

CHILI TOWN BOARD

August 2, 2006

A meeting of the Chili Town Board was held on August 2, 2006 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor Logel.

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

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

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. Six speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:24 p.m.

TOWN LIAISON REPORTS:

Conservation Report by Virginia Ignatowski

Councilwoman Ignatowski stated the Conservation Board met on Monday. She stated they had two engineers coming in with a variety of plans that will be seen at the Planning Board meeting.

Councilwoman Ignatowski stated for the Battisti Subdivision plans, the Conservation Board questioned if the topsoil will be stripped off first for the foundry stands that will be stored, because topsoil can act as a sponge and they don't want to have that being taken over to their pond. She stated they also are going to be looking to have a recommendation that for the property, whoever purchases it, it is notified as part of the deed, of what used to be on that particular site.

Councilwoman Ignatowski stated they also looked at Yaro Enterprises' application and they approved those plans. She stated the same thing with the North Chili carwash, they approved those plans, as well.

Councilwoman Ignatowski stated they did spend time on the Willowbrook Sports Complex. She stated they are not happy at all with the pond that is being proposed. She stated they feel the elevation is such that it is the same as where the flood plain is, and it won't do what it is supposed to do. Councilwoman Ignatowski stated she passed that onto the Drainage Committee last night and they would like to speak with the engineers on that. She stated they continue to express their extreme dissatisfaction with the filling going on over there.

Drainage Report by Virginia Ignatowski

Councilwoman Ignatowski stated the Drainage Committee still has an empty position on that committee.

Supervisor Logel stated she put it in her article. She stated she thought what they need to do is recruit a couple people. Councilwoman Ignatowski stated she meant to ask them last night if they know anybody themselves who would be interested in being on the committee.

Councilwoman Ignatowski stated they had a couple of guests come in last night. She stated one of them was actually Dario Marchioni from the Planning Board. She stated he wanted to find out what the committee felt about the subdivision on Beaver Road, kind of next to the "Zuber Lake," as they would call it. Supervisor Logel asked what subdivision is that. Councilwoman Ignatowski stated actually it is a two-lot subdivision. She stated they had some discussion on that.

Councilwoman Ignatowski stated Joe Carr told the Drainage Committee what work was completed. She stated they were very, very busy. She stated they have done swale cleaning and ditch cleaning over

the month, actually two months.

Historic Preservation Report by Mary Sperr

Councilwoman Sperr stated the Historic Preservation Board has not held another meeting since the last Town Board meet, but they did show up for the Chil-E Fest. She stated they were prepared to have a display and a table, but unfortunately, since there was no cover, they were rained out. She stated it was unfortunate because one of the representatives from the Historic Preservation Board spent six hours on a Power Point presentation. Councilwoman Sperr stated she wanted to say hats off to them for making an attempt. She stated they wanted to promote their works at the Chil-E Fest. She stated hopefully another opportunity will come up and they will be able to promote that.

Library Report by Michael Slattery

Councilman Slattery stated the Library Board has been discussing their audit and so forth, looking at different groups. He stated the Library Board was going to be meeting with Dianne O'Meara. He stated one of their concerns is that out of the 20 libraries in this area, only one other of them pays for the audit, and they were concerned regarding that, the additional costs. He stated and then they were wondering when the State came in and looked at the Town books, did the State look at the Library's books as well, because the Library doesn't pay any of their bills. He stated the Town pays their bills.

Dianne O'Meara stated that is not true. Dianne O'Meara stated the way he made the statement, it was noted as if they are in charge of their bills. She stated they are not.

Councilman Slattery stated what he stated was that they don't write the checks. He stated they send the information to the Town. Dianne O'Meara stated that was correct. Councilman Slattery stated Dianne O'Meara writes the checks. Dianne O'Meara stated that was correct.

Councilman Slattery asked did the State review that information when they came in and looked at their books. Dianne O'Meara stated she really could not say one way or another, but all of the abstracts are all included in one book, so if they looked through the abstracts, or through vouchers, they were all kept in the same area and they would have seen the library information, as well.

Councilman Slattery asked how could they find out if they did or didn't. Dianne O'Meara stated she did not know. Councilman Slattery asked who worked with the State when they came in. Dianne O'Meara stated she did not know. She stated they went to various departments. She stated they basically would have worked through the Supervisor's office, but they talked with various departments.

Supervisor Logel stated they basically did it pretty independently, because it was an audit of everybody. She stated they wanted to remain independent. She stated they set up in an area and pulled different books. She stated she did not remember them doing the library, but if it is all the same books, they would have had to review it. She stated she did not remember them mentioning it in the final report. She stated that is what she does not remember. She stated they would have to go back and pull it out and look at it. She stated it has been a few years.

Dianne O'Meara stated they're well aware that the Library operates under the Education Law, so maybe they separated that out. She stated she did not know.

Councilman Slattery asked if that could be looked into, and if that information could be given back to him. Supervisor Logel asked what would they gain from that. Councilman Slattery stated it could save them thousand of dollars. He stated the Town of Greece Library and Chili Library are the only ones that have to pay for their own audits. He stated the Town works with the Libraries for the audits, the remainder of them. He stated so what they are looking at to see is did the State do something, anything when they came in and maybe that would help them reduce their costs of the audit they have to pay.

Dianne O'Meara stated the other concern she has is now that they're a 501-C3, now they're going to be under different requirements than they have been in the past. She stated she did not think it is going to change as far as their audit requirements go. Councilman Slattery stated they're just looking to work together with the Town and they had some questions.

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Councilman Slattery stated also long-range planning, the Library is looking at big ticket items coming up next year that they have some concerns for, ticket items that they don't have any control over. He stated they just want to make sure everybody is aware of that.

Councilman Slattery stated the Library actually broke their record for the summer reading program. He stated they had over 600 participants registered for that.

Recreation Report by Supervisor Logel

Supervisor Logel stated the Parks and Recreation meeting took place at the same time as the Town Board meeting, so she was unable to attend that. She stated Mr. Curley met today with the Rainbow Talent agent to discuss an entertainment contract. She stated the Town is required to honor the contract and issue full payment, so he has worked with them to get at least two music groups back on September 3rd, which is when the fireworks are rescheduled. She stated they will publish that. She stated Matt Valerio's band and the Buddahood are the groups.

Supervisor Logel stated she would explain what happened at the Chil-E Fest. She stated apparently in the morning about 5:30, and if not sooner, Michael Curley, Joseph Carr and Parks employees descended the stage area and tried to prevent all of the water that came cascading down at that hour. She stated in 45 minutes there was a wall of water which ran down into Merante Field and saturated all of the electrical system of the stage, so they could not get it up and running. She stated that was the problem.

Supervisor Logel stated they actually heard the forecast and they were monitoring the forecast. She stated the fireworks people were monitoring the forecast. She stated they had a 70 percent chance of severe thunder, lightning and high winds. She stated they were informed once they set up, they would have to pay the money. She stated had they started setting up the fireworks, they had to pay whatever it costs for the fireworks. She stated so they said if the forecast was such that it was 70 percent, they didn't feel it was worth the gamble. She stated they were willing to reschedule and come back on September 3rd, so that is where it is at this point.

Councilwoman Sperr asked as soon as they get past the September 3rd time frame, would it be possible to have Michael Curley give them an accounting of where they stand. She stated she just has this feeling they lost a lot of money. She stated she would kind of like to have an idea. She stated she would then propose as they sit down, that they discuss what has transpired this year, and discuss what they would like to see for next year. She stated she would like the Board to be involved in some of that discussion. She stated she herself has a few ideas she would like to impart to the group.

Supervisor Logel stated she thought they would welcome that. She stated she knows last year it rained out. She stated the carnival people were miserable because they did not make any money and it was rained out last year. She stated but as she understands it, last year and this year is the first they have experienced this, so they are learning.

Councilman Slattery stated actually, a couple years he has been involved they have had rain and actually one bad wind storm came through, too. Councilwoman Sperr stated yes, but this is the worst in the last few years.

Supervisor Logel stated the rain and mud were a problem. She stated she felt sorry for Cassidy's Turkey because people could not get to it without sinking in about a foot of mud. She stated it was difficult.

Councilman Slattery asked are they going to have to pay an additional fee for the stage, sound and lights. Supervisor Logel stated Mr. Curley said it would be very minimal, just a hook-up type of thing.

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Councilman Slattery stated he remembers when they switched from generators to having RG&E assist them by hooking up power so it wouldn't be costly and complicated.

Supervisor Logel asked why couldn't they move the event up to the Fire Department's parking lot since it will be smaller now. Supervisor Logel stated the reason she was told they could not do that before was there were not enough electrical sources available up in the paved parking lot area for a big event.

Joseph Carr stated they did establish a number of years ago that source point, which is on the banks behind where the stage is set up. He stated there is a panel board, and that is where the power is. He stated how far they can run from that point, is a question. He stated they would have to ask an electrical person how far they can run the service from that point without losing the voltage.

Supervisor Logel stated it was the stage system that shorted out. Joseph Carr stated he did not have the details of what all happened, so he could not answer that.

Traffic & Safety Report by Mary Sperr

Councilwoman Sperr stated Traffic Safety meets tomorrow night.

Supervisor Logel asked Councilwoman Sperr to relay to them that she has been receiving positive input about the moving traffic signs. Councilwoman Sperr stated they were looking for feedback. Supervisor Logel stated, in fact, someone today called in and would like a sign brought to their area, which is Ashwood, off of Marshall, because there is a problem with speeding because that is a straight-away. She stated there are two straight aways in there.

Councilwoman Sperr stated someone else requested they do that at Union Station also. She stated they have a schedule they keep. She stated the signs go up for two weeks only so people don't get so used to them that they're not effective any longer. She stated they rotate the different signs. She stated they have some pretty hot pink ones and yellows.

Planning and Zoning Boards Report by Dennis Schulmerich

Councilman Schulmerich stated the Zoning Board met on July 25th. He stated they had nine applications with a combination of variance requests. He stated one was a renewal for land use. He stated there was a conditional use variance request. He stated there was a lot size variance, garage size variance and then they had three for front parking variances, five for lot line variances and one frontage variance. He stated all were passed with the exception of one. He stated they were all passed unanimously and the one that didn't pass unanimously passed four to one.

Councilman Schulmerich stated they get in discussions at the Zoning Board meetings from time to time, both the Board itself and the audience interacting with the Board around the variance application, the passage with conditions and then enforcement and the importance of enforcement. He stated they have heard tonight some of the comments around enforcement and citations. He stated he would just suggest to the Town Board for the consistency and continuity, if the zoning variances are going to mean anything, when people come in to apply for them, and if they have conditions on those variances, they need to be enforcing them and enforcing them uniformly. He stated he was hoping that the Building Department has processes in place. He stated if they don't, they need to work on those processes to insure that they do have uniform enforcement, they do issue citations where appropriate and they do enforce the code that the Town has. He stated it is there for a reason. He stated if they are not going to do that, then they should stop having Zoning Board meetings.

Councilman Schulmerich stated the other point he would like to bring up in conjunction with planning and zoning is they have had ongoing applications regarding the commercial use of property in Town for well over a year, if not approaching a year and a half. He stated he mentioned it at the last Town Board meeting, and he would mention it again at this one, he would like to see them aggressively aggregating the input they need from the community, from the developers and from the

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Planning Board in terms of their SEQR application and the Master Plan update review. He stated he would like to see them aggregating that information and getting on with the decision. He stated they owe it to the community and they owe it to the developers. He stated that doesn't mean he is for or against the development. He stated they have got to get on with it. He stated it is a divisive issue. He stated they have to do their job to make the decision.

Councilwoman Sperr stated she did find her copy of the Parks and Master Plan Update Committee report. She stated it doesn't say it is not approved. She stated by omission, it probably means it is.

Supervisor Logel stated she would look at the e-mail they sent her. Councilwoman Sperr asked should they wait until next month's meeting to put it on. Supervisor Logel stated she thought it is okay.

Councilwoman Ignatowski stated she would like to echo what Councilman Schulmerich stated about enforcing the code. She stated she would like to be on the record that she has mentioned that before.

Councilwoman Ignatowski stated she had some concern with some of the comments that are generated from those in attendance about perhaps having a customer relationship issue with the Building Department. Supervisor Logel stated some things are greatly exaggerated, too. Councilwoman Ignatowski stated she didn't know if the Supervisor has had conversations with personnel. Supervisor Logel stated that was addressed, and it was addressed at the time.

Councilwoman Ignatowski asked would there perhaps be an opportunity to set a public hearing on that report given to them by the Master Plan Update Committee. Councilwoman Ignatowski stated she would like to move that forward so they can get that process done.

Supervisor Logel stated they have had lots of emails going back and forth. Richard Stowe stated as the consultant's e-mails that he has forwarded to everybody indicated, if it is the Board's wish to schedule a public information type session on the report and garner more input from the public on that report, that is certainly within their prerogative. He stated is it mandatory, no. He stated it is an option for this Board, certainly.

Richard Stowe stated if any of the recommendations that are contained in that report are wanted to be implemented, they are by necessity going to require another step at this Board level, including the SEQR review, either a resolution or a local law in many cases for some of the recommendations to be adopted. He stated but ahead of that, if they want to have a public information meeting, that is perfectly within their authority.

Councilwoman Ignatowski stated she would like to be scheduling that this evening. She asked do they need a resolution for that. Supervisor Logel asked if they wanted a separate meeting, or to be held at a Town Board meeting.

Richard Stowe stated he would like to hear more about what the Town Board wants to accomplish, but if all they want to do is schedule a meeting or a public hearing before to discuss the topic, then the resolution would simply direct the Town Clerk to publish notice of a public hearing to be conducted on whatever the next Town Board meeting is at 7 o'clock for the purpose of receiving public information with regard to however the report is titled. He stated they make the report available, publish the notice, conduct their hearing and get their input.

Councilman Slattery stated first he would like to apologize. He stated there was some miscommunication with the Master Plan Update Committee. He stated there was an individual who was reviewing not the final draft, but one of the drafts, and so there was miscommunication on the report that they received at the Town Board, whether it was the final or not.

Councilman Slattery stated he apologizes especially to Lu Engineering, because there were some

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comments made. He stated Joe Lu's firm did a very good job with the report, but there was some miscommunication within the committee on what they were reviewing.

Councilman Schulmerich stated the report they did see last month was, in fact, a final. Councilman Slattery stated it was. He stated he just wanted to make sure that got made as public comment.

Councilwoman Sperr stated she thought that all of the comments that they have had regarding the Master Plan Update Committee and its processes have all said that they would hold a public hearing and let the public weigh in once the report had been released. She stated that is their opportunity to let them tell the Town Board what they think. She stated if they hold the public hearing at the next Town Board meeting, they could give them that opportunity. She stated then they can take back the comments that they would give to the Town Board, and then evaluate how they feel to move forward with any of those particular recommendations and hold a separate hearing on that if they choose. She stated but she really feels it is important from her perspective to listen to what everybody has to say regarding that report.

Councilman Schulmerich stated he was under the impression that what they had underway was a Master Plan update that would have required a public hearing. He stated not only would it require a public hearing, it is more than appropriate for there to be a public hearing. He stated if, in fact, they are now having a report coming into them as opposed to an agreed update of the Master Plan, then he would fully expect what they will do is extract what they believe is appropriate from that report and they will go through the process to get it into the Master Plan as appropriate. He stated to be educated in terms of what the community thinks about that, the sooner they get the public input, the easier it would be to internalize what they say versus what they think. He stated so he sees no value in deferring a public hearing to sometime down the road when they have some portion of the report that they want to incorporate. He stated he would rather hear what they think about the report in total and then based on their input, the input from the report and their aggregated opinion, they could figure out what they want to do next.

Councilwoman Ignatowski stated then hopefully the Planning Board will know what direction, so they can make a decision on the various developers coming forward and they can proceed with that.

Councilman Schulmerich stated the other value he sees in this is, it is not obvious to him in the time frame they are looking at over the coming few months that they would internalize all aspects of that report and go through the process to get it part of the Master Plan. He stated so if, in fact, what they have in front of them is the final draft of what the Committee has done, that is the input, one element, one element of the input to the rezoning question on the table that he will consider.

Councilman Schulmerich stated another important element to him is public comment. He stated he wanted to hear that before the vote. Councilman Slattery stated that is one of the things he had tonight under Reports Submitted, is that they include that Master Plan Report as a report submitted, because he did not believe they did that at the last Town Board meeting because of the confusion. He stated he would like to add that to the Reports Submitted. Councilwoman Sperr stated it was not submitted because they were not sure if it was the final report. Councilman Schulmerich asked could they have that amended tonight.

Councilwoman Ignatowski asked that they add the resolution to hold a public hearing. The Town Board agreed they would add the resolution to the end of the agenda.

MATTERS OF THE SUPERVISOR:

Supervisor Logel stated they have covered the NIMS resolution. Councilman Slattery stated in his full-time position, there are three different tests that he has to take, and he has done them all.

Councilman Slattery stated he did not know if Dianne O'Meara needs a copy of the certification forms that he has received.

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Supervisor Logel stated she did not think Dianne O'Meara needs them. She stated she thought what is happening is the State is keeping all of those, and then their emergency preparedness is keeping a record of all of the Towns. She stated they can put them in the Town's file if he wants; it wouldn't hurt.

Councilman Slattery stated he received three e-mails corresponding that he did complete, pass all three of them, and he has only received two other certifications in the mail. Supervisor Logel stated she got two and passed two, and has no certificates yet. Councilman Slattery asked if the Supervisor went to the classes. Supervisor Logel stated she did. Supervisor Logel stated she heard the last one was very hard online. Councilman Slattery stated actually it was.

Supervisor Logel stated for the audience, NIMS is the National Incident Management System which all towns, all governments are being required to take so that they know what to do should an emergency arise, and because of their close proximity to the airport, they have the luxury of having the Emergency Preparedness Center in their town, and being part of the different training sessions, they have had to use their personnel from the Public Works Department and from the Highway. She stated it is a little bit more involved, and if anyone wanted to come in and get more information, they could, but basically what it is, should there be a serious emergency, and they need chainsaws, then they have a list of people that have gone through this NIMS, they know what is going on, and they can go and use the chainsaws to clear the trees or whatever it is that needs to be cleared. She stated basically that is a simple answer.

Councilman Slattery stated there is a lot more to it. Supervisor Logel stated there is a lot more than that. She stated there is a tremendous amount to it, but it is hard to explain in this forum.

Councilman Schulmerich asked where can he go to find out which courses he has to take. Supervisor Logel stated she was told by calling the Emergency Preparedness Center what courses she should take. Councilman Slattery stated he believes it is 100 and 700 they have to take.

Councilwoman Sperr asked have they sent their Code Enforcement Officer. Jeron Rogers stated they have. Supervisor Logel stated they have pretty much got everybody covered. She stated Chris Levey has finished it. Councilman Schulmerich asked if he has to be done with the work by September 30th. Supervisor Logel stated that was correct. She stated the reason they need it all done by then is because the County qualifies for grant funds and monies if they have this completed.

Councilman Slattery stated he was wondering if there is an update of the property in North Chili and the other various areas they have inquired about. Jeron Rogers stated he did not have any information available at the meeting, but they have addressed that problem. He stated he has spoken to Dorothy Borgus and another lady. He stated they are very much aware of the problem and it is not just lip service that they are giving to the problem. He stated they are trying to address it in a respectful manner on both parts.

Councilman Slattery stated the Town Board asked to get the feedback regarding that two Town Board meetings ago and he has not heard any. He stated that is why he was asking tonight. Supervisor Logel stated she knows Mr. Tulloch mowed his lawn on Sunday.

Councilman Schulmerich stated when he mentioned his comments earlier about code enforcement, he was hoping that folks took away a key element is uniform code enforcement, not selective. He stated he was not suggesting there is selective code enforcement going on, but again, for the types of applications he sees coming before the Zoning Board on a regular basis, there is a lot of consistency in the types of applications that come in and if there is a perception they are not uniformly enforcing the code, they could have issues. He suggested they not get themselves in that position.

Councilman Slattery stated one final comment he had is in regards to the article that was in the paper regarding the stipends. He stated he was a little concerned when he read the comment from the

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Chairman of their Plumbing Board that says they have no direction. He stated he was concerned about that. He stated he had a conversation with a plumber recently, when there was an issue in the Building Department. He stated he has spoken to different town building departments in regard to do they offer tests for licensed plumbers or not, and they rely on the City of Rochester conducting those tests. He stated so not knowing if they have a Plumbing Board or not, and how would a plumber go about working in this town, if they are to take the test, which is only good for one year, he has some concerns, and he thought that is an issue that needs to be looked at ASAP. He stated he is just hearing two different versions of what took place.

Councilwoman Sperr asked aren't they missing the Chair of that board. Supervisor Logel stated she has been told it is very difficult to get plumbers to do this board thing. She stated and they have to be a resident of the Town of Chili. She stated they need to contact plumbers and ask them to serve on this Plumbing Board. She stated if they will not, she did not know how they are going to do that.

Supervisor Logel stated she has gotten two different stories. She stated she was told when she looked into this Plumbing Board that it only serves the purpose of administering a test twice a year, and it has been only administered once in the last five years. She stated the other thing that it did was review plumbing code changes that come in on, for instance, new products that come out. She stated those were fairly few and far between, but that they were doing that on a regular basis. She stated she got the impression that they were meeting sometimes more or less socially; in other words, they didn't have something actually on the table to discuss for an agenda.

Supervisor Logel stated she has asked Jeron Rogers in that department now to look into do they need a Plumbing Board, and if they do, they need to get another person on that Plumbing Board.

Councilwoman Sperr asked is there a member of that board that is interested in taking over the Chair position. Supervisor Logel stated she has not personally inquired. She stated she was told by Mr. Scibetta they were not interested.

Supervisor Logel stated at their next meeting they're scheduled for, Jeron Rogers and she are both going. Supervisor Logel stated prior to three years ago, they met about every quarter. She stated somewhere about three years ago, they started meeting monthly, and why, she did not know.

Councilwoman Sperr asked Supervisor Logel if she was attending those meetings. Supervisor Logel stated she has not attended in the last three or four months.

Councilwoman Sperr stated it seems to her there is a lot of question about why even have one, because most towns don't have a Plumbing Board. Councilman Slattery stated that is something that has to be worked out internally, do they need them, and if not, how would they accept plumbers to come into their community to work. Supervisor Logel stated how do all of the towns that don't have it do it, is the key. She stated everybody goes to Rochester.

Supervisor Logel stated this is all part of that overview of the Building Department.

Councilman Schulmerich stated they obviously need code compliance to update the codes for plumbing. He stated they obviously need to know that they have got an appropriate list of plumbers in town. He stated so whether that is through their own Plumbing Board, or through working with an adjacent town, they just need to know that they are operating an efficient system there. Supervisor Logel stated most of the towns don't have a board.

Dianne O'Meara stated she was just telling Jeron Rogers that he could probably get detailed information about legal notices, advertising and things like that. Supervisor Logel stated she thought this is an area they would have to look into.

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Councilwoman Sperr stated she would advise Jeron Rogers in the future to take notes at meetings.

REPORTS SUBMITTED:

Community Center Revenue Report – June 2006
Comprehensive Plan Update Committee Minutes – May 24, 2006, June 1, 2006
Recreation Department Revenue Report – June 2006
Senior Center Revenue Report – June 2006
Monthly Finance Report – June 2006
Traffic & Safety – May 2006, June 2006
Chili Comprehensive Center Update Committee Report

CORRESPONDENCE:

Richard Brongo, Town Clerk received 1137 signatures in favor of the Chili Commons Project.

Councilman Slattery stated they received correspondence from the Golden Road property that he didn't see included on the agenda. Supervisor Logel stated she just did an answer back to them today when they were looking at the property and use of property. She stated they basically proposed to Mr. Carr about a month ago verbally to put the highway garage down there on the Golden Road property, the old Graham property.

Joseph Carr stated they wanted know if the Town was interested in purchasing it. Supervisor Logel stated they have since sent another letter asking them to consider the property for Town projects. Supervisor Logel stated Jeron Rogers went and spent a lot of time looking at this property. Supervisor Logel stated it has serious drainage problems. Councilman Slattery stated there is an under-water spring in that area. Joseph Carr stated that's correct.

Councilman Slattery stated the reason he brought it up, it was correspondence they received but it was not on the agenda. Supervisor Logel stated it didn't get caught for the agenda. Councilman Slattery asked is it a good proposal. Jeron Rogers stated it is not.

Councilwoman Sperr stated the location is less than desirable.

Councilman Schulmerich stated it was not solicited by the Town. He stated it was offered to the Town by the owner and the real estate agent. Councilman Schulmerich stated he was saying that purposely so there is not a perception that they are soliciting information for land to move the highway garage to. He stated it was offered by someone in the community. Supervisor Logel stated she thought that that letter is as a result of what they perceived took place at the last Town Board meeting.

RESOLUTION #199 RE: Authorization of Attendance at NYS Assessment Administration Fall Conference

Offered by: Councilwoman Sperr

Seconded by: Councilwoman Ignatowski

BE IT RESOLVED that per the recommendation of Linda Leach, Assessor, be authorized to attend the NYS Assessment Administration Fall Conference September 17-20, 2006, at the Hilton in Lake Placid, NY at a cost of \$850.00, plus mileage.

UNANIMOUSLY APPROVED

RESOLUTION #200 Addition to the Clifton Fire Department, Inc. Active List

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Schulmerich

BE IT RESOLVED that Joe Korn of 18 Stenwick Drive Apt. F , Churchville NY 14428 be added to the Clifton Fire Department, Inc. Active List effective July 10, 2006.

UNANIMOUSLY APPROVED

RESOLUTION #201 RE: Adoption of New Zoning Map

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Schulmerich

WHEREAS, numerous zoning changes have taken place over the past six years;

AND WHEREAS, there is a need for an Official Town Zoning Map showing these updates;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Chili hereby adopts the Zoning Map dated July 18, 2006 with all current information, located in the Town Clerk's Office, as the Official Zoning Town Map.

Motion to table:

Offered by: Councilman Schulmerich

Seconded by: Councilwoman Sperr

On the motion to table: Unanimously approved to table

RESOLUTION #202 RE: APPROVING EXTENSION CHILI CONSOLIDATED DRAINAGE DISTRICT TO SERVE THE DONALD S. & CANDICE R. KYKENDALL PROPERTY TAX MAP NO. 146.080-01-039.201 LOCATED AT 803 MARSHALL ROAD, ROCHESTER, N.Y. 14624 AND TAX MAP NO. 146.080-01-039.121 LOCATED AT 807 MARSHALL ROAD, ROCHESTER, N.Y. 14624 AND TAX MAP NO. 146.080-01-039.111 LOCATED AT 809 MARSHALL ROAD, ROCHESTER, N.Y. 14624 IN THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Slattery

WHEREAS, a petition for the extension of the Chili Consolidated Drainage District to serve the property located at 803 Marshall Road, Rochester, N.Y. 14624 tax map no. 146.080-01-039.201, and located at 807 Marshall Road, Rochester, N.Y. 14624 tax map no. 146.080-01-039.121 and located at 809 Marshall Road, Rochester, N.Y. 14624 tax map no. 146.080-01-039.111, more particularly described in Schedule A (Property Description) on file in the Town Clerk's Office; and

WHEREAS, an order was duly adopted by the Town Board on July 12, 2006 reciting the filing of said petition, the boundaries of the proposed district, the proposed services to be provided, the fact that no drainage improvements are proposed to be constructed therein by the Chili Consolidated Drainage District at this time, the estimated costs of the Chili Consolidated Drainage District, as extended, to the typical property, or if different, to the typical one or two family home, within the Chili Consolidated Drainage District, as extended, and specifying August 2, 2006 at 7:00 P.M. as the time and the Town Hall in the said Town of Chili as the place where the said Town Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same; and

WHEREAS, such order was duly posted and published as required by law; and

WHEREAS, a hearing on the matter was duly held by the Board on the 2nd day of August, 2006,

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commencing at 7:00 P.M. at the Town Hall in the said Town and discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

WHEREAS, this Board has duly reviewed and considered the short Environmental Assessment Form submitted in this matter, as well as all other information obtained at the public hearing referred to above; and the Board has duly considered the impacts which may reasonably expected to result from the proposed action by using the process and criteria set forth in Article 8 of the State Environmental Quality Review Act and applicable regulations thereunder ("SEQRA");

NOW, THEREFORE, upon the evidence obtained by the Town Board at said public hearing and upon all other information obtained and reviewed by the Board, it is

RESOLVED AND DETERMINED that the proposed extension of the Chili Consolidated Drainage District is not likely to result in the creation of potentially significant adverse environmental impacts and therefore, this Town Board does hereby make a Determination of Non Significance, or a "Negative Declaration" (as the same is defined for purposes of SEQRA); and be it further

RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by law, and it duly complies with the requirements of Section 191 of Town Law as to the sufficiency of signers and is otherwise sufficient; (b) all the property and property owners within the proposed district extension are benefitted thereby; (c) all the property and property owners benefitted are included within the limits of the of the proposed district extension; (d) it is in the public interest to extend the district only if the expenses of the district (except as otherwise provided herein) shall be assessed against the entire district, as extended; and (e) it is in the public interest to grant in whole the relief requested; and be it further,

RESOLVED AND DETERMINED, that the extension of the Chili Consolidated Drainage District as proposed in said petition be approved; that cost of the formation of the district extension shall be paid by the petitioners; and that such district shall be bounded and described as set forth in Schedule A, available in the Town Clerk's Office; and be it further,

RESOLVED AND DETERMINED, that all expenses of the Chili Consolidated Drainage District, including this extension and all other extensions heretofore and hereafter created, shall be a charge against the entire area of the district, as extended, except as otherwise provided above; and be it further

RESOLVED, that the Town Clerk of this Town shall within ten (10) days after the adoption of this resolution file certified copies thereof in duplicate in the office of the State Department of Audit and Control at Albany, New York; and be it further

RESOLVED, that the Town Clerk, within ten (10) days of the adoption of this resolution, shall cause to be published and posted, as required by law, a notice setting forth an abstract of this resolution, the date that it was adopted and a statement that it is subject to a permissive referendum.

UNANIMOUSLY APPROVED

RESOLUTION #203 RE: Adoption of the National Incident Management System

Offered by: Councilman Slattery

Seconded by: Councilman Schulmerich

WHEREAS, In Homeland Security Presidential Directive (HSPD)-5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state,

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local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary that all federal, state, local, and tribal emergency management agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the state's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including all public safety and emergency response organizations training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

NOW, THEREFORE, Pursuant to the authority vested by the Town of Chili and provisions of the (local law) hereby mandate the National Incident Management System be utilized for all incident management in the Town of Chili.

UNANIMOUSLY APPROVED

RESOLUTION #204 RE: C.H.I.P.S. Budget Revision

Offered by: Councilwoman Sperr

Seconded by: Councilman Schulmerich

WHEREAS, the year 2006 budget for the C.H.I.P.S. account included \$100,000, and

WHEREAS, the Town of Chili received a letter from the State of New York dated May 1, 2006 indicating 2006 C.H.I.P.S. apportionment for Chili will be \$110,954.62.

NOW, THEREFORE, BE IT RESOLVED, to revise account DA 5112.4 (C.H.I.P.S.) and DA3501 (State Aid-CHIPS) to \$110,954.62.

UNANIMOUSLY APPROVED

**RESOLUTION #205 RE: Authorize Attendance to Highway Superintendents
Fall Conference**

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

BE IT RESOLVED to authorize Joseph L. Carr, Superintendent of Highways, to attend the Annual New York State Town Highway Superintendent Fall Conference to be held September 19-22, 2006 in Alexandria Bay, at a cost not to exceed \$800.00.

UNANIMOUSLY APPROVED

RESOLUTION #206 RE: ORDER SETTING PUBLIC HEARING ON THE PROPOSED EXTENSION OF THE CHILI CONSOLIDATED DRAINAGE DISTRICT TO SERVE THE METALICO LYELL ACQUISITION, INC. TAX MAP NO. 147.020-01-046.000 LOCATED AT 1511 SCOTTSVILLE ROAD, ROCHESTER, N.Y. 14623 AND TAX MAP NO. 147.040-01-001.000 LOCATED AT 1525 SCOTTSVILLE ROAD, ROCHESTER, N.Y. 14623 IN THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Schulmerich

WHEREAS, a written petition, dated July 12th, 2006, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Chili, Monroe County, New York for the extension of the Chili Consolidated Drainage District to serve the property located at 1511 Scottsville Road, Rochester, N.Y. 14623 tax map no. 147.020-01-046.000, and located at 1525 Scottsville Road, Rochester, N.Y. 14623 tax map no. 147.040-01-001.000 more particularly described in Schedule A (Property Description) on file in the Town Clerk's Office; and

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

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

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

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 6th day of September, 2006, at 7:00 p.m. to

consider the said Petition and to hear all persons interested in the subject thereof and for such other action on the vote of said Town Board in relation to the said Petition as may be proper or required by law; and it is further

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

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

UNANIMOUSLY APPROVED

RESOLUTION #207 RE: July 19, 2006 Abstract

Offered by: Councilwoman Ignatowski

Seconded by: Councilwoman Sperr

WHEREAS, January 4, 2006 Resolution #1 authorized vouchers to be paid July 19, 2006 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 3418-3641 totaling \$158,054.82 to be paid from the Distribution Account as presented by Richard Brongo, Town Clerk

NOW, THEREFORE, BE IT RESOLVED to note for the record vouchers 3418-3641 were paid from the following funds:

| | |
|--------------------------------|----------------|
| General Fund_____ | \$_ 77,406.65 |
| Highway Fund_____ | \$_ 14,458.42 |
| H39 Union Street Improvement _ | \$_ 55,849.97 |
| Consolidated Drainage_____ | \$_____ 240.75 |
| Special Light Districts_____ | \$_ 10,099.03 |
| _____ Total for Abstract_____ | \$158,054.82 |

UNANIMOUSLY APPROVED

RESOLUTION #208 RE: August 2, 2006 Abstract

Offered by: Councilman Schulmerich

Seconded by: Councilwoman Ignatowski

BE IT RESOLVED to pay vouchers 3800-3978 totaling \$146,267.94 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

| | |
|--------------------------------|--------------|
| General Fund | \$ 56,040.62 |
| Highway Fund | \$ 26,423.54 |
| Unemployment Insurance Reserve | \$ 8,477.61 |
| H32 Union Station Park | \$ 36,623.57 |
| H39 Union Street Highway | \$ 17,667.24 |
| Consolidated Drainage | \$_ 1,035.36 |
| TOTAL | \$146,267.94 |

UNANIMOUSLY APPROVED

RESOLUTION #209 RE: Setting a Public Hearing on the Chili Comprehensive Center Update Report

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Offered by: Councilman Slattery

Seconded by: Councilwoman Sperr

BE IT RESOLVED that the Town Clerk is hereby directed to publish notice of a Public Hearing to be held on September 6, 2006 at 7:00 p.m. at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York for the purpose of obtaining public comment on the Chili Comprehensive Center Update received August 2, 2006, by the Town Board.

UNANIMOUSLY APPROVED

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on August 2, 2006 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:04 p.m. to consider extension of the Chili Consolidated Drainage District to serve the 803 Marshall Road property, tax map no. 146.080-01-039.201, 807 Marshall Road property, tax map no. 146.080-01-039.121, 809 Marshall Road property, tax map no. 146.080-01-039.111.

Attendance as previously noted in the 8/2/06 Chili Town Board meeting minutes.

No one was present to represent the properties at 803, 807 and 809 Marshall Road.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JERRY BRIXNER, 14 Hartom Road

Mr. Brixner asked is this a new subdivision on Marshall Road that they are having as a drainage public hearing tonight. Supervisor Logel stated she thought is it two lots over on Marshall. She stated it was subdivided into either two or three. Supervisor Logel stated it is the Wellington track area, in between there. Mr. Brixner asked is it a housing project. Supervisor Logel stated it is.

The Public Hearing was closed at 7:05 p.m

Councilman Schulmerich made a motion to go into Executive Session to discuss a personnel matter, and Councilwoman Ignatowski seconded the motion. The Board was unanimously in favor of the motion to go into Executive Session.

Supervisor Logel stated no business would be conducted by the Town Board upon return from Executive Session.

The Town Board went into Executive Session at 8:42 p.m. The Town Board returned from Executive Session at 9:48 p.m.

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

The Town Board meeting was adjourned at 9:48 p.m.