

CHILI TOWN BOARD  
April 13, 2011

A meeting of the Chili Town Board was held on April 13, 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; 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. Jordon Brown, Deputy Town Supervisor was excused.

The invocation was given by Richard Brongo.

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

SUPERVISOR DUNNING: The well-accomplished Gates-Chili girls basketball team, they're having their banquet. He (Jordon Brown) is attending that this evening, so he is not here.

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PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on April 13, 2011 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:02 p.m. to discuss Local Law of 2011 amending "Chapter 500, Housing."

Attendance as previously noted in the 4/13/11 Chili Town Board meeting minutes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

RICHARD MITCHELL, 24 Sunset Hill

MR. MITCHELL: My name is Richard Mitchell. I live at 24 Sunset Hill. I have been a homeowner in the Town of Chili for 37 years.

Um, I just wanted to speak in favor of this proposition. About 9 to 10 years ago in our neighborhood, um, the owner of one of the homes in our neighborhood moved out of Town and began to rent the house to six unrelated individuals. Presently it is at six.

Over the years there has been several incidents, several things. Parking is an issue. I think safety is an issue. We have had several incidents with large parties that were broken up by the police, noise issues, et cetera, et cetera.

Anyway, I think it has created an environment that potentially can be unsafe and also is not in keeping with the integrity, the residential integrity of our neighborhood and our Town.

And I just wanted to speak out in favor of this, this ordinance. I feel that -- I approached the Town. I know other members of our neighborhood group have approached the Town, and we were surprised to find out that the current ordinance you can -- you can rent your home, a single-family home to 12 unrelated individuals.

We feel that there is an -- and I feel strongly that we need some sort of control on this, and this ordinance does bring that element of control. It still allows the homeowner to rent his home in a reasonable fashion that, I think, keeps with the resident -- maintains the residential integrity of our neighborhood. We live on a 32 home cul-de-sac on a quiet, residential street. We -- and I think that has been compromised.

So that is all I would like to say. Thank you.

WILLIAM BROWNING, 20 Sunset Hill

MR. BROWNING: My name is William Browning, 20 Sunset Hill. I just want to speak to safety. I have two teenage sons that are twins and a 16-year-old daughter.

One of the examples of a party that happened, I was upstairs in my home, and there was a party happening across the street. I came down from my -- or from my second story of my house to find two gentlemen with two 12-packs of beer in their hands greeting my sons and my daughter on my back deck saying, "We're at the party," and they walked through my front door, through my kitchen, out my back door, okay? Then I walked down from my second story of my house and find two strangers in my home, okay, with beer for my under age children? And one of -- it is my daughter, my 16-year-old daughter.

There -- there is the people who live in the house which are problems to begin with, but it

is not just the people that live in the house. It's the friends they bring to the neighborhood that don't direct them where to go, what to do, and how to behave. That's my concern for safety.

SUPERVISOR DUNNING: Thank you.

KEN EICH, 14 Sunset Hill

MR. EICH: My name is Ken Eich. I live at 14 Sunset Hill. First of all, Supervisor Dunning, thank you for considering this matter to improve the residential neighborhoods of our Town. It is greatly appreciated by the neighborhood where these problems have been happening.

Just to further reinforce to the Council, a couple of incidents that happened in -- and what has really spurred this on. Last spring it was -- it was prom and our kids were out at prom. My wife had to call my kids to say, "Be careful driving down our street. There is another party going on," at this house in question where it was being rented. The street was full, and my wife looked out the window to find one of the students or party attendees had fallen down drunk in the road in front of our house in the lane of oncoming traffic with a car coming up the road.

Immediately the police were called. His friend thought it was funny and laid down next to him. Fortunately, the police came soon after, cleared the party.

The incident that kind of broke the camel's back was last fall where one of the party goers went around and started smashing mailboxes. Fortunately, I was up, ran them down, got some plates, called the police. They went over to RIT, we settled the matter privately without a felony charge. These are the incidents we're seeing on a regular basis.

Saturday night there was another party. We had to call the police again. Um, and as a final comment, it's a very transient population in this house. They go to RIT. So every quarter, there is a new turnover of people. There are a lot of young children on our street, and it doesn't accommodate my feelings very well for their safety.

As Bill (Browning) just mentioned, he has a 16-year-old daughter. I have a 16-year-old daughter. There is numerous kids in Middle School and Elementary School. So as a safety concern, I appreciate your attention and action to the matter.

Thank you.

SUPERVISOR DUNNING: Thank you.

JAMES BRILL, 4 Sunset Hill

MR. BRILL: My name is James Brill. I live at 4 Sunset Hill. And I have lived there for probably 19 years now. And when this all took place with this rental and so on, we thought well, maybe it would be under control. But as the previous people stated, it just got out of control over the years. And this ordinance change is something that really is needed. In fact, it was needed probably sooner than later.

And I just hope that it can be enforced with this three unrelated people living in a household. Because if it isn't, and he gets three people in there that -- or maybe four or five and they're just on the sneak living there, somehow the Town has to either get a copy of the rental agreements or the lease agreements from anybody who is renting in the Town, so that they can see how many people he is renting to, and as homeowners around the area, we can kind of surveillance the area and make sure that there is no more than three unrelated people.

Because, you know, it has to be enforced if we're going to do something like this. If something like this is going to happen. So that is my concern. So thank you.

NEIL DAVIS, 3 Huntington Spring

MR. DAVIS: Hi. My name is Neil Davis. I live at 3 Huntington Spring which neighbors Sunset. I walk through Sunset quite a bit. The house basically is a frat house. It should not be in a residential zone. And I do not want that in my track, and that is why I am here tonight.

Thank you.

SUPERVISOR DUNNING: Thank you.

FOREST SICKLES, 5 Bucky Drive

MR. SICKLES: Good evening. My name is Forest Sickles. I live on 5 Bucky Drive. I'm just here to support this amendment because I don't want this type of thing in my neighborhood. We have young families. We don't need this type of situation.

Thank you.

SUPERVISOR DUNNING: Thank you.

GEORGE EALY, 13 Sunset Hill

MR. EALY: Yes, sir. My name is George Ealy. To add to what was already said, um, I'm experiencing the same things.

One thing that I experienced that I wanted to relate to the Panel is that, um, one day they were making noise out there. They had the car backed up on their property, with the back open, music loud, blasting, and I went out to tell them to turn the music down. And, um, as I was walking towards the house, two of the other guys were approaching the house walking towards the car that was open and trying to flag the people, some of the other friends that I was coming. Come to find out, some were in the pool, the neighbor's pool. And they were trying to get out before I came. And, um, I acted like I didn't really -- they knew it was too late, but they basically got back in the pool. I acted like I really didn't see it, and I said, "Can you all turn the music down?"

What I did do after that was I called that neighbor, and I asked them, "Did you allow them

to get in your pool?"

She said, "No."

I don't know if she is here today. But she said, "No."

I'm at 13 Sunset, by the way. I'm right next door.

And she said, "No." She also said that something was broken in the pool. They broke the ladder or they broke something.

So they are going around the neighborhood doing just -- just doing crazy things. One other thing I want to add is that they were also riding up and down the street in a Five Star chair. Probably like some of the chairs you're sitting in now being dragged up and down the street on the chair. Now, kids are looking at this and they look like they are having a good time, and this is portraying a real bad picture to the kids on how to have fun and those type of things. I really want that to stop.

I have called numerous times about the noise. Just called Saturday night myself. They had a party, 2:30 in the morning, they still playing the music loud, thumping, and I couldn't take it no more. I had gotten in the house late myself. My dad was in hospital, and I just come home from the hospital at 1 a.m., tired, ready to go to bed at night. I'm hearing this thumping. So I -- I waited around to 2:30 and said, "I can't take it no more."

I called the cops.

So whatever we can do here, if it is a new ordinance or -- that we can put in place so that this is not going to happen, I would much appreciate it, and I am sure a lot of people here would appreciate it.

Thank you.

SUPERVISOR DUNNING: Thank you.

The Public Hearing was closed at 7:14 p.m.

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SUPERVISOR DUNNING: I do notice there is a lot of people from the neighborhood, the Sunset Hill neighborhood and some other neighborhoods. I will come back to the Board in a second. We will not be voting on any resolutions tonight for -- for this proposed regulation. We don't do that on the same night. There is a possibility that this could be brought back up at our May 4th meeting for a vote, just for public information. I will open it up.

Does the Board have anything they would like to add that hasn't already been said here?

COUNCILWOMAN IGNATOWSKI: If I could, I know we have mostly representation from a particular street, neighborhood, but certainly I have heard complaints similar in other portions of the Town, so to be sure this law is addressing not just that neighborhood, but the Town as a whole so that we can take care of some of these issues that are elsewhere, as well.

SUPERVISOR DUNNING: Thank you.

COUNCILWOMAN SPERR: Yes. One of the residents -- I think it was James -- mentioned that he hopes that we enforce, and he did ask that the Town possibly could ask for copies of the rental agreement. Is that something that is even legal that we're allowed to do? I don't know if we could check with Rich (Stowe). Just for curiosity sake, since they happen to be here in the audience. Rich (Stowe).

RICHARD STOWE: I'm not sure that is allowable, but the way the ordinance is drafted, there is a presumption based on the information that would come through with the complaint. My supposition is that that presumption would get weight by the Court, and if it needed to be rebutted, it could only be rebutted by a copy of the lease that said otherwise.

COUNCILWOMAN SPERR: Okay. Then I guess for the benefit of everyone else here, um, if we are to vote -- if we were to vote this in at our next Town Board meeting, what happens once this Local Law comes into effect? How does that immediately solve their problem, or what steps are taken to help them solve that problem from our Building Department?

SUPERVISOR DUNNING: Yes. I don't think at this point until we vote I can completely answer that question. I don't have that answer for you tonight.

Once we enact this, then we can look at the measures and what we need to do to remedy situations anywhere in the Town of Chili, not just specific for the folks that are here tonight.

COUNCILWOMAN SPERR: Then I would hope if that does take its course, I know we have to discuss it, but if that does take its course, I would hope the information they would be looking for as to how this will help them will be available.

SUPERVISOR DUNNING: Oh, absolutely. Absolutely.

COUNCILWOMAN SPERR: I just wanted to make sure that we -- if that does happen, that we can communicate that and then everyone will know what they can and can't do and how we are going to help them if that takes its course.

Thank you. That is all I had.

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: Louise Salatino, Gail Buck, Bob Smith and Dorothy Borgus. The Public Forum concluded at 7:29 p.m.

SUPERVISOR DUNNING: The comments on the Union Processing site, um, I have spoken with Mr. Lindsay. We have discussed action and what we can do moving forward. He is looking into this to see what we can and can't do about the situation over there. I don't have an answer for anyone this evening. I don't expect I will have an answer any time within the next few days either, but he is looking at what our options are there as far as addressing the concerns with what is happening over there. But I don't have any -- any good answer or direction right now for the Town. When I do -- Louise (Salatino), I do have your phone number, and I will contact you as soon as I know anything more on the situation.

In regards to the comments made about the Planning Board, certainly I am unfamiliar with what happened last night and in fairness to the Planning Board, I would like to have a conversation with its Chair. I'm sure he is intimately familiar with the comments that were made here this evening, so I will discuss what happened and the circumstances of that meeting, because I wasn't there. So I -- so I would wait to hear from him before I can respond on anything on that.

With that does anybody have anything else they would like to add with regards to the Public Forum?

COUNCILWOMAN SPERR: I do know that there -- I'm not sure which member of the Board you're speaking of, but there was a member who had been ill for several weeks, and if he could no longer sit there, then I would wait to hear further, but I just wanted to make that comment that there was a member who was very ill.

COUNCILWOMAN IGNATOWSKI: I would hope that you would pass on whatever information that you obtain to the rest of us.

SUPERVISOR DUNNING: Yes.

COUNCILWOMAN IGNATOWSKI: I mean certainly I will read the minutes when they come out.

SUPERVISOR DUNNING: And, of course, there will be video available also. There is video also, so we can see that.

COUNCILMAN SLATTERY: Supervisor, in regards to Union Processing, the -- the -- do we keep track of the amount of complaints that come in, correct?

SUPERVISOR DUNNING: Yes.

COUNCILMAN SLATTERY: So there is a history that is there?

SUPERVISOR DUNNING: If there is -- yes, if there is a formal complaint filed with the Town of Chili.

COUNCILMAN SLATTERY: Which I know in the past has been --

SUPERVISOR DUNNING: I don't know. I'm sure there was, but I don't know what -- how many or to what extent. I have no idea.

COUNCILMAN SLATTERY: My other question would be, to look at the possibility of other agencies that could partake in this, as well. So -- and I appreciate the people coming tonight and discussing that with us, and if you can just let us know.

SUPERVISOR DUNNING: I will.

COUNCILWOMAN DI FLORIO: If I can piggy-back on your statement there in terms of formal request. Just in case anybody is not aware, if you do -- for going forward, you should really log a complaint with the Town so that we can track those issues. We can't fix something if we don't know it is broken. I'm not saying you haven't. I'm just saying for the rest of the neighbors.

SUPERVISOR DUNNING: This is not a time for dialogue, I'm sorry.

And again, Louise, I will get back to you once we know something further, but we don't get into any discussion or dialogue around the Public Forum at this point.

COUNCILWOMAN IGNATOWSKI: I find it encouraging this was addressed in the past successfully for a time period and now it has lapsed. So it sounds like something was successfully done in the past that addressed this. So --

SUPERVISOR DUNNING: I'm not sure that that is the case. I'm not positive of that. I would like to further investigate that. All right.

Any other comments from the Board?

Sorry, sir, the Public Forum is over. Certainly if you would like to add to it, give me a call.

#### **MATTERS OF THE SUPERVISOR:**

SUPERVISOR DUNNING: Under Matters of the Supervisor, I don't have anything additional at this point. So I will turn it over to Matters of the Town Council.

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

COUNCILWOMAN IGNATOWSKI: I did. In the most recent Talk of the Town's magazine, they had in there an article about funding opportunities, and, Supervisor, there was one in there for the New York State Environmental Facilities Corporation, and -- for a drinking water State revolving fund to help fund drinking water projects, and I was wondering if perhaps we could pursue that for our next extension.

SUPERVISOR DUNNING: And actually, I would -- I did receive an e-mail earlier today from you about this, and I hadn't read the Talk of the Towns yet. So thank you for bringing it to my attention.

I did make a phone call to find out what -- what these are all about, and there are -- there are two different types of grant -- two different types of funding opportunities. One of it is a -- is a grant. Part of it is a grant, and the other part is low interest financing. The part that we don't qualify for is the grant. Grant is for areas that the average family income is \$43,000 a year, and we would exceed that in this particular district.

So if we wouldn't qualify for the grant funding, but would -- and may qualify for low interest or no interest, um, right, funding, and -- we'll look -- we'll look at that. But grant money itself is not available through these -- through either one of those agencies for this program.

COUNCILWOMAN IGNATOWSKI: Certainly low interest or no interest is an advantage, as well. And we -- it will be an opportunity, I think, that we should pursue.

SUPERVISOR DUNNING: And I will.

As you know, we had to delay the -- our work on the water because of an -- but this gives us an opportunity to look at this in a little more in depth and see if we have opportunities that perhaps we may have missed on the first go-around.

COUNCILWOMAN IGNATOWSKI: Sounds good.

SUPERVISOR DUNNING: Thank you.

COUNCILWOMAN SPERR: Just wanted to make an announcement. I made one of the announcements at one of the other Town Board meetings, but something happened to our tape and so it didn't get out there.

But I just wanted to make the announcement about the Chamber annual awards here.

This is our 26th Annual Awards Community Celebration Dinner held on Thursday night, April 28th at the Diplomat Banquet Center, and we have many members of the Chili community that will be receiving awards that night. So it is open to anyone to attend. It is only \$25, and if anyone is interested, please feel free to give me a call and I will get the you the information that you need.

The 3/2/11 and 3/16/11 Town Board minutes were approved as submitted.

#### **REPORTS SUBMITTED:**

Dog Control Report – February 2011

Town Clerk Report – March 2011

Conservation Board Minutes – 1/31/2011

Traffic & Safety Committee Minutes – 2/3/2011

#### **CORRESPONDENCE:**

1. Mr. Brongo has received formal notification for Liquor License (3134720) renewal with the State Liquor Authority for the JC Wirth, Inc. Business located at 200 Wegmans Market Street, Rochester, New York 14624.
2. Mr. Brongo has received formal notification for Liquor License (3134721) renewal with the State Liquor Authority for the JC Wirth, Inc. Business located at 200 Wegmans Market Street, Rochester, New York 14624.

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

SUPERVISOR DUNNING: I would just like to say we do have who two members of our Conservation Board that worked very, very hard on this document, along with Bergmann Associates, who was our hired contractor for this. I would like to recognize the Chair of the Conservation Board, Pat Tindale, who is here, and one of our members also, Bill Steimer, who are also working on our Comprehensive Plan, too.

So they have been very, very busy lately, but I would like to thank you for the work you have put into this. It is a very good document, well put together and certainly long overdue.

So thank you.

PAT TINDALE: Are we allowed to thank you for letting us go through this?

SUPERVISOR DUNNING: You -- I would never turn down a thank you. We don't get a lot of those, as you -- (Laughter.)

COUNCILWOMAN IGNATOWSKI: I just know the tremendous amount of effort they put in, hours and hours. It was a huge effort and I have to echo that. I appreciate all of the time you put into it.

COUNCILWOMAN SPERR: I just -- the only comment I would like to make is in the future, should this be voted in tonight and approved, I will be looking for what type of process that the Conservation Board chooses to use so that we can provide a report. It says that he -- we look for a report on a yearly basis, so I will be looking for some information as to how the Conservation Board chooses to do that for us.

And again, I also want to express my thank you. I sat in on one of the meetings they had one night when they were working on it, and my gosh, what a job, so thank you very much.

**RESOLUTION #155**

**RE: Adoption of the Open Space Inventory**

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

**WHEREAS**, in 2010 the Town established an Open Space Index Committee and contracted with Bergman Associates to complete a Open Space Inventory; and

**BE IT RESOLVED**, that the Town Board hereby accepts and adopts the final draft of the Open Space Inventory dated February 2011.

UNANIMOUSLY APPROVED

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**RESOLUTION #156 RE: US AIRPORTS FBO SETTLEMENT**

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

**WHEREAS**, the Town's special counsel for tax review proceedings and the Town's Assessor have recommended settlement of an Article 7 RPTL proceeding commenced by US Airports Flight Support South, LLC at 135.03-1-22, 1265 Scottsville Road; and

**WHEREAS**, acceptance of this recommendation and settlement of this action, at this time, is in the best interests of the taxpayers of the Town of Chili; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town's special counsel, its Assessor and the Supervisor are hereby authorized to execute the necessary paperwork to settle the tax proceedings commenced by US Airports Flight Support South, being index number 2009-10991 and 2010-9635 and to take whatever action is appropriate to discontinue said actions.

