

CHILI TOWN BOARD  
December 29, 2006

A meeting of the Chili Town Board was held on December 29, 2006 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor Logel.

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

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

The invocation was given by Richard Brongo.

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

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: The east campus, that refers to the old Town Hall property.

JOSEPH CARR: Yes.

COUNCILMAN SLATTERY: I guess it is a shame that we have to have \$104,000 for -- that  
is -- well, it is a shame anyways. Thank you, Joe (Carr).

**RESOLUTION #323 RE: Award of Bid – Roof Replacement**

**Offered By: Councilwoman Ignatowski**

**Seconded by: Councilwoman Sperr**

**WHEREAS**, bids to replace the roofs on the Community Center and East Campus buildings were received on July 26, 2006 by the Town Clerk as follows:

Contract #1 – Community Center

RIBCO Company - \$54,080.00

Henderson-Johnson - \$73,930.00

Contract #2 – East Campus

J & B Installations, Inc. - \$104,400.00

**WHEREAS**, the Town Engineer and a roof specialist have indicated that replacing the Community Center roof is not in the best interest of the Town, and

**WHEREAS**, the Town Engineer has indicated that the bid received for the East Campus is a responsible bid,

**NOW, THEREFORE, BE IT RESOLVED**, to reject the bids for the roof replacement on the Community Center and to award the bid (Contract #2) to J & B Installations at an amount of \$104,400.00 to be paid from account #A1640.402 (Building Maintenance).

UNANIMOUSLY APPROVED

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**RESOLUTION #324 RE: Purchase of Plow Truck**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, included in the approved 2007 budget is the purchase of one (1) new plow truck replacement.

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the purchase from NYS OGS, Contract PC 62376, one (1) heavy duty Sterling Cab and Chassis from Tracey Road Equipment at a cost of \$99,983.00, to be paid from the Highway Equipment Reserve Fund.

UNANIMOUSLY APPROVED

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**RESOLUTION #325 RE: Purchase of Wood Chipper**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, included in the approved 2007 budget is the replacement of a trailer-mounted wood chipper,

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the purchase from NYS OGS, Contract PC 62530, a new 18" capacity drum-type diesel-powered chipper from Morbark, Inc. at a cost of \$28,800.00. \$27,000.00 is to be paid from General Fleet Reserve Fund and \$1,800.00 to be paid from A8160.2 (Refuse and Garbage Equipment).

UNANIMOUSLY APPROVED

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

COUNCILMAN SLATTERY: Was there going to be information provided to the Board before that hearing?

RICHARD BRONGO: We put it in your mailbox. I thought I did.

COUNCILMAN SLATTERY: I will check it.

COUNCILWOMAN SPERR: The letter of intent from Fix, Spindelman, Brovitz & Goldman, and their plan, abstract drawings. But is this also going to be available for anyone from the Town to look at ahead of time?

RICHARD BRONGO: I don't see why not. I have a copy in my office.

COUNCILWOMAN SPERR: You have one in your office. Okay, great, Dick (Brongo). I think it was available at the Planning Board meeting, but in case people ask.

COUNCILMAN SLATTERY: Richard (Brongo), I just picked it up today. Is this it?

RICHARD BRONGO: That's it.

COUNCILMAN SLATTERY: Thank you.

**RESOLUTION #326 RE: Set Public Hearing for February 7, 2007 at 7:00 p.m. to Consider Rezoning of 3127 Chili Avenue and 778 Paul Road from R-1-12 to GB**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, the Planning Board at their December 13, 2006 meeting recommended that the applicant petition the Town Board to rezone the properties located at 3127 Chili Avenue and 778 Paul Road from R-1-12 to General Business;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby declares itself lead agency for SEQRA review purposes and directs the Town Clerk to send notification of such designation to all affected agencies; and

**BE IT FURTHER RESOLVED**, that a Public Hearing be set for February 7, 2007 at 7:00 p. m. to consider the rezoning application for the parcels located at 3127 Chili Avenue, Tax ID# 146.10-1-18 and 778 Paul Road Tax, ID# 146.10-1-19.

UNANIMOUSLY APPROVED

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**RESOLUTION #327 RE: Association of Towns Annual Training Session**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilwoman Sperr**

**BE IT RESOLVED** that the Town Supervisor and members of the Town Board, are each authorized to attend the Association of Towns meeting in New York, February 18-21 2007, with expenses to be paid by voucher in an amount not to exceed \$1,400 per person, receipts required.

**BE IT FURTHER RESOLVED** that one Town Justice is authorized to attend the mandatory Town Justice training course held in conjunction with the Association of Towns meeting in New York, February 18-21 2007, with expenses to be paid by voucher in an amount not to exceed \$1,500, receipts required.

UNANIMOUSLY APPROVED

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**TOWN BOARD DISCUSSION RELATED TO THE PREVIOUS RESOLUTION:**

COUNCILWOMAN SPERR: Oh, excuse me, Supervisor, I just noticed on the newest copy than resolution you have two different amounts. The one we just passed, there were two different amounts.

SUPERVISOR LOGEL: One is -- 1400 is the Town's in the budget, and Pat (Pietropaoli) had 1500 in it.

COUNCILWOMAN SPERR: Got you. Sorry. Thank you.

SUPERVISOR LOGEL: Which is probably a more realistic figure.

COUNCILWOMAN SPERR: Yeah.

COUNCILMAN SLATTERY: Well, the judges -- there is additional training that they need, and there is additional expenses for the judges for their training.

SUPERVISOR LOGEL: Right.

COUNCILWOMAN SPERR: Okay.

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**RESOLUTION #328 RE: Letter of Credit Release Bellaqua Estates  
Release No. 7**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** that per recommendation of the Town Engineer, \$59,871.97 be released from the letter of credit with 1st Niagara Bank (#428143) for Bellaqua Estates Phase 1, subject to engineering fees and street light billing, leaving a balance of \$64,423.10.

