

CHILI TOWN BOARD  
April 1, 2009

A meeting of the Chili Town Board was held on April 1, 2009 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 David Dunning.

PRESENT:

Councilwoman DiFlorio, Councilwoman Ignatowski, Councilman Slattery, Councilwoman Sperr and Supervisor David Dunning.

ALSO PRESENT:

Richard Brongo, Town Clerk; Jordan Brown, Deputy Supervisor; Dawn Forte, Supervisor's Secretary; Sandra Hewlett, Stenographer; Chris Karelus, Building Department Manager; David Lindsay, Commissioner of Public Works/Highway Superintendent; Dianne O'Meara, Director of Finance; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor.

The invocation was given by Richard Brongo.

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

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. The following speakers addressed the Town Board on various subjects: Jerry Brixner, Charles Rettig and William Rate. The Public Forum concluded at 9:19 p.m.

SUPERVISOR DUNNING: I would like to make a comment. There was a comment made about the lack of information being put out by the highway garage and also the Town Board meeting being so -- so quick. And I will say, and -- that the reason that we're able to move through our resolutions to quickly a lot of times is because this Town Board is very well informed about the information that they need to make -- to make educated decisions when they come to this Board.

The -- any information pertaining to -- to these resolutions are shared individually with the Town Board. They are left documents in their mailboxes so they can review and if they have questions, they're certainly free to ask them.

I think they're given an awful lot of information, which I believe is a change from past practices, and so there is an awful lot of information, as well as, for not putting out any information to the public, that is just completely inaccurate.

There was a press release sent out to the Gates-Chili Post, the Democrat & Chronicle, 13 WHAM, 10 NBC News, and I'm not sure what 8's call letters are, as well as Fox News and R News also did get a press release of the information pertaining to the facts of the -- I state the facts of the purchase of the property on Beaver Road.

As well as on our website there is extensive information, also the facts about this purchase, as well as the appraisal, the full appraisal in its entirety is on our website to show what exactly is happening there.

I also did a brief four-minute video also on our website available for the public at any time to review.

I realize quite a bit of the information was put there. I don't control the press. I don't run the Democrat & Chronicle. If they don't publish it, I really can't force them to do anything.

I do note the Gates-Chili Post did publish it, though, and they did a very nice article about the information and some of the things that we're doing with the highway garage. So there was one of our local papers that did, in fact, publish the information. But the information was there.

To my understanding, Mr. Brongo, please, correct me if I am wrong, there has been no request for this information. Is that accurate?

RICHARD BRONGO: Just from Mr. Rettig, he came in wanting clearer pictures than what he was able to print on his computer.

SUPERVISOR DUNNING: I apologize for that. We were able to make that -- sometimes the copies of color pictures don't come out very well, but we were able to accommodate that.

So nobody really asked for any other information. So I have put out as much information right now as I can possibly put out there for the public to review, and unless the Town Board has any other issues with that, I think I have given the information to you to make the decisions and educate the decision you need to make.

COUNCIL WOMAN IGNATOWSKI: That is why I went to grab the minutes we just got from the last meeting. I -- I -- I commented at the last meeting we, as a Board, were given the contract to be able to review prior to the Town Board meeting. We weren't voting on that, but we had seen it and the Supervisor did keep us apprised of it. And we did have an opportunity to review the contract, so I didn't have questions coming to the Town Board meeting because it was already handled prior to that. That is exactly what I said at the last meeting, and I guess I will just have to repeat it again at this meeting.

COUNCIL WOMAN SPERR: Maybe we should.

COUNCIL WOMAN DI FLORIO: Maybe we should all reiterate it, so we all express on camera that we all had the same information that Ginny (Ignatowski) had, and so we all asked the questions that we needed to ask.

MR. BRIXNER: You people knew --

SUPERVISOR DUNNING: Mr. Brixner, please.

COUNCILMAN SLATTERY: And I believe that individual was at the last meeting to hear that information.

And then also I -- if I can, um, you know -- what was it? Something about a dead bird. Well, somebody had to move and second it. So maybe the dead bird got revived.

But -- so -- we did review it. Anyways, in regards to it, the information is out there. We have discussed it. And, you know, we, as in previous administrations, we don't get to -- unless it is in a unique situation, we didn't get the resolution until the day of a Town Board meeting. We have plenty of times like previous administrations where that would happen.

We get the resolutions in plenty of time to do our research, do our due diligence and make an educated decision on what we're going to be voting on and have a discussion.

COUNCIL WOMAN SPERR: I think -- I wasn't at that meeting, but I was at the meeting before when we voted on it, and I think you will find that this Board firmly believes this is exactly what the Town is needing, and it has been talked about by the previous Supervisor for five years and prior to that.

So I completely remember the day I asked Joe Carr, "Joe (Carr), if you could put a highway garage anywhere, where would you want to put it?" He told me Case Hoyt.

So for us to be able to find property at that location to satisfy something -- the opinion of a man who I respected, had much, much respect for, and I think all of you do, too, that were we able to make this happen and have the money from the Government to help us do this at no cost to the taxpayer doesn't warrant any further discussion from the rest of us. We firmly believe that we're on the right track and we have an excellent opportunity for the Town.

COUNCILMAN SLATTERY: And if I can, I received a phone call from a friend of mine who a petition was brought to his house for him to sign, and the information was not clearly and correctly explained to him regarding the purpose for the new highway garage. I think that is very unfortunate, because if -- because if they do get the petition, enough people to sign it and it does have to go to public referendum -- which is entirely their prerogative, they have that. That is why we live in the great country that we do; that's their right. But unfortunately some of the information that is being spread is inaccurate.

And he was misinformed and he apologized to me for signing that petition. Because he didn't have all of the information.

SUPERVISOR DUNNING: I had one of those calls actually today from somebody that got some information and I was -- it was just -- it was out and out -- I won't be as polite as you're being, Councilman. They were out and out lies they were being told about what is happening with this transaction.

I have made the transaction very public, and I will continue to make it public as we progress as well as the -- you know, if -- if this does go to referendum, all that process will also be made very public, but the -- as we move forward and as we -- as we do our business with this particular application, we will -- I will make much of that information as public and as much of the facts around this, because I do think it is very unfair that the public is getting bad information from people who -- who not only have not done their homework but haven't asked. And haven't asked the questions either and the information is there.

COUNCILMAN SLATTERY: Or they know the proper answers, but they're twisting it in a way to suit their need. To suit their agenda.

COUNCIL WOMAN IGNATOWSKI: It is unfortunate the D & C did not pick up on the press release. I don't know why they didn't. It seems to me that is something they would want to report on.

COUNCIL WOMAN SPERR: I do know that Ernest Wolf was on vacation for a week, and I would have to go back and find out if it was the week that the press release went out. He was on vacation for a week.

COUNCIL WOMAN IGNATOWSKI: I would just like to make one other comment, and unfortunately he just left. This Board, this Town Board has no decision with the -- with the Microtel hotel. That is not before us for anything. That is Planning Board. So for -- to be criticized why are we doing it, we're not doing anything. It is not before us to make that decision.

COUNCILMAN SLATTERY: Once again, it is misinformation, not knowing the facts and not knowing the responsibilities of certain boards. This Town Board has not made, to my -- to the best my knowledge will not be making any decision regarding the proposed hotel.

MR. BRIXNER: Why is the Supervisor --

SUPERVISOR DUNNING: Moving on.

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

SUPERVISOR DUNNING: Under Matters of the Supervisor, I think I kind of covered what I was going to talk about in the information being out there around the property purchase.

Pending Matters:

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1. Vacancies of Traffic & Safety, Recreation Advisory Committee & Special Police.

SUPERVISOR DUNNING: Um, under pending matters, we still do have vacancy on the Traffic and Safety, Rec Advisory Committee and the special police. And tentatively, I guess, after hearing some of tonight's comments, we may have the Examining Board of Plumbers, so that is yet to be determined as we looked at that further.

So again, I encourage the public to please fill out the volunteer applications available on the website, available at the Town Hall. Call us, we'll get it to you somehow and we're looking for people to fill these committees.

## **MATTERS OF THE TOWN COUNCIL:**

COUNCIL WOMAN SPERR: One quick announcement. Um, just as a -- to let the public know, I think I may have announced this in the past, an upcoming Chamber of Commerce luncheon meeting. The topic on Tuesday, April 21st, will be doing business with Chili and Gates, Planning and Development, and our featured panelists will be Chris Karelus representing Chili from our Building Department; our Planning Board Chair, Jim Martin; and Ron Brand, who is a consultant on the Master Plan for the Town and is also President of the New York Planning Federation. And it's hoped that our Assistant Town Counsel Keith O'Toole will be able to also attend in case an issue of legal comes up.

But representing Gates will be John Lathrop, their Public Works Director; and Mike Wall, who is their Planning Board Vice Chair.

So if anyone is interested and wants more information about this, see me.

COUNCILMAN SLATTERY: I just would like to help promote Earth Day.

COUNCIL WOMAN SPERR: When is it, April 25th?

COUNCILMAN SLATTERY: April 25th. If you go to the Town's website, [www.townofchili.org](http://www.townofchili.org), there is right on the front cover, a spot for you to enroll. Earth Day consists in going in certain parts of the Town to clean up, you know, whether it is going to be fields, parks, trails. I -- I received an e-mail from Pat Tindale that said her and her husband have been doing this for a number of years, and they have been cleaning up the Genesee Trailway, and it's just -- they do a fabulous job. She says it is amazing how much stuff you can get in a short period of time.

So there is going to be -- I'm sending letters out to different organizations, groups, asking for their help, but there is a -- some sheets that were on the back table. Hopefully they're all gone by now, and then there is a sign-up sheet at all of the Town facilities.

But April 25th. Um, if you can't make it in the morning, we're having people there in the afternoon, so by all means, don't let that time restraint restrict you from volunteering and coming out.

So April 25th, mark it down. Earth Day Clean-up. Town of Chili.

SUPERVISOR DUNNING: I got to tell you, I'm impressed with the progress of this one. I have seen the workings, and this is like a machine, just working on this trying to get this done and get people together.

COUNCILMAN SLATTERY: I have had some great help, assistance, Dawn (Forte), thank you very much.

COUNCIL WOMAN SPERR: Miracle worker.

## **APPROVAL OF MINUTES:**

SUPERVISOR DUNNING: There are the minutes from the last meeting. I think there are some things in there I would really like you people to take a look at before we do anything. Because we did have someone else filling in, I would just like to make sure. I know you probably just got them tonight, so if we can hold them off to the next meeting, I would appreciate that.

## **REPORTS SUBMITTED:**

Architectural Advisory Minutes - 2/25/09  
Library Board Minutes - 2/24/09

## **CORRESPONDENCE:**

1. Mr. Brongo has received formal notification for Liquor License (3134720) renewal with the State Liquor Authority for the JC Wirth, Inc. Business located at 200 Wegmans Market Street, Rochester, New York 14624.
2. Mr. Brongo has received formal notification for Liquor License (31347201) renewal with the State Liquor Authority for the JC Wirth, Inc. Business located at 200 Wegmans Market Street, Rochester, New York 14624.

SUPERVISOR DUNNING: I know there was a question about that, Mr. Brongo. Is there any light you can shed on that?

RICHARD BRONGO: I know it's a catering company. I don't know if it is a private catering company that happens to be located in Wegmans building or if it is a specific catering

company for Wegmans themselves but operated by a private individual. So.

SUPERVISOR DUNNING: They currently have a liquor license. This is a renewal as it says in the resolution -- the correspondence.

RICHARD BRONGO: They applied, I believe, two years ago for a liquor license. This is their renewal period, and we have had absolutely no problems from, you know -- from them, so. And this is one of the reasons why they have to notify the Town, just in case there is a problem. And the Town has the opportunity to write to the State and say, "Please don't renew this liquor license for such-and-such a reason."

SUPERVISOR DUNNING: Thank you.

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: I'm not riding on this. I'm waiting to hold off for the 5K. COUNCIL WOMAN DI FLORIO: I just want to say this a really great program. They come through Chestnut Ridge School and all of the kids kind of cheer them on. So it's been a great program for the Town.

**RESOLUTION # 163 RE: Bike Ride for National Center for Missing & Exploited Children**

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

**WHEREAS**, the National Center for Missing & Exploited Children has once again asked for the Town's permission to have their May 15, 2009 one hundred mile bike ride come through the Town of Chili on Westside Drive, Coldwater Road, Chestnut Ridge Road, Paul Road, Chili Avenue, Chili Center, Archer Road and Ballantyne Road from approximately 11:00 a.m. - 12:00 p.m. to spread the awareness about the plight of missing children and share abduction and exploitation prevention educational materials with children along with raising funds for their agency services. This race has been held for the past nine years.

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the National Center for Missing & Exploited Children to have their bike ride go through the Town of Chili on Friday, May 15, 2009 provided they notify the Monroe County Sheriff's Office at Zone C, the Chili Fire Department and Ambulance prior to the race.

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

UNANIMOUSLY APPROVED

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**RESOLUTION # 164 RE: Parade Entertainment Chil-"E"-Fest**

**OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio**

**BE IT RESOLVED** that Supervisor Dunning, is hereby authorized to sign an agreement with The Hit Men Brass Band, Inc. To perform at the Chil-"E" Fest parade on July 4, 2009 at a cost of \$1000.00, to be paid from account A7550.4 (Celebrations).

UNANIMOUSLY APPROVED

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**RESOLUTION # 165 RE: Movies in the Park**

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

**BE IT RESOLVED** that Supervisor Dunning, is hereby authorized to sign an agreement with Mike Cuzzupoli of ZuperBounce, LLC to provide five outdoor movies for the Summer Movies Series at an amount not to exceed \$3750.00, to be paid from account A7550.4 (Celebrations).

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCIL WOMAN SPERR: I'm thrilled Bob (Springer) wants to do this again. He did a fantastic job.  
COUNCIL WOMAN IGNATOWSKI: I'm very excited. Actually, some of the new

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additions that they are going to bring into the market is they are going to have some live entertainment. At the Recreation Committee they were discussing this.

Also, it is going to be relocated. It will now be in the front parking lot instead of the back, so it will have more visibility.

I do -- speaking with some farmers, they're already signing up for this.

COUNCIL WOMAN SPERR: This is great.

COUNCILMAN SLATTERY: Good discussion on this resolution.

