

Parma Town Board meeting held on Tuesday, April 5, 2011 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
Highway Supt.	Brian Speer
Recreation Director	Steve Fowler
Building Inspector	Jack Barton
Absent	Councilman James Roose

### OTHERS IN ATTENDANCE

Park Foreman Joe Petricone, Assessor Don Wells, Finance Director Mary Gavigan, Code Enforcement Officer Art Fritz, Building Inspector Bob Prince, GIS Coordinator Jim Zollweg, Gene DeMeyer, Michael Farese, Allyson Degnan, Tom Ganley, Helen Ives, Jim Della Rocco, Pam Della Rocco, Sal Demino, Kathy Lemcke, Rich Losey, Charlie Lissow, Ryan Hand, Larry Kleehamer, Robert P. Sobb, Jeff Ayolte, Jen Coykendall, Julie Bogleione, Mike Weldon, Walter Horylev, and other 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 TO REZONE 5545 RIDGE ROAD WEST

Supervisor McCann opened the public hearing at 6:32 p.m. It was noted that the legal notice was published and posted as required. Supervisor McCann read the following legal notice during the public hearing.

#### **Legal Notice Town of Parma**

#### **Public Hearing Request to Rezone Northwesterly Portion of 5545 Ridge Road West**

Please take notice that the Town of Parma will hold a Public Hearing on April 5, 2011 at 6:00 p.m. at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York for the Parma Town Board to consider the request to rezone the northwesterly portion of 5545 Ridge Road West from General Commercial to Highway Commercial.

#### **DESCRIPTION OF THE PORTION OF TAX PARCEL NO. 071.01-02-14.1 OF WHICH THE NORTHWESTERLY PORTION IS REQUESTED TO BE REZONED**

**ALL THAT TRACT OR PARCEL OF LAND** situated in part of Town Lot 24, Township 4, Range 1 in the Gore Tract, Town of Parma, County of Monroe, State of New York and more particularly described as follows:

Beginning at a point on the south right-of-way of Ridge Road West (State Route 104 – 99' R.O.W.) said point being the northeast corner of the lands of N/F Robert and Jaqueline Sperandio, thence;

- 1) Easterly, along the south right-of-way of Ridge Road West on a bearing of S 75°13'56" E, a distance of 53.14 feet to an angle point, thence;
- 2) Continuing Easterly, along the south right-of-way of Ridge Road West on a line bearing S 79°05'09" E, a distance of 764.28 feet to a point, said point being the northwest corner of the lands of N/F Robert Sobb (5503 Ridge Road West) thence;
- 3) Southerly, along the west line of the lands of Robert Sobb on a line bearing

- S 10°55'25" W, a distance of 485.10 feet to a point, thence;
- 4) Westerly, along a line bearing N 79°05'09" W, a distance of 736.11 feet to a point, said point being on the east property line of the lands of N/F Sperandio, thence;
  - 5) Northerly, along the east line of Sperandio on a line bearing N 00°46'24" E, a distance of 460.77 feet to the point of beginning.

Intending to describe an 8.0 +/- parcel of land to be rezoned as shown on a map prepared by LandTech Surveying & Planning, dated October 15, 2010.

An unidentified gentleman asked if the property was considered a wetland. Mr. Barton noted that the applicant provided a wetland report from Environmental Resources. It concluded there is no State wetland on the property; there would be no impact on the Federal wetland and no permits will be needed for what is proposed. The wetlands are farther to the south for what is proposed. The same gentleman asked what the road front would be. Mr. Sobb responded that his proposal would extend another 700 feet and that he expected the proposal to go back 60 feet which would be almost 100 feet before the wetland.

Mr. Demino stated that he lives in the area and has seen blackbirds and falcons and that the area has always been wild. He was concerned that this would change. It was noted that the current auto business has 400 feet of road frontage and would be extended another 700 feet.

Supervisor McCann asked if there was anyone else that would like to address the Town Board on this topic. There was no response. He noted that during the February 15, 2011 Town Board meeting this was listed as an Unlisted SEQR action, Part I of the Short Environmental Assessment Form has been submitted by the applicant and was received by Town Board members to be reviewed. It was noted that number eight should include the response "current zoning does not allow this particular use". Each of the questions on Part II of the Short Environmental Assessment Form was reviewed and responded to.

Supervisor McCann noted that the applicant has provided proof to the Town that neighbor notifications were sent and this has been verified by the Clerk. It was also noted this had been referred to Monroe County Department of Planning and Development and their response was received. Supervisor McCann noted they mentioned rezoning of parcels should be consistent with the Town's Comprehensive Plan, listed environmental features and asked that these features be taken into consideration if the rezoning is approved.

An unknown member of the audience asked what the reason was for the rezoning and the difference between General Commercial and Highway Commercial. Mr. Barton explained that Highway Commercial allows for outside display and sale and the current zoning, General Commercial, does not. In this case for vehicles to be displayed outside is the reason for the request. In this instance, the process starts with the request to rezone. The applicant will then have to go before the Planning Board for site plan approval and then to the zoning board for a special permit modification.

Gene DeMeyer asked if the size of the request was being changed. Supervisor McCann clarified for him that the map provided shows an area of the parcel which fronts on Ridge Road West approximately 764 feet, extends south about 485 feet on the east and about 460 feet on the west with the back of the area requested to be rezoned being about 736 feet. The map provided was referred to. There was further discussion on how far back the proposed parking would come into the proposed rezoning area. Councilman Smith noted it looked like about 100 feet back is proposed to be developed and the remaining 300 feet back would be left for wetland and undisturbed as proposed. He also noted that the Planning Board and Conservation Boards would do further review specifically of environmental issues. Further discussion included concern for runoff from black top and having a retention pond is proposed as was needed with the existing auto area.

Supervisor McCann asked if there were any other comments. There were none from the Public or the Town Board.

**SEQR DETERMINATION**  
**REQUEST TO REZONE 5545 RIDGE ROAD WEST FROM HIGHWAY**  
**COMMERCIAL TO GENERAL COMMERCIAL**

**RESOLUTION NO. 71-2011** Motion by Councilman Smith, seconded by Councilman Comardo, after reviewing the Short Environmental Assessment Form for the request to rezone 5545 Ridge Road West from General Commercial to Highway Commercial; the Town Board of the Town of Parma determines that the proposed rezoning will have no significant adverse impact on the area and therefore the Town Board issues a negative declaration.

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

**REZONE 5545 RIDGE ROAD WEST**

**RESOLUTION NO. 72-2011** Motion by Councilman Smith, seconded by Councilman Carmestro, to approve the rezoning of the northwest portion of 5545 Ridge Road West, Tax # 071.10-2-14.1, from General Commercial to Highway Commercial as indicated on the submitted maps.

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

**PUBLIC FORUM**

Supervisor McCann asked if there was anyone who wished to address the Town Board.

Book Buddy Program - Tom Ganley complimented the Town and Tracy LaFountain, our Senior Coordinator, on its newly instituted program which matches a senior citizen with a first or second grade student for one on one reading over the next year. He also attended Minute to Win It which was a take off on the game show and felt it was very well received. He thanked the Town Board and Recreation Department for providing these positive and enjoyed experiences.

Town Mowing Contract - Rich Losey, owner of Cutting Time, stated that he has submitted a bid for this year's Town mowing contract and has not heard anything. He indicated that he has submitted previously but was not selected although he indicated he was the winning bid. He asked if the Town Board had any questions or concerns and wished to be identified as being here. It was noted that the quotes for this year have not been submitted to the Town Board. Mr. Petricone indicated that they are still waiting for quotes. Mr. Losey was asked to provide his contact information.

**MINUTES – MARCH 15, 2011**

**RESOLUTION NO. 73-2011** Motion by Councilman Smith, seconded by Councilman Comardo, to accept the minutes of March 15, 2011 as submitted.

Motion carried: Aye 4 Nay 0 Absent James Roose

**TOWN CLERK REPORT**

Town Clerk monthly and VFW Summary Reports have been submitted for March.

A copy of the Spencerport Fire District Annual Update Document (AUD) has been received and filed in the Clerk's Office.

## **HIGHWAY DEPARTMENT REPORT**

Supt. Speer reported that crews have completed roadside cleanup and sod replacement has started to repair snowplow damage. Work has begun on the removal of asbestos at the old bus garage. The annual spring brush pick up will begin April 18<sup>th</sup> and will be advertised this week and next.

Supt. Speer reported he received the Monroe County road work list today. He has not assigned number to it yet but that information will be forthcoming. He also reported that the State will be redoing Route 259 north. They will be recycling and resurfacing between Moul and Curtis Road and paved all the way to the Parkway this year.

While emptying out the old bus garage numerous odds and ends that no longer have use by the Town were found. He suggested having a small auction to dispose of. He will provide a list for the next Board meeting and a resolution to dispose of will be needed.

