

MINUTES
REGULAR MEETING and PUBLIC HEARING
THE GORHAM TOWN BOARD
June 8, 2022 7:00pm

The Gorham Town Board held a Regular Meeting and Public Hearing on Wednesday June 8th, 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 in attendance; Chief Operator Water & Wastewater Districts Greg Coston, Highway Superintendent Zach Eddinger, Code Enforcement Officer Jim Morse and Town Clerk Darby Perrotte.

Assessor Enza Mineo joined via Zoom.

Other guests in attendance; Conservation Board Councilmember Ben Smith, Tax Collector Adrienne Smith, Jeff and Deborah North, Ben Page and Billing Clerk Brenda Jones.

Guests joining via Zoom; Conservation Board Councilmember Lynn Klotz, Christine Ayers, Abby Allen, Elke Schmitt, Danielle Ayers.

1. Call to Order/Pledge to the Flag – Supervisor Lightfoote opened the meeting and led the Pledge to the Flag.

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

2. Privilege of the Floor – none requested
3. Public Hearing: Local Law #2 of 2022 scheduling a Special Election to approve Local Law #2 of 2021. Supervisor Lightfoote opened the public hearing. With no comments from the public, Supervisor Lightfoote closed the public hearing was closed.

Public Hearing: Local Law #3 of 2022 Establishing a Moratorium on Solar Farms.

Supervisor Lightfoote opened the public hearing.

Debbie North, County Road 18 resident, asked if there would be a designated area similar to what the Town has for wind turbines.

Supervisor Lightfoote said the Town is just starting the process. At this point it has yet to be determined.

Lynn Klotz, Lake Drive resident said she is curious about the process for determining a moratorium.

Supervisor Lightfoote said the Town is doing this because there is great demand on the horizon. The Board wants to make sure there are proper protections in place.

With no further comment Supervisor Lightfoote closed the public hearing.

4. Approval of Minutes – 5/11/2022 Regular Meeting Minutes
5/25/2022 Special Meeting Minutes

On the motion by Councilmember Case, seconded by Councilmember Curtis, the 5/11/22 and 5/25/22 meeting minutes were approved as submitted. Motion carried unanimously. 4-0
4 - Ayes – Lightfoote, Case, Curtis, Lazarus.

058-2022

Councilmember Chard joined the meeting at this time.

5. 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 – financial report on file. Supervisor Lightfoote said the

Highway crew has been at Easton Park working on the grounds and parking area, the contractor has the countertops coming and should be installed soon. The electrician is coming back to finish inside and crews are also working on getting water and sewer installed.

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

059-2022

6. Audit of Bills – Abstract # 6

Abstract prepared by the Billing Clerk and the
Town Clerk.

Approval of Vouchers

On the motion by Councilmember Chard, seconded by Supervisor Lightfoote, Abstract #6 totaling \$347,021.27 was approved for payment. Motion carried unanimously. 5-0
5- Ayes - Lightfoote, Case, Chard, Curtis, Lazarus

060-2022

7. Business:

- a. Local Law #2 -2022 – Adopt Resolution Scheduling a Special Election

Councilmember Chard offered the following resolution and called for adoption. Seconded by Councilmember Curtis the motion carried 4-1.

4 – Ayes - Lightfoote, Case, Chard, Curtis. Nays - 1 Lazarus

061-2022

**TOWN OF GORHAM
RESOLUTION #25-2022**

LOCAL LAW #2 of 2022

Scheduling a Special Election for Qualified Electors to Vote on Whether or Not to Approve Local Law #2 of 2021 to Opt Out of Cannabis Retail Sales and On-Site Consumption

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 May 11, 2022 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 schedule a special election for qualified electors to vote on whether or not to approve Local Law 2 of 2021, adopted by the Town Board of the Town of Gorham on December 22, 2021 entitled "A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on May 25th, 2022 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 June 8th, 2022 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 2022, entitled, "A Local Law to Schedule a Special Election for Qualified Electors to Vote on Whether or Not to Approve Local Law 2 of 2021, Adopted by the Town Board of the Town of Gorham on December 22, 2021 and Entitled "A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the Local Law Book of the Town of Gorham and to give due notice of the adoption of this local law to the Secretary of State of New York.

I, Darby L. 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 8th, 2022 by the following vote:

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

b. Local Law #3 -2022 Adopt resolution to Establish a Solar Moratorium

Councilmember Chard offered the following resolution and called for adoption. Seconded by Councilmember Curtis, the Board held discussion regarding State regulations pertaining to solar farms. The resolution was adopted unanimously. 5-0

Ayes - Lightfoote, Case, Chard, Curtis, Lazarus

062-2022

**TOWN OF GORHAM
RESOLUTION #26-2022
LOCAL LAW #3 of 2022
AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF GORHAM OF
LOCAL LAW NO. 3 OF 2022 ENTITLED
"A LOCAL LAW ESTABLISHING A MORATORIUM ON SOLAR FARMS"**

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 May 11, 2022 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, Town of Gorham, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law Establishing a Moratorium on Solar Farms"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on May 25th, 2022 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on June 8th, 2022 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, Town of 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. 3 of 2022, entitled "A Local Law Establishing a Moratorium on Solar Farms", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Gorham, and to give due notice of the adoption of said local law to the Secretary of State of New York.

