

CHILI TOWN BOARD

October 18, 2006

A meeting of the Chili Town Board was held on October 18, 2006 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 Logel.

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

ALSO PRESENT: Richard Brongo, Town Clerk; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor; Joseph Carr, Commissioner of Public Works/Superintendent of Highways.

Joseph Lu, Town Engineer (excused); Dianne O'Meara, Director of Finance;(excused); John Ferlicca, Deputy Town Supervisor (excused).

This is a draft only and has not been filed according to Section 106 of the Public Officers Law. These are not certified verbatim minutes; they are a summary of the meeting. These minutes have not been approved by the Chili Town Board, and therefore, are subject to change.

The invocation was given by Richard Brongo.

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

PRESENTATIONS:

1. Plaque presentation to the Chili Fire Department for 75 years of dedicated service to the Town of Chili.

SUPERVISOR LOGEL: On behalf of the Town of Chili, we wanted to present the Chili Fire Department with recognition for their distinguished and dedicated service to the Town of Chili on their 75th anniversary.

SUPERVISOR LOGEL: We have the public forum. We have a no show for EduCable, so in case you're wondering why EduCable is not here. They came and checked out the facility with their cameras and everything the other day, but they're not here tonight. They were supposed to have been here at 6:30. We'll have to check and see why they're not here.

COUNCILWOMAN IGNATOWSKI: Did anybody contact them today to make sure they were going to be here?

SUPERVISOR LOGEL: I didn't call them.

COUNCILWOMAN IGNATOWSKI: I read the Gates-Chili Post. It looked like there was some confusion.

SUPERVISOR LOGEL: There was no confusion. Mr. Heeb (phonetic) wrote that. He was interviewed over a week ago. That is why he was confused, before the contract was signed. He was here. They knew.

COUNCILWOMAN SPERR: When was the contract signed?

SUPERVISOR LOGEL: I signed the contract yesterday. That is when they got it over here.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Five speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:24 p.m.

TOWN LIAISON REPORTS:

Conservation Report by Virginia Ignatowski

COUNCILWOMAN IGNATOWSKI: Conservation and Drainage have not met in that two-week time period. I did have a question I wanted to bring forth. I don't know if you want me to bring it up now or after your Matters of Supervisor.

SUPERVISOR LOGEL: Why don't you wait if it is not related to these.

Drainage Report by Virginia Ignatowski

(No report given.)

Historic Preservation Report by Mary Sperr

COUNCILWOMAN SPERR: We had a great meeting last week. Took an opportunity at the meeting to discuss the budget for that committee, and -- which will be slightly less this year than the previous year. I don't know if anyone saw today's Gates-Chili Post. I did bring it with me. There is a wonderful article in here about the -- interviewing Nathan and Karen Stefl from the Stefl House. They were given the award that I mentioned last month for historic preservation and they did a wonderful job on that house. They should be commended for their work. Hence, they were given the award by that group. I think it is wonderful.

If you get a chance to drive by, they're located -- the exact address? At 520 Paul Road. So that was wonderful.

It was previously owned by the Wilcoxes, too. They showed up at one of our Historic Preservation Meetings and we were discussing it and they were able to give us details about that.

What else did we talk about? That was about it. Quite a lot of planning is going into an event that the Historic Preservation Board will hold coming up in the spring. They're going to hold a forum event, still working out the details of inviting all of the Historic Preservation Boards and Historical Societies and they will host a forum on that. They will have more details as they firm up those.

They also will have their minutes of meeting forwarded to Michael Curley with recommendations to him for the Chil-E Fest for the coming year. That was about it.

Library Report by Michael Slattery

COUNCILMAN SLATTERY: Library meets the 24th.

Recreation Report by Supervisor Logel

SUPERVISOR LOGEL: Parks and Recreation met actually out at the Baker Property on October 11th to look at the site and look at the scare stations and where they're going to set everything up.

We're in a hold pat -- they are in a holding pattern at this point because of the fact that if it starts raining again this week and it is too wet, they will not be able to take the wagons out because it will destroy too much of the Baker Property, disk golf and everything that is out there. It will depend on how much more rain falls and whether we stay dry, if that takes place this weekend.

Traffic & Safety Report by Mary Sperr

COUNCILWOMAN SPERR: I guess it is my turn, because both of my groups met. We had a great meeting with Traffic and Safety. They reviewed the plans for the two Dunkin' Donuts that were discussed last night, but I will wait to hear from Dennis (Schulmerich) on the results of that meeting at the Planning Board.

They have been putting temporary signs up, not stop signs, all over different sections of Town and received quite a bit of positive response from the residents about the temporary signs up. They put them up for two weeks. Hopefully it has people slow down, pay attention to the intersection. They're taken down and moved to another location.

If any residents see further situations where they would like the signs to be put back up in a neighborhood if they were taken down or if they have a problem spot, call Joe Carr and he will put them on the list.

One of the other things that came up at the meeting, Joe -- he has purchased Stop for the Pedestrians in the Crosswalk Type signs, the tent type signs on the crosswalks. One is outside Chili Avenue, outside the Senior Center that you cross coming back and forth to the Chili/Paul Plaza.

I didn't really pay attention to how -- Joe (Carr), when we'll have that up? During certain occasions? I know it will be available during Chil-E Fest times.

JOSEPH CARR: Primarily the summer months.

COUNCILWOMAN SPERR: That is what I thought. It has nice reflective material on it.

SUPERVISOR LOGEL: Is that the little one that is 5 inches wide and bright yellow?

COUNCILWOMAN SPERR: Yes. They stand pretty tall. Some of the ones have "yield" on

theirs. We have "stop." Stop to allow them to come across. A little more strongly worded. And the other -- one of the projects that we're really going to look forward to in the future is the intersection of Union Street and Chili Avenue. There are more problems on those intersections than just the pollution of the signs out there, and there is a program that the State D.O.T. is working on. They're going to be able to put that intersection into their program and if this goes as planned and we can achieve the right-of-way acquisitions in 2007, it will be designed for improvements in 2008 with construction to begin and be completed by 2009, which is very good news for us.

If we were to try to put this intersection on the Transportation Improvement Program, it is a 10-year cycle. You have to get it on that program and then once you get it there, you have to try to get that project moved up the list to get it done quickly. If that comes to fruition, we'll be very, very happy. I drive through that intersection quite often. It is sorely needed. Is one of the intersections recommended for improvements during the Ballantyne Road Corridor Study.

Planning and Zoning Boards Report by Dennis Schulmerich

COUNCILMAN SCHULMERICH: Zoning Board meets next Tuesday. Planning Board met last night. There was one item of old business that was tabled because the applicant needs to do some follow-up work with the property prior to proceeding with the application.

There was also site plan review for Dunkin' Donuts that would be in the parking lot adjacent to McDonald's and that was approved.

Um, there was also the site plan for the ADATOD which we heard tonight.

And there was a site plan for an optics firm that will be opening in the Chili area, and that is located on Jet View Drive.

We had another Dunkin' Donuts application that was heard and approved that would be included in the Rice Service Station, so we'll have our fair share of donuts in Chili.

And let's see. Additionally, Jason Elliotto is resigning from the Planning Board, relocating out of Chili, from what I understand, and as a consequence to that, we'll be needing to find a replacement for him.

SUPERVISOR LOGEL: We're waiting for the official letter.

COUNCILMAN SCHULMERICH: Yes. I guess we have not received that yet. And then we're working on -- we're in the early stages of having some discussion to set up a workshop between the Planning Board, the Zoning Board and the Building Department to look at commonality of processes, practices and how to move into 2007 with some goals and efficiencies. So that is at the planning stages. I will be back to you next month with more information on that.

MATTERS OF THE SUPERVISOR:

SUPERVISOR LOGEL: I guess what I would like to do under Matters of the Supervisor, Mr. Stowe, is have you answer Mr. Miller's question regarding the SEQR.

RICHARD STOWE: Well, the -- I can address that. The -- the deed was, in fact, recorded. That's accurate. That is how the proceeds, check made its way to the correspondence list of last meeting's minutes.

The Supervisor has asked me to respond to the Board with regard to the SEQR process. I hope to be able to do that this evening. I don't have everything I need yet. I will probably be in possession of that prior to next month's meeting. So I will get my answer to the Supervisor and you can do with it what you will at that point. I should have it by next meeting.

SUPERVISOR LOGEL: Thank you. Ginny (Ignatowski), do you have a question?

COUNCILWOMAN IGNATOWSKI: Yes. Actually, it has to do with the code. I know that that was questioned, and I was actually planning on bringing that up myself this evening. Sometimes you guys steal my thunder. Wait a minute. I had that same question about the abstract.

SUPERVISOR LOGEL: I have an e-mail from them, from Tara Sheldon (phonetic) that said the draft copy will be in everybody's hands October 27th. That is from e-mail.

COUNCILWOMAN IGNATOWSKI: My understanding, with the conversation with Jeron (Rogers), that would cost additional money.

SUPERVISOR LOGEL: Red line addition.

COUNCILWOMAN IGNATOWSKI: Wasn't there some sort of information that was given to

CHILI TOWN BOARD MEETING - October 18, 2006

General Code to begin with from the Town. Like, "Dear General Code, these are what we're looking for for modifications"?

Because at this point, we haven't seen anything.

SUPERVISOR LOGEL: What she wants to -- what she is planning to give you is a rough draft of all of the documents, and a copy of what is existing, which you have already got.

COUNCILWOMAN SPERR: We have one section.

SUPERVISOR LOGEL: No, no, no. Your -- your real code book.

COUNCILWOMAN SPERR: Oh, that. I have that.

SUPERVISOR LOGEL: And she is planning on giving you everything through the 27th.

COUNCILWOMAN IGNATOWSKI: I guess I was just concerned, because earlier this week we got this e-mail saying they were ready to go to print on this, and I was like, "Wait a second."

SUPERVISOR LOGEL: She said that was a semantics problem.

COUNCILWOMAN IGNATOWSKI: We have not reviewed this yet, and I was curious if you had a chance to review it.

SUPERVISOR LOGEL: I had not either. That is why I called her today at home. She was working out of her home. I called her and said "But, Tara, we need a draft. We need to be able to see something. We're not going to vote on something that we have not seen and reviewed."

And she has taken things from Mr. Brongo's office. She has taken things from Mr. Kress when he was here. She has taken different input. Joe Carr, there was -- there were things regarding the highway, and all of that has been put in. So now please produce for us, and she will have everything in a form she said with a draft -- with a draft -- you know, shadowing of the word "draft" on every page so we can see and review. I said, "We're not voting on it until we see it and read it and review it."

The red line copy, I don't know -- I don't know if that was an understanding -- what you asked for, Mary (Sperr), is where she showed strikeovers. She said they did that as a courtesy on what chapter?

JERON ROGERS: Zoning, 115.

SUPERVISOR LOGEL: Which is the major chapter of rewrites anyway. But she said to do the rest, the quote would be to -- on the entire document would be that much money, \$4,000.

COUNCILWOMAN IGNATOWSKI: Couldn't there be some sort of documentation that was sent internally to the General Code from the Town to utilize instead of spending \$4,000?

JERON ROGERS: The information that was sent over to General Code, it was different information from different departments where things were going out to different people. They would mark that up. That information was turned over to General Code. It wasn't anything in a -- I guess a -- an organized per se fashion. You know, something that was typed up. It was a lot of handwritten stuff, marks, information from meetings that they had to analyze, to adapt into the code. Some sections were marked out. People had marked out, taken sections out of the code and marked that. So that is how they make those changes.

On the 27th, they will give you, us, a complete document, draft of the entire code. We have 45 days to review the code and get it back to them.

COUNCILWOMAN IGNATOWSKI: Within that 45 days, I would expect -- will we hold a public hearing in that time frame, as well? Any modifications, we just can't go out there and print the book without the public input. I would like to be able to have some sort of the document that the residents in this Town of Chili can be able to review to give their input on it. They won't sit there and go through a whole book. Isn't there some sort of synopsis --

SUPERVISOR LOGEL: I know the State changes -- what they did at the beginning of this, is they took the code book as it was and they went through all of the things that had to be changed, and -- all of the things had changed in the State. I said -- she said really those have all changed on the State -- we can look at them, but there is nothing we can do about, that we could have a say in because they're State changes. The changes that would be internal changes would be the ones that we'll have input on.

COUNCILWOMAN SPERR: Are we going to be able to tell which changes were required by the State, which caused us to change ours -- you have to understand the position we're in.

SUPERVISOR LOGEL: I'm in the same position. So I understand.

COUNCILWOMAN SPERR: We have been in this whole process -- but we don't work in the Town Hall every day. We have been in this process for two years, and I'm kind of losing patience. We

CHILI TOWN BOARD MEETING - October 18, 2006

paid \$10,000. What do we get for our \$10,000?

COUNCILMAN SLATTERY: Somebody telling you you have 45 days to review it.

COUNCILWOMAN SPERR: 45 days to review it and not providing me what I want and telling me it will cost me more. You can --

SUPERVISOR LOGEL: This is the way the company has functioned from day one. We keep asking them, calling them and calling them.

JERON ROGERS: Let me clarify, the money she is talking about is not additional money. That is not a plan change. That was money that they're asking for when they produce the draft. A partial payment when they produce the draft.

SUPERVISOR LOGEL: No. You're not -- she is talking about the \$4,000 quote for the red line addition. You're talking about the change order. There's no change order. I cleared that up with her today.

COUNCILWOMAN SPERR: Change order for today.

SUPERVISOR LOGEL: There was a form Jeron (Rogers) gave that said change order. I said no way, no change order on a dollar amount. It was just to get the third payment.

COUNCILMAN SCHULMERICH: Essentially what we'll receive is a draft that has the changes incorporated, but we'll have no way to compare what those changes are unless we sit and read both books, one line at a time.

JERON ROGERS: Basically that's it.

COUNCILMAN SCHULMERICH: Basically that's not acceptable.

COUNCILWOMAN SPERR: That's totally unacceptable.

COUNCILMAN SCHULMERICH: Completely, totally unacceptable. General Code Publishers does this for a living. Software is in place that enables them to do strikeouts. I can't believe we didn't negotiate a contract that didn't have the strikeouts incorporated. \$4,000 for strikes or additions with today's technology is absurd and we should not accept that.

COUNCILWOMAN IGNATOWSKI: Quite frankly, you have the memorandum written in 2004, and the process that is outlined in here was not being done. There was a five-step process suggested including several workshop sessions with those parties that were vested with it, having the public hearing on this. Having a general consensus and all of this before it went out to this -- where we're supposed to be at this point now.

COUNCILWOMAN SPERR: Do --

COUNCILWOMAN IGNATOWSKI: It was a five-step process.

COUNCILWOMAN SPERR: You have to understand the only discussions we have had have been the ones you seen us have at this Town Board meeting. This Town Board has not been involved in the code changes that are being proposed, even to General Code. I find it unacceptable that we don't know what is -- has even been sent in for us to take a look at going down the road.

COUNCILWOMAN IGNATOWSKI: I was anticipating something similar to what we received here (indicating) back in December of 2004. It is an editorial analysis where they went through.

SUPERVISOR LOGEL: That is all we have ever gotten.

COUNCILWOMAN IGNATOWSKI: This is all I had gotten, but I thought something comparable to this would then be, okay, this is now what the decision is. We're going to be changing this. We don't need to have an entire code book, going line by line to outline exactly Chapter 28, Residency Requirements, we're changing from this to this. Chapter such and such. It makes it much more readable. It is something we can print in hard-copy version and be able to send out there, so residents, once we set up a workshop, they could review it, put it on line. I won't ask us or the Town residents to go through line by line comparing two books.

SUPERVISOR LOGEL: I agree with you 100 percent. This is the only thing I have ever been given today. That is why I called her, and I said I have -- do not know what format this is going to be. I will have to call them and say we're not going to accept it this way. You will have to do the red line --

COUNCILMAN SCHULMERICH: When do they have another payment, do --

COUNCILMAN SLATTERY: Today's abstract.

SUPERVISOR LOGEL: It is in this abstract.

CHILI TOWN BOARD MEETING - October 18, 2006

COUNCILMAN SCHULMERICH: I would say --

SUPERVISOR LOGEL: We can take it out.

COUNCILMAN SCHULMERICH: I strongly suggest we don't give them another penny until we clarify what they will and will not deliver.

COUNCILMAN SLATTERY: Page 10. I had it highlighted.

COUNCILMAN SCHULMERICH: I don't buy the fact with Microsoft Word and other publishing software today that -- it is a click to get the strikeouts. Somebody needs to explain to me why it is \$4,000 to have somebody push a mouse button and click it once. Not buying it.

SUPERVISOR LOGEL: I agree with you.

COUNCILMAN SCHULMERICH: Not buying it.

COUNCILWOMAN SPERR: If it comes down to making additional copies, that is something we can do in our Town Hall for a fraction.

SUPERVISOR LOGEL: Believe me. She said the draft today would be one copy, and I would have to make you the rest. So I will be back on the phone tomorrow. Jeron (Rogers) will definitely be on the phone tomorrow.

COUNCILMAN SCHULMERICH: We have a meeting in two weeks. Could we have -- could we have some clarification of the process between now and two weeks from now that we'll have this resolved?

SUPERVISOR LOGEL: I think what I am going to -- I think what we'll do is get her in here to meet with Joe (Carr), Dick (Brongo), everybody that was involved in any way, because with all this time that has taken place -- and find out why we can't have it and how fast can we get it.

COUNCILWOMAN SPERR: Tracy (Logel), could I also ask if there are laws in the State that are prompting us to change our code book, those have to be listed in print somehow? But separate from even ours, if there are State laws that are changing, there should be some synopsis to at least give us that to allow us to compare.

COUNCILMAN SCHULMERICH: We really have three versions. We have the Chili version that is devoid of the New York State law changes. Then you have the required New York State Law changes, and we should be able to clearly and easily identify what those changes are based on what they do for a living every day of their lives.

And thirdly, we should have a copy that identifies, you know -- this stuff is easy. You color code it. Very easy to do. We're -- it is not rocket science here. We're asking people to do their job.

MS. NEDER: I believe the changes to the State Code --
(Supervisor Logel banged the gavel.)

MS. NEDER: -- were on line.

SUPERVISOR LOGEL: I didn't mean to be that loud.

COUNCILMAN SCHULMERICH: Little bird told me the changes are probably on line.

SUPERVISOR LOGEL: Most of them are in the building areas, the State ones. Most of the State ones are -- are building code requirements, fire code requirements.

COUNCILMAN SCHULMERICH: This is what General Code Publishers does for a living.

SUPERVISOR LOGEL: I have been telling you for a long time we just keep getting the run around, run around. When we hold the money up, that --

COUNCILMAN SCHULMERICH: We don't pony up the money until they pony up the work.

COUNCILMAN SLATTERY: I have a couple more questions on the Matters of the Supervisor.

COUNCILMAN SCHULMERICH: Was Mrs. Ignatowski done?

COUNCILWOMAN IGNATOWSKI: No, but we'll swing it down.

COUNCILMAN SCHULMERICH: With that topic?

COUNCILWOMAN IGNATOWSKI: Yes.

COUNCILMAN SCHULMERICH: Sorry.

COUNCILMAN SLATTERY: Mr. Rogers, the greenhouse on Union Street.

JERON ROGERS: That house is being remodeled.

COUNCILWOMAN SPERR: You're kidding.

COUNCILMAN SLATTERY: If they plan on doing it, they have not started.

SUPERVISOR LOGEL: They're supposed to bring plans before the Planning Board. Aren't

CHILI TOWN BOARD MEETING - October 18, 2006

they?

JERON ROGERS: I was told the house is being remodeled. I do believe that plans are coming in before the Building Department. That is the reason it has not been knocked down or any action taken against it. We are aware of that property.

COUNCILMAN SLATTERY: I appreciate that. I would like to see if they need to put up snow fence or something there that they can save – for the broken windows and so forth, the porch overhang, I'm concerned for the safety, because there are a lot of kids that hang out in that area. I just want to make sure the structure is sealed and safe.

COUNCILMAN SCHULMERICH: Do we have any type of legislative or monitoring ability to put a time frame in terms of what action is taken on the property? I can just foresee us hearing for months, if not years, a plan to remodel that building with no action for the builder? What are our options?

JERON ROGERS: It has been my experience that it is sometimes difficult to get the citizens to respond in a timely fashion when it comes to matters like this. So looking into this, I can look at a time frame and hopefully -- I will have something for you November 1st.

COUNCILMAN SLATTERY: In our code, there is -- I know Joe (Carr) has gone out and done things in the past. So there is action that can be taken. It is in our code. We have the ability to do it, and I think it needs to be done. Because it is going -- this goes into my next topic of the house that is out on -- next to the disk golf property. If anybody has any background.

SUPERVISOR LOGEL: He has been put in a nursing home. He has been placed in a nursing home, as I understand it. The cemetery association, Brian Pelkey, the attorney, has approached the family because they would like to buy that house, because they would like to make an exit from the cemetery there so they would have two exits, one on Stryker and one on Chili Scottsville Road so that when people go into the cemetery, they can circle back out and not turnaround. And they were told that as long as he -- they weren't quite ready to sell the property because he believes he is coming out of the nursing home and going back there. But that probably inevitably will not happen, but until they can make it so -- so Mr. Pelkey is working with -- with them regarding that house. Nobody is living in it. There are huge holes in the roof.

COUNCILMAN SLATTERY: Yes. Possibly a training site for the Fire Department.

The third thing I would have is the Chil-E Fest budget, have we -- I have asked Mr. Curley for that.

DAWN FORTE: Yes. We e-mailed him on 10/5.

COUNCILMAN SLATTERY: He is working on that. Thank you.

The last thing I have, is on Union Street, the new video store, this is for Mr. Rogers. They have an access and the Planning Board -- it was before the Planning Board. There is access for the video store and access for the park. In between them there was supposed to be a lawn area which is now a mud and a hole area. Can we check into that -- it is a dangerous condition. Somebody cutting that corner, bottoming out. If there is something that can be done with that.

JERON ROGERS: I will call you tomorrow.

COUNCILMAN SLATTERY: Thank you, sir.

SUPERVISOR LOGEL: Is that on the road, on the highway?

COUNCILMAN SLATTERY: It is in the lawn area, between the sidewalk and the curb.

SUPERVISOR LOGEL: Are you familiar with what happened there? You don't know?

JOSEPH CARR: I know of the condition. I don't know why it has happened. It should be corrected.

COUNCILMAN SCHULMERICH: Could we go back to General Code Publishers for 15 seconds?

SUPERVISOR LOGEL: Sure.

COUNCILMAN SCHULMERICH: Do we have a contract, a written contract with them that we had signed?

SUPERVISOR LOGEL: I would have to look and see. I'm pretty sure we have a contract.

COUNCILMAN SCHULMERICH: I would be interested to see the terminology of that contract and what they should be providing. If we signed a contract for unmarked-up copies, we need to assess the wisdom of how we sign contracts.

CHILI TOWN BOARD MEETING - October 18, 2006

COUNCILWOMAN IGNATOWSKI: A couple other things. Number one, I know Mr. Sweetman was requesting a report. First one I did. The second one I did not get to because I was going through the budget and a number of other things I have been spending a good four to five hours a day easily on Town stuff. It is in my pile. Once I get through the other pressing needs, I will be looking at that report.

The other thing is, I keep on bringing up an Architectural Review Board. I know you're hesitant about that. We have not had any discussion or e-mail. Perhaps there is a way of getting this started. If you can maybe even express what the concerns are so we can start looking at what those concerns are to see if we can address those. Perhaps exploring other towns -- I know other towns have this in some capacity because my husband has been before them. He designs homes and sometimes businesses. I know he has talked about being in front of them at the very least.

I know, Supervisor, you expressed concern, and I know that Dennis Scibetta has expressed concern about an Architectural Review Board. Perhaps to start the dialogue on the thing is to pass on to us what those are so we can move forward.

That along with an Ethics Board, I think perhaps we should be looking at reinstating that.

And continuing on with my request that we do something for advertising for the vacancy. Especially now we have a Planning Board vacancy. A lot of other committees, and I --

SUPERVISOR LOGEL: The Planning Board, two on drainage, one on library -- library --

COUNCILWOMAN IGNATOWSKI: Recreation.

COUNCILMAN SCHULMERICH: Recreation.

COUNCILWOMAN IGNATOWSKI: And plumbing. We have a tremendous number of vacancies. I know I sent an e-mail indicating --

SUPERVISOR LOGEL: I put it in two or three articles so far. Today, actually I was invited to the Legacy, which we'll all be invited to the ribbon cutting at the Legacy. They invited me out there and I was talking with one of the women working there who is a resident of Chili. "Oh, I would be very interested in the Library Board because that is the kind of thing I would like."

It is more one-on-one talking about our needs. It is one thing to put it in the article and one thing to run an ad which costs a lot of money and then no one reads those. If we're looking for that volunteer situation.

COUNCILWOMAN IGNATOWSKI: The last time we did that, right around this time last year, I know we had a number of people and George Brinkwart ended up on the zoning. He worked out well. He is -- he is just someone that none of us knew. He came out of the woodwork. I have been very impressed what -- what I have been reading in the zoning minutes about what he has been doing. I don't know what else to do the -- ask for bigger font, "People Needed."

SUPERVISOR LOGEL: Or just call it "volunteers needed again." I will put it in Friday.

COUNCILMAN SCHULMERICH: What is the possibility of a volunteer application form on the website?

SUPERVISOR LOGEL: That is easy to do.

COUNCILMAN SCHULMERICH: Chris Levey could probably craft one of those quickly. It would be a source of awareness to people that have an interest. Share your background and the boards that they're interested in. There would be a pool of candidates.

SUPERVISOR LOGEL: We just had an application from a guy named David Cross, someone who works in the town, I'm not sure who it was -- I think it was Michael Curley's --

COUNCILMAN SCHULMERICH: That is John(Cross)'s son.

SUPERVISOR LOGEL: John (Cross)'s son, apparently is an engineer and he is very interested.

COUNCILWOMAN SPERR: But there was some interest expressed in interviewing people who were interested on getting on the boards because we have a lot of openings. Now would be a good time. I believe Michael (Slattery) suggested this. We could start off the new year.

SUPERVISOR LOGEL: There aren't any applications other than David (Cross)'s now that are sitting open.

COUNCILWOMAN IGNATOWSKI: We had a couple for drainage.

SUPERVISOR LOGEL: I do? Do we?

COUNCILWOMAN IGNATOWSKI: It was the e-mail. You were sending off the

information to him.

SUPERVISOR LOGEL: That was David Cross.

DAWN FORTE: That was David.

COUNCILWOMAN IGNATOWSKI: No.

SUPERVISOR LOGEL: That was Drainage initially.

COUNCILMAN SCHULMERICH: I learned some things last night at the Planning Board. He initially started with an awareness on Drainage. Then he was crossed over as a possible candidate for Planning. I think we have the same name --

COUNCILWOMAN IGNATOWSKI: Oh, different purposes.

SUPERVISOR LOGEL: He is just willing to come forward.

I will do the article this Friday again and put it in next Wednesday's paper and put the volunteer application on the website.

COUNCILWOMAN SPERR: If it would make it more visible to call Chris from the newspaper and ask her to do an article separately just for that, instead of yours, that might be --

SUPERVISOR LOGEL: She is not here this evening.

COUNCILWOMAN SPERR: I don't see her, but --

COUNCILWOMAN IGNATOWSKI: I think perhaps that would draw more attention if it had its own headline title, volunteers needed, or -- or for committees.

SUPERVISOR LOGEL: Okay. Let's see if we can get her to do it.

COUNCILWOMAN SPERR: At the Historic Preservation Board, I didn't mention this in my report, but I asked them if they felt anyone from that board would be interested in serving on an Architectural Review Board, if they felt someone that hailed from that type of history background, and they felt that would be required for representation on that board, and they did say yes. We have someone from our Historic Preservation Board who would be interested in that, just as an additional comment to an Architectural Review Board.

Is there some process you would like to start Tracy (Logel) so we can move --

SUPERVISOR LOGEL: I don't know what the process is. I really need to look into this. Every Supervisor I talked to says you don't want to go that route. Until I get a clarification from them, I want to find out why we don't go that route. I will do what I do with Rich (Stowe), ask why. I will see if I can get answered -- you can put a resolution out to do something tonight, but I would rather you didn't until we find out why they're against it, what the drawbacks are.

COUNCILWOMAN SPERR: We have a lot of residents come to us and keep asking why we don't have that in Town. When we're asked that, I would like to at least have those answers myself.

COUNCILMAN SCHULMERICH: I took an opportunity to have lunch with one of the Monroe County Legislators that was on the Planning Board and Zoning Board in Greece and was probing how they handle issues like architectural review. They don't have an Architectural Review Board as he indicates. They have an Architectural Advisory Board that sits at the side table at Planning and they will make advisory recommendations to the Planning Board and thereby allow the Planning Board the decision rights as opposed to creating another board with decision rights.

The other board that participates, that I thought I had interest in, and I'm just mentioning it because I think we need to do more research, but they also have an Environmental Review Board that provides advisory support to the Planning and Zoning Boards on SEQR issues.

SUPERVISOR LOGEL: Environmental review?

COUNCILMAN SCHULMERICH: Environmental Review Board. Now, the growth rate in Greece may be such that it is not warranted in Chili, but those two advisory boards to Planning and Zoning do seem to be working well in Greece. That may be a way for it to start.

SUPERVISOR LOGEL: Do they have a Conservation Board also or did that come up --

COUNCILMAN SCHULMERICH: I honestly don't know that. I think they do, but I'm not sure.

SUPERVISOR LOGEL: We'll ask these questions and then discuss it. That is the way to go. That is the way to go.

REPORTS SUBMITTED

Parks & Recreation Master Plan Update Committee Minutes – 8/31/06

Planning Board Minutes – 8/15/06
Recreation Advisory Committee Minutes – 8/9/06
Town Clerk Report – September 2006
Traffic & Safety Minutes – 9/7/06
Zoning Board Minutes – 8/22/06

**RESOLUTION #257 RE: Application for a New York State Shared
Municipal Services Incentive Grant**

OFFERED BY: Councilman Slattery

SECONDED BY: Councilwoman Ignatowski

The Town Board of the Town of Chili hereby authorizes Christopher B. Levey, Director of Management Information Services to submit an application to the New York State Shared Municipal Services Incentive Grant Program for the 2006-2007 program year. The Town of Chili, as applicant, will be supported by the Chili Fire Department, co-applicant, in all grant administration matters pertaining to this application.

The purpose of the application is to secure funds to purchase computer equipment and software, to be shared/jointly used by both the Town of Chili and the Chili Fire Department. This hardware and software will allow for the electronic sharing and distribution of maps, building data, and fire marshal records in an effort to both reduce costs to both organizations and increase the level of service provided by both organizations.

The amount of funds applied for, through this program, is \$ 59,240.00. The Chili Fire Department will contribute half of the total required 10% cash match of \$5,924.00, or \$ 2,962.00. The Town of Chili will contribute the remaining \$ 2,962.00, should an award be made.

Approved by the Town Board of the Town of Chili this date: 10-18-06 Certification by Clerk:

UNANIMOUSLY APPROVED

**RESOLUTION # 258 RE: Application for a New York State Shared
Municipal Services Incentive Grant**

OFFERED BY: Councilwoman Sperr

Seconded by: Councilman Schulmerich

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 2006-2007 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 \$300,000. The County of Monroe will contribute the required 10% cash match (\$30,000) required, should an award be made.

Approved by the Town Board of the Town of Chili this date: 10-18-06 Certification by Clerk:

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: One thing I noticed in there, there is a typo. I don't think it has to be –

COUNCILWOMAN SPERR: You were supposed to bring that up before.

SUPERVISOR LOGEL: I know, I'm sorry.

RICHARD STOWE: It is simply the ADATOD. It says AD instead of OD.

COUNCILWOMAN SPERR: Okay.

COUNCILMAN SCHULMERICH: We have yet another Overlay District?

(Laughter.)

COUNCILWOMAN SPERR: One of the things I just want to make a comment on, under normal circumstances, we do not usually hold a public hearing the same night that it is also listed on the agenda to vote for a rezoning. And I questioned this earlier to myself today when I saw the agenda come back out and this was on there, because it is not my preference to ever vote for a rezoning the same night. But in light of this application where it is making use of a previous property and it is -- it doesn't have great impact to any of the neighboring areas and fits with our Master Plan, all of the questions are in line -- are answered that need to be answered to this application. So I just wanted to make sure that I made a statement that under normal circumstances we wouldn't rezone something this quickly, but it seems to make sense and there were no negative comments brought up last night at the Planning Board on this.

SUPERVISOR LOGEL: The other thing I would like to make note of is that this should have been done when the rest of the Jet View area was done.

COUNCILMAN SCHULMERICH: Should have been done blanket--

SUPERVISOR LOGEL: It was done in a blanket format. For some reason, this piece of property was overlooked. I don't know how it happened, but it did, and so now we have to do it.

COUNCILMAN SCHULMERICH: I just want to thank the applicant for choosing Chili. We appreciate your being here. Thank you.

COUNCILWOMAN SPERR: There are no other SEQR problems with this? We don't have anything else we have to worry about?

COUNCILMAN SCHULMERICH: SEQR was handled last night by the Planning Board.

COUNCILWOMAN SPERR: Handled by Planning.

RICHARD STOWE: It's in here, as well.

COUNCILMAN SCHULMERICH: They did SEQR on the site plan.

RICHARD STOWE: But the same submission was sent.

COUNCILMAN SCHULMERICH: For sake of clarity, I want to make a comment, from my understanding of SEQR, so there's no confusion in the audience, the SEQR that was handled by the Planning Board last night was for the site plan. And the SEQR that the Town Board is handling tonight is for the rezoning. Is that a fair interpretation?

RICHARD STOWE: That's true.

COUNCILMAN SCHULMERICH: Thank you.

SUPERVISOR LOGEL: Glad to see a building not being used put back in use and jobs being created, so thank you.

RESOLUTION #259 RE: Rezoning of 25 Airline Drive

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

WHEREAS, Kenworth of Buffalo's representative agent is in negotiations with Federal Express to purchase the property located at 25 Airline Drive, and they have made application to the Planning Board for rezoning of this parcel from LI (Limited Industrial) to LI (Limited Industrial) with ADATOD (Airport Development Area Transportation Overlay District), and,

WHEREAS, the Planning Board conducted a public hearing on October 17, 2006 on said application

CHILI TOWN BOARD MEETING - October 18, 2006

to rezone said premise to Limited Industrial with Airport Development Area Transportation Overlay District by a vote of five yes, and recommended rezoning, and

WHEREAS, the Town Board on October 18, 2006 conducted a public hearing as required by its Zoning Local Law,

NOW, THEREFORE, BE IT RESOLVED that the Town Board, as 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 environment impact, and,

BE IT FURTHER RESOLVED that the recommendation of the Planning Board to rezone the parcel at 25 Airline Drive, tax account #147.06-1-78 from LI (Limited Industrial) to LI (Limited Industrial) with ADATOD (Airport Development Area Transportation Overlay District) is hereby approved and the Town Clerk is directed to amend the Official Town Zoning Map, accordingly.

UNANIMOUSLY APPROVED

**RESOLUTION #260 RE: Letter of Credit Release King Forest Estates 5A
Release No. Final**

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

BE IT RESOLVED that per recommendation of the Town Engineer, the remaining balance of \$31,051.37 should be released from the letter of credit with M&T Bank (#SB-905743-2000) for King Forest Estates 5A; subject to engineering fees and street light bills to the Town, leaving a balance of \$0.00.

UNANIMOUSLY APPROVED

**RESOLUTION #261 RE: Letter of Credit Release Red Bud Subdivision
Release No. 5**

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

BE IT RESOLVED that per recommendation of the Town Engineer, that \$17,110.09 should be released from the letter of credit with Canandaigua National Bank (#1101300557) for Red Bud Subdivision; subject to engineering fees and street light bills to the Town, leaving a balance of \$15,000.00.

UNANIMOUSLY APPROVED

**RESOLUTION #262 RE: Establish Letter of Credit for Union Station
Subdivision – Section 7**

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that per recommendation of the Town Engineer, a letter of credit be established for Union Station Subdivision – Section 7 in the amount of \$228,440.89.

Items within the letter of credit include, but are not limited to, full depth construction of roadway,

CHILI TOWN BOARD MEETING - October 18, 2006

construction of an internal storm sewer system, erosion control measures, earthwork, street trees, right-of-way monumentation, street lighting poles, and the preparation of record plans to be submitted to the Town.

Additional provisions included within the letter of credit are a 10% construction contingency, a 5% contingency for Town Engineering inspection services and a 1% contingency for Town Administration.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: I got back finally at 3 o'clock this afternoon a fax from the Pogel-Schumnal appraisal firm for \$1500; and the Travis, John Travis one has not -- he just connected with me yesterday, so he hasn't sent his back in. That is one reason why there was no amount in here. I consulted with Linda (Leach), and no amounts had gotten back to us, and the only reason for wanting to put this on there is because if we proceed with the plans for the property, in the center of town, if that all goes that Benderson is proposing, we need to know the appraised value of that property, and I know the Fire Department is in the process of having their property appraised, separate from ours and we need to have an appraised value of commercial property.

COUNCILMAN SLATTERY: Do you think this is premature to do it now?

SUPERVISOR LOGEL: The resolution is there to -- so we can do it when we need it.

If you wait until this comes up, then you have to wait for the Town Board meeting to pass the resolution. You know, you lose 30 days at least in the process.

COUNCILWOMAN SPERR: Did his fax state the time frame in which that \$1500 was effective? With what -- what if we don't need to do it for six to nine months from now?

COUNCILMAN SLATTERY: Or a year.

COUNCILWOMAN SPERR: It doesn't seem to make sense. Plus, if you look at assessment, it is only as good as the day it is done. If we use that dollar amount, 12 months later it is not worth anything and we'll have to go back and do it again.

SUPERVISOR LOGEL: I would hope this project being proposed is not going to be a year down the road. We're not going to be tied up that long.

COUNCILMAN SLATTERY: How long have we been discussing it so far?

SUPERVISOR LOGEL: I hope not forever. It keeps too many people up in the air all of the time. My purpose in putting it on here, so we could have it on the books, so we could be ready to go with it, so we can -- because we need to have it done. We would need to know exactly what we're dealing with, dollar wise, what is the real value of that property. Because it is commercial property. It is GB. It is in the center of Town. It is highly valuable and we need to have some idea of what it is we're working with.

COUNCILMAN SLATTERY: What type of appraisal would they be doing? Would they be doing one -- I mean the buildings would be useless, so would they be looking at the land?

SUPERVISOR LOGEL: Just the land. The value of the land for commercial development. That is what we asked for.

COUNCILMAN SCHULMERICH: So from my point of view, um, there are a couple of elements to this that I think are important. Up to now, the proposals we have been dealing with have been brought forth by developers. It seems to me that if we believe the center of town, the property -- the Town-owned land across from Chi-Paul Plaza is something that we want to build into a plan, it seems to me there are at least three elements that our Director of Planning should be pursuing. The first would be the concept of an appraisal and the scope of an appraisal, making sure in the contract we know what we're getting. Quite frankly -- maybe we don't do it in the public sector -- in the private sector we usually get more than one appraisal so we have some confidence in the integrity of the appraisal.

The second element I think the Town needs to attack, and again, I believe it should come from the Planning Department, would be the process that we need to follow to enable us to build on that

CHILI TOWN BOARD MEETING - October 18, 2006

land. We have got government grants that have gone into the land back there. There will be approvals required for us to build. I think we need to have a process understood, and the approximated time frame that the Town determines, not a developer. The developer's information is data, but they're not making the decisions for the Town.

The third element I think the Town needs to pursue through the Planning Board is a survey of the interested landowners above and beyond what we currently own to determine the viability of moving forward, because we can roll up all of the dollar figures we want on the property we own, but if there is absolutely no interest on the part of the Fire Department to relocate and we have a house sitting on the corner of Chili Avenue and Old Chili Scottsville Road. They play into this. So the Town should be driving this process, not the developers. So I -- so I -- whether we agree or disagree with the timing of the appraisal tonight, I believe we should charge the Director of Planning & Engineering with those three issues to come back to the Town Board so we start determining what our future is as opposed to letting the developers tell us what they can do for us. I appreciate what they have done. I appreciate their input. It is very good to have, but it is just data. If their data is what we take to make our decisions on, then we, in fact, are empowering them to move the direction we're coming in.

SUPERVISOR LOGEL: We have no idea. When we hear them -- or heard the presentation that Mr. Benderson made, we have figures without any idea what we're sitting on for value. I think it is highly valuable. I think that we need to make sure that we're getting -- if we -- if we ever did proceed with it, we were getting apples for apples.

COUNCILMAN SCHULMERICH: Fair market value.

SUPERVISOR LOGEL: Exactly. What it is worth.

COUNCILWOMAN SPERR: What does concern me is to hear what you have gotten -- I don't know what you have told Pogel you would like to have him do or how to do it, but it concerns me that I asked some questions about this, and -- on the average, the appraisals run any where from 2500 to \$3,000 and yet he told he would be 1500.

SUPERVISOR LOGEL: That is the estimate I got. I can send Dawn (Forte) in to get it off my desk. I don't have the details in my head. It came in late this afternoon.

COUNCILWOMAN IGNATOWSKI: Perhaps because we're not trying to get an appraisal on the buildings.

SUPERVISOR LOGEL: I just asked for the -- I just asked for the commercial land value that that -- fair market value. That is exactly what I asked for. Very simple. I didn't go into a lot of details. I just said I want the fair market value for this land that is zoned GB and has commercial value for commercial development.

COUNCILWOMAN SPERR: Okay. Since we have so many questions tonight, could I pose that we hold off on voting on this and table this until our next Town Board meeting so you can hear from John Travis, and at least we can -- I don't think it is going to hurt anything to wait two weeks. I'm not in that great a hurry. It would allow the Planning Department to look at it and maybe come back with some type of suggestion. Is two weeks enough time for you to do that, Jeron (Rogers)?

JERON ROGERS: Yes. That would be enough time.

SUPERVISOR LOGEL: That is a lot of stuff for two weeks.

JERON ROGERS: We can do it.

COUNCILMAN SCHULMERICH: And we'll have something in writing? A report?

COUNCILWOMAN SPERR: Sketch something out.

COUNCILMAN SCHULMERICH: Something to hold onto. Documentation is always good.

COUNCILMAN SLATTERY: Supervisor --

COUNCILWOMAN IGNATOWSKI: We'll be -- be looking at exploring the opportunity, or possibility of going with multiple appraisals per the suggestion of Schulmerich?

COUNCILMAN SLATTERY: Councilman.

COUNCILWOMAN IGNATOWSKI: Councilman. Councilman Schulmerich.

SUPERVISOR LOGEL: I went to Linda (Leach) and said who do we -- what firms out there are commercial appraisers that are well known in the community and have a good reputation? That is what I asked for.

COUNCILMAN SLATTERY: I think we also needed somebody who is familiar with GB. I'm concerned with some of the outside work that we had in the past where they weren't in line with what

CHILI TOWN BOARD MEETING - October 18, 2006

we were asking. They did the job, but I don't want somebody who is familiar with residential real estate to give us something with GB.

My next point would be, has Counsel reviewed any documentation that we asked of the appraisers when we submitted a bid to make sure that we are covering ourselves because of his experience in real estate, or does he need not to?

RICHARD STOWE: I haven't. I can -- I can tell you I am familiar with both of these firms. And I can tell you they're -- they're legitimate commercial appraisal firms that frankly, we have encountered as appraisers and engaged as appraisers in our tax review proceedings for commercial properties that the Town is involved with from time to time.

COUNCILMAN SLATTERY: Thank you.

RICHARD STOWE: So I'm familiar with the firms. I have not seen the contract.

COUNCILMAN SCHULMERICH: So -- so I am left with a perspective that if -- if, in fact, as a Board we feel there is -- there is value in getting a spot estimate and what we think the value of that land is worth, I'm okay with a credible single point estimate at this point with the recognition if there is any significant period of time between when we get that appraisal and when we do something with the property, we're probably going to have to go out and get it reappraised to confirm. I do think there is value in our having an independent assessment of the value of the land because if we're confronted with numbers by any developer, we need to be comfortable that we understand the credibility of the data. I think if we do move forward to assess it now, we need to be clear with ourselves and to our constituents that we may come back with another resolution at some point down the road for yet another appraisal to just confirm that we're getting fair market value. If that is understood, that we may do it now, and we may do it then, if that ever occurs, then I'm okay with it. But if we think this is the only time for an appraisal, I would rather wait until we get closer to a sale, if one were to occur.

SUPERVISOR LOGEL: We can table or hold.

COUNCILWOMAN SPERR: I would move to table this until our next Town Board meeting. We can at least get another assessment and take another look at it. I'm not happy rushing into this without all of the pieces and components put together. It concerns me. If they're -- we're just having these quick verbal conversations here. I would like to make sure we have a written scope of what exactly -- from their terminology, exactly what we can expect from them, or any other firm that we would use.

SUPERVISOR LOGEL: As I said, it hasn't come in. I hope to have it by this afternoon, but they haven't come in yet.

COUNCILWOMAN SPERR: I would also like to make sure they do an appraisal as each individual parcel and as a whole. What if someone comes in with a proposal and we were able -- we decide we want to do this, for example. We have our fields. What if they only want to build on the field but not the rest of the property? We don't know what each individual piece was assessed at unless we ask that. I haven't heard you say that tonight.

SUPERVISOR LOGEL: We talked about one 31-acre parcel. That's it. The whole piece. There is a motion the table to table. So I need a second?

SUPERVISOR LOGEL: I can second it.

COUNCILMAN SLATTERY: Okay.

SUPERVISOR LOGEL: I will second it.

COUNCILWOMAN IGNATOWSKI: This way we have time to get the other estimate.

COUNCILMAN SLATTERY: And we can wait on Mr. Rogers' providing that information back to us.

COUNCILMAN SCHULMERICH: I want to clarify that before we vote on this. The three things I'm asking from the Director of Planning & Engineering is the scope of the appraisal. The second issue is the process that will enable us to build on that land, whether there are any barriers or hurdles that we have to deal with to be able to bulldoze and build. In other words, clearing any authorizations or approvals that -- parks that are involved, or --

SUPERVISOR LOGEL: Federal dollars.

COUNCILMAN SCHULMERICH: Federal dollars. I don't know all of the hooks. That is what --

SUPERVISOR LOGEL: Environmental issues.

COUNCILMAN SCHULMERICH: Yes. Any -- any element that would prevent us from sending a bulldozer in there.

The third is an understanding from the Town's point of view, in terms of how we might acquire information about the interest of involved landowners to use -- to acquire the property that we need to do this.

SUPERVISOR LOGEL: You're talking Mrs. Longbine's?

COUNCILMAN SCHULMERICH: Particularly the -- all of the Fire Department property. Not just where the building is. All of the Fire Department property and the Longbine property.

COUNCILWOMAN IGNATOWSKI: When they do the appraisal, will consideration be taken to have the costs for demolishing the existing structures for the possibility if there is something over there at the Highway Department? Because that is factored into the cost for developing that parcel.

SUPERVISOR LOGEL: Well, it wasn't factored into the cost given to us that night. What was given that night was just the cost of the building that Ogden built five years ago. The cost of the building that Greece built two years ago and the cost of the parks down in Gates three years ago. The only costs was just the cost of the building. There was nothing for moving dirt, building highways, doing electrical water, so there is a whole myriad of factors that have to be looked at.

Basically because there was conversation, because someone asked me, "Do you know how much that land is worth?"

And I said, "No, I don't."

Because the Fire Department has decided that they're doing an appraisal, I felt it was really important that we also have an appraisal because then we know -- and Mrs. Longbine, I am sure, has had appraisals because she has had four or five offers on her property.

So we basically know it is highly valuable land. And do we as a Board really want to do anything about this land? I mean, we have our Senior Center there. Our seniors love it there. And we have got good parks there and land, but we all want to move the highway garage, and that is something we know we need to do.

Environmental issues or not with the highway garage -- Joe (Carr), we know we have environmental issues, but they're not insurmountable. Why am I picking on you? Because you need a new highway garage.

JOSEPH CARR: Yes, we do.

SUPERVISOR LOGEL: And because I have wanted to get the kids -- the trucks away from the parks since back as far as 1989. Okay? So...

COUNCILMAN SLATTERY: What are you doing? You have to move a federal--

SUPERVISOR LOGEL: I know. Tell me about it. Tell me about it. This is an ongoing thing. It is like pulling teeth. So that is all. So let's vote to table.

RESOLUTION #263 RE: Appraisal of 3235 Chili Avenue

OFFERED BY: _____

SECONDED BY: _____

BE IT RESOLVED that Supervisor Logel is hereby authorized to negotiate and sign a contract with Robert Pogel SRA, of Pogel-Schummal Appraisal Firm or John Travis, of Midland Appraisal, to perform an appraisal on the property located at 3235 Chili Avenue.

Motion to table:

OFFERED BY: Councilwoman Sperr

SECONDED BY: Supervisor Logel

On the motion to table: UNANIMOUSLY APPROVED TO TABLE

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: I would like to ask we have a moment of silence for her. Luella

CHILI TOWN BOARD MEETING - October 18, 2006

(Shearing) was a crossing guard for all three of my daughters going to Paul Road School, and the one thing I remember, is that you could come down at the end of Red Bud and she always waved and she always smiled, and I will tell you the kids loved her because they all got a hug every morning before they crossed that road. She definitely did impact the life of the Chili residents.

RESOLUTION #264 RE: In Memory of Luella Shearing

OFFERED BY: Supervisor Logel

**SECONDED BY: Council Members
Ignatowski, Schulmerich,
Slattery and Sperr**

WHEREAS, on Saturday, October 7, 2006 Luella Shearing passed away and we are deeply saddened by her loss, and

WHEREAS, Luella who served as a School Crossing Guard for the Town of Chili for 31 years until her retirement in 1999 will be remembered for her dedicated service which impacted the quality of life for countless Chili residents:

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Chili hereby extends their deepest sympathy to Luella's entire family and orders that this resolution be entered into the minute book and a certified copy be sent to her family.

UNANIMOUSLY APPROVED

RESOLUTION #265 RE: In Memory of James Widener

OFFERED BY: Supervisor Logel

**SECONDED BY: Council Members
Ignatowski, Schulmerich,
Slattery and Sperr**

WHEREAS, on June 11, 1967 Marine PFC. James E. Widener's helicopter was shot down over

CHILI TOWN BOARD MEETING - October 18, 2006

South Vietnam at which time he was presumed dead;

AND WHEREAS, until recently PFC. Widener's body had not been identified;

AND WHEREAS, PFC. Widener has now been positively identified and will now be put to rest in Arlington National Cemetery on November 3, 2006;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Chili hereby extends their deepest sympathy to the Widener family and sets aside this page of the minutes from this Town Board Meeting in his honor, and will now take a moment of silence in Mr. Widener's memory.

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to send a copy of this resolution to the Widener family.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: They are nice people.

RESOLUTION #266 RE: Chili Fire Department 75th Anniversary

OFFERED BY: Supervisor Logel

**SECONDED BY: Council Members
Ignatowski, Schulmerich,**

Slattery and Sperr

WHEREAS, the Town Board and the Town of Chili understand and appreciate the valuable service that the Chili Fire Department provides to our community;

AND WHEREAS, the Chili Fire Department has celebrated its 75th Anniversary of providing those services to our grateful community;

NOW, THEREFORE, BE IT RESOLVED that the Town Board and the Town of Chili recognize the Chili Fire Department for their constant dedication, support, response and willingness to help in whatever ways they can to meet the needs of our community.

BE IT FURTHER RESOLVED that the Town Board and the Town of Chili wish to thank and congratulate the Chili Fire Department for their 75 years of service.

BE IT FURTHER RESOLVED that the Town Board dedicates this page to the Chili Fire Department in celebration of their 75th Anniversary (1931 – 2006).

Approved by the Town Board of the Town of Chili this date: 10-18-06 Certification by Clerk:

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Um, first off, Supervisor, do -- the one question I have is in regards to the wording of this resolution that calls him Code Enforcement Officer.

SUPERVISOR LOGEL: Yes.

COUNCILMAN SLATTERY: My concern is with his title being Part-time Fire Marshall. Is that an issue, or concern?

SUPERVISOR LOGEL: Under the law, starting in January, it isn't. So was this verbiage --

DAWN FORTE: The verbiage was given to us by CEDAR.

COUNCILMAN SLATTERY: Did they know what Scott (Miller)'s position is with this the Town?

DAWN FORTE: Yes.

COUNCILMAN SLATTERY: They're okay with this?

DAWN FORTE: They're the ones that gave us this to write-up, so yes.

COUNCILMAN SLATTERY: I think it is a very good thing. I know there are other municipalities, towns, villages and so forth that partake in this. My one concern is training with the structures and so forth, does he have that background? I know he -- the Fire Marshal --

JERON ROGERS: Yes, I would think that he does that have background.

COUNCILMAN SLATTERY: I think we want to know.

My next concern -- my next concern is does he do this on a regular basis and feel comfortable going into that situation in -- granted he may take the same test and may have the same -- take that same training and so forth. My concern would be going into something and it is not something he does on a general basis and is comfortable doing it.

SUPERVISOR LOGEL: I know he's comfortable doing it. He's very well aware of it and knows about it. I know he has agreed to doing it.

COUNCILMAN SLATTERY: He is still going to be under our insurance. We still have liability. I want to make sure that -- I think he is doing a great thing. I know there were some towns here that sent people down to the Southerntier when they had the flooding, and I just want to make sure that we're comfortable with it. Not knocking Scott (Miller), Mr. Miller in any way. It is just I want to make sure that our bases are covered and we are comfortable with it, as well.

CHILI TOWN BOARD MEETING - October 18, 2006

DAWN FORTE: I have documentation from Scott that he requested to be put on this.

COUNCILMAN SLATTERY: Which was all sent to us, as well. Originally we were just given the one sheet with the resolution, and then there was follow-up paperwork afterwards.

DAWN FORTE: Right.

COUNCILWOMAN IGNATOWSKI: The one question I had is, if the Town is in a position -- say we're in a very busy building season and we can really not afford staff wise for him to go, are we going to be able to say you really can't, um, lose a person right now because we're too busy, or will they say, regardless, we need them, tough luck?

SUPERVISOR LOGEL: I don't have the answer to that question. I can tell you that when the New Orleans situation was going on, and I -- I had a point where one of our employees requested to go there, I said, "We can't afford for you to go now," because we did not have any back-up for that individual and we couldn't spare them. So that is a question I would have to inquire. But I don't think -- I don't think that that is an issue. One of the things is this -- and Chris (Fish), you can correct me if I am wrong, but as I understand it with this, it is much like all of the other training that we're having to suddenly pick up.

I mentioned it the night of the firemen's dinner, that the Fire Department is having to pick up extra with the NIMS and the bio terrorism distribution, the PODS and this. We're being called on as communities to step up to the plate because the government, the federal government on down wants every community, regardless of size, able to respond to these disasters and situations that are potentially -- could occur and potential dangerous situations.

I think America, and you -- you know, you all are aware of this, but we have never been in the situation we're in now. It is something that -- in all of our years of growing up, we have never had the -- the freedom from -- fear was something we didn't have. Now we have it. We need to be ready for the potential things that can happen. We're surrounded with it, and this is something that just fits into the overall plan.

COUNCILWOMAN IGNATOWSKI: That was just my one concern. Having the personnel be yanked if it is against their wishes.

SUPERVISOR LOGEL: I don't think that would happen.

COUNCILMAN SLATTERY: Do you want me to answer that? I can -- I asked that question of other municipalities, and the answer was -- giving an example with the flooding that took place down in the Southerntier. What happened was -- like I say, a gentleman would go down, he would leave on Sunday. He would be coming back Tuesday night. It depends upon how severe that storm is or the damage and how long they need them. They don't keep them down there for two weeks at a time. They try to cycle them through with the various municipalities that participate throughout the country. So they're -- so they're there for a limited amount of time.

But my concern would be, as Tracy (Logel) mentioned, with what happened down south, and having someone go in -- especially since we don't have the Code Enforcement Officer now, and then we're looking at the structure of our Building Department.

SUPERVISOR LOGEL: Well, technically we do have code enforcement. Both Mr. Scibetta and Mr. Chiro (phonetic), Mr. Christian and Mr. Miller are all capable.

COUNCILMAN SLATTERY: What I meant was we lost -- we lost one person.

SUPERVISOR LOGEL: Chris (Fish), you wanted to -- I would like to call on you for clarification.

MR. FISH: Just to support Councilman Slattery's comments with regard to the ability to opt out, if you will, under hardships, there was a mutual aid plan that we just enacted with the areas in the Buffalo Niagra and Erie areas. We had crews there since Friday night and just returned yesterday morning. We could if we weren't able to -- to insure our Town is not being taken care of, we wouldn't have sent anybody else but we had the ability to send a crew down there and help for the last three or four days. So again, under extreme duress and situations, but not where I would leave you without the ability back here either.

COUNCILMAN SLATTERY: Mr. Fish, so we had crews from Chili in the Buffalo area?

MR. FISH: That's correct. Chili had a crew there from Friday evening to yesterday morning, and Clifton also assisted with a crew that went up on Monday -- or Sunday afternoon and came back Monday.

CHILI TOWN BOARD MEETING - October 18, 2006

COUNCILMAN SLATTERY: I think you should be applauded for that. Thank you. Wow. (Applause.)

COUNCILMAN SCHULMERICH: Question regarding -- just for point of understanding. Some -- someone is called on mutual aid like this and they happen to be a Town employee; if they go to another municipality, I assume we continue to pay their salary while they're gone. Is that a fair assumption?

SUPERVISOR LOGEL: My assumption, yes.

COUNCILMAN SLATTERY: Per documentation, yes.

RICHARD BRONGO: The role call, Rich (Stowe), the certification that is part of this resolution, should it be part of the resolution, or should it be --

RICHARD STOWE: You're certifying it was passed. Doesn't have to be part of the resolution.

RICHARD BRONGO: I would prefer it not to be part of the resolution and then I will certify it.

COUNCILWOMAN IGNATOWSKI: Do we need to modify the resolution?

RICHARD STOWE: No. It was a point of order for the future.

RESOLUTION #267 RE: CEDAR Team Mutual Aid

OFFERED BY: Councilman Slattery

SECONDED BY: Councilwoman Sperr

Town of Chili, County of Monroe, State of New York

I, Richard J. Brongo, Town Clerk of the Town of Chili, County of Monroe, State of New York, do hereby certify that at a regular meeting of the Town Board of the aforesaid Town of Chili, on the 18th Day of October, 2006 at the Town Hall, 3333 Chili Avenue, Rochester, New York 14624, the following resolution was adopted, every member present voting therefore, to wit:

WHEREAS, in the event of a disaster, many communities do not have enough sufficiently trained Code Enforcement Officials to inspect buildings affected by such disaster; and

WHEREAS, Codes Division, in partnership with the New York State Building Official Conference, has a program to render volunteer assistance to disaster stricken communities known as CEDAR (Code Enforcement Disaster Assistance Response); and

WHEREAS, the Town of Chili supports the CEDAR program and supports the participation in the program by code enforcement officials employed by the City who meet the qualifications of CEDAR; and

NOW, THEREFORE, BE IT RESOLVED that Code Enforcement Officer Scott Miller are authorized to submit application for membership to the Code Enforcement Disaster Assistance Response program and to complete the necessary training; and

BE IT FURTHER RESOLVED that the Town of Chili agrees to provide indemnification and insurance coverage for said Code Enforcement personnel while acting as part of the CEDAR Team for mutual aid purposes.

I do further certify that I have compared the foregoing with the original minutes of the adjourned, regular meeting of the Town Board of said Town held on the 18th Day of October 2006 and that the foregoing is a true and correct transcript from said original minutes and the whole thereof, and that the resolutions duly adopted by the Town of Chili Board are on file in my office.

I do further certify that the following members of the Town Board were present at such meeting, namely,

CHILI TOWN BOARD MEETING - October 18, 2006

being all the persons constituting said Town Board of the Town of Chili, County of Monroe, State of New York

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Town Board of the Town of Chili, County of Monroe, State of New York this 18th Day of October 2006.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING TWO RESOLUTIONS:

SUPERVISOR LOGEL: Hard to have discussion when Mrs. O'Meara is home ill tonight.

COUNCILMAN SLATTERY: Understanding that -- well, if we're going to review the tentative budget and make modifications -- I have modifications or comments and questions, I think we need to discuss it before I would vote on this with --

SUPERVISOR LOGEL: Why don't we just accept the preliminary. That is what she said when she called me. We normally just accept the preliminary and discuss --

COUNCILWOMAN SPERR: But your resolution is worded to say and made modification as necessary. This is our first discussion on the budget.

SUPERVISOR LOGEL: Diane (O'Meara) wrote this resolution. Is this because she has got a modification -- that she did her changes, or did she do some changes that we had to put -- I have no idea why she put this wording in. She has been out for three days, and believe me, she is ill, very ill.

RICHARD STOWE: May I make a suggestion that we do the modifications in Resolution 269 prior to an adopting 268, because that -- you modified it according to 269.

COUNCILMAN SLATTERY: There were a number of sheets with modifications.

SUPERVISOR LOGEL: There were typos and corrections there.

COUNCILMAN SCHULMERICH: So I am confused by -- so I understand what you're asking for.

SUPERVISOR LOGEL: She said we can call her. If you want to take a break and call her, we can do that.

COUNCILMAN SCHULMERICH: Let me ask my question first. My question is not specific to Mrs. O'Meara. It says, "Whereas, the Town Board has reviewed the 2007 tentative budget and made modifications as necessary."

Now I have reviewed the Town budget. I have 20 questions I would like answers to. That does not mean I made the modifications. If there is a way to change the wording of the resolution --

SUPERVISOR LOGEL: Did Diane (O'Meara) write this resolution?

DAWN FORTE: Yes.

COUNCILMAN SLATTERY: Whose budget is it?

SUPERVISOR LOGEL: It is mine, but she was -- you know, normally I would have -- where the Town Board has received the 2007 tentative budget, and you're just adopting the tentative budget and then we have changes to make.

Can we do that, Rich (Stowe)?

RICHARD STOWE: The procedure is that the tentative budget is what was handed to you prior to the last meeting. That is the tentative budget. Modifications can be made to the tentative. Once modified, the Board traditionally adopts the modified tentative as the preliminary. The preliminary budget is what the public hearings are conducted on, and can be further modified if that is the Board's wish. If there isn't any further modification after the public hearing to the preliminary budget, the preliminary budget as it was adopted, tentative modified turned into preliminary, becomes the final budget.

COUNCILMAN SCHULMERICH: So that is very educational. Thank you.

COUNCILWOMAN SPERR: This is Dennis (Schulmerich)'s first time.

RICHARD STOWE: I thought that is what you're asking.

COUNCILMAN SCHULMERICH: No. It is helpful. I will say the whereas clause that is in Resolution 268 is patently false. I don't know how else to say it any more directly than that.

CHILI TOWN BOARD MEETING - October 18, 2006

RICHARD STOWE: There is a modification being made in 269.

COUNCILMAN SCHULMERICH: I have reviewed it and have questions, but I haven't had an opportunity to modify it.

RICHARD STOWE: There are modifications if you choose to adopt it in 269.

SUPERVISOR LOGEL: Those two should have been reversed.

COUNCILMAN SCHULMERICH: What about my 20 modifications I would like to have considered?

RICHARD STOWE: They're not in there.

COUNCILMAN SCHULMERICH: I guarantee you that.

COUNCILMAN SLATTERY: Or mine.

SUPERVISOR LOGEL: They will be done at the preliminary -- when we have the public hearings on --

COUNCILMAN SCHULMERICH: So I won't be limited in the opportunity to have additional dialogue around --

SUPERVISOR LOGEL: No.

COUNCILWOMAN SPERR: No. I could have answered that one for you.

COUNCILMAN SCHULMERICH: It just occurs to me that this wording is less than desirable.

SUPERVISOR LOGEL: This wording is not good. I agree with you 100 percent this is not good.

COUNCILWOMAN SPERR: This is not the Town Board's budget.

COUNCILMAN SLATTERY: Me being the mover, I don't have a problem modifying it.

COUNCILWOMAN IGNATOWSKI: Same here.

SUPERVISOR LOGEL: Mr. Stowe, would you like to suggest a modification to solve everybody's problem here?

RICHARD STOWE: Not to this one until you do the first one first.

COUNCILMAN SLATTERY: 269?

COUNCILMAN SCHULMERICH: Table 269?

RICHARD STOWE: Hold 268.

SUPERVISOR LOGEL: We'll hold 268 momentarily.

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION
CONTINUES:

SUPERVISOR LOGEL: Resolution 269 --

RICHARD STOWE: Which is now 268.

COUNCILMAN SLATTERY: Moved.

COUNCILWOMAN IGNATOWSKI: Second.

COUNCILMAN SCHULMERICH: I'm wondering what particular account and line is SL-335-5182.4.

SUPERVISOR LOGEL: I can't answer that. I can't answer that question.

COUNCILWOMAN IGNATOWSKI: I looked it up. It is a streetlight budget way at the back of your budget.

COUNCILMAN SCHULMERICH: A5182?

COUNCILWOMAN IGNATOWSKI: Streetlights.

COUNCILMAN SCHULMERICH: There is no dollar amount. There is no dollar amount in -- I'm asking this question, because I thought I knew what the account was. I'm not as stupid as I look.

COUNCILWOMAN IGNATOWSKI: You're saying I thought wrong?

COUNCILMAN SCHULMERICH: No. It is okay. It was a set-up.

COUNCILWOMAN IGNATOWSKI: Thanks.