## **RECREATION DEPARTMENT REPORT**

Mr. Fowler reported that the New York State Office of Parks and Recreation has been contacted concerning funding through the Environmental Protection Act. He will be submitting to the Town Board a proposal to support application for "the Town Hall Park Sport Field's Construction Project." This project would involve the development of two multi-purpose soccer fields situated on the east side of the road as you enter the park off Parma Center Road. There would be construction of a parking lot for 100 vehicles and the existing 156 vehicle parking lot to the south would be illuminated. Construction could begin late this year and completed by July 2012.

He reported that he will be attending the NYS Office of Parks Recreation Historical Preservation HP meeting on May 4, 2011. He also updated the Town Board on the youth t-ball and youth baseball programs which will begin at the end of the month at Town Hall Park. It will be followed by girl's softball which will use the fields until the end of July. There will be a total of 123 games scheduled this spring and summer.

## **BUILDING DEPARTMENT REPORT**

Mr. Barton informed the Board that he would not be at the next meeting. The Building Department monthly report for March has been submitted. He noted that there are two commercial projects underway; Dunkin Donuts and Web smart Auto.

The department is reviewing permit fees. He noted that they have not been adjusted in over five years and that recent changes to the building code have required some additional inspections. He expects to present a proposal in the near future. Mr. Barton will submit information on what other towns are charging for similar fees. He also expects to have some minor zoning revisions which will also be submitted. In March, Mr. Fritz, Mr. Prince and he completed New York State required code enforcement training.

## **PARKS DEPARTMENT**

Mr. Petricone reported the pumping station has been repaired and is operational and noted the leach fields still need to be addressed.

Another incident of lawn damage has occurred at the back of the Park and reports were filed with the police.

## **MISCELLANEOUS**

### **SHARED SERVICES TEAM REPORT**

Janet Surridge, Village Manager, provided Town Board members with updated information on the joint salt shed and potential for a multi use building; status of asbestos

abatement and building demolition at 40 Grove Street; finances to date; and a timeline for consideration. There was discussion on the location of the proposed shared salt shed and the best possible configuration with the space available.

It was noted that the Town has approved \$49,169 for engineering, grant writing, environmental reports and asbestos removal. To date \$14,028 has been spent. The asbestos abatement portion has begun and a bill can be expected by the next meeting. There has been no funds spent for grant writing as of yet.

A copy of the conceptual design has been provided and reviewed. It was explained that the position pictured does not leave sufficient space for ingress and egress in and out of the structure and storage areas. Alternate positioning on to the Grove Street property would put the building on the property line. The owners of the adjacent parcel have been approached but are not interested in selling at this time. The multipurpose building is not a priority at this time but was incorporated into the design plan.

The demolition of the 40 Grove Street building will be the next step. The Town Board will need to authorize the commencement of this work. Town and Village work crew will do the demolition. Estimated costs include landfill fees of \$2,000 and use of a concrete crusher for \$3,000, for a total of \$5,000. An excavator will be needed for removal of soil and structure debris. There is the possibility that they can use the County shovel at a lower price but availability could be a concern and the possibility of starting the job with it and not being able to finish would necessitate renting the equipment. Rental cost would be \$5,500 per month. It was suggested that the Town and Village each pay \$700 (demolition portion) and the school district will pay the difference.

Regarding the removal of contaminated soil from 40 Grove Street, the school district will be responsible for the overall expense. Millings, which we currently have stored on a neighboring property, can be used to backfill the excavation site and compact well for this use. The school district will hire LaBella Associates to oversee the sight removal, backfill compaction specs and that environmental processes are followed.

The team will continue to look for grant funding. Ms. Surridge has spoken with the Finance Director regarding funding. The plan would be to break ground in 2012 for the salt shed project. If funding is not available, the Town should consider this in their budget planning so the project can start in 2013. There was discussion on what they would be authorizing tonight.

Ms. Surridge noted that when the building comes down there will be an area that will not be fenced and has notified residents on Henry Street, Heinz Street and Grove Street about the project.

#### **AUTHORIZATION TO DEMOLISH 40 GROVE STREET**

**RESOLUTION NO. 74-2011** Motion by Councilman Carmestro, seconded by Councilman Comardo, to authorize the Village of Hilton and the Town of Parma to act jointly to demolish 40 Grove Street.

Motion carried: Aye 4 Nay 0 Absent James Roose

#### **AUTHORIZATION FOR DEBRIS REMOVAL FROM 40 GROVE STREET**

**RESOLUTION NO. 75-2011** Motion by Councilman Carmestro, seconded by Councilman Smith, to authorize an amount not to exceed \$3000 for the Town's portion for removal of debris from the demolition of 40 Grove Street.

Motion carried: Aye 4 Nay 0 Absent James Roose

Ms. Surridge was thanked for her time and Supervisor McCann indicated that at some time in the future a decision would be made on the actual salt shed

**SHARE COST OF EXCAVATOR – 40 GROVE STREET**

**RESOLUTION NO. 76-2011** Motion by Councilman Carmestro, seconded by Councilman Comardo, to authorize an amount to exceed \$1,000 as the Town of Parma's shared portion of the cost for an excavator for the removal of debris and contaminated soil at 40 Grove Street.

Motion carried: Aye 4 Nay 0 Absent James Roose

**BUSINESS ITEMS**

**DISC GOLF WORLD CHAMPIONSHIPS**

Ryan Hand was present from the Disc Golf Association to explain the set up of the tournament and the request to use the Disc Golf Course and VFW facilities July 26 through July 29, 2011. He summarized how the group has arrived to the point of holding this international championship, the work they have done on the course at no cost to the Town and how the Town Hall Park is important to their plans. He estimated they have contributed approximately \$6,000 and explained how they were trying to keep costs down.

There was further discussion on their needs for this tournament. There was concern expressed by Board members regarding giving access to the building everyday without the Town having control over access, cleaning costs that will be incurred and that there will be a wedding on that Saturday, July 30, 2011. In particular the Board was concerned about the use of the bathroom facilities and the impact that will have on the septic system. They expressed that there could be no problems for the wedding reception on Saturday. It was proposed that the holding tank should be pumped Thursday afternoon or Friday morning to assure there would be no problem for the wedding and that there would be a cleaning charge. The pumping charge was estimated at \$175 and a one time cleaning charge would be \$100. The estimated charge would be \$275 with the traditional rental fee being waived (\$400). Mr. Hand was agreeable and understood the concerns expressed because of the wedding.

There was further discussion on the Park being accessible to them for the times requested. Mr. Petricone indicated it would not be a concern. Mr. Hand was also made aware that if they did decide to have food the proper health department paperwork would be required. A Certificate of Insurance will be provided through the Professional Disc Golf Association.

**RESOLUTION NO. 77-2011** Motion by Councilman Smith, seconded by Councilman Carmestro, to authorize use of the Town Park Disc Golf Course by the Greater Rochester Disc Golf Club to host the 2011 Amateur and Junior Disc Golf World Championships from July 26, 2011 to July 29, 2011; waiver the VFW rental fee for these dates; and establish that the Rochester Disc Golf Club will be responsible for all costs associated with pumping the septic system at the VFW and cleaning of the VFW on Friday of this event.

Motion carried: Aye 4 Nay 0 Absent James Roose

**ALL NATIONS LACROSSE FIELD USE REQUEST**

John Ayotte, representing All Nations Lacrosse, was present to request use of the Town Hall Park fields to hold the All Nations Lacrosse Tournament for 3<sup>rd</sup> through 6<sup>th</sup> graders on June 18<sup>th</sup> and 19<sup>th</sup>. Previous made arrangements for the event have fallen through and they are looking for a new location. A tentative schedule was provided. They are expecting an overall crowd of 1,000 people with an estimated number of 250 people in the park at a given time. The purpose of the event is to promote lacrosse and they would have venues with the Knighthawks and the Syracuse University Women's head coach for

the participants. He noted that the HAYLO Lacrosse Club would be well represented for this event.

It was noted that two pavilions are already rented, that a Babe Ruth game will be in likely and this tournament would be coming right after the Hilton Heat Just for Kicks Tournament and the HAYLO Tournament. It was felt that this would be excessive use for field conditions especially if weather conditions were not favorable for the earlier tournaments. It was felt it would be too much of a drain on resources within a relatively short time. There was further discussion. It was noted that consideration might be given for a different time of year. It was also suggested that the school district be contacted.

**RESOLUTION NO. 78-2011** Motion by Councilman Smith, seconded by Councilman Carmestro, to deny the request for field use of All Nations Lacrosse for June 18, 2011 and June 19, 2011.

Motion carried: Aye 4 Nay 0 Absent James Roose

### **APPOINTMENT FOR ASSESSMENT REVIEW BOARD**

Assessor Don Wells has submitted a request to appoint Jim Kibby to the Board of Assessment Review. Current board member Mark Swanson has moved outside the Town of Parma. It was noted that Mr. Swanson's resignation has not been received or filed with the Town Clerk but it is being followed up on. A class is scheduled that Mr. Kibby will need to take.

**RESOLUTION NO. 79-2011** Motion by Councilman Comardo, seconded by Councilman Carmestro, to appoint Jim Kibby, provisionally, as the replacement member of the Board of Assessment Review; pending the written resignation of Mark Swanson.

Motion carried: Aye 4 Nay 0 Absent James Roose

### **BRIDGE REPLACEMENT PROJECTS**

Supervisor McCann explained that the Town Board will be discussing the financing of the bridge replacement projects for the Collamer Road and Hill Road (2) Bridge Projects. He read the proposed resolution for the environmental determination.

### **RESOLUTION FOR ENVIRONMENTAL DETERMINATION**

**RESOLUTION NO. 80-2011** Motion by Councilman Carmestro, seconded by Councilman Comardo, to

WHEREAS, the Town Board of the Town of Parma shall consider a bond resolution authorizing general obligation serial bonds (and bond anticipation notes in anticipation thereof) to finance certain capital improvements consisting of the construction of a replacement bridge at Hill Road over Brockport Creek, the construction of a replacement bridge at Hill Road over Salmon Creek, and the construction of a replacement bridge at Collamer Road over West Creek, in the Town of Parma, Monroe County, New York; and

WHEREAS, the Town Board has duly considered the nature and scope of the proposed improvements and financing and the other proposed actions of the Town in connection therewith (the "Project");

NOW, THEREFORE, BE IT RESOLVED BY THIS TOWN BOARD AS FOLLOWS:

1. The Town Board of the Town of Parma has reviewed the scope of the Project with respect to the Type II criteria set forth in 6 NYCRR Part 617.5(c) (copy attached hereto) promulgated by the Department of Environmental Conservation of the State of New York under the State Environmental Quality Review Act (collectively, "SEQRA").

2. The proposed action does not exceed any of the thresholds in 6 NYCRR Part 617.4 (copy attached hereto).

3. Based upon the review by the Town Board of the proposed Project, the Board hereby finds that the proposed action constitutes a "type II action" as such quoted term is defined in SEQRA and, therefore, is not subject to any further review by the Town under SEQRA. The action consists of replacement, rehabilitation or reconstruction of structures or facilities in kind, on the same site.

4. A copy of this resolution shall be placed on file in the office of the Town Clerk where the same shall be available for public inspection during business hours.

This resolution shall take effect immediately.

The motion having been duly seconded, it was adopted and the following votes were cast:

Motion carried: Aye 4 Nay 0 Absent James Roose

*See end of minutes for referenced schedules: 6 NYCRR Part 617.5(c) (TYPE II LIST) and 6 NYCRR Part 617.4 (TYPE I LIST)*

Supervisor McCann read the following resolution. After reading he explained that there are two bridge replacement projects within the Town; two bridges on Hill Road and one on Collamer Road. The expected cost is between 3.25 and 3.5 million dollars to complete. The Town is the lead on this project and must issue the contracts and pay the contractors. The Town's obligation will be 5%. The State portion will be 15% and the Federal portion will be 80%. It is unlikely that the Town would not receive the reimbursements but on the outside chance the Federal and State governments did not pay or were late in paying the Town will need the funds to pay these contractors. The Town's concern is the rate and timing of getting the reimbursements back. Supt. Speer noted New York State bonds for these so there should be minimal concern that we would not be paid at all. Supervisor McCann noted the Hill Road bridges will be done this year and the Collamer Road bridge will be done in 2012. The Town does not expect to have to front the entire amount and BANs will allow for fluctuations in receiving reimbursements. The BANs are renewable up to five years but the projects are expected to be paid well in advance of that. The real purpose is for cash flow and a safeguard to assure that payment can be made should there be any problems with receiving funding. Supervisor McCann asked if there were any questions. There were none.

**BOND RESOLUTION AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE BRIDGE REPLACEMENT, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**

**RESOLUTION NO. 81-2011** Motion by Councilman Smith, seconded by Councilman Carmestro,

BOND RESOLUTION DATED APRIL 5, 2011 OF THE TOWN BOARD OF THE TOWN OF PARMA, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE BRIDGE REPLACEMENT, 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, on April 5, 2011, duly determined that the purpose hereinafter described constitutes a type II action under the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder ("SEQRA") which will not have a significant impact on the environment and such purpose is not subject to any further environmental review under SEQRA; 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 certain capital improvements consisting of the replacement and construction of a bridge at Hill Road over Brockport Creek, the replacement and construction of a bridge at Hill Road over Salmon Creek, and the replacement

and construction of a bridge at Collamer Road over West Creek, all in the Town of Parma, Monroe County, New York, and various site and other incidental improvements in connection therewith (hereinafter collectively referred to as the "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$3,500,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$3,500,000 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 obligations as herein authorized.

Section 3. It is hereby determined and declared that said purpose is one of the class of objects or purposes described in Subdivisions 10 and 92 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is twenty (20) 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 not 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 consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Parma.

Section 7. The faith and credit of the Town of Parma, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Town Clerk of the Town of Parma together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Town of Parma, pursuant to Section 35.00 of the Local Finance Law.

The motion having been duly seconded, it was adopted and the following votes were cast:

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

There was discussion on when the bids could be awarded and when the paperwork could be signed. Supt. Speer indicated the schedule was to open the bids the Friday before the first meeting in May. It is the Supervisor's understanding that the Town will have thirty one days to award the contracts and it looks like this will fall in the legal time requirements that apply to this project. The earliest the Town can sign the contracts will be May 29, 2011.

The question was raised of how much the 5% cost would be to the Town. It was estimated at \$175,000 for the three bridges and the Town would not have to spend this all in one year.

**APPROVE SUPPLEMENTAL AGREEMENTS FOR BRIDGE PROJECTS**

Supervisor McCann reported there have been revisions made to the aid funding for these bridge projects and the Town will need to approve the supplemental agreements for both projects.

**APPROVE SUPPLEMENTAL AGREEMENT #1 TO MASTER FEDERAL AID  
MARCHISELLI AID PROJECT AGREEMENT  
COLLAMER ROAD BRIDGE OVER WEST CREEK (BIN 2211150)**

Supervisor McCann read the proposed resolution.

**RESOLUTION NO. 82-2011** Motion by Councilman Carmestro, seconded by  
Councilman Comardo,

WHEREAS, on July 21, 2009 the Town Board of the Town of Parma passed Resolution No. 173-2009 to enter into the Master Federal Aid / Marchiselli Aid Project Agreement for the Collamer Road Bridge over West Creek Design and Right of Way Incidentals Phase., and

WHEREAS, the Town of Parma understands that funding necessary to deliver the project will be appropriated as per schedule A of this Agreement which has been amended to increase funds for the right of way phase and captures the Marchiselli funds available, and

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of Parma that the Supervisor of the Town of Parma is authorized to enter into the Supplemental Agreement No 1 to DO32254 (Comptroller's Contract No.) of the Master Federal Aid / Marchiselli Aid Project Agreement Project Agreement for the Collamer Road Bridge over West Creek Design and Right of Way Incidentals Phase.

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

**APPROVE SUPPLEMENTAL AGREEMENT #1 TO MASTER FEDERAL AID  
MARCHISELLI AID PROJECT AGREEMENT  
HILL ROAD BRIDGE OVER SALMON CREEK (BIN 2211160)  
HILL ROAD BRIDGE OVER BROCKPORT CREEK (BIN 2211170)**

The proposed resolution was read by Supervisor McCann.

**RESOLUTION NO. 83-2011** Motion by Councilman Carmestro, seconded by  
Councilman Smith, to

WHEREAS, on July 21, 2009 the Town Board of the Town of Parma passed Resolution No. 174-2009 to enter into the Master Federal Aid / Marchiselli Aid Project Agreement for the Hill Road Bridge over Salmon Creek and Hill Road over Brockport Creek Design and Right of Way Incidentals Phase, and

WHEREAS, the Town of Parma understands that funding necessary to deliver the project will be appropriated as per schedule A of this Agreement which has been amended to increase funds for the right of way phase and captures the Marchiselli funds available, and

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of Parma that the Supervisor of the Town of Parma is authorized to enter into the Supplemental Agreement No 1 to DO32297 (Comptroller's Contract No.) of the Master Federal Aid / Marchiselli Aid Project Agreement for the Hill Road Bridge over Salmon Creek and the Hill Road Bridge over Brockport Creek for the Design and Right of Way Incidentals Phase.

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

### **JUSTICE COURT INTERNAL AUDIT**

**RESOLUTION NO. 84-2011** Motion by Councilman Comardo, seconded by Councilman Smith, acknowledging that an internal audit of the Parma Justice Court's finances was completed on April 4, 2011 by Tim Hungerford, of Hungerford and Vinton, LLC as required annually by the New York State Unified Court System.

Motion carried: Aye 4 Nay 0 Absent James Roose

### **MISCELLANEOUS**

#### **HILTON HEAT SOCCER TOURNAMNET GATOR USE**

A request was received from the Hilton Heat Soccer organization to use a Park gator June 3<sup>rd</sup> through the 5<sup>th</sup> for their soccer tournament

**RESOLUTION NO. 85-2011** Motion by Councilman Smith, seconded by Councilman Comardo, to allow the Hilton Heat Soccer Club to use a Park gator June 3<sup>rd</sup> through the 5<sup>th</sup> during the *Just For Kicks Soccer Tournament* with the stipulation that no one under 18 years of age will operate the gator, insurance requirements will be met and they will work through the Park Foreman for this request.

Motion carried: Aye 4 Nay 0 Absent James Roose

### **INFORMATIONAL ITEMS**

#### **SPORTS ORGANIZATION FIELDS USE AGREEMENTS**

Councilman Smith has the written contracts for field use by HAYLO Lacrosse, Hilton Cadets Youth Travel Baseball Teams and Hilton Heat. There will also be a separate agreement for the soccer tournament. It was agreed that he would send them to each Board member for final review and then approved at the next meeting.

#### **2010 ANNUAL UPDATE DOCUMENT – FILED WITH NEW YORK STATE**

Supervisor McCann reported that the 2010 Annual Update Document has been filed with the New York State Comptrollers Office by Tim Hungerford on behalf of the Town.

#### **RE-KEYING OF TOWN HALL**

The Town Clerk has received an estimate from Boley Lock of \$1,500 to change locks at the Town Hall including new keys.

### **MISCELLANEOUS**

Village of Hilton – Village Trustee Horylev reported that a public meeting was held to inform the public of placement of the tower. It will now be located at the north side of the water tower and will rise forty feet higher than the tower. It will provide a lower frequency, increase the bandwidth for police, fire and ambulance personal and is going to be expanded throughout the county.

### **LIAISON REPORTS**

\*\*Councilman Smith reported he is looking at the need for an additional cell phone in the Parks Department. This has been prompted because of safety concerns and the ability of park users to have a means to contact park staff when using the park, in particular for pavilion rentals. There was additional discussion on the current phone staying at the park for nights and weekends.

\*\*Councilman Comardo reported he attended the Planning Board meeting where two routine items were addressed. As a follow up to previous discussion on the Code Enforcement/Animal Control truck. Mr. Fritz has informed him that there are several thousand dollars of repairs needed. He asked for this to be on the agenda for the next meeting to decide if we will continue repairs on the current truck or purchase a new one. There have been two reported incidents of animals loose; goats at the VFW and sheep that were attacked on Peck Road. A conflict prevented him from being able to attend the Recreation Commission meeting. He noted that in speaking with Steve Fowler that replacement of the senior transport van should be planned for in upcoming budgets for replacement in 2013. There was general discussion on having a vehicle inventory sheet with the purchase date and mileage so there can be review and prioritizing.

### **ENTER INTO EXECUTIVE SESSION**

Supervisor McCann explained that the Town Board would be entering into executive session. That there would be no determinations made and upon closing the executive session the meeting would be adjourned.

**RESOLUTION NO. 86-2011** Motion by Councilman Smith, seconded by Councilman Comardo, to enter into Executive Session to discuss ongoing litigation.

Motion carried: Aye 4 Nay 0 Absent James Roose

The Board entered into executive session at 8:18 p.m. after a short break as people left.

### **CLOSE EXECUTIVE SESSION**

**RESOLUTION NO. 87-2011** Motion by Councilman Smith, seconded by Councilman Carmestro, to close the Executive Session at 9:35 p.m. and return to regular session.

Motion carried: Aye 4 Nay 0 Absent James Roose

There being no further business before the Town Board, Councilman Carmestro made a motion to adjourn the meeting at 9:35 p.m., seconded by Councilman Smith, and all were in favor.

Respectfully submitted,

Donna K. Curry  
Parma Town Clerk

SEQR REFERENCED SCHEDULES

6 NYCRR Part 617.5(c)  
(TYPE II LIST)

**617.5 TYPE II ACTIONS .**

- (a) Actions or classes of actions identified in subdivision (c) of this section are not subject to review under this Part. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8. The actions identified in subdivision (c) of this section apply to all agencies.
- (b) Each agency may adopt its own list of Type II actions to supplement the actions in subdivision (c) of this section. No agency is bound by an action on another agency's Type II list. An agency that identifies an action as not requiring any determination or procedure under this Part is not an involved agency. Each of the actions on an agency Type II list must:
  - (1) in no case, have a significant adverse impact on the environment based on the criteria contained in subdivision 617.7(c) of this Part; and
  - (2) not be a Type I action as defined in section 617.4 of this Part.
- (c) The following actions are not subject to review under this Part:
  - (1) maintenance or repair involving no substantial changes in an existing structure or facility;
  - (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
  - (3) agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming;
  - (4) repaving of existing highways not involving the addition of new travel lanes;
  - (5) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;
  - (6) maintenance of existing landscaping or natural growth;
  - (7) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
  - (8) routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;
  - (9) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system;
  - (10) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;
  - (11) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
  - (12) granting of individual setback and lot line variances;
  - (13) granting of an area variance(s) for a single-family, two-family or three-family residence;
  - (14) public or private best forest management (silvicultural) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear-cutting or the application of herbicides or pesticides;
  - (15) minor temporary uses of land having negligible or no permanent impact on the environment;
  - (16) installation of traffic control devices on existing streets, roads and highways;
  - (17) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
  - (18) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
  - (19) official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);

- (20) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- (21) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- (22) collective bargaining activities;
- (23) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- (24) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (25) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
- (26) license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities;
- (27) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- (28) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
- (29) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- (30) adoption of a moratorium on land development or construction;
- (31) interpreting an existing code, rule or regulation;
- (32) designation of local landmarks or their inclusion within historic districts;
- (33) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;
- (34) actions undertaken, funded or approved prior to the effective dates set forth in SEQRA (see chapters 228 of the Laws of 1976, 253 of the Laws of 1977 and 460 of the Laws of 1978), except in the case of an action where it is still practicable either to modify the action in such a way as to mitigate potentially adverse environmental impacts, or to choose a feasible or less environmentally damaging alternative, the commissioner may, at the request of any person, or on his own motion, require the preparation of an environmental impact statement; or, in the case of an action where the responsible agency proposed a modification of the action and the modification may result in a significant adverse impact on the environment, an environmental impact statement must be prepared with respect to such modification;
- (35) actions requiring a certificate of environmental compatibility and public need under articles VII, VIII or X of the Public Service Law and the consideration of, granting or denial of any such certificate;
- (36) actions subject to the class A or class B regional project jurisdiction of the Adirondack Park Agency or a local government pursuant to section 807, 808 and 809 of the Executive Law, except class B regional projects subject to review by local government pursuant to section 807 of the Executive Law located within the Lake George Park as defined by subdivision one of section 43-0103 of the Environmental Conservation Law; and
- (37) actions of the Legislature and the Governor of the State of New York or of any court, but not actions of local legislative bodies except those local legislative decisions such as rezoning where the local legislative body determines the action will not be entertained.

<http://www.dec.state.ny.us/website/regs/part617.html>

#### 6 NYCRR Part 617.4 (TYPE I LIST)

#### §617.4 TYPE I ACTIONS .

- (b) The following actions are Type I if they are to be directly undertaken, funded or approved by an agency:
  - (1) the adoption of a municipality's land use plan, the adoption by any agency of a comprehensive resource management plan or the initial adoption of a municipality's comprehensive zoning regulations;

- (2) the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district;
- (3) the granting of a zoning change, at the request of an applicant, for an action that meets or exceeds one or more of the thresholds given elsewhere in this list;
- (4) the acquisition, sale, lease, annexation or other transfer of 100 or more contiguous acres of land by a state or local agency;
- (5) construction of new residential units that meet or exceed the following thresholds:
  - (i) 10 units in municipalities that have not adopted zoning or subdivision regulations;
  - (ii) 50 units not to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
  - (iii) in a city, town or village having a population of less than 150,000, 250 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
  - (iv) in a city, town or village having a population of greater than 150,000 but less than 1,000,000, 1,000 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works; or
  - (v) in a city or town having a population of greater than 1,000,000, 2,500 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
- (6) activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds:
  - (i) a project or action that involves the physical alteration of 10 acres;
  - (ii) a project or action that would use ground or surface water in excess of 2,000,000 gallons per day;
  - (iii) parking for 1,000 vehicles;
  - (iv) in a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area;
  - (v) in a city, town or village having a population of more than 150,000 persons, a facility with more than 240,000 square feet of gross floor area;
- (7) any structure exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height;
- (8) any Unlisted action that includes a nonagricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, article 25-AA, sections 303 and 304) and exceeds 25 percent of any threshold established in this section;
- (9) any Unlisted action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places, or that has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register, or that is listed on the State Register of Historic Places (The National Register of Historic Places is established by 36 Code of Federal Regulation (CFR) Parts 60 and 63, 1994 (see section 617.17 of this Part));
- (10) any Unlisted action, that exceeds 25 percent of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks pursuant to 36 CFR Part 62, 1994 (see section 617.17 of this Part); or
- (11) any Unlisted action that exceeds a Type I threshold established by an involved agency pursuant to section 617.14 of this Part.