

Parma Town Board meeting held on Tuesday, March 19, 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**

Larry Speer, Marlene Speer, Nina VanLare, John Duggan, Ken Mullen, Anne Duggan, Tod Edenhofer, Helen Ives, Dean Snyder, Fran Jacobs, Carol Kluth, Joe Petricone Parks Department, Justin Zajia, Nick Waples, Matt Spies, Tom Bertrand, Mike Weldon, Sr., and numerous other members of the public who did not sign in or whose signatures were unreadable.

### **CALL TO ORDER**

Supervisor Carmestro called the meeting to order at 6:45 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. He stated that the business parts of the meeting would be conducted first.

### **MINUTES – MARCH 5, 2013**

Kyle Mullen noted he reviewed a copy of the draft minutes prior to the meeting and asked if his question concerning the IT could be incorporated into the minutes. The Clerk noted the minutes as submitted would stand as presented but that if he wished to put his request in writing it would be responded to at the next meeting. The outcome of every vote and any decisions made should be recorded noted but there is no requirement to include all the discussion in a meeting.

**RESOLUTION NO. 98-2013** Motion by Councilperson Roose, seconded by  
Councilperson Comardo, to accept the Minutes of the March 5, 2013  
meeting.

Motion carried: Aye 5 Nay 0

### **TOWN CLERK REPORT**

Town Clerk reported she and the Deputy Clerk attended the Monroe County Town Clerk

Tax Receiver and Collectors Association Meeting on March 8<sup>th</sup>. Robert Freeman, the Executive Director of the Committee for Open Government was the guest speaker.

## **HIGHWAY DEPARTMENT REPORT**

### **AGREEMENT FOR EXPENDITURE OF HIGHWAY MONEYS 2013**

Supt. Speer reviewed the following request for funding of Highway Department projects for the Town in 2013. It includes:

General Repairs in the sum of \$ 28,000 for primary work and general repairs upon 21.23 miles of town highways including sluices, culverts, and bridges having a span of less than five feet and boardwalks or the renewal thereof.

Permanent Improvements in the sum of \$147,000 to be expended on:

Pease Road (from Ridge Road to Ogden Parma TL Road) by milling the outside 4 feet on the west side and replace with 3 inches of dense binder. True and level with paver and adjust driveways, a distance of 1.06 miles, for a sum not to exceed \$80,000.

Dunbar Road (between Hamlin Parma TL Road and Collamer Road) encompassing a full depth reclamation and double application of seal, a distance of .64 miles; for a sum not to exceed \$67,000

He noted they restripe Town roads every other year and this was done last year.

### **RESOLUTION NO. 99-2013**

Motion by Councilperson Smith, seconded by Councilperson Brown, to approve the 2013 Agreement for the Expenditure of Highway Moneys for General Repairs in the amount of \$ 28,000 and Permanent Improvements to Pease Road (from Ridge Road to Ogden Parma TL Road not to exceed \$80,000; and Dunbar Road (between Hamlin Parma TL Road and Collamer Road) not to exceed \$67,000; for a total of \$175,000.

Motion carried: Aye 5 Nay 0

## **BUILDING DEPARTMENT REPORT**

Mr. Barton reported that the office is being covered by rotating shifts due to annual training. Work will be starting on the Annual Stormwater Report. The year ended March 10<sup>th</sup> for this reporting.

## **RECREATION DEPARTMENT REPORT**

Mr. Fowler did not have anything specific to report.

## **BUSINESS ITEMS**

### **STOP SIGN-ZELLWEGER BEACH ROAD AT HUFFER ROAD**

The County of Monroe Transportation Department has requested the establishment of a Stop Sign on Zellweger Beach Road, eastbound, at Huffer Road and will be installed by the County.

**RESOLUTION NO. 100-2013** Motion by Councilperson Brown, seconded by Councilperson Comardo, to approve the placement of a Stop Sign on Zellweger Beach Road, eastbound, at Huffer Road.

Motion carried: Aye 5 Nay 0

### **MISCELLANEOUS**

There were no miscellaneous or informational items.

### **WARRANT**

**RESOLUTION NO. 101-2013** Motion by Councilperson Brown, seconded by Councilperson Comardo, to approve payment of AOO General Fund bills, in the amount of \$59,356.08.

Motion carried: Aye 5 Nay 0

**RESOLUTION NO. 102-2013** Motion by Councilperson Comardo, seconded by Councilperson Smith, to approve payment of BOO Part Town Fund bills, in the amount of \$2,560.91.

Motion carried: Aye 5 Nay 0

**RESOLUTION NO. 103-2013** Motion by Councilperson Smith, seconded by Councilperson Roose, to approve payment of DAO Highway, Townwide Fund bills, in the amount of \$62,040.17.

Motion carried: Aye 5 Nay 0

**RESOLUTION NO. 104-2013** Motion by Councilperson Roose, seconded by Councilperson Brown, to approve payment of DBO Highway, Part Town Fund bills, in the amount of 1,144.26.

Motion carried: Aye 5 Nay 0

**RESOLUTION NO. 105-2013** Motion by Councilperson Brown, seconded by Councilperson Comardo, to approve payment of TAO Trust & Agency Fund bills, in the amount of \$ 1,028.87.

Motion carried: Aye 5 Nay 0

The total to be paid is \$ 126,130.29.

### **LIAISON REPORTS**

\*\*Councilperson Brown reported there was no Recreation Commission meeting since we last met and there have been no issues to report for Special Police or Dog Control.

\*\*Councilperson Comardo reported there was no Zoning Board of Appeals meeting held since we last met.

\*\*Councilperson Smith reported the Historical Society held a well-attended presentation on the Village of Hilton fire at the Exempt Hall. The Parks Department has received a quote from the 3D Ceiling Art to repair the court office ceiling for \$629 and \$389 for the Judges ceiling. The Court is also looking at obtaining a grant to install a drop ceiling in the courtroom area. The cost is estimated at \$10,900. This could effectively improve the sound and lighting as well as increase energy efficiency in the rooms. Until we know what the grant funding would be the Town Board would not be taking any action.

Councilperson Smith reported he will be adding two items to the agenda for the April 2<sup>nd</sup> meeting. The Zero-Turn mower has a cracked frame and three quotes have been received all of which are through state contract. The low bid after trade-in is about \$9,100. The wide cut (gang) mower has several hydraulic leaks, the radiator needs to be replaced, the diesel engine has outlived itself and does not have the power to get up some of the rises out back. The larger mower allows one person to mow three times as much as using the smaller mowers to accomplish the same area. He felt it would leave fewer ruts and cut the heavier grass when it is wet.

The Hilton Raiders organization would like to replace the current scoreboard as it has been malfunctioning and are willing to pay for it.

Councilperson Smith responded to concerns raised at the last Town Board meeting regarding IT issues, in particular privacy of personal information. He noted the Town does have a firewall and system protection which was reviewed by the state auditors and does meet their standards. What the auditors are looking for is a Disaster Backup Plan that goes beyond the tape backups and offsite storage that we are currently doing. The State would like to see a separate offsite server which mirrors what we are doing. This will require us to purchase two new servers at an approximate cost of \$15,000 each and we are in the process of getting more data regarding this. With regard to the administrative staff in the Finance office, they do not have full administrative access. Any changes have to be made through the software provider. In addition the Town's IT person is the only one with administrative rights to add a new user to the server. Councilperson Smith is requesting that an automatic email be sent to the Supervisor when any administrative adjustments are made. Supervisor Carmestro reported the Supervisors Association's speaker this month was from NYS Audit and Control. She spoke specifically on this topic because all the Town's need to move forward with accomplishing this.

\*\*Councilman Roose reported that the Planning Board approved the site plan for 67 Delavergne Drive.

### **PUBLIC FORUM**

Supervisor Carmestro asked that those wishing to speak limit their time to four minutes,

come to the front at the podium, speak one time and indicate their name and address. He noted there would be no discussion on current litigation.

Larry Speer noted that at the last meeting when the Board came out of executive session Councilperson Smith stated he would like to get more information on things that were said at the last meeting. Mr. Speer was now inquiring what he learned and where the information was obtained from. Councilperson Smith responded that what he would share was that the Board was going to explore information from our lawyer on some of the different options the Town Board has and it is hoped to be worked out by the next meeting. Mr. Speer also wanted to know if information had been sought from other sources and if the Attorney was still working for the Town since there had been many meetings with the attorney and it appeared the Board did not have all the information. Councilperson Smith responded the Board did not feel they had all the information they would like to have during the last meeting and yes the Attorney is still working on the case.

Kyle Mullen inquired if there were any changes made to the draft copy since he received a copy this afternoon. The Clerk noted that a duplicate paragraph had been removed from the second page. He asked for clarification on the best way to get any questions he had during the last meeting answered. Supervisor Carmestro responded that he could address a letter to the Clerk with the specific question you have so that it can be responded to at the next meeting and can be entered at that meeting. Mr. Mullen noted that for the most part his questions had been answered by Councilperson Smith earlier and he understands data recovery is a big problem. Supervisor Carmestro noted that a great deal of information had been shared with every municipality at the Supervisor's Association meeting as all Towns are having to deal with the same concerns.

John Chart inquired why the Supervisor has not resigned. He made accusations regarding the Supervisor and another individual, expressed his opinion that there was no legal reason to pursue the case and felt the Attorney should no longer be employed by the Town. The Supervisor refused to respond to Mr. Chart.

Dean Snyder asked to read from a prepared statement and noted it would likely take longer than four minutes. The Board was agreeable. *(Clerk notation: Prior to the meeting Dr. Snyder provided a copy of his letter which the Board was aware of – see Schedule A at end of minutes)*

Joseph Blanda felt that no answers were being given and there should be transparency and openness for the townspeople. There were additional accusations made. Mr. Blanda also wanted to know why the Village has had a lower rate at the expense of those outside the Village. He felt everyone should get a reduction for as long as this has been going on. He expressed his opinion that the employees in the Highway Department do not want to work and that Mr. Leone makes them work.

Al Leone inquired who authorized that he not be paid or receive benefits for six weeks during July and August of last year. Supervisor Carmestro responded that there was a misinterpretation of what was ordered by the Judge and back pay and benefits were

reinstated. Mr. Leone indicated there was an additional problem when the back pay was reinstated. He expressed his frustration with having to repeatedly follow up with the Finance Office and Paychex; which eventually resulted in the problem being fixed.

Mike Leone wanted to know how the Board could consider a resolution that would take away the position of Highway Superintendent away from the voters and make it a new position appointed by the same Town Board. Councilman Smith responded that elimination of an elected Highway Superintendent to an appointed Commissioner of Public Works position would be decided by a referendum of the voters not by the Town Board. The issue arose based on if there could be better management. Mr. Leone also wanted to know if anyone had looked into a load of salt which was taken and a physical confrontation that occurred at the Highway Department or if just the tool incident was a concern. Councilperson Comardo noted that nothing had been presented to him (evidence) regarding the salt issue. There was further discussion. Councilperson Comardo did not recall who made the complaint as it was a number of years ago but he was concerned that there was an act of workplace violence and it would have been inappropriate not to look into it. It was at that point he sat down with Supt. Speer and during that meeting it was acknowledged there was a problem. Supt. Speer responded that he feels the rake was tossed to clean up a mess and indicated that he was not sure there was any malice intended.

There were further comments and at this point Dennis Pikuet, the president of Pikuet Paving, addressed the Board. He stated that he was an operator on the job at the Fire Department (worksites) when this happened. He indicated he made an investigation, an interview was done and there was no filed complaint. There was no complaint made to Dolomite (his employer) and Dolomite did not take it up with the Fire Department. His position is because there was no complaint there was no incident.

Supt. Speer asked for clarification on what Councilperson Smith's reasoning was for tabling the decision at the last meeting. Councilperson Smith responded it was tabled because of ongoing litigation and that he was hopeful there would be another settlement talk with the Judge before a decision was made. He wanted the Judge to give us his insight and recommendations. He did not want the Board to make a choice and then have that decision overturned a few days later by the Judge.

Supt. Speer indicated that he was not present at the discussions with the Judge. However through his and Mr. Leone's attorneys, it was his understanding the Town was to decide one position or the other and come back to the Judge with what was decided. Supt. Speer asked if there would be a decision tonight. The response was there would be no vote tonight. Councilperson Smith stated that it was his personal goal to have a decision for the next meeting. Supt. Speer reiterated that he would like the Foreman position to be created and would like the Board to make a decision so we can move on.

John Frillici commented that he has been coming here for the last twenty years and there has always been issues with the highway department. He felt there has been enough time and energy spent. The Board should give it up.

Richard Bent, Commander of VFW Post on Peck Road, stated he supports the Highway Superintendent and Mr. Leone. The VFW gave the Town the Post hall for one dollar and fourteen months ago it was decided that the Town could no longer afford the contract any more. At issue is rental of the Post by members and the public which he felt cuts their benefits. He felt the Town was doing wrong by going against the Vets.

Debi Leone reiterated what Supt. Speer explained as his interpretation of what the Judge asked for. She noted prior to what the Judge asked for he also asked that some kind of agreement be reached. The Leones submitted, what they felt was, a justified settlement request which was not accepted by the Town. She felt the Board should have asked Supt. Speer what he wanted as he knows best the needs of the Department. She wanted to know why the Board wanted a Deputy instead of a Foreman position.

Councilperson Smith explained his understanding of the timeline that occurred in setting up the position. The title was put on the payroll records at the organizational meeting as Deputy Highway Superintendent and approved. When it came to Supt. Speer's attention, he requested Civil Service reclassify the position. The Civil Service response was that the position was Deputy Highway Superintendent and Civil Service did not reclassify it.

Mrs. Leone was not in agreement with what had just been explained. She explained her understanding of what happened. She also noted Mr. Leone was not aware of the title, Deputy Highway Superintendent, until the findings of a Department of Labor inquiry were determined. Mr. Leone requested the inquiry in an attempt to establish hourly vs. salary pay for like positions in other Highway Departments. The determination was that it was salaried due to the Deputy Highway Superintendent title. She stated that both Supt. Speer and Mr. Leone went to Civil Service asking for the position to be reclassified. She felt that all of this was irrelevant because it is just paperwork that can be fixed. Her goal is to not have their family disrupted any longer.

Supt. Speer acknowledged there was not going to be a decision tonight. He indicated he had just spoke with his attorney and reiterated that a position was to be picked and since it would not be decided tonight we might just as well be finished with the meeting. He did not understand why when the Board has a choice why a decision cannot be made. He felt going back to the Judge without a decision would prolong this with more hearings, testimony and expense.

There was a request to end the meeting and on that note a motion was requested by the Supervisor. A motion was made by, Councilperson Roose to adjourn the meeting at 7:55 p.m., seconded by Councilperson Comardo.

Respectfully submitted,

Donna K. Curry  
Parma Town Clerk

Schedule A

Parma Town Board March 18, 2013

The Town Board and some leaders of the Republican Committee have and continue to blatantly disrespect the will of the voters in Parma.

1. After County Legislator Dick Yolevich promised to support the winner of the Republican primary for Highway Superintendent, he reneged on this commitment by refusing to place a sign for the winner, Republican Superintendent Speer, in his front yard. I understand his excuse was that it was a close race and he was afraid he would lose votes by siding with the Republican chosen candidate. At this point the right thing to do would have been to either honor his commitment to his Republican constituents by supporting Candidate Speer or to recuse himself as Chairperson of the Parma Republican Committee. He apparently chose the selfish path and did neither. Does this sound like the right thing to do?

2. The Town Board continues to disrespect the will of the voters of Parma by ignoring Superintendent Speer as he tries to do the job we elected and pay him to do. The Town Board has actually tried to circumvent Superintendent Speer by not even involving him in critical decisions regarding Highway department personnel. These actions have resulted in the needless wasting of a tremendous amount of Town of Parma money, monies that will now further burden the taxpayers. During the last election, Speer brought to all voters' attention that the budget process was unfair and inaccurate. Rather than researching his statements, the Town Board continued to approve inaccurate budgets which according to the New York State Comptroller's office, continue to result in the residents living in the Town Outside of the Village to be overtaxed. Does this sound like the right thing to do?

3. When specifically asked in a Town Board meeting to justify the over taxation of some of the residents of Parma, the Board members justified it by explaining that "through the use of these excess funds they were able to proceed with projects that would have required bonding and subsequent borrowing money for the Town of Parma". One would have to be a fool not to see through this reasoning. These monies were taken from the TOV residents "without their permission or right". According to the dictionary...these excess taxes were "stolen" from the taxpayers. If a resident has any credit card debt, they are probably paying 18 to 22% on the money the Town apparently stole from them that was no longer available for them to pay down their personal debt. Does this sound like the right thing to do?

4. At the last Town Board meeting, the Town Board allegedly stated that Al Leone was originally hired as the deputy Highway Superintendent and not a road foreman, testimony was given proving that the ad he originally responded to listed a job offering for "road foreman". His boss, the person we as voters elected and pay to be Al Leone's boss, Superintendent Speer, corroborated that fact. Even with this definitive information, the Town Board refused to accept that Al was hired as a road foreman. Does this sound like the right thing to do?



5. I understand it was made clear at the last Town Board meeting that the Town Board has based its decisions and opinions on the hearsay from a couple of town employees that are the road foreman's subordinates. The Town Board had not found it necessary to interview Brian Speer or Al Leone before making their costly decision to try to fire Al Leone on a paperwork technicality. I also understand the Town's attorney instructed the Board not to discuss the pending litigation at the last meeting. The Board apparently ignored this charge. I'm curious what other Attorney recommendations have been ignored regarding the merit of this lawsuit that has been extremely costly to the taxpayers, but a boom for the legal community associated with it. Does this sound like the right thing to do?

My question is how in the world could these events have occurred in our Town of Parma? How could these seemingly intelligent public servants completely:

1. Ignore common sense.
2. Ignore the chain of command.
3. Ignore the laws of the Town of Parma.
4. Ignore the respect deserved of both elected officials and hired town employees?

The Zoning Board of Appeals is a five member Board whose responsibility is to grant relief to applicants while protecting the health, safety and welfare of the community. This Board has many similarities to the Town Board in that it requires its members to review the testimony given by the applicants as well as neighbors potentially impacted by the cases. It requires its members to research Town Law and precedent setting cases. When the members need outside assistance, they ask for guidance from an attorney provided by the Town. Each member of the Zoning Board of Appeals brings with them some unique skill set that makes them valuable to the Town such as a Chairperson with years of experience as a school teacher and leading meetings, a member with extensive Construction Industry experience, members who are Engineers with extensive surveying and contract administration experience, and finally a PhD who is the Chairman and an Associate Professor of Earth Science at SUNY at Brockport and who also happens to be an expert in Geographical Information Systems. This is a well rounded Board who every month, discuss and argue cases and then develop detailed motions to either accept or deny the applications based on fact.

I remember in the not so distant past, a Zoning Board member who had excellent attendance at the Zoning Board meetings. I unfortunately can't remember a case in the three years that this member sat on the Board where they contributed any original thought to the meetings. I don't recall any indication that this member researched, understood or shared opinions on these cases. This member was an active member of the Parma Republican Committee, probably attended most of their meetings, carried Republican Committee petitions, probably sold Republican Committee nachos at the Apple Festival and no doubt is an exceptionally good person, they were just ill suited for the position on a Board. During the three years this person sat on the board they initiated only 2 motions out of the 181 motions made regarding regular cases ruled on by the Board. During the entire year of 2010 this member didn't make a single motion out of the 80 made by the other Board members. In my opinion, this person wasted a seat on the Board that could

have been held by some other more competent member. I'm not faulting this person, not everyone is cut out to perform the challenging responsibilities associated with sitting on a Board.

This seemingly inappropriate selection of a Zoning Board member helps me to start to understand the answers to the following questions regarding our current Town Board:

1. How could our Town Board justify over taxation of the residents of the Town Outside of the Village by saying the "money was well spent"?
2. How could our Town Board, who has wasted a tremendous amount of our money on this foolish lawsuit, report at their last meeting that Al Leone was hired as a Deputy Highway Superintendent when a resident in the audience brought the original ad that Al responded to clearly stating the position was for Road Foreman?
3. How could our Town Board even consider presenting a resolution to take the position of Highway Superintendent away from the voters, and make it a new position appointed by this same Town Board?
4. How could our Town Board continue to proceed with their botched attempt at firing our Road Foreman without asking for Al's boss' input or for that matter Al's input? Is this a matter of shooting first and asking questions later?

From the outside, there seems to be a Mob mentality in play here. We have Town Board members who are willing to make decisions severely impacting the life of a Town employee without even consulting his boss, the person we elected to have that responsibility. Their actions have resulted in the residents of Parma being stuck with a legal bill that will reportedly exceed \$100,000. The Parma Town Board consistently seems to ignore the facts and instead appear to just do as they're told....

I understand Executive Board members for the Not-for-Profit organizations in NYS are all volunteer and are not able to accept any pay. They donate their services and expertise out of the kindness of their hearts, out of their commitment to help society in an effort to "pay it forward". It also minimizes the chance of having ignorant vultures taking seats on the board and receiving pay for just doing as they are told.

I understand that even though we are in a time when health care costs are skyrocketing, the Parma Town Board, at the very end of Supervisor Lemcke's term, decided to reduce the time served on the Town Board from 20 years to only 10 years in this part-time position, wherein they receive free healthcare for the rest of their lives. Yes, I said for the rest of their lives. Again, sit on the Board for 10 years, don't make any waves, do as you're told, don't upset the leaders of the Parma Republican Committee and you will get your healthcare covered by the taxpayers of Parma for the rest of your life. Is this a good example of public service and stewardship?

Do you remember the former Zoning Board member that had great attendance, was an active member of the Parma Republican Committee, carried petitions and sold nachos but made no significant contributions during their 3 years on the Zoning Board? The reason that person left the Zoning Board was to take a position on the Parma Town Board. That person has represented each one of you in the Board's recent decisions. Is this all starting to make sense?

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Again, sit on the Board for 10 years, don't make any waves, do as you're told, don't upset the leaders of the Republican Committee and you will get your healthcare covered by the taxpayers of Parma for the rest of your life.

The Town of Parma is a great place to live. We have intelligent voters both Republican and others. We have great members on our Republican Committee who are there to do the right thing when given the chance. Don't let the actions of these few leaders of the Republican Committee taint your respect for our fine town.

The following changes could be a starting point to repair the loss of confidence currently earned by our Parma Town Board:

1. This perceived "Mob Boss" mentality has got to stop,... today,... right now!
2. The Town Board has taken an oath to serve .... do it .... or quit and make room for someone else who will do it!
3. Base your decisions on facts, not "do as you are told". Learn what the concept "due diligence" means and follow it.
4. Read, understand and then follow the Town Laws regarding fiscal management and personnel issues. Question the financial and legal advice you have been given. Fire those who have led you down the wrong road, you owe it to the residents you serve.

Plain and simple....Just do the right thing!

Respectfully submitted,

Dean Snyder