

Parma Town Board meeting held on Tuesday, November 3, 2010 at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

ATTENDANCE

Supervisor	Peter McCann
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

Bob Prince Building Inspector, Mary Gavigan Finance Director, Don Wells Assessor, Mary Eichas-Gavigan, Kenneth Gavigan, Helen Ives, Kristina Gabalski, Gene DeMeyer, Don Green, Richard LaForce, Donna LaForce, Charlie Lissow, Rick Lemcke, Katy Wheaton, Sean Herne, Carol Despos, Mike Weldon, Barb Schwan, Sallie Zimmerman, Anthony Mastrodonato, Ed Arnold, Stan Hoy, Brittany Ardreas, Ray Lairmore, Larry Speer, Scott Copey, and other unidentified members of the public.

CALL TO ORDER

Supervisor McCann 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 McCann noted emergency exit procedures.

PUBLIC FORUM

Supervisor McCann asked if there was any citizen present who would like to address the Town Board on any topic not on the agenda. There was no response.

AMENDMENT TO NOISE ORDINANCE

Supervisor McCann opened the public hearing at 6:32 p.m. and noted that the legal notice had been published and posted. (*See Schedule A at end of minutes.*) He acknowledged this was a Type 1 Action and noted the Board had reviewed Part I of the Environmental Assessment Form. There were no questions regarding Part I and review of Part II took place.

Robert Prince, Building Inspector, noted that Section 165-85-BB of the Zoning Code allows farm animals on properties three acres or more in size. He asked for clarification on how the noise ordinance would affect those parcels between three and five acres. Supervisor McCann responded that it was his understanding the noise ordinance would be in effect for parcels between three and five acres and that the proposed change deals with parcels five acres and greater.

Edward Arnold was in favor of the new proposal and felt it was fantastic that it will allow people to do a little farming on their property.

Sally Zimmerman stated that they moved out to Parma because it was a rural area and they like it rural. She stated that anything that keeps that rural atmosphere is a good thing and she is glad that the law has been rewritten.

Ruth Blodgett thanked the Town Board for taking the steps needed to amend this law, indicated that she understood the step by step process taken to ensure that it was done properly and felt

the wording is applicable for large and small properties to have farm animals and allows people who come to Parma the freedom to use the land in a way that is agreeable with the people of this Town. She felt there is a turnover of farmers in this community and this law will help people who may have to split up their farms to sell. She felt it was simple, strong and well worded.

There were no further comments from the public or questions from the Town Board. Monroe County Department of Planning and Development has responded with no comments.

DETERMINATION OF NEGATIVE DECLARATION
AMENDMENT TO NOISE ORDINANCE

RESOLUTION NO. 197-2010 Motion by Councilman Smith, seconded by Councilman Carmestro, to accept a negative declaration for the amendment to Section 89-4 of the Noise Ordinance.

Motion approved: Aye 5 Nay 0

ADOPTION OF LOCAL LAW 3-2010
AMENDMENT TO NOISE ORDINANCE

RESOLUTION NO. 198 -2010 Motion by Councilman Smith, seconded by Councilman Carmestro;

WHEREAS, the Town Board of the Town of Parma duly called a public hearing by legal notice published on the 24th day of October 2010 and posted on the Town Hall Bulletin Board, to consider the adoption of revisions to the Parma Town Code, amending Section 89-4 of the Noise Ordinance; and

WHEREAS, In accordance with 6NYCRR Part 617 titled State Environmental Quality Review, the Parma Town Board finds this a Type I action under SEQR, accepts the Full Environmental Assessment Form; and after receiving Parts 1 and 2 of the Full Environmental Assessment Form and finding no significant environmental impacts from this proposal determines a negative declaration; and

WHEREAS, the proposed change was reviewed by Monroe County Planning and Development; and all necessary notifications were completed

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That Section 89-4 Exceptions of the Parma Town Code is amended to add paragraph I which reads: Noise generated by usual farm and agricultural activities on properties of five acres or greater, including but not limited to: field cash crops, pasturage, fruit and vegetable farms, nurseries and animal and poultry husbandry.

Sec. 2. That said amendment, change shall take effect immediately.

Motion carried: Aye 4 Nay 1 Supervisor McCann

BOTTLE REDEMPTION CENTERS AS PERMITTED PRINCIPAL USES

Supervisor McCann opened the public hearing at 6:47 p.m. and noted that the legal notice had been published and posted. (*See Schedule A at end of minutes.*) He acknowledged this was a Type 1 Action and noted the Board has received and reviewed Part I of the Full Environmental Assessment Form. Mr. Barton noted in Part I, question number 12 was not answered and it should be no. There were no questions regarding Part I. Part II was reviewed and questions answered. There were no questions or comments from the public.

Councilman Carmestro had questions regarding the changes as they would pertain to the Ridge Road parcel. He wanted to know if everything would be housed inside the building and if there would be a trailer on the property. Mr. Barton responded that the language of the permitted principal use requires that the operation be inside the building. Supervisor McCann asked who picks up the large number of bottles and cans and would a trailer come to pick up the material and be gone or remain on sight. Mr. Mastrodonato, owner of the property at 4945 Ridge Road West, responded that this use is consistent to the general purpose of this district and is consistent with the current use; and all activities will happen inside the building. Trailers will come during the day, load and take the recycled goods away. Pick up would be on a routine basis with a scheduled sequence similar to delivery of product to a convenient store. He also stated that it is not their intent to have a trailer. Councilman Carmestro clarified that his concern was for outside storage that would cause odors and draw rodents and that if all processing took place inside and there was no outside storage he would not have concerns.

Supervisor McCann asked if there were any other questions from the Board and noted concerns brought up could be brought up to the Planning Board to address. Monroe County Department of Planning and Development has responded with no comments. It was noted that SEQR Parts I & II are included in the adoption resolution and this would be done all as one.

ADOPTION OF LOCAL LAW 2-2010
BOTTLE REDEMPTION CENTERS AS PERMITTED PRINCIPAL USES

RESOLUTION NO. 199-2010 Motion by Councilman Carmestro, seconded by Councilman Roose and Councilman Comardo;

WHEREAS, the Town Board of the Town of Parma duly called a public hearing by legal notice published on the 24th day of October 2010 and posted on the Town Hall Bulletin Board, to consider the adoption of Local Law 2-2010 for revisions to the Parma Town Code, amending Section 165-39B General Commercial District (GC) Permitted principal uses; and

WHEREAS, In accordance with 6NYCRR Part 617 titled State Environmental Quality Review, the Parma Town Board finds this a Type I action under SEQR, accepts the Full Environmental Assessment Form; and after receiving Parts 1 and 2 of the Full Environmental Assessment Form and finding no significant environmental impacts from this proposal determines a negative declaration; and

WHEREAS, the proposed change was reviewed by Monroe County Planning and Development; and all necessary notifications were completed

NOW, THEREFORE BE IT RESOLVED:

Sec. 1. That Section 165-39B of the Parma Town Code is amended to add subparagraph 17, which shall read as follows: "Bottle redemption centers that provide for the redemption of plastic and glass bottles and aluminum cans by the general public, the redemption of which takes place totally within the building premises and which does not include any exterior storage or processing undertaken to reshape or recycle the collected material."

Sec. 2. That said amendment, change shall take effect immediately.

Motion carried: Aye 5 Nay 0

MINUTES – OCTOBER 19, 2010

RESOLUTION NO. 200-2010 Motion by Councilman Smith, seconded by Councilman Comardo, to accept the Minutes of the October 19, 2010 meeting.

Motion carried: Aye 5 Nay 0

TOWN CLERK REPORT

The Town Clerk Report for October has been submitted.

Village Clerk Shari Pearce contacted the Town Clerk regarding applying for a joint records management grant through New York State Archives. Ms. Pearce has contacted the individual who was our consultant for the last joint grant received. The results of that project identified areas that needed to be addressed and will be used to select a joint area of need for the grant application. The consultant would write the application for a total of \$500 of which \$250 would be paid upon completion and the remaining to be paid if the grant is approved by New York State. The initial cost would be \$125 per municipality to write the grant. The cost is so low because the groundwork has already been done in the initial study that was done. Timing would necessitate starting soon as the deadline is February 1st. Funding will come from the Clerk's budget. The Town Board was in agreement to move forward.

Draft Dog Ordinance – The Town Board received copies of the draft. The Attorney has reviewed the first draft and made three recommendations which have been incorporated into the draft. Board members were asked to review and make any adjustments you might like to see. The timeframe we are looking at is to set a public hearing date at the next meeting on November 16, 2010 with the hearing to be held the first meeting in December, December 7, 2010. Fees will need to be reviewed as there are several mandates that have been instituted as a result of this change. The local law must go into effect January 1, 2011. There was discussion on completing the process for the December 7th meeting; if this generated income or covers the cost; that dog licensing is a State law and the process has been passed town to the local municipality; it does not make money for the Town; and fees go towards covering the Town's expense for this. The Town will be responsible for sending out renewal notices in December for dogs whose licenses expire in January. The Town Clerks BAS software will be updated to handle this change and will not be charged for this update from BAS. The update has not been received at this time but there will be options for how notices are sent to dog owners.

HIGHWAY DEPARTMENT REPORT

Supt. Speer reported the department has been working on a collection of odd jobs that we want to complete before winter and we might get some more County work. He report they lined 150 feet of the north side of Northrup Creek at Webster Road with giant stones for erosion purposes. We are eligible for a grant to cover half of the cost up to \$4,000. He does not have final numbers on the Town's portion as the project has just been completed but he will provide more information as it becomes finalized.

An expense and reimbursement spreadsheet was handed out that provided an update on the status of the bridge grant funding specifically referencing the charge made by Barton and LoGudice for wages that was not reimbursed by grant funding. It was noted later in the meeting that the Town has covered the expense for now but would not be ultimately responsible for that expense. Supt. Speer has been meeting with the project engineers, Barton and LoGudice.

Councilman Smith asked if there was any indication that the State would not be paying their portion of the grant. Supt. Speer noted this funding comes from the Marchiselli Fund which was passed last July and did not feel the funds would not be received. He will be confirming.

RECREATION DEPARTMENT REPORT

There was no Recreation Report.

Ed Arnold asked about the new lights at the Town Hall Park. Mr. Fowler explained that the Town has not taken over the lights at this time. There is a 100 hour burn in period. When the project has been turned over to the Town, the reimbursement package can be submitted to receive the grant funding. The lights are on/off not on a timer. Costs will be indentified and passed along to the teams that are using. The company where the lights were purchased

estimated the cost of the electricity used and this was verified by RG&E. Costs for maintenance and repairs will be included in the charges. Teams are fully aware that there will be a charge for use.

BUILDING DEPARTMENT REPORT

The October Building Report has been submitted question can be directed to anyone in the department.

PARKS DEPARTMENT

There was no Parks Department Report.

BUSINESS ITEMS

PRELIMINARY BUDGET

Supervisor McCann noted changes which had been made to the tentative budget: A two percent increase on the \$30,000 salary for the Parma portion of the Assessor's salary. A two percent increase on all elected officials salaries except the Supervisor's which will remain flat as the supervisor did not feel it was prudent to take an increase his first year in office. DB revenue and Rental of Equipment was reduced to \$200,000. Reserve accounts will be discussed in January or February of 2011. Areas noted that may have reserve accounts included equipment and land conservation/preservation. There will be major expenses with the bridge projects and this will need to be taken into consideration for cash flow purposes when establishing these accounts. The Town must front the cost until the reimbursements are received. The last change was the tax rate will now be a zero percent increase.

There was lengthy discussion on the Tentative Budget. Discussion included clarification on the establishment of reserve accounts for farmland and open space, equipment and projects in the park as examples due to the unknown of what the actual cost will be for the bridge projects: the types of changes that can be made now and after the Preliminary Budget is approved: more access to the Tentative Budget prior to the budget review; whether the actual column is year to date or what will be spent for the current year (it is year to date); what will be done this year to keep the labor expense at or below what has been budgeted for this year in the Highway department; the Town has contractual agreement with Highway employees negotiated by the Supervisor and approved by the Town Board; increases are included in the contract and explain the increases over the years; the Highway Superintendent has the most control over hiring of part time help for the summer and minimizing overtime; summer overtime for the County is reimbursed by the County; Library will be using reserve funds for books, the Library Board was in agreement to reduce their book expense, there was debate about the Highway department budget with differing schools of thought presented; not understanding why taxes still go up when it is stated the rate stays the same, funds left over in a department goes back into the General Fund except the Library which goes into their own Fund; how the Library fund increased to over \$400,000 over the years; Library and Highway accounts are not part of the same budget funds, Library is funded by the A part of the budget and the problem in the Highway Department is in the B part of the budget; purpose of the Highway Department is to maintain infrastructure; some Towns do not budget for County work and when the work is there the money is used the next year to offset taxes; increases in the number of roads has resulted in increase maintenance, storm and sanitary sewer costs; discussion on the purpose of the Library Fund, the Library Board controls that fund and that the money has ultimately come from the taxpayer; the increase in the overall budget is under \$70,000; the total budget is \$4,738,648; part of the discussion tonight is a result of development and consideration should be given to the concept that farmland acts as solution to keeping the tax rate low, American Farmland Trust has provided results of cost of services studies in the Genesee Valley and Finger Lakes seven county region which show for every dollar brought in for a suburban neighborhood it costs \$1.20 to \$1.50 to keep that neighborhood open and the closing discussion ended with grant money and that it is ultimately taxpayer's dollars but we will not see the benefit of those dollars if we do not apply.

The Town Board was asked if they had any other comments. Councilman Carmestro would like to see the Part Time Summer help line removed. His feeling is that if it is included in the budget it will be spent even if we do not get the work. He would like to see the funds be appropriated if we need to from the appropriate Fund Balance if we get the work. Supervisor McCann asked if consideration would be given to reducing the amount rather than eliminating. Councilman Smith questioned what the money was used for this past year. Supt. Speer noted that the GIS intern and two part time people. It was suggested that Recreation fees could be increased to offset the difference. Mr. Fowler noted that fees were increased and expenses reduced already for the proposed budget.

AMEND THE 2011 TENTATIVE BUDGET

RESOLUTION NO. 201-2010 Motion by Councilman Carmestro, seconded by Councilman Comardo, amending the Tentative Budget by removing \$13,000 from Highway Part time expense in DB and adding \$13,000 to the DB Appropriated Fund Balance.

Motion approved: Aye 5 Nay 0

ACCEPT THE 2011 PRELIMINARY BUDGET

RESOLUTION NO. 202-2010 Motion by Councilman Comardo, seconded by Councilman Roose, to accept the 2011 Preliminary Budget with the amended change and a zero percent rate increase.

Motion approved: Aye 5 Nay 0

SET PUBLIC HEARING FOR THE 2011 PRELIMINARY BUDGET

RESOLUTION NO. 203-2010 Motion by Councilman Carmestro, seconded by Councilman Comardo, to set the public hearing for the Preliminary Budget for 6:30 p.m. on November 16, 2010 at the Parma Town Hall.

Motion approved: Aye 5 Nay 0

JAMES MOORE CIRCLE STREET LIGHT PROPOSAL

The following information was provided on RG&E charges to have five streetlights installed in Section 3 of the Mercy Flight Subdivision.

5 Fixture 20i, Colonial post top on customer owned pole	\$39.10/month
5 100Watt High Pressure Sodium Lamp	\$ 9.91/month
803 Direct buried cable in URD subdivisions	\$32.63/month

RESOLUTION NO. 204-2010 Motion by Councilman Roose, seconded by Councilman Carmestro, to approve installation of five streetlights on James Moore Circle as part of Section 3 of the Mercy Flight Subdivision.

Motion approved: Aye 5 Nay 0

BUDGET TRANSFERS

ACCT #	FROM DESCRIPTION	AMT.	ACCT #	TO DESCRIPTION	AMT.	REQUESTED
LOO574741042200	EQUIP/REPAIR RENTAL	2,500.00	LOO574741046000	CONTRACTED SERVICES	2500.00	GRUMB
AOO570731549503	FLOOR HOCKEY	450.00	AOO570731549603	FLAG FOOTBALL	450.00	FOWLER
AOO570731040002	ARCHERY	250.00	AOO570731040102	ICE SKATING	250.00	FOWLER
AOO570731049132	SOCCER CAMP	625.00	AOO570731049202	HORSEBACK RIDING	625.00	FOWLER
AOO570731040002	ARCHERY EXPENSE	100.00	AOO570731040102	ICE SKATING	100.00	FOWLER
AOO535351021000	ARCHERY	350.00	AOO570714049101	PLAYGROUND YOUTH	350.00	FOWLER
AOO570798911006	EQUIPMENT	600.00	AOO535351040000	CONTRACTED SERVICES	960.00	FRITZ
AOO535351049000	CENSUS	360.00				
AOO535351041000	OFFICE SUPPLIES	250.00	AOO535351045200	VEHICLE MAINTENANCE	480.00	FRITZ
AOO535351043000	EDUCATION	100.00				
AOO535351048000	MISC	30.00				
AOO535351049000	CENSUS	100.00				
AOO51010102100	EQUIPMENT	300.00	AOO51010143000	EDUCATIONAL & PROFESSION	300.00	GAVIGAN
AOO512122043000	EDUCATIONAL & PROF	300.00	AOO512122043100	BOOKS & SUBSCRIPTIONS	300.00	GAVIGAN
AOO516167042200	EQUIPMENT REPAIR	1,000.00	AOO516162046000	CONTRACTED SERVICES	1,000.00	GAVIGAN
AOO516168046000	CONTRACTED SERVICE	3,000.00	AOO576752046900	CLEANING SERVICE VFW	2,000.00	GAVIGAN
			AOO576752048000	MISC VFW	1,000.00	GAVIGAN
AOO590905081000	UNEMPLOYMENT	124.00	AOO590904081000	WORKERS COMPENSATION	124.00	GAVIGAN
DBO550513012000	PART TIME	3,000.00	DBO550513013000	OVERTIME	3,000.00	SPEER
DBO550513045200	VEHICLE MAINT	1,462.41	DBO550513045100	GASOLINE	1,462.41	SPEER
	UNAPPROPRIATED					
	FUND BALANCE DB	1,004.45	DBO550513046000	CONTRACTED SERVICES	1,004.45	SPEER

RESOLUTION NO. 205-2010 Motion by Councilman Comardo, seconded by Councilman Smith, to approve the Budget Transfers as submitted.

