

CHILI TOWN BOARD
November 2, 2011

A meeting of the Chili Town Board was held on November 2, 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.

SUPERVISOR DUNNING: I do notice that we a group of scouts with us this evening from Troop 178. Gentlemen, would you care to introduce yourself and let you know why you're here tonight?

Start with the leaders. The leaders have to get up and talk first.

SCOUT LEADER: The boys are working on their Citizenship of the Community Merit Badge and one of the requirements is to attend a public meeting and listen to it and discuss the -- the things that come up during the meeting.

SUPERVISOR DUNNING: Welcome.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. The following speaker addressed the Town Board on various subjects: Dorothy Borgus. The Public Forum concluded at 7:05 p.m.

COUNCILWOMAN IGNATOWSKI: Supervisor, if I could ask a question. You said all of the Committee and Board members are getting the Comprehensive Plan.

SUPERVISOR DUNNING: No. The -- the Planning Board gets a copy, all of the Planning Board, all of the Zoning Board will get a copy. All of the Chairs of the remaining committees will get that, and of course, the document will be online providing this passes this evening. That document, the final document in its entirety will be posted on our website and we'll ask that everybody on those committees understands what is in that, because there are parts that affect Traffic & Safety and Drainage and Conservation, but all of the Chairs will actually have a book as you have.

COUNCILWOMAN IGNATOWSKI: Okay. I just wanted to clarification, because I know when I was a member, I didn't necessarily have a copy of that.

SUPERVISOR DUNNING: And we also discussed briefly, and I'm not sure how we will handle this yet, because a lot of times this computer is not really on, only when there is a presentation or there are things that need to be shown up there. The thought process was to load it on the computer so it is easily accessible to whoever sat here, or leave a copy of the book up at the dais so there would always be a copy here. I'm not sure what direction we'll go on that, but it will be something that has it readily available should it not be brought by a member at some point in time.

COUNCILWOMAN IGNATOWSKI: That is a very good idea. Also, if we go that route, a Town Code book. I don't know how many times I have been in Conservation Board meeting where they're trying to remember something and no one has that book. That would be a good idea to have both of these just sitting up here for use on that.

SUPERVISOR DUNNING: Town Code book. I know Planning Board and Zoning Board usually have it with them, but that is a good suggestion. I will look at that.

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: I do not have any new matters at this time. No pending matters.

MATTERS OF THE TOWN COUNCIL:

COUNCILWOMAN IGNATOWSKI: Actually, I would just like to pass along a comment from the Conservation Board at their last meeting, the -- they complimented the landscaping for

the Highway Department. They were very impressed with what has gone on over there.

COUNCILWOMAN DI FLORIO: I had a resident comment to me how nice it is already looking.

COUNCILWOMAN IGNATOWSKI: I already sent an e-mail, but I will reiterate that Mr. Robinson will be not looking to be reappointed. He is in New York City quite often with his job, and so come to Organizational, we'll have to fill a position on the Conservation Board. He will be missed. He has been on that Board for decades, but he -- he is obviously aware of the fact that he won't be able to make some meetings because of being out of town, so.

COUNCILWOMAN DI FLORIO: Um, I believe that maybe Scott and you already had that, but Dan also indicated to me --

COUNCILWOMAN IGNATOWSKI: There is another one.

COUNCILWOMAN DI FLORIO: He was a founding member of that Drainage Committee. Just getting a little rough for him.

The 10/5/11 Town Board minutes were approved as submitted.

REPORTS SUBMITTED:

Recreation Center Revenue Report – September 2011
Senior Center Revenue Report – September 2011
Chili Parks & Recreation Committee Minutes – 9/14/2011
Drainage Committee Minutes – 9/6/2011
Historic Preservation Board Minutes – 9/12/2011
Library Board Minutes – 9/27/2011

CORRESPONDENCE:

1. Mr. Brongo has received formal notification for a Liquor License renewal with the State Liquor Authority for Jake's located at 4390 Buffalo Road, N. Chili, NY 14514. License #3111488.
2. Mr. Brongo has received formal notification for a Restaurant Wine and Beer License renewal, License no. 3127024 with the State Liquor Authority for Aliakmon, Inc. d/b/a Town & Country Family Restaurant of Chili located at 3205 Chili Avenue, Rochester, NY 14624.

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Wonderful addition to that Committee given his engineering background. I'm very excited about that.

COUNCILWOMAN DI FLORIO: He actually came last night as an observer.

SUPERVISOR DUNNING: Great. He did want to know if he could attend. We said, "We haven't appointed you, but you could go as an observer if you would like." Great.

RESOLUTION #290 RE: Drainage Committee

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that Matthew Sinacola be appointed to the Drainage Committee to complete the term of Christopher Durkin, 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:

SUPERVISOR DUNNING: I believe there was a question on this one.

DAVID LINDSAY: I think this represents the majority of items that went to auction, but I believe we did have an item or two that went to the spring auction. If the Board would like, I can forward that information to you in an e-mail.

SUPERVISOR DUNNING: Okay.

RESOLUTION #291 RE: Transfer to General Fleet Reserve

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

WHEREAS, an auction of general equipment was held October 2011; and

WHEREAS, it has been advantageous to transfer the auction proceeds to the General Fleet Reserve for future use; and

NOW, THEREFORE, BE IT RESOLVED, to increase the General Fund budget A2665 (Sales of Equipment) and A9950.9 (Interfund Transfer) by \$8,190.00; and

BE IT FURTHER RESOLVED, to transfer \$8,190.00 to the General Fleet Reserve.

UNANIMOUSLY APPROVED

RESOLUTION #292 RE: Transfer to Highway Equipment Reserve

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

WHEREAS, an auction of highway equipment was held October 2011; and

WHEREAS, it has been advantageous to transfer the auction proceeds to the Highway Equipment Reserve for future use; and

NOW, THEREFORE, BE IT RESOLVED, to increase the Highway Fund budget DA2665 (Sales of Equipment) and DA9950.9 (Interfund Transfer) by \$7,920.00; and

BE IT FURTHER RESOLVED, to transfer \$7,920.00 to the Highway Equipment Reserve.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: There was a question about this Diane, but the -- about the loss, what does this represent.

DIANNE O'MEARA: As know, since 2004 we have been with the Workers' Comp. group that is basically self-insured, and this gets us a -- we experienced a loss of claims, where as we need -- in order to fulfill our duties as far as the claims go, we need to fund the additional 78,000.

COUNCILWOMAN IGNATOWSKI: There was also question of how many claims.

DIANNE O'MEARA: I have no clue. I wouldn't be able -- I would have to look it up.

COUNCILWOMAN IGNATOWSKI: Perhaps that is something that you can get at another time then to Dorothy (Borgus)?

DIANNE O'MEARA: Uh-huh.

SUPERVISOR DUNNING: I think one of the other questions was this a loss and experience? This is loss and experience, correct?

DIANNE O'MEARA: Correct.

RICHARD STOWE: Only by way of clarification. The -- the consortium that we're a member of requires us as a member to make contributions. I'm assuming this is the requirement for this year, not just necessarily our losses?

DIANNE O'MEARA: No. It is our losses.

RICHARD STOWE: Just our losses.

DIANNE O'MEARA: Yes. It is to fulfill -- we make quarterly installments, but the loss history was such that we need to fund this extra amount.

RICHARD STOWE: The -- our losses and the group's losses aren't necessarily the same thing. That is the only point I wanted to make.

DIANNE O'MEARA: Right, right.

RICHARD STOWE: The whole group has to fund the rest of the group, as well.

SUPERVISOR DUNNING: Thank you. Any other questions or comments?

RESOLUTION #293 RE: Use of Workers Compensation Reserve

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

WHEREAS, the Workers Compensation Reserve was established in 2004 in accordance with General Municipal Law §6-j; and

WHEREAS, the town's Workers Compensation claims for 2010 experienced a loss; and

NOW, THEREFORE, BE IT RESOLVED, to create budget A-90 9040.8 (Workers Compensation – Reserve Contractual) in the amount of \$78,559.00 to be funded by reserve surplus.

UNANIMOUSLY APPROVED

RESOLUTION #294 RE: Independent CPA Services

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

WHEREAS, the Director of Finance sent Requests for Proposal for Professional Services to twelve firms, of which four declined to bid; and

WHEREAS, the Director of Finance has completed the review of the eight proposals that were received as follows:

EFP Rotenberg \$61,200
D'Archangelo & Co, LLP \$60,255
Lumsden & McCormick, LLP \$56,625
Toski, Schaeffer & Co, PC \$54,600
Dreschler & Malecki, LLP \$53,100
The Bonadio Group \$52,500
Raymond F. Wager CPA, PC \$50,850
Freed, Maxick & Battaglia \$48,000

NOW, THEREFORE, BE IT RESOLVED, on the recommendation of the Director of Finance to accept the proposal of Freed Maxick & Battaglia to perform independent CPA services to audit the 2011 financial records, review court records as per the Uniform Justice Court Act §2019A and the LOSAP audit of service points; and

BE IT FURTHER RESOLVED, based on performance, to continue services with Freed, Maxick & Battaglia for fiscal years 2012 and 2013.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: At the time of the Route 204 highway extension, um, the timeframe of that? It is further down there. When do we expect to do that?

SUPERVISOR DUNNING: I'm looking where you are reading.

COUNCILWOMAN IGNATOWSKI: In the third "whereas," at the bottom of the paragraph, at -- it says, "At the time of the Route 204 highway extension, Jetview Drive extension on State right-of-way will then transfer highway maintenance responsibility to the New York State DOT."

Wondering if there is a timeframe.

DAVID LINDSAY: My understanding is the State doesn't have an established timeframe for that, but they did want the qualifier statement in the resolution in the event they do determine a timeframe for that project.

RESOLUTION #295 RE: Authorize Town of Chili to Assume Ownership and Maintenance of Jetview Drive Extension and Maintenance of Existing Wegmans Market Street North

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, Monroe County Department of Transportation, in cooperation with the Town of Chili (known as "Town" hereinafter), New York State Department of Transportation (known as NYSDOT hereinafter) and Federal Highway Administration, is developing a Project to extend the existing town road known as Jetview Drive from its current terminus (a cul-de sac located approximately 4800 feet north of Paul Rd) to the Rt. 204 and Chili Avenue intersection. PIN 4754.24; and

WHEREAS, Wegmans will dedicate Right of Way (RoW) to the Town for the purpose of the extension of Jetview Drive, from the existing cul-de-sac, heading northerly along Wegman's westerly property line to NYSDOT's, southerly property line that currently carries Wegman's Market Street North driveway; and

WHEREAS, the Town of Chili will accept all highway maintenance responsibilities for the continuation of Jetview Drive extension through State RoW to the intersection of Chili Avenue via Wegman's Market Street North driveway. Highway maintenance responsibility on State RoW includes any and all supporting highway features, including but not limited to: Noise wall, drainage, mowing, lighting, snow removal, and pedestrian facilities. Maintenance shall remain with the Town until such time that NYSDOT is to construct the Rt. 204 highway extension to the airport, as defined in the Genesee Transportation Council's master plan. At the time of the Rt. 204 highway extension, the Jetview Drive extension on State RoW will then transfer highway maintenance responsibility to NYSDOT; and

WHEREAS, the Town of Chili will secure permanent easements for the purposes of Jetview Drive extension through Niagara Mohawk (NIMO) and Rochester Gas & Electric (RG & E) RoW; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board, duly convened does hereby

BE IT RESOLVED, that the Town will accept the RoW dedication for Jetview Drive, maintenance jurisdiction of Jetview Drive through State RoW, and the execution of permanent easements through NIMO and RG&E RoW; and

BE IT FURTHER RESOLVED, pending reversion of RoW and maintenance jurisdiction if substantial completion of the Jetview Drive extension project is not achieved; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the affected agencies and stakeholders in the Jetview Drive Extension; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

UNANIMOUSLY APPROVED

**RESOLUTION #296 RE: ADOPTION OF THE TOWN OF CHILI 2030
COMPREHENSIVE PLAN**

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

WHEREAS, the Chili Town Board (hereinafter referred to as Town Board), at a public hearing held on Wednesday, October 5, 2011 received public comment upon the proposed adoption of the final draft of the Town of Chili 2030 Comprehensive Plan (hereinafter referred to as Action); and

WHEREAS, said Action is part of the maintenance of the Town of Chili Comprehensive Planning Program, as provided for under Section 272-a of New York State Town Law; and

WHEREAS, the Town Board has reviewed the Monroe County Department of Planning and Economic Development referral #C111-29Z, made under the provisions of Sections 239-l and -m of the New York State General Municipal Law, which provides input to the Plan Document; and

WHEREAS, the Town Board has given consideration to the public hearing record created upon said Action; and

WHEREAS, the Town Board has completed its required review under the provisions of the State Environmental Conservation Law, Article 8, Part 617, by making a Determination of Non-Significance thereon; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt The Town of Chili 2030 Comprehensive Plan, with the modifications as discussed in the above referenced public hearing record and as approved by the Town Board all in accordance with the provisions of Section 272-a of New York State Town Law, as the Official Plan Document for the Town of Chili, Monroe County, New York; and

BE IT FURTHER RESOLVED, that said Plan is to be maintained by the Town Board in the manner described in the Implementation Chapter of said Official Plan Document; and

BE IT FURTHER RESOLVED, that the Town Supervisor is directed to publish copies of the Official Plan Document for the public to purchase, and to file copies of the Official Plan Document with the Monroe County Department of Planning and Economic Development, the Town Clerk's Office, the Town Commissioner of Public Works, the Town Engineer, the Chili Town Library and to post the adopted Plan, in its entirety, upon the Town's Official Website www.townofchili.org.

UNANIMOUSLY APPROVED

SUPERVISOR DUNNING: After the vote, I would thank the Committee for their hard work. We definitely have with us one of our consultant team, Dan Savage here from Passero who worked with us for this past 2 1/2 years. I'm sure it wasn't easy at times for you with some of the changes and the things that we had to do, but thank you very much for your help in this. We appreciate it and I want to say I'm glad it came to this, and we're there finally.

So thank you.

COUNCILWOMAN SPERR: I would also like to thank Jordon Brown, the Deputy Supervisor, who chaired that Committee. And from everything that I heard from everyone on that Committee, he did a fantastic job. So hats off to you, Jordon. Thank you.

RESOLUTION #297 RE: November 2, 2011 Abstract

OFFERED BY: Councilwoman DiFlorio SECONDED BY:

BE IT RESOLVED to pay vouchers 3286-3293, 3295-3297, 3302, 3304, 3314-3324, 3348-3349, 3351-3354, 3356, 3359-3361, 3363, 3366, 3368-3369, 3381, 3384, 3386-3461 totaling \$190,580.81 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$ 71,080.41
Highway Fund	\$ 63,209.32
H47 2011 Annual Update	\$ 161.48
H48 200 Beaver Road	\$ 38,101.17
Consolidated Drainage	\$ 6,371.07
Special Light Districts	\$ <u>11,657.36</u>
TOTAL	\$190,580.81

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

The next regular meeting of the Chili Town Board will be on Wednesday November 16, 2011 at 7:00 p.m. in the Chili Town Hall main meeting room.

The meeting was adjourned at 7:18 p.m.