

Parma Town Board meeting held on Tuesday, July 17, 2012 at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

ATTENDANCE

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

OTHERS IN ATTENDANCE

Recreation Commissioners Dave Tresohlavy and Al Howe, Village Trustee Larry Speer, Village Mayor Joe Lee, Jim Christ, Randy Mousaw, Steve Zajac, Helen Ives, Ken Gavigan, Carol Kluth, Tom Bertrand, William Butler, Larry Koss, Walter Horylev, Mike Clark, Joe Silivestro, Beth Eichas, Steve Speer, and other members of the public.

CALL TO ORDER

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

PUBLIC FORUM

Supervisor Carmestro 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.

MINUTES – JUNE 19, 2012

The Clerk noted two revisions she made to the draft. There were no other changes.

RESOLUTION NO. 174-2012 Motion by Councilperson Roose, seconded by
Councilperson Brown, to accept the Minutes of the June 19, 2012 meeting.

Motion carried: Aye 5 Nay 0

HIGHWAY DEPARTMENT REPORT

Supt. Speer reported that work has begun on the Collamer Road Bridge Replacement Project and that Hill Road closed today for work to begin on the second bridge of that project. The department has been doing County work on Pine Hill Road and on Huffer Road. In addition he noted they will be working on projects for the school district which will include culvert work.

PURCHASE VILLAGE OF HILTON USED CHIPPER TRUCK

The Village of Hilton is replacing their chipper truck. They would like \$10,000 for it. It has 44,000 miles on it and will be available sometime in September or October of this year. This would be an upgrade to the Town's current equipment. There was discussion on whether this purchase would comply with our procurement policy. It was felt that this is an excellent opportunity to purchase a well maintained piece of used equipment. The Supervisor indicated he would explore further and would like to proceed with the purchase.

RESOLUTION NO. 175-2012 Motion by Councilperson Comardo, seconded by Councilperson Roose, to enter into an agreement to purchase the Village of Hilton Chipper Truck for \$10,000.00.

Motion carried: Aye 5 Nay 0

Councilman Smith thanked the Highway department for help with installing the scoreboards out back in the Park. He noted a trench will need to be dug for the electric to the scoreboards. He also asked if the Highway Department would have time to fill potholes in the parking lots. Supt. Speer indicated yes. Councilman Smith noted that some fine gravel is needed to patch spots in the cross country trail and overall the trail is in good shape. Supt. Speer indicated that there was some gravel left from a project that might be able to be used. Mr. Petricone will be asked to get together with Supt. Speer regarding this.

BUILDING DEPARTMENT REPORT

Mr. Barton noted that the Building Department Report for June has been submitted. The Building, Zoning and Fire Marshall departments registered over 170 inspections for the month of June.

On June 23rd Mr. Barton, members of the Parma Planning and Zoning Boards along with representatives from the Village, our Town Board and Conservation Advisory Board attended the Land Use Decision-Making training session.

Stormwater Pond Maintenance Agreement Doan Chevrolet – Mr. Barton reported that a resolution was not required for the stormwater pond maintenance agreement. Per our Town Code, the Attorney for the Town reviews. It is signed by the Supervisor, notarized and then filed by the Attorney.

RECREATION REPORT

Mr. Fowler reported that the senior transport accessible vehicle will be completed at the Shepard Ford factory on July 30th and is scheduled for delivery around the third week of August. The total cost of this vehicle will be \$14,899.60. The town has \$10,215.37 within a grant contingency account. He would like to detail the existing vehicle and sell it in the fall to assist in reducing the Town's portion of the cost for the new vehicle. He will come back to the Town Board for how to proceed once he has a better estimate of the value for the existing vehicle.

The Town Hall Park Waste Water Grant application for this round of the New York State Consolidated Funding program has been submitted. The grant request will be approximately 50% of the \$347,150 project cost. The expectation is that grant announcements will be shared in late September.

Together with Supervisor Carmestro, Mr. Fowler has been looking into cost estimates and logistics of installing a wheelchair accessible swing unit at the Parma Town Hall Park playground. The estimated cost approximately \$2,000. Liability concerns will also be reviewed.

Councilperson Smith inquired about the status of electric meters for field lighting. The question was raised on if consolidating the meters would save on the monthly payment for each and if this would allow the field lights to have power available all the time.

PARKS DEPARTMENT REPORT

Councilperson Smith reported the Hilton Cadets Youth Travel Baseball tournament for this weekend appears to be larger than expected. Park Attendants have been asked to track the number of teams present. The Department of Labor was in to do an inspection and a couple of minor issues were identified and corrected. Minor repairs at the VFW were corrected and they are waiting on the door contractor. Vandals broke windows on the shed at the back of the Meeting House. Damage has been boarded up. It has been suggested by the Parks Department that the carpet service be eliminated and rugs be purchased instead. The service is about \$1,000 per year and it would be about \$500 to purchase. The cleaner would take care of as needed. The department is also working on budget numbers for capital equipment needs for the next few years. This includes a zero turn mower, the big sixteen foot mower and cycle bar attachment.

BUSINESS ITEMS

REVIEW AND APPROVE LAND USE DECISION-MAKING TRAINING CLASS

RESOLUTION NO. 176-2012 Motion by Councilperson Brown and seconded by Councilperson Smith, to accept the two hour Land Use Decision-Making training taken June 23, 2012 for Zoning Board of Appeals members Veronica Robillard, Tim Thomas, and James Zollweg; Planning Board members, Tod Ferguson, Robert Pelky, Mark Acker, Steve Aprilano, and Michael Reinschmidt, as part of the four hours of required training by New York State for Planning and Zoning Board members.

Motion carried: Aye 5 Nay 0

In addition to those noted above, the following persons also attended, Jack Barton, Hilton Zoning Board members Shannon Zabelny and Robert Hunte; Parma Conservation Advisory Board members Michael White and Gregg Pacelli; Town Board members Carmey Carmestro, Gary Comardo and James Roose; and Planning Board Secretary Maureen Werner.

COURT ATTENDANT APPOINTMENTS

Supervisor Carmestro introduced new applicants, Dr. Stephen Zajac and William Butler, who are to be accepted as Court Officer Attendants for the Parma Justice Court.

RESOLUTION NO. 177-2012 Motion by Councilperson Brown and seconded by Councilperson Comardo, to accept Dr. Stephen Zajac and William Butler as Court Officer Attendants for the Parma Justice Court.

Motion carried: Aye 5 Nay 0

AUTHORIZATION TO SCHEDULE BID DATE FOR SALT SHED

There was discussion on the timing and where it should be advertised, when the bids would be opened and LaBella's role so that the appropriate construction venues for advertising would be used.

RESOLUTION NO. 178-2012 Motion by Councilperson Smith and seconded by Councilperson Roose, that the Town of Parma be prepared to release bid specs for the building of a Shared Salt Shed by October 1, 2012, and; to advertise for bids for the construction of a Shared Salt Shed with such bids to be opened and read at Noon on October 25, 2012, and; the bids will be reviewed and a recommendation made to the Town Board for a decision at the November 7, 2012 Town Board meeting.

Motion carried: Aye 5 Nay 0

**ELECTED AND APPOINTED OFFICIALS
STANDARD WORKDAY AND REPORTING**

RESOLUTION NO. 179-2012 Motion by Councilperson Smith and seconded by Councilperson Comardo,

BE IT RESOLVED, that the Town of Parma hereby establishes the following as standard work days for the following elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)- maximum days reported is20)
Elected Officials					
Town Supervisor	Carmey Carmestro	7	01/01/2012 – 12/31/2013	N	13.17
Board Member	James Smith	7	01/01/2012 – 12/31/2015	N	3.52
Board Member	Gary Comardo	7	01/01/2012 – 12/31/2015	N	2.29
Board Member	Tina Brown	7	01/03/2012 – 12/31/2012	N	1.10
Town Justice	Michael Sciortino	7	01/01/2012 – 12/31/2015	N	7.91
Town Clerk	Donna K. Curry	7	01/01/2010 – 12/31/2013	N	26.65**

Appointed Officials

Receiver of Taxes	Donna K. Curry	7	01/01/2012 -12/31/2012 <small>See Town Clerk this appointment is renewed annually</small>	N	
Conservation Board Member	Michael Ingham	7	01/01/2012 – 12/31/2013	N	.48
Planning Board Member	Michael Reinschmidt	7	01/05/2012 – 12/31/2016	N	.29
Zoning Board of Appeals Secretary	Carrie Webster	7	01/01/2012 – 12/31/2012	N	1.30

**the maximum number of days that can be reported to the New York State Retirement System is 20

Motion carried: Aye 5 Nay 0

UNAUTHORIZED USE OF TOWN EQUIPMENT

Supervisor Carmestro noted that it had come to the attention of the Town that a non-employee was using a Town loader to load trucks. Since this occurrence an application has been submitted by the Highway Superintendent to hire Larry Speer. Concern was expressed that this was a liability issue in that the individual was not an employee at the time the work was done; that there was no additional funds in that account for this purpose and whether there was a need for more help. Supt. Speer felt there was a need that day and noted he attempted to get someone from surrounding municipalities but was unable to do so. He intends to use funds from the overtime line to cover the cost. There was additional discussion. Not all the paperwork has been provided in order for Mr. L. Speer to be paid for the time he worked. -

HIGHWAY RESIDENCY REQUIREMENTS

Supervisor Carmestro read from a prepared statement regarding the residency requirement for the Deputy Town Highway Superintendent.

The position of Deputy Town Superintendent of Highways as a “public office” and, under New York law, anyone appointed to that position must be a resident of the Town of Parma. Alfred Leone is the current Deputy Town Highway Superintendent, but, upon information and belief, he is not a Town resident.

In April 2012, I brought this residency issue to Mr. Leone’s attention and asked him to provide the Town Board with proof of his residency.

Mr. Leone replied that he had been appointed to the position of Road Foreman, not Deputy Highway Superintendent, and denied that he was required to be a Town resident.

The Town's records, however, state otherwise, and the Monroe County Civil Service Commission, by letter dated June 4, 2012, confirmed that Mr. Leone was appointed to the position of Deputy Town Highway Superintendent.

The Town Board planned to address this residency requirement at its June 2012 meeting, shortly before that meeting, it was learned that Mr. Leone had petitioned the Monroe County Civil Service Commission to reclassify his position to Road Foreman – a position which would not require residency in the Town. The Town Board adjourned consideration of this issue to its July 2012 meeting to permit review by the Monroe County Civil Service Commission.

By a letter dated July 10, 2012, the Monroe County Civil Service Commission denied Mr. Leone's request for reclassification and confirmed that the position was properly classified as Deputy Highway Superintendent.

In summary, the Monroe County Civil Service Commission has classified the position to which Mr. Leone was appointed as Deputy Town Superintendent of Highways in the exempt jurisdictional classification. As such, Mr. Leone is required to be a resident of the Town of Parma to hold this position, but has failed to provide the Town Board with proof of residency in the Town. By operation of New York Public Officer's Law Section 3, the Deputy Highway Superintendent position is deemed vacant.

Supervisor Carmestro asked that a motion be made recognizing that by operation of law, the Deputy Town Highway Superintendent position is vacant.

RESOLUTION NO. 180-2012 Motion by Councilperson Comardo and seconded by Councilperson Brown, to recognize that by operation of law, the Deputy Town Highway Superintendent position is vacant

Motion carried: Aye 5 Nay 0

In addition the Supervisor asked for a motion directing the Supervisor to serve notices as stated in the next resolution. The motion was made by Councilperson Comardo but before the second was made, Supt. Speer responded to the motion. He did not understand how the Town can vacate a position that he felt was never created to begin with and noted he also had an attorney present. The second was made to the following motion/resolution.

RESOLUTION NO. 181-2012 Motion by Councilperson Comardo and seconded by Councilperson Smith, to direct the Town Supervisor to serve the following notices:

- a) to Alfred Leone (a) that under Public Officer's Law Section 3, he is not eligible to serve as Deputy Highway Superintendent because he is not a resident of the Town, (b) that he may not continue to render service to the Town as Deputy Highway Superintendent, and (c) that the Supervisor will not certify payroll for services rendered by him as Deputy Highway Superintendent;
- b) to Monroe County Civil Service Commission advising that the position of Deputy Town Superintendent of Highways is vacant; and

c) to Highway Superintendent Speer (a) that the position of Deputy Highway Superintendent is vacant, (b) that he may not continue to employ Mr. Leone as Deputy Highway Superintendent, and (c) the Town Supervisor will not certify payroll for services rendered by Mr. Leone in that capacity.

Motion carried: Aye 5 Nay 0

Supt. Speer stated he will sue the Town. He felt the Town was doing this without precedent. There was an exchange of words over their positions. Larry Koss, the attorney Supt. Speer had present, stated that the position was never created and that it is not just a matter of semantics. Attorney James Holahan asked the Supervisor and Town Board not to respond and advised that no further comments be made now that Supt. Speer has indicated he will sue.

INFORMATIONAL ITEMS

MISCELLANEOUS

Agreement with Village of Hilton for Fire Marshal Services – Supervisor Carmestro noted that when this agreement was entered into the employees involved were salaried. Now because of the union agreement and status changes some of the employees are hourly; there have been occasions where there has had to be a minimum of three hours of overtime paid. The Supervisor would like to go over the terms of the agreement with the Mayor because it is part of the union negotiations that they are going through now.

LIAISON REPORTS

**Councilperson Brown reported the Recreation Commission and Court Deputy items have already been discussed. The Dog Control Officer has had a couple of unlicensed dogs he has had to respond to.

**Councilperson Comardo reported he attended the Zoning Board meeting and there were six actions addressed. A use variance was denied, three area variances were approved, one area variance was tabled and a special use permit that was approved. For Code Enforcement, there were sixteen violation notices sent out.

**Councilperson Smith provided his information in the Parks Department report and had nothing to add.

**Councilperson Roose reported the Planning Board gave final approval for the Doan Chevrolet project with conditions. The Supervisor noted Dannic Holding, the owners of the properties involved, received COMIDA approval today during the COMIDA hearing. It was also noted that the Hess project brought in contaminated fill for their new site.

**Supervisor Carmestro informed the Town Board that he will be providing them with information on Commissioner of Public Works as opposed to Highway Superintendent.

He would also like to hold a workshop meeting on August 7, 2012 at 6:00 p.m. at the Town Hall for a workshop meeting to start the 2013 budget process. The original date noted on the agenda

APPOINTMENT OF LIBRARY BOARD TRUSTEE

RESOLUTION NO. 182 -2012 Motion by Supervisor Carmestro, seconded by Councilperson Comardo, to acknowledge the appointment of Linda Kirchgessner as a Library Board Trustee as recommended by the Library Board to fulfill the unexpired term created by the resignation of Doug Hurlbutt through December of 2012.

Motion carried: Aye 5 Nay 0

**The Town Clerk reported that the Town Clerk and VFW Summary reports had been submitted and filed. Resignation letters were received and filed from Scott Frearson from the Parma Special Police, Donna Jestel and Roger Jestel as Court Attendants for the Parma Justice Court and Douglas Hurlbutt from the Library Board.

BUDGET TRANSFER

Clarification was requested on the transfer for the Basketball camp. Mr. Fowler explained that there were three camps offered and this was not known when budgeted for but it will be budgeted that way for next year. ---

TRANSFERS TO BUDGET			Jul-12			
ACCT #	FROM DESCRIPTION	AMT.	ACCT #	TO DESCRIPTION	AMT.	REQUESTED
AOO516167021000	EQUIPMENT	560.00	AOO516168021000	EQUIPMENT	4,560.00	GAVIGAN
AOO516162021000	EQUIPMENT	4,000.00				
AOO570731049542	THEATRE CAMP	4,600.00	AOO570731049732	BASKETBALL CAMP	4,600.00	FOWLER
LOO574741041800	POSTAGE	200.00	AOO574741043000	EDUC & PROF EXPENSE	200.00	CRUMB
AOO570731040102	ICE SKATING	650.00	AOO570731049702	CERAMICS	650.00	FOWLER
AOO570731049042	SKI CLUB	2,400.00	AOO570731049542	THEATER	2,400.00	FOWLER
AOO570731049142	SKI TRIP	950.00	AOO570731049732	BASKETBALL CAMP	950.00	FOWLER
	B UNAPPROPRIATED	28,432.00	DBO550513021000	EQUIPMENT	28,432.00	SPEER

RESOLUTION NO. 183-2012 Motion by Councilperson Smith and seconded by Councilperson Roose, to approve the Budget Transfers as presented.

Motion carried: Aye 5 Nay 0

WARRANT

RESOLUTION NO. 184-2012 Motion by Councilperson Brown, seconded by Councilperson Comardo, to approve payment of AOO General Fund bills, in the amount of \$82,213.50.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 185-2012 Motion by Councilperson Comardo, seconded by Councilperson Smith, to approve payment of BOO Part Town Fund bills, in the amount of \$3,135.14.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 186-2012 Motion by Councilperson Smith, seconded by Councilperson Roose, to approve payment of DAO Highway, Townwide Fund bills, in the amount of \$703.25.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 187-2012 Motion by Councilperson Roose, seconded by Councilperson Brown, to approve payment of DBO Highway, Townwide Fund bills, in the amount of \$71,261.66.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 188-2012 Motion by Councilperson Brown, seconded by Councilperson Comardo, to approve payment of TAO Trust and Agency bills, in the amount of \$3,862.05.

Motion carried: Aye 5 Nay 0

Supervisor Carmestro noted that there was no other regular business to be addressed and that the Town Board needed to enter into an executive session. A motion was made by Councilperson Comardo a motion to adjourn the meeting at 7:20p.m., seconded by Councilperson Smith and all were in favor.

ENTER INTO EXECUTIVE SESSION

RESOLUTION NO. 189-2012 Motion by Councilman Comardo, seconded by Councilman Smith, to enter into Executive Session to discuss a pending legal matter.

Motion carried: Aye 5 Nay 0

The Board entered into executive session at 7:25 p.m. after a short break so that people could leave.

CLOSE EXECUTIVE SESSION

RESOLUTION NO. 190-2012 Motion by Councilman Smith, seconded by Councilman Roose, to close the Executive Session at 8:05 p.m. and return to regular session.

Motion carried: Aye 5 Nay 0

There being no further business brought before the Town Board, Councilman Smith made a motion to adjourn the meeting at 8:05 p.m., seconded by Councilman Roose and all were in favor.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk