

**MINUTES
REGULAR MEETING
THE GORHAM TOWN BOARD
September 18, 2024 7:00pm**

The Gorham Town Board held a Regular Meeting on Wednesday September 18, 2024, at 7:00 pm at the Town Hall in Gorham, NY.

Present were; Supervisor Dale C. Stell.

Councilmembers, Jake Chard, Phil Curtis, Brian Lazarus and Chrissy Watkins.

Town Officials in attendance; Chief Operator Water & Wastewater Districts Greg Coston, Deputy to Chief Operator Water & Wastewater Districts Nate Bay, Highway Superintendent Zach Eddinger, Code Enforcement Officer Jim Morse, Assessor Enza Mineo and Town Clerk Darby Perrotte.

Bookkeeper Susan Cummings and Tax Collector Adrienne Smith joined via Zoom.

Residents, employees and guests in attendance and via zoom.

The minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Gorham Town Board. Remarks delivered during privilege of the floor and discussions are summarized and are not intended to be verbatim transcriptions.

The full zoom recording of the meeting is posted on the town website for viewing.

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

Candace Eldredge, West Swamp Road resident, stated she and her husband would like to set up a meeting with Supervisor Stell and Highway Superintendent Eddinger to talk about the plan to fix the drainage problem on their property. The Eldredge's would like to restore the ditch to it's original size. Mrs. Eldredge said Highway Superintendent Eddinger suggested an erosion blanket to contain the new soil.

Supervisor Stell said they should discuss it further with Ontario County Soil & Water. He informed Mrs. Eldredge that Soil & Water applied for, and were awarded, a grant of \$15,000.00 to apply towards the cost of the project.

Supervisor Stell will reach out to Ontario County Soil & Water to set up a time that works for everyone to meet.

Debbie North, County Road 18 resident, stated, under the Business tonight is the item for public hearing to abolish the elective office of the Highway Superintendent.

Mrs. North stated appointed equals accountability. With the current Superintendent there has been a lack of accountability. Considering the outcome of the audit performed by the State Comptroller's Office, the lawsuit from Aramark for not honoring the contract costing taxpayers

\$11,000.00, there's the \$30,000.00 roller question and the town doesn't know how much the Kerrick lawsuit is going to cost the town, no accountability to the Town Board, no response to several emails from Mrs. North.

Mrs. North stated she believes all these things are very clear indicators of the need to change the position from elected to appointed. Considering how few residents have been active and voice concerns at meetings, name recognition would get him re-elected, not knowing what has transpired over the last few years.

Mrs. North would like to see a committee appointed to help with the hiring process if the local law passes and the position becomes appointed.

Ed Merritt, Deer Run resident, stated the Highway Superintendent is a professional level position. The town should have minimum requirements for the position i.e., education, experience, management experience, budgeting experience, along with accountability.

Mr. Merritt stated the plan B that was laid out at the last meeting, that's money the town is spending that should have been taken care of by the highway department. It's costing the town a lot of money.

Danielle Ayers, East Swamp Road resident, stated two water employees resigned, she asked if the town conducts exit interviews when employees leave the town.

Supervisor Stell stated yes, one is taking a job with BOCES and the other is buying a bread route. It is standard practice to conduct those interviews.

Barb Frank, Goose Street resident, stated she would like to speak on appointed vs elected. She feels it is a complex decision. Ms. Frank stated an elected official is accountable to the public, an appointed position is accountable to one person. Any decision needs to think longer than the current situation. Whether an Official is elected or appointed, what Ms. Frank finds frustrating is a lack of information about what is happening, there is no consistent metric, that any function of the town is happening effectively and efficiently. The reports of town officials are not enough metrics for her to determine if the functions are good in the town.

Supervisor Stell stated he would love for Ms. Frank to help work with the metrics if she has a desire to do so.

Town Clerk Perrotte stated all the reports of town officials are on file in her office with a retention requirement of 6 years.

Discussion was held regarding transfer station permits.

