

**MINUTES
REGULAR MEETING
GORHAM TOWN BOARD
June 14, 2017**

The Gorham Town Board held a regular meeting on Wednesday June 14, 2017 at 7:00 PM at the Gorham Town Hall. Present were Supervisor Lightfoote, Councilmembers; Glitch, Case, Malcolm and Chard. Chief Operator Water/Wastewater Plants Coston, Code Enforcement Officer Freida, Assessor Mineo and Town Clerk Perrotte. Highway Superintendent Ayers was necessarily absent.

Other guests in attendance; Marla and Bob Walker, Mike and Linda Roche, William and Kathy Baxter, Kim Payne, Keith Rowlands, Rob Brenner, Bob Gusciora and several other unidentified people,

1. Call to Order/Pledge to the Flag

2. Privilege of the Floor –

Mrs. Kim Payne said "as you know I'm on the Village Board. I want to make it clear that no one ever said that we wouldn't speak with you, and per your minutes it caused a lot of animosity, they posted that all over their site which caused some more animosity. I think what we did say was the way that process runs we don't need to talk and meet. There are three things on a voter initiated petition. We have to approve that petition, we have to set a date and we have the vote. We went above and beyond that. We had an informational meeting. I feel that...you said you were annoyed in your notes, because that was said, I feel upset that that was said. Any figures we needed we can get from your budget. Anything beyond that goes into a plan which is after the vote. We don't do plans before that vote because they take more than ninety days to do that plan, to be an accurate plan. Had the Board initiated it, it would be a totally different situation. That's when you meet, that's when you make a plan and you vote on that plan."

Supervisor Lightfoote said he was sorry he doesn't have the minutes in front of him to refer to, to know what Mrs. Payne is referring to.

Mrs. Payne said "in your minutes of April you said there were rumors going around, I'm not quite sure who the rumors came from, that the Village Board did not want to speak with you or work with you. I wish I had my phone because I had them on my phone. It wasn't the case that we didn't want to work with you we weren't at the point to work with you. I went to three or four Town of Potter meetings where Mr. Lisenbee did say, he was the only one that did say, until the vote is over I'm not discussing it because we're not to that point. So by those minutes I guess what I'm getting at here, by those minutes and by what was said the group that was for dissolution posted these on their site and disrespect and

say things that our Board is doing this and why do you want our Board? this is why we've got to do this and it's a daily basis thing that we listen to."

Supervisor Lightfoote said "I won't comment on it tonight, I don't have the minutes in front of me. I don't think it's exactly what you thought it was that I actually was referring to but, I'll check and see. I'd like to make sure it's in context."

Supervisor Lightfoote said in regards to the residents of the Village, that are also Town of Gorham residents, my biggest concern is that residents have sufficient information."

Mrs. Payne said "unfortunately in ninety days you cannot compile the information needed. One of our questions, for example, who's going to do our sewer? We don't know that yet, that's not an easy, quick answer."

Supervisor Lightfoote said "we can give you an easy, quick answer."

Mrs. Payne said "but you can't give us an easy, quick dollar amount answer."

Supervisor Lightfoote said "I can give you an idea, what it's costing now would be roughly the same, I would assume, no matter who took it over."

Mrs. Payne said "We just had our MRB Group there, we just got DEC fines, our sewer's in rough shape to the point of one million dollars."

Supervisor Lightfoote said "my point there is, it doesn't matter who's managing it, who's overseeing it, it's going to cost a certain amount of money. If there is a question mark over it was the Town of Gorham or some other entity who would take over the sewer and water, whatever part of that, it's going to cost about the same amount of money. Now compared to what's being charged right now or whatever bonds will have to be in place and pay back on those, all of that remains to be seen. However in the end, it's not going to be much different no matter who's doing it because the cost is going to have to be borne by those who are receiving the service. In the case of the sewer would be the Sewer District, same thing with the Water District. Those Districts can cross county lines."

Mrs. Payne said "but that's what I'm saying, they think you are going to be able to tell them, do you see what I'm saying? It's tough to say 'we don't know that yet', they don't understand that. It would be so much easier if we were all in the Town of Gorham or all in the Town of Potter."

Supervisor Lightfoote said "I don't think that's going to be the issue that you think it would be providing that this goes through. Because it's going to be in district, all in one no matter where the municipal lines lay, it's where the district lines lay."

Councilmember Glitch said "we have the same concerns. There are two sides to anything. If you're pro this side you only tell the fluff, if you're that side you only tell the fluff, so the truth lies somewhere in the middle. That's one of our concerns too that the people really have a better idea what they're voting for and where it's going to take them. We have discussed that at this Board a few times, I just want you to know, we are concerned too. At the end of the day if this goes through and the Village of Rushville dissolves and they turn over the keys, the rest of us are where we are. We have the same concerns, we can't answer the questions either because that's how the process works, so maybe what was in the

minutes maybe you took it one way, wasn't how it was meant, I'd have to look at the minutes myself."

Mrs. Payne said "it was fine with me what it said but the other side made it look ten times worse on what it actually said. It's getting very wearing and I'm glad you don't have to go through this. That's what's unfortunate, like I said a voter initiated petition because if it was the other way you start out with the plans and you submit the plans to the citizens and that's what they vote on for the dissolution, not sit and wait for the plans." Mrs. Payne thanked the Board for listening.

3. Approval of Minutes – 5/10/17 Regular Meeting Minutes.

On the motion by Councilmember Glitch, seconded by Councilmember Chard, the minutes from the 5/10/17 meeting were approved as submitted. Motion carried unanimously. (4-0) Councilmember Malcolm abstained.

045-2017

4. Audit of Bills:

Abstract #

A 133-161	\$19,386.93
B 144-149	124.32
SL 156-158	758.87
DB 104-124	40,333.12
SS 49-56	1,855.99
SW1 87-114	28,490.78
TA 9-11	17,758.58
HN 48	1,571.40

On the motion by Councilmember Chard, seconded by Councilmember Case, the bills were approved for payment. Motion carried unanimously. (5-0)

046-2017

5. Reports of Town Officials:

- a. Water/Wastewater Plants - written report on file.
- b. Highway Superintendent - written report on file.
- c. Zoning – written report on file.
- d. Assessor – written report on file. Assessor Mineo added "I want to give a special thank you to the Board of Assessment Review. That's a big, huge task that they have at the end of the year. We have completed the re-assessment project. We did get a lot of grievances this year so they did run four nights. It

was a long, long haul for them they do a lot of good work and we're very lucky to have the Board that we do. I just wanted to give a special thank you to them."

- e. Town Clerk - written report on file.
- f. Supervisor – verbal report on file.

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

047-2017

6. Business:

a. Gorham Free Library – Keith Rowlands, Treasurer of the Gorham Free Library, said last year they did a survey of participants and people who frequent the Library. The results, over all, were people are very happy with the services provided. On the part of the survey that asked what they could do to improve, the top five answers were; a better kid's corner, more room, bigger, bigger and bigger and cleaning up the facility. Last year the Library received a \$10,000.00 Grant from Senator Nozzolio. The Library would like to use the grant money to purchase new doors, re-do the foyer/entryway into the building. To make it look more appealing also to make more room for the kids. Future plans would be to upgrade outside lighting and options for storage. The Town of Gorham owns the structure. The Library is asking the Town's permission to go through and make these changes.

Mr. Rowlands said "we want to show the patrons of the Library that we received their message and are moving forward."

Councilmember Chard suggested the Library reach out to Senator Helming for future funding.

On the motion by Councilmember Chard, seconded by Councilmember Case, to allow the Library to make the necessary changes to the building as requested per the Citizens. Motion carried unanimously. (5-0)

048-2017

b. Court Security – Justice Schwartz is going to apply for a grant through the State Justice Court System for a security system inside and outside of the courtroom. The Court System needs a Resolution of Board support should the cost exceed the amount of the grant.

Councilmember Chard recommended reaching out to Senator Helming, Assemblyman Kolb, Judge Doran and Sheriff Povero for letters of support.

