

Parma Town Board meeting held on Tuesday, March 4, 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
Building Inspector	Jack Barton
Recreation Director	Steve Fowler

## **OTHERS IN ATTENDANCE**

Gene DeMeyer, Jim Christ, Michael Weldon, Sr., Bob Prince, Jim Zollweg, Vy Dinh, Elizabeth Barton, Kathy Lemcke, JoAnn Kruicenga, Cathy Magliocco, Deb Beauvais, Dave Keech, Steve Fowler, Lori Bajorek and other members of the public.

## 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. Supervisor Lemcke noted emergency exit procedures. It was noted that the meeting is being digitally recorded.

## PUBLIC FORUM

Supervisor Lemcke asked if anyone present would like to address the Town Board on any topic not on the agenda. Jim Zollweg, GIS Coordinator for the Town of Parma, provided information on the homepage for a website he developed and put online for the GIS Coordinator and spatial analysis in Parma. It will be a means to communicate with the public and Town Departments.

## **MINUTES – FEBRUARY 19, 2008**

**RESOLUTION NO. 73-2008** Motion by Councilman Smith, seconded by  
Councilman Blackburn, to approve the Minutes of the February 19, 2008  
meeting.

## **TOWN CLERK'S REPORT**

The Town Clerk reported that a Notification of Complaint on Tentative Special Franchise Assessments for the year 2008 has been filed by Frontier Telephone of Rochester – Citizens Corporation with the NYS Board of Real Property. It has been faxed to the Town attorney and copies have been provided to the Assessor, Supervisor and Town Board.

A letter was received from Laurie Crawford this afternoon regarding the soccer club agreement. She asked that the Board review it before making any decision on the fee.

The Town Clerk Monthly Report and VFW Summary Report for February have been distributed to the Town Board.

A copy of a legal notice submitted by Time Warner regarding their application for renewal was received. It indicates that any person may file comments with respect to the application with the Town Clerk's office and that the application and comments received are available for public inspection.

### **HIGHWAY DEPARTMENT REPORT**

Supt. Speer was in Albany for Legislation Day therefore there was no report.

Supervisor Lemcke noted that a memo had been received from the Highway Superintendent responding to cell phone usage by a Highway employee. It was noted that the next bill has arrived and the problem was noted again. The Town Board would like to discuss this matter with the Highway Superintendent upon his return.

### **BUILDING DEPARTMENT REPORT**

Jack Barton reported that he had just returned from being out of town and had nothing specific to report. It was noted that the Building Department report had been submitted for the month of February.

### **RECREATION DEPARTMENT REPORT**

Mr. Fowler reported that the grant application for the Town Hall Message Center Project submitted at the February 19<sup>th</sup> Town Board meeting does not qualify under the Community Development Block Grant guidelines. Mr. Fowler requested that he be allowed to look for alternative funding. The Town Board was in agreement.

### **PARKS DEPARTMENT**

Mr. Petricone presented one of the new signs with contact names and phone numbers when problems arise. They will be placed in the VFW and at various buildings within the Park.

Mr. Petricone reported that the water usage has been very high for January and February. Monroe County Water Authority will be out to check for problems. No noticeable leakage is apparent.

There is a section of drywall that must be installed behind the furnace in the Historical building. The location of the installation will require that the furnace be dismantled. Mr. Petricone will get estimates. The double doors should be installed at the end of the week and the attic doors are in. He also noted that some progress had been made on clearing the garage area in the Historical Building but that more work was needed by a member of the Historical Society. An estimate was submitted for the trim work around the six front windows in the Historical Building.

### **APPROVAL FOR WINDOW TRIM – HISTORICAL BUILDING**

**RESOLUTION NO. 74-2008** Motion by Councilman Comardo, seconded by Councilman Blackburn, to approve the installation of window trim for the

six front windows in the Historical Building by Matco Remodeling Associates, Inc. for \$1,320.00.

Motion carried: Aye 5 Nay 0

Mr. Petricone also reported that a final coat of paint will be put on the floor and that the remaining molding trim was done.

The department has been short staffed due to an employee extended illness. Mr. Petricone would like to proceed with filling the position that has been open since the beginning of the year. Councilman Smith stated that he has spoken with the Highway Superintendent and Park Foreman and he suggested that they look for an individual who has the appropriate skills to drive bigger trucks. This person could be on call from December through March for Highway Department backup. Park demand is less in the winter and this individual could assist during Highway Department peak periods. This would be a full time employee. It was noted that overtime was being put in to cover the employee who has been out sick and the open position. A seasonal employee was asked to come in and cover some of the work as well.

Mr. Petricone reported on other repairs and corrections that have and will be made in the Sports Building, Maintenance Building and the Warming Hut.

## **BUSINESS ITEMS**

### **HILTON HEAT FIELD USE AGREEMENT**

A revised version of the agreement was reviewed. The following points were made in the noted sections:

1. The length of the agreement will be for one year
2. The following wording will be added "...right to use the fields, *with first priority being given to Town of Parma Recreation programs, or permit...*"  
It was noted that scheduling has not been a problem as the Recreation Department tends to not use those fields during the season.
6. The Soccer Club will do field striping
8. There was discussion on using a double lock or providing a key for the Parma Center Road gate. Keys will be used.
10. Town Park staff will dismantle and store in the Fall and reassemble in the Spring. Notifications will be made via email as noted and added in other sections. After further discussion, it was indicated that Section 3 should then be changed to reflect that the Soccer Club and or the Parma Park staff will install the goals as early as possible so that field striping can be done. It was noted that it will take at least two weekends to accomplish this and the goals need to be up for placement of boxes.
11. Wording will be changed to reflect *all* pumping needed during tournaments. Discussion included that the Town would pump at the start of the tournament and the soccer club would be responsible for any additional pumping required during the event and a final pump out to return the tanks to empty. The Town will bill the soccer club.
12. Wording will be added at the end for misuse of building *caused by the soccer club*. The building will be reviewed/inspected as needed.
14. The following wording will be added " liability insurance *meeting the Town's minimum requirements*"

There was discussion on establishing a standard base agreement that addresses the Town's needs for any group that wants to use the Park in this capacity. Addendums/separate agreements such as the proposed soccer agreement would be added that would address the unique needs of the organization requesting use.

There was discussion on use of the football field. The Soccer Club indicated that they were asked not to use as much as possible. Last year, the schedule required using the field 5 times and during the tournament they use the field in the opposite direction for the younger players and the championship games.

5. Information is still being compiled on cost and a number was not available for the meeting. It was noted that the following will be added "*If conditions cause extraordinary wear on the fields it will be the responsibility of the Soccer Club using it to cover those costs.*"

There was continued discussion on use of the football field and the multi-use field. Being watchful of conditions and planning accordingly will be the guideline.

Concern was expressed about food handling. The Soccer Club indicated that they will not be preparing food this year. Councilman Carmestro requested that the insurance information be provided by each vendor and that proof of Safe Serve certification be provided.

Supervisor Lemcke read a letter submitted by Laurie Crawford which expressed her position of not being in favor of a field use fee.

Supervisor Lemcke will have fee information available for the March 18<sup>th</sup> meeting and will send updated copies of the agreement to the Town Attorney, Recreation Director and Park Foreman when received from Ms. Lemcke. In addition to a general review, the Attorney will be asked to assess whether to have a generic agreement that can be modified to reflect the unique situations of each group. Input from the Recreation and Parks Departments was requested for the next meeting as well. The Soccer Club indicated that they would be submitting the agreement to their club and NYS West Youth Soccer Association for review as well.

The club was thanked again for all the effort that has been put into the drafting of this agreement.

#### **HILTON HEAT REQUEST FOR GATOR**

Hilton Heat submitted a request for the use of two of the Town's Gators during their annual *Just for Kicks Soccer* Tournament on June 6, 7 and 8. There was discussion on other potential options and what was needed by the Parks Department. It was determined that one gator could be provided.

**RESOLUTION NO. 75-2008** Motion by Councilman Carmestro, seconded by Councilman Smith, to allow the Hilton Heat Soccer Club the use of one (1) Gator during the *Just for Kicks Soccer* Tournament, June 6, 7 and 8.

Motion carried: Aye 5 Nay 0

#### **DRIVER IMPROVEMENT REFERRAL PROGRAM**

Supervisor Lemcke informed Lori Bajorek from the Bajorek Agency that a letter had been sent to Judge Malley. He will be available to meet with the Town Board at the April 1<sup>st</sup> meeting. There was concern expressed that this is a for profit business and that there will be consideration for a fee for use of space.

#### **SAFE ROUTES TO SCHOOL GRANT PROGRAM** **RESOLUTION TO AUTHORIZE SUPERVISOR TO** **SUBMIT GRANT APPLICATION**

Supervisor Lemcke read the proposed resolution with the addition of wording indicating the intent to enter into an intermunicipal agreement with the Village of Hilton for maintenance. There was discussion between Town Board members, the Supervisor and Mr. Keech on the intent to enter into an intermunicipal agreement with the Village of Hilton. Clarification was asked for on what maintenance would entail, would a special district be set up and if the Village was on board with creating the agreement. Supervisor Lemcke responded that maintenance referred to overall maintenance and primarily for plowing. He noted that there is not an existing agreement and details would have to be negotiated. He indicated that the Town needs to indicate intent for the resolution. It was also noted that there would be discussion at tonight's Village Board meeting regarding an imtermunicipal agreement for street plowing at the end of Underwood Avenue. Mr. Keech expressed concern over consideration being given to an open ended financial obligation. Supervisor Lemcke explained that because the sidewalk would cross School, Village and Town property it was requested by the grant administrator how maintenance/plowing would be addressed. It was acknowledged that a cost could be incurred but also might not be incurred.

**RESOLUTION NO. 76-2008** Motion by Councilman Smith, seconded by  
Councilman Blackburn,

**WHEREAS,**

1. The New York State Department of Transportation (NYSDOT) is administering the Safe Routes to Schools (SRTS) Grant program to provide federal reimbursement for projects intended to encourage and enable children to walk and bicycle to school, make biking and walking more appealing and improve pedestrian and bicycle safety. Among the projects eligible for reimbursement are infrastructure projects including the construction of sidewalks within two miles of elementary and middle school properties.
2. NYSDOT is currently administering a round of solicitations for projects, with applications for funding due April 1, 2008. The Town of Parma is prepared to submit a request for funding for the construction of sidewalks to link the Middle School with adjacent residential neighborhoods. Potential locations for sidewalks include portions of Old Hojack Lane, Dunbar Road and Collamer Road.
3. The proposed project will encourage and enable school children to walk and bicycle to school and make biking and walking more appealing and safe. The project will also improve pedestrian and bicycle access from residential neighborhoods to numerous recreational resources, such as the Aquatic Center, and activity centers, including the Recreation Center, and the Village of Hilton downtown business district.

**NOW, THEREFORE, BE IT RESOLVED,**

1. The Town of Parma Town Board fully supports the proposed sidewalk construction project and authorizes the Supervisor to sign and submit an application for funding for this project under the 2008 Safe Routes to Schools Program;
2. The Town of Parma is hereby designated the lead agency for legal and administrative purposes with regard to the submittal of the SRTS application. The Town of Parma will be indicated as the Project Sponsor and the Project Applicant in the grant application; and
3. It is the intention of the Town of Parma to enter into an intermunicipal agreement with the Village of Hilton for maintenance.

Motion carried: Aye 5 Nay 0

### **CONTINUATION OF PUBLIC HEARING FOR UNION NEGOTIATIONS**

Supervisor Lemcke explained the proposed procedure for public hearing pursuant to Civil Service Law 209. The purpose of the public hearing is for consideration of the Fact Finders Report for resolving the impasse with the Town's highway employees. The public hearing was originally scheduled for January 15<sup>th</sup> and has been continued to tonight. It was noted and acknowledged that all Town Board members have received the Fact Finders Report.

The following steps were addressed by Supervisor Lemcke as part of the required procedure. He stated that the Union has a statutory right to make a written submission and inquired if the Union wished to do so. It was noted that the Union could make a presentation and select the order in which they presented. The Town Board could then ask questions to promote understanding of positions. It should be noted that since there was no representation from the Union that there was no response to these steps. Supervisor Lemcke asked if anyone else wished to address the Town Board regarding this dispute. There was no response.

It was noted by Supervisor Lemcke that in resolving this dispute that the Town Board is obligated as a matter of law to continue all terms of the expired agreement unless the Union waives the right and permits the Town Board to add new terms and conditions and /or to delete or modify existing terms and conditions. Supervisor Lemcke asked if the Union waives the right to insist that the Town Board continue all existing terms of expired contract. There was no response since there was no representation.

Town Board members were asked if they would like to speak and the concern was raised why there was no representation from the Union. Supervisor Lemcke explained that the Union representative informed the Town representative that he would not be in attendance due to the conclusion that was arrived at. Supervisor Lemcke reviewed the steps since the contract expired December 31, 2004 that brought negotiations to the point that they are at now. It was noted that both parties respectfully negotiated and agreed to disagree. In 2005 there was no active negotiation, through no fault of the Town. There were many difficult issues to address including the high increases in health care. Since no agreement was obtained the informal mediation process took place which also did not result in resolution. At that time the more formal Fact Finder process occurred.

Supervisor Lemcke noted that although he did not agree originally to all the Fact Finder recommendations he has since agreed to all the terms to get a contract signed. The Union however did not accept that option. Supervisor Lemcke stated that he could not in good conscience offer more than the Fact Finders recommendations and is asking the Union to accept the findings.

A summary packet that included the Fact Finders Recommendations, the Supervisor's Proposal to the Fact Finder Report, Union's response to Supervisor's proposal, the second Supervisor Proposal and the second Union Proposal was given to the Town Board and reviewed.

Supervisor Lemcke noted that at 5:00 p.m. this evening the Union representative informed the Town that the Union has agreed to accept the Fact Finder Report with the stipulation that they agreed to give up the Sidney Hillman Health Center and have the cost of that benefit (1.2% of base pay) added to the employee's base wage.

It was noted by Supervisor Lemcke that the public hearing for union negotiations should be adjourned until the March 18, 2008 Town Board meeting at which time this hearing will be continued. Union and Town negotiators will report with the final proposal and the Union will have voted on ratification.

### **PUBLIC HEARING FOR UNION NEGOTIATIONS**

**RESOLUTION NO. 77-2008** Motion by Supervisor Lemcke, seconded by Councilman Carmestro, to continue the public hearing for union negotiations on March 18, 2008.

Motion carried: Aye 5 Nay 0

### **MISCELLANEOUS**

Councilman Carmestro inquired about a proposal before the Planning Board regarding the Anthony and Edith Comparato Park. Mr. Barton and Mr. Prince indicated that the proposal is for a park with soccer fields, pavilions and parking and is on the agenda for the next Planning Board meeting.

### **REQUEST FOR FULL TIME POSITION IN RECREATION DEPARTMENT**

Mr. Fowler presented and reviewed documentation to support his request to fill an open part time position in the Recreation Department that he would like to make a full time civil service position titled Office Manager. The documentation included a synopsis of the department's workload, the importance of the position to the department's commitment to residents, a projected fiscal plan, a job description and a list of what this position will accomplish for the department. In addition the department's strategic plan, a matrix of program opportunities and a volunteer summary chart were included as documentation.

Mr. Fowler would like to start the process at the end of May for a starting date in early July. They have been without a person since the beginning of the year and will bring in a temporary person to assist approximately 15 hours per week in the interim. The creation of the full time position will provide an additional 10 hours of staff time that will allow program staff to be more efficient by having less office work. There was discussion on raising fees to cover the cost.

Councilman Carmestro would like to see the Town Board meet to discuss a benefit package for new Town employees; in particular health insurance benefits. There was discussion and the Town Board will take time to review the proposal and it will come back to the Town Board at the next meeting.

### **INFORMATIONAL ITEMS**

As a follow up to Councilman Smith's request to attend a Local Government Conference for Town officials Albany, Supervisor Lemcke noted that there are funds in the Miscellaneous Contingency for this.

### **LIAISON REPORTS**

\*\*Councilman Smith reported that he had provided the Safety Coordinator job description to James Volkmar and noted that although he is interested, prior commitments with inspections that he will be doing for the Village will probably not allow him to take this on. Mr. Barton reported that a call had been received from the Mayor Gursslin to see what services/support the Town might be able to offer for construction inspections for the new Fire Hall. There was discussion on why consideration was not being given to having an outside entity do the inspection because of the size of the project.

\*\*Councilman Comardo reported that the Planning Board meeting had cancelled their last meeting and there will be a meeting this Thursday.  
Growing New York Farms Seminar

He also made a motion to direct the Parks Foreman to hire a person with the necessary skills to drive plow in the winter. Discussion followed and no second was noted.

\*\*Councilman Carmestro had nothing to report.

\*\*Councilman Blackburn reported that the Village will be discussing a prior drafted intermunicipal agreement regarding sidewalk plowing at the end of Underwood Avenue which was never signed during a previous administration at the Village Board meeting tonight.

He also reported that 13 locations were identified and rated by the Village Planning Board as potential locations with a footprint for the Library. It was noted that with the exception of the old Agway building parking did not seem to be addressed. The number one ranked choice was a location at South Avenue and Main Street. None of the suggested locations included a Community Center. It was also suggested that rather than waiting until the next joint meeting on April 24<sup>th</sup> that 2 representatives from each Board meet to discuss the proposals and report back to the respective Boards. The Town Board was in agreement and Councilmen Blackburn and Smith will be the Town Board representatives.

Supervisor Lemcke asked if there was any other business. Gene DeMeyer thanked the Town Board for agreeing to send members of the Open Space Committee to the Growing New York Farms Seminar. It was also noted that the first of three proposed meetings will take place March 12, 2008 with participation from the farming community.

**ENTER INTO EXECUTIVE SESSION**

**RESOLUTION NO. 78 -2008** Motion by Councilman Smith, seconded by Councilman Comardo, to enter into Executive Session to discuss a potential disciplinary action regarding an employee and another issue concerning personnel.

Motion carried: Aye 5 Nay 0

The Board took a 5 minute recess as people left the room and entered into executive session at 9:00 p.m.

**CLOSE EXECUTIVE SESSION**

**RESOLUTION NO. 79-2008** Motion by Councilman Smith, seconded by Councilman Comardo, to close the Executive Session at 9:25 p.m. and return to regular session.

Motion carried: Aye 5 Nay 0

There being no further business before the Town Board, Councilman Smith made a motion to adjourn the meeting at 9:26 p.m., seconded by Councilman Comardo and all were in favor.

Respectfully submitted,

Donna K. Curry  
Parma Town Clerk