

Parma Town Board meeting held on Tuesday, April 2, 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

Mike Weldon, Dave Tresohlavý, Sterling Olsen, Nicole Wampher, Al Howe, Ken Mullen, Carol Mullen, Debbie MacCracken, Nina VanLare, Marlene Speer, Kyle Mullen, Mary Reazor, Roger Koss, Lon Jacobs, John Duggan, Anne Duggan, Dean Snyder, Joe Petricone, Sherrie Siclare, Paul Siclare 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 6:55 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 thanked everyone for their patience while we waited for court to finish so that everyone could be accommodated.

SPECIAL MEETING MINUTES
MARCH 5, 2013 and MARCH 19, 2013

RESOLUTION NO. 106-2013 Motion by Councilperson Roose, seconded by Councilperson Brown, to accept the Minutes of the March 5, 2013 and March 19, 2013 special Town Board meetings.

Motion carried: Aye 5 Nay 0

MINUTES MARCH 19, 2013

RESOLUTION NO. 107-2013 Motion by Councilperson Brown, seconded by Councilperson Smith, to accept the Minutes of the March 19, 2013.

Motion carried: Aye 5 Nay 0

TOWN CLERK REPORT

The Town Clerk reported the monthly report for March has been completed. The NYS Town Clerks Association is holding their annual conference in Buffalo, April 29th, 30th and May 1st. Arrangements have been made to split the travel expense with another Town Clerk to reduce the cost to both Towns as we will drive back and forth each day. There is money budgeted for this training and the Clerk was seeking approval to attend. The Board was in agreement for her to attend this conference.

A Notice of Negative Declaration was received from the Town of Greece as it pertains to the SEQR action for proposed changes to their Zoning Code.

HIGHWAY DEPARTMENT REPORT

Supt. Speer reported as a result of continued efforts on Advocacy Day, Consolidated Local Street and Highway Improvement Program (CHIPS) funding is going to increase 75 million dollars for the next budget year. He noted we will receive an increase of \$8,456.

He read a prepared letter addressing his concerns and objections regarding the Town Board and the Town Attorney's handling of the current situation regarding Mr. Leone's employment. Opinions included were that the Town Board and the Attorneys for the Town have exploited a mistake which took place in 2002 and in doing so they demonstrated malice towards Mr. Leone. He expressed that Mr. Leone has experienced personal loss as a result. He felt Mr. Leone was hired as a Road Foreman; dismissed from a position that was never created and that by not funding the position during the budget process the Board has continued to prevent Mr. Leone from having this job. His remarks close with this started a year ago and nothing has been accomplished, it has created misery and made the attorneys rich. He expressed that if you cannot support us; leave us alone so they can do their jobs.

BUILDING DEPARTMENT REPORT

Mr. Barton noted the stormwater report is out and they have a week and a half to complete. The monthly report for March has been completed and there were 108 inspections done in March. Although he was not present at the first meeting in March he noted the February report was submitted at that time and there were 83 inspections done in February. During March, he and Mr. Prince completed the required State training hours. Mr. Fritz and Mr. McElligott were able to complete some of their required training hours and he will be looking at further opportunities for them to complete the requirements.

RECREATION DEPARTMENT REPORT

Reported there have been discussions with the Hilton Central School District concerning charges and fees associated with outside groups/organizations utilizing district facilities.

Prior to last month our classification allowed the Town free use of the buildings' rooms, amenities Monday through Saturday; no additional custodial charge Monday through Friday and a flat fee of \$30.00 per hour on Saturdays per building. The new structure everything remains the same except the Flat fee for Saturday custodial per building has been decreased to \$15.00 per hour. This is expected to save the Town \$3,500 per year. The new rate is retroactive to February. The Department expressed their appreciation to the School District for their support and commitment to the Hilton –Parma Community.

On April 26th the Recreation Department will be hosting their 29th Annual Anniversary Dinner for the Hilton- Parma Senior Center. This year it is being held at the Exempt Club with music by the "Gateswingers Big Band."

BUSINESS ITEMS

INTERNAL AUDIT FOR REVIEW OF JUSTICE COURT RECORDS

RESOLUTION NO. 108-2013 Motion by Councilperson Comardo, seconded by Councilperson Brown, to acknowledging that an internal audit of the Parma Justice Court's finances was completed on March 25, 2013 by Tim Hungerford, of Hungerford and Vinton, LLC as required annually by the New York State Unified Court System.

Motion carried: Aye 5 Nay 0

HEALTH SAVINGS ACCOUNT SECOND QUARTER CONTRIBUTIONS

RESOLUTION NO. 109-2013 Motion by Councilperson Smith, seconded by Councilperson Roose, authorizing the payment of \$47,025.00 for the quarterly installment into employee's Health Savings Accounts (HSA).

Motion carried: Aye 5 Nay 0

HILTON PARMA RECREATION COMMISSISON APPOINTMENT

Councilperson Brown read a letter received from the Recreation Commission recommending that Donald Schlonski be appointed to fill an opening on the Recreation Commission which was vacated by James Zollweg.

RESOLUTION NO. 110-2013 Motion by Councilperson Brown, seconded by Councilperson Comardo, to appoint Donald Schlonski as a Recreation Commission to complete the term vacated by James Zollweg.

Motion carried: Aye 5 Nay 0

DEPUTY HIGHWAY SUPERINTENDENT POSITION

Councilperson Smith made a motion to create the position of Deputy Highway Superintendent and provided the Town Board with a copy of the proposed local law

identified in the motion.

RESOLUTION NO. 111-2013 Motion by Councilperson Smith, seconded by Councilperson Roose, that the Town of Parma create the position of Deputy Highway Superintendent for the Town of Parma Highway Department which position shall become effective and shall be contingent upon the enactment of a Local Law expanding the residency requirement of the Deputy Highway Superintendent to include residency in Monroe County.

Motion carried: Aye 5 Nay 0

INTRODUCTION LOCAL LAW 2-2013

Councilperson Smith read the following notice and presented it as a motion.

RESOLUTION NO. 112-2013 Motion by Councilperson Smith, seconded by Councilperson Comardo, the Parma Town Board will hold a public hearing on Local Law #2 of 2013 entitled "A Local Law to Establish the Residency Requirements for the Position of Deputy Highway Superintendent for the Town of Parma." This Public Hearing will be on April 16, 2013 at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York 14468 at 7:00 pm, at which time all interested parties will be heard. A copy of the proposed Local Law is on file with the Town Clerk and will be posted on the Town's website.

Motion carried: Aye 5 Nay 0

MISCELLANEOUS

There were no miscellaneous or informational items.

LIAISON REPORTS

**Councilperson Brown reported Recreation Commission information had already been addressed and there was nothing new to report for the Special Police. There had been four Dog Control issues and the annual audit by the Department of Agriculture and Markets was completed and a favorable report received.

**Councilperson Comardo reported the Zoning Board of Appeals addressed three actions. This included an area variance which was approved and a special permit renewal which was also approved. The third item included applications for a special permit and two area variances based on a request to create an apartment for the applicant's parents. He indicated this would be discussed at the next Town Board meeting after there has been research done.

**Councilperson Smith reported there was a significant problem with the boiler heating system at the Town Hall. It was felt the leaking, large hot water tank should be replaced

right away and not take the chance on a greater problem occurring. The approximate cost was \$3,700 which would normally require getting multiple quotes. Due to the emergency situation the quotes were not obtained and the repairs were made by our normal contractor.

ZERO-TURN MOWER PURCHASE

Councilperson Smith reported the Zero-Turn mower needs to be replaced. He confirmed the purchase was available on state contract through Brodner Mower. The cost would be \$10,564.35 less a trade in of \$1,450.00 for a purchase price of \$9,114.35.

RESOLUTION NO. 113-2013 Motion by Councilperson Smith, seconded by Councilperson Roose, authorizing the purchase of a Zero-Turn mower from Brodner Equipment for \$9,114.35 with funds to come from the Maintenance Supplies line in the Parks budget (A00.571.425.00).

Motion carried: Aye 5 Nay 0

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.

Dean Snyder read from a prepared statement and noted he had several questions that he would like answered. He felt the Board had not received and followed competent professional advice and wanted to know why they had not sought this advice. He questioned why the Board did not admit that an error was made regarding the taxes charged to residents outside the Village. In addition, he wanted to know if there were any plans to return the interest the taxpayer's lost as a result. Questions were raised about the purchase of a truck for the Parks Department and whether it was done on state bid. He wanted to know if information provided about a Zoning Board member's participation on that Board were accurate and if so why would that person be on that Board. He also questioned why the Board did not know how or why pay was withheld from Mr. Leone for a period of time. He wanted to know who has the final authority to determine what goes into approved minutes. He asked if money was artificially removed from the Highway Department Fund to make it appear that the Highway Department was unprofitable; and lastly, if corrections to employee misclassifications were done properly and with the Board's knowledge.

Copies of information were cited to back up his position that the Town Board in 2002 accepted that Mr. Leone was hired as a Highway Foreman and that a clerical error inaccurately classified his position. He expressed his opinion that the residents should be paying for Supt. Speer's attorney instead of the Town Board's attorney because he felt that attorney is better representing the needs of the community. There was further discussion on the number of lawsuits, EEOC complaints and union grievances that have been filed against Mr. Leone and the result of those cases. He requested the Board review the job descriptions of Highway Foreman and Deputy Highway Superintendent.

In closing, he expressed his political views on what the Board needs, asked those present to vote and seek ways to get a more diverse Board.

John Chart wanted to know when Mr. Leone's pay would be put back to what he was making before and felt if Mr. Leone was to be Deputy Highway Superintendent he should get a raise.

Debi Leone wanted to know what the Board thought Mr. Leone was for the past eleven years. Further comments lead to her ultimate question of why Deputy Highway Superintendent and not Highway Foreman. She expressed that Supt. Speer's determination allowed Mr. Leone to continue to come in every day and noted there were still pending issues and counter claims in the case.

Marlene Speer read an excerpt from Town Law Section 32 paragraph 2 regarding Powers and Duties of town superintendent of highways and deputy superintendent. The section refers to the Town Board being able to establish the position of deputy town superintendent of highways and that the position is appointed and serves at the pleasure of the town superintendent of highways if appointed within five days after the establishment of the office. The section also cites that if an appointment is not made within the five days the Town Board may do so; that in the absence or inability of the town superintendent of highways to act, the deputy will have the authority to act in his place; that an oath of office must be filed and an official undertaking be executed and approved by the Town Board. The Town Board also has the authority to fix the compensation for the position.

Discussion followed on when the five days to make the appointment would start. Supervisor Carmestro and Superintendent Speer were in agreement that it was when the local law takes effect.

Discussion then reverted back to Mrs. Leone's earlier remarks. Councilperson Roose responded that he felt there should be a Deputy Highway Superintendent position as there should be someone to step in if the Superintendent was unable to do the job. He questioned if Mrs. Leone was opposed to Mr. Leone being appointed as deputy. Mrs. Leone did not feel that Mr. Leone would be justly compensated as it is an hourly (Foreman) versus salaried (Deputy) issue.

Supt. Speer and Councilperson Roose discussed how the Town of Hamlin is set up in this regard. Councilperson Roose stated he had spoken at length with Mr. Baase, the Hamlin Highway Superintendent. He noted Hamlin has a Deputy Superintendent of Highways and a Foreman position and that both lead crews. Supt. Speer indicated his understanding was their Deputy was paid a stipend but was not in a supervisory capacity, possibly a mechanic.

Debbie MacCracken read from a prepared statement. She felt this issue has dragged on for a long time at the taxpayers' expense. She questioned whether the Town Board should be waiving the residency requirement at will. She also questioned if money could

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have been saved; the turmoil ended; and the Town nurtured and strengthened if the foreman position was chosen instead.

John Chart expressed concern for Mr. Leone and his family as a result of this issue. He felt they are owed an apology.

Joseph Reinschmidt expressed he would have liked to of heard discussion on the resolution presented so that the public would know why the Board was making the decision. He was concerned that the Town Board abdicated their elected duties to the Attorney. He did not feel this was responsible government.

Supervisor Carmestro asked for a motion to adjourn. A motion was made by, Councilperson Smith to adjourn the meeting at 7:55 p.m., seconded by Councilperson Roose.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk