

CHILI TOWN BOARD  
December 9, 2015

A meeting of the Chili Town Board was held on December 9, 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; David Lindsay, Commissioner of Public Works/Highway Superintendent and Building Department Representative; Councilman Slattery, Deputy Town Supervisor; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor.

The invocation was given by Virginia Ignatowski.

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

**PRESENTATIONS/ANNOUNCEMENTS:**

1. Presentation to Randy Ackley, Highway Department.

**SUPERVISOR DUNNING:** You know, Randy (Ackley), on behalf of the Town of Chili, you know, we would like to just offer this small token of our appreciation for your 25 years of service to the Town of Chili. I know I have seen you out there on the cold days and pounding posts in, taking care of mailboxes and making sure our street signs are all straightened out and many other things have you done over the years with Town of Chili. 25 years is a long time and your dedication is very, very much appreciated and everything you have done for us, again, we greatly appreciate.

So on behalf of the Town of Chili, would like to offer a small token of our appreciation and hope you find a place in your home you can proudly display that and dust it off once in a while, if you get so motivated to do that. Again, thank you for everything you have done for us. We do appreciate you.

**MR. ACKLEY:** Thank you.

**DAVID LINDSAY:** He started in 1978 as a seasonal employee, and then took some hiatus from the Town. In 1990 he became a laborer full-time. Certainly that 25 years of service to the Town speaks well to your dedication and commitment to the community. I worked with him for 7 1/2, 8 years and I know you took pride in your job and providing high level of service to the residents of the community. I want to thank you for your service and dedication to the community and wish you well in your retirement.

**MR. ACKLEY:** Thank you. I just want to say I am extremely grateful for having the opportunity to serve the Town Board and I thought there would be residents here.

**SUPERVISOR DUNNING:** Dorothy (Borgus) is there.

**MR. ACKLEY:** Hi, Dorothy (Borgus).

I know it gave me a decent living for 25 years and I'm extremely grateful. Appreciate it. Thank you.

**SUPERVISOR DUNNING:** Thank you.

A photograph was taken. (Applause.)

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. The following speaker addressed the Town Board on various subjects: Dorothy Borgus. The Public Forum concluded at 7:08 p.m.

**MATTERS OF THE SUPERVISOR:**

**SUPERVISOR DUNNING:** Just a couple of things. One thing, on Christmas Day, the Town of Chili will be assisting with a lunch for those people who may not have a place to go on Christmas Day, may be alone. Some of our veterans, our seniors and other people who may otherwise have no family to join them on Christmas Day, over at the Senior Center, from noon to 2. We will be serving a pasta lunch working with several companies that have been generous with their donations of food and anything. This does not cost the Town anything. This is something we're receiving donations from business persons and people and several volunteers.

I wanted to thank the people who have been involved in this to make this work. So I'm looking forward to this, and I think it will be a great day.

One of the other things, as I took a ride over to the spray park out in North Chili, I don't know if anybody has been over there to see it, um, it's actually all assembled, all fixtures are in place, the pad is there. It looks kind of interesting. And I looked at it and I wondered -- looking

at what is there, I guess I expected a little something more grandiose, but I understand when the water spits out of it, it will be a little different, but it is really kind of cool.

COUNCILMAN BROWN: Will be 65 degrees on Sunday.

COUNCILWOMAN DIFLORIO: I dare you.

SUPERVISOR DUNNING: He said you may not want to go out there quite yet and get in it.

COUNCILWOMAN SPERR: No polar plunge?

SUPERVISOR DUNNING: Not me. (Laughter.) But it looks pretty cool. The guys said in the springtime they will finish up the landscaping and trees that will go around it, so it was pretty exciting to see.

Also, I just want to thank everybody who turned out, showed up for our Christmas event this year for the tree lighting and the parade. The parade was absolutely just -- it was a lot of -- lot of fun. Had a good time. The crowd that was there was amazing.

According to Mike Curley, we had around 1,000 people. It was hard to gauge looking at it to see, but close to 1,000 people there. With all of the activity and all of the things going on, what a great time. So, Tracy (DiFlorio), thank you very much for your suggestion. This is the second year. Hopefully next year we will boost this up a little more.

But basically, I think that's all I have for the moment.

Pending matters:

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

SUPERVISOR DUNNING: And going on to pending matters, we do --

COUNCILWOMAN SPERR: Do you -- I'm out of line. I'm sorry.

SUPERVISOR DUNNING: Again.

Pending matters are -- we still have a vacancy for Temp Member Board of Assessment Review, the Ethics Committee and Traffic Safety Committee. So again, anybody that might be interested, if you know anybody that might be interested in serving on a Committee, we will have the applications on the Town website, submit it and we'll review them.

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

COUNCILWOMAN SPERR: I do have a couple of comments. I know we have one more meeting, at the end of December where we just pay bills, but I wanted to take the opportunity to thank Councilwoman DiFlorio for serving on the Town Board with you. I get to run with her when I ran -- when she ran the first time and got re-elected and what a great job she has done. I just want to thank you. It has been great to work with you.

We'll really miss you up here. We'll welcome a replacement, but I just wanted to say -- publicly say thank you and personally how great it was to work with you and looking forward to what you can do for us at the County level.

COUNCILWOMAN DIFLORIO: Thank you. Thank you. Appreciate it.

COUNCILMAN SLATTERY: Two things. One, I'm not sure if people seen or heard, but we had -- a Chili resident who was a 5th grade teacher at -- for Churchville-Chili School District was -- received the Golden Apple Award from Channel 8.

SUPERVISOR DUNNING: Oh, cool.

COUNCILMAN SLATTERY: Jody Phillips. She lives in Chili. And she was one of my daughter's favorite -- well, my daughter's favorite teacher, and so she -- she's a great person, know her personally and just very pleased for her. So that was pretty neat.

Second thing I have, the development on Union Square. There is more for Mr. Lindsay, regarding the streetlights that we discussed going back to -- to 2012. So I have never seen government work so fast and efficient. Looking to see when those streetlights will be put up. I see they're in the development, and just looking to see when that -- if we have heard anything on that.

DAVID LINDSAY: I don't have an update for you now, but I will reach out to RG&E tomorrow and shoot you an email.

COUNCILMAN SLATTERY: I'm not sure who is doing the work.

DAVID LINDSAY: RG&E will be doing the work and contractor will be paying part of it, the developer.

COUNCILMAN SLATTERY: Then also, the gas has been hooked up recently. They did an open cut across the road. New sidewalk was poured. Something just he should check it. It may be a little low, may hold water on the side of it.

DAVID LINDSAY: I'll take a look at it tomorrow. Right by the entrance?

COUNCILMAN SLATTERY: Yep, correct. By the western entrance. And then the -- I see they got the street name signs up and stop signs. Um, just -- if they just want to take a look at those, the Building Department, to make sure they meet the specs. That's all I have. Unless you want to hire me in the Building Department.

COUNCILMAN BROWN: I do want to also congratulate Tracy (DiFlorio) and wish her the best of luck. We'll miss having you up here.

COUNCILWOMAN DIFLORIO: Thank you. I will miss being here, but I'm not going away. So you won't get rid of me that easily.

COUNCILMAN BROWN: You can come to the meetings and sit in a couple.

COUNCILWOMAN DIFLORIO: Sit next to Dorothy (Borgus).

MS. BORGUS: There's a lot of chairs. (Laughter.)

COUNCILWOMAN DIFLORIO: I do have one other thing to add, though, in terms of some celebratory stuff I saw today. Our Chili Lyons cheerleaders were in Orlando and came in first so they're national champions. So we have great things going on here in Chili.

COUNCILMAN SLATTERY: That's awesome.

COUNCILWOMAN DIFLORIO: Thank you. Looking forward to more --

SUPERVISOR DUNNING: It's not that I'm not appreciative of your service. I was going to wait to the next meeting to address that.

COUNCILWOMAN DIFLORIO: Thank you. We'll wait for that. Didn't want to take away from Randy (Ackley)'s moment.

The 11/18/15 Town Board meeting minutes were approved as submitted.

**REPORTS SUBMITTED:**

2015 Y/E Report Architectural Advisory Committee

2015 Y/E Report Assessor

2015 Y/E Report BAR

2015 Y/E Report Building Department

2015 Y/E Report Conservation Board

2015 Y/E Report Court

2015 Y/E Report Drainage Committee

2015 Y/E Report Ethics

2015 Y/E Report Finance

2015 Y/E Report Historian

2015 Y/E Report Historic Preservation Board

2015 Y/E Report Library

2015 Y/E Report MIS

2015 Y/E Report Planning Board

2015 Y/E Report Recreation Department

2015 Y/E Report Senior Center

2015 Y/E Report Town Clerk

2015 Y/E Report Traffic & Safety

2015 Y/E Report Zoning Board

Advanced Payment of Claims – November 2015

Building Department Report – November 2015

Conservation Board Minutes – 11/2/2015

Dog Control Report – November 2015

Library Board Minutes – 10/27/2015

Recreation Center Revenue Report – November 2015

Senior Center Revenue Report – November 2015

Town Clerk Report – November 2015

**CORRESPONDENCE:**

1. Virginia Ignatowski, Town Clerk has received notification that Shawn Harris, Highway Department is resigning effective December 4, 2015.
2. Virginia Ignatowski, Town Clerk has received notification that Mike Buhan, Highway Department is resigning effective December 11, 2015.
3. Virginia Ignatowski, Town Clerk has received notification that Councilwoman DiFlorio is resigning effective December 31, 2015.

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

SUPERVISOR DUNNING: Yes, this is something new. Rich (Stowe), I'm going -- if you don't mind, I know I can explain this, but you can probably explain this better than I could if you don't mind.

RICHARD STOWE: Okay. This is a -- this is an optional item for towns serving -- or Town Boards sitting as Fire Protection District Commissioners or Fire Districts to adopt if they elect to do so. State passed this amendment authorizing this option to localities. Under current law, if a volunteer firefighter shows up at an emergency event, he's driving his own vehicle and -- in Lake Placid, witnesses an accident or a house on fire and starts to set about as a good Samaritan, what our volunteer firefighters do to take action, if he sustained an injury in that event, he wouldn't be covered by the volunteer firemen benefit law provisions.

This -- adopting this authorizes that activity by a legitimate volunteer to be covered with some provisos that are set forth in the resolution because it has to be adopted the way it is by the State.

But once the locality's officer -- if it happened here, it would be our Chief or Deputy Chief or whoever arrives on scene from this jurisdiction shows up and sees this good Samaritan

volunteer in action, that person has to cease, submit to the person in control of the event and if he is dismissed, he is dismissed. If he goes forward, he goes forward. But it's intended to encourage volunteers to respond to emergencies where they might not previously have been willing to do so risking their own harm. Because there was no Chief or Deputy Chief there to supervise them, that's the only way they would be covered. It is to encourage that and the State recognizes it, but in order to make it effective, every jurisdiction has to adopt that.

SUPERVISOR DUNNING: Like I said, you can do it way better than I could.

RICHARD STOWE: So that's what we're doing.

SUPERVISOR DUNNING: I would have been a little simpler. Any other questions or comment?

COUNCILWOMAN DIFLORIO: I did have a question because I know we added Clifton in. Do we not have to add Scottsville?

RICHARD STOWE: No. They're doing their own thing.

SUPERVISOR DUNNING: They're doing their own thing.

**RESOLUTION #291 RE: Volunteer Firefighters Benefits**

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

**BE IT RESOLVED** that whenever a volunteer firefighter of the Town of Chili, Chili Fire Department & Clifton Fire Department protection district provides services under General Municipal Law Section 209-i when there is no jurisdictional officer in command present, such volunteer firefighter shall be entitled to coverage under the VFBL coverage provided by the Town of Chili fire protection district for the provision of such services. Upon the arrival of a jurisdictional officer in command, such volunteer firefighter shall report to such officer and offer his/her services to assist such fire company or fire department. If such offer of assistance is not accepted, then the volunteer firefighter of the Town of Chili fire protection district must immediately cease providing any additional service at the scene of the emergency.

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

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

SUPERVISOR DUNNING: Only comment I heard from the audience was, "I told you so." I will accept the "I told you so" and whatever. (Laughter.)

COUNCILWOMAN DIFLORIO: Excited to see this happen before I left.

COUNCILMAN SLATTERY: But we have been here before.

COUNCILWOMAN SPERR: Michael (Slattery) and I have been here a few times.

SUPERVISOR DUNNING: We all have.

**RESOLUTION #292 RE: Building Department Manager**

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

**BE IT RESOLVED** that Paul Wanzenried, is appointed provisionally as the Building Department Manager and shall be paid an annual salary of \$65,000.00 effective December 28, 2015; expenses to be paid by voucher as incurred.

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

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**RESOLUTION #293 RE: Purchase of Server Licensing**

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

**WHEREAS**, the Director of Management Information Services has determined that the Town needs additional server licensing for the network 'hot' recovery site server cluster at the DPW; and

**WHEREAS**, two additional licenses are needed; one to be purchased now and the second to be purchased in FY2016.

**NOW, THEREFORE, BE IT RESOLVED** that the Director of Management Information

Services is hereby authorized to purchase Microsoft Server Datacenter licensing for a sum not to exceed \$3,900.00 from Account 01.1680.2002 (Information Technology - Equipment) from Dell under New York State contract.

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

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**RESOLUTION #294 RE: Office Clerk IV Part-Time (Substitutes)**

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

**BE IT RESOLVED** that the following individual be reappointed substitute part-time Office Clerk IV for the year 2015, and shall be paid at the rate of \$10.00 per hour effective December 10, 2015; expenses to be paid by voucher as incurred.

Teresa Bill

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

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**RESOLUTION #295 RE: Professional Services Contract Agreement for Review of Planning Board Application**

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

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

**WHEREAS**, the applicant will be responsible for all fees associated with the hiring of the consultant for this application; and

**NOW, THEREFORE, BE IT RESOLVED**, that Supervisor Dunning is hereby authorized to enter into an agreement with Labella Associates for professional consulting services to support the Town in its review of the Genesee Valley Regional Market Authority Phase II application at 1861 Scottsville Road. Contract for this service is not to exceed \$5,000; and

**BE IT FURTHER RESOLVED**, to amend revenue budget A1289 (Engineering Inspection Fees) by an increase of \$5,000.00 and amend expense budget A1440.4640 (Town Engineer – Engineering and Survey) by an increase of \$5,000.00.

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

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**RESOLUTION #296 RE: Letter of Credit Release Archer Road Vista Villa's LLC – FINAL**

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

**BE IT RESOLVED** that per recommendation of the Town Engineer and Commissioner of Public Works that, \$75,098.40 be released from the letter of credit with S&T Bank SB-002929 for Archer Road Vista Villa's LLC leaving a balance of \$0.00; subject to engineering fees and street light bills to the Town.

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

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**RESOLUTION #297 RE: Letter of Credit Release for Bellaqua Est. Phase II**

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

**WHEREAS**, that per recommendation of the Commissioner of Public Works and Town Engineer, \$58,010.07 be released from the letter of credit with GRB 39007 for Bellaqua Estates Phase II, leaving a balance of \$16,698.98; subject to engineering fees and street light bills to the Town.

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

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

DAVID LINDSAY: It's a new hydraulic breaker for the backhoe.  
SUPERVISOR DUNNING: Thank you.

**RESOLUTION #298 RE: Purchase of New Hydraulic Breaker**

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

**WHEREAS**, included in the approved 2015 budget is the purchase of one (1) new hoe ram (hydraulic breaker) for vehicle #216; and

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

<u>Bidder</u>	<u>Total Bid</u>
Liftech Equipment Co.	\$13,000.00
George and Swede	\$14,170.80

**WHEREAS**, the Commissioner of Public Works/Superintendent of Highways has reviewed the submitted quotes and has made a determination that the proposal from Liftech best meets the intent of the specification and requirements of the town and is acceptable for the intended use and recommends that it be accepted; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the Commissioner of Public Works, to accept the quote for the supply and installation of a hoe ram for #216 from Liftech for a cost to not exceed \$13,000.00 to be paid from Acct: 02.5130.2000 (Machinery Equipment).

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

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**RESOLUTION #299 RE: Appointment of Additional Deputy Dog Control Officer for 2015**

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

**WHEREAS**, as recommended via a letter dated March 31, 2006 and in an email dated June 6, 2011 from the Office of New York State Department of Agriculture and Markets, the Town should appoint any individuals responsible for the seizure of dogs as Deputy Officers who would be authorized to act on behalf of the Town Dog Control in the event the Dog Control Officer is not available; and

**NOW, THEREFORE, BE IT RESOLVED**, to appoint Nicholas Mundt and Jeff Vieira as a Deputy Dog Control Officers for the remainder of 2015.

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

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**RESOLUTION #300 RE: 2015 Budget Amendments**

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

**BE IT RESOLVED** to transfer \$350 from A1990.4000 (Contingency) to A1010.1000 (Town Board - Personnel); and

**BE IT FURTHER RESOLVED**, to transfer \$75 from A1220.4049 (Supervisor - Miscellaneous) to A1220.1000 (Supervisor - Personnel); and

**BE IT FURTHER RESOLVED**, to transfer \$275 from A1410.4998 (Town Clerk - Training) to A1410.1000 (Town Clerk - Personnel); and

**BE IT FURTHER RESOLVED**, to transfer \$1,000 from A1110.4266 (Justices – Temporary Labor) to A1990.4000 (Contingency); and

**BE IT FURTHER RESOLVED**, to transfer \$100 from A5010.4049 (Supt of Highway - Miscellaneous) to A5010.1000 (Supt of Highway - Personnel); and

**BE IT FURTHER RESOLVED**, to transfer \$3,000 from A1620.4013 (Buildings – Utilities) to A5182.4237 (Street Lighting – Street Light Pole Replacements); and

**BE IT FURTHER RESOLVED**, to transfer \$3,300 from A1440.4610 (Town Engineer – Drainage Engineering) to A3310.4371 (Traffic Control - Signs); and

**BE IT FURTHER RESOLVED**, to transfer \$4,300 from A1440.4650 (Town Engineer – GIS Assistance) to A3310.4371 (Traffic Control - Signs); and

**BE IT FURTHER RESOLVED**, to transfer \$600 from A1680.1000 (Information Technology – Personnel) to A1680.4269 (Information Technology – Professional Services).

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

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**RESOLUTION #301**

**RE: In Memory of Patrick J. Pietropaoli**

**OFFERED BY: Supervisor Dunning**

**SECONDED BY: Councilman Brown  
Councilwoman DiFlorio  
Councilman Slattery  
Councilwoman Sperr**

**WHEREAS**, on November 10, 2015 Honorable Patrick J. Pietropaoli passed away and we are deeply saddened by his loss; and

**WHEREAS**, Honorable Pietropaoli served as the Town Attorney from 1/1/1972 – 12/31/1975 and Town Justice from 1/1/1984 – 3/20/2015; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Chili hereby extends their deepest sympathy to the Pietropaoli family and also sets aside this special page of their minutes from this Town Board Meeting in his honor and takes a moment of silence in Honorable Pietropaoli's memory. The Town Clerk is hereby directed to send a copy of this resolution to the family.

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

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**RESOLUTION #302 RE: December 2, 2015 Abstract**

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

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

**WHEREAS**, Council did authorize by a majority vote vouchers 18738, 18740, 19460, 19643, 19647-19654, 19659-19660, 19665, 19668-19670, 19672-19692, 19697-19730, 19734-19777 totaling \$841,998.90 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 18738, 18740, 19460, 19643, 19647-19654, 19659-19660, 19665, 19668-19670, 19672-19692, 19697-19730, 19734-19777 were paid from the following funds:

General Fund	\$	397,694.98
Highway Fund		331,013.42
Library Fund		100,559.21
Consolidated Drainage Fund		667.61
Street Lighting Districts		<u>12,063.68</u>
Total Abstract	\$	841,998.90

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

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The next meeting of the Chili Town Board will be recessed until Wednesday December 30, 2015 at 12:00 p.m. in the Town of Chili, Town Hall Main Meeting room.

The meeting was recessed at 7:23 p.m.