

Parma Town Board meeting held on Tuesday, May 5, 2009 at the  
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

### **ATTENDANCE**

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

### **OTHERS IN ATTENDANCE**

Gene DeMeyer, John Chart, Kenneth Blackburn, James Roose, Roger Koss, Mike Wasileo, Art Cosgrove, Carol Kluth, Helen Ives, Jim Zollweg, Pat Buskey, Pete McCann, Dave Andreatte, Pam Speer, Steve Speer and other members of the public.

### **CALL TO ORDER**

Supervisor Lemcke called the meeting to order at 6:35 p.m. Those present participated in the Pledge of Allegiance to the Flag, followed by a moment of silence. Supervisor Lemcke noted emergency exit procedures.

### **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.

John Chart asked

Mike Wasileo, Wildlife Management Officer from the NYS Department of Environmental Conservation (DEC), spoke to the Town Board regarding newly acquired property for the Braddock Bay Wildlife Management Area.

Supervisor Lemcke asked if anyone else wished to address the Town Board.

### **MINUTES – APRIL 21, 2009**

**RESOLUTION NO. 124-2009** Motion by Councilman Carmestro, seconded by Councilman Comardo, to accept the Minutes of the April 21, 2009 meeting as submitted.

Motion carried: Aye 4 Nay 0

### **TOWN CLERK REPORT**

The Town Clerk and the VFW Summary Reports for April have been submitted. A notice was received for the NYS Department of Labor regarding the boiler at the Town

Hall. Copies were provided to the Town Board and the Parks/Maintenance Department. The Daily Work Logs requested have been provided to the Attorney.

### **HIGHWAY DEPARTMENT REPORT**

Supt. Speer was not in attendance so there was no report.

### **BUILDING DEPARTMENT REPORT**

The Building Department Report for April has been submitted.

### **COURT ADDITION CONSTRUCTION**

Mr. Barton reported the pre-bid conference was held on April 29<sup>th</sup> and there was a good attendance. The bid opening will be on May 11, 2009 at 2:00 p.m. It is expected that the asbestos abatement will start May 18<sup>th</sup> and construction in early June. There was discussion on moving and securing the court area while the construction takes place.

Councilman Smith requested that the Planning Board when reviewing commercial building, in particular along Ridge Road, take into consideration the appearance of the facades of buildings. He suggested an architectural review. Mr. Barton noted that there has been prior discussion by the Planning Board on having the Town Board provide them with direction on architectural design at least for the fronts of buildings.

### **RECREATION DEPARTMENT REPORT**

Mr. Fowler reported he was in negotiations with Full Moon Vista Bike and Sport for a triathlon event tentatively scheduled for September 27, 2009 involving Parma Cyclocross at the Town Hall Park. A handout was provided outlining the details for the proposed event. The Town Board would like more information and expressed some concerns. It was expected that access would be off Parma Center Road and would take place at the back portion of the park with 100 participants and possibly 200 spectators. Mr. Fowler reiterated this is in the negotiation stages.

The Recreation Department received the 2009 New York State Recreation and Parks Society Award for Special Event. Nominated and winning was the Senior Murder Mystery Dinner theatre event.

### **VACATION REQUEST – RECREATION DEPARTMENT**

Mr. Fowler requested that Shannon Balbi be allowed to take unpaid vacation from July 20<sup>th</sup> through July 24, 2009. He felt this could be handled by the department.

**RESOLUTION NO. 125-2009** Motion by Councilman Comardo, seconded by Councilman Carmestro, to authorize unpaid vacation leave for July 20<sup>th</sup> through July 24, 2009 for Shannon Balbi.

Motion carried: Aye 4 Nay 0

Plans for the *Park It in Parma Celebration* to be held on August 7<sup>th</sup> and 8<sup>th</sup> are under way. Mr. Fowler requested that there be a smaller fireworks display on Friday night after the live entertainment and before the outdoor movie. This year's movie will be "A Night at the Museum, Battle of the Smithsonian". There would be a grand fireworks display on Saturday evening between sets of the live entertainment, The Chris McKain Band. There was discussion on what has been budgeted. Mr. Fowler indicated that he intended to stay

within budgeted items and felt this would add focus and excitement for the Bicentennial. This expense would be covered under a special events line. There was further discussion. There was no objection as long as the expenses stayed within budgeted dollars. There was also discussion on additional portable lighting for the weekend. A safety concern had been expressed by the Special Police. Additional bathroom facilities will be added and recycling containers will be provided this year.

Hilton-Parma Recreation Youth Baseball has begun on Mondays and Wednesdays at the Town Park. The Tuesday/Thursday divisions will begin later in May and Girls Softball will begin in late June.

Notification was received that the Town of Parma has awarded \$30,000 through a Monroe County Community Block Grant for the Pedestrian Walkway over Salmon Creek on Wilder Road. The project is expected to be completed in 2009.

### **PARKS DEPARTMENT**

Mr. Petricone reported the Town of Richmond will be meeting next week and he has been assured that this will be a topic discussed and we should have an answer after the meeting. An offer of \$2,000 has been made for the ramps. It was noted the custom built ramps were purchased by their local Rotary Club and cost significantly more than what was offered.

Mr. Petricone has sent a letter to the Highway Department acknowledging the Highway staff for the help they provided on projects last fall and winter. The department will start aerating, rolling and fertilizing over the next few weeks.

Supervisor Lemcke reported that Owen Pacelli is near completion for the Memorial Park for his Eagle Scout project off Parma Center Road. Mr. Petricone asked if there was another scout project to have it be a walkway for the north end of the pond which is often inaccessible.

### **BICENTENNIAL**

Councilman Smith reported there will be a Pasta Dinner with the Hilton Baptist Church coordinating will be Friday, May 15, 2009. The parade is on for June 20, 2009 at 1:00 p.m. to end at the Community Center with activities after. The Townwide Garage Sale has over 100 participants, the map has been printed, will be printed in the Suburban News and is available at the Town Hall and at various locations throughout the Town.

### **BUSINESS ITEMS**

#### **SOIL TESTING – TOWN HALL**

Supervisor Lemcke has spoken with Mr. Foti of the DEC and was asked to provide the parameters before the testing would be done so Chatfield Engineers would have all the information for what is expected beforehand. The same chain of steps as last time will be taken to obtain the soil samples. Paradigm will compare the results to these criteria after receiving the samples from Chatfield and report back to the Town Board. Supervisor Lemcke also indicated Mr. Foti can be contacted directly if anyone has questions.

Mr. Chart asked if a map or diagram would be provided indicating where the soil is. Supervisor Lemcke explained they thought the soil was at the football field, the multi-purpose field, the field behind the sports building, edges of parking lots to repair snow damage and used for other miscellaneous jobs. These spots were areas recalled as having this soil used and that is why they will be tested.

Mr. Chart inquired why dirt continues to be purchased when the large pile (originally the source of his inquiry) has remained undisturbed for several years. Mr. Petricone asked to respond to this question and stated it has been used. He noted 20 yards had been used for a piping project and then screened soil was purchased for the top dressing and these were the kind of projects that the soil is currently being used for. There was further discussion on the use of screened topsoil rather than the unscreened dirt in the existing pile. It was also noted that the soil had been earmarked for smoothing out the fields on the east side of the park road off Parma Center Road. The Town has not been able to afford completion of that project. Discussion returned to having a map of the test area. Supervisor Lemcke indicated that a map would be provided.

### **PROPERTY VIOLATIONS – 490 PECK ROAD**

Supervisor Lemcke acknowledged Mr. Chapman of Breman Development and it was noted the cleanup had been done. Mr. Chapman indicated corn may be planted there.

### **HIGHWAY UNION CHANGE - INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 832**

**RESOLUTION NO. 126-2009** Motion by Councilman Carmestro, seconded by Councilman Comardo.

WHEREAS the full-time employees assigned to the Town of Parma Highway Department are and have been represented for purposes of collective bargaining, at all relevant times, by UNITE HERE (the “Union”), and the current labor agreement between the parties expires by its terms on December 31, 2009 (the “2008-09 Agreement”), and

WHEREAS Supervisor Lemcke recently received notice that the full-time employees assigned to the Town’s Highway Department, now wish to be represented for collective bargaining purposes by Local Union 832 of the International Union of Operating Engineers (“Local 832”), and

WHEREAS Supervisor Lemcke has received confirmation that the Town’s full-time Highway Department employees decided to change their union affiliation through a democratic process in which all of the affected employees were able to express their respective choice in a secret ballot election; and

WHEREAS Supervisor Lemcke has also received confirmation that UNITE HERE has disclaimed any interest in continuing to represent the Town’s full-time Highway Department employees; and

WHEREAS Local 832 has requested the Town Board to recognize it as the exclusive representative of the Town’s full-time Highway Department employees and to affirm that the terms of the 2008-09 agreement governing their terms and conditions of employment will be continued until the agreement’s expiration on December 31, 2009;

NOW, THEREFORE, the Town Board hereby resolves as follows:

1. Effective immediately, the Town of Parma, pursuant to New York Civil Service Law §204, recognizes Local 832 as the exclusive representative of its full-time Highway Department employees for purposes of collective negotiations pursuant to New York Civil Service Law §207; and
2. The 2008-09 Agreement shall be amended to reflect that Local 832 is now the exclusive representative of the employees covered by that agreement, but in all other respects shall be affirmed and continued until its scheduled expiration on December 31, 2009.

Motion carried: Aye 4 Nay 0

**670 OGDEN PARMA TOWN LINE ROAD – ELECTRIC SERVICE**

The issue of electric service for 670 Ogden Parma TL Road has been resolved. The property owner will be receiving service from Spencerport Electric. New customers will not be allowed to tie into the Village service.

**STORMWATER COALITION MEMBERSHIP FEE**

**RESOLUTION NO. 127-2009** Motion by Councilman Comardo, seconded by Councilman Smith, to approve the Town of Parma membership fee in the Stormwater Coalition of Monroe County.

Motion carried: Aye 4 Nay 0

**GREEN LIAISON**

Councilman Comardo proposed the creation of a Green Liaison to work with counterparts in the Village of Hilton, the Hilton Central School District and Monroe County. This would be an unpaid volunteer position whose function would be to act in an advisory role to the Town Board and the Town's other boards and committees by gathering information and disseminating information on "green" environmental and sustainability issues.

**RESOLUTION NO. 128-2009** Motion by Councilman Comardo, seconded by Councilman Smith, to create an unpaid volunteer position called Green Liaison for the Town of Parma and appoint Sara Warmbrodt to this position.

Motion carried: Aye 4 Nay 0

**EMPLOYEE HANDBOOK REVISIONS**

The Town Board reviewed the following list of additional changes:

Personal or Town cell phone use while operating town equipment – It was asked that this be placed in the safety section in addition to the phone use policy.

Use of union contract or employee handbook – what takes precedent. Mr. Holahan will be consulted.

Addition of Town ID badge use to employee handbook. All Town employees will wear their ID badges when they are working. This includes all committee and board members, summer help and camp staff. Use by Recreation staff was discussed and will be included. Pictures will be done at orientation. Procedure for returning the ID badge should be documented in the employee manual as well.

Add Vacation Buy Policy to handbook. There was discussion on what this policy is and would it not be better to have department heads authorize 1 week of unpaid vacation. Discussion centered around the

Disclaimer to change or modify employee handbook – this already exists under Section 105.

Adverse Communications and Reporting of Improper Activities section. Concerns were expressed at a prior meeting on whether this would limit employees' ability to express personal opinions and discussion continued on what determines a reportable situation. It was noted that incidents of a negative nature that involved a threat or safety concern were the focus for what should be reported.

Other additions have been added to bring us into compliance with changes in the law (cancer screening, blood donations were mentioned). The consultant will be asked to provide drafts of the changes by sections for review before approval.

**PROPOSED ZONING ORDINANCE CHANGE**  
**HANDICAP RAMPS**

Mr. Barton provided a proposal to revise the Town Zoning Code that would provide for an addition to Section 165-80.E. It would add a paragraph 4 which would read:

*165-80.E.4 – Residential Handicap accessible ramps in the front, side or rear yard. Ramps shall meet the requirements of the New York State Uniform Fire Prevention and Building Code and shall not exceed those same requirements as they apply to ramp width and landing area, if the structure will encroach on the required setbacks.*

Mr. Barton indicated this would apply to any ramp in a residential zoning district. It was also noted that the minimum requirements would have to be met to provide the ramp safely. There was discussion on turn around time as requests for installation come up on short notice. Mr. Barton indicated that the details of the ramp and specifics for installation could be on file in the Building Department so that the applicant/installers would not have to resubmit a new set each time. Other discussion included: the ramp will have to be anchored, posts can be at grade and the ramp attached to the posts, a permit would be required and building permit fees would be waived, the ramp should not go up first and then come in for a permit, a one to two day turn around for approval was indicated. At the last meeting Village Trustee Horylev indicated he would share this information with the Village to assist with uniformity.

Since this will be a change to our Zoning code a public hearing will need to be held and SEQR action will need to be determined. It was suggested that any other recommendations for zoning changes be incorporated at this time.

**BUDGET TRANSFERS**

TRANSFERS TO BUDGET

May-09

ACCT #	FROM DESCRIPTION	AMT.	ACCT #	TO DESCRIPTION	AMT.	REQUESTED
	B FUND BALANCE	5,000.00	BOO537362046000	CONTRACTED SERVICES	5,000.00	GAVIGAN
AOO515135541000	OFFICE SUPPLIES	400.00	AOO515135521000	OFFICE EQUIPMENT	400.00	MULLER
LOO574741042600	MECHANICAL REPAIRS	43.88	LOO574741042500	MAINTENANCE SUPPLIES	43.88	KIRK
AOO514141048000	MISCELLANEOUS	200.00	AOO514141045000	PERSONAL CAR USE	200.00	CURRY

**RESOLUTION NO. 129-2009** Motion by Councilman Smith, seconded by Councilman Carmestro, to approve the budget transfers as submitted.

Motion carried: Aye 4 Nay 0

**PROPERTY MAINTENANCE - DYMINSKI**

Due to ongoing property code violations with the Ridge Road property owned by Mr. Dyminski, DB Properties, LLC, the Attorney for the Town has requested that the Town Board authorize the commencement code enforcement proceeding in Supreme Court pursuant to Town Law.

**RESOLUTION NO. 130-2009** Motion by Councilman Comardo, seconded by Councilman Smith, to authorized the Attorney for the Town, Lacy Katzen, to commence code enforcement proceedings in Supreme Court on behalf of the Town of Parma for code violations for the property owned by Mr. Dyminski, DB Properties, LLC on 4728 and 4742 Ridge Road.

Motion carried: Aye 4 Nay 0

**UNIONVILLE STATION ASSESSMENT SETTLEMENT**

Supervisor Lemcke report that a settlement has been reached between the Mr. Beehler and the Town of Parma regarding the type of assessment used for Unionville Station. The parties involved have met and agreed to drop the lawsuit and all have agreed to the conditions. If the terms are not met by March 1, 2011, the property's assessments will change to full market value rather than the lower assessed value conferred by condominium status. Currently, the buildings are assessed as condominiums which provide a lower assessed value than if the dwellings were assessed as single family homes. The extended period of time was given to allow the proper changing of the existing parcels, including filing with the state. Similar, conversions are currently taking place in the Towns of Sweden and Amherst. There was discussion on the number of parcels affected, clarification that the affected se

**MISCELLANEOUS**

**COBRA SOCCER LAWSUIT**

Supervisor Lemcke informed the Town Board that the hearing for the Cobra Soccer appeal will be Thursday, May 14, 2009

**TOWN BOARD VACANCY**

**RESOLUTION NO. 131-2009** Motion by Councilman Comardo, seconded by Councilman Smith, to appoint James Roose to fill the open position on the Parma Town Board through December 31, 2009.

Motion carried: Aye 3 Nay 1 Voting Nay: Supervisor Lemcke

**INFORMATION ITEMS**

**MISCELLANEOUS**

**TOWN COUNCIL APPOINTMENT – JAMES ROOSE**

**LIAISON REPORTS**

\*\*Councilman Smith reported he has not had his meeting with the North Greece Fire District. Mr. Fritz had 43 code violation complaints and there are 28 still open.

\*\*Councilman Comardo reported he will be attending the Recreation and Park Commission at the end of the month. The Special Police meeting was used to prepare for upcoming details the group has been asked to cover. They include the Village Elementary Bike Rodeo, dedication of the new Fire Hall, Memorial Day Parade, Hilton Education Foundation Walk a thon, and the Bicentennial Parade.

\*\*Councilman Carmestro reported there had been vandalism damage at the VFW to archery equipment. He hopes that everyone received their invitations for the new Fire Hall dedication. Councilman Carmestro attended the first hour of the Village Board meeting before coming to this meeting. Raising chickens and student parking problems had been discussed before he left for this meeting.

**ENTER INTO EXECUTIVE SESSION**

**RESOLUTION NO. 131-2009** Motion by Supervisor Lemcke, seconded by Councilman Carmestro to enter into Executive Session to discuss pending current litigation.

Motion carried: Aye 4 Nay 0

The Board entered into executive session at 8:30 p.m.

**CLOSE EXECUTIVE SESSION**

**RESOLUTION NO. 132-2009** Motion by Councilman Carmestro, seconded by Councilman Smith, to close the Executive Session at 8:36 p.m. and return to regular session.

Motion carried: Aye 4 Nay

There being no further business before the Town Board, Councilman Carmestro made a motion to adjourn the meeting at 8:36 p.m., seconded by Councilman Smith.

Respectfully submitted,

Donna K. Curry  
Parma Town Clerk

to revisit the issue of contaminated soil at the Town Hall Park. He referred to a letter from the DEC confirming arsenic contaminated soil was sold by Mr. Crowley to the Town of Parma prior to July 2003. He proceeded to review a list of invoices/vouchers indicating those purchases. Mr. Chart indicated he had spoken to Mr. Foti of the DEC this afternoon to find out the status of Mr. Foti's investigation and stated he had provided

him with copies of the invoices indicating the purchases. Mr. Chart indicated that it has been his intention to find out if there was toxic soil and have it removed. He asked Supervisor Lemcke where the dirt was.

Supervisor Lemcke stated he has spoken with Mr. Foti. The DEC has been aware of the purchases because the State required the information as part of the remediation program. He also explained that during the park expansion soil was used to raise the level of the athletic fields. Mr. Foti indicated he was fine with that. Supervisor Lemcke is not aware of any mass testing. Mr. Foti did indicate that a base amount of arsenic can exist in the soil and not be considered a hazard. Supervisor Lemcke also explained that any property that has had previous orchards on it could have levels of arsenic in the soil.

Mr. Chart did not agree that this was the status with the DEC. Supervisor Lemcke offered to invite Mr. Foti to attend a Town Board meeting.

Tom Guadrini expressed he was not satisfied with the answer given for where the dirt is and wanted to know why there were no steps being taken to identify where the soil is and have it tested. Councilman Comardo felt the question should be laid to rest and it should be fairly easy to identify if the levels are a hazard to the public by testing as has been done for the dirt pile. Councilman Carmestro agreed. Supervisor Lemcke stated he would contact Mr. Foti to determine an acceptable method of testing.

There were further opinions expressed about the issue. Mr. Chart asked the Town Clerk to read a paragraph from Mr. Foti's letter indicating the amount of soil was not known by the DEC and an invoice identifying an amount of soil purchased.