

CHILI TOWN BOARD
August 5, 2009

A meeting of the Chili Town Board was held on August 5, 2009 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor David Dunning.

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

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

The invocation was given by Richard Brongo.

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

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. The following speakers addressed the Town Board on various subjects: Ron Pikuet, Heath Miller, Gregory Clyde, John Ferlicca, Jerry Brixner and Dorothy Borgus. The Public Forum concluded at 7:40 p.m.

PRESENTATIONS/ANNOUNCEMENTS:

1. Freed, Maxick & Battaglia, Financials Y/E 12/31/08.

MS. LANDERS: Thank you. Good evening, Councilpeople.

I have the audit, and you have all received this well in advance for the fiscal year ending December 31st, 2008. And what I would like to do is just kind of highlight some of the areas. You all had plenty of time to read this.

I guess if you have your statements with you, um, I would just like to start off with saying that the Town, we issued an unqualified opinion, which means that all of the -- the financial statements, the financial information contained in here materially represents the financial position and the operations of the Town for the fiscal year ending December 31st, 2008.

So with that, if you would turn to A-3, we have -- I would just like to look at the fund basis statements and just highlight some of the information on that page related to the fund balances of the Town. The undesignated -- the Town ended up in the General Fund with a total fund balance of a little over 7.2 million. Capital projects reserves were just a little over 2 million, and the undesignated was a little over 4.1 million. Highway Town wide ended up total fund balance a little over 1 million. Fire Protection Districts were 131. Capital projects shows a deficit, but once projects are completed, typically that deficit is eliminated either with permanent transfers or permanent financing.

And then the balance of the Town's funds, which we determine are the non-major governmental funds, had a fund balance of a total of 411,000. So overall fund balance is in very good shape for the Town related to all of the funds across the Town.

COUNCILMAN SLATTERY: Excuse me, if I could first.

Could you introduce yourself, your name and the company you work for, because.

MS. LANDERS: I'm sorry.

COUNCILMAN SLATTERY: Because we have people that may watch it on the internet.

MS. LANDERS: Laura Landers. I'm a Director with Freed, Maxick and Battaglia, CPAs.

On A-5 is the statement of revenues, expenditures and changes in fund balance. Stop me at any time if you have any questions or you want any further explanation of anything that I am talking about.

Revenues for the General Fund exceeded expenditures for the fiscal year in the amount of almost 1.5 million. There were transfers in and transfers out. The total net change in the fund balances for the General Fund were 2,924,000. There was a prior period adjustment on here and that relates to some funds that had been previously accounted for in the Town's trust and agency that we had determined should be actually recorded and presented in the General Fund.

COUNCILMAN SLATTERY: Should be or --

MS. LANDERS: Should be.

COUNCILMAN SLATTERY: -- must be?

MS. LANDERS: Must be. Reserves. Reserves. When I use "should," I think must, okay. But must be.

COUNCILMAN SLATTERY: Okay.

MS. LANDERS: Highway, Town wide, excess of revenues over expenditures just a little over 150,000. And the -- you know, Fire Protection Districts had a surplus and so did the non-major governmental funds in total.

A couple of new things in the financial statements for this year, um, on page A-19, Note 3, talks about a change in accounting principal for the fiscal year ending December 31st, 2008.

The Town implemented governmental accounting statements for the Statement Number 45, which is the accounting and financial reporting for -- by employers for post employment benefits other than pensions. So that liability is -- is actually recorded on the government-wide statements, not on the fund-basis statements, and there is more detail related to that actual liability in the footnotes on A-24, A-25, A-26.

The liability is -- is actuarial determined and is amortized over a 30-year period. The total amount of liability recorded for the current year was \$378,000. The total unfunded liability is 7.2 million. So that total amount will be amortized over a 30-year period. So eventually on the financial statements, the government-wide financial statements, the Town will show a liability of somewhere around 7.2 million. That will fluctuate depending on the actuarial evaluations being done every two years.

The other changes relate to the requirement by -- from -- determined by Office of State Comptroller related to the disclosure as far as the Town's defined benefit volunteer firefighter service work, which is your Length of Service Award Program. The State has required that information related to this plan be disclosed in the footnotes of the financial statement of the municipality that is the sponsor of this plan. In there are the assets and liabilities and showing information that came from the plan administrator, which shows a total of (inaudible) net assets at the end of the year of a little over 1.5 million.

It shows different information such as what was contributed, the income that was earned for the plan for the year. But I think the State Comptroller's Office had just wanted to make sure that the readers of the financial statements were aware that there is this plan out there, it is a defined benefit plan for your volunteer firefighters. So hence the disclosure requirements.

Um, those were really the two major changes, as far as additional footnote disclosures or presentations for the Town. Um, the Board has also received our report to the Town Board. We noted no material weaknesses, no significant deficiencies in our correspondence to the Town. We had in writing reported some -- a few control deficiencies. Just purely for the purposes of review of those and possibly improving as far as monitoring in those areas, but no significant deficiencies or material weaknesses to be reported.

So other than that, I would like to thank Dianne (O'Meara) and her staff for everything. It went very smoothly for our first-year audit, and her staff was very cooperative in assisting during the audit process.

Any questions?

SUPERVISOR DUNNING: Thank you.

COUNCILWOMAN IGNATOWSKI: Actually, Supervisor, if I could, a couple of comments I highlighted when I was reading through here, and I would just like to highlight it for the benefit of those who will not take the time to read this rather lengthy document, but just some things that I think really, really showed how strong the Town of Chili is financially.

On page 5, it says that "Overall Figure A-3 does show an increase in total net assets in 2008 over 2007. This is largely due to a sound fiscal management by conservative budgeting of revenues and careful spending."

And on page 6, "Spending stayed within the revenue parameters as the Town was mindful of the downturn of the economy, and the Town continues the approach of user fees covering expenses for revenue generating departments, and thereby relying less on real property taxes and one time revenue streams."

I just thought that these were some really good highlights.

Also on page 10, "The change in the fund balance from the highway fund also realizes a significant increase that is relating to the increase in careful spending, most particularly for snow removal costs as well as employee benefits."

Overall I would just like to congratulate the various department heads for controlling the spending and really putting Chili in a very strong financial position.

I think there was also another one in here, yes, "Moody's Investor Services reaffirms the Town's bond rating of A-2, citing good financial management."

I just want to highlight a couple of those things because it really shows how strong we are as a Town.

MS. LANDERS: Absolutely, Councilwoman. The bond rating agencies -- a couple of the things they are looking at are the reserves of the municipality, which the Town does have very good reserve balances, and they're looking at the fund balances, and they're looking at if the municipality has a fund balance policy. So, you know, those things are really what factor into your bond rating, and you certainly do have those.

SUPERVISOR DUNNING: Great. Any other.

COUNCILWOMAN SPERR: I would just like to add a little onto what Councilwoman Ignatowski said and congratulate Dianne (O'Meara) and her staff for again continuing to do such a great job for the Town. Sometimes it's the people behind the scenes that you don't always get to see just how good they are, and this being my eighth year, I have seen this every single year I have been here.

And congratulations, Dianne (O'Meara).

SUPERVISOR DUNNING: Laura (Landers), thank you very much. We appreciate it.

MS. LANDERS: Thank you very much for the opportunity to serve the Town of Chili. I appreciate it. Thank you.

SUPERVISOR DUNNING: I would like to respond somewhat briefly to some of the comments that were made in regards to the lawsuit and the Austin case. The Austins sued the Town of Chili. We simply defended ourselves, and in that defense found some things that weren't quite the way the Austins had portrayed them to be, and so therefore, the money that the Austins spent to bring the suit to the Town was by their own doing. It wasn't something the Town brought upon them. So I don't know what more I can say about that.

They are in court tomorrow night to finalize, as I understand it, the agreement with the Town Justice. Everything, as far as I understand at the Supreme Court level has been taken care of. So we still have just some Town business to settle up there.

As far as the broadcast for what will happen with our recordings here, we'll submit them, and they will be broadcast on public television just as they are now.

They do -- that does catch a good portion of the room here.

Just also like to, um, comment, if I can, about the issue that was brought up around the taxes and what was going on with the Assessor's Office. Linda Leach and I have had conversations, oh, probably early last year in regards to some challenges that we were seeing between the County's system and the Town's system. There are times when the Town, if we don't upload at a certain time, the information doesn't get put up at the County system and the tax -- something could get dropped in that tax translation, if you will. Linda (Leach) has -- I have known about this. Linda (Leach) has known about it. She has been working on a procedure to assure that every time something happens, that those things will -- will get transmitted up and that should correct this problem. She has been working very hard on this, trying to come up with this procedure, but it is challenges we have between the County's and the Town system that don't work always well together, especially in this case.

Also I would like to just make correction, if I may.

The caller was Dario (Marchioni) that actually asked about the -- about COMIDA, and as far as payment of taxes. I never said anyone paid 100 percent of their taxes. I did say they paid their full tax, which they do. They pay their full tax they're responsible to pay for. So -- and that -- let's see. What else do we have here?

Oh, as far as the Public Forum goes, and I just like to -- once again, if I could, just a point of correction, is that I believe when I have asked if -- the people to come up to this forum, that they speak to the Town Board and not audience. This is a Town Board business meeting. You are addressing the Town Board when you come up here. And those are the rules of this Town Board, that you will address this Board and you don't address the audience. We just ask everybody comply with those rules. No one said you have to specifically talk to the Supervisor. You are addressing the Town Board when you speak, and the Town Board does take notes and this is what has been happening.

Some comments about -- about the audit. Um, what I would like to say is, I'm very pleased with what the Town has done, as Councilwoman Ignatowski alluded to with our budget and our finances and what we do with spending. The department heads responded very well to a direction to reduce costs at all cost. We want to reduce costs, what we can do to reduce costs.

The budget that you're referring to, and if the implications seem to be a little bit of an over taxation was actually Supervisor Logel's budget. We were just working with that budget that she had put up, and we were being a little bit -- understanding the times today and understanding the financial challenges that we're all going through, we were very careful in spending this year, and ended up with -- with some surplus out of that, because of the spending and the lack of spending, if you will, and the responsibility that the department heads took to reduce costs in the Town.

And Mr. Pikueta, I will have a conversation with Mr. Lindsay about your problem, to see if there is something we can do. I don't know what that is, but I will have a conversation with him. This is news to me. I never heard of this before. I will certainly look into that.

Anything else? Oh, the Local Law numbers. Actually, I would ask Rich (Stowe) to -- if you could help with that. I know we talked about this a while back, why we dropped the local law numbers from -- the actual numbers on there. If I'm not mistaken, they were fairly insignificant as far as --

RICHARD STOWE: The legal significance of having the Local Law numbers in the resolutions, you're correct, they're insignificant. The reason they're not included is not to try to confuse the public but rather because the Secretary of State requires the Local Law numbers to be assigned in the order that they are adopted, not in the order that they are introduced. There are several years where we have had multiple local laws introduced during the year, conducted Public Hearings on those local laws, and then adopted them in an order that was not the same as the order that they were introduced.

The Board is considering the Local Law tonight that we held two Public Hearings on that we amended and held a second Public Hearing, and if we had assigned that Local Law a number when it was introduced, had two Public Hearings, introduced one in between and then adopted it, the Local Law number would not stay with it. It is not something this Board has control over. It is the order that they're filed with, the Secretary of State, that controls it. We have had a couple of occasions where the Secretary of State has called and said you submitted this as Local Law Number 3. We never found Local Law Number 2 to be submitted. That was because it was

never adopted in the form and we were in the process of amending it. Simply trying to comply with the law of the State of New York. No other reason.

SUPERVISOR DUNNING: Thank you.

COUNCIL WOMAN IGNATOWSKI: Once again, I just wanted to clarify that all of the -- that \$1 million is not -- was not all just tax increases. I will repeat the statement on Number 6, of this audit, "The Town continues the approach of user fees covering expenses for revenue generating departments and thereby relying less on real property taxes and one-time revenue streams."

So all that money is not just from taxes. It is also from other revenue streams.

SUPERVISOR DUNNING: Thank you.

Anyone else have any other comments on the Public Forum?

COUNCIL WOMAN DI FLORIO: One point of clarification, and I think I'm correct, but I wanted to ask, the corrections that he found in terms of the exemptions being wrong, those properties will be billed for the full -- or the adjusted amount now that it has been caught, so it is not like that money has been lost to the municipality.

SUPERVISOR DUNNING: That's correct. And the school districts will directly bill. As I understand it, Wheatland-Chili, Churchville-Chili will directly bill the affected parties.

COUNCIL WOMAN DI FLORIO: Thank you.

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: I got a really great letter today, and I would just like to read the first paragraph from it, if I may.

COUNCIL WOMAN DI FLORIO: Very exciting.

SUPERVISOR DUNNING: Tracy (DiFlorio) happened to be in the office when this came in today. This was addressed to me. And this is coming from County Executive Maggie Brooks.

"I'm pleased to inform you that the Monroe County Legislature at the July 14th, 2009 meeting approved funding for the Baker Park Trail property in the amount of \$145,000 as a part of the third round of the Monroe County Green Space initiative."

So obviously that's was very good news.

We have submitted for this grant hopefully to work a little bit on -- on Phase 2, if you will, of the Baker Park, and this was wonderful news. 145,000 will go a long way to working on our trails back there and hopefully get that started.

Also, today I received -- actually, this one is again from the County, but "The Office of the Aging will be awarding your Town an enhancement grant for the 2009 program year. Your revised allocation is as follows: And they are giving us an additional \$4,000 in funds for the Senior Center from the Office of the Aging."

Two things, very good news that came in the mail today.

COUNCIL WOMAN IGNATOWSKI: Was that submitted because we had a particular project in mind, the additional 4,000?

SUPERVISOR DUNNING: No. As a matter of fact, Maryanne (Sears) our -- is working right now on -- it's -- it's basically at the Town's discretion for the Senior Center, or for senior activities. All of the money is to be spent. Nothing specific we're told this needs to be spent on. Maryanne (Sears) is working right now to identify exactly what that money will be used for.

Pending Matters:

1. Vacancies on Special Police & Crossing Guard.

SUPERVISOR DUNNING: We still have vacancies on the special police and crossing guard.

MATTERS OF THE TOWN COUNCIL:

COUNCIL WOMAN IGNATOWSKI: Just a quick thing.

If we had an economic development position, I would give this article to them, so I don't know whether it should be to you or Chris (Karelus). But did you see the -- it was in the D & C on July 31st, an article about some funding that is available. It is a \$1.7 million in economic stimulus funds that are available for business development and growth projects in communities of 50,000 and less. The money is available to public organizations, corporations, partnerships, non-profit groups, federally recognized Indian tribes, public bodies and individuals.

So I thought we fall under that less than 50,000, and I don't know who might be able to benefit from that, but I just wanted to bring that to your attention and to whoever might be having a -- conversations with those interested in economic development in our Town.

SUPERVISOR DUNNING: Thank you. I will take it. Great.

REPORTS SUBMITTED:

Community Center Revenue Report -- June '09
Recreation Center Revenue Report -- June '09
Senior Center Revenue Report -- June '09
Monthly Financial Report -- May -- June '09
Conservation Board Minutes -- 6/1/09

Town Clerk Report – July 2009
Drainage Committee Minutes – 6/4/09
Library Board Minutes – 6/23/09
Recreation Advisory Committee Minutes – 6/10/09
Zoning Board Minutes – 6/23/09

CORRESPONDENCE:

1. Mr. Brongo has received formal notification from the Landing Strip property located at 1280 Scottsville Road, Rochester, NY 14624 in the Town of Chili of their intent to apply for a renewal of their liquor license #3010549 with the State Liquor Authority.

Old Business:

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: We will leave this. We're still working on this.

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

OFFERED BY: _____ **SECONDED BY:** _____

RESOLUTION #224 RE: School Crossing Guards

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

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

HELD

New Business:

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: The question on this was explain who decides how, and, David (Lindsay), I will turn it over to you. If you will turn on the mike, I would appreciate it.

DAVID LINDSAY: We look at the number of trips made throughout the year and develop a cost based on what we call the loaded rate, which includes the benefits paid to employees as well as materials and equipment costs to determine what that cost will be and pass that onto the school districts.

SUPERVISOR DUNNING: So that includes everything, labor, salt, wear and tear, everything that you look on on the vehicles.

DAVID LINDSAY: Yes, it does. We have a chart that we use for equipment usage as well as one for the loaded grades and the material costs we add onto that, so yes, it does.

SUPERVISOR DUNNING: Thank you.

COUNCILMAN SLATTERY: In regards to this contract, will our roads be a priority over theirs?

SUPERVISOR DUNNING: I will turn that over to Mr. Lindsay again.

DAVID LINDSAY: Yes. I think I -- I would defer to Counsel on this, but I think the way the contract is structured, that our roads take precedence.

RICHARD STOWE: I would like to make one other point for both purposes of the -- this contract and the service levels in general. We have been doing this a great number of years. This is not a new event. No obligation in the new agreement is going to affect service any differently than the service that has been provided for as long as Chili's Highway Department has been maintaining this. So I don't think the service levels on our roads are going to suffer, and I don't envision anything different under this agreement that has been going on for over a decade. We have been doing this under a similar arrangement with a different piece of paper.

DAVID LINDSAY: I would just like to add that is definitely correct. I think the time it takes us to make a pass through the parking lot, it's -- the route -- the truck that does this particular parking lot, um, it's part of their -- their standard route. It adds minutes to what they would normally do throughout any typical salting operation.

COUNCILMAN SLATTERY: And it is basically when the school is open?

DAVID LINDSAY: Yes, that's correct.

COUNCILMAN SLATTERY: So say we get a storm on a Friday night. Are we going through on a Saturday or Friday night, or are we waiting, or are we going Monday, and are we doing the whole parking lot or just doing the main loop?

MR. LINDSAY: I believe we're doing the main loop and perhaps the staff parking area, as well. I would have to double check on it just to be sure.

COUNCILMAN SLATTERY: So staff parking area is basically the parking lot, so the

large parking lot.

So I -- from what I understand in the past, we had like a gentleman's agreement from what I was told, or did we have a signed document?

DAVID LINDSAY: I believe there has always been a signed document in place.

RICHARD STOWE: There has always been a signed document. There were some modifications under the General Municipal Law to the intermunicipal agreement form. This seeks to bring us where we need to be for both the School District and the Town.

COUNCILMAN SLATTERY: What other towns have signed an agreement? Do you know if Riga, Ogden --

RICHARD STOWE: I do. I know Riga does. I can't speak about Ogden.

COUNCILMAN SLATTERY: Okay. Because I -- I know there was some concerns in regards to the priority, who gets service first, what are the issues and so forth, so I wanted to make sure that, you know, we're not having to run out there first and our taxpayers -- okay. Do we have this with all four school districts? I know the other -- two of the -- two of the four really don't have any utilities or spots in the Town.

Are we doing anything with the Town of Gates Chili -- excuse me, with Gates-Chili School District?

DAVID LINDSAY: No, I don't believe so.

COUNCILMAN SLATTERY: And do you foresee anything with them?

DAVID LINDSAY: I have not been contacted by them.

COUNCILMAN SLATTERY: With this agreement, are we doing vice versa where the School District can do work for the Town of Chili?

MR. LINDSAY: I don't have the agreement in front of me, but I don't believe that is incorporated into that agreement.

RICHARD STOWE: No.

COUNCILMAN SLATTERY: People laugh and think it is funny.

RICHARD STOWE: The answer is no.

COUNCILMAN SLATTERY: But Churchville-Chili does work for the Town of Riga. So they do work for them.

RICHARD STOWE: Correct.

COUNCILMAN SLATTERY: So people think it is sort of a stupid question.

RICHARD STOWE: No, it is not at all.

COUNCILMAN SLATTERY: Labor and equipment rates, they will be for the actual. If we're paying time and a half for our employees --

DAVID LINDSAY: Yes, I believe so.

COUNCILMAN SLATTERY: -- they will be reimbursing us for that rate?

DAVID LINDSAY: Yes.

COUNCILMAN SLATTERY: Okay. That's all I have. Just as long as Counsel is okay with this agreement.

RICHARD STOWE: Yes.

COUNCILMAN SLATTERY: I know the size of it has increased with different lawyers involved.

RICHARD STOWE: And different requirements from the State.

COUNCILMAN SLATTERY: Right. Okay. That's all I have. Thank you.

RESOLUTION #262

RE: Intermunicipal Agreement

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

WHEREAS, the Town of Chili and Churchville Chili Central School District have entered into agreements in the past allowing for Town equipment and personnel to provide salting of roads, parking lots and paved areas at the Districts Chestnut Ridge Elementary School in the Town of Chili with said services to be billed to and paid by the District; and

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Dunning is hereby authorized to execute an intermunicipal agreement with the Churchville Chili Central School District for said services subject to review and approval of said agreement by the Counsel for the Town.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: I have something to pass along from the Conservation Board. While they recognize that the landscaping has been implemented, their concern is things have not been maintained. Apparently there is a lot of weeds growing throughout the landscaping and they don't know if there is anything that can be done. It doesn't impact this vote because they already put it in, but they just wanted to pass it along they're concerned about the maintenance and I don't know what can be done about that.

SUPERVISOR DUNNING: We'll talk about that tomorrow.

RESOLUTION #263 RE: Letter of Credit Release Aramark Corporation

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that per the recommendation of the Building Department Manager, \$25,200.00 be released from the Letter of Credit with JP Morgan Chase Bank (#TPTS-737109) for landscaping associated with Aramark Corporation, leaving a balance of \$0.00.

UNANIMOUSLY APPROVED

RESOLUTION #264 RE: Roberts Wesleyan College Parade

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

WHEREAS, Roberts Wesleyan College has asked for the Town's permission to hold a Homecoming Parade on Saturday, September 26, 2009 at 11:00 a.m. to last for approximately one hour; and

BE IT RESOLVED that the Town Board hereby authorizes Roberts Wesleyan College to hold Their Homecoming Parade on September 26, 2009, following the route outlined in their Correspondence, provided they notify the Monroe County Sheriff's Office at Zone C, the Chili Fire Department and Ambulance and provide a certificate of insurance naming the Town as an Additional insured prior to the parade; and

BE IT FURTHER RESOLVED that the Town Clerk shall send notification of this resolution to Roberts Wesleyan College.

UNANIMOUSLY APPROVED

RESOLUTION #265 RE: Authorize Attendance at the New Funding Meet the Project Leaders Conference

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED to authorize David P. Lindsay, Superintendent of Highways, to attend the New Funding Meet the Project Leaders Conference to be held August 20, 2009 in Rochester, New York, at a cost not to exceed \$25.00.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: I think we answered the question why no Local Law number.

RESOLUTION #266 RE: SEQR Determination – Local Law# _____ of 2009 for the Adoption of the Updated Code to the Town of Chili

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

WHEREAS, the Chili Town Board has received the proposed Local Law# _____ of 2009 for the adoption of the updated Code to the Town of Chili; and

WHEREAS, the Chili Town Board has declared itself lead agency under the provisions of the State Environmental Quality Review (SEQR) Act; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Chili, having reviewed the environmental record and having considered the comments at the public hearing hereby determines that the Local Law# _____ of 2009 for the adoption of the updated Code to the Town of Chili will have no significant environmental impact

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

RICHARD BRONGO: There is a correction. It should be Councilwoman Di Florio, not Councilman.

COUNCIL WOMAN DI FLORIO: Thank you, Dick (Brongo).

COUNCILWOMAN IGNATOWSKI: Do we have to amend that?

RICHARD STOWE: I'm trying to find where it is.

SUPERVISOR DUNNING: At the very last.

RICHARD STOWE: Oh, at the bottom.

SUPERVISOR DUNNING: Is that a typo?

RICHARD STOWE: Rich (Brongo) no, you don't need to amend that. Go ahead.

COUNCILMAN SLATTERY: In regard to down at the bottom where it says, "Absent, the Town of Chili"?

RICHARD STOWE: Never mind. I don't know where that came from. That will get cleaned up in the minutes.

COUNCILWOMAN IGNATOWSKI: That is another typo.

RICHARD STOWE: Don't worry about it.

COUNCILMAN SLATTERY: Town of Chili, or Town Chili. Hopefully Town of Chili is not absent (Laughter.)

SUPERVISOR DUNNING: Hopefully not.

COUNCILMAN SLATTERY: In regards to some modifications that we talked about regarding the fees and so forth, I believe that was going to be handled at a later date for the Plumbing Board? Huh? Or the plumbing licenses. When we talked -- I know I'm getting a little off here. When we talked about the Plumbing Board and the fees and all of that, when we get to -- we'll be looking into that.

SUPERVISOR DUNNING: The fees aren't going to change.

COUNCILMAN SLATTERY: Fines I'm talking about. I'm sorry. Fines.

SUPERVISOR DUNNING: When we get into recodification, we'll look at some --

RICHARD STOWE: Fines, yes.

COUNCILMAN SLATTERY: I said, "fees." I'm sorry.

SUPERVISOR DUNNING: Fines. We had talked -- we had some conversation about the fines, and I know the public had some concern about not having the -- at least a \$250 fine assigned like in some other areas of the code.

At this time, we do have the revocation of a plumber's license, which is pretty serious. They lose their ability to do plumbing in the Town of Chili, which would prohibit them from earning any money here. And when we get into recodification, one of the notes we have made is to look at that area and generally do that in any other part of the code where it would be appropriate to do so. It is in a lot of the code and very generically at the end of each one of the chapters or each one of the portions of the code.

COUNCILMAN SLATTERY: Okay. Thanks.

COUNCILWOMAN SPERR: It had been discussed in a public meeting, and I'm pretty sure you had mentioned this, Supervisor, that there were some and will be some changes to that code, but at certain point in time, you needed to stop and approve this or we couldn't move forward. So we do anticipate there will be some changes which will be good changes, too, but it is a good document and a lot of work went into it. And some of the changes that we are implementing through the passing of this code needed to be implemented, so.

RESOLUTION #267 RE: Adoption of Local Law# ____ of 2009 for the Adoption of the update to the Town Code, Town of Chili

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski

PURSUANT TO A CALL OF A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK, WHICH WAS DULY HELD AT THE TOWN HALL, 3333 CHILI AVENUE, ROCHESTER, NEW YORK 14624 ON THE 5th DAY OF AUGUST 2009, AT 7:00 P.M

WHEREAS, a proposed Local Law # ____ of 2009 was introduced to the Town Board of the Town of Chili, by Councilman Slattery on the 4th day of March, 2009 and,

WHEREAS, at a meeting of the Chili Town Board held at the Town Hall in the Town of Chili, New York on the 3rd day of June, 2009, a public hearing was held at the 7:00 p.m. to consider adoption of the proposed Local Law # ____ of 2009 "to amend chapter 378 of the code of the Town of Chili Entitled "Plumbing Licenses.;

NOW, THEREFORE, BE IT RESOLVED, that the Local Law # ____ of 2009 is hereby enacted by the Town Board of the Town of Chili.

Duly put to a vote as follows:

Present:	Supervisor Dunning	voting	Aye
	Councilman Slattery	voting	Aye
	Councilwoman Sperr	voting	Aye
	Councilwoman Ignatowski	voting	Aye

Councilwoman DiFlorio voting Aye

Absent:

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: There was a question about some of the -- this particular firm. Dianne (O'Meara), are you aware of anything of that nature?

DIANNE O'MEARA: No.

SUPERVISOR DUNNING: And I believe we have -- if I remember right, we're going to go over to Rich (Stowe), that we have talked about the specific contract and we discussed at the last Town Board meeting that we were fairly well protected by this.

RICHARD STOWE: The authorization for the contract.

SUPERVISOR DUNNING: For the contract.

RICHARD STOWE: Yes.

SUPERVISOR DUNNING: And the Town is fairly well protected from any impropriety or anything that would jeopardize our funds.

COUNCILWOMAN SPERR: We have also spent the last year observing the performance in this and pretty much watched how everything worked, done our homework on this, and I feel very confident with the abilities --

COUNCILMAN SLATTERY: I guess I'm feeling a little bit of the opposite. Hearing --

COUNCILWOMAN IGNATOWSKI: Go ahead.

COUNCILMAN SLATTERY: Hearing the comment that was made, and the urgency of moving forward with this now, instead of doing our due diligence, if there is a concern that was brought to our attention, and it is a serious one, I'm cautious to -- to move forward with this without doing our due diligence to review that first.

Whether -- I know things have been brought up in the past and we have looked into it, we took the time, we delayed the vote and they came up bogus, which I hope this would, as well. But looking at the investment and what we're talking about here, I know there are protections in place, but at the same time, something was brought to us, and I -- and I guess I would ask Dianne (O'Meara), are you aware, have you been online? Have you seen, heard, anything in regards to that?

DIANNE O'MEARA: No, have not heard of anything.

COUNCILMAN SLATTERY: And the -- how -- if we don't do this and table this tonight and we vote on it at the next Town Board meeting, would that be a problem, issue?

DIANNE O'MEARA: I don't think so.

COUNCILMAN SLATTERY: So hearing that, and I will let the other Board members speak.

COUNCILWOMAN SPERR: That's fine.

COUNCILMAN SLATTERY: Before I -- before I go any further, but if there is any questions or comments or statements the other Board members would like to make.

SUPERVISOR DUNNING: I tend to agree with you, Councilman. I think you have made a very good point.

I think the question is, and I wrote down here, "fines." I would like to know why. I mean what were the fines specifically for? If, in fact, they were fined. And I'm not doubting that that information is there. But what was this all about? Why were they fined? I mean -- parking tickets, or, you know, what was involved in here? And I tend to agree with your comments, and I think tabling it at this point -- I guess I would recommend and I would move that we table this resolution and hold this until at least we get the proper investigation.

COUNCILWOMAN SPERR: And I would second that, too. I just caution everyone that if it is not going to affect -- or not making a decision tonight won't affect anything, I don't have a problem with that. But I will want to make sure that as we vote on this at the next Town Board meeting, and if it is resolved that the fines have absolutely nothing to do with how it would affect us, that the company's name, by -- by having a resident bring this up, that we make sure that we qualify our statements at the next meeting, if it is found to be -- erroneous statements made.

COUNCILMAN SLATTERY: Sure, without a doubt. I think we have a responsibility, and I think we're --

COUNCILWOMAN SPERR: Sure.

SUPERVISOR DUNNING: I think -- I think we have a motion and it has been seconded. I moved it.

Dick (Brongo), if you didn't get it, I moved it and Councilman Slattery seconded.

COUNCILWOMAN SPERR: I seconded it first, but it is okay. You can put his name down.

SUPERVISOR DUNNING: So on the motion to table. UA to table.

RESOLUTION #268 RE: RBC Dain Rauscher Portfolio Focus Client Agreement

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

WHEREAS, David Rogers of RBC Dain Rauscher presented investment management options for the Chili Fire Department Inc Service Award Program at the July 8, 2009 Town Board meeting; and

WHEREAS, investment management services provided by the LOSAP Group of RBC Dain Rauscher are advantageous to assist the Town Board in their trustee responsibilities; and

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Dunning is authorized to sign the RBC Dain Rauscher Portfolio Focus Client Agreement.

Motion to table:

Offered by: Supervisor Dunning

Seconded by: Councilwoman Sperr

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: There was a question about special counsel. Mrs. Leech is not here tonight, so I don't know the specific name of the counsel being used, but I will be more than happy to share that when I get that. Certainly, feel free to contact me and she will be able to share that with you. The cost not to exceed \$4,000, I know there was a question about that also. The resolution for the previous appraisal for the Beaver Road property was not to exceed \$5,000. It is common for us to use an exceed number so that if anything else has to be done, that we do have the legal way to do that. So it is just a number not to exceed. It is not a specific cost of the project -- or the appraisal.

RICHARD STOWE: Supervisor Dunning, if I may, I -- the appraisal process for a court-ready appraisal is not the same process that is followed for a market analysis appraisal of a piece of property. A court-ready appraisal in an Article 7 tax certiorari proceeding needs to be presented at court by an expert qualified to do so who has prepared the appraisal and familiarized himself or herself with the specific property, the comparables in a fashion to allow testimony to be taken. I don't believe we're engaging counsel by this resolution. I believe we're engaging an appraisal company, selected by our counsel, already handling the Article 7 case. I believe it is Gates and Adams, but please don't take that to the bank. Let -- let the information tomorrow confirm that with the Supervisor's office. I just wanted to make the distinction between the sort of appraisal some members of the public may be familiar in looking at with regard to the one that was mentioned and a court-ready appraisal. That is apples and oranges. That's all.

RESOLUTION #269 RE: 49 Jetview Drive

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

WHEREAS, the Town of Chili is currently in litigation of an Article 7 RPTL proceeding with Rochester Cornerstone Group assessment case, the court has ordered an exchange of appraisals; and

WHEREAS, it is recommended that special counsel be engaged to provide a court ready appraisal; and

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Dunning is hereby authorized to sign a contract to perform an appraisal on the property located at 49 Jetview Drive. Cost not to exceed \$4,000.

UNANIMOUSLY APPROVED

RESOLUTION #270 RE: Authorize Attendance to Highway Superintendents Fall Conference

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Sperr

BE IT RESOLVED to authorize David P. Lindsay, Superintendent of Highways, to attend the Annual New York State Town Highway Superintendent Fall Conference to be held September 22-25, 2009 in Lake Placid, NY, at a cost not to exceed \$900.00.

UNANIMOUSLY APPROVED

RESOLUTION #271 RE: Establish Letter of Credit for Commercial and Professional Office Development at 4348-4354 Buffalo Road

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that per recommendation of the Town Engineer, a letter of credit shall be established for Commercial and Professional Office Development at 4348-4354 Buffalo Road, in the amount of \$111,165.12.

Items within the letter of credit include, but are not limited to, construction of an internal storm sewer system, erosion control measures, hydrodynamic storm water treatment structure, bio-retention areas and the preparation of record plans to be submitted to the Town.

Additional provisions included within the letter of credit are a 10% construction contingency, a 5% contingency for Town Engineering inspection services and a 1% contingency for Town Administration.

UNANIMOUSLY APPROVED

**RESOLUTION #272 RE: Modify Resolution #244 of July 8, 2009
(Letter of Credit Bellaqua Estate)**

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Sperr

WHEREAS, certain text listed in the above resolution is incorrect: And

WHEREAS, the text of the resolution needs to be corrected to match account balances; and

NOW, THEREFORE, BE IT RESOLVED, to modify the text of Resolution #244 to indicate the following: "that per recommendation of the Town Engineer, \$37,669.00 be released from the funds being held on hand by the Town of Chili with the remaining balance of \$0.00; subject to engineering fees and street light bills to the Town."

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: I know there was a question from the public on this. David (Dunning), could you -- I believe the question is around why and -- how and why, why are we doing this now?

DAVID LINDSAY: This particular piece of equipment is accessory to the skid steerer that was purchased. Both these items were included in the original approved budget. It is a little complicated on why we're doing it this way, but essentially it boils down to we're trying to purchase both the equipment and the accessories at the least possible cost to the Town.

Initially, when we looked at purchasing the skid steerer, we were going to have to place it out to bid. After doing some research, we -- we found out that was going to be offered on the State contract. However, the landscape rake is not offered there. We decided to purchase the skid steerer through the State contract and purchase the landscape rake separately.

SUPERVISOR DUNNING: Thank you.

RESOLUTION #273 RE: Purchase of Landscape Rake

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, included in the approved 2009 budget is the purchase of one (1), skid steer loader replacement;

AND WHEREAS, certain accessories are necessary in order to fully utilize the skid steer loader

NOW, THEREFORE, BE IT RESOLVED, to purchase one (1) landscape rake from Bobcat of the Finger Lakes, D.J.M Equipment, Inc. At a cost not to exceed \$4,676.00 to be paid from the Highway Equipment Reserve Fund.

UNANIMOUSLY APPROVED

RESOLUTION #274 RE: NYS Association of Magistrates Training

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that Judge Patrick J. Pietropaoli and Judge Melvin L. Olver are authorized to attend the NYS Magistrates Association Annual Conference in Lake Placid, New York on October 19, 2009 through October 21, 2009. Total cost not to exceed \$900.00 per person to be

paid from account A1110.4 (Court Contractual).

UNANIMOUSLY APPROVED

RESOLUTION #275 RE: Training Court Attendants

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that Jim Batz, Scott Batz and Joseph Schweigert, Court Attendants attend yearly re-certification training on August 22, 2009, training to be held at the Hampton Inn, Irondequoit, NY \$50.00 each plus mileage to be paid from account A1110.4 (Court Contractual).

UNANIMOUSLY APPROVED

RESOLUTION #276 RE: Budget Transfer

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED to transfer \$500 from A1110.4 (Court-Contractual) to A1110.2 (Court-Equipment) to purchase two microphones.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: How much will this be for?

SUPERVISOR DUNNING: We have -- David (Lindsay)? I know -- was it a \$1.25 a dog? Is that what it is? We have a budget amount we --

DAVID LINDSAY: We have a budgeted amount within the budget for this year. We are contracting with an independent contractor to survey half the Town. They will be paid \$1.25 per dog.

Does that answer your question, Mr. Slattery?

COUNCILMAN SLATTERY: Yes, it did, sir. I'm writing it down.

Does this state how many people will be doing it?

DAVID LINDSAY: We're looking to hire one individual.

COUNCILMAN SLATTERY: Just one individual. And completion date?

DAVID LINDSAY: Anticipating about three months to do half the Town.

COUNCILMAN SLATTERY: And for some reason, if we don't get to that half of the Town at a certain time period, are we looking to have somebody else assist, or is this company that would be doing -- could we get additional help or so forth?

DAVID LINDSAY: I think historically we haven't had a problem with completing half the Town in that time frame. I have spoken with Linda Woods, the Dog Control Officer. She is comfortable with that time line. It usually takes us around two months, but she is comfortable with that three months that we should be able to get that done.

COUNCILMAN SLATTERY: When are we starting?

DAVID LINDSAY: Linda (Woods) has a pool of applicants she will be speaking to on the phone and calling in a handful of those to interview. I anticipate we'll probably start towards the end of this month.

RESOLUTION # 277 RE: Authorize Supervisor to Sign Contract for Dog Census Services

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

WHEREAS, the Town desires to complete a Dog Census survey;

NOW, THEREFORE, BE IT RESOLVED, to authorize the Supervisor to sign a contract with an independent contractor to assist the Town in completing a Dog Census Survey with said contract subject to the review and approval of Counsel for the Town and the costs for such services to be paid by voucher from Account #A3510.4 – (Dog Control Contractual).

UNANIMOUSLY APPROVED

RESOLUTION #278 RE: July 15, 2009 Abstract

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski

WHEREAS, January 7, 2009 Resolution #1 authorized vouchers to be paid July 15, 2009 by all

Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 3340-3503 totaling \$117,498.39 to be paid from the Distribution Account as presented by Richard Brongo, Town Clerk

NOW, THEREFORE, BE IT RESOLVED, to note for the record vouchers 3340-3503 were paid from the following funds:

General Fund	\$ 60,469.60
Highway Fund	\$ 8,812.04
H46 2008-9 Annual Update Project	\$ 262.50
Consolidated Drainage	\$ 49.61
T&A-Letters of Credit	\$ 37,669.00
Special Light Districts	\$ 10,235.64
Total for Abstract	\$ 117,498.39

4 YES WITH 1 ABSTENTION (Councilwoman Sperr abstained.)

RESOLUTION #279 RE: July 15, 2009 Abstract

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilman Slattery

WHEREAS, January 7, 2009 Resolution #1 authorized vouchers to be paid July 15, 2009 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 3504 totaling \$97.50 to be paid from the General Fund as presented by Richard Brongo, Town Clerk.

4 YES WITH 1 ABSTENTION (Councilwoman Sperr abstained.)

RESOLUTION #280 RE: Abstract August 5, 2009

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

BE IT RESOLVED to pay vouchers 3852-3862 and 3876-3877 totaling \$146,806.41 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$62,285.62
Highway Fund	\$43,287.38
H45 Baker Park Project	\$10,642.25
H10 Highway Equip Reserve	\$27,454.82
Consolidated Drainage	\$ 3,136.34
TOTAL	\$146,806.41

UNANIMOUSLY APPROVED

RESOLUTION #281 RE: August 5, 2009 Abstract

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED to pay vouchers 3863-3875 totaling \$3,090.00 to be paid from the General Fund as presented to the Town Board by Richard Brongo, Town Clerk.

4 YES WITH 1 ABSTENTION (Councilwoman Sperr abstained.)

Supervisor Dunning made a motion to go into Executive Session to discuss a personnel matter, and Councilwoman Ignatowski seconded the motion. The Board was unanimously in favor of the motion.

Supervisor Dunning stated when the Town Board returned from Executive Session, no additional business would be conducted this evening.

The Board went into Executive Session at 8:17 p.m. and returned from Executive Session at 9:14 p.m.

The next meeting of the Chili Town Board is scheduled for Wednesday, September 2, 2009 at 7:00 p.m. at the Chili Town Hall main meeting room.

The meeting was adjourned at 9:16 p.m.