

Parma Town Board meeting held on Tuesday, February 6, 2007 at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

ATTENDANCE

Supervisor	Richard Lemcke
Councilman	Kenneth Blackburn
Councilman	Joseph Reinschmidt
Councilman	Carm Carmestro
Councilman	James Smith
Highway Supt.	Brian Speer
Recreation Director	Steve Fowler
Building Inspector	Jack Barton

OTHERS IN ATTENDANCE

Bob Prince, Karen Monast, Anthony Costanza, Keith Ryan, Armando Caduano, Joe Petricone, Gene DeMeyer, Robert Goodwin, Laura Shoemaker, Tom Ganley, Tod Edenhofer, Frank Trinca and other unidentified members of the public.

CALL TO ORDER

Supervisor Lemcke called the meeting to order at 7:04 p.m. and led those present in the Pledge of Allegiance to the Flag, followed by a moment of silence. Supervisor Lemcke noted emergency exit procedures and that the meeting was being digitally recorded.

PUBLIC HEARING FOR THE ADOPTION OF LOCAL LAW 1-2007 **SENIOR EXEMPTION INCOME LIMITS** **AND** **PUBLIC HEARING FOR THE ADOPTION OF LOCAL 2-2007** **PERSONS WITH DISABILITIES EXEMPTION INCOME LIMITS**

Supervisor Lemcke reviewed the purpose of the Public Hearing; to consider amending the Code of the Town of Parma, Chapter 135, to provide for a Real Property Tax Exemption for senior citizens and persons with disabilities who have limited income. The maximum income limitations for the local senior citizen exemption and persons with disabilities and low income to \$26,000.00 and under, granting a sliding scale aged exemption to \$34,400.00. Legal Notice was published in the Suburban News and posted on the Town Hall Bulletin Board.

Supervisor Lemcke opened the Public Hearing at 7:08 p. m. and asked if anyone would like to speak. There was no response regarding this matter and the Public Hearing was closed at 7:10 p.m.

RESOLUTION NO. 54A-2007 Motion by Councilman Reinschmidt, seconded by Councilman Blackburn, to approve Local Law #1-2007 amending Chapter 135 of the Code of Parma to provide for a Real Property Tax Partial Exemption by increasing the maximum income limitation for local senior citizens exemption to \$26,000 and under, and granting a sliding scale exemption to \$34,400.

RESOLUTION NO. 54B-2007 Motion by Councilman Reinschmidt, seconded by Councilman Blackburn, to approve Local Law #2-2007 amending Chapter 135 of the Code of Parma to provide for a Real Property Tax Partial Exemption by increasing the maximum income limitation for persons with disabilities and limited income to \$26,000 and under, and granting a sliding scale exemption to \$34,400.

Motion carried: Aye 5 Nay 0

PUBLIC FORUM

Supervisor Lemcke asked if anyone present would like to address the Town Board on any topic not on the agenda. Individuals who wished to address the Town Board choose to wait until Mr. Barton was present.

MINUTES – JANUARY 16, 2007

RESOLUTION NO. 55-2007 Motion by Councilman Carmestro, seconded by Councilman Smith, to accept the Minutes of the January 16, 2007 meeting.

Motion carried: Aye 5 Nay 0

TOWN CLERK REPORT

The Town Clerk Report and VFW Summary for January 2007 have been submitted.

TIME WARNER CABLE TAX PAYMENT

Time Warner Cable submitted payment for the Town & County tax bills with a deduction for the Town's portion of taxes. A motion is need to authorizing acceptance of the check from Time Warner Cable in the amount of \$3,315.11 and that the Town of Parma will pay the difference of \$558.97.

RESOLUTION NO. 56-2007 Motion by Councilman Carmestro, seconded by Councilman Reinschmidt, to accept \$3,315.11 from Time Warner Cable and \$558.97 from the Town of Parma for the full payment of the Town & County tax bills for Time Warner Cable.

Motion carried: Aye 5 Nay 0

HIGHWAY DEPARTMENT REPORT

Supt. Speer reported that the department has been busy with weather conditions and that they have resolved problems that they were having with fuel.

Councilman Carmestro stated that he is still waiting for six NIMS certificate copies. Supt. Speer will follow up.

***Mr. Barton entered the meeting*

PUBLIC FORUM - CONTINUED

Armando Capuano, 2024 West Henrietta Road Ste. 2A, asked to address the Town Board regarding West Creek Woods Subdivision. The current subdivision is stagnate and he would like to take over development. There was discussion on whether a variance or if some other options would be available to increase the number of lots for Phase II of the subdivision. It was noted that issues with the parkway road would require changes in design criteria and that the existing homeowners are expecting what was originally proposed for the subdivision. There was discussion around the maximum number of lots on a parkway road versus a typical road.

Keith Ryan, 241 Manitou Road, asked to address the Town Board regarding rezoning. Mr. Ryan is interested in purchasing 1776 Hilton Parma Corners Road and is seeking information on rezoning the property so that it would be completely zoned General Commercial. Currently, only part of the property falls within the boundary of the General Commercial District. The remaining portion is Rural Residential and the line runs through the current garage. Mr. Ryan was given information on how to apply for a request to rezone and given the option to submit

the application so that a Public Hearing date could be set. (See end of minutes for resolution to set date for public hearing.)

BUILDING DEPARTMENT REPORT

Jack Barton passed out a copy of the proposed Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code. A copy is available for public viewing in the Town Clerk's office and will be available on the Town website. There was discussion on whether outside wooden boilers were covered. This code does not address.

The January Building Report has been submitted.

Mr. Barton reported that the Town received a plaque for the Environmental Award of Excellence from the Department of Environmental Conservation for being on the leading edge of storm water management.

Fire Marshall interviews have been scheduled. Mr. Barton hopes to have a recommendation at the next Town Board meeting.

The Zoning Board of Appeals would like the Town Board to create a process to handle the administration of minor variances. Property owners would still have to apply and pay the appropriate fee but a public hearing would not be required. Discussion followed.

Mr. Barton has been passing along training information to Board members so that members can work toward complying with new regulation that went into effect the first of the year.

RECREATION DEPARTMENT REPORT

Mr. Fowler reported that Laura Shoemaker, the student intern from SUNY Brockport, was in attendance but had to leave before being introduced.

Copies of the Hilton-Parma Recreation Self-Assessment Report for Agency Accreditation, Hilton-Parma Recreation Comprehensive Plan, and updated copies of the Risk Management Manual, Safety Manual, Guidelines for Volunteers and Policy Manual will be provided to the Town Clerk. These will be available for public inspection during regular business hours

The Annual Family Sweetheart Dance will be held February 10, 2007.

The Lion's Club will be presenting a proposal to sell hotdogs, chips and soda at the Town Park to bring exposure to the Club. Discussion followed as to location, where they might store supplies and equipment and how this would interface with other organizations.

PARKS DEPARTMENT

Mr. Petricone informed the Town Board that the Boiler Room pipes froze due to a faulty relay switch. He requested that a heater be installed to prevent this from happening again. An information sheet on the heater was provided to Town Board members. He requested approval for prepayment because the heater is not available locally and would be ordered directly from the company.

RESOLUTION NO. 57-2007 Motion by Councilman Reinschmidt, seconded by Supervisor Lemcke, to approve a prepay payment for the purchase of an Eden PURE Quartz Infrared Portable Heater for the boiler room.

Motion carried: Aye 5 Nay 1 Councilman Blackburn voting Nay

***Correction – See Resolution 67-2007 February 20, 2007 Minutes*

BUSINESS ITEMS

PARMA BLAZE – SOCCER FIELD REQUEST

The Parma Blaze Soccer team has requested the use of a Town Park soccer field for their home game schedule. There was discussion about which fields would be used and potential conflicts with the Hilton Heat Soccer Club. If regular soccer fields are not available, Parma Blaze can have the use of a multipurpose field, but will be responsible for striping it.

RESOLUTION NO. 58-2007 Motion by Supervisor Lemcke, seconded by Councilman Carmestro, to approve use of a Town Park soccer field by the Parma Blaze for their home games with the stipulation that scheduling be coordinated with the Hilton Heat Soccer Club for field use. If regular soccer fields are not available, Parma Blaze can have the use of a multipurpose field, but will be responsible for striping.

Motion carried: Aye 5 Nay 0

AUTHORIZE SUPERISOR TO MAKE EXPENDITURES DURING AN EMERGENCY POD EVENT

Supervisor Lemcke explained that in the event of a POD emergency, 25,000 plus residents would need to be immunized within 48 hours. Any expenditure needed would require an immediate response. Supervisor Lemcke requested that he be authorized to make necessary expenditures in the event of a POD emergency within the 48 hour time period as needed. Funds would come from the A fund so that the Village would automatically be included and then proportionally divided out for the Town of Hamlin.

Councilman Smith inquired whether any of the funds would be reimbursed by FEMA or another agency. Supervisor Lemcke replied that there could be but that there would be some turn around time in receiving. It was noted by Councilman Carmestro that the funds would probably come from Monroe County.

It was also noted that the following roles will be assumed in the event of a POD emergency: Supervisor Lemcke – Manager, Councilman Carmestro – Special Needs People, Hamlin Supervisor Denny Roach – Operations, Mayor Gursslin - Logistics, and Steve Lemon, School Coordinator. As the planning process continues an organizational chart will be presented to the community.

RESOLUTION NO. 59-2007 Motion by Councilman Reinschmidt, seconded by Councilman Carmestro, to authorize the Parma Town Supervisor to make emergency expenditures associated with a POD emergency event.

Motion carried: Aye 5 Nay 0

RECREATION COMMISSION FACILITY STUDY UPDATE

Mr. Fowler reported that interviews will be held February 12th and 15th with LaBella Associates, Barkstrom & LaCroix Architects and DeWolff Partnership Architects. It is the hope of the Commission to enter into a contractual agreement for design services by March. These meetings are open to the public.

Mr. Ganley reported that he and Mr. Fowler attended the Library Board meeting to discuss interest in a shared community center. The Library Board expressed interest and would like to contribute \$10,000 from the Library Surplus Fund, if the Town Board was in agreement. An additional 16,000 sq. ft. would be added to the proposed Community Health Center as a Library component. The additional cost for the design needs of the Library and whether there was full attendance for the Library Board meeting was discussed. It was noted that three of the five

board members were present, one was out of town and the fifth had provided their proxy to vote.

Mr. Fowler also met with the Village Board and they stated that they would not support putting the Library into this project and would recognize this as a change in the conceptual idea from what they approved previously. Mr. Fowler indicated that their concern was that there was potential for the project to be located outside of the Village and as such they would not support even the research into the design. As a result, the Village Board wishes to respectfully back out from the financing they have previously approved.

Based on previous history and knowledge as Liaison to the Library Board, Councilman Blackburn did not feel that the vote by the Library Board was truly reflective of their previous feelings regarding this matter and felt that the decision to spend the Library monies should wait and that input from the community should be sought first. Discussion ensued.

The issue before the Town Board is whether the Town Board will commit an additional \$5,000 (the portion that the Village had previously committed and the Town Board agreed to pay up front until the new village fiscal year) above the \$5,000 they already agreed to pay from the Recreation Fund and approve \$10,000 from the Library Surplus Fund.

RESOLUTION NO. 60-2007 Motion by Supervisor Lemcke, seconded by Councilman Reinschmidt, to authorize a total expenditure of \$10,000 from the Recreation Fund (T003); and \$10,000 out of the Library Surplus Fund to pay for design services and study for a joint Community Health Center and Library. This supercedes RESOLUTION NO. 31-2007 which was passed at the January 16, 2007 Town Board meeting

Roll Call Vote:	Councilman Smith	Aye
	Councilman Carmestro	Aye
	Councilman Reinschmidt	Aye
	Councilman Blackburn	Nay
	Supervisor Lemcke	Aye

Motion carried: Aye 4 Nay 1

Mr. Fowler invited Town Board members and a representative from the Building Department to travel with the representatives from the Recreation Commission and Library Board to view other similar facilities in Monroe County.

CHANGE ADMINISTRATIVE ASSISTANT TITLE FOR RECREATION DEPARTMENT

The title, for the newly hired administrative assistant in the Recreation Department, is not a valid title with the Town of Parma. Mr. Fowler asked the Town Board to approve a non-competitive title of Clerk/Typist, Part-time for this position to meet the requirement from the Monroe County Civil Service Commission.

RESOLUTION NO. 61-2007 Motion by Councilman Smith, seconded by Councilman Carmestro, to create the position of Clerk Typist PT for use in the Recreation Department.

Motion carried: Aye 5 Nay 0

HIGHWAY ISSUES

Mr. Radke is now driving a Town truck and has received a fringe benefit notification for use of a Town vehicle to and from work from the Director of Finance. This totals 10.92 miles per day and \$4.42 will be added to his gross pay

There was extensive discussion regarding the elimination of the Highway Laborer line item. An opinion was sought by the Supervisor's office from the Association of Towns on the Supervisor's authority to strike from the payroll, when the supervisor certifies the payroll, the compensation for a highway department laborer. Previously, the Town Board eliminated the line item for Highway Laborer and yet an employee continues to be paid from this line.

Supt. Speer vehemently opposed the action that has been taken. There was discussion regarding the steps that were taken to eliminate the Highway Laborer line item during the budget process. Supt. Speer felt that the steps taken were not done properly and that the budget submitted was not the approved budget at the time that it was sent. He also stated his frustration that there are more and more demands being made on the highway department with fewer staff and the inability to have equipment. He indicated that the individual that was expected to be eliminated might not be the one that actually would be because of his interpretation of who has seniority. Supt. Speer discussed alternative ways he would consider for continuing to pay the employee. It was noted by Supervisor Lemcke that the changes made in the active employee list at the organizational meeting would set the parameter used to determine what individual's position was to be eliminated.

Supervisor Lemcke reviewed the last paragraph from the opinion provided by the Association of Towns and stated that he would not certify a payroll that has expenses paid from an eliminated line.

Supt. Speer felt that the opinion was not binding and not the equivalent of a judicial decision.

Councilman Blackburn felt that the Town was circumventing Town Law by having specified a particular salary amount to indicate that a particular person be eliminated. He referred to Section 117 where it states that no officer or board or department is permitted to expend money for any purpose unless there is a provision in the annual budget for such purpose, and in any event not in excess of the amount appropriated for that year. He felt that the Highway Superintendent, following the guidelines of civil service law, has the authority to determine who would be paid out of a line item. A laborer line item could have multiple people being paid out of that line and the Highway Superintendent would be the one to decide who was paid. Councilman Blackburn expressed his dissatisfaction with what has transpired and made a motion for an audit of the Town's records.

RESOLUTION NO. 62-2007 Motion by Councilman Blackburn, seconded by Councilman Reinschmidt, for the Town Board to send a letter to the State Controller requesting a complete audit of all Town record's and books for the last five years.

Roll Call Vote:	Councilman Smith	Aye
	Councilman Carmestro	Aye
	Councilman Reinschmidt	Aye
	Councilman Blackburn	Aye
	Supervisor Lemcke	Aye

Motion carried: Aye 5 Nay 0

DUNBAR ROAD EAST SEWER DISTRICT BOND RESOLUTION

RESOLUTION NO. 63-2007 Supervisor Lemcke presented the following resolution and duly moved that it be adopted and was seconded by Councilman Blackburn:

BOND RESOLUTION DATED FEBRUARY 6, 2007
AUTHORIZING GENERAL OBLIGATION BONDS OF THE
TOWN OF PARMA 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 has duly complied with the requirements of the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder ("SEQRA") with respect to the purpose hereinafter described and the financing therefor and issued a negative declaration under SEQRA, dated August 20, 2002; and

WHEREAS, the Town of Parma Dunbar Road East Sewer District is a Sewer District of the Town of Parma, New York, duly established by an order, dated December 19, 2006, by the Town Board pursuant to the Town Law; now therefor, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF PARMA, 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 Parma shall undertake the acquisition and construction of sewer improvements for the Dunbar Road East Sewer District, including, without limitation, the construction of approximately 230 linear feet of 8-inch sanitary sewer connecting to the Westervelt Subdivision sewer, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$80,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose. The previously approved board authorization for such purpose, adopted by bond resolution, dated April 6, 2004, is hereby rescinded and repealed and is supplanted by this authorization.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$80,000 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 a Lake Ontario Coastal Initiative Grant anticipated to be received, presently estimated to be \$24,000.

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 forty (40) 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.

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 power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, the consolidation with other issues, the determination to issue bonds

INFORMATIONAL ITEMS

SPECIAL POLICE REPORT

Review of this report was postponed till the next Town Board meeting.

21 DEAN ROAD

Papers have been filed and a case number has been assigned. A date has been set for March 29, 2007. There has been difficulty in serving notification to the property owner at 21 Dean.

ENGINEERING FIRM – INTERVIEW UPDATES

Town Board met with Larsen Engineers and Chatfield Engineers this evening. They will meet with LaBella Associates PC and Clark Patterson Associates PC.

OPEN SPACE COMMITTEE – OPEN POSITIONS

Tim Harner or Rick Holden will represent the Planning Board. Tim Thomas or Pat Buskey will represent the Zoning Board of Appeals. When they meet will be the determining factor. Don Harter will represent the Conservation Board.

HUMAN RESOURCES

Discussion on this matter was postponed until the next meeting due to time.

MISCELLANEOUS

Mr. Frisbee contacted the Town regarding visibility at the end of his drive due to a hedge and a problem with his mailbox. Mr. Fritz has been out to investigate the hedge issue and has responded. With regards to Mr. Frisbee's mailbox, Supt. Speer will follow up.

LIAISON REPORTS

**Councilman Smith attended the Zoning Board meeting and shared information on the Open Space Committee. Two members were interested and one or both will attend. He was out of town on business for the last Recreation Commission meeting but will be attending the upcoming engineer interview meetings. The Dog Control Officer has responded to one dog complaint.

**Councilman Carmestro reported that the fire department is anxiously awaiting the tax dollars collected. He attended the Planning Board meeting but was called away. He has met with the Assessor and informed the Town Board that there are 342 outstanding exemptions that have not been filed. Councilman Carmestro will be riding with the Assessor when he does his reassessments this year.

**Councilman Reinschmidt had nothing specific to report.

**Councilman Blackburn has met a couple of times with the Parks Department and noted that things are going well. The Zoning Code Enforcement Officer has been busy with special permit renewals.

REZONING APPLICATION – 1776 HILTON PARMA CORNERS ROAD

Mr. Keith Ryan presented, on behalf of owner Anthony Costanza, an application to request rezoning of the northerly portion 1776 Hilton Parma Corners Road from Rural Residential to General Commercial. The southerly portion of the parcel, which includes most of the existing structure, is currently zoned General Commercial.

RESOLUTION NO. 65-2007 Motion by Councilman Carmestro, seconded by Councilman Smith, to advertise for a Public Hearing to be held March 6, 2007 for rezoning of the northerly portion of 1776 Hilton Parma Corners Road from Rural Residential to General Commercial.

Motion carried: Aye 5 Nay 0

There being no further business brought before the Town Board, Councilman Reinschmidt made a motion to adjourn the meeting at 9:45 p.m., seconded by Councilman Blackburn and all were in favor.

Respectively submitted,

Donna K. Curry
Parma Town Clerk