UNANIMOUSLY APPROVED

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**RESOLUTION #157 RE: Set Public Hearing to consider adoption of Local Law # \_\_\_\_ of 2011 amending The Code of the Town of Chili "Chapter 500 Wind Energy Conservation"**

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

**WHEREAS**, a Local law to amend the Town Code Chapter 500 Wind Energy Conservation; and

**NOW, THEREFORE, BE IT RESOLVED**, that Local Law # \_\_\_\_ of 2011 of the Town of Chili entitled a Local law to amend Chapter 500 Wind Energy Conservation has been advanced and introduced; and

**BE IT FURTHER 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 is hereby scheduled for May 18, 2011 at 7:00 p.m. at the Town Hall Main Meeting Room, 3333 Chili Avenue to consider the adoption of Local Law # \_\_\_\_ of 2011.

UNANIMOUSLY APPROVED

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**RESOLUTION #158 RE: Use of the Senior Center Trust and Agency Account**

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

**WHEREAS**, the Senior Center Trust and Agency Account was established in the year 2000 to hold proceeds from fundraising activities to benefit the Chili Senior Center; and

**BE IT RESOLVED**, that Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, wish to use funds from said account to offset the cost of the summer picnic, to be held Wednesday May 25th at Black Creek Park. Cost will not exceed \$500.

UNANIMOUSLY APPROVED

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

COUNCILMAN SLATTERY: 159, the second one, I know there was some electrical issues in the Senior Center in the kitchen. Have those been resolved?

SUPERVISOR DUNNING: I believe they have, but I will let Mr. Lindsay answer that more accurately.

DAVID LINDSAY: Um, we understand what the problem is, and it will be resolved. There was a problem with the circuit breaker panel. They were overloading one of the breakers, and we'll be addressing that I think with the -- we'll be purchasing a refrigerator freezer. I think that is one of the items on the agenda, and I think we'll be addressing that at that time.

COUNCILMAN SLATTERY: There is also limited amount of space there, so are they going to be moving something out, or --

DAVID LINDSAY: I believe they are. I just don't have the specifics on that.

SUPERVISOR DUNNING: Actually, I do. I work in that kitchen quite a bit. Um, actually, there -- to the -- to the right of the stove there is a counter space over there. They're going to remove the cupboards from below the counter space. This is a freezer moving in and out on a wheel, so they retain the counter space, but they have the freezer underneath.

COUNCILWOMAN IGNATOWSKI: And They don't need the cupboard space then?

SUPERVISOR DUNNING: They can do without the cupboard space. There is still -- always a need for more storage space in there, but they can make due without that particular space. The freezer more of a priority for them.

**RESOLUTION #159 RE: Use of the Senior Center Trust and Agency Account**

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

**WHEREAS**, the Senior Center Trust and Agency Account was established in the year 2000 to hold proceeds from fundraising activities to benefit the Chili Senior Center; and

**BE IT RESOLVED** that Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, wish to use funds from said account to purchase 8' cubic chest freezer for the Senior Center use. Cost will not exceed \$350.

UNANIMOUSLY APPROVED

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**RESOLUTION #160 RE: Parks Security**

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

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

**WHEREAS**, request for Proposals have been received from the following companies:

Pro-Tect Security	\$20.50/hour
COP Security	\$23.50/hour
Intercept Security	\$23.50/hour

**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 (Parks).

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Are we having more or less than last year?

SUPERVISOR DUNNING: I believe it's the same.

COUNCILMAN SLATTERY: Same amount.

COUNCILWOMAN SPERR: They might want to anchor them down. I saw on the news where some kids were on inflatable rides and it blew the ride away with the kids in it into the street. I couldn't believe it.

RICHARD STOWE: I don't think that is this company.

COUNCILMAN SLATTERY: No. No.

SUPERVISOR DUNNING: Thank you.

RICHARD STOWE: You're welcome.

COUNCILWOMAN SPERR: Just trying to keep it interesting.

COUNCILMAN SLATTERY: Thank you, Counsel.

**RESOLUTION #161 RE: CHIL-E FEST INFLATABLE RIDES**

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

**BE IT RESOLVED** that Supervisor Dunning is hereby authorized to sign a contract with "Blue Apple Productions" to provide Inflatable Rides for the 2011 Chil-E Festival for \$975.00 to be paid from account A7550.4 (Celebrations).

UNANIMOUSLY APPROVED

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**RESOLUTION #162 RE: Entertainment Chil-E-Fest**

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

**BE IT RESOLVED** that Supervisor Dunning is hereby authorized to sign a contract with Fifty-Fifty Band to provide musical entertainment at the 2011 Chil-E Festival for \$1,500.00 to be paid from account A7550.4 (Celebrations).

UNANIMOUSLY APPROVED

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**RESOLUTION #163 RE: Fireworks Chil-E-Fest**

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

**WHEREAS**, the Town of Chili provides professional fireworks as part of the annual Chil-E Festival on July 4; and

**WHEREAS**, Young Explosive Corporation has provided the town with outstanding service at previous Chil-E Festivals; and

**NOW, THEREFORE, BE IT RESOLVED**, that per the recommendation of Michael Curley, Parks and Recreation Director, that Supervisor Dunning is hereby authorized to enter into a contract with Young Explosive Corporation for the provision of professional fireworks display at the 2011 Chil-E Festival in the amount of \$10,000.00 to be paid from Account A7550.4 (Celebrations).

UNANIMOUSLY APPROVED

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**RESOLUTION #164 RE: SEQRA DETERMINATION OF SIGNIFICANCE TOWN WIDE EXTENSION OF THE CHILI CONSOLIDATED DRAINAGE DISTRICT NO. 1**

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

**WHEREAS**, the Town Board of Chili shall consider the approval of the town wide extension to the Chili Consolidated Drainage District No. 1; and

**WHEREAS**, the proposed extension to the Chili Consolidated Drainage District No. 1 is an Unlisted Action under the provisions of State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder; and

**WHEREAS**, as project sponsor, the Town Board directed the Town Engineer, Lu Engineer's to prepare a Short Form Environmental Assessment Form, a copy of which is on file with the Town Clerk; and

**WHEREAS**, the Town Board has duly reviewed and considered the Short Form Environmental Assessment Form, the Engineer's Report for the proposed town wide extension of the Chili Consolidated Drainage District, as well as all the evidence and information obtained at a public hearing held on March 16, 2011, and the Board has duly considered the impacts which reasonably may be expected to result from the proposed action by using the criteria set forth in Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act, and applicable regulations promulgated thereunder ("SEQRA"); and

**NOW, THEREFORE, BE IT RESOLVED**, by this Town Board as follows:

1. That the Town Board of the Town of Chili declares itself the Lead Agency for the uncoordinated review of this action.
2. That based upon the review and consideration by the Town Board of all of the evidence above described, the Board hereby finds that the object of the above-referenced action will not result in any significant "adverse environmental impacts" and no "environmental impact statement" need be prepared, as such quoted terms are defined in SEQRA. This determination constitutes a negative declaration for purposes of SEQRA.
3. That the Town Board's determination is based upon the reasons set forth in the

notice of negative declaration attached hereto.

4. A copy of this resolution, together with the notice of negative declaration, shall be placed on file in the Office of the Town Clerk of the Town of Chili and posted on the Town Clerk's Bulletin Board where the same shall be available for public inspection during business hours.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Is this on the website at this time?  
SUPERVISOR DUNNING: The details of this Drainage District should be up there, yes. This particular resolution, I don't believe it is now.  
COUNCILMAN SLATTERY: Just reading the language in here.  
SUPERVISOR DUNNING: Actually, the agenda is up on the website.  
COUNCILMAN SLATTERY: But the Drainage District information and so forth.  
SUPERVISOR DUNNING: It is up on the website.  
COUNCILMAN SLATTERY: Okay. Thank you.

**RESOLUTION #165 RE: APPROVAL OF THE TOWN WIDE EXTENSION OF THE CHILI CONSOLIDATED DRAINAGE DISTRICT NO. 1**

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

**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 a town wide extension of the Chili Consolidated Drainage District No. 1, to include all parcels of land situated within the Town of Chili not currently located in the Chili Consolidated Drainage District No.1 (approximately 3,344 parcels); and

**WHEREAS**, on January 21, 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**, 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

**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

**WHEREAS**, an order was duly adopted by the Town Board on February 2, 2011, reciting the boundaries of the proposed district extension; the maximum amount proposed to be expended for the improvements; the estimated tax impact on the "typical one family home" and "typical two family home;" the fact that a plan, map and report describing the same are on file in the Town Clerk's office for public inspection, as well as posted on the official website for the Town at [www.townofchili.org](http://www.townofchili.org); and specifying March 16, 2011 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 proposed drainage district extension, and to hear all persons interested in the subject; and

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

**WHEREAS**, a hearing in the matter was duly held by the Board on the 16th day of March, 2011 commencing at approximately 8:30 p.m. at the Town Hall in the said Town and all persons desiring to be heard having been duly heard; and

**NOW, THEREFORE**, upon the evidence obtained by the Town Board at the March 16, 2011 public hearing and upon all other information obtained and reviewed by the Board, it is

**RESOLVED AND DETERMINED** that:

- (1) The notice of hearing was published and posted as required by law and is otherwise sufficient; and
- (2) All the property and property owners within the proposed town wide extension of the Chili Consolidated Drainage District No. 1 are benefitted thereby; and
- (3) All the property and property owners benefitted are included within the limits of the proposed town wide drainage district extension; and
- (4) It is in the public interest to establish the town wide extension of the Chili

Consolidated Drainage District No. 1; and

**BE IT FURTHER RESOLVED**, subject to a permissive referendum, that the Town Board does hereby approve the town wide extension of the Chili Consolidated Drainage District No. 1, being bounded and described in Schedule A which is attached hereto and incorporated herein; and

**BE IT FURTHER RESOLVED**, that the costs of Chili Consolidated Drainage District No. 1, and all of its extensions, shall be spread over the entire drainage district, as extended; and

**BE IT FURTHER RESOLVED**, that all costs relating to the Chili Consolidated Drainage District No. 1, as extended, shall be assessed and levied on an ad valorem basis.

**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	132.1	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 (Ta 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. Call an 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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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Do you want to give an explanation.

SUPERVISOR DUNNING: Yes. What this is, our Town engineers, Lu Engineers are actually the engineering firm that is going to be doing the work for an applicant that is coming before the Planning Board.

Because of that, the -- to avoid any conflict of interest, the Town will be hiring Clough Harbour to do this, their engineering services for this application, at the expense of the applicant. The Town will not be paying for this. This gets paid for by the applicant themselves. That is what that particular resolution is all about.

Any other questions or comments?

**RESOLUTION #166 RE: Professional Services Contract Agreement with Clough Harbour & Associates for Review of Planning Board Application**

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

**WHEREAS**, the Town of Chili has received a site plan application from the Genesee Valley Regional Market Authority for their site at 1861 Scottsville Road; and

**NOW, THEREFORE, BE IT RESOLVED**, that Supervisor Dunning is hereby authorized to enter into an agreement with Clough Harbour & Associates for professional consulting services to support the town in its review of the Genesee Valley Regional Market Authority application at 1861 Scottsville Road. The Town of Chili is authorized to accept a check for \$4,000 from the Genesee Valley Regional Market Authority to establish an escrow account to use for services rendered by Clough Harbour & Associates. Contract for this service is not to exceed \$4,000.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Can we have a brief description what work is going to be done at that location?

SUPERVISOR DUNNING: Mr. Lindsay?

DAVID LINDSAY: The Phase 2 work is landscape planting in the butterfly garden area, up just west of the parking lot, the existing parking lot out there. There will be various plantings

that go in, as well as part of the walkway that will eventually go around the entire park. There will be some trees installed, as well, the median, the parking up by the pavilion and some decorative benches will also be put in, as well.

COUNCILMAN SLATTERY: Basically all of the other parks we have, the ones that are, you know, sort of landlocked, you know, Davis and so forth, there are gates that are up. Is there going to be a gate that is put on this park at all, or is that always going to be open?

DAVID LINDSAY: The -- the plans that were prepared didn't call for a gate there.

COUNCILMAN SLATTERY: No problem. Thank you.

COUNCILWOMAN DI FLORIO: Can you also -- I know the Board was given the information, but just for the sake of the audience at home, could you explain why we're choosing -- or you recommended Evergreen over the lowest bidder?

DAVID LINDSAY: Sure. The lowest bidder on there, I think, was Lakeside Landscaping didn't include one of the items we requested which was park benches. So if you add in the average cost for park benches, it would raise their cost above the Evergreen Landscaping proposal.

COUNCILWOMAN DI FLORIO: Thank you.

RICHARD STOWE: Is it fair to say that the bid did not conform to the specifications that were submitted?

DAVID LINDSAY: That's fair to say, yes.

RICHARD STOWE: So we're rejecting the bid because it did not conform and we're awarding it to the lowest bidder who did conform? Is that a fair statement?

DAVID LINDSAY: Yes, that's a fair statement.

RICHARD STOWE: I like it when we're fair. (Laughter.)

COUNCILWOMAN IGNATOWSKI: And concise.

COUNCILMAN SLATTERY: I like it when you sit there.

SUPERVISOR DUNNING: Wow, lawyers.

DAVID LINDSAY: Should we modify the resolution to reflect that?

RICHARD STOWE: Has the bid already been rejected?

DAVID LINDSAY: No, not formally.

RICHARD STOWE: All right. In that case, with the consent of the mover and the seconder, I think the wording down here, "Now, therefore, be it resolved per the recommendation... to award the bid for construction Phase 2 work to Evergreen" ought to be just preceded with "rejection of the Lakeside Landscaping bid for non-compliance and awarding of the contract to Evergreen."

So ahead of "to award the bid," we'll simply say, "Reject the bid of Lakeside Landscaping for non-conformance and award the bid."

COUNCILMAN SLATTERY: That's what I had down.

RICHARD STOWE: Is that all okay with who moved it and --

COUNCILWOMAN DI FLORIO: Yes, it is.

RICHARD STOWE: You who seconded it?

COUNCILWOMAN IGNATOWSKI: Yes, it is.

SUPERVISOR DUNNING: Did you get that, Sandy (Hewlett)?

SANDRA HEWLETT: Yes.

SUPERVISOR DUNNING: Any other questions or comments?

**RESOLUTION #167 RE: Award of Proposals for Construction of a Phase II A at Widener Park**

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

**WHEREAS**, proposals for the construction of Phase II A at Widener Park were received on April 6, 2011; and

**WHEREAS**, the proposals are tabulated as follows:

<u>Bidder</u>	<u>Total Bid</u>
Lakeside Landscaping	\$28,100.00
Evergreen Landscape	\$29,860.00
Ted Hosmer Ent.	\$33,109.00
R.J. Schickler Commercial	\$38,109.00
Keady Landscaping	\$40,819.00
RM Landscape	\$40,866.37

**WHEREAS**, the Department of Public Works has reviewed the proposals and checked references and recommends that the project be awarded to Evergreen Landscape; and

**NOW, THEREFORE, BE IT RESOLVED**, per the recommendation of David P. Lindsay, P.E, Commissioner of Public Works, with rejection of the Lakeside Landscaping bid for non-compliance and awarding of the contract to Evergreen, to award the bid for the construction of Phase II A at Widener Park, to Evergreen Landscape of Chili, New York, in the amount of \$29,860.00, to be paid from the Monroe County Green Space Initiative Grant.

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

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: In regards to -- we're going to be installing the timber guide rail. The life expectancy for the timbers? I know -- there has been different talk.

You know, just a follow-up question will be, the difference between the timber and the guide rail or in other parks we put large rocks, so the thought process?

DAVID LINDSAY: Um, the timber guide rail is pressure-treated, so it will have a standard life of pressure-treated lumber. I don't have the specific dates for that. I can get it for you if you would like. It will extend from the entrance on the -- it will run off the north side of the driveway and wrap around the parking lot there. It was part of the original plan that came in from, I think, McCord Landscaping and Architects a couple years back.

And your last question was?

COUNCILMAN SLATTERY: Regarding -- the difference between timber guide rail or boulder.

DAVID LINDSAY: Large boulders are free.

COUNCILMAN SLATTERY: Exactly.

DAVID LINDSAY: But generally we use those to delineate some of the driving lane -- the entranceways, as well. This -- we think it will look, fit the character of the park a little bit better than boulders along the parking lot on the entranceway.

COUNCILMAN SLATTERY: Rather than guide rail, as well?

DAVID LINDSAY: Yes. Certainly guide rail the box beam or corrugated -- again, I don't think it will fit well with the character of the park.

COUNCILMAN SLATTERY: Thank you.

SUPERVISOR DUNNING: One of the things I would just like to take off that comment a little bit, I know after recently reviewing some of the Parks and Rec Master Plan, one of the things they frowned upon was continuing to use boulders to differentiate between parking and grassy areas. Especially we have a quite a few up at Davis, and they recommended removing those and going with something more of a -- some type of a railing system out there. So, this certainly would be consistent with what the Parks and Rec Master Plan has intended for other parks.

COUNCILMAN SLATTERY: One drawback is if vehicles hit them, depending on the thickness and so forth, the -- of damaging them, or having to replace them and so forth. Rocks, you really don't damage.

RICHARD STOWE: Damage cars.

COUNCILMAN SLATTERY: You can stop.

**RESOLUTION #168 RE: Award of Proposal for the Supply and Installation of a Timber Guide Rail at Widener Park**

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

**WHEREAS**, three (3) quotations for the supply and installation of a timber guide rail were received on March 29, 2011; and

**WHEREAS**, the quotes were tabulated as follows:

Bidder	Total Bid
All American Fence	\$9,993
New York State Fence Inc.	\$10,480
Empire Fence	\$13,900

**WHEREAS**, the Department of Public Works has reviewed the quotations and checked references and recommends that the bid be awarded to All American Fence; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the Commissioner of Public Works, to accept quote for the supply and installation of a timber guide rail at Widener Park, to All American Fence of Spencerport, NY, in the amount of \$9,993, to be paid from the Monroe County Green Space Initiative Grant.

UNANIMOUSLY APPROVED

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**RESOLUTION # 169 RE: Bike Ride for National Center for Missing & Exploited Children**

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

**WHEREAS**, the National Center for Missing & Exploited Children has once again asked for the Town's permission to have their May 20, 2011 one hundred mile bike ride come through the Town of Chili on Ballantyne Road to Scottsville Road to Paul Road/Beahan Road Intersection, Marshall Road to Market Street from approximately 4:00 p.m. – 4:45 p.m. to spread the awareness about the plight of missing children and share abduction and exploitation prevention educational materials with children along with raising funds for their agency services. This race has been held for the past ten years; and

**WHEREAS**, pending the receipt of a certificate of insurance naming the Town as an additional insured; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the National Center for Missing & Exploited Children to have their bike ride go through the Town of Chili on Friday, May 20, 2011 provided they notify the Monroe County Sheriff's Office at Zone C, the Chili Fire Department and Ambulance prior to the race; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall send notification of this resolution to the National Center for Missing & Exploited Children.

UNANIMOUSLY APPROVED

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**RESOLUTION #170 RE: Monroe County Spring 2011 Land Use Decision-Making Training**

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

**BE IT RESOLVED** that Kenneth Kraus, Drainage Committee be allowed to attend the 2011 Spring Land Use Decision Making Training on May 20, 2011 in Rochester, NY, at a cost of \$25.00 plus mileage from A/C #A80104.8.

UNANIMOUSLY APPROVED

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

**SUPERVISOR DUNNING:** I would like to explain this. I know there was a question about some of the money. I will go over it with Dianne (O'Meara) in a minute.

To explain what this is, it is basically similar to refinancing your home mortgage. The Town Hall facility, this is money that was used to purchase this facility. We're at a point in this particular time of the loan, about eight years or so left on the loan or the bond that was taken out for this facility. The interest rates are -- have dropped significantly since this initial bond was taken out for this facility, and with that, we can basically refinance the balance, which is about \$2 million, refinance that balance for the remainder of the time, and it saves, as you see in the resolution, a savings to the Town about \$97,000, and that is a gross figure.

Yes, there are expenses to go along with that. The Town looks to net somewhere in the area of about \$62,000 savings over the next -- over the course of the next eight years, so this is going to save us money.

**COUNCILMAN SLATTERY:** Supervisor, are there other items that the Town bonded that we're looking at that?

**SUPERVISOR DUNNING:** This -- this is the only bond I'm aware of that the Town has out at this time. No?

**COUNCILWOMAN IGNATOWSKI:** Water extension.

**DIANNE O'MEARA:** We have a second one, but --

**SUPERVISOR DUNNING:** I forgot about that one.

**DIANNE O'MEARA:** But there has to be a certain length of time before you can do this, plus it needs to be financially, you know, beneficial. So the other bond that we have is a -- is a small one for the sewer project and South Chili Water 2, which at this time, is not worth trying to refinance it.

**COUNCILMAN SLATTERY:** Not worth it in -- for -- because of -- I know the water, it was the timeline, the same time, and the Union Street sewer a few years later. You're saying it is not worth it because?

**DIANNE O'MEARA:** There would not be any beneficial gain.

**COUNCILMAN SLATTERY:** No savings?

**DIANNE O'MEARA:** Right. By the time that you had expenses and, you know, to do the refunding.

**COUNCILMAN SLATTERY:** Just as long as we're looking into it.

**RICHARD STOWE:** Was this not the recommendation from Bernie Donegan, our financial advisor and manager, and didn't they look at all of them?

**DIANNE O'MEARA:** They look at them actually annually.

**RICHARD STOWE:** That's what I thought.

**COUNCILMAN SLATTERY:** Thank you.

COUNCILWOMAN SPERR: Thank you, Dianne (O'Meara).

SUPERVISOR DUNNING: Dianne (O'Meara), there was -- I don't know if I completely answered the question earlier at the forum, but there was a couple questions about the amounts of money and specifically what this was for, and specifically this was the bond for this facility.

DIANNE O'MEARA: For the most part, it was the bond for this facility. It was also for South Chili Water 1, and also the Hynes Tract Water Project. What remains out in the principal payment for this facility is before our, um, principal payment made December of 2011, um, is \$1,565,000 for this facility. Um, 13,000 is Hynes Tract, and the South Chili Water, um, Benefit Area Number 1 is 602,000.

And again, the -- the principal doesn't change. I mean, what we -- what we owe on principal, that remains the same. It is just trying to benefit from savings and interest.

SUPERVISOR DUNNING: Any other questions or comments?

**RESOLUTION # 171 RE: A REFUNDING BOND RESOLUTION DATED APRIL 13, 2011 AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF CHILI, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY AS "REFUNDING (SERIAL) BONDS" AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY**

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

**WHEREAS**, the Town of Chili, New York (the "Town") has heretofore duly issued \$5,245,000 aggregate principal amount of Public Improvement (Serial) Bonds, 1998, such bonds being dated December 15, 1998 and maturing in annual installments in each of the years 1999 to 2019, both inclusive (the "Refunded Bonds"), as more fully described therein; and

**WHEREAS**, the Refunded Bonds were authorized pursuant to a bond resolution dated June 4, 1997, to finance various capital improvements, and bond resolutions dated January 4, 1995 and March 20, 1996, to finance the construction of water improvements; and

**WHEREAS**, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the \$2,180,000 outstanding principal balance of the Refunded Bonds (such outstanding principal balance being stated as of the date hereof), by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

**WHEREAS**, such refunding will result in present value savings in debt service as required by Section 90.10 of the Local Finance Law; and

**NOW, THEREFORE, BE IT RESOLVED**, BY THE TOWN BOARD OF THE TOWN OF CHILI, NEW YORK AS FOLLOWS:

**Section 1.** For the object or purpose of refunding all or a portion of the \$2,180,000 outstanding aggregate principal amount of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized shall be sufficient to pay; (i) the principal amount of the Refunded Bonds; (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the maturity dates thereof or the date on which the Refunded Bonds which are callable are to be redeemed prior to their respective maturities in accordance with the Refunding Financial Plan, as hereinafter defined; (iii) the costs and expenses incidental to the issuance of refunding bonds herein authorized, if any that are not to be paid from current funds available therefor, including, without limitation, the development of the Refunding Financial Plan, compensation to the Underwriter, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the Escrow Contract, as hereinafter defined, and fees and charges of the Escrow Holder, as hereinafter mentioned; (iv) the redemption premium, if any, to be paid on the Refunded Bonds which are to be called prior to their respective maturities, if any; and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$2,380,000 refunding serial bonds of the Town pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$2,180,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on

such dates, as the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Town Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph (f) of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Town Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Town Supervisor. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date and as otherwise provided in Securities and Exchange Commission Release No. 34-23856, as the same may be amended from time to time. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the book-entry-only system of DTC. In the event that either DTC shall discontinue the book-entry-only system, or the Town shall terminate its participation in such book-entry-only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. In accordance with such book-entry-only system. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Town Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Town Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively, the "Fiscal Agent"). Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act in connection with the Refunding Bonds as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Town Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Town Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Town Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph (j) of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph e of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that: (A) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law; (b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for the object or purpose for which the Refunded Bonds were issued is 30 years, pursuant to Subdivision 11 of paragraph a. Of Section 11.00 of the Local Finance Law for the new construction, 10 years, pursuant to Subdivision 11 of paragraph a. Of Section 11.00 of the Local Finance Law for the reconstruction, and 40 years, pursuant to Subdivision 1 of paragraph a. Of Section 11.00 of the Local Finance Law for the water improvements, computed from the date of the first obligations issued therefor; and (c) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to each of the Refunded Bonds subject to such requirements, if any, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, and, to the extent required by the Local Finance Law, the estimated present value of the total debt service savings, and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in the Exhibit attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in a single series to refund all of the Refunded Bonds and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Refunding Financial Plan. This Town Board recognizes that the Refunding Bonds may be issued in series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, interest rate or rates borne by the Refunding Bonds and provisions for redemption thereof prior to maturity, if applicable, will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto. The Town Supervisor is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph c of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan and, in accordance herewith, all powers in connection therewith are hereby delegated to the Town Supervisor, provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Town Supervisor shall file a copy of his or her certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Town Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively, the "Escrow Contract") with a bank or trust company or banks or trust companies located and authorized to do business in this State as he or she shall designate (collectively, the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said Town of Chili, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds 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. There shall be annually levied on all the taxable real property within said Town a tax

sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder. Accrued interest on the Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders from time to time of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated by the United States Treasury Department thereunder, as then in effect.

Section 9. Subject only to the issuance of the Refunding Bonds as herein authorized, the Town hereby elects to redeem all of the Refunded Bonds to be refunded maturing on and after the date of issuance of the Refunding Bonds that are callable at a present value savings, if any. Upon the issuance of the Refunding Bonds, the election to redeem such callable Refunded Bonds shall become irrevocable. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the time provided in the respective Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to the underwriter or underwriters duly determined by the Town Supervisor (collectively, the "Underwriter") for purchase prices to be determined by the Town Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of delivery of a payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Town Supervisor is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Town Supervisor to the Underwriter in accordance with said purchase contract upon the receipt by the Town of said purchase price, including accrued interest. The Town Supervisor is additionally authorized (but not required) to execute and deliver a financing agreement with the Dormitory Authority of the State of New York and any other agreements and documents necessary to accomplish a refinancing, all as may be determined in the discretion of the Town Supervisor.

Section 11. The Town Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms, issuance and sale of the Refunding Bonds, consistent with the provisions of Section 90.10 of the Local Finance Law, including without limitation, the determination to issue Refunding Bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor and all powers in connection therewith not otherwise heretofore delegated thereto are hereby delegated to the Town Supervisor.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

2. The provisions of law which should be complied with at the date of publication of this resolution (or a summary hereof) are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution, which takes effect immediately, or a summary hereof, shall be published in full in each official newspaper of said Town, together with a notice in substantially the form provided in Section 81.00 of the Local Finance Law.

Adopted by the following roll call:

AYES:	Councilwoman DiFlorio Councilwoman Ignatowski Councilman Slattery Councilwoman Sperr Supervisor Dunning	NAYES:
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NOTICE PURSUANT TO LOCAL FINANCE LAW SECTION 81.00

The refunding bond resolution, a summary of which is published herewith, was adopted on April 13, 2011 and the validity of the obligations authorized by such refunding bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Chili is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

\_\_\_\_\_  
Town Clerk  
Town of Chili, New York

REFUNDING FINANCIAL PLAN

EXHIBIT

To  
Town of Chili  
Refunding Bond Resolution  
Dated April 13, 2011

Sources and Uses of Funds:

Sources of Funds:

Refunding Bonds.....	\$2,180,000.00
Premium.....	\$ 68,497.65
TOTAL Sources of Funds	<u>\$2,248,497.65</u>

Uses of Funds:

Deposit to escrow for Outstanding Bonds P&I.....	\$2,180,000
Costs of Issuance (including underwriter's Discount and insurance premium, if any, And other expenses).....	<u>68,497.65</u>
TOTAL Uses of Funds	<u>\$2,248,497.65</u>

Estimate of the present value of the total debt service savings anticipated, computed with a discount factor and effective interest cost of the refunding bonds and bond to be refunded of 2.3207707%, in accordance with

Local Finance Law §90.10b.2.(a)..... \$ 97,562.51

UNANIMOUSLY APPROVED

**RESOLUTION #172 RE: April 6, 2011 Abstract**

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

**WHEREAS**, January 5, 2011 Resolution #1 authorized vouchers to be paid April 6, 2011 by all Council signing a waiver form; and

**WHEREAS**, Council did authorize by a majority vote vouchers 587-589, 737-781, 787-788, 791, 795, 812-841, 845-846, 854, 863-900, 903-944 totaling \$301,049.77 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 587-589, 737-781, 787-788, 791, 795, 812-841, 845-846, 854, 863-900, 903-944 were paid from the following funds:

General Fund	\$ 68,546.20
Highway Fund	\$ 42,884.08
Highway Garage 200 Beaver Road	\$ 46,054.73
Consolidated Drainage	\$ 316.76
Ambulance Service Districts	\$ 140,000.00
Park Place Sidewalk District	\$ 3,248.00
Total for Abstract	\$ 301,049.77

UNANIMOUSLY APPROVED

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

Supervisor Dunning stated the Board may conduct business upon its return from Executive Session.

The Board went into Executive Session at 7:56 p.m.  
The Board returned from Executive Session at 9:18 p.m.

Supervisor Dunning made a motion to return from Executive Session and Councilwoman DiFlorio seconded the motion. The Board was unanimously in favor of the motion.

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**RESOLUTION #173 RE: Create Position of Computer Support Clerk**

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

**BE IT RESOLVED** that the position of "Computer Support Clerk" be created and be added to Pay Group 22 of Schedules B and E of the Union contract.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Question for you. Because she -- well, will she have to resign from the position she is in? Or --

SUPERVISOR DUNNING: Probably, yes.

COUNCILMAN SLATTERY: So.

COUNCILWOMAN IGNATOWSKI: Can we --

SUPERVISOR DUNNING: We'll make that --

COUNCILWOMAN IGNATOWSKI: Did that have to happen before?

SUPERVISOR DUNNING: We -- this is effective April 18th, so as long as we get it before that, we should be fine. I'll confirm that with --

COUNCILMAN SLATTERY: Okay.

COUNCILWOMAN SPERR: Good catch.

SUPERVISOR DUNNING: Thank you.

**RESOLUTION #174 RE: Computer Support Clerk**

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

**BE IT RESOLVED** that Karen Paxon shall be appointed provisionally as Computer Support

Clerk and shall be paid an annual salary of \$21,256 (22 Entry) effective April 18, 2011, expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Moved with same question.

SUPERVISOR DUNNING: Answer to that question will be the same.

**RESOLUTION #175 RE: Planning Clerk**

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

**BE IT RESOLVED** that Gretchen Paxon shall be appointed provisionally as Planning Clerk and shall be paid an annual salary of \$22,959 (23 Entry) effective April 18, 2011, expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

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The next regular meeting of the Chili Town Board will be on Wednesday May 4, 2011 at 7:00 p.m. in the Chili Town Hall main meeting room.