

Parma Town Board meeting held on Tuesday, April 19, 2011 at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

ATTENDANCE

	Supervisor	Peter McCann
	Councilman	Carm Carmestro
	Councilman	James Smith
	Councilman	Gary Comardo
	Highway Supt.	Brian Speer
	Recreation Director	Steve Fowler
	Building Inspector	Jack Barton
Absent	Councilman	James Roose
	Building Inspector	Jack Barton

OTHERS IN ATTENDANCE

Dog Control and Code Enforcement Officer Art Fritz, Library Director Becky Tantillo, Park Foreman Joe Petricone, GIS Coordinator Jim Zollweg, Members of the Recreation Commission Dave Tresohlavy, Al Howe, Art Cosgrove; Gene DeMeyer, Helen Ives, Charlie Lissow, Rich Losey, Carol Kluth, Tina Brown, and other members of the public.

CALL TO ORDER

Supervisor McCann 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 McCann noted emergency exit procedures.

PUBLIC FORUM

Supervisor McCann asked if there was anyone who wished to address the Town Board.

Matt Rider, from Liberty Mutual, provided information to the Town Board on their program called "Bring Back the 4th". It is a nationwide contest to win one of ten \$10,000 grants to help cities and towns that have cancelled or curtailed 4th of July events which will run from May 4th through June 14th, 2011. He explained the details of participation and asked if the Town would be interested in helping promote it in the community. There was further discussion on how the funds could be used if we were to participate.

MINUTES – APRIL 5, 2011

RESOLUTION NO. 88-2011 Motion by Councilman Comardo, seconded by Councilman Smith, to accept the minutes of April 5, 2011 as submitted.

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

TOWN CLERK REPORT

The Historical Society would like to hold their monthly meetings at the Town Hall on the second Monday of each month starting in September. Use of the VFW hall is not an option as the VFW Post holds their regular meeting on the second Monday of the month. The Town Board was in favor with the understanding that the group would return the chairs to where they were and that the Judges agreed to this request.

A request has been received from Greece Boy Scout Troop 277 to reduce or waive the pavilion rental fee. Currently, the practice is to waive for Hilton Boy and Girl Scout troops. This group has paid the resident fee in the past because a member's family

resides in Parma and has rented the pavilion on their behalf. It was felt that the current practice should remain the same but that this troop could receive the resident rate.

RESOLUTION NO. 89-2011 Motion by Councilman Carmestro, seconded by Councilman Comardo, to allow Boy Scout Troop 277 to rent the pavilion for the resident fee.

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

HIGHWAY DEPARTMENT REPORT

Hill Road Bridge Replacement Project - Supt. Speer reported that the construction bid advertisement will not run until later than expected. This changes the expected date for the bid opening to between May 20th and 27th which is after our second Board meeting in May. There was discussion on holding a special meeting to award the contract as there is no scheduled meeting for the first meeting in June and addressing this sooner would expedite the project.

40 Grove Street Demolition – Supt. Speer reported that the old bus garage is down and almost completely hauled away. It is expected that removal of the contaminated soil will begin in May.

Supt. Speer reported he met with the County manager for this area and estimates \$445,000, including materials, of Monroe County road work in the Town this year. He asked that the \$13,000, removed from the 2011 budget for summer help, be put back into the budget to provide for staff to cover vacations and additional work resulting from the road work received. Supt. Speer was asked to wait and see what kind of work and scheduling will be needed before any funds would be transferred.

Supt. Speer inquired if it was ok to move forward with the purchase of the highway truck approved at the March 15, 2011 Town Board meeting. It was noted that no one has submitted a petition to the Clerk's office requesting a permissive referendum. It was felt the purchase could move forward.

An inquiry from the Fire Department was made to Councilman Carmestro about the bridge closing on Peck Road at Armand Drive. Supt. Speer noted that it was scheduled for this year. The Clerk noted that a meeting room has been requested by the County for this purpose and a memo was sent out from the County regarding this. Supt. Speer was asked to follow up with the Fire Department.

Councilman Smith asked who would repair/replace the culvert grate in the gutter area on Parma Center Road near the meeting house. It has been taped off. It was noted that there is another grate going into the parking lot that runs to a catch basin which also needs repair. Supt. Speer will investigate.

BUILDING DEPARTMENT REPORT

Mr. Barton was not in attendance. There was no report.

RECREATION DEPARTMENT REPORT

RESOLUTION OF SUPPORT FOR GRANT APPLICATION REPLACEMENT OF SENIOR TRANSPORT VEHICLE

Mr. Fowler informed the Town Board of a grant opportunity which would allow the Town to replace the 2003 senior transport vehicle which has been targeted to be replaced in 2013. The grant application is due May 4, 2011. The expected cost of the vehicle is estimated at \$50,000. If received 80% (\$40,000) of the cost would come from the grant and 20% (\$10,000) would have to come from the Town. The Town's portion would be offset by selling the existing vehicle which has an estimated wholesale value of \$6,000 to \$8,000. There was discussion on the Village splitting half of the 20%. Mr. Fowler indicated that they were agreeable. It was clarified that the grant money would be

received in 2011 and this would not have to be budgeted for in 2012. The consensus was to continue with the application.

RESOLUTION NO. 90-2011 Motion by Councilman Comardo, seconded by Councilman Smith, to

WHEREAS: the Town of Parma presently operates, maintains and finances this specialized transportation service exclusively for the elderly and/or disabled individuals; and

WHEREAS: the senior citizen transport service offers transportation services to individuals 55 years of age or older who reside within the geographic boundaries of The Town of Parma; and

WHEREAS: the town's transportation vehicle is over eight years old and is scheduled for replacement;

THEREFORE: the Parma Town Board supports application to the New York State Department of Transportation for funding from their Section 5310 Grant Program for the purchase of a Type II transport vehicle; and

FURTHERMORE: the town understands the regulations associated with this funding source and agrees to all the stipulations put forth by the NYSDOT concerning the Section 5310 Grant Program.

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

Mr. Fowler has been informed that the Village of Hilton's Automated Emergency Defibrillator (AED) Unit in the Community Center building battery has died and is not replaceable. The Village is interested in sharing the AED provided by the Town located in the Recreation Department office. The AED would be moved to the hallway and future costs would be shared with the Village and the Town. There was discussion on the replacement cost information provided. It was felt that the price was very high. It was suggested that additional prices be looked at and be sure the cost includes pediatric paddles. The consensus was that it was ok for the Village to borrow and use the Town's AED at this time.

PARKS DEPARTMENT

Mr. Petricone reported the area has been cleared for where the Eagle Scout Lean-To project will be located. Materials have been ordered. Staff has also been working on lawn damage repairs and cutting limbs damaged after the recent high winds. He also received a call regarding the condition of the flag pole at Bogus Point and asked if it could be sanded and painted. There was further discussion and Mr. Petricone will look into options.

MISCELLANEOUS REPORTS

Library Director Becky Tantillo provided the Town Board with the March 2011 Activity and Statistics Summary and a copy of the 2010 Annual Report. The Friends of the Parma Public Library will be holding their annual Book Sale April 28th through April 29th at the Library.

BUSINESS ITEMS

REPAIR/REPLACEMENT OF DOG CONTROL TRUCK

Supervisor McCann noted that this vehicle is eleven years old and needs \$6,600 in repair work. He has also asked Mr. Fritz to provide a breakout on how much the vehicle is used for code enforcement and dog control and what percentage of dog control use is in the Village. In the interim the decision needs to be made on whether to replace now. The

consensus was to purchase rather than repair. Mr. Fritz has obtained quotes and it was noted that some vehicles will have to be ordered. It was felt that the vehicle should be used as minimally as possible and the Recreation truck was offered for use in the interim if needed. Because it was felt a lower price could be received through the open bid process rather than purchasing through the state contract, a request for bids will be advertised and a purchase decision will be made at the next Town Board meeting. The question was raised on why an extended cab was needed. It was noted that paperwork for dog pickups and equipment is stored there. There was also discussion on

RESOLUTION NO. 91-2011 Motion by Councilman Comardo, seconded by Councilman Carmestro, to authorize to put out for bid a pickup truck for Dog Control/Code Enforcement per our current procurement policy.

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

CEMETERY MAINTENANCE QUOTES

The following quotes were provided for cemetery maintenance.

Buttonwood Landscape	\$4,920
Rich Losey Cutting Time	\$3,200
Ty Kelley	\$2,950

RESOLUTION NO. 92-2011 Motion by Councilman Smith and seconded by Councilman Carmestro, to award the cemetery maintenance quote to the low bidder Ty Kelley for \$2,950 for 2011.

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

See end of minutes for copies of quotes

APPOINT BOND COUNCIL FOR HILL ROAD AND COLLAMER ROAD BRIDGE REPLACEMENT PROJECTS

Supervisor McCann explained that Mr. McGill's would provide attorney services for the upcoming bridge replacement projects. It will be his job to see that the financing papers are in order. His fee is based on a flat rate of \$1,000 plus \$.50 per thousand of each bond note. This is a specialty area beyond the scope of our regular attorneys.

RESOLUTION NO. 93-2011 Motion by Councilman Carmestro, seconded by Councilman Comardo,

BE IT RESOLVED by the Town Board of the Town of Parma, New York, as follows:

1. Timothy R. McGill, Esq., is hereby appointed to serve as Bond Counsel to the Town of Parma for any Note and Bond financings at the discretion of the Town, under the terms and conditions as set forth in a letter agreement, dated April 15, 2011, from Timothy R. McGill to the Town of Parma.
2. This resolution shall take effect immediately upon its adoption.

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

See letter of agreement at end of minutes

RESOLUTION TO APPOINT FINANCIAL CONSULTANT FOR HILL ROAD AND COLLAMER BRIDGE REPLACEMENT PROJECTS

Supervisor McCann explained that Bernard P. Donegan, Inc. would provide financial consulting services for the bridge replacement projects. He reviewed the various options they could provide for us. They have done all the bond work for the school district, fire department and Village of Hilton.

RESOLUTION NO. 94-2011 Motion by Councilman Carmestro, seconded by
Councilman Smith,

BE IT RESOLVED BY THIS TOWN BOARD AS FOLLOWS:

(1) The firm of Bernard P. Donegan, Inc., is hereby designated financial consultant to the Town of Parma.

(2) Said firm shall be compensated for its services to be rendered in connection with the Bridge Reconstruction Projects in accordance with its proposal letter dated April 1, 2011.

(3) The Supervisor is hereby authorized to execute and deliver said proposal letter.

(4) This resolution shall take effect immediately.

The motion having been duly offered and seconded, the following votes were cast:

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

See copy of agreement at end of minutes

SPORTS FIELD AGREEMENTS

Hilton Raiders Youth Football and Cheerleading Organization

Hilton Parma "Heat" Soccer Club - Field Use and Tournament

Hilton Cadets Youth Travel Baseball Teams

Hilton Area Youth Lacrosse Organization

Councilman Smith reviewed the changes that have been made to the agreements including similar wording for all the organizations, incorporate specific language for insurance purposes, and Department of Health requirements for food services. He has asked the Parks Department to track all costs associated with each organization to be shared in the fall with each group so that a more equitable financial request can be determined for the next year. It was also noted that there are two agreements for the soccer club, one for regular field use and another for their tournament.

Supervisor McCann left the meeting briefly. Deputy Supervisor Carmestro suggested the resolution be addressed when he returns and that they move on to Liaison Reports.

LIAISON REPORTS

**Councilman Smith reported that emails will be sent to the soccer and baseball organizations that the fields are closed due to the very wet conditions until such time as they are deemed playable. There was additional discussion on informing the general public about play on the grassy areas until conditions dry out and deemed playable. Park Attendants are authorized to asked people to leave and if not followed the police can be called. He also reported on an incident between a park employee and a resident who was unhappy that access to the Park from Parma Center Road has not been provided so far this year. Because of the situation, it was requested and agreed that availability of a panic button tied to the security system should be looked into. In addition, there have been gates that have been opened with bolt cutters. It was felt that proper posting and prosecution to the fullest extent is needed.

Supervisor McCann returned to the meeting.

AUTHORIZATION FOR PARK ATTENDANT CELL PHONE PURCHASE

Councilman Smith requested that a cell phone be approved for use by Park Attendants while on duty for a six month period to start May 1, 2011. He cited safety concerns for staff and the ability of pavilion renters to have a way to contact park attendants. There was discussion on having the existing cell phone

RESOLUTION NO. 95-2011 Motion by Councilman Smith and seconded by Councilman Comardo, to authorize Finance Department to obtain a cell phone for Parks Department for 6 months.

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

**Councilman Comardo reported there had not been a Recreation Commission meeting since the last Town Board meeting but there is one next week. On April 29th the Senior Anniversary Dinner will be held. The Planning Board met to consider 4 brief routine transactions.

**Councilman Carmestro reported the Fire District has the new training facility up. Everything is good in the Village and with the North Greece Fire District.

SPORTS FIELD AGREEMENTS - CONTINUED

RESOLUTION NO. 96-2011 Motion by Councilman Smith, seconded by Councilman Carmestro, to enter into field use agreements with Hilton Raiders Youth Football and Cheerleading Organization, Hilton Parma "Heat" Soccer Club, Hilton Cadets Youth Travel Baseball Teams and Hilton Area Youth Lacrosse Organization as presented.

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

MISCELLANEOUS

BUDGET TRANSFERS

TRANSFERS TO BUDGET

Apr-11

FROM			TO			REQUESTED
ACCT #	DESCRIPTION	AMT.	ACCT #	DESCRIPTION	AMT.	
DA	UNAPPROPRIATED FUND BALANCE	40000.00	DAO550511041000	SALT	40000.00	SPEER
DAO550514245300	DIESEL	712.76	DAO550514245100	GAS	712.76	SPEER

RESOLUTION NO. 97-2011 Motion by Councilman Smith, seconded by Councilman Comardo, to approve the Budget Transfers as submitted.

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

WARRANT

RESOLUTION NO. 98-2011 Motion by Councilman Smith and seconded by Councilman Carmestro, to approve payment of the warrant as submitted below.

FUND TOTALS

AOO	General Fund	\$	98,626.78
BOO	Part Town	\$	14,021.11
DAO	Highway, Townwide	\$	81,396.81
DBO	Highway, Part Town	\$	1,402.00
HDO	Town Bridges	\$	46,985.91
TAO	Trust & Agency	\$	<u>1,082.08</u>
GRAND TOTAL:		\$	243,514.69

Motion carried: Aye 5 Nay 0

INFORMATIONAL ITEMS

MISCELLANEOUS

Supervisor McCann reported that he and Councilman Carmestro are scheduling meetings in early May with department heads to seek input for long range planning projections. This is being looked at as a wish list and will be considered for future planning purposes.

It was also noted that Mark Swanson's resignation from the board of Assessment Review has been received.

ENTER INTO EXECUTIVE SESSION

Supervisor McCann explained that the Town Board would be entering into executive session and that there would be no further action taken after coming out of executive session.

RESOLUTION NO. 99-2011 Motion by Councilman Carmestro, seconded by Councilman Comardo, to enter into Executive Session to discuss pending litigation.

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

The Board entered into executive session at 7:48 p.m. after a short break so that people could leave.

CLOSE EXECUTIVE SESSION

RESOLUTION NO. 100-2011 Motion by Councilman Carmestro, seconded by Councilman Smith, to close the Executive Session at 8:35 p.m. and return to regular session.

Motion carried: Aye 4 Nay 0 Absent Councilman Roose

There being no further business before the Town Board, Councilman Carmestro made a motion to adjourn the meeting at 8:35 p.m., seconded by Councilman Comardo.

Respectfully submitted,

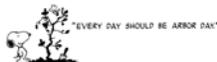
Donna K. Curry
Parma Town Clerk



TOWN OF PARMA
Parks Department
1300 Hilton-Parma Road
P.O. Box 728
Hilton, New York 14468
(585) 392-5659
Fax (585) 392-6639

TO: TOWN BOARD April 14, 2011
FROM: PARKS DEPT.
RE: CEMETERY MAINTENANCE QUOTES

The quotes for cemetery maintenance for the 2011 season are as follows:
Buttonwood Landscape Charlie Palumbo - \$4920.00
Cutting Time Rich Losey - \$3200.00
Ty Kelly - \$2950.00



TOWN OF PARMA
Parks Department
1300 Hilton-Parma Road
P.O. Box 728
Hilton, New York 14468
(585) 392-5659
Fax (585) 392-6639

General Specifications:

No quote may be withdrawn for a period of thirty (30) days after the date set for the opening thereof, and no quote may be withdrawn at any time prior to the opening of bids.

All quote proposals shall clearly indicate the project price as spelled out in the project specifications.

The envelope containing your quote proposal shall clearly be marked QUOTE in capital letters.

The Town of Parma reserves the right to waive any informality in, or to accept or reject any and all quotes.

The Town is looking to enter into contract with a qualified lawn and or landscaping company to maintain these six parcels during the 2011 growing season.

PROJECT SPECIFICATIONS

Name	Address	Cuts/Season
Atchinson Cemetery	270 Hill Rd.	9
Smith Cemetery	2 Dunbar Rd.	13
Wright Cemetery	616 Hamlin Parma TL. RD.	9
Hessie Cemetery	1741 Manicou Rd.	13
Sage Cemetery	2742 Clarkson Parma TL. RD.	9
Castle Cemetery	535 Peck Rd.	13

Maintenance will be as follows:

The boundaries of each cemetery, all grave sites, gravestones, trees, and fences will properly be mowed and trimmed accordingly. Fallen branches and discarded objects are to be put in a pile in front of the cemetery, and the cemetery made to look presentable. (Please notify the Parks Dept. if a pick up is needed.)

The first cut is to be made in the spring as needed, and the last cut as late into the fall as possible. Extra cuts may be needed during a heavy growing season, notify and arrange with Parks Dept.

Your quote for the above maintenance is 4920 CHARLIE PALUMBO
BUTTONWOOD





TOWN OF PARMA

Parks Department
 1300 Hilton-Parma Road
 P.O. Box 728
 Hilton, New York 14468
 (585) 392-5900
 Fax (585) 392-6689

General Specifications:

No quote may be withdrawn for a period of thirty (30) days after the date set for the opening thereof, and no quote may be withdrawn at any time prior to the opening of bids.

All quote proposals shall clearly indicate the project price as spelled out in the project specifications.

The envelope containing your quote proposal shall clearly be marked QUOTE in capital letters.

The Town of Parma reserves the right to waive any informality in, or to accept or reject any and all quotes.

The Town is looking to enter into contract with a qualified lawn and or landscaping company to maintain these six parcels during the 2011 growing season.

PROJECT SPECIFICATIONS

Name	Address	Cuts/Season
Atchinson Cemetery	270 Hill Rd.	9
Smith Cemetery	2 Dunbar Rd.	13
Wright Cemetery	636 Hamlin Parma TL. RD.	9
Hoosic Cemetery	1741 Manitou Rd.	13
Sage Cemetery	2742 Clarkson Parma TL. RD.	9
Castle Cemetery	535 Peck Rd.	13

Maintenance will be as follows:

The boundaries of each cemetery, all grave sites, gravestones, trees, and fences will properly be moved and trimmed accordingly. Fallen branches and discarded objects are to be put in a pile in front of the cemetery, and the cemetery made to look presentable. (Please notify the Parks Dept. if a pick up is needed.)

The first cut is to be made in the spring as needed, and the last cut as late into the fall as possible. Extra cuts may be needed during a heavy growing season, notify and arrange with Parks Dept.

Your quote for the above maintenance is 3,200 Cutting Time
RICH LOSEY



LAW OFFICES

OF
Timothy R. McGill

848 WILLOWBROOK OFFICE PARK
 FAIRPORT, NEW YORK 14450

Kristine M. Boyant
 Paralegal

Tel: (585) 381-7470
 Fax: (585) 381-7486

April 15, 2011

Town Board of the
 Town of Parma
 Parma, New York

Re: **Town of Parma, New York**
Town of Parma Bridge Replacement Project

Dear Board Members:

I have agreed to serve as bond counsel to the Town of Parma, New York, for the Town of Parma's Bridge Replacement Project. Compensation for my services shall be on the following basis:

1. Each issuance of temporary debt (notes): base charge of \$1,000, plus \$5.00 per thousand dollars of notes issued, payable upon issuance of such obligations; provided, however, that for a note issue through the NYS EFC Revolving Fund the base charge shall be increased by \$750;

2. Each issuance of permanent debt (bonds): base charge of \$3,000 plus \$1.00 per thousand dollars of bonds issued, payable upon issuance of such obligations; provided, however, that for a bond issue through the NYS EFC Revolving Fund or USDA Rural Development the base charge shall be increased by \$750;

3. Extraordinary services, conferences or meetings such as arbitrage and rebate analysis, litigation, the drafting of legislation, negotiation and review of incidental contracts, proceedings or ruling requests before the Internal Revenue Service, and the like: legal fee at regular hourly rates acceptable to the municipality, to be determined at the time such services are requested.

For engagements extending beyond one year from the date hereof, fees will be adjusted annually by the change in the Consumer Price Index, All Urban Consumers - Northeast Urban Rate.

LAW OFFICES

OF
Timothy R. McGill

848 WILLOWBROOK OFFICE PARK
 FAIRPORT, NEW YORK 14450

Kristine M. Boyant
 Paralegal

Tel: (585) 381-7470
 Fax: (585) 381-7486

April 15, 2011

Mary Gaidigan, Finance Director
 Town of Parma
 1300 Hilton Parma Road
 Hilton, New York 14468

Re: **Town of Parma, New York**
Town of Parma Bridge Replacement Project

Dear Mary:

As you requested, enclosed for your consideration and action, as appropriate, is a letter agreement retaining my services as bond counsel. The fee amounts are the same as we have been using with the Town since 2005 with no increases.

Please feel free to contact me at your convenience if you have any questions or would like to discuss any of the enclosed. Thank you.

Very truly yours,

Timothy R. McGill
 Timothy R. McGill

TRM:kmb
 Encl.



TOWN OF PARMA

Parks Department
 1300 Hilton-Parma Road
 P.O. Box 728
 Hilton, New York 14468
 (585) 392-6689
 Fax (585) 392-6689

General Specifications:

No quote may be withdrawn for a period of thirty (30) days after the date set for the opening thereof, and no quote may be withdrawn at any time prior to the opening of bids.

All quote proposals shall clearly indicate the project price as spelled out in the project specifications.

The envelope containing your quote proposal shall clearly be marked QUOTE in capital letters.

The Town of Parma reserves the right to waive any informality in, or to accept or reject any and all quotes.

The Town is looking to enter into contract with a qualified lawn and or landscaping company to maintain these six parcels during the 2011 growing season.

PROJECT SPECIFICATIONS

Name	Address	Cuts/Season
Atchinson Cemetery	270 Hill Rd.	9
Smith Cemetery	2 Dunbar Rd.	13
Wright Cemetery	636 Hamlin Parma TL. RD.	9
Hoosic Cemetery	1741 Manitou Rd.	13
Sage Cemetery	2742 Clarkson Parma TL. RD.	9
Castle Cemetery	535 Peck Rd.	13

Maintenance will be as follows:

The boundaries of each cemetery, all grave sites, gravestones, trees, and fences will properly be moved and trimmed accordingly. Fallen branches and discarded objects are to be put in a pile in front of the cemetery, and the cemetery made to look presentable. (Please notify the Parks Dept. if a pick up is needed.)

The first cut is to be made in the spring as needed, and the last cut as late into the fall as possible. Extra cuts may be needed during a heavy growing season, notify and arrange with Parks Dept.

Your quote for the above maintenance is 2750 Ty Kelly



LAW OFFICES

OF
Timothy R. McGill

Town Board
 Town of Parma
 April 15, 2011

Page 2

The fees for the services described under paragraphs 1 and 2 above include the preparation of all typical authorizing financing resolutions, the drafting of all financing documentation and review of district formation proceedings, intermunicipal agreements, if any, and review of official statements prepared by the municipality or by a financial advisor on the municipality's behalf. I will not undertake any extraordinary services without the municipality's prior request.

In addition to the legal fee, I render a statement at each closing for out-of-pocket disbursements, the largest of which are typically photocopying, courier services, telephone, fax transmissions and travel expenses, if required.

If acceptable, kindly execute the enclosed copy of this letter in the space provided and return it to me at your convenience. I appreciate this opportunity to be of service and look forward to working with the Town.

Very truly yours,

Timothy R. McGill
 Timothy R. McGill, Esq.

TRM:kmb

ACCEPTED THIS ___ DAY OF

_____, 2011.

TOWN OF PARMA, NEW YORK

By: _____
 Supervisor



April 1, 2011

Mr. Peter McCann
 Supervisor
 Town of Parma
 1300 Hilton-Parma Road
 Hilton, NY 14468

Dear Supervisor McCann:

We are pleased to submit the following letter for financial consulting services in connection with the Town's Bridge Reconstruction Projects.

The scope of our proposal is divided into six parts:

- A TEMPORARY FINANCING**
- Part 1 -** Initial Borrowing and/or Renewal of Bond Anticipation Notes with an Official Statement (\$1,000,000 or more).
- Part 2 -** Initial Borrowing and/or Renewal of Bond Anticipation Notes for an Issue Not Exceeding \$1,000,000.
- B PERMANENT FINANCING**
- Part 3 -** Sale of Registered Public Market Serial Bonds with an Official Statement (\$1,000,000 or more).
- Part 4 -** Private Sale of Registered Serial Bonds for an Issue Not Exceeding \$500,000.
- C OTHER**
- Part 5 -** Continuing Annual Secondary Market Disclosure over the Life of the Bond Issue to Comply with CFR Title 17, Securities Exchange Act of 1934, as amended, Section 240.15c2-12.
- Part 6 -** Financial Management Services.

BERNARD P. DONEGAN, INC.
 PO BOX 70 • VICTOR, NEW YORK 14564
 585-924-2145 • FAX 585-924-4636

E-MAIL: team@bpdinc.net



Mr. Peter McCann

April 1, 2011
Page 3 of 14

- (1.8) Create the **Notice of Sale** required by the Official Compilation of Codes, Rules and Regulations of the State of New York, Section 26, and Section 60.00(e) of the Local Finance Law and coordinate the approval of Bond Counsel and subsequent distribution to potential purchasers of the Bond Anticipation Notes along with the Official Statement.
- (1.9) Arrange for **time and location of sale**.
- (1.10) Conduct the **sale** and make a recommendation on the award of the bid.
- (1.11) Arrange for Standard & Poor's "CUSIP" (Committee on Uniform Security Identification Procedures of the American Bankers Association) numbers to be assigned to the issue and subsequently printed on the notes, if applicable.
- (1.12) Coordinate and provide **written follow-up** of the note details and closing arrangements with the purchaser of the Bond Anticipation Notes, Bond Counsel and/or the Town Attorney, and Town officials.
- (1.13) If appropriate, coordinate the **payoff** of any maturing Notes with the renewal proceeds among all concerned parties.

The charge for each Bond Anticipation Note borrowing or renewal thereof will be \$4,700 plus out-of-pocket expenses. The rate will be adjusted each July 1 by the change in the Consumer Price Index, All Urban Consumers - Northeast Urban Rate, for the time period July 1 through June 30.

PART 2 - INITIAL BORROWING AND/OR RENEWAL OF BOND ANTICIPATION NOTES FOR AN ISSUE NOT EXCEEDING \$1,000,000.

The following items will be completed under this portion of the contract:

- (2.1) Advise on the **dollar size** of the Bond Anticipation Note issue in compliance with the IRS arbitrage restrictions and coordinate with Bond Counsel and/or the Town Attorney.
- (2.2) Advise on the **timing** of the Bond Anticipation Note sale.



Mr. Peter McCann

April 1, 2011
Page 4 of 14

- (2.3) Plan an optimum **maturity date** recognizing the fiscal year, timing of revenue, and long-term debt service planning impact thereof on the Town.
- (2.4) Coordinate and provide **written follow-up** among Town officials, Bond Counsel and/or the Town Attorney.
- (2.5) Complete a **sequential deadline calendar** for all items to be accomplished in connection with the creation of the Notice of Sale, the Bond Anticipation Note sale, and subsequent closing.
- (2.6) Create the **Notice of Sale** required by the Official Compilation of Codes, Rules and Regulations of the State of New York, Section 26, and Section 60.00(e) of the Local Finance Law and coordinate the approval of Bond Counsel/Town attorney and subsequent distribution to potential purchasers of the Bond Anticipation Notes.
- (2.7) Arrange for **time and location of sale**.
- (2.8) Conduct the **sale** and make a recommendation on the award of the bid.
- (2.9) Coordinate and provide **written follow-up** of the note details and closing arrangements with the purchaser of the Bond Anticipation Notes, Bond Counsel and/or the Town Attorney, and Town officials.
- (2.10) If appropriate, coordinate the **payoff** of any maturing Notes with the renewal proceeds among all concerned parties.

The charge for each Bond Anticipation Note borrowing or renewal thereof will be \$2,350 plus out-of-pocket expenses. The rate will be adjusted each July 1 by the change in the Consumer Price Index, All Urban Consumers - Northeast Urban Rate, for the time period July 1 through June 30.



Mr. Peter McCann

April 1, 2011
Page 5 of 14

B PERMANENT FINANCING

PART 3 - SALE OF REGISTERED PUBLIC MARKET SERIAL BONDS WITH AN OFFICIAL STATEMENT

The following items will be completed under this portion of the contract:

- (3.1) Advise on the **dollar size** of the registered serial bond issue and market timing of the sale.
- (3.2) Plan an optimum **maturity date** recognizing the fiscal year, timing of revenue, and long-term debt service planning impact thereof on the Town.
- (3.3) Prepare **alternative maturity schedules**, complying with the restrictions of Sections 11.00 and 21.00 of the Local Finance Law, and market expectations, so that the Town may select the one to be used for repayment of the borrowed funds.
- (3.4) Coordinate the approval of the selected maturity schedule and Bond Counsel's drafting of the certification setting the terms and conditions of the registered serial bond sale.
- (3.5) Coordinate and provide **written follow-up** to Town officials and Bond Counsel.
- (3.6) Complete a **sequential deadline calendar** for all items to be accomplished in connection with the creation of the Official Statement, the Bond sale and subsequent closing.
- (3.7) Collect the information necessary and create the **Official Statement** used to advertise the issue in compliance with Part 27 of Title 2 of the Official Compilation of Codes, Rules and Regulations of the State of New York, and in compliance with Section 60.00 of the Local Finance Law for the public sale of obligations in excess of \$500,000; and additionally, in compliance with the Security and Exchange Commission's Rule 240.15c2-12, requiring the Official Statement for the public offering of issues of \$1,000,000 and more.



Mr. Peter McCann

April 1, 2011
Page 6 of 14

- (3.8) Compile the information required and make application on behalf of the Town for a **Standard & Poor's or a Moody's Credit Rating** in connection with the bond sale.
- (3.9) Apply for "Qualification" for **municipal bond insurance**, which would guarantee the repayment of the yearly principal and interest on the Bonds and, subsequently, complete the request for reviews.
- (3.10) Provide **advance notification** of the Bond Sale to banks, brokerage firms and other potential purchasers prior to mailing the Official Statement and Notice of Sale.
- (3.11) Where appropriate, using Certificated Bonds, coordinate the appointment of a "Fiscal Agent" bank to act as the required registrar for subsequent payment of principal and interest to registered bond holders. Coordinate the completion and review of the "Fiscal Agent Agreement" among the Town officials, Bond Counsel and selected bank.
- (3.12) Where appropriate, using **Book-Entry Only Bonds**, coordinate all necessary arrangements with The Depository Trust Company in preparation for the closing.
- (3.13) Coordinate the **printing and mailing of the Official Statement** and the Notice of Sale.
- (3.14) Prepare and file the "**Affidavit of Mailing of Official Statement**" pursuant to Title 2 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Section 25.3(b).
- (3.15) Prepare and file the "**Certificate of Filing of Official Statement**" pursuant to Title 2 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Section 27.4(a).
- (3.16) Arrange for legal ad **publication of the Notice of Sale** in compliance with Section 25.2 of Title 2 of the Official Compilation of Codes, Rules and Regulations of the State of New York and in compliance with Section 57.00 of the Local Finance Law.



Mr. Peter McCann

April 1, 2011
Page 7 of 14

- (3.17) Complete, have executed by Town Officials, and file the "**Debt Statement**" with the Office of the State Comptroller and Bond Counsel in compliance with Section 109.00 of the Local Finance Law.
- (3.18) Arrange for the **location and time of the Bond sale**, and acceptance of the bids.
- (3.19) Conduct the **sale** and make recommendation on award of the Net Interest Cost bid. Coordinate filing copies of the bids with Bond Counsel and the Town Clerk. Coordinate deposit of the proceeds of the "Good Faith" check (2% of issue amount).
- (3.20) Arrange for Standard & Poor's "CUSIP" (Committee on Uniform Security Identification Procedures of the American Bankers Association) numbers to be assigned to the issue.
- (3.21) Coordinate the **closing arrangements** with the bond purchaser, Bond Counsel and Town officials. Provide written confirmation of the net amount to be received at the closing including the principal, good faith check, premium and accrued interest as applicable.
- (3.22) If appropriate, coordinate the **payoff** of any maturing Notes with the bond proceeds among all parties concerned.

We will assist the Town in planning its total budget for the project and, in doing so, we will prepare a list of materials, outside services, disbursements and the estimated costs for items such as bond register bookkeeping system, credit rating, printing and mailing of the Official Statement, and publications of the Notice of Sale. The aforementioned materials, outside services and disbursements will be the responsibility of the Town.

The charge for each serial bond issue will be \$9,550 plus out-of-pocket expenses. The fee quoted herein will be adjusted by the change in the Consumer Price Index, All Urban Consumers - Northeast Urban Rate, for the time period July 1 through June 30.



Mr. Peter McCann

April 1, 2011
Page 8 of 14

PART 4 - PRIVATE SALE OF REGISTERED SERIAL BONDS FOR AN ISSUE NOT EXCEEDING \$600,000.

The following items will be completed under this portion of the contract:

- (4.1) Advise on the **dollar size** of the registered serial bond issue and market timing of the sale.
- (4.2) Complete a **sequential deadline calendar** for all items to be accomplished in connection with the creation of the Notice of Sale, the Bond sale and subsequent closing.
- (4.3) Prepare **alternative maturity schedules**, complying with the restrictions of Sections 11.00 and 21.00 of the Local Finance Law, and market expectations, so that the Town may select the one to be used for repayment of the borrowed funds.
- (4.4) Plan an optimum **maturity date** recognizing the fiscal year, timing of revenue, and long-term debt service planning impact thereof on the Town.
- (4.5) Coordinate the **approval of the selected maturity schedule** and Bond Counsel's drafting of the certification setting the terms and conditions of the registered serial bond sale.
- (4.6) Coordinate and provide **written follow-up** to Town officials and Bond Counsel.
- (4.7) Create the **Notice of Sale** used to advertise the issue and coordinate approval of the Notice of Sale with Bond Counsel and/or Town attorney. Coordinate distribution of the Notice to banks, brokerage firms and other potential bidders.
- (4.8) Provide **advance notification** of the Bond Sale to banks, brokerage firms and other potential purchasers prior to mailing the Notice of Sale.
- (4.9) Coordinate the appointment of a "Fiscal Agent" bank to act as the required registrar for subsequent payment of principal and interest to registered bond holders. Coordinate the completion and review of the "Fiscal Agent Agreement" among Town officials, Bond Counsel and selected bank.



Mr. Peter McCann

April 1, 2011
Page 9 of 14

- (4.10) Arrange for the location and time of the Bond sale, and acceptance of the bids.
- (4.11) Conduct the sale and make recommendation on award of the Net Interest Cost bid. If appropriate, coordinate filing copies of the bids with Bond Counsel and the Town Clerk. Coordinate deposit of the proceeds of the "Good Faith" check (2% of issue amount), if applicable.
- (4.12) Arrange for Standard & Poor's "CUSIP" (Committee on Uniform Security Identification Procedures of the American Bankers Association) numbers to be assigned to the issue.
- (4.13) Coordinate the closing arrangements with the bond purchaser, Bond Counsel and Town officials. Provide written confirmation of the net amount to be received at the closing including the principal, good faith check, premium and accrued interest as applicable.
- (4.14) If appropriate, coordinate the payoff of any maturing Notes with the bond proceeds among all parties concerned.

If requested, to assist the Town in planning its total budget for the project, we will prepare a list of materials or outside services and estimated costs for items such as the Dunbar Register bookkeeping system.

The charge for each Private Sale of Registered Serial Bonds will be \$4,775 plus out-of-pocket expenses. The fee quoted herein will be adjusted by the change in the Consumer Price Index, All Urban Consumers - Northeast Urban Rate, for the time period July 1 through June 30.



Mr. Peter McCann

April 1, 2011
Page 12 of 14

- (6.11) If required by arbitrage rules, coordinate the investment in State & Local Government Series in cooperation with the local bank of account, bond counsel and the Federal Reserve Bank in New York City.
- (6.12) If not done by Bond Counsel, assist in the completion of the Internal Revenue Service form 8038-G or (8038-GC Small Issues), "Information Return for Tax-Exempt Governmental Bond Issues", which must be filed for every Town borrowing or installment purchase contract, in compliance with the revised Internal Revenue Code of 1986 and subsequent amendments thereto.

Any time spent assisting the Town Board and Town officials with the preparation of financial data or attending any meetings or public hearings in connection with the proposed capital project will be billed at the current hourly rate.

The charge for any Financial Management Services will be \$128.00 per hour plus out-of-pocket expenses. The rate will be adjusted each July 1 by the change in the Consumer Price Index, All Urban Consumers - Northeast Urban Rate, for the time period July 1 through June 30.

BILLINGS

All billings will include out-of-pocket expenses, which include telephone, photostatic copying, postage, mileage, travel, and any other incidental costs in connection with the project.

PART 1 - BOND ANTICIPATION NOTE BORROWINGS WITH AN OFFICIAL STATEMENT (\$1,000,000 OR MORE) - Vouchers will be submitted after settlement of the Notes.

PART 2 - BOND ANTICIPATION NOTE BORROWINGS FOR ISSUES NOT EXCEEDING \$1,000,000 - Vouchers will be submitted after settlement of the Notes.

PART 3 - SALE OF REGISTERED PUBLIC MARKET SERIAL BONDS WITH AN OFFICIAL STATEMENT (\$1,000,000 OR MORE) - Vouchers will be submitted after settlement of the Bonds.

PART 4 - PRIVATE SALE OF REGISTERED SERIAL BONDS FOR AN ISSUE NOT EXCEEDING \$500,000 - Vouchers will be submitted after settlement of the Bonds.



Mr. Peter McCann

April 1, 2011
Page 10 of 14

C OTHER

PART 5 - CONTINUING ANNUAL SECONDARY MARKET DISCLOSURE OVER THE LIFE OF THE BOND ISSUE TO COMPLY WITH CFR TITLE 17, SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, SECTION 240.15c2-12

The above-referenced Section 240.15c2-12 requires the Town, as the issuer of \$1,000,000 or more, "to enter into a written agreement to provide certain event notices and/or annual financial information to the Electronic Municipal Market Access ("EMMA") system maintained by the Municipal Securities Rulemaking Board ("MSRB)." The regulation makes it unlawful for a broker or underwriter to purchase and reoffer the Town's issue unless the broker has verified that the Town has undertaken the above-referenced "written agreement or contract for the benefit of the bond holders." Services rendered for compliance will depend directly upon the amount and type of indebtedness incurred by the Town and will be billed at the firm's current hourly rate.

- (5.1) **FULL DISCLOSURE** - The Town is required to annually prepare and file a secondary market disclosure official statement (financial information and operating data); audited annual reports, if any; and Material Event Notices to MSRB's EMMA system, if the Town's total outstanding indebtedness, including the current issue, exceed \$10,000,000. The collection and verified filing of the required information would be accomplished by our firm, as annually required and as Event Notices are received from the Town. The time estimate under the current configuration of Section 240.15c2-12 is approximately 25 1/2 hours.
- (5.2) **LIMITED DISCLOSURE** - The Town is required to, at a minimum, certain annual financial information and operating data which is customarily prepared by the Town and is publicly available and a copy of the audited financial statements (if applicable) to MSRB's EMMA system. The Town must also provide Material Event Notices to the EMMA system. The collection and verified filing of the required information would be accomplished by our firm, as annually required and as Event Notices are received from the Town, if the Town's total outstanding indebtedness, including the current issue, is less than \$10,000,000. The time estimate under the current configuration of Section 240.15c2-12 is approximately five hours each year.



Mr. Peter McCann

April 1, 2011
Page 13 of 14

PART 5 - CONTINUING ANNUAL SECONDARY MARKET DISCLOSURE - Vouchers will be submitted after verified filing of the required information with the specified repositories.

PART 6 - FINANCIAL MANAGEMENT SERVICES - Vouchers may be submitted on a monthly basis.

Additional work beyond the scope of this April 1, 2011 proposal will be at the rate of \$128.00 per hour plus out-of-pocket expenses. The rate will be adjusted each July 1 by the Consumer Price Index, All Urban Consumers - Northeast Urban Rate, for the time period July 1 through June 30. Vouchers for any services provided may be submitted on a monthly basis.

If the services under any portion of this contract are commenced, but are not completed for any reason, or are completed without our firm performing the entire role contemplated herein, an invoice will be rendered for the actual hours completed at the firm's normal hourly rate, plus actual disbursements incurred.

Any services in the nature of investment or financial advice are to be performed by our firm to the best of our abilities based on such information as may be available to us from time to time when such advice is given. No liability is assumed, however, for any errors or omissions not constituting gross negligence. Any financial or investment advice rendered shall be considered to be a recommendation only, and any and all final decisions shall be made by you at your own risk.

Upon acceptance of this proposal, please sign and date both copies, retaining one signed copy for the official Town records, and returning the other signed copy to our office in the envelope provided.

This letter of intent and the fees quoted herein are valid if accepted and executed within 60 days of the date hereon.



Mr. Peter McCann

April 1, 2011
Page 11 of 14

- (5.3) **LIMITED DISCLOSURE - EVENT NOTICES ONLY** - The Town is required to file certain "Event Notices" to the MSRB's EMMA system. When "Events" occur during the life of the issue, the determination and filing of the "Event Notices" would be accomplished by our firm, after being notified by the Town as "Events" occur.

PART 6 - FINANCIAL MANAGEMENT SERVICES

The following representative items can be completed:

- (6.1) Create a projected cash flow for the project.
- (6.2) Establish and coordinate an investment program for borrowed and other capital funds available.
- (6.3) Prepare recommended wording for a Town written Financial Policy covering both the investment and borrowing of funds.
- (6.4) Assist with and coordinate the wire transfer of funds from bank to bank through the Federal Reserve System.
- (6.5) Assist in establishing accounting records and bookkeeping procedures on the double-entry basis.
- (6.6) Create the format for a monthly financial report on the project to summarize the information in the bookkeeping system for management purposes.
- (6.7) Assist in estimating appropriate debt service budget figures.
- (6.8) Attend and participate in Board meetings, worksessions, or public information meetings.
- (6.9) Prepare interim reports concerning financial matters of the project.
- (6.10) Obtain an independent market valuation of the current value of bonds proposed to be substituted in lieu of cash retainage by contractors pursuant to Section 106.00 of the General Municipal Law and provide written follow-up and procedural suggestions for the physical handling of these instruments.