

CHILI TOWN BOARD
December 3, 2008

A meeting of the Chili Town Board was held on December 3, 2008 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 Ignatowski, Councilman Schulmerich, Councilman Slattery, Councilwoman Sperr and Supervisor David Dunning.

ALSO PRESENT: Richard Brongo, Town Clerk; Dawn Forte, Supervisor's Secretary; Sandra Hewlett, Stenographer; Chris Karelus, Building Department Manager; David Lindsay, Commissioner of Public Works/Highway Superintendent; Dianne O'Meara, Director of Finance; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor.

The invocation was given by Richard Brongo.

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

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Four speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:35 p.m.

PRESENTATIONS/ANNOUNCEMENTS:

SUPERVISOR DUNNING: This evening, I'm going to -- and I apologize for this not being on the agenda. It got in five minutes ago. We have a second presentation, which I will bring on first, if you don't mind.

1. Charles Havens, Library Board of Trustees.

MR. DeHAVEN: My name is Chuck Havens, as the Board knows, but the rest may not. I'm the Secretary for the Chili Public Library Board. We, as a Board, would like to just take an opportunity to spend a few minutes and review with the Board and the community the progress that the Library has made in the last year, so we can set a stage for what we're going to try to get done in the next year. I have a set of statistics that I have shared with the Town Board. It is also available on the Library website and also available at the Library Board desk if somebody is interested.

In the last year, we have seen the continued growth that we had always had in the last ten years. We got about 5 to 6 percent growth in use of the library in terms of people attendance as we measure by door count and also an increase in the circulation in about the same range, 5 to 6 percent. These are numbers that we consistently have year after year, and it exceeds the growth of the Town population and that reflects, we think, the value the Library brings to the community and the use that people find.

Parenthetically, I would like to add the last several months, not only in Chili, but across the country people are seeing much greater use of libraries and we're seeing that in our own numbers. The 5 to 6 percent number has been more like 10 to 12 percent for the last several months, and I think it reflects the hard times, people realizing they have a local resource they can use without a cost and people without jobs using resources provided by the Town through the library.

The -- there is also a table that shows the breakdown and one of the things that I really like to emphasize and this does reflect the opinion of the entire Board, we have been very fortunate to have Mr. Baker as our Director coming on Board a year and a half back. He has just done a fabulous job for us. He's done a better job of promoting the library to the community. He's done a better job of increasing the number of programs for both children and adults, and we're seeing the benefit of that in both the actual numbers of the programs and also the attendance of the people in the programs. Then last but not least, on the back of the hand-out for the Board is a list of the notable events that have taken place in 2008.

One of those I would really like to point to is the survey that we have conducted with the Town, and we have got those results also available on the Library's website, so the people can see. The number one issue for our Library continues to be the size of the collection. This isn't a surprise to any of us on the Board.

As a community, the Chili Public Library has the smallest per capita collection of any library of comparable size in the Monroe County library system. This is an issue that we would really like to continue to address on going forward.

It's particularly important to us in the children's section. We have no room left on shelves in the children section. Every book that we add, means we're taking some item off a shelf, and we've squeezed every inch of book space out of that room that we possibly can.

Again, we appreciate the support the Town has given us over the years. We have had a sustained growth in our budget over the years, and we appreciate that and we look forward to continuing that going forward.

If there is any questions, I would be happy to try to answer them.

COUNCILWOMAN IGNATOWSKI: For the Supervisor, during our budget workshop, I brought up the fact we had not done the space study for the library last year, and that money was going to be encumbered. Do we know where we are in the process of getting that study done for them?

SUPERVISOR DUNNING: Actually, we do. I met with Mr. Baker about two weeks ago. I said we would get together in early December. We actually did it in November. We got together and we discussed some of the options and some of the thought process behind what the Library was looking to do for their space study, master plan, trying to get a feel for what exactly it was supposed to be happening there.

We agreed at that time that there were two primary items on that list I believe were under \$1,000 for both of them to have done. It was somewhat of a space or a use study, more like -- more so would be -- is the Library utilizing the space to its best efficient levels. Could they do other things, rearrange things, move things, do things differently with the current structure that is over there without doing anything more, and I think there was two elements and I don't recall what the second element -- I can get back to you on that. I was going to bring this up under Matters of the Supervisor tonight.

COUNCILWOMAN IGNATOWSKI: I'm sorry.

SUPERVISOR DUNNING: This is a good time for it. That's okay. And I will forward off what those two elements are out there. Again, I believe they were under \$1,000 for those two. They looked very reasonable and something worth getting information for to find out where we are with that.

COUNCILWOMAN IGNATOWSKI: That is something I was advocating, is to try to take a look to better use the space that they have. And I'm glad to hear that is something moving forward.

COUNCILMAN SLATTERY: Actually, I got back from West Palm Beach. I was down there for Thanksgiving. In the West Palm Beach Post there was a story "Economy Projects Drain Libraries," and the circulation and attendance is up 30 percent in the past two years in some of the libraries in that area. But unfortunately, due to the budget and the cuts that are being made, they're closing a library that is down there. They're consolidating, moving certain libraries into bigger locations and reducing the number of libraries that they have open.

So understand, listen to the numbers that are coming in, how circulation is rising. This -- when we see this taking place, people losing their jobs and so forth, they're looking for the resources, the computers and so forth. So this was a very good article that I plan on passing along to the Director, as well.

SUPERVISOR DUNNING: Thank you.

MR. DeHAVEN: Thank you.

2. Chili Town Center Ad Hoc Committee.

PAUL SCHOTT: Thank you, Mr. Dunning. I appreciate that. I have some Power Point presentations here that I will pass out to you so you can follow along, if you don't mind.

As David (Dunning) mentioned, my name is Paul Schott. I'm the Chair of the Ad Hoc Committee for the Chili Center Development. And what I plan to do tonight is just take a couple of moments to update the Town Board on the updated progress that the Committee has made over the past several months and also outline the next steps and the timeline of the -- of the Committee's actions.

So the first thing is the -- for those of you who don't know, the Ad Hoc Committee has an objective of creating a vision and getting that vision from the residents' inputs for Chili Center Business District and the properties within that district, and so if you think of the property of the old Town Hall, the Town Court, in that area is the specific reference point that we're pointing towards, getting an understanding what the residents would like as far as future development of that property.

So to date, we have 12 members on the Committee. We started off with 18 when the Committee was formed back in the July time frame. Unfortunately, six of those members had conflicts with other commitments that came up due to job relocations, et cetera, et cetera, that caused them to withdraw and they gave us proper formal notification.

I would like to recognize a couple members of the team that are here today. Dorothy Borgus is our secretary. Doing a fantastic job. We also have Janet Herman and Joan Peck. Please identify yourselves. So we do have 12 very active Committee members -- and Barb (Denigris). I'm sorry. I didn't see you there.

So everybody on the team has been contributing significantly, and for that I'm very proud to represent the Committee.

In terms of the progress, as I mentioned, we started off with 18 members back on July 31st when we were called to order, if you will. Um, during that meeting we selected Committee positions, including the Chair asked for the Board's confirmation of those nominations, and also the Secretary. We had determined our meeting cadence, which we meet every two weeks, every Thursday and every other week. We identified the methods that we plan to employ to gain the residents' feedback in terms of what they would like to see.

Um, and to date we have developed a paper-based survey that we will also use as the basis for electronic survey that Chris Levey of the Town will post through the Town of Chili website. So not only is it a survey, but it's a preface that describes what the survey is all about, the intentions and the restrictions that we have set upon ourselves.

Um, we have identified methods to promote awareness and try and attract as much resident input as possible. I will cover those in a little bit more detail later and just overall in what seems like a short period of time, many -- many meetings, we have advanced the cause pretty aggressively.

So like I said, actual actions to date we have the Committee formed, we have the survey, the preface finalized, and we'll be looking forward to posting that on the web late in January, or excuse me, late in December, and then getting word out in the January time frame on the paper-based survey that residents will have access to.

So December 29th, we'll post the survey. We'll also have announcements in the Town newsletter in early January. We'll distribute the paper-based survey to area businesses so it is widely spread throughout the community. We'll have open forum meetings here, and at other locations that are conveniently located to the Town populous, and we're looking forward to roughly the end of February as to the end of the survey process, and then we'll get into the analysis stage and expect a report back to this organization in the May time frame. Okay?

One of the most important things is we want to gain as many residents' input as possible, so I call upon everybody here to get the word out to your friends, neighbors, as much as you possibly can, and so in terms of the paper-based survey, um, we'll be distributing that to the Town Hall and Senior Center, local businesses, assisted living facilities and also to homeowners' associations. So we feel that's the best way, most economical way to get the paper-based survey out.

We'll also have announcements in the Gates-Chili Post through an advertisement and also David Dunning's offer to leverage his Supervisor's column, as well.

Um, we'll have the Town newsletter posted with some information in January, and we plan to have press releases at least distributed to the Democrat & Chronicle, a blog and also to the Chili first.

Um, as far as open forum meetings, we're looking forward to meetings to occur in the mid to late January time frame, so we'll have alternating periods, different days of the weeks, different days of the month, so we can attempt to get as much residential input as possible. And then for the paper-based surveys, we're having multiple drop-off boxes to make it as convenient as possible to get those. And so that's the extent of my -- of my update, and I'm open to any questions that anybody may have.

COUNCILWOMAN IGNATOWSKI: Would there be merit in including the survey inside the actual newsletter that is going out in January, not just have a notification, but also the survey or how comprehensive?

PAUL SCHOTT: I think we planned on doing that. Excellent reminder.

COUNCILWOMAN IGNATOWSKI: Is there some sort of control measure to insure only one reply per resident is allowed because I can envision there will be all these multiple avenues of putting in a survey and could one resident end up flooding their opinion ten times.

PAUL SCHOTT: We thought about doing that. It's difficult in terms of -- first of all, we want to get as much residential input. One of the risks we have is balancing trying to gain as much input and making it not traceable, if you will, because we do ask for certain demographic information that people may not want to give us, so we're trading off those -- those puts and takes in terms of balancing so we're not asking for personal identification specifically, so that is a risk that we have.

SUPERVISOR DUNNING: I look around and I see the people, Committee members here all smiling when that question was asked because this was talked about in great detail trying to figure out how and no one could come up with a method to really assure there was no duplication. We can only hope that that doesn't happen. From the website standpoint we can control that, but the handed-in paper surveys we can't control.

COUNCILWOMAN IGNATOWSKI: Although, I suppose a person would have to have time to do the multiple surveys, and I suppose most people won't go through that effort.

COUNCILMAN SLATTERY: Paul (Bloser), actually I just want to say thank you to you and Committee members. I know you have spent a lot of time. Volunteer time, no compensation.

MS. DENIGRIS: Oh, there isn't?

COUNCILMAN SLATTERY: It's just that feel good, knowing you live in the community and you care about the community you live in and you're volunteering the time. So we appreciate that. I appreciate that. I know you have, you know, still some work to do here.

PAUL SCHOTT: Yes, we do.

COUNCILMAN SLATTERY: With yourself, knowing that you have lost some Committee members, um, the sense from the people on the -- on Committee, the existing members, do you feel that -- you know, you will see numbers drop at all? Do you feel comfortable with the number have you?

MR. SCHOTT: From existing Committee members, dropping additional?

COUNCILMAN SLATTERY: Yes.

MR. SCHOTT: I don't think so. The people that have been there have been consistently, so I don't anticipate that. Of course, we can't answer the unforeseen.

COUNCILMAN SLATTERY: I guess my concern was not being able to complete the task

at hand. It seems like with the number of people you have on the Committee.

PAUL SCHOTT: We should be okay. The nice thing, it is not one person that is carrying the load, that we have 12 active people, so we should be able to divvy up the work and get through it.

COUNCILMAN SLATTERY: Which is good. But thank you. I appreciate the job you're doing.

PAUL SCHOTT: Thank you. It has been -- I think everybody on the Committee feels the same way.

SUPERVISOR DUNNING: One of the things I'm particularly impressed was the way this Committee has worked very aggressively. Most committees meet once a month, once a quarter. This Committee said no, we're just going to put the metal to the pedal -- the pedal to the metal, whatever that is and go with it. And going every two weeks with this, and it has been a really aggressive schedule and the Committee worked very, very well together to get this done. It is two hours at a shot, so it is not like they're doing an hour meeting -- no pun intended.

COUNCILMAN SLATTERY: Paul (Schott).

PAUL SCHOTT: But it's been a good shot.

SUPERVISOR DUNNING: A really appreciate the efforts this Committee has put in and everyone has done on this.

PAUL SCHOTT: Also, too, I would like to recognize David (Dunning), as well. He has been very active and terrific support person as a liaison. So. Okay.

COUNCILMAN SLATTERY: Thank you.

COUNCILWOMAN SPERR: I just -- just one more positive comment for you, Paul (Schott).

PAUL SCHOTT: Oh, thanks.

COUNCILWOMAN SPERR: I'm very impressed with the aggressive schedule that you put in here because it takes a while to get this Committee formed and up and running. And so -- but to be able to come back to us with this information by May I think is fantastic.

PAUL SCHOTT: We're certainly hopeful with that.

COUNCILWOMAN SPERR: I think you will do it, too.

PAUL SCHOTT: It's a good team.

COUNCILWOMAN SPERR: Thanks.

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: I would like to respond. As I stated, we have not physically received a check in the amount of \$6 million for the highway facility. Based on my conversations with Susan John in the recent past probably six weeks or so now, she has reaffirmed that the money is there. I have talked with the Dormitory Authority who is administering this, just as early as last week. There has been no stop of this, the process of this. We're continuing with the process of obtaining this grant. At this point in time we have not specifically identified a place for the highway garage, where it is going to be located. We are simply in the process of working through all of the paperwork and the logistics of doing so. So there is -- so right now, we don't have the money. As a matter of fact, just this afternoon, I did send another letter to Susan John, knowing that budget cuts are on the Governor's first and foremost thoughts these days, and I'm asking her to just reassure us that we can proceed with confidence that this money is secure and that the Assembly is not looking at cutting or reducing or eliminating this money from the Town of Chili's already grant that we have been awarded.

So I will await response from her, but I am looking for some confirmation of that.

So I don't know if anybody else has a comment on public forum at all.

MS. BRIXNER: Thank you.

SUPERVISOR DUNNING: Under Matters of the Supervisor, I'm all set now. So I will move along to Matters of the Town Council.

MATTERS OF THE TOWN COUNCIL:

SUPERVISOR DUNNING: Anyone that has anything they would like to share at this time.

COUNCILMAN SLATTERY: One question I would have, is due to the number of the new Committee members we have and so forth, have they received picture Ids, Town Ids to identify themselves if they're going out to parcels to look at something, to identify themselves?

SUPERVISOR DUNNING: I believe the answer is probably no, but I -- but it is something we'll look into and verify.

COUNCILWOMAN SPERR: Periodically, we do have Chris Levey do that again when there is the need.

COUNCILWOMAN IGNATOWSKI: Supervisor, I notice on page two of the abstract there was a payment for a Wadsworth Sewer District. I'm wondering if we're proceeding forward with that and if that was because of expressed interest of residents on Wadsworth Road.

SUPERVISOR DUNNING: I believe we're looking at that. The attorney, that -- the money is being paid to the attorney for this, and we are, I believe -- the Town is at this point looking at the -- again, the logistics of this, but the cost would be trying to gather information so any of the payments to that is not necessarily proceeding with it, but just trying to understand all of the logistics that David (Lindsay) -- understanding what the cost to the residents would be,

understanding what our costs would be -- or what costs may be involved with some of this and some of the formalities around establishing it if this were to happen. We are looking at that.

DAVID LINDSAY: That's correct. We're looking if it is feasible, the cost effectiveness of it, the cost benefit and what the impact to the residents would be, as well.

COUNCILWOMAN IGNATOWSKI: So I asked, was this started because residents came forward then expressing an interest in this? Was there a petition?

DAVID LINDSAY: Yes. One of the residents on the street there, um, near the -- near the Park Place development came forward probably earlier this summer and took kind of an informal poll of his neighbors on the street, that kind of sparked the effort made by the Town to date.

COUNCILWOMAN IGNATOWSKI: Then I just have a question. I see we don't have the trophies. I take it, they're not in yet for the sports teams.

SUPERVISOR DUNNING: We had that it bit -- yes -- or no, they're not in, but we have had some challenges trying to get the teams together to come in. I hope that the -- that coaches and the schools would be a little -- want to come in, but their schedules are kind of hectic and having difficulty -- what was date we had looked at now?

DAWN FORTE: We're looking at the January -- the second meeting in January -- I believe it is January 21st.

SUPERVISOR DUNNING: I think it is the 21st of January. I think that is how we worked out the schedule. We're trying -- we're trying to get them.

COUNCILWOMAN SPERR: You have kids in multiple sports and that kind of -- it make it hard for them.

COUNCILWOMAN IGNATOWSKI: The only last thing I had, I just wanted to pass along a compliment, and I would like to do because I suppose most people don't hear it often enough. The Conservation Board, they really expressed an appreciation for the sensitivity that they received from Chris Karelus and the Building Department towards the Conservation issues. They said this is something they really haven't seen at this level over the years, so they really appreciate that, and apparently there was also a member that was out at a site and the individual you were meeting with was apparently quite contentious, and got a little nasty and they were very impressed with how he maintained his composure, so I just wanted to pass that along.

The 11/5/08 Town Board meeting minutes were approved as submitted.

REPORTS SUBMITTED:

Town Center Development Ad Hoc Minutes - 116/08

CORRESPONDENCE:

1. Mr. Brongo has received formal notification from Knuckles Knockout Grill located at 25 Old Scottsville- Chili Road, Rochester, NY 14624 of their application with the State Liquor Authority to consume Alcoholic Beverages in a designated (area patio, outside).

RESOLUTION #333 RE: APPROVING EXTENSION CHILI CONSOLIDATED DRAINAGE DISTRICT TO SERVE THE PROPERTY LOCATED AT 3210 CHILI AVENUE, ROCHESTER, NY 14624, TAX MAP NUMBER 146.09-2-6.1, IN THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

WHEREAS, a petition for the extension of the Chili Consolidated Drainage District to serve the property located at 3210 Chili Avenue, Rochester, NY 14624 tax map number 146.09-2-6.1, a territory located within the Town of Chili, Monroe County, New York, the said petition being dated September 18, 2008, was duly presented to the Town Board together with the necessary map and plan attached thereto; and

WHEREAS, an order was duly adopted by the Town Board on November 5, 2008 reciting the filing of said petition, the boundaries of the proposed district, the proposed services to be provided, the fact that no drainage improvements are proposed to be constructed therein by the Chili Consolidated Drainage District at this time, the estimated costs of the Chili Consolidated Drainage District, as extended, to the typical property, or if different, to the typical one or two family home, within the Chili Consolidated Drainage District, as extended, and specifying December 3, 2008 at 7:00 P.M. as the time and the Town Hall in the said Town of Chili as the place where the said Town Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such order was duly posted and published as required by law; and

WHEREAS, a hearing on the matter was duly held by the Board on the 3rd day of December, 2008, commencing at 7:00 P.M. at the Town Hall in the said Town and discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

WHEREAS, this Board has duly reviewed and considered the short Environmental Assessment Form submitted in this matter, as well as all other information obtained at the public hearing

referred to above; and the Board has duly considered the impacts which may reasonably expected to result from the proposed action by using the process and criteria set forth in Article 8 of the State Environmental Quality Review Act and applicable regulations thereunder ("SEQRA");

NOW, THEREFORE, upon the evidence obtained by the Town Board at said public hearing and upon all other information obtained and reviewed by the Board, it is

RESOLVED AND DETERMINED, that the proposed extension of the Chili Consolidated Drainage District is not likely to result in the creation of potentially significant adverse environmental impacts and therefore, this Town Board does hereby make a Determination of NonSignificance, or a "Negative Declaration" (as the same is defined for purposes of SEQRA); and be it further

RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by law, and it duly complies with the requirements of Section 191 of Town Law as to the sufficiency of signers and is otherwise sufficient; (b) all the property and property owners within the proposed district extension are benefited thereby; (c) all the property and property owners benefited are included within the limits of the of the proposed district extension; (d) it is in the public interest to extend the district only if the expenses of the district (except as otherwise provided herein) shall be assessed against the entire district, as extended; and (e) it is in the public interest to grant in whole the relief requested; and be it further,

RESOLVED AND DETERMINED, that the extension of the Chili Consolidated Drainage District as proposed in said petition be approved; that cost of the formation of the district extension shall be paid by the petitioners; and that such district shall be bounded and described as set forth in Schedule A, available in the Town Clerk's Office; and be it further,

RESOLVED AND DETERMINED, that all expenses of the Chili Consolidated Drainage District, including this extension and all other extensions heretofore and hereafter created, shall be a charge against the entire area of the district, as extended, except as otherwise provided above; and be it further

RESOLVED, that the Town Clerk of this Town shall within ten (10) days after the adoption of this resolution file certified copies thereof in duplicate in the office of the State Department of Audit and Control at Albany, New York; and be it further

RESOLVED, that the Town Clerk, within ten (10) days of the adoption of this resolution, shall cause to be published and posted, as required by law, a notice setting forth an abstract of this resolution, the date that it was adopted and a statement that it is subject to a permissive referendum.

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

UNANIMOUSLY APPROVED

RESOLUTION #334 RE: ORDER ESTABLISHING THE EXTENSION CHILI CONSOLIDATED DRAINAGE DISTRICT TO SERVE THE MAUREEN F. WARMERDAM PROPERTY TAX MAP NUMBER 146.07-1-69, LOCATED AT 3033 CHILI AVENUE, ROCHESTER, NY 14624 IN THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

WHEREAS, at a regular meeting of this Town Board held on October 1, 2008, Resolution # 289 was adopted approving an extension of the Chili Consolidated Drainage District to serve the Maureen F. Warmerdam property located at 3033 Chili Avenue, Rochester, NY 14624 tax map number 146.07-1-69; and

WHEREAS, the Town Board's determination that it is in the public interest to assess all expenses of the Chili Consolidated Drainage District, including this extension and all extensions heretofore or hereafter established, as a charge against the entire area of the district, as extended, was subject to a permissive referendum pursuant to Sec. 206a of the Town Law; and

WHEREAS, a notice of resolution subject to a permissive referendum containing an abstract of the Town Board's determination was published and posted as required by law; and

WHEREAS, no petition requesting a referendum has been filed;

NOW, THEREFORE, IT IS ORDERED, that the Chili Consolidated Drainage District is hereby extended, as of this date, to include an area wholly located within the Town of Chili, County of Monroe and State of New York, pursuant to the terms contained in the Town Board

the grant and they had to approve the park project plans, which was done in 2002 by the resolution that is mentioned in tonight's agenda. And then part of the requirements for this grant is that the project that is being applied for is one that is included in a Master Plan, Comprehensive Plan, some type of planning document or one that has been approved prior by the Town. This one has, but because it is past its five-year period, the State requires that that project is reaffirmed and once it is reaffirmed, it again becomes active, if you will, so we can use that as the project to apply for.

COUNCILMAN SLATTERY: A point I want to make, there was a plan before 2000. There was a plan before 1999 to work on that park.

MR. CURLEY: There may have been.

COUNCILMAN SLATTERY: Yes. Because I remember -- going back a few supervisors, they were working on it with a Town Board at that time. Because then it changed over the years. There has been a number of modifications, because the people that originally built there, were shown a certain plan with certain trails and fields and playground and so forth, and amenities at that park, and so they have been waiting and watching for that to take place to see what was originally proposed to where we are today. Because I have been watching that myself. Because hearing the concerns and wanting to make sure where we are.

One thing I want to go back to is there was a trail that was put in, but it was of wood chips and so forth.

MR. CURLEY: Correct.

COUNCILMAN SLATTERY: People that are familiar with that park, know that that land is low. When Black Creek floods, that area floods. It is flooded, you know, to the playground area and so forth. So do you feel that this could be a concern that you would have? You're putting asphalt in. Is that going to be raised? Is it going to be at existing grade? How do you see that being installed?

MR. CURLEY: That is actually a conversation I had with Dave Lindsay, and brought his expertise in on that, because that was a concern, the flooding. It was addressed at our Recreation meeting, the -- November 8th. We proposed this plan to the Rec Committee and also those in attendance. That was brought up by some residents concerned about the fact of having asphalt out and the flooding, so I brought Dave (Lindsay) into it. He didn't express a major concern, and I will defer to him in just a moment if he wants to add to it, but in regards to the wood chips, you're absolutely right. That was part of the problem, that they just cleared it and threw wood chips down there and didn't properly maintain it. So when the flooding came in the fall or the spring or whatever it was, it just washed the wood chips away.

What we would like to do is with the proper equipment, the brush hog is actually clear it and not necessarily put the wood chips down, just have a clear trail that people know where it is, rather than following a path of wood chips, if you will. So that will alleviate that concern out here. But in terms of the asphalt, again, had the conversation with Dave (Lindsay) and he didn't feel that there was a major concern, but I would like to obviously have Dave (Lindsay) --

COUNCILMAN SLATTERY: Actually, I would like to go back to what you said. When the water comes through, water has a lot of power, a lot of pressure. It can do a lot of things. You put wood chips down, they're going -- the water is going to move them. So I -- as far as saying it wasn't properly maintained, when you put wood chips down, the only thing to do so the water doesn't take them away is to go out there and pick them up. So I guess I would say what could have been done with those wood chips that were down when Black Creek rises?

MR. CURLEY: Not put them down in the first place.

COUNCILMAN SLATTERY: Right. Right.

SUPERVISOR DUNNING: I think rather than say it was poorly maintained, probably a better word is it may have been inadequately designed at the time to take -- to handle what needed to happen.

COUNCILMAN SLATTERY: Right.

SUPERVISOR DUNNING: You know when we look -- when I think one of the conversations or one of the things that we have talked about where -- doing this, especially the hard surface walkway, understanding it does flood in there, is I thought we had talked about doing something around --

MR. CURLEY: Stone dust.

SUPERVISOR DUNNING: -- stone dust, where it could be easier to maintain and easier to bring in or supplement back into it, if you lost some, rather than a hard concrete or blacktop surface that obviously -- well, David (Lindsay) will probably give us more of the technical aspects of putting asphalt, but the trail itself, does what it is going to do. It will get flooded and go away, but we're basically mowing grass. We're not putting anything down there.

COUNCILWOMAN SPERR: Can I ask a couple of questions? So is it our intent -- and I think this is great. It is our intent to keep the cost at a maximum of the allowable money we'll get from the grant, not to exceed the \$200,000. Do we plan to put any of the Town's --

MR. CURLEY: Yes. The \$200,000 is just the maximum of what the grant would be awarded. It is an 80/20 match, so we're responsible for roughly \$40,000. The project budget that Dave Lindsay and myself came up with is approximately \$243,000, which would be matched with the forced labor account, but then also we have some money left over from the interest from the previous reserve account for this project, which is intended. So we may have to draw on possibly the Parks and Rec Reserve Fund, but that is an issue so as we get closer to formulating what the budget really would be, determining where we need to get that extra money.

SUPERVISOR DUNNING: I would just like to reemphasize that 200,000 is the

maximum. If we actually receive the maximum, we would be responsible for \$40,000, if we got the maximum. So is going to be based on what we actually get. I just want to make sure that point is very clear.

COUNCILMAN SLATTERY: This could be done in stages, not all done at one time.

SUPERVISOR DUNNING: It does not, but if --

COUNCILMAN SLATTERY: I believe I'm looking at -- there is a couple of loops in there, going in some areas.

MR. CURLEY: Yes. There is a loop, I guess you could call it, connecting trails throughout the park.

SUPERVISOR DUNNING: It could be if we didn't have the money to do it completely the way we would like to do it. So finances willing, we can do whatever we can do. I think one of the most important elements is we would really like to get that trail itself open back up and usable. As a priority, that's part of it, and certainly getting access to it, um, some type of hard surface or something easier to get back to it. If we can't complete the loop, we can't complete it.

COUNCILMAN SLATTERY: Been going on what, 14 years so far?

SUPERVISOR DUNNING: Yeah.

COUNCILWOMAN SPERR: Just one more since I haven't researched this one. When do you anticipate an announced approval of the grants?

MR. CURLEY: If the past is any indication, they generally take about five months to award the -- with the Baker grant, for example, we applied, I think, it was July or August and we were notified in November. So it could be April, May.

This is a two-year federal grant that comes every two years and the nice thing about it, if we're awarded, they give it to us in two-year contracts. With the possibility of extension. But it's a lot more stringent than the previous Union Station grant which was extension after extension. They required that the project does get completed within five years. So we would have a five-year window if need be, but as the Supervisor mentioned, you know, if we have the funding, if we have the resources, you know, get it done as soon as possible.

COUNCILWOMAN SPERR: This is great. This is wonderful. We have committed for grants in the past and been very fortunate. Hopefully we'll be very fortunate again. Thank you for the efforts and David (Lindsay) and Mike (Curley), thank you.

RESOLUTION#335 RE: Union Station Park Trails Grant Application

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Slattery

WHEREAS, the Town of Chili approved an improvement project for Union Station Park per Resolution #256 at the July 12, 2000 Town Board Meeting;

BE IT RESOLVED, that the Town Board reaffirms the importance of this project and would like to restore the existing nature trail in Union Station Park that runs along Black Creek as well as add a new trail that would enhance accessibility to all areas of the park;

AND BE IT FURTHER RESOLVED, that David Dunning, as Supervisor of the Town of Chili, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the Recreational Trails Program in an amount not to exceed \$200,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Chili for the Union Station Park trails project and, if appropriate, a conservation easement to the deed of the assisted property.

UNANIMOUSLY APPROVED

**RESOLUTION #336 RE: Letter of Credit Release Park Place, Sections 7 & 8
Release No. 6 - FINAL**

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that per recommendation of the Town Engineer, \$38,393.42 be released from the Letter of Credit with Canandaigua National Bank (#1102617457) for Park Place Sections 7 & 8, leaving a balance of \$0.00; subject to engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #337 RE: Budget Transfer

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Schulmerich

BE IT RESOLVED to transfer \$1,500 from A1640.461 (Central Garage - DPW) to A1640.451 (Central Garage - Assessor) for vehicle repairs and fuel.

UNANIMOUSLY APPROVED

RESOLUTION #338 RE: SEQR Determination – Local Law of 2008 for the Adoption of the updated Code to the Town of Chili

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Sperr

WHEREAS, the Chili Town Board has received the proposed Local Law of 2008 for the adoption of the updated Code to the Town of Chili; and

WHEREAS, the Chili Town Board has declared itself lead agency under the provisions of the State Environmental Quality Review (SEQR) Act; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Chili, having reviewed the environmental record and having considered the comments at the public hearing hereby determines that the Local Law of 2008 for the adoption of the updated Code to the Town of Chili will have no significant environmental impact.

UNANIMOUSLY APPROVED

RESOLUTION #339 RE: Adoption of Local Law of 2008 for the Adoption of the updated Code to the Town of Chili

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Schulmerich

WHEREAS, a proposed Local Law of 2008 for the adoption of the updated Code to the Town of Chili was introduced to the Town Board of the Town of Chili on the 5th day of March 2008 and has been determined to be in order; and

WHEREAS, a Public Hearing was held by the Chili Town Board at the Town Hall in the Town of Chili, New York on the 19th day of November, 2008 at 7:00 p.m. to consider the proposed Local Law of 2008 for the adoption of the updated Code to the Town of Chili and all interested persons were given an opportunity to be heard with respect to the enactment of said local law.

NOW, THEREFORE, BE IT RESOLVED, that the Local Law of 2008 for the adoption of the updated Code of the Town of Chili is hereby enacted by the Town Board of the Town of Chili.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: On page three, the Buildings General Fund or replace five wall packs Union Station Park, a little more description.

SUPERVISOR DUNNING: Yes. I believe this was the vandalism.

DAVID LINDSAY: That's correct.

SUPERVISOR DUNNING: Union Station Park was vandalized. We did catch the vandals. The vandals got a little bit -- did -- they and their families paid restitution to the Town of Chili for the damages. We obviously paid for the work and got the work done and everything fixed and back up. The three families involved made restitution to the Town of Chili in the full amount of the damages as well as did little community service for the Town of Chili.

COUNCILMAN SLATTERY: Did they go before a Town judge?

SUPERVISOR DUNNING: They did not. With -- with the Sheriff's Department there was a police report filled out. We worked with the Sheriff's Department and determined that it was really in the best interest of everybody at this time not necessarily to go through the court system, that it would work better for all involved to go through getting restitution and issuing a punishment, if you will. And again, they did community service. I believe it was raking leaves over in the east campus.

COUNCILMAN SLATTERY: Maybe in the future if the Board can be made aware of this, so -- that something took place like this. There was a question. I didn't realize that that is what this is was for in regards to the vandalism.

SUPERVISOR DUNNING: I thought I had, but I may not have. Okay. May I not have.

COUNCILMAN SLATTERY: Okay. That is all I have.

COUNCILMAN SCHULMERICH: Question regarding page three, Item 6816 and 6817, shows a total payment anticipated for \$6,249.99, and resolution we'll be voting on, next Resolution 341 has a different dollar amount. Includes a payment for Item 6818 that is not shown on the abstract, so can I assume the difference between 6539.99 shown in the Resolution 341, and the 6,249.99 as shown in the abstract, that that difference is 6818?

DIANNE O'MEARA: Yes. There is another -- there is another voucher in here.

SUPERVISOR DUNNING: That 6818 appears on another page; is that correct? Should --
COUNCILMAN SCHULMERICH: Should be for \$280 is my guess.
COUNCILMAN SLATTERY: Yes. It was a subdivision.
DIANNE O'MEARA: In the drainage, on page 15.
SUPERVISOR DUNNING: 6818, second one down, for \$280, right here, page 15.
COUNCILMAN SCHULMERICH: Thank you.

RESOLUTION #340 RE: December 3, 2008 Abstract

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

BE IT RESOLVED to pay vouchers 6639-6815 totaling \$133,750.59 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$ 79,022.87
Highway Fund	\$ 20,919.23
H32 Union Station Park	\$ 16,700.00
H45 Baker Park Project	\$ 619.47
Consolidated Drainage	\$ 620.82
Special Light Districts	\$ 15,868.20
TOTAL	\$ 133,750.59

UNANIMOUSLY APPROVED

RESOLUTION #341 RE: December 3, 2008 Abstract

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Schulmerich

BE IT RESOLVED to pay vouchers 6816-6818 totaling \$6,529.99 to be paid from the General Fund as presented to the Town Board by Richard Brongo, Town Clerk.

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

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on December 3, 2008 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:19 p.m. to discuss extension of the Chili Consolidated Drainage District to serve the 3210 Chili Avenue, Rochester, New York 14624 tax map number 146.09-2-6.1, more particularly described in Schedule A (Property Description) on file in the Town Clerk's Office.

Attendance as previously noted in the 12/3/08 Chili Town Board meeting minutes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: Thank you, Supervisor.

Jerry Brixner, 14 Hartom Road. The area is obviously 3210 Chili Avenue. It is in this vicinity. Can you identify what piece of property that it may be?

SUPERVISOR DUNNING: I believe it is in the vicinity of the Chili/Paul plaza, more specifically, I believe this is the Chili Liquor Store.

MR. BRIXNER: Oh, Chili Liquor Store. Very good. They're expanding their parking facilities, aren't they?

SUPERVISOR DUNNING: I don't know the complete extent of what they're doing, but they are doing some work over there, yes.

MR. BRIXNER: Okay. Thank you very much. I appreciate the information.

The Public Hearing was closed at 7:20 p.m.

Supervisor Dunning made a motion to go in Executive Session to discuss a personnel matter, and Councilwoman Ignatowski seconded the motion. The Board voted unanimously in favor of the motion.

Supervisor Dunning stated the Board would conduct no business when it returned from Executive Session and that the meeting would be recessed until 12/31/08 at noon.

The Town Board went into Executive Session at 8:01 p.m.

The Town Board returned from Executive Session at 8:30 p.m.