

CHILI TOWN BOARD
October 3, 2007

A meeting of the Chili Town Board was held on October 3, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor Tracy Logel.

PRESENT: Councilwoman Ignatowski, Councilman Schulmerich, Councilman Slattery, Councilwoman Sperr and Supervisor Logel.

ALSO PRESENT: Richard Brongo, Town Clerk; Joseph Carr, Commissioner of Public Works/Highway Superintendent; John Ferlicca, Deputy Town Supervisor; Dawn Forte, Supervisor's Secretary; Chris Karelus, Building Department Manager; Dianne O'Meara, Director of Finance; Richard Stowe, Counsel for the Town.

The invocation was given by Richard Brongo.

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

SUPERVISOR LOGEL: One thing under announcements I would like everybody to take note of, the railroad crossing schedule that was given to us today. So if you want to jot these down. Union Street was supposed to be finished tomorrow, but they, this afternoon, moved it to Friday. Chili Avenue is supposed to be finished Saturday afternoon. Archer Road will closed on Thursday and reopens on Saturday. There will be a week break, and then they're going to do Scottsville Chili Road -- or what do I want to say? Old Scottsville Chili Road and then -- and Scottsville Road over on the east side, way over by the river. It's going to be interesting with Archer -- how did we get here -- how do we do that? That is going to be an interesting one, Joe (Carr). Where are they routing us around?

JOSEPH CARR: There are only two routes: Either taking Paul Road to Scottsville Road, or using Old Scottsville Chili Road. That's the only way.

SUPERVISOR LOGEL: Old Scottsville Chili Road -- oh, that is not closing to the other week. All right.

That was my only announcements.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Four speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:22 p.m.

TOWN BOARD LIAISON REPORTS:

Conservation Board Report by Virginia Ignatowski:

COUNCILWOMAN IGNATOWSKI: Conservation met Monday. One thing I noticed is we did not have on our reports submitted their -- their July 30th minutes. And apparently, the secretary has been having computer problems and a virus, so I'm hoping that she will get that to you.

DAWN FORTE: She called me.

COUNCILWOMAN IGNATOWSKI: So we'll get it straightened out. Okay.

They reviewed the Planning Board agenda. All of the applications were either not applicable or they were projects that they already reviewed and approved the landscaping plans on, so it was actually a very quick Conservation meeting.

Drainage Committee Report by Virginia Ignatowski:

COUNCILWOMAN IGNATOWSKI: Drainage met last night.

Joe (Carr) reviewed the drainage work accomplished over the last month. Very dry weather has allowed them to make drainage improvements and do maintenance work. Definitely enjoying this dry weather. The farmers aren't, but it certainly helps with our drainage program.

They reviewed the Planning Board agenda and completed discussion on a resident's request and are sending a letter to that resident outlining their decision.

SUPERVISOR LOGEL: Thank you.

One question that came in today, Joe (Carr), on drainage, the pond behind the apartments across -- behind the plaza, in the Pumpkin Hill area. Has that been repaired, that damn?

JOSEPH CARR: Yes. Our work is complete.

SUPERVISOR LOGEL: Okay.

Historic Preservation Board Report by Mary Sperr:

COUNCILWOMAN SPERR: Just have -- they don't meet until this coming Monday, but I just have one comment. We did interview our candidate Linda Hamilton last night, and she did very nice in her interview. We are to be adding the resolution for that? We discussed it.

SUPERVISOR LOGEL: Yes.

COUNCILWOMAN SPERR: I don't see it on the copies distributed.

SUPERVISOR LOGEL: Yes. It is not on here. Can you get that resolution -- remember we said last night we would put it on tonight's agenda?

DAWN FORTE: Yes.

COUNCILMAN SCHULMERICH: We can add it.

COUNCILWOMAN SPERR: We can add it at the end. That would complete the Historic Preservation Board. We'll have a complete board and she is looking forward to service to the Town.

SUPERVISOR LOGEL: I see it separate at the end. We'll do it.

COUNCILWOMAN SPERR: Just assign a number to it. That was the only comment I had.

They will meet this Monday.

Library Board Report by Michael Slattery:

COUNCILMAN SLATTERY: Library. Um, majority of the Board was at the last meeting and they discussed their budget, and I thought it was very informative. There was a lot of information. Having new people on the Library Board of Trustees, they felt it was very educational, and they learned quite a bit regarding the library, the budget, the breakdown and so on and so forth.

So basically that's -- that was what it was discussed. You were all there, almost.

SUPERVISOR LOGEL:

Parks and Recreation Report by Tracy Logel:

SUPERVISOR LOGEL: Parks and Recreation hasn't met yet.

There's a note there about the Halloween -- that -- the Haunted Halloween Stroll at Merante Field is being canceled because it was just too difficult -- not enough groups were coming forward to do -- there wasn't any interest, okay? So -- in working on that, so that is canceled.

We did have the Family Fun Day. It was excellent. It was well-attended. The weather was incredible. There were many, many children there early, stayed right through to the end. Pony rides, face painting. I got to do face painting. It was fun. And something I had never done before, so it was enjoyable.

Traffic Safety Committee Report by Mary Sperr:

COUNCILWOMAN SPERR: They -- they meet tomorrow night.

Zoning Board Report by Dennis Schulmerich:

SUPERVISOR LOGEL: I just like to say on zoning and planning, before you say anything, Denny (Schulmerich), that the training session that you conducted for the Zoning and Planning Boards was very well done, and I think that it was very beneficial for both boards to be able to interact and to learn, you know, how they can better work together.

So thank you for putting that together.

COUNCILMAN SCHULMERICH: It was well-attended, and I appreciate the Board being there, as well.

There were five applications at the September 25th meeting.

One variance for the length of an RV that was approved.

One shed variance that was approved it was for size of shed.

There was a conditional use permit for a customary home occupation that was approved with conditions.

And there was an application for a variance for the size of a garage that was tabled pending further submission of information.

And there was a discussion around sign variances for the -- for the Hess on Buffalo Union Street, and those were approved with amendments to the application.

Planning Board Report by Dennis Schulmerich:

COUNCILMAN SCHULMERICH: In conjunction with the Planning Board, I would like to respond to Mr. Brixner's comment, as I did two weeks ago. Those listening at home or in the audience that have not been at the sessions or at the last meeting, the Town Board might be interpreted that there was a conscious effort to deny the public the right to speak.

I will say what I said again two weeks ago. When an application is withdrawn by an applicant, there is no public hearing. You cannot have a public hearing if there is not an application before the Board. The particular applicant was not prepared to come before the Board and make their case on two occasions. It may happen again.

There is no concerted effort here to prevent the public from speaking when the public hearing will be held.

I apologize for the fact that possibly some people came thinking there was going to be a public hearing. If the applicant chooses to withdraw their application, there will be no public hearing and that is not Mr. Martin's purview. It is the applicant's purview.

As far as modifying the agenda, they found out that the applicant wasn't going to participate, so they made the adjustment to the agenda. Nothing -- nothing under-handed, nothing intentional.

When the applicant is ready to speak and they are ready to present, there will be a public hearing. So I hope we don't hear this again.

SUPERVISOR LOGEL: Thank you.

MATTERS OF THE SUPERVISOR:

The Halloween Haunted Stroll at Merante Field on October 19 and 20, 2007 is cancelled.

SUPERVISOR LOGEL: I already talked about the Haunted Stroll being canceled. I talked about the railroad closings.

And the only thing I want to address is I checked with our attorney. It has always been for this Board and any board that has a public hearing or public speaker period, that the person is to announce their name and their address, and it's been that way for years and years and years.

And so I will not be announcing people's addresses, even though I have heard them for years and know them by heart. We will be -- we -- I checked with Mr. Stowe, and --

RICHARD STOWE: The other part of the answer to the question is it is principally for the benefit of our stenographer who is making sure that those whose comments may be relevant to a certain address are duly noted in the record. And she doesn't have the benefit of having the information that you submit.

MR. BRIXNER: But she has on her form address, A-D-D-R-E-S-S.

RICHARD STOWE: The address form is up here (indicating). The stenographer is down there (indicating). It's for the stenographer. Always has been.

MR. BRIXNER: She can read it as well as I can.

SUPERVISOR LOGEL: Okay. Let's -- let's -- okay. Thank you.

The only other -- I think everything else has got to do with agenda items.

Ron (Pikuet)'s dirt -- Ron (Pikuet)'s dirt is not an agenda item.

Mr. Carr, do you have any information on this at this time, or would you like to check and call him and let him know tomorrow what the story is?

JOSEPH CARR: I will check into it. I'm not sure I can call him by 8 o'clock in the morning, but I will contact him tomorrow as soon as I have the information.

COUNCILMAN SCHULMERICH: Check the weather forecast for a strong northwesterly wind.

COUNCILMAN SLATTERY: Supervisor, was this a pond that was being cleaned out?

JOSEPH CARR: Drainage channel. You can see it as you drive down Paul Road, just past the intersection there.

COUNCILMAN SLATTERY: The drainage channel that there is an easement for the Town to get in there and do work?

COUNCILMAN SCHULMERICH: Do you envision any difficulty in answering Mr. Pikuet's question?

JOSEPH CARR: No, I don't.

COUNCILMAN SCHULMERICH: Thank you.

COUNCILMAN SLATTERY: No difficulty answering the question. Just his answer being accepted.

Supervisor, I have one thing under Matters of the Supervisor. 1370 Paul Road, just an update on that? For -- for Joe (Carr).

SUPERVISOR LOGEL: 1370.

COUNCILMAN SCHULMERICH: Demo.

SUPERVISOR LOGEL: Demo.

JOSEPH CARR: First let me indicate that this process has taken an incredibly long amount of time. If I misled the Board or the audience as to our expected time frame, I'm sorry about that.

There are a number of steps that we have to go through. We have taken some of those.

The next step has been delayed three different times by the contractor. He was supposed to start today. I talked to them late today and they said they will definitely be there tomorrow.

Ultimately, the home should be demolished by late next week, according to everything that has to happen. But I can only caution you that each time we have had a schedule, it has been pushed back. Right now, the project should be completed by next week.

COUNCILMAN SLATTERY: Actually, Joe (Carr), you did inform us, inform the Board that it was going to be a period of time, going through the legal process, having the owner not in the area, and so I -- I'm fine with the schedule. I know you're -- you want to get it done, as well. You would like to see it done as well as the neighbors. But, you know -- as far as the schedule, you did tell us it was going to take a period of time.

So thank you.

COUNCILMAN SCHULMERICH: As far as the delays that are going on, are any of those delays a consequence of actions that the Town could have taken or are they actions from others?

JOSEPH CARR: It's actions and scheduling on the part of the contractors that are involved.

COUNCILMAN SCHULMERICH: Okay. Thank you.

The 9/5/07 Town Board meeting minutes were approved as submitted.

CORRESPONDENCE:

1. Mr. Brongo has received formal notification from Rook Enterprises, LLC that they have made application with the State Liquor Authority for a Summer Beer Permit for the property located at 525 Ballantyne Road, Rochester, New York 14623.

SUPERVISOR LOGEL: Is that -- do you know -- happen to know if that is the --
RICHARD BRONGO: Sports bar.
SUPERVISOR LOGEL: Okay.

- 2. Mr. Brongo has received formal notification from Mark Woods resigning as Chair only of the Recreation Advisory Committee.

SUPERVISOR LOGEL: Under New Business, I would like to ask for a motion to have an Executive Session to clarify a personnel issue with our attorney at this time?
COUNCILMAN SCHULMERICH: I will make the motion.
COUNCILWOMAN IGNATOWSKI: I will second it.

The Board was unanimously in favor of the motion to go into Executive Session.

The Town Board went into Executive Session at 7:34 p.m.

The Town Board returned from Executive Session at 8:18 p.m.

Councilwoman Sperr made a motion to reopen the Town Board meeting, and Councilman Schulmerich seconded the motion. The Board was unanimously in favor of the motion.

RESOLUTION #265 RE: Authorizing Surety, Form, and Amount of Official Undertaking for the Faithful Performance of the Duties of the Town Clerk and Receiver of Taxes and Assessments

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED, as follows:

Section 1. The Town Board hereby approves the surety, form, and amount of the official undertaking for the faithful performance of the duties of the Town Clerk and Receiver of Taxes and Assessments as follows:

Type of Undertaking: Government Form PFaithful Performance
Insurance company: Utica National Insurance Group
Amount: \$500,000

Section 2. A true copy of this resolution shall be affixed to the undertaking to indicate this Board's approval thereon in accordance with Town Law Section 25.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: There was a question asked during public forum about him being code enforcement, what does this mean. Right now he is the Assistant Building & Plumbing Inspector and is he going from Assistant to Building & Plumbing Inspector.

COUNCILMAN SLATTERY: And this position also, does -- they do participate with the code enforcement, the -- any problems that are called into the Building Department, they do respond and review them, correct?

SUPERVISOR LOGEL: Yes. Same as he was before.

COUNCILWOMAN IGNATOWSKI: Supervisor, the intent is then to hire an Assistant, as well --

SUPERVISOR LOGEL: Yes. We'll be interviewing.

COUNCILWOMAN IGNATOWSKI: -- recognizing we do need additional staff.

RESOLUTION #266 RE: Building and Plumbing Inspector

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that Edward Shero shall be appointed, as Building and Plumbing Inspector and shall be paid an annual salary of \$36,429.00, Grade 29 Step Entry effective October 4, 2007, expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

RESOLUTION #267 RE: Authorization of Attendance at Training Conference

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that Scott Miller, PT Asst. Fire Marshal and one other inspector, is hereby authorized to attend the annual school and training conference to be given by the New York State Fire Marshals and Inspectors, to be held at the New York State Fire Academy in Montour Falls, New York, on October 16 - 18, 2007; total expenses are not to exceed \$300.00 each.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: There was a question regarding what all this meant. Basically what he is advertising in the paper is the equipment that he is replacing and anybody can come in and look at the equipment and make a sealed bid off it.

RICHARD STOWE: There are two aspects to the resolution. In response to one of the questions from the floor, there -- there is no public bidding of the computer equipment that we are acquiring because it's being purchased from the State bid, which is an exception to the public bidding requirement. So the State purchase contract for the acquired material is the reason the acquired material is not being bid.

The equipment that is being replaced by the new equipment is being declared to be surplus equipment. The surplus equipment that is going to be available is being disposed of in the manner set forth in the resolution which is perfectly acceptable for the disposition of surplus equipment.

MR. BRIXNER: Do you have a different procedure on both of those then, new and used equipment? You don't -- George Lusk, a number of years ago, and as Mrs. --

SUPERVISOR LOGEL: Can we clarify that after, after the meeting?

RICHARD STOWE: What I will say is this is the same procedure we have used to acquire computer equipment either by lease or by purchase under the State bid contract for a good number of years, and that Chris (Levey) is satisfied with the specifications and these machines with regard to the State bid.

And surplus equipment, candidly, the procedure has varied. Joe (Carr)'s equipment that is declared a surplus and run through a highway equipment auction has a different market than this sort of equipment and that explains the differences in the proceedings.

SUPERVISOR LOGEL: And disposed of appropriately was questioned, and this is at least what we did last time. Anything that did not sell, the used equipment that nobody purchased, we disposed of appropriately through the recycling centers that take computer equipment.

MR. BRIXNER: We thank you.

COUNCILMAN SLATTERY: Actually, Supervisor, if I could, I know in the past some equipment has been donated to not-for-profits and so forth. Can we have Mr. Levey look into that, as well?

RICHARD STOWE: He has. He has. And we had a conversation about -- I believe the City of Rochester School District had a program where they had -- Edison Tech, I think, but don't hold me to the where it was. They had individuals who would be able to salvage certain pieces of computers and then dispose of them properly. Chris (Levey) has looked at that, as well. That would be within the purview of this resolution.

COUNCILMAN SCHULMERICH: Regarding "disposed of properly," I have been involved in divesting of some equipment from one organization to another. Another interpretation of "disposed of appropriately" is to be sure you have taken all confidential information off the hard drive, and if there is nothing on it that would put information of the Town, sensitive information of the Town at risk.

SUPERVISOR LOGEL: Right.

RESOLUTION #268 RE: Purchase of Computer Equipment

OFFERED BY: Councilman Slattery

SECONDED BY: Councilman Slattery

WHEREAS, the Director of Management Information Services has determined that the Town needs to replace obsolete computer equipment that has passed its useful life;

WHEREAS, the replacement of said equipment is in accordance with the Town's plan to replace obsolete computer equipment on a rotating basis;

NOW, THEREFORE, BE IT RESOLVED, that the Director of Management Information Services is hereby authorized to purchase (9) new computers to replace current obsolete equipment for a sum not to exceed \$7,800.00 from Account A1680.2 (Information Technology - Equipment) from Dell, a computer systems vendor under New York State contract.

BE IT FURTHER RESOLVED, that the Director of Management Information Services is hereby authorized to place a legal ad with the official Town newspaper advertising a sealed bid silent auction of the above-mentioned replaced equipment. Any equipment remaining after said auction to be disposed of appropriately.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: I will defer to Mr. Stowe for comments regarding the questions that were asked during the forum.

RICHARD STOWE: Without -- without restating the whole question, one of the concerns that was mentioned was that the nature and extent of the incentives weren't in part of the resolution and weren't part of this Board's action tonight. And to get a full understanding of -- of what this resolution is trying to accomplish, you got to go back to the correspondence and the public presentation that was made before this Board on August 1st by Tom Greiner and representatives from the U of R when they brought a proposal here and requested incentive zoning.

Our code in Section 115-88 talks about the procedure for approval. The proposals that had been made to this Board by the applicant, if they are not deemed worthy of further consideration by this Board, there is no need to refer them to the Planning Board.

This resolution says that the proposal that has been offered to this Board is worthy of further consideration and is being referred to the Planning Board. The procedure that is set forth in 115-88 talks about the applicant doing sketch plans with and without incentives shown and reporting and referring those to the Planning Board for the Planning Board's review and further report back to the Town Board. The Town Board then is required to conduct a public hearing on the incentive zoning. The specifics of the proposal and any input from the Planning Board and their review on the report and proposal that they reviewed are then proper topics for public hearing and -- and the public hearing would then be scheduled by this Board, before this Board, with the report of the Planning Board and the full proposal available for review and comment by the public and consideration by this Board.

SUPERVISOR LOGEL: Thank you.

COUNCILWOMAN IGNATOWSKI: Glad you could explain all that.

MR. BILL KELLY: How did you figure that out?

RICHARD STOWE: I read the book.

(Laughter.)

RESOLUTION #269 RE: Incentive Zoning for Logan's Party House

OFFERED BY: Councilman Schulmerich

SECONDED BY: Councilwoman Sperr

WHEREAS, the applicant has submitted a proposal for incentive zoning regarding the Logan's Party House a property on Scottsville Road, and

WHEREAS, the applicant has appeared before the Town Board on August 1, 2007 and had subsequent contact with the Town concerning its proposal, and

WHEREAS, the Town Board has reviewed the applicant's proposal to determine whether it is worthy of further consideration;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby determines that said proposal is worthy of further consideration and authorizes the applicant to submit its sketch plans to the Planning Board for its review, evaluation and report to the Town Board in accordance with §115-88; and

BE IT FURTHER RESOLVED, that the Town Board declares itself lead agency for SEQR purposes regarding this application and directs the Clerk of the Town of Chili to advise agencies according.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: Just -- I have the brochure here that we all received in the mail, and just for the audience's information, some of the topics that are covered in here, and one of the reasons I wanted to go, there is -- along with Ginny (Ignatowski), there is wind energy systems which has become a popular topic. There's also two topics on tax incentives available for Historic Preservation and Historic Preservation planning for municipalities, and as liaison, I felt that might be beneficial to our Board.

There is also SEQR 101, which was discussed last night in our planning and zoning session, and also an overview for Zoning Boards of Appeals. So there are some very good topics available for us.

RESOLUTION #270 RE: Fall 2007 Local Government Workshop

OFFERED BY: Councilman Slattery

SECONDED BY: Councilman Schulmerich

BE IT RESOLVED that Supervisor Logel, Councilwoman Ignatowski and Councilwoman Sperr attend the Fall 2007 Local Government Workshop on November 16, 2007 at the Genesee River Restaurant & Reception Center in Mt. Morris, NY, at a cost not to exceed \$40.00 each plus mileage.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

RICHARD STOWE: I have one, and I apologize for bringing it up now. Under correspondence, Dick (Brongo), it says that the notification was received by you from Mark Woods.

RICHARD BRONGO: Yes.

RICHARD STOWE: Signing as Chair only.

RICHARD BRONGO: Chair only.

RICHARD STOWE: This resolution is appointing this person as Chair only?

RICHARD BRONGO: Chair only.

RICHARD STOWE: Both are currently on and still stand on the Board?

RICHARD BRONGO: Right.

RICHARD STOWE: The effective date of the resignation in the letter?

RICHARD BRONGO: I thought it was immediately.

RICHARD STOWE: As long as there is a vacancy now. I assume it said, "immediately."

I just wanted to --

COUNCILMAN SCHULMERICH: Upon receipt of the letter.

SUPERVISOR LOGEL: Upon receipt.

RICHARD STOWE: Fine. Thank you.

RESOLUTION #271 RE: Recreation Advisory Committee

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

BE IT RESOLVED that James Crelly be appointed as the Chair of the Recreation Advisory Committee.

UNANIMOUSLY APPROVED

RESOLUTION #272 RE: Budget Transfer of Highway Funds

OFFERED BY: Councilman Slattery

SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED to transfer \$58,000.00 from account DA 5142.499 (Town Snow Miscellaneous) to account DA 5110.1 (General Road Repairs Labor).

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: There were some questions. One had to do with the hydroseeding bill. Mr. Carr, would you like to comment?

JOSEPH CARR: That is strictly for materials.

SUPERVISOR LOGEL: Okay.

SUPERVISOR LOGEL: Also the comment was made that we should have our in-house attorneys deal with our Union labor, and labor issues, and that is something that we hire -- specific labor relations lawyers have been on -- used for years, and to get dealing with Union negotiations.

Would you like to comment, Dianne (O'Meara), about how far back that policy goes?

DIANNE O'MEARA: The -- as far as an employment policy, that was -- that was -- the personnel policy for the Town was ten years old at least. It had been updated, you know, through the course of years, but it needed -- it needed to be rewritten.

SUPERVISOR LOGEL: And we always had on staff, as I understand it, there has always been -- not on staff, but we always had a contract with an attorney's office to work with our Union.

DIANNE O'MEARA: Correct.

COUNCILWOMAN SPERR: We pass a resolution at the organizational meeting every year to have other attorneys on staff, and it has always been my understanding, and I -- in my experience being on this Board, that the attorneys that we hire for that purpose save the Town

many times over the salary that we pay them to help us in that endeavor.

DIANNE O'MEARA: If I could further state that while our retained counsel is very adequate in many areas, very -- very skilled in many areas, labor law is very specialized. And I mean just reading in the -- in the newspaper or -- you know, through the media, there's constant, um -- um, court cases, issues, changes in laws, mandated laws that really require specialization.

RICHARD STOWE: I'm not really anxious to respond to this, but I think I better since I was just mentioned.

The -- the specific firm that we hire of Harris Beach and the individual Peter Spinelli that does most of our work, but not all of our work in this arena, is the same individual that the Town utilizes with regard to negotiating its Union contract, is the same individual who is responsible for the various provisions in our Union contract, changes to those provisions, how those changes affect our historical past and how any issues that come up during the term of the contract are best handled, and is the individual charged with the information and the intention associated with the language that was in the contract.

There is great value associated with having the same individual, to the greatest extent possible, be the individual dealing with that information. The -- the personnel policy manual was an offline discussion, and a one-time thing that affected greatly the terms of the contract, policy provisions in the personnel policy could not be at odds with provisions in the contract, and his knowledge of that particular project meant that that particular project cost much less than it would have to have someone else do it, pay a consultant to do it, then have him review it, in my opinion.

No, I don't know everything. Yes, there is value to have that individual be the individual in charge of those areas.

I think that the attorneys' account that has been mentioned many times -- this is one illustration of it, is not well described in its budget line. It has Mr. O'Toole's retainer amount, my retainer amount, special counsels are paid out of that line item for Article 7 procedures which are tax certiori proceedings brought against the Town challenging assessments. We have had code enforcement cases. We have had Article 78 proceedings against the Town. We have one or two pending with regard to the Planning Board now.

Those items are all paid out of the same account and in any one year, comparing any one year to another year will not necessarily be fair comparisons when we're not necessarily in control of all of the challenges that we may see.

In the last decade that I've been here, that account and the verifications and expenditures out of that account have changed, not just because of the people involved, but by nature of the sorts of issues that this Town has become a party to, and not all of them can be paid for out of insurance counsel premiums that we pay defending notice of claims and lawsuits that are brought against the Town. Some of them have to be defended specifically. Some of them have to be defended by individuals with particular expertise and knowledge in a given area, and I'm not involved in reviewing every matter because it's not sensible to be paying me to be doing that in addition to the other things that you want me to do.

I am confident in the people that we've hired. I'm satisfied with the representation that we have achieved for the dollars that we've expended. I will agree with you that the numbers have been from time to time different in year to year. And I only off -- I can only offer as an explanation that it -- it cannot be concluded that there is a management malfunction or a lack of a desire to mind the dollars and taxpayer dollars of this Town in getting good quality counsel. I see no waste. I see the utilization of those dollars in a -- in a manner that is as manageable as anyone here can manage it, because we're not always in control of what we're faced with.

That's the only expression I want to make on that.

SUPERVISOR LOGEL: Thank you.

RESOLUTION #273 RE: October 3, 2007 Abstract

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Slattery

BE IT RESOLVED to pay vouchers 4963-5251 totaling \$232,221.27 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$144,794.30
Highway Fund	\$ 76,311.41
Consolidated Drainage	\$ 829.33
Special Light Districts	\$ 10,236.23
Chili Sewer Improvement #1	\$ 50.00
TOTAL	\$232,221.27

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: Earlier this evening, or last night we had the opportunity to interview an individual for the Historic Preservation Board who applied, and I just had that resolution -- is ready -- Number 274, Historic Preservation, so I would like to ask for a motion.

Supervisor Logel read the resolution language.

RESOLUTION # 274: Historic Preservation Board

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that Linda Hamilton be appointed to the Historic Preservation Board to serve the term of Peter Widener, term to expire on 12/31/09.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: Then there are two other resolutions that we have decided in Executive Session that we should put on the agenda tonight. One is Resolution 275, which is for the part-time Fire Marshal.

Supervisor Logel read the resolution language.

SUPERVISOR LOGEL: You will recall, for the sake of the audience, that we had the retirement announced effective -- or Mr. Christian was effective -- was it September 30th?

COUNCILMAN SCHULMERICH: 30th.

SUPERVISOR LOGEL: Any questions or comments?

RESOLUTION # 275 RE: Part-time Fire Marshal

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Schulmerich

BE IT RESOLVED that Scott Miller shall be appointed, as Part-time Fire Marshal and shall be paid an annual salary of \$28,585.00, effective October 4, 2007, expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: One other resolution. Resolution Number 276 to create the position of Deputy Fire Marshal for the Town of Chili.

Supervisor Logel read the resolution language.

COUNCILMAN SLATTERY: This is provisional?

SUPERVISOR LOGEL: Yes. Just creating the position.

RESOLUTION # 276 RE: Create Position of Deputy Fire Marshal - Chili

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that the position of Deputy Fire Marshal - Chili be created subject to approval of the Civil Service Commission at their October 4, 2007 meeting.

UNANIMOUSLY APPROVED

The next meeting of the Chili Town Board is scheduled for Wednesday, October 17, 2007 at 7:00 p.m. at the Chili Town Hall meeting room.

The meeting ended at 8:40 p.m.