

## CHILI TOWN BOARD

January 17, 2007

A meeting of the Chili Town Board was held on January 17, 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 Logel.

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

ALSO PRESENT: Richard Brongo, Town Clerk; Joseph Carr, Commissioner of Public Works/Superintendent of Highways; John Ferlicca, Deputy Town Supervisor; Dianne O'Meara, Director of Finance; Jeron Rogers, Director of Engineering/Planning; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor.

The invocation was given by Richard Brongo.

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

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Five speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:25 p.m.

### TOWN LIAISON REPORTS:

#### Conservation Report by Virginia Ignatowski

COUNCILWOMAN IGNATOWSKI: Hess came in with their project proposal.

Conservation Board reviewed their plans. They liked them and did make some additional suggestions for plantings in their landscaping.

They reviewed the Planning Board agenda. Um, they went through Comfort Windows and requested that the dead trees that are currently in the planters be replaced or -- or almost dead. Apparently they're in not the healthiest state right now. And they're still asking them to comply with their original agreement to park their trucks behind the building and not up by the road. Apparently they started moving them up to the building because they were having some vandalism issues with the trucks, but they feel that it is just an unsightly thing to see all those trucks lined up on the road.

They did have some questions about Metalico. They feel there has been conflicting data that they had in there about the flood plain, so I am hoping that that will be resolved or maybe it has. I know the Planning Board has met already since then. And also they had some questions about waste issues surrounding that proposal.

And they were requesting landscape plans for the restaurant on Scottsville Road. The small restaurant in the Riverdale area. They didn't have any landscaping plans from them. Currently, I guess right now it is pretty much parking lot and building. So they're asking for some planters and stuff.

SUPERVISOR LOGEL: Called Jet --

COUNCILWOMAN IGNATOWSKI: It is a small place by Grayson, and -- there is a small restaurant.

SUPERVISOR LOGEL: Oh, down there.

COUNCILWOMAN IGNATOWSKI: Yes, yes.

One of the things I had a suggestion for, I don't know what the status is on those Welcome to Chili signs, refurbishing. I brought this up at the last meeting I attended. I was thinking because they were talking about the landscaping fund, for when companies don't do landscaping,

they -- there is money that gets put into a landscaping fund. I was thinking why not use some of the landscaping fund money for the refurbishing of the signs.

SUPERVISOR LOGEL: I asked Joe (Carr) to go out and have those signs checked out.

Would you like to report on the signs?

JOSEPH CARR: We did look at them, and they are in very rough shape and definitely need to have them redone, and I would think -- it is my recommendation that we have them refurbished by the company that manufactured them.

COUNCILWOMAN IGNATOWSKI: That is what their proposal was.

JOSEPH CARR: I have written a resolution to -- for the next Board meeting to authorize the work. I would talk to Dianne (O'Meara) about where we might -- what fund we should be using.

COUNCILWOMAN IGNATOWSKI: That was just a suggestion. I know that the landscaping fund apparently has money for trees that might be in the right-of-ways or whatever, but I thought it might be an appropriate use.

JOSEPH CARR: And we have some trees that we need to place. We'll look at that balance, and we'll look at a couple of things. But we do want to do both of those programs.

COUNCILWOMAN IGNATOWSKI: That was it for Conservation.

#### Drainage Report by Virginia Ignatowski

COUNCILWOMAN IGNATOWSKI: They did have a guest come in who expressed his satisfaction with the work that was done for his problem, but he did have some concerns about a proposed subdivision going in, and he just wanted to make sure that that wasn't going to negatively impact his property. The committee reviewed the plans with him and explained the thought process on the drainage proposals and why they feel that won't have a negative impact on him.

Joe Carr did review the work that was completed. I did want to make mention that the committee did take a look, at the time that came forward on the Planning Board agenda, at the Presbyterian Home that was referenced by Mr. Ginovsky. There was some conversation because we're aware there have been drainage concerns over there. I guess the indication is that the improvements that will be going in as a result of those -- the new housing development should assist in the drainage issue. That would be it.

#### Historic Preservation Report by Mary Sperr

SUPERVISOR LOGEL: Mary (Sperr) is excused.

#### Library Report by Michael Slattery

COUNCILMAN SLATTERY: They meet next Tuesday.

SUPERVISOR LOGEL: All right. I would -- did you know about the grant? Because I read about it in the newspaper.

COUNCILMAN SLATTERY: The one I read about in the newspaper?

SUPERVISOR LOGEL: You read about it in the newspaper. So. Okay.

COUNCILMAN SLATTERY: It was news to me, as well. I didn't -- there wasn't any notice from the Library in regards to that grant.

SUPERVISOR LOGEL: Okay.

COUNCILMAN SLATTERY: I read about it myself in the newspaper. I will be bringing that up at the next meeting.

SUPERVISOR LOGEL: Okay. Thank you.

#### Recreation Report by Supervisor Logel

SUPERVISOR LOGEL: On the recreation, um, new members Jim Dunbar and Jim Wisner attended and were introduced. And winter sports programs such as the Third Annual Father/Daughter Valentines Dance, the Easter Egg Hunt, indoor floor hockey, dance classes and karate were all talked about and the Chil-E Fest.

And, um, Mr. Curley is not here. One of the things that he is talking about doing, because there has been some input from the public is possibly having a committee for having people come in to present their -- I think they just come to the committee, present their ideas regarding if the public -- because there has been some public input. I have an e-mail from a boy scout who did it as part of a project. So I think that the best way for them is -- is an Advisory Board -- rather than to establish an ad hoc committee, to just have the public -- a public information night to come in and talk about the Chil-E

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Fest. That is one of the things that they're throwing around, as ideas.

And they did discuss the 2007 Chil-E Fest, and talked about having it Friday, July 20th 21st and 22nd. And one of the problems -- there have been some people who suggested going back to having the carnival, but the problem has been the availability of the carnival, and so he -- now trying to find if there is any carnival out there that has those dates available.

As you know, from your involvement in the past, Michael, they have had to move the carnival to meet when the vendors were available, and the problem is finding carnivals that will come here. He said the biggest thing that they keep hearing for the public's information about why is that, they do not make any money here. There's -- they just don't make any money. It is not worthwhile to come.

COUNCILMAN SLATTERY: If they do, one recommendation I would have with the experience with it is that they contact the State and find out who some of the reputable ride vendors are. Because you will find some ride vendors that are available, but you need to look at their safety history.

SUPERVISOR LOGEL: I know.

COUNCILMAN SLATTERY: You want to make sure that it is safe for the community.

COUNCILMAN SCHULMERICH: The other dilemma you face is often times the events are held yearly, and these are booked year-on-year, so if you aren't at least a year ahead, you usually end up -- have a very limited selection of providers even if you can find one.

SUPERVISOR LOGEL: And he said the thing they ran into is lack of -- we just don't have enough business to generate for them. And the weather here the last couple of years has been terrible. There is no other word to say it.

Traffic & Safety Report by Mary Sperr

(Mary Sperr was not present.)

Zoning & Planning Boards Report by Dennis Schulmerich

COUNCILMAN SCHULMERICH: Zoning Board has not met since.

SUPERVISOR LOGEL: Planning Board did.

COUNCILMAN SCHULMERICH: Planning Board did meet. I was out of town for that meeting. I had an opportunity to talk with Mr. Martin. There were eight applications, four -- four specific applicants. Comfort Windows was approved for preliminary site plan approval.

Metalico, I will come back to in a second.

There were four applications on for Clearwire U.S. for telecommunications systems on towers, and they were approved both conditional use and preliminary site plan.

There was an application for preliminary site plan for a restaurant on Scottsville Road that was approved. There was an application for recommendation to rezone some property on -- from R-1-12 to GB on Chili Avenue that was recommended to -- it was rejected as a recommendation for rezoning.

And the -- then the Metalico, I believe -- I will turn to Mr. Martin on that. I believe it is going to coordinated review? Was that tabled, Jim (Martin)?

JAMES MARTIN: Basically tabled for a 30-day period while we do a coordinated review for the SEQR process.

COUNCILMAN SCHULMERICH: So that is the Planning Board.

Um, I would like to back up to Zoning Board for one second. I do agree. I think we have a dilemma coming up with the upcoming meeting, and I'm not sure when during the meeting tonight we want to handle that, but we probably need to deal with it. I'm not sure when in the meeting, but I'm -- I will turn to it the Supervisor for your determination.

SUPERVISOR LOGEL: At the end of the meeting we can go -- when the meeting is over, or just before I adjourn, we need to have a quick Executive Session. Would that be something to discuss there, Rich (Stowe), or should that be discussed here?

RICHARD STOWE: Well, if it involves the personnel issue associated with the Zoning Board, we can deal with it, but the action has to be taken back in here.

COUNCILMAN SCHULMERICH: I'm fine with that.

SUPERVISOR LOGEL: So then we would need to come back in for one more resolution.

COUNCILMAN SCHULMERICH: Okay. No problem.

**MATTERS OF THE SUPERVISOR:**

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SUPERVISOR LOGEL: Okay. Under matters of the Supervisor, um, there are two letters of correspondence that I will mention now because I just want to say I realize that everybody sees on here the letter of resignation from Jeron (Rogers) Rogers, and I think Mrs. Ignatowski's remark that the timing of your return to Louisiana coinciding with our ice storm, um, does bring into question the -- the reason for going.

All kidding aside, seriously, we enjoyed your working with us, and your hard work that you have put into everything, and I really appreciate it, and I regret that you are leaving.

But Mr. Rogers has accepted a job back in Louisiana for personal reasons, and it is an offer that is too good to turn down and something that we cannot match. And his family is there, and so family reasons and for financial reasons, we wish you all of the best.

JERON ROGERS: Thank you.

SUPERVISOR LOGEL: And I hope that you will come back and visit us. And when you get the levies all fixed that you're going to be working on, we'll come and vacation in Louisiana.

JERON ROGERS: Everyone is welcome.

(Applause).

JERON ROGERS: May I say something? I would just like to say that I do appreciate the opportunity that you gave me, that the Board gave me, and appreciate the citizens of Chili. I really do appreciate this opportunity that I have had here in Chili, and I will always think fondly of Chili. It has been a wonderful experience for me. I will be back. My folks are here, and I feel like Chili is a part of my family. So thank you very much.

SUPERVISOR LOGEL: I can attest it was a difficult decision, because he was like, "What do I do? What do I do?"

The other -- the other thing I wanted to address was the comments that were made by Mrs. Brixner regarding the taping of the meetings. The money for the -- Dianne (O'Meara), correct me if I get this wrong, but the money for the camera -- the money for the screen and the projection equipment for Zoning and Planning Board meetings and for Power Point and all of those presentations was available in the Building Department budget and planned for the Building Department budget. That is where that equipment came from, as I understand it. That is what --

DIANNE O'MEARA: My recollection is it didn't come out of the Building Department budget.

SUPERVISOR LOGEL: Out of the Planning and Zoning budget. That is what I was filled in today. That is what I was told.

DIANNE O'MEARA: Yeah, um -- there was some components that because of -- there was more use, for instance, with the Planning and Zoning, some of the money came out of the budget. Other components came out of the different budgets because they will be utilized, as well.

SUPERVISOR LOGEL: Chris (Levey)'s budget, I know the camera came out of the computer, in his budget there. He had plenty of money for that. Originally we had talked about going for a grant. And originally that is where the grant information came up, and then -- but anyway, what has happened with this, and I want to clarify once and for all, it is DVD taping. The DVD is available in the library. It does not have to be viewed on a computer. It can be taken home and played in -- on any television set in any DVD player. It also can be played in any DVD. You also can watch it on computer at any time 24 hours a day. Lots of people do not have cable. Most everybody has a television and has access. This is available -- now our website is down right now, so it is not -- we are -- as of 2 o'clock tomorrow afternoon, we're rebooting up with a better system and better software. Chris (Levey) is not here to explain that to you, but the comment was made that if you have dial-up, you can't get it. That is not true. It is available under both systems. Chris (Levey) has a high-speed digital technology available that for the -- for those that are on Road Runner and things like that, and those on dial-up, you have a much slower version that is there and available and it will work on dial-up. You can get it. You just need to know which one.

MS. BRIXNER: What about cable? Can people see it on cable? Like I experienced people telling me about. Will that be on cable?

SUPERVISOR LOGEL: I will not get into a dialogue. I will tell you right now, what is going to be available is in the Clerk's Office, you can purchase a DVD. In the library you may either put it in the computer and look at it or take home a DVD and play it on your television at home. 24 hours a day,

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seven days a week it is available to you. And that is -- that is the explanation, I think --

MS. BRIXNER: How much?

SUPERVISOR LOGEL: They're on loan from the library. So no one is excluded. Anybody can view it. You can go and see it either in the library or you can borrow it.

MS. BRIXNER: At our expense.

SUPERVISOR LOGEL: So -- I thought the library was free, isn't it?

COUNCILMAN SLATTERY: I believe so, for DVDs.

COUNCILWOMAN IGNATOWSKI: There was a question about the future land use map, um, and its not being on line yet. I went on -- when it was still up. I didn't find the text of the Master Plan, and to me that is more the -- the important component that should be on.

SUPERVISOR LOGEL: Did he pull that off, too?

COUNCILWOMAN IGNATOWSKI: Maybe I just missed it. I was --

SUPERVISOR LOGEL: I thought the text was on.

COUNCILWOMAN IGNATOWSKI: The text is not there.

Because I couldn't find it personally, but then again -- to me, that is the more vital document. And if we're going to be having the Master Plan on -- on line, then really we should have the maps that are associated with that Master Plan in --

SUPERVISOR LOGEL: Well, we need to find the maps. Somebody has to find those maps, because I wasn't here when those were done, and whoever -- wherever they are --

COUNCILWOMAN IGNATOWSKI: Yes.

SUPERVISOR LOGEL: What I take issue is, you have them at home. Mary (Sperr) has them at home. What -- why aren't they ever done correctly? I just -- I still have issue with --

COUNCILMAN SLATTERY: They're not in the Clerk's Office?

SUPERVISOR LOGEL: Do you have them now?

RICHARD BRONGO: I -- I have a set of maps, but the one I had in my book was the one they pulled off the website.

SUPERVISOR LOGEL: Off the website. That is what was in the Clerk's Office on file.

COUNCILMAN SCHULMERICH: A question I would have is, if -- if we go back and look at -- this is not a set-up. I just don't know the answer. Um, a question I would have is -- is when the Master Plan was approved by the Town Board, I'm assuming there were a set of maps that were in the document when it was approved.

SUPERVISOR LOGEL: As I understand it.

COUNCILMAN SCHULMERICH: And I believe they were black and white. That, by my definition, is the document of record. Unless someone can show me a resolution that modifies the Master Plan with color maps, the document I have, which was a draft, that has a -- the black and whites in it, I'm interpreting as being the official Master Plan as approved by the Town of Chili. I would prefer to see that document in its entirety pdf'ed and made available on the website as opposed to using bits and pieces of maps. Because by my definition, the wording is what matters. The wording defines the Master Plan and the maps are created from the wording.

SUPERVISOR LOGEL: That's correct.

COUNCILMAN SCHULMERICH: So from my point of view, the Master Plan is very clear. From my point of view, the maps are a travesty because they're very confused and multiple versions of them. So to me, the question -- attempting to approach Mr. Dunning's question. To me the issue is not what map do we put on the website. To me, let's get the Master Plan on the website, pdf, with words, and the words are what will stand up to the developers and will stand up in court. That is my point of view.

SUPERVISOR LOGEL: I agree with you. The exact document that was passed.

COUNCILMAN SCHULMERICH: Color maps versus black and white, that is a whole different discussion.

COUNCILMAN SLATTERY: One comment I would have is we had a consultant work with the Town at the time. I would recommend that we contact the consultant and see if he can provide that information to us.

SUPERVISOR LOGEL: Don't we have what you voted on? We must have on file in the Clerk's Office the exact document that was voted on and accepted.

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RICHARD BRONGO: That document has been updated.

SUPERVISOR LOGEL: Updated since it was voted on. How can it be voted on since it was

--

RICHARD BRONGO: When you're talking about voting on the document --

SUPERVISOR LOGEL: Dennis (Schulmerich), just brought up the entire Master Plan Update that was done -- or whatever was done in, 2000, I think.

COUNCILWOMAN IGNATOWSKI: Around there.

SUPERVISOR LOGEL: That exact document that was adopted, that is in your office, on file, because that is what they voted on at the time and it got accepted; is that correct?

RICHARD BRONGO: But that document has been updated.

SUPERVISOR LOGEL: When?

RICHARD BRONGO: In 2002, I believe it was updated.

COUNCILWOMAN IGNATOWSKI: That is the document.

COUNCILMAN SCHULMERICH: That is the document we're referring to. The updated --

SUPERVISOR LOGEL: The update version you would give to Chris (Levey) to put on line.

COUNCILWOMAN IGNATOWSKI: Now, there are those maps -- those maps definitely have issues with them, especially the future land use, that one with the black and white. It was colored with crayons and everything else. So, if anything, there should be a note that one should refer to the text.

SUPERVISOR LOGEL: We'll tell Chris (Levey) to put that note on.

COUNCILWOMAN IGNATOWSKI: Instead of looking at the map, one really needs to look at the text to understand the future land use ideas for an area of the Town.

SUPERVISOR LOGEL: Okay. We'll put that on.

COUNCILWOMAN IGNATOWSKI: Until we can get a new whole Master Plan Update that can go through and clarify -- I don't see another solution at this point.

COUNCILMAN SCHULMERICH: Well, I -- I believe we set ourselves up for comments to come in from citizens that, you know, we have gone from black and white maps to color, back to black and white and that is a fair statement. We have. But I don't believe that in the derivation of the color maps it was done in the context with the wording and the Master Plan, number one -- I will wait a second.

(A train sounding its whistle passed by.)

COUNCILMAN SCHULMERICH: I don't believe the update was -- I lost my train of thought. The black and white one speaks to the work that was done in the Master Plan. The updates were done in color after the fact by individuals that were not on the Master Plan Committee. They were done with all of the best intentions in the world with their interpretation. They were never approved. So I don't see those maps as any different than any resident recreating their own future -- future land use map and saying these are the maps of the Town of Chili. By my definition, the only document of record are the words and maps that were in the document that were approved by the Town Board. Unless someone shows me a resolution adopting the other maps. Which I haven't seen.

SUPERVISOR LOGEL: I agree.

COUNCILWOMAN IGNATOWSKI: The Ballantyne Road -- I don't see Mr. Scibetta here this evening. Maybe Jeron Rogers would be able -- or also -- the Ballantyne Road, that trucking company, I had some e-mails going back and forth with Keith (O'Toole) O'Toole, and to me, that does not look like it is in compliance with the land use variance that was given. I sent an e-mail back asking what was going to be done, and I have not heard back from anybody. Do you know what is the status on that?

SUPERVISOR LOGEL: He has talked to Keith (O'Toole) O'Toole. I know that.

JERON ROGERS: I don't have an update on that.

SUPERVISOR LOGEL: I know he contacted Keith (O'Toole) about it, because I was in on the e-mails that were going back and forth to look at whether that -- whether they're in compliance or not in compliance, and it has got to be addressed.

COUNCILWOMAN IGNATOWSKI: The way I'm reading it, it is supposed to be a landscaping company. That is not a landscaping company.

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COUNCILMAN SCHULMERICH: The question is the intended use.

COUNCILWOMAN IGNATOWSKI: Absolutely. There are all sorts of uses.

COUNCILMAN SCHULMERICH: It was granted a land use variance, enabling one type of business, and it appears we don't have that type of business.

COUNCILWOMAN IGNATOWSKI: Correct.

SUPERVISOR LOGEL: That is what Keith (O'Toole) has to address.

COUNCILWOMAN IGNATOWSKI: Yes. I would like to have some sort of response back to see where we are with that.

Sorry to be taking all of the time. The personnel policy, I know we received the update on that. I have reviewed that. And I do have a lot of questions and comments, that sort of thing. What -- what form were you looking for for us to go through all of those issues that we may have?

SUPERVISOR LOGEL: Dianne (O'Meara), where are we right now with the lawyers? Most everything is with our labor attorneys, because we have -- we have something else now we got to add legally.

DIANNE O'MEARA: First of all, in accordance with the Union contract, the Town has the right to, um, shall I say, prepare policies, but the Union has the right to negotiate its impact, which is -- which we're in the process of doing that now.

COUNCILWOMAN IGNATOWSKI: So the document that I got is now being negotiated? Because I have a lot of questions and comments on it, so when should I be trying to address it or wait until the next new document that has been --

DIANNE O'MEARA: Um, I would -- I would suggest -- is it possible that you can give me a copy, or --

SUPERVISOR LOGEL: Write up your comments.

DIANNE O'MEARA: -- or write down your questions?

COUNCILWOMAN IGNATOWSKI: I kind of have them written all over my policy.

SUPERVISOR LOGEL: Can you write them up for her, because that is how we're going to have to work it through. Because we have to meet with the Union -- it is the -- the lawyers are the ones that are --

COUNCILWOMAN IGNATOWSKI: I don't know if the other Board members have the same questions. I hate to have us all like asking you the same questions. I don't know how you want to proceed.

SUPERVISOR LOGEL: If you would just write them up, please.

COUNCILMAN SCHULMERICH: If you write those questions up, would you do it in email format?

COUNCILWOMAN IGNATOWSKI: Email and --

COUNCILMAN SCHULMERICH: Well, I'm -- I'm not trying to create more work for you, but if you're going to do it in email format, if you could cc us with the questions, we can try to minimize the amount of replication.

COUNCILWOMAN IGNATOWSKI: Yes. Because I have quite a few. One last thing was I know when we were doing the Parks and Recreation Master Plan, one point -- I thought it was supposed to be done at the same time as the Baker property plan.

SUPERVISOR LOGEL: I thought it was all at the same time.

COUNCILWOMAN IGNATOWSKI: Well, no, because they generically mentioned in there on the Master Plan for the Parks and Recreation about the Baker plan. There was supposed to be another like separate plan for the Baker property, and I know that -- we got e-mail -- not email, but correspondence from Joe Carr indicating that we do have grant monies that we can utilize over there, but we have to have that plan in place. And I was just wondering where --

SUPERVISOR LOGEL: I didn't know it was a separate -- I never thought of it as a separate plan when we voted the resolution to create the --

COUNCILWOMAN IGNATOWSKI: I thought there were two components. Parks and Recreation Master Plan and then we were also supposed to be using some money for just the Baker property.

COUNCILMAN SLATTERY: Grant money.

COUNCILWOMAN IGNATOWSKI: To have the Baker property, a plan put out specifically

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for that parcel.

DIANNE O'MEARA: There is a second component.

COUNCILMAN SCHULMERICH: There is a second component.

DIANNE O'MEARA: But I'm not sure where that stands. I would have to ask Mr. Curley.

COUNCILWOMAN IGNATOWSKI: Okay. I think timing is going to be very important. If that has not been started, I urge that that be done as soon as possible, as in yesterday, because we have to have that plan in place in order to utilize that grant money.

SUPERVISOR LOGEL: Why? The grant money isn't going to run out.

COUNCILWOMAN IGNATOWSKI: I thought it had to be used by 2007.

JOSEPH CARR: Yes.

SUPERVISOR LOGEL: In 2007, by the end of the year. Yes.

COUNCILWOMAN IGNATOWSKI: It takes a while to put forward plans and --

SUPERVISOR LOGEL: In --

COUNCILWOMAN IGNATOWSKI: Have it by the end of 2007. I would think that we're going to need to move forward with that so we have --

COUNCILMAN SCHULMERICH: I -- I will let Mr. Curley speak to what his intentions are, but based on the way the conversations have gone within the Master Plan Update for recreation, I think the intention was to try to scope out the interest in Baker, the range of interest in Baker, and as that starts to evolve, that would enable the start of the second phase. I don't know exactly what the time frame they're looking at that happening on, so he needs to speak to that. I'm not surprised they had didn't happen simultaneously, but I'm also not expecting you will have the Master Plan work done in a block of time and nothing happens and then the Baker property plan. There should be an overlap time there. I would have been concerned if they both started simultaneously, because there would have been duplicity and conflict in terms of how they were addressed. Mr. Curley needs to speak to that. I'm giving you my interpretation on it.

COUNCILWOMAN IGNATOWSKI: I'm just concerned it gets addressed as soon as possible given --

SUPERVISOR LOGEL: No. We want to use that.

COUNCILMAN SLATTERY: Actually, I have two things, Supervisor, if I could.

One is a follow-up to that. Joe (Carr), Mr. Carr sent us a memo in regards to signage and some other items that you were going to be addressing. And some of them are for the parks. And -- are you going forward with that now? Or are you going to be waiting until after the Master Plan is adopted?

JOSEPH CARR: Um, let me -- let me clarify. I looked at that memo. I identified the things I was moving forward on, which pertained to items at the Town Hall and the Senior Center. Um, there is another one.

COUNCILMAN SLATTERY: There are three of them.

JOSEPH CARR: Well, two were here at the Town Hall. But what I also tried to indicate, if -- the things that deal with the parks are items that Mike Curley and Maryann Sears have developed, and I -- they are -- the intent is that they would handle those items. There are signs, benches, things at the Senior Center.

COUNCILMAN SLATTERY: Right.

JOSEPH CARR: I haven't had any discussion with them about what needs to be done or what.

COUNCILMAN SLATTERY: My concern would be that in the parks and -- in the Parks and Rec Master Plan, that Passero is working on now, that they mention some items in our parks, so I did not want to put the cart before the horse with this issue, going on purchasing signs and so forth, before this plan is adopted, grant money, different things. So...

SUPERVISOR LOGEL: I think the signs that you were talking about were the upgrades, most -- the signs that needed to be fixed, correct? Early on.

JOSEPH CARR: Yes. That is a different subject.

COUNCILMAN SLATTERY: Signage for our parks.

SUPERVISOR LOGEL: This is signage for the parks.

COUNCILMAN SLATTERY: Which is one thing that Passero did address, as well. And that -- if -- if we're going to move forward, I would like to see that we're going forward, that you -- I want



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to make sure we're not putting the cart before the horse.

JOSEPH CARR: There is no plan, to the best of my knowledge, to move forward on those signs that are related to the Master Plan, and also related to that grant. There is nothing planned to move forward at this point.

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

SUPERVISOR LOGEL: I would like to have some input on -- still on that sign issue. If you know the one that goes in Union Park, I think it is very difficult to read.

COUNCILMAN SLATTERY: Union Station.

SUPERVISOR LOGEL: Union Station, yes. It is very difficult to read. You can't read it until you're on top of it. It is a color problem.

COUNCILMAN SCHULMERICH: Red on green.

SUPERVISOR LOGEL: Yes. It doesn't work. So if you could make a note of that Joe (Carr), and I will try to remember to tell Michael (Slattery), too, that we really need to not use that color scheme.

JOSEPH CARR: I will take care of that.

SUPERVISOR LOGEL: Many people have complained about that one.

COUNCILMAN SCHULMERICH: I think there was an intention to fix that, but there was an in availability of timing and resources based on conversations with Mr. Curley.

SUPERVISOR LOGEL: Even if they put some gold on the red letters. Gold inlay.

COUNCILMAN SCHULMERICH: That gets into what Mr. Slattery is referencing, to try to get some consistency in the sign package approach to signage so that folks become more familiar with the color scheme and the approach to the parks and recreation side, plus, easily readable and size appropriate so we can get --

COUNCILMAN SLATTERY: Uniform.

COUNCILMAN SCHULMERICH: Yes.

COUNCILMAN SLATTERY: Second question I would have is in regards to the Scottsville ski slope that we had, the dirt pile, that was going to be hauled away, brought up a couple meetings ago, for the construction project.

SUPERVISOR LOGEL: Oh, that one.

COUNCILMAN SLATTERY: Any update information?

SUPERVISOR LOGEL: Joe (Carr), have we heard anything from the State about the ski pile?

COUNCILMAN SCHULMERICH: When is the lift going in?

(Laughter.)

COUNCILMAN SLATTERY: Been a tough year.

JOSEPH CARR: I'm sorry, but I didn't handle that type of thing. It had to do with our Building Department. I believe a permit was issued. I wasn't directly involved, and I don't know the detail. I don't have an answer for you.

COUNCILMAN SLATTERY: That was selected to -- at the meeting, Mr. Scibetta was here. I was directed to him. I'm not sure if Mr. Rogers --

JERON ROGERS: I can shed a little light on that. I spoke with someone from the State concerning that. And they indicated that that pile -- that they were going to take care of -- I'm trying to think of the person's name. It is the same person I spoke to concerning the drainage out on Chili Avenue, and that person -- well, I guess he is responsible with the State for taking care of issues like that. He took care of a drainage problem between Union Street, where the person came in with a drainage problem. He did take care of that problem. Speaking to him, he will help address these other problems. I can't think of his name right now. But I can give you his name.

SUPERVISOR LOGEL: Would you make a note that tomorrow, first thing, that you call him and -- you give me that information so I can talk to the higher-ups.

COUNCILWOMAN IGNATOWSKI: If -- they need to further clarify what "take care" is. Is it to mow it, or get rid of it?

COUNCILMAN SLATTERY: To put down seed.

SUPERVISOR LOGEL: Or move it around.

COUNCILMAN SCHULMERICH: Or to install the lift.

(Laughter.)

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SUPERVISOR LOGEL: If I'm not mistaken, Joe (Carr), they're supposed to be creating a park for us along that north side of the Ballantyne Bridge.

JOSEPH CARR: Yes, they did. It has been created.

SUPERVISOR LOGEL: That's been created, so that is all done. There is no fill needed in there. Everything is in.

JOSEPH CARR: Yes.

SUPERVISOR LOGEL: The trees are in, everything that they're going to do. I don't think they have put any trees.

JOSEPH CARR: There are -- I don't think any of the -- any of the tree planting work has been done. I believe that that is scheduled for the springtime, for the entire project. And there were a couple of specialty signs that they had to do, and they had to finish up -- let's say finalize the parking lot area where the access to the Black Creek is. When I -- when I went on my inspection tour late in the year, those were the items that are not completed, but all of the construction work is done. The foot path is in, along the river. So it is just trees and some minor touch-up.

SUPERVISOR LOGEL: I'm still waiting for an accident over there, because it is a race track coming across there, two cars, racing straightforward across there. When they were doing the construction, they had it blocked. One lane was blocked because they had a little triangle. It would have been nice if they left it -- it made everybody go down to one lane. Now what is happening, it is two lanes. I don't want to point fingers at age groups, but it is a drag race to see who is going to beat out who to be in the lane when it goes down to one lane. And I just don't understand how they're going to prevent an accident from happening.

JOSEPH CARR: This is a particular design that we're seeing occurring in many intersection improvement projects, and when I have asked about other projects, they have said the goal is to get as many vehicles through the intersection as possible, and when you have that transition from two lanes to one, every intersection I have sat at and then moved forward and I'm in the -- what I call the proper lane, somebody is in that outside lane, and they take advantage of the opportunity. I'm just suggesting that that is the standard design and I'm seeing it in almost all major intersection improvement projects.

SUPERVISOR LOGEL: Dick (Brongo)'s advice is, all slow down and let whoever is racing in.

JOSEPH CARR: That is the best thing to do.

SUPERVISOR LOGEL: Okay.

COUNCILMAN SLATTERY: One last thing.

Update on the appraisal of the old Town Hall?

SUPERVISOR LOGEL: They have their first meeting -- Dick (Brongo) sent them a copy of the resolution so they would have an official start of it, but they have got to start.

COUNCILMAN SLATTERY: Okay. Thank you.

The 10/30/06 Town Board Workshop Meeting Minutes were approved as submitted.

The 12/6/06 and 12/29/06 Town Board Meeting Minutes were approved as modified.

**REPORTS SUBMITTED:**

Community Center Revenue Report – November & December 2006

Recreation Center Revenue Report – November & December 2006

Senior Center Revenue Report – November & December 2006

Monthly Finance Report – November 2006

Building Department – Y.E. 2006 Report

Dog Control Y.E. 2006 report

Historic Preservation Minutes – 9/11/06, 10/9/06, 11/13/06

Parks & Recreation Master Plan Update Committee Minutes – 11/13/06

Parks and Recreation Y.E. 2006 report

Planning Board Minutes – 11/14/06, 12/12/06, 12/13/06

Programs for the Aging – Y.E. 2006 report

Town Clerk Report – December 2006

Traffic & Safety Committee Minutes – 11/2/06

Zoning Board Minutes – 11/28/06

COUNCILWOMAN IGNATOWSKI: Tracy (Logel), if I may, Dawn (Forte), I normally call and I was so busy the last couple days, I forgot to. There were also year-end reports we received from the other committees and boards like the Drainage Committee and the Historic Preservation. I don't see them listed here.

SUPERVISOR LOGEL: They have all been stamped in, all of the year-end.

COUNCILWOMAN IGNATOWSKI: I know.

SUPERVISOR LOGEL: We gave them all to Dick (Brongo). Do they have to be listed on here legally? Once they have been submitted, they have to all show up on one of these.

COUNCILMAN SLATTERY: Yes. You mean the packet you dropped off at our house on Saturday?

SUPERVISOR LOGEL: Did she?

COUNCILMAN SCHULMERICH: Yes, she did.

**CORRESPONDENCE:**

1. Richard Brongo has received formal notification from Kenneth Keller, Attorney for Town & Country Family Restaurant that they plan to file for renewal of their liquor license with the State Liquor Authority for the property located at 3205 Chili Avenue, Rochester, NY 14624.
2. Letter of Resignation Jeron Rogers.

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**RESOLUTION #93 RE: Union Station Lodge Cleaner**

**Offered by: Councilman Slattery**

**Seconded by: Councilman Schulmerich**

**BE IT RESOLVED** that per the recommendation of Michael Curley, Parks and Recreation Director, Kathleen Kearney be hired as a part time employee to clean Union Station Lodge at a rate of \$25.00 per cleaning.

APPROVED BY A VOTE OF 4 YES

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

SUPERVISOR LOGEL: Appears reading the report we're going to be forming more committees.

**RESOLUTION #94 RE: Parks and Recreation Master Plan Public Hearing**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilman Schulmerich**

**WHEREAS**, the Town of Chili is updating its Parks and Recreation Master Plan and,

**WHEREAS**, the Town of Chili accepted public comment on the update between December 18th-January 3rd,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby sets a public hearing for February 7th, 2007 for the purpose of reviewing the final Parks and Recreation Master Plan document and SEQR forms.

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #95 RE: Music Licensing Agreement for Town Events**

**Offered by: Councilman Schulmerich**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, the Director of Parks and Recreation recommends the Town of Chili enter into an agreement with The American Society of Composers, Authors & Publishers for the purpose of licensing music for public performance; and

**WHEREAS**, the Town regularly provides public musical performances, both live and pre-recorded, during Recreation programs, Senior Center programs, Chil-E Fest, etc.; and

**WHEREAS**, the Town must comply with the requirements of Federal Copyright Law, specifically at they pertain to the public performance of copyrighted works;

**NOW, THEREFORE, BE IT RESOLVED** that Supervisor Logel is hereby authorized to enter into an agreement with The American Society of Composers, Authors & Publishers for a period of 12 months. The total sums due will not exceed \$284.00 to be paid from Account A7550.4 (Celebrations).

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #96 RE: Addition to Clifton Fire Department, Inc. Active List**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**BE IT RESOLVED** that David Richards of 3 Everton Run, N. Chili, NY 14514 be added to the Chili Fire Department, Inc. Active List effective January 2, 2007.

APPROVED BY A VOTE OF 4 YES

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

**SUPERVISOR LOGEL:** There was a question asking for an explanation on this. Do you want to handle that?

**RICHARD STOWE:** No. I'm not familiar with that one.

**SUPERVISOR LOGEL:** Which one did you tell me you're familiar with?

**RICHARD STOWE:** The disabled with income.

**SUPERVISOR LOGEL:** Okay. This -- does anyone have a full answer on this? I know I asked Chris (Levey) about it, and I asked Dennis (Scibetta) about it. Basically, it's -- it -- Jeron (Rogers), would you --

**JERON ROGERS:** I may know a little bit about this type of a grant. ESRI, the GIS, sometimes they give out grants so you can update your GIS information. This may be what this is about. ArcPad is a software program within ESRI.

**SUPERVISOR LOGEL:** I know I asked the question, and he said that it was monies that was available under this particular grant program to update the software.

**JERON ROGERS:** Probably from ESRI, the grant.

**SUPERVISOR LOGEL:** I can't give you -- it was -- Mrs. Borgus, the only thing I can do is ask Chris (Levey) to call you and give you a full update on it.

**COUNCILWOMAN IGNATOWSKI:** The wording, National Vacant and Abandoned Properties.

**SUPERVISOR LOGEL:** That is the name of the grant.

**COUNCILWOMAN IGNATOWSKI:** We should use it to somehow address vacant properties and --

**SUPERVISOR LOGEL:** I think they use the GIS system to be able to locate and track and find.

COUNCILMAN SCHULMERICH: So since there is a level of uncertainty there, I will weigh in my interpretation.

SUPERVISOR LOGEL: Do you know something about this?

COUNCILMAN SCHULMERICH: Which may be completely wrong, but I will try. I'm interpreting it -- the way I read the resolution was that there is, in fact, vacant or abandoned property, and property doesn't necessarily mean land, it can be equipment, it can be buildings, it can be vehicles. I'm interpreting it the way I read this we have an opportunity to get a complimentary copy of the ArcPad application builder software, and what we're getting is the software which is valued at \$1500, not a \$1500 grant, and I'm interpreting it as they're trying to move government more into using global positioning software, GPS software that -- what this will create for us is an opportunity to have the software that will help us move in that direction. That is my interpretation without having talked to our MIS Director.

SUPERVISOR LOGEL: That means if you drive a car out in middle of Black Creek Park and leave it there --

COUNCILMAN SCHULMERICH: You will know you're on the water. I don't know. We can probably benefit from some knowledge in that matter.

**RESOLUTION #97 RE: Accept Alternative National Vacant and Abandoned Properties Grant Award**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilman Slattery**

**WHEREAS**, the Director of Management Information Services applied for the National Vacant and Abandoned Properties Grant, a grant designed to further GIS and GPS utilization in government; and

**WHEREAS**, the Town of Chili was selected to receive the Alternative National Vacant and Abandoned Properties Grant award instead of the National Vacant and Abandoned Properties Grant;

**NOW, THEREFORE, BE IT RESOLVED** that Supervisor Logel is hereby authorized to accept the Alternative National Vacant and Abandoned Properties Grant award in the form of (1) complimentary copy of ArcPad Application Builder software valued at \$1,500.

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #98 RE: Order Setting Public Hearing on the Proposed Extension of the Chili Consolidated Drainage District to Serve the Dario and Rita G. Marchioni Property Located at 100 Old Scottsville-Chili Road Tax Map No. 146.03-1-5, Churchville, N.Y. 14428, in the Town of Chili, County of Monroe and State of New York**

**Offered by: Councilman Schulmerich**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, a written petition, dated January 8, 2007 4th, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Chili, Monroe County, New York for the extension of the Chili Consolidated Drainage District to serve the property located at 100 Old Scottsville-Chili Road Churchville, N.Y. 14428, Tax Map No. 146.03-1-5, more particularly described in Schedule A (Property Description) on file in the Town Clerk's Office; and

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

**WHEREAS**, as stated in the Petition, all costs relating to the formation of the district extension shall be

paid by the petitioners.

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

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

Typical Property: \_\_\_\_\_\$0.00\_\_\_\_\_

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

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

**NOW THEREFORE**, it is hereby,

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

**ORDERED**, that a meeting of the Town Board of the said Town of Chili shall be held at the Chili Town Hall, 3333 Chili Avenue, Town of Chili, New York on the 7th day of February, 2007, at 7:00 p.m. to consider the said Petition and to hear all persons interested in the subject thereof and for such other action on the vote of said Town Board in relation to the said Petition as may be proper or required by law; and it is further

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

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

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #99 RE: Order Establishing the Extension of the Chili Consolidated Drainage District to Serve the Velda L. Lusk Property Tax Map No. 134.13-1-71 Located at 2770 Chili Avenue, Rochester, 14624 in the Town of Chili, County of Monroe, State of New York**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilman Schulmerich**

**WHEREAS**, at a regular meeting of this Town Board held on December 6, 2006, Resolution # 307 was adopted approving an extension of the Chili Consolidated Drainage to serve the property located at 2770 Chili Avenue, Rochester, N.Y. 14624 Tax Map No. 134.13-1-71; 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 #307, dated December 6, 2006; and said area to be included in said extension is more particularly described in Schedule A which is attached hereto and incorporated herein by reference, and it is further

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

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

APPROVED BY A VOTE OF 4 YES

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TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILMAN SCHULMERICH: Um, let's see. I guess the -- I have two questions. Number one, what is -- what is the reason that the Town of Geneva is interested in selling the vehicle as quickly as they are, with three hours on it? And the second, associated with that would be, do we benefit from any warranty that may be remaining on the equipment?

JOSEPH CARR: First of all, as I indicated here, it has three hours on the running meter, but the Town only ran it about 20 minutes when they received it in late September, which is after the mowing season. Most of the time, as I indicated, it was hours run through -- when the -- when the vendor in Buffalo received the tractor. He installed all of the mowing equipment and then they put it through a testing process, so they told me they ran it for about 2 ½ hours before they ever shipped it.

Um, the -- the full two-year warranty is still in effect and would be -- goes with the machine, so it is available to us. The Town -- the personnel at the Town of Geneva -- I -- it is my understanding that after thoroughly checking this out and visiting the salespeople before they ordered it, were not happy when they received it because of the mowing decks and they're not the type that they're accustomed to, and they just would prefer to have the type of mowing equipment that they have always had, which is called -- I think it is Interstater, is the type that they are accustomed to.

From our standpoint, this is exactly the type of equipment that we purchased -- we have two tractors. We replaced one last year, and I plan to replace one this year. This exact unit is what's on State bid this year. I talked -- how this happened is I called that vendor and said, "Give me a quote under the new State bid," and he did. I have that quote for 51,000 and something. And a week later, this phone call came in, and I looked at it. I have photographs of it. It is exactly what I would order, if I were going to order the brand new one. It is a type of equipment that we want.

COUNCILWOMAN IGNATOWSKI: We'll save 2,000.

JOSEPH CARR: There is one other -- yes. We would save \$2,000. We have full warranty, to answer your question, and it is exactly what I would order if they had not come about. The other thing I'm very concerned about is they ordered this machine in March, and it didn't arrive until mid September.

SUPERVISOR LOGEL: Oh.

JOSEPH CARR: I would hate to depend on our old machine and go through that waiting process. It just -- I do not see any down side to this. We have checked it out thoroughly. It is available, and we can save a couple of dollars and be ready to roll this spring. It just seems like an opportunity to take advantage of.

SUPERVISOR LOGEL: Okay. Any other questions?

**RESOLUTION #100 RE: Purchase of Mowing Tractor**

**Offered by: Councilman Slattery**

**Seconded by: Councilman Schulmerich**

**WHEREAS**, the purchase of a replacement mowing tractor was included in the Year 2007 Town Budget, and

**WHEREAS**, this unit is listed on the current NYS OGS Bids at a cost of \$51,629.00, and

**WHEREAS**, the Town of Geneva has a new 2006 mowing tractor purchased from NYS OGS Bids, being identical to the unit we would purchase. This tractor has been run a total of 3 hours, most of which was run time put on by the vendor in Buffalo. The Town of Geneva desires to sell this unit at the invoice amount paid, being \$49,556.00, and

**WHEREAS**, under NYS General Municipal Law, the Town is permitted to purchase from another NYS Municipality,

**NOW, THEREFORE, BE IT RESOLVED** to authorize the purchase of one (1) New Holland Model TN 70 DA Tractor with rear and side Alamo mowing decks from the Town of Geneva at a cost of \$49,556.00 to be paid from account DA 5130.2 (Machinery Equipment).

APPROVED BY A VOTE OF 4 YES

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TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Supervisor, for Mr. Carr, is there -- I know we do this periodically throughout the year. Is there a number of different auctions that you go to, or one generally for this type of equipment?

JOSEPH CARR: There are two that we use. One is in the spring, the third week in May. We call it the Palmyra auction. You may have read about it in the paper. They usually do an article about it. Very large auction. We take most of the items that we're going to dispose of to that auction. It gets a lot of play and very good prices. There is another one that we have been utilizing for about five years that is here in Monroe County at the -- it is now what is called the Fleet Center on Paul Road. If we have some pieces that -- sometimes I will identify it. Something that I'm not prepared to release in May, I may hold it until the -- until the October auction. Or there may be a piece that the experts will tell us we will do better in October, plowing equipment or something of that nature, than in the spring. So it -- I work with them and we get guidance from them, but both of them are excellent. They have good value. This -- this is a very good way to do it.

COUNCILMAN SLATTERY: Thank you, Joe (Carr).

**RESOLUTION #101 RE: Disposal of Surplus Equipment**

**Offered by: Councilman Slattery**

**Seconded by: Councilman Schulmerich**

**WHEREAS**, the following listed equipment is, in the opinion of the Superintendent of Highways/Commissioner of Public Works, obsolete and of no further use to the Town of Chili; and

**WHEREAS**, the Town is best served by disposing of these items for their highest value in whatever form attainable;

**NOW, THEREFORE, BE IT RESOLVED** that subject to awarding of bids for new vehicles, the



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Town Board authorizes disposition of the following vehicles and hereby directs the Superintendent of Highways/Commissioner of Public Works to procure the highest reasonable compensation for such items and apply the process there from, if any, in accordance with Section 142(5) of the Highway Law:

#5 1998 Chevy 2500 Pickup  
#214 1993 Ford Tractor  
#7 1998 Chevy 2500  
#58 1997 Ford 1-Ton  
#57 1997 Ford 1-Ton  
#220 1993 John Deere Loader  
#80 1993 International 6-Wheel Plow Truck  
#268 1999 Dodge 4x4 with Plow  
#232 1995 Brush Chipper  
#250 1974 Huster Fork Lift

APPROVED BY A VOTE OF 4 YES

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TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: There were questions. One from Mr. Ginovsky. Have you got competitive bids on the cooling tower?

JOSEPH CARR: The answer to that is no, I did not, but I have the opportunity for labor and equipment up to \$20,000. I -- I worked with EDS on all of the complexes except the Town Hall and Library. In my opinion, they give us excellent guidance and quality work and the best I know at a reasonable price, so if we're within the rules to do it this way, I trust them to work with us and provide us a good product.

I know there is a question about why are we doing this now, and I -- believe me, I'm not trying to press an issue at all. But neither you, nor I, want to endure the problems that we probably will have if we do not do this this summer. We had a lot of trouble with this cooling tower. We did spend some dollars last year to get it running again. The thing is very old. And there aren't parts available any more. And I can tell you there are some extremely unhappy people using that building when that unit is not working.

COUNCILWOMAN IGNATOWSKI: Joe (Carr), you're saying this is something to be utilized in the summer. Could they be held off then? Because I think we're supposed to be getting a report back in February about the use of that -- about the facilities.

JOSEPH CARR: If -- if the Board would prefer to wait a little bit, we could. My goal was sometimes it takes time to get this equipment, and we need to remove the old equipment. We need to build a new concrete pad, get that all set up and then get the unit set up and tested. Obviously, we have a lot of time. We don't need that until maybe the second week in June. So we do have time. I was just going to -- anxious to get things rolling.

SUPERVISOR LOGEL: Let me make an equipment comment, Joe (Carr). The thing is even if the report came back in February and said we still need developers, we still need time, we still need -- you're talking three years out. We could technically be using those buildings for another three years. There is no way we can go without air conditioning down there.

COUNCILWOMAN IGNATOWSKI: True. Even if he was to --

SUPERVISOR LOGEL: The judges, if you want to talk to Mr. Pietropaoli, I will let you do that.

COUNCILWOMAN IGNATOWSKI: So my next question would be, if we purchase this new equipment, if this building should be relocated to a different location, could we take this equipment with us to the new building?

JOSEPH CARR: Yes, we absolutely could. This is -- this is equipment that will be ground-mounted outside. You know where the old one is.

COUNCILWOMAN IGNATOWSKI: No, I don't.

JOSEPH CARR: Behind the Senior Center. It is going to be on a concrete pad outside and certainly could be picked up and moved somewhere else.

COUNCILWOMAN IGNATOWSKI: I feel much more comfortable knowing that.

**RESOLUTION #102 RE: Replace Cooling Tower**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, the cooling tower which services the Senior Center is very old and does not work well, and

**WHEREAS**, a grant was secured for the replacement of this unit,

**NOW, THEREFORE, BE IT RESOLVED** to authorize EDS Mechanical Services to furnish and install a new cooling tower, located at 3235 Chili Avenue, at an estimated cost of \$12,935.00 to be paid from account A 1620.402 (Buildings – East Campus – Contractual).

APPROVED BY A VOTE OF 4 YES

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TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: There was a question around an item 5, Mr. Carr.

JOSEPH CARR: Yes. I don't have an answer as to why that one company didn't provide a bid. I don't know why. That is kind of a special unit. We have one unit now, and -- and we're setting up a second one. We have always had two small -- I call them one-ton plow trucks. They have a reversible plow and a salt spreader. We have replaced one, and we -- it does have a -- it is a diesel, four-wheel drive. It does have a stainless steel body and a stainless steel plow. We have one now. And this is to replace the old truck, so that we have two good quality one-tons. We need them. Why we didn't get a second bid, I don't know. This is a diesel. It is a 4 by 4. Maybe Chevy is not competitive in that.

And I know there is a question about why stainless steel. We have four, five one-tons. We always have trouble with the dump bodies on one-tons. They're crap. And we have trouble with those reversible plows. And we checked into it, and it does cost more money, but you buy them once and you shouldn't have to buy it again. And the unit that we do have is in excellent shape. We literally don't have to do anything with it. It will last us for a long time.

COUNCILMAN SLATTERY: How old is the one that we have now?

JOSEPH CARR: I believe this is in our third season. And it just looks brand new, and it will last a long, long time. And I think it is a very good investment.

**RESOLUTION #103 RE: Award of Vehicle and Equipment Bids**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, bids were received, as shown on the attached bid tabulation, by the Town Clerk on December 27, 2006; and

**WHEREAS**, Joseph L. Carr, Commissioner of Public Works, has reviewed all received bids; and

**NOW, BE IT RESOLVED** to award bids as follows:

Item #1 – ¾-ton, 2 WD Pickup, to Van Bortel Ford at a cost of \$17,075.00, to be paid from account 7310.2 Recreation,

Item #2 – ¾-ton, 4 WD Pickup, to Van Bortel Ford at a cost of \$20,137.00, to be paid from account

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7110.2 Parks,

Item #3 – ¾-ton, 4 WD Pickup, to Van Bortel Ford, at a cost of \$20,825.00, to be paid from account 5132.2 Highway, and a second unit at a cost of \$20,825.00, to be paid from account SD 8540.2 Consolidated Drainage,

Item #4 – 1-ton Stake Body Truck with Lift Gate, to Hoselton Chevrolet at a cost of \$24,861.80, to be paid from account 5132.2,

Item #5 – 13,000# Diesel Cab and Chassis, to Van Bortel Ford at a cost of \$27,635.00, to be paid from account 5132.2,

Item #6 – 5,000# Fork Lift, to MS Equipment at a cost of \$17,995.00, to be paid from account 5132.2 (note: the lower bid from MS Equipment is hereby rejected because the unit proposed under this bid does not meet the issued written specification),

Item #7 – Full Size Heavy-Duty Plow Set and 14’ Dump Body and Hoist, to Henderson Equipment at a cost of \$54,137.00, to be paid from account 5132.2, (note: The two lowest bids submitted by Cyncon Equipment are hereby released as per a request received from Cyncon Equipment,

Item #8 – 14” Salt Spreader, to Henderson Equipment at a cost of \$11,949.00, to be paid from account 5132.2,

**AND, BE IT FURTHER RESOLVED,** to accept a quote from Thruway Spring to furnish and install a Stainless Steel Dump Body and Plow (see Bid Item #5) at a cost of \$11,498.00, to be paid from account 5132.2.

	Hoselton	Van Bortel
3/4 Ton 2 WD Pickup	\$18,794.00	\$17,075.00

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	Hoselton	Van Bortel
3/4 Ton 4 x 4 Pickup	\$21,467.88	\$20,137.00

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	Hoselton	Van Bortel
3/4 Ton	\$21,730.00	\$20,825.00
4 x 4 Pickup	<u>\$21,730.00</u>	<u>\$20,825.00</u>
w/Air & Power (Two each)	\$43,460.00	\$41,650.00

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	Hoselton	Van Bortel
1-Ton Stake Body with Lift Gate	\$24,861.80	\$25,475.00

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	Van Bortel
13,000# Diesel Cab & Chassis	\$27,635.00

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5000# Fork Lift	MS Equipment \$17,995.00 (plus freight)	MS Equipment \$17,500.00 (plus freight)_	United Services GP, Inc. \$20,370.00
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Plow Set and 14' Dump Body	Henderson \$54,137.00	Smart Systems \$19,563.00 <u>\$45,134.71</u> \$64,697.71	Cyncon \$46,349.00	Cyncon \$49,595.00
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14' Salt Spreader	Henderson \$11,949.00	Smart Systems \$13,988.00	Cyncon \$16,325.00
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APPROVED BY A VOTE OF 4 YES \_

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: The last meeting is going to be Wednesday at 9. Is anyone staying through Wednesday morning?

COUNCILWOMAN IGNATOWSKI: When does our flight leave, Denny (Schulmerich)?

COUNCILMAN SCHULMERICH: I think it is three. But I'm not sure.

COUNCILWOMAN IGNATOWSKI: I can't remember. I --

SUPERVISOR LOGEL: If it is three, then any one of you can do it then. I'm going to be there -- mine doesn't leave until five.

COUNCILWOMAN IGNATOWSKI: I think we get back at five, so I think --

COUNCILMAN SCHULMERICH: 3:30 or something like that. We should be fine with that.

SUPERVISOR LOGEL: Whose name do you want to have in here as the alternate?

COUNCILMAN SCHULMERICH: I would nominate Councilwoman Ignatowski.

COUNCILMAN SLATTERY: Second.

(Laughter.)

**RESOLUTION #104 RE: Association of Towns**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**BE IT RESOLVED** that the Town Supervisor Logel be designated as a voting delegate to the Association of Towns conference for the Town of Chili and that Councilwoman Ignatowski be designated as alternate delegate.

APPROVED BY A VOTE OF 4 YES

**RESOLUTION #105 RE: Increase Ceiling amounts for Senior Exemption**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilman Slattery**

**WHEREAS**, The State Legislature has enacted Chapter 186 of the Laws of 2006 which allows municipalities, in accordance with Section 467, Senior Citizen exemption, of the Real Property Tax Law to modify the graduated scale of income eligibility,

**WHEREAS**, the Town of Chili in Chapter 101 of the Town code entitled "Taxation", has made

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provisions for modifying said sliding scale by resolution, provided said modifications are authorized in Section 467 of the Real Property Tax Law, and,

**WHEREAS**, the Town Board is desirous of modifying the eligibility schedule as allowed in Section 467, as amended,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby modifies the graduated exemption income eligibility limits Senior citizens to be considered after January 1, 2007 as follows:

ANNUAL INCOME ASSESSED VALUE	PERCENTAGE
<hr/>	
EXEMPT FROM TAXATION	
Less than \$26,000	50%
More than \$26,000 but less than \$27,000	45%
\$27,000 or more but less than \$28,000	40%
\$28,000 or more but less than \$29,000	35%
\$29,000 or more but less than \$29,900	30%
\$29,900 or more but less than \$30,800	25%
\$30,800 or more but less than \$31,700	20%
\$31,700 or more but less than \$32,600	15%
\$32,600 or more but less than \$33,400	10%
\$33,500 or more but less than \$34,400	05%

- The eligible income levels will then increase \$1,000 annually through 2009, such that in 2009 there will be a 50% exemption for incomes up to \$29,000 and a graduated reduction in exemption for incomes more than \$29,000 but less than \$37,400.

APPROVED BY A VOTE OF 4 YES

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: Question was about the limited incomes. I know Linda (Leach) is here, and I know Rich (Stowe) is here.

RICHARD STOWE: I will take a stab at this. We have in our Town Code passed local laws that adopt State-authorized exemptions for certain classes of individuals. The senior citizens, the income scale, veterans, persons with disabilities and persons with disabilities whose income is limited. Different programs. Not limited income people. Persons with disabilities whose income is limited. So the answer to the question directly was can someone who has recently been laid off and has limited income apply for the exemption. It's not just because their income is limited, but only if they are also disabled will qualify. It is a State-authorized exemption local option. We passed local laws authorizing those exemptions to exist and allowing this Board to modify the income limits as State Law modifies the income limits by resolution rather than local law. So both of these resolutions simply seek to keep in step with the State.

And I believe, Linda (Leach), the County adoption of these income limits for our Town residents who would otherwise qualify for these exemptions so that the income scales follow along with the State-authorized amounts, the County authorized amounts and the same for our Chili citizens.

COUNCILWOMAN IGNATOWSKI: Rich (Stowe), you indicated veterans in there, as well. I don't see veterans listed.

RICHARD STOWE: We have authorized exemptions for –  
COUNCILMAN SLATTERY: Town Law.

RICHARD STOWE: Not here. We're not doing that tonight. These income limits are floating programs for these two programs. All right. Veterans, we have amended from time to time, but that is not one of the recently passed pieces of legislation that needs modification at this juncture. Is that a fair response, Linda (Leach)?

LINDA LEACH: Yes.

COUNCILMAN SCHULMERICH: Is the wording of this resolution generally accepted, because the interpretation could be --

RICHARD STOWE: I understand. If it is any help, the way -- I may be responsible for that. But the way the article in our code is titled, it is exemption for disabled persons with limited income.

COUNCILWOMAN IGNATOWSKI: Perhaps.

COUNCILMAN SCHULMERICH: Can we change the resolution so we don't have ambiguous interpretation?

LINDA LEACH: The -- I believe the way it is worded is the way it is in the law.

COUNCILMAN SCHULMERICH: In the resolution.

RICHARD STOWE: The way it is worded in the resolution is the way the law is worded. The way -- the title of our code is worded.

SUPERVISOR LOGEL: Clarifies it.

RICHARD STOWE: Well, I probably did one of them, so -- fine. But you have to have a physical disability qualifying under the State program and a limited income.

COUNCILMAN SCHULMERICH: Not mutually exclusive.

**RESOLUTION #106 RE: Increase Ceiling amounts for Persons with Disabilities and Limited Incomes**

**Offered by: Councilman Schulmerich**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, The State Legislature has enacted Chapter 187 of the Laws of 2006 which allows municipalities, in accordance with Section 459-c, Persons with Disabilities and Limited Incomes, of the Real Property Tax Law to modify the graduated scale of income eligibility,

**WHEREAS**, the Town of Chili in Chapter 101 of the Town code entitled "Taxation", has made provisions for

modifying said sliding scale by resolution, provided said modifications are authorized in Section 459-c of the Real Property Tax Law, and,

**WHEREAS**, the Town Board is desirous of modifying the eligibility schedule as allowed in Section 459-c, as amended,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby modifies the graduated exemption income eligibility limits for Persons with Disabilities and Limited Incomes to be considered after January 1, 2007 as follows:

ANNUAL INCOME \_\_\_\_\_ PERCENTAGE  
ASSESSED VALUE \_\_\_\_\_

EXEMPT FROM TAXATION \_\_\_\_\_

Less than \$26,000 _____	50%
More than \$26,000 but less than \$27,000 _____	45%
\$27,000 or more but less than \$28,000 _____	40%
\$28,000 or more but less than \$29,000 _____	35%

\$29,000 or more but less than \$29,900	30%
\$29,900 or more but less than \$30,800	25%
\$30,800 or more but less than \$31,700	20%
\$31,700 or more but less than \$32,600	15%
\$32,600 or more but less than \$33,400	10%
\$33,500 or more but less than \$34,400	05%

- The eligible income levels will then increase \$1,000 annually through 2009, such that in 2009 there will be a 50% exemption for incomes up to \$29,000 and a graduated reduction in exemption for incomes more than \$29,000 but less than \$37,400.

APPROVED BY A VOTE OF 4 YES

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**RESOLUTION #107 RE: Association of Towns Annual Training Session**

**Offered by: Councilman Schulmerich**

**Seconded by: Supervisor Logel**

**BE IT RESOLVED** that Linda Leach, Assessor be authorized to attend the Association of Towns meeting in New York, February 18-21, 2007, with expenses to be paid by voucher in an amount not to exceed \$1,400.00, receipts required.

APPROVED BY A VOTE OF 4 YES

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

**SUPERVISOR LOGEL:** There were a couple different questions. Go ahead.

Yes, as far as I'm concerned, it is an open meeting. People can sit at that. That question was asked.

I didn't understand one question about everybody residing in the Town. These all reside within the Town. So that question I wasn't -- I wasn't quite sure why it was asked.

And as far as Mr. Ignatowski, he is an architect. He is not an architect, but he works for an architectural firm and he does design houses, so he does have that skill. I think I have addressed all the questions.

**COUNCILWOMAN IGNATOWSKI:** Houses, restaurants, churches. He does some commercial, as well.

**COUNCILMAN SCHULMERICH:** Supervisor, I also think it is noteworthy to acknowledge that there were open enrollments for any individuals interested in applying for this committee to interview with the Town. It was suggested or implied that we preselected individuals. That is completely incorrect and quite frankly inappropriate. It was a situation where any candidate that had an interest came before the Town Board, and the candidates were interviewed with the same questions, and based on their interest level, I believe the appropriate people were selected. I don't believe we have an exclusionary policy if there is an individual that works for the Town, that their significant other or spouse can't also participate in other Town activities. So the reference and the indication that there is favoritism being shown because of Councilwoman Ignatowski's position with the Town is inappropriate, unacceptable and I don't appreciate it.

**COUNCILWOMAN IGNATOWSKI:** Supervisor, if I may, I would have preferred that had this been (inaudible), too. Of course I'm in favor of an Architectural Review Committee, but I will be abstaining from this just because of the fact that my husband is being named on it.

**SUPERVISOR LOGEL:** Okay.

**RESOLUTION #108 RE: Establish an Ad Hoc, Advisory Committee**

**Offered by: Councilman Schulmerich**

**Seconded by: Councilman Slattery**

**WHEREAS**, the Town Board has discussed the desire for an Ad Hoc, advisory committee to investigate the options of architectural review bodies in municipalities to advise Planning Boards and Town Boards with regard to architectural issues involved with applications before Town,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby establishes an Ad Hoc advisory committee to review options available to the Town of Chili for obtaining advice and input to the Town Board and/or its Planning Board with regard to architectural issues that may arise in connection with applications before the Town of Chili, and

**BE IT FURTHER RESOLVED**, that said committee shall consist of four members who shall serve at the pleasure of the Town Board, and

**BE IT FURTHER RESOLVED**, that James Martin, Planning Board Chair, James Ignatowski, Michael Devito and Jordon Brown, are hereby appointed to said committee, and

**BE IT FURTHER RESOLVED**, that said committee shall report to the Town Board its recommendations no later than May 1, 2007.

APPROVED BY A VOTE OF 3 YES WITH 1 ABSTENTION  
(Councilwoman Ignatowski abstained.)

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

SUPERVISOR LOGEL: There were some questions. The refund to NAP, correct me if I am wrong, Dianne (O'Meara), but originally they were asked to put down 20,000?

DIANNE O'MEARA: Correct.

SUPERVISOR LOGEL: And when I got the request to ask for a close-out on the company that was doing the work, they sent a close-out figure of approximately 4,000, and the balance that was left on the 20,000 is what you're returning?

DIANNE O'MEARA: Correct.

SUPERVISOR LOGEL: Okay.

COUNCILMAN SCHULMERICH: And what you're returning is, in fact, money that North American Properties provided to us. It is not money from the Town of Chili.

SUPERVISOR LOGEL: Sort of like a letter of credit.

COUNCILMAN SCHULMERICH: Yep.

SUPERVISOR LOGEL: Okay. Page 4, the question was 2,602 for the projector and screen, I think we answered that earlier. Is that Chris (Levey)'s account? Is that the -- that is the building. That is the part coming out of the Building Department.

SUPERVISOR LOGEL: And page 5, 6 and 7, electric bills. Didn't they just come in?

DIANNE O'MEARA: Um, the Town purchases its utilities through the Monroe County.

RICHARD STOWE: Consortium.

DIANNE O'MEARA: Yes. And there are times that they're not very prompt with their billings, shall we say. No, we're not paying any interest.

COUNCILMAN SCHULMERICH: We're not late.

SUPERVISOR LOGEL: No interest, right.

DIANNE O'MEARA: Right.

COUNCILMAN SLATTERY: Page 3, the Burke Group, progress bill, final report. Did we receive a final report?



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DIANNE O'MEARA: Yes. From them, yes.

COUNCILMAN SLATTERY: Was a copy going to be distributed to the Town Board?

DIANNE O'MEARA: The intention was it was going to be a whole package consisting of the job descriptions as well as the Burke Group report.

COUNCILMAN SLATTERY: Okay.

DIANNE O'MEARA: Um, I can give you the Burke Group report.

COUNCILMAN SLATTERY: Supervisor, I think it would be a good idea if we all got a report.

That would be all I have. Thank you.

**RESOLUTION #109 RE: January 17, 2007 Abstract**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilman Schulmerich**

**BE IT RESOLVED** to pay vouchers 1-167 totaling \$408,046.46 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$313,930.55
Highway Fund	\$ 43,454.33
Library Fund	\$ 720.00
H43 Annual 2006-7 Reassessment	\$ 831.25
Consolidated Drainage	\$ 25,292.33
Clifton Fire Protection District	\$ 2,047.00
Chili Fire Protection District	\$ 21,418.00
Chili-Scottsville Fire Protection	\$ 333.00
Special Light Districts	\$ 20.00
TOTAL	\$408,046.46

APPROVED BY A VOTE OF 4 YES

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SUPERVISOR LOGEL: I would like to ask for a motion to move into Executive Session to discuss a personnel issue.

COUNCILMAN SCHULMERICH: So moved.

The Board was unanimously in favor of the motion to go into Executive Session to discuss a personnel matter.

The Board went into Executive Session at 8:32 p.m.

Councilwoman Ignatowski made a motion to come out of Executive Session, and Councilman Schulmerich seconded the motion. The Board was unanimously in favor of the motion to come out of Executive Session.

The Board returned from Executive Session at 8:55 p.m.

COUNCILMAN SLATTERY: Executive Session done and here is the resolution.

SUPERVISOR LOGEL: We have a resolution that I think you have, Mr. Schulmerich.

COUNCILMAN SCHULMERICH: The Resolution Number 110; is that correct?

SUPERVISOR LOGEL: Yes.

COUNCILMAN SCHULMERICH: That would be to name Michael Martin as the Temporary Vice Chair of the Zoning Board.

SUPERVISOR LOGEL: We do that for one month.

RICHARD STOWE: Just leave it.

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COUNCILMAN SCHULMERICH: Temporary. Until not temporary.

SUPERVISOR LOGEL: Temporary.

COUNCILMAN SCHULMERICH: Temporarily not temporary.

RICHARD STOWE: Temporary Vice Chair.

SUPERVISOR LOGEL: You moved that, Mr. Schulmerich?

COUNCILMAN SCHULMERICH: I am making that motion.

COUNCILMAN SLATTERY: I will second that motion.

**RESOLUTION #110 RE: Temporary Zoning Board Vice Chairperson**

**Offered by: Councilman Schulmerich**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** that Michael Martin be named the Temporary Vice Chairperson of the Zoning Board of Appeals.

APPROVED BY A VOTE OF 4 YES

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Supervisor Logel indicated there would be a Town Board Workshop Meeting on the Code Book on 1/23/07 at the Chili Senior Center.

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

The meeting ended at 8:57 p.m.