

CHILI TOWN BOARD

August 13, 2003

A meeting of the Chili Town Board was held on August 13, 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, Councilwoman Ignatowski, Councilman Slattery, Councilwoman Sperr and Supervisor Hendershott.

ALSO PRESENT: J. Donald Faso, Deputy Supervisor; 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 Reverend Mark Ballard of First Baptist Church.

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

Supervisor Hendershott invited Linda Leach, Town Assessor, and Jennie Miller, Assistant Assessor for the Town of Chili to come forward for a presentation.

Supervisor Hendershott stated Master Sergeant Jennie Miller, as a member of the Guard has served in both Afghanistan and also Iraq. He stated the Town is very proud of her service and missed her much while she was gone but welcomes her back.

Linda Leach stated Jennie, who is her assistant, was called up to active duty on February 10th of this past year to serve in the Operation Iraqi Freedom. She stated Master Sergeant Miller was deployed to Iraq and returned on June 2nd serving in the 152 Air National Guard. Linda Leach stated she would like to present the flag that was flown over Iraq in one of the fighter planes. Linda Leach stated everyone just wants to thank Jennie Miller and all of the men and women over there giving them the freedom that they have.

Master Sergeant Miller stated this flag represents a thank you that comes pretty much straight from her heart to each and every one that she works with, as well as the people of the Town of Chili that she received a lot of support and encouragement from during her time that she spent over in the Middle East. She stated this flag was flown on the 4th of May in an F-15 Strike Eagle over Iraq, and it represents one thing, and that is freedom, which they all enjoy today and will continue to enjoy for many years to come. Master Sergeant Miller stated and this is just her way of extending a small thank you back for the support that she got from everyone.

Supervisor Hendershott thanked Master Sergeant Miller very much. Supervisor Hendershott stated it is quite an honor to have one of their employees that is not only so committed to their country, in addition to her commitment to the Town, but that she has put herself at great sacrifice and risk for all of them. Supervisor Hendershott stated they will cherish the flag and keep it on display. He thanked Master Sergeant Miller for the flag and for her service to their country.

Supervisor Hendershott stated they had scheduled a second presentation from the Chili Art Group. He stated he has not heard from them, so he believes that they're not ready to do this

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tonight. He stated the Chili Art Group has been working on a mural to hang on the wall in the meeting room. He stated they have various art works throughout the Town. He stated, in fact, in the back of the room are a number of their artwork that they bring to the Town, let them display so they have some nice things to look at, periodically rotating new things in.

Supervisor Hendershott stated the mural is going to be a donation to the Town that will hang in the meeting room permanently, and they will look forward to that at the next meeting. He stated he knows they have been in several times sizing it up and figuring how they will mount it on that wall and everything, but apparently they're not quite ready to do that. He stated they will reschedule that for another Town Board meeting.

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 6:38 p.m.

REPORTS SUBMITTED:

Conservation Board - 6/30/03

Building Permit Report - July 2003

Library Board of Trustees - 5/27/03 & 6/24/03

Town Clerk Report - July 2003

Traffic & Safety Committee - 5/1/03

Zoning Board of Appeals - 6/24/03

Drainage Committee 6/3/03

Recreation Dept. Revenue Report - July 2003

Community Center Revenue - July 2003

Senior Center Revenue Report - July 2003 Supervisor's Monthly Report - July 2003

COUNCIL MEMBERS' REPORTS:

Councilwoman Ignatowski stated the Smugtown Stompers will be at the Library at 7 o'clock.

Councilman Powers asked on the widening of Chili Avenue, what is the start-up date. Supervisor Hendershott stated he thought they are targeting still for the end of the summer, but they are still waiting for some of the property that has to be taken with the transfer.

Councilman Powers asked on the security that they have when the kids are off school, do they have to file any kind of a report. Supervisor Hendershott stated they do file something. Councilman Powers asked if he could get copies of those.

Joseph Carr stated they get a daily sheet. He asked Councilman Powers if he wanted a copy of every day. Councilman Powers stated he did. Supervisor Hendershott suggested instead of making all those copies, perhaps Councilman Powers could go down and take a look and see, because maybe the daily sheets are not what he wants, and then he could get what he needs out of that. Councilman Powers stated he could do that.

Councilman Powers stated on this property Mr. Fallon wants rezoned to PNOD, it was on the

agenda that he received Tuesday. He asked did they have a recommendation from the Planning Board. Supervisor Hendershott stated all they are doing is setting a public hearing which may or may not take place depending on what happens with the Planning Board. He stated if they're not prepared to go further with the Planning Board at the next meeting, then he will postpone that. Councilman Powers stated he always thought they waited until they got a recommendation from the Planning Board before they set any public hearing. He asked how do they know what they're going to recommend. He asked or is this a done deal. Supervisor Hendershott stated it is not.

Supervisor Hendershott stated he thought they are following the procedure. He stated the Board is required to get a recommendation from the Planning Board. He stated they're not recommended to follow it either way, just get it. He stated and there is a Planning Board meeting scheduled prior to this being set for the second meeting in September. He stated so if the Planning Board does not hear this, which is at least a possibility, they could postpone the public hearing.

Councilman Powers asked how can they set a public hearing without a recommendation coming from the Planning Board. He stated they may not even send a recommendation. Supervisor Hendershott stated then they will cancel the public hearing but they have the application in for the zoning change. He stated they are not obligating themselves or doing anything except setting a public hearing date.

Councilman Powers stated he realizes that, but in the past it seems to him that the procedure that is followed or has been followed is that this Board didn't set any public hearing on matters until the Planning Board recommended such, that it be rezoned. Supervisor Hendershott stated he did not know that they have done that in every case, but certainly if that is the Board's pleasure, they can hold off on that. He stated he does not have a problem with it. He stated they have the application, and that's it.

Councilman Powers asked Don Faso if that is the procedure they have usually followed in the past. Councilman Faso stated typically, yes. Supervisor Hendershott stated he does not think they have done it exclusively. Councilman Faso stated in the past it has been whichever Board met first. He stated it is a "potato"/"potato" thing. Councilman Faso stated if it had gone through the Planning Board, he would be working on a letter today, but there were serious doubts and they sent them back to the drawing board.

Supervisor Hendershott stated if they set a public hearing tonight for the 17th of September, whatever that second meeting is, and the Planning Board doesn't put forth a recommendation, they are not going to hold the public hearing.

Councilman Powers asked is this project coming back before the Planning Board the night before they have the Town Board meeting on the 17th. Councilman Faso stated that was correct. He stated that was the intent. He stated it is tabled until that meeting. He stated if they are ready, they will be back. He stated the agenda has not been set yet. Councilman Faso stated the applicant is still bound by the time limits that he has got to meet to submit it to the Town to get on the agenda, so they will know well in advance of the meeting whether it gets published and advertised.

from the Drainage Committee

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

BE IT RESOLVED that the Town Board officially accepts the resignation letter of Virginia L. Ignatowski from the Drainage Committee effective July 16, 2003; and

BE IT FURTHER RESOLVED that the Town Board hereby thanks Virginia for her service to the Town as a member of the Drainage Committee since January 3, 1996 and for serving as Chair since January 1, 2000.

Amendment:

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

BE IT FURTHER RESOLVED that Leo Carroll be appointed as Chairperson of the Drainage Committee.

On the amendment: 4 yes with 1 abstention (Councilwoman Ignatowski abstained.)

On the original resolution as amended: 4 yes with 1 abstention (Councilwoman Ignatowski abstained.)

RESOLUTION #284 RE: Marriage License Fee Increase

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

BE IT RESOLVED that per recommendation of the Town Clerk, the marriage license fee be increased from \$25.00 to \$40.00 as this is the new fee set by the State; to be effective August 1, 2003.

UNANIMOUSLY APPROVED

RESOLUTION #285 RE: Set Public Hearing for September 17, 2003 at 6:00 p.m.

Offered by: Councilwoman Sperr

Seconded by: Councilwoman Ignatowski

WHEREAS, the Town Board hereby declares itself lead agency for SEQRA review purposes and directs the Town Clerk to send notification of such designation to all affected agencies; and

BE IT FURTHER RESOLVED that a public hearing be set for September 17, 2003 at 6:00 p.m. to consider the rezoning application for Chili Meadows located at 741 Paul Road from RB (Restricted Business) to PNOD (Planned Neighborhood Overlay District). The tax account number is 146.140-1-67. The Applicant/Owner, Fallone Enterprises, is to be responsible for the cost of Legal Notice and filing fee with the Monroe County Clerk.

Motion to table:

Offered by: Councilman Powers

Seconded by: Councilman Slattery

On the motion to table: Unanimously approved to table

RESOLUTION # 286 RE: Set Public Hearing for September 3, 2003 at 6:00 p.m.

Offered by: Councilman Slattery

Seconded by: Councilman Powers

BE IT RESOLVED that a Public Hearing be set for September 3, 2003 at 6:00 p.m. to consider extension of the Consolidated Drainage District to serve Upstate Properties Subdivision located at 3429 Chili Avenue. The tax account number is 145.04-1-16.1. The Applicant/Owner, Ronald Easton, is to be responsible for cost of Legal Notice and filing fee with Monroe County Clerk.

UNANIMOUSLY APPROVED

RESOLUTION #287 RE: Set Public Hearing for September 3, 2003 at 6:00 p.m.

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Slattery

BE IT RESOLVED that a Public Hearing be set for September 3, 2003 at 6:00 p.m. to consider extension of the Consolidated Drainage District to serve the Stevens Subdivision located at 4310 and 4340 Union Street. The tax account numbers are 186.01-001-004.22 and 186.01-001-004.21. The Applicant/Owner, John R. Stevens, Sr. and John R. Stevens, Jr., are to be responsible for cost of Legal Notice and filing fee with Monroe County Clerk.

UNANIMOUSLY APPROVED

RESOLUTION #288 RE: Set Public Hearing for September 3, 2003 at 6:00 p.m.

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

BE IT RESOLVED that a Public Hearing be set for September 3, 2003 at 6:00 p.m. to consider extension of the Consolidated Drainage District to serve Chili Meadows Subdivision located at 741 Paul Road. The tax account number is 146.140-1-67. The Applicant/Owner, Robert Fallone, Jr. is to be responsible for cost of Legal Notice and filing fee with Monroe County Clerk.

UNANIMOUSLY APPROVED

RESOLUTION #289 RE: Attend NYS Highway Superintendent Fall Conference

Offered by: Councilwoman Sperr

Seconded by: Councilman Slattery

BE IT RESOLVED that Joseph L. Carr, Commissioner of Public Works/Superintendent of Highways, is hereby authorized to attend the NYS Town Highway Superintendents Fall

Conference being held September 23-26, 2003 in Ellenville, NY. The cost shall not exceed \$550.00.

UNANIMOUSLY APPROVED

RESOLUTION #290 RE: Authorize Stop Sign

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

WHEREAS, the Town Board passed Resolution #391 on December 4, 1996 authorizing regulatory devices at various locations in the Town as recommended by the Monroe County Department of Transportation; and

WHEREAS, Monroe County Department of Transportation has requested that we modify said resolution to include a "STOP" sign westbound at the intersection of Fulham Place at Union Street (new town road);

NOW, THEREFORE, BE IT RESOLVED that to authorize the establishment of a "Stop" sign westbound at the intersection of Fulham Place and Union Street; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby ordered to amend resolution #391 of December 4, 1996 and to sign and return the Monroe County Traffic Control Device Ordinance form to the Department of Transportation.

UNANIMOUSLY APPROVED

RESOLUTION #291 RE: New York Planning Federation

Offered by: Councilwoman Sperr

Seconded by: Councilman Slattery

BE IT RESOLVED that per recommendation of Don Faso, Chair of the Planning Board, two members of the Planning Board are hereby authorized to attend the New York Planning Federation conference held in Lake Placid September 21 through 24, 2003 at a cost not to exceed \$1,500 (750.00 per person) including hotel, meals, registration and mileage as budgeted for 2003.

BE IT FURTHER RESOLVED that per recommendation of Beverly Griebel, Chair of the Zoning Board of Appeals, two members of the Zoning Board of Appeals are also authorized to attend the New York Planning Federation conference at a cost not to exceed \$1,500 as budgeted for 2003.

UNANIMOUSLY APPROVED

RESOLUTION #292 RE: Letter of Credit Release for Union Station Section IV

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

BE IT RESOLVED that per recommendation of the Town Engineer, \$56,933.55 be released from Letter of Credit #SDCMTN545160 with HSBC Bank for Union Station Subdivision, Section IV, leaving a balance of 155,025.34; subject to payment of engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #293 RE: Letter of Credit Release for Paul Road Estates

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

BE IT RESOLVED that per recommendation of the Town Engineer, \$14,071.55 be released from Letter of Credit #T-228242 with J. P. Morgan Chase Bank for Paul Road Estates Subdivision, leaving a balance of 45,335.90; subject to payment of engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #294 RE: Letter of Credit Release King Forest Estates Section 5A

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

BE IT RESOLVED that per recommendation of the Town Engineer, \$88,669.49 be released from Letter of Credit #16955 with M & T Bank for King Forest Estates Subdivision, Section 5A, leaving a balance of \$31,051.37; subject to payment of engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

RESOLUTION # 295 RE: Letter of Credit Release for Parklands Section I

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

BE IT RESOLVED that per recommendation of the Town Engineer, \$199,932.15 be released from Letter of Credit #1101093870 with Canandaigua National Bank for Parklands of Chili Subdivision, Phase I, leaving a balance of \$69,572.97; subject to payment of engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #296 RE: Letter of Credit Release for Parklands Section II

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

BE IT RESOLVED that per recommendation of the Town Engineer, \$63,860.84 be released from Letter of Credit #1101354603 with Canandaigua National Bank for Parkland of Chili Subdivision, Phase II, leaving a balance of \$26,904.52; subject to payment of engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #297 RE: Purchase of New Town Clerk Software

Offered by: Councilwoman Sperr

Seconded by: Councilman Slattery

WHEREAS, the Company which produced the current software package is no longer in business and has sold their software rights to Business Automation Services, and

WHEREAS, support for the current software package (Optimum) is no longer available and the current software package which runs on DOS will not be compatible with the new generation of computers,

WHEREAS, the Business Automation Services software package has been viewed several times by the Clerk's office and MIS and is the software of choice because it provides the closest features to the Optimum software,

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Town Clerk to Purchase a new Town Clerk software package, data conversion, training and first year support and maintenance fees, from Business Automation Services at a cost of \$8170.00.

UNANIMOUSLY APPROVED

RESOLUTION #298 RE: August 6, 2003 Abstract

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

WHEREAS, January 2, 2003 resolution authorized vouchers to be paid August 6, 2003 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 3661-3902 totaling \$190,184.65 to be paid from the Distribution Account as presented to the Town Board by Richard J. Brongo, Town Clerk;

NOW, THEREFORE, BE IT RESOLVED to note for the record vouchers 3150-3358 were paid from the following funds:

General Fund

\$162,815.75

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Highway Fund	18,574.20
Unemployment Insurance Reserve	787.80
H32 Union Station Park	97.41
H35 Chili Avenue Widening Project D017381	130.00
H38 Annual Reassessment Program	1,978.52
Consolidated Drainage District	2,808.00
Chili Fire Protection District	2,878.54
Senior Center Fundraiser	<u>114.43</u>
Total for Abstract	\$190,184.65

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

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on August 13, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:07 p.m. actual time) to consider extension of the Consolidated Drainage District to serve Black Creek Estates located at 159 Chili-Scottsville Road.

Attendance as previously noted in the 8/13/03 Chili Town Board meeting minutes.

No one was present to represent the Black Creek Estates.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 6:08 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on August 13, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:08 p.m. actual time) to consider extension of the Consolidated Drainage District to serve the Karpinski property located at 3183 Chili Ave.

Attendance as previously noted in the 8/13/03 Chili Town Board meeting minutes.

No one was present to represent the Karpinski property located at 3183 Chili Avenue.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Jerry Brixner - 14 Hartom Road

Mr. Brixner asked where 3183 Chili Avenue is. Supervisor Hendershott stated it is directly adjacent to the new Pontillo's and Leaf and Bean Coffee Shop, formerly the Whelpton property, adjacent to that on the east. Mr. Brixner asked what will be going in there. Supervisor Hendershott stated he believes that eventually it is going to be a dentist office, but he was not

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sure if there is going to be something else in there along with it. Mr. Brixner stated so it would be an office facility. Supervisor Hendershott stated that was correct. He stated Joseph Karpinski is a dentist.

The Public Hearing was closed at 6:10 p.m.

NEXT MEETING:

Town Board - 6:00 p.m. Wednesday, September 3, 2003 at the Town Hall

The meeting was adjourned at 7:02 p.m.