

Chilli TB 3-18-09

1 CHILLI TOWN BOARD 1  
2 March 18, 2009

3 A meeting of the Chilli Town Board was held on March 18,  
4 2009 at the Chilli Town Hall, 3333 Chilli Avenue,  
5 Rochester, New York 14624 at 7:00 p.m. The meeting was  
6 called to order by Supervisor David Dunning.

7 PRESENT: Councilwoman DiFlorio, Councilwoman  
8 Ignatowski, Councilman Slattery and  
9 Supervisor David Dunning.

10 ALSO PRESENT: Richard Brongo, Town Clerk; Jordan Brown,  
11 Deputy Town Supervisor; Dawn Forte,  
12 Supervisor's Secretary; Chris Karelus,  
13 Building Department Manager; Ann Lapine,  
14 Stenographer; David Lindsay,  
15 Commissioner of Public Works/Highway  
16 Superintendent; Dianne O'Meara, Director  
17 of Finance; Richard Stowe, Counsel for  
18 the Town; Eric Vail, Insurance Counselor.

19 This is a draft only and has not been filed according to  
20 Section 106 of the Public Officers Law. These are not  
21 certified verbatim minutes; they are a summary of the  
22 meeting. These minutes have not been approved by the  
23 Chilli Town Board, and therefore, are subject to change.

24 The invocation was given by Richard Brongo.

25 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:  
Heath Miller, Ron Pikuet, John Ferlicca, Jerry Brixner,  
Jim Vandervoort, Irene Brixner. The Public Forum  
concluded at 7:25 p.m.

SUPERVISOR DUNNING: I'd just like to make a  
couple of quick responses, if I may, here.  
One, Mr. Miller, as I mentioned to you when we  
talked about the location of the property that we were  
talking about here, I did mention to you that there was  
not a survey done at this point, and that certainly was  
something that would be done before we finalized or got  
any further along in this project, as well as, if you  
recall, there was a resolution -- and I don't recall  
specifically the date -- to allow the Town of Chilli to go

out and get an appraisal for the property for the  
relocation of the Highway garage. That resolution was  
approved, and we did go out and hire someone to do an  
appraisal for us, and we did do that. So as we progress  
through this, I'm sure you'll find that everything will  
be well in order and the town will be well protected if  
and when we move forward on the purchase.  
Can I -- just a couple of other comments that were  
made. I don't expect everybody here to be a technology  
expert, but the surveys that went out were not e-mailed

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to the Town of Chili, they were done through an electronic survey response. There are no e-mail addresses attached. When the responses to the surveys came in, they came into a database which was managed by -- not managed, but the survey was created by our Director of Information technology, and he also printed out the results of that. We did nothing on the in between. The results just came in, and we had a tabulation of those. The outcome or results of those surveys are a very public process. We had a meeting -- I believe it was last week -- those meetings are announced and put on the town's website. It is a public process in which the public is certainly more than welcome to come in. To this point, no one has ever come in to one of these meetings. So the public is certainly invited to be there as we go through the surveys and put the data together. They are in the possession of the Chairman of the ad hoc committee. So it's a very public process, and I don't expect that to be any different.

And as far as -- I'm really confused, because I keep hearing things about relocating town facilities, and I have no clue what anybody is talking about about that. I'm baffled, because there are no plans at this current time to do anything of that nature. I'm unaware of anything at all, if we move anything to Beaver Road other than the essential move of the Highway garage.

And I would also like to just comment on the "where is the money." The money, according to a letter I recently received from Susan John, which I have shared, that basically reassures that the money -- to the best of their knowledge, the money is still there; the money has not been pulled, it has been put in a location which, as I understand it, that it is my understanding that it cannot be retracted at this point; the money is there for us to have. It's being managed by the Dormitory Authority of the State of New York, and I have been in contact with them, and they have also affirmed that there is no pulling of those funds at this point in time. And until we have a location -- hence the property we're looking at purchasing -- we cannot look forward to this

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grant. So without the property purchase, we won't get the money to move the Highway garage. And I'm very much in favor of moving the Highway garage. Contrary to what the comments were, I think it's very much needed to protect the equipment of the Town of Chili and upgrade our facilities. We'll get much better emergency facilities, get much better places to store our equipment -- instead of storing them outside in the elements, we can store them inside, which will save the town money in maintenance costs and hopefully, in vehicle costs over time.

But with that, following up on Mr. Vandervort's comments, the town will comply, when we move forward with any construction for the town, to comply with all regulations that we need to comply with in order to build that facility.

With that, I'd just like to thank everyone for their comments tonight. I do appreciate you coming.

Any members of the town board have anything they'd like to offer?

COUNCILWOMAN IGNATOWSKI: Just a couple of other things that came up. I had another question that -- with the Recreation and other reserve funds being pulled over into the facility with the Highway Department; they can't. My understanding is that that is set aside for a particular

purpose, and you can't just pull Recreation over into the Highway garage.

We did have the appraisal, and it's my understanding that our purchase price is less than what that appraisal came in at. So I wanted to bring that up, as well, regarding that purchase price. And we, as a Board, were given the contract to be able to review prior to the Town Board meeting. We weren't voting on that, but we had seen it, and the Supervisor did keep us apprised of it, and we did have an opportunity to review that contract. So I didn't have questions coming to the Town Board meeting because it was already handed out prior to that.

And as far as putting it on for a general election, that would really --

AUDIENCE: Can't hear you.

COUNCILWOMAN IGNATOWSKI: As far as putting it on for a general election -- a vote -- that, to me, would hold up the process, as far as too long, because we're in March now, and we'd have to wait all the way to November in order to do that, and that land may very well not be available if we waited that long to go through that process.

And I did have a question, too, as to the survey results. When is that going to be disseminated to the

Town Board?

SUPERVISOR DUNNING: Well, the committee met last week, and unfortunately, there was a poor turnout; a couple of the members were ill and couldn't make the meeting, so they decided to wait until the next meeting, which I believe is next week, so they'd have a full crew to take a look at that. Right now, they're still shooting for that April time frame; April, maybe May. They may need a little more time. There are quite a few surveys there, a lot of information to assess, and they're not sure exactly how they're going to capture some of it. We're working on getting together a nice spreadsheet for them to help speed along, if you will, the tabulations from the data. The written comments -- and there were a lot of them -- and it's the written comments that are going to be very, very challenging to capture some of those comments. So I don't know -- the goal still is shooting for that April/May time frame, but I really don't have a good feel for that right now, and I don't think they do, either.

COUNCILWOMAN IGNATOWSKI: I think with written (phonetic), you'd almost have to categorize the various comments and put them underneath the headings. That's how it was done in the past, so you'd have a general idea of how to do it.

SUPERVISOR DUNNING: It's going to be challenging, but I'm sure they're up to the task.

COUNCILWOMAN DIFLORIO: Do you know how many responses there are?

SUPERVISOR DUNNING: 868, 870, somewhere in that respect, I believe is what it was.

COUNCILWOMAN IGNATOWSKI: Oh, one other thing. The light on Scottsville Chili Road. I agree absolutely. The Town, many administrations ago, absolutely wanted to have that light put in. That's why they at least put in the conduits for it. It's a State road. You have to give in to the State. So be my guest. Go and call them up. We would love to see a light there, but that's not our decision.

COUNCILWOMAN DIFLORIO: I was going to say that,

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as well, because when I was on Traffic and Safety, we looked at that intersection, and there was nothing that we could do about it, either.

COUNCILMAN SLATTERY: Before I make any comment, Counsel, with the comments that were made tonight, is there anything that you could add to them from us, from a legal standpoint of some of the different issues that have been brought up?

RICHARD STOWE: well, with regard to the survey, I think it's already been addressed. The purchase and sale

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contract does, in fact, call for the survey. The property to be acquired as described in the purchase offer is understood between the parties, but there isn't a formal instrument survey of the property yet, much less any other contract to buy property. That's a condition of the contract, and there will be a survey of the property. Is there one now? Not of just that parcel.

COUNCILMAN SLATTERY: So basically, the information and the misinformation that was brought to this Board about having a survey, at this time, one wasn't done legally; that's something that would be done before the transfer?

RICHARD STOWE: There are parcels that have changed hands that have already been surveyed. This is a proposed purchase, with many conditions, of a part of a larger parcel that is yet to be described separately and to be surveyed separately. That's all.

COUNCILMAN SLATTERY: So the Town is basically just following protocol, the normal procedures, and we're not taking anything out of context or out of line.

RICHARD STOWE: I don't believe so.

COUNCILMAN SLATTERY: Okay. Thank you. And I think that's important for the audience and the people that are here that may watch this, to understand that the Town is basically following the normal steps when it comes to purchasing the property.

And I agree with the traffic signal that was mentioned. I think the people that come here know that it's a state road, that it's a state responsibility for that traffic signal. We asked when we did the Chili Avenue improvements to put the conduit, put the infrastructure in so when it comes time -- you may shake your head and you may not agree, but unless you can pound the door in New York State and get the Governor to bring \$100,000 for a new traffic signal -- I welcome it, because we do care about our constituents, we do care about the people that travel up and down that road. We would love to see a signal there. I pulled out of the Bank of Castle. I would love to see it. So now I welcome you and any power that you have to go to Albany and to bring those resources here.

A couple of speakers that have experience in local government, whether it's the County Lej or the Town Supervisor's position, you know the format, you know the formalities, you know the things that need to be done. We're here to work with people, we're here to have open government. Mr. Brixner made his comments about the open meetings. I was the one who made the comment, and it came from the Association of Towns, this magazine (indicating) -- I can give you a copy of it -- where it

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says, under Participation in Town Board meetings, 6  
OML-AO-4657: The amount of time each person is permitted  
to speak must be reasonable, and a public body can adopt  
reasonable rules to govern participation. Generally, the  
committee believes that three to five minutes per person  
is accepted practice.

This isn't something that we came up with. We  
want to hear the concerns of our community. I speak to  
the people all the time. I go into Wegmans, my wife has  
to continue on with the shopping because I'm still stuck  
at the front door, because the people have questions, they  
want to know what's going on. Very pleasant. Very pleasant.  
So we welcome people's participation here. And I just --  
there is some misinformation out there, and you talk about  
moving the Senior Center? If somebody has plans for that,  
we'd love to see them, because we ain't seen anything in  
regards to that. When they talk about moving the Rec and the  
Court, bring them on. I'd love to see them. There was a  
developer that came to the Town under a previous  
administration that wanted to do something; obviously,  
that hasn't been done. So we hear misinformation that's  
out there. Let's clarify it. This Board does not have any  
plans -- proposals in front of them to move anything but  
the Highway Department.

Am I correct with that?

SUPERVISOR DUNNING: You are.

COUNCILMAN SLATTERY: So the misinformation that  
is being put out there, I just -- come to us and ask us  
before you accuse us of doing something. That's all I  
ask. Thank you.

MR. BRIXNER: Mr. Supervisor, is there any --

SUPERVISOR DUNNING: Mr. Brixner --

MR. BRIXNER: Are you still in the public forum  
period?

SUPERVISOR DUNNING: No, sir.

MR. BRIXNER: I haven't used my five minutes, have  
I?

SUPERVISOR DUNNING: We are not in the public  
forum period anymore. We closed the public forum a few  
minutes ago. It's time for the Town Board to respond to  
public comments.

Does anyone else have anything they'd like to add?

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: Okay. Under Matters of the  
Supervisor, I would just like to share a couple of  
things. I hope everyone got a chance to read Sunday's  
Democrat & Chronicle and what a wonderful, wonderful  
article they wrote, and really giving a lot of praise to

the Town of Chili, as well as the Town of Penfield, for  
our website and the openness and the amount of  
information that we provide out there to the public. The  
article was absolutely wonderful. They did a great job,  
and I was very pleased to see very positive headlines,  
and it was very nice to see Chili at the top of its game  
and people, you know, asking other people to be more like  
Chili, rather than us trying to be more like other  
communities. So I was very pleased with that particular  
article. And I hope you all got to read it. If you  
didn't, I would highly recommend you go on line and take  
a look. It was a great article.  
COUNCILMAN SLATTERY: I thought it was fabulous.  
And we sit here and hear the criticism about the website  
and the information that's out there, and for the D&C to  
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go and do that research and have an independent body to go and say that us and another municipality in the area are top of the game, I think that's very positive. Maybe people will now give us a little thank you for the job that our employees do.

SUPERVISOR DUNNING: And I do need to say that that is a credit to Chris Levey, our Director of Information technology. He's just done an absolutely marvelous job working with some of the things that I'd like to see happen and some of the things I know that you've shared with him that you would like to see on the website, and the information -- our FOIL requests are out there and all kinds of other things. It really is a great website, and obviously, it's been recognized as such, and it was very, very nice to see.

Also, I had a really great opportunity today, and I just wanted to share this, mostly for the public, to -- they had the Mayors for Meals today. Meals on wheels puts this on annually, where they invite mayors, supervisors, elected officials to come in and deliver meals to seniors and people who can't get out of their homes to get meals. And we got a tour of the facility and got to meet some of the people who are doing this work, and it was just an amazing opportunity. I enjoyed it. I came back with a few meals and I had to deliver them, and actually, they smelled really good, and I was really hungry at the time. And I didn't eat one, though, but I wanted to. (Laughter.) And one of the things that they stressed today and they emphasized was that they really, really are in need of volunteers to help deliver meals. And I got to see for the first time, frankly, the importance and the impact of this type of a program. And I guess I would plead to the Chili community to consider donating a little bit of your time. It took all of maybe 45 minutes to deliver the meals, and the people were so

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happy to get them. They were really appreciative of what was going on here, and it felt really good to do this today. And I will do some more, because I liked it. But I urge the community to consider spending a little time and participating in this program and get these meals -- I was able to take these to Chili residents, which was really nice, and I didn't realize that the program was that active in the town; it's very active in the town. And it was a wonderful experience.

So with that, I will move on to -- we do have some vacancies. We have vacancies still in Traffic Safety, Rec Advisory, and also, I was a little negligent in this one, but didn't realize, the Special Police, we still have some vacancies there. I believe we have one person who's part-time Special Police, so we do have some vacancies there, so I encourage the public to please fill out those volunteer applications so that we can hopefully fill these committees very shortly.

COUNCILWOMAN IGNATOWSKI: Special Police, does that require additional --

SUPERVISOR DUNNING: No. There's no -- correct me if I'm wrong, but as I understand it, there's no real special requirement.

RICHARD STOWE: There is some training that they go through that I think anyone who volunteers and wants to make themselves available for and knowledgeable of before they accept them for the responsibility. It's coordinated by the County and the Civil Defense folks. And I believe the training is conducted over at the Scottsville Road facility.

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SUPERVISOR DUNNING: Thank you. And with that, I'll move on to Matters of the Town Council.

MATTERS OF THE TOWN COUNCIL:

COUNCILWOMAN IGNATOWSKI: I just had a question that we've had before in pending matters, the purchase card policy, and it's not there anymore, and I just wondered what the status was on that.

SUPERVISOR DUNNING: Yes. The purchase card policy was posted for proper review for the Town employees and anyone who might be affected. It's posted on all the boards, and there's a required review period, and once that review period is over, we'll come back and revisit that.

COUNCILWOMAN IGNATOWSKI: Okay.

COUNCILMAN SLATTERY: One thing I have is -- I'm not sure if the other Board members received the information in regard to Earth Day cleanup, and I wonder if the Town is going to participate in this. And I think

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it would be an opportunity to do some volunteer work in our community, and -- just your thoughts and if you did receive this or not.

SUPERVISOR DUNNING: I did receive it, and it's still sitting on my desk, in my "do" pile. And right now, Mike, I don't know. I think it's a great program, and should we get involved? I think that there's great value in doing something like that, but I haven't given it a whole lot of further thought at this point.

COUNCILMAN SLATTERY: Well, I think it would be a great opportunity. I would volunteer my services to help with this in any way. I know that, you know, we do do something. I mean, I guess I would say communication with the individuals that are coordinating this and find out what type of areas do they generally go in, and then find out what areas we have in our community that resemble those, or can we do this at our parks -- there's a number of different locations that I feel we have in our community that would benefit from the --

SUPERVISOR DUNNING: I'd be happy to get you that information, if you'd like to bring it back, and if you'd like to take the leadership about that and help organize it, I'd appreciate that.

COUNCILMAN SLATTERY: I think it would be a great thing for our community.

SUPERVISOR DUNNING: I agree.

COUNCILWOMAN IGNATOWSKI: I have participated in the Scouting end of it, and I do know that they have areas that they have -- perhaps trash has been collected over the wintertime.

COUNCILMAN SLATTERY: And actually, the Scouts have done a fabulous job in the past. One example was at Davis Park, the job that they did along the entrance coming off of Paul -- off of Chestnut Ridge Road. They went and cleaned it up and raked it up and moved topsoil and moved stones. Yeah, I'd be more than happy to volunteer, and maybe we can get the Highway Superintendent involved in this, as well.

SUPERVISOR DUNNING: David is giving a thumbs up, indicating that he will be more than happy, and I note that Mr. Karelus isn't looking up at all. (Laughter)

Anything else?

COUNCILWOMAN DiFLORIO: I could probably hook that up with the Scout troops.

COUNCILMAN SLATTERY: And along the lines of,

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24 thinking of the Scout troops, some of the nonprofit  
25 groups; Chili Baseball, Chili Football, Chili Soccer. If  
our parks are an area we could go in, I think that would  
only help; once they have a tournament, if they could  
help beautify it, why not?

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1 SUPERVISOR DUNNING: All right. Nothing else? Ok  
2 Moving on.

3 The March 4th Town Board Meeting Minutes were approved as  
4 modified.

5 SUPERVISOR DUNNING: we do have several other  
6 reports that were submitted.  
7 Under Correspondence, Mr. Brongo has received  
8 formal notification from the Landing Strip property  
9 located at 1280 Scottsville Road to apply for a liquor  
10 license renewal with the State Liquor Authority.

11 Mr. Brongo, you just had something additional you  
12 wanted to add to that?

13 RICHARD BRONGO: Yes. Before, all that people had  
14 to do to renew their liquor license was send in a letter  
15 of intent that they were intending to renew, and they  
16 notified the Town in that respect, and then I sent back  
17 that we received a reply and we would send it in to the  
18 State. The state now is issuing a specific form that  
19 they have to send in to us; and they have to sign.  
20 Except in this particular instance -- I guess whenever  
21 they do anything, they have to fill out this form that  
22 says Liquor License Renewal. This particular facility is  
23 only doing an interior alteration, and they had to notify  
24 us of that because they're notifying the State. So I  
25 since have sent out a letter to that effect of the  
interior alteration that's taking place, and also  
notifying the Building Department that they might want to  
take a look at whatever they're doing on the inside that  
might require a building permit. But until the state  
gets a somewhat better form, we won't really know if  
they're applying for a liquor license renewal or doing  
something else unless it's totally described in the  
letter that they're sending us. So in fact, they are not  
renewing their liquor license, but they are updating it  
with interior improvements.

SUPERVISOR DUNNING: Thank you.  
Okay. Moving on to points of New Business.

9

1 RESOLUTION #157 RE: Chili-E-Fest Fireworks

2 OFFERED BY: COUNCILWOMAN IGNATOWSKI SECONDED BY: COUNCILWOMAN DIFLORIO

3 WHEREAS, three proposals were received for providing a fireworks  
display for the 2009 Chili-E Festival from the following vendors:  
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4                   telstar display fireworks                   \$10000.00  
5                   Young Explosives Corporation                   \$10000.00  
6                   Zambelli fireworks Internationale                   \$10000.00

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

8                   NOW, THEREFORE, BE IT RESOLVED, that per the recommendation of Michael  
9                   Curley, Parks and Recreation Director,  
10                  that Supervisor Dunning is hereby authorized to enter into a contract  
11                  with Young Explosive Corporation  
12                  for the provision of professional fireworks display at the 2009 Chili-E  
13                  Festival in the amount of \$10000.00 to  
14                  be paid from Account A7550.4 (Celebrations).

12                  APPROVED BY A VOTE OF 4 YES

16                  RESOLUTION #158 RE: Purchase of 1 Ton Truck Cab and Chassis and  
17                  Authorization to Advertise for Bid for Dump Body

OFFERED BY: COUNCILMAN SLATTERY   SECONDED BY: COUNCILWOMAN DIFLORIO

19                  WHEREAS, included in the approved 2009 budget is the purchase of  
20                  one (1) truck replacement with a dump body;

21                  NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase from NYS  
22                  OGS, Contract PC 68527; one (1) Regular Cab and Chassis from Fairport  
23                  Ford at a cost not to exceed \$18,000, to be paid from Account  
24                  #SD 8540.2 (Consolidated Drainage)

23                  NOW, THEREFORE, BE IT FURTHER RESOLVED, to authorize the  
24                  advertisement for bids for a 3-4 yard dump body.

25                  APPROVED BY A VOTE OF 4 YES

1                  RESOLUTION #159                  RE: Addition to Chili Fire Department, Inc.  
2    Active List

OFFERED BY: COUNCILWOMAN IGNATOWSKI   SECONDED BY: COUNCILWOMAN DIFLORIO

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

5                  Jack Leiker   David Duthoy   Liberato Biscardi   Austin Vanzile

6                                  APPROVED BY A VOTE OF 4 YES

10                  RESOLUTION #160                  RE: Removal from Chili Fire Department, Inc.  
11    Active List

OFFERED BY: COUNCILMAN SLATTERY   SECONDED BY: COUNCILWOMAN DIFLORIO  
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12 BE IT RESOLVED, that the following individuals be removed from the Chili  
13 Fire Department, Inc. Active List effective March 9, 2009:

14 Julie D'Angelo Nicholas Miraglia

15  
16 APPROVED BY A VOTE OF 4 YES

17  
18 RESOLUTION #161 RE: Establish letter of Credit for Aramark  
19 Corporation

20 OFFERED BY: COUNCILWOMAN IGNATOWSKI SECONDED BY: COUNCILMAN SLATTERY

21 BE IT RESOLVED, that per recommendation of the Town Building Department  
Manager, a letter of credit shall be established for Aramark Corporation,

22 in the amount of \$25,200.00.

23 Items within the letter of credit include, but are not limited to,  
various plantings, seeding fertilizing and restoration of disturbed areas.

24 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.

25 APPROVED BY A VOTE OF 4 YES

1 RESOLUTION #162 RE: March 18, 2009 Abstract

2 OFFERED BY: COUNCILMAN SLATTERY SECONDED BY: COUNCILWOMAN DIFLORIO

3 BE IT RESOLVED, to pay vouchers 898-1051 totaling \$312,477.18 to be  
paid from the Distribution Account as presented to the Town Board by  
4 Richard Brongg, Town Clerk:

5 General Fund	\$142,789.31
Highway Fund	\$128,653.99
Library Fund	\$ 610.25
Consolidated Drainage	\$ 304.47
Clifton Fire Protection District	\$ 2,266.00
Chili Fire Protection District	\$ 23,713.00
Scottsville Fire Protection	\$ 369.00
Park Place Sidewalk	\$ 2,616.24
Special Lights District	\$ 11,154.92
TOTAL	\$312,477.18

11 APPROVED BY A VOTE OF 4 YES

12  
13 The next meeting of the Chili Town Board is scheduled for Wednesday,  
14 April 1, 2009 at 7:00 p.m. at the Chili Town Hall main meeting room.

15 The Town Board meeting adjourned at 7:48 p.m.