

MINUTES
REGULAR MEETING
THE GORHAM TOWN BOARD
November 13, 2019 7:00pm

The Gorham Town Board held a Regular Meeting on November 13, 2019 at 7:00 pm at the Gorham Town Hall. Present were; Town Supervisor Fred Lightfoote, Councilmembers; William Glitch, Brian S. Case and Jake Chard. Water/Wastewater Chief Operator Greg Coston, Zoning/Building Officer Jim Morse, Billing Clerk Brenda Jones and Town Clerk Darby Perrotte.

Councilmember Richard Malcolm, Highway Superintendent Zack Eddinger and Assessor Enza Mineo were necessarily absent.

Councilmember Glitch was necessarily late.

Other guests in attendance; Lynn Klotz, Brett Johnson, Bob and Elaine Green, Geraldine Frere, Chase Frere, Greg Hotaling, David Perry, Jennifer Perry and Rose McWilliams.

1. Call to Order/Pledge to the Flag

2. Privilege of the Floor –

Chase Frere and David Perry attended the meeting as an adventure described in their Webelo's handbook (Boy Scouts of America) that advances them towards their "Arrow of Light" rank.

Chase Frere asked the Town Board "What is your most important responsibility?"

Supervisor Lightfoote said "The biggest responsibility that we have as a Town Board, we have several. For instance tonight we go over the Town Budget for 2020. We deal with close to four million dollars over the course of a year. We are responsible for putting that budget together and seeing to it that the budget addresses the need of the individual departments within the Town infrastructure such as the Highway Department, the Water and Sewer Department or any of the offices within the Town Hall. We make sure everything is funded appropriately and that we are able to provide the money through taxation or other revenue that comes into the Town. In our case we get Sales Tax revenue from Ontario County. An example is Eastview Mall. That is a very large source of income for the Town because we get a portion of the Sales Tax that is paid every time someone buys something. The Town Board is responsible for making or enacting new Local Laws pertaining to Gorham and the needs of the community. Sometimes we'll do away with a law if they no longer make sense. An example would be to do away with a law from one hundred fifty years ago that required the Town to have enough hitching posts. More often we add a new law depending on what may be needed."

Chase asked "What is the biggest challenge the Town is facing?"

Supervisor Lightfoote said "You have to understand the Town Board responsibilities do not address a lot of the different things there are a need for in the community. Such as, the great concern over drug abuse and overdoses taking place around the community and around the country. While we as a Town Board budget funding to other organizations, it is not up to us to address that type of program or law. When it comes to the responsibility that we have as a Town Board, probably the biggest concern right now, health wise, is our water district draws water out of Canandaigua Lake. I'm sure you have heard the term Blue Green Algae over the

last few years. Right now we are trying to figure out how to protect our water customers from any negative effects from that. So far we have not had a problem but we want to make sure we don't in the future. We have an engineer in the back row tonight, Mr. Greg Hotaling that works for MRB Group, an engineering firm working with us to make sure we don't have a problem. Beyond that, the other concern is the cost of everything."

Councilmember Jake Chard said "It's important to make sure we have safe roads to travel on as we head into the winter."

Supervisor Lightfoote said "Our Highway Superintendent isn't here tonight, I told him he could have the night off. He has to travel all the roads in the town, see where there are problems. You remember we had the snow yesterday? There was some drifting last night, the Sheriff's Office called him about 1:30 am asked him to get out, get the guys going, start checking things out, so he called his crew in at 3:00 am to start a round with the plows. He has to make sure the roads are safe for people going to work and for school buses."

Supervisor Lightfoote thanked Chase for his questions and said "I hope that satisfies your curiosity."

Mr. Bob Green – Mr. Green said "My name is Bob Green, this is my wife Elaine, we have a farm on the corner of Arnold Road and Green Road. I'm addressing the Town of Gorham Supervisor, the Town Board, the Highway Superintendent, who's not here, and the Clerk. We have had an issue with a culvert on Middle Road for four or five years. We've talked to Supervisor Lightfoote and Kelly Ayers about it and I have stopped at the Town Barns three or four times to talk to Zack but, he is never there. I've called the Barn left a message to see if we could get together and look at the problem but he never called back. The culvert needs to be deeper. There is a six inch main line tile outlet that is seven inches deeper than the bottom of the culvert. In the spring, or anytime the tile are running full, this causes a back pressure in the tile line because the water can't get out, get a free flow out of the outlet because it has to raise seven inches. This has caused a blow out of the line, about one thousand feet, two different times in the last few years. This makes a wet hole, standing water, so we lose whatever crop that is in that spot for the year, probably an acre or two. There are also two other tile line outlets at the same culvert that are not ideal. Having said this I would like to tell you what we have done to help the highway Department. There were a couple of quite deep holes in the roadside on Middle Road. We took some of our own topsoil and filled them to make it easier to mow the roadsides. Also on Arnold Road we removed two or three large stone on the roadside to make it easier to mow. We bought and replace a road ditch culvert on Green Road, down by our woods. Also, at that same spot, there is a three foot culvert that is rusted out and we have had to repeatedly put in field stone and our own gravel so we can use it to get in and out of the field. Having seen the retention pond, built on County Road One this summer, has led us to this assumption; you are more ready to help homeowners who don't make their income from their property than you are farmers who do make our income from our land. I wish you would give this some thought. It seems to us that if you can spend one hundred thousand plus on that project, and weeks of work, that you could spend one day to lower the culvert on Middle Road and help us to save an acre or more of crop. While I'm at it, there are two culverts on Middle Road, below where Tom lives, the first one has been three quarters full of water all the time for years because the road ditch it goes into needs cleaning. This is where in a heavy rain sometimes water goes over the mineral. We would ask you whenever you work at this project you would install a ninety degree or two forty five degree L's or better yet, put the culvert in at an angle so it doesn't shoot the water directly towards our field. So it should direct it more the

direction of the road ditch. We have brought in dirt to make a bank so that the water doesn't go into our field, which it used to. Then the next culvert next to there is the same problem. We would ask you that in the light of the small things that we have done to help you out you could help us out and lower the culvert on Middle Road and replace the three foot culvert on Green Road. I forgot to mention our two sons, Tom and Mark, are partners in the business and our grandson Tyler works with us. So we're considered a family farm. In summary, we think that we should be given the same consideration that you have obviously given the residents of Cottage City and Crystal Beach. We have asked Zack, on the phone, to come and look at our problem and see if we can come up with a plan, he hasn't showed up. Fred told me two years ago that he would take care of it, so far, nothing. Thank you for your time."

Supervisor Lightfoote said "Thank you Tom. I can tell you starting with Middle Road, with all of the culverts that you identified on Middle Road, I don't recall if I told you we have a very large project that will be starting either this winter at some point, weather permitting, or in the spring. It won't just be drainage but drainage will be a very big part of what that will be."

Mr. Green said "You told me two years ago it was supposed to happen in 2019."

Supervisor Lightfoote said "It was supposed to but of course we didn't wind up doing that. Just so you know too, the drainage pond on the corner of Lake to Lake and County Road One, that was required by the courts. A lawsuit that we were involved with. It was found that the Town needed to do something such as that in order to be able to address flooding concerns. That is one reason we haven't been able to get to the Middle Road project. Obviously, this spring's trying weather was another part of it. Anyways that's next on the list, not that it helps you out any right now. Regarding that I don't recall whether any of the areas you've mentioned require us to go off Town right of way in order to be able to drain the water away from the road ditch. We've already talked to the Town attorney. He's working with us to provide the legal things necessary to go off right of way in order to create the proper drainage that will allow us to lower whichever culverts need it. That's one thing we've found over the years. There's been too many cases over the years when a culvert has either been placed when a road is improved or when one has been replaced that they aren't placed deep enough. Simply so they don't silt in but without thinking it through to the fact that they need to be deep enough to be able to take water away from the field drains and get rid of it appropriately. So, it's a much bigger project to be able to do these all because of cost involved with the legal process if nothing else, doing them all at once is a much better avenue for us to undertake. With that said, I apologize for not getting it done in nineteen. But that's just the way it went."

Mr. Green said "Well, if we just would have had a little feedback. If somebody would have come out and looked things over and said we can't do it maybe we can do it in a year or two. We got nothing, that's what makes me the maddest, we just got nothing."

Supervisor Lightfoote said "Ok, I will talk to Zack we'll discuss it too and if nothing else we'll try and come up with a better policy as far as following up with complaints or questions. The Green Road culvert is obviously different than what we will be undertaking on Middle Road. However if that is failing, he's got a list of them, there's quite a long list of them because so many of these roads were improved in the same time period. Within ten, fifteen years of each other. It's like these galvanized culverts that were put in at that point are all coming to the end of their useful lives. So, they're doing quite a number of them every year. I hope that's on his list, if it isn't, I'll see to it that is."

Mr. Green said "I'm not a road man but I'm a farmer and we know water goes downhill. I would suggest trying to put some of these culverts that slam right into the field on an angle in

the road. Maybe put a forty-five on the end of it then you're going straight with the road ditch, you're not going into the field."

Supervisor Lightfoote, Mr. Green and Mr. Hotaling discussed several other ideas that could possibly work to improve the drainage in that area.

Supervisor Lightfoote thanked Mr. Green for bring this to his attention and for attending tonight's meeting.

3. Approval of Minutes – 10/9/19 Regular and Public Hearing Meeting Minutes

On the motion by Councilmember Chard, seconded by Councilmember Case, the meeting minutes were approved as submitted. Motion carried unanimously. (3-0)

103-2019

5. Audit of Bills -

Abstract #11

A	766-869	\$59,789.08
B	770-830	2,801.87
SL	758,763	665.37
DB	813-871	121,197.48
SS	849-872	4,136.00
SW1	783-872	56,641.12
T/A	42-46	5,137.04
SW6	838	2,671.25

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

104-2019

6. Reports of Town Officials -

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

B. Highway Superintendent – written report on file.

C. Zoning/Building Officer – written report on file. Officer Morse said "The quote on the Easton Park Pavilion has been secured, the main building itself will be enclosed and there will be a sixteen foot overhang the whole length of the building so it will be a nice area. The front of the building will have overhead doors so that people that rent it can open the doors on nice days and have the whole use of the building, inside and outside. We're excited because we'll at least get the shell of it up this year."

D. Assessor – written report on file.

E. Town Clerk – written report on file.

F. Town Supervisor – written report on file.

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

105-2019

7. Business:

a. Association of Towns – Supervisor Lightfoote informed Councilmembers that the Association of Towns 2020 Annual Meeting and Training School held in New York City will be held February 16- 19 2020. If any Councilmember is interested in attending they should register by January 2020. Registration packets are available in the Town Clerks Office.

b. Property Maintenance Law Re-Levy

Councilmember Glitch offered the following resolutions and asked for their adoption. Councilmember Chard said the re-levy amount on McGill's should be \$1,485.00. (The resolution reads \$990.00). With that change, Councilmember Case seconded the motion and both resolutions were adopted unanimously. (4-0)

106-2019

Bay Landscape
 4368 Lake to Lake Road
 Canandaigua, New York 14424
 Phone: _____

1485.00
 Acct#
 B8010

Billed to:

Town of Colman
 4775 South Ave.
 Colman, N.Y. 14461

INVOICE NO. No 3606	INVOICE DATE 10-21-19	DATE DUE	PHONE
ORDERED BY OR P.O.# Tom M.	<input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input checked="" type="checkbox"/> CHARGE	<input type="checkbox"/> JOBBER Lincoln Ave	ORDER TAKEN BY
QUANTITY	DESCRIPTION	PRICE	AMOUNT
—	Remove debris from property at Colman.		
—	Cut Vegetation - lawn and driveway Deton Areas.		
— 22	TOTAL Hours		14 990.00
	Thank you!		
<input type="checkbox"/> Tax Exempt			

TERMS: 2% 10 Days/Net 30 Days. 2% finance charge per month on all accounts past 30 days.

For tax
 Levy

Antoinette McGill
 127.15-1-3.000
 \$ 1485.00

4591 Lincoln Ave

Assignment of charges to Ontario County for tax levy
regarding costs associated with cleanup and/or mowing of
certain properties within the Town of Gorham, New York

WHEREAS, The Town of Gorham enacted Chapter 59 of the Town of Gorham Local Laws, the Property Maintenance Law, also known as Local Law#5 of 2006 which became effective on September 7th, 2006; and

WHEREAS, The purpose of this chapter is to create Town-wide uniform property maintenance standards which give the Town Code Enforcement Officer another tool to preserve the health, safety, and general welfare of the residents, businesses, and guests of the Town of Gorham by controlling the spread of weeds, and allergy-irritating pollen to surrounding lots, by protecting property values, by preventing blight, by prohibiting the outdoor placement or storage of abandoned or junked motor vehicles and by keeping lots free from nuisances, hazards, litter, vermin, and the debris and hazards resulting from lots, buildings, or structures damaged by fire, wind, weather, or neglect; and

WHEREAS, Section 59.6 Provides for the Town of Gorham Code Enforcement Officer the ability to secure resources needed to cure the violation of Section 59.5 providing the owner of said property does not do so themselves within 5 days of receiving written notification of violation; and

WHEREAS, Section 59.7 of Local Law #5 of 2006 provides the Town of Gorham the ability to assess the owner of any property in violation of Section 59.5 a service charge of 50% of identified cleanup costs to be added to costs actually incurred during cleanup of lawfully identified parcels within the Town of Gorham; and

WHEREAS, the expense, so assessed, shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges; and

WHEREAS, the Gorham Town Board has reviewed this resolution and recommends its adoption; now, therefore be it

RESOLVED, that property owned by Ms. Antoinette McGill at 4591 Lincoln Avenue, tax map number 127.15-1-3.000 shall be assessed a total of \$990.00 to cover costs incurred to remedy violations of Gorham Town Law Chapter 59.

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 November 13, 2019 by the following vote:

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

Bay Landscape
 4368 Lake to Lake Road
 Canandaigua, New York 14424
 Phone: _____

Billed to:

Town of Canaan
 4778 South Rd
 Canaan, N.Y. 14421

INVOICE NO. No. 3386	INVOICE DATE 9-12-19	DATE DUE	PHONE
ORDERED BY OR P.O. #	<input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input checked="" type="checkbox"/> CHARGE	<input type="checkbox"/> JOBBER	ORDER TAKEN BY

QUANTITY	DESCRIPTION	PRICE	AMOUNT
6	5268 East Lake RD		
1	Clean up! Remove DEBRIS from all Lawn Areas, walk ways, DRIVEWAY		375. ⁰⁰
3	Tidy mow + trim	50. ⁰⁰	150. ⁰⁰
		50% tax	75. ⁰⁰
	Thank you! Bret Cofer		787.50
<input checked="" type="checkbox"/>	Tax Exempt		154.15-1-10.100

TERMS: 2% 10 Days/Net 30 Days. 2% finance charge per month on all accounts past 30 days.

For Tax Levy

Assignment of charges to Ontario County for tax levy
regarding costs associated with cleanup and/or mowing of
certain properties within the Town of Gorham, New York

WHEREAS, The Town of Gorham enacted Chapter 59 of the Town of Gorham Local Laws, the Property Maintenance Law, also known as Local Law#5 of 2006 which became effective on September 7th, 2006;
and

WHEREAS, The purpose of this chapter is to create Town-wide uniform property maintenance standards which give the Town Code Enforcement Officer another tool to preserve the health, safety, and general welfare of the residents, businesses, and guests of the Town of Gorham by controlling the spread of weeds, and allergy-irritating pollen to surrounding lots, by protecting property values, by preventing blight, by prohibiting the outdoor placement or storage of abandoned or junked motor vehicles and by keeping lots free from nuisances, hazards, litter, vermin, and the debris and hazards resulting from lots, buildings, or structures damaged by fire, wind, weather, or neglect; and

WHEREAS, Section 59.6 Provides for the Town of Gorham Code Enforcement Officer the ability to secure resources needed to cure the violation of Section 59.5 providing the owner of said property does not do so themselves within 5 days of receiving written notification of violation; and

WHEREAS, Section 59.7 of Local Law #5 of 2006 provides the Town of Gorham the ability to assess the owner of any property in violation of Section 59.5 a service charge of 50% of identified cleanup costs to be added to costs actually incurred during cleanup of lawfully identified parcels within the Town of Gorham; and

WHEREAS, the expense, so assessed, shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges; and

WHEREAS, the Gorham Town Board has reviewed this resolution and recommends its adoption; now, therefore be it

RESOLVED, that property owned by Mr. Brett Cofer at 5268 East Lake Road, tax id. Number 154.15-1-10.100 shall be assessed a total of \$787.50 to cover costs incurred to remedy violations of Gorham Town Law Chapter 59.

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 November 13, 2019 by the following vote:

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

Councilmember Glitch offered the following resolution and called for its adoption.
Councilmember Chard seconded the motion that carried unanimously. (4-0)

107-2019

Adoption of A Unified Solar Permit For The Town of Gorham New York.

Whereas, several residents of the Town have or plan to have personal Solar Arrays installed to provide them with their own private electricity; and

Whereas, The State of New York has provided all Municipalities in the State with a draft Unified Solar Permit to address personal Solar Arrays; and

Whereas, it is in the best interest of the Town of Gorham to maintain like regulations with neighboring jurisdictions as much as possible; and

Whereas, The Gorham Town Board has determined that the New York Draft Solar Permit will work well in the Town in regard to personal solar Photovoltaic systems with a nameplate DC power output of 25 Kw or less; and

Therefore,

Resolved, that the Town of Gorham adopt the New York State Unified Solar Permit adopted in October of 2016

Adopted by the Gorham Town Board, November 11, 2019

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 November 13, 2019 by the following vote:

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

c. Adopt 2020 Town Budget –

Supervisor Lightfoote said “The budget is as is, with the following changes;”

- Highway Laborer from \$10.40-\$12.75 to 15.00/hour
- Deputy Town Clerk from \$14.83 to \$15.25/hour
- BAR Members \$129.63 for first day of service. If needed 2 hours on the second day. After second day two hours they would receive \$15.00/hour.
- Deputy Highway Superintendent from \$1,350.00 to \$3,000.00
- Deputy Chief Operator Water/Wastewater District from \$1,350.00 to \$3,000.00
- Bookkeeper/Clerk from \$16.32 to \$18.50/hour
- Parks Contractual from \$6,000.00 to \$25,000.00
- Water Transmission/Distribution from \$0 to \$500,000.00
- Comprehensive Plan from \$17,500.00 to \$30,000.00
- Refuse/Garbage from \$76,000.00 to \$80,000.00
- Engineer Contractual from \$5,000.00 to \$15,000.00
- Remove A7310.4 \$850.00 for Youth Program, they are funded by BOCES
- Change A3310.4 reduce \$5,000.00

Supervisor Lightfoote said there are a few errors on the budget sheet regarding Code Officer Morse and Town Clerk Perrotte’s salaries.

Councilmember Glitch said he would like to see the elected officials go without a two percent increase in their salary for 2020. The Board held a discussion.

Councilmember Chard moved to freeze Councilmembers salary for 2020. The Board held a discussion.

The motion was seconded by Councilmember Glitch and carried by the following vote:

108-2019

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

Jake Chard X_____

Councilmember Chard moved to freeze the salary of the Town Supervisor for 2020. Seconded by Councilmember Glitch, the motion did not carry.

109-2019

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

Chief Operator Coston said "Regarding the Deputy increases. I spoke with you about raising the Deputy pay when Chris left. Part of the reason is there is more paperwork regarding the HAB's (harmful algae blooms) and the disinfection for the wastewater plant, there's increased testing and paperwork with that."

Board members agreed to increase the Water/Wastewater Deputy pay to \$3,000.00.

On the motion by Councilmember Glitch, seconded by Councilmember Chard, to increase the Water/Wastewater Deputy pay to \$3,000.00 per year. Motion carried unanimously. (4-0)

110-2019

d. Supervisor Lightfoote said Highway Superintendent Eddinger asked for Highway Department employee Shawn Allen to increase to 100 percent pay. Shawn is scheduled to be raised to 95 percent in 2020. Mr. Eddinger said Shawn is an excellent employee and feels he should be at 100 percent to compensate for his experience.

On the motion by Councilmember Chard, seconded by Councilmember Case, to increase Shawn Allen to 100 percent pay starting 1/1/20. Motion carried unanimously. (4-0)

111-2019

Supervisor Lightfoote made a motion to approve the 2020 Budget, with the changes that are identified above and possible changes to the salaries that are in error, on the budget sheet from EFPR Solutions, along with corrections to budget figures that are wrong. Councilmember Case seconded the motion. The Board discussed Crystal Beach Fire Department. Board members would like to see an audit and a proper budget from them.

The motion was seconded by Councilmember Case, motion carried unanimously to adopt the 2020 Town Budget, including all Special Districts. (4-0)

112-2019

e. Employee Handbook – Councilmember Chard volunteered to lead a new committee of employees to review the Employee Handbook in 2020.

8. Executive Session - The Board entered into executive session to discuss a legal matter.

On the motion by Supervisor Lightfoote, seconded by Councilmember Glitch, the Board entered into executive session at 9:03pm.

On the motion by Councilmember Glitch, seconded by Councilmember Chard, the Board returned to regular session at 9:18pm. No action was taken in executive session. Both motions carried unanimously. (4-0)

113-2019

9. Set Next Meeting Date – Regular Meeting December 11th, 2019 7:00 pm
Meeting will be held at the Gorham Town Hall.

10. Privilege of the Floor – none requested

11. Adjournment - with no further business, on the motion by Councilmember Chard, seconded by Councilmember Glitch, the meeting was adjourned at 9:25pm. Motion carried unanimously. (4-0)

114-2019

Respectfully Submitted,

Darby L. Perrotte
Town Clerk

