

Parma Town Board meeting held on Tuesday, September 22, 2009 at the  
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

### **ATTENDANCE**

Supervisor	Richard Lemcke	
Councilman	Carm Carmestro	
Councilman	James Smith	
Councilman	Gary Comardo	
Councilman	James Roose	
Building Inspector	Jack Barton	
Recreation Director	Steve Fowler	
Absent	Highway Superintendent	Brian Speer

### **OTHERS IN ATTENDANCE**

Aaron Camp, Tom Quadrini, Helen Ives, Sharon Smith, Gene DeMeyer, John Chart, Don Hensel, Julie Malby, Pam Speer, Nina VanLare, Matt Flagg, Mike Weldon, Carol Kluth, Bob Prince, Carol Zurick and other members of the public.

### **CALL TO ORDER**

Supervisor Lemcke called the meeting to order at 6:30 p.m. Those present participated in the Pledge of Allegiance to the Flag, followed by a moment of silence. Supervisor Lemcke 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.

Doug Miller Athletic Complex - Sharon Smith addressed the Town Board regarding her concerns with the property newly acquired by Doug Miller at Ridge Road West and Manitou. This is the site of the former Sports Dome. Improvements have been made to the site, some being done without permits. Ms. Smith expressed concern that there would not be sufficient bathroom facilities, that the bar area has been changed to a food concession and that the number of allowed people will be over the limit. Mr. Barton noted that he has spoken with the owner and the attorney of record. It is the practice to speak with the party first before issuing a stop work order. The owner came before the Planning Board last night for a fill permit to re-grade the slope. Issuance will be contingent on all other permits being in place. A business plan has been requested and the request for permits must be all inclusive of the changes already started and planned to be done.

Zoning Fee Waiver - Aaron Camp requested that the Town Board waive the fee for a zoning fee variance for the deck on the front of his house. There was discussion on setbacks, the cost to cut back the existing deck, and an open building permit for this deck. He does not feel he should have to pay the fee because this was a preexisting violation from the prior owner which was not identified in the building department. The Town Board was in agreement to waive the \$150 zoning variance application fee with Mr. Camp's agreement to go through the variance process.

Apple Fest Auto Show Sign - Mr. Camp also asked the Town Board to place a sign for the Apple Fest Auto Show in his yard. The sign consists of two four foot by eight foot pieces of plywood for a sandwich sign. There was a complaint in the past. The Town Board was in agreement to allow the sign if it was placed not earlier than two weeks before the Apple Fest on October 3<sup>rd</sup> and 4<sup>th</sup> and the fifteen foot setback should be met.

Arsenic at Town Hall Park - John Chart felt it was important to review the issue of arsenic in the football field. He proceeded to summarize his position. He recounted a letter from the DEC read to the Town Board; noted invoices for soil purchased from Crowley Development; summarized his interpretation of testing done in early June; and explained his reasoning for doing his own testing on July 22<sup>nd</sup> of this year and how it was done. He proceeded to compare where his testing was done and where the testing was done for the Town samples by Chatfield Engineers. He felt the Town's samples were not in areas where children play, that his samples from the center of the football field were more representative of where the arsenic would be found and noted his results were higher than the Town's testing. He expressed his opinion that this was an issue of trust and enters the realm of deception. There was an exchange of opinions between Mr. Chart and a member of the audience.

Supervisor Lemcke responded by noting this topic started with Mr. Chart's concern of contamination in the soil piles off the Parma Center Road entrance to the park. Testing showed that it was not contaminated and it was also found that it was not soil from Crowley Development. The focus then moved to the football field. Supervisor Lemcke noted he signs all checks for any purchases made. The Town was never notified by the DEC or Mr. Crowley of the potential issue with the soil. When Crowley Development became aware of the problem in 2003, their remediation process did not require notification to the parties which purchased soil. This included four municipalities and the State for use along the canal, which identified the arsenic issue and where five yards was remediated. Supervisor Lemcke expressed that this has surfaced six years later because it is an election year. The Town has followed the instructions for testing as provided by Mr. Scott Foti of the DEC. He noted Chatfield Engineers was hired to provide the chain of custody for the samples. He reviewed the steps taken to obtain the soil and that soil was taken from areas where the Town believed it to be.

There was further discussion on the publicity and resulting public response. Supervisor Lemcke noted he is aware of three calls to the DEC and none to the Department of Health. It was noted that the DEC and Health Department met. Supervisor Lemcke indicated that keeping the soil covered is necessary for containment (as with grass) and the probability of ingestion is considered to be low (by representatives of the Health Department). Based on the findings so far, they have not asked the Town to take any action. Mr. Foti has requested the documentation of the process taken to obtain the soil samples and a map has been included. The information has also been provided to the Health Department and is being reviewed by both parties. There was further discussion on who chose the sites, where the soil was placed and alternate ways to be affected by arsenic. It was noted there was lack of instruction on the part of the DEC regarding the device used to take samples. It should have been rinsed with distilled water between samples. Supervisor Lemcke encouraged residents to contact the DEC and the Health Department if they had questions.

Tom Quadrini strongly expressed his dissatisfaction with the response to this issue. Debate followed on the discrepancy between the results of Mr. Chart's samples and the Town's samples and the difference between where and how the samples were taken. Councilman Smith expressed his opinion that the Town will do whatever the Health Department and the DEC ask. Councilman Roose felt that the Town Board understands the concerns that have been expressed, asked that we all treat each other with respect and felt it was time to move on to other items. He stated he would contact the Health Department and ask them if the soil needs to be removed. He will report back and Mr. Chart agreed to honor his request to dispense with further discussion.

### **MINUTES – SEPTEMBER 1, 2009**

**RESOLUTION NO. 198-2009** Motion by Councilman Carmestro, seconded by Councilman Smith, to accept the Minutes of the September 1, 2009 meeting as submitted.

Motion carried: Aye 5 Nay 0

### **TOWN CLERK REPORT**

The 2010 Tentative Budget has been received in the Town Clerk's office. A representative from Congressman Lee's office will be at the Town Hall on Wednesday, October 14<sup>th</sup> from 10:00 to 11:30 am to meet with constituents. Notice has been received from the North Greece Fire District regarding a public hearing scheduled for October 20, 2009 for the 2010 Budget and a resolution to employ paid firefighters and a paid chief. This notice has been posted as required by law. A request was received to hold a Trunk or Treats event for local Girl Scout troops on October 23<sup>rd</sup> or 24<sup>th</sup> at the Hess Pavilion. The group would like to have a DJ and park the cars of the leaders such that the scouts can trick or treat at the back of the cars. There was no objection by the Town Board. The clerk was asked to consult with the Park Foreman on which date would be best and was authorized to waive the fee.

### **HIGHWAY DEPARTMENT REPORT**

Supt. Speer was not in attendance. Later in the meeting, Supervisor Lemcke informed the Town Board he had received inquiries from several residents on Spencer Road inquiring if the Highway Department will be back to address driveway lips left after the road work was done. Supt. Speer will be asked to check on.

### **BUILDING DEPARTMENT REPORT**

Mr. Barton reported staff has been working with commercial property owners regarding compliance. There has not been much cooperation and the next step will be to proceed to court.

Senator Gillibrand's office contacted Mr. Barton regarding the number of complaints related to FEMA flood maps and asked if the Town had any issues regarding this. Mr. Barton indicated that he is not aware of that many and referred any received to FEMA. Her office wanted to let the Town know they would support a challenge if we wished to challenge the FEMA map and the Town were to do the field work.

The property owner at 311 North Avenue has requested a refund of application fees paid to the Planning Board to address violations and Zoning Board of Appeals regarding a request to subdivide and sell off remaining portions of the parcel. It was determined that the fees were expended because of advertised notices and administrative work that was completed prior to the meetings and therefore would not be refunded.

The Town's zoning attorney has been consulted on the appropriate process to bring in repeat offenders of zoning violations. Written notice is given with ten to fifteen days to comply. If compliance is met the violation goes away. If the violation comes up again the process starts all over again. The attorney felt that after the third time it should go directly to court. Code enforcement will start that process. There was no objection from the Town Board.

Later in the meeting, Mr. Barton informed the Board that Code Enforcement is working with two properties on an issue of banners

### **RECREATION DEPARTMENT REPORT**

Mr. Fowler had no specific report.

## **PARKS DEPARTMENT**

Mr. Petricone reported the department has been working on the drainage problem at Field 7 and the multipurpose field. An upcoming Eagle Scout project will include a bridge across the area at the north end of the pond. The Highway Department has assisted in ditching the area out. Mr. Petricone also noted more work will be done tomorrow to prepare for the transporting of the skate park ramps.

Supervisor Lemcke noted that additional Eagle Scout projects include continued work on the memorial garden and an Adirondack lean-to to provide shelter in a storm. It was noted this would not be for over night use.

Later in the meeting, John Chart noted a safety issue with a baseball field fence post. Mr. Petricone will follow up. Mr. Petricone also noted later in the meeting that the flag pole at the lake was repaired.

## **BUSINESS ITEMS**

### **OTETIANA BOY SCOUT COUNCIL – COMMUNITY RECOGNITION AWARD**

Don Hensel, District Commissioner for the Otetiana Council of the Boy Scouts presented the Town of Parma with the 2009 Community Supporter of Scouting award. He thanked the Town Board for their support of scouting programs in the community which teach skills and values for life and instill a sense of community and service to others.

### **HILTON HEAT “JUST FOR KICKS” TOURNAMENT FIELD REQUEST**

**RESOLUTION NO. 199-2009** Motion by Councilman Carmestro and seconded by Councilman Smith, to authorize field usage at Town Hall Park for the Hilton Heat “Just for Kicks” Tournament and Festival during the weekend of June 4-6, 2010 with approval of the annual field use agreement.

Motion carried: Aye 5 Nay 0

### **DISC GOLF TEE INSTALLATION**

A request was received by the Parks Department from Rochester Disc Golf Association representative, Ryan Hand, to install concrete tees on the disc golf course. The tees would be flush to the ground and materials, labor and insurance certificate would be provided by the association. There was no objection by the Town Board and the Park Foreman was asked to work out the timeframe with the association.

### **CHATFIELD ENGINEERS – SOIL TEST RESULTS**

Supervisor Lemcke reported that the report has been received from Chatfield Engineers on the soil testing. A copy has been given to the Town Board, Mr. Chart, the DEC and the Department of Health.

### **GRANT AGREEMENT - MONROE COUNTY GREEN SPACE INITIATIVE**

Supervisor Lemcke reported the Intermunicipal Agreement has been received for the \$129,950 grant through the Monroe County Green Space Initiative for the Martin Farm project. The Town will have to close on the property first and will then be reimbursed. The Town will have to spend about \$260,000 to close on the property. The title search is being completed, the conservation easements are being drawn up and who will hold the

easements is still to be determined. There was discussion on the turn around time for receiving the reimbursement.

**RESOLUTION NO. 200-2009** Motion by Councilman Comardo and seconded by Councilman Carmestro, to enter into agreement with the County of Monroe for the Monroe County Green Space Initiative grant of \$129,950 for the Martin Farm project.

Motion carried: Aye 5 Nay 0

**SAFE PLACE PROGRAM - CENTER FOR YOUTH SERVICES**

A copy of the letter sent to the Hilton-Parma Community Council of Churches offering information on becoming a "Safe Place" facility.

**TIME WARNER CABLE – PLAYBACK SERVICES**

Correspondence was received from Time Warner Cable informing the Town that they will be assuming playback capabilities for local access channels 12 & 15 on October 1, 2009. Supervisor Lemcke noted there is no additional cost for this service, the playback capacity is much better and items for playback will have to be forwarded directly to Time Warner.

**ABOVE GROUND FUEL STORAGE TANKS**

There was further discussion on the first draft for revising our Fire Code to allow above ground fuel storage tanks with conditions. The state requires an annual operating permit and an annual inspection. There was discussion on a fee which the state requires and input was requested on what the fee should be and the possibility of a different fee structure for farmers. Mr. Prince was asked to incorporate the discussion changes and provide another draft to the Town Board for further review.

**BUDGET TRANSFERS**

TRANSFERS TO BUDGET

Sep-09

ACCT #	FROM DESCRIPTION	AMT.	ACCT #	TO DESCRIPTION	AMT.	REQUESTED
AOO570762049205	MENS BASKETBALL	100.00	AOO570762049305	CARDIO	100.00	FOWLER
AOO570702015000	SUPERVISOR	1,175.00	AOO570714011001	SUMMER HELP STAFF	1,175.00	FOWLER
AOO51111041000	OFFICE SUPPLIES	193.67	AOO51111043000	EDUCATIONAL & PROFESS	69.00	SPEER
			AOO51111045000	PERSONAL CAR	124.67	SPEER
BOO5999901913	PART TOWN PROJECTS	14,171.00	DB499530103	PART TOWN PROJECTS REV	14,171.00	SPEER
BOO5999901912	DRAINAGE	16,759.00	DB499530102	DRAINAGE REVENUE	16,759.00	SPEER
BOO5999901911	BRUSH PICK UP	11,000.00	DB499530101	CHIPPING REVENUE	11,000.00	SPEER

Clarification was requested on the Recreation Department request to transfer \$1,175. Mr. Fowler explained it was to cover a deficit in a line created with the change of an employee that went to full time in April of this year.

**RESOLUTION NO. 201-2009** Motion by Councilman Comardo, seconded by Councilman Roose, to approve the Budget Transfers as submitted.

Motion carried: Aye 5 Nay 0

**HILTON EDUCATION FOUNDATION**

**RESOLUTION NO. 202-2009** Motion by Supervisor Lemcke, seconded by Councilman Comardo, to approve the request to donate a pavilion rental for use by the Hilton Education Foundation as an auction item for their annual auction fundraiser.

Motion carried: Aye 5 Nay 0

## **2010 BUDGET**

Supervisor Lemcke noted the budget presented is what will be used unless there is a major change and he will make his presentation at the October 6, 2009 meeting. This is allowed because of an exception to Westchester and Monroe Counties where the deadline for submission is October 30<sup>th</sup>. He noted he has yet to receive Highway Department reports so he has put in what was anticipated for this year.

## **MISCELLANEOUS**

### **MAKE A DIFFERENCE DAY**

Make a Difference Day will be held October 24, 2009. Participation is expected to be 300 -500 individuals from local service organizations, youth from the high school, local municipalities and businesses through the Chamber of Commerce. Participants will meet at the Hilton High School at 8:00 a.m.; move out to work on their respective projects and return to the Hilton High School for the closing. It was noted that this year's projects are directed primarily for seniors, a food drive for the Hilton Food Shelf, efforts are being made for an E-cycling collection, the Town will be responsible for establishing the checking account for this event and signatories will be representatives from the school district and the Chamber of Commerce.

## **INFORMATION ITEMS**

### **H1N1 INFORMATION**

Supervisor Lemcke provided information received from a Monroe County Health Department presentation on H1N1 vaccine distribution. The distribution plan will consist of three phases based on risk and priority needs. Distribution will be over approximately a two week time period, and has identified possible vaccination site throughout the county. First Bible Baptist Church is being considered as the site for mass vaccination in our area. The Monroe County Health Department will provide the vaccine when it becomes available and there may be need of volunteers for logistics. This information will be provided on the Town website and a link to the Monroe County Health Department.

### **WILDER ROAD SIDEWALKS**

The Wilder Road Bridge has opened, the sidewalk goes to the corner at Bennett Road and stormwater drainage work was done this week. Supervisor Lemcke noted we will have to work with the Village and the school district for the sidewalk across the front of the high school and the Town Board will have to address from the bridge to Carrie Marie Lane. Supervisor Lemcke referred to a commitment from the Town for \$40,000. Mr. Fowler noted the estimated cost for the bridge sidewalk is \$35,000 and the Town expects to receive \$30,000 from Community Development Block Grant (CDBG) leaving \$3,000 to \$5,000 difference for the Town.

## **MISCELLANEOUS**

Greece Canal Park Entrance Petition - The petitions for a second entrance off Manitou Road to the Greece Canal Park have been submitted to Monroe County Executive Maggie Brooks. Supervisor Lemcke also spoke with the Director of Monroe County Parks Department.

Appellate Court Beehler vs. Town of Parma - Supervisor Lemcke provided a copy of an article in the Daily Record; reported arguments were heard regarding the annexation and thought a decision was expected in 45 to 60 days.

Demand Notice from the Estate of Rachael M. Girard - A request has been received from the attorney representing the Estate of Rachael M. Girard for copies of written notices received by the Town concerning road conditions on West Avenue between Route 259 and the Hamlin Parma Town Line Road. This will be forwarded to the Town Attorney by the Town Clerk.

Supervisor Out of Town – Councilman Carmestro will act as Deputy Supervisor during Supervisor Lemcke’s absence. He expects to return next Monday.

### **LIAISON REPORTS**

\*\*Councilman Smith reported a property owner with repeated offenses has requested that he be given notice prior to future inspections. The Town will be looking into what obligations it has in this regard.

\*\*Councilman Comardo reported the Special Police met last night and addressed preparations for Apple Fest. A training exercise was also done using a 911 recording and 115 hours of bike patrol were logged for August.

\*\*Councilman Carmestro reported things were good in the Parks Department. There has been a lot of road work in the village, work is being done on the new funeral home and the next Village Board meeting is October 3<sup>rd</sup>. The Fire Department Auxiliary will hold their chicken barbeque this Saturday. He and Councilman Roose attended the dedication of their new Spencerport Fire Hall. The joint meeting with the Village will be October 13, 2009.

\*\*Councilman Roose reported on discussion at the Zoning Board meeting regarding the parking of a truck at a residence on Burritt Road and, in particular, the load capacity requirement. He reported the Planning Board felt positively about the two new businesses to locate in the Town. This includes the John Valle Sporting Goods store and facility on Ridge Road West next to Sail on Carpet and the Doug Miller Sports Dome also on Ridge Road. Although there are concerns about permits the introduction of a venue for polar wave tubing and indoor sports facilities is positive for business in the Town. There was discussion on permits needed, the protection they provide to the public and that there will be many variables to be addressed.

### **WARRANT**

**RESOLUTION NO. 203-2009** Motion by Councilman Carmestro and seconded by Councilman Smith, to approve payment of the warrant as submitted below.

		FUND TOTALS	
AOO	General Fund	\$	41,232.75
BOO	Part Town	\$	4,996.94
DAO	Highway, Townwide	\$	683.86
DBO	Highway, Part Town	\$	38,918.64
LOO	Library	\$	0.00
S17	Wilder Road Sewer 1	\$	753.50
SDO	Townwide Drainage	\$	3,865.09
TAO	Trust & Agency	\$	5,917.57
		GRAND TOTAL:	\$ 96,368.35

Motion carried: Aye 5 Nay 0

**ENTER INTO EXECUTIVE SESSION**

**RESOLUTION NO. 204 -2009** Motion by Councilman Smith, seconded by Councilman Comardo, to enter into Executive Session to discuss a disciplinary issue of a particular employee.

Motion carried: Aye 5 Nay 0

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

**CLOSE EXECUTIVE SESSION**

**RESOLUTION NO. 205 -2009** Motion by Councilman Carmestro, seconded by Councilman Smith, to close the Executive Session at 8:56 p.m. and return to regular session.

Motion carried: Aye 5 Nay 0

There being no further business before the Town Board, Councilman Smith made a motion to adjourn the meeting at 8:56 p.m., seconded by Councilman Carmestro and all were in favor.

Respectfully submitted,

Donna K. Curry  
Parma Town Clerk