

CHILI TOWN BOARD
April 2, 2008

A meeting of the Chili Town Board was held on April 2, 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, Councilwoman Sperr and Supervisor David Dunning.

ALSO PRESENT: Richard Brongo, Town Clerk; Dawn Forte, Supervisor's Secretary; Sandy 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.

The invocation was given by Richard Brongo.

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

SUPERVISOR DUNNING: I know that your agendas probably say there are no presentations or announcements, but I do have one announcement that came in late this afternoon and did not make it to your agendas, that effective April 1st, 2008, Todd Benz has resigned from the Zoning Board of Appeals. So we do have that -- that was filed with the Town Clerk's Office this afternoon.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Six speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:30 p.m.

TOWN BOARD LIAISON REPORTS:

Conservation Board Report by Virginia Ignatowski:

COUNCILWOMAN IGNATOWSKI: They met on Monday. No guests were present at the meeting. Discussions surrounding the desired modification and draft Town Code book took place. Those were forwarded, as you know, to the Building Department and yourself.

The Board reviewed the Planning Board agenda. They look forward to more detailed landscaping plan for the Heritage Christian Services Foundation proposal on Westside Drive, and they are also awaiting for the landscaping plans for the proposed Microtel on Chili Avenue. They expressed concerns and question if there is enough room for green space at all on that particular parcel.

Drainage Committee Report by Virginia Ignatowski:

COUNCILWOMAN IGNATOWSKI: Drainage met last night, and as you are aware, I was not able to attend that because I was at the workshop session that we were at. I did speak briefly with our Superintendent of Public Works and he said that it actually was not an official meeting. Apparently only three people were able to attend, so they really weren't able to do anything official. There were no guests. They did review the Planning Board agenda.

SUPERVISOR DUNNING: I'm just going to bring up architectural review for a moment because we do need to discuss this as we have now basically -- we have adopted the law for the Architectural Review Committee, and unfortunately, Councilman Slattery is not here, but I do think we need to appoint a liaison to this particular Committee at some point. What I would ask the Board, if you would do in the next maybe week, is take a look at your current assignments and see if you may want to change some things around, looking that there is just a little bit of imbalance, for lack of a better word, in the assignments and the appointments of liaisons to committees, and I would like to try to balance that out if we could somehow, even if that means changing some committees around, if the Board so desires. But I would appreciate it if we could within the next week take a look at that and decide how we want to move forward with that.

Does that sound reasonable?

COUNCILMAN SCHULMERICH: Very fair.

SUPERVISOR DUNNING: I was just going to give it to Dennis (Schulmerich), but --

COUNCILMAN SCHULMERICH: That is why I think it is very fair.

COUNCILWOMAN IGNATOWSKI: Will you have that conversation with Michael (Slattery)?

SUPERVISOR DUNNING: I will have that conversation with him, yes.

Planning Board Report by Dennis Schulmerich:

COUNCILMAN SCHULMERICH: Planning Board did not meet. They will meet next week.

Zoning Board Report by Dennis Schulmerich:

COUNCILMAN SCHULMERICH: Zoning Board did meet. I was unavailable to attend, but they did have three hearings. One was to enable or allow a garage with a square footage of 2,760 square feet and that was denied unanimously.

And then there were two applications related to the Target store and both of those were unanimously approved with conditions.

Historic Preservation Board Report by Mary Sperr:

COUNCILWOMAN SPERR: Historic Preservation meets in the next cycle.

Traffic Safety Committee Report by Mary Sperr:

COUNCILWOMAN SPERR: And Traffic & Safety is tomorrow, so I don't have any reports for you.

Parks and Recreation Report by David Dunning:

Plumbing Board Report by David Dunning:

SUPERVISOR DUNNING: Both Parks and Recreation and Plumbing have not met either, and there is nothing right at this point to report for Town Center Ad Hoc Committee. It is pretty premature at this point.

MATTERS OF THE SUPERVISOR:

New Matters: None.

Pending Matters:

1. GIS Maps (Master Plan Update).

SUPERVISOR DUNNING: Under pending matters, we still have the GIS maps out there which everybody has been given an opportunity to review. We have taken our comments back to EA Maps for corrections, some -- just some clarity in things and some additions on that.

I spent -- Chris (Karelus) do you know a timeline when we might expect to see those back yet? Have you heard?

CHRIS KARELUS: No, I have not.

SUPERVISOR DUNNING: I will get a timeline when we expect to get those back. It should be the final form and then we'll move forward with the rest of the process from there.

The 3/5/08 Town Board meeting minutes were approved as modified.

REPORTS SUBMITTED:

Historic Preservation Board Minutes -- 2/11/08

Zoning Board Minutes -- 2/26/08

CORRESPONDENCE:

1. Mr. Brongo has received formal notification from AMF Bowling Centers, Inc. of their intent to renew its liquor license #3108577, with the State Liquor Authority, for Olympic Lanes located at 1350 Scottsville Road, Rochester NY 14624.

Pending Outstanding Resolutions:

SUPERVISOR DUNNING: There was a comment from the audience in regard to this. We are -- there is no date set right at this point in time. We are still in the process of reviewing all of the comments that have come in from the Town Board and how these comments and things can be best incorporated into -- into this. I have asked Mr. Karelus to give a breakdown of the -- the deliverables in this, if you will, to the point where the changes that we have -- that we're at before the modifications that are within the scope of the original contract from General Code and some of the changes that -- and additions that may need to be made that are outside the scope and what those costs would be to do that. So Mr. Karelus will provide us with that information. I think we talked about that -- sometime next week we'll try to get that so we'll have that information at that point.

COUNCILMAN SCHULMERICH: I'm prompted to ask a question as to whether we shouldn't ask our Director of Information Technology to also acquire a price for software that once you scan the document, you can then -- it automatically imports it into Word and then you can manually make these changes yourself. That would enable us on an ongoing basis to update the code appropriately ourselves and not have to contract outside. I have to believe if we're going to get hit with any sizable number of dollars to incorporate these changes, the price of the software would pay for itself in one or two of these iterations.

COUNCILWOMAN SPERR: I would imagine there would be other uses within the Town for that equipment also. I like your suggestion.

SUPERVISOR DUNNING: I will -- I will follow up with that tomorrow.

RESOLUTION #133 RE: Set Public Hearing to consider adoption of Local Law #2 of 2008 for the adoption of updated Code of the Town of Chili

OFFERED BY: Supervisor Dunning SECONDED BY: Councilman Slattery

BE IT RESOLVED that a Public Hearing be set for April 2, 2008 at 7:00 PM to consider the adoption of Local Law #2 of 2008 to adopt the updated Code of the Town of Chili and;

BE IT FURTHER RESOLVED, that the Town Board hereby declares itself lead agency for the SEQR review process and directs the Town Clerk to send notification of such designation to all affected agencies.

HELD

RESOLUTION #157 RE: APPROVING EXTENSION CHILI CONSOLIDATED DRAINAGE DISTRICT TO SERVE THE PROPERTY LOCATED AT 42 EVERETT DRIVE, ROCHESTER, NY 14624 TAX MAP NUMBER 133.15-2-40, 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 42 Everett Drive, Rochester, NY 14624 tax map number 133.15-2-40, a territory located within the Town of Chili, Monroe County, New York, the said petition being dated January 28, 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 March 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 April 2, 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 2nd day of April, 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:

APPROVED BY A VOTE OF 4 YES

RESOLUTION #158 RE: APPROVING EXTENSION CHILI CONSOLIDATED DRAINAGE DISTRICT TO SERVE THE PROPERTY LOCATED AT 2968 CHILI AVENUE, ROCHESTER, NY 14624 TAX MAP NUMBER 133.19-3-11.2, IN THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

WHEREAS, a petition for the extension of the Chili Consolidated Drainage District to serve the property located at 2968 Chili Ave, Rochester, NY 14624 tax map number 133.19-3-11.2, a territory located within the Town of Chili, Monroe County, New York, the said petition being dated February 14, 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 March 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 April 2, 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 5th day of March, 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:

APPROVED BY A VOTE OF 4 YES

RESOLUTION #159 RE: SETTING PUBLIC HEARING ON CREATION OF CHILI SEWER DISTRICT #1

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

WHEREAS, a written petition, dated March 20, 2008, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Chili, Monroe County, New York for the creation of the Chili Sewer District #1, bounded and described as follows set forth on Schedule A, attached hereto and incorporated herein by reference; and

WHEREAS, the Petitioner requests permission to connect into the Chili Sewer Improvement Benefit Area #1 sewer main located on the east side of Union Street for a one time hook up fee in the amount of \$9,842.08, the cost of which will be paid by the Petitioner; and

WHEREAS, the proposed district consists of one parcel of vacant land with an address of 3395 Union St., and a tax map number of 144.08-1-7.122, upon which apartment buildings are to be constructed, owned, and operated by the Petitioner; and

WHEREAS, it is proposed that all costs and expenses relating to the formation of the proposed sewer district, including legal and publication fees, as well as all costs relating to the connection of the Petitioner's private sewer system into the sewer main located on the east side of Union Street, will be paid for by the Petitioner; and

WHEREAS, it is further proposed that Fifty Percent (50%) of all capital expenditures not paid for by Monroe County Pure Waters relating to expansion and/or replacement of the sewer manhole and the 436.93 feet of sewer main located on the east side of Union Street directly across from the proposed sewer district be assessed, levied and collected from year to year from the parcels of land within the proposed sewer district in proportion as nearly as may be to the benefit which each lot or parcel of land within the district will derive therefrom; and

WHEREAS, it is further proposed that all capital expenditures not paid for by Monroe County Pure Waters relating to replacement of the sewer connection which runs from the front boundary line of the proposed sewer district to the sewer main on the east side of Union Street be assessed, levied and collected from year to year from the parcels of land within the proposed sewer district in proportion as nearly as may be to the benefit which each lot or parcel of land within the district will derive therefrom;

NOW THEREFORE, it is hereby,

ORDERED, 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 April, 2008 at 7:00 p.m. to consider the said Petition and to hear all persons interested in the subject thereof and for such other action on the vote of said Town Board in relation to the said Petition as may be proper or required by law; and it is further

ORDERED, that the Town Clerk of the Town of Chili is hereby authorized and directed to

publish a copy of this order in the Democrat and Chronicle 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.

APPROVED BY A VOTE OF 4 YES

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: There is a question about certification. I don't believe this is a requirement. These people go through a training course that is required by the -- by the State. The -- the -- all of the people on this -- on this Committee and on this -- or on this Board, I'm sorry, are -- are -- go to this training class I -- every five years, I believe it is. And that is a -- that is what is required of this particular Board and that is what we do. With that, I would like to introduce, if I could, Peter Widener. Peter (Widener) is with us this evening. He will join us on the Board of Assessment Review, and also Rockwell Yarid is here today. Say hello. They will be the new members of our Board of Assessment Review. Any questions or comments?

COUNCILWOMAN SPERR: I think it is important to note that Peter Widener is a past Chair of this Committee, and is involved in real estate, so he will be a welcome addition back on that Committee.

COUNCILWOMAN IGNATOWSKI: And licensed real estate agent, as well.

COUNCILWOMAN SPERR: Yes.

COUNCILWOMAN IGNATOWSKI: So he certainly has the knowledge to back it up.

RESOLUTION #160 RE: Board of Assessment Review

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Schulmerich

BE IT RESOLVED that Peter Widener be appointed to the Board of Assessment Review as a regular member, term to expire on 09/30/2012. Be it further resolved that Rockwell Yarid be appointed as a temporary member of the Board of Assessment Review to serve on administrative hearing panels for the 2008 assessment roll year for one term, 4/2/2008-4/2/2009 as needed.

BE IT FURTHER RESOLVED, that Peter Widener and Rockwell Yarid attend Board of Assessment Review training per Real Property Tax Law 523. Notification of training date and time to be provided by Monroe County Real Property upon town board approval of appointments. Reimbursement for training to be \$55.00 each upon completion, to be paid from account A1355.4.

APPROVED BY A VOTE OF 4 YES

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: Okay. I have several questions on -- on my list. Um, last night Councilman Slattery, who is not here tonight, did make a comment about last year he raised the point of looking into the Police Department for people to work security at this. That was a point that he was again going to ask tonight if he had been here.

I am also wondering if there will be additional costs or what the additional costs would be as we improve Baker Park. I would imagine if there is more activity there, we'll have more security there, and I wondered if the expectation would be that they would be out there more often. And I was curious about the copy of the agreement that you gave us. You made a statement earlier it was the same as last year. I can't tell by the copy if the -- the typed-in rate was -- 24.50 is crossed out at \$24. That was signed like this last year by the previous Supervisor?

SUPERVISOR DUNNING: If you look at the preceding page that came with that, there is a statement signed by the -- from Pro-Tect with those changes. That is not the actual existing contract. We'll enter into obviously the contract that will reflect those fees. The only thing they stated on that one page, which he signed, um, is with the new fees last year was 26.50 per hour. This year it would be \$26 per hour.

COUNCILWOMAN SPERR: 24.50.

SUPERVISOR DUNNING: I'm sorry 24.50. And 36.50 was the last number.

COUNCILWOMAN SPERR: 75.

SUPERVISOR DUNNING: And that is 36. So that is 75 cents per hour less.

COUNCILWOMAN SPERR: But see, since it was copied, I couldn't tell whether it was cross-out for us this year or --

SUPERVISOR DUNNING: -- yes. That is what -- that is what is pointed out on the first page.

COUNCILWOMAN IGNATOWSKI: I know Michael (Slattery) has brought up many times about certification on -- on these individuals, and I cannot remember the answer that was given before, as well.

SUPERVISOR DUNNING: I would be happy to look into that further and provide that information back to the Board as far as what -- what those levels are, what the requirement really

is. Um --

COUNCILMAN SCHULMERICH: Who would be -- are you talking about legal requirement? Are you talking about a third certification?

COUNCILWOMAN IGNATOWSKI: New York State type certification?

COUNCILMAN SCHULMERICH: That would be required by New York State or by Towns?

COUNCILWOMAN IGNATOWSKI: It's an issue he has brought up before.

COUNCILWOMAN SPERR: He brings it up every year.

COUNCILWOMAN IGNATOWSKI: Last year he said he would like to see this go to RFP. I'm glad that step was taken, that this was sent out to a number of different companies. It is a shame only one responded back, but at least that aspect of it was taken care of. I do know he questioned that.

COUNCILWOMAN SPERR: Joe Carr it was.

COUNCILWOMAN IGNATOWSKI: Dave (Lindsay), do you have that answer?

DAVID LINDSAY: I do not.

COUNCILWOMAN SPERR: Then can I ask this? Since we still have some open questions about this and Mr. Curley is not in attendance tonight to answer any of those questions himself, too, um, can we -- it says the contract will be May 3rd. I'm not sure what date you anticipated that this was going to be activated. Can we table this pending more information and then come back and visit this at the next meeting?

SUPERVISOR DUNNING: It is my understanding there is no sense of urgency in getting this done this evening.

COUNCILWOMAN IGNATOWSKI: Also, as somebody mentioned clarity of the holidays.

SUPERVISOR DUNNING: That's a --

COUNCILWOMAN SPERR: That's a good point.

COUNCILWOMAN IGNATOWSKI: Clarify what holidays you're talking about. The ones that all of the banks take?

SUPERVISOR DUNNING: So do we have a motion to table?

COUNCILWOMAN SPERR: I will move to table.

COUNCILWOMAN IGNATOWSKI: And I will second that.

RESOLUTION #161 RE: Parks Security

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

WHEREAS, the Town of Chili contracts with a professional security company to provide seasonal park security,

AND WHEREAS, Request for Proposals were sent to the following companies:

Doyle Security
Genier Security
Guardsmark LLC
Northeastern Security Services
Pro-Tect Security
Securitas Security System

AND WHEREAS, one proposal was received from Pro-Tect Security, the reimbursement will be an hourly rate of \$24.00 per hour for regular hours and \$36.00 per hour for holidays.

BE IT RESOLVED that per the recommendation of Michael Curley, Parks and Recreation Director, Supervisor Dunning is hereby authorized to sign a contract with Pro-Tect Security to be paid from account A7110.4.

Motion to table:

Offered by: Councilwoman Sperr

Seconded by: Councilwoman Ignatowski

On the motion to table: Approved by a vote of 4 yes

COUNCILMAN SCHULMERICH: Just as an aside, if there is a way for follow-up to clarify what the scope of the certification discussion is about, looking at it as a requirement, something preferred. If it is required, what agency? Is it -- I would like to understand more about that. I remember the dialogue from last year, as well, and I don't recall what influenced my vote, but it did come up last year. If it is going to come up this year, I would like more discussion what we're really after there in bringing that up so we can deal with it and get it put to bed.

COUNCILWOMAN IGNATOWSKI: If it was discussed last year, yes. As I recall we still moved ahead.

COUNCILMAN SCHULMERICH: I don't think it changed the outcome. I think it was dialogue. I don't recall there being anything said that prompted follow up action that I'm aware of.

COUNCILWOMAN SPERR: And this contract does state the basic requirements as outlined in the scope of services for park security, which I don't believe I have seen, and if that document exists, Dave (Lindsay) you might have it in Joe Carr's material. Mike (Slattery) might have it in his material. It is on the copy of this contract where I read that.

DAVID LINDSAY: I think it was transferred to Mike Curley. I think everything Joe Carr had on park security was given to Mike Curley.

SUPERVISOR DUNNING: That was actually new this year. I know that Mike (Slattery) did take this part over, so Mike (Slattery) did do this, and unfortunately, he is not here to help us out with -- but we'll work together to get what we need to get done.

COUNCILWOMAN SPERR: Right. Thank you.

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: There was a comment that the \$25,000 was an inaccurate amount. But if you take a look at the resolution on the next page, the very last sentence says, "The amount of the contract not to exceed 25,000."

I do believe that is a reflection of that number as opposed to, um, the three figures listed in the middle of the paragraph.

SUPERVISOR DUNNING: This -- this -- this is a total -- this is a total expenditure. We have \$181,100 for this particular project in its entirety. In this we broke down some of the elements and the expectations within that budget and where that money would most likely be spent. So that is what -- that is what this is showing, what you're seeing there.

COUNCILWOMAN IGNATOWSKI: It would have been perhaps better to have the -- the 163 and 162 be kind of flipped with each other, because I mean to have the discussion --

SUPERVISOR DUNNING: Well, we couldn't -- we couldn't necessarily hire an architect without having a budget in place, so we needed to know where the money was coming from.

COUNCILWOMAN IGNATOWSKI: Okay. All right. Because I will have discussion items on the next resolution.

SUPERVISOR DUNNING: Which is fine.

MR. BRIXNER: Don't you have park reserve money for this, Baker Park? Wouldn't you have park reserve money for it?

SUPERVISOR DUNNING: Mr. -- Mr. Brixner, this is -- this isn't the time for public comment on this particular resolution.

COUNCILMAN SCHULMERICH: The question I have, the reason it was seconded for discussion, my interpretation would be that the H45-5031 interfund transfer is from the park reserve fund; is that correct?

DIANNE O'MEARA: That's correct.

COUNCILMAN SCHULMERICH: That all I needed confirmation on.

COUNCILWOMAN IGNATOWSKI: So yes.

MR. BRIXNER: Thank you.

COUNCILWOMAN SPERR: The only other questions I had asked the Supervisor, so it is out there for clarification, is what happens in the event that costs -- causes this to go over the \$181,000, and I was told that we would keep to that budget.

SUPERVISOR DUNNING: That is the budget, period.

COUNCILWOMAN SPERR: That is the budget.

SUPERVISOR DUNNING: It will not exceed this money. Any other questions?

COUNCILMAN SCHULMERICH: One just for fun. I'm impressed we are getting legal support for \$500.

RICHARD STOWE: Didn't say where it was from, either.

(Laughter.)

COUNCILMAN SCHULMERICH: I said it was for fun.

COUNCILWOMAN SPERR: Aren't you glad you asked?

RESOLUTION #162 RE: Establish Budget for H45-Baker Park Capital Project

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

BE IT RESOLVED to establish the budget for the H45 Baker Park Capital Project as follows:

H45-2307 Capital Projects, Other Govts	\$ 38,100
H45-3897 State Aid: Cultural/Recreation Grants	\$ 93,000
H45-5031 Interfund Transfer	<u>\$ 50,000</u>
TOTAL REVENUES	\$181,100
H45-1320.4 Auditors	\$ 5,000
H45-1420.4 Legal	\$ 500
H45-1440.4 Engineer	\$ 25,000
H45-7110.2 Parks Construction	<u>\$150,600</u>
TOTAL EXPENDITURES	\$181,100

APPROVED BY A VOTE OF 4 YES

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: Supervisor, due to the fact that my employer was one of the proposals submitted for this project, I'm going to abstain from discussion and vote on this.

COUNCILMAN SCHULMERICH: So I have been involved in some RFQs and RFPs on different scales than this, but typically when the RFP is documented and drafted, it's fairly specific about what you are asking for. Um, this is a huge, huge range. So I -- so I can either -- I can draw one of two conclusions. The RFP wasn't clear enough, and as a consequence, those that responded put their own spin on what they thought they were being asked for, or number two -- something is just completely awry here. I don't understand. I don't understand the range of costs.

SUPERVISOR DUNNING: The proposals that we received, actually we got back -- and I'm assuming you saw those.

COUNCILMAN SCHULMERICH: Uh-huh.

SUPERVISOR DUNNING: -- were pretty much the same. The -- what they were providing and -- in essence was -- there was some -- some differences between -- between the three of these, as far as what some of the services they were going to provide. Um, we were -- I think when we sat down and the selection committee sat down and talked about this, we were kind of surprised that the large gap, or large, you know, spread in that number. Um, and we did interview all three of these -- these professionals for -- we spent quite a bit of time with each one of them, and really, outside of some things that we had some preferences when we did come to that selection process, there really -- there wasn't anything there that said this one is worth 30,000 over this one. There was no more of an element or nothing really left, yeah.

COUNCILMAN SCHULMERICH: I mean, I just -- I'm wondering what in their presentations would have helped justify that price difference, because it's pretty large.

SUPERVISOR DUNNING: I think it was very clear when we interviewed these companies that the -- that -- what they were going to deliver was very much in line with what we were looking for.

COUNCILWOMAN IGNATOWSKI: And, of course, my question is is usually you go with the lower bid unless there was a reason that you felt that they were not the quality you were looking for, and certainly, we have used Lu Engineers in the past and they were the low bid, so why were they not now being used.

SUPERVISOR DUNNING: When the selection committee took a look at this, and always with the low bidder, spending the least amount of money does not always mean you're getting the best product for that dollar. What we're particularly impressed with McCord and McCord's proposal was the forward-thinking and out-of-box thinking that they brought to the table, things that we didn't think about and looked at how we were spending our money, and gave us other options to look at that -- and -- that in this case, quite frankly, with all due respect to Passero Associates, we kind of tossed that out based on the dollar amount. It was so far out, so it left us with McCord and Lu, and weighing those things, and when we looked again at McCord, the -- what they offered us and what they were looking at and the thinking and the thought process they put into their plan, the other elements of what they have done in the past and some of the things they have demonstrated, the consideration for parts of the park that we wanted to see happen and the reality we may not get everything out of it that we want to get was something that McCord brought to us; whereas, really Lu was not as proactive in their approach and was quite frankly, we thought, was, for the dollar amount was worth getting them in here, with that thought process, knowing that they were more willing to work with the Town in this budget and help us get most of the elements or many of these elements that we want to have in there.

COUNCILWOMAN IGNATOWSKI: And then discrepancy between the 25,000 and the 21,168?

SUPERVISOR DUNNING: We wanted to leave room in the budget just in case there were some things that came -- David (Lindsay) you might be able to help me a bit.

DAVID LINDSAY: The proposal included a number of assumptions for that dollar value. We wanted to just provide a little buffer there should something arise that we didn't foresee, um, that would require additional costs.

SUPERVISOR DUNNING: Some of these assumptions, if I -- correct me if I am wrong, David (Lindsay), were around perhaps any wetland issues or, um, or -- or trails and things like that close to wetlands or putting bridges over wet areas, some of those were the -- the considerations and that that may be just un -- we didn't project and couldn't possibly have projected. So that is why we left a little buffer in there. That -- it doesn't mean that all has to be spent, but it can be spent otherwise if it -- if it comes to that.

COUNCILMAN SCHULMERICH: Fair enough.

SUPERVISOR DUNNING: Any other questions or comments?

RESOLUTION #163 RE: Baker Park Professional Services Contract

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

WHEREAS, the Town of Chili will be contracting with a professional engineer to develop construction plans for Baker Park

AND WHEREAS, a Request for Proposal for Professional Services was issued and proposals were received from the following firms:

Passero Associates \$30,000.00
McCord Landscape Architecture \$21,168.00
Lu Engineers \$18,000.00

BE IT RESOLVED that per the recommendation of the Interview Committee, Supervisor Dunning is hereby authorized to sign a contract with McCord Landscape Architecture with the amount of contract not to exceed \$25,000.00.

3 YES WITH 1 ABSTENTION (Councilwoman Sperr abstained.)

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: Okay. I have several questions on this. Unfortunately, Mr. Curley is not here to answer some of these questions, but maybe he has relayed some of that information to you.

I do appreciate the fact that Mrs. Borgus mentioned that the grant was not noted in here. I also have that down on my list.

I also have on my list of questions another comment that was -- where do they plan to locate the benches? I don't mean every single bench. Does he have plans to put them and disperse them throughout the parks? I would like his concepts on that.

SUPERVISOR DUNNING: Can I answer them one at a time?

COUNCILWOMAN SPERR: Sure. Sorry. I'm firing away. I'm sorry. Go ahead.

SUPERVISOR DUNNING: There is -- I believe there is a total of 12 benches being purchased under the State contract. It is bid contract. Um, of those benches, they will be located at the playground areas of each -- distributed among of the each of the parks at the playground spots before the -- where the gym and things likes that are. So they are throughout all of the parks.

COUNCILWOMAN SPERR: Okay. There is one bench here which is \$245.

SUPERVISOR DUNNING: No back on it.

COUNCILWOMAN SPERR: Is there a reason for that?

SUPERVISOR DUNNING: I don't know. All of the benches -- all but one have a back.

COUNCILMAN SCHULMERICH: Is that the way we want it?

SUPERVISOR DUNNING: Apparently yes.

COUNCILWOMAN SPERR: There must be some location that requires that.

SUPERVISOR DUNNING: And that could very well be. We were also limited by a budget. We were only allowed -- this particular grant only gave us \$4,400, so that may have been the only way to get the most out of this grant and get everything we needed. The benches, I believe, were \$402 a piece for the primary benches.

COUNCILWOMAN SPERR: Which brings me to the -- my next question. There is only -- did he get quotes from more than one company?

RICHARD STOWE: State bid.

COUNCILWOMAN SPERR: So it doesn't require anything else, but is on the State bid. They're the only ones on the State bid. I just wanted to clarify in case someone else didn't think we ask.

SUPERVISOR DUNNING: For point of reference, I was stunned a little by the dollar amount when I -- I did get on the internet and started looking. They're pretty reasonable. They're expensive. The price that we have is -- is if not consistent, is -- is actually lower than what I have seen on most places, so.

COUNCILMAN SCHULMERICH: Based on the way -- based on the way the comment -- the questions were answered, I interpreted, but I will ask, the grant is specific for benches?

SUPERVISOR DUNNING: Yes.

COUNCILMAN SCHULMERICH: And I believe this was called out in the Parks and Recreation Master Plan as a priority?

SUPERVISOR DUNNING: I believe it was, yes.

COUNCILMAN SCHULMERICH: That's all I have.

RICHARD BRONGO: It is a grant or is it from his discretionary funds?

SUPERVISOR DUNNING: No. It is a grant.

Do we have to amend this resolution?

RICHARD STOWE: Do you have to, no.

SUPERVISOR DUNNING: Should we?

RICHARD STOWE: Your call.

COUNCILWOMAN SPERR: Should we -- with our discussion, should -- your call.

SUPERVISOR DUNNING: Um, yeah. Let's -- so we're going to move to amend this resolution.

COUNCILWOMAN SPERR: Fine.
SUPERVISOR DUNNING: Whereas, the Town of Chili has received \$4,400 from a grant from Senator James Alessi for park benches.
RICHARD STOWE: Or received a grant of \$4,400 from Senator Alessi.
SUPERVISOR DUNNING: That works, too. "Received a grant of," right?
COUNCILWOMAN SPERR: That's okay with me.
SUPERVISOR DUNNING: So I move that we amend this resolution. Do we have a second?
COUNCILWOMAN SPERR: Second.
SUPERVISOR DUNNING: Mary (Sperr) seconded.
RICHARD STOWE: Mover and seconder have agreed to the amendment. Roll call is on the amendment.
SUPERVISOR DUNNING: Role call on the amendment.

The Town Board voted on the amendment. (See below resolution and further clarification language at the end of the resolution items.)

SUPERVISOR DUNNING: On the resolution.
RICHARD STOWE: As amended.
SUPERVISOR DUNNING: As amended.

RESOLUTION#164 RE: Purchase of Park Benches

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

WHEREAS, the Town of Chili has received \$4400.00 from Senator James Alesi for park benches,

BE IT RESOLVED that Michael Curley, Parks and Recreation Director, be authorized to purchase park benches off of NYS Bid Contract PC#62098 from GameTime Playground Equipment/Marturano Recreation.

Amendment:

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

WHEREAS, the Town of Chili has received a grant of \$4,400 from Senator Alessi for park benches,

BE IT RESOLVED that Michael Curley, Parks and Recreation Director, be authorized to purchase park benches off of NYS Bid Contract PC#62098 from GameTime Playground Equipment/Marturano Recreation.

On the amendment: APPROVED BY A VOTE OF 4 YES
On the original resolution as amended: APPROVED BY A VOTE OF 4 YES

RESOLUTION #165 RE: Eighth Annual Town Finance School

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Sperr

BE IT RESOLVED Dianne O'Meara, Director of Finance, is authorized to attend the "Eighth Annual Town Finance School" May 8-May 9, 2008 at The Woodcliff Hotel at a cost of \$200 registration fee, plus mileage.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #166 RE: Spring 2008 Monroe County Planning and Zoning Training Program

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that Ilze Bullwinkel, Conservation Board be allowed to attend the Spring 2008 Introduction to Planning and Zoning Workshop on April 29 - 30, 2008, at Monroe Community College, at a cost not to exceed \$50.00 plus mileage.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #167 RE: Spring 2008 Local Government Workshop

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that Jordon Brown, Adam Cummings, Tracy DiFlorio and Jim Wiesner, members of the Zoning Board of Appeals be allowed to attend the Spring 2008 Local Government Workshop for Zoning on May 9, 2008, at the Burgundy Basin Inn, at a cost not to exceed \$40.00 each plus mileage.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #168 RE: April 2, 2008 Abstract

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED to pay vouchers 1499-1660 totaling \$1,158,036.55 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$ 41,977.72
Highway Fund	\$ 23,934.90
Consolidated Drainage	\$ 77.68
Chili Fire Protection	\$876,678.00
Clifton Ambulance District	\$ 17,500.00
Chili Ambulance District	\$182,500.00
Scottsville Ambulance District	\$ 2,500.00
Senior Center Fundraiser	\$ 1,858.00
Special Light Districts	\$ 11,010.25
TOTAL	\$1,158,036.55

APPROVED BY A VOTE OF 4 YES

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on April 2, 2008 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:04 p.m. to discuss Extension of Chili Consolidated Drainage district to serve the 42 Everett Drive, tax map no. 133.15-2-40 as described in Schedule A (Property Description) on file in the Town Clerk's Office.

Attendance as previously noted in the 4/2/08 Chili Town Board meeting minutes.

No one was present to represent 42 Everett Drive.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 7:04 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on April 2, 2008 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:05 p.m. to discuss Extension of Chili Consolidated Drainage district to serve the 2968 Chili Avenue, tax map no. 133.19-3-11.2 as described in Schedule A (Property Description) on file in the Town Clerk's Office.

Attendance as previously noted in the 4/2/08 Chili Town Board meeting minutes.

No one was present to represent 2968 Chili Avenue.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 7:05 p.m.

SUPERVISOR DUNNING: At this time I would like to move we go into an Executive Session to discuss --

RICHARD BRONGO: Before you go, could I get a point of clarification? On that Resolution 164, that we moved to add "a grant of," were we leaving the original movers and seconders as those that moved and seconded?

RICHARD STOWE: Yes.

COUNCILWOMAN SPERR: Yes.

RICHARD BRONGO: Okay. Thank you.

SUPERVISOR DUNNING: Again, I would move that we go into an Executive Session to talk about a pending legal issue, as well as a personnel issue.

COUNCILMAN SCHULMERICH: I will second, and with the comment that is there any additional business that --

SUPERVISOR DUNNING: There will be no additional business when we return.

The Board voted 4 yes to go into Executive Session.

The Executive Session began at 7:58 p.m.

Councilman Schulmerich made a motion to return from Executive Session, and Councilwoman Sperr seconded the motion. The vote on the motion was approved by a vote of 4 yes.

The Executive Session ended at 9:35 p.m.

The next meeting of the Chili Town Board is scheduled for Wednesday, April 16, 2008 at 7:00 p.m. at the Chili Town Hall meeting room.

The meeting ended at 9:36 p.m.