

Parma Town Board meeting held on Tuesday, June 17, 2008 at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

ATTENDANCE

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

OTHERS IN ATTENDANCE

Gavin Brownlie, Gene DeMeyer, Bob Wagner, Jim Quick, Jeff Eisenhauer, and other unidentified members of the public.

CALL TO ORDER

Supervisor Lemcke 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 Lemcke thanked those in attendance for their patience as we were waiting for correspondence from our attorney. He noted emergency exit procedures.

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.

Mercy Flight Drainage

James Quick provided the Town Board with a letter regarding Mercy Flight Sub division drainage and property elevations with respect to his property and his neighbors, Robert Wagner and John Frillici. Mr. Quick summarized the letter and asked that it be made part of the record. (*See Attachment A at end of Minutes*) He referenced a site plan map indicating the final grade elevation for Lot 1 of this subdivision as 259.5 and the low point on his property as 258.23. He calculated the difference to be 15 inches. Mr. Quick stated he took additional measurements using a laser level and feels the difference in elevation could be as much as 30 inches. Concern was expressed for the properties owned by Mr. Wagner and Mr. Frillici, whose property elevations are even lower. Mr. Quick also noted that an aerial view of the property shows tiles when it was still farmland. There was discussion on when measurements are taken, possible solutions and the property owners' concerns.

Mr. Wagner also addressed the Board regarding the same matter. He expressed frustration that since Mercy Flight Development went in the runoff is draining to his property. He felt it was unethical to point 3 roof lines at their properties. He noted the drainage has to take two ninety degree turns with no swale and felt that it should be going back to the pond. The residents would like to work with the parties involved but are frustrated. Both gentlemen acknowledged that this has been a dry spring but they are concerned for when that is not the case and when there are heavy storms like we have had in the past few weeks. These storms have resulted in standing water.

It was noted that the Town requires the finished floor elevation and the final grade to be established and noted on the site plan map. Mr. Barton thought that the final grade had been

done last week. Mr. Barton was asked to get pertinent information and arrange for the Town Engineer, the developer, the developer's engineer and himself to meet.

All Seasons Drainage

Jeff Eisenhauer also addressed the Town Board on a drainage issue with his property. He stated that he has standing water at the back of his property on Summertime Trail, has lost landscaping as a result and feels it is due to a catch basin never being put in by the developer. There were varying opinions on whether a recently installed swale was the appropriate and effective solution. There was discussion on whether dirt stored on the property raised the elevation. It was noted that the catch basin shown on the site plan map was not part of the phase Mr. Eisenhauer's house was built in but would be done during a future phase should development go forward in that section. Mr. Eisenhauer would like to see pooling water drain to the street.

Councilman Smith has been out to look at the site and felt the newly placed swale is an immediate fix but it puts all the water out on the road and this is not a long term solution. It was noted the storm sewer comes in front of the Eisenhauer house. Supervisor Lemcke did not feel that we can ask a developer to make improvements to land that does not have final site plan approval. It was noted that this development has been developed and reviewed in phases. Mr. Barton was asked to visually review the site and request grade shots of the elevation to the south side of the Eisenhauer property to check for positive drainage. Supt. Speer will look at how this drains to the road or if it is being diverted to the adjacent lot.

MINUTES – JUNE 3, 2008

RESOLUTION NO. 157-2008 Motion by Councilman Carmestro, seconded by Councilman Blackburn, to accept the Minutes of the June 3, 2008 meeting.

Motion carried: Aye 4 Nay 0 Abstained: Councilman Smith

TOWN CLERK REPORT

The Town Clerk reported that she had spoken with Brighton Sound and that they expected installation within the month. A request was also received to have a bounce house for children during a pavilion rental. It was noted the group renting the pavilion own the bounce house and will provide general liability insurance. There was no objection as long as insurance is provided.

AUTHORIZATION - HISTORICAL MAP UPDATES AND COPYRIGHT RELEASE

The Parma Bicentennial Committee would like to reprint the historical map copyrighted in 1977 as a commemorative item for the bicentennial celebration. The committee would like to make updates and copyright releases will be needed by printers.

RESOLUTION NO. 158-2008 Motion by Councilman Smith, seconded by Councilman Comardo, to authorize Town Historian, Thomas Burger, to sign off for copyright releases and make updates so that the map can be reprinted for the Parma Bicentennial.

Motion carried: Aye 5 Nay 0

BICENTENNIAL BANNER

The Parma Bicentennial Committee would like to place a banner on the west side of the Historical Building announcing the Town's Bicentennial. The Special Event Type 2 application has been provided and the committee is asking to place the sign now and leave it on the building through August of 2009. In addition, they are asking for waiver of the fee and the ability to add a smaller sign announcing specific bicentennial events.

RESOLUTION NO. 159-2008 Motion by Councilman Blackburn, seconded by Councilman Comardo, to allow the Bicentennial Committee to place a banner on the west side of the Historical building starting immediately and to go through August of 2009, waiver of the associated fee; and to occasionally add a smaller sign announcing bicentennial events. In addition, the Town Board recognizes that this is in the interest of the Town and not for the profit of anyone.

Motion carried: Aye 5 Nay 0

HIGHWAY DEPARTMENT REPORT

Supt. Speer reported he has contacted the NYS Department of Transportation regarding the new signal light on Main Street in the Village. Signs are blocking the lights and it was suggested that they be staggered. There was additional discussion on the timing of the lights.

Supt. Speer also reported the department will begin milling and paving on Lighthouse Road the late in June through early July.

REPLACEMENT DUMP BOX

The Highway Superintendent has sought quotes for a replacement Heil dump box on the 1995 10-Wheeler. He felt that it would cost more to repair than to replace and that it would be a while before the truck was replaced. The department will install. This item only comes in packages on state bid not as an individual item. Two quotes were requested but only one, for \$6,735, was received. Supt. Speer requested permission to spend up to \$7,000 for this purchase.

RESOLUTION NO. 160-2008 Motion by Councilman Smith, seconded by Councilman Comardo, to authorize the Highway Superintendent to purchase a dump box for the 1995 10-Wheeler, not to exceed \$7,000 in cost and that it be noted that no other company provided a quote.

Motion carried: Aye 4 Nay 1 Voting Nay: Supervisor Lemcke

ROOF REPAIR - OLD BUS GARAGE

Supt. Speer estimates that it will cost \$18,000 to make roof repairs to the old bus garage. There was discussion on whether to replace the building; consider the possibility of including a new salt shed which could be utilized by the Town, Village and school district; availability of additional land and how we might be able to meet the needs of various community projects. Supt. Speer was asked to research the cost for a cold storage building.

Supt. Speer requested that the Highway Foreman be changed from salary to hourly so that he could be paid for overtime during the summer as needed. There was discussion on prior decisions and conclusions drawn surrounding this matter. The Finance Director will be asked to get what has been paid from the payroll records and the Town Clerk will provide copies of Town Board minutes referencing the hourly to salary changes.

Supt. Speer was asked to report on a site inspection done by Mr. Klotz of Hilb, Rogal & Hobbs identified a safety issue while doing an on the job inspection. Mr. Klotz has been providing employee training on safety and inspections to identify issues that need to be addressed. The Highway Superintendent and Foreman feel that Mr. Klotz should not instruct employees on site as to the appropriate practices to be followed. They would prefer that correction be made to them and they will instruct staff on what to do. A meeting has been requested by Mr. Klotz with the Supervisor later this week to discuss the matter.

Mr. Barton stated that he had spoken with the Highway Superintendent regarding the West Creek Drive clean up issue. It was felt there might not be sufficient funds to complete the

required work; thus leaving no funds from the letter of credit for any additional work at the entrance to the development. This is a result of the original developer going under and the extended amount of time that has taken place since the letter of credit was approved. The cost of materials to topcoat the road is a contributing factor. There was discussion on options for finishing the road. Supervisor Lemcke requested a cost be obtained from the Highway Department and 2 independent contractors to complete the work. There was also discussion on placing liens for any overruns to complete the work. The Town Clerk was asked to identify who owns the lots in the first section. Supt. Speer will provide quotes from the Highway Department and 2 independent contractors.

BUILDING DEPARTMENT REPORT

FLOOD DAMAGE PROTECTION

A public hearing will be held July 15, 2008 at 6:30 p.m. at the Parma Town Hall to hear all interested parties regarding the Local Law 1-2008 Flood Damage Protection which is required by FEMA. The Town Board determined that none of the optional language choices would be incorporated into the text of the law. Mr. Barton noted that the local law will include repeal of portions of Section 165-38 in the Town Code.

RESOLUTION NO. 161-2008 Motion by Supervisor Lemcke, seconded by Councilman Blackburn, to hold a public hearing on July 15, 2008 at 6:30 p.m. at the Parma Town Hall to hear all interested parties regarding Local Law # 1-2008 Flood Damage Protection and to repeal a portion of Section 165-38 in the Town Code.

Motion carried: Aye 5 Nay 0

Mr. Barton informed the Town Board that he has spoken with the property owner regarding the ingress and egress easement for access from Clearview Avenue to the Town Park. The property owner is in agreement. Mr. Barton has contacted Rich Maier to complete the legal description. Upon completion, the Town Attorney will review, the Town Board will review and if approved it will be filed.

Mr. Barton informed the Town Board that the Fire Protection Standards were not approved at the June 11th NYS Code Council meeting in Albany. The group was complimented on the work they have done and the Council has recommended some changes. The Town can resubmit after the changes have been made via a new ordinance or Local Law. The denial rescinds the recently adopted Fire Protection Standards as of the June 11th meeting.

The Building Report for May has been submitted. It was noted that it is still a work in progress and the department continues to work with the new software.

RECREATION DEPARTMENT REPORT

Mr. Fowler provided information on the *Park It in Parma* celebration to be held at Town Hall Park Friday and Saturday, August 1st and 2nd and will coincide with Bicentennial activities. On Friday, August 1st activities include the Chris McKain Band, the Cruise –In auto review, an inflatable obstacle course and 18 foot slide. The Movie Night Under the Stars feature will be “Horton Hears a Who”. Saturday events include the Hilton Select Summer Slam 3 on 3 basketball tournament, the 2nd Annual Rock/Paper/Scissors Championship, the Saturn display, and breakfast for campers. Blue Sky will be the band and the fireworks display will finish out Saturday night. There will also be a rock climbing wall for the weekend.

PARKS DEPARTMENT

Joe Petricone was not in attendance therefore there was no report.

BUSINESS ITEMS

DUNBAR ROAD EAST SEWERS

The Finance Director has requested that the funds be reallocated for the completion of Form E which must be filed with Rural Development for the Dunbar Road East Sewer District.

RESOLUTION NO. 162-2008 Motion by Councilman Comardo, seconded by Councilman Carmestro, to transfer \$291 from the Legal line to the Bond Council line for the services of Tim McGill.

Motion carried: Aye 5 Nay 0

BUDGET TRANSFERS

TRANSFERS TO BUDGET

Jun-08

FROM			TO			REQUESTED
ACCT #	DESCRIPTION	AMT.	ACCT #	DESCRIPTION	AMT.	
	A SURPLUS	1,037.55	A7110.438	PARK IMPROVEMENTS	1,037.55	GAVIGAN
	B SURPLUS	166,946.00	DB5130.200	HIGHWAY MACHINERY	166,646.00	GAVIGAN
A1310.212	OFFICE EQUIPMENT	500.00	A1310.482	EDUC & PROFESSIONAL	500.00	GAVIGAN
A1220.212	OFFICE EQUIPMENT	1,000.00	A1220.412	OFFICE SUPPLIES	1,000.00	GAVIGAN
A1220.12A	SECRETARY PART TIME	4,200.00	A1220.482	EDUC & PROFESSIONAL	4,200.00	GAVIGAN

RESOLUTION NO. 163-2008 Motion by Councilman Smith, seconded by Councilman Blackburn, to approve the Budget Transfers as submitted.

Motion carried: Aye 5 Nay 0

MISCELLANEOUS

INCODE – ACCOUNTING SOFTWARE

The current accounting software used by the Finance department has become obsolete. Support is no longer available and there are no updates. The Finance Director has recommended the purchase of Incode accounting software from Tyler. The quote includes license fees, on-site services, final implementation, Project management, consulting and training. There will be an annual maintenance fee of \$2,560.

RESOLUTION NO. 164-2008 Motion by Councilman Smith, seconded by Councilman Comardo, to approve the purchase of new accounting software in the amount of \$27,675 to be paid from A Surplus.

Motion carried: Aye 5 Nay 0

INFORMATIONAL ITEMS

JOINT MEETING WITH VILLAGE

RESOLUTION NO. 165-2008 Motion by Councilman Comardo, seconded by Councilman Smith, to hold a joint meeting with the Village of Hilton July 29, 2008 to be held at the Parma Town Hall at 6:30 p.m.

Motion carried: Aye 5 Nay 0

Topics for the agenda should be provided to the Town Clerk.

LIAISON REPORTS

**Councilman Smith reported there were 12 property owners that came to grievance day. Of the 12, 2 were changed by the Board of Assessment review and 1 will likely appeal.

He also reported that the Bicentennial Committee has completed the music CD and are looking into how copies will be made for sale. A great deal of work has been done in the Historical Building and rotating displays are planned for the windows. Public hours will start next week on Wednesday from 1:00 p.m. to 4:00 p.m. and Saturday from noon to 3:00 p.m. Board members were encouraged to stop in and view. There was discussion on naming Don Stilson as the Town Curator so that he can move Town property from the Meeting House to the Historical Building and vice versa. Supervisor Lemcke will have Marion check how other Towns have addressed.

Councilman Smith attended Legislative Days in Albany and found it to be a good event. The underlying message being sent to local government at all the presentations was that spending needed to be cut at the local level. Also of interest was the enforcement of prevailing wages for capital projects. The Town of Parma's agriculture/open space initiative was mentioned as receiving praise for its quality.

**Councilman Comardo reported that there was lively discussion during the Planning Board meeting regarding the Fire Protection Standards and the Code Council meeting. Also of interest was soil sampling on development land that includes old orchards. He did not have anything to report for the Parks Department.

**Councilman Carmestro stated that he would like to change his vote for the Budget Transfer resolution. Supervisor Lemcke responded that this would be done at the next meeting.

He reported that he and the Park Foreman met and determined the offered skate park ramps were not useable. He also reported the steel is up for the new Fire Hall and they are looking at a new process for bid sheets. He was unable to attend the Zoning Board meeting and he attended the Code Council meeting in Albany with Mr. Barton and the Fire Chiefs.

**Councilman Blackburn had no report.

WARRANTS

RESOLUTION NO. 166-2008 Motion by Councilman Smith, seconded by Councilman Comardo, to approve payment of the A Fund, General Fund bills, in the amount of \$39,648.52.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 167-2008 Motion by Councilman Smith, seconded by Councilman Carmestro, to approve payment of the B Fund, Part Town Bills, in the amount of \$14,851.77.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 168-2008 Motion by Councilman Smith, seconded by Councilman Blackburn, to approve payment of the DA Fund, Highway Townwide bills, in the amount of \$3,331.85.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 169-2008 Motion by Councilman Smith, seconded by Councilman Comardo, to approve payment of the DB Fund, Highway Outside bills, in the amount of \$33,118.19.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 170-2008 Motion by Councilman Smith, seconded by Councilman Carmestro, to approve payment of the SD Fund for Townwide Drainage bills, in the amount of \$1,712.04.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 171-2008 Motion by Councilman Smith, seconded by Councilman Blackburn, to approve payment of the SS3 Fund for Dunbar Road East Sewer bills, in the amount of \$4,268.75.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 172-2008 Motion by Councilman Smith, seconded by Councilman Comardo, to approve payment of the T Fund for Trust and Agency bills, in the amount of \$17,886.54.

Motion carried: Aye 5 Nay 0

ENTER INTO EXECUTIVE SESSION

RESOLUTION NO. 173 -2008 Motion by Councilman Carmestro, seconded by Councilman Comardo, to enter into Executive Session to discuss misuse of town equipment by an employee.

Motion carried: Aye 5 Nay 0

The Board entered into executive session at 8:35 p.m.

CLOSE EXECUTIVE SESSION

RESOLUTION NO. 174-2008 Motion by Councilman Smith, seconded by Councilman Carmestro, to close the Executive Session at 8:58 p.m. and return to regular session.

Motion carried: Aye 5 Nay 0

There being no further business brought before the Town Board, Councilman Smith made a motion to adjourn the meeting at 8:58 p.m., seconded by Councilman Blackburn and all were in favor.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk

ATTACHMENT A

To: Parma Zoning Board

5/15/08

From: James V. Quick
553 Manitou Rd.
Hilton, N.Y. 14468
392-4337

Mr. & Mrs Robert W. Wagner
557 Manitou Rd.
Hilton, N.Y. 14468
392-8429

Mr. & Mrs. John Frillici
587 Manitou Rd.
Hilton, N.Y. 14468
392-7725

Re: Mercy Flight Sub Division Drainage.

Dear Board Members,

This letter is a follow up to concerns about the drainage and property elevations, that I addressed in a previous letter, that you have on file.

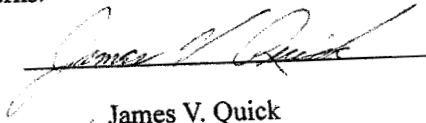
Now that the house has been built on lot #1, the lot directly behind me, I am very concerned with the drainage that will run off on to my property. By the original elevation map the final grade of the house behind me was to be 259.5. The low point of my property elevation, by the same map is 258.23. By converting the elevations to feet and inches, that would be 259' 6" and 258' 3". That would be a difference of 15".

I have measured, with a laser level, and at my rear property line, the final grade of the house built on lot #1, is approximately 33" above my land elevation at that lot line. (See pictures attached). In addition, as shown by the pictures, there are 3 down spouts pointed toward my property. Because this has been a below average year for spring rainfall, there is no evidence as to how a "normal" amount of rain will effect my property. However, as another picture taken on 5-12-08 shows, there is standing water on the property of lot #1 even with little rainfall. As I mentioned in the previous letter, flooding of my property will effect the leach field located in that vicinity.

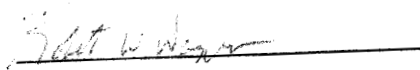
In addition to the above concern, the 2 properties to my south, (557 & 587) are at even lower elevations than mine. The owners of those properties (signed below) are also concerned with lot #1's elevation, and the effect the rain runoff will have on them.

DEC regulations and laws state that "No adverse effects can result to adjacent properties due to the building of new structures." We, the below signed property owners, believe that this will certainly be the case. It is our suggestion that a drain tile be installed along the entire east side of lot #1, running south, and then routed to the west, to the existing pond, to facilitate routing the runoff away from our properties.

Please consider this notification of the possibility of our bringing a class action lawsuit, to protect our interests, naming, but not limited to, the Town of Parma, and the builder as defendants. This would be a last resort, and certainly one that we would prefer not to pursue. We feel that the concerns we have voiced several times, when attending this boards meetings, have fallen on deaf ears, in that no action has taken place, and no meetings have been held with us, to address these very serious concerns.



James V. Quick



Robert W. Wagner



John Frillici