

**MINUTES**  
**REGULAR MEETING and PUBLIC HEARING**  
**THE GORHAM TOWN BOARD**  
**February 9, 2022 7:00pm**

The Gorham Town Board held a Regular Meeting and Public Hearing on Wednesday February 9th, 2022 at 7:00pm at the Town Hall in Gorham, NY.

Present were Supervisor Fred Lightfoote. Councilmembers; Brian S. Case, Jake Chard, Phil Curtis and Brian Lazarus.

Town Officials and employees in attendance; Chief Operator Water & Wastewater Districts Greg Coston, Highway Superintendent Zach Eddinger, Billing Clerk Brenda Jones, Tax Collector Adrienne Smith and Town Clerk Darby Perrotte.

Assessor Enza Mineo joined via video/phone conference.

Code Enforcement Officer Jim Morse was necessarily absent.

Other guests in attendance and via Zoom; Town of Gorham Conservation Board Members Lynn Klotz and Ben Smith, Sally Napolitano, Jon Willis, Elke Schmitt, Ann Marie St. George and Margaret White.

1. Call to Order/Pledge to the Flag – Councilmember Case Chaired the meeting and opened with the Pledge to the Flag.
2. Privilege of the Floor –

Sally Napolitano, Lake Drive resident, said “I think I said this at the last meeting and I wanted to reiterate it. A couple of things, it was acknowledged at budget time, we asked where the Town of Gorham had made an effort to tighten their belt. That was in the minutes, Fred, you told us you would get something together on that. Another point of discussion within the budget was the use of the outside accounting service. That had been a stopgap measure several years ago and somehow has now grown into status quo and we still have a Billing Clerk.”

Billing Clerk Jones said “I do more than billing.”

Sally Napolitano said “I’m not saying Brenda, that you’re not more than a Billing Clerk, actually you stated that was your title, perhaps there is a misunderstanding. It just seems like there is not an effort. I’m not seeing where there have been attempts to cut costs. The sales tax revenue was surprisingly high last year and the year before through covid I think you weren’t expecting that, and yet we’ve seen a town tax be imposed. This vote for the tax cap override isn’t saying that you’re going to need it but it is a signal to me, particularly when you do it this early in the year. I don’t know how you justify it because in my view it should be done during the budget process.”

Supervisor Lightfoote said “Yes I did mention to you that I would try to get stuff together and I’ve looked into things, I just don’t have it done yet. Just so you know, I’ve spent a couple weeks here in treatment for cancer, I’ve been tied up and I haven’t had time to do much of anything. At the same time, we’ve had people out, people on vacation.”

Mrs. Napolitano said "Fred I'm terribly sorry about that, I feel for you and I wish you nothing but the best but, this isn't something that's just happened in the last couple months. This has been an ongoing discussion and there are other people on the Board."

Councilmember Case said "Sally you do realize that the budget process is kind of a guessing game, we try and go over from year to year things that come up that weren't anticipated, that need to be fixed or new equipment. We don't always know exactly what it's going to be."

Mrs. Napolitano said "I don't expect you to know exactly, but it shouldn't be a guessing game."

Highway Superintendent Eddinger said "It's a huge guessing game. From one year to the next we don't know what equipment is going to do, what the asphalt index is going to do, what oil is going to do, it's a huge thing for us so every year it's a big guessing game."

Supervisor Lightfoote said "Yes, receipts from sales tax is up but our percentage from the County keeps slipping. One reason is the increase in population and total assessed value of towns. Canandaigua, Farmington and Victor keep getting a larger percentage of the pie each year. Total assessed valuation and population are two things that figure into the formula the County uses to distribute the tax money to localities. Our dollar value is going up but it's not keeping pace with our costs. Our position within the County is slipping because our valuation isn't keeping up with the pace that the big towns are. While I don't have figures to show you, I want you to know, I'll guarantee we do the very best we can to flesh out what is appropriate, not necessarily the cheapest, appropriate because we have to think about investment that will pay off in the long term. We take that very seriously. I don't think there is much difference at all between what we would finally put forward, as far as the budget goes, with or without the tax cap in place. That is my take on it."

Chief Operator Coston said "If you look back in the records every year for 20 some years the town has done this. I thought I remembered Dick Calabrese doing this."

Supervisor Lightfoote said "No, it has only been for 6 or 8 years. We try to be as respectful as we can be with the town finances and not spend frivolously. When this was first put in place, how dare the State of New York, with their spending habits, clamp down on municipalities when they ought to be looking to us as an example of how they should be spending money. We'll do what's necessary to fund the town operations and we don't need the State of New York breathing down our neck's trying to tell us how to do business when they haven't a clue how to do it themselves and I strongly feel that way."

At this time during the meeting the Zoom connection was hacked. The town tried to re-start the Zoom meeting but it was not successful.

### 3. Public Hearing for Local Law #1 of 2022 Tax Cap Override for the 2023 Budget –

Councilmember Case opened the public hearing.

Town Clerk Perrotte confirmed that the meeting and public hearing were properly advertised.

Lynn Klotz, Lake Drive resident, said "I will echo Sally's questions and add that the reason given in 2019 and earlier for not having a town tax was because we had the tax cap override option as a stop gap. Once the town tax was instituted I would say I appreciate your efforts in being fiscally responsible. I would like to see that continue and I would encourage that we not

look at this option now. If it needs to happen, after the preliminary budget is approved, I think that is the appropriate time to do it. I think doing it now may give the impression, correctly or incorrectly, that you have a lot more flexibility with your budgets. That may be giving the impression to the public, it's worth considering the perception of doing it now versus when the preliminary budget is approved."

Ben Smith, Kearney Road resident, said "As a taxpayer in the Town of Gorham, perception from a resident of the Town, we had an opportunity. Not to bring this rabbit hole up again, (referring to Cannabis Local Law) we had an income that we turned away and now we're saying that we potentially don't have enough money so we might have to raise taxes or have the ability to override the tax cap but we, just a couple months ago, said hey we don't need this extra money right now so we are going to vote this down until we learn more about it. That's just a perception from a resident and that's the point I wanted to make."

Supervisor Lightfoote said "The State looks for every opportunity to gain money. It was more of a moral question, I'm very proud of the Town of Gorham, how we've performed in the past, how we perceive things, we stand up pretty straight and tall. That was one of the things we had some big questions regarding, we can see how it pans out and perhaps we can sign on in the future. I hope we never get to the point where anytime there's opportunity for greater revenue we have to grab at it."

Councilmember Chard said "You've heard me say it before, I feel like doing this now we're taking a bet against ourselves that we can't do it. I agree with what Lynn said, one of the big things I try to bring out from the State is budget matters should be done at the budget. I see this as a budget matter that should be done at the budgetary process."

Councilmember Curtis said "I'd like to have the opportunity to not have to do that, do the 2 percent and in the next few months see what we can come up with. I agree with Jake and the ladies it wouldn't hurt to wait."

With no further comment Councilmember Case closed the public hearing.

- 4. Approval of Minutes – 1/12/2022 Organizational Meeting  
1/12/2022 Regular Meeting

On the motion by Councilmember Curtis, seconded by Councilmember Lazarus, both the organizational and the regular meeting minutes were approved as submitted. Motion carried unanimously.

5 Ayes – Lightfoote, Case, Chard, Curtis, Lazarus.

**014-2022**

5. Reports of Town Officials -

A. Chief Operator Water/Wastewater Plants – written report on file.

Councilmember Chard said “I wanted to thank Greg, I heard first hand, that he was very helpful with a home on Maiden Lane, he went above and beyond his duties and I wanted to formally thank him for his service and effort to this Town.”

B. Highway Superintendent – written report on file.

Supervisor Lightfoote asked Highway Superintendent Eddinger to explain the reasoning for going to straight salt and to explain the live edge plows.

Highway Superintendent Eddinger said “We are trying to work with the Watershed Council, between the City and Town of Canandaigua and the Town of Gorham try to use less salt, do what we can do to preserve the lake, go above and beyond. We have seen the 2 live edge plows, those routes use less salt and overall we use less salt. At this point and time we are using 500 tons less than we did at this time last year. Some of it is different weather, different storms. We’ve been out 3 more days this year than we were last year at this time and we are using less salt. The live edge plow system is trial and error, the manufacturer is Northern Supply right out of Bloomfield. The edge of the plow is like a piano keyboard, everything is moving as they are going down the road.”

Mechanical snow removal is best. Less salt is needed with a clean, clear scrape. The live edge moves up and down with the contour of the road surface.

Councilmember Lazarus asked Superintendent Eddinger what the scope of maintenance is that is performed on the highway trucks by our employees.

Highway Superintendent Eddinger said they do periodic maintenance, brakes, the only thing they don’t do is warranty work.

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

D. Assessor –written report on file.

E. Town Clerk – written report on file.

F. Town Supervisor – no financial report on file while the bookkeeping company closes out 2021. Supervisor Lightfoote said the town is switching bookkeeping software from Williamson Law Company to AccuFund.

Tax Collector Adrienne Smith asked why when 95 percent of towns in the State use Williamson Law.

Supervisor Lightfoote said depending on the size of the town Williamson Law doesn’t work well for larger towns like Gorham.

Sally Napolitano asked about the Comprehensive Plan Focus Groups.

Supervisor Lightfoote said there is a meeting scheduled, if it isn’t on the website he will get it there and make sure it’s available.

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

5-Ayes Lightfoote, Case, Chard, Curtis, Lazarus.

**015-2022**

6. Audit of Bills - Abstract of pre-paid vouchers prepared by Billing Clerk Jones.  
Abstract of unaudited vouchers prepared by Town Clerk Perrotte.

Abstract #2

A	102-209	\$105,936.56
B	102-209	9,160.93
DB	102-203	154,756.47
SL	106-209	1,063.70
SW1	102-210	18,153.45
SS	102-203	4,203.15
T/A	29	247.13

On the motion by Supervisor Lightfoote, seconded by Councilmember Case, to approve the bills for payment. Motion carried unanimously.

5 Ayes - Lightfoote, Case, Chard, Curtis, Lazarus

**016-2022**

7. Business:

a. Resolution to adopt Local Law #1-2022 Tax cap Override

Supervisor Lightfoote offered the following resolution and called for adoption. Seconded by Councilmember Case. Town resident Lynn Klotz asked if this should be tabled since the meeting was hacked and residents couldn't continue to participate.

Supervisor Lightfoote and Councilmember Case withdrew their motions and tabled the action. The Board will re-open the public hearing, regarding the tax cap override, at the March 9, 2022 meeting and proceed with the action on Local Law #1-2022 at that meeting.

Margaret White, Lake Drive resident, said she missed a chunk of what happened because of the Zoom hacking. Mrs. White drove over to the meeting after Zoom was disconnected. She said she thinks it's crucial to be able to allow citizens to participate in this, on a Zoom forum. She would like to emphasize that something needs to be done, perhaps appointing a moderator something along those lines.

Councilmember Chard said there is no way to stop hacking. He said "People find a way to get into it, they don't care what meeting it is, they just want to disrupt a meeting. There are ways to set up a highly secure meeting but that would not allow the public to participate."

Billing Clerk Jones said she will look into it. There are more secure ways to set up a Zoom meeting.

Mrs. White said in regards to the tax cap override. She is curious as to what the plan is for the necessitation for such a measure. She said "I understands that we cannot plan for everything, that's life, we can't plan for everything in our family budget, everything within a town community. I'm curious as to what are the specifics that people are expecting are going to increase. Second thing, I'm really concerned about lifting a tax cap when there is no budget. Very basically it appears to me by doing so we would be offering carte blanche to anybody who perhaps wanted to do something and spend some of the town's income or money."

Supervisor Lightfoote said "We did go over that and in the interest of keeping things moving here, I could give you a call tomorrow, we could meet up I could explain it. I can go over things with you if you'd like."

Mrs. White said "I think that would be a great idea. I also think that this stuff should be in writing somewhere because if I'm asking the question there are other people asking the same question."

Supervisor Lightfoote said "That can be part of our discussion because we went over that too. I will give you a call as soon as I can."

Mrs. White said "The meeting was hacked just as somebody was asking what kind of cost saving measures has the Town employed? We understand items, goods and services the price is rising, that is occurring with everybody but is the town employing or directing any specific cost saving measures in their budgets?"

