

Parma Town Board meeting held on Tuesday, December 2, 2008 at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

ATTENDANCE

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

OTHERS IN ATTENDANCE

Bob Prince, John Chart, Gene DeMeyer, Ashley Nephew, Debbie Imhoff, Susan McKinney, Don Green, Tom Ganley, Marilyn DeMeyer, Scott Copey, Pam Speer, Pat Buskey, John Zamiara, Jim Zollweg, Steve Speer, Rosalind Lipomi 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.

Supervisor Lemcke indicated the information session for the proposed zoning overlay Planned Development-Senior Residential (PD-SR) would be held after the public forum.

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.

REQUEST TO REZONE 1875 NORTH UNION STREET

John Zamiara has submitted an application requesting the rezoning of a portion of 1875 North Union Street from Medium Density Residential to General Commercial. Mr. Zamiara explained that he would like to build a pole barn on this parcel. Currently, a portion of the parcel is zoned General Commercial and he would like to have the remaining portion (which is Medium Density Residential) zoned the same. The proposed location of the pole barn would place it in both types of zoning. It has been determined that a variance is not possible due to the zoning district line and he is requesting the remaining portion be rezoned. There was discussion. The parcel will need to be surveyed and a legal description of the portion to be rezoned provided. This proposal will need to be submitted to Monroe County Planning and Development for review. It was established that this will be a Type 2 Unlisted Action under SEQR.

RESOLUTION NO. 290 -2008 Motion by Councilman Carmestro, seconded by Councilman Blackburn, to hold a public hearing to rezone a portion of 1875 North Union Street from Medium Density Residential to General Commercial on Tuesday, January 20, 2009 at the Parma Town Hall at 6:30 p.m. This action is pending receipt of the required survey and was classified as a Type 2 Unlisted Action under SEQR.

Motion carried: Aye 4 Nay 0

Absent – Councilman Smith

HEALTH INSURANCE

Barb Speer requested clarification on the medical insurance buy-out option. Ms. Speer and her assistant currently participate in the current \$500 buyout and questioned whether they should be entitled to more since 3 employees were being offered a higher amount. Supervisor Lemcke explained that the three part-time employees will no longer have access to health insurance. The \$3,500 is a monetary amount given to them in lieu of the health insurance benefit they will no longer receive. It will be the employee's choice whether they want to spend it on health insurance or something else. There was discussion and it was determined if further consideration was to be given to this matter it could be addressed at the organizational meeting.

HIGHWAY AUDIT

Dave Rizzari, of Raymond F. Wager, CPA, P.C. presented the findings from the Independent Accountant's Report on Applying Agreed –Upon Procedures which the firm was requested to perform on the accounting records of the Highway-Part-Town Fund for the years ended December 31, 2005, 2006, and 2007 and review of payroll time reporting procedures for the Highway Department. Mr. Rizzari stated this was an agreed-upon procedures report and not an audit. He explained the objective of an audit would be the expression of an opinion of the accounting records and would have included additional procedures. The application of agreed-upon procedures was to look at the records requested and report the results of what was found without expressing an opinion.

Mr. Rizzari reviewed the procedures they used and reported their findings. The report is on file in the Town Clerk's office.

There was discussion on opportunities for improvement and changes that might be made. Councilman Comardo noted the next step usually is to review the findings, identify action to be taken and set up a plan and timeline going forward to address those improvements. Supt. Speer indicated he did not intend to change his current practices.

Councilman Comardo felt that there are always opportunities for improvements and would like to see this process used for all departments perhaps on a rotating basis over different years. He felt it was valuable to bring in a professional outside pair of eyes to review and offer improvements.

INFORMATION SESSION

PLANNED DEVELOPMENT – SENIOR RESIDENTIAL (PD-SR)

Supervisor Lemcke noted the informational meeting had been advertised and the draft has been available for review on the Town website and at the Town Hall. He asked if anyone wished to ask questions regarding the proposed zoning overlay for Planned Development – Senior Residential (PD-SR). There were no comments. Councilman Carmestro and Blackburn noted that the revisions touched on everything asked for during the Board's earlier review. It was noted that SEQR has been prepared by Stuart Brown and Associates. Next steps include advertising for a public hearing, classifying the action as a Type 1 Action, and allowing for a 30-day public comment period by involved and interested parties prior to the public hearing.

RESOLUTION NO. 291 -2008 Motion by Councilman Comardo, seconded by Councilman Blackburn, to advertise for a public hearing to amend the Town of Parma Zoning code with the addition of a zoning overlay district for Planned Development – Senior Residential (PD-SR) as presented in the draft proposal; classifying this as a Type 1 action under SEQR requiring a 30-day comment period for involved and interested parties; to be held on Tuesday, February 3, 2009 at the Parma Town Hall at 6:30 p.m.

Motion carried: Aye 4 Nay 0

Absent – Councilman Smith

MINUTES – NOVEMBER 18, 2008

The Town Clerk noted the Order Calling for Public Hearing for the proposed North Avenue Sanitary Sewer District #1 has been received from the attorney and will be included as part of the November 18, 2008 minutes. Copies were provided for the Town Board to sign. Mr. Barton noted the following changes: page 4, paragraph 3, the 3rd line from the bottom of the paragraph should read: ...to allow auto repair in *General Commercial*. It is allowed in *Highway Commercial* but not in *General Commercial*.

RESOLUTION NO. 292 -2008 Motion by Councilman Blackburn, seconded by Councilman Carmestro, to approve the Minutes of the November 18, 2008 meeting with the following changes: page 4, paragraph 3, the 3rd line from the bottom of the paragraph should read: ... to allow auto repair in *General Commercial*. It is allowed in *Highway Commercial* but not in *General Commercial*.

Motion carried: Aye 4 Nay 0 Absent – Councilman Smith

TOWN CLERK REPORT

The Town Clerk Report and VFW Summary for November have been submitted. The Clerk also noted that she participated in a webinar offered by General Code Publisher which demonstrated the changes made to online access of the Town Code since our last code update. Improvements include a better search feature, more timely access to pending updates and access to a municipal code library to view other municipal codes. Other sessions are being offered and any staff or Board members that would like may participate.

HIGHWAY DEPARTMENT REPORT

Supt. Speer reported that the department did not complete all the work on Spencer Road. Next year they will recycle the road and complete the process. There was discussion on if the other shoulder could be completed and what blacktop plants were still open. Most trucks have been converted over for snow and ice removal.

There was discussion on when the snow and ice contracts start with the State and County. With further clarification, Supt. Speer noted that the State starts November 15th, weather usually determines when, and night watch people start at Thanksgiving. It was noted a person has not been scheduled for B trick so far this year.

Supervisor Lemcke reported that he passed a Highway truck on Saturday, November 18th around 10:00 a.m. headed into the city. He noted that the time records did not indicate anyone was working at that time. Supt. Speer thought that Mr. Radtke went to pick up a bearing for a salter and did not know why his time would not have been reported. Supervisor Lemcke did not feel that was the truck he witnessed and asked if Supt. Speer would find out if someone else used a truck that morning.

Councilman Comardo reported that Councilman Smith had asked him to bring up having one more brush run through the Town for whatever has been left out. Councilman Smith wished to convey his feeling that not picking up the brush could cause problems for snowplow drivers, drifting issues and the spring pick up will be more difficult. He suggested there was money available in B9901.991. It could not be determined if this was the correct account number.

Councilman Comardo indicated that he was not in agreement to have another pass. Supervisor Lemcke was opposed based on the principal that some residents have paid to have their brush privately picked up and did not feel there should be a change of heart. The service was \$22,000 over budget and if there is money left over it should be used to address the budget deficit. After the first of the year, budgeted money for next year could be used for this if desired. Councilman Blackburn indicated he had received complaints regarding the potential for drifting snow and poor visibility in being able to see children at the end of driveways. He referred those individuals to Monroe County because the brush is in their right of way and if they

cannot deal with it then come back to the Town. Councilman Carmestro indicated he had looked at a situation on Dean Road and did not see it as a major problem. He was not in favor of having a run.

Councilman Comardo was asked to convey to Councilman Smith that there was not enough support to have an additional run.

BUILDING DEPARTMENT REPORT

Mr. Barton noted the Building Department report for November has been submitted. He will be meeting with Envoy Environmental Consultants regarding doing an asbestos report for the Court Clerk addition.

