

Parma Town Board meeting held on Tuesday, March 4, 2014 at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

ATTENDANCE

Supervisor	James Smith
Councilperson	Gary Comardo
Councilperson	James Roose
Councilperson	Tina Brown
Councilperson	Kyle Mullen
Building Inspector	Jack Barton
Director of Parks and Recreation	Tom Venniro
Absent	Highway Supt. Brian Speer

OTHERS IN ATTENDANCE

Recreation Commissioners Al Howe and Dave Tresholavy, Mike Weldon, Helen Ives, Carol Kluth, Lon Jacobs and other members of the public.

CALL TO ORDER

Supervisor Smith called the meeting to order at 6:30 p.m. and led those present in the Pledge of Allegiance to the Flag, followed by a moment of silence. Emergency exit procedures were noted.

MINUTES – FEBRUARY 18, 2014

RESOLUTION NO. 84-2014 Motion by Councilperson Roose, seconded by Councilperson Mullen, to accept the Minutes of the February 18, 2014 Town Board meeting.

Motion carried: Aye 5 Nay 0

TOWN CLERK REPORT

The Town Clerk Report for February has been completed and filed. Issues with the transition to the new DECALS online system are ongoing. This went live in January and we are still unable to run sales reports and are manually producing our reports. Fortunately this is a slow time for hunting and fishing licenses.

The Town Clerk met with General Code this afternoon regarding the grant project for the conversion of the Building Department property records. A presentation is tentatively planned for Tuesday or Wednesday next week to update staff on the project. Information will also be sent to Town Board members as it will be informative for them as well.

HIGHWAY DEPARTMENT REPORT

Supervisor Smith noted Supt. Speer is in Albany and reported the balance of our salt allotment for this

season's contract has been ordered. This will bring us to the 120% we can get at the contracted rate. It is hoped that this will take us through the remainder of this season.

BUILDING DEPARTMENT REPORT

Mr. Barton reported the monthly report has been submitted for February and there were 101 inspections done by Code Enforcement, Fire Marshal and the building Department.

Representatives from the Town Board, Planning and Zoning Boards, Monroe County Soil, Water and Department of Environmental Services and Mr. Barton met to review our code from the perspective of green initiatives. He expects a report back within the next couple of days. Discussion included right of way widths, ways to avoid direct runoff with pollutants into streams; creating less impervious surfaces and making parking spaces smaller. One situation which poses an interesting conflict is where houses are quite a distance off the main road. The Town has designed the code for this from a safety perspective; requiring the driveway to be wide enough to accommodate emergency equipment. From a green perspective less paved area would be preferred so that more water gets into the ground minimizing pollution. One area they will be providing us with more information will be on commercial parking spaces. Recommendations will be provided based on what other entities have done. The Town was complimented on our Environmental Protection Overlay District and it has been recommended that others look at our code. Our Town has been fairly highly graded in comparison to some other municipalities.

Parma will be hosting the next meeting for a floodplain pilot program. Participants will include the Town of Greece, Village of Hilton, the Nature Conservancy and the Genesee Finger Lakes Planning Council. They will be addressing ways for municipalities to communicate how what they are doing in their municipality impacts the surrounding communities up and down stream. This is not a requirement but more of a means to work with neighboring municipalities.

The Annual Stormwater Report year closes March 10th. They will be working on completing the report over the next couple of months which will be sent to Monroe County to be combined with other Town's information and then sent to the State DEC and to the EPA.

PARKS AND RECREATION DEPARTMENT REPORT

Mr. Venniro reported the Spring Brochure will be out later this week. Program registrations will be going into the new online registration program. The position of Recreation Supervisor has been advertised in the Suburban News and put out to the various networks. Applications will be accepted through March 12th. The Board was invited to the Senior Dinner this Thursday from 5:00 to 7:00 p.m. The Hilton Rotary Club will provide a free Ham Dinner. The response has been very good and attendance has maxed out at 80.

Supervisor Smith noted new computers were received and installed last week which will support the new program and be more user friendly for the staff.

Councilperson Comardo asked how the new online registration program is going to be

communicated. It was noted information is in the brochure and will be part of the new Facebook page being started by the Recreation Department. The Department currently has an email list which will be used to announce and a press release will be sent to the Suburban News. There will also be a \$5.00 credit offered to the first 100 users that sign up for the new program. The program should streamline use for customers and staff by setting up family information which will not have to be repeated with each registration as was the case in the past.

There is also going to be a Dinner with the Easter Bunny to be held on April 11th and the Annual Senior Dinner at the Plantation Party House will be on May 2, 2014.

PUBLIC FORUM

Supervisor Smith opened the public forum and asked if there was any citizen present who would like to address the Town Board. There was no response.

BUSINESS ITEMS

SUSPEND SPECIAL POLICE ROAD PATROL

Supervisor Smith noted that in 2012 the Parma Special police was split into two distinct units. One specifically for the Court and the other for the remainder of any other duties that might be needed (Resolution 274-2012). He asked for a motion to officially recognize the change within the latter unit of the Parma Special Police.

RESOLUTION NO. 85-2014 Motion by Councilperson Roose, seconded by Councilperson Brown, to suspend the unit of the Parma Special Police not affiliated with the Court Officer Attendant unit of the Parma Special Police, effective immediately. The Parma Special Police will continue as Court Officer Attendants only until such time that the Town Board determines otherwise.

Motion carried: Aye 5 Nay 0

APPOINT DEPUTY SUPERVISOR

Supervisor Smith announced that Gary Comardo will be his appointment for Deputy Supervisor for 2014.

ATTORNEYS FOR THE TOWN FOR 2014

Supervisor Smith reported attorney Lara Badain has decided to open her own law firm, Badain and Crowder. She has been the primary attorney for building and code enforcement issues for a number of years. Originally, she was with Lacy Katzen and then moved to Sercu and Sercu. There was discussion on whether we should remove Sercu and Sercu as an attorney for the Town. It was felt it would be left as is and changed at the next organizational meeting.

RESOLUTION NO. 86-2014 Motion by Supervisor Smith, seconded by Councilperson Comardo, to appoint Badain and Crowder as an Attorney for the Town for 2014.

Motion carried: Aye 5 Nay 0

2013 INTERNATIONAL HIGHWAY TRUCK LEASE AGREEMENT

Supervisor Smith reviewed the lease agreement with First Niagara; noted this is a Type 2 action under SEQR; and that the agreement had been reviewed by our attorney.

RESOLUTION NO. 87-2014 Motion by Councilperson Comardo, seconded by Councilperson Mullen,

RESOLUTION AND
DECLARATION OF OFFICIAL INTENT

Lessee: Town of Parma

Principal Amount Expected To Be Financed: \$189,178.00

WHEREAS, the above Lessee is a political subdivision of the state in which Lessee is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby Ends and determines the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described below ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

Brief Description of Property:

International Model 7600 SFA 6X4 2010 Dump Truck with Plow attachments

WHEREAS, First Niagara Leasing, Inc. ("Lessor") is expected to act as the Lessor under the Equipment Leases.

WHEREAS, the Lessee may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed the Principal Amount.

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds,

NOW, THEREFORE, Be It Resolved by the Governing Body of the Lessee:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Lessee. Execution of the Equipment Leases will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Section 2. The Lessee is hereby authorized to acquire and install the Property (the "Project") and is hereby authorized to finance the Project by entering into the Equipment Leases. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

Section 3. Either one of the Supervisor OR the Deputy Supervisor (each an "Authorized Representative") acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute general obligations of the lessee or indebtedness under the Constitution or laws of the State.

Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose] is (10) years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of (3) years.

Section 9. The Governmental Body has determined that the Project is a Type 11 action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the

requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11, BANK QUALIFIED: LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b)(3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF ITS OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDER YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDER YEAR WILL NOT EXCEED \$10,000,000.

Section 12. The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 13. This resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or Section 109-b of the General Municipal Law.

Section 14. This Resolution shall take effect immediately upon its adoption and approval.

Motion carried: Aye 5 Nay 0

AUTHORIZATION FOR LEASE PAYMENT

RESOLUTION NO. 88-2014 Motion by Councilperson Brown, seconded by Councilperson Roose, to authorize the first lease installment of \$64,656.78 to be paid to First Niagara Leasing Inc. and for funds to be expensed from the DB Fund with a transfer of funds from the B Fund to DB Fund so the money will be available.

Motion carried: Aye 5 Nay 0

LIAISON REPORTS

**Councilperson Brown noted there had been no Planning Board meeting since the last Town Board meeting and the Conservation Board had no new business on their agenda.

**Councilperson Comardo had no report.

**Councilperson Roose attended the Park and Recreation Commission meeting. He reported there are a series of senior trips planned. One of them will be a Yankee ball game in conjunction with another Town to up the participation.

*Councilperson Mullen reported all the items on the agenda for the Zoning Board of Appeals meeting were tabled. March will be a marathon meeting.

**Supervisor Smith reported he attended the Library Board meeting. They covered standard items including bill paying, reviewed program items and have updated their laptops and software. The Library Director has completed the State Report. He noted this is a very detailed report required by the State. It

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was noted that they will be looking at cross uses between the Historical Society and the Recreation Commission.

The Historical Society has inquired about having lettering on the west side of the Historical Building and is looking for guidance for how to proceed.

There being no further business before the Town Board, Councilperson Roose made a motion to adjourn the meeting at 6:59 p.m., seconded by Councilperson Mullen.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk