

Parma Town Board meeting held on Tuesday, August 19, 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	James Smith
Councilman	Gary Comardo
Highway Supt.	Brian Speer
Recreation Director	Steve Fowler
Building Inspector	Jack Barton

### **OTHERS IN ATTENDANCE**

Bruce Jones and Jeff Krywy from Spencerport Volunteer Ambulance, John Chart, Gene DeMeyer, Mike Weldon, Kris Schultz, Jim Zollweg and other unidentified individuals.

### **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. He noted emergency exit procedures and that the meeting was being 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.

Chris Moore expressed how offended and upset she was that her name had been stated during the last Town Board meeting regarding hours changed on a payroll report. Supervisor Lemcke suggested that further discussion be done in executive session. She declined. She asked each Town Board member if they would like to see her timesheet. She explained that she did not have her time card with her those days and this was noted on the manual timesheet. The manual timesheet is used because the time clock does not always work. She expressed her opinion that Supervisor Lemcke does the Town employees a great disservice with his intimidating tactics.

John Chart inquired when the appropriate time would be to submit a petition opposing the rezoning of 949 Hilton Parma Corners Road. The petition requests a super majority vote be held for a vote to rezone this property. Mr. Chart referenced Parma Town Law Section 265 1B and 1C. There was confusion as to what these sections were as the Parma code does not have these numbers. Supervisor Lemcke noted there is no request for rezoning of this property before the Town Board. Therefore he cannot accept a petition for something that has not been requested. The correct time to submit would be when a proposal is submitted. The process for rezoning would occur and includes notice of a public hearing which would be advertised in the Suburban News. There was discussion on why this meeting was not advertised. It was explained that this is an informational forum and not the public hearing. Public hearings held by all Boards are advertised.

Mr. Chart also provided the Town Board with copies of a report on traffic coming out onto Route 259 from Unionville Station and the proposed North Parma Station. He explained how he arrived at those numbers. Supervisor Lemcke noted that traffic falls under the authority of the Planning Board. There was discussion on the role of the Planning Board and it was

explained that the Town Board appoints members to the various boards of the Town, there is a liaison to each board and the liaison does not vote on issues before those boards.

There still was confusion on what is taking place. There was continued discussion. The Town Board is currently looking at establishing a new type of zoning called Planned Development - Senior Residential (PD-SR) that would be available any place in the Town where the required criteria is met. It is referred to as an overlay. If a property owner/developer decides they wish to have this type of zoning, they must apply to the Town Board for rezoning. The same steps are taken as for any other rezoning; including advertising for a public hearing and comments would be sought from the appropriate Boards including the Planning Board. If the zoning request is approved, it would go to the Planning Board for site plan approval. Mr. Chart was given the option to leave the petition with the Town Clerk. He submitted the petition of those opposed to the rezoning and in this case the overlay of 949 Hilton Parma Corners Road which will be held until the appropriate time to submit should a request for rezoning be received.

### **SPENCERPORT AMBULANCE**

Bruce Jones of the Spencerport Volunteer Ambulance requested permission to place signs at 4 locations in the Town for their Volunteer Membership Drive. They would be placed at the corner of Ridge Road and Rt. 259 at the fire hall, the corner of Trimmer and Ridge Roads, in front of Abe's and on the southeast corner of Pease and Ridge Road. The Town Board was in agreement to allow.

### **PLANNED DEVELOPMENT – SENIOR RESIDENTIAL (PD-SR)**

The Town Board has received the draft for the Planned Development – Senior Residential (PD-SR) zoning which was provided by the consultant, Stuart Brown Associates. It was noted that some individuals may have already seen the draft at the Town Hall or on the website. Mr. Chart asked for clarification on the difference between a forum and a public hearing. Supervisor Lemcke stated that tonight was for discussion purposes only and the Town Board would look over, review and allow public comments.

It was noted that the draft is very similar to the existing Townhouse overlay but requires a larger parcel with a minimum of 15 contiguous acres and may be located in any residential zoning district. Information compiled by the GIS Coordinator was referenced. There are 358 parcels where this zoning could exist based on the 15 acres or more. A breakdown by existing zoning types was also included in the report.

Mr. Chart asked if there were provisions for a maximum number of dwellings before a second access road would be required. This would be addressed as part of the Planning Board process not during approval or disapproval of the overlay. The owner of the road would determine the number of access sites onto their road.

Councilman Blackburn sought clarification on the difference between an overlay and rezoning and asked if it was the Town Board's responsibility to set guidelines for what is allowed in this district. He has concerns with the number of units and commercial districts. He thought (PD-SR) was for a senior development that has certain restrictions tied to it that would only be permitted in that area.

Supervisor Lemcke responded that this would be like the Townhouse overlay that currently exists. The purpose of the PD-SR is to provide senior oriented housing types in an area with public water and sewer services. The question was raised by Councilman Blackburn if permitted uses could be changed by the Town Board. There was discussion and the answer is yes by making the changes at this stage. The types of permitted uses were reviewed. There was discussion on what constituted "predominately designed for persons age 55 and older" and included the owner on the deed would be 55 or older.

Discussion moved to permitted public and community service uses and the permitted commercial and services. Special permitted uses were reviewed and it was noted that these would have to be approved by the Zoning Board of Appeals according to existing guidelines. It

was noted that if there is something the Town Board does not want included in the wording of this draft it should be excluded at this stage. Supervisor Lemcke stated we would publish what changes were made.

There was discussion on if this was spot zoning. The approval of this overlay would permit commercial on the parcel(s). Again the Town Board can change what goes into this. Mr. Chart referred to the definition of spot zoning as provided by the comprehensive planning and zoning of the State. He felt the question of spot zoning was right on and commercial should not compete with local business in the Village should not be considered.

Discussion turned to review of dimensional requirements section. This mimics the existing Townhouse Residential overlay. It was noted that open space would comprise 25% of the of the development area unless the deemed inappropriate or impractical by the Planning Board in connection with the site plan approval. The total amount of land for indoor facilities, structures owned or maintained by the Town or other indoor community service facilities will not be more than 10%.

Supervisor Lemcke asked the Town Board members to review and make notations and highlight any changes on their copies and bring to the September 2<sup>nd</sup> meeting. It will be reviewed as a business item.

Councilman Smith clarified that if the Town Board wanted to eliminate a particular item at this stage would there still be a process for it to be added later. The discussion indicated that the zoning appeal process would allow for consideration of a request through the Zoning Board of Appeals.

Councilman Blackburn acknowledged seniors have certain needs and any commercial allowed should address only those needs and not overburden the district with other types of commercial. Mr. Barton noted that like types of commercial would be grouped together not spread out over different sections of the district.

Kris Schultz noted an advantage of the overlay is a developer puts together his plan and is presenting to the Town Board. This would allow input and the opportunity to modify early on. Councilman Blackburn was concerned about the Town Board having the option to make either/or decisions about what can go in. Once the plan is approved by the Town Board it would go to the Planning Board for the nuts and bolts of the design. Town Board looks at the overall plan and gives approval to allow the overlay. The Planning Board deals with the specifics of the plan. The kind of lighting was discussed. This would be a Planning Board issue which would be dealt with during site plan approval. Mr. Schultz commented that they have not run into this issue because dark sky compliant lighting was used.

Supervisor Lemcke asked Town Board members to indicate any changes and comments on their copies for the next Town Board meeting so they can submit changes to consultant after that.

### **MINUTES – JULY 29, 2008**

**RESOLUTION NO. 208-2008** Motion by Councilman Carmestro, seconded by Councilman Blackburn, to accept the Minutes of the July 29, 2008 meeting joint meeting with the Village of Hilton.

Motion carried: Aye 5 Nay 0

### **MINUTES – AUGUST 5, 2008**

**RESOLUTION NO. 209-2008** Motion by Councilman Smith, seconded by Councilman Comardo, to accept the Minutes of the August 5, 2008 meeting.

Motion carried: Aye 5 Nay 0

### **HIGHWAY DEPARTMENT REPORT**

Supt. Speer reported the Mack 10-Wheeler has been received and the department continues school and County work. He received a petition from residents of Valley Park Drive, Valley Park Circle and Valley Meadow Drive requesting that their roads be completely redone. Repairs have been made to holes and he will respond. The Town Clerk requested that the petition be filed in the Clerk's office. Councilman Blackburn asked if it was a request or a formal petition. The Town Clerk requested the petition be filed in that office.

Supervisor Lemcke asked if the Highway Department delivers chips and millings. Supt. Speer stated that chips are delivered to residents. A list is made of residents requesting chips and they are delivered when the crew is in that area. The millings are not normally delivered.

Supervisor Lemcke requested the gas and diesel consumption records for all Town equipment and vehicles for 2006 and 2007.

### **TOWN CLERK REPORT**

The Town Clerk reported there will be a Passport Night at the Town Hall in the small meeting room from 6:00 to 8:00 p.m. on September 8<sup>th</sup>. She also noted the Planned Development – Senior Residential zoning draft has been posted on the website.

### **RECREATION DEPARTMENT REPORT**

Mr. Fowler reported that the department's 2008 Fall Brochure is at the printer and due back next week. The format of the brochure has been changed and reflects the work of Shannon Balbi, the department's new employee. Program registration begins September 8<sup>th</sup>. Mr. Fowler requested that the board approve entering into contract with Stuart Brown Associates for professional services pertaining to the administrative aspects of the Town Hall Park Field Lighting Project for a sum of \$5,000. It was noted this was not urgent and can wait for the next Town Board meeting. The expenditure would be part of the overall project budget. Mr. Fowler reported he had a successful meeting with DeWolff Partnership to discuss building designs and construction costs associated with specific municipal structures and locations. He expects to receive updated prices from DeWolff.

There was discussion on what the maintenance cost will be and the impact that might have on the budget. Cost effective controls were discussed and whether additional use such as night leagues would occur. It was noted that the Town Board could establish the times the lights are turned and the primary uses will be Recreation Programs and Scholastic, then local youth sport programs. The Town Board would determine any other additional use.

### **BUILDING DEPARTMENT REPORT**

Mr. Barton reported he will be out of town for the next meeting. He asked the Board for direction on minimum participation of Board and Commission members. There was discussion on setting a policy for how many meetings must be attended. Town Board minutes will be checked for previous discussion.

Mr. Barton stated that he would pass his comments along to Barb Johnston for the PD-SR overlay since he will not be at the next meeting. Supervisor Lemcke stated that changes from the Board could also be incorporated so the before and after can be reviewed together.

### **PARKS DEPARTMENT**

The Park Foreman reported that he has completed most of the violations from the Fire Marshall's list and will follow up on remainder of his items. The Library Director will take care of the remainder inside the building. Mr. Petricone reported the football tournament went well and reviewed what had been done in preparation and after the event. He is also looking at a device to eliminate the drainage problem at the tops of trail hillsides.

**BUSINESS ITEMS**

**LIBRARY DIRECTOR RESIGNATION**

A letter of resignation has been received and filed with the Town Clerk. Her last official day is September 13, 2008.

**RESOLUTION NO. 210-2008** Motion by Councilman Carmestro, seconded by Councilman Blackburn, to accept the resignation of Library Director Sally Snow.

Motion carried: Aye 5 Nay 0

**HIGHWAY GRIEVANCE**

Supervisor Lemcke asked about the status of the response to the Highway Grievance he received. Supt. Speer responded that he would be sending shortly. Supervisor Lemcke said that he would inform Mr. George.

**BUDGET TRANSFERS**

TRANSFERS TO BUDGET

Aug-08

FROM			TO			REQUESTED
ACCT #	DESCRIPTION	AMT.	ACCT #	DESCRIPTION	AMT.	
A1620.488	MISC	186.47	A1620.469	LANDSCAPING	186.47	DOOL
A7141.488	BABYSITTING	1,225.00	A7141.449	THEATER	1,225.00	FOWLER
A7141.428	YOUTH PLAYGROUND	150.00	A7141.415	TOT'S PLAYGROUND	150.00	FOWLER
A7141.12D	BATON	500.00	A7141.441	BATON	500.00	FOWLER
	A SURPLUS (RESOLUTION 176-2008)	1,750.00	A7141.479	NUTRITION	1,750.00	GAVIGAN
A7141.403	BASEBALLL	3550.00	A7141.420	SOCCER CAMP	3,550.00	FOWLER
A7141.407	INTRO TO SPORTS	2,100.00	A7141.428	PLAYGROUND	5,100.00	FOWLER
A7141.406	BASKETBALL CAMP	3,000.00				
A7141.499	FIELD HOCKEY	850.00	A7141.425	CARDIO	850.00	FOWLER
A7141.434	KIDS KALEIDSCOPE	300.00	A7141.495	BEAR	300.00	FOWLER

**RESOLUTION NO. 211-2008** Motion by Councilman Comardo, seconded by Councilman Blackburn, to approve the Budget Transfers as submitted.

Motion carried: Aye 5 Nay 0

**NEW HIRE HEALTH CARE COVERAGE**

Supervisor Lemcke has proposed that all new hires will be offered the single coverage amount only. Councilman Comardo asked if the employees would have the opportunity to buy in to the family plan. Supervisor Lemcke responded employee could upgrade but would have to pay the difference. There was discussion on comparing the benefit as a percentage and the Finance Director will be asked for projections.

**MISCELLANEOUS**

The Justice Court has received \$30,000 in grant money for renovations in the Court Clerk office and will include security improvements. Jack Barton was asked to proceed on getting quotes. The cost to the Town was estimated to be 20-30% of the amount.

It was also noted that the Justice Court has applied for funding for a secure bench compartment to hold their electronic devices and other equipment in the judges' area.

## **INFORMATIONAL ITEMS**

### **HIGHWAY PAYROLL AUDIT**

Supervisor Lemcke contacted Raymond Wager, CPA to request that payroll records be included in the audit. There will be no additional charge as it would be part of the requested audit. They are expected to start sometime the 2<sup>nd</sup> or 3<sup>rd</sup> week in September.

### **INTERMUNICIPAL AGREEMENT**

During the July 29<sup>th</sup> joint meeting with the Village of Hilton an inter-municipal agreement that had been brought before both municipalities back in 1999 was discussed. Supervisor Lemcke asked the Town Board to review so that it can be addressed as a future business item.

### **TRAFFIC STUDY RT. 261 AND PECK ROAD**

The NYS Department of Transportation has responded to a request for review of the intersection of Route 261 and Peck Road and the possibility of a three color signal. They noted that review of the accident rates did not indicate a significant difference from statewide averages for similar intersections. Review of the traffic volumes revealed the traffic volume is not of the magnitude in combination with other factors such as delays and accidents indicating need for signalization. They did note that the Stop Ahead signs need to be upgraded and that these and the warning signs on Route 261 should be relocated to current standards. This work will be done by the State as work schedules allow.

### **BRUSH PICK-UP CANCELLATION UPDATE**

Supervisor Lemcke reported that he has returned all the calls that came through his office. He left messages for individuals he could not reach. There was discussion on residents who called for pickup prior to the discontinuance of brush pickup and whether there should be pickup for those that called prior to discontinuing the pickup. There was discussion on providing names of private companies to pick up brush, dropping off at Highway garage and associated cost of doing this. Mike Weldon expressed he would like to drop brush off at the Highway Garage. He understands not having trucks driving throughout the Town but did not agree that the service should be eliminated. It was noted that there still are costs associated with this and the situation is such that we cannot spend any more on brush pick up.

## **MISCELLANEOUS**

### **BUDGET**

Department heads have submitted budgets. At this point they reflect an 11% increase in the Town and a 4% increase in the Village. Supervisor Lemcke has started meetings with department heads and is seeking a 0% increase again this year. He will be presenting the Tentative Budget by September 16, 2008.

### **TOWNWIDE DRAINAGE RATE**

Councilman Smith proposed changing the Townwide Drainage fee from \$5.00 to \$15.00 per parcel and would like this to be part of the budget discussions.

**STEPHANIE COURT FENCE**

Supervisor Lemcke inquired as to the status of a fence issue for Elizabeth Young. Mr. Barton noted that a final inspection has not been called for and the fence appears to be up to the property line. He indicated that the permit would have been issued after Brian Speer signed off for the easement in March this year

**VACATION – DAVE KOHLER**

Mr. Kohler expects to be out another 2 weeks and will not have enough sick time to cover. He would like to use vacation time until the Worker Compensation reimbursement is received. There was discussion.

**RESOLUTION NO. 212-2008** Motion by Councilman Carmestro, seconded by Councilman Comardo, to allow use of vacation by Dave Kohler which will be replaced after receipt of the Worker Compensation reimbursement.

Motion carried: Aye 5 Nay 0

**OTHER**

Supervisor Lemcke reported a letter was received from the Environmental Conservation Department noting they are in receipt of the Town's Local Law for Flood Damage Prevention.

Town Board has received the camping rules they requested from the Recreation Department.

An alternative for credit and debit card transactions was discussed. The Town Clerk has 2 more persons to contact and will follow up.

**BISHOP SHEEN ECUMENICAL HOUSING FOUNDATION**

Kris Schultz presented a concept plan showing a proposal for an assisted senior living facility on the St. George Episcopal Church property on Wilder Road. The Church would be giving the land to the Bishop Sheen Ecumenical Housing Foundation making it a very viable project for development funding. At this time one single floor unit is proposed consisting of 24 one bedroom and bath subsidized apartments. The initial access would be a driveway at the end of the Church parking lot and a second point of access off Old Wilder Road. State funding will take at least a year so an expected start date would be in 2010. The application requires a site plan and an indication from the Town that they are in favor of this type of housing. The current zoning is high density residential and the Townhouse Residential overlay would have to be applied for. Sanitary sewers would be pulled from Salmon Creek Estates (*Clerk notation Wilder Estates was referenced should be Salmon Creek Estates*) and water is already available. There was discussion on site distance coming out onto Wilder Road, increases to other services such as fire and ambulance, ownership of the building and tax breaks.

**RESOLUTION NO. 213-2008** Motion by Supervisor Lemcke, seconded by Councilman Comardo, to support the Bishop Sheen Ecumenical Housing Foundation grant application for a Parma Senior Housing project at the St. George Episcopal Church property on Wilder Road.

Motion carried: Aye 5 Nay 0

**LIAISON REPORTS**

\*\*Councilman Smith reported all was well in the Assessor's office. He continues to meet with the Village Liaison regarding the Library Community Center Project. They met with Sally Snow, Library Director to get her perspective on specific needs; particularly what could be done with the current building. Discussion included upgrading carpeting, door issues, parking, and a separate area for teens and computer use. An estimated cost of \$200,000 to make the

building code ready was discussed. She felt strongly that a minimum of 16,000 sq. ft. was needed to meet the current needs. The Library is currently 8,000 sq. ft. They discussed other options including expanding the current building, a new building located in the Village and a joint Library Community Center.

He summarized 4 options they came back too. Do nothing except make the required improvements mentioned earlier. Expand the current location which would include expenditure for real estate acquisition, engage an engineer and architect for the feasibility of expansion and address handicap parking issues. Build brand new on a site in the Village. The Village has exercised options on properties discussed. Funds would have to be spent for soil and other studies to proceed, a new design would have to be developed and the cost of acquisition. He indicated that for these last two options money would have to be spent fairly soon to proceed further. The fourth option would be at the Town Hall and after speaking with Ms. Snow he felt this might be the best option.

He reported that since the last joint meeting with the Village, the Village Board unanimously passed a resolution that effective immediately the Special Police are welcome to perform only traffic control services at scheduled special events in the Village. He contacted the Special Police and asked them to stop bike patrols until further notice. He met with them last week and conveyed that they are upset that they did not get "their day in court". It was also noted they will not be providing service during the upcoming Apple Fest. A contract was requested by the Apple Fest committee. He will continue to meet with interested parties and get as much feedback as he can and come up with a plan to have guidelines in place for the Special Police going forward. He reported he has 3 letters showing support of the Special Police. Councilman Smith will contact the Sheriffs Department for their comments.

\*\*Councilman Comardo had nothing specific to report from the Parks Department. There were two Planning Board meetings since our last meeting. Individuals on the agenda for the first meeting did not appear and there was only one party for the second meeting.

\*\*Councilman Carmestro thanked Mr. Petricone for his response to the violations at the Library. The Library Board is holding an emergency meeting tomorrow to review the process for filling the Library Director position. He met with Mr. Barton today and will meet again next Thursday regarding NIMS. Town employees will be meeting August 28<sup>th</sup> at 3:00 p.m. to provide information on the proposed Health Savings Account (HSA). He also reported that he attended the Zoning Board of Appeals meeting. A remedy has been found for notifying the current property owner for maintenance violations on Bennett Road. He would like the Town to consider a phone reimbursement policy similar to the Village policy.

\*\*Councilman Blackburn stated that Councilman Smith has done a good job in meeting with the Village. The Recreation Commission meets tomorrow night.

## **WARRANTS**

**RESOLUTION NO. 214-2008** Motion by Councilman Carmestro, seconded by Councilman Blackburn, to approve payment of the A Fund, General Fund bills, in the amount of \$94,735.71.

Motion carried: Aye 5 Nay 0

**RESOLUTION NO. 215-2008** Motion by Councilman Carmestro, seconded by Councilman Smith, to approve payment of the B Fund, Part Town Bills, in the amount of \$10,579.07.

Motion carried: Aye 5 Nay 0

**RESOLUTION NO. 216-2008** Motion by Councilman Carmestro, seconded by Councilman Comardo, to approve payment of the DA Fund, Highway Townwide bills, in the amount of \$1,854.22.

Motion carried: Aye 5 Nay 0

**RESOLUTION NO. 217-2008** Motion by Councilman Carmestro, seconded by Councilman Blackburn, to approve payment of the DB Fund, Highway Outside bills, in the amount of \$17,994.81.

Motion carried: Aye 5 Nay 0

**RESOLUTION NO. 218-2008** Motion by Councilman Carmestro, seconded by Councilman Smith, to approve payment of the SD Fund, Townwide Drainage bills, in the amount of \$1,344.00.

Motion carried: Aye 5 Nay 0

**RESOLUTION NO. 219-2008** Motion by Councilman Carmestro, seconded by Councilman Comardo, to approve payment of the T Fund for Trust and Agency bills, in the amount of \$4,312.19.

Motion carried: Aye 5 Nay 0

### **MISCELLANEOUS - OTHER**

Councilman Smith noted that he has asked the Town Clerk to act as temporary liaison to the Bicentennial Committee. He will be unable to attend upcoming meetings.

### **ENTER INTO EXECUTIVE SESSION**

**RESOLUTION NO. 220-2008** Motion by Supervisor Lemcke, seconded by Councilman Smith, to enter into Executive Session to discuss a legal matter and employment history of an employee.

Motion carried: Aye 5 Nay 0

There was a short recess as the public left the meeting. The Town Board entered into executive session at 9:05 p.m.

### **CLOSE EXECUTIVE SESSION**

**RESOLUTION NO. 221-2008** Motion by Councilman Carmestro, seconded by Councilman Blackburn, to close the Executive Session at 9:55 p.m. and return to regular session.

Motion carried: Aye 5 Nay 0

### **MISCELLANEOUS – OTHER CONTINUED**

#### **FARMLAND AND OPEN SPACE PRESERVATION COMMITTEE**

Supervisor Lemcke wanted to make the Town Board aware that Scott Copey of the Farmland and Open Space Preservation Committee will be meeting with the owners of the Martin property to discuss the possibility of Town acquiring developmental rights and the potential for the Town Board to set aside some money in the near future for start up/grant writing.

There being no further business brought before the Town Board, Councilman Comardo made a motion to adjourn the meeting at 9:56, seconded by Councilman Smith and all were in favor.

Respectfully submitted,

Donna K. Curry  
Parma Town Clerk