

Parma Town Board meeting held on Tuesday, January 18, 2011 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 Supt.	Brian Speer	
Building Inspector	Jack Barton	
Absent	Recreation Director	Steve Fowler

OTHERS IN ATTENDANCE

Library Director Becky Tantillo, Assessor Don Wells, Dog Control Officer Art Fritz, Jim Zollweg, Gene DeMeyer, Mark Thomas, Susan Jennings, Mike Weldon, Sr., Helen Ives, Charlie Lissow, Susan Putman, Michael Putman, Laurie Harris, Carol Kluth, Tom Ganley, Jim Washington, Stan Hoy, Scott Copey, E. Weil, Lydia Birr, Paul DeNeve, Carol DeNeve, Marilyn DeMeyer, Nathan Smarcz, Tyler Wood and other 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

PUBLIC HEARING – DOG CONTROL ORDINANCE

Supervisor McCann opened the public hearing forum and noted that the legal notice had been duly advertised. He stated that anyone here tonight would have the opportunity to speak tonight and that the Town Board has heard and understands the concerns of those that have spoken previously. He felt that a conclusion could be reached that will satisfy all the people in Parma. He indicated that this was going to take more than amending the current dog ordinance to allow the number of dogs on a purebred license. A decision would not be made tonight. In light of the recent input from the public, consultation with our attorney, information researched by the Dog Control Officer regarding dog control and zoning issues that have surfaced in other areas of the state; he felt that there is a lot of work to be done to fully address the issues. He noted in particular that the zoning issues will require more work including SEQR which could take a month or two to complete. After hearing those that wish to speak tonight, he will suggest to the Board that the public hearing be postponed for the purpose of addressing the dog control ordinance along with zoning ordinances regarding dog and animal issues. He would like to see the public hearing for May and will keep Mr. Jennings informed. He opened the discussion for public comment

Tim Bostley felt that the number of dogs to be allowed should be determined on a case by case basis and take into consideration such things as the environment, size and location of the property; the type and number of dogs, including whether puppies and retired dogs should be counted; and whether a number can be enforced.

Supervisor McCann explained for those that had not been at previous meetings that prior to the changes required by the State for dog licensing the number of dogs on a purebred license was unlimited. The new ordinance changed the number to fifty which was changed again to twenty five and is still up for discussion.

Tim Jennings stated he appreciated being informed of the direction that would be taken tonight and summarized his position by restating for the record points he had made at previous meetings. This included his opinion that the law in Parma is for three dogs; that the wording "per property" was the key issue with the local law passed in December increasing the number to fifty. He recognized that the intent may have been number per license but it was worded as per property and that the number of dogs on a license has no bearing on the number per property. He also recognized that Towns have always had the ability to regulate the number of dogs per property citing Attorney General opinions and the Town Code stating three dogs per property. He felt that the local law passed in December is void because the wording "per property" was used. He felt the "per property" wording makes this a zoning issue and should have been subject to SEQR and submitted to Monroe County Planning and Development for review. He also felt that those with more than three should have to apply for a special use permit. Those that have been good neighbors will be approved and those that are causing problems should be turned down. He cited neighbors with dogs that have affected his quality of life for the past two years. He would like to see the enforcement of the three dog rule on the books and would like to know the reasoning for putting off taking action and since it appears there will be no action until May what will be done in the interim.

Mark Thomas inquired why only purebred dogs and not other dogs were being allowed in greater numbers. He felt it was discriminatory that only purebred dog owners could have multiple dogs on a property. He cited a sled dog team as an example.

Supervisor McCann reiterated that because zoning would need to be addressed, the more prudent way to go was to buy time, do the research and adjust the zoning and the dog ordinance at the same time. Mr. Barton noted that information would need to be sent to interested and involved agencies, if there are any, for thirty day review.

Laurie Harris indicated that she had been told that breeders were allowed more than three dogs when there was one breed. She agreed that zoning should be looked at if breeding dogs; felt that even twenty five dogs is a lot for someone who is breeding; and was concerned about puppy mills.

Supervisor McCann reiterated how prior to a few months ago there was no number. The number was started at fifty, moved to twenty five and recognizes there is a need for further discussion. There may be people out there that do breed dogs and may need some kind of a license. It will take time for all the issues to be hammered out and he welcomes any comments and expects that there will be differing opinions.

Susan Jennings expressed her opinion that the Town Code allows three dogs per property, purebred and mixed breeds. The intent of the law passed for 50 dogs was for licensing and not for per property. She felt the Agriculture and Markets law change was to deal with licenses and the Town Code indicates three dogs per property and does not specify purebreds or mixed breeds. She felt discussion has indicated that the current three dog rule is not being enforced and that setback lines and away from view details for kennels are already established in the Town Code.

