

Parma Town Board meeting held on Tuesday, January 20, 2009 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	
Absent	Building Inspector	Jack Barton

OTHERS IN ATTENDANCE

John Zamiara, Sue Zamiara, Jim Zollweg, Kathryn Lemcke, Michael Weldon, Sr., Dick Shultz, Dorothy Shultz, Gene DeMeyer, Scott Copey, Russell Wood, Amy Cross, Beth Martin and other 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 noted emergency exit procedures. It was noted that the meeting is being digitally recorded.

PUBLIC HEARING – REZONE NORTHERLY AND WESTERLY PORTION OF 1875 NORTH UNION STREET

Supervisor Lemcke opened the public hearing at 6:31p.m. The legal notice was reviewed and it as noted it had been published and posted as required and the notice sign was placed on the property. The process for how the Public Hearing would be held was explained.

Mr. Zamiara, the property owner, explained he would like to put a pole barn structure on the property and this request is to make the zoning lines the same as the property lines. He noted that the property had been surveyed and the property owners within 500 feet were notified as required.

Supervisor Lemcke asked if anyone would like to address the Town Board. There was no response. He noted the map had been updated by Mr. Hawkins to reflect the changes to the zoning boundaries being requested. A response was received from Monroe County Planning and Development. They had no comments.

The Town Board reviewed Part II of the Modified Short Environmental Assessment Form and determined there was no significant adverse environmental impact.

SEQR - REZONING 1875 NORTH UNION STREET

RESOLUTION NO. 35A-2009 Motion by Councilman Carmestro, seconded by Councilman Comardo, to declare this as an Unlisted Action, accept the Modified Short Environmental Assessment Form and after reviewing the Modified Short Environmental Assessment Form determined no significant adverse environmental impact.

Motion carried: Aye 5 Nay 0

Supervisor Lemcke asked if there were any other comments from the public. There were none and the public hearing was closed at 6:39 p.m.

Councilman Smith clarified that the existing zoning boundaries are being modified to match the property boundaries.

REZONE 1875 NORTH UNION STREET

RESOLUTION NO. 36-2009 Motion by Councilman Carmestro, seconded by Councilman Blackburn;

WHEREAS, the Town Board of the Town of Parma duly called a public hearing by legal notice published on the 4th day of January 2009 and posted on the Town Hall Bulletin Board, to consider the rezoning of the northerly and westerly portion of 1875 North Union Street, Tax Parcel No. 072.01-1-20.2, from Medium Density Residential to General Commercial; and

WHEREAS, the Parma Town Board finds this an Unlisted action under SEQR, accepts the Modified Short Environmental Assessment Form; and determines a negative declaration; and

WHEREAS, the proposed rezoning was reviewed by the Parma Planning Board and Monroe County Planning and Development.

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That the Zoning Map of the Town of Parma be and the same hereby is amended to change the zoning classification from Medium Density Residential to General Commercial of the following:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Parma, Monroe County, New York, being part of Town Lot 31, Township 4, Range 1, Mill Seat Tract, more particularly bounded as described as follows:

Commencing at a point in the center line of Union Street, said point being 1,660.44 feet south of the intersection of the center lines of Union Street and Ridge Road, said point being the point and place of beginning, thence;

- (1) South 2° 16' 41" West, a distance of 386.56 feet to a point in the center line of Union Street, thence;
- (2) North 89° 25' 19" West, a distance of 787.81 feet to a point, thence;
- (3) North 7° 49' 45" East, a distance of 577.86 feet to a point, thence;
- (4) South 82° 10' 15" East, a distance of 514.69 feet to a point, thence;
- (5) South 2° 26' 30" West, a distance of 125.47 feet to a point, thence;
- (6) North 89° 39' 32" East, a distance of 219.87 feet to the point and place of beginning.

Sec. 2. That the Town Clerk is hereby directed and authorized to publish a notice of adoption of this Resolution as required by law, and

Sec. 3. That said amendment and change shall take effect immediately.

Motion carried: Aye 5 Nay 0

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.

Dorothy Shultz addressed the Town Board regarding snowmobilers that pass across their property. They cited excessive noise all night long, destruction of property, trespassing and felt intimidated by the snowmobilers. Mr. Schultz did not think the road could be used as a trail by snowmobiles. They have contacted the Sheriff Department but there was little done to resolve the issue. Suggestions were made that might assist them in resolving the problem. Supervisor Lemcke will contact the Sheriff Department and the Hilton Sno-Flyers to officially inform them of the problem.

MINUTES – JANUARY 6, 2009

RESOLUTION NO. 37-2009 Motion by Councilman Smith, seconded by Councilman Comardo, to accept the Minutes of the January 6, 2009 meeting with the following changes: Town Board meeting dates will be June 2 and 16, 2009 and November 4, 2009.

Motion carried: Aye 5 Nay 0

TOWN CLERK REPORT

The Town Clerk's Annual Report has been submitted for 2008. Notice has been received from the Town of Greece and posted regarding a request for a special use permit. The special use permit request is for a restaurant and marina at 416 Manitou Road to be known as Docksider's.

Mr. Sampson Olaode contacted the Town Clerk to request a refund or adjustment to the rental fee at the VFW Lodge. The building was not open at the agreed upon time. The majority of the Town Board did not agree to an adjustment.

Twin Hills Golf Course has notified the Town that they are reapplying for 2 liquor licenses for 2009.

Notice has been received and posted from the Monroe County Department of Transportation concerning information meetings to be held regarding bridge reconstruction in the Town of Parma. On January 28, 2009 an information meeting will be held regarding the Wilder Road Bridge Rehabilitation Project. On Wednesday, February 4, 2009 an information meeting will be held regarding Bridge Replacement on Peck Road. Both meetings will be at 7:00 p.m. at the Parma Town Hall.

Information has been requested from the Town Clerk concerning use of the VFW Lodge for weekly poker tournament nights. The Town Board indicated they were not interested in allowing this use.

HIGHWAY DEPARTMENT REPORT

Supt. Speer reported the department has done 69 salt and plow runs so far this season. They have already used half of the salt that was ordered.

The CHIPS state aid for roadwork is expected to be reduced. For 2008, Supt. Speer requested \$31,788 which was the maximum amount we were eligible for. The Governor's proposed budget will make Parma's 2009 portion roughly \$19,226. Supt. Speer indicated this will put us back to 1999 levels.

A resident of West Ridge Road inquired why so many plow runs are done along Ridge Road. Supt. Speer explained the process and said he would look into.

Councilman Smith inquired about the purchase of a new pickup truck. It was clarified that this is the pick up truck which was authorized for purchase in 2008 but was not ordered at the time. Delivery is expected tomorrow.

Supervisor Lemcke noted that in March of 2008, funds were authorized to pay and be transferred into DB to cover the purchase. Supt Speer has ordered a 2009 Ford which is less than what was originally budgeted. It was noted by Supervisor Lemcke that this amount was not encumbered at the end of 2008. Supt. Speer acknowledged the money had been transferred but did not recognize what it was and realized it had never been encumbered. There was discussion on the impact of this not taking place. Discussion included funding for the 2009 truck cannot be taken from the DB Fund because it has a negative balance, funding will have to come from B Surplus again, the unencumbered funds have reduced the negative DB Fund rather than being used to pay for the truck. There was additional discussion on where the additional funds should come from and opinions were expressed on what happened. Supervisor Lemcke will have the Finance Director compile information on the transfer. Later in the meeting Supervisor Lemcke found the fund balance sheet indicating the transfers and he will get a copy of the March 18, 2008 meeting minutes where the payment was authorized. These will be provided to Town Board members.

BUILDING DEPARTMENT REPORT

Mr. Barton was not in attendance. There was no report.

RECREATION DEPARTMENT REPORT

Mr. Fowler reported that last week the Recreation Department submitted to the Town Board its 2008 Annual Report. Additional copies are available for review at the Town Clerk's Office or at the Recreation Office.

The Local Government Efficiency Grant application for the comprehensive study for potential cost savings and improved service delivery associated with construction of a shared service facility utilized by the Town of Parma, Village of Hilton, and the Hilton Central School District has been delivered to the New York State Department of State, Division of Local Government Services.

Mr. Fowler has been working on the application for financial assistance in the amount of \$40,000 for the sidewalk component over the Wilder Road Bridge through the Community Development Block Grant Program. He presented the Board with a proposed resolution to agree to all the terms and conditions associated with the application for financial assistance for the Parma Pedestrian Walkway project.

PARMA PEDESTRIAN WALKWAY PROJECT – WILDER ROAD

RESOLUTION NO. 38-2009 Motion by Councilman Carmestro, seconded by
Councilman Smith,

RESOLVED:

WHEREAS, the COUNTY has entered into an agreement with the United States of America, Department of Housing and Urban Development (HUD) under the Community Development Grant Program, and

WHEREAS, the Town of Parma desires to enter into contract for CDBG funding for the Parma Pedestrian Walkway project.

NOW THEREFORE, through the collaborative efforts of the Monroe County Department of Transportation the required environmental reviews have been completed concerning this project proposal.

AND FURTHERMORE, the Parma Town Board understands and accepts all regulations associated with this funding and wishes to support application to the Monroe County Department of Planning and Development for financial assistance with the Parma Pedestrian Walkway project.

Motion carried: Aye 5 Nay 0

Mr. Fowler also noted that the department began their winter program registration on January 5. During the first two weeks of registration they received a total of 25 online registrations and a total of 28 individuals choosing to pay with the newly installed credit card option. He has been in contact with the Town of Greece to secure their portable stage for the Town's "Park it in Parma Summer Celebration" this August 7th and 8th. There was discussion on renting and the municipal rate received. Councilman Blackburn inquired where the majority of summer playground programs were held. Mr. Fowler noted the programs are held at the schools with a Thursday field trip each week.

BICENTENNIAL REPORT

A meeting is scheduled for Thursday, January 23, 2009.

BUSINESS ITEMS

DAN EICHAS VACATION CARRYOVER

Supt. Speer explained that Dan Eichas was unable to take a scheduled vacation due to severe weather at the end of the year which could not be rescheduled. He requested that Mr. Eichas be able to carryover the day.

RESOLUTION NO. 39-2009 Motion by Councilman Smith, seconded by Councilman Blackburn, to approve the carryover of 1 additional vacation day for Dan Eichas.

Motion carried: Aye 5 Nay 0

PARKS DEPARTMENT

Joe Petricone reported a leak in the courtroom heating unit will be repaired tomorrow. The department has been getting ready for the Boy Scout Klondike Derby.

BUSINESS ITEMS

HILTON HEAT SOCCER AGREEMENT

The Town Board reviewed the updated Field Usage Agreement with representatives of the Hilton Heat Soccer Club. Kathy Lemcke informed the Town Board of 3 changes the club had made. They were: Item 1 to change the contract to 2 years, Item 6 to increase the annual contribution from \$1,500 to \$1750, Item 8 added that they would like to place trash cans at the fields to cut down on the amount of litter, and Item 11 added that the soccer club would retain ownership of all of its equipment and goals in perpetuity.

Councilman Carmestro had met with the Parks Department and is requesting the following changes. Item 1 should remain 1 year as they would like to review annually. Item 2 - add that practice areas should be in adjacent open areas across the park road to avoid overuse, allow "resting time" for the playing fields and reduce the amount of maintenance on the fields. Item 6 – cost associated with and contribution toward field maintenance. It was noted the recommendation for the 2009 budget was \$2000. Item 7 – no key will be provided for the entrance gates. Access to the park on weekends would be when the Park opens and a time for the tournament will be determined. Item 9 – the soccer club will take down the nets and goals at the end of the season. Two sets to remain for a longer period to accommodate practicing and then taken down by the club. Item 10 - when use of the gator is requested no minors will be allowed to operate.

There was discussion and opinions expressed on all of these items. Kathy Lemcke will make the revisions and submit to the Town Board for the February 3rd meeting.

INFORMATIONAL ITEMS

HUMAN RESOURCES HANDBOOK

Updates are needed for the employee manual and review to assure that we are within the legal guidelines. A meeting with Amtek Management Services Corp. has been requested by the Finance Director. An Amtek representative will be asked to attend the next Town Board meeting.

MISCELLANEOUS

Supervisor Lemcke attended a workshop meeting today with the Village of Hilton and Empire State Wind Energy, LLC. Empire State Wind Energy explained what wind energy is about. The Village will continue to explore wind energy options and when they have gathered more information they will develop a plan to present.

Supervisor Lemcke noted that he will be away starting the first of February through the first of April. He will be returning every 5 to 7 days and each Town Board meeting to attend the meetings. Councilman Carmestro will cover in his absence as Deputy Supervisor.

STIPENDS – GIS COORDINATOR AND PARK CLOSING PERSON

A compensation stipend was established for the GIS Coordinator (\$2,500) and Parks Department staff (\$1,500) to open and close the park when there is no one regularly scheduled to do this. Mr. Zollweg, the GIS Coordinator, had previously asked that any compensation for him be a grant donated to the SUNY Brockport Research Foundation so it could be better leveraged to obtain more grant funds for GIS development and services.

RESOLUTION NO. 40-2009 Motion by Supervisor Lemcke, seconded by Councilman Comardo, to approve payment of \$2,500 to the SUNY Brockport Research Foundation for the services of James Zollweg as the GIS Coordinator and to create a line item to be called park closing in the amount of \$1,600; both amounts to come from A Surplus.

Motion carried: Aye 5 Nay 0

MISCELLANEOUS OTHER

Supervisor Lemcke updated the Town Board on the Highway Department lawsuit information received and notification to Mr. Leone.

Correspondence was received from Richard LaForce, Parade Chairman, for the Bicentennial Parade to be held on June 20, 2009 starting at 1:00 p.m. The Supervisor and Town Board were invited to attend and more information will follow. Supervisor Lemcke will have copies provided to the Town Board.

LIAISON REPORTS

**Councilman Smith reported that the Code Enforcement Officer was busy following up on Special Use Permits. He has begun looking at VFW revenue versus expense and is concerned about the cost to operate the VFW building. He'll finish reviewing the information and will discuss at another meeting. Councilman Smith has received complaints from residents about Town employees driving Town vehicles and having lengthy cell phone conversations. He has observed this himself and noted that it is not just one department. He suggested that Department Supervisors mention this to their staff.

**Councilman Comardo spent time with the Special Police and feels he has achieved a good understanding of their organization. They would like to find a new location for their mobile repeater system and would appreciate any help they can get. The Special Police noted that for about \$300 they could get a machine and make ID badges ourselves. The Board was in favor of this as there will always be a need for new badges as turnover takes place. The metal detector has been in use since last week and is going well. They are working on less confusing signage and keeping a better flow going. The first Recreation Commission meeting is the 28th and he will attend. In preparation he reviewed the annual report and was impressed by its professionalism. He still needs to meet with the Assessor.

**Councilman Carmestro reported that he will be attending the first Village Trustee meeting on February 3rd before attending the Town Board meeting. He has met with Parks and had a good dialogue. Work on the new fire house is ahead of schedule and the move in date is expected to be April 1, 2009.

**Councilman Blackburn reported that the Dog Control Officer makes an average of 1-2 trips to Lollipop Farm each week. He'll follow up about the number of dogs held annually. Councilman Blackburn noted that he was unhappy with the fact that board individuals appointed last meeting were not interviewed. He feels we owe it to the community to interview candidates even if there is only one candidate applying.

AUTHORIZATION FOR PAYMENT OF BILLS

The implementation of the new accounting system at the first of the year has resulted in a new report format for payment of bills. Supervisor Lemcke stated the rotation for review of bills to be paid can be dispensed with. There were no questions regarding the Council Report.

RESOLUTION NO. 41-2009 Motion by Councilman Comardo, seconded by Councilman Blackburn, to approve payment of bills from the following Funds as submitted in the Council Report.

FUND TOTALS		
AOO	General Fund	\$41,760.44
BOO	Part Town	\$2,927.68
DAO	Highway, Townwide	\$81,138.91
DBO	Highway, Part Town	\$1,201.40
HCO	Park Lighting Capital Pr.	\$3,244.80
LOO	Library	\$75.03
S13	West Avenue Sewer	\$1,220.00
TAO	Trust & Agency	\$763.86

GRAND TOTAL: \$132,332.12

Motion carried: Aye 5 Nay 0

ENTER INTO EXECUTIVE SESSION

RESOLUTION NO. 42-2009 Motion by Councilman Carmestro seconded by Councilman Blackburn, to enter into Executive Session to discuss pending litigation against the Town regarding property assessments.

Motion carried: Aye 5 Nay 0

The Board entered into executive session at 8:05 p.m.

CLOSE EXECUTIVE SESSION

RESOLUTION NO. 43-2009 Motion by Councilman Carmestro, seconded by Councilman Comardo, to close the Executive Session at 8:55 p.m. and return to regular session.

Motion carried: Aye 5 Nay 0

ENTER INTO EXECUTIVE SESSION

RESOLUTION NO. 44-2009 Motion by Councilman Comardo, seconded by Councilman Carmestro, to enter into Executive Session to discuss the employment history of a particular employee.

Motion carried: Aye 5 Nay 0

The Board entered into executive session at 8:55 p.m.

CLOSE EXECUTIVE SESSION

RESOLUTION NO. 45-2009 Motion by Councilman Smith, seconded by Councilman Comardo, to close the Executive Session at 9:10 p.m. and return to regular session.

Motion carried: Aye 5 Nay 0

ENTER INTO EXECUTIVE SESSION

RESOLUTION NO. 46-2009 Motion by Councilman Comardo, seconded by Councilman Carmestro, to enter into Executive Session to discuss current litigation regarding Town employees.

Motion carried: Aye 5 Nay 0

The Board entered into executive session at 9:11 p.m.

CLOSE EXECUTIVE SESSION

RESOLUTION NO. 47-2009 Motion by Councilman Comardo, seconded by Councilman Carmestro, to close the Executive Session at 9:20 p.m. and return to regular session.

Motion carried: Aye 5 Nay 0

HEALTH INSURANCE BENEFIT REDUCTION NOTIFICATION

Upon consultation with the Attorney for the Town during executive session, the Town Board determined that Supervisor Lemcke will contact by letter the Town employee who did not receive notice of the change in the health benefit and the allowance to be paid based on the Town Board's earlier decision to eliminate this benefit.

TOWN BOARD APPOINTMENT – HIGHWAY SECRETARY

RESOLUTION NO. 48-2009 Motion by Councilman Comardo, seconded by Councilman Carmestro, to appoint the position of Highway Secretary as follows: Chris Moore part-time Highway Secretary at 24 hours per week and Elsie Webster part-time Highway Secretary at 16 hours per week. This will be retroactive to January 1, 2009.

Motion carried: Aye 4 Nay 1 Voting Nay Councilman Blackburn

APPOINTMENT ATTORNEY FOR LAWSUIT

RESOLUTION NO. 49-2009 Motion by Councilman Comardo, seconded by Councilman Blackburn, to request Summit Risk Services to have James Holahan of Bond, Schoeneck & King, CLLP defend the Town of Parma in the Barnhart /Eichas lawsuit. Attorney Holahan in on Summit Risk Services list of counsel and is familiar with this case.

Motion carried: Aye 5 Nay 0

There being no further business before the Town Board, Councilman Carmestro made a motion to adjourn the meeting at 9:29 p.m., seconded by Councilman Comardo.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk