

Parma Town Board meeting held on Tuesday, August 5, 2008 at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

ATTENDANCE

Supervisor	Richard Lemcke
Councilman	Kenneth Blackburn
Councilman	Carm Carmestro
Councilman	James Smith
Councilman	Gary Comardo
Highway Supt.	Brian Speer
Recreation Director	Steve Fowler
Building Inspector	Jack Barton

OTHERS IN ATTENDANCE

Gene DeMeyer, Mike Weldon, Carol E. Lennon, Ed Egenlauf, Jim Zollweg, and other unidentified individuals.

CALL TO ORDER

Supervisor Lemcke 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. He noted emergency exit procedures and that the meeting was being recorded.

PUBLIC FORUM

Supervisor Lemcke asked if there was any citizen present who would like to address the Town Board on any topic not on the agenda.

Ed Egenlauf addressed the Town Board regarding electric service to his property and the standoff between RG&E and Spencerport Electric regarding service. Currently, he is receiving service via the neighbor to the front of his property through service provided by Spencerport Electric. It was noted that this is a sub-feed from the house in front, all other inspections have been passed and the problem is between RG&E and Spencerport Electric. The temporary Certificate of Occupancy (C of O) authorized by the Town Board has expired. There was discussion on the history, the current status, whether a permanent C of O could be issued and insurance implications for Mr. Egenlauf. Mr. Barton was asked to research whether a permanent C of O could be issued. If a reason cannot be identified then a permanent C of O should be issued. If a reason is identified Mr. Barton should inform the Town Board of the reason.

TEMPORARY CERTIFICATE OF OCCUPANCY EXTENSION - EGENLAUF

RESOLUTION NO. 195-2008 Motion by Councilman Smith, seconded by Councilman Carmestro, to extend the temporary Certificate of Occupancy for 30 days from today to explore reasons why a permanent C of O cannot be issued.

Motion carried: Aye 5 Nay 0

PARMA FEST PARK IT IN PARMA BICENTENNIAL OPENING CELEBRATION

Gene DeMeyer commented that he had heard very positive comments on the weekend's festivities.

BICENTENNIAL PROCLAMATION

A proclamation has been received by the Town from Assemblyman Steve Hawley commemorating the Town of Parma's 200th birthday. It will be placed for public viewing in the Town Hall.

The Recreation Department, Special Police and Parks Department were thanked for the effort put forth to coordinate, prepare and pull off this successful weekend. The work done in the Historical Building was phenomenal for public viewing. Many hours of effort have gone into the building the past few months as Don and Jim Stilson, along with the volunteers assisting them, prepared the building and artifacts for public viewing. The Bicentennial Committee members were thanked for the work they have done so far for the Bicentennial.

Bicentennial Committee

Rocky Adams	Joe Reinschmidt
Tom Burger	Jim Smith
Dave Crumb	Brian Speer
Donna K. Curry	Don Stilson
Kay Dodds	Joan Sullivan
James & Gladys Gooding	Dottie Swingle
Dave Goodrich	John Toal
Walt Horylev	Mary Townsend
Al Howe	Elsie Webster
Mary Reazor	Marilyn Wright

Discussion followed on the Parma Fest weekend events, pros and cons, and ideas for next year.

MINUTES – JULY 15, 2008

RESOLUTION NO. 196-2008 Motion by Councilman Smith, seconded by Councilman Comardo, to accept the Minutes of the July 15, 2008 meeting.

Motion carried: Aye 4 Nay 0 Abstain: Councilman Blackburn

TOWN CLERK REPORT

The Town Clerk Report and VFW Summary Report has been completed and given to the Town Board. A copy of a fax received regarding information on Local Government Efficiency Grants has been provided to the Town Board.

The Clerk reported that during the upcoming cycle for collection of school taxes, taxpayers will be able to pay online debit and credit cards or by electronic check. A convenience fee will be added to the payment transaction for those choosing this payment option. There will be no cost to the Town. The full amount of the tax payment will be deposited into the local tax receiver's account and the fee will belong to Hamer Enterprises and M&T Bank which will be providing this service.

HIGHWAY DEPARTMENT REPORT

Supt. Speer reported the department has been very busy with road work. They are finishing a project for the school and a road in the Town of Greece. Supervisor Lemcke inquired when Spencer Road would be started and noted that the price of asphalt had gone up from \$45 to \$76 as of the 1st of August. Supt. Speer responded not until late August or September.

Supt. Speer noted that the cost of materials to complete West Creek Drive is now approximately \$22,000. There currently is only \$22,000 left on the letter of credit.

Supervisor Lemcke reported that he received a copy of a grievance which was filed with the union because it had not been responded to by the Highway Superintendent within the required 5 days. Supt. Speer stated he was working on a response.

DISCONTINUE BRUSH PICKUP THROUGH THE END OF 2008

Supervisor Lemcke reported that he had received the Daily reports for January through July 1st. and numbers had been compiled for the cost of brush pick for that time period. Discussion included: trips are made when brush is put out, there had been 6 trips through the Town so far this year, the cost so far is \$57,627.43, \$35,000 had been budgeted, this number was disputed by the Highway Superintendent, the number of pick ups being kept to 2 times a year, and to have a line item specifically for brush cleanup. There was also discussion on exceptions being made when there are extenuating circumstances. There was consensus within the Board that this service needed to be provided when outside of the normal 2 times a year and there are extenuating circumstances but not as a continual pickup. It was also noted the public is accustomed to the continuous pickup and is deserving of notice and must be informed that pickups will only be within specified times. It was noted that there was no notice of a fall pickup with the spring notice run in the paper.

RESOLUTION NO. 197-2008 Motion by Supervisor Lemcke, seconded by Councilman Carmestro, to immediately discontinue brush pickup within the Town of Parma through the end of 2008, with Supervisor Lemcke providing notice to the public of this change and this action should be reconsidered by the Town Board if extenuating circumstances should occur.

Motion carried: Aye 5 Nay 0

Supervisor Lemcke asked Supt. Speer to inform his employee that a decision has been received reversing the decision of the lower court regarding the need to provide medical information. This employee must provide unrestricted authorization for access to his medical records within 20 days of the filing of this decision on August 4, 2008.

RECREATION DEPARTMENT REPORT

SIGN FOR DEDICATION OF BASEBALL FIELD #1 AS THE FRED DELOST FIELD

Mr. Fowler informed the town Board it had come to his attention that during the 1970's a grouping of baseball fields were developed at the south side of the Parma Town Hall building and dedicated upon completion. With the exception of Field #1 all the fields were displaced approximately 5 years ago when moved to the back of the athletic complex. One of the original fields was dedicated to Fred Delost. Mr. Fowler asked the Town Board to consider purchasing a sign similar to existing field dedication signs recognizing Field #1 as the Fred Delost Field.

RESOLUTION NO. 198-2008 Motion by Councilman Blackburn, seconded by the entire Town Board, to dedicate Baseball Field # 1 in the name of Fred Delost and place a plate sign at the field in recognition.

Motion carried: Aye 5 Nay 0

A picture provided by a participant was passed around of those attending the viewing of "Horton Hears a Who" on Friday night. The event drew a large crowd and was well received.

PARKS DEPARTMENT

The Park Foreman reviewed items and costs from the weekend's celebration that would be taken into consideration for future events. This included the purchase of additional cleaning supplies, pumping of the septic system, alternate bathroom facilities, camping issues including

burn spots and additional aeration work done to areas used for parking. He also informed the Town Board that due to recent heavy rains portions of trails have washed away and he will need topsoil and stone to repair. There was discussion on the work to be done.

Mr. Petricone stated that he had received a letter from the Supervisor regarding time he had taken after he had worked 35 hours that was not reported as vacation, sick or personal. There was discussion on the requirements based on the personnel rules and a request by Mr. Petricone for verification on having to use paid time off if he had already worked a full week's equivalent of hours. Supervisor Lemcke stated that based on the personnel rules, as they exist now, the time should be requested and noted as the type of paid time off being taken.

BUSINESS ITEMS

DPW/COMMISSIONER OF PUBLIC WORKS

Supervisor Lemcke stated he would like to have discussion on changing the elected Highway Superintendent to a Commissioner of Public Works and the Highway Department to a Department of Public Works (DPW). He cited the 21st Century Local Government Report which recommended changing the positions of Highway Superintendent, Town Clerks, Assessors and other elected offices from elected to appointed positions. He has focused on Commissioner of Public Works based on attending Council on Government meetings where the conclusion was that it would take the politics out of the profession. He also noted that the Town Board assumed the financial responsibility of that department giving the Town Board direct control over the budget. By going to a DPW rather than a Highway Department, sewer work, lighting, and sidewalks become more of the norm as opposed to goals of the Highway Superintendent to the maintenance and care of the highways. Supervisor Lemcke cited charge backs for reimbursement of services such as in the park which he feels is a double dip situation because the taxpayers are already paying the Highway Department for its services. He also stated that the Highway department is \$200,000 in debt and this change would place the responsibility for how money is spent with the Town Board. He cited 265 hours for an HMEO to do brush cleanup as an example. He felt very strongly that the shortfall in this department's budget could not continue.

Councilman Comardo noted that the Association of Towns does not feel this will save money. He does understand the Town Board directly handling the finances but cannot identify where money would be saved. He felt there would be the same number of people, fuel costs and benefits. He was not in favor of the choice being taken away from the voters and abrogated to a small group of people. He also felt over estimation of revenues contributed to the debt and this is a budgeting problem.

Councilman Blackburn indicated that regardless of who requests or does the work if it needed to be done it would be charged to the department needing the work. He questioned work done in the Park. If the Highway Department was not doing work in the Park they could be doing other work that could generate funds. He felt that if the work was necessary it would be up to the Town Board to provide funding for it and the law says that the Highway Department is to be reimbursed if the service was not budgeted. He expressed that the real issue is control of the department and that there would be no savings unless a service(s) was eliminated.

There was discussion on the Town supplementing expenditures not in the budget and brush control estimated to be \$84,000 before the end of year if continued. The Highway Superintendent stated that revenue of \$85,000 was budgeted in the B Fund for Part Town and is used for projects other than Highway. He expressed that brush pick up is done between the end of one job and the start of another job and to keep the crew busy when the work is not there (i.e. down time when equipment is down). He felt the department's purpose is to provide service and not generate revenue. In addition he stated that revenues were overestimated because there were fewer dollars available to support the department. Appropriations have increased and tax dollars decreased by 5%. Expenses have increased but revenues have declined. Supt. Speer expressed that as long as work is needed it must be paid for.

Supervisor Lemcke felt that the situation could not continue and contacted Raymond F. Wager, CPA, PC requesting a proposal for an independent audit which he would like the Town Board to approve. Discussion followed.

Councilman Comardo stated that he did not see a problem with this. He viewed as a means to help us understand if we are managing the Department's finances according to best accounting practices. His previous experience with audits in the school district provided opportunities to tighten up and he felt it would be a good idea for all departments. Supervisor Lemcke noted that a year end report is compiled and there was discussion on this work not being the same as an independent audit but the creation of the report required each year. Councilman Carmestro felt it was appropriate to be sure our records are in order. Councilman Blackburn was not opposed to the theory but felt that the Highway Department was being singled out and that a schedule should be laid out for all departments. Councilmen Comardo and Blackburn reiterated experiences they have had with audits. Supervisor Lemcke stated this could identify how the \$200,000 debt occurred. There was additional discussion on doing the Highway Department first and the benefit that could be achieved in doing for all departments. Councilman Smith expressed that he was reluctant to spend this amount without knowing exactly how the resulting information would help. If the information will identify areas where changes can be made due to over or under spending and identify ways that we will not repeat the same problems each budget year and learn going forward, he is in favor. Councilman Blackburn noted that this was not a budgeted item.

AUTHORIZE AUDIT OF HIGHWAY FUND DEPARTMENT

RESOLUTION NO. 199-2008 Motion by Supervisor Lemcke, seconded Councilman Carmestro, to expend between \$2,000 and \$3,000 for a forensic audit of the Highway Department which will analyze the operating years of 2005, 2006 and 2007 by testing approximately 15%-20% of the expenditures to determine if they are properly coded to the Highway Funds and communicate the findings to

Roll call vote: Councilman Comardo	Aye
Councilman Smith	Aye
Councilman Carmestro	Aye
Councilman Blackburn	Nay
Supervisor Lemcke	Aye

Motion carried: Aye 4 Nay 1

There was further discussion on audits for other departments after January 1st, to let Mr. Wager know of our thoughts on this, not having to bear the cost all in one year and that it is a worthwhile process. Mr. Wager will be asked to come to a meeting.

BUILDING DEPARTMENT REPORT

Mr. Barton reported the monthly report has been submitted and questions could be directed to any member of the department.

EXPENDITURE OF LETTER OF CREDIT FUNDS FOR WEST CREEK WOODS

Mr. Barton addressed the Town Board regarding an estimate he received from Reddy Construction to install a trash rack for the stormwater pond outlet structure for the West Creek Woods subdivision. This is in follow up to property owner requests regarding the drainage. The balance on the letter of credit is approximately \$20,000 and the road still needs to be finished. The amount established for the letter of credit was an accurate estimate at the time; however, 4 years have passed due to the multiple changes in developers and costs have increased considerably.

RESOLUTION NO. 200-2008 Motion by Councilman Blackburn, seconded Councilman Carmestro, to authorize expenditure of \$1,300 from the letter of credit for the West Creek Woods to install a trash rack for the top of the stormwater pond outlet structure.

Motion carried: Aye 5 Nay 0

DUNBAR ROAD SEWER

RESOLUTION NO. 201-2008 Motion by Councilman Comardo, seconded by Councilman Smith, to reallocate funds for Dunbar Road East Sewer form E to be filed with Rural Development by the transfer of \$1650.90 from the Legal line and \$12.59 from Fiscal Coordination to the Direct Expenditures line for additional costs from the Highway Department.

Motion carried: Aye 5 Nay 0

TOWN VEHICLE USAGE

A summary of Town vehicles taken home by employees was provided to Town Board members. There was discussion on which vehicles were needed because of the 24 hour on call nature of the position. There was discussion on who falls in this category and it was noted that the Dog Control Officer is required to be available and that the Building Inspector (response to emergency service for structural damage unrelated to fire) and Fire Marshall (for emergency service related to fire) positions require 24 hour availability.

Supervisor Lemcke questioned the Highway Superintendent on how he justifies the Highway Foreman and another employee having vehicles to take home. He felt that it is unfair to the taxpayers to allow this type of vehicle usage. Supt. Speer responded that it allows them to pick up items on their way in to work making the department effective and it has worked well. Supervisor Lemcke noted that both Highway employees with vehicle use do not reside in the Town of Parma and did not feel this could be justified.

Councilman Comardo noted that the City of Rochester has reduced the number of vehicles they allow for this kind of use. Councilman Blackburn felt that it improved operations and the determination of who should have vehicles should be made by the Highway Superintendent.

There was discussion regarding personal use, removal of vehicles being a cost saving measure, the number of vehicles that are available and cell phones, what the criteria is for having and whether it is the practice or an abuse that is the issue.

PREPAID CHECKS FOR TOWN CELEBRATION

The following prepaid have been paid out of the NOW account for the Town Celebration: Blue Apple Productions - \$195.00, Young Explosives - \$12.000, Rose Briody - \$800.00 Manager for Blue Sky Band), Zuperbounce, LLC - \$2,000, Christine Roth - \$ 650.00 (Chris McKain Band), Hilton Basketball - \$650.00, Denny & Her Escorts - \$200.00, Hilton Band Parent Organization - \$200.00 (chicken barbeque advance sale from seniors), Dick's Sporting Goods - \$269.00. There was discussion on what had been budgeted for the celebration.

RESOLUTION NO. 202-2008 Motion by Councilman Comardo, seconded by Councilman Blackburn, to approve the prepaids totaling \$16,964.00 out of the NOW account for the Town Celebration

Motion carried: Aye 5 Nay 0

AUTHORIZING APPLICATION FOR 2008 JUSTICE COURT ASSISTANCE PROGRAM

RESOLUTION NO. 203-2008 Motion by Councilman Carmestro, seconded by Councilman Blackburn, to authorize the Parma Town Court to apply for the 2008 Justice Court Assistance Program.

Motion carried: Aye 5 Nay 0

INTERNAL AUDIT JUSTICE COURT

A memo was received from Finance Director, Mary Gavigan, confirming that an internal audit was completed by her on July 31, 2008 for the Town of Parma Court Department.

RESOLUTION NO. 204-2008 Motion by Councilman Carmestro, seconded by Councilman Comardo, acknowledging that an internal audit was completed on July 31, 2008 by the Finance Director.

Motion carried: Aye 5 Nay 0

ANNUAL FIRE AND SAFETY INSPECTIONS LIBRARY AND HIGHWAY GARAGE

Copies of the annual fire and life safety inspection report for the Town of Parma Highway Buildings and the Town of Parma Library were supplied to the Town Board. There was discussion on what corrections were needed and that they have 45 days to make the corrections and have reinspected.

MISCELLANEOUS

BUDGET TRANSFERS

The requested transfers are for 4 weeks of brush removal and work done at Town Hall from January through June of 2008.

TRANSFERS TO BUDGET

Aug-08

FROM			TO			REQUESTED
ACCT #	DESCRIPTION	AMT.	ACCT #	DESCRIPTION	AMT.	
B9901.911	INTERFUND TRANSFER	20,696.22	DB5031	INTERFUND TRANSFER	20,696.22	SPEER
A9901.910	INTERFUND TRANSFER	5,433.38	DB5031.	INTERFUND TRANSFER	5,433.38	SPEER

RESOLUTION NO. 205-2008 Motion by Councilman Comardo, seconded by Councilman Blackburn, to approve the Budget Transfers as submitted.

Motion carried: Aye 3 Nay 2 Voting Nay: Supervisor Lemcke
 Councilman Carmestro

HIGHWAY PAYROLL REVIEW

Supervisor Lemcke reported the time card report submitted for the Highway Department was edited after submission. A copy was provided to Town Board members. Sixteen additional hours were added as regular work hours after the report was submitted. The individual(s) did not have punched in and out hours, vacation or other paid time off indicated. The reason was unknown at this time and Supt. Speer was asked to check on and respond to the Town Board. There was discussion regarding the payroll being certified by the Highway Superintendent, hours have to be paid after certified and this being an example of where an audit could provide input on best practices.

2007 DAILY REPORTS

Supervisor Lemcke reported that he has now received the original daily reports for 2007. In comparing the documents provided from the first request to the originals just recently received, several discrepancies surfaced. When asked who made the copies, Supt. Speer did not reply with a specific person. Supervisor Lemcke stated that 15 of the daily reports submitted to the Town Supervisor were doctored from the originals before they were provided. He wanted to know why this was done. A packet of information including copies of the first and second sets of daily work reports were given to Supt. Speer. He was asked to look over and respond accordingly at the next meeting. Additional remarks were exchanged.

INFORMATIONAL ITEMS

PLANNED DEVELOPMENT – SENIOR RESIDENTIAL (PD-SR)

A rough draft was received from Stuart Brown Associates. The Town Board has received a copy and will review before the next meeting. Supervisor Lemcke will add this as a discussion item for the August 19th meeting. The Board was asked to come prepared to discuss, offer comments and make suggestions on this topic.

MISCELLANEOUS

STAR PROGRAM REIMBURSEMENT

A letter was received from Donald Wells, Assessor informing the Town Board that the Town will be losing the STAR exemption reimbursement funding. The amount the Town receives will be reduced by 30% this year, an additional 30% next year and the amount drops to zero the 3rd year. The Town can expect roughly \$9,000 less this year.

BUONO ENTERPRISES – PARMA SPECIAL POLICE

Supervisor Lemcke read a letter from Kelli Harmor, the Manager of the Hilton McDonalds, thanking the Parma Special Police for their help and attention during the recent fireman's carnival. She felt that the number of issues was decreased due the Special Police's presence. Councilman Blackburn inquired as to the follow up of a meeting held last week and Supervisor Lemcke noted that the Town Board had been provided a copy of the incident reports and he and Councilman Smith had met with the mother of one of the perpetrators. Councilman Smith noted that the meeting went well and the parent was particularly interested in getting more information on treatment received from EMT's and details that addressed her concerns.

LIAISON REPORTS

**Councilman Smith reported a meeting was scheduled to discuss a variety of events that have taken place with the Special Police. He addressed a letter to all members stressing the importance of a written report for all parties to be used as a learning tool and a means to determine the kind of things the Town Board wants to have done. A scheduled meeting with the Chief to discuss other issues and do a better job communicating expectations did not take place. He hopes to reschedule before the next Town Board meeting. It was noted that a detailed report had been filed and a copy has been provided to the Town Board. Councilman Smith will be arranging a future meeting to go through other concerns and cited that need for a better communication of assignments, direction and tighter controls from the Town Board.

Councilman Smith also reported the Assessor is aware of one homeowner who will pursue the small claims process through Real Property Tax Services. It was noted that the homeowner went before the Board of Assessment Review this spring and received a lower assessment. At no time during the process did the homeowners speak to the Assessor personally but went directly to the appeals process.

He also reported that he has met with Village Trustee Jim Gates twice since the joint meeting and indicated that further discussion should be in executive session.

**Councilman Comardo reported he was unable to attend the Planning Board meeting and that he had spoken with Joe Petricone on the outcome of the celebration and had nothing to add to what has already been reported.

**Councilman Carmestro reported Mr. Fritz has been busy with code enforcement issues and work continues on the new fire hall. He reported the Library Board received a letter of resignation today from Sally Snow, Library Director. The next meeting of the Library Board will be August 20th and they will address her replacement at that time. The civil service list will be reviewed and existing employees for a replacement. He indicated her last day would be the 23rd of August. They also discussed the fire inspection code violations.

**Councilman Blackburn reported he had not met with the Recreation Commission. He also has not been to Village meetings because their meeting is the same night as ours. He did speak with the Mayor about how well he thought the last joint meeting went and that he thought things were moving in the right direction. Supervisor Lemcke noted that an ad hoc committee was established comprised of Councilman Smith and Trustee Gates to fine tune facts and numbers on the Library/Community Center issue.

MISCELLANEOUS - OTHER

Mr. Barton shared information on the fill permit that was obtained by the Parma property owner that was receiving fill from a village location. A permit was issued and a fill plan was presented to the Planning Board and included an engineered site plan. It was noted that a concern of the Village was the condition of the roadways. There was discussion on the material that can be viewed by neighbors, that there are no plans for development and when the area would be graded, seeded and finished. Mr. Barton indicated it would be cleared before filling the center area and the biodegradable items were expected to be taken care of this week. Howitt owns both the property in the Village and the Town and the dirt is being transferred from one to the other. There was discussion on where else the dirt may have been transported.

Mr. Barton also reported he met with the owner of 1 Marjorie Lane regarding the need to move the shed that is blocking the sewer cleanout. The owner was concerned about who takes care of the hole if he moves the shed. He suggested that the gentleman speak with the Highway Superintendent.

ENTER INTO EXECUTIVE SESSION

RESOLUTION NO. 206-2008 Motion by Councilman Carmestro, seconded by Councilman Comardo, to enter into Executive Session to discuss a legal matter, a personnel matter and a real estate matter.

Motion carried: Aye 5 Nay 0

Members of the public retired from the meeting and the Board entered into executive session at 9:05 p.m.

CLOSE EXECUTIVE SESSION

RESOLUTION NO. 207-2008 Motion by Supervisor Lemcke, seconded by Councilman Smith, to close the Executive Session at 10:00 p.m. and return to regular session.

Motion carried: Aye 5 Nay 0

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There being no further business brought before the Town Board, Councilman Carmestro made a motion to adjourn the meeting at 10:00 p.m., seconded by Councilman Smith and all were in favor.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk