

CHILI TOWN BOARD  
December 11, 2013

A meeting of the Chili Town Board was held on December 11, 2013 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:** Councilman Brown, Councilwoman DiFlorio; Councilman Slattery, Councilwoman Sperr and Supervisor David Dunning.

**ALSO PRESENT:** Dawn Forte, Supervisor's Secretary; Sandra Hewlett, Stenographer; Virginia Ignatowski, Town Clerk; Daniel Knapp, Director of Finance; Ken Kraus, Deputy Town Supervisor; David Lindsay, Commissioner of Public Works/Highway Superintendent and Building Department Representative; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor.

The invocation was given by Virginia Ignatowski.

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 speaker addressed the Town Board on various subjects: Dorothy Borgus. The Public Forum concluded at 7:03 p.m.

**SUPERVISOR DUNNING:** Answer to that, I believe he has been out since September. Yes, he is getting paid. That is required by law, and we are paying. We currently have the -- or will have a substitute in place until which time the Judge is able to come back.

**COUNCILWOMAN SPERR:** Or until his term is up.

**SUPERVISOR DUNNING:** Or until his term is um, whichever the case may be. But yes, he is getting paid.

**RICHARD STOWE:** Until the office is vacant.

**COUNCILWOMAN SPERR:** Thank you. Well said, Rich (Stowe).

**MATTERS OF THE SUPERVISOR:**

New Matters:

1. Adam Washbon awarded the GVRPS Young Professional of the year.

**SUPERVISOR DUNNING:** I would like to just acknowledge that Adam Washbon was awarded the GVRPS Young Professional of the Year Award. I think that is the third award that our Recreation folks have received. Very, very impressive. You can tell by the showing at a lot of our recreation events, that Adam (Washbon) and Ashley (Vent) and Tom (Venniro) and Michael (Curley) are just doing an amazing job with all of the programs over there, but I would like to congratulate Adam (Washbon) on this accomplishment. It is just another -- another great award for our Town and for Adam (Washbon).

**COUNCILWOMAN SPERR:** Just impresses me when we go to the tree lighting ceremony, they're saying "Hi" to all these kids by their first names. They get to know the kids and I think the families appreciate it.

**SUPERVISOR DUNNING:** The other thing, I know it's not on the agenda, but -- I'm gonna get in trouble for this, but I will take that risk. You know, from time to time, the boss isn't always the sharpest and brightest person in the room. And I realized today, um, when I noticed there were flowers and things coming to someone's desk today, there was some kind of a special occasion.

So I would like to publicly acknowledge and say one, I'm sorry, but happy birthday, Dawn (Forte). She has traditionally taken this week off and because we had a Town Board meeting this evening, I kind of told her she couldn't do that. But today is Dawn (Forte)'s birthday, and I didn't -- I was completely ignorant of it earlier today, so I -- I apologize, and happy birthday.

**DAWN FORTE:** Thank you.

Pending Matters:

1. Vacancy Drainage Committee, Ethics Committee, BAR (Temp Member) Committee, Traffic & Safety & Zoning Board.

**SUPERVISOR DUNNING:** Pending matters, we do have vacancy for Drainage Committee, Ethics Committee and our Board of Assessment Review for temporary member as well as Traffic & Safety and Zoning Board. So we have a full list.

**MATTERS OF THE TOWN COUNCIL:** Nothing to report.

The 11/13/2013 Town Board meeting minutes were approved.

**REPORTS SUBMITTED:**

Chili Parks & Recreation Minutes – 10/15/2013  
Dog Control Report – November 2013  
Drainage Committee Minutes – 11/5/2013  
Historic Preservation Board Minutes – 10/21/2013  
Library Board Minutes – 10/22/2013  
Monthly Financial Statement – October 2013  
Senior Center Report – November 2013  
Town Clerk Report – November 2013  
Traffic & Safety Minutes – 11/7/2013  
Zoning Board Minutes – 9/24/2013, 10/22/2013

**CORRESPONDENCE:**

1. Virginia Ignatowski, Town Clerk has received notification that Larry Mobilio, Highway Department is retiring effective 12/26/2013.
2. Virginia Ignatowski, Town Clerk has received notification that Vince Falco is resigning from the Drainage Committee effective 1/1/2014.
3. Virginia Ignatowski, Town Clerk has received notification that Melvin Olver is resigning as Town Justice effective 12/30/2013.
4. Virginia Ignatowski, Town Clerk has received notification that Dennis Gibbs, Highway Department is retiring effective 12/27/2013.

SUPERVISOR DUNNING: So we have a few changes. Yeah.

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**RESOLUTION #258 RE: Transfer to Insurance Reserve**

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

**WHEREAS**, the Insurance Reserve was established by December 31, 2003 Resolution # 407; and

**NOW, THEREFORE, BE IT RESOLVED**, to transfer any unexpended amount from A1910.4 (Unallocated Insurance) to the Insurance Reserve.

Councilman Brown - Aye  
Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #259 RE: Transfer to Workers' Compensation Reserve**

**OFFERED BY: Councilman Brown      SECONDED BY: Councilman Slattery**

**WHEREAS**, the Workers' Compensation Reserve was established by December 1, 2004 Resolution # 360; and

**NOW, THEREFORE, BE IT RESOLVED**, to transfer any unexpended amounts from the General and Highway Funds Workers' Compensation budget line (9040.8) to the Workers' Compensation Reserve.

Councilman Brown - Aye  
Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #260 RE: Use of the Senior Center Trust & Agency Account**

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

**WHEREAS**, the Senior Center Trust & Agency Account was established in the year 2000 to

hold proceeds from fundraising activities to benefit the Chili Senior Center; and

**WHEREAS**, Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, wish to use funds from said account to offset the cost of the "My Gal Patsy" tribute to Patsy Cline concert, to be held at the Chili Senior Center on Saturday, February 15, 2014; cost not to exceed \$1500.00.

Councilman Brown - Aye  
Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

**RESOLUTION #261 RE: Flexible Spending Account Plan Change**

**OFFERED BY: Councilman Brown      SECONDED BY: Councilwoman DiFlorio**

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

**WHEREAS**, the Federal Government has passed the Patient Protection and Affordable Care Act (PPACA) with new regulations which will require modifications to the Town's current plan; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the Supervisor to contract with EBS-RMSCO, Inc., our current Plan administrators, to update the Town's Plan to reflect the new regulations for costs not to exceed \$300.00.

Councilman Brown - Aye  
Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

**RESOLUTION #262 RE: SEQR STATUS FOR ADOPTION OF LOCAL LAW# \_\_\_\_\_ OF 2013 ENTITLED "Chapter 500 Zoning, Section 500-99, (A) Chili Town Code".**

**OFFERED BY: Councilman Slattery      SECONDED BY: Councilman Brown**

**WHEREAS**, that the Town Board classifies the adoption of proposed Local Law # \_\_\_\_\_ of 2013 to be an Type II action under the provisions of State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

Councilman Brown - Aye  
Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

**RESOLUTION #263 RE: ADOPTION OF LOCAL LAW# \_\_\_\_\_ OF 2013 ENTITLED "Chapter 500 Zoning, Section 500-99, (A) Chili Town Code".**

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

**WHEREAS**, a proposed Local Law # \_\_\_\_\_ of the year 2013 entitled "The Text Amendments to Chapter 500, of the Town of Chili Town Code relating to "Zoning, 500-99 Zoning Board of Appeals established; powers" was introduced to the Town Board of the Town of Chili on the 16th day of October, 2013; and

**WHEREAS**, at a meeting of the Chili Town Board held at the Town Hall in the Town of Chili, New York on the 13th day of November, 2013, a public hearing was held at 7:00 p.m. to consider adoption of the proposed Local Law # \_\_\_\_\_ of the year 2013 entitled "Chapter 500 Zoning, 500-99 Zoning Board of Appeals established powers"; and

**NOW, THEREFORE, BE IT RESOLVED**, that Local Law # \_\_\_\_\_ of 2013 is hereby

enacted by the Town Board of the Town of Chili.

Councilman Brown - Aye  
Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #264 RE: SEQR Parks and Recreation Master Plan Update**

**OFFERED BY: Councilman Brown SECONDED BY: Councilwoman DiFlorio**

**WHEREAS**, the Town of Chili Town Board (hereinafter referred to as Town Board) has reviewed the Part I of the Long Environmental Assessment Form, on the above referenced Project (hereinafter referred to as Action); and

**WHEREAS**, the Town Board determines that said Action is classified as an Type 1 Action under the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Town Board determines that said Action is also subject to review and approval by other involved agencies under the SEQR Regulations; and

**WHEREAS**, the Town Board determines that it is the most appropriate agency to insure the coordination of this Action and will provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby declare and reaffirm its' intent to be designated as the lead agency for the Action; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing within thirty (30) days.

Councilman Brown - Aye  
Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #265 RE: Town Justices Personnel Services**

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

**WHEREAS**, in accordance with the recommendation of the Office of Court Administration the Town of Chili is in need of authorization for a temporary Justice to provide coverage for the absence of Judge Patrick Pietropaoli; and

**NOW, THEREFORE, BE IT RESOLVED**, that Supervisor Dunning be authorized to sign an agreement approving the temporary assignment of judges from other town, village and Rochester City courts in the District to Chili, as needed with compensation to be paid to temporary justices at the rate of \$250.00 per court session; and \$250.00 per arraignment session presided on over any unscheduled court days, to be paid on submitted vouchers from Account # A1110.4 (Justices Contractual); and

**BE IT FURTHER RESOLVED**, that Honorable Judge John G. Pericak be assigned as temporary justice to the Town of Chili for a term beginning 1/1/2014 and expiring on March 31, 2014.

Councilman Brown - Aye  
Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #266**

**RE: In Memory of Kathleen Mitchell**

**OFFERED BY: Supervisor Dunning**

**SECONDED BY:**

**Councilman Brown  
Councilwoman DiFlorio  
Councilman Slattery  
Councilwoman Sperr**

**WHEREAS**, on November 22, 2013 Kathleen Mitchell passed away and we are deeply saddened by her loss; and

**WHEREAS**, Mrs. Mitchell served as an P/T Office Clerk for the Town Clerk's office from 9/16/1987 – 12/31/2005; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Chili hereby extends their deepest sympathy to the Mitchell family and also sets aside this special page of their minutes from this Town Board Meeting in her honor and takes a moment of silence in Mrs. Mitchell's memory. The Town Clerk is hereby directed to send a copy of this resolution to the family.

Councilman Brown - Aye  
Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #267 RE: Clifton Fire Department Addition to Active List**

**OFFERED BY: Councilman Slattery SECONDED BY: Councilman Brown**

**BE IT RESOLVED** that the following individual be added to the Clifton Fire Department active list effective December 2, 2013:

Aaron Phillips

Councilman Brown - Aye  
Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #268 RE: Chili Fire Department, Inc. Removal from Active List**

**OFFERED BY: Councilman Slattery SECONDED BY: Councilman Brown**

**BE IT RESOLVED** that the following individual be removed from the Chili Fire Department, Inc. Active list effective December 2, 2013:

Kyle Clever Mitchell Griffin

Councilman Brown - Aye  
Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #269 RE: Chili Fire Department, Inc. Active List**

**OFFERED BY: Councilman Slattery SECONDED BY: Councilman Brown**

**BE IT RESOLVED** that the following individuals be added to the Chili Fire Department, Inc. Active list effective December 2, 2013:

Andrew Jonas Christian D'Allaird

Councilman Brown - Aye  
Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #270 RE: Authorization to Sign Amendatory Community Development Block Grant (CDBG) Agreement**

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

**WHEREAS**, the Town was awarded CDBG Grant Funding for the construction of sidewalk along Chili Avenue; and

**WHEREAS**, the project is projected to be completed in the spring and summer of 2014 which is beyond the time limit of the original grant agreement; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the Town Supervisor to execute the amendatory CDBG agreement which extends the term of the agreement to November 30, 2014.

Councilman Brown - Aye  
Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #271 RE: Budget Transfers**

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

**BE IT RESOLVED** to transfer \$18,500 from A1990.4000 (Contingency) to A1420.4156 (Attorney-Counsel-Assessment Cases); and

**BE IT FURTHER RESOLVED**, to transfer \$125 from A1220.4049 (Supervisor-Miscellaneous) to A1220.1000 (Supervisor-Personnel Services); and

**BE IT FURTHER RESOLVED**, to transfer \$550 from A1310.4976 (Director of Finance-Conferences) to A1310.1000 (Director of Finance-Personnel Services); and

**BE IT FURTHER RESOLVED**, to transfer \$1,150 from A7620.4734 (Adult Recreation-Soccer) to A8989.4032 (Special Reserves-Town Newsletter); and

**BE IT FURTHER RESOLVED**, to transfer \$700 from A7550.4780 (Celebrations-Chil-E Fest) to A7310.1000 (Youth Programs-Personnel Services); and

**BE IT FURTHER RESOLVED**, to transfer \$1,600 from A7550.4780 (Celebrations-Chil-E Fest) to A7310.4752 (Youth Programs-Summer Field Trip); and

**BE IT FURTHER RESOLVED**, to transfer \$10,000 from A7550.4780 (Celebrations-Chil-E Fest) to A7310.4798 (Youth Programs-Recreation Programming); and

**BE IT FURTHER RESOLVED**, to transfer \$600 from A1460.2000 (Records Management-Equipment) to A1460.4201 (Records Management-Projects); and

**BE IT FURTHER RESOLVED**, to transfer \$5,400 from A1460.4 (Records Management-Training) to A1460.4 (Records Management-Projects); and

**BE IT FURTHER RESOLVED**, to transfer \$4,000 from A3510.1000 (Dog Control-Personnel Services) to A3510.4686 (Dog Control-Animal Care); and

**BE IT FURTHER RESOLVED**, to transfer \$200 from A5010.4022 (Sup. Of Hwy.- Road Management Software) to A5010.1000 (Supt. Of Highways-Personnel); and

**BE IT FURTHER RESOLVED**, to transfer \$10,000 from A8160.1000 (Refuse and Garbage-Personnel Services) to A1640.4062 (Central Garage Vehicles-Refuse and Garbage); and

**BE IT FURTHER RESOLVED**, to transfer \$4,000 from A7110.1000 (Parks-Personnel Services) to A1640.4055 (Central Garage Vehicles-Parks and Recreation).

Councilman Brown - Aye  
Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: Thank you, Ginny (Ignatowski), for bringing this to our attention.

**RESOLUTION #272 RE: Adoption of Peddler, Vendor, or Solicitor Application.**

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

**WHEREAS**, §369 of the Town of Chili Code requires any person desiring to procure a Solicitor license furnish the appropriate application fee and file a written application upon a form furnished by the Town Clerk; and

**WHEREAS**, the code also states that when an application for a license is for a solicitor who demands, accepts or receives payment or deposit of money in advance of final delivery it shall also be accompanied by a cash deposit or surety company bond or other bond secured by sufficient collateral in such amount as is determined by resolution of the Town Board;

**NOW, THEREFORE, BE IT RESOLVED**, that the proposed amended application form be adopted; and

**BE IT FURTHER RESOLVED**, that the cash deposit or bond amount be established at \$5,000 to be effective 1/1/2014.

Councilman Brown - Aye

Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

**RESOLUTION #273 RE: November 20, 2013 Abstract**

**OFFERED BY: Councilman Brown      SECONDED BY: Councilwoman DiFlorio**

**WHEREAS**, January 2, 2013 Resolution #1 authorized vouchers to be paid November 20, 2013 by all Council signing a waiver form; and

**WHEREAS**, Council did authorize by a majority vote vouchers 10620, 11835, 11915, 11921, 11943-11959, 11962-11969, 11971, 11974-12023, 12026-12032, 12034-12064, 12066-12070 totaling \$174,276.77 to be paid from the Distribution Account as presented by Virginia Ignatowski, Town Clerk; and

**NOW, THEREFORE, BE IT RESOLVED**, to note for the record vouchers 10620, 11835, 11915, 11921, 11943-11959, 11962-11969, 11971, 11974-12023, 12026-12032, 12034-12064, 12066-12070 were paid from the following funds:

General Fund	\$ 133,868.45
Highway Fund	\$ 32,881.67
H48 200 Beaver Road Project	\$ 5,501.00
Consolidated Drainage	\$ 1,679.25
Private Purpose Trust	\$ 346.40
Total for Abstract	\$ 174,276.77

Councilman Brown - Aye  
Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

**RESOLUTION #274 RE: December 4, 2013 Abstract**

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

**WHEREAS**, January 2, 2013 Resolution #1 authorized vouchers to be paid December 4, 2013 by all Council signing a waiver form; and

**WHEREAS**, Council did authorize by a majority vote vouchers 11221, 11384, 11961, 12024-12025, 12088-12095, 12100, 12103-12106, 12125-12133, 12135-12144, 12146-12150, 12157-12168, 12175-12181, 12183, 12186-12198, 12200-12248 totaling \$854,180.45 to be paid from the Distribution Account as presented by Virginia Ignatowski, Town Clerk; and

**NOW, THEREFORE, BE IT RESOLVED**, to note for the record vouchers 11221, 11384, 11961, 12024-12025, 12088-12095, 12100, 12103-12106, 12125-12133, 12135-12144, 12146-12150, 12157-12168, 12175-12181, 12183, 12186-12198, 12200-12248 were paid from the following funds:

General Fund	\$ 415,420.43
Insurance Reserve	\$ 680.00
Highway Fund	\$ 316,198.28
Library Fund	\$ 106,676.00
H48 200 Beaver Road Project	\$ 1,620.23
H56 Annual Assessment Project	\$ 250.00
Consolidated Drainage	\$ 964.00
Fire Districts	\$ 150.00
Lighting Districts	\$ 12,221.51
Total for Abstract	\$ 854,180.45

Councilman Brown - Aye  
Councilwoman DiFlorio - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye



SUPERVISOR DUNNING: As tradition, what we normally do, this meeting will be recessed until the December 30th, at noon, and as you know, we will then conclude this meeting.

The next regular meeting of the Chili Town Board will be recessed until on Monday December 30, 2013 at 12:00 p.m. in the Chili Town Hall main meeting room.