

**MINUTES  
REGULAR MEETING  
THE GORHAM TOWN BOARD  
February 10, 2021 7:00pm**

The Gorham Town Board held a Regular Meeting on February 10, 2021 at 7:00 pm at the Gorham Town Hall. Present were; Town Supervisor Fred Lightfoote, Councilmembers; William Glitch, Brian S. Case and Richard Malcolm. Chief Operator Water/Wastewater Districts Greg Coston and Town Clerk Darby Perrotte.

Councilmember Jake Chard joined via video/phone conference along with Highway Superintendent Zach Eddinger and Assessor Enza Mineo.

Code Enforcement Officer Jim Morse was necessarily absent.

Other guests in attendance; Town of Gorham Conservation Board Chairman Brett Johnson and his granddaughter Cheyanne, Larry Hastings, John Bero, Town of Gorham Zoning Board of Appeals Chairman Mike Bentley and ZBA Councilmember Tom Amato.

Other Guests joining via video/phone conference; Town of Gorham Planning Board Chairman Tom Harvey, Lynn Klotz, Sally Napolitano, Donna Graham, Ben and Adriane Smith.

1. Call to Order/Pledge to the Flag - Supervisor Lightfoote opened the meeting and led the Pledge to the Flag.
2. Privilege of the Floor –

Town of Gorham Conservation Board Chairman, Brett Johnson, gave a brief update on the Organic Food Waste Pilot Program the Conservation Board is implementing at the Town Transfer Station.

Chairman Johnson said the Board has been in contact with Ontario County regarding grant money for the pilot program. The Conservation Board proposes a three month pilot program. The Conservation Board will seek fifty resident volunteers to begin the program. Containers will be provided to residents.

Chairman Johnson said "The method this would happen is the buckets would be filled and dropped off, a clean bucket picked up by residents. A town worker then empties the buckets into a rented twenty yard water tight roll off. The town supplies labor and cleans buckets. As you hand one in you pick up a clean one so the resident never touches the emptying of the bucket. If we do this on a Saturday the container can be picked up on Monday."

The Conservation Board has been working closely with Vermi-green LLC who is helping them with guidance and recommendations for their start-up program.

Larry Hastings, from Deep Run Homeowner's Association, said "I'd like to bring to the attention of the Board the petition we submitted to request the Town to set up a drainage district for the Deep Run Housing Development for two retention ponds. I submitted to Darby, in September, the required petition and over half the assessed value of the property in Deep

Run wants to go ahead with it. John Bero is with me tonight, he built the whole system, he and his brother, and we're here to answer any questions the Board may have of us at this time."

Supervisor Lightfoote said "To the Board, Enza has brought the document that we need to be able to follow through and what we need to do tonight, and I apologize Larry, I forgot about this stuff, we didn't schedule the public hearing last time because we didn't have this in hand yet so what we do is set the public hearing date tonight. The Board will act on that tonight for our next meeting on March tenth. We will have the public hearing and, unless something comes forward from the public that we need to consider, then we'll probably act on it on the tenth."

Tom Amato, Councilmember, Town of Gorham Zoning Board of Appeals.

Mr. Amato said "I understand you folks are going to discuss a proposal to increase the lot coverage from twenty five to thirty percent. I wanted to come in and say as a resident, and a Board member, I disagree. I don't think it's a good idea for a couple of reasons."

Mr. Amato explained to the Board his reason for disagreement with the proposed change. He believes the whole variance process needs to be tightened up.

The Town Board held a discussion questioning the need for any change to lot coverage requirements in the Lakefront Overlay District, section 31.4.10, of the Town's Zoning Local Law.

Planning Board Chairman Tom Harvey said a historical data sheet is a great thing to provide to the ZBA. Chairman Harvey said although he is not an attorney, when you get taken to court, what a court will do is look at your pattern what types of variance you have granted in the past. The court looks at the history, such as; are you not granting one person something that you very similarly granted down the street. Chairman Harvey talked about the tendency of zoning, have they consistently overstepped the bounds of what is allowed in the zoning. The Town Board needs to look at whether they have a tendency to usurp the legislative function of the zoning standards.

Mike Bentley, Chairman, Town of Gorham Zoning Board of Appeals.

Chairman Bentley said although it's an extra step, if the ZBA has the historical variances that were granted, it would be very helpful.

Chairman Bentley said he would like to see the data on what they have granted on a previous variance.

Chairman Bentley said if the lot coverage is moved to thirty percent there are very limited exceptions of where they are going to grant over thirty percent. It will save a lot of red tape paperwork.

Chairman Bentley said "If that's what we are going to do as a Town, we need to be on the same page, thirty is thirty, it's not going to be over thirty percent. I think thirty percent is a great idea if we stick to it and say this is what we are going to do and the limited exceptions are; these three things."

Chairman Bentley talked about non-conforming lots and the views of all the ZBA members. Chairman Bentley said if that's the way we're going to go he agrees with it but would like some clear, precise rules and what the Town Board would think qualifies for an exception.

More discussion was held regarding any need for possible change associated with lot coverage as well as the relationship of the Town's Design Guidelines to the Zoning Code.

Planning Board Chairman Harvey reminded the Town Board that just a few years ago they took a look at the Zoning. They fiddled with the lot coverage, heights of buildings and the Town developed a set of Design Guidelines.

Chairman Harvey said if the Town is talking about increasing the lot coverage, then they need to go back and examine the Design Guidelines to support that change.

Chairman Harvey added "The other part of that we haven't talked about is, when I drafted that Local Law, I didn't know that the Town didn't have an application procedure for a curb cut or driveway permit on town roads. That is something we need to add or could add. From my perspective of the Planning Board there needs to be some coordination between Highway Department and Code Enforcement. I don't care who takes the application, who handles it, who makes the determination what things have to go to Planning Board for site plan, what things that the Highway Superintendent can approve but somebody has to sign off on it and say it meets the Access Management Local Law. The Town needs to be consistent. We can't have the Planning Board refusing somebody a curb cut permit and find one on a Town or County road that doesn't comply. Fred is well aware the lengths we went through to get a non-conforming one that was put in by the County taken back out. It's all about safety and protecting your resources. It's also about treating everybody the same and fairly."

Many residents had questions regarding the proposed lot coverage percentage change. The Board discussed these changes.

Supervisor Lightfoote informed everyone that this is just at the discussion stage. The Board will make changes through a Local Law which requires proper notification and public hearings.

- 3. Approval of Minutes – 12/9/2020 Regular Meeting  
1/13/2021 Organizational Meeting  
1/13/2021 Regular Meeting  
1/27/2021 Workshop Meeting

On the motion by Councilmember Glitch, seconded by Councilmember Chard, all four meeting minutes were approved as submitted. Motion carried unanimously. (5-0)

**014-2021**

4. 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.
- D. Assessor – no report submitted. Enza Mineo said it is business as usual. She is working on permits, coming up on taxable status which is March first. Property is valued as it sits on March first. Typically she looks at everything that the Zoning/Code Enforcement Officer looks at. She goes out and does her inspection as a matter of value to the property regarding a building permit that has been issued.
- E. Town Clerk – written report on file.

F. Town Supervisor – written report on file.

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

**015-2021**

5. Audit of Bills -

Abstract #2

A	71-129	\$82,425.71
B	31-132	4,323.19
SL	69	627.06
DB	13-125	114,808.76
SS	25-134	6,219.80
SW1	17-131	40,894.59
T/A	15	110.00
HD	4-8	11,471.76

On the motion by Councilmember Glitch, seconded by Councilmember Malcolm, the bills were approved for payment, with the exception of one Highway bill that was inaccurate. Motion carried unanimously. (5-0)

**016-2021**

6. Business:

a. Local Law #1-2021 Tax Cap Override for 2022 Budget.

Supervisor Lightfoote offered the following resolution and called for adoption. Councilmember Glitch seconded the motion and it was adopted unanimously. (5-0)

**017-2021**

**RESOLUTION #1-2021  
TOWN OF GORHAM  
INTRODUCING LOCAL LAW AND CALLING A PUBLIC HEARING**

**WHEREAS**, the Town Board of the Town of Gorham, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

**WHEREAS**, the Town Board of the Town of Gorham has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Gorham to proceed in accordance with the Code of the Town of Gorham and the Laws of the State of New York in adopting said Local Law,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on March 10, 2021, at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York; and be it further

**RESOLVED**, that the Town Clerk, be and hereby is, authorized to forward to the official newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

**RESOLVED**, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Gorham sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Gorham for its consideration; and be it further

**RESOLVED**, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

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 February 10, 2021 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_____	_____

b. Resolution Authorizing Scheduling of Public Hearing for Creation of Deep Run Drainage District.

Supervisor Lightfoote offered the following resolution and called for adoption. Councilmember Glitch seconded the motion and the resolution was adopted unanimously. (5-0)

**018-2021**

**RESOLUTION #2-2021  
TOWN OF GORHAM  
AUTHORIZING SCHEDULING OF  
PUBLIC HEARING**

**WHEREAS**, by written Petition dated October, 2020, submitted in due form by Petitioners, containing the required signatures, which has been presented and filed with the Town Clerk of the Town of Gorham, Ontario County, New York, for the Deep Run Drainage District (“District”) to serve the several lots and parcels of land within the proposed District; and

**WHEREAS**, the Town Board deems it to be in the best interests of the residents of the Town of Gorham to pursue the District, pursuant to a Map, Plan and Report prepared by MRB Group dated May, 2020 and last revised August, 2020, and filed with the Town Clerk on October 9, 2020 (See Exhibit 1 attached hereto and made a part hereof.)

**NOW, THEREFORE, BE IT RESOLVED**

That the Order Calling for Public Hearing, attached hereto, shall be signed by the members of the Town Board of the Town of Gorham and published, posted and entered into the Minutes in accordance with **Section 193 of the Town Law** and the Town Clerk is hereby authorized to take any and all further measures necessary to comply with the Town Law in preparation for the final approval of the creation of the aforementioned District.

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 February 10, 2021 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_____	_____

c. Resolution Establishing Employee Longevity Rates -

Councilmember Glitch offered the following resolution and called for adoption. Supervisor Lightfoote seconded the motion and it was adopted unanimously. (5-0)

**019-2021**

**RESOLUTION #3-2021  
TOWN OF GORHAM  
LONGEVITY RATES**

**Employee Longevity Pay Rates**

Whereas: The Town of Gorham Examines and makes annual changes to the Town's employees base pay rates when the Town Board deems it appropriate and necessary. Any base pay rate changes are identified during the Organizational Meeting of the board. Any base pay changes identified by the board shall take effect on January first of any given year, and;

Whereas: The Town of Gorham realizes the additional value provided by the additional experience as well as the institutional knowledge that are provided by our employees with a longer history of employment with the town, and;

Whereas: The Town of Gorham has used a longevity pay schedule for compensation for town employees for many years, and;

Whereas: There has been confusion regarding the dollar amount as well as the years in service steps identified for after which employees are to receive a pay increase, and;

Therefore: The Gorham Town Board hereby authorizes and requires the following table to be the official table to be utilized for additional employee compensation for the calendar year 2021, and;

Therefore: All versions of the Longevity schedule previous to February 10<sup>th</sup>, 2021 are to be considered null and void. All eligible employees shall be paid according to the schedule approved for use for any current year and identified at the annual organizational meeting, without regard to previous agreements, and;

Therefore: The following Table is to be utilized for consideration for all eligible employees with any changes to be made starting on the first day of the pay period immediately following any employees anniversary date.

## Town of Gorham Longevity Pay Schedule

### 2021 Version

Five full years employment with the Town;		
An additional	\$.25/ hr.	Total \$.25 more/ hr.
Ten full years employment with the Town;		
An additional	\$.25/ hr.	Total \$.50 more/ hr.
Fifteen full years employment with the Town		
An additional	\$.25/ hr.	Total \$.75 more/ hr.
Twenty full years employment with the Town		
An additional	\$.25/ hr.	Total \$1.00 more/ hr.
Twenty five years employment with the Town		
An additional	\$.25/ hr.	Total \$1.25 more/ hr.
Thirty years employment with the Town		
An additional	\$.25/ hr.	Total \$1.50 more/ hr.

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

d. Resolution to Review Longevity Yearly –

On the motion by Councilmember Malcolm, seconded by Councilmember Glitch, to add longevity to the organizational meeting and review yearly. Motion carried unanimously. (5-0)

**020-2021**

**RESOLUTION #4-2021  
TOWN OF GORHAM  
REVIEW LONGEVITY RATES ANNUALLY**

Resolution to Review and Consider Longevity Pay Annually

Whereas: The Town of Gorham utilizes a longevity pay scale when compensating Town employees, and;

Whereas: The Town Board desires the Longevity pay scale to be reviewed For approval at the Town’s Organizational Meeting every January, and;

Therefore: The Town of Gorham’s Longevity plan and schedule shall be in effect for a one year term with a positive vote on the resolution for renewal required every year for continuation of the plan.

Therefore: Any change in the plan or schedule acted on shall be communicated immediately to the Bookkeeping Clerk as well as any entity directly involved with Town Payroll.

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

e. Proposed New Highway Building and Proposed Library Addition is put on hold. The Board will revisit both proposed projects in six months. Supervisor Lightfoote said he will keep the engineer and the bond company updated on the hold.

7. Privilege of the Floor –

Sally Napolitano, Lake Drive resident, asked about the tax cap override for the 2022 budget. The town puts the override limit in place before the budget process.

Mrs. Napolitano said "Speaking as a taxpayer I'm not seeing a lot of effort on the town's part as far as tightening your belt. Now you've passed a town tax. I'd be interested in where the town has made efforts to cut their budget."

Supervisor Lightfoote said he has been working on a document for several months that will help explain the need for implementing a town tax.

Councilmember Glitch said the last few years he has asked that our elected officials not take an increase in salary. For the year 2020 Councilmembers did not receive an increase. For 2021, none of the Town's elected officials received an increase in salary. The new truck for highway is on hold. Councilmember Glitch said there are cuts taking place that might not be clearly visible.

Lynn Klotz, Lake Drive resident, agreed with Mrs. Napolitano. It would be good for Supervisor Lightfoote get the document done.

Mrs. Klotz wanted to make sure Kevin Olvany is involved with the changes to Lot Coverage and she does not agree with an increase in lot coverage from a lake friendly perspective.

Donna Graham, County Road 11 resident, offered a suggestion to have the reports of town officials put on the website or attached to the Town Board minutes every month.

8. Set the Next Meeting Date – The next meeting and public hearing will be held on March 10, 2021 at 7:00pm at the Gorham Town Hall.

9. Adjournment – with no further business, on the motion by Councilmember Case, seconded by Councilmember Glitch, the meeting was adjourned at 9:06pm. Motion carried unanimously. (5-0)

**021-2021**

Respectfully Submitted,

Darby L. Perrotte  
Town Clerk