

CHILI TOWN BOARD  
February 2, 2011

A meeting of the Chili Town Board was held on February 2, 2011 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor David Dunning.

**PRESENT:** Councilwoman DiFlorio; Councilwoman Ignatowski, Councilman Slattery, Councilwoman Sperr and Supervisor David Dunning.

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

The invocation was given by Richard Brongo.

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

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: Steve Ginovsky, Dorothy Borgus and Charles Retting. The Public Forum concluded at 7:15 p.m.

**MATTERS OF THE SUPERVISOR:**

**SUPERVISOR DUNNING:** I would like to address some of the comments made to Mr. Ginovsky. I understand the situation, and I would actually probably -- this is a rarity. I will defer over to our insurance counselor, Eric Vail, to -- if you could, just comment on the process of something of an accident. If one of our vehicles is involved in an accident with someone else, I mean, what is the process that the -- that the person should take or the -- the other person, not necessarily the Town, but what would -- Mr. Ginovsky should have done in this particular case that would have helped the situation?

**ERIC VAIL:** From my understanding -- I had a conversation with Mr. Austin. He said -- at the time, I didn't know it was Mr. Ginovsky. He said a Town resident had been involved in an incident with the Town vehicle, described something apparently had come off one of the vehicles, so Mr. Ginovsky did do what he should have done, contacted the Town Highway Department. Mr. Austin (phonetic) contacted me for advice what to do. We spent several minutes on the phone talking about it, what happened, what -- what the precedent would be and what past history has been in a situation like that.

At that point, I e-mailed him a copy of what I could get my hands on, a copy of a letter of a similar circumstance from a prior insurance company describing that under the New York State Traffic & Safety Law, that there is a condition in there protecting municipal vehicles while acting in the duty of, in this case, plowing roads.

At that point, I also told Mr. Austin if the resident wanted to pursue it beyond that point, I would be more than happy to discuss it with the resident, again, not knowing it was Mr. Ginovsky at the time, and we would discuss the options.

Basically unless the vehicle is operating in a reckless nature, the Town is immune to things of that nature. That's -- that's -- whether it is fair or not, in an opinion, hard to say, but that is, I guess, the cold hard facts.

**SUPERVISOR DUNNING:** In fairness, he could submit this to his insurance company who would then come to our insurance company most likely and process the claim at that point.

**ERIC VAIL:** That is a potential possibility. If his insurance company pays the claim, which it will, and as he mentioned if he has glass coverage, there is usually no cost to the policyholder, Mr. Ginovsky, in this case. If they feel there is grounds of negligence on the part of the Town, they could go through subrogation and attempt to collect back from the Town, and the two insurance companies would discuss it and come to some agreement, whether it is payment rendered or denial of the claim based on whatever the facts are, the rules and regulations that do apply.

**SUPERVISOR DUNNING:** Thank you.

I would like to move on next to -- there was some questions about the -- about the computer equipment. I -- I don't know how old each individual piece is at this point. The Town does have a plan, an equipment replacement plan -- similar -- I won't go there. We have a computer replacement plan that does describe when -- how and when we should be rotating, especially computer equipment out. There -- and I'm going to go -- because I know there were two questions on --

**COUNCIL WOMAN DI FLORIO:** Can I interject? I spoke to Chris (Levey) earlier today.

I had the same question. He didn't give me each specific one, but he said some of the equipment was as old as six years old. He has been pushing it out and holding on as long as he dare does.

SUPERVISOR DUNNING: Well, I -- I -- I can. I just wanted to -- before I lost some of this. But -- yes. Actually, the rest --

MR. RETTIG: Do we know the when?

SUPERVISOR DUNNING: Water District?

Oh, that is right. For point of clarification, Dorothy (Borgus), you did want to know what the -- how many houses were affected for the Water District. I believe it is 42. Am I -- it's about 42 homes.

COUNCILWOMAN IGNATOWSKI: I don't have it in front of me.

SUPERVISOR DUNNING: I don't either, but it's approximately -- approximately 42 homes -- or properties, I should say, is probably the better way to say it.

RICHARD STOWE: Parcels.

SUPERVISOR DUNNING: Parcels, properties, tax map numbers.

COUNCILWOMAN IGNATOWSKI: One of them is actually a golf course and not a home.

#### **MATTERS OF THE TOWN COUNCIL:**

1. Vacancies on Board of Assessment Review, Drainage Committee, Chili Parks & Recreation Committee.

COUNCILWOMAN SPERR: Thank you very much. Just a couple comments.

Historic Preservation Board is working on a collection of -- for the barns in Chili. They have been doing some research and are at the point now where letters have been sent to many barn owners in Town. They're trying to collect data, stories, photos, and any information that is interesting that they feel that the Town residents would be -- want to read about in a book that they have been putting together.

So I just want to make sure I help them get their message out. If you know any stories, interesting stories behind any of the barns in Town, things -- where they used to stand, they're no longer there. That is going to also be included in the book. There are some photos. There is a -- photos of the barns around Town, in Union Street, back in the '70s. The Bill Cross barns. That will be available.

I just wanted to let everybody know they're proceeding forward on that, and if the residents at home happen to be watching and if you didn't receive a letter, we just got some information to share, please reach out to Bonnie Moore, the Historian, anybody on the Historic Preservation Board or myself. We'll be happy to take that information. Thanks.

COUNCILWOMAN IGNATOWSKI: The Conservation Board is closing in on completion of the Open Space Index. They hope to have that ready for our March meeting.

SUPERVISOR DUNNING: Great. Excellent. That would be nice to see. There has been a lot of hard work in that, especially Pat Tindale has done -- along with all her other things she is doing with the Town right now. She has done a lot of work with that.

COUNCILWOMAN IGNATOWSKI: Pat (Tindale) and Bill Steimer of the two -- are the key people on the Conservation Board that really put forth a ton of effort on that.

SUPERVISOR DUNNING: And they work very hard on our Comprehensive Plan also. Good.

COUNCILMAN SLATTERY: The Comprehensive Plan, any word on when we're going to complete that? I know it is way over the timeline of where we should be.

SUPERVISOR DUNNING: We have, um -- the -- the Comprehensive Plan Committee is currently working with the draft right now. I believe we're -- they are having another meeting at the end of this month; is that correct, Dorothy (Borgus), on the 28th?

DOROTHY BORGUS: Yes.

COUNCILWOMAN IGNATOWSKI: Yes. I'm sorry. Now that you said that, yes, that was actually in conflict with the Conservation Board meeting, because they also had that scheduled on the 28th, so they will be moving their meeting. As of Monday, they didn't have an exact date yet.

COUNCILMAN SLATTERY: Who is moving?

SUPERVISOR DUNNING: Hang on. We did talk about that, Jordon (Brown). Where did we end up with that because we weren't going to move the Conservation Board?

JORDON BROWN: I don't know. I mean, the meeting was scheduled for the 28th, and Pat (Tindale) said something about -- what is that?

COUNCILMAN SLATTERY: Your microphone.

SUPERVISOR DUNNING: Pull your mike down. Sorry.

JORDON BROWN: That's the -- that is what it is scheduled for right now. If there is a problem or a conflict, I could work with Dawn (Forte) to take a look at it.

COUNCILWOMAN IGNATOWSKI: They were just talking about moving -- moving the Conservation Board meeting.

RICHARD BRONGO: I think they moved Conservation into 202.

COUNCILMAN SLATTERY: It's being looked at.

SUPERVISOR DUNNING: We'll resolve that. We'll resolve that.

COUNCILWOMAN IGNATOWSKI: So you're aware of the fact it will be moved. You have two people on both of those Boards.

SUPERVISOR DUNNING: They can't be in two places at the same time.

JORDON BROWN: They said they would be at the Comprehensive Plan Committee meeting.

SUPERVISOR DUNNING: Okay. We'll -- we'll resolve that in the coming -- next couple or few days. No. Thank you. Because I for -- I thought we moved that date from the 28th to another date.

COUNCILMAN SLATTERY: Anyway, in regards to closure --

SUPERVISOR DUNNING: It is closure. It is moving along. The draft is out there. There are some details of the draft that the Committee is working very hard to get wrapped up and move it along. They have put an awful lot of time in this, and you know, I share their sentiment with -- it is more important right now to get it right and make sure it is what they want than to furious along at this point. I know it doesn't seem hurried, but it -- but they have a -- they still have a little bit of work to do.

COUNCILMAN SLATTERY: I'm just glad Dorothy (Borgus) is on the Committee, otherwise she would be standing up there saying, "When is it going to be completed?"

SUPERVISOR DUNNING: I think Dorothy (Borgus) understands completely what is happening and what has gone into it. I think she has a full appreciation for all of that.

The 1/5/11 Town Board meeting minutes were approved as submitted.

**REPORTS SUBMITTED:**

Town Clerk Report – December 2010  
Historic Preservation Board Minutes – 11/8/2011  
Zoning Board Minutes – 12/21/2010

**CORRESPONDENCE:**

1. Mr. Brongo has received notification that Sean Kingsbury, Drainage Committee has resigned effective 1/16/2011.
2. Mr. Brongo has received notification that Victoria Campoli, Court has resigned effective February 14, 2011.
3. Mr. Brongo has received formal notification for a Liquor License with the State Liquor Authority for the property located at 760 Chili Scottsville Road, Scottsville NY 14546 (Chili Sports Entertainment LLC, The Club House at Chili Country Club).
4. Mr. Brongo has received formal notification for a Liquor License with the State Liquor Authority for the property located at 760 Chili Scottsville Road, Scottsville NY 14546 (Chili Sports Entertainment LLC, The Club House at Chili Country Club) for Golf Cart Beer.
5. Letter requesting the rezoning of 3610 Union Street.

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**RESOLUTION #116 RE: SEQR STATUS FOR ADOPTION OF LOCAL LAW# \_\_\_\_\_  
OF 2011 ENTITLED "Chapter 465 Vehicles & Traffic"**

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

**BE IT RESOLVED** that the Town Board classifies the adoption of proposed Local Law # \_\_\_\_\_ Of 2011 to be a Type II Action under Section 617.5 of the SEQR regulations; and

**BE IT FURTHER RESOLVED**, that a Type II classification concludes the Town Board's obligations under SEQR.

UNANIMOUSLY APPROVED

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

SUPERVISOR DUNNING: Do I want to ask your question before I address --

COUNCILMAN SLATTERY: No. That is what I was going to make sure we --

SUPERVISOR DUNNING: I understand. The -- the exact timing of when this -- I guess I would ask Mr. Stowe. This still has to be submitted to the State. When it specifically gets into the code book or online, um, I don't know that exact information of when that will happen.

RICHARD STOWE: May I?

SUPERVISOR DUNNING: Go ahead.

RICHARD STOWE: It does not take effect until it is filed with the Secretary of State. Okay? Technically, it's enacted once it's filed. When it can be publicized on the Town website, tickets printed and enforcement occurs, are all secondary to when it takes effect. So it's going to be effective when the Secretary of State receives the filing notice.

Typically our Town Clerk gets confirmation from the Secretary of State, and that's the day that it is effective.

Reality is, it probably won't be enforceable that day because we're not going to be ready to do that, but sometime thereafter. Like with everything else, it will get on the website and there will be tickets printed and they will get them to the police officers and do what we need to do.

COUNCILWOMAN IGNATOWSKI: Do you know what the average time is it takes to get something back from the Secretary of State?

RICHARD STOWE: Couple of weeks, Dick (Brongo)?

RICHARD BRONGO: Formal letter, couple of weeks, but usually I send it registered mail and I get the card back, so I know it has been received, and that is usually received within a couple of days after, you know -- after I have mailed it out.

RICHARD STOWE: Right.

RICHARD BRONGO: I don't know exactly when we can formally say it has been received, if it is my receipt or if it is the actual formal letter that comes back that --

RICHARD STOWE: Your receipt.

RICHARD BRONGO: My receipt.

COUNCILWOMAN IGNATOWSKI: Less than a month?

RICHARD BRONGO: Oh, probably -- within a week.

RICHARD STOWE: It's a very short period of time for file and effectiveness. The rest is up to us.

COUNCILWOMAN SPERR: I would assume that our forms for tickets have already been worked on?

RICHARD STOWE: Negative.

COUNCILWOMAN SPERR: We can't create the forms or work on drafts until?

RICHARD STOWE: We don't know what the fine structure is until you pass a resolution.

COUNCILWOMAN SPERR: That's right. Okay.

**RESOLUTION #117 RE: ADOPTION OF LOCAL LAW# \_\_\_\_\_ OF 2011 ENTITLED "Chapter 465 Vehicles & Traffic"**

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

**WHEREAS**, a proposed Local Law # \_\_\_\_\_ of the year 2011 entitled "The Text Amendments to Chapter 465, of the Town of Chili Town Code relating to "Vehicles & Traffic" was introduced to the Town Board of the Town of Chili by Councilwoman DiFlorio on the 1st day of December, 2010; and

**WHEREAS**, at a meeting of the Chili Town Board held at the Town Hall in the Town of Chili, New York on the 19th day of January, 2011, a public hearing was held at 7:00 p.m. to consider adoption of the proposed Local Law # \_\_\_\_\_ of the year 2011 entitled "Chapter 465 Vehicles & Traffic"; and

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

UNANIMOUSLY APPROVED

**RESOLUTION #118 RE: Parking Violation Fines, The Code of the Town of Chili "Chapter 465 Vehicles & Traffic"**

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

**WHEREAS**, a Local law to amend the Town Code Chapter 465 Vehicles & Traffic has been adopted; and

**WHEREAS**, Town Code Chapter 465-11 "Penalties for Offenses" has been amended to set penalties for offenses by Town Board resolution; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Chili sets the following penalties for offenses:

VIOLATION	CHILI FINE:
Sidewalk	\$25
No Parking Standing	\$25
Blocking Vehicle	\$25
Outside Parking Stripes	\$25
Winter Parking	\$35
Less 15' Hydrant	\$25
Less 5' Driveway	\$25
Fire Lane	\$35
Handicapped	\$100

Other \$25

FINE VIOLATIONS \$25  
If not paid in 15 days -- \$50.00  
If not paid in 30 days -- \$75.00  
If not paid in 60 days -- \$100.00

FINE VIOLATIONS \$35  
If not paid in 15 days -- \$70.00  
If not paid in 30 days -- \$105.00  
If not paid in 60 days -- \$140.00

FINE VIOLATIONS \$100.00  
If not paid in 15 days -- \$200.00  
If not paid in 30 days -- \$300.00  
If not paid in 60 days -- \$400.00

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: There was a question on this as far as -- what was the -- what were these based on. And Mr. Stowe, help me with this. I believe this is an exemption from assessed value. Is that an appropriate way to describe that?

RICHARD STOWE: Yes.

COUNCILWOMAN SPERR: I just also wanted to ask if you could give me a ballpark as to what the overall dollar impact is to the Town to increase this?

SUPERVISOR DUNNING: It depends on who applies for it and how many people apply for it, so it is an impossible question to answer tonight. It's -- it's, um --

COUNCILWOMAN SPERR: We knew it was coming. I just knew we probably had some numbers in the past. I can always keep up with Linda (Leach) on that.

Thank you.

COUNCILWOMAN IGNATOWSKI: The 36,000, 24,000 and 120,000, is how much is being removed from there? What -- that graduation, what is determined if you're 120 or 24, 36?

SUPERVISOR DUNNING: The type of -- the exemptions are -- I will try to get these right. War time, Cold War -- or war time, combat and Cold War -- or not Cold War. Cold War is not there. War time, combat -- I just did this the other day. I have done this so much. Come on.

Do you remember them?

RICHARD STOWE: No.

COUNCILWOMAN IGNATOWSKI: Basically the level of service.

SUPERVISOR DUNNING: Basically the level of service -- I have gone over this I don't know how many times, Rich (Stowe)? A few?

RICHARD STOWE: Yes.

SUPERVISOR DUNNING: It is the level of service that you -- the 24 and 36 are -- are kind of -- work hand in hand. They're war time and combat exemptions. In most cases if you were in combat, it was war time, so you would --

RICHARD STOWE: I think there may be -- I think the larger -- this is fronting with danger because I just admitted I don't remember, but there is one if you're disabled in combat, but that -- there is a separate exemption for that that we also have.

I think the other point that needs to be made is that these are -- these are exemptions available from veterans -- to veterans from Town tax that are keeping step with the County tax exemption that exists for veterans. So that if there is a Chili resident who is a war-time veteran, who comes to the Chili Town Assessor's office with an application for a tax exemption, not to do this, but having had the County do it, would become difficult to administer. Not only for the County, but for the Town, because they're -- the exemptions would not apply to both taxes. So not only has it historically been viewed as a proper recognition of service for those who served, but it is also eliminates an administrative nightmare at -- at -- at the Assessor and County tax level. It's both. And this is keeping in step.

SUPERVISOR DUNNING: Any other questions or comments?

**RESOLUTION#119 RE: VETERANS EXEMPTION FROM REAL PROPERTY TAX SECTION 458-A, SUBDIVISION 2.**

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

**BE IT RESOLVED** in accordance with Town Code Chapter 451 Article V Section 451-17 of the Chili Town Code, the maximum allowable in subdivision 2(a),(b) and (c) of section 458-a of real property tax law is increased to; \$36,000, \$24,000 and \$120,000, respectively. This amendment will take effect the final assessment roll of the year 2011.

UNANIMOUSLY APPROVED

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**RESOLUTION #120 RE: Upstate NY Municipal Workers Compensation Plan  
Director, Alternate Director and Facilitator**

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

**WHEREAS**, the Intermunicipal Agreement Section 4 for the Upstate NY Municipal Workers Compensation Plan (UNYMWCP) require attendance at each Board of Directors meeting; and

**NOW, THEREFORE, BE IT RESOLVED**, Dianne O'Meara, Director of Finance, shall serve as the Director representing the Town of Chili; and

**BE IT FURTHER RESOLVED**, David Dunning, Supervisor, shall be appointed as the Alternate Director to serve in the Director's absence; and

**BE IT FURTHER RESOLVED**, V. Lee Robinson-Frank, Payroll Clerk, shall be appointed as the Facilitator, to serve in either the Director's or Alternate Director's absence.

UNANIMOUSLY APPROVED

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**RESOLUTION #121 RE: Library Board of Trustees**

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

**BE IT RESOLVED** that Christina Reece per the recommendation of the Library Board of Trustees be appointed as the Secretary of the Library Board of Trustees for the calendar year 2011.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: There was a question. Yes, this is being split between the Town of Wheatland and the Town of Chili.

COUNCILWOMAN IGNATOWSKI: So \$2500 is not our portion? It is going to be split?

SUPERVISOR DUNNING: That is right. We'll pay 1250. Wheatland will pay half and we're going to pay half, and we'll both receive the benefit of the grant should we get this.

**RESOLUTION #122 RE: Grant Writer Ag & Markets Farmland Protection Grant**

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

**WHEREAS**, the New York State Agricultural & Markets is accepting applications for farmland protection grants and;

**WHEREAS**, the Town of Chili wishes to apply for this grant in partnership with the Town of Wheatland; and

**WHEREAS**, the Town of Chili as lead applicant has solicited quotes from 3 qualified grant writers for the purpose of preparing the grant for the joint applicants, responses as follows:

J. O'Connell & Associates - \$2,500  
Barton & Loguidice, P.C. - \$3,800  
G.E.M.S - No response

**NOW, THEREFORE, BE IT RESOLVED**, to authorize Supervisor Dunning to enter into an agreement with the Town of Wheatland and J.O'Connell & Associates to prepare and submit a grant application on behalf of the Town of Chili as lead applicant at a cost not to exceed \$1,300 from account # A1420.4 (attorney contractual).

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: We had questions about -- we had the questions how old is the equipment being replaced. Again, I will go back.

COUNCILWOMAN SPERR: That was already answered.

SUPERVISOR DUNNING: Already been answered there. As far as the timeline, what the equipment is specifically, I can't answer. When is the specific timeline of the stuff going up, I don't know that yet. Um, let's see. When --

COUNCILWOMAN DI FLORIO: Chris (Levey) said he had both desktop and --

SUPERVISOR DUNNING: Yes. I believe there is probably a couple monitors in there. Desktops, laptops and some other equipment in there. Just don't know specifically what that list entailed right yet. It will be posted on the Town's website when we do decide to go there. So -- when and where -- where, will be here. It will be done here. I can answer that one. So any other questions -- questions or comments on that?

**RESOLUTION #123**

**RE: Purchase of Computer Equipment**

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

**WHEREAS**, the Director of Management Information Services has determined that the Town needs to replace obsolete computer equipment that has passed its useful life; and

**WHEREAS**, the replacement of said equipment is in accordance with the Town's plan to replace obsolete computer equipment on a rotating basis; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Director of Management Information Services is hereby authorized to purchase (18) new computers to replace obsolete equipment, (1) server (with OS and Remote Desktop Services licensing), and Symantec BackupExec software for a sum not to exceed \$22,800.00 from Account A1680.2 (Information Technology - Equipment) from Dell, a computer systems vendor under New York State contract; and

**BE IT FURTHER RESOLVED**, that \$4,917.49 be transferred from Account A1990.4 (Contingency) to Account A1680.2 (Management Information Services - Equipment) for server equipment and licensing not included in the 2011 adopted budget; and

**BE IT FURTHER RESOLVED**, that the equipment being replaced is hereby declared to be surplus equipment and that the Director of Management Information Services is hereby authorized to place a legal ad with the official Town newspaper advertising a sealed bid silent auction of the above-mentioned surplus equipment. Any equipment remaining after said auction to be disposed of for the highest value in whatever form obtainable.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: Similar question of what where -- we know the what, but where and when perhaps, Mr. Lindsay.

MR. LINDSAY: We have two auctions we look at, either the spring or the fall auction. Based on the vehicles going, we'll select one of those depending upon the timeline of the delivery of the new vehicles. I don't have a specific answer when each one of these are going just yet.

SUPERVISOR DUNNING: Thank you.

**RESOLUTION #124      RE: Disposal of Surplus Equipment**

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

**WHEREAS**, the following listed equipment is, in the opinion of the Superintendent of Highways/Commissioner of Public Works, obsolete and of no further use to the Town of Chili; and

**WHEREAS**, the Town is best served by disposing of these items for their highest value in whatever form attainable; and

**NOW, THEREFORE, BE IT RESOLVED**, that subject to awarding of bids for new vehicles, the Town Board authorizes disposition of the following vehicles and equipment and hereby directs the Superintendent of Highways/Commissioner of Public Works to procure the highest reasonable compensation for such items and apply the proceeds there from, if any, in accordance with Section 142(5) of the Highway Law:

#5	2003	Dodge 4x2 Pickup
#6	2004	Ford F-250 4x2 Pickup
#238	2000	Sterling Johnson Sweeper
#83	1994	International 6-Wheel Dump w/Plow Package
#183	2000	John Deere Parks Gator
#19	1993	Utility Body
#451	2001	Ford 1-Ton

UNANIMOUSLY APPROVED

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**RESOLUTION #125 RE: Extension of New York State Snow and Ice Contract**

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

**WHEREAS**, the Town Board of the Town of Chili on February 2, 2011 makes a resolution to approve the Snow & Ice Contract No. D009808 between the State of New York and the Town of Chili for snow and ice control which will expire on June 30, 2013 unless further extended. The contract will be for \$379,597.93.

UNANIMOUSLY APPROVED

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**RESOLUTION #126 RE: Authorization to Advertise for Bid for a Plow Package, Dump Body and Spreader for Highway Truck**

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

**WHEREAS**, included in the approved 2011 budget is the purchase of one (1) plow package, dump body and spreader for a Highway Dump Truck; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the advertisement.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: There was a question. This is the Paul Road development, next to Wegmans.

Any other questions or comments?

**RESOLUTION #127 RE: Establish Letter of Credit for Greenwood Town Homes Phase I**

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

**BE IT RESOLVED** that per the recommendation of the Town Engineer, a letter of credit be established for Greenwood Town Homes, Phase I in the amount of \$95,236.00

Items within the letter of credit include, but are not limited to, rough grading and construction of a retention pond, erosion control measures, Phase II inspections, sidewalk construction and the preparation of record plans to be submitted to the Town.

Additional provisions included within the letter of credit are 10% construction contingency, a 5% contingency for Town Engineering inspection services and a 1% contingency for Town Administration.

UNANIMOUSLY APPROVED

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**RESOLUTION #128 RE: Authorization to Advertise for Street Sweeper**

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

**WHEREAS**, included in the approved 2011 budget is the purchase of one (1) new street sweeper replacement; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the advertisement for bid for one (1) new street sweeper replacement.

UNANIMOUSLY APPROVED

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**RESOLUTION #129 RE: Purchase of Pickup Trucks**

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

**WHEREAS**, included in the approved 2011 budget is the purchase of two (2) new pickup truck replacements; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the purchase two (2) 4-wheel drive pickup truck for the Highway Department under NYS OGS Bid PC 65030, Item 90A, from Van Bortel Ford at a cost not to exceed \$27,000/ea. To be paid from Account #DA5130.20 (Machinery-Equipment).

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: I'm not sure if the question was still regarding the water, if you really wanted to know the properties involved in this. It is the entire Town of Chili.

RICHARD STOWE: Resolution says there are 3,344 parcels.

SUPERVISOR DUNNING: There you go.

RICHARD STOWE: For those who care.

**RESOLUTION #130 RE: ORDER SETTING PUBLIC HEARING - PROPOSED TOWN WIDE EXTENSION TO CHILI CONSOLIDATED DRAINAGE DISTRICT NO. 1**

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

**WHEREAS**, on March 3rd, 2010, the Town Board of the Town of Chili duly adopted a resolution directing Lu Engineers, the Town Engineer of the Town of Chili, to prepare a general map, plan and report for the extension of the Chili Consolidated Drainage District, to include all parcels of land situated within the Town of Chili not currently located in the Chili Consolidated Drainage District No.1; and

**WHEREAS**, on January 31, 2011, the Town Engineer duly filed said map, plan, and report in the office of the Town Clerk of the Town of Chili; and

**WHEREAS**, if said extension is approved, the new boundary lines of the Chili Consolidated Drainage District, as extended, will be the boundary lines of the Town of Chili. The boundary line description of the Chili Consolidated Drainage District No. 1, including the proposed extension, is attached hereto as Schedule A; and

**WHEREAS**, there are approximately 3,344 parcels of land that will be included in the proposed extension if said extension is approved, and a list of said parcels is included in the Engineer's Report for this project; and

**WHEREAS**, it is the current policy of the Town to require property owners not within the Chili Consolidated District No. 1 to petition this Town Board to extend said drainage district whenever a property owner seeks to obtain approval of an application from the Chili Planning Board or the Chili Zoning Board of Appeals; and

**WHEREAS**, as of March 21, 2010, in order to expand the Chili Consolidated Drainage District No. 1 to include new properties seeking approvals from the Town, individual drainage districts would have to be created and then later consolidated into the Chili Consolidated District No. 1; and

**WHEREAS**, it will be more efficient and economical to create one large extension to the Chili Consolidated Drainage District No. 1 rather than to require creation of small individual drainage districts with the intention of later consolidating them into the Chili Consolidated District No. 1; and

**WHEREAS**, at this time, no specific drainage improvements are proposed to be constructed within the proposed town-wide extension to the Consolidated Drainage District No. 1 so the maximum cost relating to drainage improvements within the proposed extension is \$0; and

**WHEREAS**, the Town Board, pursuant to Section 206-a of the Town Law, has determined that the costs of Chili Consolidated Drainage District No. 1, and all of its extensions to date, shall be spread over the entire drainage district, as extended; and it is proposed that the costs relating to proposed the town-wide extension to said district, if approved, be spread over the entire district as extended; and

**WHEREAS**, all costs relating to the Chili Consolidated Drainage District No. 1, as extended, shall be assessed and levied on an ad valorem basis; and the estimated tax impact (relating to anticipated operation and maintenance expenses of the district) on the "typical one family home" with an assessed valuation of \$134,160 will be \$30.47; and the estimated tax impact on the "typical one or two family home" with an assessed valuation of \$134,114 will be \$30.46; and

**WHEREAS**, the map, plan and report describing the proposed town-wide extension of the Chili

Consolidated Drainage District No. 1 is on file in the office of the Town Clerk of the Town of Chili for public inspection, as well as posted on the official website for the Town of Chili located at [www.townofchili.org](http://www.townofchili.org); and

**BE IT RESOLVED**, that a meeting of the Town Board of the said Town of Chili shall be held at the Town Hall in the Town of Chili, New York on the 16th day of March, 2011 at 7:00 PM in the evening of that day to consider the said proposal to establish the town-wide extension of the Chili Consolidated Drainage District No. 1 and to hear all persons interested in the subject thereof and for such other action on the vote of said Town Board with respect to the said extension as may be proper or required by law; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Clerk of the Town of Chili is hereby authorized and directed to publish a copy of this resolution and 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.

SCHEDULE "A"

**BOUNDARY DESCRIPTION OF CHILI CONSOLIDATED DRAINAGE DISTRICT NO. 1 AS EXTENDED TO A TOWN WIDE DISTRICT.**

TEN THOUSAND SIX HUNDRED SIXTY ONE (10,661) TRACTS OR PARCELS OF LAND, as of December 31, 2010, situate in the Town of Chili, County of Monroe, State of New York, all as shown on One Hundred and Seventeen (117) maps, as of December 31, 2010, entitled "Tax Map, Town of Chili, Monroe County, New York as prepared and maintained by the Real Property Tax Service Agency," each dated with its latest date of revision, said tax maps having the following identification numbers:

131.04	131.15	131.16	131.19	131.20	132.13	132.14
132.15	132.16	132.17	132.18	132.19	132.20	133.13
133.14	133.15	133.16	133.17	133.18	133.19	133.20
134.04	134.13	134.14	134.15	134.16	134.17	134.18
134.19	135.03	144.02	144.04	144.07	144.08	144.11
144.12	145.01	145.03	145.04	145.04A	145.05	145.06
145.07	145.08	145.09	145.10	145.11	145.12	145.14
145.15	145.16	145.17	145.18	145.19	146.02	146.03
146.04	146.05	146.06	146.07	146.08	146.09	146.09A
146.10	146.11	146.12	146.13	146.14	146.15	146.19
147.01	147.02	147.03	147.04	147.05	147.06	147.07
147.09	147.10	147.11	147.19	148.01	157.02	157.04
158.01	158.02	158.03	158.04	158.05	158.06	159.01
159.02	159.03	159.04	160.01	160.02	160.03	160.06
160.07	160.11	171.02	171.04	172.01	172.02	172.03
172.04	173.01	173.02	173.03	173.04	174.01	174.03
185.02	186.01	186.02	187.01	187.02		

And being more particularly bounded and described as follows:

**Beginning at a point** at the intersection of the southerly boundary line of the Town of Chili with the easterly boundary line of the Town of Riga, said point also being on the northerly boundary line of the Town of Wheatland, said point also being the southwestern corner of lands, now or formerly, of Brian R. Austin and Donna Austin as recorded in liber 8959, page 327 in the Monroe County Clerk's Office (Tax Account Number 185.02-02-11); thence

1. Northerly, along the westerly boundary line of the Town of Chili, said boundary line also being the easterly boundary line of the Town of Riga, to the intersection with the northerly boundary line of the Town of Chili, said point also being on the southerly boundary line of the Town of Ogden, said point also being the intersection with the centerline of West Side Drive, also known as County Route 119, said point also being the northwestern corner of lands, now or formerly, of Paul Alves as recorded in liber 9079, page 302 in the Monroe County Clerk's Office (Tax Account Number 113.04-02-01); thence

2. Easterly, along the northerly boundary line of the Town of Chili, said boundary line also being the southerly boundary line of the Town of Ogden, to the intersection with the westerly boundary line of the Town of Gates, said point also being on the easterly boundary line of the Town of Ogden, said point also being on the centerline of West Side Drive, said point also being on the northerly boundary line of lands, now or formerly, of Richard A. Spring and Ruth F. Russell as recorded in liber 9273, page 577 in the Monroe County Clerk's Office (Tax Account Number 133.13-01-06); thence

3. Easterly, along the northerly boundary line of the Town of Chili, said boundary line also being the southerly boundary line of the Town of Gates, to the intersection with the westerly boundary

line of the City of Rochester, said point also being the northeastern corner of lands, now or formerly, of Rochester & Southern Railroad, Inc. As recorded in liber 6939, page 033 in the Monroe County Clerk's Office (Tax Account Number 147.10-01-17); thence

4. Generally southerly and easterly, along the common boundary line between the Town of Chili and the City of Rochester to the intersection with the centerline of the Genesee River, said point also being the northeastern corner of lands, now or formerly, of Weidner Road, LLC as recorded in liber 10700, page 095 in the Monroe County Clerk's Office (Tax Account Number 148.01-01-02); thence

5. Generally southerly and westerly, along the easterly boundary line of the Town of Chili, said boundary line also being the boundary line of the City of Rochester, said boundary line also being the centerline of the Genesee River, to the intersection with the northerly boundary line of the Town of Brighton, said point also being on the westerly boundary line of the Town of Brighton, said point also being on the southerly boundary line of said Weidner Road lands; thence

6. Generally southerly and westerly, along the easterly boundary line of the Town of Chili, said boundary line also being the westerly boundary line of the Town of Brighton, said boundary line also being the centerline of the Genesee River, to the intersection with the northerly boundary line of the Town of Henrietta, said point also being on the westerly boundary line of the Town of Henrietta; thence

7. Generally southerly and westerly, along the easterly boundary line of the Town of Chili, said boundary line also being the westerly boundary line of the Town of Henrietta, to the intersection with the southerly boundary line of the Town of Chili, said point also being on the northerly boundary of the Town of Wheatland, said point also being the southeastern corner of lands, now or formerly, of Mark T. Callan as recorded in liber 10790, page 578 in the Monroe County Clerk's Office (Tax Account Number 187.02-01-36); thence

8. Westerly, along the southerly boundary line of the Town of Chili, said boundary line also being the northerly boundary line of the Town of Wheatland, to the **Point of Beginning**.

UNANIMOUSLY APPROVED

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**RESOLUTION #131 RE: Set Public Hearing for March 2, 2011 at 7:00 p.m. to Consider Rezoning of 3610 Union Street from R-1-15 to GB**

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

**WHEREAS**, the Planning Board at their January 11, 2011 meeting recommended that the applicant petition the Town Board to rezone the property located at 3610 Union Street from R-15 to GB; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby declares itself lead agency for SEQRA review purposes and directs the Town Clerk to send notification of such designation to all affected agencies; and

**BE IT FURTHER RESOLVED**, that a Public Hearing be set for March 2, 2011 at 7:00 p. M. At the Town Hall Main Meeting Room, 3333 Chili Avenue to consider the rezoning application for the parcel located at 3610 Union Street, Tax ID# 145.03-1-23 and a portion from Tax ID# 145.03-1-14 from R-1-15 to GB.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: They are getting new equipment then?

SUPERVISOR DUNNING: They did.

COUNCILWOMAN IGNATOWSKI: A while ago. So why didn't we get rid of the old at that time? They wanted back-up?

COUNCILWOMAN SPERR: She had that to get it all set up and working. It is pretty big.

COUNCILWOMAN DI FLORIO: Can't miss a day of bingo.

SUPERVISOR DUNNING: They literally moved one out while they were moving the other one in place. Called B4, and B5 was on the next one. (Laughter.)

RICHARD STOWE: I thought it was after. Sorry.

SUPERVISOR DUNNING: Don't go there.

COUNCILWOMAN IGNATOWSKI: Who seconded this?

COUNCILWOMAN SPERR: Michael (Slattery).

SUPERVISOR DUNNING: Any other questions or comments?

**RESOLUTION #132 RE: Authorization to dispose of Bingo equipment**

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

**WHEREAS**, The Town of Chili accepted a generous donation of BINGO equipment many years ago for use at the Senior Center; and

**WHEREAS**, the Bingo equipment is no longer in working condition, and needs repair; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Director of the Programs for the Aging recommends that it be declared surplus property and that it be disposed of for the highest value in whatever form obtainable.

UNANIMOUSLY APPROVED

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**RESOLUTION #133 RE: Budget Transfer**

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

**BE IT RESOLVED** to transfer \$6 from A1990.4 (Contingency) to A1950.4 (Taxes-Contractual) for the Time Warner property taxes.

UNANIMOUSLY APPROVED

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**RESOLUTION #134 RE: January 19, 2011 Abstract**

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

**WHEREAS**, Council did authorize, via a waiver form dated January 24, 2011, by a majority vote vouchers 2-64, 67-71, 74-75, 77-90, 98-100, 102-103, 106, 111-120 and 124 totaling \$161,171.44 to be paid from the Distribution Account as presented by Richard Brongo, Town Clerk

**NOW, THEREFORE, BE IT RESOLVED**, to note for the record vouchers 2-64, 67-71, 74-75, 77-90, 98-100, 102-103, 106, 111-120 and 124 were paid from the following funds:

General Fund	\$ 155,392.44
Highway Fund	\$ 3,114.00
H47 2011 Reval Update	\$ 2,665.00
Total for Abstract	\$ 161,171.44

UNANIMOUSLY APPROVED

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

The meeting was adjourned at 7:40 p.m.