MINUTES REGULAR MEETING & PUBLIC HEARING THE GORHAM TOWN BOARD March 20, 2024 7:00pm

The Gorham Town Board held a Regular Meeting& Public Hearing on Wednesday March 20, 2024 at 7:00 pm at the Town Hall in Gorham, NY.

Present; Supervisor Dale C. Stell. Councilmembers, Jake Chard, Phil Curtis and Chrissy Watkins.

Councilmember Brian Lazarus was necessarily absent.

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 Adreinne Smith and Town Clerk Darby Perrotte.

Many residents and guests in attendance, in person and via Zoom.

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

The full Zoom recording of this meeting is posted on the Town of Gorham Website.

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

Debbie North, County Road 18 resident, stated she has several concerns this evening. She sent an email to the Board, she did not receive a response, so she asked her questions at this meeting. Full script is attached. Mrs. North has concerns about former employees being at the Highway Barn, having access to Town records/computers.

Supervisor Stell said he incorrectly stated to Mrs. North that Brenda Jones was helping the Highway Superintendent with FEMA paperwork, Jones helped Zach log in to the FEMA portal.

Mrs. North is concerned about an invoice for shirts for the Highway Department and for legal fees for Highway Superintendent Eddinger in the lawsuit Town v Kerrick.

Supervisor Stell said it is typical practice for an employee to be represented by counsel in a town lawsuit.

Mrs. North asked if residents would be able to observe the court proceedings.

Supervisor Stell didn't know if that would be allowed.

Highway Superintendent Eddinger joined the meeting at this time.

Mrs. North said she takes issue with excessive graphics on sleeves and the back of the shirts and asked if Highway Superintendent Eddinger obtained quotes from other businesses.

Superintendent Eddinger stated he is using a local business. He obtained quotes from other businesses.

Tom Whipple, County Road 1 resident, stated he has not been able to catch up with Zach, over a year and a half, he has been to the town barns 4 times to see about getting a culvert put in. He has the pipe, everything is ready to go.

Highway Superintendent Eddinger said "I have the information, we'll put it in soon."

Sally Napolitano, Lake Drive resident, asked if there was any news from Crystal Beach Fire Department regarding their audit/budget and if there is a schedule to look at water rates. Supervisor Stell stated they have the audit from the fire department. The water rates are one of the things on his list that the Board is discussing, he appreciates the work Mrs. Napolitano did on the water rate study.

Lynn Klotz, Lake Drive resident, asked about repaving sections on Lake Drive where water main breaks happened last year.

Chief Operator Coston said it was discussed at a meeting last year that the Water Department and Highway Department would work together to get that accomplished.

Highway Superintendent Eddinger agreed to take care of the paving.

Supervisor Stell will be in touch with the Highway Department and Water Department to coordinate that project.

The ROW (Redirecting Organic Waste) program implemented by the Conservation Board received kudos from Ontario County for helping the Town of Gorham divert over 10,000 lbs of organic food waste from the landfill.

Amanda Gibeau, Director of Operations Stanley Hall Gorham Ambulance Services Inc., updated the Board about the property they purchased their new ambulance base. Mrs. Gibeau supplied the Board with a letter from the ambulance sharing what they provide to our community with Emergency Medical Services. Stanley/Hall/Gorham Ambulance is the only all volunteer Advanced Life Support left in Ontario County.

Mrs. Gibeau thanked the Town of Gorham for listening to their concerns.

3. Public Hearing Local Law 1-2024 Zoning Map Updates -

The Town of Gorham Zoning Maps were updated with the Comprehensive Plan Update. The Local Law is to adopt the new maps. The maps are on display at the public hearing and are available for inspection anytime at the Gorham Town Clerk's Office.

Supervisor Stell opened the public hearing. With no comment from the public the hearing was closed at 7:33 pm.

4. Approval of Minutes - 2/21/2024 Regular Meeting Minutes

On the motion by Councilmember Curtis, seconded by Councilmember Watkins, the meeting minutes were approved as submitted. Motion carried unanimously. 4-0

4 Ayes – Stell, Chard, Curtis, Watkins

022-2024

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. Tax Collector- verbal report.
- G. Town Supervisor Supervisor Stell said the audits completed with the NYS Comptroller's Office are a procurement audit and a budget audit. The auditors indicated the town will see completed audits mid-year that will be filed with the Town Clerk. There will be lots of recommendations for improvements, some of which the town has already implemented.

