

Parma Town Board meeting held on Tuesday, October 20, 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
Highway Superintendent	Brian Speer
Building Inspector	Jack Barton
Recreation Director	Steve Fowler

### **OTHERS IN ATTENDANCE**

Steve Fowler, Gene DeMeyer, Sharon Smith, Helen Ives, Elsie Webster, Rosalind Lipomi, Jim Zollweg, Joseph Reinschmidt, Heide Reinschmidt, Bob Prince, Chelsea Dzwigal, Vincenzo Zagoni, Bear Bilinski, Carol Kluth, Mike Weldon, Tod Edenhofer, Mike Reinschmidt, Maureen Spindler, Edward Przybycien and other unidentified members of the public.

### **CALL TO ORDER**

Supervisor Lemcke called the meeting to order at 6:30 p.m. and lead those present in the Pledge of Allegiance to the Flag, followed by a moment of silence. Supervisor Lemcke noted emergency exit procedures. It was noted that the meeting is being digitally recorded.

### **PUBLIC FORUM**

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

Edward Przybycien expressed concerns regarding fly ash from Kodak and two Rochester electricity generating plants that was used as fill on the north side of Ridge Road at Manitou many years ago. His concern is toxic metals that are contained in the fly ash and the underground flows from the site. He feels there is better information today than in previous years to identify problems. He requested that the Town Board do due diligence by stopping any further expansion and perform tests on the site and in areas that drain down from the site. There was discussion. It was noted the area had been capped at the time the fly ash was brought there, nothing has showed up with recent testing in the pond to the north, nor is anything below the surface being changed, studies were done when the dome was first built and capping was done where footers were placed for that building. It was also noted that homes down from the site are on public water. The Planning Board is currently working on the grading with regard to the fill permit and there are no plans for excavating on the site. To help allay Mr. Przybycien's concerns he is welcome to any of the information we have regarding the site.

GIS Report - Jim Zollweg, GIS Coordinator for the Town, summarized the work he has done and provided copies of a video report on activities, mapping and analysis he has done this year.

Conservation Easement Martin Farm - Joseph Reinschmidt asked what fund would be used to pay out dollars for the Martin Farm conservation easements. Supervisor Lemcke noted this would be taken from the B Fund and moved to an Open Space line where draws would be made from. Monroe County will reimburse the Town for the grant portion of the cost. There was additional discussion on how the easement will work.

## **MINUTES – OCTOBER 6, 2009**

**RESOLUTION NO. 214-2009** Motion by Councilman Comardo, seconded by Councilman Smith, to accept the Minutes of the October 6, 2009 meeting with the following correction to page 10, paragraph 1: The current Blue Choice Senior plan is no longer being offered. The choices will be the previously offered MBC Optimum Group plan and the new MBC Plan 3.

Motion carried: Aye 5 Nay 0

## **TOWN CLERK REPORT**

A request was received to extend a reserved 4-hour rental on October 30<sup>th</sup> for the VFW for an hour before and after for set up and cleanup. This is a fundraiser for a family who has had significant illness this past year. The Town Board was in agreement to extend the times.

The Village of Hilton and the Town of Parma have received a \$9,375 grant from NYS Archives for Inactive Records Planning and Design. There is a possibility that 5% of the total will not be awarded. The Clerk noted this will have to be paid/split by the municipalities and this could be covered in her budget.

The Town Clerk reported she had met with a representative from Pitney Bowes regarding our postage meter machine. Our lease is up this year and we are able to upgrade to a comparable machine at the same lease option (51 months). There would be no cost increase to the Town. The Town Clerk was asked to check what arrangements the Village has with the school district.

The First Come First Serve deer management permits will be available starting on November 1<sup>st</sup>. The Clerk's office will be open from 10:30 a.m. to 12:30 p.m. A reminder was noted that the next Town Board meeting will be Wednesday, November 4<sup>th</sup>.

## **HIGHWAY DEPARTMENT REPORT**

Supt. Speer reported staff is finishing mowing, chipping and brush pick up has started and County work is winding down.

### **AGREEMENT TO EXTEND INDEXED LUMP SUM MUNICIPAL SNOW AND ICE AGREEMENT BETWEEN THE STATE OF NEW YORK AND THE TOWN OF PARMA**

Supt. Speer reported he has received and briefly reviewed the agreement to extend the snow and ice agreement with New York State.

**RESOLUTION NO. 215-2009** Motion by Councilman Smith, seconded by Councilman Comardo, authorizing Supervisor Lemcke to enter into the Agreement to Extend Indexed Lump Sum Municipal Snow and Ice Agreement between the State of New York and the Town of Parma which will extend the agreement to June 30, 2012. The contract will be for \$267,411.74.

Motion carried: Aye 5 Nay 0

Supt. Speer expects the county contract will increase about \$7,000 and should be out shortly.

Supt. Speer would like to purchase a salt insert for \$10,499 using surplus in DA. There was discussion on advertising and putting it out to bid. Supervisor Lemcke suggested Supt. Speer could advertise and then bring the bids back to the Town Board. There was no objection from Town Board members.

Spencer Road driveways will be followed up on when County work is completed. There was discussion on a dollar projection on County work for the remainder of the year. It has been estimated at \$210,000.

## **RECREATION DEPARTMENT REPORT**

Mr. Fowler had nothing specific to report.

## **PARKS DEPARTMENT**

Joe Petricone reported the department is preparing to close the out buildings for the winter. One skate park ramp has been installed. There has been interest in using the ramp and signs will be put up to discourage use at this time. Painting will have to wait until next year. There was discussion on moving the remainder of the ramps.

## **BUSINESS ITEMS**

### **K & K PROPERTY VENTURES PERMIT FEE REDUCTION**

There was discussion on a request to reduce the cost of permit fees for the renovation work being done in the dome and a portion of the masonry building at 4618 West Ridge Road. Mr. Prince reported they have been charged the minimum (\$.03/sq.ft.) for a total of \$2,582.52 which includes the work they have undertaken and includes the change of occupancy and change of use in the dome which will likely occur over the next year. This will include trips to Buffalo for hearings, research and documentation on the part of the building department and Fire Marshal's office.

There was discussion on what the basis/reasoning would be to reduce the fee when the purpose of the fee is to cover the expenses of the building department for this project. Encouraging economic development was cited as the reason.

There was discussion on the progress of the project. It was noted the majority of the items have been taken care of with the alarm system and electrical inspection being some of the last items to be addressed. There was discussion on what the normal fee would be. It was noted the Building Department has already given them the lowest fee they could. The fee is normally \$.10 to \$.12 per foot. Consideration was made because the types and number of inspections needed for a new building would not be needed here.

**RESOLUTION NO. 216-2009** Motion by Councilman Carmestro, seconded by Councilman Roose, to grant fifty percent relief on the current permit fees totaling \$2,582.52 to K & K Property Ventures for work at 4618 West Ridge Road.

Motion approved: Aye 4 Nay 1 Voting Nay Councilman Comardo

Doug Miller, the current owner of the property, introduced himself to the Town Board and explained what he has planned for the site. He would like to see this become a destination for families and a venue to teach youth life lessons. He also wanted the Town Board to know that he is working on everything under his control. Tod Edenhofer noted he has spoken with Mr. Miller. Mr. Reinschmidt questioned why a change of use was not anticipated and if other agencies had adjusted their fees. Mr. Miller responded that he was surprised when informed that what he wanted to do was a change of use since he felt what he wished to do was the same as what had been going on there already. He also noted the fees being charged by other agencies were not as high. Maureen Spindler, owner of the Village Photographer, stated that it is difficult to run a business in New York State, welcomed Mr. Miller's business to the Town of Parma and felt it will be an asset to the community.

**MUNICIPAL WORKERS COMPENSATION PROGRAM**

**RESOLUTION NO. 217-2009** Motion by Supervisor Lemcke and seconded by Councilman Roose,

WHEREAS, the Town of Parma has participated in the Upstate New York Municipal Worker Compensation Plan (the "Plan"); and

WHEREAS, the Plan's participants, consistent with advice provided to the Plan by the Plan's counsel, have determined to re-organize the Plan through an inter-municipal agreement by and between the Plan's participants; and

WHEREAS, the Town Board of the Town of Parma has determined that it is in the best interests of the Town of Parma to continue to act cooperatively with the other Plan participants in the course of carrying out the Town of Parma's obligations under the New York Workers' Compensation Law, including in order to undertake effective risk management techniques, the promotion of safety and the effective administration of claims;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Parma hereby:

(a) Approves the Intermunicipal Agreement for the Upstate New York Municipal Workers' Compensation Program ("Program"), as presented;

(b) Designates the Town of Parma's Director of Finance as the Town of Parma's Member on the Board of Directors of the Program and designates the Supervisor as the Town of Parma's Alternate Director; and

(c) Authorizes and directs the Supervisor of the Town of Parma to do all things necessary to effectuate the intent and operation of this resolution.

Motion carried: Aye 5 Nay 0

**2010 BUDGET WORKSHOP**

Representatives from the Library, Court and Special Police were present. All three departments presented zero percent increases for their budgets.

**HEALTH CARE PLAN CHANGES**

A decision needs to be made for which health plans will be used for Town employees and retirees. In addition, an adjustment will need to be made to the upcoming budget to compensate for the difference between the single and family contributions. Currently, \$2,600 has been used for all participants. The Blue Choice Senior Plan will no longer be available after the first of the year. A decision is needed on which of the remaining two plans will be offered. The primary difference between the MBC Optimum – Group and MBC Plan 3 is the prescription coverage and the donut-hole issue. Supervisor Lemcke recommended the MBC Optimum which already has participants in it. There are still a few participants who pay the upgrade to remain in other plans. It was noted there will be some changes to the MBC Optimum – Group after the first of the year. If this is detrimental to our group, the Town will have the option to change plans in September. There was further discussion on the savings that this could result to the Town and employees by making this change.

**RESOLUTION NO. 218-2009** Motion by Councilman Comardo, seconded by Councilman Roose, to change the health care plan for Town employees, other than union Highway employees, to Healthy Blue High Deductible Health Plan Option 1 which includes the Health Savings Account that the Town of Parma will contribute \$2,600 for a single plan and \$4,800 for the family plan; and to make the retiree plan the MBC Optimum – Group.

Motion carried: Aye 5 Nay 0

**BUDGET TRANSFER/PREPAID CHECK**

**RESOLUTION NO. 219-2009** Motion by Councilman Comardo, seconded by Councilman Carmestro, to approve a prepaid check to Lacey Katzen in the amount of \$10,000 for legal fees.

Motion carried: Aye 5 Nay 0

**MISCELLANEOUS ITEMS**

**2010 BUDGET PUBLIC HEARING AND SET BUDGET WORKSHOP DATE**

**RESOLUTION NO. 220-2009** Motion by Councilman Smith, seconded by Councilman Comardo, to set the public hearing date for the 2010 Town Budget on November 4, 2009 at the Parma Town Hall at 6:30 p.m. and to set an additional budget workshop on October 27, 2009 at the Parma Town Hall at 7:00 p.m.

Motion carried: Aye 5 Nay 0

**TRANSFER OF FUNDS**

There was discussion on the need to do an inter-fund transfer from B Surplus to DB as was agreed during the budget process last year but was never voted on. The net result of this reduces the fund's deficit from \$175,000 to \$75,000. Discussion included this would not reduce the deficit entirely for this fund; this would forgive a portion of the deficit without any particular work done for the funds and that this was agreed by the majority during last year's budget discussions.

**RESOLUTION NO. 221-2009** Motion by Councilman Smith, seconded by Councilman Comardo, to transfer \$100,000 from B Surplus to DB to help balance the 2009 DB budget.

Roll Call Vote:	Councilman Roose	Aye
	Councilman Comardo	Aye
	Councilman Smith	Aye
	Councilman Carmestro	Nay
	Supervisor Lemcke	Nay

Motion Carried Aye 3 Nay 2

**INFORMATIONAL ITEMS**

**ABOVE GROUND FUEL STORAGE TANKS**

This was moved to the next meeting.

**BUILDING DEPARTMENT REPORT**

Mr. Barton reported he has been working on zoning revisions. These include administrative adjustments to grant up to a one foot relief; accessibility ramps; accessory structures, property maintenance as it pertains to who does the work, suggested agricultural changes as a result of the Agriculture and Farmland Protection Plan study and changes to Vendor and Peddler Permits. The changes for above ground fuel storage tanks could also be included.

**TIME WARNER PUBLIC CABLE ACCESS**

Supervisor Lemcke responded to a request from last meeting regarding public access cable, in particular to no longer receiving DW TV. This program was being downloaded via a satellite feed by the previous provider. Time Warner is unable to do this as they must pay for the rights to access this feed. It was unclear whether the prior provider was providing the feed appropriately. Individuals who would like to get these kinds of programs can get them through a satellite dish.

A package of forms has been provided to the Town Board for how to provide Time Warner with material someone would like to have run. They are available on the Town and Time Warner's website. The material must not be socially objectionable and so far it appears that no tapes have been submitted. Submissions have to be broken down by whether they are for public events or for government events and will be broadcast on Channel 15 and 12 respectively.

### **STATE AID BUDGET CUT**

Supervisor Lemcke reported that there was concern that State aid is going to be cut because of the current State budget deficit. The Town has received its state aid for the year but it could be affected for 2010.

### **MISCELLANEOUS ITEMS**

#### **GENESEE LAND TRUST PROPOSAL**

Genesee Land Trust has submitted a proposal to act as the project manager for the Town of Parma in the acquisition of an Agricultural Conservation Easement for the Martin Farm property. Genesee Land Trust's services to reach a closing on the Agricultural Conservation Easement would be used instead of hiring an attorney. Their fee would be \$5,000 and is an expense that was listed as part of the original grant request. The Town Attorney would finalize the acquisition. It was noted that the Farmland and Open Space Committee is considering recommending Genesee Land Trust as the neutral third party for watching over compliance for this easement. This is a separate issue.

**RESOLUTION NO. 222-2009** Motion by Councilman Carmestro, seconded by Councilman Roose, to designate Genesee Land Trust as project manager on behalf of the Town of Parma for the acquisition of an Agricultural Conservation Easement on the Martin Farm at 396 Burritt Road at a cost of \$5,000.

Motion carried: Aye 5 Nay 0

### **OTHER**

Apple Fest Committee – A thank you letter was received from the Apple Fest Committee for the Town's support of the Apple Festival this year. Gratitude was extended to the Highway, Parks and Recreation Department employees.

Budget Workshop Meeting – Supervisor Lemcke had the Finance Director gather the information requested by the Town Board at last night's budget workshop. A copy was provided to the Town Board.

### **WARRANT**

**RESOLUTION NO. 223-2009** Motion by Councilman Smith and seconded by Councilman Comardo, to approve payment of the warrant as submitted below.

FUND TOTALS	
AOO	General Fund
	\$ 62,814.28

BOO	Part Town	\$	4,563.68
DAO	Highway, Townwide	\$	2,290.31
DBO	Highway, Part Town	\$	13,022.92
SDO	Townwide Drainage	\$	9,325.00
TAO	Trust & Agency	\$	4,814.18
GRAND TOTAL:			\$ 96,830.37

Motion carried: Aye 5 Nay 0

### **LIAISON REPORTS**

\*\*Councilman Smith reported there have been the typical issues with Code Enforcement and that two parties have not complied with notices received and have been issued tickets to appear in court.

\*\*Councilman Comardo noted there had not been a Recreation or Special Police meeting since we last met.

\*\*Councilman Roose reported he followed up with the Dog Control Officer regarding his contact phone number. The cell phone number will be published in the blue pages of the Rochester Telephone book. It was noted the deadline for the new book has gone by; however, the number will be available through information (411). The pager/cell number is on the website. The Dog Control Officer will provide the Town Board with the report he sends to Ag & Markets every year.

\*\*Councilman Carmestro reported the Parks department is gearing down for the winter. The Village is involved with the Town of Parma in *Make A Difference Day*.

### **ENTER INTO EXECUTIVE SESSION**

**RESOLUTION NO. 224-2009** Motion by Supervisor Lemcke, seconded by Councilman Carmestro, to enter into Executive Session to discuss a legal matter.

Motion carried: Aye 5 Nay 0

The Board entered into executive session at 8:05 p.m. after a short break so that people could leave.

### **CLOSE EXECUTIVE SESSION**

**RESOLUTION NO. 225-2009** Motion by Councilman Carmestro, seconded by Councilman Comardo, to close the Executive Session at 8:40 p.m. and return to regular session.

Motion carried: Aye 5 Nay 0

There being no further business brought before the Town Board, Councilman Carmestro made a motion to adjourn the meeting at 8:41 p.m., seconded by Councilman Comardo and all were in favor.

Respectfully submitted,

Donna K. Curry  
Parma Town Clerk