Bill Glitch, Main Street resident, stated he was on the Board for 24 years. Half the time, nobody came to the meetings. To be informed, residents need to attend the meetings.

Ed Merritt stated he has been attending meeting for 2 plus years. Regarding the statement that elected officials answer to the public. We've all voiced disappointment with the Highway Superintendent, and the last Supervisor of Gorham, in all fairness, was too close to the subject matter. We all voiced, and nothing changed. Appointed is the best way to go. An appointed position that answers to the Board. An appointed position can have a performance improvement plan in place. It goes all the way up to being relieved of your position when not performing up to expectations. There is a clear and concise written job title and job performance expectation.

Mr. Merritt stated it would be a lot better than the last 2 1/2 years and a lot more cost effective.

Donna Graham, County Road 11 resident, stated appointed would be better. The Board is intimately aware of every issue in the town and are the most educated people in the town regarding all the issues in the town. People who are voting, some are aware of the current problems, and some are not, and it goes back to name recognition. That's how elections are nationwide. Mrs. Graham said she supports appointed vs elected.

Christine Ayers, Robson Road resident, stated her husband was an elected Highway Superintendent, accountable 24/7-365. If there were problems or issues, there was a plan in place to have discussions with people. Mrs. Ayers stated she thinks the problem is that there were many failures whether it was Highway Superintendent or a Water Department. What is missing is the lack of communication and the environment that was going on during all this mess, there was no room for recovery. There wasn't anything in place. If someone has a health issue, or whatever is going on that is impeding their job, there should be an action plan. She said we do have a handbook, who is responsible for holding people to that. Mrs. Ayers stated she thinks there is a lot of gray area, she's not sure what went wrong. She stated, when you take away the public's decision, their right, their choice, we're depending on a small group of people to make that decision for us and she's not sure that is the best decision for our town.

Mrs. Ayers said the town hall was not a healthy environment, and it will keep happening unless there is a plan in place.

Kathy Baxter, County Road 11 resident, stated the problems have gotten much better since January. The problems came to a head under the previous administration, and they were not dealt with. The issue with an elected official is, you cannot get rid of them if they don't do their job. You can if they are appointed.

Mrs. Baxter stated, if you have been following the Town Board meetings, for the last 2 years, you would be well aware of a lot of the issues and a lot of people who want a new Highway Superintendent, and we can't get one.

Bill Glitch stated he brought up a lot of this stuff 5 years ago with the previous administration, it is at least a 5-year old problem.

3. Approval of Minutes - 8/21/2024 Regular Meeting Minutes

On the motion by Councilmember Watkins, seconded by Councilmember Curtis, the minutes were approved as submitted. The motion carried unanimously. 5-0

5 Ayes – Stell, Chard, Curtis, Watkins, Lazarus

093-2024

4. Reports of Town Officials -

- A. Chief Operator Water/Wastewater Plants – written report on file. Chief Operator Coston asked how the Board would like to move forward with the interview

process for the new employees. Board members would like to be involved. He will schedule interviews.

Chief Operator Coston stated, employees leave because guys get tired of it. They are on call 24/7, the plant runs 7 days a week and the water and sewer license requirements are time consuming and hard to obtain. When employees can find something that matches the rate, with less hours, they go to it and the town will continue to have that problem. The new plant will be automated so guys will work regular hours on Saturdays and Sundays instead of 14–16-hour days, which will relieve some of the pressure.

B. Highway Superintendent – written report on file. Discussion was held regarding grinding the brush pile at the transfer station. Board members asked for more detail of hours spent helping other towns and hours we receive help from other towns.

C. Zoning/Building Officer – written report on file.

D. Assessor –written report on file.

E. Town Clerk – written report on file.

F. Town Supervisor – Supervisor Stell stated FEMA is coming along well, Zach is doing a good job, the town should know what the award from FEMA will be by this fall. The drainage project in the Hamlet was started, the highway and water departments are helping. It is going well.

On the motion by Councilmember Chard, seconded by Councilmember Lazarus, the Reports of Town Officials were approved as submitted. Motion carried unanimously. 5-0

5 - Ayes - Stell, Chard, Curtis, Watkins, Lazarus

094-2024

5. Audit of Bills -

Abstract #9
Approval of Vouchers

On the motion by Councilmember Watkins, seconded by Councilmember Chard, the abstract of bills, totaling \$319,439.87, were approved for payment. The motion carried unanimously. 5-0

5 -Ayes - Stell, Chard, Curtis, Watkins, Lazarus

095-2024

6. Business –

- a. Adopt Resolution Introducing Local Law 2 and calling a Public Hearing to Abolish the Elective Office of Highway Superintendent and create the Appointed Office of Highway Superintendent

The Board was provided 2 drafts of the local law.

Draft 1 - referendum would take place at the November 2025 election unless petition is filed by residents requesting a special election.

Draft 2 - referendum would be held at a special election set by the Town Board.
Discussion was held.

On the motion by Councilmember Watkins, to select and adopt Draft 2, seconded by Councilmember Curtis, the Board held discussion. The Board proceeded to vote to adopt the following resolution. Motion carried 4-1.

- 4 – Ayes – Stell, Chard, Curtis, Watkins
- 1 – Nay - Lazarus

096-2024

**TOWN OF GORHAM
RESOLUTION #32-2024
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 **abolish the elective office of Highway Superintendent and create the appointed office of Highway Superintendent of the Town of Gorham, New York**; 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 October 2, 2024 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 September 18, 2024 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Dale Stell	X_____	_____
Jake Chard	X_____	_____

Phil Curtis	X_____	_____
Brian Lazarus	_____	X_____
Chrissy Watkins	X_____	_____

- b. Approve Appoint Building/Zoning Clerk to permanent position with salary increase. Code Enforcement Officer Morse stated Sarah goes above and beyond the requirements of the job. The IPS System between their department and the Assessor’s helps each office immensely. Officer Morse said she is a great asset to the Town.

On the motion by Councilmember Chard, seconded by Councilmember Lazarus, to move Sarah Mitchell to permanent position as Building/Zoning Clerk with an increase of .50 above the contract price. The motion carried unanimously. 5-0

5 -Ayes - Stell, Chard, Curtis, Watkins, Lazarus

097-2024

- c. Budget Transfer-

On the motion by Councilmember Curtis, seconded by Councilmember Watkins, the Board approved the following budget transfers for the purchase of new water meters; \$15,000.00 from SW1-9010.8 to SW1-8340.4. \$7,500.00 from SW1-8310.2 to SW1-8340.4. \$3,200.00 from SW1-8310.13 to SW1-8340.4 The motion carried unanimously. 5-0

5 - Ayes - Stell, Chard, Curtis, Watkins, Lazarus

098-2024

7. Set the Next Meeting Date – The Town Board will hold a 2025 Budget Workshop on Wednesday September 25th, 2024, a Public Hearing on Wednesday October 2nd, 2024, the next regular meeting will be held on Wednesday October 16th, 2024. All meetings are held at 7:00pm at the Gorham Town Hall.

8. Privilege of the Floor –

Amanda Gibeau sent an update for Stanley/Hall/Gorham Ambulance – the Ambulance officially moved into their new facility. Pizza nights will resume in a few weeks.

Bill Glitch asked if there is a budget provided by Crystal Beach Fire Department. The town has not received a budget. The CBFD Audit is posted to the town website.

Town Clerk Perrotte stated the Town Hall is once again a friendly atmosphere, a nice place to work. There is a great culture at the Town Hall, it’s back to where it should be!

Debbie North stated Susan, Sarah and Valary are very pleasant, it’s a pleasant place to visit.

9. Adjournment – with no further business, on the motion by Councilmember Chard, seconded by Councilmember Watkins, the meeting was adjourned at 8:04 pm. The motion carried unanimously. 5-0

5 - Ayes – Stell, Chard, Curtis, Watkins, Lazarus

099-2024

Respectfully Submitted,

Darby L. Perrotte
Town Clerk