RECREATION DEPARTMENT REPORT

Mr. Fowler was not in attendance so there was no recreation report.

PARKS DEPARTMENT

The Park Foreman was not in attendance.

BICENTENNIAL COMMITTEE

It was noted that Bicentennial Christmas ornaments are expected to be delivered later this week and will be on sale for anyone interested.

BUSINESS ITEMS

AGRICULTURAL AND FARMLAND PROTECTION PLAN

Scott Copey, Chairman of the Farmland and Open Space Preservation Committee reported the Agricultural and Farmland Protection Plan draft report has been sent out. He commended the committee on the work they have done. He sought the Town Board's input on holding an informational meeting, generating a press release, having the report available on the web and starting the SEQR process. He noted that according to Ag & Markets and the consultant this would be a Type 1 action based on SEQR requirements that this would be an adoption of a municipal land use plan. It will also have to be approved by the NYS Department of Agriculture and Markets and the Monroe County Farming and Preservation Board. Mr. Barton noted that there will be a required 30-day review period which must be prior to the public hearing. There will be an informational meeting first and then the Board will review SEQR, classify the type of action and start the 30-day comment period.

Supervisor Lemcke indicated he would like to hold the informational meeting as quickly as possible. He and Mr. Copey have been in contact with the County of Monroe regarding the money that has been allocated to the Town and they indicated we need to get a hold on these funds. It was determined the informational meeting would be held on December 16th. Mr. Copey was asked to provide the press release before this week's cutoff and this will be used in lieu of a legal notice as a legal notice is not required. Supervisor Lemcke has received feedback from several sources indicating that this is one of the best plans received.

There was discussion on whether the SEQR documents were part of the consulting work to be provided. Mr. Copey will contact Barb Johnston, the consultant with Stuart Brown Associates, to verify if they are providing the Environmental Assessment for SEQR and if not covered get a cost. Mr. Copey will also provide the Town Clerk with the information needed for the website.

There was some question on the need to identify specific parcels for preservation in order to receive the funding earmarked by Monroe County and discussion on possible criteria for matching funds from the Town or other sources. A copy of the criteria will be provided by Supervisor Lemcke to Farmland and Open Space Committee members.

Susan McKinney expressed concern that a hearing would be scheduled without the plan being made available online and felt people would be left out and might have questions. Mr. Copey expected that the meeting will be a presentation and the public hearing would follow. Mr. Chart commented that he felt the focus should be on educating the public not on moving this through quickly. It was noted by Supervisor Lemcke there has been a survey and 2 information meetings; one with farmers and a second for residents and any interested parties. There was discussion on the steps being taken to inform the public. It was noted that additional copies of the plan would be needed. Mr. Copey will contact the consultant. In the interim, Town Board members will share their copies.

PREPAYMENT FOR NEW YORK STATE RETIREMENT

The Town has received the annual invoice for the Employee Retirement System in the amount of \$132,079 of which 70 % is paid by the Town and 30% by the employees. The bill would be \$130,814, if prepaid by December 15th for a savings of \$1,265.

RESOLUTION NO. 293 -2008 Motion by Councilman Carmestro, seconded by Councilman Blackburn to approve prepayment of the NYS Retirement System contribution for fiscal year 2009 in the amount of \$130,814.

Motion carried: Aye 4 Nay 0 Absent – Councilman Smith

MISCELLANEOUS

APPOINTMENT OF MUNICIPAL ATTORNEY AS AN ASSISTANT DISTRICT ATTORNEY

Supervisor Lemcke reported he received a letter from the District Attorney regarding prosecutions of criminal violations of municipal code, ordinances or local laws and whether the Town has a municipal attorney who prosecutes criminal cases. County Law Section 700 (1) dictates that prosecutions not handled by the District Attorney's Office can only be done after the District Attorney has given consent for such substituted representation. To meet the requirements the District Attorney must grant an official appointment of the municipal attorney as an Assistant District Attorney and receive quarterly reports keeping him abreast of the cases being handled. It was noted that a letter has been sent to the District Attorney's Office from Peter Rodgers, one of the Town Attorneys that prosecutes violations on behalf of the Town of Parma. It was noted that Lara Badain, Sercu & Sercu, also prosecutes cases for the Town.

RESOLUTION NO. 294 -2008 Motion by Supervisor Lemcke, seconded by Councilman Carmestro, that Lacey Katzen be officially appointed to serve as the municipal attorney and as the Assistant District Attorney per the request of the Monroe County District Attorney.

Motion carried: Aye 4 Nay 0 Absent – Councilman Smith

2009 HEALTH CARE COVERAGE

Rates for existing health care plans have been received. A summary of the monthly 2009 rates was provided showing the increases. The Blue Choice Plans will increase 17.5%. The rate for community rated (under 50 participants) Health Savings Account (HSA) dropped 1.50%. The Town has been informed it will be experienced rated (over 50 participants) if it moves to HSA accounts and the cost in this category is greater than staying with the current plans. Supervisor Lemcke indicated the goal should be to get to the number of participants under 50 so we can be

community rated for an HSA. There was discussion on how to get us into the community rated category. The union highway employees could be isolated as a separate group and direct billing retirees are possible solutions. There was discussion on passing the full amount of the rate increase to employees. It was suggested that retirees be polled and consideration be given to splitting the cost of the current increase by having 9.5% paid by the Town and 8% paid by the employee.

INFORMATIONAL ITEMS

CABLE FRANCHISE RENEWAL NEGOTIATIONS

Supervisor Lemcke reported we are in the first step of negotiations for renewal of the cable franchise contract. He has received correspondence from the Public Service Commission regarding the status of the franchise renewal process. The Public Service Commission has determined that it is in the best interest of the public to grant Temporary Operating Authority so that the company can continue to provide cable television services during the negotiations of the franchise renewal. There was discussion on what kinds of things could be negotiated, the negotiating period could last 2-3 years, that the last contract was for 10 years and if the Town was completely covered for service.

TOWN MEETING SPACE

During the last joint meeting with the Village of Hilton, lack of meeting space for local non-profits was discussed. The Town Board discussed possible use of the VFW Lodge, associated costs with opening and closing the building, heat and air conditioning and cleanup. The Village Clerk will be asked to provide information on what groups need space and the number of times they meet. Councilman Blackburn suggested use of the warming hut as a possibility.

BOARD ATTENDANCE FOR TRAINING PROGRAMS

Confirmation has been received from the Monroe County Department of Planning and Development regarding those who attended a series of seven workshops on Land Use Decision-Making. State law requires Planning Boards and Zoning Board of Appeals members to obtain 4 credit hours of training annually. A summary list of what classes were attended by individual Board members was provided.

LIAISON REPORTS

**Councilman Smith is recovering from surgery and asked Councilman Comardo to report that he met with the Special Police, Apple Fest and Village Liaison Speer as a follow up to this year's Apple Fest. A reminder was noted that the Special Police are looking for a resolution from the Town Board for who will be exempt from having to pass through the security system for Board meetings.

**Councilman Comardo reported there had been no Planning Board meeting since we last met and there was no report from Parks.

**Councilman Blackburn had nothing to report.

**Councilman Carmestro felt the joint meeting with the Village of Hilton went very well. He reported the Hilton Parma Fire District will be holding elections next Tuesday and there is 1 candidate running. The Spencerport Chamber of Commerce is status quo. He noted the employee manual has not been fully reviewed since prior to 2005. He suggested workshops to review and make any needed changes.

MISCELLANEOUS - OTHER

Mr. Barton noted the Zoning Board will be losing 2 members. An ad will be run in the Suburban News to accept applications from anyone interested in any of the Town's Boards and Committees. The intent is to provide a pool of applicants that can be drawn from. There was discussion on establishment of minimum requirements. Currently, the only Board to have an alternate is the Zoning Board. That position requires attendance at each meeting.

The issue with Rural Development and the Dunbar Road East Sewer District is still not resolved. Pure Waters has been contacted. Supt. Speer will contact the inspector again. It was noted again that the information Rural Development is seeking cannot be answered by Supt. Speer therefore it has been forwarded to Pure Waters for a response.

There being no further business brought before the Town Board, Councilman Carmestro made a motion to adjourn the meeting at 8:30 p.m., seconded by Councilman Blackburn and all were in favor.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk