

Parma Town Board meeting held on Tuesday, February 16, 2010 at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

ATTENDANCE

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

OTHERS IN ATTENDANCE

It was noted that the Assessor Don Wells, Park Foreman Joe Petricone, Fire Marshall/Building Inspector Bob Prince and other members of the public including Don Stilson, Gene DeMeyer, John Colapietro, Charles Lissow, Mike Weldon, Jim Zollweg, and Village Trustee Larry Speer were also in attendance.

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

Supervisor McCann asked if there was any citizen present who would like to address the Town Board on any topic not on the agenda. There was no response. Supervisor McCann noted he had asked the Attorney for the Town to attend the meeting and is expected to arrive at 7:00 p.m. At that time the meeting will be interrupted.

MINUTES – FEBRUARY 2, 2010

Supervisor McCann noted a change in the date for the joint meeting as March 30th and clarification on wording regarding the bidders for the Town Hall Park Lighting Project to the draft minutes.

RESOLUTION NO. 55-2010 Motion by Councilman Smith, seconded by Councilman Comardo, to approve the minutes of the February 2, 2010 Town Board meeting with the changes noted to the draft.

Motion carried: Aye 4 Nay 0 Absent Councilman Carmestro

TOWN CLERK REPORT

The Village has confirmed the joint meeting for Tuesday, March 30th. The meeting will be 6:30p.m. at the Town Hall. Agenda items were requested before Wednesday March 24th. A renewal Application Notice Form has been received for the Twin Hills Golf Course liquor license.

HIGHWAY DEPARTMENT REPORT

Supt. Speer reported the department has not had a lot of snow work and they have been fixing equipment and pickup trucks and brush work.

AGREEMENT FOR EXPENDITURE OF HIGHWAY MONEYS - 2010

Supt. Speer provided a presentation summarizing the roads he would like to see repaired and the expected cost in 2010. They included Valley Park Drive, Valley Park Circle, Draffin Road, Brianna Lane, Black Tern Terrace, and Rock Ridge Drive. Pictures of road conditions for each street were shown. A breakdown of cost for each road and treatment type; and a list of dedicated roads and their lengths were provided. The total expected cost to make all these repairs is \$146,000 and does not include general repairs. Supt. Speer noted \$118,000 had been budgeted for 2010. The agreement submitted reflects the budgeted amount and includes: \$28,000 for General Repairs, \$90,000 for Valley Park Circle and \$30,000 for Valley Park Drive. Supt. Speer noted that there could be an amendment to the agreement to include additional repairs if funds were available. Supt. Speer was thanked for the presentation and there was discussion on whether there would be time to do the work if there was County work to be done. Supt. Speer did not feel this would be a problem.

RESOLUTION NO. 56-2010 Motion by Councilman Roose, seconded by Councilman Smith, to approve the 2010 Agreement of the Expenditure of Highway Moneys for General Repairs in the amount of \$28,000 and Permanent Improvements to Valley Park Circle not to exceed \$30,000 and Valley Park Drive not to exceed \$60,000 for 2010; for a total of \$118,000.

Motion carried: Aye 4 Nay 0 Absent Councilman Carmestro

Attorneys for the Town, Peter Rodgers and Dan Bryson of Lacy Katzen had arrived and were acknowledged by Supervisor McCann. He reported that he had asked them to come to explain the details of a permissive referendum as it would pertain to the purchase of the conservation easement for the Martin Farm and the possible rebidding of the Town Hall Park Lighting Project.

Permissive Referendum for the Purchase of a Conservation Easement for the Martin Farm – Mr. Rodgers summarized what has take place so far for the conservation development rights to the Martin Farm. He noted there was a grant through Monroe County; the Town intended to use surplus funds for the purchase and there has been no discussion of financing the purchase. It is their feeling that a permissive referendum may not be required to make this purchase, but that they are recommending that it be subject to a permissive referendum. The permissive referendum process was reviewed. Mr. Rodgers noted that there is a condition in the contract that the Town's obligations under the contract are subject to all necessary Town approvals. He also noted that the grant from Monroe County runs through December of 2010 and that Lacy Katzen would do everything for the referendum. There was further discussion on if other Towns have had permissive referendums, addressing this type of thing during the budget process including establishing accounts for large purchases to save for them.

Rebidding Town Hall Park Lighting Project – Supervisor McCann expressed concern that the bidding should be redone because the low bidder was contacted but the others were not; this is a new fiscal year and almost an entire year has gone by since the bids were opened. The attorneys were asked to provide an opinion on whether the lighting project should be re-bid.

