

## CHILI TOWN BOARD

April 4, 2007

A meeting of the Chili Town Board was held on April 4, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor 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 Town Supervisor; Dawn Forte, Supervisor's Secretary; 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.

### **PRESENTATIONS/ANNOUNCEMENTS:**

1. Recommendations from the Ad Hoc Committee on Architectural Review.

**SUPERVISOR LOGEL:** We have the recommendations from the Ad Hoc Committee on architectural review.

Mr. Martin, would you like to present?

**JAMES MARTIN:** Good evening, Supervisor Logel and Town Board members. I'm here to formally present the output of the Ad Hoc Advisory Committee that you formed regarding architectural control within the Town of Chili.

First of all, I would like to acknowledge fellow members of the Committee. Mr. Jordan Brown, Mr. James Ignatowski and Mr. Michael Devito, who is not here with us today. (Mr. Devito was present in another portion of the meeting room.) I thank them for all of the time and effort they put into this. Hopefully it will be acceptable.

Jordan (Brown) and I have not practiced this, but hopefully it's going to work. In my cover letter, I indicated to you that the Ad Hoc Committee felt that this should be a two-step process. As it says in the cover letter, we were step one, coming up with a set of recommendations.

Step two would be actual formation of an Architectural Advisory Committee that would then go into the detail work that would be needed to form guidelines and standards for the Town.

We did start our activities by forming an objective statement. Basically what we felt we were all about, and if you want to put that up there, Jordan (Brown).

Certainly, from the standpoint of the objective statement that we formed, um, we felt that it would be transferable to an Architectural Review Committee should one be formed, as kind of a basis for their thought process as they move forward in forming guidelines and standards for the Town. Such things as, you know, the -- the themes that would exist in various parts of the Town. Um, you know, all of those things that would be pertinent to good guide lines and standards as far as the architectural control of the Town goes.

One thing I would mention at this time, the Ad Hoc Committee felt very strongly, all right, that there is a sense of urgency around this, okay. Things are happening fast in the Town of Chili, and certainly if the Board decides to move forward with the formation of an Architectural Review Committee, we would recommend that you do so as soon as possible.

At this point I will go into the recommendations. As far as the set of recommendations that we came up with, they are relatively straightforward. One of the things I want to emphasize is in the first

recommendation, we felt very strongly that we should move towards an Architectural Review Committee and not an Architectural Review Board. Wanted to emphasize this. When we did some bench marking in various towns around us, when you look at what an Architectural Review Board does, it gets very, very cumbersome from the standpoint of the issues that are associated with it. The committee, I think, would have more flexibility.

One of the things I would like to clarify is thoughts, our thoughts around guidelines versus standards. There may be some confusion about that. We thought guidelines would be much more general in nature. And by that I mean that they would look at perhaps the type of architectural theme that would be consistent with Chili Center, as opposed to an architectural theme that might be consistent with North Chili. So they would be broad in scope, from that perspective.

A standard would be obviously much more specific. Color of brick, the type of facade that goes on a building, those types of things that would be looked at as something that needs to be done as opposed to just general theme that might occur in a particular area of Town.

When it comes to Number 6, where we talked about how this process might be administered, you know there might be some mechanism questions around how we would -- how this would be done, how we would go about utilizing this Architectural Review Committee. One of the issues would be specifically timing, perhaps synchronization with Planning Board meetings and with what the Architectural Review committee would be doing.

But first just a quick comment. We talked about trigger points in our recommendation. And we felt that the Architectural Review Committee should set the trigger points. They would be minimum standards that the applicant -- when an application comes in the door on a specific project, um, it could be subject to automatic review, and some of the examples of these trigger points could be, you know, the number of square feet in a building, the location of the project, those are the types of things that might be trigger points that would cause an automatic review by the Architectural Review Committee.

Um, so, you know, that's -- so that is basically what we talk about when it comes to trigger points.

Second, as far as timing, if you could put the calendar up there, um, basically, there is about a one-month period from when an application deadline date is set for an applicant to bring, you know, their paperwork into the Building Department for an application. During that period of time, the one month lag between when the application deadline date appears and when the actual Planning Board meets, I think there would certainly be adequate time for an Architectural Review Committee to, you know, take a look at the project and come forth with any recommendations that they may have regarding it and get that information to the Planning Board. It would be similar to what the Conservation Board does for the Planning Board today. If there was an expedited review required, the Chairperson of the Planning Board could always request an expedited review if we needed to meet a faster deadline on some particular project.

Um, since the trigger points aren't established, I really couldn't tell you how many projects would be subject to review on an annual basis. I just don't have a number to tell you that at this point in time, but obviously there would be several.

I have reviewed the potential impact of these procedures with the Building Department if they were to occur, and at this point, the Building Department feels it -- with the proper protocol that they would be able to handle this particular activity as far as an automatic review trigger by the Architectural Review Committee.

Um, could you put up the second page of the recommendations?

Just a quick comment on Number 10. I hope that will show up.

JORDAN BROWN: We did note that our committee did get information from several towns around us regarding what they do from an architectural review standpoint. Um, certainly that would be a good starting point. If an Architectural Review Committee is formed, I would expect that they would want to gather more benchmark information from other towns around us that could be used as a -- as they would move forward in establishing guidelines and standards for the Town.

So, you know, in essence, it's a relatively straightforward recommendation. We think it is a good idea that the Town have an Architectural Review Committee. I think we lean very strongly it should be basically under the control of the Planning Board as far as the activities of that particular committee goes, and hopefully from this point forward we can -- we can move on.

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That essentially concludes my presentation. At this point, I would be happy, myself or any member of the committee to answer any questions you might have regarding the recommendations.

SUPERVISOR LOGEL: I just wanted to point out that Mr. Devito is over here.

JAMES MARTIN: Over here (indicating). I expected to see you over here (indicating).

Are there any questions?

COUNCILMAN SCHULMERICH: When you look at Architectural Review Committees in other towns based on the bench marking you have done, what is the typical size in terms of the membership?

JAMES MARTIN: Three to five members, which is what we recommended.

COUNCILMAN SCHULMERICH: As I interpret the recommendation, this Board would act in a similar manner to the Conservation Board, that would be at the side table with the Planning Board, that would be advisory in nature to the Planning Board. They would not have decision rights aside from the Planning Board. This is not codification. These are guidelines and recommendations, and standards to some degree that would be used to help and guide the Planning Board in terms of the -- determining architectural consistency in the Town.

JAMES MARTIN: I think, again, we would look for probably a formal recommendation on any project that they reviewed that would come to the Planning Board prior to us hearing, you know, that particular application. Um, if required, certainly we would want side table participation. Would we do it on a regular basis, I think that is something we would evolve into, Dennis (Schulmerich), as we move forward with this, assuming that it happens. If it is relatively straightforward with a recommendation, you know, the Chair of the Planning Board may say, "Okay, we understand what you have said and you know it's not necessary to have somebody be here."

But most of the time I think it would be helpful like when the Conservation Board sits at the side table to have somebody there, if questions and issues do come up on the part of the applicant to have that kind of capability available to the Planning Board.

SUPERVISOR LOGEL: I -- I'm just curious because it follows along with that. You said something in closing there about being under the control of the Planning Board. That is why I wanted a clarification as to whether you're seeing that as an independent advisory committee that we form or whether you're seeing it as a subcommittee of the Planning Board, because the way you said that, I wasn't quite sure.

JAMES MARTIN: We felt that it might be in our best interest to have it as like a subcommittee of the Planning Board, rather than, you know, a totally independent committee. That was our feeling as we reviewed the data from the other towns and how we felt it would function with a maximum flexibility, okay, and cohesiveness of input from architectural review to the Planning Board.

COUNCILMAN SLATTERY: Jim (Martin), with the make up of this Committee then, do you see anyone from the Planning Board being on the committee or being a liaison to it? And then secondly, have you discussed this with the Counsel at all in regards to legal issues?

JAMES MARTIN: We have not discussed it. I will answer the second question first. No, there has been no discussion on the legal aspects of this. That is something that certainly would have to be done.

As far as somebody from the Planning Board being a part of this committee, it is probably not a bad idea. We did discuss that. That is something that we would look at from a liaison perspective, because you know, you have the specific architectural issues, but you have so many other issues that are Planning Board issues that need to be entailed into their deliberations, so having a liaison would probably not be a bad idea.

COUNCILWOMAN SPERR: Regardless of the make up, the decisions that we make, with the number of people and which type of committee we want, we still need to have this written up and be entered into and voted on in the code just like all other boards and committees, Rich (Stowe).

RICHARD STOWE: Either by resolution or in the code. Depending upon the form that it takes.

COUNCILWOMAN SPERR: Okay. If it's a subcommittee of the Planning Board, by resolution.

RICHARD STOWE: I'm not sure you can get there.

JAMES MARTIN: We haven't reviewed that obviously. That was our thought. We did feel, though, that the standards and guidelines could be adopted by Planning Board resolution, which would

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give us more flexibility and not include them in code per se. Okay. And that was one thing that we did put into our recommendations.

COUNCILMAN SCHULMERICH: Assuming a committee were formed today, um, there is work that would have to occur to put the committee in place to be able to start working with the Planning Board. What kind of time frame would you anticipate or have you had discussions on in terms of the foundations that would have to be in place for this committee to be up and running.

JAMES MARTIN: Once the committee is in place and up and running and working on putting the standards and guidelines together, we did have some discussions about this. Really James Ignatowski was the only one on our ad hoc committee that had the professional experience to guide us on that. It could be four months, five months, I think to actually get these things in place, get the resolution through. You would have to go through a public hearing on all of this. So I would say four or five months before you would probably be in a position to start applying, all right, the activity.

COUNCILMAN SCHULMERICH: Okay.

COUNCILMAN SLATTERY: I think the problem we ran into just forming your committee was the number of applicants that we had. There wasn't a lot when it was advertised through the Supervisor to the community through the media and so forth. There wasn't a lot of interest. I think that's one obstacle we're going to have to deal with. Trying to get, you know, people that are qualified to apply and to -- willing -- to be willing to participate.

JAMES MARTIN: Yes. We were specific in the one member of the committee we felt ought to be at least a licensed architect or professional engineer from the Town. You know, where the other people came from, um, if they're willing to serve, that's great. But we did put that in our recommendations.

COUNCILMAN SLATTERY: Well, I think in -- and Rich (Stowe) would know better than I. Just reading over the Town code, um, do they have to be residents, or can we modify that if we are creating a local law -- if we're going that route.

RICHARD STOWE: Whether there is a residency requirement or not, again, depends on the nature of the committee. I -- I'm sensing this is just an advisory committee.

JAMES MARTIN: Correct.

RICHARD STOWE: Which doesn't make it a public office, which may loosen the residency requirement.

COUNCILMAN SLATTERY: Okay.

RICHARD STOWE: I think you're speaking of local laws where we have passed local laws broadening the geographic base by local law where residence might otherwise be required. If it were to be required, that may be an option. I'm not sure it is for an advisory committee. I'm not sure that we have that issue.

COUNCILMAN SLATTERY: I know with Recreation, that is -- that is a requirement, that they're a resident.

RICHARD STOWE: By virtue of the local law that you passed.

COUNCILMAN SLATTERY: That is why we could --

RICHARD STOWE: Right. If you decided you wanted to establish this board by local law, you would have -- the residency is one of the issues you would have to deal with.

Um, on an advisory committee where you're not holding a public office within the Town that is statutorily mandated -- the Town law, I'd look at it. But my initial reaction is that I don't think residency would necessarily be an issue.

COUNCILWOMAN IGNATOWSKI: My preference would be to try to find, if we could, Chili residents because then they have the vested interest in the community and what it looks like. But understanding that sometimes it can be difficult to find the right people to comprise a committee that would be willing to work out, as well.

RICHARD STOWE: I wasn't attempting to address a preference issue.

COUNCILWOMAN SPERR: Another question for you, Jim (Martin). Did you discuss the possibility of having someone with a planning background also be a member of the committee? We have covered the engineering and the architectural. Because -- I view this as someone with this committee coming up with what we might consider our vision for how we want it to look and some of the standards we would apply. And I think planners have some of that ability to do that.

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JAMES MARTIN: Good suggestion. We didn't consider that.

COUNCILWOMAN SPERR: Okay. If there was someone that was willing to volunteer their time on a committee, that might be hard --

COUNCILWOMAN IGNATOWSKI: Sounds like it is incumbent upon us to try to seek out individuals who would be willing to fulfill that capacity.

SUPERVISOR LOGEL: If you go for three, it is probably easier to find.

COUNCILMAN SLATTERY: I guess the next question, Supervisor, is how do we proceed?

SUPERVISOR LOGEL: Advertise, discuss, workshop.

COUNCILMAN SLATTERY: We have to create the guidelines.

SUPERVISOR LOGEL: First it has to be written with Rich (Stowe). You have to decide which way you want to go. I think we need to sit with them and discuss and find out exactly how you see this, Jim (Martin) going, what's going to work the best so you can fill us in on what you think does not work in one form of a committee -- you know, an official committee versus an advisory committee so we can make our decisions. Don't you think? I mean, I personally think we need to sit down and all of us talk.

JAMES MARTIN: I would be happy to do that.

COUNCILMAN SLATTERY: Jim (Martin), did you bring somebody in from another municipality to address your committee or did you visit any?

JAMES MARTIN: No, we didn't. We did it all internally. But we did benchmark the other towns and we read through, you know, what they have in place, which was helpful to us from the standpoint of formulating our ideas and opinions about this, okay. And I think that was adequate for what we needed to do, to get to this point of making recommendation to you.

COUNCILMAN SLATTERY: Right. Right.

JORDON BROWN: I just want to jump in. We came -- we brought -- we could have gone on for another couple months, but we came in a month earlier than the deadlines because of the urgency of the issue and how much work would be left to do once we made our recommendation.

SUPERVISOR LOGEL: I'm just wondering. We have a workshop set up for April 17th, if we couldn't do both that night.

COUNCILWOMAN SPERR: Don't see why not.

SUPERVISOR LOGEL: Rich (Stowe) will be back from --

COUNCILWOMAN SPERR: You will be able to attend.

SUPERVISOR LOGEL: He'll be back. He can do the 17th. So if you guys clear your calendars for the 17th, that would be great.

COUNCILWOMAN IGNATOWSKI: We could have some sort of a mock-up of a -- the makeup of the committee as far as the what the words will be that we should be considering, the resolution or code. Would we have that?

SUPERVISOR LOGEL: I think.

RICHARD STOWE: I think you will tell me what you want me to put in.

SUPERVISOR LOGEL: That's what we're going to do. We'll decide how we want to do it.

COUNCILWOMAN SPERR: I just want to take an opportunity to say thank you to each and every one of you for taking the time out of your busy schedule to do this for us. I really appreciate it. I know everyone is looking forward to see how we progress from here, but thank you so much.

JAMES MARTIN: You're welcome. Thank you.

COUNCILMAN SCHULMERICH: Thank you very much.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Three speakers addressed the Town Board on various subjects, and the Public Forum concluded at 8:23 p.m.

#### **TOWN LIAISON REPORTS:**

##### Conservation Report by Virginia Ignatowski

COUNCILWOMAN IGNATOWSKI: Conservation Board. Um, actually we had a question and maybe Joe (Carr) you can answer this. They were wondering when the signs were going to be refurbished because there was a concern because, um, Mr. Schickler comes out around Memorial Day

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Weekend and does the planting and he doesn't want to see the plantings get ripped up. So if it is not going to be done by then, it will need to wait 'til the fall.

JOSEPH CARR: I have spoken to the company that is going to do the work for us, we authorized. Our people are going to take the signs down within the next three to four days.

COUNCILWOMAN IGNATOWSKI: Okay.

JOSEPH CARR: That company will pick them up let's say by mid week and they said it should take about two weeks for them to refurbish the signs and that they are going to re -- remount them, so about three weeks from now it should all be done.

COUNCILWOMAN IGNATOWSKI: Oh, fantastic. Thank you very much.

Um, they also spent some time discussing the contents of the website. Apparently a memo was sent out to all of the various boards and committees to review what was on the website, and they did talk about modifying what is on there.

The Kayex Corporation, they discussed landscaping plans. That was actually something from a previous Planning Board that apparently didn't have the landscaping plans in for them. They approved them and they were happy with the level of landscaping that they had on there.

They also reviewed the Planning Board agenda. Metalico. They are recommending that they clean up the west property line. Apparently one of the walk -- the Greenway Trail and seeing that there was quite a bit of debris that they felt was perhaps past their property line, the fencing was down and they really did think that that that should be replaced.

They also discussed the Gomes parking lot proposal and they are suggesting that shrubbery be placed in on the east and west sides of the parking lot to buffer that.

Then they also looked at the paint ball proposal, and what they would like is some kind of assurance that that property will be returned to its original state if that venture is no longer going in. So that's it for conservation.

### Drainage Report by Virginia Ignatowski

COUNCILWOMAN IGNATOWSKI: Drainage met last night. They did have one guest that came in, kind of surprising. They were expecting a lot more given all of the flooding that had happened. But they did discuss their -- it's a problem that Joe Carr and his crew were already aware of, and the engineer does have a solution, but they need to get easements from neighbors in order to be able to get that accomplished. So that's the next step that they need to take.

Um, Joe reviewed the work that was completed over the past month and it was pretty much just makeup work and following up on some of the flagged drainage concerns.

They also reviewed the Planning Board application (sic) and they spent sometime discussing the subdivision application for Circle Drive. It's over there, the Riverdale area, um, close to the fire station. It's the Greyson Road, Jemison. The end, back in there is very wet. Apparently the gentleman has already been bringing in some fill and they do have some concerns on that.

### Historic Preservation Report by Mary Sperr

COUNCILWOMAN SPERR: They meet next Monday. They have not met since our last meeting.

SUPERVISOR LOGEL: Did we report?

COUNCILWOMAN SPERR: Yes, the training I reported last time.

SUPERVISOR LOGEL: Okay.

### Library Report by Michael Slattery

COUNCILMAN SLATTERY: Library. Um, I want to let you know there will probably be one opening on that board. Somebody should be resigning soon.

Secondly, the computer person, Justin, who was going to take an extended vacation this summer will not be doing that, so they will not need the assistance of Chris (Levey) as they anticipated to do -- to be involved with the new computers that will be coming in. But they will need him a little bit for his -- for his expertise and his assistance. And they also wanted to make sure that the Board was aware of their appreciation for Chris (Levey) and his assistance with helping write the specs, reviewing the specs for the new computers.

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They also wanted to thank Joe Carr for his assistance regarding the issues that they're dealing with over there. One of them is as we discussed, for this Town building, this portion of it, is the heating problem. You're working with them on that.

And they're also waiting to hear from Senator Alessi in regards to his grant money. They -- they have -- and also from Assemblywoman Susan John. There was a commitment and they just would really like to see the check. But there are some things that have to be done.

And then finally, the hot topic was mentioned a little bit by one of our public comment speakers tonight was the audit. Unfortunately, it is in draft form and it was released to the media because, as you know, when it is a draft, things can change, things can be modified. That was -- there was some conversation in regards to that.

SUPERVISOR LOGEL: I think we should clarify the statement that -- the misstatement that was made during public forum. But as I understand it, back in 1991, the -- Dianne (O'Meara), you can clarify this for me, I think. Back in 1991, the Library Board passed their own resolution -- it was the Library Board that passed it, that they had to have Supervisor's approval for items \$1,000 and over.

DIANNE O'MEARA: That's what was included in the article. Um, to be honest with you, I have not seen their purchasing policy. So I really wouldn't want to comment.

SUPERVISOR LOGEL: As I understand it, I reviewed with Dianne (O'Meara), anything over 1,000 does not come before a Supervisor -- Supervisor before me.

COUNCILWOMAN IGNATOWSKI: If I can, I ran into Jim Cuthbert (phonetic) at Daniel's 5K and asked if it was a misprint because I can't believe the Library Board would make a resolution saying the Town Board had to review it. It sounded more like it was a Library Board discussion. He said yes. It was a Library Board, not Town Board.

SUPERVISOR LOGEL: They made it their own self and never lived by it.

COUNCILWOMAN IGNATOWSKI: And if they did pass it for Town Board, apparently -- I don't know. I wasn't around here for that, but they never told the Town Board. He said it was a misprint and it was actually supposed to be Library Board.

SUPERVISOR LOGEL: I checked with Dianne (O'Meara) to see if any vouchers or anything over \$1,000 have been signed off by previous Supervisors and there has not been in years.

COUNCILMAN SLATTERY: Actually, the Library Board, they review the abstract as we do and they approve it at their meeting, so the Library, if it is over \$1,000, they do approve it themselves.

SUPERVISOR LOGEL: Right.

COUNCILMAN SLATTERY: So they do.

SUPERVISOR LOGEL: They don't need my signature.

COUNCILMAN SLATTERY: Getting back to the comment, they do review it and approve.

SUPERVISOR LOGEL: They review it. But the thing in the paper--

COUNCILMAN SLATTERY: I understand that.

SUPERVISOR LOGEL: -- said that the Supervisor had to do it. The Town Supervisor. That is not what has been going on.

The other misleading thing was, it sounded like last fall they were asked to get an audit. Actually, we asked them a year and a half ago to get an audit.

COUNCILMAN SLATTERY: During the budget time.

COUNCILWOMAN SPERR: While was I was liaison to the Library, they would pass the abstract around to the Board and read through it right in front of us, so they knew the Board was approving expenditures of the library and all aspects of library.

COUNCILMAN SLATTERY: Actually, all of the Board members from the Library review it and approve it before they go out. And they also discuss if it is a major purchase that -- they do discuss it and they make sure that everybody is aware of what is taking place.

COUNCILWOMAN SPERR: And I think it does a disservice to our library, which is very well run, even though we have had a change over in librarians, and they -- in past audits, they have also received high marks for how they run that and the procedures that they have in place. So I think that article really didn't point to the fact that maybe in this draft legislation they're saying things, they didn't point to the fact it has been well run.

COUNCILMAN SLATTERY: Actually, as long as I have been liaison, they have done a good job, but negative newspaper sells papers -- or negative articles sell papers.

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MS. BRIXNER: Who called them?

COUNCILMAN SLATTERY: I'm sorry?

SUPERVISOR LOGEL: I have no idea.

We didn't even know -- actually, we didn't even know the audit has been completed. Dianne (O'Meara)'s office had not been notified. My office had not been notified until we found it was in the paper. So...

Recreation Report by Supervisor Logel

SUPERVISOR LOGEL: Parks and Recreation had the Easter Egg Hunt. It was Saturday. It was -- didn't rain.

COUNCILWOMAN SPERR: Yeah.

SUPERVISOR LOGEL: It was very good, very successful. There were many, many children there. And the children had pizza with the bunny on Friday night.

COUNCILWOMAN SPERR: Yep. Ginny (Ignatowski) and I were at that. Ginny (Ignatowski) and I attended that. It was very well received by residents, so much so that they're going to try to change the way they set up the room next year to allow more people to go. They had to turn people away that wanted to come. But the kids loved it. We passed out pizza. They had make-their-own sundaes, ice cream sundaes and the bubble guy was great. They held it at the Senior Center this year, and what is nice about it, there is a whole carpeted section in that area and all of the kids can sit around on -- on the floor on the carpet and watch the bubble guy do his tricks. It was really great. A great idea.

SUPERVISOR LOGEL: And today's Messenger Post had the article about the Baker property update.

Traffic & Safety Report by Mary Sperr

COUNCILWOMAN SPERR: They meet tomorrow.

Planning and Zoning Boards Report by Dennis Schulmerich

SUPERVISOR LOGEL: Okay. Zoning.

COUNCILMAN SCHULMERICH: Zoning met on March 27th. There were two applications. One was for lot line variance that was approved and the other was tabled. Incredibly brief meeting.

SUPERVISOR LOGEL: I guess so.

COUNCILMAN SCHULMERICH: I would like to comment Planning doesn't meet to next week. I would like to comment regarding a question Mrs. Borgus asked pertaining to criteria for selection to the ZBA. At least from my point of view, when we interview candidates, there are several criteria I look at. One is the breadth of experience they have.

And the second would be their educational background in terms of how aligned it would be with what the Zoning Board is about.

And thirdly, I consider whether there are other individuals serving other boards in the Town that might be appropriate to make a move to Zoning or Planning when things occur there.

We interview applicants as a Town Board, so I'm sure each of us come with our criteria, but I did want to explain my point of view in terms of what I look for when I see candidates come in.

I do agree that we need to fill the Board. I do agree that it needs to be with qualified candidates. We have had an interest in making a migration in that board in terms of its focus and I think I have seen the last several meetings how that is going and I also agree I'm very pleased with how that is going, as liaison. We -- we do need to do another round of interviews for that final position. We were able to identify an individual tonight based on past interviews, but we didn't have the candidates left to fill that final position, so we're going to need to go through another round, so there will be some time elements there. We do have a priority on it, but it is not right now. It will be forthcoming.

As far as Mr. Martin goes, he has agreed to take on the co-chair for some period of time with a full understanding is he not the permanent Chair. Because we have had such a turnover on that Board, it is important for us to take a look at the individuals that are up there, which ones have the capability to make a move into the Chair position in a reasonable time frame, and if we have the opportunity to use

Mr. Martin's experience for some number of months, I'm not saying long-term, but a few more months to get grounded in terms of who the right people to put in the Chair and Vice Chair position would be, that would be more prudent, I think, than to do it too quickly. So from my mind of view, I would be motivating to try to make that move soon, but not immediately. So we would be looking for another couple months from my point of view with Mr. Martin in that role. I'm not making that determination for the Board, but that would be my vote.

And finally, you made a comment that when questions are asked of the Town Board, and it was generally applied to the Town Board, that you would like answers back to your questions. Um, I hope that when any resident that has approached me with a question, that I have gotten back to them. I think I have a reasonable record of doing that. If anyone in the audience is not getting a response from me when they are asking me a distinct question, either directly or by e-mail, I would like to be called on that, because I believe it is my role. I believe it's my job, and I think I'm doing okay at it. But it was intimated tonight we're not and if -- if I personally am getting a low grade on that, I would like to know that. So thank you.

SUPERVISOR LOGEL: I would like to add, too, I think when we did the resolution on the Zoning Board, we left it open-ended so that we had the time to be able to allow him every month to chair. It was open-ended. It wasn't closed just for one month so that we could have -- by the time that we needed to fill this. And I understand he is doing a very good job --

COUNCILMAN SCHULMERICH: Yes, he is.

SUPERVISOR LOGEL: -- of chairing.

COUNCILMAN SCHULMERICH: Yes, he is.

SUPERVISOR LOGEL: So that is not an issue.

#### **MATTERS OF THE SUPERVISOR:**

SUPERVISOR LOGEL: Matters of the Supervisor, I would just like to say that every Thursday after Town Board meeting my secretary and I go over these very forms that she mentioned, and if it's a question for another department, we refer to them and tell them about it and ask them to get back, so if those are not happening, if that is not happening, and we're not getting back, you need to let us know, um, on that issue. I think that we have been trying and we do have these, and I keep them, and I got them ever since I started, so I have every single one of them in the drawer since we started using them.

Trying to think what else I had -- a whole list of things I would bring up, and I'm completely off the subject now.

I will jump down for a second and answer the question about correspondence.

Um, the Town Clerk has received a formal resignation letter from the one we hired recently. She was with us just a week. She decided that with her home situation and children and what she is expecting from the position, that it wasn't something that she wanted to do.

And so the individual that is on the resolution tonight is to replace the morning desk receptionist. And it is just something that, you know, I commend her for wanting to stay home and raise her children and stay there with them, so that is something that I think is to be commended.

COUNCILMAN SLATTERY: Supervisor, under Matters of the Supervisor, actually I have a question.

SUPERVISOR LOGEL: Can I finish?

COUNCILMAN SLATTERY: I'm sorry. You jumped down.

SUPERVISOR LOGEL: I'm putting this up under that. That is okay. I said I wanted to cover this under the Matters of the Supervisor.

COUNCILMAN SLATTERY: Okay.

SUPERVISOR LOGEL: There is going to be a public hearing here at 9:30 on the 25th for the COMIDA, and I know Mrs. Borgus is always interested in the COMIDA proceedings, and that will be here concerning Kayex because they're going to be looking to do an addition and hire additional employees and are asking for COMIDA funding, and that will be held on the 25th of April.

COUNCILMAN SLATTERY: Actually, while you're in correspondence, the Benderson letter, should that have been on there, as well?

SUPERVISOR LOGEL: Well, he has had a presentation before. I am waiting now for him to get back to -- it is just another letter from Mr. Benderson regarding the Town Hall property.

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COUNCILMAN SLATTERY: And then 104 Ballantyne.

SUPERVISOR LOGEL: Yes, 104. I happened to go by there last night, 9 o'clock, and I saw what was going on with the trucks. They're not -- the people there I don't think are exaggerating. Huge semi-trailers pulling in there at 9 o'clock, with lights on. And I -- they're on this agenda for the 24th, is that the -- the next Zoning Board.

COUNCILMAN SCHULMERICH: 24th, 25th.

SUPERVISOR LOGEL: That's when they are on. So they have the application in. They're scheduled to be there for that meeting. So at that time they will have to be dealt with. DEC did get back to us and said that there is no -- nothing violating the DEC. Because I guess the comment that we had gotten or feedback we had gotten was that they were cleansing, washing out the trucks and stuff, and that is not taking place. So I don't -- DEC investigated it thoroughly and got back to us just two days ago.

COUNCILMAN SLATTERY: When you drove by last night at 9 o'clock, were they in violation at that point?

SUPERVISOR LOGEL: I don't know what violation they're in violation of. They're --

COUNCILMAN SLATTERY: I don't know either.

SUPERVISOR LOGEL: There were trucks there at 9 o'clock. The e-mails I am getting are midnight to six, and I wasn't over there between midnight and six. He said they're coming in between midnight and six. I don't know what -- you would have to look to see what the Building Department or what the Zoning Department board is going to allow them to do is going to be the thing. Right now, I don't know what violation --

COUNCILMAN SLATTERY: I don't know either. That is why I was asking.

SUPERVISOR LOGEL: These guys have to come in for permission.

COUNCILWOMAN IGNATOWSKI: They're not in compliance with the zoning variance originally given. The Land Use Variance, they're not in compliance with it.

SUPERVISOR LOGEL: With the type of business.

COUNCILWOMAN IGNATOWSKI: The type of business. The Land Use Variance granted back in 1961 was for landscaping.

SUPERVISOR LOGEL: Landscaping. And they would not be landscaping trucks. That was big semis last night.

COUNCILMAN SLATTERY: So as far as the Building Department standpoint --

SUPERVISOR LOGEL: They can't -- they have checked with Legal --

RICHARD STOWE: Keith (O'Toole).

SUPERVISOR LOGEL: -- Keith (O'Toole) on this. Several times. And we cannot do anything until the 24th. They are -- they can apply.

COUNCILMAN SLATTERY: Okay. Just.

SUPERVISOR LOGEL: So on the 24th, or you know, I would suggest that the Zoning Board deal with this.

COUNCILMAN SLATTERY: Okay. That is all I have.

Thank you.

COUNCILWOMAN SPERR: Did you want to make any announcements to let people know that might not be aware yet that we have scheduled a workshop on April 17th that was previously referred to?

SUPERVISOR LOGEL: The one I referred to previously.

COUNCILWOMAN SPERR: April 17th, John Caruso will be coming in. We'll be sitting down in workshop format to discuss the presentation he's giving to us for the old Town Hall facilities where the Senior Center is and all of that. So that will be discussed at our workshop on the 17th, and that is why there was a little bit of discussion and mention that along with that, we might entertain this Architectural Review Committee. If anyone is interested in attending.

COUNCILWOMAN IGNATOWSKI: Supervisor, I remember one other question that was generated from the audience, and there was a question before when we're going to fill the Building Department Manager we're interviewing.

COUNCILWOMAN IGNATOWSKI: I know we made an offer, but that ended up being declined, so we're still interviewing.

CHILI TOWN BOARD MEETING - April 4, 2007

SUPERVISOR LOGEL: We're back to interviews.

The 3/7/07 Town Board meeting minutes were approved as submitted.

The 3/12/07 Town Board workshop meeting minutes were approved as submitted.

**REPORTS SUBMITTED:**

Conservation Board Minutes – 2/5/07

Library Board of Trustees Minutes – 2/27/07

Zoning Board of Appeals Minutes – 2/27/07

**CORRESPONDENCE:**

1. Town Clerk has received a formal resignation letter from Debi Altemari.
2. On 4/25/07 at 9:30 a.m. at the Town of Chili Town Hall, the County of Monroe Industrial Development Agency will conduct a public hearing concerning Kayex.

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**RESOLUTION #148 RE: SEQR DETERMINATION - LOCAL LAW #1 OF 2007**

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

**WHEREAS**, the Chili Town Board has received proposed Local Law #1 of 2007 entitled “Wood Burning Furnaces, Outdoor”; and

**WHEREAS**, the Chili Town Board has declared itself lead agency under the provisions of the State Environmental Quality Review (SEQR) Act; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Chili, having reviewed the environmental record and having considered the comments at the public hearing on the Local Law hereby determines that the Local Law #1 of 2007 will have no significant environmental impact.

UNANIMOUSLY APPROVED

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**RESOLUTION #149 RE: SEQR DETERMINATION - LOCAL LAW #2 OF 2007**

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

**WHEREAS**, the Chili Town Board has received proposed Local Law # 2 of 2007 entitled “Construction Codes”; and

**WHEREAS**, the Chili Town Board has declared itself lead agency under the provisions of the State Environmental Quality Review (SEQR) Act; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Chili, having reviewed the environmental record and having considered the comments at the public hearing on the Local Law hereby determines that the Local Law #2 of 2007 will have no significant environmental impact.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

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COUNCILWOMAN SPERR: We heard some pretty good responses from the public tonight regarding this, which has made me stop and think about how this local law has been constructed, and my question would be to Counsel, a response from him versus the -- the thoughts that were presented to us tonight of allowing them in rural areas versus residential and, um, what kind of legal problems that might present to us.

RICHARD STOWE: If you pass the law the way it is constructed.

COUNCILWOMAN SPERR: If we pass -- my understanding is if we pass the law the way it is constructed, they're not going to be allowed in either.

RICHARD STOWE: Correct.

SUPERVISOR LOGEL: But the existing ones are amortized.

COUNCILWOMAN SPERR: Exactly. They have seven years. But I wanted to know what the thoughts would be based on if we were to change this local law as voted on tonight to allow it in a rural area.

COUNCILWOMAN IGNATOWSKI: Would you want to change that? Is it discussion?

COUNCILWOMAN SPERR: That's my question.

COUNCILWOMAN IGNATOWSKI: I think there were some very good points made while you might have an adequate amount of space around you right now you could be seeing -- I'm seeing it a lot down my road. What used to be a farm is now being sold off and you have houses after houses now going up, and while you might have that now, that distance, right now that agricultural area is a C5. That means 5 acres. That's the lot sizes I have been seeing a lot of houses going up on. And one question, is that adequate? Is 5 acres -- because I know have a five-acre parcel. The gentleman next to me has a five-acre parcel. If he had one on his property, the prevailing winds would take it over to my house.

COUNCILWOMAN SPERR: I don't know. I just wanted to bring it up for discussion. I thought there were valid points to be made and that we would just so easily dismiss -- I usually have reservations about voting on -- adopting laws and doing rezoning the same night as a public hearing.

SUPERVISOR LOGEL: Well, we did discuss this thoroughly at the workshop.

COUNCILWOMAN SPERR: Yes, we did.

SUPERVISOR LOGEL: This was a long discussion, and there was a lot of pros and cons. I think we would have had this audience packed with the people who live on Daunton if they thought there was anyway that we were not going to pass this.

COUNCILWOMAN SPERR: How could anyone know really ahead of time unless they -- they got the minutes -- I'm not saying "yes" or "no" right now based on the discussion. I'm sorry, don't mean to interrupt. I just thought it would be worthy to us to discuss this, if it was brought to us by residents in the audience during the public forum, that it should at least warrant the discussion by us so that they can understand how we might feel.

SUPERVISOR LOGEL: I think my only concern that I can share is that in driving home to my parents, I see these, these in Steuben County, and I will tell you even though it's a farm house, two or three football fields away from any other residence, the smoke and the -- the smoke is a very serious, serious thing going -- going across the highway, and I am concerned -- right now we only have the one that we know of for sure, and this gentleman brought up -- would be two in Chili.

COUNCILWOMAN SPERR: I have seen his. I drive by his on my way home. I didn't notice too much of a problem, but I couldn't be there 24 hours a day to see if it bothers his neighbors, and they're not here tonight to attest to it, but I didn't notice it.

SUPERVISOR LOGEL: I think Jim Ignatowski's comments about needing guide wires if you're going to have a stack that would go above the roof line of the house, which is what everybody who has a fireplace or one in their home -- it goes through a chimney that is above the roof line -- is a good thing to take into consideration, because you're -- you're going to have a hard time resolving it. I -- you know, I -- I am wondering if we shouldn't just pass it as it is and then if we needed -- if there was something about catalytic converters or something that came out, could we -- I know I ask this of Rich (Stowe). Could it then be amended at a future time?

RICHARD STOWE: Yes.

SUPERVISOR LOGEL: So yes.

COUNCILWOMAN SPERR: The other question I had, I was really happy that he stood up to

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give us that information, because it doesn't say anything about the -- the existing woodburning fireplaces and a requirement to the height of the chimney stack, and that is not in here. So...

SUPERVISOR LOGEL: What do you mean? A wood -- you mean a house, in a home, like --

COUNCILMAN SCHULMERICH: No, the two that already exist.

COUNCILWOMAN SPERR: The two we know about. The one in particular that is not here tonight that we're aware and have been sent information on and have pictures of does not go above the roof lines and is surrounded by houses, and the whole neighborhood is surrounded by smoke, and my heart bleeds for the people that live nearby them. If we pass this law and they're amortized by seven years, by doing it in this format, we're not making them or requiring them to put a higher chimney on this to try to minimize the impact on the neighbors for seven years.

RICHARD STOWE: That is correct.

COUNCILWOMAN SPERR: That's what my concern is, if we pass it as it stands like this, can we put something in there. We can't.

RICHARD STOWE: They already exist.

COUNCILMAN SCHULMERICH: They already exist.

RICHARD STOWE: This is --

COUNCILWOMAN SPERR: We're down to nicely asking. Is that pretty much --

RICHARD STOWE: I will respond to your first question. This is -- this is the local law that was drafted in a manner that was an attempt to respond to the request for a local law as it evolved in the workshop discussions. It -- it does not permit any, anywhere. It addresses the existing units in a way so as not to deprive the owners of the existing units of the investments that they have in those units, even though they are prohibited after the passage of this law. It doesn't seek to get them to any standard, because they're a non-conforming use, they already exist.

COUNCILWOMAN SPERR: So what avenue do we have available to us?

RICHARD STOWE: As Mr. Ignatowski pointed out, if, in fact, there are DEC regulations or other entities that attempt to regulate these on the existing ones, I believe that they will have the authority on a public health level, if they put those sorts of criteria in there to deal with them in a fashion that we cannot.

COUNCILWOMAN IGNATOWSKI: If I could get back to this, I have seen a number of these. I have traveled through Wyoming County, and I have never seen the stack taller than the ridge. And what I also see is unattractive piles of debris that people accumulate in front of these things to toss in there. I don't see them as an attractive addition to the Town.

I can appreciate that we want to have alternate ways of heating our homes, um, that perhaps will not be as costly. That's -- I have a wood stove in my house. There's wood pellet stoves, that sort of -- but in order to keep our Town, I think, in the way that we want to and the fashion we want to, even if it is rural area, it could be impacting somebody, and I am concerned about what is going into those things and being burned, so...

COUNCILMAN SLATTERY: Supervisor, actually I have a number of comments in regards to this, and my travels throughout Monroe County, I -- there -- I have seen quite a few of them, and I have seen some that are well maintained. I have seen some that are -- others that aren't. And it's going to be difficult to monitor, to control it. I think one thing that we have to be conscious of is people need a decent alternative to an RG&E. When you look at their rates and you look at the cost for your gas, for your electric, it's going up. I think people need alternatives. I know that some people, they don't have that infrastructure, meaning gas service in certain parts of Chili, and now they're relying on electric heat or propane for their homes which can be costly, as well. So I can appreciate them wanting to find a cheaper way to -- to keep their family safe and heated.

When you look at -- it was brought up about the -- some are in the Ag District, some are in the conservation and so forth. I think that's something we have to keep in mind. People talk about the firewood sitting in the front. I have a fireplace myself. I have to find a place to put my firewood, to stack it, and I live in a subdivision. Also, when you look -- people talk about the stacks being a certain height.

I also have a ranch house. I have a fireplace. So now I don't have the pipe just going straight up. There's a wood frame box structure around it to go up, to help support that structure. So there are different avenues that they could pursue instead of just having those guide wires coming down. So there

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are other alternatives which I think we need to be aware of.

One thing that I mentioned earlier, it would have been nice to have somebody here from the manufacturer to provide us with information or the Building Department. People there that may have a little more knowledge to hear what is going on throughout the State. They do go to State training and they do talk to other municipalities, so it would have been a good topic to have them here to help us discuss and maybe bring some light to it not only for us.

COUNCILWOMAN SPERR: The building --

COUNCILMAN SLATTERY: Not only for us, but for the public.

SUPERVISOR LOGEL: Well, they discussed this at workshop and that is why they didn't -- I didn't ask them to be here for this because we thoroughly discussed this at the workshop, inside and out.

COUNCILMAN SLATTERY: Not a problem. Just one of my comments.

On -- because the public was not at the workshop.

SUPERVISOR LOGEL: They were invited.

COUNCILMAN SLATTERY: Another thing would be, you know, the smoke. People would see the smoke and how many false calls would go to 911 in regards to a building structure on fire and so forth. So -- I was just trying to go through and look at all of the pros and cons.

And then just looking at our code, um, for residential, the residential district is intended to promote and encourage a suitable environment for family living and to protect and stabilize the residential characteristics of the district. The district is to provide for single-family residential homes at urban standards.

We want people to feel safe. We want people to be able to have that quality of life. Whether it's this issue, or any other issue that is brought up. And I think we also -- you know, we're moving, the way society is moving, it's in a different direction. Personally, I would -- you know, I -- if -- I think we should modify this in the sense that, you know, if they got a minimum of a certain amount of acres. My one thought was three or five acres. You know, we have that now for certain districts. Talk about the Ag District. Five acres. So I think we -- we should look at that, and you know, I -- I would support something in that fashion, and then also, you would have to include, you know, that structure to be no less than a certain amount of feet from somebody's property line or structure, as well.

SUPERVISOR LOGEL: I guess my only input is that we discussed this thoroughly in several workshops and this -- you know, there was plenty of opportunity to discuss it then. So I think we have to decide what are -- the issues that the people are bringing to my attention from the code book are health issues, and the quality of their life that they're having a problem with, and so one of the reasons we need to do -- we need to ban this, and we have been encouraged to pass this law as written, and at the workshops, we put it -- you know, this is the way we gave it to General Code to write it, so now we're talking changing it, I -- and again, I go back to Rich (Stowe). We can pass it the way it is and then change it if the DEC and rules and regs come out that can help them or they develop something about catalytic converters or whatever it is that they can do. But in its current state we have a problem.

Mr. Schulmerich?

COUNCILMAN SCHULMERICH: Yes. I -- I think it -- my thinking, I think, is more in line with Mrs. Ignatowski's. I think there is a health, safety and welfare issue associated with these particular devices. If you look at where they're sold, and I have taken the time to do that. There is actually a vendor out in Churchville that has one along the street. They're not designed or being sold to have 25 or 30 foot exhaust pipes on them. Can you retrofit them with guide wires or alternate structure to do so? Absolutely. But that's not -- now they're being marketed commercially for individuals to try to have some cost savings in heating and I would agree with Mr. Ignatowski's statement to start building in the right devices to insure that the smoke is above the ridge line and you have catalytic converters, this becomes cost prohibitive very quickly for the homeowners. I do believe we talked about the right of the individuals to have low-cost energy. I am certainly an advocate of that, but I also believe in a right for the adjacent landowners.

I have seen enough of these in operations. There is one on Union Street going into Ogden that every time I drive down there -- he is on a five-acre parcel or more -- I drive across a pillow of smoke and it stinks.

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I'm concerned about the design of these devices as reported tonight that when they get to their burning temperature, they power down which will allow a lower temperature burning, which will promote smoke and odors. I -- I don't see the merit in our modifying the law to other acreage. I just don't. I believe these should be banned across the board in the Town of Chili. I would not want to see the law modified.

SUPERVISOR LOGEL: I agree with you.

COUNCILWOMAN SPERR: When I raised those issues, I feel it is our responsibility to at least respond and discuss issues that are brought forth during the public hearing. That's why we hold the public hearing. I didn't say anything about my personal feelings about it. I feel it's my job to listen to what they have to say and to -- that we address it. So...

COUNCILWOMAN IGNATOWSKI: Supervisor.

SUPERVISOR LOGEL: I would be in favor of passing this law as it is written because I feel that knowing what I have experienced with the people that have called and the children that -- the people that have the windows taped and the plastic, I -- I think that it's detrimental to the health, and right now I think it's important to pass it now before there's more. And if -- if we have got distributors like we said right behind him, right now we only have two. So we pass this law now, before we have ten.

COUNCILWOMAN SPERR: Right.

COUNCILMAN SLATTERY: I just -- I'm sorry.

COUNCILWOMAN SPERR: Go ahead. I will wait for you.

COUNCILMAN SLATTERY: I just want to make this clear. I'm not saying we should put them in residential areas. I think there are areas that are suitable for the location of these structures, and you know, the pictures that we saw, and some of the areas that I did see these where there are towns and I did speak to Town representatives, you know, for the -- for the few towns that I did see them, where they don't have anything on the books -- I know the Village of Hilton, they passed law restricting these within the Village. Obviously, you know, the Village of Hilton, it's more protected, the homes are closer together. You can go to more rural areas, and they can work. They would be fine. So I just want to make it clear that residential areas, the problem we have in Chili, I can totally understand and appreciate that.

SUPERVISOR LOGEL: Mary (Sperr).

COUNCILWOMAN SPERR: Um, the only other comment that occurred to me is okay we have this local law we're going to ban them. And I have a feeling that if there are issues now coming up that they can't sell these, based on the way they're currently marketing them as Councilman Schulmerich has noted, that if they improved down the road and the smoke stacks are bigger and the catalytic converters are now included in them and someone comes to us with this new design and wants to put them in, they're going to need to be able to be prepared to address it at that time or stay on the stance, whichever way it goes tonight. We are going to need to address that based on all of the comments that I have heard tonight, so.

COUNCILMAN SCHULMERICH: We can certainly modify the law as appropriate. I mean -- if I felt that this was a draw a line in the sand, we have no opportunity to consider future modification, then I would probably have a different thought process around the acreage. But knowing full well that I think we want to put the brakes on these things, um, watch and see what technology evolves and then create the opportunity as technology evolves -- if -- if you allow a manufacturer to do what they're doing and you don't challenge them, they will have absolutely no reason to make the investment to improve the performance of the devices.

COUNCILWOMAN SPERR: You're correct.

COUNCILMAN SCHULMERICH: If government legislation requires that they do a better job of enabling other residents to live around these things and not be obtrusive, then they will invest the time and the money to make the improvements. So quite frankly, I think what we're doing and other towns are doing by setting legislation in place restricting the use or eliminating the use of these in a fashion they are currently in is forcing the manufacturers to do a better job of doing what needs to be done to protect the health, safety and welfare of other residents.

COUNCILMAN SLATTERY: As well as the other levels of government such as the DEC.

COUNCILMAN SCHULMERICH: Absolutely.

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COUNCILMAN SLATTERY: Which is involved with it. I agree with you. If -- if this was a line drawn in the sand and said there is nothing we're ever going to be able to do, I would be voting differently on this, but there is that -- we can go back and revisit this.

COUNCILMAN SCHULMERICH: This is not a forever decision. It is what is in the best interest of the Town today, with the way the technology is today, with the way they're being used today.

**RESOLUTION #150 RE: ADOPTION OF LOCAL LAW #1 OF 2007**

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

**WHEREAS**, a proposed Local Law #1 of the year 2007 to amend Chapter 115 of the Code of the Town of Chili to include a section entitled "Wood Burning Furnaces, Outdoor" was introduced to the Town Board of the Town of Chili on the 7th day March 2007 and has been determined to be in order; and

**WHEREAS**, a Public Hearing was held by the Chili Town Board at the Town Hall in the Town of Chili, New York on the 4th day of April, 2007 at 7:00 p.m. to consider adoption of the proposed Local Law #1 of the year 2007 amending Chapter 115 of the Code of the Town of Chili to include a section entitled "Wood Burning Furnaces, Outdoor"

**NOW, THEREFORE, BE IT RESOLVED**, that Local Law #1 of the year 2007 is hereby enacted by the Town Board of the Town of Chili.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: I did want to make one comment. I didn't say anything during the public hearing, but I just wanted to address that one of the reasons for this is to give our Code Enforcement Officer some teeth, because we keep hearing -- I do not like to hear the term "lawless town." I'm a little bit offended when I hear that term. And it's really being used a little bit too loosely at these meetings. We don't respond back to it, but I'm wearing -- my patience is wearing thin on it.

As was told to me by our Building Department, if this is passed, it allows them to better able to enforce some of the situations and create -- correct some of the situations we currently have.

There have been pictures and comments made by an establishment up on Chili Avenue. I will not use the name. You will all know who I mean. If this were in place a couple months ago, when this was all being discussed, something could have been done about that. This -- by passing this tonight will enable us to better enforce our codes to take care of properties like that that have become eyesores. So that was one of the points that was made to me by our Building Department, that they wanted to stress to us tonight.

**RESOLUTION #151 RE: ADOPTION OF LOCAL LAW #2 OF 2007**

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

**WHEREAS**, a proposed Local Law #2 of the year 2007 to add Chapter 210 to the Code of the Town of Chili entitled "Construction Codes" was introduced to the Town Board of the Town of Chili on the 7th day March 2007 and has been determined to be in order; and

**WHEREAS**, a Public Hearing was held by the Chili Town Board at the Town Hall in the Town of Chili, New York on the 4th day of April, 2007 at 7:00 p.m. to consider adoption of the proposed Local Law #2 of the year 2007 to add Chapter 210 of the Code of the Town of Chili entitled "Construction Codes"

**NOW, THEREFORE, BE IT RESOLVED**, that Local Law #2 of the year 2007 is hereby enacted by the Town Board of the Town of Chili.

UNANIMOUSLY APPROVED

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**RESOLUTION #152 RE: RE: Clerk IV Part-Time (Receptionist)**

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

**BE IT RESOLVED** that Priscilla Jean Onthank shall be appointed as Clerk IV, Part-time and paid an hourly rate of \$8.70 effective March 27, 2007, not to exceed 20 hours per week; to be paid from account A1650.1 (Central Communications – Personnel).

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: This was an individual we had originally interviewed in our first group of interviews and just called on him now.

COUNCILMAN SLATTERY: Our last group of interviews.

COUNCILMAN SCHULMERICH: One of the many interviews.

(Laughter.)

**RESOLUTION #153 RE: Recreation Advisory Committee**

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

**BE IT RESOLVED** that Robert Springer shall be appointed to the Recreation Advisory Committee to complete the term to expire on December 31, 2009.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: Before I vote, there was a comment about his qualifications. Mr. Wiesner is an engineer. That was a question to us.

**RESOLUTION #154 RE: Zoning Board of Appeals**

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

**BE IT RESOLVED** that Jim Wiesner shall be appointed to the Zoning Board of Appeals to complete the term to expire on December 31, 2007.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Is there a time frame that this needs to be used by?

SUPERVISOR LOGEL: Joe (Carr), she wanted to know if there was a time frame we had to

use it up by.

JOSEPH CARR: I believe in the contract it identifies October of '07. Typically if we had to meet that, we can discuss with them a possible extension, but I think the contract identifies October.

**RESOLUTION #155 RE: Accept Community Assistance Grant**

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

**WHEREAS**, the Town of Chili has received notification of award of a Community Capital Assistance Program Grant through the Empire State Development Corporation, in the amount of \$150,000.00. The sponsor of this grant was Senator James Alesi. Funds from this grant be used to provide the following:

- a. Replace cooling tower at the Senior Center.
- b. Add showers in the Town Hall public restrooms to support emergency preparedness efforts.
- c. Add door and camera security systems at the Town Hall.
- d. Add exterior fixtures at Town Parks and the Senior Center.
- e. Construct improvements at the Baker Property.

**NOW, THEREFORE, BE IT RESOLVED**, to authorize Supervisor Logel to execute the grant disbursement agreement as required by the state, subject to the review by Counsel for the Town, Richard Stowe.

UNANIMOUSLY APPROVED

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**RESOLUTION #156 RE: Establish Letter of Credit for Park Place  
Subdivision – Phase 9**

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

**BE IT RESOLVED** that per recommendation of the Town Engineer, a letter of credit be established for Park Place Subdivision – Phase 9 in the amount of \$206,804.45.

Items within the letter of credit include, but are not limited to, full depth construction of roadway, construction of an internal storm sewer system, erosion control measures, earthwork, street trees, right-of-way monumentation, street lighting poles, and the preparation of record plans to be submitted to the Town.

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

UNANIMOUSLY APPROVED

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**RESOLUTION #157 RE: Establish Letter of Credit for Park Place  
Subdivision – Phase 10**

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

**BE IT RESOLVED** that per recommendation of the Town Engineer, a letter of credit be established for Park Place Subdivision – Phase 10 in the amount of \$319,056.47.

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

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

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

UNANIMOUSLY APPROVED

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**RESOLUTION #158 RE: Establish Letter of Credit Comfort Windows – Landscaping**

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

**BE IT RESOLVED** that per recommendation of the Town Engineer, a letter of credit be established for Comfort Windows – Landscaping in the amount of \$6,500.00.

Items within the letter of credit include, but are not limited to, various plantings, seeding fertilizing and restoration of disturbed areas within the preparation of record plans to be submitted to the Town.

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

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: I think there was a question about Mr. Lawson, Mr. Carr. Did you – could you address that question?

JOSEPH CARR: First of all, Mr. Lawson is not just a mechanic. He's a foreman in our Highway Department and has been for a number of years. His responsibilities are wide and varying from snow removal, equipment purchasing, maintenance, buildings and grounds, supplies and a whole variety of things. It's a very responsible job.

I think you also know that the highway school covers a lot of different topics. There's a big selection of classes and updates of rules and regulations, products and management, so it covers a variety of things. And I think it's excellent training and communication, so I would hope the Board would see to approve this.

**RESOLUTION #159 RE: Authorize Attendance to Annual Highway School**

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

**BE IT RESOLVED** to authorize Joseph Carr and Cary Lawson to attend the Annual Cornell Highway School to be held June 4-6, 2007 in Ithaca, NY. The cost for expenses shall not to exceed \$500.00, to be paid from Account #A 5010.4.

UNANIMOUSLY APPROVED

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**RESOLUTION #160 RE: Seventh Annual Town Finance & Management School**

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

CHILI TOWN BOARD MEETING - April 4, 2007

**BE IT RESOLVED** Dianne O'Meara, Director of Finance, is authorized to attend the "Seventh Annual Town Finance & Management School" May 17-May 18, 2007 at The Lodge at Woodcliff at a cost of \$200 for registration, plus mileage.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

RICHARD BRONGO: Before we go any further, I just noticed the date should probably be 2007 instead of 2006.

SUPERVISOR LOGEL: Okay.

**RESOLUTION #\_161\_\_\_\_\_ RE:\_ Bike Ride for National Center for Missing & Exploited Children**

**OFFERED BY: Councilwoman Ignatowski**

**SECONDED BY: Councilman Schulmerich**

**WHEREAS**, the National Center for Missing & Exploited Children has once again asked for the Town's permission to have their May 18, 2007 one hundred mile bike ride come through the Town of Chili on Westside Drive, Chili Center Coldwater Road, Chestnut Ridge Road, Chili Avenue, Archer Road and Ballantyne Road from approximately 10:00 a.m. – 10:30 a.m. to spread the awareness about the plight of missing children and share abduction and exploitation prevention educational materials with children along with raising funds for their agency services. This race has been held for the past five years.

**AND WHEREAS**, they have provide a certificate of insurance naming the Town as an additional insured;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the National Center for Missing & Exploited Children to have their bike ride go through the Town of Chili on Friday, May 18, 2007 provided they notify the Monroe County Sheriff's Office at Zone C, the Chili Fire Department and Ambulance prior to the race.

**BE IT FURTHER RESOLVED**, that the Town Clerk shall send notification of this resolution to the National Center for Missing & Exploited Children.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: I contacted Dick (Brongo) and got my answers from him.

COUNCILMAN SLATTERY: Reading the reply from Richard (Brongo) is very enlightening.

COUNCILWOMAN IGNATOWSKI: Very comprehensive.

**RESOLUTION #162 Re: "MIDDLE CLASS STAR PROGRAM"**

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

**WHEREAS**, Governor Spitzer proposed real property tax reform in the Executive Budget for years 2007-2008 by providing relief from school district taxes, known as "middle class STAR", and

**WHEREAS**, such proposal is welcome and needed, and

**WHEREAS**, such proposal contains provisions of confidentiality that will impose costly requirements of altering assessment and real property tax collection programs, and of additional personnel, and dislocation and confusion in furnishing tax collection records, and

**WHEREAS**, such needed program of tax relief can be implemented through a direct credit against State income taxes,

**NOW, THEREFORE, BE IT RESOLVED** that Governor Spitzer and the Legislature are urged to amend the "Middle Class STAR" proposal by eliminating the costly confidentiality provisions, or in the alternative that the program be revised by providing a credit against the State income tax.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Question.

SUPERVISOR LOGEL: I was wondering if there was any other one we should encourage to go to this from the Planning Board.

COUNCILMAN SCHULMERICH: Turn to Mr. Martin.

JAMES MARTIN: There's only one that asked to attend.

SUPERVISOR LOGEL: The rest of them are all aware of it.

JAMES MARTIN: They will be as of Tuesday night.

SUPERVISOR LOGEL: Okay. Because I had the flyer put in the boxes and everything put down there a couple weeks ago, and there will be another Town Board meeting before the 11th.

JAMES MARTIN: Right.

SUPERVISOR LOGEL: So we could, if they --

JAMES MARTIN: The deadline is May 3rd, as I understand for application.

SUPERVISOR LOGEL: Okay. So if they're going to apply, we could put it on the May 4th agenda, okay. But thanks. Thank you.

SUPERVISOR LOGEL: I misspoke. It is May 2nd, so you have time before the registration.

**RESOLUTION #163 Re: Local Government Workshop**

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

**BE IT RESOLVED** to authorize James Powers, Planning Board Member to attend a Local Government Workshop to be held on May 11, 2007 at the Burgundy Basin Inn cost not to exceed \$40.00 plus mileage.

UNANIMOUSLY APPROVED

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**RESOLUTION #164 RE: April 4, 2007 Abstract**

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

**BE IT RESOLVED** to pay vouchers 1404-1622 totaling \$451,132.12 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$ 89,029.69
Highway Fund	\$221,284.97
H43 2006-7 Annual Reassessment	\$ 2,312.32

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Highway Equipment Reserve	\$ 99,983.00
General Fleet Reserve	\$ 27,000.00
Consolidated Drainage	\$ 710.36
Chili Fire Protection District	\$ 116.10
Special Light Districts	\$ <u>10,695.68</u>
TOTAL	\$451,132.12

UNANIMOUSLY APPROVED

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PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on April 4, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:22 p.m. to discuss Local Law #1 of 2007 to add Chapter 487 to the Code of the Town of Chili entitled "Wood Burning Furnaces, Outdoor."

Attendance as previously noted in the 4/4/07 Chili Town Board meeting minutes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JOHN HELLABY, 850 Ballantyne Road.

MR. HELLABY: Supervisor, members of the Town Board, good evening. I would like to ask you to keep an open mind in regards to Local Law Number 1 this evening. I fully understand everyone's concerns with regards to these units being used in high concentrated residential home areas where the homes are no more than 10 feet apart. People burning less than high quality dry wood can generate a lot of smoke.

However, in areas south of -- of South Chili, with much larger lots, neighboring homes being 100 feet apart, I believe there needs to be some avenue in place that will allow these units in these rural areas. With the rising cost of home heating products, whether natural gas, propane or fuel oil, at almost \$3 a gallon today, it's beginning to -- to get increasingly difficult to accept the \$500 bill each month to heat your home during the winter month. This would offer a much cheaper and renewable fuel source.

Lastly, these units when properly used do not generate any more smoke than an in-home air-tight wood-burning stove but are more convenient to use as they do not allow one to have to haul wood into their home and haul the ashes back out, which generates a large mess.

Thank you.

PAUL PFENNINGER, 20 Morgan Road

MR. PFENNINGER: Good evening, Board. I'm Paul Pfenninger. I live at 20 Morgan Road. I have an outdoor furnace, and I'm in a real rural area. There's, you know, fields and farm and cows and pigs and that type of thing. The smoke that I generate definitely doesn't really bother anybody. Um, a wood furnace, like any other furnace or appliance is UL approved, and if you don't know what UL is, it's Underwriters Laboratories, which is a private organization that takes a product, analyzes it to the government standards at the time, and considers it yay or nay. And approves it UL or not, um, for that aspect of it.

If you use seasoned wood, it's not a big issue, the smoke. Usually with an outdoor furnace, they smoke for about five minutes, and then they shut off. And versus conventional wood stove or fireplace, you're continually burning. So you kind of got to weigh the differences there. They both burn wood. Can you honestly segregate one from the other? If you do, you might have to eliminate fireplaces, as well. People's houses, air-tight wood stoves and -- in all fairness of the situation.

Um, that kind of opens up a Pandora's box, because there's pellet stoves, your barbeque grills. If you ever gone to a chicken barbecue, how much smoke does that produce? We had a barn burning on my street, oh, about two years ago. That made probably I would say 100 times worse smoke than my furnace would make in ten years. Um, it's kind of hard to justify yay, we got to get rid of these things, or no, you know, we can keep them.

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Um, there are solutions. I think a higher smoke stack would elevate the smoke above houses, so you could go with a higher insulated stack.

Um, you could also limit them to rural areas. Being residential I don't think is quite the -- the most proper place, especially when people want to hang their laundry out and stuff like that. It is just the quality of life would be a little bit different in like a cul-de-sac or a subdivision. I don't think it would be practical.

Um, I'm in an agricultural district part of Chili, so at the same time, I can see where that would be okay to use that in that part of the Town of Chili. That's pretty much all I have to say.

COUNCILMAN SLATTERY: Sir, I have a couple of questions for you. The property, how many acres do you live on?

MR. PFENNINGER: One acre.

COUNCILMAN SLATTERY: And your nearest neighbor is how close?

MR. PFENNINGER: Um, my distributor, who distributes the furnaces is right behind me, and then there is a trailer next to me, and then there is a -- two houses after that and that's it.

COUNCILMAN SLATTERY: How close to the nearest residence would you be, or where this unit would be?

MR. PFENNINGER: Probably about 150 yards, a rental property. Roughly like that. But I have it positioned so in the backyard -- so the prevailing winds would take it past the backyards of the houses and not going along the house lines. Once in a while, you know, the wind plays tricks on you and you can only control the wind, you know, so much. You take what measures you can to prevent as much, you know, smoke, keep away from the houses, but -- any other questions?

COUNCILMAN SLATTERY: Thank you.

MR. PFENNINGER: Thank you for your time.

IRENE BRIXNER, 14 Hartom Road

MS. BRIXNER: I'm very glad to see that something is being done about these wood furnaces that are next door to homes where you have 10 feet, you know, side to side. I lived next to -- I lived next to one and it was terrible. Absolutely terrible. It was a situation where I was a care giver, and the winds would blow and that stupid soot and smoke would come right into the house. You can't control the winds, but it surely should not be in a residential area. Don't do that to people. It's terrible.

So congratulations in finally somebody is doing something about this. I wish you had done it like -- like somebody had done it many years ago. We had a lot of problems.

STEVE GINOVSKY, 19 Hubbard Trail

MR. GINOVSKY: Good evening. In regards to this, the Village of Churchville has banned these things, by the way.

Um, in the subdivisions that we have, with houses being 10, 12, maybe 15 foot apart, you're going to -- with the smoke stacks, you have to have a smoke stack above a roof line. Very simple. Any chimney, anybody who has a fireplace. These are the same distinction.

In a residential area, answer is no. If you have got a quarter or half mile or whatever between the homes, in the rural area, I suppose they have got their -- their points. If they could possibly be used. But what guarantees you that whoever is going to be burning the material is going to burn seasoned wood? Let's face it. Green wood is going to make a lot of smoke.

The second part is, soft wood is going to have creosote to it. You have an added fire hazard. I don't believe this is the most -- smartest move for the Town in a residential, subdivision area where houses are less than 25, 30 foot apart. Besides the smoke, you're going to end up -- the homeowner is going to have to wash off his siding if he has plastic, for an example.

And sparks and as such, I know you have arresters on it. I -- I think the Town needs to think twice on this in a residential. If you have a half mile apart, you might be able to.

Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Just two points I would like to make, um, in hearing some of the comments tonight. I -- the Board is going to have a tough decision to make on the -- allowing these stoves,

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furnaces in some areas and not others because a person may have an acre lot and not have any immediate neighbors today, but who knows who the property next door will be sold to in the future. The situation could change on a dime, very dramatically, very fast. You could end up with some real problems. So that is something to think about.

The other thing I would like to comment on is in my reading of the proposed law, there is some provision for those people who currently have them; am I right?

SUPERVISOR LOGEL: There's a grandfather clause.

MS. BORGUS: So people --

SUPERVISOR LOGEL: What do I want to say? Amortization clause.

MS. BORGUS: So I would think that anybody who has one would certainly be allowed to get some use out of it and not have to get rid of it immediately upon passage of the law if it came to that. I don't know if the people here understand that and have read the law, but that has been considered and it is a good point.

Thank you.

SUPERVISOR LOGEL: Thank you.

JAMES IGNATOWSKI, 891 Ballantyne Road

MR. IGNATOWSKI: Um, just from a code aspect, New York State Building and Planning Code currently does not have any rules and regulations against those, but they are going to come up with them.

As someone pointed out, the biggest problem with these units is the height of the chimney off the grade. Um, in a centralized neighborhood, if someone were to put one in, you have to remember people who have gas furnaces also have fresh air intakes hugging the ground, that will fill their house up with smoke. And also you're standard ventilation of the roofing will bring the smoke on the inside. If you have soffit vents and ridge vents on the outside, it will bring it in. It has to be as tall or actually 2 feet above the nearest ridge line of a house.

Other states have it now where if a unit was in 60 feet of another house or 90 feet of yours, it has to be 2 feet above the ridge line of the nearest house, and the problem with that is that your triple-wall pipe I don't think can go more than 8 to 10 feet unbraced, so it is going 20 to 25 feet above that box. Triple-walled pipe is not the cheapest thing in the world. It is like 60 bucks (inaudible). These things need to get resolved if those are to be used on a large scale basis. Thank you.

COUNCILMAN SLATTERY: While you're up there, actually if I could, please. I wish somebody from our Building Department and Fire Marshals were here so we could ask them questions as well, since this is a very hot topic, I should say.  
(Laughter.)

COUNCILWOMAN SPERR: Good one.

COUNCILMAN SLATTERY: Are these designed differently than a chimney with the fresh air -  
- fresh air intake?

MR. IGNATOWSKI: For fresh air intake, you (inaudible) because you have to have combustion on the inside, but the biggest issue is the height of the stack and the relative closeness to the house.

COUNCILMAN SLATTERY: So the height is the major factor with this.

MR. IGNATOWSKI: Yes. And, of course, what you put in it will be the other issue, too.

COUNCILWOMAN IGNATOWSKI: A person inside the house will not put in green wood or other things. Put that in the house, you will smoke yourself out.

COUNCILMAN SLATTERY: I want to say they have been known to.

SUPERVISOR LOGEL: And in the State of Colorado they have insisted state wide they have to put catalytic converters on all of these. The reason this came up, I think, for the benefit of everybody here is that we have been inundated with phone calls from people who are -- in a highly densely populated areas that one of these was installed and the smoke, we have had pictures with the smoke settling at -- 25, 30 feet is nothing. The smoke, it was settling around three or four houses and in their homes and they would come home at lunch hour, we have a child with asthma, the house is full of smoke. These people have windows -- plastic taped up on their windows because the smoke is infiltrating their homes, and you can't -- it's all well and good to say you will burn quality wood.

I grew up in a home with a wood furnace and still has the wood furnace that my parents had.

And if you buy -- you know, you burn good wood, that's one thing, but these -- they burn at very high heat and you can burn just about anything you want to throw in there. And that's the problem. One person may be ethical and worry about their neighbors, but another one isn't and there is where the big concerns have come in.

MR. IGNATOWSKI: One point. Actually the hotter it burns, the better it is. The problem with these units, they're on a timer that once they reach the proper temperature, they shut down and a smoulder fire that these create, that smoke coming out is more toxic than a hot burning fire because the carbon is not getting completely burned off. That is the problem with those. They're not burning that fuel completely while they sit there and smoulder.

The DEC is also coming up with regulations for those stoves. I'm not sure what they are going to do, but I imagine it's going to be tough.

The Public Hearing was closed at 7:37 p.m.

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### PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on April 4, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:22 p.m. to discuss Local Law #2 of 2007 to add Chapter 210 to the Code of the Town of Chili entitled "Construction Codes."

Attendance as previously noted in the 4/4/07 Chili Town Board meeting minutes.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTIG, Coldwater Road

MR. RETTIG: I have a few questions. I assume in this local law hearing, local law Number 2 we're talking about both Resolutions 149 and 151, which is the SEQR and the local law; is that correct?

SUPERVISOR LOGEL: Uh-huh.

MR. RETTIG: Thank you.

My first question is, what is the source of this local law? Is it New York State Building Code? Is it the United States Unified Building Code? What is the source of the law, or is it a compendium --

RICHARD STOWE: New York State.

MR. RETTIG: Thank you.

Then it would be this code -- part of -- or out of this code (indicating); is that correct?

RICHARD STOWE: I don't know what you have. I know this came from the New York State. Is that the new one?

MR. RETTIG: I believe it is.

RICHARD STOWE: The purpose -- the purpose that the Town Board's consideration of this local law at this time is at the request of our Building Department, to take the recently enacted New York State Building and Fire Prevention Code provisions that we are seeking to be able to enforce and give our Building Department the authority to comply with their requirements for administration and enforcement in a timely fashion.

MR. RETTIG: Okay. Thank you.

In other words, if I summarize correctly, and correct me if I am wrong, it's basically a compendium of specifics from the New York State Uniformed Building Code. I have read the law as it's on file or was on file before this meeting at the Town Clerk's Office, Mr. Brongo's office, and it appears to be a compendium formulating Chapter 210 for the Town of Chili's code, but it's not specifically directly specific chapter for chapter of that code book you have in front of you which is the New York State Uniform Building Code; is that correct?

RICHARD STOWE: Could be. Go ahead.

MR. RETTIG: Okay. That's what I interpret it to be. And I'm just asking for clarification.

Next question is, will this code addition which will be known as Local Law Number 2, and Chapter 210 of the Code of the Town of Chili, entitled "Construction Codes," will this be added to the

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website for the Town of Chili?

SUPERVISOR LOGEL: Uh-huh.

MR. RETTIG: Okay. Thank you. Will a copy of this code in hard copy be submitted to the Chili Public Library and their code book?

RICHARD STOWE: I'm going to urge some caution on that one. With regard to the timing of this, the -- the Town Board's consideration of this specific local law at this time separately from the draft update workshop committee work that has been going on is to allow this to be taken separately from that and adopted ahead of the other recodification effort. This local law will ultimately be a portion of the recodified Town code that this Board has been working on for the past several months. There are provisions of the New York State Building Code that our Building Department is enforcing today out of our standard code book, where we pull those in as we are required to, that the passage of this local law will enable them to do more competently, efficiently and more in conformance with New York State.

When this hits the code book may well be determined by General Code's time line on the recodification effort instead of a separate effort to get it in there ahead of that for ease of editing and economic reasons, not because it is any less effective.

MR. RETTIG: Okay. I understand. And I appreciate that thorough answer.

My question is -- my next question is, knowing that it takes time to get it into the code book, um, per se, and in the format, cannot or would not -- or can this Board and the Supervisor send a copy to the -- the copy of the law, as it is now, 8 ½ by 11 sheet of paper in the Town Clerk's office and as you are now reviewing for passage, can a copy of that law, as you -- assuming you pass it tonight be put in the library as a separate folder?

RICHARD STOWE: Sure. Theoretically.

MR. RETTIG: Okay. Thank you, good. That was a yes. Thank you.

My comments after reading this particular Chapter 210, um, is exactly what you have said. It seems to be a compendium. We're all supposedly operating under the New York State Uniform Building Code at this time, as law, but this is a reinforcement of specific issues and specific details according to what is requested or being requested by this Board for the Town of Chili; is that correct?

RICHARD STOWE: Yes, sir.

MR. RETTIG: Affirmative answer.

Okay. I -- my next question is, if this particular code is -- or this particular resolution is passed, or these resolutions are passed, which by the way I think are very good, um, and very complete for those that haven't read it, they should. Um, it's very good summary. For those specific provisions, um, of building code that should be strictly enforced, shall we say, on -- on inspection, et cetera, many of the things which are done already, um, I think it would be very much advised that this be passed by this Board.

My question is, with this law being passed, are we going to -- is this Board going to appoint a badly needed additional Code Enforcement Officer which has not been in place for a period of time to date?

COUNCILWOMAN IGNATOWSKI: Tracy (Logel), can you answer that?

MR. RETTIG: I would request an answer.

SUPERVISOR LOGEL: I will give you this answer. Right now we have two full-time enforcement -- Code Enforcement Officers. As I understand it under this new building code, even our Fire Marshals are Code Enforcement Officers, so we would have four. You're suggesting that you -- you want more than four in that office?

MR. RETTIG: Okay. Let me re-ask the question just for clarification. We have two Fire Marshals that are -- so qualified as Code Enforcement Officers presently; is that correct? And we have two Building Department Code Enforcement Officers that are so qualified now; is that correct?

SUPERVISOR LOGEL: They're all qualified.

MR. RETTIG: And who are -- what the names of the four individuals at this time?

SUPERVISOR LOGEL: Dennis Scibetta, Ed Shero, Jim Christian and Scott Miller.

MR. RETTIG: Okay. Thank you.

SUPERVISOR LOGEL: And a part-time, Dave (Tytler).

COUNCILMAN SLATTERY: He is paid by trip, though.

MR. RETTIG: Paid by trip.

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SUPERVISOR LOGEL: That's four people, and prior to what you're referring to -- prior to this, we only had a half-year Code Enforcement Officer -- I mean a part-time, half-day Code Enforcement Officer. That's all we had. So we have gone to the fact that we -- that was prior to last year. So now we have four people that can do this. We are not behind.

MR. RETTIG: Very good. Thank you for the clarification, Supervisor Logel.

My final comments in regard to -- go ahead.

COUNCILMAN SLATTERY: I'm sorry, Sherry Thrash was our Code Enforcement Officer, as well.

SUPERVISOR LOGEL: But she never left the building.

COUNCILMAN SLATTERY: She held the title.

COUNCILWOMAN SPERR: The Fire Department members were there. There is a difference between the level of qualifications that the Fire Department has --

COUNCILMAN SLATTERY: Fire Marshal.

COUNCILWOMAN SPERR: Fire Marshals, I mean, that they're required to have versus our Code Enforcement Officers. They take a little less level of training. So there are aspects of code enforcement that only the other two can do, but those -- those changes don't really hamper us. We are still very well prepared. But just to make sure I draw that clarification for you.

MR. RETTIG: If I gather correctly, what you're saying is there are others in the Fire Department that have some degree of education for enforcement of the fire code and the building code but may not be to the level of complete enforcement of violation, tickets, et cetera?

COUNCILWOMAN SPERR: The training that is required for the Fire Marshals is different than what is required for Dennis (Scibetta) and Ed Shero. Dennis Scibetta and Ed Shero.

This is one of the sessions we went to at association of towns, and they were very clear on explaining to us that the level of the training that is required. There were many questioned asked. Based on the level we're currently at in the Town, we should have sufficient staffing for what we need.

SUPERVISOR LOGEL: In other words, if you have trash on the corner, I'm not going to send Jim Christian, one of the Fire Marshals out for it, but I have two full-time people that can go out for that.

MR. RETTIG: And I gather from what Councilwoman Sperr and Supervisor Logel are just saying, I assume these four people are DOS, Department of State certified?

SUPERVISOR LOGEL: They're all certified in their particular area. The Fire Marshals are certified one way.

MR. RETTIG: But I mean as far as strict complete building code enforcement, you have just the four certified enforcement officers for --

COUNCILWOMAN SPERR: I believe that's what we have told you.

MR. RETTIG: I'm just clarifying.

COUNCILWOMAN SPERR: Yeah.

MR. RETTIG: I was stating it in a different way, that there's a State certification which we didn't indicate before. Okay. Thank you.

SUPERVISOR LOGEL: They're attending those classes, too. On a regular basis.

MR. RETTIG: Okay. I recommend that the Board review, consider and pass this code as a very good addition to the building code law.

Thank you.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: Yes. In regards to Chapter 210 of the code, um, construction code, as such. With New York State, is there going to be a provision in here to do any additional updating on it, let's say two years from now when they do their updates? Is the Town going to continue on moving forward with it? Is that going to be part of our code on here? Because I know presently a lot of parts - - let's say the city and other parts of the State are still back with 1998 codes here, because they haven't had an update. I can say that in regards to the electrical business, in the City of Rochester, and nothing has really been done on it. But we need to keep ahead of the game not behind the -- behind the ball.

An example would be like the wood-burning stoves. There's problems been on -- don't give me that look, please.

COUNCILWOMAN SPERR: I don't know what you're talking about.

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SUPERVISOR LOGEL: Excuse me. Let's -- go on.

MR. GINOVSKY: The codes here is with New York State. It is through the Department of State. Are we going to keep up with the codes, with New York State, or we going to just kind of let it sit here for 2007 and three years from now maybe continue on? Is there going to be something in place here to keep the codes up to date? And in enforcement.

The next part is, something was just said about your Code Enforcement Officers -- stop smiling.

SUPERVISOR LOGEL: I'm smiling because Rich (Stowe) was about to answer you, and you - you went on with another one. Why don't you let him answer the first question?

MR. GINOVSKY: Okay.

RICHARD STOWE: Passing of this local law is an attempt to keep current with New York State.

MR. GINOVSKY: Yes.

RICHARD STOWE: There is no provision specifically in this that requires adoption of anything further and here after, but the very fact that this Board is passing this to stay current, I think, answers the question about its desire to remain current.

MR. GINOVSKY: Okay. But the part is, that you may want to have in it, if you change -- if some of the laws are changed next year through the Department of State, which these codes go through with the Building Department, to incorporate it for a review every year so you're up to date, so you're not lagging behind. That's the point that I was trying to make.

RICHARD STOWE: Okay.

MR. GINOVSKY: The second part is, with the compliance officers, I just happened to be here at the Town Hall today and I saw something that -- on the bulletin board with the building inspection, and I saw the Town of Chili. Is there -- it just surprised me to hear from Mr. Rettig in an answer that he has -- that he received and what was on the bulletin board. And if somebody could please -- if they'd like to go over there and grab it right off the board over there, it's -- it's sitting there. It's a Civil Service thing and it's the Town of Chili. So...

SUPERVISOR LOGEL: Are you saying -- about the Civil Service test that they're going to be giving for --

MR. GINOVSKY: This is correct. It said the Town of Chili. I read the first part there. I didn't know if the Town of Chili is contemplating on putting somebody additional on or upgrading the Fire Marshal's job because -- because with compliance, there are different levels of compliance.

SUPERVISOR LOGEL: Okay. Mr. Shero was hired provisionally until a test was given.

MR. GINOVSKY: So that's what that is for.

SUPERVISOR LOGEL: That test is now posted. Therefore, he has to take it and anybody who wants to make application to take it can take it.

STEVE GINOVSKY: That's the point that I was trying to ask.

SUPERVISOR LOGEL: Okay.

MR. GINOVSKY: It was kind of confusing. I just happened to see it on the board.

SUPERVISOR LOGEL: You have to post it.

MR. GINOVSKY: So that wasn't put out in its fullest extent. And that, I mean, with Mr. Rettig's question that he had. And I was kind of confused on the way that came back as a statement, an answer.

But with the building codes, I would definitely put something in there that you update it through the Department of State. It's on line, on the code, and to keep it up to date, not let it lag behind.

Thank you.

SUPERVISOR LOGEL: Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I guess I'm hearing tonight about having four Code Enforcement Officers doesn't fit with my experience here. I'm all in favor of your passing this Local Law 2, to add Chapter 210 to the code of the Town of Chili.

However, all the laws in the world that are on the books don't matter when you can't get anybody to go out and enforce it. If we have four Code Enforcement Officers, we should be right on top of the game. But all you got to do is ride down through Chili Center and look at the -- at the

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sandwich boards, the A frame signs out at the curb daily. The illegal small signs put in the yards, businesses sticking any kind of a sign out for a sale. Those are against the law. And if we have four Code Enforcement Officers, we shouldn't see that.

And what I'm concerned about is when I have had complaints that I thought were important enough, they were violations of the law and I wanted to see them corrected, the response I've gotten in the past is that "We can't be bothered with that small stuff."

What kind of an answer is that? If you have four Code Enforcement Officers, that answer should not be forthcoming.

I've been noted in the paper and in the minutes many, many times saying this is a lawless Town. That's not quite true. We have laws. We don't enforce them.

And all I know is that the Code Enforcement Officer who left last October was a Code Enforcement Officer and he did go out on what are considered these minor complaints. They're not minor, People. They're the things that make our Town look trashy and we have them in place. Those laws are there for a reason.

So I don't think you have any problem if you want to call Fire Marshals Code Enforcement Officers, but when I turn a complaint in then about a sign or two or three or four or times -- I have turned in as many of 8 at a time -- I don't want to hear that "We can't be bothered with that small stuff."

This law is a good idea, but let's make sure we have the people on board to make it work.

Thank you.

MR. RETTIG: Just a question of clarification, please.

Is the Civil Service exam required by the DOS, Department of State for their building Code Enforcement Officer?

RICHARD STOWE: I don't believe the Civil Service exam, to take the position, is a requirement that gets its authority from the Department of State.

SUPERVISOR LOGEL: It's under Civil Service Law.

RICHARD STOWE: The Civil Service Law of the State of New York has classifications of employees for municipalities like the Town of Chili, including the building inspectors and enforcement officers that are set forth in this local law. If they fit the criteria of the Civil Service Law. Part-time, for instance, doesn't always fit those criteria. Separate, the authority doesn't come from the Department of State, but rather from the Civil Service Law of the State of New York.

MR. RETTIG: Okay. I -- I appreciate your clarification there.

The reason why I bring that up is because Dennis Scibetta, as a Code Enforcement Officer, was giving Certificates of Occupancy, C of Os in the year 2000, and the specific is at 9 Indian Hill, and he did not have his Department of State certification on building code enforcement until the year 2003, and that is documented at the Department of State. So I make that clarification, because as Dorothy Borgus says, and that's why I'm asking these questions, um, it's not a law -- it's not a Town without laws. It's a lawless Town if we don't enforce them or we don't follow them. And this Board, all these members of this Board and the Supervisor and Counsel have the responsibility to make sure that the laws of the Town of Chili are followed.

Are you aware of the discrepancy in the certification of Mr. Dennis Scibetta? I think you should.

COUNCILWOMAN IGNATOWSKI: I wasn't on the board at that point.

SUPERVISOR LOGEL: I wasn't here in 2000. I don't think any of us were.

COUNCILMAN SLATTERY: Yes. I was, but as -- but as I have brought up before, I've asked the Supervisor, you know, there's -- and she states that there is somebody within the Town in the Personnel Department or the department head that is making sure that their certification is up to date. And that's -- and that's what I -- that's what we're told, this Board. That's what the Board was told.

SUPERVISOR LOGEL: Michael (Slattery), excuse me. I want to correct that. I would not have given a clarification on 2000. I was in the County Legislature.

COUNCILMAN SLATTERY: Supervisor, I'm not saying you did. Supervisor, did I say you did? I said -- I said that I have asked that, and that's where there is somebody on staff within the Town, the department head or somebody in Personnel that is monitoring the certification for the employees that are required to have it.

SUPERVISOR LOGEL: And everybody is up to date, and they're -- they just did classes again. I mean, they're constantly taking them. I don't know what the, 2000 situation is. That is seven years

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ago. We would have to go back and if look in the old records to find out. I have absolutely no idea.

MR. RETTIG: I understand the information with regard to update, but this is different when someone has not passed the Department of State certification and they are issuing certificates of occupancy in the year 2000. It's documented. Be glad to show you the documentation. It's available through the Department of State. And this is the sort of thing we got to be sure that we are following the law and not just skirting it --

SUPERVISOR LOGEL: Let's stick to the subject here. We're discussing Chapter 210, the Law Number 2, which is going to be -- you know, which is called -- let's discuss that. Would you discuss that?

MR. RETTIG: That's why I asked my question and Counsel answered in regard to the Civil Service being separate from the DOS, Department of State certification. But I want to make sure also that the people that we have in code enforcement do have specific certification from the Department of State with certification licenses and not just stating that they do. I just want to make sure that --

COUNCILMAN SCHULMERICH: You have implied that the Board is not doing its job if we do not have DOS certification in place, and I guess one of the things --

MR. RETTIG: Yes, I am.

COUNCILMAN SCHULMERICH: One of the things I need an understanding of from Counsel is -- my understanding is Civil Service certification is what is requisite for individuals to be employed in the Town of Chili, and it wasn't clear to me until you had just stated so, and I'm not sure that that's a fact, that they need to be DOS certified to work in the Town of Chili. I would like clarification on that. If we're being impugned in breaking the law, I would like to go on record that we either are or we are not.

RICHARD STOWE: I'm not sure.

MR. RETTIG: The question is, as Dennis (Scibetta) -- completing what Dennis (Scibetta) is saying and asking the same question to Counsel, therefore, is the Department of State certification required for a Code Enforcement Officer in the Town of Chili?

RICHARD STOWE: I'm not sure where we got off the track of the Civil Service.

MR. RETTIG: That's -- was a separate question.

RICHARD STOWE: Stop. My turn.

I believe that the position of Building Inspector in any municipality, including the Town of Chili, has a job description that is prepared by the Civil Service entity in this jurisdiction, which happens to be the Civil Service Commission for the County of Monroe. I believe that job description and that classification that you have to take an exam for includes as one of the items that you hold the requisite certifications for the position. And in this case, I believe that to be the Department of State.

MR. RETTIG: I agree.

RICHARD STOWE: Certification.

MR. RETTIG: I agree.

RICHARD STOWE: What any one individual had at any one time is not relevant for what I am about to say. But, there are -- there are levels of ability for this Board to appoint individuals to positions. As you just heard one of the illustrations with Mr. Shero, there are provisional appointments pending the exam passage and taking all of the tests. It doesn't change the qualifications of the position. It has more to do with when you have to have them and when you have to have the exam and how the two go together.

MR. RETTIG: Or if --

RICHARD STOWE: Is that responsive?

COUNCILMAN SCHULMERICH: That helps, thank you.

MR. RETTIG: Or the question I ask further is, for a specific Code Enforcement Officer following up on those duties, specific for a signature, such as certificate of occupancy is not the Department of State certification required for that -- for that signature. And I believe it is.

RICHARD STOWE: The Department of State has rules and regulations on who can execute those documents on behalf of a municipality and it has be under the direction, guidance and authority of a certified individual.

MR. RETTIG: Yes.

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RICHARD STOWE: Okay.

MR. RETTIG: Very good. Thank you.

RICHARD STOWE: Yep.

The Public Hearing was closed at 8:05 p.m.

The next meeting of the Chili Town Board is scheduled for Wednesday, May 2, 2007 at 7:00 p.m. at the Chili Town Hall meeting room.