

CHILI TOWN BOARD  
May 15, 2013

A meeting of the Chili Town Board was held on May 15, 2013 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor David Dunning.

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

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

The invocation was given by Virginia Ignatowski.

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

**PRESENTATIONS/ANNOUNCEMENTS:**

1. Laura Landers, Freed Maxick CPA's Financials Y/E 12/31/2012.

**SUPERVISOR DUNNING:** We do have one presentation this evening. As everybody knows, there is an annual financial audit that is done in the Town that's performed by Freed, Maxick. Laura Landers is here to talk a little bit about the findings of the audit.

Laura?

**MS. LANDERS:** Thank you very much, Supervisor Dunning. Um, for those of you that -- like David (Dunning) said, we do -- we perform an annual audit. This year, we are in a month earlier than we typically are, so I think that that bodes well that the audit went very well this -- this year, and Joe Fenicchia who is the supervisor on the engagement will speak to that, just a little bit how the audit did proceed this year.

But just overview of the report to the Town Board, um, that you have all received as part of your package, um, there are -- included in there are the required communications that we have to make to the Governing Board under the Statement on Auditing Standards 114, and specifically I want to note that there were no audit adjustments and no uncorrected misstatements from the trial balances that were provided to us at the beginning of our audit to the conclusion of our audit.

Also, that there are communications included as Exhibit B in this management report, and that includes the engagement letter and the representation letter that was provided to management at the conclusion of the audit, and also that we noted no material weaknesses or significant deficiencies that were cited in the communication letter on page 9 of this report.

And I will ask Joe (Fenicchia) to just come up and speak a couple minutes about how the audit went this year and then I will go into the financial statements.

**MR. FENICCHIA:** I'm Joe Fenicchia. I was the Audit Supervisor on the engagement. I was out here each day for field work, worked very closely with Dan (Knapp). And the audit went very smooth, no real problems. Dan (Knapp) -- the transition over to Dan (Knapp) went great. He had just about everything ready for us before we even showed up, which -- which can be rare at other -- you know, other places. And all of the staff that we worked with, um, as soon as we asked for something, they would give it to us almost immediately, so that's -- that makes all of the difference.

A lot of the financial statements like Laura (Landers) said were very early this year. And yet no audit adjustments and no real problems. Everything went very well.

**SUPERVISOR DUNNING:** Great.

**MS. LANDERS:** The audit for the fiscal year ending 12/31/12 we showed an unqualified opinion as we have in the past, and the audit was conducted in accordance with Generally Accepted Auditing Standards and the financial statements are presented fairly in all material respects to the financial position of the governmental activities, each major fund and the aggregate non-major fund information of the Town.

The Town did implement a new standard in the current year that was GASB Number 63, and that is the financial reporting of deferred outflows of resource, deferred inflows of resources and net positions.

The implications related to this statement for the financial statements for the current year are detailed on page A-15 of the financial report. Um, there was no significant implication as there has been in the past with some other statements that have been implemented, 54 -- 63 is just really change of title in some of the financial statements from statement of net assets to a statement of net position. There is no longer net assets. It's called net position now. That's

really the -- the biggest change. And that the Town did not have any reclassification necessary in the current year as a result of this statement being implemented.

Um, the management discussion analysis which is at the beginning of the financial statements was prepared by Dan Knapp and contains all of the required elements in accordance with the Governmental Accounting Standards Board. I would encourage you all to, as I have in the past, if you're not going to read through the financial statements, at least read through the pages of the MD&A because it has a lot of good summarized information so you really can get a good financial position and operation snapshot of the Town for the year ending 12/31/12. Plus it also contains information, comparative information in that statement for 12/31/11.

COUNCILMAN SLATTERY: You just made a comment that we should review MD&A.

MS. LANDERS: The management discussion and analysis.

COUNCILMAN SLATTERY: There you go.

MS. LANDERS: The management discussion and analysis. It is required under the Governmental Accounting Standards Board to be included with the financial statements. It is management's report really, a summary report on the financial statements of the -- of the Town.

COUNCILMAN SLATTERY: Okay. Real quick, given to us tonight were two things.

MS. LANDERS: Right. The first one was I talked briefly about that, and that's the report to the Governing Board, which is the separate document.

COUNCILMAN SLATTERY: This one (indicating)?

MS. LANDERS: That one. This is the financial statements.

COUNCILMAN SLATTERY: Okay.

MS. LANDERS: Included in the financial statements at the beginning, um, of the financial statements, beginning on page 1, is management's discussion and analysis. And that goes through page 16.

COUNCILMAN SLATTERY: Can I ask a question, just going through this real quick, because we just received it tonight?

MS. LANDERS: Right.

COUNCILMAN SLATTERY: On page 10, if you can go there for me.

MS. LANDERS: Okay.

COUNCILMAN SLATTERY: There was a recommendation on page 10 --

MS. LANDERS: Page 10 of the?

COUNCILMAN SLATTERY: Of this (indicating).

MS. LANDERS: Yes.

COUNCILMAN SLATTERY: Can you touch on that recommendation that is on page 10?

MS. LANDERS: Yes. And that recommendation has already been implemented.

COUNCILMAN SLATTERY: Okay.

Can you -- can you state why?

MS. LANDERS: Why?

COUNCILMAN SLATTERY: Why you are recommend that.

MS. LANDERS: Why I recommend that? Because the Town Supervisor has the administrative rights overall for -- to the KVS financial system and that was part of the transition to the -- from the previous Director of Finance.

He was -- he had to have been given those rights because -- otherwise no one within the Town would have those rights, those administrative rights, so what we were just saying is once the -- now the transition has been made, that those rights should be removed. And they have since been removed.

COUNCILMAN SLATTERY: I think with a little history, I mean because if somebody is just coming in and reading that, looking at this and say, "Well, what is wrong? What happened?" You know, it -- a little history on why.

MS. LANDERS: Well, we do say as part of the transition --

COUNCILMAN SLATTERY: Well, I get it.

MS. LANDER: "To the new Director of Finance in June, the Town Supervisor was given administrative rights to assist with the transition."

COUNCILMAN SLATTERY: Well, that is good then. As I mentioned, I received this nine minutes ago, and going through two big documents, that was one thing that just caught my eye. So not having a chance to read this thoroughly. I know others have reviewed it and had a chance to look at the drafts.

MS. LANDERS: No. Just David (Dunning).

SUPERVISOR DUNNING: Just me.

MS. LANDERS: Just David (Dunning).

COUNCILMAN SLATTERY: I know one person has been able to review this and see the drafts where we haven't.

MS. LANDERS: This is, also, Michael (Slattery) -- we do not consider this a material weakness or a significant deficiency.

COUNCILMAN SLATTERY: Which is good, because you and I briefly talked beforehand and you said you wished other towns were -- came out as well.

MS. LANDERS: Like I said, as soon as we discussed this, this was -- this issue was taken care of.

COUNCILMAN SLATTERY: And I appreciate that. And -- Tracy (DiFlorio), thank you for pointing that out, that you read more than I did.

COUNCILWOMAN DI FLORIO: I'm just a faster read. Caught my eye, too, Michael (Slattery), so I knew what you were talking about.

COUNCILMAN SLATTERY: Thank you.

MS. LANDERS: Sure.

Any other questions regarding that -- that particular document?

SUPERVISOR DUNNING: Laura (Landers), just for clarification for the Board so that they understand, we typically have given this document out at this point when you have concluded your audit, you do your presentation to the Board. The Board then all gets this entire document. Yes, I have seen the draft prior to and we discussed some of this prior to wrapping up your audit, but there -- you are still available at any time to answer any questions --

MS. LANDERS: Yes.

SUPERVISOR DUNNING: -- of this Board that they have on this audit, so it is not --

MS. LANDERS: Yes.

SUPERVISOR DUNNING: -- that you have to read through it tonight and speed read it. She has time to answer these questions.

MS. LANDERS: We provide a draft regarding anything that we do note, um, so that management has the ability to respond to any deficiencies that we would note as a result of our audit. So we do give management the opportunity to respond to that, and incorporate that response in the document.

COUNCILMAN SLATTERY: Laura (Landers), I know you have been to the Town Board before doing this presentation. I just want to thank you for your professionalism and the information that you provided. I know when we have had questions afterwards, we could contact you.

MS. LANDERS: Absolutely.

COUNCILMAN SLATTERY: I just want to thank you for that.

MS. LANDERS: Yes, absolutely. If anyone has any questions, as you read through this document, please feel free to -- to pick up the phone, contact my office and I would be more than happy to -- to discuss it, any of your questions.

Um, I guess, you know, and back to the -- this -- the management discussion analysis that -- that really does incorporate all of the operations of the Town and it includes your net investment in the capital and your capital assets and also long-term liabilities of the Town, which includes at this point -- well, as of 12/31/12, serial bonds with outstanding balance of \$1.9 million compensated absences with a liability balance of \$134,000 and OPEB, which is the Other Post Employment Benefit liability of about 2 million.

On a fund basis, the Town fared very well again this year, and as a measure of the financial stability of the Town, we determined the percentage of fund balance to expenditures. We do that calculation and fund balances that are 5 percent or less would indicate possible fiscal stress, and I know that the State Comptroller's Office has come out with some additional information that they're going to be going through and assisting municipalities in identifying if they're in fiscal stress. We would hope that those municipalities do know that they're in fiscal stress before the State Comptroller's Office has to identify it for them, but that's not the case here in the Town.

And we typically look at fund balances to be -- somewhere in the 10 to 25 percent would be the average.

Um, the General Fund for the Town ended the year with an assigned fund balance of 58 percent in the current year and 60 percent in the prior year, and the total fund balance as a percentage of expenditures which includes your unassigned and your restricted, um, was 146 percent in the current year and 161 percent in the prior year.

Your reserves in the General Fund include capital at 2.4 million. Insurance reserve of 500,000. And Workers' Comp. reserve for 222,000.

So again, the Town has some good reserves, has good fund balances, and, you know, in my exit conference with the Supervisor and the Director of Finance, we talked about the fund balances, and they both indicated that they're working -- there is going to be some work on a capital balance and there's going to be these -- these fund balances, some of this money will be deployed for capital projects that need to be addressed in the Town.

Um, the highway Town wide end of the year with -- their -- the unreserved fund balance both in the current year and prior year was about 40 percent of the expenditures.

And the reserves that are maintained in the Highway Fund is a capital reserve at a balance about 154,000.

All of the non -- what we call the non-major funds of the Town ended the year was -- with positive fund balances. So overall, all of the funds ended with the Town positive fund balances.

So I would say, you know, as I was walking with Michael (Slattery), he said, "Well, you know, are we going to have some bad news?"

I told him, "There is no bad news here."

The -- the -- I would just, you know, absolutely have to commend the Board for their fiscal responsibility to the residents of the Town and, you know, in maintaining the fund balances and trying to maintain stability and move forward with projects.

You had the big project that was going on related to the highway garage, but, you know, that's -- that's really all part of the balancing act, to provide the services to the residents, to try to maintain a stable tax rate and you're under the constraint of the 2 percent now.

But to maintain the reserves, too, so that you have the ability to dip into those reserves for capital improvements and also to maintain a -- a -- a healthy, unassigned balance just in case things happen, because they do.

So I would commend the Board, and I would like to thank Dan (Knapp) and Lee (Frank) for everything. They certainly really did make the audit go very smooth this year, and we are

very happy that we were able to move this meeting up a month and get this to you at least a little bit more timely. So we thank you.

SUPERVISOR DUNNING: Great. Thank you very much. Nice job, Dan (Knapp).

COUNCILMAN SLATTERY: And Joe (Fenicchia).

SUPERVISOR DUNNING: Yes. We -- anybody have any quick questions or before we move on?

COUNCILMAN BROWN: Quick question for Dan (Knapp). You doing this in April next year?

DANIEL KNAPP: That is the plan.

MS. LANDERS: That really is the plan, to try to get this wrapped up so we can do this in April next year.

SUPERVISOR DUNNING: And that -- seriously, but that is -- that is a very, very aggressive schedule to try and adhere to with a lot of elements that come in that we -- that we need that are sometimes difficult to get in a timely fashion to reach that, so we were fortunate and -- and working with Dan (Knapp) and Lee (Frank) put into it to cooperate to get this done now this year.

COUNCILWOMAN SPERR: Just one question, did the KVS system allow us to make it easier now that we're fully into it, inputting to that system? Do you think it makes it easier?

DANIEL KNAPP: Not having the experience of going through a closing without the KVS, because -- I can't speak if it was better or not.

COUNCILWOMAN SPERR: That's true.

DANIEL KNAPP: Having -- going through closing process in previous jobs, I will say that the information in KVS, it was a good system to work with. It -- very easily to extract the information I needed to do the -- you know, whatever reporting and extracting the information that I needed to be able to get to the auditors.

COUNCILWOMAN SPERR: Great. That was the hope, as we instituted this new system, it would make everything a little bit easier and a little more accessible for you.

DANIEL KNAPP: I have dealt with MTX and a couple of things where I had to pull some old information and it seems like a bear to kind of deal with. So this was a good investment.

COUNCILWOMAN SPERR: Good. Great.

MS. LANDERS: The KVS system is a system that is utilized by a lot, quite a few municipalities. So it's -- it works well.

COUNCILWOMAN SPERR: Good. Good. I'm glad to hear that.

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: Dorothy Borgus and Marie Krenzer. The Public Forum concluded at 7:24 p.m.

SUPERVISOR DUNNING: Mr. Lindsay, I know we have talked about this on other occasions, and I don't want to speak out of hand. Can you speak about the logos on the trucks?

DAVID LINDSAY: We don't have multiple logos. We do have -- or multiple new logos. We have one logo. The only thing that changes on it, I think, is the bottom. It may say "Parks Department" or "Highway Department." It may say "Building and Code Enforcement."

We do have a number of trucks with older logos on them and we're looking to change those out as they come -- as we replace the vehicles, but we also are looking to try to get that completed by this summer. The City of Rochester used to make those logos for free. They're not doing it any more. We are looking for another vendor. We're out of the -- the new ones we had.

The truck color is really based on the State bid. We purchase vehicles off the State bid and not all color selections are available each year. So sometimes we might get a dark gray. The next year the State bid might be a light gray. So we're looking to, um, you know, eventually get all of the logos, all of the old logos off all of the vehicles and the new logos on all of the vehicles.

SUPERVISOR DUNNING: Okay.

COUNCILMAN SLATTERY: If I can, Supervisor, what logo is that going to be? Which logo are you trying to go to?

DAVID LINDSAY: I don't know if I can describe it for you, but it's a circle.

COUNCILMAN SLATTERY: The small one, the -- like that goes up by the bumper?

DAVID LINDSAY: No. No. You see them on the doors. Maybe about that big (indicating), kind of a metallic type color to them.

SUPERVISOR DUNNING: Circle with a bar in the middle.

DAVID LINDSAY: Circle with what?

SUPERVISOR DUNNING: Like a rectangular bar in the middle.

DAVID LINDSAY: Faded oval with text around it. I can e-mail it to the Board if you would like. It's one we have been using for probably the last four years or so.

COUNCILMAN SLATTERY: Will it state the "Town of Chili" on it?

DAVID LINDSAY: It does. It says "Town of Chili" on it.

COUNCILMAN SLATTERY: In the circle.

DAVID LINDSAY: I believe it does, yeah.

COUNCILMAN SLATTERY: Or -- or is there -- if you can't read that, is there going to be another area where it would say the "Town of Chili" to identify that truck?

DAVID LINDSAY: If it's not readable, we can add it. We can add some lettering to the back of the truck or something. One, I think there -- they're sufficient size you can read that, but I will check into that.

COUNCILMAN SLATTERY: Yeah. I just remember seeing the smaller one. I'm not --

DAVID LINDSAY: I'm not sure what Miss Borgus was saying about the County logo. I know Gates has a logo with their town borders that kind of resembles what the County logo looks like, but we don't have anything like that where we show the Town of Chili.

COUNCILMAN SLATTERY: I think -- I don't want to speak for her, but maybe looking because it was circular, um, and then -- because that is the way the County logo is. But, yeah.

COUNCILWOMAN SPERR: Other municipalities have circle logos, too.

COUNCILMAN SLATTERY: Some of them state the Town name underneath it.

DAVID LINDSAY: You're right. Five, six years ago we had, you know, there was a different logo on the Parks vehicles versus the Highway versus the Building Department. We're trying to bring uniformity to that.

COUNCILMAN SLATTERY: Which is good if you could, David (Lindsay.) I think it would be interesting -- I never really looked at it up close, to be honest with you. Maybe we'll have to take a road trip after the meeting --

SUPERVISOR DUNNING: No problem. Whatever you would like.

COUNCILMAN SLATTERY: -- to the back of the parking lot.

Thanks, David (Lindsay).

SUPERVISOR DUNNING: All right.

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

1. Vacancy Ethics Committee & BAR (Temp Member) Committee.

SUPERVISOR DUNNING: We do still have vacancies on the -- on the Ethics Committee and also for a temp member on Board of Assessment Review.

2. Memorial Day Parade 5/27/2013.

SUPERVISOR DUNNING: Reminder also the Memorial Day parade is on the 27th, Monday the 27th. Hope to see everyone there.

Just wanted to update the Board on the -- we had some residents come in a while back from the Evergreen neighborhood and I just wanted to give you an update where we stood with that.

The primary resident that was causing a bit of concern over there has been relocated to another facility. Um, and in talking with the neighbors over there, it has been very much quieter, and it's been a better -- they still have some concerns with some of the parking, but we have been in contact with -- with ARC and we will be meeting with ARC and the neighbors sometime in the next couple of weeks. They have agreed to do that and are working with the neighbors just to kind of get a feel for where they are today and how things are working and that things have really gotten better for them. But the word I got from the neighbors is that yes, it has improved and some of that has been remedied.

Also just wanted to mention, I just want to thank everyone who came out for the Joint Board and Committees meeting. Um, that was a wonderful meeting. We had a lot of great information out of that and I think a lot of good things will come in improving our processes and just increasing some of our communication. But it has been a great opportunity for Boards to just kind of come together and talk about the things that -- and in this case, some of the things that frustrate them about not being able to -- you know, not -- not feeling the communication is going well. And I think it was a great meeting, and again, we came away with some -- some great opportunities to work on in the future. So and -- and we will -- we will act on every one of them that did come up.

Also, just wanted to mention as many of you know, yesterday I went to a farmland protection workshop out in Auburn that was a four-hour workshop that turned out to be close to five, but it was an -- a really, really interesting workshop talking about the construction of -- brought you right through the details of creating a Farmland Protection Plan. As you know, that area just is something that is going on now in South Chili, nonetheless. Maybe a dollar -- a day late and a dollar short on these, but it is under -- started and under way. It has some great, great examples of other plans that have been put together.

We will be meeting with the Town of Wheatland and our consultant who, you know, is Labella Associates. We were given that contract. We'll be meeting Monday night out in Wheatland to discuss just the path forward, so we'll be moving that along very shortly.

We will have more information about steering committees and formation after that meeting. We should have a better grip on what the -- what the process will be moving forward. And that's all I have.

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

COUNCILWOMAN SPERR: I just have a couple of points I wanted to make. I know there has been a lot of discussion at this meeting, questions have been asked, and we got word from our Highway Superintendent /Public Works Director this afternoon that they are working on the lights at Archer and Ballantyne.

I know it's been a long time coming, so I'm happy to announce that's going up now.

And just another announcement, the Preservation Board is working on a Town-wide tour

that they're going to host during the Chil-E Fest on July 4th. So you will see some information come out in the newspapers and it will be advertised along with the other events for Chil-E Fest, but that is just a heads-up that they may ask for your interest ahead of time. They haven't quite got everything set up yet, but, if anyone is interested in checking out some of the historic buildings and just -- just some of the history, the great history that we have in the Town of Chili, that will happen -- it's a new feature for the Chil-E Fest.

JORDON BROWN: I just wanted to echo your positive comments about the meeting of the committees. I thought there were a lot of good discussion, some good ideas and definitely worthwhile to continue every year.

SUPERVISOR DUNNING: We actually already scheduled next year's. We have it on the calendar for next year already.

COUNCILMAN SLATTERY: In pencil?

SUPERVISOR DUNNING: Yes. It's hard. There's a lot of people involved and it's very difficult to match up schedules, but we already have the room reserved. We got that that far. That's as far as we can go and it's on my calendar.

I would just -- anybody else have any other -- I would just like to -- I don't want to be remiss. I just want to recognize that we have the Superintendent of the Wheatland-Chili School District is with us this evening, Deb Leh, has joined us. I just wanted to say thank you for stopping in.

The 4/17/13 Town Board meeting minutes were approved as modified.

**REPORTS SUBMITTED:**

Architectural Advisory Committee – 2/27/2013  
Conservation Board Minutes – 3/4/2013, 4/1/2013  
Dog Control Report – March 2013  
Drainage Committee Minutes – 3/5/2013  
Library Board Minutes – 3/26/2013  
Monthly Financial Statement – April 2013  
Recreation Center Revenue Report – April 2013  
Senior Center Revenue Report – April 2013  
Town Clerk Report – April 2013  
Traffic & Safety Committee Minutes – 3/7/2013

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**RESOLUTION #151 RE: Transfer to Workers' Compensation Reserve**

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

**WHEREAS**, the Workers' Compensation Reserve Fund was established December 2004 by Resolution 360 in accordance with General Municipal Law §6-j; and

**WHEREAS**, the Upstate New York Municipal Workers' Compensation Program (UNYMWCP) has completed its 2012 deficit/surplus analysis and it has been determined that the Town of Chili has surplus funds in the program and refunded to the Town of Chili \$26,041.00; and

**WHEREAS**, the Upstate New York Municipal Workers' Compensation Program (UNYMWCP) has experienced a surplus for 2012 administrative expenses and refunded to the Town of Chili \$34,843.00; and

**NOW, THEREFORE, BE IT RESOLVED**, to increase the Worker's Compensation Reserve Fund by \$60,884.00.

UNANIMOUSLY APPROVED

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**RESOLUTION #152 RE: Chili Fire Department, Inc. Removal from Active List**

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

**BE IT RESOLVED** that the following individuals be removed from the Chili Fire Department, Inc. Active list effective April 20, 2013:

Peter Abee, Scott Cleere, Mark Smith

UNANIMOUSLY APPROVED

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**RESOLUTION #153 RE: Chili Fire Department, Inc. Exempt List**

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

**BE IT RESOLVED** that the following individual be added to the Chili Fire Department, Inc. Exempt list effective April 20, 2013:

John Simpson

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN DI FLORIO: Just want to say I do know they are -- two of the teachers from Chestnut Ridge Elementary School are participating and raising money and having a lot of fun with this. The -- they're going to be riding up and stopping at the school, and they have apparently raised enough money that the two teachers are going to be spending the night on roof at Chestnut Ridge. They're raising the roof. So something about raising the roof and if they raise a certain amount of money, they would spend the night on the roof for that. I believe that mark has been hit. So they're having a lot of fun, and --

JORDON BROWN: Hope it is good weather.

RICHARD STOWE: Just for the record, not only have they surpassed the amount for the two teachers who will be on the roof, but word has it that there is also an administrator that is headed for the roof.

COUNCILWOMAN DI FLORIO: If they get up to \$1,000, um, the one teacher is also going to wear a cheerleading uniform apparently.

RICHARD STOWE: He happens to be male.

COUNCILMAN SLATTERY: I wonder if this happens in Wheatland-Chili?

MS. LEH: No.

COUNCILMAN SLATTERY: Maybe there is an administrator that would do that (Laughter.)

**RESOLUTION #154 RE: Bike Ride for National Center for Missing & Exploited Children**

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

**WHEREAS**, the National Center for Missing & Exploited Children has once again asked for the Town's permission to have their May 17, 2013 one hundred mile bike ride come through the Town of Chili on Westside Drive to Chestnut Drive to Chili Avenue to Marshall Road to Paul Road, Archer Road to Beaver Road Ext. To Beaver Road to Chili Avenue to Chestnut Ridge Road, back to Beaver Road pass Archer Road Intersection to Ballantyne Road from approximately 1:30 p.m. – 3:15 p.m. ending at Scottsville Road at 3:06 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 twelve 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 17, 2013 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 #155 RE: C.H.I.P.S. Budget Revision**

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

**WHEREAS**, the year 2013 budget for the C.H.I.P.S. account included \$125,000.00; and

**WHEREAS**, the Town of Chili received a letter from the State of New York dated April 24, 2013 indicating 2013 C.H.I.P.S. apportionment for Chili will be \$172,377.68; and

**NOW, THEREFORE, BE IT RESOLVED**, to revise accounts DA3501 (State Aid/CHIPS) and DA5112.4 (CHIPS-contractual) to \$172,377.68.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: I would just like to make a modification to the first "whereas" in the following resolution to change the "March 22nd, 2013" to "April 23rd, 2013."

I would like to take a minute with this resolution to go over a couple things so people understand exactly what is happening here. If you just bear with me for just a minute. Or two.

To give you an idea, this is -- this is not exact. This is not -- these are not engineered drawings. These are the best representation I can provide of what is happening here. Um, this area, just so you know, this is -- this is -- area all in here is the Krenzer Farm (indicating). This is Milewood Road (indicating). This is Scottsville Road over here (indicating). This property in here (indicating), and please, chime in and correct me if I say something incorrect. This area in here (indicating) is -- belongs to Tom and Anna Krenzer. This area over here (indicating) belongs to David and Mary Krenzer.

Then there are other property owners, I understand, over in this area here (indicating). This is where they propose to put in a substation (indicating). That substation will take up approximately ten acres of land. Um, this is a line coming from Henrietta (indicating). There is currently a power line that comes across here (indicating) and then up here (indicating). That's where it is carrying currently the New York power authority -- New York power lines.

What they're going to do is tap into that line, bring it into the substation, boost it and then send it back out at a higher level. These are the two new lines (indicating), the red and blue lines indicate lines that will be put in. Those would go somewhat clear near where the other lines are going, out to here (indicating). Then they will come up and bisect David and Mary Krenzer's property almost in its entirety and then come out to here (indicating).

They call this -- if you hear this reference, "the zigzag." If you hear anybody talking about this, this is the zigzag (indicating). This right here (indicating) is where they -- where they propose to put in an access road to get to the building, keeping in mind this area is farmed (indicating). This area is farmed (indicating). All of this here is all farmed (indicating). There is some wetlands back into here (indicating) and, of course, this is the river back down here (indicating).

From the Town of Chili, the way that if you read the resolution in its entirety, the position that we're taking or looking at in this particular resolution is this is in contrast with our statements in our Comprehensive Plan and throughout our Comprehensive Plan that talk about growing farms, not destroying farms. They talk about encouraging farming and agricultural uses especially in the South Chili area where we do have some very fertile soils.

This configuration in and of itself completely bisects the Krenzer property.

In this line here (indicating), they are going to construct utility poles to support this line, of course. These utility poles face such where it kind of restricts or limits the ability for the farmer to get their farm equipment between the poles, to get through here (indicating). And if you look at like a road here (indicating), you can't get through there. You will not be able to cut across here (indicating). You will not be able to work back and forth here (indicating). So you have to try to work around this side (indicating), come back down or whatever. I don't know the exact dimension or spacing, but from the Town standpoint, those are all identified as prime soils in our Open Space Inventory that we did in 2011. These are prime soils.

The application from the RG&E that was accepted and approved by the Public Service Commission kind of goes around that. It doesn't really identify that. They do identify the 2030 Comprehensive Plan but make kind of inaccurate statements to the -- to its compliance with, you know, the Town's desires, which is -- which it really is not.

So this -- what our resolution is about, we would just like the Town to be heard, because we think they're taking away quite a bit of farmland here, fertile soils, whether it belonged to the Krenzlers or another family wouldn't really matter. It really destroys a part of farming, and we're trying to grow it, not destroy it. So this is kind of the stand that we would be taking if we approve this resolution.

JORDON BROWN: If I could ask you a question, what is the inaccurate statement that they make?

SUPERVISOR DUNNING: I don't have the exact words. The book -- there's a book for the application in the library. It's a huge, huge binder, but in the application you will see -- you have to read through it to really understand it. But they basically are saying that 2030 Comprehensive Plan supports -- not this specifically, but, you know, would support some of their plans.

COUNCILMAN SLATTERY: Would support whose plan?

SUPERVISOR DUNNING: The upgrade of this system. Because it is I -- because we knew about this reliability study, that it was taking place when we finished up the Comprehensive Plan. So it was labeled in there.

COUNCILMAN SLATTERY: So --

SUPERVISOR DUNNING: And just so -- so for your -- all of your information, when the RG&E came to me to 2, 2 1/2 half years ago initially with the project, there were no plans, nothing. Does the Town support getting a substation online? I think we discussed this.

Did we -- and yes, the Town of Chili did provide a support letter and said, "Yes, we would love to have this here."

Um, there is significant amount of revenue derived from this for the Town of Chili and for

the Wheatland-Chili School District. So we don't -- our stance isn't to say, "Go way. We don't want this here at all."

That is not the stance the Town is taking at this point. We want them to reopen it and look at possible alternatives that they may not have explored completely that would make this a little more palatable for the Town.

COUNCILMAN SLATTERY: David (Dunning), if I can, you touched on a point there, revenue. Did -- did R&GE meet with the Krenzer family to go over this?

SUPERVISOR DUNNING: Yes.

COUNCILMAN SLATTERY: And did -- was -- did RG&E compensate them in any way?

SUPERVISOR DUNNING: I can't speak on that. I know that they have been offered compensation. I can't -- I can -- you know, I'm just -- they're not compensating them properly. They really aren't. And I don't want to -- I didn't want to go this far with this -- because really we're representing the people of the Town of Chili.

And while we're still trying to assist the Krenzlers to a certain degree, we have to look out for the residents of the Town. So I can speak on behalf of the Town.

But in this case, in my -- my personal opinion, not in -- and I don't expect anybody to necessarily have to share that opinion, but in my opinion, they haven't taken into consideration the loss of product, the loss of revenue, the loss of growth of their farm for, you know, what -- you plant the seed, the seed grows, you got a crop that you sell. Well, they've not compensated them for that. They will compensate them for the land and some of this, most of this is done just by easements.

COUNCILMAN SLATTERY: Now, was there an agreement signed by the Krenzlers?

SUPERVISOR DUNNING: I can't answer that.

COUNCILMAN SLATTERY: I mean, because this is new.

RICHARD STOWE: Michael (Slattery). Michael (Slattery). It -- I think -- I think we need to restrict ourselves to the Town. I think any conclusion that the Town may want to draw from the fact that based on what I hear, the Krenzlers were already appealing it, means on some level they're not satisfied.

COUNCILMAN SLATTERY: They're not satisfied.

RICHARD STOWE: Why they're not satisfied and what that has to do with the Town doesn't really concern the Town as much as what the resolution -- what the resolution says.

COUNCILMAN SLATTERY: That substation would be enough to concern me.

RICHARD STOWE: As I understand the resolution, it isn't -- it isn't that you're opposing the project. It's that you're asking for the project to be reconsidered so that it can be more palatable, more compatible with our plan, our goals, and if there is a way for the property owners and RG&E to get together to still meet that, I think that is all it says. We're trying to encourage that.

COUNCILMAN SLATTERY: And looking at it to the west, the northwest, where the two red lines go down the road, where does it go from there and does it affect other people?

SUPERVISOR DUNNING: This is an already existing line. Just for information, the -- this power line -- this power line that is coming through right now goes through here; am I right, Tom? Is that correct?

This is the way the current line goes through here (indicating), coming here (indicating), up to here (indicating) and then up here (indicating).

COUNCILMAN SLATTERY: Why couldn't they go up the existing?

SUPERVISOR DUNNING: That is a question for the engineers.

RICHARD STOWE: It's not rocket science. Take a look at the number of woods and take a look at the raw land the other way. I think wetlands and permits, and I think you might get your answer.

COUNCILMAN SLATTERY: Oh, gosh. You hire boots.

RICHARD STOWE: That's just me.

COUNCILMAN SLATTERY: So the blue is the new then?

SUPERVISOR DUNNING: Blue and red are new. The existing --

JORDON BROWN: The red is new.

SUPERVISOR DUNNING: Red and blue are both new lines. This is the existing line that comes in here (indicating). You just don't see it. Sorry.

COUNCILWOMAN SPERR: They have to be above ground, not something they can bury?

SUPERVISOR DUNNING: Yes. That question has been asked, but again, that's not a part of what we're looking at. The design, the layout -- the concern for the Town of Chili is largely -- and in my opinion, and based on what we have said here, is it -- it is in contrast with our Comprehensive Plan, and it is in contrast with what we have done with our Open Space Inventory.

COUNCILWOMAN DI FLORIO: In terms of loss of farmland.

SUPERVISOR DUNNING: Loss of farmland and loss of development. There is another element here of development. Because once this substation goes here (indicating), let's say the Krenzlers no longer want to farm this, and the kids, they got kids and they don't want to do any farming, so the kids say, "You know what? We're just going to sell the land."

I know, Rich is cringing.

This here won't provide any housing because you will not build houses around that. So that does --

COUNCILMAN SLATTERY: That's ten acres, you said?

SUPERVISOR DUNNING: About ten acres is what they're looking at for the substation alone. There's about 80 acres of disturbance initially.

RICHARD STOWE: Big.

COUNCILMAN SLATTERY: What does it power, New York City?

SUPERVISOR DUNNING: Actually, the power line goes from Henrietta to Chili, Chili to Gates, Gates to the City of Rochester. The -- the majority of the benefit I believe goes to the tech park in Gates. While it is an upgrade to the system, it is still, I think, the majority of the benefit overall initially is for the tech park in Gates.

RICHARD STOWE: The key word in the study was "reliability." I think they're trying to build in redundancy because we all complain when our power goes out.

COUNCILWOMAN DI FLORIO: If Ginna ever needs to go off line?

SUPERVISOR DUNNING: Right.

COUNCILWOMAN DI FLORIO: The nuclear facility.

COUNCILWOMAN SPERR: Should we assume that a plan that would be more palatable has been recommended, has been shown to them or presented to them?

SUPERVISOR DUNNING: It's not something the Town got involved with.

COUNCILWOMAN SPERR: I know. I was just asking. I can ask off line.

SUPERVISOR DUNNING: You can ask anything you would. I'm sure the Krenzlers would be more than happy to discuss whatever they have done. But as far as the Town is concerned, we're not going to engineer this.

COUNCILMAN SLATTERY: That actual to scale?

SUPERVISOR DUNNING: That's off Google Earth. I mean, it's close.

COUNCILWOMAN SPERR: Supervisor scale.

SUPERVISOR DUNNING: It's close. I mean it's not exact, but it's close.

COUNCILMAN SLATTERY: Well, if that -- that is ten acres, just to give you perspective.

SUPERVISOR DUNNING: The substation is ten acres. Right. Approximately. That is the land they will need for the building, plus their parking or whatever else.

Any other questions?

COUNCILWOMAN SPERR: Thank you very much for that demonstration.

**RESOLUTION #156 RE: Request to reopen hearings for the RG&E Area Reliability Project**

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

**WHEREAS**, on or about April 23rd, 2013 the Public Service Commission approved the application of RG&E to begin work for the construction of a new substation, utility poles and transmission lines in the southeast area of the Town of Chili; and

**WHEREAS**, the Town of Chili supports the need to upgrade the electric service lines as described in the Rochester Area Reliability Project; and

**WHEREAS**, the Town of Chili 2030 Comprehensive Plan specifically and frequently addresses the towns need to "enhance agricultural viability" as well encourage the preservation, growth and expansion of farming in Chili; and

**WHEREAS**, the Town of Chili Open Space Inventory adopted in February of 2011 describes the properties selected for the construction of said substation, utility poles and transmission lines as "PRIME SOILS"; and

**WHEREAS**, the Town believes the locations for substation access, transmission lines and poles has not been thoroughly vetted and site selection does not fully consider the overall impact to the Chili community or its present and future planning and is in contrast with the objectives of our 2030 Comprehensive Plan; and

**WHEREAS**, the Town of Chili was never approached by RG&E for a waiver of any local ordinances and takes exception to the applicants request of the Public Service Commission to "refuse to apply because they are unreasonably restrictive in the view of the existing technology, or factors of cost or economics"; and

**WHEREAS**, had the Town of Chili been informed of the specifics of the site plan, including a substation, utility poles and transmission lines, the town would have opposed the selected site plan and process of approval; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Chili is formally requesting that the Public Service Commission reconsider its decision of approval and reopen hearings so that the Town and affected property owners can be heard.

UNANIMOUSLY APPROVED

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**RESOLUTION #157 RE: May 1, 2013 Abstract**

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

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

**WHEREAS**, Council did authorize by a majority vote vouchers 9603, 9607-9608, 9613-9636, 9644-9656, 9662, 9665, 9667-9668, 9670-9672, 9677-9691, 9702-9705, 9707-9709, 9714-9752 totaling \$316,617.31 to be paid from the Distribution Account as presented by Virginia Ignatowski, Town Clerk; and

**NOW, THEREFORE, BE IT RESOLVED**, to note for the record vouchers 9603, 9607-9608, 9613-9636, 9644-9656, 9662, 9665, 9667-9668, 9670-9672, 9677-9691, 9702-9705, 9707-9709, 9714-9752 were paid from the following funds:

General Fund	\$ 141,101.84
Highway Fund	\$ 15,215.19
H48 200 Beaver Road Project	\$ 54,335.42
H54 Annual Update 2013-2014	\$ 1,500.00
Consolidated Drainage	\$ 1,724.06
Fire Protection Districts	\$ 89,593.23
Special Light Districts	\$ 12,473.57
Sidewalk District	\$ 674.00
Total for Abstract	\$ 316,617.31

UNANIMOUSLY APPROVED

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**RESOLUTION #158 RE: May 15, 2013 Abstract**

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

**BE IT RESOLVED** to pay vouchers 9453, 9755-9759, 9764-9765, 9769-9850, 9852-9862, 9864-9869, 9871-9877 totaling \$162,531.93 to be paid from the Distribution Account as presented to the Town Board by Virginia Ignatowski, Town Clerk:

General Fund	\$ 69,515.65
Highway Fund	\$ 28,263.13
H48 200 Beaver Road Project	\$ 62,847.13
Consolidated Drainage	\$ 1,906.02
TOTAL	\$162,531.93

UNANIMOUSLY APPROVED

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The next regular meeting of the Chili Town Board will be on Wednesday June 19, 2013 at 7:00 p.m. in the Chili Town Hall main meeting room.

The meeting was adjourned at 7:46 p.m.