

Parma Town Board meeting held on Tuesday, September 18, 2007 at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

ATTENDANCE

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

OTHERS IN ATTENDANCE

Bob Prince, George VanGelder, Michael Weldon, Carol Kluth, Gene DeMeyer, Nick Coffee,
Gary Comardo, Jim Zollweg and other unidentified members of the public.

CALL TO ORDER

Supervisor Lemcke called the meeting to order at 7:00p.m. and lead those present in the
Pledge of Allegiance to the Flag, followed by a moment of silence. Emergency exits were
identified and it was noted that the meeting is being digitally recorded.

PUBLIC FORUM

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

Gene DeMeyer asked if a notice was going to go in the Suburban News regarding the fall and
spring pickup. Supervisor Lemcke responded that this would be addressed during the budget
process; therefore the notice would not be until spring. Mr. DeMeyer inquired as to when the
excavator was coming. Supt. Speer responded in November.

MINUTES – SEPTEMBER 4, 2007

RESOLUTION NO. 237-2007 Motion by Councilman Carmestro, seconded by
Councilman Blackburn, to accept the Minutes of the September 4, 2007 Town
Board meeting.

Motion carried: Aye 5 Nay 0

TOWN CLERK REPORT

Collection for the 2007/2008 School Tax bills has been steady. There have been
numerous inquiries regarding the Passport Night this coming Thursday.

USE OF FIELDS AND PAVILIONS – LIGHTHOUSE DISTRICT BOY SCOUTS

A request was received from the Lighthouse District Boy Scouts for use and waiver of
the fee for the Lions and Burritt pavilions and surrounding open fields on October 13, 2007 for

their Fall Cub Scout event - Monster Mash. Application for use of the pavilions has been received, general liability insurance paperwork is current and both pavilions are available.

RESOLUTION NO. 238-2007 Motion by Councilman Carmestro, seconded by Councilman Blackburn to approve use and the waiver of the fee for the Lions and Burritt pavilions and the surrounding open fields on October 13, 2007 for the Otetiana Lighthouse District Fall Cub Scout event - Monster Mash.

Motion carried: Aye 5 Nay 0

HIGHWAY DEPARTMENT REPORT

Supt. Speer reported that work is progressing on the Dunbar Road East Sewer District. He expects that by Thursday or Friday they will finish the remaining laterals and then tie in the other 4 houses. He also reported that he expects to oil and stone the driveway portion of the Town Hall Park.

Supt. Speer received a notice from the Department of Labor that a complaint had been filed regarding safety issues pertaining to proper gear for flushing sewers and circumstances surrounding a manhole cover that was broken at a worksite. A representative came out from the Department of Labor and made an inspection. A letter will be forthcoming listing items that should be corrected and training that should be provided to employees.

Supervisor Lemcke reported that 2 more grievances have been received and that he has shared the response from the Town's attorney from the previous grievances.

RECREATION DEPARTMENT REPORT

Mr. Fowler reported that he will be presenting before the CAPRA Board September 25th for our park accreditation. Topics to be discussed will include the 7 remaining standards to be met as part of the Final Report Response submitted in June.

Summer Program participation numbers were provided to the Town Board. He noted that the Tot Program showed a 16% increase, a 12% increase in the Jr. and Sr. Playground Programs and an 11% increase in the Before and After Resource Program (B&AR) compared to last year. This translates into a savings of \$3,623 to the Town compared to 2006 and \$8,762 compared to 2005.

Mr. Fowler also reported that the 2007 department employee evaluation packets have been completed. The Recreation Commission will be meeting September 19, 2007 and not the scheduled September 26th date. A department workshop has been scheduled with the insurance provider and a workers compensation representative. Risk Transfer and managing risk within the department's program offerings will be discussed.

PARKS DEPARTMENT

Joe Petricone informed the Town Board that there was an electrical transformer problem at the VFW last Thursday which has been fixed by RG&E. A problem with bridge number 5 was identified and prompted re-decking before the cross country meet. The problem was due to normal wear and tear.

An invoice has been sent to the Raiders Football Club for seed and fertilizer. He also reported that the invoice for seed and fertilizer for the soccer club had been resent. Payment has been received but was not for the full amount. It is believed that what was sent was for the amount they had budgeted for the year. Park staff made a rack so that soccer goals could be stored easier. It is hoped that this will prompt timelier storing of this equipment. He is working on a list of do's and don'ts for usage of the park by these organizations. Concern was

expressed by Councilmen Reinschmidt and Blackburn that there are no contracts with organizations that use the Park.

Mr. Petricone is looking at having signs made that state that there is no hunting, ATV's, snowmobiles due to damage caused to the trails. There was discussion on other items that might be considered and included horseback riding, paintball and dirt bike riding.

He also reported that the sign on Parma Center Road is expected to be put up tomorrow and that he will be going to the lake to check on the flag pole there.

BUSINESS ITEMS

OPEN SPACE COMMITTEE

Requests for Proposals have been received from consultants and will be reviewed by the Open Space Committee. The committee will come back to the Town Board with their recommendation.

FIRE PROTECTION STANDARDS

Mr. Prince has provided the Town Board with the revised rough draft of the Fire Protection Standards from the Joint Fire Department Committee. He added definitions for fire department apparatus access roads, occupied structures and rewording for clarity and better understanding by the average person. He noted the changes to the Town Board. It was felt that the fire protection standards should be addressed during the Planning Board stages when the developer could address rather than at the building permit stage. The Town Engineer is reviewing and making revisions. There was discussion on bridges in particular - who would do periodic inspections, enforcement of the new regulations, reasonable expectations for fire protection under these circumstances and the cost involved. This will be given to Planning Board, Larsen Engineers and the Fire Departments for further review and be put on the agenda for the October 2nd meeting.

ABOVE GROUND FUEL STORAGE

There was discussion on information received from the Farm Bureau regarding agriculture buildings being exempt from the new Part 1203 fire regulations, adding verbiage for the Town Board to be the designating authority, what to do about pre-existing non conforming tanks, operating permits being granted on an annual basis, a \$50 fee was suggested, exemptions for agricultural operations, and what size tanks are suppose to be registered with the DEC and how their regulations play a role in this discussion. The issue of where to allow, meeting current state standards and having an inventory of all above ground tanks was also discussed.

Supervisor Lemcke hopes to have a rough draft for the October 2nd meeting.

NON- ATTORNEY TOWN JUSTICE SUPPORTING RESOLUTION

Judge Maley has requested that the Town Board adopt a supporting resolution for non-attorney judges.

RESOLUTION NO. 239-2007 Motion by Supervisor Lemcke, seconded by Councilman Carmestro to approve the following:

At this regular meeting of the Town of Parma held on September 18, 2007 the following Resolution was adopted by the Town Board of Parma.

WHEREAS, there has recently been negative press coverage by the *New York Times* and some local papers within Monroe County suggesting that the Town court system is flawed and more specifically, alleging that the three hundred (300) year tradition of non-lawyer judges presiding over and within the local municipalities should be eliminated; and

WHEREAS, there has always been a Town Court within the Town of Parma, conveniently located and accessible to our citizens; and

WHEREAS, there are two (2) Town Judgeships established within the Town of Parma; and

WHEREAS, there are presently one (1) non-attorney Town Justices and one (1) attorney Town Justices within the Town of Parma; and

WHEREAS, with their civil and criminal jurisdiction, the Town Justices in the Town of Parma handled many hundreds of cases in the past year; and

WHEREAS, the Town Court of Parma in the past year collected \$ 191,974.00 in statutory fines, fees and surcharges on behalf of the State of New York, the County of Monroe and the Town of Parma, to help fund essential public services; and

WHEREAS, the Town Board of Parma recognizes and appreciates the professionalism, diligence, intelligence and integrity of the non-attorney or lay justices within our town who bring a specialized experience to the bench particularly with issues unique to our community who elected them; and

Now, therefore, be it:

RESOLVED, that the members of the Town Board of Parma support the continuation of the three hundred year tradition of non-lawyer or lay justices presiding in Town Courts, and it is further;

RESOLVED, that the members of the Town Board of Parma hereby oppose any requirement that Town Justices be attorneys, and it is further;

RESOLVED, that the members of the Town Board of Parma oppose any efforts to eliminate local and convenient access to justice by our citizens; and find that the local presence of the Town Court of Parma provides a meaningful and necessary presence within our community for judicial resolution of conflicts, continued public safety of our citizens and the protection of constitutional guarantees for all of our citizens.

Motion carried: Aye 5 Nay 0

CONDITIONAL CERTIFICATE OF OCCUPANCY
1130 OGDEN PARMA TOWN LINE ROAD

George VanGelder requested a conditional certificate of occupancy for a home he has built at 1130 Ogden Parma Town Line Road. Final inspections are ready for completion this week. They have had difficulty obtaining fill and are short approximately 20 loads of fill for the front of the house in making final grade. The back and sides are at grade and ready to be seeded. Their bank requires move in condition and they will lose their rate lock if a certificate of occupancy is not issued. The Town board would like a letter from the bank as proof that one and a half times the amount of the remaining work to be done will be held in escrow and not released until the work is completed.

RESOLUTION NO. 240-2007 Motion by Councilman Reinschmidt, seconded by Councilman Blackburn, to approve a conditional certificate of occupancy good through November 1, 2007 for George VanGelder, owner of 1130 Ogden Parma Town Line Road, with the requirement of a letter from the homeowner's bank

stipulating that one and a half times the amount of the remaining work will be held in escrow.

Motion carried: Aye 5 Nay 0

APPOINTMENT OF LIBRARY BOARD TRUSTEE

RESOLUTION NO. 241-2007 Motion by Councilman Reinschmidt, seconded by Councilman Blackburn, to approve the appointment of Karen Sterlace as a Library Board Trustee to fulfill the unexpired term created by the resignation of Lola Rae Heinrich through December of 2008.

Motion carried: Aye 5 Nay 0

TRAFFIC STUDY – INTERSECTION OF MANITOU AND PECK ROADS

Assemblyman Hawley has requested the Town of Parma and the Town of Greece pass a resolution requesting a traffic study be done at the intersection of Manitou and Peck Roads after receiving several inquiries from homeowners in that area.

RESOLUTION NO. 242-2007 Motion by Supervisor Lemcke, seconded by Councilman Carmestro, to request a traffic study by the NYS Department of Transportation at the intersection of Manitou and Peck Roads.

Motion carried: Aye 5 Nay 0

BUILDING DEPARTMENT REPORT

Mr. Barton noted that Town Board members have received copies of the August Building Department report.

Mr. Barton reported the he has been looking into getting picture identification badges for Town employees. Alternatives were discussed. It was suggested that Mr. Barton contact the Hilton Fire Department or the Greece or Ogden Police Departments to see if we could use their equipment for a lower fee than those suggested.

He also reported that public notice signs have been ordered and should be ready the first of October. These will be placed on 5057, 5063, 5067, 5071, 5083, 5087, 5091 and 5095 West Ridge Road notifying the public of a public hearing on October 16, 2007 regarding the request to rezone from General Commercial to Highway Commercial. It was also noted that the Planning Board has finished their comments on this request.

Mr. Barton informed the Town Board that they should be receiving paperwork for the dedication of Crimson Woods for the next Town Board meeting.

Monroe County Soil and Water has been working on model ordinances for use by municipalities to meet upcoming federal requirements. Starting in January Towns must enforce these ordinances. Mr. Barton provided a copy of the Illicit Discharge Connection Stormwater Ordinance and will follow up with Construction and Post Construction. These will be sent to Lara Badain, of Sercu and Sercu, for review.

Mr. Barton reported that he has been contacted by Passero and Associates regarding Fairfield Place. He informed the Town Board that they will be presenting their sewer plans to the Planning Board. They have abandoned the gravity plan and will be going with forced main sewers running from Mill Road down Manitou. Mr. Barton noted that there are several other issues to be addressed including cluster homes which were never dealt with previously by the Planning Board.

BUSINESS ITEMS -CONTINUED

EMPLOYEE CELL PHONES

Supervisor Lemcke reported that he had spoken to Mary Gavigan further regarding the opportunity to change cell phone plans. The option provided by Verizon offering 5200 minutes appears to offer the best options for the Town. Existing numbers could be kept, an expected savings of \$130.00 per month, 200 additional minutes, and better coverage were cited as reasons. There was discussion on usage of minutes by employees and additional features.

RESOLUTION NO. 243-007 Motion by Councilman Smith, seconded by Councilman Carmestro, to use the Verizon 5200 minute plan as the cell phone plan for the Town of Parma. Individual employees will be responsible to pay for any extra features beyond the basic phone.

Motion carried: Aye 5 Nay 0

MISCELLANOUS

ANNEXATION UPDATE

Correspondence was received from our attorney regarding a letter from the Village Mayor to the Judge addressing litigation between the Town of Parma, Village of Hilton and the Beehler's. The letter would be considered an exparte communication and was intercepted by the Judge's clerk. Our attorney is responding and we are awaiting a response from the Judge.

DISPOSITION OF RECREATION DEPARTMENT SURPLUS - FORD F150 PICKUP

The Recreation Department is no longer in need of the 2000 Ford F150 pickup as it is now using the former Building Department Chevy Silverado. Supt. Speer indicated that he did not want the vehicle for the Highway Department. There was discussion on whether to accept bids for its sale or put it in the Teitsworth Auction in October.

RESOLUTION NO. 244-007 Motion by Councilman Blackburn, seconded by Councilman Reinschmidt, to authorize the disposal of a surplus 2000 Ford F150 pickup truck at the Tietsworth Auction in October

Motion carried: Aye 5 Nay 0

There was discussion on removal of the logos and that Mr. Fowler would make the necessary arrangements to get it to auction.

BUDGET TRANSFERS

TRANSFERS TO
 BUDGET

Sep-07

FROM			TO			REQUESTED	
ACCT #	DESCRIPTION	AMT.	ACCT #	DESCRIPTION	AMT.		
	A SURPLUS OFFICE	1,230.50		A7020.482	CONFERENCES	1,230.50	GAVIGAN
B3620.212	EQUIPMENT OFFICE	1,000.00	DA5110.450	B3620.425	MILEAGE	1,000.00	BARTON
A3640.412	SUPPLIES	100.00		A3640.471	UNIFORMS	250.00	EDENHOFER
A3640.481	BOOKS	150.00					

RESOLUTION NO. 245-2007 Motion by Councilman Smith, seconded by Councilman Blackburn, to approve the Budget Transfers as requested.

Motion carried: Aye 5 Nay 0

INFORMATIONAL ITEMS

SIDEWALK NEWS RELEASE

Supervisor Lemcke reported that the application for the sidewalk grant is not expected to come out until November or later. This will come back on the agenda as information becomes available.

Councilman Blackburn raised the question of who would be charged for any interest incurred if money had to be borrowed during an interim period until reimbursed by the grant. He did not feel that the Town should be liable for this expense. Councilman Carmestro was in agreement. There was brief discussion on how this might be handled.

OTHER MISCELLANEOUS

Supervisor Lemcke also reported a notice was received from the NYS Department of Environmental Conservation that remedial fencing and trees are being planted at the old Trimmer Road Landfill.

Supervisor Lemcke has received a lease from the Village of Hilton for the Community Center space used by the Recreation Department. Copies will be forwarded to Councilman Smith and Steve Fowler for review.

Supervisor Lemcke reported that we are now in negotiations for a new company to administer our public access to cable. The Greece School facilities would be used but the district would not be part of the operating cable access. Two companies were interviewed for this function by representatives from the Towns of Chili, Clarkson, Gates, Greece, Ogden and Parma. Educable the current provider did not apply. The towns are now waiting to review the lease from the school district.

AVAILABILITY OF ELECTRICITY **670 OGDEN PARMA TOWN LINE ROAD**

Councilman Reinschmidt expressed concern that the residents of 670 Ogden Parma Town Line Road still have no electricity and proposed the following resolution be sent to the President of Rochester Gas and Electric. There was discussion on the status of the situation between Spencerport Electric and Rochester Gas and Electric.

RESOLUTION NO. 246-2007 Motion by Councilman Reinschmidt, seconded by Councilman Blackburn, Councilman Carmestro, Councilman Smith and Supervisor Lemcke that:

WHEREAS, the Edward and Maria Egenlauf family, residing at 670 Ogden Parma Town Line Road, have abided by all regulations and codes in building their home in the Town of Parma, and

WHEREAS, it appears that they are now pawns in a chess game between the electric service providers which involves issues way beyond their individual home

NOW THEREFORE, be it resolved by the Parma Town Board that we request Rochester Gas & Electric President and CEO, James Laurito, to intercede on the Egenlauf's

behalf to provide necessary electric service to our constituents, without regard to the utility's other issues.

Motion carried: Aye 5 Nay 0

LIAISON REPORTS

**Councilman Smith reported that he was not aware of any major issues in dog control. He will not be at the Recreation Commission meeting because it was moved ahead one week and he has a prior commitment. The Zoning Board continues to be busy and many items are tabled because applicants are not bringing all the information or they are being given an opportunity to present again.

**Councilman Carmestro had nothing to report.

**Councilman Reinschmidt reported that the Spencerport Fire Department is going out for quotes again on their new fire hall.

Mr. Barton reported that the Supervisor, attorneys for the Town and Mr. Dyminski, Mr. Fritz and himself will be meeting on Thursday at 11:00 to go over the list issues at 4247 Ridge Road West. There was discussion on inspections and how whether they are owner occupied or belonging to Mr. Dyminski is affecting the process.

WARRANTS

RESOLUTION NO. 247-2007 Motion by Councilman Smith, seconded by Councilman Carmestro, to approve payment of the A Fund, General Fund bills, in the amount of \$32,391.29.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 248-2007 Motion by Councilman Smith, seconded by Councilman Reinschmidt, to approve payment of the B Fund, Part Town Bills, in the amount of \$2,394.32.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 249-2007 Motion by Councilman Smith, seconded by Councilman Blackburn, to approve payment of the DA Fund, Highway Town Wide bills, in the amount of \$156.00.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 250-2007 Motion by Councilman Smith, seconded by Councilman Carmestro, to approve payment of the DB Fund, Highway Outside bills, in the amount of \$81,173.67.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 251-2007 Motion by Councilman Smith, seconded by Councilman Reinschmidt, to approve payment of the SD Fund for Townwide Drainage bills, in the amount of \$373.06.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 252-2007 Motion by Councilman Smith, seconded by Councilman Blackburn, to approve payment of the SS3 Fund for Dunbar Road East Sewer District bills, in the amount of \$249.30.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 253-2007 Motion by Councilman Smith, seconded by Councilman Carmestro, to approve payment of the T Fund for Trust and Agency bills, in the amount of \$5,965.97

Motion carried: Aye 5 Nay 0

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There being no further business brought before the Town Board, Councilman Carmestro made a motion to adjourn the meeting at 8:50 p.m., seconded by Councilman Smith and all were in favor.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk