

CHILI TOWN BOARD

December 6, 2006

A meeting of the Chili Town Board was held on December 6, 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 and Supervisor Logel. Councilwoman Sperr was excused.

ALSO PRESENT: Richard Brongo, Town Clerk; Joseph Carr, Commissioner of Public Works/Superintendent of Highways; Joseph Lu, Town Engineer; Dianne O'Meara, Director of Finance; Jeron Rogers, Director of Planning/Engineering; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor. John Ferlicca, Deputy Town Supervisor, was on vacation.

The invocation was given by Richard Brongo.

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

PRESENTATIONS/ANNOUNCEMENTS:

1. Plaque presentation to Joe Lu for dedicated service to the Town of Chili.

SUPERVISOR LOGEL: As everyone knows, Joe (Lu) has been with us for many, many years as our Town Engineer, and on behalf of the Chili Town Board, we wanted to present you in appreciation for all your years of dedicated service, and for going above and beyond, and certainly sitting here year after year, month after month and being part of our Town. We just really appreciate it. So thank you very much.

(Applause)

SUPERVISOR LOGEL: At the end of our meeting this evening, we have a cake and beverages for any of you who would like to stay and wish Joe (Lu) well. I know that many of you have been sitting in the audience for a good many years and know Joe (Lu) very, very well and we would appreciate your joining with us and with him to have cake and beverage at the end of this meeting. So thank you.

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

TOWN LIAISON REPORTS:

Conservation Report by Virginia Ignatowski

COUNCILWOMAN IGNATOWSKI: The Conservation Board sent us all a letter. I think everybody did receive this, regarding the Welcome to Chili expressway signs. It was a cost estimate to refurbish them because Dick Schickler --

SUPERVISOR LOGEL: I didn't get that.

COUNCILWOMAN IGNATOWSKI: Your name is on it.

SUPERVISOR LOGEL: I know.

COUNCILWOMAN IGNATOWSKI: Did you get my copy?

SUPERVISOR LOGEL: I will get it. Do we have it in the file?

DAWN FORTE: Yes.

SUPERVISOR LOGEL: Didn't show up on my desk yet.

COUNCILWOMAN IGNATOWSKI: Cost estimate to refurbish? It was the same people

that actually did the signs that would end up refurbishing it. I don't know what kind of resolution or where this money would come from. They were also discussing probably having an additional sign be considered for the location over there by the Ballantyne Bridge because that is a major entry point into the Town of Chili, and perhaps it would be nice to have a Welcome to Chili there. Location would have to be figured out because you have the big sound wall over there, so I don't know which side of the road, but -- but it would be a nice place for an additional sign.

Other than that, they reviewed the Planning Board agenda and pretty much the only thing they had a concern about is they would like to have the Hess Express that is going to be going in on Buffalo and Union Street to come before them to discuss landscaping proposals. Apparently they indicated in their paperwork they were going to come and they did not show up at the last meeting. They said there is not a sufficient amount of plants in the current plans and they need a chance to discuss it with them. That was pretty much it for the Conservation Board.

Drainage Report by Virginia Ignatowski

COUNCILWOMAN IGNATOWSKI: Drainage met last night. They did not have a quorum. As you're aware, they're down two people as open seats and a couple people could not make it, so they really didn't have an official meeting. Subsequently, their meeting minutes could not be approved, so those will be obviously delayed until the next meeting. I don't know if there is any chance -- I know we're interviewing right now for open positions. If we could possibly fill the Drainage Committee seats prior to organizational, because they will meet again, the Drainage Committee, prior to our organizational. So I don't know if it is --

SUPERVISOR LOGEL: Our organizational is the 3rd.

COUNCILWOMAN IGNATOWSKI: 2nd. If there will be an opportunity at the last meeting in December to at least fill some seats. If someone is on vacation, or whatnot, it is certainly a distinct possibility being January 2nd at least they would have a quorum. Just to give some thought to that.

Joe (Carr) went over the work that was completed. Mostly this past month was work on maintenance, pretty much with the leaves, keeping the drainage courses open. They did do some additional work on Hillary Drive and some sewer flushing work on Brian and Hillary. They reviewed the Planning Board agenda items, and I did bring up to them about the end-of-year report, the attendance report and the reappointment recommendations. They -- the Chairperson says they never really did receive a reminder memo. I thought that was going out to all of the committee.

DAWN FORTE: It did. I did a reminder. One out in September and then one just a few weeks ago. Councilman Slattery asked me to do another one.

COUNCILWOMAN IGNATOWSKI: Well, she said she didn't -- there was confusion. Do they have until December 31st to put in the end-of-the-year reports, or was there an earlier date?

DAWN FORTE: December 1st.

COUNCILWOMAN IGNATOWSKI: That is what I thought. She was under the impression December 31st. Obviously you're not getting from Drainage until then.

SUPERVISOR LOGEL: Okay. We'll have to call her tomorrow.

COUNCILMAN SLATTERY: Supervisor, if I could, I have a drainage question if I could while we're there.

SUPERVISOR LOGEL: Sure.

COUNCILMAN SLATTERY: I received a complaint that I forwarded to Ginny (Ignatowski), and I went out and spoke with a couple residents on Phyllis Lane.

SUPERVISOR LOGEL: Yes. It has been fixed.

COUNCILMAN SLATTERY: That has been fixed.

SUPERVISOR LOGEL: Uh-huh.

COUNCILMAN SLATTERY: Okay. I guess I'm a little concerned then if I was out there, as

--

SUPERVISOR LOGEL: When were you out there?

COUNCILMAN SLATTERY: Today.

SUPERVISOR LOGEL: Well, they bulldozed it. Is it -- it is not working.

Are you talking about the one behind the models?

COUNCILMAN SLATTERY: Not sure which one is the model. But I have walked that whole

site.

SUPERVISOR LOGEL: They went out with a bulldozer. Joe -- I know they did because I saw them.

COUNCILMAN SLATTERY: One of my questions is, are they required to have any erosion control along that property?

SUPERVISOR LOGEL: Yes. We told them to put bales of hay or straw.

COUNCILMAN SLATTERY: Okay. Bales of hay, I think you know, being familiar with storm water, you know -- and the regulations, bales of hay, is your last form of erosion control. And I did not see any signs of any erosion control, any fabric, stakes, laying on the ground. Has that ever been installed?

JOSEPH CARR: It -- it hasn't been reinstalled.

COUNCILMAN SLATTERY: Reinstalled.

JOSEPH CARR: I agree with what you found. There -- there is no erosion control measures installed yet. That area was re-worked.

SUPERVISOR LOGEL: Last week.

JOSEPH CARR: I think last week. And we told them that we wanted that -- the addition of that silt fence put up.

COUNCILMAN SLATTERY: Whose responsibility is it to monitor that? Is that the water soil conservation, or the Town, DEC?

JOSEPH CARR: That is my office. I -- I -- because it is a part of the subdivision development. I believe it would be my responsibility.

COUNCILMAN SLATTERY: Okay. Walking it, I know that there -- they're working in more than an acre, so there are certain requirements that they have to abide by. And I'm sure those -- they submitted the plans, the SWPPP plans.

JOSEPH CARR: We are working under those guidelines. That actually is an older project.

COUNCILMAN SLATTERY: Okay.

JOSEPH CARR: But we're using the new guidelines. But there was a problem there. It still isn't right. I agree that it is not right, and we're -- I think there is a scheduled inspection tomorrow morning by Dave Lindsay who has been working on it. I'm expecting a report tomorrow.

COUNCILMAN SLATTERY: I did notice that they used a bulldozer and they did make some berms.

SUPERVISOR LOGEL: Prior to that it was nothing.

COUNCILMAN SLATTERY: I think that we need to be on top of that.

SUPERVISOR LOGEL: We are.

COUNCILMAN SLATTERY: That doesn't meet the requirements for erosion control, creating berms. The amount of dirt and debris that is washing away from that site that will affect our storm sewer system. So I think we have to pay close attention to that.

SUPERVISOR LOGEL: I agree with you. I have been watching the mud.

COUNCILMAN SLATTERY: I spoke with a couple residents out there. Being the former liaison to the Drainage Committee, I took the time to go out and speak with them. So thank you, Joe (Carr). That is all I have on that.

COUNCILWOMAN IGNATOWSKI: We did bring that up at last night's Drainage Committee. I brought it -- I expected them to be at the meeting, but they didn't show up. We did discuss it.

Historic Preservation Report by Mary Sperr

SUPERVISOR LOGEL: Mary (Sperr) is excused.

Library Report by Michael Slattery

COUNCILMAN SLATTERY: Well, I think the Board members have all heard. Our Library Director has -- is resigning, moving on, taking a job in another municipality.

SUPERVISOR LOGEL: It is the one she lives in.

COUNCILMAN SLATTERY: Right. Correct. She has done a very good job the time she has been there. That was the topic of the last meeting. Then also just the Board wanted -- the Library Board wanted to thank this Board for their commitment to the Library and the cooperation through this budget season.

SUPERVISOR LOGEL: I tried to get her to stay.

Recreation Report by Supervisor Logel

SUPERVISOR LOGEL: The meeting was canceled because it was known in advance there was enough people who couldn't make that meeting, so it was canceled. There is another one scheduled -- rescheduled for next week. Um, Breakfast with Santa was canceled on Saturday. I was going to say because of lack of interest, but actually there were very few sign-ups. The weather was so warm and everybody was thinking parks and golf and outdoors and no one was signing up. So this week, Breakfast with Santa Clause is full, and everybody was transferred over to this Saturday's -- Saturday, so when our Recreation Director checked with a couple people who normally come, they basically said oops, we forgot and basically blamed it on the nice weather. So that is where we stand right now.

Traffic & Safety Report by Mary Sperr

SUPERVISOR LOGEL: Mary (Sperr) is not here.

Planning and Zoning Boards Report by Dennis Schulmerich

COUNCILMAN SCHULMERICH: Zoning met on November 28th. 11 applications. Seven conditional uses. Four variances and the -- eight conditional use and three variances. One of the conditional uses was tabled for more information and one of the variances which was for signage was denied because they -- a prior approval with sign conditions was violated and the sign didn't agree with that so that has been denied and that will be resolved with the company itself.

As far as zoning and planning interactions go, um, I see we have the code information, and --

SUPERVISOR LOGEL: Happy reading for Christmas.

COUNCILMAN SCHULMERICH: It is good holiday reading. Several hundred pages.

And also the architectural guidelines committee, I think we talked at last Town Board meeting about moving forward with that. If there is a way to get some communication on the web about that, similar to what we have done with the other committees would be good, assembling before a list of interested people to see what credentials we have and what capabilities we have to move forward in the new year, if that is acceptable.

COUNCILWOMAN IGNATOWSKI: Would we look to have a number of people who want to be on the committee and then form it, so we form it and place those individuals at the same time? Or should we have a resolution --

SUPERVISOR LOGEL: We have to -- don't we have to create a committee -- to -- you have to go through the steps.

RICHARD STOWE: Depends what the committee is doing.

SUPERVISOR LOGEL: Basically you have to establish the name of the committee and exactly what the guidelines will be before you can --

COUNCILWOMAN IGNATOWSKI: I think from our other discussions we were looking for it to be an initial one-time committee to --

COUNCILMAN SCHULMERICH: Advisory in nature.

