

Parma Town Board meeting held on Tuesday, September 7, 2010 at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

ATTENDANCE

Supervisor	Peter McCann
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

Park Foreman Joe Petricone; Tom Parizek, Carol Kluth, Helen Ives, Barb Schwan, Gene DeMeyer, Mike Weldon, Charles Lissow, Ruth Blodgett Dave Blodgett, Mark Thomas, Randy Campbell, Jeff Krywy, Bruce Jones, John Keeler, Herman Unvericht, Joyce Knutonicz, Christopher Case, Joseph Reinschmidt, Walt Horylev, Larry Speer and other unidentified members of the public.

CALL TO ORDER

Supervisor McCann called the meeting to order at 6:30 p.m. and lead those present in the Pledge of Allegiance to the Flag, followed by a moment of silence and emergency exit procedures were noted.

PUBLIC FORUM

Supervisor McCann informed those present that there was no planned discussion on the rooster issue. He asked if anyone present would like to discuss a matter not on the agenda

Noise Ordinance Rooster Issue - Ruth Blodgett was present to touch base with the Town Board on the status of what is being done regarding her rooster. She reiterated her position on the subject and expressed that updates would be appreciated. Tom Parizek reiterated his question from the last meeting on what is a reasonable person of normal sensitivity.

Neighbor Lighting Complaint - Mark Thomas explained that a neighbor's lights shine into his windows at night. This summer has been especially difficult as he does not have air-conditioning and he leaves his windows open at night for the breeze. He would like to see the Town Code changed to restrict outdoor lighting on properties.

Waterfront Property – Jack Wade addressed the Town Board regarding the proposed changes to the Town Code regarding waterfront property, in particular the definitions for the front and back. A shed has just gone up on a neighbor's property in the line of site for sunsets. He felt there are different ways to address and provided Mr. Barton with a packet of information that he requested be shared with the Town Board.

Spencerport Volunteer Ambulance Establishment of a Special District – Randy Campbell, President of the Spencerport Volunteer Ambulance was present with other members of the organization. They wished to discuss the proposal for an ambulance taxing district. Town Board members did not receive a copy of the proposal which Mr. Campbell believed was sent to the Town Board. Highlights of the discussion included how this request has come about, the area of coverage provided to residents in the Town of Parma, results of a survey regarding this change, statistics on use of their services, and that it is subject to a permissive referendum. Joseph Reinschmidt spoke in favor of the District and did not want to see Parma lose this service.

MINUTES – AUGUST 17, 2010

RESOLUTION NO. 161-2010 Motion by Councilman Carmestro, seconded by Councilman Comardo, to accept the Minutes of the August 17, 2010.

Motion carried: Aye 5 Nay 0

TOWN CLERK REPORT

The Town Clerk and VFW Summary Reports for August have been submitted. School tax collection started Wednesday, September 1, 2010. Collection has been brisk.

A sample local law for the dog license changes which will be effective January 1, 2011 has been received. This law will need to be addressed late October or early November. With new tags and changes to forms ready for January 1, 2011 and reminder notices for January dog license renewals to go out in mid December. The Town Clerk asked that the Dog Control Office and Councilman Roose meet to review the changes that will be needed.

Voting machine demonstrations will be held Monday, September 27, 2010 from 10:00am to 4:00pm at the Parma Town Hall and all day Saturday, October 2 at the Apple Fest. In addition, a demonstration is scheduled at the Senior Center with the date still to be confirmed. All are welcome to see how the new machine works and try a practice ballot.

HIGHWAY DEPARTMENT REPORT

Supt. Speer reported the department is working on jobs for Monroe County and they completed the project at the Spencerport Fire Hall #2 on Ridge Road West. He acknowledged attendance at the Salt Shed Storage Building presentation last week.

Bridge Replacement Project - He expects to have a summary of payments that have been made and the reimbursements received for the Collamer and Hill Road bridge replacements at the next meeting.

Stormwater Coalition Annual Fee - A voucher for \$5,000 will be submitted for payment of the Stormwater Coalition annual fee. He noted this is a great resource to the Town and has provided the Town Board with a copy of projects, programs and services offered by the coalition.

Speed Limit Study for the east end of Burritt Road – A copy of the study was received from Monroe County. Eighty-five percent of the motorists are traveling at 53 mph rather than the posted 35 mph. The County Transportation Department will be asking the Sheriff's Office to patrol more often.

NIMS – Additional training is needed. It is important that this requirement be met so that federal funding would not be jeopardized in an emergency. A Resource Management person and a Public Information Officer will need to be selected. More information will be made available at the next meeting.

BUILDING DEPARTMENT REPORT

The Building Department report for August has been submitted.

RECREATION DEPARTMENT REPORT

Mr. Fowler reported that the Recreation Department office renovation is progressing along with an anticipated completion date by the end of September. The project will expand the office by relocating a storage closet, adding a new storage shelf unit and repainting the entire office.

The Town Hall Field Lighting Project is underway and is expected to be completed by the end of September. A reimbursement packet will be sent to the state in October.

PARKS DEPARTMENT

Mr. Petricone reported the internal lanyards for the flagpoles at the front of the Town Hall will need to be replaced and a rodent issue at the Town Hall building is being addressed.

Town Hall Security System – Mr. Petricone described some proposed changes to the Town Hall security system and provided a quote from S&G Security Systems. Councilman Carmestro asked for a detailed cost breakout for the proposal. Mr. Petricone will contact the company.

BUSINESS ITEMS

SPECIAL EVENT PERMIT – CHRISTMAS TREES

Christopher Case is requesting a Special Event Permit to sell Christmas trees for a longer period than our code allows. Supervisor McCann noted there should be no parking along the road; there should be sufficient area for customers to turn around and exit the property so they are not backing out onto the highway; and any signs must meet the current code requirements. Mr. Case noted that there is sufficient parking and there are two driveways – one to enter and one to exit.

RESOLUTION NO. 162-2010 Motion by Councilman Carmestro, seconded by Councilman Smith, to grant a Temporary Special Event Permit to Christopher Case, 959 Hilton Parma Corners Road to allow the sale of Christmas trees starting November 25, 2010 through December 25, 2010.

Motion carried: Aye 5 Nay 0

HIGHWAY PAY RATE APPROVAL - MEO TO HMEO

RESOLUTION NO. 163-2010 Motion by Councilman Carmestro, seconded by Councilman Comardo, to approve the second half-step increase for Dan Eichas and Greg Speer from MEO to HMEO going forward and retro in the amount of \$2,062.40 for each to compensate for extra hours and rate that they are owed.

Motion carried: Aye 5 Nay 0

JOINT FACILITY - SALT SHED AND DISTRIBUTION CENTER

RESOLUTION NO. 164-2010 Motion by Councilman Carmestro and seconded by Councilman Comardo, to hire LaBella Associates to prepare a comprehensive plan for a joint salt shed and storage facility that will be shared with the Village of Hilton, Hilton Central School District, Parma Fire District and the Town of Parma for a cost not to exceed \$32,800; and
Be it further resolved that the Town's share of this expense will be \$15,000 as per the resolution adopted by the Town Board on May 4, 2010; the Town will pay the full cost up front; and the Town will be reimbursed the difference by the other involved entities.

Motion carried: Aye 5 Nay 0

VILLAGE OF HILTON FOOD SHELF DONATION

Councilman Carmestro explained that in attempting to find a location for the Food Shelf when they are displaced later this year, the Village of Hilton will be offering them 1,000 sq. ft. on the second floor of the Community Center for approximately one year until there is more

information on a grant for the shared use building. The Village is asking the Town for a \$1,000 donation to help defray the cost of lighting, heating, snowplowing, etc. Representatives from the Food Shelf were present at tonight's Village Board meeting and felt the location will work well because of access to the ramp and elevator.

Supervisor McCann felt this was a magnanimous idea. However, our Attorney has strongly suggested that we not do this as it is in violation of the New York State Constitution. Per the attorney, no money can be given to private organizations. It prohibits municipalities from making gifts or loans of municipal property or money to or in aid of private individuals, corporations, associations and undertakings. There is no exception for transactions between municipalities and a non-profit organization even when the activities are serving a laudable purpose. An option may be available through Section 99-h of General Municipal Law which allows a town to enter into agreement with a non-profit agency if funding is available to that organization from the federal government.

Supervisor McCann noted that the attorney was not available to discuss this before the meeting. There was discussion on whether it would be appropriate if the money is going to the Village of Hilton; information was shared on how the Town of Greece handled a similar type of project; and why two different opinions were being provided to our municipalities, when both municipalities are being represented by the same legal firm. Supervisor McCann will contact Peter Rodgers seeking clarification. This was tabled to the next meeting

ANNUAL REVIEW OF INTERMUNICIPAL AGREEMENT WITH TOWN OF HAMLIN FOR ASSESSOR SERVICES

The Town Board received a copy of the Intermunicipal Agreement with the Town of Hamlin for Assessor Services for review. Supervisor McCann noted that the agreement is to be reviewed yearly and remains in effect for five years unless both parties agree to any changes. The Town of Hamlin will also be reviewing the agreement and must notify us of any requested changes by October 1st. Supervisor McCann is not anticipating any changes from Hamlin and noted no action is needed on our part unless we have changes. No changes were noted.

PARMA TOWN CODE REVISIONS

Councilman's Smith's concerns with wording from last time have been clarified to his satisfaction. Mr. Barton noted that two clarification changes have been made. The first to Section 165-29 Issuance of certificates and permits; subsection B-5. It reads "An original and seven copies of all applications for special permitted use permits shall be made in submitted to the Building Department on forms provided by the Building Department." He asked that "made in" be removed to make the wording clearer. The second in Section 165-80 General provisions applicable to all districts; subsection E-4 reads "Residential handicapped accessible ramps in the front, side or rear yard." He asked that "handicapped" be removed to make the wording clearer. It was noted that these changes do not change the intent.

LOCAL LAW NO. 1-2010 - TOWN BOARD RESOLUTION TO ADOPT AMENDMENTS TO THE PARMA TOWN CODE

RESOLUTION NO. 165-2010 Motion by Councilman Smith and seconded by
Councilman Roose,

1. The Parma Town Board has received a final draft of proposed amendments to the Parma Town Code and is considering action herewith to adopt said amendments.
2. Appropriate public notice of the proposed amendments to the Parma Town Code has been made, as well as referral to the Monroe County Planning Department for review and comment; and
3. The Parma Town Board has considered comments made by the public and interested agencies at the Public Hearing held on July 20, 2010; and

4. The Parma Town Board, as the only involved agency, has completed the Environmental Review of the adoption of said Code revisions and issued a "Negative Declaration" of significance, pursuant to the State Environmental Quality Review (SEQR) regulations; and

NOW THEREFORE BE IT RESOLVED THAT:

1. The Parma Town Board hereby adopts the above described amendments to the Parma Town Code.
2. The Clerk is directed to notify the Monroe County Planning Department of this action and to file the appropriate notices as required by NYS law.
3. This resolution shall take effect immediately.

ROLL CALL VOTE:

Motion Carried: Councilman Carmestro Aye
 Councilman Smith Aye
 Councilman Comardo Aye
 Councilman Roose Aye
 Supervisor McCann Aye

PRIMARY AND ELECTION DAY - USE OF TOWN VEHICLE

RESOLUTION NO. 166-2010 Motion by Councilman Comardo and seconded by Councilman Roose, to authorize use of the Town's Recreation van and a Town employee to drive this vehicle on Primary Day, September 14, 2010 and Election Day, November 2, 2010, to collect and deliver ballots and associated materials to the Board of Election after the polls have closed. The Monroe County Board of Election will reimburse the driver of that vehicle by voucher for a minimum of four hours.

Motion carried: Aye 5 Nay 0

PRIMARY AND ELECTION DAY – ELECTION INSPECTOR CHAIRPERSON PAY

RESOLUTION NO. 167-2010 Motion by Councilman Comardo and seconded by Councilman Roose, to revise the pay for Election Inspectors who act as Chairperson based on the formula established by the Board of Election to be paid for Primary Day, September 14, 2010 and Election Day, November 2, 2010 with the Town being reimbursed for this expense.

Motion carried: Aye 5 Nay 0

BUDGET TRANSFERS

ACCT #	DESCRIPTION	AMT.	ACCT #	DESCRIPTION	AMT.	REQUESTED
BOO582802043000	EDUCATIONAL	100.00	BOO582802046000	CONTRACTED SERVICES	100.00	GAVIGAN
AOO570731049332	SOFTBALL CAMP	75.00	AOO570731049232	BASEBALL CAMP	75.00	FOWLER
AOO570731049902	KARATE	50.00	AOO570731049842	OTHER	50.00	FOWLER
AOO570731049342	INTRO SPORTS	75.00	AOO570714049201	PLAYGROUND BEAR	75.00	FOWLER
AOO570761049704	SR FITNESS	700.00	AOO570762049105	APPLE DERBY	700.00	FOWLER
AOO570762049005	AEROBIC FEES	250.00	AOO570731049502	SIGN AND PLAY	250.00	FOWLER
AOO570731049342	INTRO SPORTS	600.00	AOO570731049532	GYMNASTICS	600.00	FOWLER
	B SURPLUS	28,462.64	DBO50513021000	EQUIPMENT	28,462.64	SPEER
	RESOLUTION 105-2010					

RESOLUTION NO. 168-2010 Motion by Councilman Smith and seconded by Councilman Carmestro, to approve the budget transfers as submitted.

Motion carried: Aye 5 Nay 0

CORRESPONDENCE

Supervisor McCann indicated several invitations have been received and the Town Board is welcome to review and respond if they wish.

LIAISON REPORTS

**Councilman Smith reported he met with the Code Enforcement Officer. One issue to note was that when lawn maintenance was being done at an abandoned property a different maintenance issue was discovered. The property has been tagged for no occupancy. The Town is awaiting direction from the Monroe County Board of Health on how to proceed. There is some question on whether the Town is required to clean it up or if the County will.

**Councilman Carmestro reported correspondence has been received from the Hilton Heat Soccer Club for field use for their 2011 tournament June 4th, 5th, and 6th at Town Hall Park. He felt this should be tabled until there is more clarification on the fields. It was hoped that this issue will be resolved by that time and Supervisor McCann expected that there would be more information for the Town Board regarding the pending litigation at the next meeting.

**Councilman Comardo reported neither the Recreation nor the Special Police met in August.

**Councilman Roose reported that during the Planning Board meeting concerns were expressed by neighbors of Collichio Music about what is happening at the corner of Ridge and Dean Roads. They have cleared the entire corner and neighbors were concerned about what was going on. The Planning Board has asked the owner to come back with a plan and drawings for a berm with trees that will act as a buffer.

MISCELLANEOUS

Request for Services of the Special Police – The Apple Fest Committee has contacted the Special Police for their services during this year's Apple Fest. They replied that they are unable to provide this service because they are not allowed in the Village of Hilton. The Supervisor indicated this statement is not entirely true and that the request from the Village was not intended to keep them from directing traffic and providing limited crowd control. The Village did not want the Special Police arresting individuals, issuing tickets and carrying tasers, mace or other weapons. Supervisor McCann indicated that this would be clarified with the Special Police and if they will honor the Village's request, this service can be provided for the Apple Fest. Village Trustee Speer clarified that they can be in the Village but under specific terms, that the request is coming from the Apple Fest Committee and this is a community event. It was hoped that some kind of common ground could be reached. There was discussion on this year's carnival, including how the Greece Special Police handled situations that arose during the event and that they handled those actions exactly the way they had been asked to. Supervisor McCann will contact them and see if they are interested in doing so with guidelines.

Village Trustee Speer shared that the Village Board approved the Intermunicipal Agreement for Building and Fire Inspection Services at their meeting tonight.

Building Inspector and Fire Marshal Pay –Mr. Barton noted the Town Board has not established the pay when Town employees are covering for the Village of Hilton, per the new intermunicipal agreement. There was discussion on employees no additional pay during the normal workday and after hours receiving additional compensation. This will be addressed at the next meeting.

Building Code Enforcement Administrative Adjustments – Mr. Barton requested a fee of \$150.00 be approved related to the newly approved Parma Town Code change which would allow the Building Inspector to issue administrative adjustments of up to one foot as they pertain to errors regarding setback requirements. Mr. Barton was asked to provide information on what other area Towns are charging. Previously, a builder would have to apply for a variance through the Zoning Board.

West Creek Woods – Mr. Barton Mr. Prince, Supt. Speer and Town Attorney Dan Bryson met to discuss completion of the this road and deed ownership of the right of way. It was the consensus of the Town Board to find out how to go about getting it dedicated and report back.

There being no further business brought before the Town Board, Councilman Carmestro made a motion to adjourn the meeting at 8:24 p.m., seconded by Councilman Smith and all were in favor.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk