

**MINUTES
REGULAR MEETING
THE GORHAM TOWN BOARD
February 8, 2023 7:00pm**

The Gorham Town Board held a Regular Meeting on Wednesday February 8, 2023 at 7:00pm at the Town Hall in Gorham, NY.

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

Councilmember Brian Lazarus joined via Zoom.

Town Officials in attendance; Chief Operator Water & Wastewater Districts Greg Coston, Highway Superintendent Zach Eddinger, Code Enforcement Officer Jim Morse, Assessor Enza Mineo, Tax Collector Adrienne Smith, Planning Board Chairman Thomas Harvey and Town Clerk Darby Perrotte.

Other guests in attendance and via Zoom; Aaron Airth, Rachel Eddinger, Sally Napolitano, Jeff & Debbie North, Brett Johnson, Lynn Klotz, Ben Smith, Jon Willis, Elke Schmitt, Margaret White, Christine Ayers, Abbey Allen, Danielle Ayers and Christine Watkins and Zach & Amanda Jabeaut

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

Amanda Jabeaut, Director of Operations for the Stanley/Hall/Gorham Ambulance.

Mrs. Jabeaut is approaching the Town Board for a Letter of Support from the Town of Gorham stating the Town is in agreement with the Ambulance to build a permanent site and that the building would be a good thing for the community. Mrs. Jabeaut gave a detailed explanation of the Ambulance services and function in Gorham and the surrounding communities. She gave details on their construction plan and financing.

Sally Napolitano, Lake Drive resident, read a letter she wrote stating her concern that the town is not meeting the NY State Open Meeting Laws. The letter is attached.

The Board held discussion about the Open Meeting Laws.

Debbie North, County Road 18 resident, read a letter she wrote regarding FOIL requests. Mrs. North submitted a request for meeting minutes of the Public Works Committee. The letter is attached.

Supervisor Lightfoote stated that purely advisory committees are not subject to open meeting laws.

Supervisor Lightfoote read a portion of NY State Law pertaining to Open Meetings. He said, a little over a year ago this definition was amended to codify what had previously been held to the courts by specifically adding the following;

The necessary function in the decision making process shall not include the provision of recommendation or guidance which is purely advisory in which does not require further action by the state or agency or department thereof or public corporation as defined in Section 66 of the general construction law. This includes a town.

Supervisor Lightfoote said going forward, the Town will record minutes and will post them on the Town website.

Mrs. Napolitano asked about the EFPR procedural water billing audit.

Supervisor Lightfoote said his end isn't entirely finished, putting it together, so far what he has found is, regarding water bills with zero on them, those account show a credit. That is why it was zero. Supervisor Lightfoote said beyond that, there was concern in regards to proper numbers being recorded from the reader to the billing clerk's office. The problem had more to do with the interface between the reader and the computer because the numbers are downloaded.

Mrs. Napolitano asked to see the written report and the bill from EFPR.

Supervisor Lightfoote said he will get it to her.

Mrs. Napolitano asked about the status of the audit with Ray Wagar's office.

Supervisor Lightfoote said he checked with them a while back they still can't give him a date. They are preparing a thing for the town now because they are short staffed. He said whether the town wants a full audit or one that is more general in nature. He will bring it to the Board but Wagar has not provided a quote yet.

Mrs. Napolitano asked about the Crystal Beach Fire Department Budget review.

Councilmember Lazarus said he hasn't done anything with that at this point.

Mrs. Napolitano said she will ask every month, she doesn't mean to be a pest.

Supervisor Lightfoote said he doesn't mean to sound as if he is angry that she asks but the frustration there is associated with everything getting caught up at the Town Hall.

Mrs. Napolitano stated there may be efficiencies gained by hiring an administrator or a manager for the Town.

Supervisor Lightfoote doesn't feel it is necessary yet, perhaps in the future.

Bill Glitch, Main Street Gorham resident, asked if Crystal Beach Fire Department received any money from the town for the 2023 budget.

Supervisor Lightfoote said yes, the town trimmed the amount of money the town gives the fire department but the Town does not have a budget breakdown from the fire department yet.

Lynn Klotz, Lake Drive resident, asked Supervisor Lightfoote if the 2022 Town Budget is listed on the website. The 2023 Budget is on but not the 2022 Budget. She asked if the Gorham Conservation Board will be asked to weigh in on the Chateau Olivia project.

Supervisor Lightfoote said he will look into the 2022 budget being posted to the website and yes, the Conservation Board is considered an interested agency and will receive the project material.

Supervisor Lightfoote thanked everyone for their comments.

3. Approval of Minutes – 1/11/2023 Organizational Meeting
1/11/2023 Regular Meeting

On the motion by Councilmember Curtis, seconded by Councilmember Chard, Councilmember Chard pointed out typos for correction, with the corrections, the minutes were approved. 5-0

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

013-2023

4. 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.

On the motion by Councilmember Case, seconded by Councilmember Chard, the reports of Town Officials were approved as submitted. Motion carried unanimously. 5-0

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

014-2023

5. Audit of Bills -

Abstract #2

Abstract prepared by the Billing Clerk and the Town Clerk.

Approval of Vouchers

On the motion by Councilmember Case, seconded by Councilmember Lazarus.

Councilmember Chard asked if the Town has a bill from EFPR.

Supervisor Lightfoote said they are charging time and material now to help train the new bookkeeper.

The abstract for February totaling \$262,676.24 was approved for payment. Motion carried unanimously. 5-0

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

015-2023

6. Business –

a. Resolution Initiating SEQR for Chateau Olivia

Town Planning Board Chairman Thomas Harvey was present to explain the process for a Special Use Permit within the Planned Development District.

Chairman Harvey said back in the fall the Town Board looked at this, held a public hearing and then the site plan review was referred to the town Planning Board. He said looking at it in January, it was discovered Chateau Olivia will physically alter over 7 acres of property. It is in a County Agricultural District therefore it becomes a Type 1 action under State Environmental Quality Review Act (SEQR). Chairman Harvey explained the actions under SEQR and how this application falls under type 1 action. The Town is required to notify involved and interested agencies. Consent is needed for the Town Board to act as lead agency. This resolution establishes the Town Board's intent to act as lead agency.

Councilmember Chard stated the resolution calls for a 6:30 pm public hearing time, he moved to amend the time to 7:00 pm on March 8, 2023. The Town Board agreed to change the time to 7:00 pm for the public hearing. Councilmember Curtis seconded the motion, it carried unanimously. 5-0

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

016-2023

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

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

017-2023

**TOWN OF GORHAM
RESOLUTION #1-2023
INITIATING STATE ENVIRONMENTAL REVIEW FOR THE CHATEAU OLIVIA PROJECT
AND SETTING PUBLIC HEARING**

WHEREAS, An application for a special use permit and site plan approval has been submitted to the Town of Gorham for a “Wedding Venue” at 4272 County Road 18 in the Town of Gorham, New York, to be known as Chateau Olivia, hereinafter collectively referred to as the “ Project”; and

WHEREAS, The Project is located in the Town’s PDD Planned Development District making it subject to special use permit approval by the Town Board and site plan approval from the Town Planning Board; and

WHEREAS, The approval of a special use permit and/or site plan constitute an action as such is defined under the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as ‘SEQR’); and

WHEREAS, SEQR section 617.4 paragraph (b) (6) states Type I actions include “activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds: (i) a project or action that involves the physical alteration of 10 acres,” and §617.4 (b) (8) states: “any Unlisted action that includes a nonagricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, article 25-AA, sections 303 and 304) and exceeds 25 percent of any threshold established in this section;” and

WHEREAS, The site plan application for the Project indicates that more than seven (7) acres of the project site will be physically disturbed.; and

WHEREAS, A full Environmental Assessment Form part one (“EAF”) regarding the Project has been submitted by the Project applicant to this Board; and

WHEREAS, This Board desires to solicit comments from the public concerning this Project; now, therefore, be it

RESOLVED, That the Project is hereby classified as a Type 1 Action pursuant to SEQR as

more than 2.5 acres will be physically disturbed within Ontario County Consolidated Agricultural District 1, said district being an agriculture district certified pursuant to the State Agriculture and Markets Law article 25-AA, sections 303 and 304; and further

RESOLVED, That as a Type 1 Action §617.4 paragraph (a) (2) requires a coordinated environmental review be conducted for the Project among all interested and involved agencies; and further

RESOLVED, That this Board hereby establishes its desire to act as lead agency pursuant to SEQR for the coordinated environmental review of the Project; and further

RESOLVED, That a Public Hearing before this Board is hereby scheduled to be held at 7:00 PM local time on March 8, 2023, at the Gorham Town Hall, 4736 South Street, Gorham, NY 14461, to hear any and all comments from the public concerning the special use permit and environmental review pursuant to SEQR for the Project; and further

RESOLVED, That the Town Clerk is hereby authorized and empowered to advertise said public hearing in the official newspaper of the Town, and to notify all interested and involved agencies of said public hearing; and further

RESOLVED, That the Town Clerk is hereby authorized and empowered to circulate to all interested and involved agencies said EAF, project application materials, and a letter stating this Board's desire to serve as lead agency pursuant to SEQR for the environmental review of the Project and soliciting any comments relevant to a determination of significance or objection to this Board serving as lead agency be returned submitted by March 8, 2023 or at the time and place of said Public Hearing.

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 8, 2023 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_____

b. Re-Appoint Ben Smith to Board of Assessment Review -

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.

018-2023

**TOWN OF GORHAM
RESOLUTION # 2-2023
BOARD OF ASSESSMENT REVIEW APPOINTMENT**

WHEREAS; under NYS Real Property Tax Law the Town Board designates and appoints all members to the Board of Assessment Review and

WHEREAS; the Board of Assessment Review meets in the months of May and June to review complaints filed with it,

NOW THEREFORE BE IT RESOLVED, the Town Board reappoints Benjamin Smith to the Board of Assessment Review

BE IT FURTHER RESOLVED, Mr. Smith's term is as follows;

10/01/2022 through 9/30/2027

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 8, 2023 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. New Copier & Scanner –

Code Enforcement Officer Morse recruited quotes for a new copier and scanner for the Town Hall.

On the motion by Councilmember Chard, seconded by Councilmember Case, to purchase a new copier and scanner from Toshiba Solutions, to include training and a maintenance agreement, not to exceed \$14,000.00 for both machines. Motion carried unanimously. 5-0
5 Ayes – Lightfoote, Case, Chard, Curtis, Lazarus.

019-2023

d. Resolution for Water/Wastewater & Highway Licensing for Employees

The Board held discussion regarding the cost of licensing for employees at the Water/Wastewater Department and at the Highway Department.

The Board agreed to update the pages of the Policy Book to reflect the following changes;

1. License Agreement for Water/Wastewater Employees –

When the Town of Gorham hires an employee for the Water/Wastewater Department such employee is required to eventually obtain the necessary licenses required for the position if they do not already possess them.

The costs associated with the procurement of these licenses is very large.

In order to protect the Town's financial interests, if an employee leaves employment with the Town after the Town pays for them to obtain their license or licenses before the completion of five years of employment with the Town AFTER they obtained either or both licenses, said employee MUST repay the cost spent by the Town for the employee to obtain said licenses according to this schedule, unless the Town Board dictates otherwise.

1 Year	100%
2 Years	80%
3 Years	60%
4 Years	40%
5 Years	20%
6 Years and beyond	0

After five full years of service AFTER the employee receives their Water License/Wastewater License, the obligation to the Town for the acquisition of the affected employee's license/licenses is to be considered satisfied in full.

2. License Agreement for Highway Employees–

The cost associated with the process of obtaining a Commercial Driver’s License has recently increased dramatically in New York State, and the Town of Gorham is not always able to hire individuals for positions that require a Commercial Driver’s License that already hold said license.

Wording in the Town of Gorham Policy Book includes the following:

If the Town hires an individual for employment in a position that requires a Commercial Driver’s License that does not already possess a Commercial Driver’s License of the same class required by the Town, the Town will pay all costs associated with the INITIAL obtainment of such license for said individual, however,

In order to protect the financial interests of the Town if the employee leaves employment with the Town before five full years pass since the affected employee received their Town provided CDL, they must repay the Town according to the following schedule, unless the Town Board dictates otherwise.

1 Year	100%
2 Years	80%
3 Years	60%
4 Years	40%
5 Years	20%
6 Years and beyond	0

After five full years of service the obligation to the Town for the acquisition of the affected employee’s CDL is to be considered satisfied in full.

On the motion by Councilmember Chard, seconded by Councilmember Case, to approve to amend the policy book for the Licensing of Water/Wastewater Employees and Highway Department Employees at the cost of up to these percentages pending approval of the Town Board. Motion carried. 4-1

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

020-2023

7. Set the Next Meeting Date – The next meeting and public hearing will be held on March 8, 2023 at 7:00pm at the Gorham Town Hall.

8. Privilege of the Floor –

Sally Napolitano asked if she could have a financial report from December.

She asked how the new bookkeeper is doing.

Chief Operator Coston said she is doing well training with Williamson Law and Badger, for water & sewer billing, over the past couple weeks.

Mrs. Napolitano asked if the Town has updated the budget to show where the previous billing clerk’s hours are being spent since the new bookkeeper is assuming the billing for water and wastewater.

Supervisor Lightfoote said they haven't yet. He said the Town Board has yet to change the Positions Responsibilities Book. They have to get the formal appointing of different responsibilities to Brenda or whomever else. They still have to finish splitting things up. The bookkeeping type of stuff that needs to be done will be by Susan.

Supervisor Lightfoote said "We've been working on it. Everyone's been dumping on Brenda but there's a lot of things Brenda does very well and those are the things I've got her helping Susan with. We're working through things, trying to get things settled. I've been gone for a week, Brenda had a week off too."

