

CHILI TOWN BOARD  
January 18, 2012

A meeting of the Chili Town Board was held on January 18, 2012 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor David Dunning.

PRESENT: Councilman Brown, Councilwoman DiFlorio; Councilman Slattery, Councilwoman Sperr and Supervisor David Dunning.

ALSO PRESENT: Dawn Forte, Supervisor's Secretary; Sandra Hewlett, Stenographer; Virginia Ignatowski, Town Clerk; Ken Kraus, Deputy Town Supervisor; David Lindsay, Commissioner of Public Works/Highway Superintendent and Building Department Representative; Dianne O'Meara, Director of Finance; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor.

The invocation was given by Virginia Ignatowski.

The Pledge of Allegiance was cited. The fire safety exits were identified for those present.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. The following speakers addressed the Town Board on various subjects: Heath Miller, Daniel Boon, Ed Van De Water and Dorothy Borgus. The Public Forum concluded at 7:12 p.m.

**MATTERS OF THE SUPERVISOR:**

SUPERVISOR DUNNING: I would like to report to the Board this past week we did have a kick-off meeting of the Black Creek Stream Corridor Study Feasibility Study. We had the Village of Churchville, Town of Chili and Town of Riga were all represented here, as well as our consultants from Bergmann discussed the path forward, put together a timeline and some other expectations of this -- our consultant at Bergmann has already taken a kayak trip up a good portion of Black Creek earlier this year and took some nice pictures of the creek, identified some opportunities and some constraints, so I'm excited that this is now finally starting to happen. It was a good effort.

This will move from town to town. We'll be having meetings in both -- both in Riga and in Churchville. We are required and will be holding two, at least two public meetings. Both of those we're looking at right now depending -- as we get the high school -- we would like to get up to even the middle school or the high school in Churchville-Chili, being that is about as centrally located as a municipality we can get and hopefully we get a large enough turnout where we need the school. We're really hoping a lot of people turn out with an interest to see what is happening there.

Other than that, nothing under new matters.

**COUNCIL MEMBERS' REPORT:**

COUNCILMAN SLATTERY: Supervisor, in regards to the meeting you had, was that open to the public?

SUPERVISOR DUNNING: It was.

COUNCILMAN SLATTERY: And residents attended?

SUPERVISOR DUNNING: No.

COUNCILMAN SLATTERY: No residents?

SUPERVISOR DUNNING: No.

COUNCILMAN SLATTERY: Advertised?

SUPERVISOR DUNNING: No, that meeting was not advertised. It is open to the public. It was not a closed meeting. It is a workshop type of event. It is a kick-off between the municipalities and the consultant. But doors were open and everybody is welcome to join at any time, but it was not advertised.

COUNCILMAN SLATTERY: Do you know when the next meeting will be held?

SUPERVISOR DUNNING: David (Lindsay), do you recall? I don't. I don't think it is until March.

DAVID LINDSAY: I think maybe the third week of March. A specific date has not been selected yet.

SUPERVISOR DUNNING: When he gets that stuff -- as a matter of fact, we did discuss this at this -- at this kick-off meeting, how we get the information out, how we let people know these meetings are happening. There was an interest at least on our part to, um, make sure that we're getting ample time for people to know these meetings will take place. This one kind of got put together, I think, in about a week or two timeframe with everybody's schedules, but we wanted to make sure that we're doing a good job of promoting it and advertising it.

COUNCILMAN SLATTERY: Good.

COUNCILWOMAN DI FLORIO: Thank you.

COUNCILMAN SLATTERY: There is a couple of questions I had. I was reading the Chili Parks and Recreation Committee meeting minutes, and one of the comments was the Chili Lions is taking part in the planting of 1 million trees. Is that accurate?

SUPERVISOR DUNNING: I don't think a million is accurate. I could be wrong. I don't see Chili Lions as planting a million trees. There is a million tree planting effort going on that the Chili Lions might be involved with, but they're not physically involved with planting a million trees.

COUNCILMAN SLATTERY: That is the wording on the meeting minutes. I was going to say --

SUPERVISOR DUNNING: I think we should talk to the liaison and make sure the liaison gets back to the committee and makes sure they're a little more accurate with the meeting minutes.

COUNCILMAN SLATTERY: It was the December 14th meeting.

COUNCILWOMAN DI FLORIO: I wasn't liaison.

VIRGINIA IGNATOWSKI: They're not -- if I'm allowed to speak, they're not planting a million trees.

SUPERVISOR DUNNING: Of course you're allowed to speak.

COUNCILMAN SLATTERY: That's enough. (Laughter).

COUNCILMAN BROWN: Hold them to it.

COUNCILMAN SLATTERY: 30 seconds (Laughter.)

In regards to it, another reason why I bring this up, another thing I have been asking is we take a look at our parks and the trees and the conditions of them, and on sort of a normal basis, I walk Davis Park. I know our Parks Department was over there or somebody from the Town has been doing some tree work, and I know there is some dead trees that are over there, and I think it would be great if we could start replacing some of the ones we have, so the condition that they're in is -- you know, is a concern.

SUPERVISOR DUNNING: I believe -- this particular subject on that, with the Lions, um, and -- David (Lindsay), were you there with them that day? I believe Mr. Curley --

DAVID LINDSAY: I was. Mr. Curley and myself and representatives from Chili Lions met here and we walked a couple different spots over at Union Station Park. I want to say the number was around 30 trees that they're going to be plant. This is part of a nationwide or worldwide effort to plant a million trees. So we looked at a couple spots, one being right out here along the sidewalk in front of the Town Hall, slightly to the west where you have the open green space. They thought that might be a nice area, as well as a number of trees around the Union Station Park pavilion and the playground.

COUNCILMAN SLATTERY: Also, Supervisor, as far as the end-of-the-year reports, where -- are we still anticipating some of these coming in?

SUPERVISOR DUNNING: I think there are still a couple more missing. I'm not exactly sure which ones off the top of my head, but I think there are still a couple more missing.

COUNCILMAN SLATTERY: Then also, one thing maybe to look at for the agendas, I got my new one tonight, and I did have the old one. The edges are missing on some of the -- some of the words aren't totally printed.

COUNCILWOMAN SPERR: I noticed that, too, the machine --

COUNCILMAN SLATTERY: I'm not sure what the residents have, as well. I just noticed that when I was comparing my old one to this one. That's all I have.

COUNCILWOMAN SPERR: I just wanted to make it -- a brief announcement that prior to this Town Board meeting, we had an opportunity -- the Supervisor and I had an opportunity to welcome Snap Fitness. They're a fitness group over in North Chili Plaza and they are holding their grand reopening tonight. And if you haven't heard they were there, the people were extremely friendly. They have a great facility, so you have an opportunity to go check them out, go over and visit. They have personal trainers and some really neat things over there that you don't normally find and we just want to welcome a new business to the Town of Chili.

COUNCILWOMAN DI FLORIO: I actually have one thing, as well. As the new Recreation liaison, just to kind of throw a plug in, as well, that the winter newsletter is out, and there are a lot of new programs and activities for teens and young people, since we have so many in the audience. You might want to take a look at them, because Tom (Venniro), our new --

SUPERVISOR DUNNING: Supervisor.

COUNCILWOMAN DI FLORIO: -- Supervisor -- I wasn't sure of the title there. Slipped my tongue for a minute -- but is really trying to engage some of the teens in some rec activities, kind of one-shot deal type things. So if you haven't had an opportunity, check it out.

COUNCILMAN BROWN: I attended my first Conservation Board meeting and was very impressed with how knowledgeable the group is and how passionate they are about their charge, and they had some good discussions and talked about some initiatives going forward that they're looking for some assistance with.

SUPERVISOR DUNNING: Excellent. Welcome. Thanks for sharing.

The 12/7/11 and 12/30/11 Town Board minutes were approved as submitted.

**REPORTS SUBMITTED:**

Dog Control Report – December 2011, 2011 Year End Report  
Recreation Center Revenue Report – December 2011  
Senior Center Revenue Report – December 2011  
Town Clerk Report – December 2011  
Planning Board Minutes – 12/13/2011  
Chili Parks & Recreation Minutes – 12/14/2011  
Traffic & Safety Minutes – 11/3/2011, 12/1/2011

**CORRESPONDENCE:**

1. Town Clerk Virginia Ignatowski has received formal notification from Rivers Edge Restaurant and Party House Inc, Rivers Edge located at 31 Paul Road Rochester, NY 14624, in the Town of Chili, of their intent to apply for a renewal of their liquor license with the State Liquor Authority.
2. Town Clerk Virginia Ignatowski has received formal notification from Rivers Edge Restaurant and Party House Inc, (The Party Room) located at 31 Paul Road Rochester, NY 14624, in the Town of Chili, of their intent to apply for a renewal of their liquor license with the State Liquor Authority.
3. Town Clerk Virginia Ignatowski has received notification from Jennie Miller, Assistant Assessor that she is resigning effective 1/24/2012.
4. Town Clerk Virginia Ignatowski has received notification from Larry Crozier, Parks Department is retiring effective 3/31/2012.

SUPERVISOR DUNNING: I'm happy for Larry (Crozier). Not so happy for the Town. Larry (Crozier) has been a tremendous asset to that Parks Department and the work he has done with the crew and the things he does from maintaining our ball fields to our parks and keeping things up, he just does an incredible job and he will be greatly missed --

COUNCILWOMAN SPERR: Absolutely.

SUPERVISOR DUNNING: -- here in the Town of Chili.

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**RESOLUTION #107 RE: 2012 Genesee Valley Recreation Regional Conference**

**OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilman Slattery**

**BE IT RESOLVED** that Michael Curley, Director of Parks and Recreation and Thomas Venniro, Recreation Supervisor are hereby authorized to attend the 2012 Genesee Valley Recreation and Parks Society's Regional Conference in Fairport, NY to be held Thursday, February 16, 2012 at a cost not to exceed \$60.00 plus mileage to be paid from account A7020.4975 (Recreation Administration-Recreation Conference).

UNANIMOUSLY APPROVED

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**RESOLUTION #108 RE: Use of the Senior Center Trust and Agency Account**

**OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr**

**WHEREAS**, the Senior Center Trust and Agency Account was established in the year 2000 to hold proceeds from fundraising activities to benefit the Chili Senior Center; and

**WHEREAS**, Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, wish to accept a \$500 donation from a senior to be deposited in the Senior Center Trust and Agency.

UNANIMOUSLY APPROVED

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**RESOLUTION #109 RE: Chili Fire Department, Inc. Addition to Active List**

**OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilman Brown**

**BE IT RESOLVED** that the following individuals be added to the Chili Fire Department, Inc. Active list effective January 9, 2012 & February 14, 2012:

Eric Roth - 1/9/2012, Michael Remkus - 1/9/2012, Dan Selvaggio, III – 2/14/2012

UNANIMOUSLY APPROVED

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**RESOLUTION #110 RE: Chili Fire Department, Inc. Exempt List**

**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Slattery**

**BE IT RESOLVED** that the following individuals be added to the Chili Fire Department, Inc. Exempt list effective January 9, 2012:

Lisa Corio, Ralph Dutcher

UNANIMOUSLY APPROVED

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**RESOLUTION #111 RE: Chili Fire Department, Inc. Removal from Active List**

**OFFERED BY: Councilman Brown SECONDED BY: Councilwoman DiFlorio**

**BE IT RESOLVED** that the following individuals be removed from the Chili Fire Department, Inc. Active list effective January 9, 2012:

Mike Simeone, Patsy Iacovangelo

UNANIMOUSLY APPROVED

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**RESOLUTION #112 RE: Create Comprehensive Plan Reserve**

**OFFERED BY: Councilman Brown SECONDED BY: Councilwoman Sperr**

**WHEREAS**, the 2012 Adopted Budget includes funds for the Comprehensive Plan Reserve; and

**NOW, THEREFORE, BE IT RESOLVED**, to establish the Comprehensive Plan Reserve for the purpose of preparing future Comprehensive Plans.

UNANIMOUSLY APPROVED

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**TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:**

**SUPERVISOR DUNNING:** There were several questions on this, and I guess what I would like to do -- I'm not the expert in any of this, and I will -- I -- I trust Mr. Lindsay immensely in his experience and background and would like, David (Lindsay), if you could -- the questions, certainly if you need any of them repeated, I think I can help you.

**DAVID LINDSAY:** It would be helpful actually if we could go through them. There were quite a few statements made. If we go through them one by one --

**SUPERVISOR DUNNING:** As it relates to the dedication of the road, I think some of the questions related to this, is this the earliest or soonest we have ever dedicated a road before; why are we doing that? Some of it actually had to do with -- somewhat related to a latter resolution that talked about the letter of credit release, but still wanted to know if we're still going to have enough money to do whatever we will with this road.

I'm sorry. If you want me to stop, I can hold a couple, but why are we dedicating this road now when it hasn't been tried and tested with, you know, the trucks going over it, the winter thaw and freeze and so and so forth?

**DAVID LINDSAY:** From a historical perspective what we have done in the past, I can't -- I don't have that information in front of me. I can't tell you specifically when we have dedicated prior roads that we had constructed in the Town.

Is it out -- this road is a little bit different than some of the other roads that we have typically done in the Town. Those typically are subdivision roads. How they're constructed, um, the timing and phasing of what's done is different than what has happened over at Boon Drive. I don't want to bore you with all of the details of that, but essentially how it is done and the phasing is different.

In the case of the letter of credit for this particular road, you know, we reviewed what was done and completed on the project with the Town Engineer, Monroe County Pure Waters and internally and we were satisfied with the amount that we came up -- that we came up is for what we want to withhold to insure that should there be a repair needed for the road or if there is any particular outstanding item -- I will use the example I think Mr. Van de Water brought up about his entrance. Yes, we're aware his entrances weren't done at the optimal time of the year. We weren't satisfied with that, so we held out instead of just a percentage, we held the whole line item, the \$15,000. So if there is a failure for those entrances, we can repair that.

In our Town Code, we talk about doing releases throughout the course of construction. This developer hasn't asked for a release up to this date. They could have asked for a release back in June, July and August. So what we're seeing is kind of a compilation of those releases all

at once. It gets us to a point where the road is in, it's completed.

We even asked throughout the course of construction that they take a couple extra steps for you. Instead of just doing our regular inspections that we have conducted here, we asked for compaction testing. So we're satisfied that the road has been constructed in accordance with Town standards and will hold up. But even -- even with that in mind, we're holding back \$150,000 to insure that if repairs are needed, we had -- have that money to do that. If there is any unfinished items on the road, such as the entrances that may need some additional work or restoration of any disturbed areas, we have that money in the letter of credit to deal with those issues.

SUPERVISOR DUNNING: Um, have we ever -- during the process, even in the subdivisions and things like that, have we ever had to have a road like redone or have there been issues with some of these roads prior to dedication before? Is there any history of that at all, that you're aware of?

DAVID LINDSAY: Oftentimes in subdivisions you're building on old farmland. The road wasn't a road before; it was crop land. Which in this particular case, the vast majority of the road was a previously existing road that has been there for quite some time. It has been compacted.

In subdivisions you will find on occasion you will have small areas that perhaps will alligator over a course of time, over the course of a year and they may have to be cut out and repaired. That is to be expected.

In this particular case, what we have also worked out with the developer is if we come across those -- if there is an isolated area that needs to be repaired, obviously the letter -- they're on the hook to do that. The letter of credit guarantees that. There is additional money in that to resurface the road so you don't have to see the patches.

SUPERVISOR DUNNING: Is there -- if this Board decides to, um, table this for any reason this evening, as it was suggested, is there -- what -- what are the downsides to doing that, if there are any?

DAVID LINDSAY: From a Town perspective?

SUPERVISOR DUNNING: That's correct.

DAVID LINDSAY: I don't see any downside from the Town perspective, no.

COUNCILWOMAN SPERR: If I may, was there a reason why this was presented to us now?

DAVID LINDSAY: Which one, the dedication or the release?

COUNCILWOMAN SPERR: The dedication.

DAVID LINDSAY: It goes back to the fall when we were working with the developer, and, you know, kind of timing out the -- the construction of the road in relation to the development of the project, and they were simply asking us at that time, "Hey, would you -- you know, after we get the road substantially complete, would you be willing to accept dedication?"

At that time we said, "We'll consider it based on how construction goes and where we are at the time when you ask for that."

COUNCILWOMAN SPERR: I think the difference between this type of road and the discussion over dedication versus the subdivision is the type of traffic it's going to get. You get cars and vehicles and maybe garbage trucks that goes down those roads. But in this instance, you're talking about heavy-duty vehicles that will be using it on a constant case. I can understand his point that it hasn't been driven on through the winter and come out to the spring thaw to see what type of damage is done over the winter time.

So I can fully understand why they would be concerned, which prompts me to, as I have listened to this, if there is no reason for us to be hasty in a decision to make that decision tonight, then we might want to just hold off for a little while. I don't see any reason to rush. To protect our taxpayers. I do have a -- after listening to the residents, concerns tonight, and it does make sense.

COUNCILMAN SLATTERY: Well, if I can ask Mr. Lindsay, I have a couple of questions. I know Counsel --

RICHARD STOWE: I only have information. Ask your questions, because I think it will be the same thing.

COUNCILMAN SLATTERY: David (Lindsay), one thing that you did mention was that there was compaction testing done, and I think that is very important to -- to know. Was this also a total box-out that they did? You mentioned there was an existing road.

DAVID LINDSAY: There was an existing road there, and it was a complete box-out of that road, down to sub grade, and there was compaction testing done on that sub grade. I don't know if everybody understands what compaction testing is, but you take the soil and run a test on it to make sure it can withstand a certain loading which will be transferred through the pavement and the stone by the vehicles driving over it.

COUNCILWOMAN DI FLORIO: So it won't sink.

DAVID LINDSAY: It passed those compaction tests.

COUNCILMAN SLATTERY: Then also in regards to this, did they find was there a high ground water table or a water problem that was out there when they did this?

DAVID LINDSAY: We did not have -- I call that kind of pumping.

What we also do is we'll also proof roll the sub grade, run a roller over it and we call that proof rolling, and you look for deformations in the roller as it goes along for that kind of high water table or saturated soil conditions. We didn't notice that out there.

Certainly on the north side there is a wetland there. But we didn't see evidence of that perking into the sub grade of the road.

COUNCILMAN SLATTERY: In that -- in regards to the inspection, who performed this inspection and were they out there during the whole installation of the new road that was installed?

DAVID LINDSAY: The representatives of the Town Engineer's office was out there. A gentleman whose well -- well understands highway construction. He was there -- I couldn't say if he was there 100 percent of the time, but he was there the vast majority of the time while they were constructing the road.

COUNCILMAN SLATTERY: In watching it, driving by there daily, I noticed the construction that was going on and the work that was being done, as well, and -- and the time of year that we are doing it, obviously it was -- you know, any -- whether it's in the spring, summer, you're dealing with the conditions you have out there, as well.

Is that road topped now or will that be something that has to be done in the spring?

DAVID LINDSAY: It's topped. If it -- if it wasn't topped, I don't think we would take dedication at this point, but it is topped.

COUNCILMAN SLATTERY: So it is topped now. And then will -- is there a warranty for them? If there is a problem, they -- you know, granted we have the \$150,000, so --

DAVID LINDSAY: Essentially one year is the way we look at it with any road. Once the top goes down, we won't release whatever is left in the letter of credit for one year from that time.

COUNCILMAN SLATTERY: And then also from -- people talking about a subdivision road, the type of residential traffic, school bus, garbage truck, so forth. This is totally different. I'm assuming the design criteria for this, the thicker asphalt, more stone and so forth?

DAVID LINDSAY: Yes. I can't recall exactly what the cross-section was there, the typical section, but it was a beefier section than our subdivision road. Our typical subdivision has, I think, 1 1/2 inches of top and 2 1/2 of binder, and I think we did 1 1/2 and 2 1/2 and 3 of base, as well as stone, but I have to check that.

COUNCILMAN SLATTERY: The base asphalt.

DAVID LINDSAY: Base asphalt, yes.

COUNCILMAN SLATTERY: So there is more meat to it to hold that truck traffic coming in and out of there.

DAVID LINDSAY: Right.

COUNCILMAN SLATTERY: Counsel?

RICHARD STOWE: Mine was only to refresh the Board's recollection as part of the way that we got here, we have had the Supervisor authorized to sign an agreement to dedicate this road. Within the last two or three months, we had an amendment to the offer to dedicate the road that was authorized, and it is my recollection that at the time our Highway Superintendent indicated that the developer wanted to be able to put the final coat on top of the road. There were some conversations with regard to the amendment that talked about alternative tops to the road in order to satisfy him. This isn't something that just happened tonight. This has been an ongoing process.

My other point is that the only thing that is slightly different from this, in the phasing that I believe our Highway Superintendent was alluding to, is that some of these things were being driven by the financing on the project. The -- the -- the bank loan. That's not a reason for this Town to be concerned. That is by way of explanation for why things were happening in the order and the requests were coming the way they were coming.

I will totally defer to Mr. Lindsay in his conversation with the folks that are requesting this, with regard to the fall-out of -- of tabling this, but I -- but I can tell you that that was my understanding from my limited involvement about why things were being driven the way they were being driven and requested.

SUPERVISOR DUNNING: And -- I know we're -- this is a latter resolution, but it is also pertaining to what we're talking about here. I have spoken with Mr. Lindsay in great detail as I have spoken with Mr. Boon and Mr. Van De Water, and both have a great interest in making sure that we are protecting them as adjacent property owners.

And again, I trust Mr. Lindsay implicitly, and he knows -- he knows what is he doing, knows his job, and I have asked him about the amount of money. Is this amount of money that we're holding back in this letter of credit sufficient enough to make sure that first and foremost that Mr. Boon and Mr. Van De Waters' businesses are taken care of, and their properties are restored back to if not the way they were, to a better condition than they -- the way they were, as well as doing repairs to this road should the Town be held liable to perform any repairs to this road. Which Mr. Lindsay has assured me this money is more than adequate to take care of all this and make that happen.

And I have let Mr. Boon and Mr. Van De Water know I have a comfort level with Mr. Lindsay and his experience that -- that we're able to go ahead and we are -- from -- we -- and we'll be protecting the taxpayers by retaining this \$150,000 and not releasing that until -- like Mr. Lindsay said, likely a year from now when we have had a better look and make sure that everything is taken care of, that both businesses are taken care of in their concerns and problems there.

So -- so I have -- anybody else have any?

COUNCILMAN BROWN: I have a question. It was mentioned that there was a perception that they didn't prioritize the neighboring businesses issues.

Do you agree with that?

DAVID LINDSAY: As far as the specific work that was done to the site?

COUNCILMAN BROWN: Yes. The entrance and exit issue that was mentioned and the comment was just made directly that they appeared to pay a lot of attention to what their needs were but did not prioritize what the neighboring businesses' issues were.

DAVID LINDSAY: I think it is also a little bit about timing. There are certain things you have to do before you can do other things on the project. I understand the perception from anybody is that "I'm coming last" and that is not necessarily always the case. I'm sure that probably happened on an item or two, but it is also -- like I said timing. You can't do certain things before you do other things.

**RESOLUTION #113 RE: Road Dedication of Boon Drive.**

**OFFERED BY: Councilwoman Sperr      SECONDED BY: Councilwoman DiFlorio**

**BE IT RESOLVED** that Boon Drive, as constructed, be accepted for road dedication; and

**BE IT FURTHER RESOLVED**, that subject to the approval by the Engineer for the Town and the Counsel for the Town, that the necessary documents be executed and filed.

UNANIMOUSLY APPROVED

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**RESOLUTION #114 RE: Purchase of Miller Attachment**

**OFFERED BY: Councilman Slattery      SECONDED BY: Councilwoman DiFlorio**

**WHEREAS**, included in the approved 2012 budget is the purchase of one (1) new miller attachment (planer); and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the purchase from NYS OGS, Contract PC 64705, one (1) miller (planer) at a cost not to exceed \$15,000, to be paid from Account #DA5130.20 (Machinery-Equipment).

UNANIMOUSLY APPROVED

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**TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:**

RICHARD STOWE: At the risk of making you move, second, amend, change and mess with the resolution, I'm going to suggest that you authorize me to deal with the speed zone items that were brought up in the Public Forum comments in a separate Local Law and that they be excised from this resolution and we just deal with the stop sign issues.

SUPERVISOR DUNNING: Okay.

RICHARD STOWE: Before -- before you move and second this and then we have to amend it, my suggestion is we modify the resolution to delete the speed zone things to be done by resolution.

SUPERVISOR DUNNING: The speed limit?

RICHARD STOWE: All of the speed limits. The fix for that, I'm proposing is, that I will come back to the Board with a Local Law. I believe what Mr. Miller was referring to is that we had mashed things together by resolution and Local Law, where the Local Law for the speed limits anticipates an amendment by Local Law. Okay?

I had a conversation with Mr. Lindsay about the things that needed to be fixed, okay? We have specific authorization to do the signage by resolution. I think the better practice if we're going to be prosecuting folks for speed limit violations is to kill this fly with a sledgehammer and do it by Local Law. So I'm proposing that we eliminate this.

Is that a fair assessment?

MR. MILLER: Yes.

SUPERVISOR DUNNING: So strike -- we're striking one, two, three, four, five, six.

RICHARD STOWE: Just the speed limit items.

SUPERVISOR DUNNING: The speed limit ones from the end. So those are stricken from this resolution.

Okay to move along now?

RICHARD STOWE: Really okay before. I was just trying to save us from ourselves.

SUPERVISOR DUNNING: I appreciate it. After the moving.

COUNCILMAN BROWN: Ten down on the second page, Paul Road and Loyalist Lane. I believe that should read Loyalist Avenue.

COUNCILWOMAN SPERR: Do you know someone that lives there?

COUNCILMAN BROWN: Yes.

SUPERVISOR DUNNING: The question is, David (Lindsay), on the southbound stop sign, there is one at Paul Road at Loyalist Lane it is listed as and it is the understanding it is Loyalist Avenue.

DAVID LINDSAY: I would have to check on that. We cut and paste the list we got from the County here and inserted it into the resolution, but I can't tell you --

SUPERVISOR DUNNING: This is a typographical error that could be easily corrected prior to -- this is all taking place.

COUNCILMAN BROWN: If you change my address, let me know. (Laughter.)

SUPERVISOR DUNNING: I would like to change your address right at this point in time. (Laughter.)

COUNCILWOMAN SPERR: I would just like to discuss the reason behind what prompts this resolution. Does this have to do with the sign study that was performed on the signs in Town along with the --

DAVID LINDSAY: No, no. That would be done separate. This has to deal with a jurisdictional swap between the New York State DOT and the Monroe County DOT a few years back.

COUNCILWOMAN SPERR: I didn't know if it had anything to do with us going and reviewing all of the signs in our Town along with this.

DAVID LINDSAY: That will be a much longer list.

RICHARD STOWE: Oh, boy.

SUPERVISOR DUNNING: Any other questions or comments?

**RESOLUTION #115 RE: Authorize Establishment of Traffic Control Devices**

**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio**

**WHEREAS**, the Town Board passed Resolution #391 on December 4, 1996 authorizing regulatory devices at various locations in the town as recommended by the Monroe County Department of Transportation; and

**WHEREAS**, Monroe County Department of Transportation has updated their traffic sign records for the following roads that were transferred to Monroe County jurisdiction from New York State jurisdiction in November 2007:

- \* Chili Center Coldwater Road between Chili Avenue (NY Rte 33A) and Westside Drive
- \* Paul Road between Chili Avenue (NY Rte 33A) and Scottsville Road (Rte 252)
- \* Westside Drive between Chili Center Coldwater Road and Coldwater Road

**WHEREAS**, Monroe County Department of Transportation, pursuant to the authority granted by Sections 1651 and 1652-a of the New York State Vehicle and Traffic Law, does here by request the establishment of the following traffic controls:

**TRAFFIC REGULATIONS**

WB Stop Sign  
EB Stop Sign  
Two Way Left Turn Only Lane

Stop Sign  
EB Stop Sign  
WB Stop Sign  
EB Stop Sign  
NB Left Turn Only Lane  
SB Left Turn Only Lane  
NB Stop Sign  
NB Yield Sign

Stop Sign  
SB Stop Sign  
SB Stop Sign  
EB Left Turn Prohibition  
SB Left Turn Prohibition  
Traffic Signal  
SB Stop Sign  
NB Stop Sign  
SB Stop Sign  
NB Stop Sign  
SB Stop Sign  
NB Stop Sign  
SB Stop Sign  
SB Stop Sign  
NB Stop Sign  
SB Stop Sign  
SB Stop Sign  
NB Stop Sign  
SB Stop Sign  
SB Stop Sign  
NB Stop Sign  
SB Stop Sign  
EB Stop Sign

**LOCATION**

Chili Center Coldwater Road @ Sanmateo Road  
Chili Center Coldwater Road @ Sleepy Hollow  
Chili Center Coldwater Rd from 200' North of Rte 33A to 540' South of I-490EB  
Chili Center Coldwater Road @ Stover Road  
Chili Center Coldwater Road @ Towpath Trail  
Chili Center Coldwater Road @ Laredo Drive  
Chili Center Coldwater Road @ Brassier Drive  
Chili Center Coldwater Road @ Chestnut Ridge Road  
SB Right Turn Only  
Chili Center Coldwater Road @ Westside Drive  
Right Lane Must Turn Right Paul Road @ Chili Avenue (Rt3 33A)SB  
Paul Road @ Grenell Drive  
Paul Road @ Stal-Mar Circle  
Paul Road @ Westway Drive  
Paul Road @ Walgreens Drive  
  
Paul Road @ Archer Road  
Paul Road @ Shag Bark Circle  
Paul Road @ Janice Drive  
Paul Road @ Red Bud Road  
Paul Road @ Talos Way  
Paul Road @ Adela Circle  
Paul Road @ Carriage House Lane  
Paul Road @ White Oak Bend  
Paul Road @ Marshall Road  
Paul Road @ Trade Court  
Paul Road @ Ironstone Drive  
Paul Road @ Loyalist Avenue  
Paul Road @ Battle Green Drive  
Paul Road @ International Blvd.  
Paul Road @ Jetview Drive  
Paul Road @ Beahan Road



SB Yield Sign	Paul Road @ Paul Road South Leg
EB Stop Sign	Paul Road @ Avion Drive
SB Stop Sign	Paul Road @ Fleet Center Drive
SB Stop Sign	Paul Road @ Millstead Way
EB Stop Sign	Westside Drive @ Chili Center Coldwater Road
WB Stop Sign	
NB Stop Sign	Westside Drive @ Sunview Drive
NB Stop Sign	Westside Drive @ Redleaf Drive

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the establishment of all of the above traffic control devices.

UNANIMOUSLY APPROVED

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**RESOLUTION #116 RE: Purchase of Loader**

**OFFERED BY: Councilman Slattery      SECONDED BY: Councilwoman DiFlorio**

**WHEREAS**, included in the approved 2012 budget is the purchase of one (1) new loader replacement; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the purchase from NYS OGS Contract PC65308 one (1) Hyundai Loader from George and Swede Equipment, at a cost not to exceed \$145,000 to be paid from the Account #DA5130.20 (Machinery-Equipment).

UNANIMOUSLY APPROVED

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**RESOLUTION #117 RE: Purchase of a Cab and Chassis Ten Wheel Truck and Authorization to Bid for Material Spreader, Dump Body and Plow Package**

**OFFERED BY: Councilwoman Sperr      SECONDED BY: Councilman Slattery**

**WHEREAS**, included in the approved 2012 budget is the purchase of one (1) new plow truck replacement; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the purchase from NYS OGS Contract PC62176 one (1) Cab and Chassis from International Truck & Engine Corp., at a cost not to exceed \$125,000 to be paid from the Account #DA5130.20 (Machinery-Equipment); and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, to authorize the advertisement for bids for the associated dump body, material spreader and plow package.

UNANIMOUSLY APPROVED

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**RESOLUTION #118 RE: Purchase of Pickup Trucks**

**OFFERED BY: Councilman Brown      SECONDED BY: Councilwoman Sperr**

**WHEREAS**, included in the approved 2012 budget is the purchase of two (2) new pickup truck replacements; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the purchase two (2) 4-wheel drive pickup truck for the Highway Department under NYS OGS Bid PC 65030, Item 90A, from Van Bortel Ford at a cost not to exceed \$28,500/ea. To be paid from Account #DA5130.20 (Machinery-Equipment).

UNANIMOUSLY APPROVED

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**RESOLUTION #119 RE: Authorization to Advertise for Bids for Leaf Machine**

**OFFERED BY: Councilwoman DiFlorio      SECONDED BY: Councilman Slattery**

**WHEREAS**, the approved year 2012 Town Budget includes funds for the purchase of one (1) new leaf machine replacement; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the advertisement for bids.

UNANIMOUSLY APPROVED

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**RESOLUTION #120 RE: Authorization to Advertise for Bids for Dump Truck**

**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Brown**

**WHEREAS**, the approved year 2012 Town Budget includes funds for the purchase of one (1) new six (6) wheel dump truck replacement; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the advertisement for bids for the cab and chassis and the bid for the dump body.

UNANIMOUSLY APPROVED

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**RESOLUTION #121 RE: Establish Letter of Credit for Genesee Valley Regional Market**

**OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Sperr**

**BE IT RESOLVED** that per the recommendation of the Town Engineer, a letter of credit be established for Genesee Valley Regional Market in the amount of \$428,551.64.

Items within the letter of credit include, but are not limited to, rough grading and construction of a retention pond, erosion control measures, Phase II inspections and the preparation of record plans to be submitted to the Town.

Additional provisions included within the letter of credit are 10% construction contingency, a 5% contingency for Town Engineering inspection services and a 1% contingency for Town Administration.

UNANIMOUSLY APPROVED

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**TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:**

SUPERVISOR DUNNING: I believe we touched on most of the answers to the letter of credit with the exception of is this the entire letter of credit, the amount for the letter of credit. I don't recall releasing any other money at any other point in time, so I am going to somewhat say yes, this was the total letter of credit.

Is that accurate, Mr. Lindsay?

DAVID LINDSAY: Yes, this is the total letter of credit. The dollar amount represents more. If you add up the \$2, it represents more than just the cost for the road. There are other items within the letter of credit.

SUPERVISOR DUNNING: There is still a balance. If you add up the 480,000 plus 150,000 was the total. I believe I touched -- and I'm going to ask this somewhat reluctantly, but did I miss anything, Dorothy (Borgus)?

DOROTHY BORGUS: I still didn't get an answer. If something else is in there, what is?

SUPERVISOR DUNNING: Something else what?

DOROTHY BORGUS: Mr. Lindsay said something else was included.

SUPERVISOR DUNNING: And I believe -- there -- there --

DAVID LINDSAY: I don't have it in front of me, but typical letter of credits, um, would also -- not just the roadway pavement, but street trees, um -- there are right-of-way monuments, record plans that need to be submitted to the Town. Those are smaller items, but those types of things, so it is not strictly the pavement.

SUPERVISOR DUNNING: Okay.

DOROTHY BORGUS: So --

SUPERVISOR DUNNING: There is grading and seeding.

Right. Right. There is all kinds of things in there.

I think if -- there is something that I missed here, certainly please give Mr. Lindsay a call.

DOROTHY BORGUS: It will be too late then. If you pass it, it will be too late then.

SUPERVISOR DUNNING: Any other questions or comments?

COUNCILWOMAN SPERR: Yes, I have one. So based on all of the discussion we have held so far tonight up to this point, it is your estimation, or your opinion that we will be protected, Mr. Van De Water and Mr. Boon will be protected within the next year with this amount sufficient to do that? Should issues arise after the road has been used a while and we have gone through a couple seasons, he will be protected if there are issues?

DAVID LINDSAY: We guarantee -- the letter of credit guarantees the road for a year. So we'll keep that in place until next -- we have until essentially one year after the top goes down. The top went down in early November, I think, something along those lines. So we'll have that in place until then. Just to clarify, the applicant has every right to seek release of the letter of credit as soon as an item is complete, and technically in -- according with the code, I can only

hold out 10 percent of that item. So I can't hold any more than that unless the item is incomplete.

**RESOLUTION #122 RE: Letter of Credit Release – Boon Drive**

**OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman DiFlorio**

**BE IT RESOLVED** that per recommendation of the Town Engineer, \$481,500 be released from the letter of credit with City National Bank #11532 for Boon Drive, leaving a balance of \$150,000; subject to engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

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**RESOLUTION #123 RE: Extension of New York State Snow and Ice Contract**

**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Brown**

**WHEREAS**, the Town Board of the Town of Chili on January 18, 2012 makes a resolution to approve the Snow & Ice Contract No. D009808 between the State of New York and the Town of Chili for snow and ice control which will expire on June 30, 2014 unless further extended. The contract will be for \$372,880.34.

UNANIMOUSLY APPROVED

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**RESOLUTION #124 RE: Monroe County Snow & Ice Agreement**

**OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Sperr**

**BE IT RESOLVED** to authorize the execution of an amendatory agreement with the County of Monroe for the Town to provide snow and ice control service on County roads. The present agreement is a ten-year agreement, which runs from October 1, 2003 through September 30, 2013. The amendatory agreement establishes a total estimated payment to the Town for the 2011/2012 snow season of \$240,045.22.

UNANIMOUSLY APPROVED

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**RESOLUTION #125 RE: County All Seasons Agreement**

**OFFERED BY: Councilman Brown SECONDED BY: Councilwoman Sperr**

**BE IT RESOLVED** to authorize the Town Supervisor to execute an Agreement between the Town of Chili and the County of Monroe. The term of the Agreement is from January 1, 2012 through December 31, 2012 with additional one-year term extensions upon mutual written consent of the parties for additional one-year terms for a maximum agreement term of ten years ending December 31, 2016. Said Work Agreement covers work on County highways performed by the Town and paid for by the County of Monroe.

UNANIMOUSLY APPROVED

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**TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:**

**SUPERVISOR DUNNING:** David (Lindsay) if you could, I know when we got the information about this particular resolution, the map that was included in this was very difficult to completely understand where the easement was, where this easement is being released and what is affecting it. Can you briefly describe what this is, what this is about?

**DAVID LINDSAY:** Yes. I don't have a copy of the map you were given, but essentially if I recall correctly the house -- maybe I can just take a look at that to better describe it.

If north is going to be on the left side of the page, so on the south side of the house, there is an easement that runs along the south property line of the house, perpendicular to Stal Mar which heads up towards the top of that page. That easement or the house there actually encroaches on that easement I want to say about a foot or thereabouts. We went out and took a look at what that easement was for, the pipe that was there and made the assessment that if we released a portion of that easement around the house, it will not impact our ability to maintain that pipe.

**COUNCILMAN SLATTERY:** Are you referring to the driveway side of the house?

**DAVID LINDSAY:** Yes. Yes. That's a better accurate description of that, more accurate description. The driveway side, which would be the south side of the house.

**COUNCILMAN SLATTERY:** And its proximity to the house is how close?

**DAVID LINDSAY:** The easement?

**COUNCILMAN SLATTERY:** Is -- the house is right over the pipe?

DAVID LINDSAY: No. The house is sitting over the easement by about a foot or two.  
COUNCILMAN SLATTERY: Okay.  
DAVID LINDSAY: The pipe is closer to the property line. It's not that deep. It's a small pipe. We shouldn't have any problem accessing that if we had to get in there. Typically easements of this nature are only about 10 feet. For some reason this one was given to us about a 25 foot easement.  
COUNCILMAN SLATTERY: Does it clearly identify the easement on the survey map when they bought the house?  
DAVID LINDSAY: On the instrument tape map? No. The record that we have in the Building Department, no. I think it goes back quite a few years, so they didn't pick it up.  
COUNCILMAN SLATTERY: So the information that we're looking at, the survey map, the instrument survey map, it's -- is that on there? The easement?  
DAVID LINDSAY: I see a faint line and I'm guessing that is the easement.  
COUNCILMAN SLATTERY: Because the drawing that I have, is -- is not very clear. So -- so the -- what -- what is this pipe used for?  
DAVID LINDSAY: This is a storm sewer pipe. The drawing that I was given and reviewed was clearer than this. I was able to ascertain specifically where the easement was and how much it encroached on the home.  
COUNCILMAN SLATTERY: You said it is a small pipe?  
DAVID LINDSAY: Yes, I want to --  
COUNCILMAN SLATTERY: What is your version of "small"?  
DAVID LINDSAY: 15 inches, I want to say. I would have to double check it, but we're not talking like a 36-inch diameter pipe. On the smaller end, 18-inch, 15-inch smaller diameter pipe.  
COUNCILMAN SLATTERY: This ties into a storm system that is out at Stal Mar?  
DAVID LINDSAY: It actually ties into a storm system at the back of the property.  
COUNCILMAN SLATTERY: So it goes from the front to the back.  
How old is this pipe, Dave (Lindsay)?  
DAVID LINDSAY: Actually, let me correct that. I think the storm sewer actually comes down the -- the back of the properties and this was an older line that directed the storm drainage out to the street. Several years ago, the Town obtained an easement, I think, along the property to the south out to Paul Road, I believe it is there, constructed some drainage in that area, and then partially bricked this storm sewer pipe up, so it is somewhat dormant, as well.  
COUNCILMAN SLATTERY: Okay. Thank you.  
SUPERVISOR DUNNING: Any other questions?  
COUNCILMAN SLATTERY: Actually, I remember that, when you did that. And the condition of it, I believe it was fine at that time, as well?  
DAVID LINDSAY: Yes.  
COUNCILMAN SLATTERY: Okay.

**RESOLUTION # 126 RE: Release of a Storm Water Easement**

**OFFERED BY: Councilman Brown                      SECONDED BY: Councilwoman DiFlorio**

**WHEREAS**, Arthur E. Jones and Jean M. Jones (the "Applicants") are owners of property located at 4 Stal Mar Circle, Lot 1 of the Paul Road Estates Subdivision, Town of Chili, New York (the "Property"); and

**WHEREAS**, the Applicants have applied to the Town Board for a partial release of easement for that Storm Water easement owned by the Town of Chili that portion of the easement is located under their encroaching improvements; and

**NOW, THEREFORE, BE IT RESOLVED**, subject to a permissive referendum, that upon approval of the Commissioner of Public Works, and Attorney for the Town Board of the Town of Chili, the Town of Chili shall release to the above named Applicants that portion of the Town's Storm Water easement located & under the encroachments onto the easement as shown on the attached survey; and

**BE IT FURTHER RESOLVED**, that the Supervisor of the Town of Chili, is hereby authorized and directed to execute, on behalf of the Town of Chili, all necessary documents in furtherance of this resolution relating to the Property after the release of easement has been approved by the Commissioner of Public Works and the Attorney for the Town Board; and

**BE IT FURTHER RESOLVED**, that the Applicants shall pay to the Chili Town Clerk all costs incurred or to be incurred by the Town in this matter including, but not limited to: Publication costs and recording fees; and

**BE IT FURTHER RESOLVED**, that within (10) days hereof the Town Clerk shall publish and post a notice of the adoption of this resolution, and an abstract thereof, as required by law.

UNANIMOUSLY APPROVED

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**RESOLUTION #127 RE: Assessor**

**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio**

**BE IT RESOLVED** that Jennie Miller, be appointed as Assessor, shall be paid an annual salary of \$60,000.00 effective January 25, 2012, term to expire on 9/30/2013 expenses to be paid by voucher as incurred; and

**BE IT FURTHER RESOLVED**, that the State of New York Office of Real Property Services be notified of this appointment.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE ABOVE RESOLUTION:

SUPERVISOR DUNNING: For those of you who may not already know or have not been introduced prior to our Assistant Assessor, our new Assessor effective toward the end of the month, Jennie Miller, is here with us to today.

Jennie (Miller), would you like to stand up so -- you -- (Applause.)

So the target is on her back now, and not Linda (Leach), so feel free to take your shots, as you will.

COUNCILWOMAN SPERR: Congratulations, Jennie (Miller).

SUPERVISOR DUNNING: We know Linda (Leach) did a great job for the Town and she is difficult replacement, big shoes to fill, but I know you'll do a wonderful job for us and we look forward to moving forward soon. Thank you.

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**RESOLUTION #128 RE: Interim Special Prosecutor for Code Violations**

**OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilman Brown**

**WHEREAS**, the Town Board of the Town of Chili, Monroe County has been advised that in order to properly prosecute certain violations of the Town of Chili Ordinances and Local Laws, it is necessary to obtain the appointment on an interim basis of Special Prosecutor; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Chili hereby appoints on an interim basis, Eric W. Stowe, Esq. to act as a Special Prosecutor for the purpose of prosecuting any alleged violations of or offenses against the Ordinances, Local Laws and Code of the Town of Chili, in and for the Town of Chili, in the County of Monroe and requests the District Attorney of the County of Monroe to approve the appointment made herein and take whatever steps are necessary to properly authorize Eric W. Stowe to act, on an interim basis as a Special Prosecutor as set forth herein; and

**BE IT FURTHER RESOLVED**, that Supervisor Dunning be authorized to enter into a retainer agreement with Eric W. Stowe, Esq. To provide said services at the hourly rate of \$150.00 per hour.

UNANIMOUSLY APPROVED

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**RESOLUTION #129 RE: January 18, 2012 Abstract – Fiscal Year 2011 Payables**

**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Brown**

**BE IT RESOLVED** to pay vouchers 4333-4336, 4338-4339, 4350, 4354-4355, 4371, 4377-4381, 4386, 4388, 4426 totaling \$9,242.57 to be paid from the Distribution Account as presented to the Town Board by Virginia Ignatowski, Town Clerk:

General Fund	\$ 8,027.57
Highway Fund	\$ 1,215.00
TOTAL	\$ 9,242.57

UNANIMOUSLY APPROVED

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**RESOLUTION #130 RE: January 18, 2012 Abstract – Fiscal Year 2012 Payables**

**OFFERED BY: Councilman Brown SECONDED BY: Councilwoman DiFlorio**

**BE IT RESOLVED** to pay vouchers 4337, 4340-4342, 4344-4349, 4351-4353, 4356-4370, 4372-4376, 4382-4385, 4387, 4389-4396, 4398-4425, 4427-4439 totaling \$508,448.81 to be paid

from the Distribution Account as presented to the Town Board by Virginia Ignatowski, Town Clerk:

General Fund	\$ 151,638.41
Highway Fund	\$ 173,688.21
H48 200 Beaver Road	\$ 182,295.82
Consolidated Drainage	<u>\$ 826.37</u>
TOTAL	\$ 508,448.81

UNANIMOUSLY APPROVED

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The next regular meeting of the Chili Town Board will be on Wednesday February 1, 2012 at 7:00 p.m. in the Chili Town Hall main meeting room.

The meeting was adjourned at 7:55 p.m.