

CHILI TOWN BOARD  
October 17, 2007

A meeting of the Chili Town Board was held on October 17, 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; Eric Vail, Insurance Counselor.

The invocation was given by Richard Brongo.

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

**ANNOUNCEMENTS:**

**SUPERVISOR LOGEL:** Under announcements, I will just announce that we have got word that there was the official transfer of the highway jurisdiction, and the swap as it stands now is that Route 252, which is Beaver Road, Archer Road, Ballantyne Road is now a State highway. And that Route 252-A, which is Paul Road, from Chili Avenue to Scottsville Road is now a County highway, and Route 386, Chili Coldwater Road and a portion of Westside Drive is now a County highway. We got that official word today.

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 7:20 p.m.

**TOWN BOARD LIAISON REPORTS:**

Conservation Board Report by Virginia Ignatowski:

**COUNCILWOMAN IGNATOWSKI:** They have not met since the last meeting.

Drainage Committee Report by Virginia Ignatowski:

**COUNCILWOMAN IGNATOWSKI:** Nor have they.

Historic Preservation Board Report by Mary Sperr:

**COUNCILWOMAN SPERR:** Yes, I do have a report for you.

At last week's meeting, they welcomed the newest member who was appointed to the Board, Linda Hamilton, and Pat Tata attended his first meeting. They were very pleased to have a full Board in attendance.

They spent some time discussing their budget and how they plan to an -- they're anticipating their purchases for 2007.

They will be printing a Cobblestone Homes of Chili Pamphlet, and they are in the process of finishing their interviews at the homes now and will be photographing all of them. It has been very rewarding, and there are some wonderful people that live in the cobblestone homes in Chili.

Other than that, there are a couple awards that they will be giving out.

And -- they did receive a memo from Chris Karelus regarding demolition permits. The Board has always asked that they are notified when a house is torn down so they can document anything in case it happens to be historic. And I mentioned to it Chris (Karelus) and he sent a memo to them to make sure everybody is in the loop on that.

And they had a couple of guests asking questions about the Stage Coach Inn that were answered and that was about it.

Library Board Report by Michael Slattery:

**SUPERVISOR LOGEL:** Did they meet?

**COUNCILMAN SLATTERY:** No.

Parks and Recreation Report by Tracy Logel:

**SUPERVISOR LOGEL:** Parks and Recreation met last week. We had a large length meeting last week -- you're right, Dorothy (Borgus). I think the only thing wrong with this microphone is people just need to speak up, okay?

Because -- but they -- the meeting we discussed not having the Halloween walk-about where there was not enough people able to do skits, or children's groups, high school groups to be available to do the skits. That was, as we said, last time, canceled.

We talked about the Breakfast with Santa Claus which will be a one-time, a large event, and it will be held in the Senior Center so we can have everybody have plenty of room for that.

And we talked about the new playground which is going to have a ribbon cutting this Saturday morning at 10 o'clock, and it is in Davis Park, and that is the new -- ADA, basically ADA compliant facility. It is ramped so that children that are in wheelchairs can access it and use it. Everything was put at scale so that they could reach it. Even the puppet stage screen is there so that children that do have ADA needs can use it as well as children that are -- do not have special needs.

And we're expecting that Maggie Brooks will be there for the ribbon cutting this Saturday. So everybody is welcome to attend.

Traffic Safety Committee Report by Mary Sperr:

COUNCILWOMAN SPERR: I think one of the most notable things to find out and confirm was the information that we received from Monroe County's traffic engineer, Brent Penwarden confirming the opinion of the Traffic Safety Committee regarding the entrance to Paul Road at the Walgreens site.

At last night, in discussing tonight with Councilman Schulmerich, um, they presented the right-turn-only out of that drive. So that will be well received by the Traffic Safety Committee.

Some of the issues that were discussed, there were some residents that addressed the Committee about speeding and stop signs, and those will be investigated. Um, one of our members went out with his speed monitor. George (Bartnett) went out with his speed monitor to check some of the areas that had been receiving complaints, and sometimes it is the impression of the residents that people are speeding through their subdivision, but as we sit there with the monitor and check that, they realize that they really are not. It's a perception when you're standing still that the car that comes at you is driving much faster than it is, but they will continue to monitor the areas where they have problems.

They have -- we had a problem with those special signs that I have talked about, at several meetings, to help get people to slow down and watch for stops. So we'll be ordering some new signs because so many of them were stolen. They will go to Joe Carr, and his staff will see to it that they will take extra precautions so they're not as easily able to be removed and stolen. We're hoping to be able to put some of those back up shortly.

That is pretty much the most of it. But while I have the floor, just for a minute, I just wanted to -- on a personal note say to everybody that sometimes they only talk about three school districts in the Town of Chili. There are actually four, and tonight the -- my son is on the varsity team for Cal-Mum soccer, and tonight they won their final game of the season with a record of 14, 2 and 2 and clinched the division, so you have another sports team that is moving on to Sectionals. So thanks for indulging me.

SUPERVISOR LOGEL: I think Churchville-Chili and Gates-Chili and -- that's good.

COUNCILWOMAN SPERR: So our schools are doing well.

COUNCILWOMAN IGNATOWSKI: Councilwoman Sperr, if I could just ask a question about an update, was there ever a decision made on the sharp corner or curve, I should say, on Ballantyne Road? Was there a guardrail decided against, or for, or are they still in discussion process?

COUNCILWOMAN SPERR: The discussion has been taken offline for that because of the pending lawsuits. So we will hold -- wait to see and discuss it further as we see how that evolves.

SUPERVISOR LOGEL: One of the things that happened today -- I received a letter today that I think that the Traffic Safety needs to be aware of. I will be forwarding it to Sheriff O'Flynn, and to our substation to Don Bergmann, but our crossing guards -- I think the -- the recent death in the city, but I have had complaints. Mary White -- specifically on Coldwater Road in front of Florence Brassier is where there is a serious problem, and the two crossing guards that are in that area have expressed their concern over the speeding that is going on on Coldwater Road. So I am going to be asking the Sheriff's Department to please take a look at that and -- in light of the fact that the crossing guards are very, very worried.

COUNCILMAN SCHULMERICH: Actually, Supervisor, the 25-mile an hour sign is rarely obeyed on Paul Road, as well as Chili Coldwater Road, and it might be good to bring both of those school districts up and look for some enforcement of those school zones.

COUNCILWOMAN SPERR: Include me in the e-mail, and Joe (Carr), we'll make sure that is on our agenda.

SUPERVISOR LOGEL: I don't know how we can, you know -- slow them down.

I wanted to tell you, Joe (Carr), that I sat and watched one -- you told me people don't stop at the top signs, and I said about 80, 90 percent do. On Saturday I had the opportunity on Park Place to watch five cars in a row run the stop sign and not one stopped. So I think it is the residents coming into their own developments that are doing it.

COUNCILWOMAN SPERR: Yes. That comes up in discussion quite frequently, and we discover it is the residents that live in those developments.

Thank you very much.

Zoning Board Report by Dennis Schulmerich:

COUNCILMAN SCHULMERICH: They don't meet until next week.

SUPERVISOR LOGEL: They're next week.

You might want to mention -- as long as Mr. Martin is here, that that is where the issue that he is speaking about is going to be coming up on that agenda.

COUNCILMAN SCHULMERICH: That's correct. From what I understand, there is an

application for a variance to extend the usable life of the wood burner, and that will be presented to the Zoning Board next week for their consideration in conjunction with what legislation we recently passed.

SUPERVISOR LOGEL: And so that -- I don't know if that answers your question, Mr. Martin, but that will be -- I think it is next Tuesday night.

COUNCILWOMAN IGNATOWSKI: That is not Town Board action. Sometimes people get confused.

SUPERVISOR LOGEL: It is a Zoning Board action.

COUNCILWOMAN IGNATOWSKI: It is not up for us to do anything. We have enacted our legislation. Now it is the Zoning Board.

SUPERVISOR LOGEL: It will be whether the Zoning Board -- you see, we wrote the law banning them. He has his amortized the one -- existing one is amortized for seven years. The Zoning Board -- it's now going before the Zoning Board for them to ask for a 30-year extension. If they grant that, if they grant any of that, then they are -- they're taking the responsibility, because we have already passed the law. They're changing the law in that case.

MR. CRAIG: With no restrictions?

SUPERVISOR LOGEL: Well -- I think you should all come and speak. We don't normally get in a back-and-forth dialogue, but I want to get this answered. I think that you have to have people come and speak that live in that area. The Planning -- the Zoning Board will need to hear that information, right?

COUNCILMAN SCHULMERICH: Yes, they will. The Town Board has done what it needs to do in terms of legislative action. The law is in place. The citizens have a right to make application for a variance to the law. This applicant has chosen to do so. If the citizens in the area are concerned about the longevity of that beyond seven years, I know you're concerned about it today, but if you're concerned about it beyond seven years, then the degree to which you can convince the Zoning Board that this is a neighborhood issue, that they should take this into consideration, beyond the applicant, is -- is what you should do. But it is beyond the purview of this Board to deal with the applicant's request for extension. That is a Zoning Board of Appeals.

MR. CRAIG: Okay. Thank you.

#### Planning Board Report by Dennis Schulmerich:

COUNCILMAN SCHULMERICH: As everyone is well aware, actually it doesn't feel like we left last night. We finished up the Walgreens application about 11:30. And then there was one informal after that. We had seven applications last night.

There were two prelim site plan approvals, both in the North Chili Plaza, one for a nail salon (sic) and another for a fitness center, and there were conditions placed upon the Certificate of Occupancy associated with the plaza continuing to do what they committed to do, cleaning up the plaza. So they were approved with conditions.

There were three conditional use reports -- I'm sorry, three conditional use permits that were approved. One for extension for the purpose of the business residing in the old Bausch & Lomb building.

One chiropractic office over on Westside Drive, near the Sheriff's substation, and one construction business on Union Street. There were conditions placed on that.

Then the extensive discussion went on around the Walgreens. Must have to the chagrin of maybe a few people, the outcome of that meeting I thought was stellar. I thought the Building Department, the Planning Board and the citizens interacted very, very well last night. I believe the issues were on the table appropriately and heard. The site plan discussion went well. The modifications make sense. The architectural integrity was reviewed.

Walgreens has come a long way in terms of where they started versus where we ended up. And while some may not consider the traffic issue and the resolution to it to their liking, what we ended up with was a right-in/right-out in the general location of where the Pikuette Drive is.

So I thought that the Planning Board and the Chair of the Planning Board did a stellar job last night, and I was very impressed with the number of people that showed up from the community to speak, and I thought it was very, very well done.

The one comment I will make to Mr. Pikuette regarding his dirt, um, we did take your concern about the dirt seriously. We did ask Mr. Carr about that. I would please ask you not to confuse a sense of humor with a lack of professionalism. Once he indicated he would be there, I made a comment and gesture about the wind. It was not intended to be serious as a resolution to your problem. So I -- I would hope you would grant me that understanding.

COUNCILMAN SLATTERY: Councilman, one question if I could. I know this Board was criticized because we appoint people to Planning Board, and then the Planning Board was criticized because of the -- not allowing the public to speak in regards to Walgreens. We heard that a number of meetings. So was the public given an ample opportunity to speak at least in the the Planning Board meeting?

COUNCILMAN SCHULMERICH: Yes, they were. They were given extensive amounts of time to speak. There was absolutely no -- no intimation that a citizen wouldn't be heard. As I mentioned at two prior meetings, you can only have a public hearing if there is an application before the Board.

I know there was frustration on the part of some citizens that showed up to speak at the public hearing only to find out that the applicant had withdrawn the application for that night. They weren't ready. And as a consequence of them not being ready for these earlier meetings, it makes no sense to try to have a public hearing for an application that is not before the Board. So

I know there has been an implication and there were submissions going on behind the scenes, that the public was being prevented from being able to speak. That was just simply not true. If the applicant withdraws their application, there is no application to be heard that night.

Last night they came before us for both the preliminary subdivision approval and the preliminary site plan approval. They were given approval for both with preliminary, with no finals, and I believe if you surveyed the -- those that were in attendance, um, I believe you will hear that they felt that they were fairly heard.

COUNCILMAN SLATTERY: Okay. Thank you.

**MATTERS OF THE SUPERVISOR:**

SUPERVISOR LOGEL: The budget is ready, and Mr. Brongo will be giving it at the end of the meeting so everything is in there that you asked for.

COUNCILWOMAN SPERR: Supervisor, can I ask a question about it?

SUPERVISOR LOGEL: I got you the one that was missing on the library. We got that today. End of the day. So that is in there.

COUNCILWOMAN SPERR: I was hoping that we were going to see that tonight. I do have one question about it. Do you have a place or spot in that budget where you are anticipating that we can begin starting the process for the Master Plan Update and pay for that with this coming year's budget?

SUPERVISOR LOGEL: No. I haven't done anything with -- this is -- that is not due until 2010. This is the 2008 budget.

COUNCILWOMAN SPERR: If you let me finish, that process in the past has taken two plus years, so it is my impression we'll need to begin that process in January and get committees and subcommittees appointed and started because it will take us over two years. It wouldn't be my goal to have that Master Plan expire and not be ready --

SUPERVISOR LOGEL: This is the first time you have brought up this discussion. We'll have to talk about it and see what we can add into it.

COUNCILWOMAN SPERR: Okay. Thank you.

SUPERVISOR LOGEL: Under the comments that were made tonight, I think the only one that I wanted to ask Mr. Carr about was the Baker property comment. We are going to be -- as I understand it, Parks Department, I know Mr. Curley has the grant to work on changes at the Baker property. I am not sure what Mrs. Borgus is referring to by the property being a disgrace. I haven't been out there recently, but I do know you're pulling things out of there, and taking things out, so I am assuming that things will be in disarray for a while.

JOSEPH CARR: Well, we -- we are beginning to pull our materials and equipment out of there. It doesn't mean in any attempt that we're not continuing to maintain the property. The buildings are in poor condition and in poor appearance. I will check it myself and see what clean-up might need to be done, but it -- to my knowledge, it has not been declared a park, and I don't think there is a sign that says it is a park. It simply says "Baker property," but you're correct in that there is a plan that Mr. Curley is working toward and hopefully the whole property will be improved.

COUNCILWOMAN IGNATOWSKI: Supervisor, if I may, I know an Eagle Scout project is being conducted on that park right now. They have cleaned up a lot of the garbage. They cut down the weeds. They reestablished -- there was a wood chip pile that had completely overgrown, gotten some tarp over there that, rechipped it again.

I do walk over there. What it really needs, there is a lot -- well, the highway stuff. There was pipe fittings and the wood fence and all of that -- I'm assuming that then that -- that is within what you're going to do.

And eventually I'm assuming we're doing something with those buildings. The barns are -- once have you everything out, will they be taken down? I know that was part of the recommendation for that.

JOSEPH CARR: That has not been discussed or decided yet. That's a part of the Master Plan that was -- Mr. Curley is working on.

COUNCILWOMAN IGNATOWSKI: I mean, there is a plan and we're slowly getting to it. Perhaps it's not going as fast as we all would like, but I know there efforts being made. Once you get beyond that building, the course itself looks substantially better than it did earlier this year.

COUNCILMAN SCHULMERICH: It is encouraging the citizens are concerned about the appearance of the park. We're trying to move in that direction. It is never fast enough for all of us, but I thank Mrs. Borgus for her comments to keep us -- as well.

Can I make one comment? I did ask Councilwoman Sperr to slide the microphone for Channel 12 over to the left because I have a cold and I'm coughing frequently and I don't want people to think I'm purposely coughing. So if you can't hear me on TV over others, I just want to be clear it is not intentional and hopefully it is not picking the coughing up.

COUNCILWOMAN SPERR: I just want to also offer an opinion on the microphones. Having sat on the Zoning Board for over four years, one of the habits you get into, and it is not intentional, is that you move your microphone up because you have to open a map and then you forget you moved it up and it is away from your voice. And if you happen to lean back -- I think we can indulge the Planning Board members if they spend five hours in their chair, that they're gonna have to move around a little bit. I don't think it is anyone's intention not to be heard. But I'm certain they -- both Chairs of the Zoning and Planning are here tonight, and they will make sure that they pay attention to it.

COUNCILMAN SCHULMERICH: I will make an observation on that if I can, as well, since I attend both of those meetings. I would say there is a couple things going on. What Councilwoman Sperr speaks to is correct. I think people back away when they're trying to look at maps.

I think the attendees, the participants at each of those Boards need to be cognizant of the fact that they're speaking to the public, and they need to project and sometimes don't. Sometimes they get into side-bar discussions that really should be projected to the audience and -- a couple of them are very soft-spoken individuals.

I think if we can make them aware of the fact they need to speak up, they need to be heard, that that will take care of itself and it is appropriate that we be called on that.

I would agree, also, that I think we have a microphone issue at the side table. I do believe it is very hard to hear when anyone at the side table speaks, unless you happen to be sitting very close to it. So I know that, too. I know that is a mobile station over there. Whether there is a way for us to do something, thinking about increasing the microphone ability of the side table, at the least for Zoning and Planning, I think that would be something for us to look into with Chris (Karelus) or whoever.

SUPERVISOR LOGEL: Making sure it is turned on.

COUNCILMAN SCHULMERICH: Yes. One microphone, trying to cover five or six people, there's no reason why can't put a splitter on there with two or three other cheap microphones. Cheap doesn't necessarily mean they don't work, but they don't have to be \$200 microphones, so I think there is a way for us to do what the audience is asking for.

And I will agree, I normally sit back over there, and I struggle to hear, not because people are trying to withhold information, just their normal pattern of speech.

SUPERVISOR LOGEL: Just make sure, too, it is on. Sometimes it is not.

COUNCILWOMAN IGNATOWSKI: The code --

COUNCILMAN SCHULMERICH: I think you're right. I think there is an issue with the volume. There is an issue with projection. There is not one thing. I'm sorry, Councilwoman, I didn't mean to interrupt you.

COUNCILWOMAN IGNATOWSKI: I was ready to move on to the next thing.

COUNCILMAN SCHULMERICH: You're welcome to do so.

COUNCILWOMAN IGNATOWSKI: Code enforcement position, I know I had seen the Fire Marshal. I know that I was myself wondering on what the status was of getting that position filled.

CHRIS KARELUS: We're interviewing.

COUNCILWOMAN IGNATOWSKI: Okay. Thank you.

And I just was also wondering, are we now with the code getting sent so we can have a draft copy so that in some fashion --

SUPERVISOR LOGEL: So we can set a public hearing.

COUNCILWOMAN IGNATOWSKI: So we can set a public hearing. So everything has been sent to them and they will be producing that document.

SUPERVISOR LOGEL: I'm waiting for -- Chris (Karelus) finalized today -- Mr. Karelus finalized today his review, because he needed to read the information that he had. And he -- he discussed with Dennis (Schulmerich) last night, with Mr. Schulmerich last night the one thing that he wanted to bring up and now it is ready to go.

COUNCILWOMAN IGNATOWSKI: Okay. Great.

COUNCILMAN SCHULMERICH: So the consequence of that dialogue, just to be clear, we'll need to have some additional discussion. We have got the legislative side of the noise ordinance understood. As we were speaking earlier, we need to understand the enforcement consequences in terms of what it means for the Town and in conjunction with the law enforcement. We cannot put a -- we cannot put a code change like that into effect and not expect to it have cost associated with it, in terms of being able to be there when the noise is created if a call comes in after hours. We need to understand what the consequences of that are. So we'll need to have dialogue around how comfortable we are with that projection of cost. That could happen in parallel with the code being produced prior to public hearing and we can amend or make adjustments if we think we need --

SUPERVISOR LOGEL: And we have to deal with our Labor Counsel because of the fact that -- if we have a Union individual and call-out time means call-out pay, and then we're getting into time and a half and minimum four hours, and so all of that needs to be worked out how we want to logistically do it.

COUNCILWOMAN IGNATOWSKI: I imagine the Sheriff's Department would also want an opportunity to review it to see what their enforceability is.

COUNCILMAN SCHULMERICH: On the one hand we have a code, a proposed code that we think makes sense, now -- in terms of its content and what it is attempting to do. Now what we have to do is solidify the ease it can be enforced and at what cost. There has to be some alignment that can occur.

SUPERVISOR LOGEL: It has to go to General Code. And then during this process now, discussion and public hearing, then it can be tweaked and --

COUNCILWOMAN IGNATOWSKI: I would anticipate that there might be other modifications made to our code based on the public hearing anyway, so it is not set in stone.

COUNCILMAN SCHULMERICH: No. They can happen in parallel. We don't have to wait for the discussion.

COUNCILMAN SLATTERY: Has it been sent to the Sheriff's Department? I thought it

was agreed it should be.

SUPERVISOR LOGEL: I don't think Mr. Bergman has got it. It -- we're waiting for Chris (Karelus)'s final thing today. We're not holding it up for that. They will get their input during -- we'll put that in during the public hearing.

COUNCILMAN SLATTERY: As soon as they can get it, the better off it will be because of the time associated.

COUNCILWOMAN IGNATOWSKI: Just one other question I have, and I only bring this up because going door to door, I have many citizens ask about the status of this, with the Benderson proposal, with the Target coming into Wegmans, are they still going to go forward --

SUPERVISOR LOGEL: I have heard absolutely nothing. Nothing.

COUNCILWOMAN IGNATOWSKI: So just -- I have heard people say they would like to hear some status reports on some of these things. There has been no activity.

COUNCILWOMAN SPERR: If there has been lack of activity, who are we anticipating is driving that process, the developer or the Town?

SUPERVISOR LOGEL: I assume the developer would be driving the process. He has not come back with any of the final -- and -- his anchor buildings or whatever his anchor will be, anchor businesses.

COUNCILWOMAN SPERR: Do you think you could contact them and get some status update from them so --

SUPERVISOR LOGEL: Actually, we're in contact with them on another issue, so we have that -- so we have access on. We're working on another thing that they're in contact with us, so Mr. Karelus has been meeting with them.

The 9/19/07 Town Board meeting minutes were approved as modified.

**REPORTS SUBMITTED:**

Community Center Revenue Report -- September 2007  
Recreation Center Revenue Report -- September 2007  
Senior Center Revenue Report -- September 2007  
Conservation Board Minutes -- 7/30/07  
Drainage Committee Minutes -- 9/4/07  
Historic Preservation Board -- 9/10/07  
Library Board of Trustees Minutes -- 7/24/07, 8/28/07  
Town Clerk Report -- September 2007

**CORRESPONDENCE:**

1. Mr. Brongo has received formal notification from Pando Vasilovski owner of Pando's Family Restaurant located at 2771 Scottsville Road, Scottsville, NY 14546, that he has made an application for renewal of their Liquor License with the State Liquor Authority.
2. Mr. Brongo has received formal notification from Aliakmon, Inc. D/b/a Town & Country Family Restaurant of Chili located at 3205 Chili Avenue, Rochester, NY 14624 that they have made application with the State Liquor Authority for renewal of their current Restaurant Wine License no. 3127024.

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**TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:**

SUPERVISOR LOGEL: I know there was a couple calls today. I know there was no questions during the public hearing, but just a brief overview of what ADATOD means because there was residents calling in today concerned. This is just an addition to an existing ADATOD district that is in the Jetview area, and this is adding what is the Gottri building.

And Mr. Stowe, would you please explain ADATOD?

RICHARD STOWE: ADATOD is Airport Development Area Transportation Overlay District. It is an Overlay District that allows otherwise compliant districts -- in this case, I believe it is LI, to have additional overlay uses approved after the Planning Board has reviewed the suitability of the area for this sort of an overlay zone, and after this Board adopts the overlay zone and says that these additional uses are proper in this particular area, that its purpose simply stated is to provide for a proper environment to foster warehousing distribution facilities, truck terminals, motor vehicle sales services, parts distribution within a defined area around the Greater Rochester International Airport.

The -- the allowable uses within a ADATOD rezoned area, permitted uses: Warehousing and distribution facilities, truck terminals, motor vehicle sales, travel centers, tractor-trailer service repair type facilities, and there are other areas within this Overlay District that are on the Paul Road site, behind Lifetime Assistance, and in that general area, this would allow the similar overlay uses to be applied to that particular parcel.

SUPERVISOR LOGEL: Thank you.

RICHARD STOWE: Is that satisfactory?

COUNCILMAN SCHULMERICH: And one of the confusion people sometimes have, and I guess it is just a clarification of my understanding, the -- the initial zoning that the specific property had remains. This is essentially an overlay. It still remains LI with ADATOD overlay.

SUPERVISOR LOGEL: Even though the wording of the resolution says from LI.

COUNCILMAN SLATTERY: Supervisor, one question, the last sentence where it says the Town Clerk is hereby directed to modify the zoning map, the -- just -- I would also ask --

SUPERVISOR LOGEL: It's in process with -- I know what you're going to say. He was just in. The -- RLB?

COUNCILMAN SLATTERY: What was I going to say --

SUPERVISOR LOGEL: You were going to ask if RLB will be told about this and make sure they include it in this.

COUNCILMAN SLATTERY: Yes. We want to make sure no crayons are used for this.

SUPERVISOR LOGEL: Dick, do you have crayons?

RICHARD BRONGO: I won't use crayons.

COUNCILMAN SCHULMERICH: Or uncopyable colors.

RICHARD BRONGO: But just to make the Town Board aware, this is the third rezoning we have done on that map since we have issued it, and probably right after the 1st of the year, or at the Organizational Meeting I will have a resolution on there asking that we just update the entire map again so that --

COUNCILWOMAN SPERR: I think that was a suggestion that Councilman Schulmerich had made which was an excellent one.

COUNCILMAN SCHULMERICH: That makes sense to do an annual update.

COUNCILWOMAN SPERR: Thank you, Dick (Brongo).

**RESOLUTION #277 RE: Rezoning of the 997 Beahan Road from LI (Limited Industrial) to ADATOD (Airport Development Area Transportation Overlay District)**

**OFFERED BY: Councilwoman Ignatowski      SECONDED BY: Councilwoman Sperr**

**WHEREAS**, the Planning Board at their August 14, 2007 meeting approved by a vote of 7-0 the Preliminary site plan approval for the 997 Beahan Road (final site plan has been waived) and the Planning Board, as per Section 115-20.4 (c) recommends that this property be rezoned from LI (Limited Industrial) to ADATOD (Airport Development Area Transportation Overlay District).

**WHEREAS**, the Town Board on September 19, 2007 conducted a public hearing as required by its Zoning Local Law,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board, lead agent for State Environmental Quality Review Act purposes, has reviewed the environmental record with regard to this application and determines it to be an unlisted action and makes a determination of no significant environmental impact, and,

**BE IT FURTHER RESOLVED** that the recommendation of the Planning Board to rezone the parcels at 997 Beahan Road, from LI (Limited Industrial) to ADATOD (Airport Development Area Transportation Overlay District) is hereby approved, and,

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby directed to modify the Town Zoning Map, accordingly.

UNANIMOUSLY APPROVED

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**RESOLUTION #278 RE: ORDER ESTABLISHING THE EXTENSION CHILI CONSOLIDATED DRAINAGE DISTRICT TO SERVE THE PROPERTY LOCATED AT 2075 SCOTTSVILLE ROAD TAX MAP NUMBER 160.03-1-8, IN THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK**

**OFFERED BY: Councilman Slattery      SECONDED BY: Councilman Schulmerich**

**WHEREAS**, at a regular meeting of this Town Board held on September 5, 2007, Resolution # 241 was adopted approving an extension of the Chili Consolidated Drainage District to serve the property located at 2075 Scottsville Road, Rochester, N.Y. 14623, Tax Map Number 160.03-1-8; and

**WHEREAS**, the Town Board's determination that it is in the public interest to assess all expenses of the Chili Consolidated Drainage District, including this extension and all extensions heretofore or hereafter established, as a charge against the entire area of the district, as extended, was subject to a permissive referendum pursuant to Sec. 206a of the Town Law; and

**WHEREAS**, a notice of resolution subject to a permissive referendum containing an abstract of the Town Board's determination was published and posted as required by law; and

**WHEREAS**, no petition requesting a referendum has been filed;

**NOW, THEREFORE, IT IS ORDERED**, that the Chili Consolidated Drainage District is

hereby extended, as of this date, to include an area wholly located within the Town of Chili, County of Monroe and State of New York, pursuant to the terms contained in the Town Board Resolution # 241, dated September 5, 2007; and said area to be included in said extension is more particularly described in Schedule A which is attached hereto and incorporated herein by reference, and it is further

**ORDERED**, that the Town Clerk is hereby directed to certify a copy of this Order and forthwith cause said copy to be recorded in the Office of the Monroe County Clerk in which County the Town of Chili is situate and to forward a certified copy of the same (in duplicate) to the New York State Department of Audit and Control.

**Upon a call of the Roll of the Members of the Town Board of the Town of Chili:**

UNANIMOUSLY APPROVED

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**RESOLUTION #279 RE: ORDER ESTABLISHING THE EXTENSION CHILI CONSOLIDATED DRAINAGE DISTRICT TO SERVE THE PROPERTY LOCATED AT 2171 SCOTTSVILLE ROAD TAX MAP NUMBER 174.01-01-002, IN THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK**

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

**WHEREAS**, at a regular meeting of this Town Board held on September 5, 2007, Resolution # 242 was adopted approving an extension of the Chili Consolidated Drainage District to serve the property located at 2171 Scottsville Road, Rochester, N.Y. 14546, Tax Map Number 174.01-01-002; and

**WHEREAS**, the Town Board's determination that it is in the public interest to assess all expenses of the Chili Consolidated Drainage District, including this extension and all extensions heretofore or hereafter established, as a charge against the entire area of the district, as extended, was subject to a permissive referendum pursuant to Sec. 206a of the Town Law; and

**WHEREAS**, a notice of resolution subject to a permissive referendum containing an abstract of the Town Board's determination was published and posted as required by law; and

**WHEREAS**, no petition requesting a referendum has been filed;

**NOW, THEREFORE, IT IS ORDERED**, that the Chili Consolidated Drainage District is hereby extended, as of this date, to include an area wholly located within the Town of Chili, County of Monroe and State of New York, pursuant to the terms contained in the Town Board Resolution #242, dated September 5, 2007; and said area to be included in said extension is more particularly described in Schedule A which is attached hereto and incorporated herein by reference, and it is further

**ORDERED**, that the Town Clerk is hereby directed to certify a copy of this Order and forthwith cause said copy to be recorded in the Office of the Monroe County Clerk in which County the Town of Chili is situate and to forward a certified copy of the same (in duplicate) to the New York State Department of Audit and Control.

**Upon a call of the Roll of the Members of the Town Board of the Town of Chili:**

UNANIMOUSLY APPROVED

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**RESOLUTION #280 RE: ORDER ESTABLISHING THE EXTENSION CHILI CONSOLIDATED DRAINAGE DISTRICT TO SERVE THE CHERYL LYNN SUBDIVISION TAX MAP NUMBERS 144.08-1-1 AND 144.08-1-2, LOCATED AT 131 and 125 ATTRIDGE ROAD, CHURCHVILLE, N.Y. 14428, IN THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK**

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

**WHEREAS**, at a regular meeting of this Town Board held on September 5, 2007, Resolution # 240 was adopted approving an extension of the Chili Consolidated Drainage District to serve the property located at 131 and 125 Attridge Road, Churchville, N.Y. 14428, Tax Map Numbers 144.08-1-1 and 144.08-1-2; and

**WHEREAS**, the Town Board's determination that it is in the public interest to assess all expenses of the Chili Consolidated Drainage District, including this extension and all extensions heretofore or hereafter established, as a charge against the entire area of the district, as extended, was subject to a permissive referendum pursuant to Sec. 206a of the Town Law; and

**WHEREAS**, a notice of resolution subject to a permissive referendum containing an abstract of the Town Board's determination was published and posted as required by law; and

**WHEREAS**, no petition requesting a referendum has been filed;

**NOW, THEREFORE, IT IS ORDERED**, that the Chili Consolidated Drainage District is hereby extended, as of this date, to include an area wholly located within the Town of Chili, County of Monroe and State of New York, pursuant to the terms contained in the Town Board Resolution # 240, dated September 5, 2007; and said area to be included in said extension is more particularly described in Schedule A which is attached hereto and incorporated herein by reference, and it is further

**ORDERED**, that the Town Clerk is hereby directed to certify a copy of this Order and forthwith cause said copy to be recorded in the Office of the Monroe County Clerk in which County the Town of Chili is situate and to forward a certified copy of the same (in duplicate) to the New York State Department of Audit and Control.

**Upon a call of the Roll of the Members of the Town Board of the Town of Chili:**

UNANIMOUSLY APPROVED

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**RESOLUTION #281 RE: Chili Senior Center Enhancement Grant**

**OFFERED BY: Councilman Slattery SECONDED BY: Councilman Schulmerich**

**BE IT RESOLVED**, to modify Resolution #262 from the September 19, 2007 Town Board meeting to purchase a dishwasher rather than Bingo Equipment and;

**WHEREAS**, the Town of Chili has been offered a Grant from the Monroe County Office of the Aging for \$4000.00 and;

**WHEREAS**, the Director of Programs for the Aging has recommended utilization of said Grant, for the acquisition of a new dishwasher for the Senior Center, rather than the Bingo equipment originally requested.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Glad to see we're increasing the annual amount you can contribute to that, because I know I blew through mine in about five months, so...

**RESOLUTION #282 RE: Flexible Spending Account for Town Employees for 2008**

**OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski**

**WHEREAS**, the Town of Chili Flexible Spending Account (The "Plan") was adopted by a 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 2008, 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 \$2,500 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 administer the Plan reimbursements at a cost of \$2.65 per month (minimum of \$50/month) per Plan participant and a compliance fee of \$325.00.

UNANIMOUSLY APPROVED

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**RESOLUTION #283 RE: Revise Personnel Policy Section 8 – Health Care**

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

**BE IT RESOLVED**, Section 8, paragraph B is revised to read as follows:

- B. Coverage shall be made available under the following plans: Blue Choice Select, Preferred Care Community, Blue Choice Value, Blue Choice 25, Preferred Care Tri-Vantage and Preferred Care Basix. The Town shall have the right to self-insure or to substitute experience-rated or substantially equivalent plans. Effective January 1, 2008, for the calendar year 2008, the Town will pay the following maximum contribution towards the health insurance premium: Single - \$345; two person - \$660; parent and children - \$735; or family coverage - \$765, and the full-time non-union employee will pay, by payroll deduction, the balance of the premium cost, if any; or if they wish to pay the Town directly, the premium must be paid in advance by the 20th of each month preceding the period coverage.

UNANIMOUSLY APPROVED

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**RESOLUTION #284 RE: Application for a New York State Shared Municipal Services Incentive Grant**

**OFFERED BY: Councilwoman Sperr      SECONDED BY: Councilwoman Ignatowski**

The Town Board of the Town of Chili hereby authorizes Joseph L. Carr, Commissioner of Public Works/Superintendent of Highways to submit an application to the New York State Shared Municipal Services Incentive Grant Program for the 2007-2008 program year. The Town of Chili, as co-applicant, will support the County of Monroe, lead applicant, in all grant administration matters pertaining to this application.

The purpose of the application is to secure funds to purchase road maintenance equipment, to be shared/jointly used by the County and the Town of Chili to reduce equipment costs to both municipalities.

The maximum amount of funds applied for, through this program, is \$200,000. The County of Monroe will contribute the required 10% cash match (\$20,000) required, should an award be made.

**BE IT FURTHER RESOLVED** that the Town Board directs the Clerk of the Town of Chili to advise Monroe County DOT according.

UNANIMOUSLY APPROVED

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**RESOLUTION #285 RE: Community Development Grant – Purchase of Van**

**OFFERED BY: Councilman Slattery      SECONDED BY: Councilman Schulmerich**

**WHEREAS**, the Town has received a grant through the Monroe County Community Development Program for the purpose of purchasing a 12-Passenger Van to be used by the Senior Center;

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the Town Supervisor to execute the agreement with the County for this grant to be in the amount of \$22,000.00.

UNANIMOUSLY APPROVED

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**RESOLUTION #286 RE: Purchase of 12-Passenger Van**

**OFFERED BY: Councilman Slattery      SECONDED BY: Councilman Schulmerich**

**BE IT RESOLVED** to authorize the purchase, from NYSOGS Bid Contracts, one 12-Passenger Van, for use by the Recreation and Senior Center, from Hoselton Chevrolet, Inc. At a cost of \$21,134.49, to be paid from Account A6772.2 (Programs for the Aging-Equipment).

UNANIMOUSLY APPROVED

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**RESOLUTION #287 RE: Road Dedication of a Portion of Rio Grande Drive**

**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski**

**BE IT RESOLVED** a portion of Rio Grande Drive, as constructed under Section 6 of the Union Station Subdivision, be accepted for road dedication, and

**BE IT FURTHER RESOLVED** that, subject to the approval by the Engineer for the Town and the Counsel for the Town, that the necessary documents be executed and filed.

UNANIMOUSLY APPROVED

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**TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:**

**SUPERVISOR LOGEL:** There was a question, before we take the role call, um, about a portion of the Bellaqua Road. I don't have that answer, Mr. Carr. Do you have an answer on whether all of Bellaqua high -- this highway is being dedicated or what -- there is a private there. I'm not sure about the question.

**JOSEPH CARR:** Well, all of the roads in Bellaqua Estates are public roads.

**COUNCILWOMAN IGNATOWSKI:** So they will all be dedicated to the Town.

**COUNCILMAN SLATTERY:** Eventually, when they're completed.

**RESOLUTION #288 RE: Road Dedication of Bellaqua Estates**

**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski**

**BE IT RESOLVED** that Bellaqua Estates Drive, East Bellaqua Estates Drive, and Bellaqua Estates Court, all constructed under Phase I of the Bellaqua Estates Subdivision, be accepted for road dedication, and

**BE IT FURTHER RESOLVED** that, subject to the approval by the Engineer for the Town and the Counsel for the Town, that the necessary documents be executed and filed.

UNANIMOUSLY APPROVED

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**RESOLUTION #289 RE: Road Dedication of a Portion of Union Square Blvd.**

**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski**

**BE IT RESOLVED** a portion of Union Square Blvd., as constructed under Section 3B of the Union Square Subdivision, be accepted for road dedication, and

**BE IT FURTHER RESOLVED** that, subject to the approval by the Engineer for the Town and the Counsel for the Town, that the necessary documents be executed and filed.

UNANIMOUSLY APPROVED

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**RESOLUTION #290 RE: Road Dedication of a Portion of Knights Trail and Kings Way**

**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski**

**BE IT RESOLVED** that a portion of Knights Trail, Knights Trail West, and Kings Way all as constructed under the Maple Hollow Subdivision, be accepted for road dedication, and

**BE IT FURTHER RESOLVED** that, subject to the approval by the Engineer for the Town and the Counsel for the Town, that the necessary documents be executed and filed.

UNANIMOUSLY APPROVED

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**RESOLUTION #291 RE: Extension of New York State Snow and Ice Contract**

**OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich**

**BE IT RESOLVED** to authorize the Town Supervisor to execute an Agreement with the State of New York to extend the current 3-year Snow and Ice Control Agreement from July 1, 2009 to June 30, 2010. Said Agreement indicates an estimated expenditure reimbursement amount for the 2007/2008 season to be \$272,873.68.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: One clarification. I wasn't sure on this. I should have probably asked earlier. In this position, is he required -- is this provisional? Is he required to take a test?

COUNCILMAN SLATTERY: It is provisional.

SUPERVISOR LOGEL: It says, "provisional."

COUNCILWOMAN SPERR: Oh, right. Sorry. Sorry. I missed that word when I read it.

**RESOLUTION #292 RE: Deputy Fire Marshal**

**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski**

**BE IT RESOLVED** that David Saur shall be appointed provisionally, as Deputy Fire Marshal and shall be paid an annual salary of \$31,236.00 Grade 27 step entry, effective October 18, 2007, expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

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**RESOLUTION #293 RE: Authorization of Attendance to GVRPS**

**OFFERED BY: Councilman Slattery SECONDED BY: Councilman Schulmerich**

**BE IT RESOLVED** that Michael Curley, Director of Parks & Recreation, be authorized to attend the GVRPS (Genesee Valley Recreation and Park Society, Inc.) Conference on November 16, 2007, at the RIT Inn and Conference Center in Henrietta, NY at a cost of \$65.00, plus mileage.

UNANIMOUSLY APPROVED

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**RESOLUTION #294 RE: Budget Transfer**

**OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr**

**BE IT RESOLVED** to transfer \$5,000.00 from Account A1640.455 (Central Garage – Parks Vehicles) to account A7110.4 (Parks Contractual).

UNANIMOUSLY APPROVED

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**RESOLUTION #295 RE: Budget Transfer**

**OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr**

**BE IT RESOLVED** to transfer \$100.00 from A5010.2 (Highway Superintendent-Equipment) to A5010.4 (Highway Superintendent-Contractual).

UNANIMOUSLY APPROVED

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**RESOLUTION #296 RE: October 17, 2007 Abstract**

**OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich**

**BE IT RESOLVED** to pay vouchers 5252-5467 totaling \$122,574.33 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$ 48,465.21
Highway Fund	\$ 66,555.59
H43 2006-7 Annual Reassessment	\$ 2,472.80
Consolidated Drainage	\$ 3,874.87
Special Light Districts	\$ 1,205.86
TOTAL	\$122,574.33

APPROVED BY A VOTE OF 4 YES TO 1 NO (Councilman Slattery voted no.)

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PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on October 17, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:04 p.m. to discuss the rezoning of 997 Beahan Road from LI (Limited Industrial) to ADATOD (Airport Development Area Transportation Overlay District).

Attendance as previously noted in the 10/17/07 Chili Town Board meeting minutes.

No one was present to represent the property located at 997 Beahan Road.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

IRENE BRIXNER, 14 Hartom Road

MS. BRIXNER: Could you describe where that is, 997?

SUPERVISOR LOGEL: It's the old Gottri building.

MS. BRIXNER: Okay. That is what I wanted to know. Thank you.

The Public Hearing was closed at 7:04 p.m.

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

Jerry Brixner offered his public forum comment at this point in the meeting.

The meeting ended at 7:55 p.m.