

CHILI TOWN BOARD
January 19, 2011

A meeting of the Chili Town Board was held on January 19, 2011 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: Councilwoman DiFlorio; Councilwoman Ignatowski, Councilman Slattery, Councilwoman Sperr and Supervisor David Dunning.

ALSO PRESENT: Richard Brongo, Town Clerk; Jordon Brown, Deputy Town Supervisor; Dawn Forte, Supervisor's Secretary; Sandra Hewlett, Stenographer; 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 Richard Brongo.

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

PRESENTATIONS/ANNOUNCEMENTS:

1. Churchville-Chili High School Robotics Team.

SUPERVISOR DUNNING: I would like to start tonight with the introduction of the Churchville-Chili High School Robotics Team, and I would like to call, if I could, their leader Erin (Brunelle). If you could come up and tell us a little bit about what we're about to see. And bring the few that you have with you. You only brought a couple with you tonight (sarcasm). With all of that orange, it kind of looks like the Highway Department.

MS. ERIN BRUNELLE: That's our second job.

We're First Greater Rochester Robotics Team 340. We're based out of Churchville Chili High School. We're about 45 kids strong, so believe it or not, this is not all of us. I'm just going to pass the mike around and everybody can kind of introduce themselves.

My name is Erin (Brunelle). I'm the Team President, and I'm also the -- I'm the -- on the Mechanical Sub Team.

MR. ZACH BISCHOPING: My name is Zach Bischooping, and I'm a Mechanical Sub Team Leader.

MR. RUDY SAKSHAUG: My name is Rudy Sakshaug. I'm on the Mechanical Sub Team.

MR. SAYERS: My name is Dillan Sayers. I'm on the Mechanical Sub Team. I'm the -- the -- the Co-leader. And I'm also the Treasurer.

MR. BUCKLEY: My name is Tim Buckley. I'm also one of the Co-leaders for Mechanical.

MR. ANDERSON: I'm Jackson Anderson. I'm the Programming Sub Team Leader.

MR. ALEX BISCHOPING: I'm Alex Bischooping, one of the Mechanical Sub Team Leader, and I'm also the Vice President.

MR. McDONALD: My name is Kyle McDonald. I'm also on the Mechanical Sub Team.

MR. FERRIGNO: I'm Joel Ferrigno. I'm also on the Mechanical Sub Team.

MR. BUDUSON: I'm James Buduson, and I'm on the Program Team.

MS. ZYLA: I'm Michelle Zyla. I'm on the Marketing Team and I'm also one of the Co-leaders of the Marketing Team.

MS. LAURA BRUNELLE: I'm Laura Brunelle. I'm on the Mechanical Sub Team.

MS. LAWNICZAK: I'm Christa Lawniczak. I'm on the Marketing Sub Team, and I'm also the Historian.

MS. REBECCA WASMER: I'm Rebecca Wasmer. I'm on the Marketing Sub Team, and I'm also the Secretary.

MR. AUDYCKI: I'm Adam Audycki. I'm on the Programming Sub Team.

MR. FELIX: I'm Dan Felix. I'm a member of the Mechanical Sub Team.

MS. SWEENEY: I'm Shannon Sweeney. I'm on the Programming Sub Team.

MR. MEYERS: I'm Ben Meyers, and I'm on the Programming Sub Team.

MR. JUSTIN POOLE: I'm Justin Poole. I'm on the Mechanical Sub Team.

MR. MORRISEY: I'm Dan Morrisey, and I'm on the Electrical Sub Team.

MR. DUONG: I'm Andy Duong, and I'm on the Mechanical Sub Team.

MR. CAMPANIS: I'm Ben Campanis, and I'm on the Mechanical Sub Team.

MR. SANGIORGI: I'm Justice Sangiorgi. I'm on the Electrical Sub Team.

MR. TYLER POOLE: I'm Tyler Poole, and I'm on the Programming Sub Team.

MR. MAYSICK: I'm Ben Maysick. I'm on the Mechanical Team.

MR. WHITE: I'm Shawn White, and I'm on the Mechanical Sub Team.

MR. MILLER: I'm Roger Miller, and I'm on the Mechanical Team.

MS. JONES: I'm Madeline Jones, and I'm on the Electrical Sub Team.

MS. NAU: I'm Kristen Nau, and I'm on the Electrical Sub Team.

MS. LEMIEUX: I'm Samantha Lemieux, and I'm also on the Electrical Sub Team.

MR. ERIC SAKSHAUG: I'm Eric Sakshaug, and I'm the Electrical Sub Team Leader.

MS. HAYS: I'm Lydia Hays, and I'm a Co-leader of the Mechanical Sub Team.

MS. ERIN BRUNELLE: Thank you. Um, so as I said, we're based out of

Churchville-Chili High School and we actually work all year round, not only to build things like this, but also to help out in our community. So we spend countless number of hours -- I don't know. The Marketing Team would know more about this -- thousands, in the thousands.

Between individuals, we put in about thousand hours of community service every year.

So we only get six weeks to build robots like this. Um, it starts in January, two weeks out of January, and it starts, and -- um, we get our game from an organization called FIRST. It stands for For Inspiration and Recognition of Science and Technology, and what it is, is it's an organization that focusses not only on the aspects of spreading technology and science into the youth of our -- of our nation and internationally, actually, because there are, um -- there are teams in Africa, teams in Europe, teams -- there's a team in Saudi Arabia. So it is an international organization, and it spreads, um, technology in a way that is sportsmanlike, so we -- what is called gracious professionalism, and it is doing things as though your grandma was always watching. So that is how our competitions are. We're a whole bunch of really nice nerds.

We just go out with, um, our robots that we build in six weeks, and for the most part, they're really impressive. They just -- all of the other teams, I don't know how they come up with the things they come up with, but it is really impressive.

So, um, do you guys have any questions about FIRST?

SUPERVISOR DUNNING: I just want -- that is not from robotic action gone bad, right? (Referring to a student on crutches). I just want to check on that.

STUDENT: No.

MS. ERIN BRUNELLE: We don't actually know what he did.

COUNCILMAN SLATTERY: Actually, I did have a question for you, if I could.

I -- you guys travel all over, correct?

MS. ERIN BRUNELLE: Yes. We actually, um -- we traveled to Atlanta. We have gone to New York City a while back. We did a regional there. Atlanta, we have gone the last three or four years, as that's where the Championship was there. We get there because we won the Chairman's Award every year. We won five out of the last six years at the regional competition at RIT. And what that is, it is the Community Service Award, it kind -- it's given to the team that best illustrates the purpose of FIRST, so that is actually the highest award you can win at any given competition for FIRST.

And this year we'll be going to the competition at RIT; one in Baltimore, Maryland, the Chesapeake Regional there; and then St. Louis, which where the competition, the championship has just been moved. So we do travel all over the place.

COUNCILMAN SLATTERY: Which is beautiful.

Now, how what age -- what grade do you start with the program?

MS. ERIN BRUNELLE: We do everything in high school, so 9 through 12th grade. Everyone is welcome. There are -- in here, there's at least someone from every single grade represented.

COUNCILMAN SLATTERY: Now, in the younger grades, does the Churchville Chili School District promote it? How do people become interested?

MS. ERIN BRUNELLE: Well, people take tech classes in Churchville.

COUNCILMAN SLATTERY: You see I have that problem speaking sometimes, too, so don't be nervous.

MS. ERIN BRUNELLE: They're promoted through a lot of tech classes, because the students are required to take tech classes in eighth grade. We usually try to catch freshmen with announcements and do demos in classrooms and things like that. So we have a really good showing, and we're at just about every school function we can get at. So we -- so we're looking to get kids that way, if it helps.

COUNCILMAN SLATTERY: I know during the summer you have kids that graduated from high school that are going on, but then also with the ones -- from the younger grades going to be seniors and so forth, any interest to participate in the Chili Chil-E Fest in our parade, possibly doing something like that?

MS. ERIN BRUNELLE: We actually have in the past. We have brought our robot through. We had Jeep Bot that time. It was just a little jeep, and we put it on a base just like this and we had the plastic jeep over the outside, and we all marched. We had a booth there with -- and we were displaying what we call -- they're FLL robots. Stands for First Lego League.

For younger ages. It comes with a little brick you program, and you put Legos on the side and it does a series of challenges. So we like to get those out for the little kids to get them.

COUNCILMAN SLATTERY: Not just little kids. Mr. Brongo likes them, as well.

MS. ERIN BRUNELLE: They're fun. I agree.

COUNCILMAN SLATTERY: Is this going to do something over here?

MS. ERIN BRUNELLE: If you would like it to. We could turn it on.

SUPERVISOR DUNNING: If you're going to do a little demonstration what this is, I would ask if you could just break it up a little bit so that some of the people -- some of the

residents that here can also see, you know, some of the work you guys did.

MS. ERIN BRUNELLE: Absolutely.

COUNCILWOMAN IGNATOWSKI: Plus there is a camera back there, as well.

MS. ERIN BRUNELLE: Now, this robot was designed for a game. It was last year's game, 2010, called Break Away. And it was kind of (inaudible) after soccer. So you have to score actually on yourselves. It was a little different than soccer. You had to kick soccer balls into goals, and then after they got into the goals, they would be kind of returned to you from the upper part of the field. So that is how -- that is why that lifts up. It would kind of reflect the soccer balls back onto your side and it would also kick them.

SUPERVISOR DUNNING: I was trying to figure out who is controlling it, but then I saw heads. It was a little scary for a while.

STUDENT: The humming you're hearing is a small compressor that is compressing air, putting it in a big tank. We use a lot of pneumatics to actuate the kicker and bring a big ramp up to move the balls.

Thank you.

COUNCILMAN SLATTERY: How long did it take to build this?

STUDENT: This one was a modified version, being the original version we had -- we put some wheels that actuated, because there was these big speed bumps in the middle of the field, so that took us a lot longer than just fixed wheels, but this one took about three or four weeks after to get ready for demos and stuff like this.

COUNCILMAN SLATTERY: Now when you go to the next competition, what do you plan on bringing, this, or something different?

STUDENT: The competition we got two weeks ago, we have to build a brand new robot from the ground up. We weld the frame, new axles, new wheels, new electronics. You're actually not allowed to use old parts.

COUNCILMAN SLATTERY: Oh, really?

Now, will it head the ball at all?

SUPERVISOR DUNNING: What is the purpose of the piece being up in the back?

STUDENT: When the balls get returned to the middle of the field, they just dropped. So in order to redirect them, we put a big ramp so they go into our scoring zone instead of wherever.

COUNCILMAN SLATTERY: That's great.

MR. REES: Would any of you like to drive it?

COUNCILWOMAN IGNATOWSKI: I would probably run into somebody out there.

RICHARD STOWE: Do you folks have a sponsor?

MR. REES: We have many sponsors actually. Our largest sponsor is Bausch & Lomb. We have been with them since 2004.

Prior to that, was Nortel Networks.

We work with a lot of local companies, get small sponsorships from local companies and -- Mahany Welding Supply has been with us since 2001. They have been helping us with the welding supplies, everything we need, teach us welding, got us a welder a few years back, got it all organized.

GE volunteers recently gave us some money to get to our second regional.

By the way, I'm Jason Rees, the high school -- this is my -- this is my team.

So, yes, we have a number of sponsors. It can be fairly expensive.

MS. ERIN BRUNELLE: There are actually a lot of sponsors that don't even support us monetary wise, but just things like providing pizza for us for a meeting or helping us run a chicken barbeque.

The Churchville Lions did that for us over the summer. So there are a lot of ways that just local companies, if they can't donate money to us, they just help us out in different ways. It is really nice.

UNIDENTIFIED SPEAKER: And we're always looking for more sponsors any time. So -- it is expensive. We do -- you know, we do a lot, and any help we can get is always much appreciated.

COUNCILMAN SLATTERY: That was Richard Stowe, S-T-O -- (Laughter.)

RICHARD STOWE: Actually, Mr. Rees had my son in this program many years ago, and --

MR. REES: 2003.

RICHARD STOWE: Thank you.

SUPERVISOR DUNNING: Oh, many years ago. Way back. (Laughter.)

RICHARD STOWE: I will only share that my son to this day will tell you that this was one of the most rewarding experiences he had in high school, and for those of you who participate in the program who probably already know this, but some here may not, depending upon what line of higher education you go into and where you go, Mr. Rees and this program has done a wonderful job, have a fantastic reputation.

And my son ended up going to Clarkson University, in an engineering program. But when they saw, at Clarkson, the fact that he was a member of the Robotics Team from Churchville-Chili, and the FIRST program in general, it made all of the difference in the world on whether he was at that school or not, and -- and the nature of his experience. Can't say enough good words about it.

SUPERVISOR DUNNING: Thank you very much, ladies and gentlemen, for the wonderful presentation. We greatly appreciate it. We look forward hopefully to seeing you again at the Chil-E Fest this year.

UNIDENTIFIED SPEAKER: By the way, we do have an upcoming regional or March 4th and 5th at RIT, and it is open to the public. So if you really want to come down and see a great competition and a lot of teams that do a lot of great things, please come down and check it out.

SUPERVISOR DUNNING: I would like to ask the Town Board to join me down here for a presentation, if we could.

2. Presentation to David Marshall.

SUPERVISOR DUNNING: As you know, over the past couple of years, we have tried to recognize employees when -- as they retire, and especially employees that put in almost more years than I am old. And -- and I have to honestly admit, while I know David Marshall mostly from the Acropolis more so than from seeing him -- he is over at the Highway Department, so I don't see him as much as I see some of the people up here, but I know he eats well and he eats at good places.

But I would like to just -- I will turn this over to Mr. Lindsay in a moment here. I would just like to personally thank David Marshall for your 34 years with the Town of Chili. That is -- that is absolutely wonderful, and we greatly appreciate the services that you have given to the Town. We hope that you enjoy your retirement, find something good and fun to do, and relax and -- I'm sure I'm going to see you over at Acropolis now and then for a little breakfast or lunch now and then.

I would just again like to say thank you very much, we greatly appreciate your service to the Town.

MR. MARSHALL: Thank you. (Applause.)

DAVID LINDSAY: I would just like to echo that, as well. I think, you know, David (Marshall) not only served the community here in Chili, but he also served the nation. He spent many years in the Air Force, in the service of his country.

I know in his time here with Chili -- I think you started in 1975 as a seasonal -- I believe it was '76? I was eight years old then, so you have -- you have been many years here.

But in that time, he -- he is always a dependable, reliable individual with a lot initiative, and he will be missed, and I wish you the best of luck in your retirement.

Thank you.

COUNCILMAN SLATTERY: Just make sure they buy your lunch or something at Acropolis.

A photograph was taken.

Public Hearing:

1. Local Law of 2011 amending "Chapter 465 Vehicles and Traffic."

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on January 19, 2011 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:21 p.m. to discuss Local Law of 2011 amending "Chapter 465 Vehicles and Traffic."

Attendance as previously noted in the 1/19/11 Chili Town Board meeting minutes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

HEATH MILLER, 69 Bellmawr Drive

MR. MILLER: Heath Miller, 69 Bellmawr Drive. Good evening. It's good to see you all again. It's been a while since I've been here.

Tonight I wanted to talk about a couple of items on this Local Law. It -- it is basically replacing two sections of the Vehicle and Traffic Chapter.

The first section concerns areas where it is unlawful to park, and there are nine areas listed in that section.

The first -- the first issue I had wanted to bring to your attention was that it states -- talks about not parking upon the public highway. And the Town Code does define public highway to include a State highway or a County or a Town highway. And so my -- my question is, do you mean to regulate parking on State highways, as well? And the reason I ask that question is because Section 1684 of the Vehicle and Traffic Code, talks about State highways.

And that -- that section of the code states that -- it says, "Nor shall any ordinance, rule or regulation affecting traffic or stopping, standing or parking on State highways maintained by the State, be effective unless or until approved, in writing" -- I'm sorry, let me state -- let me start it again.

I can't read -- "Nor shall any ordinance, rule or regulation affecting traffic or stopping, standing or parking on State highways maintained by the State be effective unless or until approval in writing has been obtained from the Department of Transportation, and the Department of Transportation may at any time rescind or modify such approval."

So were you intending to regulate State highways, too, or not?

SUPERVISOR DUNNING: This -- if you're referring to -- I'm assuming you're referring to -- please, correct me if I am wrong, Section B in the -- Section 1B; is that correct, where it talks about a public highway?

MR. MILLER: In the Town Code?

SUPERVISOR DUNNING: Yes.

MR. MILLER: It's Section (a) -- it says, "It shall be unlawful for any person or corporation to park a motor vehicle in the Town of Chili, Number 1, upon a public highway within 40 feet of the intersection of another highway."

COUNCILMAN SLATTERY: Lower case A.

COUNCILWOMAN IGNATOWSKI: David (Dunning), you were in the right spot.

COUNCILMAN SLATTERY: Under Section B(a).

MR. MILLER: I'm sorry.

SUPERVISOR DUNNING: Under Section B -- and Section 1B is -- when I corrected myself. I just wanted to make sure that is what you were referring to.

MR. MILLER: Yes.

SUPERVISOR DUNNING: I guess I will go over to Mr. Stowe. It was our intention -- we had some discussion about this one, as far as -- Mr. Miller's question around State roads.

RICHARD STOWE: Yes. And the -- the -- the existing sections that we have had, and the definition of public highway does include State, County and Town roads on purpose, in our code. The -- the seasonal parking, November for our plows and that sort of thing, are intended to include State highways. The notices under the Vehicle and Traffic Law are posted accordingly so under our contractual responsibilities with the State and with the County to maintain those roads, okay, we have the ability to make sure that there is no parking on any of those roads.

And -- and historically, the State DOT and the County DOT, as part of their ongoing contractual relationship with the Town, particularly for maintenance and snowplowing, ratify these as a matter of course and routine.

This is really a separate violation that ultimately would be heard by our Town justices for a Town parking code violation. It -- I believe it is intended, the way it is drafted to regulate those with all of those intersections. There are probably other incidents with both the County DOT and with the State that have to be taken in order to insure that they're on board with that. At the end of the day the enforcement of this is by the County Sheriff's, and in some situations, also by our local Code Enforcement Officers.

But the discretion associated with the enforcement within 40 feet of an intersection of two State highways, okay, I would submit to the Board is different than the discretion that will be exercised with parking in a handicapped parking spot outside of the public highway.

So that's a very long answer to your question, which is probably yes.

MR. MILLER: Okay.

RICHARD STOWE: It is intentional.

MR. MILLER: Good. I just wanted to bring that to your attention.

Okay. The second issue I wanted to bring to your attention concerns Section 1600 of the Vehicle and Traffic Law. Now, that section is talking about that provisions of the Vehicle and Traffic Chapter are to be uniform throughout the State. And the last sentence of that section says that, "No local authority shall enact or duplicate any provision of this Chapter as a Local Law ordinance, order, rule or regulation, except that any local authority authorized to supersede any provision of this Chapter, may enact any such provision in a modified or amended form."

And so there are certain parking areas listed here, in these nine -- set of nine that would appear to be duplicates of provisions that already exist in the Vehicle and Traffic Code. And so I wanted to go through the ones which are duplicated to bring to your attention.

The first is Number 2, upon any public sidewalks. Under Section 1202, subdivision A, paragraph 1, subparagraph B, it says, "To stand or park a vehicle whether occupied or not, except momentarily to pick up or discharge a passenger or passengers, A, in front of a public or private driveway" -- I'm sorry.

We're talking about sidewalks here. Sorry, it's the -- the relevant section says, "Stopping, standing or parking prohibited in specified places, except when necessary to avoid conflict with other traffic, or when in compliance with law or the directions of a police officer or official traffic control device, no person shall stop, stand or park a vehicle on a sidewalk."

So that provision is already in the Vehicle and Traffic Chapter. And so I don't know why do we need to duplicate that provision in the Town Code.

RICHARD STOWE: Because it wasn't being enforced. Attempting to put all of these in one area where those who are responsible for the enforcement can have it.

MR. MILLER: So they weren't enforcing the State law?

RICHARD STOWE: Correct.

MR. MILLER: Okay. How is that the Town's -- why is that the -- why does the Town then have to duplicate that provision in its own Town Code? If that is part of the laws of the State --

RICHARD STOWE: No quarrel. No quarrel.

Part of the goal in doing this is to centralize in one location for those -- and some of this is at the request of the County Sheriff's and the enforcement agencies -- in a simplified fashion to have the Town Code where they could say this is what you can do and this is what you can't do. Admitted, during the discussion. All right?

MR. MILLER: Really? Well, that is interesting.

RICHARD STOWE: It doesn't, in my opinion, conflict with any of that.

MR. MILLER: Well, it just -- it -- it duplicates the provision, and --

RICHARD STOWE: No quarrel.

MR. MILLER: The State law says you're not supposed to duplicate the provision.

RICHARD STOWE: Right. I don't think there is a penalty for duplicating the provision.

MR. MILLER: Probably not.

RICHARD STOWE: That's why.

MR. MILLER: I will just point out then the other sections that are duplicated, just for --

RICHARD STOWE: Sure.

MR. MILLER: -- to be thorough; and I won't read them. I will just give you the section numbers.

Number 3, "Upon a public highway in front of a public or private driveway."

That can be found in Section 1202, subdivision A, paragraph 2, subparagraph A.

Number 6, "Dealing with handicapped parking," that can be found in two areas of the Vehicle and Traffic Code, Section 1203-B, subdivision 2; and section 1203-C, subdivision 4.

And number 9, "Upon public or private property less than 15 feet from a fire hydrant," that can be found in a provision -- or Section 1202, subdivision B of the Vehicle and Traffic Code.

And then letter B, which says, "Commercial delivery vehicles shall not be considered in violation while actually making delivery of merchandise in the course of their business." That language would seem to be contained within Section 1200 of the Vehicle and Traffic Law, subdivision C.

Okay.

The other section that the Town is modifying by this Local Law is the penalty section. And there are, of course, certain penalties that are already prescribed under the Vehicle and Traffic Law for certain violations that are included here. The ones I want to bring your attention to are -- let's see. Number 1, handicapped zone. If you parked in a handicapped parking spot.

There are provisions in the Vehicle and Traffic Code which vary depending upon where the handicapped parking space is located.

If it is located in a shopping center that has more than five retail stores and at least 20 off-street parking spaces, then there is one fine prescribed.

It is for the first -- for the first offense, it's a minimum fine of \$50, maximum fine of 75. For a second offense occurring within two years, minimum fine of \$75, maximum fine of \$150. That can be found in Section 1203-C, subdivision 4, of the Vehicle and Traffic Law. But there are other penalties then if it's a violation for -- if someone parks in a handicapped spot that's not in a shopping center.

Also, for parking less than 15 feet from a fire hydrant, there are penalties which vary depending upon whether there was a -- an emergency vehicle wanting to use that fire hydrant to, you know, put out a fire and someone has parked there. The penalty is obviously more severe if you are caught parked in front of a fire hydrant while they're trying to use it to fight an emergency as opposed to just parking in front of the fire hydrant and there is not any emergency.

And so the other thing I wanted to mention was that under -- let's see. Under Section B of this section C, for the penalties for offenses, Section B where it says, "Every person convicted of a violation of this section," at the end it says, "If not paid, it shall double after 15 days, triple after 30 days and quadruple after 60 days."

And so I just wonder, is there going to be a problem here -- let's say someone does park in a handicapped parking space in a Chili-Paul Plaza. Then the minimum fine, at least set by the Vehicle and Traffic Law is \$50. If that doubles within 15 days, then it's \$100. Now you're greater than what the maximum was prescribed, at least under the State law.

Will you be addressing that, those issues then?

RICHARD STOWE: In the resolution that sets the fine that this refers to?

MR. MILLER: Yes.

RICHARD STOWE: Yes. And in the printing of the tickets that will have the fines set forth with that provision on them, for certain of the violations but not all. Because it can't.

MR. MILLER: Okay. Okay. That was all. Thank you very much.

SUPERVISOR DUNNING: Thank you.

Anyone else?

MS. BORGUS, 31 Stuart Road

MS. BORGUS: Do we have to have special tickets printed to enforce this law?

SUPERVISOR DUNNING: Yes.

MS. BORGUS: And the Sheriff's Office will have them in hand?

SUPERVISOR DUNNING: Yes.

MS. BORGUS: I'd like to kind of walk through how you think that we would have -- we would enforce this.

Supposing I see a car parked in front of a fire hydrant. Do you expect that I, as a citizen, would call the Sheriff's Department?

SUPERVISOR DUNNING: You may, but no, it is not an expectation.

MS. BORGUS: How would it get handled? Call here?

SUPERVISOR DUNNING: Typically a Sheriff or State police officer may see something in a parking lot or in an area of the Town. The Town may actually call the Sheriff's Department if it encounters an illegally parked vehicle that may be hindering Town operations. It could be a variety of different ways that the Sheriff -- the Sheriff could be called by a resident for a group of cars parked illegally on a street. The Sheriff would then respond and the Sheriff would then

hopefully would -- would act appropriately as he -- it is up to them at that point. We can't control that as the Town, but if the Sheriff determines that a ticket is warranted, the Sheriff could issue a ticket and that person would either pay their fine or appear in court, whatever they chose to do at that point in time and that was the process.

MS. BORGUS: I wasn't so concerned about a Sheriff not enforcing the law, or being available. I'm concerned about a -- a private individual. If they -- if a private -- me. Supposing I see this, what would you think I would do in order to make this law work? I should call the Sheriff's Office and they're going to respond, do you think?

SUPERVISOR DUNNING: I can only say that you are free to call the Sheriff's Office if you see something. Whether they respond or not, I can't answer to.

MS. BORGUS: I -- you're an optimist if you think that is going to happen. But anyway.

SUPERVISOR DUNNING: What, the part you're going to call them, or the Sheriff's?

MS. BORGUS: No. I will call them.

SUPERVISOR DUNNING: I know you're going to call them, Dorothy (Borgus). That is not being an optimist.

MS. BORGUS: Whether they pay any attention is another thing.

SUPERVISOR DUNNING: I have no control over the Sheriff's Department in that matter, nor does this Board or anyone else in this Town.

COUNCILMAN SLATTERY: I think it is more of calling 911 than just calling the Sheriff's Department.

SUPERVISOR DUNNING: I'm sorry, you're right, Michael (Slattery). I am corrected. It would be 911. The dispatcher would handle it there.

COUNCILWOMAN DI FLORIO: It also depends what else is going on at the time. If there is a robbery in process --

MS. BORGUS: I understand, but I think if they're at coffee, they might not come either.

SUPERVISOR DUNNING: I think that is a little unfair.

MS. BORGUS: I don't know. I see a lot of them at Tim Horton's and McDonald's and whenever.

COUNCILWOMAN SPERR: We're not here to denigrate the Sheriff's Department. We're here to talk about a Local Law.

Do you have any more comments on that?

MS. BORGUS: Our Code Enforcement Officer has time to do this? That is my next question.

SUPERVISOR DUNNING: This is not a Code Enforcement issue.

MS. BORGUS: Wasn't an answer to Mr. Miller's question that a Code Enforcement Officer or the Sheriff's Office? I think that is what I heard Mr. Stowe said.

RICHARD STOWE: I mentioned that that may be a possibility. It's not envisioned in this.

MS. BORGUS: So we're totally dependent for the -- for the moment on the Sheriff's Office?

SUPERVISOR DUNNING: Yes.

COUNCILMAN SLATTERY: I would say law enforcement.

SUPERVISOR DUNNING: Law enforcement.

COUNCILMAN SLATTERY: Because you're -- there are other agencies besides the Sheriff's Department.

MS. BORGUS: Okay. And we're going to duplicate the fines mentioned then in the State, the New York State Traffic and Safety Code.

SUPERVISOR DUNNING: Fines will be outlined appropriately, yes.

MS. BORGUS: Appropriately -- will they be the same?

RICHARD STOWE: No. Not all of these exist. Not all of -- of these violations exist.

MS. BORGUS: The ones that do exist we're going to duplicate the State fine.

RICHARD STOWE: We're going to make sure we're not out of compliance.

MS. BORGUS: You see there, that will be like our noise law. There is nothing there you can hang your hat on.

SUPERVISOR DUNNING: I think I can reasonably promise that the fines associated with any of this will be more than reasonable.

MS. BORGUS: Because we do need some enforcement in this Town. It's -- obviously you're concerned, too, or you wouldn't be doing this.

SUPERVISOR DUNNING: Absolutely. And I will point out, you -- do you know what our current fine is?

MS. BORGUS: It's pretty sad whatever it is I'm sure.

SUPERVISOR DUNNING: Do you know what it is?

MS. BORGUS: Probably nothing, \$10?

SUPERVISOR DUNNING: Close. 15. 15 for everything. So it is not in compliance today with anything. So we'll be in compliance with whatever we need to do.

MS. BORGUS: And we're going to be keeping track of how many of these tickets are issued, we will know?

SUPERVISOR DUNNING: Not necessarily. That's up to the law enforcement and the courts. The law enforcement will issue the tickets. The Court is the one that handles the tickets.

I -- I will only know through the reports, the end-of-year reports from the Court or periodic reports we get from the Court that tells us what type of violations were fined and what we have -- what we recovered in fines. So we'll have some type of number to go along with it to understand that, but I mean it's just through those court reports. We're not -- we don't -- we don't track that.

COUNCILWOMAN SPERR: We don't request that.

SUPERVISOR DUNNING: The Court does.

MS. BORGUS: We'll know how many ticket books we hand out.

SUPERVISOR DUNNING: The Town is responsible to print those books. So we'll print those books, so we'll know how many ticket books were issued, and I would imagine it would be reasonable to request how many ticket books are still in hand at any point in time.

MS. BORGUS: They duplicates?

SUPERVISOR DUNNING: I'm sorry.

MS. BORGUS: Are the copies duplicates?

SUPERVISOR DUNNING: I don't recall if they were duplicate or triplicate.

DAWN FORTE: I think they were triplicate.

SUPERVISOR DUNNING: I thought so, too. I thought it was triplicate.

MS. BORGUS: Hopefully it will work.

SUPERVISOR DUNNING: It's much better than where we are today.

MS. BORGUS: That's not saying too much, is it?

SUPERVISOR DUNNING: I don't know about that. I don't think that is fair either.

MS. BORGUS: Well, depends. For all these years has been ridiculous. It is no wonder people -- maybe they do pay \$15, but it is worth it for maybe the 25 times they park there, they get a ticket once, it is worth it to them to pay \$15. We have to make this stiff enough and there has to be a way to enforce the laws. You put all of the laws on the books you want and if you can't enforce it and you don't have a handle on how you're going to do it and be able to at least assess the result, then we really aren't getting very far.

So good luck.

SUPERVISOR DUNNING: Thank you.

The Public Hearing was closed at 7:43 p.m.

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: Dorothy Borgus. The Public Forum concluded at 7:46 p.m.

SUPERVISOR DUNNING: I will address the concern around the audio. I don't know the exact amount of money that we spent on the audio system, but it was, in all fairness, the Town Board that was kind of pushing for that for a long time, to get the audio system upgraded because of some of the concerns we have all heard over time with this system.

So, um -- and yes, I was present at that Planning Board meeting. In fairness to the Planning Board -- I will share with -- heard that (a loud noise occurred).

In fairness to the Planning Board, some of the bigger issues I experienced was the people from the -- from the Public Hearing that I could not hear -- I sat exactly in the back of the room, and they were -- people were getting up and not coming up to the podium, and they were speaking from various points of the room, and I couldn't hear what they were saying. There were multiple conversations going on.

I have talked to the Chair about that type of a situation to make sure that we always maintain that control of that, and that they use the podium.

I will say that I differ a little bit of opinion having been at that meeting. What I noticed was that the side table, with one exception, and one exception, and one answer, everyone pulled that mike down, turned it on, pulled the mike down and spoke into the microphone.

There were some -- I think the gangs or the volume controls on some of these mikes weren't where they should be, and we can adjust that. We can look at that at one of the next meetings. But some of those mikes might need to be turned up. Some of the voices on those Boards have changed since we first set them. They were set for the Planning Board and now we have people who have different levels of projection when they speak.

So we can -- we can correct that one. I think we have an adequate system right now. I know it's been a while since -- and it has been in use in a while. We still struggle with some of the issues with it, but I don't completely agree with the comments about the side table. There was one case. You will get that every once in a while. Somebody will forget to do it. It should be habit. We'll continue to work on it.

COUNCILWOMAN SPERR: Did you guys in the back of the room hear us tonight?

STUDENTS IN THE AUDIENCE: Yes.

COUNCILWOMAN DI FLORIO: Don't put mine any closer because quite frankly, I don't need to be miked for the back of the room to hear me. If I get any closer to it, I will blast the people in the room out. So...

MATTERS OF THE SUPERVISOR:

Nothing to report.

MATTERS OF THE TOWN COUNCIL:

Nothing to report.

The 11/17/10 and 12/1/10 Town Board meeting minutes were approved as modified. The 12/30/10 Town Board meeting minutes were approved as submitted.

REPORTS SUBMITTED:

Recreation Center Revenue Report – December 2010
Senior Center Revenue Report – December 2010
Building Permit Report – Y/E 2010
Conservation Board Minutes – 12/6/2010
Dog Control Report – December 2010, Y/E Report 2010
Planning Board Minutes – 12/14/2010
Recreation Committee Minutes – 12/8/2010
Traffic & Safety Minutes – 11/4/2010, 12/2/2010
Zoning Board Minutes – 11/23/2010

CORRESPONDENCE:

1. Mr. Brongo has received notification that Theresa Reilly, Drainage Committee has resigned effective 12/31/2010.

RESOLUTION #103 RE: Authorize Placing of Headstone at Fellows Cemetery – George Stottle

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

WHEREAS, George Stottle served his country in the War of 1812; and

WHEREAS, it is believed that George Stottle was buried in the Stottle Family plot at the Fellows Cemetery; and

WHEREAS, the family of George Stottle has applied for and received authorization from the

Department of Veterans Affairs for a standard government headstone or marker for installation in a private or state veterans cemetery; and

NOW, THEREFORE, BE IT RESOLVED, the Town board of the Town of Chili hereby authorizes the placement of a headstone for George Stottle in the Stottle Family plot at Fellows Cemetery; and

BE IT FURTHER RESOLVED, the Town of Chili will provide the foundation necessary for the proper placement of the headstone.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Was this a decision after our organization then?

COUNCILWOMAN SPERR: Yes. What prompted this was that the -- due to weather conditions the night of the scheduled Historic Preservation Board meeting, the meeting was canceled and that discussion regarding their officers did not take place until after, um, our Organizational Meeting, and it was understood at the time that that would be what the case was when we held our Organizational meeting.

But at the latest Historic Preservation Board meeting, through some illnesses they preferred to just switch the Secretary and Vice Chair because of that.

COUNCILWOMAN IGNATOWSKI: Okay. Thank you.

RESOLUTION #104 RE: Amend Resolution #100

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED, to amend resolution #100 from 1/5/2011 to read the following:

BE IT RESOLVED, that Peter Widener be reappointed to the Historic Preservation Board for a four year term to expire on December 31, 2014; and

BE IT FURTHER RESOLVED, that Bonnie Moore be reappointed the Chairperson to the Historic Preservation Board shall be paid at the rate of \$40 per meeting attended for the calendar year 2011; expenses to be submitted by Voucher as incurred; and

BE IT FURTHER RESOLVED, that Peter Widener be appointed Vice Chairperson to the Historic Preservation Board shall be paid at the rate of \$40 per meeting served as Chairperson for the calendar year 2011; expenses to be submitted by Voucher as incurred; and

BE IT FURTHER RESOLVED, that Nancy Austin be appointed Secretary to the Historic Preservation Board and be paid \$40.00 for each meeting attended for the calendar year 2011; and

BE IT FURTHER RESOLVED, that members shall be paid at the rate of \$25 per meeting attended for the calendar year 2011; expenses to be submitted by Voucher as incurred.

UNANIMOUSLY APPROVED

RESOLUTION #105 RE: Amend Resolution #50

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilman Slattery

BE IT RESOLVED to amend resolution #50 from 1/5/2011 to read the following:

BE IT RESOLVED that Joyce Cross be reappointed to Court Clerk by Judge Pietropaoli Town Justice, shall be paid an annual salary of \$32,595.00 (24 Off-Step) effective January 1, 2011 expenses to be paid by voucher as incurred; and

BE IT FURTHER RESOLVED, that Victoria Campoli be reappointed Court Clerk by Judge Olver Town Justice, shall be paid an annual salary of \$31,646.00 (24E) effective January 1, 2011, expenses to be paid by voucher as incurred; and

BE IT FURTHER RESOLVED, that Barbara Alessi be reappointed Assistant Clerk to Town Justice by the Town Justices, shall be paid an annual salary of \$24,107.00 (23A) effective January 1, 2011, expenses to be paid by voucher as incurred; and

BE IT FURTHER RESOLVED, that Scott Batz, James Batz, Joseph Schweigert and James Dambra shall be reappointed Court Attendants for the Town of Chili shall be paid at the rate of \$63.70 per court session attended for the year 2011, expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

RESOLUTION #106 RE: Adoption of the Motor Vehicle Rules & Regulations – Chili Town Vehicles

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED to adopt the Town of Chili Motor Vehicle Rules and Regulations for Town of Chili Vehicles as posted on 11/15/2010.

UNANIMOUSLY APPROVED

RESOLUTION #107 RE: Addition to Chili Fire Department, Inc. Active List

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that the following individual be added to the Chili Fire Department, Inc. Active List effective January 10, 2011:

William Pilcher

UNANIMOUSLY APPROVED

RESOLUTION #108 RE: Addition to Clifton Fire Department, Inc. Active List

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that the following individual be added to the Clifton Fire Department, Inc. Active List effective December 6, 2010:

Kenneth McDermott

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Just to clarify for everybody who is watching and doesn't see the printed, it is H-A-M-M. We're not rolling ham. (Laughter.)

SUPERVISOR DUNNING: Darn, I thought I was going out to lunch more. (Laughter.)

COUNCILWOMAN SPERR: This is for the Highway.

RESOLUTION #109 RE: Purchase of Extended Warranty for Hamm Roller

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

WHEREAS, the Town purchased a Hamm HD 110HV Pavement Roller in 2009 and now has the opportunity to obtain an extended warranty; and

WHEREAS, funds were encumbered from the 2010 budget for the purchase; and

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase of the extended warranty from Monroe Tractor & Implement Co., Inc for \$5,827.00 to be paid from Account DA 5130.2 (Machinery-Equipment).

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: David (Dunning), bring us back some money, Buddy. I know it will take a lot this year.

DAVID LINDSAY: Yes.

COUNCILMAN SLATTERY: So your attendance is very important.

RESOLUTION #110 RE: Authorization of Attendance to 2011 Advocacy Day

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that David P. Lindsay, P.E., Commissioner of Public Works/ Superintendent of Highways, be authorized to attend the 2011 Advocacy Day to be held in Albany, New York on March 8-9, 2011 at a cost not to exceed \$250.00, to be paid from account A5010.4 (Highway Administration-Contractual).

UNANIMOUSLY APPROVED

RESOLUTION #111 RE: Establish Letter of Credit for Bivone Commercial

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that per the recommendation of the Town Engineer, a letter of credit be established for Bivone Commercial in the amount of \$52,954.00.

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, sidewalk construction 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.

APPROVED BY A VOTE OF 4 YES WITH 1 ABSTENTION (Councilman Slattery)

RESOLUTION #112 RE: Clerk IV

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that Gretchen Paxon shall be appointed part-time Office Clerk IV for the Building Department and shall be paid at the rate of \$11.68 per hour effective January 19, 2011, expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

RESOLUTION #113 RE: PRELIMINARY NOTICE OF INTENT UNDER SECTION 305 OF THE NEW YORK STATE AGRICULTURE AND MARKETS LAW RELATING TO THE PROPOSED SOUTH CHILI WATER IMPROVEMENT BENEFIT AREA #3

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

WHEREAS, pursuant to Article 12-C of the Town Law, the Town Board of the Town of Chili is considering construction of water improvements (water mains, fire hydrants, and all related equipment) in a portion of the Town of Chili currently without public water and located on Wickens Rd.; Wheatland Center Rd. From the South Chili Water Improvement Benefit Area No. 1 to the NYS Thruway; Union St. From the South Chili Water Improvement Benefit Area No. 1 to the NYS Thruway; and Milewood Rd., said area to be known as the South Chili Water Improvement Area No. 3; and

WHEREAS, if said water improvement project is approved, the Town Board will authorize the construction of water improvements, consisting of watermains, valves, fire hydrants and related equipment, primarily within or adjacent to the ingress/egress within the proposed water improvement benefit area; and

WHEREAS, portions of the water improvement benefit area and the water improvements to be constructed therein are located within the Monroe County Agricultural District No. 2 also known as the Southwest District; and

WHEREAS, under Section 305 of the New York Agriculture and Markets Law, the Town Board is required to file a Preliminary Notice of Intent with the Commissioner of the Department of Agriculture and Markets, and with the Monroe County Agricultural and Farmland Protection Board, regarding the construction of the proposed water facilities; and

WHEREAS, the Town Board has caused to be prepared the required Preliminary Notice of Intent, a complete copy of which will be on file in the Chili Town Clerk's Office; and

BE IT RESOLVED, that the Town Board of the Town of Chili hereby approves the Preliminary Notice of Intent relating to the construction of water improvements within the Monroe County Agricultural District No. 2, and hereby directs the Town Clerk of the Town of Chili to cause said

Preliminary Notice of Intent to be filed with the Commissioner of the Department of Agriculture and Markets, and with the Monroe County Agricultural and Farmland Protection Board, as required by Section 305 of the Agriculture and Markets Law of the State of New York; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Engineer is hereby directed to prepare, for review by the Town Board, the final Notice of Intent for the proposed project in accordance with the provisions of Section 305(4)(c) of the Agriculture and Markets Law.

UNANIMOUSLY APPROVED

RESOLUTION #114 RE: ORDER SETTING PUBLIC HEARING FOR SOUTH CHILI WATER IMPROVEMENT BENEFIT AREA #3

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

WHEREAS, on July 14, 2010 the Town Board of the Town of Chili duly adopted a resolution directing the Town Engineer, Lu Engineers, to supervise the preparation of a general plan, report and map for providing a water improvement in a portion of the Town of Chili currently without public water and located on Wickens Rd.; Wheatland Center Rd. From the South Chili Water Improvement Benefit Area No. 1 to the NYS Thruway; Union St. From the South Chili Water Improvement Benefit Area No. 1 to the NYS Thruway; and Milewood Rd., said area to be known as the South Chili Water Improvement Area No. 3; and

WHEREAS, the boundaries of the proposed water improvement benefitted area are set forth in Schedule A attached hereto and incorporated herein by reference; and

WHEREAS, the proposed water improvement will include approximately 5,000 feet of 8" and 10,000 feet of 12" ductile-iron pipe water main. The water distribution system will also include the normal appurtenances, such as line valves, fire hydrants, air release valves, blow-off valves and related items. The water distribution system will be primarily constructed within, or along side of, the road right of ways within the proposed water improvement benefit area that do not have public water; and

WHEREAS, on January 6, 2011, the Town Engineer duly filed said plan, report and map in the Office of the Town Clerk of the Town of Chili; and

WHEREAS, the maximum amount proposed to be expended for such water improvement (including the cost of construction, easements, engineering fees, legal fees and financing fees) is One Million Three Hundred Twenty Thousand Dollars (\$1,320,000.00); and

WHEREAS, it is proposed that the costs of the proposed water improvement shall be financed by the issuance of bonds, notes, certificates or other indebtedness of the Town of Chili for a period not to exceed forty (40) years; and

WHEREAS, it is proposed that the costs of said water improvement be apportioned as follows:

A) Eighty-Seven Percent (87%) of said costs shall be borne by the area of the Town of Chili outside any village and such costs shall be assessed, levied and collected from the several lots and parcels of land in such area in the same manner and at the same time as other town charges; and

B) Thirteen Percent (13%) of said costs shall be borne by the several lots and parcels of land located in the benefitted area in just proportion to the amount of benefit which the water improvement shall confer upon such lots or parcels of land; and

WHEREAS, a map, plan and report describing such water improvement are on file in the Office of the Town Clerk of the Town of Chili for public inspection between the hours of 9:00 a.m. and 5:00 p.m. Mondays through Fridays. A copy of said map, plan and report is also available for public inspection online at www.townofchili.org; and

BE IT RESOLVED, that a meeting of the Town Board of the said Town of Chili shall be held at the Town Hall in the Town of Chili, New York on the March 16th day of March, 2011 at 7:00 P.M. in the evening of that day to consider the said water improvement and to hear all persons interested in the subject thereof and for such other action on the vote of said Town Board with relation to the said water improvement as may be proper or required by law; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk of the Town of Chili is hereby authorized and directed to publish a copy of this order in the Gates-Chili News and post a copy of the same on the bulletin board in the Office of the Town Clerk, not less than ten (10) days, but not more than twenty (20) days, prior to the date set for said public hearing.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Glad to see this back.
COUNCILMAN SLATTERY: Glad to see it back.

RESOLUTION #115 RE: ADA Coordinator

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that David P. Lindsay shall be appointed American Disabilities Act Coordinator for the year 2011.

UNANIMOUSLY APPROVED

The next regular meeting of the Chili Town Board will be on Wednesday February 2, 2011 at 7:00 p.m. in the Chili Town Hall main meeting room.

The meeting was adjourned at 7:56 p.m.