Mrs. Napolitano said "So I'm just trying to get this straight in my head, Susan is assuming the billing for Water and Wastewater? Highway Department? "

Mrs. Napolitano said Susan was hired with a particular job description. It appears, to her, that the town is creating a position for Brenda.

Supervisor Lightfoote said no, well, yes we did. There is more recordkeeping that is being done at the Highway, now, that Brenda has been doing. It should be helpful for the Board to better decide on purchases for the Highway.

Supervisor Lightfoote said the Town has a Position Information Book, it needs to be updated. The Policy Book is being updated now.

Councilmember Chard asked to set a hard line date to have the book finished being updated.

Councilmember Chard is concerned because of the amount the town is currently paying for the bookkeeping.

Ben Smith, Kearney Road resident, said "I think that's where the disconnect might be because you guys know what needs to get done but a lot of us here seem to think that now that we have Susan to do the bookkeeping we're just kind of creating stuff for Brenda to do. That's how it seems because we might not know behind the scenes of it. My point, as what Sally is trying to say, how can we identify the scope of what the jobs are doing and when can we have that available so we can understand it better."

Adrienne Smith said "This is the Board working on the things that need to be done? So then a position will be named or a title?"

Supervisor Lightfoote said "Perhaps, right now it hasn't changed because we don't know what to change it to."

Bill Glitch asked about a Deputy Code Enforcement Officer, if it is budgeted.

Supervisor Lightfoote said yes the Board agreed to it.

Christine Watkins, Lake to Lake Road resident, asked if the Deputy Code Officer has a designated job description.

Supervisor Lightfoote said "The Board is working with the County because of Civil Service Laws everything has to fit into the neat little boxes they make and what we need doesn't exactly fit. Trying to get what we need and have it work for Civil Service is sometimes a problem."

Debbie North, asked "If the Town is developing job descriptions and working with the County to make sure there is an equitable description of the duties that are required, is that something

that you're going to do for this position that Brenda's going to be working into as well? Develop this through the County and then is there going to be an application process, an open application process, not only for Jim's assistant but for this new position that's going to be created?"

Supervisor Lightfoote said "It depends on what Civil Service allows, as far as Brenda goes, she's already is a Clerk, that's not her official title but that's what she has been doing."

Mrs. North asked what her official title is.

Supervisor Lightfoote said he thinks it is bookkeeper to the Supervisor.

Sally Napolitano said "A fulltime Clerk requires a Civil Service exam. She doesn't have one."

Supervisor Lightfoote said she is part full time.

Mrs. Napolitano said her three part time adds up to full time.

Supervisor Lightfoote said "This is part of the confusion that you have to work through. If indeed we come up with requirements for her position that she can't fulfill, then we'll have to look elsewhere but, if she does chances are, I don't know if we'll keep her or not but chances are we will."

Town Clerk Perrotte said she likes Councilmember Chard's idea of a deadline. She said "Everyone here knows it's super uncomfortable in this building."

Supervisor Lightfoote agreed.

Town Clerk Perrotte said "Something needs to change. We have a new bookkeeper, new billing procedure. I am working with her on that so it is just my office and the Bookkeeper that does the stuff that is required from the Town Clerk. Something needs to move along really quickly."

Supervisor Lightfoote said "That get's back to, ok fine, we'll do it, we need help, I need help."

Jeff North, County Road 18 resident, asked about the excessive amount of sand at intersections. He asked if it was driver error or something else.

Highway Superintendent Eddinger said "It could go either way, turn the corner it comes off the truck, if the chain doesn't catch up with what they're doing, there's driver error in every town, It's been approached it's been talked about."

Councilmember Chard asked if the Board could set a deadline for the Policy Book by the next meeting.

Supervisor Lightfoote said "Go ahead and do it I'm not going to vote for it because I know what happens, something else comes along and it takes so much time. It all depends on you guys."

Councilmember Chard asked that it's presented at the next meeting.

Supervisor Lightfoote said "You can do that, we can try mightily to make it happen but I'm not making any promises for anything."

Councilmember Lazarus asked Councilmember Chard about a new water billing system the town was looking at that was mentioned in an interview Chard had with FingerLakes1.com.

Councilmember Chard said he didn't remember mentioning that but he recalled that at one time the town was switching from Williamson Law. He said he may have misspoken.

Supervisor Lightfoote said it was asked about over the last year, the Town changed for everything except the water/sewer billing software.

9. Adjournment – with no further business, on the motion by Councilmember Chard, seconded by Councilmember Lazarus, the meeting was adjourned at 8:25 pm. The motion carried unanimously.

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

021-2023

Respectfully Submitted,

Darby L. Perrotte
Town Clerk