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CHILI TOWN BOARD
February 4, 2009

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

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

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

The invocation was given by Richard Brongo.

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

PRESENTATIONS/ANNOUNCEMENTS:

SUPERVISOR DUNNING: At this time, we have a -- a brief presentation if we could have the Farmers' Market. Mr. Curley, would you like to lead us off? I guess in this, I'm also going to ask the Town Board, join us up front here, if you would for a moment.

MR. CURLEY: If I could have you hold off on that thought for a moment. I appreciate it. Supervisor Dunning, Town Board members, good evening. As you know, the -- 2008 was the first year for the Chili Farmers' Market. The market was a huge success. We had -- ran for 21 weeks. We had an average of 23 vendors. With any given Saturday, we had roughly 800 to 1200 shoppers coming through, and it quickly became a hub for Chili where people would come to get the produce, walk around and see what other vendors had for sale, but also to -- just to socialize, so really it became a great activity that ran from June all of the way through October.

The Farmers' Market would not have been the success it was without a couple of people. And I want to just quickly publicly thank those individuals that helped make the Farmers' Market what it was.

First of all, Supervisor Dunning, Town Board, I want to thank you for your support in helping us move forward with that Farmers' Market, the great Town event it was.

Also I want to thank the members of the Recreation Committee. In 2007, we started talking about the possibility of a Farmers' Market, and they were very supportive from the get-go. I wanted to quickly acknowledge the people from the Committee, many who are here in the audience tonight. We have Jim Crowley, the Chair. We have Mary Fisher, Marlene Kretzer, Guy Puglia and Bob Springer.

Also, Margaret Sheppard and Sherri Holmes are on the Rec Committee who also supported us and gave us a lot of input to that -- to that Committee.

Also, I need to thank Chili/Paul Plaza and Kravetz Realty. Without them, the market would not have been the success it was. We had an ideal location. It was centrally located, great parking, easy access in and out of the plaza which really made it successful and made people want to come and easy to get to.

Also, I have to thank Paula Schweigert and Marcia from my office, the great recreation staff. They're here in attendance. They took a number of calls. They had a lot of information. They helped with the processing, the paperwork, the registrations and things like that, so it really helped ease the process, and I do have to add they were both frequent shoppers at the Farmers' Market and spent a lot of money. One of our vendors in particular always was asking is Paula (Schweigert) going to be here this week and buying her lamb chops, so they supported us in a number of ways.

Without their support, the Farmers' Market would not have been what it was, so I do want to again say thank you to all of them and to the Town Board, the Supervisor, and I'm trying to make this brief, Supervisor.

So -- that all being said, there is one person in particular that really needs special recognition, and that person is Bob Springer. I asked Bob (Springer) here tonight, with the impression that we were going to be doing a presentation for 2009. Bob (Springer), that's not the case. I -- I want to publicly thank him for his dedication and hard work with this, and more importantly to share with the public what Bob (Springer) did to make this Farmers' Market a success that it was.

Again, we started in 2007 talking about a Farmers' Market. At that time, Bob (Springer) took it upon himself to gather information, went to 10, 15 area Farmers' Markets. I could be wrong. That is just my recollection.

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BOB SPRINGER: Close.

MR. CURLEY: He spoke with the vendors, the Market Managers at those particular markets, brought back the information that worked, what didn't work at those particular places, and brought that to Chili and how we could make our Farmers' Market very successful. He gathered information on rules, regulation, State, County regulation, registration information, et cetera, et cetera, et cetera. A ton of information he brought back, and then he helped me develop the packet and policies and registration that would really be what we used to attract the vendors.

And when that was all done, that wasn't it. Bob (Springer) didn't stop there. He helped us compile a list of potential vendors. He helped us contact those people, made follow-up calls and convinced them Chili's Farmers' Market would be successful, and he really helped us bring in the vendors, and the season grew, it just kept getting bigger and bigger.

Again, it just didn't stop there. Bob (Springer) volunteered to be the Market Manager. He said he would be there committed to the event there every Saturday. And what that required was each week he would call all of the vendors who we have on our list. He would find out who was going to be there, who wasn't going to be there. He would do a new layout each week so when the shoppers would come to the Farmers' Market, they wouldn't see any gaps between the vendors. So you, as a shopper, would not recognize that the -- that market maybe was a little smaller this week, because he rearranged the layouts.

He would help me put the signs out for the Farmers' Market on Friday and then pick them up in the coming -- excuse me, the coming days thereafter. He would get there at 5 o'clock, 5:30 a.m. every Saturday. He would meet and greet the vendors. He would show them where they were. He would help them set up if they needed it. He would stay throughout the course of the day. He would greet people. He was like the Walmart greeter, saying hello to people and tell them what was available that week. He would answer any questions. And then he would stay until 2 o'clock, 3 o'clock, helping the vendors set up -- excuse me, break down and he was dedicated. He was there for the duration of the day.

The Farmers' Market here in Chili quickly got a reputation as one of the best in the Rochester area, and that is not just from us saying that or from the shoppers. It is from the vendors, the farmers who attend a number of markets throughout the area, but then also the State Agricultural Department had contacted us about a couple of things, and they shared with us we're getting a very good reputation.

A lot of that is due to obviously the Rec Committee and people that helped out, but Bob (Springer) in particular, because he was the one there every day making the contact and making people feel like it was a welcomed place, and made people enjoy the whole atmosphere.

Just to give you a little indication of what he did, um, my -- by my estimate, excuse me, he volunteered about 800 to 1,000 hours. To put that in perspective, a full-time position is just over 2100 hours for the year. Bob (Springer) did that in a period of five, six months, so he really put a lot of time, his heart and sole into this. And -- and it would not have been the success that it was.

And I would be remiss if I didn't thank his wife, Linda. She was the one who allowed him to help us and gave up that great individual, that great guy for all that time. He truly dedicated himself to this.

So, Bob (Springer), on behalf of me and the Town of Chili, thank you very much. You made Chili a better place to live and obviously a better place to shop. So thank you very much. (Applause.)

SUPERVISOR DUNNING: Bob (Springer), would you join us up here?

Michael (Curley), would you please join us?

Bob (Springer), we know that -- we greatly appreciate everything you did for us. It was a wonderful, wonderful Farmers' Market. A lot of good things happened over there, and you know, there is not a whole lot we can do to recognize that for all of the effort you did there, but the -- but Mr. Curley and some of the members of the Rec Committee came up with just an absolutely wonderful idea and appreciation -- small token of our appreciation, so people will recognize who you are.

Not that everybody over there doesn't know who you are already. I think most of the vendors and the people over there know who you are, but we want to make sure you can do it in style now, so here is a -- here is your official Bob Market Manager Chili Farmers' Market polo.

BOB SPRINGER: Thank you.

SUPERVISOR DUNNING: And not that the Town of Chili ever gets chilly in the fall time. We know that is not the case in the Rochester area, it is always warm, but we know there are those chilly days you will have to endure from time to time and you have endured, we have seen you out there and in the rain and the cold. So we wanted to make sure that Bob (Springer), the Market Manager, also has a nice spiffy fleece to stay warm. We need to take care of the man who is taking care of us. We greatly appreciate everything that you're doing. Thank you. (Applause.)

There was a discussion off the record.

SUPERVISOR DUNNING: Thank you, Bob (Springer). Thank you very much for everything. It was just great. It has been a great season and looking very much forward to the next season.

COUNCILMAN SLATTERY: You're not resigning, are you?
(Laughter.)

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BOB SPRINGER: Too much fun.

There was a discussion off the record.

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, Jerry Brixner, Dorothy Borgus and Irene Brixner. The Public Forum concluded at 7:27 p.m.

MATTERS OF THE SUPERVISOR:

2. Liaison Reports

SUPERVISOR DUNNING: I'm going to skip to Number 2 rather than go with Number 1 initially. But liaison reports, we did have some discussion at the last Town Board meeting briefly about the liaison reports and liaison positions. Councilwoman Sperr was not here for part of that conversation, and since, I had some conversations individually with some people and kind of rethought out some of this process.

And I think the liaison reports in and of themselves at Town meeting, again all of the minutes and everything is available. It just became for, lack of a better word, a regurgitation of some things we should already be responsible to do. Doesn't mean we're not attending meetings. People are attending meetings. The work is getting done and everyone is participating and we are reading the minutes, but just to simply recite them back at this Board meeting, I don't see a whole lot of value in that and the use of the time.

And better use of the time for the Town Board and the Town Council members, if you will, to be able to share other things that are maybe going on or other thoughts or ideas that you may have and things that we need to look at, so I think the time is better served in that aspect than it is to try and go over minutes that are already there and readily available.

COUNCILWOMAN SPERR: David (Dunning), it does not preclude us from making any announcements or bringing up some interesting items that may have happened at a meeting that we would like to share. That still allows us the ability to do that.

SUPERVISOR DUNNING: That's correct.

And in that we also spoke about the Planning Board and the Zoning Board liaison positions, and we -- we briefly brought up that, and I kind of rethought that a little bit after some conversations that I have, primarily with Councilwoman Ignatowski, that what I would like to do at this point is I would like to appoint myself as the Planning and Zoning Board liaison, as -- as not necessarily the expectation to be at every one of those Board meetings, but I am at the DRC meetings. I do sit in on those, and I am aware of a lot of the development and things that are going through Town. I do get all of the plans. I get everything ahead of time, just like -- you know, just like all of the Board members do, but I would like to take that responsibility myself. The -- both, Planning and Zoning.

COUNCILMAN SLATTERY: You said like Boards do. You mean -- you're referencing Planning and Zoning.

SUPERVISOR DUNNING: The Planning Board, I'm sorry. The Planning and Zoning Boards get a variety of different documents relating to their applications, and I do get those, as a regular thing, because I am a part of the DRC process.

So -- so certainly if the Planning Board or Zoning Board have any questions of the Town on anything, who really better to go through than the Supervisor who is already sitting on some of the early parts of these applications.

Again, it's not, um -- Boards still act independently. My role there would be just if they had a question or concern from the Town, I would be there to answer it.

COUNCILWOMAN SPERR: That was past practice in a previous administration also and it worked very well.

SUPERVISOR DUNNING: As I understand, the liaison reports were the same thing. Those were new over the past four years.

COUNCILWOMAN SPERR: That was new.

SUPERVISOR DUNNING: And I did carry on the agenda as it was. I didn't really make any modifications like I am kind of doing now. I am starting to make a few changes there.

In that also, I have also -- another appointment change I would like to make as far as the -- the other boards and committees, that -- that Councilwoman Ignatowski has agreed to take the -- because I'm going to give up the Recreation Advisory Committee, Councilwoman Ignatowski has agreed to take the Recreation Advisory Committee, and when we appoint a new Board member, that new Town Board member will be appointed to the Drainage Committee as their liaison.

Did I get that right?

COUNCILWOMAN IGNATOWSKI: Yes.

SUPERVISOR DUNNING: That would be the intent of the appointments there. There are no resolutions for that, so that is just a -- simply a change in those appointments. If anybody at any time feels differently and you would like to make any other changes, let me know and I will be more than happy to accommodate that. Any questions or --

1. Purchase Cards

SUPERVISOR DUNNING: Purchase cards. I did share some information about purchase

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cards with the Town Board. Um, at this -- you know, just -- for the sake of people here in the audience, purchase cards are a great opportunity for the Town to get better control over spending, in ways that we have better audit controls. We have ways now to limit costs, limit who has the ability to charge anything or buy anything from the Town. We have instant ability from any internet access, from a PDA or anything, anywhere you can get on the internet, to shut off, open up, control, whatever you want as far as the spending on these particular cards. The intent, the original intent would be Director of Finance, Dianne O'Meara, and myself would have the internet access to this, be able to control the use of these cards. These would be given to employees who currently make purchases for the Town.

So the Highway Department, for example, might go to Home Depot to buy a box of screws. Well, you know, maybe Home Depot is not an approved purchase for someone else who has a purchase card. We can make sure they can't go to Home Depot and buy something. So we can have the control over these type of cards.

It also allowed us to take better advantage where we haven't really been able to shop where we had to use personal credit cards to buy something to save a few dollars here and there on products and reimburse that individual or -- or an individual employee. I would like to see that stopped. We would like to make it one account, one basket, we know exactly what is happening with that, and it just gives us ability to -- to shop places that we don't normally shop now. We don't have accounts with. And perhaps can't even open an account with. There is no accounts available.

From an audit standpoint, it puts everything in one basket and gives us a better report of what we're doing. So in that, the policy in which you saw is a draft, and we are -- we do continue to work on it, and I do welcome your comments.

COUNCILWOMAN SPERR: Mary (Sperr)?

I -- I already told him I have a couple.

SUPERVISOR DUNNING: Councilman Slattery has a list and it is all in red, so I'm anxious to hear what he has to say.

COUNCILWOMAN SPERR: Mine is a little shorter. I did like the concept and the policies that you put forth, and I like the idea of the controls. You call them purchase cards, though. Do they act like a debit card or a credit card?

SUPERVISOR DUNNING: More like a credit card. They're -- Dianne (O'Meara); am I right? In saying that you're not debit -- that doesn't come out immediately.

DIANNE O'MEARA: Right.

SUPERVISOR DUNNING: There is a grace period, if you will, or a billing period, billing cycle.

COUNCILWOMAN SPERR: That wasn't abundantly clear. And with the cards that we personally use, we're allowed to go in with that card and make a cash advance. They're going to be prohibited from doing any of that. Those are controls on those cards.

How does that work then if someone does walk into a bank and wants to do or does walk into the Home Depot and wants to purchase something?

SUPERVISOR DUNNING: Denies it just like the card didn't exist. Like the card expired, you're over your limit or whatever controls the bank has, if they know it is not a legitimate purchase.

COUNCILWOMAN SPERR: Then your intent is to have a published list of who will have the cards so that everyone is aware?

SUPERVISOR DUNNING: Yes.

COUNCILWOMAN SPERR: And they are -- it's -- the intent is that they are not to pass that card to anyone else? They do not have the permission to lend that card to anyone else in the Town?

SUPERVISOR DUNNING: That's correct. They will be assigned -- we're still working out some of those details, but they will typically be assigned to an individual, with that individual's name on it.

COUNCILWOMAN SPERR: On the card.

SUPERVISOR DUNNING: So handing it to someone else would be no different than you handing your credit card. No one should authorize me to use your credit card if I used it in a store. I know there are electronic mechanisms that don't necessarily check whose card it is, but I think we have got some pretty tight controls and -- on those type of things.

COUNCILWOMAN SPERR: I can do that at work. I can use the company credit card. It is just issued to -- for example, our President, and I can, with his authority, use his card.

SUPERVISOR DUNNING: Right. If you have the authority to use it, you can use it.

COUNCILWOMAN SPERR: Okay. That's all I have for now.

SUPERVISOR DUNNING: Ginny (Ignatowski)?

COUNCILWOMAN IGNATOWSKI: I asked mine in a telephone conversation last week, so I'm all set.

SUPERVISOR DUNNING: Rich (Stowe), do you have any questions?

Sandy (Hewlett)?

(Laughter.)

SUPERVISOR DUNNING: Well, Councilman Slattery?

COUNCILWOMAN SLATTERY: I'm all set. Just kidding.

Counsel, has Counsel reviewed the policy at all yet?

RICHARD STOWE: I reviewed the -- the agreement with the bank. I -- I reviewed the draft policy? I haven't seen some of the amendments to the policy because it wasn't in a final

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version, and I think we're waiting until it was finalized.

COUNCILMAN SLATTERY: Okay.

RICHARD STOWE: Will I, yes. Are we done, no.

COUNCILMAN SLATTERY: No.

Reading this, it appears to be a generic form that was sent out by the vendor, so I'm sure that this is a starting point. They want to just help us along to get to that. So I took that into consideration.

SUPERVISOR DUNNING: We have tweaked it some. We -- we have gone through a couple of different versions, but you're absolutely right, that is what that is.

And basically I would like to see something more specific and tailored towards the Town, which I'm sure will be done. As Mary (Sperr) mentioned, how many people will carry this card and will they carry it full-time? Will this be something they turn in, get at the end of the day -- get at the beginning of the day and turn in at the end of the day?

SUPERVISOR DUNNING: I think that was defined in one part of this policy where it says -- one, yes, they will be distributed to the individuals. That individual will carry that card, but they -- it will be -- the department head will be responsible basically for collecting those cards at the end of the day. So those cards will be turned in. They won't take them home. They stay in the Town of Chili.

COUNCILMAN SLATTERY: I didn't specifically see that in there. I was looking for it. It didn't stated that, at the end of the day. It said they would carry it.

COUNCILWOMAN SPERR: Or where it in the Town it will be stored.

SUPERVISOR DUNNING: It will be stored with the department heads.

COUNCILMAN SLATTERY: Do you know how many people that we are looking to have access to these?

SUPERVISOR DUNNING: No, I don't have a number yet.

COUNCILMAN SLATTERY: I'm sure it is too early.

I guess one of the questions I would ask is, I -- I know in another municipality there was an issue with, you know, an employee with a card, and the use of that card. And I would just ask why do we feel that at this time that this is the route that we want to go, and is not the old procedure working? Or are we finding problems and then this wouldn't maybe help save the taxpayers money?

SUPERVISOR DUNNING: It -- this actually ultimately will save money. And probably not a great deal of money, but it will save some money. But what is happening -- it is not that the current system is failing. It is that there is an improvement to that system.

I will use an example. One the -- one of the great benefits here -- I will use the Association of Towns meeting. When -- if we are to go to the Association of Towns, we put that on our credits cards, and we have accounted for all of our expenditures on -- on our own personal accounts, on our cards, and in a lot of cases, we may have paid tax on some of those things where we shouldn't have. We turn those receipts into the Town, and the Town then reimburses us for that. That process can take anywhere from 30, 66 -- depending when we turn in the receipts.

With the purchase card I could then say, Councilman, I can give you this card to book your air fare, book your reservation, pay for your registration for the event, and also give you an -- and authorize you to take a card with you for your meals and I can put a limit on that card. Say we approved \$1400 this year, and we have \$1200 we have already done for other expenses, now we have 200. I can give you a card and all you can use -- I know it is a little more than that. It is \$1,307, so you have \$93 left by the time you're done paying that. I know that.

COUNCILMAN SLATTERY: In the Association of Towns, there is an article in here, and the President actually did a story on the -- the meeting, the -- the conference and what it would cost, and his cost is coming out to \$1600 for a Town Board member or Supervisor to attend. So --

SUPERVISOR DUNNING: Well, good thing all of us aren't going this year.

I got sidetracked a little bit. But the advantage there is that those purchases can be made on the Town's card, and with the benefit of non-tax dollars. Again, you're turning in receipts that are going to be taxed. So there some small savings there.

Again, audit controls. We have everything in one basket.

You know, we have celebrations here from time to time where we buy a cookie tray or soda. We have to send someone with their personal card and --

COUNCILMAN SLATTERY: Or petty cash.

SUPERVISOR DUNNING: Petty cash, whatever that may. That eliminates the -- there will be some petty cash. We have minimal petty cash any ways. But it really opens up those opportunities and makes it a little bit more flexible.

COUNCILMAN SLATTERY: I'm sure we plan on paying this off monthly. We don't plan on carrying over the balance.

SUPERVISOR DUNNING: That's correct.

COUNCILWOMAN IGNATOWSKI: That's what it says.

COUNCILMAN SLATTERY: Just confirming.

Do the supervisors or the department heads know what is expected of them as far as reviewing the card usage of the employees that work for them?

SUPERVISOR DUNNING: Not yet. We haven't got to that point. We're doing this -- this was initially we -- Dianne (O'Meara) obtained this draft. We massaged it a little bit and made some changes on our side. And this -- when I share with you, was basically the first time. The departments heads really haven't seen it for the most part yet. We will, as we get this fine-tuned

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and where we want it, we'll share it with department heads and post it as required on all of the boards.

COUNCILMAN SLATTERY: Is there a certain period of time that the -- that if the card is used that the purchases will be reviewed or activity on the cards? Are we going to check biweekly, monthly?

SUPERVISOR DUNNING: Yes. It may be checked daily.

COUNCILWOMAN SPERR: Daily.

SUPERVISOR DUNNING: We have the ability to look at -- to get reports off it on a minute-by-minute basis. I mean, as soon as you swipe the card -- not you, but someone swipes the card at KMart, we can know that they're at KMart making a purchase. So...

COUNCILWOMAN IGNATOWSKI: I thought that was in here, daily it was going to be reviewed.

SUPERVISOR DUNNING: By the department heads, yes. Their expense reports.. there are receipts associated with that. They will be turned in daily. There is some controls in there if receipts aren't turned in, what the penalties are for that.

COUNCILMAN SLATTERY: In here it says "could be," and it is not black and white, that is --

SUPERVISOR DUNNING: There is some "should"s and "would"s that should be like "will" or "must"?

COUNCILMAN SLATTERY: That is why when I started out by saying generic form sent out by the vendor, it's not specifically tailored to the Town's need. You can see this is very generic. When you read it, it serves as a liaison to both MT (phonetic) and Town departments. When you start reading this, it is generic. You can see that there -- and sometimes they're talking as the third person. They're not talking as the Town. That is why I just wanted to see it tailored, you know, modified, massaged by the Town to suit our needs. That is why I want to be specific with any questions and what the Town will do.

Who will review the department heads' purchases?

SUPERVISOR DUNNING: That will be between Dianne (O'Meara) and I.

COUNCILMAN SLATTERY: That is all I have until we get more of the draft. It will answer some more of the questions that I have.

COUNCILWOMAN SPERR: I felt this was a very good start and to have a format that they found, a successful format for us to start with, was a good move. I like the thought, and, um, I would like to see the specifics as Michael (Curley) mentioned.

COUNCILMAN SLATTERY: And with my questions, I do, too. I think that one municipality that I was referring to, I think it was error on their part for not having those controls and monitoring over the usage of this one particular card.

SUPERVISOR DUNNING: And if at some point you would like to -- not necessarily right now, but if you would like to share where that was so I might be able to go back to them and find out and talk to them about the challenges they have, I might be able to do that --

COUNCILMAN SLATTERY: Sure.

SUPERVISOR DUNNING: -- so I can understand (inaudible). So that is basically it.

Anybody got any other?

I will move on to some pending matters.

Pending Matters:

1. Vacancies on Traffic & Safety, Recreation Advisory, Architectural Advisory & Board of Assessment Review (sub).

SUPERVISOR DUNNING: We do have several vacancies. Traffic Safety Committee, there is still a vacancy.

Rec Advisory Committee, there still one vacancy.

Architectural Advisory Board, we have a vacancy there.

And the Board of Assessment Review, we are looking for a sub to fill in for that particular Board.

And also pending the outcome of tonight's meeting or not really, we do have a resignation, so we'll have an opening on the Zoning Board of Appeals. So those Boards, I would encourage you to please share that information with your friends, neighbors, family, people that live in Chili, we're anxiously looking to filling those slots. We do have an upcoming interview session where we are going to interview people in a couple of weeks, and it is an opportunity to still get in on that. If there is anybody that might be interested.

MATTERS OF THE TOWN COUNCIL:

SUPERVISOR DUNNING: Anybody have anything additional you would like to offer?

COUNCILWOMAN SPERR: Yes. As -- as a member of the -- I am a member of the Board of the Chamber of Commerce, and periodically, um, I like to use this format to announce some of the upcoming meetings or events that we have, and these have been posted on the bulletin boards of the Town Hall, but there will be a breakfast meet and greet. It's free, sponsored by the Chamber. This will be held on February 13th, and it will be held right here in Chili Public Library, in the Barbara Ireland multimedia room and will be catered by Leaf & Bean coffee, so we're promoting our businesses and support them.

Rochester Works will also be in attendance at this meeting to discuss how they support our area.

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And an additional meeting has been scheduled for February 24th, both Gates Supervisor Ralph Esposito and our own Chili Supervisor David Dunning will be presenting their State of the Town address. There is a new format for this year and we're looking forward to have both Supervisors tell us the State of their Town. That will be held at Calabria Restaurant on Pixley Road in the Town of Gates. If anybody has any questions, they can contact me at any time or any other member of the Chamber.

If you haven't ever come to one of our meetings, everyone is welcome to come and check us out, and I offer that to anybody there.

And I also, um, wanted to change topics and mention something that Michael (Slattery) held his copy up. We get this copy of the Talk of the Towns and Topics through our membership with the Association of Towns. And in this month's magazine that I happened to notice this past week, there was an opinion page, and the title of this opinion was referencing the Open Meetings Law. Um, and an article, one of the articles states -- called Public Participation at Town Board Meetings, in this article, the opinion of the Committee on Open Government, opined that public bodies may impose reasonable rules for public participation during their Board meetings and it gets quite lengthy, but the point I wanted to make about this was near the end of this article, the recommendation was -- this is exactly what it says.

Generally, the Committee believes that three to five minutes per person is accepted practice. And our practice is to allow for five minutes, and so I really felt that we have been right on the money all along. And we are always open to listening to anything that everyone -- anyone has to say. We're always available to be contacted, and I think we're well within the guidelines of public forum. So I just -- it comes up a lot at the beginning of the meetings, and so I just thought it was interesting that they would recommend three to five minutes and we have five.

SUPERVISOR DUNNING: Mary (Sperr), didn't they also speak in that article that a part of that was -- they found it very acceptable and standard practice to sign up to speak at a public forum about a week in advance?

COUNCILWOMAN SPERR: Yes, some they do.

COUNCILMAN SLATTERY: And actually, if I could just touch on it a little bit, because actually I have it highlighted to speak on it, as well. I know we hear from the audience -- well, unfortunately, a couple of people left, and I wish they were here to hear this. That we have been criticized for the amount of time we allow people to speak and so forth. But also, as a Town Board we do not have to allow the public to speak.

COUNCILWOMAN SPERR: That's right.

COUNCILMAN SLATTERY: And we do. And one thing that it does state in here, which I would like to read is the amount of time each person is permitted to speak must be reasonable. A public body can adopt reasonable rules to govern public participation. Generally the Committee believes that three to five minutes per person is an acceptable practice. And we have been doing that, and I'm very comfortable with it. And so forth. So -- but I just think -- we have been criticized, and when the -- you know --

COUNCILWOMAN SPERR: Association of Towns.

COUNCILMAN SLATTERY: -- Association of Towns comes out with this, I think it is very important. If you look, I believe, the City School District, and there are some other municipalities that you have to sign up a week or so before you can speak. So I mean, we have folks that come in, raise their hand and want to speak with they get here. So if went to change our format to where the City School District is or some of these other bodies, um, I think we're closing the door on that open government.

COUNCILWOMAN SPERR: I also want to remind people that we limit it to five minutes, but on occasion, the person speaking has a topic that they haven't quite finished yet as evidenced tonight. Heath (Miller) was allowed a few extra seconds to finish his thought and the Supervisor has allowed that and even encouraged that at times when it is necessary. But it allows everyone an opportunity to speak and the meeting is held at a reasonable time.

Thank you.

COUNCILMAN SLATTERY: Dick (Brongo) hasn't told me five minutes yet.

(Laughter.)

COUNCILWOMAN IGNATOWSKI: If I could, I just wanted to take this opportunity. I was remiss in doing this at a previous meeting, to pass on to you and the Board a compliment had that had been made for work done by David Lindsay.

We had a resident that had a drainage problem that was coming to multiple meetings, looking for relief from his problem, and it seemed like there was just no solution. And to David (Lindsay)'s credit, he did eventually come up with a solution to it, and the homeowner is extremely happy with it and passed on his thanks to him and the Committee.

SUPERVISOR DUNNING: Very good.

COUNCILWOMAN IGNATOWSKI: I appreciate his perseverance and his ingenuity to get it corrected. The other thing I wanted to bring up was a follow-up from a previous conversation. I can't remember if it was two meetings ago about the Conservation Board and their wish for a reserve fund. They want that established for the purposes of saving money towards an open space plan. They really would like to hire a consultant. Um, apparently, it is my understanding it is really up to the Town Board now to have a resolution to establish that reserve fund. And I was just speaking with Dianne O'Meara that we had a conversation at the last Conservation Board meeting that was telling them some of the things that needed to be put into that, some of that that could probably go to Mr. Stowe to then help with that. Hopefully that will be coming.

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SUPERVISOR DUNNING: I do anticipate we'll be seeing that, too.

COUNCILWOMAN IGNATOWSKI: One last thing. I don't want to steal Councilwoman Sperr's thunder. Now that we have our lovely new code, there was a recommendation she had made along with Ken Hurley about retaining walls, if we can add that to our code.

When will we start entertaining modifications to that brand spanking new code?

SUPERVISOR DUNNING: We just distributed them.

COUNCILWOMAN IGNATOWSKI: I thought I would make your day by asking that question.

SUPERVISOR DUNNING: I do appreciate -- actually, I do appreciate the comments and I do appreciate these things being brought up. We have not started meeting yet, but both Mr. Lindsay and Mr. Karelus are well aware that I intend to start having regular meetings for looking at sections of the code and updating where necessary and where appropriate, and we haven't begun that yet. Trying to clear some other things off our plate. I know Mr. Lindsay has been extremely busy, not that the weather hasn't been very cooperative for him this year, nor has the Supervisor actually been giving him things to do, and the same with Mr. Karelus. So we'll start working on those things soon. I do not have a specific time frame at this point for that.

COUNCILWOMAN IGNATOWSKI: Just letting you know, I save all these things.

SUPERVISOR DUNNING: I know you won't forget, and I know you won't let me forget. Anything else? Okay.

The 1/7/09 Town Board meeting minutes were approved as modified.

REPORTS SUBMITTED:

Town Clerk Report – January 2009

Architectural Advisory Minutes – 8/14/08

Conservation Board Minutes – 1/5/09

Library Board Minutes – 12/16/08

Traffic & Safety Minutes - 12/4/08

Zoning Board Minutes – 12/16/08

CORRESPONDENCE:

1. Mr. Brongo has received notification from Fred Trott that he has resigned from the Traffic & Safety Committee effective 1/21/09.
2. Mr. Brongo has received notification from Tracy DiFlorio that she has resigned from the Zoning Board of Appeals effective 2/3/09.

SUPERVISOR DUNNING: Mr. Trot has been appointed to the Zoning Board of Appeals.

3. Mr. Brongo has received formal notification from Chili Country Club, Inc., 760 Chili Scottsville Road, Scottsville, New York 14546 that they have made application for renewal of their Liquor License with the State Liquor Authority.

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: Dianne (O'Meara), I'm going to pass this one to you, if you would, please.

DIANNE O'MEARA: This group initially was called the Monroe County Municipal Workers' Compensation plan, and the Town of Chili has been in this plan for -- I think it was 2004 we may have entered it, but basically what it is, it is a consortium of other municipalities or agencies to basically self-insure, but at the same time, share costs as far as administrative duties, access insurance, claims review, things like that.

The -- the reason that this resolution is on is because the -- there is a lot of discussion, a lot of work that is done, that is done at quarterly meetings of this particular group, and when one agency does not have attendance, it hinders the progress of the group. So basically what it is is I have been acting as Director, and I have been attending meetings. Anybody can attend these meetings, but I have been attending these meetings, with different issues. If I'm unable to attend and -- Supervisor Dunning would attend in my place, and if neither one of us are able to attend, then Ms. Frank would be able to attend.

I guess that is it.

COUNCILWOMAN IGNATOWSKI: Actually, just a curiosity, just a side note actually. When this was first started, there was a group of towns that went in. Has that group grown? I remember there was some initial interest in it and people were seeing the savings, that there were other ones interested in joining. Did that occur?

DIANNE O'MEARA: Right now there is 19 different towns, villages, fire districts, um, Monroe County Water Authority is in this group. To date, knock on wood, we have seen good savings versus insuring the Workers' Compensation through -- through insurance premiums.

COUNCILWOMAN IGNATOWSKI: I remember that being the case.

Thank you.

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RESOLUTION #116 RE: Upstate NY Municipal Workers Compensation Plan Director, Alternate Director and Facilitator**OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr****WHEREAS**, the By-laws for the Upstate NY Municipal Workers Compensation Plan (UNYMWCP) require attendance at each Board of Directors meeting;**NOW, THEREFORE, BE IT RESOLVED**, Dianne O'Meara, Director of Finance, shall serve as the Director representing the Town of Chili; and**BE IT FURTHER RESOLVED**, David Dunning, Supervisor, shall be appointed as the Alternate Director to serve in the Director's absence; and**BE IT FURTHER RESOLVED**, V. Lee Robinson-Frank, Payroll Clerk, shall be appointed as the Facilitator, to serve in either the Director's or Alternate Director's absence.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #117 RE: Release of Escrow Account Balance to Hiscock & Barclay LLP., Counsel to Omnipoint Communications, for Plan Review Services Rendered at 2914 Chili Avenue**OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski****WHEREAS**, an escrow account was established by Hiscock & Barclay, LLP. As counsel to Omnipoint Communications with the Town to finance third party consultation services for the review of a telecommunications tower site plan application at 2914 Chili Avenue;**AND, WHEREAS**, Hiscock & Barclay, LLP. Has submitted a letter on behalf of Omnipoint Communications dated January 20, 2009 to the Building Department Manager requesting the withdrawal of their site plan application for property located at 2914 Chili Avenue, property also fronting on Fenton Road;**BE IT RESOLVED**, that per recommendation of the Building Department Manager, \$1645.28 be released from the escrow account back to Hiscock & Barclay, LLP., as attorneys for Omnipoint Communications with the remaining balance of \$0 on hand with the Town.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #118 RE: Disposal of Surplus Equipment**OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr****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;**NOW, THEREFORE, BE IT RESOLVED**, that subject to awarding of bids for new vehicles, 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 process there from, if any, in accordance with Section 142(5) of the Highway Law:

- #3 2001 Dodge Ram 2500 P/UP 2 Whl
- #4 2001 Dodge Ram 2500 P/UP 2 Whl
- #72 1998 International 4700 16' Dump Body
- #82 1994 Ford L9000 10 Whl Dump Plow/Sander
- #102 2004 John Deer Mower ZZZ Track 777 60" Deck
- #205 1995 Bomag Roller 10 Ton Vibratory BW161ADS
- #263 2001 Dodge Van 2500
- #426 1998 Bobcat 863 Skidsteer
- #427 1991 Kubota Excavator KH 151L
- #450 1999 Chevy 3500 1 Ton Dump

APPROVED BY A VOTE OF 4 YES

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RESOLUTION #119 RE: Authorization to Advertise for Bids for a Small Excavator**OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski****WHEREAS**, the approved year 2009 Town Budget includes funds for the purchase of certain replacement vehicles and equipment;**NOW, THEREFORE, BE IT RESOLVED**, to authorize Superintendent of Highways/Commissioner of Public Works, the advertisement for bids for a small excavator.

APPROVED BY A VOTE OF 4 YES

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: A number of these, these were all already addressed during the budget process. We already asked our questions about this. This is once again implementation of the budget that we adopted back in November.

COUNCILWOMAN SPERR: Which also means we are putting into effect our replacement plan and continuing on with that.

COUNCILMAN SLATTERY: This isn't anything new. This has been going on the nine years I have been on the Town Board. This is something that we have done every year. As the ladies mentioned, through budget time we discussed this and go over it, and I would also like to add that we're also doing our part trying to help revive the economy.

SUPERVISOR DUNNING: Sure are.

COUNCILMAN SLATTERY: Well, you have folks in these industries that are losing their jobs.

SUPERVISOR DUNNING: Also, this also says a lot for the work this Town Board has done over the years in doing their due diligence. A lot of other towns I have talked to actually bond for this type of thing. They go out and borrow money to buy equipment and pay for it during its life cycle. When it is done, they go out and buy another.

The Town of Chili doesn't borrow. We're on a great replacement plan where we are actually using cash and paying things with cash so we're not paying large fees and interest rates and other things to get these things done.

COUNCILMAN SLATTERY: Also, to touch on that, if -- because we're going off of State bid, we're purchasing these items at a lower rate than what the general public could do, as a citizen, than what I could do, and when we do send it to auction, you know, there is some municipalities that buy a pickup truck new every year, they turn around and sell it the following year and make a profit on it. And I think that is being responsible to their taxpayers, and -- if you can save your taxpayers money, it's -- it's a great thing to do.

COUNCILWOMAN IGNATOWSKI: You can't get as good of deals? Oh, come on.

COUNCILMAN SLATTERY: I can't even get a sweater like Bob (Springer)'s.

BOB SPRINGER: Yes, you can.

(Laughter.)

COUNCILMAN SLATTERY: Bob (Springer), it's closed for the audience.

(Laughter.)

RESOLUTION #120 RE: Authorization to Advertise for Bids for a Mower**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski****WHEREAS**, the approved year 2009 Town Budget includes funds for the purchase of certain replacement vehicles and equipment;**NOW, THEREFORE, BE IT RESOLVED**, to authorize Superintendent of Highways/Commissioner of Public Works, the advertisement for bids for a mower.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #121 RE: Authorization to Use General Fleet Reserve Funds**OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr****BE IT RESOLVED** that the Town Board has under consideration in the 2009 adopted budget, the purchase of a passenger van, at an estimated cost of \$22,000.00, with said purchases intended to be paid from the General Fleet Reserve (subject to permissive referendum); and**BE IT FURTHER RESOLVED**, that pursuant to Section 81 of the Town Law within ten (10) days of the date of this Resolution, the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the portion of the resolution to use the General Fleet Reserve, shall contain an abstract of such Resolution, shall specify that this Resolution was adopted

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subject to a permissive referendum and shall publish such notice in the Gates-Chili Post, the official newspaper of the Town of Chili, and in addition thereto, the Town Clerk shall post or cause to be posted on the sign board of the Town, a copy of said notice within 10 days of the adoption of this Resolution.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #122 RE: Authorization to Use Highway Equipment Reserve Funds

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that the Town Board has under consideration in the 2009 adopted budget, the purchase of a vibratory asphalt compactor (roller), skid-steer and 10 wheel truck, plow equipment, dump body, and salt spreader at a combined estimated cost of \$340,000 of which \$196,000 of said purchases are intended to be paid from the Highway Equipment Reserve Fund (subject to permissive referendum); and

BE IT FURTHER RESOLVED, that pursuant to Section 81 of the Town Law within ten (10) days of the date of this Resolution, the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the portion of the resolution to use the Highway Equipment Reserve Fund, shall contain an abstract of such Resolution, shall specify that this Resolution was adopted subject to a permissive referendum and shall publish such notice in the Messenger Post, the official newspaper of the Town of Chili, and in addition thereto, the Town Clerk shall post or cause to be posted on the sign board of the Town, a copy of said notice within 10 days of the adoption of this Resolution.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #123 RE: Purchase of Pickup Trucks

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

WHEREAS, included in the year 2009 Town Budget, is the replacement of two pickup trucks;

NOW, THEREFORE, BE IT RESOLVED, to authorize Superintendent of Highways/Commissioner of Public Works, the purchase of two 4-wheel drive pickup trucks for the Highway Department under NYS OGS Bids PC62886, Item #16, from Van Bortel Ford at a cost for each truck not to exceed \$23,000.00 to be paid from Account #DA 5130.2 (Machinery – Equipment).

APPROVED BY A VOTE OF 4 YES

RESOLUTION #124 RE: Purchase of Pickup Truck

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

WHEREAS, included in the approved 2009 budget is the purchase of one (1) new pickup truck replacement;

NOW, THEREFORE, BE IT RESOLVED, to authorize Superintendent of Highways/Commissioner of Public Works, the purchase one 4-wheel drive pickup truck for the Building Department under NYS OGS Bid PC 62882, Item 6A, from Fairport Ford at a cost not to exceed \$19,000 to be paid from Account #A3620.20 (Safety Inspection)

APPROVED BY A VOTE OF 4 YES

RESOLUTION #125 RE: Purchase of Leaf Truck

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

WHEREAS, included in the year 2009 Town Budget, is the replacement of one 16' leaf truck;

NOW, THEREFORE, BE IT RESOLVED, to authorize Superintendent of Highways/Commissioner of Public Works, the purchase one Mode l 4300 International Truck with a 16' box under NYS OGS Bids Contract PC 62757 from International Truck & Engine Corp. At a cost not to exceed of \$70,000 to be paid from Account #A 8160.2 (Refuse & Garbage – Equipment).

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APPROVED BY A VOTE OF 4 YES

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RESOLUTION #126**RE: In Memory of Walter M. Pelkey****OFFERED BY: Supervisor Dunning****SECONDED BY:****Councilwoman Ignatowski
Councilman Slattery
Councilwoman Sperr**

WHEREAS, on January 7, 2009, Walter M. Pelkey passed away and we are deeply saddened by his loss;

AND WHEREAS, Mr. Pelkey served on the Board of Assessment Review from April 1972 thru June 1975; In 1973 was appointed as Town Justice until 1984;

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

APPROVED BY A VOTE OF 4 YES

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RESOLUTION #127 RE: Addition to Clifton Fire Department, Inc. Active List**OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr****BE IT RESOLVED** that the following individual be added to the Clifton Fire Department, Inc. Active List effective February 2, 2009:

James Dailey, 11 Ashton Villa, North Chili, NY 14514

APPROVED BY A VOTE OF 4 YES

RESOLUTION #128 RE: February 4, 2009 Abstract**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski****BE IT RESOLVED** to pay vouchers 184-367 totaling \$1,520,275.68 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$ 49,968.23
Highway Fund	\$ 79,998.06
Consolidated Drainage	\$ 211.23
Clifton Fire Protection	\$ 140,713.00
Chili Fire Protection	\$ 984,763.00
Scottsville Fire Protection	\$ 22,878.00
Gates-Chili Ambulance	\$ 46,787.00
Clifton Ambulance	\$ 18,311.00
Chili Ambulance	\$ 173,262.00
Scottsville Ambulance	\$ 1,640.00
Park Place Sidewalk	\$ 1,744.16
TOTAL	\$1,520,275.68

APPROVED BY A VOTE OF 4 YES

RESOLUTION #129 RE: Town Board Member**OFFERED BY: Supervisor Dunning SECONDED BY: Councilwoman Sperr****BE IT RESOLVED** that Tracy DiFlorio be appointed Councilwoman to the Town of Chili Town Board to fill the unexpired term of former Councilman Dennis B. Schulmerich (1/21/2009), effective 2/5/09 at a salary of \$13,871.78.

APPROVED BY A VOTE OF 4 YES

SUPERVISOR DUNNING: I would like to read this resolution, if I may, in its entirety.

Supervisor Dunning read the resolution in its entirety after the vote.

SUPERVISOR DUNNING: At this time, if you would, I would like to introduce Tracy DiFlorio. (Applause.)

SUPERVISOR DUNNING: I -- I would like Tracy (DiFlorio), if you would like to join us up here. I would appreciate it if you would take your new seat.

TRACY DiFLORIO: Thank you.

COUNCILMAN SLATTERY: Now we're going to adjourn the meeting.

SUPERVISOR DUNNING: Actually, I am -- I would like to move that we go into Executive Session to discuss a matter of real property.

COUNCILMAN SLATTERY: Second.

The vote on the motion to go into Executive Session was 4 yes.

SUPERVISOR DUNNING: Just like to make this announcement, when we return, there will be no other business conducted.

The Town Board went into Executive Session at 8:15 p.m.

Supervisor Dunning made a motion to come out of Executive Session and return to the Town Board meeting, and Councilwoman Ignatowski seconded the motion. The vote on the motion

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was four yes.

The Town Board returned from Executive Session at 8:38 p.m.

The next meeting of the Chili Town Board is scheduled for Wednesday, March 4, 2009 at 7:00 p.m. at the Chili Town Hall main meeting room.

The Town Board meeting adjourned at 8:38 p.m.