

Parma Town Board meeting held on Tuesday, July 19, 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
Recreation Director	Steve Fowler
Building Inspector	Jack Barton
Highway Supt.	Brian Speer

OTHERS IN ATTENDANCE

Dog Control and Code Enforcement Officer Art Fritz, GIS Coordinator Jim Zollweg, Park Foreman Joe Petricone, Library Director Becky Tantillo, Kris Schultz, Mike Weldon, Rick Lemcke, Helen Ives, Carol Kluth, Art Cosgrove, Walter Horleyv, Larry Cross, Amy Cross, Carrie Webster, Jack Coco, Tina Brown, Tim Jennings, Susan Jennings, Paul DeNeve, Carol DeNeve, Doug Lennon, Ruth Blodgett, Kevin G. Parks, Rita Parks, Stacy Parks, Gary Chapman, Tina Blodgett, 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 HEARING

REQUEST TO REZONE 5057 RIDGE ROAD WEST

Supervisor McCann read the following legal notice that was published in the Suburban Newspaper on June 26, 2011 and posted as required.

**Legal Notice
Town of Parma
Public Hearing
Request to Rezone 5057 Ridge Road West**

Please take notice that the Town of Parma will hold a Public Hearing on July 19, 2011 at 6:30 p.m. at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York for the Parma Town Board to consider the request to rezone 5057 Ridge Road West from General Commercial to Highway Commercial.

DESCRIPTION OF THE PORTION OF TAX PARCEL NO. 071.01-1-29
REQUESTED TO BE REZONED

All that tract or parcel of land situated in part of Town Lot 31, Gore Tract, Township 4, Range 1, Town of Parma, County of Monroe, State of New York, and more particularly described as follows:

Commencing at a point on the centerline of Ridge Road West, said point being 775 feet more or less west of the centerline of Union Street, said point also being the northeast corner of lands conveyed to Dannic Holdings LLC in liber 10049 of deeds page 684, thence;

Southerly on a bearing of S 01°30'11" W a distance of 49.86 feet to a point, said point being on the south right-of-way of Ridge Road West, and being the true point of beginning, thence;

Continuing southerly on a bearing of S 01°30'11" W a distance of 200.14 feet to a point, thence;

Westerly on a bearing of S 84°35'11" W a distance of 120.00 feet to a point, thence;

Northerly on a bearing of N 01°30'11" E a distance of 200.14 feet to a point, said point being on the south right-of-way of Ridge Road West, thence;

Easterly along the south right-of-way of Ridge Road West on a bearing of N 84°35'11" E a distance of 120.00 feet to a point, said point being the point and place of beginning.

Intending to describe lands of Danninc Holdings LLC, as recorded in liber 10049 of deeds page 684. All as shown on a boundary survey map prepared by Schultz Associates Engineers and Land Surveyors, P.C. dated April 28, 2011.

Supervisor McCann opened the public hearing at 6:35 p.m. Kris Schultz was present to represent Dannic Holding, LLC, who is making the request to rezone 5057 Ridge Road West from General Commercial to Highway Commercial. Mr. Schultz provided additional copies of maps for the request. Application was made to Monroe County Planning and Development with minimal comments returned. The Town Planning Board also reviewed and recommended the rezoning request. It was also noted that this is in keeping with the Town's Master Plan.

Supervisor McCann stated that before he took questions from the audience he would explain a new procedure for public hearings. Starting tonight after the public hearing, the Town Board may decide not to render a decision until the next meeting. He indicated that if there was a lot of criteria to digest the Board may hold off on making a decision. If there is no major controversy the decision could also be made the same night. Supervisor McCann entertained comments from the public.

Jack Coco stated he would like more details on the proposal. Mr. Schultz provided him an opportunity to review the map; noted that this change would be in keeping with the overall plan for the Town and that the property is adjacent to the zoning being asked for.

Amy Cross noted that this parcel was up for the same rezoning a couple of years ago but the owner did not want it rezoned at that time. Mr. Coco summarized that the owners of several parcels to the west requested their properties be rezoned to highway commercial but this owner objected. The Town Board at that time decided not to approve the request to rezone.

Mr. Coco noted that he owns property next door to this parcel and that he is surrounded by car businesses. He noted that the home across the street is now a car lot; trees have been removed from the land behind him for overflow parking and the spot lights from the dealership shine in his yard. He feels that the remaining parcels adjacent to the Doan properties are now worthless from a residential perspective.

It was noted that the stumbling block that previously existed to having Mr. Coco's parcel rezoned to Highway commercial would be removed if this was approved. He would now be contiguous to Highway commercial.

Mr. Coco and Mrs. Cross felt that this did not benefit the Town that it only benefits Dannic Holdings and they are being left out of the process. Neither was in favor of the request.

Supervisor McCann noted that he was not on the Town Board at the time the prior decision was made but explained his understanding that at the time the applicants needed to be contiguous to the requested type of zoning and that the Master Plan encourages the extension of the same zoning type to adjacent properties. Regardless of the prior decision, all parties have the right to express their opinion even if it is different from what happened previously. It was noted that there was nothing that would preclude Mr. Coco or Mrs. Cross from coming in to apply for rezoning as well.

Mr. Cross asked if the Town Board would consider rezoning the other parcels (three parcels to the west) as part of this rezoning. Supervisor McCann responded that it would necessitate having another public hearing but that the other property owners could also apply. The question was raised if they even could be rezoned because of lot size. Mr. Barton noted that in general for Highway Commercial there is no allowance for parcels less than 150 feet wide. There were further comments on the lots to the west only having 120 feet of frontage and the potential of those parcels to be rezoned to Highway

Commercial in the future. It was noted that as more business comes it would be likely that those businesses would be looking for commercial and the potential for smaller lots to be bought up and merged into a larger parcel would be likely. Currently, the smaller parcel owners could apply to for highway commercial zoning status but the parcels would not be used as such unless they were merged to meet the width requirements.

Mr. Schultz noted that the adjacent parcels to the Dannic properties are zoned General Commercial not Residential and that it is the intent of this rezoning is to allow the merging of this property with the balance of the Dannic property through the Planning Board. Regarding the neighbors lots, he felt it made sense that those individual lots would need to be merged to meet requirements for size.

Supervisor McCann asked if there were any other comments. There were none. The public hearing was closed at 6:53 pm.

Supervisor McCann noted that a response was received from Monroe County Planning and Development and reviewed their comments indicating that any decision should be consistent with the Town's Comprehensive Plan. The Planning Board also provided comments which were reviewed. They were in favor of the request to rezone and requested that the Town Board consider conditioning their approval with the stipulation that all six of the parcels be merged into one.

It was also noted that the property owners within 500' were notified and a sign was posted on the property notifying the general public of the public hearing. Supervisor McCann noted that under SEQR this is an Unlisted Action and that a Short Environmental Assessment Form has been provided. Part I was received and reviewed by the Town Board. Part II was thoroughly reviewed and questions answered.

Councilman Smith clarified that the applicant intended to merge all the parcels owned adjacent to the dealership. Mr. Schultz indicated that they were prepared to make immediate application to merge the parcels. There was discussion on whether the three parcels to the west could be used as highway commercial in the future if they were to be rezoned.

SEQR DETERMINATION
REQUEST TO REZONE 5057 RIDGE ROAD WEST FROM
GENERAL COMMERCIAL TO HIGHWAY COMMERCIAL

RESOLUTION NO. 130-2011 Motion by Councilman Comardo, seconded by Councilman Roose, after reviewing the Short Environmental Assessment Form for the request to rezone 5057 Ridge Road West from General Commercial to Highway Commercial, the Town Board of the Town of Parma determines that the proposed rezoning will have no significant adverse impact on the area and therefore the Town Board issues a negative declaration.

Motion carried: Aye 5 Nay 0

Supervisor McCann asked if the Town Board would like to reserve their decision until the next meeting. Councilman Smith wanted to know if application has been made to merge this parcel with the other Dannic Holdings parcels. Mr. Schultz replied that they are prepared to make application with the Planning Board immediately. Councilman Roose commented that the Planning Board indicated that the adjoining properties would at some time have to be merged in order for them to be used as Highway Commercial. Although it might not be the other property owners intent to rezone now; that's not to say it could not happen in the future. Councilman Comardo asked if there were any outstanding issues. There were none noted. Councilmen Comardo and Smith indicated that they could make a decision tonight. It was clarified that the resolution would stipulate the condition to merge all the parcels per the Planning Board's recommendation.

REZONE 5057 RIDGE ROAD WEST FROM GENERAL COMMERCIAL TO
HIGHWAY COMMERCIAL

RESOLUTION NO. 131-2011 Motion by Councilman Smith, seconded by Councilman Comardo, to approve the rezoning of 5057 Ridge Road West , Tax Account # 032.03-1-5, from General Commercial to Highway Commercial with the condition that all parcels related to this business be merged into one parcel per the Planning Board's recommendation to the Parma Town Board.

Motion carried: Aye 5 Nay 0

PUBLIC FORUM

Supervisor McCann asked if there was anyone who wished to address the Town Board.

Rick Lemcke asked what was determined about Highway Department phone bills he questioned previously where he felt that personal calls were being made by an employee from a Town phone during working hours. Supervisor McCann indicated the calls were justified; there was no additional cost to the Town as they were part of the plan cost and they did not have an impact on the overall bill. Mr. Lemcke also inquired why three summer meetings have been cancelled. It was explained that this was a choice made by the Supervisor when setting up the organizational meeting and also noted that many towns only have one meeting a month throughout the whole year.

MINUTES – JUNE 21, 2011

There was discussion on if a decision was needed at this time on having a GIS Liaison. It has been taken under advisement and it was felt that this could wait until the organizational meeting at the first of the year.

RESOLUTION NO. 132-2011 Motion by Councilman Roose, seconded by Councilman Carmestro, to accept the minutes of June 21, 2011 as submitted.

Motion carried: Aye 5 Nay 0

TOWN CLERK REPORT

The Town Clerk Report and VFW Summary Report for June have been submitted. The Town Clerk has participated in training through New York State Department of Health regarding recent changes to forms and processing of marriage licenses. A Renewal Application for an On-Premises Alcoholic Beverage License has been received from the Plantation Party House. A copy has been given to the Building/Fire Code Departments.

HIGHWAY DEPARTMENT REPORT

Supt. Speer reported that the work on Draffin Road has been completed. The department is doing road work on Brianna Lane, Black Tern, Rockridge Circle and Trimmer Road; is replacing drainage pipe on Clearview Drive and addressing drainage issues on Parma Center Road. County work will begin soon on Hamlin Parma Town Line Road. He also reported that roadwork has begun on the Hill Road Bridge Replacement Project.

USE OF TIME OFF REQUEST FORM

Supervisor McCann noted that the new Time Off Request Form should be being used by all Departments. It is a four-part form which provides copies for the various stages of the request. The form makes requests for time off universal for all departments and complies with the highway union requirements.

RESOLUTION NO. 133-2011 Motion by Supervisor McCann, seconded by Councilman Carmestro, that effective immediately all Departments will

use the Time Off Request Form and all other forms for time off are to be destroyed.

Motion carried: Aye 5 Nay 0

Supervisor McCann asked if the air-conditioning unit has been installed in the break room per the union contract agreement. Supt. Speer indicated that the unit is there and based on the installers schedule he expects it to be installed next week.

Councilman Smith noted that North Avenue has been swept and stripped between Moul and Curtis Roads. There was discussion on when and how the roadwork for Curtis Road will be done. Work is supposed to be started on August 1, 2011 for this project and has been contracted out by the State for this year.

Councilman Carmestro asked Supt. Speer if anything can be done about the drainage issues on Clearview Avenue and Dunbar Road. He has had a few complaints from Dunbar Road residents and there was discussion on those concerns. Supt. Speer stated he would look into both of those and figure out the best way to handle both of those issues.

Mr. Lemcke asked Supt. Speer what the policy was for woodchips and millings in the Town. Supt. Speer said that residents get first dibs before commercial properties, but that those have to be picked up by the resident. In cases where there are too many to be stored by the Town, the department may deliver them directly because there is no place else to put them. It was also noted that the State has an abundance of millings in Spencerport.

BUILDING DEPARTMENT REPORT

There was no report.

RECREATION DEPARTMENT REPORT

Mr. Fowler distributed a copy of an ad which will go in the July 31st edition of the Suburban News to advertise the "Park It in Parma" event being held on Saturday, August 6, 2011. A separate advertising venue will focus on the "Movie Night Under the Stars" event scheduled for Friday, August 5, 2011. The Movie presentation will be "Rio" an animated feature presentation from the creators of "Ice Age".

The Department is in the process of working with the Village on recreating a display area next to the department's office which was recently displaced by some historian prints.

PARKS DEPARTMENT

Mr. Petricone explained that the Department has been boarding up the lower windows in the meeting house. The Museum Curator is looking into grants and funding to replace the upper windows and possibly the roof because of leaks. The Parks Dept. is getting ready for the upcoming Disc Golf Tournament and the upcoming Summer Celebration.

Supervisor McCann summarized a letter from a Park employee regarding ongoing issues with pavilion rentals and park usage by members believed to be affiliated with a local church. Councilman Smith and Supervisor McCann are going to visit the church Pastor and see if they can resolve the situation.

LIBRARY REPORT

Library Director, Becky Tantillo, provided the Supervisor with a summary of June statistics and activities for review.

NOISE ORDINANCE COMPLAINT - BASSO

Lucas Basso brought to the attention of the Board that there is a noise problem coming from a Go-Kart track on Bailey Road. This is an issue that has been going on for several years and went to court where the judge determined that the racing could continue with decibel restrictions. Mr. Basso indicated that since the initial problem, the owner no longer lives at the property.

Mr. Basso stated that he is at his limit with the noise. The sound creates what he described as a doppler effect when the carts are whipping around the course. He likened this to a wind chill factor in that the noise is worse than an actual decibel level just as it feels colder than it really is. He also was under the impression that the person was required to live on the property and there had to be 50 acres for this kind of use. Mr. Basso has given a copy of a racing schedule to Mr. Barton which will be provided to Town Board members. Supervisor McCann indicated that the matter would be looked into. Mr. Basso would like to see more teeth put into the noise code.

Carol Kluth informed the Town Board that owners of a parcel on Burritt Road will be requesting to put in a mud bog for 4-wheelers and approached them asking if they could drive their 4-wheelers on their property. They refused because their land is used by a farmer whose crops would be ruined. Although the land is posted, riders come on their property via the railroad tracks, ruin planted farm products and make noise all day long and well into the night. It was suggested that she make the Sheriff's Department aware and the Town would also contact the Sheriff's Department to see if the ATV unit could be used to resolve their concerns.

BUSINESS ITEMS

SANITARY SEWER DISTRICT - NORTH AVENUE #2

Mr. Sparklin was in attendance to ask the Town Board if they could set a public hearing for the creation of a new sewer district. It was noted that a petition requesting the district has not been received. Mr. Sparklin indicated that he has not been able to get signatures from the other two neighbors because they are away on vacation. The Board stated that they could not set the public hearing until they had received the petition. A petition would need to be given to the Town Clerk by August 2, 2011 for the timely processing of the request. It was also noted that this was brought up at a Village Board meeting but at that time the requesters felt that the cost was too high. Village Trustee Horleyv indicated that the Village did not think the residents were interested in tapping into the sewer because the cost was too high. It was felt that the residents should confirm with the Village of Hilton that they would indeed be able to access Village sewers and provide the required petition for the creation of a sewer district. At that time the Town Board will entertain a request to hold a public hearing. Supervisor McCann indicated the earliest it could be held would be the first meeting in September. Mr. Sparklin will talk to Mr. Crowley who will be the installer.

PUBLIC HEARING - TOWN CODE CHANGES

Supervisor McCann read the following Legal Notice that was published in the Suburban News on July 3, 2011 and posted as required.

LEGAL NOTICE
TOWN OF PARMA
INTRODUCTORY LOCAL LAW 1-2011
AMENDING THE PARMA TOWN CODE
CHAPTER 165 ZONING AND
CHAPTER 9 ARTICLE 1 DOG CONTROL ORDINANCE OF THE
TOWN OF PARMA

The Parma Town Board has scheduled a public hearing on Introductory Local Law #1-2011 to adopt revisions to the Parma Town Code, amending

Chapter 165 Zoning and Chapter 9 pertaining to the Dog Control Ordinance. The public hearing will be held at the Parma Town Hall, 1300 Hilton-Parma Road, Hilton, New York on Tuesday, July 19, 2011 at 7:30 p.m. at which time persons in favor of or opposed to said local law may be heard. Copies of the code revisions are available by contacting the Parma Town Clerk's Office for public inspection.

Supervisor McCann read a summary of the proposed changes and opened the public hearing at 7:45 pm.

Carol DeNeve asked why a special use permit was not issued or a public hearing for a kennel across the street from where she resides. When asked for clarification from the Town Attorney, Mrs. DeNeve stated that no one in their neighborhood has ever been contacted when a business was started across the street. She expressed her opinion that it was a business making a profit.

There was an exchange of questions and answers regarding whether this was a business; the number of dogs actually bred at this location; the website associated with the breeder in question and the many reasons breeders/owners have websites; and who and when a breeder has to be licensed by the State. The Attorney for the Town, Lara Badain, asked what this has to do with the provisions of the code being revised at tonight's hearing as the proposed changes are not dealing with commercial use. Tim Jennings acknowledged that this was not part of the proposed changes and felt the discussion should be couched in the question of whether any commercial kennel is required to have a business permit in order to conduct that business.

Ms. Badain responded that this would be up to the determination of the Code Enforcement Officer as it is a zoning code matter and that there are options to challenge a decision.

Mrs. Jennings asked how one goes about getting a decision from the Zoning Board. Ms. Badain explained that she could contact the Zoning Code Officer for a determination. Mrs. Jennings stated that attempts have been made but they have not received a response. Further discussion informed her that Art Fritz is the Zoning Code Officer. Mr. Fritz indicated that he has determined that this is not a business. Ms. Badain explained that she could ask for a written determination. If she disagreed she could then go before the Zoning Board to be heard.

Mr. Jennings indicated that they are asking the right questions, have requested a determination on more than one occasion and received no response. Mr. Fritz responded that he answered the initial letter a year ago to their attorney and that answers have all remained the same. Ms. Badain again noted that there are steps that they can take to challenge a decision that has been made. She reiterated that this was outside the scope of the public hearing and reiterated that they have the choice to challenge decisions made regarding any code decisions.

Tim Jennings referred to the proposed changes to Chapters 165-82 AA (1) and 165-57. He felt that the wording provides a loophole and would like the wording to indicate that both sections must apply rather than one or the other. He summarized that one would have to be in compliance the zoning criteria for lot size, set back, etc. or apply for a special use permit which would be applied for from the Zoning Board. He felt the proposed criterion pertaining to the character of the neighborhood was vague and undefined and considers it to be a loophole.

Ms. Badain responded that it was not a loophole and explained that it was the intent that you have to comply with the zoning law or you have to get a special use permit and comply with subsection 3 of Chapters 165-82 AA. Either option would be available. Ms. Badain explained that the Town has given dog owners who want to have more than three dogs and could not satisfy the criteria for a kennel, breeding or boarding facility an opportunity to come in front of the Zoning Board of Appeals on a case by case basis. All reviews by the Zoning Board are noticed to the public and anyone opposed will be heard.

Mr. Jennings and Ms. Badain debated the role of the Zoning Board in making a decision on issuing a permit for a kenneling, breeding or boarding facility; issuing a special use permit to have more than three dogs on a parcel and what the criteria would be. Ms. Badain reiterated that the determination would be on a case by case basis and that Mr. Jennings has legal recourse under the law if he does not agree. Mr. Jennings would like to see the word "or" changed to "and" so that Chapters 165-82 AA (1) and 165-57 would have to be met.

Supervisor McCann noted that the Zoning Board of Appeals is designed for relief from the law. They have the authority to listen to the public's comments and decide who will be granted relief.

Mr. Jennings felt that the proposed law is less restrictive than how he interprets the current law. He expressed his frustration that the Town has interpreted the prior law, whether through acts of omission or commission, as allowing any number of dogs if they were registered on a purebred license. He felt that the issue is lack of enforcement. He felt that Parma is known for having some of the more restrictive criteria for dog kennels than other Towns. He stated that the persons responsible for enforcing the laws knew and deliberately did not enforce them. He felt measures should be taken to review how our laws are enforced.

Kevin Parks stated that his daughter is a breeder and that before they purchased their property they called the Town and Village to see how many dogs they could have. He was told there was no limit so they were comfortable with making the property purchase. He felt it was unfair that restrictions are now suddenly being put on them. He felt that his daughter should not have to get rid of her dogs by the end of next year and that the rules should remain the same for those that already exist. His daughter is licensed with the State. He also noted that a kennel is different than a breeder. He felt that existing purebred license holders are victims of the circumstances surrounding a group of people who are having a problem with one party. Should this restriction be passed he does not feel that he should have to sell this house. He also wanted to know if this were to be passed if he could know if he would be allowed a special use permit. He stated that this kind of decision would leave him in a very precarious position.

Ms. Badain responded that their situation deals with the grandfathering timeframe and that their remedy would be to go before the Zoning Board of Appeals for a special permit. This has been set up to ensure people affected are treated reasonably and have to come into compliance over a reasonable period of time. The Town cannot give you an answer in advance. Change cannot be stopped but by having the opportunity to go before the Zoning of Appeals all the things you have mentioned about your case will be reviewed. She indicated that rights were going to be restricted but that a means of recourse was also being provided and would be reviewed on a case by case basis.

Mr. Parks felt the grandfathering time was not sufficient and he feels that because they were told it was ok to have more dogs these changes should not apply to them.

Stacey Parks told the Board that she is the dog breeder and a behavior consultant. She breeds Goldendoodles and Golden Retrievers which are well behaved and receive full health testing. She has nine dogs that reside in her home and are purebred licensed. She state that she has a lot invested and confirmed their ability to do this at her address.

Mr. Fritz informed Ms. Parks that because she resides in the Village; any decision made regarding the Town's Zoning Code would not affect Ms. Parks. It would be up to the Village to determine if there needed to be a change based on their code.

Ms. Badain reiterated that municipalities can change their laws and that what they told you was correct at the time. This is why this discussion is taking place and that the discussion on the timeframe for grandfathering is important to the deliberations of the Board.

Ms. Parks responded that she has a great deal invested and had not planned for this type of change. She expressed that not a lot of money is made in breeding dogs because a lot of health testing is done and her dogs are fed very expensive food. She hopes to maintain the dogs she currently has for several years.

Carol DeNeve stated that she has nothing against dogs or kennels. What she is upset about is that the Town did not allow her to come in a public hearing and express her concern that there are fifteen barking dogs and lowering her property value.

Ruth Blodgett provided the Town Board with a copy of a letter which she read that expressed her feelings on the proposed changes. Mrs. Blodgett has four dogs on a purebred license and intentionally stayed small for their own personal reasons. She explained that it is hard to breed when you only have three dogs because not every dog is breedable. She felt that breeding is a minimal right; not a privilege. She also explained that breeders do not make a great deal of money because it is costly for expensive health testing these dogs need to have and the more expensive food and upkeep they need. Mrs. Blodgett read an anonymous letter she received when she first started to breed her dogs. She does not want to see an underlying agenda influence this decision. She would like to see the owners have the choice. She does not feel that the Town should take the right away from the people to be able to breed dogs. She explained how breeding dogs in the town helps commerce because people buy the dogs and then take them to area vets and buy food and supplies from area stores. Ms. Blodgett would like to see the Board give already established purebred license holders, who have not had problems, the benefit of the doubt and allow them to continue to be legal under the law. She urged the Board to take a look at the current practices and if they deem to make changes to consider the numbers closely and the impact on breeders when you are looking at the whole. She closed her comment by stating that in many parts of our country dog breeding is not considered a sin and is considered a farm industry which provides affordable pets for families.

Mrs. DeNeve noted that Mrs. Blodgett referred to breeding as a business and reiterated her opinion that there should have been a permit applied for.

Doug Lennon stated that he is sorry that one individual seems to be driving the concerns expressed here. He recalled other code enforcement issues and felt that no one is ever completely compliant; nor that the Town can control everything that everyone would like them too. He has a purebred license. He explained that he breeds Beagles but does not sell them. He incurs vet and stud fees. The dogs are used for hunting and having only three dogs would mean he would have spans when he would have no dogs to use because they can only hunt for about four or five years. He does not get rid of them when they are no longer used for hunting. They become part of the family. He keeps and cares for them.

Mr. Lennon noted that he received a response to questions that he had about the proposed changes and asked why the purebred license has to go away. Supervisor McCann responded that in his opinion this fits more aptly under the business side of this and a special use permit would need to be applied for to have more dogs. He recognized that there would be people unhappy on both sides of the issue.

Mr. Lennon also wanted to know if this applied to all animals. Ms. Badain explained that Section 165-57 applies to all animals and deals with boarding, breeding and kenneling for all animals. Section 165-82 AA applies to dogs within all zoning districts.

Mr. Jennings noted that there are nine purebred dog license holders in the Town and out of that number there are only five households that have more than three dogs. He felt that the people who are responsible breeders, not causing problems and breeding to improve the genetic line are not going to have a problem getting a special permit. Breeders who are causing their neighbors problems will have a problem getting a permit.

Ms. Parks commented that she belongs to an elite organization of breeders for Doodles. Testing is very expensive and she does not have the money for special permits. She indicated that she does not make money on what she does. She breeds because she loves the dogs.

Mr. Barton explained the cost to apply for a special permit, and the length of time they are typically issued for and what would happen if a modification was requested.

Ms. Parks felt that because there was a problem with one person that the concerns should have been taken up with them and the others will have to suffer the consequences of this.

Mr. Jennings indicted that he had been coming to meetings on this since last December and this was the first time he has heard that this is not a business; that this is a hobby and the determination that his particular problem was not a business. He disagrees with what he believes is the Town's interpretation that purebred dog licenses negated all local laws. He stated he could find no substantiation for this and believes that local governments have authority over the number of dogs they can have on a property. Mr. Jennings felt that purebred license holders have a license that allows them to put more than one dog on a license and not to circumvent other laws. His interpretation is that if you have over three dogs in the Town you are illegal. He felt that the existing dog owners in this situation have had a good run; should contact an attorney and should have to get a permit.

Mr. Jennings called on the Board to change the wording from "or" to "and" as was noted earlier and to adopt criterion for what is defined as the nature and character of a neighborhood. He also suggested that the Board look at existing home business regulations under Section 165-79 (1)(c) regarding neighborhood character to define. He felt that the Town is very tight on enforcement of its ordinances except as it pertains to the dog selling business.

Ms. Badain explained that it is the Board's responsibility to legislate and enforce the laws. Although one might disagree with those decisions, there are avenues to challenge those issues. She stated that this is not the place to legislate one particular agenda because one individual in your neighborhood. The Board is looking to pass legislation that will take rights away from some, which it can legitimately do, but it has to be reasonable, fair and rationally based. She felt this has been done and concerns about the timeframe for grandfathering period and other concerns expressed have to be considered when balancing this out. Concerns with the way this has been interpreted should be addressed to the sections of the law that allow you to challenge the decision in the proper form.

Mr. Jennings felt that this was the proper forum to address his concerns. Mr. Jennings and Ms. Badain continued to disagree and debated whether the Town has intentionally chosen not to enforce.

Supervisor McCann asked if there were any other comments. There were none. The public hearing was closed at 9:00 pm. It was also noted that Monroe County Planning and Development reviewed the proposed changes and responded with no comments. All interested parties were notified by mail.

It was determined that there would be a five minute recess.

Upon reconvening the meeting, Supervisor McCann noted that the proposed action had previously been identified as a Type I action and the Town Board proceeded to review Part I and Part II of the Full Environmental Assessment Form. The Board decided to acknowledge SEQR in a resolution as a Type 1 action but wanted to consider tonight's discussion before making a SEQR determination and decision on the proposed changes.

TOWN CODE CHANGES –SEQR DECLARATION

RESOLUTION NO. 134-2011 Motion by Councilman Carmestro, seconded by Councilman Roose, to recognize the proposed changes to the Parma Town Code as a Type 1 action under SEQR.

Motion carried: Aye 5 Nay 0

The Town Board would like to look at the minutes and absorb the comments made by those that spoke tonight. It was felt that consideration should be given to concerns expressed for the proposed date that current purebred license holders would have to meet to come into compliance.

Supervisor McCann noted that a change to the date would necessitate that another public hearing be held for the express purpose of discussing the grandfathering date. Discussion

centered on whether the Board wanted to consider changing the December 31, 2012 date. It was felt that a re-notice would not indicate a specific date and only the date change would be the subject of that public hearing. It was made clear by the Supervisor that the discussion would not include a rehash of everything already stated in tonight's public hearing. There was further discussion on what has to occur by that date. It was noted that purebred licenses will no longer be recognized and dogs will be licensed at the full fee. Dogs which are licensed under a current purebred license will be grandfathered up to the grandfathering date. Steps to become compliant must have started or be completed by that date.

SET PUBLIC HEARING DATE
PROPOSED CHANGE TO SECTION 165-82 AA (2)
OF THE PARMA TOWN CODE

RESOLUTION NO. 135-2011 Motion by Supervisor McCann, seconded by Councilman Carmestro, to set a Public Hearing date for August 16, 2011 to hear public input on Section 165-82 AA (2)
Any individual possessing a purebred license under former Agriculture and Markets Law §109 subdivision 2 shall be required to come into compliance with subdivision (1) of this section on or before date to be determine; specifically to address establishing a date to meet the requirements of Section 165-82 AA (1) of the Parma Town Code.

Motion carried: Aye 5 Nay 0

BUSINESS ITEMS CONTINUED

REQUEST FOR GATOR USE

RESOLUTION NO. 136-2011 Motion by Councilman Carmestro, seconded by Councilman Smith, to allow the Hilton Apple Fest use of a Town Gator and 8 picnic tables September 29 through October 3, 2011.

Motion carried: Aye 5 Nay 0

BUDGET TRANSFERS

TRANSFERS TO BUDGET

Jul-11

FROM			TO			REQUESTED
ACCT #	DESCRIPTION	AMT.	ACCT #	DESCRIPTION	AMT.	
	A UNAPPROPRIATED	1,730.00	AOO536364021100	FIELD EQUIPMENT	1,254.78	EDENHOFER
			AOO536364046100	UNIFORMS	475.22	EDENHOFER
AOO536364041000	OFFICE SUPPLIES	66.48	AOO536364046100	UNIFORMS	66.48	EDENHOFER
AOO536364021000	OFFICE EQUIPMENT	300.00	AOO536364046000	CONTRACTED SERVICES	300.00	EDENHOFER
AOO536364048000	MISC EXPENSE	311.42	AOO536364046000	CONTRACTED SERVICES	311.42	EDENHOFER
AOO536364043100	BOOKS/SUBSCRIPTIONS	22.54	AOO536364046000	CONTRACTED SERVICES	22.54	EDENHOFER
AOO536364043000	EDUCATIONAL & PROF	64.05	AOO536364046000	CONTRACTED SERVICES	64.05	EDENHOFER
AOO536364041000	OFFICE SUPPLIES	2.00	AOO536364046000	CONTRACTED SERVICES	2.00	EDENHOFER
	DB UNAPPROPRIATED	1,176.88	DBO550513045200	VEHICLE MAINT	1,176.88	SPEER

RESOLUTION NO. 137-2011 Motion by Councilman Comardo, seconded by Councilman Smith, to approve the Budget Transfers as submitted.

Motion carried: Aye 5 Nay 0

REQUEST TO REZONE
945, 949, 959 AND 961 HILTON PARMA CORNERS ROAD

Correspondence has been received from Schultz Associates on behalf of the developer of the proposed North Parma Station requesting a postponement of the August 16, 2011 public hearing to rezone 945, 949, 959 and 961 Hilton Parma Corners Road to Planned Development-Senior Residential. They would like to do a traffic study and hold public information meetings first and will be looking at rescheduling to December 6, 2011. Because the August 16th date had been set by the Town Board for the public hearing, it was felt that a resolution should be done to rescind the resolution setting the public hearing.

RESCIND RESOLUTION NO. 110-2011

RESOLUTION NO. 138-2011 Motion by Supervisor McCann, seconded by Councilman Carmestro, to rescind existing Resolution No. 110-2011 which set a public hearing for the request to rezone 945, 949, 959 and 961 Hilton Parma Corners Road to Planned Development-Senior Residential.

Motion carried: Aye 5 Nay 0

FIRST NIAGARA RISK MANAGEMENT BONDING – AUDIT RESPONSE

Supervisor McCann reported that First Niagara Risk Management has requested a response to the recent internal audit so that it can be provided to the insurance carriers for bonding. He read a letter which has been prepared acknowledging that the internal controls recommendations have been outlined for the department heads and that those recommendations are being discussed and/or implemented in each department.

RESOLUTION NO. 139-2011 Motion by Supervisor McCann, seconded by Councilman Roose, to authorize sending this letter to First Niagara acknowledging that the internal controls recommendations have been outlined for the department heads and that those recommendations are being discussed and/or implemented in each department.

Motion carried: Aye 5 Nay 0

INFORMATIONAL ITEMS

Proposal for Shuttle Bus Service to Town Hall Park – There was discussion on the benefits and concerns of having a shuttle from the Village to the Town so that kids can access the park. Discussion included having a parental permission slip; additional expenses involved including gas, a driver and more park activity possibly necessitating a Park Attendant to monitor; opportunity to offer access to constructive activities; will cut down on vandalism in Village; will the same kids be transported or will a variety participate; too late to start now, could be a good opportunity to see if there was interest. It was determined that the town would explore the opportunity and Councilman Carmestro will talk to the Village Mayor about sharing half of the expenses since they originated the idea to shuttle youth to the skate park.

LIAISON REPORTS

**Councilman Smith reported that Historians Tom Burger and David Crumb have spoke to him regarding costs for repairs to the cemeteries.

**Councilman Comardo reported there had been two Planning Board meetings since we last met. There was discussion regarding dust at the sports dome on West Ridge Road and remedies that are being used or have been suggested. The fill permit will be issued one month at a time so that the Planning Board can continue to monitor. He also attended the Recreation Commission meeting and noted that prices are up for use of school facilities. Previously we have received a reduced rate and these changes will bring our expenses closer to the true cost associated with using the schools facilities. Mr. Fowler will be meeting with school officials to discuss. An official list of scout troops in the Town of Parma was given to the Town Clerk.

**Councilman Carmestro reported that the Fly-In Breakfast is this weekend and the Fireman’s Carnival is next week. He would also like to explore having another joint meeting with the village. It will be the Village’s turn to host.

**Councilman Roose was unable to attend the Zoning Board meeting.

WARRANT

RESOLUTION NO. 140-2011 Motion by Councilman Smith and seconded by Councilman Carmestro, to approve payment of the warrant as submitted below.

		FUND TOTALS	
AOO	General Fund	\$	82,344.34
BOO	Part Town	\$	6,069.46
DAO	Highway, Townwide	\$	433.26
DBO	Highway, Part Town	\$	61,008.55
HDO	Town Bridges	\$	2,949.36
SDO	Townwide Drainage	\$	4,112.26
TAO	Trust & Agency	\$	<u>6,391.33</u>
		GRAND TOTAL:	\$ 163,308.56

Motion carried: Aye 5 Nay 0

MISCELLANEOUS

Supervisor McCann reported that he had been to the Village Board meeting and brought up the idea of looking at using the current community center for the Library and Recreation services and the Village offices moved to the current Library. It was noted that a study was done by DeWolfe on this the last time the Town looked at a community center. A copy of that study will be made available to him.

He also shared that he had spoken with a municipality who has built a salt storage shed similar to what we are looking at. If they had to do it again they would recommend having the door in the center and having storage on both sides of the building.

ENTER INTO EXECUTIVE SESSION

Supervisor McCann explained that the Town Board would be entering into executive session. That there would be no determinations made and upon closing the executive session the meeting would be adjourned.

RESOLUTION NO. 141-2011 Motion by Councilman Smith and seconded by Councilman Carmestro, to enter into Executive Session to discuss ongoing litigation.

Motion carried: Aye 5 Nay 0

The board entered into Executive Session at 10:10 p.m. after a short break as people left.

CLOSE EXECUTIVE SESSION

RESOLUTION NO. 142-2011 Motion by Councilman Smith and seconded by Councilman Comardo, to close the Executive Session at 10:35 p.m. and return to regular session.

Motion carried: Aye 5 Nay 0

There being no further business before the Town Board, Councilman Carmestro made a motion to adjourn the meeting at 10:35 p.m., seconded by Councilman Roose.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk