

CHILI TOWN BOARD  
April 12, 2023

A regular meeting of the Chili Town Board was held on April 12, 2023 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor David Dunning.

PRESENT: Councilman DeCory; Councilman Slattery, Councilwoman Sperr, Councilman Valerio and Supervisor David Dunning.

ALSO PRESENT: Dawn Forte, Supervisor's Secretary; Sandra Hewlett, Stenographer; Jared Hirt, Counsel for the Town; Virginia Ignatowski, Town Clerk; Daniel Knapp, Director of Finance; David Lindsay, Commissioner of Public Works/Highway Superintendent; Councilman Slattery, Deputy Town Supervisor; Scott Bonnewell, Insurance Counselor.

The invocation was given by Virginia Ignatowski.

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

SUPERVISOR DUNNING: So we do have two presentations this evening. I will start with Mr. Carey on the -- from GoodEnergy. If you would please step down to the podium and take it away.

1. Edward Carey - NYMEP GoodEnergy.

MR. CAREY: Excuse me. Supervisor, Council, pleasure to always be back up in the western part of New York. My name is Edward Carey. And I work for a company called GoodEnergy. My presentation -- I will give you an overview who I am, who the company is and what we're trying to achieve.

Again, my name is Edward Carey. I grew up in sort of the energy business. My great grandfather was in the energy business. My grandfather built a pretty substantial company. My dad is still in the business. He runs a refinery down in the Caribbean. My life went in that region -- that path to follow energy.

And my career has been like everyone else in this room, ups and downs and sideways and lefts. I started my career going to work for my family. Then from there I started working for the City of New York. So I became one of the head purchasers for energy projects for the City. So I was hired by the Guiliani Administration and then I worked for the Bloomberg Administration for five years. In the Mayor's office in Environmental Coordination and Sustainability regarding energy.

From there -- during the time period my biggest supplier was Amerada Hess Corporation. So once I left the City of New York, I went to work for Hess and -- and took my training to --

There was a pause in the proceedings.

MR. CAREY: So when I -- I worked for the City of New York and then worked for Hess and went into their executive training program and from there I was doing all large commercial industrial, government and I ran into a company, GoodEnergy, 15 years ago.

And at that time period, the owner of that company was like "What do you want?"

I was, "I want this."

He said, "I'll give you this."

And I said, "Okay. We'll settle for this."

So that was about 15 years ago.

When I started there, my primary job was to create government -- you know, government applications there. At that time period it was -- the company was probably, I would say, 5 percent government and then 95 percent commercial industrial type customers. So we go after large real estate.

So if it's Jones Lang LaSalle or Vornado, or whatever it might be, that's -- the company is -- we're headquartered in New York City and we have five offices. We're in Boston, New York City; Peoria, Illinois; Dallas, Texas and London England.

And from there we go after all different types of large energy. In the last, let's say, eight, ten years, the company has really transformed and it's probably, I'd say, 90 percent government now and it's probably 10 percent commercial/industrial. Reason being? Government has very good credit. And that's what we're going after.

We probably cover over 4,000 municipalities across the country. In that, we would do -- the reason I'm here today is to really talk about two things. The municipal infrastructure and I'm also here to talk about community choice aggregation which you're sort of probably familiar with. Some of your neighbors have had good experience and bad experiences.

And so when we were in the State of Illinois, really -- CCA, company choice aggregation,

started in California and then it moved east. And in the State of Illinois we got involved over a decade ago. Illinois was buying their power about -- in this type of capacity about 17 percent.

Fast forward today, 97 percent of the State of Illinois buys their power with this type of energy this way. And while we were doing this, you know, we -- we just had win after win after win and it's been literally hundreds and hundreds of millions of dollars of savings in Illinois. That sent out a beacon across the country saying what is going on? What is that? The State of New York came and found us.

We didn't go -- we're headquartered in New York City, but they came knocking on our door saying "What is that? We want to learn about that."

So we became the lead advisor for the PILOT program which is Westchester County. So in Westchester County you have about 30 something municipalities participate in this -- how they buy -- about 150,000 residents buy their energy and that has been a major success for Westchester County.

From that, the PILOT program ended and the State started investigating -- I want this -- currently in the State of New York you have about over 100 -- about 120 CCAs currently active now.

And what a CCA is, is if you took Chili, all of their assets together and you put them together, wastewater treatment plant, maybe pool them in with the Board of Education, whatever it might be, you're basically doing a Costco theory. You're buying in bulk. You're getting a discount.

You can do the exact same thing with your residents. Now the residents go out and they pool all their -- I mean the average home is between -- usually between 1,000 and 3,000 square feet. You don't have a lot of buying power with that. You take all of your residents -- in your population, you're approaching 30,000 is what I read.

COUNCILMAN SLATTERY: Correct.

MR. CAREY: Your households is probably 12,000, actual physical households. So your total buying power is probably 10 million square feet. That 10 million -- 10 million square feet of buying power is what we would manage. There would be absolutely no possible way a 1,000 square foot home would meet my price. Just wouldn't happen.

COUNCILMAN SLATTERY: Edward (Carey), if I could, in regards to this, you're saying a lot of different things, but before you get too far, one thing you mentioned was our neighbors. When you talked about our neighbors. Referring to --

MR. CAREY: Penfield. And Brighton is also moving forward. City of Rochester moved forward. We were not part of that.

COUNCILMAN SLATTERY: They moved forward in what aspect?

MR. CAREY: They moved forward by doing a CCA. And --

COUNCILMAN SLATTERY: CCA stands for?

MR. CAREY: Community choice aggregation.

COUNCILMAN SLATTERY: Okay. This is being recorded for people at home.

MR. CAREY: Perfect. Perfect.

They went around the State -- I think it was a -- there was a non-profit group that -- that went forward with this called Roctricity and they partnered with a group called Joule Assets. And when we go out and do these type of bids, it comes down to a money factor.

So when you go out to say -- you know, Chili goes out just for their own assets, I could get you 20 bids within a week.

COUNCILMAN SLATTERY: Bids from who, from where?

MR. CAREY: Different suppliers around the country. It would be NRG, Constellation, Direct Energy, maybe a Calpine in there, maybe Talen. Those are mega companies, energy companies, that would bid on your -- your power.

And with that -- what happened with Brighton and the City of Rochester is to my -- my personal -- what -- I don't think it was properly vetted. So they chose a company that didn't have the experience. It was about a two- or three-year-old company and it backfired on them.

Our job is -- we -- in the State, there -- to do a CCA, you have to by -- by law you have to go through an administrator. And there are four administrators in the State. Myself, Joule, Westchester Power --

COUNCILMAN SLATTERY: When you say yourself, you mean the company that --

MR. CAREY: That's correct.

COUNCILMAN SLATTERY: What is your title? What is your position with this company?

MR. CAREY: Head of Sales for -- for New England -- excuse me -- for the New York region.

COUNCILWOMAN SPERR: How did it backfire on them?

MR. CAREY: With Joule?

COUNCILWOMAN SPERR: Yeah.

MR. CAREY: They -- the company came in -- what I read in the newspaper and stuff like that, they -- the company couldn't honor the hedge. So they picked a company with a very poor credit rating and when they went out and -- they hedged -- they couldn't support the hedge and they also went in -- how we were beat out. They told them, "Oh, by the way, we're going to do this 100 percent green."

Guess what? It wasn't. They lied. You know, it -- it was not true. So you had the Supervisor down in Brighton saying he -- I just saw him at the AOT conference and he said they're in litigation now with them. It was a total mistake. So it backfired on them.

So when we -- we -- why I'm here today really is -- you have two -- you have three of the big associations that help out government. You have NYSAC, which is the New York State Association of Counties.

Then have you AOT, of which you're a member, the Association of Towns.

Then you have all of the mayors. You have NYCOM, New York Conference of Mayors.

So we represent -- GoodEnergy represents -- they went out to -- Gerry Geist from AOT and Peter Baynes from NYCOM went out together and they formed NYMEP.

And so we won that bid to represent all of the Supervisors and all of the Mayors in the State of New York through -- through AOT and the NYCOM Association. So that's where NYMEP sort of came upon, the collaboration between those two and they chose us.

They went around and said, "Who is qualified? Who has done this?"

My competitor, I believe, has about 20 or maybe 30 CCAs under their belt. We have over 450 under our belt. They have a couple hundred thousand maybe. We have close to 4 million customers under -- for our experience.

COUNCILMAN SLATTERY: Edward (Carey), in regards to this, when you look at the other municipalities like villages -- Village of Churchville, they have Churchville Electric. Spencerport. Different --

MR. CAREY: They don't qualify. Municipalities do not qualify for this. Very good question.

COUNCILMAN VALERIO: So what happens to the local energy company like RG&E? Are you --

MR. CAREY: That's the most common question. People will say to us like, "I have stock in RG&E. You're taking business away from them."

Completely false. In the State of New York -- New York is a deregulated State.

So when you talk about a utility -- that's what they are, a utility -- a utility is a mailman. It's like -- so why -- I always give the example like if you went to -- I don't know -- Florida and accidentally you left your sunglasses at a bar. "Oh, I forgot them."

At home, you call up the bar. "Hey, do you got them?"

"We got them."

They would take your sunglasses and put it in a brown box. What is that box? That's UPS. Does UPS own your sunglasses? No. They deliver from A to B --

COUNCILMAN VALERIO: So RG&E delivers electric.

MR. CAREY: That's all they do. It is against the law for a utility to make one single penny on the supply portion. It's their equipment, their poles, their pipe. They make all of their money on the transportation and the distribution of the power. They do not make it on the supply.

COUNCILMAN VALERIO: They're distributing it.

MR. CAREY: Correct. If someone was struck by lightning or there's an auto accident, the line comes down, whatever, it is still their job to fix that power line. That is how they make money.

COUNCILWOMAN SPERR: So before you go any further -- so is your goal not just to have us as a Town government to purchase energy through you, but to get our residents also?

MR. CAREY: That's right. That's how we did it with Penfield.

Penfield we did a deal there and they had a very strong sustainability group there. They said, "We want 100 percent green" and everything like that. We spoke to them and we said -- again, with my background, I do a lot of hunting, fishing, stuff like that. I'm a big conservationist. And also with my training from New York City, in the Office of Sustainability, I said, "Hitting those goals are going to be a fortune."

And so we -- we looked at it and said this is -- okay. And they want to be part of a clean city thing -- to get that goal they have to go 100 percent green on their power, but they're going to be paying way above the utility. We said, "Do not do that. Go 50 percent and if your residents want to, they can always" -- they call it like "agging up."

They said, "Okay. We'll do that." And we did a deal with them.

In the deal with Penfield, along with -- under Supervisor Tony Lafountain, um, we went through it and we got them over \$800,000 for really doing nothing. We -- and we got them that money. So we go into these type of deals for your residents.

Our biggest thing is I don't have a contract. So I -- I -- I cannot enforce anything. So we go to the residents and we come in and say -- all you're doing is -- when a young couple moves into Chili and says, "All right. I will buy this home," this and that. First thing you have to do is get a -- turn on the electricity and you do the cable and that. But, you know, do you have a choice with RG&E? No. Because they're the monopoly and they supply the power.

What you're doing here is you -- Chili would be a municipally endorsed program and it would be a second default for your residents.

So they can go on an index rate and that goes up and down. As we clearly know from the last, 12 months, energy became a high priority in people's living costs. If it's gassing at the pump or heating your home. If it was natural gas. Whatever it was.

Energy has now absolutely collapsed. In the last three months, natural gas, which is the primary feed stock that creates electricity, it was -- trading three months ago was \$9 wholesale. Now it's about 2.20. It's unbelievably cheap.

And we're -- that's where we're sort of at a timing issue. I wasn't coming up here when energy was high. We took a break. We said these prices are way too high, but it was a bubble. That bubble has now popped. Now you have an opportunity to take advantage of that and you

should.

SUPERVISOR DUNNING: I just want to, if I could -- I know we have talked and we had lengthy conversations. But for the sake of the Board and anybody at home that is listening, I think what Mary (Sperr)'s original question was about the municipality and the rest of the residents -- this is a Town wide -- so the -- if I'm not mistaken, if I don't have this wrong -- if we chose to adopt into it, the Community Choice Aggregation Program, it is -- it is Town wide. It's the entire Town of Chili. It's not just the municipal buildings.

And the -- so we make a decision for all of our residents. And the residents then, they are automatically entered into the program unless they choose to opt out. They have to choose to opt out.

MR. CAREY: That is the way the law is written.

SUPERVISOR DUNNING: That is why I wanted to have Ed (Carey) here to talk to you about this because he can explain all this a little bit better than I certainly can. But it was -- could be a -- could be a sticking point for -- do the residents really know what they're opting in for or out of.

MR. CAREY: That's our number one question. And what would -- my objective here is to get -- we're not looking for a contract. What we want to do is give you a proposal. I feel very comfortable we'll be able to strike a deal, but I never know. Sometimes you get into these situations -- all I want to do is say "Is this possible?"

We know it's possible because we're doing it in Penfield, but we want to -- every single township, every single home has a different thumbprint. The way the energy is distributed here is different than Pittsford or Rochester or wherever it might be. All we want to do is give you a proposal.

The only thing is, it's a chicken and egg the way it is written. You have to pass a Local Law for us to get the number. So you would pass a Local Law, a resolution. We would get that paperwork. We have to submit that to the DPS, Department of Public Service.

They then give us a thumbs-up and they submit it to RG&E. RG&E then gives us all of the data. We then get the data. We shape it out and we say "All right." You know, I can't go into the future, but I can go back 24 months and say "Hey, this is what you paid the last 24 months. This is where we are at now."

And then -- you know, in -- we just did a deal in Brookhaven on Long Island. Brookhaven is the second largest town in the country [sic]. So it's 480,000 people. And we did the deal there and it took us four years to do that deal.

COUNCILWOMAN SPERR: Let me ask you a couple more questions. So we're all talking conceptually tonight. But there have been these companies that have approached people, individual salespeople that say "Show me your bill. I can save you money."

And a lot of people feel that they were scammed by that.

MR. CAREY: 100 percent.

COUNCILWOMAN SPERR: They don't trust it. That is one of the first things I think we're gonna face a little bit --

MR. CAREY: That's what happened to Brighton. When it comes down to these deals, New York State has 200 registered energy supply companies, ESCOs. And I totally agree with you. I'm in this business. This is what feeds my family. I trust in the State about 25 of those companies. I wouldn't trust the other 175 of them.

When it comes down to these type of deals, because they are big, it comes to basically three companies. The reason being is, when we go out and we hedge these -- all of the energy, we have to -- it's probably going to be about 75, \$100 million worth of energy -- by law, we have to have access -- the supplier has to have access to three times the amount of what that is. So you need a company that has to have on their books access to \$300 million in cash. There is only about three companies that can actually do that. It will be NRG. It will be Direct. Might be Champion. It will -- Constellation. That's it. You're not getting 20 bids here. Three.

COUNCILWOMAN SPERR: Invoices come through you or RG&E?

MR. CAREY: RG&E. RG&E does all of the financing. They collect everything. It's one bill.

COUNCILMAN SLATTERY: So in regards to this, how long has your company been in business that you work for?

MR. CAREY: They started in 1999.

COUNCILMAN SLATTERY: '99. And what would happen say tomorrow if they no longer are around? What would happen to the people that signed up for it?

MR. CAREY: Well, we're the administrator. So let say if NRG -- if you -- if you know football, the NRG stadium -- that's the company. If NRG went out of business, the public service -- I don't see that. You're talking about a \$30 billion company. But they could. And if they went out of business overnight, or whatever, over the month, a notice would go out saying that this company is now bankrupt or whatever it is.

The -- the laws that we have to follow for public service are very, very strict. And a lot of it is outreach. And when we go into these type of deals, we have to tell -- every single resident will receive a card like this (indicating). They're saying this is what is going on. The law states -- these deals don't happen overnight. It will take us at least a minimum of seven months.

COUNCILMAN SLATTERY: I understand all that, but just getting back to my point, though. You're here today, gone tomorrow. Contractors do it. You open up -- you know, one contractor, he'll be operating under one name. He'll go bankrupt, turn around and start another company under another name.

So what -- getting back to my question to you, what would happen to the folks if they signed up for this? Because you're basically a third party, correct?

MR. CAREY: As the administrator, correct.

COUNCILMAN SLATTERY: So then say as the administrator, you're no longer here. Then -- so now there has to be another administrator to come in and be the third person?

MR. CAREY: Yeah. Yeah.

COUNCILMAN SLATTERY: So -- so I'm just trying -- I'm looking out for my constituents.

MR. CAREY: Of course. You have to.

COUNCILMAN SLATTERY: What is the process then? Say if we wanted to go forward, what is the process? What is the timeline? And if you can lay that out for us.

MR. CAREY: The timeline, it is basically six months. Like you have to pass a Local Law. You have to do a resolution and then you have to hire us as administrator.

COUNCILMAN SLATTERY: What about Public Hearings, public meetings and information?

MR. CAREY: I have to come back here. But by law, I have to come back here. There has to be a public forum. I have to describe this to the general public. Do they want this? Is it acceptable?

From there, we have -- everything has to be passed by Albany DPS. We then get the information. We then send it to the -- to the people bidding on it. We'll probably have three companies that will bid on it and we'll come back here with a proposal saying does this make sense? Is there -- we're not going to do a deal if it is 1 percent or -- we don't like that type of risk.

COUNCILMAN SLATTERY: Right there, that is one of my hang-ups that we sort of skimmed over real quick. Informing the public. Public meetings. I would like it if you said a little more we would have had a couple different meetings. People won't be able to make it on this night. That is what I was looking for. Just reaching out our constituents.

MR. CAREY: Every single person will receive this in their mail. We will also be advertising -- the law says we have to advertise in three publications. Whatever publications -- we'll find that out from your Clerk about which publications.

We'll go on your local cable channel as many times as you please. We also have a rep, my colleague, he was -- he couldn't make it tonight. His wife has a health issue, but he lives over in Greece. So have you a local person. I'm here from New York City, but the job -- this gentleman's name is John Berg. He went to Purdue but graduated locally from Acadia High School here locally. And he's been in this business as long as I have been. He worked for NRG. Back then it was Direct.

COUNCILMAN SLATTERY: No disrespect. When you said every resident will get mailed this, we do mailings for political stuff and we know where they end up. So people will look at this and say --

COUNCILWOMAN SPERR: Still doesn't really explain what this is.

MR. CAREY: We have an in-house Marketing Team. You know, in other communities -- first of all, we have to -- we got to design a municipal web page connected to yours, describing the program. You know, in other communities in the Midwest, we put up, you know -- on billboards, we have paid for that. All of the marketing I might add, the outreach, is paid by us. You do not pay for a dime for this. We pay for all this.

The only expense that might come out of Chili, we might have to speak to the -- the municipal attorney. And --

COUNCILMAN SLATTERY: Thank you, Jared (Hirt).

MR. CAREY: How you do --

COUNCILWOMAN SPERR: Can I stop you for a second?

MR. CAREY: Sure.

COUNCILWOMAN SPERR: So when you get to the numbers part -- now we're probably four months down the road. We get to the numbers part. At what point are we committed? I know we have to pass a Local Law to get to the numbers. But at what point are we committed? If we don't like the numbers, can we walk away?

MR. CAREY: It is really -- it's not -- at no point ever is the municipality ever at risk. This really becomes -- it's a municipality endorsement. Again, I don't have a contract with the residents.

COUNCILWOMAN SPERR: So endorsement --

MR. CAREY: If they will do a mass exodus, that is my risk. We have to honor that contract. We've never had it done. Out of the 450 plus we have done of CCAs, probably the biggest walk-out we ever had -- we had about a 30 percent walk-out one time, but they came back over the course of the contract.

COUNCILWOMAN SPERR: But we're trying to show the residents -- in order to entice them to do this -- the whole goal is that they will save money on their bills. Having not seen any of those --

MR. CAREY: I will go back to the timeline. So we come back here with a proposal and say does this work? Does it not? Too much risk here. You might not like it. We might not like it. So we part as friends.

But if we do agree, we say "Okay. Let's go forward this."

So we get a bid. We convince you saying this is a good thing. The supplier would have to come here. You -- you would sign their agreement. Again, there is no risk by the municipalities.

Then -- then we have to do the marketing aspect of it. There is a 60-day marketing

mandatory thing we have to do and it's literally a checklist of all these checkboxes we have to do to appease DPS Albany saying you have to do all these things. Whatever hoops we have to jump through.

Once that has been completed and we can do it -- it's mandatory we do 60. Other townships wanted 90. We can do 90. We can do 100 -- whatever -- whatever the market is. Then we -- then we satisfy DPS.

Then it's a 30-day opt out. Again, the residents receive a card in the mail, self-addressed saying do you want to be part of this? Because after these -- the 60 days of marketing and the 30 days is the opt-out period. And we all know -- some of your constituents, they don't like Government. So they're -- they're going to say "I don't want to be a part of this." That's okay. That's fine.

After that 30 days expired, the program starts. The program starts. At any point in time, if you don't like this, whatever, I don't have a contract. So if these people want to leave for whatever reason -- I don't even ask -- "I want out," they're out. I don't have a contract. I can't say "Well, you left. You owe" -- "You didn't fulfill the contract or you owe me \$50."

As you were saying before, they signed -- those people signed a contract. I don't have a contract. So if they want out, they're out.

COUNCILWOMAN SPERR: But we're going to have numbers to show them the savings, potential savings?

MR. CAREY: Correct.

SUPERVISOR DUNNING: But I think -- but I think part of this -- part of the answer to part of your question is that there -- there is no commitment in -- as Ed (Carey) says, there's no commitment from anybody. So if we adopt this program -- we pass the Local Law, we adopt the program, it becomes available to our residents. But is there a threshold in which -- so if we have 60 percent of our residents say "No way. I don't trust anybody. I'm not going to do this," is this still a program that would be eligible to the other 40 percent in our Town?

MR. CAREY: Yeah. Again, I travel around the State. I have had people come up to me and say nasty things and "I don't want to be a part of this." It's okay. It's fine. They're out.

Then they're cutting their lawn and they're talking with their neighbor. Like "Oh, wow. You paid your energy bill? What did you pay? I paid 5 bucks."

"Oh, really? Because I'm on the Chili program and I'm paying 4 bucks."

Then I get the phone call from Mr. Smith saying "Can I come back in?" Absolutely.

COUNCILMAN SLATTERY: Edward (Carey), let's go back to answer David (Dunning)'s question, though. What is that threshold?

MR. CAREY: Oh, what is the maximum --

SUPERVISOR DUNNING: If 60 percent of our residents say "I'm out," and only 40 percent are going to participate --

MR. CAREY: We still have to honor it.

SUPERVISOR DUNNING: Is this still a feasible program?

MR. CAREY: Yes.

SUPERVISOR DUNNING: Is there -- is there a threshold in which it no longer becomes feasible for the municipality?

MR. CAREY: No. Again, if 60 percent of the people left -- we have studied this pretty, pretty hard. One of the three companies, one their trainers has also studied this in very micro, microeconomics and we know our threshold is -- if they lose on this contract, they will benefit off of Westchester.

COUNCILMAN SLATTERY: Edward (Carey), you're not answering the question. You're being a great politician right now. We're looking for that threshold.

MR. CAREY: I want to answer the thing. If 60 percent of them left, we would still have to honor that contract.

SUPERVISOR DUNNING: If 80 percent left?

MR. CAREY: We still honor. It has never happened.

COUNCILWOMAN SPERR: Is there a percentage that you're looking for that makes it feasible? What if only -- we start out with only 20 percent but then they talk to the neighbors and more come in?

MR. CAREY: No. Again, this is an opt-out program so they're all in. So -- so I'm starting off like -- some people already -- they're on Choice -- they call it Choice or -- they're with an ESCO. I don't -- when we receive the data from RG&E, I don't even know these people exist. We don't get that data. So there might be -- I think it is usually about 3 percent of people who are actually on these programs with the residential. With businesses, it's 180 degrees. 99 percent are actually doing this.

COUNCILMAN VALERIO: I have a couple questions for you. So you talked about the three big suppliers that you usually get quotes from.

As this goes on over the years, do you -- are we locked into whatever one comes in the lowest or do you guys continue to --

COUNCILMAN SLATTERY: Negotiate.

COUNCILMAN VALERIO: -- negotiate or move our, I guess, business around?

MR. CAREY: At one point, like -- like right now -- I mean energy is created by nuclear power, a little bit of coal. The majority of it is natural gas. Natural gas is literally in the basement right now.

Can it go any lower? Probably not. Drilling companies have now stopped because there is such a surplus of natural gas right now. The reason being, when the war took off in Ukraine, we

started to supply mostly Germany and then Poland and that. Our gas was going there.

We were told by a lot of people saying this is going to be the coldest winter. Guess what? That didn't happen. So like -- so weather had -- a big factor. We had a surplus.

The United States, you know, in the -- in the course of history, like we have the most amount of natural gas on the planet is sitting right here in our country. So we have been exporting it all around the world. There is four exporting terminals in the United States.

The biggest one being in California called Freeport. Freeport blew up. They had a major explosion in there and they shut it down. So you couldn't get a majority of gas to leave this country. Again, a surplus of natural gas got pushed back into the country. So we have this abundance amount of gas right now in storage. And, you know, with time or whatever, they -- that price -- supply and demand factor.

SUPERVISOR DUNNING: How --

COUNCILMAN VALERIO: But I guess I still didn't hear the question -- the answer, though.

So if we're with Constellation --

MR. CAREY: Yep.

COUNCILMAN VALERIO: -- and all of a sudden --

MR. CAREY: So you go into that. What we call is a -- if we think you can get a better price we'll roll, blend and extend that price. Like a mortgage. We'll extend out -- traditionally governments do 24, 36 months. I don't know your charter, so -- I can -- most governments are not allowed to go anything past 36 months. So if we do like a 24-month contract and within a year we find we can do a -- get you a better price, we'll extend that out another 2 years, 19 months, whatever it might be to lower your cost.

SUPERVISOR DUNNING: So there's no automatic time in which you go back out to bid or -- or -- or --

MR. CAREY: We're doing this with Penfield right now and Penfield, they did a -- they did a deal with Constellation. And Constellation has been -- been good. But NRG is knocking on their door pretty hard. You know, they're coming in with better numbers now.

SUPERVISOR DUNNING: You don't automatically go necessarily back out to bid and -- say 24 months, 36 months and say okay, now it's time to go back out to the market and see -- we know -- you obviously know what the market is doing -- but do you take it back out to bid in like a certain period of time? Whether it's 24, 36, 48, whatever it may be. Is that an automatic thing you guys do or --

MR. CAREY: Our job is to maintain the business. So, of course, we're going to come back up here and say "Yes, we want to keep you as a customer."

COUNCILMAN VALERIO: Why are you -- I mean -- I guess it's probably easier to get a Town to go on board, but do you ever go to the whole County to try --

MR. CAREY: Counties don't have jurisdiction over residents. They can't do it.

COUNCILMAN VALERIO: Okay.

MR. CAREY: Only townships, cities and villages can do this.

COUNCILMAN SLATTERY: I'm sorry, Edward (Carey). In regards to this, when you look at we have some large -- I'm sure you go to other municipalities like Greece, Henrietta, where they have the big box stores and they have the malls and so forth. The Walmarts and so forth. We have Wegmans. You know, they are big within the Chili footprint.

Have you gone to them and reached out to them just from the commercial standpoint? Because when you look at what they have to be utilizing, it's huge.

MR. CAREY: 100 percent. We have guys doing that business all day long.

COUNCILMAN SLATTERY: So you have gone to them?

MR. CAREY: Yes. With businesses, with the CCA, it's -- they call it an SC1 and SC2. So an SC1 -- they're small. They're residential accounts. So the businesses don't qualify for this. They can't participate in Chili's CCA. Not an option. So it's got to be -- they're already doing this. I guarantee you this 1,000 percent. Wegmans they have an energy person. They're on a contract. They had their power all day.

COUNCILMAN SLATTERY: So to touch on it a little more, we have a lot of apartments in Chili. Whether it's subsidized or affordable housing, nursing homes, group homes and forth. How does that come into play?

MR. CAREY: They will -- they will all benefit from this.

COUNCILMAN SLATTERY: So they're not like the Wegmans then?

COUNCILWOMAN SPERR: They're eligible?

MR. CAREY: They are eligible. And the other thing is -- is your Main Street. Small businesses will benefit for this. So your pizza shop, nail salon, karate place, whatever, they qualify for this.

SUPERVISOR DUNNING: Where does that drop off as far as size of the business?

MR. CAREY: What --

COUNCILMAN SLATTERY: Another 60 percent.

SUPERVISOR DUNNING: I wasn't going to use that word again. Sorry.

MR. CAREY: If they have an SC1 account, RG&E will send us that and it will show SC1 business. That's how we determine from a residential to a -- to a business.

And every single month we're going to be -- we call it scraping the utility. So we're going to know exactly when people move out or move into this Township. Once they move in, they're going to receive a card from us saying, "Hey. Do you want to participate in the -- the Chili CCA?"

COUNCILMAN DECORY: So, Ed (Carey), what about an apartment complex that the electricity is included? So basically the owner of the apartment complex is the one who is paying the bill. Would they be eligible?

MR. CAREY: He most likely -- in a multi-dwelling thing like a big -- a big thing -- if it's that big, it wouldn't be an SC1 or SC2 so they don't qualify.

COUNCILMAN SLATTERY: So what other municipalities within the Monroe County jurisdiction have you gone to?

MR. CAREY: This is our first, I think.

COUNCILMAN SLATTERY: Well, did you go to Brighton?

MR. CAREY: Brighton they -- I have met with Bill Moehle several times and his Council. One person didn't like me and went somewhere else.

COUNCILMAN SLATTERY: What about Penfield?

MR. CAREY: Penfield, they're doing our program. Pittsford --

COUNCILMAN SLATTERY: How long have they joined for? When did they start, I should say?

MR. CAREY: Three years ago? They're coming up -- I think they have another year left. The person who runs that is my cousin -- my colleague, John Berg, with Sarah Waters (phonetic). She is the person who does that, along with -- maybe there are -- are they between Supervisors right now? Yes.

SUPERVISOR DUNNING: Yes.

MR. CAREY: I know the current one just retired or whatever she did. But Sarah Waters (phonetic) is in charge of that program. I think they have one more year. We're bidding that out right now.

SUPERVISOR DUNNING: You are also working with Pittsford, though, aren't you?

MR. CAREY: Yes. We're working with Pittsford, as well. With -- with the Supervisor Bill Smith.

COUNCILMAN VALERIO: Do you have real numbers for Penfield? Like say your RG&E bill was \$300 a month in the winter? Like -- do you have any real data?

MR. CAREY: When we did this, we did this deal in 2020. It was before COVID. And, you know, if you remember back then, oil was at a negative number. I mean I was -- it was crazy how cheap it was. We did the deal and they said they had sustainability -- "No, no. We want more green in there."

And we said once you go 100 percent, it's no longer ideal. Like you're losing money on this.

COUNCILMAN SLATTERY: When you say that -- sorry to interrupt you. When you say -- because that's what knocked Brighton out; they wanted to be 100 percent green. But then you went back and utilized -- you say that a few times about all of the municipalities like Penfield who want to be 100 percent green, but it's not feasible.

MR. CAREY: Right now Renewable Energy Certificates, RECs -- the way the CCA law is set up -- like if I went to Wegmans -- that's a private corporation or like -- and they -- they're buying RECs. It's part of their ESG, sustainability group. They're buying wind RECs or whatever RECs they're buying out of like Iowa or wherever, Texas.

The CCA law we have to follow, if you want to go 100 percent green, it has to be generation within New York State. So we can't go to Ohio. I can't go to Pennsylvania. It has to come from New York State. So it becomes very expensive.

The only RECs that are available are hydro RECs and they been bought up. They have been bought up by everyone. So right now to get access to those RECs to make it 100 percent green, it has become too expensive.

SUPERVISOR DUNNING: How do you make money?

MR. CAREY: Our fee is -- is -- you know, we're completely transparent. Obviously it's a government link. We give you the exact same rate we gave Penfield. I don't know that exact number.

COUNCILMAN SLATTERY: We want a better rate.

SUPERVISOR DUNNING: So -- so I mean you get paid. You're --

MR. CAREY: We get paid volumetrically. We get paid -- whoever the wind supplier is, pays us. So basically we act as basically the broker. So we go out and collect all of the data and do everything.

The three companies come in here. They bid on it. And whatever the load is, our fee is in there. It's like .000, whatever it might be. Per KWH. Or it could be per therm on gas. That's how we get paid.

So if it's let's say -- making up a number -- a million KWH -- not our fee, but say .001, we would make \$1,000. So our fee is built into that. You can do an RFP and see what other -- other things -- we're on par with everyone. We have already been vetted by AOT and NYCOM. So I technically report up to Gerry Geist and Peter Baynes. They vetted us now. We're a national company. Very transparent on everything we do.

COUNCILMAN VALERIO: Do you know what percent the average customer in Penfield is saving right now?

MR. CAREY: Well, yeah. They save -- you know, it's not -- what you're doing is basically -- you're knocking off about 10 to \$15 a month on someone's power bill. That's all you're doing. So over the course of a year, you're saving someone maybe 150 bucks, maybe 100 bucks, in that range. You know, you're not -- you're not -- it's not the greatest biggest savings, but name another program in government that is actually giving money back to a resident.

COUNCILMAN SLATTERY: Federal.

MR. CAREY: So we look at this as like -- the individual resident is saying maybe 125, maybe 150 bucks. But collectively as a group, like we did in Penfield, they got 800 grand. So they're -- they're -- they're pretty happy.

COUNCILMAN SLATTERY: Where did the 800 grand come from?

MR. CAREY: Savings. Any -- we do a savings study. That money will come back to your gas pump, your bar, your restaurant.

COUNCILMAN VALERIO: 800 a year?

MR. CAREY: 800,000.

COUNCILMAN SLATTERY: One-year period he is asking.

MR. CAREY: I think it might be a million. Might be -- I don't know the timing -- I just called my colleague before I came here. I'm like "What did they save?"

He said, "Oh, they're over 800,000."

So that may be over the course of the two-year program. So let's say 400,000 a year. It could be 500. I don't know that exact number.

COUNCILMAN SLATTERY: You'd make a great politician, Edward (Carey).

MR. CAREY: Runs in the family. My uncle was Governor Carey, so...

COUNCILMAN SLATTERY: Interesting. Appreciate your time and the knowledge with that.

SUPERVISOR DUNNING: I know we probably cut your presentation a little short with the questions, but you probably got everything out so far that you wanted to get and maybe a little bit more.

Is there any other questions from the Board?

COUNCILMAN VALERIO: I appreciate you.

COUNCILWOMAN SPERR: Thanks for hanging in there with us.

SUPERVISOR DUNNING: We'll -- we'll chat and see where we are with it. We may ask for a little bit more information. Maybe -- maybe participate in another -- if we have some more questions as we consider some of this stuff, maybe do a Zoom meeting or something like that where we don't have to drag you out of New York City. You're better off in Chili than New York City anyways.

MR. CAREY: I have no problem getting dragged out. You have a beautiful township up here.

SUPERVISOR DUNNING: Anything else you would like to add before we --

MR. CAREY: If I'm not available, there is a local guy with boots on the ground here, John Berg, who you met over Zoom. He is over in Greece. You know, that's a stones throw. So he can come over. Or I would love to come back up here. I'm supposed to meet with Bill (Smith), so we'll be back.

SUPERVISOR DUNNING: Thank you. Bill Smith.

COUNCILMAN DECORY: Thank you very much.

MR. CAREY: Appreciate it.

COUNCILMAN SLATTERY: Thank you.

SUPERVISOR DUNNING: Thank you. I appreciate it.

## 2. EFPR Group - 2022 Financial Statements.

SUPERVISOR DUNNING: I would like to ask Brent Jensen to come up. He is with our new Audit Group, the EFPR Group, and wants to talk about our most recent audit you all received copies of.

MR. JENSEN: Thank you very much for having me. I'm Brent Jensen, a partner with EFPR Group, and the one that signed for your report this year.

As you said, this is a new relationship obviously and for a first-year audit, this went as well as I could have possibly expected. You have an absolutely great team.

Honestly, in terms of getting information from a government, this is probably as clean and in-depth of information that I have had given to me at the front end of an audit as I've seen. I work with Counties. I work with State-level municipalities, public authorities and even still, this is probably as clean as I have seen for that.

COUNCILMAN SLATTERY: Why would you say that? I mean -- you said clean and just -- the process --

MR. JENSEN: We really had no adjustments. Everything was considered. A lot of my clients, some of the newer GASB standards we have had to help them through. We oftentimes do work papers to help them through the pension parts and the other cost employment benefits parts of the government-wide liability statements. We do other work like that for them.

Dan (Knapp) had every bit of that already in the books and already in a -- in an analysis. He had a monthly level analysis of pretty much every single balance sheet account, which is far beyond what most places are doing in terms of record reconciliation and having the ability to timely provide information to the Board throughout the year.

COUNCILMAN SLATTERY: Considering that the standards are the same across the Board, different municipalities, why -- I guess I would question, why are they -- where they are and how come they're not to the level that we have? Without -- without getting into it.

MR. JENSEN: Just -- a lot of commitment to the process really.

Now in terms of the information in the documents in front of you, we gave you the financial statement with our opinion. We also gave you a small report to the Board document, as

well. I will quickly run through that information there.

To start off, your audit was issued on March 28th and you had a clean or unmodified opinion in the audit. We had no adjustments in the audit whatsoever. And in terms of the information now in this document, significant accounting policies are all listed in Note 1 of the financial statement as is required. They were -- there was nothing that should have had a policy that didn't. There was nothing that was missing in any way. And there were no significant new accounting policies this year.

As you probably have seen over the past several years into these presentations, GASB has been doing standard after standard after standard. There have been quite a few updates. There was really nothing new this year that required a significant mutation or significant change to the financial statement.

The performance of any financial statement does require certain accounting estimates. We found your estimates to be well supported and reasonable throughout -- throughout the document.

There were no difficulties whatsoever performed -- sorry -- in performing the audit. I already mentioned no corrected or uncorrected misstatements. No disagreements with Management.

I had a representation letter that has already been provided to us for issuance of this report.

COUNCILMAN SLATTERY: In regards to that, what do you mean by that?

MR. JENSEN: In performing the audit, any asset engagement, which is the audited and agreed upon procedures -- anything of that nature -- requires that we receive certain representations from you that the information that was provided to us was consistent with all known facts, complete, things of that nature.

There is usually about 35 to 40 points that all mean some variation of those couple things in a letter that you guys sign.

COUNCILMAN SLATTERY: There is a checklist that you go through then?

MR. JENSEN: Pretty much, yes. And when I say it's boilerplate, it is usually coming off a legally vetted document that goes to pretty much all terms.

There was no competition with other accounting concerns in terms of opinion seeking we're aware of and no other findings or other matters that are significant to report.

I can take questions at any time. Feel free to jump in. I'm planning on doing a short look at the numbers in terms of your overall financial position within the document.

COUNCILMAN SLATTERY: If you could, if you open the document and there is a specific page, can you let us know where you are?

MR. JENSEN: Yes. Page 23 of the document -- I will skip right over the government-wide financial statement and go to the funds. The reality is you operate based on the fund basis. Government wide you do a picture of what is out there, but they convoluted it so much with the various standards, it has become almost unreadable for a lot of people without significant government finance experience. This is really what tells you how you're operating in the course of a year.

Your General Fund is obviously the most important, sort of the engine driving the government here. And on page 23, you can see that you have a fund balance of \$15.1 million of which about 5.6 is in unassigned fund balance.

If you flip forward just a page of -- to page 25, you can see the relation to a -- single-year expenditures of about \$10 1/2 million. You have more than half of a year expenditures just in your unassigned fund balance. That is a very strong position in comparison to other towns.

And really, you can go fund by fund. You're pretty much in a position like that or better with pretty much every fund across the Board here.

The reality is the only fund that does not show that type of strength is your capital project fund and it's really because the capital project fund is holding the short-term debt right now. That if you had issued long-term debt, you would have the same type of strength in that fund, but instead, you're using your surplus of monies you had to eliminate the debt before you even take it right now.

COUNCILMAN SLATTERY: So we are better off than -- instead of borrowing to go out and buy a plow truck, close to \$300,000 -- we're better off paying cash than borrowing that money over a period of time?

MR. JENSEN: So in your current situation, I would say that is probably an accurate statement. Obviously, you're saving financing costs. You're saving the time to do those agreements. It could -- it does affect your tax cap calculation, but given you are not even going to the tax cap right now, I don't think that that is a major concern or consideration for you. Unless and until you need to do so.

So those are -- that's one of the reasons places often do issue debt and cycle debt is to keep their tax cap numbers up. I know that hasn't been a consideration for you.

COUNCILMAN SLATTERY: Thank you.

MR. JENSEN: Um, so all in all, your financial position is -- is extremely strong. I'm not going to sit here and read off numbers to you. I'm more than willing to take questions.

I would say the only things that you might see in here that any resident might get concerned over is on page number --

COUNCILMAN SLATTERY: Well, don't tell them.

MR. JENSEN: -- page number 21. I will explain it away very quickly. So if you look at page 21, if you look at the negative unrestricted net position of \$6 million there, the reality is most Governments in the State don't have a negative unrestricted in that position. They have a

negative in that position overall.

That number is being driven completely by a combination of the old cost employees benefit obligation and the pension systems. That -- those factors, they take the life of a system and put all of the negative impact of that upon the books today for something you're going to pay over the entire life of your employees. So it's -- it's a picture that is almost a liquidation basis financially if you thought about it on a corporate side. That basically says if we want to get out of these systems today, that is what it would cost us. That is just not a realistic picture. So for most governments, it drives the entire net position in the negative. It is driving your unrestricted negative but given in New York State you're not even allowed to fund the OPEB item, there is no way to avoid that and it is still much stronger if you look at the financials of most towns across the State.

COUNCILMAN SLATTERY: Here we are -- we're working with the New York State pension system so we're relying on the State Comptroller to -- you know, as far as his investments and his -- what he is looking at as far as a return.

MR. JENSEN: And the pension system is not hurting you too badly right now. It is actually showing as an asset on here because it's slightly overfunded in this financial statement. Because of the way they try to spread the change over multiple years, you actually have certain things, deferrals they created a few years along on the GASB statements that more than offset that asset so it's still pulling down in that position a little bit. But in reality, the New York State pension system is not one of the systems that they were concerned about when they created that legislation with that standard with GASB. They were concerned about states -- like I believe at that point Illinois was somewhere about 50 percent funded.

COUNCILMAN SLATTERY: Unless the Governor gets her wish -- his wish before -- and tries to go after that pension system and utilize that to balance their budget. So hopefully that will never happen.

MR. JENSEN: I think that is going to be -- trust it is really pretty well protected, but I won't go too far with that.

COUNCILMAN SLATTERY: Well, the government is involved.

MR. JENSEN: So that is really what I wanted to say here tonight. I'm more than willing to take any further questions.

COUNCILMAN SLATTERY: Once again --

SUPERVISOR DUNNING: Michael (Slattery), any other questions?

COUNCILMAN SLATTERY: I'm getting paid to answer them.

Just once again, we hear the cooperation from the Town's staff assisting you with this, so it just helps to make your job easier and --

MR. JENSEN: Yes.

COUNCILMAN SLATTERY: And everything being laid out on the table.

SUPERVISOR DUNNING: Let's call it like it really is. You know, Dan (Knapp) has done -- Dan (Knapp) has done an amazing job with our finances. We're in the financial position we are with the work that he has done and how he has guided us in the right ways to manage our money and where we -- and how we spend things.

When you look at some of the -- these -- the bonding issues that we have had that -- bonds out there that we have paid off, bonds in the highway garage we have paid off before they were actually all due to expire and go to long-term debt. We're now paying off the -- the Bond Anticipation Notes from the -- from the Community Center, reducing that debt. We have made significant strides in, you know, interest earnings, investments and things.

So he has done an amazing job in that department and I know he does a lot with preparing a good part of this -- the financial audits to -- to give them everything that they need to -- to do -- to do their job but also -- but also help save us some costs with the contribution he makes.

So I would say -- you know, we, as a Town Board, have very, very little to do with the success here and a lot of it has to do with Dan (Knapp). So -- so thank you, Dan (Knapp) and --

COUNCILWOMAN SPERR: Thank you.

SUPERVISOR DUNNING: And thank you for what he has done for us because he has done amazing work over there.

COUNCILMAN SLATTERY: You're absolutely right. One thing we talked about during the Community Center process was just the interest rate that was out there. And then you look at the interest rate that we borrowed money. Then you also looked at what our return was, you know, on -- on the investments. So that was something continuously being watched so we knew where we needed to go, where we needed to be and what we could do.

SUPERVISOR DUNNING: We got lucky with the interest rates. We got really lucky with some of that stuff.

COUNCILWOMAN SPERR: Just one question.

How long did it take you to perform this audit?

MR. JENSEN: So the very first time I came out and met Dan (Knapp) was in January, I believe. Maybe end of December. Might have been end of December. I was out for about half a day to talk to him and get a feel for the place.

And then we came out for one week in early March and we were issued by the end of March.

COUNCILMAN SLATTERY: When you say "we," how many people?

MR. JENSEN: There was me and one other staff member actually physically on-site. And we had one more person that kind of helped us out with administrative stuff in the back end in terms of getting some of the stuff into the file, trial balance stuff before we got there and stuff.

That's pretty much what we're talking about. About a week.

COUNCILWOMAN SPERR: Pretty incredible.

COUNCILMAN SLATTERY: So your fee will reflect the lack of participation --

MR. JENSEN: Probably means we can hold the fee relatively consistent.

COUNCILWOMAN SPERR: That's phenomenal.

SUPERVISOR DUNNING: Any other questions?

MR. JENSEN: No.

SUPERVISOR DUNNING: Anything else?

MR. JENSEN: No. Thank you very much for the opportunity.

SUPERVISOR DUNNING: Appreciate it.

COUNCILWOMAN SPERR: Thank you for sitting through our first half.

MR. JENSEN: No problem.

SUPERVISOR DUNNING: Did you learn something?

MR. JENSEN: That actually was a new one for me. I have been doing quite a few presentations, but I haven't seen that one before.

COUNCILMAN SLATTERY: Us either.

SUPERVISOR DUNNING: Thank you, Brent.

For the sake of brevity, there is no public here, so I will assume no public forum.

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

SUPERVISOR DUNNING: One of the things that I do want to bring up, first and foremost, is that recently we have had a -- one of our librarians had retired. Terry Sperling. Terry Sperling has worked for the Town in the library for 34 years. She retired at the very young age of 93 years old and she -- she quite frankly ran circles around the teenagers that worked over in the library.

So I would like to one, thank Terry (Sperling) for her service over at the library and wish her very, very well in her retirement. I know it's got to be a big change with that much time that -- spending in the library to now being retired. But I would like to thank her for her service and everything she has done for the library over those 34 years.

Other than that, I really don't have much else. I don't think really there has been much -- before our next meeting or anything we need to go over.

**MATTERS OF THE TOWN COUNCIL:** Nothing to report.

The 3/15/23 Town Board meeting minutes were approved.

#### **REPORTS SUBMITTED:**

Advanced Payment of Claims – March 2023

Building Department Report – March 2023

Dog Control Reports – March 2023

Historic Preservation Board Minutes – 2/13/2023, (No January Mtg.)

Library Board Minutes – 2/28/2023

Monthly Financial Statement – February 2023

Town Clerk Report – March 2023

Traffic & Safety Minutes – 3/2/2023

Zoning Board Minutes – 2/28/2023

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#### **RESOLUTION #118 RE: Adoption of the Monroe County, NY Hazardous Mitigation Plan 2023 Update – Town of Chili, NY**

**OFFERED BY:** Councilman Valerio

**SECONDED BY:** Councilman DeCory

**WHEREAS**, the Town of Chili Town Board recognizes the threat that natural hazards pose to people and property within Town of Chili; and

**WHEREAS**, the Town of Chili has prepared a multi-hazard mitigation plan, hereby known as the Monroe County Hazard Mitigation Plan 2023 Update in accordance with the Disaster Mitigation Act of 2000; and

**WHEREAS**, the Monroe County Hazard Mitigation Plan 2023 Update identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the Town of Chili from the impacts of future hazards and disasters; and

**WHEREAS**, adoption by the Town of Chili Town Board demonstrates their commitment to hazard mitigation and achieving the goals outlined in the Monroe County Hazard Mitigation Plan 2023 Update; and

**NOW, THEREFORE, BE IT RESOLVED**, the TOWN OF CHILI, NEW YORK, THAT:

Section 1. In accordance with Town Code & NYS Law, the Town of Chili Town Board adopts the Monroe County Hazardous Mitigation Plan 2023 Update. This plan, approved by the community, may be edited or amended after submission for review, but will not require the community to re-adopt any further iterations. This only applies to this specific plan and does not absolve the community from updating the plan in 5 years.

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

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**RESOLUTION #119 RE: Sound, Staging & Lighting - Chil-E Fest**

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

**WHEREAS**, the Town intends to provide live entertainment during the 2023 Chil-E Festival to the benefit of residents of the Town; and

**WHEREAS**, Audio Images Sound and Lighting, Inc. Has provided the Town with outstanding service in the past; and

**NOW, THEREFORE, BE IT RESOLVED**, to accept the proposal from Audio Images Sound and Lighting, Inc. And authorize Supervisor Dunning to sign an agreement in the amount of \$4,850.00 to be paid from A7550.4 (Celebrations – Chil E Fest).

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

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SUPERVISOR DUNNING: I would just like to say, this is new. Completely new. Not somebody we had before.

COUNCILWOMAN SPERR: New people.

COUNCILMAN SLATTERY: No kidding.

COUNCILWOMAN SPERR: Should be fun.

**RESOLUTION #120 RE: Entertainment Chil-E-Fest**

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

**BE IT RESOLVED** that Supervisor Dunning is hereby authorized to sign a contract with TRYST to provide musical entertainment at the 2023 Chil-E Festival for \$1,900.00, to be paid from account A7550.4. (Celebrations); pending Town Attorney approval; and

**BE IT RESOLVED** that Supervisor Dunning is hereby authorized to sign a contract with Claudia Hoyser to provide musical entertainment at the 2023 Chil-E Festival for \$2,000.00, to be paid from account A7550.4. (Celebrations); pending Town Attorney approval.

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

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**RESOLUTION #121 RE: Contract Animal Care 2023**

**OFFERED BY: Councilman DeCory**                      **SECONDED BY: Councilman Slattery**

**BE IT RESOLVED** that Supervisor Dunning be authorized to sign a Contract with Westside Animal Hospital for emergency animal medical treatment, euthanasia services and disposal services.

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

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**RESOLUTION #122 RE: Set Public Hearing for May 17, 2023 at 7:00 p.m. to consider the rezoning of the westerly portion of 4415 (GB) & 4423 (R-1-15) Buffalo Road from GB (General Business) & R-1-15 (Residential Single Family 15,000 SF min lot.) To RM (Residential Multiple-Family District).**

**OFFERED BY: Councilwoman Sperr**

**SECONDED BY: Councilman DeCory**

**WHEREAS**, the Planning Board at a public hearing meeting held on February 14, 2023 by a vote of 2 in favor 2 opposed, the recommendation for the rezoning of the westerly portion of 4415 (GB) & 4423 (R-1-15) Buffalo Road from GB (General Business) & R-1-15 (Residential Single Family 15,000 SF min lot) to RM (Residential Multiple-Family District); and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby determines that this is an Unlisted Action, declares itself lead agency for SEQR review purposes and directs the Town Clerk to send notification of such designation to all, if any, affected agencies; and

**BE IT FURTHER RESOLVED**, that a Public Hearing be set for May 17, 2023 at 7:00 p.m. to consider the rezoning application for the property located at 4415 (the westerly portion) (GB) & 4423 (R-1-15) Buffalo Road (Tax #130.20-1-057 the westerly portion) & (Tax #131.20-1-58) from GB (General Business) & R-1-15 (Residential Single Family 15,000 SF min lot) to RM (Residential Multiple-Family District); Gizzi Real Estate Holdings, LLC (4415) & John Gizzi (4423) owner(s) for the above referenced property has requested the rezoning and has paid the necessary zoning application fee.

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

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**RESOLUTION #123 RE: Donation to the Senior Center Trust & Agency Account**

**OFFERED BY: Councilman Valerio**

**SECONDED BY: Councilman Slattery**

**WHEREAS**, the Senior Center Trust & Agency Account was established in the year 2000 to hold proceeds from fundraising activities to benefit the Chili Senior Center; and

**WHEREAS**, Michael Curley, Director of Parks & Recreation, and the Voices & Visions Committee, a volunteer group of senior citizens, wish to accept a \$100.00 donation from Sharon Peterson, to be deposited into the Senior Center Trust & Agency Account; and

**WHEREAS**, Michael Curley, Director of Parks & Recreation, and the Voices & Visions Committee, a volunteer group of senior citizens, wish to accept a \$50.00 donation from Tom & Beth Race in memory of Avana Proctor, to be deposited into the Senior Center Trust & Agency Account; and

**WHEREAS**, Michael Curley, Director of Parks & Recreation, and the Voices & Visions Committee, a volunteer group of senior citizens, wish to accept a \$50.00 donation from Sam & Aleta Montante in memory of Avana Proctor, to be deposited into the Senior Center Trust & Agency Account.

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

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**RESOLUTION #124 RE: Chili Fire Department Active List**

**OFFERED BY: Councilman Slattery**

**SECONDED BY: Councilwoman Sperr**

**BE IT RESOLVED** that the following individual(s) be added to the Chili Fire Department active list effective April 10, 2023:

Kathryn Snios

Councilman DeCory - Aye  
Councilman Slattery - Aye

Councilwoman Sperr - Aye  
Councilman Valerio - Aye  
Supervisor Dunning - Aye

**RESOLUTION #125 RE: Chili Fire Department Remove from Active List**

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

**BE IT RESOLVED** that the following individual(s) be removed from the Chili Fire Department active list effective March 6, 2023:

Joe Miller

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

**RESOLUTION #126 RE: Use of Highway Facility Reserve – Cold Storage Building and Facility Repairs**

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

**WHEREAS**, on December 31, 1969, on Resolution #347, the Town Board established the Highway Facility Reserve, Pursuant to §6-c of the General Municipal Law, as amended, for the purpose of financing the cost of equipment, construction, reconstruction, acquisition or renovation of Chili Highway Facilities; and

**WHEREAS**, the Town wishes to construct a cold storage building on the site of the highway facility to be able to store more equipment indoors, extending said equipment’s life span, at an estimated cost of \$215,000.00; and

**WHEREAS**, the Town wishes to repair the floor in the highway facility, along the center drain of the garage, at an estimated cost of \$20,000.00; and

**WHEREAS**, the Town wishes to repair and update the fuel island at the highway facility, at an estimated cost of \$10,000.00; and

**WHEREAS**, the Town wishes to makes some repairs to the existing top soil storage structure at the highway facility, at an estimated cost of \$5,000.00; and

**WHEREAS**, in an effort to reduce the fiscal burden on the current and future budgets, the Town wishes to use funds from the Highway Facility Reserve for the costs related to these projects; and

**NOW, THEREFORE, BE IT RESOLVED**, that funds in an amount not to exceed \$250,000.00 from the Highway Facility Reserve be used to pay for the costs related to these projects, subject to permissive referendum, to be paid from account A1620.4000.0009 (Buildings – Contractual – Highway Facility Reserve); and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby authorized and directed to give notice in the official newspaper of the Town.

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

**RESOLUTION #127 RE: Parks Security**

**OFFERED BY: Councilman DeCory                      SECONDED BY: Councilman Valerio**

**WHEREAS**, the Town of Chili desires to contract with a professional security company to provide seasonal park security; and

**WHEREAS**, three (3) quotes were solicited with only one (1) submitted response as follows:

<u>Company</u>	<u>Quote</u>
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Valor Security Group, LLC \$28/hr (\$35/hr Holiday Rate)

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

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the Town Supervisor, to accept the quote from Valor Security Group, LLC to provide parks security for the 2023 season to be paid from account A7110.4 (Parks Security Guards).

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

**RESOLUTION #128 RE: Disposal of Surplus Equipment**

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

**WHEREAS**, the following listed equipment is, in the opinion of the Superintendent of Highways/Commissioner of Public Works, obsolete and of no further use to the Town of Chili; and

**WHEREAS**, the Town is best served by disposing of these items for their highest value in whatever form attainable; and

**NOW, THEREFORE, BE IT RESOLVED**, that subject to awarding of bids for new vehicles or the purchase of new equipment, the Town Board authorizes disposition of the following vehicles and equipment and hereby directs the Superintendent of Highways/Commissioner of Public Works to procure the highest reasonable compensation for such items and apply the proceeds there from, if any, in accordance with Section 142(5) of the Highway Law:

- \* #451 – 2012 Ford F-350 1-Ton 4x2
- \* #411 – 2010 John Deere gator TH 6x4
- \* #2 – 2012 Ford F250 Pickup 4x4

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

**RESOLUTION #129 RE: FFRPL Grant**

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

**WHEREAS**, the Chili Public Library has been awarded a grant through the Friends and Foundation of the Rochester Public Library (FFRPL), in the amount of \$8,502.33; and

**NOW, THEREFORE, BE IT RESOLVED**, to accept the donation and to amend revenue account L2705 (Gifts & Donations – Other) by an increase of \$8,502.33; and to amend expense account L7410.4 (Library- Books) by an increase of \$5,101.40; expense account L7410.4 (Library- Discs/Tapes/Audio Books – Adult/Teen) by an increase of \$850.23; and expense account L7410.4 (Library- Overdrive) by an increase of \$2,550.70.

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

**RESOLUTION #130 RE: Set Public Hearing for Local Law No. \_\_\_ to amend Chapter 369 of the Town Code of the Town of Chili**

**OFFERED BY: Councilman DeCory SECONDED BY: Councilman Slattery**

**WHEREAS**, certain amendments to Chapter 369 of the Town Code have been presented to the Town Board for consideration; and

**WHEREAS**, the Town Board, prior to its final deliberations regarding the merits of said amendments, desires to set a public hearing and provide members of the public an opportunity to be heard; and

**NOW, THEREFORE, BE IT RESOLVED**, that a Public Hearing be set for May 17, 2023 at 7:00 p.m. at the Town of Chili, Main Meeting Room, 3333 Chili Avenue, Rochester, New York 14624 to consider the adoption of Local Law No. \_\_ thereby adopting and approving the aforementioned amendments; and

**BE IT RESOLVED** that the Town Clerk is hereby directed to publish notice in the Town's official designated newspaper and to make the aforementioned amendments available to the public for review at the Town Clerk's Office and to otherwise post the same on the Town's website.

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

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**RESOLUTION #131 RE: Set Public Hearing for Local Law No. \_\_\_\_\_ to amend certain sections of the Town Code as more fully detailed in this Resolution**

**OFFERED BY: Councilman DeCory**

**SECONDED BY: Councilman Slattery**

**WHEREAS**, certain amendments to the Town Code have been presented to the Town Board for consideration, being specifically amendments to the following sections:

1. Chapter 1, §1-10 Penalties for tampering with Code (Adopted by the Town Board of the Town of Chili 4-14-2021 by L.L. No. 1-2021);
2. Chapter 164, §164-6 Penalties for offences (Adopted by the Town Board of the Town of Chili on 10-7-1981 by L.L. No. 5-1981 (Ch. 29, Art. I, of the 1980 Code);
3. Chapter 171, §171-20 (A) Penalties for offenses (Adopted by the Town Board of the Town of Chili on 12-3-2008 by L.L. No. 4-2008);
4. Chapter 176, §176-20 Penalties for offenses (Adopted by the Town Board of the Town of Chili on 5-28-1958; amended 9-6-1967 (Ch. 44, Art. II, of the 1980 Code) (Amended 9-6-1977);
5. Chapter 218, §218-3(A)(B) Penalties for offenses (Adopted by the Town Board of the Town of Chili on 12-3-2008 by L.L. No. 4-2008);
6. Chapter 234, §234-6 (A) Penalties for offenses (Adopted by the Town Board of the Town of Chili on 6-3-1981 by L.L. No. 1-1981 (Ch. 45 of the 1980 Code);
7. Chapter 263, §263-11 Penalties for offenses (Adopted by the Town Board of the Town of Chili on 5-28-1958 (Ch. 54 of the 1980 Code);
8. Chapter 277, §277-8 Penalties for offenses (Adopted by the Town Board of the Town of Chili on 7-9-2008 by L.L. No. 3-2008 (Ch. 61 of the 1980 Code);
9. Chapter 329, §329-7 (E) Penalties for offenses (Adopted by the Town Board of the Town of Chili on 3-17-1993 by L.L. No. 1-1993 (Ch. 70 of the 1980 Code);
10. Chapter 332, §332-6 Penalties for offenses (Adopted by the Town Board of the Town of Chili on 6-3-1981 by L.L. No. 3-1981);
11. Chapter 338, §338-5 Penalties for offenses (Adopted by the Town Board of the Town of Chili on 8-13-1980 by L.L. No. 1-1980 (Ch. 74 of the 1980 Code);
12. Chapter 352, §352-7 Penalties for offenses (Adopted by the Town Board of the Town of Chili on 10-3-2001 by L.L. No. 4-2001 (Ch. 76 of the 1980 Code);
13. Chapter 362, §362-7(A) Penalties for offenses (Adopted by the Town Board of the Town of Chili on 5-21-1975 (Ch. 79 of the 1980 Code);

14. Chapter 369, §369-20 (A) Penalties for offenses (Adopted by the Town Board of the Town of Chili on 12-3-2008 by L.L. No. 4-2008);

15. Chapter 439, §439-36 Penalties for offenses (Adopted by the Town Board of the Town of Chili on 7-14-1982 by L.L. No. 2-1982 (Ch. 96 of the 1980 Code);

16. Chapter 444, §444-13 Penalties for offenses (Adopted by the Town Board of the Town of Chili on 6-26-1968 (Ch. 99 of the 1980 Code);

17. Chapter 460, §460-5 (A) Penalties for offenses (Adopted by the Town Board of the Town of Chili on 12-2-1971 by L.L. No. 2-1971 (Ch. 107 of the 1980 Code);

18. Chapter 472, §472-11 Penalties for offenses (Adopted by the Town Board of the Town of Chili on 2-1-1999 by L.L. No. 4-1999 (Ch. 111 of the 1980 Code);

19. Chapter 500, §500-92 (A) Penalties for offenses (Adopted by the Town Board of the Town of Chili on 4-14-2021 by L.L. No. 1-2021);

**WHEREAS**, the Town Board, prior to its final deliberations regarding the merits of said amendments, desires to set a public hearing and provide members of the public an opportunity to be heard; and

**BE IT RESOLVED** that a Public Hearing be set for May 17, 2023 at 7:00 p.m. at the Town of Chili Main Meeting Room, 3333 Chili Avenue, Rochester, New York 14624 to consider the adoption of Local Law No. \_\_ thereby adopting and approving the aforementioned amendments; and

**BE IT RESOLVED** that the Town Clerk is hereby directed to publish notice in the Town's official designated newspaper and to make the aforementioned amendments available to the public for review at the Town Clerk's Office and to otherwise post the same on Town's website.

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

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**RESOLUTION #132 RE: Waterline Utility Right of Way and Easement Encumbering  
3235 Chili Avenue Rochester, New York 14624 (SBL: 146.13-1-19.1)**

**OFFERED BY: Councilman Valerio**

**SECONDED BY: Councilwoman Sperr**

**WHEREAS**, The Town desires to grant a certain Waterline Utility Right of Way and Easement to the Chili Fire Department, Inc. Encumbering the property located at, and commonly as, 3235 Chili Avenue, Rochester, New York 14624 (SBL: 146.13-1-19.1); and

**WHEREAS**, the Town has been presented with a certain proposed Waterline Utility Right of Way and Easement from the Chili Fire Department, Inc.; and

**WHEREAS**, the Town Board concludes that the Easement constitutes a Type 2 action under SEQR and requires no further SEQR review, analysis or action; and

**WHEREAS**, the Town desires to grant said Easement to the Town of Chili Fire Dept., Inc. Upon terms that are satisfactory and acceptable to the Town and counsel for the Town; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board authorizes the Supervisor to negotiate and execute the Easement: (A) upon such terms acceptable to the Supervisor, (b) in such form approved by counsel for the Town, and (b) subject to full and complete satisfaction and compliance with all applicable local and state laws regarding the sale of municipal owned real property, including, but not limited to New York State Town Law § 64 and any requirement and/or condition for a permissive referendum; and

**BE IT RESOLVED** that the Town Clerk shall post and publish a Notice which shall set forth the date of the adoption of this Resolution, shall contain an abstract of such Resolution, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish notice in the official newspaper for the Town, and in addition thereto, that the Town Clerk shall post or cause to be posted on the signboard of the Town a copy of said Notice within ten (10) days of the adoption of this Resolution.

Councilman DeCory - Aye

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

**RESOLUTION #133 RE: April 5, 2023 Abstract**

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

**WHEREAS**, January 2, 2023 Resolution #1 authorized vouchers to be paid April 5, 2023, by all Council signing a waiver form; and

**WHEREAS**, Council did authorize by a majority vote vouchers 43108-43112, 43114-43130, 43134, 43139-43147, 43155-43161, 43167-43178, 43181, 43183-43188, 43192-43198, 43200-43204, 43207-43219, 43223-43261 totaling \$478,121.86 to be paid from the Distribution Account as presented by Virginia Ignatowski, Town Clerk; and

**NOW, THEREFORE, BE IT RESOLVED**, to note for the record the above listed vouchers were paid from the following funds:

General Fund	\$	138,071.91
Highway Facility Reserve		1,177.27
Highway Fund		102,685.59
Library Fund		3,933.41
Drainage District		70,572.58
Fire Protection Districts		138,648.00
Street Lighting Districts		15,361.80
Sidewalk Districts		7,632.00
Total Abstract	\$	478,082.56

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

**RESOLUTION #134 RE: Historic Preservation Board**

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

**BE IT RESOLVED** that Robert Byer be appointed to the Historic Preservation Board to complete the term of Earl Bassett; term to expire on 12/31/2025.

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

The next meeting of the Chili Town Board will be on May 17, 2023 at 7:00 PM in the Town of Chili, Town Hall Main Meeting Room 3333 Chili Avenue, Rochester, NY 14624.

The meeting was adjourned at 8:07 p.m.

Steno: Sandy Hewlett  
Minutes: Virginia Ignatowski, Town Clerk  
Virginia Ignatowski