

A meeting of the Chili Town Board was held on November 19, 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 Rodney Jones of Grace Covenant Church.

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

Supervisor Hendershott stated they sent a notice out to the Gates-Chili Post and Democrat & Chronicle regarding the agenda tonight. He stated The Post printed it. He stated he was not sure if the D & C did. He stated it had been noted four public hearings were scheduled for tonight, two for the drainage district extensions, one for landmark status of a house, and also establishing a sidewalk district. He stated the Town Board did set those public hearings; however, they were set for December 3rd, so they will not be holding those hearings tonight. Supervisor Hendershott stated the subsequent resolutions regarding those hearings will also not be brought before the Board. He stated those hearings will be heard on December 3rd.

Supervisor Hendershott stated some representatives of Rochester Gas & Electric were present tonight to give a brief presentation to the Town Board and to the public regarding their intention to improve and expand the delivery system which also goes into Chili.

Terry Lattimore and Yvonne Selbig were present to represent RG&E.

Mr. Lattimore expressed he was sad to see Supervisor Hendershott leaving his role as Supervisor.

Mr. Lattimore stated he was present with Yvonne Selbig, who coordinates the outreach and communication for this project; and, of course, the Project Manager, Kurt Dorm (phonetic).

Ms. Selbig stated Rochester Gas & Electric is embarking on a significant project, the Rochester Transmission Project. She stated their purpose here tonight is to describe the project, to describe its relationship to the closing of Russell Station, and also to describe the process by which they hope to accomplish the work.

Ms. Selbig stated the Rochester Transmission Project consists of new circuits or new power lines, rebuilding existing overhead transmission lines and also some substation work. She stated in addition, there will be a new substation built in the Town of Ontario.

Ms. Selbig stated this project is large. She stated it covers a lot of RG&E's territory. She stated there are two legs. She stated the west side covers the Towns of Henrietta, Chili, Gates, Brighton, the City of Rochester and Greece. She stated on the east side, the project crosses through the Towns of Ontario, Walworth and Macedon.

Ms. Selbig stated she would first describe RG&E's transmission system as it currently exists. She stated they have two sources of internal generation. She stated one is at Station 7, their Russell Station in the Town of Greece, and also they have their nuclear power plant, Ginna Station in the Town of Ontario. She stated these two sources of internal generation along with two ties to the New York State bulk power system, in the Town of Perinton and in the Town of Henrietta,

make up all of the energy that RG&E currently distributes to its customers.

Ms. Selbig stated as everyone may have read, their Ginna Station is for sale. She stated RG&E

would no longer dictate the schedule of that plant for shutdowns and maintenance. She stated in addition, their Russell Station must close in 2007. She stated RG&E must compensate for that capacity. She stated it must replace that generation that it currently provides to its customers and it is doing that by the project upgrades that they will describe as part of the Rochester Transmission Project.

Ms. Selbig stated essentially they will be reinforcing their ties to the bulk power system so they could import additional power. She stated the reason for Russell Station's closure began in 1999. She stated the Governor of New York announced an Air Emission Program that required further cuts from certain coal-fired power plants. She stated RG&E has worked since 1999 to address those regulations. She stated they looked at repowering Russell Station with different fuels. She stated they looked at putting back end controls on the plant that would allow them to reduce the emissions from the plant. Ms. Selbig stated at the same time, they also investigated this transmission upgrade that they finally decided was the most appropriate option.

Ms. Selbig stated the Rochester Transmission Project will cost approximately \$70 to \$75 million. She stated the other options that were explored around Russell Station were easily three to four times that number, \$250 to \$350 million. She stated they believe this transmission upgrade is the appropriate and responsible option to addressing the energy needs here.

Ms. Selbig stated the process by which they hope to accomplish the work, the transmission upgrades that she has described is called an Article 7 process. She stated Article 7 is provided by Public Service Law, and it describes or provides for the review and siting of transmission lines. She stated transmissions lines are high energy lines that carry electricity over long distances, typically between many different communities such as the project that they are proposing.

Ms. Selbig stated they began their regulatory requirements in September. She stated in the middle of that month, they published a legal notice in the Democrat & Chronicle and some Wayne County publications also. She stated this legal notice described the kinds of work that they were proposing, the affected towns and the path.

Ms. Selbig stated on September 30th of this year, they submitted their Article 7 application to the Public Service Commission. She stated they expect it may take the Commission up to a year to review their project. She stated during that time, they will be developing what is called an environmental management and construction plan. She stated that is the detailed engineering around this work that they are proposing. She stated it is the details that include specifically where the project path will be, how tall the structures will be, what color they will be and all of that will be part of a public process.

Ms. Selbig stated one of the most significant aspects of this work that they are proposing they feel is that all of the work, both the new circuits, the rebuilt circuits and the new substation will take place on existing rights-of-way. She stated that means that RG&E's property or current easements will accommodate all of the upgrades they are proposing. She stated no new additional land is required. She stated they think that is a significant positive aspect of this work.

Ms. Selbig stated once the Public Service Commission reviews their application and issues a certificate, then and only then can RG&E begin its construction and clearing of rights-of-way. She stated they expect that might be in the spring of 2005. She stated their goal then would be to accomplish all of this work, the upgrades, the new lines, the new substation by 2007. She stated it is imperative that they accomplish all of these upgrades by that time, because Russell Station must close in the summer of 2007. She stated that is when the environmental regulations that she mentioned earlier will be in full effect, so it will be necessary that all of this transmission work and the Russell Station closure are synchronized so they can meet their schedule.

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Ms. Selbig stated the Article 7 process is a very public one. She stated since September, RG&E has been meeting with the Town Supervisors in all of the towns affected. She stated they have been meeting with elected officials, Town community groups, neighborhood associations and other groups including rotaries, Kiwanis and Lions Clubs. She stated their purpose is to get the message out about this project. She stated they don't want anyone to be surprised.

Ms. Selbig stated everyone may have seen in the newspaper an invitation to a public meeting. She stated RG&E is hosting three such meetings in the month of December about this project. She stated everyone will probably hear this presentation and there will be some additional information available, as well.

Ms. Selbig stated on December 4th, they will be in the Town of Greece at their Town Hall. She stated on December 11th, they will be in the Town of Ontario at the Firemen's Exempt Hall. She stated on December 18th, they will be at their RG&E facility on Scottsville Road hosting a public meeting that day, as well.

Ms. Selbig stated the Article 7 application that she mentioned is available on their website at RG&E.com. She stated they have a button dedicated to the Rochester Transmission Project. She stated everyone can see press releases there, this week or next week. She stated they will have frequently asked questions and key facts there, as well. She stated everyone can track the progress on the project at that website.

Ms. Selbig stated in addition, they are sending out a Dear Neighbor letter to folks that are along the transmission route path. She stated that letter will be going out next week. She stated it invites neighbors to those public meetings and gives them a toll-free number to contact them and also provides the website.

Ms. Selbig stated again, they appreciate the opportunity to tell everyone about the project. She stated they believe it is important. She stated it is certainly necessary to continue delivering reliable, essential service in their territory. She stated it will accommodate the closure of Russell Station that will be coming up in 2007, and the process is public. She stated they hope to hear from the public, to address any questions or concerns they have, and they hope everyone will visit them on the website. She stated people can certainly call their Town liaisons to answer questions and they will be available while going forward.

Supervisor Hendershott asked Ms. Selbig to state again how people can get in touch with them in regards to this project. Ms. Selbig stated the website is www.RG&E.com. She stated and the button for the project is labeled Rochester Transmission Project. She stated it will be in a red banner that runs left to right on the page. She stated people can call RG&E directly. She stated the toll-free number is 888-253-8888. She stated her number is 585-771-2145. She stated they are available to give the presentation to other groups, if necessary.

Supervisor Hendershott stated RG&E has presented the Town with a copy of the full details of this that are available in the Town Clerk's Office for anybody that wishes to look at them also.

Councilman Slattery stated he thought it is very important that they are able to utilize existing right-of-ways that RG&E presently owns instead of having to go out and purchase new property for this project. He stated as a subscriber to RG&E, he appreciates that, that they looked at every available avenue there.

Ms. Selbig stated she would just take a moment to explain that the Article 7 process requires that RG&E look at alternatives to its proposal. She stated it is hard to imagine that there would be something better than using places where they have existing facilities. She encouraged everyone to look at the Article 7 application. She stated as the Supervisor mentioned, it is available at Town Hall, but

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also in the public library and at their walk-in offices.

Charles Rettig

Mr. Rettig asked what is the name of their RG&E Chili Liaison. Mr. Lattimore stated that would be him, Terry Lattimore. He stated his number is 771-4647.

Supervisor Hendershott recognized Jerry Brixner as a former RG&E employee.

Jerry Brixner

Mr. Brixner stated he enjoyed working for the company. He asked is Russell Station, Station 7, being shut down because of environmental impacts, and basically what are they looking for to replace that lost power.

Ms. Selbig stated Russell Station must close in 2007 due to environmental regulations. She stated that is the primary driver for the closure. She stated the Governor of New York initiated the Acidosis Reduction Program. She stated he proposed those rules in 1999. She stated they became final legislation in February of this year. She stated and they're kind of a phased-in type regulation. She stated there is an element of compliance that they will be dealing with through 2007. She stated in 2007, there is an even more severe or stringent aspect to them. She stated it is at that point that it becomes uneconomical for Russell Station to meet those regulations.

Ms. Selbig stated regarding alternative sources of energy, New York State public policy has gone in the direction of what they may have heard as divestiture or deregulation, restructuring. She stated those words mean that the Public Service Commission encourages utilities to either deliver energy or generate energy.

Ms. Selbig stated RG&E is focusing on being the energy delivery company. She stated they will transmit and distribute energy to their customers. She stated there will be other companies who will get into the business of generating electricity. She stated the example would be the people that ultimately buy Ginna would be generators, and they will sell into a power pool or commodities market for energy, and that is where all energy in this area would come from.

Paul Dobelstein, 32 Parkway Drive

Mr. Dobelstein stated he heard what he considers to be a partial and a pretty good partial answer to Mr. Brixner's questions, but he would like to have someone from RG&E go on record as stating that they have some kind of guarantees that there are energy-generating companies coming into their area to take over this, or are they all going to be held hostage to the New York power grid. He stated the unreliability of the power system throughout New York has been pretty well documented since the 1960s. He stated they have always been able to count on RG&E to do an adequate job of providing power for them locally. He stated he would hate to see this community fall by the wayside in its power generation capacities and be dependent on someone else to deliver power and not knowing where the people of Monroe County, the Rochester area are going to have to deal for their power next.

Mr. Dobelstein stated being an Energetix customer, he is only too well aware of the escalation of rates since Energetix took over and since they have been buying more power out of state. He stated he is extremely concerned about this, because there are a lot of people who are beginning to question how much more they can afford in rate increases. He asked if they could explain to this audience what the capital projections are for such a project and how this is going to affect their rates.

Ms. Selbig stated she was afraid she would not have a terribly satisfying answer. She stated first, she obviously can't make any guarantees about who will or will not enter the generation marketplace.

Ms. Selbig stated she would like to take a moment and talk about the bulk power system and the relationship of that system to what happened during the blackout, and perhaps address some of the questions about reliability. She stated this bulk power line that was mentioned, that RG&E has two

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connection points with, is referred to as the grid or the bulk power system. She stated it is a New York Power Authority line that runs across the state. She stated the New York Independent System Operator manages that bulk power system. She stated they manage the flow of energy between utilities and between states.

Ms. Selbig stated during the blackout in August, there were assumptions made that they lost the grid, that they had no connection. She stated, in fact, they did not lose this grid, their connection to this grid entirely. She stated everyone probably heard there were instabilities on the transmission system. She stated those instabilities are believed to have originated in the Midwest.

Ms. Selbig stated power plants such as Ginna Station that have protective relays built in to protect their equipment automatically trip off line when it senses those instabilities. She stated that is what happened on August 14th. She stated plants like Ginna began to trip off line to protect their equipment.

Ms. Selbig stated in the normal course of business, demand and supply have to be equal. She stated power plants are generating electricity to meet the demand that customers are requiring for refrigerators, computers, their air-conditioning. She stated as those power plants began tripping off line, the supply dwindles, but the demand stays. She stated people are still expecting refrigerators, cell phones, anything powered with electricity to operate. She stated that disconnect caused additional instability on the system, a system that was already sensing instability from the Midwest.

Ms. Selbig stated to protect New York's system, the independent system operator that she mentioned began to implement its emergency load shutting procedures. She stated these are procedures that were developed after the blackouts they mentioned, the blackouts during the '60s and '70s. She stated it requires that the independent system operator drive to protect the New York system by somehow bringing demand back in level with the supply that was available.

Ms. Selbig stated not all power plants tripped off line that day. She stated Russell Station was still operating. She stated there were other plants that were still operating. She stated there was still power on the bulk power system. She stated that is why there were customers in RG&E's territory that never lost power. She stated they didn't lose power because they were not part of the emergency load shutting procedures she mentioned. She stated they're on circuits most likely shared with critical facilities, hospitals, water treatment plants, facilities that must remain operational. She stated that is why some folks, some businesses never lost service that day. She stated not necessarily because Russell Station was operating.

Ms. Selbig stated they have verified had Russell Station tripped off line, like Ginna, they still would have been able to provide service to those critical facilities.

Mr. Dobelstein asked what are they doing with this new transmission project to ascertain where the problems actually lay and how they are going to be mandated out of the new system. He stated because obviously as they just told them, Russell Station, for instance, is not going to be there. He stated this is going to throw more of the dependence than ever before on that grid which they have described. He stated he would like clarification as to what degree Energy East has contacted all these other utilities to see about their equipment upgrades and so forth so they don't have the same thing occurring again. He stated and as part of that question, he wanted to know what kind of capital investments Energy East has put forward for this Rochester Transmission Project.

Ms. Selbig stated the Rochester Transmission Project will cost between \$70 to \$75 million. She stated that investment is a component of their current rate raise pending before the Commission right now.

Ms. Selbig stated regarding the question about how they are interacting with the other transmission operators in the state, the evaluation, studies that have gone on since the blackout are under the purview of the independent system operator. She stated it is a federal energy regulatory commission that is investigating the blackout. She stated she mentioned that they tie into the grid, but RG&E does not

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manage or own any bulk power systems. She stated the Rochester Transmission Project simply improves RG&E's transmission system. She stated it does not effect, nor does it modify any of the bulk power system itself. She stated they don't have that authority.

Mr. Dobelstein stated the overview that he has received and the things he has been reading about the transmission project, seem quite sound on the surface, but there is still that unanswered question he believes of whether or not this region is ever going to again be self-sufficient in power or are they going to be depending upon a centralized grid and be at the mercy of what they went through in the Ice Storm in 1991. He stated that is a chief concern around here.

Mr. Dobelstein stated the Energy East people certainly must have done a lot of analysis, and they have seen rates go up to the extent that they firmly believe, a lot of rate payers firmly believe they are paying for the Ice Storm of 1991 and now they are confronted with a new project, and he is wondering how it is going to be financed, how it is going to affect their rates and so forth. He stated he just has a suspicion that he would not get that information at this time off their website, because he thought they would have thought that that would be premature. He stated the reception they get from the various communities is going to be dependent upon the kind of questions they are asking.

Mr. Dobelstein stated knowing how Energy East has cut the field service personnel in that company, in RG&E's company, they are very fearful they are looking down the road toward RG&E simply being an energy deliverer and not being able to do a very good job of that because of lack of manpower.

Bernice Wilcox, Stuart Road

Mrs. Wilcox stated she was interested in the rates. She stated if they are going to have a \$75 expenditure, are they to assume that they will be raising the rates. Ms. Selbig stated the \$75 million investment is a part of their current rate raise. She stated how the Public Service Commission will judge that, will view it, will allow them to collect it, she cannot say. She stated it is not an approved project from the Public Service Commission's point of view at this point. She stated at this point they do not know what the impact will be on individual bills.

Supervisor Hendershott stated everyone appreciates the input. He asked where their next presentation will be. Ms. Selbig stated their first public meeting will be December 4th in the Town of Greece at 7 p.m. She stated their RG&E facility meetings will be December 18th at noon and 7 p.m.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Eight speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:08 p.m.

The 10/15/03 Town Board minutes were approved.

REPORTS SUBMITTED:

Recreation Dept. Revenue Report - October 2003

Senior Center Revenue Report - October 2003

Community Center Revenue Report - October 2003

Building Permit Report - October 2003

Town Clerk Report - October 2003

Supervisor's Monthly Report (as per Town Law Section 125(2) - October 2003

Chili Youth Recreation Center Task Force Committee Report

COUNCIL MEMBERS' REPORTS:

Councilman Slattery stated at the last Board meeting there was some discussion regarding the senior center and volunteers and so forth. He stated in the Community News, there was an article in there in regards to seniors and volunteering, and there was a mention about the Senior Center and so forth. He stated after visiting the Senior Center and talking with some of the people up there, Tricia Bacon and

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some of the seniors, he wanted to just bring back their comments in regards to the Senior Center and the volunteers.

Councilman Slattery stated they're very pleased with the way the Senior Center is, the volunteers, the staffing and so forth. He stated one woman volunteers up there to help out with the food and so forth, and she is doing it because she enjoys it. He stated and another woman stated that she does it because she likes the girls up there, and she likes to meet people, and that is what they have done.

Councilman Slattery stated so the Senior Center is a very productive place. He stated it does need volunteers. He stated it does need some Town staff to help operate it and make it functional.

Councilman Slattery stated another comment was made in regards to driving the van, the Senior Center van, which goes up and picks some seniors up who are unable to drive and brings them back to the Senior Center. He stated they have some volunteers that drive that van, and there is one person present tonight that drives the van.

Councilman Slattery stated a comment was made in regard to not putting an ad in the paper. He stated that is inaccurate. He stated he had two copies of adds that were in the Gates-Chili Post regarding vans and drivers needed that were put in in April and another one that was put in in the Golden Times in early November. He stated so there was some search done looking for volunteers.

Councilman Slattery stated the Board heard some negative comments regarding the Senior Center. He stated he went to the people there, looked into it and found some information in regards to that.

Councilman Slattery stated Chili is unique having a bridge on Stuart Road. He showed everyone a calendar displaying New York local bridges. He stated for August, there is a picture of the Stuart Road bridge in there. He stated there are about three other bridges in Monroe County that are in the calendar, as well. He stated he thought that should be a compliment to Monroe County and the job that they have done with that bridge providing the funds available to help out. He stated the calendar is put out by New York State.

Supervisor Hendershott asked if people wanted to obtain that calendar, where would they be able to get that. Councilman Slattery stated the Statewide Conference of Local Bridges was acknowledged in the calendar. He stated people could possibly call Monroe County.

Supervisor Hendershott stated he would have a staff member research that so they can find out where that comes from.

Councilman Slattery stated one other thing they are going to see on the agenda is a letter regarding the new community center. He stated he would speak more on that when they get there. He stated Jeff Myers, present in the audience, was on that committee. Councilman Slattery stated he wanted to compliment him on the job he did in that regard.

Councilman Slattery stated in case anybody leaves, there was information in the Gates-Chili Post that was inaccurate. He stated he would comment on that when they get to that matter on the agenda.

Councilwoman Ignatowski asked if she could get a copy of the eight-page letter read at the Planning Board meeting that was referenced during the public forum so she could have an opportunity to read that.

Councilwoman Sperr stated after sitting and listening to several comments made during the public forum tonight and having earlier in the day had a conversation with Mr. Faso, she would like to allow him an opportunity to speak to some of the comments that were made against him and the Planning Board if he feels so inclined.

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Supervisor Hendershott stated he would get to that in a moment.

Councilman Powers stated the calendar that Councilman Slattery presented tonight containing the Stuart Road bridge, the repairs done to it, there were a couple ladies present in the audience, Bernice Wilcox for one, and Dorothy Borgus for another, that had a lot to do with the improvements that were made to the bridge up there. He stated without their pushing and shoving and whatever they had to do, it would probably still be in need of repair. Supervisor Hendershott stated he thought that is a very well known fact.

Councilman Powers stated he read the report that the committee on the proposed community center submitted to Councilman Slattery. He stated he would say that Dennis Schulmerich is behind a lot of the verbiage that is in that report. He stated knowing Dennis Schulmerich and having worked with him, it is well done.

Councilman Powers stated he was at the meeting last night, and there were a couple of interesting points brought up about Traffic & Safety. He stated he was not going to get into them now, but he would have a few comments to make at the next Traffic & Safety meeting.

Supervisor Hendershott stated he just wanted to let the Board know he did personally go around through Town Hall and looked at every computer that is set up here, and there is not one with any dust on it, and everybody that had one, uses their computer and has the ability to use it.

Supervisor Hendershott stated comments were made regarding the two applications that were before the Planning Board last night. He stated certainly the Town has to comply with the DEC and the Army Corps regulations. He stated they have members of their staff, particularly Mr. Kress, that is working with not only DEC and the Army Corps, but with the developer, to make sure that that is the case and that the wetlands are not going to be disturbed.

Supervisor Hendershott stated he knows that the DEC is going to actually walk the property at the request of the developers. He stated what happens generally is when a developer takes a piece of property that has or is suspected to have wetlands on it, that many times they pay an engineering firm that specializes in that to go out and delineate it ahead of time before they even get in. He stated he knows that is the case with the Links. He stated he believes that is the case with the Chili Meadows project.

Supervisor Hendershott stated they will work with the DEC, because DEC sometimes takes the perspective that the wetlands are a dynamic thing that either grow or lessen, and so they have the final say on it. He stated he knows that that is definitely going to take place as far as their input and the Army Corps. He stated there are two different jurisdictions with different standards.

Supervisor Hendershott stated both of the different developers are working to make sure that they do comply with everything.

Supervisor Hendershott stated they did hold a public hearing on a proposed rezoning for the Chili Meadows project. He stated that is not before them tonight. He stated at that time it was indicated that possibly they would be dealing with that matter the 19th. He stated as it is, they are still working on some of the issues with the DEC regarding wetlands. He stated so until that stuff is answered, he did not want to put it back before this Board.

Supervisor Hendershott asked Mr. Faso if he wanted to add something to the comments about those two projects. Don Faso stated Chili Meadows is an ongoing process. He stated they don't even have a plan to look at it. He stated it was considered for rezoning based on the overall master plan, the comprehensive plan, was it compatible with the surrounding neighborhood. He stated the Planning Board thought it was, and therefore, recommended rezoning knowing that they would have an opportunity to look at it for site plan.

Supervisor Hendershott stated the Planning Board will go through that with a fine tooth comb.

Don Faso stated regarding last night's meeting, remembering that the project was already neg dec'd, what transpired with DEC was the applicant resubmitted the plans to DEC basically telling DEC they are going to start from scratch, here are the plans, review it, let them know what they think. He stated that was the letter that came. He stated they were basically standard comments that they would make in review of any project of that magnitude. He stated they are all issues that need to be addressed in the permitting process.

Supervisor Hendershott stated for the Board's information, Dan Kress personally went down to East Avon with the information on this to make sure that DEC had all of that information. Don Faso stated Mr. Kress compiled all of the information and was on record. Supervisor Hendershott stated he didn't want to leave until he was assured that the DEC had everything they wanted from them.

Don Faso stated the DEC still had the opportunity to say to the Planning Board that they would like to be the lead agency on this project. He stated the Planning Board would have to probably take a vote and say they wouldn't object to that, letting them be the lead agency. He stated DEC did have that opportunity.

CORRESPONDENCE:

- * Memo to Town Board Members from Chris Levey, Director of MIS, dated 11/6/03 and stating that after being criticized during the public forum at the 11/5 Town Board meeting for not keeping the website up-to-date, he did an exhaustive search of the 100+ pages of the website and found only two small errors under the committee sections. Mr. Levey said those errors were corrected and that his practice is to update the website daily with any new information he is provided with. Mr. Levey also enclosed a copy of an editorial that appeared in the Democrat & Chronicle newspaper on 10/2/03 entitled "Wired Government" that referred to the many government websites in the County. It stated that the Town of Chili website stands out amongst our peers "a good website...that helps foster interest in a community".
- * Memo dated November 10, 2003 from Richard J. Brongo, Town Clerk, stating that he has received notification that Jay Alexander LLC (Jakes), located at 4390 Buffalo road has made application for a Liquor License renewal with the State Liquor Authority.

**RESOLUTION #372 RE: Rezoning of 4215 Buffalo Road from R-1-15 to G.B.
(General Business)**

Offered by: Councilwoman Sperr

Seconded by: Councilwoman Ignatowski

WHEREAS, the Planning Board at their meeting of December 10, 2002 approved by a vote of 5 to 0 to recommend to the Town Board that 4215 Buffalo Road be rezoned from R-1-15 to G.B. (General Business); and

WHEREAS, the Town Board declared itself lead agency for SEQRA review purposes at their meeting on March 5, 2003 and the Town Clerk was ordered to send notification of such designation to all affected agencies; and

WHEREAS, a Public Hearing was held on March 5, 2003 at 6:00 p.m. at the Chili Town Hall to consider the rezoning application of Richard Gilmore for property located at 4215 Buffalo Road.; and

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WHEREAS, the Town Board has reviewed the record and considered all the input concerning the environmental impact of the proposed rezoning;

NOW, THEREFORE, BE IT RESOLVED that the Town Board makes a determination of no significant Environmental impact concerning said rezoning; and

BE IT FURTHER RESOLVED that the Richard Gilmore property located at 4215 Buffalo Road is hereby rezoned from R-1-15 to G.B. (General Business) and the Town Board orders the Town Clerk to send notification of the rezoning to all interested and involved agencies.

Motion to table:

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

On the motion to table: 4 yes with 1 abstention (Councilman Powers abstained.)

RESOLUTION #373 RE: Addition to Clerical Substitute List

Offered by: Councilwoman Sperr

Seconded by: Councilman Slattery

BE IT RESOLVED that Debra L. Landers is hereby appointed to the Substitute Clerical List and to be paid at the rate of \$7.63 per hour, effective immediately.

UNANIMOUSLY APPROVED

RESOLUTION #374 RE: Street Tree Replacement

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

BE IT RESOLVED, as per the recommendation from the Chili Conservation Committee, to authorize the replacement of two damaged trees located at 46 and 66 Lexington Parkway. The replacement trees shall be Bradford Pears and the cost shall be paid from the Landscape Fund.

UNANIMOUSLY APPROVED

RESOLUTION #375 RE: Periodic Assessment Roll Update

Offered by: Councilwoman Sperr

Seconded by: Councilwoman Ignatowski

WHEREAS, the Town of Chili has, according to New York State law, undertaken its periodic update of its assessment roll, and,

WHEREAS, the Assessor has obtained and reviewed two proposals for professional services from qualified providers, and,

WHEREAS, the Assessor has recommended the Town of Chili engage Cole-Layer Trumble Co. to provide said services,

NOW, THEREFORE, BE IT RESOLVED that the Supervisor be authorized to execute a professional services agreement with Cole-Layer Trumble Company to assist the Assessor with the Annual 2003-04 Reassessment Program at a cost of \$6,900; and **OPTIONAL** additional man days IF needed at a rate of \$650.00 per day up to 30 days maximum.

BE IT FURTHER RESOLVED that the project budget shall be established at \$24,350 and expenses paid for from New York State maintenance aid from budgeted funds allocated to the project;

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and

BE IT FURTHER RESOLVED to modify budgets A3040 (Real Property Tax Administration) and A9950.9 (Transfer to Capital Projects) by \$24,350; and

BE IT FURTHER RESOLVED to transfer \$24,350 from A9950.9 to the Annual 2003-04 Reassessment Program, and,

BE IT FURTHER RESOLVED to hold a Public Information meeting on February 12, 2004 at 7:00 PM to present to the public and receive questions on the requirement, details and specifics of completing an annual reassessment.

UNANIMOUSLY APPROVED

RESOLUTION #376 RE: Flexible Spending Acct. for Town Employees for 2004

Offered by: Councilwoman Ignatowski

Seconded by: Councilwoman Sperr

WHEREAS, the Town of Chili Flexible Spending Account (The "Plan") was adopted by April 19, 1995 Resolution #203 and maintained by the Town pursuant to Section 125 of the Internal Revenue Code, and,

WHEREAS, the Town employees have found the Plan to be beneficial,

NOW, THEREFORE, BE IT RESOLVED to continue the Plan in 2004, open to non-bargaining personnel and Union personnel, subject to the bargaining contract and open to employees working for the Town for a minimum of six (6) consecutive months, and,

BE IT FURTHER RESOLVED the maximum for Health Care reimbursement account be set at \$1,500 annually for each eligible participating employee and that the maximum Dependent Care reimbursement accounts be set at the amount allowable by the Internal Revenue Code, and,

BE IT FURTHER RESOLVED that the Flexible Spending Accounts will be funded from participating employee payroll deductions; but where the Flexible Spending Account may show a negative balance, the FSA shall be temporarily funded from the appropriate Employer FICA account and shall be reimbursed as participating employee deductions are received, and,

BE IT FURTHER RESOLVED that the Town Board authorizes the Supervisor to enter into a contract with EBS Benefit Solutions, Inc. to perform legal compliance services for 2004 at a cost of \$300; and,

BE IT FURTHER RESOLVED that the Town Board authorizes the Supervisor to enter into a contract with EBS Benefit Solutions, Inc. to administer the Plan reimbursements at a cost of \$2.55 per month (minimum of \$40/month) per Plan participant.

UNANIMOUSLY APPROVED

RESOLUTION #377 RE: 2003 Audit

Offered by: Councilman Powers

Seconded by: Councilwoman Sperr

BE IT RESOLVED to authorize Supervisor Hendershott to enter into a contract with Boychuk & Co., CPA, to perform the following:

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1. An audit "2003 Annual Financial Report, Updated Document", not to exceed \$6,375.
2. An audit of 2003 receipts and disbursements pertaining to Town Clerk, Receiver of Taxes, Court and Recreation as per Town Law Section 123, not to exceed \$3,655.

BE IT FURTHER RESOLVED to authorize Supervisor Hendershott to enter into a contract with Boychuk & Co. to perform an audit of the "2003 Component Unit Annual Financial Report (Chili Public Library)" at a cost not to exceed \$1,020.

UNANIMOUSLY APPROVED

RESOLUTION #378 RE: Chili Youth Recreation Center Task Force Committee

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

WHEREAS, on March 5, 2003 the Town Board created the Chili Youth Recreation Center Task Force to formulate recommendations to the Town Board evaluating and identifying the immediate, short term, and long term needs for indoor operational space; prospective users of such a facility; and, the estimated cost to complete such a facility, and,

WHEREAS, this committee has worked diligently to accomplish that goal including seeking input from the public, and,

WHEREAS, the committee has completed their charge with the submission to the Town Board of a final report.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board acknowledges their efforts and thanks Councilman Slattery, Dennis Schulmerich, Jeffrey Myers, Robert Hilton, John Roth, Ronald Farley, Frank Martin and Eric Bacon for their earnest and hard work as committee members.

UNANIMOUSLY APPROVED

RESOLUTION #379 RE: Re-Bid for Union Street Sanitary Sewers

Offered by: Councilman Slattery

Seconded by: Councilman Powers

WHEREAS, bids were received by the Town Clerk on August 6, 2003, for the construction of sanitary sewers for Chili Sewer Improvement Benefit Area #1 (Union Street), and

WHEREAS, the four bids received have been deemed to be higher in cost than had been expected and are not in the best interest of the Town,

NOW, THEREFORE, BE IT RESOLVED that the Town Board rejects all received bids, direct the Town Engineer to redesign the plans for the sewer system and authorize a new advertisement for bids to be published in the local newspaper on November 26, 2003, with bids to be received at 11:00 a.m. on December 12, 2003.

UNANIMOUSLY APPROVED

RESOLUTION #380 RE: Providence Housing's Union Park Housing Development

Offered by: Councilwoman Ignatowski

Seconded by: Councilwoman Sperr

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WHEREAS, the Chili Zoning Board on February 11, 2001 unanimously approved a Use Variance Application of Providence Housing to permit the construction of a multiple unit dwelling for seniors as set out in said Resolution; and

WHEREAS, the Chili Planning Board on March 11, 2003 unanimously approved the final site plan and resubdivision approval previously granted on January 14, 2003 for said senior apartment building property; and

WHEREAS, the attorney for Providence Housing has advised the Town of Chili that Providence Union Park Housing Development Fund Company, Inca. As sponsor is proceeding under the Private Housing Finance Law of the State of New York for funding and development; and that it is necessary for the sponsor to incorporate Providence Union Park Housing Development Fund Company, Inc., a not-for-profit corporation to develop the housing project; and

WHEREAS, pursuant to Section 573(5) of the Private Housing Finance Law, the certificate of incorporation for such corporation may not be filed with the Secretary of State without the consent of the Town Board of the Town of Chili as a supervising agency; and

WHEREAS, the Town Board has reviewed the proposed certificate of incorporation, proposed by-laws and proposed tax exemption/payment agreement of the corporation proposed to be organized under Article 11 of the Private Housing Finance Law of the State of New York together with the balance sheet of the Providence Housing Development Corporation as of August 31, 2001; together with the knowledge of the Town Board of other projects developed by Providence Housing Development Corporation in the County of Monroe.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Chili has determined that the Providence Union Park Housing Development Fund Company, Inc., as sponsored by Providence Housing Development Corp. is deemed to be sufficient character and competence to develop on a non-profit basis the housing project previously approved by the Zoning Board, and the Supervisor of the Town of Chili as Chief Fiscal Officer of the Town is authorized to provide a copy of this Resolution certified by the Town Clerk for filing by the applicant with the Secretary of State pursuant to Section 573(5) of the Private Housing Finance Law.

UNANIMOUSLY APPROVED

RESOLUTION #381 RE: SEQR Determination for Union Street Improvement Project

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

WHEREAS, the Chili Town Board on April 2, 2003 did declare its intent to be designated the lead agency to conduct a coordinated review for the Union Street Highway Improvement Project, and

WHEREAS, the Project Design Consultant did prepare a Full Environmental Assessment document and made a determination that the project was an unlisted action and would have no significant impact, and

WHEREAS, the Town Board on May 7, 2003 did hold a Public Hearing to consider said project under SEQR, and

WHEREAS, the Chili Town Clerk did notify all possible affected agencies.

NOW, THEREFORE, BE IT RESOLVED that the Chili Town Board has considered the impacts of the proposed highway construction and the impacts of the necessary right-of-way acquisitions and makes the determination that the project will not have a significant impact.

UNANIMOUSLY APPROVED

RESOLUTION #382 RE: Transfer Funds for Parks Mower

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

BE IT RESOLVED to transfer \$7,600.00 from Account No. A7110.4 (Parks Contractual) to A7110.2 (Parks Equipment) and to authorize the purchase from State Bid, a new John Deere Garden Tractor with Mower to replace a 1996 similar unit.

UNANIMOUSLY APPROVED

RESOLUTION #383 RE: Budget Transfers

Offered by: Councilwoman Sperr

Seconded by: Councilwoman Ignatowski

BE IT RESOLVED to transfer \$300 from A1640.462 (Central Garage - Refuse) to A1640.460 (Central Garage - Highway Supt); and

BE IT FURTHER RESOLVED to transfer \$9,500 from DA5142.499 (Misc. Snow) to DA5130.4 (Machinery - Contractual); and

BE IT FURTHER RESOLVED to transfer \$12,500 from DA5142.499 (Misc. Snow) to DA5110.4 (General Repairs - Contractual); and

BE IT FURTHER RESOLVED to transfer \$41,600 from Contingency A1990.4 to A8160.1 (Refuse and Garbage Personnel); and

BE IT FURTHER RESOLVED to transfer \$300 from A1640.462 (Central Garage-Refuse) to A1640.451 (Central Garage-Assessors).

UNANIMOUSLY APPROVED

RESOLUTION #384 RE: Letter of Credit Release for Paul Road Estates

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Slattery

BE IT RESOLVED that per recommendation of the Town Engineer, \$3,587.01 be released from Letter of Credit #T228242 with J.P. Morgan Chase Bank for Paul Road Estates Subdivision, leaving a balance of \$39,748.89; subject to payment of engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

RESOLUTION #385 RE: Modifications to the 2004 Preliminary Budget

Offered by: Councilwoman Sperr

Seconded by: Councilman Slattery

BE IT RESOLVED that account SF-101-3410.4 (Gates Chili Fire District) be modified to \$409,137.21 from the 2004 Preliminary amount of \$412,549.00; and

BE IT FURTHER RESOLVED that account A1081 (In Lieu of Taxes) be modified to \$270,700

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from the 2004 Preliminary amount of \$269,000; and

BE IT FURTHER RESOLVED that account A2350 (Youth Grant) be modified to \$16,651 from the 2004 Preliminary amount of \$18,038; and

BE IT FURTHER RESOLVED that account A2401 (Interest) be modified to \$40,000 from the 2004 Preliminary amount of \$35,000; and

BE IT FURTHER RESOLVED that account A1289 (Engineering Fees) be modified to \$25,000 from the 2004 Preliminary amount of \$20,000; and

BE IT FURTHER RESOLVED that account A2555 (Licenses & Permits) be modified to \$102,000 from the 2004 Preliminary amount of \$100,000; and

BE IT FURTHER RESOLVED that account SF-103-9040.8 (Clifton - Workers Comp) be modified to \$12,000 from the 2004 Preliminary amount of \$8,208.

UNANIMOUSLY APPROVED

RESOLUTION #386 RE: Adopting Assessment Rolls for 2004 for Lighting Districts, Drainage Districts, Fire District, Fire Protection District, Ambulance Districts, Water Districts, Park District, Sidewalk District and Sewer District

Offered by: Councilman Slattery

Seconded by: Councilman Powers

WHEREAS, this Board on November 5, 2003, commencing at 6:00 p.m., duly held a public hearing on the preliminary budget approved by this board and filed with the Town Clerk for the fiscal year commencing January 1, 2004, including the assessment rolls for the lighting district, drainage district, fire protection district, ambulance districts, water districts, park district, sidewalk district and sewer district for 2004, and having heard all persons desiring to be heard in the matter and said assessment rolls for said fiscal year having been fully discussed and considered by the Town Board acting on behalf of all said Districts, it is

RESOLVED that the assessment rolls for 2004 for the various lighting district, drainage district, fire district, fire protection district, ambulance districts, water districts, park district, sidewalk district and sewer district, as printed in the preliminary budget, are hereby adopted and established as the final assessment rolls for the fiscal year beginning January 1, 2004, and,

BE IT FURTHER RESOLVED that said assessment rolls be and the same hereby are filed in the Office of the Town Clerk.

UNANIMOUSLY APPROVED

RESOLUTION #387 RE: Adoption of the Annual Town Budget for 2004

Offered by: Councilwoman Sperr

Seconded by: Councilwoman Ignatowski

WHEREAS, this Board on November 5, 2003, commencing at 6:00 p.m., duly held a public hearing on the preliminary budget approved by this board and filed with the Town Clerk for the fiscal year commencing January 1, 2004, including the assessment rolls for the lighting districts, drainage district, fire district, fire protection districts, ambulance districts, water districts, park district, sidewalk district and sewer district for 2004, and having heard all persons desiring to be heard in the matter of the budget for this Town for such fiscal year having been fully discussed and considered, it is

RESOLVED that said preliminary budget is approved and filed and as later amended as aforesaid, including the budgets for the lighting districts, water districts, drainage district, fire protection districts, fire district, ambulance districts, park district, sidewalk district and sewer district for 2004, and that such annual budget is so adopted as detailed in the minutes of the proceedings of this Town Board, and,

BE IT FURTHER RESOLVED that the salaries of the elected officials included in the 2004 budget and as set forth in the published notice are adopted as published, and,

BE IT FURTHER RESOLVED that Town Clerk shall prepare and certify as provided by law, triplicate copies of the said annual budget hereby adopted and deliver one such copy to the Supervisor of the Town and two copies to the County of Monroe as required by law.

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

RESOLUTION #388 RE: Modify Budget for H35 Chili Avenue Improvement Program DO17381

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

WHEREAS, under Resolution #132 dated January 15, 2003, a budget, based upon the engineer's estimate of anticipated expense, was adopted by the Town Board; and

WHEREAS, now that the project has been designed, R.O.W. has been purchased, construction bids have been received and agreements have been amended between the Town and the New York State Department of Transportation, the project budget is to be modified to reflect the above project as follows:

<u>Appropriations</u>		<u>Budget</u>	<u>Budget</u>
		Original	Modified
H35-5197.4	Highway, Capital Projects	\$ 690,000	\$ 808,600
H3501420.4	Legal	160,000	130,000
H35-1710.4	Administration	28,000	28,000
H35-1440.4	Engineering and Inspection	185,000	208,000
H35-1990.4	Contingency	<u>33,000</u>	<u>10,000</u>
	Total Appropriations	\$1,100,000	\$1,184,600
 <u>Revenues:</u>			
H35-3597	State Aid, Transportation Capital Projects	\$ 220,000	\$ 236,920
H35-4597	Federal Aid, Transportation Capital Projects	<u>880,000</u>	<u>947,680</u>
		\$1,100,000	\$1,184,600

UNANIMOUSLY APPROVED

RESOLUTION #389 RE: Addition to Chili Fire Department, Inc. Active List

Offered by: Councilman Powers

Seconded by: Councilman Slattery

BE IT RESOLVED that the following individuals be added to the Chili Fire Department, Inc. Active List:

Effective 7/14/03: Jared Guhl

Effective 8/11/03: Mario Boessl, Danielle Boccacci-Miner, Matt Morley and Michael Saporito

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Effective 10/13/03: Matthew Bottone, Nicole Randazzo, Larry Shuman, Anup Singh and Scott Topiol

UNANIMOUSLY APPROVED

RESOLUTION #390 RE: Removal from Chili Fire Department, Inc. Active List

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Slattery

BE IT RESOLVED that the following individuals be removed from the Chili Fire Department, Inc. Active List:

Effective 7/14/03: Kathy Burdick, James Paxon and Vincent Terrana

Effective 8/11/03: Chuck McDonald and Kevin Reich

Effective 9/8/03: Michael Cappon

Effective 10/13/03: Kurt Arilotta, Kevin delaSota and Genevieve Songin

UNANIMOUSLY APPROVED

RESOLUTION #391 RE: Payment of Claims

Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

BE IT RESOLVED to pay vouchers #5638 - 6002 totaling \$182,661.48 from the Distribution Account as presented to the Town Board by Richard J. Brongo, Town Clerk:

GENERAL FUND	\$ 82,624.99
HIGHWAY FUND	68,520.69
H35 CHILI AVE. DO17381	1,215.00
CONSOLIDATED DRAINAGE	2,619.51
SPECIAL LIGHT DISTRICTS	8,979.29
H36 CHILI SEWER #1	337.50
H38 ANNUAL 2002-03 REASSESSMENT	2,012.50
CHILI FIRE DEPT.	14,525.00
SCOTTSVILLE FIRE PROTECTION	<u>1,827.00</u>
TOTAL ABSTRACT	\$182,661.48

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

NEXT MEETING:

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

The meeting ended at 8:43 p.m.