Supervisor Lightfoote said "We'll go over that."

Mrs. White said she would like that in writing as well.

b. Resolution Entering into Financial Agreement with BPD Inc.

Supervisor Lightfoote offered the following resolution and called for adoption. Seconded by Councilmember Curtis the resolution was adopted unanimously.

**017-2022**

**TOWN OF GORHAM  
RESOLUTION #5-2022  
BPD, INC. FINANCIAL SERVICES FOR WWTP**

Resolution to enter into agreement with BPD Inc.

To procure monies to effectuate access to Bond Markets allowing mandated upgrades to the Town of Gorham Wastewater Treatment Plant to be performed.

**Whereas:** The Town of Gorham is being required to perform work to update the Towns Wastewater Treatment Plant to be able to conform to State of New York newly released effluent requirements, and;

**Whereas:** Associated costs are anticipated to top \$900,000 dollars, and;

**Whereas:** Said figure is well beyond the ability of the Wastewater District to cash flow, then;

**Therefore:** This resolution allows the Gorham Town Board to enter into agreement with B.P. Donagan Inc. to provide the Town with Financial Services needed to bring the Wastewater Treatment Plant into compliance with the new regulations.

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 February 9, 2022 by the following vote:

	<b><u>Aye</u></b>	<b><u>Nay</u></b>
Frederick Lightfoote	X___	_____
Brian S. Case	X___	_____
Jake Chard	X___	_____
Phil Curtis	X___	_____
Brian Lazarus	X___	_____

c. Resolution adopting Surety for Leanne Allen Property

Councilmember Chard offered the following resolution and called for adoption. Seconded by Supervisor Lightfoote the resolution was adopted unanimously.

**018-2022**

**TOWN OF GORHAM  
RESOLUTION # 6-2022  
SURETY FOR ALLEN PROPERTY**

Resolution to require surety for Subdivision on Leanne Allen property

**Whereas:** Ms. Leann Allen recently applied to the Gorham Planning Board for approval to subdivide a parcel from the parent parcel that she currently owns, and;

**Whereas:** there are three dilapidated barns on the parent parcel, with a portion of one of the barns proposed to be on the subdivided parcel, and;

**Whereas:** The planning Board has requested the Town Board to require a surety to be provided to the town in the amount of \$1,000.00 to be held by the Town until the barns are removed and the site adequately cleaned up, then;

**Therefore:** The Gorham Town Board hereby requires Ms. Leanne Allen to provide the Town of Gorham with a bank Certificate of Credit in the amount of \$1,000.00 to be released by the Town upon evidence of completion of clean-up

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 February 9, 2022 by the following vote:

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

d. Town Justice Position -

Councilmember Lazarus offered the following resolution and called for adoption. Seconded by Councilmember Case, the resolution was unanimously adopted.

**019-2022**

**TOWN OF GORHAM  
RESOLUTION # 7-2022  
JUSTICE APPOINTMENT FOR 2022**

Resolution to Appoint Justice Kathy Schwartz to fill both Justice Positions for the Town of Gorham for the calendar year 2022

**Whereas:** The Town of Gorham provides for two positions of Town Justice, and;

**Whereas:** A Justice was elected for the Town of Gorham during the 2021 election season to fill the open position previously held by retiring Town Justice John Peck, and;

**Whereas:** The duly elected candidate refused to take office to fulfill the duties that said Justice was elected to perform, and;

**Whereas:** Sitting Town Justice Kathy Schwartz has volunteered to perform all duties that would normally be performed by the two Justices, then;

**Therefore:** After due deliberation the Gorham Town Board hereby appoints Justice Kathy Schwartz to perform all Town Justice duties required by law for the Town of Gorham that both Justices would normally perform, and;

**Therefore:** Judge Schwartz shall be paid twice her rate of pay in recognition of the fact that she will be performing the duties normally assigned to two justices, totaling \$24,392.00 for election

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 February 9, 2022 by the following vote:

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

e. Adopt Resolution Allowing Application for Exclusion from the Constitutional Debt Limit of Proposed Sanitary Sewer Indebtedness

Supervisor Lightfoote offered the following resolution and called for adoption. Seconded by Councilmember Curtis the resolution was adopted unanimously.

