

CHILI TOWN BOARD

April 16, 2003

A meeting of the Chili Town Board was held on April 16, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. The meeting was called to order by Supervisor Hendershott.

PRESENT: Councilman Powers, Councilman Slattery, Councilwoman Sperr and Supervisor Hendershott.

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

The invocation was given by Sam Hanna of the Open Door Baptist Church.

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. Five speakers addressed the Town Board on various subjects, and the Public Forum concluded at 6:30 p.m.

The 3/19/03 Town Board minutes were approved as submitted.

REPORTS SUBMITTED:

Town Clerk Report - March 2003

Building Permit Report - March 2003

Conservation Board - 2/24/03

Recreation Department Revenue Report - 3/03

Community Center Revenue Report - 3/03

Senior Center Revenue Report - 3/03

Planning Board - 3/11/03

Drainage Committee - 3/4/03

Supervisor's Report per Town Law Section 125 (2) - 3/03 (revised 2/03)

Disc Golf Report

COUNCIL MEMBERS' REPORTS:

Councilman Powers asked Dianne O'Meara is there any reason why she does not put the capital projects on the Supervisor's monthly report? Dianne O'Meara stated it could be done, if it is so wished. Councilman Powers stated because at the heading it says, "All Expenditures and Revenues." He asked could they add the capital reports on the Supervisor's report. Dianne O'Meara stated if that is what is wished, yes, she could do that.

Councilman Powers stated the new Fire Department liaison was at the Traffic & Safety Committee meeting the other night, Chris Fish Councilman Powers stated he was at the Planning Board meeting and knows the Chief was there as liaison to Planning. Supervisor Hendershott stated they're very excited about participating. Supervisor Hendershott stated they're both good

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men and it will be a nice benefit to the Town to have the two of them participating, or their alternates.

Councilwoman Sperr stated at the most recent Historic Preservation Board meeting held this week, it was decided the next house that will be added to historic preservation will be brought up and presented at the May 7th Town Board meeting. She stated they're also getting ready to award the next historic preservation award to the B.T. Roberts Home, to Roberts Wesleyan, for the preservation of their building. She stated they will be presented with an award and certificate for their home.

Councilman Slattery stated he wanted to complement the Town forces that during this recent ice storm were able to go out. He stated the roads were very dangerous. He stated the Highway Department did a fine job opening the roads, and then helping with the number of downed trees and branches that did fall. He stated he wanted to complement Joe Carr and all of the folks that work for him.

Councilman Slattery stated he had the opportunity to be involved with the storm since hour one, and the damage that has occurred in Chili is limited to compared to what is throughout Monroe County. He stated without the dedicated men and women that they have working for the Town, they could not get the roads open as quickly as they did, in relieving the safety issues that were out there.

Supervisor Hendershott stated when the Board reaches the end of this agenda, he would offer a resolution to go into Executive Session regarding some legal action that is pending. He stated he did not anticipate it will take more than ten minutes and there will be no other business after that.

Supervisor Hendershott stated Chili did fare very well compared to some of the other towns in the county. Supervisor Hendershott stated Joe Carr was in about 3 a.m. Friday morning and he joined him a little after 4 a.m. He stated they were able to take a ride through the town at about 4:30 Friday morning to determine what areas were affected.

Supervisor Hendershott stated initially they thought it was much greater, but then after that, they went out and made the determination there was a big strip right through the center of town that was affected. He stated they were finding things such as the Ryan track off King Road had power, and King Forest next to it was out. He stated they found a tree down around here. He stated the Town Hall had power; however, the east campus and highway did not. He stated K Mart had no power, but Wegmans did, and it went down kind of a strip through Town.

Supervisor Hendershott stated the Town's crews did a great job. He stated they had a lot of ice and slush and mess, but they were out very quickly responding to limbs and trees across the streets and roads. He stated they had an instance with a power line down and the Town's crews got out and barricaded the road and coned that off.

Supervisor Hendershott stated RG&E was great to work with. He stated they were in contact with them throughout this event. He stated they, of course, had a much greater area they were concerned with, and had to be.

Supervisor Hendershott stated they opened up Town Hall Friday morning as a shelter. He stated they had heat, lights, bathrooms and TV going on in the Town Hall. He stated they had a few people take advantage of that. He stated after conferring with RG&E on Friday evening as to the amount of homes that were restored at that point, and that the Red Cross had set up the Town of Gates as a shelter, that included food, as well as cots and that, they decided to close Town Hall in Chili as a shelter.

Supervisor Hendershott stated overnight they lost a few more homes, power and so Saturday morning they reopened Town Hall. He stated they had a message on the Town's answering machine for anyone calling in during that time period with instructions to call the Highway Department where they had someone on duty 24 hours that would provide information on where to go for a shelter, be it here or to the Town of Gates.

Supervisor Hendershott stated on Saturday evening, they had a bunch of power that had been restored, but still not all up. He stated they again closed Town Hall as a shelter. He stated they didn't feel there was the need at that point. He stated without maybe a very few scattered exceptions, by Monday evening they had power restored in the homes throughout the town, so it was not too bad in comparison.

Supervisor Hendershott stated RG&E really put a great effort out there in spite of having crews distributed to some of the towns like Greece, Irondequoit and Webster and Perinton that were hit very, very hard. He stated they were still able to manage to send a crew over, several crews over to do work in Chili.

Supervisor Hendershott stated he thought that everyone was much better prepared because of the Ice Storm of '91, that they were much better able to handle it. He stated they also did not sustain the damage that a lot of others did.

Supervisor Hendershott stated Joe Carr actually stayed overnight, Friday night to Saturday morning in Highway to where he got to a point comfortable to leave. He stated the crews did a great job out there.

Supervisor Hendershott stated they have started the leaf program again. He asked Joe Carr to give the Board a brief update where they are as far as the leaf pickup program.

Joseph Carr stated the leaf program was delayed somewhat because of the ice. He stated there was a lot of frozen material. He stated but also they have had to implement their brush collection. He stated the eastern part of town there is a lot of brush still on the streets.

Joseph Carr stated so what they are doing right now is they have three leaf crews out, and they have two brush crews, and then a packer, miscellaneous type pickup. He stated they are not on any normal schedule, obviously. He stated they are sweeping the town. He stated they will sweep both the leaves, and the brush, trying to pick up from basically where they left off, and material from the Ice Storm.

Joseph Carr stated so they are covering the town as quickly as they can. He stated they are working overtime, and he would hope toward the end of this month they will be near caught up, but it is a little hard to predict right now. He stated there is a lot of material in the backyards they still have not seen yet. He stated it will be a while, but they are working on it.

Supervisor Hendershott stated it is a little more difficult now that the leaves are soaked, as far as capacity. Joseph Carr stated there are some along the curb line that have been there since last winter. He stated much of those are pretty well embedded and soaked, but over the weekend, this past weekend, some people did some raking, so there are some lighter, fluffier leaves they can get with the machines. He stated they are jockeying around the machines to where they are best suited, and they are going as quickly as they can.

Supervisor Hendershott stated and the Baker and Cobblestone property, they are continuing to look at that to see what is the nature of the problems there. Joseph Carr stated that was correct. He stated at the last meeting they discussed the fact that all of the systems have been turned off for the season. He stated the bills are just catching up to the previous bills and they are implementing some changes for the next year.

Supervisor Hendershott stated and one final note, they have a resolution on the agenda regarding the Planning Board vacancies that they have due unfortunately to the departure of John Cross. Supervisor Hendershott stated he has had discussions with each Board member individually, several of them. He stated they have talked about various scenarios, and various possibilities involving several different people coming into these positions. He stated based on the input that he has had from each of the Board members, as well as talking to some of the individuals involved, when they get to that resolution, he is going to offer that Don Faso's name be inserted into the blanks. He stated they can discuss it further when they get there, but he would just let everyone know so there is no surprise when they get there.

Councilman Powers asked Supervisor Hendershott if he was talking about input and conversation they both had in the hallway. Supervisor Hendershott stated he was, unless Councilman Powers could bring to his attention another one that he was not aware of.

RESOLUTION #214 RE: Set Public Hearing for May 7, 2003 at 6:00 p.m.

Offered by: Councilwoman Sperr

Seconded by: Councilman Slattery

BE IT RESOLVED that a Public Hearing be set for May 7, 2003 at 6:00 p.m. to consider landmark status for the Brown-Zuber-Ireland House located at 268 Archer Road as recommended by the Historic Preservation Board.

UNANIMOUSLY APPROVED

RESOLUTION #215 RE: Support of U.S. Military Personnel

Offered by: Supervisor Hendershott

Seconded by: Councilmembers Michael

**Slattery, James Powers and
Mary Sperr**

WHEREAS, the United States of America is founded on the belief that all men and women are created equal with the human right to life, liberty and the pursuit of happiness; and

WHEREAS, the Town of Chili is profoundly aware that the freedom we cherish was won with the blood and sacrifice of the men and women who have served in the Armed Forces throughout our nation's history; and

WHEREAS, in the midst of the international debate over the war in Iraq, it is important to remember that while we are safe at home debating the effectiveness of the battle plan and the role our country should play in the Persian Gulf, real people have placed their lives on the line to protect their homeland from the threat of weapons of mass destruction and create an opportunity for the people of another country to experience the freedom we enjoy as Americans every day; and

WHEREAS, when confronted with inhumanity, the men and women in our Armed Forces have found the strength to remain humane; when faced with brutal acts of cowardice, they have responded with courage and compassion; and when asked to do the undoable, they have performed their tasks with honor and valor; and

WHEREAS, these people fighting for freedom are our sons and daughters, brothers and sisters, fathers and mothers, and friends;

NOW, THEREFORE, BE IT RESOLVED, that the Chili community is awed and inspired by the men and women serving in the Armed Forces of the United States of America; and

BE IT FURTHER RESOLVED, that the heart and spirit of the Town of Chili stand solidly behind the men and women on the front lines of freedom throughout the world, and we eagerly await their valiant return to celebrate the difference they have made in our lives and in the world around us.

UNANIMOUSLY APPROVED

RESOLUTION #216 RE: Release Portion of Drainage Easement

Offered by: Councilman Slattery

Seconded by: Councilman Powers

WHEREAS, Holly M. Bearce and Michael Ferrari (The "Applicants") are owners of property located at Lot 46, Union Square Subdivision, Phase II (a.k.a. 36 Cornflower Drive), Town of Chili, New York; and

WHEREAS, the Applicants' House with attached garage encroaches onto a storm sewer/drainage easement owned by the Town of Chili; and

WHEREAS, the Applicants have applied to the Town Board for a release of drainage easement for that portion of a storm sewer/drainage easement owned by the Town of Chili that is located under the Applicants' house with attached garage;

NOW, THEREFORE, BE IT RESOLVED, subject to a permissive referendum, that upon approval of the Commissioner of Public Works and the Counsel for the Town Board of the Town of Chili, the Town of Chili shall release to the above named Applicant that portion of the Town's storm sewer/drainage easement located under the Applicants' garage, including, but not more than 1.2 feet in width, located at Lot 46 Union Square Subdivision, Phase II, Town of Chili, New York. The portion of easement to be released is described is under the House with attached garage all as shown on a survey map of the property made by Douglas Magde, Surveyor, dated April 2, 2003, a copy of which is attached hereto; and

BE IT FURTHER RESOLVED the Supervisor of the Town of Chili, is hereby authorized and directed to execute, on behalf of the Town of Chili, the release of easement attached hereto relating to the Applicants' property after the release of easement has been approved by the Commissioner of Public Works and the Counsel for the Town Board of the Town of Chili; and

BE IT FURTHER RESOLVED that the Applicants shall pay to the Chili Town Clerk all costs incurred or to be incurred by the Town in this matter including, but not limited to: engineering review costs (if an engineering review is deemed necessary by the Commissioner of Public Works), legal review costs, publication costs and recording fees; and

BE IT FURTHER RESOLVED within (10) days hereof the Town Clerk shall publish and post a notice of the adoption of this resolution and an abstract thereof, as required by law.

UNANIMOUSLY APPROVED

RESOLUTION #217 RE: Planning Board Vacancy/Appointment

Offered by: Supervisor Hendershott

Seconded by: Councilwoman Sperr

BE IT RESOLVED that J. Donald Faso be appointed to the Planning Board to fill the vacancy of John O. Cross for the remainder of the term to expire December 31, 2008 and,

BE IT FURTHER RESOLVED that J. Donald Faso be appointed as Chairperson of the Planning Board and shall be paid \$250 per meeting attended for the calendar year 2003; expenses to be paid by Voucher as incurred.

Amendment:

Offered by: Councilman Powers

Seconded by: (no second)

BE IT RESOLVED that Dorothy Borgus be appointed to the Planning Board to fill the vacancy of John O. Cross for the remainder of the term to expire December 31, 2008 and,

BE IT FURTHER RESOLVED that Dorothy Borgus be appointed as Chairperson of the

Planning Board and shall be paid \$250 per meeting attended for the calendar year 2003; expenses to be paid by Voucher as incurred.

Motion dies for lack of a second.

On the original motion: 3 YES TO 1 NO (Councilman Powers voted no.)

RESOLUTION #218 RE: Payment of Claims

Offered by: Councilwoman Sperr

Seconded by: Councilman Slattery

BE IT RESOLVED to pay vouchers 1653 - 1905 totaling \$141,375.02 from the Distribution Account as presented to the Town Board by Richard J. Brongo, Town Clerk:

GENERAL FUND	\$ 77,682.27
HIGHWAY FUND	35,263.79
LIBRARY FUND	2,742.00
CONSOLIDATED DRAINAGE	302.07
SPECIAL LIGHT DISTRICT	9,230.81
H-35 CHILI AVE. IMPROVEMENT DO17381	8,164.88
CLIFTON FIRE PROTECTION DISTRICT	1,680.00
CHILI FIRE PROTECTION DISTRICT	5,247.00
SCOTTSVILLE FIRE PROTECTION DISTRICT	673.00
SENIOR CENTER FUNDRAISER	<u>390.10</u>
TOTAL ABSTRACT	\$141,375.92

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

NEXT MEETING:

Town Board - 6:00 p.m. Wednesday, May 7, 2003 at the Town Hall

Supervisor Hendershott made a motion to go into Executive Session to discuss pending legal action regarding the Fowler matter, and Councilman Slattery seconded the motion. All Board members were in favor of the motion. The Board went into Executive Session at 6:50 p.m. The Board returned from Executive Session at 7:02 p.m. and adjourned the meeting.