

Parma Town Board meeting held on Tuesday, February 15, 2011 at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

ATTENDANCE

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

OTHERS IN ATTENDANCE

Library Director Becky Tantillo, GIS Coordinator Jim Zollweg, Building Inspector Bob Prince, Helen Ives, Don Stilson, Charlie Lissow, Gene DeMeyer, Mike Weldon, Carol Kluth, Michelle Civiletti, Robert P. Sobb and other members of the public.

CALL TO ORDER

Supervisor McCann called the meeting to order at 6:37 p.m. and lead those present in the Pledge of Allegiance to the Flag, followed by a moment of silence. Supervisor McCann noted emergency exit procedures.

PUBLIC FORUM

Supervisor McCann asked if there was anyone who wished to address the Town Board.

Application to Rezone 5545 Ridge Road West - Robert Sobb, owner of Pool Auto Sales, came before the Town Board to request rezoning for the northwest portion of 5545 Ridge Road West from General Commercial to Highway Commercial. He explained that the recent expansion of his business next door at 5503 Ridge Road West has left him with fewer parking spaces. He is requesting that approximately 8 acres of the northwest portion of 5545 Ridge Road West be rezoned so that he can increase the parking for display, customers and employees. He noted that the land cannot be used for much else because there is mostly wetland to the south and that there would be no building added just parking.

There were no objections to moving forward with setting a date for a public hearing and it was noted this will be an unlisted action under SEQR. It was clarified that the 500 feet boundary for the neighbor notifications would be based on the property lines and not on dimensions of the portion to be rezoned.

SET PUBLIC HEARING DATE FOR APPLICATION TO REZONE 5545 RIDGE ROAD WEST

RESOLUTION NO. 42-2011 Motion by Councilman Carmestro, seconded by Councilman Roose, to set a public hearing date on April 5, 2011 at 6:30 p.m. at the Parma Town Hall to get public input on the request of Robert Sobb to rezone the northwest portion of 5545 Ridge Road West from General Commercial to Highway Commercial.

Motion carried: Aye 4 Nay 0 Absent Councilman Smith

Building Inspection Services for Town of Ogden - Rick Lemcke asked if the Town of Parma has saved any money by entering into a shared services agreement for building inspection services for the Town of Ogden. Mr. Lemcke felt that the Town should be saving money if this is a shared service agreement as the Town did with the agreement

with the Town of Hamlin for Assessor services. He felt that since the building inspector was making more money the Town has not saved anything.

Supervisor McCann responded that the Town of Ogden pays the Town of Parma for the services provided. The Town of Parma in turn pays the Building Inspector for the services he provided outside of his normal working hours for the Town of Parma. He acknowledged that the Town of Ogden likely benefited more but did not feel the Town got hurt by the agreement. There was discussion on the number of inspections and what Ogden pays for those services.

Mr. Prince clarified that the work he does for the Town of Ogden is done on his own time. He does inspections before and after his time for the Town of Parma or on his lunch and that most of the paperwork is done in the evening or on the weekends. He also felt this agreement was not like the agreement with the Town of Hamlin for Assessor services because the work done by the Assessor is split between the two municipalities whereas with the Town of Ogden the services are being provided in addition to the thirty five hours of work for the Town of Parma.

MINUTES – FEBRUARY 1, 2011

RESOLUTION NO. 43-2011 Motion by Councilman Comardo, seconded by Councilman Roose, to accept the minutes of February 1, 2011 as submitted.

Motion carried: Aye 4 Nay 0

Absent Councilman Smith

TOWN CLERK REPORT

The entire Town portion for the 2011 Town & County tax cycle has been turned over to the Supervisor.

HIGHWAY DEPARTMENT REPORT

Bridge Project Updates – Supt. Speer reported that the Town will need to obtain easements from three residents adjacent to the Hill Road Bridge over Salmon Creek Replacement Project. He also noted that the Hill Road Bridge over Brockport Creek Replacement Project will only need to be raised one foot.

Shared Services Team Report for 40 Grove Street – Supt. Speer reviewed information from the Shared Services Team regarding soil contamination at 40 Grove Street and the options available to remediate. It was noted that the school district owned the property when the soil contamination occurred, the amount of soil is extensive and the school district will be responsible for that cleanup. The building on 40 Grove Street will have to come down and in order to do this asbestos removal will be required. The Shared Services Team is requesting the Town seek quotes for asbestos abatement. The engineers have estimated the cost to be \$25,000.

AUTHORIZATION TO SEEK QUOTES FOR ASBESTOS ABATEMENT FOR 40 GROVE STREET

RESOLUTION NO. 44-2011 Motion by Councilman Roose, seconded by Councilman Comardo, to obtain estimates for the removal of asbestos from the building located at 40 Grove Street.

Motion carried: Aye 4 Nay 0

Absent Councilman Smith

Supt. Speer provided Town Board members with a summary of Winter Statistics for the 2010-2011 season.

There was an inquiry regarding the difference paid to employees in overtime hours. This was explained as a difference in the jobs being done. There was also discussion on use of

Town cell phones for personal phone calls. Discussion followed on what was perceived to be abuses. Supervisor McCann indicated that this would be looked into.

BUILDING DEPARTMENT REPORT

Mr. Barton reported the Building Department Monthly Report has been completed. He will be attending a meeting with representatives from the Towns of Greece and Ogden; the Village of Spencerport; the Environmental Protection Agency (EPA) and the Department of Environmental Conservation (DEC) to discuss phosphorus levels in Long Pond and Buck Pond. It has been suggested that home owner septic systems will have to be inspected every three years.

Supt. Speer and Mr. Barton will be starting the annual DEC Stormwater Report and an update to NIMS will be needed.

RECREATION DEPARTMENT REPORT

Mr. Fowler introduced this semester's SUNY Brockport Intern, Kelly Mahoney, who will be working with department staff full time through April. Last month the 2010 Annual Report was provided to Recreation Commission, Town Board and Village Board members and a copy was filed with the Town Clerk.

Parma Cyclocross Event – A packet was provided for the Town Board requesting use of the Town Hall Park for this year's cyclocross event to be held Sunday October 23, 2011 from 8:30 a.m. until 3:00 p.m. A summary of last year's event was included. Mr. Fowler noted that he has contacted the Hilton Raiders organization regarding any potential conflict and will be looking for permission to move forward from the Town Board.

The Spring 2011 brochure is at the printer and will be available for distribution later this week. Department staff will be attending the Western Regional Recreation Conference in Perinton this week as well as a First Aid/CPR recertification program later this week.

The planning process has begun for the Town "Park It in Parma" Summer Celebration. This year's event is scheduled for the weekend of August 5th. The Town Board was asked the direction they would like to move in. There was discussion on keeping the traditional Friday evening and Saturday event or to limit the planning to an extended Saturday celebration. Don Stilson noted that the museum is scheduled to be open at noon on Friday. A Civil War artist will display period artwork; reenactment people walking through the park; and hopefully an artillery demonstration by the Reynolds Battery re-enactor unit.

In addition the department is looking at replacing their current copy machine which is ten years old and was previously used at the Town Hall. The maintenance charge for a machine this old has become quite costly. The Annual Sweetheart Dance entertained 150 moms, dads and little ones. New for this year, is a Drive-In Movie to be held at the Hilton High School on June 4th. Parking will be in the high school lots with the screen raised high on the building and radios will be set to hear the movie and previews. "Kites in the Park" is planned for a Saturday in mid May. Kites and hotdogs are promised for all.

PARKS DEPARTMENT

There was no Parks Department report.

LIBRARY

Becky Tantillo summarized January statistics for the Parma Public Library. In addition, a meeting was held with Assemblyman Hawley to discuss the legislative priorities for the Library System and photographs were on display by local photographers. State and

Federal tax forms are available at the Library. The Library annual report is due next week and more information on this will be forthcoming.

BUSINESS ITEMS

HAYLO LACROSSE TOURNAMENT REQUEST

Michelle Civilette was present on behalf of HAYLO to request use of fields and the sports building for their annual tournament which will be held Sunday, June 12, 2011. She has been working with Councilman Smith for a tentative approval. She was looking for Town Board approval tonight so that they could move forward with their planning. It was noted that the draft agreement has been sent to the insurance company for review and input, there will be a charge for septic pumping based on usage, and a Level 1 Food Handler permit must be provided

RESOLUTION NO. 45-2011 Motion by Councilman Carmestro, seconded by Councilman Roose, to authorize tentative approval for HAYLO to hold their annual tournament Sunday, June 12, 2011 at the Parma Town Hall Park with final approval when the terms of the agreement have been finalized.

Motion carried: Aye 4 Nay 0 Absent Councilman Smith

TIME WARNER CABLE 2011 TAX PAYMENT

RESOLUTION NO. 46-2011 Motion by Councilman Carmestro, seconded by Councilman Roose, to accept \$2,952.84 from Time Warner Cable and pay \$726.83 as a credit from franchise fees paid to the Town of Parma for the full payment of the 2010 Town & County tax bills for Time Warner Cable tax account numbers:

264001	500.00-0-258./HILT	\$168.64
264089	500.00-2-580./BKPT	\$ 33.49
264089	500.00-2-580./HILT	\$379.57
264089	500.00-2-580./SPEN	\$145.13

Motion carried: Aye 4 Nay 0 Absent Councilman Smith

HIGHWAY UNION CONTRACT - 2011

Supervisor McCann read the resolution to approve the contract.

RESOLUTION NO. 47-2011 Motion by Supervisor McCann, seconded by Councilman Carmestro,

WHEREAS the full-time employees assigned to the Town of Parma Highway Department are and have been represented for purposes of collective bargaining, at all relevant times, by Local Union 832 of the International Union of Operating Engineers ("Local 832") (the "Union"), and the current labor agreement between the Union and the Town of Parma is attached (the "2009-10 Agreement"), and

WHEREAS, pursuant to Civil Service Law §200 *et seq.*, Supervisor McCann, with assistance from legal counsel and others, has engaged for the past several months in collective negotiations with the Union's representatives for the purpose of negotiating terms and conditions for a successor agreement, and

WHEREAS the parties' representatives have negotiated mutually acceptable terms and conditions for a successor agreement which are reflected in the attached Tentative Agreement dated February 10, 2011 (the "Tentative Agreement"), and

WHEREAS the Tentative Agreement is expressly conditioned on ratification by the members of the Union and ratification and legislative approval by the Town Board; and

WHEREAS the Union members have ratified the Tentative Agreement;

NOW, THEREFORE, upon the recommendation of Supervisor McCann, the Town Board:

1.) Legislatively approves all those terms of the Tentative Agreement for which such approval is required pursuant to Civil Service Law §204-a, and

2.) Ratifies the entire Tentative Agreement which shall be effective January 1, 2011.

Motion carried: Aye 4 Nay 0 Absent Councilman Smith

See Schedule A at end of minutes - Tentative Agreement

MUNICIPAL WORKERS COMPLIANCE PLAN

RESOLUTION NO. 48-2011 Motion by Councilman Carmestro, seconded by Councilman Roose,

WHEREAS, the Town of Parma has participated in the Upstate New York Municipal Worker Compensation Plan (the "Plan"); and

WHEREAS, The Town Board of the Town of Parma has determined that it is in the best interests of the Town of Parma to continue to act cooperatively with the other Plan participants in the course of carrying out the Town of Parma's obligations under the New York Workers' Compensation Law, including in order to undertake effective risk management techniques, the promotion of safety and the effective administration of claims;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Parma hereby:

- a) Approves the Intermunicipal Agreement for the upstate New York Municipal Workers' Compensation Program (Program"), as presented;
- b) Designates the Town of Parma's Director of Finance as the Town of Parma's Member on the Board of Directors of the Program and designates the Supervisor as the Town of Parma's Alternate Director; and
- c) Authorizes and directs the Supervisor of the Town of Parma to do all things necessary to effectuate the intent and operation of this resolution.

Motion carried: Aye 4 Nay 0 Absent Councilman Smith

WORKER COMPENSATION REBATE TO RESERVE ACCOUNT

RESOLUTION NO. 49-2011 Motion by Councilman Carmestro, seconded by Councilman Comardo,

WHEREAS, the Town of Parma pays Worker's Compensation insurance costs as required; and

WHEREAS, from time to time the Town receives sums of money ("funds") representing a rebate of the costs paid for Worker's Compensation; and

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1 The Town Board hereby directs the surplus of contribution check in the amount of \$7,722.00 be deposited in the Workers Compensation Reserve Fund.

Sec. 2 That this resolution shall take effect immediately.

Motion carried: Aye 4 Nay 0 Absent Councilman Smith

**RESOLUTION AUTHORIZING ACQUISITION OF INTEREST IN
REAL PROPERTY FOR THE HILL ROAD BRIDGE REPLACEMENT
PROJECT AT SALMON CREEK IN THE TOWN OF PARMA**

RESOLUTION NO. 50-2011 Motion by Supervisor McCann, seconded by
Councilman Carmestro,

WHEREAS, it has been previously determined by the Town of Parma Highway Superintendent and the New York State Department of Transportation (the "DOT") that the Hill Road Bridge located in the Town of Parma is in need of replacement; and

WHEREAS, Barton & Loguidice, P.C. has prepared certain plans and specifications on behalf of the Town in connection with the work to be completed, which are available for review at the Parma Town Hall (the "Project"); and

WHEREAS, a public information meeting regarding the Project was held at the Parma Town Hall on April 29, 2010; and

WHEREAS, in order to complete the Project, it is necessary for the Town of Parma to acquire a permanent easement from certain property owners described as follows and for the stated amount(s):