Mr. Rodgers briefly summarized the project to date reiterating that funding has been secured through a grant with the Dormitory Authority and a year has gone by since the last bid was solicited. Their concern is directed at what the possible ramifications would be. His response was to avoid controversy or worse a lawsuit; which is time consuming and uses costly resources. They felt it was prudent to recommend reopening the bidding process. This would remove any doubt this was not properly followed. He noted they could make the argument that the bid was secured and we could enter into a contract but felt this is the better recommendation because it removes an argument after the fact.

Supervisor McCann shared that he had spoken with the Town Engineer. Mr. Schepp indicated there would be some preparation to re-bid the project. An estimated cost of \$750 to \$1,000 could be expected. There was discussion on the grant timing out; the excellent position we are in with our paperwork; contacting the Dormitory Authority to verify if they will honor a properly held bid in light of the delays in funding; how to handle the contractors who did not receive the bid; the potential for the contractors to want to resubmit a bid; and the change in cost of materials, labor and transportation;. There were several schools of thought on whether rebidding would result in lower or increased prices. Discussion continued. Mr. Rodgers noted there is no legal reason not to move forward with the accepted bid if the Town Board chooses to go forward with this bid, it is defensible.

RECREATION DEPARTMENT REPORT

Mr. Fowler introduced John Colapietro the SUNY Brockport intern who will be working full time with the department through April.

Community Accessibility Project - The modular EZ-Access ramp system has been received. Photos will be available and the modular ramp is presently being stored at a local business storage facility. The final paperwork will be filed by the end of this week with Monroe County for reimbursement.

Mr. Fowler reported the department submitted the program application and agency summary for NYS Office of Children and Family Services 2010 funding. This year's allocation will be \$3,439 which will be used to offer free youth programming.

The Spring Brochure has gone to the printer and is expected to go out to the public late this week or early next week. Mr. Fowler reported that several activities for kids were provided this during the school break week. Of special note was the Sweetheart Dance which drew 180 individuals compared to 70 last year.

PARKS DEPARTMENT

Joe Petricone reported the department has been working on repairs at the Town Hall.

BUSINESS ITEMS

TRAINING HOURS CARRYOVER – ROBERT PELKEY

A copy of training hours completed by Robert Pelkey and his request to apply excess training hours from 2008 to 2009 was received.

RESOLUTION NO. 57-2010 Motion by Councilman Comardo, seconded by Councilman Smith, to approve the carry over of training hours completed by Robert Pelkey to meet the required hours for 2009.

Motion carried: Aye 4 Nay 0 Absent Councilman Carmestro

TOWN HALL PARK FIELD LIGHTING PROJECT

Mr. Fowler provided a suggested resolution provided by Stuart Brown Associates for acceptance of the Grant Disbursement Agreement by the Town Board. There was additional discussion resulting in the Town Board wishing to move forward.

TOWN HALL PARK FIELD LIGHTING PROJECT
ACCEPTANCE OF GRANT DISBURSEMENT AGREEMENT

RESOLUTION NO. 58-2010 Motion by Councilman Roose, seconded by
Councilman Comardo,

WHEREAS, the Town of Parma has submitted a grant request to the Dormitory Authority of the State of New York (DASNY) in an amount of \$250,000 for the implementation of the Town Hall Lighting Project, and

WHEREAS, DASNY has prepared a Grant Disbursement Agreement (GDA) which sets forth the conditions for the award and the requirements that the Town would have to meet to be able to draw upon the grant funds for the construction of the proposed improvements; and

WHEREAS, the GDA is in accord with the Project Information Sheet submitted to DASNY by the Town on September 3, 2008;

NOW THEREFORE BE IT RESOLVED that the Town Board accepts the GDA as prepared by DASNY and hereby authorizes the Town Supervisor to execute on behalf of the Town, subject to the approval of the Town Attorney, and to file the GDA with DASNY.

Motion carried: Aye 4 Nay 0 Absent Councilman Carmestro

TOWN HALL PARK FIELD LIGHTING PROJECT
ENTER INTO CONTRACT WITH BILLITIER ELECTRIC

RESOLUTION NO. 59-2010 Motion by Councilman Comardo, seconded by
Councilman Roose,

WHEREAS, the Town of Parma has instructed Chatfield Engineers, PC to conduct a bid for the purchase and installation of the lighting system associated with the Town Hall Park Field Lights Project, and

WHEREAS, the bid process followed the specific guidelines in accordance with the Town and The Dormitory Authority of the State of New York and from six (6) submitted bid packets, Billitier Electric of 737 Atlantic Avenue, Rochester, New York 14609 was the lowest recorded bid.

THEREFORE, the Town Board wishes to enter into contract with Billitier Electric for the bid price of \$199,000 and authorize the additional work listed in alternate B, D, E, F, G totaling \$7,950 for a total of \$206,950, and

FURTHERMORE, the Town Board instructs Chatfield Engineers to draw up the contract with Billitier Electric in accordance with their contract with the Town.

Motion carried: Aye 4 Nay 0 Absent Councilman Carmestro

BUILDING DEPARTMENT REPORT

INTERMUNICIPAL AGREEMENT WITH TOWN OF OGDEN FOR BUILDING DEPARTMENT INSPECTION SERVICES

A revised copy of the intermunicipal agreement was provided. Changes included where records would be kept, if additional insurance would be required and that it would be for Ogdan inspections as requested.

RESOLUTION NO. 60-2010 Motion by Councilman Smith, seconded by
Councilman Comardo, to accept the Intermunicipal Agreement between the Town of Parma and the Town of Ogdan for Building Department Inspection Services.

Motion carried: Aye 4 Nay 0 Absent Councilman Carmestro

Village Trustee Speer shared that this same issue was discussed at the Village meeting and this is something the Village Board would like to talk about at the joint meeting.

Mr. Barton noted that the resolution just passed reflects the agreement between the two towns but does not address compensation for the Building Inspector. Mr. Barton recommended the Building Inspector be reimbursed at the same rate of pay as the Town of Parma is paying Mr. Prince. Mr. Barton spoke to Mr. Prince's continuous commitment to the Town and did not see that changing.

SET BUILDING INSPECTOR PAY FOR SERVICES PROVIDED BY THE INTERMUNICIPAL AGREEMENT WITH TOWN OF OGDEN FOR BUILDING DEPARTMENT INSPECTION SERVICES

RESOLUTION NO. 61-2010 Motion by Councilman Comardo, seconded by Councilman Roose, to pay the inspector, who will be engaged to perform the services required per the Intermunicipal Agreement between the Town of Parma and the Town of Ogden for Building Department Inspection Services, at the same rate of compensation as he does for the Town of Parma.

Motion carried: Aye 4 Nay 0 Absent Councilman Carmestro

MISCELLANEOUS

RESIGNATION – RICHARD HOLDEN

A letter was received from Richard Holden tendering his resignation from the Planning Board and the Farmland and Open Space Committee effective immediately and offering to stay on the Planning Board to maintain a voting quorum until a replacement was found. Councilman Smith was appreciative of his service for so many years and specifically noted how he made himself available to the public through his place of business. There was discussion on having an exit interview; announce that there is an opening; when to hold interviews to find a replacement; whether to accept just the Farmland and Open Space Committee resignation at this time and address the Planning Board vacancy after a replacement is identified; and potential issues if both were accepted now. The end of March or early April was discussed as a timeframe to work towards. Mr. Holden will be contacted about continuing on the Planning Board for a reasonable time to allow for finding a replacement. Mr. Barton and the Town Clerk will follow up on advertising for the position.

RESOLUTION NO. 62-2010 Motion by Councilman Smith seconded by Councilman Comardo, to accept the resignation of Richard Holden with regrets from the Farmland and Open Space Committee only and not from the Planning Board at this time.

Motion carried: Aye 4 Nay 0 Absent Councilman Carmestro

INFORMATIONAL ITEMS

MISCELLANEOUS

LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM

Supervisor McCann reported that information passed at the last meeting regarding the Local Government Efficiency Grant needs to be changed to reflect that it is a General Efficiency Planning Grant not a High Priority Planning Grant and the amount will change from \$50,000 to \$27,000.

RESCIND RESOLUTION NO. 54-2010

RESOLUTION NO. 63-2010 Motion by Councilman Comardo, seconded by Councilman Smith, to rescind Resolution No. 54-2010.

Motion carried: Aye 4 Nay 0 Absent Councilman Carmestro

SUPPORT JOINT APPLICATION
GENERAL EFFICIENCY PLANNING GRANT

RESOLUTION NO. 64-2010 Motion by Councilman Comardo, seconded by Councilman Smith, to support the joint application by the Hilton Central School district, Town of Parma and Village of Hilton to the New York State Department of State's 2010-11 Local Government Efficiency Grant Program for the purposes of seeking funding for a General Efficiency Planning Grant to enter into study of constructing a shared storage and maintenance building and salt shed with the intent to achieve cost savings and economies of scale.

WHEREAS, the New York State Department of State is offering "General Efficiency Planning Grants" for 2010 to help identify and study opportunities through collaboration among local governments to improve local government efficiency and cost savings for which there is a 10% matching requirement, and

WHEREAS, the Village and Town Highway Superintendents and the Business Director for the Hilton Central School District have met and reviewed said request with a majority of the members voting approval, and

WHEREAS, the Parma Town Board, Hilton Village Board and School District Board have met and reviewed said request with a majority of the members voting approval.

RESOLVED, that the Parma Town Board is in support of a regional study of collaboration for which the Hilton Central School District will take the lead to increase efficiency and reduce buildings and grounds services in the Hilton Central School District and Town of Parma, and

FURTHER RESOLVED, that the Supervisor of the Town of Parma is authorized to apply for a 2010-2011 NYS DOS Local Government General Efficiency Planning Grant and will participate as a co-applicant in the above-specified application, in which the grant request will not exceed \$27,000.00 and in which the Hilton Central School District will act as the lead applicant, and

FURTHER RESOLVED, that the Town of Parma will contribute an equal share of the 10% cash match required by the grant program, as reflected by the number of municipalities participating as co-applicants, and not to exceed the sum of \$2,000.00,

Motion carried: Aye 4 Nay 0 Absent Councilman Carmestro

LIAISON REPORTS

**Councilman Smith reported the Farmland and Open Space Committee will be holding a winter workshop to be held at the VFW Lodge at 7:00 p.m. on March 24, 2010. The American Farmland Trust will be presenting the program. The committee intends to mail invitations to Parma farmers and significant landowners. An ad will be run in the Suburban News. A better picture of associated costs will be available for the next meeting. Councilman Smith may not be attendance at the next meeting.

The Zoning Enforcement Officer has been busy with special permit renewal notices and one case has gone to court.

**Councilman Comardo reported the Special Police have met with the new Zone C Captain and their annual report is expected for the next meeting. The next Recreation Commission meeting will be held Wednesday however he will be unable to attend.

**Councilman Roose noted he was unable to attend the Planning Board meeting but inquired about the snow tubing request at Doug Miller Soccer and Glacier Ridge Snow Tubing. Mr. Barton responded that the Planning Board looked at and agreed with the conceptual plan and will send it out to review agencies for comment.

CORRESPONDENCE

Chatfield Engineers Town Hall Park soil testing
Supervisor McCann updated the Town Board on the status of the testing and noted we are waiting to hear from Mr. Chart's attorney. There was discussion on the sampling; having all parties involved present when the tests are done; and moving the testing forward.

USDA/Rural Development 2009 Compliance Review

Town of Clarkson Public Hearing Notice for Wind Energy Facilities Law

Ogden Supervisor Lenhard Invitation to Town Board to attend a meeting regarding the future of the Spencerport Volunteer Ambulance on March 8, 2010 at Ogden Community Center.

WARRANT

RESOLUTION NO. 65-2010 Motion by Councilman Smith, seconded by Councilman Roose, to approve payment of the warrant as submitted below.

FUND TOTALS			
AOO	General Fund	\$	60,970.75
BOO	Part Town	\$	6,801.61
DAO	Highway, Townwide	\$	113,943.48
DBO	Highway, Part Town	\$	25,496.00
SDO	Townwide Drainage	\$	3,125.00
TAO	Trust & Agency	\$	1,379,190.83
GRAND TOTAL:			\$ 1,589,527.67

Motion carried: Aye 4 Nay 0 Absent Councilman Carmestro

Councilman Comardo made a motion to adjourn the meeting at 8:25 p.m., seconded by Councilman Roose. All were in favor.

It was noted by Supervisor McCann that the Town Board did not address whether to hold another public hearing for the purchase of the Conservation Easement for the Martin Farm. The meeting was reconvened at 8:31 p.m.

SET PUBLIC HEARING CONSERVATION EASEMENT MARTIN FARM

There was discussion on whether the Town Board would like to go ahead with a notice for a public hearing to go the permissive referendum route. There was further discussion on setting up funds for specific purposes and when a permissive referendum is needed.

RESOLUTION NO. 66-2010 Motion by Supervisor McCann, seconded by Councilman Comardo, to set a notice for a public hearing regarding the

purchase of the Conservation Easement for the Martin Farm on March 2,
2010.

Motion carried: Aye 4 Nay 0 Absent Councilman Carmestro

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

Respectfully submitted,

Donna K. Curry
Parma Town Clerk