

Parma Town Board meeting held on Tuesday, December 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	
Building Inspector	Jack Barton	
Recreation Director	Steve Fowler	
Absent	Highway Superintendent	Brian Speer

### **OTHERS IN ATTENDANCE**

Joseph Petricone, Park Foreman; Bob Prince, Building Inspector; Art Fritz, Dog Control Officer and Code Enforcement; Jim Zollweg, GIS Coordinator; Gene DeMeyer; Helen Ives; Mike Weldon; Mary Eichas-Gavigan; Kenneth Gavigan; Charlie Lissow; Mike Leonardi; Dylan Niver; Joseph Vasill; Dalton Harris; Nicolas Miller; Nicole Piccarreto; Mario Zona; Ray Larimore; Gary Putnam; Kathy Penny; Susan Putnam; Nick Andolina; 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. Supervisor McCann noted emergency exit procedures.

### **PUBLIC HEARING** **DOG CONTROL ORDINANCE**

Supervisor McCann read the legal notice; noted it had been posted as required by law; and opened the public hearing at 6:35 p.m.

Tim Jennings stated that he was in opposition of a portion of the Dog Control Ordinance as written. He indicated that he was particularly interested in and strongly opposes the provision to allow a maximum of fifty adult purebred dogs per property. It was his understanding that three dogs are allowed on a parcel and that if you have a kennel you must have five acres. He felt that this number of dogs on a property could have dramatic and devastating effects on members of the community. He stated that he lives near a purebred kennel and felt it would affect his and his neighbor's property values. He would like to see this decision tabled or the number of purebred dogs stricken completely.

Gary Putman stated that he also just found out and is very concerned as he also lives near a small but annoying kennel. He said it sounds like anyone in the neighborhood can have fifty dogs and he would be very opposed to this. What they have now is too many already.

Tim Jennings asked about the difference between purebreds and non purebred dogs and if it means that that anyone can put fifty dogs on a quarter acre lot. Purebreds have papers. The numbers do not apply to mutts.

Supervisor McCann asked if anyone else would like to speak on this matter. He noted that notice was duly published and posted on the Town Hall bulletin. Mr. Jennings indicated that he could not find the information on the website and felt that most people do not know that this hearing was to take place. Supervisor McCann noted that the information was available and

would have been given to him had he contacted the Town Clerk. Supervisor McCann acknowledged his concern.

He then closed the public input portion of the meeting and asked Dog Control Officer Art Fritz if the number is already in the Ag & Markets Law. Mr. Fritz indicated that currently Ag & Markets allows for more dogs under a purebred license and referred to the structure of licensing that allows for ranges in the number of dogs at a certain fee. Mr. Jennings asked about the rule that allows three dogs per property. Mr. Fritz noted that the Town's zoning ordinance allows for three adult dogs and refers to Ag and Markets Law for purebreds. Mr. Jennings acknowledged more dogs can be on the license. Supervisor McCann noted they can also be harbored on the same premises. Mr. Jennings asked about the three dog rule and Supervisor McCann noted that applied to mixed breed dogs not purebred dogs. There was continued debate.

Mr. Fritz indicated that there were two parts to this issue. One part being, that multiple purebreds can be licensed. This is currently allowed under Agriculture and Markets law. The second part is that our zoning ordinance allows for purebred licensed dogs. Mr. Jennings felt that the local ordinance allows for three purebred and that there is a five acre limitation. Mr. Fritz noted that there are provisions for boarding dogs and that there is more to it than just harboring dogs or having a kennel and the different requirements for each. Mr. Jennings wanted to know what section of the law supported this. Town Code Chapter 10 Section 165-82 BB was noted as where the number of dogs is not restricted. Section 165-57 was referenced regarding animal boarding.

There was discussion on if the restriction on the number of dogs allowed would be super ceded by state law. Mr. Barton felt that was the case in this instance. Mr. Jennings took exception to this and asked again that this provision be tabled.

There was discussion on passing these changes without this section and it was noted that under current Ag & Markets Law the number would be higher than the restriction this ordinance has proposed. Mr. Jennings felt that the State provision for licensing does not have authority over the Town's regulation of dogs. The Town Board has the authority to regulate the number of dogs. He also noted that the State's objective is to see that dogs are licensed; that they do not have rabies and that they do not attack people or other animals; and if an owner's animal were attacked the owner would be compensated.

There was further discussion on who trumps who and should the ordinance state the number of acres allowed for dogs or some form of reasonable constrains. Mr. Fritz noted that the number is flexible and felt it should be addressed here. Then in a separate action address the procedure for having dogs, acreage and allowances for where. Councilman Carmestro noted the latter could be addressed at any time and did not have to be tonight in order to move forward. There was discussion on what number was a fair place to start and referred to existing kennels and their acreage. Mr. Jennings stated that there was no purpose for having subsection (c) and reiterated that he felt it should be stricken. He felt it should be controlled by what is on the books right now. Mr. Fritz indicated a number is needed to address enforcement issues. There was debate and discussion on the interpretation of the number of dogs; breeding to sell dogs; the noise ordinance for barking issues and filing a written formal complaint; if a kennel is legal; and addressing concerns as an ongoing commercial business. The question was raised if someone was raising and breeding would they have to register. They do have to register with the State but they are not regulated and inspected locally by the municipality.

The Town Clerk indicated her understanding that the current zoning code refers to Ag & Markets Section 109 which in turn refers to Section 110 for the numbers being discussed. Section 110 indicates a range of twenty five and over for the number of dogs. There is no top limit. The zoning code allows because it refers to these sections of Ag & Markets. She expressed that if you do not put an upper limit on it you are leaving it open to any number of purebred dogs. She felt that based on the discussion, it does not seem that we would want an unlimited number. The question is what a reasonable number would be. There was discussion on setting a cap and then address the zoning code separately. There was continued discussion on whether to amend the number of dogs allowed; pass the ordinance as stated and then hold a public hearing specifically on the issue of the number of dogs on a purebred license. It was

noted that wording in the draft was gathered from Ag & Markets and Association of Towns samples and input from other towns. The Attorney has reviewed. There was discussion on what other area Towns were doing and this lending itself to a rural community and the number being subject to change.

It was suggested that the Dog Control Ordinance be adopted and then pass another resolution to address the concerns that have been expressed about the number of dogs. This way the concerns can be addressed and we can still move forward with what needs to be done before the end of the year. It was felt a specific number of dogs should be indicated so that people would know the specific number. It was noted that kennels are different than purebred licenses. Councilman Carmestro asked if Mr. Fritz was ok with lowering the number. Mr. Fritz had no objection

An unidentified lady in attendance stated that responsible breeders do not get rid of their dogs often they keep them as part of their family; nor do they want puppy mills.

There was further discussion on the rural agricultural nature of the community, the sounds of farm animals being different than dogs barking. Mr. Jennings responded that he comes from a dairy farming family. He did not feel farming and raising dogs were the same. He felt the prospect of hearing fifty barking dogs would ruin the neighborhood.

#### **ADOPTION OF LOCAL LAW 4-2010** **DOG CONTROL ORDINANCE**

**RESOLUTION NO. 218-2010** Motion by Councilman Carmestro, seconded by Councilman Smith, a public hearing was held on December 7, 2010 at the Parma Town Hall which was duly published and posted; to adopt the Dog Control Ordinance of the Town of Parma by Local Law No.4 -2010. This resolution shall be effective January 1, 2011 after filing with the Secretary of State for the State of New York.

Supervisor McCann	Aye
Councilman Carmestro	Aye
Councilman Smith	Aye
Councilman Comardo	Aye
Councilman Roose	Aye

Motion carried: Aye 5 Nay 0

#### **SET PUBLIC HEARING DATE – CHANGE TO DOG CONTROL** **ORDINANCE**

Based on discussion during the public hearing to update the Dog Control Ordinance, it was decided that consideration should be given to changing the number of dogs allowed for purebred licenses from fifty to twenty five.

**RESOLUTION NO. 219-2010** Motion by Councilman Carmestro, seconded by Councilman Smith, to hold a public hearing on December 21, 2010 at 6:30 p.m. at the Parma Town Hall to hear all interested parties regarding a change to Chapter 9 Dog Control Ordinance; Section F. Purebred Licenses; to read “c. The maximum of 25 adult purebred dogs will be allowed per property”. Currently, 50 dogs are allowed.

Motion carried: Aye 5 Nay 0

#### **MINUTES – NOVEMBER 16, 2010**

**RESOLUTION NO. 220-2010** Motion by Councilman Comardo, seconded by Councilman Carmestro, to accept the Minutes of the November 16, 2010 meeting.

Motion carried: Aye 5 Nay 0

Supervisor McCann noted that since the last meeting the Tod Edenhofer from the Special Police spoke with the Supervisor regarding their meetings. Any and all Board members are welcome to attend and it was noted that they do conduct meetings normally on Tuesdays but it is not a regularly scheduled meeting. It was noted that without notice of when a meeting would be held it would be hard to know when they were meeting.

### **TOWN CLERK REPORT**

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

### **STANDARD WORKDAY AND RETIREMENT REPORTING RESOLUTION**

**RESOLUTION NO. 221-2010** Motion by Councilman Comardo, seconded by Councilman Roose,

BE IT RESOLVED, that the Town of Parma hereby establishes the following as standard work days and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these appointed officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)- maximum days reported is 20)
<b>Appointed Officials</b>					
Zoning Board Member	Dean Snyder	7	06/04/2010 – 12/31/2013	N	1.5
Planning Board Member	Steven Aprilano	7	01/01/2010 – 12/31/2014	N	0.23

(both officials started in the retirement system 6/4/2010)

\*\* The maximum number of days to be reported to the NYS Retirement System is 20.

Motion carried: Aye 5 Nay 0

### **PUBLIC FORUM**

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

Mary Eichas Gavigan explained that she is a member of the Friends of the Parma Public Library. An invitation was offered to the Supervisor to become a member. Mrs. Gavigan expressed her opinion that funds were being taken away from the Library and being given to the Highway Department. She wanted to know if it would be returned. Supervisor McCann explained this money was not taken from the library and given to the Highway Department. He noted there was a budget to be balanced; it needed to be determined where the money would come from and the Library was flush with funds to cover their budget.

There were no other individuals who wished to speak.

### **HIGHWAY DEPARTMENT REPORT**

Supt. Speer was unable to attend tonight's meeting but asked the Supervisor to convey that the Shared Services team continues to work on the shared building and salt storage shed. There is an estimate from LaBella Associates for \$11,000 for the Phase 2 Environmental Study. Additional estimates were sought from Day Environmental and Passero & Associates. The Day Environmental estimate was \$6,600. The significant difference in the estimates is being

looked at. The Phase 2 Environmental Study is to determine the extent of pollutants and cleanup that would be necessary at the old bus garage location. At this point the Town could be obligated for \$5,500. The Town is obligated for 50%, the Village is 17% and the School District is 33%. The actual cleanup cost is unknown at this time. Councilman Carmestro shared that the Village passed a resolution for this at their meeting tonight.

A resident travelling in inclement weather coming back from a wedding in New Jersey on Sunday has commented on Parma having the best cleaned roads in New York State.

### **RECREATION DEPARTMENT REPORT**

Mr. Fowler reported that the County of Monroe Department of Planning and Development will be hosting a Community Development Block Grant meeting on January 12, 2011 for all 2011 grant applications. Project applications will be due in early February.

The Winter 2011 program brochure is available for online viewing and will be out to the public by the end of the week.

The community shuffleboard complex is on hold until early spring when site work will be completed. The facility can then be utilized by the public. A plaque designating the principal parties involved with this project was available to view and will be placed at the shuffleboard court.

Updated web pages for the Recreation Department are expected to be up and running this week. The new site is much more interactive, discusses the history of the department, staff and Commission. It also includes a photo gallery of some Hilton-Parma Recreation programs.

### **BUILDING DEPARTMENT REPORT**

Mr. Barton noted that the Building Department report for November has been submitted and questions can be directed to any member of the department.

4 West Creek Drive – The area around the basement has been secured with a fence.

### **PARKS DEPARTMENT**

Joe Petricone reported that the flag pole base has been installed at the Historical Building. They will be meeting with the boy scouts regarding the lean-to to review the site and then will turn over the proposed plans to the Building Department.

### **BUSINESS ITEMS**

#### **REQUEST FOR 2010 TRAINING CREDIT - ROBILLARD**

Veronica Robillard, Chairperson for the Zoning Board of Appeals, requested approval to carryover credit from training taken in November of 2009 through the Genesee/Finger Lakes Regional Planning Council. A certificate indicating completion of eight hours was provided. Four credit hours are required each year. It was noted that she has served on the Zoning Board for many years and very knowledgeable in what she does.

**RESOLUTION NO. 222-2010** Motion by Councilman Carmestro, seconded by Councilman Comardo, to approve the carryover of four training hours for 2010 for Veronica Robillard, the Zoning Board of Appeals Chairperson.

Motion carried: Aye 5 Nay 0

### **ALL SEASONS SUBDIVISION, SECTION 4B - LETTER OF CREDIT**

Correspondence was received from Chatfield Engineers, PC indicating the request for a letter of credit for All Seasons Subdivision Section 4B had been reviewed and the estimate of \$424,802.40 was acceptable

**RESOLUTION NO. 223-2010** Motion by Councilman Carmestro, seconded by Councilman Smith, to approve the Letter of Credit in the amount of \$424,802.40 for Section 4B of the All Seasons Subdivision.

Motion carried: Aye 5 Nay 0

**BOY SCOUT KLONDIKE DERBY**

In response to the request of Cub Scout Pack 125 to host the Lighthouse District Klondike Derby at Parma Town Hall Park January 28<sup>th</sup> through January 30, 2011.

**RESOLUTION NO. 224-2010** Motion by Councilman Carmestro, seconded by Councilman Comardo, to approve use of facilities in the Town Hall Park for the Annual Klondike Derby January 28, 2011 through January 30,

Motion carried: Aye 5 Nay 0

**ADOPTION OF DOG LICENSING FEES**

Supervisor McCann noted the proposed change in dog licensing fees is being prompted by New York State to have the local municipality be responsible for dog licensing.

The Town Clerk reviewed the proposed changes and the reason for their recommendation. It was noted that \$1.00 of the \$1.50 proposed increase for regular licenses is required to be sent to New York State for the Animal Population Control Fund and the remaining \$.50 increase is to go towards the increased cost to the Town for new tags and sending renewal notices which has previously been done by the State. Previously there was no local fee for purebred licenses. A \$10.00 increase in the base fee and the addition of the \$1.00 animal population control charge is being proposed for purebred licenses. Provisions were also made for a reduced fee for senior citizens and service dogs, replacement tags and for bail in trial procedures.

**RESOLUTION 225-2010** A motion was made by Councilman Roose and seconded by Councilman Comardo to adopt the following dog licensing fees for the Town of Parma; effective January 1, 2011.

Dog Licensing Fees	Number of Dogs	Base Fee	State Population Control Fee	Dog License Fees
<b>Resident Dogs</b>				
Unaltered	1	14.00	3.00	\$17.00
Altered	1	8.00	1.00	\$ 9.00
<b>Transferred Dogs</b>				
Unaltered	1	14.00	3.00	\$17.00
Altered	1	8.00	1.00	\$ 9.00
<b>Senior Discount</b>				
Unaltered	1	8.50	3.00	\$11.50
Altered	1	2.50	1.00	\$ 3.50
<b>Purebred License</b>				
Unaltered	1-10 Dogs	\$35.00	3.00 per dog	Will vary by the number of dogs
Altered	1-10 Dogs	\$35.00	1.00 per dog	Will vary by the number of dogs
Unaltered	11-25 Dogs	\$60.00	3.00 per dog	Will vary by the number of dogs
Altered	11-25 Dogs	\$60.00	1.00 per dog	Will vary by the number of dogs
Unaltered	26-50 Dogs	\$110.00	3.00 per dog	Will vary by the number of dogs
Altered	26-50 Dogs	\$110.00	1.00 per dog	Will vary by the number of dogs

Replacement Tag	1	\$3.00		\$ 3.00
Service Dogs				
Unaltered	1	\$0.00	3.00 per dog	\$ 3.00
Altered	1	\$0.00	1.00 per dog	\$ 1.00
Trial Procedure Bail	Bail will be set at the discretion of the Town Justice			

Motion carried. Aye 5 Nay 0

**BUDGET TRANSFERS**

TRANSFERS TO BUDGET

Dec-10

ACCT #	FROM DESCRIPTION	AMT.	ACCT #	TO DESCRIPTION	AMT.	REQUESTED
AOO530398948000	MISC EXPENSE	2500.00	AOO590906081000	MEDICAL INSURANCE	13500.00	GAVIGAN
AOO516199040000	MISC CONTINGENCY	4,500.00				
AOO516142047200	LEGAL/LABOR	3500.00				
AOO516142047300	LEGAL/BUILDING	3,000.00				
AOO512122041000	OFFICE SUPPLIES	200.00	AOO512122043000	EDUCATIONAL & PROF	200.00	GAVIGAN
AOO516143046300	EMPLOYEE HANDBOOK	500.00	AOO516162046000	CONTRACTED SERVICES	500.00	GAVIGAN
AOO516167046000	CONTRACTED SERVICE	400.00	AOO516167042200	EQUIPMENT REPAIR/RENTAL	400.00	GAVIGAN
AOO516142047200	LEGAL LABOR	4,800.00	AOO590901081000	NYS RETIREMENT	4,800.00	GAVIGAN
	A UNAPPROPRIATED FUND		AOO513132047100	AUDITOR	11,000.00	GAVIGAN
LOO574741044100	GAS & ELECTRIC	4,000.00	LOO574741041000	OFFICE SUPPLIES	3,000.00	CRUMB
			LOO574741041500	JANITORIAL SUPPLIES	540.00	CRUMB
			LOO574741044200	TELEPHONE	160.00	CRUMB
			LOO574741049200	VISITING ARTIST	300.00	CRUMB
AOO514141048000	MISC EXPENSE	50.00	AOO514141045000	PERSONAL CAR USE	50.00	CURRY
AOO514141021000	OFFICE EQUIPMENT	1,750.00	AOO514146046000	CONTRACTED SERVICES	7,490.00	CURRY
AOO514141023000	EDUCATIONAL	350.00				
AOO514141023100	BOOKS/SUBSCRIPTION	90.00				
AOO514141048000	MISC EXPENSE	800.00				
AOO514133012000	OFFICE CLERK	3,500.00				
AOO514133012000	CONTRACTED SERVICE	1,000.00				
BOO537362048000	MISC EXPENSE	2,800.00	BOO537362045100	GASOLINE	600.00	BARTON
			BOO537362045200	VEHICLE MAINTENANCE	400.00	BARTON
			BOO537362049100	PROPERTY MAINTENANCE	500.00	BARTON
			BOO537362047300	LEGAL FEES	1,300.00	BARTON
AOO570761011004	VAN DRIVER	2,100.00	AOO570714049101	PLAYGROUND YOUTH	2,100.00	FOWLER
AOO571711017000	PARK ATTENDENT	600.00	AOO571711015000	SEASONAL LABORER	600.00	DOOL
AOO571711019000	OVERTIME	750.00	AOO571711049000	SEASONAL LABORER	750.00	DOOL
AOO571711049000	PARK IMPROVEMENTS	3,500.00	AOO571711042200	EQUIPMENT REPAIRS	3,500.00	DOOL
AOO571711049000	PARK IMPROVEMENTS	3,000.00	AOO571711045100	FUEL	3,000.00	DOOL
AOO571711049000	PARK IMPROVEMENTS	1,000.00	AOO571711046000	CONTRACTED SERVICES	1,000.00	DOOL

**RESOLUTION NO. 226-2010** Motion by Councilman Smith, seconded by Councilman Carmestro, to approve the Budget Transfers as submitted.

Motion carried: Aye 5 Nay 0

**INFORMATIONAL ITEMS**

**MISCELLANEOUS ITEMS**

Intermunicipal Agreement Town of Ogden Building Inspection Services – Supervisor McCann reported he has a revised agreement which addresses the termination concerns noted at the previous meeting. The paragraph referring to terminating the agreement was removed and replaced with “That this agreement shall be effective on the date that it is executed by each municipality and may be cancelled by either party upon 60-days notice, one party to the other.” It was noted that this was passed previously subject to that one concern.

**LIAISON REPORTS**

\*\*Councilman Smith reported that the first round of meetings with the legal teams regarding the soil contamination at the Town Hall Park is scheduled for later this month. He indicated this could be a very long, drawn out process and if it were to go to trial, a trial date could be out to mid 2012 at the earliest.

\*\*Councilman Carmestro reported the election for the Hilton Parma Fire District Commissioner position will be at the Fire Hall on December 14, 2011. He is in the process of

setting up a couple of meetings to discuss the proposal by from Spencerport Volunteer Ambulance for creation of a taxing district.

It was noted that there have been problems with the Parks Department truck used for plowing. The truck is 8 years old, needs four new tires, has issues with the underbody and it will need break line replacement if same use is continued . There was discussion on what they might be able to get in a trade, that it has low mileage, if it would worth it to sink more money into repairs or purchase a new plow truck. Councilman Carmestro would like to explore getting a new truck to see what night be reasonable. Mr. Petricone will look into this and report back.

\*\*Councilman Comardo reported he as unable to attend both the Recreation Commission and the Special Police meetings due to conflicts.

\*\*Councilman Roose reported that the Zoning Board approved a special permit to Parma Christian Fellowship for a new church/ preschool building. The request now moves to the Planning Board for design approvals. He also noted that there was a very lengthy discussion on the request by Mico Transmission for setback variances and the building design for a large addition at the corner of Parma Center Road and Route 259. This has been tabled to their December 16, 2010 meeting.

### **ENTER INTO EXECUTIVE SESSION**

Supervisor McCann asked if anyone else had anything else to discuss. There was no response. He explained that the Town Board would be entering into executive session and that there would be no further business after the Board came out of executive session.

**RESOLUTION NO. 227-2010** Motion by Supervisor McCann, seconded by Councilman Carmestro, to enter into Executive Session to discuss performance of a particular group of employees.

Motion carried: Aye 5 Nay 0

The Board entered into executive session at 7:56 p.m. after a short break so that people could leave.

### **CLOSE EXECUTIVE SESSION**

**RESOLUTION NO. 228-2010** Motion by Councilman Carmestro, seconded by Councilman Smith, to close the Executive Session at 8:25 p.m. and return to regular session.

Motion carried: Aye 5 Nay 0

There being no further business brought before the Town Board, Councilman Carmestro made a motion to adjourn the meeting at 8:26 p.m., seconded by Councilman Comardo and all were in favor.

Respectfully submitted,

Donna K. Curry  
Parma Town Clerk