

CHILI TOWN BOARD
July 8, 2009

A meeting of the Chili Town Board was held on July 8, 2009 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor David Dunning.

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

ALSO PRESENT: Richard Brongo, Town Clerk; Jordon Brown, Deputy Town Supervisor; Dawn Forte, Supervisor's Secretary; Sandra Hewlett, Stenographer; Chris Karelus, Building Department Manager; David Lindsay, Commissioner of Public Works/Highway Superintendent; Dianne O'Meara, Director of Finance; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor (excused).

The invocation was given by Richard Brongo.

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

PRESENTATIONS/ANNOUNCEMENTS:

1. Presentation to Gloria Clemmo, Crossing Guard.

SUPERVISOR DUNNING: One of our crossing guards has recently retired, and it is my understanding she has served the Town for quite a long time. So what I would like to do is ask the Town Board to join me down here for a presentation. I will ask Gloria Clemmo to come up and join us.

On behalf of the Town of Chili and the Town Board, we would like to thank you for your dedicated service as crossing guard for many years. I understand it was 18 years of service. So on behalf the Town of Chili and the Town Board here again, thank you very much for your service. Hope you enjoy your time off and enjoy your retirement now.

So on behalf -- just a little bit of a certificate of appreciation, and I would like to read this. This is presented by the Chili Town Board to Gloria Clemmo in appreciation for the 18 years of dedicated service to the Town of Chili. That is for you also. Thank you very much for your service.

MS. CLEMMO: Thank you very much. (Applause.)

2. Dave Rogers, RBC Wealth Management on LOSAP.

MR. ROGERS: Hello, everybody. My name is Dave Rogers from RBC Wealth Management. I'm a Portfolio Manager. I manage your current LOSAP fund. I was here a number of months ago presenting a proposal to you. Subsequently met with your Director of Finance, your Supervisor and your attorney who then asked me to come speak with you again about to answer any questions you might have.

I thought it would be appropriate to discuss, if I dare, liability and your responsibility for that and how we do as much as we can to remove that from our client accounts.

In New York State Municipal Law, and generally in Pension Plan Law, there is called is something called prudent man rule. You have to act prudently in managing your investments. And what does that mean?

We define prudent through a document called an investment policy statement. We executed a document last year, I think, sometime, and in that document it addresses a number of issues. One is your actuary currently has a 6 percent rate of return that they use to calculate your annual contribution. It discusses various asset classes that are eligible investments and specific percentages of all those asset classes that are designed to meet that 6 percent rate of return over time. It addresses risk. It discusses the idea that we're going to assume some risk, that we may take some losses in order to achieve a higher rate of return over time than what you might earn in something guaranteed. It talks about the review process, okay, and what you should do on a regular basis to insure that you're fulfilling your oversight responsibility.

So I am proposing an investment policy statement. We executed that and have that document in place, and what you need to reply upon is currently myself and your actuary Penflex to come to you if we need to change that document. I don't see any reason to do that right now.

Secondly in order to help you fulfill your oversight responsibility, we provide monthly investment statements. You're going to see in your folders behind the investment policy statement is our quarterly performance reports that we provide to you. There is an asset summary that is provided to you and something called a bond maturity report. So these are being sent to you on a quarterly basis. I'm sure they're disseminated to the Board, and I think that helps you

again just at least at a glance every once in a while understand how we're doing and to raise any questions or concerns you might have. That is what that is designed to do.

If you move over to the right side of the folder, you will see another analysis from Morningstar. We just feed your account into a software program and out comes another analysis. I meet with Dianne (O'Meara) periodically and the firefighters to present those two, just another look to insure that we are within our guidelines through the investment policy statement. So all these are really there to help you understand and fulfill your fiduciary liability.

The other major part of this, which I'm really here to discuss tonight, is who is responsible for the investments. Trustees typically don't want to have that responsibility. They may not have the knowledge, the background, the experience to make those day-to-day decisions so they typically hire a Portfolio Manager, somebody who has expertise in what they're looking for. They hire a Portfolio Manager to do that. That is pretty much what I'm proposing to you. The alternative is cumbersome. Meaning I put in writing a proposal that I want to invest in this, that and the other thing. There is not a lot of activity here, but there is CDs coming due, there's cash flows that we have. Every time I want to invest in something, I would actually have to propose that to you. You would, in turn, need to approve it for me, which can take a number of months, and you miss these opportunities.

So being a Portfolio Manager, I propose you give me the legal discretion to make those day-to-day decisions, and as long as you're getting the appropriate reporting, you follow what we're doing, you get purchase confirmations, the monthly statements, all these other reports, that will help you again understand how you're doing. Okay?

Probably the last thing that came up rather pointedly was what makes Dave Rogers not Bernie Madoff, and it's a valid point. So there are some major differences.

First of all, you may know Bernie Madoff is in jail now and ran a completely unregulated hedge fund. RBC is a publicly traded US brokerage firm, so we're audited up to here by the New York Stock Exchange, the SEC, what used to be the NASD, now called FINRA, the financial regulatory agency. They have oversight over the brokerage firms.

In turn, I'm an employee of RBC. They're responsible for me. So as an example, if I ever figure out a way to steal money from your account, after a little investigation, they would write you a check and then find me to make restitution to them. Because of that, all the brokerage firms have substantial audit processes in place.

Specifically, I can't touch any money. So -- and again, all of the brokerage branches have something we refer to as the cage. It is basically a closed-in office, glassed-in. Picture the teller window. All of the mail goes into -- all of the mail goes into a young lady called Nikki in our office who opens all of the mail, separates the checks, brings them to the bank and lets me know that is there. Any money that goes out of your account, we write monthly checks to all firefighters. Nothing happens without a written discretion from you without authorized signature from the Town. That is one example. There are multiple audit procedures in place to make sure your money is safe. I have been doing this 26 years. I have had a successful track record. I have 155 accounts around the State of New York. I just gave Dianne (O'Meara) my entire client list.

There is about ten of those who still haven't made this decision yet. But it's the right thing to do. For you, frankly, and for me to make it legal that I am, in fact, your discretionary Portfolio Manager, and I have the legal right to make those decisions for you day-to-day. Okay?

I quoted a 75 basis point fee, three-quarters of a percent. How do I come up with that? I go back and look at how much commissions have been generated and it's three-quarters of a percent. So you're getting a fair deal. I'm getting a fair deal. It was meant to be a wash. Once we have that fee, if you will, there is no other charge, okay? And really three reasons that I'm asking to you do this. The first one we discussed.

Fiduciary responsibility, who has that legal decision. Number 2, it opens up a lot of opportunities for me. In the low cost world especially. Whether you really follow investments or not, there is a huge world out there of closed-end bond funds, the Vanguards of the world. There are these ETS, exchange traded funds. There are hundreds of them out that all trade like a stock. If I wasn't charging a fee, there would be commissions every single time. So there is opportunities that I have in these fee-based accounts that I don't have right now. And if you do go ahead with this, and I'm asking you to do that, pass a resolution that I will sell all of the current mutual funds because they have higher expenses in them. That is how I get paid. You will see some of the funds are the same name, different expense structure, but there are also twice that amount of different securities I'm investing in now to broaden out the portfolio.

The last reason is something we're all hearing a lot about now in business news is transparency. To be blunt about it, you have never really known how we were being compensated. So in this way, it is clearly disclosed. When we do the -- we do an audit spreadsheet for your auditors at the end of every year and it will clearly say on there, this is my compensation, percentages, here is what the dollar amount was, and everything is fully disclosed. There is no guesswork at all. So the auditors like it. Penflex likes it. My clients like it.

So that's it. And you know we did it because we think it is really what is in your best interest. So it -- we took pretty much all of the responsibility that we can off of you legally, and now it is just really you just reviewing, you know, what we're doing on a regular basis and having the periodic discussions, being comfortable where you are.

The performance report, very quickly, we have done fairly well. You know, we're not quite back to even again from the way the market has been, but over the last year we were down 3 percent. We're up roughly, you know -- I don't have it in front of me. Seven something percent over the last three or six months, so what I would like to think is that in the worst environment

that I think any of us have ever experienced, with the markets and the economy, we aren't really down much. Since I have been at RBC and managing your portfolio up there, we're up almost 4 percent. So we're not really giving anything up relative to what guaranteed investments are paying right now, and again, in the worst environment we have ever had.

What have I done briefly? We have again the percentages of the various asset classes that I'm allowed to invest in. I have allowed the equity exposure to go down to minimum. I'm adding a lot of fixed income. There is a huge world of bonds, and if you can find things that are not guaranteed that have good yields and they had up side, too, and that is where I'm continuing to look for opportunities.

So I think everything is going fine. I don't think you need to make any changes. I'm asking you to pass a resolution to adopt what we call portfolio focus, fee-based discretion portfolio management.

I'm happy to answer any questions, concerns for anybody.

COUNCILWOMAN IGNATOWSKI: I recall the last time that you were in here, I think, that you were pitching the same thing at that point, and I know at that time the Board didn't move forward with that.

And I guess I just question, Dianne (O'Meara), what your opinion is on this, because I think that is where it has really been, with your decision-making and the conversations back and forth. Do you feel that what he is proposing would be more of a benefit than what the current situation is right now?

DIANNE O'MEARA: Absolutely.

COUNCILWOMAN IGNATOWSKI: Yes.

COUNCILMAN SLATTERY: Dianne (O'Meara), why would you feel that way in regards to the way it is set up now to changing?

DIANNE O'MEARA: Exactly what Dave (Rogers) indicated. The fiduciary responsibility. David (Rogers) is with RBC. We have -- we're covered as far as any wrongdoings on David (Rogers)'s part. He can't run away with the money. It's safe with him.

He has got the investment expertise that I don't believe any of us do. This is an important program. You know, we're basically dealing with a -- it's not really a retirement, but we're dealing with a defined benefit program for the benefit of our firefighters. Obviously we need to invest in it the best way we can, and as I said, we don't have the expertise. I have worked with Dave (Rogers) for I don't know --

MR. ROGERS: Six years.

DIANNE O'MEARA: Yeah. As far as I'm concerned, he is very knowledgeable. He -- he has all of the tools, all of the resources at his disposal that we do not. And the reports that we get from him, you know, I'm just very satisfied with his -- his knowledge and his support that he has offered us so far.

COUNCILWOMAN IGNATOWSKI: If I could, what changed from last time we had this conversation to now that -- because I know before you were comfortable doing what you're doing, but now, it sounds like something must have changed.

DIANNE O'MEARA: I understand more what he is saying than I did the last time. It really didn't quite click with me, to be honest with you. I have a better understanding of what he is proposing.

I also, um, have a more comfort level as -- now that it is required that the LOSAPs are audited, and going through the process for two years now, um, with the independent CPA firms, there have been no issues, no -- no questions, no concerns on their part, and that also gives me a good comfort level. As Dave (Rogers) said, you know, with the SEC and all of the other regulators, there -- I mean, they're held pretty tight to what they can do.

So my feeling is that we have somebody on the Town's side with our independent CPA firm, as well as all of the regulators that Dave (Rogers) has to deal with that is looking over their shoulders to make sure what he has done is correct.

SUPERVISOR DUNNING: I'm assuming there's a contract involved in this.

DIANNE O'MEARA: Correct.

SUPERVISOR DUNNING: I don't believe we have seen that contract.

Counsel, have you seen that contract?

RICHARD STOWE: Well, when we met, there was the form contract that was presented to us, and at the time, the four of us met and we went through the whole conversation, um, it was -- it was thought that no change ought to be made until there was a sequel, if you will, to Dave (Rogers)'s presentation to the Board when he was last here. There is -- there is a form contract. We have reviewed the contract. It is the standard contract. There will be a resolution that is required for you to be authorized to execute that different sort of contractual arrangement that the auditors require that is authorized by the general municipal law.

So yes, do we -- I'm not sure we have a resolution on it to approve it, but yes, we have a contract, and yes, there is a form.

SUPERVISOR DUNNING: And you're satisfied that that adequately protects the Town from any -- any financial losses or any ability for David (Rogers) to walk away with -- or their agency company in --

RICHARD STOWE: It gives us all of the comfort we can have in this environment.

MR. ROGERS: If I may, two quick points. The agreement cancels at any time. There is nothing that locks us in here. There is -- everything is liquid, everything is transferable. You have complete flexibility in changing your mind down the road.

Number two, RBC is in a really good place right now. We have not been involved like

Wall Street has been involved. We have maintained our AA and triple investment grade rating. We did not get involved in TARP funds. We are still making money. It's -- we have been a very solid place to be for our clients and for me for that matter.

COUNCILWOMAN IGNATOWSKI: If I could ask, you had indicated that you would have more opportunities available by having this resolution passed. Have you seen a performance increase in your past clients that have made this move?

MR. ROGERS: It's -- it's small. And it is just basically, um, fractions of a percentage differences. You know, so the answer is yes, it definitely helps. And it helps mostly because if I can invest in a fund that has a 20 basis point expense ratio instead of a one and a half expense ratio, even net of fees, we're going to see a benefit from that.

COUNCILMAN SLATTERY: Mr. Rogers, no disrespect to you, but Dianne (O'Meara), have we looked at other firms that perform the same duty?

DIANNE O'MEARA: Um, there is really not a whole lot --

COUNCILMAN SLATTERY: There is not other vendors out there.

DIANNE O'MEARA: -- that deal with the LOSAPs. We were with another firm originally, and, um, we needed to move away from them, and it took a while for us to be able to move away from that. That is when we -- that is when the Town contracted with Dave Rogers. But no, I have not looked at any other firms, but I can tell you there is not a whole lot out there that deal with these programs.

COUNCILMAN SLATTERY: When you say "originally," when was originally? A year ago, two years ago?

DIANNE O'MEARA: No. This plan started in 1995.

MR. ROGERS: We came in six years ago. Brief background, it was an insurance company, a fixed annuity. It just wasn't doing the job. And, I guess, to just be blunt about it, any -- there is a lot of investment managers out there. We're a commodity. I think what makes me unique is the background in like the service work programs, and I have to remind you we also have other processes and systems in place. Like we use a bank right now to process the monthly pension payments to the firefighters that have benefits to you and to the firefighters that nobody else has replicated right now.

So there is really three vendors that do LOSAPs. There are two insurance companies. You have one that is kind of out there. But primarily two insurance companies that do nothing but fixed annuities, and they're just not going to get you the rate of return you need to have, and then there is me. Ed Holahan and I have been doing this together for 20 years. We have a lot of experience with boards, firefighters, processes and back and forth. They audit our stuff. We look over them.

So we have conversations way too much, every day, you know, about do we need to do something different for our clients? Do we need to address actuarial assumptions? Do we need to tweak these things? Comerica was a big endeavor. This is a big endeavor.

Again, we have these processes in place that other people don't have. You can talk to any bank around here, you can talk to brokerage funds, you can talk to investment managers and they will say, "What, LOSAP?" So I think that adds a lot of value to it.

COUNCILMAN SLATTERY: You mentioned Morningstar. I want to be careful because we have an employee named Morningstar.

MR. ROGERS: I had to type it up this morning. (Laughter.)

SUPERVISOR DUNNING: David (Rogers), thank you very much. Appreciate it.

MR. ROGERS: Thank you very much for your attention. Good night.

3. Presentation from the Chili Town Center Ad Hoc Committee.

PAUL SCHOTT: Supervisor Dunning, Councilwomen, Councilman, I thank you for the opportunity on behalf of the Ad Hoc Committee. I thank you for the opportunity to present the results of the survey that was conducted earlier this year for the Chili Center development that was conducted by the Ad Hoc Committee.

We started off with 18 members, and before we get into the meat of the presentation where we will share the results of the survey that was conducted earlier this year, I do feel it necessary to introduce the Ad Hoc Committee members on an individual basis, because over the last year, each member here, the 11 that are here, have really worked hard, diligently and formed quite a bond.

So with that, I would like to recognize each one of those. I will start in alphabetical order with Dorothy Borgus.

If you won't mind standing.

Dorothy (Borgus) also volunteered and was my right-hand lady, instrumental, a great contributor and signed on as our secretary to submit all of the meeting notes to you all on a regular basis.

So, Dorothy (Borgus), thank you.

Next Barb Denigris. Barb also was very active in all of the meetings. I don't think she missed only a handful, and over a 12-month period, that is quite a contribution.

Bob Harper, also -- we were talking just earlier today, I don't think Bob (Harper) missed any meeting. So he was a leading contributor on the team.

Janet Herman, also was with us on the long haul, did a lot of the heavy lifting over the past 12 months, and we thank her for her contribution.

Jim Lepore, also with us for the full 12 months and another strong contributor.

Tom McNamara, with the Fire Department. We thank him for his active membership as well and strong participation.

I did miss a name on this version of the presentation. Jim McNamara, although I don't see Jim (McNamara) here tonight, was also instrumental and -- did a lot of the heavy lifting as well, major contributor.

Matthew Moore missed only a couple of meetings because he welcomed into the world a beautiful daughter. So congratulations on that and thank you for your contribution

SUPERVISOR DUNNING: Matt (Moore) was also your resident artist, was he not?

PAUL SCHOTT: Yes, he was. Thank you.

Joan Peck made most of the meetings and did a lot of the heavy lifting as well, the tabulation, helping us to formulate the questions that became part of the survey. We thank her.

I don't see George (Peterson) here. George (Peterson), again with the Fire Department, was an active member, as well.

And myself, and then lastly, our liaison from the Town Board, Supervisor Dunning for that role was very instrumental in the success of the Committee. So thank you all for your participation. (Applause.)

PAUL SCHOTT: As far as the agenda, what I would like to do is in just a few short moments turn it over to Dorothy Borgus. She will go through the process that was used throughout the past 12 months to plan for the survey, conduct the survey and do all of the results tabulation.

Then we'll jump into our results review for each of the sections that the survey conducted, and I will just call to note that there is an appendix that I do not plan to cover. It is there for the Town Board members' reference later on that might answer a lot of the questions that you may have.

DOROTHY BORGUS: Thank you, Paul (Schott). Our mission, as the Town Board is aware, but some members in the audience may not be, we were to approach the community at large, find out the community's desires regarding development in the Chili Center area, and report these findings back to the Town Board.

Our first meeting was on July 31st, 2008, and Paul Schott was elected to be our Chair at that meeting.

Also at that meeting, we discussed four important mandates, and these were right up front and very important issues.

One, we were to consider the Highway Department as being removed from the current location in conducting our study.

Two, we were not to include the Fire Department in the study. It is a separate entity.

Three, we were not charged with determining what goes where, but instead to get public opinion on whether business development should occur in Chili Center.

And lastly, we were told to serve on the Committee, and we were all volunteers, each of us had to be able to set aside our personal opinions, pro and con on Chili Center development. If we were unable to observe total impartiality, we were not to serve.

The parameters of the study were delineated. Chili Avenue, Archer Road, Beaver Road. The map that is included in the actual survey that was presented to the public.

Supervisor Dunning acted as Town liaison at our meetings, providing Town records and answers to our questions as we needed them. But at no time did he participate as a full member of the Committee. I want to emphasize that he never attempted to sway any of our decisions, nor offer advice that we did not specifically request of him.

Since we had a relatively short time to complete our task, we agreed on an aggressive meeting schedule, every other Thursday at 7 p.m. The public was invited to attend and observe, and we welcomed public comment and question and answer time at the end of each meeting. Our one disappointment, I think, from the Committee was that we had so little public attendance. We expected that we would have far more residents wanting to follow our progress, and, um, ask questions.

Minutes were completed promptly and were available as we went along to the public and to the Town Board.

After our -- at our first meeting, we quickly came to the realization that a Town wide survey was the only logical way to gather the information we wanted in the time frame that we had.

And that our efforts should be as broad-based as possible to encompass the maximum number of opinions from the Town's diverse population.

We then broke the study down into six areas, and I'm sure Paul (Schott) will cover those when he comes to the slides.

In addition to the questions that we formulated, we felt that we needed to put comment lines in each information section so that people would feel free to comment on anything that we inadvertently had missed or anything that they felt they needed to have extra comment on.

Then we proceeded for many meetings. We wrote, considered, refined and then rewrote survey questions so that we had optimum clarity and objectivity. We had to be very sure questions were not leading in any way.

There was lots of give and take. A few questions were rewritten more times than the Committee would like to remember.

By late November, we were satisfied with the questionnaire and our timetable was in place. On December 3rd, Paul Schott, our Chair, made a presentation to the Town Board and brought them up to date on our progress. By early January, our publicity started and the survey

distribution began. We had local press releases. We used the local press at every opportunity.

Supervisor Dunning introduced the issue in one of his columns in the local press. The survey was published in the Town newsletter in early January and mailed to all Chili residents.

A poster designed by our own Matthew Moore and Barb Denigris was distributed widely around Town.

The survey was placed on the website. Three public information meetings were held in the Senior Center, Town Hall here in this room and the Community Center at North Chili with a question-and-answer period following the presentation of the survey.

Paper copies were distributed to businesses in North Chili, West Chili and Chili Center. They were picked up at completion and the supply replenished so hopefully -- we hope at least we didn't have any empty boxes at any point when anybody wanted to complete a survey.

We did go with the hard copies because we realized that some of our residents are not comfortable with computers, and the electronic survey would not meet our needs in total.

We encouraged electronic delivery of the survey, however, because it would be far easier to tabulate, something we found out when we got to the end of the survey.

Distribution of the surveys took place basically between January 12th and January 23rd. The deadline was February 28th, 2009.

During this time when the survey was being completed by residents, the Committee had a hiatus in meetings, but we certainly picked up the pace again. To our gratification, we received a total of 837 survey responses, and I believe that is one of the best, if not the best, survey response of any survey for the Town of Chili.

And I think it is partly due, probably mostly due, to the intense publicity we held and had and the cooperation we had from the press.

The electronic tabulation of these results was easy. The paper tabulation proved much more difficult.

It was laborious and time consuming, and the comments that we had chosen to insert proved to be a problem we didn't anticipate.

We thought maybe that we would get, you know, 5, 10 percent of the surveys that would have comments and then only maybe one or two.

Well, we were way off the mark. Because probably 95 percent of the total surveys had comments and lots of them.

In a few minutes I will tell you how we ended up dealing with that problem, because we felt that we could not summarize the comments, and do due diligence. We thought that if we were to do that, we would in some way damage the results and the -- the tabulation totals. We want this to be a totally unbiased and unslanted survey, and so we opted in the end to do the comments verbatim, and I will explain how that is going to be handled.

Following tonight's presentation of this study to the Town Board, surveys will result -- will be posted on the Town's website and available from the Town Clerk's office in print and digital form per Supervisor Dunning.

Now, just before I go further, I would like to summarize what we're doing about these comments. It was a real problem because the electronic ones would come off pretty completely and thoroughly, but the handwritten ones on the paper copies were a problem.

So due to the huge quantity of the comments, it was decided by the Committee that paper copy comments would be scanned at the Town Hall and available in an unabridged form to anyone interested in reading what could be 80 to 100 pages of comments when combined with the comments from the electronic responses. I think from those numbers you can tell we had a real dilemma here. But they will all be available in unabridged form.

All original paper copies, which Mr. Paul Schott will hand over to Town Clerk tonight will be kept in Town Clerk's office as public record.

The -- the survey will be used by the Town Board and at their discretion for anything they so choose.

In addition, the survey will be an enormous help to the Comprehensive Plan Committee currently meeting on a regular basis.

I would like to stress that we have gathered the data. We did not analyze it. And we didn't interpret it in any way. We have gotten a good cross-section of responses, and I believe we allowed more than adequate time for the completion of the survey by any Town resident who so chose.

It is a totally transparent and unbiased process.

I would personally like to take a moment to thank Paul Schott for his leadership in our project, for keeping us on track and on time. It has been a pleasure to work with such a dedicated group of my fellow residents. (Applause.)

PAUL SCHOTT: So, as Dorothy mentioned, I do have here some 180 plus hard copy surveys that I proudly hand over to the Town Clerk for public record. That has been riding around with me for the past three weeks in my car, making sure I don't lose it.

If we could move on now to the results of the survey. So if you go back just one slide. As Dorothy (Borgus) mentioned, we did receive a fair number of responses. At first glance, we received 837 you can see at the bottom. The types of surveys we had certainly were the online surveys, you can see that on the bottom there we received 669 of those through the electronic format. The paper, the hard copy was in two formats. One, through the Town of Chili newsletter, and then the other a -- a word document that was printed, stapled and then distributed to the various businesses around Town, and so when you tabulate all those up, 837, that is about 3 percent of the population, if we use the figures off the Town website.

You know at first blush, we were hoping for a heck of a lot more. Would have been terrific if we would have gotten more electronically. I thank God that we didn't get more on the paper base because it was quite an effort to tabulate.

So with that, if we can move forward now, we'll get right into the results of the survey. We broke it down into six sections. The first is demographics. Just the whole thought process here is we wanted to insure that we received adequate representation from a number of different ways you can slice and dice the residents within the Town. The first way was to figure out where people live, and you can see there from the graph on the right, that 66 percent live in quote "the impact zone," or Area 2 on the Town's map. So that is a point that we would like to draw there.

On the next slide, we talk about the -- the results show the distribution of age. We have a pretty nice mix, so we're proud of that. We also find that we had strong representation on the graph on the right, that 91 percent of the respondents own their house. 6 percent rented and 3 percent lived with relatives.

Another demographic we were interested in is the population within each of the households, be it renting or home owned. I won't interpret the results. I think they are pretty plain to see there.

We also asked about the current work status of the respondent, and you can see there was strong representation from the employed and the retired, and those two things I would ask you to look back and look at your leisure at the age distribution, because I think there is a pretty strong correlation between the work status and the age. So it tied out nicely in my mind that way.

There is a note on the bottom from some of the write-in comments where people selected other and specified other areas where they work on this slide, so we see that 21 percent are employed and work here in the Town of Chili, and you can see the breakdown from other towns that we thought we would call out specifically.

On the bottom of the screen, you can see that other towns such as Brighton, Gates, Brockport, Webster represented -- typical are responses in the "other please specify" category. We also wanted to insure that we had equal or not equal, but a fair representation based on income, so we did ask people to identify their income levels and provided an opportunity for them not to disclose if they so desired and you can see that there was strong participation there, as well, for obvious reasons.

The next slide, we asked the citizens why they live in Chili. We felt that was important consideration for the Town to understand when they consider what to do with Chili Center. And so we found that there is a strong adherence here to the family values when you look at the reason they live here is family or they were born and raised here. Then affordability sticks out, as well.

Next slide. As far as how long people have lived in Chili, and how long they plan to live in Chili, we see strong correlation that there is a lot of long-term residents who participated in the survey, and they plan to live here for a long period of time. I didn't -- I didn't anticipate and I don't think anybody on the Committee anticipated such a strong response to the "do not know," but I guess if you think about whether or not you're going to wake up tomorrow, that is probably the most suitable answer. So I think that is the understanding we have there.

If we can pass on to the next slide.

COUNCILMAN SLATTERY: We have a cemetery here. They could live here forever.

PAUL SCHOTT: Should have put forever (Applause.)

Next we asked about the features that Town residents consider most important to them. I would like to call out, this graph is a little bit different. On this graph we evaluated the difference between respondents, the total number that selected either "very important" and "important" against the number of people who selected "not important" or "somewhat important." So you can understand the degree to which when you stack range those, how strong the parks, then the schools and the open space stick out in terms of what is important to Chili residents, why they live here. I think that is something that the Board, you know, can certainly -- and the -- the development committee can also weigh in on there, as well.

We asked about whether there was interest groups, participation in interest groups and we found out 19 percent do and 20 -- or 80 percent of the respondents do not participate in groups.

SUPERVISOR DUNNING: Paul (Schott), can you explain what the specific interest groups are?

PAUL SCHOTT: Interest groups would be something like a garden club, a sports club, any of those kinds of special interest groups.

SUPERVISOR DUNNING: Thank you.

COUNCILWOMAN DI FLORIO: Was that called out specifically in the survey?

PAUL SCHOTT: We did give examples. Not a full list obviously, but examples.

The next section is environment. We had one question, and it was pretty -- pretty pointed. We asked the question of whether the respondent preferred the preservation of open space over commercial development in Chili Center specifically, and I won't interpret the results. They're there for the viewing pleasure and your own analysis on an individual basis.

Next section was finance and economics. We felt it important that we did a consideration from the respondents, the residents of the Town of Chili that if there were development, and they could determine what that development would be, through subsequent questions -- but if there were development in Chili Center, what form of tax increase would they support, and you can see that you know, the overwhelming majority of people preferred little or no property tax increase.

I don't think that that is anything that sticks out.

Next slide. Specific to the Town's property in Chili Center, as Dorothy (Borgus)

expressed, you know, we bounded the area that we call Chili Center, and we were very specific in this case about the Town's property on the -- on the site down the road. And we asked whether respondents would like to see that sold, leased or would they like to retain it, and the results are there.

We also asked about whether the respondents wanted to retain Memorial Park in its present location and there was overwhelming support to do so.

The fourth section is habits. I believe there is a couple of questions here on this. So this got into, um, obviously the habits of the residents, and so we asked about the usage of Memorial Park. Is it adequate for their needs, and pretty -- pretty even split between "yes, it is," and "I don't use it." And a few said no, that it is inadequate.

We also, um, in terms of development, one of the development opportunities for the Town is its shopping, retail, whatever, so we felt it important to gain the feedback from the residents on their interest level here. One way to understand that is the convenience, is that important to the residents, and you can see there is pretty strong support that people do desire convenient shopping to them. We then asked the follow-up question to -- in the context of distance, of travel, what is their definition of convenience then, and you can see that there is strong representation with the 1 to 5 miles, and then 5 to 10 was the second.

COUNCILMAN SLATTERY: Paul (Schott), I find that very interesting when you look at those numbers compared to the question you asked earlier in regards to open space over commercial development, which 32 percent strongly agree they prefer open space. But then again, they prefer convenience of less than five miles of traveling.

PAUL SCHOTT: There's many potentially conflicting responses, and I will leave that up to you fine folks to figure that out.

COUNCILMAN SLATTERY: You would be a great politician. (Applause.)

COUNCILWOMAN DI FLORIO: You could have said no, convenience, is not important to me, and then you could have defined convenience as 1 to 5 miles. So those 27 percent could be in the 1 to 5 mile bracket.

COUNCILMAN SLATTERY: What 27 percent?

COUNCILWOMAN DI FLORIO: The 27 percent that said no convenience, is not important.

COUNCILMAN SLATTERY: Oh. You're going back to the other slide. Right. But when you look at 73 percent, that says convenience is important, then you look at the next slide --

COUNCILWOMAN DI FLORIO: Some of these -- 35 percent of those could be saying convenience is 5 to 10 miles, which isn't in Chili Center. It's in Henrietta.

COUNCILWOMAN SPERRY: Depending where you live.

COUNCILMAN SLATTERY: Is Henrietta more than five miles?

COUNCILWOMAN IGNATOWSKI: If you live in North Chili, it is.

COUNCILWOMAN DI FLORIO: Depends where you live.

Multiple side conversations were had by the Committee members.

COUNCILMAN SLATTERY: So you really have to look at the breakdown of the numbers.

SUPERVISOR DUNNING: We can tell this is going to be fun.

COUNCILWOMAN IGNATOWSKI: I have to agree it is very conflicting.

SUPERVISOR DUNNING: When you see some of the information, there --

PAUL SCHOTT: You could draw conclusions, I guess, in a number of different directions.

SUPERVISOR DUNNING: You could start an Ad Hoc Committee to do that for us. Paul (Schott), you would chair that for us, wouldn't you?

PAUL SCHOTT: There you go. (Applause.)

Habits, again, here we thought to ask Chili what specifically they would like to see. We gave pretty specific answer selection, and also with the -- with the other category, and so we divided this into national -- national chains I will call them and local vendors, suppliers, et cetera. And so this graph is trying to portray the respondents' desire to have specific types of development and trying to give you an idea whether they prefer that to be a national chain delivering that service or whether it should be local.

I would just call your attention that clothing and home improvement, those big box stores, people seem to like those, those national, and then when you get into the taverns, the restaurants, those kind of things, there does seem to be more of a local flare desired there, as well.

COUNCILMAN SLATTERY: What about banks? I'm surprised that is not on there, or pizzerias.

PAUL SCHOTT: I would call your attention to pharmacy being rather low in either case. (Applause.)

COUNCILMAN SLATTERY: What about banks?

PAUL SCHOTT: We did not ask about gas stations and pizzerias.

The next graph on the right, what development alternatives to Memorial Park's current location, we did also include in there language that supported the fact that if Memorial Park were to be relocated or to be redeveloped, that it would have to be relocated of equal or greater size to ease their concerns.

But you can see that there is quite a strong representation there about leave it the way it is or upgrade Memorial Park. Interesting, as well.

Next slide. I would ask you to think about the graph that I talked about where we measured the difference between a respondent who were responding in a positive fashion versus a disagreeing fashion. This slide is equal to that, so when you see the green or the teal, that means that more respondents prefer or agree to, um -- for example, village type stores and businesses would be something that would make Chili a destination to themselves and to others, and as you go across, the red bars would indicate that, um, more people would disagree that those commercial retail, recreational, entertainment, those types of things would make Chili a destination.

Next slide. Planning. This was to help the actual Planning Committee to -- to get some feedback in terms of what they should be looking for specifically. We asked about the much discussed road that travels north and south between Chili Avenue and Beaver Road and asked them to respond about the value of that to themselves, and you can see that there is a pretty good split.

Next, um, what current Town occupied facilities in Chili Center maximize the community value, and again, I would see, you know, a pretty strong split between Memorial Park, Senior Center, the Town Court and those who believe that none of those facilities have value.

Next slide. We now got into specific types of development and asked the residents whether they felt that the current rate of development within those categories or zones are, um, are just right or whether it is too fast or whether it is too slow. And I think if you flip through this slide which talks about industrial and residential, if we go to the next one, you will find that there is a strong correlation. There is a strong similarity in responses, if we could go to the next slide when we talk about commercial and retail. Pretty strong response that indicates that the rate is just about right.

And then pretty even trade-off between too fast and too slow.

Next slide. We asked about the park space for future needs, and you can see that, again, pretty similar to the other, um, the -- the other graphs that, again, yes, people say it is just right. And when we talk about in the case of potential development, what are the issues that they would be concerned with the most. Traffic congestion received by far the largest number of responses.

In this question, respondents could select multiple answers, so they could select all of them if they wanted. So it is important to note that the numbers won't add up to 837.

The next slide, please.

And now we got specific in terms of a Town Community Center. Is it needed? The responses are pretty evident.

And then if they desired or if they thought that a new community center should be built, what types of facility should be in that Community Center. And you see there is, you know, pretty even representation between athletic facility, Youth Center and Senior Center, with meeting rooms also entering the fray.

Per Dorothy (Borgus)'s note earlier about the process where we were to consider the fact that the Highway Department would be relocating, with that assumption, we asked about what type of development should be considered to utilize the space there. We found a pretty good split between expanding Memorial Park, between selling it and lease it and use it for something else.

And as far as what type of park amenities do you feel are most needed for Memorial Park. This was a shortened version of the actual question. You can see that, you know, there is pretty good dispersion against all of the options there, but the ones in the 10 to 12 range seem to be popping up the most. Picnic pavilions, restrooms, ball fields, those types of things.

The next slide. That really ends the end of the presentation. I would call out that we went through about 26 slides. There are 30 more slides that get into the verbatims that represent the responses only from the online survey, so as Dorothy (Borgus) mentioned, if anybody wants to consolidate and try to summarize the handwritten responses, have at it, please. And so with that, I would like to again thank the Committee for their efforts over the past year. It's been a pleasure to serve with you, and I thank you for your time and efforts.

SUPERVISOR DUNNING: Paul (Schott), thank you very much. (Applause.)

I would also like to thank the Committee for their hard work. I know they worked very, very hard every other week, very dedicated group of people. And it has spent at least two hours, if not longer, every night. I have never seen a group of people with such a varying degree of opinions of things be able to set aside their own personal opinions and put a project together and do something that was truly, I think, in the best interest of getting a result. And I -- I very -- I'm very proud to be a part of seeing this happen, and it took a long -- a lot longer than we initially anticipated but it was an awful lot of work, and the effort was just phenomenal. Again, I want to thank you, you all for everything you did. I greatly appreciate it, and I think I can speak on behalf of the Town Board we all appreciate it and hopefully we speak on behalf of the residents of Town of Chili that they also appreciate the work you did.

COUNCILWOMAN DI FLORIO: If I can ask one quick question. In terms of the online comments, are they cut off due to printing or are they cut off due to space limitation?

PAUL SCHOTT: It appears as though they're truncated on -- the extract from the actual survey was dumped into an Excel spreadsheet and then transferred over to myself for that effort. I think Chris (Levey) probably has access to the truncated versions.

COUNCILWOMAN DI FLORIO: There is quite a few comments.

PAUL SCHOTT: Yes, there are. But if you read the first X number of characters, you get the thrust of it.

SUPERVISOR DUNNING: Yes. The print-out that you have that has those at the end, we have -- is the CD also with those?

PAUL SCHOTT: It is not. I will bring that. Sorry about that.

SUPERVISOR DUNNING: There is a CD that Chris Levey pulled from the comments online that basically has the comments just all in a row and all itemized so we can have that here, as well.

Any comments? Questions?

COUNCILWOMAN SPERR: Fantastic. It exceeded my expectations. So thank you very much.

PAUL SCHOTT: Good. Thank you.

SUPERVISOR DUNNING: All right then.

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, Heath Miller, Jerry Brixner. The Public Forum concluded at 8:08 p.m.

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: I have no new matters at this time. We still do have some vacancies. Special police and also or minimally at least a substitute crossing guard.

MATTERS OF THE TOWN COUNCIL:

COUNCILWOMAN IGNATOWSKI: Supervisor, we did receive a letter from Maggie Brooks about having private wells tested. I don't know -- was that put on the website, too? I'm trying to remember.

SUPERVISOR DUNNING: It was not.

COUNCILWOMAN IGNATOWSKI: I know there is not that many in the Town of Chili, but I don't know if there is any effort to contact those in South Chili that are still on wells about this desire to have them --

SUPERVISOR DUNNING: It's -- my understanding, through the County, that they were going to distribute that to people who they knew were still on wells. But I can check on that and make sure that that is actually the case. My understanding was the County was going to send that letter.

COUNCILWOMAN IGNATOWSKI: I know, I used to be -- I had a well years ago and that's something I didn't do on an annual basis, of having my well tested for the variety of things they're suggesting in here.

SUPERVISOR DUNNING: There is a big push. I know recently the paper reported some -- Dr. Doniger has been very diligent in trying to pursue some of the issues they have even out in the east side, Webster, in that area, some issues they have seen with some well waters, and there is a very large push on right now from the Department of Public Health to get wells tested and make sure they are safe and at levels they need to be.

COUNCILWOMAN IGNATOWSKI: That and I seen in our Association of Towns, um, magazine, that there is a scanning program that helps identify network weaknesses. I don't know if that was something you broached with Chris (Levey) and something we might be interested in. There -- they perform a vulnerability scanning accounting of local government networks. All they do is identify weaknesses that should be corrected. There is no cost for the scan. What issue was that? May, June, 2009.

SUPERVISOR DUNNING: I didn't see that.

COUNCILWOMAN IGNATOWSKI: I will give that to you.

SUPERVISOR DUNNING: Thank you.

COUNCILWOMAN IGNATOWSKI: Did you want to discuss the dog census?

SUPERVISOR DUNNING: I was. Thank you. Yes.

The voluntarily dog census did not go well. We did try to put that out through the newsletter in hopes we would get something back. That did not go well.

David Lindsay and I had several conversations over the past several weeks in how we're going to move forward on the dog census. It has been agreed we are going to hire people to -- a person or persons to -- to go out and do this census for us. We are working with some of the details of that, making sure that whoever we hire is properly trained to do what they need to do, as well as the Town is adequately covered in regards to insurance for people that would be going door to door to do this type of task. I think we're fairly close to getting to the point where we can bring a resolution to the Town Board to discuss hiring people to do this. So we will be actively pursuing a door-to-door campaign. Did I catch that right? Did I miss anything?

DAVID LINDSAY: That is correct. I can give you the number of the response, the census, if you're interested in those.

SUPERVISOR DUNNING: Sure.

DAVID LINDSAY: We compiled them up through the first week of June. We received a total of 54 responses. We received a total of 54 responses. Some responses had more than one dog listed. Two of those responses were dogs that are already licensed. We picked up another 36 unlicensed dogs with those -- with the mailings. Currently the Town is about 2,800 licensed dogs.

COUNCILWOMAN IGNATOWSKI: Supervisor, will there be an opportunity to also use our -- the current Dog Control Officer for assistance in the census?

COUNCILWOMAN DiFLORIO: I asked that question.

SUPERVISOR DUNNING: I guess I will let David (Lindsay) answer that question.

DAVID LINDSAY: You were asking if we could use our current Dog Control Officer. I think she would be used to compile the data, but we would be looking to perhaps hire some other individuals that would actually do the door-to-door survey work.

SUPERVISOR DUNNING: In our discussion, I recall, and please correct me if I am wrong, that a lot of this would be done evenings and weekends, which would require different scheduling for our Dog Control Officer now, which -- which may end up actually costing us more than if we hire someone --

DAVID LINDSAY: That's correct. Her normal working hours are 9 to 5. We'll get a better response in the evening and weekend hours.

COUNCILWOMAN SPERR: We would also have a time frame in mind to accomplish this and it necessitated the need to hire additional staff.

SUPERVISOR DUNNING: Our goal would be consistent in what we have done in the past, trying to cover half of the Town this year and other half next year. Keep in mind, we only budgeted to do half the Town this year.

Anything else you want to add to that.

DAVID LINDSAY: That's it.

COUNCILWOMAN SPERR: I just had a couple of things. Just a reminder to everyone, there will be no Traffic Safety Committee meeting tomorrow. Or was it supposed to be last week? There was none last week. I get my weeks mixed up in the summer.

I also wanted to thank everybody who worked on that Chil-E Fest. I thought it was just fantastic. What a great time everyone seemed to have. It was just such a great pleasure to see the whole community come together and laugh and maybe forget about the economy for a day and enjoy your neighbors and have some fun. My hats off to everyone on the Recreation Committee, all our volunteers, everybody in Town who worked on it and to the Supervisor for his efforts and everyone. I thought it was fantastic. My personal thank you for everyone that worked on it.

SUPERVISOR DUNNING: It was a lot of fun. It was a great day. Beautiful weather. We were blessed for the second year in a row with just absolutely wonderful weather. That really does help quite a bit. Mike Curley did a phenomenal job, as did our volunteers. (Applause.)

The 5/6/09 and 5/20/09 Town Board minutes were approved as submitted.
The 6/3/09 Town Board minutes were approved as modified.

REPORTS SUBMITTED:

Community Center Revenue Report – May '09
Recreation Center Revenue Report – May '09
Senior Center Revenue Report – May '09
2008 Financial Statement
Freed Maxick & Battaglia Report to the Town Board 12/31/08
Dog Control Report – May 2009, June 2009
Town Clerk Report – May 2009, June 2009
Historic Preservation Board Minutes – 5/11/09
Library Board Minutes – 5/26/09
Planning Board Minutes – 5/13/09
Recreation Advisory Minutes – 5/13/09
Town Center Dev. Ad Hoc Minutes – 5/28/09, 6/11/09, 6/25/09
Traffic & Safety Minutes - 5/7/09
Zoning Board Minutes - 5/19/09

CORRESPONDENCE:

1. Mr. Brongo has received formal notification from the German House Theater & Banquet Center, located at 2262 Scottsville Road in the Town of Chili of their intent to apply for a renewal of their liquor license with the State Liquor Authority.
2. Mr. Brongo has received a resignation from Sherri Pascale-Homes of the Recreation Advisory Committee.

SUPERVISOR DUNNING: This is not on your agenda tonight. I apologize for this. We have also received notice on June 18th of 2009, Heritage Christian Services' intent to build a group home at 220 Chestnut Ridge Road in the Town of Chili, adjacent to the Grace Covenant Church. So that is correspondence that we received from them.

COUNCILWOMAN SPERR: When they say "adjacent," do you have an indication where?

SUPERVISOR DUNNING: Adjacent. It is my understanding it was Grace Covenant's property that they are going to convey to Heritage Christian.

COUNCILWOMAN DI FLORIO: Can we have a map of the actual location?

SUPERVISOR DUNNING: We will when they get into Planning. We don't have anything like that at this time. It hasn't been approved for development -- there is a 40-day span in which we have to respond to that particular application. I will note, too, when Heritage Christian will be having a public meeting for at least the neighbors, immediate neighbors in that

area in regards to the home, the intent of the home and what the home is for and who will be housed there. So I believe -- who will be using the facility, so that should be coming up.

OLD BUSINESS:

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: I'm not prepared to move this forward. We still have a little more work to do on some of the information and questions that the Board had. I have not completed the information gathering on some of this. Some we wanted to move forward, so I would like to hold that resolution if we could.

BE IT RESOLVED, to remove from the table resolution #224 tabled on June 3, 2009

OFFERED BY: _____ SECONDED BY: _____

RESOLUTION #224 RE: School Crossing Guards

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that DeWayne Scott shall be appointed to the permanent School Crossing Guard position and shall be paid at the rate of \$47.17 per day worked for the calendar year 2009, expenses to be paid by voucher as incurred.

HELD

RESOLUTION #234 RE: ORDER ESTABLISHING THE EXTENSION CHILI CONSOLIDATED DRAINAGE DISTRICT TO SERVE THE PROPERTY LOCATED AT 4354 BUFFALO ROAD, NORTH CHILI, NY 14514, TAX MAP NUMBER 131.16-4-20, IN THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

WHEREAS, at a regular meeting of this Town Board held on May 6, 2009, Resolution # 188 was adopted approving an extension of the Chili Consolidated Drainage District to serve the property located at 4354 Buffalo Road, North Chili NY 14514, Tax Map Numbers 131.16-4-20; and

WHEREAS, the Town Board's determination that it is in the public interest to assess all expenses of the Chili Consolidated Drainage District, including this extension and all extensions heretofore or hereafter established, as a charge against the entire area of the district, as extended, was subject to a permissive referendum pursuant to Sec. 206a of the Town Law; and

WHEREAS, a notice of resolution subject to a permissive referendum containing an abstract of the Town Board's determination was published and posted as required by law; and

WHEREAS, no petition requesting a referendum has been filed;

NOW, THEREFORE, IT IS ORDERED, that the Chili Consolidated Drainage District is hereby extended, as of this date, to include an area wholly located within the Town of Chili, County of Monroe and State of New York, pursuant to the terms contained in the Town Board Resolution # 188, dated May 6, 2009; and said area to be included in said extension is more particularly described in Schedule A which is attached hereto and incorporated herein by reference, and it is further

ORDERED, that the Town Clerk is hereby directed to certify a copy of this Order and forthwith cause said copy to be recorded in the Office of the Monroe County Clerk in which County the Town of Chili is situate and to forward a certified copy of the same (in duplicate) to the New York State Department of Audit and Control.

Upon a call of the Roll of the Members of the Town Board of the Town of Chili:

UNANIMOUSLY APPROVED

RESOLUTION #235 RE: Recreation Advisory Committee

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that Tess Crozier be appointed to the Recreation Advisory Committee term

to expire on 12/31/2011 and shall be paid the sum of \$25 per meeting attended for the calendar year 2009; expenses to be paid by voucher as incurred; and

BE IT FURTHER RESOLVED, that Andrew Loughlin be appointed to the Recreation Advisory Committee to complete the term of Sherrie Pascale-Holmes term to expire on 12/31/2009 and shall be paid the sum of \$25 per meeting attended for the calendar year 2009; expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

SUPERVISOR DUNNING: At this point I would like to introduce Tess Krozier. I don't see Andrew (Loughlin) here in the audience. (Applause.) Welcome and thank you.

RESOLUTION #236 RE: Addition to Chili Fire Department, Inc. Active List

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that the following individuals be added to the Chili Fire Department, Inc. Active List effective June 12, 2009:

Kurt Arilotta, Andrew Aube, Jeremy Craig, Brian Hess, Vincent Proctor, Scott Salvia

UNANIMOUSLY APPROVED

RESOLUTION #237 RE: Use of the Senior Center Trust and Agency Account

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Slattery

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

WHEREAS, Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, wish to use funds from said account to offset the cost of the holiday luncheon, to be held December 11th at the Whittier Party House. Cost will not exceed \$2500.

UNANIMOUSLY APPROVED

RESOLUTION #238 RE: Use of the Senior Center Trust and Agency Account

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Slattery

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

WHEREAS, Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, wish to purchase from this account food items to be sold at the Summer Concert Series, to be held at the Senior Center on Tuesday evenings. Proceeds from these sales will be deposited back into this account. Amount requested will not exceed \$450.

UNANIMOUSLY APPROVED

RESOLUTION #239 RE: Clerk IV Part-Time (Substitutes)

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that Josephine Wood-Widener be appointed substitute part-time Clerk Typist/Switchboard Operator for 2009, and shall be paid at the rate of \$8.00 per hour effective 7/9/09; expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

RESOLUTION #240 RE: Office Clerk IV - Temporary

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski

WHEREAS, Laurie Kiley was appointed provisionally to the position of Assistant Clerk to Town Justice as of October 15, 2008 and, upon the recommendation of the administrative judge shall be temporarily appointed to the position of Office Clerk IV effective July 4, 2009; and

IT IS HEREBY RESOLVED THAT, the Town Board approves the appointment of Laurie Kiley into the temporary civil service title of Office Clerk IV at an annual salary of \$24,794.00 with the understanding that this temporary appointment shall not exceed 30 days from its commencement on 7/4/09.

UNANIMOUSLY APPROVED

RESOLUTION #241 RE: Disposition of Legal Matter

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that Supervisor Dunning be authorized to sign a stipulation of settlement and general release in the matter of Brian and Donna Austin Vs. The Town of Chili, David Dunning individually and in his capacity as the Supervisor of the Town of Chili, Keith O'Toole, individually and in his capacity as Assistant Counsel for the Town of Chili.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: I take it, they're complete with all they will be doing with the Stage Coach then?

SUPERVISOR DUNNING: They are as far as anything we need to do, yes. We're -- we have met all of the -- all of the -- they have met all of the obligations that -- the agreements with the courts and everybody else.

COUNCILWOMAN SPERR: Any news on whether it is leased?

SUPERVISOR DUNNING: I can't confirm. I understand it was for sale. I don't know whether it was sold.

RICHARD STOWE: Not rented.

SUPERVISOR DUNNING: Not to the best of my knowledge.

RICHARD STOWE: To the best of mine, it's not either.

SUPERVISOR DUNNING: I didn't ask, but that is okay. (Laughter.)

RESOLUTION #242 RE: Letter of Credit Release Stage Coach Inn Release No. 1 – FINAL

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

BE IT RESOLVED that per recommendation of the Building Department Manager, \$100,000.00 be released from the Letter of Credit with Canandaigua National Bank (#1103255443) for Stage Coach Inn, leaving a balance of \$0.00.

UNANIMOUSLY APPROVED

RESOLUTION #243 RE: Letter of Credit Release Red Bud Subdivision Release No. 6 – FINAL

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that per recommendation of the Town Engineer, \$15,000.00 be released from the Letter of Credit with Canandaigua National Bank (#1101300557) for Red Bud Subdivision, leaving a balance of \$0.00; subject to engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #244 RE: Letter of Credit Release Bellaqua Estates Release No. -- FINAL

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that per recommendation of the Town Engineer, \$20,405.10 be released from the letter of credit with First Niagara Bank (#428143) for Bellaqua Estates, with the remaining balance of \$0.00 on hand with the Town; subject to engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #245 RE: Authorization of Attendance at the Planning & Zoning Conference

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that Jim Martin and one other member of the Planning Board, and two members of the Zoning Board of Appeals, are hereby authorized to attend the Planning & Zoning Conference, Sept 13-15, 2009 in Lake Placid, NY, at a cost not to exceed \$1,150.00 from A8020.4 (Planning), \$1,150.00 from A8010.4 (Zoning) per person including mileage and tolls.

UNANIMOUSLY APPROVED

RESOLUTION #246 RE: Modify June 3, 2009 Resolution 229

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski

WHEREAS, effective July 24, 2009 minimum wage increases to \$7.25/hour;

NOW, THEREFORE, BE IT RESOLVED, to modify the hourly wage rates to \$7.25 effective July 24, 2009 for the following titles:

Brasser Playground Counselors
Pee Wee Camp Counselors
Seasonal Tennis Instructors

UNANIMOUSLY APPROVED

RESOLUTION #247 RE: Assistant Clerk to Town Justice - Court

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that Barbara Alessi shall be appointed as Assistant Clerk to Town Justice for the Court, and shall be paid at an annual salary of \$22,959.00 (Grade 23 Entry), effective July 20, 2009, expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

RESOLUTION #248 NYS Assessors Association Training

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilman Slattery

BE IT RESOLVED that Linda Leach is authorized to attend the NYSAA Annual Meeting and Fall Conference on Assessment Administration, September 27-30, 2009 at the Saratoga Hilton, Saratoga, NY. Total cost not to exceed \$886.00, plus mileage. To be paid from #A1355.4 as budgeted.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: We're going to be transferring money from the Union Station Park account, the surplus. How much is left in that account?

DIANNE O'MEARA: After this transfer, there will be about \$1400.

COUNCILMAN SLATTERY: Okay. And what other --

DIANNE O'MEARA: I'm sorry, 14,000.

COUNCILMAN SLATTERY: 14,000. What other improvements are we proposing or work that is proposed for the park? What other improvements will be taking place?

SUPERVISOR DUNNING: David (Dunning), I don't -- Michael (Curley) is not here this evening. I don't know that there is anything else planned for the park at this point in time.

David (Lindsay), do you have anything?

DAVID LINDSAY: I have spoken with Mr. Curley a couple times. We were discussing a couple possible things we might like to do. One is to remove the existing propane tanks and install a gas service line there. That's the only thing I think we discussed to date. Initial -- a rough cost of that was around \$7,000 for that.

COUNCILMAN SLATTERY: In regards to the original plan for that park, there was some

tennis courts, I believe. Do we propose building any tennis courts at that location?

DAVID LINDSAY: I don't have an answer for you on that. You would have to talk to Mike (Slattery) about that.

SUPERVISOR DUNNING: I don't either. I would be more than happy to get that answer.

COUNCILMAN SLATTERY: Actually, I was in that area recently and had a resident who backs up to the basketball court area and asked in regards to that. It was the original plan, and this is -- I know it was something that the developer at the time gave the residents there, or showed the residents, or -- or people that were potential buyers on the plan, so the people that did buy have questions in regards to what is the original plan, what changes from the original plan to what we're actually going to do at this point for development and improvements to that park. So --

COUNCILWOMAN DiFLORIO: I remember at one time when my kids were taking tennis lessons that the center of Town, like the tennis instructor saying that the next year they were going to be up at Union Station. So --

SUPERVISOR DUNNING: I will follow up with Mr. Curley on that.

COUNCILWOMAN DI FLORIO: Never happened.

COUNCILMAN SLATTERY: Maybe one thing for David (Lindsay), if you look at, maybe, is the -- around the court, um, some of the grass didn't take, and there -- during rainy times, there is a lot of mud. I'm not sure -- I'm sure we can reseed it and possibly help that.

DAVID LINDSAY: Sure. We take a look at that. If we need to regrade that, we'll do that.

COUNCILMAN SLATTERY: Thank you.

COUNCILWOMAN SPERR: We haven't had any rain lately, either, so. (Laughter.)

RESOLUTION #249 RE: Painting/Lining of Union Station Park Basketball Court

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

WHEREAS, Michael Curley, Parks and Recreation Director has received three quotes to paint and line the basketball court at Union Station Park from the following companies:

Super Seal Sealcoating	\$4750.00
Paul O. Brown Company	\$5120.00
Champion Asphalt Maintenance	\$5350.00

BE IT RESOLVED, that the Town accept the lowest quote from Super Seal Sealcoating to paint and line the basketball court at Union Station Park to be paid from Union Station Park Capital Project account #7110.2; and

BE IT FURTHER RESOLVED, to transfer \$4,750.00 from Union Station Park surplus to Capital Project account #7110.2.

UNANIMOUSLY APPROVED

RESOLUTION #250 RE: Summer Employment

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that per recommendation of Michael Curley, Parks and Recreation Director, the following person be hired for summer employment, effective 7/9/09.

Brasser Playground Counselors (\$7.15/hour)
Erica Tregea

UNANIMOUSLY APPROVED

RESOLUTION #251 RE: Award of Equipment Bid -- Plow Package

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, bids for a Plow Package were received by the Town Clerk on May 11, 2009 as follows:

Viking Cives	\$37,000.00
Henderson Truck Equipment	\$39,140.00
Cyncon Equipment, Inc.	\$40,643.00

NOW, THEREFORE, BE IT RESOLVED, to award bid for the Plow Package to Viking Cives at a cost of \$37,000.00, to be paid from the Highway Equipment Reserve Fund.

UNANIMOUSLY APPROVED

RESOLUTION #252 RE: Authorization to Use Highway Equipment Reserve Funds

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that the Town Board has under consideration in the 2009 adopted budget, the purchase of a mower at a cost not more than \$10,000 of which a maximum of \$10,000 of said purchases is intended to be paid from the Highway Equipment Reserve Fund (subject to permissive referendum); and

BE IT FURTHER RESOLVED, that pursuant to Section 81 of the Town Law within ten (10) days of the date of this Resolution, the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the portion of the resolution to use the Highway Equipment Reserve Fund, 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 Messenger Post, the official newspaper of the Town of Chili, and in addition thereto, the Town Clerk shall post or cause to be posted on the sign board of the Town, a copy of said notice within 10 days of the adoption of this Resolution.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: There was a question as to why we have to do this. It is my understanding before we can actually move on actually putting Town equipment on private property, we needed a Town Board resolution for each and every instance of that which is why this on here today, to avoid having to do this every time to get more expeditious and -- handling of these property maintenance issues, which is why it is here.

I -- and that is why we're trying to do this particular -- pass this resolution so we can just go in and get it taken care of.

COUNCILMAN SLATTERY: I look at Counsel. Any opinion, thought, regarding this?

RICHARD STOWE: The comment that was made from the audience is correct, that there are provisions in that chapter that we are following. This is not intended to override those provisions but rather to make sure that the folks who are going to be responsible for following those provisions in that chapter are sent to that chapter for those sorts of directives. There is no inconsistency here. There isn't intended to be any inconsistency. Just the opposite. And with all due respect, when some of these things are drawn and not put in the resolution, we get the question, "How come it is not in the resolution?"

Sometimes when you put it in the resolution, you say you can't put it in the resolution, so I don't think you can win.

COUNCILMAN SLATTERY: In regards to the comment regarding the section, comment was made it should be chapter not section.

RICHARD STOWE: Don't worry about that.

COUNCILMAN SLATTERY: So once again, thank you.

COUNCILWOMAN IGNATOWSKI: I guess I'm just confused as to why we have to have -- if it's a law on the book, why it just can't be carried out. Other laws we don't need separate regulations for each instance we have to carry out the law.

RICHARD STOWE: We have some authority in here to contract with outside vendors that is not --

COUNCILWOMAN IGNATOWSKI: Oh.

RICHARD STOWE: -- all captured, and our -- our staff wants the ability to have coverage, our insurance counselor wanted a specific resolution to have coverage and an identified list and to tighten the process where we were, so we're trying to do that on the direction of all of those things.

COUNCILWOMAN IGNATOWSKI: Instead of updating the code book.

RICHARD STOWE: This is authorizing activities on parcels. It is not intended to change in any way the code.

COUNCILWOMAN IGNATOWSKI: I was just curious if we could just change our law to incorporate that ability instead of having to have a resolution.

RICHARD STOWE: That was an option. Grass is going to be more than 10 inches tall before we do that.

COUNCILWOMAN IGNATOWSKI: This is a faster option. Thank you. I got to my answer, thank you.

COUNCILWOMAN SPERR: The puzzled look has gone away.

COUNCILWOMAN IGNATOWSKI: Yes. Thank you.

RESOLUTION #253 RE: Vacant Property Mowing.

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

WHEREAS, periodically there exists within the Town of Chili various vacant, abandoned and/or nuisance properties that do not comply with the provisions of Chapter 386 - Property Maintenance of the Code of the Town of Chili; and

WHEREAS, the Town has verified that such properties presently exist within the Town and they have been vacant for more than 30 days and that the grounds have been unkempt for the same time period and that proper notification, in accordance with Chapter 386 - Property Maintenance of the Chili Town Code has been made to the respective property owner(s) who have failed to bring the properties into compliance with Chapter 386; and

NOW, THEREFORE, BE IT RESOLVED, in an effort to address the negative impacts vacant buildings with unkempt grounds have upon adjacent properties and the community, the Town Board hereby authorizes the Commissioner of Public Works/Superintendent of Highways to maintain the grass to a height of 10 inches or less and remove any trash, limbs, leaves, brush or grass clippings that have accumulated or to identify private provider(s) to perform such work:
And

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute such contracts necessary to retain the services of such private providers; and

BE IT FURTHER RESOLVED, that the bill for corrective action will be sent to the property owners. If the bill remains unpaid for more than 90 days, it is ordered that such bills will be added to the taxes levied against the respective property in accordance with the provisions of Article II, Chapter 386 – Property Maintenance of the Chili Town Code.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: We'll have assistance in helping out with that park, too, right?

SUPERVISOR DUNNING: Yes.

COUNCILWOMAN IGNATOWSKI: This was not something I was going to feel comfortable doing myself.

SUPERVISOR DUNNING: Yes. We have some great Town Engineers who will be very happy. I did say "engineers," as in plural.

RESOLUTION #254 RE: SEQR - Designating Lead Agency Status – Coordinated Review for 100 Beaver Road Property Acquisition and New Highway Garage

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

WHEREAS, the Town of Chili Town Board (hereinafter referred to as Town Board) has reviewed the Part 1 of the Long Environmental Assessment Form, prepared by the Town Engineer and Commissioner of Public Works on the above referenced acquisition and Project (hereinafter referred to as Action); and

WHEREAS, the Town Board determines that said Action is classified as an Type 1 Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board determines that said Action is also subject to review and approval by other involved agencies under the SEQR Regulations; and

WHEREAS, the Town Board determines that it is the most appropriate agency to insure the coordination of this Action and will provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby declare and reaffirm its' intent to be designated as the lead agency for the Action; and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before noon on Tuesday August 4, 2009; and

BE IT FINALLY RESOLVED, that the Town Board declares its' intent to be designated as the Lead Agency, under SEQR, on Wednesday, August 5, 2009.

UNANIMOUSLY APPROVED

RESOLUTION #255 RE: Authorize "No Left Turn" Sign

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

WHEREAS, the Town Board passed Resolution #391 on December 4, 1996 authorizing Regulatory devices at various locations in the Town as recommended by the Monroe County Department of Transportation; and

WHEREAS, Monroe County Department of Transportation has requested that we modify said Resolution to include a "No Left Turn" sign eastbound on Paul Road at the Walgreen's entrance drive; and

NOW, THEREFORE, BE IT RESOLVED, to authorize the establishment of a "No Left Turn" sign eastbound on Paul Road at the Walgreen's Entrance Drive.

UNANIMOUSLY APPROVED

RESOLUTION #256 RE: Clerk IV Part-Time (Receptionist)

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that Gretchen Paxton shall be appointed as Clerk IV, Part-time and paid an hourly rate of \$8.70 effective July 13, 2009 not to exceed 20 hours per week.

UNANIMOUSLY APPROVED

RESOLUTION #257 RE: Budget Transfer

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED to transfer \$5,000 from Chili Protection District surplus to SF-104-9025.8 (Service Award Program) for the purpose of paying the 2009 minimum required contribution.

UNANIMOUSLY APPROVED

RESOLUTION #258 RE: June 17, 2009 Abstract

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

WHEREAS, January 7, 2009 Resolution #1 authorized vouchers to be paid June 17, 2009 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 2689-2910 totaling \$173,882.15 to be paid from the Distribution Account as presented by Richard Brongo, Town Clerk

NOW, THEREFORE, BE IT RESOLVED, to note for the record vouchers 2689-2910 were paid from the following funds:

General Fund	\$ 93,937.05
Highway Fund	\$ 60,577.84
Consolidated Drainage	\$ 5,634.69
Landscape Fund	\$ 3,350.00
Special Light Districts	\$ 10,382.57
Total for Abstract	\$173,882.15

UNANIMOUSLY APPROVED

RESOLUTION #259 RE: June 17, 2009 Abstract

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

WHEREAS, January 7, 2009 Resolution #1 authorized vouchers to be paid June 17, 2009 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 2911-2912 totaling \$2,787.33 to be paid from the General Fund as presented by Richard Brongo, Town Clerk.

4 YES WITH 1 ABSTENTION (Councilwoman Sperr abstained.)

RESOLUTION #260 RE: July 1, 2009 Abstract

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, January 7, 2009 Resolution #1 authorized vouchers to be paid July 1, 2009 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 3315-3338 totaling \$351,471.73 to be paid from the Distribution Account as presented by Richard Brongo, Town Clerk

NOW, THEREFORE, BE IT RESOLVED, to note for the record vouchers 3315-3338 were paid from the following funds:

General Fund	\$124,934.77
Highway Fund	\$ 41,449.82
Library Fund	\$ 610.25
General Fleet Reserve	\$ 21,050.13
Consolidated Drainage	\$ 206.66
Clifton Fire Protection	\$ 2,266.00
Chili Fire Protection	\$ 160,585.10
Chili-Scottsville Fire Protection	\$ 369.00
Total for Abstract	\$351,471.73

UNANIMOUSLY APPROVED

RESOLUTION #261 RE: July 1, 2009 Abstract

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

WHEREAS, January 7, 2009 Resolution #1 authorized vouchers to be paid July 1, 2009 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 3339 totaling \$2,083.33 to be paid from the General Fund as presented by Richard Brongo, Town Clerk.

4 YES WITH 1 ABSTENTION (Councilwoman Sperr abstained.)

The next meeting of the Chili Town Board is scheduled for Wednesday, August 5, 2009 at 7:00 p.m. at the Chili Town Hall main meeting room.

The meeting ended at 8:35 p.m.