COUNCILWOMAN IGNATOWSKI: To decide where we're going with this. That and ethics, as well. I went on line, and I did not see any opportunity for people to be able to express interest in either of those two committees. I couldn't find it.

CHRIS LEVEY: Under informational. There is an application.

COUNCILWOMAN IGNATOWSKI: I was clicking on committees and all sorts of stuff. Informational is where it is. Okay.

COUNCILMAN SCHULMERICH: Could we have a by line or tag line or something on the front page?

CHRIS LEVEY: I will tomorrow.

COUNCILMAN SCHULMERICH: We want to start communicating through whatever vehicle we can. We'll get some comments in the Gates-Chili Post. That would be helpful. But something to the fact if people are interested to go for those committees. I see -- I see both of these committees being a little different in staffing than for what you have for some of the others. You can get interested Chili residents to participate in some of the other committees and they can come up with a learning curve. I think in the case of both ethics and architectural guideline development, you need people with experience in the field and some content knowledge, so I think we'll have a tougher challenge to try to staff those committees effectively coming right out of the gate.

SUPERVISOR LOGEL: I think with ethics you almost have to go like and ask and --

COUNCILWOMAN IGNATOWSKI: Pursue.

SUPERVISOR LOGEL: -- and pursue the people that you're talking about.

COUNCILWOMAN IGNATOWSKI: If I could, I would like to make a point that the Deputy Supervisor is not a board-appointed position. That is strictly a Supervisor position, so the Board -- we don't have any say in that.

SUPERVISOR LOGEL: And in the past, Supervisors very seldom had the Deputy Supervisor ever sat the side table. Perhaps my error was in including him on the front agendas. I have sat through a lot of Town Board meetings over the years and they're not -- it is not a place they have to be for a little -- I am not even remembering the exact amount of money.

COUNCILWOMAN IGNATOWSKI: \$2,000.

SUPERVISOR LOGEL: It is \$2,000 a year to be available to serve, and be here when he can.

COUNCILMAN SCHULMERICH: We (Planning Board) did not meet since the last Town Board meeting.

MATTERS OF THE SUPERVISOR:

SUPERVISOR LOGEL: Under Matters of the Supervisor, I talked about the reception for Joe Lu earlier after we gave him his plaque, so I really don't have any -- other than that.

COUNCILWOMAN IGNATOWSKI: Actually.

SUPERVISOR LOGEL: You do.

RICHARD BRONGO: Why don't you mention the shirts and the hats and the sweat shirts and things that we just put up for sale?

SUPERVISOR LOGEL: There are shirts and hats and sweat shirts and golf shirts -- I guess you call them polo shirts, very nice looking sweat shirts and hats that are available that say Town of Chili -- no. They say Chili, New York. Not Town of Chili. Chili, New York on them. We had many requests and Mr. Brongo had many, many requests for shirts that would say Chili, New York. It is not available anywhere else. So we purchased them for sale and they're available and you can view them at the front desk.

COUNCILMAN SLATTERY: Are any of our Positively Chili shirts still available?

RICHARD BRONGO: There are a few. We have ordered a number of small ones, and --

SUPERVISOR LOGEL: They're all small.

They're available for \$5 a piece if you would like to buy them. Ginny (Ignatowski) could wear it.

COUNCILMAN SLATTERY: So you're telling me I'm not small.

RICHARD BRONGO: I didn't say that.

COUNCILMAN SCHULMERICH: Let's put it this way. There is a limited number here at the table that could put one of them on.

COUNCILWOMAN IGNATOWSKI: I had another question. Probably Planning Board related, as well. On my travels to and from my daughter's ice skating, I pass by on Ballantyne Road a green cement brick type of a building that has had a number of modifications done to it, a milled type lot. There are tanker trucks sitting over there. I don't recall any of these kind of things coming before the Planning Board. It seems to me more of a commercial type entity or change in use for that. It used

to be lawn there and now it is a milled parking lot.

SUPERVISOR LOGEL: Our Building Inspector is in the audience. Can you answer -- because --

DENNIS SCIBETTA: Yes, I can. The building has been painted. They are operating a repair center for trailers and equipment. It is in accordance with an agreement with the Zoning Board that was made in 1960 and amended in 1965, which we have been told by legal that is a legal binding agreement that we have to enforce. As a matter of fact, I will be meeting with them tomorrow morning to go over the conditions of the 1960 agreement and the 1965 agreement that they adhere to those, and if they would like a change in those, or if that doesn't fit their schedule, then they will be forced to go into the planning process.

COUNCILWOMAN IGNATOWSKI: The 1960 agreement then -- that is what was agreed upon, to have tractor-trailer repairs there?

DENNIS SCIBETTA: Yes, that's correct.

COUNCILWOMAN IGNATOWSKI: It hasn't happened, though, since --

DENNIS SCIBETTA: Does not matter. It was a land use variance that was granted by the Zoning Board in 1960 and we're legally bound by those agreements.

COUNCILWOMAN IGNATOWSKI: The land use, that is exactly what happens. All right. Because I have heard some residents were obviously upset.

SUPERVISOR LOGEL: Oh, yes.

COUNCILWOMAN IGNATOWSKI: All of a sudden.

SUPERVISOR LOGEL: Are you talking about --

DENNIS SCIBETTA: Silverroll.

SUPERVISOR LOGEL: The street.

DENNIS SCIBETTA: Stahlman. It is -- 104 Ballantyne is the address. It is on the corner of Ballantyne and Stahlman Road.

COUNCILMAN SLATTERY: So that is Silverroll Trucking in there.

DENNIS SCIBETTA: His son. It's his son and he is operating -- all he is doing is repairing and doing some work on the trailers, which was part of the 1960 agreement unfortunately.

COUNCILWOMAN IGNATOWSKI: Does the 1960 agreement have a limitation as to the number of trailers that can be in there?

DENNIS SCIBETTA: Yes. There is quite a bit more than what is there, so that is one of the things. One of the good things, there is a call for some screening and some fencing and that, and that is one of the things that we'll hold them to. Also the condition in -- and Mr. Carr and I have discussed this, there is a condition to -- we have to make sure that the road cut is legal to Ballantyne Road, and also there is a condition in the 1960 agreement that the Supervisor of Public Works has to monitor to his satisfaction the upkeep on the road installment and so, so we're in the process of checking everything out.

COUNCILWOMAN IGNATOWSKI: I guess that just shows why land use variances should not be given very frequently. When you have something like this that can bite you 30, 40 years later.

DENNIS SCIBETTA: Unfortunately, it happened before we had a Planning Board and the way things are done now. That's correct.

COUNCILWOMAN IGNATOWSKI: Wow. That, and I also traveling down Scottsville Road -- I'm calling it the Scottsville mountain. Is that going to be staying there, next to the Greco furniture?

DENNIS SCIBETTA: No.

COUNCILWOMAN IGNATOWSKI: It is like seeded, almost looking like it is going to be permanent.

DENNIS SCIBETTA: They have an agreement that they were -- they were filling out their fill permit that they were granted approximately two years ago, and that was the final condition, was to seed it and -- I'm not exactly sure. I thought the pile of -- was it a pile of millings? Is there something different?

COUNCILWOMAN IGNATOWSKI: Next to the furniture shop. If that was a fill permit and

you allowed them to fill 20 feet -- I mean, that thing is huge.

DENNIS SCIBETTA: I didn't agree to that, but I would have to check on that. But they were storing some materials there. The State was storing some materials, and there was an agreement with them to move those or remove those, and put it back to what the agreement of the fill permit was.

COUNCILMAN SCHULMERICH: I believe it is the milling area, and based on what I know, and what -- what concerns me is when you start grading and -- and filling it and seeding it, it has an image of permanence to it.

DENNIS SCIBETTA: The millings are staged there to be off site. They are owned by someone else. The State of New York actually has those. They are leaving the area. That is why -- the milling piling will be moving shortly. I thought it was already taken care of.

SUPERVISOR LOGEL: I think we should check into that tomorrow. If it has been seeded, we have to investigate. You don't normally seed --

COUNCILWOMAN IGNATOWSKI: Just curious as to how much the fill permit was given -- I mean how much they were allowed to fill. That is an incredible amount.

DENNIS SCIBETTA: There was quite a bit, but it was not -- was not signed by me, so I couldn't tell you a definitive answer. I would have to check on it.

COUNCILMAN SLATTERY: I have a couple when she is done.

COUNCILWOMAN IGNATOWSKI: Just another quick question. There has been a couple of letters that apparently have been sent to the Town Hall addressed to the Town Board that -- that residents made me aware they sent them in and I never got a copy of them. I don't know -- is it protocol, if they're going to be going to the whole Town Board, and just says Town Board, will you make copies and put them in --

SUPERVISOR LOGEL: Generally we try to check and see -- sometimes what they -- they will bring in five. It will say Town Board on it. Without knowing specifics you would have to check with -- to give Dawn (Forte) very specifics what one it is and find out. We -- I tell her to go and check, and she checks to see if we have -- all got copies in your box.

COUNCILMAN SLATTERY: First question I have is in regards to RTS and the elimination of the three bus routes.

SUPERVISOR LOGEL: There is a public hearing -- the final public hearing and decision is, I think, tomorrow at 12 o'clock noon at RTS. Um, they -- I have written a letter. The Town Supervisors involved have written letters, okay, which would be Pam Moore, Ralph Esposito, Gay Lenhard (phonetic) and myself. Um, we have written letters asking to support the -- I talked to Mr. Ash -- three times I have called down there, and relayed my concerns. I have forwarded to Customer Service the three e-mails that I got, and at this point, they are making their decision tomorrow about eliminating the route. I have to tell you, I met -- you're all welcome to make a phone call. I met with a rather -- got the feeling this is what they're going to do. That was the feeling I got from it. They just do not feel economically it is feasible to continue it.

I said, well, what about -- Ginny (Ignatowski) asked the question, um, what about asking for a smaller bus, just run a smaller bus. They said the expense is not in the bus itself. It is in the person that is running the bus route. We talked about combining. One of the proposals that -- one of the passengers came up, and I thought it was very good, we suggested that they combine two of the routes, and not -- you know, eliminate all of them. Right now the decision is going to be made tomorrow at noon.

COUNCILMAN SLATTERY: Basically I was made aware of it through e-mail that someone sent me asking me to look into this.

SUPERVISOR LOGEL: It came -- came very last minute to all of us, last Monday. Was it last Monday? Or Thanksgiving.

UNIDENTIFIED WOMAN: It was me. I invite you to be there tomorrow at noon.

COUNCILMAN SLATTERY: Second point I have is in regards to the Parks and Rec Master Plan. The meeting is next Monday. Was the Town Board going to get a copy of that draft beforehand at all, or no? Or is it only -- are there certain people that see it?

COUNCILMAN SCHULMERICH: The committee has received a copy of the draft document that is shared. I would direct the question to Mr. Curley. I guess I assumed they were distributed to

the Town Board. The intention wasn't to do that. I -- I know they wanted to give the committee time to go through it, and make their own modification, prior to a version coming out, and that is probably appropriate, quite frankly, because Passero had just put the first draft together, so I would anticipate we would be seeing a second version prior to issuance.

COUNCILMAN SLATTERY: I'm just concerned with the amount of reading that we have (indicating).

COUNCILMAN SCHULMERICH: And quite frankly, I have a copy of it. I received it this week. It is certainly more brief than the -- than the code.

SUPERVISOR LOGEL: It has a lot of pictures in it.

COUNCILMAN SCHULMERICH: We had two walk-throughs on this with the committee. One with the consultant, and one with the committee itself, and there is a significant number of modifications and adjustments, not to the overall principal, but to some of the wording and the messages being conveyed, so there will certainly be another version of this prior to going final.

SUPERVISOR LOGEL: Okay. We should all be there.

COUNCILMAN SLATTERY: I plan on being there.

COUNCILMAN SCHULMERICH: We're looking at the report being provided to the Town Board in the end of January time frame. They did a fairly good job of staying -- we picked December 31st when we initially formulated the committee as a Town Board with absolutely no knowledge in terms of how fast we could get the consultant on board and how quickly the committee would be able to come together. I think they have done an admirable job for the time frame they have been together.

COUNCILWOMAN IGNATOWSKI: That will be sufficient time frame for us to being able to pursue the grant that we wanted to go after once this is completed.

COUNCILMAN SCHULMERICH: I personally don't know the timing on that grant, but my understanding from last year, it was a July time frame, so we'll have between January and July to pursue that based on what I know today.

COUNCILMAN SLATTERY: Final comment I have, question. For the meeting minutes from our various committees, has -- is somebody reviewing them to make sure we're getting them when legally they have to be turned into the Town?

SUPERVISOR LOGEL: Dawn (Forte) is checking them off.

COUNCILMAN SLATTERY: Okay. So -- so we are --

SUPERVISOR LOGEL: Is there something missing on here?

COUNCILMAN SLATTERY: Yes. Is -- the meeting minutes for our -- that the special Town Board had in October at the Senior Center.

SUPERVISOR LOGEL: The workshop.

COUNCILMAN SLATTERY: Committee.

We are in December now. We haven't received those meeting minutes, and that concerns me, because there were action items that were said to be done. Were those action items completed?

SUPERVISOR LOGEL: No. You know they were not.

COUNCILMAN SLATTERY: Well, I guess my -- my -- my point is -- my question is, we -- we had a special Town Board meeting that we took the time to schedule and have everybody --

SUPERVISOR LOGEL: Wasn't a Town Board meeting. It was a workshop, Michael (Slattery).

COUNCILMAN SLATTERY: We had a special workshop that was advertised that the community was -- was invited to come. Our stenographer, Town Board, Town Attorney, various Town employees were there. It -- and we went through this. We agreed upon certain actions that -- the Town Board agreed upon all these actions. And the -- it concerns me now that these actions have not been followed up on.

SUPERVISOR LOGEL: They're not going to be followed up on until you have another meeting to resolve the issues that arose the next day.

COUNCILMAN SLATTERY: My question is the issues that arose was from an e-mail, I believe. Is that what you're referring to?

SUPERVISOR LOGEL: Partly.

COUNCILMAN SLATTERY: I guess then partly I'm not aware of the issues that were -- I think that if -- if the Town Board agrees upon actions at a workshop --

SUPERVISOR LOGEL: I will not do that. I will not do something that is going to liable the Town residents to pay a salary for somebody that we have a concern about putting on the payroll that we don't need. I'm not growing this government. I am not going to put that ad in the paper until we have resolved and worked out every little nitty-gritty detail because this Town is not growing this government. If we don't need it, we don't need to hire people that we don't need on payroll until we can prove that we need to put someone on at 50, \$55,000 and pay their health benefits and they're needed. When we have people who do not have that much work to do in that department at this time is foolishness. I'm sorry, but I have no intention, and -- and advertising for a position that we -- that you have not proved to me we need. And until you can prove to me that we absolutely need this, I'm not planning to advertise.

COUNCILMAN SLATTERY: Okay.

SUPERVISOR LOGEL: So we need another workshop to discuss it.

COUNCILMAN SLATTERY: Can I ask this then? If that was your feeling, why wasn't that stated at that meeting when we all agreed upon the action that we were going to move forward with?

SUPERVISOR LOGEL: Because we needed an Executive Session. There were employees present in which we could not discuss that, and it became extremely evident the next day.

COUNCILMAN SLATTERY: If we needed an Executive Session that night, then I would have thought we would have did that.

SUPERVISOR LOGEL: Hindsight is often 20/20. In this case it is 20/20. It is always 20/20. In this case I wished I had called for Executive Session at that point, but I did not have all of the details I had the next day and therefore did not. So we can't -- it is water over the dam. You need to -- we need to schedule another workshop.

COUNCILMAN SLATTERY: Supervisor, personally I don't think, you know -- if your feeling is that we don't need this position.

SUPERVISOR LOGEL: That is exactly right.

COUNCILMAN SLATTERY: Okay. Then why continue in this fashion having these workshops? We go there. We agree upon something and -- if I can finish now.

SUPERVISOR LOGEL: Okay.

COUNCILMAN SLATTERY: The next day, after we all decided, yes, we agreed this is the proper direction we need to go, you included, then the next day you say no because of an e-mail or other information. I think that should be provided to this Board. I think that we need to move forward as a group and not have one person dictate what is going to happen if we all agree upon something. We -- we agreed upon it, and then the next day you changed that. And I have a concern with that.

I'm glad we're voting on this in public tonight where people can see how we're voting so tomorrow it doesn't change when our hindsight is 20/20. So I'm concerned with that. And --

SUPERVISOR LOGEL: If you find that things change, and as I used an example to Mrs. Ignatowski in my -- if a tree falls across the road when you're driving down the road, you better stop and go around it. A block, a piece of information, a very serious concern has come up, and I'm not foolish enough to proceed forward and hire someone into that position and once they're hired, you know how difficult it is to get rid of government employees that have been hired into positions. It is very, very difficult, and growing this government is a very serious concern, and adding a person who is going to stand around drinking coffee because they only have partial day's work is not something that is going -- that should be happening. And the reason I called for a workshop is because you asked me to call for a workshop. If you would like to discuss it here, or to go into Executive Session here, you can, but the problem is we must discuss this stuff in front of the public, and so you have to either do it in a workshop venue or Town Board venue. You have a choice of those two. If you to talk about it in public, you have to do it here or there.

COUNCILWOMAN IGNATOWSKI: Supervisor, I know that after you had expressed the concerns about the level of work, which was debatable, I came forward with another proposal of taking the planning component and adding it with an economic development coordinator and then having the

engineer slide over as being the manager then also of the Building Department. I thought that that was a workable solution. Economic development coordinator is something that would be a benefit to this Town. That -- I think it would fall in the line, along with the planning component of it, and certainly, someone who could aggressively be going after grants for the Town would more than pay for that individual's position. I know you have taken a position we didn't have an outside grant person. I'm just trying to take a look at it from the point of economic development.

SUPERVISOR LOGEL: If Chili were bigger, I would agree with you, but we are just not large enough. We don't have enough land to develop. We only have three pieces left to do anything with.

COUNCILWOMAN IGNATOWSKI: I disagree.

SUPERVISOR LOGEL: You only have three pieces left zoned that you can do something with.

COUNCILWOMAN IGNATOWSKI: All of Union Street has Light Industrial that you're looking for. The Master Plan calls for Ballantyne Road, portions of that to be Light Industrial.

SUPERVISOR LOGEL: You know how -- right now this Town is not big enough to do that and the thing is for a grant writer, Mr. Brongo has done some investigation, and he has found where we can hire grant writers -- other towns like Webster are doing this. Rather than put someone on payroll to write grants, you can hire someone and you save payroll, money. You save benefits, cost benefits. The amount of money would run -- the number of grants that this Town has that we applied for, and even if we increased it or doubled it, it would only cost us, I think, we figured between 8 to \$10,000 a year. That is not a salary for a full-time person.

What you talked about with sliding over the planner, part of it, it means completely going back before Civil Service. It means going back and completely rewriting the person's job that you hired them into. They no longer would be hired into that job under Civil Service. You have to realign everything. Now you have got planning, economic development and grant writer. It is probably, from what I can figure out, about -- a part-time job for this Town, at this moment in time.

COUNCILWOMAN IGNATOWSKI: I would have to disagree. We'll be disagreeing about -- any ideas we're coming forward with just keep getting hit back. I guess it will be an impasse. If it is not going to be agreed upon, any ideas moving forward, it is going to be.

SUPERVISOR LOGEL: It is very difficult to change people's job titles on the Civil Service when they have already been hired into those positions. That is what you're proposing. It needs to be investigated to see how much effort can go into it and if we can find a part-time person and maybe there is a part-time person out there interested in it. But planning and economic development are basically parts of each other. They -- there are some things that dovetail together well.

COUNCILMAN SCHULMERICH: It seems that we have an impasse not because we aren't willing to do what we think is right for the Building Department, but because there seems to be significant lack of understanding as to what the work load and the need really is. Because I think -- I mean -- I only came into this last January, and I know the conversation has been going on longer than that, but I understand from the January time frame that there was an interest in trying to organize it in a way that -- to plan for the future and acknowledge the work load, and I haven't heard anything during that time frame between then and now that suggested that the work load was low enough that -- that that plan wasn't making sense. It seems over the last several months, I will say -- I don't want to say number of weeks, but the last several months there has been reference to the fact that the work load doesn't justify additional staff.

So to me the impasse is not because we aren't trying to find common ground. It is because we have a serious discontinuity and understanding in terms what the demand is. I have absolutely no interest in going into another workshop approaching the issue the way it has been approached up to now assuming there is one level of work load when you find out there is not after the fact. I would rather spend the time in the workshop, having the data brought before us with the right information to know what the demand is on an ongoing basis, with a rolling horizon, so we have the conversation, we have a sense of the ebs and flows what is going on in the Building Department, and then have open and honest discussion about does that work load merit staff above and beyond what we have today. If the answer is yes, it does merit more staff, we have to define what that staff is. If the answer is no it does not merit more staff, then I think we have to be talking about what the job decisions are as they reside in

the Building Department today and whether this needs to be a realignment in terms of how the Building Department sits with a lower work load. That is my perspective.

SUPERVISOR LOGEL: One of the things that changed since January when you came in, we brought on the Engineer/Planner and then we brought on the Assistant Building Inspector. And that's one increase in -- you know, one increased person.

And the -- also the laws effectively changed, correct me if I am wrong, Mr. Scibetta, but the laws in January change as far as code enforcement. That all now falls under State of New York under the Building Inspector position, which we have the Assistant and we have the Building Inspector. So where our Code Enforcement Officer, you know -- is replaced, that is being taken over by -- and Fire Marshals also have that same authority. So we need to look at -- what happened was when they came on board, um, and also -- we have an economy that is slowing down, okay. The amount of work load is just -- just isn't there at this point in time. Now, would it be wonderful if everything picks up and we go back to where we have a full work load and we can continue growing, but at this point in the game, I just don't foresee it. I'm trying to act prudently and without rushing into anything. I know it has been -- seems like it has been ongoing, but as we hired people, you need to let them fit into the slot. That fit into the slot and picked up the slack, I know how much time we have, and we have -- we certainly are not behind on anything right now.

COUNCILMAN SCHULMERICH: So what would your suggestion be to move forward here then? Let this sit for a period of time or try to get back together to try to understand the demand and needs? What is your recommendation?

SUPERVISOR LOGEL: I'm recommending we sit for a period of time and see where this goes, and if we need to, we could hire on a permanent basis a grant writer. You researched this, Dick (Brongo). Would you share?

RICHARD BRONGO: Well, as far as researching it, I did contact -- Webster, I know, uses one specifically for the microfilming grants and things. It is not a very expensive cost for that endeavor. Somewhere in the neighborhood of 3 to \$500 to write those particular grants. Um, I am certainly gathering all of the data that we need to have microfilmed, and I'm looking for an approach from that standpoint just to see how well it goes this time around because the initial investment is not that great. But I know that there have been grants that they have gotten for towns where -- where there are 30 and \$40,000 grants. So there are people out there that do it, and you know, depending naturally how large a grant, what it is encompassing and how much time the grant writer feels they will need to prepare it, that is what they're going to charge you. And you know, if we have got somebody on staff that could go after one grant right after another and we could bring in tons of money to the Town, that would be fantastic, but I don't see that happening. As the economy closes down, as the State expenses get to the point where they don't have as much money to give out for grants and the federal government is in the same boat, it is much more difficult to go after a piece of the pie when everybody is screaming and trying to get whatever little there is.

COUNCILMAN SLATTERY: Which I think -- which I agree with you on.

Um, I -- I have three questions. Um, number one, you talked about Supervisor without rezoning, you know, land in Chili, well, I think that is one thing that this Board is being asked to do now, so I -- so I -- I disagree with that point. Um, I think we are all fiscally responsible when we say we don't want too many employees. We have people in the Building Department who are capable who are doing the job that we -- you know, that is being asked of them now, but what I want to make sure is that when we go to a meeting, we agree upon something and a day later it changes, that -- that we're all aware of why it is changing. After sitting through two hours of discussion the night before. And my final question, point, would be, I guess, possibly to Joe Lu, and ask him with his experience with grants, that -- that the amount of time cost associated with public work grants, maybe with his experience, if he has any knowledge or insight that he could provide to this Board. Sorry, Joe (Lu).

JOSEPH LU: No. We write a lot of grants. The problem on writing grants is not when you the person writing the grant. It is the research, the connection you make before you put the grant in there. So everybody can fill out the form. It is -- you have -- you do the lobbying. You have to talk to the right people. Have you contacted the necessary person in government? Have you contacted them?

Have them speak for you.

COUNCILMAN SLATTERY: So it is more -- filling out the form is a --

JOSEPH LU: It is not just filling out the form.

SUPERVISOR LOGEL: It is not just filling out the form. You have to do research statements.

COUNCILWOMAN IGNATOWSKI: So it is every-day work. That's someone who is advocating for the Town.

SUPERVISOR LOGEL: But there isn't that much out there that we can go for.

COUNCILWOMAN IGNATOWSKI: The east side has millions. We get thousands.

SUPERVISOR LOGEL: East side is much bigger towns, and they have much more industrial. If we're going to -- we have to get water and sewer south of the creek if you're going to grow.

COUNCILWOMAN IGNATOWSKI: As far as the Building Department, we didn't grow it at all. We changed around personnel. Two part times to one. One guy left. You have the same. And the last question is who is the department head for the Building Department?

SUPERVISOR LOGEL: The department head is appointed by law, Mr. Jeron Rogers.

COUNCILWOMAN IGNATOWSKI: So you added additional responsibilities to him?

SUPERVISOR LOGEL: And he is handling them quite well.

COUNCILMAN SLATTERY: So under our budget then we have -- he was separated from the Building Department. Then -- so -- am I correct with that? Is that --

SUPERVISOR LOGEL: I would have to clarify it with Dianne (O'Meara) because I don't have my budget book. This was not a discussion I was planning on talking to tonight.

DIANNE O'MEARA: There were two separate budgets.

SUPERVISOR LOGEL: Two separate budgets.

COUNCILMAN SLATTERY: Will that be combined into one?

DIANNE O'MEARA: Not necessarily. My area has two separate budgets, as well.

COUNCILMAN SLATTERY: Okay.

SUPERVISOR LOGEL: I'm not -- it is not that I don't want to hire somebody in the future. It is just that I want to know positively before I take that action that that person is needed.

COUNCILMAN SLATTERY: And I agree with you, Supervisor, but I just -- I don't want to go and spend hours at a meeting.

SUPERVISOR LOGEL: I agree with you also.

COUNCILMAN SLATTERY: And preparing for a meeting that we all agree upon something and the next day it changes.

SUPERVISOR LOGEL: I'm just thankful that the information came to me the next day. I -- because I would have been very upset.

COUNCILMAN SCHULMERICH: I would like to add one comment at this point. I have heard mentioned four or five times now that you don't want to see the size of government change and you don't want to see us hire people we shouldn't hire. And I agree with that completely. I would just like to go on record that I don't observe that behavior in the balance of the Board either.

As I mentioned, there is a discontinuity and perception in what the demand has been and the conversation has been going on for an extended period of time, was that the Building Department was understaffed and that there was a -- a need for a change in the way the Building Department was set up for efficiency sake, and that is the background and basis for what the reorganization model was about. So I am as much an advocate for small government, smallest government possible as anyone else at this table.

I think the problem we have, and we continue to have, even tonight, is a lack of agreement and understanding in terms of what the demand and needs really are. That is the focus, and that is the function of the next workshop as near as I can see fit if we have one.

COUNCILWOMAN IGNATOWSKI: There is conflicting information. We're told they're over worked. The next thing you know, they're something they're totally --

SUPERVISOR LOGEL: You have not heard that in a long time. I don't think you have heard a statement of over worked in -- in a very long time.

COUNCILMAN SLATTERY: Well, I --

SUPERVISOR LOGEL: Okay.

COUNCILWOMAN IGNATOWSKI: Without data in front of us, we --

COUNCILMAN SLATTERY: And there hasn't been data presented to this point.

COUNCILMAN SCHULMERICH: We're unanimously agreeing that we disagree.

SUPERVISOR LOGEL: That's right. We are.

RICHARD STOWE: I'm only wanting to take a moment to not discuss anything that has been discussed in the last few minutes but to address the one issue. I took the time to correspond with the Board about the SEQR compliance.

The -- there was a letter that was forwarded to me and I responded in a letter back to the Board members and had conversations with the Board.

A resident this evening indicated that the question was simple and compared it to another real estate matter that this Town had gone through that wasn't handled the same, which is correct. And the resident also indicated that the motivation for the questions was compliance with the law, and the purposes of SEQR. And this Town Board and my function for this Town Board shares his concerns with regard to compliance. My indication and my response to this Board was that I believe the proper procedure had been followed and that they were in compliance. The difference between the nature of the two pieces of property and the procedures that were followed relates to the two pieces of property and their differences, not to the SEQR process. So I want to -- I want to make sure that the inference isn't that we're somehow condoning non-compliance, but rather that the answer that I gave to the Board stands and that I do believe we followed proper procedure, and I don't know whether my letter made it back to

the resident that corresponded with the Board or not, but I'm sure that the way the questions are being posed, my responses are not going to be satisfactorily received.

But I need to reassure this Board that I believe the intention to comply and actual compliance are, in fact, where we stand today.

SUPERVISOR LOGEL: Your response was received by that resident.

RICHARD STOWE: Okay. I need to reassure the Board.

COUNCILMAN SLATTERY: Counsel, you did provide me with that letter and that information. I felt comfortable with that. Instead of having -- because it could be a sensitive issue, legal issue, that I think all responses should come through the proper channels and not through, you know, four different Board members back to that individual.

SUPERVISOR LOGEL: It did go.

COUNCILMAN SLATTERY: It goes through the Supervisor's office.

SUPERVISOR LOGEL: It went.

RICHARD STOWE: That was my reply.

COUNCILMAN SCHULMERICH: In conjunction with Mr. Slattery's comments I have heard at multiple Town Board meetings reference to the fact that the Town Board members have been in receipt of a letter from a resident regarding this issue, and it has been implied that we ignored the fact that we received those letters, and that we were non-responsive. Those may not be the exact words, but it was the tone of the comments.

When a letter comes into the Town Board where they are cc'd and the letter is written to the Supervisor and the Town Attorney, it is inappropriate for the Town Board members to reply. It is appropriate for the Supervisor and legal counsel to make that response. So I resent the implication that we were being non-responsive. We were following appropriate path and insuring that the answer came from the right channels.

COUNCILMAN SLATTERY: Correct.

SUPERVISOR LOGEL: Okay.

I had a formal letter from Lu Engineers, copied into your folder. And Joe (Carr), Mr. Lu you said it has taken you 40 years to make this announcement: "I'm retiring." Two words. Very good. You started the company 26 years ago.

JOSEPH LU: 1980, yes.

COUNCILMAN SLATTERY: 1980.

SUPERVISOR LOGEL: So 26 years.

SUPERVISOR LOGEL: We wish you all of the luck, all the best. I know you have a year of traveling ahead of you. From what I understand, you have lots of places to go this year.

JOSEPH LU: Yes.

COUNCILMAN SLATTERY: Well deserved.

The 11/1/06 and 11/15/06 Town Board meeting minutes were approved as modified.

OLD BUSINESS:

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

RICHARD STOWE: Can we pass the amendment?

COUNCILWOMAN IGNATOWSKI: Not yet.

RICHARD STOWE: I don't believe we talked about how it ought to be amended.

SUPERVISOR LOGEL: There is the wording for the amendment.

COUNCILWOMAN IGNATOWSKI: We need to move and second the amendment before we can have discussion on the amended resolution.

RICHARD STOWE: That's correct.

COUNCILMAN SCHULMERICH: I move it.

COUNCILWOMAN IGNATOWSKI: I'll second that.

SUPERVISOR LOGEL: Now, discussion on the resolution as amended.

COUNCILMAN SCHULMERICH: I think there was -- there were a couple of questions for the audience. One is that the time frame upon completion, and I think there was another question on the rationale for -- for doing appraisal.

SUPERVISOR LOGEL: Yes. There was a why from Mrs. Wilcox. And questions from the two -- two other people. The why for this resolution is because, as you know, and maybe you weren't here for it, back in -- oh, my goodness, September, August, I -- I would have to look -- we had a -- we had a developer come to the Town Board, make a presentation for a potential use and development of that property and the relocation of all of the facilities there, and just in following through at the Board's request that we, you know, consider this more seriously, I have asked -- I asked that we have a formal appraisal, because I think it's one thing for the developer to come in and tell us I'm going to replace this, all these facilities and this land elsewhere, but I said we need apples with apples and if we don't know what our apple is worth, how do we know we're getting what we should be getting for it, if we did it. It is not a vote to say we're going to do it; it is not a vote to say it is the right thing to do. But to have this appraisal, at least we'll know when this is all done. The Fire Department has proceeded to do theirs. We'll know what our land value is, based on potential commercial use, and is this, um -- it goes on.

The other resolution that we're dove tailing into it, is this a proper use for this property. And -- this right here is just a dollar value. We need to know, on the open market, if we're even going to consider this, how much this land is worth.

COUNCILWOMAN IGNATOWSKI: I would consider it to be proper procedure -- we have a proposal that's in front of us. We really do need to take the steps necessary to insure that the Town is having, um, the correct data and accurate information as possible, given to us. We don't want to rely on somebody's outside opinion. That is why we need an appraisal, and quite frankly, the second resolution is going to be on this, as well. We need to have it be the Town who is making these determinations, so that even if this developer say doesn't end up, um, pursuing this, we at least have the information ourselves, or say if we decide that -- if this does not end up being financially viable of a solution, then if the recommendation is to at least move that Highway Department out -- you already then know the cost that is going to be associated with that. So it is not like it is just going to be spinning wheels for nothing. But it is really a step-by-step process. It is just being triggered by the fact that we have someone

coming forward with the proposal to use that. I think it is our due diligence to be able to have that information.

COUNCILMAN SCHULMERICH: I think there are two dimensions to this. The first is we had a developer approach us with a concept. The second element of it is, the property that the buildings sit on is zoned General Business, and we recognize that there are alternatives -- alternatives in Town for additional commercial. So if we don't understand the value of that land, um, and if -- you know, if we recognize that there is desire for more commercial from the residents, and that the center of town, where that property is and where buildings reside could be a preferred site over others, if it is economically viable and appropriate, it is best to understand its value. And I have a problem with any developer coming in here, and this is not specific to any one developer. I have a problem with any developer coming in and telling us what the value of government land is when they roll up and confound it with the removing of building, addition of building, change in infrastructure. You can't determine what you have really gotten for the land. So it would be prudent for us to understand what we have got there to move forward. That is what I see this resolution being about.

SUPERVISOR LOGEL: In addition, I would like to add one other dynamic to this. Because the thing is, back in the late '80s, the Economic Development Committee back then suggested very, very strongly that the highway garage be moved out of there, that area, away from the parks, away from the children's playground and that a center of town concept be put there, either in the form of a community center or a band stand and/or both, and I have -- think that from that standpoint, it also needs to be looked at, because there are residents who are -- who are interested in seeing that kind of thing happen, and I know the seniors are interested in staying there. So we need to look at it from all angles. And that is the reason for this.

COUNCILMAN SCHULMERICH: Is there a projected time frame for completion on this?

SUPERVISOR LOGEL: I doubt this would take that -- no, I haven't -- he didn't give us one.

COUNCILMAN SCHULMERICH: We're not talking about half a year?

SUPERVISOR LOGEL: Oh, no, no, no. I would expect when he does this, it would be very, very fast.

COUNCILMAN SLATTERY: Does it specify it in the contract?

SUPERVISOR LOGEL: No, but we -- we haven't got a contract. I -- they haven't send it. I will specify --

COUNCILMAN SCHULMERICH: Completed-by date.

SUPERVISOR LOGEL: Yes. -- completed-by date. Okay. Any other comments?

BE IT RESOLVED to remove from the table resolution # 263 which was tabled_ from the October 18, 2006.

—
OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

RESOLUTION #263 RE: Appraisal of 3235 Chili Avenue

—
OFFERED BY: Councilwoman Sperr SECONDED BY:_ Supervisor Logel

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.

Amended Resolution:

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that Supervisor Logel is hereby authorized to negotiate and sign a contract with Robert Pogel SRA, of Pogel-Schummal Appraisal Firm to perform an appraisal on the property located

at 3235 Chili Avenue. Cost of appraisal not to exceed \$1,500.00 to be paid from Account A14204 (Attorney - Contractual).

On the amendment: UNANIMOUSLY APPROVED

On the original resolution as amended: UNANIMOUSLY APPROVED

NEW BUSINESS:

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: The questions, the questions were asked by the same people during public forum were -- were why and time line and reuse.

COUNCILWOMAN IGNATOWSKI: I think the time line was inside the -- inside the information given to us by -- it was indicated middle of February.

COUNCILMAN SCHULMERICH: Scope of work would be February time frame.

And if I could make a few comments I would like to.

SUPERVISOR LOGEL: Go ahead. I'm sorry.

COUNCILMAN SCHULMERICH: From the -- from this particular resolution, point of view, Passero was contracted to do the Master Plan Update for recreation and parks, and that, as we know, is progressing very well. One of the confounded aspects of that work has been a question as to whether we're going to keep the facilities where they reside today, for they conceivably could be moved based on General Business development. Well, as you can imagine, if there were a plan to move some of those buildings for commercial development, it would have a significant impact what would happen with the Recreation and Parks Master Plan. And the concepts around the update of that plan.

Is -- so the thought here is we have Passero on board. We really need an independent assessment as to what it would take to relocate those facilities, whether they be relocated to clear the way for commercial development, or if it is decided that is not feasible or practical, if we need to relocate some of the facilities, i.e. the highway garage to open up the development for a Town core and for use from a community development point of view, i.e. the recreation center concept, the band stand, the Town core concept. We'll need to know the cost in doing that in either regard.

Since we have Passero on board, let's capitalize on the fact they're already performing work on the Recreation Master Plan Update and let's get them in to do the assessment in conjunction with how the developer that is currently looking at it is currently thinking about it so we have an independent Town assessment. We can pass judgment in terms of what we're hearing and what is prudent to do with the property based on information we received. It will put us in a much better position as we come into February when we can envision that we'll see the results of the SEQR work from the North American Properties proposal. It will give us the data that we need to think about this and what the right thing to do is. The timing on this is important. We're expecting -- I am personally expecting that we'll be seeing the SEQR advancing and information coming in sometime during the first quarter, and I would like to see this information and be able to internalize it and consider it prior to having it to consider the other application.

COUNCILWOMAN IGNATOWSKI: Just a question. I know I asked this of Mr. Curley, as well, but the timing between the two reports, you have the Parks and Recreation Master Plan going and you will also be having this. The decision that we ultimately make with the core of the Town, will that affect that Master Plan for the Parks and Recreation, or is there going to be enough leeway, in that type of situation, within that document itself?

COUNCILMAN SCHULMERICH: Sure. I think you're going to find -- I shouldn't predetermine what the outcome of the Master Plan will be, but let me do it for the sake of managing your question.

Um, we'll probably see something to the effect of moving the Highway Department. Okay. You know, creating -- creating the center core approach. It makes sense. So the information from Passero

will be supportive of the Master Plan Update, if that is a path we go down.

If we go down the path of using the property for commercial, it will be -- it will be a whole different ball game, and the facilities, the parks and recreation facilities that currently reside in Chili Center that were discussed at the Master Plan Update will not be germane because they won't exist. A portion of the Master Plan Update would be defunct just simply because the property isn't there. It is somewhere else.

But what they asked that property to do, ball fields, parks, skate park, tennis courts, whatever it happens to be in the core, would be disassociate of the property. So the intent of the Master Plan would still be valid. You may be in a different geographic location. You don't know how to move forward until you have the data. If people are assuming there is a hidden -- assume an agenda here, we're trying to set the stage to bulldoze the building, we're not. We don't have enough information to know what makes sense to do. That is what we're trying to do. I'm sorry taxpayers, but it costs money to get that information. You wouldn't want us to move forward without getting that information. It would not be responsible for us to do it any other way.

COUNCILWOMAN IGNATOWSKI: I must say, I do prefer to have the commercial core be in the center, but it does need to be financially acceptable to the residents, as well.

COUNCILMAN SCHULMERICH: That seems preferred, if it is viable.

RESOLUTION #305 RE: Use and Relocation of 3235 Chili Avenue Facilities

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that Passero Associates be engaged for professional services to conduct an assessment for reuse of the old town hall site and relocation of facilities according to a scope of work document dated November 14, 2006 and Passero Associates correspondence of same date in an amount not to exceed \$23,000.00 to be paid account #A1420.4 (Attorney Contractual),

BE IT RESOLVED to transfer \$23,000.00 from A1990.4 (Contingent Account) to A1420.4 (Attorney Contractual).

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: I spent some time with Mr. Levey who's integral with this agreement and had my questions answered, and I was impressed with the effort he put in it and I appreciate the time and effort he put into it.

SUPERVISOR LOGEL: I want to commend Chris (Levey), because it has been many hours of negotiations and over a year.

CHRIS LEVEY: Too many hours.

SUPERVISOR LOGEL: No, not too many.

COUNCILWOMAN IGNATOWSKI: It was a very favorable agreement to the Town. Thank you very much.

COUNCILMAN SLATTERY: Can we just help with the spam?

COUNCILWOMAN IGNATOWSKI: Actually, I want to comment. That has really gotten a lot better this past week.

CHRIS LEVEY: Growing pains.

COUNCILWOMAN IGNATOWSKI: All of a sudden I'm not getting it on the website.

CHRIS LEVEY: As we do changes to try to prevent spam, sometimes as the system adapts to the different styles of spam, there is stretches of tremendous amount of spam as the system learns and increases.

COUNCILWOMAN IGNATOWSKI: I haven't had any in three days, so yeah.

COUNCILMAN SLATTERY: You haven't been on.

COUNCILWOMAN IGNATOWSKI: Yes. Twice a day.

COUNCILMAN SCHULMERICH: That is only because we stopped sending them to you.

COUNCILWOMAN IGNATOWSKI: Is that why? (Laughter.)

**RESOLUTION #306 RE: The Franchise Agreement with Time Warner
Entertainment – Advance /Newhouse Partnership**

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

WHEREAS, a public hearing on the matter of the Franchise Agreement with Time Warner Entertainment - Advance / Newhouse Partnership was duly held by the Board on the 6th day of December, 2006, commencing at 7:00 P.M. at the Town Hall in the said Town and discussed upon the matter having been had and all persons desiring to be heard having been duly heard;

BE IT RESOLVED that Supervisor Logel is hereby authorized to sign an agreement with Time Warner Entertainment – Advance / Newhouse Partnership granting them permission to construct, operate and maintain a Cable Television system throughout the Town of Chili for a ten year period during which the Town will receive 5% of gross subscribers revenues received by Time Warner in the proceeding calendar year.

UNANIMOUSLY APPROVED

**RESOLUTION #307 RE: APPROVING EXTENSION CHILI CONSOLIDATED
DRAINAGE DISTRICT TO SERVE THE VELDA L. LUSK PROPERTY TAX MAP NO.
134.13-1-71 LOCATED AT 2770 CHILI AVENUE, ROCHESTER, N.Y. 14624 IN THE
TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK**

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

WHEREAS, a petition for the extension of the Chili Consolidated Drainage District to serve the property located at 2770 Chili Avenue, Rochester, N.Y. 14624 tax map no. 134.13-1-71 a territory located within the Town of Chili, Monroe County, New York, the said petition being dated the November 7, 2006 was duly presented to the Town Board together with the necessary map and plan attached thereto; and

WHEREAS, an order was duly adopted by the Town Board on November 15, 2006 reciting the filing of said petition, the boundaries of the proposed district, the proposed services to be provided, the fact that no drainage improvements are proposed to be constructed therein by the Chili Consolidated Drainage District at this time, the estimated costs of the Chili Consolidated Drainage District, as extended, to the typical property, or if different, to the typical one or two family home, within the Chili Consolidated Drainage District, as extended, and specifying December 6, 2006 at 7:00 P.M. as the time and the Town Hall in the said Town of Chili as the place where the said Town Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such order was duly posted and published as required by law; and

WHEREAS, a hearing on the matter was duly held by the Board on the 6th day of December, 2006, commencing at 7:00 P.M. at the Town Hall in the said Town and discussion upon the matter having

been had and all persons desiring to be heard having been duly heard; and

WHEREAS, this Board has duly reviewed and considered the short Environmental Assessment Form submitted in this matter, as well as all other information obtained at the public hearing referred to above; and the Board has duly considered the impacts which may reasonably expected to result from the proposed action by using the process and criteria set forth in Article 8 of the State Environmental Quality Review Act and applicable regulations thereunder ("SEQRA");

NOW, THEREFORE, upon the evidence obtained by the Town Board at said public hearing and upon all other information obtained and reviewed by the Board, it is

RESOLVED AND DETERMINED, that the proposed extension of the Chili Consolidated Drainage District is not likely to result in the creation of potentially significant adverse environmental impacts and therefore, this Town Board does hereby make a Determination of NonSignificance, or a "Negative Declaration" (as the same is defined for purposes of SEQRA); and be it further

RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by law, and it duly complies with the requirements of Section 191 of Town Law as to the sufficiency of signers and is otherwise sufficient; (b) all the property and property owners within the proposed district extension are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the of the proposed district extension; (d) it is in the public interest to extend the district only if the expenses of the district (except as otherwise provided herein) shall be assessed against the entire district, as extended; and (e) it is in the public interest to grant in whole the relief requested; and be it further,

RESOLVED AND DETERMINED, that the extension of the Chili Consolidated Drainage District as proposed in said petition be approved; that cost of the formation of the district extension shall be paid by the petitioners; and that such district shall be bounded and described as set forth in **Schedule A**, available in the Town Clerk's Office; and be it further,

RESOLVED AND DETERMINED, that all expenses of the Chili Consolidated Drainage District, including this extension and all other extensions heretofore and hereafter created, shall be a charge against the entire area of the district, as extended, except as otherwise provided above; and be it further

RESOLVED, that the Town Clerk of this Town shall within ten (10) days after the adoption of this resolution file certified copies thereof in duplicate in the office of the State Department of Audit and Control at Albany, New York; and be it further

RESOLVED, that the Town Clerk, within ten (10) days of the adoption of this resolution, shall cause to be published and posted, as required by law, a notice setting forth an abstract of this resolution, the date that it was adopted and a statement that it is subject to a permissive referendum.

