

CHILI TOWN BOARD
May 16, 2007

A meeting of the Chili Town Board was held on May 16, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor Tracy Logel.

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

ALSO PRESENT: Richard Brongo, Town Clerk; Joseph Carr, Commissioner of Public Works/Highway Superintendent; Dawn Forte, Supervisor's Secretary; Dianne O'Meara, Director of Finance; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor.

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

The invocation was given by Richard Brongo.

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

SUPERVISOR LOGEL: Before I do that, I just wanted to extend our condolences to Dianne (O'Meara) for the loss of your father. It happened just a couple days ago.

Supervisor Logel indicated she was unable to inform the Board about Ms. O'Meara's father's passing due to her own family member's hospitalization.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Seven speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:40 p.m.

TOWN BOARD LIAISON REPORTS:

Conservation Report by Virginia Ignatowski
No report given this meeting.

Drainage Report by Virginia Ignatowski
No report given this meeting.

Historic Preservation Report by Mary Sperr
No report given this meeting.

Library Report by Michael Slattery
No report given this meeting.

Recreation Report by Tracy Logel

SUPERVISOR LOGEL: Parks and Recreation just basically talked about the -- getting geared up for the Chil-E Fest. Very short and very quick.

Traffic & Safety Report by Mary Sperr
No report given this meeting.

Planning and Zoning Boards Report by Dennis Schulmerich

COUNCILMAN SCHULMERICH: Planning Board was on May 8th. I was out of the country but talked to Mr. Martin before and then again after the meeting.

Um, they had two subdivision approvals -- two subdivision applications which were approved. Three site plans which were approved and two conditional use applications that were tabled for more information.

And one of the resolutions tonight, the -- the Resolution 191, when we get to it, we can talk about the role of the Planning Board with that.

For Zoning Board last night I was at the convention downtown and was unable to attend, so -- this is an unusual month for me I missed both meetings, which I'm not happy about but was not able to -- I couldn't change the situation.

I have talked to Mr. Brown briefly about the Zoning Board, and I will defer until the next Town Board meeting to go through that in detail.

Through conversation -- this has been ongoing and based on some of the comments tonight, I think it is pertinent, as well. Um, through conversation with some of the members of the Zoning Board, as well as the Planning Board, um, we have had ongoing discussions around the way the two Boards interact and when an application comes before a planning -- a Zoning Board, is it appropriate for it to go back to Planning Board as an informal or formal based on what the variance request is.

In conjunction with the newness of the Zoning Board, um, and -- and the question that comes back and forth between the two Boards, I think what we're going to do is try to set up something like a fire side chat type of session between the two Boards and the Building Department to do a review of the types of questions and training that would be appropriate across the two Boards and get training programs in place within the Town, as well as in conjunction with the other ones that are set in the State.

So I have talked to -- again, representatives from both Boards. They think it is a good idea with a new department manager coming in from building, it only reinforces it. I will state for the record that I am incredibly impressed with the individuals I see that have come on the Zoning Board. I will say that they are new, and I will say there is a learning curve. That is true for anyone who takes a new position.

I will tell I have also been a fierce advocate that I believe the Zoning Board should be more than the rubber stamp board. That if you take a look at the number of approvals that the Zoning Board prior to this current population of members had, it was very, very unlikely that any application that came before the Board was turned down. It is a Zoning Board of Appeals. The codes are there for a reason. And the people that we have put on that Board were specifically interviewed to try to understand the role they would take in assessing the applications and making sure that they were appropriate for variances where they were applied for.

So yes, I will agree there is a learning curve, and I will tell you that I believe that the people that are on that Board, and hopefully the one position we'll be filling shortly are looking at the applications in such a way that we are more critically assessing the variances and we're giving them where they are warranted, not just because they had been applied. So I just want to take that -- because I think it is unfortunate if there are some questions around the learning curve we're going through, but I am very pleased with the path we're headed down and I applaud the folks who are trying to come up to speed as fast as --

SUPERVISOR LOGEL: So if we need a workshop, we'll have to schedule some dates.

COUNCILMAN SCHULMERICH: I need to work with the Chair of both Boards. I will contact you and bring it back to the rest of the Board and we'll do it in a fashion that is aligned with all of our schedules.

SUPERVISOR LOGEL: I have -- that concludes all of the liaison reports.

MATTERS OF THE SUPERVISOR:

SUPERVISOR LOGEL: I have a letter here from the American Legion. They have written to us, and wanted me to bring this up tonight for discussion. Um, regarding the -- and they're here -- regarding having a banner made that they can put across the entry to our other Town Hall, across the driveway, and I have spoken with Joe (Carr) (Carr). I had them speak with Joe Carr about the feasibility of doing this. But basically, it is to welcome the troops home, and it says, "Thank you for defending our freedom," basically is their request. And welcoming them home. And it says, "The Town of Chili welcomes you."

And Joe (Carr) (Carr) has looked into putting a post or somehow erecting a post on each side of the drive. Would that interfere with our trucks coming and going, or are you able to do this so it is --

JOSEPH CARR: It would be high enough so not to interfere with any vehicles.

SUPERVISOR LOGEL: Can I ask -- Don (Craig) is here.

Can I ask you, sir, what period of time would be that you would want to have this? You said -- so you can reuse it in other years or other times, what would be the period of time you would like to have that up there?

MR. CRAIG: We would like to fly it during good weather. I guess that is probably what I want to say. You know, we certainly don't want it up there.

SUPERVISOR LOGEL: Middle of the winter.

MR. CRAIG: The middle of winter from February through -- probably through April. But troops come home all times throughout the year. I had a granddaughter that came home last week from Iraq. We have a yoman's way of wishing these people off, but we never had a way of thanking them when they did get home, and they come home separately. They don't come home -- go as a group. I should say they do go as a group from Paul Road Service Center, and we have seen them off. We have sent packages, but we have never been able to thank them when they do come home.

