

**MINUTES
REGULAR MEETING
THE GORHAM TOWN BOARD
July 14, 2021 7:00pm**

The Gorham Town Board held a Regular Meeting on July 14, 2021 at 7:00 pm at the Gorham Town Hall. Present were; Town Supervisor Fred Lightfoote, Councilmembers; William Glitch and Brian S. Case. Chief Operator Water/Wastewater Districts Greg Coston, Highway Superintendent Zach Eddinger, Billing Clerk Brenda Jones and Town Clerk Darby Perrotte.

Assessor Enza Mineo and Code Enforcement Officer Jim Morse joined via video/phone conference.

Councilmembers Richard Malcolm and Jake Chard were necessarily absent.

Other Guests in attendance; Town of Gorham Conservation Board Chairman Brett Johnson and his Granddaughter Cheyanne, Conservation Board Councilmembers Lynn Klotz and Ben Smith, George Kramer, Dave Peters, Bob Gusciora and Phil Curtis.

Guests in attendance via video/phone conference; Mark Becue, Rita Kulp, Susan Carpenter and Deborah North.

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

Susan Carpenter, Town of Gorham resident –

Mrs. Carpenter had a question regarding the Comprehensive Plan Update. She asked if there is a time when the committees will report to the Board and if it will be on the agenda so she can watch for it.

Supervisor Lightfoote said there will be a report and he anticipates it will be very soon.

George Kramer, Town of Gorham property owner –

Mr. Kramer attended tonight's meeting because he is concerned about the proposed Canandaigua Shores project that is in the works in the Town of Canandaigua. Mr. Kramer is concerned about the water runoff from the project. He attended the public hearing in the Town of Canandaigua. Mr. Kramer said the developer has a track record of not completing projects. He was discouraged at the Canandaigua meeting because the engineers could not give an answer to the question "What happens if the developer doesn't finish the project?" Mr. Kramer wants to know if there is any repercussion if the builder doesn't do what he is supposed to do. He is concerned about increased traffic on Route 364. Mr. Kramer said residents pay a lot of taxes to live on the lake and that Canandaigua Lake is the number one priority. Mr. Kramer is inquiring at tonight's meeting to see where the Town of Gorham stands concerning the proposed project.

Bob Gusciora, Town of Gorham resident –

Mr. Gusciora said he also attended the meeting in Canandaigua regarding the proposed Canandaigua Shores Project. Mr. Gusciora wanted to sensitize the Board as to how angry

people are on the beach where he lives about the proposed project. Mr. Gusciora said he understands the Town of Gorham has no legal jurisdiction but he and his neighbors pay a lot of taxes to live on the Lake. Mr. Gusciora said there will be runoff like they have experienced in the past and the project is potentially horrible because of that. Mr. Gusciora said his main concern is the ecological damage that will be done to our beautiful lake if Canandaigua Shores is permitted.

Supervisor Lightfoote said "The Canandaigua Town Planning Board will be lead agency on the project. They will be in charge of gathering things together and seeing to it that everything comes together to them. It's not that they have total control over it for the overall project, it's up to Canandaigua to see to it that the Town of Hopewell and the Town of Gorham have input." Supervisor Lightfoote said he recently spoke with the Town of Canandaigua Manager, Doug Finch. Mr. Finch pointed out that the Town of Canandaigua is just starting with this project.

Supervisor Lightfoote said "They'll work the problem, as long as there is someone that can lawfully bring a project forward the municipality has to consider it. The Town of Canandaigua will put it through its paces and most certainly there will be a lot of changes made to the current vision that the engineer brought forward. The Town of Hopewell and the Town of Gorham will be included in their information to review."

Supervisor Lightfoote suggested, to those concerned, that they attend as many meetings in the Town of Canandaigua as they can and recommended they be vocal about it and let the Town of Canandaigua hear their concerns.

Dave Peters resident of Crystal Beach –

Mr. Peters said "Approximately two years and three months ago I approached the Town of Gorham regarding a shed that was placed on a property right next to mine. The permit was issued for the shed, and I believe it was issued improperly. No site plan review was done for this particular shed. The neighbor came and talked to me from the onset and asked if it was ok to put a shed on the property. I said of course, you can do whatever you want, as long as it falls within the guidelines of the current zoning. Being a part time resident I left that fall, came back the following spring and there was not a shed but a building placed on this lot in Crystal Beach. I have gone round and round with the Town of Gorham trying to get this resolved. The Town of Gorham Town Board voted unanimously that the shed had to be removed. Here we are thirteen, fourteen months later and nothing has changed. The building should have been removed, fines should have been imposed for not removing this building up to this point. What are zoning laws for and what guidelines are we following in this Town? Tomorrow night there is a Zoning Board of Appeals hearing. If they allow this shed to stand, or be moved somewhere else on the property, which it physically will not fit on the property anywhere. It's physically impossible, the lot is too small. The building permit was issued, there was no site plan review done, it was basically slipped under the door and allowed to happen, so my question to the Board is, tomorrow night, if they allow the shed to stay, what is my recourse at this point?"

Supervisor Lightfoote said "The Town Attorney said the Town had to afford the owner of the shed the ability to come before the Zoning Board of Appeals. We all have to wait to see what happens at the hearing."

Mark Becue, Town of Gorham resident –

Mr. Becue joined the meeting via conference call to ask the Board about a garage with an attached apartment. It is a neighboring property, very close to his house. The former owner converted the back portion of the garage into an apartment and was renting it out as an Air B & B. When the property was sold it was represented as a two family property. A main house and a rental unit. Mr. Becue made the town aware last August 2020 that the property is not in compliance with zoning, regarding the garage. There were no approvals for the apartment and a certificate of occupancy was never issued. Mr. Becue said it is approaching a year that the town has been aware of this. Mr. Becue spoke with Supervisor Lightfoote three weeks ago. There is a need for the town to act to rectify the situation. Mr. Becue said there is a zoning law. It needs to be enforced.

Mr. Becue said "I put it to the Town Board, are you serious about the enforcement of zoning. Keeping in mind there are a school of professionals involved in the transfer of this property. I don't know who represented what to whom. It is not a good precedent that these things happen and the town doesn't take action."

Mr. Becue stressed he spoke with Supervisor Lightfoote three weeks ago and is still waiting to hear back from him. He is not getting communication from the Town.

Supervisor Lightfoote said the current owner sent a letter to the Town saying they are not renting the property. The apartment is not occupied. The Town's Code Enforcement Officer is keeping an eye on it to make sure the property is not being rented.

Supervisor Lightfoote called an end to Privilege of the Floor stating Mr. Becue and Mr. Peters need to come to the Town to discuss things to a greater degree. Supervisor Lightfoote said this Board will be available for any length of time for this issue.

3. Approval of Minutes – 6/9/2021 Regular Meeting Minutes.

On the motion by Councilmember Glitch, seconded by Councilmember Case, the minutes from the 6/9/2021 meeting were approved as submitted. Motion carried unanimously. (3-0)

052-2021

4. Reports of Town Officials -

A. Chief Operator Water/Wastewater Plants – written report on file. Chief Operator Coston said there is a row of trees that have been planted over the water main on Route 364. They are large trees with powerlines running through them. The water department had a recent water main break under the trees and it made the situation dangerous for the crew. The trees are in the right of way. Chief Operator Coston wanted to bring it to the Town Boards attention that the Town needs to take action to remove the trees.

B. Highway Superintendent – written report on file.

C. Zoning/Building Officer – written report on file. Councilmember Glitch said the Board needs to follow up with Officer Morse on Mr. Peters' and Mr. Becue's concerns. Councilmember Case said he understands Mr. Peters' frustration regarding the shed. Councilmember Case said he will plan on attending the ZBA meeting being held on 7/15/2021.

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 Glitch, seconded by Councilmember Case, the reports of Town Officials were approved as submitted. Motion carried unanimously. (3-0)

053-2021

5. Audit of Bills -

Abstract # 7

A	481-582	\$33,266.60
B	481-582	6,775.22
SL	581,582	685.63
DB	477-571	76,703.95
SS	481-568	2,107.42
SW1	479-571	27,623.73
T/A	20	165.00
SW6	387	1,208.25

On the motion by Councilmember Glitch, seconded by Councilmember Case, the bills were approved for payment. Motion carried unanimously. (3-0)

054-2021

6. Business:

a. Long Garage – Property owned by Tim Long in the Town of Gorham has a garage that has been moved from one property to another. Mr. Long attended the June 2021, Town Board meeting to express his desire to do what he can to keep the garage on his property. The area he wants to put it would be directly on top of the water main that runs across the property. The Board, Mr. Long and Code Enforcement Officer Morse discussed various options for Mr. Long to keep the garage and put it where he want on the property. at the June meeting.

Supervisor Lightfoote explained that even when there is not an easement recorded there are a variety of laws, municipal codes and even common law precedents that prevent property owners from interfering with public water. Mr. Long would have to appear before the Zoning Board of Appeals to obtain a variance to keep the garage on his property.

On the motion by Councilmember Glitch, seconded by Councilmember Case, to inform Mr. Long he must remove the garage from the premises or come in to apply for a variance. Motion carried unanimously. (3-0)

055-2021

b. Wayne Finger Lakes BOCES Cooperative Natural Gas Bid

Councilmember Case offered the following resolution and called for adoption. The motion was seconded by Councilmember Glitch and was unanimously adopted. (3-0)

056-2021

**RESOLUTION #15-2021
TOWN OF GORHAM
BOCES BID PROGRAM**

WHEREAS; The contract the town utilizes for electric needs expires in September of 2021; and;

WHEREAS; There will be ongoing need for the town to procure electricity in order to continue to provide necessary services to the residents of the Town of Gorham and;

WHEREAS; The Town Board wishes to bid for anticipated power needs;

THEREFORE; The Gorham Town Board wishes to participate in a cooperative bid through the Wayne/Finger Lakes BOCES Cooperative Bid Program and authorizes the Town Supervisor to obtain said bid.

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 July 14, 2021 by the following vote:

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

c. Engineering Proposals for Wastewater Plant Improvements –

On the motion by Councilmember Case, seconded by Councilmember Glitch, to allow Supervisor Lightfoote to sign the agreement with MRB Group for upgrade to the Wastewater Treatment Facility. Motion carried unanimously. (3-0)

057-2121

c. Grant Funding Applications for the Town of Gorham –

1. Councilmember Glitch offered the following Resolution and called for adoption. Seconded by Councilmember Case the motion was adopted unanimously. (3-0)

058-2021

**TOWN OF GORHAM
RESOLUTION # 16-2021
WATER TREATMENT PLANT IMPROVEMENT PROJECT
RESOLUTION TO SUBMIT FOR GRANT FUNDING**

Whereas: The Town of Gorham operates a water treatment plant near Canandaigua Lake, utilizing water drawn from the lake for treatment and distribution to some residents within the Towns of Gorham N.Y. and Hopewell N.Y. and;

Whereas: Blue Green Algae has become a problem on Canandaigua Lake with regard to the potential health threat posed to the drinking water customers serviced by all water purveyors including the Town of Gorham, and;

Whereas: The New York State Department of Health is requiring the Town to provide additional treatment of water to address the potential health threat, and;

Whereas: The Town Board of the Town of Gorham, N.Y. has made the decision that a Carbon Filtration System addition to the Water Plant will best fill the need of the Town to continue to provide safe, clean water to the Towns' customers well into the future, then;

Now, therefore, be it resolved, that the Gorham Town Board hereby accepts the proposal of the MRB Group to provide professional engineering services to the town to effectuate the preparation of an environmental report which is needed to apply for funding assistance with regard to a project to install a Carbon Filtration System within the Town's Water Plant, for total compensation of \$11,500 dollars.

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 July 14, 2021 by the following vote:

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

2. Councilmember Case offered the following resolution and called for adoption. Seconded by Councilmember Glitch, the resolution was adopted unanimously. (3-0)

059-2021

**TOWN OF GORHAM
RESOLUTION #17-2021
WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT
RESOLUTION TO SUBMIT FOR GRANT**

Whereas: The Town of Gorham Wastewater Treatment District owns and operates a brown-water waste disposal system, and;

Whereas: A change in regulation is requiring additional treatment of wastewater flowing through the plant, then;

Therefore: The Gorham Town Board hereby contracts with MRB Group to provide engineering services to effectuate the needed changes to the plant, and also;

Therefore: The Gorham Town Board hereby contracts with the MRB Group to identify and access grant programs for the Town of Gorham in order to help pay for any and all required changes to the Wastewater Treatment Plant.

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 July 14, 2021 by the following vote:

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

8. Privilege of the Floor – none requested.

9. Set the next Meeting Date – The next regular Town Board Meeting will be held on August 11, 2021 at 7:00 pm at the Gorham Town Hall.

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

060-2021

Respectfully Submitted,

Darby L. Perrotte
Town Clerk