On the motion by Councilmember Watkins, seconded by Councilmember Chard, the reports of Town Officials were approved as submitted. Motion carried unanimously. 4-0

4 Ayes - Stell, Chard, Curtis, Watkins

023-2024

6. Audit of Bills -

Abstract #3

Approval of Vouchers

On the motion by Councilmember Curtis, seconded by Councilmember Chard, Councilmembers had several questions on bills. Discussion was held.

The abstract for March totaling \$143,938.28 was approved for payment. The motion carried unanimously. 4-0

4 Ayes - Stell, Chard, Curtis, Watkins

024-2024

- 7. Business
 - a. Adopt Resolution to re-appoint BAR Member -

Councilmember Chard offered the following resolution and called for adoption. Seconded by Councilmember Watkins, the resolution was adopted unanimously. 4-0

4 Ayes - Stell, Chard, Curtis, Watkins

025-2024

TOWN OF GORHAM RESOLUTION # 5-2024 APPOINTING BOARD OF ASSESSMENT REVIEW MEMBER

Appointment of Dr. James Wood Town of Gorham Board of Assessment Review

WHEREAS, pursuant to section 523 (1)(b) of the Real Property Tax Law the Town of Gorham Board of Assessment Review shall consists of five members appointed by the legislative body of the local government and;

WHEREAS, Dr. James Wood served as a member of the Board of Assessment Review for a term which ended on September 30, 2023;

WHEREAS, Dr. Wood expressed interest in continuing to serve on the Town of Gorham Board of Assessment Review;

NOW THEREFORE BE IT RESOLVED, Dr. Wood is hereby reappointed as a member of the Board of Assessment Review for a five-year term of office ending September 30, 2028.

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 March 20, 2024 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Dale C. Stell	X	
Jake Chard	X	
Phil Curtis	X	
Brian Lazarus	absent	
Chrissy Watkins	X	

b. Adopt Resolution Approving Court Audit -

Councilmember Curtis offered the following resolution and called for adoption. Seconded by Councilmember Watkins, the resolution was adopted unanimously. 4-0

4 Ayes - Stell, Chard, Curtis, Watkins

026-2024

TOWN OF GORHAM RESOLUTION #6-2024 APPROVING AUDIT OF JUSTICE CHECKBOOKS & BALANCE SHEETS

WHEREAS, the Town Board of the Town of Gorham met on March 20, 2024 and said minutes will be duly recorded by the Town Clerk, and;

WHEREAS, the Town Supervisor made available the Judges balance sheets and checkbooks for the year 2023

RESOLVE, that the Town Board did examine these items to the best of their ability,

RESOLVE, that a copy of this resolution be sent to NYS Office of Court Administration, Joan Casazza, <u>jcasazza@nycourts.gov</u>. Internal Control Liaison, NYS Office of Court Administration, Castle-on-Hudson, NY.

I, Darby L. Perrotte Town Clerk of the Town of Gorham, do hereby certify that the resolution was adopted by the Town Board of the Town of Gorham on March 20, 2024 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Dale C. Stell	X	
Jake Chard	X	
Phil Curtis	X	
Brian Lazarus	absent	
Chrissy Watkins	X	

c. Adopt Resolution Authorizing the Supervisor to sign a Revised Letter of Engagement with Adams & LeClair LLP

Councilmember Watkins offered the following resolution and called for adoption. Seconded by Councilmember Curtis, the resolution was adopted unanimously. 4-0

4 Ayes - Stell, Chard, Curtis, Watkins

027-2024

TOWN OF GORHAM RESOLUTION#7-2024 AUTHORIZING THE TOWN SUPERVISOR TO SIGN A REVISED ENGAGEMENT OF ADAMS LECLAIR LLP

WHEREAS, the need exists for the Town Supervisor to sign a revised engagement of Adams LeClair LLP;

WHEREAS, the engagement is to include the representation of Highway Superintendent Zach Eddinger in connection with the proceeding entitled, Kerrick v Town of Gorham

NOW, THEREFORE BE IT RESOLVED, that the Gorham Town Board authorizes the Town Supervisor to sign the revised engagement proposal from Adams LeClair LLP,

I, Darby L. Perrotte Town Clerk of the Town of Gorham, do hereby certify that the resolution was adopted by the Town Board of the Town of Gorham on March 20, 2024 by the following vote:

<u>Aye</u>	<u>Nay</u>
X	
X	
X	
absent	
X	
	X X

- d. Local Law 1-2024 Zoning Map Changes
- 1. Adopt SEQR Resolution -

Councilmember Watkins offered the following resolution and called for adoption. Seconded by Councilmember Chard, the resolution was adopted unanimously. 4-0

4 Ayes - Stell, Chard, Curtis, Watkins

028-2024

TOWN OF GORHAM RESOLUTION #8-2024 DETERMINATION OF SIGNIFICANCE LOCAL LAW NO. 1 OF 2024

WHEREAS, the Town of Gorham Town Board, hereinafter referred to as Town Board, has determined Local Law No. 1 of 2024 to be a Type 1 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 Long Form Environmental Assessment Form 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:

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,

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,

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

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 March 20, 2024.

	<u>Aye</u>	<u>Nay</u>
Dale Stell	X	
Jake Chard	X	
Phil Curtis	X	
Brian Lazarus	absent	
Chrissy Watkins	X	

2. Adopt Local Law 1-2024 New Official Zoning Maps -

Councilmember Chard offered the following resolution and called for adoption.

Seconded by Councilmember Watkins the resolution was adopted unanimously. 4-0

4 Ayes - Stell, Chard, Curtis, Watkins

029-2024

TOWN OF GORHAM RESOLUTION #9-2024 LOCAL LAW NO. 1 OF 2024 NEW OFFICIAL ZONING MAP OF THE TOWN OF GORHAM

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 February 21, 2024 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 entitled, "A Local Law Adopting a New Official Zoning Map of the Town of Gorham" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on March 5, 2024 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on March 20, 2024 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, 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.

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. 1 of 2024, entitled "A Local Law Adopting a New Official Zoning Map of the Town of Gorham", 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 attest to and file in her office the newly adopted Official Zoning Map of the Town of Gorham, to give due notice of the adoption of said local law to the Secretary of State of New York, to amend the Town's official zoning map in accordance with this Local Law, to publish an abstract of this local law in the Town's official newspaper and to post a copy of this local law conspicuously at or near the main entrance to the office of the Town Clerk.

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 March 20, 2024 by the following vote:

<u>Aye</u>	<u>Nay</u>
X	
X	
X	
absent	
X	
	X X X absent X

e. Adopt Resolution WWTP Improvement Authorizing Special Inspections

Councilmember Chard offered the following resolution and called for adoption. Seconded by Councilmember Watkins the resolution was adopted unanimously. 4-0

4 Ayes - Stell, Chard, Curtis, Watkins

030-2024

TOWN OF GORHAM RESOLUTION # 10-2024 AUTHORIZING THE TOWN SUPERVISOR TO SIGN THE PROPOSAL FOR SPECIAL INSPECTIONS FROM ATLANTIC TESTING LABORATORIES FOR THE GORHAM WWTP DISINFECTION IMPORVEMENTS PROJECT

WHEREAS, Atlantic Testing Laboratories (ATL) has submitted a proposal for special inspections for the Gorham WWTP Disinfection Improvements Project,

WHEREAS, ATL was the lowest of the three quotes responding to the RFP prepared by MRB Group,

WHEREAS, the proposal from ATL lists an estimated total compensation for at a cost of \$14,732.50 with any required additional services billed separately,

WHEREAS, this cost was planned and shall be incorporated into the Capital Project Budget,

NOW, THEREFORE BE IT RESOLVED, that the expenditures will be disbursed out of the Capital Project Budget, and

FURTHER RESOLVED, that the Town Supervisor signs the ATL proposal,

FULLY RESOLVED, that the Town Clerk forwards a copy of the signed proposal to Gregory Hotaling PE, MRB Group, and provides a copy of the resolution and the proposal to the Wastewater Department.

I, Darby L. Perrotte Town Clerk of the Town of Gorham, do hereby certify that the resolution was adopted by the Town Board of the Town of Gorham on March 20, 2024 by the following vote:

<u>lye</u>	Nay
sent _	

f. Adopt Resolution Authorizing the Supervisor to sign the Amendment for Professional Services from MRB Group -

Councilmember Curtis offered the following resolution and called for adoption.

Seconded by Councilmember Watkins the resolution was adopted unanimously. 4-0

4 Ayes - Stell, Chard, Curtis, Watkins

031-2024

TOWN OF GORHAM RESOLUTION # 11-2024 AUTHORIZING THE TOWN SUPERVISOR TO SIGN THE AMENDMENT FOR PROFESIONAL SERVICES FROM MRB GROUP FOR THE GORHAM WWTP DISINFECTION IMPORVEMENTS PROJECT

WHEREAS, MRB has submitted an amendment for professional services for the Gorham WWTP Disinfection Improvements Project,

WHEREAS, this amendment, Amendment #2, is for the agreement between the Town and MRB Group dated July 13, 2021,

WHEREAS, this amendment adds hazardous materials testing, design and monitoring and reporting,

WHEREAS, increases the construction phase services from four (4) months to eight (8) months to be consistent with the contractor's approved schedule,

WHEREAS, the total increase of Amendment #2 is \$60,000.00 as outlined in the amendment letter prepared by MRB dated January 2, 2024,

NOW, THEREFORE BE IT RESOLVED, that the expenditures will be disbursed out of the Capital Project Budget, and

FURTHER RESOLVED, that the Town Supervisor signs the MRB amendment,

FULLY RESOLVED, that the Town Clerk forwards a copy of the signed proposal to Gregory Hotaling PE, MRB Group, and provides a copy of the resolution and the proposal to the Wastewater Department.

I, Darby L. Perrotte Town Clerk of the Town of Gorham, do hereby certify that the resolution was adopted by the Town Board of the Town of Gorham on March 20, 2024 by the following vote:

	<u>Aye</u>	<u>nay</u>
Dale C. Stell	X	
Jake Chard	X	
Phil Curtis	X	
Brian Lazarus	absent <u></u>	<u></u>
Chrissy Watkins	X	

g. WTP Improvement Project Approve SEQR & Declaring Intent of Lead Agency

Councilmember Chard offered the following resolution and called for adoption.

Seconded by Councilmember Watkins the resolution was adopted unanimously. 4-0

4 Ayes - Stell, Chard, Curtis, Watkins

032-2024

TOWN OF GORHAM RESOLUTION #12-2024 DECLARING INTENT TO BE LEAD AGENCY

WHEREAS, the Town of Gorham Town Board (hereinafter referred to as "Town Board") has reviewed the New York State Environmental Quality Review Act ("SEQRA") Full Environmental Assessment Form ("EAF") Part 1, prepared by the MRB Group (hereinafter referred to as "Town Engineer") on the above-referenced Town of Gorham Water System Improvements Project (hereinafter referred to as "Action"); and

WHEREAS, the Town Board determines that said Action is classified as a Type 1 Action under the State Environmental Quality Review ("SEQR") Regulations; and

WHEREAS, the Town Board determines that said Action is also subject to review and approval by other involved agencies under the SEQR Regulations; and

WHEREAS, the Town Board determines that it is the most appropriate agency to ensure the coordination of this Action and will provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby declare its intent to be designated as the lead agency for the Action and directs the Town Supervisor to sign and date the Full EAF Part 1.

BE IT FURTHER RESOLVED that the Town Engineer is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before noon on Tuesday, April 23, 2024.

h. Farmland Lease Bid -

Supervisor Stell stated the Town owns farmland that is leased. The Town will be accepting bids to lease the property.

i. Happiness House Easement -

Supervisor Stell stated Maple Avenue Extension is plowed by the Town Highway Department. Happiness House is working with the Town Lawyer to offer an easement for the Town to continue to use that property as a turn around when they are plowing.

j. Citizens Implementation Committee –

Councilmember Watkins made a motion to appoint Debbie North as Chair to the Citizens Implementation Committee that will oversee the 'Beautification of Gorham' project. Projects will include revamping/restoring the signs at the town lines, Veteran banners and a barn quilt trail project.

The motion was seconded by Councilmember Curtis and carried unanimously. 4-0 4 - Ayes – Stell, Chard, Curtis, Watkins

033-2024

- 8. Set the Next Meeting Date The next regular meeting will be held on April 17, 2024 at 7:00pm, at Gorham Town Hall.
- 9. Privilege of the Floor -

Councilmember Curtis thanked the Water Department for their work at Easton Park.

Sally Napolitano, asked if there is stormwater management implemented at Easton Park. Code Enforcement Officer Morse stated he would work with the Town Clerk on getting the project out for bid.

Supervisor Stell said the Board will continue to discuss funding for the Hoffman House.

Discussion was held regarding future dredging at Deep Run Park.

10. Executive Session -

On the motion by Councilmember Watkins, seconded by Councilmember Chard, the Board entered into executive session at 8:25 pm to discuss pending litigation, Town of Gorham v Cregg, Messier & Kehoe and Town of Gorham v Kerrick.

Highway Superintendent Eddinger presented the Board with quote information for two used trucks for the Highway Department.

On the motion by Councilmember Chard, seconded by Councilmember Curtis, the Board returned to regular session at 9:55pm.

No action was taken in executive session. Both motions were carried unanimously.

4 - Ayes – Stell, Chard, Curtis, Watkins

034-2024

k. Appoint Justice for Hearing –

Councilmember Watkins made a motion to appoint retired Justice Patricia Marks to preside over a hearing in the matter of Town v Kerrick. The motion was seconded by Councilmember Curtis and carried unanimously. 4-0

4 - Ayes - Stell, Chard, Curtis, Watkins

035-2024

11. Adjournment – with no further business, on the motion by Councilmember Watkins, seconded by Councilmember Curtis, the meeting was adjourned at 9:34 pm. The motion carried unanimously. 4-0

4 - Ayes - Stell, Chard, Curtis, Watkins

036-2024

Respectfully Submitted,

Darby L. Perrotte
Town Clerk

Privilege of the Floor comments, 3/20/24

I have several concerns tonight. I sent an email to the board, minus Brian Lazarus because of the 10/28/22 sheriff's department directive. As I have not gotten a response, I am asking my questions now.

On February 1st, Highway Clerk Brenda Jones was terminated by Supervisor Stell. Jeff and I saw former supervisor and now private citizen Fred Lightfoote at the highway barn shortly after Jones was fired. I reported it to a couple of you. I thought it highly improper that not only was Fred allowed to be there but no one other than Fred and Zach was there to help her gather her personal stuff. Very poor optics whether anything nefarious happened or not.

On February 27th, we drove past the highway barn and saw Jones filling her pickup truck with items from the office. We parked at Heritage Park, watched her for close to three minutes as a chair and boxes were taken out of the office. This was nearly a month after Jones was fired. I complained to a couple of you and I was told she was gathering knick knacks, a personal chair and footstool, and her dog dishes. Dale, you also stated that Zach said she was helping him with FEMA paperwork. Again, this is not only improper and irregular but gave opportunity for access to town records by a person who was fired. Jones should absolutely have no access to town computers, cameras, or residents' information.

Now to tonight's issue of over \$2200 worth of shirts ordered by Highway Superintendent Eddinger. He has noted DB5130.4 as the account to pay for this invoice. That account is noted in the 2024 budget as "machinery contractual". Zach has a \$500 limit without your approval, Dale. I looked over the budget and could not find anything specifically designated for highway crew shirts. I don't deny that the crew needs brightly colored gear for safety. I do take issue with the extra cost of graphics on sleeves and backs as this is not high school varsity club. Did anyone here on the board require Zach to get quotes from other businesses such as Wild Goose T's in Flint or Xpress Yourself in Canandaigua?

In March 2022, the board allowed \$3000 for crew shirts for that year. Of course, that was in flagrant disregard for contractual obligations to Aramark and we all know how that lawsuit panned out last year.

Lastly, you are going to vote on the town footing the bill for Zach's legal counsel in the Kerrick lawsuit. Zach is not a town employee. He is an elected official. Let him hire his own attorney. Former Supervisor Lightfoote is the one who actually fired Clair Kerrick. If he is subpoenaed for testimony, is the town paying for Fred's legal counsel, too?

Sometimes the uncomfortable questions need to be answered. I would appreciate your input. Thank you.

Deborah S. North