

CHILI TOWN BOARD

November 15, 2006

A meeting of the Chili Town Board was held on November 15, 2006 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor Logel.

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

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

John Ferlicca, Deputy Town Supervisor, was excused.

The invocation was given by Richard Brongo.

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

PRESENTATIONS/ANNOUNCEMENTS:

1. Presentation by Benderson Development Co. in response to letter received on 11/13/06.

SUPERVISOR LOGEL: We had a request by Benderson Development Company to come in and give a quick update.

MR. ROBINSON: Members of the Board, for the record my name is Donald Robinson, Senior Vice President with Benderson Development Company, with offices at 100 Chestnut Street in downtown Rochester.

I come this evening for three reasons. The first two, to answer some questions posed to us on prior occasions, and the third is to ask you for your input to give me a sense of where the Board is with relation to this project, and to allow us, assuming that you would like to see this move towards the potential completion, it would give us a base upon which we would begin to spend significant more monies than we have already spent.

So -- but let me begin by telling you the answer to one question that we have been asked on a prior occasion. That is when we give you the numbers for the new Town facilities, question has been asked whether those numbers included things like site work, utilities and things other than just building costs, and the answer to that question is yes. When we got the numbers, for example, for the new public works facility from the Town of Ogden, it did include all those items in that gross number that we gave you, and for our own estimates, for the court facility, et cetera, et cetera, they all did include that.

The second question that I have been asked on several occasions was what if we aren't able to incorporate land currently owned by the Chili Fire Department Corporation, what if we can't include that into the project, what does that mean to the viability of the project? Let me first tell you that our dialogue with the Town of Chili fire officials is continuing to proceed not at a -- in a fashion of promptness or reaching a conclusion that I would like to see happen, but nonetheless, we continue to speak with them.

But I -- I come to the belief that it probably makes sense for us to take a look at a project that does not include that property, as a Phase 1, recognizing that -- it is our belief that the Fire Department will eventually be looking at new facilities and that this property could become available to us at a later time, and we could incorporate it into our project.

So here with me tonight is Bob Trybulski, someone who has been with me in the past to show you different drawings, and tonight he is here to show you a version of a project which I kind of like, actually, which I think could be very successful, which does not include any other property other than that which is occupied by the Town and one other property owner, Mrs. Longbine, with whom we're also in conversation.

So I know I had said that we would be brief this evening. I would like to ask Bob (Trybulski) to

come up and just briefly show you what that project looks like without the Fire Department property, and then that would conclude my remarks other than to ask you at this point to -- some point soon to give me some direction as to what your preferences are with respect to this project. Thank you.

MR. ROBINSON: For those in the audience, we'll make this immediately available to you after our presentation because it is difficult to show everything at once.

MR. TRYBULSKI: Good evening, Madam Chairwoman, members of the Board. As Don (Robinson) said previously, this particular layout does not include the Fire Department parcel. The entry remains the same as in the previous project. We have kind of reinforced this boulevard or this Town road down through here, and then over across to the eastern portion. We have taken some of the buildings and we have put them up against this boulevard with the parking behind it to give it kind of a Town feel.

This particular side of the project (indicating) is relatively unchanged from the previous version.

Over here (indicating) we have broken this (indicating) up into a smaller potential large box tenant with some smaller retail on either side of it to give it kind of a more Town appeal or look.

There is still that -- we still have detention area -- area for detention around, behind the project, and small portion up by Chili Avenue.

MR. ROBINSON: If I might just add a couple of remarks to what Bob (Trybulski) has said. We still have the -- the entry into this off Scottsville Road. Signalized intersection here (indicating) which would come into the Chi-Paul Plaza, directly across the street. And the potential to come over here with a -- with a connecting road over to Wegmans. That is a conversation which probably would happen once we're indicated from you people that you would like to see this project brought to fruition.

This large box (indicating) on the left happens to be a box that would accommodate a prototypical Target store. This box here (indicating) is a box that would typically accommodate a prototypical Kohls store with other retail surrounding, and then these out parcels (indicating) could be restaurants or banks or smaller retail. So -- Bob (Trybulski), what is the total square footage of this project?

MR. TRYBULSKI: Around 360,000 square feet.

MR. ROBINSON: So it is not enormously smaller than what you previously looked at.

COUNCILWOMAN IGNATOWSKI: Certainly if we can do this without the Fire Department, I would -- I would prefer it to be a phased approach so we're not trying to bite so much off all at once. And my preference is to further explore this particular proposal given that it is right in the core of Town and that it also matches the wishes of the committee that was just convened that studied the center of Town. It has a lot of merit, and I would like to see it proceed forward.

Since we have already seen it, I don't know if there is an opportunity to maybe -- utilizing the side board over there so people sitting out there might be able to see this, as well. I don't know. Unless you want to see it close up. I just thought perhaps it would give everybody else an opportunity to see that layout.

COUNCILMAN SCHULMERICH: So when one looks at the phased approach, when you consider at some point down the road you might have access to what is currently the Fire Department property, how would you access that? Is the accessibility into the plan so that it will be a natural extension?

MR. ROBINSON: Yes, would it be. It is a very natural extension. It also looks like there is a piece missing when one looks at the site plan now, but it could be -- it has the potential to be a very successful project without -- without that property, if it never becomes available to us, or if it proves to be uneconomical to acquire it. It is a complicated matter for the Fire Department.

What they're telling us is they have income-producing property mixed in with what they have which drives the value up and also has provided a -- kind of a sustaining source of income for that organization over a long period of time. So they're grappling with the idea of taking a lump sum payment but then not have that source of income over a long period of time, and -- so it is -- in their minds maybe more valuable than in our minds.

COUNCILWOMAN IGNATOWSKI: I guess at this point, I know that you're looking for some sort of signal from the Town to begin to proceed forward. Um, I would like to be able to have this completely explored and bring this forward as a project that can be digested by the townspeople and ourselves. I think it has a lot of merit.

As I said before, it matches really with the thought process that just came forward, and I think we -- we really could have an opportunity to have additional upgraded facilities that -- a reduced cost to us from the long-range plan. I don't know about anybody else.

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SUPERVISOR LOGEL: I'm concerned about the fact that we're getting ahead of the game, because we have a Master Plan Update for the parks and recreation looking at -- at our facilities, all of our parks and all of our recreation. That right now has a huge section of our parks and rec in there, and I know Mr. Caruso is here in the audience tonight from Passero, who is looking at some of this.

I'm just wondering if we're not getting a little bit ahead of things, because so much of that is right now park land, and so much of that is our ball fields and I know -- I know that they're looking at two different -- from a letter I got, two different concepts. One is if it is moved, or if it stays.

I just wonder if it -- I'm not -- I'm not at a position tonight to tell you go ahead or not go ahead. I'm not ready for that. It is far too premature for that.

COUNCILMAN SLATTERY: Supervisor, you said two different letters.

SUPERVISOR LOGEL: A letter that you got tonight. What is there in your mail. It just got put on her -- our desk here.

COUNCILMAN SCHULMERICH: I referenced it earlier in an e-mail to you as a consequence of the Master Plan Update for recreation and parks, there -- there has been an opportunity to consider what the future needs are. And some of the confusion or confoundedness about how you advance that Master Plan is what potentially might happen with the Town property that resides in Chili Center.

So in conversations with Mr. Caruso, and in trying to link it to work that is already under way, I asked the question, what is the -- what is -- what is an independent assessment, what would it take to get an independent assessment, what it would take to move all or a portion of -- of the facilities that reside in that property in the very -- two scenarios. One scenario could be we decide to -- to meet the needs of the community as they have indicated to us that they want more commercial and we vacate that property and turn it into commercial space.

The second possibility is we retain it, we decide not to develop it commercially but we decide to move something like the Highway Department off that property and then we want to develop the space for further recreational uses aligned in the Master Plan.

And either scenario, having an understanding what it takes to move the property, what the property is worth through the application process all makes sense.

What I am wrestling with, and I think we need to have a little more discussion on, is -- is the scenario of do we engage Passero Associates or someone like Passero Associates to work as an agent of the Town with the developer to understand what the potential could be, or do we just simply accept the input from Benderson and then do an assessment after the fact.

My concern with doing it serially, we'll burn too much time. We won't understand what the real costs are and what the potential is. So I am thinking if there is a way for us to work in parallel with what Benderson is trying to accomplish and look at a way of trying to engage someone like a Passero to act as the municipalities's agent, then we could bring this along in a parallel fashion with the understanding of not trying to force something through, but with trying to get the numbers in front of us so we have a realistic assessment as to how probable it would be to develop that property commercially. And if we don't develop it commercially, we still have engaged Passero, who is also the agent working on the Master Plan update to know what the potential development opportunities are if that remains Town land.

So that is the -- that is the letter she is referencing. I just got the information this afternoon from Mr. Caruso, indicating through an email I would bring it tonight and I did. By bringing it here tonight, I'm not trying to prompt a vote. I'm not trying to advance anything except an awareness that I think we have an opportunity to do things in parallel here to move it along.

I'm interested in knowing more. By knowing more doesn't mean that I believe this -- that this is what we must do or should do, but I think we have some alternatives in front of us, and I don't think we can make a credible decision without having more facts than we have right now.

COUNCILWOMAN SPERR: If I can add my own comments to this, I appreciate both of you gentlemen coming back tonight and responding to the questions we did ask at a previous Town Board meeting. I like the fact we're exploring these options. It makes sense to me to have shopping across from shopping. By saying that, I'm not eliminating or discussing any other opportunity. This is not an either/or for me. This is not saying no to this and yes to that.

But if we're going to even be able to consider this, um, I second what Councilman Schulmerich has posed so eloquently tonight. It makes perfect sense to me. So I would like to think

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that this was something that makes sense for all of us and that we would pursue that.

COUNCILMAN SCHULMERICH: So not -- so as to not confuse you, I don't know exactly what the relationship of -- might be in terms of how you would or wouldn't associate with Passero if we decide to bring them on board, but I'm hoping that there is some way there could be alignment in what you're trying to accomplish and what we would be asking them to do through a scope of work document such that there is as much of a partnership in gathering information as possible, but also an understanding that it is an independent assessment by an outside firm feeding information back to the municipality. I'm not trying to confound the situation here. I want to be careful not to do that. Sometimes when you have ideas, they can be more confusing and less beneficial than you hoped. So I want to make sure as we advance this over the next week or two, in terms of what we might ask Passero to do, that it is done in concert with what your intentions would be, to gather more information. I don't want to have disjointed efforts.

MR. ROBINSON: I appreciate all of the comments I have heard, number one.

Number two, I have a lot of familiarity with Passero's organization. I know Gary personally, known him for many, many years. I have worked with him on other projects because they represent other towns. We get along well with them. Um, and I think that if -- if they were to be the point person, on behalf of the Town, so that we could share information and take direction from them, some of the direction through them from you, I -- I think that would all be very, very positive.

I think at that point, obviously you're investing some dollars in what we're suggesting to you, because they won't do this for nothing, and then on the strength of that, we're prepared to then invest more dollars, because everything that they ask us to provide, or calculate or furnish involves an expenditure on our side of the ledger, which once we get a sense, and I'm hearing some positive comments here this evening, that, you know, that there are a lot of good things about this project, that -- that you would like to see move along, then we're prepared to spend some dollars. Commonly with what you invest, and think we get to -- get to some real hard answers relatively promptly. We're happy to do that.

SUPERVISOR LOGEL: I really think that we also have to look at the flip side of this, and that is the fact that we have to look at how valuable the land is that we already have, what we have there, what its potential is and what we can develop it -- if we didn't do this, what other potential is there for it, recreational, should a community center go on it or that. We have to weigh every single odd so that we know exactly what we're getting when we make the decision. We need to know what we're giving up basically if -- in a Town-owned property that is so highly valuable.

So I would like to be able to see both sides of it from some kind of project like that.

COUNCILMAN SCHULMERICH: I would also suggest, Supervisor Logel, that part and parcel to the work, the resolution that you brought to the table a few meetings ago from the application of the property is still very pertinent to do, as well. That -- this would not replace that. It would be in addition to that.

SUPERVISOR LOGEL: I would hope -- that was for an application by Pogel. I would hope we could do that December 6, put that back on the agenda.

COUNCILWOMAN IGNATOWSKI: January 6th. December 6th. Didn't I say that?

RICHARD BRONGO: Yes.

COUNCILWOMAN IGNATOWSKI: Okay. It is still November.

SUPERVISOR LOGEL: It is still November. I didn't --

COUNCILWOMAN SPERR: I guess I thought when I originally read it, it was still listed under Old Business. I had it under Old Business and when this came in today, I pulled it.

COUNCILWOMAN SPERR: Okay. I'm not crazy. I did see it.

SUPERVISOR LOGEL: You're not crazy. It was just that this needed something added to it or more work in concert.

COUNCILWOMAN IGNATOWSKI: So we're not ready right now to move that thought process forward.

SUPERVISOR LOGEL: We need to discuss this.

COUNCILWOMAN IGNATOWSKI: We'll have that at the next Town Board meeting.

COUNCILWOMAN SPERR: In what shape or manner would we be discussing this between now and the next Board meeting? Denny (Schulmerich), how did you want to proceed doing this? We

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just got it today.

COUNCILMAN SCHULMERICH: I just had a conversation with Mr. Caruso this afternoon to try to understand how we might do this in parallel, as opposed to serially. And by "serially," what I mean is we either let Passero Associates come in and do a full assessment and put you on hold until that is done, or you go off and do your work and then we engage Passero to do a cross assessment to give us verification and validation in your work. That to me is unproductive in terms of timing and in terms of efficiencies that you both bring to the operation, so, you know, as first -- at first glance, I took the opportunity to talk with Mr. Caruso and say what are the chances of us putting together a -- an in parallel type of approach. I knew you were coming tonight. I wanted to raise it with you to find out what your specific interest would be in that.

Assuming there is an alignment, what I will do is go off and have conversations with the balance of the Board, and I don't see any reason, assuming that we're in agreement, that we can't have a resolution at the next Town Board meeting that would do a couple things.

Number one, endorse the appraisal process, and number two, give you the signal that we are interested in that property being more further assessed. And number three, engaging Passero as the consultant in this, as they are aligned already with the Master Plan Update.

We'll need to look at the dollar figures that Passero has provided. We'll need to talk about how we fund that, and that is the conversation I would assume we would have one-on-one with each other between now and two weeks from now. I'm willing to take the lead on that --

SUPERVISOR LOGEL: Thank you.

COUNCILMAN SCHULMERICH: -- and provide the information back to the Supervisor and she can decide how she wants to communicate that to the Board.

SUPERVISOR LOGEL: Thank you.

COUNCILMAN SLATTERY: One comment I have -- nothing against Passero Associates. You keep saying "Passero," but we have to be careful that we follow the proper procedures when hiring a firm to come in here to do the work. I think one of the reasons why you keep mentioning Passero is because you're working with them now with the Parks and Recreation Master Plan.

