

CHILI TOWN BOARD
February 11, 2015

A meeting of the Chili Town Board was held on February 11, 2015 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor David Dunning.

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

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

The invocation was given by Virginia Ignatowski.

Boy Scout Troop 178 presented the colors. The Pledge of Allegiance was cited. The members of Boy Scout Troop 178 that were present introduced themselves.

The fire safety exits were identified for those present.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on February 11, 2015 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:03 p.m. to discuss Local Law of 2015 amending "Chapter 500, Section 27.B(10) Agricultural Conservation District Regulations."

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on February 11, 2015 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:04 p.m. to discuss Local Law of 2015 amending "Chapter 500, Section 500-60.F Residential Garage."

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

COUNCILWOMAN DIFLORIO: I have some questions. Are we going to speak on this -- if no one is addressing us?

SUPERVISOR DUNNING: I'm assuming you would speak up if you like to say something.

COUNCILWOMAN SPERR: I wanted to wait for the audience. I just want --

SUPERVISOR DUNNING: We'll go to the audience. Did you want to speak on this particular one?

COUNCILWOMAN SPERR: I do. One of the questions, more the question I had is what the typical or average size of a garage that is requested that comes in. This Local Law change states a total of 1200 square feet. I thought that may be a David Lindsay or Rich Stowe question.

SUPERVISOR DUNNING: This change is a direct result how a residential garage would be identified from the previous local law in the Ag Conservation District. We wanted to make sure there was a differentiation between a residential garage and a garage that is located in an Agricultural Conservation District, so that is why this specifies residential garage. The size of a residential garage didn't change. It just differentiates it between this and ones in Agricultural Conservation.

COUNCILWOMAN SPERR: So it is the residential. Okay. Thank you very much.

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

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on February 11, 2015 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:05 p.m. to discuss Local Law of 2015 amending "Chapter 12, Section 12-3, Architectural Advisory Committee (Membership)."

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: At the time -- before the time when there was an Architectural Advisory Committee, um, I heard many -- many times from Planning Board members that they didn't feel, um -- competent is not the word -- experienced enough with architecture to be able to -- to decide on these issues. And the Architectural Advisory Committee was a wonderful idea. It works well. But I'm wondering now if that was -- the feeling at the time was the Planning Board members didn't feel up to the task, why now we're going to have a Planning Board member assigned as only one of three members on the Architectural Advisory Committee. We're not only reducing the numbers, but the input, if you will, of that one person from the Planning Board is -- is a large portion of the membership in total, and if it wasn't -- I won't say it wasn't workable. If it was not a satisfactory arrangement before for the Planning Board, I think this dilutes the good we're trying to do with this Committee.

SUPERVISOR DUNNING: I understand what you're saying, Dorothy (Borgus). The one member that is primarily going to serve, who has agreed to serve on this is an architect, so I think he would be well versed in this, who is a new member of the Planning Board since the Architectural Advisory Committee actually started. We did put in -- there is a provision that allows any member of the Planning Board to make sure we have a quorum to sit on this, but we're keeping the two remaining members, or two of the current members as a part of the Architectural Advisory Committee as it -- if this goes through and the Town Board approves this, when we vote on this, potentially next month, um, that the -- the -- the membership will -- will be -- two of the existing members that have been there since day one are very well versed in the Committee and what the rules and regs are. We have the benefit right now of having an architect that will be joining that function.

MS. BORGUS: That is good under the present set of circumstances. But that may not always be the case.

SUPERVISOR DUNNING: Well, as you see, by reducing this now -- have you been -- you have been to almost every Town Board meeting. You seen our constant plea for people to become a part of this Committee. We're struggling to fill membership. When we had just such a difficulty filling this particular Board, because we tapped it for other Boards and Committees, for the Zoning Board and Planning Board specifically -- so we had some difficulties filling these positions, partially because of experience and partially because of interest or lack of interest, if it be, that there are just not enough people to do this.

So as we struggled through, I reached out to other towns to find out what they do in these situations and oddly enough as it was, Victor had a very nice setup. I talked to some other people that appeared before Victor before, and this scenario -- as a matter of fact, our -- our Assistant Town Attorney does some work out there, too, and he is experienced with what they do in Victor and it seems to work very, very well, which is almost identical to what we're doing here. They do it as part of their Planning Board process also. Although they use all Planning Board members. Although we're unique by using some of our current Architectural Advisory Committee.

Is this going to be perfect? Is this going to be forever? I can't tell you that. I don't know. But for right now, I think it is a good solution to some of the difficulties we have had and allow us to improve the communications between the Architectural Advisory Committee and the Planning Board because these meetings will be held right before Planning Board.

And the Planning Board Chair, in this case, will be that liaison back to the Planning Board, so communication issues or concerns should go away. They should be nonexistent, and we're also going to bring this -- you should love this one, we're going to bring in the stenographer for the entire meeting so we will have verbatim minutes from Architectural Advisory Committee and Planning. So that is part of the whole -- the bigger picture, the overall plan you don't see in this.

MS. BORGUS: That secretarial part is very good. That's -- it has bothered me for a long time that they weren't verbatim minutes for that meeting.

SUPERVISOR DUNNING: We're fixing that. Or we intend to fix that, I should say.

MS. BORGUS: So now if an applicant wanted to appear before this Architectural Advisory Committee, you're telling me they will do that immediately before a Planning Board meeting?

SUPERVISOR DUNNING: Yes.

MS. BORGUS: Does that give enough time?

SUPERVISOR DUNNING: Yes. We're -- we're going to insist on the plans -- the architectural elevations and things that are required, we're going to require that those -- that they want to -- if they want to be heard that night -- an hour should be -- should be sufficient time in most applications. That we have seen based on history, they typically don't go that much longer, and quite frankly, as you know, we don't have a whole lot of them. There is not a lot of -- of the applications that require the Architectural Advisory Committee review.

So we felt that the hour was long enough. And if for some reason it is not, there is no reason we can't table it and bring it back to another month. The sense -- we're hoping there is not that much sense of urgency, but we're all finding that -- thinking that or believing that this will streamline the process. You will have an application and maybe somebody is coming in for site plan review or some final review that night at Planning Board. They can get their Architectural Advisory and then do their Planning Board application all in the same night and be done and over and not have to come to two different meetings to get something done. So that is somewhat

an efficiency improvement for us also.

MS. BORGUS: They would meet at 6?

SUPERVISOR DUNNING: Yes.

MS. BORGUS: Well, you can try it. As you say, it's not cast in stone. Can always be tweaked. Thank you.

SUPERVISOR DUNNING: Thank you.

COUNCILWOMAN SPERR: Yes. In the writing of this, I don't know if you notice, but in Section B, the last sentence is actually repeated and is Section C, so there is a typographical issue.

SUPERVISOR DUNNING: It is stuck together.

COUNCILWOMAN SPERR: If you look at Section B, it says, "Any other Planning Board member may serve in the absence of a designated Planning Board member at any time in order to meet quorum requirements."

That is the entire sentence in Section 3. I think it is a duplication or is it intending to be duplicated? You see this here is exactly the same as this here (indicating).

SUPERVISOR DUNNING: Hmm.

COUNCILWOMAN SPERR: Okay.

SUPERVISOR DUNNING: I guess -- no. That is --

COUNCILWOMAN SPERR: I think --

SUPERVISOR DUNNING: -- just a typo.

COUNCILWOMAN SPERR: Nothing needs to be stated in this Local Law about compensation, our purview at Organizational; correct?

SUPERVISOR DUNNING: Correct.

COUNCILWOMAN SPERR: I think this is a good idea. I believe you consulted the current members for their input into this, because if you think about the fact that the members of this Committee have to live in the Town of Chili, and if we're looking for architectural expertise and also the people in the building and construction of homes will be somewhat qualified for this, it's a narrow field, so you're exactly right when you say we can't always find enough people. That was all I had.

COUNCILMAN BROWN: I think you're right, too.

The Public Hearing was closed at 7:13 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on February 11, 2015 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:03 p.m. to discuss Local Law of 2015 add & amending "Chapter 205, Buildings & Property Maintenance."

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

RON PIKUET, 1030 Paul Road

MR. PIKUET: I'm not too well prepared and I don't have an outline of what I could say, but I have read the law and it seems like a very long law. I have talked to Supervisor Dunning this afternoon -- yes, this morning with regard to it, and it would appear that it's mainly due to vacant buildings, foreclosures, houses that are run down, houses that have been vacated and, you know, one I know on Union Street that's -- it is almost a landmark in itself because it has been that way for so long.

I don't know how -- you know, the explanation with Supervisor Dunning. I'm surprised these places have lasted as long as they did, and the old Pink Parrot is another one. And there are different ones around.

I can understand if you live in a busy neighborhood on -- or I mean, not a busy neighborhood, but a tract where your neighbors are right across the road and they're right on either side of you, that you wouldn't want that kind of an eyesore. So I -- I can see that side of it.

However, I'm a third generation, member of the Town, my parents before me and my grandparents. I have my -- I have my parents' house and I have my grandparents' house. They're both old houses. And as the years go by, I'm not so young any more either. But the farmhouse and the barns are 150 years -- plus years old.

Now, if you get into a situation where you have people driving by and saying, "I think that there is a hole in that board, there is a shutter that is crooked," you know, and this kind of nitpicking, there aren't two boards that would stand together on my place. It's old, old. And in a lot of ways, it's tired old.

I like the old. It's been a real privilege for me to live in that house, and in my parents' house. I have a good heritage and I'm proud of it. But I don't want the stress, I can't afford the stress of having somebody at my back all of the time telling me that I should do this and I should do that. God alone knows how expensive it is to just keep up, or to try to bring back some of these old buildings that have been derelict -- I don't mean derelict, but they have been falling for a good many years. My grandparents went through the depression. They barely eeked out a living on the farm on Paul Road. My aunt who was a floor lady at Kodak kept them during the depression. So there was very little work that was done.

And when I took it over, um, it -- it needed everything. It still needs a lot. But I guess I'm

concerned emotionally and with a -- from the sake of stress. The law seems to be kind of long. It seems to be kind of all-inclusive and I don't know just what the overall intent is, to take everybody into it, and have everybody under surveillance. I certainly don't want to live like that. Supervisor Dunning assures me that that is not the case.

But I suggest you take a long look at this law and make sure that that isn't the case. Because a lot of people in Town have older buildings, and I for one, and I'm one of many, I pay my taxes. My father paid taxes in this Town. My grandfather paid taxes in this Town. It's almost enough to pay taxes and try to keep up your property, without somebody coming along and telling you how you should keep it up.

At one point, I was head of the Historic Preservation Board, and at that time, I said if you -- I wasn't on it very long by the way. But I did say, if you go for this full assessment, you aren't going to have a lot of things to -- to hang onto because a lot of people are going to be ripping a lot of the things down. And I've got assessments on those old barns on Paul Road that as far as I'm concerned, they're totally devaluated. They're obsolete. They needed -- they need a lot of work done on them, structural work. I am to the point that if it -- if I don't get good estimates to do some of the work, or I can work along to do it, they're going to have to come down. As much as I want to keep them. I have to realize that nothing is forever.

But in the meanwhile, some of us are interested in the Town, are interested in history and trying to hang onto some of it. I see less of it all of the times in terms of historic preservation. And that's one reason I did not want 1030 Paul Road put into historic preservation. The reason is that I don't want somebody telling me what color my house should be painted that doesn't know a tenth about historical -- historical preservation than I know. It makes sense. Doesn't it?

So for the same token, I hope you take -- have a compassionate look at this law, and I understand you're not going to act on it tonight, but I would certainly hope that you take a long look at this and realize what this all could include and make sure that it doesn't take everything and everybody into it that could harm the people of the Town of Chili.

Um, within reason, we're all trying to keep our places up. And I realize that it seems like the -- the thrust of the law is for vacant properties, and, you know, a lot of these old barns aren't used to store cattle and horses and what they were originally intended for. So -- but lots of times they aren't vacant either. You know, there is other stuff in them. They're used for other purposes. But they're vacant in terms of what they were originally used for.

So I would like to see a lot of -- I -- I can see that there would be an improvement in getting the -- the wherewithal to act on some of these houses that have been vacated through foreclosure or just through neglect or people having left Town, and I think we have cited a couple of them here. But I hope it doesn't become a witch hunt for everybody that needs their garage door painted or one thing or another because it could get to be egregious after a while.

So will you look at this law with a certain amount of compassion for the people that live here and spell it out. If it's for vacant properties, if it is for foreclosures, then make sure it is spelled out for that and that it doesn't in some way take in everybody that, you know, that we didn't intend to have -- have happen to us. Let's not do any harm to us in Chili if you can possibly do it.

I thank you very much.

COUNCILMAN SLATTERY: Mr. Pikuët, if I could, before you step away. Thank you. If I could ask you a question, before you step away, please.

In regards to the Local Law, you said you haven't had much time to really go over all of it because it is so long, the 12 pages.

MR. PIKUËT: I have read it, but that doesn't mean I have totally absorbed it.

COUNCILMAN SLATTERY: I totally understand that and I appreciate that.

Could I ask this of you then, in your history, your involvement with the Town, the property you have, maybe there are thoughts that you have that could help make this a better law, could you maybe review that and then send your comments in? Then we can take a look at them, review them and go from there? Because you bring up some points, but I want to make sure that we're also including that -- those thoughts into this, which we may not have.

MR. PIKUËT: Yes, I would be very glad to do that. Maybe not on my own. Maybe I could relate to somebody else so that -- so it has an equal opportunity to put thoughts down together. I believe it is not enough to state the problem but also to be part of the solution.

COUNCILMAN SLATTERY: That would be great. Because I know there are a number of vacant properties throughout Chili, whether they're in subdivisions, they're on main roads and so forth. The subdivision I lived in for years, the house was built just about 20 years ago. Person basically got up and left the property. It was abandoned. The neighbors had to deal with it. They pay their taxes, as well. There is no reason why they have to look at that tall grass, a home that is falling apart. Where I live now, um, there is one that is three houses away from me that, you know, has been vacant for, I would say, over seven, eight years. And for -- for us to have to deal with that -- before there was a pool that was there.

MR. PIKUËT: I wasn't aware there were that many that are vacant.

COUNCILMAN SLATTERY: There certainly is. You go on Zillow or one of the certain websites and you can see the number of parcels that are in the Town of Chili, and it -- you would be surprised at some of the neighborhoods they're in.

MR. PIKUËT: So I would be willing to help anyway I can.

COUNCILMAN SLATTERY: I appreciate that, sir. I appreciate your time.

SUPERVISOR DUNNING: I would like to say -- you're okay, Ron (Pikuët), you can sit down if you like. If you want to interject anything, please feel free.

We had a really nice conversation this morning. There were some things brought to me, Mr. Pikuet did mention to me, that I think will definitely be something we need to look at and make sure as we move forward on this law. I fully expect we'll be bringing this back for another Public Hearing and there will be significant changes, because quite frankly, and as I spoke to Mr. Pikuet this morning -- I don't want to take any of your thunder, Dorothy (Borgus), but I did hear from Dorothy (Borgus) earlier this week on similar concerns, and I understand her concerns, too.

And our concerns are -- to do this law isn't to beat anybody up. We're not out there -- we're not going to tell people that they can't paint their houses pink with purple polka dots if they want. But we just want to make sure the value of your home remains the value of the home you -- that you have invested in. That your neighbors are not allowed to -- to deteriorate your home.

Also that -- we put responsibility back on the banks or the owners of these foreclosed properties to do something. Our State Legislature refuses to bring a bill forward to help us with this, so at a local level, we can take this action to help make sure and assure that the neighborhoods where most of you, all of you have invested money in, can maintain or retain the value without your neighbor taking it down.

Um, you know, when we have reviewed this, it has basically been done with Mr. Lindsay, myself and our Counsel on this, our Assistant Town Counsel. By the way, not Mr. Stowe. When -- when we were working on this, we made several revisions and put some things -- did some things.

But the comments we're getting back now -- I had some from the Board -- they're all valid. We don't want to hurt anybody in this. This is not intended to be a witch hunt, to beat people up. But again, you know, to make sure there is an expectation that you take care of your property and that is what we will be looking at.

COUNCILMAN BROWN: The challenge is to find a way to give the Town enough authority to address those egregious situations that need to be addressed without make it so broad that it steps on the rights of other people. So it -- so it has been challenging to figure that out.

COUNCILWOMAN DIFLORIO: And also without placing undue hardship on someone that is actually trying to follow --

SUPERVISOR DUNNING: And part of the law, as it is written, does give the people an opportunity to provide us with a plan, and as we have -- and David (Lindsay) will -- will -- I'm sure will back me up on this, what we have always done or what we have done historically at least since I have been here, we're not here to beat people up. We'll give an opportunity -- if you work with us, we'll work with you. We just want to know something is being done. We're -- you know, if -- there are all kinds of reasons why people can't do things sometimes and we want to make sure we have identified the best we can and work through them.

COUNCILMAN BROWN: We do need to protect the public from future Town Boards.

COUNCILWOMAN SPERR: That is my issue.

We, today, this is how we would treat people fairly and honestly, and we need to make sure if I sign off on this, it is written in such a way that the future administrations won't take this and use it against someone because someone has a grudge or -- I can think of other things which I won't.

SUPERVISOR DUNNING: I believe that was the last part of Dorothy (Borgus)'s and my conversation the other day. Make sure just because that is how we feel, that the law is there, it needs to be -- the interpretation needs to be able to follow us and precede us.

COUNCILWOMAN DIFLORIO: My constant comment is if we all get hit by the proverbial bus.

SUPERVISOR DUNNING: 50 years from now luckily none of us will be here.

Well, maybe Jordon (Brown) will.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Um, I tended to agree with everything that Mr. Pikuet said. Um, and I understand the comments on the Board. And I'm delighted to think, hope, that you're going to take another look at this, because this needs some tweaking.

I understand --

COUNCILWOMAN SPERR: So he has been told Dorothy (Borgus). So he has been told.

MS. BORGUS: I understand the goals. I was one of the chief complainers about the Pink Parrot at Chili Center all of the years that sat there. For -- it's ironic for many years I lived across from property that was going down the tubes, and I had to look at it, so I understand that side of the coin.

The situation now is my husband and I have bought the property because we didn't know how much worse it could get if somebody else bought it. We don't need any more land. Don't need any more responsibilities. We sure don't need any more work.

But we have done incredible things with it in the few months we owned it before winter set in. We're going to do more with it. But the fact remains, those houses sit there -- two houses sit there vacant. They -- the services are shut off. One needs outside repair. One -- one is -- outside looks good. They both need work.

We -- at our age, we're not going to put that money into making them anything other than what they are. If worse comes to worse, we'll take them down. But in the meantime, the way this code is written, we're subject to this. And it's a dangerous feeling. I don't like it.

When Mr. Pikuet says, you know, you're living under that threat all of the time, you would

be. We would be. And it -- it doesn't seem fair. I know that is not the intent. And that is why this needs to be looked at. I think in the effort to correct a very serious problem that we have in Town and I agree there a lot of vacant houses and they won't get any better with nobody doing anything, most of them at least -- but, you know, this law just throws the baby out with the bath water because it puts everybody at risk.

For instance, on -- B -- I don't know what -- well, so many As and Bs here. The -- the paragraph starts, "The owner shall protect and maintain the exterior of the vacant buildings as follows: If you read those nine articles there, there are several of those that -- that -- that even a lived-in home in Chili, many of them couldn't -- couldn't come up to.

I mean, chipped paint. I mean, come on. It says, "The owner shall protect and maintain the exterior of the vacant building," and there are nine points there. Um, you know, when you start talking about excessive flaking, peeling or chipping of any protective coating, that is subjective. I mean, there is a lot of newer homes in Chili that are in serious need of painting. I mean, it is just too inclusive.

This -- and I know you're trying to get to a point where there is not loopholes for the banks and the foreclosures so they can slip through. I understand that, but this really needs another look.

And the other thing that I -- I kind of am upset about or concerned about is the, um, the 30-day period for unoccupied buildings. That is really brief. Very brief. Seems as though you could make that just a little longer.

SUPERVISOR DUNNING: Can I just chime in there since this is a Public Hearing and we can have this dialogue at this point?

MS. BORGUS: Sure.

SUPERVISOR DUNNING: And all due respect, Dorothy (Borgus), really, it is somewhat -- taking -- somewhat amusing. Somebody who is basically -- has beat us up over this -- and I don't -- I don't mean that -- but you have been -- you have been constantly -- but now that this effects your property, it's a different story. To a certain extent.

Hang on. Let me finish. I don't mean this probably the way this may be sounding.

COUNCILWOMAN SPERR: Yes, you do. (Laughter.)

SUPERVISOR DUNNING: But at the end of the day, you know, when you think about the way that we handle issues in the Town, when we get a complaint for tall grass, for example, we go out and we issue -- we talk to the resident or the owner if we can talk to them and we say, "Please cut your grass. We're going to give you five days or ten days to take care of it yourself. After which we're going to issue an Order to Remedy."

Well, they don't do it. So now we go back with an Order to Remedy and they get -- what is it? 90 or 30 days.

DAVID LINDSAY: Another ten days.

SUPERVISOR DUNNING: Another ten days to do it. Now in the middle of the summer if we have a 30-day period, now another 10- or 15-day window and -- you don't have to cut your grass all summer long, let it go, it dies over the winter and you can start the cycle. So it just creates this vicious cycle. As it relates to the timeframes in this, personally, I -- I like the timeframes in this, because it -- 30 days is enough time for somebody to know that they're vacating their home or there is going to be a vacant property and they come in and register it. They register. It just gives us the opportunity we know what it is and we'll monitor it. It does not mean we're going to walk in your front door and have to inspect everything. We can't do that without your permission but they drive by, look at the property. The gutters are falling off and the shutters are halfway off and windows are broken, yeah, we're going to look at that. We're going to pay attention to that. And we should. Maybe perhaps not the houses across the street from you, because there are no real direct neighbors.

MS. BORGUS: We're it.

SUPERVISOR DUNNING: That is your own property value in that case. But in most neighborhoods that is not the case. We can't write a law exclusive to Stuart Road and different for Red Bud or Bright Oaks or, you know, Davis Drive or Attridge Road or -- or -- or any other -- I can't -- we can't do that, you know.

So there are some challenges. There are admittedly -- and I know this through my conversations with you and with Mr. Pikueta and what I have heard from the Board so far, there are some things that need to be fixed up, cleaned up and corrected. And all due respect, this would affect those two vacant properties you own.

MS. BORGUS: I would think it would.

SUPERVISOR DUNNING: As it should.

MS. BORGUS: The utilities are off in both houses. They're empty. I have got curtains and everything up.

COUNCILMAN SLATTERY: Dorothy (Borgus), are you blowing in the owner of property?

SUPERVISOR DUNNING: Oh, we knew about this ahead of time.

MS. BORGUS: As long as I own it.

COUNCILMAN SLATTERY: I will compliment you. You have done a great job on the outside cleaning that up.

MS. BORGUS: In only four months. You wait to see what we do now. We're only started.

SUPERVISOR DUNNING: Counsel, this is the one thing, and we talk about this all of the time between the Building Department -- or actually Mr. Lindsay and myself most of the time, if

you're taking care of it, frankly we're not going to stop and pay attention to it. Unless your husband calls and says he doesn't like the way you're doing the flower gardens -- in your case, it would be very different, but if a neighbor calls and complains, we address it.

Absent of a complaint, we are not likely going to go out there searching for these things. We don't have the staff to do that. All of you people know that.

MS. BORGUS: Maybe that is what you need to put in here then.

SUPERVISOR DUNNING: Perhaps.

MS. BORGUS: The way it stands now, I --

SUPERVISOR DUNNING: I -- I hear your comments and certainly we would take those things under advisement.

MS. BORGUS: I see where it would be wonderful to have the code on the books as it stands even, and when you had a problem, you can dust it off and use it. But that is -- is that -- is that the way we live in a democratic society where we subjectively use a code?

COUNCILWOMAN SPERR: Unfortunately, yes.

COUNCILWOMAN DIFLORIO: That is my concern. That word "likely." Or it could be used. And -- how do I know ten years from now or 20 years from now or 50 years from now who will be sitting here and who will be using it and what is their intent and what is in their heart? That I can't answer.

COUNCILWOMAN SPERR: Pick and choose doesn't work for me.

COUNCILMAN SLATTERY: We just don't to want be a lawless Town, Dorothy (Borgus).

MS. BORGUS: I'm glad of that.

SUPERVISOR DUNNING: Well, tonight should prove we're really not.

COUNCILWOMAN SPERR: I knew we wouldn't get through this discussion without someone saying it.

MS. BORGUS: So thank you.

SUPERVISOR DUNNING: Any other comments from the Board?

COUNCILWOMAN SPERR: I do have some concerns. Okay. First place, I disagree with the 30 days. I think that that is too short a time. One of the situations that came to mind as I was reading this, let's say -- as in Dorothy (Borgus)'s case, she purchased a property. So if it is, um, 30 days from closing, um, and you haven't started anything or put in a plan yet, you now are in violation because 30 days after they bought that property, even before they have done anything, you now have to register as vacant because you haven't had time to set up a plan. It takes longer usually than 30 days to set in motion a whole plan to refurbish something. So I -- that is just one scenario.

COUNCILMAN SLATTERY: Mary (Sperr), if I can go back.

SUPERVISOR DUNNING: Register in 30 days.

COUNCILMAN SLATTERY: A property that was foreclosed on or abandoned --

COUNCILWOMAN SPERR: Or abandoned or that you're buying a property you intend to refurbish.

COUNCILMAN SLATTERY: If I can continue, please.

You're looking to go buy a property that was abandoned or foreclosed on. You want to purchase it. Now you purchase it. You would think -- and actually, I'm going through this with a relative of mine right now, where there is an abandoned house. They're -- they're looking to purchase it. They have an offer in. It was approved. They already have a plan in place even before they close to go in and know what they're doing.

So -- but I would think anybody looking to buy something, they should have -- hopefully have a plan in place for their --

COUNCILWOMAN SPERR: You would hope so, but things can happen. I'm just saying in the event that that doesn't happen.

COUNCILMAN SLATTERY: Yeah.

COUNCILWOMAN SPERR: That just was one thought.

COUNCILMAN BROWN: Just add to it, but if you have to register, you have to pay 100 bucks.

SUPERVISOR DUNNING: I believe, and correct me -- I may have read this wrong, but I believe there also is some leniency from the Code Enforcement, or from the Building Department that allows people to come up with a -- if they can't do it in that timeframe, they can get it done -- give us a timeframe. It wasn't rigid that it had to be there. You could ask for an extension and be granted the extension provided you're doing something.

COUNCILMAN SLATTERY: You're working towards it.

SUPERVISOR DUNNING: You're working towards a solution and not ignoring the fact. So I believe that is in here, written in here.

COUNCILWOMAN SPERR: So what stops -- let me ask you this then: What stops maybe a disgruntled neighbor who lives in your neighborhood and knows you go to Florida for six months --

SUPERVISOR DUNNING: The house is occupied. It is not considered vacant -- if you're snowbirds --

COUNCILWOMAN SPERR: Doesn't say that.

COUNCILWOMAN DIFLORIO: Unoccupied for a period over 30 days.

COUNCILWOMAN SPERR: But that is not the spirit or the intent --

SUPERVISOR DUNNING: You have to go back --

COUNCILWOMAN SPERR: Which part am I missing?

SUPERVISOR DUNNING: You have to go back to the rest of this that talks about it being a -- a family -- how -- what was the language? Do you remember? I have to go back and read this specifically.

DAVID LINDSAY: I think it --

SUPERVISOR DUNNING: It is furnished. You have like heat on. You have utilities still. Kind of somewhat active in the -- it is still considered an occupied building.

RICHARD STOWE: The definition of unoccupied --

SUPERVISOR DUNNING: This doesn't affect anybody that goes way for the winter at all.

RICHARD STOWE: The definition of unoccupied says whether the lawful residential or business activity has ceased.

SUPERVISOR DUNNING: Thank you.

COUNCILWOMAN SPERR: Okay. All right. Then --

RICHARD STOWE: Devoid of contents of minimal value, fixtures, furniture or personal property. Doesn't have to be somebody sitting in the chair.

COUNCILWOMAN SPERR: I'm just letting you know I would like further discussion on the 30 days.

The other thing I noticed in here is earlier Councilman Slattery mentioned the word "abandoned." There is no -- there is not even a definition in here for "abandoned" and I think there should be distinction made between "abandoned" and "vacant."

COUNCILMAN SLATTERY: Unoccupied.

COUNCILWOMAN SPERR: Abandoned, unoccupied and vacant all mean something slightly different. But there is no -- the term "abandoned" isn't used in here.

SUPERVISOR DUNNING: Mr. Stowe, I told you that -- is there -- is there -- is there such a thing as an abandoned property?

RICHARD STOWE: Yes.

SUPERVISOR DUNNING: That has no owner?

RICHARD STOWE: Well, it has -- it is going to have an owner, but that doesn't mean -- well --

SUPERVISOR DUNNING: Do we define it in the code?

RICHARD STOWE: Do we now or does it in here?

SUPERVISOR DUNNING: You're grabbing the code book for a reason.

COUNCILWOMAN SPERR: I brought it. I didn't take a look.

RICHARD STOWE: I think so. Carry on. I'll get back to you.

COUNCILWOMAN DIFLORIO: To piggy-back on the whole going to Florida thing, what if -- we just had a situation where my father-in-law passed away. Now that building is unoccupied. We have pretty much, first step was to get rid of the bulk of his belongings so we could then go in and start painting and doing some of those type of things and in theory, in that scenario, that is an unoccupied, vacant building that we would then have to shut the utilities and drain the water and close the gas and do all those things and we're in the process of trying to sell it. We have to pay \$100 to register.

SUPERVISOR DUNNING: No. This is one area -- this is one area where we do need to look at this. Because I think one of the things that we didn't -- we didn't capture as part of this in the final well is like a real estate transaction, which you're talking about. When someone moves out of the house A, they bought a house -- God forbid, they bought a house in Riga, instead of Chili.

RICHARD STOWE: Wow. Wow.

SUPERVISOR DUNNING: They bought a house in Riga and moving out of Chili, going to Riga, I don't know why, and their house here is empty, vacant, there is a "for sale" sign on it. Now it's an assumption and a wrong assumption in this case, and we'll fix that in this part -- it has to be identified differently in the code, but typically a realtor or a realty company, whoever is listing the house is going to maintain the property because they're not going to want to let it go trying to sell it.

COUNCILWOMAN SPERR: You would think so.

SUPERVISOR DUNNING: It's an assumption, maybe an unfair assumption that needs to be identified in this somehow and I agree.

COUNCILWOMAN DIFLORIO: Is there some way to distinguish between vacant and neglected? That is the terminology I was thinking. No one is taking care of it.

SUPERVISOR DUNNING: "Vacant" still needs to stay. "Vacant" can't go away.

COUNCILWOMAN DIFLORIO: You could say "vacant" and "neglected."

SUPERVISOR DUNNING: You could add "neglected," but I don't think you take "vacant" away.

COUNCILMAN BROWN: "Vacant" and "neglect" would get at our intent.

SUPERVISOR DUNNING: Neglected is a separate --

COUNCILWOMAN DIFLORIO: I think vacant and neglected --

SUPERVISOR DUNNING: No, no. Because a house can be vacant.

COUNCILWOMAN DIFLORIO: If it is not maintained, it shouldn't be an issue.

SUPERVISOR DUNNING: Then there is not a problem. They registered it, they -- and it is being maintained. Not an issue.

COUNCILWOMAN DIFLORIO: But that person then has to come in and pay \$100 to register it.

SUPERVISOR DUNNING: Absolutely.

COUNCILWOMAN DIFLORIO: Again, I think that that -- that is --

SUPERVISOR DUNNING: We have to spend money to send people out to check on these places to make sure they're being maintained, too. So we have to spend money to send an officer around, our vehicles around, their hourly wages, overtime, whatever it may be.

COUNCILWOMAN DIFLORIO: If you're talking six months, eight months out, but not after 30 days. It is that 30-day thing that is bothering me.

Again, I think in our situation, my husband would have had to register and pay \$100 when they're in the process of -- of actually fixing up the property to sell it. And -- and they turned around and did.

SUPERVISOR DUNNING: Let's say, for example, your next-door neighbor moves out of their house. They take everything out and they just leave it, except they left a bunch of trash in the yard, haven't mowed the lawn all summer long. Bushes aren't kept up. And you know what, we can't touch it -- six months we can't do anything with about it.

COUNCILWOMAN DIFLORIO: That is vacant and neglected.

SUPERVISOR DUNNING: It is vacant and neglected.

COUNCILWOMAN SPERR: But "neglected" wasn't defined in here. I have to agree.

SUPERVISOR DUNNING: I just said that. We could add "neglected" but not -- but as an inclusive to "vacant." It has to be a separate -- in my opinion, it would have to be a separate line. A separate definition.

COUNCILWOMAN SPERR: We get that point.

If you want to move on, I have an issue with Article 3, inspection of buildings and properties where it states, "The Code Enforcement Officer" -- I will jump in the middle -- "officers are hereby authorized to enter, examine and survey at all reasonable times all buildings and property."

But further on, it -- it allows someone to go on your property without permission.

SUPERVISOR DUNNING: No, that is not true. If you look at that, it says, "In an event permission to enter such building for the purpose of inspection is denied," which a homeowner has the right to do, "then the Code Enforcement Office may apply the appropriate authority for a search warrant."

That's true today. That is true today. If we have your permission to enter the property, we can enter your property and inspect it. That is the way it is now. That is no different today.

If it we can't, then we get -- and we have gotten those before, have gotten a search warrant to go into the house to inspect it. I think that was Sunnyside or Sunset?

COUNCILWOMAN SPERR: Sunset.

SUPERVISOR DUNNING: Sunset.

COUNCILMAN SLATTERY: But Tracy (DiFlorio), going back to what you were talking about, when my mother died last June, she lived in North Carolina, so it's not just around the corner. I can't just load the mower up and I will be there in 20 minutes. So we had to hire somebody to go and maintain the property, so -- while we couldn't be there. And we went down. We had to clean out the residence. Goodwill loved us, because they received so much stuff. But then we had to have a realtor come in. We had to sell the car. Sell the property and so forth.

So there is time that it takes, but I think going back to what was stated earlier, if you're showing signs that -- and you're making the effort that you try to improve the property and get it ready, then I don't think the Town will come out.

COUNCILWOMAN DIFLORIO: You don't think, but if it is in the code that they can -- how would you have liked to have somebody cite you while you were in the middle of that and tell you --

COUNCILMAN SLATTERY: They couldn't cite us because we were doing what we needed to be done.

COUNCILWOMAN DIFLORIO: It was vacant. According to what we -- was written here -- what is written in here, the way I'm interpreting it, you could get cited.

COUNCILMAN SLATTERY: For what?

COUNCILWOMAN DIFLORIO: You would have to go down and register -- because you didn't register your plan. More than 30 days.

COUNCILWOMAN SPERR: I have issue with the registration.

COUNCILWOMAN DIFLORIO: That is the thing I have issue with. And --

SUPERVISOR DUNNING: In order to not necessarily -- we certainly.

COUNCILWOMAN DIFLORIO: You --

SUPERVISOR DUNNING: And that's fine. Some of the stuff -- like I said, Mr. Pikuet, I totally expected we would have this kind of conversation this evening, because I -- because I see where there are some deficiencies here, and I think it gives us an opportunity -- I hear what you're saying. I understand what you're saying. I don't necessarily always agree, but we will look at different ways and take all of the input we have gotten and rewrite some of this or look at the way we can craft some things.

Very good points from Mr. Pikuet and Miss Borgus, and I think we can -- we'll take this back to the table. It is likely that this will come back up for a second Public Hearing because if we change it, we'll need to do that. So this is a ways out yet.

So, you know, we -- we thought -- initially we thought we had something really good here but realized after some review we had some changes to make and we'll make them.

COUNCILWOMAN SPERR: I would really like -- maybe we should spell out the barns. I do agree with Mr. Pikuet about barns, that that should be dealt with exclusively, because we don't need to have any other barns -- you know, lose them. But we also don't consider them abandoned or neglected buildings.

SUPERVISOR DUNNING: Did this part of the code, David (Lindsay), um, deal with what would have been an agricultural barn? I didn't believe it did.

DAVID LINDSAY: I think agricultural barns would still be exempt.

SUPERVISOR DUNNING: It's exempt from it, correct? I thought so.

MS. BORGUS: Is the Public Hearing closed?

SUPERVISOR DUNNING: No.

JORDON BROWN: I just want to comment that you're enjoying yourself way too much.

SUPERVISOR DUNNING: We're having a conversation. She loves it.

MS. BORGUS: As far as -- we're talking about agricultural barns. The barns, for instance, on the property that we have purchased across the street from us, at 30 Stuart Road, has -- well, I don't know how many barns -- they're hooked -- they're hooked together, so I don't know if there is two barns or three barns, what is there. Then there is a mill. And then there is a separate shop.

I don't know if they would fall under this code as it stands, because it is not even a big enough piece of property to be an agricultural piece of land and there is nothing there to farm. So we would be thrown into that.

SUPERVISOR DUNNING: Mr. Pikuert brought up earlier about some type of grandfathering perhaps in some type of situations and I think that merits some consideration. I don't have an answer for you obviously right now, but I thought that was brought up and that has merit. So we'll look at that.

MS. BORGUS: The other thing I would like to mention, just as a point of interest, is that when we purchased the property, the day after -- the day we closed, I called the Town Hall and I invited the Assessor to come up. Nobody had ever been on that property to assess it. Nobody had ever been allowed to set foot on it.

That very afternoon, I asked them -- I called to make an appointment so they could come up and look at it, and invited the Building and Code Enforcement Officer, the Building Department to come along. They didn't. So for what that is worth.

SUPERVISOR DUNNING: Okay.

COUNCILMAN SLATTERY: I think that is important, though, when you talk about the barn, because over time, land has been subdivided, or they may not -- the land that they may farm may not be connected to that property, where --

SUPERVISOR DUNNING: Like in the case with Mr. Pikuert, also, with his barn. That -- that barn up there is no longer attached.

COUNCILMAN SLATTERY: Dorothy (Borgus)'s barn.

COUNCILWOMAN SPERR: I have a barn. It is not neglected.

SUPERVISOR DUNNING: So we'll -- and David (Lindsay) heard the same thing that I heard, and we will -- we will -- go ahead.

MS. BORGUS: Thank you. I just want to clarify one thing. The Assessor did come. Twice.

SUPERVISOR DUNNING: Okay.

MS. BORGUS: It's the Building Department that didn't seem fit to come.

SUPERVISOR DUNNING: We'll make sure she has the right amount on it. (Laughter.) Thank you for letting me know. I jest.

So I think again this warrants more conversation with the Board. We will have that, and I -- you know, I would say -- certainly provide -- provide that as soon as possible. I have received some input, but if you have anything further, that even if it was discussed this evening, please feel free to send it along and we can -- we'll -- we'll tweak this and hopefully before the next Town Board meeting we could have a modification or get it to a point where we could set another Public Hearing for the public to review any modifications.

COUNCILWOMAN SPERR: Yes. Because I understand. Absolutely. I understand the need for the law. The law. I can suggest some changes to it. I do understand this. I have tried very hard to help a couple of residents that have called me for help, and, you know, some of the situations, um, and we were unable to really help them because we didn't have a type of law to allow us to enforce, um, to try to get some of these problems solved.

So I do recognize the fact that it is necessary. I just recognize also that I feel personally that we need to tweak it a little bit, which you got that message. So thank you.

SUPERVISOR DUNNING: Loud and clear. Loud and clear.

Anything else on this Public Hearing?

The Public Hearing was closed at 7:50 p.m.

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: I just like to once again thank the Boy Scouts from Troop 178. I hope you're enjoying -- this will go by little quicker and hopefully a little less conversation, but thank you again for coming tonight and I greatly appreciate your being here and we really thank you for presenting colors tonight. It is extra special when we have you guys come in and do this. Any time you want to come back, you're certainly more than welcome. To -- so once again, thank you very much. (Applause.)

COUNCILWOMAN DIFLORIO: They actually probably have some information for their merit badge that they will have to write about.

COUNCILMAN SLATTERY: Poor kids. (Laughter.)

SUPERVISOR DUNNING: Just don't confuse us, please. (Laughter.)

Pending Matters:

1. Vacancy AAC Committee, BAR (Temp Member) Committee, Drainage Committee, Ethics Committee, Traffic & Safety Committee.

SUPERVISOR DUNNING: We have a vacancy on the Architectural Advisory Committee, Board of Assessment Review for a temp member and also for the Drainage Committee, Ethics Committee and a Traffic and Safety Committee. So those are openings. We hope -- you guys asked me today what could people do.

Go home and talk to your mom and dad if they live in Chili, talk to your big brother, your big sister, your aunts and uncles that live in Chili. Tell them they need to volunteer for one of these Boards or Committees to help us out. That's what you can do. You asked me what you guys could do to help. That is one of those things, all right? Okay. You got it.

MATTERS OF THE TOWN COUNCIL:

COUNCILWOMAN SPERR: I'm sorry. I looked at Pending Matters under the Matters of the Town Council.

Yes. I just wanted to reiterate that Traffic and Safety is looking for someone who wants to volunteer. You don't have to come in armed with all kinds of extensive knowledge. You will learn as you go, and there is some training we can send you to. But I also, bringing up that Committee, want to thank everyone for the presentation that was made at the public information meeting last Thursday.

If any of you have opinions or ideas and want to look at what we're working on with the Pedestrian Bicycle Study, feel free. There is still time to weigh in and offer suggestions and ideas and opinions about your thoughts on sidewalks and bicycle treatment within the Town and where you might see a priority for sidewalks or if you have noticed any safety issues, in that whole realm of discussion. We really welcome your input.

They did a fantastic job. So I want to thank everyone for their involvement in that.

COUNCILMAN SLATTERY: If I could, Mr. Lindsay, I know you guys have been overwhelmed with the Highway Department with the snow removal and just want to say you guys have done a great job. I know the guys are working a lot of hours. I know your staffing levels are a little bit lighter, but just pass that along that they're doing a great job. Appreciate it.

DAVID LINDSAY: Appreciate that. I will pass it on.

COUNCILMAN SLATTERY: Even the sidewalks, David (Lindsay).

SUPERVISOR DUNNING: I got people from Gates calling me and telling me how great Chili is.

COUNCILWOMAN DIFLORIO: You know when you hit the border.

COUNCILWOMAN SPERR: I did -- just asked the Supervisor, um, the -- the Gates-Chili Chamber of Commerce every year hosts both the Chili Supervisor and the Gates Supervisor Mark Assini at our State of the Towns event. This year will be held on Tuesday, February 24th. It's a lunch meeting at the Italian American Community Center.

Anyone is welcome to join us. Don't have to be a member of the Chamber or anything. But it gives you an opportunity to listen to some -- to hear what the Supervisor has to say about all of the great things happening in Town and what's up. It is usually a very well-presented meeting, and I welcome anyone here that wants to get involved or if you have any questions, feel free to contact me. I'm the President of the Chamber, so I'm happy to help out. Looking forward to it.

The 1/21/2015 Town Board meeting minutes were approved as modified.

REPORTS SUBMITTED:

Architectural Advisory Committee – 11/26/2014

Advanced Payment of Claims – 1/2015

Dog Control Report – January 2015

Drainage Committee Minutes – 10/7/2014, (No Meeting 11/2014, 12/2014, 1/2015).

Senior Center Report – January 2015

Town Clerk Report – January 2015

Zoning Board Minutes – 12/16/2014

RESOLUTION #110 RE: Chili Fire Department Active List

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that the following individual(s) be added to the Chili Fire Department active list effective February 2, 2015:

Kyle Kelly, Tyler Nucci, Christina Paulot

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

RESOLUTION #111 RE: Chili Fire Department Remove from Active List

OFFERED BY: Councilman Brown

SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that the following individual(s) be removed from the Chili Fire Department active list effective February 2, 2015:

Kevin McCrary, Emily Varner

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

RESOLUTION #112 RE: Fireworks Chil-E Fest

OFFERED BY: Councilwoman DiFlorio

SECONDED BY: Councilman Brown

WHEREAS, the Town of Chili provides professional fireworks as part of the annual Chil-E Festival on July 4, 2015; and

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

NOW, THEREFORE, BE IT RESOLVED, that per the recommendation of Michael Curley, Parks & Recreation Director, that Supervisor Dunning is hereby authorized to enter into a contract with Young Explosive Corporation for the provision of a professional fireworks display at the 2015 Chil-E Festival in the amount of \$12,000.00 to be paid from A/C #A7550.4 (Celebrations).

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

RESOLUTION #113 RE: Intermunicipal Agreement with Town of Hamlin for Dog Adoption Services

OFFERED BY: Councilwoman Sperr

SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that the Town of Chili enter into an Intermunicipal Agreement and any amendment thereto with the Town of Hamlin for dog adoption services and hereby further authorizing the Town Supervisor to execute such agreement subject to review and approval by Counsel to the Town.

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: I would just like to mention this is an error in getting an oath of office signed in the legal time limits so we just had to make this reappointment.

RESOLUTION #114 RE: Conservation Board

OFFERED BY: Councilman Brown

SECONDED BY: Councilman Slattery

BE IT RESOLVED that Richard Schickler be reappointed as member of the Conservation Board for two (2) year terms to expire December 31, 2016; and

BE IT FURTHER RESOLVED, that Richard J. Schickler shall be reappointed the Vice Chairperson of the Conservation Board for calendar year 2015, and shall be paid \$85.00 for any meeting served as Chairperson; expenses to be paid by voucher as incurred.

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: The question is it a tractor or mower. It is a tractor. If you look at page 46 of your budget, Dorothy (Borgus), um, the parks equipment states specifically replacement for tractor number 188 shall be paid for using funds from the general fleet reserve in an amount not to exceed 35,000. It is a tractor, tractor. Okay? And it is in the budget. And it is -- will be used for the general fleet reserve. Okay?

RESOLUTION #115 RE: Purchase of Parks Tractor

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

WHEREAS, included in the approved 2015 budget is the purchase of one (1) new Parks Tractor; and

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase a John Deere 4066R Compact Utility Tractor from Lakeland Equipment Corp off the NYS OGS Contract, PC66663 at a cost not to exceed \$35,000 to be paid from the Account #A7110.2000.0026 (General Fleet Reserves).

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

RESOLUTION #116 RE: Purchase of Pickups for Highway

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, included in the approved 2015 budget is the purchase of two (2) new pickup truck replacements; and

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase from NYS OGS Contract PC66389, two (2) Ford F-250 pickups from Van Bortel Ford, at a cost not to exceed \$34,000/ea., to be paid from the Account #DA5130 (Machinery).

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

RESOLUTION #117 RE: Purchase of Pickup for Parks

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, included in the approved 2015 budget is the purchase of one (1) new Parks Pickup; and

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase a new $\frac{3}{4}$ ton 4x4 F-250XL pickup from Van Bortel Ford of the Chautauqua County Bid, Group V, Item 3 at a cost not to exceed \$33,000 to be paid from the Account #A7110.2 (Parks-Equipment).

Councilman Brown - Aye
Councilwoman DiFlorio - Aye

Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

RESOLUTION #118 RE: Use of Parks and Recreation Reserve for Construction of Spray Park at Union Station Park

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Sperr

WHEREAS, August 13, 2014 Resolution 207 authorized the construction of a Spray Park at Union Station Park to be funded in part by a State and Municipal Facilities Program (SAM) grant as well as funds from the Town's Parks and Recreation Reserve; and

WHEREAS, total estimated costs of the total project, following a complete engineering study, are expected to be \$350,000, including contingencies; and

WHEREAS, 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 construction of a spray park at Union Station Park 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 of One Hundred Thousand Dollars (\$100,000) is hereby appropriated from account TE9901.9000.0037 (Interfund Transfer) from the Parks and Recreation Reserve Fund, held in trust, to the Union Station Spray Park Capital Project Fund for the purposes set forth; and

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.

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

RESOLUTION #119 RE: February 4, 2015 Abstract – 2014 Payables

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilman Brown

WHEREAS, January 2, 2015 Resolution #1 authorized vouchers to be paid February 4, 2015 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 16694-16696, 16765 totaling \$50,483.31 to be paid from the Distribution Account as presented by Virginia Ignatowski, Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, to note for the record vouchers 16694-16696, 16765 were paid from the following funds:

General Fund	\$ 36,080.77
Library Fund	\$ 2,912.23
Street Lighting District	\$ 12,390.31
Total Abstract	\$ 50,483.33

Councilman Brown - Aye
 Councilwoman DiFlorio - Aye
 Councilman Slattery - Aye
 Councilwoman Sperr - Aye
 Supervisor Dunning - Aye

RESOLUTION #120 RE: February 4, 2015 Abstract – 2015 Payables

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

WHEREAS, January 2, 2015 Resolution #1 authorized vouchers to be paid February 4, 2015 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 16669-16670, 16697, 16699-16703, 16707, 16717-16718, 16720, 16724, 16727-16730, 16737-16746, 16749-16764, 16766-16810 totaling \$463,103.76 to be paid from the Distribution Account as presented by Virginia Ignatowski, Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, to note for the record vouchers 16669-16670, 16697, 16699-16703, 16707, 16717-16718, 16720, 16724, 16727-16730, 16737-16746, 16749-16764, 16766-16810 were paid from the following funds:

General Fund	\$ 59,812.85
Highway Fund	\$ 239,604.68
Library Fund	\$ 3,218.07
Drainage District	\$ 481.04
Fire Districts	\$ 157,697.00
Sidewalk District	\$ 2,290.12
Total Abstract	\$ 463,103.76

Councilman Brown - Aye
 Councilwoman DiFlorio - Aye
 Councilman Slattery - Aye
 Councilwoman Sperr - Aye
 Supervisor Dunning - Aye

The next meeting of the Chili Town Board will be Wednesday, March 18, 2015 at 7:00 p.m. in the Town of Chili, Town Hall Main Meeting Room.

The meeting was adjourned at 8:00 p.m.