Upon a call of the Roll of the Members of the Town Board of the Town of Chili.

UNANIMOUSLY APPROVED

RESOLUTION #308 RE: ORDER ESTABLISHING THE EXTENSION OF THE CHILI CONSOLIDATED DRAINAGE TO SERVE THE METALICO LYELL ACQUISITION, INC. TAX MAP NO. 147.020-01-046.000 LOCATED AT 1511 SCOTTSVILLE ROAD, ROCHESTER, N.Y. 14623 AND TAX MAP NO. 147.040-01-001.000 LOCATED AT 1525 SCOTTSVILLE ROAD, ROCHESTER, N.Y. 14623

IN THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

WHEREAS, at a regular meeting of this Town Board held on November 1, 2006, Resolution # 278 was adopted approving an extension of the Chili Consolidated Drainage to serve the property located at 1511 Scottsville Road, Rochester, N.Y. 14623 tax map no. 147.020-01-046.000, and located at 1525 Scottsville Road, Rochester, N.Y. 14623 tax map no. 147.040-01-001.000; and

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

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

WHEREAS, no petition requesting a referendum has been filed;

NOW, THEREFORE, IT IS ORDERED, that the Chili Consolidated Drainage District is hereby extended, as of this date, to include an area wholly located within the Town of Chili, County of Monroe and State of New York, pursuant to the terms contained in the Town Board Resolution #278, dated November 1, 2006; and said area to be included in said extension is more particularly described in **Schedule A** which is attached hereto and incorporated herein by reference, and it is further

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

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

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: This is something done every year.

SUPERVISOR LOGEL: Yes.

RESOLUTION #309 RE: County All-Season Agreement

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

BE IT RESOLVED to authorize the Town Supervisor to execute an Agreement between the Town of Chili and the County of Monroe. The term of the Agreement is from January 1, 2007 through December 31, 2007 with additional one-year term extensions upon mutual written consent of the parties for additional one-year terms for a maximum agreement term of ten years ending December 31, 2016. Said Work Agreement covers work on County highways preformed by the Town and paid for by the County of Monroe.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: Questions on this one -- no, next one.

RESOLUTION #310 RE: Authorize Advertisement for Bids

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

WHEREAS, certain vehicles and pieces of equipment are intended to be replaced under the year 2007 Town Budget.

NOW, THEREFORE, BE IT RESOLVED, to authorize Joseph L. Carr, Commissioner of Public Works to advertise for bids for pickup trucks, 1-ton trucks, fork lift, plow and dump body package, in accordance with the vehicle replacement plan.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SCHULMERICH: There was a question.

SUPERVISOR LOGEL: There were several questions on this one.

Mr. Carr, you heard the questions that were asked. Could you address the issue?

JOSEPH CARR: Sure. This is a -- this is a difficult construction project and will involve some large pieces of equipment, large precast concrete box pieces that will be assembled in place to form this culvert. You need heavy duty equipment for the demolition of the existing structure. You need a crane and large size excavators to remove all of the materials to put in the foundations and then set the new structures. Those are not things that we are trained to do. We don't own those pieces of equipment. We wouldn't rent them because we're not familiar with operating cranes and those kinds of things. It is -- it is not a conventional culvert, you know, a round pipe that you put together, which we are certainly capable of doing. This is specialty work. It is done by contractors that are knowledgeable in this field.

And it is designed by our Town engineers, put out for bid. We have some very good bids here, very qualified. We recognize some of those names as being your quality construction type people. This is simply not a job that our forces can do.

COUNCILMAN SLATTERY: Supervisor, if I could, Joe (Carr), how long will it take for this project to be completed?

JOSEPH CARR: The actual -- let's put it in terms of we have to close the road to put this in.

COUNCILMAN SLATTERY: Correct.

JOSEPH CARR: I would say no more than ten working days. It should be less, but let's be conservative and say ten working days. I would like to think it would be five, but we have to build cofferdams, pump the work area dry, bypass the water, again, demolition of concrete footers and side walls, removal of all that material. Construction of -- of the foundation bed. The actual setting of the structures, probably two days. So I think we'll be pressed to try to do it in five days. That -- that --

JOSEPH CARR: Two weeks.

COUNCILWOMAN IGNATOWSKI: Do you anticipate this being accomplished then this year? Is the weather --

JOSEPH CARR: Not in '06. If the Board approves this resolution, and I have the notice of award prepared, the next step is to -- well, I would meet with the contractor to make sure we're all on the same page, but we have already talked to them. They're prepared to -- next step is to send the order from the contractor to the fabricator of the sections. They then have to prepare shop drawings. Those are sent in for our Town Engineer's review. If they're approved, they go back. Then the order is

given for construction, or to build, and the -- the build-out is about four weeks.

So unfortunately, there is processing time while we're getting the contracts on and insurances in place. That is going to take us into the end of February before we can start work. We're really talking about sometime in March, and -- and the little catch there is weather conditions.

COUNCILMAN SLATTERY: Which I think you would be better off anyway with the asphalt plants being open around that time period, otherwise we would have to have --

JOSEPH CARR: There is another factor here. That is correct. I agree with you about we want this done before the normal spring thaw when the water is generally higher. The contractor does not seem to be concerned about the dewatering process. It is a normal practice for them. He said no, no, no, that is not an issue. We'll, I'm nervous about it, because I know water gets kind of high up through there. So we want to get this done before April 1st, I guess, that is my goal. And it is doable.

COUNCILWOMAN IGNATOWSKI: Meanwhile, there is not, in my opinion, enough room -- because you have it down to a one lane right now for a plow to get through. Is that going to be closed --

JOSEPH CARR: Oh, no. I understand your concern. We field-tested it. And we know that we're okay.

COUNCILWOMAN IGNATOWSKI: It is tight.

JOSEPH CARR: Yes. But we know we can do it.

COUNCILWOMAN IGNATOWSKI: Wow.

JOSEPH CARR: We do not intend to close the road.

COUNCILWOMAN IGNATOWSKI: Despite the comment earlier, that is a well traveled road. You are not talking some little residential road. That does see a lot of traffic going down through there.

JOSEPH CARR: It does. And the Board knows that for a short period of time, we had the road fully closed, and because of the expressed concerns, we all took a look at it, and our engineer went through the inside of the pipe and did some assessment, and we agreed the one side was -- we felt structurally good enough for a short period of time to take the traffic and so we did open it up. The plowing it, it will be tight. Depending on the type of storms, we may have to send a different vehicle, but we are prepared to provide service.

RESOLUTION #311 RE: Award Bid – Reed Road Culvert

OFFERED BY: Councilman Slattery

SECONDED BY: Councilman Schulmerich

WHEREAS, bids for the replacement of the drainage culvert under Reed Road were received by the Town Clerk on November 14, 2006 as follows:

| | |
|----------------------|--------------|
| Windsun Construction | \$132,350.00 |
| Crane-Hogan | \$ 99,173.00 |
| Ramsey Construction | \$ 97,439.00 |
| CP Ward | \$ 92,500.00 |
| Babcock Enterprises | \$ 88,075.00 |

David Lindsay, P.E. from Lu Engineers has reviewed the bids and the qualifications of the low bidder, and has found no reason to not accept the low bid.

NOW, THEREFORE, BE IT RESOLVED per the recommendation of Joseph L. Carr, Commissioner of Public Works, to award the Reed Road culvert replacement bid to Babcock Enterprises of Dansville, NY, in the amount of \$88,075.00, to be paid from account DA 5110.4 (General "Highway" Repairs).

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: There were questions asked of Mr. Carr. One of the questions was asked why is the estimated cost being given to the bidders.

JOSEPH CARR: Well, it is a bit unusual, but -- but this is a -- this is an unusual situation, and I -- I'm sorry for the timing of this, but it is a very important issue. The Board would remember that we discussed this quite a bit at different times. We, in fact, did -- you authorized, and we did go out for bids this summer. To my shock and disappointment, those bids were much, much higher than I had anticipated or been led to believe.

And just for clarity, we -- we are doing some different things at the North Chili Community Center, and I believe that we're going to be okay to do the maintenance work on that, and -- instead of replacement. The cost was just way out of sight for that issue.

That is not the case at the east complex. There are two different types of roofs. There are two different buildings really. The core rec area and the senior. We took bids in the summer. The low bid was \$114,000.

We started checking. We went to -- we started checking into why the bids were at that rate and that was the low bid. There were other bids. There were a lot of reasons. Then I asked the engineers to look for alternatives. A metal roof, those kinds of things. All of the answers came back to your bid was a good bid. You should take it. There aren't any less expensive alternatives.

Number two, for -- we're behind in getting this project done. We have a number of leaks. The employees that work in that building, and the judges are continuing to express concerns as to why we set up buckets any time we have a reasonable rain or a heavy rain. In the small courtroom. In the offices of the Recreation Department and the Senior Center and the Senior Director's Office, there are a number of buckets that have to be put up. The building is leaking. The roof is leaking. We had the contractors go up and do patching and patching and patching and patching.

There -- there is a lot of leaks and I cannot help -- I can't make it any better. It is way past the time to do this.

The other issue as to why it is important now is, is that through the budgeting process, we have planned to encumber the funds that we had put into this year's budget and that we have not spent yet for the roofing project. We need to -- our intent was to encumber that to next year, combined with what we added to next year's budget, and that would cover the cost to handle this.

Um, in order to do that, I have to have a vendor to identify for that purpose. So I am -- I'm in two dilemmas. I have a leaky building I need to take care of. And I need to get through the bidding process and identify a vendor so that I can go through the encumbering process at the end of this month.

Now, I fully recognize there are some other thoughts and questions. I needed to get this to the Board, and try to answer any of your questions, but I wanted you to understand where I am at, and the dilemma that I'm in.

COUNCILWOMAN IGNATOWSKI: Joe (Carr), leaking roofs can cause structural damage to buildings, and I can appreciate that we would need to address these leaks, because what happens if the commercial doesn't end up going into there, and we do continue to utilize it, if we don't fix this. Now we'll have even more expensive repairs because of the leaks further down the road. So unfortunately, the timing on this, no, isn't the greatest. It would be nice if we could just sit there and wait and see, and wait until a decision on what we'll be doing with this particular parcel. But I also don't want to be shooting ourselves in the foot if this doesn't proceed forward. Now we have even more expensive repairs on this building. So I can appreciate the concern that we're repairing something that could conceivably not be there a year or two from now, but by the same token, it could still be there and I don't want to be in a position where we have structural damage.

COUNCILMAN SCHULMERICH: Joe (Carr), what kind of time frame are you looking at in terms of when the roof would actually be repaired, ball park?

JOSEPH CARR: I think within three months. Two to three months. Contractors are -- this is

also an appropriate time, or advantageous time to seek bids on projects. When we did it this summer, it was a bit late. Big contractor, we called all of them, and we called all of them three times, were already -- had their construction schedules set, their contracts in place. Now is the advantage to do it. This kind of work can be done in the winter. Obviously you can't do things on the worse days of the winter, but some of it can be done and we'll get some shots at it. That is my understanding.

COUNCILMAN SCHULMERICH: I'm comfortable moving forward from the point of view the default position in my mind is the building will continue to be there for the foreseeable future unless proven otherwise. If we bet that building is coming down, then we wouldn't want to repair it, but I think the information we're acquiring around the cost to move some or all of the facilities is not just for the eventuality of everything bulldozed for commercial. It is also for the potential leaving a fair amount for recreation and parks and moving the Highway Department. So I -- there is more to -- there is more to the earlier resolutions than just the commercial side.

So the default position in my mind is the building is there for the foreseeable future.

SUPERVISOR LOGEL: The other thing I want to bring up. It is not just a bucket here and there. The Senior Center Director, the leaks in her office are incredible, and the entire place has to be -- when there is going to be a rainstorm, she rushes in at 4 o'clock in the morning when she hears a torrential downpour and puts plastic everywhere. It is not workable. You can't work under those conditions.

COUNCILMAN SCHULMERICH: They have to rip all of the roofing material, the plywood, a reroof?

JOSEPH CARR: We're not certain that all of the decking has to come up. But on the senior side it is an insulation layer on top of concrete decking.

On the rec side it is a wood deck, which -- what we can see, for the most part, the wood, through checking, doesn't seem to be too bad. But then you have asbestos shingles on there that have to be properly disposed. There may be some -- we are expecting -- I think they allowed 13 percent of the wood that would have to be replaced.

RESOLUTION #312 RE: Roof Replacement – East Complex

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

WHEREAS, the existing roof on the East Complex (Court, Recreation, and Senior Center Building), located at 3235 Chili Avenue, needs to be replaced. The estimated cost is \$116,000.

NOW, THEREFORE, BE IT RESOLVED, to authorize Joseph L. Carr, Commissioner of Public Works to advertise for bids to replace the above referenced roof.

UNANIMOUSLY APPROVED

RESOLUTION #313 RE: Budget Transfer

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Schulmerich

BE IT RESOLVED to transfer \$3,000 from Account #SD 8540.400 (SD Contractual) to Account #SD 8540.461 (SD Vehicles – DPW).

UNANIMOUSLY APPROVED

RESOLUTION #314 RE: Contract for EAP/SAP Services

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

BE IT RESOLVED that Supervisor Tracy L. Logel is authorized to sign the contract with Occupational Health Centers of NY, P.A. effective January 1, 2007 for an Employee Assistance Program services, as well as acting as the Substance Abuse Professional on the Town's behalf.

UNANIMOUSLY APPROVED

RESOLUTION #315 RE: Remote Check Deposit Service Agreement

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

BE IT RESOLVED Supervisor Tracy L. Logel is authorized to sign the Remote Check Deposit Service Agreement with M&T Bank for the purpose of check deposit electronically; and

BE IT FURTHER RESOLVED this agreement is subject to approval by Counsel for the Town.

UNANIMOUSLY APPROVED

RESOLUTION #316 RE: Budget Revision

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

WHEREAS, Monroe County reimburses the Town for election inspector fees;

NOW, THEREFORE, BE IT RESOLVED, to revise A1450.4 (Elections-Contractual) and A2215 (Election Fees-Revenue) to \$38,000.00.

UNANIMOUSLY APPROVED

RESOLUTION #317 RE: Budget Transfer

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED to transfer \$1,964.00 from DA9040.8 (Workers Compensation) to DA9010.8 (NYSERS).

UNANIMOUSLY APPROVED

**RESOLUTION #318 RE: Letter of Credit Release Maple Grove Subdivision
Release No. 4**

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that per recommendation of the Town Engineer, \$21,864.50 be released from the letter of credit with Ontario National (#1013) for Maple Grove Subdivision, leaving a balance of \$103,022.75; subject to engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: I have a comment that your -- said by the audience that we're not saying anything. We had a gag order on us. We couldn't.

SUPERVISOR LOGEL: Still do.

COUNCILMAN SCHULMERICH: We still do.

SUPERVISOR LOGEL: We still do.

COUNCILWOMAN IGNATOWSKI: As to general question, we received it. I know some modifications were made to it. Other than the two that I'm aware of, were there any other I'm not aware -- could we --

SUPERVISOR LOGEL: Mr. O'Toole called real quickly this afternoon and said that they were working on the final revisions. He thought -- any changes -- he thought they had an agreement finally. Everything has been agreed on, and that finally there would be a decision made that things were -- appeared to be suddenly moving.

COUNCILWOMAN IGNATOWSKI: Will we get a copy of the final then?

SUPERVISOR LOGEL: I hope. We definitely got to see it.

COUNCILWOMAN IGNATOWSKI: All right. So that -- when it --

RICHARD STOWE: I will only make this comment to the extent that I was aware, not of anything to do with the litigation, but with regard to the resolution, the fact that the Board didn't have another meeting scheduled was the source of some concern regarding the timing of the settlement and the judge's calendars and deadlines. This was the only opportunity to get a resolution on the board.

COUNCILWOMAN IGNATOWSKI: That was my concern. We're giving a resolution telling you to sign something I haven't seen yet, and that is where my discomfort was.

RICHARD STOWE: The Supervisor will be able to get copies of the decree to the Board. We needed a resolution in place authorizing the signature.

SUPERVISOR LOGEL: He said it will be available --

RICHARD STOWE: If you would like me to ask Assistant Counsel requesting that copies of the documents be sent to everybody, I would be --

COUNCILMAN SLATTERY: Not everybody. Just the Board.

SUPERVISOR LOGEL: We're basically authorizing our attorney -- we're basically authorizing our attorney to settle.

RICHARD STOWE: The authorization is very specific. Authorizing the Supervisor to settle the -- to sign the final stipulation once the Town Attorney responsible for the investigation has approved it. His approval can contain the request that all Board members see it prior to it being exercised.

SUPERVISOR LOGEL: Before I sign it.

COUNCILMAN SLATTERY: Yes.

COUNCILMAN SCHULMERICH: So let me ask a question, if I may. Let's assume that we -- we pass this resolution this evening for a yet-to-be-signed-final draft of the document. We authorize the Supervisor to execute and in the final draft there is something different than what we had seen to date. What are -- what are our degrees of freedom to not sign if the changes are --

RICHARD STOWE: The Assistant Town Counsel doesn't approve it unless he has the Board members' consent. It is subject to his approval.

COUNCILMAN SCHULMERICH: Okay. So we'll have an opportunity to see the final.

SUPERVISOR LOGEL: Before --

COUNCILWOMAN IGNATOWSKI: And sign off.

COUNCILMAN SCHULMERICH: Will we have an opportunity to react to it? So all we're doing, is authorizing, because of the time of the year and the planning of the Town Board meeting calendar associated with it.

SUPERVISOR LOGEL: And the judge's calendar.

COUNCILMAN SCHULMERICH: And judge's calendar. What we're doing is authorizing

you to sign, assuming that once we see the final draft --

RICHARD STOWE: That is my understanding.

COUNCILMAN SCHULMERICH: We're all comfortable. We give you a nod, and you sign it.

SUPERVISOR LOGEL: Believe me. I'm not signing it until you see it.

COUNCILMAN SCHULMERICH: I understand the wording. It just doesn't feel good.

SUPERVISOR LOGEL: It is extenuating circumstances.

RICHARD STOWE: If you would like to hold it and call a special meeting, I am sure that could be arranged.

SUPERVISOR LOGEL: The other alternative is a special Town Board meeting.

RICHARD STOWE: My concern -- no. I'm sorry. It is not my concern. The concern I heard expressed in that regard was that the judge's calendar is not all that flexible, and the ability to have a couple of days' lead time to call a special Board meeting to get the final version of the document wasn't something we could necessarily --

COUNCILMAN SCHULMERICH: She had more than half a year to work on this and provided a lot of information. What are the consequences of her having to change her calendar or come in after the 1st of the year?

SUPERVISOR LOGEL: Possibility it would have to go to a different judge. There is a change coming.

RICHARD STOWE: Significant is the answer to your question.

COUNCILMAN SCHULMERICH: Okay.

RICHARD STOWE: As it was explained to me.

COUNCILMAN SCHULMERICH: Yeah.

RICHARD STOWE: I'm not there.

COUNCILMAN SCHULMERICH: Let's not vote for a second. I'm still thinking.

I don't like this. I don't like this.

SUPERVISOR LOGEL: We can do -- we would have to do an instantaneous special Town Board meeting which is impossible because we have to advertise.

COUNCILWOMAN IGNATOWSKI: If I could, correct me if I am wrong, from what I have read, if we have an emergency like that, yes, you do have to post notice, but if you have an emergency, you post it on the bulletin board as reasonable as possible. You're supposed to have X number of days.

RICHARD STOWE: That is a true statement. You also have to have at least three of you.

SUPERVISOR LOGEL: Three of us have to be available.

COUNCILWOMAN IGNATOWSKI: You know I'm pretty much available during the days.

COUNCILMAN SCHULMERICH: What is concerning me is I have seen -- my perception, which may be wrong, my perception is that this judge has strung this out and acted more as mediator than a judiciary partner with her constituency.

SUPERVISOR LOGEL: I agree.

COUNCILMAN SCHULMERICH: Now as a consequence of her having urgency, we're supposed to forego appropriate action and see the document.

RICHARD STOWE: Don't equate the urgency with inappropriateness as far as your ability to see the document is concerned.

COUNCILMAN SCHULMERICH: Tell me why that is not fair.

RICHARD STOWE: Well, no, I just -- I think it is inappropriate for you not to see the document. I have every reason to believe you will see the document.

COUNCILMAN SCHULMERICH: Okay. That is fair. If I implied I would not see the document, that is fine. What doesn't make sense to me, I'm authorizing the Supervisor to sign a document I have not had an opportunity to see and compare. And I see this urgency being placed on us because of someone else not doing their job by my definition.

SUPERVISOR LOGEL: Amen.

COUNCILMAN SCHULMERICH: I'm having a page --

RICHARD STOWE: Key statement there. By your definition.

COUNCILMAN SCHULMERICH: I could be wrong. I'm just one of her constituents.

RICHARD STOWE: I understand your concern, and I share it.

COUNCILWOMAN IGNATOWSKI: What would be in summary documents? What would be in that? We're talking about a consent agreement. What is the other documents?

RICHARD STOWE: It is consent decree, by the way. That should be a C by the way. Not a G. Decree.

If, in fact, the consent decree had another court ordered approval by the Town.

COUNCILWOMAN IGNATOWSKI: So we would be able to see all that then?

RICHARD STOWE: Yes.

COUNCILMAN SLATTERY: I guess my concern is -- well, I guess we would have to get into this -- the specifics of this, and I can't.

RICHARD STOWE: Right.

COUNCILMAN SLATTERY: All right.

COUNCILMAN SCHULMERICH: Is it reasonable that we go into Executive Session for a short period of time to talk about this?

RICHARD STOWE: That is certainly --

COUNCILMAN SCHULMERICH: I guess I would prefer that we do that, because if -- if it is prudent to move this forward, and we're not taking unnecessary risk on the part of the Town, I -- I don't see the need to create yet another meeting if it -- if it is not needed.

However, if there is any risk to the Town, then we have another meeting.

COUNCILMAN SLATTERY: I will make a motion to move to go into Executive Session.

COUNCILMAN SCHULMERICH: I'll second.

SUPERVISOR LOGEL: Roll call to go into Executive Session to discuss this litigation.

The Board voted unanimously in favor of the motion to go into Executive Session to discuss litigation.

The Board went into Executive Session at 8:55 p.m.

The Board returned from Executive Session at 9:04 p.m.

COUNCILMAN SCHULMERICH: I was probably one of the more hesitant at the table. I have been enlightened. I -- I understand the substance and the value and I'm confident we'll have right discussion before signatures go on and I don't see risk to the Town. I see benefit moving this forward. So I'm in support of it.

RESOLUTION #319 RE: Hamilton v Town of Chili Planning Board, et al

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

WHEREAS, the parties to the action may have an agreement to settle the litigation;

NOW, THEREFORE, BE IT RESOLVED, that subject to the approval of the Assistant Town Counsel, the Town Supervisor is authorized to execute a Consent Decree and such ancillary documents as are reasonably required in furtherance of settling the litigation.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SCHULMERICH: I would like to make a comment. On an ongoing basis, the Lions Club of Chili has been incredibly in support of this Town and the program they have to

continue providing playground equipment, handicapped accessible in this case, is something we should be very proud of them for and thank them very much.

SUPERVISOR LOGEL: This is going to be a very nice piece.

COUNCILMAN SLATTERY: Supervisor, if I could, the -- the total cost for this playground would be just under \$39,000.

The Lions Club also, they had a -- if I can go to Joe Carr, they had a ten -- or five-year program I believe it was, in the past. Um, this -- this is something outside the normal that they would meet with the Town and set up a plan. How did this come about with the Lion's Club, for them to get involved with this portion of it?

JOSEPH CARR: I think it started when -- when the Supervisor and I were invited to the September meeting of the Lion's Club, and -- and they asked -- they were asking us for ideas on how they could help support the community, and we gave them four or five suggestions to look into at that meeting. It is my understanding that sometime later they contacted Mr. Curley and talked to him about participating in this program.

COUNCILMAN SLATTERY: Because this isn't normally the way it is done, when we order the playground equipment. We had that agreement with them and so forth. You -- per --

JOSEPH CARR: You're asking me?

COUNCILMAN SLATTERY: Yes.

JOSEPH CARR: No. This -- this is a little strange to me. What we had -- what I recall we had done is -- is set up the budget and acknowledge a revenue source, and at the same time we identified our matching or whatever we were putting into it, and then we went through the -- through the procurement process, and then sent -- I would do a resolution, you authorize the purchase.

COUNCILMAN SLATTERY: Correct.

JOSEPH CARR: Then we would order the equipment. That is what I remember doing.

COUNCILMAN SLATTERY: So has the order been placed already for the playground equipment, do you know?

JOSEPH CARR: I know at -- I know for this reason: We are expecting delivery any day. So I -- yes, I know it is ordered, because I have to -- and if I could digress a second, I -- I have ordered a storage trailer. If the Board remembers at all, the last time we did this, Union Station Park, and we took advantage of this program at year-end, and I need a place to put this equipment.

COUNCILMAN SLATTERY: Right.

JOSEPH CARR: And so I -- I -- I ordered the trailer. The trailer was set up this -- two days ago, Monday, at the site. And we're expecting a phone call any time when we'll be receiving the materials. We'll sort them and carefully put them in that trailer so when we're ready to construct, we'll take out the pieces, as we need them, and start assembly.

COUNCILMAN SLATTERY: Questions I just hit -- I didn't realize this then. Did we order \$39,000 worth of playground equipment when the Board gave approval for 30,000?

SUPERVISOR LOGEL: We ordered 30,000 on -- that is what I signed for, the contract, for our share of the \$30,000 grant. They ordered the other.

COUNCILMAN SLATTERY: Who is they?

SUPERVISOR LOGEL: The Lion's Club.

COUNCILMAN SLATTERY: Lion's Club.

SUPERVISOR LOGEL: So it is different the way they handled it this time. It is very, very different. Because of the time frame that -- and the Town Board meeting. Think if we remember correctly, I think the 15th we had a Town Board meeting and they had to be order -- order it that same day that we were voting on it, is why it was, and we voted on it that night. That is what happened. And then --

SUPERVISOR LOGEL: It is a little different, because they wanted it to be -- they had -- if I understand it, Joe (Carr), wasn't there some big year-end sale they saved \$20,000 doing it this way?

COUNCILMAN SLATTERY: They have every year, to real you in. The blue light special. So. But thank you, Joe (Carr). I appreciate your input.

RESOLUTION #320 RE: Acceptance of handicapped Accessible Playground Equipment

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

BE IT RESOLVED the Town Board accepts from the Lion's Club of Chili, Inc handicapped accessible playground equipment for Davis Park valued at \$8,950.00.

UNANIMOUSLY APPROVED

RESOLUTION #321 RE: December 6, 2006 Abstract

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED to pay vouchers 6249-6690 totaling \$532,665.84 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

| | |
|--------------------------------|---------------------|
| General Fund | \$287,590.91 |
| Highway Fund | \$200,843.60 |
| Library Fund | \$ 31,696.18 |
| Consolidated Drainage | \$ 56.00 |
| Chili Fire Protection District | \$ 2,200.00 |
| Special Light Districts | <u>\$ 10,279.15</u> |
| TOTAL | \$532,665.84 |

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

RICHARD STOWE: I apologize. The fact that we're not going to have enough time between December 29th and the organizational meeting time that I just heard of, January 3rd, 2007 at 7 o'clock, has stimulated the discussion where we probably ought to authorize the Town Clerk to publish notice of the organizational meeting for January 3rd, 2007 at the appropriate time by resolution this evening.

COUNCILWOMAN IGNATOWSKI: I will move that resolution he just said.

COUNCILMAN SCHULMERICH: Second.

RICHARD STOWE: The resolution is that the Town Clerk be authorized to publish notice of the 2007 organizational meeting to be held here on January 3rd at 7 o'clock.

RESOLUTION #322: Publish Notice of Organizational Meeting

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

BE IT RESOLVED that the Town Clerk be authorized to publish notice of the 2007 organizational meeting to be held at the Chili Town Hall on January 3rd, 2007 at 7 p.m.

UNANIMOUSLY APPROVED

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on December 6, 2006 at the Chili Town Hall,

CHILI TOWN BOARD MEETING - December 6, 2006

3333 Chili Avenue, Rochester, New York 14624 at 7:04 p.m. to discuss a franchise agreement with Time Warner.

Attendance as previously noted in the 12/6/06 Chili Town Board meeting minutes.

SUPERVISOR LOGEL: We have with us this evening representing from Time-Warner, Brian Wirth and Chris Mueller. Brian (Wirth), would you like to speak to this?

MR. WIRTH: Certainly. I don't have a formal presentation. Really what I am here for tonight is to answer any questions that may come before the Town Board for this public hearing.

As you know, we have worked for the last several months to finalize what will hopefully be the final franchise agreement between Time-Warner Cable and the Town. The ten-year agreement with the five-year option to review. It provides the Town with some additional connectivity, vis-a-vis fiber between the old Town Hall and the new Town Hall. Also provides for continuation of a free service in a number of municipal facilities. If there are any questions that come up before this Board tonight, I'm here. Chris (Mueller) is here to answer those questions or to assist you as part of this public hearing process.

SUPERVISOR LOGEL: Thank you. Is there anyone who would like to speak?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Just a question. Is the percentage that is mentioned in tonight's resolution the one that has been in effect in the past, 5 percent?

MR. MUELLER: Yes.

MS. BORGUS: How long have we been getting that rate?

MR. WIRTH: Five years has historically been the franchise fee percentage for the Town. As long as I can remember.

MS. BORGUS: We have gotten it for the past five years.

MR. WIRTH: Ten.

SUPERVISOR LOGEL: Ten years.

MS. BORGUS: Is this the normal percentage rate that is given to other towns that Time-Warner operates in?

MR. WIRTH: Under federal law 5 percent is the cap to which a municipality can seek relative to franchise fees. Various municipalities take various percentages anywhere from 5 percent max down to nothing, but the norm is 5 percent.

MS. BORGUS: Could you tell me the value of the services that Time-Warner is providing the Town, on an annual basis?

MR. WIRTH: Um, off the top of my head, I can't do that only because I just haven't calculated that, but we provide school and libraries with free service as well as high speed internet service. We provide a number of municipal facilities. I think there is probably one -- off the top of my head -- um, let me just go quickly through here. Ten -- 15 facilities, municipal facilities that get free cable service, including municipal hall, fire and some rescue squads. So the total value, um, is probably in the -- on an annual basis, the tens of thousands of dollars.

MS. BORGUS: Thank you.

JERRY SEWER (phonetic), 5 Spicewood Lane

MR. SEWER (phonetic): I'm wondering if Time Warner Cable service is available through the Town, if the whole Town is wired, and if not, can residents in the Town in some remote places be assured that they will get cable service without paying any additional great charges to have the service brought to their homes?

MR. WIRTH: There is a map attached to the franchise document which shows serviceable areas and non-serviceable areas. Very few areas are non-serviceable. It is my belief that there are either no

homes or very few homes or low-density area in those various -- in those various sections. Under the franchise and under the Public Service Commission rules there is a formula and process for homes who aren't serviceable to apply for service and to share in the cost of construction to bring service to that home. So all these pieces are in place. Pursuant to Public Service Commission rules. We follow those rules in all of our municipalities. So yes, the answer is yes, there is that provision in this franchise. And it is also part of the New York Public Service Commission rules.

The Public Hearing was closed at 7:10 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on December 6, 2006 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:10 p.m. to consider extension of the Chili Consolidated Drainage District to serve the Lusk property, tax map no. 134.13-1-71, 2770 Chili Avenue property.

Attendance as previously noted in the 12/6/06 Chili Town Board meeting minutes.

No one was present to represent the property at 2770 Chili Avenue.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 7:11 p.m.

The next meeting is Friday December 29, 2006 at 12:00 p.m. The meeting will be held in the Chili Town Hall Main meeting room.

SUPERVISOR LOGEL: I am recessing this Town Board to noon on Friday, December 29th.

The Town Board meeting was recessed at 9:14 p.m.