

CHILI TOWN BOARD  
March 2, 2011

A meeting of the Chili Town Board was held on March 2, 2011 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 Ignatowski, Councilman Slattery, Councilwoman Sperr and Supervisor David Dunning. Councilwoman DiFlorio was excused.

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

The invocation was given by Richard Brongo.

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

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PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on March 2, 2011 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:05 p.m. to discuss rezoning of 3610 Union Street from R-1-15 to GB.

Attendance as previously noted in the 3/2/11 Chili Town Board meeting minutes.

SUPERVISOR DUNNING: Before I open up the Public Hearing, I would like to make a brief note what the Public Hearing is about. It is for the rezoning of property. The Public Hearing is -- what this Town Board has to consider is -- the use under the General Business code is what the applicant has applied for, and what the uses could possibly be under the General Business code and not any specific site plans that anybody has seen to date. It is not about setbacks and buffers and all those other things. It is about what could possibly be built under the General Business code. And that is all this Board can consider at this point.

The other items that I just mentioned would be if this application happens to go far enough into the planning process, those would be items that the Planning Board would be hearing under a Public Hearing at some point in time.

So I would just like to make that clear, that's what we are here to talk about and listen to tonight. So with that, I will open up the Public Hearing for the rezoning of 3610 Union Street from R-1-15 to GB.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MATT CRASS (phonetic), 1377 Paul Road

MR. CRASS: My name is Matt Crass. I live at 1377 Paul Road, immediately to the north of 3610 Union Street.

I didn't realize I would be going right off the bat here, so give me a second to collect myself.

I guess I just wanted to address the Board tonight in an effort to convince you to deny the rezoning of 3610 Union Street on the grounds that would not sound like the usual not-in-my-backyard defense. It is actually a difficult task when you can't address site issues, but I recently read a statement that gave me hope. It says that zoning law is designed in an effort to prevent certain property uses from disrupting or conflicting with the use of neighborhood property. I expect would you agree with this statement. I would like to present you with some reasons why I believe the rezoning would have a negative impact on my neighborhood.

First, very simply, the proposed zone change does not meet the desires of the neighborhood. As you may have seen from my submitted petition, that, you guys, I assume, received, that petition probably would have included many more names had I had the ability to solicit people outside of the immediate area, but I held to specific to those requirements of adjacent or within 100 feet. In a relatively short amount of time, as well.

I believe that the change would adversely alter the characteristics of our neighborhood and nearby areas. I don't know if you guys know anything about the area, but we're kind of nestled in between sort of an Industrial zoned area to the north, with some railroad tracks, and then to the south, we have, you know, the expressway there (indicating).

So one of the things that makes the Paul Road community sort of like a desirable place to

live is that there is some undeveloped land there that is surrounded by and knowing that the space is sort of reserved for future residents and will not be encroaching business and industry, you know, as indicated by your Future Land Use Map.

Currently, you know, it is kind of -- this (indicating) is just a Google maps aerial shot, and it is kind of currently, you know, basically surrounded by agriculture and trees and that sort of thing, which certainly drew me to the area. This is sort of upside-down (indicating).

But I believe that the change poses a threat to our health and safety, as well as our overall quality of life, due to increase -- this is all potential, of course, but that is how I have to speak about this -- due to the increase -- the increased traffic, noise and light pollution, possible runoff issues, potential for home burglaries, trespassing, vandalism, et cetera.

I believe the change will quite certainly have a negative impact on my property value, which is yet to be determined. I don't pretend to be an expert in these matters.

As a matter of fact, this is my first real experience with -- with these types of things, but there are some questions I would like you to consider before voting on this action to rezone.

Um, can the current road or proposed road handle the influx of traffic that the new business will bring? Last meeting there was a figure thrown out about the potential traffic increase that seemed grossly understated. Have there been studies to show that this will -- that this will -- what this will do, rather, to the already stressed intersections there? I know quite often during the commuter times, as you're leaving or coming through that area, you know, oftentimes the traffic can back up all of the way to the tracks and vice versa going in the other direction. So that is a concern, of course.

The proposed plan seemed to be vague to me. It lacks a lot of specifics. I would ask the -- if the developer has a definite buyer in mind, and if so, are these the types of businesses we want in our community? More importantly, are they needed? I don't need to tell you that there are three gas stations a quarter mile up the road, just over the interstate. And a hotel just going up, I believe, on Chili Ave. here, not too far from here.

Is it necessary to rezone the property designated residential for businesses that we potentially don't need?

And what are some of the -- if the hotel is a big thing, what -- what are the vacancy rates of neighboring hotels? Have we looked into that and considered if this hotel will be sustainable?

Again, proposed -- I realize those things aren't yet decided.

Um, as I understand it, this is a Type I or unlisted action as described in the State Environmental Quality Review or SEQR, which under State Law requires the applicant to complete an Environmental Impact Statement.

My question is, has this been completed? What were the results? And can I see them?

Does this project meet the future land use plans for our community? If it does, what does the Board have planned for my small Paul Road community, my family and my neighbors that I don't know about?

Finally, I would just ask you to consider these questions and concerns I have mentioned when you're making your decision. My wife, Jamie (phonetic) and my three-year-old son who couldn't be here and I recently moved to Paul Road just this past July with no knowledge of the potential developments or zone change. I wish to be a long-time resident of Chili and my home, but I suddenly feel as if my fate is sort of in your hands. Please vote no to the rezoning.

Thank you for your time.

SUPERVISOR DUNNING: Thank you. Mr. Crass, just -- I just want to clarify something, if I could.

MR. CRASS: Sure.

SUPERVISOR DUNNING: You made a statement regarding this -- the Future Land Use Map.

MR. CRASS: Yes.

SUPERVISOR DUNNING: I want to pull that up so everybody else can see what I am looking at. This area here shaded in pink (indicating), I believe you mentioned this was not supposed to be what it is. This is -- this map, that pink in there is actually the future land use designation as General Business. It is the -- as you go along this whole corridor, along Union Street, this was the 2010 Comprehensive Plan, the same -- I believe the same map you were showing. That pink indicates the desire at that time to -- to suggest and recommend this become a General Business District. I just wanted to be clear on what you were saying and if that is what you thought or if you thought it was something different.

MR. CRASS: Actually, I just saw this map today and I literally just printed it out. The color coding is pretty confusing. There are like three different pinks. I don't know if you noticed that. But one seemed to be a Mixed Residential or something like that. And I thought that was what that pink referred to, but obviously I was wrong.

SUPERVISOR DUNNING: That is General Business.

MR. CRASS: Got you. And that is -- those areas, or at least some of these areas are currently zoned Residential but the future land use --

SUPERVISOR DUNNING: Recommendation from that -- from that plan, yes, was for General Business.

DAVID CROSS: Got you. Okay.

SUPERVISOR DUNNING: And just to -- a couple of the other points. I know they were -- I know they are Planning Board issues. Again, this Board has to consider what could go there. So traffic -- we don't know -- we have to ignore what we have seen basically and we don't know specifically what could go there. Those are issues that the Planning Board, if it gets to the

Planning Board, those are the issues that the Planning Board would have to take up, and if it gets to the Planning Board, there would also be a Public Hearing -- Public Hearings there also where those type of issues will be taken into consideration.

Again, we don't know. We have seen the plans, too. We know what the developer has come in and shown everybody. There is no doubt. But we have to kind of put a blinder on to that and say what could be put there based on our Town Code. For all we know, the developer could change his mind and say, "Hey, we want to build something else afterwards."

The other thing is you made a statement around do we really need that, a specific business? We can't make that determination. The Town -- the Planning Board can't make that, the Zoning Board can't and this Town Board cannot. If an applicant wants to come in and apply for something in a particular area, we can't say no. Lord knows we all know we have a lot of pizza shops in the Town of Chili. If another one wants to come in, we can't tell them, "No, we don't want any more pizza shops."

We haven't that authority to do that. They have the right to come in and apply as long as the area they're going in is a permitted use in that area. So -- so we can't -- we can't stop that. As much as sometimes we would like to limit some of those things, I think, we just can't. It's not -- it's not something we can do. Nor can our Planning Board. They can't do that either. Rich (Stowe) wants to.

RICHARD STOWE: I have one clarification. There was a map of the proposed area on the screen before, and you gave your address as 1377?

MR. CRASS: Yes.

RICHARD STOWE: But your name doesn't appear on the map.

SUPERVISOR DUNNING: New homeowner. He recently moved in.

RICHARD STOWE: Okay. Just for the record, the -- the map has a previous owner's name as Gregory and Carry L. Bischoping (phonetic), and that is the two parcels at 1377.

MR. CRASS: As a matter of fact, the parcels to the left are now one parcel and that is also the wrong name. You -- because it has "Bischoping" twice in there. There is inconsistencies there.

COUNCILMAN SLATTERY: Bischoping is on there three times.

MR. CRASS: Yes. And actually --

COUNCILMAN SLATTERY: The Bischopings live on the corner.

MR. CRASS: Yes.

RICHARD STOWE: Other two you own?

DAVID CROSS: No. I just own the one.

COUNCILMAN SLATTERY: 1377.

MR. CRASS: The fourth segment in, but technically the third lot.

COUNCILWOMAN SPERR: I just wanted to add something to what the Supervisor said regarding traffic. Although he is correct, it is a Planning Board issue, but these types of issues, applications require traffic studies to be done and they always request that. In addition, the Traffic Safety Committee does review all of the applications that come before the Planning Board for those types of topics, so -- and they follow up to make sure that traffic studies are done and then the results of those are available.

So -- and our Public Works Director does -- has a lot of experience with reviewing those, understands those, and so we -- so we examine that part very thoroughly. Just as a matter of course. So this application would be treated to the same type of scrutiny. If that makes you feel any better, it is not what I do as a Town Board member, but that is what those Boards and Committees and --

MR. CRASS: Are those issues scheduled for subsequent Town meetings or is that something done behind closed doors?

COUNCILWOMAN SPERR: No, all open.

SUPERVISOR DUNNING: Traffic & Safety meetings are open. They're open public meetings, but I think the -- the Union Street is a State road, and I think there is -- the State DOT gets more involved with that and provides a report back.

Mr. Lindsay, can you please help me with that one? Am I correct in that one? When a State road is involved, as far as the traffic goes.

DAVID LINDSAY: Certainly the Planning Board has the ability to request a traffic study, but I guess what conditions might be imposed on a project as a result of the traffic study is highly dependent upon the higher agency, which is the State.

SUPERVISOR DUNNING: The State DOT. I don't want to hang it all on the Planning Board, those decisions, because they are decisions, if this gets to that point, that would be based on the State and what the State tells us. It is a State road.

COUNCILWOMAN SPERR: There is communication back and forth, David Lindsay, as our advocate and all parties.

COUNCILMAN SLATTERY: Can I ask you one question? You made a comment in regards to the future road.

COUNCILWOMAN SPERR: Future load, I thought.

SUPERVISOR DUNNING: The development. The development in there had a proposed road. Is that what you were referring to?

MR. CRASS: I didn't make reference to a road necessarily.

COUNCILWOMAN SPERR: I thought he said, "to handle the load."

SUPERVISOR DUNNING: I thought he did, too.

MR. CRASS: Sorry, I misspoke. Again, that is probably a site issue anyway, right?

SUPERVISOR DUNNING: Yes, it is.

MR. CRASS: Okay. Thank you.

COUNCILMAN SLATTERY: Thank you. Thank you for your time.

SUPERVISOR DUNNING: Thank you.

JOHN BURAKOWSKI, 1357 Paul Road

MR. BURAKOWSKI: John Burakowski, 1357 Paul Road.

I would like to put -- cast my vote as in opposition to this plan to rezone this. I believe that since the Master Plan has this as Residential property, that that is exactly the way it should stay. I don't believe that the rest of this proposal that we have seen before -- we had several meetings on -- will be in the interest of the people on Paul Road whatsoever, and I am extremely opposed to us rezoning this at this time.

SUPERVISOR DUNNING: Thank you.

COUNCILWOMAN IGNATOWSKI: Once again, he had the misunderstanding on the map, as well. The Master Plan map shows that as being General Business, not Residential.

COUNCILMAN SLATTERY: The future Master Plan --

SUPERVISOR DUNNING: If you can see --

COUNCILMAN SLATTERY: Sorry, sir, could you step up?

MR. BURAKOWSKI: So I have the same issue with the color coding as the previous gentleman?

SUPERVISOR DUNNING: If you can see where my mouse is right there (indicating), that spot right there is the property we're referring to, or we're having this Public Hearing on right now. And that pink indicates General Business.

COUNCILWOMAN SPERR: It's a recommendation in the Master Plan.

MR. BURAKOWSKI: Just a color coding.

COUNCILWOMAN SPERR: Zoned Residential but recommendation by the Master Plan.

COUNCILMAN SLATTERY: Supervisor, before you do move on, if you can go to us for questions or comments.

I think that this is a great opportunity to express to the community that the Town of Chili has a Comprehensive Plan, we have a Comprehensive Plan Committee, and they are meeting at as -- as we speak now, regarding the future of Chili. So I think it is also important that you attend these meetings, you get involved and so -- so this isn't a one issue that draws you out; it is the future of Chili. It's the -- your future, if you reside here, and we would love to hear from you. It's important that people participate. With a population of approximately 30,000 people, it's somewhat discouraging at times to see or have nobody attend the -- attend the meetings.

So come out, participate, get involved, and not just when you -- when you feel that something is in your backyard or in your neighborhood. And -- that is why it is very important that we have these. The Comprehensive Plan takes a -- takes quite a while, months, sometimes years, and -- so it is a long process. And there is a Committee that is dedicated, working very hard on this, and they're volunteers. They don't get paid by the Town, but they live in the community, they feel an important -- they feel it is important to participate, so I would encourage you to do that, to participate.

You know, looking at the zoning for the properties, that is something that, you know, that they do, and it is just -- I can't stress enough how important it is to have people get involved.

COUNCILWOMAN IGNATOWSKI: That -- certainly I would like to echo that, because I -- it is a learning process, and probably most residents don't realize how important that Master Plan is, because that is when you have your input about what the future land use is being proposed for various areas, and that is where you have your opportunity at that point to express your opinion about something that is being recommended for the future. I'm hoping that with this being televised that there is more and more residents being aware of that. And certainly, get involved.

Come out, read the Master Plan when it comes out, come to the Public Hearing and express your opinions at that point. Because once it is in here, it's really -- it is what the guide is for us. If I personally may not -- am not crazy about something, I have to take a look at this guide, because it has gone through a process, multi-year process of a Committee that is a cross-section of people. It has gone through the Public Hearing process. So I have to take it, that this is what the Town of Chili residents, not just a couple, but the Town of Chili residents have embraced and this is the direction they want to see the Town go in.

And it is not only on the Future Land Use Map. I went back through the Master Plan. It's mentioned multiple times within the Master Plan 2010 about this particular parcel, and its rezoning to General Business.

And actually ironically one of the things they recommend in here is a hotel. So, you know, it is mentioned on page 5-12, 35 -- I have all these different tabs. Page 5-16, about this particular parcel and its rezoning. So it's -- I think that we can almost get into a little bit of a legal battle if we start trying to go against what the Master Plan lays out.

SUPERVISOR DUNNING: And just for reference, you know, Councilman Slattery mentioned we're going through our Comprehensive Plan, our 2030 Comprehensive Plan right now, which has been -- been going on for about two years now and it has been a very laborious task. It is right in the early draft that we have currently. I don't see any indication, and please correct me if I am wrong, that this is -- the indication of this has changed? So -- and I'm getting a nod from one of the Committee members that so far the -- this -- this -- the desire for the future of this property has not changed from the 2030 plan either.

Again, this group is made up of some residents, some people that are on Boards and Committees. It is a very diverse Committee, and they have put an awful lot of time and energy into making sure that the plan for future -- the future of the Town of Chili for -- through the year 2030 is handled well, and they have done a very good job of that.

COUNCILWOMAN SPERR: Okay. So that being said, if I can add onto what has been discussed here tonight, we hold Public Hearings because we want to hear, in addition to everything they have said, what the public feels about this and what they have to say. So to only consider the Master Plan would mean that it wouldn't matter whether you came or not. And that is not the case. It is sounding like that, by their explanations, but we take very seriously all of the factors involved in making an anecdotal decision like this.

And just to add to this, to the comments, we did receive letters from Kenneth and Barbara LaRue (phonetic) regarding this, and Bonnie Crocker (phonetic), who were unable to come to the Public Hearing tonight but wanted to tell us their thoughts. So I do have those in my possession with me tonight.

And I can promise you that I will take everything into consideration on trying to decide on this application.

RICHARD STOWE: Just -- one quick comment on procedure as long as we're this deep. There is no resolution on the agenda this evening --

COUNCILWOMAN SPERR: Right.

RICHARD STOWE: -- for the Board to take any action on this application this evening.

And -- Mr. Crass is it?

MR. CRASS: Yes.

RICHARD STOWE: You mentioned the SEQR process and you mentioned the availability of the information involved in the SEQR process. And the -- the applicants have, as they're required to do, filled out a portion of that SEQR paperwork that is available for the general public's review and edification. Prior to making any determination on this in a final vote, this Board will also have to review the environmental impact of any change and any zoning change that is being requested by the applicant. That, too, will be part of the record and that, too, will be part of the consideration, all of which is available for public consumption. I don't think that question ever got answered, but that part of the SEQR process gets completed before there is any final determination by this Board on whether the rezoning should go forward as it has been applied for, all right? And that -- and the Planning Board recommendation that I believe this Board has already received and the comments from the public are all part of the record and part of the body of work that goes into making that determination, if that is helpful.

Okay?

SUPERVISOR DUNNING: Thank you.

Any other questions from the Board?

The Public Hearing was closed at 7:33 p.m.

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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 7:37 p.m.

SUPERVISOR DUNNING: And -- just to touch on the minutes, um, we had -- the minutes -- the January 19th meeting, I don't believe we get the minutes right away. I think we got the minutes the night of the Town Board meeting, which was February 2nd. February 2nd was the meeting. Not the 22nd. It was the 2nd.

It's a big time gap in there. I just want to make it clear it was the 2nd. So it doesn't give the Town Board adequate time to review the minutes at that time, so we did hold off and wait to approve those at this meeting, so the Board had plenty of time to review those. It is not a reflection on anything other than between the 19th and the 20th -- or the 2nd, I'm sorry.

I'm following your dates there, um, was -- was not a lot of time. So to get -- to get the minutes transcribed and put -- printed out and everything else.

COUNCILWOMAN SPERR: Are draft minutes posted on the website until we approve them for the Town Board meetings? No. So -- so until we approve those minutes, they would not be put up.

SUPERVISOR DUNNING: That's correct. They're not posted. No draft minutes for any Boards or Committees are posted. They're -- they're only approved minutes.

COUNCILWOMAN SPERR: Which adds a little bit of time to the process.

COUNCILWOMAN IGNATOWSKI: The January 5th minutes were approved on the February 2nd Town Board meeting, so they should have been posted shortly thereafter.

SUPERVISOR DUNNING: Which she is saying she had.

DOROTHY BORGUS: The 23rd of February they were posted.

COUNCILWOMAN IGNATOWSKI: So that seems to me -- in excess of -- an excess amount of time.

SUPERVISOR DUNNING: That will -- I will take a look at that and see what happened. Thank you.

RICHARD STOWE: I think the other factor not yet in evidence is fact there was only one meeting in February.

SUPERVISOR DUNNING: Yes.

RICHARD STOWE: Normally there would have been two meetings, but not in this particular month, it's -- hence it takes even longer, because this is the next meeting.

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

New Matters:

##### 1. Final Draft Open Space Inventory.

SUPERVISOR DUNNING: I -- I would just like to say we just received -- and I believe everybody did receive the -- basically the final draft, if you will, pending obviously comment, public comment and our comment on the final draft of the Open Space Inventory, so this is finally coming to -- to completion. It is a very nice document, very well put together and some great information.

This draft is also posted on the Town's website, so anybody that would like to, before we have a public meeting on this, get to look at this and understand it and know what we're identifying in this Open Space Inventory, it would be a good opportunity to jump on the website and take a look at the document. It is also available in Town Clerk's Office, and I believe also in the Library. So if anybody would like to see that there.

COUNCILWOMAN IGNATOWSKI: Do we have to hold a formal Public Hearing on this then?

SUPERVISOR DUNNING: Yes.

COUNCILWOMAN IGNATOWSKI: Do you anticipate that resolution next Town Board meeting? Because -- setting it?

SUPERVISOR DUNNING: Possibly. I would have to talk to the Chairman of the Committee, Pat Tindale. It is quite possible that that would be the case. That they -- that we might set the Public Hearing at the next meeting, but I don't know for sure.

COUNCILWOMAN IGNATOWSKI: By the time you set it, it will be that much further out that you would still give enough -- it has been available to, in various forms, as I -- as I think, on -- on the website, because it has been an ongoing process, and they have been having a continuing request for any public input on it, so.

SUPERVISOR DUNNING: The other thing I would like to mention is today I got a package. As you know, I'm -- I'm on the Genesee Transportation Council. I sit on the Board for the Genesee Transportation Council. As you also know, a while back, I -- I submitted a grant to the Transportation Council for a feasibility study for the Black Creek Trail system.

Well, I was very pleased to open up the -- our -- our information packet for the next Board meeting which comes out next week, and to see that in the 2011/2012 UPWP, which is the Unified Planning Work Program, the Town of Chili has been submitted and we're in here. If this is approved by the Board next week, we will be getting our grant for this feasibility study.

So I was very pleased to see that in the book today. When I get the publication, certainly I will be happy to share it with the Board. This right now still has not been approved, but I have a draft of it here right now.

COUNCILMAN SLATTERY: What other competition are we up against? Are is --

SUPERVISOR DUNNING: It's not competitive. We would get this, if this gets passed. If

the Board passes this, we would get the grant. There are other municipalities that have other trails initiatives in there, but we have -- but we have been selected.

COUNCILWOMAN SPERR: We're selected and they're recommending these be approved?

COUNCILMAN SLATTERY: How much is the grant for?

SUPERVISOR DUNNING: \$60,000.

COUNCILMAN SLATTERY: So once -- say it is approved, then the timeline, the process, how would that work?

SUPERVISOR DUNNING: I don't know exactly what the timeline is -- as far as -- from the Genesee Transportation Counsel, when we would get it. I don't know that part yet. I will find out at the meeting. When I go next week, I will get a little more detailed information.

For other information, you're -- I think you guys are aware of it, but for the sake of the people here and at home, this trails initiative is -- is -- is in cooperation with the Town of Riga, the Village of Churchville and the Town of Chili. We're working together on this particular initiative and it is just for a feasibility study to identify the feasibility of a trail going from basically the Genesee River and the Town of Chili, through -- through Black Creek Park, through Churchville Park, and into the Town of Riga. So, um, to basically the -- the -- where it would end in the Town of Riga any ways. So it is just feasibility. It doesn't mean we're building something. We are going to look and see if it is even possible.

COUNCILMAN SLATTERY: That is where it would stop. Eventually it could continue on.

SUPERVISOR DUNNING: I can't speak for the other municipalities. All I can speak for is what we went in -- what we looked at. This is something that the Genesee Transportation Council has been looking at for some time. It is a part of their mid term projects they identified in their trails initiative several years ago. We are just trying to advance that. Now when I learned that this is a part of this, being on this Board, I learned that that is was a part of it, so I -- so I said, "Let's try and advance it now, if we can."

So it looks like pending approval, again, pending approval next week, we'll be able to start looking at moving forward on that. I'm quite excited about that. It's a great initiative.

Pending Matters:

1. Vacancies on Board of Assessment Review, Drainage Committee, Chili Parks & Recreation Committee.

SUPERVISOR DUNNING: Um, with that, um, we still do have vacancies on Board of Assessment Review, Drainage Committee and our Parks and Recreation Committee.

And -- I will turn it now over to the Matters of the Counsel.

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

COUNCILMAN SLATTERY: The only -- Supervisor, the only question I have, is in regards to Union Station Park, and where we are with the improvements, the gas line and so forth, and -- and --

SUPERVISOR DUNNING: I will ask Mr. Lindsay to chime in that, if you would, please.

DAVID LINDSAY: The gas line is completed and is up and running, and I believe the tank has been removed, so the modifications have been made to the furnace, to accept the new gas line, so we're all set with that.

COUNCILMAN SLATTERY: Any other funds available that are left that we could do improvements to that area, or?

DAVID LINDSAY: There are some funds. I don't have a specific fund for you yet, though.

COUNCILMAN SLATTERY: It would be interesting to see where we are, and what is the plan. I know there was a number of years ago when that park was dedicated to the Town, land donated. It would be interesting to see what is left, what we can still do.

DAVID LINDSAY: I can get that number and forward it to the Supervisor, to the Board.

COUNCILMAN SLATTERY: Thank you.

SUPERVISOR DUNNING: Any others? Okay.

The 1/19/11 and 2/2/11 Town Board minutes were approved as submitted.

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#### **REPORTS SUBMITTED:**

Dog Control Report – January 2011  
Town Clerk Report – January 2011  
Conservation Board Minutes – 1/3/2011  
Historic Preservation Board Minutes – 1/10/2011  
Library Board Minutes – 1/25/2011  
Planning Board Minutes – 1/11/2011, 2/8/2011  
Parks & Recreation Committee Minutes – 1/12/2011  
Zoning Board Minutes – 1/25/2011

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**RESOLUTION #135            RE: Amend Resolution #128**

**OFFERED BY: Councilwoman Sperr    SECONDED BY: Councilwoman Ignatowski**

**BE IT RESOLVED** to amend resolution 128 from 2/2/2011 to read the following:

**WHEREAS**, included in the approved 2011 budget is the purchase of one (1) new street sweeper replacement; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the advertisement for bid for one (1) new street sweeper body and associated components; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, to authorize the purchase from NYS OGS, Contract PC 62757; one 2011 4300M7 SBA 4x2 (MA065) Cab and Chassis from International at a cost not to exceed \$98,000, to be paid from Account #DA 5130.2 (Machinery).

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #136            RE: Purchase of 1 Ton Truck Cab and Chassis and  
Authorization To Advertise for Bid for Dump Body**

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

**WHEREAS**, included in the approved 2011 budget is the purchase of one (1) truck replacement with a dump body; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the purchase from NYS OGS, Contract PC 63652; one (1) Regular Cab and Chassis from VanBortel Ford at a cost not to exceed \$19,500, with half the cost to be paid from Account #SD 8540.2 (Consolidated Drainage) and half the cost to be paid from Account #A8540.2 (Drainage); and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, to authorize the advertisement for bids for the associated dump body.

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #137            RE: Purchase of a Cab and Chassis Ten Wheel Truck**

**OFFERED BY: Councilwoman Ignatowski    SECONDED BY: Councilwoman Sperr**

**WHEREAS**, included in the approved 2011 budget is the purchase of one (1) new plow truck replacement; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the purchase from NYS OGS Contract PC62716 one (1) Cab and Chassis from International Truck & Engine Corp., at a cost not to exceed \$120,000.00, to be paid from the Account #DA5130 (Machinery).

APPROVED BY A VOTE OF 4 YES

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

SUPERVISOR DUNNING: There was a question what is this for. Phase 2 is to start to utilize some of the 140 some odd thousand dollars of the grant money we're receiving from the County of Monroe as part of the trail that will be going in there.

I think the first part of this is we're going to start with the front end, get the garden done up front and starting to look at the -- incorporating that in with the trails. That is what we're looking at with and starting initially.

Any other questions or comments?

**RESOLUTION #138            RE: Authorization to Advertise for Bids for  
Widener Park Phase IIA**

**OFFERED BY: Councilwoman Ignatowski    SECONDED BY: Councilwoman Sperr**

**WHEREAS**, the Department of Public Works is preparing the necessary plans and specifications for the work involved; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize an advertisement for bids for the

Widener Phase IIA work.

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #139 RE: Court Clerk**

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

**BE IT RESOLVED** that Jacqueline Root be appointed Court Clerk by Judge Olver Town Justice, shall be paid an annual salary of \$26,034.00 (24A) effective March 7, 2011, expenses to be paid by voucher as incurred. Pending background check.

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #140 RE: Purchasing Policy**

**OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr**

**BE IT RESOLVED** to adopt the Purchasing Policy as drafted February 10, 2011.

APPROVED BY A VOTE OF 4 YES

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: There was a question about why you see -- we still have to do a resolution. There wasn't a meeting in between, so even though we get the abstract and the Town Board gets to --

COUNCILWOMAN SPERR: No. On the 2nd, we held the meeting, and Dorothy (Borgus) wanted to know why this abstract was not part of the meeting when we signed waivers.

COUNCILMAN SLATTERY: Supervisor, if I can, at that meeting, Dorothy (Borgus) -- it was brought up actually at that meeting that we just received it and because we just received it, we were waiting to give the approval on -- it was -- we -- we did review it, and -- but because we received it that night, we wanted time to review it afterwards. So that is why it is taking place the way it is.

COUNCILWOMAN IGNATOWSKI: As I recall, there was a bit of a delay because it was a new software and taking a little longer to get that prepared, and we didn't want to just come right in and vote on something we hadn't seen.

COUNCILMAN SLATTERY: With that new software program that we have for our billing. That was actually mentioned at the meeting.

COUNCILWOMAN SPERR: Yes.

COUNCILMAN SLATTERY: So...

**RESOLUTION #141 RE: February 2, 2011 Abstract**

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

**WHEREAS**, Council did authorize, via a waiver form dated February 2, 2011, by a majority vote vouchers 91-97, 101, 104-105, 107-110, 123, 136, 138, 149-175, 178-181, 184-206, 213-217, 221-222, 227-229, 233-234, 236-240, 243-293, 295-296 and 307 totaling \$503,274.32 to be paid from the Distribution Account as presented by Richard Brongo, Town Clerk; and

**NOW, THEREFORE, BE IT RESOLVED**, to note for the record vouchers 91-97, 101, 104-105, 107-110, 123, 136, 138, 149-175, 178-181, 184-206, 213-217, 221-222, 227-229, 233-234, 236-240, 243-293, 295-296 and 307 were paid from the following funds:

General Fund	\$ 92,804.38
Highway Fund	\$ 207,111.34
Library-Workers Comp	\$ 725.25
Consolidated Drainage	\$ 158.50
Fire Protection Districts	\$ 185,803.00
Special Light Districts	\$ 11,799.85
Sidewalk District	\$ 4,872.00
Total for Abstract	\$ 503,274.32

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #142 RE: February 16, 2011 Abstract**

**OFFERED BY: Councilwoman Ignatowski      SECONDED BY: Councilwoman Sperr**

**WHEREAS**, January 5, 2011 Resolution #1 authorized vouchers to be paid February 16, 2011 by all Council signing a waiver form; and

**WHEREAS**, Council did authorize by a majority vote vouchers 228, 230-231, 241-242, 289, 294, 297-306, 308-371, 376-390, 406. 409-411, 415, 418 and 421 totaling \$1,270,963.88 to be paid from the Distribution Account as presented by Richard Brongo, Town Clerk; and

**NOW, THEREFORE, BE IT RESOLVED**, to note for the record vouchers 228, 230-231, 241-242, 289, 294, 297-306, 308-371, 376-390, 406. 409-411, 415, 418 and 421 were paid from the following funds:

General Fund	\$ 58,240.29
Highway Fund	\$ 41,335.37
Library	\$ 325.00
Chili Fire Protection	\$1,169,074.00
Special Light Districts	\$ 1,989.22
Total for Abstract	\$1,270,963.88

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #143      RE: March 2, 2011 Abstract**

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

**BE IT RESOLVED** to pay vouchers 372-375, 407-408, 412-414, 416-417, 419-420, 422-463, 469-472, 480-485, 500-518, 524, 527-530, 532, 534-539, 542-575, 579-580 totaling \$180,358.65 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$ 86,500.39
Highway Fund	\$ 90,502.65
Consolidated Drainage	\$ 1,325.61
Park Place Sidewalk District	\$ 2,030.00
TOTAL	\$180,358.65

APPROVED BY A VOTE OF 3 YES WITH 1 ABSTENTION  
(Councilwoman Ignatowski abstained.)

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

**SUPERVISOR DUNNING:** I apologize to the audience for this, but we did have some interviews this evening and -- to fill some of the vacancies on the Boards and Committees, so we have some other resolutions that weren't part of the initial package.

**COUNCILWOMAN IGNATOWSKI:** She will be a wonderful addition to the Committee.

**COUNCILWOMAN SPERR:** I had spoken to Councilwoman DiFlorio earlier, and she is also pleased.

**SUPERVISOR DUNNING:** I should say that she, Tracy (DiFlorio), Councilwoman DiFlorio was involved with most of these interviews and has provided some input.

Unfortunately, she is unable to make it tonight due to other commitments.

Thank you, Mary (Sperr).

**RESOLUTION #144      RE: Chili Parks & Recreation Committee**

**OFFERED BY: Councilwoman Ignatowski      SECONDED BY: Councilwoman Sperr**

**BE IT RESOLVED** that Karen Trott be appointed to the Chili Parks & Recreation Committee for a three (3) year term to expire on 12/31/2013 and shall be paid the sum of \$25 per meeting attended for the calendar year 2011; expenses to be paid by voucher as incurred.

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #145      RE: Drainage Committee**

**OFFERED BY: Councilwoman Sperr      SECONDED BY: Councilwoman Ignatowski**

**BE IT RESOLVED** that Kenneth Kraus be appointed to the Drainage Committee for a three (3) year term to expire on 12/31/2013 and shall be paid the sum of \$25.00 per meeting attended for

the calendar year 2011; expenses to be paid by voucher as incurred.

APPROVED BY A VOTE OF 4 YES

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: We have a lot of applications that have come through. My stack is probably about this thick (indicating).

SUPERVISOR DUNNING: It has actually been kind of encouraging so many people looking to volunteer, and we'll now have a pool to select from when we have other openings. So that is good. It's very good.

COUNCILMAN SLATTERY: Unfortunately, we do get the applications and we interview people, and then as the vacancies occur, unfortunately their -- they're not allowed -- because of time, because of family commitments, work commitments or they move out of the area and so forth, that they no longer can be involved with the Town. So we do get a number of applicants, but then that dwindles down, you know, over that period of time, as well. But it is just encouraging.

SUPERVISOR DUNNING: It is.

COUNCILWOMAN SPERR: I appreciate everyone's interest. It's wonderful.

**RESOLUTION #146      RE: Drainage Committee**

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

**BE IT RESOLVED** that Christopher Durkin be appointed to the Drainage Committee to complete the term of Sean Kingsbury to expire on 12/31/2012 and shall be paid the sum of \$25.00 per meeting attended for the calendar year 2011; expenses to be paid by voucher as incurred.

APPROVED BY A VOTE OF 4 YES

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The next regular meeting of the Chili Town Board will be on Wednesday March 16, 2011 at 7:00 p.m. in the Chili Town Hall main meeting room.

The meeting was adjourned at 8:43 p.m.