

MINUTES
REGULAR MEETING and PUBLIC HEARING
THE GORHAM TOWN BOARD
November 10, 2021 7:00pm

The Gorham Town Board held a Regular Meeting and Public Hearing on November 10, 2021 at 7:00 pm.

Present were Supervisor Fred Lightfoote, Councilmembers; William Glitch, Brian S. Case and Jake Chard.

Highway Superintendent Zach Eddinger, Code Enforcement Billing Clerk Brenda Jones and Town Clerk Darby Perrotte.

Assessor Enza Mineo joined via video/phone conference.

Councilmembers Richard Malcolm and Water Wastewater Chief Operator Greg Coston were necessarily absent.

Other Guests in attendance; Greg Hotaling, Conservation Board Chairman Brett Johnson, Conservation Board Councilmember Lynn Klotz, Sally Napolitano, Phil Curtis, Annie St. George and guests joining via video conference; Rita Kulp, Ben and Adrienne Smith, Susan Carpenter, Sharon Schinsing, Elke Schmidt, Jon Willis and Brian Lambert.

1. Call to Order/Pledge to the Flag. Supervisor Lightfoote called the meeting to order and led the pledge to the flag.

2. Public Hearing – Proposed Improvement to Wastewater Treatment Plant.

Supervisor Lightfoote opened the public hearing, the legal notice as it appeared in the Daily Messenger was read by the Town Clerk. Greg Hotaling from MRB Group gave a description of the improvements and explained the Water Infrastructure Improvement Act Grant the Town is applying for.

Sally Napolitano asked if the grant is for construction or for the whole project.

Mr. Hotaling said it is just for construction. The plan is to be in design in 2022 and begin construction in 2023.

With no further comment from the public Supervisor Lightfoote closed the public hearing at 7:13 pm.

3. Privilege of the Floor – none requested

4. Approval of Minutes – 10/06/2021 Special Meeting
10/13/2021 Regular and Public Hearing Meeting
10/27/2021 Special Meeting

On the motion by Councilmember Chard, seconded by Councilmember Glitch, the meeting minutes were approved as submitted. Motion carried unanimously. (4-0)

083-2021

5. Audit of Bills -

Abstract #11

A	840-923	\$53,664.03
B	842-895	4,094.70
SL	916,919	802.32
DB	865-905	113,287.90
SS	881-924	1,962.79
SW1	844-910	17,913.26
SW6	913	2,708.25
T/A	27	164.75

On the motion by Councilmember Glitch, seconded by Councilmember Case, the bills were approved for payment. Motion carried unanimously. (4-0)

084-2021

6. Reports of Town Officials –

A. Chief Operator Water/Wastewater Plants – written report on file. Supervisor Lightfoote said Chief Operator Coston is not here tonight because of a water main break. Operator Coston and his Deputy Nate Bay, were up all night looking for the break and then repairing it. The break stemmed from practice training by the fire department. Occasionally if someone shuts a hydrant off too quickly it creates water hammer that blows a hole in the water main. Crystal Beach Fire Department and Town of Gorham Water Department have been in touch with each other. The Fire Department is extremely apologetic. Because of the amount of water lost and the loss of pressure the NYS Department of Health is involved and they are not happy with the situation. There is a precautionary boil water notice issued. The Department of Health is going to participate with the Water Department to initiate some education to THE fire companies associated with the town.

Residents asked how much water was lost.

Supervisor Lightfoote said approximately 80,000 to 100,000 gallons.

Councilmember Chard asked who ends up paying for the repairs.

Supervisor Lightfoote said the Water District.

B. Highway Superintendent – written report on file. Supervisor Lightfoote asked Highway Superintendent Eddinger to explain some of the off right of way drainage problems that have been brought up.

Highway Superintendent Eddinger said there are 2 within the hamlet. Kevin Farnsworth has a problem he would like addressed on his Main Street property and there is an area on Route 245 that flows down to Dewey Avenue.

Supervisor Lightfoote read an excerpt from Town Highway Law regarding authorization by a town board to enter private property to open ditch or drain for the drainage of highways.

Supervisor Lightfoote said what Superintendent Eddinger would like to know is if the Board feels there is significant benefit to the community, and not just to certain individuals, to be able to go out and do this work.

The Board agreed, this is work that should be addressed by the town. It would include replacing pipe and old infrastructure. It is a good opportunity to fix drainage problems.

Councilmembers suggest prior written permission from private property owners to enter their property to fix the drainage problems.

C. Zoning/Building Officer – written report on file. The Town has to weigh in on the Planning Board being declared lead agency regarding Scenic Ridge Subdivision.

Supervisor Lightfoote asked for votes for the Planning Board to be Lead Agency on the proposed Scenic Ridge Subdivision. Ayes- Lightfoote, Glitch, Case and Chard. Nays- 0

Motion carried unanimously. 4-0

085-2021

D. Assessor – written report on file.

E. Town Clerk – written report on file.

F. Town Supervisor – financial report on file.

Councilmember Glitch asked if non property tax distribution by County is the sales tax.

Supervisor Lightfoote said sales tax is the largest part of it and real estate transfer tax is included in that.

On the motion by Councilmember Chard, seconded by Councilmember Glitch, the reports of Town Officials were approved. Motion carried unanimously. (4-0)

086-2021

7. Business -

a. 2022 Town Budget –

Councilmember Chard would like to propose no increase in pay for the 5 members of the Town Board. Seconded by Councilmember Glitch, the board held discussion.

Councilmember Chard said due to situations that are under our control, and some that are not, our town has had to create a tax and the least we could do, in an effort to save money, it's our responsibility to take care of the town if there is a way to save money it should start with us.

Ayes - Glitch, Chard.

Nays – Lightfoote, Case. (2-2). Motion failed.

087-2021

Councilmember Glitch made a motion that none of the elected officials get a raise in 2022. The motion was not seconded. Motion failed.

Councilmember Glitch questioned a 7.5 to 9 percent increase in the budget lines for a particular position.

Supervisor Lightfoote said to get with him in the morning to check the figures. Councilmember Glitch had a few other questions that were answered. Councilmember Glitch asked about real property tax, if that is the projected tax that was implemented in 2021. He asked for clarification on the figure. Councilmember Glitch said the tax was implemented because of the fear of the unknown last year. It is a significant increase. A lot of our fears have turned out to be inflated.

Supervisor Lightfoote said he will look through his detailed figures to know the answer. The figure is a total of all funds and special districts. It is very close to 2021. He said he can break it all down later but it will take enough time we can't do it right now.

Councilmember Chard had a question that needs to be addressed in executive session.

On the motion by Supervisor Lightfoote, seconded by Councilmember Case, to approve the preliminary budget and adopt the 2022 final budget. Motion carried. 3-1

Ayes – Lightfoote, Case, Chard.

Nays – Glitch.

088-2021

Town resident Sally Napolitano stated "You're going to adopt a final budget tonight?"

Supervisor Lightfoote said yes.

Mrs. Napolitano said I am really disappointed in the Board because there are a lot of unanswered questions. I'm going to say it in a different way. You came out with a town tax last year because of covid and the unknown of revenue you were going to have from county sales tax and Fred, you yourself said to me it was because of the revenue in the County, it was one of the best revenue generating counties in the State. You didn't need the money. This year you've already been told by the state it's going to be a good year. I had asked you for a list of where you have attempted to reduce costs to increase efficiencies you told me you would provide that and I've never seen the list. It's been almost a year."

Supervisor Lightfoote said "I've still got that I will certainly do that. At the same time, you've got to remember I said we didn't need to do that, we could fully fund ourselves but we would gut our reserves, our fund balances. In order to maintain our fund balances we have to maintain the tax for this year. I thought we were going to be able to cut it quite drastically but looking at the increased costs we realize we need to maintain that same number as far as the budget goes."

Mrs. Napolitano said "I asked this question last meeting, I don't have confidence in my Town Board, that they understand the budget, I think it was demonstrated again tonight. How you can approve and adopt something you don't fully understand leaves me a little concerned."

Supervisor Lightfoote said "You're welcome to your opinion. I will say the Board has had 2 months to review, go over, ask questions, make comments."

On the motion by Supervisor Lightfoote, seconded by Councilmember Case, to approve Special District budgets. Motion carried 3-1.

Ayes – Lightfoote, Case, Chard

Nays – Glitch

089-2021

b. Wastewater Treatment Plant Improvement Project – SEQR Resolution for the Wastewater Treatment Plant Improvement Project.

**TOWN OF GORHAM
RESOLUTION # 25-2021
WWTP SEQR DETERMINATION**

WHEREAS, the Town of Gorham Town Board (hereinafter referred to as "Town Board") has determined the above referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 including the supporting information on the Action prepared by the MRB Group (hereinafter referred to as "Town Engineer"); and

WHEREAS, the Town Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Town Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action on a separate resolution at the November 10, 2021 meeting; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED, that said Action **WILL NOT** result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

BE IT FINALLY RESOLVED that the Town Board does hereby make a Determination of Non-Significance on said Action, and the Town Supervisor is hereby directed to sign the Full Environmental Assessment Form (EAF) Part 3, the Negative Declaration, as evidence of the Town Board determination of environmental non-significance.

Motion made by Member: Supervisor Lightfoote Seconded by Member: William Glitch

I, Darby L. Perrotte, Town Clerk of the Town of Gorham do hereby certify that the Town Board of the Town of Gorham duly adopted the aforementioned resolution on November 10, 2021, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____
William Glitch	X_____	_____
Brian S. Case	X_____	_____
Richard Malcolm	absent	_____

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

090-2021

**TOWN OF GORHAM
RESOLUTION # 26- 2021
APPROVING PROPOSED IMPROVEMENTS TO GORHAM SEWER DISTRICT #1**

WHEREAS, the Town Engineer has prepared a map and plan and estimate of the cost for improvements to the Gorham Sewer District #1, being the installation and implementation of the TrojanUV3000Plus™-ultraviolet disinfection system to enable the Gorham Sewer District #1 to implement effluent disinfection at the wastewater treatment plant; and

WHEREAS, the plan shows the estimated costs of these improvements to be \$900,000.00, such estimated costs to be the responsibility of Gorham Sewer District #1. The Town intends to apply for a DEC grant administered through its Water Quality Improvement Project (WQIP) program to pay for part of the cost of these improvements. Any remaining amount owing for these improvements will be borrowed from the EFC and financed and repaid by the owners of property within the Gorham Sewer District #1.

WHEREAS, the Town Board of the Town of Gorham duly adopted a resolution on October 27, 2021, calling a public hearing to consider said proposed improvements and estimate of expense, to be held at the Gorham Town Hall, 4736 South Street, Gorham, New York, on November 10, 2021 at 7:00 p.m.; and

WHEREAS, notice of said public hearing was duly published and posted in the manner provided by law and proof thereof has been submitted to the Town Board; and

WHEREAS, said public hearing was duly held at the time and place aforesaid, at which all persons interested were duly heard; and

WHEREAS, the Town Board has duly considered all of the evidence given at such public hearing; 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 approval of these improvements to Gorham Sewer District #1

would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Gorham that, based upon the evidence given at the aforesaid public hearing and its review of the environmental assessment form and findings based thereon, it is hereby found and determined to be in the public interest to provide for the aforesaid improvements of the facilities of Gorham Sewer District #1 in the Town of Gorham, as described in the preambles hereof, at an estimated cost of \$900,000.00, and the same is hereby authorized.

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 November 10, 2021 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____
William Glitch	X_____	_____
Brian S. Case	X_____	_____
Richard Malcolm	absent	_____
Jake Chard	X_____	_____

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

091-2021

**TOWN OF GORHAM
RESOLUTION #27- 2021
BOND RESOLUTION**

EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD
ADOPTING BOND RESOLUTION

At a meeting of the Town Board of the Town of Gorham, Ontario County, New York, held at the Town Offices in Gorham, New York, on the 10th day of November, 2021:

PRESENT: Supervisor Frederick Lightfoote
Councilmember William Glitch

Councilmember Brian S. Case
Councilmember Jake Chard

ABSENT: Councilmember Richard Malcolm

Councilmember Glitch presented the following resolution and duly moved that it be adopted and was seconded by Councilmember Case:

BOND RESOLUTION DATED NOVEMBER 10, 2021 OF THE TOWN BOARD OF THE TOWN OF GORHAM, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE SEWER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Town of Gorham Sewer District #1 is a sewer District of the Town of Gorham, New York, duly established by the Town Board pursuant to the Town Law and, pursuant to a resolution adopted on November 10, 2021, the Town has duly authorized additional facilities therein pursuant to §202-b of the Town Law; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on November 10, 2021, has duly adopted a negative declaration and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF GORHAM, NEW YORK (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Gorham shall undertake certain capital improvements consisting of the acquisition and construction of sewer improvements for the Town of Gorham, to include the installation and implementation of an ultraviolet disinfection system to enable the Gorham Sewer District #1 to implement effluent disinfection at the wastewater treatment plant, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$900,000 of the Town are hereby authorized to be issued to finance said purpose, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost to the Town of Gorham of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$900,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar for dollar by the amount of grants received, if any.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, and the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Gorham.

Section 7. The faith and credit of the Town of Gorham, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Gorham together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

The motion having been duly seconded, it was adopted and the following votes were cast:

AYES - 4 Lightfoote, Glitch, Case, Chard

NAYS - 0

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

092-2021

**TOWN OF GORHAM
RESOLUTION # 30-2021
CLEAN WATER GRANT APPLICATION**

WHEREAS, the Town of Gorham (Town) supports the submission of a New York State Water Infrastructure Improvement Act (WIIA) application, on behalf of the Town, for upgrades to the Marsh Creek Wastewater Treatment Plant (WWTP), hereinafter referred to as the "Project"; and

WHEREAS, the New York State Environmental Facilities Corporation (EFC) administers grants to assist municipalities in funding water quality infrastructure projects that protect public health and improve water quality; and

WHEREAS, an Engineering Report, entitled "*Preliminary Engineering Report for the Town of Gorham Wastewater Treatment Plant Effluent Disinfection Improvements*", recommends implementing the Project to help improve water quality and protect public health; and

WHEREAS, the Gorham Town Board passed a bond resolution (the "Bond Resolution"), authorizing the borrowing of up to \$900,000 for implementation of the Project.

NOW, THEREFORE BE IT RESOLVED, that the Gorham Town Board identifies the Town Supervisor as the authorized representative of the Town to submit the WIIA application on behalf of the Town and execute all associated documents relative to and as required for the WIIA application, including the funding agreement and *financial application, as applicable*; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the undertaking of this WWTP Disinfection Improvement project with a maximum total project cost of up to \$900,000, including expenditures necessary to meet any required local match, including any cash and/or in-kind services; and

BE IT FURTHER RESOLVED, that the Town shall provide local matching funds totaling at least 75% of the Project Costs in the form of in-kind services or cash contributions appropriated and obligated through State Revolving Fund (SRF) or other approved financing or funds, in accordance with the Bond Resolution; and

BE IT FURTHER RESOLVED that the Gorham Town Board supports the Project and submission of the 2021 WIIA grant application on behalf of the Town to improve water quality and protect public health.

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 November 10, 2021 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____
William Glitch	X_____	_____
Brian S. Case	X_____	_____
Richard Malcolm	absent	_____
Jake Chard	X_____	_____

c. Water Treatment Plant Improvement Project-

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

093-2021

**TOWN OF GORHAM
RESOLUTION #28 2021
WTPI SCHEDULE PUBLIC HEARING**

**RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING
TO CONSIDER PROPOSED IMPROVEMENTS TO GORHAM WATER DISTRICT #1**

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, pursuant to § 202-b of the NYS Town Law, to solicit public comment upon proposed improvements to the Town Water Treatment Plant, which is owned and operated by the Gorham Water District #1; and

WHEREAS, the Town Engineer has prepared a map and plan showing the proposed improvements being the construction of an ultrafiltration plant that would consist of the construction of a new Filter Building and an Equalization Tank of various sizes and which would replace the existing DE filters and UV system; and

WHEREAS, the plan shows the estimated costs of these improvements to be \$7,970,000.00, such estimated costs to be the responsibility of Gorham Water District #1. The Town intends to apply for a NYSEFC grant administered through its NYS Water Infrastructure Improvement Act (WIIA) program to pay for part of the cost of these improvements. Any remaining amount owing for these improvements will be borrowed from the Drinking Water State Revolving Fund and financed and repaid by the owners of property within the Gorham Water District #1.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing, to be held on November 22, 2021, at 9:00 a.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, directed 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 "1", such notice to be published not less than ten nor more than twenty days before the day set herein for the public hearing; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the Notice of Public Hearing on the Town of Gorham sign board, not less than ten nor more than twenty days before the day set herein for the 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 November 10, 2021, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____
William Glitch	X_____	_____
Brian S. Case	X_____	_____
Richard Malcolm	absent	_____
Jake Chard	X_____	_____

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

094-2021

**TOWN OF GORHAM
RESOLUTION # 31-2021
DRINKING WATER GRANT APPLICATION**

WHEREAS, the Town of Gorham Town Board supports the submission of a New York State Water Infrastructure Improvement Act (WIIA) grant application, on behalf of the Town for a drinking water project to protect public health and improve water quality of the water system; and

WHEREAS, the New York State Environmental Facilities Corporation (EFC) administers grants to assist municipalities in funding water infrastructure projects that improve water quality and/or protect public health; and

WHEREAS, an Engineering Report, entitled "*Preliminary Engineering Report for the Town of Gorham Water Treatment Plant Improvements*", recommends implementing the Project to help improve water quality and protect public health; and

WHEREAS, the Town Board passed a bond resolution (the "Bond Resolution"), authorizing the borrowing of up to \$7,970,000 for implementation of the Project.

NOW, THEREFORE BE IT RESOLVED, that the Town Board identifies the Town Supervisor as the authorized representative of the Town to submit the WIIA application on behalf of the Town and execute all associated documents relative to and as required for the WIIA application, including the funding agreement and *financial application, as applicable*; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the undertaking of this water system improvement project with a maximum total project cost of up to \$7,970,000 including expenditures necessary to meet any required local match, including any cash and/or in-kind services; and

BE IT FURTHER RESOLVED, that the Town shall provide local matching funds totaling at least 40% of the Project Costs in the form of in-kind services or cash contributions appropriated and obligated through State Revolving Fund (SRF) or other approved financing or funds, in accordance with the Bond Resolution; and

BE IT FURTHER RESOLVED that the Town of Gorham Board of Ontario County recognizes and fully supports this water system improvement project as well as the submission of the WIIA grant application on behalf of the Town to improve water quality and protect public health.

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 November 10, 2021 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Frederick Lightfoote	X_____	_____
William Glitch	X_____	_____

Brian S. Case	X_____	_____
Richard Malcolm	absent	_____
Jake Chard	X_____	_____

d. Opt In/Opt Out to allow Recreational Marijuana dispensaries in the Town of Gorham. The Board, along with residents, held discussion.

Annie St. George, County Road 11 resident, had some points for the Board to consider. She said as a resident and business owner in the Town of Gorham, she is hopeful that the Town Board will designate certain areas within the town for dispensaries instead of opting out completely.

Mrs. St. George said probably everyone in the room, as well as those joining the meeting via zoom, has a personal opinion regarding the use of marijuana. She said people use cannabis for many reasons, it's not just to get stoned. Instead of grabbing a glass of wine someone might enjoy an edible to help them relax after a long day. They may use cannabis for pain relief. These are people from all walks of life, poor, middle class, rich all different ages. Mrs. St. George said New York State is making very certain that adult use of marijuana, in any capacity, is highly regulated.

Mrs. St. George said, as a Board, to consider if you opt in you still have full control. Anyone interested in obtaining a cannabis retail license has to approach the Town Clerk to give notice. The Board convenes to determine whether or not to recommend, or not recommend, that person for obtaining a license. Going over pros and cons she said the town itself would receive 3 percent of gross sales. Which may help reduce taxes. You would have consumer protection and quality control. Opening up one of these stores is not an easy endeavor, there is a lot of responsibility involved. She said if you have ever been in a retail dispensary, they are like a Boutique. It is not cheap.

Mrs. St. George would like to see the town designate certain areas instead of totally opting out.

Code Enforcement Officer Morse asked if the town opts out is there still the availability for someone in the municipality to petition the State to still get their license.

Mrs. St. George said it would done by petition, similar to when a town is a dry town. It would be on the ballot in November and put in the hands of the residents instead of the Town. The town would lose the control of where a retail store would be located.

Mrs. St. George asked the Board "What is your main concern about a dispensary being in the Town of Gorham?"

Councilmember Chard said "My concern would be, would it be close to a school, but other than that I'm a supporter of this in general. We implemented a town tax last year and another one this year. I agree with a lot of what Annie said. We are able to control where it goes realistically, I think we can opt in and then if the Board wanted to, zone it completely out. We're talking about cutting cost during budget, I feel this is a great way to increase our revenue with little or no work. The fact is whether someone buys it in Gorham or buys it in Canandaigua and brings it back, it's still going to be in our community at least we would have some control over the sales, where it is, we can at least make some money off it to help reduce the tax. The 21 and over part of it, there is beer in the Hamlet that you have to be 21 and over to buy, if we're talking about a substance that people are worried about 'corrupting our youth'

there are businesses in place that somewhere along the lines someone had to approve them. The regulations are going to be there to keep our community safe. It's a chance to make money, we're a town in financial issues, we can control where the businesses go."

Supervisor Lightfoote said there is a reason it has to be so many feet away from a school. There has to be a reason that the State has it in the rules and why they are concerned about them being close to a school.

Supervisor Lightfoote said another concern he has is the health hazards of smoking. He realizes it is not the entire mean by which people would be using the product but smoking would be part of it. We would be making it easier for people to smoke when we're already pouring millions of dollars into healthcare and for different efforts for people to quit smoking. He said it seems ridiculous in that respect. Another concern is so much of the great unknown. There will be more in a couple years to know what the impact is or will be what issues it will bring or may not bring.

Councilmember Chard said "Because the State already legalized it, we had no say over it as a Town. Now there is a chance to collect a benefit from a State policy. If we opt out it's not going to change anything as far as the State program goes. People will get it if they want. In my opinion by opting out it does nothing but hurt the Town. Is there a way to designate the funds for something? Say we collect 3 percent, it could go towards education for the dangers of substance abuse."

Mrs. St. George said the State gets 9 percent tax on it and part of the 9 percent goes into the communities for education.

Councilmember Case said "It sounds like it could be a sizeable investment for a store owner. We all know it's here. I find it all over the place in Crystal Beach. There's no regulation at all on who has it or where it's going, who's even using it. With a State program like this, somehow they're trying to better control it."

Several town residents spoke up. Some in favor, some against retail dispensaries in town. One resident asked what other effort the Town of Gorham is putting into attracting other businesses in the town.

Ben Smith said "Say the Hamlet had 10 dispensaries in it, which obviously is never going to happen, how many people do we feel it would change their thoughts or make them use marijuana, having a dispensary is not going to make people use or not use, it's just going to make it so they don't have to drive 15 miles to Canandaigua to buy. They're not allowed to advertise, so having this store in my opinion, isn't going to affect the joe schmo that doesn't use, all of a sudden we have a dispensary in town and he's going to use. If people are using marijuana they're using it, if they're not, they're not, in my opinion. There's a lot of benefit to the town money wise, the town is somewhat hurting for money. I feel if we don't allow are we hurting or helping our town."

Councilmember Case said "Maybe by opting out we buy ourselves more time to see what other towns or communities are doing."

Councilmember Glitch said although sales tax is higher is anyone talking about the quality of life. Where does it stop? We'll do anything for revenue?

Jon Willis, Crystal Beach resident, said "What is going on right now is what would be going on after a dispensary opened. It's not going to change. We're not going to be creating a zombie apocalypse of marijuana smokers running around biting people's necks. That's not going to happen. Nothing is going to change. I sense some fear tactics when I start to hear people discuss how much it's going to change where everyone's going to be walking around smoking.

They're currently doing that and it's ok because it's legal. That's an important thing that I'd like people to think about."

Lynn Klotz, Lake Dive resident, said "Have you checked with the new Town Board member elect or the Sheriff's Department. You could still get input from somebody else."

Supervisor Lightfoote said "If we don't opt out we are in. There is so much of the great unknown. If you're able to opt out then opt in later. You can't get back out if there is a problem, that is a concern of mine."

Councilmember Glitch made the motion to opt out, seconded by Supervisor Lightfoote, the Board held more discussion.

Councilmember Glitch said "You can all hate me later when you're not getting rich."

Councilmember Case said "I think as far as the involvement of the Town whether to opt in or opt out I think there is interest with retailers, the store owners in Town, we need to listen to their part of it also. By opting out it will give us a little time to try and figure things out."

Councilmember Chard said "I think opting out is a mistake. At this point regardless of the legal industries of NY State. Whether it's the sale of cannabis or opening up a bar, we, as a Town, are not in the position to turn down a legal source of revenue that the State is offering."

With no further discussion, on the motion to Opt Out, the Board voted. Motion carried. (3-1)

Ayes - Lightfoote, Case and Chard.

Nays - Chard.

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9. Privilege of the Floor –

Lynn Klotz said she heard it mentioned during budget discussion there is an Ag Advisory Committee. She asked who sits on that Board and when does it meet. She asked if the members are listed anywhere.

Supervisor Lightfoote said he can get her that information and make sure it is updated on the website.

Mrs. Klotz asked Code Enforcement Officer Morse if there is a limit of single residential home permits that are issued every year in the Town of Gorham.

Officer Morse said there was a misconception that it was 25 but it is 50.

Mrs. Klotz wondered where they stand now. How many new homes this year. How many will a development be able to build in a year.

Officer Morse said this year there are approximately 21. A subdivision will have some kind of stipulation regarding how many can be developed each year. Ultimately it is up to the Planning Board. There are pro's and con's to all of that. There are a lot of stages and a lot of planning that will go into the project.

10. Set Next Meeting Date – A Special Meeting and Public Hearing will be held on November 22, 2021 at 9:00am regarding improvements to the Water Treatment Plant.

The next regular board meeting will be held on December 8, 2021 at 7:00pm at the Gorham Town Hall.

11. Adjournment – With no further business, on the motion by Supervisor Lightfoote, seconded by Councilmember Glitch, the meeting was adjourned at 9:32 pm. Motion carried unanimously. 4-0

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Respectfully Submitted,

Darby L. Perrotte
Town Clerk