

CHILI TOWN BOARD  
December 2, 2009

A meeting of the Chili Town Board was held on December 2, 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; 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: James Vandervoort, Jerry Brixner, Dorothy Borgus and Roger Moynes. The Public Forum concluded at 7:16 p.m.

**MATTERS OF THE SUPERVISOR:**

**SUPERVISOR DUNNING:** I would like to make a couple of comments. There was a question -- certainly on the year of the budget, we can get to that when we get to the resolution, but I just say we haven't passed this budget yet so on this agenda it would have come out -- assuming it is the 2009 budget that we're making transfers -- we wouldn't make transfers even just after passing a budget that same night. So the resolution would be to make modifications to the budget not to do budget transfers, Dorothy (Borgus), within maybe minutes after passing a budget. So that is for point of clarification, it is the year 2009.

As far as the percentage of the dog census complete, I know we just got a report on that. I don't have that in front of me.

David (Lindsay), do you remember?

**DAVID LINDSAY:** I can't tell you the percentage, but there are 50 streets that have been completed. If you would like, I could compare it to how many streets that are in the area we're doing tomorrow and give you that number, but there are 50 streets that are done. We have registered 87 additional dogs, licensed 87 additional dogs as a result of that so far.

**SUPERVISOR DUNNING:** Councilwoman Sperr does have that report. Yes. There are 50 streets so far that have been covered. The census continues. 87 new licenses so far with many more due to come within the next ten days. That is -- approximately 517 miles have been covered in this, so that is where we stand to date as far as a percentage. I don't know that we have that specific, but if it is -- but if it is important, you get the percentage, we can try to break that out as to what that equates to as Mr. Lindsay said.

**COUNCILWOMAN IGNATOWSKI:** As I recall, we were only anticipating covering half the Town.

**SUPERVISOR DUNNING:** Half the Town this year, yes, that is all we contracted, was half the Town this year.

As far as -- unfortunately, Ms. Borgus, I can't give you -- we are still working on some of these. There are other updates we're looking at in our code book. Mr. Karelus, I think I am driving him a little nuts with some of the things we're looking at recently because it seems like on a continual basis there are some things that need some tweaking.

As far as the moratorium goes, we are still looking and working on it. I know Mr. Karelus has brought up quite a bit of information.

Mr. Stowe has that information and there is a lot of information there to try to process and get this done. We certainly want to make sure whatever we're doing we're doing right, and I'm sure you will appreciate the fact that we don't want to rush it, but we'll do what we need to do to make sure that is either done before the moratorium is over or look at an extension of the moratorium if need be, which is -- which is feasible, as I understand it. So we'll do everything we can there.

Other than that, I don't think at this time -- oh. Planning Board. There was some questions about the Planning Board. We did mention that at our Town Board meetings, that there was a -- going to be an opening in the -- on the Planning Board. We also did go out -- because the Planning Board, being the Board that it is, having experience on other Boards, I think it was overall the sentiment, has been the sentiment of this Board, that it is a good thing to bring on people who have already had experience with the Town and worked with other Boards and committees in the Town.

With that we went -- oh, good. Mary (Sperr), you're great with the lists today. I didn't bring this with me either.

Councilwoman Sperr just gave me the list because we did send out messages to every member of every Board and Committee in the Town of Chili with the exception of the Library Board of Trustees, and asked if they were interested in being on the Planning Board. With that list, we then went down through this, and looked at all of the possibilities in there. Having heard that there was an opening based on our Town Board discussions, um, the candidate that we have to present this evening did contact my office and expressed an interest, so we added him to the list and basically that is the proposal I have given out there for the Town Board to consider tonight.

Again -- well, this is -- this was my agenda and my recommendation to the Board, and it is the Board's decision tonight to vote on whether or not they think that person is the right person for that position, so I will leave it up to the Board's decision tonight. But we did have a very good list, good qualified people.

COUNCILWOMAN IGNATOWSKI: There is probably about a dozen.

SUPERVISOR DUNNING: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, including the candidate.

DOROTHY BORGUS: Interviews?

SUPERVISOR DUNNING: We did not inter -- we don't always necessarily interview if we're doing people from within Boards and committees, that we're all generally very much familiar with.

COUNCILWOMAN DI FLORIO: Or maybe have interviewed them in the past.

SUPERVISOR DUNNING: Right. That's correct. Not just a familiarity. We have talked to quite a few people. As we did an interview last week for the one person to fill that -- the vacancy on Architectural Advisory.

But typically with the group that we have here, these people have all been interviewed at one point in time by pretty much everyone here on this Board. So I will leave it at that.

Thank you again.

Pending Matters:

1. Vacancies on Special Police.

SUPERVISOR DUNNING: So under that, we still do have vacancies on the Special Police. I think we have been announcing this for about six months now. But there is still vacancies there for anyone who may be interested.

With that I will turn it over to matters of the Town Counsel.

**COUNCIL MEMBERS' REPORT:**

COUNCILWOMAN IGNATOWSKI: Supervisor, we did get an interoffice memorandum from yourself and Chris Levey -- actually from Chris Levey about audio equipment in this particular room because right now the side table is not miked at all, and recognizing that people really cannot hear that, I do support moving forward with what we had proposed, and I just wanted to say that so that hopefully that helps move that forward.

SUPERVISOR DUNNING: Thank you. And Chris (Levey) and -- Chris (Levey) is -- has been given responsibility to prepare a resolution for this Board to look at to see what specifically needs to happen in there. I apologize. I'm not sure where that mike is. I would like to know where that mike is from the side table by tomorrow, thanks.

COUNCILWOMAN IGNATOWSKI: It was my understanding they weren't doing that because of the feedback. There was a hum.

DAWN FORTE: It is --

COUNCILWOMAN SPERR: There was a hum.

DAWN FORTE: The hum that was coming through is because of the side bar mike.

SUPERVISOR DUNNING: But thank you. We will, as Chris (Levey) -- I think he has a few, couple of the numbers that may need to be modified from what the original proposal was.

COUNCILWOMAN IGNATOWSKI: Perhaps until we get a mike, it would be advantageous if we ask a question of the side table, they would even come up here and use that microphone so it is picked up in the recording.

SUPERVISOR DUNNING: Okay. Have you heard the recordings on --

COUNCILWOMAN IGNATOWSKI: Don't have cable.

SUPERVISOR DUNNING: -- to know whether or not those are being picked up?

COUNCILWOMAN IGNATOWSKI: I don't have cable.

SUPERVISOR DUNNING: Just wondering.

COUNCILMAN SLATTERY: Update on the highway garage, where we stand with that? Because looking at the schedule -- I mean, that was the -- the tentative schedule, or not even that, the schedule that Lu put out there during the presentation, Lu Engineers, um, we're behind that. So I was just wondering where we are.

SUPERVISOR DUNNING: Obviously we did close on the property. We own the property. At that point, I basically turned the property over to Mr. Lindsay. We have some communication, I believe, going on with the Dormitory Authority.

Actually, would you please, so we can make sure we capture the audio?

DAVID LINDSAY: As Supervisor said, I think we're in coordination with the Dormitory

Authority. We drafted a letter probably just before Thanksgiving and sent them to them, bringing them up to speed on where we were, what we have done to date and what our anticipated schedule is moving forward. We asked them to get back to us on what is the requirements related to the grant, things we might need to incorporate into the RFQ/RFP when we get that out. I haven't received any correspondence back from them yet. I intend to give them a call end of this week or probably early next week.

COUNCILMAN SLATTERY: In regards to some of the items that we could be working on that were in Lu's presentation, is there anything -- anything we can do now instead of waiting for them?

DAVID LINDSAY: What we have done up to date is we have gone out and done a site survey, the topographic survey of the site there. We wanted to do that now, so if we did end up with some snowy conditions this winter and that prevents us from doing that, which could then delay the design, we wouldn't be able to do the site survey until the spring then. So that is one of the things we tried to do now.

But before we can really go out on the RFQ process, we want to hear back from the Dormitory Authority just to make sure we have everything covered so we don't have to pull that back and redo it.

COUNCILMAN SLATTERY: Thank you.

COUNCILWOMAN SPERR: I wanted to make an announcement. Belonging to the Chamber of -- the Gates-Chili Chamber of Commerce, occasionally I like to make announcements about events coming up, and we will be holding our final event of the year on Tuesday, December 15th at Brooklea Country Club, just the holiday luncheon.

Attendance and membership has really been growing in the Chamber. It's been great. Their whole main goal is to assist, support and inform. But you will see flyers like this posted in the Town Hall. I will put this on the bulletin board out here as we're done with the meeting. If anyone has any questions, they can always contact me.

You will see it out there in the newspapers and the blogs, but we have got a busy schedule planned for next year and a schedule is also out on the website. So any time anyone has an interest in that, feel free to check them out. Just thought I would make everyone aware.

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: There was a comment about being paid or -- this is not a -- this is a stipend position. This is not -- they're not on the payroll for the Town of Chili. It is a stipend position. I don't believe that this violates anything. Mr. Stowe, have you gotten --

RICHARD STOWE: Not that I'm aware of. While it receives federal money, I believe that the Transportation Authority is a -- an authority under New York State Law, not -- not a federal agency but rather that is a State authority.

SUPERVISOR DUNNING: Thank you.

**RESOLUTION #361 RE: Planning Board**

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

**BE IT RESOLVED** that Steve Hendershott be appointed to the Planning Board to complete the term of James Powers, term to expire on 12/31/2015, to be paid \$77.00 for the calendar year 2009; expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

SUPERVISOR DUNNING: At this time, for those of you that don't know him, I would like to introduce the newest member of our Planning Board, Steve Hendershott. (Applause.)

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**RESOLUTION #362 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 November 9, 2009:

Darryl Brooks Allister Lewis Patrick Muldune Shane Peters

UNANIMOUSLY APPROVED

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**RESOLUTION #363 RE: Removal from the Chili Fire Department, Inc. Active List**

**OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr**

**BE IT RESOLVED** that the following individuals be removed from the Chili Fire Department, Inc. Active List effective November 9, 2009:

Cheryl Arilotta    Tim Barry    Barbara Bridenbaugh    John Griffiths    Donna Meleca  
Jeffery Riorden

UNANIMOUSLY APPROVED

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**RESOLUTION #364      RE: MONROE COUNTY SNOW & ICE AGREEMENT**

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

**BE IT RESOLVED** to authorize the execution of an amendatory agreement with the County of Monroe for the Town to provide snow and ice control service on County roads. The present agreement is a ten-year agreement, which runs from October 1, 2003 through September 30, 2013. The amendatory agreement establishes a total estimated payment to the Town for the 2009/2010 snow season of \$228,579.56.

UNANIMOUSLY APPROVED

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**RESOLUTION #365      RE: ORDER SETTING PUBLIC HEARING ON THE  
PROPOSED EXTENSION OF THE CHILI  
CONSOLIDATED DRAINAGE DISTRICT TO SERVE THE  
PROPERTIES LOCATED AT 9 MORRISON AVENUE,  
ROCHESTER, NY 14623, TAX MAP NUMBER 160.07-2-15  
AND 11 MORRISON AVENUE, ROCHESTER, NY 14623,  
TAX MAP NUMBER 160.07-2-14, IN THE TOWN OF CHILI,  
COUNTY OF MONROE AND STATE OF NEW YORK**

**OFFERED BY: Councilwoman Ignatowski    SECONDED BY: Councilwoman DiFlorio**

**WHEREAS**, a written petition, dated November 19, 2009, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Chili, Monroe County, New York for the extension of the Chili Consolidated Drainage District to serve the properties located at 9 Morrison Avenue, Rochester, NY 14623, Tax Map Number 160.07-2-15 and 11 Morrison Avenue, Rochester, NY 14623, Tax Map Number 160.07-2-14, more particularly described in Schedule A (Property Description) on file in the Town Clerk's Office; and

**WHEREAS**, if the district extension is approved, the properties within the proposed extension will be eligible to receive the drainage services available to other properties within the Chili Consolidated Drainage District. No drainage improvements are proposed to be constructed within the proposed district extension by the Chili Consolidated Drainage District at this time.

**WHEREAS**, as stated in the Petition, all costs relating to the formation of the district extension shall be paid by the petitioners.

**WHEREAS**, except as otherwise provided above, all expenses of the Chili Consolidated Drainage District, including all extensions heretofore and hereafter created, shall be a charge against the entire area of the district, as extended; and

**WHEREAS**, the estimated cost to the typical property, and, if different, the typical one or two family home within the Chili Consolidated Drainage District, in the first year following the formation of the district extension for debt service and operation and maintenance charges, is as follows:

Typical Property: \_\_\_\_\_ \$0.00 \_\_\_\_\_

Typical One or Two Family Home: \_\_\_\_\_ \$0.00 \_\_\_\_\_

**WHEREAS**, the proposed district extension is an Unlisted Action for the purposes of the State Environmental Quality Review Act and the regulations promulgated thereunder ("SEQRA"); and

**NOW THEREFORE**, it is hereby,

**RESOLVED**, that the Chili Town Board is hereby designated "Lead Agency" for the environmental review of this proposed action; and be it

**ORDERED**, that a meeting of the Town Board of the said Town of Chili shall be held at the Chili Town Hall, 3333 Chili Avenue, Town of Chili, New York on 20th day of January, 2010, at

7:00 p.m. to consider the said Petition and to hear all persons interested in the subject thereof and for such other action on the vote of said Town Board in relation to the said Petition as may be proper or required by law; and it is further

**ORDERED**, 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.

**Upon a call of the Roll of the Members of the Town Board of the Town of Chili:**

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: I know for a while there has been issues up at that park with the basketball hoops, and at times they have been taken down, removed because of the litter, because of some other activities that have taken place. Under Protect Security, I know they spent some time up there dealing with it. I know the Sheriff's Department has been involved.

I have concerns with that park, with the location of the playground, the activities that are taking place and the children that are there and have to witness it with their families.

Are we -- is there anything that has been done or are we looking into this, because I would hate to put these back up there, especially at this cost then to have to take them down.

SUPERVISOR DUNNING: Certainly, there is always the possibility that what we're going to try is going to fail. There was -- quite frankly, the removal of them was somewhat at the request of the Sheriff's Department because of some of the difficulties that were happening over at the park.

We are going to, along with these hoops, if this passes, and we do get these put back in -- by the way, I had several comments from a lot of people around Town that really want to have those back in. One of those was actually our Deputy Town Supervisor that now goes out of town to play basketball. He says he doesn't have hoops that close to home. Not that that is a determining factor, but I did have several conversations with people around Town that wanted those hoops back up. I did talk to the Sheriff's Department about it. I talked with Mr. Lindsay about it in great detail and also talked to Mr. Curley about it.

We're going to put up signs along with these hoops. We're going to put a sign up there basically giving the rules of conduct on this particular court. And should those rules be violated, we will remove those posts and they will not come back. Certainly the equipment, if it has to come down when it is still in very good and usable condition, we'll store it and use it to replace parts in one of the other parks where we do have hoops at some point. So it won't be money wasted.

We'll still be able to utilize the equipment down the road at some point in time -- if, in fact, we have to take this down and this does not work by making up basically a warning sign saying, "You follow these rules, you break them, you're going to ruin it for everybody, and we'll take them down."

So I think it is worth at least another effort to try.

COUNCILMAN SLATTERY: We have talked to the Sheriff's Department in regards to this intention?

SUPERVISOR DUNNING: Yes.

COUNCILMAN SLATTERY: And their feedback?

SUPERVISOR DUNNING: They're not real optimistic, but they do agree it is probably worth at least trying.

COUNCILMAN SLATTERY: I have some concerns with, and I'm not sure if the Board is aware of what happened to one of the poles that were out there that a vehicle actually knocked it down intentionally, repeatedly hit it. I have -- back when this -- when some of the problems started, I went up there and watched it and the actions and activities, and there is no way that I would allow my children to play on that swing set. And that is why I have concerns with putting these back up in that location.

I know we have other locations that if people would like to partake in basketball, that we have outside courts they can play at. So I guess I would say, okay, if we're going to give it a try, but let -- I will try to be optimistic here. I don't know if it is going to succeed, but it is -- but this has been ongoing and there are resources that have been spent on this, and I just hate to see us waste more resources on everything -- something that people just don't really care about.

SUPERVISOR DUNNING: And I understand, and we'll make our best effort to -- to make it clear what our intentions are and what will happen if it is not followed. The other thing, I think, and please, David (Lindsay) -- Mr. Lindsay, please correct me if I am wrong, we did realize that there was a problem with the vehicle driving into the one post and we are going to put something up to -- whether it is a boulder -- boulders or some type of a -- that wooden fencing or whatever to prevent anybody from driving into that area because, basically right now it is an extended parking lot because you can pull in there. So we're going to try to make it an effort so you can't do that. So hopefully that will prevent those types of things from happening.

COUNCILWOMAN DI FLORIO: Can I ask how long ago that happened?

COUNCILMAN SLATTERY: How -- well, the basketball hoops have been done for --  
SUPERVISOR DUNNING: Better part of a year.  
COUNCILMAN SLATTERY: I would say almost two years.  
SUPERVISOR DUNNING: The previous summer --  
COUNCILMAN SLATTERY: Year and a half, two years. But they have been taken  
down in the past and then they were put back up. So this has been ongoing for a while.  
COUNCILWOMAN DI FLORIO: Not like just one kind of bad sort of group of kids --  
COUNCILMAN SLATTERY: No.  
COUNCILWOMAN DI FLORIO: -- that passed through.  
COUNCILMAN SLATTERY: They matured and moved on?  
COUNCILWOMAN DI FLORIO: Yes.  
COUNCILMAN SLATTERY: No. If they matured, I don't know.  
COUNCILWOMAN IGNATOWSKI: The swings, too. Haven't those been taken down  
periodically, as well?  
SUPERVISOR DUNNING: I'm not aware of that.  
DAVID LINDSAY: We have not taken the swings down. Just the basketball.  
COUNCILWOMAN IGNATOWSKI: Back when my kids were little, I recall them  
disappearing for a while.  
COUNCILWOMAN DI FLORIO: Is there any potential putting the court somewhere else  
in the park so it is not next to the playground area?  
SUPERVISOR DUNNING: Actually, you would think the location of that is almost prime  
for the problems that are happening there because it is still a fairly busy street right there, wide  
open and very exposed. I would hate to consider it -- or hiding it and making it a -- a bigger  
problem, I think, if you move it. I don't know.  
COUNCILMAN SLATTERY: Well, we can take the post down and just have an extended  
parking lot. Come in handy for the Chil-E Fest.  
SUPERVISOR DUNNING: It may happen at some point. May -- may happen. I guess I  
would like to see us give this a try and see what happens. One last try. It doesn't hurt to give it  
one last try. We can use the equipment somewhere else at some other time.  
COUNCILWOMAN DI FLORIO: One more question. Did we have the park security  
presence in the past like we currently do now?  
COUNCILMAN SLATTERY: For the extended time? Yes. Basically it is the same time  
period. But this problem goes on -- security is there at night, and that isn't only their main focus.  
There are a lot of other parks. So the amount of time they can commit to it -- don't let me speak  
for the Supervisor, Mr. Lindsay, but I think, you know, without having somebody sit there and  
baby-sit, you know.  
No, you can't do it.  
RICHARD BRONGO: Oh, okay. (Laughter.)  
SUPERVISOR DUNNING: Jordon (Brown) just raised his hand and said he would.  
(Laughter.)  
JORDON BROWN: Everybody behaves when I'm out there. (Laughter.)

**RESOLUTION#366 RE: Replacement Basketball Hoops for Memorial Park**

**OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio**

**WHEREAS**, Michael Curley, Parks and Recreation Director has received four quotes for two  
Bison Ultimate Steel Basketball systems for Memorial Park from:

Pro Shot Basketball, Inc.	\$3398.00
BSN Sports	\$3422.00
Basketball Hoops Unlimited	\$3538.00
Stacy's Locker Room	\$3538.00

**BE IT RESOLVED** that the Town accept the lowest quote from Pro Shot Basketball, Inc.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: For the record, that isn't his last name. Forget it.  
COUNCILWOMAN SPERR: Sciremammano.  
SUPERVISOR DUNNING: I would not do this name justice and I really hate to offend  
this gentleman.

**RESOLUTION #367 RE: Professional Services Contract Agreement with Dr. Frank  
Sciremammano, Jr., PhD., P.E. for 1515 Scottsville Road**

**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski**

**WHEREAS**, the Town of Chili has received a special permit, site plan & subdivision application

from Metalico Rochester, Inc. For their site at 1515 Scottsville Road;

**BE IT RESOLVED**, that Supervisor Dunning is hereby authorized to enter into an agreement with Dr. Frank Sciremammano, Jr., PhD., P.E. for professional consulting services to support the Town in its review of the Metalico application at 1515 Scottsville Road. The Town of Chili is authorized to accept a check for \$3000 from Metalico Rochester, Inc. To establish an escrow account to use for services rendered by Dr. Sciremammano, Jr., PhD., P.E. Contract for this service is not to exceed \$3000.

UNANIMOUSLY APPROVED

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**RESOLUTION #368 RE: Modifications to Preliminary Budget**

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

**BE IT RESOLVED** that the following modifications be made to the 2010 Preliminary Budget:

1. SF-104-3410.4 (Chili Fire Department contract) be amended to \$1,083,240 from the 2010 Preliminary amount of \$1,167,350.

UNANIMOUSLY APPROVED

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

**COUNCILMAN SLATTERY:** Before you move on to the next one for the Town budget, I have a modification that I -- this is in regards to the library's budget. In regards to -- and I will pass out to the Town Board my motion.

This is in regards to the Library budget and instead of taking it out -- and affecting the tax rate, I have it coming out of two different accounts. Um, one of them -- I can read it. That it would come out of -- for Dianne (O'Meara), if she has her budget there, account number A1920 Municipal Association Dues, which is basically the training in New York City. Since I believe I'm the only one not going, and I believe it's \$1700 in there for each Town Board person.

**SUPERVISOR DUNNING:** I thought it was 15, but.

**COUNCILWOMAN SPERR:** 15.

**COUNCILMAN SLATTERY:** We can open it up. If I'm wrong, it would be a good time to correct me.

**COUNCILWOMAN SPERR:** It is 17.

**COUNCILMAN SLATTERY:** So the second budget item would come out of A9950 Capital Projects. That would be removing -- basically the one thing I was looking at, but it is for that whole budget would be the 33,000 from the U of R. Being an educational system, college, the money that they're giving us, I thought it would be great if we put it from one educational area into another learning area which is our Library, which a lot of people utilize, so that is -- and basically, that's -- I came up with the \$34,700 which would basically offset for the books, video and materials that they would have that they wouldn't be able to purchase, with a reduction in the budget in that area, and also cover the area that, um -- speaking with Mr. Baker, the Library Director, in regards to having employees that would -- that would not get paid for five holidays; whereas, the Town employees would be getting paid for 13 of them. So that would cover those -- they would not be getting paid for five holidays out of the 13 paid holidays that the Town Hall or the Town employees would be receiving coming out of that budget area. So that would cover that cost. So.

**SUPERVISOR DUNNING:** Mr. Stowe, um -- the \$33,000 that has been referenced I don't believe we can do that. We can't transfer that over to the Library, I don't believe. Am I correct in that? It's the incentive zoning money from the University of Rochester.

**RICHARD STOWE:** I don't want to say it can't go to the Library. It is -- that -- that money with the incentive zoning provisions that are in our code is not supposed to be used for general operating expenditures. Town, Library, wherever. It's -- it's for non-recurring capital type projects, not operating expenses. So the Library may be an issue, as well. But the nature of the expenditure is specifically --

**SUPERVISOR DUNNING:** If they were going to put in a new heating and cooling system, fine. But if we're buying recurring books or wages or other things in there --

**RICHARD STOWE:** The fact that the library's budget isn't really a budget that this Board reviews and -- reviews and approves, I think may create another issue as well with regard to that particular source. That's all. It's where the money is coming from, not -- I express no opinion on the desire. Just the source.

**COUNCILMAN SLATTERY:** Basically what we're doing is we're -- this Board is being looked at, criticized by some of the audience members regarding other departments' budgets that we have no control over; and whereas, the Library we don't have control over, but we are asking for a description of those budgets so we see where they are spending the money, so we have an understanding. So that's why, you know, I think it's important to understand what that money was told it is going to be used for. So I made a motion. Um, it's out there. If there isn't a

second --

COUNCILWOMAN IGNATOWSKI: Don't see how you can have a second if you have something in there that we can't do.

SUPERVISOR DUNNING: Do you want to offer an amendment to what you're --

COUNCILMAN SLATTERY: Yes. If somebody has --

SUPERVISOR DUNNING: Do you want to amend the resolution that you're trying to propose here?

COUNCILMAN SLATTERY: We can do that.

SUPERVISOR DUNNING: If you're looking at amending it, I don't see -- there is nothing here that is going into the Library's -- I don't see the introduction in the Library's --

COUNCILMAN SLATTERY: We haven't got to that point. That was going to be another resolution. Instead of having it all on one.

SUPERVISOR DUNNING: Okay.

COUNCILMAN SLATTERY: Okay. So we can't do that.

Here is -- I feel like Bob Barker, "Behind Door Number 2."

This is a second option to get people's -- this resolution is for Dianne (O'Meara), in case you keep playing at home, coming out of four different areas what I would propose taking the money from, and the first one would be the first -- the same one, A1920, the same \$1,700.

COUNCILWOMAN IGNATOWSKI: I don't have a problem with that since you're not planning on going.

COUNCILMAN SLATTERY: Since I'm not going.

And what I did, Supervisor, just for a little history, I went back and I did a lot of research, created a nice little spreadsheet with the 2010 budget, 2009 budget, 2009 year-to-date, where we are, and I'm looking at the abstracts, I went back on a number of abstracts utilizing the latest ones for a few months, and then the one that Dianne (O'Meara) gave us recently, and then the 2009, what I looked at was still left in the budget, and I utilized just the equipment and contractual in the budget. I did not use personnel at all.

I will say it again. I did not use the personnel category. I just used contractual and equipment. And I looked at the 2008 budget. 2008 actuals, which you would hope that that is all up to date, because that is long gone. And then I looked at the 2007 budget, 2007 actuals and what was left in their budgets from those lines.

So looking at these different ones, um, I can go back and tell you what those amounts are, but per the information that is sent to the Town Board, and I know there was a comment at one of our last meetings in regards to this sheet being a worksheet, well, I would say that is basically how we look at departments.

And, Supervisor, correct me if I am wrong, how the information you look at the departments when you give them money, you give them funding, you rely on that from what they're providing to you on how they will spend it. We are the same, where we have to rely on something, and they're presenting this to us, and I know I sent out an e-mail after our first workshop to the other departments we didn't meet with yet asking for that updated information, and I did not receive the updates, so I'm assuming that is accurate.

Especially for 2008, 2007, where some items they're saying that we gave them money in their budgets but nothing was ever spent. So I'm going to go by that figure.

So in looking at the second one, is 1620, buildings maintenance contractual, and if Mr. Stowe or Mrs. O'Meara, if there is something legally that I can't -- if we can't for some reason take the money from that that we haven't approved the budget yet -- I would be interested to hear that.

Then the third one would be for 1640, Central Garage Fleet Maintenance, and the third would be dog control. 1620, their 2009 budget is 327,000. So far to date they spent 213 from the latest abstract, that was given to us -- this one (indicating) and a combination of others.

So I was looking to take 20,000 from 1620, 11,000 from 1640 and then 2,000 from A3510. And that would come out to 347.

Dianne (O'Meara), is there anything that I should be aware of or comments that you have?

DIANNE O'MEARA: Um, I'm not comfortable with the 1640.

COUNCILMAN SLATTERY: Okay.

DIANNE O'MEARA: Um, there you're looking at the maintenance of your equipment, as well as fuel.

COUNCILMAN SLATTERY: Fuel I was looking at that, as well. And we'll go to that one, 1640.

1640. Under that one is the -- well, 1640, you had fuel on another one, which was for DA 31 -- or 5130, so you had fuel in multiple locations.

DIANNE O'MEARA: What happens is fuel is bought in bulk through the DA5130. Then as the different -- as the vehicles for the different departments are utilized, they are billed through the 1640 and reimburses the DA5130.

COUNCILMAN SLATTERY: Okay.

DIANNE O'MEARA: Now what you don't see here for 2009 yet is that we still have, um, four -- four months of fuel that has not been billed yet. Also, what is not included in here is that as you're getting -- we had -- we had a very good leaf season, so we're looking there, but typically we have, um, maintenance on equipment in the fall because of the leaf system -- the leaf pickup. Also, what you don't see here is that the, um, maintenance that would be on the equipment for snow.

COUNCILMAN SLATTERY: Okay.

DIANNE O'MEARA: So typically, um -- especially when you're looking at parks and highway equipment. So typically we can get through nine months of the year, you know, pretty well, but then you're looking at the last quarter of the year, and that is when it seems like the bulk of the maintenance items come in. So I'm not comfortable with 1640.

SUPERVISOR DUNNING: And if I may just for a minute, albeit minimum, I know we talked about the possibility this year we are maybe utilizing the dog control vehicle more than we used in 2008 or 2009. I know it is minimal, but certainly I think we need to at least consider that, too, in this because it probably wasn't driven as much as it may be if we move forward with the -- with the positions of -- or the combined position of Dog Control and Code Enforcement. Rather than buy a second vehicle, there was intent to use that same vehicle.

Again, small, I understand, but at least we --

COUNCILMAN SLATTERY: Oh, sure. Without a doubt.

And actually, I guess I would state that the budget for 2009, for that department, was 1475, and with the Supervisor's modification, it is now 1465. But this 2008 budget, it was 128. So we're basically going up \$18,000 in that budget. We're increasing it. 2008 was 128,000. 2007 was 122,000. In 2007, if all of the information is up to date, which I hope all our bills are paid, we have \$35,000 left on the table just in -- just in that area alone. And in 2008, we had just over \$11,000 left on the table. So that is why I was looking at taking a little money out of that area to go towards that.

SUPERVISOR DUNNING: The 2009's budget, please, Mr. Lindsay, correct me if I am wrong, my recollection on that is -- I'm sorry, the 2009 budget, we weren't sure where the fuel prices were going at that point in time. If you recall when we did the budget, I believe gas was up to around \$4 a gallon mark, so we did budget conservatively in that case thinking or assuming we would still see those kind of prices and we didn't. So money left on the table certainly as you referred to it as, would be because of that situation.

COUNCILMAN SLATTERY: That is why I would go back and look at where the gas prices were in 2008 and where we were budget wise. So the gas prices where they are now, when you compare them to, you know, back in 2008 and so forth and how high they were and so forth. That is why I felt comfortable with that figure. So looking at -- so looking at that information.

I'm throwing this out there. If the Town Board -- if anybody has any other thoughts.

SUPERVISOR DUNNING: Quite honestly, from my perspective, and I know you want to say something, too. Certainly I appreciate what you did here. It is good work. Um, however, I haven't had any significant time to really go over this and look at this. I'm just seeing this for the first time tonight. And I would really like -- if any of this is to be considered, I would certainly like to move -- I would like more time to do that. I don't want to do it in half an hour tonight. Or an hour. Or two hours tonight.

COUNCILWOMAN SPERR: When does our budget have to be voted on?

COUNCILMAN SLATTERY: Tonight.

SUPERVISOR DUNNING: Tonight.

COUNCILWOMAN SPERR: That is what I thought.

SUPERVISOR DUNNING: It has to be in by the 20th. It has to be approved by the 20th.

COUNCILWOMAN IGNATOWSKI: The dog control, if you take away the 2,000, that is where the census is. You're not planning on pursuing the census next year, the other half?

COUNCILMAN SLATTERY: We can pursue it. Looking at the dog census, on the money that they spent so far and looking in the past, um, for the dog control, it -- that is fine, Ginny (Ignatowski). If people don't want to do it, that's fine.

I have other areas, too. I have other options that I can hand out, as well. You know, or don't give them all that I'm proposing.

COUNCILWOMAN SPERR: I want to make sure I understand what you're proposing. I understand you're trying to find locations in the money to pull --

COUNCILMAN SLATTERY: Areas in the budget that have not been spent in the past.

COUNCILWOMAN SPERR: From the 2009 budget or proposed for 2010?

COUNCILMAN SLATTERY: No. We're talking about 2010's budgets, but I looked at 2009, 2008 and 2007.

COUNCILWOMAN SPERR: Okay. I'm with you there. And what the Library plans to do with this money was to give it -- to use it for salaries for employees to cover holidays they would not get, or you're in addition to that?

COUNCILMAN SLATTERY: As I mentioned, it is for material. The books, the video.

COUNCILWOMAN SPERR: The one area we have a problem.

COUNCILMAN SLATTERY: Yes. There was a cut in that. And then also because they would not get paid for five holidays our Town employees would be getting paid for. So they would be getting paid for those.

COUNCILWOMAN DI FLORIO: Can you break down the --

COUNCILWOMAN SPERR: Five holidays.

COUNCILWOMAN DI FLORIO: Can you break down the amounts of money that you're proposing to give back to them? Like how much for books and materials and --

SUPERVISOR DUNNING: Well, if I could just interrupt for a second. One of the things with the Library is that we really -- they -- as Mr. Stowe alluded to before, they do their own budget. They approve their own budget, where the monies go. The Town really doesn't say or can't say, if you will, that, "If we give you, you know, \$1,000, 20,000, 30,000, you must spend it on this."

Quite frankly, it is their budget to control and not ours to dictate.

COUNCILWOMAN DI FLORIO: We can't designate money specifically.

COUNCILMAN SLATTERY: No. But the Library Director told me that is where the money would go.

SUPERVISOR DUNNING: Sure. Mr. Baker. Jeff Baker, Director of the Library.

MR. BAKER: Thank you.

As Councilman Slattery was saying, the 2010 budget, um, in light of the monies that the Library would be receiving is that there would be a need for a reduction of materials by 20 percent, and so that would be the books, audio books and DVDs. That would be a total \$21,600. As far as what was talked about in terms of salaries, given the proposed tentative budget to make it all balance out, there would be a need for five-day work furlough and that would entail not -- not five holidays but four holidays being President's Day, Good Friday, Columbus Day, Veterans' Day and then one day during the year they would choose they would not get paid. So basically they would not be getting paid for five days of the year. And that amount is, within I would say, the 13,000 that was presented before.

COUNCILMAN SLATTERY: That came up with the -- the figure that I was shooting for, with all these different scenarios.

Anything else, Jeff (Baker)?

MR. BAKER: No.

COUNCILMAN SLATTERY: I know it is sort of different, but do we have any questions for Jeff (Baker)?

COUNCILWOMAN DI FLORIO: If we were to find a portion of this money, where would you put the money first?

MR. BAKER: I would say that in discussion with the Library Board President, um, if there was a portion of the money, most likely would go first towards not doing the work furlough. The Library is more than busy, and our goal is to have the Library open up as much as possible. So likely what would happen is that there would not be a day during the year that they would pick, so there would be an extra staffing for that. Most likely we would be open Columbus Day and Veterans' Day. We would be closed likely on President Days and Good Friday and give the staff the option to use vacation time for that. We would first go to that. And so that is that 13,000 area.

Anything in addition to it would be used to bring up the -- the materials cost to reach what we currently have.

COUNCILWOMAN DI FLORIO: So when -- because I guess I misunderstood. So you're not talking about having holidays that are paid holidays like Christmas or whatever. You're talking about actually having the Library be open those additional five days or four days?

MR. BAKER: What I would say is that in terms of paid holidays, I'm not talking about those four I spoke of. The Library has eight, okay? These would be additional holidays that the Town is closed, but the objective was -- is to have the Library open when people are available, and that tends to be those holidays that I mentioned.

COUNCILWOMAN DI FLORIO: Okay. So your goal in getting this money is to actually have more available hours open for the Library?

MR. BAKER: That is the goal, and also not to have it that the staff have a -- basically a forced work furlough.

COUNCILMAN SLATTERY: Also, you're required so many hours to be open by the State.

MR. BAKER: We are. But that is 55 hours per week, which is -- we reach that when we're closed Saturdays and Sundays during the summer, so that is not a factor.

COUNCILMAN SLATTERY: Could that be an issue?

MR. BAKER: That would not be an issue in this matter.

SUPERVISOR DUNNING: Could I ask, Councilman, you're introducing or would like to introduce this second one that you gave us today, correct? Or is there something else or a modification --

COUNCILMAN SLATTERY: I have other options if the Board is willing -- or would like to see them.

COUNCILWOMAN SPERR: Okay. I have a question. Is it possible that there are any expenses that the Library incurs this year where there is money left in the 2000 -- by "this year," I mean the 2009 budget that can be encumbered so some of that money can be utilized out of this year's current budget?

SUPERVISOR DUNNING: I can't answer -- I can't answer that.

COUNCILWOMAN SPERR: Because we're just seeing this for the first time tonight. Those are questions that I don't know we can have an answer for.

COUNCILMAN SLATTERY: That is why it takes a lot of time to get familiar with the Town budget and to do the research and the hours that I have spent on it going back and looking, and -- and it is very interesting just to see the -- the shifting in money, the transferring of money. I created a spreadsheet of all of the budget transfers and how the -- where different money has been moved from one area to the other. The Library is in a unique position where they don't have that flexibility to go to other areas and transfer money. So I just think it's -- it's a unique situation.

COUNCILWOMAN IGNATOWSKI: Is there an opportunity to -- since the Fire Department, we were able to reduce some of that. Would there be any of that money that is available, or is that something that affects the rate? I don't know.

SUPERVISOR DUNNING: I would be hesitant in doing that. The Fire Department, I give them a lot of credit, and I thank them very much for their efforts to try to save the Town the money that they did. I know they did a lot of work to make that happen, and I think it would be a disservice to them and to take that money that we're basically removing from their request and giving it somewhere else, which is, you know -- it would -- the intent was to save the Town money, not to shift money around.

COUNCILWOMAN SPERR: \$80,000. It was a huge effort on their part.

SUPERVISOR DUNNING: Again, it was a huge effort. I thank them for that effort. I applaud them for working with the Town in that capacity.

So to be quite honest, it is not something that I would like to see happen.

COUNCILWOMAN IGNATOWSKI: I know he is looking at different areas. I didn't know since we did that modification -- so that -- with that \$80,000, does that reduce our tax rate to --

SUPERVISOR DUNNING: It might not necessarily reduce the tax rate. It will reduce the overall tax --

COUNCILWOMAN IGNATOWSKI: Levy.

SUPERVISOR DUNNING: -- burden.

COUNCILMAN SLATTERY: That is what I was trying not to do. Dianne (O'Meara), I don't know -- is -- any comments or questions?

DIANNE O'MEARA: Regarding, um?

COUNCILMAN SLATTERY: I didn't know what you guys were discussing over there.

DIANNE O'MEARA: We were trying to look at some of the budget sheets to see if there was anything we could modify, but in all honesty, um, I -- I don't feel comfortable doing it here, as Supervisor said, in just a few minutes. I mean, we maybe could come up with 15,000, but I don't know about the whole 34. Right now. This minute.

COUNCILMAN SLATTERY: Okay.

DIANNE O'MEARA: As far as using -- utilizing the reduction from the Chili Fire Department, that's a special district.

COUNCILWOMAN IGNATOWSKI: Yes. I just realized my mistake.

DIANNE O'MEARA: Okay.

COUNCILWOMAN IGNATOWSKI: That's entirely different. I apologize.

COUNCILMAN SLATTERY: So I guess I would put this out there. I mean, it is something I was looking for. I know, Supervisor, you and I had a brief discussion regarding the Library and your concern, so I mean -- I know we're voting on it, on the budget tonight.

COUNCILWOMAN SPERR: That -- my problem is not with the premise of giving money to the Library. My problem is, with just receiving this tonight, and not having time to analyze it, and I'm certain that is where you're sitting and I don't feel comfortable making a hasty decision when we have spent a multitude of hours to get to this point.

COUNCILMAN SLATTERY: You must have. Maybe I erred on not getting it to you sooner, but I also heard from -- well, some people didn't want to give any more to the Library. So I was coming up with my own suggestions, my own thoughts -- my own research, quite frankly, to look at the amount of money that is -- 2008, 2007.

COUNCILWOMAN DI FLORIO: You have that in front of you, but we don't have that in front of us.

COUNCILMAN SLATTERY: Totally understand. And you probably wouldn't even have maybe the 2008/2007 budgets.

COUNCILWOMAN DI FLORIO: Correct.

COUNCILMAN SLATTERY: So there is a lot of time and effort that goes into this and to reviewing the budget.

COUNCILWOMAN DI FLORIO: My point is that you have had time to think about these numbers and look at the numbers.

COUNCILMAN SLATTERY: Without a doubt. I agree.

COUNCILWOMAN DI FLORIO: So it is hard to now jump in and make a decision on something of this magnitude in this short amount of time. I'm not saying that in -- we had all expressed concern about the Library budget. So it is not like you were hearing negative things -- at least when we discussed the Library budget, I know Ginny (Ignatowski) and I, Mary (Sperr) all expressed concern about the cuts in the Library budget. So it would have been nice if we would have been able to get together and talk about this.

COUNCILMAN SLATTERY: Also, at the same time to be fair, Tracy (DiFlorio), nobody has done anything about it. If we have concerns about it, I took the time and effort to do it, and if we have concerns about it, then I would hope that somebody would say, "Yeah, we do, maybe we can look at something."

COUNCILWOMAN DI FLORIO: I had asked about other options, as well, and they weren't feasible. So it is not like --

COUNCILMAN SLATTERY: Okay.

COUNCILWOMAN DI FLORIO: I asked David (Dunning).

SUPERVISOR DUNNING: You're right. I applaud the energy that went into it because I realize the energy, time and effort that went into doing that type of work and I don't want to take away from what you did because it does have value, but I also think, Councilman, you understand -- you understood my position. I have said it all along, as I did with Councilwoman DiFlorio. I stated my position on that. That is fine. Can it change based on some of the things you have there, it is quite possible. But again, I agree with Councilman Di Florio, since there is

not enough time here now to study this to the great detail you have put into it and understanding it, I think it would have value to all of us.

Ms. O'Meara, can you tell us, can we make budget modifications or transfers after say in that January or February time frame if we have had time to study this and wanted to, if the Board so desired to provide more funding for the Library, can that happen? I don't know if you can answer that either.

COUNCILMAN SLATTERY: Or December 31st.

SUPERVISOR DUNNING: Any time after the budget wouldn't really matter. Whether it is December 31st or January, or whatever. I don't know.

DIANNE O'MEARA: I think what would have to happen, and I would have to -- to speak with, um, Mr. Stowe, um, as long as -- I -- yes. You may do budget revisions after the budget is adopted as long as you don't affect the Town wide rate.

SUPERVISOR DUNNING: Which anything that Councilman Slattery has proposed here does not do that.

COUNCILMAN SLATTERY: Correct.

DIANE O'MEARA: And I think what would have to happen is that it may be something that is -- the dollar amounts are transferred to the Library fund as a gift from the Town.

COUNCILMAN SLATTERY: Because it is unique in the sense that it is not say as -- like highway dollars where we can transfer money from the General Fund to their account, because they're separate?

DIANNE O'MEARA: Right. The only reason why I say that is, is that many years ago, um, when the Library was in a situation, that's what I was told from the Comptroller's Office, that money given to the -- to the Library, um, after the budget has been adopted had to be treated as a gift.

SUPERVISOR DUNNING: Then I will ask Counsel if you have any great words of wisdom or insight into that.

RICHARD STOWE: I agree with Dianne (O'Meara)'s assessment of the budget revision options that we have, that this Board has; in fact, exercised historically from time to time.

Um, honestly, I don't remember the incident you spoke of with the Library and the Comptroller's Office and the characterization as a gift. Without the time to look at it, my -- my initial reaction would be because it is a set amount, because it is to another Board with some level of discretionary funding, that the number is the number, and the number that is in the budget from -- from the Town to the Library is the number, that number is not easily revised like our own budget within our General Fund or other funds is revised by you folks who are vested with the discretion to do so. So it is a separate entity issue that creates the rub. I don't know that it has not been done historically. I'm going to confess, I don't remember that. I would need more comfort before I nodded that was a possibility.

COUNCILWOMAN IGNATOWSKI: Certainly I don't mind some of what he has proposed, as far as for the Association of Towns. I --

COUNCILMAN SLATTERY: 1,700.

COUNCILWOMAN SPERR: It's 1500 on my sheet.

COUNCILMAN SLATTERY: 1700 in the budget.

COUNCILWOMAN IGNATOWSKI: Something divided by five.

COUNCILWOMAN SPERR: Got you. I didn't do that in my head.

COUNCILWOMAN IGNATOWSKI: I wouldn't advocate taking 2,000 out of the dog control because we are in a census and year-to-date won't reflect most of the work that has been done. I'm not comfortable with that.

COUNCILMAN SLATTERY: While we are with the dog control (inaudible) and the dog budget, we have spent out of the 3,500 that is for their budget, we have spent \$1110.

SUPERVISOR DUNNING: Have we paid -- Mr. Lindsay, have we paid everything we're paying to the person taking the census at this point?

DAVID LINDSAY: No, we have not.

SUPERVISOR DUNNING: So what do we owe at this point? How many months or time frame?

DAVID LINDSAY: We're paying per dog rate so I don't have that number.

SUPERVISOR DUNNING: So when he turns in his numbers, is that when you voucher for him --

DAVID LINDSAY: Yes.

SUPERVISOR DUNNING: -- or he gets paid?

DAVID LINDSAY: Yes.

COUNCILMAN SLATTERY: How much per dog?

DAVID LINDSAY: 1.25 or 1.50.

COUNCILMAN SLATTERY: How many?

DAVID LINDSAY: I don't have the number of dogs -- not the number of dogs that are licensed. But the number of dogs counted. I don't have that in front of me.

COUNCILMAN SLATTERY: Is that on the sheet, Mary (Sperr)?

DAVID LINDSAY: They put down the number of dogs.

SUPERVISOR DUNNING: They put down the streets and then they put down the amount of dogs licensed.

COUNCILWOMAN SPERR: 87 new licenses, but it doesn't say --

DAVID LINDSAY: I want to say I think, Mr. Slattery, it was roughly 2,900 dogs licensed in the Town the last time I checked.

COUNCILMAN SLATTERY: Is he doing half the Town? You're not sure if the -- if the section of Town he is in has the majority of the dogs or --

DAVID LINDSAY: I don't know.

COUNCILMAN SLATTERY: Right. Exactly. So it is hard to say dollar wise where we are. I'm just looking at it from the sense that right now, you know, there is -- as I mentioned, \$3,500 in the budget for contractual, and we have \$1,100 left. 2008 it was \$3,500. We spent \$2500 and -- or excuse me. Um, we spent \$996.

COUNCILWOMAN IGNATOWSKI: We did not do the census. The census has been in the budget. We never did it. Now we're doing it.

COUNCILMAN SLATTERY: Right. But I will say it again. 2008 budget was \$3,500. We spent \$996 out of 3,500. 2007, \$3,500 was the budget. We spent \$564. We're giving them \$3,500, but they're not spending over a thousand in the budget.

COUNCILWOMAN IGNATOWSKI: Because they weren't doing the \$2,000 census. So if we do the 2,000 plus the 900, you're close to the \$3,000.

COUNCILMAN SLATTERY: If we have done that.

COUNCILWOMAN IGNATOWSKI: You're close to that budgeted amount then.

COUNCILWOMAN DI FLORIO: If you add the \$2,000 it is going to cost for the census.

COUNCILMAN SLATTERY: I understand that, but are we sure that it is going to cost us \$2,000? No. But that --

COUNCILWOMAN SPERR: You're splitting hairs and it will not get you where you're going there.

COUNCILMAN SLATTERY: Be careful with the hair jokes, Mary (Sperr).

COUNCILWOMAN SPERR: You said it, not me.

COUNCILMAN SLATTERY: I guess my point is with -- with that department, we can transfer money into it; whereas, was mentioned with the Library, we can't transfer money into it. That is why I was looking at it from the sense, if we gave it to them, then we're all said and done. With the other departments we have that flexibility to move money into them as we have throughout the year, in previous years, a number of budget transfers. I know technically there was a motion put out there. We weren't supposed to have the discussion. We are. So -- so -- motion is there. I'm not sure how the Town Board feels.

SUPERVISOR DUNNING: I guess I will -- the motion is there. So I will go to the Town Board.

COUNCILWOMAN SPERR: Which motion?

SUPERVISOR DUNNING: The motion on the modification to the 2010 budget. It was the second one that had the four revisions, correct?

COUNCILMAN SLATTERY: Correct.

SUPERVISOR DUNNING: Is there a second on that motion?

COUNCILWOMAN DI FLORIO: As it is written?

COUNCILWOMAN IGNATOWSKI: I can't because I don't agree with everything that is in there.

SUPERVISOR DUNNING: Then at this point, I would say this dies for lack of a second.

COUNCILMAN SLATTERY: Or somebody could modify. Make a motion to modify.

SUPERVISOR DUNNING: If somebody wants to make a motion to modify, please do.

COUNCILWOMAN IGNATOWSKI: Well, I can. Certainly accept the -- the Number 1. The other 2 and 3 would require more thought.

COUNCILMAN SLATTERY: I just remember Little Jim making a motion up here about a modification, and there wasn't that much discussion. That was a joke, Tracy (DiFlorio). I'm sure you probably --

RICHARD STOWE: You had to be there. (Laughter.)

SUPERVISOR DUNNING: I don't think she was old enough to be here. (Laughter.)

COUNCILMAN SLATTERY: Now that really hurt.

RICHARD STOWE: Yes, I think she was. I have --

COUNCILWOMAN IGNATOWSKI: We're the same age.

SUPERVISOR DUNNING: Then it was a compliment.

So there's a motion to modify, to amend?

COUNCILWOMAN IGNATOWSKI: Well, I mean -- I don't know what \$1,700 -- that only gives you 1,700, and that is just a drop in the bucket for the 13,000 in salaries he is looking for.

COUNCILWOMAN DI FLORIO: The total is 13,000.

COUNCILWOMAN IGNATOWSKI: I mean, I would --

SUPERVISOR DUNNING: I'm not hearing a motion. So I'm -- the original motion was not seconded. Dies.

There is no amendment being offered? No motion for an amendment I'm hearing. So no second on the original motion. I would say that this dies.

COUNCILWOMAN IGNATOWSKI: I mean I would --

COUNCILMAN SLATTERY: Call the vote then, I guess, and move on.

COUNCILWOMAN IGNATOWSKI: Well, if it dies, there is no motion.

COUNCILMAN SLATTERY: No, then.

Amendment:

OFFERED BY: Councilman Slattery

SECONDED BY: (No second)

BE IT RESOLVED that the following modifications be made to the 2010 Preliminary Budget:

1. \$1,700.00 be removed from Account Number A1920 (Municipal Association Dues) and allocated to the Library.
2. \$20,000.00 be removed from Account Number 1620, (Buildings Maintenance Contractual) and allocated to the Library.
3. \$11,000.00 be removed from Account Number 1640 (Central Garage Fleet Maintenance)
4. \$2,000.00 be removed from Account Number A3510 (Dog Control) and allocated to the Library.

On the amendment: Motion dies for lack of a second.

The original resolution was moved and seconded.

COUNCILWOMAN IGNATOWSKI: I would love to be able to give more money. Everybody had to cut. Dave Lindsay cut from the highway. He gave up some equipment he was purchasing. It is difficult. I really wish they did not have to cut from the materials. I really wish there was some way either through attrition that they don't rehire for a while and gain some money perhaps that way. That is basically how businesses have been doing it.

COUNCILMAN SLATTERY: Technically not every department has cut, so.

COUNCILWOMAN DI FLORIO: I think she was speaking about business in general.

COUNCILMAN SLATTERY: She said -- this budget, that the departments have -- every department has cut. So, regarding that, but any ways, moving on.

Thank you, Ginny (Ignatowski), I appreciate it and I am sure the Library does, as well, the thought.

COUNCILWOMAN DI FLORIO: Can we investigate looking at --

SUPERVISOR DUNNING: We'll continue to investigate. I will --

COUNCILWOMAN DI FLORIO: If there is a possibility later on --

SUPERVISOR DUNNING: I guess I would appreciate having some additional conversation with Councilman Slattery on this to see when, if we can move forward. I don't want to necessarily dismiss it off as a non-possibility. I will say there is a possibility. I don't know. I can't answer anything more than that.

COUNCILWOMAN SPERR: So this meeting will be held.

SUPERVISOR DUNNING: No. This meeting will not be held. This -- the -- the issue will -- we will have further discussion on it, but at this point in time, there is no -- there is nothing there to support doing anything additional or making additional modifications to the budget as proposed, or as modified, however you want to look at it.

Any other questions or comments?

**RESOLUTION #369 RE: Adoption of the Annual Town Budget for 2010**

**OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio**

**WHEREAS**, this Board on November 4, 2009 commencing at 7:00 p.m., duly held a public hearing on the preliminary budget approved by this Board and filed with the Town Clerk for the fiscal year commencing January 1, 2010, including the assessment rolls for the lighting districts, drainage district, fire district, fire protection districts, ambulance districts, water districts, park district, sidewalk district, and sewer district for 2010, and having heard all persons desiring to be heard in the matter of the budget for this Town for such fiscal year having been fully discussed and considered, it is

**RESOLVED**, that said preliminary budget is approved and filed and as later amended as aforesaid, including the budgets for the lighting districts, drainage district, fire protection districts, ambulance districts, water districts, park district, sidewalk district, and sewer district for 2010, and that such annual budget is so adopted as detailed in the minutes of the proceedings of this Town Board; and

**BE IT FURTHER RESOLVED**, that the salaries of the elected officials included in the 2010 budget and as set forth in the published notice are adopted as published; and,

**BE IT FURTHER RESOLVED**, that the Town Clerk shall prepare and certify as provided by law, triplicate copies of the said annual budget hereby adopted and deliver one such copy to the Supervisor of the Town and two copies to the County of Monroe as required by law.

4 YES TO 1 NO (Councilman Slattery)

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**RESOLUTION #370 RE: Budget Transfer**

**OFFERED BY: Councilwoman DiFlorio    SECONDED BY: Councilwoman Ignatowski**

**BE IT RESOLVED** to transfer \$300.00 from Chili Fire Protection unappropriated surplus to SF-104-9025.8 (Chili Fire Protection-Employee Benefits).

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Supervisor, what is this for?

SUPERVISOR DUNNING: Transfer 20,000 from contingency to attorney to pay for some attorney fees.

Go ahead, Dianne (O'Meara)?

DIANNE O'MEARA: There were some appraisals that were included in here to settle some Article 78 cases, assessment cases. That helped to run it over. Plus we're still getting some of the -- as you said, like the Austin case, some of the other lawsuits that we were dealing with during the year, we were still getting a few more bills on that.

COUNCILMAN SLATTERY: Weren't we compensated for our legal fees for that?

SUPERVISOR DUNNING: No.

COUNCILMAN SLATTERY: I thought we -- I thought that was being looked at.

SUPERVISOR DUNNING: It was initially. It was that we were hoping to get reimbursed for our legal fees, but the attorneys working with the case basically said it would cost us more in legal fees to try to recover them than we would recover, so it wasn't worth the pursuit. And likely not to win, let's put it that way, is how we were advised.

COUNCILMAN SLATTERY: That is actually one area I looked at the budgeting on how that has increased quite a bit, that line. So that -- which is a concern.

SUPERVISOR DUNNING: Well, we had -- we -- obviously we had several cases we were defending. One of them was the Austin case. We had Article 78s and several -- the Article 7s from assessments. We had -- those are things that come to us, not things we have.

COUNCILMAN SLATTERY: Not just this year. It is the past couple of years.

SUPERVISOR DUNNING: Yes. Yes.

Which is one of the reasons the contingency account is important.

COUNCILMAN SLATTERY: Yes. Because we -- actually, the contingency account we -- we -- now that the budget is passed, raised from 72,000 to 95,8, so that is -- that is historically been that 72.

SUPERVISOR DUNNING: We have seen more and more assessment challenges than we have in previous years for obvious reasons, but we're seeing more and more of those.

RICHARD STOWE: Supervisor Dunning, if I may jump in on just one other difference that I have noticed, the -- in two or three of the Article 7 cases that we had recently, this Board has authorized by separate resolution the engagement of independent appraisers to give trial-ready appraisals that were substantially more expensive than the Board was used to seeing, and, um, I don't -- I don't think it is anything that is that -- that predictable. I'm -- I'm simply observing with the Board that that has not occurred as frequently as it has recently. And those sorts of expenditures are really to experts, not to attorneys, but are paid out of this account. So it looks like you're spending money on attorneys, when in reality, it is to the experts for trial-ready appraisals in connection with litigation that all gets paid out of the same account, and those have not been the same over the last ten years and have -- those expenditures have increased in the last couple of years, I think, unusually.

Dianne (O'Meara), is that a fair assessment?

DIANNE O'MEARA: Especially this year.

RICHARD STOWE: This year more so than any.

COUNCILMAN SLATTERY: Is this also for the Union negotiations, as well, for the attorneys?

DIANNE O'MEARA: Right.

COUNCILMAN SLATTERY: Which in --

RICHARD STOWE: The account, yes.

COUNCILMAN SLATTERY: That also has to deal with that, as well. So. Which I understand we have to do our due diligence and protect our taxpayers, so we have -- otherwise it could cost more. On another line.

SUPERVISOR DUNNING: Any other questions or comments?

**RESOLUTION #371      RE: Budget Transfer**

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

**BE IT RESOLVED** to transfer \$20,000 from A1990.4 (Contingency) to A1420.4 (Attorney-Contractual).

UNANIMOUSLY APPROVED

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**RESOLUTION #372**

**RE: December 2, 2009 Abstract**

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

**BE IT RESOLVED** to pay vouchers 5609-5785 totaling \$407,585.30 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$196,192.90
Highway Fund	\$177,465.33
Library Fund	\$ 33,495.61
Chili Fire Protection District	\$ 300.00
Consolidated Drainage	\$ 131.46
TOTAL	\$407,585.30

UNANIMOUSLY APPROVED

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This meeting of the Chili Town Board is recessed until Thursday, December 31, 2009 at 12:00 p.m. at the Chili Town Hall main meeting room.

The meeting was recessed at 8:27 p.m.