

Parma Town Board meeting held on Tuesday, June 16, 2009 at the  
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

### **ATTENDANCE**

Supervisor	Richard Lemcke
Councilman	Carm Carmestro
Councilman	James Smith
Councilman	Gary Comardo
Councilman	James Roose
Highway Superintendent	Brian Speer
Building Inspector	Jack Barton
Recreation Director	Steve Fowler

### **OTHERS IN ATTENDANCE**

Bob Prince, P. Doyle, Rob Dickerson, Carol Kluth, Helen Ives, Veronica Robillard, Deb Patne, Gene DeMeyer, Jim Zollweg, Matt Flagg, Tina Brown, Pam Speer, Nina VanLare, Tim Thomas, Josh Zaremba, Dustin Wilson, Lawrence Gregory Stragg, Dan Feeney, Kyle Schmidt, Dalton Harris, John Chart, Larry Speer, Brian Sherman, Tom Frys, Tom Bertrand, Barbara Schwan, and other members of the public.

### **CALL TO ORDER**

Supervisor Lemcke called the meeting to order at 6:30 p.m. Those present participated in the Pledge of Allegiance to the Flag, followed by a moment of silence. Supervisor Lemcke noted emergency exit procedures. Supervisor Lemcke also noted that the Attorney for the Town would be present later in the meeting to discuss a matter in executive session with the Town Board. He will not be following the agenda to accommodate this need for discussion.

### **PUBLIC FORUM**

Supervisor Lemcke asked if there was any citizen present who would like to address the Town Board on any topic not on the agenda.

### **SKATE PARK**

There were approximately 15 young adults present to show their support for the skate park, including one parent. Lawrence Stragg spoke on their behalf. He summarized their feelings that the skate park is in need of repairs, it is a place to learn to skate as well as a place to train. They would like to know what can be done to make it better and would be willing to help maintain. The skate park is perceived as a great place to come in their community for this entertainment.

Supervisor Lemcke reported that after the last Town Board meeting, members of the Board visited the skate park to see firsthand the condition. He explained that insurance is a factor for most skate parks and noted that our rates would not change significantly if the skate park were to close because of the pond. From the insurance company's perspective the pond is a greater risk factor.

There was discussion on purchasing nine ramps from the Town of Richmond; whether resurfacing the entire skating area would be necessary; the necessity to be respectful of others using the skate area, especially younger kids and to respect the rules for your own health and safety. The guests were thanked for their input and any action taken by the Town Board will be addressed later in the meeting.

### **HILL AND COLLAMER ROAD BRIDGE WORK**

Terry Rice and Tom Frys were present from the Monroe County Department of Transportation and Brian Sherman from the New York State Department of Transportation to discuss the reimbursement process as it relates to the replacement of two bridges on Hill Road and one bridge on Collamer Road. Federal money through the Transportation Improvement Program (TIP) has been secured through the efforts of Highway Superintendent Brian Speer and the Monroe County Department of Transportation. Parma was fortunate to receive funding for all three bridges. Eighty three percent of the cost will come from TIP and fifteen is usually paid by New York State. The remaining portion will be the cost to the Town. For all three bridges, the cost will be approximately \$120,000. The condition of the bridges necessitates having to replace the bridges.

Monroe County will act as the managers for the project. The Town Board will have to approve and agreement with Monroe County for management services, award a contract to the consultant, and have an agreement with the state. Invoices submitted for reimbursement will be reviewed by the manager for accuracy, submitted, paid by the Town and then submitted for reimbursement. New York State will provide training to the Finance Department on the process for submitting claims. There was discussion on seeking a bond for funding to cover the upfront cost or the possible use of a BAN for short term funding. It was expected that the Monroe County cost to manage would be \$35,000 to \$40,000. There was further discussion and concern was expressed that New York State would not be able to fulfill the payments. Federal reimbursement is usually turned around within a couple of weeks and State money is reimbursed quarterly.

Supervisor Lemcke asked if anyone else wished to address the Town Board. There was no response.

### **BUSINESS ITEMS**

#### **LIFE QUEST COMMUNITY CHURCH - PARK USE REQUEST**

Life Quest Community Church has inquired if they can pass out bottles of water or Gatorade in the Town Hall Park as part of a service project to bless the community. The group will rent a pavilion for a picnic on Sunday, June 28, 2009 and would like to have a craft table for their youth. Pastor Dickerson explained they wanted to reach out to the community by passing out the water at the basketball, volleyball and tennis courts as well as the skate park and a card if the opportunity presented itself. The group will also canvass the area for discarded bottles before they leave the park. The group was asked not to solicit users of other park pavilions and will apply for a pavilion rental.

#### **PUBLIC, EDUCATIONAL AND GOVERNMENT CABLE ACCESS** **TIME WARNER**

Supervisor Lemcke has been part of a committee to review public access for cable television. Time Warner Cable has agreed to provide public access channels 12 and 15 at no charge to the seventeen municipalities in our established viewing area. This service has previously been provided by Educable.

**RESOLUTION NO. 153-2009** Motion by Supervisor Lemcke, seconded by Councilman Carmestro, to designate Time Warner Cable to administer public, educational and government cable access on channels 12 and 15 at no charge for the Town of Parma.

Motion carried: Aye 5 Nay 0

### **SOIL TESTING RESULTS**

Soil samples have been taken and tests completed to assess the level of arsenic on the football and multipurpose fields in the Town Hall Park. Supervisor Lemcke reviewed that soil from Crowley Development was used in the Town Hall Park and that at no time was the Town notified by the DEC, through the consent order to Crowley Development or by Crowley Development that there was a problem with the soil; nor was there an obligation to notify the Town according to Mr. Foti (DEC). Two other Towns and one village also purchased soil. Once the consent order was issued the DEC never required notification to the Town. It was conveyed to Supervisor Lemcke by Mr. Foti that this was not done because soil came from several Crowley locations and not all locations tested for arsenic. The DEC did not think it was relevant enough to test all the soil.

Supervisor Lemcke further reviewed the testing done after Mr. Chart requested this be looked into as it pertained to stockpiled soil at the Town Hall Park. Testing was done per Mr. Foti's instructions creating a chain of custody. The results came back under the level which would necessitate cleanup for unrestricted use soil cleanup. (Clerk notation - Sample Date 3/17/09 - Parma Center Top: 5.11 ppm and Parma Center Bottom: 4.80 ppm.)

Further differences in opinion prompted testing of the football and multipurpose fields on June 2, 2009 again following the chain of custody established previously with Chatfield Engineers and Paradigm handling the testing and the Town not being involved. A total of twenty samples were taken from the football field. Ten samples at 4-6 inch depths with results of 7.46 ppm and ten at 8-12 inch depths with results of 7.45 ppm. Samples taken from the multipurpose field at 6 inch depths yielded 5.09 ppm results. Supervisor Lemcke noted Mr. Foti had expressed that this was nothing there should be concern about.

Supervisor Lemcke addressed the freedom of speech sign that Mr. Chart continues to place on his property singling out Town officials and employees as liars. He stated that at no time were any of the mentioned parties informed by the DEC that there was a soil issue at the park. Nor at any time did they tell anyone that we had contaminated soil and they were trying to cover it up. Supervisor Lemcke also acknowledged that he expects as elected officials that they will be criticized but he did not feel it was fair to have Town employees exposed to the same situation. Mr. Chart is entitled to freedom of speech and feels that the results indicate there are no more issues regarding arsenic at the Park.

Mr. Chart responded that he did not understand how the Town could not have known with the landscaping and building background that exists and felt it was reasonable that this was known.

Carol Kluth asked for clarification on what a dangerous level would be. Supervisor Lemcke responded that for recreational opportunities it could be as high as 13 ppm. Mr. Crowley had parts of 20 which were not mitigated and areas of our Town would have 3 – 12 % existing naturally throughout the Town but because of old orchards and the use of arsenic to ward off disease these numbers were higher.

Mr. Chart stated that there are two scales. One is a federal scale of .005 ppm and the other is a state scale of 14 ppm. He used the federal level when he started seeking answers to this issue.

### **PROPERTY MAINTENANCE – GRASS CUTTING BIDS**

Bids were received for property maintenance grass cutting. *See end of minutes for copies of the bids.*

**RESOLUTION NO. 154-2009** Motion by Councilman Smith, seconded by Councilman Comardo, to accept the bid of T. K. Properties for property maintenance grass cutting.

Motion carried: Aye 5 Nay 0

The question was raised by Village Trustee Speer if this reflected prevailing wages. Supervisor Lemcke felt it may not be but it was under our \$10,000 threshold.

### **COURT OFFICE RENOVATION**

Mr. Barton reported the asbestos abatement has been completed and monitoring has been cleared. The contractor is ready to start Monday as long as the contract is signed this evening.

### **AMENDMENT TO CHANGE THE ESTIMATED EXPENDITURE FOR THE 2008-2009 NEW YORK STATE SNOW AND ICE CONTRACT**

**RESOLUTION NO. 155-2009** Motion by Councilman Smith, seconded by Councilman Comardo, to accept the Amendment to Change the Estimated Expenditure for Snow and Ice Agreement with New York State for the Indexed Lump Sum Contract and authorize the Town Supervisor to enter into the agreement which will increase the amount that the Town will be reimbursed in the amount of \$66,886.72.

Motion carried: Aye 5 Nay 0

### **TOWN CLERK REPORT**

Assemblyman Hawley will be holding a Town Hall meeting at the Parma Town Hall on Saturday, July 18, 2009 at 2:00 p.m.

A follow up letter was received from the NYS Department of Labor Boiler Safety Bureau regarding the boiler leak at the Town Hall.

Monroe County Transportation Department will hold a preconstruction meeting at 9:00 a.m. on June 24, 2009 at the Parma Town Hall for the Wilder Road Bridge Project. A notice was also received that the bridge will close starting at 9:00 a.m. on June 29, 2009 for approximately 12 weeks. Notices have been sent to the Hilton Central School District, Hilton Volunteer Ambulance and Fire Department, Monroe County Sheriffs Department, Hilton Postmaster, Monroe Ambulance and the Highway Superintendent.

A free rabies clinic will be held from 6:00 to 8:00 p.m. on Wednesday, July 8, 2009 at the VFW Hall on 550 Peck Road. This is being sponsored by the Town of Parma and the Monroe County Health Department.

The Town Clerk's office will close at 4:00 on Thursday, July 2<sup>nd</sup> rather than the normal 5:00 closing.

### **HIGHWAY DEPARTMENT REPORT**

Supt. Speer reported the department has been working on County road work on Bennett and Lighthouse Roads. Crews have also worked on the teardown of the old fire hall. The remaining material will be turned into crusher run and the paved areas will be milled off after the carnival

### **BUILDING DEPARTMENT REPORT**

There was no report.

## **RECREATION DEPARTMENT REPORT**

There was no report.

## **PARKS DEPARTMENT**

Mr. Petricone is looking for a determination on the skate park. A decision will be addressed after the executive sessions.

### **ENTER INTO EXECUTIVE SESSION**

**RESOLUTION NO. 156-2009** Motion by Councilman Comardo, seconded by Councilman Carmestro, to enter into executive session to discuss proposed legal action regarding a Zoning Board of Appeals decision, proposed legal action regarding a real estate matter, legal action regarding a Highway Department employee discipline issue and a Parks Department labor issue.

Motion carried: Aye 5 Nay 0

The Town Board entered into executive session at 7:30 p.m.

### **CLOSE EXECUTIVE SESSION**

**RESOLUTION NO. 157-2009** Motion by Councilman Carmestro, seconded by Councilman Comardo, to come out of executive session at 8:25 p.m.

Motion carried: Aye 5 Nay 0

## **BICENTENNIAL**

There was discussion on the finances for the Bicentennial. Concern was expressed by Councilman Carmestro that it was significantly over budget. Supervisor Lemcke will have the Finance Director provide a detail of what has been spent and revenue received before the next meeting on July 7<sup>th</sup>.

## **MINUTES – JUNE 2, 2009**

**RESOLUTION NO. 158-2009** Motion by Councilman Smith, seconded by Councilman Comardo, to accept the Minutes of the June 2, 2009 meeting as submitted.

Motion carried: Aye 5 Nay 0

## **SKATE PARK**

**RESOLUTION NO. 159-2009** Motion by Councilman Lemcke, seconded by Councilman Carmestro, to purchase nine skate ramps from the Town of Richmond for a price not to exceed \$8,500, not including transportation and the installation; and to repair as needed the surface area after placement of the new ramps. Payment will be made from the Recreation Fund.

Motion carried: Aye 5 Nay 0

## **MISCELLANEOUS**

Supervisor Lemcke indicated that with the Time Warner switch to digital cable for public access there may be a need for the purchase of a new camera within the Recreation Department.

## **INFORMATION ITEMS**

### **HISTORICAL PICTURES OF THE HILTON CENTRAL SCHOOL**

A reception will be held during the Hilton Central School District Board of Education meeting on June 30, 2009 to showcase a display of historical school district pictures in honor of the Town's Bicentennial.

### **2010 BUDGET**

Supervisor Lemcke informed the Town Board that he has requested preparation of budget packets a few weeks earlier this year. In particular, he is interested in getting a handle on our revenues.

## **MISCELLANEOUS**

### **HILTON HEAT SOCCER TOURNAMENT**

A letter was received from the Hilton Heat Soccer Club thanking the Town for use of the Park and all the efforts of the Parks Department and Special Police.

### **HEALTH INSURANCE PLANS**

There will be a meeting tomorrow with Excellus to address the retention of the Town of Parma as a customer.

### **COMMENTS FOR WIND ENERGY**

Supervisor Lemcke sought input from Town Board members on the potential for wind energy. There was discussion. Town Board members were in favor of the concept and were willing to support continued study but expressed concerns for whether the wind resources were sufficient enough to support this kind of venture. Councilman Carmestro expressed he is in favor generally but would like to see it pursued at a later time. The Village of Hilton has hired a consultant to advise them on forming municipal electric with wind power; not going through a developer. A study will be needed to identify whether this is feasible and would include a single MET tower to be placed some place in the Town to verify year-round wind potential. Supervisor Lemcke will convey these views to the Village.

## **LIAISON REPORTS**

\*\*Councilman Smith reported the Code Officer's primary focus continues to be property maintenance. He also encouraged everyone to attend the Bicentennial Parade. There was discussion and concerns expressed about the vehicle situation at the corner of Route 259 and Parma Center Road.

\*\*Councilman Comardo reported there had not been a Recreation Commission meeting since the last Town Board meeting. Special Police are ready for the Bicentennial Parade. They are looking for more input from the Fire Department for the carnival. The soccer

tournament went well. As a part of this year's event, an emergency action plan was developed that will assist all volunteers in knowing what to do (i.e. severe weather or some other emergency). This can also be used as a template for future large events. There was early planning discussion for the Parma Fest Days. Eight portable lighting trailers will be brought in to assist with parking safety.

\*\*Councilman Carmestro indicated that the Fire Department will be meeting this week regarding the parade and the Special Police will be notified shortly. The HAYLO Lacrosse tournament was held last weekend. Concerns arose during the event and consideration should be given to having an agreement with HAYLO as is done with the soccer and football clubs.

There has been a significant increase in usage of the VFW Lodge by non-profit organizations. Consideration should be given to a reduced fee of \$50 to cover the expense of opening, closing and cleaning the building.

\*\* Councilman Roose reported Zoning Board will meet this week. He attended the last two Planning Board meetings which were fairly routine meetings. There has been an issue of two unlicensed dogs roaming at Town Hall Park which the Dog Control Officer is addressing.

\*\*Supervisor Lemcke reported that Hamlin Supervisor Roach has approached him about looking at possibilities for sharing services. There is a possible retirement in the Hamlin Building Department and Dog Control present possibilities.

### **WARRANT**

**RESOLUTION NO. 160-2009** Motion by Councilman Smith and seconded by Councilman Comardo, to approve payment of the warrant as submitted.

		FUND TOTALS	
AOO	General Fund	\$	52,585.07
BOO	Part Town	\$	6,116.49
DAO	Highway, Townwide	\$	3,686.55
DBO	Highway, Part Town	\$	88,121.28
HCO	Park Lighting Capital Pr.	\$	4,161.05
S22	North Avenue Sewer 1	\$	2,000.00
TAO	Trust & Agency	\$	7,979.25
		GRAND TOTAL:	\$ 164,649.69

Motion carried: Aye 5 Nay 0

There being no further business before the Town Board, Councilman Carmestro made a motion to adjourn the meeting at 8:57 p.m., seconded by Councilman Roose and all were in favor.

Respectfully submitted,

Donna K. Curry  
Parma Town Clerk

*See next page for Property Maintenance Grass Mowing Quotes*

# T.K. Properties

44 Hill Road  
Hilton, New York 14468  
585-392-4890

## Lawn Mowing Estimate:

**TO: THE TOWN OF PARMA**  
1300 Hilton Parma Crns rd.  
Hilton NY 14468  
(585) 392-9449

We hereby submit specifications and estimates for grass cutting as follows.

Int cutting will be done with a bush hog type mower & tractor.

Normal cutting after int cutting will be done along with weed eating

Clippings will be left on the lawn.

For properties zoned as followed

AC- 350 x 300 = \$350.00  
RR- 300 x 260 = \$325.00  
MD-175 x 100 = \$ 225.00  
HD- 120 x 85 = \$ 120.00  
WF- 120 x 85 = \$ 120.00

**Acceptance of proposal:** The above prices specification and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Jun 01 09 10:43a Evergreen Landscape Entrp 585 395 9202 # 000 P.1



## TOWN OF PARMA

### Building Department

P.O. Box 728  
1300 Hilton-Parma Road  
Hilton, New York 14468

Office (585) 392-9449  
Fax (585) 392-6659  
www.parmany.org

### BID REQUIREMENTS FOR PROPERTY MAINTENANCE GRASS CUTTING

- Contractor must supply the Town of Parma with proof of Liability & Workers Compensation insurance if granted the Contract.
- The following lot sizes are what the estimates should be based on:

A. Agricultural Conservation (AC)	lot size	300' x 350'
B. Rural Residential (RD)	lot size	260' x 300'
C. Medium Density Residential (MD)	lot size	100' x 175'
D. High Density Residential (HD)	lot size	85' x 120'
C. Waterfront Residential (WF)	lot size	85' x 120'

The height of the grass on the above properties will be anywhere from 12" high to 3' high. The grass has to be cut down to within 3 inches or so and trimmed. The cut grass may be left on site.

(A) 325.00 per  
(B) 300.00 per  
(C) 225.00 per  
(D) 175.00 per  
(C) 175.00 per

Thank you for your interest Paul Neufe  
Evergreen



Fax# 392-6659

Commercial

Residential

P.O. Box 476 • North Chili, New York 14514 • 585-293-3080 • Fax 585-293-3172  
 141 East Buffalo Street • Churchville, New York 14428

PROPOSAL SUBMITTED TO: <i>Town of PARMA</i>	PHONE <i>382-9449</i>	DATE <i>6/09</i>
STREET <i>1300 Milton Farm Road</i>	JOB LOCATION <i>VARIOUS</i>	
CITY, STATE, ZIP <i>Milton, New York 14468</i>	<i>ARTHUR RIT FRETZ</i>	

WE HEREBY PROPOSE TO FURNISH MATERIALS AND LABOR NECESSARY FOR:

*Quote for estimate per bid specifications for GRASS cutting neglected on vacant properties in the town of PARMA*

- A. Agricultural Conservation (AC) - *roughly 300 x 350 - approximately - \$ 450<sup>00</sup>*
- B. Rural Residential (RD) - " *260 x 300 - " - \$ 400<sup>00</sup>*
- C. medium Density (MD) - " *100 x 175 - " - \$ 375<sup>00</sup>*
- D. High Density (HD) - " *85 x 120 - " - \$ 300<sup>00</sup>*
- E. Western Residential (WR) - " *85 x 120 - " - \$ 300<sup>00</sup>*

*\* All clippings to be left on sight, per bid specifications \**

*\*\* All prices are + Tax if applicable \*\**

SERVICE TO BE PERFORMED  WEEKLY  OTHER

WE PROPOSE hereby to furnish material and labor - complete in accordance with above specifications for the sum of:  
*As above* dollars (\$ *T* ).

Payment to be made as follows:  
*Billed upon completion of each job NET 10*

**ACCEPTANCE OF PROPOSAL:** The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Full payment is due upon completion of work unless otherwise stated above. A 2% per month service charge will be added to all past due accounts in the event of nonpayment. ALL collection costs (including any legal expenses and court fees) will be the responsibility of the buyer.

I have read the above specifications and terms and am in full agreement.

Date of Acceptance *6/16/09* Customer Signature *[Signature]* Date *6/16/09*

**NOTE:** This proposal may be withdrawn by us if not accepted within 15 days.

Authorized Signature *[Signature]*