I, Darby L. 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 8th, 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_____	_____

c. Local Law #4-2022 – Resolution Calling for a Public Hearing to allow video conferencing for Town meetings

Councilmember Chard offered the following resolution and called for adoption. Seconded by Councilmember Case the resolution was adopted unanimously. 5-0

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

063-2022

RESOLUTION # 28-2022
LOCAL LAW #4 of 2022
RESOLUTION INTRODUCING LOCAL LAW AND CALLING A PUBLIC HEARING
ALLOW VIDEOCONFERENCING FOR TOWN MEETINGS

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 authorizing the Town Board and the other public bodies of the Town to use videoconferencing technology to participate in public meetings; 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 13, 2022 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 June 8th, 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_____	_____

d. Court Audit – Justice Court Administration.

The Town Supervisor made available the Judges balance sheets and checkbooks for the year 2021. The Town Board did have the opportunity to examine those documents. The Town Clerk has prepared the resolution and will send to the NYS Office of Court Administration.

On the motion by Supervisor Lightfoote, seconded by Councilmember Chard, the Town Board had the opportunity to examine balance sheets and checkbooks for the Town Justices. Motion carried unanimously. 5-0

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

064-2022

e. Mileage Compensation - for Board Members.

Supervisor Lightfoote said some of the Town’s Boards require Councilmembers to attend training sessions. The trainings are held in various places and with the increase in the price of gas, members have requested the Town to pay mileage for these sessions. The Board agreed it is a reasonable request.

On the motion by Supervisor Lightfoote seconded by Councilmember Chard, to compensate Board members for mileage when they use their personal vehicle to attend required training sessions. Motion carried unanimously 5-0

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

065-2022

f. Discussion on changing the hours of operation at the Town Transfer Station –

Supervisor Lightfoote said new proposed times would be 8:00 am – 8:00 pm Monday and Wednesday and 6:00 am- 11:00 am Tuesday and Thursday.

Highway Superintendent Eddinger said "This would help with DEC a little bit, we have to have the garbage covered if it's over 24 hours now. Ours are always open, I have a feeling they're going to start clamping down on us. This way, we're open 16 hours now, we'd be open almost 32 at that point. We'd be open a lot more hours that people could come in. 8:00 o'clock at night, 2 nights a week I think that's pretty good and have people there at 6:00 o'clock in the morning, before they go to work in the morning, no Saturdays. The reason we're trying to get away from Saturdays is if there is a conflict with one of the guys, I don't have to pay someone overtime to be there. A little easier on us and I think more hours open is good for the public too."

Supervisor Lightfoote said "The only question being are there people that come Saturday because that's the only time they are able to come."

Highway Superintendent Eddinger said I can't imagine when we are open 6:00 am Tuesday and Thursday mornings and open until 8:00 pm at night too, that they wouldn't have time."

Councilmember Chard asked if he talked to the guys about it, Cody and Dalton specifically.

Highway Superintendent Eddinger said "yes, both are single fathers."

Councilmember Curtis said "That was the job when they took it, you work Saturdays. That's like the Town Hall not open on Saturdays. We're losing everything on Saturdays and that's the only day people can go. I'm totally against that."

The Board and residents discussed and suggested half days on Saturdays as residents wouldn't want to handle trash on their way to work in the morning.

Supervisor Lightfoote said he would like the Board to consider this and it will be brought up again next month.

g. Resolution to supply Driveway Stone to Residents

Councilmember Curtis offered the following resolution and called for adoption. Seconded by Councilmember Case the resolution was adopted unanimously. 5-0

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

066-2022

**TOWN OF GORHAM
RESOLUTION # 29-2022
APPROVE FREE STONE**

Resolution to provide a small amount of stone to any Gorham resident to fill driveway holes close to the intersection of their driveways and the road surface

Whereas: The Town of Gorham has approximately 100 tons of number 2 crusher run purchased for the Easton Park parking lot left over from the project, and;

Whereas: The Town of Gorham has supplied such stone to residents to maintain their driveways close to the road surface for many years, and;

Whereas: The Gorham Town Board understands that by maintaining driveway surface against the road surface, residents help to preserve the edge of the pavement at residents' curb cuts, which ultimately helps the Town and saves the Town money, then;

Therefore: The Gorham Town Board declares approximately 100 tons of number 2 crusher run as surplus and therefore available for Gorham residents to level their driveways close to the road surface, and;

Therefore: The Gorham Town Board declares Saturday, June 25th 2022 to be designated "Stone Day", the one day of any given year that Gorham residents are allowed to take up to one-half of one cubic yard of number 2 crusher run from the Gorham Highway stockpile to be shoveled by Gorham residents into their own containers, for the purpose of maintaining their own driveways near the road edge, and also;

Therefore: Stone will be available to be picked up on June 25th, 2022 between the hours of 9:00 am and 4:00 pm when a representative of the Town of Gorham will monitor the stone pile and have the final say regarding when the one-half cubic yard limit is reached by any and all residents.

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 June 8th, 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_____	_____

7. Privilege of the Floor –

Ben Page, County Road 17 resident, said he missed the open house at the Highway Barns on May 18, 2022. He said "I'm not saying I'm for or against it I feel that a lot of people in the community missed it, I don't know how the turnout was, are you going to do another one, are you going to advertise one."

Supervisor Lightfoote said No, the Town advertised this one. It was in the Town newsletter.

Supervisor Lightfoote said it would be up to the Board to decide on another open house.

Ben Page asked if the public will be able to vote on approval of the new Highway Garage.

He said "I think it should be public, its taxpayer dollars paying for it, the taxpayers should have the privilege to vote on it. We're talking several million dollars not a couple thousand."

Supervisor Lightfoote said it will be subject to Permissive Referendum. The public has a right to file a petition to force it to go to a public vote.

Supervisor Lightfoote said "I'll be looking forward to you or whoever starts the process, when the time comes and, as we did with the cannabis law, we will help whoever with the process to

make it come to a public vote. I welcome it. The Board is in place to act on the behalf of the Town and the Townspeople the best we can. We have to look into things and look at future needs."

Ben Page said "I have a hard time, the management up there, boy, things need to change before you spend a huge amount of money on a building because I don't know if what we have now is being utilized."

Supervisor Lightfoote said "I can assure you it's being utilized to the degree possible and there's still not enough room. That being said, there are two different issues, it's not just space. Part of it is what needs to be done to the old building to bring it up to code and make it so it's a sound block building there is a lot of cost involved and will it be for a projected 50 years or will it only be for 20 or 30 years. These are all things we need to take into account."

Ben Smith said "I would feel that it would be very important for it to be voted on by the public."

Councilmember Chard said "Before we vote on it, there will be a public hearing, correct?"

Supervisor Lightfoote said "Yes, so there is adequate time for public input too before we would even actually vote."

Debbie North, County Road 18 resident said "I will piggyback on something Ben broached. I'm wondering, in light of recent events, if the Town is going to be at any kind of risk, if insurance costs are going to increase, I realize it's probably more a personnel matter."

Supervisor Lightfoote said it's a personnel matter. I assure you, and I apologize I hadn't reached out to you yet because I didn't hear back, I asked that very question and I was reassured about 5:00 o'clock this afternoon that no, it won't change anything as far as rates go."

Lynn Klotz, Lake Drive resident, said "As a Gorham resident, I understand the need for watching dollars and not paying guys overtime but eliminating Saturday hours will cut out a portion of the summer residents if it's not available. I think you will sell fewer permits so you may potentially increase the amount of red that the Transfer Station currently runs in. My other question was did an email go out about the Highway Open House. Lastly, the solar farm, I appreciate Jake's concern I know you guys are busy and you all have regular jobs. There were a lot of people at the August meeting on the Comp Plan who said they would be willing to sit on a committee or be involved. I was curious who was going to take the lead on the solar farm project consideration and if you wanted help reaching some of those people, I'd be happy to make phone calls or emails. Linda Phillips is recommending one of the new attractions being proposed for the Comprehensive Plan Update is a charging station for electric cars in the Hamlet. I would think having electricity available more readily and at a better price might be something the Town is interested in if that is going to be incorporated in the Comp Plan Update."

Supervisor Lightfoote said there is no guarantee of what price would be whether there was a solar farm situated within the Town or not. I'm not talking about on Town property if that is what you mean. We were already looking into the charging station for people who need to charge their vehicles. We've been working with someone through NYSERDA and he was getting me some information, he just recently got it to me."

Debbie North said "Jeff and I went to the Open House, I think we were the only one's there for the first hour. I will say, coming from a retail management background, that the barns were expertly staged to show how everything squeezes in there."

Highway Superintendent Eddinger said "That is how it is."

Supervisor Lightfoote said "That was the intent."

8. Set the Next Meeting Date – The next Regular Meeting and Public Hearing will be held on July 13, 2022 at 7:00 pm at the Gorham Town Hall.

9. Executive Session –

On the motion by Councilmember Chard, seconded by Councilmember Case, the Board entered into executive session at 8:39 pm to discuss medical, financial, credit or employment history of a particular person or corporation.

On the motion by Councilmember Chard, seconded by Supervisor Lightfoote, the Board returned to regular session at 9:51 pm. No action was taken in executive session. Both motions carried unanimously. 5-0

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

067-2022

10. Adjournment – with no further business, on the motion by Supervisor Lightfoote, seconded by Councilmember Chard, the meeting was adjourned at 9:52 pm. The motion carried unanimously. 5-0

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

068-2022

Respectfully Submitted,

Darby L. Perrotte
Town Clerk

