

CHILI TOWN BOARD
October 4, 2006

A meeting of the Chili Town Board was held on October 4, 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, Director of Finance; John Ferlicca, Deputy Town Supervisor (excused).

The invocation was given by Richard Brongo.

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

PRESENTATIONS/ANNOUNCEMENTS:

1. Presentation by Benderson Development Company.

SUPERVISOR LOGEL: Tonight we have a request for -- actually, for three presentations, so we'll start first with the presentation by the Benderson Development Company.

MR. ROBINSON: Good evening, Madam Supervisor and members of the Board. For the record, my name is Donald Robinson, the Vice President with Benderson Development Company. Our offices are at 100 Chestnut Street, downtown Rochester.

As you all know, I was here a little over a month ago, and at that time, for the first time, I unveiled a proposal for the development of property currently owned by the Town and the Fire Department, and that development would be for a large commercial shopping center. And, um, also at that time, we -- we gave some ideas on where we would move some of the Town facilities that are currently located on that property.

Since that time, I think what I would like to begin my remarks this evening is just to share with you what has happened since that meeting that I attended and gave you our initial input on that concept.

Following that meeting, I met with the Supervisor, first by herself, and then we had a subsequent meeting with the Supervisor and Jeron Rogers, the Town Engineer, and there were several members of the various boards here in the Town, as well, who sat in on that meeting.

After that time, our staff architect, Bob Cybulski (phonetic) who is here this evening -- he will take a few moments of your time with the presentation -- began working with Jeron Rogers on finding suitable locations and layouts for the facilities that need to be moved.

So I guess at the outset, I would like to thank the Supervisor for her time and her efforts and direction. I would like to thank Jeron (Rogers) for his time and also Joe Carr who got very involved with Bob Cybulski in doing the design work for the DPW site.

Simultaneously, we have been working to develop a cost schedule for these buildings, and we have been able to pinpoint the costs of the facilities fairly accurately based on information that we received from similar facilities that are being built by either municipalities in and around Monroe County.

After Bob (Cybulski)'s presentation, I would like to come back and share that information with you, because you will have a better frame of reference once you have seen some of the sketches that Bob (Cybulski) will share with you.

On another front, um, we are aware that the Target Corporation which continues to look at the Town of Chili and make various comments and decisions has now indicated a preference for the other retail proposal that has been before you from time to time and is coming back in again this evening.

And I'm sure that you and members of the public are probably interested in how that affects what I am here to talk about and what we would like to do, and the answer is that it really doesn't have much of an effect. We continue to believe at the end of the day the greater Chili community can support one large new shopping center at this time and for this foreseeable

future. We continue to believe our site is extremely attractive, very viable and may, in fact, be the very best location, given the fact of its location in the center of town inside the existing commercial core.

So, therefore, we believe that if our site ultimately moves forward, if you like what we have to say and we continue to work to your satisfaction, we believe that ultimately any and all retailers that are currently eyeing the Town of Chili will be happy to locate within our project, and we also believe that it -- there won't be enough retail demand to support another project on Paul Road or any place else for the foreseeable future.

So I do have some additional information to share with you, and I'm sure that you have some questions for me, but I think rather than take questions at this time I would like to ask Bob Cybulski to step up and show you where we are to date, and then I will update you on my conversations with the Fire Department, where -- where we're not at the same level that we are with these other facilities, but we have had conversations. I will give you some time tables and some cost estimates regarding that, and then I would be happy to take your questions.

So at this time I would like to introduce our staff architect Bob Cybulski who works in our office.

MR. Cybulski: Good evening, Madam Chairman (sic), members of the Board, my name is Bob Cybulski (phonetic). I want to apologize to the audience in advance. After the meeting, we'll make these boards available in the foyer if anybody is interested in taking a look at what I am about to talk about.

I will talk about three separate sites. The first one is the proposed Department of Public Works site. The plan you see before you is the result of several meetings and discussions with Joe Carr on his wants and needs for an updated Department of Public Works facility. The site itself is located on Archer Road, right near the intersection of Beaver Road, just south of the railroad tracks. The amenities that Joe (Carr) discussed with me that he wanted to fit on this site included a 40,000 square foot office/heated garage, a 12,000 square foot storage garage and a 6,000 square foot salt barn.

In addition to that, there would be a need for storage yard and two leaf mulch areas and a wood chip area that is accessible to the public for them to come up and load those items for their own personal use.

On the site itself, we have located the heated garage, the salt barn, and the storage garage. All of the facilities are at the northern end of the site. The southern end of the site there are some residences, and the intent was to keep most of the busy areas up to the north part of the site, and we located the -- the storage yards down closer towards the residential areas, but buffered them with landscaping, as well as buffering the areas where the wood chip piles and the leaf mulch piles are located.

One other desire that Joe (Carr) had was that -- a need for security and a need for about 70 parking spaces. We -- we located the parking just to the front of the heated office space, kept it outside the fenced area, which would allow people to come and visit the office area and still maintain security and an area where the -- the trucks, the salt trucks and the plows could access the salt barn and move through the garage both through the front and back, and easily access and get back out to Archer Road. We also located the entrance of this directly across from a new subdivision. That was Joe (Carr)'s wish to keep those -- those access points lined up.

That was achieved.

There is also an area here (indicating), there is an easement that is slated for some future water storage facility, for use of the Town and that was achieved -- we have located it up here within that boundary area, so we have accomplished -- easily fit on all these amenities onto this site.

In addition to the storage yard, we have actually added an additional acre and a half to what Joe (Carr) had actually requested.

The second site we'll talk about is the park site, which is actually just -- just to the north of the railroad track area. This site is located direct -- off of Archer Road, and the amenities that we placed on here are -- at this present time, identical to the amenities that exist at Memorial Park. We have six ball fields for little league. Hard ball and softball. A lighted football/soccer field. We have got eight tennis courts, a bocce court, two horseshoe pits, two basketball courts and a skate park. There is additional land over here (indicating) for future development, and there is also an activities building that -- based on a discussion with -- that came out of Jeron Rogers' office, and we have provided approximately 50 parking spaces for that facility which contains bath -- you know, restroom facilities, and there is also an additional restroom facility back by the football field and a playground area for tots.

In the front corner, I have located a new memorial, an updated memorial to the one that currently exists over at Memorial Park for the veterans, and it would also serve as an entry sign area and would have a possibility for other -- I know there are some plaques that are located over in Memorial Park for

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some specific -- for some people to be remembered, and that is included in this, as well.

There is an additional 9 ½ acres at the back of the site for additional fields and development. And the last property is the Town Hall property, the one we're at today. It is our intention here to locate three items. A brand new separate court building, approximately 8,000 square feet which would house two separate courtrooms. A Senior Center, similar to the size -- 6600 square foot Senior Center with parking amenities of 83 parking spaces. We have additional overflow parking proposed next to the Town Hall. The court building we have located -- to use the existing parking field which currently has 152 spaces in it. It is our intent -- it is our intention that the court building, the library and the Town Hall, to give this kind of a campus feel and kind of tie these together.

The Senior Center works well off in this area here (indicating). There are some wetlands issues in this -- on this site. We have encroached into the wetlands buffer with the court building, but believe we can, through mitigation, can -- would be allowed to do that.

The Senior Center itself is not in -- it does not encroach in any of the wetlands. We have kind of kept this theme. There is a strong theme of a curvilinear drive that enters into here (indicating). The way this building is kind of broken back, in that way, the parking, this parking, kind of stays with that theme (indicating).

There would also be landscaping to buffer this parking lot from the -- from Chili Avenue (indicating).

Do you have any questions?

COUNCILWOMAN IGNATOWSKI: You said that the park would actually be -- replacing what was currently in Memorial Park, but I think there is actually more that you have proposed in the new park, because we don't have a skate park in Memorial Park.

MR. Cybulski: The smaller amenities such as skate park -- I know there is a fairly good playground over there already, but the square footage we have allotted in the park for that is larger, and -- speaking mainly of the -- in relationship to the ball fields. But you are correct.

SUPERVISOR LOGEL: I have -- only concern I have in that drawing, if that 9 ½ acres on the west end of that is available for future development, that that road be extended through those playing fields in such -- or -- are we going to create a traffic problem, a danger. One of the problems we have now with the highway garage where it is now and the parks, we have a lot of traffic where there are children playing on ball fields. And I realize that that is a very good use of that piece there, but is there any way for future development -- because if you do future development, you have to have access.

MR. Cybulski: Exactly. Again, this is -- this is a result of, you know, numerous discussions -- discussions with people, but it is certainly not the -- necessarily the final product. It's open to additional input, and you make a good point.

COUNCILWOMAN SPERR: One of the concerns I have, and it is not our place to sit here and analyze plans that would come before a Planning Board. That is their purpose.

However, my concern is your chosen spot for the memorial for the veterans that currently exists outside our Senior Center, and the court facility. And that was placed there originally because it was our old Town Hall facility, and I think that if we were to move that, it would need to stay within the Town Hall facility and not -- to me it looks like an afterthought in a sports complex where it doesn't feel like it has the same amount of reverence that we hold where it is currently located.

That site is also used for candlelight ceremonies and on other holidays. To place it on a corner there would not be in the best interest of the Town, in my opinion, at first glance and thought.

COUNCILWOMAN IGNATOWSKI: Maybe to the Town Hall campus.

COUNCILWOMAN SPERR: Moving to it Town Hall campus would probably be more appropriate.

MR. Cybulski: That particular facility would be easy to locate to the Town Hall facility.

COUNCILWOMAN IGNATOWSKI: As far as the court is concerned, if we do not feel like trying to mitigate wetland issues on that, would that be able -- the facility itself, slide up next to where the Town Hall -- where you had the overflow parking, could we put it up into there instead?

MR. Cybulski: I did have a rendition that did have that there, and it did -- it can work there. I had some discussion with Jeron Rogers and we wanted to at least take a look at possibly bringing it down to the other one, but we have done a version that includes it there.

SUPERVISOR LOGEL: Parking.

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COUNCILWOMAN IGNATOWSKI: You can utilize that parking lot.

That parking lot does not see a tremendous amount of use during the day where a court could use it. You wouldn't have the overlap. Town Board meetings are at nighttime. So that -- that better uses that.

As far as -- highway garage is definitely needed, and there is enough space there. Obviously, Joe Carr has been in conversation with you to take care of the needs that we have in our Highway Department. That would be good because we have stuff stored in various locations. It would be nice to bring it to one site and get it out of where it shouldn't be. I am glad to see the additional storage, and I like the sensitivity to the residents with the buffering and the landscaping. I appreciate that thought that went into that.

COUNCILMAN SLATTERY: Supervisor, I have some questions, but I am going to wait until after they're all done. I know Mr. Robinson was going to get up and speak, so I will wait.

COUNCILWOMAN IGNATOWSKI: He is saving his voice.

MR. ROBINSON: Thank you. Now I would like to talk a few minutes about costs.

Let's talk first about the DPW site. It is fairly easy for us to determine what we think that is going to cost. The Town of Ogden, within the past couple of years has built a facility that is extremely similar to this facility. And it cost them \$3.9 million, and that is a matter of public record.

We believe that doing it under a private banner by a private corporation would probably result in some savings. We also are cognizant of the fact that even though it is a fairly recently built facility, there have been some cost increases, particularly in the area of petroleum products, so we're very comfortable using a number of \$4 million to cover the cost of that, and we feel that that is a conservative number.

Now let's look at the court building. For the court building, for the cost of the court building we looked to the Town of Greece. We -- in talking with, again, with -- I hate to blame Jeron (Rogers) for everything that we design here tonight, but he has been extremely helpful. Town of Greece's facility is a little over 12,000 feet, and we know what the cost of that building is, after our consultations. It was determined that this Town doesn't need a facility that large, because the Town of Greece is so much larger. So an 8,000 court building with two courtrooms instead of a 12,000 plus facility with three courtrooms was deemed to be appropriate and the cost of that facility based on the costs over in Greece, the cost here would be \$900,000.

Now, looking at the park, you may recall in my last appearance here, I mentioned that we actually built the Westgate Park over in the Town of Gates. We know what that cost us. This park is somewhat larger. That park cost us a million dollars when we built it, and we believe that given the fact that several years have passed since we built that and that this facility is larger, we're very comfortable with a budget number of \$1.8 million for this facility.

As far as the Senior Center is concerned, we budgeted \$100 a square foot for that facility. We're comfortable with that number. That leads us to a number of \$660,000 for the Senior Center.

Now, the land that we're using for the DPW site and the park site are -- obviously has a cost associated with that. We're under contract for that property for \$2.25 million. Adding all those figures together, we come up with approximately \$9 ½ million as a budget number with which at this time we're very comfortable.

We -- we're also aware of what the retailers who have been approached to go into the Paul Road facility understand the land costs to be over there, and for us to be competitive and to offer them apples for apples, our land cost, or -- in other words, the cost that we spend, the money that we spend to acquire the land for this plaza, needs to be approximately \$5 million. Now, that \$5 million unfortunately just doesn't go to the Town. That would make it wonderful because the Town's cost -- of the 9.5, the Town would look at \$4 ½ million, but we have the Fire Department to consider.

As I mentioned a few minutes ago, before Bob (Cybulski) spoke, I promised I would give you an update where we are with the Fire Department. When I spoke to you at the last meeting, I said the Fire Department wasn't going to really get much done during the course of the summer, and they said they would be prepared to chat with me right after Labor Day. I went away right after Labor Day, but we have had correspondence and conversations with Bill Arnold, who is the Chairman of the Board of the Fire Department, Board of Directors.

And they are in the present time -- they are having their property appraised to determine

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its fair market value. And I -- I don't know exactly where that is going to be determined in the total. Obviously, the property would have a greater value if it was going to be used for our plaza than if it was going to be marketed knowing the fact that a different plaza was being built around the corner. So that is a negotiation that has to take place, but Bill (Arnold) did tell me they have not ruled out participating in this project, and taking the revenue derived from our purchase of that property and using that to help them build their facility.

We have not indicated, nor do we think it would be financially doable for us to try and build them a facility. We do know over in the Town of Gates, right down near Westgate Plaza a new fire facility was built which the -- I know the Chili folks feel is very adequate and the cost of that was \$3.9 million. But that's something that the Fire Department would be doing on its own, but they would derive the money from the sale of our property.

So we have a little over \$5 million to put on the table for the Town to use and for us to use to purchase the Fire Department's land and we don't know how that gets carved up at the present time.

So -- but that -- but that is a summary of where we are on the finances of this project.

COUNCILWOMAN SPERR: Don (Robinson), could I ask you a question before you continue, and if you will get to that, I will wait. You have not addressed the cell tower that is behind the Fire Department. Is that part of your discussion?

MR. ROBINSON: That is part of our discussions with the Fire Department, yes.

COUNCILWOMAN SPERR: Okay.

MR. ROBINSON: What I can tell you is that cell towers that are at all aged, by that I mean they're not real new, when they're replaced, they seem to be being replaced nowadays with cell towers a lot smaller, not as tall as the ones before. We inherited a cell tower in Henrietta -- by the way, I hope you had a chance and if you haven't, I suggest you take a look at the new center we're opening day by day over in Henrietta because it is the kind of example of the work we're doing these days, and we're pretty proud of it.

In the back of that property is a cell tower which is very, very tall and is in the process of being replaced off site. The thing is -- I think less than half the height of it. It is probably good for any community who has a chance to get that -- that more modern facility and get that eyesore off their sky scrape.

COUNCILMAN SLATTERY: If I could, these -- in case people are not aware of the facility, the site you're referring to, could you tell people where that is?

MR. ROBINSON: Absolutely, and thank you. I'm just -- I just assume that everybody knows and that is a bad assumption.

We bought the old RG&E plant on Jefferson Road, right near the mall, just east of the mall, on the north side of the street and we demolished that facility, and we have opened A.C. Moore and Marshalls over the past couple of weeks and Bed Bath & Beyond will be opened shortly, and then on the other side of Home Depot, which is also our property, the Christmas Tree Shops out of Cape Cod will be opening in November and there will be more stores to come after that. So we're pretty proud of the architecture and we think it will probably be the nicest shopping center in the Town of Henrietta when it is finished. So we're happy if anybody can take a look at it. It reflects well on our work.

Anyway, I think at this point, that is where we are. That is a report up to date. It is our intention to continue conversations with the Fire Department, and I think at some point we really would like to have some feedback from this Board, as a whole, to tell us whether you would like us to continue to go forward, whether based on the preliminary numbers you're hearing is it something that would make sense for the Town, or based on what you have heard so far, it doesn't make so much sense. I don't need to hear that this evening, but it is probably going to be helpful as we move forward. I guess at this time, I'm open to questions before I conclude.

COUNCILMAN SLATTERY: Don (Robinson), in regards to the Fire Department, if for some reason or another they're unwilling to sell or participate in this deal, could this project go forward without their property?

MR. ROBINSON: It could go forward. It would be smaller. Um, I think -- ultimately, the indications from the Fire Department are that they need an updated facility. Almost every Fire Department in Monroe County is moving in that direction. So we haven't spent a lot of design time,

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dollars and resources yet to design something that excludes them. We would do that very promptly, and bring that in for you to see in the event that our conversations are not productive with them. So far, that is not the indication we're getting, so we haven't done that. If it is the Board's preference to get a look at something like that, I can come back next month and show you what that might look like.

COUNCILMAN SLATTERY: That would be another question I -- I had in regards to the development of the site. I know you showed us something in the past in regards to the development of this site, and where -- were you going to have anything tonight?

MR. ROBINSON: We have not refined the shopping center beyond what we showed you the last time. We thought it was a good working drawing. We're mindful of Mary (Sperr)'s comment earlier it is really more of a Planning Board function. What we wanted to show you is that we could accommodate the large retailers that have been rumored to be interested in Chili and have focused on Chili, as well as smaller satellite shops and restaurants and banks that fit well on the site. We have not done anything further. I knew my time would be somewhat limited, and I thought the most important thing for you to hear about tonight was what would become of the existing facilities and what would they cost.

COUNCILMAN SLATTERY: One other question, Supervisor. There was somebody from the audience in the past that has said that we owe millions of dollars for the old Town Hall site. Do we have that figure on what we owe for that?

SUPERVISOR LOGEL: Dianne (O'Meara), exactly what is left on the bonding?

DIANNE O'MEARA: Um, the bonding is on this site.

COUNCILMAN SLATTERY: This site. There -- we owe nothing for the improvements we have done in the past to those.

DIANNE O'MEARA: No. It was paid out of grants and reserves.

COUNCILMAN SLATTERY: Then -- because I also know there is -- as a matter of fact, I believe tonight, the heater for the Highway Department garage, 15,000, I believe for that. Tonight, Joe (Carr)? Some additional work that needs to be done at the facility. So okay.

MR. ROBINSON: Mr. Cybulski will pay the 15,000 for the heater.

(Laughter.)

COUNCILWOMAN SPERR: Do we have a balance for this facility, what we owe?

DIANNE O'MEARA: I don't know off the top of my head. I can get it.

COUNCILWOMAN SPERR: That's okay.

COUNCILWOMAN IGNATOWSKI: The question was more on the old Town Hall site.

COUNCILMAN SCHULMERICH: There is no outstanding debt on the existing facilities down the road?

DIANNE O'MEARA: Right.

COUNCILMAN SLATTERY: Thank you, Dianne (O'Meara).

COUNCILMAN SCHULMERICH: The only -- one comment I would like to make is there would be a lot of discussion, I suspect, around the specifics of any of the buildings, or any of the relocations, so I agree, we're not talking about a site plan here tonight. What I was more interested in, and you provided I think very well, is what are some of the options for where we could place the existing facilities, and what the estimated cost we could be looking at. I make this comment so when folks look at this out in the hallway, they don't start assuming that we have bought into any specific site plan. What we're discussing here tonight is an understanding of estimated cost, and an estimation of doability around relocating the existing uses. I appreciate the work that has gone into that. I think you have done a good job of sharing with us the points of view and the possibilities.

MR. ROBINSON: Thank you. In that same vein, I would like you folks, and the folks behind me to understand that I'm not presuming either to tell you where these facilities should be, or what they should look like, how big they should be. These are just implementations of input we have gotten from some of the staff, but we're very, very open to discussion. I think what your Town looks like going forward is not the prerogative of a local developer, out-of-town developer or out-of-town retailer to tell you. I think that is for your own decision to be made.

COUNCILWOMAN SPERR: I just wanted to also say I appreciate you taking a look at our current facility that we're sitting in tonight to see what else can be put on this site, so we keep things as a core and a center to our business for the Town. I like the fact that you have done some research and

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discussed the badly needed highway garage with Joe (Carr), and Joe (Carr) was able to tell you what he was looking for so we can consolidate that and improve that facility for the Town, and the parks I think -- I think while it is an interesting concept, I think we need to work at that a little bit. I have to agree with what Tracy (Logel) said, too, about the roads and where things are positioned in there. That is not that easy to do, but it shows that there is a space to work with to try to find the right design for that space. I appreciate you taking the time.

MR. ROBINSON: Thank you.

COUNCILMAN SCHULMERICH: One question for you. I referenced an advertisement recently in the Gates-Chili Post, and one of the comments made was -- let's see. The engineering approvals required on the site to delay the opening of a shopping center to as late as 2011. Based on your experiences with what sits on the current Town property, the approvals that would be required, both at the local, County and State level, I guess there might be federal issues with grants that have been provided -- what kind of time frame is realistic from your point of view in terms of ranges, to the shortest, reasonable and the longest.

MR. ROBINSON: Well, I think the -- I think the starting pistol would be fired at the time when the Town Board gives the go-ahead for us to commit serious resources to this so we have kind of a memorandum of understanding. When we worked with the Town of Gates, we had a surprising degree of mutual trust that enabled us to go forward with a lot of things just based on the Town Board's passing resolutions saying if a developer does this, we'll do that type of thing, and we did that.

But I would say that it would take us a year to build all of the facilities that are required to be -- so that we could begin demolition. So it would take a year and -- so my gut tells me that if we worked diligently with you folks during the course of the winter, and we were able to begin construction by May, say, of next year, or even June, we would probably have everything under roof so we could continue to build during the winter months and would be completed probably in less than a year from start to finish.

Then the plaza would probably take -- I mean, while we were building the facilities, we would be doing all of the approval work, all of the design work, all of the engineering so that we would be ready to go with the plaza as soon as the demolition is completed. I would say that the plaza itself would take 15 months. Maybe 18 months on the outside. So I would say 18 months on the outside to build the plaza and 15 months on the outside to build the Town's facility. So I think you're a far cry from 2011.

COUNCILMAN SCHULMERICH: What is your experience in terms of -- I am thinking of Gates and maybe other locations or municipalities where this occurred, but what is your experience in terms of getting access to the land that is currently owned by government, may have park status, may have some State or federal clearances to acquire? Any experience there?

MR. ROBINSON: Yes. I think that from the point that the Town Board and Gates passed a resolution asking basically -- basically they're asking I think it is called a – Home Rule Message I think it might have been called. I think it took about -- somewhere between 90 and 120 days to get word back that that was doable. I think that once the Representatives took it down there, it was not terribly difficult for them to get it done. They just went down and said this is what the Town wants to do, but it needs your approval. They really didn't run into any difficulties. It was sponsored in that case by -- by George Maziarz and Dave Gant got it done, one in the Assembly and one in the Senate. I -- I wouldn't think that that would be terribly difficult, and I would say that while that is being done, an awful lot of other things are being done simultaneously. Bids are designed, bids are sought, so that -- so it is not like we can't do building.

COUNCILMAN SCHULERMICH: You don't need a serial assessment, to get through all of the clearances before you start with the --

MR. ROBINSON: Exactly.

COUNCILMAN SLATTERY: I know things work quicker in an election year. Was that an election year in the State? Just kidding.

MR. ROBINSON: I don't know. I don't remember.

COUNCILMAN SLATTERY: One question I had, I have to reference the same paid advertisement in the paper that said the cost of relocating the facilities will require the Town to issue a \$20 million bond. I have some concern with that. Would you like to comment on that at all? I know it is not your paper --

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MR. ROBINSON: I have given you some pretty good costs, which I am very comfortable with. I think -- I guess I don't know why -- where that number came from, except that maybe in Atlanta things are a lot more expensive and maybe in Atlanta that is what it would cost. But it would not cost that much in our neighborhood.

COUNCILMAN SCHULMERICH: I do have to state for the record, I am concerned when a figure is so soundly provided to the community, leaving them to believe that there -- it is a well understood fixed cost. I think it has been misrepresented and we'll have further discussion about that later on.

MR. ROBINSON: The only other thing I would add, on that advertisement, when I came the last time, I said it was not my intention to speak about anyone's project and I have not done so tonight and unless forced to, I don't intend, but I took exception to one of the last lines in the why should the Town pay for our shopping center. I think it is the reverse. We're taking, you know, our money and using it to purchase facilities for the Town, and in return for which we're getting land. I'm not suggesting we're not profit-minded, but we're not asking you to pay for our shopping center by any stretch. And someone else mentioned something very interesting which we're just beginning to take a look at, and that is would there be any grant money available to help the Town pay for any portion of the facilities which are proposed here tonight, as well. Particularly when you get to things like furnishings and little amenities you might like to have. I would think that there may be that money available, but we didn't put it in our calculations.

SUPERVISOR LOGEL: Thank you.

COUNCILMAN SCHULERMICH: One final question. If -- if you were to build -- and there is a second part to this question, so consider it leading.

If you were to build a new highway garage for Chili, and you had to acquire the land and build the facility and put your typical mark-ups in, if we did not pursue the Chili Center approach, and we approached Benderson and said we would like you to build us a highway garage, similar to what has been designed here, what kind of dollars would we be talking?

MR. ROBINSON: We would use the \$4 million for a budget, but we think given the fact it would be a privately managed project, we think we could beat that budget. But I -- but I think what I want to do is make sure that I give you a well-reasoned number in each case I have given you for the facilities that we're suggesting, and given the fact that the Town of Ogden paid 3.9, and I'm suggesting 4.0, I know I'm confident in the number when the time came could we beat it, maybe we could.

COUNCILMAN SCHULMERICH: If I split the land purchase, \$5 million is a reasonable approximation for land and the building if we chose to do that. Where I am going with that is, if we were to assume -- and I recognize that it is not going to happen, but if we were to assume your 9.5 million rolled up, minus the 5 million for the land, we have a \$4 ½ million bill, we would have, and from that, we would get a new Highway Department, a new Senior Center, new court building, a new park for the \$4 ½ million.

If we were to contract you later on, and did not pursue this deal, we would pay \$5 million alone for the Highway Department.

MR. ROBINSON: I would say that that is not inaccurate, given the fact it would be a Town-sponsored project.

COUNCILMAN SCHULMERICH: So I would also challenge individuals that talk about us bonding to provide commercial opportunity. So thank you. I appreciate that.

MR. ROBINSON: Thank you for your time and I will look forward to your input.

2. Presentation by North American Properties.

SUPERVISOR LOGEL: Our next presentation is by North American Properties. Mr. Pape?

MR. PAPE: Good evening. My name is Jeff Pape with North American Properties. As everybody knows.

I hope everybody can see that. I apologize if -- I tried to make it as big as I could on the wall there. That is our presentation over there. So I hope everybody is able to view that pretty well. Tonight we wanted the opportunity to provide some more details about our proposal. There has been a lot of discussion about our proposal over the last year, and we haven't had

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the opportunity to provide a lot of details about the proposal.

Just giving some quick information about North American Properties. Privately held company, real estate development company out of Cincinnati, operating in 18 states out of four regional offices. We bring a national perspective with experience in cutting edge design and develop projects all over the East Coast and all over the country out of our four regional offices. We have been involved in mixed use designs and several design concepts and we are on the cutting edge of what is being developed throughout the country. We're proud of several award-winning projects. There are some sensitive to the community needs. That's one of the things we pride ourselves in, is in building projects that will address community concerns and be a positive impact on the community. We go beyond simply development with programs like our Build-A-Bridge Program which is a partnership in education with local schools. About \$400 million institutional grade projects and development.

The Cincinnati office, our home base, was founded in 1954, and our land office is ten years old founded in 1996. That is the office I work out of.

Um, as I mentioned, one of the things we pride ourselves in is our development through positive impacts to the community and our best calling card, our best references are previous communities we built in, and we pride ourselves when we make a promise, we follow through. The sketch on the left is a conceptual rendering that was presented at a meeting like this very early on in our project, and the picture to the right is a finished photo of that shopping center. There are some quotes here from former government leaders and civic leaders about the experience with North American Properties. We feel that we have a proven track record of working with communities to provide projects that they can be proud of and projects that will be something that address the communities' concerns.

Moving on to our site, the Chili Commons Project that we're proposing is directly adjacent to Wegmans. Um, the location of the site expands the existing commercial facility of Wegmans and extends beyond that which is something that was desired by 80 percent of the respondents in the survey that was done by the Master Plan Update Committee.

Um, now I will talk a little bit about what has been the biggest issue with our proposal, and that is the future land use map. Um, the designation of General Business, and what I have up here on the board is the black and white maps that were part of the Master Plan, as I have been provided it, that was adopted by Town Board Resolution 157 on March 6th, 2002. As you can see, the site, our site is in red there, and we have just highlighted commercial General Business area.

As you can see -- I agree this map is not the clearest thing, but you have the dark shading under our site expanding into the commercial areas of Wegmans, as well as on the corner that was clearly designated General Business, and we interpret this map to mean it is General Business. One thing I want to talk about, that I'm not showing in my presentation are the color maps that have currently gotten a lot of attention, as well. The color map both presented on the internet by the Town website, as well as is in the official copy of the Master Plan and in the Town Clerk's office that I believe attempted to clarify this map into a color version and -- it clearly designated the site that we're proposing as General Business, and it left -- as you can see, there is a small area on Archer Road that was designated as a different shading. I think in the color map it was designated as Multiple Residential.

The other thing that we wanted to talk about a little bit is the consistency with the Chili Master Plan, the verbiage and the text. That certainly has been discussed quite a bit. There is just a few excerpts. This talks about improvements. Significant commercial expansion south of Chili Center Cold Water Creek (sic) Road -- Cold Water Road, and looking at the maps, the only area south designated as General Business that matches this text is the area where our site is located.

It also talks about a significant expansion of commercial development within the Core Area is expected to generate substantial reinvestment in, and improvement to, the existing commercial development. We think that is very important that the Master Plan points that out as that has been a concern about what a project like ours would do to existing retail, and this is the verbiage in the Master Plan that encourages the fact that a new development, substantial new development will actually help the existing commercial.

This is just another excerpt from the text. Although larger, the commercial core would not be like a regional shopping mall. It would be instead be a fairly large community-scale commercial complex, and we feel that's very similar to what we're proposing.

Along with me is Betsy Brugg, with Fix, Spindelman, Brovitz & Goldman, and they are part of

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our team, because we certainly don't rely on just coming to Town and making a determination of the Master Plan without engaging local counsel, and Betsy (Brugg), I think might have a few words relative to their interpretation of the Master Plan, as well.

MS. BRUGG: I really don't want to add too much. I know you have a lot of material up here. I guess the only point I would want to make is to let the Board know my office, our team of experienced land use and development attorneys and litigators have looked at this. My client is putting a lot of time and money into this project and they want to know what they're doing. We have looked at it and reviewed the Comprehensive Plan and the issues surrounding this project, and we feel confident that the proposal and the necessary rezoning are consistent with the Comprehensive Plan, and equally important, that the rezoning and the development would stand up in a court of law and survive any technical legal challenge based on the Comprehensive Plan.

COUNCILMAN SLATTERY: Legal challenge from who?

MS. BRUGG: Any type of legal challenge. When we look -- when we looked at the overall, what we did is evaluated, as much of the history that was available to us, we looked at code, we have looked at the Comprehensive Plan, and we have given our overall evaluation and assessment because we certainly would not want our client to go forward if for some reason there wasn't a significant legal support for their position.

COUNCILMAN SCHULERMICH: Your interpretation also includes an interpretation of map 5.1.

MS. BRUGG: Sure. I will offer myself. I'm available if you would like me to work with the Town's legal counsel to discuss any of the legal issues.

COUNCILMAN SCHULMERICH: That may well be advisable. There is significant discrepancy in the shading of the maps. It is open to substantial interpretation.

MS. BRUGG: I absolutely understand that, and I respect the Board's position and the various positions that have put out there. I -- I don't think it would be appropriate to get into this this evening, but I would be happy to discuss it with any member of the Board or legal counsel.

COUNCILWOMAN IGNATOWSKI: I was going to say also page 112, very specifically, and – I think might also clarify where the General Business was concerned. If you read through there, it -- it recommends rezoning to commercial of the parcels between Chili Avenue, Paul Road and Grenell Drive, a small piece in there.

Whereas it says the area located near Archer and Paul Road, bordered on the east by Archer, Paul Road on the north, the West Shore Branch on the south and continuing west to the General Business zone at Chili Avenue/Paul Road/Coldwater Road. This area is recommended to be developed as a Planned Neighborhood Overlay District so as to be a buffer between the adjacent single-family neighborhoods and to complement the more intense commercial uses of Wegmans plaza.

So that to me quite frankly – that was also the interpretation of the current landowner. He came forward and asked us for the PNOD to be rezoned, that parcel. So -- and quite frankly, we just had a Comprehensive Chili Center Update Committee come forward, recommending also that that land be retained as PNOD. We asked for clarification of that at the last Town Board meeting and that was their interpretation and that is what they are still recommending.

So regardless what is in here, we just spent \$12,000 for an opinion, and that was their opinion, as well.

COUNCILWOMAN IGNATOWSKI: There are also definite maps, and we have colored maps that specifically show that as a PNOD as opposed to General Business. So there is definitely conflicting data. It was my understanding that Jeron (Rogers) was looking through the Master Plan to find the variance parts that might conflict with that. I did request, and I don't know if it came back to you or not that we could have -- you could just note exactly everywhere in that Master Plan where it is conflicting so we can address that.

COUNCILMAN SCHULMERICH: That issue was raised last month. What progress have we made in resolving that issue?

JERON ROGERS: We have looked at it extensively and there is, as has been mentioned here, there is conflict in information that has -- as to reinterpretation of the Master Plan. It appears from my understanding from looking at it, that it may wind up being a legal issue as to the final interpretations. Because I look at it and see one issue. I see what Mr. Pape is saying. I see what other people are

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saying, and there are discrepancies between the map and the text.

SUPERVISOR LOGEL: Have you laid all of this out?

JERON ROGERS: I do have it laid out.

COUNCILWOMAN SPERR: I think when we asked -- it was communicated to us that it was given to Jeron (Rogers) by Chris (Levey) to take a look at it and have it updated. I think the expectation of the Board is that you will provide us with your assessment, and detail us exactly where we are with these maps so that we can come to some determination so our future land use map is no longer in doubt or in question to the best of our ability today. I would like to know what kind of time frame we have to -- that you expect to be able to provide that information to us.

JERON ROGERS: Within the next two weeks you should have that information.

COUNCILMAN SLATTERY: You will provide us with the background information and you will provide us all of the information, not just a "yes, it is," and "no, it isn't"? You will provide us with the information, as well, so we can review it?

JERON ROGERS: Yes. You will have --

COUNCILMAN SCHULMERICH: I would advise, since the applicant is -- has seen fit to seek legal counsel, that any information from this point forward summarizing a perspective of future land use should be reviewed and approved by the Town Attorney and not distributed or shared until such as occurred.

COUNCILMAN SLATTERY: Yes.

JERON ROGERS: I agree with that.

COUNCILMAN SLATTERY: I agree.

SUPERVISOR LOGEL: Thank you.

MS. BRUGG: I just want to add, I certainly appreciate there are a lot of opinions and a lot of people have chimed in on the issue. It is a complicated issue. I'm not going to say it is not. But I think the important thing is that the Board needs to -- needs to know that should you agree that the proposal is consistent with the Comprehensive Master Plan, there is substantial support to reaching that conclusion and it is a very defensible position, and that is my only point.

MR. PAPE: Just to --

COUNCILWOMAN SPERR: We gave -- we gave Benderson an opportunity to make their presentation without any controversy, and I would like to hear what the gentleman has to say.

COUNCILMAN SLATTERY: Without a doubt. I don't think anybody is disputing that.

COUNCILWOMAN SPERR: I just want to allow him to finish.

MR. PAPE: It's probably the most important subject relative to our project. It is appropriate.

To address a few of the concerns. The section that you read -- keep in mind, we didn't have the benefit of -- you guys sat in the meetings, a lot participated on the committee in 2002. You guys were very clear in your minds with what the intent was. We came in and read this document cold.

When we read a document code, there is discrepancy. We went to the maps. Maps are typically used to clarify things. The first maps we saw were the colored maps. Nobody can dispute it is clearly General Business on the color maps. I know it is an issue, and that is why I'm not using it in our presentation.

However, when you look at the maps, I can interpret that same exact paragraph to mean the PNOD was the area between the General Business shown on the future land use map and Archer Road very clearly, so again, we came in cold. We interpreted and didn't have the benefit of all of the experience that you guys had in. That was our interpretation. When we asked a few people early on, that was their interpretation, as well, because we were coming in cold. That is where we're coming from on this.

I am glad that Jeron (Rogers) and everybody is taking a thorough look at it, and we can finally bring this to some conclusion because that is the key in this. That is the big step.

The last thing I wanted to address as we move into the next slide, because it is pertinent, is the Update Committee. We certainly have all been anxiously awaiting their recommendations. They presented those. We appreciate it. We understood those recommendations to say really no changes were needed to the Master Plan. In the original verbiage. I don't know what has been updated since last month's meeting. The original verbiage, I didn't see anything clarifying it was PNOD. The zoning map, at the end of the map shows it is currently PNOD and we have never

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disagreed with that.

COUNCILWOMAN IGNATOWSKI: The clarification came from my questioning it prior to the public hearing. I -- that would be in the Town Board meeting minutes, which you probably don't have yet because we're just getting them approved, but that clarification is in there. I asked that question, specifically knowing the conflict inside the Master Plan. I wanted to know what their –

MR. PAPE: We were surprised that the document didn't address since it had been such a specific topic for us. That is what we're looking at and reading the verbiage and we didn't have the benefit of sitting in all those meetings so that is how we came to those conclusions. Obviously the one thing that was pointed out in the Update Committee was to go ahead and look at the old Town Hall site. I have this up here (indicating). Benderson did a great job with their presentation on the detail. We were asked to look at it eight, nine months ago. We looked at it and investigated and did some research and did not thoroughly research it as Benderson as done, and all we did is looked at what had to be dealt with there.

You have the Senior Center and the Town Court. You have the highway garage you have to deal with. You have the Fire Department and their training facilities. Um, which -- that -- that is something that – that cost was something that we were -- that we told early on was a substantial amount. I think the Fire Department costs is not worked into some of the numbers we heard tonight and that is where our discrepancy is. You have a cell tower on the Fire Department site. You have a cell tower at the rear of the site. The little league fields and the larger fields. We have come up with a number around 20 million.