Motion carried: Aye 5 Nay 0

INFORMATIONAL ITEMS

MISCELLANEOUS ITEMS

Insurance Renewal – Supervisor McCann reported that the insurance broker has submitted proposals to a number of companies. Some of the numbers look favorable and we may be changing carriers but that decision will be made after review of the different company proposals.

Conservation Easement Martin Farm – Rick Lemcke inquired about the status of the open space easement. Supervisor McCann relayed that closing is supposed to take place in the first week of December. The survey has been completed and it is in the lawyers hands.

Town Hall Park Soil Testing – Mike Weldon inquired about the status of the soil situation at Town Hall Park. Supervisor McCann relayed that there is no report on that yet.

LIAISON REPORTS

**Councilman Smith reported that the Code Enforcement Officer has been busy with the special permit updating. We have had a couple of cases that are scheduled to go to court for people who have ignored the zoning and building permit requests. The fines are very substantial. There have been 139 complaints year to date and all but 22 have been closed out. The Historical Society held their Antique Show. It was very well run and a huge success.

**Councilman Comardo reported that the Recreation Commission met last week and the bench fences and backstop repairs have been completed. Discussion of next years Apple Derby including a kid’s fun run. Winter brochure will be out in mid December and a student intern will be starting in January. There will be an update to the Recreation website in November. A Survey of the surrounding Towns has been completed regarding their spray parks.

**Councilman Roose covered the dog ordinance during the meeting.

**Councilman Carmestro met with a variety of the sports groups who were very pleased with the conditions and how they were handled. HAYLO failed to respond to all of our requests for the money they are supposed to give us. It has been relayed to the person in charge of HAYLO that they are jeopardizing themselves for next year. Both the Hilton Raiders and Hilton Heat will be sending \$2,500 for their shared cost for the spreader. The Fire District is starting to

build a new training and storage facility in the rear of the new building. Make a Difference Day was a great success with a lot of work being accomplished within the Town.

There being no further business brought before the Town Board, Councilman Carmestro made a motion to adjourn the meeting at 8:33 p.m., seconded by Councilman Comardo and all were in favor.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk

Schedule A

LEGAL NOTICE
TOWN OF PARMA
INTRODUCTORY LOCAL LAW 3-2010
AMENDING SECTION 89-4 of the NOISE ORDINANCE

The Parma Town Board has scheduled a public hearing on Introductory Local Law #3-2010 to adopt revisions to the Parma Town Code, amending Section 89-4 of the Noise Ordinance. The public hearings will be held at the Parma Town Hall, 1300 Hilton-Parma Road, Hilton, New York on Wednesday, November 3, 2010 at 6:30 p.m. at which time persons in favor of or oppose to said local laws may be heard.

The proposed change is as follows:

89-4 Exceptions:

I. Noise generated by usual farm and agricultural activities on properties of five acres or greater, including but not limited to: field cash crops, pasturage, fruit and vegetable farms, nurseries and animal and poultry husbandry.

Schedule B

LEGAL NOTICE
TOWN OF PARMA
INTRODUCTORY LOCAL LAW 2-2010
AMENDING SECTION 165-39B GENERAL COMMERCIAL DISTRICT (GC)
PERMITTED PRINCIPAL USES

The Parma Town Board has scheduled a public hearing on Introductory Local Law #3-2010 to adopt revisions to the Parma Town Code, amending Section 165-39B General Commercial District (GC) Permitted principal uses. The public hearing will be held at the Parma Town Hall, 1300 Hilton-Parma Road, Hilton, New York on Wednesday, November 3, 2010 at 6:30 p.m. at which time persons in favor of or opposed to said local laws may be heard.

Section 165-39B of the Parma Town Code is amended to add subparagraph 17, which shall read as follows: "Bottle redemption centers that provide for the redemption of plastic and glass bottles and aluminum cans by the general public, the redemption of which takes place totally within the building premises and which does not include any exterior storage or processing undertaken to reshape or recycle the collected material."