

CHILI TOWN BOARD
July 16, 2014

A meeting of the Chili Town Board was held on July 16, 2014 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor David Dunning.

PRESENT: Councilman Brown, Councilwoman DiFlorio; Councilman Slattery, Councilwoman Sperr and Supervisor David Dunning.

ALSO PRESENT: Dawn Forte, Supervisor's Secretary; Sandra Hewlett, Stenographer; Virginia Ignatowski, Town Clerk; Daniel Knapp, Director of Finance; Ken Kraus, Deputy Town Supervisor; David Lindsay, Commissioner of Public Works/Highway Superintendent and Building Department Representative; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor.

The invocation was given by Virginia Ignatowski.

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

PRESENTATIONS/ANNOUNCEMENTS:

1. Public Hearing regarding the demolition of structures at 10 Clifton Road.

MR. KNOWLTON: I'm Richard Knowlton. I'm the owner of 10 Clifton Road.

SUPERVISOR DUNNING: Proceed.

MR. KNOWLTON: I was unaware of the situation that occurred this past winter as far as the roof collapsing in on the building. Um, the Town Code Enforcement informed me about it. And since then I have been diligently working on a situation to rectify the situation.

I have spoken to Ed (Shero) on a couple different occasions and I just spoke to him briefly. He told me where I am standing, where I'm at this point.

I do have a contractor that has looked at it. He has given me three different alternative things to do. Um, we're working on that. He has also given me some prices that I think they're within my budget to renovate the building.

Um, where I'm at right now, and I just informed Ed (Shero) is that I informed my attorney that the insurance that I was carrying on the building -- because of what happened was an act of God and the building was dated, that they are not going to pay anything. Um, my attorney has since been working on insurance because when I start renovating the building, I want to make sure if anybody God forbid someone gets hurt, that I have insurance to cover that. Um, I am diligently, as I say, working on this.

And at this point, if everything goes correctly and we can get things in order, I would say probably within about three weeks -- which I also have applied for a permit from the Town. I'm very much aware of that.

I have renovated buildings before. I do have a lot of background in engineering. Um, I have been involved in this type of project before. I mean, this is nothing new to me. So I am looking forward to getting involved -- or getting this thing corrected. I don't know what more to say at this point.

SUPERVISOR DUNNING: Okay.

MR. KNOWLTON: Is there any questions that anybody has for me?

COUNCILMAN SLATTERY: Not at this time, but I may.

SUPERVISOR DUNNING: We may before the end of the meeting -- before this is --

MR. KNOWLTON: I have been assured by Pete (Matthews), who is my contractor -- I have worked with Pete (Matthews) on several different projects before, and he has assured me, he says that he's -- since -- 60 percent I think we can put the building back in shape. He says up to par, building code, everything else. He said we won't really know until we get into it.

This is my down point. If that does occur, then I guess I'm going to have to take the top of the building off and put new trusses in and redo it. So, you know, I have to look at that situation, too. So I looked -- I think I have covered my grounds pretty good.

COUNCILMAN SLATTERY: You mentioned somebody, "Pete." Who is Pete (Matthews)?

MR. KNOWLTON: Pete (Matthews) is actually a house -- he has moved houses. He picks up a whole house and moves it.

COUNCILMAN SLATTERY: Okay. Who is Pete? What is -- he is a contractor then?

MR. KNOWLTON: Yeah. He is a contractor.

COUNCILMAN SLATTERY: And if I can go to the side table, um, or go to Ed (Shero) actually, um, I don't know if Ed (Shero) has a microphone or -- or what --

SUPERVISOR DUNNING: Go ahead. Go ahead.

COUNCILMAN SLATTERY: But you're --

SUPERVISOR DUNNING: I was actually -- I would like to -- when this gentleman has

concluded with this part of his statement, he certainly has an opportunity, but I would like to have Mr. Shero address the Board. I would like --

COUNCILMAN SLATTERY: Okay.

SUPERVISOR DUNNING: I was waiting for some of the public comment. You wouldn't know that.

MR. KNOWLTON: I have worked with Pete (Matthews) on two other projects and I wholly -- wholeheartedly trust him as a contractor, and I know I have seen his work, and -- well, not only seen it, but I have worked with him. And as I say, um, I think I have selected the best person.

COUNCILWOMAN SPERR: Richard (Knowlton), what is Peter (Matthews)'s last name? Who is he?

MR. KNOWLTON: Matthews.

COUNCILWOMAN SPERR: Matthews. Okay. Thank you.

SUPERVISOR DUNNING: Anything else you would like to add?

MR. KNOWLTON: Unless anybody has any questions for me.

SUPERVISOR DUNNING: We may still have before this is over, so if you're done for the moment, you may take a seat and we'll see if there is anyone.

I would like to just ask -- go ahead. Mr. Shero, who is our Building Inspector, um, Ed (Shero), when was the first time that you reached out to this -- to this --

COUNCILMAN SLATTERY: Step to the podium.

SUPERVISOR DUNNING: Could you please, sorry.

Thank you, Mike (Slattery).

When was the first time that you reached out to this -- to the property owner to -- to notify him of the condition of the building?

ED SHERO: I believe our date -- our first letter was dated on May 20th, 2014.

SUPERVISOR DUNNING: And the response to that inquiry?

ED SHERO: We didn't get a response to that letter. Made some -- received his phone number from the Assessor's Office, and I called him, and I didn't leave a message. He didn't have an answering machine, but, I take it, there is some type of form of knowledge of knowing who is calling because he called me back on June 5th, 2014.

SUPERVISOR DUNNING: And I know --

ED SHERO: Actually, I called -- I left -- called -- made attempts on June 5th. He called me back on the 6th. I'm sorry. June 6th he called me back in the morning.

COUNCILMAN SLATTERY: So May 20th is when the letter was sent out?

ED SHERO: Yes.

SUPERVISOR DUNNING: In your opinion, as our Building Inspector, the -- again, you have provided the Town Board with a letter of what your opinion is, the condition of the building and the recommendation it either be -- that something be done to start to either get the building repaired or removed.

Is -- is this building repairable to our current codes? Or to the codes that he needs to adhere to for this building?

ED SHERO: I think any building can be made repairable to the code if you want to spend enough money. Reasonably what it is worth, that -- you know, we're talking about a building which is assessed for, you know -- total assessment value is 20,600 of which the land is assessed for 11,7. 11,700. So it is a building worth \$9,900. We have assessed value. And the Assessor did not know about the roof collapsing, obviously.

In my opinion, to fix this building to bring to code would be in excess of \$50,000.

SUPERVISOR DUNNING: Have you been presented any -- have you talked with -- with the engineer that this gentleman speaks of?

ED SHERO: No.

SUPERVISOR DUNNING: Have you seen any designs or any inquiries about what needs to be done to repair this or --

ED SHERO: I have not.

SUPERVISOR DUNNING: And I guess I will see if the Board has any questions.

COUNCILMAN SLATTERY: Ed (Shero), I guess I'm looking at -- can you give me a little background, a little history on the building, the structure, what is there, size and so forth, stories?

ED SHERO: It appeared to be a one-and-a-half-story building. There is a second floor, and that is what is actually holding the roof up. The roof looks like it has collapsed onto -- there were a couple dormers in the building. It looks like the roof is basically stuck on the second floor.

I don't have -- I don't know if she has the actual size of it. Um, the area footage. I don't -- I don't know that.

COUNCILMAN SLATTERY: Then I'm looking -- you mentioned May 20th.

Is that when you sent the letter?

ED SHERO: If it wasn't May 20th, it was May 21st. My guess is it went out May 20th.

COUNCILMAN SLATTERY: Was that sent out by certified mail that somebody would have to acknowledge they received it, or did we -- what address did we send it to?

ED SHERO: It was not done by certified mail.

COUNCILMAN SLATTERY: So --

ED SHERO: We sent it to -- the address of record we had was 1344 Pinnacle Road, Henrietta, New York 14467. Mr. Knowlton acknowledged he received the letter on his first

initial conversation on the 6th.

COUNCILMAN SLATTERY: Sir, you did receive that letter?

MR. KNOWLTON: Yes, I did. I would like to explain one thing.

COUNCILMAN SLATTERY: Okay. In a minute. If you could, please, thank you.

So then from that time, from May 20th, 21st, he received it to the 22nd, 23rd, within that period of time. Then there was no interaction with this individual until you called on June 5th and then he returned your call on June 6th?

ED SHERO: That's correct.

COUNCILMAN SLATTERY: All right. That's all I have at this time.

JORDON BROWN: How old is the building?

ED SHERO: I have no idea. I'm going to guess more than 100 years old. I'm -- Pete Widener I see is here. He may have more. I know I had some discussions with the Town Historian because I know the building has been there. It is my understanding it was a very early Dodge dealership, if not one of the original ones. All I got is date unknown from the Assessor's Office. Probably one of the things precluding any records the Town had.

SUPERVISOR DUNNING: If I could ask Peter Widener, who is the Town Historian -- could you stay there Ed (Shero) in case there are more questions?

But, Peter (Widener), could you step up for a moment?

Peter (Widener), is there any historical significance to the Town of Chili for this building?

MR. PETERSON: Only in that it is an old building. I don't think our Board, Preservation Board would allow it in the district, simply because of the condition that it is right now. It dates back into the 1920s because that is when the Burdetts (phonetic) ran their gas station service out of there. It could have been built before then because the cinder block construction, which is taboo today. You can't use it. It was very common back then. It does have a problem of cracking and chipping and disintegrating. That is just the cinder block. To bring that up to code is something else, too.

The dating on that building is -- we're going back to World War I.

SUPERVISOR DUNNING: Thank you. Anybody have any other questions?

COUNCILWOMAN SPERR: Not at this time. I don't know if anyone in the audience --

SUPERVISOR DUNNING: We'll continue on it. I just wanted to make sure none of the Board --

COUNCILWOMAN SPERR: No.

SUPERVISOR DUNNING: Okay. Ed (Shero), thank you.

MR. KNOWLTON: Couple questions. You did ask that you -- about the size of the building. The building is actually a 40 by 40, and back -- and in the '20s, it was a Dodge dealership from what I understand and what I have been told. And prior to that, it was an Essex dealership. A little history behind the building.

A letter was sent out to me on May 20th. At that period of time I was out of Town for a period of almost a month caring for my sister, who I am her only living relative. She had a minor accident, and I did not get back into Town until somewhere in -- don't quote me on an exact date, somewhere the first week of June 5th, 6th, somewhere in that range.

I do have caller ID. I have an answering machine. It doesn't work. That is another story. I won't get into it. I don't want to bore you, but I do have caller ID and when I noted and I saw the phone number from Chili Town, immediately I made the phone call back and I had spoken to Ed (Shero) at that particular time.

Um, when I got back into Town and I started opening up my mail and everything, that is when I discovered he had sent me a letter. Of course, when I talked to Ed (Shero), I had already opened the letter and that was our first discussion.

I don't want you to think I was just, you know, sitting back and doing nothing. As I say, I was out of Town.

He had quoted a price, and as far as trying to renovate the building. Pete (Matthews) and I have come up with a figure. He said -- well, what we come up with is around 18,000 to do what I need to do, and I know that's a good deal. Of course, I will be working along with him on certain projects of the whole thing. I think that is the difference of the pricing. Where if -- he quoted something like 50,000 or something like that.

