on that stretch of road. In order for us to properly serve the residents of this community including the residents that are on that stretch of road we can ignore, and Gordy agrees, the right of way within that stretch. Given that the buildings are already there providing that we only allow for that building to be re-built within its existing footprint. I know Eric doesn't want that. He wants to be able to go higher. And by footprint I don't mean just the on the ground footprint but also not to go higher than it already is. According to Attorney Graff it doesn't need to go to the Zoning Board of Appeals. It is within Gordy's purview. That he can act administratively on this and he would like to but he would like the blessing of the Board before he goes ahead and does that."

Supervisor Lightfoote asked the Board their thoughts. Concerns were voiced about the height of the structure and they want to make sure everyone is on the same page.

Supervisor Lightfoote said "I'm very comfortable with Gordy working with Eric to come up with a means by which this will work. I also spoke with Zach (Highway Superintendent) about it too. Zach has input given that it's a Town highway. Zach has opined that he has no problem with whatever takes place there. My point is we're not here just to read the laws and say here's what it says and here's what you can do and that's all you can do. We're here to serve the residents of our community and when there is something that comes along whether it be a federal law or state law, that has no impact and makes no sense to us, it only makes sense that we do what we can to help the residents achieve, to a degree that makes sense and Gordy will be the one to see to it that that would happen, to serve the residents of the Town. In my opinion that's what we were elected for not to just interpret laws. If we stuck right to the letter of the law we would have to tell you sorry we can't do a thing for you."

By common consent the Board agreed to allow the project as long as the owner is working with Code Enforcement Officer Freida.

Supervisor Lightfoote said "that's the key, you can't argue with Gordy whatever he says goes and you know he's going to try to do the best he can for you."

- b. Appoint Mike Bentley to Chair the Town Zoning Board of Appeals.

On the motion by Supervisor Lightfoote, seconded by Councilmember Malcolm, to appoint Mike Bentley as Chairperson for the Town of Gorham Zoning Board of Appeals. Effective immediately. Term ends December 31, 2024. Motion carried unanimously. (5-0)

040-2018

c. Tina DeNigro Manager of the Outsource Practice at EFPR Solutions. EFPR Solutions was hired to reconcile 2017 accounting records and prepare and file the Annual Update Document for year ending 2017. Also to work with Supervisor Lightfoote and Town Personnel to bring January and February 2018 accounting records current and reconciled. By the next meeting she will have all the books current through April. Revenue and expense reports will be prepared for the May 9th meeting.

Mrs. DeNigro offered the Board a ten page summary recap of what they have put together. That summary is on file at the Town Hall.

Lynne Klotz asked the Board if EFPR is a onetime deal or were they here to do an audit. She said it seems like a great asset.

Supervisor Lightfoote said "The Town has contracted with EFPR because our Bookkeeper/Water Billing Secretary left. They contracted with us to close out 2017 and submit our AUD. They provide whatever services we need for bookkeeping and accounting going forward. They will submit a proposal.

The Board needs to consider whether we go forward with something like EFPR or if we go back to hiring a true bookkeeper. In this case what we would have to do is have a person who would be more of a clerk in the office that would be the contact person for EFPR. Supervisor Lightfoote thanked Mrs. Brenda Jones, for her helpfulness. Mrs. Jones is the Town's office floater. Mrs. Jones would be interested in the clerk position."

d. Water/Wastewater Treatment Plants Petty Cash - Chief Operator Coston said his petty cash fund is short. Each month receipts are submitted and vouchered to bring the balance current. Water/Wastewater petty cash fund is \$200.00. The fund was totaled up for February 14, 2018 meeting and discovered it was short \$18.63. Since the Water billing secretary left, Chief Operator Coston, Mrs. Jones and Town Clerk Perrotte weren't sure where to voucher for the funds to recover the \$18.63 and they didn't want to be held responsible for it being short.

Supervisor Lightfoote said "What we need to do is, by resolution, make it 'lost, unaccountable funds'. To make the fund whole again we take it from Water/Wastewater budgeted departmental account to have that cash on hand."

e. **Local Law # 3 - 2018 On-Site Wastewater Treatment System Law**

1. Councilmember Glitch offered the following resolution and called for its adoption. The motion was seconded by Councilmember Malcolm and was adopted unanimously.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GORHAM,
ONTARIO COUNTY, NEW YORK,
DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 3 OF 2018**

WHEREAS, the Town of Gorham Town Board, hereinafter referred to as Town Board, has determined proposed Local Law No. 3 of 2018 to be a Type 1 Action under the State Environmental Quality Review (SEQR) Regulations, and,

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

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

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

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

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

I, Darby Perrotte, Town Clerk of the Town of Gorham do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Gorham on April 11, 2018, by the following vote:

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

041-2018

2. Councilmember Chard offered the following resolution and called for its adoption. The motion was seconded by Councilmember Malcolm and was adopted unanimously.

**RESOLUTION AUTHORIZING ADOPTION
OF LOCAL LAW NO. 3 OF 2018**

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 April 11, 2018 at 7:00 p.m. at Gorham Town Hall, 4736 South Street, Town of Gorham, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law Adopting an On-Site Wastewater Treatment System Law" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on March 28, 2018 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on April 11, 2018, at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, Town of Gorham, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR; 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. 3 of 2018, entitled "A Local Law Adopting an On-Site Wastewater Treatment System Law", 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, to publish an abstract of this local law in the Town's official newspaper and to give due notice of the adoption of said local law to the Secretary of State of New York.

I, Darby Perrotte, Town Clerk of the Town of Gorham do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Gorham on April 11, 2018 by the following vote:

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

042-2018

- e. Resolution authorizing a credit card for the Highway Superintendent.

Councilmember Glitch offered the following resolution and called for its adoption. The motion was seconded by Councilmember Chard and adopted by unanimous vote.

**TOWN OF GORHAM TOWN BOARD
RESOLUTION NO. 009-2018**

WHEREAS, the nature of business for officials in the Town of Gorham requires travel, hotel check-ins, deposits, occasional unexpected expenses, etc.

WHEREAS, it is deemed appropriate that Highway Superintendent Eddinger would require a credit card, issued to the Town of Gorham, for his use,
Now therefore be it;

RESOLVED, that the Town apply for a credit card through Lyons National Bank for Highway Superintendent Eddinger.

I, Darby Perrotte, Town Clerk of the Town of Gorham do hereby certify that the aforementioned resolution was adopted by the Town of Gorham on April 11, 2018 by the following vote;

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

f. Executive Session – On the motion by Councilmember Glitch, seconded by Councilmember Chard, the Board entered into executive session at 8:34 pm to discuss a personnel issue.

On the motion by Councilmember Malcolm, seconded by Councilmember Case, the Board returned to regular session at 9:05 pm.

No action was taken in executive session. Motions carried unanimously. (5-0)

043-2018

8. Set Next Meeting Date – the next regular meeting of the Gorham Town Board will be held May 9, 2018 at 7:00 pm at the Gorham Town Hall.

9. Adjournment - With no further business, on the motion by Councilmember Malcolm, seconded by Councilmember Glitch, the meeting was adjourned at 9:06 pm.

044-2018

Respectfully submitted,

Darby Perrotte
Town Clerk