

CHILI TOWN BOARD  
December 5, 2007

A meeting of the Chili Town Board was held on December 5, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor Tracy Logel.

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

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

The invocation was given by Richard Brongo.

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

**PRESENTATIONS:**

Presentation from Jordon Brown, the Ad Hoc Committee.

**JORDON BROWN:** I have a short presentation tonight. First, I would like to recognize the members of the Ad Hoc Architectural Review Committee. Most of them are here tonight. Jim Martin, James Ignatowski, Mike Devito, Darryl Cox, Douglas Loft (phonetic) and Matthew Eman.

On behalf of the Committee, we want to recognize the following people for special contributions to the work that the Committee did.

First, I want to thank Jim Martin who chaired the Committee during the first stage of the process from January to March and is responsible for leading us and setting up the template that was used for these recommendations.

Also, I want to recognize Bonnie Moore who represented the Historic Preservation Board and was extremely helpful to us, providing us with information and photos, the history of Chili.

I want to recognize Jim Ignatowski who provided us with all of the illustrations you see in the document, which are very, very useful in explicating what is in the text.

Dennis Schulmerich provided us a significant amount of support, assistance and advice. I want to recognize him for that.

Town Attorney Richard Stowe, also for his advice and guidance, and to all of the members of the Town Board for recognizing the benefit to the Town in creating an Architectural Review Advisory Board.

The recommendations we're submitting to you today by the Ad Hoc Committee represent the completion of Stage 2 of the development of a Local Law to create an Architectural Review Advisory Committee.

As I mentioned earlier, Stage 1 was completed under guidance of Jim Martin with the submission of report to the Town Board on March 15th, 2007. At the July 11th, 2007 Town Board meeting, the Ad Hoc Committee was reconstituted at the advice of Counsel and charged with the task of developing recommended guidelines, as well as the criteria for review to be included in the Local Law to be considered by the Town Board.

The Ad Hoc Committee believes that the formation of an Architectural Review Advisory Committee would be consistent with the Town's desire to promote orderly and harmonious development, as well as to enhance the desirability of residing in or investing in our Town. Our recommendations include the education of trigger points which would set into motion an automatic review by the Committee of a particular application when submitted to the Building Department.

In addition, the Committee would respond to all requests for Committee review by either the Planning Board or the Zoning Board of Appeals.

The recommendations contained in the packet that we have shared with the Town Board tonight specify what we believe the new Local Law should say. We suggest that Town Board review our recommendations with the Building Department, as they would be procedurally administering the submission and distribution of materials from applicants to the Committee.

We recommend that once a Local Law is approved, representatives from the appointed Committee meet with the Building Department to work collaboratively to outline in writing all procedures and protocols. These procedures and protocols are not included in the packet you received. It was advice of Counsel they would not be included in the local law.

We believe that the guidelines contained in our recommendations will have a positive influence on the future development of our Town in a way that is aesthetically pleasing and promotes a sense of direction towards restoring and preserving Chili's history. The promotion of a more cohesive and harmonious design theme in our Town could have a positive effect on Chili's future for many generations to come.

The guidelines developed by our committee are intended to provide a user-friendly document that will help influence the creation of a welcoming environment that will be attractive to everyone, businesses as well as the residents of Chili.

I want to thank the Town Board for trusting us with this important task, and I once again want to thank all of the members of our Committee who worked so hard on this project and the other people that I have already named for all their help and support.

SUPERVISOR LOGEL: Thank you.

COUNCILWOMAN IGNATOWSKI: Appreciate all of the effort that went into this and I look forward to looking to implement this.

At this point, the next step would be a public hearing on this? I know we need to digest this information.

SUPERVISOR LOGEL: I thought we were just creating -- legally weren't you going to be at the Organizational Meeting --

RICHARD STOWE: I think the intent of this document is to have the Town Board be able to review what a Local Law would look like establishing this Committee, establishing the criteria for their operation. In my judgment, the Town Board needs to look at that and make sure that -- what it is the Committee is recommending is what the Town Board saw as this Committee's charge. When the Town Board is done digesting this document, it would be put in the form of a Local Law, and if it is the Board's wish, a public hearing on the Local Law would be scheduled. More public input, SEQOR process.

If it is the wish of the Board to adopt it, then it would become part of the Code of the Town of Chili and the Committee would be reconstituted. Okay?

COUNCILWOMAN SPERR: Does the public hearing -- does it need to be held as part of that process?

RICHARD STOWE: Yes. As part of the adoption of the Local Law it would have to be done at a public hearing.

COUNCILWOMAN SPERR: I thought so.

COUNCILMAN SCHULMERICH: So if we could to try to move this forward, if the Board is in agreement, is it reasonable for us to review this between now and the mid January Town Board meeting, at which time we could then determine the content of the Local Law and decide to move forward with the public hearing? Is that time frame reasonable to others?

COUNCILMAN SLATTERY: I think that would be fine. We would need to -- as you know, the beginning of the year at the Organization Meeting, when the meetings for 2008 are set, let's see what the schedule is at that point, I guess, and then we can go forward.

COUNCILMAN SCHULMERICH: Okay.

COUNCILMAN SLATTERY: Right now we don't know when the meetings will be for 2008.

COUNCILMAN SCHULMERICH: That's true. That's fair.

I would like to take a moment to thank the Committee and the leadership of the Committee both, Mr. Martin and Mr. Brown. They -- they worked very well together. There was significant diversity of thought, diversity of experience. They had the typical formation discussions that a committee would have with -- that reflected their diversity background. They quickly learned how to work well together, and I think when -- when others have a chance to see the content, they -- they will recognize the extensiveness of the thought that went into this.

So thank you for the work you did, and also thank you for committing to living to the time frame that the Town Board put on you without knowing how extensive the work would be. So I appreciate it.

COUNCILMAN SLATTERY: I'm just surprised Jordon (Brown) didn't use the overhead as much as he likes the lap top.

COUNCILMAN SCHULMERICH: He did.

(Laughter.)

COUNCILMAN SLATTERY: Not tonight you didn't.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Five speakers addressed the Town Board on various subjects, and the Public Forum concluded at 8:45 p.m.

#### TOWN BOARD LIAISON REPORTS:

##### Conservation Board Report by Virginia Ignatowski:

COUNCILWOMAN IGNATOWSKI: Conservation met on Monday. They have -- one of the applicants will be coming into the Planning Board, is it next Tuesday? He was looking for suggestions for his landscaping. He has a snowplowing application that is going to go in.

They also reviewed the rest of the Planning Board agenda. They really liked the plans for the Grove Place Cemetery and they did approve those.

They worked with the group from Hillside Crestwood Center. They're requesting documentation of the cost of the plants because the cost that they are stating doesn't seem to match what the legend is so they would like further documentation on that.

They also discussed the 2008 meeting dates. The first one actually in January, Dick (Brongo), they have to check with you, because it -- because of the holidays, it keeps on landing on all of the holidays, so they're looking at having it the Monday just prior to the Planning Board or that Thursday prior to. So it is the same night as Traffic and Safety, but Traffic & Safety

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meets at the Highway Department.

The building here is okay. Is there anything else that meets on that Thursday?

RICHARD BRONGO: I would have to look the --

COUNCILWOMAN IGNATOWSKI: January the 3rd. They're going to need to change it from their traditional time. That is it for Conversation.

Drainage Committee Report by Virginia Ignatowski:

COUNCILWOMAN IGNATOWSKI: Drainage had the same problem about dates, because their next meeting was going to be on January 1st. So they're looking to maybe move it to the 7th, which would be the Monday just before the Planning Board.

And they also had a -- one guest that came in. He -- he has a correction he wanted to see made in the meeting minutes. There was a misspelling of a name, and also he wanted to see some additional comments that he had made be implemented in the minutes.

They went through the -- actually Joe (Carr) no work has been completed and they're definitely planning on drainage because of the leaves and now snow, you know, the drainage work hasn't been accomplished.

He will also review two new complaints they just received.

Historic Preservation Board Report by Mary Sperr:

COUNCILWOMAN SPERR: Historic Preservation meets next Monday, but I did want to add tonight, since Jordon (Brown) mentioned the input that was received from the Preservation Board to help the Committee out in their task, that they were very happy that they were able to help with that.

Library Board Report by Michael Slattery:

COUNCILMAN SLATTERY: Last meeting they -- we met at the Roberts Wesleyan Golisano Library, which if you haven't seen it yet, it's a beautiful facility. It's unbelievable the size of it, and you know, what they did interior wise.

Also, just so people -- if people plan on attending, Susan John was supposed to come on December 10th in regards to a grant that she received. They had to cancel due to her being out of town, so she will not be there.

Parks and Recreation Report by Tracy Logel:

SUPERVISOR LOGEL: Recreation, parks, um, the Breakfast with Santa Clause is Saturday morning. Is it sold out Michael (Curley)?

MICHAEL CURLEY: Sold our last ticket today. 225 people.

SUPERVISOR LOGEL: 125.

MICHAEL CURLEY: 225.

COUNCILMAN SCHULMERICH: Does it mean it will be on TV now?

(Laughter.)

SUPERVISOR LOGEL: That means you need all of the Board members there helping serve, right?

MICHAEL CURLEY: Correct.

COUNCILMAN SLATTERY: Actually, they're going to hold it in Toronto.

(Laughter.)

SUPERVISOR LOGEL: And on Friday night is the tree lighting in front of the Senior Center, and there's going to be craft people inside the Senior Center, and there will be vending of food. As I understand it, there will be hot dogs and hot chocolate?

MICHAEL CURLEY: That's correct. All of which is free because we received donations from local merchants.

SUPERVISOR LOGEL: Very good. So everybody is invited.

Traffic & Safety Report by Mary Sperr:

COUNCILWOMAN SPERR: Traffic & Safety is tomorrow night, but Mark, I listened to your comments tonight, and we do have a meeting in the Highway Garage tomorrow at 7 o'clock if you would like to attend that meeting and address that Committee with some of the comments you raised tonight. We would be more than happy to listen to it, or if you can't make it, we would be glad to provide them -- Joe (Carr) and myself -- with information. There were two members of that Committee in the audience also tonight listening to you.

SUPERVISOR LOGEL: I want to go back for a second to Parks. We got notification today that the New York State Office of Parks, Recreation and Historic Preservation has given us the grant of \$50,000 for park improvements for Baker Park. Chili will receive 50,000 for park improvements and increased passive recreational opportunities at Baker Park.

COUNCILWOMAN IGNATOWSKI: That is in addition to what we already got for there?

SUPERVISOR LOGEL: Yes.

COUNCILMAN SLATTERY: I know there were two plans submitted by Passero, and in our last information that we received, there was only one included. Is that the plan that is going to be going forward?

SUPERVISOR LOGEL: Michael (Curley) is here.

MICHAEL CURLEY: That plan that I attached, the memo I sent to you was the one that received the most support from the public hearing we had on June 5th. It doesn't mean that is the one that is going to be pushed forward.

I obviously anticipate in early 2008, we'll receive the contract for the grant paperwork, so we'll have to have a resolution to accept that money and authorize the signing of the contract and then at some point after that, we'll have to have a resolution to accept or adopt the Master Plan for Baker Park.

SUPERVISOR LOGEL: I'll go back now to Zoning Board.

Zoning Board Report by Dennis Schulmerich:

COUNCILMAN SCHULMERICH: Zoning Board met on November 27th. Unfortunately, I was not able to attend that meeting. I was double-booked that night.

But the findings for that evening, we had one garage variance that was tabled for more information.

We had a shed variance, shed size variance that was approved.

A sign variance that was approved.

And a lot dimension variance for undersized lots that was approved.

We do have one opening on the Zoning Board of approval with Mr. Martin's resignation, which, I believe, is effective January 1st, and I have an understanding that we have another resignation forthcoming that we'll need to --

SUPERVISOR LOGEL: It's not official yet.

COUNCILMAN SCHULMERICH: Not official, but it's probable. So that -- so that is an action we'll have to take.

Planning Board Report by Dennis Schulmerich:

COUNCILMAN SCHULMERICH: There was no Planning Board meeting. That will be next week, so.

**MATTERS OF THE SUPERVISOR:**

SUPERVISOR LOGEL: Under Matters of the Supervisor, I'm going to ask Mr. Carr if he would explain and address what the resolutions tonight -- or the -- setting a public hearing for Pikuet Drive. The information. Is that what you're going to discuss?

JOSEPH CARR: Yes, thank you.

SUPERVISOR LOGEL: I misspoke. He wants to inform us about the Pikuet Drive information. The abandonment.

JOSEPH CARR: I asked the Supervisor to be allowed to speak to the Board tonight. There has been a lot of discussion in the past about what we're going to do with the abandonment of Pikuet Drive, if and when the plan is approved. I want to give you kind of a status and an update as a procedure and an action really that I intend to take. I guess that's how I would form this.

Under Town Highway Law -- there is Town Law and there is Town Highway Law. In the Town Highway Law, Section 207, there is a passage entitled, "Discontinuance of a highway." And that passage relates to any highway that's less than 1,000 lineal feet, and that it can be abandoned by the Highway Superintendent.

It can be abandoned by the Highway Superintendent if he receives a petition from the owners to abandon it.

In anticipation of a site plan approval -- I believe this matter is on the agenda for next week by the Planning Board. I think they are getting close to be able to approve it. So I'm preparing myself to do my due diligence and -- as the law says.

So, what my intention is in the next 30 days is to prepare an order that I, as Highway Superintendent, would issue to Town Clerk, directing that Pikuet Drive be discontinued and abandoned and that the right-of-way be returned to the adjacent owners. I will condition my action based upon the approval by the Planning Board of the site plan for the Walgreens site, that I receive the petitions that I expect to be receiving in the next few days.

And so I'm informing the Board and the public, because this keeps coming up, as to what I intend to do. And to reiterate something we said before, we're not in a position to be receiving funds for this. We received it for one purpose, and that was to have a highway. Under the law, if it is abandoned, we need to give it back to the adjacent owners.

Will we realize a savings in this matter? Yes, we certainly will. We have annual maintenance on that road. Summertime pavement maintenance, wintertime snow and ice control. We have had big expenses over there. We had a huge tree we had to take down in a very difficult position. There is a stonewall fronting one of the homes that is of big concern of mine and could represent a lot of maintenance dollars. The Town will be receiving a benefit from the Highway Superintendent's standpoint because we'll be eliminating some expenses for maintaining the road, but we're not a position to be receiving funds.

I wanted you know that I'm going to do that because it has been discussed.

SUPERVISOR LOGEL: Thank you.

COUNCILWOMAN SPERR: Thank you, Joe (Carr).

SUPERVISOR LOGEL: Did you have questions on this Dennis (Schulmerich)? I see you writing?

COUNCILMAN SCHULMERICH: I'm dealing with Counsel on it.

SUPERVISOR LOGEL: Okay.

Thank you, Mr. Carr.

COUNCILMAN SLATTERY: Madam Supervisor, I have a couple. There was an ad that was put in the paper for the Highway Superintendent's position. I thought it was a good start,

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because I think we're all up here aware of the coming retirement.

Any responses yet from the public?

SUPERVISOR LOGEL: Yes. How many are in?

DAWN FORTE: We have about seven or eight at this point.

SUPERVISOR LOGEL: They need to all be contacted and put in a packet for you.

COUNCILMAN SLATTERY: Um, the job requirements, I -- I've seen two different descriptions of the position and requirements, and one was from '92 and then one was from '93. And --

SUPERVISOR LOGEL: Civil Service?

COUNCILMAN SLATTERY: This is something that the Town has provided. I have gotten from the Town.

SUPERVISOR LOGEL: Okay.

COUNCILMAN SLATTERY: So my concern is, it's a little vague, and I was concerned about the ad and what the requirements would be, what are -- what are we looking for and so forth?

And then also with the ad, just usually, you know, it's been discussed and I was just -- what other publications was that ad submitted to?

SUPERVISOR LOGEL: Mr. Carr --

RICHARD BRONGO: No. It only went into the D & C. Now we have talked about the possibility of putting it up on Rochesterhelpwanted.com. The individual that was contacting me -- because I had contacted him for a price, it's considerably cheaper than if we put it into -- than what it cost to put into the D & C, and, of course, it will run for 30 days and we can put as much information as we want.

COUNCILMAN SLATTERY: How much was the ad for the D & C?

RICHARD BRONGO: I believe it was somewhere in the neighborhood of -- I forget. Between 16 and \$1,900.

COUNCILMAN SLATTERY: Okay. Okay. Thank you.

COUNCILWOMAN SPERR: Can I ask a question regarding that, too? Who wrote the ad for that?

RICHARD BRONGO: Me.

SUPERVISOR LOGEL: Dick (Brongo).

RICHARD BRONGO: I just put an ad in.

SUPERVISOR LOGEL: He got the information from Dianne (O'Meara) for the job -- because it is an old job that has been around a good many years.

RICHARD BRONGO: And I did put it in without first obtaining the Supervisor's approval.

COUNCILWOMAN SPERR: We had no knowledge the ad was going in, but several of us did see it in the newspaper. It would have been nice to know that you were going to put that in. We have had several meetings. And e-mail.

COUNCILWOMAN IGNATOWSKI: Going on a limb here, I might make a suggestion that the resumes be passed onto the new Supervisor coming in, because I would think that that person would want to also be part of the interviews, because that is going to be someone he will be working with.

SUPERVISOR LOGEL: That won't be set up until January.

COUNCILWOMAN SPERR: Did you consider putting an ad in any of the trade journals that are read by people that work in those professions?

SUPERVISOR LOGEL: We talked about it, and at this point in the game, we haven't talked with Chris Levey what is available for those types of things. I just wanted to get it started because we know Joe (Carr) is going to be leaving, so. If you know some trade journals you think it would be good to put it in, let Dick (Brongo) know so he can put it in.

COUNCILWOMAN SPERR: Okay.

COUNCILMAN SLATTERY: Do we actually with -- with Joe (Carr) leaving and probably not filling that position before then, um, are there plans in place or ideas regarding -- I guess this is directed more towards Joe (Carr), regarding on how that department should move forward in the interim?

JOSEPH CARR: Well --

COUNCILMAN SLATTERY: -- or is this something we should go to -- personnel matter should go to Executive Session? Counsel?

RICHARD STOWE: That's up to the Board.

SUPERVISOR LOGEL: Is this something that we should talk about in Executive Session?

JOSEPH CARR: Let me -- let me make a comment first and then you can decide that.

SUPERVISOR LOGEL: Okay.

JOSEPH CARR: I've been preparing for this transition for several months, and I think I informed the Board of that. And I have been working diligently to transfer my knowledge and my responsibilities to all of the people around me.

I'm cleaning up my files. I'm straightening up my office. I'm labeling things. I'm making lists. My assistants have -- and I have been making lists of things that we need to do each month and what we need to do, and in the files I have been preparing notes.

What I am trying to say is, you have an excellent staff of people that I work with. And with respect to the foremen, and my office assistants, and my employees. They're well versed on what they need to do, so they can survive a short period of time. The -- the gap would be in I'm a very busy person, and whether that is making arrangements of things that, you know, we can't

even identify are coming to come-up, or knowing how to deal with those, would be the issue.

I have been working with Dave (Lindsay) very closely to get him to further understand and know the types of things that I have to do. So I don't know if that gets close to what you're asking, but at least I'm telling you what I'm doing.

COUNCILMAN SLATTERY: On the lighter side, Joe (Carr), just careful with the statement of cleaning up the files.  
(Laughter.)

JOSEPH CARR: Let me revise that.

COUNCILMAN SCHULMERICH: Organizing the files, maybe?  
(Laughter.)

JOSEPH CARR: I am throwing away on a daily basis things that do not need to be there, old, old things. I am very selective in not throwing away anything that you need.

COUNCILMAN SCHULMERICH: So in your mind, based on the way you have done the preparation over the last couple of months, if we assume there is an interim period between the time you leave and the time your replacement comes on Board, do you believe that you have an organizational structure in place that someone on an interim basis will be taking the lead and doing what you do on a daily basis?

JOSEPH CARR: I didn't really mean to imply that.

COUNCILMAN SCHULMERICH: I didn't interpret it either. That is why I asked the question.

JOSEPH CARR: I'm trying my best to transfer how I do various things to the people around me. But because it is such a busy office, I would hope that the gap is very short, because -- because we're an busy outfit. All of my people are busy. And, you know, I have gone on vacation. I go to seminars. There are times when I'm not there. But it is just the volume is such that I would hope the gap is very minimal.

COUNCILMAN SCHULMERICH: So your recommendation is the shorter the time between when you leave and when your replacement is sitting at the desk, should be kept to a minimum?

JOSEPH CARR: Yes.

COUNCILWOMAN IGNATOWSKI: So it sounds perhaps we should be start to go do an interview process as soon as possible.

SUPERVISOR LOGEL: Well, you have to decide if you want to put it in the trade journals first or put it on the -- on the D & C website?

COUNCILMAN SLATTERY: I think what --

SUPERVISOR LOGEL: And start interviewing the seven or eight we got.

COUNCILMAN SLATTERY: That is what I was going to recommend. The information you have, can you provide it to the Board so we start reviewing it? Do we evaluate to see that these are qualified candidates, and then look to see what the requirements are to fill the position, as well? So I think the Board needs that information to move forward.

SUPERVISOR LOGEL: Okay.

COUNCILMAN SCHULMERICH: Thank you, Mr. Carr.

COUNCILMAN SLATTERY: Thank you.

One other thing I have under Matters of the Supervisor, um, Plumbing Board report? Is there any information in regard to -- a report for them?

And then end of the year reports, I know we asked them for October, and we haven't received those at this point.

SUPERVISOR LOGEL: Dawn (Forte), you have them?

DAWN FORTE: I was giving the Board to the 7th to finish the reports. I have the majority of them. I was waiting to give the packet until Friday.

SUPERVISOR LOGEL: Mr. Karelus on the Plumbing Board, the last time they met?

CHRIS KARELUS: I believe that was submitted end of November. The November meeting was the last of the year. They canceled their December meeting.

I think the only issue that came up was one of the Board members, a committee member's appointment. Mr. Marchioni's term ended, so that was also included in the report, what goals were anticipated.

COUNCILMAN SLATTERY: I understand the Board, that we get the meeting, whether it is Conservation, Historic Preservation, Planning Board, Zoning Board, but there is not a report that is talked about for the public's perspective. That is why I asked that.

So I understand that the Board does get it, but they -- but we get the library report. I still give you a report on that. That is why I was asking.

COUNCILWOMAN IGNATOWSKI: He is looking for the rest of them.

I have some questions myself. The GPS maps, I'm concerned the contract has a date of 12/31 on it. Um --

SUPERVISOR LOGEL: He is coming in this week. I think it is this week we have a meeting with them.

CHRIS KARELUS: Yes. For the final review, E & A Maps is also coming. They actually draft up the plans. RLB helps with the administration of them.

This Friday is our final meeting with RLB to wrap up this process. It will go into publication after this meeting.

COUNCILWOMAN SPERR: Does it have to --

COUNCILWOMAN IGNATOWSKI: Does it have to come back to us for the public hearing process? Because --



CHRIS KARELUS: Initial draft is back for public hearing. The maps will be brought back to the Board for acceptance.

COUNCILWOMAN IGNATOWSKI: And we're okay with that 12/31 -- I'm just concerned because of that deadline that is on there, that if we have to wait until we get through the whole -- our review, plus the public hearing and then the adoption, you're going to be getting beyond the December 31st, um, deadline on the contract.

CHRIS KARELUS: Deadline on the contract for work, to finalize the maps? Because it appears based on their schedule they should --

SUPERVISOR LOGEL: Mr. Brand was on vacation for quite a bit of that time.

COUNCILWOMAN SPERR: He has been trying to reach people to schedule meetings, from what I understand, and has finally been able to get one set up for Friday. You were out of Town. He had one scheduled --

SUPERVISOR LOGEL: I was out of Town Friday.

COUNCILWOMAN SPERR: So there have been --

SUPERVISOR LOGEL: Excuse me, one day.

COUNCILWOMAN SPERR: So there has been several days they have tried to meet.

COUNCILWOMAN IGNATOWSKI: If I could just read the sentence.

The contract agreement shall expire within 90 days of the Town Board acceptance of the final printed documentation amending the plan or December 31st, 2007.

COUNCILMAN SCHULMERICH: So it doesn't expire December 31st, 2007. You have an or clause. Read the first part again.

COUNCILWOMAN IGNATOWSKI: Contract shall expire within 90 days --

COUNCILMAN SCHULMERICH: Of.

COUNCILWOMAN IGNATOWSKI: -- of the Town Board's acceptance of the final

(inaudible) documentation (inaudible) plans or the --

COUNCILMAN SCHULMERICH: Or.

SUPERVISOR LOGEL: Of?

COUNCILWOMAN IGNATOWSKI: 2007.

COUNCILMAN SCHULMERICH: Or. The first sentence allows it to go beyond December 31st, 2007. 90 days past our acceptance.

COUNCILMAN SLATTERY: It doesn't say whichever comes first.

COUNCILWOMAN IGNATOWSKI: That is the way I was interpreting it. Whichever comes first.

COUNCILMAN SCHULMERICH: We can turn to Counsel.

RICHARD STOWE: I will look at it. I think the intention was the process in the contract included their participation in the public hearing process, as well. That was my understanding.

COUNCILWOMAN IGNATOWSKI: I just wanted to make sure of that.

And I also have -- going past Archer Road, um, Archer Road development, it is now, I guess, Pooler, I seen roads being put in and definite progress made. I know we brought this up at one of the meetings before. Have there been any meetings at all with them what their plans are, if they're planning on modifying anything in the other phases?

SUPERVISOR LOGEL: Mr. Carr?

COUNCILWOMAN IGNATOWSKI: Letter of credit.

SUPERVISOR LOGEL: Mr. Carr can bring you up to date on all of this.

JOSEPH CARR: To an extent.

I think as I reported at an earlier meeting, their focus initially was to get the front portion of the site cleaned up to get the first portion constructed, meaning all of the underground utilities finished, the water, the storm, the sanitary, and get the roadway put in.

To which they did accomplish by last Friday evening. They had said to us, they are still working on what they intend to do overall. They said to us, they will come in and explain it to us as soon as they are ready. They know we are anxious to hear what their plans are, and I think they are also very anxious to come and explain to the Board and the Town Planning Board what their plan is. But as of my last contact with them, they had not had time to put together a plan.

COUNCILWOMAN IGNATOWSKI: Seems to me, though, you would have the roads -- are part of what your plans are. I guess I'm a little confused about that process.

JOSEPH CARR: Well, I think from the beginning of their involvement, meaning Pooler Enterprises, they did not intend to make any changes in what we call Phase 1 or what I call Phase 1-A. Half of Phase 1, the half that is what you can see from the highway. Because then there is a ridge, and the balance of Phase 1 is kind of on the other side of the ridge. There are two separate sanitary sewer systems. It splits naturally. So their focus was to get the first portion going. They didn't anticipate any changes in the road layout or lot, so they want to get that in, get something there, something they have to show and market and begin the development of.

COUNCILWOMAN IGNATOWSKI: All right. I have made this comment before and I will reiterate my concern is that a higher density was allowed -- and correct me if I am wrong -- from the Planning Board for the first phase based on the open space/golf course that was going to be put in. If they're not going to be following through with an open space/golf course, that impacts your density on the first phase. That is why I want to know what the whole plan is, because that impacts and to me changes what is allowed in that first phase.

JOSEPH CARR: Any change at their request is subject to approval by this Town, and they fully are aware of that. I don't know how else I can express it.

COUNCILWOMAN IGNATOWSKI: Has there been a new letter of credit issued for them?

JOSEPH CARR: Yes. It's on file.

COUNCILWOMAN IGNATOWSKI: I'm sorry. I have this laundry list of stuff, but --

COUNCILMAN SCHULMERICH: Before we move on, I -- I believe I can interpret your answer regarding the density of the building, in a sense they have not come before the Town or any of its Boards to request a change to the plan that has currently been approved, that they are, in fact, operating to that same plan. That should be our understanding?

JOSEPH CARR: That is correct.

COUNCILMAN SCHULMERICH: I guess I would request, and I don't know if this is a precedent or not, but because of the complexity what has gone on over at that site and the portion of it which now apparently has been resolved at least in the legal arena, I would personally like to see the representatives from that firm at a Town Board meeting to share with us their perspective where they think they are going, even if they don't have all of the answers in terms of where they are going. I would like some dialogue to be able to know where this is going because I feel I'm completely in the dark except with the one conversation I had with you. And I do appreciate the conversation I did have with you. You grounded me in terms what the issues were a while back, but I have residents asking me why bulldozers are moving and why stuff is going in, and I feel foolish because I don't know how to answer their questions. I would like representatives from the firm here just to share with us their point of view.

Does that seem far? Am I the only one?

SUPERVISOR LOGEL: No, you're totally right.

COUNCILWOMAN SPERR: I have one more follow-up question before you move on. If a new letter of credit has been issued, what happened to the old letter of credit, Joe (Carr), from the original owner? What happens to that?

JOSEPH CARR: It was exchanged.

COUNCILWOMAN SPERR: Okay.

JOSEPH CARR: I personally, after receiving and reviewing, to make certain that the new one was consistent with what we had had, I gave the old one back to the banker who demanded it.

COUNCILWOMAN IGNATOWSKI: Is there sufficient funds in this letter of credit? Because I know there was a concern that there wasn't perhaps in the old one.

JOSEPH CARR: The dollar amount is based on the original estimate that was prepared over three years ago. At the point of obtaining the new one, we did not have the ability to require an increase in that letter of credit. So it was issued in the same amount. To answer your question, obviously there is inflation. I told the developer/builder/contractor that the Board was concerned, that I was concerned and that we would be monitoring the balance in that letter of credit very carefully to make certain that we -- we don't run out of funds. And I told him, "If I have to limit your releases to keep us protected, I fully intend to do that." I reviewed that matter with Dave Lindsay, and so that is our plan. We're aware of it. We're concerned of it, and we have a path.

COUNCILWOMAN IGNATOWSKI: Thank you. We received a letter from Chris Levey about the fiberoptic connection, and I know he was looking for us to either support it or give some kind of feedback. I haven't seen any kind of communication with it, so I figured I would just bring it to see where we are. I can see the benefits, and I can appreciate now some of the property lines. Personally my only concern is the Town implementing it, installing it, as opposed to the County. I know this is not something I would imagine that you do on your ordinary course of business every day, and I would be curious of the liability associated with it if something were to happen during the installation of the optic.

COUNCILMAN SLATTERY: You only install a portion of it.

JOSEPH CARR: I only agreed way back to install the conduit, the PVC conduit and the pull boxes, not to pull the wire.

COUNCILMAN SLATTERY: Right. And I think that was --

COUNCILWOMAN IGNATOWSKI: Was it misstated in the letter that he gave to us?

JOSEPH CARR: It wasn't made clear.

COUNCILMAN SLATTERY: They're basically installing the conduit, the manholes, but not actually doing the actual wire pulling.

JOSEPH CARR: It is just three-inch PVC and little hand holes. That was all that I agreed to.

COUNCILWOMAN IGNATOWSKI: That is what Chris (Levey)'s understanding is, as well?

JOSEPH CARR: Yes, he does.

COUNCILWOMAN IGNATOWSKI: I know the benefit was to be we could get the connection here, and it would be easier for the Assessor to reach the County information, but I see all in the maps it is going through land not Town-owned and there are little red Xs. Does that mean the connection will not happen?

COUNCILMAN SLATTERY: On the letter that Chris (Levey) submitted, there was a plan that was submitted. I think that is land that is private, and it --

SUPERVISOR LOGEL: It is RG&E land. It is following the RG&E right-of-way. It -- it is the whole RG&E right-of-way.

COUNCILWOMAN IGNATOWSKI: That was just indicating it is not ours, something else. I just saw little Xs and was concerned now this is not happening.

SUPERVISOR LOGEL: It is the RG&E.

COUNCILWOMAN IGNATOWSKI: So is this something we're moving forward with



## CHILI TOWN BOARD MEETING - 12/5/07 - Page 9

then? And have other towns done that, municipalities? Then I'm comfortable. I just want to get an answer back because I haven't seen any discussion with it, to let Chris (Levey) or somebody know it is okay to move forward with it.

COUNCILMAN SLATTERY: Actually, it is in the northern -- a couple northern towns it has been installed and it is working rather well.

COUNCILWOMAN IGNATOWSKI: It sounded like it is was a good idea.  
Following up on that --

COUNCILMAN SCHULMERICH: Before we move on on that, does the fiberoptics, the decision to move forward, does that require a resolution of the Town Board?

SUPERVISOR LOGEL: Rich (Stowe)?

COUNCILMAN SCHULMERICH: We're utilizing Town resources to assist in the installation, correct? And -- and it is transcending Town property, correct?

COUNCILWOMAN SPERR: We're entering into an agreement with the County?

COUNCILWOMAN IGNATOWSKI: And we're also giving them an easement.

JOSEPH CARR: I agree that we would be expending Town funds, the part of labor and equipment to install the conduit on Town lands, but I think there is an easement involved. And so the Board would have to agree. So I think this --

RICHARD STOWE: The answer to that question is question yes.

JOSEPH CARR: The answer is yes.

COUNCILMAN SCHULMERICH: Do we need that dealt with before the end of the year?

JOSEPH CARR: Not before the end of the year.

COUNCILMAN SCHULMERICH: Whether we want to do it on the 28th -- I just wanted to get that on the table.

SUPERVISOR LOGEL: Dawn (Forte), make a note.

COUNCILMAN SCHULMERICH: We're making an agreement to proceed with something.

COUNCILWOMAN IGNATOWSKI: Then just following up, at the last Town Board meeting, and I will completely botch his name, Chang Wi Young (phonetic) on Parkway, the situation with cars going into his house, is there any resolution, or actions been taken since?

JOSEPH CARR: As Councilwoman Sperr said, we have a meeting tomorrow night at Traffic & Safety. At the following -- the last meeting I contacted him and I got more detailed information about the route of the five incidences. Remember I showed you a map where I plotted the -- well, now I have plotted all five. It was just a different route for each one. I did make the sign two weeks ago, another 6 feet, to kind of balance and fill in that gap. I haven't taken any additional action. I want to review this really complicated issue with our committee.

COUNCILWOMAN IGNATOWSKI: I'm glad to hear there has been some activity.

And I also want to just pass on I appreciate activity being done with the North Chili house, the green white house next to the greenhouse. Because it looks like we have a couple more days, any ways, for the next step to take place.

I also want to bring your attention there is another house with a roof collapsing in that has been to the Town's attention for quite some time over on Scottsville Chili Road between Stryker Road and the Baker farm.

SUPERVISOR LOGEL: It's the -- the gentleman is in a nursing home and we have been in contact with the family. They choose not to do anything about it at this point.

COUNCILWOMAN IGNATOWSKI: It is getting worse.

SUPERVISOR LOGEL: I know. Nobody is living there. We're in contact with them.

#### REPORTS SUBMITTED:

Library of Appeals - 10/23/07  
Monthly Financial Report - October 2007  
Town Clerk Report - November 2007

#### CORRESPONDENCE:

1. Mr. Brongo has received formal notification from Michael Martin that he is resigning from the Zoning Board of Appeals, effective 12/31/07.

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

COUNCILWOMAN IGNATOWSKI: I don't recall getting a copy of the agreement this year. In the past I got one from the 2005, 2006, but I don't have one for 2007.

DIANNE O'MEARA: I made copies and put them in everyone's box.

COUNCILWOMAN IGNATOWSKI: They're not in my box. Then I see the term starts November the 1st.

#### RESOLUTION #318 RE: Penflex Inc Agreement

OFFERED BY: Councilman Schulmerich

SECONDED BY: Councilman Slattery

BE IT RESOLVED that Supervisor Logel is authorized to enter into an agreement with Penflex,

## CHILI TOWN BOARD MEETING - 12/5/07 - Page 10

Inc. To perform administrative services for the Chili Fire Department Inc Service Award Program for the term November 1, 2007 to October 31, 2008.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: There was a couple of questions by Mrs. Borgus. One had to do with the Town Board contractual. That's 10,000 added for the study regarding the library; am I correct, Dianne (O'Meara)? And -- for their wanting to enlarge, and then the other question had to do with the Master Plan Committee, and that's -- that's 23,000 for getting that -- getting some funding to start that.

COUNCILMAN SLATTERY: And the library, I think also it's not so much enlarging as doing a Master Plan.

SUPERVISOR LOGEL: Of use.

COUNCILMAN SLATTERY: Correct.

COUNCILWOMAN IGNATOWSKI: And perhaps they will better utilize the space they got. It is a variety of options. I would like to say it is not a Master Plan Update. It is a brand new Master Plan that will be written. 1970 went to 1990. 1990 went to 2010. Now we'll have to have a Master Plan 2030.

COUNCILWOMAN SPERR: A question came up during Joe (Carr)'s presentation of the storm water management about necessary -- about necessary to add staffing. Do we -- can any of that or should any of that be addressed as we pass our budget tonight?

SUPERVISOR LOGEL: We have no idea right now exactly what is to be done, as I understand it, Joe (Carr), correct?

JOSEPH CARR: Yes.

SUPERVISOR LOGEL: Okay. Fine.

COUNCILWOMAN SPERR: So should we have the need to hire someone and the discussion of the monies necessary for that come up let's say four months from now, will we be able to find funds somewhere in our budget to enable that to happen?

SUPERVISOR LOGEL: Yes. It's there. The money is there.

JOSEPH CARR: We have discussed and we can accommodate those needs.

COUNCILWOMAN SPERR: Okay. That satisfies my concern over that question. Thank you.

**RESOLUTION #319 RE: Modifications to Preliminary Budget**

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

**BE IT RESOLVED** that the following modifications be made to the 2008 Preliminary Budget:

1. A1081 (Payment in Lieu of Taxes) shall be amended to \$355,500.00 from the Preliminary Budget amount of \$322,500.00; and
2. A1010.4 (Town Board-Contractual) shall be amended to \$23,279.00 from the Preliminary Budget amount of \$13,279.00; and
3. A8020.450 (Master Plan Committee) shall be amended to \$23,000.00 from the Preliminary Budget amount of \$0.00; and
4. A1490.4 (DPW-Contractual) shall be amended to \$500.00 from the Preliminary Budget amount of \$400.00; and
5. A5010.4 (Highway Administration-Contractual) shall be amended to \$1,777.00 from the Preliminary Budget amount of \$1,625.00.
6. SF-104-9025.8 (Chili Fire Service Award) shall be amended to \$136,200.00 from the Preliminary Budget amount of \$135,000.00.

UNANIMOUSLY APPROVED

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**RESOLUTION #320 RE: Adopting Assessment Rolls for 2008 for Lighting Districts, Drainage Districts, Fire District, Fire Protection Districts, Ambulance Districts, Water Districts, Park District, Sidewalk District and Sewer District**

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

**WHEREAS**, this Board on November 21, 2007 commencing at 7:00 p.m., duly held a public hearing on the preliminary budget approved by this Board and filed with the Town Clerk for the fiscal year commencing January 1, 2008, including the assessment rolls for the lighting districts,

**2008 Adopted Budget for the Town of Chili  
Tax Rate Summary**

Townwide Fund	Appropriation	Revenue	Fund Balance	Tax Levy
General*	\$ 6,435,488.80	\$ 2,991,531.50	\$ 1,500,000.00	\$ 1,943,957.30
Highway	\$ 3,426,800.00	\$ 577,200.00	\$ 400,000.00	\$ 2,449,600.00
Library	\$ 1,066,138.00	\$ 73,305.00	\$ 99,455.00	\$ 893,378.00
<b>TOTAL Townwide - OPERATING</b>	<b>\$ 10,928,426.80</b>	<b>\$ 3,642,036.50</b>	<b>\$ 1,999,455.00</b>	<b>\$ 5,286,935.30</b>
			Removal of exemptions/Omitted Assessment	\$ (12,079.16)
				<b>\$ 5,274,856.14</b>

\*Includes townwide charges for S Chili Water Benefit and Chili Sewer Improvement Areas

2007 Assessment Value	\$1,368,985,977
2008 Tax Rate (per \$1,000) on general operating budget	\$ 3.853112
2007 Tax Rate (per \$1,000) on general operating budget	\$ 3.853112
Tax Change over 2007	\$ (0.000000)
Percent Change over 2007	0.0000%

Special Funds	Appropriation	Revenue	Fund Balance	Tax Levy
Consolidated Drainage District	\$ 255,200.00	\$ 4,000.00	\$ 20,000.00	\$ 231,200.00
2007 Assessment Value	\$ 1,146,463,623		Tax Rate (per \$1,000)	\$ 0.201664
Gates Chili Fire District	\$ 589,026.30			\$ 589,026.30
2007 Assessment Value	\$ 300,578,948		Tax Rate (per \$1,000)	\$ 1.959639
Clifton Fire District	\$ 144,342.00	\$ 500.00	\$ 6,000.00	\$ 137,842.00
2007 Assessment Value	\$ 116,308,490		Tax Rate (per \$1,000)	\$ 1.185141
Chili Fire District	\$ 1,118,878.00	\$ 8,000.00	\$ 20,000.00	\$ 1,090,878.00
2007 Assessment Value	\$ 1,134,136,917		Tax Rate (per \$1,000)	\$ 0.961857
Chili-Scottsville Fire District	\$ 25,063.00	\$ 100.00		\$ 24,963.00
2007 Assessment Value	\$ 10,874,855		Tax Rate (per \$1,000)	\$ 2.295479
Gates Chili Ambulance District	\$ 47,500.00			\$ 47,500.00
2007 Assessment Value	\$ 299,859,048		Tax Rate (per \$1,000)	\$ 0.158408
Clifton Ambulance District	\$ 17,500.00	\$ 100.00		\$ 17,400.00
2007 Assessment Value	\$ 116,308,490		Tax Rate (per \$1,000)	\$ 0.149602
Chili Ambulance District	\$ 182,500.00	\$ 500.00	\$ -	\$ 182,000.00
2007 Assessment Value	\$ 1,127,437,008		Tax Rate (per \$1,000)	\$ 0.161428
Chili-Scottsville Ambulance District	\$ 2,500.00	\$ 20.00	\$ -	\$ 2,480.00
2007 Assessment Value	\$ 10,874,855		Tax Rate (per \$1,000)	\$ 0.228049
Chili Industrial Light District	\$ 1,800.00	\$ 60.00	\$ -	\$ 1,740.00
2007 Assessment Value	\$ 11,861,255		Tax Rate (per \$1,000)	\$ 0.146696
Pumpkin Hill Light District	\$ 7,200.00	\$ 150.00	\$ 500.00	\$ 6,550.00
2007 Assessment Value	\$ 51,700		Tax Rate (per \$1,000)	\$ 126.692456
Bluebeny Hill Light District	\$ 8,000.00	\$ 150.00	\$ 500.00	\$ 7,350.00
2007 Assessment Value	\$ 15,522,600		Tax Rate (per \$1,000)	\$ 0.473503

drainage district, fire protection districts, ambulance districts, water districts, park district, sidewalk district, and sewer district for 2008, and having heard all persons desiring to be heard in the matter and said assessment rolls for said fiscal year having been fully discussed and considered by the Town Board acting on behalf of all said Districts, it is

**RESOLVED**, that the assessment rolls for 2008 for the various lighting districts, drainage district, fire protection districts, ambulance districts, water districts, park district, sidewalk district, and sewer district, as printed in the preliminary budget, are hereby adopted and established as the final assessment rolls for the fiscal year beginning January 1, 2008, and,

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

UNANIMOUSLY APPROVED

**RESOLUTION #321 RE: Adoption of the Annual Town Budget for 2008**

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

**WHEREAS**, this Board on November 21, 2007, commencing at 7:00 p.m., duly held a public hearing on the preliminary budget approved by this Board and filed with the Town Clerk for the fiscal year commencing January 1, 2008, including the assessment rolls for the lighting districts, drainage district, fire protection districts, ambulance districts, water districts, park district, sidewalk district, and sewer district for 2008, and having heard all persons desiring to be heard in the matter of the budget for this Town for such fiscal year having been fully discussed and considered, it is

**RESOLVED**, that said preliminary budget is approved and filed and as later amended as aforesaid, including the budgets for the lighting districts, drainage district, fire protection districts, ambulance districts, water districts, park district, sidewalk district, and sewer district for 2008, and that such annual budget is so adopted as detailed in the minutes of the proceedings of this Town Board, and;

**BE IT FURTHER RESOLVED**, that the salaries of the elected officials included in the 2008 budget and as set forth in the published notice are adopted as published, and;

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

UNANIMOUSLY APPROVED

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

**SUPERVISOR LOGEL:** There was questions on this Troy & Banks contract, and I gave this to you, Rich (Stowe). Would you like to comment?

**RICHARD STOWE:** I will defer to Dianne (O'Meara) with regard to the historical perspective on this.

**SUPERVISOR LOGEL:** There was a question how far back, when hired and who authorized?

**DIANNE O'MEARA:** I -- I quite honestly can't give you a date as to when the resolution was, but we did have a resolution to enter into a contract with Troy & Banks. It was a multi-year contract. Fees dependent on -- there was a percentage of what this organization could recoup for the Town. Um, we have in the past received, you know, very small amounts. When I say "very small amounts," under \$200. This would be the first significant settlement we have with Troy & Banks. But it covered a period of time. Which I guess I would go back to Rich (Stowe), because part of it -- as I understand, is confidential.

**RICHARD STOWE:** Right.

**DIANNE O'MEARA:** Settlement at this point.

**RICHARD STOWE:** Right. Without trying to be too obtuse with the response, the multi-year agreement that this Board previously approved with this entity, was to pay this entity only if they were able to recoup a savings to the Town, a stated percentage in the agreement of the savings. And that has been utilized -- my recollection is a couple of years ago it started. Okay?

These savings, as Dianne (O'Meara) says, are more significant, and this resolution authorizes the settlement with the providers for the method set forth and recommended by Troy & Banks, a percentage of which they will receive as compensation pursuant to our original agreement. Yes, you will know the number after we get it.

**COUNCILMAN SCHULMERICH:** And the agreement with Troy & Banks continues on. This is not a termination.

RICHARD STOWE: That's correct.

COUNCILMAN SCHULMERICH: This is interim settlement for a period?

RICHARD STOWE: That's correct.

COUNCILWOMAN SPERR: Is it safe to say, whatever error caused this to come about has been corrected?

DIANNE O'MEARA: One can only hope.

COUNCILMAN SCHULMERICH: We can only hope, okay.

DIANNE O'MEARA: I will tell you where I -- my opinion, where some of these issues came in, is when RG&E -- there could be a double billing, where you may have a company where you are purchasing energy through, but RG&E is charging you still for the distribution charges, so there was a flex of time there where -- where there was overlapping.

RICHARD STOWE: I will ask, because the agreement says it is a confidential settlement agreement that --

COUNCILWOMAN SPERR: We don't go into it.

RICHARD STOWE: We don't dive too deeply into that issue, only to tell the Board that it's not a new problem. It is a problem attempting to be resolved, and the Town of Chili will be in a better place by virtue of this settlement, not only towards resolution of the problem, but to cure some of the consequences of the problem.

COUNCILMAN SCHULMERICH: And we have Troy & Banks engaged going forward, as well?

RICHARD STOWE: Correct.

COUNCILWOMAN IGNATOWSKI: One quick question. We're missing a period after such service, the last sentence. It wasn't like the rest of the resolution was dropped in some fashion?

RICHARD STOWE: Okay.

COUNCILWOMAN IGNATOWSKI: I'm just asking.

RICHARD STOWE: I didn't notice. But a period would be appropriate.

COUNCILWOMAN IGNATOWSKI: I just want to make certain we weren't missing some other text.

COUNCILMAN SLATTERY: Is there a double space in there?

COUNCILMAN SCHULMERICH: Any questions on the color of the text?

COUNCILWOMAN IGNATOWSKI: I didn't know if the thought wasn't finished. That's all. If it was just like --

(Laughter.)

COUNCILWOMAN SPERR: Can you walk out to your car?

COUNCILMAN SCHULMERICH: Am I getting the look?

(Laughter.)

**RESOLUTION #322 RE: Agreement Troy & Banks**

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

**WHEREAS**, the Town of Chili engaged Troy & Banks, Inc. ("Troy & Banks") as its authorized representative in regard to all issues, claims or disputes pertaining to street lighting services rendered by Rochester Gas and Electric Corporation ("RG&E") to the Town of Chili, including, but not limited to, its past RG&E street lighting bills; and

**WHEREAS**, negotiations between RG&E and Troy & Banks have resulted in a settlement and release agreement between RG&E and the Town of Chili; and

**WHEREAS**, Troy & Banks has recommended the acceptance of such settlement and release agreement;

**NOW, THEREFORE, BE IT RESOLVED**, that Supervisor Tracy L. Logel, is authorized and directed to execute a settlement and release agreement with and to deliver the same or cause the same to be delivered to RG&E. The settlement and release agreement is an accord and satisfaction for all issues, claims or disputes pertaining to street lighting services rendered by RG&E to the Town of Chili from the beginning of such services

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SCHULMERICH: Before we vote -- no, I'm fine.  
(Pause).

COUNCILMAN SCHULMERICH: Pregnant pause.

COUNCILWOMAN SPERR: You sure?

RICHARD STOWE: I think he was checking for periods. (Laughter.)

**RESOLUTION #323 RE: Sales Tax Intercept Agreement**

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

**WHEREAS**, the County of Monroe has elected under Chapter 58 of the Laws of 2005, to utilize the "intercept" option available to it, and

**WHEREAS**, the Town of Chili could, under said County election, experience a reduction in its share of sales tax revenue sharing with the County of Monroe, and

**WHEREAS**, the County of Monroe has purposed and authorized the execution of an Intermunicipal Agreement to make the Town of Chili "whole" for any such sales tax reductions,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Chili Supervisor is hereby authorized to execute an Intermunicipal Agreement and any amendments thereto, with the County of Monroe to receive funds from the County of Monroe so that the Town of Chili experiences no loss of revenue as a result of the County's election under section 2 of Chapter 58 of the Laws of 2005.

UNANIMOUSLY APPROVED

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

**SUPERVISOR LOGEL:** There was a question regarding lawn mowers this time of year? Are they on sale, winter?

**JOSEPH CARR:** No, that's not the issue.

**COUNCILMAN SLATTERY:** There's no sale.

**JOSEPH CARR:** There is not a sale that I'm aware of. I like to get business taken care of. And the purchase of the plow truck, which is one of these items, I always wish to do it as early as possible, because it is a long lead time. I want it in service this summer. So I simply want to start this process. That is why I asked to do it now.

**RICHARD STOWE:** Joe (Carr) are any of these going to be on State bid?

**JOSEPH CARR:** Yes. The pickup truck, in Resolution 324, and the plow -- the plow truck which is a part of 325 are State bid items.

**RICHARD STOWE:** My reason for asking, my recollection of starting this process right after we approved the budget was borne out of a rather uncomfortable process with the State bid lead time on a truck that you needed, didn't occur, because of a lag in the bid and we have done this routinely for the last several years so as to be in a position not to get left short by good value on a State bid that comes out shortly that has a long lead time on delivery. Among other good reasons Joe (Carr) has already stated.

**RESOLUTION #324    RE: Authorization to Use General Fleet Reserve Funds**

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

**BE IT RESOLVED** that the Town Board has under consideration in the 2008 adopted budget, the purchase of a pick-up truck and lawn mower, at an estimated cost of \$29,000.00, with said purchases intended to be paid from the General Fleet Reserve (subject to permissive referendum); and

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

UNANIMOUSLY APPROVED

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**RESOLUTION #325    RE: Authorization to Use Highway Equipment Reserve Funds**

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

**BE IT RESOLVED** that the Town Board has under consideration in the 2008 adopted budget, the purchase of a truck, plow equipment, dump body, and salt spreader at an estimated cost of \$180,000 of which \$118,000 of said purchase is intended to be paid from the Highway Equipment Reserve Fund (subject to permissive referendum); and

**BE IT FURTHER RESOLVED** that pursuant to Section 81 of the Town Law within ten (10)



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

UNANIMOUSLY APPROVED

**RESOLUTION #326 RE: Authorization to Advertise for Bids for a Mid-Sized Pickup Truck**

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

**WHEREAS**, the approved year 2008 Town Budget includes funds for the purchase of certain replacement vehicles and equipment;

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the advertisement for bids for a mid-sized pickup truck.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: This is a request from the County Executive's Office.  
COUNCILMAN SCHULMERICH: They made it before, too.  
COUNCILWOMAN IGNATOWSKI: Have they had any conversation with the adjoining landowner?  
SUPERVISOR LOGEL: The adjoining landowner on one of those, they -- they will not do that.  
COUNCILWOMAN IGNATOWSKI: I just spoke --  
COUNCILMAN SCHULMERICH: It hasn't been moved. We're having discussion.  
SUPERVISOR LOGEL: Then don't discuss it. But I have to take this back to the County.  
I just thought I would let you know that.  
COUNCILMAN SCHULMERICH: Okay.  
SUPERVISOR LOGEL: Because they have asked again. This is their third request.  
COUNCILMAN SCHULMERICH: Because they have vacant land they don't know how to deal with does not mean it is a burden on Chili.  
SUPERVISOR LOGEL: I don't understand how adding green space is a burden.  
COUNCILMAN SCHULMERICH: Tenth of acres we have to maintain that we take liability for that are not immediately adjacent to each other? I don't feel like taking the burden off the County.  
SUPERVISOR LOGEL: I will just send it back. It had to go on because they asked that I do it.

**RESOLUTION # 327 RE: Authorization to Accept Transfer of Vacant Lands from the County of Monroe**

**OFFERED BY: (no mover) SECONDED BY: \_\_\_\_\_**

**WHEREAS**, the County did, at some point, acquire ownership of seven various parcels of vacant land located in the Ballantyne Road area, for which the County has no use, and has requested the Town of Chili to accept a transfer of title from the County,

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the Town Supervisor to execute a purchase offer from the County (payment waived) for parcels:

39 Gilman Rd.	ID #160.01-2-18	0.14 acres
141 Ballantyne Rd.	ID #160.01-4-6	0.17 acres
131 Ballantyne Rd.	ID #160.01-4-10	0.17 acres
27 Helm Street	ID #160.01-4-71	0.14 acres
58 Chester Ave.	ID #160.07-5-63	0.17 acres
62 Harold Ave.	ID #160.07-6-33	0.14 acres
64 Harold Ave.	ID #160.07-6-34	0.14 acres

NO ACTION. NO ONE MOVED THE RESOLUTION.

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING THREE RESOLUTIONS:

RICHARD BRONGO: The way this is listed will they one be Local Law Number 4 for the one that says Local Law 4?

RICHARD STOWE: You can assign whatever number you want.

SUPERVISOR LOGEL: The numbers aren't important.

RICHARD BRONGO: All right. Wording, but --

RICHARD STOWE: Assigning the number -- they ought to be assigned the number in which they're adopted. If there is a preference in the order of adoption, then we can deal with the numbers.

RICHARD BRONGO: You don't have a problem?

JOSEPH CARR: No.

RICHARD STOWE: I don't think it --

COUNCILMAN SCHULMERICH: Did I create a problem by moving all three at the same time?

SUPERVISOR LOGEL: No.

COUNCILMAN SLATTERY: Earlier during the presentation --

COUNCILMAN SCHULMERICH: I heard that. I just didn't know in moving it that -- in the order I did --

COUNCILMAN SLATTERY: Only the seconder did.

**RESOLUTION #328 RE: SEQR DETERMINATION - LOCAL LAW #3 OF 2007**

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

**WHEREAS**, the Chili Town Board has received proposed Local Law #3 of 2007 entitled "Construction Law for Stormwater Quality"; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Chili, having reviewed the environmental record and having considered the comments at the public hearing on the Local Law hereby determines that the Local Law #3 of 2007 will have no significant environmental impact.

UNANIMOUSLY APPROVED

**RESOLUTION #329 RE: SEQR DETERMINATION - LOCAL LAW #4 OF 2007**

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

**WHEREAS**, the Chili Town Board has received proposed Local Law #4 of 2007 entitled "Illicit Discharge Law for Stormwater Quality"; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Chili, having reviewed the environmental record and having considered the comments at the public hearing on the Local Law hereby determines that the Local Law #4 of 2007 will have no significant environmental impact.

UNANIMOUSLY APPROVED

**RESOLUTION #330 RE: SEQR DETERMINATION - LOCAL LAW #5 OF 2007**

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

**WHEREAS**, the Chili Town Board has received proposed Local Law #5 of 2007 entitled "Post Construction Law for Stormwater Quality"; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Chili, having reviewed the environmental record and having considered the comments at the public hearing on the Local Law hereby determines that the Local Law #5 of 2007 will have no significant environmental impact.

UNANIMOUSLY APPROVED

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**RESOLUTION #331 RE: ADOPTION OF LOCAL LAW #3 OF 2007**

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

**WHEREAS**, a proposed Local Law #3 of the year 2007 to amend the Code of the Town of Chili to include a section entitled "Construction Law for Stormwater Quality" was introduced to the Town Board of the Town of Chili on the 21st day November 2007 and has been determined to be in order; and

**WHEREAS**, a Public Hearing was held by the Chili Town Board at the Town Hall in the Town of Chili, New York on the 5th day of December, 2007 at 7:00 p.m. to consider adoption of the proposed Local Law #3 of the year 2007 amending the Code of the Town of Chili to include a section entitled "Construction Law for Stormwater Quality"

**NOW, THEREFORE, BE IT RESOLVED**, that Local Law #3 of the year 2007 is hereby enacted by the Town Board of the Town of Chili.

UNANIMOUSLY APPROVED

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**RESOLUTION #332 RE: ADOPTION OF LOCAL LAW #4 OF 2007**

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

**WHEREAS**, a proposed Local Law #4 of the year 2007 to amend the Code of the Town of Chili to include a section entitled "Illicit Discharge Law for Stormwater Quality" was introduced to the Town Board of the Town of Chili on the 21st day November 2007 and has been determined to be in order; and

**WHEREAS**, a Public Hearing was held by the Chili Town Board at the Town Hall in the Town of Chili, New York on the 5th day of December, 2007 at 7:00 p.m. to consider adoption of the proposed Local Law #4 of the year 2007 amending the Code of the Town of Chili to include a section entitled "Illicit Discharge Law for Stormwater Quality"

**NOW, THEREFORE, BE IT RESOLVED**, that Local Law #4 of the year 2007 is hereby enacted by the Town Board of the Town of Chili.

UNANIMOUSLY APPROVED

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**RESOLUTION #333 RE: ADOPTION OF LOCAL LAW #5 OF 2007**

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

**WHEREAS**, a proposed Local Law #5 of the year 2007 to amend the Code of the Town of Chili to include a section entitled "Post Construction Law for Stormwater Quality" was introduced to the Town Board of the Town of Chili on the 21st day November 2007 and has been determined to be in order; and

**WHEREAS**, a Public Hearing was held by the Chili Town Board at the Town Hall in the Town of Chili, New York on the 5th day of December, 2007 at 7:00 p.m. to consider adoption of the proposed Local Law #5 of the year 2007 amending the Code of the Town of Chili to include a section entitled "Post Construction Law for Stormwater Quality"

**NOW, THEREFORE, BE IT RESOLVED**, that Local Law #5 of the year 2007 is hereby enacted by the Town Board of the Town of Chili.

UNANIMOUSLY APPROVED

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

COUNCILWOMAN IGNATOWSKI: I had the same question that was asked. Are we okay with having it the 28th at noon?

SUPERVISOR LOGEL: Dianne (O'Meara) reminded me when the Board chose to cancel a meeting on the 19th, that they were open to doing other things on the 28th. So you have to decide if you want to do it.

COUNCILWOMAN IGNATOWSKI: I wasn't part of that conversation. The Organizational Meeting, I wasn't at that one. It was my daughter's confirmation that night. So -- I just -- I just have that question because it is noon, and it is difficult for people to --

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COUNCIL WOMAN SPERR: I understand --

RICHARD BRONGO: We cannot do it before this date because SEQR notices have gone out and they have 30 days to respond. This is the very first date we can have a public hearing. You can, if you choose, have a meeting that night, or you would have to put it off until the next --

COUNCIL WOMAN IGNATOWSKI: I guess.

COUNCILMAN SCHULMERICH: Are there consequences to it being by year end?

COUNCIL WOMAN SPERR: I thought we had had to have it by year end.

SUPERVISOR LOGEL: The University of Rochester needs it.

COUNCIL WOMAN IGNATOWSKI: If that is where -- if that is where we are. At this point it would be difficult to set something into January because the January dates haven't been set yet.

SUPERVISOR LOGEL: Unless you want to hold the meeting at night.

COUNCIL WOMAN IGNATOWSKI: Not New Years Eve.

SUPERVISOR LOGEL: This is the 28th.

COUNCIL WOMAN SPERR: I won't be here at night. So I'm fine.

COUNCIL WOMAN IGNATOWSKI: Everybody is fine. Just making sure.

**RESOLUTION #334 RE: Set a Public Hearing to consider adoption of  
Incentive Zoning Proposal for 1420 Scottsville Road**

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

**WHEREAS**, the University of Rochester has requested an incentive zoning approval for property located at 1420 Scottsville Road in the Town of Chili and,

**WHEREAS**, the Planning Board of the Town of Chili has, at its November 13, 2007 meeting considered said proposal and found that said incentive proposal and its amenities is adequate as it relates to all aspects of the Project, it is now

**RESOLVED**, that the Town Board conduct a Public Hearing on said incentive zoning Proposal on December 28, 2007 at noon and that the Town Clerk is hereby directed to publish notice of same.

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: There is questions about this drainage easement, Mr. Carr.

JOSEPH CARR: In order to explain that, I would like to show you -- I did not make copies of this. I didn't know if you had the copies.

COUNCILMAN SLATTERY: I have mine.

JOSEPH CARR: As you can see, behind this property is a drainage easement, 10 feet on this property and 10 feet on -- behind it. And the purpose for -- in this case, there is a catch basin on the common property line that -- actually of three lots. If you can see on your drawing, where that is. There is a property line, but behind this home are two additional lots. It's centered -- their common property line is centered in the back. Okay?

Right at that very point there is a catch basin, and there is a 12-inch diameter storm sewer pipe that heads to the east. The encroachment into the Town's drainage easement, as you can see, is a concrete sidewalk surrounding an in-ground pool. What the -- what the resolution talks about is -- let me clarify for the audience, that concrete sidewalk encroaches into the Town's easement by just under -- approximately 2 feet for a distance of -- it would be 12 feet. So it is a minor encroachment, about 2 feet in -- into the 10 foot easement, and it's near that catch basin. The intent of this resolution -- I should let the attorney --

RICHARD STOWE: You're doing fine.

JOSEPH CARR: The intent of the resolution is to release the portion of the easement -- only the portion of the easement that has that little encroachment, that has that piece of sidewalk on it. It's my opinion that in doing so, releasing that little bit of easement, will not prevent us from doing our maintenance.

RICHARD STOWE: Councilman Schulmerich asked quietly a very pertinent question. Which is, isn't this a Zoning Board of Appeals issue? The answer is no. The reason the answer is no is because the Town has accepted a drainage easement, and the Town is releasing to cure a title objection to allow whatever these peoples' name is, the Hughes' house closing to go forward. Technically that encroachment into the Town's easement area constitutes a title objection.

COUNCILMAN SLATTERY: This is a sale of a home.

RICHARD STOWE: Yes.

COUNCILMAN SLATTERY: So we're doing something on a sale of a home, Dorothy (Borgus)?  
(Laughter.)

RICHARD STOWE: That's true. I guess I can't quarrel with that. The -- the encroachment -- the --

COUNCILMAN SCHULMERICH: That probably wasn't the best example.

(Laughter.)

RICHARD STOWE: This Board has taken similar action in a dozen or so of these instances when the procedure is followed and the parties who own the property sends the proper form and paperwork to our Commissioner of Public Works and he goes and makes an investigation, and if it isn't an encroachment that inhibits his ability to provide the maintenance that is required, it is within his authority to recommend release of a portion of that here.

Joe (Carr)'s request in this case, and the release document is modified to accommodate this, there is an indemnification provision in the release that says, if, in fact, the Town is in there doing any work, in the easement area, and happens to somehow damage those improvements, that, you know, we didn't put them there. You did, and you're indemnifying us from any claim as well as the new property owner. So that is intended to be included in it. But it is not release of the whole easement.

COUNCILMAN SCHULMERICH: How do we credibly document that specific portion of the easement we're foregoing.

RICHARD STOWE: The release document that is being authorized to be executed and notarized with a copy of the survey gets recorded in the abstract and records at the County Clerk's Office and it says only the encroaching portion as shown on --

COUNCILMAN SCHULMERICH: If I interpret the map correctly, the adjacent properties also have easements associated with them, so we have clear -- clear access to the --

RICHARD STOWE: Right.

COUNCILMAN SCHULMERICH: How long has this pool been there? Is --

RICHARD STOWE: 1983.

COUNCILWOMAN IGNATOWSKI: Wow.

COUNCILMAN SLATTERY: That was going to be my question. I'm sure they had to get a building permit at that time.

RICHARD STOWE: Right.

COUNCILMAN SLATTERY: For the pool.

RICHARD STOWE: Right.

COUNCILMAN SLATTERY: They need a permit to pour the concrete patio?

RICHARD STOWE: Don't know.

COUNCILMAN SLATTERY: Do they need a permit to pour a concrete patio, if I can refer to the Director of the Building Department.

SUPERVISOR LOGEL: Well, do they or did they?

COUNCILMAN SLATTERY: The question is do they.

SUPERVISOR LOGEL: Do they now to get it legal?

CHRIS KARELUS: Just a sidewalk.

COUNCILMAN SLATTERY: Concrete patio around the pool.

CHRIS KARELUS: If it's not tied into the structure of the house, not in the foundation, it's not a structure, so it would not.

COUNCILMAN SLATTERY: Thank you.

### **RESOLUTION #335 RE: TO RELEASE A DRAINAGE EASEMENT**

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

At a meeting of the Town Board of the Town of Chili, Monroe County, New York held at the Town Hall in the said Town of Chili, County of Monroe, State of New York on the 5th day of December, 2007.

**WHEREAS**, Herbert P. Hughes, III and Jacqueline M. Hughes. (The "Applicants") are owners of property located at 14 Stillmeadow Drive of Westside Acres Subdivision Section 6, Town of Chili, New York ("the Property"); and

**WHEREAS**, the Applicants have applied to the Town Board for a partial release of easement for that Drainage easement owned by the Town of Chili that portion of the easement is located under their encroaching improvements;

**NOW, THEREFORE, BE IT RESOLVED**, subject to a permissive referendum, that upon approval of the Commissioner of Public Works, and Attorney for the Town Board of the Town of Chili, the Town of Chili shall release to the above named Applicants that portion of the Town's Drainage easement located & under the encroachments onto the easement as shown on the attached survey; and

**BE IT FURTHER RESOLVED**, that the Supervisor of the Town of Chili, is hereby authorized and directed to execute, on behalf of the Town of Chili, all necessary documents in furtherance of this resolution relating to the Property after the release of easement has been approved by the Commissioner of Public Works and the Attorney for the Town Board; and

**BE IT FURTHER RESOLVED**, that the Applicants shall pay to the Chili Town Clerk all costs incurred or to be incurred by the Town in this matter including, but not limited to: Publication costs and recording fees; and

**BE IT FURTHER RESOLVED**, that within (10) days hereof the Town Clerk shall publish and post a notice of the adoption of this resolution, and an abstract thereof, as required by law.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Actually, I do. On the -- page two, for Monroe Piping and Sheet Metal Service installing the cooling, how old is that system?

SUPERVISOR LOGEL: Wait. I got to get to page two. My hands are so cold, I can't move up here.

COUNCILMAN SCHULMERICH: We haven't paid the heat bill.

SUPERVISOR LOGEL: Joe (Carr) turned it off. He wanted to speed the meeting up.

COUNCILMAN SLATTERY: The service call. No cooling. How old is that system?

SUPERVISOR LOGEL: How old is the system?

JOSEPH CARR: This facility was built in 1998.

COUNCILMAN SLATTERY: Okay. Thank you.

Um, and then page three, under the Building, General Fund, looking at the annual budget amount and then year-to-date amount, it is quite a bit different. Um -- there's a difference. Can -- do we plan some major bills for this, or we just haven't -- the 531 -- the 53,100.

JOSEPH CARR: Just to clarify, you're referring to .403, the Highway, Parks and Building account?

COUNCILMAN SLATTERY: Correct.

JOSEPH CARR: Included in that amount was -- I believe it was the \$38,000, a portion of the Alessi grant that we were going to use to build an additional storage building. That is why -- that is all.

COUNCILMAN SLATTERY: Okay. Thank you. And then right underneath that is -- Buildings General Fund, for the library, 1.84 for electric. Is that because of discount, or is that because of Troy, or can we see if we can get that for other buildings, facilities?

COUNCILWOMAN SPERR: How about my house?

(Laughter.)

COUNCILMAN SLATTERY: Tennis courts, we're paying \$284. Do we have heated courts?

(Laughter.)

DIANNE O'MEARA: You really want an answer?

COUNCILMAN SLATTERY: Well, \$1.84 yes.

DIANNE O'MEARA: We were on a budget billing and it had a significant credit that was due us, so they owed us a 1.84.

COUNCILMAN SCHULMERICH: The tennis courts are not in the budget.

COUNCILMAN SLATTERY: And they're not heated. (Laughter).

**RESOLUTION #336 RE: December 5, 2007 Abstract**

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

**BE IT RESOLVED** to pay vouchers 6402-6535 totaling \$47,416.89 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$ 20,827.74
Highway Fund	\$ 16,322.38
Consolidated Drainage	\$ 22.02
Special Light Districts	\$ 10,244.75
TOTAL	\$ 47,416.89

UNANIMOUSLY APPROVED

PUBLIC HEARING

The following Public Hearings were held by the Chili Town Board on December 5, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:15 p.m. to discuss Local Law #3 of 2007 to add Chapter to the Code of the Town of Chili entitled "Construction Law for Stormwater Quality"; Local Law #4 of 2007 to add Chapter to the Code of the Town of Chili entitled "Illicit Discharge Law for Stormwater Quality"; Local Law #5 of 2007 to add Chapter to the Code of the Town of Chili entitled "Post Construction Law for Stormwater Quality".

Attendance as previously noted in the December 5, 2007 Chili Town Board meeting minutes.

JOSEPH CARR: Good evening. I would like to first give you a quick overview of how



we got to this point. As you know, we're nearing the end of our first five-year permit program, and during this time frame, all municipalities were required to accomplish certain things. There are six minimum measures that had to be accomplished. And all of the efforts that we have done in the last five years to make an annual report, it has to be filed with the State at the end of May each year -- we track all of the efforts we have made.

This Town is a member of the Monroe County Storm Water Coalition. Dave Lindsay and myself attend those monthly meetings. Dave (Lindsay) and I are also a member of a subcommittee. We have various tasks, and one those tasks was to work on these model ordinances that tonight we're going to discuss for Local Law.

The six minimum measures that were required by all municipalities are public education -- and a lot of effort has been made, many, many training sessions have been conducted at schools and various civic groups throughout this period of time.

The second item was public participation. And several events have been held like Host A Clean-up, Adopt A Stream, a variety of things that have been recorded during this time.

The sixth item is called housekeeping where all municipality operations, whether it be at highway garage, park garage, construction activities or anything else that deals with our land, we have to be performing to the best management practices all to make sure that we reduce any pollutants that might flow through our storm waters.

Items 3, 4 and 5 on the list have to do with construction activities, post-construction activities and then elicit discharges, the things that we're here to review tonight.

I want to hand the Board a copy -- this is a cover sheet the Storm Water Coalition members prepared to help guide each municipality in the adoption of these required ordinances.

Um, first of all, the goal was to meet the requirements of the State regulations. We are required to adopt, implement and enforce programs that will reduce the pollutants to our storm waters.

The Coalition's goal was to make certain that our ordinances meet the minimum requirements of the -- that was set out by the DEC, and there is a reason I mention this. Once we conclude this process, which we're mandated to do, our attorneys have to certify to the State DEC, that our local laws meet or exceed the requirements as identified by the State.

The Coalition has been working on these ordinances for over four years. We developed them initially, and then the State came out with their own version. We spent the last year doing what is called a Gap analysis, reviewing every page and every requirement that the State set out to make certain that our documents do meet the minimum requirements as set out by the State, and this letter simply indicates the process that we went through and says that we are in full compliance with the minimum requirements as set out by the State. I wanted to share that with you as we -- as we look into this.

Some of the activities that relate to public education and public outreach are different flyers, door hangers. Some educational material for contractors in Highway Departments, and we have this type of a hand-out that identifies the -- erosion control methods, proper methods of silt control, fence, construction entrances, and that type of thing.

I just trying to let the public know, the Board know that a lot of effort has gone into this very important program.

COUNCIL WOMAN IGNATOWSKI: Joe (Carr) if I could quickly ask, the brochures, especially the last one you mentioned, is that in our Building Department for when developers come into our Town?

JOSEPH CARR: Yes, it was the intent of our Committee. We produced several hundred of these. As we go into the field, our inspectors go into field, we'll have these with us. We'll be handing them to contractors.

Um, we have done a lot of educational work, hosted educational seminars for developers, contractors, utility people, Highway Departments. But quite often, you go into the field and you will meet new people. They haven't had the training. So it was our thought -- we selected four critical items, put them in these plastic-coated handouts, and we'll give them to a Job Superintendent or to maybe a utility company like RG&E, Rochester Telephone Group, so they can take it with them for pointing out -- pointing out the real concerns.

This whole issue which has to do with -- with protecting our waterways, trying to prevent pollutants, whether is that silt or other items from entering our waterways, has obviously been an effort for a long, long time. But there is a lot of failures in all of those efforts, and this federal mandate, administered by the State and now it will be administered by the Towns starting next year, it is just simply something that we need to work harder at. That is what all this effort has been about.

Now, we're here to talk about Local Law Number 3 which is construction site pollution prevention and sedimentation control. The purpose of this regulation is to regulate any activity that is -- that is disturbing a site so to minimize or eliminate the pollution or runoff to our streams and rivers. Under the ordinance there are standards for construction activities, things like silt control and a lot of other items.

There is an approval process. There is a requirement for what is called a SWPPP, which is the Storm Water Pollution Prevention Plan. That document has to be prepared before any activity of a size is taken place.

Under this Local Law, there are requirements for inspections. There is a requirement for a log book that is on any construction site. Those inspections have to get logged. If there are difficulties, you note them. There is a period of time for correction, and there are follow-up inspections. There is a close-out procedure, or enforcement procedures, and one of the things

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we'll have to do later is identify some fees that will be associated with the implementation of -- of these requirements.

We will have to start reviewing the Storm Water Pollution Prevention Plans. There are some details that have to be looked at. It will be similar to the review that has taken place now, site plans in the Building Department Office. That is an item that we'll have to talk about in a couple of months.

That is a very quick summary as to what Local Law Number 3 is -- is about. I would ask the Board if there are any questions. My intent is -- to give a quick overview of each of the three. I think you would have to go through the process, and then maybe ask for questions, if that is appropriate.

RICHARD STOWE: All of these were scheduled for hearing at -- at the same time. If it is the Board's wish to open all of the public hearings and comment on them all at the same time, I don't -- under the circumstances, these are all --

SUPERVISOR LOGEL: Part of a package.

RICHARD STOWE: -- they're all interrelated, all mandated to be adopted. One flows, no pun intended, into the other, and you really -- you really don't get the full meaning of any one without discussing the others, so under the circumstances, I think it is probably appropriate --

SUPERVISOR LOGEL: You want me to --

RICHARD STOWE: Open the other two and let Joe (Carr) give a summary of all three, and then if members of the public have comment on any one or all together, they could ask those appropriately.

SUPERVISOR LOGEL: Then I formally open Local Law Number 4 and Number 5 for discussion.

Joe (Carr), if you would like to brief us on Number 4 and Number 5, please.

JOSEPH CARR: Local Law Number 4 has to do with post construction pollution prevention measures. The purpose again is to have minimum requirements for storm water management, to protect the water quality in our streams and rivers. Under this ordinance, there are design requirements so that any activity that is contemplated, is brought before the Town for approval. In addition to designing the site, they have to do an analysis of the storm water impacts. You know that we already do that. It is all a part of our design criteria primarily focused on water quantities. The significant difference now is that we also have to focus on quality.

As we design things, and we design -- we have had ponds for a long time. We need to design them differently or better. We need to incorporate within the design of ponds deep pools and shallow pools, types of vegetation, interconnecting channels, all as an intent to trap pollutants, filter pollutants, minimize the off-flow of pollutants in the water. There are requirements to look to improve water storage designs, better filtration, is all under this Storm Water Pollution Prevention Plan that is prepared.

There is also -- attention has to be paid to opportunities for groundwater recharge and infiltration or -- infiltration of water. Those types of things may be able to be incorporated in a -- certain designs.

Under this Post Construction Local Law, there are additional requirements.

Um, there are maintenance requirements that would be built in. There could be maintenance agreements. If these facilities are on private property -- for example, most of our ponds say in subdivisions are kept on private ownership, but we have easements over them. So we have easements in place that allow us to access those.

When you have let's say commercial or industrial sites, that is not all always the case. Sometimes those are retained in private hands. Under this ordinance, we would require maintenance agreements, whether that allows us to do the inspection work, it requires the owner to do maintenance, if we identify certain things that have to be done. The intent again is to maintain these facilities so they're functioning to their best level to help reduce the pollutant discharge to the storm water.

There are recordkeeping requirements, inspection requirements, annual inspections. We have as-built -- we take -- we require as-built mapping now. Once this is implemented, we'll need more detailed as-built information on storm water management facilities. We have deep pools and shallow pools and we need to document those are there and be able to document that they're still functioning as they were designed.

There are things such as -- there is a prohibition around altering the landscaping around storm water management facilities. Sometimes we design -- well, they're all grassed. We want them vegetated. Because they're on -- in people's backyards or side yards, sometimes people take it upon themselves to go in and alter the terrain, and they are not always in tune to minimize erosion.

There is a permit required. If you're going to disturb things that are directly -- that directly pollute the pond, you need to talk to us about it to get a permit. That type of thing.

There is enforcement procedures as a part of this Local Law. That in a nutshell is Local Law Number 4, the post construction activities.

The final one, Local Law Number 5 is for elicit discharge connections. The purpose here is to deter, reduce, eliminate as much as possible the discharge of pollutants to our water.

Under this Local Law there are prohibitions. There will be no discharge of pollutants into storm sewers or to our waterways.

There are provisions for implementing corrections or requiring corrections to be made to failing septic systems. Right now that is covered under the local Health Department laws. It has

to be included in our Local Law, as well.

Something that people don't always think about is the proper disposal of animal waste. It's a big pollutant, a big pollutant, whether it is dog or other animals. Most of the time people don't pay attention to proper disposal of animal waste. It's a big issue. It's a big contributor to pollution to the water. That is identified under this.

There is no direct connections to the storm water system, meaning you can't be piping, making direct pipe access to the storm sewer that would convey anything except clean water.

Waste disposal -- I'm sorry. Disposal of waste. That -- in this case we're referring to litter control, rubbish, yard waste. The intent is to prevent those types of items from entering our waterways. I can tell you from the work that we do, people tend to pile up their grass clippings or yard waste types of things along the edges of our larger ditches. We have seen people under rain storms pushing them into the streams to get rid of them, instead of properly disposing of them. This ordinance talks about not doing that type of thing. Proper disposal of rubbish, of litter -- it's prohibited to put that stuff in the stream, because all of those are pollution generators.

There is also a provision of not discharging storm water into the sanitary sewer system for very good reason, you don't want to be treating storm waters at the sewage treatment plant. It has been a requirement under the County Pure Waters system for a long time. It's now going to be a part of our Local Law.

The Town is going to have more work to do because we have to set up a monitoring system. We have to map all of our outfalls. We have to have annual inspection program of those outfalls. So there is a lot of recordkeeping to be done. We have to follow what is called best management practices, whether it is our own operations or others' operations. It all comes back to one thing, trying to clean up our waterways, trying to prevent as best as possible, the pollution that enters our waterways.

Thank you.

SUPERVISOR LOGEL: Joe (Carr), can I ask a question, and then the Board can ask questions. I just want know, this law, is it going to give us teeth in that now we can say we have -- like I had an incident in our neighborhood a couple years back where they were changing the oil constantly on cars and pouring it down there, down the storm sewer. Is that now something that will give us more than just falling back on the Health Department, where we fall back on our own Local Law for enforcement out of the Building Department?

JOSEPH CARR: Yes, it absolutely does. Under these ordinances, it expressly prohibits the discharge of any pollutant such as oil or antifreeze or paint into our storm systems, and you're referring to where they put it into a catch basin and it goes to our storm sewer system, which discharges to an open swale somewhere.

Under this law, it's a violation of Local Law, and there are penalties. There is an enforcement procedure and penalties within these laws. And they would be enforced the same way as our other codes, violation of any codes of the Town.

SUPERVISOR LOGEL: My curiosity, though, is how we're going to get this out to the public. Because the public is going to need to be -- maybe a brochure developed or something to reiterate -- especially the animal waste. There -- I am taking it that they're suggesting a specific way to dispose of animal waste? What are --

JOSEPH CARR: Well, what the ordinance covers is the prohibition of throwing animal waste near a stream.

SUPERVISOR LOGEL: Okay.

JOSEPH CARR: That is what they're talking about. Bag it, put it in your garage, or bury it. But keep -- keep it away from streams.

With respect to your comment about educating the public, it is a very difficult task. And I go back to one of the first things I said, that there were six minimum measures. Public participation and public education.

In fact, this past summer, our Coalition contracted with an agency, and they produced television spots, advertisements and did a lot of media. They created what was called the Water Bureau -- is that --

UNIDENTIFIED PERSON: H2O Hero. They ran several ads. There was a lot of media coverage. But I did not hear a lot about it.

The biggest effort in education has been at the grade school level, and literally hundreds of classes or seminars have been conducted by various people from our partner agencies and whatnot.

But it obviously doesn't go far enough. And it's going to have to be a continuing process. And we may want to take some action at the Local Law. Our coalition is still in place, is still intending to be in place, intending to continue the educational process, but a lot has -- a lot more has to be done.

SUPERVISOR LOGEL: Thank you.

COUNCILWOMAN IGNATOWSKI: Would there be opportunity to put something in the brochure that gets mailed to residents that covers recreation and Senior Center?

SUPERVISOR LOGEL: Joe (Carr), the Highway Department, every department has the opportunity to put something into that. Where we put the leaf collection, it can go in there.

COUNCILWOMAN IGNATOWSKI: Joe (Carr), I had a question -- which one. Construction storm water pollution, on page nine, it says the Town of Chili shall designate a Storm Water Management Officer, and I'm just curious who that would be.

COUNCILWOMAN SPERR: That's my question, too.

JOSEPH CARR: Well, it could be a person in my position. It could be a person in the

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Building Department. It could be, I suppose, a person from our consulting engineering firm who might work under the direction of a person like myself. I -- I appreciate your reminding me of that, that that is something next year we'll have to designate as this program is implemented.

COUNCILWOMAN IGNATOWSKI: This will be at the Organizational Meeting where you will designate this individual?

JOSEPH CARR: I don't think it has to be done at that time. But we should do it in the first couple of months.

COUNCILWOMAN SPERR: Is it your vision, since you have been so involved with this, that this would be managed by your department, or do you see the Building Department manage it? Because I noticed you have discussed penalties. You have discussed it ought to become part of the code book, and there is also the Building Department currently issues stop workers orders. If there was a stop work order involved with this, would that task still be involved with Chris (Karelus)'s department? I guess that is a gray area for me.

JOSEPH CARR: It has been my intent that the responsibilities under these ordinances for making sure that we have the SWPPP Plan, that part really would fall to our Town Engineer who does all of the plan review, and they would add that to their responsibilities.

With respect to all of the mapping of the outfalls, the inspection of the outfalls, the inspection of the site construction inspections presently is done under my direction and with the Town Engineer and I would see that that would stay under let's say the public works function.

The -- the enforcement of -- of all of the roles that fall under my jurisdiction are with the Building Department who handle the stop work orders and that type of thing, and I would see that staying -- allow that enforcement wing to continue to operate.

I -- I will -- I will take this opportunity to tell the Board, there is a lot of work that is being added to the Town's efforts.

I think it is going to take some additional staffing. It is certainly more than my office can handle.

And we need to talk about how to -- how do -- how to handle that. So it -- it -- it involves a lot more say hours per month to manage these types of things.

COUNCILMAN SCHULMERICH: Joe (Carr), are the laws universally written so if you went to Gates or Riga or Ogden that the law would read the same way for their municipality? Is that the intent of the group?

JOSEPH CARR: Absolutely. The Coalition was formed at the outset, five years ago. We all shared a common concern. We recognized all of the responsibilities of education and the rules and felt that we could only accomplish that by working together, and we shared the responsibility, and we consulted with -- we had incredible support from the Monroe County Soil and Water Conservation group and the Cornell Cooperative Extension and several other agency groups and primarily with the support of the Health Department. And the intent was exactly that, to have it uniform so that a contractor working in various towns, developers working in various towns would all be trained and understand the rules would be the same.

Obviously it is mandated by the State. We have to meet the minimum standards. It is the intent, to the best of my knowledge, that all municipalities are adopting this exact document, just putting our names on it so it will be done.

COUNCILMAN SCHULMERICH: So with that said, and assuming that the other municipalities enact these laws prior to January 1st of 2008, do we have an opportunity when we consider enforcement and consider staffing to be looking at regional opportunities as opposed to Town-by-Town staffing?

JOSEPH CARR: That definitely is an opportunity, yes.

COUNCILMAN SCHULMERICH: So there is nothing -- I'm going to simplify this question because I'm sure it has more complexity to it than the question will bear, but there is nothing in the way we administer or would administer the law in Chili that if someone from Ogden was working in a regional cooperative way, they would be able to come in and enforce the code or the law because the commonality is there between municipalities?

JOSEPH CARR: That's correct.

COUNCILMAN SLATTERY: Joe (Carr), in regard to staffing, you mentioned the possibility of additional staffing. In the initial -- are there opportunities to use co-ops to help with the mapping and some of the other duties that are required?

JOSEPH CARR: Yes. The -- the mapping efforts are at this point about 80 percent completed, and our consultant, Dave Lindsay specifically has been working on that program, and he utilized some co-op people. We're also, through the Coalition, um, got some assistance from County employees, and the GIS Department. Several municipalities use co-ops in the summertime, whether they're RIT program people, to do this type of work. So yes, that is a real possibility.

COUNCILMAN SLATTERY: Also, Joe (Carr), is there the possibility of grant money that is out there to assist with this?

JOSEPH CARR: No.

COUNCILMAN SLATTERY: Not at this time.

JOSEPH CARR: Not at this time. There -- their Coalition has been very successful in obtaining grants, a few \$100,000 to help support the work we have done and help support the agency group. For example, the Health Department would help pay for the staffing that has helped us do all of this stuff.

But to the best of my knowledge, at this point, there isn't grant opportunities for municipalities to help implement the program. I -- I'm not aware that there is.

COUNCILMAN SLATTERY: Thank you, Joe (Carr).

SUPERVISOR LOGEL: They're talking about consolidation of courts to, you know, expedite that in -- between towns, so this sounds like a job that could possibly be consolidated for towns especially like Ogden or Wheatland or smaller, Riga, where we could all join together and not be a full-time staff person for us, but it could be a shared, shared opportunity.

Any other questions about these local laws? The public, because I have to go to the public.

COUNCILMAN SCHULMERICH: I have a couple more, if I could. I have heard the words "inspections" and "permits."

Do each of the laws, 3, 4 and 5 engage in new permits that did not exist before, or are --

JOSEPH CARR: Actually the requirement, and Dave (Lindsay), correct me if I am wrong, for permits does exist to date. It is just that through this initial five-year program, the permits had to be obtained from the State, the DEC. And so now it's -- it will be the Town that will be reviewing and -- and issuing permits. So it really isn't new come January of '08, and -- from that standpoint.

COUNCILMAN SCHULMERICH: Are we positioned and prepared to be able to issue permits on January 1 of '08, is there special training that will be required, or is it essentially a hand-off from the State to the local municipality and is it straightforward?

JOSEPH CARR: I think we're well-positioned to handle this come January, and I say that because my involvement, Dave Lindsay's involvement and I know Chris Karelus is very knowledgeable in this area. I think we're prepared to do that. One of the examples, it may take more time on Dave Lindsay's part, because right now he does the plan review, he does that type of review, or someone in his office, so he initially may see some more man hour efforts from our consultant.

DAVID LINDSAY: The current program administered by the DEC will still be in effect. People coming in with site plan applications will still be required to obtain a permit coverage from the DEC.

The ordinances were established and written in a way they wouldn't require any new permits. They would be part of the site plan approval process or a building permit process so it wouldn't create a separate permit you would have to acquire. I just wanted to clarify that.

COUNCILMAN SLATTERY: David (Lindsay), while you're there, also, there is additional training or -- or annual training that needs to be done by -- whether the people in the Building Department or the Highway Department. Is that accurate?

DAVID LINDSAY: The DEC has put out a draft permit for the next five years and that is part of the requirements of the draft permit. They're taking public comments on that now, I think, through December 12th and that will be issued come January 1st. Um, because these -- but these permits as written will stay in effect.

So certainly there will be some training requirements for contractors and some of their folks if it stays in -- if it stays in the draft permit. That we don't know yet because they have not finished up public comment and finalized the final version from the department yet.

COUNCILMAN SLATTERY: The training that I was referring to is for the people that would be going out and performing the inspections. It is also going to be -- as an Inspector would go out now, they would go out, they would look at certain things. Now they're looking at more. It is more in depth. You know, the erosion control and so forth. And correct me if I am wrong, but there is a form that they have to fill out when they visit a site regarding that.

DAVID LINDSAY: To clarify, when you say "inspections," are you saying inspections that the municipality does or --

COUNCILMAN SLATTERY: Correct.

DAVID LINDSAY: The ones the municipality does, there has been some training offered and provided through Monroe County Storm Water Conservation over the past five years, and we have sent people to that from our office, and I think Joe (Carr) has from his office and I think the intent is to continue that training on an additional basis as needed.

COUNCILMAN SLATTERY: I know I have to go annually to this training, so I wasn't sure if it -- that was a municipality or a State requirement.

DAVID LINDSAY: I'm not aware of any requirement on the State requirement that obligates someone to go annually. I don't know if that is something the County instituted.

COUNCILWOMAN IGNATOWSKI: I just have a quick question. I was hearing additional man hours that will have to be put in by the consultant to review this. Has that been part and recognized in the contract that we have now with our Town Engineer?

JOSEPH CARR: At this point, it hasn't been done. And I referred earlier to the fact that we need to look at our fee schedule and make some adjustments in the fee schedule, and then look at our -- our contract to make sure we're covered.

COUNCILWOMAN IGNATOWSKI: So we don't need to change anything in our budget because we're looking to adopt it tonight. Does this impact the budget in some fashion?

COUNCILMAN SCHULMERICH: I have interpreted that what we want this to be is use-based, so any incremental cost associated with doing this would be recovered through fees and by the users as opposed to by the taxpayers?

JOSEPH CARR: The portion that relates to development, yes, that's correct.

RICHARD STOWE: Not the portion that we have to comply with for our own operations.

JOSEPH CARR: That -- yes.

RICHARD STOWE: There is a distinction.

JOSEPH CARR: The other responsibilities such as inspecting all of our outfalls and doing inspections for illicit discharges and those kinds of things, that is strictly the responsibility of the



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Town that has that to be built in.

COUNCILMAN SCHULMERICH: I'm looking at incremental labor associated with in the field, brought about as a result of the development that is occurring.

RICHARD STOWE: I want to anticipate before we go to the public perhaps one procedural issue question. The -- the -- Joe (Carr)'s presentation has been using the word "ordinances," and we're using the word "local laws," and he has assigned numbers to titles that don't necessarily agree with what is in our agenda, okay? Let me deal with the numbers first. Our Town Clerk is going to assign the number of any Local Law that gets adopted by this Board in the order in which it gets adopted, notwithstanding what number that is in your agenda. Numbers don't matter much until Dick (Brongo) has assigned it and it has been adopted, so don't worry about the numbers.

With regard to the -- do worry about the titles, but not the number.

With regard to the -- the statement that Joe (Carr) is making regarding ordinances and some of the informational material that accompanied the documents that was in the Board's packet referred to model ordinances. These are being adopted as local laws. Members of this Coalition that Joe (Carr) spoke of included villages, traditionally adopting ordinances instead of local laws. And towns using the Municipal Home Rule Law, the authority to adopt Local Law is a general rule. We have ordinance authority that pre-dated the Local Law authority, but generally speaking, we prefer to do it in this fashion.

Without regard to how it is that we're referring to these pieces of legislation, for our purpose, they're local laws that are in the format that are in front of us and using the Municipal Home Rule Authority. I don't want anyone who may be participating in the process to worry that we called it an ordinance and then we called it a Local Law and we adopted a Local Law. We're doing a Local Law.

Other people in the Coalition are adopting an ordinance with similar texts and the vehicle how they get there doesn't really concern us here a great detail.

COUNCILWOMAN IGNATOWSKI: I have one other procedural question. We have the General Code still working on our code. These will have to then be added to it?

RICHARD STOWE: Joe (Carr) made a suggestion, and I think it's a good one. We currently have our design criteria local law that is not part of this book, and was not going to be anything other than a reference in the new updated code book, once it is adopted, that Dick (Brongo) has the copies of those design criteria in his office. These -- these local laws, I think, are in much the same bailiwick as far as the contractors and the folks who are dealing with these criteria are concerned on a day-to-day basis. And Joe (Carr)'s recommendation was to have that readily available in the Clerk's Office, in its own bound volume, like the design criteria are now, and referred to in our code book by the local law number and the year -- they all comprised the code. For purposes of what we adopt, I think it probably ought to be on our Town website like our design criteria are, and available. Whether it is physically in the notebook from General Code or not, other than as a reference, is a point I will leave to the editors of General Code. It is Joe (Carr)'s recommendation it be a separate volume we can easily produce and disseminate as necessary.

COUNCILWOMAN IGNATOWSKI: We don't currently have that reference in there right now.

RICHARD STOWE: No, because it hasn't been adopted. But there is a reference to the design criteria that was adopted in a similar fashion.

SUPERVISOR LOGEL: They're going to have it printed and have it here mid January.

COUNCILWOMAN IGNATOWSKI: Mid January.

## COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JIM EMAN, 47 Stover Road

MR. EMAN: I notice that you're having the -- going through the procedure here. Does this also -- new ordinance, does it also include any of the preconstruction or construction in the past to bring it up to the current codes that are being enacted here, and some of the skirting that has been going on in other developments and housing developments around the area? I notice there have been certain things that just didn't seem up to code, in my mind, like water being drained from a sump pump down the front yards and what have you. I was wondering if that would be brought into this particular situation or not?

JOSEPH CARR: Under these local laws, again, we'll be required to do inspections and make follow-up to complaints. I'm not going to say if we're automatically going to be correcting things, but we will be responding and reviewing and following up on any activity that could lead to say the migration of silt or litter toward the waterways.

That -- does that somewhat answer your question?

MR. EMAN: To a certain degree it does. I'm looking at certain areas of Chili where new construction has been performed, within the past 5 to 2007 years, and I have noticed that the sump pumps are being pumped out into the backyard which runs down to the street. And certain areas, it just doesn't seem proper. I was just wondering if that was part of the -- part of this particular drainage or whatever you want to call it, water program you're having where you're taking the fertilizers that are put on and turning it directly into creeks.

JOSEPH CARR: With respect to sump pumps, it is not now, nor will it be legal to discharge sump pumps onto the surface. That is ground water, storm water. It -- unless it is being contaminated in some way, it's -- it's not improper to discharge that to the surface.



With respect to fertilizers, one of the things, one of the additional requirements in reviewing construction plans is to look at directing surface water through holding areas where the vegetation can act to clean it, filter it.

To say that we're going to retrofit areas, um, I don't really see that. Repairing of erosive areas, yes. But changing the general nature, no. That is something that we're going to design into the future plans.

MR. EMAN: One last question, if you don't mind? I mentioned the fact there was oil. Isn't there an EPA regulation about spilling of oil and discharge of oil, the penalties and fines involved with that?

JOSEPH CARR: Yes, there currently -- that is illegal and has been for a very long time.

MR. EMAN: A person is discharging oil into a catch basin for storm, why aren't those fines and penalties immediately applied to the person who is found guilty dumping oil into those catch basins?

JOSEPH CARR: Through the Health Department and the DEC, fines are -- are leveled. It is difficult to catch a person doing it. It becomes an enforcement difficulty, but I am aware of numerous times when people have been cited and fined by the DEC and the Health Department for that very thing. It has always been illegal.

SUPERVISOR LOGEL: And I can certainly vouch for the Health Department because I have sat on the Health Department, on the Board, for ten years. And it comes before us to vote on that Board to level those fines, and recently, for instance -- but it basically falls, the responsibility to the neighbors and the people who are observing this to report it.

We had open sewage coming from a very backed-up septic tank in the Brighton area. Actually, the Winton Road area. And the neighbors had to report it into the Board of Health. But it was a long, drawn-out year and a half process to be able to get that stopped. It is a very lengthy and difficult situation, but it does fall to the public to make everybody aware, because there is no way -- you're not -- we don't have engineers walking around people's yards. So if you're aware -- if people are aware of a situation, then you should report it in an informal way to the Board of Health, or to the DEC.

MR. EMAN: All I know, there was an incident about three years ago coming from Gateway, down Farm Crest into Stover, there was -- the DEC was out there doing measuring of the water contaminants inside the collection holds, and they found higher than -- higher amount of oil residue that was in there and they started questioning everybody here in the area. And nobody had dumped any oil. It's just there.

I remember the gentleman coming up to our property and saying, "Are you draining oil in this" -- I said, "No." I showed him the gallon jug with all of the residue in it.

He said, "Well, where's it coming from?"

"I don't know."

That was something I just wanted to pass out. Thank you.

HEATH MILLER, 69 Bellmawr Drive

MR. BELLMAWR: Are there any specific fee amounts or fees to be set by resolution of the Town Board that are contained in these local laws?

COUNCILWOMAN IGNATOWSKI: I seen some in some of the laws.

RICHARD STOWE: There are references to fees to be set by resolutions, yes.

SUPERVISOR LOGEL: The amounts were fines, weren't they, that he is talking about?

RICHARD STOWE: There are fine amounts. But I don't think that is what you're referring to.

MR. MILLER: No. I was asking about fees. But I did want to ask about penalties. Does each local law have its own penalty provision?

RICHARD STOWE: Yes.

MR. MILLER: What are the penalties? Are they considered violations or misdemeanors?

RICHARD STOWE: The penalties are styled by the Coalition in an effort to be uniform, as offenses. All of those are offenses. The periods of punishment and the increased fines and variety of penalties for repeated abuses are all uniform across all of these and within the Coalition as they were drafted.

The easiest -- the easiest comparison is to a misdemeanor for purposes of the level of penalty, imprisonment time and fine type parameters.

MR. MILLER: So then, do they have a -- like -- the first-time offense? It is a fine not to exceed?

RICHARD STOWE: In addition. Well, the -- the one that is in front of me?

MR. MILLER: Yes.

RICHARD STOWE: The -- the penalties on the illicit discharge connections local law are 300 -- fine not to exceed \$350, or imprisonment not to exceed 15 days for a conviction, or both for a conviction of the first offense.

Second offense, they ramp it up.

MR. MILLER: Does the fine ever ramp up, or does the term of imprisonment also increase?

RICHARD STOWE: Both.

MR. MILLER: Okay. Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: The -- the law that seems the most problematic here in detail would be --

for me would be Law 4, which again is the elicit discharge law for storm water quality. It sounds as though this is pretty much -- not pretty much -- largely a complaint-driven process; am I correct?

SUPERVISOR LOGEL: Mr. Carr?

I don't know if it is largely. It could be in part.

JOSEPH CARR: Part of the effort will be to follow up on complaints, but there are certainly requirements that -- I guess I don't -- I don't really agree with that statement. I think that is only part of it.

SUPERVISOR LOGEL: Part of it.

MS. BORGUS: All right. I guess my concern then would be that if the code enforcement agency person, whoever, would have to see this complaint, the reason for this complaint, that it isn't going to do the taxpayers much good to complain about something that is transient. They can see somebody dumping paint or oil down a storm sewer grate, but it's gone. I don't see how you're going to enforce that. It will be gone by the time anybody gets to the storm water pipe or whatever, and -- and the complainer is not going to be believed, it seems, and I don't know where this goes then. I -- I think you're going to be caught in a situation here that you aren't going to be able to enforce. It will be on paper, but I don't see where it is going to go any place.

COUNCILMAN SCHULMERICH: I understand your perspective. I think it is a fair perspective. I think you have an opportunity for traceability, so where you have an opportunity to find the source, then you can deal with it. If it is a one-up and it washes away, I think you're right. I think you also have some teeth now in habitual dumping into the storm water. We have heard stories where people have part-time businesses or they're frequently doing the same thing time and time again. So I think the one-up issue, as you have described it, is problematic to catch. But above and beyond that, traceability and habitual repeat offenders are probably your best position to deal with it.

COUNCILWOMAN SPERR: I think you might also have some teeth to this, if you make the assumption "I'm not going to complain," "Nobody is going to see it," "I'm the only one that who saw it," "What good will it do." If everybody has that attitude, no one will report anything. However, if you take the attitude that if you do see someone pouring paint down a drain and you do call, you may be only one of several people that do call, so now we have got something that we can investigate because they're separate complaints. So -- you just never know. You have made a good point.

COUNCILMAN SLATTERY: Also, Dorothy (Borgus) with technology, cameras on the cell phone, people have the opportunity to snap a quick picture or something along those lines. But it is people wanting to step up and help out.

SUPERVISOR LOGEL: We just recently stopped -- there was some dumping that was going on, repetitive, a part-time business. We were able to catch it and stop it and it had nothing to do with this law, so.

MS. BORGUS: I would kind of like to piggy-back on a question that was asked before about existing hook-ups. A few years back there was quite a problem over in North Chili with the tracks that are just east of Union Street, and north of Buffalo Road being -- having their storm water.

SUPERVISOR LOGEL: Sump pump.

MS. BORGUS: Their sump pumps. And in one case, an overflow, I believe, from a septic system being pumped into the storm water. The Health Department checked it out, and, um, I think all of the rules were followed and the proper people got on it and tried to solve it, but what they ran into is that the people who had these illegal hook-ups refused to let anyone from Government into their house to verify that these hook-ups existed. Everybody pretty much knew they were there, but they had to be seen. And if that is the case with this law, and I guess I'm asking if it is, then aren't all these illegal hook-ups, of which there are many in North Chili, many, aren't those going to just continue? I mean, you're not going to be able to fix those at all?

COUNCILMAN SLATTERY: I think what you're referring to was the stationary tubs.

SUPERVISOR LOGEL: Sump pumps.

MS. BORGUS: No.

COUNCILMAN SLATTERY: I know Environmental Service was doing a study in North Chili. They did it in East Chili over Ballantyne, Charles Avenue, in that area, where people hook up their washer and through -- through their stationary tub and it discharged into the storm line, which would go into a creek and you would find the bubbles from the washing detergent. So that was part of the problem that they experienced and that they found. You're right, it was Environmental Services that went out there with cooperation through the Town, Joe Carr's department, as well.

COUNCILWOMAN IGNATOWSKI: I recall reading where it says you can get a warrant also --

COUNCILWOMAN SPERR: Yes. This one section I have open here, monitoring of discharges, states under B, access to facilities. The Town of Chili shall be permitted to enter and inspect at any time facilities subject to regulation under this law as often as may be necessary to determine compliance with the law. This is what Joe (Carr) spoke of earlier in his presentation of giving us the teeth to enforce it. It sounds to me like they have considered a lot of points you're recognizing tonight and are addressing them in this law.

MS. BORGUS: And that is considered legal?

COUNCILWOMAN SPERR: Yes.

COUNCILMAN SLATTERY: What is considered legal to --

MS. BORGUS: To enters someone's home --

SUPERVISOR LOGEL: It says "facilities," not someone's home.

COUNCILMAN SLATTERY: I think --

COUNCILWOMAN SPERR: I'm not the lawyer. I guess I would defer to the lawyer.

RICHARD STOWE: I think the Coalition attempted to address that issue in its -- in its wording of the local law, and there is a -- separate from that section, there is a section regarding the power and authority of the inspectors. And there is a procedure that attempts to permit notice and due process for the homeowners and attempts to address this issue. I'm not saying any procedure that was put into a local law would be perfect in this regard. Is it better than what we have today? I believe the answer is yes, for purposes of -- an attempt to a enforce this.

MS. BORGUS: Now I can appreciate Mr. Slattery's comments and I can see where you can follow soap bubbles, can trace them. But I was thinking in North Chili, and that was not waste that was traceable, unless the enforcer, enforcement officer, whoever, from whatever department was able to enter the home and see the hook-up. It sounds to me like maybe those are kind of out of reach?

COUNCILMAN SLATTERY: No. Actually, they did enter homes. There was a program where they did enter the homes and they did go through the basement and look and check for the connections.

SUPERVISOR LOGEL: She is talking about before they put the trunk line in, the new trunk line that went in a few years ago back when I was in the Legislature. And they had a serious problem. Joe (Carr) is shaking his head "yes," because they had a serious problem with all people there had their homes hooked up, their sumps dumped directly in, and they still probably, do, too.

COUNCILMAN SCHULMERICH: Dumping sanitary sewer?

SUPERVISOR LOGEL: They were dumping their sumps into the sanitary sewer.

MS. BORGUS: Is there any opportunity in this law for when a home changes hands and if there is an illegal hook-up, can it be caught at that point and corrected before sale?

RICHARD STOWE: The answer is no.

MS. BORGUS: Maybe that is something that should be in it. Maybe that is how you're going to capture these problem hook-ups.

RICHARD STOWE: I'm going to go back and attempt to give a little more lead on the skeleton of my answer before. I don't think it is the intention of the Coalition in their effort to maintain uniformity to start having inspections of this particular issue on a transfer of a residence. I think that's probably going to stay with the perspective homeowner where it resides today and the people that want to buy it. The monitoring of the discharges, the access to facilities and the ability for enforcement personnel, including Town enforcement personnel, now required to administer this local law, is for them, if they have been denied access under Section 9 of this particular ordinance and Subsection 7 to be able to go demonstrate probable cause to believe that there may be a violation, to a court of competent jurisdiction and obtain legal authority to go ahead with further enforcement procedures. Those prior to adoption of this local law, for this specific sort of alleged violation by Town enforcement personnel (inaudible).

I'm -- Dorothy (Borgus), without going too deep, I'm not sure any answer would satisfy the level of desired enforcement for a significant segment of the population dealing with this problem, including you. I can tell you, that it was the Coalition's desire in dealing with this issue to be able to have enforcement personnel generally have more tools at their disposal and a better ability to address those on a systematic basis. I think they they took a reasonable step to go in that direction.

MS. BORGUS: Oh, I agree. This is long overdue. It's a good start. It really is. We needed this a long time ago. But it still looks to me like anybody who has broken the law in the past is going to keep right on. It catches the ones coming into the system. It catches the new houses, new corrections. I see where we can get a handle on that at least while it is being built. After it is built, if those homes get in violation, later, it will fall right into the same category as the people who have been violating this for years and will continue to do so. We'll -- so we'll catch some and it may be temporary. It's a good start, and you know I'm certainly in favor of what we're doing here. We're only solving a portion of the problem and some of it temporarily.

COUNCILMAN SLATTERY: Dorothy (Borgus), what do you recommend?

MS. BORGUS: I don't know. Everybody is entitled, certainly under the Constitution, you know to --

COUNCILMAN SLATTERY: Privacy.

MS. BORGUS: -- the privacy of their own home. But it seems as though there has got to be a way to -- to, um, have somebody after the fact prove -- I'm not talking about a citizen who complains, but an enforcer to be able to verify that this is happening.

COUNCILMAN SLATTERY: I think that goes back to what the Supervisor mentioned earlier, with somebody dumping oil down a catch basin. You need to prove it. I think with all of the work that Joe (Carr) and the rest of the people on the Committee -- they would be more than willing to -- if -- if anybody has any ideas on how to improve what is -- has just been done, they would welcome your comments and opinion, and I think it is important for the community to get involved. I think it is also important if people have suggestions, ideas, that they submit them so they can be reviewed. I'm sure there are legal issues that need to be addressed. But I thank you for your time and your questions, and if you have any input, I think it -- they would welcome it.

COUNCILWOMAN IGNATOWSKI: Dorothy (Borgus), I might, as well. People speed all of the time. The police don't catch everybody who is speeding. You have laws in there that

people get ticketed for speeding, but that doesn't mean you will catch absolutely everybody. This is a law that is going to be in place. It is illegal and we'll catch who we can.

MS. BORGUS: I'm especially concerned about North Chili. It's not just a few homes over there. It was the majority of huge tracts. This -- this is a big issue. So does the Town -- is the Town planning on getting a camera to verify any of this? I mean, how far are we going to take this inspection? I mean, I know the Environmental Services have these, but are we going to give the enforcement arm in Chili the tools to do their job. I guess that is something you will have to look at in future budgets.

COUNCILMAN SLATTERY: I'm not sure what -- not being a department head, what --

COUNCILWOMAN SPERR: I don't think we have gotten quite that far, but --

SUPERVISOR LOGEL: Our Building Department has -- has cameras all available to them.

MS. BORGUS: Do they?

SUPERVISOR LOGEL: Yes. And so do our Assessors.

MICHAEL DEVITO, 2 Black Cedar Drive

MR. DEVITO: Um, I have a pond on the corner, and I am glad I was able to hear Joe (Carr)'s presentation tonight.

I -- first I would like to perhaps go along the lines of education. I could ask -- would ask the whole audience here what you all do with oil when your cars -- does everybody know what to do with it? But does everybody know, I guess that is the point.

SUPERVISOR LOGEL: It is an education.

MR. DEVITO: Joe (Carr), how many ponds do we have that you folks monitor in Chili, approximately?

JOSEPH CARR: 40.

MR. DEVITO: Well, I thought -- I made a note here to the effect that once inspections are done, then it is to be determined whether the owner is to do maintenance for shallow pools, altering land area, permits required, that type of thing. I would suggest, because I'm a new pond owner, and I don't know zip about ponds, except they look pretty -- and I don't look good in orange, and I don't look good in stripes, so I want to be sure that, you know, maybe if you can get us all together, we could have a great workshop session and tell us what our responsibilities -- our rights, our responsibilities and then we can help you guys doing your job.

I have to admit Joe (Carr) is 100 percent right when you said the issue of the litter is horrible. It's no one's fault, I guess. Litter blows across the school front, across mine, and it keeps going. You know where it catches, either in the ponds or the swales along Chili Avenue. I'm retired. I go out with a bucket and get out of the house. My wife says, "Get out of here. Go do something."

I go pick up litter and stay out of trouble.

COUNCILMAN SLATTERY: You may look good in orange then.

(Laughter.)

MR. DEVITO: I like the lime green ones.

COUNCILMAN SLATTERY: We'll see what Joe (Carr) can do.

MR. DEVITO: I want to thank Joe (Carr). The guys have been doing a great job. That pretty much does it.

COUNCILMAN SCHULMERICH: I would like to comment to that, I really like the idea of trying to get pond owners together, because I know it really is a complex issue, and I know the degree to which the pond owners don't understand what the Town needs and what the Town needs from them could probably ease a lot of issues. That's a great suggestion.

SUPERVISOR LOGEL: Our hardest one is the Pumpkin Hill area where they're behind apartments and many, many houses. There's a problem.

CAROL THOMS, 122 Stryker Road

MS. THOMS: You might want to think about adding streams to the ponds because I have a stream that runs through my farm, and then it ends up going right across the road and through the Baker property, and I have -- some of my property is farmed. Um, questions remain, once you have farming, you have chemicals that a farmer puts down and they can get into the stream and then go on down. So I think, you know, some requirements like leaving the cattails and leaving the certain distance from the streams and so forth might be good guidelines for anybody who has streams as well as ponds.

The other thought I had with Dorothy (Borgus)'s comment was that plumbers are continually in people's homes and if they're the ones that are doing the hook-ups, they should maybe be made aware that these things can't be done.

COUNCILMAN SLATTERY: They're aware.

The Public Hearings were closed at 8:20 p.m.

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SUPERVISOR LOGEL: This time I recess this meeting and we'll reconvene December 28th at 12 o'clock.

The meeting was recessed at 9:52 p.m.