

MINUTES
REGULAR MEETING and PUBLIC HEARING
THE GORHAM TOWN BOARD
October 13, 2021 7:00pm

The Gorham Town Board held a Regular Meeting and Public Hearing on October 13, 2021 at 7:00 pm.

Present were Supervisor Fred Lightfoote, Councilmembers; William Glitch, Brian S. Case and Jake Chard. Water/Wastewater Chief Operator Greg Coston, Highway Superintendent Zach Eddinger, Billing Clerk Brenda Jones and Town Clerk Darby Perrotte.

Assessor Enza Mineo joined via video/phone conference.

Councilmembers Richard Malcolm and Code Enforcement Officer Jim Morse were necessarily absent.

Other Guests in attendance; Lynn Klotz, Sally Napolitano, Susan Carpenter, Ben Smith, Shawn Allen, Brent Ayers, Pat and Kristin King, Kevin Stape, Kyle Gruschow, Kevin Moore, Cody Docteur, Doug Gruschow, Kevin Farnsworth, Phil Curtis and Dan Botsford.

Others guests joining via video conference; Rita Kulp, Brett Johnson, Jen Stape and Adrienne Smith.

1. Call to Order/Pledge to the Flag. Supervisor Lightfoote called the meeting to order and led the pledge to the flag.
2. Privilege of the Floor –

Susan Carpenter, County Road 11 resident, said "We have always credited ourselves with not having a Town Tax. Last year we had a Town Tax. This year we not only have a tax but we broke the tax cap which most municipalities try hard to not do. I hope going forward we are not going to continue to do that. I wanted to make a comment about the garbage charges in the budget. Expenditure side it looks like we've got \$255,308.00 and we've budgeted to collect about \$80,000.00 in revenue for our permits. Which means taxpayers are subsidizing their garbage in the town for quite a significant amount. Landfills all over the State are closing. It's going to become more difficult and more expensive to rid of garbage. When people are not being charges the real cost of dumping their garbage they don't make any real effort to reduce the amount they are dumping. There's an awful lot of recyclables in our garbage dumpster. There's a lot of metal in our garbage dumpster and a lot of food waste that could be composted. I think going forward if we don't do something to reduce the amount that goes in we are going to have more and more and more of a problem. A lot of municipalities have found that if you weigh the amount of garbage that people bring in then they begin to make an effort to reduce the amount that they're dumping. That way you can actually charge people the actual cost for disposing of refuse. If we start charging people the actual cost people not only would reduce it but you get a realistic charge for dumping. You could have a hybrid system where people buy the permit and the get a certain number of bags for that 100 to 200 dollars and if you go over that you pay by the cost of what it takes for us to get rid of it. I hope the town will consider something like that in the future."

Kevin Farnsworth, East Main Street resident, said "My neighbor and I, Dan McGregor, over the last two to three years we've had a serious water problem developing in our back yards. I've talked to Greg Coston, Jim Morse and Tom Harvey. There have been a lot of changes up at Deer Run, and, even though they have a water management system in there, we're thinking what's happening is the water flow coming down the hill on East Main Street. Ken Perkins said the back of his horse pens are wet, they have never been before. We never had water in our back yards. The last three years it's just been getting deeper and deeper. I know this was a wet year but I mowed my lawn and there's four inches of standing water in my back yard. There are two drain lines that come out to South Street. Can we tie into those drain lines? We're assuming they come out to South Street. Tom Harvey thinks it may be a County issue because it's a County Road. I haven't been able to get answers from anybody. To go out to Main Street, the problem for us to do it ourselves is we have to go under sewer lines, under gas lines and under water lines and under the sidewalk. It's been getting worse for the last two or three years. I've been living there for twenty two years, it was dry when I first moved in, and it's been getting wetter and wetter every single year. I don't need an answer tonight, I'm not expecting anything tonight. The question I have is do we need a permit to do this kind of work in our back yards. Can we tie into the drain system. Can somebody get in touch with us, somebody come out and look at it. Can the town help us out with stone or if we have to go under the sidewalk can the town help us to dig underneath that."

Mr. Farnsworth supplied Board members with a map of the layout of his backyard showing where the water problem is.

Supervisor Lightfoote said "I had a conversation with the town attorney in regards to this type of issue. It depends on a few things, it's specific to your location. As far as the town being able to help you it's a possibility. That would be up to Zach Eddinger, the Highway Superintendent. I certainly will continue on with it get it figured out. We'll be in touch with it."

Councilmember Glitch joined the meeting at this time.

3. Business -

Supervisor Lightfoote changed agenda items around to accommodate the insurance salesman and all the town employees that were present to listen to the proposed change in health insurance plan for employees.

a. Health Insurance Plan Change –

Dan Botsford, the Town's insurance salesman, said over the last dozen years health insurance has gone up significantly. Mr. Botsford met with Town Supervisor Lightfoote and Billing Clerk Brenda Jones a couple times in October to come up with a plan that would have the least impact on the employees, to save the town some money.

Mr. Botsford outlined the plan we currently have and the proposed plan they came up with.

Mr. Botsford said the proposed plan is a high deductible plan. \$1600.00 for a single plan, \$3200.00 for family. The town is proposed to pay the deductible. Most employees won't meet their deductible and won't see any increase in their copay to their physician. Some of the high utilizers will have out of pocket expenses. Those that do then pay twenty percent of the hospital

or doctor bill. A couple examples would be if your doctor bill is \$100.00 your co pay would be 20 bucks. If it's hospital, with a \$10,000.00 bill employees would pay \$2,000.00 of the bill.

Several employees were present to ask questions. There was much discussion on copays, out of pocket expense, prescription costs, administrative fees here at the town level and third party administrative fees. One employee recommended not offering the \$1500.00 buyout that is offered to employees that do not utilize the town insurance plan, as a way to save the town some money.

Employees, and their family members that were present, had lots of questions.

Supervisor Lightfoote said "Health related costs have gone through the roof. It is accelerating, who knows what we'll be able to supply next year. One thing we do know is that we can't continue to absorb the increases that we've been experiencing."

Mr. Botsford said he is available to talk to employees to answer any question they might have. Supervisor Lightfoote tabled the decision to give the Board and employees more time to ask questions and have their questions answered.

4. Public Hearing 2022 Budget –

Supervisor Lightfoote opened the public hearing. The legal notice as it appeared in the Daily Messenger was read.

There was confusion on whether the public hearing was for the tentative budget or the preliminary budget.

The tentative budget is filed with the Town Clerk by September 30. The Town Clerk presents it to the Town Board by October 5. The Town Board, reviews makes changes and adopts the tentative budget which then becomes the preliminary budget. The Town Board schedules a public hearing regarding the preliminary budget as per Town Law.

Mrs. DeNigro, from EFPR Solutions who does the town's contractual bookkeeping, explained she is discussing the tentative budget at tonight's meeting.

Sally Napolitano, Lake Drive resident, said "Based on what she just said it's open for public comment when it becomes preliminary?"

Billing Clerk Jones said "What's on the website is the tentative, that's all we have right now is the tentative."

Supervisor Lightfoote said "The reason we do it this way, it's not illegal to do it this way, it gives us greater time to take comment from the public and put it through the mill, see how things go instead of just shooting from the hip when it gets right down to the wire."

Mrs. Napolitano said "I'll be the first to admit I don't understand a lot of this. A couple things pop out to me that I question. On the first page, property taxes, A1001, is that the town tax that was instituted last year?"

Supervisor Lightfoote said yes.

Mrs. Napolitano asked "How does that grow so significantly in 2022?"

Supervisor Lightfoote said "The \$342,000 if you look back to 2021, it wasn't \$235,000.00 that's just A fund. With 2021's you have to look to the other funds also and add that up."

Mrs. Napolitano said "So there is not an overall budget? There are all these separate budgets but nothing that pulls it all together?"

Tina DeNigro, from EFPR Solutions, answered, explaining the budget process they use for the Town.

Mrs. DeNigro said "Last year trying to budget during the pandemic, at the time of preparing the 2021 budget the County Treasurers Office and State leaders were reaching out to municipalities and encouraging us to be very mindful of restructuring our revenues when it comes to sales tax. At the time there was just no way to predict the direction the economy was going to go. In order to maintain fund balances for the town the tax rate was imposed. Now those same Treasurers from the County and the State are telling us that 2021 we can anticipate a fifteen percent increase in sales tax revenue. They are saying if you take your 2019 actuals, increase that by fifteen percent that is potentially what we can be looking at getting this, 2021, current year. The way sales tax law in general works, we need to apply sales tax to the part town wide funds before we can apply it to town wide. We are projecting a significant amount of sales tax next year in part town funds. Which are B and DB funds. We are essentially eliminating raising taxes because we are going to use the sales tax revenue in those funds. \$342,000.00 is what the current levy is. I don't know if that is where it will stay. Based on the upcoming projects the town is looking at taking on there is a lot of discussion that needs to be had around fund balances and projecting for these future capital expenditures."

Supervisor Lightfoote said "Part town and Highway fund will be funded totally through non-real property tax money. The A fund, however, is where real property tax funds will go in their entirety."

Mrs. DeNigro explained "We were not projecting to receive enough sales tax to fully fund your B and your DB funds based on the pandemic we were in. No one was projecting that you would bring in enough revenue to cover those so we raised property taxes to maintain operations in those funds. Now that we're in 2021 and we're in the third quarter we know where revenue is going to land and so we're making some corrections to next year's budget and going to make some revenue shifts this year to account for that as well."

Mrs. Napolitano asked Supervisor Lightfoote to explain the two different rates for the town tax for 2021.

Mrs. DeNigro answered, she explained "The A fund, is everybody that lives in the town including Village of Rushville residents. Your B fund and DB fund, that tax base, are all the town residents that live outside the Village. So when we raise taxes there are two distinctly different rates. The village residents also benefit from sales tax from the village. That's why there are two different tax bases. So to clarify, sales tax has to hit your B and DB funds first. We didn't anticipate you would receive enough sales tax to fund those two funds for 2021, so property taxes were raised to balance the budget. Now that we know sales tax is higher than ever anticipated at this point leaders are telling us to expect continued increases we're removing the tax levy from the village, the B and the DB, using sales tax to fund those funds and going to a flat town wide tax rate. Real Estate taxes will be borne by everybody. You had town tax last year. But because we have so much sales tax being funded to your B and DB you have a shortfall in your town wide fund now. You can't give sales tax money to you're A fund until you fully fund your B and your DB. The bottom line is the town of Gorham has been benefiting from a substantial amount of sales tax for years and years and you've been able to keep taxes off your roll. Increases to operate the town, your capital infrastructure and capital projects has slowly, over the last ten years, are exceeding the amount of sales tax revenue, it used to be able to cover it all."

Lynn Klotz, Lake Drive resident, asked "There's no chance we'll go back to a zero tax?"

Supervisor Lightfoote said "Not for the coming year."

Supervisor Lightfoote asked if there were any other comments for the public hearing."

Lynn Klotz asked when the last town wide audit was done.

Supervisor Lightfoote said there have been audits for various departments in 2017-2018.

Town Clerk Perrotte said there has not been a town wide audit since she started as Town Clerk in 2013.

Mrs. Klotz said she would like to schedule a meeting with Tina because she doesn't understand a lot of the budget.

Supervisor Lightfoote said to schedule it with him first.

Mrs. Klotz asked what BAN was under highway and the spending for conservation, drainage, environmental control, page 3 at the bottom. She said "there were a lot of expenses, over \$200,000.00 in 2019, nothing for 2020 or 2021, or budgeted for 2022. I don't understand."

Supervisor Lightfoote said BAN is Bond Anticipation Note and we had to reclassify some of that stuff, they were putting it on the wrong line."

Mrs. Klotz asked "so, where does it show up?"

Supervisor Lightfoote said "Why don't we set something up. A meeting to go over the budget."

Mrs. Napolitano asked about non property tax distribution. She said "When you were running \$700,000.00 to \$800,000.00 in 2019 and 2020, then in 2021, the first year that there was a real property tax. This is our sales tax?"

Supervisor Lightfoote said "Yes, that's the majority of it, sales tax."

Mrs. Napolitano asked "Why would you start reallocating, I'm just confused by this. That you would budget let's say \$500,000.00 for 2021 when it had been running \$750,000.00 to \$800,000.00 and in fact your projected to be at \$720,000.00."

Supervisor Lightfoote said "In 2021 we reduced it by a significant amount and that's why we went to the real property tax."

Mrs. Napolitano said "This is saying to me you never needed the real property tax."

Mrs. DeNigro said "I'd like to pipe in and say the difference between the tentative and the preliminary, I've been working with Fred on preliminary changes and we will not be adding any sales tax in the A fund for 2022. The projection has changed as well based on calculations I've been working with Fred on. I was brought into this late last week. I didn't know you were having the public hearing on it tonight. Based on the current projections we are not recommending any sales tax to be collected in the town wide fund for 2021. All sales tax for 2021 will be recorded in the B fund and your DB fund. That has already been changed to zero for 2021."

Billing Clerk Jones said "That's the one that's on the website, since then they've been changing for the preliminary."

Mrs. Napolitano said "That makes it hard for the public, at a public hearing, when we're working off two different documents."

Supervisor Lightfoote said "That's why I'm not going to close the public hearing tonight, I'm going to adjourn it, to be re-opened in two weeks."

Mrs. Napolitano said maybe she could come in with Lynn Klotz and he can explain it to both of them.

Supervisor Lightfoote agreed to do that.

Mrs. Carpenter said "At the risk of being a nag, I'd sure be happy to see my taxes go to pay a lot of things, more than subsidizing people that won't deal with their garbage, who won't recycle, who won't compost. I'm really glad that this town does provide employees with good insurance. I'd be a lot happier to see my tax dollars going to insurance than to people who

throw away stuff that shouldn't be thrown away or letting people just throw stuff away and the town covers the cost."

Supervisor Lightfoote adjourned the public hearing at 8:15 pm, to be re-opened in two weeks.

- 5. Approval of Minutes – 8/11/2021 regular meeting minutes
9/8/2021 revised meeting minutes

On the motion by Councilmember Chard, seconded by Councilmember Glitch, the meeting minutes were approved as submitted. Motion carried unanimously. (4-0)

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- 6. Audit of Bills -

Abstract #10

A	763-837	\$106,784.80
B	764-836	8,698.42
SL	835,837	764.93
DB	751-838	294,520.44
SS	767-824	6,786.93
SW1	749-826	15,082.29

On the motion by Councilmember Glitch, seconded by Councilmember Case, the bills were approved for payment. Motion carried unanimously. (4-0)

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- 7. Reports of Town Officials –

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

B. Highway Superintendent – written report on file. Supervisor Lightfoote said things are progressing well on Jones Road.

C. Zoning/Building Officer – written report on file. Supervisor Lightfoote gave an update on the Long Garage. The town is giving Mr. Long an estimate on cost to move the water line. Mr. Long would still have to apply for a variance.

D. Assessor – written report on file. Susan Carpenter asked Assessor Mineo about three cottages that are being torn down, therefore three new houses going up, how long does it take once those are done before they get re-assessed and go on the tax roll at their new value.

Assessor Mineo said it depends on what percent of their completion they are at. So if March first they are fifty percent completed they go on at fifty percent of their value.

E. Town Clerk – written report on file.

F. Town Supervisor – financial report on file.

On the motion by Councilmember Glitch, seconded by Councilmember Chard, the reports of Town Officials were approved. Motion carried unanimously. (4-0)

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8. Business Continued –

b. Discussion on Gas Chlorine use at the Water Treatment Plant–

Supervisor Lightfoote asked Chief Operator Coston to explain the change from gas chlorine to hyper chloride at the Water Treatment Plant.

Chief Operator Coston said the water plant treats with gas chlorine which is very dangerous. He said we are one of the last plants around to use gas. With the new plant they are going to use liquid chlorine because it is safer. Operator Coston said the cost will be fairly similar to what they pay for gas chlorine. They can partner with other towns and the Village of Rushville to keep delivery costs down.

c. Recreational Marijuana – Opt In/Opt Out for Retail Dispensaries and On Site Consumption locations in the Town of Gorham –

The Board, along with residents, held a discussion regarding the decision to allow retail dispensaries in the town. The Town Board makes the decision to Opt In or Opt Out. The Opt Out deadline for municipalities is December 31, 2021.

Supervisor Lightfoote tabled the decision until the next meeting.

9. Privilege of the Floor –

Lynn Klotz asked how many new businesses have come into the Hamlet of Gorham in the past few years. She would like to see or hear what the plan is for encouraging new business in town. She would like that to be on the forefront of the Comprehensive Update Plan and to keep in mind tapping the same sources for revenue isn't necessarily the most proactive way for funding.

0. Set Next Meeting Date – The next meeting, a special meeting regarding health plan and the budget, will be held on Wednesday October 27, 2021. The next regular board meeting will be held on November 10, 2021 at 7:00pm at the Gorham Town Hall.

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11. Executive Session – (the Board did not enter executive session)

Councilmember Glitch asked whether the topic of longevity should be discussed in executive session. He wasn't sure if it should be executive session because it involves certain employees.

Supervisor Lightfoote said unless there is something different than what has previously come before the Board, it does not have to be executive session.

Councilmember Glitch said he would like to get the longevity pay that is owed to employees taken care of.

Supervisor Lightfoote said he agrees, it needs to be taken care of. He said if he has to do it, he has to find time. Supervisor Lightfoote explained he has been very busy with a long list of items to take care of. He said it needs be done very soon. He asked if someone could find some time to help him because that is what it's going to take with some of the stuff on his list. Supervisor Lightfoote said he will get to whatever he can get to and it's whatever is the most important at the time. When deadlines come up he tries his hardest to get them taken care of. The longevity didn't have a deadline.

Chief Operator Coston said it has been twenty two months that the town has owed him an increase in pay. It affects his retirement because NY State and Local Retirement considers the three highest years earned so it is effecting him if he decides to retire in a year or two.

Councilmember Glitch said he would try to do something.

The discussion became very heated. Councilmember Glitch called for adjournment.

Seconded by Councilmember Chard, the meeting was abruptly adjourned at 9:04pm.

Respectfully Submitted,

Darby L. Perrotte
Town Clerk

