

CHILI TOWN BOARD
October 7, 2009

A meeting of the Chili Town Board was held on October 7, 2009 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; Chris Karelus, Building Department Manager; David Lindsay, Commissioner of Public Works/Highway Superintendent; 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.

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, Jerry Brixner. The Public Forum concluded at 7:12 p.m.

SUPERVISOR DUNNING: One other brief announcement before we get started tonight.

The Cox family has also started a website for us to be able to communicate with them, send on our well wishes to them. There is a place to sign a guest book and send on your well wishes to the family. I have copies of that website address here. Anybody that would like them, feel free to grab them after tonight's meeting if you would. There is a few right there.

PRESENTATIONS/ANNOUNCEMENTS:

SUPERVISOR DUNNING: Mr. Brongo has distributed the 2010 tentative budge to Town Board on October 1st, May 2009. They have all received a copy of this -- that.

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: I would just like to respond to Mr. Brixner's comments about the budgets. There will be two budget hearings --

Excuse me. I'm sorry. I have been ill the past couple of days.

-- that will be announced as part of it tonight. It has been announced also on the website.

We'll have two workshops to discuss the budgets, and this allows the departments to share their budgets with the Town Board, what they have presented, what I have done in modification to their budgets, and allows the Town Board to then chime in on what -- how that has been done and how that has been handled in that event.

I will also state I believe for the very first time, the tentative budget in its entirety has been posted on our website for download, so any resident can get it at any time they want to, download it at no cost, as well as it is available in the library and Town Clerk's Office. So if anyone from the public would like a copy of that budget, they certainly can freely have it.

Councilman Slattery did make a suggestion that we consider using the overhead perhaps while going through the budget, through some of those pages so maybe the public can follow along. I will look to see if there is a possibility we can do that.

So thank you. It was a good suggestion.

We'll take a look and see how we can utilize that equipment so the public can see it up on the screen as we go through the various budgets. It is available and has been available to the public all along, since it has been presented to the Town Board.

With that, um --

COUNCILMAN SLATTERY: Supervisor, in regards to the mention of possibly four meetings, could he have been confusing one of those meetings with the highway?

SUPERVISOR DUNNING: I'm not sure, but we'll talk about that in a few minutes. I'm not really sure. There might have been some confusion. I know we have a few workshops upcoming. We'll talk about those in a couple of minutes.

COUNCILWOMAN SPERR: Those two workshops are in addition to the regularly scheduled Public Hearings that are held every year around the budget, and I think that is what the confusion might be.

SUPERVISOR DUNNING: There will be a Public Hearing -- this is good preparation for the public to gather all their thoughts, take their notes and come back at the Public Hearing with their thoughts and suggestions about the budget and the budget process. So this really is a good opportunity. We had some workshops last year. We're going to try to expand that a little bit and

spend more time with it so we can all get a better handle on it and have the public have an opportunity, and not trying to do it all in one night or what could turn out to be a very long night. So we're trying to make this as easy as possible for everybody to see the budget.

COUNCILMAN SLATTERY: Also, if former Supervisor Brixner has any ideas -- he has had two budget presentations, so if he has any ideas that can help us, something he learned from the public's participation, I welcome that.

SUPERVISOR DUNNING: I've never turned down a suggestion yet. So I am more than welcome to hear that. More than happy to hear that.

Anybody else have any comments about that -- anything from the Public Forum?

New Matters:

1. Town Board Workshop to be held Wednesday, October 14th, 2009 at 7:30 p.m., Main Meeting Room. Purpose of the workshop is to review the new Highway Department plans.

SUPERVISOR DUNNING: We'll also have a Town Board workshop on Wednesday, October 14th, in this room here, at 7:30 p.m. The purpose of this workshop is to review the plans moving forward on the highway garage. We're going to review some of the timeline and some of the plans for the facility itself. So I certainly welcome the public to be there. I think it is a good opportunity to share everything, where we are, and get everybody up to speed with what the Town has been working on with this project for some time here.

2. Chili uses Twitter to Communicate with Residents.

SUPERVISOR DUNNING: Also, I would like to -- for those technically challenged, I will try to describe this the best way. The Town will -- I have already begun to use it a little bit and we'll use it over at the highway garage. We saw it as really kind of a good benefit to this coming leaf pickup time.

I -- in my first year, my first fall here in the Town, I did receive a number of calls. I know Mr. Lindsay received some calls sometimes from people wondering when they would come and pick up people's leaves and when they would do a variety of different things.

So the intent here is to kind of update the public as to where our crews are at any given time. And this is instantaneous. So we can Twitter in, "We're going to be on Bellmawr Drive tonight or tomorrow," and we can put that in. "We're going to be over on Stuart Road on Wednesday," so that the Highway Department can actually -- this will be managed through David (Lindsay) and not necessarily -- the road crews won't be doing this. We're not asking them to do this. We're asking the administrative staff to do this, but to enter into there so the public will have a little more knowledge. So if you are technically savvy and you do Twitter, or Tweet, however you want to call it, if you do that, I would suggest that you follow the Highway Department for the Town of Chili so you will get that information in real time.

Also, we're going to try something new this year. Along with that, is, um, we are going to -- we got some lawn signs that we're going to -- not that the Town needs any more lawn signs, but we'll create some lawn signs that basically say something to the effect that we'll be in this neighborhood next week or the week after and we'll post them at the various neighborhoods so we can give a heads-up to the residents that we're coming. So you might want to think about raking your leaves tomorrow, because we'll be here in a few days.

So it is just kind of -- to kind of be a little more proactive and give people the opportunity to get out there and doing something and just keep everybody a little better informed what we're doing.

COUNCILWOMAN IGNATOWSKI: If I do, I do notice the Twitter comments are on the website. If you don't Twitter, you can also see what the comments are if you just go to the Town of Chili home page.

COUNCILWOMAN SPERR: This is going to be great. I can't tell you how many residents would come and say, "If I realized they were coming tomorrow" -- they would just miss it by a day. They would rake their leaves, had planned to rake their leaves the day after, or we're doing it that weekend or they had just come. So it is really going to be great.

SUPERVISOR DUNNING: And if I could project a question for the next Public Forum, this is at no cost to the Town. We don't pay anything to do this. This is a free service. We don't pay anything to Twitter. It takes seconds to do it.

3. Budget Workshops on 10/21/09 (after Town Board Meeting) & 10/26/09 at 7:30 p.m.

SUPERVISOR DUNNING: Along with that, Number 3, we have again budget workshops on October 21st. Immediately following our Town Board meeting we'll have a budget workshop, and we will discuss some of the departments' budgets at that meeting. We'll have a second budget workshop on the 26th at 7:30 p.m. in this room, and then if you will follow up with the remainder of the budgets, Town -- the Town department budgets at that meeting.

4. Update on cable access.

SUPERVISOR DUNNING: Just wanted to also provide an update on cable access.

Time-Warner has officially taken over public access for the Town of Chili. Again, this was at no cost to the Town. I understand that right now it's kind of dead air. It is my understanding that right now Time-Warner doesn't have any content. So they -- nothing has been submitted yet. We anticipate submitting our -- this would be our first submission to them. This went live October 1st. So being that they have nothing to broadcast, they're not broadcasting anything. So you might have 24/7 Town of Chili Town Board meetings for a little while. I don't know how they're going to manage that, but we are submitting them.

And also -- and there is some more information on this on our website, but there is a procedure that the Town has, that is available at the Town Clerk's Office. I believe we also have it at the reception desk for some information. We have procedures -- I have shared this with the Town Board. As well as there are forms you have to fill out when you submit tapes or recordings or whatever material you need to or would like to submit to Time-Warner for their broadcast. You can submit them to the Town, and we will get them to Time-Warner or you can submit them directly to Time-Warner. These forms also include contact information for the people at Time-Warner so if you have questions about broadcasting or what things are going on and what the scheduling is, these forms will need to be filled out when you submit a -- your media. There is some very specific media types that they will take. Typical, your standard media form that most people typically use anyhow.

It is my understanding also that their scheduling will be consistent with exactly the way it was before. Whatever the Cable 12 broadcasting schedule was before, is what Time-Warner intends to stay on, so if this meeting was broadcast on Thursdays at 7 p.m., it will still continue to be on Thursdays at 7 p.m. Unless they notify us differently, but they will -- they will post a schedule of that.

Something I didn't add onto the agenda, but I did want to talk about tonight, is the -- is the Baker property. As everybody knows, we have done some pretty good renovations out at the Baker property. Built a new pavilion. Have a new septic system. They have done grading and some work on the parking area which right now is stoned, curbed. We have sidewalks and it is actually coming along nicely.

We have also just received a grant from the County for \$149 to get into Phase 2, which is our trail system, the gardens, landscaping and things like that that we would like to put over in the facility. We hope that that will include perhaps some of the paving, but we're not quite sure on that. We are looking at that.

But in -- just in my brief time here in the Town of Chili, it has been called Baker property, Baker Park and the disk golf course. It has had several different names. I would like to give some consideration or ask the Town Board for some thoughts or suggestions and ask the public for some thoughts and suggestions about basically going on to getting into some type of a naming campaign where we can officially dedicate this park. I have looked through the Town records. It has never been dedicated as a park. And I think it deserves to be dedicated as a park now and should be dedicated as a park.

So I would welcome any suggestions that anybody has for basically coming up with a -- a name for the park, whatever that may be, however that may be, but certainly, I would welcome any suggestions. You're free to discuss it now if you would like, or --

COUNCILWOMAN IGNATOWSKI: Supervisor, as you know, this is something I have been requesting since I think when I first came onto this Board. You know, the Baker family is who we purchased the property from and I don't think this is a fitting way of recognizing that property. I would really like to see somebody that has done something maybe further for the Town, or an organization, maybe have that kind of a name attached -- attached to the park -- to that park. So I'm -- as you know, I'm anxious to get this moving forward because I have been mentioning this for years.

COUNCILWOMAN SPERR: We have talked about this (inaudible).

COUNCILWOMAN IGNATOWSKI: Will you perhaps have some way of going onto the website to put on some suggestions for this?

SUPERVISOR DUNNING: Yes. I think the website is a good place to start, but what we found, and I will go back to the survey, which was somewhat disappointing, the results coming back from -- overall from the community and getting the information back. So I guess I'm not really sure yet what the best mechanism is to broadcast this to the community, say we would like to do, we would like some ideas from the community as to what to name this park.

I'm open to suggestion. Anybody. I mean anybody has any suggestions of how to launch this campaign or how we broadcast this campaign, I would love to hear it. I really would.

COUNCILWOMAN IGNATOWSKI: We just sent out the newsletter, too, so you can't avail yourself of that.

COUNCILWOMAN IGNATOWSKI: What about something through the schools? You know when -- Recreation sometimes will send out flyers through the schools. I know they're planning on doing something for Halloween at the Farmers Market that I don't think was included in the newsletter. They will just send out a brochure and maybe you can just drop it at the schools and send it. I think a lot of kids like to also think about naming things, but also adults would then see that, as well.

COUNCILMAN SLATTERY: Supervisor, I would do this. You have two different groups here tonight representing Churchville-Chili and Gates-Chili, and I would make that one of their action items, that they bring back to their schools to talk about this issue and just to mention it and see if they can start dialogue.

COUNCILWOMAN IGNATOWSKI: Also.

COUNCILMAN SLATTERY: Right? Don't look so enthused.

COUNCILWOMAN IGNATOWSKI: I think they wanted to be here incognito.

COUNCILMAN SLATTERY: Too late. We signed the forms.

COUNCILWOMAN DI FLORIO: Were you thinking of having some type of a contest? I mean was that --

SUPERVISOR DUNNING: I'm open to suggestion. If this should be some type of a contest or there should be some type of an award presented for it, or -- I don't know. I really don't. I'm -- I'm just open to suggestions.

COUNCILWOMAN IGNATOWSKI: Press release would also be very effective. If you have an article, headline would probably be the most effective means of getting that out.

SUPERVISOR DUNNING: Probably put it over on Time Warner.

COUNCILWOMAN IGNATOWSKI: Walk the park.

SUPERVISOR DUNNING: These ideas are just flowing.

COUNCILMAN SLATTERY: This will take longer than our budget hearing.

COUNCILWOMAN DI FLORIO: There are a lot of people that don't know where Baker Park is.

COUNCILWOMAN IGNATOWSKI: Since we engaged them, you have a student --

COUNCILMAN SLATTERY: Can you say your name?

MS. MAYLEN (phonetic): Lexi Maylen (phonetic), Gates-Chili.

Am I allowed to raise my hand?

Where is the park?

SUPERVISOR DUNNING: The park is on Chili Scottsville Road.

COUNCILWOMAN DI FLORIO: Near Stryker.

SUPERVISOR DUNNING: Just north of Stryker Road.

COUNCILWOMAN SPERR: Near the American Legion Post.

COUNCILWOMAN IGNATOWSKI: There is a great big Baptist church.

SUPERVISOR DUNNING: Between the church and the Post.

UNIDENTIFIED SPEAKER: Nobody knows it is there.

COUNCILWOMAN DI FLORIO: That is what I just said.

SUPERVISOR DUNNING: We put a great new pavilion out there, sidewalks, and it actually has a parking area now and running water and electricity.

COUNCILMAN SLATTERY: Actually, as far as nobody knowing it is there, the schools actually utilize it for part of their gym program and so forth, so it's -- it is a nice little --

SUPERVISOR DUNNING: And the times I have driven by there, there are several cars. During the day, there are several cars in the parking lot. I know the park is utilized quite a bit. So again, I'm -- welcome, open to ideas. Please e-mail me, call me, whatever you would like. Contact councilpeople. They will pass them along. I appreciate that.

Pending matters:

1. Vacancies on Special Police.

SUPERVISOR DUNNING: We still have a vacancy on the Special Police. We do have one position open on the Special Police still. We do have an application that came in. We can discuss that at some point if we want to do some interviews for that.

MATTERS OF THE TOWN COUNCIL:

MS. SPERR: A petition was presented to the Traffic Safety Committee and I was asked on behalf of that Committee to submit it to the Town.

I will give you just a quick background. Dick McNeely (phonetic) had appeared before the Traffic Safety Committee at the September meeting, and he lives at Riverview on Scottsville Road. I just quickly read what was on the minutes. He expressed concerns regarding the four fatalities in the last few years on Scottsville Road. There are five entrances on the west side of the road. The guardrail has severe damage. You cannot see curve signs. There is a lots of brush northbound to force walkers and bicyclists into the street, and the area road is a passing zone.

Mr. McNeely is working on a petition to change the speed limit and make a no passing zone. The petition will be submitted soon and will have support from Mike Brown, VP of Fibertech. Crestwood has 45 buses that come in and out daily. Those were the brief minutes on the Traffic Safety Committee.

Mr. McNeely thought the Traffic Safety Committee meeting was tomorrow night and was submitting this in advance of that meeting when he realized that it was actually held last week because the 1st fell on a Thursday last week.

So on behalf of him, I have a copy of this to submit, and I told Dawn (Forte) that I will also e-mail -- forward an e-mail that I received this from, later in the week. But it states in here, just for your information, that there is also a letter from Crestwood attached.

The accompanying letters from the businesses in that area did not come with this, and Mr. Lindsay is looking to make -- making sure that we have those submitted. If you want to give that to Dick (Brongo) to make sure that that got submitted.

COUNCILWOMAN IGNATOWSKI: Mary (Sperr), that is a State road, isn't it?

COUNCILWOMAN SPERR: It's a State road. What will probably happen is the Committee will discuss it, and then their thoughts will be sent to the State. Based on that.

But any time a petition is submitted, we need to file it in the Clerk's Office.

COUNCILWOMAN IGNATOWSKI: So I mean there really isn't anything at the Town level we can do. The speed limit, is that also set by the State then?

COUNCILWOMAN SPERR: Probably set by the State. They will go out and investigate the area.

SUPERVISOR DUNNING: I don't -- I don't -- I don't know all of the legalities of -- of signage, roads and everything. I would like to leave that to Mr. Lindsay, the State and our Counsel to have some discussion on that because I don't know what they are and I don't want to speculate.

COUNCILWOMAN SPERR: This gentleman did submit this package to -- along with the Traffic Safety Committee to Dave Gehring, Regional 4 -- Regional Director at DOT, to Senator Alessi, Assemblywoman Susan John and Patrick O'Flynn, and one -- upon receiving it, I also forwarded it to Captain Don Bergmann, our Zone C Captain out here, so he would be aware of it, because they patrol that area.

COUNCILWOMAN IGNATOWSKI: If I could, um, I just was looking for a status on 69 Names Street. I know I asked a month ago and I know it has been a really busy time. Has there been any activity on moving that forward?

SUPERVISOR DUNNING: No. But my understanding is that Mr. Lindsay, Mr. Karelus and Mr. Stowe are also working on that. There is a procedure that needs to be followed and they are still working on it.

COUNCILWOMAN IGNATOWSKI: There is activity. That is my comfort level in knowing there is activity.

You know, I have my tickler file. Just a real quick Master Plan Update, are they on schedule? Because I was just looking at the schedule and I was just curious they had something about mid November and we are getting close to that.

SUPERVISOR DUNNING: I believe, and I will -- Jordon (Brown) is -- Jordon Brown is Chairman of that Committee, and Jordon (Brown), if you could speak loudly, if you could, or -- or grab the microphone and kind of if you could give us a little bit of an update. As far as timeline. I believe we're on time.

JORDON BROWN: We're on time. We completed the more educational phase for the Committee. I do continue to get suggestions from people like the Town Supervisor for additional agenda items, so whether or not we stay on schedule has something to do with how many suggestions I get, but we're within -- we're within range of our targeted time frames.

COUNCILWOMAN IGNATOWSKI: Okay. And then the other thing, once again me and my reading the Town topics, are we part of that New York alert at all that you're aware of? It is a way of notifying residents within the respective jurisdiction of threats to safety and well being. It's a free service. Partnering with 100 private telecommunications and internet vendors, that is a state of the art alert and notification system. From my reading, basically what it is, is residents can sign up for notifications from any entity that is part of this, and so something came in with an emergency, they could choose to either be e-mailed or have a voice mail or any means that they want, and I was just curious if we were taking advantage of that.

SUPERVISOR DUNNING: Actually, I believe we are. I don't know if that is the same system, because I know from -- my understanding is that, um, on our website -- we have the ability to sign up for that on the website. We get these alerts to your e-mail or to your phone, if you have phones capable of that. I believe that is right on the Town's website.

COUNCILWOMAN IGNATOWSKI: Okay, great.

SUPERVISOR DUNNING: I'm not sure if it is the same agency or part of that same system.

COUNCILWOMAN IGNATOWSKI: Great. That's it.

The 9/2/09 and 9/16/09 Town Board minutes were approved as submitted.

REPORTS SUBMITTED:

Monthly Financial Report -- August '09
Conservation Board Minutes -- 8/3/09
Historic Preservation Board Minutes -- 8/10/09
Library Board Minutes -- 8/25/09
Recreation Committee Minutes -- 8/12/09
Traffic & Safety Committee Minutes -- 8/6/09
Zoning Board Minutes -- 8/25/09

RESOLUTION #312 RE: Periodic Assessment Roll Update

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman DiFlorio

WHEREAS, the Town of Chili has, according to New York State law, undertaken its periodic update of its assessment roll to maintain equity; and

WHEREAS, the Assessor has recommended the Town of Chili engage AVS Assessment Services; and

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be authorized to execute a professional services agreement with AVS Assessment Services to assist the Assessor with the Annual 2009-2010 Assessment Equity Program at a cost not to exceed \$19,500, and to include OPTIONAL additional man days IF needed at a rate of \$525 per day.

BE IT FURTHER RESOLVED, that the project budget shall be established at \$24,000 and expenses paid for from NYS maintenance aid from budgeted funds allocated to the project.

UNANIMOUSLY APPROVED

RESOLUTION #313 RE: Authorizing Surety, Form, and Amount of Official Undertaking for the Faithful Performance of the Duties of the Town Clerk and Receiver of Taxes and Assessments

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

BE IT RESOLVED, as follows:

Section 1. The Town Board hereby approves the surety, form, and amount of the official undertaking for the faithful performance of the duties of the Town Clerk and Receiver of Taxes and Assessments as follows:

Type of Undertaking:	Government Form P Faithful Performance
Insurance company:	Utica National Insurance Group
Amount:	\$500,000

Section 2. A true copy of this resolution shall be affixed to the undertaking to indicate this Board's approval thereon in accordance with Town Law Section 25.

UNANIMOUSLY APPROVED

RESOLUTION #314 RE: 2009 New York State Fire Marshals and Inspectors Annual Seminar

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Sperr

WHEREAS, the inspectors in the Town Fire Marshal's office require annual training credits to maintain their NYS Fire Inspector certifications; and

BE IT RESOLVED that Scott Miller, Fire Marshal, be allowed to attend the 2009 New York State Fire Marshals and Inspectors Seminar from October 20 - 23, 2009 in Montour Falls, NY. The cost for this conference is not to exceed \$335 from A/C #A3410.4.

UNANIMOUSLY APPROVED

RESOLUTION #315 RE: 2009 NYS Uniform Fire Prevention & Building Code Enforcement Green Building In-Service Training Program

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski

WHEREAS, the inspectors in the Town Fire Marshal's office require annual training credits to maintain their NYS Code Inspector certifications; and

BE IT RESOLVED that David Saur, Deputy Fire Marshal, be allowed to attend the 2009 NYS Uniform Fire Prevention & Building Code Enforcement In-Service Green Building Training Program on November 10, 2009, Henrietta, NY, at zero cost to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #316 RE: Supplemental Cooling for Town Hall Server Room

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

WHEREAS, Director of MIS and the 2009 Risk Assessment of Internal Controls performed by Freed Maxick and Battaglia, CPA, PC identified a need to provide supplemental cooling in the Town Hall server room to prevent damage to the Town server; and

WHEREAS, the Commissioner of Public Works has received three (3) written quotes for labor

and materials for this work as follows:

* Monroe Piping and Sheet Metal	\$4,996.00
* Crosby Brownlie	\$5,645.00
* Modular Comfort Systems	\$5,740.00

NOW, THEREFORE, BE IT RESOLVED to award the quote to install the supplemental cooling system to Monroe Piping and Sheet Metal at a cost of \$4,996.00, to be paid from Acct# A1620.401.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Supervisor, the fifth paragraph where it states the fourth -- third line in there, "be approved by the Commissioner of Public Works, the Building and Plumbing Inspector," why is that not "Building Department Manager"?

SUPERVISOR DUNNING: Actually, I would defer that question to Mr. Lindsay, please.

DAVID LINDSAY: I would defer that question to Mr. Stowe

RICHARD STOWE: It is because it was the old resolution form that was used instead of a new one. Probably ought to be changed. Those two individuals have both looked at it.

COUNCILMAN SLATTERY: I feel more --

RICHARD STOWE: That's fine.

COUNCILMAN SLATTERY: Department head.

COUNCILWOMAN IGNATOWSKI: I agree. Should we be modifying this resolution then?

RICHARD STOWE: Sure.

SUPERVISOR DUNNING: So we have an amendment to change the words "Building and Plumbing Inspector" to "Building Department Manager"; is that correct?

The mover and seconder were in favor of the amendment.

DAVID LINDSAY: Can I interrupt just a second? It is in there in two spots, so you're aware of that.

DIANNE O'MEARA: Fourth paragraph.

COUNCILMAN SLATTERY: Oh, second line. Thank you.

RICHARD STOWE: Everywhere it appears, it would be sufficient.

COUNCILMAN SLATTERY: Thank you.

COUNCILWOMAN DI FLORIO: Do we need to move it again?

RICHARD STOWE: No.

COUNCILMAN SLATTERY: The second question I would have is how did this get missed?

SUPERVISOR DUNNING: I don't know.

COUNCILWOMAN IGNATOWSKI: Mine was -- the house has already been built --

SUPERVISOR DUNNING: How?

RICHARD STOWE: How did the fact it was encroaching get missed?

COUNCILMAN SLATTERY: That's correct.

RICHARD STOWE: I don't know. The house has been there.

COUNCILWOMAN SPERR: It is currently vacant.

COUNCILMAN SLATTERY: Counsel, you were starting to say --

RICHARD STOWE: I don't know. It has been there a lot of years. This is not a new building, okay? I can't answer the question. I can tell you the reason that it is rearing its head now is because the house came up for sale, and I don't know whether this was a different surveyor.

COUNCILWOMAN IGNATOWSKI: I was going to say, I wonder if it was pinned differently, because it is just the outside wall and those couple little bump-outs.

RICHARD STOWE: I mean, it isn't unprecedented, but I cannot tell you the facts and circumstances surrounding how this got built in the easement area or whether it is a monumentation issue, difference in survey issues or not. But this particular surveyor calculated the nature of the encroachment which creates a title issue.

For the public's purposes, in knowing what we're talking about here, the -- the level of the encroachment into the easement area at its greatest point is 2 feet. 2.34 feet, pardon me. Wherever the overhang is.

COUNCILMAN SLATTERY: The existing structure, 30, 40, 50 years old?

RICHARD STOWE: This is in College Greene. So, I mean, that was built out over a -- 6 or 7 year period in the '80s, some homes in the '90s. But they have also been there in excess of 10 or 12 years, including this one.

COUNCILMAN SLATTERY: All right. Thank you. That is all I have.

COUNCILWOMAN IGNATOWSKI: The only other question I would have is will this hinder the drainage maintenance at all?

RICHARD STOWE: That is why the Commissioner of Public Works has asked to review

and approve it, and if it does, we won't.

DAVID LINDSAY: No, it won't.

RICHARD STOWE: The other thing you ought to know is that the width of the easement is on either side of the property line, so that there is -- there is easement on the other side, and it is my understanding that our Commissioner of Public Works also double-checked the width of the easement on the property owner's improvements on the opposite side of this to know that we didn't have any issues or it wouldn't have been approved. All right?

SUPERVISOR DUNNING: So on the amendment, right, we have an amendment to wherever it appears -- wherever "Building and Plumbing Inspector" appears, replace "Building Department Manager." So on the amendment, we have it moved and seconded; is that correct? So I will ask if there are any other questions on that.

There was a role call on the amendment.

RICHARD STOWE: Before you deal with the resolution as a whole, I made a note. There was a procedure established some years ago for the rare instances when this occurs. This is the form resolution that existed and was last amended. I will do my best to see that the new form contains the new language so we don't run into this again.

SUPERVISOR DUNNING: Thank you.

RICHARD STOWE: You're welcome.

RESOLUTION #317 RE: Release Portion of Drainage Easement

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

WHEREAS, William F. Thompson and Joan S. Thompson Management Trust dated April 7, 2006, David H. Hasman, Warren N. Hasman and Calvin J. Hasman (the "Applicants") are owners and/or contract vendees of property located at 104 Freedom Pond Lane, North Chili, NY 14514, Town of Chili, New York; and

WHEREAS, the Applicants' house encroaches onto a storm sewer/drainage easement owned by the Town of Chili; and

WHEREAS, the Applicants have applied to the Town Board for a release of easement for that portion of a storm sewer/drainage easement owned by the Town of Chili that is located under the Applicants' house; and

NOW, THEREFORE, BE IT RESOLVED, subject to a permissive referendum, that upon approval of the Commissioner of Public Works, the Building & Plumbing Inspector, and Counsel for the Town of Chili, the Town of Chili shall release to the above named Applicants that portion of the Town's storm sewer / drainage easement located under the Applicants' house located at 104 Freedom Pond Lane, North Chili, NY 14514, Town of Chili, New York. The portion of easement to be released is located under the house, all as shown on a survey map of the property made by Tri County Land Surveyors, LLC, Surveyor, dated August 28, 2009; and

BE IT FURTHER RESOLVED, the Supervisor of the Town of Chili, is hereby authorized and directed to execute, on behalf of the Town of Chili, the release of easement attached hereto relating to the Applicants' property after the release of easement has been approved by the Commissioner of Public Works, the Building & Plumbing Inspector, and the Counsel for the Town of Chili; 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: Engineering review costs (if an engineering review is deemed necessary by the Commissioner of Public Works) legal review costs, 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.

Amendment:

RESOLUTION #317 RE: Release Portion of Drainage Easement

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

WHEREAS, William F. Thompson and Joan S. Thompson Management Trust dated April 7, 2006, David H. Hasman, Warren N. Hasman and Calvin J. Hasman (the "Applicants") are owners and/or contract vendees of property located at 104 Freedom Pond Lane, North Chili, NY 14514, Town of Chili, New York; and

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WHEREAS, the Applicants have applied to the Town Board for a release of easement for that portion of a storm sewer/drainage easement owned by the Town of Chili that is located under the Applicants' house; and

NOW, THEREFORE, BE IT RESOLVED, subject to a permissive referendum, that upon approval of the Commissioner of Public Works, the Building Department Manager, and Counsel for the Town of Chili, the Town of Chili shall release to the above named Applicants that portion of the Town's storm sewer / drainage easement located under the Applicants' house located at 104 Freedom Pond Lane, North Chili, NY 14514, Town of Chili, New York. The portion of easement to be released is located under the house, all as shown on a survey map of the property made by Tri County Land Surveyors, LLC, Surveyor, dated August 28, 2009; and

BE IT FURTHER RESOLVED, the Supervisor of the Town of Chili, is hereby authorized and directed to execute, on behalf of the Town of Chili, the release of easement attached hereto relating to the Applicants' property after the release of easement has been approved by the Commissioner of Public Works, the Building Department Manager, and the Counsel for the Town of Chili; 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: Engineering review costs (if an engineering review is deemed necessary by the Commissioner of Public Works) legal review costs, 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.

On the amendment: UNANIMOUSLY APPROVED

On the original resolution as amended: UNANIMOUSLY APPROVED

RESOLUTION #318 RE: Bids for Sidewalk Plowing

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski

WHEREAS, on September 21, 2009, the Chili Town Clerk received written sealed proposals for the plowing of sidewalks for the 2009/2010 season. The proposals identified a total cost for the main general sidewalk areas, and for Sections 1-10 of the Park Place sidewalk district. Two proposals were received as follows:

David Krenzer	
Bid Item #1	General Sidewalks
Bid Item #2	Park Place
Total Bid Amount	\$927.00

JoAnn Krenzer	
Bid Item #1	General Sidewalks
Bid Item #2	Park Place
Total Bid Amount	\$947.00

NOW, THEREFORE, BE IT RESOLVED, to award the sidewalk plowing bid to the low bidder, David Krenzer at a cost of \$927.00 per trip for both general area sidewalks and the Park Place Sidewalk District.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: In the recent County auction, if I go to Dave Lindsay, did we have any items in the auction and how did we fair?

DAVID LINDSAY: Yes, we did. We had a number of vehicles in the auction there. I don't have the specifics in front of me. I wasn't aware you would ask this question. We did fair pretty well. One particular item, I was happy we put the bobcat skidster up for auction there. We were initially thinking of trading it in. They offered a trade in value of about 6,500. We auctioned it for close to 14,000.

COUNCILMAN SLATTERY: Good. Good to hear.

RESOLUTION #319 RE: Resolution #158 Budget Revision

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Slattery

WHEREAS, the year 2009 budget for the account A8540.2 (Townwide Drainage) included \$30,000.00 for the purchase of Vehicle #450; and

WHEREAS, Resolution #158 on the March 18, 2009 agenda stated vehicle #450 be purchased from Account #SD 8540.2 (Consolidated Drainage) ; and

NOW, THEREFORE, BE IT RESOLVED, to amend Resolution #158 account number from SD8540.2 (Consolidated Drainage) to A8540.2 (Townwide Drainage) as per the 2009 adopted budget.

UNANIMOUSLY APPROVED

RESOLUTION #320 RE: Upstate NY Municipal Workers Compensation Plan Intermunicipal Agreement

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

WHEREAS, the Town of Chili has participated in the Upstate New York Municipal Worker Compensation Plan (the "Plan"); and

WHEREAS, the Plan's participants, consistent with advice provided to the Plan by the Plan's counsel, have determined to re-organize the Plan through an inter-municipal agreement by and between the Plan's participants; and

WHEREAS, the Town Board of the Town of Chili has determined that it is in the best interests of the Town of Chili to continue to act cooperatively with the other Plan participants in the course of carrying out the Town of Chili's obligations under the New York Workers' Compensation Law, including in order to undertake effective risk management techniques, the promotion of safety and the effective administration of claims; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Chili hereby:

(A) Approves the Intermunicipal Agreement for the Upstate New York Municipal Workers' Compensation Program ("Program"), as presented;

(B) Designates the Town of Chili's Director of Finance as the Town of Chili's Member on the Board of Directors of the Program; And designates the Supervisor as the Town of Chili's Alternate Director and the Payroll Clerk as the Town of Chili's Facilitator; and

(C) Authorizes and directs the Supervisor to do all things necessary to effectuate the intent and operation of this resolution.

UNANIMOUSLY APPROVED

RESOLUTION #321 RE: Independent CPA Services for 2009

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman DiFlorio

WHEREAS, Freed Maxick & Battaglia submitted a three-year proposal to perform independent CPA services to audit financial records, review court records as per the Uniform Justice Court Act §2019A and to perform a single audit per OMB §133, if required; and

THEREFORE, BE IT RESOLVED, to continue with Freed Maxick & Battaglia with the second year of their proposal to perform the above services at an amount not to exceed \$20,175.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Does HSA also have a resolution? Are there changes in that, as well?

SUPERVISOR DUNNING: No.

RESOLUTION #322 RE: Flexible Spending Account for Town Employees for 2010

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Sperr

WHEREAS, the Town of Chili Flexible Spending Account (The "Plan") was adopted by a April 19, 1995 Resolution #203 and maintained by the Town pursuant to Section 125 of the Internal Revenue Code; and

WHEREAS, the Town employees have found the Plan to be beneficial; and

NOW, THEREFORE, BE IT RESOLVED, to continue the Plan in 2010, open to non-bargaining personnel and Union personnel, subject to the bargaining contract, and open to employees working for the Town for a minimum of six (6) consecutive months; and

BE IT FURTHER RESOLVED, the maximum for Health Care reimbursement account be set at \$2,500 annually for each eligible participating employee and that the maximum Dependent Care reimbursement accounts be set at the amount allowable by the Internal Revenue Code; and

BE IT FURTHER RESOLVED, that the Flexible Spending Accounts will be funded from participating employee payroll deductions; but where the Flexible Spending Account may show a negative balance, the FSA shall be temporarily funded from the appropriate Employer FICA account and shall be reimbursed as participating employee deductions are received; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to enter into a contract with EBS-RMSCO, Inc. To administer the Plan reimbursements at a cost of \$2.90 per month (minimum of \$55/month) per Plan participant and a compliance fee of \$325.00.

UNANIMOUSLY APPROVED

RESOLUTION #323 RE: Budget Transfers

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilman Slattery

BE IT RESOLVED to transfer \$127.00 to SW-406-1420.4 (S Chili Water Benefit Area #1 Attorney-Contractual) from S Chili Water Benefit Area #1 unappropriated surplus; and

BE IT FURTHER RESOLVED, to transfer \$13.00 to SW-407-1420.4 (S Chili Water Benefit Area #2 Attorney-Contractual) from S Chili Water Benefit Area #2 unappropriated surplus.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Page 7. The -- under the Buildings General Fund, the repair to the Senior Center roof, second from the bottom. Didn't we just put a -- we just --

SUPERVISOR DUNNING: This is the awning, I believe. David (Lindsay), is that not the awning they just repaired on the outside, the front entryway? Or overhang?

COUNCILWOMAN SPERR: The overhang.

DAVID LINDSAY: We're doing that work right now. I think this might be something different. I can check to see specifically what this was and get back to you.

COUNCILMAN SLATTERY: Yes. Because I know we just spent quite a bit of money.

MR. LINDSAY: I don't think it has to do with the roof proper. There are a couple of awnings on the roof. There is one in front of the Recreation entrance, as well as one in front of the Senior Center. I think it is probably related to one of those.

COUNCILMAN SLATTERY: Okay. Thank you.

SUPERVISOR DUNNING: Any other questions or comments? Role call, please?

RESOLUTION # 324 RE: October 7, 2009 Abstract

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

BE IT RESOLVED to pay vouchers 4517-4852 totaling \$388,259.70 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$115,194.86
Highway Fund	\$166,216.84
Highway Equipment Reserve	\$ 94,925.00
Hynes Tract Water	\$ 8.07
S Chili Water Benefit #1	\$ 426.09
S Chili Water Benefit #2	\$ 112.98
Union Street Sewer	\$ 133.96
Special Light Districts	\$ 11,022.06
Consolidated Drainage	\$ 219.84
TOTAL	\$388,259.70

UNANIMOUSLY APPROVED

RESOLUTION # 325 RE: October 7, 2009 Abstract

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED to pay vouchers 4853-4856 totaling \$260.00 to be paid from the General Fund as presented to the Town Board by Richard Brongo, Town Clerk.

APPROVED BY A VOTE OF 4 YES WITH 1 ABSTENTION (Councilwoman Sperr)

Supervisor Dunning made a motion to go into Executive Session, and Councilwoman Ignatowski seconded the motion. The Board was unanimously in favor of the motion.

Supervisor Dunning stated no further business would be conducted when the Town Board returned from Executive Session.

The Board went into Executive Session at 7:45 p.m.
The Board returned from Executive Session at 8:29 p.m.

The next meeting of the Chili Town Board is scheduled for Wednesday, October 21, 2009 at 7:00 p.m. at the Chili Town Hall main meeting room.

The meeting was adjourned at 8:29 p.m.