

**MINUTES  
REGULAR MEETING  
THE GORHAM TOWN BOARD  
December 14, 2022 7:00 pm**

The Gorham Town Board held a Regular Meeting on December 14, 2022 at 7:00 pm at the Gorham Town Hall.

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

Town Officials in attendance; Chief Operator Water and Wastewater Plants Greg Coston, Code Enforcement Officer Jim Morse and Town Clerk Darby Perrotte.

Assessor Enza Mineo joined via Zoom.

Highway Superintendent Zach Eddinger was necessarily absent.

Other guests in attendance; Brett Johnson and granddaughter Cheyanne, Mike Kestler, Sally Napolitano, Jeff & Debbie North, Aaron Airth, Christine Watkins and Bob Gusciora.

Guests joining via video/phone conference; Ben & Adrienne Smith, Christine Ayers, Brent Ayers, Shawn Allen, Jen Kerrick, Anne Marie St. George, Jon Willis and Danielle Ayers.

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

2. Privilege of the Floor –

Ed Merritt, Deer Run resident, asked for an update on Highway Superintendent Eddinger's hearing with DMV over his refusal to take a breath alcohol test.

Supervisor Lightfoote said "There is nothing to report on yet. If that's happened, I don't know about it."

Mr. Merritt asked if we should know about it.

Supervisor Lightfoote said "I don't think so because it doesn't have any bearing on his position."

Mr. Merritt said "I would disagree."

Supervisor Lightfoote said "We have to go by law. I know what people's feelings are but according to the law, no he doesn't need a license to be a Highway Superintendent."

Mr. Merritt said "The job description states he needs a CDL."

Supervisor Lightfoote said "Let me look into it further and I can get back to you. According to our attorney there's nothing that we need to do."

Mr. Merritt suggested the attorney should read the job description.

Supervisor Lightfoote said "Our attorney is very well versed in Town Law, we've had him for about 20 years now, he's very, very good. I can question him on it but I don't think he needs to be disrespected in such a way, we don't need to tell him how to do his job."

Mr. Merritt said "We're all human here, Fred, we make mistakes, we all might not be up to date on what the job description requires."

Supervisor Lightfoote said "That's true, I will find out if there is anything to report on and I'll let you know."

3. Approval of Minutes – 11/09/2022 meeting minutes  
11/14/2022 meeting minutes

On the motion by Councilmember Chard, seconded by Councilmember Case, the minutes of both meetings were approved as submitted. Motion carried unanimously. 5-0  
5 - Ayes –Lightfoote, Case, Chard, Curtis, Lazarus.

**115-2022**

4. Reports of Town Officials -

- A. Chief Operator Water/Wastewater Plants – written report on file.
- B. Highway Superintendent – written report on file.

Councilmember Chard was curious about leaf collection. He recommends that leaf collection have a better stop date. Many residents rake leaves for collection after the Highway Department is done collecting for the year. Councilmember Chard suggests a solid stop date to avoid this confusion next year.

Supervisor Lightfoote said he pulled an invoice to Milton Cat, invoice # 2744159 that does not have the proper procedure followed pertaining to that invoice. There were not the proper approvals for purchase of that machine.

C. Zoning/Building Officer – written report on file. Code Enforcement Officer Morse updated the Board on changes that were made to the Short-Term Rental Local Law. The Board discussed short term rental application fees and suggestions were made to add it to the Fee Schedule. Councilmember Chard recommends revising changes to the fee schedule each year during the budget process.

Code Enforcement Officer Morse said he attended a class for Solar Law. He is hopeful to get the committee together right after the first of the year to get the new law under way.

D. Assessor – written report on file. Assessor Mineo said she attended several training opportunities in the past couple months.

E. Town Clerk – written report on file

F. Town Supervisor – financial report on file. Supervisor Lightfoote did not submit a monthly report because of his ongoing health issues. He thanked the Board for their help and support.

On the motion by Councilmember Chard, seconded by Councilmember Curtis, the Reports of Town Officials were approved and accepted as submitted.

Councilmember Chard stated that with the availability of Zoom, all Town Officials should be in attendance at the meetings. Motion carried unanimously. 5-0

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

**116-2022**

5. Audit of Bills – Abstract # 12

Abstract prepared by the Billing Clerk and the Town Clerk.  
Approval of Vouchers

On the motion by Councilmember Case, seconded by Councilmember Lazarus, the Board held discussion. Abstract #12 totaling \$455,913.71 was approved for payment with the exception of the payment to Milton Cat.

Councilmember Chard stated he would like to see contracts such as for mowing of Town properties and cemeteries sent out for bid.

Councilmember Lazarus recommended discontinuing phone service at the Transfer Station. He suggests a phone tree at the Town Hall with recorded times of operation for the Transfer Station. The motion by Councilmember Case to approve the bills for payment carried unanimously. 5-0

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

**117-2022**

6. Business:

a. Local Law # 6-2022 Short Term Rental Law

1. SEQR Determination

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

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

**118-2022**

**TOWN OF GORHAM  
RESOLUTION #51-2022  
DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 6 OF 2022**

**WHEREAS**, the Town of Gorham Town Board, hereinafter referred to as Town Board, has determined Local Law No.6 of 2022 to be an Unlisted action under the State Environmental Quality Review (SEQR) Regulations, and,

**WHEREAS**, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

**WHEREAS**, the Town Board has considered the potential impacts associated with said action.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Town Board makes this Determination of Non-Significance based upon: the Short Form Environmental Assessment Form, Parts 1 and 2, prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

**BE IT FURTHER RESOLVED THAT**, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

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 December 14, 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_____	_____

2. Resolution to adopt Local Law #6-2022

Supervisor Lightfoote offered the following resolution and called for adoption. Seconded by Councilmember Case, the Board held discussion.

On the motion by Councilmember Lazarus, seconded by Councilmember Chard, to allow the following changes to the Law; to strike 23.8 B1, to give 48 hour notice of inspection and change a few typo's. The motion carried unanimously. 5-0

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

The Board proceeded to vote on the motion by Supervisor Lightfoote to adopt Local Law #6-2022 with the changes. The resolution was unanimously adopted. 5-0

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

**119-2022**

**TOWN OF GORHAM  
RESOLUTION #52-2022  
AUTHORIZING ADOPTION OF A LOCAL LAW AMENDING THE TOWN OF GORHAM  
MUNICIPAL CODE TO ADD A SHORT-TERM RENTAL LAW**

**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 September 14, 2022 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York, to hear all interested

parties on a proposed Local Law entitled "A Local Law Amending the Town of Gorham Municipal Code to Add a Short-Term Rental Law"; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on October 5, 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 October 12, 2022 at 7:00 p.m. at the Gorham Fire Company, 4676 Kearney Road, Gorham NY 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**, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR; 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. 6 of 2022, entitled, "A Local Law Amending the Town of Gorham Municipal Code to Add a Short-Term Rental Law", a copy of which is attached hereto and made a part hereof, 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, and be it further resolved

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 December 14, 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_____	_____

b. Resolution for Employee Holiday Time Off

Councilmember Chard offered the following resolution and called for adoption. Seconded by Councilmember Case, the resolution was adopted. 4-1

**TOWN OF GORHAM  
RESOLUTION #53-2022  
EMPLOYEE HOLIDAY TIME OFF**

**Whereas,** The Town of Gorham values the performance of duties provided by its employees; and,

**Whereas,** An extra day off has been provided for said employees for many years; and,

**Whereas,** The Town of Gorham wishes to once again provide an extra day off for town employees this year, "Christmas time 2022" then,

**Therefore,** Each employee shall work with their Direct Supervisor to schedule said day off on a day beneficial to both town and employee.

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 December 14, 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_____	_____

7. Privilege of the Floor –

Councilmember Lazarus invited Sally Napolitano to join the Town’s Public Work’s Committee. Mrs. Napolitano said she would think about it and get back to the Board with her decision.