UNANIMOUSLY APPROVED

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**RESOLUTION #329 RE: Transfer to Workers' Compensation Reserve**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, the Workers' Compensation Reserve Fund was established by December 1, 2004 Resolution 360;

**NOW, THEREFORE, BE IT RESOLVED**, to transfer any unexpended amounts from the General and Highway Funds Workers' Compensation budget line (9040.8) to the Workers' Compensation Reserve Fund.

UNANIMOUSLY APPROVED

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**RESOLUTION #330 RE: Transfer to Insurance Reserve Fund**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**BE IT RESOLVED** to transfer the unexpended amount from A1910.4 (Unallocated Insurance) to the Insurance Reserve Fund as established by December 31, 2003 Resolution #407

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**RESOLUTION #331 RE: Transfer STAR Money to 2006-7 Annual Equity Program**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, as part of the STAR program, NYS has sent the Town of Chili \$9,558.92 for aid to support the Assessor's office to maintain records; and

**WHEREAS**, the October 4, 2006 Resolution 253 established H43-2006-2007 Annual Equity Program to be funded from NYS maintenance aid;

**NOW, THEREFORE, BE IT RESOLVED**, to increase A3040 (State Aid-Real Property Administration) and A9950.0 (Transfer to Capital Projects) by \$9,558.92; and

**BE IT FURTHER RESOLVED**, to transfer \$9,558.92 to the H43-2006-2007 Annual Equity Program; and

**BE IT FURTHER RESOLVED**, to close out H42 2005-2006 Annual Equity Program and transfer the remaining funds to the H43-2006-2007 Annual Equity Program.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: I will second it with a question.

SUPERVISOR LOGEL: Question.

COUNCILMAN SLATTERY: Yes. What is the increase -- what is the budget revision for?

DIANNE O'MEARA: Um, -- okay, this -- this budget, this resolution is the same budget revision that was on the waiver for the December 20th abstract. And it still is ramifications from the travel to the Catskills where revenues were collected, but it had not been included in the budget. So we're still revising for that.

COUNCILMAN SCHULMERICH: Just to confirm.

DIANNE O'MEARA: It is on here for -- so that it is in the records.

COUNCILMAN SCHULMERICH: Just to confirm that was a revenue neutral transfer.

DIANNE O'MEARA: Yes.

COUNCILWOMAN SPERR: Got you.

**RESOLUTION #332 RE: Budget Revision**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** to increase A2001 (Parks and Recreation Program Fees) and A6772.4 (Programs for the Aging-Contractual) by \$11,000.00.

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: Questions or comments?

COUNCILMAN SLATTERY: Yes. Actually, if I can take a minute here to take a look at this.

COUNCILWOMAN SPERR: Supervisor, I thought the item number two on there had already been handled, and I notice on here today -- is that still open?

DIANNE O'MEARA: No. It was paid. At the time -- we did a budget transfer.

SUPERVISOR LOGEL: You're cleaning up the books.

COUNCILWOMAN SPERR: Thank you.

COUNCILMAN SLATTERY: For number one, why is -- under contractual, why are we transferring the money for number one?

DIANNE O'MEARA: No. The workshop meetings for the steno services.

COUNCILMAN SLATTERY: That's correct. There is not enough money in the one budget in

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DIANNE O'MEARA: Correct.

COUNCILMAN SLATTERY: Personally, I hope we don't have any more workshop meetings that amount to nothing and waste of time, waste of money, so. I'm all set with that.

COUNCILWOMAN IGNATOWSKI: Dianne (O'Meara), in the abstract for December the 20th, I called you because I had noted that the 89.4 would need to have a budget transfer. I don't --

DIANNE O'MEARA: That is Item Number 9 in this resolution.

COUNCILWOMAN IGNATOWSKI: Okay. There it is. I'm sorry.

COUNCILMAN SLATTERY: We should be set with snow and ice removal, huh?

COUNCILWOMAN SPERR: Keep your fingers crossed.

**RESOLUTION #333 RE: Budget Transfer**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilwoman Ignatowski**

**BE IT RESOLVED**, to transfer :

1. \$562 from A1010.4 (Town Board-Contractual) to A1010.1 (Town Board-Personnel) for steno services for workshop meetings;
2. \$2,590 from A1990.4 (Contingent Account) to A1220.1 (Supervisor-Personnel) for John Georges resolution;
3. \$60,000 from General Fund Surplus to A1420.4 (Attorney-Contractual);
4. \$137 from A16204.401 (Buildings-Town Hall) to A16204.403 (Buildings-Highway);
5. \$56,000 from General Fund Surplus to A1620.402 (Buildings-Court, Sr Center) for roof project;
6. \$1,500 from A3410.4 (Fire Marshal-Contractual) to A3410.1 (Fire Marshal-Personnel);
7. \$650.00 from A3620.1 (Safety Inspection-Personnel) to A3620.4 (Safety Inspection-Contractual);
8. \$45 from A7110.1 (Parks-Personnel) to A7110.4 (Parks-Contractual);
9. \$283 from A1990.4 (Contingent Account) to A8989.4 (Special Services-Contractual);
10. \$98,000 from DA5142.499 (Snow-Miscellaneous) to DA5110.4 (General Repairs-Contractual);
11. \$10,000 from DA5142.4 (Snow-Contractual) to DA5110.4 (General Repairs-Contractual);
12. \$13,000 from DA5148.4 (Services-Other Governments) to DA5110.4 (General Repairs-Contractual).

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Why is the one highlighted?

DIANNE O'MEARA: I don't know.

DAWN FORTE: I just saw that.

DIANNE O'MEARA: It's weird.

RICHARD STOWE: It was an oops.

COUNCILWOMAN IGNATOWSKI: An oops. Not something to --

DIANNE O'MEARA: It is gold-plated.

(Laughter.)

COUNCILMAN SCHULMERICH: That probably wasn't the best answer.

COUNCILWOMAN SPERR: For the record, you were joking.

DIANNE O'MEARA: I was joking.

**RESOLUTION #334 RE: Encumber 2006 Funds**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilwoman Sperr**

**BE IT RESOLVED** to encumber the following from 2006 budgets:

1.	A1420.4:	Cole Lynch & Co, Resolution 303	\$17,500.00
		Passero, Resolution 305	\$23,000.00
		Pogel-Schummal, Resolution 263	\$ 1,500.00
2.	A1680.2	GovConnection	\$ 2,300.00
3.	A3620.4:	General Code	\$ 2,371.25
4.	A7110.2:	VanBortel pickup	\$20,137.00
		Thruway Spring, snowplow	\$ 3,600.00
		SV Moffitt, mower replacement	\$ 7,200.00
5.	A7510.4	CDL Printing/Brochures	\$ 750.00
		Various, books and photography	\$ 700.00
		Art Group, Landmark drawings	\$ 300.00
6.	A7519.4	Cynthia Howk, lectures	\$ 1,000.00
7.	A7520.4	Building/cemetery maintenance	\$ 2,000.00
8.	DA5110.4	Babcock Enterprises, Res 311	\$88,075.00
		Midland Asphalt, Brook Road	\$55,000.00
9.	DA5130.2	Reversible plow	\$ 2,500.00
10.	A1620.402	Court/Senior Center roof project	\$104,000.00

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: On page 18, I believe -- we answered that with the transfer -- for the --

DIANNE O'MEARA: Right.

COUNCILMAN SLATTERY: Okay. For 6, 7724. For the Programs of the Aging --

DIANNE O'MEARA: Yes, correct.

COUNCILMAN SLATTERY: That is what we're doing. And then page 20, for Youth Programs, Churchville-Chili School District, indoor use of rooms at Chestnut, and then the summer 2006 trips, bills for those. I'm assuming those are coming in now.

DIANNE O'MEARA: Uh-huh. They're very lax in billing.

COUNCILMAN SLATTERY: I know they need my tax money. Thank you.

**RESOLUTION #335 RE: December 20, 2006 Abstract**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilwoman Sperr**

**WHEREAS**, January 4, 2006 Resolution #1 authorized vouchers to be paid December 20, 2006 by all Council signing a waiver form; and

**WHEREAS**, Council did authorize by a majority vote vouchers 6733-7020 totaling \$119,303.59 to be paid from the Distribution Account as presented by Richard Brongo, Town Clerk

**NOW, THEREFORE, BE IT RESOLVED**, to note for the record vouchers 6733-7020 were paid from the following funds:

General Fund

\$ 97,561.46

CHILI TOWN BOARD MEETING - December 29, 2006

Highway Fund	\$ 18,817.81
H43 Annual 2006-7 Equity Assessment	\$ 1,993.40
Consolidated Drainage	\$ 910.92
Special Light Districts	<u>\$ 20.00</u>
Total for Abstract	\$ 119,303.59

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: I will second it, but if I can have a chance to review it.

COUNCILWOMAN IGNATOWSKI: Since I just ran in it -- it wasn't in my mailbox when I picked up my mail yesterday or the day before. I need to take a look at it.

COUNCILMAN SCHULMERICH: Ginny (Ignatowski), do you need to see a copy?

COUNCILWOMAN IGNATOWSKI: I'm looking at Michael's. I take it, some of the things we did are budget transfers for today.

DIANNE O'MEARA: Yes.

COUNCILWOMAN SPERR: I do have a question on page 21. We -- I have a bill for \$200 for EduCable. I thought that we passed that resolution that we are going to film for the end of the year, so I was surprised not to see them here today.

SUPERVISOR LOGEL: They were, so I don't know. I don't have an answer.

COUNCILWOMAN SPERR: We don't -- you didn't ask them to come?

SUPERVISOR LOGEL: They were told to come. They were scheduled to come for this meeting.

COUNCILWOMAN SPERR: Okay.

COUNCILMAN SLATTERY: Was that on the -- we approved that on the contract. I don't think we did. Town Board agenda resolution, I don't think we -- you included them for this meeting.

SUPERVISOR LOGEL: This meeting wasn't included.

COUNCILMAN SLATTERY: You did not include it for this meeting. You only included --

COUNCILWOMAN IGNATOWSKI: It was date specific and I don't recall this meeting.

SUPERVISOR LOGEL: We should have caught it then. Because I didn't catch it. I probably didn't think of this one as a regular type meeting. Usually it is to close the books. It was supposed to be for the whole rest of the year.

COUNCILMAN SLATTERY: So is it our intention to continue on with them for -- for next year.

SUPERVISOR LOGEL: Is this specific to this abstract right now?

COUNCILMAN SLATTERY: I thought it was for the bill. But --

SUPERVISOR LOGEL: This bill is for one of the things that you're -- you're talking about right now.

COUNCILMAN SLATTERY: I understand that.

SUPERVISOR LOGEL: We have ordered new equipment to do our own taping here. It has all been ordered through the grant we got from Mr. Alessi. As far as I know -- Dianne (O'Meara), it has all been ordered, all of the equipment?

DIANNE O'MEARA: Yes.

COUNCILWOMAN SPERR: How much did we spend for that equipment? We don't know anything about it. We're just finding --

SUPERVISOR LOGEL: I think it was 3,000, something, he got for that.

DIANNE O'MEARA: This -- it was in that area. Correct.

COUNCILWOMAN IGNATOWSKI: When is this equipment expected to be in?

SUPERVISOR LOGEL: Already started arriving. We got a couple boxes the other day, right, Joe (Carr)?

JOSEPH CARR: Yes.

CHILI TOWN BOARD MEETING - December 29, 2006

COUNCILMAN SLATTERY: What grant is this in reference to?

SUPERVISOR LOGEL: Pardon?

COUNCILMAN SLATTERY: What grant is this in reference to?

SUPERVISOR LOGEL: The one that Mr. Alessi gave us that had the 100 and -- what \$150,000 we got for that whole package, for new materials.

COUNCILMAN SLATTERY: The only part I'm aware -- the only information I'm aware is the information that was in the newspaper press release.

SUPERVISOR LOGEL: Yes.

COUNCILWOMAN SPERR: We received nothing from you as far as what you planned to do with the money.

SUPERVISOR LOGEL: No, no, no. The grant is very specific what the money is for that Mr. Alessi --

COUNCILWOMAN SPERR: We didn't get that information. I'm telling you we didn't get that.

SUPERVISOR LOGEL: Mr. Alessi --

COUNCILWOMAN SPERR: Senator Alessi.

SUPERVISOR LOGEL: Yes.

-- wanted to keep that very much generic because of the fund that it came out of.

COUNCILWOMAN IGNATOWSKI: My concern is is this equipment going to be ready to roll for the organizational meeting?

SUPERVISOR LOGEL: It may not be. We may have to have -- we may have to hire them to do or hire someone to film the first one because it has to be installed. Mr. Carr -- we have already looked at the positioning here in this room and all of the places that it has to go, correct?

JOSEPH CARR: Yes. But -- but it would take --

COUNCILMAN SCHULMERICH: Are we then therefore hiring a videographer to run our own equipment?

SUPERVISOR LOGEL: We don't need to. It will be -- how is it working, Joe (Carr)? I'm not technically able to answer that question.

JOSEPH CARR: I'm sorry, but I'm not either.

SUPERVISOR LOGEL: Chris (Levey) has got it all. He is on vacation today.

COUNCILWOMAN IGNATOWSKI: This seems like it should have been a discussion had with the Board because it is going in -- in a different direction.

SUPERVISOR LOGEL: What is so different about it? We talked about sampling the other one. This saves us a lot of money.

COUNCILWOMAN SPERR: We talked about --

SUPERVISOR LOGEL: Hiring.

COUNCILWOMAN SPERR: We talked about using EduCable through the end of the year to see how that worked out. We have not been able to --

SUPERVISOR LOGEL: You want to hire them?

COUNCILWOMAN SPERR: Excuse me for a minute. We have not come back to that discussion and even held a discussion to evaluate what we thought, no one. You have not discussed it with any of us.

SUPERVISOR LOGEL: This is a grant that Mr. Levey went for. You all knew he went for the grant. He has, the last I knew, notified everybody that he had gone out for this equipment to be able to put this up. Does Planning Board -- we discussed last time a little bit about Planning Board, Zoning Board, all of the meetings will be able to be covered. Not only will it be available on broadcast through a television station, or through a public access, but also can be available on computer on line. It makes every single thing available. So you are really opening up everything to the public.

COUNCILWOMAN SPERR: Okay. If we -- if we are to, for example, show this on TV, the only avenue available for us is Channel 12.

SUPERVISOR LOGEL: That is not true. That is absolutely not true. We also can contract with the Greece School District, which is what is happening with several other towns through their new public education system. They're going to be broadcasting through there, and we have calls in to start establishing how we can do that. But either way, public access through Channel 12 has to show it because that is paid through our Time-Warner cable franchise.

CHILI TOWN BOARD MEETING - December 29, 2006

COUNCILWOMAN SPERR: No.

SUPERVISOR LOGEL: Time-Warner has met with us repeatedly and informed us, and you may call Brian Wirth at any time, the -- we do not have to pay double fees. It is all covered under the franchise fee that Time-Warner pays. We have had -- I said this before. Time-Warner pays the fee. We have been double-dipping. We do not need to double-dip. We don't need to both pay. Time-Warner has already paid the fee. Public access is available for us. At no additional cost.

COUNCILMAN SLATTERY: So --

COUNCILWOMAN SPERR: That's contrary to what I have been told.

SUPERVISOR LOGEL: I know it is contrary to what you have been told because there are certain people that -- all of the towns are pulling out of the other because they do not need to do that. Time-Warner has assured us, and unless Time-Warner doesn't know what they're talking about, Time-Warner has assured us, that we have complete access and do not have to be paying that fee. Under New York State law. I don't have it in front of me, but I can get all of the documentation for you.

COUNCILWOMAN SPERR: I would like to see it.

COUNCILMAN SLATTERY: So with the Town of Greece -- or excuse me, with the Greece School District that you just mentioned, how will that work? Do we have to pay the Greece School District?

SUPERVISOR LOGEL: We need to get a quote from them if we want to go that route or public access through Channel 12. Channel 12 has fought us on -- because that is paid by our Time-Warner cable franchise.

COUNCILMAN SCHULMERICH: Sounds like there are options for us to do something different than what was initially discussed, and that is fine. But I would say that it would have been preferred to have this discussion prior to finding out boxes are arriving, the decision has been made, that there is a path forward already determined. I would hope that you would choose to use the Board for the reason we are here.

SUPERVISOR LOGEL: Well, I think that the problem with this one is this is a grant that Mr. Levey got and he can order the equipment without having to have a Board vote.

COUNCILMAN SCHULMERICH: I'm not looking for a Board vote and not trying to invoke bureaucracy, but I'm trying for communication which does seem to be lacking in this Town.

SUPERVISOR LOGEL: Which I thought he had informed all of us about that, because he --

COUNCILMAN SCHULMERICH: Supervisor, if communication is going to come, it will come through your office, not through the State Legislator.

SUPERVISOR LOGEL: Not Mr. Alessi's office. Can we vote on this abstract?

COUNCILMAN SLATTERY: Well, I -- Supervisor, I think we're still trying to understand what was taking --

SUPERVISOR LOGEL: Well, this \$200 fee, sir --

COUNCILMAN SLATTERY: Sir?

SUPERVISOR LOGEL: Michael (Slattery). I'm sorry.

This \$200 fee is for a bill that's already been paid, been worked on. We'll need to get clarification on all of the rest. Until Mr. Levey is here to explain that -- Levey is here to explain it to you --

COUNCILMAN SCHULMERICH: I want to go on record if we're going to do video streaming, which it sounds like we are, we should be looking into purchasing the appropriate anti-hacker software so our stream can't be interrupted or hacked, and that will be an incremental cost to the Town. So I hope we have the right IT assessment going on.

COUNCILMAN SLATTERY: Can I ask this question, because it pertains to our next Town Board meeting? Will this equipment, all of the boxes be here? Will it be available to record our January 3rd meeting? Joe (Carr), I don't think it can.

JOSEPH CARR: No.

SUPERVISOR LOGEL: Can it be mounted by then?

JOSEPH CARR: It won't be not available.

CHILI TOWN BOARD MEETING - December 29, 2006

SUPERVISOR LOGEL: We have already contacted them to hire them for the -- not next Wednesday.

COUNCILWOMAN SPERR: They will be here.

COUNCILWOMAN IGNATOWSKI: They are okay with arriving for just the one day? Is there a contract that needs to be --

SUPERVISOR LOGEL: They want me to sign a three-year contract. You're crazy to commit to a three-year contract to get them to -- we need to hire anyone or just get someone to videotape for us.

COUNCILMAN SLATTERY: What is your course of action for January 3rd?

SUPERVISOR LOGEL: Getting someone to video tape for us if they will not.

COUNCILMAN SLATTERY: Okay. Considering today is Friday and January -- you run into the weekend, holiday.

SUPERVISOR LOGEL: We have lots of people with video equipment.

COUNCILMAN SCHULMERICH: Maybe we could consider hiring Mr. Rettig to be here.

SUPERVISOR LOGEL: You could hire Mr. Rettig to be here for the 3rd.

COUNCILMAN SLATTERY: I just think there are a lot of questions that need to be answered.

SUPERVISOR LOGEL: You don't want to sign a three-year contract for --

COUNCILWOMAN SPERR: We don't know whether or not we want to.

COUNCILMAN SLATTERY: I'm just trying to understand what is going to take place on --

SUPERVISOR LOGEL: We learned this morning they're giving us a hard time about that. So we'll have to get someone privately.

COUNCILMAN SCHULMERICH: I understood the contract was here on December 3rd.

SUPERVISOR LOGEL: The contract has been here. Yeah. I am talking about for the next year. Filming.

COUNCILWOMAN IGNATOWSKI: This was for a three-year. They won't even go for an annual, so that we --

SUPERVISOR LOGEL: Why would you do annual? Why would you do any if you do not -- by law, you have -- you have been paying it and you don't need to pay it.

COUNCILWOMAN IGNATOWSKI: For the sake of perhaps having the digital and trying it out on zoning and planning and getting that all in place and still having an opportunity that we know with -- our Town Board meetings will be adequately covered at this point.

SUPERVISOR LOGEL: Mr. Rettig has been doing quite an adequate job, too.

COUNCILWOMAN SPERR: Our goal was to have someone professionally film this so -- excuse me. Excuse me. The point was, I think from several other people that -- on this Board that discussed it ahead of time, and we set this up with EduCable was to have them professionally come in and do it because we have control of the content. We have control of the content that is put in there, and no offense to Mr. Rettig at all, none intended, but we have control of the content on here. I have no -- absolutely no problem with anyone filming any of the -- our Town Board. It has not changed any of the way I act nor anything I say. But I really felt it was important that someone should have been here. It is not my job to set that up.

SUPERVISOR LOGEL: That is strictly something that fell through the cracks apparently because this is the closing-of-the-books meeting and I don't know why it is not on there, because I thought we signed when we did it through the end of the year. I know our resolution read through the end of the year.

COUNCILWOMAN SPERR: I would assume someone would have looked at that. So -- but the point I am making, is, you have -- did you talk to Time-Warner and did you talk to Brian (Wirth)?

SUPERVISOR LOGEL: Yes. I have talked.

COUNCILWOMAN SPERR: Yourself?

SUPERVISOR LOGEL: We have talked to Time-Warner repeatedly and had long meetings with Time-Warner because -- you know we have discussed it with the Town Board before about the fact that he was concerned and that, and I had them -- and they are right now talking to their attorneys that it is even -- no, I'm -- I'm just going to say that -- that it is finalized.

CHILI TOWN BOARD MEETING - December 29, 2006

COUNCILWOMAN SPERR: So I guess I would like to see the information of which you have made a decision, or coming to us to ask us to accept what you're telling us, I would like to see it. It is not that I don't believe what you're telling me. It just seems odd to me that for the prior ten or so years, very bright people had signed these contracts and investigated these things, so unless something has changed. The --

SUPERVISOR LOGEL: There is something that changed.

COUNCILWOMAN SPERR: I would like to have the information so I can personally understand it so when someone asks me about it, I can speak to it. Right now I don't have that information with the -- with the details so I can be educated about it. That is what I am asking for.

SUPERVISOR LOGEL: Do I -- I have no problem with it being filmed. I want it to be filmed, but I don't want to spend one single dollar of tax payer money I don't need to pay. When I have a Time-Warner franchise corporation coming in here and saying you do not need to be paying this fee. You can go this route. And when we're offered the opportunity to go much more professional, much more digital, much clearer, cleaner copy of everything from planning, and zoning and Town Board, and be able to do it very reasonably, this is my premise, is to do exactly what is -- in the best interest in this entire Town. And I certainly would not be going against filming it. I am not trying to not film. I would want to have it filmed. That is no problem whatsoever to me. I don't care whether or not it is filmed or not filmed, but I want to do what is in the best interest of this community, and I want to do it for the tax dollar amount in our best interest.

And I did -- excuse me. May I finish? I let you finish. Let me finish.

I did not go to Time-Warner with this. Time-Warner came to us to negotiate a new contract. One had not been negotiated in a long time. They told me that they had -- the laws had changed. We do not need to pay it. I am going to take professional advice from a professional company with their attorneys, when they come here and tell me that.

And Rich (Stowe) knows, and he will tell you how many times I have talked to him about it over and over, and I think you have even talked to --

RICHARD STOWE: I talked to Chris (Levey).

SUPERVISOR LOGEL: He talked to Chris (Levey). We have talked about it repeatedly because we do not want to make a legal error in this thing. We want to do what is right. If it turns out that Time-Warner has advised us incorrectly, which I don't think they have. They would be very, very foolish. Then we'll have to make a decision at that time. But I don't believe they have. Time-Warner wouldn't have any reason -- they have no -- nothing to gain.

COUNCILWOMAN SPERR: Well, all I'm telling you is that no one here wants to spend any more tax dollars. No one has said that. We're talking about information, communication, and the ability to be able to make educated decisions with that information.

All I'm asking for us is that you provide that for us and we're not getting that. That is what I am asking you for.

SUPERVISOR LOGEL: Improved service. I can have a Town Board meeting in which -- excuse me, Mr. Schulmerich. I can have a Town Board meeting in which I can invite the Time-Warner Cable people to come to meet with you.

COUNCILWOMAN SPERR: I would like to read what the paperwork says first before you take a step. Just do me a favor and provide the information. I don't have anything else to add.

SUPERVISOR LOGEL: I will contact Time-Warner and ask them to present you with all of that information.

COUNCILWOMAN SPERR: I would like the contract that was presented --

SUPERVISOR LOGEL: But I can't do that until next week when Mr. -- I can't get into Mr. Levey's office to get all of the -- that information out.

COUNCILWOMAN SPERR: That is absolutely fine. I would like a copy of the franchise agreement that we had been proposed to sign, and what we previously signed so we can see what EduCable had proposed that we sign that apparently you were not. So -- and I'm not saying that we should or shouldn't. I just would like the information.

SUPERVISOR LOGEL: Well, you should have the past contract from before. Have you ever seen them before?

COUNCILWOMAN SPERR: No.

CHILI TOWN BOARD MEETING - December 29, 2006

SUPERVISOR LOGEL: So in other words, when other supervisors signed the contracts, you never read them; so it is only important now that you read them.

COUNCILWOMAN SPERR: No. We did have them.

SUPERVISOR LOGEL: Can we move on?

COUNCILMAN SLATTERY: Councilman Schulmerich had a comment.

COUNCILMAN SCHULMERICH: I think we're debating two issues. Number one, the Time-Warner contract itself, and I will defer to legal counsel in terms of what makes sense there.

But the second topic was the taping, and -- and the ongoing process, and I guess the only point I want to reflect, and I'm comfortable moving on, is I am disappointed that decisions like this are being made without open communication and understanding what the process is. I would hope that we would be seen as advocates for trying to support the Town, as well.

The Supervisor is not alone in her desire to try to have efficient government. It has been implied at several occasions that that is a sole focus she has and the Town Board does not have that focus. We do. There needs to be a partnership in communication, and it is seriously lacking.

SUPERVISOR LOGEL: I bring it up here. We can't have a meeting, because you got to have a quorum, so -- so we have a problem -- and we have workshops.

COUNCILMAN SCHULMERICH: I'm highly confident this equipment was not ordered in the last several days. I'm highly confident if the boxes are being received, there was some discussion somewhere in the Town about this and the phone works both ways.

SUPERVISOR LOGEL: What do you mean it wasn't ordered?

COUNCILMAN SCHULMERICH: Who ordered it?

SUPERVISOR LOGEL: Right after the last Town Board meeting he ordered --

COUNCILMAN SCHULMERICH: Right after the last Town Board meeting.

SUPERVISOR LOGEL: When did Mr. Levey order that equipment? The day --

DIANNE O'MEARA: I want to say it was about a week ago. A week and a half ago.

SUPERVISOR LOGEL: It came very quickly. We were surprised.

COUNCILMAN SCHULMERICH: That is fine.

All I am suggesting is in the spirit of communication -- not the spirit of approval. In the spirit of communication, an e-mail, a phone call, some degree of communication, something that has transpired at the Town Hall, would benefit the Town Board to know so we don't walk into meetings like this and continue to be blind-sided. It is getting very thin.

COUNCILMAN SLATTERY: Supervisor, I believe what we're asking is that we don't want every department head to have to pick up the phone and give us a call. We're relying on dialogue, communication coming from you.

SUPERVISOR LOGEL: Technologically that would be very hard for me to explain this one because technology, I don't have the information to give you about technical equipment that has to be mounted in the ceiling and videotapes. Okay?

COUNCILMAN SLATTERY: Thank you.

SUPERVISOR LOGEL: I would prefer Chris (Levey) give you the technological terms for it.

COUNCILMAN SLATTERY: And I was asked a question in regards to if the Town Board is having -- we paid to have our meetings tape recorded. Was there a copy of that tape given to the Town for people in the community to see, to watch, to tape?

DAWN FORTE: We received one, but they haven't given the other ones. They were supposed to give them to me after each time that they come back, and the last time she was here, she forgot to bring them.

COUNCILMAN SLATTERY: Okay. Considering that when we meet, you know, going back to a period of time, have we requested from them those copies that they have not given you that was required by the contract?

SUPERVISOR LOGEL: Yes. We have asked her for them.

DAWN FORTE: I asked them for them. Brian (Wirth) also said that anybody who wished to have a copy, that he has -- since he has them, he would give them a copy.

COUNCILWOMAN SPERR: Where will they be kept? Will they be in Dick (Brongo)'s office?

SUPERVISOR LOGEL: The library or Dick (Brongo)'s office. You want them in the library or

CHILI TOWN BOARD MEETING - December 29, 2006

Dick (Brongo)'s office?

DAWN FORTE: It is up to you.

COUNCILMAN SCHULMERICH: The Clerk.

SUPERVISOR LOGEL: The Clerk, okay.

COUNCILMAN SLATTERY: So the copies they have available now, where -- we only have one copy from when they began.

DAWN FORTE: Uh-huh.

COUNCILMAN SLATTERY: Can we find out when they will be available, so if people want to come in --

SUPERVISOR LOGEL: I will. She just said she forgot them last time.

DAWN FORTE: Yeah.

RICHARD BRONGO: I have a question for Rich (Stowe). If we are keeping those tapes of the meetings because they are official records, and someone comes in and requests a copy, how do I go about doing duplicates? Do I have to go out with that tape to somebody that does duplicates?

RICHARD STOWE: We should have a procedure in place where we can tell how much it costs.

RICHARD BRONGO: Oh, they would have to pay for the cost of the copy. But I guess do we look to buy equipment to dupe tape to tape? Or do we just take one out and say this is the cost of a duplicate tape?

COUNCILMAN SCHULMERICH: I would assume EduCable is not giving us their original; that they're giving us a copy.

DAWN FORTE: That is what I am assuming.

COUNCILMAN SCHULMERICH: I would go back to EduCable for a copy of the meeting. I don't know.

SUPERVISOR LOGEL: If they want to own it.

COUNCILMAN SCHULMERICH: I don't know why that would be an obligation of the Town to provide a copy.

RICHARD BRONGO: Because it is an official record and we have to provide -- if we tape record it -- if we videotape it, or whatever. Once it is an official Town record, they come to the Town Clerk for a copy. I can direct them there to get one --

COUNCILMAN SCHULMERICH: Sure.

RICHARD BRONGO: Or I could call up and say, "I need a copy of such-and-such a meeting," or I can take the tape to another reputable duplicator and say, "I need a copy of this particular tape," and if he says it is \$10, well, then that is what it costs the individual, and --

COUNCILMAN SCHULMERICH: Sure.

SUPERVISOR LOGEL: We would do that with all -- we do zoning, planning, we're going to have to keep all of those.

RICHARD BRONGO: Yes, we will.

SUPERVISOR LOGEL: Yes, we will.

COUNCILMAN SLATTERY: So it sounds like there is another policy, procedure that needs --

COUNCILMAN SCHULMERICH: Sounds like our Information Technology Director has some procedures to work out in cross support to the Town Clerk.

SUPERVISOR LOGEL: You got it.

SUPERVISOR LOGEL: Role call.

**RESOLUTION#336 RE: December 29, 2006 Abstract**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** to pay vouchers 7021-7281 totaling \$125,744.70 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund

\$ 75,773.06

CHILI TOWN BOARD MEETING - December 29, 2006

Highway Fund	\$ 20,123.42	
Library Fund	\$ 14,278.24	Per Library Director
H32 Union Station Park	\$ 3,297.04	
Consolidated Drainage	\$ 993.79	
Senior Center Fundraiser	\$ 1,000.00	
Special Light Districts	<u>\$ 10,279.15</u>	
TOTAL	\$125,744.70	

APPROVED BY A VOTE OF 3 YES TO 2 NO  
(Councilman Schulmerich and Councilman Slattery voted no.)

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Supervisor, are we also doing the resolution -- at least adding one person through your information?

SUPERVISOR LOGEL: Yes. What did I do?

COUNCILWOMAN IGNATOWSKI: There is at least one we have all agreed upon. If we could at least have one, if not two on --

SUPERVISOR LOGEL: Sounds good.

COUNCILWOMAN IGNATOWSKI: We have agreed on Dr. Dingus.

SUPERVISOR LOGEL: We agreed on Dr. Dingus all of the way across and looks like Tim Condon is the other one.

COUNCILMAN SLATTERY: No. Not all of the way across.

SUPERVISOR LOGEL: You got three to two.

COUNCILWOMAN IGNATOWSKI: If we need further discussion on the second one, maybe we can have at least one additional person to help out that committee and then at the organizational.

COUNCILMAN SCHULMERICH: Does that give a quorum for the meeting?

COUNCILWOMAN IGNATOWSKI: Yes. It would at least add the one to help out and then we can have our discussions about filling that position.

SUPERVISOR LOGEL: Okay.

COUNCILWOMAN IGNATOWSKI: There was two you had done. And -- one of the resolutions had just one person on it.

COUNCILWOMAN SPERR: I would support the proposed people that -- that Councilwoman Ignatowski has proposed.

SUPERVISOR LOGEL: So you to -- well, we'll have to amend it before --

COUNCILWOMAN IGNATOWSKI: We'll do it at the organizational and just add one for now.

I will move it.

COUNCILMAN SCHULMERICH: Question before we move it.

COUNCILWOMAN IGNATOWSKI: Sorry.

COUNCILMAN SCHULMERICH: Which one are we crossing off? The term 2009 or 2008?

RICHARD BRONGO: 2009.

SUPERVISOR LOGEL: I just crossed out the bottom.

COUNCILWOMAN IGNATOWSKI: At this point, it doesn't make much of a difference.

COUNCILMAN SCHULMERICH: You had an option to chime in for an extra year if you choose.

COUNCILWOMAN IGNATOWSKI: For reappointments and everything.

COUNCILMAN SCHULMERICH: Just asked a question.

COUNCILMAN SLATTERY: If I could ask Counsel a question. I know the committees, the way they are broken up -- written up, excuse me, in Town Code, do the Drainage Committee, Recreation, examples, if they do not have -- that -- they're required to have a quorum to --

RICHARD STOWE: (Nodded).

CHILI TOWN BOARD MEETING - December 29, 2006

COUNCILMAN SLATTERY: Are there any committees that aren't required --

RICHARD STOWE: (Nodded).

COUNCILMAN SLATTERY: All are required to have a quorum before they conduct business.

COUNCILMAN SCHULMERICH: Even Recreation Advisory.

SUPERVISOR LOGEL: If they're going --

RICHARD STOWE: I believe they're entitled to meet. As far as taking any action that represents a vote of that entire committee, I think there has to be a quorum present.

SUPERVISOR LOGEL: But does an advisory board actually make decisions?

RICHARD STOWE: How does this Board know that the advice represents the position of that committee if there is not a quorum of the committee?

COUNCILMAN SCHULMERICH: That's fair.

RICHARD STOWE: Does the doctor have a first name besides just "Doctor"?

COUNCILMAN SCHULMERICH: We're trying to recall. The answer is yes, he does.

SUPERVISOR LOGEL: I didn't bring in the application with me.

COUNCILWOMAN SPERR: I have it.

RICHARD STOWE: I think we should probably appoint him in his given name.

COUNCILWOMAN IGNATOWSKI: William. William Dingus, D-i-n-g-u-s.

COUNCILMAN SLATTERY: He is a dentist, in case you're wondering what type of doctor he is.

RICHARD STOWE: As I understand, even though we have not moved or seconded the resolution, the one we're discussing, says that be it resolved that Dr. William Dingus should be appointed to the Drainage Committee to complete the term of Michael R. Bubel, term to expire on December 31st, 2008.

SUPERVISOR LOGEL: Yes.

COUNCILMAN SLATTERY: That's correct.

RICHARD STOWE: The rest of that resolution --

SUPERVISOR LOGEL: Is deleted.

RICHARD STOWE: As it was originally contemplated, has expired.

SUPERVISOR LOGEL: Yes.

COUNCILWOMAN IGNATOWSKI: So I moved it.

SUPERVISOR LOGEL: Well -- Resolution 337 -- Resolution 337, is Drainage Committee appointment.

COUNCILMAN SLATTERY: Second.

SUPERVISOR LOGEL: Moved by Mrs. Ignatowski.

RICHARD STOWE: Dr. William E. Dingus.

COUNCILWOMAN IGNATOWSKI: I think we had enough discussion already.

**RESOLUTION #337 RE: Drainage Committee Appointment**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** that William E. Dingus shall be appointed to the Drainage Committee to complete the term of Michael R. Bubel, term to expire on December 31, 2008.

UNANIMOUSLY APPROVED

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COUNCILMAN SCHULMERICH: Who will advise Dr. Dingus?

SUPERVISOR LOGEL: I will call him in this afternoon. I have a call into --

COUNCILMAN SCHULMERICH: I also have a call into Mr. Bringwart to ask him if he is interested.

COUNCILMAN SCHULMERICH: I left a message for him, as well.

COUNCILWOMAN IGNATOWSKI: Supervisor, when you contact him, will you also let him

CHILI TOWN BOARD MEETING - December 29, 2006

know the first meeting is January 2nd, Tuesday?

COUNCILMAN SLATTERY: One other thing before we adjourn.

SUPERVISOR LOGEL: Let's hope he didn't go out of town.

COUNCILMAN SLATTERY: One other thing before we do adjourn. Checked my mail today. Richard (Brongo), I apologize I did get that information that you did provide.

Um, secondly, end-of-the-year reports from committees, and so forth, I -- I have not received any additional, and --

SUPERVISOR LOGEL: Did you just get an additional one?

DAWN FORTE: I got one from yesterday and one from Maryanne today.

COUNCILWOMAN SPERR: Historic Preservation today.

DAWN FORTE: I gave copies of those --

COUNCILMAN SLATTERY: If I can finish my comment.

SUPERVISOR LOGEL: Sorry.

COUNCILMAN SLATTERY: I was going to discuss the committees that we're appointing individuals to these committees and boards, and we have not received reports from those committees, and I was wondering if you did receive those at all.

DAWN FORTE: That is my fault. I put them in the folder. I didn't -- so I will give them to you. That was my fault. I have some, and I have them with the organizational stuff.

SUPERVISOR LOGEL: Oh, for the organizational meeting.

Yes. Can you give him a copy of it right now, out of the organizational folder?

DAWN FORTE: Yes.

COUNCILMAN SLATTERY: This is what we have been asking for for a couple of months now.

SUPERVISOR LOGEL: I don't know.

COUNCILMAN SLATTERY: And -- I mean to know -- the chairs of these committees would like individuals reappointed.

SUPERVISOR LOGEL: Have we got everybody in now?

DAWN FORTE: Um, I think I still have an issue with --

COUNCILMAN SLATTERY: Is there a committee you don't have information from?

COUNCILWOMAN IGNATOWSKI: She called me and said she would drop it off to the Town Hall today. I think maybe it is in my box. I haven't been to it yet.

DAWN FORTE: Okay.

SUPERVISOR LOGEL: Then that should be everybody then.

DAWN FORTE: Then we'll be completed.

SUPERVISOR LOGEL: Okay.

COUNCILMAN SLATTERY: Thank you.

SUPERVISOR LOGEL: Meeting is closed until January 3rd at 7 o'clock.

The meeting was closed at 12:48 p.m.

The next meeting if Wednesday January 3, 2007 at 7:00 p.m. The meeting will be held in the Chili Town Hall main meeting room.

CHILI TOWN BOARD MEETING - December 29, 2006