

Parma Town Board meeting held on Tuesday, September 6, 2016 at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York

ATTENDANCE

Supervisor	Jim Smith
Councilperson	Gary Comardo
Councilperson	James Roose
Councilperson	Daniel Barlow
Councilperson	Kyle Mullen
Highway Supt.	Brian Speer
Town Clerk	Donna K. Curry
Building and Development Coordinator	Dennis Scibetta
Dir. of Parks and Recreation	Tom Venniro

OTHERS IN ATTENDANCE

Jeremiah Clifford, Michael Weldon, Lon Jacobs, Carol Kluth, Helen Ives, Al Leone, Jody Dunn, Frank Scholand, Pat Buskey, Joseph Petricone, Dennis Sweatman, John Chart, Walter Pavlovyeh, Tina Brown, Art Cosgrove, Larry Speer, Arda Davey, Ory Mee, Stan Hoy, Mark Bernruther and other members of the public.

CALL TO ORDER

Supervisor Smith called the meeting to order at 6:35 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.

MINUTES – AUGUST 16, 2016

RESOLUTION NO. 237-2016 Motion by Councilperson Comardo, seconded by Councilperson Barlow, to accept the Minutes of the meeting held on August 16, 2016.

Motion carried: Aye 4 (Smith, Comardo, Roose, Barlow) Nay 0 Abstain (Mullen)

MINUTES – AUGUST 24, 2016

RESOLUTION NO. 238-2016 Motion by Supervisor Smith, seconded by Councilperson Comardo, to accept the Minutes of the special meeting held on August 24, 2016.

Motion carried: Aye 5 (Smith, Comardo, Roose, Mullen, Barlow) Nay 0

TOWN CLERK REPORT

Collection for the 2016-2017 School Tax has begun. The County has had a few problems with creation of reports and the new bill format. It will be a learning curve for all. The

office will be open this Saturday from 9:00 a.m. to noon to facilitate the collection of taxes.

The Town Clerk and VFW Monthly Summary reports for August have been completed, filed and provided to the Town Board for review.

Legal notifications were received from the Town of Hamlin regarding a single lot subdivision for 863 Hamlin Parma TL Rd. and from the Ogden Planning Board regarding site plan approval for a single family home at 67 Ogden Parma TL Rd. Because they are adjacent to the Town of Parma those municipalities are required to notify us.

HIGHWAY DEPARTMENT REPORT

Supt. Speer reported they have been working on the oil water separator. The floor has not been put back together and there are some other issues including an alarm box which has to be hooked up. He stated that it is plumbed up and useable. He noted it was quite a project in that a lot of the old pipes were odd sizes that are no longer made making it difficult to retrofit to what we have. There has been a lot of work for other Towns through the County. Trucks, drivers and flagmen have been provided. Staff has also been working on a drainage issue on Dunbar Road at the All Seasons Subdivision trying to make some improvements there. He also reported there is a lot of brush to be picked up but he is not sure when they will get to it.

BUILDING DEPARTMENT REPORT

Mr. Scibetta reported permits continue to be up over last year at this time and the department has been busy.

RECREATION DEPARTMENT REPORT

Mr. Venniro reported there had been a change in plans for the Ranger Field Use Agreement and this will no longer be a business item.

Mr. Venniro has provided the Board with the Department's report. It included the following. He was very pleased with how the Summer Send Off went off; feedback was very positive and he thanked all that participated and assisted in the event. The Fall 2016 Program Brochure is complete and will be available this week. The VFW stove has been removed and replaced. He thanked Mr. Petricone, Ms. Collins-Dool and Highway Department for turning the work around in such a timely manner. The Football Field SMP Annual Review has been prepared; input was request before the final version is filed.

MISCELLANEOUS REPORTS

Supervisor Smith report wiring has been fixed so that a fourth thermostat could be used for the new air handling units at the Library. This allows for auto programing of thermostats remotely through a computer.

PUBLIC FORUM

Supervisor Smith noted the public hearing portion of the meeting would begin at 7:00 p.m. as advertised and asked if anyone had any other issue they would like to bring before the Town Board.

Francis Scholand stated this was advertised in two different papers on two different nights and questioned whether it was legal. Mr. Scholand expressed concern for people that may come the next night and there would be no meeting. Supervisor Smith responded the legal notice was published in both papers to the best of his knowledge and the informational comment part unfortunately had the wrong date. The public notice (legal notice) has to be correct and any letter to the editor, article or other information is not official.

(Clerk notation – required legal notices are published in the North and South Editions of the Suburban News which is the official Town newspaper. The legal notice for the public hearing was published in both editions on August 28, 2016.)

BUSINESS ITEMS

PREPAID CHECKS

Information for this item was not received, so no action was taken.

RANGER FALL BASEBALL FIELD USE AGREEMENT

Per Mr. Venniro earlier in the meeting this agreement is no longer needed.

ACCEPTANCE OF NATURE CONSERVANCY PRESENTATION FOR EDUCATION CREDIT

RESOLUTION NO. 239-2016 Motion by Supervisor Smith and seconded by Councilperson Roose, to recognize 2.5 training credits for members of the Parma Planning, Zoning and Conservation Boards who attend the Nature Conservancy Presentation on September 17, 2016.

Motion carried: Aye 5 (Smith, Comardo, Roose, Mullen, Barlow) Nay 0

AGREEMENT FOR FIRE INSPECTION SERVICES

RESOLUTION NO. 240-2016 Motion by Councilperson Comardo and seconded by Councilperson Barlow, to authorize the Supervisor to enter into contract with Empire Code Services for fire inspection services for 2016.

Motion carried: Aye 5 (Smith, Comardo, Roose, Mullen, Barlow) Nay 0

The meeting was recessed to open the room divider for the public hearing now that court was finished.

PUBLIC HEARING – LOCAL LAW #1-2016

Supervisor Smith opened the Public Hearing at 7:00 p.m. and read the following Legal Notice which was published in the North and South Editions of the Suburban News and posted on the Town Hall Bulletin Board and the Town website.

LEGAL NOTICE TOWN OF PARMA

The Parma Town Board has scheduled a public hearing on proposed Local Law #1-2016 entitled “A Local Law for the Abolition of the Elected Position of Highway Superintendent and the Creation of the Appointed Position of Highway Superintendent of the Town of Parma”. The public hearing will be held at the Parma Town Hall, 1300 Hilton-Parma Corners Rd., Hilton, New York on September 6, 2016 at 7:00 p.m. at which time persons in favor of or opposed to said local law may be heard. Copies of the proposed local law are on file at the Parma Town Clerk’s office and will be available on the Town website (www.parmany.org), under Other Info for public inspection.

Dated: August 24, 2016

Town of Parma

Donna K. Curry, Town Clerk

Supervisor Smith noted that those who have signed up to speak would be asked to do so in the order they signed in. Speakers were asked to state their name and address and to keep their comments under three minutes.

Al Leone felt that this change was a political move to get rid of Supt. Speer because Supt. Speer would not get rid of Mr. Leone. He felt that a political crony would be appointed to the position and when politics come into it; doing so would put school district children, first responders, Monroe County Sheriffs and residents at risk. He stated there are no complaints from the NYS or Monroe County DOT, ambulance, fire service and very few from taxpayers and that Supt. Speer does his job. He felt there is a very dedicated group of employees now. He expressed that it took a long time to get that change over but the crew is a good one. He also cited examples of what he feels are reasons that he has been treated unfairly. He stated that the only reason this is being done is to get him out. When Supt. Speer refused, the only way to get rid of him was to get rid of Supt. Speer.

Francis Scholand expressed his concern that politics is more important than his right to vote. He is against this and felt that politics is not the best thing to be in when you see what is going on in this country.

Pete Beasley stated that he appreciated the comment of those that have spoken but felt we are losing sight of the real issue. It does not have to do with what a great job Supt. Speer does but more to do with taking an elected position and turning it into an appointed position. It will take the decision out of the hands of the people to vote for who they want and feel is doing the best job for the community and putting it in the hands of a few. He acknowledged that the Board is representative of the community and should vote the same as the rest of the community. He felt that anything short of that is political

corruption. He is opposed to this. He wanted to know what the primary driver was behind doing this.

Supervisor Smith responded that this was a good question. He explained that he is looking to the future. He explained that when they have interviewed for other positions in the past; we have had candidates who have been interviewed by the Board, other departments and narrowed down to two or three candidates for one final interview. So that the Board feels really confident that when they offer the job it is to the best candidate. They are also taking into consideration that Supt. Speer may or may not want to run for election another ten times. They are looking forward. If this was really retribution it would be a big rush to get Supt. Speer out the door effective for January 1, 2017. That is not the case. The proposal is dated to be effective January 1, 2018; which would be the end of his upcoming term. Secondly, the position according to highway law is responsible for paving of roads, maintaining bridges and plowing roads. No one is arguing that we are doing a very good job of those things or that Supt. Speer does not do that. He noted that as we have gone forward with changing regulations from the State and Federal level; there is a lot more to the job that we as a Town Board feel that the Highway Superintendent's office needs to provide us but we cannot make him do that. We can ask him but if he chooses not to do that we cannot make him do that. Going forward there will be more, not fewer regulations, to be dealt with. He cited the very exhaustive EPA audit that opened our eyes on a lot of things throughout the Town that we need to be focused on. The Board needs to make sure that whoever is the next highway superintendent is very capable of dealing with these current and future demands and that is really the primary driver.

Mr. Beasley responded that the points are worthy of consideration but felt there are other options that could be taken for anyone who wants to run for the role. If he understood what was being said this body wants to appoint the person so it would be in control of the qualifications for the position. Supervisor Smith stated this would be very well publicized. Mr. Beasley felt the same thing could be done by redefining the roles and responsibilities of the position by making a motion not redefining how a person gets the job. He felt the things being said were very valid points and worthy of consideration but he wants the public to decide.

Councilperson Mullen asked to respond and stated this is not personal vendetta against Supt. Speer or about the quality of our Highway Department. This is about a fiscal decision and that we are no longer a smaller rural town. It is not the same town as when Mr. Blackburn or Mr. Reinschmidt worked here. The numbers have changed. The Town has grown. We no longer have that small rural town that the only thing the Highway Superintendent has to do is take care of roads. Now we are faced with taking care of sewer districts; stormwater management plans, which was a key factor in the EPA audit; flood control; and New York State and Federal regulations that do not pertain to keeping a highway straight and maintaining bridges but are related to other things associated with roads and bridges. The ultimate goal is to go to a Director of Public Works who can handle all of those things. This would include Town maintained properties, facilities, public areas, parks, and property maintenance of vacant properties. It is about looking at

efficiencies in our government such as using budgeted equipment for multiple purposes and across departments. We are looking for efficiencies that could allow us to buy one mower that is used for the park and highway ditches; when we have large highway jobs where we are supporting other Towns and it has rained for several weeks and it is too wet to mow in the park; can we use park staff as flag persons. Park staff might be used to mow ditches in place of regular highway staff if there is a need elsewhere. He asked, can we use staff on jobs where we can generate Town revenue for doing County work by offering our people and equipment for those jobs and doing more by having flexible staff. He reiterated this has nothing to do with Supt. Speer. He can apply for the position of appointed Highway Superintendent and in the future Director of Public Works.

Mr. Beasley felt that these are very valid points and issues that could be addressed but for him the issue was taking away the elected position and making it appointed.

Councilperson Mullen responded that in Town Law you have to have a referendum for the citizens to decide whether you want to go the path of an appointed Highway Superintendent. You cannot have an elected Director of Public Works, only a Highway Superintendent is elected. We would be following in the footsteps of other towns in the State and several in Monroe County. It will have to go to a referendum for this to happen. Our Counsel, who knows Town Law, has advised that this would be the process.

An unidentified individual asked why an engineer could not do this work. The engineer could instruct the Highway Superintendent on what should be done instead of having a relative of someone put in the position. Councilperson Roose asked to address the remarks about cronyism and Mr. Beasley wished to finish. He stated that he appreciated the points made by Councilperson Mullen regarding fiscal responsibility but is not in favor of the process for how the Board wants to go about making the change. He felt that the Board has done a lot of homework and wanted to know what the potential cost savings might be by eliminating the Highway Superintendent position. He wanted to know what the rate of growth has been. Supervisor Smith noted there has been five major sewer districts added since 2006 and there have been additional off shoots to those. Prior to that there was very little done because there was not a lot. Now there is a lot more development and there is a need for the best equipment and the need for additional work to monitor and log what is happening. Some of the things that come from the provided numbers for the savings that would be realized then it may have been better received.

Councilperson Roose then responded to earlier remarks of cronyism and getting someone we want into that position. There was an exchange of statements between Mr. Leone, Carol Kluth and Councilperson Roose regarding what he said or did not say to her in May of 2015 and then passed on to Mr. Leone by another Town employee. The point he wanted to address that the Town lost two department heads, one to retirement and one to death. The Town Board advertised and received excellent applications for openings in Recreation and Building Departments. None of these applicants were known to the Board and resulted in the highly qualified employees, Tom Venniro and Dennis Scibetta. He felt that these are examples of what the Board can do when they can interview and

have the opportunity to choose from the cream of the crop. And this is what can happen if the voters decide to change this process in November.

John Chart felt the Highway Department is the most important department in the Town. That makes the Superintendent the most important person in the Town and he has served us well. He expressed that there was seventy years of road, bridge and vehicle maintenance and snow removal between Supt. Speer and Mr. Leone. By doing this you would be taking away his right to pick a person that he feels should be in the position. Mr. Chart cited examples of what he felt were horrible financial decisions made by the Town Board and reiterated he wants the right to elect who is going to represent taking care of the Town's roads.

Angelo Bianchi expressed that one of the things he likes about this community is the school district and that individuals who run for the School Board state their qualifications. He also likes the sense of community and the turnout tonight shows that sense of community. He felt the sentiment tonight was that elected officials are responsible to the public. Whenever he has had to contact the Highway Department, past or present, they have always responded. He was concerned that this is a continuing vendetta to put in a favored person in the position. He felt the Highway Superintendent should be responsible to the community. He expressed that he detests the situation and does not want to see another COMIDA effect where you get special privileges by being a member of a certain party.

Joseph Reinschmidt stated that having worked here and seen this from both sides he has often wondered how the Town would take care of the sewer districts because we had no way of doing so; other than hiring the Village or getting the Highway Department to do when they had time. He noted residents of those sewer districts pay additional taxes for that maintenance. He stated if this was to pass, the appointment would be a civil service position. He noted there are strong stipulations on what you have to be to fill the position. Councilperson Mullen agreed and noted this has been the process for the Recreation Director and the Building and Development Coordinator.

Arda Davy wanted clarification on when the public would vote on whether this is an elected or appointed position. Supervisor Smith responded that if passed tonight the public would vote in this November's general election as a mandatory referendum would be required. Councilperson Mullen noted if it was not passed tonight it would stay the way it is unless a petition was submitted to force it to be on the November ballot. Mrs. Davy also wanted to know if the person was appointed how long they would have the position and if they would be graded on performance. Supervisor Smith responded that the person would be graded on performance. How long a person stays in an appointed position varies. He has seen some people stay for a long period and others who have not. The goal would be to have fifteen months to get resumes, do interviews, and find a highly qualified individual to appoint in January of 2018; assuming the referendum is approved. He noted the biggest complaint he has heard tonight is that the Board is taking away the right to vote on the position. He acknowledged that this is a big change for the Town of Parma. Of the nineteen towns in Monroe County, eleven have gone to an appointed

position. Councilperson Roose noted that the Village of Hilton also has an appointment for this position. A comment was made that you cannot go back later and the response was that it could be changed back in the future. Mrs. Davy asked if the change takes place, who is going to oversee the work crews. The response was the person in this new position. She did not feel that no one person was capable of doing all of that.

Larry Speer was troubled by the approach taken. He felt if the Board had supported Supt. Speer this would never have happened. He was glad it was noted the Village has Mr. McHenry in a Director of Public Works position. He felt it is a good working situation; there are no politics and the Village Board supports him. He did not feel the Town Board has supported the Highway Superintendent. He also felt the Town would be hard pressed to fill the position for the salary they are currently paying; as it is the lowest in the County. He does not doubt the intentions are good but felt they will have to support whoever is in the position and that has not been the case. He cited examples of where he felt the Highway Superintendent was let down; acknowledged he understood firsthand concerns of some of the changes being faced, felt the Town Board has not listened to Supt. Speer in financial matters; the morale of the employees is poor; does not understand why this is coming up now and felt politics was responsible by trying to put someone else in the position and this is happening because that did not work out. He would like it put to rest.

Supervisor Smith asked if there was anyone else who would like to speak that has not spoken so far.

Dennis Sweatman questioned the comment about having a petition to put this on as a referendum in November. Supervisor Smith clarified that this is the Town Board proposing to amend the Town Code with a Local Law. This type of Local Law requires a mandatory referendum so that it will be on the ballot in November. When a permissive referendum is involved, there is a right to petition (a certain percentage of registered voters must sign the petition) so that a referendum can be held. In this case, the law requires if passed that it goes before the public to vote on the matter. Mr. Sweatman inquired what the purpose of doing this was. Supervisor Smith responded that come the end of next year, the Town Board should take resumes, have interviews and make sure we have the best person going forward into 2018. This would be especially appropriate should Supt. Speer decide to retire. There were numerous persons speaking at the same time and Mr. Sweatman's next comments were inaudible. The next understandable part of Mr. Sweatman comments was about having those qualifications being applicable to the elected position. Supervisor Smith noted the Town Board cannot amend Highway Law. The Town can ask the Highway Superintendent to do other responsibilities and in most cases he has been kind and abided by those requests but those requests get bigger and bigger all the time. This action would position the Town for being able to handle this in 2018, with a highly qualified person. The qualified person could very well be Mr. Speer; he would be the leading candidate at this time, as he may want to continue in the position. He felt we have to be prepared as a Town for the day when Supt. Speer retires. He felt this was being proactive. Who oversees the Highway Superintendent and the response was that the voters do.

Jeremiah Clifford thanked the Board for the opportunity to speak and that if you live on the outskirts you tend to get ignored and this is not the case in Parma. We all pay taxes and should have the right to vote for who we want to have in office. He did not feel this was a good idea.

Jack Barton wondered how there could be cost savings if Supt. Speer is already the lowest paid Highway Superintendent. He was having difficulty in seeing how one person could do all these things for that amount of money. Councilperson Mullen responded that the actual cost analysis to fine details had not been done yet; the discussion of the salary has come up and we realize that in looking at public works there will need to be a restructuring of responsibilities and duties. Moving forward we would be looking at everything related to park and building facilities, sewers, stormwater, all the regulatory responsibilities, property maintenance on vacant properties and moving these things into one lump effort where you can look at how we can better utilize equipment and personnel and the time for the task at hand to create synergies and cost effectiveness.

Mr. Beasley questioned that if you were in business you would not make that decision without understanding what your return on investment would be. He felt very strongly that this should be deferred until there are numbers on such things as growth, sewers, and a cost analysis. He felt the motives were reasonable and if everything being said is true then it is a valid suggestion. He sees it as the Board's job to suggest ideas and options for the public. He did not realize until the discussion that even if the Board decides to put this on the ballot, the voters will have the final decision on whether it happens. He did feel that before it was brought to the table that more information should have been prepared to back the position.

Pat Buskey felt that the Town Board did not come prepared to sell this tonight. He commented that many have stated the Board is taking away their right to vote for that position and he did not feel that was the case. He stated the Board is putting it up for referendum so that citizens can vote on whether it should be taken away. They are not taking it away.

Supervisor Smith asked the audience to refrain from sidebar comments and to address the comments to the Town Board.

Ken Blackburn asked if we are talking about stormwater or sanitary sewers. The response was both.

John Chart asked hypothetically if it were to be approved what would happen to the Director of Park and Recreation position. Supervisor Smith responded that it would be restructured to be predominately Recreation but that might be two three years down the road. What they are trying to do is set a time table to restructure by combining things in a fashion that makes more long term sense. He noted most municipalities that have Directors of Public Works take care of parks and other facilities. It will be up to the voters if they agree with this.

Al Leone felt this was already being done and expressed his dissatisfaction with the equipment handed down from the Village and that the department is not given the tools to do the work. He cited area Towns which have elected Highway Superintendents and felt Parma's situation should not be compared to larger places. He felt this is just a smoke screen for getting rid Supt. Speer and himself.

Councilperson Mullen responded that he has asked Supt. Speer personally for a forecast/five year plan for equipment. It has never been received. What happens is the Town Board does not hear about it until it breaks down instead of having a forecast. When he came into the position he said to Supt. Speer he would try to work with him and he has continued to try to do so. The EPA report is what scared the heck out of him because they can come in as the federal government and they could shut down the highway building. The oil water separator in particular was a major concern. Supt. Speer was authorized to purchase it back in November of last year and it was obtained in April of this year. It just got installed and it is still not operational. Supt. Speer was asked at almost every meeting what the status was. There was discussion between Mr. Leone and Councilperson Mullen as to why the job was not done and their opinions for the reasons.

MaryLou Clifford felt that what this boils down to is taking away the voice of the taxpayers and that this is present in all levels of government. She felt there must be a better way to reconfigure personnel and put them in a position to have the funds that they need. She would like the Board to find a way to make the job description different.

Steve Speer stated he has not heard too many favorable comments and that a decision for this would be against the will of the people.

Ken Blackburn stated he was a former Highway Superintendent and a Board member and felt this all started to get rid of Mr. Leone. He felt it was wrong and hoped that none get re-elected.

Councilperson Roose wanted to address the politics issue that keeps coming up. He pointed out who the Town Board members are and what their backgrounds and high qualifications are for the positions. He also noted he has always supported Mr. Speer and that Supt. Speer stated to him that this was the best it has ever been in the Highway Department. Supt. Speer responded that that was the case up until now. Supt. Speer stated that he could not find this topic on an agenda and accused the Board of entering into an executive session and making the decision to do this after they came out even though the Board said there was to be no further business after the executive session. Supervisor Smith responded that there was no decision made at that meeting. An advertised special meeting was held on August 24, 2016 and it was during that meeting that the decision was made.

There was additional exchange of remarks which were politics related. Councilperson Roose wanted those present to understand what is really going on and that if they understood what they hear; they would have a whole different perspective. He felt that Councilperson Mullen had been on the "other" side as alluded to earlier and suggested that they talk to him after the meeting to hear another perspective.

Mr. Beasley commented that the Board is in a thankless position and could see how it might make sense to do this. But he felt the cart was before the horse and reiterated prior remarks.

Stan Hoy asked how the public can be asked to vote at a referendum if they do not have the information. He noted that things change but felt it was not right to ask for a decision without providing facts. Councilperson Mullen felt this was a fair comment and acknowledged the fine tooth of what it would cost was not done. What is trying to be done is to look at a future plan down the road. This would not be happening this December. The first step would be to appoint then change over to a Department of Public Works. He felt that it has to start something in motion. The reasons for doing this now is that a referendum would be at no additional cost to the Town; which could run over \$5,000 if it took place outside of election day. Mr. Hoy closed with the comment that he did not feel there was enough information to make a decision on.

An unidentified individual wanted to know why someone wasn't contracted to install and complete the installation of the oil water separator. Councilperson Mullen responded that we did. He put forth a motion that if the work was not completed by a certain date (August 31, 2016) that we hire a contractor. The resident asked why if it was this important that it wasn't done. The question was then directed to Supt. Speer who responded that he placed emphasis on the scare of the Zika virus because there was a lot of wet ground so they did a lot of work in Townwide drainage. He admitted that he probably should have started sooner but time slips away. It is in now but not completed 100%.

Supt. Speer expressed that he was hard pressed this was the Town Board's intent. He shared his thoughts that other Towns of our size also have a difficult time finding time to address these same issues. And gave an example where one town hired a retired engineer as a solution. He just wants to be Highway Superintendent have a Road Foreman and do the work and that happened for a while. He went on to explain his position over the past few years and felt the people who should have been supporting him where the ones who fought him the most. Supt. Speer felt it was a constant hassle; he was suspicious because it came up suddenly (He did acknowledge that Supervisor Smith did tell him that they were looking into it); it is very tough to do the job, too many interruptions to be able to sit down and do hours of paperwork every day; and the Town will not find someone to do it for the money they are paying him. He felt the EPA was a waste; you could fill a room will all the papers the EPA requires; the Highway Superintendent should be doing his job and someone with the expertise should be dedicated to do the other things.

Walter Pavlovych explained and cited examples of his relationship with the Town. He was disappointed with what was laid out today. He would like to see numbers that support what was presented; question what other Towns have saved or experienced; have everyone work together; what the responsibilities are for the position and what price range the Town would be willing to pay. Additionally, he asked why we have a Town and a Village. He thought this was a good discussion because it is trying to save us money but it has to settle down.

Supervisor Smith stated it would be much easier to just push this down the road to another Supervisor but at some point a decision has to be made. He along with the rest of the Board made the decision that they feel is in the best interest of the Town assuming it is passed. The driver is from a practical standpoint is putting it on the ballot this year it gives the people of Parma the chance to make the decision. If the decision is we do not want to do this life goes on as it is now. If the result is yes, that the people want to make this change, then there is a year to prepare for that change. If we were to wait until next year to take the vote, there could be others on the ballot that potentially could be campaigning for a job that could be eliminated. It was felt that the off year was the best time to do this for that reason.

Mr. Leone wanted to know if funds were being set aside in reserves for highway equipment. Supervisor Smith noted that well over \$100,000 per year has been in recent years. Early in his time on the Town Board he had proposed \$200,000 and fellow Board members at that time turned it down. A more recent approach the Town Board has taken is the leasing of equipment. This has allowed us to acquire more equipment and spread the cost over a number of years. There have been changes and many at the recommendation and request of Supt. Speer. There has been give and take and these are changes that would not have occurred twelve years ago.

Mr. Barton asked that Councilperson Mullen look further into what equipment could be shared and particularly from the stand point of how much use it would get. He felt the equipment usage should play into any decision. Mr. Barton asked if this might be tabled for consideration of tonight's comments. Supervisor Smith stated that might happen but that he was concerned with the timing and reiterated the concern not to have anyone running for a position that might not actually be there if the referendum was held at the same time.

Mr. Leone reiterated his prior position.

Mr. Blackburn felt it was great that the Board receive a lot of input from those in attendance. He reiterated he felt this was a way to get rid of Supt. Speer and Mr. Leone.

Supervisor Smith closed the public hearing at 8:30 p.m. and asked Town Board members if they had any comments.

Councilperson Comardo stated that he has listened to everything that has been said. The thing that struck the closest to home was having an appointed Highway Superintendent/Director of Public Works does takes away your right to vote directly. He agreed that was true and there was no point in arguing that point. That type of voting is not unusual in our type of republic; you directly vote for people who sit on the Board to make the decisions. This is often the way. He felt the Board believes this is the most efficient arrangement and the best thing for the Town. He felt they are regular guys just like you and trying to do right by the Town just as you are. He felt this is the most efficient arrangement

Councilperson Barlow stated that as an accountant he is disappointed that we did not put numbers together. Intuitively, he felt it made sense to him to go forward in this direction similar to what other Towns have done and move toward a Director of Public Works. Larger Towns have moved toward this and Parma is not as small as we used to be. As we have grown we are experiencing growing pains but felt this is the right direction to go.

Councilperson Roose noted when he was first presented with the proposal he had reservations about it. He was more against than in favor. His final conclusion was that it should be put to the voters to decide.

Councilperson Mullen felt there was a lot of good input from the public and he appreciates it. He shared that he came on the Board from outside of the political process. He applied for the position, interviewed for it and was appointed by the members sitting at the time; not because the party wanted him here. He looks at it as a taxpayer and from both sides. What is consistent for him is that he wants to look out for the future of the Town and its growth. He made a choice to move back to Parma after he retired from the military not because he had to but this was home and identified with Mr. Bianchi's statement that he is proud to call this home. When he came on the Board he told the Supervisor there should be a liaison for the Highway Department. He noted that he did not go into this decision lightly. He shared this was becoming personal for him as he has known the Speer family. He stated if there is someone to blame for this proposal; it is him. Based on the EPA report he felt it was necessary to make this proposal to the Supervisor and as we needed to go in a new direction. He stated this has nothing to do with Supt. Speer. He spent many times at the Highway garage with Supt. Speer and Mr. Leone to provide an opportunity for them to talk when no one else had. Mr. Leone interrupted the Councilperson's remarks and was asked to let him finish. Councilperson Mullen expressed that he was thankful to everyone who talked about what they were looking at and will take into account all of those points.

Supervisor Smith felt this was a tough thing but the right thing to do. For the people in this room it is not a very popular idea but he felt doing nothing was the wrong thing to do. Doing something is the tough thing and by doing so we are giving the citizens of Parma the opportunity to vote on this. He expects that people in this room will lobby against it but it is an important thing to present to the Town and see how the voters respond.

RESOLUTION TO APPROVE LOCAL LAW #1-2016

RESOLUTION NO. 241-2016 Motion by Supervisor Smith and seconded by Councilperson Comardo, to approve Local Law #1-2016 "A Local Law for the Abolition of the Elected Position of Highway Superintendent and the Creation of the Appointed Position of Highway Superintendent of the Town of Parma" and shall be subject to a mandatory referendum to be held November 8, 2016.

Motion carried: Aye 4 (Smith, Comardo, Roose, Barlow) Nay 1 (Mullen)
Because of the type of local law, the Town Board has to approve the local

See Schedule A for a copy of the Local Law

**RESOLUTION TO APPROVE BALLOT WORDING FOR MANDATORY
REFERENDUM FOR LOCAL LAW #1-2016**

RESOLUTION NO. 242-2016 Motion by Supervisor Smith and seconded by Councilperson Comardo, to approve the following ballot wording for mandatory referendum of Local Law #1-2016 for the November 8, 2016 election.

“Shall the Town of Parma enact Local Law #1-2016 A Local Law for the Abolition of the Elected Position of Highway Superintendent and the Creation of the Appointed Position of Highway Superintendent of the Town of Parma”, to become effective January 1, 2018 for the purpose of consolidating personnel and equipment under a Department of Public Works to address growing statutory demands while remaining fiscally responsible within the New York State Tax Cap guidelines?

