

CHILI TOWN BOARD
October 19, 2011

A meeting of the Chili Town Board was held on October 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.

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: Gray Gardner and Tim Schulik. The Public Forum concluded at 7:08 p.m.

SUPERVISOR DUNNING: If you don't mind, I will address Tim (Schulik)'s comments. I know they went to Zoning Board for approvals and that was denied, so I believe, and Mr. Lindsay, please correct me if I am wrong, but I believe based on the denial from the Zoning Board they recommended that the Planning Board also deny that application.

So that should have -- that --

MR. SCHULIK: As I understand it, the property didn't meet certain criteria.

SUPERVISOR DUNNING: Again, I believe it has been denied.

Will you be here for the meeting? I will be more than happy to answer your questions after the meeting, in fairness to the process.

I will also address Mr. Gardner's question. First of all, Mr. Gardner is not completely accurate in the statement I did respond to him. I said I would talk to our Town Attorney and get back to him after I did that.

I did respond and did want to talk to our attorney because of what the claim was or the request was was to, um -- was specifically to call the Ethics Committee in this matter.

I spoke with Keith O'Toole, our Assistant Town Attorney, as he was present at that particular meeting and knew the circumstances behind what happened at the Planning Board and based on the -- the -- the very specific comment that Mr. Gardner made to me, the response I got from Mr. -- just got from Mr. O'Toole was the Town's Code of Ethics relates to the potential conflict of interest of Town employees and officers in the matter of Town contracts. It is designed to discourage self-dealing.

The Ethical Code does not extend to how the Planning Board conducts its hearing. This is as it relates directly to Chapter 36 of our Town Code. So that was the response I got from Mr. O'Toole.

I will be more than happy to forward that exact response to you by the -- at the e-mail address you sent to me.

So with that, does the Board have anything else on the public forum comments?

All right. I will move right along to the Matters of the Supervisor.

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: I don't have any matters -- new or pending matters.

MATTERS OF THE TOWN COUNCIL:

COUNCILWOMAN IGNATOWSKI: We did receive a resignation that is not listed here. I just noticed that.

SUPERVISOR DUNNING: When? Who?

COUNCILWOMAN SPERR: We have two.

COUNCILMAN SLATTERY: Geoffrey (Wiater) and Chris (Durkin).

COUNCILWOMAN IGNATOWSKI: I'm sorry. I was looking up here. Never mind.

COUNCILWOMAN SPERR: I -- I wanted to make note that after our Town Board meeting, we had recommended to Mr. Schulik that he attend the Traffic and Safety Committee, which he did do, and that -- the following night, and the Traffic Safety Committee was able to

listen to the concerns that -- that Mr. Schulik had and address it in the Names Road area. So we're hoping that it will help the residents in that area, with the problem they have, and we'll ask Mr. Schulik to follow up with us and let us know if any of those recommendations bear some fruit for you. Okay? I just wanted to follow up from last Town Board meeting.

MR. SCHULIK: Thank you.

SUPERVISOR DUNNING: I would also like to congratulate Mr. Durkin on his new venture into -- into federal law grounds. He will be doing some things with some federal planning which he is certainly well qualified for, a good candidate. We'll miss him on that committee, but I wish him well on his new endeavor.

COUNCILWOMAN DI FLORIO: He will be missed on the Drainage Committee. And he did leave some new member handbook that he was working on for us to finish up on, so I thank him for his efforts in that regard.

COUNCILWOMAN SPERR: He is very, very good.

COUNCILWOMAN IGNATOWSKI: Unfortunately, he can't travel back and forth from Washington DC.

SUPERVISOR DUNNING: Just a bit of a commute.

REPORTS SUBMITTED:

Dog Control Report – September 2011
Town Clerk Report – September 2011
Planning Board Minutes – 9/20/2011

CORRESPONDENCE:

1. Mr. Brongo has received notification that Christopher Durkin, Drainage Committee and volunteer for the Comprehensive Emergency Management Program has resigned effective 10/18/2011.
2. Mr. Brongo has received notification that Geoffrey Wiater, Traffic & Safety Committee has resigned effective 10/18/2011.

RESOLUTION #274 RE: SEQR STATUS FOR ADOPTION OF LOCAL LAW# _____ OF 2011 ENTITLED "Chapter 500 Special Use Permits".

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman DiFlorio

WHEREAS, that the Town Board classifies the adoption of proposed Local Law # _____ of 2011 to be an Unlisted Action under the provisions of State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder; and

WHEREAS, the Town Board has duly reviewed and considered the Short Form Environmental Assessment Form, as well as all the evidence and information obtained at a public hearing held on October 5, 2011, and the Board has duly considered the impacts which reasonably may be expected to result from the proposed action by using the criteria set forth in Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act, and applicable regulations promulgated thereunder ("SEQRA"); and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby confirms its status as lead agency and makes a determination that the above-referenced action will not result in any significant adverse environmental impacts.

UNANIMOUSLY APPROVED

RESOLUTION #275 RE: ADOPTION OF LOCAL LAW# _____ OF 2011 ENTITLED "Chapter 500 Special Use Permits".

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, a proposed Local Law # _____ of the year 2011 entitled "The Text Amendments to Chapter 500, of the Town of Chili Town Code relating to "Special Use Permits" was introduced to the Town Board of the Town of Chili by Councilwoman DiFlorio on the 7th day of September, 2011; and

WHEREAS, at a meeting of the Chili Town Board held at the Town Hall in the Town of Chili, New York on the 5th day of October, 2011, a public hearing was held at 7:00 p.m. to consider adoption of the proposed Local Law # _____ of the year 2011 entitled "Chapter 500 Special Use Permits"; and

NOW, THEREFORE, BE IT RESOLVED, that Local Law # _____ of 2011 is hereby

enacted by the Town Board of the Town of Chili.

UNANIMOUSLY APPROVED

RESOLUTION #276 RE: SEQR STATUS FOR ADOPTION OF LOCAL LAW# _____ OF 2011 ENTITLED "Zoning Local Law of 1981 – Seasonal use of Snow Fences".

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

WHEREAS, that the Town Board classifies the adoption of proposed Local Law # _____ of 2011 to be an Unlisted Action under the provisions of State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder; and

WHEREAS, the Town Board has duly reviewed and considered the Short Form Environmental Assessment Form, as well as all the evidence and information obtained at a public hearing held on October 5, 2011, and the Board has duly considered the impacts which reasonably may be expected to result from the proposed action by using the criteria set forth in Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act, and applicable regulations promulgated thereunder ("SEQRA"); and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby confirms its status as lead agency and makes a determination that the above-referenced action will not result in any significant adverse environmental impacts.

UNANIMOUSLY APPROVED

RESOLUTION #277 RE: ADOPTION OF LOCAL LAW# _____ OF 2011 ENTITLED "Zoning Local Law of 1981 – Seasonal use of Snow Fences".

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilman Slattery

WHEREAS, a proposed Local Law # _____ of the year 2011 entitled "The Text Amendments to the Zoning Local Law of 1981, of the Town of Chili Town Code relating to "Seasonal use of Snow Fences" was introduced to the Town Board of the Town of Chili by Councilwoman Sperr on the 7th day of September, 2011; and

WHEREAS, at a meeting of the Chili Town Board held at the Town Hall in the Town of Chili, New York on the 5th day of October, 2011, a public hearing was held at 7:00 p.m. to consider adoption of the proposed Local Law # _____ of the year 2011 entitled "Zoning Local Law of 1981 – Seasonal use of Snow Fences"; and

NOW, THEREFORE, BE IT RESOLVED, that Local Law # _____ of 2011 is hereby enacted by the Town Board of the Town of Chili.

UNANIMOUSLY APPROVED

RESOLUTION #278 RE: SEQR STATUS FOR ADOPTION OF LOCAL LAW# _____ OF 2011 ENTITLED "Zoning Local Law of 1981 – Student Residence Overlay District".

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

WHEREAS, that the Town Board classifies the adoption of proposed Local Law # _____ of 2011 to be an Unlisted Action under the provisions of State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder; and

WHEREAS, the Town Board has duly reviewed and considered the Short Form Environmental Assessment Form, as well as all the evidence and information obtained at a public hearing held on October 5, 2011, and the Board has duly considered the impacts which reasonably may be expected to result from the proposed action by using the criteria set forth in Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act, and applicable regulations promulgated thereunder ("SEQRA"); and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby confirms its status as lead agency and makes a determination that the above-referenced action will not result in any significant adverse environmental impacts.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Certainly there was a lot of residents, quite a few residents that came to the Public Hearing at our previous Town Board meeting. I know things are moving along, but all of these were taken care of at the meeting, and hearing the public comment and all were in support of this resolution.

RESOLUTION #279 RE: ADOPTION OF LOCAL LAW# _____ OF 2011 ENTITLED, "Zoning Local Law of 1981 – Student Residence Overlay District".

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

WHEREAS, a proposed Local Law # _____ of the year 2011 entitled “The Text Amendments to the Zoning Local Law of 1981, of the Town of Chili Town Code relating to “Student Residence Overlay District” was introduced to the Town Board of the Town of Chili by Councilwoman Ignatowski on the 7th day of September, 2011; and

WHEREAS, at a meeting of the Chili Town Board held at the Town Hall in the Town of Chili, New York on the 5th day of October, 2011, a public hearing was held at 7:00 p.m. to consider adoption of the proposed Local Law # _____ of the year 2011 entitled “Zoning Local Law of 1981 – to permit R-SO Student Residence Overlay District within the RA Rural Agricultural District”; and

NOW, THEREFORE, BE IT RESOLVED, that Local Law # _____ of 2011 is hereby enacted by the Town Board of the Town of Chili.

UNANIMOUSLY APPROVED

RESOLUTION #280 RE: Set Public Hearing on the 2012 Preliminary Budget

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED in accordance of Section 108 of the Town Code the Town Board establishes the date, place and time for the Public Hearing on the 2012 Preliminary Budgets as follows and directs the Town Clerk to publish notice of same, in accordance with Section 108, in the Gates-Chili Post:

DATE: November 16, 2011
PLACE: Town Hall, 3333 Chili Avenue, Rochester, NY 14624

BE IT FURTHER RESOLVED, that a Public Hearing be set for November 16, 2011 at 7:00 p.m. for the purpose of considering:

- Water District Assessment Rolls** (Hynes Tract, S Chili Benefit Area #1, S Chili Benefit Area #2)
- Sewer Districts** (Chili Sewer Improvement Benefit Area #1)
- Consolidated Lighting District #1**
- Lighting Districts** (Chili Industrial, Pumpkin Hill, Blueberry Hill, Parklands of Chili.)
- Sidewalk District** (Park Place)
- Park District** (Lexington)
- Consolidated Drainage District**

- Assessment Rolls for Fire and Fire Protection Districts** (Chili, Gates-Chili, Clifton, Chili-Scottsville)
- Assessment Rolls for Ambulance Districts** (Chili, Gates-Chili, Clifton, Chili-Scottsville)
- Proposed contracts for Ambulance Districts**
- Proposed contracts for Fire and Fire Protection Districts**
- Preliminary Budget**

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to publish notice of same, in accordance with Section 108, in the Gates-Chili Post is hereby ratified.

UNANIMOUSLY APPROVED

RESOLUTION #281 RE: Uniform Justice Court Act – Town Court Review FYE December 31, 2010

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

WHEREAS, November 3, 2010 Resolution 305 engaged Freed, Maxick & Battaglia to examine Town Court records for the fiscal year ending December 31, 2010 in accordance with the Uniform Justice Court Act Section 2019-a; and

WHEREAS, per Freed, Maxick & Battaglia's June 10, 2011 letter this examination was conducted; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board accepts the June 10, 2011 Freed, Maxick & Battaglia report and acknowledges the Town Court records for the fiscal year ending December 31, 2010 were audited in accordance with the Uniform Justice Court Act Section 2019-a.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Approximately how many employees take advantage of this, do you know? I know initially it wasn't that popular, but has that --

DIANNE O'MEARA: With the creation, the establishment of the high deductible ban and the health savings accounts -- more into the health savings accounts, but there are still a few that do, um -- that do use the flexible spending. Um -- I want to say it is maybe about -- between 10, 12.

COUNCILWOMAN IGNATOWSKI: You're seeing more and more people going over to the high deductible?

DIANNE O'MEARA: Oh, yes.

COUNCILWOMAN IGNATOWSKI: That's good.

RESOLUTION #282 RE: Flexible Spending Account for Town Employees for 2012

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski

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 2012, 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 #283 RE: Budget Transfer of Highway Funds

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED to transfer \$30,000.00 from account DA 5142.499 (Town Snow Miscellaneous) to account DA 5110.1 (General Road Repairs Labor).

UNANIMOUSLY APPROVED

RESOLUTION #284 RE: Budget Transfer of Highway Funds

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED to transfer \$25,000.00 from account DA 5142.499 (Town Snow Miscellaneous) to account DA 5110.4 (General Road Repairs - Contractual).

UNANIMOUSLY APPROVED

RESOLUTION #285 RE: Addition to Chili Fire Department, Inc. Active List

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski

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

Matthew Lewandowski

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: Just glad to see Geoff (Wiater) who had served on our Traffic and Safety Committee who had a conflict that night is still able to stay involved and support the Town by joining our Drainage Committee. I'm pleased to see that.

COUNCILWOMAN DI FLORIO: We're pleased to have him.

RESOLUTION #286 RE: Drainage Committee

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that Geoffrey Wiater be appointed to the Drainage Committee to complete the term of David May, term to expire on 12/31/2012 and shall be paid the sum of \$25 per meeting attended for the calendar year 2011, expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Glad we're having a full committee now. Thank you.

RESOLUTION #287 RE: Chili Parks & Recreation Committee

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that James McLean be appointed to the Chili Parks & Recreation Committee to complete the term of Nick Mojsovski, term to expire on 12/31/2012 and shall be paid the sum of \$25 per meeting attended for the calendar year 2011, expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

RESOLUTION #288 RE: October 19, 2011 Abstract

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED to pay 3040, 3048-3049, 3060, 3063, 3122-3175, 3181-3182, 3185, 3195-3254, 3256-3285 totaling \$794,027.89 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$ 125,206.69
Highway Fund	\$ 199,704.88
Highway – 200 Beaver Road	\$ 21,143.63
H48 200 Beaver Road	\$ 434,661.35
Consolidated Drainage	\$ 10,711.34
Fire/Ambulance	\$ 2,600.00
TOTAL	\$ 794,027.89

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: I apologize to the audience. There is an additional resolution brought in late just before the meeting.

We're filling a spot that Mr. Wiater just resigned from.

COUNCILWOMAN SPERR: We need to maintain a full Board.

COUNCILWOMAN IGNATOWSKI: A lot of movement around the committees, but that is why we take these applications and interview people as they come in, so that when we do have these openings, we can immediately fill them into openings.

RESOLUTION #289 RE: Traffic & Safety Committee

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that Ron Richmond be appointed to the Traffic & Safety Committee to complete the term of Geoffrey Wiater, term to expire on 12/31/2011 and shall be paid the sum of \$25 per meeting attended for the calendar year 2011, expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

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

The meeting was adjourned at 7:20 p.m.