

CHILI TOWN BOARD
September 19, 2007

A meeting of the Chili Town Board was held on September 19, 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, Councilwoman Sperr and Supervisor Logel.

ALSO PRESENT: Richard Brongo, Town Clerk; Joseph Carr, Commissioner of Public Works/Highway Superintendent; John Ferlicca, Deputy Town Supervisor; Dawn Forte, Supervisor's Secretary; Chris Karelus, Building Department Manager; 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.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Five speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:29 p.m.

TOWN BOARD LIAISON REPORTS:

Conservation Board Report by Virginia Ignatowski:

COUNCILWOMAN IGNATOWSKI: Conservation and Drainage have not met since our last meeting.

Historic Preservation Board Report by Mary Sperr:

COUNCILWOMAN SPERR: Yes. We did have a meeting this -- a couple weeks ago. Um, a couple of topics that were discussed at the meeting. They have one more position to be filled. We did receive an applicant from someone who is interested in historic preservation.

How do we want to handle this? Do we need to interview? I have mentioned the applicant's name to the Board, and some of the members know her and know she is interested in history and would have no problem with her application, but I just needed to advise them as to what the Board's wishes are.

SUPERVISOR LOGEL: I haven't seen the application. I don't have the application.

COUNCILWOMAN SPERR: Dawn (Forte) put it in our boxes.

SUPERVISOR LOGEL: The application?

COUNCILWOMAN SPERR: A few weeks ago. The online application. You copied us on that.

SUPERVISOR LOGEL: She copied you. It has probably just gone into our files. I don't know who -- because we get applications all of the time for different things.

COUNCILWOMAN SPERR: I didn't know if you wanted me to mention the name. Just let me know how you decide you want to proceed with that.

SUPERVISOR LOGEL: Applications go into the file until we interview. We can call her to interview. Either way we can check the files and see if there are others.

COUNCILWOMAN SPERR: Any other positions --

COUNCILWOMAN IGNATOWSKI: I went through it, and this is the only one very that has expressed an interest.

COUNCILWOMAN SPERR: That is why I was asking if you wanted -- sometimes we just appoint if it is the only one. Let me know whichever way you want to go with. I'm fine with it.

The Board is proceeding with their project to interview and document all of the cobblestone houses. It is getting pretty interesting. They came back with some good stories and wonderful people, and it's very interesting. And they also discussed their budget that was presented and are looking forward to hearing the -- any comments anyone has on that.

There is a Churchville-Chili student that will be shadowing the Board for a school project, Kaeleigh Jessen, and she was very pleasant to have in the meeting that night.

And at the next meeting, the -- Pat Tata will be able to attend the meeting. He had a previous commitment and he will attend his first meeting next month.

That is all I have.

Library Board Report by Michael Slattery:

COUNCILMAN SLATTERY: They have not met since our last meeting. They're meeting next week.

SUPERVISOR LOGEL: Okay.

Parks and Recreation Report by Tracy Logel:

SUPERVISOR LOGEL: Parks and Rec. We met. We basically discussed this Saturday, the Chili Family Fun Day, taking place in Davis Park.

And on Sunday is the Gates-Chili joint Family Fun Day which you all have in your boxes, the information on that, which starts at 1 o'clock on Sunday, and that is at the center --

COUNCILMAN SCHULMERICH: Total Sports.

SUPERVISOR LOGEL: Total Sports. I wanted to say -- on Manitou Road.

COUNCILMAN SLATTERY: Elmgrove Road.

SUPERVISOR LOGEL: Elmgrove Road. Okay. That's where it is. I mix that one up with the other one.

We discussed the Halloween stroll. And we're looking to find groups that would like to do an exit or a scene so that they can plan a Hallowee Walk through Memorial Park and down through the back of the park area, and they are right now short, because what has happened in the high schools is the government changed the rules that kids no longer have to do public service projects, and where we have been able to rely on the schools to send us one or two groups of kids that had to get public service hours, we no longer have that opportunity.

So I guess it's basically -- we're trying to put together some from the group there, but we'll be looking to anybody that would like to have fun and come and do a skit out in the dark on Halloween. So that's one of the things that we're looking at.

And that's about it for recreation.

Traffic Safety Committee Report by Mary Sperr:

COUNCILWOMAN SPERR: Yes. They met the day after our last meeting. We had a couple of guests come to discuss their concerns about speeding in the Chestnut Drive area neighborhood, and the Board will look into that and go out with our meter and check some of the speeding in that area.

Um, we discussed the situation at -- as I have presented last meeting -- the intersection of Route 259 and Route 490, and I must say that they were very disappointed to hear that the improvements we had been hoping for will not be carried out to the extent that was recommended in the Ballantyne Road Corridor Study, which would have meant four turn lanes and four turn signals in there to help the traffic flow through that intersection. So they are still going to pursue other avenues to try to accomplish that.

Again, we were disappointed to find out that a couple more of our temporary signs have been stolen, and we are discussing our plans for the next season as to what they hope to do on that. They may order different signs. Nothing was decided upon, but Joe (Carr) will look into that.

And Joe (Carr) presented to the Board an interesting proposal that has been discussed at the Route 590 and Winton Road area which discusses a diverging diamond type of layout for a road in that area, and it is pretty interesting to the people in traffic and safety to see how other traffic problems are solved and get them thinking about ways to solve our own problems.

That was about it.

Zoning Board Report by Dennis Schulmerich:

COUNCILMAN SCHULMERICH: Zoning has not met.

Planning Board Report by Dennis Schulmerich:

COUNCILMAN SCHULMERICH: Planning Board did meet. They had two conditional use permits that were approved. Preliminary site plans that were approved. And one resubdivision.

The Walgreens applications were withdrawn at applicant's request as they still had outstanding issues and they were not ready to present to the Board. That is reason why they were withdrawn and that is the reason why there was no public hearing.

SUPERVISOR LOGEL: Well, for the sake of the public hearing, that will have to be rescheduled and readvertised.

COUNCILMAN SCHULMERICH: Oh, yeah. The applicant wasn't ready, so no applicant, no discussion. It is not as though there was dialogue going on about Walgreens and the public was omitted from being considered. There was no agenda item on the table at the applicant's request. Once it is on the table, the public will be heard.

MS. BRIXNER: It will be readvertised?

COUNCILMAN SCHULMERICH: Oh, yeah.

MS. BRIXNER: Thank you, Mr. Schulmerich.

COUNCILMAN SCHULMERICH: That is the matter of course for the agenda being issued every month, so with -- with the agenda being issued, when they choose to be back on the agenda, they will be, and there will be a public hearing associated with those applications when the applicant wants to be heard.

MS. BRIXNER: So it doesn't have to be a legal notice any more?

RICHARD BRONGO: It will be posted.

MS. BRIXNER: Okay. Posted. Okay.

COUNCILMAN SCHULMERICH: It will be posted.

MR. BRIXNER: Will the audience have an opportunity to speak at their leisure and for

whatever time they wish?

COUNCILMAN SCHULMERICH: I am an observer to the meetings as you are. My understanding is that those applications are part of the public hearing and they are not old business. Old business does not need to be heard by the public. Public hearings do. I believe they are coming in as part of public hearing.

MR. BRIXNER: There will not be any limitation to the length of the public hearing?

COUNCILMAN SCHULMERICH: I can't speak to that. That is up to the purview of the Chair at the time. That is beyond me to be able to speak to.

MR. BRIXNER: Thank you.

MS. BRIXNER: Thank you.

MATTERS OF THE SUPERVISOR:

1. The Town of Chili has received a Certificate of Excellence in Equity with the New York State Office of Real Property Services for its fair and equitable assessments for its property owners on the 2007 assessment roll.
2. The U.S. Department of Homeland Security's National Cyber Security Division and the Multi-State Information Sharing and Analysis Center invite you to participate in a National Webcast on "Kids Safe Online".

SUPERVISOR LOGEL: The Town of Chili has received a Certificate of Excellence in Equity with the New York State Office of Real Property Services for its fair and equitable assessments for its property owners in the 2007 assessment rolls.

I have a copy of that if anyone is interested.

I also have a flyer, the U.S. Department of Homeland Security's National Cyber Security Division and Multi-state Information Sharing and Analysis center -- that is a lot of verbiage there -- is having another Kid Safe Online regarding cyber space and children using educational and entertainment online. That is being broadcast in a webcast. So I have the information. If anybody is interested in -- in obtaining it, I have it here, and it's available.

COUNCILMAN SCHULMERICH: Quite a name for a department.

SUPERVISOR LOGEL: It is an awful lot of information.

COUNCILWOMAN SPERR: Tracy (Logel), do have you a date in case --

SUPERVISOR LOGEL: Yes. We had October 17th, at 10:30 a.m. to 11:30 a.m., Eastern Standard Time.

Um, then the rebroadcast event times will be 1:30 p.m. and 3:30 p.m. that same day apparently because they don't give me another date.

COUNCILWOMAN SPERR: Thank you.

COUNCILMAN SCHULMERICH: Is that on the front page of our website, possible to put a note --

SUPERVISOR LOGEL: We can definitely put that there. The topics that are going to be covered are -- there will be a play. It is an interactive way for children to learn more about cyber security and how to be careful using computers and the internet. Specifically, the i-SAFE curriculum will educate the children on the basic concepts, for instance, not sharing private information, keeping passwords safe, feeling comfortable communicating in cyber space and practicing good cyber manners and etiquette.

COUNCILMAN SCHULMERICH: Mr. Slattery, is it possible if the Library is not aware of it, possibly making them aware of it and maybe have that broadcast at that time?

COUNCILMAN SLATTERY: Supervisor, was that forwarded to the Library by -- at any chance?

SUPERVISOR LOGEL: Not yet. We'll get it there. We have three weeks. We just got this.

COUNCILMAN SLATTERY: Thank you.

SUPERVISOR LOGEL: I want to bring up that we have a letter forthcoming from CDS, which is it Continual Developmental Services. They work with group homes, and they are looking to build a new group home at 803 Marshall Road. There is an approved building lot there, and they will be sending -- they -- they e-mailed me today a sample of the letter that they're going to be sending to the residents and to us.

I have no -- we would have to check. As far as the question that was brought up regarding the Planning Board and the ADA and how to skirt this, this is something that we'll have to look into. I have absolutely no idea what -- do you, Denny (Schulmerich), know what --

COUNCILMAN SCHULMERICH: I will share my perspective and look to Mr. Karelus for his recollection and Mr. Carr -- actually, you weren't there -- to Mr. Karelus.

My recollection of the discussion, although I have not seen the transcript, nor did I take detailed notes, was that there was a minimum square footage required or minimum size of business required for ADA compliance, small business versus larger. I believe that was the rationale, but I don't know. I honestly don't know.

SUPERVISOR LOGEL: I would seriously question that, knowing -- the way I thought the law reads is any new build has to have -- new business has to have a ADA accessibility.

COUNCILMAN SCHULMERICH: I guess I will defer to Mr. Karelus.

SUPERVISOR LOGEL: I was under the impression -- because you're going from a barn to a new business -- there was no business there before, correct?

CHRIS KARELUS: Of the three applications that the Planning Board heard that night -- of the three applications that the Planning Board heard that night, the Planning Board's decision was on a conditional use permit. So it was in regard's to the use.

How the Chairman handled the applications was the Board had the right to make the decision on what was before them in the application. Everything else regarding the site plan approval, verification of the ADA compliance, as is normal process, the plan review, is done at the building review stage prior to the issuance of the building permit. That is all handled with the Building Department after the Planning Board's action is taken.

That is what Mr. -- Chairman Martin accurately conveyed to the applicants. That is how the decision was rendered. The Building Department over the past couple of weeks has been working with the applicants to make sure they truly understand what the requirements are.

There are building code issues. So those are -- it is a juggling act with respect to who looks at each application. So it is unique. But we have processed them and they're understanding exactly where it needs to be.

SUPERVISOR LOGEL: So let me re-ask the question. They will be accessible?

CHRIS KARELUS: They have two options, okay? Either they have to be accessible, or they have to be able to get a waiver and provide that to the Town. That is something that an applicant or a consultant for that applicant does, and the Building Department would insure it is in place before that permit is issued. Either a waiver is done or it is built in compliance to the ADA standards. One or the other.

COUNCILMAN SLATTERY: Who would approve that waiver?

CHRIS KARELUS: That's done with the federal government. ADA is a federal regulation.

COUNCILMAN SLATTERY: So the federal government would have --

CHRIS KARELUS: If they're going that route, we would have to see that before we can even go forward with the permit review.

COUNCILMAN SLATTERY: So the comments this will building will not be ADA compliant --

SUPERVISOR LOGEL: Are erroneous.

COUNCILMAN SLATTERY: Thank you.

COUNCILWOMAN IGNATOWSKI: And the comments they were told to skirt ADA is also erroneous.

CHRIS KARELUS: No -- yes, it is.

COUNCILWOMAN SPERR: He was explaining how it works and what the rules were and how -- what they had to do, which is common practice from the meetings that I have attached when people have questions.

CHRIS KARELUS: What Mr. Martin said, and on record it can be verified that he said without ADA compliance, you have to produce an ADA waiver. That was it. That was clear and concise the process we have in managing the Building Department (inaudible) to get that space. No building permits have been issued for any of those applications to date.

SUPERVISOR LOGEL: Another question from that same meeting was there was only one exit for -- I didn't get the -- there were two women.

COUNCILMAN SLATTERY: The new salon, I believe.

CHRIS KARELUS: That will take the place of the previous Curves. They have come to the Building Department. We have talked to them about the fire safety inspections, what the requirements are, what the building permit plan requirements are and the upcoming future, and they have evaluated that space and without the second access, the Building Inspector's interpretation is going to be if it does or does not qualify. That is ongoing, to to let you know.

COUNCILMAN SCHULMERICH: That may have been the discussion that had square footage associated with it. So my recollection was right, but on the wrong application. (Laughter.)

SUPERVISOR LOGEL: The only other question on that one was on the Wedgewood, the relief given not to tear down a house that had been a prior criteria to do it? Do you know off the top of your head what that was?

CHRIS KARELUS: There was an application for an informal discussion conditioned on the approval. I believe it was the Stone Road Subdivision, on Golden Road. The first phase of their project had an out building. Okay. This was a separate building associated with a new construction on the project that with the condition on the original approval was supposed to be removed. So in order to have a condition overturned, they have to come to the Board and they have to formally accept that removal of the condition. And the Board did not remove that condition. So...

SUPERVISOR LOGEL: So that condition is still there. They have to tear it down.

CHRIS KARELUS: Correct.

COUNCILMAN SCHULMERICH: That was the Battisti property on Golden Road.

SUPERVISOR LOGEL: But I was under the impression from what we were asked tonight that that -- that they were not going to be tearing it down, and they are going to be tearing it down.

Thank you.

COUNCILMAN SCHULMERICH: Well, we all hear things differently.

COUNCILMAN SCHULMERICH: Thank you, Mr. Karelus.

CHRIS KARELUS: You're welcome.

COUNCILWOMAN SPERR: Thank you, Chris (Karelus) (Karelus).

SUPERVISOR LOGEL: One of the other questions that had to do -- Mrs. Brixner asked about the abandonment of Pikuet Road. I will defer to our attorney, Mr. Stowe to discuss that.

RICHARD STOWE: My -- my involvement with that particular project has been limited because it's still before the Planning Board. But the question was mostly procedural, and how -- how can the Planning Board be considering an application that involves their requested abandonment of a Town road until the Town Board takes action. The procedural answer to that question, without addressing the substance of that question, the procedural answer is the way that the Planning Board addresses many of the other approvals that require their approval, if granted, to be conditional, my assumption in this matter and procedurally is that if the Planning Board approves the project, and if the project as approved requires the abandonment of Pikuet Drive, that the Planning Board would make that abandonment a condition of their approval. And if it didn't go forward, then neither would the project. That answers the procedural question.

SUPERVISOR LOGEL: Thank you.

MS. BRIXNER: Thank you.

SUPERVISOR LOGEL: The other questions will come up with the agenda and the abstract as we get to that.

COUNCILWOMAN IGNATOWSKI: Are we anywhere in the condemnation process of that house up in North Chili that now has a collapsed roof?

COUNCILMAN SCHULMERICH: It has taken care of itself.

COUNCILWOMAN SPERR: The green and white house.

SUPERVISOR LOGEL: Where are we with the green and white house that used to be just the green house?

CHRIS KARELUS: We asked them for an update. Ongoing maintenance on the house. The painting process has been very slow.

SUPERVISOR LOGEL: The roof is falling in now.

COUNCILMAN SCHULMERICH: Does that house have a C of O? Can someone live in that house?

CHRIS KARELUS: I can't speak to that right now. All I can attest to is looking at the maintenance issue and how the Building Department has approached it in the past few weeks.

COUNCILMAN SLATTERY: Is the owner of the Hess property where they're building the new Hess, is that the same owner that owns that house?

CHRIS KARELUS: No.

COUNCILMAN SLATTERY: Do they have permission to store their construction equipment on that property?

CHRIS KARELUS: I don't believe so. I believe everything is within the construction staging area. They have --

COUNCILMAN SLATTERY: They have been storing it on that property. So I think that is maybe something that we should look into.

SUPERVISOR LOGEL: Joe (Carr), do you know something?
(Laughter.)

COUNCILMAN SCHULMERICH: He knows a lot.

SUPERVISOR LOGEL: He is shaking his head.

Do you know something on this issue?

JOSEPH CARR: I know this has been a long-standing sore subject, but the owner of -- of the greenhouse is the same owner of this green and white house, and they also have a home just south of the greenhouse operation, and it's David Nagle. His brother and wife are owners of -- of all of that property.

It is my understanding that an agreement was made between the contractor building the new Hess and Mr. Nagle that Mr. Nagle wanted some work done on his property, and in exchange, he is allowing them to store temporarily the construction equipment. Whether that requires permits or approvals, I don't know, but I think that is what is happening.

COUNCILMAN SCHULMERICH: I have a question. What -- who can I talk to in the Town -- I'm not sure whether it's the Building Department or the Highway Department -- around what the process -- maybe it's a lawyer. I don't know. The process that would be required for us to make that house disappear if they aren't going to fix it? What is the process? We have been talking about this for over six months.

COUNCILMAN SLATTERY: Longer than that.

COUNCILMAN SCHULMERICH: Okay. I have short-term memory. So somebody -- somebody -- we don't need to do it here, because it needs to be dealt with otherwise, but somebody please tell me who I can sit down with and understand procedurally what the process is to deal with this issue. Who do I see?

JOSEPH CARR: I would recommend that you talk to Keith O'Toole who is the person that I talked to several months ago.

COUNCILMAN SCHULMERICH: Okay.

JOSEPH CARR: And maybe Chris (Karelus) (Karelus) has some more information than I. But I spoke with Mr. O'Toole to find out what the rules, laws and requirements are, and I think that would best -- be the best --

COUNCILMAN SCHULMERICH: That would be helpful. Thank you. I will do that.

The 8/1/07 Town Board Meeting Minute were approved as modified.

REPORTS SUBMITTED:

Community Center Revenue Report – August 2007
Recreation Center Revenue Report – August 2007
Senior Center Revenue Report – August 2007
Town Clerk Report – July 2007, August 2007
Drainage Committee Minutes – 8/7/07
Recreation Advisory Board Minutes – 5/9/07
Recreation “Chil-E” Festival Report – 2007

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: I did appreciate getting a copy of what is being the -- the contract. I think there was a question about the dollar figure, if you wanted to have that incorporated or if it is sufficient to just mention it.

SUPERVISOR LOGEL: Well, I had asked Mr. Stowe's advice, which is to leave the resolution the way it was, and this is the storage agreement that we will be signing. So the answer to the question on the storage agreement is that it will be in -- in consideration of the right to store items at said location, the Town of Chili agrees to mow the lawn area of 177 Archer Road and pay Perl Land Development the sum of 500 per month for each month that it occupies the premises. So I think that answers the questions that were asked regarding that storage agreement. And everyone here has a copy of it.

RICHARD STOWE: The only other point that ought to be made is that it involves the pole barn, not all of the other structures on the property. The maintenance of the area generally is larger than the pole barn as far as lawn mowing is concerned, but the pole barn only is where our equipment will be, and the rest of the rather simple agreement talks about insurances and indemnifications and rights to secure the property and other items and has been reviewed with the Principal of Perl Land Development.

BE IT RESOLVED, to remove from the table Resolution #246 tabled on September 5, 2007.

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

On the motion to remove from the table: **UNANIMOUSLY APPROVED**

RESOLUTION #246 RE: Authorize Storage Agreement Zuber Pole Barn

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

WHEREAS, the Public Works, Highway, and Parks Departments need improved storage for various items of equipment materials and supplies, and

WHEREAS, the owners of the Zuber property on Archer Road may be willing to allow the Town to use an existing metal storage building and grounds for storage.

NOW, THEREFORE, BE IT RESOLVED, to authorize Joseph L. Carr, Commissioner of Public Works/Superintendent of Highways to execute a storage agreement with Perl Land Development, subject to acceptance by the Counsel for the Town and the Insurance Advisor for the Town.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: Now on the revised fee schedule, is there any comment or questions?

COUNCILMAN SLATTERY: Yes, I actually have a couple. This is going to Mr. Karelus. Chris (Karelus), are the -- are we looking at any of the other fees to see if those need to be modified, as well? I know the Board -- this was before us not too long ago.

CHRIS KARELUS: The changes in the fees that I proposed to the Board were kind of in direct connection with some work I have had exposure to in the past. That work is basically geared towards telecommunication tower applications. How unique they are with our Town Code in evaluation and how we have third-party consultation, everything from relocation, contract resolution, to all of the adds that have to go with those type of projects, in comparable to other Upstate New York and New York communities I have done, as well as discussions with supervisors and in-depth reviews on these.

Actually, on a current application with the Town, we had the opportunity to discuss with one of them, one of the third-party consultants we will be using for municipal review, our Town Code and how we could best manage and best fit some of the changes into it. And just the additional manhours that will be associated.

Our code is also unique in that we will actually rank from most favorable to least favorable which sites the Town prefers to see cell towers in. So it is kind of -- the burden of proof is back

on the Town to -- once someone determines that their site elevation reports and analysis is correct for their use, we have to look at the Town and say well what other sites could best fit this that are in a more favorable district. So those manhours really do justify the expenses that that code fee adjustment makes.

COUNCILMAN SLATTERY: So something that I asked for the last time the code was before us was a time study, and it sounds like this is very similar to what you just did. You looked at a project, how much time is involved from the beginning to the end and that is how it justifies our fees.

CHRIS KARELUS: And I have also -- I can say that the Town of Juit (phonetic) which is another Upstate community, a New York State community, very, very similar to ours, where they orderly rank the zoning districts preferable for cell towers. Just so you understand, they're fees are about \$8,000 per cell tower applications to come in.

So what I did is kind of a best fit where I best felt our community would fall and the manhours that were put in to date on the current application we do have. So what I tried to attribute the manhours that we have worked on this project. Projected the fees for the completion of this application and made sure those monies are there for the Town's fees.

These applications usually see, I would say, somewhere in the realm of \$900 fee range with our current fee schedule, okay?

COUNCILMAN SLATTERY: Quite a difference.

CHRIS KARELUS: Yes.

COUNCILMAN SLATTERY: I'm glad to see that you looked at this and if there are other ones, I am sure you will review those, as well.

Thank you Chris (Karelus).

COUNCILWOMAN IGNATOWSKI: Chris (Karelus), thank you very much for the effort you put into that.

COUNCILWOMAN SPERR: I have a couple questions. We currently have a wireless telecommunication application that has been submitted. Since that is already in process, they would be exempt from any of these fees if this were to pass tonight.

CHRIS KARELUS: Correct.

COUNCILWOMAN SPERR: That's correct? Just for clarification.

And do we have a -- did you make a comparison of the other Towns in Monroe County to see what the Towns are doing in Monroe County on telecommunication fees? Do we all have the same, similar type of fee structure that -- does anyone have it?

CHRIS KARELUS: No. That is why I had to look at educated communities on this. Telecommunications Solutions was the consulting firm that I worked with. A Buffalo outfit working with the same applicant with a cell tower is revising their fee schedule as we speak. I couldn't use them as a comparable because they're in the process of revising, as well. But what I will say is I think this best suits us for future permits.

COUNCILWOMAN SPERR: Okay. But we had asked you to provide us information at the last meeting, and I want to say thank you for doing that for us. Thank you.

CHRIS KARELUS: The other add just to make note for the public. The tree removal permit, what we're implementing with the Town process also as their fees come forward --

SUPERVISOR LOGEL: Through the Chair. Through here.

CHRIS KARELUS: It will now protect the histories. As those tree permits get evaluated, we're doing a preassessment process, and in-process evaluation and close-out inspection so that fee was adjusted to accommodate those additional manhours from the Town and having to check -- the check and balance in place.

RICHARD BRONGO: For a point of clarification, that last sentence. Um, I'm wondering if that should say September 20th, now that we're passing it this evening?

RICHARD STOWE: The answer is yes.

COUNCILWOMAN SPERR: Yes. We brought this up at the last meeting, too.

SUPERVISOR LOGEL: So we'll have to take it off the table as written.

RICHARD STOWE: It is off.

SUPERVISOR LOGEL: So we have to now amend.

COUNCILWOMAN IGNATOWSKI: I'm fine with the amendment.

SUPERVISOR LOGEL: Mr. Schulmerich okay with the amending the date?

COUNCILMAN SCHULMERICH: Yes.

COUNCILWOMAN IGNATOWSKI: So it is going to be September 19th is the first one, and then 20 is the second one?

RICHARD BRONGO: The fees were actually submitted on the 5th. I guess we --

COUNCILWOMAN IGNATOWSKI: Oh, okay.

SUPERVISOR LOGEL: The 20th.

RICHARD STOWE: Takes effect for applications submitted on or after September 20th.

COUNCILWOMAN SPERR: So we leave -- just for clarification, I couldn't quite hear.

RICHARD STOWE: The correspondence was dated the 5th, so it is still the 5th. The effective date is the concern and that needs to be understood to be tomorrow.

COUNCILWOMAN SPERR: Tomorrow. Yes.

RICHARD STOWE: Okay?

SUPERVISOR LOGEL: We need --

RICHARD BRONGO: Do we need to move and --

RICHARD STOWE: No.

Mover and seconder agree to the amendment we discussed.

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to publish notice of same, in accordance with Section 108, in the Messenger Post.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: There was a question about who coded these bills and where the -- I guess basically clarification on why we're having to do this.

JOSEPH CARR: The Resolutions 100 and 103 are resolutions that I prepared. I have a copy of them with me. And all I can say to the Board is I apologize, but I apparently used the wrong account code. This one Resolution 103 has about 12 of them on here, and I simply wasn't careful enough and didn't get the right number down.

SUPERVISOR LOGEL: Thank you.

JOSEPH CARR: My mistake.

COUNCILWOMAN SPERR: We're all human.

COUNCILMAN SCHULMERICH: I believe is your first mistake ever, isn't it?

(Laughter.)

JOSEPH CARR: No.

RESOLUTION #260 RE: Modify Resolutions #100 and #103 Of January 17, 2007

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

WHEREAS, certain fund account numbers for the purchase of equipment were listed incorrectly in two resolutions listed above; and

WHEREAS, these account numbers need to be correct and to match the accounts identified in the approved year 2007 town budget;

NOW, THEREFORE, BE IT RESOLVED, to change the fund account number in Resolution #100 to DA 5140.2 (Brush and Weeds); and in Resolution #103, item #6 change the fund account # to DA 5130.2 (Machinery); and in item #7 change the fund account # to DA 5130.2 (Machinery).

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: We did have a question about whether Mr. Krenzer and -- whether David Krenzer and JoAnn Krenzer are related. I don't have the answer to that question.

RICHARD STOWE: Does Joe (Carr) know?

COUNCILWOMAN SPERR: They are brother-in-law and sister-in-law, and --

SUPERVISOR LOGEL: Joe (Carr), do you know?

JOSEPH CARR: They are related.

COUNCILWOMAN SPERR: They are related. They are the only people in Town that possess the equipment to do sidewalk plowing. Is that the right understanding?

JOSEPH CARR: (Mr. Carr nodded affirmatively.)

RICHARD STOWE: Joe (Carr), is this -- is this the same set of brothers, only with a wife instead of one of the brothers that historically has submitted bids on these things for the last few years?

JOSEPH CARR: That's correct. For the last 13 years that I have been here, we have been receiving these two bids.

RICHARD STOWE: So instead of one brother we have the brother's wife?

JOSEPH CARR: That's correct. That change occurred about four years ago.

RICHARD STOWE: Have the bids traditionally been different over the last 12 or 13 years? The two bids from the two brothers?

JOSEPH CARR: For the last 13 years, since my time here with the Town, almost every year we have received two bids. One from David Krenzer and the other from Chris Krenzer or his wife JoAnn Krenzer. And as Councilwoman Sperr said, it is primarily because this is one of their businesses. They own the type of equipment that is necessary, needed for this type of work.

COUNCILWOMAN IGNATOWSKI: Certainly anybody else can bid if they got it.

COUNCILMAN SCHULMERICH: I'm left with several questions. I'm wondering about the credibility of sealed bids when they're related.

COUNCILWOMAN SPERR: They -- I -- I asked that question myself, and they put their bids in. They -- it's their business to know what it costs. That is why a -- a better reason as to why the bids are similar. They also put bids in for the City.

COUNCILMAN SCHULMERICH: Do I have the correct information to say these are competitive rates?

JOSEPH CARR: Yes.

COUNCILMAN SCHULMERICH: That's all I need.

COUNCILWOMAN SPERR: I understand they put bids into the City.

COUNCILMAN SCHULMERICH: So we are market competitive, and my concern -- or my question regarding collusionary activities regarding a sealed bid is -- shouldn't be a concern in that they are market competitive?

JOSEPH CARR: Without explaining all of the information that I have, I can pretty much assure the Board that these are very competitive bids. Each of the two parties is very interested or eager to receive the bid. They're very competitive. They have been competitive each and every year.

COUNCILMAN SCHULMERICH: Do we have experience with -- I'm probably spending more time on this than I should. Do we have experience with both of these folks to know that they would both provide comparable quality?

JOSEPH CARR: Yes, we do.

COUNCILMAN SLATTERY: Dennis (Schulmerich), if I can, I've been on the Board since 2000, I have seen this, I have heard these questions before. I have talked to Joe (Carr) outside of the room in regards to this. So those are -- yeah.

SUPERVISOR LOGEL: Role call.

COUNCILWOMAN SPERR: We get good service from them.

COUNCILMAN SCHULMERICH: I'm done with all my questions.

RESOLUTION #261 RE: Bids for Sidewalk Plowing

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

WHEREAS, on September 7, 2007, the Chili Town Clerk received written sealed proposals for the plowing of sidewalks for the 2007/2008 season. The proposals identified a cost for the main general sidewalk areas, and for Sections 1-7 of the Park Place sidewalk district. Two proposals were received as follows:

David Krenzer		
Bid Item #1	General Sidewalks	\$490.47
Bid Item #2	Park Place	\$391.80
JoAnn Krenzer		
Bid Item #1	General Sidewalks	\$484.00
Bid Item #2	Park Place	\$380.00

NOW, THEREFORE, BE IT RESOLVED, to award the sidewalk plowing bid to the low bidder, JoAnn Krenzer at a cost of \$484.00 per trip for general area sidewalks and \$380.00 per trip for the Park Place Sidewalk District for a total cost of \$864.00 per trip.

UNANIMOUSLY APPROVED

RESOLUTION #262 RE: Chili Senior Center Enhancement Grant

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilman Slattery

WHEREAS, the Town of Chili has been offered a Grant from the Monroe County Office of the Aging for \$4,000.00 and;

WHEREAS, the Director of Programs for the Aging has recommended utilization of said Grant for the acquisition of new Bingo Equipment;

NOW, THEREFORE, BE IT RESOLVED, that Mary Anne Sears, Director of Programs for the Aging and Supervisor Logel are authorized to execute the necessary paperwork to accept the Monroe County Grant and utilize same to purchase the recommended Bingo equipment,

UNANIMOUSLY APPROVED

RESOLUTION #263 RE: Budget Transfer

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Slattery

BE IT RESOLVED to transfer \$295.00 from A1990.4 (Contingency) to A9040.8 (Workers Compensation) to cover the final premium installment for 2007.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: Okay. There were several questions from page 15 of the abstract. I would defer to Dianne (O'Meara) -- I think -- I don't know if it is Joe (Carr) -- okay, maybe Joe (Carr), for the sidewalk information with these if you would, please.

MR. CARR: First, let me indicate to the Board that this is part of a program that was established about four years ago. It is an incorrect statement that our accounting practices are wrong. It is just inaccurate.

And let me suggest -- let me tell the Board during our construction we have had to shoe people away who were trying to walk right in our construction areas. The sidewalk is being used. Now that it is completed, it is providing a loop. People are walking from Chili Center, coming up Chili Avenue, down Scottsville Chili Road to the parking lot and back up the sidewalk by the library. I'm not going to say it is heavily used, but I have seen a lot of people there. I have greeted people coming through, so it is being used. It is part of an overall program to extend sidewalks to Blueberry Hill and to Beaver Road. It is a grant that we received from the County through the Community Development Program. And because it is a grant, we put the money into a .2 account which is our standard practice, and that is why all of the expenses are being taken out of the .2. It is because that is where we put the money from the grant, and that's where we're paying the bills from. It is not wrong. We do know what we're doing.

SUPERVISOR LOGEL: To answer the question about who thought this was needed, um, CDBG, the Community Development Block Grants look for areas where they feel they can give money to serve the residents and it is very limited areas -- Joe (Carr), you can back me up on this -- very limited areas, but it has to meet a certain criteria of the residents that will use that area. Say it is a playground or a sidewalk. And that was specifically given for access to go all of the way up, because of the apartments and because -- is it -- is it --

JOSEPH CARR: As I said, Blueberry Hill and on Beaver Road.

SUPERVISOR LOGEL: And Beaver Road, right.

JOSEPH CARR: Kimberly.

SUPERVISOR LOGEL: Kimberly. Okay. So that is why they would give it for that specific area?

JOSEPH CARR: Yes.

SUPERVISOR LOGEL: If I'm not mistaken, they will probably give it for the rest of the way, right?

JOSEPH CARR: Yes. We expect they will continue to fund that program.

COUNCILMAN SCHULMERICH: Supervisor, also, a part of the -- some of the studies that have been presented at the New York State Planning Federation, um, the planners are recognizing that putting sidewalks in is -- is supportive health of the residents of the community, and supportive of promoting social interaction, so they're moving -- they're moving in a direction where the concept of having sidewalks available is -- is supportive of building -- building the nature of the community. So I -- I for one am an advocate of seeing more sidewalks in Chili rather than fewer.

SUPERVISOR LOGEL: On the comment \$50 a square foot, is that a -- is that an estimate?

JOSEPH CARR: I don't have the -- have the figures to answer that question.

SUPERVISOR LOGEL: Running foot? Okay. Square foot, running foot. I'm sorry, Joe (Carr)?

JOSEPH CARR: I don't have all of the information to be able to answer that question for you.

SUPERVISOR LOGEL: Okay.

JOSEPH CARR: Let me indicate, because a question was asked, is this the extent of the expenses. The answer is no. The budget for this project for this year is \$15,655. The project is complete. The bills are still coming in. And we'll have some more. And the total is 15,000 -- you can see it on your budget sheet. That's what this is -- this costs.

That number seems high from what was accomplished, and as I explained last time, there are certain things we have to do, rules that we have to follow and that's what we have done.

SUPERVISOR LOGEL: Okay. Thank you.

COUNCILWOMAN IGNATOWSKI: You know, would there be any chance if we had grant money going in and a grant account, maybe the title of it, could that be different?

SUPERVISOR LOGEL: I conferred with the -- Dianne (O'Meara) because she talked State Controller's Office.

COUNCILWOMAN IGNATOWSKI: You know, instead of calling it equipment --

DIANNE O'MEARA: In order to do that, it would have to be set up into a capital project account. Some of them -- some of the projects are -- are okay to do it that way, but some of the grant revenue has to flow through the General Fund. So some projects such as this, we couldn't have set it up as a capital project account. And --

COUNCILWOMAN IGNATOWSKI: So we know what it is.

DIANNE O'MEARA: You really don't want to get into having, you know, say for the 5410 account, you really don't want to get into having 90 sub accounts to deal with.

SUPERVISOR LOGEL: Okay. The only other question I had written down on the abstract was the lawyers' fees for Harris Beach, and I don't have them in front of me to look at those invoices to see if that is a correct figure for that.

DIANNE O'MEARA: It is possible, but I -- you know, I have explained to the Board on several occasions, and I am glad for the time to be able to explain it here now, when you're dealing with Civil Service employees, they have a protection along with their Union employees --

they have protection over and above what a private company might have to deal with. There are certain mandated laws.

But then we have additional -- the employees have additional protection on their jobs, their rights to their jobs, and I can tell you having gone to several conferences where there have been companies there who will write employment handbooks for you, doesn't matter if you have a Town of 300 people or 30,000 people, they're starting range was \$25,000. I would think the Town would be happy to have a document that would stand up in court if there were, you know, any issues, any Civil Service issues or, you know, employee -- you know, relation issues. And this is what we strove for and I believe it's a good document.

COUNCILWOMAN SPERR: At the Association of Towns training session that I attended, and I believe Supervisor was also in this session, it was recommended to us that this was an avenue that the Town should choose, that the lawyers' fees that you so -- were so vocal about could be threefold, fourfold if we didn't have the proper employee handbook document to use. So I think it is a good practice for us.

SUPERVISOR LOGEL: Thank you.

RESOLUTION #264 RE: September 19, 2007 Abstract

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED to pay vouchers 4532-4741 totaling \$218,282.46 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$ 74,009.16
Highway Fund	\$115,289.00
Library Fund	\$ 720.00
H44 2007-8 Annual Update	\$ 1,750.00
Consolidated Drainage	\$ 336.17
Clifton Fire Protection	\$ 2,047.00
Chili Fire Protection	\$ 21,418.00
Scottsville Fire Protection	\$ 333.00
Special Light Districts	\$ 912.50
Chili Sewer Benefit #1	\$ 96.64
S Chili Water Benefit #1	\$ 287.70
S Chili Water Benefit #2	\$ 80.92
Hynes Tract Water	\$ 5.62
Senior Center Fundraiser	\$ 996.75
TOTAL	\$218,282.46

UNANIMOUSLY APPROVED

The next meeting of the Chili Town Board is scheduled for Wednesday, October 3, 2007 at 7:00 p.m. at the Chili Town Hall meeting room.

SUPERVISOR LOGEL: At this time I would like to ask for a motion to go into Executive Session on a personnel issue, and there will be no business conducted when we come back except to close the meeting.

COUNCILWOMAN IGNATOWSKI: Moved.

COUNCILMAN SCHULMERICH: Second.

The Board was unanimously in favor of the motion to go into Executive Session.

The Board went into Executive Session at 8:16 p.m.

The Board returned from Executive Session at 9:47 p.m.

The meeting was adjourned at 9:48 p.m.