

## CHILI TOWN BOARD

May 5, 2004

A meeting of the Chili Town Board was held on May 5, 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.

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. Six speakers addressed the Town Board on various subjects, and the Public Forum concluded at 8:00 p.m.

### **TOWN BOARD COMMITTEE REPORTS/REPORTS BY COUNCIL MEMBERS:**

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

Councilman Slattery stated they had a Town Board meeting last meeting so they were unable to attend the Recreation Advisory Committee meeting.

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

Councilwoman Ignatowski stated they had their meeting since their last Town Board meeting. She stated they're updating the policies and procedures manual. She stated they are thinking about trying to accept debit and credit cards for payments because some people have larger fines and can't pay that day, so they just walk out, so they're looking to perhaps offer that service.

Councilwoman Ignatowski stated starting June 1st, they're going to be starting to open the Library at 9 o'clock in the morning as opposed to 10:00. She stated this is being precipitated because of the New York State standard for libraries. She stated they came out with a standard that tells them how many hours they need to be open per week. She stated in order to meet that, when they are closed on the weekends during the summertime, they will need to open at 9:00 in the morning.

Councilwoman Ignatowski stated they are going to be changing their e-mail to Road Runner, it looks like, and they're thinking about providing a wireless service in the Library. She stated that was about it from the Library.

Councilwoman Sperr stated Historic Preservation has not met since the last Town Board meeting.

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

Councilwoman Ignatowski stated in regards to the open space, the Conservation Board had a couple of meetings to organize their thoughts on the open areas and farmland. She stated they had indicated at

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that meeting that they will meet with Supervisor Logel. Supervisor Logel stated they have not met with her.

Councilwoman Ignatowski stated pretty much the Planning Board agenda items, they didn't have much to comment on that.

Supervisor Logel stated she wanted to make a comment in light of Ms. Lyle's public forum comments. Supervisor Logel stated one of the things that she has reinstated with the Conservation Board is the open space index, and working on the open space, she has met with the Genesee Conservation people regarding wetlands and wetland preservation. She stated it is her goal to preserve as much as possible. She stated the land in question that Ms. Lyle was referring to, that all started before she came in in January and she is not up to speed, but she will get up to speed as fast as she can on what they are talking about as far as exact change in that wetland over there. She stated she will find out what is going on with the Army Corps of Engineers.

Councilman Slattery stated the Drainage Committee met last night. He stated due to the amount of rain that has occurred recently, there has been an increase in some calls to the Highway Department and they are pursuing those. He stated they're looking into those, as well as addressing the previous complaints that have come into the Town, and there is a number of projects that will take place once the ground does dry out and they can get the heavier equipment on to the lawn areas without destroying too much of the properties.

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

Councilman Powers stated the Traffic Safety Committee has a meeting tomorrow.

### **Council Members' Reports:**

Councilman Powers asked on the 29th of May, whether or not the recreation van is going to be accessible to the Legion. Supervisor Logel asked is this something they have done before. Councilman Powers stated it is not. Supervisor Logel asked with insurance and drivers, what are they getting into here. Councilman Powers asked if a driver needs a CDL or can anybody drive it.

Joseph Carr stated that vehicle is fully insured. He stated any person with a regular class license can drive it. He stated he had marked on his calendar that was a request Councilman Powers had made, and he was prepared to talk to him about it. He stated they are not in any liability to do such a thing if the Board feels they want to do it.

Supervisor Logel asked who would they be transporting. She asked do they have any idea what the numbers would be, or number of runs. Councilman Powers stated he had no idea. He stated basically, it would be Veterans, possibly bringing them up from the Baker Farm to the Legion Post or going out to their homes to transport them.

Supervisor Logel asked are they proposing that the people would contact the Legion with a request, and then that request would be then processed and forwarded to them. She asked is that the way they're looking at it, in advance. Councilman Powers stated if they had the van there, they would pick up the names and just go and pick up the people. Supervisor Logel asked if it would be an on-call thing. Councilman Powers stated they are hoping the people would call the Legion.

Councilman Slattery asked if they would want the van or the bus. Councilman Powers stated he was assuming the one with the lift.

Supervisor Logel asked if the Board members had any thoughts on this. She asked do they feel it is

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something that they would have to hire a staff person to run, to drive the bus.

Councilman Slattery stated he thought this may be something that the Supervisor and the Superintendent of Highways could take up in a conversation. Councilman Powers stated he was sure they could get a volunteer. Supervisor Logel suggested they meet and talk about that.

Councilman Powers stated a fair time ago, there happened to be an occasion where both the Supervisor and her Deputy Supervisor were out of Town, and he wondered who was in charge of operations at the Town Hall at the time. Supervisor Logel stated she was on vacation and Mr. Brongo was at a meeting, but he could easily get here if he needed to. Councilman Powers questioned if he could do that from Saratoga. Supervisor Logel stated he could be here in less than three hours. She stated and both of them were accessible with cell phones.

Councilman Powers stated that is not the question. He stated the question was, who was in charge during those three hours that Mr. Brongo may be en route. Supervisor Logel stated she believes both of them would not be gone at the same time. She stated but at that time she would assume the Town Board was in charge. She stated if they were on premises, they were in charge.

Councilman Powers asked what if they were all on vacation, too.

Councilman Powers asked Supervisor Logel if she has appointed a Budget Advisory Committee, or is she working with a group of people. Supervisor Logel stated she is going to have a budget task force that she is working on to work with her for the budget. She stated they will be strictly working with her as a budget advisory group to the Supervisor.

Councilman Powers stated under Section 51.5 of the Town Law, he thought this Board sets up the committee and there is the possibility that this Board could even name the people on it, those people to serve on that committee, or task force, or whatever.

Richard Stowe stated 51.5 talks about non-compensated advisory boards, appointed by the Town Board or the Supervisor or both as specified in its action, so the Supervisor, the Town Board has the authority to appoint those. He stated if it is a Board that is an Advisory Board to the Town Board, the Town Board has to vote on the composition of that. He stated he does not believe it is true if it is an Advisory Board only to the Supervisor.

Councilman Powers asked is this Town Board out of it. Richard Stowe stated unless it is advising the entire Town Board. Councilman Powers stated they are not through with this, rest assured.

Councilwoman Ignatowski asked do they need to have a resolution accepting the resignation of Patricia Dromgoole. Supervisor Logel stated they do not; they just accept the correspondence. She stated that is what they did when Sherry resigned in January.

Councilwoman Sperr asked if that was right since they have always done resolutions. Supervisor Logel stated they didn't do one in January. Councilwoman Ignatowski stated it hit her today as opposed to January. Supervisor Logel asked what would they do about it if they don't accept it.

Richard Stowe stated the practice, as it was explained to him, several years ago, when he asked the same question, in order for the resolution to be legally effective, it has to be in writing filed with the appropriate officer, generally the Town Clerk. He stated there is no requirement that there be a resolution of this Board. He stated, however, the practice of this Board, he thought largely for purposes of being able to research this stuff in the minutes, has been to accept the letter of resignation by resolution, so that there is a record of it someplace instead of in a correspondence file.

Supervisor Logel stated since she has been here, January 1st, this is their second one. She stated the first one they did not do it that way. She stated it was written and filed in the Clerk's Office, and this

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one was written and filed in the Clerk's Office, so unless this Board has some reason for wanting to add another resolution to the agenda, she does not see the need.

Councilwoman Sperr stated if past practice enables them to be able to look back on something should questions come up and it makes it easier for them, wouldn't it make sense to make a resolution for this. Supervisor Logel stated if they want, they could add it as the last resolution on the agenda tonight.

Councilwoman Sperr stated she thought they will need to add it before they accept her appointment. Supervisor Logel stated then they will have to adjust all the numbers. Councilman Slattery stated maybe when they get to that point, maybe they could just create one as "A." Councilwoman Ignatowski stated they could combine it. She stated they will just accept the resignation.

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

Supervisor Logel stated the defibrillator is in the process of being installed in the hallway.

Supervisor Logel stated the code book is now available on line. She stated if anyone goes to the Town website at the hyper link under [www.Town of Chili.org](http://www.Town of Chili.org) and selects the code book from the index, now they have free public access to the Town of Chili code book.

Supervisor Logel stated there was received on April 14th, a letter from the Office of the State Comptroller which basically states that they have reconsidered their position. She stated they reference in a February 26th letter they informed their office that they could not conduct a full detailed financial audit of the Town of Chili. She stated they have since re-evaluated the request, and plan to schedule the Town of Chili for an on-site risk assessment, and the assessment will help them determine what service, if any, they can provide to the Town and that they would contact her. Supervisor Logel stated the letter came while she was on vacation.

Supervisor Logel stated the Comptroller's Office then apparently sometime on April 21st wrote a letter to some citizens of the Town who then contacted the reporter who happened to be out in the hall this evening. She stated it completely slipped her mind.

Supervisor Logel stated she wished Mr. McClendon was present in the meeting room, because she wanted to address the article he wrote in the morning paper. She stated most of what was in the paper was extremely misleading. She stated she called him about this on April 26th, 27th, and talked with him about this, and it shows up today. Supervisor Logel stated the Office of the State Comptroller contacted her today to set up and they will be in here May 17th. She stated in light of this letter, at this point in time, it would not be prudent for her to be asking for another audit, which is not the way Mr. McClendon wrote the article.

Supervisor Logel stated she said to him that there are issues they need to look at and there are things they need to audit and the RFP is still going forward. She stated so why he wrote it, in the text that he did, she did not know. She stated but for those people who heard people say tonight that the audit is not being done and there is not going to be a dollar and cents audit, there is going to be an audit. She stated there will be this first one conducted by the State Comptroller's Office, and then they will go on from there.

Supervisor Logel stated meanwhile the RFP will go out for an auditing firm because they need to have one for the fall. She stated under the Sarbanes-Oxley Act, they need to be looking at how they change and how they do that.

Councilwoman Sperr asked what type of audit on May 17th. Supervisor Logel stated they're coming in to do an in-depth, on-site audit. She stated those are the only words they used with her.

Councilman Powers asked Supervisor Logel if she is going forward with the requests for proposal.

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Supervisor Logel stated she is going forward with the RFP. She stated when they vote on it, they can vote whether to go with an RFP or not.

Councilman Powers asked what is the status then. He stated they have been fooling around with it. Supervisor Logel stated first they were saying they will not do it and then they are going to do it. Councilman Powers asked how far are they with the RFP. Supervisor Logel stated she is almost finished.

Councilwoman Ignatowski asked Supervisor Logel if she knows how long this is going to take for an in-depth, on-site audit. Supervisor Logel stated they just told her they would be in here on the 17th and they would start on the 17th.

Councilman Slattery asked is this something they have done in the past. Supervisor Logel stated they did a risk assessment two years ago. She stated she asked if this would be the same type of audit, and the girl indicated this would be more in-depth.

Councilman Slattery asked when this was done two years ago, what was the outcome from the State. Dianne O'Meara stated there were no issues.

Supervisor Logel stated it may well be the same, that they say the same thing this time. Supervisor Logel stated today, on the phone, she asked what specifically transpired between when they wrote the February 26th letter saying they would not do it, to now when they get the letter saying they are going to do it, and they said they had reconsidered their position because they had received numerous complaints from citizens of the Town of Chili. She stated that was what was quoted to her.

The 4/14/04 Town Board minutes were approved as submitted.

### **REPORTS SUBMITTED:**

Planning Board- March 9, 2004  
Conservation Board- March 29, 2004  
Examining Board of Plumbers- April 5, 2004  
Zoning Board of Appeals- March 23, 2004  
Historic Preservation Board- March 8, 2004  
Drainage Committee- March 2, 2004  
Library Board of Trustees- March 23 2004

### **CORRESPONDENCE:**

Letter of resignation from Patricia Dromgoole, effective May 7, 2004

### **OLD BUSINESS:**

Supervisor Logel stated there were a couple questions asked during the public forum that before they go into resolutions she thought need to be addressed. She stated there were a couple abstract questions asked, a question related to Joseph Carr regarding air fare.

Councilwoman Sperr stated they usually do that when they approve the abstract. Supervisor Logel stated the problem is they also have some other questions that need to be addressed.

Supervisor Logel stated they would handle the abstract questions at the end. She stated the issue regarding the Dog Warden's truck, she thought Joseph Carr wanted to speak to that.

Joseph Carr stated first of all, to the best of his knowledge, the Board gives him the authority to utilize the Town's equipment when and wherever he feels it is appropriate to do that. He stated he just wanted to clarify that. He stated if that is in question, he needs the Board to tell him differently.

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Joseph Carr stated it is true he was on vacation last week. He stated what people might not know is on Tuesday afternoon at 3:25, he came into the office. He stated he worked 6 1/2 hours just cleaning up business, just to keep up. He stated he didn't charge the Town for that. He stated on that day, he talked to the Dog Warden about the activities that she had ongoing and he was thoroughly informed about what she did.

Joseph Carr stated he had informed this Board in the past that he certainly keeps in excellent contact with their Dog Warden. He stated he highly respects the work she does. He stated he also told this Board that there are many occasions where they have work that they are doing, and it covers a variety of efforts, not always within the Town limits. He stated so if the Board would have any question about that, please ask him. Joseph Carr stated but he assures the Board, that the work that they are doing is very beneficial and just work.

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**RESOLUTION #195 RE: Chili Recreation Purchase of Softballs**

**Offered by: Councilman Slattery**

**Seconded by: Councilman Powers**

**WHEREAS**, Guy Puglia, Acting Temporary Recreation Director, has received bids for the purchase of softballs for the 2004 Chili Recreation Adult Softball Season from the following three vendors:

BSN/Passon Sports	\$3221.60	(includes shipping)
Amateur Sports Park	\$3360.00	(includes shipping)
Anaconda Sports	\$4396.80	(7% additional for shipping)

**NOW, THEREFORE, BE IT RESOLVED** to authorize Guy Puglia to purchase softballs from BSN/Passon sports to be paid from Account A7620.4 (Adult Recreation).

UNANIMOUSLY APPROVED

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**RESOLUTION # 196 RE: Bike Ride for National Center for Missing & Exploited Children**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, the National Center for Missing & Exploited Children has once again asked for the Town's permission to have their May 20, 2004 one hundred mile bike ride come through the Town of Chili on various streets from approximately 8:30 - 9:30 a.m. to spread the awareness about the plight of missing children and share abduction and exploitation prevention educational materials with children along with raising funds for their agency services. They have held this race for the past three years.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby authorizes the National Center for Missing & Exploited Children to have their bike ride go through the Town of Chili on May 20, 2004 provided they notify the Monroe County Sheriff's Office at Zone C, the Chili Fire Department and Ambulance prior to the race. They have provided the Town a certificate of insurance naming the Town as an additional insured.

**BE IT FURTHER RESOLVED** that the Town Clerk shall send notification of this resolution to the National Center for Missing & Exploited Children.

UNANIMOUSLY APPROVED

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**RESOLUTION # 197 RE: Roberts Wesleyan College Parade**

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**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilman Slattery**

**WHEREAS**, Roberts Wesleyan College has asked for the Town's permission to hold a Homecoming Parade on Saturday, October 2, 2004 at 11:00 a.m. to last for approximately one hour;

**BE IT RESOLVED** that the Town Board hereby authorizes Roberts Wesleyan College to hold their Homecoming Parade on October 2, 2004, following the route outlined in their correspondence, provided they notify the Monroe County Sheriff's Office at Zone C, the Chili Fire Department and Ambulance and provide a certificate of insurance naming the Town as an additional insured prior to the parade, and,

**BE IT FURTHER RESOLVED** that the Town Clerk shall send notification of this resolution to Roberts Wesleyan College.

UNANIMOUSLY APPROVED

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**RESOLUTION # 198 RE: Letter of Credit Release for Park Place Section 4**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** that per recommendation of the Town Engineer, \$21, 762.84 be released from the letter of credit with Canandaigua National Bank and Trust (#1101943679) for Park Place, Section 4 leaving a balance of \$156,903.90; subject to engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

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**RESOLUTION # 199 RE: Letter of Credit Release for Park Place Section 5**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**BE IT RESOLVED** that per recommendation of the Town Engineer, \$54, 536.69 be released from the letter of credit with Canandaigua National Bank and Trust (#1101943733) for Park Place, Section 5 leaving a balance of \$425,733.31; subject to engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

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**RESOLUTION #200 RE: St. Christopher's 5K Run**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Sperr**

**WHEREAS**, St. Christopher's Church has asked for the Town's permission to hold a 5K Race on June 12, 2004 at 6:45 p.m.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby authorizes St. Christopher's Church to hold their 5K Race on June 12, 2004, following the route outlined in their correspondence, provided they notify the Monroe County Sheriff's Office at Zone C, the Chili Fire Department and Ambulance and provide a certificate of insurance naming the Town as an additional insured prior to the race.

**BE IT FURTHER RESOLVED** that the Town Clerk shall send notification of this resolution to

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Bryce Walker 2004 Race Coordinator for the St. Christopher's 5K Run.

UNANIMOUSLY APPROVED

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**RESOLUTION #201 RE: Appointment to Court Clerk**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**BE IT RESOLVED** that the Town Board hereby accepts the letter of resignation from Patricia Dromgoole to be effective May 7, 2004.

**BE IT RESOLVED** upon the recommendation of Town Justice Patrick J. Pietropaoli, that Joyce J. Cross, of 2 Wyvil Avenue, Scottsville, New York 14546 is appointed Court Clerk to Justice J. Pietropaoli effective May 10, 2004, and shall be paid an annual salary of \$26,539.00 (24B) expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

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**RESOLUTION #202 RE: Change Public Hearing Date for Rezoning of 221 & 227 Golden Road From RA-10 (Rural Agricultural) to R-1-15 (Residential)**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Sperr**

**WHEREAS**, the Town Board set a public hearing for May 19, 2004 at 7:00 p.m. the April 14th meeting to consider the rezoning application for the property located at 221 & 227 Golden Road from RA-10 (Rural Agricultural) to R-1-15 (Residential). The tax account numbers are 132.20-1-03 is 132.16-1-31.

**NOW, THEREFORE, BE IT RESOLVED** that Resolution #182 be modified setting the Public Hearing for June 16, 2004 at 7:00 p.m. to consider the rezoning application for the property located at 221 & 227 Golden Road from RA-10 (Rural Agricultural) to R-1-15 (Residential). The tax account numbers are 132.20-1-03 is 132.16-1-31. The Applicant/Owner, Ignazio Battisti, has paid the proper fee.

UNANIMOUSLY APPROVED

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**RESOLUTION #203 RE: Establishment of the 3360 Chili Avenue Subdivision sidewalk district**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** that 3360 Chili Avenue Subdivision sidewalk district located at 3360 Chili Avenue, Rochester, NY 14624 is now established. The tax account number is 145.040-01-04. The Applicant/Owner William Kreienberg, owner of Muirfield Development has paid the required fee.

4 YES TO 1 NO (Councilman Powers voted no.)

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**RESOLUTION #204 RE: Establishment of the 3360 Chili Avenue Subdivision lighting district**

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**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** that 3360 Chili Avenue Subdivision lighting district located at 3360 Chili Avenue, Rochester, NY 14624 is now established. The tax account number is 145.040-01-04. The Applicant/Owner William Kreienberg, owner of Muirfield Development has paid the required fee.

UNANIMOUSLY APPROVED

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**RESOLUTION #205 RE: Extension of Chili Consolidated Drainage District**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**BE IT RESOLVED** that the Consolidated Drainage District be extended to serve the property located at 250 Reed Road, Scottsville, NY 14564. The tax ID# 173.030-01-011.200. The owner Kenneth Siegel is requesting the applications. The Monroe County Water Authority has paid the required fee.

UNANIMOUSLY APPROVED

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**RESOLUTION #206 RE: April 21, 2004 Abstract**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilman Slattery**

**WHEREAS**, January 21, 2004 resolution authorized vouchers to be paid April 21, 2004 by all Council signing a waiver form; and

**WHEREAS**, Council did authorize by a majority vote vouchers 1679-1936 totaling \$289,121.59 to be paid from the Distribution Account as reviewed and audited by Dianne O'Meara, Comptroller;

**NOW, THEREFORE, BE IT RESOLVED** to note for the record vouchers 1679-1936 were paid from the following funds:

General Fund	\$111,216.12
Highway Fund	\$ 34,697.42
H26 General Fleet Reserve	\$ 15,999.00
H35 Chili Ave Widening D017381	\$ 81,716.78
H36 Chili Sewer Improvement Benefit #1	\$ 30,965.31
Consolidated Drainage District	\$ 1,361.79
Chili Fire Protection District	\$ 4,178.74
Special Light District	\$ 8,986.43
Total for Abstract	\$289,121.59

UNANIMOUSLY APPROVED

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**RESOLUTION #207 RE: May 5, 2004 Abstract**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**BE IT RESOLVED** to pay vouchers 2067-2277 totaling \$147,455.23 to be paid from the Distribution Account as reviewed and audited by Dianne O'Meara, Comptroller:

General Fund	\$ 48,080.49
Highway Fund	\$ 13,866.60

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H35 Chili Avenue D01781	\$ 840.00
H36 Chili Sewer Benefit #1	\$ 74,407.49
H40 Annual 2003-4 Reassessment	\$ 8,878.90
Consolidated Drainage	\$ 1,223.22
Special Light Districts	\$ <u>158.53</u>

Total \$147,455.23

4 YES TO 1 NO (Councilman Powers voted no.)

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PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on May 5, 2004 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:02 p.m. for the establishment of the 3360 Chili Avenue Subdivision sidewalk district.

Attendance as previously noted in the 5/5/04 Chili Town Board meeting minutes.

No one was present to represent the 3360 Chili Avenue Subdivision sidewalk district.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Jerry Brixner, 14 Hartom Road

Mr. Brixner asked what is going on with this 3360 Chili Avenue Subdivision sidewalk district. He asked is this a subdivision coming in off of Chili Avenue. Supervisor Logel stated this is for a sidewalk, as she understood it, right across the street, directly across from the Town Hall area.

Joseph Carr stated there is a subdivision that has gone through the Planning Board process. He stated he did not know if it is in the final stage or not. He stated the land is across Chili Avenue from this location. He stated it is a housing development, and they propose to put in lighting and sidewalks. He stated it currently is a Planning Board matter.

Mr. Brixner asked who will be paying the sidewalk plowing activities. He asked does the Town have any financial obligation to the sidewalk district. Joseph Carr stated the answer is yes. He stated when they accept dedication of the street, they will also accept dedication of the sidewalks. He stated they will at that time accept the maintenance responsibilities for the sidewalks.

Mr. Brixner asked is this the first time for a sidewalk structure of its sort that the Town is undertaking. Supervisor Logel stated no, they have sidewalks. She stated they are trying to establish a district so that there will be taxes collected in that particular district that will go into a pool to pay for down the road the actual plowing costs of that area. She stated they are trying to make sure they don't end up with 300 different sidewalk districts like they did with drainage districts and lighting districts. She stated they are trying to make sure they bring them all into one. She stated she did not know if that answers the question or not, but no, it is not the first time they have done a district.

Mr. Brixner asked but is the Town picking up the cost of the sidewalk, cleaning and repair. Supervisor Logel stated it is. She stated in any district, as in lighting districts, the residents of that area pay a certain amount of money in their taxes for that service.

Mr. Brixner asked if the people along Chili Avenue will be paying for it. Supervisor Logel stated the people in the sidewalk district will. Mr. Brixner asked if that meant the businesses primarily. Richard Brongo stated that was not correct. He stated the residents in the subdivision there will pay.

Mr. Brixner asked if he was talking about strictly the subdivision they are talking about now. Supervisor

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Logel stated that was correct.

The Public Hearing was closed at 7:05 p.m.

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PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on May 5, 2004 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:05 p.m. for the establishment of the 3360 Chili Avenue Subdivision lighting district.

Attendance as previously noted in the 5/5/04 Chili Town Board meeting minutes.

No one was present to represent the 3360 Chili Avenue Subdivision lighting district.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 7:06 p.m.

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PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on May 5, 2004 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:06 p.m. for the extension of the Consolidated Drainage District, located at 250 Reed Road, Scottsville, New York 14564.

Attendance as previously noted in the 5/5/04 Chili Town Board meeting minutes.

No one was present to represent the property located at 250 Reed Road.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 7:06 p.m.

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PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on May 5, 2004 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:07 p.m. to discuss the consolidation of the Chili Lighting districts listed below to be named Chili Consolidated Lighting District #1.

- Clifton Light District
- Chestnut Light District
- Autumn Wood Light District
- Maple Grove Light District
- Cedar Grove Light District
- Whispering Winds Light District
- College Greene Light District
- Mayflower Village Light District
- Gilmar Light District
- Carriage House Light District
- Black Creek Woods Light District
- Union Square Light District
- King Forest Estate Light District
- Union Station Light District
- Red Bud Light District

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Springbrook Light District;  
Paul Rd. Estates Lighting District;  
Park Place Lighting District.

Attendance as previously noted in the 5/5/04 Chili Town Board meeting minutes.

Supervisor Logel read the following list of lighting districts:

Clifton Light District  
Chestnut Light District  
Autumn Wood Light District  
Maple Grove Light District  
Cedar Grove Light District  
Whispering Winds Light District  
College Greene Light District  
Mayflower Village Light District  
Gilmar Light District  
Carriage House Light District  
Black Creek Woods Light District  
Union Square Light District  
King Forest Estate Light District  
Union Station Light District  
Red Bud Light District  
Springbrook Light District;  
Paul Rd. Estates Lighting District;  
Park Place Lighting District.

Joseph Carr stated as everybody knows, they have many, many streetlights for safety purposes throughout the Town. He stated he wanted to separate the fact that there are lights along their main highways like Chili Avenue, Scottsville Road, Buffalo Road which are in their General Fund category and are not a part of what they are talking about tonight. He stated what they are talking about is all of the lighting that is in subdivisions throughout the Town that have been put in as those developments were constructed.

Joseph Carr stated the list that was read includes 18 districts that they presently have, and have approved in the past, and covers some over 20 residential developments. He stated included are 473 poles and fixtures. He stated in addition to these 18, they know that through the Planning Board process throughout the year they are continuing to review applications for new subdivisions. He stated presently there are three that are under consideration, such as the Links, the Bellaqua Subdivision and 3360 Chili Avenue.

Joseph Carr stated the lighting district or districts are an ever-changing thing because there is continual development in these districts. He stated as a matter of fact, 12 of the 18 districts are active in terms of houses being built, so it is a constantly changing item.

Joseph Carr stated he also wanted to point out that there are four districts that the Town has that are not being included: Pumpkin Hill, Clifton, Blueberry Hill and the Parklands. He stated the reason for that is they are talking about the consolidation here that would consolidate districts that serve residential streets, the typical single-family residential street. He stated they are not intending to include Pumpkin Hill, Blueberry and the Parklands because that style is a little different from the average residential street. He stated the lighting level is a little bit different, so it was decided by the group that was putting this together that those would be excluded.

Joseph Carr stated he was remiss in not identifying the group that has worked on this: their Town Clerk; their advisor for special districts, Marcia Havens; their Assessor, Linda Leach; Dianne O'Meara and

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himself have been working for this consolidation.

Joseph Carr stated the purpose of doing this is really twofold. He stated they know each year when they are looking at the budget they have to establish a separate rate for each and every district. He stated it is a difficult task to try to assess how much funding should be set aside for each district, and one of the reasons for that is, what is included in the cost each year, the assessment, is the fee that they pay RG&E to maintain the lights and for the energy to light the lightbulbs.

Joseph Carr stated the difficult part becomes when they also have to cover the cost of replacement. He stated historically, they have damage to two or three light standards a year from in the wintertime, people sliding off the road, they run over a light pole. He stated it is very hard to assess on 18 separate districts where their costs might be for a pole replacement. He stated it is just a difficult thing to manage.

Joseph Carr stated so one of the purposes is to consolidate these 18, and the future districts they approve, into one consolidation, very similar to what they have done with the drainage district. He stated they have many, many separate drainage districts that they have consolidated. He stated they set one rate, universal throughout the Town, and that is really the purpose here.

Joseph Carr stated so the other part is administrative, cleaning up the administrative end of trying to manage these districts. He stated they foresee it as a benefit to the residents in general and also to the administration.

Joseph Carr stated he wanted to point out they did a short form environmental assessment SEQR review that is on file. He stated it is their intent to take any comments they have tonight, with the intent to come back to the Town Board at the next meeting and ask for a decision about consolidating these.

### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Mr. Casilio

Mr. Casilio stated he is wondering when they consolidated this, the energy that they buy, who is in charge of the buying. He asked are they looking at maybe purchasing it from other than RG&E, the energy for the electricity, or isn't that a part of this meeting.

Supervisor Logel stated basically what is a part of this particular issue is that right now they have many distinct areas that are paying for their electricity. She stated they are trying to bring it all into one area.

Mr. Casilio stated he understood that. He stated he was just saying now that they have consolidated like this, so now it is like a larger chunk of energy use, maybe they could get a better deal on the power requirements.

Richard Brongo stated their use is still the same. He stated that is not going to change. Joseph Carr stated they are always looking and working with RG&E and other energy companies to try to find the best rates. He stated the fact they are consolidating won't change that. He stated it will still stay the same.

Bernice Wilcox, Stuart Road

Mrs. Wilcox asked don't the lighting districts pay different rates in different districts. Joseph Carr stated yes, they do. Mrs. Wilcox asked will they all be paying the same rate then. Joseph Carr stated that is the plan, yes. Mrs. Wilcox asked so some people their rates will be raised in one district and lowered in others. Joseph Carr stated that was correct.

Councilman Powers asked have they totalled the rate that the consolidation will pay, and if they were to take the rates that the different districts now pay, is there a savings or not. He asked will the new rate,

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once they consolidate, be lower than if they were to take all of the existing districts and take the different rates that they pay. Joseph Carr stated he thought ultimately the answer is yes. He stated and the reason he can say that is through the budgeting process, instead of having to protect each and every district from the catastrophic pole damage and those kinds of things, they won't have to budget that much. He stated they can budget more clearly, and therefore, reduce what the effective rate will have to be on a consolidated basis.

Joseph Carr stated most municipalities found when they consolidate several districts into one, they find an efficiency, management efficiency and financial efficiency to do that. He stated he certainly thinks that they will find that as they get through this.

Councilwoman Sperr stated when Supervisor Logel read the list off, she thought she mentioned Clifton, but when Joseph Carr read off the four that weren't going to be included, he read off Clifton. Joseph Carr stated that's absolutely right. He stated it was his mistake. He stated Clifton is going to be included.

Councilwoman Sperr clarified so it is Pumpkin Hill, Blueberry and Parklands are the only ones that aren't.

Councilman Slattery asked do they have one standard streetlight, or are there a number of different styles that could be used throughout the Town. Joseph Carr stated he has developed a set of specifications, and the full intent is that they have a uniform or standard lighting fixture. He stated he would say that they do have that now. He stated to date they haven't allowed anything except the standard pole and fixture, but he agrees that it is important to have a specification. He stated he has written one, and it talks about the style, it talks about the spacing, and a few other items.

Joseph Carr stated what he hasn't done yet, is get that in final form and bring that to the Town Board so it can be included in their design criteria. He stated he thought that that should be done.

Councilman Slattery asked if in the Building Department now, are they looking at the information that they have, and before it is approved, maybe just talking to the developers and possibly looking at trying to make them uniform, even though it hasn't come before the Town Board yet. Joseph Carr stated they will certainly do that.

Councilman Slattery stated the cost of repair from the lights, from what he understood, their insurance no longer covers streetlights. He stated and the cost associated with these, generally they go after the individual that did cause the damage, but sometimes they are unable to. He stated a standard streetlight would be X amount of dollars. Joseph Carr stated approximately they are \$800, and unfortunately this year, in the three that they lost, they had no information about how the accident occurred. He stated they simply got a phone call that there is a light pole on the ground. He stated they contact RG&E. He stated they repair it and they send them a bill.

Councilman Slattery stated so basically they are covering their wages, for the repair then. He stated he was not sure what the agreement is, with RG&E. Joseph Carr stated the agreement is that for a set fee per light, they will provide the power and provide the maintenance. He stated that simply means if the light bulb is not functioning, if the electric eye is not functioning, they would repair for a standard fee. He stated it does not include replacement. He stated if the pole is knocked down, they really have to essentially start over, because the pole is embedded in concrete. He stated that snaps. He stated the fixture falls down and it breaks, so it is really essentially a new installation, and currently the rate is a little over \$800 for a new fixture, for a standard one.

Councilman Slattery stated he knows RG&E contracts with subcontractors to do that work. He asked is there a possibility of looking at a contractor to do that type of work. He asked could they send that out to bid and maybe test the waters. He stated maybe they could get a better rate.

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Joseph Carr stated the fact that they have RG&E come out and repair and re-energize is not a part of the contract. He stated because they are the owner of the fixture, they could hire their own contractor to do that work. He stated they still have to have RG&E come out and disconnect the power, and when they are ready, they would have to have them re-energize and there would be a fee for that. He stated his investigation found out the installation of the pole, simply the pole embedded in the ground with a pole wire, is \$600.

Councilman Slattery stated Joseph Carr has done his homework. Joseph Carr stated the fixture, and the light bulb and everything else, right now, the information he has is that they are getting a pretty good deal. Councilman Slattery stated he appreciates the info.

George Barnett

Mr. Barnett asked will an existing small lighting district, when this consolidation comes about, be supporting some of the larger districts. He asked will it be prorated. He asked, in other words, if there is a lighting district with only three lights in it, and they will be consolidated with a lighting district with 30 lights in it, will that smaller lighting district be subsidizing that larger one or will they be paying more.

Joseph Carr stated it is difficult to answer that in any definitive manner. He stated of the 18 service areas, there are 12 that are currently active. He stated that means there are homes continuing to be built in those areas. He stated it means the assessments are changing each and every year. He stated the number of light poles is also changing. He stated if there is a section -- like King Forest, they are up to Section 5-A in terms of development. He stated there are X amount of poles in place. He stated there are going to be additional poles, there are going to be additional houses. He stated his point is, it is an ever-changing aspect.

Joseph Carr stated when they have some of the ones that are fully established, there is a fixed amount of assessment, a fixed amount of lights, and other than the reassessments, those are fixed.

Joseph Carr stated to indicate as of today whether the rates are going to go up or down, he thought that is somewhat misleading, because like any budgeted item, in the fall, when they take a look at what are the costs going to be, and what is the assessment, they divide it and come up with a rate. He stated he can say that in this district, there will be a slight increase this year, and next year, because of all of the changes, it could be a decrease. He stated so he does not want to mislead anyone by saying that oh, this is an increase for here and in an increase for there, because it is not necessarily going to be that way.

Joseph Carr stated what they are looking at, as a consolidation, responsible government, is to look at there is a service that is provided to all people with the streetlighting. He stated they are going to consolidate it so everyone is treated equally.

Ron Pikeut, 1030 Paul Road

Mr. Pikeut stated the Paul Road lighting district is not in this consolidation. He stated it is on a main arterial. Joseph Carr stated that is correct; there is no Paul Road lighting district. He stated that is part of the general lighting district and it will not be a part of this.

Mr. Pikeut questioned whether they need frankly a light on every pole. He stated he has had several out across from his property, he has called and told them where it was, and they have not bothered themselves to come out and do something about it. He stated but he does not really miss some of them being out. He stated he questions whether they need to light up the road. He stated he thought that should be in consideration when they plan these lighting districts. He asked do they need a light on every pole or will one on every other pole do.

Supervisor Logel stated Mr. Pikeut's concern would be streetlighting. She stated they are talking about consolidating subdivision lighting districts. Mr. Pikeut stated he is saying in the planning, as well as on Paul Road, he is questioning the expense of a light on every pole.

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Supervisor Logel stated they are building one behind her called the Red Bud Light District. She stated that new development, as those people buy those houses, this is something they want. She stated she is on Red Bud. She stated she does not pay for it because she is not part of the new subdivision that gets the lights. She stated that is something that the new housing development wants. She stated she thought they will want a light on every pole if the builder has put the pole on the street and they bought a house in that subdivision for that reason.

Mr. Pikuet stated if it is consolidated, they will be paying into the pool to pay for the whole thing. Supervisor Logel stated she will not. She stated Red Bud, her house is 45 years old, almost, so she does not have streetlights, but the new subdivision that they're building, right now behind her, is called the Red Bud Subdivision. She stated that has lights. She stated only the people in that subdivision will pay for those lights. Mr. Pikuet asked even if it is consolidated. Supervisor Logel stated even if it is consolidated. She stated she is not paying for them. She stated it is consolidated with the other subdivisions that have lights of the same type.

Mr. Pikuet stated he was speaking about the need on the main arterials. He stated he was questioning a light on every pole. He stated if it comes down to replacing the electric eye, the sensors not turning on, if they can eliminate it, maybe they should. Supervisor Logel stated that is something they could address, but not under this public hearing for this particular issue.

Dave Casilio, 34 Autumn Wood

Mr. Casilio asked do some districts have more poles being knocked out than other districts. He asked is there one that is on a curve, and that pole is always taken out, so there is a big discrepancy in damage than certain districts. Joseph Carr stated he thought from the historical standpoint, that really has not been the case. He stated they did have one on Sunset that was a particular problem, and when they replaced it, they put it in a different location so they avoided a curve or something like that. He stated he was not aware of one that got hit more than once.

The Public Hearing was closed at 7:27 p.m.

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The next meeting of the Chili Town Board is scheduled for Wednesday, May 19, 2004 at 7:00 p.m. at the Chili Town Hall meeting room.

The meeting ended at 8:48 p.m.