Councilmember Malcolm offered the following resolution and called for its adoption. The motion was seconded by Councilmember Case and the resolution was adopted by unanimous vote. (5-0)

049-2017

RESOLUTION

WHEREAS, The Town Board of the Town of Gorham has reviewed the quote for the security system for the Town Court Building;

WHEREAS, SG Securities proposes to install the equipment and furnish the services for the camera system described in the quote for \$12,725.88;

WHEREAS, SG Securities proposes to install the equipment and furnish the services for the security system in the quote for \$1,158.91;

NOW THEREFORE BE IT RESOLVED that the Town of Gorham Town Board, at a duly held meeting on June 14, 2017, agrees to make up the difference, or shortfall, up to \$20,000.00 if the cost of the full security system exceeds the amount of the grant.

I, Darby Perrotte, Town Clerk of the Town of Gorham do hereby certify that the Town Board of the Town of Gorham adopted the aforementioned Resolution on June 14, 2017 by the following vote:

	Aye	Nye
Frederick Lightfoote	_X_____	_____
William Glitch	_X_____	_____
Brian Case	_X_____	_____
Richard Malcolm	_X_____	_____
Jake Chard	_X_____	_____

c. Pelican Point Re-Zoning – Supervisor Lightfoote said the Town Board will set the public hearing for the Pelican Point proposed re-zoning.

Mr. Robert Brenner, from the law firm Nixon Peabody representing Pelican Point LLC, said the request is to re-zone two parcels along County Rd 11 that are currently zoned R1 together with one parcel that is on State Route 364 that’s continuous to the existing marina parcel that is zoned Rural Residential. The request would be to re-zone all three to General Business and they would be annexed with the existing General Business lot. It would be creating one big lot that would be General Business. So the intent is also to combine the smaller lake front lots with the larger marina parcel that currently exists then the re-zoned parcels become one single parcel. Pelican Point has appeared before the Town

Planning Board, obtained positive recommendations from the Town and County Planning Boards. The next step is for the Town Board to set the public hearing.

Mr. Brenner said "We intend to give a more wholesome and detailed presentation at the public hearing, that is the appropriate form for public comment, to allow the neighbors to engage if they would like to."

Councilmember Glitch offered the following Resolution and called for its adoption. The motion was seconded by Councilmember Malcolm, and the resolution was adopted by unanimous vote.

050-2017

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW ENTITLED, "A LOCAL LAW CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN PARCELS AND AMENDING A PORTION OF THE TOWN OF GORHAM ZONING MAP"

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 entitled "A Local Law Changing the Zoning District Classification of Certain Parcels and Amending a Portion of the Town of Gorham Zoning Map"; 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 July 12, 2017 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York; and be it further

RESOLVED, that this local law is referred to the Town Planning Board for report thereon, in accordance with §31.1.7 B. of the Town Zoning Code and is also referred to the County Planning Board; 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 this Local Law before the Town Board of the Town of Gorham for its consideration.

I, Darby Perrotte, Town Clerk of the Town of Gorham do hereby certify that the Town Board of the Town of Gorham adopted the aforementioned resolution on June 14, 2017, by the following vote:

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

d. Consulting Firm for Lake Evaluations - Assessor Mineo would like to hire a consulting firm to help build a model for determining land and building values on the lake properties. Mrs. Mineo’s goal is to try to figure out a more streamlined way to incorporate land value and building value so it is easier to understand. Typically waterfront property is higher. The goal is to be more transparent for the land/homeowner so they can look at the value and have it make sense. Mrs. Mineo has a few firms she will get quotes from that are experienced in upstate New York waterfront properties.

e. Assessor Mineo would like the Town Board to consider additional compensation for the Board of Assessment Review. She said “it’s a big task the Board worked for four days on grievances this year.” Mrs. Mineo said homeowners should be happy that we have such a great Board that advocates for them and does this job. The Board is payed \$129.63 for Grievance Day and anything beyond that they are paid \$12.84 per hour. Mrs. Mineo would like the hourly rate of compensation to be higher. Supervisor Lightfoote said the Board will consider this during the budget process, the rate is determined then and posted at the Organizational Meeting in January.

f. Request for Re-Zoning - Code Enforcement Officer Freida said the former church at 4733 South St in Gorham is in our Hamlet Commercial District. The owner of the property, Jon Bagley, has applied to the Town Board to change the zoning classification from Hamlet Commercial to Residential to allow four apartments in the building. The Town Board recommends sending this on to the Town of Gorham Planning Board for review.

On the motion by Councilmember Malcolm, seconded by Councilmember Chard, to send the application on to the Town Planning Board for review. Motion carried unanimously. (5-0)

051-2017

g. Amicus Brief regarding CAFO (confined animal feeding operation plans and regulations) Nutrient Management Plan. The State DEC registers Farms that have a certain number of animals on it. The number differs depending on the type of farm. There is actually one CAFO farm that is cited in the Town of Gorham and that just happens to be Supervisor Lightfoote's farm. Most of the regulations are environmental type regulations. The biggest part of it is a nutrient management plan. The farm has to have a certified planner. Mr. Lightfoote is the records keeper for the nutrient plan for the farm. New guidelines require farms to choose a State Permit or a Federal Permit. Mr. Lightfoote chose the State Permit. The State Plan is more restrictive. An environmental group is asking townships to sign on to an Amicus Brief regarding reporting standards of the nutrient plan. This would force New York Department of Environmental Conservation to write the same regulations into the State Plan and therefore be equal to the Federal guidelines.

Supervisor Lightfoote said he is seeking the Board's input and vote on joining the Amicus Brief.

By common consent, the Town Board of the Town of Gorham declined to sign on to the Amicus Brief. Supervisor Lightfoote abstained.

052-2017

h. Standard Workday Reporting Resolution – Councilmember Chard offered the following resolution and moved for its adoption. Councilmember Glitch seconded the motion that was adopted by unanimous vote. (5-0)

053-2017



Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A
(Rev. 8/15)

BE IT RESOLVED, that the Town of Gorham / 30427 hereby establishes the following standard work days for these titles and
(Name of Employer) (Location Code)

will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy- mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials								
Tax Collector	6	Susan Yarger	2585	36370336	<input type="checkbox"/>	1/14-12/17	.54	<input type="checkbox"/>
Appointed Officials								
Court Clerk	6	Timmy Huddings	1581	43546761	<input type="checkbox"/>	4/2015	8.79	<input type="checkbox"/>

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

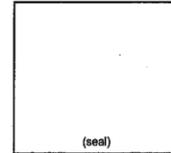
I, Darby L. Perrotte, secretary/clerk of the governing board of the Town of Gorham, of the State of New York,
(Name of secretary or clerk) (Circle one) (Name of Employer)

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 14th day of June, 2017 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Gorham on this 15th day of June, 2017.
(Signature of the secretary or clerk) (Name of Employer)

Affidavit of Posting: I, Darby L. Perrotte, being duly sworn, deposes and says that the posting of the Resolution began on 6/15/17 and continued for at least 30 days. That the Resolution was available to the public on the
(Name of secretary or clerk) (Date)

- Employer's website at _____
- Official sign board at Gorham Town Post Office
- Main entrance secretary or clerk's office at Gorham Town Hall



Page 1 of 1 (for additional rows, attach a RS2417-B form).

i. Budget Transfer – On the motion by councilmember Glitch, seconded by Councilmember Malcolm, the following budget transfers were approved. \$700.00 from SS8130.2 to SS8120.2, \$1,200.00 from A599 to A1670.4. Motion carried unanimously. (5-0)

054-2017

j. County Road 1 Park – Supervisor Lightfoote said he would like to put out a Request for Proposal for the pavilion to be built at the County Rd 1 Park.

On the motion by Councilmember Chard, seconded by Councilmember Glitch, to send out an RFP for bids on the proposed pavilion to be built at the County Road 1 Park. Motion carried unanimously. (5-0)

055-2017

7. Executive Session – at 8:39pm Supervisor Lightfoote moved to enter into executive session to discuss pending litigation in Town of Gorham vs. Cregg and to discuss land acquisition. Councilmember Case seconded the motion that was carried by unanimous vote. (5-0) No action was taken in executive session.

Councilmember Chard moved to return to regular session at 9:45pm the motion was seconded by Councilmember Case and carried by unanimous vote. (5-0)

056-2017

8. Privilege of the Floor – none requested

9. Set Next Meeting Date – the next regular meeting and public hearing of the Gorham Town Board will be on July 12, 2017 at 7pm at the Gorham Town Hall.

10. Adjournment - With no further business, on the motion by Councilmember Malcolm, seconded by Councilmember Glitch, the meeting was adjourned at 9:48pm.

Respectfully submitted,

Darby Perrotte
Town Clerk