COUNCILMAN SCHULMERICH: 5182.4 on my sheet has no dollar figure that says 100 and

--

SUPERVISOR LOGEL: Would you get my budget book? I didn't bring it in here.

COUNCILMAN SCHULMERICH: I am supposed to be amending 131,000 from \$125,000

--

CHILI TOWN BOARD MEETING - October 18, 2006

RICHARD STOWE: She is at the back. You're at budget estimate --

COUNCILWOMAN IGNATOWSKI: SL-518 --

COUNCILMAN SCHULMERICH: No. Thank you. I was on A5182. SL -- okay. Number 335, consolidated lighting district. 125 becomes 131? Okay. I just want to make sure I have the right dollar figure in the account. I was on the wrong account number. Okay. Great.

COUNCILWOMAN IGNATOWSKI: I did have a question, though, that obviously the part she is increasing this, because she is anticipating additional costs, that is not an issue. But traditionally when we increase something, something else had to be decreased otherwise it changes your tax rate and that will need to be modified as well in the budget. Do you know what I am saying? In the past when we have had these sorts of modifications, Dianne (O'Meara), in order to have the tax rate not be changed on the front, whenever we had an increase in something like that, she usually decreased something else.

COUNCILMAN SCHULMERICH: Looks to me like we don't have the whole resolution on there. Because -- because the word "and" is there and nothing follows it.

COUNCILWOMAN SPERR: That's right.

SUPERVISOR LOGEL: Is that exactly what she sent?

DAWN FORTE: Yes.

RICHARD STOWE: The other thing.

SUPERVISOR LOGEL: She may have --

RICHARD STOWE: As risky as this is, is that this is a special district budget.

SUPERVISOR LOGEL: Oh. Dianne (O'Meara) made a note to take off the "to" and the "and." The "and" just did not get eliminated.

COUNCILWOMAN IGNATOWSKI: So a period after the --

SUPERVISOR LOGEL: There was going to be a number two when she originally wrote it.

COUNCILMAN SCHULMERICH: So "semi-colon and" come off and period goes in.

SUPERVISOR LOGEL: You got it.

COUNCILMAN SCHULMERICH: I'm there.

RICHARD STOWE: This is speculation. Okay? It makes sense to my small level of expertise with this, that if we're changing the tax rate, we're changing the tax rate on a special district, okay, and that yes, it probably does change the tax rate within the special district --

COUNCILWOMAN IGNATOWSKI: Oh.

RICHARD STOWE: -- not the Town General Fund tax rate.

COUNCILWOMAN IGNATOWSKI: Okay. That answers that question. Thank you very much.

COUNCILMAN SLATTERY: So the mover doesn't have a problem with the modification to it.

COUNCILWOMAN IGNATOWSKI: The seconder doesn't either.

SUPERVISOR LOGEL: Roll call.

RESOLUTION #268 RE: Modifications to Tentative Budget

OFFERED BY: Councilman Slattery

SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that the following modifications be made to the 2007 Tentative Budget:

1. SL-335-5182.4 be amended to \$131,000.00 From the 2007 Tentative Budget \$125,000.00.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION
CONTINUES:

SUPERVISOR LOGEL: Now back to what is now 269?

COUNCILMAN SLATTERY: Correct.

SUPERVISOR LOGEL: 268 was held and is now 269. It was moved by Mr. Slattery and

CHILI TOWN BOARD MEETING - October 18, 2006

seconded by Mrs. Ignatowski. Does that still remain?

COUNCILWOMAN IGNATOWSKI: Yes.

SUPERVISOR LOGEL: We need to change the wording. The whereas, the Town has received --

COUNCILMAN SCHULMERICH: Received and reviewed, I would buy.

RICHARD STOWE: Received and reviewed the tentative budget and made --

COUNCILWOMAN SPERR: We did not get to make our modifications.

SUPERVISOR LOGEL: No. It is not your modifications. It is this one. You -- if you go back to last year's --

RICHARD STOWE: Make a modification in Resolution 268?

COUNCILMAN SCHULMERICH: There you go.

COUNCILWOMAN SPERR: Fine.

RICHARD STOWE: And made a modification in Resolution 268?

COUNCILMAN SLATTERY: Made a modification.

RICHARD BRONGO: But you also made some spelling corrections and some of the other resolutions that at least Dianne (O'Meara) has.

COUNCILWOMAN IGNATOWSKI: Not resolutions.

RICHARD BRONGO: Not resolutions.

COUNCILWOMAN SPERR: If there is a typo in the worksheet, but it didn't change the dollar amount, it is not a modification.

COUNCILMAN SLATTERY: I haven't had a change.

COUNCILWOMAN SPERR: Just picked them up tonight.

RICHARD STOWE: Would you go for minor modifications? Just trying.

COUNCILMAN SLATTERY: I will take "modifications" for a thousand Alex.

(Laughter.)

COUNCILWOMAN IGNATOWSKI: There were typos I found that were carried over from 2005, with 2005 in the worksheets. It wasn't anything that affected --

COUNCILMAN SCHULMERICH: No dollar changes on any line item.

So my distinction here is, the resolution should read in a way where when an individual on the Town Board or off of Town Board reads the resolution at some point in the future, they are not left with the impression that the Town Board has received the budget and has modified it being -- because that is just not true. We haven't. Except for Resolution 268.

SUPERVISOR LOGEL: I guess what we should have done is gone back to 2006 and 2005 and 2004 and called up the wording.

COUNCILMAN SCHULMERICH: You will probably find it says exactly this.

SUPERVISOR LOGEL: Probably.

COUNCILMAN SLATTERY: But at that time we may have met and may have been all set.

SUPERVISOR LOGEL: No, no, no. We didn't meet last year or the year before that, before this, before the preliminary.

COUNCILMAN SLATTERY: Without looking at my calendar and knowing when I met with Dianne (O'Meara) --

COUNCILMAN SCHULMERICH: This is my first budget cycle. If I'm asking a question that is too specific and not frankly quite productive, I will back off.

COUNCILMAN SLATTERY: You're accurate, but to go back and say we didn't meet before we voted on it, I think is inaccurate without reviewing the date.

SUPERVISOR LOGEL: We vote on the budget after the public hearings.

COUNCILWOMAN IGNATOWSKI: Didn't we have some modifications in a previous Board meeting, too? Weren't there changes to the budget?

COUNCILMAN SLATTERY: Yes, there was. Because I know all along I was bringing questions up and so forth.

SUPERVISOR LOGEL: So we have --

RICHARD STOWE: I believe that at your last meeting, you made some modifications to the budget that was handed to you.

COUNCILWOMAN IGNATOWSKI: I think so, too.

CHILI TOWN BOARD MEETING - October 18, 2006

SUPERVISOR LOGEL: So this reads correctly.

COUNCILMAN SCHULMERICH: Do -- how did we do that?

RICHARD BRONGO: By resolution.

COUNCILMAN SLATTERY: They changed some dollar amount. There were some for highway, I believe. We did vote on it.

SUPERVISOR LOGEL: I can get an agenda if you want it.

COUNCILMAN SCHULMERICH: No. That is fine. I understand how this works. I'm enamored with this in government as I am --

COUNCILMAN SLATTERY: So, Counsel, with the wording on here now, has that been modified in any fashion?

RICHARD STOWE: I don't believe so. Well, I threw a couple things out there. I'm not sure any of those stuck.

SUPERVISOR LOGEL: I took it down as the Town Board has received and reviewed the 2007 tentative budget and made --

COUNCILWOMAN IGNATOWSKI: Modifications.

SUPERVISOR LOGEL: A modification, but I think it is supposed to be made modifications as written.

RICHARD STOWE: Not all of the necessary ones.

SUPERVISOR LOGEL: Take out "as necessary."

COUNCILWOMAN SPERR: Take out "as necessary."

SUPERVISOR LOGEL: Then I added an O to the word "resolve."

COUNCILMAN SCHULMERICH: I'm beat into submission. That's fine.

RICHARD STOWE: With the understanding that is not your exclusive opportunity to make modifications.

COUNCILMAN SCHULMERICH: Got it.

SUPERVISOR LOGEL: Do we need to amend?

RICHARD STOWE: Yes.

SUPERVISOR LOGEL: A motion to amend.

COUNCILMAN SLATTERY: The mover and second --

COUNCILWOMAN SPERR: The mover and seconder said it was okay.

SUPERVISOR LOGEL: On the amendment?

RESOLUTION #269 RE: Adoption of the 2007 Preliminary Budget

OFFERED BY: Councilman Slattery

SECONDED BY: Councilwoman Ignatowski

WHEREAS, the Town Board has reviewed the 2007 Tentative Budget and made modifications as necessary;

NOW, THEREFORE, BE IT RESOLVED that the Town Board approved and adopts the 2007 Preliminary Budget and orders that a Public Hearing be held on November 1, 2006 as specified in September 6, 2006 Resolution #213.

Amendment:

RESOLUTION #269 RE: Adoption of the 2007 Preliminary Budget

OFFERED BY: Councilman Slattery

SECONDED BY: Councilwoman Ignatowski

WHEREAS, the Town Board has received and reviewed the 2007 Tentative Budget and made modifications;

NOW, THEREFORE, BE IT RESOLVED that the Town Board approved and adopts the 2007 Preliminary Budget and orders that a Public Hearing be held on November 1, 2006 as specified in

CHILI TOWN BOARD MEETING - October 18, 2006

September 6, 2006 Resolution # 213.

On the amendment: UNANIMOUSLY APPROVED

On the original resolution as amended: UNANIMOUSLY APPROVED

RESOLUTION #270 RE: Extension of New York State Snow and Ice Contract

OFFERED BY: Councilman Slattery 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, 2008 to June 30, 2009. Said Agreement indicates an estimated expenditure reimbursement amount for the 2006/2007 season to be \$281,641.76.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: I'm assuming these increases were based on the Union contract?

SUPERVISOR LOGEL: Yep.

RESOLUTION # 271 RE: Revise Personnel Policy Section 8 – Health Care

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

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, 2007, for the calendar year 2007, the Town will pay the following maximum contribution towards the health insurance premium: single - \$305; two person - \$620; parent and children - \$695; or family coverage - \$725, 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

RESOLUTION #272 RE: Flexible Spending Account for Town Employees for 2007

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

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 2007, open to non-bargaining

CHILI TOWN BOARD MEETING - October 18, 2006

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 \$2,000 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

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: If we pull something off that, do we need to move it before we second it?

RICHARD STOWE: It would be simpler.

COUNCILWOMAN SPERR: Jumping in on you. It was page 10, on --

COUNCILMAN SLATTERY: Well, it was page 1 first.

COUNCILWOMAN SPERR: First one was page 1.

SUPERVISOR LOGEL: That -- that is a question that Dianne (O'Meara) is going to have to answer, because I did not ask her that question.

COUNCILWOMAN SPERR: Did we pass a budget -- did we adjust the budget in one of our resolutions? I can't remember all of them. Previously had we --

RICHARD BRONGO: Yes. We have pulled certain items off the abstract before.

RICHARD STOWE: No. That is --

COUNCILMAN SLATTERY: That is not the question. The question is did we modify this account to put more money --

SUPERVISOR LOGEL: Dianne (O'Meara) is the only one that can answer that question.

COUNCILWOMAN IGNATOWSKI: What do we do about this on the first one?

COUNCILMAN SLATTERY: Pull it off the abstract.

SUPERVISOR LOGEL: It is the parks and recreation program fees. This account.

COUNCILMAN SLATTERY: Unless you know somebody on there that you don't mind holding their money.

SUPERVISOR LOGEL: We're already over any way if you take a look at this. This is only 593 of that extra --

COUNCILWOMAN SPERR: We're --

RICHARD STOWE: Can I make a suggestion? Because we're back here in a very short period of time, and God willing Dianne (O'Meara) will be, as well?

SUPERVISOR LOGEL: I hope so.

RICHARD STOWE: Why don't you just hold that until your next meeting?

SUPERVISOR LOGEL: Hold the whole thing?

RICHARD STOWE: No, no, no, no. Gees.

COUNCILWOMAN SPERR: Oh my gosh, no.

RICHARD STOWE: Hold that resolution and pull the items that you have a question about. Modify these now, and deal with the refunds and -- and that particular item on page 1 at your next

CHILI TOWN BOARD MEETING - October 18, 2006

meeting.

SUPERVISOR LOGEL: So we're going to hold --

RICHARD BRONGO: Parks and recreation.

COUNCILWOMAN SPERR: \$593 and --

SUPERVISOR LOGEL: You're only holding 593.

COUNCILWOMAN SPERR: Adjust the amount on the total by 593.

COUNCILWOMAN IGNATOWSKI: Hold on. We're not done.

COUNCILWOMAN SPERR: Then by 2461.

COUNCILMAN SCHULMERICH: The purpose behind holding the 593 is to, in fact, acknowledge and deal with the question that was asked this evening around the imbalance about the budget and the over spend. It is not that we're questioning the 593.

SUPERVISOR LOGEL: I think it is not an over spend. If you look at those, those are all refunds.

COUNCILMAN SCHULMERICH: The reason I made a statement I did, I don't want there to be a question in an individual's mind that we don't want to pay the 593. That is not the reason --

COUNCILWOMAN IGNATOWSKI: Is this a revenue fund? Because there have been times where I have seen that where it has been higher than the budget, and --

SUPERVISOR LOGEL: The amount of money that came --

COUNCILWOMAN IGNATOWSKI: That came in.

RICHARD STOWE: I don't think anybody is prepared to answer that question.

COUNCILMAN SLATTERY: Think we should just move on with. Remove it from the abstract, and when Dianne (O'Meara) is available to answer that question, we'll bring it back.

SUPERVISOR LOGEL: I'm sorry I didn't catch it today to call her when I talked to her.

COUNCILWOMAN SPERR: Page 10, the code -- General Code would be 2,461.25. So those two amounts need to come off the total, 148,963.21, for a new total. I don't have my calculator. Hang on.

COUNCILMAN SCHULMERICH: So therein we will not cut a check to General Code Publishers?

SUPERVISOR LOGEL: No, we're not.

RICHARD STOWE: 41,503.34.

SUPERVISOR LOGEL: What is 41,503.34?

RICHARD STOWE: 2,461.25 and \$593 from \$44,557.59. My calculation, subject to confirmation by our stenographer and financial officer, is 41,503.34 and --

SUPERVISOR LOGEL: And then the total at the bottom?

RICHARD STOWE: Oh, God.

COUNCILMAN SCHULMERICH: 44,557.59.

COUNCILMAN SLATTERY: Before you go there, I have a question on page 21 of the abstract.

Risk retention. There is no dollar amount in the annual budget amount. How do we know what we have in there?

COUNCILWOMAN IGNATOWSKI: I didn't see that.

COUNCILMAN SLATTERY: Sorry, Rich (Stowe).

RICHARD STOWE: Don't be sorry to me.

SUPERVISOR LOGEL: I have no idea.

SUPERVISOR LOGEL: What is your question?

COUNCILMAN SLATTERY: In the annual dollar amount. You don't know what the budget is.

SUPERVISOR LOGEL: Oh, here.

COUNCILWOMAN IGNATOWSKI: Do you have last year's budget?

SUPERVISOR LOGEL: No, not in here. It is in the other room.

COUNCILMAN SLATTERY: How is your calculator?

RICHARD STOWE: Tired.

COUNCILMAN SLATTERY: I think we should -- if -- unless you feel comfortable with it, we should remove it.

CHILI TOWN BOARD MEETING - October 18, 2006

SUPERVISOR LOGEL: It is under employment insurance. I don't -- it's the New York State unemployment insurance.

COUNCILMAN SLATTERY: \$310. Can it wait two weeks?

SUPERVISOR LOGEL: That I don't know. I really don't. We have deadlines you have to have it paid for without penalties. You get penalties if you don't have your checks in there a certain period of time. So I -- as I said, Dianne (O'Meara) said, we could call her tonight if you want to get these answers. She is coughing so bad she couldn't be here.

COUNCILMAN SLATTERY: I was doing that a couple weeks ago myself.

COUNCILWOMAN SPERR: Yes. As did I. We probably gave it to Dianne (O'Meara).
(Laughter.)

SUPERVISOR LOGEL: I don't have a problem with this one. It is unemployment insurance.

COUNCILWOMAN SPERR: All right. If you're recommending we leave it in there --

SUPERVISOR LOGEL: I'm recommending we leave it in.

RICHARD STOWE: Councilman Schulmerich was kind enough to adjust the math. 145,908.96 with the 2,461.25 and the 593 --

COUNCILMAN SLATTERY: Good job, Councilman.

SUPERVISOR LOGEL: Let's move and second this, with the new figures.

COUNCILWOMAN SPERR: I will move it.

COUNCILMAN SCHULMERICH: Second it.

RESOLUTION #273 RE: October 18, 2006 Abstract

OFFERED BY: Councilwoman Sperr

SECONDED BY: Councilman Schulmerich

BE IT RESOLVED to pay vouchers 5238-5420 totaling 145,908.96 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

| | |
|--------------------------------|--------------|
| General Fund | \$ 41,503.34 |
| Highway Fund | \$103,425.26 |
| H42 Annual 2005-6 Reassessment | \$ 362.00 |
| Unemployment Insurance | \$ 310.00 |
| Consolidated Drainage | \$ 288.36 |
| Special Light Districts | \$ 20.00 |
| TOTAL | \$145,908.96 |

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

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on October 18, 2006 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:05 p.m. to consider rezoning of 25 Airline Drive (LI with ADATOD).

Attendance as previously noted in the 10/18/06 Chili Town Board meeting minutes.

SUPERVISOR LOGEL: We have representatives here from Kenworth. Any questions? I will entertain them at this time. Anybody in the public?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Maybe someone on the board, preferably Mr. Stowe, could explain the necessity for this action.

CHILI TOWN BOARD MEETING - October 18, 2006

RICHARD STOWE: Preferably Mr. Stowe.

COUNCILMAN SLATTERY: I think she wants to you do it.

(Laughter.)

RICHARD STOWE: The Town Board some time ago passed an Overlay District for the airport overlay. ADATOD is its proper designation. In order to have a specific parcel in the LI zone within the area delineated in our local law, to have the benefits of the Overlay District, the Planning Board needs to conduct a public hearing and make a recommendation, which I understand they did last night.

This Board needs to conduct its own separate public hearing in an effort to have the Overlay District provisions of the ADATOD specifically relate to that parcel, and that's what the Planning Board did last night, and that is what this public hearing is about tonight.

The Overlay District for the airport uses have different allowable uses and different permitted uses than are generally allowed in the LI District, and it is my understanding the applicant is seeking the benefit of those additional uses in its seeking the rezoning of this parcel, for its intended use.

Is that a fair summary?

MR. DiPONZIO: That is a fair summary, yes.

SUPERVISOR LOGEL: Would you like to make a presentation, a short one?

MR. DiPONZIO: A short presentation, yes.

Madam Supervisor, members of the Town Board, good evening. My name is Jason DiPonzio, appearing on behalf of the applicant, Kenworth of Buffalo.

By way of history, my client Kenworth of Buffalo proposes to operate a tractor service and sales facility over at 25 Airline Drive, which is the Limited Industrial Zone within the ADATOD Overlay District. And what the code requires is that we seek a rezoning and meet certain criteria established by the Town in order to receive that rezoning.

One of those criteria is that we receive site plan approval by the Planning Board, and what I have posted up there -- it is tough to see from this distance, is the new site plan, prepared last month and was approved by the Planning Board last night.

We have an existing building. Some minor cosmetic changes are being proposed to that building. For example, we have some overhead garage doors that are only about 9 feet. We have proposed to raise those to about 14 feet in order to accommodate the tractors and some loading dock doors will be replaced by garage doors.

In addition, there is some paving falling in disrepair. The applicant proposes to repave and restripe the areas.

Additionally, there was a temporary structure that was in use by FedEx Ground, the former occupant of the property, who I believe left on September 15th. My understanding is that that temporary structure has now been removed. The applicant proposes to pave over that in order to have vehicle -- a small vehicle display area.

(Mr. Vail arrived.)

MR. DiPONZIO: The engineers have prepared the site plan and reviewed the drainage and those issues of the property and made recommendations, and those were incorporated into the site plan, as well, which was approved by the Planning Board.

The other criteria under the Code Section 115-20.4, are that the property be serviced by public water and sewer. Have access to a public street, which we have.

We have a proposed use and we feel we met the criteria established by the Town and the Planning Board and would like to be granted rezoning to the ADATOD District, and we respectfully ask the Board grant the permission.

In addition, I have Mr. Dennis Dintino, who is with Kenworth of Buffalo, Incorporated to answer any questions the Board may have regarding the operations.

COUNCILMAN SLATTERY: Actually, the information that was provided to the Board, I reviewed it, took a look at it.

One question. I know there were loading dock doors, and in the pictures that were submitted, it showed that two of them would be converted to a 14 foot overhead door.

MR. DiPONZIO: Yes.

COUNCILMAN SLATTERY: The other loading dock doors, will they be converted?

MR. DINTINO: We'll maintain them as they are.

CHILI TOWN BOARD MEETING - October 18, 2006

COUNCILWOMAN IGNATOWSKI: I thought the information you gave us was very good, comprehensive, all of the pictures that showed the before and after.

COUNCILWOMAN SPERR: I appreciated the package of information I had, as well. We're able to look at the maps they gave us, provided those maps and drawings for us as well as the ones for the audience tonight. I appreciate that. And it is nice to see someone come in with a different idea to use a spot that has been vacated to keep our industry viable. We do appreciate that.

Were there any questions that were raised at the Planning Board last night?

COUNCILMAN SCHULMERICH: Good dialogue. The presentation was clear. There were photos of the intended changes. The general interpretation by my read of the Board, as well as from the audience, was that it was a very appropriate use and we're glad to have the applicants join Chili.

COUNCILWOMAN IGNATOWSKI: Certainly this is also in keeping with the Master Plan, as well. These sorts of uses in that area will be conducive with what was recommended.

The Public Hearing was closed at 7:12 p.m.

The next meeting is Wednesday November 1, 2006 at 7:00 p.m. The meeting will be held in the Chili Town Hall Main meeting room.

The meeting was adjourned at 8:50 p.m.