Supervisor McCann indicated that these are good valid points and that it was the intent to come to some agreement that would be suitable for all parties. He felt the only reason were here tonight is because New York State put the onus of licensing dogs on the Town. Prior to this, licenses came from the state. The licensing changes resulted in nuisance problems coming to light, which are now being taken into consideration and moving us to find a workable solution.

Tom Ganley expressed that the Board is working in the right direction; that he lives way out but houses are close together and would like to see distances on either side of a property established. He could see someone with a large property having a greater number of dogs.

Supervisor McCann noted that other town's positions on this are being researched and we will explore these options as well. The moratorium on purebred licenses will continue. Those who currently have a kennel could be phased in over time and will come up with a solution. It was not his intention to act at this time but rather to take a couple of months to review thoroughly. Concerned parties, in particular Mr. Jennings, will be given one month of advance notice before any further action is taken.

Tim Jennings stated that he appreciated the good faith effort to responsibly address this issue and that we are going in the right direction by tying this into zoning. He does, however, disagree with the interpretation of state licensing as being unlimited. He felt this is irrelevant because the State has made it clear that the number of dogs on a property is determined by the Town and interprets the number of dogs in Parma's Code as three. He reiterated that this has been the case for a number of years and felt the law was very clear that the Town decides the number of dogs.

Tim Bostley suggested that the formulation of wording move away from purebred dogs and look more toward the number of dogs; since the Town has the authority to set the number and that this has nothing to do with the breed of the dog.

Tom Ganley indicated he does not care if the dogs are purebreds or mongrels. He does not want to see anymore than three dogs. He also noted that this is subject to attorney interpretation.

Laurie Harris felt we are getting off the track when discussing the number of dogs and the number of breeds because breeders are allowed more than three dogs because that was what she was told when she started to breed dogs.

Supervisor McCann commented that all of this was subject to interpretation; that changes were required to be made because the State would no longer be responsible for dog licensing. The changes were needed to meet the programming requirements for licensing and one of the changes was how to address purebred licenses.

Supervisor McCann restated that the number had been unlimited for purebred dogs. He indicated that the differences in interpretation for the number of dogs would likely have to be settled in court if it had to be decided now. In trying to avoid that situation, he would like to see a reasonable number for a normal dog owner and accommodate the breeders as well. It will take work and time to get it ready. There is a current moratorium on issuing purebred licenses. It is his intent to use this time to do our homework and come back with a proposal that addresses the dog ordinance in conjunction with revisions to the zoning code.

Supervisor McCann asked if there was anyone else who would like to speak. There was no response. There was discussion on how to proceed. Comments will be taken in the interim. The question was asked if it is assumed that the existing problems will not be grandfathered in. There were differing opinions on how this should be handled.

Supervisor McCann closed the public forum and the Board discussed how to move forward.

RESOLUTION NO. 29-2011 Motion by Supervisor McCann, seconded by Councilman Smith, to postpone any action on purebred dog licensing for the purpose of further research regarding the licensing of purebred dogs as well as zoning issues germane to licensing and harboring dogs in the Town of Parma; with the intent to tentatively address this issue by the May 17, 2011 Town Board meeting; and extend the current moratorium on the issuance of purebred licenses and the addition of additional dogs to a purebred license.

Motion carried: Aye 5 Nay 0

MINUTES - DECEMBER 21, 2010
DECEMBER 30, 2010
JANUARY 4, 2011

RESOLUTION NO. 30-2011 Motion by Councilman Comardo, seconded by Councilman Carmestro, to accept the minutes of December 21, 2010, December 30, 2010 and January 4, 2011 as submitted.

Motion carried: Aye 5 Nay 0

TOWN CLERK REPORT

Annual Reports have been submitted and filed from the Building Department, Special Police, Town Clerk and a report from the Historian. A request was received from HAYLO to hold their annual tournament at Town Hall Park and has been referred to the liaison.

HIGHWAY DEPARTMENT REPORT

Supt. Speer noted that he will have a report on salt usage and overtime for the next meeting. The department has been very busy with weather conditions.

1995 Ford Truck Replacement - He also addressed the Town Board on the desire to replace the 1995 Ford truck used to plow residential streets with a larger 33,000 lb. truck for a cost of \$130,000, to be purchased via a lease over five years. At the end of the lease the truck would be owned by the Town. This would be similar to the lease that was used to purchase the loader. The purchase would be bid out separately for the cab and chassis and the plow and dump box. It was the intention to make the truck as multipurpose as possible so that it could be used in the winter and summer. There was further discussion on long range planning for equipment replacement, subcontracting residential plowing, timing for ordering and receiving of a truck and use of funds established for equipment purchases. Supt. Speer was asked to come back with numbers; look at options for 2010 and 2011 trucks; provide the Board with a long range plan for equipment replacement; and provide numbers for the amount of interest that would be paid by leasing.

Hill Road Bridge Replacement Project – Supt. Speer reported that the State would like to see two feet between the water level and the bottom of the bridge during a fifty year flood for the height of the bridge over Brockport Creek. The proposal for the replacement has a negative free-board. This means that for a fifty year flood the water will be higher than the bridge. The bridge will have to be raised five feet to accomplish this and the State is requiring justification if this provision is not met.

BUILDING DEPARTMENT REPORT

There was no building report.

RECREATION DEPARTMENT REPORT

Mr. Fowler did not have a report.

PARKS DEPARTMENT

There was no Parks report.

LIBRARY

Parma Public Library Director, Becky Tantillo, provided the Town Board with an overview of what services were provided, and numbers pertaining to events and books

loaned and borrowed for the Library in December. She reminded those in attendance that the Library window is available to non-profits for displays. She will be working on the annual report when the state calls for it and will provide yearly numbers at that time.

Farmland and Open Space Committee – Scott Copey informed the Town Board of a potential grant opportunity that is part of stimulus money for the Great Lakes region to address water quality and preservation of land for fish and wildlife preservation. The State would be the lead and would like the Town to partner with the application. There would be no match required but participants are encouraged to. They have reached out to the Town to be a participant and the Nature Conservancy would also participate. Mr. Copey will get more details and report back to the Town Board. He also noted that a draft of press release for the closing Martin Farm conservation easement is ready and reimbursement from Monroe County for the grant is in the works. Marilyn DeMeyer has done a lot of research on a draft for a local right to farm law is being prepared for review by the Town Board and the attorney and is expected within the next few months. The committee is looking at having a workshop for farmers to be sponsored by the New York State Energy Research and Development Authority (NYSERDA) on energy conservation for farmers. Minutes from the last meeting will be sent out when completed.

GIS Coordinator - Jim Zollweg will provide a report pertaining to GIS at the next Town Board meeting.

BUSINESS ITEMS

WORKPLACE VIOLENCE POLICY

Supervisor McCann reported that a training session had been held for department heads through our insurance company. He and Councilman Carmestro were also in attendance. The Board has been provided a copy of the policy.

RESOLUTION NO. 31-2011 Motion by Councilman Carmestro, seconded by Councilman Roose, to adopt the revised 2011 Workplace Violence Program Policy for the Town of Parma.

Motion carried: Aye 5 Nay 0

PROPOSAL TO CHANGE ELECTRIC SERVICE PROVIDER BLUE ROCK ENERGY

An analysis comparing our current electric costs to Blue Rock Energy's variable rate for the past year. There was discussion on the rate and the variations over the past year. In no instance did the variable rate go over the current providers fixed rate. Blue Rock Energy felt that the savings would be consistent for all the town accounts and have offered their services for an energy audit on the new lights at the Town Hall Park.

RESOLUTION NO. 32-2011 Motion by Councilman Carmestro, seconded by Councilman Comardo, authorizing the Finance Director to switch the Town of Parma's electric provider to Blue Rock Energy for a one year period.

Motion carried: Aye 5 Nay 0

BUDGET TRANSFERS - 2010

Councilmen Carmestro and Smith both noted they had reviewed the Budget transfers. There were no questions.

TRANSFERS TO BUDGET

Dec-10

ACCT #	FROM DESCRIPTION	AMT.	ACCT #	TO DESCRIPTION	AMT.	REQUESTED
	A UNAPPROPRIATED					
	FUND BALANCE	19,199.91	AOO571711021000	EQUIPMENT	19199.91	GAVIGAN
AOO590903081000	SOCIAL SECURITY	2423.12	AOO590906081000	MEDICAL INSURANCE	2,423.12	GAVIGAN
LOO574741041000	OFFICE SUPPLIES	486.41	LOO574741021000	OFFICE EQUIPMENT	1,740.21	KIRK
LOO574741041500	JANITORIAL SUPPLIES	452.12	LOO574741044200	TELEPHONE	9.58	KIRK
LOO574741041800	POSTAGE	609.18	LOO574741046000	CONTRACTED SERVICE	935.90	KIRK
LOO574741042200	EQUIPMENT REPAIR	144.00	LOO574741049000	BOOKS	3,553.27	KIRK
LOO574741042500	MAINTENANCE SUP	200.00	LOO574741049200	VAP	127.21	KIRK
LOO574741042600	MECHANICAL	1,371.00	LOO574901081000	NYS RETIREMENT	609.16	KIRK
LOO574741043000	EDUCATIONAL	159.39	LOO574741013000	PRINCIPAL CLERK	101.24	KRIK
LOO574741044100	GAS & ELECTRICAL	1,182.20				
LOO574741044400	WATER	256.65				
LOO574741045000	PERSONAL CAR	175.22				
LOO574741049100	CLEANING SERVICE	1,330.00				
LOO574903082000	MEDICARE TAX	710.40				
LOO574741014000	LIBRARY ASSISTANT	1,692.32	LOO574741013000	PRINCIPAL LIB CLERK	756.00	KIRK
			LOO574741016000	CLERKS	936.32	KIRK
DBO550513045200	VEHICLE MAINT	51.00	DBO550513046000	CONTRACTED SERVICES	51.00	SPEER
	DA UNAPPROPRIATED	58,526.81	DAO550511041000	SALT	54,907.99	SPEER
DAO550514211000	WORKERS COMP	3,826.67	DAO550514211000	FULL TIME	3,189.35	SPEER
DAO550514212000	PART TIME	2,672.19	DAO550514213000	OVERTIME	8,221.37	SPEER
DAO550514245200	VEHICLE MAINT	3,450.06	DAO550514221000	EQUIPMENT	3,140.00	SPEER
DAO550514246000	CONTRACTED SERV	434.50	DAO550503081000	SOCIAL SECURITY	158.78	SPEER
DAO550514246100	UNIFORMS	468.47	DAO5509030820	MEDICARE TAX	36.39	SPEER
DAO550514248100	CLOTHING ALLOW	275.18				
BOO990191100	BRUSH PICK UP	22,000.00	DB5031.01	BRUSH REVENUE	22,000.00	SPEER
SD990190000	INTERFUND TRANSFER	14,424.00	DB5031.02	DRAINAGE REVENUE	14,424.00	SPEER
BOO990191300	PART TOWN EXPENSE	3,209.46	DB5031.03	PART TOWN REVENUE	3,209.46	SPEER

RESOLUTION NO. 33-2010 Motion by Councilman Smith, seconded by Councilman Carmestro, to approve the Budget Transfers as presented.

Motion carried: Aye 5 Nay 0

MISCELLANEOUS

HISTORIAN REPORT

Supervisor McCann reported a year end report has been submitted by the Don Stilson summarizing what has been done at the museum. A copy will be available in the Clerk's office if anyone would like to review. Councilman Smith reported that he had the opportunity to speak extensively wit Don and Jim Stilson. They have a good vision for the museum and have done a great job with the planning and execution of displays.

WARRANT

RESOLUTION NO. 34-2011 Motion by Councilman Carmestro, seconded by Councilman Comardo to approve payment of the warrant as submitted below.

FUND TOTALS

AOO	General Fund	\$18,775.85
BOO	Part Town	\$2,508.59
DAO	Highway, Townwide	\$25,074.22
DBO	Highway, Part Town	\$141.50
HCO	Park Lighting Capital Pr.	\$104.20
HDO	Town Bridges	\$31,375.67
LOO	Library	72.45
S11	Salmon Creek Sewer	403.70
S17	Wilder Road Sewer	\$895.16
	GRAND TOTAL:	\$79,351.34

Motion carried: Aye 5 Nay 0

LIAISON REPORTS

**Councilman Smith noted a request has been received from HAYLO to use sports fields at Town Hall Park for their one day tournament. There was discussion on having a

contract even though this is a one day event and that a contract was provided to HAYLO but not returned last year.

There was also discussion on having a cell phone for use by the primary attendant when on duty during the summer months. Security and safety issues, access to park attendants by renters and moving the warming hut landline were also discussed. He will be discussing further with the Parks Department.

** Councilman Comardo reported he attended the Planning Board meeting and that Recreation meets next week. He also received the new New York State Dog Control regulations from the Dog Control Officer. It was noted that they do not have anything to do with tonight's discussion.

**Councilman Carmestro reported that John Lemcke was elected and is the Commissioner in charge this year. He has contacted the North Greece Fire District to set up a time to meet with them. He thought their meeting dates coincided with ours.

**Councilman Roose reported that he will be contacting Spencerport Ambulance and the Special Police regarding when they meet and the Zoning Board meets this Thursday.

MISCELLANEOUS - OTHER

Mr. Barton reported that correspondence was received from FEMA last Monday regarding flood plains and lake levels requesting documents that should be returned by Friday of the same week. It was not clear exactly what they were looking for. He contacted Albany but has not heard back. A meeting will be held in the Town of Greece on January 26th for the start of a new program for the next step in the flood zone remapping for beach zones and takes into effect wave action concerns.

There being no further business before the Town Board, Councilman Carmestro made a motion to adjourn the meeting at 8:08 p.m., seconded by Councilman Smith.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk