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CHILI TOWN BOARD
June 6, 2007

A meeting of the Chili Town Board was held on June 6, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor Tracy Logel.

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

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

The invocation was given by Richard Brongo.

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

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Three speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:38 p.m.

TOWN BOARD LIAISON REPORTS:

Conservation Board Report by Virginia Ignatowski

COUNCILWOMAN IGNATOWSKI: They reviewed the Planning Board agenda. For the most part, they pretty much were not applicable to the Conservation Board with the exception of the Walgreens proposal. They spent probably a good hour, if not longer, discussing their landscaping proposals. They did have -- several representatives from that company came in with their plan. I will just briefly say that they were not satisfied with what was proposed. So they'll have to go back and come back with something different.

COUNCILMAN SCHULMERICH: I had a conversation with Mr. Martin today based on our dialogue and advised him that he might be expected to hear from a representative from the Conservation Board soon if he hasn't already.

COUNCILWOMAN IGNATOWSKI: Just briefly, they have a lot of their landscaping funding tied up in sod.

SUPERVISOR LOGEL: In sod.

COUNCILWOMAN IGNATOWSKI: Sod. They want -- yeah.

COUNCILMAN SCHULMERICH: Very short landscaping.

COUNCILWOMAN IGNATOWSKI: Lawn.

SUPERVISOR LOGEL: Called grass.

During a later report, the following related comment was made:

COUNCILWOMAN IGNATOWSKI: Supervisor, there are two Walgreens proposals.

SUPERVISOR LOGEL: I assume you're talking about the one by Wegmans.

COUNCILWOMAN IGNATOWSKI: Yes, Paul Road and Chili Avenue. I'm sorry.

SUPERVISOR LOGEL: Yes, that is right. We need to clarify which one we're talking about.

Drainage Board Report by Virginia Ignatowski

COUNCILWOMAN IGNATOWSKI: Drainage met last night. I actually passed on one of the Conservation Board's concerns about drainage to them, and they also reviewed the Planning Board agenda. Pretty much their discussion on that was also with Walgreens.

And they reviewed some of the work that has been accomplished this past month, and pretty much was just maintenance work on catch basins, drainage courses, that sort of effort.

Historic Preservation Board Report by Mary Sperr

COUNCILWOMAN SPERR: Yes, they will meet again next Monday. I wasn't here last meeting to give a report.

The Board is currently working on letters that they're going to send out to the homeowners of the cobblestone houses that exist in the Town of Chili. They are -- they have a research project that they're working on in hopes to preserve the history of those homes and to encourage them to be interested in preserving those homes in the -- into the Preservation District.

They are also in discussions with Mike Curley and will be participating in the Chil-E Fest with some new offerings this year and they will have more details on that. I am sure you will hear about it at the next recreation meeting.

They do have a question. At their meeting Monday night, they're interested to find out when the budget forms will be distributed to the boards and committees. They want to set up a special workshop to work on their budget. It has been previously done by Peter Widener, and since he is currently on leave, the rest of the Board members and Acting Chair Bonnie Moore will need to know when they're available so they can set up something, either doing it at a regular-scheduled meeting or work on something for that.

DIANNE O'MEARA: I have put in the Historic Preservation Board's mailbox a couple weeks ago information that Rona Pearce requested.

COUNCILWOMAN SPERR: Okay.

DIANNE O'MEARA: She hasn't had the opportunity to come in and pick it up yet, but it is there.

COUNCILWOMAN SPERR: Okay. Great. Thank you. The information that they will need to work on it is there?

DIANNE O'MEARA: Uh-huh.

COUNCILWOMAN SPERR: Great. Thank you very much.

DIANNE O'MEARA: The information they requested, which would have been a couple years' worth of history.

COUNCILWOMAN SPERR: What about the forms, the budget forms that they use to submit back to you? Do you -- have you done those yet?

DIANNE O'MEARA: Those I'm planning on distributing the end of June, beginning of July.

Library Board Report by Michael Slattery

COUNCILMAN SLATTERY: Yes, Supervisor. I believe everybody is aware of it from the Board. I did send an e-mail out regarding the hire of a new Director for the library. So I haven't had the opportunity to meet him at this time.

Second item would be the -- they're in the process of replacing the computers and server in the library, which couldn't come at a better time because the old server happened to crash and they did have the back-up of the new server, so that did work out.

Then the third item, I'm sad to say, there was some -- it was brought to my attention, actually by the Supervisor, the statue that was vandalized out behind the library. There is a statue out there -- some of the audience may know, it was in memory of Carol O'Connor, who was our Town Clerk for a number of years and also a Town Board member, and unfortunately, it was vandalized by some individuals from the area. And it is being looked at to see if restoration can be done to that statute. So unfortunately, it did take place and we're look to go see what can be done.

SUPERVISOR LOGEL: It took place this past weekend. Sometime between Friday at 5 o'clock and Sunday morning about 10 o'clock.

COUNCILMAN SLATTERY: That's all I have.

Parks and Recreation Report by Supervisor Logel

SUPERVISOR LOGEL: Parks and Recreation. Of course, Chil-E Fest and the Baker property have been the two big issues.

The Baker report that was done by Passero was presented last night. Um to -- to anybody that wanted to come and see that presentation. They presented Plan A and Plan B. Plan B being that if Plan A 10 years down the road or 15 years down the road wasn't working, which basically uses the 18-hole disc golf course, that it could be made into just a 9-hole golf course if they needed to do that, but everything was in favor of Plan A. And that is what their recommendation was, basically that they were recommending Plan A anyway for the -- at least the first ten-year plan and it was a very interesting report.

As far as the Chil-E Fest, there were some questions that I was asked ahead of time about the entertainment and the budget, and I sent you those figures. So I think those answered most of the questions. And I verified today with our Finance Office that we're pretty much right on schedule for what we spend, so plans are coming along.

The parade will be at 11 o'clock in the morning. That's a new time for everybody. It seems most parade take place in the morning, and it will be on our old route, which starts up on Andony Lane and comes down Chestnut -- or Paul Road, excuse me. I'm going back to the other one. Paul Road, and proceeds to come around to the Town Hall.

Traffic & Safety Committee Report by Mary Sperr

SUPERVISOR LOGEL: So Traffic & Safety, did they meet?

COUNCILWOMAN SPERR: Yes. We have another meeting tomorrow night. In light of the recent accident on Ballantyne Road, um, I spoke to -- the morning after the accident, I spoke to Councilwoman Ignatowski, who also relayed to me that -- who lives down the street from this accident, that Al Hellaby was -- also a member of our Planning Board, was also on scene immediately after that accident occurred.

This discussion has been -- ensued about what can we do to make that curve safer for drivers, and we have added that to the agenda for the meeting for tomorrow night, so we'll keep you posted on what the discussion involves. It has been asked that a guide rail or guardrail, whichever term you choose to use, be placed on that curve to try to prevent some of the accidents that have occurred, but we'll let you know about that.

SUPERVISOR LOGEL: Also you might want to take back we had a call today or more

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than one call, I think, regarding the fact that people are going over there to view the memorials.

COUNCIL WOMAN SPERR: Yes. I went down myself to check and there are at least three memorials there. The trees that --

SUPERVISOR LOGEL: They are slowing down and stopping and not pulling off the road because there is no shoulder really there, and so -- they have asked, and we have contacted Mr. Carr to ask if the moveable one we have, the speed, slow sign could be put over there to slow down for now.

COUNCIL WOMAN SPERR: A lot of the kids have gone over there -- I saw them driving back and forth when I went down the next day after the accident -- to see where on Ballantyne it had occurred, so that we could be discussing it. So we'll let you know.

COUNCIL WOMAN IGNATOWSKI: They have been parking right smack in the road. Not even one tire off the road. I have been waiting for another accident to happen because of that accident.

SUPERVISOR LOGEL: It's hard, because I know there is some controversy over memorials like that being the cause of accidents, too. So it is a hard situation. But you want to allow something, and yet you have got a safety issue.

COUNCIL WOMAN SPERR: So we'll -- I am sure they will discuss it. We have some very experienced people on that committee, and we'll get back to you on what we think we can do and calls that will be made. The issues that were discussed at the last meeting, um, still revolve around the intersection of Union Street and Chili Avenue, and we're looking forward to hoping to have some type of repainting done at that intersection. Um, the Sheriff's Department has been issuing tickets to some of the residents as they cross over the white line, proceeding around cars that are stopped Union Street intending to take a left-hand turn onto Chili Avenue. And they go around those cars to move through the intersection or take a right on Chili, and, um, it's illegal according to the traffic laws because they cross over that white line.

Now everyone does it, including myself, but they started to issue tickets over there, so I have had a conversation with Kevin O'Buckley at a conference I was at a couple weeks ago and asked for his advise and a couple other members of the DOT, and they're going to see what they can do about repainting that, and see if it is a viable option for us until the DOT is set with a design and ready to do something at that intersection.

SUPERVISOR LOGEL: They're in the process right now of doing the survey work. I talked with Colleen today from Governor Spitzer's office, and they are moving ahead with that with the 2008, 2009. They're -- they're speeding it up.

COUNCIL WOMAN SPERR: That's what I had heard also. So hopefully, that will stay on course.

Um, there were many discussions about the signs, those temporary signs, and one has been -- I saw the one off of Union Street Union Station up already, and they are quite impactful. You can really see that neon sign quite a distance. Hopefully that will make a difference in the neighborhoods.

They did review the plans for Walgreens at the intersection Chili Avenue and Paul Road and propose that the entrance or exit on Paul Road be closed. The closest to the intersection of Chili and Paul be closed. That is their recommendation. They have an entrance and exit across from the Wegmans, and they still want to see a light installed at that.

There was some discussion about an additional Welcome to Chili sign over at the intersection of Scottsville Road near the Ballantyne Road bridge. Um, I know the e-mail was passed around through many of the Board who expressed an opinion about. That that will be revisited again tomorrow.

And there is also a discussion -- well, final decision is probably tomorrow night about sending a bulk mailing out to residents out to the Christina Drive and Gilead Hill Drive neighborhood as a reminder to slow down and watch out for kids playing around the road. I think Joe (Carr) was supposed to send the letter, and he is shaking his head yes, he did.

There is also the crosswalk sign you have noticed that has been put up on Chili Avenue across from the Senior Center in attempts to alert people that people do cross that road, to slow down as you pass through. The speed limit is 30.

Um, and that -- that committee also reviewed the plans for the Beaver Road Creek south subdivision entrance and exit and had no issues with them.

SUPERVISOR LOGEL: Can I ask, are the speeding complaints that we're getting for the corner of Christina and Gilead Hill, the actual residents that live in that area are the offenders, or is it people cutting through?

COUNCIL WOMAN SPERR: Well, I think it --

SUPERVISOR LOGEL: I mean to send a letter I guess to the people who live there -- are we sending a letter to the right people is the basis of my question.

COUNCIL WOMAN SPERR: If I can capture, many of the residents who live there were also part of the issue. Joe (Carr), did you want to expand on that?

JOSEPH CARR: I think that is the basis of the information we have received, is that it -- let me clarify. When you come into the development on Roberto, come to the T intersection of Christina, their concern is as you turn right and go up those streets, which at this point, it ends, because the development is not finished there. That stretch of Christina up to the second intersection of Marino is where all of the complaints were coming from. And given the fact that it is a -- it ends there, um, it's the neighborhood. The complaints were about the neighborhood, and they would be friends of people that live there. But it is a very isolated area. So the committee felt that sending a letter to those people --

COUNCILWOMA SPERR: Might help.

JOSEPH CARR: -- might help.

SUPERVISOR LOGEL: Okay. I think the confusion was Gilead Hill. Good. Thank you.

COUNCILMAN SCHULMERICH: I do have a question for the Traffic & Safety of the -- just an observation. The -- the crosswalk sign on Chili Avenue, um, I have observed people coming up, seeing the stop sign in the middle of this fluorescent green sign and stopping. We're going to have an accident there from that. Um, I have seen other signs like that that do not have a red stop sign. U of R has them all around the campus and they're all high fluorescent green. I think we have a problem there.

COUNCILMAN SLATTERY: They're yield signs.

COUNCILWOMAN SPERR: Most of the others are.

COUNCILMAN SCHULMERICH: But they're not colored. They're not a traffic color.

COUNCILMAN SLATTERY: The stop sign is a different shape.

COUNCILMAN SCHULMERICH: People are seeing it and they think they have to stop.

SUPERVISOR LOGEL: I was behind someone who stopped cold there the other day.

COUNCILMAN SCHULMERICH: We're going to have a rear-end accident.

SUPERVISOR LOGEL: They focus on that stop sign. Without reading the other words.

COUNCILMAN SCHULMERICH: Yes. It is like a stop sign.

COUNCILMAN SLATTERY: Can I ask a question in regard to that? I'm sure in the State manual, federal manual, there is a search for type of design. Can we maybe reference that to see if there is -- or Joe (Carr), maybe you can provide some input.

JOSEPH CARR: First of all, I would like to say that we'll bring it back to the Committee tomorrow night and put it on the agenda to review the Board's concerns. The Committee made that decision; we did our research. We found out what was acceptable under the State standards and what was available. Um, and it was clearly a choice between having one that had a stop sign and one that had a yield sign and some other choices. The Committee felt strongly that the one with the stop sign was the most appropriate choice. So that decision was made by the Traffic & Safety Committee to go with that particular sign. We have been observing it last fall when we used it and this spring. I know what you're talking about. I have seen that. What I am going to say is we'll discuss it again tomorrow night and discuss the concerns that we're hearing and see what the Committee feels is the recommendation.

COUNCILMAN SCHULMERICH: I would certainly yield to the decision of -- or maybe I would stop to the decision of the Committee.
(Laughter.)

COUNCILMAN SCHULMERICH: I certainly wanted to let you know what my observations were. It looked like a potential accident in the making.

SUPERVISOR LOGEL: You might want to check out over by Strong Memorial Hospital they have the identical -- I do want to say identical, but it doesn't have the stop sign. But they have gone to another extreme in that the crosswalk actually has flashing lights right on the street. Now that is a serious problem over there, also with that. So I --

COUNCILWOMAN SPERR: Similar to college campuses. RIT has them.

SUPERVISOR LOGEL: They're activated during the day.

COUNCILMAN SCHULMERICH: Just for your awareness.

COUNCILWOMAN SPERR: I'm glad to hear. I noticed it myself. Joe (Carr) mentioned he noticed it.

Planning and Zoning Boards Report by Dennis Schulmerich

COUNCILMAN SCHULMERICH: Zoning Board and Planning Board have not met since our last meeting. There are three topics associated with zoning and planning that I can defer until matters of the Supervisor, or we can talk about them now.

What is the Architectural Review Committee status?

The other is the code update and our progress on that in relation to the noise ordinance.

And the third is Planning Board/Zoning Board workshop. So whenever.

SUPERVISOR LOGEL: Probably under the next -- yes. Because it -- so we can skip down to Matters of the Supervisor next.

SUPERVISOR LOGEL: I just have two things.

One we have been given the grant. Maggie Brooks' Office notified us we'll get \$22,000 from the CDBG grants for the purchase of a passenger van for the Senior Center which Joe (Carr) determined we -- and Mary Ann (Sears) determined we really do need. So this will help.

And I have a letter which I put in your packet tonight that didn't get on the agenda. It is from CDS. Um, I received this letter from CDS, which is Continual Developmental Services, corporate offices, and this letter is that they are looking at a piece of land on Marshall Road at 803 Marshall Road. Just north of Stemrose. Stemrose. There is a piece in there. It is a -- it is double depth, with acreage with it, and they want to build a home, an individual residential alternative home there, a one-story home for six individuals who are all in wheelchairs.

And I was contacted yesterday afternoon late, Mark Perletta (phonetic), the Executive Vice President from the office, came in to basically ask -- or show me and tell me what they intend to do. Originally, they had talked about putting an apartment in there, and apartments, I should say, a building that would house apartments, and HUD basically told them no.

There is a vacancy list for handicapped apartments, or I shouldn't say handicapped apartments -- for homes of this type, and that they would much prefer a residential home because those are in a high need. These will be for residents of -- that will be in their 20s, four girls and

two guys in their mid 20s from Mary Cariola, because they are basically aging out of the Mary Cariola program. And that is about all I know other than what is in the letter.

SUPERVISOR LOGEL: Now do we need to -- we have to by law notify or should we notify the neighbors? Is that something --

RICHARD STOWE: Group home.

SUPERVISOR LOGEL: It is a group home.

RICHARD STOWE: Yes. You need to comply with the Mental Health Law.

SUPERVISOR LOGEL: Okay. So we'll need to send a letter to that area, because they will be building a house there.

Under the architectural review, I know we discussed it and you were going to have -- is it Rich (Stowe) comment?

COUNCILMAN SCHULMERICH: Yes. Mr. Stowe and Mr. Martin and Mr. Brown and I have had an opportunity to meet to discuss how we progressed the Architectural Review Committee, and I did this in concert with the balance of the Board, because I knew the meeting was going on. We basically are in a position where we have the framework for the law defined. What we now need to do is to have the specification and guidelines established and put together in a way considering categories and criteria associated with those categories such that they can be embedded into this framework of the law.

There are a couple different approaches we have taken. One would have been in the past a framework for the law was a shell, the guidelines and then go out and develop the guidelines and come back and amend the law. That seemed to be not a real efficient way to operate, although it could work.

The more prudent approach, and the one we're recommending is that we reconvene the Ad Hoc Committee with a couple additional individuals and let them do that work over the next few months to put the categories and criteria together, working in conjunction with Mr. Stowe and add to the framework and then bring that resolution as a law that we could pass and then immediately commence with. Puts us in a good position for planning around budget time, organizational meeting.

Mr. Martin is fine leading that effort. Mr. Brown is pleased to participate. We talked with Mrs. Sperr about having a representative from the Historic Preservation group on there, and the committee on there, and that would be considered, and then the individual that we interviewed recently had expressed interest in the Architectural Review Board. I had a conversation with him, the committee, not the Board. He explained that we're several months off, a few months off from activating the committee, since he expressed interest, would he be willing to work on the Ad Hoc, and he said yes.

So we have a group of five that can commence work on this immediately. We'll amend the resolution that was created creating an Ad Hoc Committee to have that for the July meeting for us to vote on to reinvigorate that and give a date for the final preparation of the resolution of the local law. That -- that four-week delay before the resolution is voted on will not delay the group from starting to do some work and having conversation. So assuming we're comfortable with that, that's the path we're in.

COUNCILWOMAN SPERR: Dennis (Scibetta) I forgot to ask, did they establish when they're going to meet so the Board can discuss it Monday.

COUNCILMAN SCHULMERICH: The conversation I had with Mr. Martin this morning indicated they had been meeting on Thursday nights. What he was going to do is survey the individuals to find out what their availability was and pick the best time. I did suggest to Jim that he should probably have a conversation with you, and you might want to call the other way as well to get the dialog going to find out who the representative from Historical Preservation might be.

COUNCILWOMAN SPERR: Great. Thank you.

SUPERVISOR LOGEL: Did we dissolve the Ad Hoc or we didn't?

COUNCILMAN SCHULMERICH: We just need to update it in terms of accurate time lane frame, what the expanded mission is and who the additional members would be to it.

COUNCILMAN SCHULMERICH: Planning/Zoning, Building Department, Town Board Workshop. Um, before we actually have the workshop, we want to have, I guess, it is Karelus -- Chris (Karelus) on board. He is coming on board early July.

What I have done is have conversations between the zoning and planning. They understand what we want to do. They're interested in participating. Jordon Brown has offered to work with Paul Bloser and Jim Martin and also to make contact with the Building Department for the framework for putting an agenda together and some informal discussion over the next couple weeks. We'll reconcile what we think that agenda is and work to go get a date set for that -- for that workshop.

SUPERVISOR LOGEL: So that will probably be sometime August.

COUNCILMAN SCHULMERICH: Probably late July, August. We have issues with summer for sure. I think the intention is recognizing with so much going on in Town, with the turnover we had in the Zoning Board, with the changes in the Building Department, would it be prudent just to sit down and talk about how we believe we should be working together. What are the issues that are going well. What are some opportunities we have to try to operate more efficiently.

So essentially what Mr. Brown is going to be doing is get a parking lot of issues that we want talk about and summarizing that into an agenda for us. So if he makes contact with any of you, that is a background in terms of what he is doing and why. Assuming we're opening with

that, that is the path we're heading down.

COUNCILWOMAN SPERR: I'm thrilled to hear it. It is one of our goals as we have been going through these changes, so thank you very much, Dennis (Schulmerich).

COUNCILMAN SCHULMERICH: Noise ordinance, I know we're all interested in seeing the code move forward and the hurdle we're crossing with that one is now solely the noise ordinance. I know we're sitting with two drafts that have been put together, one which has quantitative measures and the other which has quantitative and qualitative measures.

As we had some discussion one-on-one, the issue becomes one of enforceability and scope of both of those drafts and which is the right one.

So based on the conversations we have had, um, I made contact with the Noise Consultancy, LLC, that works out of New Jersey and is associated with Rutgers University, their noise institute. They have a good history of drafting noise ordinances for a multitude of municipalities. You know, highly dense municipalities, as well as more rural ones like ours, and what we're planning on doing, assuming the Board agrees, and again I think we had some one-on-one conversations that suggest it is worth pursuing -- the President of that organization is willing to take a look at both drafts for free to tell us how far along he thinks we are and what additional work might be needed and which of the two drafts is going to be more enforceable and has the appropriate scope associated with it.

So assuming I get support from the Board tonight, I will e-mail both of those drafts to him and we'll get his response back in terms of how much work he thinks is required and what an estimated cost would be. There is no obligation we're making by sending the drafts to him. We can choose to back away if we find that we're either not happy with the response, or we find the cost to be prohibitive. I'm not anticipating that to be the issue, but we're making no commitment by sending him the noise ordinances to review.

SUPERVISOR LOGEL: Is there any way that he would possibly make a third recommendation, or he will at least -- I guess I don't want to say "third," but this works better?

COUNCILMAN SCHULMERICH: Yes. In fact, I don't think what he will do is pick -- pick our A and B, and I suggest you stay with A the way it is. He will look at A and B and try to get a sense for what are we trying to accomplish. He has a package. We're further along than the package I'm about to talk about, and I'm not suggesting this route, but he has a package with -- where he comes into the Town, assesses the current status, assesses what the current code is about, what the interest and concerns are and he will write it from scratch. So he has that package.

He also has the option of working on an hourly basis to take a look at the work we have done, refine that and probably end up with what would be a third draft for us to consider that takes the best of both of what we have done so we can review and decide from there. So that is the path I think we're headed on.

Time frame, I told him we -- I talked with him the day before yesterday. I told him we had a meeting tonight and I would fax these to him or e-mail them to him depending on the outcome of tonight's meeting, and I will try to get a timeline from him in terms of when we can get a response back from him assuming we go ahead.

COUNCILMAN SLATTERY: Counsel, would we need a resolution for this, for this action to move forward with sending him this information?

RICHARD STOWE: For nothing, no. To engage him, yes. That will have to come back if --

COUNCILMAN SLATTERY: I guess the first step is to send him the information, let him do that or portion of it, and then we'll probably know by July --

COUNCILMAN SCHULMERICH: Yes.

COUNCILMAN SLATTERY: -- which way we're going to proceed.

COUNCILMAN SCHULMERICH: I think I am kind of looking at our sending him the drafts is our version of an RFP, give him a chance to see real world what we have done. He can then come back and say this is the work I think I need to do. This is the deliverable I would give you and this is the cost. That would give me the documentation to come back to the group to say okay, do we want to proceed and if so, how do we put a resolution in place for that.

COUNCILMAN SLATTERY: Denny (Schulmerich), thank you for your time and effort in this. I know it hasn't been easy.

COUNCILWOMAN IGNATOWSKI: Looking forward to having this codification process completed.

SUPERVISOR LOGEL: We have the whole book done except for this. Is that it?

COUNCILMAN SCHULMERICH: Can I assume it is in agreement?

SUPERVISOR LOGEL: You have my --

COUNCILWOMAN SPERR: You got mine.

COUNCILMAN SCHULMERICH: I will send both drafts for his review and see what we get back.

MATTERS OF THE SUPERVISOR

1. Supervisor Logel has received notification that the Town of Chili has been awarded \$22,000.00 through the Monroe County Community Development Block Grant (CDBG) for the purchase of a passenger van for the Senior Center.

COUNCILWOMAN IGNATOWSKI: Supervisor, if I could, we have had several people send in resumes and even one interviewed that were interested in the Ethics Committee. And I

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know that at some point in time we should probably take a look at that.

SUPERVISOR LOGEL: I read through the -- should say we researched the code book on an Ethics Committee. There is nothing in there that says we have to have one. We can convene one if we need one. So you can have people in the wings. You can put them on in the wings for use if you need one, but the way the code book reads, there is -- really isn't any standing Ethics Committee. I don't know where that impression got out there. So if you read it --

COUNCILMAN SLATTERY: Supervisor, just looking at the past history, there was one that was appointed by the Town Board.

SUPERVISOR LOGEL: About 8 or 9 years ago.

COUNCILMAN SLATTERY: They were in good standing. Basically they would meet when needed.

SUPERVISOR LOGEL: Right.

COUNCILMAN SLATTERY: Not on a regular basis. So I guess because ours has dissolved, we're --

SUPERVISOR LOGEL: Some have moved away.

COUNCILMAN SLATTERY: Right. So we're looking at --

SUPERVISOR LOGEL: Having names on a standing list.

COUNCILMAN SLATTERY: Yes. So if there was an issue, instead of going through the interview process, and --

SUPERVISOR LOGEL: We did interview a couple.

COUNCILMAN SLATTERY: We did.

SUPERVISOR LOGEL: So we need to look at what else -- any others and finish up. That is about where it stands. There is no such thing as a standing -- at least in the code book I can find.

COUNCILMAN SLATTERY: But if there is an issue that arises, we'll be, "Well, we don't have an Ethics Committee."

SUPERVISOR LOGEL: We need to go out and recruit now some of the people that are not added to the group.

COUNCILMAN SCHULMERICH: The time you need an Ethics Committee is not the time you want to be interviewing --

SUPERVISOR LOGEL: The --

COUNCILMAN SLATTERY: Yes.

COUNCILWOMAN IGNATOWSKI: That is why I am just looking for that we have it set.

SUPERVISOR LOGEL: You can also have a list of names from which you can draw.

COUNCILWOMAN IGNATOWSKI: Just having individuals identified that you can call.

SUPERVISOR LOGEL: We have already started that process.

COUNCILWOMAN IGNATOWSKI: Just want to make sure that continues. The Educable comments, again, I said it last meeting and I will repeat it again. It's not that we're ignoring the issue.

SUPERVISOR LOGEL: We're on Educable. It is not like they can't watch Educable. It's on there.

COUNCILWOMAN IGNATOWSKI: We're waiting for the decision in Greece to see where it goes before we can move forward. I think I read in the paper it is June 12th they're going to be having a vote. So I would expect that we could then have a discussion as to whether we go with that.

COUNCILMAN SCHULMERICH: Might I make a comment, as well? Um, I'm infringing on your time here. Is that okay?

COUNCILWOMAN IGNATOWSKI: That's okay.

COUNCILMAN SLATTERY: 30 seconds.

(Laughter.)

COUNCILMAN SCHULMERICH: In conclusion. I don't necessarily believe that it is A or B. I mean Educable can exist as another entity can exist. The air waves are public access air waves and any entity can create a studio to broadcast onto the public air waves.

So because Greece does or does not exist, does not necessarily mean that Educable does or does not exist. What that leaves is a dilemma, however, and that is if you're going to fund, which one do you fund.

And the bigger issue in my mind that is still awaiting an answer for is who has rights to the air waves if somebody wants to broadcast a show. If Brockport has a studio and Greece has studio and Educable has a studio and they're all using 25 and 15 which are the public access air waves for the west hand side, if Greece, Brockport and Educable want to broadcast a show at 10:30 a.m. in the morning, who has the right to the air waves? We're not getting an answer. I don't want to go cutting a check to any one of these organizations until I know that that has been addressed.

The second element on my mind and will continue to be, I have been watching 12 a lot more than I normally do because of all of the issues that have arisen around it, and I'm seriously asking some questions of myself around the use of public funds to support the TV station that is showing the number of religious shows that are shown. They're not religious, um -- they are not religious ceremonies or sessions that are occurring in churches. They are situations where people are coming in to the room and they're expounding their own will and their own interest for half an hour. And I have no problem with people doing that with public access air waves. I do question whether that should be done with public money. You know, with taxpayer money. That

is a dilemma I'm dealing with. It is one I think --

MS. BRIXNER: What about the school district doing it?

COUNCILWOMAN IGNATOWSKI: Just one last thing.

COUNCILMAN SCHULMERICH: I don't have an answer to the questions. I just have questions. Because I am saying this, I haven't taken a position, but if people think we're not moving forward, this is not a crystal clear issue. It just isn't yet. It is not about whether we have our Town Board meeting on TV unencumbered or unedited. It should be unedited.

SUPERVISOR LOGEL: It is on now.

COUNCILMAN SCHULMERICH: It is -- I don't think that is what this is about at all. It is about where are we going to get the best performance, most credible performance and who has right to the air waves. That is what I am asking for.

COUNCILWOMAN IGNATOWSKI: I just had two other quick little things. One was the greenhouse next to the greenhouse. I know we received e-mail from you Joe (Carr) that you were trying to get some kind of resolution to that. I don't go through the intersection enough. Has any work been started on it?

SUPERVISOR LOGEL: No.

JOSEPH CARR: No. I'm sorry to report there hasn't been. I will follow up with the owner, and express again our -- our sincere frustration with this lack of progress. And I will once again try to get an answer, and then I will share that information.

COUNCILMAN SCHULMERICH: What other options do we have?

SUPERVISOR LOGEL: That is what I was going to ask Legal.

COUNCILWOMAN SPERR: I notice the other day the windows have been boarded up. For the longest time they were open.

COUNCILMAN SLATTERY: Actually, there is a window now next to the door that has been open. Board has been removed. There is now a car sitting next to that structure, an older vehicle.

COUNCILWOMAN SPERR: That is since the weekend.

COUNCILMAN SCHULMERICH: What position do we have?

COUNCILMAN SLATTERY: Counsel?

RICHARD STOWE: I'm going to defer to Keith (O'Toole) who has been working with our Building Department on this and has the information. I do not have that, the history.

JOSEPH CARR: I can tell the Board that I had conversation with Keith O'Toole about this. I asked him what opportunities did we have. Let me simply say that they're somewhat limited.

COUNCILMAN SCHULMERICH: I personally would like to see us push this to the wall, with -- it is my own opinion. I don't know how the rest of the Board feels, but this has been going on far too long. As far as I can see, we're getting lip service. I do not consider putting a piece of plywood up as improving the property to try to take any action to improve the situation.

While it may be problematic, I would say we would be as aggressive as we can be on the problematic side to make sure we adhere to the law, but if there is a way for us to do to this building what we're intending on doing to Paul Road, if that is how it plays out, I'm fine with it. I am not seeing any evidence that the owner of this building has any interest in doing anything other than leaving it the way it is. My opinion.

SUPERVISOR LOGEL: I think --

COUNCILWOMAN IGNATOWSKI: I concur.

SUPERVISOR LOGEL: He does not respond.

COUNCILMAN SCHULMERICH: I think we ought to start turning some screws and see what degrees of freedom we have.

COUNCILWOMAN IGNATOWSKI: One last thing. I know you received a CD. I know it was run by a citizens group, about the charette information. Um, I thought it was an informative meeting. You will be able to see the information on there, and whether that is another tool that can possibly be utilized by the Town in the future.

Now we have the Master Plan. We have an Architectural Review Committee. We have a lot of doors open, but I think it is also interesting what that can also be used for. So just --

COUNCILMAN SCHULMERICH: One point, additional comment if you don't mind around the charette is -- I -- I am open to the possibilities of what a charette could be. Um, I am open to the fact that they are used across a range of communities of different sizes.

I think there is a question as to whether that -- you are talking about a Town charette, regional charette, local charette. I think there are questions around how do you integrate the update of the Master Plan in such a way that you integrate the value of what a charette can be.

Um, I -- I personally did not attend the meeting because I was concerned about the article in the Gates-Chili Post and the inference that the Town Board was already behind this. Um, and the way the article was written. So as a consequence of that, I decided to purposely back away until I have a better understanding as to what a charette can mean for Chili. I will pursue that through one-on-one conversations with Mr. Mulcahey, Ms. Denigris and others and based on my learning I will share my opinion, as well.

COUNCILWOMAN IGNATOWSKI: Really my impression was it tends to be much more localized, like a Main Street -- all of the other charettes I have seen demonstrated were a small portion of -- of a community. It was not something for the overall community. It was just areas that you were looking for, a more intense focus on. So like I said, that could be another tool. Whether or not the Master Plan, we use that to identify areas, that would benefit from that additional vision, or -- at this point, but it is another tool. It was interesting. I do see in the paper

there are a number of communities that are availing themselves of that opportunity.

COUNCILMAN SCHULMERICH: I guess for my point of view I would like to see us continue some off line. Off line does not mean behind peoples' back. Off line means not up here when we're in front of everybody because this could go on ad nauseam. But I would like to see us have some continued dialogue so we can try to figure out how to use this a little bit, otherwise it will just go by the wayside.

The 5/2/07 Town Board Meeting Minutes were approved as submitted
The 5/16/07 Town Board Meeting Minutes were approved as modified.

REPORTS SUBMITTED

- Historic Preservation Board Minutes – 4/9/07
- Library Board of Trustees Minutes – 4/24/07
- Monthly Finance Report – April 2007
- Traffic & Safety Committee Minutes - 4/5/07
- Zoning Board of Appeals Minutes – 4/24/07

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

RICHARD STOWE: In light of some of the comments that were brought up at the public hearing and in light of the other issues that have already been mentioned, not the least of which is the lien holder on this property, I would only request and make a suggestion that there be one small phrase added to this order, if the Board chooses to adopt it in the "Now, therefore, be it resolved" paragraph, that the proposed order attached hereto is hereby adopted -- I would request that you put in there, "subject to review and final approval of Counsel for the Town."

I'm not intending to usurp the Board's authority with regard to the order. This order doesn't have some of the items that were brought out at the public hearing, and I think the Board may want incorporated in the order.

COUNCILMAN SLATTERY: I agree.

RICHARD STOWE: And I only want to be able to have the flexibility to tweak this to make sure this order that was drafted prior to the public hearing and the comments that were obtained at the public hearing have the Board's authority for the final order to be modified slightly to be able to incorporate all those things to make sure it is what we want.

COUNCILMAN SLATTERY: I'm fine.

COUNCILWOMAN SPERR: I want to thank the residents for coming to us tonight with their thoughts and concerns and providing additional information that we didn't have. I did appreciate the time you took to come tonight. Thank you.

RESOLUTION #195 RE: To Order Demolition of Structures Owned By Michael DeVelder

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Schulmerich

WHEREAS, the Building and Plumbing Inspector of the Town of Chili has filed his report in writing with the Town Board of the Town of Chili containing his findings and recommendations regarding certain structures situate on premises at 1370 PAUL ROAD, TOWN OF CHILI, NY designated by Tax Map No. 145.03-1-31, in which report said Building and Plumbing Inspector states his opinion that said structures are unsafe and dangerous to the public and recommends their immediate demolition and removal and,

WHEREAS, the Town Board of the Town of Chili having held a public hearing on June 6, 2007 and all interested parties having had an opportunity to be heard,

WHEREAS, the Town Board of the Town of Chili after reviewing said report and the supplemental report of David P. Lindsay PE of Lu Engineers in regard thereto and after having duly deliberated upon the same, and having determined that the recommendations of said report should be implemented.

NOW, THEREFORE, BE IT RESOLVED that the proposed Order attached hereto is hereby adopted, subject to review and final approval of Counsel of the Town.

UNSAFE BUILDINGS: ORDER TO REPAIR/REMOVE AFTER PUBLIC HEARING

**TOWN OF CHILI COUNTY OF MONROE
STATE OF NEW YORK**

IN THE MATTER

OF

ORDER

1370 Paul Road, Churchville, NY 14428

PROCEEDINGS TO REMOVE AND/OR REPAIR UNSAFE
BUILDINGS AND COLLAPSED STRUCTURES
ON PREMISES REPUTEDLY OWNED
BY MICHAEL DEVELDER

TO MICHAEL DEVELDER:

THE FOLLOWING IS AN ORDER OF THE TOWN BOARD OF THE TOWN OF CHILI,
after conducting a Public Hearing held on June 6, 2007, in the above captioned matter;

Now upon the Building Inspector of the Town of Chili, Monroe County, having filed a written report with the Town Board of the Town of Chili, regarding property located at 1370 Paul Road, Churchville, NY 14428 designated by Monroe County, Tax Map No. 145.03-1-31, deeming the same to be unsafe to the public a copy of which is attached and incorporated herein.

And the Town Board of the Town of Chili, after considering said report, and pursuant to the provisions of said local law, by resolution duly adopted at its May 2, 2007 meeting did set the date for a Public Hearing, to determine whether, in the opinion of the Town Board of the Town of Chili that said structures or buildings are unsafe and dangerous and should be secured in the manner requested by the Building Inspector

And the Notice of the Public Hearing was published in the Official Newspaper of the Town of Chili on May 23, 2007

And a copy of the Notice of Public Hearing was affixed to the building in question on May 21, 2007

And a copy of the Notice of Public Hearing was served on the property owners on May 9, 2007

And upon the Public Hearing having been held on June 6, 2007, all exhibits and evidence and testimony presented therein and all interested parties having had an opportunity to be heard.

Now, therefore it is:

ORDERED, that

The remains of the house and related accessory improvements and foundations should be demolished and all debris produced by such demolition should be removed from the property and safely disposed of in an appropriate land fill. After demolition, the excavation should be filled with clean fill and brought level with the grade of the parcel.

All brush and grass should be cut and cleared and the clippings removed from the property and safely disposed of in an appropriate land fill, and

ORDERED, all work, repairs and/or removal must be commenced within 20 days of the service upon you of this ORDER and be completed within 45 days thereafter unless for good cause shown such time shall be extended by the Town of Chili Building Inspector, and

ORDERED, that in the event of any neglect or refusal to comply with this ORDER of said TOWN BOARD OF THE TOWN OF CHILI as detailed herein, the Town Board of the Town of Chili is authorized to provide for the repairs, demolition and/or removal of said structures and to assess all expenses thereof against the land on which they are located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

Dated: June 6, 2007

Richard Brongo
Town Clerk
Town of Chili

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SCHULMERICH: Under the "be it resolved," we're specific to the demolition of the house. Do we need to reflect the ancillary facility?

RICHARD STOWE: No.

COUNCILMAN SCHULMERICH: The pool and the shed will go, as well.

RICHARD STOWE: Yes. Those will be incorporated into the quotes because they're in the order.

COUNCILMAN SCHULMERICH: Got it.

JOSEPH CARR: I just want to let the residents know we'll be there in a few days to get the property cleaned up. I understand how bad it is and listening to -- and we'll take care of that to it make it safer.

SUPERVISOR LOGEL: You mean the mowing.

COUNCILMAN SLATTERY: Thank you, Joe (Carr). Appreciate that. I am sure they say thank you, as well.

RESOLUTION #196 RE: Request for House Demolition Quotes

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Schulmerich

BE IT RESOLVED to authorize Joseph L. Carr, Commissioner of Public Works, to obtain sealed written quotes for the possible demolition of the house located at 1370 Paul Road.

UNANIMOUSLY APPROVED

RESOLUTION #197 RE: Amendment to State Snow and Ice Agreement

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

WHEREAS, the Town of Chili is under contract with the New York State Department of Transportation to provide snow and ice control on State roads within the Town, and

WHEREAS, the base agreement was extended for the 2006/2007 season by Resolution #270, dated October 18, 2006, setting an estimated total cost for the season at \$281,641.76, and

WHEREAS, due to heavier than normal weather, the total cost to perform this service is estimated at \$343,602.95.

NOW, THEREFORE, BE IT RESOLVED to authorize the Town Supervisor to execute an Amendment to the present Agreement. Said Amendment would increase the estimated cost to perform snow and ice control for the 2006/2007 season by \$61,961.19.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: If I could take a minute. I know Town Board members were involved with the interview process for the vacancy for the Zoning Board and as we can see in the third paragraph, there is an appointment to it. Just to talk a little bit, to give a little background in regards to this individual. He is somebody that does hold a BS degree or Master's degree. He also worked for some engineering firms and so forth, so as far as an engineering background, being familiar with presenting before planning, zoning boards, the individual does have that experience. A number of years of experience.

So I know we interviewed a number of people, and to -- I just wanted to let the community know what the qualifications are for this individual. So I know I was very impressed with his experience, as well as as his educational background.

SUPERVISOR LOGEL: I think what is worth stating, too, one of the things that -- because he is a teacher, um, and has summers off, he is highly sought after by the academic community. Colleges such as Duke and Penn State have him come summers and teach regarding architectural and engineering, so he is very well qualified. So we have been able to put on the Board someone who is going to be definitely a good addition to the community.

COUNCILMAN SCHULMERICH: I did want to make a comment, as well, Supervisor, based on your referencing his teaching. Just so we don't have a complaint from the community, we probably will anyway, but I will say it ahead of time, the individual has already advised us he has a contract, I believe, with Penn State and will be unable for the July meeting but will be back from that time forward. That commitment was made prior to the appointment we have. He has to honor the contract and we'll go one month without him being there and --

COUNCILWOMAN SPERR: Be ready to go in August.

COUNCILMAN SCHULMERICH: Yes. I'm comfortable with his qualifications.

COUNCILMAN SLATTERY: You're absolutely right. He did let us know that was something he had made a commitment to prior to interviewing with us, so...

RESOLUTION #198 RE: Zoning Board of Appeals

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Schulmerich

BE IT RESOLVED that Paul Blosser shall be appointed the Chairperson of the Zoning Board of Appeals; and shall be paid \$125 per meeting attended for the calendar year 2007; expenses to be paid by Voucher as incurred; and

BE IT FURTHER RESOLVED that David Cross shall be appointed Vice Chairperson of the Zoning Board of Appeals and shall be paid \$125 for any meeting served as Chairperson for the calendar year 2007; expenses to be paid by voucher as incurred; and

BE IT FURTHER RESOLVED that Todd Benz shall be appointed to the Zoning Board of Appeals to complete the term of Beverly Griebel term to expire on December 31, 2010.

UNANIMOUSLY APPROVED

RESOLUTION #199 RE: ORDER ESTABLISHING THE EXTENSION CHILI CONSOLIDATED DRAINAGE DISTRICT TO SERVE THE 3 CIRCLE DRIVE SUBDIVISION LOCATED AT 3 CIRCLE DRIVE, ROCHESTER, N.Y. 14623, TAX MAP NO. 160.010-001-007, IN THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

WHEREAS, at a regular meeting of this Town Board held on May 2, 2007, Resolution # 166 was adopted approving an extension of the Chili Consolidated Drainage District to serve the property at 3 Circle Drive, Rochester, N.Y. 14623, Tax Map No. 160.010-001-007; and

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

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

WHEREAS, no petition requesting a referendum has been filed;

NOW, THEREFORE, IT IS ORDERED, that the Chili Consolidated Drainage District is hereby extended, as of this date, to include an area wholly located within the Town of Chili, County of Monroe and State of New York, pursuant to the terms contained in the Town Board Resolution # 166, dated May 2, 2007; and said area to be included in said extension is more particularly described in Schedule A which is attached hereto and incorporated herein by reference, and it is further

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

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

UNANIMOUSLY APPROVED

RESOLUTION #200 RE: Chili-"E" Fest

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

BE IT RESOLVED that Supervisor Logel is hereby authorized to sign a contract with Matthew Condon/Mint Jam to provide musical entertainment at the 2007 Chil-E Festival for \$300.00, to be paid from account A7550.4. (Celebrations).

UNANIMOUSLY APPROVED

RESOLUTION #201 RE: Chili-"E" Fest

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

BE IT RESOLVED that Supervisor Logel is hereby authorized to sign a contract with Joe Passamonte/Perfect World to provide musical entertainment at the 2007 Chil-E Festival for \$625.00, to be paid from account A7550.4. (Celebrations).

UNANIMOUSLY APPROVED

RESOLUTION #202 RE: Chili-"E" Fest

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

BE IT RESOLVED that Supervisor Logel is hereby authorized to sign a contract with the Coupe De Villes to provide musical entertainment at the 2007 Chil-E Festival for \$500.00, to be paid from account A7550.4. (Celebrations).

UNANIMOUSLY APPROVED

RESOLUTION #203 RE: Chili-"E" Fest

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

BE IT RESOLVED that Supervisor Logel is hereby authorized to sign a contract with Dave Widzinski/The Bridge to provide musical entertainment at the 2007 Chil-E Festival for \$100.00, to be paid from account A7550.4. (Celebrations).

UNANIMOUSLY APPROVED

RESOLUTION #204 RE: Chili-"E" Fest

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

BE IT RESOLVED that Supervisor Logel is hereby authorized to sign a contract with Prime Time Funk to provide musical entertainment at the 2007 Chil-E Festival for \$1500.00, to be paid from account A7550.4. (Celebrations).

UNANIMOUSLY APPROVED

RESOLUTION #205 RE: Chili-"E" Fest

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

BE IT RESOLVED that Supervisor Logel is hereby authorized to sign a contract with Jeff Wilson/Buster Rocks to provide musical entertainment at the 2007 Chil-E Festival for \$300.00, to be paid from account A7550.4. (Celebrations).

UNANIMOUSLY APPROVED

RESOLUTION #206 RE: Chili-"E" Fest

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

BE IT RESOLVED that Supervisor Logel is hereby authorized to sign a contract with Johnny Bauer to provide musical entertainment at the 2007 Chil-E Festival for \$150.00, to be paid from account A7550.4. (Celebrations).

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: I would like to say I was very impressed with the work that went into the proposal for Baker Park, and I look forward to those additions to that particular parcel.

RESOLUTION #207 RE: Grant for Baker Development

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that Tracy Logel, as Supervisor of the Town of Chili, is hereby authorized to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$50,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Chili for Baker Park improvements and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

UNANIMOUSLY APPROVED

RESOLUTION #208 RE: Parks and Recreation

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Schulmerich

BE IT RESOLVED that per recommendation of Michael Curley, Parks and Recreation Director, the following people be hired for summer employment.

Playground Director (\$13.25/hour)
 Guy Puglia
Assistant Playground Director (\$12.50/hour)
 Katie Brown
Pee Wee Summer Camp Director (\$10.00/hour)
 Kyle Gutowski
Chestnut Ridge Summer Camp Director (\$10.00/hour)
 Kim Klein
Chestnut Ridge Summer Camp Assistants (\$7.15/hour)
 Ryan Dooling
 Jenny Kittle
 Kaitlyn Collins
 Jennifer Walker
 Kaelyn Schaefer
 Chris Amico
Seasonal Attendants – Leaders (\$8.00/hour)
 Jennifer Scribani
 Lauren Willer
 Martha Bauer
Seasonal Attendant – Floater (\$8.00/hour)
 Sara Carman
Seasonal Attendants – Assistants (\$7.15/hour)
 Liz Femia
 Nicole Cimino
 Sadie Bauer
 Amy Felluca
 Kevin Swain
 Scott Vos
 Brennan Dooling
 Samantha Gorino
Seasonal Tennis Head Instructors (\$7.15/hour)
 Bill Davis
 Robert Hastings
Alternate Seasonal Attendants – Assistants (\$7.15/hour)
 These positions are pending program registration.
 Brandon Phillips
 Erin McMullen
 Joseph Bauer
 Stephanie Widzinski
 Deborah Borden
 Ashley Crelly

UNANIMOUSLY APPROVED

RESOLUTION #209 RE: Transfer to General Fleet Reserve

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Slattery

WHEREAS, an auction of general equipment was held May 2007; and

WHEREAS, it has been advantageous to transfer the auction proceeds to the General Fleet

Reserve for future use;

NOW, THEREFORE, BE IT RESOLVED to increase the General Fund budget A2665 (Sales of Equipment) and A9950.9 (Interfund Transfer) by \$23,000.00, and,

BE IT FURTHER RESOLVED to transfer \$23,000.00 to the General Fleet Reserve.

UNANIMOUSLY APPROVED

RESOLUTION #210 RE: Transfer to Highway Equipment Reserve

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Schulmerich

WHEREAS, an auction of highway equipment was held May 2007; and

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

NOW, THEREFORE, BE IT RESOLVED to increase the Highway Fund budget DA2665 (Sales of Equipment) and DA9950.9 (Interfund Transfer) by \$92,470.00, and,

BE IT FURTHER RESOLVED to transfer \$92,470.00 to the Highway Equipment Reserve.

UNANIMOUSLY APPROVED

RESOLUTION #211 RE: June 6, 2007 Abstract

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED to pay vouchers 2464-2734 totaling \$388,494.02 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$211,014.71
Highway Fund	\$141,041.70
Library Fund	\$ 720.00
Consolidated Drainage	\$ 655.45
Clifton Fire Protection District	\$ 2,047.00
Chili Fire Protection District	\$ 21,417.00
Scottsville Fire Protection District	\$ 333.00
Special Light Districts	\$ 11,265.16
TOTAL	\$388,494.02

UNANIMOUSLY APPROVED

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on June 6, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:05 p.m. to discuss the demolition of structures owned by Michael Develder located at 1370 Paul Road.

Attendance as previously noted in the 6/6/07 Chili Town Board meeting minutes.

No one was present to represent the property at 1370 Paul Road.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

NORM REYNOLDS, 1366 Paul Road

MR. REYNOLDS: 1366, Paul Road, which is two houses east of Mike (Develder)'s house. Just a few comments.

One I would like to thank the Town for what they have done to this property. I know last year they were mowing the property for a while until -- it is our understanding they were mowing it. We're not sure who. About eight weeks ago, I filled out a complaint because we found the front foundation was caving in on the house, and thanks to Gray Garner, one of our neighbors, who talked to Dennis (Scibetta), and thank fully within about three days the Town came after taking snow fence down from other areas and sealed off the house with a snow fence. And since this time, for this to come to this point, is greatly appreciated.

Um, it's my feeling, and a lot of our neighbors on the street that the house should be demolished. When the house was on fire and burned, there has been water sitting in that foundation for approximately 18 months now. I don't see -- I have been in the construction

industry for a long time, and I'm not an expert on homes, but I don't see with the foundation caving in and the water setting there and everything else for that house, how it could ever be repaired. It could have been if it had been taken care of right after the incident. I just think after 18 months it is far too long.

If the house is to be demolished, there is also an aboveground pool shell in the backyard that should be removed. It is empty. And there is also an outside storage shed out there that we don't know what's in there.

One of my biggest concerns is the water in the basement. It has been there for 18 months. We don't know what's in it. For someone to either repair the house or to demo it, the natural thing is to throw a pump in and pump it out to the back swale. The back swale flows towards Union Street to the west. That back swale is where the majority of the young children in our street live. It's my personal feeling that water has to be seriously contaminated after sitting there for 18 months. And I -- if it is going to demo repair, I think I would request that the Town put in the specs for whatever that that water has to be sucked out and taken elsewhere.

If the house is to be repaired, which we hope it's not, it really should start from the outside, because over the winter, there's been -- the tarps have been on it. The weather has blown it all off into other people's yard. The insulation on the house, the siding and everything is starting to fall off.

And also the lawn should be -- if it is going to be a while before this happens, the lawn should be open fully mowed and taken down. Right now, today it is up to here (indicating) in the backyard. One of our neighbors has been somewhat mowing the front yard just to make sure he can see backing out of his driveway.

That's all I have at this point. But thanks for your help.

SUPERVISOR LOGEL: Thank you.

DEBBIE CASSELMAN, 1368 Paul Road

MS. CASSELMAN: Hello. My name is Debbie Casselman, 1368 Paul Road, one house to the east of 1370. And I guess my biggest concern is the water that has been sitting there, and the water that is in the pool and mosquitoes. I mean obviously if you have that large of body of water, you're going to have mosquitoes and mosquitoes bring disease. So I really don't, you know -- I am really worried about that.

My husband is the one who has been mowing the front lawn, and as Mr. Reynolds mentioned, the back lawn has yet to be mowed. So it is -- other than being an eyesore, I think it encourages the animals that live back behind the house to come closer and potentially, you know, enter our house, or other houses along the road, whether it be rodents or what have you. So I believe that should be addressed.

Thank you for your time.

DANIEL SULLIVAN, 1372 Paul Road

MR. SULLIVAN: Good evening, Tracy (Logel). Board, my name is Daniel Sullivan. I live at 1372 Paul Road. I live right next door to the home. It's pretty nasty, talking about the lawn. I have to cut -- I cut about 3 to 4 feet over onto the property because it is, as he said, long on that side (indicating). It is quite high right now, just to keep the varmints from coming in the back end so they don't cross over. My wife would freak. When the field mice happen to come up a little close, she freaks and wants to move. I tell her the apartment complexes get rats up in them places.

But the smell, the smell is something awful. On a warm day -- this weekend is going to get warm -- it stinks. It smells. The water that festers into that place -- it has been there for 18 months. Longer than 18 months. Because before that there was no power in the house for a few months, so that water was gathering before the fire. So that water has been there longer than the 18 months. But the smell from the fire itself on top of the water and -- I don't know if anybody has taken a drive by the house, if anybody from the Board has driven by there since the news story has hit, but take a tour.

They're doing stories what is going on in the City with these abandoned homes. We have abandoned homes right here in our Town and that has been going on. We have news reporters here now. This is going on in our Town. This isn't the City. This is the Town of Chili.

Thank you very much.

JENNIFER SEEMAN, 1374

MS. SEEMAN: Jennifer Seeman, 1374 Paul Road, two houses west of the house. My concern is the children in the neighborhood. There's at least three families who let their children run free through the neighborhood and with the foundation falling in, and, you know, it is just a snow fence. Um, I'm concerned that these children will, um, get hurt.

So just for an example, I was home the other day and the children come -- climbed my fence around the pool just to steal birds. So -- and I was home and I didn't notice and see them, but there are children there who run through the neighborhood unsupervised. So that's my big concern. Thank you.

RICHARD STOWE: Before you close the public hearing, I normally like to make sure

that part of the record, for our stenographer, that is incorporated into the minutes of the public hearing and includes the fact that the notice of this public hearing was published and there is an affidavit of publication that, I think, ought to be in the record that the public hearing was based on a report that was issued by our Building Inspector as it has to be according to our local law, and that there -- that that report was based in part on an engineering report that Lu Engineers prepared for our Building Inspector. Lu Engineers' report is dated April 25th, and our Building Department report to this Board that we reviewed prior to scheduling this public hearing is dated April 24th.

In addition, our local law requires that notices of this public hearing be mailed and delivered and posted and there are affidavits that all of those items have occurred prior to tonight's meeting, all of which ought to be part of the record. So I will give those to Sandy (Hewlett) to make sure they get on. That is all I have.

(The documents above referenced in Richard Stowe's comments are on file with the Town.)

COUNCILMAN SLATTERY: Actually, Supervisor, if you could please, the Town Board was just notified of this not too long ago, back in April. So once we did get word, then the Town did take action and we're moving forward. So, you know, I would -- you know, I would highly advise the community that if they ever see a problem, question, like anything else, call the Town, let us know so that we can act on it as properly and promptly as possible. Because it has been a period of time. It wasn't brought to our attention. So I just thank you for those calls and the information.

In regards to the other structures on the property, it was mentioned that there is a shed and a pool. Are we looking at possibly doing anything with those structures?

RICHARD STOWE: The -- the report only mentions the house. The order that is here and prepared for the Board's consideration refers to not only the house but the related accessory improvements and foundations. So those intended to be the related accessory improvements.

COUNCILMAN SLATTERY: In regards to liability, that is why there is a procedure. Our Town Attorney is taking the necessary steps to cover the Town in case there was, you know, any other problems litigation wise. And the comments from our Fire Marshal in regards to potentially hazardous materials or anything?

SUPERVISOR LOGEL: No. We'll have to send him out to check it. Tonight is the first time I have heard about the odor and what might be in there so we'll have to definitely check it out. I don't know how far you have to go if you have to get water tested or not, Joe (Carr), when you have been out there -- and I know Gray (Garner) lives out there and has been keeping track of this and put the snow fence around it -- was it just too cold to notice any odor at that time, or --

JOSEPH CARR: Yes. Yes, that was correct. It was early in the year when we didn't detect it. Wasn't aware that there was an odor issue, but it certainly does make sense that there would be. It is something that we'll have to carefully work our way through.

SUPERVISOR LOGEL: So we'll have to do that. Because I think the last report that I found from the Fire Marshal's was when -- right after the fire, and they -- when they put the notices on the wall of the building to -- to make it uninhabitable and we have been waiting for -- I think over the last 18 months, it has been -- we have been waiting for the bank. Because there are mortgages, banks that own it, so we have to wait until they defaulted, which basically they all have.

COUNCILWOMAN SPERR: Can I ask an additional question? Joe (Carr), this would be, I think, something for you to answer. If -- if were to move forward to take the steps to tear this property -- this house down and after hearing the reports tonight of the amount of water that appears to be in the basement, does whoever we hire to tear this building down have to pump that water out of the basement before it is torn down?

JOSEPH CARR: Well, that is going to be a part of how I write the specifications to get -- obtain the prices for the demolition. It will be a component of the work that we ask to be done.

COUNCILWOMAN SPERR: Hearing the responses from the residents tonight about where that water would go, is that something that you can make sure that you draw their attention to so we can see to it that that doesn't happen and they don't send that there? I don't know if they pump it out in a truck, or something, or if they send it someplace else.

JOSEPH CARR: A part of the specifications that I will prepare, after we have investigated to find out, you know, what the extent of the contamination is, the specifications will contain the fact that water has to be removed and it has to be disposed of, and -- and at an approved point, and that we need verification that that has been done. So we will have to follow the whole -- each step of the process.

COUNCILWOMAN SPERR: Okay. And once we -- just so -- your educated opinion about how long it will take if we decide to move forward and tear this house down, how long do you anticipate that will take?

RICHARD STOWE: He doesn't know.

COUNCILWOMAN SPERR: He doesn't know. Okay.

RICHARD STOWE: I'm -- I don't mean to be rude.

COUNCILWOMAN SPERR: That is okay.

RICHARD STOWE: The procedure that this local law envisions requires this public hearing at the close of which this body makes its determination on how it wants to proceed.

If, in fact, the Town Board passes an order and a resolution ordering the demolition of this structure, there is another procedure for notifying the interested parties. The property owner, the

banks, to make sure that those with an interest in the property have the opportunity to voluntarily comply with the requirements that perhaps this may motivate them to comply with. If, in fact, that begins to occur and there is an effort to maintain compliance, then that period of time can be extended. If nothing occurs, there is another time period that has to pass prior to Joe (Carr) being allowed to let the bids and have the actual activity occur. I -- I don't want the folks that are here to think that this is going to be an immediate process.

COUNCILWOMAN SPERR: That is why I asked.

RICHARD STOWE: Because there are simply no provisions allowing for the protection of the property rights of the property owners and those interested. As delinquent as they may have been to date, we still have to go through the process to notify them, and how that unfolds, quite honestly, just depends. All right.

COUNCILWOMAN SPERR: That is why I asked because I'm sure they're sitting here.

RICHARD STOWE: We need to be cautious about that. There are some things we can have an impact on and some things we can't control. We're doing the very best we can with the tools we have in order to go forward.

JOHN BURAKOWSKI, 1357 Paul Road

Mr. Burakowski inquired into the length of the process.

RICHARD STOWE: The process envisioned in the local law as stated requires a minimum of 20 days for voluntary compliance in a window prior to any action being taken, all right. And it could go as far as 45 days.

MS. BURGESS: Okay. You don't envision something like 180 days.

RICHARD STOWE: I cannot sit here tonight John (Burakowski) and tell you it won't be 180 days because I don't know what is going to happen. Do I want that to happen, do I envision that happening, no. I'm willing to concede that I can't control that. Neither can this Board.

COUNCILMAN SLATTERY: Thank you, Rich (Stowe).

LYNN WELCH, 37 Mapleton Drive

MS. WELCH: Lynn Welch, 37 Mapleton Drive, North Chili.

I just want to know how did it take so long for this to come to someone's attention? ?

SUPERVISOR LOGEL: It has to do with the fact that we have had to wait for the jail sentence, the trials --

MS. WELCH: So the person that, Michael Develder is in jail? ?

SUPERVISOR LOGEL: Yes.

MS. WELCH: Okay. That makes sense.

SUPERVISOR LOGEL: Is there any other question?

MR. SULLIVAN: If, in fact, in the meantime a child or someone gets hurt on the property, who would be responsible between the time with -- with just the snow fence up?

RICHARD STOWE: Ultimately, it is the property owner's responsibility, which doesn't give everybody -- anybody a very warm and fuzzy feeling. That is why we're doing what we can do.

MR. SULLIVAN: Thank you.

RICHARD STOWE: You're welcome.

BARBARA LA RUE, 1373 Paul Road

MS. LA RUE: My name is Barbara LaRue. The neighborhood will be notified of how you're coming along with this procedure and what you anticipate will happen and when?

SUPERVISOR LOGEL: Once we know we can.

RICHARD STOWE: I guess ultimately that is up to the folks here at the Town Hall. I'm -- I'm not going to be in the position to be able to predict when that is, but there are some milestones that I think can be documented and within a month's time, we ought to know whether any effort has been made to begin voluntary compliance. I think that we can probably report on that at Town Board meetings, if that is helpful. They occur approximately monthly. I would intend to be prepared to try to answer the questions of the Board in that regard, and that is a fairly common occurrence here.

COUNCILWOMAN IGNATOWSKI: Supervisor I -- I just have one question or comment. I am figuring that it is probably far more costly to try to repair this house than it would be to demolish it. I don't have any experience in cost estimates for construction and demolition, so I am assuming that the demolition is the more prudent means financially moving forward. Would that be an accurate statement?

RICHARD STOWE: It may be for the Town. It may not be for the bank who has the mortgage on the property. Part of the reason you can't predict this. There is a lien holder on this property who has a fairly high stake in the outcome of that property, and after tonight's meeting, it is our intention to notify the lien holder so they're aware of this proceeding and how that may affect their collateral. I can't begin to tell you, because I'm not dealing with the assets of the bank, how they may proceed. All right.

MR. REYNOLDS: With reference to your statement about the lien holder, if there is a decision made to repair this property, I'm assuming that they have to apply for permits and everything they're going to do to it, so that you know what they're doing to it, so that it is being done right?

RICHARD STOWE: That's a fair statement. With the level of work that would have to

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occur in this structure, as has been detailed in the report, that would require permitting authority through our Building Department.

MR. REYNOLDS: Okay.

The Public Hearing was closed at 7:38 a.m.

The next meeting of the Chili Town Board is scheduled for Wednesday, July 11, 2007 at 7:00 p.m. at the Chili Town Hall meeting room.