We also put money in there -- we assumed we would have to pay the Town for fair market value for the old Town Hall site, that we weren't going to get that for free. That was in our number. Obviously, cost of land to purchase for the other facilities, we did incorporate what we could get from our tenants, and again, we did not get into the detail that Benderson did, but we came up with numbers more in this range because we included site work involved in the other sites, roads, parking lots, the -- sounds like a lot of the numbers tonight were specifically focused on the buildings themselves.

Again, we did not take that detailed of a look at it, but we were asked to several months ago. Target Corporation, also at the request of the Board, did an independent review of the site and they determined that the time frame to wait for a public referendum for any type of public money was going to stretch it out, and they just felt – they came to the same conclusion we did; it would not be a viable site for them to move forward with. That is a summary of our investigation. I can't speak to other investigations.

So now let's just focus on our proposal here so we can get some details of that out. We're proposing a 340,000 square foot shopping center located on 52 acres, and I want to be clear to point out, out of the 52 acres, we're only developing approximately 35 for a shopping center, because we have some wetlands to deal with and some other things that we'll save. We have designed this, we feel, to address as much of the community concerns as we have heard. Some of the community concerns, the impact on the residential across the street from Paul Road. That is a critical item that has to be addressed.

The way we have tried to address it is twofold. Number one, our site plan layout provides for the small scale retail up at the front of the project. The small scale retail is very similar to what would be approved in a PNOD. The 10,000 square foot range buildings, pedestrian friendly and placing the larger boxes in the back and orienting them more towards the Wegmans facilities. We're also proposing to do extensive landscaping with berthing and landscaping along Paul Road. We have -- our site plan, conceptual site plan roughly has an 80 foot wide landscaping area between Paul Road and where the parking lots would begin. This is kind of a conceptual rendering what it might look like (indicating) driving along Paul Road with the landscaping and berms.

Architecture is certainly a concern. One of the points of the Master Plan Update Committee was their recommending an Architectural Review Board. We -- we have said from the beginning when we first came to the Town, we have no problems with Architectural Review Boards. We pride ourselves in developments that have held up as a standard in the towns that people can point to later and say, if you want to develop in this town, it better be as good as that. We'll have high class architecture design maintained throughout the project and required by a deed restriction. People have asked about, well do you hold your properties and sell. That doesn't matter relative to the

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architecture because there will be a deed restriction on the life of the property that will hold people to the architectural style. That is a conceptual rendering what the architectural style would be here (indicating).

Another big concern has been wetlands and flooding. I mentioned earlier only developing approximately 35 of the 52 acres. Currently eight acres of wetlands on the site. Our proposal would impact about 1.7 acres, and we would then create an additional 4 acres of that remaining 15 acres to leave about 10 acres at the end of the day and that would be in the back area, behind the smaller shops here (indicating), Paul Road about a 15 acre area. So we would end up with 2 acres more wetlands than are there now.

The other issue is flooding. In the 15 acres we've also designed detention ponds that would hold approximately 200 percent more storm water than is necessary for our facility, creating the ability to use those as regional flooding detention facilities. And that is something has been talked about quite a bit as a need within this area, and obviously flooding is a significant issue here.

Another issue is traffic on Paul Road. We're proposing to widen Paul Road, across the front of the site and up through Chili Avenue, adding turn lanes and adding a traffic signal, and adding decel and accel lanes and we're doing this with no requirements from the Town or the County or we're not asking for money from anybody. That would be part of the project costs.

A big concern is the impact on the existing retail on Chili. We would be bringing a popular national retailer such as Target here that would strengthen the retail core. Strengthening the retail core would eliminate the need for people to leave Chili to shop and that should strengthen the existing businesses.

Back to the verbiage in the Master Plan, that talks about a significant commercial development would actually enhance the existing business here by creating reinvestment in the community, and that speaks it for itself, I think.

The tax implications are certainly a concern. We worked with Monroe County to try to get estimates of the real estate taxes. Monroe County tells us the projected tax bill would be \$932,000 annually shared among State, County, Town and School Districts, and I don't know if anybody really knows the exact formula how that works, but nobody was able to tell us about – the Town would get a much smaller amount, but it was way too complicated. I do have a PhD in math and could not do that. We know that it would be spread out and the Town gets the smaller amount. Generates approximately \$6.9 million in annual sales tax. That will be spread amongst community, the State, the County and everybody and the Town should get the smaller amount of that. Obviously, all of that will not be new sales in the County. That will be

spread out, but we'll draw from outside the County, I think certainly from the west.

We'll create over 500 jobs. Some of them will be permanent, full-time jobs in the managerial level, but the majority will be part-time jobs for teenagers or seniors looking for part-time work with well-established national retail companies.

COMIDA has been talked about a bit. We have not asked for tax relief. We don't intend on asking for tax relief. There is nothing else I can do to address that other than to continue to say that.

We have certainly -- you have seen quotes we follow through on our promises. That is all I can really say. We have investigated the COMIDA laws a little, and I'm not a tax expert, but it is my understanding that a retail facility is not eligible for COMIDA any more, so that would not be an issue.

Just in summary, um, summing the total, we're a quality national developer with a proven track record of creating value in communities. We pride ourselves on that and try to address concerns of building quality projects. Our proposal conforms with the Master Plan and future land use map. That has continued to be debated. We understand that now.

Cost to the taxpayers of Chili. We're not asking for any public money to build our project, for highway improvements, for the land mitigation or for any of that.

The quality design that addresses the concerns of the community. That is the things like the smaller retail up by Paul Road. The buffers along Paul Road, the wetland mitigation and flooding mitigation, the -- we'll be creating architecture and hiding landscaping. Quality retailer such as Target and Lowe's will add value to the community and bring tax base.

The last thing I want to address is Target. That's been talked about a little. I read the article several weeks ago -- I guess it was like two months ago where Target said they were withdrawing from

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Chili. We worked with -- we are a preferred Target developer. We have four or five projects ongoing with them now. We're constantly in discussions with them. We continued to talk to them about Chili to try to get them to reconsider. They said they would come and reconsider Chili. They have now entered in a contract with us. They have a

contract with us to purchase part of the property should we get approved to put a store there, and this is the letter (indicating) that was issued late last week. I think you got it all this week clarifying they are under contract with us, and they have analyzed several other sites in Chili and this the only site that seemed viable to them, and that is where Target's position is right now.

Again, I appreciate your taking the time to let us get some of the details of our project up here, and I'm here for questions as long as you need to me to be.

COUNCILWOMAN IGNATOWSKI: You talked really fast. The turning lanes you had on Paul Road were from where to where?

MR. PAPE: The improvements on Paul Road would go across the frontage of the project all of the way up to Chili Ave.

SUPERVISOR LOGEL: The other thing, you moved very quickly through the slide. There was one slide, by the time I blinked, it was gone. You said something about a rendering how would it appear. Go back to that -- it was quite a ways back, but it was a rendering of what it might look like from the road.

MR. PAPE: Almost there. There.

SUPERVISOR LOGEL: Okay.

COUNCILWOMAN IGNATOWSKI: Where are you on the road?

MR. PAPE: Eastbound on Paul Road, probably just left Wegmans, heading toward Archer Road and our project is on the right. You can see the retail in the background. This would be the -- this would be the landscape buffer and berm on Paul Road (indicating). Even with this rendering, I don't think we did a good job showing the berm. We showed the landscaping, but it doesn't show much of a berm. The idea of the berm, if I go back one more slide, the idea with a low-level berm, 4 to 6 feet, you can hide the cars behind it. We have had great success with that philosophy in other projects throughout the country. You can hide the cars and parking lot but still allow some visibility of the higher areas of the building that will be the higher quality architecture that is more pleasing to the view.

SUPERVISOR LOGEL: Thank you.

COUNCILMAN SLATTERY: I have a few. Um -- I think it was very good, a lot of pictures, a lot of detail. You were talking more site specific to what our presentation -- we were looking at moving up other facilities out of those areas.

But my first question to you is, is there a Mark Toro (phonetic) here with you?

MR. PAPE: No, he is not here tonight.

COUNCILMAN SLATTERY: I want to say Jeff (Pape) that was very good. I'm pleased. I was given something, something on a website, and Mark Toro, a comment that he made "I visited with Town Board members on a number of occasions."

I have never met him. So I want to make that perfectly clear. I do not know who he is. I never met with him, and that concerns me when I read a -- he is the founder and managing partner with North American Properties.

MR. PAPE: Of the Atlanta property.

COUNCILWOMAN IGNATOWSKI: I got a phone call from him.

COUNCILMAN SLATTERY: I have never talked to him. I just want to make that clear, that please be careful with stuff that is out there.

COUNCILMAN SLATTERY: One thing that you talked about was the traffic improvements. When you have gone to other municipalities, do you find that they ask you to make those improvements out on those major roads?

MR. PAPE: It varies. Some places they discuss to do it, some places the Town would take on the responsibility. Some places it is a shared cost. It varies throughout the country, to be honest.

COUNCILMAN SLATTERY: Being familiar with the municipalities and the ones that would own it once legislation is passed, I know they will ask you to pay for it anyway. Going outside of the work limits, when you're going to the east more, at the corner of Archer and so forth, I would say a municipality would eventually have to do road improvements there, because I know if it is not a failing

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intersection, it will be with that volume of traffic going there. So that is one -- that is a concern I have. And don't take -- I'm going to -- you're more site specific, so -- so if Benderson had this information up there, I would be asking --

MR. PAPE: This is what we wanted. This is exactly what we wanted.

COUNCILMAN SLATTERY: I don't want you to think that I'm taking shots. I'm asking questions. We're at that point.

MR. PAPE: That's why we're here.

COUNCILMAN SLATTERY: You -- you mentioned big box next to Wegmans. On the slides, I did not see that. I saw big box on the opposite side of the site.

MR. PAPE: The whole site is next to Wegmans. The wetlands will break up between Wegmans and the big boxes, but they're towards the back. When I said "oriented," we're turning one of the big boxes facing Wegmans instead of Paul Road. I apologize if I gave you the indication it is directly adjacent. The wetlands will split that up a little bit.

COUNCILMAN SLATTERY: I did see the back building, closer to the railroad tracks -- with that land between them -- there will -- will there be land between your property and the railroad tracks?

MR. PAPE: I'm sorry, there is land behind -- that is property that Benderson is looking for for the Town parks. I forget exactly how wide. The 50 acre parcel is all of the way from Archer Road back to the -- our property.

COUNCILMAN SLATTERY: I believe the Planning Board -- I may be mistaken, did the person who purchased it come before the Planning Board?

COUNCILWOMAN IGNATOWSKI: Yes.

COUNCILMAN SLATTERY: They were talking about building homes there.

COUNCILWOMAN SPERR: They have gotten approval for that.

MR. PAPE: When that was the case, we were constantly discussing what we could do to buffer that. Then they cut off negotiations with us when Benderson wanted to buy the property.

COUNCILWOMAN IGNATOWSKI: So you don't have any buffering. That was my question.

MR. PAPE: We do have a buffer provided back there. We never got to the extent of talking to them how much buffer they felt was necessary back there. I think right now, it is 50 foot green area in that back area.

COUNCILMAN SLATTERY: Another thing, I --I will -- this will be my last question. The taxes. I know looking at the figure that you were at, I know the Town, and you did mention this, you said the Town would get considerably less.

MR. PAPE: Right.

COUNCILMAN SLATTERY: The figure I'm familiar with in that area is between 70 and \$80,000, that the Town would get out of that 700,000.

MR. PAPE: 900,000. I think the Town's share is somewhere in the 10 percent range, but again, that was the tax bill that will generate revenue for the entire area, Monroe County and the State and will be shared.

COUNCILMAN SLATTERY: How come the State gets more? Just kidding.

MR. PAPE: Talk to Albany about that.

COUNCILMAN SLATTERY: Tried that a couple times.

MR. PAPE: Good luck with that.

SUPERVISOR LOGEL: I have a question regarding that -- the park, or the wetland area there. Now, that goes all of the way back to --

MR. PAPE: Extends to the back of the property.

SUPERVISOR LOGEL: So the only place that you will have to buffer -- so -- so you wouldn't buffer all of that, or --

MR. PAPE: Well, the wetlands.

SUPERVISOR LOGEL: That is a wetlands.

MR. PAPE: That is wetland, natural buffer. It is probably around 800 feet wide that would back up to -- if that property is developed as residential, probably 800 feet of the back of our property would have commercial use on it that we would need to buffer. It would be similar to obviously K Mart backs up to several houses now and they buffered that. That backs up to a residential neighborhood.

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Very similar situation that we would work with the Town and the Planning Board to come up with an appropriate buffer for them.

COUNCILWOMAN IGNATOWSKI: I do appreciate the relocating the buildings toward the back. The first one that came through, I was horrified with the big building right on Archer Road. You know, once against, my biggest thing is the Master Plan issue, with this proposal, but I appreciate the effort you put into it.

COUNCILWOMAN SPERR: One of the questions --

COUNCILMAN SCHULMERICH: Go for it. It is fine.

COUNCILWOMAN SPERR: One of the questions I had, it is hard for me to sit here and visualize when Our Father's House builds their church, which is supposed to be quite high, from what I understand, can you give me an idea of where their property ends? I think that they're interested in selling you a portion of the property they own.

MR. PAPE: Right.

COUNCILWOMAN SPERR: What goes next to it? Is the building that goes at an angle that faces Wegmans, that is showing their back to the church?

SUPERVISOR LOGEL: Can you back up? Maybe that map would help us get a feeling for where you are talking about.

MR. PAPE: This building would back up to the new church facility. We are also interested for and working with the Church to create a substantial buffer. There would be some visibility from people driving west along Paul Road to see the backs of the building, so we're accounting for a significant buffer strip with heavy landscaping to hide the back of the buildings. We'll treat the backs of the building architecturally. It will not be the normal back of the shopping center. They will be treated with architectural finish as if they're the front. Not with doors, but they would be treated.

To try to get you a perspective, this is the edge of the Wegmans property (indicating) and our property – this is about halfway between the edge of the Wegmans property and Paul Road -- Archer Road, excuse me. The Church facility is about half of the vacant land, and our proposal would be the other half of the vacant land.

COUNCILWOMAN SPERR: Did you have any plans to try to keep traffic off of Paul Road? Let's say, people leave church, and want to stop at the shopping plaza on their way home. Did you plan to have access to their property, and then again on the same issue, on the side of Wegmans, to keep traffic off there?

MR. PAPE: With the Church as part of the negotiations, we have a cross-connection point right here with the Church (indicating). With Wegmans it is not as easy. They would have to give us – we asked the question. At this point, they are saying we don't really see a need. But they reserve the final answer until they find out if we -- we went to Wegmans immediately. Wegmans' side is designed for two connection points that seemed very fitting to make a connection to.

SUPERVISOR LOGEL: I'm trying to recall the Church's layout when it went before the Planning Board, but isn't there an amphitheater planned somewhere behind there?

MR. PAPE: You know, I'm not familiar enough with the Church's layout. I know it has changed a few times. I don't want to comment on that.

COUNCILMAN SCHULMERICH: There is -- so if you assume -- if you assume the back end of the building and you think halfway over to Archer Road, and then go back in, is where the church building is -- is projected to be, and then you come kiddy corner heading south -- southwest from the church, and they have space set for an amphitheater theater, although I'm not sure what the scope -- I -- I heard it ranged, but there is different sizes.

SUPERVISOR LOGEL: They will need parking for that.

COUNCILMAN SCHULMERICH: Well, the plan I saw, which I don't know if it is a current one, but the plan I saw, they had sufficient parking to cover the church and/or the amphitheater. Now if you assume they had maximum load on their church service and it has something going on at the amphitheater at the same time, I don't know there would be enough parking, but the parking proposal I saw from John Caruso when he came before Planning Board focused more on the initial building, extension of the building with the amphitheater being a future plan.

SUPERVISOR LOGEL: I will have to look at it.

