

**THE GORHAM TOWN BOARD
SPECIAL MEETING
December 28, 2022 7:00pm**

The Gorham Town Board held a Special Meeting on Wednesday December 28, 2022 at 7:00pm at the Town Hall in Gorham, NY.

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

Town Officials in attendance; Chief Operator Water/Wastewater Districts Greg Coston, Tow Tax Collector Adrienne Smith and Town Clerk Darby Perrotte.

Highway Superintendent joined via Zoom.

Other Guests in attendance; Aaron Airth, Jeff & Debbie North, Christine Watkins, Bill Glitch, and Ben Smith.

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 –

Christine Watkins, Lake to Lake Road resident, submitted the following and asked for it to be entered into the record.

12/28/22- Gorham Town Meeting- Submission for Public Record
Christine Watkins
3274 Lake to Lake Road Stanley, NY 14561

- At a recent town board meeting that I was present at in end of October, it was stated that Brenda was taking a **"leave of absence"** for the month of November due to her mothers medical needs.
- At the most recent board meeting 12-14-22 that took place I asked directly if Brenda took NYS Paid Disability Leave, which was answered by Fred Lightfoote, "yes" she is taking NYS Paid Medical Disability leave.

My knowledge is that if she took NYS Paid Medical Disability leave, for ex. As I did while pregnant, which is a justified paid medical leave I was to use all my Vacation and Sick time that I had accrued, once I had exhausted all of that I was able to receive a 60% portion paid to me for 6 weeks (again Maternity Leave, which is a NYS Paid Medical Disability) and in order for my return to work it was required I obtain a note from my doctor justifying my safe return to work.

I have gotten my information for these questions off the
<http://www.wcb.ny.gov/content/main/DisabilityBenefits/what-are-disability-benefits.jsp>

QUESTIONS IN RELATION

1. **Is medical leave for a family member justified for NYS Paid Medical Leave?**
 - a. *Again from my understanding of the law it is do to illness of the individual or injury outside of the workplace.*
2. **Brenda was at the town hall, working during the month of November?**
 - a. *Was a medical note submitted prior to her return to work at the times she was there to do "payroll"?*
3. **Brenda's Time-sheet states she still has 23hour of Vacation and 12.5 Sick Hours?**
 - a. *Was her vacation and sick time exhausted do to her NYS Disability Claim?*
4. **Brenda's time sheet does not show a required NYS 30 minute break?**
 - a. *All the other time sheets did for employees, regardless of status of an employee it is NYS law to require an employee to take a break for 30 minutes? Please verify a justification for this law.*
5. *Brenda's new role at the Town Highway Barn is to justify 40 hours a week, but her time card for Highway activity (A5010.1 only shows 5 hours a week?) Please advise where my tax dollars paying this employee for a 40 hour work week.*

I would like a timely email response to my questions.—Thank you. Christine Watkins

Supervisor Lightfoote said "I will send you, in writing, at the same time, just so you know, one of the reasons for her absence was because of the impact to her because of her parent's current medical problems. It wasn't because of their problems, it was because of her problems. Some of that was due to that, the rest being private of course. We have verification of that. As far as her being here actually working, she came down with a Doctor's note a couple of times and then there was another time she stopped down just to talk to me about the situation. When she was here she helped me with a couple of things. She wasn't on the clock.

Mrs. Watkins said "My fifth question is her new role at the Town Highway Barn. Per her time sheet it only states for the Highway category 5 hours a week. How is that justifying tax dollars for 40 hours?"

Supervisor Lightfoote said "She hasn't started what as we refer to as her new role yet. She is currently in the position she has been in for the last 3 or 4 years."

Mrs. Watkins asked if the Board is verifying tonight that there will be a new bookkeeper position.

Supervisor Lightfoote said "No. We currently are looking for a new bookkeeper."

Mrs. Watkins asked if we will have 2 bookkeepers.

Supervisor Lightfoote said "No, we're looking at a different position that she, or someone else will hold, where the office space will be utilized will be at the Highway Department. The title may not be bookkeeper. It all has to fit in with whatever civil service rules require. It has yet to be determined exactly what the title will be. The work the new person, in that position, will be doing will be, basically, bookkeeping type procedures as well as some other things. Whatever it is, the Board has yet to determine that. As far as this goes, I'll get back to you with a written response."

Ben Smith, Kearney Road resident, said "I have a question about, may be a rumor, but a purchase I've heard of through the Highway Department. \$30,000.00 for a roller and \$70,000.00 for an excavator. I asked last month about how much somebody can spend without Town Board approval. I have yet to hear about anything at any of the Town Board meetings about such a large purchase so I don't know how we can go forward with such a large purchase without any approval."

Supervisor Lightfoote said "I'm glad you asked the question, I'll give you the answer. Tonight we have a resolution to purchase the roller. We're also discussing the situation with the excavator. We have been talking about the purchase of a machine such as this for 2 or 3 years. This piece of equipment came available so Zach asked the Board to move forward with it. This was the piece of equipment that I tabled at our last Board meeting just because, he just gave me the information in regards to it, just before the meeting forgetting that we had to run it through the proper procedures. So we've run it through the proper procedure so now we are going to act on it."

Mr. Smith said "OK I was under the impression that they were already purchased."

Supervisor Lightfoote said "We currently own a mini excavator in conjunction with the Village of Rushville. There's discussion with Rushville going forward because when you're sharing equipment you also have to put up with Mother Nature you could use it but someone has got it but then its raining after their done, that kind of thing. We're currently having those discussions. There has not been a decision made as far as any kind of purchase for that yet."

Aaron Airth, East Swamp Road resident, asked if it would be another mini excavator that would be purchased.

Supervisor Lightfoote said they are looking at different options he has yet to speak to the Mayor in Rushville. He said they could possibly own one in addition to the partial one the Town owns with Rushville. There are 2 or 3 other options out there. The Town Board hasn't settled on anything yet but they are in discussion with it. Supervisor Lightfoote said there is one that's available right now that's roughly what the Town would be needing. It's one someone defaulted on, it has low hours so, it is significantly less than a new one.

Debbie North, County Road 18 resident, said "Along the same lines is there a threshold amount that the Highway Superintendent is allowed to sell to private citizens."

Supervisor Lightfoote said "For instance, there was an old lawnmower, roughly 20 years old, sold for a couple hundred bucks. Typically, equipment we put on an online auction site and we've made out very well."

Supervisor Lightfoote gave a few other examples of falling under certain rules. The Town has to stay within budgeted means. A budget amendment or inter-fund transfer would be made for other purchases.

Mrs. Watkins asked, with purchases like this would there be a need for projected projects that the Highway Department would need the equipment for.

Supervisor Lightfoote said No, because these are types of equipment that could be used for multiple projects.

Mrs. Watkins stated, as far as equipment goes it would be nice to know what they would use the equipment for.

Supervisor Lightfoote said "With an excavator first and foremost we have our road ditches and then if there are road re-construction projects...."

Highway Superintendent Eddinger, joining via Zoom, interrupted to say "At this point and time I would like to put the excavator on hold. I feel this is a Head Hunting ordeal. We've already done the roller, we've done everything else, I go above and beyond to make sure everything's right with this Town and I feel there are some people that are now Head Hunting us and not doing the right decisions and I don't want to discuss this any farther and I will discuss the mini, other excavator, with the Board on a later date, thank you."

Supervisor Lightfoote asked Superintendent Eddinger to finish answering the question.

Mrs. Watkins said "It's not, we're not, Head Hunting in any way, Zach, I'm just curious as to what types of projects that this type of roller would be."

Supervisor Lightfoote said "Once a cross culvert is cut, it's extremely hard, if not impossible, to get that to level out again if it isn't extremely well packed in the trench."

Highway Superintendent Eddinger said "The new roller will allow us to make sure that cross culverts, and when we're paving, everything else will go with that to make it better."

Supervisor Lightfoote said "Part of the reasoning here too is we have reached a point and time where so many of the culverts, galvanized culverts that were put in 50 years ago, there's a lot of culverts that are rusting out. This is a perfect piece of equipment to actually pack that well so you can at least minimize the place where they have to cut, across a road minimize that hump. It's a small vibratory roller."

Bill Glitch, Main Street resident joined the meeting at this time. He asked if the roller was already purchased.

Supervisor Lightfoote said the Board is considering it tonight.

Mr. Glitch said "My understanding is that there was a bill that was outside the Superintendent's prevue to spend on your desk last week, which means it's been ordered and, before the expenditure was authorized by this Board."

Supervisor Lightfoote said "No, they had a piece of equipment that they were demonstrating. An agreement that happens all the time. Typically we will demonstrate, or try out a piece of equipment before we'll purchase it."

Highway Superintendent Eddinger said "Bill you actually voted on it, last year, in the budget. We had it in the budget last year, for this year, and that's why we went ahead and got the roller."

Supervisor Lightfoote said I pulled it at our last meeting because we didn't have the proper trail, paper trail, going up through including the resolution I assume that's what you're looking at."

Mr. Glitch said "I understand it was in the budget, that's not my question. My question is without this Board's approval, he doesn't have the authority to order or purchase something that expensive. Is that not the case?"

Supervisor Lightfoote said he can't go out for \$30,000.00 and purchase it. It comes to the Board. That's why it was vouchered for our last meeting and when it didn't have the proper back-channels that's why I pulled it and since we were already meeting for some other reason tonight that's why we're taking it up tonight instead of waiting until January."

Mr. Glitch said "It was in the bills last month and it got pulled out right."

Supervisor Lightfoote said "It was in the bills for the Board to consider at that meeting it wasn't that he'd ordered it in, he discussed it with the Rep who then brought it out for them to Demo."

Mr. Glitch said "It just seems like it was done bass akwards. I'm saying what it looks like, appearances are important."

Supervisor Lightfoote said "I understand that Bill but, it's the rumor machine from wherever it comes, we get it all day, everyday. The only part of it that wasn't proper at all was if we had gone ahead and approved it at our last meeting. I pulled it. There's been nothing at all improper for that machine coming for a demo. If we don't approve it tonight it will get sent back. I get what you're saying."

Mr. Glitch said "Appearances are important. I'm being honest about what I'm hearing and what I'm seeing and what people are telling me is happening."

Supervisor Lightfoote said "What you're hearing is one of the things that's driven me nuts over the last several years. Somewhere a rumor gets started and before you know it, it turns into something completely different that what the situation is. That apparently is what you heard. There is absolutely nothing that was improper about that machine and where it is at this point and time as far as ownership at the Town."

Mr. Glitch said "So you're telling me it accidently wound up in the bills? The voucher?"

Supervisor Lightfoote said "No it wound up in the bills without the corresponding backup, it's just because the paperwork had not been completed. It was a mistake. I want to make sure everyone understands this. It seems like everything that goes on here people are thinking were trying to pull the wool over people's eyes or Zach is or whatever. That's where we are currently."

Councilmember Lazarus said "Bill, help me understand what was improper, you guys budgeted for the machine."

Mr. Glitch said "Budgeted is not approved. It still has to be approved by this Board to release the funds for the purchase."

The previous Board agreed to put it in the budget, that's not the same as agreeing to purchase. The money is in the budget. He needs the approval from the Board to release the funding to pay for it.

The proper channels are being addressed now because they were not followed previous to December 14 meeting.

Supervisor Lightfoote said "We need 3 bids. Sometimes there may only be a single source vendor. The Town has to prove that it sought out to obtain at least 3 quotes."

Councilmember Curtis asked Highway Superintendent Eddinger if the Water Department would be able to use the roller, it may save money to share the machine.

Highway Superintendent Eddinger and Supervisor Lightfoote said yes.

Aaron Airth said "You're 100 percent right about the rumor-mill stuff. A step got skipped, no harm no foul, the Board caught it, we're going back, no big deal. I think where part of the confusion comes in is the 'lingo', because at the last meeting it was worded that there was a bill that couldn't be done because the proper procedure hadn't been done. Sometimes the wording is what starts this."

Supervisor Lightfoote agreed. He said it is similar to the questions during the budget process. The language in the budget makes it hard to understand. He added, speaking of that, he is formulating his answers to the questions asked, he is up to 5 pages with his response.

3. Business –

a. Appoint Deputy Tax Collector

Because of a recent change, due to a health issue, the previous Deputy Tax Collector will not be able to work this collection season. The Town Clerk has agreed to fulfill the role of Deputy Tax Collector.

On the motion by Councilmember Curtis, seconded by Councilmember Chard, to appoint Town Clerk Darby Perrotte as Deputy Tax Collector for 2023 tax collection season. Motion carried unanimously. 5-0

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

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Tax Collector Adrienne Smith asked for the Board to approve online tax payments. Express--Pay directly interfaces with the Tax Collection Software.

On the motion by Supervisor Lightfoote to allow tax bills to be paid online by credit card, seconded by Councilmember Lazarus, the motion carried unanimously. 5-0

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

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b. Resolution to Purchase a New Roller

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

Councilmember Lazarus asked for clarification on where we went from budgeted to approving the order for the roller.

Highway Superintendent Eddinger said he ordered it because of complications of not being able to get one anywhere else. He signed the purchase order along with Supervisor Lightfoote.

Councilmember Chard asked how much it would be to rent a roller like this one for a day or a week.

Highway Superintendent Eddinger said "This is the problems we're having. We cannot rent machinery like we used to be able to for a day here or there it's pretty much, you can't rent it. The mini we had last year, I tried to rent next year, they've already told me they're 2 years out and they can't even get the equipment. This is why we decided to purchase this last year, in the budget, it took from last August, September when we decided to do this is why we ended up having to do what we had to do."

Supervisor Lightfoote said our Highway works closely with the Town of Canandaigua. They are purchasing a new hydro-seeder so they may be able to share equipment with them.

Councilmember Chard said "One of the big things we see in Zach's report is the mutual aid, when we send our guys out and they occasionally reciprocate. What other Towns have one that we might be able to cash in on those good chips we've been sending their way."

Superintendent Eddinger said "There's no other towns that have one, other than the County, we'll be one of the only ones that have a small roller."

Councilmember Chard asked why other towns do not have a small roller.

Superintendent Eddinger said "Because either A, they're not put in their budget right now or they're beg, borrow, stealing not doing the same thing we're doing. Not doing the compaction and everything else to try to do the same things we're doing."

Supervisor Lightfoote said "We know the number of cross culverts that are in need of replacement."

Jeff North, County Road 18 resident, said "I would like to make a note, on this roller deal, I do know for a fact that equipment is scarce, like what Zach did, put in this purchase, you're not held to it when it comes in, if it comes in and you're not in agreement to take it they don't hold you to anything. This is how things work nowadays."

Councilmember Chard asked how we have been doing this in the past.

Superintendent Eddinger said "We haven't had this opportunity. That's why we put it in the budget. We've been using a jumping jack and plate tamper, we want to go forward and be more efficient in everything we're doing."

Councilmember Chard said I want to make sure I understand this part, they dropped it off, as a demo, which is very appreciative, and then you guys signed the purchase agreement?"

Supervisor Lightfoote said "We're doing it differently, doing it backwards than we used to."

Councilmember Chard asked Highway Superintendent Eddinger to provide the Board with a purchase schedule.

With no further discussion the resolution was adopted. 4-1

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

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**TOWN OF GORHAM
RESOLUTION #53-2022
Roller Purchase**

WHEREAS Gorham Highway Superintendent Zach Eddinger has been looking for a small Vibratory Drum Roller to better pack small crosscuts when cross-culverts are replaced, which should help to maintain smooth roads, as well as driveway installations and like projects, and;

WHEREAS; 5 Star Equipment, John Deere and Admar Sales – Wacker refused to bid on the purchase, then;

THEREFORE BE IT RESOLVED; The Gorham Town Board agrees to purchase a CB 1.8 Vibratory Drum Roller from Milton Caterpillar for a sum of \$31,317.00

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 28, 2022 by the following vote:

	Aye	Nay
Frederick Lightfoote	X_____	_____
Brian S. Case	X_____	_____
Jake Chard	_____	X_____
Phil Curtis	X_____	_____
Brian Lazarus	X_____	_____

c. New Bookkeeper Applicant Update –

Councilmember Chard said there were 16 applicants, interviews are being conducted now. The Board and Chief Operator of Water and Wastewater have been active in the interview process. They hope to get 2nd interviews scheduled and choose the most qualified applicant in the next few weeks.

EFPR has offered a proposal to help train the new bookkeeper on AccuFund and payroll.

Councilmember Lazarus recommended background checks before the officially hire an applicant.

d. Approve bills for payment –

Chief Operator Coston had two separate bills to pay. An outstanding bill for repairs to the generator at the Water Plant and one for the push under County Road 1 for water service at Easton Park.

On the motion by Councilmember Lazarus, seconded by Councilmember Case, to approve the bill to pay Burrows Brothers, not to exceed \$1,900.00. Motion carried unanimously. 5-0

The Board and Chief Operator Coston discussed a bill to Stark for work on the generator at the Water Plant. There is a discrepancy in the amount of the bill. Chief Operator Coston will speak with Stark to get the correct amount and that bill can be vouchered and paid at the January meeting.

e. Budget Transfers –

Councilmember Chard moved to approve the following year-end budget transfers. Seconded by Councilmember Case, the transfers were approved. Motion carried unanimously. 5-0

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

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HIGHWAY FUND - TOWNWIDE

<i>Transfer From:</i>		Unanticipated Revenue	\$	220,514.82
	DB.3501.000.000	St Aid Consolidated Highway Aid	\$	4,064.00
	DB.2300.000.000	Transportation Services Other Govts		
	DB.5999.000.000	Fund Balance	\$	218,164.51
			\$	<u>442,743.33</u>
<i>Transfer To:</i>				
	DB.5112.200.000	Perm Improve Highway, Equip & Cap Outlay	\$	262,963.01
	DB.5110.400.000	General Repairs, Contr Expend	\$	41,637.42
	DB.5130.400.000	Machinery, Contr Expend	\$	24,336.38
	DB.5142.400.000	Snow Removal, Contr Expend	\$	113,806.51
			\$	<u>442,743.32</u>

Sewer

<i>Transfer From:</i>				
	SS.8120.200.000	Sanitary Sewers, Equip & Cap Outlay	\$	2,950.05
			\$	<u>2,950.05</u>
<i>Transfer To:</i>				
	SS.8110.200.000	Sewer Administration, Equip & Cap Outlay	\$	234.69
	SS.8110.400.000	Sewer Administration, Contr Expend	\$	859.57
	SS.8120.400.000	Sanitary Sewers, Contr Expend	\$	1,580.41
	SS.8130.100.000	Sewage Treat Disp, Pers Serv	\$	275.38
			\$	<u>2,950.05</u>

WATER DISTRICT #1

<i>Transfer From:</i>				
	SW.8310.200.001	Water Administration, Equip & Cap Outlay	\$	7,500.00
	SW.8320.200.001	Source Supply Pwr & Pump, Equip & Cap Outlay	\$	2,889.57
			\$	<u>10,389.57</u>
<i>Transfer To:</i>				
	SW.8310.102.001	Water Administration, Pers Serv	\$	668.51
	SW.8320.400.001	Source Supply Pwr & Pump, Contr Expend	\$	4,101.80
	SW.8340.400.001	Water Trans & Distrib, Contr	\$	5,619.26
			\$	<u>10,389.57</u>

TOWN OF GORHAM
 RECOMMENDED TRANSFERS FOR THE 12/28/22 MEETING

GENERAL FUND - TOWNWIDE

<i>Transfer From.</i>				
	AA.1120.000.000	Sales Tax (Unanticipated Revenue)	\$	224,686.84
	AA.1220.400.000	Supervisor, Contr Expend	\$	2,000.00
	AA.1910.400.000	Unallocated Insurance, Contr Expend	\$	13,406.00
	AA.1990.400.000	Contingency	\$	10,000.00
	AA.8160.400.000	Refuse & Garbage, Contr Expend	\$	20,000.00
				270,092.84
<i>Transfer To.</i>				
	AA.1320.400.000	Auditor, Contr Expend	\$	2,100.00
	AA.1330.102.000	Tax Collection, Per Ser Deputy	\$	681.43
	AA.1330.400.000	Tax Collection, Contr Expend	\$	326.06
	AA.1410.102.000	Clerk,pers Serv, Deputy	\$	925.72
	AA.1410.400.000	Clerk, Contr Expend	\$	1,771.61
	AA.1430.100.000	Personnel, Pers Serv	\$	1,235.00
	AA.1440.400.000	Engineer, Contr Expend	\$	35,075.00
	AA.1450.400.000	Elections, Contr Expend	\$	200.00
	AA.1460.200.000	Records Mgmt, Equip & Cap Outlay	\$	34,200.00
	AA.1620.400.000	Buildings, Contr Expend	\$	40,178.51
	AA.1930.400.000	Judgements & Claims Contr Expend	\$	645.10
	AA.3310.400.000	Traffic Control, Contr Expend	\$	20,187.12
	AA.5010.103.000	Street Admin, Pers, Serv, Clerk	\$	3,668.38
	AA.5010.400.000	Street Admin, Contr Expend	\$	1,195.05
	AA.5132.200.000	Garage , Equipment & Capital Outlay	\$	4,904.12
	AA.5182.400.000	Street Lighting, Contr Expend	\$	653.10
	AA.7110.200.000	Parks, Equip & Cap Outlay	\$	107,890.30
	AA.7550.400.000	Celebrations, Contr Exp	\$	459.00
	AA.8090.400.000	Environmental Control - Watershed	\$	10,881.88
	AA.8510.400.000	Comm Beautification, Contr Expend	\$	2,915.30
				270,092.84

4. Privilege of the Floor –

Debbie North, County Road 18 resident, said a background check is vital during the hiring process. It would also be good to ask for a credit check. Personal financial responsibility is very critical in a bookkeeper role.

Aaron Airth said now that you’ve agreed to buy the roller, will it be on a replacement and if so what is it and it might benefit the town to check on trade in within 5 years. He suggests having the newer equipment on a tighter schedule.

Bill Glitch said “Unfortunately because of things in Fed and State people are looking a lot closer at what’s going on. The last couple meetings that I’ve attended when I brought up things I’ve been told that I’m wrong, I’ve been pretty close. I understand mistakes happen and people do things unintentionally. Unfortunately that’s going to bring more attention and more doubts and make your life worse. Just the way it is. But essentially tonight what I said, what I brought to your attention that I had heard was about 99% correct. I would be the batting champion of the major league baseball with that kind of batting average! You have to take care of it, these things need to be looked at.”

Supervisor Lightfoote said "That was in regards to the roller? I get what you said. Appearances have always been a big thing but, they're ever more so than they ever were before. I get it."

Mr. Glitch said "It's not personal. It's business."

Supervisor Lightfoote said "This past year I couldn't handle everything, with the health challenges that I had, and I appreciate all the extra help I've gotten from the Board. They continue to work on things and getting some extra help in here is certainly going to help. I do thank you, immensely."

5. Adjournment – with no further business, on the motion by Councilmember Chard, seconded by Councilmember Case, the meeting was adjourned at 8:35 pm. The motion carried unanimously. 5-0

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

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Respectfully Submitted,

Darby L. Perrotte
Town Clerk