COUNCILMAN SCHULMERICH: Correct. That is the only reason why I'm mentioning them. I don't have any specific affinity. I'm not financially aligned with them. My association has solely been through the Parks and Master Plan Recreation Update, and it makes sense to me that we have the efficiency in them doing that consulting work. It makes the most sense for purposes of -- since a portion of this, a significant portion of this is around parks and recreation and what happens to that property, it makes sense to me to -- that is just a natural association I made. If that is in an inappropriate approach and we need to do RFP with multiple vendors, I'm fine with that. I'm not suggesting we do otherwise.

COUNCILMAN SLATTERY: I just want to make sure that the people, audience was clear where Passero --

COUNCILMAN SCHULMERICH: I'm sure I will confuse somebody.

MR. ROBINSON: Well, let me just thank you for the input this evening. I think it has been very helpful. And I think we'll just wait for your next action, which has been described already. I won't repeat it, and we'll wait for a signal from the Town that we're -- that we're prepared to get into dialogue and analyze each one these issues. You know, is the cost of the park we have given you real? Is the land suitable for a park? Are there any physical problems with that land, issues that don't work for that? Is the cost we have given you for -- for the court building, is that real? Is there any reason why the court building can't go where we said it will go, and just step by step by step, and they will verify everything we're giving you, and to the extent we have made an error along the way, it will get numbers, not just coming from us, but coming from anybody that is representing you, and I think it is a great idea and I have no problem with that.

SUPERVISOR LOGEL: Okay. Thank you.

COUNCILWOMAN SPERR: Thanks, Don (Robinson).

COUNCILMAN SCHULMERICH: Don (Robinson), I would like to make one comment before you leave. In my thinking in trying to bring in a consultant, it wasn't solely -- it wasn't to check your numbers as much as it was to recognize the fact that if we're spending the time and energy to do a Master Plan Update, we should have a visionary nature to it. What we're looking to do down the road

may not be reflected in solely replacing what we currently have today. So there is an element of validation, but there is also an element if we're spending the time and effort and money to do a Master Plan Update, take the thinking that is going along with that through that group into what this project may be, as well. So there are really two initiatives in my mind why we're trying to do that.

MR. ROBINSON: Understood, and I thank you for that. Appreciate it. Good night.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Four speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:39 p.m.

TOWN LIAISON REPORTS:

Conservation Report by Councilwoman Ignatowski

COUNCILWOMAN IGNATOWSKI: Conservation hasn't met.

Drainage Report by Councilwoman Ignatowski

COUNCILWOMAN IGNATOWSKI: Drainage did meet. Joe (Carr) went through the work completed by his drainage crew. There has been a tremendous amount of effort due to the leaves, trying to keep all of the drainage courses clear and they did complete some work on Blue Ridge Trail and Hillary.

And there was also a resident who came in and brought a problem to the committee's attention they will do further investigation on, and they also spent some time discussing a form that they would like to develop that would be some sort of methodology for prioritizing the projects that Joe (Carr) has and – so when people come in, they have an understanding that, you know, this -- this gentleman over here who has perhaps water coming into his basement is going to be above someone over here that has just a wet backyard. So we're trying to come up with some sort of a way of making that determination.

SUPERVISOR LOGEL: You have to say, though, this has been a year of tests.

COUNCILWOMAN IGNATOWSKI: Oh my goodness. All of this rain.

SUPERVISOR LOGEL: It is raining now actually.

COUNCILWOMAN IGNATOWSKI: I can hear it is pouring.

Historic Preservation Report by Councilwoman Sperr

SUPERVISOR LOGEL: Historic Preservation?

COUNCILWOMAN SPERR: Yes. That was this past Monday, the night of the power outage. While in the middle of their meeting, the power went out in the Town Hall, and I just like to let everyone know that the entire Board stayed here and finished their meeting, and we called Joe Carr who came over to check the facilities, but there were only two emergency lights left on at the time we left the building. Um, but in the time that they did meet, they did discuss the fact that they have met with Cynthia Houck and planned to have Cynthia (Houck) come in for a special meeting presentation in the spring.

A letter has been sent out suggesting some dates. It will either be -- it will be hopefully held in this Town Hall on -- there are two dates they're giving in March and two dates in April. So hopefully they'll be able to secure Cynthia (Houck) on one of those dates, and then in the fall, they will be holding a round-table discussion, and -- that is when they'll hold the meeting where they will invite all of the other Historic Preservation Boards, committees and they're considering historical societies from across Monroe County and surrounding areas to have a round-table discussion on what is working for them and all other aspects that other boards are dealing with in regards to Historic Preservation.

And on tonight's Town Board meeting agenda, you will note that the minutes are not in from the Preservation Board. Rona (Pearce), who usually would have brought them in, at Monday's meeting came down with that flu, so since Rona (Pearce) wasn't there, you will see the meeting minutes, approved minute -- or unapproved at least will be distributed at the next Town Board meeting, so we'll be a little bit late on those. But they have been done. She just didn't get a chance to bring them in.

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Library Report by Councilman Slattery

SUPERVISOR LOGEL: Library?

COUNCILMAN SLATTERY: They have not met since our last Town Board meeting, but I would like to recognize our Library Director in the audience here with us tonight. Thank you, Jennifer (Ries-Taggart), for coming.

Recreation Report by Supervisor Logel

SUPERVISOR LOGEL: Parks & Recreation basically is spending their time talking to the Master Plan Update, okay, and that -- we have Breakfast with Santa Claus coming up -- I didn't bring the sheet in. I'm sorry.

COUNCILWOMAN SPERR: December 2nd.

SUPERVISOR LOGEL: December 2nd and the 9th. So anybody who has children that want to go with Breakfast with Santa Claus, they need to get the tickets for Saturday morning, December 2nd and December 9th. We need help. Anybody that wants to volunteer. I think the Board serves Breakfast with Santa Claus.

COUNCILMAN SLATTERY: Ho, ho, ho.

COUNCILWOMAN SPERR: I already responded back to Michael (Curley) I'm more than happy to attend both to help him out. It is a lot of fun.

SUPERVISOR LOGEL: The tree lighting, and the date of the tree lighting?

COUNCILMAN SCHULMERICH: December 1st.

COUNCILWOMAN SPERR: December 1st at the Senior Center.

SUPERVISOR LOGEL: I went and looked. There has been a gentleman from the community -- we had two offers of trees. A gentleman from the community has offered a tree that is 40 foot tree, and it is really way too large for us, but he is going to have it taken down. It's a gorgeous tree. We figured if we could use the top part of it, we might be able to top it. We have to look at whether we can handle a tree that size.

Then we have the same ones that donated last year have offered to donate another one from their property this year. We have a tree. Just a matter of determining which tree and whether we -- Joe (Carr) with a flatbed and just how -- unfortunately, I think the tree, the big tree needs a crane to lift it. I think we should offer it to the County, but they probably already have theirs for the atrium, but I don't know. I think they need to take a look at it. It is a gorgeous tree. Okay. 33 Andony Lane.

Traffic & Safety Report by Councilwoman Sperr

SUPERVISOR LOGEL: Traffic safety. Meet yet in the last two weeks?.

COUNCILWOMAN SPERR: Yes. At the last Traffic Safety meeting, um, it was discussed that the Chili -- the Chestnut Homeowner's Association was looking for four-way stop signs to be put up that cross traffic doesn't stop. Those will be put up in February. We are happy to report that the double-line striping that was requested on Archer Road has been completed.

Permit was received from the New York State DOT that Joe Carr was waiting for that was to put up the stop pedestrian in the crosswalks. Those that travel Chili Avenue hopefully have seen it. I noticed it in the rain. It is very reflective, and it is on the crosswalk coming out of Chili- Paul Plaza, walking across into the Senior Center, so hopefully that will have some impact and people will slow down as they come through there and be aware of pedestrians crossing.

Plans for the drive-thru Dunkin' Donuts, that was approved by the Planning Board, were discussed and recommendations were made to try to have a safer traffic pattern or suggestions for safe traffic patterns around that configuration that they're hoping to put in shortly at the Mobil gas station on Chili Avenue. There were several suggestions made by committee members and were offered in return.

That was pretty much the highlight of that meeting.

SUPERVISOR LOGEL: The double lines on Archer.

COUNCILWOMAN SPERR: Yes. You got a letter about that.

SUPERVISOR LOGEL: They had a major, major difference in people passing from what I understand. Mr. Barnett, did a couple trials. I'm not sure that they -- he should have done that, but he went at 29 miles an hour to see if people would pass him, and they didn't.

COUNCILWOMAN SPERR: George (Barnett), you devil.

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GEORGE BARTNETT: May I ask why I shouldn't?

COUNCILWOMAN SPERR: I appreciate you doing that.

SUPERVISOR LOGEL: You don't want to get rear-ended. That is why.

COUNCILWOMAN SPERR: No, you don't.

SUPERVISOR LOGEL: But I think if it worked, and -- I -- it is the same thing that happened -- remember with the curves that we had like Bright Oaks, or Red Bud and where was it, Joe (Carr)? Gilead Hill we put in the double yellows, and it really made a difference. And so this double yellow all of the way down has seemed to make a big difference. So that is good.

COUNCILWOMAN SPERR: I also want to mention, I didn't mention the intersection at 259, where you come off of 490 and Chili Avenue, that is going to continue to be monitored. It is getting a little bit dangerous at drive-home time. There are times when you can't get off 490 except to hit the bottom of the ramp and you wait in traffic lines. That will continue to be monitored.

SUPERVISOR LOGEL: There is a red light that holds everybody up.

COUNCILWOMAN SPERR: Yes. There is the traffic signal as you approach the top of the ramp. Then you take a left and go down the hill and traffic light at Chili Avenue. That combination of the two lights is holding up traffic. I can't move through that intersection easily enough because of the pattern there. We need turn signals and turn lanes to help move the traffic flow through there more smoothly, and we're hoping to get that -- I did announce that we were hoping to have that done with construction in 2009 if we're successful in our attempts in working with the DOT. We'll keep monitoring that and keep you apprised.

Planning & Zoning Boards Report by Councilman Schulmerich

SUPERVISOR LOGEL: Zoning Board?

COUNCILMAN SCHULMERICH: Zoning Board did not meet since our last meeting.

SUPERVISOR LOGEL: Planning Board?

COUNCILMAN SCHULMERICH: Planning Board met last night. I had a work commitment and was not able to be there, but I did talk to Mr. Martin beforehand and afterwards and there were two public hearings. Metalico was tabled for some more work that needed to go on.

And Rochester's Cornerstone Group was approved for their application for preliminary site plan approval.

And then under informal, George Rice's service station came in to talk more about the site plan changes for the Dunkin' Donuts and some of the architectural adjustments they will be making to the building for appearance sakes, which are all positive.

The other comment regarding Planning Board is, and I -- we can defer this to later in the meeting if you want to talk about it, the Architectural Review Board and the concept of how we might move forward with that. There are a couple different thoughts. So I don't know if you want to deal with that now or wait until later. Board's pleasure.

SUPERVISOR LOGEL: Later.

COUNCILMAN SLATTERY: Supervisor?

SUPERVISOR LOGEL: We can talk about it. You might as well talk about it under Matters of the Supervisor. I didn't have it as something to talk about in this forum, but that is okay. I thought it was kind of preliminary, but that is okay.

MATTERS OF THE SUPERVISOR:

1. Landmark Society Special Citation Award to Bernice Wilcox.
2. Wegmans Food Markets, Inc. Wegmans/Market Street North new access drive to complex.

SUPERVISOR LOGEL: Under Matters of the Supervisor, speaking of Cornerstone, they want to have a ribbon-cutting for the work that has now been completed where it comes out on Union Street and North Chili. And they're hoping to do that sometime early in December, so they will let us know what they can plan. They thought they might have some sort of reception in the community -- or living center that they have there, senior living center, so -- but as he gets it planned, he will contact all of us regarding that, but he thought because it was such a nice job and it looks so nice up there, he would like

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to have a ribbon-cutting.

COUNCILMAN SLATTERY: Is -- Cornerstone, is that --

SUPERVISOR LOGEL: No. I just threw it on, because he mentioned it. He mentioned Cornerstone, and it reminded me.

Wegmans Food Markets I have a note on there, they're going to be opening tomorrow. That is what their goal is, to open that road up that goes into the Wegmans called Wegmans Market Street North.

COUNCILWOMAN SPERR: The connection coming out on Chili Avenue at 204. Great.

SUPERVISOR LOGEL: They are hoping to have that all done. The letter here says that they're pleased to inform us that the new access will be completed and will be open this coming Thursday, November 16th, so that is tomorrow. And that there will be two access drives to the Market Street complex from Chili Avenue. I also noticed that they did a landscaping berm at the -- under the power lines at the old entrance.

COUNCILWOMAN IGNATOWSKI: That was per the request of the Conservation Board.

SUPERVISOR LOGEL: Good. Well, one is done. The other one is covered with tarps. I'm not sure what they're putting in that one, but it is covered with a tarp. One is done.

Then there was a request tonight from Mr. Miller regarding the 49 Sequoia. Do you want to address that?

RICHARD STOWE: Yes. I -- Mr. Miller's rendition of the facts regarding how many times the question was asked I think are correct.

And his frustration associated with the lack of the answer, I don't think I will be able to address. I can only tell him that the information that I was seeking was not delivered when it was promised. I didn't intentionally attempt to delay any response. It was outside of my control.

But the question came to me, not from Mr. Miller but from the Town Board, and I have had the opportunity to go back through the contract and process.

Part of the information that I was requesting came from the Counsel for the purchaser of the property, and had to do with the title company's request for the special legislation that we ultimately sent a request to the State of New York via a home rule message received and obtained.

The -- this Board I don't believe ever made a determination on whether that parcel of land was park land or not park land. We didn't seem to rehash that. By way of explanation, the title company writing the title insurance on the contract that the Town had with the property owner, and the title requirements of that contract, were the driving force behind the request for the State legislation. The procedure that was followed by this Board in conducting the referendum and going forward thereafter passing the home rule message, and getting the State authorization and thereafter authorizing the Supervisor to sign the contract and execute the contract and sign the necessary documentation, I'm very comfortable with.

The -- the posture of that whole process today was confirmed by my efforts to go back and have those conversations with the purchaser's Counsel.

The SEQR process at the State level was reviewed, and the SEQR process at the local level was reviewed, and the procedures that we were following and asked to follow and the posture of that whole proceeding -- today admittedly, the transaction has closed. Whether there is actual construction going on out there or not, I don't know. I will defer to Mr. Miller. I assume that there is. I don't know. I see no deficiency in that process, and I can report to this Board, and I have had conversations with some of you individually, that our posture on that today is proper and the procedure that was followed was proper. So I have no concern about that on behalf of the Town. I don't expect that to be any less frustrating for certain members of the public that may not agree with the characterization of the property and why and how those procedures were followed.

Part of the reason that there is an agenda item tonight with regard to the proceeds of that transaction that already has been reviewed with this Board and in effect has already been set in the closing statement, is because as part of the State legislative approval that we voluntarily subjected ourselves to, they made those dollars conditioned upon the findings that we're attempting to set forth tonight and put it in a trust and agency account instead of commit it to a project that we may not have right now. That's my answer to the Board and my expression on all of that.

SUPERVISOR LOGEL: Thank you.

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RICHARD STOWE: You're welcome. Sorry it took so long.

SUPERVISOR LOGEL: And the question that you had regarding Architectural Review Board?

COUNCILMAN SCHULMERICH: Yes. That has come up the past couple of meetings, and we have had some one-on-one dialogues, and I had a -- I had some thoughts in conjunction with the conversation with Mr. Martin from the Planning Board that I wanted to share with the Board for their consideration. And in there will also be a personal opinion as well, which I suppose I'm entitled to.

I am not an advocate of an Architectural Review Board because they typically come with decision rights, and it is not clear to me that we need to be creating additional committees to have decision rights when we have a Planning Board in place that really has that responsibility.

I am an advocate for architectural consistency. I think it makes good sense. I think it is important. To me, a way to manage that is by having architectural guidelines in our code as opposed to having a review board sitting with decision rights on a case-by-case basis.

So what I would ask the Board to consider, in whatever time frame you chose, would be the creation of an Architectural Guidelines Committee with appropriately staffed individuals that would take a look at what architectural integrity should mean to Chili, promoting that being in our code.

Once that is in our code, then the Planning Board has what they need to make the decision to support architectural integrity.

Another charge to that committee could be if they see value in an Architectural Advisory Committee, on an ongoing basis, that they sit at the side table at Planning Board meetings, no different than what Traffic & Safety and Conservation does. If that were a recommendation, I would support that, but -- in an effort to try to move this process forward so we can get some documented approach to how we handle architectural integrity, that would be what I would suggest.

And I may be -- I may have a differing opinion to others in terms of the value of an Architectural Review Board. My sole objection to it is the decision rights that they often come with and the complications that come into the Town.

SUPERVISOR LOGEL: I would like to say I support what you say 100 percent. In polling the Supervisors and talking to the Supervisors Association, I found that only three towns have an Architectural Review Board, an official board, and Pittsford is one, and that is strictly for the historical part of Pittsford, in their case. The other one is Brighton, and the other one is Clarkson.

And every Supervisor recommended highly against not having a board because they -- one of the things they said was that they have the tendency to overstep your bounds, tendency to be too controlling. They have a tendency to advocate, control things for each housing development when a builder comes in and proposes they will build a development.

They have actually had court cases where they have tried to dictate siding colors, doors, shutters, that type of situation, and in every case I have been told that when they have gone to court, they have not held up. They have lost every court case they have ever had. So -- because you're dictating people's personal choice. You know, if someone tells you, you want a green front door, then you want a green front door.

So I think that your idea of a committee, and the code, and then even the other -- if we needed to have like Conservation or like Drainage or -- excuse me, Traffic & Safety I think would be excellent. I have no problem with that. I highly support that venue.

COUNCILMAN SCHULMERICH: I know other -- the Board has thoughts around the Review Board. I'm not minimizing that. If it is different from what you would like, I would like to hear this, as well.

COUNCILWOMAN IGNATOWSKI: Absolutely. This is something that I have to agree with, as well. Conservation Board is an advisory capacity, and the Planning Board certainly takes almost all of their suggestions and implements them. It leaves the decision with the Planning Board, but then you do get advice outside, advice from people that maybe have an expertise in that particular area.

So going the code approach and then a possibility of an Advisory Board is certainly something I would also support.

COUNCILWOMAN SPERR: So if I can ask our attorney, Rich (Stowe), we have had discussions in the past about creating boards or committees. Thank you. I can't see you behind Dennis (Schulmerich). I always --

COUNCILMAN SCHULMERICH: I am a big wall. I apologize.

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COUNCILWOMAN SPERR: In creating that committee of this size then, could we use your assistance in helping us guide through that process? I think it is similar to what we have to do for a Board. It has to be written up in certain language for the code book, and since we're doing our code book, now would be a good time to try to put that in.

RICHARD STOWE: Yes.

SUPERVISOR LOGEL: Are you talking three or five?

RICHARD STOWE: Trying to keep it simple.

SUPERVISOR LOGEL: Three or five members. I mean, I don't think you want to go too, too big with the architectural. You want expertise, don't you?

RICHARD STOWE: The composition of the committee, the charge to the committee and the wording that the code would require that it currently doesn't have all issues that need to be addressed. Not all our committees have local laws.

SUPERVISOR LOGEL: Local law status and a chapter in the code book. Some are born by resolution, but --

COUNCILWOMAN SPERR: Which this would require in this case.

RICHARD STOWE: Tell me what you really want done, and how many people you want it to have and where you want it to sit, what you want it to entail, and then I can answer the question.

SUPERVISOR LOGEL: Have I heard, Dennis (Schulmerich), maybe I misunderstood, but I thought you were suggesting a committee to look at this and establish some things for the code, and then perhaps advance that committee into a formal advisory committee.

COUNCILMAN SCHULMERICH: The thought process, which -- which may not be right, but the thought process was form a committee with the right knowledgeable people on it that could use learnings from other towns that may have done this, to determine what type of code addition you make so that you can establish guidelines that define the character you want the Town to continue developing in. And if that committee could then put those guidelines together for inclusion in the code, that we would then follow all of the appropriate procedures to get into the code, and then as a work, as an output of the work of that committee, once they have done that work, if their recommendation was it would be value enhancing to have an ongoing advisory board sitting at the side table for Planning Board, that we would listen to that recommendation, as well.

But I think in my mind, the first step is to get the guidelines in place, get them in the code book so that we understand what we're trying to accomplish, and then secondarily, if it makes sense to have an advisory committee supporting that, supporting the Planning Board, then let's do so. Two-step process.

SUPERVISOR LOGEL: So it would be a resolution -- if you follow that process, the only thing you would need initially is a resolution forming a committee, and the people on it, correct?

RICHARD STOWE: With a request for them to do some level of preparation and work and recommendations back to the Board.

COUNCILMAN SCHULMERICH: They would -- they would -- so as envisioned, they would prepare guidelines in a way that could be considered as additions to the code that they would bring back to the Town Board. They would not be a committee that would have decision rights that would then, once they had made the determination, were automatically incorporated as a code, but that they would bring them back as a recommendation to the Town Board for inclusion in the code.

COUNCILMAN SLATTERY: I think, Supervisor, one of the problems that we have, is that -- is filling vacancies on our existing committees. So I think now with this new committee, I think we would need to -- in maybe your letter that you write in the Messenger Post, outlining --

SUPERVISOR LOGEL: A new committee. Architectural Review Committee.

COUNCILMAN SLATTERY: Correct. Being the liaison to the last Master Plan Update Committee, if I can use those words, that was -- on the survey that was recommended that we look at that. We look into a review committee.

Um, maybe in the meantime, what we could do is ask Mr. Rogers if he could solicit -- get some of that information from the three towns that you mention that have this committee and possibly get that ball rolling to help this committee once they are formed, and then this way they don't have to wait for that. So if we can move forward in that aspect of it, get any documentation, information we can now.

SUPERVISOR LOGEL: Take heart the warnings from all of the other Supervisors who don't

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have it, because every one of them say no way, you're going down the wrong road.

COUNCILWOMAN SPERR: I think it was just -- an attempt to not go down the same road. I think what Councilman Schulmerich was suggesting would be that they would be able to offer an opinion. And that -- that settles the idea for me. And just as a reminder, in discussing an Architectural Review Board topic with the Historic Preservation Board, they did offer to have a member from that board with the historical abilities -- as the members of that board, they would offer to assist. So a member from that committee would like to be chosen from --

SUPERVISOR LOGEL: One of the things that came up, from the other Supervisors is when you do have a Historic Preservation Board, though that is one of the reasons -- we do have that. That is one of the reasons they used as an argument for not having an Architectural Review Board.

COUNCILWOMAN SPERR: But they're into preservation of the historical buildings more than they are into the design of new buildings.

SUPERVISOR LOGEL: Right.

COUNCILWOMAN SPERR: And if they -- if someone from that Board who is familiar with historical significance and design and historical elements -- for example, when Walgreens was proposed, they went back -- I think Jim (Powers), at the Planning Board meeting went back to them and asked them to make that building look a little more historic in keeping with the Town and they are familiar with some of the elements that are discussed. The Planning Board did a very good job on that. But they're familiar with and can contribute in that way. It is just an offer from someone, from people that on that Board. They haven't determined who that would be. That would be up to us, but you can ask someone from the Historic Preservation Board to join them if they're interested and they just wanted to make sure they were aware that they would help.

COUNCILWOMAN IGNATOWSKI: If I could also maybe add a suggestion that you have the online form with all of the various boards and committees and you want to just add that onto that particular form.

COUNCILMAN SLATTERY: I guess one other point, Supervisor, if --

SUPERVISOR LOGEL: I'm sorry. It was a letter I wanted to make sure --

COUNCILMAN SLATTERY: It's okay. I think if -- if we have more teeth maybe with the Planning Board that -- because I keep remembering a public -- or somebody's comment from the public not too long ago that spoke about the new carwash that we have with all of the fluorescent lights on Chili Avenue. So --

SUPERVISOR LOGEL: I don't know if an architectural review would have found that one out. I think that the Planning Board didn't find it out.

COUNCILWOMAN SPERR: No. Because they didn't present that to the Planning Board.

SUPERVISOR LOGEL: They never presented it to anybody.

COUNCILWOMAN SPERR: But I have actually had people tell me they like it. Just so you know.

SUPERVISOR LOGEL: Either you like it or you hate it.

COUNCILMAN SLATTERY: There are people going back to the '70s with that era.

SUPERVISOR LOGEL: Some people who love it.

COUNCILWOMAN IGNATOWSKI: It's easy to find at nighttime.

SUPERVISOR LOGEL: It is a landmark, that is for sure.

So shall we --

COUNCILMAN SCHULMERICH: I would like to go back to one -- the first comment Mr. Slattery made. I think in addition to going to the towns that have Architectural Review Boards to see what they have done to their code, I think we're also going to find there are other towns that have made modification to their code about architectural integrity that do not have Architectural Review Boards. So I think surveying those towns is probably equally pertinent to what we're looking to do here, because I -- because I think getting into our code, some sense of what we want our Town to be architecturally, is what the thought is, if that is agreed to, and we -- I have a sense other towns have done that.

COUNCILWOMAN SPERR: All good ideas. Great decision.

SUPERVISOR LOGEL: We'll --

COUNCILWOMAN IGNATOWSKI: As far as the other committee, the ethics, I don't know

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if you want to add that, too, to also the online screen if anybody is interested in that.

SUPERVISOR LOGEL: We already did that.

COUNCILWOMAN IGNATOWSKI: You already added it.

SUPERVISOR LOGEL: I thought it was already on there.

COUNCILWOMAN SPERR: Let me look. I have some here. No. It is not on the list.

SUPERVISOR LOGEL: Okay. Add ethics in.

The other thing, it was not on here, and I asked Mr. Brongo a minute ago, you have received an official letter from Jeff Perkins resigning in the Zoning Board. So we have another opening.

COUNCILWOMAN SPERR: Have we received a letter from the Planning Board resignation?

RICHARD BRONGO: Jason (Elliotto). Yes.

COUNCILWOMAN SPERR: We did get the letter. Okay. I hadn't heard.

I work with Jeff (Perkins), and Jeff (Perkins) has been increasingly busier and traveling more, and in effort to try to spend time with his family when he was not traveling, he felt it was a big commitment and he doesn't --

RICHARD BRONGO: I say yes, because I got the one that went through your office. I thought the other one came through -- I will have to check on it.

SUPERVISOR LOGEL: I haven't seen the one that came directly from the Clerk. I know I have the one addressed to me, but we asked for one to be addressed to you. Do you know who -- if you received one, addressed to Mr. Brongo?

RICHARD BRONGO: I'm almost sure I got it.

DAWN FORTE: The one we got was the one from the Zoning Board, Jeff (Perkins).

SUPERVISOR LOGEL: Any other things?

COUNCILMAN SLATTERY: Under Matters of the Supervisor, yes.

If we could -- could you give an update on Union Station Park, with the development of that if it is completed, or if not, where --

SUPERVISOR LOGEL: I will ask Mr. Carr, because he knows exactly how much has got left to be done, as far as the trails and -- I forgot. Is it the tennis courts? What is left to be done, Joe (Carr)?

JOSEPH CARR: At this point in time, there is no pending construction. The Director, Mike Curley, has reviewed the Master Plan that was developed many years ago. He has had a couple of thoughts about additions to that. We haven't spent all of the grant money. There is about \$40,000, some 30 to \$40,000 that is left in that fund. And I think that he was waiting until we got through the Master Plan Update to kind of make a final decision of what to add with the limited amount of money that is remaining.

I think that is the best status I can give you at this point.

COUNCILMAN SLATTERY: Okay. In regards to, there are nature trail signs that are up there, but there aren't any trails. Defined trails, I should say.

JOSEPH CARR: Well, a year ago we developed trails on both the north and south ends along the creek. We cut trails in there and put up signs. That has -- Section 7 of Union Station is developed. We -- we realized that our trail went through the backs of some proposed lots, so that had to be eliminated. And then Pat Tindale was the person that described it best to me, I guess. During the spring with high water, it -- it removed a lot of the trail designation posts and timbers that we had set up there, so it kind of floated away and was otherwise damaged and we have not gone back and re-established anything. It is a pending item in my opinion, and we need to redo that. We need to put a bridge, a foot bridge over the main drainage channel that kind of splits the land.

I think those are things that we should do. We have not done yet.

COUNCILMAN SLATTERY: Okay.

JOSEPH CARR: Have not done it a second time.

SUPERVISOR LOGEL: So that 40,000 -- can the foot bridge be done in that 40,000? Because -- the only reason I am asking that, if we get into wet land, we got to have materials that are going to hold up. At Black Creek, we had to get into the floating bridge type of situation. Are we going to run into that there? I'm not sure.

JOSEPH CARR: Well, in my own opinion, I -- I think we can accomplish it for not a lot of dollars, but -- couple piers in and get it elevated correctly. I have been there a couple times. I think

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there is a way to do it so it shouldn't cost a lot of money. But again, I think we need to make some final decision on the -- the balance of the grant, and then if we want to do additional things, we need to look for funding for it.

COUNCILMAN SCHULMERICH: Without predetermining the outcome of the Master Plan Update Committee Parks and Recreation, the -- the trails and linkage between one side of the creek and the other with the nature center has been -- has been an element of discussion. I don't know where that is going to come out, but it has certainly gotten attention and the foot bridge approach and ways of providing sustainable access as opposed to the year to year washes upstream, so hopefully we'll see that covered in the Master Plan.

SUPERVISOR LOGEL: Did the trail, or the information part that was supposed to take place, the kiosk -- there were supposed to be the plantings down in the south end of the park -- did those ever happen? You know where I am talking about, the controversy -- the controversial tree section, where the plantings took place.

JOSEPH CARR: No. When we talked to one of the local clubs about helping us, assisting with that, I haven't been there in quite a while, but the last time I looked, it really hadn't developed enough to --

SUPERVISOR LOGEL: To do that.

JOSEPH CARR: -- to implement that type of plan.

SUPERVISOR LOGEL: Would that be something as a Scout Project, though?

COUNCILMAN SLATTERY: That was my next point.

SUPERVISOR LOGEL: Sorry. Go ahead.

COUNCILMAN SLATTERY: No. Go ahead.

SUPERVISOR LOGEL: I'm just wondering, because to me an educational thing like that with the trees and having those -- I can see the scouts doing the wooden stands that give information and then having a wooden cover on sort of a leather thong type or chain type of thing that they can close it up in the rain.

There was a discussion off the record.

COUNCILMAN SLATTERY: Supervisor, when I was liaison to the Recreation Committee, the -- we had the Boy Scouts come into Davis Park and they performed a lot of maintenance and increased the parking, and did a lot of grading work at Davis Park. So I was thinking along the same lines, if they could go over and assist --

SUPERVISOR LOGEL: The trails -- maybe building the bridge might be a little too much for them.

COUNCILMAN SLATTERY: I don't think so. Are those the ones pulled up on the lawns now?

JOSEPH CARR: Yes.

COUNCILMAN SLATTERY: One other concern I have, is people like to walk their dogs and they're talking about -- when I was at that park, there was some left-over evidence around the playground, and it may -- I think we need to review that and look at that.

SUPERVISOR LOGEL: They need to put a sign up that says -- because they are -- well, it is a bad situation in Black Creek, and that is the County, but it is a very bad situation. Everybody takes their dogs there to swim in that big pond. I think there is going to be less tendency to do that in Black Creek because the dogs will have to go right downstream -- or Union Station Park, swimming in the creek, than there is with the pond situation.

A lot of people do training in the pond, but they do not clean up after their dogs and that has been a problem. So maybe a sign at least.

JOSEPH CARR: What I will do then, I have found on the internet, from a -- I call on a private vendor, what I felt was -- was the best message for that purpose. I have a need for -- for four or five of those signs in one of our common areas. So I think what I will do is I will order that, over the internet, under -- I will just submit a bill for reimbursement. I will get sufficient quantity to cover these areas, and we'll start posting them for that.

COUNCILMAN SLATTERY: Counsel, do we need to pass a local law with -- I don't know if

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we want to look to eliminate the dogs in the parks. I know the Chil-E Fest time we had a problem with people bringing their dogs to the parks. I know somebody who was -- there was an incident. But do we need to move forward with any type of local law?

RICHARD STOWE: Regulating what?

COUNCILMAN SLATTERY: That is a very good question.

SUPERVISOR LOGEL: Dogs, it sounds like.

COUNCILMAN SLATTERY: Are we eliminating or --

COUNCILWOMAN SPERR: You can post signs, rules of signs in your parks. I just attended a conference, and I didn't bring it tonight, but I have materials that I can provide back to Michael Curley and anyone else who is involved in the parks here, liability and safety issue, and there was a big discussion about different signs you can post, at NYCOM. I picked up a bunch of information. Might be useful to the Town, so I will provide copies. I just got them.

SUPERVISOR LOGEL: You haven't investigated doing sign laws, right? Or would you like to?

RICHARD STOWE: If -- if the question is can we put up a sign in our own park, the answer is yes.

SUPERVISOR LOGEL: Okay, good.

RICHARD STOWE: If the question is, can we enforce some restriction regarding cleaning up after your dog that we don't have yet without amending our law, the answer is no.

COUNCILWOMAN SPERR: No. Okay.

RICHARD STOWE: I think we have some regulations about where your dog can be, and not be, without it being unleashed already. So what do we write it in? What the dog leaves behind or the action of the dog?

COUNCILMAN SLATTERY: I'm not sure what we have on the books.

RICHARD STOWE: It depends.

SUPERVISOR LOGEL: Can you have a law that says no dogs allowed?

RICHARD BRONGO: In the parks.

COUNCILWOMAN IGNATOWSKI: Oh, boy.

COUNCILMAN SCHULMERICH: Not a friendly approach.

SUPERVISOR LOGEL: Not so much friendly, but can you have it in a small area? Like he has some problem in some small common areas, where it is difficult.

RICHARD STOWE: I don't believe you can ban all dogs because I think service dogs have to be allowed.

SUPERVISOR LOGEL: Okay. That is why I wanted to ask that question.

COUNCILMAN SLATTERY: I have a couple of -- more. Um, this would be to -- directed to Mr. Rogers. On October 18th, I asked you in regards to the Union Street video store on Buffalo Road. You said you would get back to me regarding the entrance off of Union Street.

JERON ROGERS: Yes, sir.

COUNCILMAN SLATTERY: I haven't heard from you. I was wondering if there was an update in regards to that.

JERON ROGERS: I did go out there and look at that situation. The -- you were talking about the entrance where the mud was on the road.

COUNCILMAN SLATTERY: Well, I was referring to the entrance and the dangerous condition because that lawn area has been rutted and you drop down; when you pull in or pull out, it could be to the park or could be to the video store if they cut the corner.

JERON ROGERS: I talked to the people in the Building Department, and we thought that that was a -- I believe an issue for the Highway Department, so I'm sorry I didn't get back with you on that.

COUNCILMAN SLATTERY: Has the Highway Department been -- the State Highway Department or the County Highway Department --

JERON ROGERS: The State Highway Department.

COUNCILMAN SLATTERY: Have they been contacted?

JERON ROGERS: I did speak to -- when I looked at a drainage situation in that area, I spoke with the person that handles the drainage for the Highway Department, for the State D.O.T. I can't recall his name, but he did say that he would address it. He also said that he would address the issue, the drainage issue on Chili Avenue and he did do that, so perhaps he has addressed this issue, too.

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COUNCILMAN SLATTERY: Okay. Thank you.

And, Supervisor, on -- another item. End-of-the-year reports, have we heard from the committees. We're getting down to the end of the year, and if there are people that are going to be resigning or -- or not --

SUPERVISOR LOGEL: I -- I didn't get an end-of-the-year report. I just got a letter from Mr. Martin requesting someone's reappointment, and that is all I have gotten from any committee so far, unless Dawn (Forte) received any --

DAWN FORTE: I just received information about the meetings and stuff.

COUNCILWOMAN SPERR: Historic Preservation is coming. He thought he had a dead line of December 1st. That is coming.

SUPERVISOR LOGEL: We need to tomorrow send them all a reminder.

COUNCILWOMAN IGNATOWSKI: Traditionally, that is done. When I was Chair, I usually got a reminder of end-of-the-year reports, attendance reports, recommendations for reappointments.

COUNCILMAN SLATTERY: Because their end of the year is not January 1st or something. I believe it is the end of October. So.

That is all I have. Thank you.

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: I did -- before I vote -- I did ask questions of Chris Levey and I received a very satisfactory response. So I vote yes.

RESOLUTION #281 RE: IT Professional Services Agreement

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

WHEREAS, the Director of Management Information Services recommends the Town of Chili enter into an agreement with Consilium 1 for the purpose of attaining IT related professional services; and

WHEREAS, Consilium 1 is a full-service IT professional services provider that can provide support to the full range of hardware, software, and network infrastructure within the Town of Chili; and

WHEREAS, this agreement allows services to be billed at a reduced rate of \$105.00 per hour from the regular rate of \$160.00;

WHEREAS, this agreement will remain in effect until the total value of this agreement is expended;

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Logel is hereby authorized to enter into an agreement with Consilium 1 to remain in effect until the balance of this agreement is expended at a rate of \$105.00 per hour. The total sum of this agreement is \$3,000 to be paid from Account A1680.4 (Information Technology Contractual).

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: This is just contained in the same correspondence he gave outlining his resolutions --

COUNCILWOMAN SPERR: Yes. The only other question I had on this, if I may ask, Supervisor, do you know which account that --

SUPERVISOR LOGEL: No. I will have to get that from Dianne (O'Meara). Do you have the account with you?

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COUNCILWOMAN SPERR: Where it will be deposited.

DIANNE O'MEARA: For the --

SUPERVISOR LOGEL: Resolution 282.

DIANNE O'MEARA: For the sale of the equipment, that would go into a revenue account, miscellaneous.

SUPERVISOR LOGEL: Miscellaneous revenue.

COUNCILWOMAN SPERR: I didn't know if it would be dedicated back into his funds or not.

DIANNE O'MEARA: No, no, no.

RESOLUTION #282 RE: Disposition of Computer Equipment

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

WHEREAS, the Director of Management Information Services recommends the Town of Chili dispose of obsolete computers and peripherals; and

WHEREAS, obsolete computers and peripherals is defined as: equipment that has lived past its useful life with the Town; or equipment that is broken in which case it would be fiscally irresponsible to pay for its repair; and

WHEREAS, others may find the obsolete equipment of benefit and worthy of purchase;

NOW, THEREFORE, BE IT RESOLVED, that the Director of Management Information Services is hereby authorized to place a legal ad with the official Town newspaper advertising a sealed bid silent auction of the above-mentioned equipment. Any equipment remaining after said auction to be disposed of by any means.

UNANIMOUSLY APPROVED

RESOLUTION #283 RE: Setting a Public Hearing to be held December 6, 2006 for the purpose of obtaining public comment on the Franchise Agreement with TIME WARNER

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Schulmerich

BE IT RESOLVED the Chili Town Board will hold a Public Hearing on December 6, 2006 at 7:00 p.m. at the Chili Town Hall, 3333 Chili Avenue, Rochester, NY 14624 for the purpose of obtaining public comment on the Franchise Agreement granting TIME WARNER ENTERTAINMENT – ADVANCE / NEWHOUSE PARTNERSHIP permission to construct, operate and maintain a Cable Television system throughout the TOWN of Chili and setting the terms and conditions of the agreement.

UNANIMOUSLY APPROVED

RESOLUTION #284 RE: Penflex Inc. Agreement

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that Supervisor Logel is authorized to enter into an agreement with Penflex, Inc. to perform administrative services for the Chili Fire Department Inc Service Award Program for the term November 1, 2006 to October 31, 2007; to be paid from SF-104-9025.8 (Chili Fire Department Inc. Service Award Program).

UNANIMOUSLY APPROVED

RESOLUTION #285 RE: Transfer to Highway Equipment Reserve

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

WHEREAS, an auction of highway equipment was held in October 2006; and

WHEREAS, it has been advantageous to transfer the auction proceeds to the Highway Equipment Reserve for future use;

NOW, THEREFORE, BE IT RESOLVED, to increase the Highway Fund budget DA2665 (Sales of Equipment) and DA9950.9 (Interfund Transfer) by \$828.00, and,

BE IT FURTHER RESOLVED to transfer \$828.00 to the Highway Equipment Reserve.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: There was a question on this, as to whether there was back-up information regarding the Gates Fire District contract. If I am not mistaken, and correct me if I am wrong, Mrs. O'Meara, but what -- they were late in getting that information to us, but we had a general idea of the figure. But now we have the actual --

DIANNE O'MEARA: First of all, the Town Law has been modified. They are not required to submit their budgets until October 20th. Therefore, we didn't have a budget from them until after the preliminary budget was adopted.

SUPERVISOR LOGEL: Right.

DIANNE O'MEARA: Secondly, you will notice it is a Fire District. They are their own taxing authority. The Town Board has no authority one way or the other to amend their budgets. Um, we are given basically what the tax levy is. I am given the information through the Monroe County Office of Real Property Services as to what our tax levy is going to be. And this is the amount.

RICHARD STOWE: If I may.

SUPERVISOR LOGEL: Sure.

RICHARD STOWE: The distinction between a Fire District and a -- a fire company contracting with the Town of Chili's Fire Protection District, this -- this area of the Town of Chili is serviced by a Fire District, and Dianne (O'Meara) correctly points out they have their own budgeting, tax levying authority. They give us a number. This is a different creature from the Chili Fire Department or the Clifton Fire Department or Scottsville, all of whom we contract with to service other areas of our Fire Protection District. And I think therein lies the explanation for the general lack of back-up.

SUPERVISOR LOGEL: Also, that is the east side of Chili, just for everybody's information, and I think it stops at Marshall Road, if I am correct. It is everything east of Marshall Road.

RICHARD STOWE: The district line isn't that clean. It bounces around. But that is the general vicinity of the Town serviced by Gates Fire District.

SUPERVISOR LOGEL: And they pay tax on their own.

COUNCILWOMAN IGNATOWSKI: I guess I just had a question before we move to vote on this budget. I brought this up at the last Town Board meeting and I will bring it up again. Um, the \$35,000 plan review in the 1440 account, I recognize it is being suggested as offsetting revenue for that expense. However, that offsetting revenue has not been passed by this Board as to how that is going to be done, whether it be a code or resolution. That has not been put into place.

So without the revenue, I'm kind of uncomfortable going with having the expense in there until we have an opportunity to review how that revenue is going to be produced. Because what happens if we

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decide that this is not the direction the Town wants to take. I don't have any of the information yet in order to be able to advance forward on that.

So I am in a bit of a quandary about that particular issue, and how that impacts how we're going to have a plan review done.

COUNCILMAN SCHULMERICH: Basically, what I think your question is, and I would echo it, how is this going to work?

COUNCILWOMAN IGNATOWSKI: Correct.

DIANNE O'MEARA: If I may. If it is the Town Board's desire or concern about this being in the budget, we can modify the budget to reduce the contract -- the engineer contractual by the 30, \$35,000, and the same with the revenue side, and at some other point in time, when there has been a plan introduced, that budget can be revised to increase the expense side and increase the revenue side for a program.

COUNCILWOMAN IGNATOWSKI: At this point, does -- will the contract that is being signed include any kind of plan review? That is my concern. I still want to be able to have that availability to have plans reviewed, and who is going to be doing that needs to be reimbursed. I don't want to put us into a position where that is not taking place, as well.

SUPERVISOR LOGEL: We're collecting from the developers the plan review fees now.

COUNCILWOMAN IGNATOWSKI: No.

COUNCILMAN SCHULMERICH: No.

RICHARD STOWE: I think that is the logical struggle.

COUNCILMAN SCHULMERICH: Wouldn't that require some --

RICHARD STOWE: Yes.

COUNCILMAN SCHULMERICH: Thank you.

COUNCILMAN SCHULMERICH: So essentially, if we remove -- essentially it is -- it is in the budget as a wash right now, but I think the concern is if we move that until we have further clarification how the process will work, and we then look at what the budget for Lu Engineering was last year, and what it is for this year, we'll have a deficit budget to be able to cover the work that they would have to do and how would we get the site plans reviewed. So -- so I am okay with taking the -- taking the 35 out?

SUPERVISOR LOGEL: Both sides.

COUNCILMAN SCHULMERICH: Of both sides, but the question I would then direct back to the Building Department is, aren't we left with a deficit in terms of contract engineering to support site plans?

JERON ROGERS: It is my understanding, what my intentions were in doing this, was that plan reviews are currently being done by myself, by Lu Engineers. We are in the process of trying to reduce their contract. Some of these plans would have to be reviewed by other consultants, and so what we're talking about doing is setting up a fee schedule for that, you know, for -- to review these plans. Basically the person coming in with the subdivision will pay these fees.

And so it is estimated that this fee probably will be somewhat on the order of \$35,000 for a year. It wouldn't be a fee that the Town would have to absorb. It would be a fee that the developers, people submitting subdivisions would pay.

COUNCILMAN SCHULMERICH: But I don't think without Town Board action that we can start collecting those fees. At least that would be my understanding. So I don't think we have a process in place that would allow us to start doing what we're talking about doing, so -- so I think we're left with a similar dilemma how would we get the work done if we don't have the process. I don't know if it is local law we're talking about modifying or what it is.

RICHARD STOWE: Resolution.

Very least we would need a resolution.

SUPERVISOR LOGEL: So we could take out the revenue, and then talk about this, work out how it is going to go, and put it back in. It would be balanced out. It is not like we come up --

DIANNE O'MEARA: That was my suggestion, you know, as -- if it was -- if the Board was more comfortable having this expense right now in the budget, adopting it in the budget, but -- for instance, at the organizational meeting, there -- when there are several things that are set for the year,

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um, at that time, the -- the -- if Mr. Rogers had submitted his plan to the Town Board, you know -- this is how a plan review process would work, this is the fee that I would suggest, at that time, um -- that the Town Board adopts the fee schedule and the procedure, the budget can then be modified to reflect putting back in an expense item and putting the revenue item back.

COUNCILWOMAN IGNATOWSKI: I guess where I am coming at, we haven't had any other discussion. Do other towns have this particular fee? How is this going to be going with the other fees we have just increased last year? Are we then now beyond where we feel comfortable in charging developers? I -- I have a lot of these discussions and questions, and if we come to a point where we're saying, well, gee, we're already charging all these fees, we want to do this additional fee, then we're talking away the revenue component. We haven't had that discussion yet.

COUNCILMAN SCHULMERICH: Well, if we don't inject this process, so if we take the money out today, and then we decide down the road not to use this process because we don't want to go to a user-based fee structure, then we're left with a situation where we have a budget deficit because we have site plan reviews in place.

COUNCILWOMAN SPERR: Wouldn't it make sense since we're discussing it this way -- and I notice on this budget Joe Lu's basic contract of services are about to be cut in half and we don't have the proper procedures in place. Wouldn't it make sense to leave the contracted services for Joe Lu as they were this year, again, repeat that next year until such time that we do have the plan in place? Our Building Department has not been finalized, nor this discussion we have just had. Would it make sense to leave -- Joe, or -- or Supervisor, you feel free to weigh in.

SUPERVISOR LOGEL: We can add back the 12,5. Can we -- we got the 12,5. We can add back to the -- Joe's or Lu Engineering's amount so that that is in there to cover us, and then you formulate how this is exactly going to work.

I was under the impression that you had researched some of the towns that already have these review fees, and had that idea in your head.

So I think what we need to do is go ahead and put -- I suggest that we do it that way, that we put the 12,5 back in so that we come back to the 25,000 we had in, and then we work on how we're going to modify that. So that is not necessarily a signed contract. It is just the amount in the budget, in case we need it.

COUNCILMAN SLATTERY: Is this a modification to the contract that was signed by Lu Engineers?

SUPERVISOR LOGEL: No. There is no contract signed at this point.

RICHARD STOWE: For next year.

SUPERVISOR LOGEL: For next year. There is nothing signed for next year. The contract that they -- this year expires the 31st of December.

COUNCILMAN SLATTERY: Okay.

COUNCILWOMAN IGNATOWSKI: But we're basically then taking away the revenue component of it and adding in another 12,5. Wouldn't we need something else to balance it out on the other side, otherwise it will affect the rate?

DIANNE O'MEARA: Uh-huh.

SUPERVISOR LOGEL: Bottom line.

COUNCILWOMAN IGNATOWSKI: Can that be determined this evening?

DIANNE O'MEARA: We have to determine something -- well --

JERON ROGERS: We need to look at it.

DIANNE O'MEARA: The budget needs to be adopted by November 20th. If we don't determine something this evening, to adopt a budget, then we would have to have a special meeting.

SUPERVISOR LOGEL: Next week.

DIANNE O'MEARA: Before November 20th. By Friday, anyway.

COUNCILWOMAN SPERR: We would have to adopt it by Friday.

DIANNE O'MEARA: To adopt it.

JERON ROGERS: Couldn't we continue to do it like we're already doing it?

SUPERVISOR LOGEL: Well, if you add back the 12,5, you got -- you got to move -- we got to find the source of 12,5 on the other side to balance it out.

COUNCILMAN SCHULMERICH: I think we're suggesting to do it the way we continue to do

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it and bet on the hopes we'll have the process in place by the end of the year and won't spend that additional 12,5, but we need to at least know it is there. So where do we cut?

SUPERVISOR LOGEL: Do -- can we take that much out of contingency without having a bottom-line effect?

DIANNE O'MEARA: Um, could I ask that we hold the next few items pertaining to the budget until I can go back and do some calculations and come back with --

COUNCILWOMAN SPERR: Can we --

SUPERVISOR LOGEL: Just hold this one for now.

COUNCILWOMAN SPERR: To the end of the meeting, you mean?

COUNCILMAN SLATTERY: Hold what?

DIANNE O'MEARA: Until later. Give me about 20 minutes.

SUPERVISOR LOGEL: 20 minutes.

COUNCILMAN SLATTERY: What numbers are you referring to?

DIANNE O'MEARA: Would it have to be -- you could adopt the assessment rolls. We're going to hold Resolution 286 for a while and 288.

COUNCILWOMAN IGNATOWSKI: Come back then with a recommendation.

COUNCILWOMAN SPERR: Is that okay?

SUPERVISOR LOGEL: You want 20 minutes.

DIANNE O'MEARA: We need to look at, you know, offsetting -- trying to keep the tax rate the same. In other words, is what you're trying to do, is what I am hearing --

COUNCILMAN SCHULMERICH: Good idea.

DIANNE O'MEARA: All right. I will be back.

SUPERVISOR LOGEL: Okay. So we'll hold 286 for now and come back to it for --

COUNCILMAN SCHULMERICH: The only question I would have, and I'm not -- I don't want to get us out of order here, but is there a potential that we're going to have another issue come up that would cause Dianne (O'Meara) to go off and do yet more work? If -- if no, then bye-bye.

COUNCILWOMAN IGNATOWSKI: In other words, is there any further discussion on this particular resolution, and if it is, perhaps it needs to be completed prior to your departure.

COUNCILMAN SCHULMERICH: Yes.

SUPERVISOR LOGEL: Is that what you're saying?

COUNCILMAN SCHULMERICH: Yes. So once again, I wasn't clear. I don't want to see her go off and do all this work only to come back and find out we have another --

SUPERVISOR LOGEL: I will ask this question then. Are there any further questions on the rest of this resolution --

COUNCILWOMAN SPERR: No.

COUNCILMAN SLATTERY: Yes.

SUPERVISOR LOGEL: Yes. No and no. And no. And yes.

COUNCILMAN SLATTERY: I would go to 3620. I met with Dianne (O'Meara), as I mentioned last Town Board meeting, in regards to the budget and the budget items. Um, I went back and I reviewed, as I was told, at the organization meeting, looking at the figures that are in there. I reviewed them. I reviewed the sheet that was given to us today, or recently with the modifications to the budget, and the sheets. And looking at one -- one title that -- the numbers didn't match from the organization meeting, to the sheet that was given to us, for the modifications -- actually, just given to us for tonight, and for the sheet that was given us -- given to us for the budget. The numbers are different, and I'm just trying to figure out which numbers we should have there.

SUPERVISOR LOGEL: What account? You're in 3620, but what part of 3620?

COUNCILMAN SLATTERY: Building and Plumbing Inspector.

SUPERVISOR LOGEL: Okay.

DIANNE O'MEARA: I answered it previously.

COUNCILMAN SLATTERY: If you go back to organization --

SUPERVISOR LOGEL: Oh. Did you -- didn't you answer that question?

DIANNE O'MEARA: Yes. I answered that previously.

COUNCILMAN SLATTERY: Well, I will state my question again. You may have answered it, but I was told to go back and look at organization. Organization, a figure of 38,250.

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DIANNE O'MEARA: Then we had to account for a step increase.

COUNCILMAN SLATTERY: Okay. I guess my question would be, some of these -- some of these, Supervisor, some of these figures match organization. Some of the figures don't. So now when I am going through and I'm looking at them, trying to understand what we're doing, because we had the change before they had the step increase, and then they had the cost-of-living increase. Now that has changed where it is just the cost of living. Correct?

SUPERVISOR LOGEL: Uh-huh.

COUNCILMAN SLATTERY: Okay. So looking at the figure here, looking at the figure that is on there for 2006, I'm confused why there is that difference of 38,250 to 42,910.

SUPERVISOR LOGEL: Well, if I'm not mistaken, I think Mrs. O'Meara explained to you the 42,910 figure was an error.

DIANNE O'MEARA: Once again, I will read what I had written before. In regards to bargaining unit employees, be a -- please be aware at the time the 2006 budget was adopted, the current Union contract was not finalized. Therefore, in keeping with the old contract with those employees still in step, the 2006 budget was calculated at a 3 percent COLA and 5 percent anniversary increase. Since the new contract language was changed and became effective as of January 1st, 2006, the 2006 actual salaries for the bargaining unit employees still in step has a zero point COLA and 5 percent anniversary increase. Those off step received a 3 percent COLA and zero percent step.

So effectively, what was budgeted in 2006 is higher than actual because of the final -- finalization of the contract negotiations, and the change in the contract language.

COUNCILMAN SLATTERY: Okay. Looking at -- I -- that is fine. I guess when you're given a form to review -- I guess my concern is having those numbers that reflect -- that reflect the actual, and that is -- that -- that is where I was going with that.

RICHARD STOWE: Hold on. This is probably dangerous, but I will try anyhow.

COUNCILMAN SLATTERY: If you're helping me, it is dangerous.

RICHARD STOWE: I believe the budget, when it is adopted, needs to make an adequate provision per our contractual responsibilities to the extent that we know them at the time we adopt the budget. And that the proposed budget needs to adequately address our contractual responsibilities to the extent that we know them when we adopt the budget, and those may be at variance with the actual salary that is approved at the organizational meeting. For the simple reason that the data isn't the same, and you cannot have enough, so that the budget may not be the place to accurately reflect what any one individual on any one given worksheet is going to be paid.

COUNCILMAN SLATTERY: Okay.

RICHARD STOWE: Short-coming in the process. I don't know that this is -- document is going to get that level of data to the Town Board members to be able to compare what any one and any one given position is going to have when we don't know what it is going to be.

COUNCILMAN SLATTERY: I don't want to micro manage. We have people in that in place, but as an elected official who has responsibility to the community, I have to do my due diligence, do my review, make sure that I am comfortable voting on a budget.

RICHARD STOWE: It is a legitimate question. I don't know that that -- worksheet documents will get you what you want.

SUPERVISOR LOGEL: I guess my question is, and I would like to ask Mrs. O'Meara this question, but is this not the same format you have been using for years?

DIANNE O'MEARA: Right. You know, modified some. Um, basically, it comes out of a model that the Comptroller's Office issued.

COUNCILWOMAN SPERR: I believe it is not the format that is the issue. The issue is, being uncertain every budget processing worksheet time of year the percentage of the salaries, the actual salaries and the proposed salaries.

So if -- so if I can make a suggestion, I think this will help all of us next year, as we prepare, or even in time for the organizational meeting, as we prepare to set those salaries and we look at what is being proposed, if we could have just an extra sheet added to the worksheets that tell us the salaries, the actual salaries people are making as we go through and look at your proposed worksheets. It would certainly make it easier for me. I don't know if that -- it would be helpful to the rest of the Board, but as I stated at the last Town Board meeting when Michael (Slattery) also expressed concerns, my

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first thing I look at when I look at salaries, I want to know was everyone who is proposed a raise on there, were they giving the cost of living 3 percent or the Union 5 percent. What they are supposed to get? Is that the basic? And did anyone, was anyone proposed higher than what is anticipated there? And we take it from there. That is my concern.

If someone is putting in an increase -- because it looks like on these sheets some people are being proposed for 11 and 14 percent in salary increases, which to me is totally unacceptable, or if there is a proposal for that, certainly warrants a detailed explanation. That is what we're trying to check. That is what Michael (Slattery) is struggling with every year. It is just not an easy topic --

SUPERVISOR LOGEL: Why hasn't this come up in past years?

COUNCILMAN SLATTERY: It has. It has.

COUNCILWOMAN SPERR: It comes up every year. We asked you about it last year.

SUPERVISOR LOGEL: I'm talking about before my tenure. You --

COUNCILWOMAN SPERR: No.

SUPERVISOR LOGEL: You had plenty of opportunity to resolve this over all of the years. Let's go to the worksheet. Resolve it in my tenure. Let's do it now. Next year you get this piece of paper that has all this information on it, and then -- because I ask the same questions every year myself. Is this because of raises, is this because of the percentage and I'm certainly -- you know me, I'm Ms. Frugality. I don't give 14 percent raises to anybody. I would be screaming bloody murder to anybody if that would happen. That would not happen, not on my watch.

So the thing I take issue with there is an insinuation that I am doing this, and it has been done this way for years and years and years and I would like to keep --

COUNCILWOMAN SPERR: Not at you. That is not it.

SUPERVISOR LOGEL: Let's just get it resolved right now, once and for all tonight. You will present them next year with a sheet that solves this whole issue. We can work it out and they will have it, and we should haven't this question.

COUNCILWOMAN SPERR: I just made a simple suggestion. Hopefully that will assist us. That is all.

COUNCILMAN SLATTERY: Supervisor, I have brought this up before in the past, even before you became Supervisor. So don't feel that I'm just -- it is your budget and I'm going after you. These are questions that I have, and I'm -- and I feel that I need to ask them and get answers for them.

SUPERVISOR LOGEL: And I would like it resolved once and for all because I think it is ridiculous we have to ask the same thing year after year after year for ten years before it is resolved. So let's find a way to get it resolved somehow.

COUNCILMAN SLATTERY: I agree. As far as this Resolution 286, I -- one -- let me just check real quick.

COUNCILWOMAN SPERR: The two changes were the welder replacement and engine -- the two changes on the sheets that Dianne (O'Meara) handed, the addition of the welder replacement and the engine starter replacement unit on the line items were the two changes that I noticed.

COUNCILMAN SLATTERY: 51.30. My question is going to be in regards to that sheet. At the top, and personal services. There are no dollar figures in the budget as amended for 2006 and proposed for 2007. Under the 2000 -- under the foremen and mechanics. That was a question I asked before and did not get an answer to.

SUPERVISOR LOGEL: Mr. Carr?

JOSEPH CARR: I'm very sorry. I don't -- I don't recall that particular budget sheet. I remember it on a couple of others. Um, I could work that up in a few minutes and give you a sheet, but I apologize if I was told to get that to you. I did not.

COUNCILMAN SLATTERY: Looking at the individual -- or looking at the different departments and divisions we have, Mr. Carr is in a position, because having a lot of Highway Department employees that work for him, to put all that information on the sheets, is not feasible. You and I had that discussion before. That is on the organization sheets, and that -- the information -- I did go back and I reviewed it there. Um, so as far as us looking, just doing our due diligence and just doing the math, you're unable to do it in this situation because the figures aren't there.

So I -- I'm not trying to micro manage, as I said before, but there's no information in those categories, so you don't know what's taking place, so -- or how many people there. You know, if

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you're saying mechanics, say, you know -- four mechanics, or what have you. I was just looking for a little information. So I'm all set under Resolution 286.

SUPERVISOR LOGEL: Joe (Carr), did you get -- you look confused.

JOSEPH CARR: I'm waiting.

COUNCILMAN SLATTERY: So under Resolution 286, I am all set if Dianne (O'Meara) wanted to go now to -- if nobody else has any more comments or questions.

COUNCILWOMAN SPERR: Michael(Slattery)'s question created -- just a quick clarification. On page DA51.30, when added those two items I mentioned, Joe (Carr) or Dianne (O'Meara), the -- the welder replacement and the engine starter, and you change your total equipment line to 297,500, in there -- I don't know, maybe I'm just crazy, but wouldn't that change the total for the account? Dollar number. That remained unchanged. Did I miss something, Joe, or --

SUPERVISOR LOGEL: It should have changed it -- the --

DIANNE O'MEARA: Should have --

COUNCILWOMAN SPERR: It is not carried down to the bottom.

DIANNE O'MEARA: There would have been a new worksheet showing what it would look like as modified. Did you get --

COUNCILWOMAN SPERR: I have the new worksheet. I guess I'm just -- wanted to clarify total for the account down at the bottom under proposed, 2007, if I carried the 297,500 down, the number 753,100 remained the same. Was that supposed to just carry down and that number remained the same?

DIANNE O'MEARA: Right now the only thing I did on those worksheets was to show up the revised sections. Um --

COUNCILWOMAN SPERR: Okay.

DIANNE O'MEARA: So now what would happen is you would add the one -- when I finalize the sheets, once everything is adopted, I finalize the sheets, you would add the 172 to the 297,500.

COUNCILWOMAN SPERR: The numbers will all become updated.

DIANNE O'MEARA: Yes.

COUNCILWOMAN SPERR: Got it. That is all I need to know. I'm all set.

COUNCILMAN SLATTERY: When you modify the sheet, will the Board be given of a new sheet or not?

DIANNE O'MEARA: Everybody is going to be given the modification.

COUNCILMAN SLATTERY: Okay.

COUNCILWOMAN SPERR: Okay.

DIANNE O'MEARA: The department heads, you know, everybody.

SUPERVISOR LOGEL: So if you want to go work on -- have all of the questions been asked on this particular resolution?

COUNCILWOMAN IGNATOWSKI: As far as the budget is concerned.

SUPERVISOR LOGEL: This Resolution 286.

COUNCILMAN SLATTERY: That's correct, because I have other questions regarding the budget.

SUPERVISOR LOGEL: Oh. Before she goes.

COUNCILMAN SLATTERY: Well --

SUPERVISOR LOGEL: Okay.

COUNCILMAN SLATTERY: That is why I said, I'm all set with Resolution 286. But we still have 288. The adoption --

SUPERVISOR LOGEL: But is there something you need her to go back and work on for 288?

COUNCILMAN SLATTERY: I can ask those now if you want to move forward, if you want me to.

SUPERVISOR LOGEL: Let's do this. Let's hold 286. Let's do 287, and then do 288, and she can go take a break many.

RICHARD STOWE: You will not be allowed to do 288 until she goes back for the --

SUPERVISOR LOGEL: But you can't move and second it to get his questions?

RICHARD STOWE: You can move and second it, and then hold on it.

SUPERVISOR LOGEL: I won't do that.

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The Town Board discussed other resolutions and then resumed the below discussion on the following resolution:

SUPERVISOR LOGEL: Go back to resolution 286. We have the new information. Do you want to take a second to look at it? If anybody has any questions --

COUNCILWOMAN SPERR: Give me a minute.

SUPERVISOR LOGEL: Just say when you have questions.

COUNCILWOMAN SPERR: Okay.

SUPERVISOR LOGEL: We have to move the amendment before you answer your question.

COUNCILMAN SCHULMERICH: I recognize that. Thank you.

SUPERVISOR LOGEL: So the original motion was moved by Mrs. Sperr and seconded by Mrs. Ignatowski. We're submitting this as an amendment. Would you like to still move it?

COUNCILWOMAN SPERR: Yes.

COUNCILWOMAN IGNATOWSKI: I will second it.

SUPERVISOR LOGEL: On the amendment, questions?

COUNCILMAN SCHULMERICH: Yes --

SUPERVISOR LOGEL: Go ahead.

RICHARD STOWE: It is moved and seconded.

SUPERVISOR LOGEL: Sorry.

COUNCILMAN SCHULMERICH: I'm okay now?

SUPERVISOR LOGEL: Yes. You're okay. I just wanted to make sure.

COUNCILMAN SCHULMERICH: Just to understand, Dianne (O'Meara), seven is taking the \$35,000 revenue out that we have put in, right? That has -- that is what seven does. Is there a line item I am missing that -- we had -- so they were offsetting. \$35,000 expense to \$35,000 revenue, right? Initially.

DIANNE O'MEARA: Correct.

COUNCILMAN SCHULMERICH: Is there somewhere where the expense has to come out?

DIANNE O'MEARA: That is Item 6. The way I understood it was that you wanted the --

SUPERVISOR LOGEL: 12,5.

DIANNE O'MEARA: On A1440, you wanted the basic contracted services to be 25,000.

COUNCILMAN SCHULMERICH: Got you. I'm with you.

DIANNE O'MEARA: You take out 35 --

COUNCILMAN SCHULMERICH: The \$35,000 expense doesn't matter because it won't be had. \$35,000 revenue is netted out, and then what you have done is change the General Fund appropriated surplus -- got it. I'm with you. Thank you.

COUNCILWOMAN SPERR: Thank you.

COUNCILMAN SCHULMERICH: Got it. I just had to get the picture in my head.

SUPERVISOR LOGEL: Any other questions?

COUNCILMAN SCHULMERICH: No.

SUPERVISOR LOGEL: Mike (Slattery)?

COUNCILMAN SLATTERY: No. I'm all set. Thank you.

RICHARD STOWE: On the amendment.

SUPERVISOR LOGEL: On the amendment, then.

RESOLUTION #286 RE: Modifications to Preliminary Budget

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that the following modifications be made to the 2007 Preliminary Budget:
1. SF-101-3410.4 (Gates Fire District Contract) shall be amended to \$516,657.32 from the Preliminary Budget amount of \$0; and

2. A3620.1 (Safety Inspection-Personnel) shall be amended to \$175,862 from the Preliminary Budget amount of \$170,862; and
3. A2350 (Youth Services – Other Governments) shall be amended to \$15,905.00 from the Preliminary Budget amount of \$15,000.00; and
4. A1430.2 (Payroll Finance-Equipment) shall be amended to \$979.00 from the Preliminary Budget amount of \$0; and
5. DA5130.2 (Machinery-Equipment) shall be amended to \$297,500.00 from the Preliminary Budget amount of \$289,000.00.

Amendment:

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that the following modifications be made to the 2007 Preliminary Budget:

1. SF-101-3410.4 (Gates Fire District Contract) shall be amended to \$516,657.32 from the Preliminary Budget amount of \$0; and
2. A3620.1(Safety Inspection-Personnel) shall be amended to \$175,862 from the Preliminary Budget amount of \$170,862 from the Preliminary Budget amount of \$170,862; and
3. A2350 (Youth Services - Other Governments) shall be amended to \$15,905.00 from the Preliminary Budget amount of \$15,000.00; and
4. A1430.2 (Payroll-Equipment) shall be amended to \$979.00 from the Preliminary Budget amount of \$0; and
5. DA5130.2 (Machinery-Equipment) shall be amended to \$297,500.00 from the Preliminary Budget amount of \$289,000.00; and
6. A1440.4 (Engineer-Contractual) shall be amended to \$53,500.00 from the Preliminary Budget amount of \$76,000.00; and
7. A1289 (Engineer Inspection Fees) shall be amended to \$25,000.00 from the Preliminary Budget amount of \$60,000.00; and
8. General Fund Appropriated Surplus shall be amended to \$1,357,500.00 from the Preliminary Budget amount of \$1,345,000.00.

On the amendment: UNANIMOUSLY APPROVED

On the original resolution as amended: UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

RICHARD BRONGO: You're doing 287. Before you move it, I have a question. On the very bottom, where it says the assessment rolls are filed in the office of the Town Clerk, as Records Manager, all these records belong to me, but as far as them being filed in my office, they are not physically located there. They stay in the Assessors's Office. Does that need to be changed because of that, or because of the fact that I am also the Records Manager Officer, I can -- we can leave it the way it is?

RICHARD STOWE: Yes.

RICHARD BRONGO: Okay.

RICHARD STOWE: They're in your office?

RICHARD BRONGO: The whole -- the records are the entire Town.

RICHARD STOWE: Yes.

RICHARD BRONGO: Okay.

RESOLUTION #287 RE: Adopting Assessment Rolls for 2007 for Lighting Districts, Drainage Districts, Fire District, Fire Protection Districts, Ambulance Districts, Water Districts, Park District, Sidewalk District and Sewer District

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

WHEREAS, this Board on November 1, 2006 commencing at 7:00 p.m., duly held a public hearing on the preliminary budget approved by this Board and filed with the Town Clerk for the fiscal year commencing January 1, 2007, including the assessment rolls for the lighting districts, drainage district, fire protection districts, ambulance districts, water districts, park district, sidewalk district, and sewer district for 2007, and having heard all persons desiring to be heard in the matter and said assessment rolls for said fiscal year having been fully discussed and considered by the Town Board acting on behalf of all said Districts, it is

RESOLVED, that the assessment rolls for 2007 for the various lighting districts, drainage district, fire protection districts, ambulance districts, water districts, park district, sidewalk district, and sewer district, as printed in the preliminary budget, are hereby adopted and established as the final assessment rolls for the fiscal year beginning January 1, 2007, and,

BE IT FURTHER RESOLVED that said assessment rolls be and the same hereby are filed in the Office of the Town Clerk.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: On Resolution 288.

Now, does anybody else have any questions before I begin? Okay. My -- Dianne (O'Meara), you mentioned, or I will go to the Supervisor, through you. There is a -- the Town Court 1110, it was mentioned that we're going to get new sheets in regards to the ones with some questions. Is this one of the ones that we'll be getting a new sheet on?

DIANNE O'MEARA: Um, I guess I am not understanding the question. That wasn't modified.

COUNCILMAN SLATTERY: If you look at town -- or Court Clerk, Mrs. McDonald, those figures are the same for six and seven.

DIANNE O'MEARA: Right.

COUNCILMAN SLATTERY: Those are correct.

DIANNE O'MEARA: Those are correct.

COUNCILMAN SLATTERY: Okay. So she is going to be making the same amount of money in 2006 as in 2007.

DIANNE O'MEARA: Again, it goes back to the previous communication.

COUNCILMAN SLATTERY: That you gave me -- or that you gave the Board that was e-mailed on 11/02 where her actual for 2006 was 31,646?

DIANNE O'MEARA: Correct.

COUNCILMAN SLATTERY: On here it says 32,595.

DIANNE O'MEARA: Right. Once again, this is -- this is the same as that Union contract issue.

COUNCILMAN SLATTERY: Okay. I'm just looking at the numbers you gave me on here.

DIANNE O'MEARA: I understand.

COUNCILMAN SLATTERY: So am I wrong then, or is this --

DIANNE O'MEARA: No. This is correct. This is --

COUNCILWOMAN SPERR: The first column the budget as amended was supposed to be what she corrected on your attached sheet.

COUNCILMAN SLATTERY: That is what I am asking now. Will we be getting a revised sheet, and you said this is correct? So we won't be getting a new sheet.

DIANNE O'MEARA: Correct. You will not.

COUNCILMAN SLATTERY: Okay. 1310. I guess I'll go through this. The part-time account clerk typist 20 hours, before was 19 ½. Now it is going to be extra hours, so it going to be the extra half hour per week, and -- am I correct?

DIANNE O'MEARA: Correct.

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COUNCILMAN SLATTERY: Okay. And I had that down as an 8 percent increase.

Well, I'm looking, because there -- 1330. Deputy Tax Receiver. Now, that's -- that's gone up. If you take a look at and reviewed it, there is going to be extra hours going in there, as well. And I -- I just have the increase, an 8 percent. So that -- I'm just concerned on that increase with -- there's --

RICHARD BRONGO: Dianne (O'Meara), is that Jerry, due to the fact she was put into the Union?

DIANNE O'MEARA: She went into the Union and you added extra hours.

SUPERVISOR LOGEL: So extra hours and the Union changed the whole thing on paper. If --

COUNCILMAN SLATTERY: this is why I think -- I positively recommend that we have a budget meeting next year, and maybe it would help eliminate -- so we get this all out at once. That was a suggestion that somebody else mentioned, so I can't take credit for that.

Go to 1620. Down at the bottom under contractual. I see that we're -- we're going up in some, staying in the same in -- actually, we're going up in some and down in others. If I can get an explanation on why.

DIANNE O'MEARA: Well, for instance, we're going up in the Town Hall area because there's maintenance that needs to be done to this building. It's more -- we've been in since 1998, so there is some attention that should be done. For instance, the Court, Recreation, Senior Center is going down because 2006 was budgeted for a roof replacement. Um --

SUPERVISOR LOGEL: But we're going to still need that roof replacement, aren't we?

COUNCILWOMAN SPERR: You will encumber it.

DIANNE O'MEARA: Right.

Um, the last -- on the next three lines, you're dealing with utilities, and we have found from past experience that we have been budgeting a little too high in that area.

COUNCILWOMAN IGNATOWSKI: Michael (Slattery), I had asked some of these same questions, via e-mail, and I had copied you in on the answers. That was one of them right here.

COUNCILMAN SLATTERY: Okay. I appreciate that, Ginny (Ignatowski), thank you.

And I asked some of these questions already myself. If I felt comfortable with the answer, I wouldn't be asking them again.

Or I -- or some of them I -- I did not get an answer.

3410, Fire Marshal. I think Dianne (O'Meara) you did answer this one under the Assistant Fire Marshal, part-time.

DIANNE O'MEARA: Uh-huh.

COUNCILMAN SLATTERY: On the worksheet that you gave us, it was 2672.

DIANNE O'MEARA: That was incorrect. Um --

COUNCILMAN SLATTERY: That was incorrect.

DIANNE O'MEARA: Excuse me. The -- what was budgeted for 2006 was incorrect.

COUNCILMAN SLATTERY: Right.

I went back and looked at the organization for that, on the organization figure, as well. And there was a -- there was another figure. 3610. Supervisor, do we need with the Examining Board of Plumbers, are we going to continue with that? What is your intention?

SUPERVISOR LOGEL: I talked to Mr. Marchioni about trying to recruit some plumbers. So far we have had no plumbers come forward to participate, and you know my comment before. So that's -- it is one of those things if you don't have a plumber that wants to be on the Examining Board of Plumbers, I don't know where you will find a plumber. We're still the only Town that does it. So I question seriously the need for it.

COUNCILMAN SLATTERY: I just look for you to -- I mean for direction on where you would like to go with it, if -- and if not, then --

SUPERVISOR LOGEL: I'm suggesting that we just can't find a plumber.

COUNCILWOMAN SPERR: How have we gotten our message out we are looking for a plumber?

SUPERVISOR LOGEL: We have gotten it out.

COUNCILWOMAN SPERR: How have we done it?

SUPERVISOR LOGEL: Through the article that Christine put in. Through my column, and through Mr. Marchioni who said he was going to start personally calling some plumbers, from having

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served on that board.

COUNCILWOMAN SPERR: I don't think we should give up yet.

SUPERVISOR LOGEL: That is why the money is in there. But I still think -- one of the things -- it is not something to go into at this point, but I will tell you right now, we're the only Town doing it, and that gives me serious pause to consider if -- if 18 other towns think it is not necessary, I don't know why we're doing it.

COUNCILWOMAN SPERR: We're doing it, because we're offering the Plumbing Board exam here in the Town of Chili so it makes it --

SUPERVISOR LOGEL: Do you know what the Plumbing Board exam is? It is a variable exam that these gentlemen make up and ask. There is no written official Plumbing Board exam. It is whoever is sitting there in the chair asking whatever question occurs to them at the time and calling it a plumbing exam.

COUNCILWOMAN SPERR: I haven't had that conversation with anyone --

SUPERVISOR LOGEL: I did. Believe me.

COUNCILMAN SLATTERY: Supervisor, if we're going in the direction that you would not like to see or do not want this -- this Board, then I -- I would recommend that we -- so we're not in the same predicament we are now with another committee, or -- or another part of the agenda, that we create or look to move forward with how we're going to address this situation, instead of having this drag on. I think it would be -- if -- you know, with the building --

SUPERVISOR LOGEL: You eliminate or go try to find plumbers. I have been trying to find a plumber for a year. So I don't know what else you can do.

COUNCILMAN SLATTERY: But I think that if -- if that is not working, then I think we need to take the steps so if -- if somebody wants to come in and work in this Town, how do they do it right now? If a plumber wants to come in here and they're not licensed by the Town, they haven't taken --

SUPERVISOR LOGEL: They go to the City of Rochester. That is where everybody goes. They go to the City of Rochester for their exam.

JERON ROGERS: That's correct.

COUNCILMAN SLATTERY: So they do that now.

SUPERVISOR LOGEL: Uh-huh.

COUNCILMAN SLATTERY: We accept the plumber that is licensed by the City of Rochester.

SUPERVISOR LOGEL: Every town, except the plumbers that are licensed by the City of Rochester. The City of Rochester is doing the licensing of plumbers for the whole entire of Monroe County. I just don't see a town -- I mean, we're not a large town, and I just don't see why we're involved in it.

COUNCILMAN SLATTERY: Okay. The question -- you know, it is a budget item, so I was just asking the question.

SUPERVISOR LOGEL: It is \$1,000.

COUNCILMAN SLATTERY: 6772, programs for the aging. We have two part-time clerk typists.

DIANNE O'MEARA: Correct.

SUPERVISOR LOGEL: I --

COUNCILMAN SLATTERY: I was just looking for the breakdown of that. As in the other departments, when they have personnel, they list them. Because if you -- actually, if you do the math, it is a 17 percent increase.

COUNCILWOMAN IGNATOWSKI: The answer I had gotten on that was because they were adding a second part-time staff member.

SUPERVISOR LOGEL: We have two part-time staff members now.

COUNCILMAN SLATTERY: I'm sorry.

SUPERVISOR LOGEL: We have two part-time now, Steve and Mary.

COUNCILWOMAN IGNATOWSKI: In 2006, they added a second.

SUPERVISOR LOGEL: So what is the question? The question --

COUNCILMAN SLATTERY: 17 percent increase.

SUPERVISOR LOGEL: It is not a 17 percent increase. We added another person. We now

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have two. Steve and Mary.

COUNCILMAN SLATTERY: Okay. That is why it would be good to have the breakdown, because right here when you look at it, it says two, PT clerk typists. And then when you do the math, from the 15,000 to the 17,542 --

SUPERVISOR LOGEL: Dianne (O'Meara), is there any reason for that huge discrepancy other than the one I have given?

DIANNE O'MEARA: No. That's -- that's what it is. It went from a --

COUNCILMAN SLATTERY: 6772 account number.

Supervisor, you may give that plan explanation, but you're here on a daily basis. We're part-time. You know the workings of the Town better than us.

SUPERVISOR LOGEL: The problem is if you hire somebody in June, you have half a year addition of their salary, or you have in that case a half year less of that salary.

These people are not highly paid. These people are not receiving an exorbitant salary.

COUNCILMAN SLATTERY: I'm not saying they are. I am just seeing the percentage of increase, and -- that is why I am asking the question. If -- if you don't want me to scrutinize or look through this and do my job, I'm -- it is just a question I have, and I'm asking it.

SUPERVISOR LOGEL: And our Budget Director is trying very hard to answer your questions. So I mean, that is where we're at. Without -- without going into Executive Session, to break down some of this, you -- you're walking on a fine edge here.

COUNCILMAN SLATTERY: Not necessarily, because we have an organization meeting in the beginning of the year, and every one of their salaries is clearly written in public -- in the public.

SUPERVISOR LOGEL: That's right.

COUNCILMAN SLATTERY: I don't think we're walking on any fine line. Supervisor, I'm just asking questions of the budget. And --

SUPERVISOR LOGEL: Go ahead.

COUNCILMAN SLATTERY: 7310, youth programs. Dianne (O'Meara) did -- and I did speak about this, and -- as I did with Mr. Curley, as well, it was an error on the sheet. Are we going to get a revised sheet for this, as well?

DIANNE O'MEARA: The first two lines.

COUNCILMAN SLATTERY: That's correct.

DIANNE O'MEARA: Right.

COUNCILMAN SLATTERY: Right, we are going to get one or yes --

DIANNE O'MEARA: Yes.

COUNCILMAN SLATTERY: Okay. Thank you.

And one -- one comment I have is in regards to the overtime. Did the employees -- I heard something -- I don't want to go on the rumor mill, but with overtime, the people have to take Comp. time. They can't take pay, or can they get paid for their overtime?

SUPERVISOR LOGEL: I haven't had that discussion, so I don't know what rumor you're talking about.

COUNCILMAN SLATTERY: Can people get -- for their overtime, can they get pay?

SUPERVISOR LOGEL: I try to not have anybody work overtime. I'm not sure specifically what you're addressing.

COUNCILMAN SLATTERY: Then your answer would be they can get both? It is up to the employee?

SUPERVISOR LOGEL: That is not up to the employee.

COUNCILMAN SLATTERY: Okay.

SUPERVISOR LOGEL: Without knowing what you're -- where you're going with this, I have no idea what you're talking about. We don't normally work anybody overtime.

Joe (Carr), if you're talking Highway, Joe (Carr), and Union contract, then you have to be specific and you're going to need to go into Executive Session, I think.

COUNCILMAN SLATTERY: Not necessarily.

Dianne (O'Meara) -- Joe (Carr), could you answer that, or no?

JOSEPH CARR: I -- I --

COUNCILMAN SLATTERY: I saw you make a motion. That is why I said that.

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JOSEPH CARR: Let me clarify that. Under Unionized -- people under the Union, um, have an option. The contract allows for any overtime that can be taken as time off. It's an elective that the employee makes. And the personnel policy, there -- there is a provision for -- you can do either, but the -- but the limits are very detailed and how subscribed depends on the hours worked that week.

So the answer is both can occur, but it depends upon the -- the hours worked for that week. I have to get the policy out to define it in more detail, but I think essentially that is the answer.

COUNCILMAN SLATTERY: Okay. Thank you, Joe (Carr).

Supervisor, I'm all set. Thank you for your time.

SUPERVISOR LOGEL: Ms. O'Meara, would you like --

RICHARD STOWE: You want to hold on this resolution?

SUPERVISOR LOGEL: Does this need to be held on?

DIANNE O'MEARA: Yes.

SUPERVISOR LOGEL: We'll hold on 288, and we'll move onto 289 while you are -- Mr. Carr?

JOSEPH CARR: I'm sorry. We're going to have to wait on Resolutions 289, and on Resolution 290.

DIANNE O'MEARA: Um, correct.

RICHARD STOWE: Oh. Yes. They assume passage of the budget.

SUPERVISOR LOGEL: Why don't we take a break?

DIANNE O'MEARA: Okay.

RICHARD STOWE: Take a break.

COUNCILMAN SLATTERY: You want to adjourn?

RICHARD STOWE: Recess.

SUPERVISOR LOGEL: How much time do you need, Dianne (O'Meara)?

DIANNE O'MEARA: Ten minutes maybe.

SUPERVISOR LOGEL: Okay. So 10, 15-minute break.

There was a recess in the meeting from 9:15 p.m. to 9:40 p.m.

COUNCILWOMAN SPERR: I just wanted to make a comment, when the Supervisor presented us with the budget, I had hoped to see there wouldn't be any tax increase at all. But I do understand with increased costs and increased mandates, we were unable to avoid that and it is a minimal increase to the extent that it does go up. But I will vote yes.

COUNCILMAN SCHULMERICH: Aye.

COUNCILWOMAN IGNATOWSKI: Aye.

COUNCILMAN SLATTERY: No.

SUPERVISOR LOGEL: I'm going to vote yes, but in saying that, I'm going to say that I wanted to hold the line at zero, but with the increase in fuel and the increase in costs that we are having, it is very hard to be able to stay at zero. So we have kept it as tight as possible, and I think we have done very well compared to what a lot of the other towns have had to do. So let's hope in the future we can keep it that tight.

Passes five zero --

RICHARD BRONGO: No. Four/one.

SUPERVISOR LOGEL: Four/one, sorry.

RESOLUTION #288 RE: Adoption of the Annual Town Budget for 2007

OFFERED BY: Councilman Slattery

SECONDED BY: Councilman Schulmerich

WHEREAS, this Board on November 1, 2006, commencing at 7:00 p.m., duly held a public hearing on the preliminary budget approved by this Board and filed with the Town Clerk for the fiscal year commencing January 1, 2007, including the assessment rolls for the lighting districts, drainage district, fire protection districts, ambulance districts, water districts, park district, sidewalk district, and sewer district for 2007, and having heard all persons desiring to be heard in the matter of the budget for this

Town for such fiscal year having been fully discussed and considered, it is

RESOLVED, that said preliminary budget is approved and filed and as later amended as aforesaid, including the budgets for the lighting districts, drainage district, fire protection districts, ambulance districts, water districts, park district, sidewalk district, and sewer district for 2007, and that such annual budget is so adopted as detailed in the minutes of the proceedings of this Town Board, and,

BE IT FURTHER RESOLVED that the salaries of the elected officials included in the 2007 budget and as set forth in the published notice are adopted as published, and,

BE IT FURTHER RESOLVED that the Town Clerk shall prepare and certify as provided by law, triplicate copies of the said annual budget hereby adopted and deliver one such copy to the Supervisor of the Town and two copies to the County of Monroe as required by law.

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

RESOLUTION #289 RE: Authorization to Use Highway Equipment Reserve Funds

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that the Town Board has under consideration in the 2007 adopted budget the purchase of a truck, plow equipment, dump body, and salt spreader at an estimated cost of \$155,000 of which \$100,000 of said purchase is intended to be paid from the Highway Equipment Reserve Fund (subject to permissive referendum); and

BE IT FURTHER RESOLVED that pursuant to Section 81 of the Town Law within ten (10) days of the date of this Resolution, the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the portion of the resolution to use the Highway Equipment Reserve Fund, shall contain an abstract of such Resolution, shall specify that this Resolution was adopted subject to a permissive referendum and shall publish such notice in the Gates-Chili Post, the official newspaper of the Town of Chili, and in addition thereto, the Town Clerk shall post or cause to be posted on the sign board of the Town, a copy of said notice within 10 days of the adoption of this Resolution.

UNANIMOUSLY APPROVED

RESOLUTION #290 RE: Authorization to Use Reserve Funds

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that the Town Board has under consideration in the 2007 adopted budget the purchase of a brush chipper, at an estimated cost of \$27,000.00, with said purchase intended to be paid from the General Fleet Reserve (subject to permissive referendum); and

BE IT FURTHER RESOLVED that pursuant to Section 81 of the Town Law within ten (10) days of the date of this Resolution, the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the portion of the resolution to use the General Fleet Reserve, shall contain an abstract of such Resolution, shall specify that this Resolution was adopted subject to a permissive referendum and shall publish such notice in the Gates-Chili Post, the official newspaper of the Town of Chili, and in addition thereto, the Town Clerk shall post or cause to be posted on the sign board of the Town, a copy of said notice within 10 days of the adoption of this Resolution.

UNANIMOUSLY APPROVED

RESOLUTION #291 RE: Budget Transfer

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

BE IT RESOLVED to transfer \$3,000 from Account #A 1640.455 (Central Garage – Parks Vehicles) to account #A 7110.4 (Parks - Contractual).

UNANIMOUSLY APPROVED

RESOLUTION #292 RE: Budget Transfer

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

BE IT RESOLVED to transfer \$15,000 from A1990.4 (Contingency) to A1420.4 (Attorney - Contractual).

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: This was adequately explained by Mary Sears.

COUNCILMAN SCHULMERICH: Appreciated the communication she provided to us. Very helpful.

RESOLUTION #293 RE: Budget Revision

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

BE IT RESOLVED to revise 2006 budget A6772.4 (Programs for the Aging-Contractual) to \$81,365.00 from the adopted amount of \$70,365.00; and

BE IT RESOLVED to revise 2006 budget A2001 (Park & Recreation Fees) to \$236,000.00 from the adopted amount of \$225,000.00.

UNANIMOUSLY APPROVED

RESOLUTION #294 RE: Purchase of Wheel Loader from NYS Bids

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Slattery

WHEREAS, the Town intends to replace a 1993 front-end wheel loader under the adopted year 2007 budget,

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase of one (1) 2.5 yd. Hyundai Wheel Loader off NYS Bids Contract #PC 62382 from George & Swede, Inc. at a cost of \$119,578.30, to be paid from account DA 5130.2.

UNANIMOUSLY APPROVED

RESOLUTION #295 RE: Establish Trust & Agency Account for 49 Sequoia Drive

OFFERED BY: Councilman Slattery

SECONDED BY: Councilwoman Sperr

BE IT RESOLVED as per the terms of State of New York bill A8404 Section 2, the Town of Chili hereby establishes a Trust & Agency account to set aside the proceeds from the sale of 49 Sequoia Drive for the acquisition of additional park lands and/or for capital improvements to existing park and recreational facilities.

UNANIMOUSLY APPROVED

**RESOLUTION #296 RE: Road Dedication of Portions of
Ashview Drive and Marino Drive**

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that a portion of Ashview Drive and a portion of Marino Drive, as constructed under Section 5A of the King Forest Subdivision, be accepted for road dedication, and

BE IT FURTHER RESOLVED that, subject to the approval by the Engineer for the Town and the Counsel for the Town, that the necessary documents be executed and filed.

UNANIMOUSLY APPROVED

**RESOLUTION #297 RE: Road Dedication of Caboose Circle
and a Portion of Rio Grande Drive**

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that Caboose Circle and a portion of Rio Grande Drive, as constructed under Section 5 of the Union Station Subdivision, be accepted for road dedication, and

BE IT FURTHER RESOLVED that, subject to the approval by the Engineer for the Town and the Counsel for the Town, that the necessary documents be executed and filed.

UNANIMOUSLY APPROVED

RESOLUTION #298 RE: Road Dedication of Black Cedar Drive

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that Black Cedar Drive, as constructed under Section 3A of the Cedar Grove Subdivision, be accepted for road dedication, and

BE IT FURTHER RESOLVED that, subject to the approval by the Engineer for the Town and the Counsel for the Town, that the necessary documents be executed and filed.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

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SUPERVISOR LOGEL: Questions?

COUNCILWOMAN IGNATOWSKI: I am going to assume that this is on here, that you do support this particular resolution?

SUPERVISOR LOGEL: This is a letter that was a request that she worked out through our Payroll Department to -- you have the explanation there in front of you in the letter from Mrs. O'Meara. And it seemed to be the only way to resolve the issue.

COUNCILWOMAN IGNATOWSKI: I guess I am finding it difficult to support it. Someone that has worked from '76 to '86 and was also non-contributory when she left, she knew what -- you know, she wasn't vested at the time, and to have working one day -- I --

SUPERVISOR LOGEL: I don't know.

COUNCILWOMAN IGNATOWSKI: Working one day just to -- I'm reading this --

SUPERVISOR LOGEL: I have what you have. I didn't meet with this lady. This lady met with our payroll to figure out how to work this --

Do you have any further explanation you could publicly give us, or --

DIANNE O'MEARA: Um, the only explanation I can give is that this person came in with a request that the Town considers hiring her so that her retirement account can be reactivated. She was a young Tier II employee, and as was already stated, when she left employment with the Town in 1986, at that time, um, it was -- the law -- the retirement laws were such that she was not considered vested in the retirement system.

However, she does still have a record with the retirement system, but in order to reach her account, her membership needs to be reinstated. The only -- you know, I -- I explained to her that that was not a policy decision that I could make, that it was a decision of the Town Board and the only thing I could do would be to offer the Town Board the opportunity to review the situation.

COUNCILMAN SCHULMERICH: So could I liken this to an individual that worked for the company I work for, 20 years ago coming back to our HR and Benefits Department asking to rejoin my company for one day so that they could take advantage of any changes that were made in the benefits over the last 20 years?

DIANNE O'MEARA: Correct.

COUNCILWOMAN SPERR: And after 20 years.

COUNCILMAN SCHULMERICH: Ethically, I have a problem with that.

COUNCILWOMAN SPERR: She had 20 --

SUPERVISOR LOGEL: Did you run this by Mr. Spinelli at all?

DIANNE O'MEARA: Um, no, I didn't. I called the retirement system to verify a -- you know, the accuracy.

COUNCILMAN SCHULMERICH: Dianne (O'Meara), I appreciate the fact -- I appreciate the fact you brought this to us for us to consider. You did what you had to do. My response is not directed to you.

DIANNE O'MEARA: I understand.

COUNCILMAN SCHULMERICH: But as a proposal, it personally -- it is personally unethical from my point of view to vote for this.

SUPERVISOR LOGEL: She is asking us to -- I was under the impression because we needed part-time, that she was willing to come back and do some part-time work for us. Is that the not the case?

DIANNE O'MEARA: No. That is not the case. We would have to hire her. She would have to put in time. But no, that was --

SUPERVISOR LOGEL: This is a reinstatement?

COUNCILWOMAN SPERR: That is what her letter was requesting. Now you think about the scenario of when these resolutions are put on here and every time you ask us to add someone to our part-time substitute list, it is a no harm, no foul. You found someone that wants to work part-time for the Town. If we had not been given that letter, we would have been under the impression this was just your every day, average resolution asking us to add someone to our part-time basis and we would have been none the wiser.

But I liken this to see what happened when the Water Authority was criticized for having provided extra benefits and add --

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SUPERVISOR LOGEL: I agree with you 100 percent.

COUNCILWOMAN SPERR: So they -- no offense to this employee that worked here, but she had 20 years to do this, unless it just changed yesterday and now we're here today. But I have -- I have problems with setting precedence and doing this. If we do this this time, we'll have to do it every time because we won't have any legs to stand on. I have an issue with this.

SUPERVISOR LOGEL: I was surprised she could get out of the system with them needing just one day. It doesn't make sense.

DIANNE O'MEARA: It does not make sense to me either. However, I did -- you know, I spoke with the retirement system a couple times to --

SUPERVISOR LOGEL: Did she discuss this back -- did she -- I know you wouldn't know this, but none of us were here in 1986, but --

RICHARD BRONGO: I was here.

SUPERVISOR LOGEL: You were here. We were all here.

COUNCILWOMAN IGNATOWSKI: She wants to be like the football players that come back to their team for one --

RICHARD BRONGO: For the record, Mr. Brongo indicates that he was not here.

SUPERVISOR LOGEL: I guess where I am going with this, did she -- when she left our employment, by choice, okay, she assumed that she was just quitting of her own volition and she did not have a retirement.

DIANNE O'MEARA: At the time, the laws were -- at the time she left employment, the laws were written that she was not vested because she did not have ten years of service credit.

RICHARD BRONGO: Vested now is five years, where before it used to be ten years.

RICHARD STOWE: The rules have changed.

COUNCILMAN SLATTERY: I find it amazing it is even on the agenda.

SUPERVISOR LOGEL: I put it on there at the request of Payroll, but I think we need to --

COUNCILMAN SCHULMERICH: We can vote on it. I'm ready to vote.

COUNCILWOMAN IGNATOWSKI: So am I.

SUPERVISOR LOGEL: It's a no, no, no, no.

COUNCILWOMAN SPERR: I think you need to have the Clerk call the role.

SUPERVISOR LOGEL: He is. He is.

RESOLUTION #299 RE: Clerk IV Part-time (Substitute)

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

BE IT RESOLVED that Joyce Murphy-Empie be added to the substitute Clerk IV, Part-time and shall be paid at the rate of \$7.63 per hour effective November 2, 2006; expenses to be paid by voucher as incurred.

UNANIMOUSLY DENIED

RESOLUTION #300 RE: ORDER ESTABLISHING THE EXTENSION CHILI CONSOLIDATED DRAINAGE DISTRICT TO SERVE THE COSTANZA PROPERTY TAX MAP NO. 160.03-1-15 LOCATED AT 2113 SCOTTSVILLE ROAD, SCOTTSVILLE, N.Y. 14546 AND TAX MAP NO. 160.03-1-16 LOCATED AT 2117 SCOTTSVILLE ROAD, SCOTTSVILLE, N.Y. 14546 IN THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

WHEREAS, at a regular meeting of this Town Board held on October 4, 2006, Resolution # 243 was adopted approving an extension of the Chili Consolidated Drainage District to serve the property located at 2113 Scottsville Road, Scottsville, N.Y. 14546 tax map no. 160.03-1-15, and located at

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2117 Scottsville Road, Scottsville, N.Y. 14546 tax map no. 160.03-1-16; and

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

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

WHEREAS, no petition requesting a referendum has been filed;

NOW, THEREFORE, IT IS ORDERED, that the Chili Consolidated Drainage District is hereby extended, as of this date, to include an area wholly located within the Town of Chili, County of Monroe and State of New York, pursuant to the terms contained in the Town Board Resolution #243, dated October 4, 2006; and said area to be included in said extension is more particularly described in Schedule A which is attached hereto and incorporated herein by reference, and it is further

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

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

UNANIMOUSLY APPROVED

RESOLUTION #301 RE: ORDER SETTING PUBLIC HEARING ON THE PROPOSED EXTENSION OF THE CHILI CONSOLIDATED DRAINAGE DISTRICT TO SERVE THE VELDA L. LUSK PROPERTY TAX MAP NO. 134.13-1-71 LOCATED AT 2770 CHILI AVENUE, ROCHESTER, N.Y. 14624 IN THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

WHEREAS, a written petition, dated November 7th, 2006, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Chili, Monroe County, New York for the extension of the Chili Consolidated Drainage District to serve the property located at 2770 Chili Avenue, Rochester, N.Y. 14624 tax map no. 134.13-1-71, more particularly described in Schedule A (Property Description) on file in the Town Clerk's Office; and

WHEREAS, if the district extension is approved, the properties within the proposed extension will be eligible to receive the drainage services available to other properties within the Chili Consolidated Drainage District. No drainage improvements are proposed to be constructed within the proposed district extension by the Chili Consolidated Drainage District at this time.

WHEREAS, as stated in the Petition, all costs relating to the formation of the district extension shall be paid by the petitioners.

WHEREAS, except as otherwise provided above, all expenses of the Chili Consolidated Drainage District, including all extensions heretofore and hereafter created, shall be a charge against the entire area of the district, as extended; and

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WHEREAS, the estimated cost to the typical property, and, if different, the typical one or two family home within the Chili Consolidated Drainage District, in the first year following the formation of the district extension for debt service and operation and maintenance charges, is as follows:

Typical Property: _____ \$0.00 _____

Typical One or Two Family Home: _____ \$0.00 _____

WHEREAS, the proposed district extension is an Unlisted Action for the purposes of the State Environmental Quality Review Act and the regulations promulgated there under ("SEQRA"); and

NOW THEREFORE, it is hereby,

RESOLVED, that the Chili Town Board is hereby designated "Lead Agency" for the environmental review of this proposed action; and be it

ORDERED, that a meeting of the Town Board of the said Town of Chili shall be held at the Chili Town Hall, 3333 Chili Avenue, Town of Chili, New York on the 6th day of December, 2006, at 7:00 p.m. to consider the said Petition and to hear all persons interested in the subject thereof and for such other action on the vote of said Town Board in relation to the said Petition as may be proper or required by law; and it is further

ORDERED, that the Town Clerk of the Town of Chili is hereby authorized and directed to publish a copy of this order in the Gates-Chili News and post a copy of the same on the bulletin board in the Office of the Town Clerk, not less than ten (10) days, but not more than twenty (20) days, prior to the date set for said public hearing.

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

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILMAN SCHULMERICH: Only comment I would like to make is in addition to this, there will be a public meeting held on December 11th to discuss the preliminary findings of the Master Plan for parks and recreation.

SUPERVISOR LOGEL: That wasn't in here.

COUNCILMAN SCHULMERICH: Doesn't need to be. Just for public information.

SUPERVISOR LOGEL: Okay.

COUNCILWOMAN IGNATOWSKI: The copies that are going to be available at the Town Clerk's Office, will there be availability to put them on the website, or how thick is this document?

SUPERVISOR LOGEL: We'll find out.

RICHARD BRONGO: I was told I would be given a couple copies that people could look at. I don't know how big the document is.

COUNCILWOMAN IGNATOWSKI: Maybe he knows.

SUPERVISOR LOGEL: We'll have to determine that.

COUNCILWOMAN SPERR: We would like to make it as easy as possible for the residents to review this to be able to come and ask questions and understand it.

SUPERVISOR LOGEL: It will be scanned.

COUNCILWOMAN SPERR: Scan in as pdf and have Chris (Levey) put them up. That would be great.

RESOLUTION #302 RE: Public Review Period for Parks and Recreation

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BE IT RESOLVED to pay vouchers 5825-6120 totaling \$159,416.98 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$100,886.13
Highway Fund	\$ 54,054.69
H39 Union Street Highway	\$ 896.50
H42 Annual 2005-6 Reassessment	\$ 1,200.00
H43 Annual 2006-7 Reassessment	\$ 403.75
Consolidated Drainage	\$ 1,955.91
Special Light Districts	\$ <u>20.00</u>
TOTAL	\$159,416.98

UNANIMOUSLY APPROVED

COUNCILWOMAN SPERR: Supervisor, I wanted to let you know I will be traveling out of town at a conference and unable to attend the next Town Board meeting. I just wanted to make sure I was able to let you know, and if you could excuse me from that meeting.

SUPERVISOR LOGEL: Okay.

COUNCILWOMAN SPERR: Thank you.

The next meeting is Wednesday December 6, 2006 at 7:00 p.m. The meeting will be held in the Chili Town Hall Main meeting room.

The meeting was adjourned at 10:00 p.m.