The sign will say, you know "Thank you for defending our freedoms. The Town of Chili welcomes you home." That's all it is going to say. It will have the American Legion emblem on it, but that's all.

COUNCILMAN SLATTERY: Well, Supervisor -- first, I applaud you for wanting to do that. Secondly, when did the letter come in?

SUPERVISOR LOGEL: The letter just came in this past Monday.

COUNCILMAN SLATTERY: Okay. Because this is the first I --

SUPERVISOR LOGEL: Actually, the 15th is when it is stamped in. So that is yesterday.

COUNCILMAN SLATTERY: Yesterday. This is the first I am hearing about it, but I

think that it -- I have a cousin that actually just came back to Rochester for a few days because his grand father is ill and he is over serving in Iraq, and I know what the people are going through and so forth.

The job you do when you greet them when they come in should be applauded, as well. I have been there and seen that. It means a lot to them and their families.

In regards to the banner, I guess, you know, I'm sure Counsel would have to take a look at it and review the information, as well. You know, so I -- I just want to say thank you for the job that you have done, and that you will be doing.

MR. CRAIG: Our new incoming commander just welcomed home a man who was killed 37 years ago. Our Post welcomed home a man -- I like to call him -- he was my neighbor. I knew him when he was born. That was James Widener. And all of the wars since then, we have never been able to really thank them individually and it doesn't have to be from the -- they don't have to be from the Town of Chili. You're going down Chili Avenue, they will see this banner. It will reach out and grab them.

COUNCILMAN SCHULMERICH: I wasn't trying to interrupt Mr. Slattery. I was just asking Counsel a question.

First, I'm very supportive of what you're proposing. For a matter of process, I was just wondering whether there was something we needed to do to insure that we had compliance with all of the regulations we have to the codes to allow this to happen.

MR. CRAIG: That was going to be my question.

SUPERVISOR LOGEL: We have the Chil-E Fest banner, and we have the Day of Prayer banner that goes up every year for short term.

COUNCILMAN SCHULMERICH: They're very temporary in nature, though, right? This would be -- again, because I'm asking questions, I'm not -- I'm not debating its value.

MR. CRAIG: Understand.

COUNCILMAN SCHULMERICH: I would like to see this happen. I just want to make sure we do it in a way that we're -- that we can all support it.

So I guess my question is, how -- how do we deal with this recognizing that by definition of permanence, um, it -- it is listed as permanent, as you're going to get -- although I might -- he indicated he would only have it up during good weather, and that could be a week or two in Rochester. You know, assuming it is up 8 or 9 months, and Town -- and God willing, we don't have to put it up another year and recognize we're still in Iraq for another year, but if -- this could be ongoing for a couple of years.

MR. CRAIG: Councilman, this war has been going on for four years.

COUNCILMAN SCHULMERICH: I know. There is no end in sight at this point.

MR. CRAIG: It isn't dedicated just strictly to the Iraqi war either.

COUNCILMAN SCHULMERICH: Good point.

MR. CRAIG: Hopefully, this war is going to end all wars, but it, you know -- we said that in World War I, too.

COUNCILMAN SCHULMERICH: So to reinforce my point, this could be ongoing year after year.

MR. CRAIG: Certainly could.

COUNCILMAN SCHULMERICH: So that is what we're dealing with. What do we have to do?

COUNCILWOMAN IGNATOWSKI: Would that be a Zoning Board variance?

RICHARD STOWE: I will talk to Joe (Carr) (Carr).

SUPERVISOR LOGEL: You will talk to Joe (Carr) (Carr).

RICHARD STOWE: I will talk to Joe (Carr) (Carr).

MR. CRAIG: We would like to have it flying, you know, before Memorial Day.

SUPERVISOR LOGEL: That's tight. How much time do you need to get it made? The 30 -- well, Memorial Day is not the 31st. It -- it is not the 30th any more.

MR. CRAIG: Memorial Day, I think, is the 28th, but --

COUNCILMAN SLATTERY: 28th.

MR. CRAIG: But we need one week turnaround time to have it made.

COUNCILMAN SLATTERY: I think with Counsel getting involved, Rich (Stowe), is he going to be communicating with Joe (Carr), since this is just brought up, you know, I'm sure they can work to see what they can do. This is the first, as I said, that we, the Board, the majority of the Board heard about this, so I'm sure with the people in place, that maybe he, you know, they can work together to hopefully expedite it. So I want -- I don't want to speak for the Supervisor, but, you know, I -- with people in place, hopefully we can work with you. It is a great cause, and -- so...

SUPERVISOR LOGEL: Joe (Carr) (Carr) has already talked to you about it, and that --

MR. CRAIG: Correct.

SUPERVISOR LOGEL: And so Joe (Carr) just -- new and Rich (Stowe) can get together tomorrow, Friday, we can let you know about I -- by Friday. If that is possible.

COUNCILMAN SCHULMERICH: Do we need any type of a Town Board resolution to support this or is it --

SUPERVISOR LOGEL: I don't think so.

COUNCILMAN SCHULMERICH: Good.

MR. CRAIG: Thank you very much for your attention.

COUNCILMAN SCHULMERICH: Thank you. It's a great idea.

SUPERVISOR LOGEL: Dennis Scibetta accepted a position with another Town. And

Mr. Tytler who is resigning has -- is accepting a job that will not allow him to continue within this position.

COUNCILWOMAN IGNATOWSKI: We going to get a copy of his resignation. That forthcoming?

SUPERVISOR LOGEL: You have that letter.

RICHARD BRONGO: I do have the original. I will make copies.

COUNCILWOMAN IGNATOWSKI: Thank you. Appreciate that.

SUPERVISOR LOGEL: I was looking on the questions to see if we can answer some of them.

As far as the taping of last night's Zoning Board, that -- when I asked this morning why it wasn't taped, it was because the date was moved and Mr. Levey just was assuming it was next Tuesday, and -- did not look at the calendar to see that during the month of May, because of the Board of Assessment review, next Tuesday, and so apologies for the fact that he just didn't pick up on it. I said it happens every May, but it only happens once a year, so it wasn't something on the top of his list to remember.

The resolutions we'll address as we come to them.

Um, we have, and I sent to all members of the Zoning Board and Planning Board any notices, copies, photocopies of flyers for training sessions. I know Mr. Jordon just attended one that we put in his mail -- in all of the mailboxes. Everybody had those in there. And we do that every time one comes up, and the next time there is a training session, we'll put a note in there asking them to please consider attending this, and if necessary, make a phone call seeing if we can urge them to attend.

Um, there was no schedule for a presentation with Mr. Robinson. I don't know where that idea came from. That's not been scheduled.

COUNCILWOMAN IGNATOWSKI: Supervisor, I do want -- would like to know what kind of a conversation you may have had with them.

SUPERVISOR LOGEL: Just yesterday I met with him. Yesterday for -- he -- had a meeting with me yesterday to talk about putting together a presentation that he can bring in, because he does not have a presentation of -- drawn up suggestions. Remember when he came, all he did was -- he talked about basically what Mr. Caruso presented to us, was alternate locations if he were to purchase that property, where he would move things to, what those things would look like. Now, he wants to do up a presentation of what would be proposed for that site. That's what he would come in for. Because his -- he knows about -- he wants to also see Mr. Caruso's presentation.

COUNCILWOMAN IGNATOWSKI: They haven't had a conversation between those two.

SUPERVISOR LOGEL: They have not had a conversation.

COUNCILWOMAN IGNATOWSKI: That it -- that was also supposed to be forthcoming.

SUPERVISOR LOGEL: He said he was out of the country for this vacation and then Florida, so he is just back.

COUNCILWOMAN IGNATOWSKI: Any other additional steps that could be taken? I know we're looking to maybe have Counsel start looking into the steps that we may need to do for the public land. I'm just looking for what kind of progress has been made since the last meeting and what we can anticipate for the next one.

RICHARD STOWE: I have not --

SUPERVISOR LOGEL: I think you have to decide this is what you want, definitely want to do before you start pursuing some of -- this is what he basically said yesterday. If the Board -- if he invests money into drawing up a set of plans, he needs to know that you say yes, you want to pursue this further, and definitely as a Board we need to say either we do or we don't. Because it's like he was saying, that, you know, the investment in time and energy.

COUNCILWOMAN IGNATOWSKI: That's fair enough. I guess I'm looking for what the next step for us is to be able to start making those decisions to move this forward.

SUPERVISOR LOGEL: The only thing you can do is say yes, Mr. Robinson, we intend to pursue this, and yes, Mr. Robinson, spend the money to go ahead with this. I mean, you have got to decide that -- we have to decide that as a Board, as a whole that everybody is on board for him to go forward with presenting us something.

COUNCILWOMAN IGNATOWSKI: Well, I would like to see something. What -- does he really need to make -- the drawings, though, we just had -- Caruso did the drawings.

SUPERVISOR LOGEL: Caruso didn't do the drawings for the Town property. He did all the drawings for the outlying stuff. That is not what Mr. Robinson intends to build.

COUNCILWOMAN IGNATOWSKI: Okay. I understand. I was confused between the two.

COUNCILMAN SLATTERY: Well, I think Mr. Robinson would be possibly involved with both.

SUPERVISOR LOGEL: Yes. But he needs to be -- he said to draw it -- look at this, and he will be getting back to us with a time line.

COUNCILMAN SLATTERY: I guess a follow-up to that was I know that I asked in regards to Passero Associates to perform another presentation coordinated through your office. Are we making steps to do that, advertise and have him come back?

SUPERVISOR LOGEL: Advertise and have him come back to -- for a workshop?

COUNCILMAN SLATTERY: To do a presentation.

SUPERVISOR LOGEL: You want to have it at a Town Board meeting or public

workshop?

COUNCILMAN SLATTERY: I'm not saying that.

SUPERVISOR LOGEL: Workshop we just need to schedule it, advertise it and have him come.

COUNCILMAN SLATTERY: Last presentation wasn't well advertised.

SUPERVISOR LOGEL: Town Board -- you don't have to advertise the Town Board meeting.

COUNCILMAN SLATTERY: Well, I think the discussion last Town Board meeting was that it was a very hot topic, topic that I think the majority of the community has feelings expressed to the Town Board members.

SUPERVISOR LOGEL: They will see that when you present it to the public. That was a presentation to the Town Board, which is why it was not advertised. Now you're getting -- you're getting the cart before the horse. Now we'll go out and do a -- if you're going to say this is what we want, you present it to the public. This is what Mr. Caruso explained to me. Maybe we all need to sit down with another workshop and have someone explain the normal steps you go through. You don't do public hearings on presentations until we have agreed this is -- the presentation is as you want it.

COUNCILMAN SLATTERY: Okay. Now I will finish.

SUPERVISOR LOGEL: Okay.

COUNCILMAN SLATTERY: We hired Passero to -- and we paid them thousands of dollars to review this information. And it wasn't advertised that they were going to come in, perform that -- and inform the community of their findings. And it was agreed upon at the last meeting because of the lack of information, or the lack of notification to the community that they -- that they would come in and they would -- whether it is a presentation or workshop, that they would do that. John (Caruso) said that he would be more than willing to come in and speak. Well, I'm asking where are we in that process?

SUPERVISOR LOGEL: We have to set a workshop date. Just as I have just spent two weeks trying to get a date to interview candidates for Zoning Board. If you would like to set a date right here right now when everybody has their calendar, we can announce it publicly and have it right out there. Otherwise we have to go back, and I have to write and say what dates are you available to schedule the workshop so we can go to the press. Why don't we get our calendars out and set the date right now? I'm suggesting the second Wednesday, because we don't have a Town Board meeting on that date.

COUNCILMAN SLATTERY: Second Wednesday of June.

SUPERVISOR LOGEL: Uh-huh.

COUNCILWOMAN IGNATOWSKI: I guess my understanding was we were just trying to do -- because the first time we were going to have the workshop session for that presentation, there was a sizable crowd in here. Um --

SUPERVISOR LOGEL: You want it at Town Board. We can have it at the Town Board.

COUNCILWOMAN IGNATOWSKI: No, no, no. I was just saying there was a sizable session that -- because of complaints and problems. That is why we're saying had that crowd been aware of the fact there was a presentation at the Town Board meeting, they probably would have come and we just want to give them that information.

SUPERVISOR LOGEL: So do you -- we can either do it at the Town Board meeting on the 6th, which is what I suggested last time we do, or on Wednesday the 13th. I don't think there is.

COUNCILMAN SLATTERY: 13th of June.

COUNCILMAN SCHULMERICH: Clifton.

SUPERVISOR LOGEL: Is that when you got the Clifton?

COUNCILMAN SCHULMERICH: Yes. I'm fine being at a Town Board meeting. We just have to publicize it.

COUNCILMAN SLATTERY: So am I.

SUPERVISOR LOGEL: So then the Town -- I have to write Clifton in here.

COUNCILMAN SCHULMERICH: 7 o'clock on the 13th.

COUNCILWOMAN IGNATOWSKI: Or the third Wednesday, I'm fine as well, the 20th.

SUPERVISOR LOGEL: I think if we -- see if John (Caruso) can do it on the 6th. If he can do it on the 6th, fine. If not, make it the 20th. We'll see what one he can do it at.

COUNCILMAN SCHULMERICH: I prefer to use the Town Board meetings as much as possible.

SUPERVISOR LOGEL: So then do you -- do you have to -- put a public notice out?

COUNCILMAN SLATTERY: Right.

SUPERVISOR LOGEL: Are you saying you want to do a paid advertisement?

COUNCILMAN SLATTERY: No, I'm not saying that. You can just do it in your -- in your information piece that you put in the Gates-Chili Post.

SUPERVISOR LOGEL: The column.

COUNCILMAN SLATTERY: Column.

COUNCILWOMAN IGNATOWSKI: And maybe a press release.

COUNCILMAN SLATTERY: I'm sure the Democrat and Chronicle would be more than happy to step up and help out.

Good evening, Ernest. Got a smile out of him.

(Laughter.)

SUPERVISOR LOGEL: Okay. We'll contact John (Caruso) tomorrow.

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COUNCILMAN SLATTERY: Thank you.

COUNCILMAN SCHULMERICH: Maybe they can just reprint the same article they put in the Gates-Chili News again.

SUPERVISOR LOGEL: I told Mr. Robinson yesterday it is online. The presentation is online. All we have to do is -- it has been online ever since our Town Board meeting. It is a link to our Town Board meeting. It has been on there since the Town Board meeting took place. All they have to do is click on the link and they pull up the presentation.

COUNCILWOMAN IGNATOWSKI: Supervisor, I had another follow-up thing on the architectural review. I know the last meeting it was discussed. Some of the things that were going to need to take place.

SUPERVISOR LOGEL: Today, this afternoon, late, um, Mr. Martin brought you -- brought Dawn (Forte) the outline for -- or the outline for -- no, excuse me. Rich (Stowe) Stowe. This morning, today, you faxed over the outline for the -- for the part of the law.

RICHARD STOWE: You want me to tell you where we are?

SUPERVISOR LOGEL: Yes.

COUNCILWOMAN IGNATOWSKI: Thank you.

SUPERVISOR LOGEL: Because it has to be filled in.

COUNCILMAN SLATTERY: That would be nice.

RICHARD STOWE: I promised a draft, a working draft of the local law format, and I -- and I promised to contact Mr. Martin, and his committee with regard to the steps that I felt they needed to take in order to be able to fill in the blanks that only that committee could fill in.

I had two conversations with Jim (Martin). He did fax me this afternoon some of the notes he made in a meeting with his committee that may be fruitful to fill in the blanks. I provided the Supervisor's office yesterday with the skeleton draft of most of the contents of the local law with the exception of the items that had to be forthcoming from Mr. Martin.

I haven't had a chance to go through all of Mr. Martin's material. I don't think everything is there that they need, but they got a good start. My understanding is that the Supervisor's office is going to forward the draft local law e-mail to the Town Board members for their consumption and have Mr. Martin's material reproduced so that the Town Board members have everything that I have, and that is what has happened in the last two weeks. It is continuing to be worked on.

COUNCILWOMAN IGNATOWSKI: So you met strictly with Mr. Martin. Because I know the Ad Hoc Committee has not met in the two-week --

RICHARD STOWE: I haven't read Jim (Martin)'s report to let you know where the material came from. I just got the report from Mr. Martin, okay.

COUNCILWOMAN IGNATOWSKI: Okay.

COUNCILMAN SLATTERY: Thank you.

SUPERVISOR LOGEL: And the other question that was asked during the public forum was are we part of the Greece meetings, and no, we are not part of the Greece meetings. We have not been contacted in any way to be part of that. That's a -- I mean I would think being from the west side anybody could go and speak. But we have not been contacted to participate as a Town in the meetings regarding the public television. But I -- they intend to serve the whole west side once they're up and running.

MS. BRIXNER: So we will be included then.

SUPERVISOR LOGEL: They would include anybody that is on the west side that wants to participate. I would think that you could go and attend.

COUNCILMAN SLATTERY: Would that -- that would be a decision the Town Board would have to make, though.

SUPERVISOR LOGEL: Right. Oh, yeah.

COUNCILMAN SLATTERY: And --

SUPERVISOR LOGEL: If and when they all make -- they have a lot to do. They have a lot -- the school district right now.

COUNCILWOMAN IGNATOWSKI: I think they realize the benefit of being on --

(There was feedback in the sound system.)

COUNCILWOMAN IGNATOWSKI: Is that what was causing the problem? Thank you, Joe (Carr).

SUPERVISOR LOGEL: I could hear it, I didn't know where it was coming from.

COUNCILWOMAN IGNATOWSKI: I believe that there is a benefit of being on the cable station but at this point, the question is, who is going to be managing it. This is what it comes down to.

SUPERVISOR LOGEL: That is not a hard decision to make.

COUNCILMAN SLATTERY: Well, I think we're waiting on that to see how things are worked out before we move forward, if I'm not mistaken.

COUNCILMAN SCHULMERICH: That is -- that is not an inconsequential issue. In talking with Channel 12, I -- I asked a direct question of them, if more than one station is running and chooses to use a public air ways, Channel 12 or 15, and they both want to put a program or three or four stations want to put a program on at the same time, who has the right to the air ways? They do not have an answer to that question. They are trying to get an answer to that question, and as such, um, it -- it is not clear who has right of access if they have the equipment to upload to the air ways.

So I mean from my point of view, until that question is answered, I -- I am not an advocate

of spending taxpayer money with one source or another until I know how we get our contract lived to. I think we have all had some conversations on and around that, but for the sake of the audience, I wanted them to understand that if there is a sense of our not answering a question as to whether we go with Channel 12 or not, that is not an inconsequential issue that just needs to be dealt with. We need answers to that.

COUNCILMAN SLATTERY: And I had -- comment earlier was in regards to the DVD problem with the volume. That concerns me.

SUPERVISOR LOGEL: That has been fixed.

COUNCILMAN SLATTERY: Okay. I was just going to say that that does concern me in regards to there has been a few problems, and I'm glad to see -- glad to hear that it was fixed.

SUPERVISOR LOGEL: It was.

COUNCILWOMAN IGNATOWSKI: Did you want to mention we are doing interviews on Monday, as people have been asking when we're going to be filling the positions, so we are -- it has not been something that has been ignored.

And I would just like to make a comment that I do read the meeting minutes of all of the boards and committees to keep myself apprised of what their decisions are, so I know what is going on with those boards and committees.

And the Baker Park proposal, they had asked -- I know we had some conversations surrounding that. I think we did have on our draft the three -- I thought that you made mention those three other --

SUPERVISOR LOGEL: Michael Curley was present last week -- or last meeting specifically to answer all of these questions.

COUNCILWOMAN IGNATOWSKI: I don't have that in front of me now, but I thought there were three other companies.

SUPERVISOR LOGEL: There were.

COUNCILMAN SCHULMERICH: My belief is when we read the meeting notes from the last meeting, we'll see that Mr. Curley did, in fact, respond with the three company names and I will agree with Mr. -- I think it was Mr. Ginovsky, whoever made the comment from the audience, that we did not change the resolution by putting those three names in it. No, we did not, but we did -- we were not moving forward without an understanding that there had been other bids. So I will be interested to read the meeting notes to see if my recollection is exactly right.

COUNCILMAN SLATTERY: I guess I am going to -- we jumped from H, which is the liaison reports then to correspondence L.

SUPERVISOR LOGEL: No. I moved correspondence up to I.

COUNCILMAN SLATTERY: Oh, okay.

SUPERVISOR LOGEL: I have just addressed them there. I haven't got to the approval -- I haven't gotten to the approval of the reports.

COUNCILMAN SLATTERY: Or Matters of the Supervisor. Are we there now?

SUPERVISOR LOGEL: I have been doing Matters of the Supervisor.

COUNCILMAN SLATTERY: I guess it wasn't stated.

SUPERVISOR LOGEL: I said I'm moving the correspondence up. That is what I said.

COUNCILMAN SLATTERY: You said I'm not -- I'm skipping -- I'm not going to skip them, but --

SUPERVISOR LOGEL: Okay.

COUNCILMAN SLATTERY: Actually, um, the comment was made in regards to, you know, agenda items being last minute. Actually, you know, there -- there are some occasions that we do get last-minute items agenda items. There is a couple tonight that I think when we get to them, we're going to need discussion so the Board can come up to speed with them.

Secondly, I'm going to speak in regards to the woodburning furnace. Is there a complaint log, and were complaints called into the Building Department?

SUPERVISOR LOGEL: To the Building Department, yes.

COUNCILMAN SLATTERY: Were these complaints -- were the owners talked to?

SUPERVISOR LOGEL: As I understand it, our Building Inspector answered those and made calls and discussed this, so that is -- I was surprised, and you're right, I did miss that.

COUNCILMAN SLATTERY: My question, I guess, did they speak to the owners and which owners did they speak with? Did they speak with the complainants, or did they speak with the individuals that got the proper permit for those?

SUPERVISOR LOGEL: We'll have to look at the Building Department report to find out.

COUNCILMAN SLATTERY: If we can -- if the Board can get an answer, I would appreciate that.

COUNCILMAN SLATTERY: In regards to my fireplace and possibly why it was mentioned, I did make a comment at the last Town Board meeting that I do have a zero-clearance woodburning fireplace that was built in my house. Um, and I can understand the smoke issue. I know that at one point, um, being a new homeowner at the time, I forgot to open the flue and -- so there was a smoke issue.

COUNCILMAN SCHULMERICH: And what happened, Mr. Slattery?
(Laughter.)

COUNCILMAN SLATTERY: My wife wasn't very happy.

COUNCILWOMAN IGNATOWSKI: That happens inside your house, though.

COUNCILMAN SLATTERY: Then when I opened it, actually some of the wood -- at one point I used was green, so -- so I can understand, so -- so I understand the situation.

Um, there is also, just for the public's knowledge, there were pictures that were submitted to this Board that are up here showing the home, showing some other situations or fireplaces throughout the community that I think were very interesting as well from the owner of the property.

And once -- once again, I want to just comment in regards to the dialogue. I think that we, Supervisor, you should look at this and possibly review it. We're not consistent with that. Again, tonight there was dialogue with somebody in the audience, and either we're going to have it or not have it. And I think we need to help correct some misinformation that may be put out there or to -- if somebody is unaware of something, to maybe help them along to provide them with that information.

Um, because we want to make sure that the community and the public are informed and not to walk away from here with misinformation. We're -- or to hear misinformation that was stated.

That's all I have.

COUNCILMAN SCHULMERICH: Might I add a comment regarding woodburning, since Mr. Slattery brought it up. The reference to knee-jerk reactions, we went through multiple months of discussion when we were updating the rest of the code around this. This was not a law that was passed in conjunction with the petition that was submitted. This was an ongoing discussion amongst Town Board members with Legal Counsel, with General Code Publishers as we were updating the code. So I can understand why someone might think it was a knee-jerk reaction, but that is not what occurred.

Secondly, there is a differentiation between a woodburning stove fireplace and outdoor boiler. Um, you look at the consistency of the design and the temperature that it is supposed to burn at. The information received and observation, the lower temperature burn does produce more smoke. Whether -- whether you're burning high temperature all of the time -- once you have experience with these wood burners, I don't know, but as you indicated, the first year was a challenge for you, and certainly as a consequence to that, there was a learning curve for you and for your neighbors. The outdoor boilers are intended to be used 24/7, whether all year or not is another question. It's highly unlikely you will do that with a chimney or with a woodburning stove. Some few people do that with woodburning stoves, but not many.

And clearly the height of the chimney versus what the wood burners were initially sold with is a very different situation. I see that you have, in fact, tried to raise the chimney. I don't know whether you have it above roof level. I don't think you do. I think there are some significant differences between what you have and what people have in their homes. So I -- that doesn't carry water for me. I would not be an advocate of rescinding the law or modifying it.

SUPERVISOR LOGEL: I would like to make a final comment about the comment about knee-jerk reaction. I sit on the Board of Health for Monroe County and have for the last ten years. There has been extensive conversations about outdoor woodburning furnaces. They have got many phone calls. They're not just dealing with it with complaints from Chili. They're dealing with it from complaints from all other towns -- many towns.

Right now DEC is, you know, looking into things, but basically the Board of Health considers it to be a serious issue. Other Town Supervisors are discussing this thoroughly. There are other laws being written. Um, most towns that were familiar with -- or that I am familiar with have been just doing out right bans on them. Some have said banned in certain areas, and limited to certain acreage. But this was not discussed and then just voted on.

As Mr. Schulmerich said, we talked about this extensively, and researched it and we had pictures, we had volumes of information from online, and conversations, and the Board of Health has not dropped this issue. Monroe County Board of Health has not dropped this issue. This is still on the agenda. Every time we go it's being discussed. So it's an ongoing problem, health issue for asthmatics, and that is why they have continued to look at it, because of the asthmatic problem for people that are allergic to wood smoke. So I think that -- I would just like to make that statement.

Anything else?

COUNCILMAN SLATTERY: Actually, I would just like to follow up. It was good to hear the owners' comments because last Board meeting we heard, you know, a couple residents and so forth. So there are always two sides to the story, and it also brought to light some information that could possibly be misinformation. So it was good to hear their -- their take on it and so forth. But as --

COUNCILWOMAN IGNATOWSKI: I guess -- I'm sorry. My biggest concern is if they did not hear at all from the Town, because I do know that you were saying, that you received multiple complaints about it, and I'm sure that the --

SUPERVISOR LOGEL: That's how we got on to it. That is why it got built into the law.

COUNCILWOMAN IGNATOWSKI: My concern would be if they were not adequately advised or had some kind of conversation from the Town --

COUNCILMAN SLATTERY: Especially since they did obtain a permit, they did go through the proper process and a permit was issued, and then if it was a problem, the Town did not speak with them. That -- that concerns me.

SUPERVISOR LOGEL: I don't know of -- I was told by the Building Department that there was no -- there wasn't a proper process for these because these were unknown entities. It just happened that Mr. Skelly went to our Fire Marshal and our Fire Marshal issued a permit upon inspection.

COUNCILMAN SLATTERY: Well, that's -- in my opinion that is a Town issuing --

SUPERVISOR LOGEL: Is a permit for that one meeting fire codes.

MR. SKELLY: As directed by the Building Department.

SUPERVISOR LOGEL: Excuse me. And -- and as we will check with the Building Department to see what kind of reports are up there and on file with them, because we need to know what that was, because all I know is what they were relaying to my office when we started getting all of the complaints and the complaints were coming in in e-mails and phone messages.

REPORTS SUBMITTED:

- Community Center Revenue Report – April 2007
- Recreation Center Revenue Report – April 2007
- Senior Center Revenue Report – April 2007
- Drainage Committee Minutes – 4/3/07
- Monthly Finance Report – March 2007
- Planning Board of Appeals – 4/10/07
- Recreation Advisory Board – 2/21/07, 3/14/07, 4/11/07
- Town Clerk Report – April 2007
- Zoning Board of Appeals Minutes – 3/27/07

CORRESPONDENCE:

1. Mr. Brongo has received a resignation letter from Dennis Scibetta.
2. Mr. Brongo has received a resignation letter from David Tytler.

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: I would like to -- I was trying to see what were the comments.

COUNCILMAN SLATTERY: His qualifications.

SUPERVISOR LOGEL: There is a Civil Service job description on file for this position, and there is a job description for this position. It is approved Civil Service. And Karelus, who is here, I would like to introduce him. I think this is the point where I can introduce Chris Karelus here in the audience. Just stand up.

(Mr. Karelus was recognized.)

SUPERVISOR LOGEL: He is a Chili resident. He is currently with Passero Associates. He is a graduate of the University of Buffalo with a Masters in urban planning and Bachelors of Arts in environmental design. He is a certified professional in erosion and sediment control and is working on being a certified professional in storm and water quality. And when I mentioned these to Mr. Carr, he was very, very pleased because these are areas that as the SPDES requirements, that the State -- the environmental review -- are important and have to be taken care of, these are things that are definitely outstanding qualities that we need here in the Town of Chili, especially with all of our drainage problems. So if there are any other questions, that -- that anybody has.

COUNCILWOMAN IGNATOWSKI: I look forward to having him join us.

COUNCILMAN SCHULMERICH: Thank you.

MR. KARELUS: Looking forward to serving the Town.

SUPERVISOR LOGEL: Also a member of the American Societies of Engineers and also a member of the American Planning Association. Thank you.

RESOLUTION #188 RE: Building Department Manager

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Schulmerich

BE IT RESOLVED that Christopher Karelus, is hereby appointed provisionally Building Department Manager and shall be paid an annual salary of \$69,000.00 effective July 9, 2007.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #189 RE: Letter of Credit Release For Union Station #7 Release No. 1

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

BE IT RESOLVED that per recommendation of the Town Engineer, \$105,501.90 be released from the letter of credit with M&T Bank (#SB-910177-2000) for Union Station #7, leaving a balance of \$122,938.99; subject to engineering fees and street light bills to the Town.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #190 RE: Establish Letter of Credit for King Forest – Section 5B

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that per recommendation of the Town Engineer, a letter of credit shall be established for King Forest – Section 5B, in the amount of \$137,553.50.

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, pinning of lot corners, 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.

APPROVED BY A VOTE OF 4 YES

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: I know there were questions asked about the nature of the lawsuit and why -- how much, Counsel, are we allowed to disclose?

RICHARD STOWE: Town was served with a temporary restraining order that is a matter of public record. The temporary restraining order lists neighbors and competitors of the Metallico Corporation who received approvals from our Planning Board. The temporary restraining order seeks to enjoin any further action on those approvals until such time as those folks are heard by a Supreme Court judge. This resolution authorizes Mr. O'Toole, as attorney for the Planning Board, to represent the Town's interest should the nature of their approvals be called into question at the Supreme Court review.

Is that adequate?

COUNCILMAN SCHULMERICH: Sounds good to me.

COUNCILMAN SLATTERY: We received information in regards to this. So I'm comfortable.

RICHARD STOWE: Okay.

RESOLUTION #191 RE: Rochester Air Center et al v Town of Chili Planning Board et al

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

WHEREAS, the Town of Chili Planning Board has been named as a party defendant in a certain action known as "Rochester Air Center et al v Town of Chili Planning Board et al", Index #07-5930, now pending in Monroe County Supreme Court; and

WHEREAS, the Town has a duty to defend said Planning Board;

NOW, THEREFORE, BE IT RESOLVED, that the Assistant Town Counsel, and such other attorneys authorized by the Attorney for the Town, are retained to defend the Planning Board in said action and he shall submit invoices for attorney's fees and disbursements relating to such defense; and

BE IT FURTHER RESOLVED that the Town Supervisor is authorized to execute all pleadings or other documents in furtherance of this defense as are reasonably required.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #192 RE: May 16, 2007 Abstract

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

BE IT RESOLVED to pay vouchers 2120-2303 totaling \$114,763.53 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$ 89,813.12
Highway Fund	\$ 22,340.17
H43-Annual 2006-7 Update Project	\$ 724.56
Consolidated Drainage	\$ 413.55
Special Light Districts	\$ 1,472.13
TOTAL	\$114,763.53

4 YES TO 1 NO (Councilman Slattery voted no.)

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SCHULMERICH: Comments. I had a conversation with Mr. Martin this evening about this. I notice this is one of the items that was recently added. This is in relation to a cell tower that is intended in the Chili Avenue area. I believe over near the Fenton Road area. And one of the -- well, the recommendation is that we bring a consultant in to try to advise the best understanding of what the constraints are around the cell tower placement and options around it. This is not uncommon to ask for a specialist in consulting. We have an -- when you have an issue such as this, especially a tower that is being proposed in a residential area. So that is the background.

COUNCILMAN SLATTERY: I actually have a question in regards to the applicant that -- is going to be responsible for paying for the consultant?

RICHARD STOWE: That's what it says.

COUNCILMAN SCHULMERICH: That's what it says.

COUNCILMAN SLATTERY: Referring to the Supervisor.

COUNCILMAN SCHULMERICH: I'm sorry.

COUNCILMAN SLATTERY: Have we done this in the past?

RICHARD STOWE: Yes. With other cell tower applications, and with the same consultant.

SUPERVISOR LOGEL: Okay.

COUNCILMAN SLATTERY: So --

SUPERVISOR LOGEL: Because we didn't have a name for a consultant. That is why I was --

RICHARD STOWE: I believe it is FRA Associates. The same one we used in the past.

COUNCILMAN SLATTERY: That was going to be my next question. Then is there a dollar amount, you know -- does -- does the applicant get a choice of consultants?

RICHARD STOWE: No.

COUNCILMAN SLATTERY: So it is up to the Town to choose.

RICHARD STOWE: And I believe that Omnipoint -- this is all in a conversation I had with Keith O'Toole briefly about this application. But it is my understanding that the applicant is aware of FRA, is aware of the fact that the Town wants to engage them and has no problem with working with them on this application. As the Town has used FRA in other applications and was advised of that at the Planning Board meeting.

COUNCILMAN SLATTERY: And FRA -- I'm sure then if the Board is looking to bring them in, that they have the experienced personnel to review this information.

RICHARD STOWE: Yes. And the Planning Board has been satisfied with their reviews on other cell tower applications that had been before the Planning Board.

COUNCILMAN SLATTERY: That's all I have. Thank you.

RESOLUTION #193 RE: Planning Board Consultant

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

WHEREAS, the Planning Board has received an application from Omni Point Communications to erect a cell tower on the property located at 2914 Chili Avenue;

WHEREAS, the Planning Board is requesting that the Town of Chili hire a technical consultant to assist in issues related to this application and;

WHEREAS, that the applicant will be responsible for all fees associated with the hiring of the consultant for this application;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Planning Board to hire a consultant.

APPROVED BY A VOTE OF 4 YES

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: I looked up the resolution that -- the original rezoning of 275 Archer Road. It was on the July -- the January 18th, 2006 agenda. And this is the Avery Fitzgerald property. Okay.

COUNCILWOMAN IGNATOWSKI: Supervisor, didn't they have like two years to do their original work within that -- so I guess I am curious why we're having such a rush on this now, because really it is not going to expire until January 18th of '08.

SUPERVISOR LOGEL: It had to do with the date that it was expiring and when they thought it would be finished.

COUNCILWOMAN IGNATOWSKI: Because I was under the impression in our code it is two years that they have to get their --

SUPERVISOR LOGEL: The existing code.

COUNCILWOMAN IGNATOWSKI: The existing.

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RICHARD BRONGO: But it says construction will not take place prior to --
 COUNCILWOMAN IGNATOWSKI: So we're going to give them the three years. Just making clear that we're not rezoning tonight. That rezoning took place. We're just extending it.
 SUPERVISOR LOGEL: We're extending the time when their construction has to start place -- start happening, because they can't break ground and start the construction until after that deadline.

COUNCILWOMAN IGNATOWSKI: Instead of '08, it is now '09. I'm just curious why didn't they get closer to that '08 deadline instead of extending it now.
 COUNCILMAN SCHULMERICH: I had a conversation with Mr. Martin this evening on this before the meeting to try to understand it, as well. And the explanation I got was they're the triangle of land Mr. Avery wants to put a building in there, but for it to be -- from what I understand, for it to be financially possible, he needs to subdivide the property and sell off one of the pieces. This is a property that was initially residential, and through a series of meetings was rezoned to Restricted Business.

The request for -- for the additional year extension, again, as I understand it, was because Mr. Avery needs time to sell off the property, get the revenue from that sale to be able to allow him to put the building up. And he is at the year extension so he doesn't run out of time and have the property revert back to residential in -- in the time frame he was trying to sell the property and get the building up. That is the explanation I got.

COUNCILMAN SLATTERY: Was there any correspondence from the owner of the property?

SUPERVISOR LOGEL: Ut-uh.

COUNCILMAN SLATTERY: So --

SUPERVISOR LOGEL: Not unless it is to Mr. Martin, but, no, not to me.

COUNCILMAN SLATTERY: So it's Mr. Martin that is asking us to have this on the agenda.

SUPERVISOR LOGEL: It's a letter from him. I didn't bring it in here. Dawn (Forte) can get it if you want to see it.

COUNCILMAN SLATTERY: Why is Mr. Martin -- I'm not saying he is, but if we didn't receive anything from the owner, how do we know that what -- what the intentions are? Is there -- I guess I'm looking for correspondence.

SUPERVISOR LOGEL: This just says -- I read this to -- in accordance with Section 115-14.1(H) of the Town of Chili zoning code, the Planning Board by unanimous vote recommends the tax parcel Number 146.04.1-29 275 Archer Road that was rezoned from R-1-12 to RB, Restricted Business, effective January 18th, 2006 have the rezoning designation extended to the full limit of three years to allow adequate time for the applicant to commence the work on the property. This request should have no adverse affects on the Town and allow the applicant to complete the proposed project.

COUNCILMAN SLATTERY: The letter was given tonight with the agenda addition, but my question is, does the Planning Board know that the owner -- what his intentions are?

RICHARD STOWE: I believe the owner went to the Planning Board that generated this request.

COUNCILMAN SLATTERY: I --

RICHARD STOWE: I wasn't there.

COUNCILMAN SLATTERY: I guess it comes to the point, getting back to Ginny (Ignatowski)'s comment was the urgency of this, if there isn't a correspondence for reference, we don't -- I haven't seen in writing what he is looking to do. I'm concerned -- speaking with the owner -- or speaking with somebody that works for the company, we're -- this is somewhat of a blind vote not seeing anything and knowing the owner's intention. We're just listening to -- to what Mr. Martin had to say through Councilman Schulmerich. So I guess I'm just concerned on the -- where are we going?

SUPERVISOR LOGEL: We're only -- he is --

COUNCILMAN SLATTERY: Right, exactly. I understand. I understand that.

COUNCILMAN SCHULMERICH: So there were two applications, two public hearings on May 8th, the Planning Board. The first was from Robert Avery for a resubdivision of one lot into two at 275 Archer Road in an RB and FPO zone.

The second -- and that was unanimously approved with three conditions.

The third -- the second public hearing associated with that was for a preliminary site plan approval to erect a 3,632 square foot professional office building, so the preliminary site plan would be his intention for the one parcel that he is retaining and selling off the other, as I understand it. And as I understand it, the request for the year extension would have occurred during that discussion.

COUNCILMAN SLATTERY: Okay. That helps clarify it.

SUPERVISOR LOGEL: That's the Planning Board minutes.

COUNCILWOMAN IGNATOWSKI: We have not received those Planning Board minutes yet to be able to have that information.

SUPERVISOR LOGEL: Okay.

RESOLUTION #194 RE: Extension on Rezoning of 275 Archer Road

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

WHEREAS, the Town Board adopted Resolution #114 on 1/18/06 to rezone property located at 275 Archer Road to Restricted Business;

WHEREAS, construction of the principal building will not take place prior to the two-year deadline of 1/18/08, reverting property back to Residential;

WHEREAS, per Section 115-14.1 (H) of the Chili Town Code allows for an extension to be granted prior to the expiration date of the rezoning;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the additional year on the rezoning, to expire 1/18/09.

APPROVED BY A VOTE OF 4 YES

The next meeting of the Chili Town Board is scheduled for Wednesday, June 6, 2007 at 7:00 p.m. at the Chili Town Hall meeting room.

The meeting was adjourned at 8:33 p.m.