**020-2022**

**TOWN OF GORHAM  
RESOLUTION # 8-2022  
EXCLUSION FROM THE CONSTITUTIONAL DEBT LIMIT**

Resolution Allowing Application for Exclusion from the Constitutional Debt Limit of Proposed Sanitary Sewer Indebtedness Pursuant to Section 124.10 of the Local Finance Law

**Whereas:** The Town of Gorham has been mandated to perform any work necessary to bring effluent quality numbers into compliance with the new regulations enacted by the New York State Department of Conservation, and;

**Whereas:** Work needing to be accomplished may cost more than the legal debt limit will allow considering work will need to be performed and paid for before grant funds that have already been approved by the State of New York may be applied for and will be released to cover a very significant portion of the associated costs, then;

**Therefore:** The Gorham Town Board supports this resolution and authorizes the Town Supervisor to submit all required documents to the State of New York to effectuate this resolution which will allow work to proceed without interruption.

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 February 9, 2022 by the following vote:

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

8. Privilege of the Floor –

Lynn Klotz asked if there is any part of the Scenic Ridge Rise Proposed Subdivision that has lake access.

Supervisor Lightfoote said no there is not.

Mrs. Klotz said “This is a general reminder that the Open Meetings Law of NY State requires that everything you discuss at a public meeting and/or vote on has to be made publicly available. So all of these resolutions should be on the website 24 hours in advance of a meeting.”

Supervisor Lightfoote said “Well aware of that Lynn and the storm that everything has been here lately is the reason that hasn’t occurred. We will have these available for anyone that wants them now but I understand the reasoning to have it beforehand and I apologize that we haven’t been able to.”

Sally Napolitano said “During the budget discussion there was an issue getting the budget from the Fire Department. Where does that stand now?”

Supervisor Lightfoote said “We have the budget from Gorham Fire Company, the budget for Rushville is part of the Village budget. The Mayor will give us the Chief’s budget, I have not seen it yet. For Crystal Beach, I received word that they will be delivering the budget to me next Tuesday. If we don’t get it we could refuse them service to our hydrants which would put them out of business.”

Mrs. Napolitano said “Last month Greg indicated he’s been asking for, repeatedly, for an audit of the water billing. Where does that stand.”

Supervisor Lightfoote said "I'm waiting on Kendall, from Department of Health, to call me back. Department of Health regulations are where the greatest concern is over the discrepancies. They only allow a certain amount of what they call 'lost water'. Lost water would include leaks, fire department usage, blow-off water that they have to do to keep the tanks fresh. It's a very significant amount of water. Greg's thought is that there is more than there should be so, he wants to go over the billing procedures to see if there's any mistakes that have been made, anything with the software that we use, which we have had problems with. I contacted the Department of Health to get their recommendations for someone that does it."

Mrs. Napolitano said "So Kendall is working with Greg, or you or both?"

Supervisor Lightfoote said "With me."

Mrs. Napolitano said so there is a commitment that that audit is going to happen?"

Supervisor Lightfoote said "Yes."

Mrs. Napolitano asked "How can you communicate to us when the focus groups for the Comp Plan, when they will be?"

Supervisor Lightfoote said "The website, newsletter, I'm hoping to get one out soon. Any other means by which we can come up with. The signboard, the typical outreach that we do."

9. Executive Session – On the motion by Councilmember Chard, seconded by Supervisor Lightfoote the Board entered into executive session at 8:55pm to discuss employment history of a particular person.

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

5 Ayes – Lightfoote, Case, Chard, Curtis, Lazarus.

**021-2022**

10. Set the Next Meeting Date – The next meeting and public hearing will be held on March 9, 2022 at 7:00pm at the Gorham Town Hall.

11. Adjournment – with no further business, on the motion by Councilmember Case, seconded by Councilmember Chard, the meeting was adjourned at 9:35 pm. The motion carried unanimously.

5 Ayes – Lightfoote, Case, Chard, Curtis, Lazarus.

**022-2022**

Respectfully Submitted,

Darby L. Perrotte  
Town Clerk

