

**MINUTES**  
**SPECIAL MEETING and PUBLIC HEARING**  
**THE GORHAM TOWN BOARD**  
**November 15, 2023 7:00pm**

The Gorham Town Board held a Special Meeting on Wednesday November 15, 2023 at 7:00pm at the Town Hall in Gorham, NY.

Present were; Supervisor Fred Lightfoote.

Councilmembers; Brian S. Case, Jake Chard and Phil Curtis.

Councilmember Brian Lazarus was necessarily absent.

Town Officials in attendance; Town Tax Collector Adrienne Smith and Town Clerk Darby Perrotte.

Town Supervisor Elect, Dale C. Stell and Town Councilmember Chrissy Watkins.

There were residents/guests in attendance in person and via zoom.

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

Bob Guschiora, Thorndale Beach resident, stated he is concerned about the format of email attachments that cannot be opened and read when sent out by the Town Clerk.

He recommends the Town have their IT person work this out since the installation/update of the Windows upgrade. For the sake of transparency, he wants the town to fix the problem.

Debbie North, County Road 18 resident, Mrs. North read a letter to the Town Board voicing her concern about the Board not meeting Open Meeting Laws and elected officials and employees increase in compensation. Letter attached.

Supervisor Lightfoote said he has a person helping him with the budget, making copies for those in attendance.

He will adjourn the public hearing again and he anticipates having the budget ready by Friday.

The public hearing will continue on November 20, 2023 at 7:00pm.

3. Business –

- a. Supervisor Lightfoote asked the Board to approve 3 vouchers for payment.

Invoices from EFPR Solutions for a total of \$9,718.95 and an invoice from Verizon Connect for a total of \$638.30.

On the motion by Councilmember Chard, seconded by Councilmember Curtis, the vouchers were approved for payment. Motion carried unanimously 4-0

4-0 Lightfoote, Case, Chard, Curtis

b. Request for Speed Limit Reduction on County Road 11

Councilmember Chard offered the following resolution and called for adoption. Seconded by Councilmember Case the resolution was adopted unanimously. 4-0  
4-0 Lightfoote, Case, Chard, Curtis

**TOWN OF GORHAM  
RESOLUTION #31-2023  
REQUESTING REDUCTION OF SPEED LIMIT ON COUNTY ROAD 11**

**WHEREAS**, the Town Board of the Town of Gorham has received a request from residents along County Road 11 concerned about safety of pedestrians and excessive speed on a ½ mile stretch starting at Townline Road and going north. Representatives of the neighborhood have presented a petition signed by the residents in support thereof; and

**WHEREAS**, County Road 11 is a County Highway in the Town of Gorham; and

**WHEREAS**, the residents and property owners of County Road 11 request a reduction in the speed limit to 35 miles per hour along that ½ mile stretch to improve public safety; and

**WHEREAS**, upon consideration and deliberation upon the same, the Town Board of the Town of Gorham has hereby

**RESOLVED**, that the Town Board of the Town of Gorham supports the requested reduction in speed limit and hereby directs Ontario County Department of Public Works to forward the request on to the New York State Department of Transportation to conduct a traffic study along County Road 11 in the Town of Gorham for the purpose of considering reduced speed to enhance safety

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 15, 2023 by the following vote:

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

Phil Curtis  
Brian Lazarus

X\_\_\_\_  
absent \_\_\_\_\_

c. Approval of Minutes - 10/4/2023 Budget Workshop Meeting Minutes

On the motion by Councilmember Case, seconded by Councilmember Chard the meeting minutes were approved as submitted. 4-0

4-0 Lightfoote, Case, Chard, Curtis

**105-2023**

4. Public Hearing – 2024 Preliminary Budget.

The meeting and public hearing were duly advertised.

Supervisor Lightfoote re-opened the public hearing.

Sally Napolitano, Lake Drive resident, asked if the 2022 final numbers and the 2023 year to date numbers are included in the budget sheets handed out this evening.

Several residents commented on their frustration that the preliminary budget is not available to look at. It is hard to support the town without the needed numbers and information to look at.

Supervisor Lightfoote said the numbers should be in there and will be provided before the November 20 meeting to adopt the budget.

Several residents on zoom had questions regarding pay increases.

Mrs. Napolitano asked the Board their thoughts on Highway Superintendent Eddinger getting a raise.

Councilmember Chard said he has floated the idea in the past that the cost of living increase should be based off a couple different tiers. He recommends cost of living increases for elected officials be less than appointed and regular employees percentage.

Mrs. Napolitano said she did not know there was a way to decrease an elected official's salary, it has never come up before. She said it gets back to job performance, something Debbie North has been talking about. Mrs. Napolitano said there are very few levers to pull when an elected official is not performing his duties well.

Candace Eldredge stated she thought the salary was based on the elected position, not the job performance.

Supervisor Lightfoote stated whether it is right or wrong, he doesn't agree with it but, any elected official does not have to even show up to work.

Mrs. Napolitano said, again, she would like to hear from each Town Board member why they feel Zach is deserving of the 3% pay increase.

Councilmember Curtis stated he doesn't think Zach deserves a raise. Everything he has put the Town through over the last year, that is his opinion.

Councilmember Case stated Zach is an elected official, he was elected to the position. If he wants to he doesn't even have to come in, he can stay home.

Mrs. Napolitano asked again "would you give him a 3% increase?"

Councilmember Case doesn't understand how she thinks Zach isn't doing his job.

Councilmember Case said "That is his personal business. He has a problem, do we chop the guys legs off because of his problem or do we try to help him. He's doing what he is supposed to be doing and I don't think you can ask any more out of him than that. We all have problems in this life, he has one of them. We need to see he gets past it."

Lynn Klotz stated she doesn't think that anyone does not have compassion for somebody with a disease. She appreciates Councilmember Case's devotion and obligation to support Zach through this problem.

Mrs. Klotz recommends instead of Town Board members and elected officials taking the 3% increase that they take that money and put it towards a position in the Town. To hire someone who can deal with IT issues and communications for the Town.

Supervisor Lightfoote stated they are working on that. He is hopeful that the person taking over for the Planning/Zoning Clerk when she retires will be able to take on the IT and communications for the Town too.

Discussion was held regarding the fiasco with the Transfer Station being closed on Veteran's Day that was not announced on the yearly schedule.

Discussion was held regarding making the Highway Superintendent position an appointed position.

Supervisor Lightfoote said he will look into it again.

Residents had questions regarding payroll projections. Many comments were made regarding increases in pay for the Highway Clerk and the Highway Superintendent. Residents voiced concern about poor performance. A performance improvement plan is recommended for those who are not performing the duties they were elected for and hired for.

Supervisor Lightfoote clarified salary lines that did not show 3% increases, they were typo's. Every position will receive a 3% cost of living increase.

With no further comments from the public, Supervisor Lightfoote adjourned the public hearing at 8:03pm to be re-opened at a Special Meeting on Monday November 20, 2023 at 7:00pm.

#### 5. Drainage Issues at the Eldredge property on West Swamp Road –

Supervisor Lightfoote said the Board discussed the issue and voted to make the repairs necessary on the Eldredge property. Supervisor Lightfoote apologized for not being at the meeting October 11, 2023.

Candace Eldredge said repairs by the town were approved in September and they didn't hear anything from Highway Superintendent Eddinger. She managed to reach him by phone last week and he didn't seem in favor of moving forward with it.

Supervisor Lightfoote said the Board has already acted on it, to fix the problem on the Eldredge property, they will see to it that it gets done.

Supervisor Lightfoote recommends utilizing the services of a contractor to take care of the project. He will get a hold of someone who will give them an estimate and then figure out if it has to go out to bid and get three quotes. He asked if the Board was in favor of it.

Councilmembers are concerned with why the highway department cannot do the project.

Mrs. Eldredge voiced her frustration. She asks that the Board at least set a date to start the project. She stated they have been patient for 6 years. Every rainstorm erodes and floods the land. She would like a date set to fix the problem.

Councilmember Chard recommends the highway department add it to the spring schedule, get busy around the project.

Supervisor Lightfoote said he will get quotes on the project and be in touch with the Eldredge's.

Councilmember Curtis asked Supervisor Lightfoote if they could vote to appoint Brandon Ayers as Deputy Highway Superintendent.

Supervisor Lightfoote said "I asked Zach about it and he said wait until the beginning of the year and he has to appoint him, we just approve it."

Supervisor Lightfoote said he will move to appoint Brandon Ayers to 100% base pay, retroactive to September 1<sup>st</sup> 2023. Seconded by Councilmember Curtis, the Board held discussion.

Councilmember Chard made a motion to amend Supervisor Lightfoote's motion to bring Brandon Ayers to 100% base pay the next pay period. The Board voted on the amendment;

2 Ayes – Case, Chard

2 Nays – Lightfoote, Curtis

Motion did not carry.

On the original motion, to bring Brandon Ayers up to 100% base pay, retroactive to September 1<sup>st</sup>, the Board voted;

2 Ayes – Case, Chard

2 Nays – Lightfoote, Curtis

Motion did not carry.

Councilmember Chard made a motion to bring Brandon Ayers to 100% base pay beginning the next pay period. Councilmember Case seconded. The motion carried. 3-1

3 - Ayes Lightfoote, Case, Chard

1 - Nay Curtis

**106-2023**

## 6. Privilege of the Floor –

Dale Stell, County Road 1 resident and Town Supervisor Elect, stated the Easton Park sewer line is going in next week. The week after Thanksgiving NYSEG will be installing the gas line.

Mr. Stell stated that something at the October 11 meeting has been gnawing at him and he wanted to bring it up. It is regarding a Milton Cat bill for equipment that sat for 3 1/2 weeks before it was used. It was vouchered against the Parks fund. He said it should be accounted for by the highway department. The equipment was hardly used.

Supervisor Lightfoote said he will talk about this further, with Mr. Stell, at a later time.

The town will get reimbursed by grant money for work done on another property where the equipment was used.

Debbie North asked that payroll projections be shown on the preliminary budget.

7. Set the Next Meeting Date - The next meeting will be a Special meeting with continuation of the 2024 Preliminary Budget Public Hearing. Monday November 20, 2023 at 7:00pm at the Gorham Town Hall.

8. Executive Session –

On the motion by Supervisor Lightfoote, seconded by Councilmember Case, the Board entered into executive session at 8:39 pm to discuss pending litigation.

Kerrick v Town of Gorham.

Kehoe v Town of Gorham

Messier v Town of Gorham

Cregg v Town of Gorham

On the motion by Supervisor Lightfoote, seconded by Councilmember Case, the Board returned to regular session at 10:45 pm. No action was taken in executive session.

Both motions carried unanimously. 4-0

4 - Ayes – Lightfoote, Case, Chard, Curtis

**107-2023**

9. Adjournment – with no further business, on the motion by Councilmember Chard, seconded by Councilmember Curtis, the meeting was adjourned at 10:47 pm. The motion carried unanimously. 4-0

4 - Ayes – Lightfoote, Case, Chard, Curtis

**108-2023**

Respectfully Submitted,

Darby L. Perrotte  
Town Clerk

Privilege of the floor commentary 11 15 23

Deborah S. North

First of all, I will express concern that this meeting is in violation of the NYS Open Meetings Law. No public availability of the completed, proposed 2024 budget is available. This should have been available and posted on the town website by 7pm last night.

Secondly, I will reiterate my belief that neither Highway Clerk 1 Brenda Jones nor Highway Superintendent Zach Eddinger have earned nor deserve a raise in pay in any amount.

Most of you are aware of the debacle at the transfer station on Saturday. There was absolutely no public notice of the closure. Signs leaning against the dumpsters are not sufficient for anyone other than those who had brought garbage in the week prior to November 11. The form given a time of permit purchase did not include November 11 as a date of closure.

There was nothing on the town Facebook page. Additionally, the poorly written apology posted on the town website on Monday, 11/13, stated that the transfer station was open from 8am-8pm that day. Did we in fact have the gates opened all day and was Daxon on site the full twelve hours? Did we have to pay him overtime?

I place blame squarely on Zach and Brenda. As he is the superintendent and she his clerk, it is their responsibility to keep the public informed of all accessibility to the transfer station. And for all that's good and holy, please have someone with a proper understanding of the English language and grammar make the public postings! We see how poorly written Zach's monthly reports are. If neither he nor Brenda know how to spell and use punctuation, I will volunteer to help them for free.

As most of you know, we have horses. There's an expression about being 'overhorsed'. That happens when someone buys a horse that they don't know how to ride or have been lied to about the suitability of the horse to the rider. I submit to you that both Brenda and Zach are overhorsed. Those two have been bucked off more than a wanna be city boy cowboy on a National Finals Rodeo bucking horse.

They both need to be put on a performance improvement plan immediately. If this board intends to reward poor performance with a raise, I ask that each of you – Brian, Jake, Fred, Brian, and Phil – give the reasons why Zach and Brenda deserve more money. We as taxpayers certainly do not see any reason why.

Thank you.