<u>Parcel</u>	<u>Owner</u>	<u>Easement Area</u>	<u>Amount</u>
031.02-2-2.21	David and Betty Jane Benoit	.083± acre	\$1,200.00
031.02-1-25	Donald W. Smith and Emma Smith	.043± acre	\$ 700.00
031.02-1-28.1	Garrick and Kay MacLaren	.060± acre	\$1,300.00

; and

WHEREAS, the foregoing amounts represent 100% of the highest valuation in the real property to be acquired as evidenced by a certified appraisal of each of the subject parcels; and

WHEREAS, the project is a Type II Action pursuant to the State Environmental Quality Review Act (SEQR) and as such not subject to further environmental review;

NOW, THEREFORE, the Town Board of the Town of Parma, in a regular session duly convened, does hereby authorize the Supervisor and/or his assigns, on behalf of the Town of Parma, to acquire the above-referenced property interests for the amounts as stated and to execute all documents necessary for the Hill Road Bridge Replacement Project at Salmon Creek in the Town of Parma, by contract and/or Eminent Domain Procedure Law.

Motion carried: Aye 4 Nay 0 Absent Councilman Smith

SEASONAL WEIGHT LIMIT - MOUL ROAD

RESOLUTION NO. 51-2011 Motion by Councilman Roose, seconded by
Councilman Carmestro,

WHEREAS, the County of Monroe Department of Transportation, pursuant to authority granted by Sections 1651 and 1652-a of the New York State Vehicle and Traffic law, requests the establishment of the following traffic control:

A seasonal weight limit of eight tons except for local delivery February 15 through May 15 on Moul Road from Hamlin Parma Town Line Road to Payne Beach Road to take effect upon installation of said traffic control device.

Motion carried: Aye 4 Nay 0 Absent Councilman Smith

SEASONAL WEIGHT LIMIT - HUFFER ROAD

RESOLUTION NO. 52-2011 Motion by Councilman Roose, seconded by Councilman Carmestro,

WHEREAS, the County of Monroe Department of Transportation, pursuant to authority granted by Sections 1651 and 1652-a of the New York State Vehicle and Traffic law, requests the establishment of the following traffic control:

A seasonal weight limit of eight tons except for local delivery February 15 through May 15 on Huffer Road from Hamlin Parma Town Line Road to Lake Ontario State Parkway to take effect upon installation of said traffic control device.

Motion carried: Aye 4 Nay 0 Absent Councilman Smith

LIAISON REPORTS

** Councilman Comardo reported there had been no Planning Board or Recreation Commission meetings since we last met. Both have meetings next

** Councilman Roose reported he had met with the Special Police.

** Councilman Carmestro reported he was able to attend a North Greece Fire District. There was discussion on road closures for the bridge projects at the Hilton Fire District meeting and discussion on radio banding.

WARRANT

The amounts to be paid this time are significant because payments are being made to the is being made from the Trust and Agency fund to the Fire Districts within the Town of Parma.

RESOLUTION NO. 53-2011 Motion by Councilman Carmestro and seconded by Councilman Comardo, to approve payment of the warrant as submitted below.

FUND TOTALS		
AOO	General Fund	\$ 77,047.53
BOO	Part Town	\$ 7,199.44
DAO	Highway, Townwide	\$109,295.60
HCO	Park Lighting Capital PR.	\$ 3,000.00
S13	West Avenue Sewer	\$ 1,500.00
S17	Wilder Road 1 Sewer	\$ 1,001.44
S22	North Avenue Sewer	\$ 1,125.00
SDO	Townwide Drainage	\$ 1,580.72
TAO	Trust & Agency	\$1,384,031.72
GRAND TOTAL:		\$1,585,781.45

Motion carried: Aye 4 Nay 0 Absent Councilman Smith

There being no further business before the Town Board, Councilman Carmestro made a motion to adjourn the meeting at 7:44 p.m., seconded by Councilman Roose.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk

SCHEDULE A

TENTATIVE AGREEMENT - OPTION 2
(SUBJECT TO RATIFICATION BY THE UNIT EMPLOYEES AND RATIFICATION AND
LEGISLATIVE APPROVAL BY THE TOWN BOARD)

The parties agree to amend the current labor agreement which expires by its terms on December 31, 2010 as follows:

1.) ARTICLE VIII (WAGES)

Revise A. Effective January 1, 2011, the maximum pay rate for employees in the following Classifications shall be as follows:

Mechanics:	\$22.42
HMEO:	\$22.42
MEO I:	\$22.42
MEO II:	\$21.80

Revise B. The pay scale for the Laborer classification shall be as follows:

	Year 1	Year 2	Year 3	Year 4	Year 5
1/1/2011	14.80	16.39	18.20	19.99	21.80

Revise G. Employees who are scheduled by the Highway Superintendent or his authorized designee to work a shift that begins during the hours from 11:00 p.m. to 7:00 a.m. shall be paid a shift time differential of \$.75 per hour for each hour worked during that shift. Employees who are scheduled by the Highway Superintendent or his authorized designee to work a shift that begins during the hours from 3:00 p.m. to 10:59 p.m. shall be paid a shift time differential of \$.50 per hour for each hour worked during that shift. Shift

1787228.5 2/2/2011

time differential shall not be paid for work performed on a call-in or emergency basis, for extra hours worked before or after an employee's regular shift, or for any hours that are not part of a specific shift scheduled in advance by the Highway Superintendent or his authorized designee.

2.) ARTICLE X (VACATION)

D. Scheduling

Add Employees may also use the Vacation Request form attached to this agreement for requesting vacation. If an employee believes that the Highway Superintendent or his designee has denied a request for vacation unfairly, then the employee may approach the Town Supervisor for assistance, with the understanding that only the Highway Superintendent or his designee may approve the request and that this informal process does not supplant or in any way alter the grievance procedure for resolving contractual disputes.

3.) ARTICLE XXII (WORK UNIFORMS AND CLOTHING ALLOWANCE)

Revise B. Beginning with calendar year 2011, the Town agrees to allot \$400.00 annually to each employee for the purchase of safety shoes or specialized work clothing such as hats, gloves and coveralls needed for proper protection from the elements or to protect uniforms and clothing from undue wear and tear while at work. The type of clothing needed shall be determined and purchased by the town, and shall become the employee's personal property. The type of safety shoes required shall be determined by the Town, and the purchase of shoes will be made by the town at the store of its choice. All Highway Department employees shall be required to wear safety shoes while on the

1787228.5 2/2/2011

job. Any cost above \$400.00 shall be borne by the employee and will not be reimbursed by the Town.

4.) ARTICLE XII (SICK LEAVE)

E. Proper Use of Sick Leave

Add: An employee who has exhausted his accrued personal leave, as provided in Article XVII, shall be permitted to use accrued sick leave for nonemergency medical and dental appointments.

G. Notification of Absence

Revise 1. Daily Notification – If an employee is unable to report to work, the employee or his/her spouse must notify the Highway Foreman or Superintendent of his absence and the reason for his absence on each day the employee is absent. During the snow and ice season, an employee or his/her spouse may also notify the senior employee on duty assigned to the evening (B) or night (C) shifts that he/she is not able to report for work and the reason for his/her absence. This notification requirement will be waived for any absence authorized in advance by the Highway Foreman or Highway Superintendent. Absent emergency circumstances, notice must be given at least thirty (30) minutes prior to the employee's scheduled reporting time.

5.) ARTICLE XI (HOLIDAYS)

A. Add: During the term of this agreement only, the Town agrees that employees covered by this agreement shall not receive less than eleven (11) paid holidays per calendar year.

6.) ARTICLE XIV (INSURANCE) – DELETE PARAGRAPH F (Trial Period).

7.) ARTICLE III (MANAGEMENT RIGHTS)

1787228.5 2/2/2011

REVISE FIRST SENTENCE OF PARAGRAPH D AS FOLLOWS: The policies and procedures contained in the Town of Parma Employee Handbook adopted January 4, 2005 and amended June 2, 2009 (the "Handbook"), as further amended by the Town Board from time to time, shall apply to employees covered by this Agreement, except to the extent that this Agreement or the Handbook specifically provides otherwise.

8.) ARTICLE (XXIV) TERM OF AGREEMENT

This Agreement shall be effective from January 1, 2011 through and including December 31, 2011.

9.) NO OTHER CHANGES. The terms of the 2010 Agreement shall continue except as modified by the terms of this Tentative Agreement.

AGREED

For the Town

For the Union

Date: 2/10/11

MEMORANDUM OF UNDERSTANDING

The parties agree as follows:

1.) The Town shall provide air conditioning in the employee break room at the Highway Department Garage before May 31, 2011. The parties agree that the air conditioner shall only be operated from May through September of each year.

2.) The parties have discussed the Town's policy on outside employment as expressed in the current Employee Handbook. The parties want to clarify that the following statement which appears in the Implementing Guidelines ("An employee may not work on outside employment during any period which the employee is regularly scheduled to work for and is paid by the Town.") does not apply to time away from work for which an employee is receiving vacation pay.

AGREED

For the Town

For the Union

Date: 2/10/11

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