

**MINUTES
REGULAR MEETING
THE GORHAM TOWN BOARD
February 19, 2025 7:00pm**

The Gorham Town Board held a Regular Meeting on Wednesday February 19, 2025 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 joined via Zoom.

Town Officials in attendance; Chief Operator Water & Wastewater Districts Nate Bay, Highway Superintendent Zach Eddinger, Code Enforcement Officer Jim Morse, Assessor Enza Mineo, and Town Clerk Darby Perrotte.

Residents and guests in person and via zoom.

The minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Gorham Town Board. Remarks delivered during privilege of the floor and discussions are summarized and are not intended to be verbatim transcriptions.

The full zoom recording of the meeting is posted on the town website for viewing.

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

Austin Kephart & Lisa Grefrath from Whitman Band & Guard Boosters were present to speak about a mural of the 'Pageant of Bands'. The mural is being created in an effort to honor the Pageant's history in Gorham. The mural will be installed on the east side of the Old Mill Restaurant building in the hamlet of Gorham. The unveiling ceremony will be held on June 7, 2025. Informational packets are available at the Town Hall. The Boosters are seeking donations from community members for the mural. More information available on Marcus Whitman Band Facebook Page.

Kevin Olvany, Canandaigua Lake Watershed Manager, updated the Board, and guests, on where Gorham stands with FEMA after the flooding event in July 2024. He explained funding and mitigation in regards to public infrastructure damage that occurred in Gorham.

Lizabeth Rasmussen, Town of Gorham Historical Society, stated they have raised \$126,000.00 of their \$200,000.00 goal! She thanked all that have contributed. Also spoke about upcoming fund raisers for the Historical Society. More information on their Gorham NY Historical Society Facebook Page.

Debbie North, County Road 18 resident, stated as chair of the Town Beautification Project there has been no interest shown in a barn quilt project but some interest in Veteran banners.

Mrs. North has been in touch with a company to repair existing town signs and potentially replace some of the signs that are at town limits. Mrs. North is getting quotes.

Mrs. North asked Councilmember Lazarus if he would rescind the directive from the Sheriff's Department to allow her to email him along with the rest of the town board.

No response from Councilmember Lazarus.

Barb Frank, Goose Street resident, Ms. Frank's comments are related to the upcoming Town officials election, particularly the Highway superintendent election. Ms. Frank stated she thinks it is better if our elections are competitive, especially in a small town like Gorham, it can be a struggle to get people to run for the positions. One way to address it would be to expand the number of people that are able to run. Ms. Frank is asking the Town Board to consider allowing candidates from outside the Town of Gorham. Ms. Frank stated it could be done a number of ways to expand the potential pool of candidates. She suggests allowing anyone within the Marcus Whitman School District, someone from an adjoining town or having someone who understands the lay of the land but implementing a radius of within so many miles of the town highway facility. Ms. Frank added unless there is an independent or a democratic candidate, the election is basically decided in the republican primary. She is requesting the Town Board look into that process.

Supervisor Stell stated the idea has been kicked around a bit. The Town Board would have to go through the process of adopting a new local law for that to happen.

Councilmember Lazarus stated it would be a good time to talk about creating a local law to change the residency requirements of highway superintendent. He suggested the Board discuss the possibility at an open meeting.

Councilmember Lazarus asked about the sewer rate increases and if it was voted on.

Supervisor Stell said those rates were accepted and approved along with the fee schedule at the Organizational Meeting in January 2025.

3. Approval of Minutes – 12/18/24 Revised Regular Meeting Minutes
01/15/25 Organizational Meeting Minutes
01/15/25 Regular Meeting Minutes

On the motion by Councilmember Curtis, seconded by Councilmember Chard, the Minutes (3) were approved as submitted. The motion carried unanimously. 4-0

4 - Ayes – Stell, Chard, Curtis, Watkins

016-2025

4. Reports of Town Officials -

- A. Chief Operator Water/Wastewater Plants – written report on file.
- B. Highway Superintendent – written report on file.
- C. Zoning/Building Officer – written report on file.
- D. Assessor –written report on file.
- E. Tax Collector - written report on file.
- F. Town Clerk – written report on file.
- G. Town Supervisor – written report on file.

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

4 - Ayes - Stell, Chard, Curtis, Watkins

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Councilmember Lazarus asked Supervisor Stell about the generator Zach Eddinger has at his house, it has been there for a while, it is owned by the Town. He asked if Supervisor Stell has talked to Highway Superintendent Eddinger and asked him to return it or what or what the Town is doing to get the generator back in the possession of the Town.

Supervisor Stell stated he has not asked him to return it. He thought the Highway Superintendent might do that on his own after the Investigator paid him a visit.

Councilmember Lazarus asked if there was paperwork from the Sheriff's Office.

Supervisor Stell has not received anything from the Sheriff's Office yet.

5. Audit of Bills -

Approval of Vouchers

Abstract #2

On the motion by Councilmember Watkins, seconded by Councilmember Lazarus Councilmember Chard pointed out an error of \$54 in the court account on the abstract.

Supervisor Stell will correct with the bookkeeper before the check goes out.

The abstract of bills totaling \$539,754.56, was approved for payment. The motion carried 3-1

3 - Ayes - Stell, Curtis, Watkins

1 - Nay - Chard

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6. Business –

a. Kevin Olvany, Canandaigua Lake Watershed Manager, stated NY State has granted \$112,500.00. The grant will provide a huge benefit in what the town has been dealing with over the past 2-3 years in terms of flooding events along the lake in Gorham. There is a study planned, which will utilize the grant awarded, that will look at major drainage systems that have been experiencing severe flooding issues and also where quality of the lake is impacted.

Discussion was held with residents about several areas of town affected by the flooding.

b. Adopt Resolution Accepting of Access Easement Deep Run HOA

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

4 - Ayes - Stell, Chard, Curtis, Watkins

019-2025

**TOWN OF GORHAM
RESOLUTION #3-2025
AUTHORIZING ACCEPTANCE OF EASEMENT**

WHEREAS, the Town of Gorham, by its officers or representatives, has engaged in discussions with **Deep Run Homeowners Association, Inc. ("Owner")** regarding the Town obtaining an access easement from it over a portion of its property located at 4281 State Route 364, Town of Gorham, as shown on a map prepared by MRB Group; and

WHEREAS, Town of Gorham officials have recommended to the Town Board that Owner grant to the Town the easement over said lands of the Owner; and

WHEREAS, said easement has been offered by Owner to the Town of Gorham in exchange for the Town providing the following consideration (collectively, the "Consideration"):

- The Town maintaining the new asphalt easement driveway within the Easement Area.
- The Town reimbursing Owner for attorney fees to review the easement in an amount approved by the Town Board.
- The Town improving the remaining 480' length of existing driveway on Owner's property by re-grading and adding a 5' wide stone dust path or some other material both parties agree to.
- The Town providing insurance showing the Owner as an additional insured.
- The Town providing a locked gate at the western end of the new easement driveway.
- The Town providing "Private Property, No Parking" signs near the gate.
- The Town paving a 150' x 5' wide section of Owner's walking trail parallel to County Road 1 south of Ridge Run which is currently a stone dust trail.
- The Town not using nor permitting others to use the Easement Area for regular or overnight parking; and

WHEREAS, the Town Board of the Town of Gorham is desirous of accepting said offered easement on behalf of the Town; and

WHEREAS, the Town Board of the Town of Gorham has examined said instruments and finds the Consideration to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Gorham does hereby accept the Easement attached hereto as Exhibit 1 from Owner in accordance with the terms and conditions contained in said instrument and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by the Town, and be it further

RESOLVED, that the Town Supervisor shall be and hereby is authorized to take any and all further action necessary to carry forth the intent of this resolution, including but not limited to the execution of all documents necessary to complete the conveyances of the premises referenced herein.

I, Darby L. Perrotte, Town Clerk of the Town of Gorham do hereby certify that the Town Board of the Town of Gorham adopted the aforementioned resolution on February 19, 2025 by the following vote:

Aye **Nay**

Dale C. Stell	X_____	_____
Jake Chard	X_____	_____
Phil Curtis	X_____	_____
Brian Lazarus	abstain	_____
Chrissy Watkins	X_____	_____

c. Greg Hotaling, MRB Engineer, updated the Board and gave a brief description of the County Infrastructure Grant Program.

d. Approve Post-issuance Tax Compliance and Continuing Disclosure Policies and Procedures.

Councilmember Chard made a motion to accept the disclosure form. Seconded by Councilmember Watkins discussion was held. The document is on file in the Town Clerk’s Office
The motion carried unanimously 4-0

4 - Ayes - Stell, Chard, Curtis, Watkins

019-2025

**Post-Issuance Tax Compliance and Continuing Disclosure
Policies and Procedures
For Tax-Exempt Notes & Bonds**

The purpose of these Post-Issuance Tax Compliance and Continuing Disclosure Policies and Procedures is to establish policies and procedures in connection with tax-exempt notes and bonds, or installment purchase agreements, or other tax-exempt or tax-advantaged debt obligations (referred to herein in each case as the "Bonds") issued by, or on behalf of, the TOWN OF GORHAM (the "Issuer") so as to maximize the likelihood that certain applicable post-issuance requirements of federal income tax law needed to preserve the tax-exempt status of the Bonds are met and so as to likewise maximize the likelihood that certain applicable post-issuance requirements of the federal securities laws Rule, hereinafter defined, are met. The Issuer reserves the right to use its discretion as necessary and appropriate to make exceptions or request additional provisions as circumstances warrant, and as permitted by applicable law. The Issuer also reserves the right to change these policies and procedures from time to time. The Issuer shall review and reconfirm and re-adopt these policies and procedures not less frequently than annually at the same time it adopts or re-adopts its other ongoing policies and procedures.

Post-Issuance Tax Compliance Requirements

External Advisors/Documentation

The Issuer shall consult with bond counsel and other legal counsel and with its financial advisor and other advisors, as needed, throughout the Bond issuance process to identify requirements and to establish procedures necessary or appropriate so that the Bonds will continue to qualify for tax-exempt status. Those requirements and procedures shall be documented in the tax arbitrage certificate (the "Arbitrage Certificate") and/or other documents finalized at or before issuance of the Bonds. Those requirements and procedures shall include future compliance with applicable arbitrage rebate or yield restriction requirements and all other applicable post-issuance requirements of federal tax law throughout (and in some cases beyond) the term of the Bonds.

When authorized or required in the Arbitrage Certificate, the Issuer shall engage expert advisors, which may include the financial advisor to the Issuer (each a "Rebate Service Provider"), to assist in the determination of whether yield restriction is required or in the calculation of arbitrage rebate payable in respect of the investment of Bond proceeds, unless the Arbitrage Certificate documents that arbitrage rebate or yield restriction will not be applicable to an issue of Bonds. When authorized or required by the Arbitrage Certificate, the Issuer shall engage bond counsel for consultation to assist the Issuer in meeting its obligations in the Arbitrage Certificate.

The Issuer shall prepare regular, periodic statements regarding the investments and transactions involving Bond proceeds.

Arbitrage Rebate and Yield

Unless the Arbitrage Certificate documents that arbitrage rebate will not be applicable to an issue of Bonds, the Issuer shall be responsible for:

- engaging the services of a Rebate Service Provider and, prior to each rebate calculation date, delivering periodic statements concerning the investment of Bond proceeds to the Rebate Service Provider;
- providing to the Rebate Service Provider additional documents and information reasonably requested by the Rebate Service Provider;
- monitoring efforts of the Rebate Service Provider;
- assuring payment of required rebate amounts, if any, no later than 60 days after each 5-year anniversary of the issuer date of the Bonds, and no later than 60 days after the last Bond of each issue is redeemed;
- during the acquisition and construction period of each capital project financed in whole or in part by Bonds, monitoring the investment and expenditure of Bond proceeds and consulting with the Rebate Service Provider to determine compliance with any applicable small issuer or spending exceptions from the arbitrage rebate requirements during each 6-month spending period up to 6 months, 18 months, 24 months, or 36 months, as applicable, following the issue date of the Bonds; and
- retaining copies of all arbitrage reports and spending or investment statements as described below under "Record Keeping Requirements."

Use of Bond Proceeds and Bond-Financed or Refinanced Assets

The Issuer shall be responsible for:

- monitoring the use of Bond proceeds and the use (including, with particular sensitivity, any use or potential for use by any person or entity other than a governmental unit, such as, a private entity or not-for-profit entity) of Bond-financed or refinanced assets (e.g., facilities, furnishings or equipment) throughout the term of the Bonds to ensure compliance with covenants and restrictions set forth in the Arbitrage Certificate relating to the Bonds;
- maintaining records identifying the assets or portion of assets that are financed or

refinanced with proceeds of each issue of Bonds, including a final allocation of Bond proceeds as described below under "Record Keeping Requirements";

- consulting with bond counsel and other legal counsel and with the financial advisor or other advisors in the review of any contracts or arrangements involving the transfer, or sale, or lease or other use of all or any portion of Bond-financed or refinanced assets to ensure compliance with all covenants and restrictions set forth in the Arbitrage Certificate relating to the Bonds;
- maintaining records for any contracts or arrangements involving the use of Bond-financed or refinanced assets as described below under "Record Keeping Requirements";
- conferring at least annually with personnel responsible for Bond-financed or refinanced assets to identify and discuss any existing or planned use of Bond-financed or refinanced assets, to ensure that those uses are consistent with all covenants and restrictions set forth in the Arbitrage Certificate relating to the Bonds; and
- to the extent that the Issuer discovers that any applicable tax restrictions regarding use of Bond proceeds and Bond-financed or refinanced assets will or may be violated, consulting promptly with bond counsel and other legal counsel and with the financial advisor or other advisors to determine a course of action to remediate all nonqualified bonds, if such counsel or advisor advises that a remedial action is necessary.

All relevant records and contracts shall be maintained as described below.

Due Diligence Monitoring Compliance

The board of the Issuer will identify in writing the appropriate business official(s) or other individual(s) or employee(s) of the Issuer responsible for conducting due diligence review of all outstanding Bonds at regular intervals and will provide a written description of the training provided, or to be provided, to such responsible individual(s) with regard to monitoring compliance and the Issuer shall maintain a record of such training, including the date(s) of attendance and a general description of the training received. The Issuer will assure adequate maintenance of training of the responsible official/employee and will establish such monitoring procedures, with timely reporting to the chief fiscal officer and/or to the Finance Board of the Issuer, reasonably expected to timely identify tax law noncompliance and procedures ensuring that the Issuer will take steps to timely correct any and all discovered noncompliance with the tax law. If the Issuer engages in an activity causing bond-financed property to be used in a manner that violates the applicable use and payment limitations in the internal revenue code, the Issuer may take one or more "self-help" remedial actions. Possible remedial actions include defeasing the non-qualified

portion of the outstanding Bonds or using the amounts realized from a sale of bond-financed property for another qualifying use; and if the Issuer fails to timely identify noncompliance early enough to qualify for self-help remedial actions or for matters in which self-help is not available, the Issuer can approach the IRS under its VCAP program which is described in more detail in IRS Notice 2008-31 and Internal Revenue Manual Sections 7.2.3.

The Issuer is aware of its ability, pursuant to Revenue Service Notice 2008-31, as it may be modified by the IRS from time to time, to request a voluntary closing agreement with the IRS to correct failures on the part of the Issuer to comply with the federal tax rules related to tax-exempt debt issuances.

Whenever possible, monitoring of tax law compliance will be integrated with the Issuer's accounting systems so that those who directly manage Bond-financed or refinanced assets will be prompted to identify relevant facts at the time any changes are contemplated and to communicate such plans to the appropriate finance officials of the Issuer.

Record Keeping Requirement

The Issuer shall be responsible for maintaining the following documents for the term of each issue of Bonds (including refunding Bonds, if any) plus at least three years:

- a copy of the Bond closing transcript(s) and other relevant documentation delivered to the Issuer at or in connection with closing of the issue of Bonds;
- a copy of all material documents relating to capital expenditures financed or refinanced by Bond proceeds, including (without limitation) construction contracts, purchase orders, invoices, and payment records, as well as documents relating to costs reimbursed with Bond proceeds and records identifying the assets or portion of assets that are financed or refinanced with Bond proceeds, including a final allocation of Bond proceeds;
- a copy of all contracts and arrangements (such as, leases, subleases, management or other service agreements, research contracts, joint venture arrangements, and the like) involving the use of Bond-financed or refinanced assets;
- a copy of all expenditures of Bond proceeds for project expenses and records of all investments, arbitrage reports and underlying documents, including bank statements and copies of all investment bidding documents, if any;
- a copy of expenditure reimbursements incurred for expenditures paid prior to issuing the Bonds; and
- a copy of audited financial statements.

Post-Issuance Continuing Disclosure

Under the provisions of SEC Rule 15c2-12 (the "Rule"), Participating Underwriters (as defined in the Rule) are required to determine that each borrower (such as the Issuer) has entered into a written Continuing Disclosure Agreement to make ongoing disclosure in connection with each debt offering subject to the Rule. Unless the Issuer is exempt from compliance with the Rule or the continuing disclosure provisions of the Rule as a result of certain permitted exemptions, the transcript of closing documentation for each issue of related Bonds will include a Continuing Disclosure Agreement executed by the Issuer ("Continuing Disclosure Agreement").

In addition to the responsibilities of the Issuer set forth in each Continuing Disclosure Agreement, in order to monitor compliance by the Issuer with its Continuing Disclosure Agreements, the appropriate business official(s) or other individual(s) or employee(s) of the Issuer, as designated in writing by the board of the Issuer, will:

- A. Assist in the preparation or review of annual reports of financial information and operating data ("Annual Reports") in the form required by the related Continuing Disclosure Agreements.
- B. Maintain a calendar, with appropriate reminder notifications, listing the filing due dates relating to dissemination of Annual Reports, which annual due date is generally expressed as a date within a certain number of days (e.g., 180 days) following the end of the Issuer's fiscal year (the "Annual Report Due Date"), as provided in the related Continuing Disclosure Agreements.
- C. Ensure timely dissemination of the Annual Report by the Annual Report Due Date, in the format and manner provided in the related Continuing Disclosure Agreements, which may include transmitting such filing to the Municipal Securities Rulemaking Board ("MSRB") through the Electronic Municipal Market Access ("EMMA") System at www.emma.msrb.org in the format prescribed by the MSRB.
- D. Monitor the occurrence of any event notice (as described in the Continuing Disclosure Agreements) and timely file notice of the occurrence of any such event in the manner provided under the Continuing Disclosure Agreements. Maintain an ongoing, updated list of all "financial obligations" of the Issuer, as defined in the Rule so as to be in a position to timely file any event notice that may be required by the Rule. To be timely filed, any and all such event notices must be transmitted within 10 business days (or such other time period as set forth in the Continuing Disclosure Agreements) of the occurrence of such event.

- E. Ensure timely dissemination of notice of any failure to provide the required Annual Report on or before the date specified in the Continuing Disclosure Agreement, if and as required by the Continuing Disclosure Agreement, and ensure that each official statement of the Issuer describes any instances in the previous five years in which the Issuer failed to comply, in all material respects, with any previous Continuing Disclosure Agreement.
- F. Monitor the performance of any dissemination agent(s) engaged by the Issuer (which may include the financial advisor to the Issuer) to assist in the performance of any obligation under the Continuing Disclosure Agreements.

The Issuer shall provide, or cause to be provided, periodic training of such business official(s) or other individual(s) or employee(s) of the Issuer regarding continuing disclosure obligations pursuant to the Rule to ensure compliance with the federal securities laws and shall maintain a record such training, including the date(s) of attendance and a general description of the training received.

7. Set Next Meeting Date – The next meeting will be held on Wednesday March 19, 2025 at 7:00 pm at the Gorham Town Hall.

8. Privilege of the Floor – none requested!

9. Adjournment – with no further business, on the motion by Councilmember Watkins, seconded by Councilmember Curtis, the meeting was adjourned at 8:05pm. The motion carried unanimously. 4-0

4 - Ayes – Stell, Chard, Curtis, Watkins

020-2025

Respectfully Submitted,

Darby L. Perrotte
Town Clerk