

CHILI TOWN BOARD  
May 16, 2012

A meeting of the Chili Town Board was held on May 16, 2012 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; Ken Kraus, Deputy Town Supervisor; David Lindsay, Commissioner of Public Works/Highway Superintendent and Building Department Representative; Dianne O'Meara, Director of Finance; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor.

The invocation was given by Virginia Ignatowski.

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

---

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on May 16, 2012 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. to discuss rezoning of 1350 Scottsville Road from GB to GI.

Attendance as previously noted in the 5/16/12 Chili Town Board meeting minutes.

Town Board Public Hearing rezoning of 1350 Scottsville Road from GB to GI.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

HEATH MILLER, 59 Bellmawr Drive

MR. MILLER: For -- tonight's Public Hearing is on the rezoning of 1350 Scottsville Road, which is the location of the former bowling alley. I have four points that I want to make at the Public Hearing tonight.

The first deals with the consistency with the Comprehensive Plan. There is a Future Land Use Map that I'm sure you're all aware of in the Comprehensive Plan, and it does show that the property in question, the future land use is to be General Business. In fact, that whole corridor, the south side of Paul Road, beginning with Comfort Windows, which is right there, the intersection with Widener Road, all of the way east to the 390 is designated to be General Business.

There are many General Business type properties already there, properties like Burger King, a Dunkin' Donuts, Spunk Fitness, United Uniforms. So I think that as far as whether to rezone this to General Industrial, that I hope you consider taking a look at what the Comprehensive Plan says both, you know, in the verbiage as well as the maps to make sure that any rezoning is consistent with the Town's Comprehensive Plan.

I don't -- I personally don't see how with the current Comprehensive Plan a rezoning to General Industrial is consistent. It would seem to me -- be consistent to keep it as General Business and to locate such a business, I believe -- Betsy Brugg, during her presentation before the Planning Board, indicated that there was a tire -- there was a business that does warehousing and distribution of tires that was looking to come in to that property, and I -- I think that the -- the vision for our Town was that we wanted to try to locate those types of businesses in an area like Jet View Drive where we have the -- it's Limited Industrial there, and it's within that Airport Overlay District. And those -- that type of a use is a permitted use in a Light Industrial District.

Um, and that brings me to the second point. That is, if you are going to consider rezoning this property, would it make more sense to rezone it to Light Industrial instead of General Industrial? I understand that the location of the property is on Scottsville Road and so therefore, not a part of the Airport Overlay District, which is the Jet View Drive area.

That being said, warehousing and distribution centers are a special use permit in a Light Industrial zone. In the Light Industrial zone, it's an outright permitted use for warehousing and distribution, provided you're in the Airport Overlay District.

But it is a special use permit -- I mean, you can get a special use permit to do warehousing and distribution in a Light Industrial zone. So I am just wondering whether it would make more sense, if you decide to rezone the property, to -- to rezone it to something that is not as intense a use but that would still allow for the warehousing and distribution that the person seeks.

And that brings me to my third point, and that is if you do rezone the property to General Industrial, would that property meet the criteria for an Adult Use Overlay District? Now, I'm not saying that that is what is being proposed at all, but keep in mind that adult uses are only permitted in an Adult Use Overlay District, and that's only permitted in a General Industrial Zone. And I realize that that -- that the use being proposed is not -- is not an adult use obviously. But we need to think down the road and just -- because once you rezone it to whatever, an applicant could come in and use the property for any permitted use in that zone. And so I know there are certain criteria that you have to meet in order to even -- for the Town Board to even entertain an Adult Use Overlay District. So I -- I'm just wondering if the Town Board has looked into that aspect of it, as well.

And the last point I want to make is -- I just have a question, and that is, with regards to political contributions, I know that, you know, anybody can make political contributions to anybody. I just have to ask, Supervisor, I know you had a fundraiser recently, and I know that, you know, political contribution information is disclosed eventually, you know, in July. I'm just curious to know if Mr. Glazer or any of his companies have made any contributions to your political committee.

SUPERVISOR DUNNING: Recently the answer to that is no.

MR. MILLER: Okay. Thank you very much. I appreciate it.

SUPERVISOR DUNNING: I would like to -- this is a Public Hearing so I would just like to touch on a couple of points, because I did listen to the Planning Board meeting where the -- where the issue did come up as -- as it relates to the Comprehensive Plan. And I understand having sat in those meetings and been a part of what was going on in that Comprehensive Plan over the 2 and -- 2 3/4 years I should say that the Committee met and discussed various things, there was not a whole lot of attention paid in that particular area, and there wasn't a large focus put on what should or shouldn't happen in that area.

Driving myself, looking at the area several times, I have been back and forth over there since this Planning Board meeting, just looking at the overall characteristic of what goes on there, and while I appreciate, you know, you brought up the Spunk Fitness and the Dunkin' Donuts and that, but you neglected to mention there is RG&E, who is warehousing spools and spools of wire sitting out there. There is Comfort Windows, who actually do warehouse windows in the back of their facility. Those facilities -- we got Kozel Steel down the way that is warehousing steel. You have got 84 Lumber that is warehousing lumber. So it is not necessarily inconsistent with what is happening in that general environment. Across the street they're warehousing planes.

So I mean, you look at the whole picture what is really happening there and I don't know necessarily personally myself, and I'm only, you know, speaking for me, that looking at the area whether or not this is really that inconsistent. Reading the Comprehensive Plan over and over and over again, the current Comprehensive Plan, and the language that is in there, there is nothing in the Comprehensive Plan that says it either supports or doesn't support this type of activity in this area, General Industrial.

So I don't -- I don't know that this is necessarily inconsistent. Again, this is my -- and I don't know that the Comprehensive Plan goes in either direction to say it shouldn't happen. And where there are other areas that are very, very specific into what should or shouldn't happen, this isn't one of those.

Also, it is contiguous with other General Industrial properties, so -- which is typically part of the criteria what you need to look at in something like this, so if you look immediately behind the property, it is General Industrial. Whether or not LI or GI really would work in this type of situation, um, you know, I -- we're also -- when we -- initially, I believe, when the applicant came into the Town, they discussed this at Planning Board or -- or with -- or with Planning and with the Building Department, with the Town's attorney and it was felt that this was the -- that GI was probably the better fit for this particular property. You know, and -- and that's kind of the way it came out.

As far as -- it's a good point. The -- if someone wanted to do an adult use, they certainly would have to come back to the Town for that overlay. So they would have to come back to this Town Board and I will tell you right now from -- for me, I would be a no vote on an adult use.

And again, I will just reiterate Mr. Glazer is not -- or his companies did not make any political contributions to my campaign this year. You will not see them in my reports. So.

COUNCILWOMAN SPERR: Which to me is neither here nor there.

SUPERVISOR DUNNING: But I will answer the question.

COUNCILWOMAN SPERR: It has absolutely no bearing on any discussion or decision to be made by this Board tonight.

SUPERVISOR DUNNING: Correct.

COUNCILWOMAN SPERR: Also, to go to one of your points, Heath (Miller), that you mentioned that it is a tire warehouse. I think the whole point of the project is to keep them inside, hence a warehouse, instead of outside. So if there was a fear there would be tires scattered all over the place, that is not what I feel all of the information is that has been given to us. We wouldn't have to be worried for that. They're -- they're shaking their heads. I don't think that is a problem.

Whatever the next person has to --

DOROTHY BORGUS: I was one of those people that sat for 2 1/2 or 2 3/4 years and worked on this Comprehensive Plan, and I think the -- the -- the -- the implication is being made that we didn't care or we didn't have an opinion about Scottsville Road. It was discussed. And I

think that we felt, at least I felt as a member, that what was there was -- was fine and it didn't -- we didn't need to call out any special changes. So, yes, it doesn't address any -- it doesn't address changes and it doesn't address leaving it the same, but the implication, at least in my mind, and the way I looked at it was that it was fine the way it was and it was going to be GB.

And if you look at the Future Land Use Map, it clearly shows General Business. So I don't know how anybody can say that we haven't addressed it. That we didn't address it. We did address it. It is supposed to be GB.

Now I would like to talk about spot zoning, which I believe this is. I went today to the Building Department and I had them pull out the oldest property cards they had on the two GI business -- zoned businesses on the road. And one is, um -- as opposed to the information that I believe was presented at the Planning Board, it was Kozel Steel. It is not. Kozel Steel is General Business. I believe that is the building supply company. It used to be Standard Builders Supply. I don't know what it is now.

And I also looked at Empire Beef, which is the other property on Widener Road. These are the two. One is at one far end of Scottsville Road as far as our business district goes, and one is at the far end toward the expressway. Um, I never remember those businesses not being there and being what they -- what they are. We could not find -- we couldn't go back far enough in the Building Department records to see when -- when the GI zoning was -- was placed on them because we didn't have GI then. I would submit to you that those companies were there before zoning. And they're zoned what -- whatever they were zoned. One was an M2, which we couldn't really decipher. We thought it was maybe Manufacturing 2. I don't know what those codes stood for then and we couldn't find out today.

But if they're -- but if they're GI, then I don't think they should be pointed to as some kind of a precedent that we can just forget. Those were there long before zoning existed, I'm sure. I never remember a time when they weren't there.

So let's not say that that is precedent and we can just add onto GI, because those two exist. That -- that -- the earliest record we could find was 1970. That's a long time ago.

SUPERVISOR DUNNING: I don't remember it, but...

DOROTHY BORGUS: We looked them up. I looked it up with two people in the Building Department. So we're looking -- we're trying to say now this is okay because in 1970 and before, those businesses existed as GI. I'm sorry, that doesn't cut it. Does not cut it.

And the idea that just because this piece of land is contiguous with another piece that happens to be GI today kind of by default is -- is -- is kind of disingenuous because what are we going to do now? When the next person comes in and wants GI, we're going to say it is contiguous to what used to be the Olympic Bowl, so now that's going to be okay, too? We're going to go right down the road with changes to GI just to suit some developer who has a buyer?

I -- I don't think we're supposed to jump to developers who have buyers. I think we're supposed to be interested in what is best for this Town.

We have got very little GB land left in Chili. That was another rude awakening I had when I was on the Comprehensive Plan. There isn't much. In -- in contrast, if you go over to the International Commerce Park, there is lots of land that would be suitable for this company.

And that is the intent. If you go back on all of the surveys that have been held in this Town over time, it has always been the -- the opinion and at least in recent years, for -- for the taxpayers to say let's keep our general -- our General Industrial in one place. That's what they wanted. That's why we have the industrial park.

So there is another place for this company to go if they want to locate in Chili. This is not, you know, life and death.

The other argument I heard at the Planning Board was that the company that wants to go in there wants access to the expressway. Well, are we not right now extending Jet View Drive for that very reason? Can you -- in short order here you will be able to get from the International Commerce Park, to the expressway. Minutes. Very few minutes. So that excuse doesn't hold water either.

Again, Mr. Miller made an excellent point. I think if you're going to rezone, you should do it in the least harmful way possible. This is overkill. If all of the other companies that the Supervisor mentioned warehouse, then this company ought to be able to warehouse and leave the zoning alone, even if they want to be there. This is unnecessary.

And again, I'm saying it is spot zoning and when you start using an excuse well, it is contiguous to another piece of GI, that -- that -- you know, predates zoning for heavens sake, I think you're opening the door because you're going to be having one of -- one -- one after the other down there wanting to do something more intensive than what they're doing now. That isn't what the Comprehensive Plan Committee envisioned for Scottsville Road.

I would be very, very unhappy if this project is allowed -- if this zoning is allowed to take place. This company can locate in Chili and stick within the zoning. There is available land. It is accessible and that's the way business goes. If you have a buyer, that doesn't give you the right to override what is best for the Town that you want to settle in.

Thank you.

BETSY BRUGG

MS. BRUGG: Good evening, Mr. Supervisor, members of the Town Board. I'm Betsy Brugg. I'm here representing Mr. Glazer and the -- the property owner. I can respond to some of the comments a little further just to clarify it. I think some of the legal issues have been a little bit misunderstood.

Essentially, yes, we are asking for a rezoning to an adjacent zoning classification. That is part is the reason that this is not spot zoning. In fact, if we were to ask for a Light Industrial zoning, there is no Light Industrial in this neighborhood. It would be inconsistent with the adjacent zoning -- so essentially, you know, spot zoning has a definition by law. It is the process of singling out of a parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner and to the detriment of others.

And what we have here is a rezoning that is to the adjacent zoning classification. It is consistent with other uses in the neighborhood, the character of the neighborhood and it is not detrimental to anyone. In fact, it is completely consistent with the character of the neighborhood and, in fact, would be beneficial to the community.

In respect to, you know, things that the Board might want to consider, yes, we did comb through the Comprehensive Plan as Supervisor has pointed out. There is no language directly contrary or that would indicate that this -- this rezoning is not appropriate. There is virtually no discussion. There is a land use map. It's -- from a technical standpoint, it's a very minor piece of information in terms of comprehensive planning, when the courts look at Comprehensive Plans.

The Board is really supposed to be looking at the overall plan. Even where there is a proposed rezoning that would be directly contrary or inconsistent with the language of the Comprehensive Plan, the Fourth Department, which we are located in the Fourth Department here, has found in favor of the legislative determination. The Comprehensive Plan is not intended to replace the authority of the Town Board. It is intended to be flexible. It is intended to recognize change.

In fact, your own Comprehensive Plan states that the 2030 future land use plan map is not a detailed rendering of the future -- of the future expected -- I think that is land use for Chili, and the basic intent of the map is stated to be "To continue the direct" -- "To continue to direct most new developments north of Black Creek and a mixture of land use and density that reinforces the pattern of development that already exists."

So in that narrative section of the code that speaks to what was intended with this plan. It's intended to be a flexible document. It's intended to recognize that there will be change, and I believe it acknowledges that you can't anticipate every possible land use that is going to come forward.

And the courts have been very differential to Town Boards. The Comprehensive Plan is not intended to take away your authority to zone property as you see fit and to prevent you from doing your job to make decisions that are in the best interest of the community.

And in looking further at the Comprehensive Plan, we are consistent with -- there is a whole narrative section about the mixture of uses in the neighborhood. It has already been referenced of while this general stretch corridor here of Scottsville Road may have some commercial uses, it is really dominated by larger industrial, more intense type uses. There is all kinds of outdoor storage there. Spools of wire. Trucks. There are other distribution centers on both sides of this parcel. We are really looking at more intense type industrial uses. Actually, on all three sides.

We have the Wegmans, Palmer facility that is in the General Industrial. It's adjacent to this site.

Comfort Windows & Doors has a whole distribution center over there with trucks lined up in back.

And R&GE has -- well, if you have seen it, have seen all of the stuff they have over there. We really are surrounded -- in fact, I believe, RG&E is technically a utility which is listed in the General Industrial zoning, but we are really -- so this is consistent. We're not going to have a Walgreens pop up in this neighborhood. It's not the kind of neighborhood this is.

We're also consistent with the goals for economic development and job creation and bringing stable businesses into Town. This is a huge financial investment that would be possible on the property because we are rezoning to something -- a zoning classification that really is more consistent with the existing businesses and uses that are in the neighborhood. The zoning is really going to attract. We're not here to talk about the specific tenant that we're looking at, but essentially the property is more suitable for an industrial use and development than it is for General Commercial.

Um, let's see. The impact on the surrounding neighborhood, I think we have already talked about the airport is across the street. That is a limiting factor for commercial development. Essentially we're proposing a rezoning that is consistent with other development in the area, and it isn't going to have any negative impact whatsoever on the -- on the surrounding properties or neighborhood.

So, I think, um -- I think I have addressed most of the comments. If there is something I have missed or if you have any questions.

I can say that there is no intent to request an Adult Overlay Use District approval.

COUNCILMAN SLATTERY: Supervisor, for some of the folks who may not understand exactly where this is, is there a map we can put up for more information so --

MS. BRUGG: Absolutely.

COUNCILMAN SLATTERY: -- so people can see and understand?

MS. BRUGG: The map I'm holding here shows the parcel at 1350 Scottsville Road. It's on the -- the south side?

COUNCILMAN SLATTERY: South side.

MS. BRUGG: I'm disoriented right now. South side of Scottsville Road. Opposite the airport tower. It's a pretty known location. It was the Olympic Bowl. I went there a lot as a kid.

I'm sure many people around here did.

Comfort Windows & Doors on the corner with Widener, and then on the opposite side we have RG&E, and if you go further east, you will hit the 390 expressway. If anybody would like to see a map, I'm happy to share.

SUPERVISOR DUNNING: Outside of the young people in the audience, I'm thinking a lot of us are familiar with the old Olympic -- and maybe even Olympic Park for that matter. Outside of the young people, they may not recognize the site necessarily.

MS. BRUGG: I would be happy to share any mapping.

COUNCILMAN SLATTERY: It was more for the audience than us.

MS. BRUGG: I apologize. I should have brought the bulletin board over.

COUNCILWOMAN SPERR: Betsy (Brugg), when you were in front of the Planning Board, did they have any questions about additional truck traffic that would generate since it might be a warehouse and they would be distributing?

MS. BRUGG: No, it didn't. We really have to go through -- should we be successful with the rezoning, we still have to go through the site plan approval process and those types of issues would come up at that point.

However, we have existing access already on Scottsville Road. We don't anticipate a significant -- being a significant traffic generator and the Scottsville Road is able to accommodate an industrial type use.

SUPERVISOR DUNNING: And for the record, I think for this purpose -- the purpose of this Public Hearing, that the Planning Board did vote to recommend the rezoning. I believe it was a vote of five to one. Is that accurate?

MS. BRUGG: That is correct.

SUPERVISOR DUNNING: They did vote to support this.

COUNCILWOMAN SPERR: If I can clarify, is this in the Wheatland-Chili School District? In that stretch?

COUNCILMAN SLATTERY: It is.

COUNCILWOMAN SPERR: Logan's Party House was Wheatland-Chili, so that's --

SUPERVISOR DUNNING: I believe yes, it would be.

COUNCILWOMAN SPERR: -- that School District.

For those of you who haven't heard us in past discuss this, this School District is in an area where they really could use the industrial -- not industrial, but the benefit of additional businesses in there, in their School District, because they're among others that are hurting. So this is one -- you know, always something in the back of my mind to help school districts when we locate businesses in these areas.

MS. BRUGG: This lot is flat right now. It will be a substantial investment and tax revenue generated.

COUNCILWOMAN SPERR: Absolutely.

MS. BRUGG: Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Just two additional comments. As far as job creation goes, if they located in land that is already ready and available and ready to go at International Commerce Park, the jobs would still be there.

As far as school taxes go, if this -- if this project at least runs like most of them do, COMIDA money will be involved and there will be very few tax dollars for anybody.

SUPERVISOR DUNNING: Thank you.

The Public Hearing was closed at 7:29 p.m.

---

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: Heath Miller and Dorothy Borgus. The Public Forum concluded at 7:35 p.m.

#### MATTERS OF THE SUPERVISOR:

##### 1. NYS Department of Transportation - Bridge Project.

SUPERVISOR DUNNING: I have a couple of things that I would like to -- just to mention. We got notification from the New York State Department of Transportation that the -- that there will be work on the Paul Road bridge, that is the Paul Road going over 490. That, I believe, is scheduled to take place sometime -- Mr. Slattery you might --

COUNCILWOMAN SPERR: June. June 7th of this year.

SUPERVISOR DUNNING: They're going to -- they're going to shut that down and get some work done on that. So that -- that will be good.

I also --

COUNCILMAN SLATTERY: I don't necessarily agree that will be good.

SUPERVISOR DUNNING: The bridge needs to be worked on.

COUNCILMAN SLATTERY: Traffic delays won't be.

SUPERVISOR DUNNING: Traffic delays, like anything else, nobody will like.

COUNCILWOMAN SPERR: They will detour through Union Street so it is going to

cause traffic increases there.

SUPERVISOR DUNNING: The other -- I received a very, very nice phone call, very encouraging phone call from Senator Schulmer's office the other day and it appears there was quite a bit of reaction to the -- to the letter I had written in the Gates-Chili Post asking people to write their State representatives to complain about the Widener Memorial Bridge on Chili Scottsville Road. If anybody has gone over that bridge, it's in pretty nasty looking shape and a very, very poor tribute to one of our local heroes. And it appears that the -- the -- the public genuinely got the attention of Senator Schulmer and the State of New York, and they will begin this year with replacing some portions of the bridge and then in 2014, I believe, they will be replacing some other steel and then painting the bridge.

So the State has -- the Senator and the State have made a commitment to getting that bridge cleaned up. It has been a long, long time coming, I know. I have been working with the Widener family trying to figure out how we'll get this done and I'm glad to hear and very pleased to announce that the State is responding. So --

COUNCILWOMAN DI FLORIO: Thank you for your persistence.

SUPERVISOR DUNNING: There was a lot of persistence on behalf from the Widener family, from a lot of our veterans here. They were also persistent in making sure we were staying on top of it. Hats off to them, and for anybody that contacted the Senator, thank you.

Also I would just like to give the Board an update on the Union contract negotiations.

We -- as you all know, we have been in negotiations for quite some time, and shortly after the beginning of the year, um, we -- we sat down and got a little more aggressive, if you will, with the -- with -- with our negotiations. We have -- the Union will be taking a -- a vote tomorrow, I understand, tomorrow morning. They will be taking the -- the proposal to the membership for a membership vote.

So I look forward to the response from that, and I hope it is a positive response and that we're able to move forward. It has been a long time coming, and I think -- I applaud the negotiating team from the Union that was here. One of whom, Mr. Campoli, is here with us tonight. But the negotiating team that I have worked with for the past several months has been great to work with.

It really is has. We have gotten a lot of work done, and I hope this -- this manages its way through to approval. Which is one of the things I also wanted to bring up as it relates to this particular agenda tonight. If anybody has read through -- not to skip through to the end of the agenda and take all of the fun out of the meat in between, but you will note that I intend to recess this meeting this evening and continue the meeting on to the 22nd at 6 o'clock in the evening. Largely because of this vote with the Union, I would like to make sure that if -- if this comes as a positive outcome and this Board has an opportunity to look at this and perhaps vote on, um, a -- on the legislative approval which would move the contract forward and allow the content of the contract to -- to move forward and people to get the -- the things that are contained within this -- within this agreement. So it is largely I would like to make sure -- it has been a long time coming and I would like us to move expeditiously to move this along. That is the intent of the continuation of the -- this meeting, just so people know.

With that, nothing under pending matters.

#### **REPORTS SUBMITTED:**

Monthly Financial Report – April 2012  
Recreation Center Revenue Report – April 2012  
Senior Center Revenue Report – April 2012  
Town Clerk Report – April 2012  
Dog Control Report – April 2012  
Historic Preservation Board Minutes – 3/12/2012, 4/9/2012  
Library Board Minutes – 4/17/2012  
Planning Board Minutes – 4/10/2012  
Zoning Board Minutes – 4/17/2012

#### **CORRESPONDENCE:**

1. Town Clerk, Virginia Ignatowski, has received notification from Dianne O'Meara, Director of Finance that she is retiring effective 6/15/2012.

SUPERVISOR DUNNING: I have been interviewing and received quite a few resumes and have been going -- with Dianne (Moore)'s help, interviewing some candidates for that position, and so -- just one more thing to have to do. It's going along well.

---

#### **RESOLUTION #199 RE: Adopting Computer System Security Breach Notification Policy**

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

**WHEREAS**, New York State Technology Law Section 208 established procedures to be followed to notify affected individuals in the event of a breach of a computer security system and requires municipalities to adopt a notification policy or local law consistent with these

procedures; and

**NOW, THEREFORE, BE IT RESOLVED**, that the “Town of Chili Computer System Security Breach Notification Policy” is hereby approved and adopted as the Town’s official policy; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is hereby authorized and directed to take such actions as may be necessary to implement the Policy; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

UNANIMOUSLY APPROVED

---

**RESOLUTION #200 RE: Adopting Audio and Video Recording Policy**

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

**WHEREAS**, the Town of Chili wishes to maintain a safe, non-disruptive meeting environment; and

**WHEREAS**, the Town of Chili records audio and video of official meetings that take place in the Town Hall Main Meeting Room; and

**WHEREAS**, the Town of Chili wishes to afford all meeting attendants the same opportunity; and

**NOW, THEREFORE, BE IT RESOLVED**, that the “Town of Chili Audio and Video Recording Policy” is hereby approved and adopted as the Town’s official policy; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is hereby authorized and directed to take such actions as may be necessary to implement the Policy; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

UNANIMOUSLY APPROVED

---

**RESOLUTION #201 RE: Adopting Internet Privacy Policy**

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

**WHEREAS**, the Town of Chili provides a website to communicate with the public and provide ready access to public records; and

**WHEREAS**, the Town of Chili has written a policy to address privacy for users of said website; and

**WHEREAS**, the policy is consistent with the provisions of the Internet Security and Privacy Act, Freedom of Information Law, and Personal Privacy Protection Law; and

**NOW, THEREFORE, BE IT RESOLVED**, that the “Town of Chili Internet Privacy Policy” is hereby approved and adopted as the Town’s official policy; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is hereby authorized and directed to take such actions as may be necessary to implement the Policy; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

UNANIMOUSLY APPROVED

---

**RESOLUTION #202 RE: Adopting Information Security Policy**

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

**WHEREAS**, the Town of Chili has written a policy to manage and address the information assets under the control of the Town; and

**WHEREAS**, the policy meets the standards and recommendations of the New York State Office of Cyber Security and Critical Infrastructure Coordination; and

**NOW, THEREFORE, BE IT RESOLVED**, that the “Town of Chili Information Security

Policy” is hereby approved and adopted as the Town’s official policy; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is hereby authorized and directed to take such actions as may be necessary to implement the Policy; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

UNANIMOUSLY APPROVED

---

**RESOLUTION #203 RE: Appointment of Information Security Officer**

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

**WHEREAS**, the Town of Chili needs an Information Security Officer to comply with State and Local Information Security Policy; and

**WHEREAS**, the duties of this position follow most closely with the duties of the Town Clerk in the roll of Records Access Officer, as this position should function independently of the Department of MIS; and

**NOW, THEREFORE, BE IT RESOLVED**, that Virginia Ignatowski is appointed Information Security Officer; and

**BE IT FURTHER RESOLVED**, that this appointment is in addition to other titles held by Virginia Ignatowski.

UNANIMOUSLY APPROVED

---

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

**SUPERVISOR DUNNING:** There were questions about this. And the agreement between the Town of Chili and the Town of Gates -- obviously the Town of Gates still has a Town Board that needs to address this, and I believe they're looking at this sometime tomorrow.

In -- the essence of the agreement would be from July 1st and through December 31st of this year, and -- and the large reason for that particular area is because of the cost. The cost is split 50/50. We took the salary of our Assessor as well as all of her benefits and any classes that she would go to, cell phone that she carries, mileage, anything else that would be contained within our Assessor's total compensation package and that amount was split in half.

**COUNCILWOMAN SPERR:** They're paying additional for mileage.

**SUPERVISOR DUNNING:** Correct. They're paying additional for mileage. Gates will pay half of the salary. Chili will pay the other half of the salary, as -- from the total compensation package. The time spent in each Town is contained in the intermunicipal agreement, is that the Assessor will spend no less than two days in either one of the Towns, that the Assessor will be responsible to manage her own time.

Neither the Supervisor of the Town of Gates nor I necessarily wanted to micromanage her time. We felt that she knew best, but we wanted to make sure there was at least two days spent in each Town.

The out in this is, is this -- our Assessor still works for the Town of Chili. And -- and for lack of a better term, and -- I hope this doesn't get back to -- to our Assessor, Mrs. Miller, um, but we own her. She belongs to Chili. We will dictate, you know -- if we want out, it's a simple Town Board action and we're done. And we're out. We don't -- there is no long-term commitment there. And because this will end in December, obviously the Town of Gates and the Town of Chili will probably assemble sometime in the September/October timeframe to talk about how this is working out. If it is working out for both of us, it is likely we would enter into another agreement based upon whatever the costs may be for the following year, taking into consideration any salary increase, benefits -- increased costs of benefits and so on and so forth.

**COUNCILWOMAN DI FLORIO:** This is purely a contract.

**SUPERVISOR DUNNING:** It is a contract.

**COUNCILWOMAN DI FLORIO:** Like any other contract.

**SUPERVISOR DUNNING:** Jenny Miller will still work for the Town of Chili in its entirety. Any actions would be this Town Board, not the Gates Town Board. If Gates is dissatisfied for any reason, they can't back out, too. And we're done. So --

**COUNCILMAN SLATTERY:** I also think, Supervisor, to -- these -- these other employees from other towns are doing the same thing, so towns are looking to reduce their costs, work with other municipalities on the intermunicipal agreements. It helps their taxpayers and just utilizing the resources that are out there. So.

**SUPERVISOR DUNNING:** Exactly. And, you know, this -- this -- the potential cost savings here for the Town is in the 40 to \$50,000 a year range, which is significant. That is somebody else's salary in other places here. And -- and it is -- it is a decent savings for the most part, and this Board has been great with working with some of the things that I have looked at

here, trying to get greater efficiency. Doing more with less is really what it boils down to. We have to look at these services, the services that are provided to our constituents and make sure one, we can maintain them and give them the best possible.

I think this is a good option to do that. We don't know if this is going to be successful at the end of the day, but you will never know. It is one of the things you have to try. You have to do it and you have to find out. At the end of the day, if we find out it is not working for us and we're losing services to our community, then we certainly would back away from it.

COUNCILMAN SLATTERY: This is also the second one within a short period of time, referring to the other one with the Town of Riga, with the agreement there.

SUPERVISOR DUNNING: Right. Which again, great point. We're looking at efficiencies and how we can -- you know, we can all benefit from each other and it helps everybody.

COUNCILWOMAN SPERR: One of the great benefits for us is that Jenny Miller has been with our Assessor's Department so long, so she has such -- she didn't just start in January and now we're asking her to double up on her job. And she also has -- there are two support people to -- in the Chili office and there are two support people in the Gates office, so that -- and with their cell phone capabilities, she will be available to be in contact, and I'm certain that they will be working together, the support staff. So it will be interesting to see how this works and it sounds like, um, you have worked out all of the details, and we'll see how it goes. Should this resolution pass.

**RESOLUTION #204 RE: Intermunicipal Agreement with the Town of Gates Assessor Services**

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

**WHEREAS**, CHILI is empowered and required to have an Assessor in accordance with the provisions of the Town Law, Section 20, of the State of New York, and presently contains in the office of the Assessor, a single appointed Assessor; and

**WHEREAS**, GATES is empowered to name and designate an Assessor pursuant to the same statute; and

**WHEREAS**, GATES is empowered to enter into an agreement on contractual basis with CHILI for the provision by CHILI of an Assessor and assessing services to GATES pursuant to Section 119-0 of the General Municipal Law of the State of New York, subject to approval by both the Town Board of CHILI and the Town Board of GATES; and

**WHEREAS**, the Town of Chili and Town of Gates, have discussed an opportunity to share services and work together in developing a contractual relationship for service delivery for their mutual best interest; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the Town Supervisor to execute such agreement subject to review and approval by Counsel to the Town.

UNANIMOUSLY APPROVED

---

**RESOLUTION #205 RE: Recreation Master Plan**

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

**WHEREAS**, the 2007 Parks and Recreation Master Plan will be expiring in December 2012; and

**WHEREAS**, the Town of Chili will be updating the Parks and Recreation Master Plan and will be contracting with a professional consultant to assist with the process; and

**BE IT RESOLVED**, that Supervisor Dunning is hereby authorized to seek Request for Proposals for a professional consultant to update the Parks and Recreation Master plan; and

**BE IT RESOLVED**, the Parks and Recreation Reserve Fund has been established by the Town Board of the Town of Chili pursuant to 277 of Town Law of the State of New York to be held in trust and utilized for the acquisition, development and improvement of Town Parks and delivery of recreational services in the Town; and

**NOW, THEREFORE, BE IT RESOLVED**,

1. That the best interests of all the citizens of the Town of Chili are served by the development and improvements of recreational facilities in existing parks located in different geographical areas of the town, rather than by acquiring smaller decentralized parks; and

2. That the economics of delivering multiple recreational services at existing park locations are greater than attempting to deliver such services at numerous decentralized locations; and
3. That the Parks and Recreation Master Plan is an appropriate expenditure from the Parks and Recreation Reserve Fund; and
4. That any approval of funds from said Reserve Fund held in trust is subject to a permissive referendum; and
5. That the sum not to exceed of \$75,000 is hereby appropriated from Account TA-37-9901.9 (Interfund Transfer) from the Parks and Recreation Reserve Fund, held in trust, to the Parks and Recreation Master Plan update Fund for the purposes of contracting with a professional consultant.

**BE IT FURTHER RESOLVED**, that pursuant to 82 and 90 of the Town Law, within ten (10) days of the date of this resolution, the Town Clerk shall post and publish Notice which shall set forth the date of the adoption of the resolution, shall contain an abstract of such resolution, shall specify that this resolution was adopted subject to a permissive referendum; and shall publish such notice in the official newspapers of the Town of Chili, and in addition thereto, that the Town Clerk shall post or cause to be posted on the signboard of the town a copy of said Notice within ten (10) days of the adoption of this resolution.

UNANIMOUSLY APPROVED

---

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: Questions were here largely around the standard workday and the discrepancy between a couple of the people and why just two Town Board were needed. The easier one in there is the only -- the people that are newly elected need to provide this schedule, so if you're -- if you're -- if you're in mid term, you don't have to do it. It's only done after you're re-elected and it has to be done, I believe, for every -- every -- every election cycle.

COUNCILWOMAN SPERR: You keep your time for three months.

SUPERVISOR DUNNING: You either keep a calendar or affirm nothing has significantly changed. The discrepancy between -- or if you want to call it that -- I apologize to both Mr. Slattery and Mr. Brown.

COUNCILMAN SLATTERY: I disagree with the term.

SUPERVISOR DUNNING: Sorry. It is not the right term.

But the difference between is sometime, you know, e-mails, letters, you know, it could take --

COUNCILMAN SLATTERY: Functions.

SUPERVISOR DUNNING: Functions. You're stopping to talk to somebody somewhere, all this stuff counts in what you do, so there could be a difference in the time the people spend in --

JORDON BROWN: Some put more time in than others. (Laughter.)

COUNCILMAN SLATTERY: Some of us need to. (Laughter.)

JORDON BROWN: Oh, boy.

COUNCILWOMAN SPERR: It's only a snapshot of the first --

SUPERVISOR DUNNING: I will just let them go at it for a couple minutes and we'll go back to it. (Laughter.)

COUNCILMAN SLATTERY: I will explain it to you later. (Laughter.)

SUPERVISOR DUNNING: It is just a difference in -- you know.

COUNCILWOMAN SPERR: What they captured is a snapshot in time in the first three months and maybe one Town Board member has a higher level of involvement at some other point in time of the year and maybe this isn't their busiest time. Just a snapshot.

COUNCILMAN SLATTERY: I think also the wording for the third column, standard workday, hours.

COUNCILWOMAN SPERR: Their term. IRS term.

COUNCILWOMAN DI FLORIO: It's a calculation.

SUPERVISOR DUNNING: I believe that -- Dianne (O'Meara), correct me if I am wrong, this -- the -- the standard workday hours day, that is a State figure, the seven hours versus six hours? There -- there aren't a lot of options there.

DIANNE O'MEARA: Minimum workday you can have is six hours.

SUPERVISOR DUNNING: By a State --

DIANNE O'MEARA: Per the retirement.

COUNCILWOMAN DI FLORIO: This is for retirement calculations only.

SUPERVISOR DUNNING: We don't have a choice in what goes in there.

DOROTHY BORGUS: Phony number.

SUPERVISOR DUNNING: Call the State. Chuck Schulmer's office. They're really good.

COUNCILWOMAN DI FLORIO: It's used to calculate the final hour. It's how that

calculation is arrived.

SUPERVISOR DUNNING: We don't have a choice in where that number goes, but anyways. So -- and I think that covered pretty much all of that.

**RESOLUTION #206 RE: Standard Work Day and Reporting Resolution for Elected and Appointed Officials**

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

**BE IT RESOLVED**, that the Town of Chili hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/Day)	Term Begins/Ends	Participates in Employer's Time Keeping System	Days/Month (based on Record of Activities)
<b>ELECTED OFFICIALS</b>					
Supervisor	David Dunning	7	01/01/2012 – 12/31/2013	N	21.67
Town Clerk & Tax Receiver	Virginia Ignatowski	7	01/01/2012 – 12/31/2013	N	21.67
Board Member	Jordon Brown	6	01/01/2012 – 12/31/2015	N	8.53
Board Member	Michael Slattery	6	01/01/2012 – 12/31/2015	N	7.70
<b>APPOINTED OFFICIALS</b>					
Deputy Supervisor	Kenneth Kraus	6	01/01/2012 – 12/31/2013	N	0.61
Director of Finance	Dianne O'Meara	7	01/01/2012 – 12/31/2013	Y	N/A
Secretary to the Supervisor	Dawn Forte	7	01/01/2012 – 12/31/2013	Y	N/A
Stenographer	Sandra Hewlett	6	01/01/2012 – 12/31/2013	N	8.74

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012

Date enacted: May 16, 2012

\_\_\_\_\_  
(Signature of Clerk)

I, Virginia L. Ignatowski, clerk of the governing board of the Town of Chili of the State of New York do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 16th day of May, 2012 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full Board, consists of five members, and that \_\_\_\_\_ of such members were present at such meeting and that \_\_\_\_\_ of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Chili.

UNANIMOUSLY APPROVED

**RESOLUTION #207 RE: Professional Management Services - Town Code Update**

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

**WHEREAS**, the Town of Chili will be contracting with a professional consultant to assist with the update of the Town Code Book relating to Planning and Zoning, and

**BE IT RESOLVED**, that Supervisor David J. Dunning is hereby authorized to sign a contract with RLB Planning Group to provide consultant services pertaining to the update of the Town Code; and

**BE IT FURTHER RESOLVED**, not to exceed \$3,000.00 A8020.4259 (Planning Consultant – Contractual).

UNANIMOUSLY APPROVED

---

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: There was a question on what this is. If you read the resolution, it is the renewal of their sign permits. This is not for new sign permits. The Building Department is going through and reviewing all of the sign permits in the Town of Chili. In that process, they hope the Chili Fire Department and the Chili Volunteer Ambulance came up with some renewal requirements.

As you know, we pay it anyway, so it is robbing Peter to pay Peter. So I mean, it is going from one hand to the other is all this really is.

COUNCILMAN SLATTERY: Paul.

SUPERVISOR DUNNING: Paul is not there. He is paying us. It is taking it out of our pocket and putting it back in our pocket. Or Peter and Peter. Peter, Paul and Mary. (Laughter.) I don't know. You're a --

RICHARD STOWE: Any more discussion?

SUPERVISOR DUNNING: Anyways. But anyways, the -- the -- this is not for new signs. This is not for new permits. This is just existing -- existing sign renewals.

Any other questions or comments?

Thank you.

UNANIMOUSLY APPROVED

---

**RESOLUTION #208 RE: Sign Permit Fees**

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

**WHEREAS**, the Chili Volunteer Ambulance and the Chili Fire Department, Inc. Has formally requested that the Town Board waive its fee for the renewal of their sign permits; and

**WHEREAS**, the Town Board has the authority to waive such requests for non-profit organizations; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board waives the permit fee for the Chili Volunteer Ambulance and the Chili Fire Department, Inc.

UNANIMOUSLY APPROVED

---

**RESOLUTION #209 RE: Set Public Hearing to consider adoption of Local Law # \_\_\_\_\_ of 2012 to amend the Code of the Town of Chili "Chapter 352 Noise, 352-2 Exceptions".**

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

**WHEREAS**, a Local law to amend the Town Code Chapter 352 Noise, 352-2 Exceptions; and

**NOW, THEREFORE, BE IT RESOLVED**, that Local Law # \_\_\_\_\_ of 2012 of the Town of Chili entitled a Local law to amend Chapter 352 Noise, 352-2 Exceptions is hereby 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 June 13, 2012 at 7:00 p.m. at the Town Hall Main Meeting Room, 3333 Chili Avenue to consider the adoption of Local Law # \_\_\_\_\_ of 2012.

UNANIMOUSLY APPROVED

---

**RESOLUTION #210 RE: Set Public Hearing to consider adoption of Local Law # \_\_\_\_\_ of 2012 to amend the Code of the Town of Chili "Chapter 500 Zoning, 500-92 Penalties".**

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

**WHEREAS**, a Local law to amend the Town Code Chapter 500 Zoning, 500-92 Penalties; and

**NOW, THEREFORE, BE IT RESOLVED**, that Local Law # \_\_\_ of 2012 of the Town of Chili entitled a Local law to amend Chapter 500 Zoning, 500-92 Penalties is hereby 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 June 13, 2012 at 7:00 p.m. at the Town Hall Main Meeting Room, 3333 Chili Avenue to consider the adoption of Local Law # \_\_\_ of 2012.

UNANIMOUSLY APPROVED

---

**RESOLUTION #211 RE: Landscape Bed Maintenance at Widener Park and the Town Hall**

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

**WHEREAS**, there is need to provide regular maintenance of the landscape beds and the associated plantings at the Town Hall and Widener Park by a qualified professional landscape company; and

**WHEREAS**, the Town requested and received quotes to provide this service which also included one time charges for the removal and installation of landscape mulch as follows:

	<u>Avg. Monthly Maintenance</u>	<u>Mulch Work</u>
Evergreen	\$595.75	\$2,598.00
RM Landscape	\$748.00	\$2,996.73
Ted Hosmer	\$912.22	\$2,987.24

**NOW, THEREFORE, BE IT RESOLVED**, to accept the proposal from Evergreen Landscape Management.

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

---

**RESOLUTION #212 RE: C.H.I.P.S. Budget Revision**

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

**WHEREAS**, the year 2012 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, 2012 indicating 2012 C.H.I.P.S. apportionment for Chili will be \$136,574.97; and

**NOW, THEREFORE, BE IT RESOLVED**, to revise accounts DA3501 (State Aid/Chips) and DA 5112.4 (CHIPS-contractual) to \$136,574.97.

UNANIMOUSLY APPROVED

---

**RESOLUTION #213 RE: Transfer from Contingency to Engineer – Contractual**

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

**WHEREAS**, at the May 2, 2012 meeting the Town Board approved an amendment to the Agreement for Environmental and Planning Consulting Services for Decommissioning the Highway Garage Facility located at 3235 Chili Avenue for a cost not to exceed \$15,551; and

**NOW, THEREFORE, BE IT RESOLVED**, to transfer \$15,551 from A1990.4 (Contingency) to A1440.4 (Engineer-Contractual).

UNANIMOUSLY APPROVED

---

**RESOLUTION #214 RE: Chili Fire Department, Inc. Exempt List**

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

**BE IT RESOLVED** that the following individuals be added to the Chili Fire Department, Inc. Exempt list effective **April 9, 2012 & May 1, 2012**:

Herb Bietry, John Spaulding, Mark Hardy (5/1/2012)

UNANIMOUSLY APPROVED

---

**RESOLUTION #215 RE: Chili Fire Department, Inc. Removal from Active List**

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

**BE IT RESOLVED** that the following individual be removed from the Chili Fire Department, Inc. Active list effective April 9, 2012:

Jason Friday

UNANIMOUSLY APPROVED

---

**RESOLUTION #216 RE: May 16, 2012 Abstract**

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

**BE IT RESOLVED** to pay vouchers 5400, 5602, 5605-5606, 5658-5661, 5663-5698, 5711-5713, 5719-5726, 5733, 5737, 5740-5750, 5757-5827 totaling \$342,601.56 to be paid from the Distribution Account as presented to the Town Board by Virginia Ignatowski, Town Clerk:

General Fund	\$131,804.75
Highway Fund	\$177,490.21
Assessment Reval 2012	\$ 250.00
H48 200 Beaver Road	\$ 20,617.17
Park Place Sidewalk District	\$ 358.43
Senior Center Fundraiser	\$ 275.00
Special Light Districts	\$ 11,806.00
TOTAL	\$342,601.56

UNANIMOUSLY APPROVED

---

A continuation of this meeting will be held on Tuesday, May 22, 2012 at 6:00 p.m. in the Chili Town Hall main meeting room.

The next regular meeting of the Chili Town Board will be on Wednesday June 13, 2012 at 7:00 p.m. in the Chili Town Hall main meeting room.

The Town Board meeting was recessed at 7:55 p.m.