

**MINUTES
REGULAR MEETING and PUBLIC HEARING
THE GORHAM TOWN BOARD
March 13, 2019 7:00pm**

The Gorham Town Board held a Regular Meeting and Public Hearing on March 13, 2019 at 7:00 pm at the Gorham Town Hall. Present were; Town Supervisor Frederick Lightfoote, Councilmembers; Brian S. Case, Richard Malcolm and Jake Chard. Councilmember Glitch was necessarily late.

Water/Wastewater Chief Operator Greg Coston, Highway Superintendent Zach Eddinger, Zoning/Building Officer Gordy Freida, Deputy Zoning/Building Officer Jim Morse, Assessor Enza Mineo, Billing Clerk Brenda Jones and Town Clerk Darby Perrotte.

Other guests in attendance; Lynne Klotz, Brett Johnson, Sally Napolitano and Neil Atkins.

1. Call to Order/Pledge to the Flag
2. Privilege of the Floor – none requested
3. Public Hearing – Local Law #2 2019- Increasing the Highway Superintendent’s Salary

Supervisor Lightfoote opened the public hearing. The legal notice as it appeared in the official newspaper was read. With no comment from the public the hearing was closed.

4. Approval of Minutes - 3/13/19 Regular & Public Hearing Meeting Minutes

On the motion by Councilmember Malcolm, seconded by Councilmember Chard, the minutes were approved as submitted. Motion carried unanimously. (4-0)

019-2019

5. Audit of Bills -

Abstract #3

A	97-164	\$37,889.15
B	109-134	2,811.93
SL	162,163	672.76
DB	99-159	127,331.89
SS	112-157	306.75
SW1	111-153	15,105.86
T/A	30	140.00

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

020-2019

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.
- 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 Case, the reports of Town Officials were approved as submitted. Motion carried unanimously. (4-0)

021-2019

7. Business:

- a. Local Law #2-2019 Increasing the Highway Superintendent's Salary

Councilmember Malcolm offered the following Resolution and called for its adoption. Seconded by Councilmember Case the resolution was adopted unanimously. (3-0)
(Councilmember Chard abstained)

022-2019

**RESOLUTION #6-2019
AUTHORIZING ADOPTION OF LOCAL LAW NO. 2 OF 2019**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Gorham for a public hearing to be held by said Town Board on March 13th, 2019 at 7:00 p.m. at Gorham Town Hall, 4736 South Street, Gorham, New York, to hear all interested parties on a proposed Local Law to Increase the Compensation of the Elected Position of Town Superintendent of Highways in the Town of Gorham for Fiscal Year 2019; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on March 1st, 2019 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on March 13th, 2019 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Gorham, after due deliberation, finds it in the best interest of the Town of Gorham to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gorham hereby adopts said Local Law No. 2 of 2019, entitled, "A Local Law to Increase the Compensation

of the Elected Position of Town Superintendent of Highways in the Town of Gorham for Fiscal Year 2019”, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that this local law is subject to a permissive referendum, that the Town Clerk is directed to give notice thereof to the public by publication and posting and that this local law shall not become effective until either forty-five days after its adoption or until approved by the affirmative vote of a majority of the qualified electors of the Town of Gorham voting on a proposition for its approval if within forty-five days after its adoption there be filed with the Town Clerk a petition protesting against this local law, signed and authenticated as required by New York State law by qualified electors of the Town of Gorham, registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in the Town of Gorham; and be it further

RESOLVED, that, should this law become effective, the Town Clerk be and she hereby is directed to enter said Local Law in the Local Law Book of the Town of Gorham.

I, Darby L. Perrotte, Town Clerk of the Town of Gorham, do hereby certify that the Town Board of the Town of Gorham adopted this resolution on March 13th, 2019 by the following vote:

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

**Town Of Gorham
Local Law No. 2 of the year 2019**

A Local Law to Increase the Compensation of the Elected Position of Town Superintendent of Highways in the Town of Gorham for Fiscal Year 2019

Be it enacted by the Town Board

Town of Gorham as follows:

Section 1. Legislative Findings and Intent.

The Town Board of the Town of Gorham finds that the current Superintendent of Highways for

the Town of Gorham was to get a salary increase upon completing one (1) year of service to the Town of Gorham as Superintendent of Highways and that the Town Board did not include such salary increase in the budget for 2019. Therefore, based on the current Superintendent of Highways completing one year of service, the Town Board believes it to be fair and proper to provide the Superintendent of Highways an increase of salary of \$2,500.00 in excess of the amount specified for that position's salary in the notice of hearing on the 2019 preliminary budget published pursuant to New York State Law.

Section 2. Authority.

New York State Town Law Section 27 1. empowers a town board to fix, from time to time, the salaries of all officers of such town, whether elected or appointed. Section 27 1. further empowers the town board to fix the salary of an elected town superintendent of highways at an amount in excess of the amount specified in the notice of hearing on the preliminary budget published pursuant to New York State Town Law provided such increase may not be in effect for more than one fiscal year and such increase is approved by a local law adopted pursuant to the municipal home rule law.

Section 3. Adjustment of 2019 Salary for the Town Superintendent of Highways.

The 2019 budgetary amount for the annual salary of the Town Superintendent of Highways shall be increased from the amount shown in the notice of hearing on the 2019 preliminary budget published pursuant to New York State Town Law from \$66,350.00 to \$68,850.00.

Section 4. Payment of Salary Increase.

Upon this local law becoming effective, the Town shall divide \$2,500.00 by the number of total pay periods in 2019 to get a per-pay-period amount relative to this \$2,500.00 increase and shall pay the Superintendent of Highways, in addition to his regular salary, a one-time payment equal to the per-pay-period amount multiplied by the number of pay periods from January 1, 2019 through and including the date of such one-time payment. After the date of such one-time payment, the Town shall pay the Superintendent of Highways, at the same time of every future regular pay period in 2019, an amount in addition to his regular salary equal to the per-pay-period amount.

Section 5. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 6. Effective Date.

This local law shall not be effective until it is filed with the Secretary of State and shall further

be subject to a permissive referendum, as required by law, and shall not take effect until at least forty-five days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of the Town of Gorham voting on a proposition for its approval if within forty-five days after its adoption there be filed with the Town Clerk a petition protesting against this local law, signed and authenticated as required by New York State law by qualified electors of the Town of Gorham, registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in the Town of Gorham.

b. Review 2018 Justice Court Records-

Supervisor Lightfoote made available the 2018 Justice Court Records for Board Members to review.

c. Deep Run Drainage District –

The Board had a brief discussion regarding the Deep Run Homeowners Association request, to the Town, to take dedication of their drainage district. Supervisor Lightfoote said he is working with the Town’s Attorney to set up whatever is necessary. The Town takes over the drainage district, the homeowners association is responsible for costs incurred.

d. Review bids for Easton Park Pavilion and the Water Department Storage Barn –

The Board reviewed the bids for the Water Department Storage Building and the Park Pavilion. They discussed both buildings and agreed it makes sense to hire one contractor to complete both buildings within the same timeframe since the buildings will be on the same parcel of land.

On the motion by Councilmember Glitch, seconded by Councilmember Malcolm, the Board approved the bid from Bear Hill Builders, LLC to construct the Water Storage Building in the amount of \$46,000.00 and the Easton Park Pavilion in the amount of \$65,600.00. Motion carried unanimously. (5-0)

023-2019

The Town Board took a short break in business to recognize Gordy Freida and his upcoming retirement. They also welcomed aboard Jim Morse who is the Town’s new Zoning/Building Officer. The Board thanked Gordy for his many years of dedicated service to the Town and wished him well in his retirement years!

Back to Business:

e. Canandaigua Lake Watershed Association – Neil Atkins, Lynn Klotz and Sally Napolitano, from the Canandaigua Lake Watershed Association, gave a very detailed and informational power point presentation regarding the Harmful Algae Blooms effecting Canandaigua Lake. With the summer season approaching, they detailed what their efforts are as an Association to help protect the lake and also to help protect adults and children, wildlife and our pets from these harmful blooms. The Association left several informational flyers for us to have on hand. They are available at the Town Hall.

The Board thanked the Association for their presentation.

f. The Board discussed the part-time laborer position at the Transfer Station.

On the motion by Councilmember Glitch, seconded by Councilmember Case to vacate the position of part time laborer at the Transfer Station and leave it open indefinitely. Motion carried unanimously. (5-0)

024-2019

8. Executive Session – On the motion by Supervisor Lightfoote, seconded by Councilmember Case, the Board entered into executive session at 8:56pm to discuss matters relating to appointment, promotion, demotion, discipline or removal of a particular person or corporation.

On the motion by Supervisor Lightfoote, seconded by Councilmember Glitch, the Board returned to regular session at 9:30pm. No action was taken in executive session. Both motions carried unanimously. (5-0)

025-2019

9. Set Next Meeting Date – April 10, 2019 Regular Meeting

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 9:40pm. Motion carried unanimously. (5-0)

026-2019

Respectfully Submitted,

Darby L. Perrotte
Town Clerk