

CHILI TOWN BOARD

May 3, 2006

A meeting of the Chili Town Board was held on May 3, 2006 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: Councilwoman Ignatowski, Councilman Schulmerich, Councilman Slattery, Councilwoman Sperr and Supervisor Logel.

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

The invocation was given by Richard Brongo.

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

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Twelve speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:31 p.m.

TOWN LIAISON REPORTS:

Conservation Report by Virginia Ignatowski

Councilwoman Ignatowski stated the Conservation Board spent some time initially discussing moving their meeting to one week prior to the Planning Board meeting because of the agendas, when they come out, at this point, sometimes there are things that are added or subtracted from the Planning Board agenda that impacts their decisions. She stated, of course, they have to also take into consideration the holidays and the Planning Board calendar.

Councilwoman Ignatowski stated they also spent time on the Hellaby Hills application. She stated they came forward to the Planning Board and it had been tabled. She stated the woman who was coming in for it, was looking for suggestions and they spent some time talking about manure and what she should do with it.

Councilwoman Ignatowski stated the Conservation Board mentioned that the land conservation index is still being actively worked on.

Councilwoman Ignatowski stated the Conservation Board had a concern about vehicles being stored on Ballantyne Road, the driving range, and of course, now the fill that is going in over there. She stated she spoke with Jeron Rogers today about that.

Supervisor Logel stated she made a call to their attorney and to Joe Lu's office, and everybody is meeting tomorrow morning. She stated that is all she knows. Jeron Rogers stated that was correct. Supervisor Logel confirmed with Joe Carr everybody would be meeting tomorrow morning on that.

Councilwoman Ignatowski asked Supervisor Logel if she would let the Town Board know what came of that meeting, because there are obviously ongoing issues over there.

Councilwoman Ignatowski stated the Conservation Board reviewed the Planning Board agenda regarding Comfort Windows' application. She stated they were just looking to not have the trucks parked up front. She stated apparently that was something in the original conditions, and since then, their trucks have moved way up to the front and the Conservation Board does not want to be seeing that.

Supervisor Logel asked if the Conservation Board is going to change the meeting date this year or next year. Councilwoman Ignatowski stated Pat Tindale is going to look at the calendar for this year. She stated right now already they have it for the first Monday in June because of Memorial Day, so that will not have to be changed. Councilwoman Ignatowski stated they said maybe

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September is going to be changed. She stated she told them they would have to contact Dick Brongo to make those modifications. She stated they are sensitive to how their meetings are in conjunction with Planning Board and they are trying to address that so they have the most accurate information front of them for their meetings.

Drainage Report by Virginia Ignatowski

Councilwoman Ignatowski stated the Drainage Committee just met last night. She stated Joe Carr reported on the work that has been completed by his crew. She stated they restored and seeded areas that have been previously worked on and they are doing some repair work on catch basins. She stated they cleaned the Sunderland Trail swale and they also cleaned the Chili Avenue ditch in front of the Hillary Heights Subdivision and removed a tree from Black Creek at Stuart Road.

Councilwoman Ignatowski stated they spent a little time discussing a pond issue at Sunset Hill and Joe Carr gave recommendations on that.

Councilwoman Ignatowski stated they also discussed an issue on King Road. She stated there is a resident that has a problem in his backyard.

Councilwoman Ignatowski stated they have had two resignations from the Drainage Committee and hopefully they will be moving forward on replacements. Councilwoman Ignatowski stated last night they didn't have a quorum because they were down two people and another person was gone for a conflict.

Councilwoman Ignatowski asked were they going to have a meeting at some point in time, Executive Session, with Marcia Havens and Jeron Rogers and Joe Carr about the Wadsworth/Bowen matter. Supervisor Logel stated that was something she asked for and they need to be filled in on that. She stated they need to fill them in on where they are with that. She stated they can do it either probably the next meeting or separately.

Supervisor Logel asked Jeron Rogers if they are still working on it, or is it pretty much finalized. Jeron Rogers stated he believes it is pretty much finalized. Supervisor Logel stated they could briefly get filled in tonight.

Councilwoman Ignatowski stated she would really like to have the Special District Attorney also present. Supervisor Logel stated that is true. She stated they will make arrangements to have that meeting.

Historic Preservation Report by Mary Sperr

Councilwoman Sperr stated at the last meeting they made a decision to make an award to the residents at 127 Old Chili Scottsville Road, so that recitation will take place this month.

Councilwoman Sperr stated in the past photo IDs were taken of the members of committees and boards for the town. She stated it was handled by the Secretary to the Supervisor. Councilwoman Sperr stated when she was on the Zoning Board, she had one of those. She stated it was a laminated ID for her to carry around when she would go and view a property, to make sure that people know they are a representative of the Town. She stated the Historic Preservation Board was asking for those IDs to be redone again. She stated there are so many new people on their committees, maybe they should have Dawn Fote look into that.

Supervisor Logel stated she thought they hired a firm to do it from the outside. Dianne O'Meara stated they did. She stated it took time, but now they have digital cameras. Councilwoman Sperr stated they have a laminator in the Town Hall.

Supervisor Logel stated maybe they should impose upon the DMV when they're at the Town Hall. Councilwoman Sperr stated if there are new people coming on the Drainage Committee, it might be time to redo them or find out who still needs one, and have that done.

Councilwoman Sperr stated she did attend the press conference that was held at the Stage Coach Inn. She stated she got a call asking if she would come. She stated she asked what her presence

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would lend if she were to go to the press conference. She stated it was indicated it would just let people know that someone from the Town did care and that they did not want to see the house come down. Councilwoman Sperr stated to her, it is like a house.

Councilwoman Sperr stated she indicated legally there really wasn't anything she could personally do, but she wanted to at least extend, you know, her pleasantries. She stated Reverend Jones was correct when he said she said she hated to see the site come down herself.

Councilwoman Sperr stated the Historic Preservation Board made some additions that they would like to see on the website, too. She stated there was some more information she submitted to Chris Levy to put on the website for them.

Councilwoman Sperr stated there will be post cards they're sending out to try to draw attention to the Town's website and their material on it. She stated it is another way to advertise their Historic Preservation Board and the idea of preservation.

Library Report by Michael Slattery

Councilman Slattery stated Donna Stein has resigned due to personal reasons, which was a shock to the Board, unexpected. He stated they didn't anticipate that.

Councilman Slattery stated secondly, they wanted to make sure that in their meeting minutes that they thanked Mr. Wegman for his contribution to the Chili Library.

Councilman Slattery stated the four computers have been installed. He stated there is additional stuff they have to do with them.

Councilman Slattery stated there is some concern regarding the audit. He stated they budgeted \$1600. He stated there are two individuals, two companies that have submitted proposals to the Library and both of them are over that \$1600. He stated so there are some concerns, and they're looking at different options that they have.

Councilman Slattery stated lastly, the Kathy Whitmore Memorial so far has had \$200 donated to the library in her memory.

Recreation Report by Supervisor Logel

Supervisor Logel stated at the Parks and Recreation last meeting, they basically went over the Easter Bunny and the Easter Egg Hunt and how successful they were. She stated the breakfast with the Easter Bunny was very, very successful, and they talked about that at the April meeting. She stated there really hasn't been anything else except for talking about the update on the Master Plan Committee which is on this agenda tonight, so they would talk about that at that time.

Traffic & Safety Report by Mary Sperr

Councilwoman Sperr stated at the last Traffic Safety meeting, they did address several letters that came in. She stated there have been some concerns about speeding. She stated they do have some special signs that Joe Carr has coming in that will help address the stop sign issue.

Councilwoman Sperr stated the Committee reviewed plans for the new parking lot at Roberts Wesleyan College that will accommodate the new library building going up, and as an aside, she attended the groundbreaking for that library. She stated she thought it is going to be a fantastic addition to their college campus.

Councilwoman Sperr stated most of the agenda items they have on their agendas carry over from month to month, so some of the same things, there are no changes to them.

Supervisor Logel asked did they review all of the e-mails she forwarded to them. Councilwoman Sperr stated they did. She stated those were all reviewed. She stated there was one about parking on Paul Road, The Father's House.

Supervisor Logel stated there has been a lot of speeding in the Ballantyne area. Councilwoman

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Sperr stated they are going to look into speeding in the Ballantyne area. She stated their Chair is sent a letter over to the County. She stated there is a new person in charge over there, and the Chair received a response almost immediately. She stated so they're going to address their concerns and get back to them. She stated they meet again tomorrow night, so she was sure they will be discussing that tomorrow.

Planning and Zoning Boards Report by Dennis Schulmerich

Councilman Schulmerich stated there were five applications at the Planning Board meeting: Two for conditional use, one was approved and one was tabled. He stated there were three preliminary subdivision approvals; two were approved and one was tabled. He stated both that were tabled were tabled for more information from the applicant.

Councilman Schulmerich stated as far as Zoning Board goes, a question that has come up as a consequence of applications the last couple months focuses on the code updates and when they might see a marked up copy for review from General Code Publishers. He stated they are seeing some questions around zoning and zoning enforcement, and how the applications are approved versus how they're followed up on. He stated they are awaiting an update from the code book. He stated he just didn't know what the status was in terms of when they might see that. He asked was there information the Supervisor could give them on that.

Supervisor Logel stated she has to contact General Code. She asked Richard Stowe if they were finished with the portion he was reviewing. Richard Stowe stated he has a half a dozen items from their Town Clerk.

Councilman Schulmerich asked when they get to review it, will they see a marked up copy. Supervisor Logel stated they will. Councilman Schulmerich stated that would make it easier for them to show them the changes.

Supervisor Logel stated it is really up to General Code right now. She stated she has called them a couple times.

MATTERS OF THE SUPERVISOR:

Supervisor Logel stated tomorrow is the National Day of Prayer. She stated last year they were asked to do the county wide one at Temple Bethel in Brighton, and this time it is at the Charles Finney School. Supervisor Logel stated the Town was asked by the local churches to do their own in Chili because nobody drove to the other side of town. Supervisor Logel stated there is a group, a committee of about eight churches and they're going to be putting that on tomorrow night at 7 o'clock.

Supervisor Logel stated Maggie Brooks is doing a breakfast prayer session for the County at 7:30 tomorrow morning with all of the churches in the county that wanted to participate, downtown at the Crowne Plaza.

Supervisor Logel stated Chili's National Day of Prayer session would be tomorrow night at 7 o'clock. She stated they have a beautiful banner that that was put up in the front of the Senior Center, in addition to information on the website. Supervisor Logel stated one of the reasons for deciding on the Senior Center is they really want to be able to go inside if the weather turns bad, like last year.

Supervisor Logel stated the Chili Art Group, on Friday, Saturday and Sunday, May 5th, 6th and 7th, they're having their art show in the Town Hall main meeting room. She stated it is always a good event that is well attended. She stated she knows the artwork is excellent. She stated everybody is welcomed to come and view the artwork.

The April 5, 2006 Town Board meeting minutes were approved as submitted.

REPORTS SUBMITTED:

Community Center Revenue Report – March 2006
Recreation Revenue Report – March 2006

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Senior Center Revenue Report – March 2006
Town Clerk Report – March 2006
Historic Preservation Board – 3/13/06
Library Minutes – 3/28/06
Planning Board Minutes – 4/11/06
Traffic & Safety – 4/6/06

CORRESPONDENCE:

Resignation letter from Robert Hilton, Recreation Advisory Committee.
Resignation letter from Manuel Rodrigues, Drainage Committee.
Resignation letter from Shelly Gorino, Recreation Advisory Committee.
Resignation letter from Michael Bubel, Drainage Committee.

RESOLUTION #154 RE: Senator James Alesi Grant

Offered by: Councilwoman Ignatowski

Seconded by: Councilwoman Sperr

WHEREAS, the Town of Chili will be receiving a \$20,000 grant from Senator James Alesi to hire consultants to assist with the development of a Comprehensive Parks and Recreation Master Plan as well as a Comprehensive Project plan for the Baker Property,

AND WHEREAS, the Town of Chili is submitting the necessary contract paperwork for this grant,

BE IT RESOLVED that Supervisor Logel is hereby authorized to sign legal documents pertaining to this grant.

UNANIMOUSLY APPROVED

RESOLUTION #155 RE: Parks and Recreation Master Plan

Offered by: Councilwoman Sperr

Seconded by: Councilman Schulmerich

BE IT RESOLVED that a Parks and Recreation Master Plan Committee be formed to develop a five-year master plan for the continuing development of parks and recreation.

BE IT FURTHER RESOLVED that the master plan for parks and recreation will include but not be limited to the review of additional amenities for our existing parks as well as future needs for any additional acquisition of land for additional parks, and recreation programs and facilities,

BE IT FURTHER RESOLVED that a Selection Committee consisting of Councilman Dennis Schulmerich; Michael Curley, Director of Parks; and such other individuals as they shall select, bring a recommendation back to this Town Board at the next meeting.

BE IT FURTHER RESOLVED that the master plan be completed by December 31, 2006 to be presented to the Town Board after that date.

UNANIMOUSLY APPROVED

RESOLUTION #156 RE:_ 5K Run for St. Christopher's Church

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Slattery

BE IT RESOLVED that the Town Board hereby authorizes St. Christopher's Church to hold their Annual 5K race on June 9, 2006, in conjunction with their annual festival, and conforming to the route submitted, with a condition that a certificate of insurance naming the Town as an additional insured be provided prior to the race. St. Christopher's has already notified the Monroe County

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Sheriff's Office at Zone C and the Chili Fire Department and Ambulance of their intent.

UNANIMOUSLY APPROVED

RESOLUTION #157 RE:_ Union Station Park Lodge

Offered by: Councilwoman Sperr

Seconded by: Councilwoman Ignatowski

WHEREAS, the Town of Chili will be renting the enclosed lodge at Union Station Park and a fee structure and policies for this lodge must be adopted,

NOW, THEREFORE, BE IT RESOLVED that per the recommendation of Michael Curley, Parks and Recreation Director, the Town Board adopts the proposed fees and policies for Union Station Park Lodge.

UNANIMOUSLY APPROVED

RESOLUTION #158 RE:_ Hamilton v Town of Chili Planning Board, et al

Offered by: Councilman Slattery

Seconded by: Councilman Schulmerich

WHEREAS, the Town of Chili Planning Board has been named as a party defendant in a certain action known as "Hamilton v Town of Chili Planning Board et al", Index #06-4164, now pending in Monroe County Supreme Court: and

WHEREAS, the Town has a duty to defend said Planning Board;

NOW, THEREFORE, BE IT RESOLVED that the Assistant Town Counsel, and such other attorneys authorized by the Attorney for the Town, are retained to defend the Planning Board in said action and he shall submit invoices for attorney's fees and disbursements relating to such defense; and be it further

RESOLVED that the Town Supervisor is authorized to execute all pleadings or other documents in furtherance of this defense as are reasonable required.

UNANIMOUSLY APPROVED

RESOLUTION #159 RE: Authorize Attendance to Annual Highway School

Offered by: Councilwoman Ignatowski

Seconded by: Councilwoman Sperr

BE IT RESOLVED to authorize Joseph L. Carr to attend the Annual Cornell Highway School to be held June 5-7, 2006. The cost for expenses shall not to exceed \$400.00.

UNANIMOUSLY APPROVED

RESOLUTION #160 RE: Establish Letter of Credit for Union Station – Section 6

Offered by: Councilwoman Ignatowski

Seconded by: Councilwoman Sperr

BE IT RESOLVED that per recommendation of the Town Engineer, a letter of credit shall be established for Union Station – Section 6, in the amount of \$307,158.14.

Items within the letter of credit include, but are not limited to, full depth construction of roadway,

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construction of an internal storm sewer system, erosion control measures, earthwork, street trees, right-of-way monumentation, street lighting poles, and the preparation of record plans to be submitted to the Town.

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

UNANIMOUSLY APPROVED

RESOLUTION #161 RE: Letter of Credit Release Union Station Section VI Release No. 1

Offered by: Councilwoman Ignatowski Seconded by: Councilwoman Sperr

BE IT RESOLVED that per recommendation of the Town Engineer, \$78,236.10 be released from the letter of credit with M&T Bank for Union Station Section VI, leaving a balance of \$228,922.04; subject to engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #162 RE: Appointment to Parks Department

Offered by: Councilman Slattery Seconded by: Councilwoman Ignatowski

BE IT RESOLVED to appoint Dale Lievense to the full time position of Ground Equipment Operator in the Parks Department, effective May 8, 2006 at a pay rate of \$12.43 per hour.

UNANIMOUSLY APPROVED

RESOLUTION #163 RE: Letter of Credit Release Park Place, Sections 7 & 8 Release No. 2

Offered by: Councilwoman Ignatowski Seconded by: Councilman Slattery

BE IT RESOLVED that per recommendation of the Town Engineer, \$77,724.90 be released from the Letter of Credit with Canandaigua National Bank (#1102617457) for Park Place Sections 7 & 8, leaving a balance of \$346,391.65; subject to engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #164 RE: Appointment of Deputy Dog Control Officer

Offered by: Councilwoman Sperr Seconded by: Councilman Schulmerich

WHEREAS, as recommended via a letter dated March 31, 2006 from the Office of New York State Department of Agriculture and Markets, the Town should appoint a Deputy Officer who would be authorized to act on behalf of the Town Dog Control in the event the Dog Control Officer is not available.

NOW, THEREFORE, BE IT RESOLVED to appoint Joseph L. Carr as Deputy Dog Control Officer.

UNANIMOUSLY APPROVED

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RESOLUTION #165 RE: Letter of Credit Release For Union Square 3B Release No. 1

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Schulmerich

BE IT RESOLVED that per recommendation of the Town Engineer, \$215,126.55 be released from the letter of credit with M & T Bank (SB-908827-2000) for Union Square 3B, leaving a balance of \$246,574.79; subject to engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #166 RE: In Memory of Robert B. Wegman

Offered by: Supervisor Logel

**Seconded by: Councilwoman Ignatowski,
Councilman Schulmerich,
Councilman Slattery and
Councilwoman Sperr**

WHEREAS, on April 20, 2006 Robert B. Wegman passed away and we are deeply saddened by our loss;

AND WHEREAS, Mr. Wegman was a great Entrepreneur, Philanthropist and a well respected and loved individual who did much for the Town of Chili providing local jobs for residents, building a complex which includes offices; processing facilities and warehousing and was generous in providing the property on which sits the current Town Hall and Library;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Chili hereby extends their deepest sympathy to the Wegman 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. Wegman's memory. The Town Clerk is hereby directed to send a copy of this resolution to the family.

(The special page will appear in the final approved minutes)

UNANIMOUSLY APPROVED

RESOLUTION #167 RE: April 19, 2006 Abstract

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

WHEREAS, January 4, 2006 Resolution #1 authorized vouchers to be paid April 19, 2006 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 1639-1870 totaling \$1,203,566.65 to be paid from the Distribution Account as presented by Richard Brongo, Town Clerk

NOW, THEREFORE, BE IT RESOLVED to note for the record vouchers 1639-1870 were paid from the following funds:

| | |
|-----------------------------------|--------------|
| General Fund | \$ |
| 46,636.28 | |
| Highway Fund | \$ |
| 11,789.83 | |
| H35 Chili Avenue Widening D017381 | \$ 52,018.24 |
| H39 Union Street Improvement | \$ 9,621.06 |
| Consolidated Drainage | \$ 3,020.93 |

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| | |
|--------------------------------------|-----------------------------------|
| Chili Fire Protection District | \$807,320.00 |
| Clifton Ambulance District | \$ 20,845.00 |
| Chili Ambulance District | \$239,620.56 |
| Chili-Scottsville Ambulance District | \$ 2,434.72 |
| Special Light Districts | \$ 10,260.03 |
| | Total for Abstract \$1,203,566.65 |

UNANIMOUSLY APPROVED

RESOLUTION #168 RE: May 3, 2006 Abstract

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Schulmerich

BE IT RESOLVED to pay vouchers 2021-2191 totaling \$143,970.27 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

| | |
|-------------------------------------|--------------------|
| General Fund | \$ 82,467.64 |
| Highway Fund | \$ 18,955.33 |
| Library Fund (per Library Director) | \$ 1,058.00 |
| Unemployment Insurance Reserve | \$ 9,838.60 |
| H32 Union Station Park | \$ 14,255.78 |
| H39 Union Street Highway | \$ 17,057.00 |
| Consolidated Drainage | \$ 337.92 |
| | TOTAL \$143,970.27 |

UNANIMOUSLY APPROVED

The next meeting is Wednesday June 7, 2006 at 7:00 p.m. The meeting will be held in the Chili Town Hall Main meeting room.

The public forum policy was not printed on the 5/3/06 agenda in its entirety. Due to that fact, the Town Board agreed to recognize a speaker at the end of the meeting and allowed her to address the Board, without setting a precedent for future meetings.

The meeting was adjourned at 8:40 p.m.