

Parma Town Board meeting held on Wednesday, November 6, 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
Highway Supt.	Brian Speer
Building Inspector	Jack Barton
Recreation Director	Steve Fowler

**OTHERS IN ATTENDANCE**

Recreation Commissioners Dave Tresohlavý and Al Howe; Finance Director Mary Gavigan; Michael Weldon; Tom Bertrand; Carol Mullen; Kenneth Mullen; Kyle Mullen; Emily Mullen; Sara Christ; Clayton Christ; Mark Bernreuther; Edward Arnold; Stan Hoy; Jessica Guyett; Chris Guyett; Carol Kluth; and other members of the public.

**CALL TO ORDER**

Supervisor Carmestro called the meeting to order at 7:00 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.

**APPROVE 2014 PRELIMINARY BUDGET**

**RESOLUTION NO. 263-2013** Motion by Councilperson Comardo, seconded by Councilperson Brown, to approve the 2014 Preliminary Budget.

Motion carried: Aye 4 Nay 1 Councilperson Roose

**PUBLIC HEARING - 2014 PRELIMINARY BUDGET**

Supervisor Carmestro opened the public hearing at 7:05 p.m. and read the Legal notice which was published and posted as required.

Ed Arnold asked if there had been any changes or was it pretty close to what was originally presented. Supervisor Carmestro responded that it was very close to what was originally presented. The overall amounts are the same but there has been some shifting from one line to another.

Councilperson Smith noted that one of the bigger changes to save money will be to use Town employees to do some offsite maintenance/mowing that has been done by a contractor in the past. There will be a reduction in the expense for the contractor and there will be an increase to some of our expense lines (i.e. gasoline and equipment) to do

this. Overall the net effect is expected to be a savings to the Town of approximately \$30,000. There was further discussion on how this was going to save the Town money, putting it out to bid, if bidding was necessary, and that it would provide a benchmark for what should reasonably be charged

Kyle Mullen asked if the version on the website dated October 25<sup>th</sup> is the version the public hearing is on as there are two on the website. It was noted by the Clerk that the Tentative Budget and the Preliminary Budget are both on the website. The hearing is on the Preliminary Budget.

Mr. Mullen asked if the wear and tear on equipment was being taken into consideration on changing who will be doing the offsite maintenance/mowing. Supervisor Carmestro noted the idea was to use the savings incurred by doing this to replace equipment in the Parks Department.

Mr. Arnold asked if there was really going to be a savings if it is going to be billed to the property owner. He was not clear with how this was going to work. Can the Town be sued if the property owner does not like how the work was done. Councilperson Smith noted that currently revenue coming in matches the expenses going out. With the new approach the Town will be receiving a comparable amount in revenue but the expenses will be less than the revenue. Supervisor Carmestro noted, as an example, the work will be done as part of the normal work week instead of mowing three days a week here; mowing would be two days here and one day offsite. Mr. Arnold was concerned that the Town could be sued if the property owner was not happy with the bill. Supervisor Carmestro explained that by law there are standards that have to be met for abandoned/unmaintained properties (grass over 10 inches high). Councilperson Smith explained that the property owner is billed by the Town. If the bill is not paid the amount owed is re-levied on to the Combined Town and County tax bill. Tax payments are made in full to the Towns so the Town gets the amount owed regardless after the first of the year.

Kyle Mullen asked if this would impact our liability insurance. Because this is all Town business related, this would be covered by the Towns umbrella policy. Mr. Mullen recognized that the insurance cost to a contractor could be significant; stated that he understood the savings; that we already have some costs associated with labor; and the additional savings would go towards equipment replacement in the future.

Mr. Mullen inquired about the change in the overall tax rate for the Village. The rate for the Village townwide has gone up and the area outside the village has gone down. It was explained that this is a onetime change to get back on track with the State Audit recommendations. Per the audit the Town outside the Village was being taxed too much and the Village not enough. This is a temporary adjustment that allows us to get our fund balances in order for the Town outside the Village and brings us closer to compliance with what the state wants. The Town and Village rates for 2015 will likely go back to where they were for 2013.

Supervisor Carmestro asked if there were any other comments. Hearing none the public hearing was closed at 7:12 p.m.

### **MINUTES OCTOBER 15, 2013**

**RESOLUTION NO. 264-2013** Motion by Councilperson Smith, seconded by Councilperson Roose, to accept the Minutes of the October 15, 2013 Town Board meetings.

Motion carried: Aye 5 Nay 0

### **TOWN CLERK REPORT**

The Town Clerk report for the month of October has been submitted and filed.

### **RESOLUTION NUMBER CORRECTION**

**RESOLUTION NO. 265-2013** Motion by Councilperson Comardo, seconded by Councilperson Brown, to correct the numbering for Resolution No. 227-2013 to Resolution No. 244-2013 and Resolution No. 228-2013 to Resolution No. 245-2013. Both were part of the October 1, 2013 Town Board meeting.

Motion carried: Aye 5 Nay 0

Records Management Grant Update – During the submittal of bids, one of the bidders questioned the use of preferred source vendors as noted in State Finance Law. All bidders were notified that the bids were suspended and once a determination was made, they would all be notified. The bids were not opened. Town Board members were notified. Preferred source vendors must meet the criteria of form, function and utility of the agency seeking the commodity or service.

The Tax Receiver's portion of the School Tax Collection is over. The final surrender is being prepared for each of the three school districts we collect for by the end of the week.

There were some new changes to the election night reporting process. We were fortunate that it all went smoothly.

Mr. Mullen inquired about the preferred source list and if we are required to use them even if the cost is higher than we can competitively bid it for. There was discussion on this and it was noted that an entity from a preferred list could charge up to 15% more over the prevailing cost and have to be used if that entity meets the requirements of form function and utility. This is being researched in more detail and the process will not continue until there is a better understanding and that we can be assured the quality of the service being provided will give us the end result we are seeking.

### **HIGHWAY DEPARTMENT REPORT**

Supt. Speer reported the first loads of salt have been put in the new salt shed. The

remaining from last year which was stored in Hamlin will now be brought back. He is very pleased with the space and the ability to store the salt. Supt. Speer reported a check was received for \$1,530 for the two highway vehicles sent to auction. The amount received reflects the deduction of Tietsworth's auction fee.

Staff is about three quarters of the way complete with preparations for winter. Once that is completed he will have Mike Adams work on getting the divider door fixed in November. There was discussion on when there would be access to the room and coordinating staff availability. The department is still working on stormwater issues, in particular with a problem area on Route 259. Mowing with the rented mini excavator is almost done. We have the mini excavator for the month and there are a couple of projects that it can be used for in the Park. Supt. Speer noted there is a tree just north of the Dunbar Road cemetery that is blocking sights to the north on North Avenue. It is likely that they will be taking it down later in the fall or during the winter.

Supervisor Carmestro reported Assistant Superintendent Steve Ayers has been informed that they should be getting grant money for the new shared fuel island. Design work would likely begin in 2014. He also asked Supt. Speer if he had contacted Civil Service about the mechanic job description. Supt. Speer indicated he had not but intended to see what Ogden had.

## **RECREATION DEPARTMENT REPORT**

Steve Fowler reported the most recent Recreation Commission meeting addressed the upcoming Community Seniors Thanksgiving Dinner and coordinated by the department will be the Village Tree Lighting ceremony on the first Saturday in December. The Department is planning the Winter Recreation Brochure which traditionally comes out in mid-December. Registrations will begin January 2, 2014.

## **BUSINESS ITEMS**

### **SPECIAL EVENT PERMIT – 4975 RIDGE ROAD WEST** **CHRISTMAS TREE SALES**

An application has been received to sell Christmas trees and wreaths just east of Liberty Hollow at 4975 Ridge Road West. The owner John McNall requested the permit and sales will be made by Clayton Christ. Supervisor Carmestro reported he had been to the site and had spoken with Mr. Barton. There was discussion on parking. Sales will be in a 40 by 60 foot lighted tent placed in the grass area. Parking will be in the Liberty Hollow parking lot primarily to the east side of the building and in the grassy area that is not going to be part of displays. It was noted sales would be from 8 a.m. to 8:00 p.m. on Saturdays and Sundays and would start midday during the week.

**RESOLUTION NO. 266-2013** Motion by Councilperson Smith, seconded by Councilperson Roose, to issue a special event permit for 4975 Ridge Road West for the sale of Christmas trees and wreaths from November 23, 2013 through December 24, 2013.

Motion carried: Aye 5 Nay 0

### **NEW YORK STATE GATEWAY FOR GRANTS**

All public agencies that apply or receive state funding will now need to be registered with the New York State Grants Gateway. We were notified of the need to do this because of the grant application for multi-use trail on the old Hojack rail corridor project. Two individuals need to be appointed by the Town Board as the designated administrators. Their role will be to maintain all aspects of the organization's user information and provide backup and continuity for access. There was discussion on who should be appointed. It is the understanding that the appointments can be changed at any time.

**RESOLUTION NO. 267-2013** Motion by Councilperson Brown, seconded by Councilperson Comardo, to appoint James Smith and Jack Barton as the Designated Administrators for the New York State Gateway for Grants for the current time.

Motion carried: Aye 5 Nay 0

### **BUILDING DEPARTMENT REPORT**

Mr. Barton noted the report for October has been submitted and filed. If anyone has questions they can be directed to anyone in the department. There were 181 inspections done by the department in October.

Mr. Barton noted there had been a prior inquiry regarding the name of East Wautoma or Delavergne Drive. Mr. Barton researched our records and was in contact with the Historian, but did not find a lot of information. The inquiry came because of problems a resident had in attempting to refinance and get flood insurance for his property. The resident is requesting that there be one name to eliminate confusion. Mr. Barton asked the Board on how they would like to proceed. The legal name is Delavergne Drive. He thought that the majority of residents use East Wautoma. He wanted to know if they would like to send information regarding this to the residents and get their feedback. The tax roll shows Delavergne Drive as the property address and mailing addresses as East Wautoma. The post office delivers to both, there are approximately 40 parcels involved, majority of expense would be to property owners if their deeds have to be changed. No decision was made. Mr. Barton will follow up,

### **DISPOSAL OF FIXED ASSETS**

Councilperson Smith noted he confirmed our IT person has scrubbed the four computers and the recycling location also certifies that they have done this too. This equipment is very old and cannot be used elsewhere as is generally done.

**RESOLUTION NO. 268-2013** Motion by Councilperson Smith, seconded by Councilperson Brown, to declare the following list of computer equipment

fixed assets as obsolete and surplus equipment and authorize them to be disposed of:

- 1 Princeton flat screen monitor
- 2 Microsoft keyboards
- 3 Nexlink PC Towers
- 1 Acer Monitor
- 1 Kogi Monitor
- 1 HP Laserjet 1000 series printer
- 1 Lexmark E322 Printer
- 1 HP Laserjet M2727
- 1 Nexlink Computer Tower
- 1 Casio Calculator

Motion carried: Aye 5 Nay 0

### **FOIL DENIAL APPEAL**

Supervisor Carmestro noted there had been a FOIL request which was denied. The requester has appealed the decision. The Clerk noted she contacted the requestor (Mr. Fritz Gunther) for clarification that he was asking us to create records and the form which he wanted the response to his request. The information being asked for does not exist as a record. The amount of documents that would have to be reviewed would be substantial and hundreds of pages of documents would have to be manually reviewed in order to identify the needed documents and compile the information into what he is asking for. She noted that under FOIL an agency is not required to create records in response to a request. The request was denied and the individual was informed of the appeal process. The Town Board is the appeal agency and must make a determination within 10 days of receipt of the appeal. When an appeal is made the information is required to be sent to the Committee on Open Government. This was done and Mr. Freeman, the Executive Director, called the next day confirming that the response was correct and did feel the response was appropriate and reasonable. Further discussion included what records were actually being asked for, if there were other options under FOIL and if there was another place to refer the requestor for the information.

**RESOLUTION NO. 269-2013** Motion by Councilperson Roose, seconded by Councilperson Comardo, to let the denial stand as made for the FOIL request made by Mr. Fritz Gunther.

Motion carried: Aye 5 Nay 0

### **BUDGET TRANSFERS**

**RESOLUTION NO. 270-2013** Motion by Councilperson Smith, seconded by Councilperson Comardo, to approve budget transfers as submitted.

BUDGET TRANSFERS			Oct-13			
ACCT #	FROM DESCRIPTION	AMT.	ACCT #	TO DESCRIPTION	AMT.	REQUESTED
BOO537362048000	MISC EXPENSE	2,318.59	BOO537362021000	EQUIPMENT	2,318.59	BARTON
AOO570731549703	YOUTH LACROSSE	200.00	AOO570731049202	HORSEBACK RIDING	200.00	VOLKMAR
AOO575751021000	OFFICE EQUIPMENT	600.00	AOO575751046000	CONTRACTED SERVICES	600.00	GAVIGAN
AOO575751044400	WATER	60.00	AOO575752043000	EDUCATIONAL/PROF	60.00	GAVIGAN
AOO516167041800	POSTAGE	5,370.00	AOO575752048000	MISC EXPENSE	7,107.00	GAVIGAN
AOO575751048000	MISC EXPENSE	200.00				GAVIGAN
AOO575752043100	BOOKS/SUBSCRIPTIONS	450.00				GAVIGAN
AOO575752046000	CONTRACTED SERVICES	887.00				GAVIGAN
AOO575752041000	OFFICE SUPPLIES	200.00				GAVIGAN
AOO536364021000	OFFICE EQUIPMENT	153.00	AOO536364021100	FIELD EQUIPMENT	153.00	GAVIGAN
AOO536364021000	OFFICE EQUIPMENT	230.00	AOO536364046100	UNIFORMS	280.00	GAVIGAN
AOO536364048000	MISC EXPENSES	50.00				GAVIGAN
AOO512122043000	EDUCATIONAL/PROF	85.00	AOO510101043000	EDUCATIONAL/PROF	85.00	GAVIGAN
AOO513131043000	EDUCATIONAL/PROF	200.00	AOO513131041000	OFFICE SUPPLIES	200.00	GAVIGAN
AOO516143046400	GRANTS	1,500.00	AOO516168021000	EQUIPMENT	1500.00	GAVIGAN
AOO516144047500	ENGINEERING	277.00	AOO516168021000	EQUIPMENT	277.00	GAVIGAN
AOO570731049022	SWIMMING	3,420.00	AOO570714011001	SUMMER HELP	2,400.00	VOLKMAR
			AOO570714013001	BEAR STAFF	50.00	VOLKMAR
			AOO570731040002	ARCHERY	800.00	VOLKMAR
			AOO570762049205	MENS BASKETBALL	170.00	VOLKMAR
DBO550513048000	MISC EXPENSES	21.00	DBO550513046100	UNIFORMS	21.00	SPEER

Motion carried: Aye 5 Nay 0

**INTERFUND TRANSFER**

**RESOLUTION NO. 271-2013** Motion by Councilperson Smith, seconded by Councilperson Roose, to approve transfers as submitted.

INTERFUND TRANSFERS			Nov-13			
ACCT #	FROM DESCRIPTION	AMT.	ACCT #	TO DESCRIPTION	AMT.	REQUESTED
	A UNAPPROPRIATED FUND BALANCE	49,000.00	DAO550511041000	SALT	49,000.00	SPEER

Motion carried: Aye 5 Nay 0

**MISCELLANEOUS**

Garbage Collection - Supervisor Carmestro reported he has been working with the Village to see if they could do the trash collection for the Town Hall, Park and VFW. They came back with a quote that would be a savings of about \$55 per month for the Town.

Director of Parks and Recreation - Supervisor Carmestro reported an advertisement was placed for the position of Director of Parks and Recreation. Packets were provided to Town Board members of the applications and resumes. The Board was asked to review the applications, to formulate questions they might have, select who they feel are the top five candidates based on the qualifications established and provide that information to his office. Supervisor Carmestro would like to see an interviewing committee created that would consist of Councilpersons Smith and Brown, two members of the Recreation Commission, himself and a representative from the School District, possibly the Athletic Director. There was agreement to move forward.

## **INFORMATIONAL ITEMS**

### **SALT SHED BREAKDOWN**

Councilperson Smith thanked Mike McHenry and Supt. Speer for the summary of the salt shed project. It provided a breakdown of where the money went and that we are under budget and the remaining parts to be completed. It looks like the project will be coming in about \$50,000 less than expected.

### **LIAISON REPORTS**

\*\*Councilperson Brown reported Recreation Commission information had already been covered and noted there will be a Veterans Day ceremony at the Veterans Memorial this Friday for anyone that would like to attend.

\*\*Councilperson Comardo reported the Zoning Board of Appeals had four items on their agenda. Four were approved and one was tabled. One of the items approved was the accessory apartment request. He also reported there were twelve Code Enforcement actions taken since the last meeting.

\*\*Councilperson Smith reported he has a signed statement from the gentleman who purchased skate ramps and is donating them to the Town and has no future claim. Through the help of the Park Department the VFW carpeting and linoleum has been cleaned over the past two days. The furniture will be back in place tomorrow and the VFW will be having an open house next week on the thirteenth. There was a lot of wind damage in the park from the recent wind storm. Staff will be starting work on cleaning up the trails and winterizing buildings. Last weekend the Scout troops had a weekend campout here. The weather created muddy conditions and some reseeded will be needed.

Councilperson Smith noted we will need to advertise for the open Town Board position that will be coming up at the first of the year. He asked Mr. Barton if he was aware of any potential openings on any of the other Boards.

Supervisor Carmestro asked about the status of the firewood. Councilperson Smith shared that he had gone out to look at it. An advertisement will be drafted for the Suburban News that seasoned firewood is available at \$40 per un-split face cord. The revenue will go to help defray their equipment costs.

The hot water heating system has had some issues. He has suggested that we get a chemical filtering and have a contractor clean our strainers. The quote came back higher than expected. He has asked Park staff to get three quotes and more details about the process that will be used and to better judge the work that will be done.

### **RESOLUTION TO ADVERTISE FOR BOARD POSITIONS**

#### **RESOLUTION NO. 272-2013**

Motion by Councilperson Smith, seconded by

Councilperson Brown, to advertise the open Town Board seat and the potential for other openings.

Motion carried: Aye 5 Nay 0

\*\*Councilperson Roose reported the Planning Board gave final approval to the Country Max project. Plans have been submitted for review and there is some site work being done.

### **PUBLIC FORUM**

Supervisor Carmestro opened the public forum to anyone who wished to address the Board.

Kyle Mullen raised the question of whether there was any long term financial benefit to the Town for expending Town resources to go through the process for the Country Max project. Discussion included the business has the right to look at other locations, there are fees involved in the process, they could have left the Town but chose to stay which is to our advantage, and the new structure will generate tax revenue as well as the previous location.

Al Howe felt that it was not so much what the Town is going to get out of it but what the residents will get. Country Max is a very important store in the Town; the people are the ones that will suffer.

There was further discussion it not being the job of the Town to tell a business that this is not a good choice on their part.

Ken Mullen asked what the decision was on allowing a new electrical inspection company to do inspections in the Town. It was noted the decision will be made as part of the organizational meeting.

Al Howe congratulated the candidates that won the election and commend those that lost for running a clean campaign. He felt it was important to have people interested in running for office and commended everyone involved.

A motion was made by Councilperson Comardo to adjourn the meeting at 8:30 p.m. and Councilperson Brown seconded. All were in favor.

Respectfully submitted,

Donna K. Curry  
Parma Town Clerk