But realistically Pete (Matthews) told me around 18,000 we can put the building back into shape. That is what I had. That is the budget I'm looking at, plus I have -- in any project, until you get into it, you always got to have a little extra, that overrun, and I'm prepped for that, too. There are a couple of things that -- well, I won't get into that right now, but if -- there is grant money available from what I understand.

I had talked to a couple realtors. There is couple avenues there that I'm going to be looking at, too, in case I get into a real bad overrun. Um, I think that's -- I think I have covered what the questions are.

JORDON BROWN: Another question. When did you first become aware of the fact that the roof had collapsed?

MR. KNOWLTON: Um, when I got the phone call from Ed (Shero). I didn't even realize it. Um, I have had a lot of things going on. I hadn't had a chance to get out there. We had a bad winter. As I say, my sister had a bad accident and I was basically going back and forth and trying to tend to her and then coming back to Rochester. She lives in the Dunkirk, Fredonia area so I was down there for a lot of the time, for almost eight weeks, during that period.

And as soon as I got the phone call from Ed (Shero), of course, I immediately got on it and started getting involved with it, seeing what was going on and assessing it. Called some people

that I know, had them look at it.

As I say, Pete (Matthews) is the one that I trust as far as the wording, because I have worked with him before. So that is the one, I think, I would want to stay with and go with if everything -- if my sails can be set forth.

JORDON BROWN: So around June 5th? So around June 5th. That was the answer I was -- the question I asked you.

MR. KNOWLTON: It was after Memorial Day. I do know that. I -- I have got it written down, but without it here, I don't want to commit myself. You know, just right around --

JORDON BROWN: Around June 5th. All right.

COUNCILWOMAN SPERR: Richard (Knowlton), I have a few questions for you.

How long -- did you say how long you have owned this building?

MR. KNOWLTON: I have probably owned the building I will say for 12, 15 years.

COUNCILWOMAN SPERR: Okay. And in that time I'm assuming you have become aware that it had been falling into worse and worse shape, so the fact that you learned about the roof collapsing right after Memorial Day shouldn't have surprised you if you were -- the building wasn't in good shape and the roof was in bad shape.

MR. KNOWLTON: I have done work to the building and I was aware that that building needed -- in fact, this year I planned on putting new windows into it. I replaced one last year. I did work on the doors on the building last year.

COUNCILWOMAN SPERR: Okay.

MR. KNOWLTON: As I say, I ran into some situations with family affairs and I had to kind of -- plus the winter. The winter killed me.

COUNCILWOMAN SPERR: I can really understand how tough it is. It has been tough on everybody, this winter.

But you do understand that when you have a building like this in the center of a small community like that and the neighbors next door that live by that, they have to put up with the fact that that building is in that condition. So their -- if I were a neighbor, I would be concerned about that.

But I did have one more question. When you say you have spoken to a contractor, I'm sure they have given you a list of all of the repairs that you plan to do. So in addition to the roof, what is on your list that you plan to fix now?

MR. KNOWLTON: Windows will be put in. The two walls on the exterior have to be straightened and put back into par. The entire roof has to be replaced at this point.

COUNCILWOMAN SPERR: Okay. So then my question then goes to Ed (Shero), because your amount was so much higher than what Richard (Knowlton) just stated to us. Did you feel there are additional repairs -- repairs in addition to what he had just given us on that list that needed to be done to bring it to your satisfaction?

ED SHERO: You have to understand, I have never been inside the building. Only doing it from outside. You have this 1600 square foot roof. You're proposing to jack up, repair -- I'm not really sure how you plan to do this. But I'm just bringing the roof, either fixing it -- you have to take off what is there, put new fasteners in place. If they're rotted, you're not going to jack a rotted beam. It already collapsed once. Jacking a rotted beam will not work out.

I think just shoring up the walls, putting a new roof on would be in excess of \$50,000.

COUNCILMAN BROWN: So you're not even adding in the cost of the windows here.

ED SHERO: Oh, no. No.

COUNCILMAN SLATTERY: Sir, in regards to this property then, is anybody residing in it? Is there a business in there? Is it being used for anything at this time?

MR. KNOWLTON: The building is basically storage. I did have a tenant, a person that I know who stored some things in there. In fact, they're still in there. He was supposed to basically keep an eye on the building for me. Unfortunately, he went through a divorce and I was unaware of it this past fall. His stuff is still in there and my attorney sent him a letter, him and his wife both, that the -- of the situation and it's a legal type thing, so I'm not caught in the middle.

Evidently he has abandoned the property and we're considering it abandoned at this time. He had 30 days to -- or aware of the time limit that my attorney gave him to extract the stuff that he has in there, otherwise we consider it abandoned and I can just dispose of his stuff that he that stored in there, which is basically some building materials.

COUNCILMAN SLATTERY: So as of last fall then he basically abandoned the building; is that accurate?

MR. KNOWLTON: To the best of my knowledge, yes.

COUNCILMAN SLATTERY: So then in regards to maintenance of the property, is there a lawn at this location?

MR. KNOWLTON: The lawn is being taken care of.

COUNCILMAN SLATTERY: The lawn is being maintained? On a weekly basis, monthly?

MR. KNOWLTON: When the grass needs to be mowed, it is being mowed. It has been taken care of. All of the neighbors do have my phone number. I'm surprised someone didn't call me on this. This is one thing that really kind of upset me.

COUNCILMAN SLATTERY: Well, to get to this point, to get to the Town Board for us to have something on our agenda, obviously something has been going on for a period of time and this isn't something that will be brought to their attention within a day's notice.

I have an abandoned house that is next to me. It has been that way for I would say six,

seven years. It's an eyesore when the neighbors have to look at it, when you have tarps on top of the roof that is blowing in the wind that is -- you have rodents that are in there, you have a basement filling with water, you have a swimming pool that is just not healthy. There are issues there that people -- that is their investment in that area so they would like to see things maintained and if they can't, there is a process we must go through as a Town.

So for this to come to us at this point, for us to hear this, there is obviously something going on here longer than a couple months or a couple weeks. So that is what is disturbing to me, to get to this point and now, you know, we have to think about action, using taxpayers' dollars to possibly go and do something. So that is a concern I have.

MR. KNOWLTON: I understand that. I wholeheartedly agree with you. Last fall when I went out, um, which sounds like a long time ago, but I was out there last fall and the building was -- was in relatively good condition. I had noticed that the roof, um, started to sag a little bit and it's basically because it's outdated construction. I thought well, next year I would like to get something done on this.

As I said, with a harsh winter, it took its toll. It got to me before I got to what needed to be done otherwise it wouldn't look half as bad as it does now. Last fall the building did not look too bad. It was in relatively good condition. There were some things that needed to be done. Painting, doors needed painting, a couple windows. One window pane, the glazing had come out.

Um, and as I say, I was aware of it. You know, some minor things that needed to be done. It wasn't as though the place was just grass overgrown, abandoned, tarps blowing, that type of thing.

You know, it's -- it's hard on me because I -- I really like the building. I really do, because of the history behind it and everything else and I want to put it in back in shape. As I say, you know, if I went out and hired a contractor or just submitted bids, I could see where, you know, Union people, yeah, you look at probably a \$50,000 renovation here.

But because of the fact that I know people, I have been involved with this stuff before, and when Pete (Matthews) went over some figures and we went over some bills and that type of thing and looked and assessed the whole thing, he said that -- he said right around 18,000.

So when I said 18, I'm figuring maybe 25. Little slush fund there. If it does go into more, I will have to absorb that. I would have to figure out how to get the money and put it into it. But I'm not going to put 18,000 into a building and then all of a sudden because I don't have any more money, I will abandon it either. I will build something and follow this thing through.

The other thing, too, I want to make sure this is done before winter comes in again. So it will take a little bit of time. I'm expecting somewhere between two to three months to get it up to powder, which I don't think it is unreasonable. It is what the situation is right now.

COUNCILMAN SLATTERY: So financially from a funding standpoint, you haven't secured the funds yet for this?

MR. KNOWLTON: I'm in good shape for the funding.

COUNCILMAN SLATTERY: Just for the roof or --

MR. KNOWLTON: For everything, to get it back up to par where it should be.

SUPERVISOR DUNNING: Then what are your plans for the structure once it is brought up to par, as you stated?

MR. KNOWLTON: Um, right now it's being used for storage. It's basically almost like a hobby type situation. I have used it personally for taking vehicles out and working on my own vehicles in the -- in the -- at the garage. As I say, it's closed up. Last fall when I said that I have a tenant in there, at least basically a friend, he needed to store some stuff. I said, "I got room. If you want to put the stuff in there, go ahead. Help me with the taxes."

He said, "That's sounds great," so he did.

Lo and behold what was going on and I didn't realize it, because it wasn't my business, I can only tell you what I was told, and he was going through a divorce and that is the reason why I had to find some source to get his stuff moved.

COUNCILMAN SLATTERY: In regards to Ed (Shero), what you're hearing for the property and what its proposed usage is, it doesn't sound like a business is going to be operated out of there, or maybe, because he is talking about repairs, the code, the zoning for that property. So are there any questions, concerns you may have in regards to that?

ED SHERO: No. One can't make repairs out of it. You can use it for storage. If it was a repair shop at one time, that has long been abandoned, but it has -- to my knowledge always been used as storage so we don't have a problem.

COUNCILMAN SLATTERY: You can rent storage units for \$100 a month, so I think that may be cheaper. Maybe. Anyways.

COUNCILWOMAN SPERR: Maybe, maybe not.

MR. KNOWLTON: I rented storage areas before. I know what the bill is on that.

COUNCILMAN SLATTERY: So have I.

MR. KNOWLTON: I tell you before I had several things in storage once before and it was getting rather costly, and when you rent storage, they can give you 30 days to say, you know, we need the building, get out.

COUNCILWOMAN SPERR: Richard (Knowlton) --

SUPERVISOR DUNNING: We are getting a little off topic. And --

COUNCILMAN SLATTERY: I don't know if we're off topic. We're discussing the usage.

SUPERVISOR DUNNING: I'm sorry. I'm sorry. I'm not -- I think just -- think we're -- the story is getting a little bit off of -- the storage use of the building is legitimate.

MR. KNOWLTON: As far as the building, no. It will not be used for a business. The building is basically personal storage.

COUNCILMAN SLATTERY: Okay. Thank you, sir. Appreciate your time.

SUPERVISOR DUNNING: Anything else you would like to add?

MR. KNOWLTON: Unless anybody has any questions.

SUPERVISOR DUNNING: No. I think we're all set for now. If everyone else -- then you can have a seat and we'll invite anybody else from the public that would like to speak.

JORDON BROWN: I would love to hear from neighbors or --

SUPERVISOR DUNNING: If you would like to step up a -- in regards to this property, yes.

UNIDENTIFIED SPEAKER: His property?

SUPERVISOR DUNNING: Yes.

UNIDENTIFIED SPEAKER: Oh, no.

SUPERVISOR DUNNING: Okay. Is there anyone else?

ERIC WILLIAMS, 79 Winton Center Road

MR. WILLIAMS: Eric Williams, 79 Winton Center Road. I live around the corner from the subject property. If the Board does decide to give the owner leniency and work on remediating the building, I would request or suggest that a financial guarantee either through letter of credit or cash be posted with the Town so that the neighbors can have some sort of guarantee that the improvements will actually be made.

Thank you.

COUNCILWOMAN SPERR: Thanks, Eric (Williams).

PETER WIDENER, 4280 Union Street

MR. WIDENER: My name is Peter Widener and I live at 4280 Union Street. I'm speaking now on behalf of a retired real estate broker.

About 20, 25 years ago, I tried to buy that building and I think it was just after the Burdetts (phonetic) had the auction. I had two engineers come in. One was a mason. He said he wouldn't work with the cinder block.

The other was a roofer and he said that the roof had to come off. That was quite a while ago.

Nothing was ever mentioned about the electricity. There were a lot of caveats that went with that property that scared me away, so when I looked at my crystal ball, I just said, "I'll pass on this," and I let it go.

But it seems like it has been in wreck and ruin for a little while. It does need attention and it is going to get costly because it is not cheap today.

RICHARD STOWE: I have one question for Mr. Knowlton that I think probably -- well, two. I'm sorry.

Number one is with regard to the condition of the property today, is it secured? Is it accessible? Children, neighbors, vandals, wanderers by? Is it secured?

MR. KNOWLTON: Yes, it is. It is locked and secured.

RICHARD STOWE: I can't get in the building if I want to?

MR. KNOWLTON: If you wanted to break in, you could get in.

RICHARD STOWE: I'm not talking about a criminal act. I'm talking about accessibility.

MR. KNOWLTON: No.

RICHARD STOWE: Mr. Shero, is the building secure?

ED SHERO: No. The back windows have been broken out and they have been like that --

RICHARD STOWE: I'm not -- I don't want to quarrel. One -- one of the points and purposes of the code, and one of the points that needs to be made at the Public Hearing is that part of this process is to assure that the property is secure. I have heard a lot about bringing it up to snuff and all of the rest. I think this Board and the neighbor's first concern is that it doesn't create a situation that is dangerous.

You also stated on the record that your insurance, due to the way that the calamity occurred, isn't providing any reimbursement for this.

MR. KNOWLTON: You pose a very good question, and I will be in touch with Ed (Shero).

RICHARD STOWE: In my view, doing my job for this Board, I think the first thing that ought to occur is you and Mr. Shero ought to visit the property and you ought to follow Mr. Shero's recommendations if you want to demonstrate to this Board that you're working on this building to get it secure and safe. Immediately.

Then if there is a plan to try to remediate this, that you and Mr. Shero can bring back -- perhaps that is something this Board would want to take a look at.

But until that property is secure and safe, I'm not sure this Board has many options. I would make that first -- my first option for you to follow. That's my point. That is not really a question.

My second question is you mentioned on three occasions that you were working with your attorney to deal with the possessions and the property and being able to take control and do what you had to do. Who is that person?

MR. KNOWLTON: My attorney?

RICHARD STOWE: Yes, sir.

MR. KNOWLTON: You had to ask that. I have a new one and he is out of Buffalo.

COUNCILWOMAN SPERR: Doesn't matter.

RICHARD STOWE: You don't remember his name?

MR. KNOWLTON: I have his name, but I don't have it right here.

RICHARD STOWE: Okay. Part -- part of this process may involve the Town's contact on our behalf with your Counsel.

MR. KNOWLTON: Okay.

RICHARD STOWE: If you follow my recommendation and invite Mr. Shero to your property to do the securing and that information or if you have the ability to call Mr. Shero and provide that information to our Building Department, I think this Board would like to be able to know how to contact your attorney, should it become necessary. We need to know who that is.

MR. KNOWLTON: Okay.

RICHARD STOWE: The third thing that I think is imperative is in that process with Mr. Shero, that you provide the Town with some sort of proof that you are able to secure some level of insurance on that structure. Okay?

MR. KNOWLTON: Okay.

RICHARD STOWE: So secure it, insure it and let us know who your attorney is because until you cross those bridges, all of the other things you have investigated aren't going to mean a thing and aren't going anywhere. Give those your undivided attention. That is the best thing I think this Board could advise you to do at this particular juncture. The sooner the better.

MR. KNOWLTON: I admire what you just said and I wholeheartedly agree. Glad you brought those to my attention.

COUNCILWOMAN SPERR: In addition to Rich (Stowe), I also would like to be reassured that you're financially going to be able to do the repairs you said. When Mr. Williams got up and made that statement, he is reading my mind. My biggest fear is you said it would be two to three months. My biggest fear is you're going to try to come back here next year and still defend the fact that you don't want to tear it down. So I'm concerned about that timeframe.

SUPERVISOR DUNNING: We'll address that at the conclusion.

COUNCILWOMAN SPERR: Okay. Thank you.

The Public Hearing was closed at 7:36.

SUPERVISOR DUNNING: For everyone's information and it is very clear, our -- Counsel is absolutely right. I think this Board will be looking for all of the above. This Board typically does not vote on these type of actions the same night we have a Public Hearing. I believe we would still like to hold to that and digest what we heard tonight and be able to come back at the next meeting.

I will say it is very likely we will keep this on the agenda and I will keep in close contact with Mr. Shero and the Building Department to -- and keep the Town Board apprised of the actions or lack of action, whichever may happen. During this process, reporting back to the Board at the time we come back for Public Hearing, I believe that -- that all of the conditions certainly that the Counsel has pointed out as well as providing financial stability to be able to repair this building and/or some type of site plan or engineering reviews or some type of solid evidence that this building will be repaired, I would be prepared to present to this Board a resolution to demolish this building.

So I would strongly advise the property owner to follow the instructions they had here tonight. Do it immediately. Do not wait and we'll proceed with what we have to deal with at the next meeting.

So with that, I don't know if the Town Board has anything else they would like to add.

COUNCILMAN BROWN: Just a question. Does it include approving at the next meeting that the owner has the financial wherewithal?

SUPERVISOR DUNNING: Yes. Financial wherewithal. Solid engineering plans, things that would satisfy our Building Department that the conditions and the instruction -- or the reconstruction, the renovation that will be done will be done to the satisfaction of the Building Department and the engineering drawings or engineering will meet with Town Code or any other code that needs to be complied with.

But again, I think Counsel's point is -- is very well taken. I think securing that building immediately is going to be our number one thing and then looks like we're securing it and insuring it and getting some information would be important. Would hope to see that within the next 24 to 44 hours. So any other questions or comments from the Board?

COUNCILWOMAN SPERR: You have covered it.

SUPERVISOR DUNNING: Thank you. We'll move on to the Public Forum.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. The following speakers addressed the Town Board on various subjects: Imants Vitolins and Dorothy Borgus. The Public Forum concluded at 7:42 p.m.

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: I will -- I know the Board is not up to date. I will address the Saddleback Trail question. I have spoken with Dr. Miller on several occasions about this particular property. Mr. Lindsay and the Building Department are well aware of this property

also. The house is in foreclosure. It has been in foreclosure since 2008.

I believe Mr. Stowe at one point was helpful in getting at least an attorney, local attorney contact and getting us the contact information of who is supposed to be maintaining the property. They do have a hired maintenance crew that is supposed to be mowing the lawn.

UNIDENTIFIED SPEAKER: They have done that.

SUPERVISOR DUNNING: Yes. They -- so my understanding is, and I know we check that, the lawn is being maintained at this point.

The Town did go up and do a little bit of clean up with some brush and debris that was left around the property. In the case of a foreclosure, there is little to nothing -- and certainly, Mr. Stowe, if you would like to chime in on this, you're welcome to, but there is little or nothing the Town can do with the particular property until the legal aspects of a foreclosure are completed. And even at that case, certainly the Bank would be selling the house to a new owner who would probably be taking care of it and maybe something to fix the place up. I think at this point -- and, Mr. Lindsay, please correct me if I am wrong -- the Town has done everything we can do to assure that property will be maintained to the best of the Town's ability to have it maintained. Boarded up windows, tarps on roofs and things like that, if they happen, are not something we can necessarily control.

DAVID LINDSAY: That's accurate.

SUPERVISOR DUNNING: Sorry.

DAVID LINDSAY: Yes, that's -- that's an accurate statement.

SUPERVISOR DUNNING: So we are -- again, we are well aware of it. I have had conversations. I haven't had it with all of the neighbors over there.

Fortunately, I kind of saw Mr. Miller talked to quite a few of the neighbors. I know I did talk to actually one of the neighbors who works for us. I did talk to her. She lives a couple houses away from there also and she was aware of the situation. So we are doing what we can with it. And there are several other foreclosures in the Town.

COUNCILWOMAN SPERR: I've seen them. I've seen them.

SUPERVISOR DUNNING: When we know them, we do see about it and we make sure that the property is being maintained. So it is best to get the information to make sure they are maintained to a level that at least the grass is mowed and kept in some type of better condition.

In regards to the Faust house, I know this has been an issue for --

There was a pause in the meeting for a passing train whistle.

SUPERVISOR DUNNING: I know this has been an issue for many, many years and I know at one point we -- Mr. Faust was active and around and we were successful in getting him to remove some of the property. I believe there was a garage there also decaying and falling in. We were successful in getting that demolished and cleared up.

Mr. Lindsay, any update on what you think about the house and where we stand with that?

DAVID LINDSAY: I will actually -- kind of asked to chime in here a little bit. You're probably a little more familiar with the situation than I am.

I think the roof that is collapsing is over a portion of the house itself. It is structurally sound. We just can't get access to it. Is that accurate?

ED SHERO: I actually had access about five years ago to the house. The house was in surprisingly good shape. The porch roof, that has obviously fallen in. I have been there. I do stop there routinely and the property is secured.

And I don't believe even if -- it is certainly getting water damage in the house and is ruining the house, but I don't believe there is a -- any danger to the residents of Chili with that house, although it's a huge eyesore.

SUPERVISOR DUNNING: Okay. Anybody else have any questions on any of those? Okay.

Pending Matters:

1. Vacancy AAC Committee, BAR (Temp Member) Committee, Ethics Committee, Zoning Board.

SUPERVISOR DUNNING: Then we will -- and -- certainly if there is anyone who has an interest in those Boards, we like to hear from you.

MATTERS OF THE TOWN COUNCIL: Nothing to report.

The 6/18/14 Town Board meeting minutes were approved as submitted.

REPORTS SUBMITTED:

Architectural Advisory Committee Minutes – 5/21/2014
Building Dept. Report – June 2014
Chili Parks & Recreation Minutes – 5/20/2014, 6/17/2014
Conservation Board – 6/2/2014
Dog Control Report – June 2014
Historic Preservation Minutes – 5/12/2014, 6/9/2014
Library Board Minutes – 5/27/2014

Planning Board Minutes – 6/10/2014
Recreation Center Report – June 2014
Senior Center Report – June 2014
Town Clerk Report – June 2014
Zoning Board Minutes – 4/22/2014, 5/20/2014

CORRESPONDENCE:

1. Virginia Ignatowski, Town Clerk has received notification that Ronn DeGeorge, Drainage Committee is resigning effective 6/13/2014.
2. Virginia Ignatowski, Town Clerk has received notification that Robert Mulcahy, Zoning Board is resigning effective 7/1/2014.
3. Virginia Ignatowski, Town Clerk has received notification that Jacqueline Root, Court Clerk is resigning effective 7/25/2014.

RESOLUTION #188 RE: Use of the Senior Center Trust and Agency Account

OFFERED BY: Councilman Brown

SECONDED BY: Councilwoman Sperr

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

WHEREAS, Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, wish to use funds from said account to offset the cost for a Cardiac Life AED machine and carrying case. This machine will be available for activities and outings that take place away from the Senior Center. Cost not to exceed \$1,150.00.

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

RESOLUTION #189 RE: Use of the Senior Center Trust and Agency Account

OFFERED BY: Councilwoman DiFlorio

SECONDED BY: Councilman Slattery

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

WHEREAS, Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, wish to use funds from said account to offset the activity of Marcy Downey on September 21, 2014; amount not to exceed \$500.00.

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

RESOLUTION #190 RE: Road Closure Pearce Memorial Church

OFFERED BY: Councilwoman DiFlorio

SECONDED BY: Councilwoman Sperr

WHEREAS, Pearce Memorial Church has asked for the Town's permission to hold the annual fall kick-off event on Sunday, September 7, 2014 at 10:30 a.m. to last for approximately three hours; and

BE IT RESOLVED that the Town Board hereby authorizes Pearce Memorial Church to hold Their annual fall kick-off event on September 7, 2014, outlined in their correspondence, provided they notify the residents of Orchard Street, 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 event; and

BE IT FURTHER RESOLVED, that the Town Clerk shall send notification of this resolution to Pearce Memorial Church.

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

RESOLUTION #191 RE: Chili Fire Department Addition to Active List

OFFERED BY: Councilman Brown **SECONDED BY: Councilman Slattery**

BE IT RESOLVED that the following individuals be added to the Chili Fire Department active list effective July 21, 2014 & 7/28/2014:

Aaron Mance 7/21/2014 & Lauren Schneggenburger 7/28/2014

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

RESOLUTION #192 RE: Chili Fire Department Remove from Active List

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

BE IT RESOLVED that the following individual be removed from the Chili Fire Department active list effective July 7, 2014:

Brandon Geer

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

RESOLUTION #193 RE: 2014 Summer Recreation Staff

OFFERED BY: Councilwoman DiFlorio **SECONDED BY: Councilman Brown**

BE IT RESOLVED that per the recommendation of Michael Curley, Parks and Recreation Director, the following people be appointed to the following summer employment effective 7/21/2014:

Summer Lead Counselors (\$8.50/hour)

Christina Fisher
Samantha Lawler

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

DAVID LINDSAY: The project involves a little more than a simple entrance. It's drawing a blank here on the name of the street that runs paralegal to the east side of the street there.

COUNCILWOMAN DI FLORIO: Bucky?

DAVID LINDSAY: Yes. Bucky.

Has to do removing some of the fencing and putting entrance there for access -- for pedestrian access. There is a little swale there. We'll put a little pedestrian bridge over and then it's constructing a paved -- a paved walkway around the soccer fields.

SUPERVISOR DUNNING: Okay. Thank you.

COUNCILMAN SLATTERY: David (Dunning), in regards to that park, I brought this up in the past regarding some of the trees, the dead trees, broken limbs and so forth. Have we gone out to do an assessment of the trees there and the damage and look at replacement? Also, there

is some drainage work that needs to be done out there, as well. The existing walking trails. It would be to the east side, the -- the south portion of the park, the walking trail that is there. So -- you know, you can see over time the swales, ditches have just started to fill up with debris.

DAVID LINDSAY: I will talk to the Parks Foreman about the drainage aspect. I wasn't aware of the culverts that you're talking about. May be -- having a concern with those, but we did speak about the trees and asked him to look into it. I need to follow up with him and see where he is with that. I know he is aware of several trees that kind of need to be removed and probably replaced. I will see if I can get some information on it and report it back to you.

COUNCILMAN SLATTERY: I would appreciate it.

And then also a little bit off this topic, I was at Hubbard Park no too long ago, and there is a plaque on for someone there at Hubbard Park, and it appears that when maintenance is done -- excuse me?

COUNCILWOMAN SPERR: AJ Sperr's plaque, the tree behind the building.

COUNCILMAN SLATTERY: Okay. AJ. Yes, it was -- I was there for that ceremony.

COUNCILWOMAN SPERR: Yes.

COUNCILMAN SLATTERY: I would think, not to be critical, but a little more attention given to plaques on stuff with -- when we're doing maintenance and the amount of lawn clippings and stuff that is blown on them, around that area. Just a little -- if we can just maybe mention it to them.

DAVID LINDSAY: You're saying the plaque itself is fine, but maybe when the grass around --

COUNCILMAN SLATTERY: No. There is grass clippings up on the plaque.

DAVID LINDSAY: But the rock and plaque is okay. It is the fact we're blowing grass and clippings when we are out there maintaining it. Sure. I will speak with the Parks Foreman about it.

COUNCILMAN SLATTERY: Just a little respect to what is there. Thank you.

RESOLUTION #194 RE: Authorize Supervisor to Sign Contract for Community Development Block Grant (CDBG) – Davis Park Pedestrian Entrance

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

WHEREAS, the Town received notification from Monroe County that the Davis Park Pedestrian Entrance Project will be funded by the Community Development Block Grant Program in the amount of \$37,250; and

NOW, THEREFORE, BE IT RESOLVED, to accept the CDBG grant and to authorize the Supervisor to sign the contract and certification subject to the review and approval of Counsel for the Town.

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

RESOLUTION #195 RE: Planning Board Consultant

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

WHEREAS, the Planning Board received an application from The Fathers House for a parking lot expansion located at 715 Paul Road; and

WHEREAS, the Planning Board has required that the applicant provide a traffic study/analysis as part of their submission and the Planning Board is requesting that the Town of Chili hire a professional consultant to assist in the review of that document; and

WHEREAS, that the applicant will be responsible for all fees associated with the hiring of the consultant for this application; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Planning Board to hire a consultant; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, to amend revenue budget A1289 (Engineering Inspection Fees) by an increase of \$3,500.00 and amend expense budget A1440.4640 (Town Engineer – Engineering and Survey) by an increase of \$3,500.00.

Councilman Brown - Aye
Councilwoman DiFlorio - Aye

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

RESOLUTION #196 RE: Amend Resolution 160 Disposal of Surplus Equipment

OFFERED BY: Councilman Brown **SECONDED BY: Councilman Slattery**

WHEREAS, the Town recently took possession of and entered into service the new senior center van which was acquired with NYS Section 5310 Grant funding; and

WHEREAS, in the opinion of the Superintendent of Highways/Commissioner of Public Works, the existing van (#261) is obsolete and of no further use to the Town of Chili; and

NOW, THEREFORE, BE IT RESOLVED, to add vehicle #261 (2001 Ford Bus/Lift Van) to the list of surplus vehicles to be disposed of in accordance with the provision of Resolution #160.

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

RESOLUTION #197 RE: July 2, 2014 Abstract

OFFERED BY: Councilwoman DiFlorio **SECONDED BY: Councilman Brown**

WHEREAS, January 2, 2014 Resolution #1 authorized vouchers to be paid July 2, 2014 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 14133-14134, 14157, 14232, 14243-14251, 14256-14257, 14259-14260, 14267, 14270-14271, 14273, 14275, 14277-14285, 14296, 14298-14300, 14303-14305, 14307-14309, 14311-14321, 14323, 14325, 14328-14335, 14339-14362, 14364-14367, 14370-14378, 14383-14424 totaling \$120,192.20 to be paid from the Distribution Account as presented by Virginia Ignatowski, Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, to note for the record vouchers 14133-14134, 14157, 14232, 14243-14251, 14256-14257, 14259-14260, 14267, 14270-14271, 14273, 14275, 14277-14285, 14296, 14298-14300, 14303-14305, 14307-14309, 14311-14321, 14323, 14325, 14328-14335, 14339-14362, 14364-14367, 14370-14378, 14383-14424 were paid from the following funds:

General Fund	\$	82,766.03
Open Space Reserve	\$	3,350.00
Highway Fund	\$	18,342.51
Drainage District	\$	4,389.90
Lighting Districts	\$	11,343.76
Total Abstract	\$	120,192.20

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Supervisor, in regards to -- I see on the abstract a bill for Merante Field, some lights for maintenance and so forth. Having the opportunity to be up there for a couple Town activities, Town sports teams recently, I -- the park security has come around about 6:20 turning on the overhead lights for Merante Field. Just concerning me why they're being turned on that early at 6:20 when there is ample amount of time -- I know they have to make rounds at the Town, but looking at the number of lights they would have to turn on, locations that they have to go to, that they have be on for that long period of time, where there is a cost associated with that. So.

SUPERVISOR DUNNING: I'm not aware of it, but we will look into it. Thank you. I was unaware of that.

It is not like those mercury vapor lights that take a long time to start up? I'm asking --

DAVID LINDSAY: I don't think they are, but certainly it is probably a routine they got

into with turning them on at that time because of their rounds, but I'll talk with the Parks Foreman again and see if we can have them adjust those -- the routing so they're there a little closer to when the lights need to actually go on because of darkness.

COUNCILMAN SLATTERY: When you look at sunset at 8:47 or whatever it may be, two hours, it doesn't take them that long to warm up.

But thank you, David (Lindsay), appreciate it.

Also, there was another -- on the abstract was the flagpole light. Um, but the question I had in regards to a flagpole was the Community Center on Buffalo Road, the flagpole has been removed.

Is there any -- are we going to be replacing that?

COUNCILWOMAN SPERR: I had the same question.

SUPERVISOR DUNNING: I guess I -- are we? Do you intend to replace that?

DAVID LINDSAY: Our intent is to replace the flagpole at some point. We haven't decided exactly when yet. We wanted to get the old one down. It was rotted. It's in danger of falling down. We were going to pull the whole thing out. But when they put it in, they didn't waste -- they didn't waste any real concrete. They put a lot there. It will take us a while to get that out.

So I think the first step is to get that out and look at the cost for putting up a new flagpole and discuss it with the Supervisor if it is something we would like to do there.

COUNCILMAN SLATTERY: Getting budget time. For next year.

But thank you. That is all I have.

RESOLUTION #198 RE: July 16, 2014 Abstract

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED to pay vouchers 14230, 14427-14501, 14505-14507, 14509-14510, 14512-14525, 14527, 14532, 14540-14541, 14545-14555, 14558-14581 totaling \$97,605.17 to be paid from the Distribution Account as presented to the Town Board by Virginia Ignatowski, Town Clerk:

General Fund	\$ 69,933.64
Highway Fund	\$ 26,502.47
Drainage District	\$ <u>1,169.06</u>
Total Abstract	\$ 97,605.17

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - No
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

The next regular meeting of the Chili Town Board will be on Wednesday August 13, 2014 at 7:00 p.m. in the Chili Town Hall main meeting room.

The meeting was adjourned at 7:56 p.m.