

Parma Town Board meeting held on Tuesday, June 6, 2006 at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

ATTENDANCE

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

OTHERS IN ATTENDANCE

Gene DeMeyer, Richard DeMeyer, Marilyn DeMeyer, Jeanna Markese-Byrd, Kevin Clark, Richard Hendricks, Edward Arnold, Frank Palumbo, Scott Copey, Rich Losey and other residents

Supervisor Lemcke called the meeting to order at 7:00 p.m. and Richard DeMeyer led those present in the Pledge of Allegiance to the Flag, followed by a moment of silence. Supervisor Lemcke noted emergency exit procedures.

PUBLIC HEARING - DUNBAR ROAD EAST SEWER DISTRICT

Supervisor Lemcke opened the Public Hearing at 7:05 p.m. and read the Legal Notice that appeared in the May 21, 2006 issue of the Suburban News. A copy of the Legal Notice was placed on the signboard at the Town Hall and the Hilton Post Office in the Village of Hilton.

Scott Copey, 99 Dunbar Road, wanted to know if action was taken on a grant identified by Mary Arnold. Steve Fowler is pursuing the grant which has a deadline of June 30, 2006. Mr. Copey wanted to know if the district was formed before the grant, would the grant money still be available. Mr. Fowler stated that he spoke to a representative of the state today and that they did not feel it would be a problem.

Supervisor Lemcke noted that there is no prepayment penalty if residents choose to pay cash versus borrowing to get into the district under a bond situation.

Rich Losey, 91 Dunbar Road, wanted to know if the lateral hook up fee and septic tank abandonment fee would be eliminated if he was able to do the work himself. Mr. Barton and the Town Engineer will have to be consulted.

Supervisor Lemcke closed the Public Hearing at 7:12 p.m. and opened discussion to the Board. Councilman Blackburn reiterated the concern of not jeopardizing the grant.

RESOLUTION NO. 169-2006 Motion by Councilman Smith, seconded by Councilman Blackburn, to approve the establishment of the Dunbar Road East Sewer District.

Motion carried: Aye 5 Nay 0

Supervisor Lemcke asked if anyone present would like to address the Town Board on any topic not on the agenda.

**CONCERNS REGARDING POSSIBLE SOCCER COMPLEX
ON PARMA CENTER ROAD**

Edward Arnold, 85 Burritt Rd., addressed the Board regarding the proposed soccer complex. He wanted to know if a special use permit required that neighbors had to be in agreement with it.

Supervisor Lemcke responded that they do not have to be in agreement but have to be notified. Mr. Arnold wanted to know how Councilman Carmestro felt about neighbors being in agreement. Councilman Carmestro responded that once it is proposed to the town he would make a comment. Councilman Blackburn was asked and stated he was opposed to the complex based on what he felt is good or not good for the town.

Mr. Arnold expressed his feeling that “a simple no” can be stated before all the work and expense is incurred for parties on both sides of the issue.

Supervisor Lemcke stated that the town could be sued for not providing an equal opportunity for the applicant to make its case under an Article 78. There is a process that has to be followed. By not following this process, the town would lose if the matter was taken to court and the applicant would be allowed to use the property with no conditions because the Town denied them their right to make their presentation.

PUBLIC WATER – WILDER ROAD

Richard Hendrick, 696 Wilder Road, is interested in getting access to public water. He currently has very poor well water quality. Supervisor Lemcke responded that the Town recently signed another forty year lease agreement with the Monroe County Water Authority to provide retail water for the Town. Part of the agreement was that a water main extension will provide water to that section of Wilder Road.

MINUTES – MAY 16, 2006

RESOLUTION NO. 170-2006 Motion by Councilman Smith, seconded by Councilman Blackburn, to approve the Minutes of the May 16, 2006 meeting.

Motion carried: Aye 5 Nay 0

TOWN CLERK REPORT

The Town Clerk’s monthly report for May 2006 was submitted to the Town Board. A letter was received from the Spencerport Central School District concerning Youth Outreach funding. A request was submitted from Jeanne Furtner, representing the Boys U16 Hilton Heat Soccer Team for use of pavilion on August 13, 2006.

REQUEST FOR USING TOWN PARK FACILITIES

RESOLUTION NO. 171-2006 Motion by Supervisor Lemcke, seconded by Councilman Carmestro, to waive the fee for pavilion use on August 13, 2006 by the Boys U16 Hilton Heat Soccer Team.

Motion carried: Aye 5 Nay 0

HIGHWAY DEPARTMENT REPORT

There was no report. Supt. Speer is attending the Highway Superintendent Conference.

RECREATION DEPARTMENT REPORT

GRANT FUNDING - SIDEWALKS FOR EAST AVENUE AND WILDER ROAD

Steve Fowler has been working on a sidewalk grant that would provide sidewalks starting on East Avenue in front of the high school going east, crossing Salmon Creek and continuing on Wilder Road to Manitou Rd. A development grant will be sought for Phase I, which would include the village boundary east to Carrie Marie Lane. Phase I will springboard the possibility of getting 80% funding with the Town of Parma providing 20% for Phase II. Phase II would be Carrie Marie Lane to Manitou Road and 900 linear feet in front of the high school. The total proposed cost of Phase II is \$785,000.00.

Mr. Fowler noted that the NYS Department of Transportation requires a contingency because it could be three years before the project starts after approval. The application is due the end of June and approvals would be made in the fall.

A 15% engineering and inspection fee is also worked into the cost of the project. Some of this could be saved if we are able to do our own inspections.

Estimated total cost for the Town if installed all the way to Manitou Road would be \$157,000.00. If sidewalks were only installed to the second entrance of Marjorie Lane, the cost to the Town would be \$103,000.00. Additional monies could be saved if the cost to prep and lay out the framework for the 900 linear feet in front of the high school was done by the Village of Hilton. This section is within the village limits and would show a collaborative effort which will count towards the points rating for approval of the project. A possible collaboration with the school district for the concrete is also a consideration. Total cost savings could be as much as \$95,000.00.

There will be time to budget for the project. County has given permission to use their right of way. There was discussion about bus stops being established.

Mr. Fowler will be asking the Town Board for a resolution at the next Town Board meeting. He will ask Brown and Associates to have information associated with the proposal to the Board in advance of the meeting.

BUILDING DEPARTMENT REPORT

Mr. Barton noted that the special permit approved for the Juke Box at the last Town Board meeting did not specify a time frame. It was agreed that one year is the standard timeframe.

A copy of the building report for May has been submitted. House starts are down but additions and remodeling are up.

PARKS DEPARTMENT REPORT

PAY INCREASE – BRUCE SMITH

Mr. Petricone submitted a request for a merit raise in the amount of \$.50 per hour for Bruce Smith. He has been with the town over a year and an increase was not requested at the end of six months. Councilman Smith noted that Mr. Smith has done a good job and picked up serious slack during the past couple of months and that effort should be rewarded.

RESOLUTION NO. 172- 2006 Motion by Councilman Smith, seconded by
Councilman Carmestro, to give Bruce Smith a \$.50 per hour raise.

Motion carried: Aye 5 Nay 0

SKATE PARK REPAIRS

The Board received a package summarizing skate park repair costs. More time is needed to review the information so no decision will be made tonight.

RESURFACING TENNIS AND BASKETBALL COURTS

Proposals were provided to fill cracks and resurface tennis and basketball courts. Supervisor Lemcke requested that the Nagle quote be resubmitted itemizing the crack repair and resurfacing. This will allow better comparison of the proposals.

Supervisor Lemcke thanked the Parks Department and complimented the staff on the fine job they did in getting the park ready for the Hilton Heat Annual Soccer Tournament and the repairs required after. Damage to fields as a result of playing conditions due to the weather and septic system pump outs were discussed.

With great appreciation, Supervisor Lemcke acknowledged the donation by the Village of Hilton for stripping the parking lots and treating them with dust control. Due to the weather conditions and the type of surface, repainting would be needed to keep the stripe lines up. Mr. Perticone was asked to get a quote from the village or if they would like to donate another striping it would be greatly appreciated. The Town will provide the paint.

SURPLUS BACKSTOP – ST. LEO’S CHURCH

A surplus portable backstop has been donated to St. Leo’s Church. They have signed an agreement to release the town of any obligations or responsibility as to the use of the backstop.

BUTTONWOOD FARMS - PALUMBO

Frank Palumbo addressed the Board regarding a complaint that had been issued by a neighbor regarding the business use of his property. He spoke with the complainant and has been able to resolve some of the issues.

He also received a notice from the Zoning Enforcement Officer informing him of the need to apply for and obtain a Use Variance from the Zoning Board of Appeals to be in compliance with zoning and to cease filling until a fill permit has been applied for and obtained from the Planning Board.

Supervisor Lemcke conveyed the necessity to seek counsel and the severity of the situation. Selective enforcement is not an option and the town cannot ignore the complaint that has been filed.

BUSINESS ITEMS

APPOINTMENT OF DONNA K. CURRY TO PARMA TOWN CLERK

RESOLUTION NO. 173-2006 Motion by Councilman Blackburn, seconded by Councilman Carmestro, to appoint Donna K. Curry to serve as Town Clerk, until the election this fall.

Motion carried: Aye 4 Nay 0 Abstained: Councilman Smith

Supervisor Lemcke administered the oath of office.

**APPROVAL OF LETTER OF CREDIT ESTIMATE – COUNTRY VILLAGE
ESTATES PHASE II-B**

RESOLUTION NO. 174-2006 Motion by Councilman Reinschmidt, seconded by Councilman Blackburn, to establish a Letter of Credit in the amount of \$361,340.40 to cover the construction costs associated with Phase II-B of Country Village Estates Subdivision.

Motion carried: Aye 5 Nay 0

**DEPOSIT FOR POND CONSTRUCTION – COUNTRY VILLAGE ESTATES
PHASE II-B**

The developer has requested permission to start work on construction of the pond before the final approval of Phase II-B plans.

RESOLUTION NO. 175-2006 Motion by Councilman Smith, seconded by Councilman Reinschmidt, to require a deposit of \$9,900.00 to cover anticipated costs associated with construction of the pond before final approval of Phase II-B plans.

Motion carried: Aye 5 Nay 0

PROPERTY MAINTENANCE – GRASS CUTTING

Town Board members received a memo from the Zoning Enforcement Officer regarding grass cutting for properties at 21 Dean Road, 212 Lighthouse Road and 583 Wilder Road. Two estimates were provided. The second letter for 583 Wilder Rd. was just mailed today.

RESOLUTION NO. 176-2006 Motion by Councilman Reinschmidt, seconded by Councilman Carmestro, to have T. K. Properties mow the properties at 21 Dean Road and 212 Lighthouse Road.

Discussion: a significant discrepancy in the contract price for services was identified

A vote will not be made until the difference can be explained.

VEHICLE USAGE

In talks with the Town Auditor and confirmed with the IRS, the use of Town vehicles is considered a fringe benefit. The Community Valuation Rule should be used to add the fringe benefit. For employees residing in the Town of Parma, this would add \$3.00 per day. Employees affected by this are Jack Barton, Bob Prince, Art Fritz, Steve Fowler and Brian Speer.

For employees residing outside the Town of Parma, cents per mile will be used to calculate the fringe benefit. Currently Al Leone falls in this category and the one day value would be \$13.69.

Mary Gavigan, Finance Director, is researching whether this applies to elected officials and whether it will be retroactive to the first of the year. She will also adjust for any vacation, sick or personal days taken and report on the W-2 when submitted at the end of the year.

FORMAL REVIEW REQUEST - AGRICULTURAL AND MARKETS

The Town needs to respond to Agricultural and Markets as to why our noise ordinance conflicts with them regarding reasonable agricultural operations. This will be forwarded to the Town Attorney for exemption wording to be added to our noise ordinance.

STORMWATER COALITION OF MONROE COUNTY

RESOLUTION NO. 177-2006 Motion by Supervisor Lemcke, seconded by Councilman Carmestro, to pay the \$5,000.00 annual fee for the Stormwater Coalition of Monroe County.

Motion carried: Aye 5 Nay 0

MISCELLANEOUS

SPENCERPORT CENTRAL SCHOOL DISTRICT – YOUTH OUTREACH PROGRAM

Twelve to fifteen percent of the students that attend Spencerport schools are residents of Parma. The Spencerport School District has requested funding of \$4,700.00. Money already budgeted for Youth Outreach will not be used because the Hilton Central School District will no longer be participating.

RESOLUTION NO. 178-2006 Motion by Councilman Reinschmidt, seconded by Councilman Blackburn, to approve funding of \$4,700.00 for the Youth Outreach Program in the Spencerport School District.

Motion carried: Aye 5 Nay 0

LETTER OF CREDIT - MERCY FLIGHT SUBDIVISION

A revised letter of credit for Mercy Flight Subdivision has been recommended by Larsen Engineers. Work done over the winter, has been completed. .

RESOLUTION NO. 179-2006 Motion by Councilman Reinschmidt, seconded by Councilman Carmestro, to accept a Letter of Credit in the amount of \$461,492.60 for the Mercy Flight Subdivision.

Motion carried: Aye 5 Nay 0

SURPLUS CHAIRS FROM THE VFW

RESOLUTION NO. 180-2006 Motion by Councilman Smith, seconded by Councilman Reinschmidt, to donate surplus chairs to the Knights of Columbus.

Motion carried: Aye 5 Nay 0

The Knights of Columbus will have to pick the chairs up.

LAWSUIT – MONROE COUNTY SALES TAX

Monroe County has sued towns, villages, school districts and the City of Rochester regarding the unfair distribution of sales tax money concerning the Morin Ryan Act. Peter Rodgers, Town Attorney, has recommended that we respond to the court with

papers of position opposing the lawsuit. A response is needed in the next seven to ten days.

SPECIAL EVENT PERMIT – SULLIVAN’S

Complaints from a resident on Pease Rd. have been received by the Supervisor regarding the music at Sullivan’s. It was felt that the volume was not overbearing after two visits to the location. Sullivan’s has sent someone to check the sound level so it can be adjusted accordingly. The Supervisor is satisfied with what Sullivans is doing at this time.

The Sheriff’s Department is responsible for enforcing the Noise Ordinance. Councilman Blackburn felt that the Code Enforcement Officer could go to observe if there was any violation.

OTHER

Supervisor Lemcke reported that a letter was received from the Mayor of Hilton stating he was in favor the proposed sidewalks. It was given to Steve Fowler to go with the grant.

Development review status reports were submitted by Larsen Engineers.

Mr. Martin of Martin Farms has approached the Supervisor about purchasing rights for development for property at the corner of Burritt Road and Route 259. He will ask his attorney to explore the possibility.

LIAISON REPORTS

**Councilman Smith attended the Planning Board meeting. The Foster family wishes to develop property on Bennett Road. Traffic and well water were the two primary concerns. A test well will be drilled and monitored for impact on neighbor’s wells.

He continues to work with the Parks Department collecting information on field cost and utilization. They are also considering an online interactive tool for field, pavilion and park usage. The Parks department does not have internet access at this time.

**Councilman Carmestro will be attending the fire department meeting tomorrow night. The Recreation Committee is refining a proposal for a field house.

**Councilman Reinschmidt will attend the Spencerport Fire District meeting Thursday. Dog control could use an alternate, sturdier cage for when there are larger dogs or multiple dogs.

**Councilman Blackburn stated that the Assessor’s Office is getting back to normal. Eight property owners went before the Review Board and 2 were no shows.

The Library Board met. A new changing table has been installed in the library restroom. Microsoft classes have been approved for the public. There will be a book sale June 12th. A focus group met consisting of eight to ten people. Computers and security were consistent issues identified. There will be no July meeting.

**Supervisor Lemcke stated that on June 15, 2006 Justice Florist will be closed. They will be relocating to Dr. Falcheck’s former location.

Mr. Barton asked to present items that were not presented during the building department report. The Board received a copy of a letter from National Instant Management Systems (NIMS). Our disaster plan will be affected. There are three new ordinances that will be coming up soon. Illicit Discharge and Post Construction from the Stormwater Coalition and the State Administration Code – Part 1203.

The Board broke for a two minute recess and upon returning entered into executive session.

EXECUTIVE SESSION

RESOLUTION NO. 181-2006 Motion by Supervisor Lemcke, seconded by Councilman Smith, to enter into Executive Session at 9:15 p.m. for personnel matter.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 182-2006 Motion by Supervisor Lemcke, seconded by Councilman Smith, to close the Executive Session at 9:58 p.m. and return to regular session.

Motion carried: Aye 5 Nay 0

There being no further business brought before the Town Board, Supervisor Lemcke made a motion to adjourn the meeting at 9:58 p.m., seconded by Councilman Carmestro.

Respectively submitted,

Donna K. Curry
Parma Town Clerk