

CHILI TOWN BOARD
November 17, 2004

A meeting of the Chili Town Board was held on November 17, 2004 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 Logel.

PRESENT: Councilman Powers, Councilwoman Ignatowski, Councilman Slattery, Councilwoman Sperr and Supervisor Logel.

ALSO PRESENT: Richard Brongo, Town Clerk/Deputy Supervisor; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor; Joseph Lu, Town Engineer; Joseph Carr, Commissioner of Public Works/Superintendent of Highways; Dianne O'Meara, Comptroller.

The invocation was given by Richard Brongo, Town Clerk.

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

PRESENTATION:

Peter Widener stated this evening the Historic Preservation Board would like to recognize a family in the Town of Chili, the Sheffer family; more directly, Peter Sheffer. Peter Widener stated Peter Sheffer was born in 1762 in Pennsylvania and moved into the Chili area in 1792, about 212 years ago. Peter Widener stated a lot of times people said Peter Sheffer didn't live in Chili. He stated in 1792, Chili did not exist nor did Wheatland exist either. Peter Widener stated Peter Sheffer was a farmer, a humanitarian and real estate warlord. Peter Widener stated Peter Sheffer had a lot of land in South Chili.

Peter Widener stated when Chili was developed into a town, shortly thereafter 1828, Peter Sheffer decided to help the community and his family get better educated and donated land to have a school house built. He stated that took a little time, and in 1848, a cobblestone schoolhouse was finally completed and built. Peter Widener stated Peter Sheffer was real proud of the school, but unfortunately, he passed away in 1851. He stated Peter Sheffer did see his dream come true.

Peter Widener stated in his research, he looked around for a Sheffer family still in Chili and he did find some decedents. Peter Widener stated this evening present in the audience were Bob and Sue Sheffer. He stated in talking with them and doing the research, he asked them if they could get some type of a picture or identification of Peter Sheffer and they said they had a family portrait.

Peter Widener stated that family portrait is of Peter Sheffer, the person who thought a lot of education in 1848 to be able to donate land and have a schoolhouse built in the Town of Chili. He stated it is their intention that the Preservation Board and the Sheffer family would like to give the framed picture to the Town in the hopes that it would be hung on the walls of the Cobblestone Schoolhouse Museum. He stated after all, Peter Sheffer was the man who was the brain child of the land for the school building.

Peter Widener stated the Preservation Board members present this evening were: Nancy Austin, Steve Grogan, Carol Thomas and Rona Pearce. He stated they would like to present this to the Town this evening, again, in hopes that the presentation of this picture will be hung in the Cobblestone Schoolhouse Museum.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Five speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:37 p.m.

TOWN BOARD COMMITTEE REPORTS/REPORTS BY COUNCIL MEMBERS:

**Community Service Committee - James Powers, Michael Slattery
Recreation Advisory Committee**

Councilman Slattery stated a number of things were discussed at the Recreation Advisory meeting. He stated one was the Haunted Hay Ride. He stated the turnout was very good for both nights, a

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lot of participants.

Councilman Slattery stated there were some special groups that were thanked: Henrietta Fire Department, Kristy Kretser, Earl Sellers, Gates-Chili Participation in Government Group, the Parks Department for their efforts and Mr. Curley, their Recreation Director who was present in the audience, as well, tonight.

Councilman Slattery stated they also had the Community Center Halloween Party with approximately 40 to 50 people that showed up. He stated it was a first-time program. He stated it went very well.

Councilman Slattery stated they discussed the Community Center issues, changes and improvements that have been done over there and things that are being planned on. He stated they discussed Breakfast with Santa.

Councilman Slattery stated they discussed the Home Decorating Contest will be taking place on 12/8 where they are going out looking at homes again. He stated that is a long night. He stated they are out there for quite a few hours driving around looking at these homes. Supervisor Logel asked if she could come along this time. Councilman Slattery stated anyone that wants to could.

Councilman Slattery stated they were discussing having a requirement they have to have at least 20,000 lights on the house. He stated sometimes they have had homes that want to be in the decorating house contest with one tree lit up.

Councilman Slattery stated they also discussed the Baker property. He stated Mr. Curley advised the Committee that he met with Supervisor Logel and Joe Carr, discussing that property. He stated he talked about the \$20,000 grant. He stated he talked about some of the improvements.

Councilman Slattery stated he had one comment in regards to Mrs. Wilcox's public forum comment in regard to volunteers. He stated he just received a letter from her daughter who is the Town Historian, complementing Mrs. Wilcox and her husband and some of the other volunteers.

Councilman Slattery congratulated the Wilcoxes on the job that they did at the schoolhouse, and he stated from what he understands, it was very nice.

Supervisor Logel stated she understands Mr. Bartnett has been doing a lot of carpenter work and refinishing of the doors. Supervisor Logel thanked Mr. Bartnett.

Councilman Powers stated the Breakfast with Santa is the 4th and 11th. Supervisor Logel stated it is December 4th and 11th, from 10 to 12, limited to 150 people each time. She stated if anybody is interested, they should sign them up. Supervisor Logel stated tickets go on sale November 1st.

Councilwoman Sperr asked if they will accept people to come to that day or will they have to register in advance. Mr. Curley stated they have to register in advance so they can prepare for the gifts and the breakfast order.

Educational Committee - Virginia Ignatowski, Mary Sperr Library Board of Trustees Historical Preservation Board

The Library Board of Trustees has not met since the last Town Board meeting.

Councilwoman Sperr stated the Historic Preservation Board did have a meeting this month. She stated part of the discussion was about the presentation held tonight and they were very appreciative of the Sheffer family to have provided that portrait to them to allow them to have the photo done. She stated there wasn't that much discussed at their meeting other than just follow-up from previous meetings.

Councilwoman Sperr stated everyone can expect to see quite a few new things showing up on the website regarding Historic Preservation. She stated they're also doing further work on a scholarship. She stated they are going to be seeking a sponsor, local resident or local business in

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Chili to help them sponsor that scholarship.

**Environmental Services Committee - Virginia Ignatowski, Michael Slattery
Conservation Board
Drainage Committee**

Councilwoman Ignatowski stated the Conservation Board has not met.

Councilman Slattery stated the Drainage Committee has not met, but in regards to Conservation, he has some questions regarding Union Station. Supervisor Logel stated she sent an e-mail to the Council regarding a meeting on that. Councilman Slattery stated he didn't see that e-mail. Councilwoman Sperr indicated she did not either. Councilwoman Ignatowski stated she did not see it either.

Supervisor Logel stated nothing has transpired since last time, so at this point, again, they are waiting. Councilman Slattery stated he was just concerned when he saw comments in the Gates-Chili Post. Supervisor Logel stated those comments were from Mr. Schum. Councilman Slattery stated it was disturbing.

Supervisor Logel stated Mr. Schum was told ahead of time by the Planning Board it was going to be tabled because the plan had not been submitted until the day before. She stated people can't submit a plan the day before and expect to be on the agenda. Supervisor Logel stated the media needs to ask the appropriate questions from the appropriate people to get the appropriate answers.

Councilman Slattery stated according to Mr. Schum's comment when they are looking at something that has been so sensitive, to submit plans the day before doesn't allow the people an opportunity to review them and be able to discuss it. He stated that is why he was going to ask about Conservation. He asked have they seen the plans yet.

Supervisor Logel stated they have not yet. Supervisor Logel stated they are going to Conservation this week. She stated the Planning Office was closed today because they all went to a conference. She stated they will all get tomorrow a full copy of the plan.

Councilman Slattery stated he saw the report that came from Lu Engineers. He asked has the developer's engineer seen that plan. Supervisor Logel stated no, he has not.

Councilman Slattery stated he had some other questions. He stated he would wait to see Supervisor Logel's e-mail.

Supervisor Logel asked Mr. Carr whether Kim has seen that plan that was submitted by Mr. Lu's office for the remediation for the replanting. Joseph Carr stated he has. Joseph Carr stated it was his understanding that not only Kim had received it, but that it was passed on to Mr. Howarth. Supervisor Logel stated Mr. Howarth has seen it and that is what she didn't know, so that answers that question.

Councilman Slattery stated just reading the comments in the paper and reading the comments that came from Lu Engineers, it is disturbing to see the comments about people not working together and not communicating. Supervisor Logel stated there has been a tremendous amount of work going on behind the scenes. She stated the newspaper reporter that wrote that did not contact her or the Planning Board. She stated that is all purely Mr. Schum's input.

Councilman Slattery stated he would think Mr. Schum, being counsel for a neighboring town, would think instead of going through the media and stirring the waters, that he would try to work in a positive fashion. Supervisor Logel stated especially since he is a vested party.

Councilwoman Sperr stated she attended some of the Planning Board meetings. She stated she would find it irregular that on a regular basis decisions would be made by someone and someone like Mr. Schum would be called before the entire Board does make that decision. She stated the decisions are made at a Planning Board meeting. She stated that is what the Board is for. She

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stated he can make those comments but it doesn't represent what their Planning Board is about.

Supervisor Logel stated she thought it was interesting in the paper he was quoted as he was walking in from the parking lot with all his ducks in a row. She asked when did he give the Town the ducks.

Councilman Slattery stated Lu Engineers spent a lot of time on it. He stated he would bring this comment up when he gets to the meeting.

Public Safety Committee - James Powers, Mary Sperr Traffic Safety Committee

Councilman Powers stated the Traffic Safety Committee reviewed all of the different projects that they have been working on. He stated it was indicated they are leaving the traffic, out in the area referenced by Dario Marchioni during the public forum, two ways north and south.

There was a discussion about the microphone system not working. Supervisor Logel stated they would have to go back and look at the system again to adjust the volume controls.

Councilman Powers stated they are going to leave the Old Chili Scottsville Road up there to two-way traffic. Councilman Powers stated they did discuss that at their meeting and it has now been left in the hands of the higher echelon.

Councilman Slattery asked on the recommendation from Traffic Safety, was something sent to the Town Board. Joseph Carr stated he did not think there was a separate letter. He stated he thought it was a part of their minutes. Councilwoman Ignatowski stated she did not receive the minutes at all. Supervisor Logel stated John Georges would give them copies. Councilman Slattery stated they should make sure they have the particular Traffic Safety meeting minutes wherein they discussed this.

The Council people indicated they would like minutes from every committee meeting. Supervisor Logel stated she would have John Georges give them minutes of everything, all of the time.

MATTERS OF THE SUPERVISOR:

Supervisor Logel introduced Mr. Curley, the Town's new Recreation Director.

Supervisor Logel stated on the back of the Breakfast with Santa form is the sign-up for the Christmas Decorating Contest. She stated if all of the forms are double-sided, they should make sure some are displayed one way and some are displayed the other way.

Supervisor Logel asked where would these flyers be available. Mr. Curley stated at Town Hall, the Library, the Community Center and also at the Recreation Department. He stated and they have been sent through the schools.

Supervisor Logel stated there is a Vehicle and Traffic Law amendment that she has been asked to announce. She stated in the past, the Monroe County Department of Transportation placed temporary stop signs at any out-of-service or malfunctioning signalized intersection. She stated this practice will cease after October 31st, which it went into effect November 1st. She stated so they will not be putting stop signs when there is a traffic light that is malfunctioning. She stated that has to be announced.

Supervisor Logel stated what has happened is the Section 1117 of the Vehicle and Traffic Law should read as follows, "Except when directed to proceed by a police officer, every operator of a motor vehicle approaching an intersection governed by a traffic control signal which is out of service or otherwise malfunctioning shall stop in the manner required for stop signs set forth in Section 1172 of this title and proceed according to the rules of the right-of-way for vehicles set forth in Article 26 of this title." She stated they don't tell you what those rules are. She stated she assumes that means it is an all-way stop for everybody. Richard Stowe stated that's correct.

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Councilman Slattery asked is that just County intersections or State-controlled intersections, as well. Supervisor Logel stated New York State. She stated on August 3rd, 2004, an act to amend the New York State Vehicle and Traffic Law in relation to the operation of a motor vehicle at intersections governed by any malfunctioning or out-of-service traffic control signal was adopted by the New York State Legislature and signed by the Governor. Richard Stowe stated it is all of them. Supervisor Logel stated everywhere.

Supervisor Logel recognized Mary Valerio, their County Legislator. Mary Valerio stated they passed the budget last night without any major opposition. She stated Maggie Brooks' budget went through. She stated it provides for very few cuts and no significant cuts in services, and hopefully they will be able to manage another successful year. She stated the forecast is to be a little bit tougher.

Mary Valerio stated the intermunicipal agreement between the Town of Chili and Monroe County Parks went through providing for the fields at Black Creek. She stated she thought that is a five-year renewable agreement.

Supervisor Logel stated another announcement is that they have a new Zone Commander at the Zone C Substation in North Chili, Captain Nyhan who lives in the Town of Chili and has been their Captain there. She stated he has been switched. She stated he is now in Zone A and they have a new Captain in North Chili, and his name is Captain John Letteney.

Supervisor Logel stated the Governor hasn't signed it yet, but she got a letter back from Mr. Sweeney, who is a member of the Assembly thanking them for contacting them and for passing the resolution on the Town Board agenda regarding the traffic fine revenues. She stated he said that legislation repealing this legislation he co-sponsored has passed the Assembly, and it will apply retroactively, so hopefully anything that has changed September 1st will be given back to the towns once they get this through the Senate and the Governor signs it, but it still has not gone that next step.

Supervisor Logel stated on the questions asked during the public forum, she wasn't quite sure how to address Mr. Brixner regarding SERVPRO. She stated they wanted no option except to go where they were going. She stated she did not know what he met by "fabricated," so she had no idea how to answer him. She stated SERVPRO wanted to move, to enlarge and did not want to be in that particular space, their site they were at.

Supervisor Logel stated they certainly do not want any businesses to leave, and they are working actively to fill the ones that are vacant. She stated Buckingham Properties has been extremely involved in trying to recruit businesses and fill Bausch & Lomb and is still working on Case Hoyt.

Supervisor Logel stated she did not know of anybody ever saying the Town was in dire need of reassessment. She stated they are supposed to be at 100 percent every year, every single year. She stated the agreement that was signed with the State is for every year, so it is not something that is up for discussion.

Supervisor Logel stated she had forgotten about the Barkstrom & LaCroix documents. She stated everything came from the old building up to the new Town Hall, so they will have to go digging to see what they can resurrect. She stated that is a long time ago.

Supervisor Logel stated in regards to the Baker property, Mr. Carr just showed her an electric bill tonight for \$1800 for the year. Supervisor Logel stated that is for electric heat. Joseph Carr stated yes, it is. Supervisor Logel stated she would like to talk about the trailer that Mr. Carr was proposing. She stated as she understands it, they are proposing taking all of the things stored in the Baker house, moving it into a storage trailer that would be placed over on Stryker's property.

Joseph Carr stated what his proposal was is to rent a storage trailer, a 50 foot box trailer. He stated they utilized one at Union Station when they were building the playground out there. He stated they would position it directly behind the barn. He stated it would be a lockable trailer. He stated they would take all of the recreation equipment that is in the house now and put it into that trailer and lock it up there.

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Supervisor Logel stated the question was, why not put the pole barn up first. Joseph Carr stated he would love to do that. Joseph Carr stated he had prepared a sketch and has a photograph of the property. He stated if the Board is comfortable with this proposal, then he would have their engineer prepare a proper drawing and make a presentation to the Planning Board, the Conservation Board, the Recreation Advisory Committee and the Town Board and then he would prepare specifications. He stated they would need to authorize public bidding for the pole barn. He stated it would be in excess of \$100,000, so they would need to go to bid on something like that.

Joseph Carr stated they would need to prepare the site. He stated there is a lot of work that would have to be done. He stated he thought the earliest that they might have that building operational would be maybe about a year from now. He stated there are a lot of things to be done. He stated it is not something that they can just do that quickly. He stated so if it is an acceptable plan, he will start working on the various phases.

Supervisor Logel stated she was assuming that Joe Carr has looked somewhere at pole barns and knows that is the general price range for the size. Joseph Carr stated he has not done an extensive amount of studying to determine the exact size of what he would recommend, but something at least in the size of 60 by 100. He stated that would cost between \$120,000 to \$140,000, so it could ultimately be a \$200,000 project with a fenced-in storage yard and preparation of the site.

Joseph Carr stated they need to look at the actual location of where they put in a leech field. He stated they need to do perk tests and test pits and have it witnessed by the County. He stated they need to have a plan approved by the Board as to where they would put a bathroom facility. He stated so they need to get started. Supervisor Logel asked if the bathroom facility would be for the pole barn. Joseph Carr stated it would not. He stated that would be as far as the grant. Supervisor Logel stated the grant is for the Baker property. Joseph Carr stated they need to develop a plan as to where they would put that. Supervisor Logel stated they need to do perk tests, too.

Joseph Carr stated this issue is strictly after thinking it through, and an acknowledgment that they are about ready to move forward on these improvements, and they wouldn't be keeping the house any longer, there was no reason to continue to maintain it. He stated they would actually save dollars by turning off all of the utilities. He stated it would be less expensive to rent a trailer than it would be to maintain the house.

Councilman Slattery stated he knows the Recreation Advisory Committee sent a report to the Town Board reporting what they proposed to see out there for that facility. He stated one of their comments was the Baker house should be demolished and perhaps the barn. He asked why do they feel that those should be taken down.

Mr. Curley stated that decision was in May. He stated he started in July, so he does not know the answer to that. Councilman Slattery asked why do they feel that way. He stated they discussed at the last Recreation Advisory meeting some of the Baker property issues. He stated they talked about the property improvement plans. He stated Mr. Curley actually talked about the property plan. He stated there may be permanent storage being built on the Stryker property. He stated plans may include the removal of the house. He stated the report indicates it may include the removal of the existing house.

Councilman Slattery stated he has a number of questions after seeing this on the agenda. He asked has the building been looked at, have the house, the barn, and the open air pavilion been looked at by the Building Department. Supervisor Logel stated she asked Mr. Kress to go out there this week, and she received a computer response from him on her computer. She stated he said as far as the barn was concerned, it wasn't air tight. She stated there is damage, foundation damage that would eventually wear down, whatever.

Councilman Slattery stated it will deteriorate, but he asked at what point. Supervisor Logel stated they need to know if this is eminent. She stated everybody has been looking at the demolition of this. She stated number one, it was recommended, and number two, it is not worth doing anything

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with. She stated they couldn't let the scouts sleep in there. Supervisor Logel stated they can't do anything with it, as she understands, so they are just using it for storage. She stated everybody complains it is ugly and they are not doing anything. She stated the recommendation was tear it down. She asked why not tear it down and start developing that property like they want, with a pavilion, lodge or whatever they would like to put there.

Councilman Slattery stated there are the three different structures there. He stated there is the house, the barn and then the open air pavilion. Supervisor Logel stated she could not tell them anything about the shed.

Councilman Slattery stated in looking at the house, he took a tour of it himself recently. He stated structurally inside the house looks good. He stated the exterior, when one looks at the floors, the walls, paint wise, if they could open that up, maybe there is something that they could do with the house if they opened up some walls. He stated just looking at it from a storage point of view, there is not a whole heck of a lot of stuff in there.

Councilman Slattery stated what he would almost recommend is taking some of that stuff that is in there and putting it in the Community Center in the basement. He asked if they could they possibly do that.

Supervisor Logel stated the Community Center has a basement basement. She stated that is a typical basement. Councilman Slattery stated they have soccer nets. Supervisor Logel asked if the dampness would affect those. Councilman Slattery stated actually it is not that bad down there. He stated Chili Soccer stores their equipment there, and so does Chili Baseball.

Councilman Slattery stated when one looks at the house, the exterior obviously needs some work. He stated the interior, if one looks at the floors, one looks at the walls, structurally it looks pretty sound.

Councilman Slattery stated the barn, it was mentioned it wasn't air tight. He stated they don't have any utilities. He stated they are not heating that in any way. Supervisor Logel stated but Dan Kress said it is something eventually that will go. Councilman Slattery asked but at what point, especially since they allow the Boy Scouts in there. Supervisor Logel stated they may not be able to do that insurance wise and safety wise for very long. Councilman Slattery stated that is why he wants to be careful if they are saying publicly it is an issue. Supervisor Logel stated they didn't let them in the house at all this year for sleeping over.

Councilman Slattery stated he would like to see some more information on this. Supervisor Logel asked Councilman Slattery if he would like to do a workshop on this. She stated they could do a workshop where Joe Carr and everybody could talk about all of the different possibilities rather than doing it here tonight. Councilman Slattery agreed.

Councilman Slattery asked if the workshop would be with the community present. Supervisor Logel stated it would be open, but not for public comment. She stated the Board would just meet and discuss all of this stuff and the people could sit in the audience. She stated that is how a workshop works.

Supervisor Logel stated they just need to be able to meet and have everybody filled in, get all their questions answered. Councilman Slattery stated he does have a number of questions. He asked what they would do with the resolution on the agenda. Supervisor Logel asked Mr. Carr if there is any urgency. Joseph Carr stated there is not. He stated whatever the Board wants to do is fine.

Supervisor Logel stated she thought they were thinking if the firemen demolished it during the wintertime, that is the time to do it. Councilman Slattery stated they could discuss that later.

The Board indicated they would coordinate a date for a workshop on this matter.

Councilman Powers stated he also toured the facility. Councilwoman Ignatowski stated so did she and Councilwoman Sperr. Councilman Powers stated he only wished that some structures elsewhere in the Town of Chili were built as sturdy and as well as that house out there.

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Supervisor Logel asked why does everyone think that the Recreation Committee was suggesting demolishing it. She asked weren't they thinking about a lodge and pavilion there. She stated that is what they want the space for, the good location.

Councilman Powers stated while he has been liaison, he does not recall the Recreation Advisory Committee ever bringing up the subject of demolishing that. Councilman Slattery stated they decided that May 27th. Supervisor Logel stated it was in the report.

Councilman Powers stated when he saw that, to be frank, he was kind of upset. He stated he would like submitted to this Board, before they have any meeting, a plan for the Baker farm, a time line for all of the projects, including the pole barn and where the monies are coming from for their open air pavilion and the pole barn. He asked are they going to borrow money.

Councilman Slattery stated once they have all that information, they can sit down and discuss the whole project, not just the Baker Farm, but Stryker Road also. He made a comment about jumping into this.

Supervisor Logel stated one of the questions asked tonight was why has this gone on for years and years and years. She stated she has only been here since January. She stated somebody asked why has this gone or for years and years. She stated she said let's do something, so they are doing something.

Councilman Powers asked where does this matter sit right now. Supervisor Logel stated it is on the agenda to be demolished. She stated they can table it and wait for another 20 years before they have a hard core decision. She stated she would suggest they have a workshop instead of putting it off.

Councilman Powers asked what will they talk about when they don't have anything to talk about. Supervisor Logel stated they have to get a plan together. Councilman Powers stated Mr. Carr said he had a thumbnail sketch. Supervisor Logel stated she thought they should discuss it before they put money into a plan, like the \$29,000 in 1989 that was spent on a plan that ended up on the shelves. She suggested they talk about what they want before they pay the money for plans.

Councilman Powers stated he thought behind the resolution for the demolition of the house, that Supervisor Logel had met with Mr. Curley and Mr. Carr. He stated they have a thumbnail sketch what they propose to do to that property which is a gorgeous piece of land. He stated before he would go half-cocked knocking things down here and there, he personally would like to see just what they have in mind.

Supervisor Logel asked Mr. Carr if Mr. Curley and he could put together a time line and plan to show the things they were talking about a couple days ago and all of the things in their heads that are not on paper. Joseph Carr stated he could do that. Mr. Curley stated he could do that. Supervisor Logel stated that would be greatly appreciated and they will schedule a workshop very, very soon so they can have everybody's questions out before those plans are on paper hard core and they spend money putting them down.

Councilman Slattery stated he had one other thing to mention on Union Station. He stated at the Baker site there are quite a few trees. He stated he did not know if there is a possibility of maybe saving them, utilizing some of the trees that were planted out there, utilizing those over at Union Station, in that area. He stated he was not sure what the different types of trees are.

Supervisor Logel stated Mr. Carr was shaking his head. Supervisor Logel stated they're all pines. Councilman Powers stated way up on the back on the hill is kind quite a stand of Spruce and Douglas Fir or Frasier. Joseph Carr stated he thought they could not transplant those based on the recommendations from the professionals that they have talked to. He stated the areas that they are talking about replanting are not really suitable for those types of plants.

Supervisor Logel stated if they want evergreens, they have to have them on higher ground. She stated that is flood plain. She stated they don't like wet feet. She stated if they found higher-

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ground locations, they could maybe have a couple three in there.

Councilman Slattery stated he did not know all of the different types of trees that are out there. Joseph Carr stated there are just two types of evergreens.

REPORTS SUBMITTED:

Chili Zoning Board of Appeals- October 26, 2004
Chili Historic Preservation Board- September 13, 2004, October 11, 2004
Drainage Committee- October 5, 2004
Recreation Advisory Committee- October 13, 2004
Community Center monthly Revenue Report- October 2004
Recreation monthly Revenue Report- October 2004
Senior Center monthly Revenue Report- October 2004
Town Clerk Report- October 2004
Comptroller Report- October 2004
2004 Chil-E Fest Report

CORRESPONDENCE:

1. Letter dated November 16, 2004 from Richard J. Brongo, Town Clerk, notifying the Town Board that he has received formal notification from Retro Enterprises, Inc., located at 3240 Chili Avenue, Rochester, NY 14624, that they have made application for renewal of their liquor license from the State Liquor Authority.

RESOLUTION #343 RE: Modifications to the 2005 Preliminary Budget

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

BE IT RESOLVED that the following modifications be made to the 2005 Preliminary Budget:

1. A3410.2 (Fire Marshal-Equipment) be amended to \$21,000 from the preliminary amount of \$0 ; and
2. A1110.4 (Town Court-Contractual) be amended to \$31,625 from the preliminary amount of \$30,025; and
3. A3620.4 (Safety & Inspection-Contractual) be amended to \$15,500 from the preliminary amount of \$5,500; and
4. A8160.2 (Refuse & Garbage – Equipment) be amended to \$19,000 from the preliminary amount of \$15,000; and
5. A9950.9 (Transfers to Capital Projects) be amended to \$100,000 from the preliminary amount of \$55,000; and
6. A3005 (Mortgage Tax Revenue) be amended to \$394,000 from the preliminary amount of \$375,000; and
7. DA5130.2 (Machinery – Equipment) be amended to \$149,000 from the preliminary amount of \$174,000; and
8. South Chili Water Benefit Area #1 appropriated fund balance be amended to \$41,423.09 from the preliminary amount of \$11,840.32; and
9. Highway Fund appropriated fund balance be amended to \$40,000 from the preliminary amount of \$0; and
10. SF-104-3410.4 (Chili Fire Protection) be amended to \$772,922 from the preliminary amount of \$931,922; and
11. Library Fund be amended to \$848,125 from the preliminary amount of \$819,988.

UNANIMOUSLY APPROVED

RESOLUTION #344 RE: Adopting Assessment Rolls for 2005 for Lighting Districts, Drainage Districts, Fire District, Fire Protection Districts, Ambulance Districts, Water Districts, Park District, Sidewalk District and Sewer District

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

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WHEREAS, this Board on November 3, 2004, commencing at 7:00 p.m., duly held a public hearing on the preliminary budget approved by this Board and filed with the Town Clerk for the fiscal year commencing January 1, 2005, including the assessment rolls for the lighting districts, drainage district, fire protection districts, ambulance districts, water districts, park district, sidewalk district and sewer district for 2005, and having heard all person desiring to be heard in the matter and said assessment rolls for said fiscal year having been fully discussed and considered by the Town Board acting on behalf of all said Districts, it is

RESOLVED that the assessment rolls for 2005 for the various lighting districts, drainage district, fire protection districts, ambulance districts, water districts, park district, sidewalk district and sewer district, as printed in the preliminary budget, are hereby adopted and established as the final assessment rolls for the fiscal year beginning January 1, 2005, and,

BE IT FURTHER RESOLVED that said assessment rolls be and the same hereby are filed in the Office of the Town Clerk.

UNANIMOUSLY APPROVED

RESOLUTION #345 RE: Adoption of the Annual Town Budget for 2005

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

WHEREAS, this Board on November 3, 2004, commencing at 7:00 p.m., duly held a public hearing on the preliminary budget approved by this Board and filed with the Town Clerk for the fiscal year commencing January 1, 2005, including the assessment rolls for the lighting districts, drainage district, fire protection districts, ambulance districts, water districts, park district, sidewalk district and sewer district for 2005, and having heard all persons desiring to be heard in the matter of the budget for this Town for such fiscal year having been fully discussed and considered, it is

RESOLVED that said preliminary budget is approved and filed and as later amended as aforesaid, including the budgets for the lighting districts, drainage district, fire protection districts, ambulance districts, water districts, park district, sidewalk district and sewer district for 2005, and that such annual budget is so adopted as detailed in the minutes of the proceedings of this Town Board, and,

BE IT FURTHER RESOLVED that the salaries of the elected officials included in the 2005 budget and as set forth in the published notice are adopted as published, and,

BE IT FURTHER RESOLVED that the Town Clerk shall prepare and certify as provided by law, triplicate copies of the said annual budget hereby adopted and deliver one such copy to the Supervisor of the Town and two copies to the County of Monroe as required by law.

UNANIMOUSLY APPROVED

RESOLUTION #346 RE: Purchase of Computer Equipment

Offered by: Councilwoman Sperr

Seconded by: Councilwoman Ignatowski

WHEREAS, the Director of Management Information Services has determined that the Town needs to expand its network storage capacity and server capabilities as well as upgrade the backup storage systems to meet the demands of the expanded storage capacity.

WHEREAS, the Director of Management Information Services has determined that additional computer equipment should be installed and/or existing equipment replaced to meet the current and future needs of Town departments;

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NOW, THEREFORE, BE IT RESOLVED that the Director of Management Information Services is hereby authorized to purchase server, backup, and computer equipment to expand the existing computer infrastructure or replace old equipment for a sum not to exceed \$32,000.00 from Account A1680.2 (Information Technology- Equipment) from Dell, a computer systems vendor under New York State contract.

UNANIMOUSLY APPROVED

RESOLUTION #347 RE: Flexible Spending Account for Town Employees 2005

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

WHEREAS, the Town of Chili Flexible Spending Account (The “Plan”) was adopted by a April 19, 1995 Resolution #203 and maintained by the Town pursuant to Section 125 of the Internal Revenue Code, and,

WHEREAS, the Town employees have found the Plan to be beneficial.

NOW, THEREFORE, BE IT RESOLVED to continue the Plan in 2005, open to non-bargaining personnel and Union personnel, subject to the bargaining contract, and open to employees working for the Town for a minimum of six (6) consecutive months, and,

BE IT FURTHER RESOLVED the maximum for Health Care reimbursement account be set at \$1,500 annually for each eligible participating employee and that the maximum Dependent Care reimbursement accounts be set at the amount allowable by the Internal Revenue Code, and,

BE IT FURTHER RESOLVED that the Flexible Spending Accounts will be funded from participating employee payroll deductions; but where the Flexible Spending Account may show a negative balance, the FSA shall be temporarily funded from the appropriate Employer FICA account and shall be reimbursed as participating employee deductions are received, and,

BE IT FURTHER RESOLVED that the Town Board authorizes the Supervisor to enter into a contract with EBS Benefit Solutions, Inc. to perform legal compliance services for 2005 at a cost of \$300; and,

BE IT FURTHER RESOLVED that the Town Board authorizes the Supervisor to enter into a contract with EBS Benefit Solutions, Inc. to administer the Plan reimbursements at a cost of \$2.55 per month (minimum of \$40/month) per Plan participant.

UNANIMOUSLY APPROVED

RESOLUTION #348 RE: Monroe County Snow & Ice Agreement

Offered by: Councilman Slattery

Seconded by: Councilman Powers

BE IT RESOLVED to authorize the execution of an amendatory agreement with the County of Monroe for the Town to provide snow and ice control service on County roads. The present agreement is a ten-year agreement, which runs from October 1, 2003 through September 30, 2013. The amendatory agreement establishes a total estimated payment to the Town for the 2004/2005 snow season of \$151,048.10.

UNANIMOUSLY APPROVED

RESOLUTION #349 RE: Demolition of Baker House

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Offered by: _____

Seconded by: _____

WHEREAS, the Town has proposed certain improvements on the lands at 400 Scottsville-Chili Road.

NOW, THEREFORE, BE IS RESOLVED to authorize the demolition of the old Baker house, and to authorize the utilization of temporary storage until additional storage is made available.

Motion to table:

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

On the motion to table: Unanimously approved

**RESOLUTION # 350 RE: Letter of Credit Release Union Station Section III
(Release 5, Final)**

Offered by: Councilman Slattery

Seconded by: Councilman Powers

BE IT RESOLVED that per recommendation of the Town Engineer, the balance of \$39,309.96 be released from the letter of credit with HSBC (SDCMTN542958) for Union Station Section III, subject to engineering fees and street light billing, leaving a balance of zero.

UNANIMOUSLY APPROVED

**RESOLUTION # 351 RE: Letter of Credit Release Union Station Section IV
(Release 5)**

Offered by: Councilman Slattery

Seconded by: Councilman Powers

BE IT RESOLVED that per recommendation of the Town Engineer, \$37,334.78 be released from the letter of credit with HSBC (SDCMTN545160) for Union Station Section IV, subject to engineering fees and street light billing, leaving a balance of \$23,953.33.

UNANIMOUSLY APPROVED

RESOLUTION # 352 RE: Letter of Credit Release for Park Place Section 1 (Release 7)

Offered by: Councilman Slattery

Seconded by: Councilman Powers

BE IT RESOLVED that per recommendation of the Town Engineer, \$18,675.00 be released from the letter of credit with Canandaigua National Bank (#1101546165) for Park Place Section 1, subject to engineering fees and street light billing, leaving a balance of \$51,673.04.

UNANIMOUSLY APPROVED

RESOLUTION #353 RE: Letter of Credit Release for Park Place Section 2 (Release 8)

Offered by: Councilman Slattery

Seconded by: Councilman Powers

BE IT RESOLVED that per recommendation of the Town Engineer, \$13,680.00 be released from the letter of credit with Canandaigua National Bank (#1101546173) for Park Place Section 2, subject to engineering fees and street light billing, leaving a balance of \$44,808.35.

UNANIMOUSLY APPROVED

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RESOLUTION #354 RE: Budget Transfer

Offered by: Councilwoman Ignatowski

Seconded by: Councilwoman Sperr

BE IT RESOLVED to transfer \$4,000 from account A 7110.4 (Parks Contractual) to account A1640.455 (Central Garage Parks).

BE IT FURTHER RESOLVED to transfer 7,000 dollars from account DA 5142.499 (Snow Misc.) to account DA 5130.4 (Machinery Contractual).

BE IT FURTHER RESOLVED to transfer 900 dollars from account A8160.4 (Refuse Contractual) to A1640.462 (Central Garage Refuse).

UNANIMOUSLY APPROVED

RESOLUTION #355 RE: Set Public Hearing to consider adoption of Local Law #1 of 2004 to amend Chapter 110 of Code of the Town of Chili entitled "Vehicle and Traffic"

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

WHEREAS, a Local law amending Chapter 110 to enact one way traffic restrictions on Old Chili-Scottsville Road has been recommended by the Traffic and Safety Committee.

NOW, THEREFORE, BE IT RESOLVED that Local Law #1 of 2004 of the Town of Chili entitled a Local Law amending Chapter 110 of the Code of the Town of Chili "Vehicles and Traffic to add a new Article V One Way Streets" is hereby introduced; and

BE IT FURTHER RESOLVED that the Town Board hereby declares itself lead agency for SEQRA review purposes and directs the Town Clerk to send notification of such designation to all affected agencies; and

BE IT FURTHER RESOLVED that a Public Hearing is hereby scheduled for December 15, 2004 at 7:00 p.m. to consider the adoption of Local Law #1 of 2004.

UNANIMOUSLY APPROVED

RESOLUTION #356 RE: 11/17/04 Abstract

Offered by: Councilman Powers

Seconded by: Councilman Slattery

BE IT RESOLVED to pay vouchers 5904-6319 totaling \$125,789.93 to be paid from the Distribution Account as audited by Dianne O'Meara, Comptroller:

General Fund	\$ 81,013.44
Highway Fund	\$ 29,935.05
H32 Union Station Park	\$ 85.50
H35 Chili Avenue D01781	\$ 357.50
Consolidated Drainage	\$ 1,656.42
Special Light Districts	\$ 12,716.52
Senior Center Fundraiser	\$ 25.00
Total Abstract	\$125,789.43

UNANIMOUSLY APPROVED

The next meeting of the Chili Town Board is scheduled for Wednesday, December 1, 2004 at 7:00

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p.m. at the Chili Town Hall meeting room.

The meeting was adjourned at 8:35 p.m.