

Parma Town Board meeting held on Tuesday, November 1, 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
	Town Clerk	Donna K. Curry
	Dir. of Parks and Recreation	Tom Venniro
Absent	Highway Supt.	Brian Speer
	Building and Development Coordinator	Dennis Scibetta

**OTHERS IN ATTENDANCE**

Mike Weldon, Marcia Gilman, Jonathan Gilman, Shawn VanGraafeiland, Daniel Richardson, Orion Clark, Peter T. Lacaginina, Alexandros Geronikos 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 – OCTOBER 4, 2016**

**RESOLUTION NO. 271-2016** Motion by Councilperson Comardo, seconded by Councilperson Roose, to accept the Minutes of the meeting held on October 4, 2016.

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

**MINUTES – OCTOBER 18, 2016**

**RESOLUTION NO. 272-2016** Motion by Councilperson Comardo, seconded by Councilperson Roose, to accept the Minutes of the meeting held on October 18, 2016.

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

**TOWN CLERK REPORT**

The Town Clerk reported that a Letter of Retirement from Loretta Kirk has been filed in that office and becomes effective November 30, 2016. The Clerk's Office was very busy today with Deer Management Permits since it was the first day of the 1<sup>st</sup> Come 1<sup>st</sup> Serve for Deer Management Permits. Due to the first day of the month being our meeting, monthly reports were unable to be completed before the meeting. The Final Surrender for School Taxes is due next week.

### **HIGHWAY DEPARTMENT REPORT**

Supt. Speer was not present so there was no report.

### **BUILDING DEPARTMENT REPORT**

Mr. Scibetta reported that he met with the Monroe County Economic Development Committee and discussed ways to help Parma grow and ways to promote the Town. They were hoping that we could get some Community Block Grants for the Master Plan update but unfortunately we cannot use that money. They had good ideas on where to look and are impressed with what we are trying to do.

Mr. Scibetta reported they just finished the monthly reports today and they are ahead in permits than last year. They are two houses ahead of last year with 4 more ready to go. There department is still very busy.

Councilperson Mullen asked if any builders or developers have made any comments with the new codes and how it affects their cost. Mr. Scibetta stated yes, and that the new costs to the builder could range anywhere from three to ten thousand dollars. They are waiting for some guidance from the state with some of the changes.

### **RECREATION DEPARTMENT REPORT**

Mr. Venniuro has provided the Town Board with a written report which included: a summary of the Halloween Celebration and Make A Difference Day to be held on October 22, 2016; work being done on a Hilton Parma Parks and Recreation Friends Foundation; participation in the HP DICE Town Hall Event; resurfacing of the basketball courts has been completed; and installation of the Little Library by Park Department staff at the Town Hall. There was discussion on the Cross Country Meet held on Saturday, October 29<sup>th</sup>. Staff worked at keeping people parking in parking lots, keeping them off of the football field and maintaining a sense of order. The group provided parking attendants in various locations. Councilperson Mullen was in attendance for a large portion of the event and reported mostly good things Saturday afternoon. He did suggest that digital maps be provided to the schools and be passed along to the parents. The Parks Department reported that there has not appeared to be any unexpected or routine damage to the park at this point.

### **MISCELLANEOUS REPORTS**

There were none.

## **PUBLIC FORUM**

Supervisor Smith asked if anyone wished to address the Town Board. Mr. Peter Lacaginina addressed the Town Board regarding a storm drain pipe that was to be installed at the front of his house. He provided the Town Board with letters which he has given to the Highway Superintendent and the Clerk at the Highway Department and reviewed them with the Board. Copies of both are attached at the end of the minutes. Mr. Lacaginina felt he should not have been billed for this until it is finished; as that was the agreement. The dates committed to by Supt. Speer for completion were never met. He chose to present his situation to the Town Board before taking it beyond the Town. He is willing to pay for the materials but is concerned that the work will never be finished. He was upset that repeated commitments were made for when the work would be completed but never met and no explanation or reason given. He estimated that there is four days of work to be completed and has asked that it be completed by the end of the month.

Supervisor Smith thanked him for coming to the meeting so that his problem is now on record and explained to him that the Town Board cannot make Supt. Speer do the work. Councilperson Mullen asked that the letters be copied into the minutes and suggested that we consider getting bids from outside contractors to complete this if the deadline is not met. Because this is on a State Road, has there been an agreement with them for the Town to take over the maintenance. There was also an inquiry as to whose or what SPEDES Permit was used.

*Copies of both letters are attached at the end of the minutes.*

## **BUSINESS ITEMS**

### **ACCEPTANCE OF MAINTENANCE BOND FOR COUNTRY VILLAGE ESTATES SECTION III AND IV**

**RESOLUTION NO. 273-2016** Motion by Supervisor Smith and seconded by Councilperson Comardo, to accept the Maintenance Bond for County Village Estates- Section III in the amount of \$5,000 and Section IV in the amount of \$22,444.

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

### **TOWN CLERK TAX RECEIVER BONDING**

**RESOLUTION NO. 274-2016** Motion by Supervisor Smith and seconded by Councilperson Mullen, to approve the surety form and the amount of the official undertaking for the faithful performance of the duties of the Town Clerk and Receiver of Taxes and Assessments as follows:

Type of Undertaking:	Public Employee Dishonesty
Insurance Policy:	Travelers Insurance Company

Amount: \$500,000.00

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

**BUDGET TRANSFERS**

**RESOLUTION NO. 275-2016** Motion by Supervisor Smith and seconded by Councilperson Roose, to approve the budget transfers as presented:

BUDGET TRANSFERS			NOVEMBER			
ACCT #	FROM DESCRIPTION	AMT.	ACCT #	TO DESCRIPTION	AMT.	REQUESTED
AOO.514.1330.480.00	RECIEVER OF TAXES MISC	\$1,000.00	AOO.514.1330.410.00	REC OF TAXES OFFICE SUPP	\$500.00	CURRY
AOO.514.1460.460.00	RECORD MGMT CONTRACT SV	\$700.00	AOO.514.1410.410.00	TOWN CLERK OFFICE SUPP	\$500.00	CURRY
AOO.514.1330.120.00	OFFICE CLERK	\$1,000.00	AOO.514.1410.130.00	DEPUTY CLERK	\$2,700.00	CURRY
AOO.514.1410.460.00	TOWN CLERK CONTRACT SVC	\$1,000.00				
		3,700.00			3,700.00	

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

**ACCEPTANCE OF MAINTENANCE BOND MERCY FLIGHT  
 PHASE IV AND DETENTION POND**

**RESOLUTION NO. 276-2016** Motion by Supervisor Roose and seconded by Councilperson Barlow, to accept the Two-Year Maintenance Bond for Mercy Flight Country Village Estates – Phase IV and Detention Pond in the amount of \$15,000 and Section IV in the amount of \$22,444.

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

**RELEASE OF LETTER OF CREDIT COUNTRY VILLAGE  
 ESTATES SECTIONS V RELEASE 2**

**RESOLUTION NO. 277-2016** Motion by Councilperson Roose and seconded by Councilperson Mullen, to release \$57,475.80 from the Letter of Credit work completed for Section V Release 2 of the County Village Estates Subdivision.

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

**LIAISON REPORTS**

\*\*Councilperson Barlow did not have a report.

\*\*Councilperson Comardo reported that the Recreation Commission met last week and there was discussion about the senior trips. There was a HPDICE meeting yesterday and there is an event taking place tomorrow at Merton Williams that will discuss underage drinking. There will be a lot of expert speakers at the event.

\*\*Councilperson Roose reported that there were about 9 or 10 applications picked up at the informational meeting for Special Police but not a lot of them were returned. There would be a training class in January or February and sometimes these classes are only once a year so it was felt that even if there are only a few people they should go to the class. Councilperson Roose felt that there is low interest because it is only for traffic control. Councilperson Roose felt that the situation that happened in the past would not happen again because there is an actual board consisting of representatives from each entity overseeing this group.

\*\*Councilperson Mullen reported that at the October 20<sup>th</sup> Zoning Board meeting an issue came up regarding a sign on Ridge Road. Councilperson Mullen gave some background to the Board. The applicant would like to put the name of the tenants on the sign. There is some confusion in the code. The application was tabled to the next meeting.

\*\*Supervisor Smith reported that he met with the new director of Planning and Development for the County. As a follow-up to that he met with the Hilton Central School District Superintendent. He is looking at increasing available training opportunities for the students at the High School. There are concerns about the intersection of Bennett and Wilder Road/East Avenue. There has been a right turn lane added which has relieved some congestion but there is still a very congested intersection during the morning and afternoon drop off and pickups and after larger sports gatherings. They have reached out to Senator Robach's office in hopes of getting a stop light. The school has offered to pay for it, which he felt should help the approval process go smoother, but there is concern about school money being used for improvements that are not being used directly on school grounds. There was a near miss accident at the cross walk on the western border of the high school. Currently, there is no authorization to use crossing guards within the Town and they also need training. The Town of Greece has a formal program that addresses the authority under which the crossing guards operate and they only put crossing guards where there is a light. He felt that the traffic light would go a long way to handle these issues.

Councilperson Barlow asked if the training opportunities at the school would be similar to BOCES. Supervisor Smith said that BOCES has been around a long time, Hilton Central School students use that for trades. The difference would be this would be done in conjunction with Monroe Community College and they would be looking for sponsors from businesses in the community that are looking for a particular trade or skill set. An example given was Byron-Bergen students are walking out of High School with a two year degree from Genesee Community College.

### **APPROVAL OF PRELIMINARY BUDGET**

**RESOLUTION NO. 278-2016** Motion by Supervisor Smith and seconded by Councilperson Comardo, to approve the Preliminary Budget for 2017.

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

### **SET PUBLIC HEARING FOR THE 2017 PRELIMINARY BUDGET**

**RESOLUTION NO. 279-2016** Motion by Supervisor Smith and seconded by Councilperson Mullen, to schedule a Public Hearing for the 2017 Budget and Special Districts for the Town of Parma to be held on Tuesday, November 15, 2016 at 7:00 p. m., at the Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

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

The Town Board reviewed the Preliminary Budget, discussed items that might be changed and any impact that might have.

### **INFORMATIONAL ITEMS**

There were no informational items.

Supervisor Smith stated that the Town Board will be going into Executive session and after coming out there would be no further business transacted.

### **ENTER INTO EXECUTIVE SESSION**

**RESOLUTION NO. 280-2016** Motion by Supervisor Smith, seconded by Councilperson Comardo, to enter into Executive Session to discuss current union contract negotiations.

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

The Board entered into executive session at 8:35 p.m.

### **CLOSE EXECUTIVE SESSION**

**RESOLUTION NO. 281-2016** Motion by Councilperson Mullen, seconded by Councilman Barlow, to close the executive session at 9:00 p.m. and return to regular session.

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

There was no further business before the Town Board. Supervisor Smith made a motion to adjourn the meeting at 9:00 p.m., seconded by Councilperson Comardo and all were in favor.

Respectfully submitted,

Donna K. Curry  
Parma Town Clerk



From: Peter Lacagnina

To: Parma Highway Department

Subject: Invoice for Materials (Stone, Pipe and Asphalt)

Date: October 31, 2016

Please be advised that I am in receipt of your invoice dated June 9, 2016 for materials used to pipe the Storm Sewer Drainage ditch in the front of my home.

Prior to the material being ordered and the work started I had a discussion with Brian Speer's and I asked him specifically if I needed to pay for the materials up front and he told me no that I would receive a bill once the work was complete. At the time the invoice was sent to me not all the work was complete. I would estimate approximately only 50% was complete. I would also like to point out that no additional work has been done since. I am somewhat surprised to have received the invoice when 50% of the work still remains to be done.

I have attempted to contact Brian Speer's on several occasions throughout the 6 plus months to have the remaining work completed, since the start of the work in April, 2016. I have met with Brian at the work site on 4 separate occasions and have received numerous commitment dates from him as to when the remaining work would be completed.

Below is the list of dates received from Brian of when he would complete the work, none of which were met.

The first date given to me at the end of April, 2016 was the work would be completed by the end of May, 2016, No phone calls from Brian and no work was done.

The second date given to me by Brian was in early June, 2016 and he promised the work would be complete on or before July 4<sup>th</sup>. Again no phone calls from Brian and no work was done.

After several more attempts to contact Brian, I finally was able to reach Brian by cell phone and he committed to having the remaining work completed by the end of August, 2016, no phone calls from Brian and again no work was done.

After several attempts to contact Brian by both by his cell phone and at the office I was finally able to meet with him for the fourth time at the job site during the second week of September, 2016, I was again given a completion date that Brian promised he would complete the remaining work no later than the first week of October, 2016, or possibly earlier. Again no phone calls from Brian and no work was done.



Parma Town Board

November 1, 2016

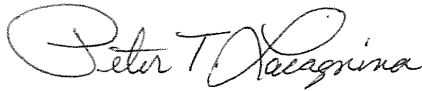
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I tried calling Brian a couple of times each day the second week of October when the work still wasn't done and I also left several messages for him to return my calls. I received no calls from Brian that entire week nor did he answer his cell phone when I called. I called his office late Friday October 14, 2016 and was told he had worked that past week but that he would be on vacation the following two weeks and would not return to work until October 31<sup>st</sup>. 2016.

Had I been aware that the numerous dates given to me by Brian since April, 2016 to complete the remaining work were not going to be met, I would have addressed your invoice letter much sooner. I assumed the dates Brian provided were dates he was committed to meeting but apparently I was mistaken.

Prior to the start of work at my home Brian Speer stated that I would not be billed until the work was complete. I received your invoice prematurely prior to the work being completed. Since the work has yet to be completed, I have not paid the invoice amount to date.

I am eager to have the remaining work completed by the Brian and the highway department as soon as possible and would promptly send a check to you for the invoiced amount of \$2,521 once the work is done per Brian's earlier direction.

A handwritten signature in cursive script that reads "Peter T. Macagnina". The signature is written in dark ink and is positioned in the lower-left quadrant of the page.

Peter T. Lacagnina

1395 Hilton Parma Corners Road

Hilton, New York 14468

November 1, 2016

Brian F. Speer

Highway Superintendent, Town of Parma

Brian my original request to you to pipe the storm sewer trench in front of my home at 1395 Hilton Parma Corners Road was made back in April 2011. Several additional requests were made to you during each of the following years between April 2011 and March 2016. After numerous discussions you provided me with an estimate for materials (stone, pipe, and asphalt).

Prior to you starting the work I had asked if I needed to pay for the materials in advance. You indicated that I would receive a bill for materials once the work was completed. I have received an invoice (bill) dated June 9, 2016. Since the work has yet to be completed as of November 1, 2016 payment has not been made. I will provide you with a check to cover these costs once all of the work is done. As discussed and verbally agreed to previously, I would pay for materials (stone, pipe, and asphalt) for the storm sewer running parallel to Hilton Parma Corners Road and that you (the Highway Department) would pay for the materials required to connect to the main that runs under the road from east to west and install pipe to the adjacent property at the north end of the worksite. The material consists of a catch basin, stone and approximately 150 feet of drainage pipe. You verbally agreed to provide all labor, fill dirt and topsoil required for the entire job.

The requested work was started in April of 2016, but was never completed. I estimate that approximately 50% of the work as originally discussed with you and agreed upon has not been completed to date. You indicated that you had other projects and would return to complete the work before the end of May 2016. None of the remaining work was completed between late April and the end of May 2016.

After several attempts to contact you in early June, I was finally able to speak with you and schedule an on-site meeting at my residence the 2<sup>nd</sup> week of June. At this meeting you indicated that you had other commitments and promised that the work at my home would be completed by the July 4<sup>th</sup> weekend. July 4<sup>th</sup> came and went with no additional work being done.

The following week in July I made numerous attempts to contact you via phone at both your office and cell phone numbers leaving messages requesting you to return my calls. After 8-10 days I was finally able to reach you in the office to set up another meeting at my home. During that meeting you promised that the work would be completed by the end of August 2016. Again no additional work was done.

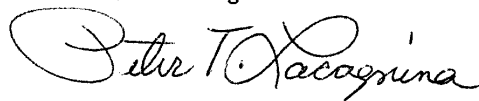
In early September several phone calls were made in an attempt to contact you. I was finally able to reach you and schedule another on-site meeting in mid- September. At this time you indicated and committed to completing the remaining work no later than the 1<sup>st</sup> week of October 2016. Again no additional work was completed as promised.

During the week of October 10<sup>th</sup> I made several attempts to contact you and left messages on your cell phone to return my call and also left messages at your office. I was finally able to reach someone in your office late Friday, October 14<sup>th</sup> and was told you were going to be on vacation the weeks of 10/17/2016–10/28/2016 and would not be back to work until 10/31/2016. You have made numerous commitments to me to complete the work at my home over the last 6 months and have failed to meet any of the dates promised by you.

Brian I feel that I have been very patient and understanding over the last several months concerning the remaining work that is yet to be done. You provided me with at least 4 different dates to complete the work none of which have been met. Brian I would appreciate the work being completed within the next 30 days. If you are unable to meet this timeframe it may be necessary for me to pursue this matter at a higher level within the town.

Respectfully,

Peter T. Lacagnina

A handwritten signature in black ink that reads "Peter T. Lacagnina". The signature is written in a cursive style with a large, stylized initial "P".