

CHILI TOWN BOARD  
March 30, 2011

A meeting of the Chili Town Board was held on March 30, 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.

The invocation was given by Richard Brongo.

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

SUPERVISOR DUNNING: Being this is a special meeting of the Town Board, there will be no Public Forum this meeting. No other announcements. I will move onto New Business.

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Supervisor, the only thing that I have is under Section 1, the fifth line down, at the end of the sentence where it says, "Subdivision 11 of paragraph A," just reading in the other areas, it has the parentheses around the A. Just so -- I mean, I was reading it and just went back and had to read it a couple of times. Maybe we can just highlight that in some fashion.

SUPERVISOR DUNNING: Okay.

COUNCILWOMAN SPERR: You know where he is saying?

SUPERVISOR DUNNING: I'm not seeing it.

COUNCILWOMAN SPERR: Right there (indicating).

COUNCILMAN SLATTERY: End of the sentence. End of the line, I should say.

RICHARD STOWE: Only place where subdivision A doesn't have parentheses around the A.

SUPERVISOR DUNNING: Got you.

So we'll make that typographical change. We don't need to do anything else with that because is it a typographical, correct?

**RESOLUTION #153 RE: BOND RESOLUTION DATED MARCH 30, 2011 OF THE TOWN BOARD OF THE TOWN OF CHILI, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE CONSTRUCTION OF A NEW HIGHWAY GARAGE FACILITY, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**

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

**WHEREAS**, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on September 30, 2009, and amended March 16, 2011, has duly adopted a negative declaration under SEQRA and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Chili, New York (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Chili shall undertake certain capital improvements consisting of the acquisition and construction of approximately 69,550 square feet of proposed Highway Garage buildings and facilities on approximately 34 acres of land located 1,300 feet east of the intersection of Beaver Road and Old Scottsville-Chili Road on the north side of Beaver Road (west of 100 Beaver Road) in the Town of Chili, New York (such buildings being class "A" (fireproof and certain fire resistant) buildings as defined in Subdivision 11 of (Paragraph "A" of

Section 11.00 of the Local Finance Law), various site and other incidental improvements in connection therewith and the acquisition of original furnishings, equipment, machinery or apparatus that may be required in connection therewith for such construction and Town use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$8,700,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$8,700,000 and said amount is hereby appropriated therefore. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized, to be offset and reduced dollar for dollar by the amount of grant moneys received by the Town, presently estimated to be a \$6,000,000 New York State Capital Assistance Program Grant through the Dormitory Authority of the State of New York.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 11 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are not issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of ad valorem taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Chili.

Section 7. The faith and credit of the Town of Chili, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Town Clerk of the Town of Chili together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution, before becoming effective, shall be approved at a special referendum of the qualified voters of said Town to be held on June 7, 2011.

The motion having been duly seconded, it was adopted and the following votes were cast:

AYES: Councilwoman DiFlorio  
Councilwoman Ignatowski  
Councilman Slattery  
Councilwoman Sperr  
Supervisor Dunning

NAYS:

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**RESOLUTION # 154 RE: A RESOLUTION PROVIDING FOR THE HOLDING OF A SPECIAL TOWN REFERENDUM OF THE TOWN OF CHILI, MONROE COUNTY, NEW YORK, FOR THE APPROVAL OF A CERTAIN BOND RESOLUTION AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH**

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

**WHEREAS**, The Town Board of the Town of Chili, Monroe County, New York, has heretofore at this meeting duly adopted a bond resolution authorizing certain capital improvements consisting of the acquisition, construction and equipping of a proposed Highway Garage Facility located 1,300 feet east of the intersection of Beaver Road and Old Scottsville-Chili Road on the north side of Beaver Road (west of 100 Beaver Road) in the Town of Chili, New York, various site and other incidental improvements in connection therewith, and further authorizing the issuance of up to \$8,700,000 of general obligation bonds of said Town to finance the costs thereof; and

**WHEREAS**, pursuant to Section 92 of the Town Law, the Town Clerk has prepared and transmitted to this Board a form of proposition for the approval of such bond resolution containing an abstract of such bond resolution concisely stating the purpose and effect thereof; and

**WHEREAS**, it is now desired to provide for the holding of a special referendum for the submission of such proposition and to provide for the notice of such referendum and other matters in connection therewith; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Chili, Monroe County, New York, as follows:

Section 1. A special referendum of the Town of Chili, Monroe County, New York, shall be held on Tuesday, June 7, 2011, for the purpose of submitting a proposition for the approval of the bond resolution described in the preambles hereof. The place of holding such referendum shall be at the Chili Town Hall, 3333 Chili Avenue, Chili, New York, in the Main Meeting Room, and the polls for such referendum shall be kept open for the purpose of voting on such proposition between the hours of 12:00 Noon and 9:00 P.M., Prevailing Time. The proposition to be submitted at said special referendum shall be in substantially the form hereinafter set forth in the form of notice of such special referendum.

Section 2. The Town Clerk is hereby authorized and directed to give notice of said special referendum by publication of a notice once in the official newspaper of the Town, said publication to be made at least ten days prior to the date of said special referendum. In addition, the Town Clerk shall cause a copy of such notice to be posted on the sign-board of the Town maintained pursuant to subdivision six of section thirty of the Town Law at least ten days before the date of said special referendum. Such notice shall be in substantially the following form, to-wit:

NOTICE OF SPECIAL REFERENDUM

NOTICE IS HEREBY GIVEN that a Town referendum in and for the Town of Chili, Monroe County, New York, will be held on Tuesday, June 7, 2011, for the purpose of submitting a proposition for the approval of the bond resolution described in the preambles hereof. The place of holding such referendum shall be at the Chili Town Hall, 3333 Chili Avenue, Chili, New York, in the Main Meeting Room, and the polls for such referendum shall be kept open for the purpose of voting on such proposition between the hours of 12:00 Noon and 9:00 P.M., Prevailing Time, for the purpose of submitting the following described proposition for the approval of the qualified electors of said Town:

PROPOSITION

Shall the bond resolution adopted by the Town Board of the Town of Chili, New York, dated March 30, 2011, authorizing the issuance of up to \$8,700,000 of general obligation serial bonds of the Town to pay for the costs for the acquisition, construction and equipping of approximately 69,550 square feet of proposed Highway Garage buildings and facilities on approximately 34 acres of land located 1,300 feet east of the intersection of Beaver Road and Old Scottsville-Chili Road on the north side of Beaver Road (west of 100 Beaver Road) in the Town of Chili, New York, and various site and other incidental improvements in connection therewith, at a maximum

estimated aggregate cost of \$8,700,000, such Town indebtedness to be offset and reduced dollar for dollar by the amount of grant moneys that are received, presently estimated to be a \$6,000,000 New York State Capital Assistance Program Grant through the Dormitory Authority of the State of New York; providing for the issuance of bond anticipation notes; and pledging the faith and credit of the Town to the payment of such obligations and the interest thereon, be approved?

The Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on September 30, 2009, and amended March 16, 2011, has duly issued a negative declaration and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts.

A copy of the bond resolution referred to in the aforesaid proposition is on file in the office of the Town Clerk of said Town, where the same may be examined by any interested persons during regular business hours.

Dated: Rochester, New York  
March 30, 2011

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHILI, MONROE COUNTY,  
NEW YORK

By:  
Town Clerk

Section 3. This resolution shall take effect immediately. The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilwoman DiFlorio	VOTING Aye
Councilwoman Ignatowski	VOTING Aye
Councilman Slattery	VOTING Aye
Councilwoman Sperr	VOTING Aye
Supervisor Dunning	VOTING Aye

The resolution was thereupon declared duly adopted.

UNANIMOUSLY APPROVED

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The next regular meeting of the Chili Town Board will be on Wednesday April 13, 2011 at 7:00 p.m. in the Chili Town Hall main meeting room.

The meeting was adjourned at 5:04 p.m.