

Parma Town Board meeting held on Tuesday, May 20, 2014 at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

ATTENDANCE

Supervisor	James Smith
Councilperson	Gary Comardo
Councilperson	James Roose
Councilperson	Tina Brown
Councilperson	Kyle Mullen
Highway Supt.	Brian Speer
Director of Parks and Recreation	Tom Venniro

OTHERS IN ATTENDANCE

Patrick Buskey, Michael Weldon, Carol Kluth, Helen Ives, Scott Copey, Gary Inzana, Laura Inzana, Roger O'Dell and other members of the public.

CALL TO ORDER

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

PUBLIC HEARING – RIGHT TO FARM LAW

The following legal notice was read and noted this was published and posted as required by law.

**LEGAL NOTICE
TOWN OF PARMA**

The Parma Town Board has scheduled a public hearing on proposed Local Law #1-2014 to be known as the "Right to Farm Law of the Town of Parma". The public hearing will be held at the Parma Town Hall, 1300 Hilton-Parma Corners Rd., Hilton, New York on May 20, 2014 at 6:30 p.m. at which time persons in favor of or opposed to said local law may be heard. Copies of the proposed local law are on file at the Parma Town Clerk's office and are available on the Town website (www.parmany.org) for public inspection.

Dated: May 7, 2014
Town of Parma
Donna K. Curry, Town Clerk

It was noted a response was received from Monroe County Planning and Development when the Town first brought this forward. Comments received from Robert King at that time were taken under consideration and changes made. Notices were sent to the Towns of Greece, Ogden, Sweden, Clarkson and Hamlin and the Village of Hilton as interested parties on April 15, 2014. There were no responses received from them.

Supervisor Smith noted this was an Unlisted Action under SEQR and the Town of Parma is the lead agent. The Town Board proceeded to review Parts 1 and 2 of the Short Environmental Assessment Form.

NEGATIVE DECLARATION – RIGHT TO FARM LAW

RESOLUTION NO. 129-2014 Motion by Supervisor Smith, seconded by Councilperson Comardo resolving that the Parma Town Board has classified this proposal as an unlisted action under SEQR. The Parma Town Board has reviewed parts 1 and 2 of the Environmental Assessment Form (EAF) and any other relevant areas of environmental concern submitted for this proposal. Compared with the criteria listed in section 617.11 of SEQR regulations, all indications are that the proposed action will not cause substantial adverse change in community character, aesthetics, design and natural features. Based on its review, the Parma Town Board has determined that the action will not have a significant adverse impact on the environment of the Town and hereby issues a Negative Declaration.

Motion carried: Aye 5 Nay 0

Supervisor Smith asked if anyone present would like to address the Board on this matter. There was no response. The public hearing was closed.

RESOLUTION FOR LOCAL LAW #1-2014
RIGHT TO FARM LAW

RESOLUTION NO. 130-2014 Motion by Councilperson Brown, seconded by Councilperson Mullen,

WHEREAS, the Parma Town Board has received and reviewed the Right to Farm Law and is considering action herewith to adopt said law; and

WHEREAS, the Towns of Greece, Ogden, Clarkson, Sweden, Hamlin and Village of Hilton were notified as interested parties; and

WHEREAS, appropriate public notice of this action has been made as well as referral to Monroe County Planning Department for review and comment; and

WHEREAS, the Parma Town Board has considered comments made by the public and interested agencies at the Public Hearing held on May 20, 2014; and

WHEREAS, the Parma Town Board as the only involved agency, has identified this as an unlisted action, completed the Environmental Review of the adoption of the Right To Farm Law and issued a “Negative Declaration” of significance, pursuant to the State Environmental Quality Review(SEQR) regulations; and

THEREFORE BE IT RESOLVED that:

1. The Parma Town Board hereby adopts the Right to Farm Law for the Town of Parma as Local Law 1-2014.
2. The Clerk is directed to file the appropriate notices as required by NYS law.

3. This resolution shall take effect immediately.

Motion carried: Aye 5 Nay 0

Supervisor Smith thanked the Farmland and Open Space Committee for all their work on this project.

See Schedule A at end of Minutes for a copy Right to Farm Law and SEQR

**PUBLIC HEARING – ADDENDUM 1 TO
TOWN OF PARMA DEVELOPMENT REGULATIONS**

Supervisor Smith read the following legal notice and noted it was published and posted as required by law. It was also noted Addendum 1 to the Town of Parma Development Regulations is a minor change and does not affect the Negative Declaration made per Resolution No. 243-2013 on October 1, 2013 and therefore, no further review is required.

**LEGAL NOTICE
TOWN OF PARMA**

The Parma Town Board has scheduled a public hearing on proposed Addendum 1 to the Town of Parma Development Regulations. The public hearing will be held at the Parma Town Hall, 1300 Hilton-Parma Corners Rd., Hilton, New York on May 20, 2014 at 7:00 p.m. at which time all persons will be heard. Copies of the proposed addendum are on file at the Parma Town Clerk's office and are available on the Town website (www.parmany.org) for public inspection.

Dated: April 16, 2014
Town of Parma
Donna K. Curry, Town Clerk

Supervisor Smith asked if there was anyone who wished to speak. There was no response. The public hearing was closed.

**ADOPTION OF ADDENDUM 1 TO
TOWN OF PARMA DEVELOPMENT REGULATIONS**

RESOLUTION NO. 131-2014 Motion by Supervisor Smith, seconded by Councilperson Mullen, to adopt Addendum 1 of the Town of Parma Development Regulations; which changes the size of storm water laterals and cleanouts.

Motion carried: Aye 5 Nay 0

See Schedule B for Addendum 1

MINUTES – MAY 6, 2014

RESOLUTION NO. 132-2014 Motion by Supervisor Smith, seconded by Councilperson Comardo, to accept the Minutes of the May 6, 2014 Town Board meeting.

Motion carried: Aye 5 Nay 0

TOWN CLERK REPORT

The Town Clerk reported a copy of the Hilton Parma Fire District Financial Statement for the year ending December 31, 2013 has been received and filed. A reminder was made to those who need to submit retirement hour reporting. It was also noted minutes from the joint meeting with the Village have not been received for approval.

HIGHWAY DEPARTMENT REPORT

The recent heavy rain resulted in a washout underneath a section of Payne Beach Road. The County will have to replace the culvert pipe. Supt. Speer reported crews have completed lawn restorations from the winter and are working on a second pass of the Town for the spring brush pickup. Crews have also been working on driveway repairs where roadwork was done last year, has settled and is now being repaired. There is a defective valve in the new truck's box. A sewer leak between the clean out and the main at 110 Dunbar Road was repaired by Crowley. The Town's shovel was too small for the repair. The Town will pay for this as it is in our easement between the cleanout and the main.

There was discussion on the hiring of two young adults for summer help. Work would include flagging, brush pick up and alleviate the carryover of vacation time. It was felt the rate should be that of a comparable position on the pay scale. It was noted the positions should be advertised, preference should be given to Parma residents, there should be funds available in the DB employee budget line. After further discussion it was felt the wage should not exceed \$12.00 per hour.

Property Maintenance – A request was made to Supt. Speer to assist with a property maintenance issues specifically for a property on West Avenue. If Highway staff is available the time and materials should be documented so the department can be reimbursed.

Superintendent Speer will be away the first two weeks in June for Highway School and vacation.

BUILDING DEPARTMENT REPORT

RETIREMENT – ROBERT PRINCE

RESOLUTION NO. 133-2014 Motion by Supervisor Smith, seconded by Councilperson Mullen, to accept the retirement of Robert Prince with regrets.

Motion carried: Aye 5 Nay 0

Art Fritz has started to send notices and there is one property maintenance issue.

PARKS AND RECREATION DEPARTMENT REPORT

Mr. Venniro reported the Parks Department has been working on cleanup work due to weather damage and trail runoff from storms. It was noted the Court office roof leaked again. There have been forty applicants for summer employment. He reported numbers for the online registration program and will be preparing comparison numbers for March and April. The summer brochure is being prepared. If

departments have information they would like included, let him know. Tonight was the start of the T-ball program.

LIBRARY REPORT

Library Director Becky Tantillo was unable to attend the meeting but Supervisor Smith reported on the April activities and statistics she provided.

PUBLIC FORUM

Supervisor Smith opened the public forum and asked if there was any citizen present who would like to address the Town Board.

Gary Inzana addressed the Town Board on his concerns regarding disparities in property assessments of commercial and rental properties in the Village of Hilton. Mr. Inzana is a property manager, real estate developer and a licensed real estate broker. He provided the Board with examples of property analyses for commercial mixed use and apartments which had significant discrepancies between similar types of properties and expressed his displeasure that this has been allowed to happen. He met with the Assessor to discuss the increased change in assessment for his properties, provided information on why he felt the assessments should be reduced and an adjustment was later given. He felt that all commercial and rental properties should be re-evaluated. The Assessor did inform him the Town will be going through a town wide re-evaluation next year. Mr. Inzana would like to see fair and accurate assessments for all properties and he will be providing the same information to the Village Board.

BUSINESS ITEMS

COOPERATIVE FUEL AGREEMENT

Supervisor Smith reported minor typos had been fixed and he had spoken with Steve Ayers. There was discussion on the logistics of who will have access and how it will be controlled.

RESOLUTION NO. 134-2014 Motion by Supervisor Smith, seconded by Councilperson Mullen, to authorize the Supervisor to enter into an Inter-municipal Cooperative Fuel Agreement with the Hilton Central School District as presented.

Motion carried: Aye 5 Nay 0

See Schedule C at the end of the minutes for a copy of the agreement.

SPECIAL EVENT PERMIT

4975 RIDGE ROAD WEST - PRODUCE SALES

Supervisor Smith reported a request has been received to have a farm stand/wagon east of the corner of Rt.104 and 259 at Liberty Hollow. The business plan and application have been submitted. This is the same applicant who applied for Christmas tree sales back in the fall. The produce wagon will be staffed and located in the same spot.

RESOLUTION NO. 135-2014 Motion by Supervisor Smith, seconded by Councilperson Roose, to approve the Special Event Permit application of John McNall at 4975 Ridge Road West for the sale of farm produce by Sara Christ from a wagon June 1st through October 31st 2014.

Motion carried: Aye 5 Nay 0

MISCELLANEOUS

INTRODUCTION PROPOSED LOCAL LAW 2-2014

RESOLUTION NO. 136-2013 Motion by Supervisor Smith, seconded by Councilperson Roose, to hold a public hearing on Proposed Local Law #2 of 2014 entitled "A Local Law to Establish the Residency Requirements for the appointed offices of Building Inspector, Fire Marshal and Code Enforcement Officer for the Town of Parma." The proposed law will expand the residency requirements to Monroe County and or adjoining counties. This Public Hearing will be on June 17, 2014 at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York 14468 at 6:30 pm, at which time all interested parties will be heard. A copy of the proposed Local Law is on file with the Town Clerk and will be posted on the Town's website.

Motion carried: Aye 5 Nay 0

AUTHORIZATION TO ESTABLISH THE POSITION OF BUILDING INSPECTOR/FIRE MARSHAL THROUGH CIVIL SERVICE

Currently the Town has the position of Building Inspector and the position of Fire Marshal. They are no longer considered two separate positions under civil service. The Town needs to take the 222 action for establishing the Building Inspector/Fire Marshal title; which will add it to the list of available titles for the Town. The Town will still have the option for a part time Fire Marshal.

RESOLUTION NO. 137-2013 Motion by Councilperson Mullen, seconded by Supervisor Smith, to authorize Mary Gavigan to contact Monroe County Civil Service to take the 222 action establishing the position of Building Inspector/Fire Marshal for the Town of Parma.

Motion carried: Aye 5 Nay 0

APPOINTMENT OF BUILDING AND DEVELOPMENT COORDINATOR

Supervisor Smith reported Jack Barton, Councilpersons Mullen and Comardo and himself interviewed six of seven candidates who applied for the position of Building and Development Coordinator. There was a good selection of qualified candidates. They are recommending Dennis Scibetta be appointed to the position. It was felt he has the credentials to step in, has strong management capabilities, and is familiar with our type of Code, and has rural residential as well as commercial experience. Once the background check and other screening takes place; hopefully this information will be completed within the next week and he could start within the next two weeks.

RESOLUTION NO. 138-2013 Motion by Supervisor Smith, seconded by Councilperson Comardo, to hire Dennis Scibetta provisionally to the position of Building and Development Coordinator; pending that he pass the civil service exam for the position when offered and meet all the pre-requisite required by our employee handbook.

Motion carried: Aye 5 Nay 0

**INTERMUNICIPAL AGREEMENT – TOWN OF CLARKSON
FOR BUILDING INSPECTOR SERVICES**

Supervisor Smith explained he was looking for approval to enter into an intermunicipal agreement with the Town of Clarkson for Building Inspection Services. The Town is looking to have a part time employee who can work a maximum of 20 hours a week to do some of our overload work and attend meetings when necessary. He explained there are some details in the agreement such as for cell phone, uniforms and vehicle usage which need further negotiation. The Town does not wish to reimburse for personal vehicle usage when there is a Town vehicle available to use, nor do we require uniforms.

RESOLUTION NO. 139-2013 Motion by Supervisor Smith, seconded by Councilperson Comardo, to authorize the Supervisor to enter into an inter-municipal agreement between the Town of Parma and the Town of Clarkson for Building Inspection Services for a total cost of \$2,782.59 per month for the salary and benefit component and not to exceed \$435 a month to cover expenses.

Motion carried: Aye 5 Nay 0

INFORMATIONAL ITEMS

Sales Tax - Supervisor Smith reported the first quarter's sales tax payment has been received for \$179,006.55. This quarter last year was \$173,643.37.

Health Benefits - There was discussion on what the Town pays for new employee health benefits. Currently, all new hires receive fifty percent of the total cost of the package. For current employees this covers most of the catastrophic coverage and the out of pocket per year is \$1,300 for an individual and \$2,600 for a family plan. Discussion included the overall benefit is fairly generous but fifty percent of the total package cost is a bit stingy for new employees; should look at raising it to seventy percent for new employees, the current HSA accounts, consideration for HRA accounts, establishing a set amount that will be put towards health insurance and any costs over this are absorbed by the employee. There are approximately six or seven employees currently in this scenario with the potential of three more. The estimated increase to our health care cost would be \$11,000 per year. The consensus was more information was needed. The Board would like to know what area Towns are covering for health insurance and to include pay scale information, so the whole package can be looked at. They would like to find a good middle ground.

Supervisor Smith noted that Town Board meetings will take place on the third Tuesday of June, July and August starting at 6:30 p.m. The next Town Board meeting will be June 17, 2014.

2013 Safety Award – The Upstate New York Municipal Workers Compensation Program awarded their 2013 Safety Award to the Town of Parma.

LIAISON REPORTS

**Councilperson Brown reported there was no Planning Board meeting. The Conservation Board reviewed the plans for 147 Dean Road. They will be resubmitting once discrepancies have been resolved. The Board of Assessment Review will be meeting on May 27, 2014 from 4:00 to 8:00 p.m. to hear grievances. They will also be sending requests to all commercial for income for next year's revaluation.

**Councilperson Comardo reported the Farmland and Open Space Committee met. He also attended the Hamlin Dog Kennel Dedication and the Association of Towns Finance School.

**Councilperson Roose reported the Recreation Commission will not be meeting until next week.

**Councilperson Mullen reported there will be twenty property maintenance letters going out. The Zoning Board of Appeals met last week. The gentleman who owns the property, where the code enforcement case which was dropped last week, came before the Zoning Board of Appeals to appeal the posting of structures on his properties. The Court's decision allows Town employees to resume posting properties which are in violation. An affidavit to appeal was presented at the meeting which the Zoning Board Chairperson accepted and the Board of Appeals has sixty days to draft a decision. They also reviewed and application for a special permit which had lapsed. A tenant has an unauthorized business being run at the location. The tenant is no longer there and the owner went forward with a new permit. Regarding the storing vehicles at two locations on Ridge Road West, Sullivan's has withdrawn their request and Braemar needs to come back with additional information.

**Supervisor Smith reported as a follow up to earlier discussion there have been some property assessments done this year and the vast majority will be done in 2015. The Historical Society Annual Dinner was well attended. It is likely that they could have sold more tickets.

WARRANT

RESOLUTION NO. 140-2014 Motion by Councilperson Brown, seconded by Councilperson Comardo, to approve payment of AOO General Fund bills, in the amount of \$111,347.71.
Motion carried: Aye 5 Nay 0

RESOLUTION NO. 141-2014 Motion by Councilperson Comardo, seconded by Councilperson Roose, to approve payment of BOO Part Town Fund bills, in the amount of \$9,409.53.
Motion carried: Aye 5 Nay 0

RESOLUTION NO. 142-2014 Motion by Councilperson Roose, seconded by Councilperson Mullen, to approve payment of DAO Highway, Townwide Fund bills, in the amount of \$4,251.17.
Motion carried: Aye 5 Nay 0

RESOLUTION NO. 143-2014 Motion by Councilperson Mullen, seconded by Councilperson Brown, to approve payment of DBO Highway, Part Town Fund bills, in the amount of \$6,212.40.
Motion carried: Aye 5 Nay 0

RESOLUTION NO. 144-2014 Motion by Councilperson Brown, seconded by Councilperson Comardo, to approve payment of HDO Town Bridges Fund bills, in the amount of \$2,817.18.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 145-2014 Motion by Councilperson Comardo, seconded by Councilperson Roose, to approve payment of S08 Heilmann Sewer Fund bills, in the amount of \$448.00.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 146-2014 Motion by Councilperson Roose, seconded by Councilperson Mullen, to approve payment of S17 Wilder Road 1 Sewer Fund bills, in the amount of \$28.06.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 147-2014 Motion by Councilperson Brown, seconded by Councilperson Comardo, to approve payment of TAO Trust & Agency Fund bills, in the amount of \$947.66.

Motion carried: Aye 5 Nay 0

The total to be paid is \$135,461.71.

There being no further business before the Town Board, Councilperson Comardo made a motion to adjourn the meeting at 8:22 p.m., seconded by Councilperson Brown.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk

SCHEDULE A

LOCAL LAW #1 OF 2014 ENTITLED "THE TOWN OF PARMA RIGHT TO FARM LAW"

Section 1. Title.

This chapter shall be known as the "Right to Farm Law of the Town of Parma."

Section 2. Applicability.

The provisions of this chapter shall apply to Farms as defined in Chapter 165 of the Code of the Town of Parma, and Agricultural Operations as defined by the New York State Department of Agriculture and

Markets. Applicability shall not be limited to those Farms and Agricultural Operations which exist within Agricultural Districts formed pursuant to Article 25AA of the New York State Agriculture and Markets Law.

Section 3. Declaration of policy and purpose.

- A. The Town Board of the Town of Parma hereby finds, declares and determines that farming is an essential activity in the Town, an integral component of the Town's economic base, and that its agricultural lands are irreplaceable assets. Farming reinforces the special quality of life enjoyed by residents of the Town, provides the visual benefit of open space and generates economic benefits and social well-being within the community.
- B. The Town Board finds and determines that farmers must be secure in their ability to earn a livelihood and utilize customary farming procedures and techniques.
- C. The Town Board further finds that whatever burden may be caused to neighboring property owners is offset by the benefits from farming to the Town, county and state, as well as by the preservation of open space areas within the Town.
- D. It is the general purpose and intent of this chapter to maintain and preserve the agricultural tradition and character of the Town of Parma, to permit the continuation of sound agricultural practices necessary for the business of farming, to protect the existence and operation of farms and to encourage the initiation and expansion of farms and agribusiness where compatible with existing land use regulations, to promote effective and efficient means to resolve disputes which may arise concerning agricultural practices and operations, to encourage the use of new technology; and, in recognition of the fact that there are many practices and activities which are inherent to and necessary for farming, it is the specific purpose and intent of this chapter to attain the aforementioned goals and objectives by providing that such practices and activities may proceed and be undertaken free of unreasonable and unwarranted interference or restrictions.
- E. The Town Board finds, declares and determines that Article 25-AA of the New York State Agriculture and Markets Laws provides an important foundation for achieving the right to farm protection sought in the Town and that, in order to address the unique circumstances facing agriculture in the Town, it is necessary and desirable to provide for more comprehensive local right to farm protection.

Section 4. Right to farm.

- A. Farmers, as well as those employed or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within the Town of Parma at any and all such times and at all such locations as are reasonably necessary to carry on an agricultural farm operation or agricultural practices. In determining the reasonableness of the time, place and methodology of such agricultural operation or practice, due weight and consideration shall be given to past, present and future management, marketing and production procedures in the agricultural industry as well as to advances resulting from increased knowledge or improved technologies.
- B. Agricultural management, marketing and production practices in Parma shall be considered consistent with public policy of the Town of Parma if such practices are: (i) reasonable and

necessary to the particular farm or farm operation; (ii) conducted in a manner which is not negligent or reckless; (iii) conducted in conformity with generally accepted agricultural practices; (iv) conducted in conformity with all state and federal laws; (v) conducted in such a manner which does not constitute a threat to public health and safety or cause negligent injury to any person; and (vi) conducted in a manner which does not unreasonably obstruct the free passage or use of navigable waters or public roadways. Nothing in this local law shall be construed as to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death due to negligence or recklessness.

- C. No nuisance action shall be brought against an agricultural operation which has been engaged in permitted agricultural operations—for one year or more prior to the date of bringing such action, where the conditions of circumstances complained of as constituting the basis for the nuisance action have existed substantially unchanged since the established date of practices and are sound agricultural practices; or, if the physical facilities of such agricultural operations are substantially expanded or substantially altered and the expanded or altered facility has either: (1) been in operation for one year or more prior to the date of bringing such action, or (2) been addressed in a nutrient management plan approved prior to the commencement of such expanded or altered operation pursuant to (applicable) Nutrient Management Act (regulations), and is otherwise in compliance therewith: Provided, however, that nothing herein shall in any way restrict or impede the authority of this State from protecting the public health, safety, and welfare or the authority of a municipality to enforce State law. Furthermore, a farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation existed before a change in the land use or occupancy of land within 1 mile of the boundaries of the farm land, and if before that change in land use or occupancy of land, the farm or farm operation would not have been a nuisance.
- D. A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to generally accepted agricultural best-management practices according to policy as determined by the NYS Department of Agriculture and Markets.

Section 5. Interference prohibited.

No person, group, entity, association, partnership or corporation shall engage in any conduct or act in any manner so as to unreasonably, intentionally, knowingly and deliberately interfere with, prevent or in any way deter the practice of farming within the Town of Parma.

Section 6. Notice to prospective neighbors.

- A. The following notice shall appear on either the final subdivision plat or the final site plan:

“Future homeowners in this subdivision are advised that the Town of Parma is a rural agricultural community, and that active farms and agricultural operations are supported and protected by state and local Right-to-Farm Laws ”

Section 7. Resolution of disputes.

- B. Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations, including but not limited to noises, odors, fumes, dust, the operation of machinery of any kind during any hour of the day or night, the storage and disposal of manure,

and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and/or pesticides, the parties may submit the controversy to the town's Agricultural Advisory Committee in an attempt to resolve the matter prior to the filing of any court action.

- C. Any controversy submitted to the Agricultural Advisory Committee, shall be submitted within 30 days of the date of the occurrence of the particular activity giving rise to the controversy or of the date a party became aware of the occurrence.
- D. The controversy shall be presented to the Agricultural Advisory Committee by written request of one of the parties within the time specified.
- E. The effectiveness of the Agricultural Advisory Committee as a forum for the resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.
- F. The decision of the Agricultural Advisory Committee shall be advisory only and non-binding on either party.
- G. Every effort shall be made to resolve disputes through the Agricultural Advisory Committee; however, disputes related to properties within Agricultural Districts formed pursuant to Article 25AA of the New York State Agriculture and Markets Law may be referred to the Monroe County Agricultural Protection Board.
- H. In accordance with NYS Agriculture and Markets Law section §308-a, in any nuisance action brought in which a farm or farm operations is alleged to be a nuisance, if the defendant farm or farm operation prevails, the Court shall award from the plaintiff to the farm or farm operation the actual amount of costs and expenses determined by the court to have been reasonably incurred by the farm or farm operation in connection with the defense of the action, together with reasonable and actual attorney fees.

Section 8. Severability.

If any part of this chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this chapter.

Section 9. Effective date.

This chapter shall take effect immediately upon filing with the Secretary of State.

617.20
Appendix B
Short Environmental Assessment Form

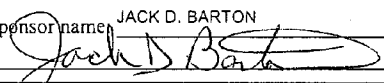
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: TOWN OF PARMA "RIGHT TO FARM LAW"			
Project Location (describe, and attach a location map): TOWNWIDE			
Brief Description of Proposed Action: THE PARMA TOWN BOARD IS PROPOSING TO ADOPT THE "RIGHT TO FARM" LOCAL LAW.			
Name of Applicant or Sponsor: TOWN OF PARMA TOWN BOARD		Telephone: 585-392-9461	
		E-Mail: TOWNCLERK@PARMANY.ORG	
Address: 1300 HILTON PARMA CORNERS ROAD, PO BOX #728			
City/PO: HILTON	State: NEW YORK	Zip Code: 14468	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		27,850 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ ACTION WILL NOT REQUIRE POTABLE WATER	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ ACTION WILL NOT REQUIRE WASTEWATER TREATMENT	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input checked="" type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: JACK D. BARTON	Date: MARCH 27, 2014	
Signature: 		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

PARMA TOWN BOARD

 Name of Lead Agency

JAMES SMITH

 Print or Type Name of Responsible Officer in Lead Agency

James Smith

 Signature of Responsible Officer in Lead Agency

5/20/14

 Date

TOWN SUPERVISOR

 Title of Responsible Officer

 Signature of Preparer (if different from Responsible Officer)

PRINT

SEQRA Short Environmental Assessment Form, Supplemental Description

Town of Parma Right-to-Farm Law

March 25, 2014

The Town of Parma Right-to-Farm Law is proposed for adoption as recommended in the town's 2009 Agriculture and Farmland Protection Plan. The law states the town's support of agriculture as an industry and land use, defines appropriate agricultural practices, and provides a framework for resolving neighbor disputes. The law is intended to assist the town in dealing with farm-related complaints, protect the rights of farmers and adjoining landowners, and to promote a sound agricultural industry in the Town of Parma.

SCHEDULE B

COOPERATIVE FUEL AGREEMENT

Parties Hilton Central School District
 200 School Lane
 Hilton, New York 14468 (the "School District")

 Town of Parma
 1300 Hilton Parma Comers Road
 Hilton, New York 14468 (the "Town")

Preamble The School District currently maintains a Transportation and Facilities Center on its premises at 200 School Lane in the Village of Hilton. This facility includes a fueling depot for diesel and gasoline vehicles (the "Depot"). The parties have determined that the cooperative use of the Depot will afford mutual advantages in terms of convenience and cost efficiencies and wish to enter into an agreement for the purpose of regulating such cooperative use. The parties are entering into this agreement as authorized under General Municipal Law §§ 119-m and 119-0 for the

purpose of setting forth their various obligations and privileges with respect to the usage and maintenance of the Depot and its cooperative use.

Access to Depot The Depot will be accessible to the Town, at all times, as needed. The parties agree to cooperate to minimize inconvenience and delay. In particular, the parties agree that, except in the event of an emergency situation, the school bus and snow clearing vehicle needs of the School District shall have priority. The Town shall make all reasonable efforts to avoid use of the Depot at times which would interfere with the needs of the School District.

The School District shall use reasonable efforts to have available sufficient quantities and quality of regular unleaded gas and diesel fuel to meet the anticipated needs of the Town. Upon reasonable request, the Town shall be entitled to such information and/or documentation from the School District as may be appropriate to confirm the availability and quality of fuel to be provided. In no event, however, shall the School District be liable for any cost, damage or expense, including consequential damages, by reason of its failure to have such quantities available, nor shall the School District be liable for any cost, damage or expense, including consequential damages, incurred by the Town, as the result of any impurity or contamination of fuel products, or any failure of quality or grade thereof, existing as of the delivery of such product to the Depot by the supplier.

Cost of Fuel

The Town shall pay the School District as and for any fuel removed from the Depot by or on behalf of the Town. The School District will bill the Town as of the last day of

each month and for such fuel and the cost of such fuel (both regular unleaded gasoline and diesel, including all additives) shall be billed to the Town at the same rates as paid by the School District for the most recent delivery of fuel to the Depot prior to the last day of each month on which the bill is rendered, plus an administrative fee of two percent. The Town shall pay any such bill within 30 days of receipt.

Security

The parties shall work cooperatively to implement and use such security measures as may be available relating to the use of the Depot.

Insurance

The Town and the School District shall at all times each maintain a policy of insurance, in such form as shall be approved by the Town and the School District. Said policies shall include Commercial General Liability Insurance with limits of \$1,000,000 per occurrence and \$2,000,000 aggregate; Vehicle Liability with a \$5,000,000 combined single limit for owned, hired and borrowed and non-owned motor vehicles; and Workers Compensation with statutory coverage for all employees. Such policy or policies, exclusive of Workers Compensation, shall each name the other party as an additional insured on a primary, non-contributing basis subject to the following requirements:

- Be an insurance policy from an A.M. Best rated "secured" insurer, permitted to conduct business in New York State.
- Provide for 30 days notice of cancellation.
- State that the organization's coverage shall be primary coverage for the District(s), its Board, employees and volunteers

- State that the policy affirmatively provides coverage for employees of negligent hiring, training and supervision, which may arise in the context of sexual molestation, abuse harassment, or similar sexual misconduct.
- The District(s) shall be listed as an additional insured by using endorsement CG 2010 11 85, or broader. The certificate must state that this endorsement is being used. If another endorsement is used, a copy shall be included with the certificate of insurance.

Each party does hereby indemnify and hold harmless the other party from liability for personal injury, wrongful death or property damage arising out of, or due to, the actions or omissions of the indemnifying party and, without limitation, its representatives, agents, employees and the like, with respect to the use of the Depot. The School District further does hereby indemnify and hold the Town harmless from any claims or liabilities arising out of the ownership, maintenance and operation of the Depot, except as may be the result of the acts or omissions of the Town or its representatives, agents, employees and the like.

Each party acknowledges that failure to obtain such insurance constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the other party. The parties are to provide each other with certificates of insurance evidencing the above requirements have been met prior to use of the Depot.

The School District shall maintain such pollution insurance as it deems appropriate, at its sole cost and expense, and indemnifies the Town with respect to any liability regarding pollution issues and obligations.

Maintenance

The School District shall be responsible for the maintenance and repair of the Depot. Notwithstanding the foregoing, the School District shall have no liability or responsibility with respect to damage incurred to the Town arising out of any water infiltration into a tank unless such is due to the School District's negligence. The Town shall cause its employees to notify the School District, immediately and in writing, in the event of the discovery of any condition or defect at the Depot which requires repair. The Town will be financially responsible for any damages to the Depot caused by employees of the Town.

The School District shall be responsible for keeping the site clear of snow so as to permit access to the Depot, at its cost and expense.

Terms	This Agreement shall be in effect for a term to end on the last day of the sixtieth full
Renewal	month following execution of this Agreement. At any time, either party may enter negotiations to renew this Agreement either as is or upon such modified terms as the parties may agree upon.
Authorization	Each party warrants and represents to the other that the execution of this Agreement has been duly authorized by its governing board.