Mrs. Napolitano, Lake Drive resident, asked about the status of the Water Audit.

Supervisor Lightfoote said he has everything. EFPR determined it would be helpful to have better communication between departments. There wasn’t anything outstanding. He said there were some timing issues between reports and summaries. Supervisor Lightfoote said he would try to supply their summary/report at the next meeting.

Mrs. Napolitano asked if Ray Wagar has been engaged for the Audit in 2023.

Supervisor Lightfoote said yes.

Mrs. Napolitano asked about Crystal Beach Fire Department.

Supervisor Lightfoote said the Fire Department is engaged in an audit but, they may not have the result yet.

Mrs. Napolitano said she didn't have a chance to thoroughly go through the adopted budget but she noticed there is now a line for Highway Clerk.

Supervisor Lightfoote said "No, that has been there. Maybe it has been in a different line. "Years ago, what I did, was to try and split up so that it better represented the time that was spent by the billing clerk, what funds she was actually working within. For instance instead of everything coming out of the water department to take time spent at the highway department, to shave it off and put that in a different category so that portion of her pay would be represented out of the highway budget."

Mrs. Napolitano said "I get water and sewer generating bills but what function does that clerk play in the highway department and shouldn't that be something the Highway Superintendent should be doing?"

Supervisor Lightfoote said "She is the bookkeeping clerk."

Mrs. Napolitano said "That's a different thing, you're using the term bookkeeping clerk now."

Supervisor Lightfoote said "She's also the water and wastewater billing clerk, ok, highway was never separated out from general fund. That was an attempt to make things more clear where time was being spent. We've been doing this for about 3 years."

Mrs. Napolitano said "It is not showing that way on the adopted budget. To the casual observer, Fred, it looks like a position was created."

Supervisor Lightfoote said "No, one reason you're seeing it stand out, we're using different software now, where it was included in whatever line previously, it is now split out into it's own separate line."

Mrs. Napolitano asked him to define what functions that role provides.

Supervisor Lightfoote said all the bookkeeping functions that are performed for highway, for general fund stuff, for everything really."

Mrs. Napolitano said "That's not something the Superintendent should be doing?"

Supervisor Lightfoote said No, he has his own role to play, he accepts the bills, he signs off on them, and then he gets them to her, she takes care of that. She may submit reports, he may be generating the report, there is a lot of stuff that office whomever it would be, would be doing. This isn't anything new. Really the responsibilities are the same as they've been for a long, long time. It was 3 years ago I decided to split things out along with several other things to make things more clear or make it more representative of where the cost is actually occurring to the Town."

Mrs. Napolitano said "That I understand but, the line is blank until you get to 2023."

Supervisor Lightfoote said "That is probably the new software."

Aaron Airth, East Swamp Road resident, asked if the billing clerk is still doing the job for the water and sewer and if it is still in this building or a different building.

Supervisor Lightfoote said "She was out for a month, she's in a different building now. We have applications from several people. The Bookkeeper will now be in the office where the bookkeeping clerk was and then the other person we are trying to even out responsibilities and take some of the heat off some of the various people."

Sally Napolitano asked "When that person was out for a month, what was the reason they were out for a month?"

Supervisor Lightfoote said "It was a medical reason."

Mrs. Napolitano said "It was a medical paid leave?"

Supervisor Lightfoote said "It was Disability."

Christine Watkins, Lake to Lake Road resident, asked if it was New York State Disability. Supervisor Lightfoote said "Yes."

Mrs. Napolitano said "I noticed on the County website that most bookkeeper, a true bookkeeper positions, I'm going to use that term, does not require civil service exam but, there are several towns; Farmington, Victor and Geneva that want those positions to be civil service exam. I would encourage the Board to consider that as a requirement. I think there's a lot of responsibility there and there should be a minimum level of competency."

Supervisor Lightfoote said "It would be up to the Board to take a position and make it not, a civil service position. That would be not necessarily successful for a Board to do that. In other words, certain positions are civil service positions already."

Mrs. Napolitano said "I believe bookkeeper to the Supervisor is where the position shows up on the County website."

Supervisor Lightfoote said "the term in the end may change to accountant or something such as that. We don't know yet because we've got to pass it through. Once we figure out what responsibilities are going to be, then we have to put it through civil service and see. They'll tell us what the title will be."

Mrs. Napolitano said "So that's confusing to me because what's posted on the County website is Bookkeeper to the Supervisor and that is exempt from civil service."

Supervisor Lightfoote said "That's because a Supervisor, any Supervisor, when I came on I could have let the Bookkeeper to the Supervisor go right then and there and put my own person in there. That's the difference, that's intentionally done that way should we have changed that title long ago, yeah, but we just haven't."

Mrs. Napolitano said "My last question, the videoconferencing law posted on line is an outdated version. The current one requires that anytime we use Zoom that it be recorded and the recording be posted online within 5 days."

Ben Smith, Kearney Road resident, asked if there is a maximum amount that any official or employee is allowed to spend without prior approval.

Town Clerk Perrotte said the Water & Wastewater Chief Operator and the Highway Superintendent are authorized to expend funds up to \$6,000.00 without prior approval. The Town Supervisor has a limit of \$2,000.00 without prior approval.

Mrs. Napolitano asked if there is a date when the Water and Wastewater improvements are going to start.

Supervisor Lightfoote said next Wednesday there is a Public Works Committee meeting so they will know more after that. Supervisor Lightfoote said he will have a calendar to share after that meeting.

Debbie North, County Road 18 resident, asked if the Public Works Committee Meetings are open to the public.

Councilmember Lazarus answered yes. He said they will be doing minutes and try to get that up to speed as a normal, formal meeting similar to Town Board meetings. The meeting is always held on the third Wednesday of the month at 10:00 am as a regularly occurring meeting.

Lynn Klotz, Lake Drive resident, said she assumes all the members on the Public Works Committee are sworn in, or they will be.

Supervisor Lightfoote said yes.

Mrs. Klotz asked if a current estimate has been solicited for the highway building to bring it up to code.

Supervisor Lightfoote said "After the first of the year that becomes an agenda items as far as, where do we go up there."

Mrs. Klotz said, "Related to Ben's question about departmental spending. Is there a limit at which the Town Board needs to go to the residents for approval for spending" She wonders if you set a limit or a number, you would get resident feedback before you took on a big project, it might reduce the number of concerns or permissive referendums, it just might be an efficient way to head off problems.

Supervisor Lightfoote said he can find the exact language for that and get it to her. He said basically the budget process takes care of most of that concern. He said there is always more that can be done as far as outreach is concerned.

Merry Christmas to everyone!

#### 8. Executive Session –

On the motion by Supervisor Lightfoote, seconded by Councilmember Case, the Board entered into executive session at 8:15 pm to discuss medical, financial, credit or employment of history of a particular person or corporation. The motion carried unanimously. 5-0

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

**121-2022**

Councilmember Chard excused himself at 8:50 pm.

No action was taken in executive session.

On the motion by Supervisor Lightfoote, seconded by Councilmember Lazarus, the Board returned to regular session at 9:20 pm. The motion carried unanimously. 4-0

4 – Ayes Lightfoote, Case, Chard, Lazarus

**122-2022**

9. Set the Next Meeting Date – The next meeting, Regular & Organizational, will be held January 11, 2023 at the Gorham Town Hall at 7:00 pm.

10. Adjournment – with no further business, on the motion by Supervisor Lightfoote, seconded by Councilmember Curtis, the meeting was adjourned at 9:48 pm. The motion carried unanimously. 4-0

4 - Ayes – Case, Chard, Curtis, Lazarus.

**123-2022**

Respectfully Submitted,

Darby L. Perrotte

Town Clerk