

Parma Town Board meeting held on Tuesday, May 21, 2013 at the  
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

**ATTENDANCE**

Supervisor	Carmey Carmestro
Councilperson	James Smith
Councilperson	Gary Comardo
Councilperson	James Roose
Councilperson	Tina Brown
Building Inspector	Jack Barton
Highway Supt.	Brian Speer
Recreation Director	Steve Fowler

**OTHERS IN ATTENDANCE**

Kenneth Gavigan, Mary Eichas-Gavigan, Barbara Fannon, Michael Weldon, Al Howe, Lon Jacobs, Dave Tresholavy, Gary Shadders, Larry Speer, Helen Ives, Joe Silivestro, Wendy Meagher, Carol Kluth, Walt Horylev, Tom Ganley, and other members of the public who did not sign in or their signatures were illegible.

**CALL TO ORDER**

Supervisor Carmestro called the meeting to order at 7:00 p.m. and lead those present in the Pledge of Allegiance to the Flag, followed by a moment of silence. Emergency exit procedures were noted and that the meeting was being recorded.

**MINUTES MAY 7, 2013**

**RESOLUTION NO. 132-2013** Motion by Councilperson Smith, seconded by Councilperson Roose, to accept the Minutes of the May 7, 2013 Town Board meeting.

Motion carried: Aye 5 Nay 0

**TOWN CLERK REPORT**

The Town Clerk reported the Town Code and E-Code are in the process of the semi-annual update. This will reflect the most recent changes which include Local Laws #1 and #2 passed since the beginning of the year.

A copy of the Hilton Parma Fire District Financial Statements for the period ending December 31, 2012 has been received, filed and provided for the Town Board's review.

**PAVILION FEE WAIVER**

Boy Scout Troop 227 has requested a waiver of the fee to use of a pavilion on June 13, 2013, which is a Thursday evening.

**RESOLUTION NO. 133-2013** Motion by Councilperson Smith, seconded by Councilperson Comardo, to waive the pavilion fee for Boy Scout Troop 227 affiliated with St. Lawrence for Thursday, June 13, 2013.

Motion carried: Aye 5 Nay 0

### **HIGHWAY DEPARTMENT REPORT**

Supt. Speer reported footer holes were dug for the salt shed. Due to rain the holes had to be pumped out and due to excessive mud they have had to wait until they dry out. He hopes they will start work later this week. Brush pick up is continuing at the north end of Town. They will be milling out the west side of Pease Road to finish where they left off last year and will use the same process as was used on Webster and Draffin Roads which is less expensive and as effective.

Supt. Speer will be attending the annual highway school June 3<sup>rd</sup> through the 5<sup>th</sup>.

Bridge Projects – Crane Hogan has submitted all of their bills for the Collamer Road Bridge Replacement Project. We are awaiting the final bill from Monroe County for their work on that project. The Hill Road Bridge Replacement Project over Salmon Creek has not closed out because WinSun has not submitted their final bills. It was noted they were late in submitting their bills with the first bridge done on Hill Road as well. A concern was raised by Mike Weldon regarding this bridge. Supt. Speer noted that this would be covered under the performance bond.

### **RECREATION DEPARTMENT REPORT**

Mr. Fowler reported the Hilton –Parma Youth Baseball and Softball programs will be beginning at the end of this month. Registration has been positive with 182 baseball participants, up from 135 last year, 67 participants for softball and an increase of 12 participants for the T-Ball program. The Recreation Department Summer program brochure is expected to go out to the public by the end of the week; with registration beginning on Monday, June 3, 2013.

### **BUSINESS ITEMS**

#### **ACCEPTANCE OF DEPUTY HIGHWAY SUPERINTENDENT APPOINTMENT**

**RESOLUTION NO. 134-2013** Motion by Councilperson Smith, seconded by Councilperson Brown, to accept the appointment of Al Leone to the position of Deputy Highway Superintendent as made by Highway Superintendent Brian Speer.

Motion carried: Aye 5 Nay 0

**PARKS DEPARTMENT LAWN (GANG) MOWER**

Councilperson Smith noted there has been discussion on replacement of the Jacobson Mower (gang mower) for several month as it is in need of \$13,000 to \$15,000 in minor repairs alone. His recommendation to the Town Board is to declare the mower as surplus equipment and authorize it to be sent to auction. Supt. Speer confirmed it could be transported by that Department to the auction house. The purchase of a new mower will have to be delayed to 2014 because we do not have funds to do this now.

**RESOLUTION NO. 135-2013** Motion by Councilperson Smith, seconded by Councilperson Comardo, to declare the Jacobson Mower as surplus equipment and authorize it to be disposed of at public auction.

Motion carried: Aye 5 Nay 0

There was further discussion on other options including, where we can and cannot take funds for this on future purchases, consider private contractors for mowing, using a gang mower attachment for our tractor the same way the school district and local golf courses do, and what the cost might be in gas savings and repair work. These are all options that should be looked at to try to save money. Mr. Howe suggested the Board should take a serious look at maintaining what we have in the park, such as the tennis courts, the same way you would a car. As they consider how to move forward.

**REQUEST TO REZONE 4658 RIDGE ROAD WEST**

Wendy Meagher, Engineer for Farmington Lawn Care, Inc. the owners of Country Max stores, presented a request to rezone 4658 Ridge Road West from Light Industrial to Highway Commercial. Country Max leases at their current location on a month to month basis and is purchasing 4658 Ridge Road West. They would like to use the property with a store similar to what they have in Brockport.

She described the project and noted they will be displaying nursery products, all bulk products would be at the back of the building; the septic would be at the front in a lawn landscaped area; and there would be no equipment rentals. Due to this they are requesting the rezoning change. She noted the property is not directly adjacent to Highway Commercial; however it is across the street and down one property and there are other Highway Commercial zoned properties throughout the Ridge Road area. The current curb cuts would be kept. Although drainage is not a zoning issue, concerns were raised. She noted there will be a retention pond; all DEC requirements will be met and they will be looking at other green options for collecting stormwater. Their intent is to keep all drainage on site.

It was noted that this would be an Unlisted Action under SEQR and the SEQR short EAF form had not yet been submitted. The legal description of the property is also needed. There will be no involved parties. It will be an uncoordinated review specific to the zoning. A development referral will need to be sent to Monroe County Planning and Development and a maximum of thirty days is allowed for their response. The public

hearing could be scheduled for the June meeting but a decision would not be made until their comments are received. There was discussion on whether surrounding parcels would be included. Mr. Barton noted the Town Board can involve other properties; noted there have been no requests from parcel owners to do so; and there is limited Light Industrial zoning although this area is not active in this way.

**SET PUBLIC HEARING DATE TO REZONE 4658 RIDGE ROAD WEST**

**RESOLUTION NO. 136-2013** Motion by Councilperson Brown, seconded by Councilperson Comardo, to hold a public hearing on June 18, 2013 at 7:30 pm at the Parma Town Hall to hear the request to rezone 4658 Ridge Road West from Light Industrial to Highway Commercial.

Motion carried: Aye 5 Nay 0

**CODE CHANGE - ACCESSORY APARTMENTS**

Mr. Barton commented that he hoped the Town Board had time to review the information provided by Stuart Brown Associates. The information was not intended to be site specific but viewed from a town wide perspective; give the Board some ideas of what other municipalities were doing; and what could possibly be done. The Zoning Board has concerns with how it would be written because it is quite a change from what we currently allow. He is looking for comments, discussion and concerns they might have.

Councilperson Comardo noted he was at the Zoning Board meeting when this was discussed. He expressed that he was not enthusiastic with the material Stuart Brown Associates provided. He felt it went beyond what the Zoning Board talked about which was the existing code requirements would extend to a separate structure but everything else would stay the same. Mr. Barton explained that he did not narrow the scope of what Stuart Brown was asked to provide but rather asked them to provide general information on what is out there already. It was felt that the one change would address the current request and offer alternatives for others but it would not take it outside the realm of what was originally discussed.

There was opposition to developing apartments that could be rented to anyone as it would be like putting high density in a residential setting. Further discussion included keeping this use for family members only, minimum lot size, having acreage, leach field impact, and there should be restrictions on where this will be allowed since accessory apartments as currently defined are allowed in every residential district. An example cited was that you may not want to allow on a 40'x80' waterfront lot. There was also discussion on the investment put into the new building, then after it is no longer being used for a family member, how do you control that it is not used as an apartment in the future. Having a special permit would introduce the ability to have an inspection for renewal starting with the first permit and every two years after. Any changes should also address whether existing special permits will be redone or just applicants going forward; what should happen if there is no request for renewal; what should be taken out and having another inspection. With an attached structure it must return to unhindered access so that it

becomes an integral part of the house. With a completely separate structure there will be heating and plumbing to be considered as well.

It was the consensus of the Town Board that more information was needed. They asked Mr. Barton to contact Chatfield Engineers and gather more information on what other municipalities are doing. They would like to see the current proposal modified to reflect tonight's discussion.

## **INFORMATIONAL ITEMS**

### **RESIDENCY REQUIREMENT**

#### **SPECIAL POLICE AND COURT OFFICER ATTENDANTS**

Councilperson Brown reported that the Town needs to come into compliance with current law regarding residency requirements which apply to the positions within the Parma Special Police, Court Officer Attendants and those with peace officer designations. Currently, these individuals must be residents of the Town of Parma. She requested the Town Board consider a Local Law to establish that the residency requirement be expanded to include Monroe County.

**RESOLUTION NO. 137-2013** Motion by Councilperson Brown, seconded by Councilperson Comardo, to hold a public hearing on June 18, 2013 at 8:00 pm at the Parma Town Hall to establish the residency requirement for members of the Parma Special Police, Parma Town Court Office Attendants and those designated as Peace Officers.

Motion carried: Aye 5 Nay 0

### **TOWN BOARD SUMMER MEETING SCHEDULE**

Supervisor Carmestro noted the meeting schedule will change to one meeting a month. The meetings will be the third Tuesday of the month for June, July and August and resume to the first and third Tuesday starting in September.

### **MISCELLANEOUS**

#### **PUSH FOR THE PARK – 2013 SKATEBOARD EVENT**

Gary Shadders addressed the Board regarding his inquiry to have a skateboard competition. He acknowledged and apologized to the Board for not following up with them after his presentation in February. There was extensive discussion on the status of the event and whether it still could be held. Mr. Shadders reported they would be on the sidewalk/bike path area not on the road; that he had contacted the Special Police and they would be onsite; the race was to start at 11:00; he expected 7 vendors to be set up in the immediate area of the skate park; there are 12 participants and 106 attendees registered. This is significantly less than what was originally expected.

After discussion the Board agreed to allow due to the lower number of participants than originally expected. The event must be confined to the north area of the park in proximity to the skate park; the roadway must be unobstructed and remain open for emergency vehicles; the other portions of the park must remain accessible to the public with the exception of the 20 to 30 minutes when the race is on, the proper insurance and food vendor permit(s) (Monroe County Health Department required information) information must be provided to the Town Clerk by 9:00 am on Friday. There will be a \$75 rental charge for the two pavilions earmarked for them and no other fees. All garbage must be removed after the event.

### **COURT/BOARD ROOM DIVIDER**

Supervisor Carmestro reported the company is backlogged with work and has not yet been out to remove the motor. They are the only company in NYS that does this work and have been informed that we will accommodate them in any way we can to get the project started.

### **INTERMUNICIPAL AGREEMENT WITH TOWN OF HAMLIN ASSESSOR SERVICES**

Supervisor Carmestro reported correspondence has been received from the Town of Hamlin regarding the agreement for shared Assessor services. The Town of Hamlin has offered an additional \$3,000 over the current \$30,000 they are paying. Currently, the Town is paying \$30,000 in salary plus all of the benefits. A breakdown of those costs was provided. It showed the salary and benefit impact based on the current scenario, the cost for services of the Assessor if the position was in Parma only and what the benefits would be if Hamlin were to pay the benefits on the \$30,000 salary they are currently contributing. There was discussion that some of the original \$30,000 should have been set aside for benefits; that because the total cost is approximately \$80,000 including benefits, \$40,000 should be sought from Hamlin; suggestion was made that this should be an even split; how much time is being spent in each Town, more time seems to be spent in Hamlin with Parma paying the majority of the expense; Hamlin has experienced significant reassessments since the agreement went into effect necessitating the more amount of time spent in Hamlin; suggestion to ease up to the \$40,000 over a period of time, and there should be a three year agreement to be negotiated yearly. After discussion the Board was in agreement to have the Supervisor contact Hamlin conveying this discussion.

### **LIAISON REPORTS**

\*\*Councilperson Brown reported Special Police issue was discussed earlier, the Recreation Commission meets tomorrow night and there was nothing new to report for Dog Control.

\*\*Councilperson Comardo reported the Zoning Board of Appeals had five applications. Four were approved and the fifth regarding the accessory apartment issue was withdrawn.

There were three special permit renewals granted and one tabled. Code Enforcement sent out 25 property maintenance letters and two fire safety inspections in support of special permit renewals were done.

\*\*Councilperson Smith reported the Parma Historical Society held their annual dinner. The speaker was from the Landmark Society who did an inventory of homes in the town from an architectural perspective. It was very interesting and well received. A review of all the projects they have worked on this year was provided. Of particular note is the cemetery restoration work on the cemetery at the corner of Dunbar Road and North Avenue. Pieces of the original fence which lay buried for 60 to 80 years has been restored and is back up.

\*\*Councilperson Roose reported Country Max also spoke with Planning Board. Brewski's is requesting a patio on the east side of their building. This will be looked into due to the proximity to the church. It could only be used for smoking and beer and there could be no outside service. Proposals for a property merge and split between the owner of 1604 Hilton Parma Corners Road and the Krieb farm was also discussed.

\*\* Village Liaison Larry Speer noted they have been receiving complaints regarding four-wheeler vehicles on Doud Circle. Riders are accessing the area from outside the village through the Coccuza property. The situation has been brought to the attention of the Sheriffs.

\*\*Supervisor Carmestro reported the Memorial Day Parade will be at 10:00 am. Services will begin at 8:00 at the Parma Union Cemetery move on to the Town Hall and then the parade.

## **PUBLIC FORUM**

Supervisor Carmestro opened the public forum to anyone who wished to address the Board.

Barbara Fannon explained a problem she is experiencing with a neighbor's cats. There is a large number as they are having two to three litters a year. The cats are coming into their yard and using their garden as a latrine. She asked the Town Board to look into having an ordinance and noted that Spencerport has one. The Town is not aware of any provisions for cats under Agricultural & Markets regulations. The Dog Control Officer will be asked to look into this and will follow up with Mrs. Fannon.

## **WARRANTS**

**RESOLUTION NO. 138-2013** Motion by Councilperson Brown, seconded by Councilperson Comardo, to approve payment of AOO General Fund bills, in the amount of \$58,095.97.

Motion carried: Aye 5 Nay 0

**RESOLUTION NO. 139-2013** Motion by Councilperson Comardo, seconded by Councilperson Smith, to approve payment of BOO Part Town Fund bills, in the amount of \$6,062.28.

Motion carried: Aye 5 Nay 0

**RESOLUTION NO. 140-2013** Motion by Councilperson Smith, seconded by Councilperson Roose, to approve payment of DAO Highway, Townwide Fund bills, in the amount of \$2,353.04.

Motion carried: Aye 5 Nay 0

**RESOLUTION NO. 141-2013** Motion by Councilperson Roose, seconded by Councilperson Brown, to approve payment of DBO Highway, Part Town Fund bills, in the amount of 5,323.57.

Motion carried: Aye 5 Nay 0

**RESOLUTION NO. 142-2013** Motion by Councilperson Brown, seconded by Councilperson Comardo, to approve payment of SDO Townwide Drainage bills, in the amount of \$75.00.

Motion carried: Aye 5 Nay 0

**RESOLUTION NO. 143-2013** Motion by Councilperson Comardo, seconded by Councilperson Smith, to approve payment of TAO Trust & Agency Fund bills, in the amount of \$3,184.96.

Motion carried: Aye 5 Nay 0

The total to be paid is \$75,094.82.

Supervisor Carmestro asked if anyone else wished to address the Town Board. There was no response. A motion was made by Councilperson Comardo to adjourn the meeting at 8:35 p.m. and seconded by Councilperson Brown. All were in favor.

The Supervisor realized that one matter was missed and the meeting was reopened. Mary Eichas Gavigan, Kenneth Gavigan, Barbara Fallon and Jack Barton were present when the meeting reopened at 8:40p.m.

## **INFORMATIONAL ITEMS - CONTINUED**

### **TENTATIVE HIGHWAY UNION AGREEMENT**

Supervisor Carmestro reported a tentative agreement had been reached with the Highway Department Union. It is a three year agreement with floating pay increases which would have to be approved by the Supervisor and Town Board and other provisions. Mr. Agnello, the union representative, will review and then take to the bargaining unit. The Town Board will approve after it has been ratified by the union, possibly at the next Town Board meeting.



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A motion was made by Councilperson Smith to adjourn the meeting at 8:45 p.m., seconded by Councilperson Brown. All were in favor.

Respectfully submitted,

Donna K. Curry

Parma Town Clerk