Motion carried: Aye 4 (Smith, Comardo, Roose, Barlow) Nay 0 Abstain 1 (Mullen)

INFORMATIONAL ITEMS

There were no informational items.

LIAISON REPORTS

**Councilperson Barlow reported the Planning Board approved conceptual reviews for a two sites; one being a solar farm that would be renting farm space on Burritt Road.

**Councilperson Comardo reported the Recreation and Parks Commission met at the VFW. The monthly reports were reviewed and they talked about the new stoves and the air conditioning situation. The next HPDICE meeting will be a teleconference to refine the presentation on November 2, 2016.

**Councilperson Roose reported a draft agreement between the four entities for oversight of the Special Police has been completed. Supervisor Smith noted he drafted the agreement sent it to the Mayor and he passed it along to members of the group. It is the intent to form a board for oversight and start interviewing for anyone interested in doing traffic control. Councilperson Comardo inquired if there had been progress on removing the requirement for Peace Officer training. It was felt this must go to our State Representative and they would have to do the leg work to get the law changed. The Town Supervisor is the default Chief unless the Town choses to appoint someone else. The primary reason the Town is involved is because the other entities desire this and the Town by law is the source. The plan is that all the entities would provide ideas and contribute financially.

**Councilperson Mullen reported the Zoning Board has had lots of accessory building issues.

**Supervisor Smith reported he has been reviewing health care options for employees and in preparation for upcoming union negotiations. It is expected that a base contribution will be made by the Town and the employees will pay the difference. Employees will have a choice of two plans to pick from. One is a co-pay plan and the other is a high deductible plan with a Health Savings Account (HSA) similar to what we have now. The out-of-pocket cost has increased greatly this year.

Additional paperwork has been completed on for the grant funds for the Town Hall Boiler Project from nineteen month ago. The first phase of the EPA Audit response has been sent to the DEC. They have not commented yet. There has been one cease and desist given and hopefully we have met the minimum requirements.

There was no further business before the Town Board. Councilperson Comardo made a motion to adjourn the meeting at 8:50 p.m., seconded by Councilperson Barlow and all were in favor.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk

SCHEDULE A

**TOWN OF PARMA, NEW YORK
PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2016
A LOCAL LAW PROVIDING FOR THE ABOLITION OF THE ELECTED
POSITION OF HIGHWAY SUPERINTENDENT AND THE CREATION OF THE
APPOINTED POSITION OF HIGHWAY SUPERINTENDENT OF THE TOWN OF
PARMA**

Be it enacted by the Town Board of the Town of Parma as follows:

SECTION 1.

This local law is enacted pursuant to Municipal Home Rule Law §§10, 22 and 23. This local law shall supersede any provisions of the Town Law of the State of New York to the contrary, including, but not limited to, Town Law §20 with respect to the method of selection of the Highway Superintendent in the Town of Parma, and any other provision of the Town Law or the Highway Law providing for or referring to the creation of the elected position of Highway Superintendent.

SECTION 2.

The elected position of the Highway Superintendent in the Town of Parma, New York is hereby abolished, effective January 1, 2018. The appointed position of Highway Superintendent in the Town of Parma, New York is hereby created, effective January 1, 2018.

SECTION 3.

Commencing January 1, 2018, the Highway Superintendent of the Town of Parma shall be the person appointed by the Town Board of the Town of Parma.

SECTION 4.

The appointed Highway Superintendent shall have such powers and shall perform such duties as are or hereafter may be conferred or imposed by law, and such further duties as the Town Board determines, consistent with applicable law. All duties, authority and power previously vested in the elected Superintendent of Highways shall be vested in the appointed Superintendent of Highways. Any references contained in the Code of the Town of Parma to the Superintendent of Highways shall be construed as applying to the duly appointed Highway Superintendent.

SECTION 5.

This local law shall be subject to a mandatory referendum pursuant to the provisions of §23 of the Municipal Home Rule Law at the general election to be held on November 8, 2016.

SECTION 6.

This local law shall supersede or repeal any prior inconsistent Local Law.

SECTION 7.

The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part or provision of this local law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the Local Law.

SECTION 8.

This local law shall take effect after the affirmative vote of a majority of the of the qualified electors voting thereon at the general election on November 8, 2016, and the filing with the Secretary of State in accordance with the applicable provisions of law.