**RESOLUTION # 166 RE: 2009 Farmers Market Manager**

**OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski**

**BE IT RESOLVED** that per the recommendation of Michael Curley, Parks and Recreation Director, Bob Springer be appointed as the 2009 Farmers Market Manager and is to be paid \$1500.00 for the 2009 Farmers Market Season to be paid by voucher as incurred from account A7620.4.

UNANIMOUSLY APPROVED

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

COUNCIL WOMAN SPERR: I do have a comment on this. I have read our final -- the policy that David (Dunning) and the staff have put together based on some of the comments that were made when we had our Public Hearing on this, and I just want to applaud you for the creative thinking in finding a new way to do business and making it easy for the Town to monitor it. Well done.

SUPERVISOR DUNNING: Thank you.

**RESOLUTION #167 RE: Purchasing Card Policy**

**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio**

**WHEREAS**, it is advantageous for the Town of Chili to establish a purchasing card program; and

**WHEREAS**, a draft "Town of Chili Purchasing Card Policy" was distributed to Council Members and posted in accordance with the union contract Article VI, paragraph 2; and

**WHEREAS**, no comments have been received;

**NOW, THEREFORE, BE IT RESOLVED**, to adopt the "Town of Chili Purchasing Card Policy" dated April 1, 2009.

UNANIMOUSLY APPROVED

**RESOLUTION #168 RE: M&T Bank VISA Charge Card Agreement**

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

**BE IT RESOLVED** that Supervisor David Dunning is authorized to enter into an agreement with M&T Bank to establish the purchasing card program; terms and conditions subject to approval by Counsel for the Town.

UNANIMOUSLY APPROVED

**RESOLUTION #169      RE: In Memory of Charles J. Winkleholz**

**OFFERED BY: Supervisor Dunning      SECONDED BY:    Councilwoman DiFlorio  
   Councilwoman Ignatowski  
   Councilman Slattery  
   Councilwoman Sperr**

**WHEREAS**, on March 22, 2009, Charles J. Winkleholz passed away and we are deeply saddened by his loss;

**AND WHEREAS**, Mr. Winkleholz was appointed as a Court Attendant from 2/1991 through 12/2004;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Chili hereby extends their deepest sympathy to the Winkleholz family and also sets aside this special page of their minutes from this Town Board Meeting in his honor and takes a moment of silence in Mr. Winkleholz's memory. The Town Clerk is hereby directed to send a copy of this resolution to the family.

**UNANIMOUSLY APPROVED**

**RESOLUTION #170 RE: Authorization to Advertise for Bids for an Emergency Generator(s) for the Town Hall Complex**

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

**WHEREAS**, the Town of Chili desires to provide power to the Town Hall Complex in the event of an emergency or power outage and;

**WHEREAS**, the Department of Public Works will prepare the necessary plan(s) and specifications for this work;

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the Commissioner of Public Works to advertise for bids for an emergency generator and any necessary supplemental features.

UNANIMOUSLY APPROVED

**RESOLUTION #171      RE: Street Tree Replacement**

**OFFERED BY: Councilwoman Ignatowski      SECONDED BY: Councilwoman DiFlorio**

**WHEREAS**, the Chili Conservation Committee has recommended the replacement of eight (8) damaged trees located within the curbed median of Lexington Parkway and;

**WHEREAS**, the Superintendent of Highways has received four written quotes for labor and materials for this work as follows:

- \* R.J. Schickler Inc.      \$3,350.00
- \* Van Putte Landscape      \$3,800.00
- \* Evergreen Landscape Management      \$3,995.00
- \* Ted Hosmer Enterprises Inc.      \$4,360.00

**NOW, THEREFORE, BE IT RESOLVED**, to award the quote to replace the damaged trees to R.J. Schickler Inc. At a cost of \$3,350, to be paid from Landscape Fund.

UNANIMOUSLY APPROVED

**RESOLUTION # 172      RE: Vibratory Asphalt Compactor**

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

**WHEREAS**, included in the approved 2009 budget is the purchase of one (1) new vibratory compactor;

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the advertisement for bids for one (1) new vibratory asphalt compactor.

UNANIMOUSLY APPROVED

**RESOLUTION #173      RE: Purchase of Passenger Van**

**OFFERED BY: Councilwoman DiFlorio      SECONDED BY: Councilwoman Sperr**

**WHEREAS**, included in the approved 2009 budget is the purchase of one (1), 12 person passenger van replacement;

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the purchase from NYS OGS, Contract PC62820 one (1), 12-person passenger van from Hoselton Chevrolet, Inc. At a cost not to exceed \$22,000, to be paid from the General Fleet Reserve Fund.

UNANIMOUSLY APPROVED

**RESOLUTION # 174 RE: Purchase of a Cab and Chassis Ten Wheel Truck, and Authorization to Bid for Dump Body, Plow Set and Salt Spreader**

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

**WHEREAS**, included in the approved 2009 budget is the purchase of one (1) new plow truck replacement.

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the purchase from NYS OGS Contract PC62716 one (1) Cab and Chassis from International Truck & Engine Corp., at a cost not to exceed \$114,000.00, to be paid from the Highway Equipment Fund.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, to authorize the advertisement for bids for the Dump Body, Plow Set and Salt Spreader.

UNANIMOUSLY APPROVED

**RESOLUTION #175 RE: CSST Training and Gasite Installation Certification Course**

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

**WHEREAS**, the Finger Lakes Building Officials Association is offering a certification training program for municipal building officials on the inspection of CSST (corrugated stainless steel tubing) and gasite installation systems;

**BE IT RESOLVED**, that Ed Shero and Pat Sheridan be allowed to attend the CSST and Gasite Installation certification course on April 8, 2009 to be held in Farmington, NY at a cost not to exceed \$15.00 each from a/c #A3620.4.

UNANIMOUSLY APPROVED

**RESOLUTION #176 RE: April 1, 2009 Abstract**

**OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman DiFlorio**

**BE IT RESOLVED** to pay vouchers 1242-1430 totaling \$56,284.59 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

|                            |             |
|----------------------------|-------------|
| General Fund               | \$32,281.68 |
| Highway Fund               | \$22,861.61 |
| H46 - 2008-9 Annual Update | \$ 1,024.83 |
| Consolidated Drainage      | \$ 116.47   |
| TOTAL                      | \$56,284.59 |

UNANIMOUSLY APPROVED

# PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on 4/1/09 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:03 p.m. to discuss Local Law of 2009 to amend Chapter 378 to the Code of the Town of Chili entitled "Plumbing Licenses"

Attendance as previously noted in the 4/1/09 Chili Town Board meeting minutes.

## COMMENTS OR QUESTIONS FROM THE AUDIENCE:

IRENE BRIXNER, 14 Hartom Road

MS. BRIXNER: My name is Irene Brixner. I live at 14 Hartom Road, and I am against doing away with the Plumbing Board. I was shocked to hear it. We had in existence the Chili Plumbing Board since I believe 1967, 42 years. People who moved into our houses at that time felt assured that we had a Board and it scrutinized everything that was going on with building. So, therefore, I'm trying to tell you what I think and how I feel.

I had a friend who moved down to North Carolina, and she moved into a condominium and it was a beautiful condominium. However, she happened to be the last condominium on that big building and she was suffering from something. She couldn't understand what it was. She had diarrhea. She went to a doctor. She found out that the gasses were leaking into her -- backing up into her bathroom. The vent system wasn't working, and she ended up going to a Town Board, okay, down there in North Carolina. She may have caused an awful lot of trouble for the developer down there, but it was his own fault. He had not connected the system properly. The piping wasn't right.

And I think you're taking very lightly the danger that could occur for new homes that are being built today. I understand that these new homes, they go up like hot cakes. You know, just quick, like pancakes are flipping. And they have to try and save money, I realize that. But you know, the price of equipment is important. It has to be reliable equipment. That starts what I am all about tonight.

Today houses are not being built like the older ones. Developers try to save on cheaper



equipment. And by the way, my brother was a plumber. Worked ten years with somebody and became a Master Plumber. And it is vital to continue to have a Plumbing Board with experience. Plumbing materials they know. Home building, persons who are involved in home building as one of your plumbing representatives on the Board knows how important it is. And knowledge of what equipment is safe for Town residents when it comes to plumbing for kitchens and bathrooms is vital.

With all of the commercial development going on all of a sudden, you people are thinking of doing away with the Plumbing Board. I don't believe this decision is in the best interest of the public's health and safety of our Chili community.

I understand in May a letter was sent to Mr. Karelus and to Mr. -- to the Supervisor. It was supposed to go before, I believe, the Town Board. Nobody acted on it. This is what I heard. It was regarding air transmittent valves that were used in lieu of a proper vent piping system for bathrooms and kitchen sinks.

Mr. Karelus and Mr. Supervisor asks now of the Town Board to eliminate the Plumbing Board. Take that to the Town Board. And, you know, please don't have a smirk on your face. This is serious business to me, because this -- these gasses come into your house, they get into the food, they get into your cupboards and some people don't have the excellent smells that other people have. So it -- it is too serious.

I do not like the idea for you to make this decision, to do away with changes in our code to remove the Plumbing Board. What knowledge does this Town Board have about plumbing? That's what I really would like to know.

Chris (Karelus) Karelus has enough to do with his responsibilities without adding plumbing to his list. Supervisor, you have been in office for a year and four months. How can you make such a decision without the knowledge of plumbing expertise required by a Plumbing Board that we have depended on for years to check out credentials and abilities of plumbers?

This Board we had for 42 years was cautious and are involved and knowledgeable about the safe equipment to be used in the area of plumbing. Mr. Someone was a Master Plumber and we were pleased to have him, because he was a Master Plumber. Dario Marchioni is a home builder. I have -- I have trust in a home builder who builds good homes. The proper plumbing equipment to use and not allow cheap stuff just because it cuts cost for developers. I hope it doesn't cut costs for the person doing that motel on Chili Avenue. The few bucks that they save can be really harmful.

I ask the Town Board to please think about this resolution and keep the Plumbing Board intact for the benefit and of the health and safety of the Town residents.

All right. Now, I thought I had here a list of some of the checks that a Plumbing Board does. Duties of the Plumbing Board shall be as follows, when we had it -- if you don't remove it. And I beg you not to do it. I really beg you. To administer examinations to persons applying for a Certificate of Competency to determine their qualifications to do plumbing work in the Town of Chili as a Master Plumber. Two, to clarify the New York State Plumbing Code, Article 9 and the Town of Chili Plumbing Chapter for the Building Department. That's good because it helps the Building Department.

To review new plumbing materials selections when submitted by manufacturers and developers for approval. Man, I like that one, because that's where we get into trouble.

To handle disputes between a licensed plumber and a Building Inspector regarding Plumbing Code violations and to advise on penalties if need be.

To assist the Building Inspector in reviewing commercial and industrial plumbing drawings when submitted by an engineering firm or developer.

To assist the Building Department in plumbing inspection work when needed. Now, we're doing an awful lot for the commercial business in this Town. Target is coming. We have got Walgreens up there on the hill. We're getting more and more of -- building in the Town. Why can't we keep that Plumbing Board to protect us? Why? I think you would be very irresponsible as a Town Board if you don't keep the Plumbing Board.

Thank you.

SUPERVISOR DUNNING: Thank you.

HEATH MILLER, 69 Bell Mawr Drive

MR. MILLER: Thank you, Supervisor. Heath Miller, 69 Bell Mawr Drive. Thank you, Supervisor, for allowing the use of the digital projector here tonight.

I'm going to comment tonight on the new section entitled, "Licenses and registration" that this local law proposes. If the Town Board decides to adopt this resolution, I think these changes should be made.

In Subsection A, the "B" in Building Department, should be capitalized for consistency of capitalization throughout this section, as well as the rest of the code.

In Subsection B, the word "manger" should be revised to "manager."

In Subsection B(2), it references the Bureau of Apprenticeship and Training, "but I did not find reference to that Bureau on the Department of Labor's website. I did, however, find reference to the Office of Apprentice Training, and want to suggest revising Bureau of Apprenticeship and Training to Office of Apprentice Training."

Subsection B(3) requires ten years of overall full-time experience as a Journeyman Plumber under the supervision of a licensed Master Plumber. This ten years represents an increase of one year from the nine years that is currently required by Town Code. See section 378-4 D(2). What is the reason for increasing this period from nine years to ten years? I note

that Subsection B(2) appears to require a total of nine years' experience because, according to the Department of Labor's website, a plumbing apprenticeship lasts 60 months or 5 years. And the five years of apprenticeship plus the four years of full-time experience as a Journeyman Plumber would be a total of nine years.

Subsection B(4) requires a combination of education, training and experience substantially equivalent to Subsection B(2) and (3) above. Should the "and" be replaced with an "or"?

In 1978, the New York State Legislature renamed the Workmen's Compensation Law to the more gender neutral Worker's Compensation Law. And so therefore, in Subsection C(2), "Workmen's Compensation" could be revised to "Worker's Compensation."

Also, the "New York State Workmen's Compensation Board" should be revised to the "New York State Worker's Compensation Board" because that is the correct name. In both cases "workers" is spelled W-O-R-K-E-R-S, apostrophe S.

In Subsection D, the last sentence, "Code Enforcement Office" should be revised to "Code Enforcement Officer."

COUNCILMAN SLATTERY: Why would you have that -- why would you change it from "office" to "officer"?

MR. MILLER: Because of the way it is worded.

COUNCILMAN SLATTERY: Explain.

MR. MILLER: Sure. The sentence reads, "failure to produce required identification upon the request of the Code Enforcement Officer shall be cause for the issuance of a stop work order."

COUNCILMAN SLATTERY: Why can't it be "office"? It is coming from that office.

MS. BRIXNER: Because --

COUNCILMAN SLATTERY: I'm talking to Mr. Miller, ma'am.

MR. MILLER: I note that section was lifted from an existing section in the Town Code, and it is written as "Code Enforcement Officer" in that other section, so --

SUPERVISOR DUNNING: Would that be limiting it that if it is the Code Enforcement Officer and not the Assistant Code Enforcement Officer?

COUNCILMAN SLATTERY: Or Building Department Manager.

SUPERVISOR DUNNING: I think the office as a whole would encompass the enforcement officer as well as the assistant, so that the "office" gives the power of the office itself rather than just the one single Code Enforcement Officer.

MR. MILLER: Okay.

COUNCILMAN SLATTERY: I understand your point, but I mean we're -- and your -- the items you're coming up with here, but I don't want to say we're getting too picky, but I --

MR. MILLER: Well, Mr. Slattery, this is a Public Hearing.

COUNCILMAN SLATTERY: It certainly is, and that's why we're asking why you -- what is -- your thought process behind it is.

MR. MILLER: Sure. When I was looking at the former sections of this -- in this chapter, I noticed it said "Code Enforcement Officer" in the previous section, so that was my -- I just wondered if perhaps there had been a typo and the "R" had been left off. If you want to keep it as Code Enforcement Office because it is more encompassing, that is certainly fine. These are just suggestions, and you know, you can either take them or not.

COUNCILMAN SLATTERY: As in the past when you got up and you spoke, we listened to you and there are certainly things we thought had relevance to it.

MR. MILLER: Yes, and I appreciate all of the changes you made to the vehicle and traffic chapter that I had suggested. I think that's wonderful.

Thank you.

COUNCILMAN SLATTERY: And other things were not relevant, so. Continue, please.

MR. MILLER: Sure. In Subsection E, the word "conduction" should be revised to "conducting."

The first sentence of Subsection G does not state when a two-year license expires. I presume that a two-year license expires on the 31st day of December of the year immediately following the year in which such license is issued.

So therefore, I wanted to suggest that the last sentence could be revised -- the first sentence of Subsection G could be revised as follows: All licenses shall expire on December 31st of the year in which they are issued, except a two-year license shall expire on December 31st of the year immediately following the year in which such license is issued.

And that concludes my comments.

Thank you.

SUPERVISOR DUNNING: You will leave a copy of that?

MR. MILLER: Sure.

COUNCILMAN SLATTERY: Good catches on the spelling.

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: I thank the gentleman in the rear for allowing me to speak first. Back in '92 and '93, as a Town Supervisor of the Town of Chili, I appointed myself as representative or liaison to the Plumbing Board. I didn't know much about plumbing. I am not a plumber. I'm more of the accounting type person, but it was a privilege for me to hear these gentlemen consider their art and their craft. I think it would be injustice (sic) to the Town Board of the Town of Chili to do away with the Plumbing Board. These people are knowledgeable. They're very diligent. They know what they're doing. They're administering the -- the

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examinations which are a great feature, in my opinion. And so I would speak -- as a former Town officer, I would speak in favor, definitely in favor because if there's any dangers that pursue from the fact that plumbing is illegally done, or inadequately and individuals suffer illness or even deceasement (sic), I think that's wrong and I think the Town could be charged for it as a liable situation.

I would request as a former Town officer, that the Plumbing Board remain to help and serve our community.

Thank you.

SUPERVISOR DUNNING: Thank you.  
I just -- Mr. Brixner, I have a question. Back in '92 and '93 there when you were the Supervisor, did the Plumbing Board do plumbing inspections at all? Did they go out to the sites, to the houses, developments and buildings to do inspections?

MR. BRIXNER: Mr. Supervisor, I do not recall.

SUPERVISOR DUNNING: Because they don't now. That is why I want to understand if they did back in your time, in your experience if they did inspection, I could certainly understand where the safety may have been jeopardized, but now we have a Building Inspector and an Inspector --

COUNCILMAN SLATTERY: I'm sorry, I couldn't hear you over the conversation in the audience.

SUPERVISOR DUNNING: The -- the Building Department has people that go out and do these inspections today that are on staff of the Town of Chili. I just wanted to get an understanding of what your experience was with that.

MR. BRIXNER: Basically I --

MR. WILCOX: Well --

SUPERVISOR DUNNING: Excuse me, sir. If you would like to speak, you will have your time.

MR. BRIXNER: I defer to Mr. Wilcox.

SUPERVISOR DUNNING: Mr. Brixner, no -- wait a minute. This is not how a public hearing is held. If you're all set, Mr. Brixner, then you're fine.

Would anyone else like to be heard at the Public Hearing?

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: Yes, my name is Steve Ginovsky, 19 Hubbard Drive, North Chili.

First of all, I believe that we should and I do repeat should have independent professionals that are licensed Master Plumbers do the competency examination. I don't see where -- and it's impartial. That's first of all, as the competency point of education, apprenticeships, so forth. Those are just the bare bones.

The next part here is on this -- that came to light is the venting. What just seems to be the problem behind driving this whole situation. I'm up here (indicating).

First of all, on the venting, why would you -- anybody want to not non-vent or have a mechanical vent. It's going to be in a wall. You're going to get dirt. You're going to get dust behind there. It's going to clog and you're going to have a back-up of sewer gas. You have families in Town. You have businesses. Are you going to take a chance of having -- and it's flammable. Methane gas. It will burn. It will explode. You're going to take that liability point? I think it's a very foolish move.

COUNCILMAN SLATTERY: Mr. Ginovsky, can I ask you a question --

MR. GINOVSKY: Yes, sir.

COUNCILMAN SLATTERY: -- a licensed Master Plumber. So are you saying we need the Plumbing Board? Is that what you're stating?

MR. GINOVSKY: Yes, I am.

COUNCILMAN SLATTERY: Can you tell me how many people were on the Plumbing Board that were Master Plumbers?

MR. GINOVSKY: There are three presently on the Board.

COUNCILMAN SLATTERY: No. That is inaccurate.

MR. GINOVSKY: Three licensed plumbers.

COUNCILMAN SLATTERY: Can you tell me their names?

MR. GINOVSKY: You have Dario Marchioni.

COUNCILMAN SLATTERY: He is in the audience. I will ask him at the time -- I will ask him now.

Mr. Marchioni, are you a Master Licensed Plumber?

MR. MARCHIONI: Licensed plumber.

COUNCILMAN SLATTERY: Are you a Master Licensed Plumber?

MR. MARCHIONI: I'm a licensed plumber.

COUNCILMAN SLATTERY: Are you a Master Plumber?

MR. MARCHIONI: I'm a licensed plumber.

COUNCILMAN SLATTERY: He is a licensed plumber, okay. So I don't think he is a Master Licensed Plumber.

MR. GINOVSKY: I'm speaking to the Supervisor -- through the Supervisor.

COUNCILMAN SLATTERY: You're speaking to the Town Board, sir.

SUPERVISOR DUNNING: You're speaking to the Town Board at a Public Hearing, sir.

COUNCILMAN SLATTERY: Thank you.

MR. GINOVSKY: Thanks.

COUNCILMAN SLATTERY: You're welcome. Carry on.  
MR. GINOVSKY: Next, expertise.

We have people who have at least taken a competency examination to do this trade and work. We are putting the Town of Chili residents in jeopardy as a liability. The Town gets sued here, God forbid something happens --

COUNCILMAN SLATTERY: These individuals are -- that work in our Building Department, sir, also had to take a New York State Civil Service test that has to demonstrate that they have the knowledge, expertise to fill that position, that test was given to the individuals. They did pass it. They were -- by the New York State, they were stated that they are qualified to perform the task of doing plumbing inspections in homes, new and existing, and in commercial developments. So New York State said yes, these people are competent. There are people that take the test that do not pass that. There is a certain grade that they have to get.

And our people in our Building Department, which quite frankly is -- to hear some of the things you just said, bother me a little bit by not knowing this, being a -- being a gentleman who was worked in the Union trade who has to go out and then your work is inspected by competent government officials or people that work for the government to certify it. So these people that we have employed by the Town are qualified to do those inspections.

MR. GINOVSKY: I did not say that part, that they were not qualified.

COUNCILMAN SLATTERY: No, but you stated --

MR. GINOVSKY: I said that -- licensing plumbers should be monitored independently by other licensed plumbers on the Board, which are quote "supposed to have been Master Plumbers" or at least one on that Board. Mr. Simonetti (sic) -- I believe is his correct pronunciation of his name -- that -- has proven that.

COUNCILMAN SLATTERY: As the Supervisor mentioned, the Plumbing Board did not go out and do the inspections.

MR. GINOVSKY: I believe the Plumbing Board would probably be called out. I'm going to make an assumption. If there was a -- something in question without -- without the Building Department's point.

SUPERVISOR DUNNING: Steve (Ginovsky), if I may for just a minute? Can I for a -- it's a Public Hearing. You will have plenty of time to speak, but I would like to offer some other information here that I think maybe you may not be aware of at this point.

Mr. Someone has passed away and is no longer on that Board. There were two members existing of this Board. Mr. Marchioni is here tonight, and I don't see Mr. Turnia here this evening. And when this -- when we -- I had to bring this about and there seems to be some motivation behind this, and you have kind of alluded to the same thing. However, the motivation behind it was, going on -- I went to the Board and asked them at this point do we replace, and do we look for a replacement for Mr. Someone at this point and to keep the Board going, or do we look at other ways of doing proper inspections and licensing in the Town of Chili.

The answer I got back was only from one of those members, and that was Mr. Turnia who did respond to me. His comments, which I do have all of that right up here with me, more than happy to share with you, if you would like to see it, was that he -- he didn't feel as though the Board was -- was necessary to -- to at least for the way that the Board and the actions, some of the things that the Board was doing at the time. And we went back and forth with a couple of the e-mails. I did also reach out to Mr. Marchioni who did not respond to this, to my request for information about how we would -- do we keep this or do we move on and try to look at a different path.

So I -- so I had only the information from Mr. Turnia coming back. I did share that with the Town Board through the whole process so they understood, with the exception of Councilwoman DiFlorio, as she was not on the Town Board at that time.

So -- but all this information was shared with them so they understood the path forward. This law and this amendment to our law, I should say, is not meant to cause any harm to the Town of Chili. In fact, it adds additional measures, I believe, to the way we do business by using the City of Rochester -- Rochester's exam, which is far more, as I understand it, is -- is far more intense than the Town of Chili's exam was. So it requires a higher grade of plumber, a higher -- someone who is more skilled, someone with more knowledge and someone who has definitely got the skills in which you're asking for, which you're saying we should have. We will get that out of that by accepting the City of Rochester's licensing and testing requirements.

Again, I believe if Mr. Karelus, please, correct me if I am wrong, but I believe our Assistant Building Inspector is also a licensed plumber, is he not?

CHRIS KARELUS: Yes. I think -- when you would like me to --

SUPERVISOR DUNNING: Just a "yes" or "no" would be fine.

CHRIS KARELUS: Yes. He is very experienced, 12 plus years, a naval plumber.

SUPERVISOR DUNNING: Thank you.

So the Town does have very qualified people working for them.

Again, the direction this took was only out of necessity to either move forward with the Board or to find an alternative, and was left with no other choice but to find an alternative, which is what you're seeing right now. So with that, please do continue.

MR. GINOVSKY: Well, I still firmly believe that there should be an examination.

COUNCILWOMAN IGNATOWSKI: There still is.

COUNCILWOMAN SPERR: There still is. It will be the impartiality you're looking for because it will be conducted by the City of Rochester.

MR. GINOVSKY: You're only going to afford the City of Rochester competency

examination if that is brought in, that certificate, you will accept that, period?

SUPERVISOR DUNNING: Yes.

MR. GINOVSKY: And no other towns?

SUPERVISOR DUNNING: That's correct.

COUNCILMAN SLATTERY: What other towns give the test?

SUPERVISOR DUNNING: There was only one other Town, I believe, we found, Chris (Karelus), and correct me if I am wrong, we looked at this, there was maybe one other Town that did --

CHRIS KARELUS: Two.

SUPERVISOR DUNNING: That did it independently that had their own test.

COUNCILMAN SLATTERY: 2 out of 20.

MR. GINOVSKY: Could you tell me what towns those are, sir?

COUNCILMAN SLATTERY: That is 2 out of 20 towns in Monroe County.

CHRIS KARELUS: I believe if I could remember, Greece and Irondequoit.

SUPERVISOR DUNNING: Greece and Irondequoit was the answer.

MR. GINOVSKY: So would you accept the competency from Greece and Irondequoit, their certificates, as well as the City of Rochester?

SUPERVISOR DUNNING: I believe that this -- this gives us -- there is some latitude, but I don't believe by this law we're allowed to do that. It would be -- you would have to be a licensed -- pass the City of Rochester's exam and submit that.

MR. GINOVSKY: Even though the other two towns are here within the County and they give a competency examination, which in the past the Town of Chili would accept a license from one of the other towns that gave the examination.

SUPERVISOR DUNNING: Well, we're just tightening it, the loop.

MR. GINOVSKY: That's what I'm trying to find out. Once you set this law in motion, it's set.

COUNCILMAN SLATTERY: You can modify it.

SUPERVISOR DUNNING: It can be amended as we're amending it now.

COUNCIL WOMAN DI FLORIO: It does state if you have experience and education --

SUPERVISOR DUNNING: Yes, I believe Mr. Miller pointed out nine years and ten years experience, so there is some latitude in there.

COUNCIL WOMAN DI FLORIO: Yes.

MR. GINOVSKY: I know for a fact, the City of Rochester, you have to prove the full ten-year and you have to have the five-year apprenticeship behind it and it has to be a State license apprenticeship, not a hearsay, of a letter from an individual.

COUNCIL WOMAN SPERR: It states that in our law, Steve (Ginovsky), that this is -- exactly what you're asking for is in this.

MR. GINOVSKY: Okay. But I also alluded to the venting problem, okay? Those vents, mechanical, all it is is a little rubber damper. If that is behind the wall, and who is going to go back there and check it and have a chance of a sewer -- sewer gas back up. It is as simple as that. That is why you have an outside vent. That needs to really stay right within the code.

COUNCIL WOMAN SPERR: If I can make a comment to to what you're saying, Steve (Ginovsky), I don't see any difference between having a member of our Plumbing Board, if they were out inspecting these -- these vents, between that and having the member of our Building Department who is a licensed plumber going out and doing that inspection. I see no difference to have a qualified licensed plumber go and do that inspection, and I felt that with the situation that we have currently in our Building Department, and the advantage we have by having that gentleman work for us, we're protecting everyone very well.

MR. GINOVSKY: Well --

COUNCILMAN SLATTERY: Are you talking about the code, how you feel that the code is wrong?

MR. GINOVSKY: The part on the code with the mechanical damper and the manufacturer that you have a chance -- two years from the installation to walk away from it. You have already written it off. And that rubber gets hard. And it tips. It is going to work. It is as simple as that.

COUNCILMAN SLATTERY: Who approved that code that you're referring to?

MR. GINOVSKY: You folks, did.

COUNCILMAN SLATTERY: No. Who approved it in the past to the Town?

MR. GINOVSKY: I -- I don't understand.

COUNCILMAN SLATTERY: The code that you're referring to, where -- where did that code originate from?

MR. GINOVSKY: The code originated from the State Building Code, Number 1. Number 2, the City of Rochester using that as a parallel.

COUNCILMAN SLATTERY: So those two organizations feel that that code is adequate and that there is --

MR. GINOVSKY: As a full venting system, yes.

COUNCILMAN SLATTERY: And you feel that the Town of Chili should modify that code and go back and talk to these two organizations because you feel there is a problem with it?

MR. GINOVSKY: I believe that there is a problem with the non-vented system, with the mechanical one. There is no fall back as inspection, you can't have a homeowner go digging into a wall.

COUNCILMAN SLATTERY: What --

Okay. And where did you -- where did you get this information that you -- that -- has there

been case study done where it's been proven that this has failed and -- and it's caused injury or death to people?

MR. GINOVSKY: There is no injury or death at this point because the City of Rochester says no to it. It's very simple.

COUNCILMAN SLATTERY: Okay. So the City of Rochester approved it, but they're -- but they haven't modified their code to not allow it?

MR. GINOVSKY: They will not allow it to be used because there is no monitoring to the system.

SUPERVISOR DUNNING: Has the Town of Chili, to the best of your knowledge, allowed it to be used?

MR. GINOVSKY: Here in the Town of Chili, I understand that there is a location over on Union Street that this started the whole situation to be enacted to be used.

SUPERVISOR DUNNING: Has the valve been used, is my question? Has the valve, to the best of your knowledge, been used in the Town of Chili and approved by the Town of Chili, who would be the approving authority?

MR. GINOVSKY: I don't know if it has been approved, but I understand it has been installed. I will leave it at that.

Now, on this -- the next part that Mr. Miller was talking about on the office here of -- let me -- let me regroup this here. The Building Department here. I don't want to pick on -- just the Department as a whole, but whoever is going to go out and do the inspection, and do a stop order, they're doing an affidavit. It could be a phone call coming in, but until that is signed, a secretary can just say, oh, there is a violation and write it as a stop work if instructed. I hope to heck not.

And life's safety is very important to me. We have got this plumbing part here that needs to be hammered down. Not only on this, but also for furnaces and as such. Because a lot of -- there is four or five cases in Western New York, here where the vents -- on furnaces as well as sewer get covered up and it backs up in the house and you end up -- people end up in Buffalo over in the iron lung over there to get the oxygen back to them and hope they don't die. And there is no guarantee on this. This is something very -- I -- this is real danger.

COUNCIL WOMAN IGNATOWSKI: I'm confused, because I don't see where we're having venting and all of that inside of our local laws. Our local law is regarding the qualifications and the licensing of the individuals doing the plumbing work. It sounds like that is more your State Code, building code and all of that. That is not what we're dealing with tonight.

COUNCILMAN SLATTERY: Or improper inspection or people modifying something after it was approved by -- by a municipality.

COUNCIL WOMAN IGNATOWSKI: But that is outside of the realm of this.

COUNCILMAN SLATTERY: Correct.

COUNCIL WOMAN SPERR: It would happen whether it was inspected by someone from a Plumbing Board or someone from our Building Department or in any other Town or municipality it could happen after it has been installed.

I think we're a little off point, Steve (Ginovsky). I mean I don't want to sound critical, but if there is something else you have to add to what we have on the table tonight to discuss, I would be happy to hear.

MR. GINOVSKY: I firmly do believe that getting back to my original, that the -- that the Plumbing Board has its place here locally, and they should be doing as an independent examination, the original paperwork, as the competency part before the test is even given and with the art and the trade for the life safety of our residents.

COUNCIL WOMAN SPERR: Do we know how many tests we have given over the last couple of years?

SUPERVISOR DUNNING: To the best of my knowledge, and please, Dario (Marchioni), correct me if I am wrong, we did one test that I know of this year, and we did, I believe, two tests last year. Is that about accurate? Am I close?

MR. MARCHIONI: We did exactly four tests.

SUPERVISOR DUNNING: Four tests, between the two years? Between the one this year and three last year?

MR. MARCHIONI: Three passed and one failed.

SUPERVISOR DUNNING: Thank you.

MR. GINOVSKY: That is the point that I'm kind of getting at. They monitor. It takes the pressure off the Building Department, which is very busy.

COUNCIL WOMAN IGNATOWSKI: Well, the Building Department will not be administering the test. The City of Rochester is.

SUPERVISOR DUNNING: The City of Rochester is.

MR. GINOVSKY: Right, but on the plumbing licensing, if someone doesn't pay their -- every two years --

COUNCIL WOMAN SPERR: It states right in here, Steve (Ginovsky), that when called upon, they have to present their license, so they have to show that they have -- when they're on the premises, that they have renewed and they got a current license. That is a stop gap to make sure that that doesn't happen. It says right in here.

MR. GINOVSKY: Okay. Also on here, um, it says a photo ID. If the Town is going to be doing this -- this licensing, I think the Town should be given ID cards with photographs, with their numbers affixed.

COUNCILMAN SLATTERY: The Town is not giving --



MR. GINOVSKY: Not given. They're going to be selling the thing, the license. You come in and you do your renewal and you have your picture taken. Now --

COUNCILMAN SLATTERY: Quite frankly, Steve (Ginovsky), I will go a little bit further here. Doing inspections in the past, myself, personally, I have run into a number of plumbers that sold their licenses to people that weren't Master Plumbers, that weren't licensed plumbers that were trying to make a quick buck and they did, and they do, and they still do it today, selling it to people that haven't taken the test. They're paying people to work under their license.

And then I have also run into somebody who is a Master Plumber that because he didn't take the test in the Town of Chili, he couldn't come in here and work in this Town because he didn't take the test. And he had a job to do. He gave a quote to somebody, and then once he looked into the requirements, he couldn't do the job in this Town. So --

MR. GINOVSKY: Did he have a City license?

COUNCILMAN SLATTERY: Yes, he did.

MR. GINOVSKY: He came to this Town and the Town refused --

COUNCILMAN SLATTERY: He came to this Town, but he had to go through that whole process and he was in a pinch. It was an emergency problem that the people had at their home. So it was real quick, it was on a weekend and once he realized he couldn't do it, he didn't want to break the law, he didn't want to cause any problems. If he waited until Monday and went through that process, he could have been fine. But, the -- the reality of it is, you have people, plumbers out there who are licensed that are still selling their licenses to other people that don't have one.

MR. GINOVSKY: I also don't see any penalty here if you are caught.

COUNCILMAN SLATTERY: Correct.

MR. GINOVSKY: Why don't we have that on there, as part of --

COUNCILMAN SLATTERY: That should be a point that we look at.

Carry on.

MR. GINOVSKY: Not just a dollar amount, but arrested and taken to the judge and then go to jail, because you are putting someone's life in jeopardy.

And also, as I said before, if you do get a license here in the Town of Chili, that the Town issue an ID card with your picture that it is you, and if you are caught selling it, there is a substantial penalty. That's the whole point. And I know what the City of Rochester, that that does go on. I have run into it all of the time.

COUNCIL WOMAN SPERR: It could happen here. Just because we conducted the test

doesn't mean some unscrupulous person --

MR. GINOVSKY: But if you go and get the license and you sign the affidavit of a penalty, you're held liable. That is the point.

SUPERVISOR DUNNING: I kind of suggest that we -- you go ahead and continue, Mr. Ginovsky and we'll move along.

MR. GINOVSKY: As the Building Manager and -- or designee, if the applicant is found capable of conducting -- conducting the trade, his license is yanked, if you have the Plumbing Board, someone needs to come back and prove it. Not just the department head. It has -- someone has to give a person a -- an opportunity, just because one person says, "I think he's incompetent," it should be more than one person. It should be three. You have three there presently, I believe on the Board.

SUPERVISOR DUNNING: Once again, we have two.

MR. GINOVSKY: Two. Two or three of his peers that have that technical advantage of being independent on this.

COUNCILMAN SLATTERY: I will tell my kids to use that in school. Tell your teacher they want somebody else to review their test.

MR. GINOVSKY: You're going to have your kid tell them that. He is going to send him right out the door and say he is a trouble-maker and they dispose of them like they do at Churchville-Chili. You want to bring it up, you brought it up.

SUPERVISOR DUNNING: Let's move on.

MR. GINOVSKY: Well, I believe for the life safety here of the Town, um, for the -- for the licensing, yes, it's a big joke.

COUNCILMAN SLATTERY: It's not a joke. If you speak relevant to this Town law.

MR. GINOVSKY: Have someone go in their house, go to sleep and not wake up. You can think about that any time you like.

COUNCILMAN SLATTERY: Steve (Ginovsky), it's not a joke.

MR. GINOVSKY: That is exactly what you're pulling.

COUNCILMAN SLATTERY: We have trained people in our Building Department. If you want to speak relevant to this law, if you feel there are problems with it, we would be more than happy to hear it.

If you will talk about ventilation that happened in Niagara Falls because somebody didn't inspect it properly and somebody modified it after it was built, I don't know because I don't know the exact circumstances of --

MR. GINOVSKY: Excuse me, sir. It was in the City of Rochester, and they were taken there because we don't have an iron lung to bring them back with the oxygen and they had to spend two or three days in there to bring them back.

COUNCILMAN SLATTERY: So the City of Rochester, this problem occurred. Did somebody modify something after it was put in incorrectly or did somebody not inspect it

correctly?

MR. GINOVSKY: It was a sewer trap -- not a sewer trap but a clean-out that was left open and it crept up through the house and it was a heavy gas and that is what happened. That is the after the fact.

COUNCILMAN SLATTERY: So it was an inside clean-out in somebody's out house that didn't have a cap on it?

MR. GINOVSKY: Yes.

COUNCILMAN SLATTERY: And that cap was removed by who?

MR. GINOVSKY: The munchkins got them. I wasn't in the house.

COUNCILMAN SLATTERY: Because the thing is, it is designed to have a clean-out cap on it. It's a threaded cap. They put it on tightly. Some have metal, some are plastic, some are cast iron. Somebody in that house removed it.

So it was -- it was not the Plumbing Board, it was not the Building Inspector that -- that they designed it. It was approved. It was installed properly, and then somebody messed with it. It is like your brakes on the car. If you don't know what you're doing, you don't touch them. So somebody altered that piece of equipment. And that's what caused the problem.

MR. GINOVSKY: In getting back to your venting with this new vent that you would like to use, with the little rubber gasket, that is the problem.

SUPERVISOR DUNNING: I would ask that we stay on topic with this particular law. This law doesn't have anything to do with venting --

MR. GINOVSKY: There is no penalty to this if you're caught. That needs to be addressed.

SUPERVISOR DUNNING: Thank you for pointing that out.

COUNCILMAN SLATTERY: That's a very good point.

SUPERVISOR DUNNING: Thank you for pointing that out.

TODD PRITCHARD, 3490 Chili Avenue

MR. PRITCHARD: Todd Pritchard. I live at 3490 Chili Avenue. I'm a plumber. I am in Local 13. I have 22 years in the field.

I just took the Chili test, and it was a good test. It definitely -- you had to be a plumber to pass it. They had stuff on there that only a plumber is going to know.

The City test is harder; it really is. It's more stringent. I do most of my work in the City. Right now I'm doing the Emergency Department at Rochester General. That's what I do.

I think the Plumbing Board is a good idea, but I think the inspectors need to inspect. I think the Plumbing Board can give them support, if there is something they haven't seen. Or somebody to call if they want to make Chili Code more stringent than international code.

The code we use says right in the beginning that Towns make their own codes more strict, and you have to always abide by the stricter code.

The City Inspectors, they won't let you put in those mechanical vents. They're right about that. It's a bad idea. I get it. The problem is they're not put in to code. 1917, it is a whole section. People use them for island sinks and stuff like that, and you can't. And the code tells you that.

As long as their inspectors are up on the code, it really won't be a big problem. People -- he'll kick them out of there.

But I really do think the Plumbing Board is a good idea. I think it is good to have so you have somebody to lean on. You have somebody that has been in the field for, you know, a long time. And I would be more than willing to volunteer to be on the Board with Brandon and -- I know Brandon very well. I just --

COUNCILMAN SLATTERY: Question in regards to it. You -- you feel that there should be a Plumbing Board?

MR. PRITCHARD: I think so, yes.

COUNCILMAN SLATTERY: Somebody to lean on if they have a question.

MR. PRITCHARD: Or as new codes comes through. Plumbing is so area specific. It really is.

Now they're going to an international plumbing body which basically covers almost the whole world, so there are codes in there that really might be good in say Arizona, but we really here in Chili would want something better for our people.

And I think guys like me, Brandon and Dario (Marchioni), I know I really love Chili. I do a lot with the youth here. I only got wrangled into this thing because the church I attend asked me to get a license so we could pull permits so I could do the work there. I'm not a side-job guy. I'm not running around Chili building things. But I do care about Chili a lot.

COUNCILMAN SLATTERY: So you stated that the City test was more difficult --

MR. PRITCHARD: Oh, absolutely. It's tough. It's a tough test. I have never pulled my license just for the simple fact you need to carry \$2,000 worth of insurance, and not being a side-job guy, you would have to do \$2,000 worth of side jobs just to break even, so it doesn't matter to me. I know guys who do make the test and I do know guys that take the test and they're great guys and they're very good plumbers.

Really if we stick with Rochester's rules, we're going to have a great time here with building. They pass the City test, they're going to be a good plumber. So I really -- I'm glad you're going with the City test.

Personally, I wish you would use the City Inspectors, but I guess --

COUNCILWOMAN IGNATOWSKI: You would modify it -- the law so that we would



still utilize the City test, as opposed to our Town Chili administering the test?

MR. PRITCHARD: Absolutely. Would be 100 percent behind that.

COUNCILWOMAN IGNATOWSKI: You would envision the Board being strictly for a purpose to refer to the Board for questions on the plumbing?

MR. PRITCHARD: Absolutely.

COUNCILWOMAN SPERR: As consultant.

MR. PRITCHARD: Yes.

COUNCILWOMAN IGNATOWSKI: Because I do have all of Brandon's e-mails as well, as the Supervisor indicated that he had reached out to the remaining two people on the Board to -- to gain an assessment what their thoughts were on the viability of having a Plumbing Board, because quite frankly, we haven't had anybody else before either.

MR. PRITCHARD: I didn't know about the situation until I came looking for a license.

COUNCILWOMAN IGNATOWSKI: He was mentioning, you know, that is why we're at this process, because he didn't see a super need for this Board --

MR. PRITCHARD: I'm not sure what the responsibilities were, honestly, but I definitely can see the value of keeping the three of us together, and if you need us, we're there.

COUNCILWOMAN IGNATOWSKI: That is one of the things he did mention, is that if -- if the Board members, if they would be available to perhaps be able to answer questions or visit -- I'm trying --

MR. PRITCHARD: We would be more than happy to review drawings and check violations.

COUNCILWOMAN IGNATOWSKI: You're saying maybe the Board should meet on an as-needed basis rather than a scheduled basis when it comes to adopting new or revised Town plumbing codes and just to have that be another resource?

MR. PRITCHARD: I agree.

COUNCILWOMAN IGNATOWSKI: It would still be on an as-needed. Like I said, at the time we didn't have anybody knocking on the door looking to come onto it.

COUNCILMAN SLATTERY: What he did -- so the public knows and the people that are watching at home, for any of our committees and our boards, we advertised. We put things in the newspaper. We put things on the Town website, and we got to this point -- it is not that we want to say disband, we're totally against it. We're open to suggestions, and you know, if we have something that isn't totally sound here, if we made a mistake, God help me and we'll correct it. But -- but we're asking a population of almost 29,000 people, we need people to join our committees, and if we don't have them, unfortunately, it puts us in a difficult position.

MR. PRITCHARD: I agree. I agree.

COUNCILMAN SLATTERY: That -- for three people on a committee. Three plumbers. And -- and we did not -- how many meetings did they not have a quorum and they had one person show up?

COUNCILWOMAN IGNATOWSKI: One person showed up.

COUNCILMAN SLATTERY: They couldn't meet.

COUNCILWOMAN SPERR: The other two members didn't even attempt to conduct the meetings when we didn't have a Chair for a period of time. So -- so we began to wonder when it didn't meet very often, did we really need to have this Board. And this topic surfaced a couple of years ago, so we tried to examine it from all different sides and brought a new member on board so we kept it in place and have been studying it for almost two years.

MR. PRITCHARD: Sorry I didn't come earlier.

COUNCILMAN SLATTERY: No. We're looking for feedback from the Board and we heard it from Brandon.

MR. PRITCHARD: Yes, well, I know Brandon. I worked alongside him while he was at Roberts, and I was at the St. John Fisher building things. He's a good man. Brandon is a great guy. Like I say, he cares a lot about Chili, and so does Dario (Marchioni).

COUNCILWOMAN IGNATOWSKI: We appreciate he took the time to try to give some kind of insight and --

MR. PRITCHARD: He is not here because he is teaching at the hall. I know exactly where he is. I haven't been around because I have been coaching and doing everything else.

COUNCILMAN SLATTERY: Totally understand. And we're not criticizing you for it. Everybody is busy. You do a lot. What you're doing with the coaching is great. You can only volunteer so much, and generally what you see is you see a certain group that a volunteer steps up and they get pulled in 20 different ways and they can only go two of them.

MR. PRITCHARD: I agree. But I really, really would like you guys to think about keeping the three of us together.

COUNCILMAN SLATTERY: Three of us? Are you on the Board now?

MR. PRITCHARD: Hopefully.

(Laughter.)

MR. PRITCHARD: Hopefully.

COUNCILMAN SLATTERY: Can we get the correct spelling of your last name, please? (Laughter.)

MR. PRITCHARD: Yes, I would like to join the Board. I would like to keep it together and be back-up for your inspectors, and if they want us to review drawings, or if they have an issue. Because there is a lot out there. I have seen a lot. I have been very fortunate to do a lot in these trades, and there is a lot -- a lot of people just haven't seen yet. So your inspector, you got lucky you got a plumber. But -- I think you could use us.

SUPERVISOR DUNNING: I would ask if you could, please, could you grab one of our volunteer applications --

MR. PRITCHARD: I definitely will.

SUPERVISOR DUNNING: -- and fill it out.

Dawn Forte handed Mr. Pritchard an application.

SUPERVISOR DUNNING: That a girl. She is on it already.

COUNCILMAN SLATTERY: You know what, it is refreshing to hear you step up and to hear these comments that you are stating about the City test, about talking with Brandon and just looking into it, and I applaud you for even taking the time to come before us tonight. It's -- it really is refreshing to hear that.

And, you know what, this isn't perfect, and what is? You know, and we have to be the first ones to admit it. Maybe there is an error with it, but you know what we're learning, we're all learning daily.

MR. PRITCHARD: Absolutely. Like I say, we're all in it together. I will get this done, and we'll go from there.

SUPERVISOR DUNNING: Thank you.

COUNCILMAN SLATTERY: Thank you for your time.

JOHN FERLICCA

MR. FERLICCA: Thank you, Supervisor. I will keep my comments brief. John Ferlicca, 62 White Oak Bend, Town of Chili.

I am not unsympathetic to the desire to tighten up administrative regulations pertaining to the administration, the licensure of plumbers in the Town of Chili, the need to show proof of a insurance, various other administrative functions which are listed in the local law.

Before I go on, I want to thank --

SUPERVISOR DUNNING: Mr. Ferlicca, you're addressing the Town Board at this point. MR. FERLICCA: I want to thank Mr. Miller for his comments which were very carefully worded and he obviously carefully read the proposal of the law.

I also want to state that while not unsympathetic for the desire to tighten up administrative regulations or for that matter, to use the City of Rochester's exam as opposed to the Town of Chili's own exam, I am unsympathetic to the idea of abolishing the Plumbing Board, a Plumbing Board which has existed and has served the residents of Town of Chili for the last 43 years.

Um, you -- and I'm certainly well aware of what you indicated before, Supervisor, about one of the members being deceased, problems with membership and Mr. Slattery mentioned before.

However, having said that, I'm concerned that by investing all of the duties that are set forth in the local law in the hands of the -- pursuant to the proposal Building Department Manager, um, discretion is being placed in that Building Department Manager, particularly in weighing the quote "combination of education, training and experience," end quote, and that is recited in Section 3 -- I'm sorry, Section 4 of the proposed local law, and that -- by placing the discretion for licensure, whether it be the grant of a license or the suspension or the revocation thereof is as provided in this proposed local law, the residents of the Town of Chili are subjected potentially to the exercise of influence on that Building Department Manager through, for instance, the Supervisor or a Town Board member, or a combination thereof by a politically influential developer or by a politically influential plumber for that matter, that may want a friend, relative, what have you, to get a license or a powerful competitor to be denied a license or be suspended for what may be spurious reasons.

COUNCIL WOMAN SPERR: John (Ferlicca), if I could interrupt for a second. What would stop anyone on the Plumbing Board who knows other plumbers in the area from not having their own set -- their own political influence as opposed to a higher municipal worker for the Town? Why would you assume that a worker for the Town would have more political -- be influenced politically more than a friend who might be in the trade or the business? I find that to be an unfair possibility.

MR. FERLICCA: If I may finish, the difference, Mrs. Sperr, is the investiture of discretion in a single person versus in a three-member board. It is far harder, as anyone one of you can attest, serving on a five-member panel.

I have served on a much larger legislative body where it is difficult to -- for people to come to together, to coalesce, to reach consensus on doing anything, for that matter, and if it -- it's anything which is beyond the pale, anything which may not be totally appropriate, it will be much harder for three people to do that, reach that consensus decision than it would be for one person.

And I also note under the current regime the three members serve three-year terms which are staggered. Though three-year terms being staggered as they are are by definition -- or by necessity, um, cross over the terms of different members of the Town Board, two members of the Town Board coming up every two years, Supervisor coming up every two years. So it is much more difficult for members of the Town Board to exercise untoward influence over members of the Plumbing Board under the current regime than it would be over an administrator -- certainly nothing personal meant towards Mr. Karelius, but the potential is there for Town Board members to exercise influence.

COUNCIL WOMAN SPERR: I would find it far more possible, far more likely that a member of the Plumbing Board would approve one of his buddies in the business before any one

of this legislative body would exert influence. We don't have -- we have independent boards and committees, and they are run by themselves as evidenced by -- which Mr. Marchioni could contest to, the test that he was given. It was totally within his control and his domain. And I resent the implication, personally.

MR. FERLICCA: That certainly is an opinion that you're entitled to, Mrs. Sperr.

COUNCILWOMAN SPERR: Yes, I am, thank you.

MR. FERLICCA: I would like to note that Mrs. Ignatowski proposed, if I understood your comments, correctly, ma'am, that the current Plumbing Board and the current statutory framework under Section 81-3 of the Town Code could be maintained, but in place of the Plumbing Board being responsible for the administration of the exams, the City exam could be substituted. That would, in my opinion, would be an appropriate modification of the current regime, which would address the issues which the Town might have in terms of insuring the professionalism and technical competency of the practitioners in the field, while at the same time addressing what I think is a very legitimate concern relative to the independence of a Plumbing Board from excessive political influence.

So if the Town is going to make any type of modification to the local law, I would suggest certainly that the Plumbing Board, which has served this Town for 43 years, and it has met the interest of its residents, be maintained in its current three-member format, assuming, of course, a third member can be found, obviously, and that the first section of section -- the first subsection of Section 81-3 could be deleted so that the authority to administer examinations could be removed from that board, but in its place would be the need to pass a licensing test administered by the City of Rochester.

I think that would address issues of competence, professionalism, as well as addressing the issues of independence which I think is crucial to the residents of the Town and the people that seek to do development projects within the Town.

Thank you very much.

SUPERVISOR DUNNING: If I may, while you're still there, I would just like to ask you a question, because I'm not a plumber and I don't know.

MR. FERLICCA: Neither am I, Supervisor.

SUPERVISOR DUNNING: Maybe you know, though, in your dealings as you're -- your vast experience at the County, that plumbers --

MR. FERLICCA: I sense sarcasm in this.

SUPERVISOR DUNNING: Most of these plumbers are Union workers, are they not?

MR. FERLICCA: I wouldn't know.

SUPERVISOR DUNNING: Would that be a pretty fair statement, a lot of the plumbers are Union workers? And if they're members of a Union, they would also -- could be political influenced? Would that be accurate? I'm just wondering if that is the case, if --

COUNCILMAN SLATTERY: Independent plumbers, licensed plumbers, I wouldn't say they're Union.

SUPERVISOR DUNNING: I wasn't sure.

MR. FERLICCA: I couldn't answer that.

SUPERVISOR DUNNING: The political influence came up and I really didn't know, so I wanted to ask the question.

MR. FERLICCA: Thank you for your time.

COUNCILMAN SLATTERY: I think one, thing, John (Ferlicca), as was mentioned, that you talked about this Board being together for X amount of years.

MR. FERLICCA: 43 years, I understand.

COUNCILMAN SLATTERY: 43. That's good we can spit out numbers like that, but if we go back and we look under the previous Supervisor, who you were Deputy Supervisor for, there were problems with that committee meeting, and even before then, from previous years, having the quorum and having them meet on a regular basis.

That is a concern that we have, that -- that we have put somebody on a committee. They come in, we interview them, we take the time to interview them and make sure we have the proper people, put them on a committee, whether it is a Planning Board, Zoning Board, Plumbing Board and then they don't attend. Then they don't demonstrate that commitment. To us they're saying, "Yes, I want to do it. Yes, I'm making that commitment." And then they don't show up when they're supposed to be at a meeting.

MR. FERLICCA: Is there a question here?

COUNCILMAN SLATTERY: Yes, there is. Well, it's a statement, because you said they were together for a long time.

MR. FERLICCA: The Plumbing Board has existed for 43 years.

COUNCILMAN SLATTERY: Correct.

MR. FERLICCA: The current Plumbing Board, I have no idea how long the current group existed. In fact, I just learned tonight that one of the members is deceased.

COUNCILMAN SLATTERY: Yes. And he was a fine gentleman and did a great job.

But my point is, it may be together for that -- like our Ethics Committee. Well, we put -- we have people on it, but they don't always meet. So I think if we can look at the need for this Plumbing Board, to say, okay, instead of having scheduled meetings once a month on a certain date, then maybe they can be called together at a certain time and say, "Okay, there is an issue that has come up, we need to meet, maybe we can do that."

I know in the past we did put a board together, and the commitment was there by all of the members to meet, to even have a quorum. That is the problem, we need people who will be on

committee who are dedicated and follow through on the commitment.

MR. FERLICCA: So the Board may wish, very well, to consider if that is a legitimate issue, and I haven't looked into it enough to opine whether it is or is not, then but if it there might be a provision that the Town Board could insert in a modified local law which would allow the Town to remove a member of the Plumbing Board for cause, one of which would be, you know, failure to attend a sufficient must be number of meetings.

COUNCILMAN SLATTERY: X amount of meetings.

MR. FERLICCA: That is perfectly reasonable.

COUNCILMAN SLATTERY: That has been some talk because of some other commitments on some other committees. And people are busy. We totally understand that. We appreciate their willingness to even submit an application to be on a committee.

COUNCIL WOMAN SPERR: But if I can add to one thing that Councilman Slattery is bringing up, during that time when they weren't meeting --

MR. FERLICCA: What time would that be?

COUNCIL WOMAN SPERR: Over the period of the last two to three years.

-- the Building Department was there making sure all throughout this entire process -- the Plumbing Board wasn't meeting, and they weren't getting together-- the Building Department has been there all along. They were making their inspections, so the Town was protected through the use and the strength of our Building Department.

So, you know, I heard earlier people making comments, well, we're not going to be providing the adequate protection for our residents if we don't have a Plumbing Board. Where in my opinion I was struggling with keeping a Plumbing Board because I didn't see any action coming from them, and I didn't see them with -- as he said, their level of commitment to protect the residents in the capacity they were chosen for.

So that is why -- one of the reasons why we have struggled and are even thinking of doing this tonight. Hence we have a Public Hearing to get everyone's feedback to find out what is the best thing for the Town. That is the reason for our discussion tonight.

MR. FERLICCA: And clearly, clearly the Town needs a Building Department, and I would never suggest otherwise. And I believe that the Building Department is doing a professional job on behalf of the interest of the residents of the Town.

The question, as I see it, from my perspective, is whether there should be an independent body that works and collaborates and to some extent oversees some of the decisions and actions of the full-time Building Department, or whether all of the decisions and all of the discretion is invested solely in that Building Department.

COUNCIL WOMAN SPERR: I understand. I understand.

COUNCILMAN SLATTERY: Out of 20 towns, they have two towns only do that -- only

have that board, that committee. So I guess you --

MR. FERLICCA: Have a Plumbing Board?

COUNCILMAN SLATTERY: That have a Plumbing Board. Only 2 out of 20.

MR. FERLICCA: We're very fortunate then.

COUNCILMAN SLATTERY: We would be 3 out of 20, if we have one.

SUPERVISOR DUNNING: One of the things -- one of the things.

MR. FERLICCA: Thank you --

SUPERVISOR DUNNING: The meeting frequency, the meeting -- the one gentleman that spoke, he did a great job. We'll take a lot of that information and we'll take it and relook at it -- this a little bit, I think, because of that. But one of the things with this particular meeting, it is not convenient for plumbers. The meeting is held at 8:30 in the morning. Most people in the trades, they're halfway through their work day at 8:30 in the morning. So it is not a convenient time to take them out of the workplace, so we may need to revisit if we entertain this again, revisit how we meet and how this works.

But as far as overseeing or monitoring the Building Department, I -- I don't like that. I don't think that is -- I don't think that -- I think an advisory capacity, certainly the Plumbing Board has served in the past, unless I'm incorrect, but in an advisory capacity, certainly there could be some value what they have to offer but not as oversight of the Building Department. That creates a whole new set of issues that we would have to deal with and we would have to go through and go back and redraft our laws completely to have that happen. I just don't see that as a proper use of that board, to give that power to this board or -- or any board.

COUNCIL WOMAN IGNATOWSKI: That would be like saying the Architectural Review Committee should have some overseeing --

MR. FERLICCA: I guess.

SUPERVISOR DUNNING: The Planning Board or the Zoning Board oversees the Building Department.

MR. FERLICCA: The question would have to be asked, in terms of using the words "overseeing" versus "collaboration," versus "advisement," the question would have to be asked, and I don't know the answer, and this would require some research, how many times, if ever, in the past X number of years, has the Plumbing Board butted heads with the Building Department such that they took a position that was a 180-degree adverse to the decision of the Building Department? Now if that hasn't happened --

SUPERVISOR DUNNING: In my 16 months, I don't believe it has happened once.

MR. FERLICCA: If that hasn't happened, the question is really moot. Then it is a function of advisement and not oversight, but advisement and collaboration and that may be a very appropriate role for a Plumbing Board to follow. If on the other hand it has been the experience

of this Board that those issues have come up in the past and they have to be addressed, but again, my point, without belaboring -- without belaboring my point, is that there is always a benefit to the public that there be an independent body who has terms that overlap -- that overlap those of the elected members of the Town Board that can provide advisement to the appointees of the Town Board, full-time Town Board employees in the administration and discharge of their various duties, whether it be plumbing or any number of other functions the Town government is responsible for. Having said all of that --

SUPERVISOR DUNNING: Is that opinion based on the time that the Board has been in place? Because I'm wondering then are we to consider entertaining an electricians board to protect people or to work with our Code Enforcement Officers, or a -- or construction --

MR. FERLICCA: I would certainly -- I would certainly leave that to the sound discretion of your Board.

SUPERVISOR DUNNING: I don't know. If -- if we need this oversight, personally I think it's a little bit -- no matter how you look at it, oversight -- I like the word to "collaborate" with. I like collaboration. Collaboration is always a good thing. I like that approach.

MR. FERLICCA: I will leave that to your sound discretion, you and the members of the Board whether there should be an electricians board or a carpenters board. I think that the more citizen input, particularly people in skilled trades who get their hands dirty and actually do this work every day as opposed to people that have perhaps had limited experience actually out in the field, I think that can only benefit the administration of government in any Town. So I will leave that to your sound discretion if you think that is appropriate.

SUPERVISOR DUNNING: Thank you.

COUNCILMAN SLATTERY: When you were in the County Leg, did you know of anything that was done like that for the County employees, oversight boards?

MR. FERLICCA: There are a number of them, Mr. Slattery, however, you know, I would have to go through my notes and be fresh my recollection, and I'm not prepared to answer that question right now, but there are a number -- just to give you an example, um, the Monroe County, um, Board of Health is a perfect example of a body which is composed of a variety of citizens of the community which provide advisement and collaboration with the Monroe County Department of Health, which is an operating department of the County, has a lot of responsibility, as you know, but the Board of Health acts in a collaborative advisement capacity on a lot of issues that the full-time staff of the Department of Health perhaps may not be aware, perhaps may not have the time to research, and the Board brings different perspectives that the professional full-time staff may not in their own professional experience possess.

So the ability to bring people to the table that have different perspectives, but are still focused on one core competency, whether it be health, whether it be plumbing or electrical or what have you, I think that's a benefit to the Town. Whether we need an electricians board, I leave that to your sound discretion. Obviously that is something that would have to be researched.

I want to thank the ladies and the gentlemen of the Board for your time.

SUPERVISOR DUNNING: Thank you.

CHARLES RETTIG, 1030 Coldwater Road

MR. RETTIG: Good evening, members of the Board. Addressing this issue of a Plumbing Board, I will first go through the proposed amendments for the law, include 378-3, Plumbing Board; Section 378-4, Plumbing Board; and Section 378-5, Licenses and Registration for Repeal in their entirety. And then the new section licenses and registration to be added, which I believe is in a two-page document to the public, proposed to be local law of 2009, which we're discussing.

Just to digress here momentarily, um, I heard a couple of comments as Mr. Ferlicca was speaking, and -- from members of the audience, as you probably didn't hear it since it was low key, but you asked a question as to whether or not most of the plumbers were Union members. I heard a lot of "no"s. So I think the inference that all plumbers, as you implied, Mr. Dunning --

SUPERVISOR DUNNING: I made no such implication. I asked a question, Mr. Rettig. Because I was not knowledgeable about that, I asked a question. I did not imply anything.

MR. RETTIG: Thank you. But I interpreted it other than that.

SUPERVISOR DUNNING: Your interpretation.

COUNCILWOMAN SPERR: He asked a question. He asked a question, Chuck (Rettig). MR. RETTIG: That's fine. It is just the same as Mr. -- you disagreeing -- or Mr. Ferlicca disagreeing with you, Ms. Sperr. No different. No problem. No problem. Thank you.

But I did want to make the point that there was comment in regard to the fact that not all plumbers are Union members. Period.

I do also agree that there should be commitment from committee members, and hopefully that can be resolved or reinstituted with the Chili Plumbing Board.

And also, a comment in regard to this being an advisory committee and we don't want the power to go to the Board, I heard that comment from you, Supervisor Dunning. And that is the fact that a Plumbing Board is advisory. They have been operating since 1967, which I have correction in my records is 42 years. I heard 43, but we're going on 43.

COUNCILMAN SLATTERY: You mean somebody made a mistake, Charles (Rettig) (Rettig)? I hope one of those speakers didn't.

MR. RETTIG: Well, that's fine. But at least we're now better advised, hopefully.

But anyway, whatever it be, Mr. Slattery, the fact is the Plumbing Board in the Town of

Chili has been in existence for a long while. And they have done a good job. And unfortunately with Mr. Someone being sick and obviously passing away, and the Board only having two members, yes, we do need more members. We do need more dedicated people and the gentleman did speak up. I thought that was very appropriate that he did. I'm glad he did.

And hopefully this Board can see that for what the Town's people see as a necessary function by the fact that the Plumbing Board is a necessary function in this Town. It has been valuable. It's volunteers. And it does take some load off the Building Department. That's not saying the two can't work together.

Didn't know if you had any comment?

COUNCILWOMAN SPERR: No.

MR. RETTIG: I heard the gentleman who spoke that didn't have his plumbing license say the Plumbing Board is a good idea. I will state that I think it's a good idea based upon the fact that the Plumbing Board for the Town of Chili can have, and I -- I also see that Ms. Ignatowski and Mr. Dunning may be think it is funny.

SUPERVISOR DUNNING: I'm taking notes, actually. I want to take notes.

MR. RETTIG: I'm watching Mrs. Ignatowski's laughing.

COUNCILWOMAN SPERR: She always smiles up here. You know, she always does.

MR. RETTIG: It's not a funny issue. This is a serious issue.

COUNCILWOMAN SPERR: It is serious, Charles (Rettig). It's okay.

MR. RETTIG: Thank you.

That the -- that the volunteers on the Plumbing Board do save the Town a lot of -- and the Building Department some time, and we did state that we had some problems earlier, which I believe have been resolved, in the number of people in our Building Department to get more people and qualified people in there, and my comment is for what I have observed with Mr. Karelus in the Building Department, I think he's doing a fine job.

COUNCILMAN SLATTERY: Chuck (Rettig), can I ask a question on the comment you made?

MR. RETTIG: Sure.

COUNCILMAN SLATTERY: You said the Plumbing Board has saved the Town a lot of time.

MR. RETTIG: That's my opinion based upon the fact that they're -- time and money, by the fact that they're volunteers, number one.

COUNCILWOMAN SPERR: They're compensated.

SUPERVISOR DUNNING: They're given a stipend.

MR. RETTIG: Okay. That is peanuts for their time actually.

SUPERVISOR DUNNING: I would agree with that.

MR. RETTIG: If you're paid \$50 an hour and you get a compensation of \$25 per.

meeting --

SUPERVISOR DUNNING: You're true. For every one of our boards and committees in the Town, they're undercompensated for what they're doing.

MR. RETTIG: They're basically -- they're compensated, but they're basically volunteers.

Do you have another comment?

COUNCILMAN SLATTERY: Well, I guess I'm wondering, you made the reference they save a lot of time. I guess I was looking in what ways, in what -- for example?

MR. RETTIG: Keep that thought, because I do have some specifics on that, and --

COUNCILMAN SLATTERY: I will wait here.

MR. RETTIG: And I appreciate your question.

The points were brought up that there were additional measures with the Town of Chili exam or exam as the City of Rochester which no other towns issued the way we did or have in the past, through the plumbing -- Chili Plumbing Board. And the Plumbing Board, with their materials reviews, et cetera, they can be, and have been, more discretionary and more stringent than international building code -- or International Plumbing Code and the City of Rochester Code.

COUNCILMAN SLATTERY: Correct.

MR. RETTIG: That has been very -- I think very wise for the Town of Chili. And I will explain as I get into it.

But our test is not as difficult as the City of Rochester's. Per what the gentleman stated earlier.

MR. RETTIG: Okay. I don't know that.

COUNCILMAN SLATTERY: I'm going by what he has to say.

MR. RETTIG: I appreciate that. It doesn't mean that we couldn't have our test the same as or equivalent to the City of Rochester.

COUNCILMAN SLATTERY: I would find that very difficult for them -- if they would give us a copy of that, their test that they administer -- you know, I have taken a number of Civil Service tests. I know there are study guides that are out there, but they do generally pertain to that position, I would caution you on that.

MR. RETTIG: Okay. But again, it comes back, and I can't argue with you on that point. I don't know enough about the exam or whether they would share information or whatever.

COUNCILMAN SLATTERY: I can't either. I can only speculate.

MR. RETTIG: But the fact is, the Chili Plumbing Board can be and has been more stringent in their oversight, compared to the City of Rochester Plumbing Board and the International Plumbing Board -- Plumbing Board.



COUNCILMAN SLATTERY: Which? What years are you referencing?

MR. RETTIG: I will get to that specifically. Remind if I forget, but I won't. Thank you. But what I go to is the fact that this is -- you're asking for at this point a withdrawal, repeal, definition of repeal, cancel, abolishment, reversal of a decision of what we presently have in the Chili Planning Board. I think that's wrong. I think we should keep the Planning Board (sic). I think --

COUNCILMAN SLATTERY: Planning Board or Plumbing Board?

MR. RETTIG: Excuse me. Thank you.

COUNCILMAN SLATTERY: I didn't know we were getting rid of the Planning Board. Charles (Rettig), did you make a mistake? Did you misspeak?

MR. RETTIG: I was just testing you to see if you were on your toes. Thank you, Mr. Slattery.

(Laughter).

COUNCILMAN SLATTERY: No laughing at Town Board meetings, Charles (Rettig). Didn't you get the memo?

COUNCILWOMAN SPERR: Are you all set? Do you have anything new to add?

COUNCILMAN SLATTERY: He is. He is getting to a point.

COUNCILWOMAN SPERR: I just wanted to know if you had anything new to add.

MR. RETTIG: Yes, definitely. Definitely.

Plumbing Board -- Town Code, Plumbing Board, in 1997 had the following duties which are -- which were: Number 1, to administer examinations to persons applying for a Certificate of Competency to determine their qualifications, to do plumbing work in the Town of Chili as Master Plumbers.

You have made this suggestion with this new law in regard to examination by the City of Rochester. I can see that could be a parallel.

Two, to clarify New York State Plumbing Code Article 9 and the Town of Chili plumbing chapter for the Building Department. Well, I have some specifics there.

Number 3, to review new plumbing materials selections when submitted by manufacturers and developers for approval. I have some additional comments there.

Number 4, to handle disputes between a licensed plumber and a Building Inspector regarding Plumbing Code and violations and to advise on penalties if need be. Just remember, this is the Chili Plumbing Board.

Number 5, to assist the Building Inspector, and this is not saying that -- okay, we did state that the Building Inspector at this point I believe is the -- inspecting work is actually done by the Building Department, per the law. Okay. So that could stand there.

But to assist -- Number 5, to assist the Building Inspector in reviewing commercial and industrial plumbing drawings, when submitted by an engineering firm or developer. I think that was one of the suggestions of one of the people who already spoke to suggest that they could answer questions, the Plumbing Board could answer questions and check drawings.

SUPERVISOR DUNNING: Excuse me a moment. Thank you.

COUNCILWOMAN IGNATOWSKI: Actually, I'm just curious. Has any of this, Chris (Karelus), while you have been the department head, has any of this interaction occurred?

COUNCILWOMAN DI FLORIO: You said this was in the code in 1997. Obviously it has changed. When did it change?

MR. RETTIG: I will get to that. Thank you. I got that question. I will get to it, thank you.

COUNCILWOMAN IGNATOWSKI: Just out of curiosity, if there has been any of that interaction at all that has occurred between the Planning Board (sic) -- Plumbing Board.

COUNCILMAN SLATTERY: Plumbing Board. You went to the same meeting as him.

MR. RETTIG: Correction, Plumbing Board.

COUNCILWOMAN IGNATOWSKI: Plumbing Board, and I'm not smiling.

Has there been that kind of interaction at all between the Plumbing Board and the Building Department?

CHRIS KARELUS: No.

COUNCILWOMAN IGNATOWSKI: No.

COUNCILMAN SLATTERY: So carry, on, Charles (Rettig), please.

MR. RETTIG: Just a question, do we -- do we have any information on a dialogue or problems, or -- not problems, but of -- of assistance that has occurred in the past? I mean, you were asking --

SUPERVISOR DUNNING: You're asking 1994, Charles (Rettig), I wasn't here. I have no clue --

MR. RETTIG: No. '97, beyond, has Mr. Karelus had any questions of --

COUNCILWOMAN SPERR: He said no.

MR. RETTIG: I'm sorry. I didn't hear him.

COUNCILWOMAN SPERR: I'm sorry, Charles (Rettig). I realized he was quietly saying that.

MR. RETTIG: We do need the microphone on at the side table so we can hear him.

COUNCILWOMAN SPERR: I thought it was just you --

MR. RETTIG: That is why it is there. That is why the switch is off. If you will notice, the switch was off. Also has to be plugged into the wall.

COUNCILMAN SLATTERY: Go ahead. He is all set, Charles (Rettig). Do you have something else to say to us?

MR. RETTIG: Yes, I do.

COUNCILMAN SLATTERY: Thank you.

MR. RETTIG: These are things that have happened before, past meetings. We need some consistency with the Town Board and this (indicating).

Number 6, to assist the Building Department and plumbing inspection work when needed, okay. Those six items.

Now, I want to ask a question in regard to an amendment to the Plumbing Code Town of Chili, Chapter 378, in 12/2008. Are you aware of that, Mr. Dunning?

SUPERVISOR DUNNING: What -- what change are you referring to?

MR. RETTIG: Local Law 4-2008. Were you Supervisor at that time?

SUPERVISOR DUNNING: I was.

MR. RETTIG: Okay. All right. What I want to point out is Local Law Number 4, 2008, there is an amendment in 12/3/2008. If there is such an amendment, it is my understanding that there number one should be advisory consultation with the -- with the Plumbing Board.

Number 1, and Number 2, there should be a Public Hearing. And I personally know of neither that transpired at that time when these five -- these six items that I just read which are from '97, 1997, Town of Chili Code, were taken out of the Town Code, without a -- as I understand it, without the advisory of the Plumbing Board and the -- not a Public Hearing.

SUPERVISOR DUNNING: There was a Public Hearing on this code book not just that long ago. This entire code book was -- under the scrutiny of a Public Hearing and --

RICHARD STOWE: Mr. Rettig, the -- the chapter and local law that you're referring to was the Town wide recodification. There were amendments globally that were made to the code. "Building Inspector" was changed to "Building Department Manager," and there were a number of other revisions to this chapter and virtually every other one as part of the codification, including some minor modifications to this, and those were all part of the recodification that was the subject of the Public Hearing. So I -- so I think that grasps how those amendments come to be in this code book.

MR. RETTIG: Okay. So you indicated there was a Public Hearing in 2008?

RICHARD STOWE: On the local law that changed not just this chapter, but all of the recodification of the code. If you recall our code book was the small red code book with the chapters and there was a two or three-year effort to revise that and recodify it and give us the code books we have today (indicating). That is part of that process.

MR. RETTIG: Then my question is, based upon what was amended in 2008, was there some a simulation of all these six points that I mentioned from the previous '97 Town of Chili Plumbing Code?

RICHARD STOWE: I -- I don't recall specifically whether those items were in the code before. My recollection was that they were not in the code book itself, but that rather the codification -- the recodification had to do with some of the things that I alluded to earlier with regard to the titles of the various individuals and how they were -- how they were referred to and in the new code versus the old code.

COUNCIL WOMAN SPERR: In the section you're referring to, Chuck (Rettig), 378-5 it notes it was amended because there was a change to that particular section, but you won't find it at the heading of permit fees or plumbing exam. Those areas of this particular section of the code were not changed.

MR. RETTIG: Okay. Thank you, Mrs. Sperr.

COUNCILMAN SLATTERY: So we did what we were required to do, Chuck (Rettig), just so for clarification.

MR. RETTIG: I appreciate that. I wanted to point out that in the past code, B started out with members -- well, let me go back.

For 2008, 30 -- this is the code that I believe you have in front of you, Ms. Sperr.

COUNCIL WOMAN SPERR: Yes.

MR. RETTIG: 378-3 says Plumbing Board amended 12/3/2008, Local Law Number 4-2008. For A, it says duties of the Plumbing Board, and I just read the six, which had been with the Chili Plumbing Board for -- for a number of years, since 1967 to at least '97. The duties, it says, duties of the Plumbing Board shall be to administer examinations to persons applying for a Certificate of Competency to determine their qualifications to do plumbing work in the Town of Chili as Master Plumbers, and that is all it says. There is no other addenda to the six items that I mentioned.

My comment is, and I make this with constructive criticism and comment, that these six comments, these six duties in the '97 code, did have some meaning.

Does that answer your question, Mr. Slattery? Because you were asking me, to get back to some of the duties, and I specifically mentioned the six.

COUNCIL WOMAN DI FLORIO: Were those duties being performed in the last several years by the Plumbing Board or were they just administering the test?

MR. RETTIG: I don't know. But I know they're not specifically listed, okay? Now whether or not --

COUNCIL WOMAN DI FLORIO: I guess my point is if they haven't been performing those duties in the last several years, then it just speaks to me that they were weren't -- it wasn't necessary for them to have --

SUPERVISOR DUNNING: Can I just -- can I just interrupt for a second?

Chris (Karelus), can I ask, if that -- if those six things have been -- did you have your code book in front of you to know what they are?



CHRIS KARELUS: I'm not familiar with the -- SUPERVISOR DUNNING: The old code book, the duties Mr. Retting referred to, are they things that are consistent with your workings with the Examining Board of Plumbers?

CHRIS KARELUS: No. My experience the past few years, our code officials have been the only ones doing plumbing inspections. There is commercial, industrial and all our residential work we have had in Town. To my knowledge, for the past five years it has been the same.

I think it imperative that the Board as well as the public understands, even if you have a licensed plumber, you're still not capable of doing code inspections for what the Town has to do as far as -- as far as our permitting out of the Building Department.

The State certifications as a Code Enforcement Official will only qualify you to do inspections. So in that advisory position they have been. Have they been in my two years of experience, no. So even if those individuals were available for inspection, um, they would not be doing those.

My inspectors sign off on the rough and final plumbing and I can only tell the public, rest assured, we have failed a number of individuals because of plumbing that was not done to code. Our Town has to follow the State's building code, as do I would argue that 99 percent of the counties and towns in this -- in this Monroe County area. I think the City of Rochester is the exception, making some variances to that code, but in canvassing our Town in relation to other Towns in this area, we are in line with other Towns.

We do not have an independent Plumbing Code. There are some exceptions in Chapter 96 with our dedication of facilities that kind of specifies the materials and things that our Town looks at, through our Town Code Enforcement Officers.

Again, not to belabor the point, but those are our last line of defense in our Town, and I pride ourselves, and I pride myself, my department, my officials that work under me are top notch. I think our Town should rest assured we do have a veteran, licensed plumber that we hired on as our Assistant Building Inspector. Right now we have a veteran 30-plus year carpenter as our Building Inspector. These gentlemen are top notch, class A.

I can only rest assured with you guys that we have been, in my past two years, as well as my prior experience with what the Town has been doing, all of the plumbing inspections of the Town. Very, very elaborate commercial industrial projects, too. Up to the simple residential.

And not to -- not to again belabor the point, but Mr. Slatery hit on a great point. When our inspectors close out the site, it meets code, it does not fall short of what the code requires. Each individual homeowner manipulates systems on their own, behind closed doors. So a lot of that stuff does happen. If there were forensics work that were investigated in those issues, I am sure you would find there were a lot of things done outside of the Inspector's close-out on a project. So I hope it will help shed some light on what we do in that element of our Town's inspections.

SUPERVISOR DUNNING: Thank you, Chris (Karelus), and Mr. Retting, I would appreciate it if you would sum up.

MR. RETTING: I just indicated that I would like -- I would be more than willing to make a copy of this document that I have of '97 for Mr. Karelus.

But I just -- and I thank you, Mr. Karelus, for your follow-up. I -- from what I have seen, what I know, you have a good Building Department, and you do very well.

Thank you.

I just wanted to follow up, again, I don't know -- you asked us, Mr. Slatery, whether or not all of these items are, in fact -- these six items I mentioned are, in fact, followed up by our -- or have been by our existing Chili Plumbing Board. But I think wisely, these are the items that I think even need to be reincorporated. Why? Because I think as has been mentioned before, we need an independent Plumbing Code. Now, that's not saying that we have -- they have potential adversarial arrangements with the Building Department, but can be very helpful and very -- and very well served in volunteer advisory, and I -- I go to the following specifics, and this is getting to answer your question, Mr. Slatery.

COUNCILMAN SLATTERY: Which one?

MR. RETTING: Which one? Many. Okay.

May 13th, 2008, Mr. Someone, as Chairman of the Chili Plumbing Board, wrote a letter to Chris Karelus in regard to Plumbing Board venting systems for a venting system -- well, it is titled here, subject, "admit -- air admittance valve."

What this is is a mechanical vent that I think others have mentioned earlier this evening. That they can cause problems. I'm seeing the words, just summarizing rather than reading the whole document here. Problems, back-up, plugged drains, the cost, quote/unquote, "The costs due to clean-up and damage was not worth the few dollars in savings."

The traps were to quote/unquote "not protected and sewer gas will emit from the trap into the room," end quote.

I think it's very appropriate for what Mr. Someone says here. He says -- let me leave you with this thought, quoting. "The society which scorns excellence in plumbing because plumbing is a humble activity will neither -- will have neither good plumbing, nor good philosophy.

Neither its pipes or its theories will hold water." And --

COUNCILWOMAN SPERR: He was a good guy, wasn't he?

MR. RETTING: Double entendre as a licensed Master Plumber, he knew his business. And that's what we need with these volunteers.

Then I go to a specific document of May 19th, Mr. Karelus answered that with a letter in regard to these air admittance valves, it needs to get to the Town Board for approval. This is May 19th, 2008. I don't know. Did this ever get to the Board, Mr. Dunning?

SUPERVISOR DUNNING: What specifically are you asking went to the Board?

MR. RETTIG: A review. It says here, the Plumbing Board needs to get Town Board approval to petition New York State Fire Prevention and Building Code Council Code Development Union for the incorporation of more restrictive local standards and this is in regard to air admittance valves.

SUPERVISOR DUNNING: I don't believe that got -- that has never been given to the Town Board to be addressed.

MR. RETTIG: Okay. That is why I bring it up, because here is where our own Plumbing Board did propose and still, I believe, still does and rightfully so for what I have heard -- just to clarify, I couldn't verify the fact that they do. Certainly I haven't met -- well, I haven't met -- the Plumbing Board hasn't met at least since Mr. Someone passed, and I believe prior to that there were meetings they haven't met. It has been, I believe, approximately six months, six meetings, six months since they met so I don't know if the Plumbing Board still has that.

MR. RETTIG: I appreciate your comment.

My comment is, if it hasn't been brought to this Board yet, and based upon what even I'm aware of and other members that have spoken this evening, that is an item that does need to be addressed, and in my opinion, needs to be stricter restrictions in the Town of Chili such that if it's above and beyond the International Plumbing Code and the City of Rochester Plumbing Code, I'm not sure it is -- I don't know the City of Rochester code, but I don't think they allow these mechanical vents. I believe that the Town of Chili should also prohibit these mechanical vents, period.

SUPERVISOR DUNNING: May I ask what the relevance to the Public Hearing we're talking this evening, this particular law, the relevance again? This is not about the vents, so I was just wondering what the relevance is.

MR. RETTIG: Sure.

COUNCILMAN SLATTERY: That's a good point. We understand that -- you're talking -- we're talking about this local law here, and I think, Charles, (Rettig), with the information that you are doing -- we're -- we're going to get to the resolution, we're going to decide whether we move forward with this resolution, this local law.

SUPERVISOR DUNNING: Not tonight.

COUNCIL WOMAN SPERR: Not tonight.

COUNCILMAN SLATTERY: Not tonight. But I think what you're referring to is something that would have to do with our Town Board code, and I think that is something that can be addressed separately.

MR. RETTIG: That is what we're talking about here, an amendment to the Town Plumbing Code.

COUNCIL WOMAN DI FLORIO: This is a different part of the Town Plumbing Code.

COUNCILMAN SLATTERY: It is something one needs to research. You're bringing up something that was brought up months ago. We're not sure where it stands. Maybe an answer was given to him verbally and then he was going to be all set with it. I'm not sure. That is why we need to do our research in regards to it. An answer can't be given because we don't have the documentation, the back-up. So that is something we can look into.

MR. RETTIG: I appreciate your comment. And to answer Mr. Dunning, in regard to his comment, as to where the relevancy is, it comes back to the relevancy that they're in proper oversight for future plumbing issues within the Town of Chili, I think we need to keep the Chili Plumbing Code Board.

SUPERVISOR DUNNING? I heard your point.

MR. RETTIG: Well, you asked me the question.

SUPERVISOR DUNNING: I didn't know where you were going.

MR. RETTIG: That is where I was going. That was the relevancy.

SUPERVISOR DUNNING: (Inaudible) five minutes of speaking. That's okay.

MR. RETTIG: That is the relevancy.

So if we don't hear these things in return from the Town Board -- and what I have here is a two-page document in regard to these revisions -- I can't read between the lines, and if I don't hear from the Town Board as to what is going on with the Town Board meetings or your discussions of this Plumbing Code in the Gates-Chili Post and in some degree of detail, how do the citizens of this Town know what is going on?

SUPERVISOR DUNNING: 889-6111. Townofchili.org. You're more than happy -- you're more than welcome, as you have in the past, to stop in and see me. I'm very easy to get a hold of. My office is always open. My Assistant will tell you, that people that walk in the door always get to come in and talk about it. More than happy to share.

And, Mrs. Brixner, first of all, Mr. Rettig has the floor and we're having a conversation about his comments right now. I would appreciate it if you would respect his time.

MS. BRIXNER: Thank you.

SUPERVISOR DUNNING: We're more -- and I have -- make no mistake, I have no doubt that anything I share with you, Mr. Rettig, would become public, so I think the public would get all their information. So I'm not concerned about that. You're more than welcome to see me at any time.

I don't think it is necessarily -- I can't call you every time we're going to make a resolution to make sure we have shared every bit of that resolution with you. I'm not going to do that and call all of the other residents here tonight. I'm not going to do that. I'm not physically capable of doing that. But my office is open and available to you at any time.

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COUNCIL WOMAN SPERR: Do you have any new points to add, Chuck (Rettig), because this getting long --

MR. RETTIG: Yes, I do. I have some comments. Thank you.

My comment is, and has been at past Town Board meetings, Mr. Dunning, I choose to hear -- I hear your answer to questions, and hear information that all Town Board members should hear, not just me privately, and they should hear the same answer that I hear, and that's why I asked you here to get your answers to specific questions.

SUPERVISOR DUNNING: The Town Board is very aware of things that they get -- they get quite a bit of information from me as we work on these things.

COUNCIL WOMAN SPERR: We get the same answers.

SUPERVISOR DUNNING: They get the answers. They ask the questions and they always get their answers.

MR. RETTIG: We have and we do ask questions at the public forum, and there are many questions, and -- and there are many --

SUPERVISOR DUNNING: We're getting off topic. I don't want to debate that here with you.

Actually, Mr. Rettig, I realize you still do have some additional time, but I do want to have some respect for the students that are in our audience this evening. It is getting late. If I could take a brief -- and I will allow you to continue your time -- if we could take a brief five-minute recess to allow the students to go ahead -- I'm sure they don't want to sleep here. Unless you want to continue and stay for a little longer, you're more than welcome, but in respect to them, I would like to allow them to be able to go home and finish their homework.

COUNCILMAN SLATTERY: You made the motion. I will second it.

SUPERVISOR DUNNING: All in favor?

The Board was unanimously in favor of the motion to recess.

SUPERVISOR DUNNING: This meeting is recessed for five minutes.

There was a recess in the meeting.

SUPERVISOR DUNNING: I would like to move we return from recess.

COUNCIL WOMAN IGNATOWSKI: Second.

The Board was unanimously in favor of the motion to return from recess.

SUPERVISOR DUNNING: We're back in session. Mr. Rettig, please do carry on.

MR. RETTIG: Thank you.

Going to the local law amendment for 2009, which is a two-page document, which you propose for this Board's consideration and amendment, I just address a couple of things.

Mr. Miller addressed some of the things that in regard to spellings and punctuation, et cetera, and some other issues with the detail of the document, I think are important, because they are details that make a difference as to how seriously this Board has really looked at this document or whether they threw it together, and I -- I hate -- I don't mean to say this maliciously, but I think it has been thrown together, and I think that it needs to have more careful consideration, and I appreciate your comment that this should be -- that you desire to take this back to -- I hope take this back to committee to review the document, review what has been said tonight in many respects.

I refer to Section B, it says "Building Department Manger" -- and that has been corrected to "Manager" -- "head of the Building Department or designee may issue a license to any applicant who requires with all requirements of this chapter, and who, colon."

Now, I believe that that -- that this wording, and this document, is very loose and needs to be changed, clarified, because I could say, and I don't mean to be demeaning in this, but I mean to be direct. Where it says "Building Department or designee," are we talking about the Secretary of the Building Department? Technically, that's what it says. It could be. I think it needs more clarification. And I think this whole document needs more clarification, because I see these four points for the license, and yet I mentioned six points of clarification in the previous 1997 Chili Plumbing Code.

So --

COUNCIL WOMAN DI FLORIO: I think you're mixing things up, because those six points were duties of the Planning Board (sic).

COUNCILMAN SLATTERY: Plumbing.

COUNCIL WOMAN DI FLORIO: Plumbing Board. Now you got me saying it. Those were duties of the Plumbing Board. This is requirements to be able to do plumbing within the Town. Two different --

MR. RETTIG: Okay.

COUNCIL WOMAN DI FLORIO: You're talking two different things there.

COUNCIL WOMAN SPERR: In this situation we would not have a Planning (sic)

--- Plumbing Board.

COUNCILMAN SLATTERY: Three out of five.

COUNCIL WOMAN SPERR: Almost.

COUNCIL WOMAN SLATTERY: Next time do Simon says (Laughter.).

MR. RETTIG: Let's see. That is Number 5?

COUNCILWOMAN SPERR: Anything else, Chuck (Retting)?

MR. RETTIG: Yes.

Well, okay, thank you, Mrs. Di Florio, I appreciate that, and I believe you're right, that that is the -- the delineation, difference between the two, but I look at that also for 1 or 2 or 3 or 4 as to whether or not -- looking at Number 4, again, I look at the language, for quote "substantially equivalent" -- what is substantially equivalent? In other words, what are you specifically allowing is substantially equivalent, or is that just --

COUNCILWOMAN SPERR: It says right on there. Such as, journeyman, pipe or steam fitting, vocational training or vocational instruction.

MR. RETTIG: Okay. And I appreciate your -- okay. You read the following.

But again, I'm saying vocational training, vocational instruction, to what extent? How many years, et cetera, et cetera. Details. In other words, let's just don't accept this wording at face value. I'm -- I'm making a comment, constructive criticism to state --

COUNCILWOMAN SPERR: Yep.

MR. RETTIG: -- that I think it needs more definitive wording and language.

COUNCILMAN SLATTERY: Okay. That's fair. Thank you.

MR. RETTIG: Again, I go to Section E, plumbing and license may be suspended by head of the -- by Building Department Manager, head of the Building Department or designee. Again, designee.

Can the secretary -- and I don't mean that derogatorily. I mean, I think it should be someone of a capacity, not just any designee.

COUNCILWOMAN SPERR: I think -- one of the reasons why it says -- I'm sorry.

COUNCILMAN SLATTERY: You're fine.

COUNCILWOMAN SPERR: One of the reasons it says "designee" is that throughout the code, in the -- in the Building Department, a lot of these chapters, a designee is also like the Code Enforcement Officer, and -- and designee.

COUNCILWOMAN IGNATOWSKI: It was my understanding, in case the Building Department Manager is not there, he is going to designate somebody who is going to be acting in his responsibility, his capacity, during his absence, and he is not going to sit there and have his secretary be that person. It will more than likely be the next person in charge.

COUNCILMAN SLATTERY: And also we're looking at it from the standpoint, Charles (Retting), because this has happened in the past, when we changed Town Board code, Town law, and there have been specific titles that are in there, that now you have to go back and research that whole document and find those specific titles where it references that -- or those specific titles. So now by having that -- that word, that designee, I think it also -- it helps us with not having those specific titles and have to go throughout the whole code in looking to make those modifications.

And -- and let me ask, Counsel, if I can, is there a problem with that word there? Or should we be more specific with titles? I mean --

RICHARD STOWE: I believe our practice has been in the situations where that is required, there is a writing that designates the individual to whom those powers and authorities will be transferred in the absence of the person that is indicated in the code. So there -- if -- if someone wants to know who that individual is, there is a letter that the Building Department Manager, the Building Inspector, when it was his Deputy, that was assumed it was his Deputy, but there have been different individuals in different times, but that is to assure there is coverage.

Some of these issues that require some of these determinations to be made is not just the issuance of the license, but rather you brought up a situation earlier that happened on -- on a weekend, or when you get called out for a special emergency inspection and, Chris (Karelus), you might not be the individual that's there that has to make the call. So that we -- there is --

COUNCILWOMAN SPERR: Ways to protect ourselves.

RICHARD STOWE: The need for flexibility needs to be honored without unduly having the -- the concerns that Mr. Retting has brought up rear their head.

We have done a fairly good job of that for the last 25 or 30 years. I think that will continue.

COUNCILMAN SLATTERY: Okay. Thank you, Counsel.

MR. RETTIG: I appreciate that, Mr. Stowe.

I'm specifically reading this in two places, in B, for the designee, and issuing a license. Therefore, my comment is specific to what is in here --

RICHARD STOWE: I understand. That is not the only place where it appears.

MR. RETTIG: I'm going to E, where it says plumbing license may be suspended. My reason for making this comment is if the -- and I understand that, if the -- if Building Department Manager is not available, these are not things that need necessarily immediate action --

RICHARD STOWE: I beg to differ you -- with you in that regard, and it specifically states that on -- on the spot, that license can be suspended and a stop work order issued. And we need the ability in the emergency situation to take that sort of action. Chris (Karelus), cannot be everywhere all of the time. And the individual cloaked with that authority needs to be able to make that call. Who that is in all fairness needs to be ascertainable by the people who are going to be subjected to the action. I don't quarrel with that point, but the fact that it isn't one person and everything can wait is simply not the way the Town runs. Can't.

MR. RETTIG: And I -- Mr. Stowe, I appreciate your comment.

Because I look at D, where it talks about picture identification, and it specifically states failure to produce required identification on request of the Code Enforcement Office -- or officer, whichever, shall be cause for the issuance of a stop work order. And, you know, that is a detail that you're explaining is as to who has the authority to issue, and you're saying there is the documentation to clarify that. Okay. Thank you.

The other thing I wanted to point out, was the fact that -- to the best of my knowledge, um, for what was in the past Plumbing Board code, um, a lot of the definitions -- now, as Mr. Stowe indicated, designee letter, as such, is in the file, that's fine. But a lot of the definitions are no longer in the code, and I think they should be reinstated. And I specifically -- I specifically come back to the fact that this is important for the Town of Chili. If we can reinstitute even a three-member Plumbing Board, as a member of the audience even volunteered to fill out a form, and if we can get that continuance of the Chili Planning Board, even though, as you mentioned, Mr. Slattery, that we would be one of three, Irondequoit, Greece and Chili --

COUNCILMAN SLATTERY: Correct.

MR. RETTIG: -- as Mr. Felicca indicated, I think we would be pretty lucky as one of those three towns to keep a Plumbing Board, volunteer, within our Town, advisory to assist in the continuance of careful Plumbing Code and plumbing law delineation for the public welfare -- health and welfare of the people of the Town of Chili.

And that means nothing -- I mean nothing in any derogatory fashion to the Building Department. Like I said, Mr. Karelus does a fine job. I think he does. I think there have been points in the past, maybe they have been corrected to some extent to where we have put more people on the staff to take care of some of the other issues.

However, this can also take some of the additional labor hours, heat off the Building Department for some of the issues of discussion of Plumbing Board materials and thoughts where Plumbing Board in the Town of Chili may and should be more restrictive with good reason. And an example of that specifically is, the air admittance valve. Okay? Do you understand where I was getting this from, and why I pulled full circle here --

COUNCILMAN SLATTERY: You certainly did, Charles (Rettig).

MR. RETTIG: Well, you asked me the questions. Now, did I get to all your answers? COUNCILMAN SLATTERY: Yes, you did, and I appreciate you doing it in a -- in a filibuster manner. I'm kidding, Chuck (Rettig).

COUNCILWOMAN SPERR: Can we wrap up? You have been up there for about an hour now.

MR. RETTIG: Well, the point is -- COUNCILWOMAN SPERR: You made good points.

MR. RETTIG: And I am answering -- I'm bringing these issues up, because they haven't been brought up at any other time, and I'm not trying to --

COUNCILWOMAN SPERR: I was just asking. I know all your issues and you make very good points tonight. Are you done with all of those?

MS. BRIXNER: No. He is still going.

SUPERVISOR DUNNING: Mrs. Brixner, please.

MS. BRIXNER: Well, oh, I beg your pardon. I beg your pardon.

MR. RETTIG: My point of summation is, that I personally, for the reasons stated, disapprove a Resolution 170.

COUNCILWOMAN SPERR: Okay.

MR. RETTIG: I think that this Board should reestablish the original Town of Chili Plumbing Board code -- Plumbing Board in their code, with the reasons I have stated, and hopefully this Board can take the information back for review, careful review, for which I have not seen with this two-page document, and come back for a review to the public or follow-up so that we can address this issue with the Plumbing Board properly and not just a two-page document with -- without the details.

COUNCILWOMAN SPERR: Chuck (Rettig), there is no resolution on this agenda tonight to vote on. We're holding a Public Hearing to listen to everything you have to say.

COUNCILWOMAN IGNATOWSKI: 170 is authorization for advertisement of bids --

MR. RETTIG: Did I say "170"?

COUNCILWOMAN SPERR: You said "170." I want to make sure everyone understands.

COUNCILMAN SLATTERY: Oh, no, Chuck (Rettig), did you make a mistake?

MR. RETTIG: That could be another one. Oh, you're right. You're right. It was --

correction. Resolution -- COUNCILWOMAN SPERR: There is no resolution. We weren't planning on voting on this.

MR. RETTIG: I'm sorry. I'm sorry. I owe you an apology.

COUNCILMAN SLATTERY: Can you look at the camera and say that, Chuck (Rettig)? (Laughter.)

MR. RETTIG: To reference Item F in tonight's agenda, April 1st, 2009, um, local law of 2009, Chapter 378. Thank you very much.

COUNCILWOMAN SPERR: Thanks.

SUPERVISOR DUNNING: Thank you.

MR. RETTIG: It wasn't -- it wasn't an April Fool's joke.

COUNCILMAN SLATTERY: Chuck (Rettig), have a good morning -- I mean evening.

(Laughter.)

MR. RETTIG: Thank you.

MR. MILLER: I just wanted -- Heath Miller, 69 Bell Mawr Drive.

I just wanted to clarify again, what I had mentioned about changing that "Code Enforcement Office" to "Code Enforcement Officer." The reason I had suggested that was because in that section "Code Enforcement Officer" is used twice before, and that is why I think -- was thinking you meant "Code Enforcement Officer," but if you want to change it to "Code Enforcement Office," that is fine, you might want to look at the previous if you want to change "officer" to "office."

COUNCIL WOMAN SPERR: I saw that, Heath (Miller). Thank you.

SUPERVISOR DUNNING: Thank you for keeping it brief.

Anyone else that would like to be heard during the Public Hearing?

The Public Hearing was closed at 9:12 p.m.

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The next meeting of the Chili Town Board is scheduled for Wednesday, April 15, 2009 at 7:00 p.m. at the Chili Town Hall main meeting room.

The meeting ended at 9:39 p.m.