MR. PAPE: One of the things relative to the Church property, Archer Road -- I'm sorry,

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Paul Road climbs as it goes up. It is not a significant amount and doesn't seem like it when you're driving it, but the church facilities, I believe, sits 15 feet higher than ours would sit. You have elevation difference. From that direction over, we'll be sitting more in a hole and the church will be up in a hill, so that provides significant buffer between the neighborhoods on Archer Road and our project.

COUNCILWOMAN SPERR: I just had one more question if you can indulge me. In Mr. Robinson's presentation tonight, he referenced the fact that there wasn't enough -- I can't remember -- paraphrase what you said, Don (Robinson), but referencing the fact that there's not enough either population here or density to accommodate both shopping plazas. If we were to take the concept which he presented to us tonight and try to do both, I -- I was just asking of your opinion if we were to try to increase the shopping area all together around here and move our facilities around and try to work some way with some combination of both of these plans, your opinion as to whether or not that would be viable.

MR. PAPE: I would absolutely agree with Mr. Robinson that there -- there is not the viability for two projects of this magnitude in the Town of Chili. All we can do is move forward knowing the commitment we have in the tenants we have at this point. I would think in general there is a great opportunity -- maybe back up. I think it is the last slide. You know, I think there is great opportunity here for redevelopment of the Town Hall complex, maybe in a different scale.

Obviously the highway garage -- some of my earliest memories of my oldest child are walking down the road here and watching baseball games with him in the stroller, but it seemed odd I had to walk through the highway garage facility to get through these fields, or when the carnivals were going on. I always felt relocating the highway garage is a great opportunity. You take that there and redo some smaller scale retail along the road, but putting -- I know there has been a lot of talk about a Main Street concept. Putting a larger big box development like we're proposing on Paul Road here will not create a Main Street concept. There is an opportunity to do smaller scale retail, and if our project moved forward, we would be willing to work with the Town to possibly facilitate some smaller scale retail along here (indicating) and let the Town consider moving the highway garage and doing a more significant Town center, Community Center to be incorporated into the ball fields. That is just an opportunity that I saw as somebody who used to use those facilities.

COUNCILMAN SCHULMERICH: What is the status on SEQR and timing based on what you --

MR. PAPE: SEQR, again we recognize you are allowing us to present this to get some details out here when you can't act yet. Our SEQR process -- the Town has been interested in hiring a consultant to help coordinate the SEQR process, and I believe you have a resolution before you tonight to approve allowing us to pay for that outside consultant. That will be presented tonight. If that is approved tonight, our next step is meeting with that consultant with Jeron (Rogers) and some of the Planning Board members. We have submitted additional information. Our traffic studies. We have submitted our wetland studies, all our engineering documentation that support the statements I made about additional flood storage provided, our wetlands, the traffic mitigation.

And again, Michael (Slattery), as part of that, I think we'll look into do we need to look at the Archer Road intersection. That is a part of the SEQR process. My understanding is as soon as you pass the resolution, we'll take the next step, have that meeting and determine if there is more scope to look at. The Planning Board will do a determination with the outside consultant. They need to make a finding whether positive or negative declaration and we move on from there.

COUNCILMAN SCHULMERICH: Time frame? Your estimation?

MR. PAPE: Time frame, we're probably 30 to 60 days for them to review of the information we have provided. It is a substantial amount of information to make a determination of positive or negative declaration on. If it is negative, we're done. And you guys can then act. If it is positive, we have to have a full environmental impact statement, in which case we're probably looking at another three or four months minimum.

COUNCILWOMAN IGNATOWSKI: Obviously want to be sure, we do not have a resolution before us for the rezoning, and if it is going to be taking this much longer, I don't want to see your patience wearing thin with us when this is the process we had – need to move forward.

COUNCILMAN SCHULMERICH: In fact, I would like a clarification in terms of what exactly North American Properties meant under your signature when you state, "Recommendations have been

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made and still no action by the Town Board."

I would be interested in understanding that.

MR. PAPE: When we -- when we first presented in front of the Planning Board, which I think -- believe you were still a member at the time, Dennis (Schulmerich), on December 13th, we were asked to wait until the Master Plan Update Committee made its recommendations. Those recommendations, the draft report came out, I think, back in April or May, the draft report and we kept -- felt like we continued to be strung out four months, six months, eight months and kept dragging out.

Then nothing was happening relative to SEQR or anything. We asked a few times to move SEQR forward. We just talked about a three to four month potential period that could have been happening while the Master Plan Update Committee was acting.

Now it has happened and it is moving forward again, and we appreciate that. That was our frustration, is it seemed like there could have been things happening simultaneously that would not have impacted the decision at the end of the day and tonight you could have potentially been acting if we had done SEQR. I apologize.

Looking back on that article, we could have worded it a little differently and did -- I didn't mean to offend, and I apologize.

COUNCILMAN SCHULMERICH: Could have been worded differently and you did offend some people.

MR. PAPE: Understood.

COUNCILMAN SCHULMERICH: Be very clear about it.

COUNCILMAN SLATTERY: I have it here and a number points are highlighted. Did you think that a positive thing for North American Properties, the wording of that article, the paid advertisement?

MR. PAPE: Now, no.

COUNCILMAN SLATTERY: I agree 100 percent. Because as a Board that has to sit and vote on something, I think you want to be friends and I don't think that helped right there with that.

COUNCILMAN SCHULMERICH: In all honesty, we have to follow a due process. We can only respond when SEQR is complete. The impression that has been left to the community, by you, by your organization, is that we're not doing our job, and I don't appreciate that.

MR. PAPE: Apologize for that.

COUNCILMAN SLATTERY: And --

COUNCILMAN SCHULMERICH: I think we have more to talk about here.

COUNCILMAN SLATTERY: Actually, just to touch on that a little bit, didn't you propose something and then you withdrew it from the agenda?

COUNCILMAN SCHULMERICH: Correct.

MR. PAPE: We made a proposal. We withdrew our formal application and re-presented immediately and reapplied immediately, so we have not formally withdrawn our application.

COUNCILMAN SLATTERY: I'm trying to go back -- it -- I just remembered -- I forgot what it was, but there was something you had that was on a draft agenda. They were going to move forward with something.

COUNCILMAN SCHULMERICH: Planning Board. Planning Board.

I would like to clarify one thing also. The night we received the report from the Master Plan Update Committee, the night it was agreed to final, within minutes of it being final, we set the public hearing, so that we could get the discussion around the Master Plan. We took action as prudently as we could. You're operating under the assumption that we get a vote on the rezoning in conjunction with SEQR being run, and current – subsequently, we learned that SEQR needed to be completed. So just to be on the record, I believe we have been trying to follow due diligence, and I will -- I will vote on this based on the merits of the program, not based on my opinion of how your public relations organization has handled themselves, but I have to tell you, if you're paying a public relations firm, you should fire them.

MR. PAPE: Duly noted.

COUNCILMAN SCHULMERICH: I don't have any other comments.

COUNCILMAN SLATTERY: I will touch briefly on some of the points in that paid advertisement. I don't want to spend too much time on it. You realize it was not worded positive towards the Town. I guess I will make that point.

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I think there is in a nutshell, a lot of scare tactics in this article, in this paid advertisement to scare the people to say that the Town Board wasn't doing their job. You talk about the -- you talk about the opening of the shopping center as late as 2011. Do you have a copy of the other proposal's construction schedule?

MR. PAPE: No, we don't.

COUNCILMAN SLATTERY: To come up with a figure, you're making an assumption on how they're going to proceed.

MR. PAPE: Just to clarify, we didn't make an assumption on anybody else's proposal. We were asked to investigate the Town Hall site and that was our projection how long it would take. One thing that was not discussed was the issue of public referendum for bond money and things of that nature. I think some of the statements that were made tonight about timing was once the Town Board has approved all of the funding and all of that, it is 15 months and 18 months. And that is the thing that we just don't have control over. We don't have control over how fast you get a referendum for 4 million, 15 million, 20 million. We don't have control over that, the – relative to the issue of getting it removed from the State Legislature relative to park lands. Obviously, Benderson has experience where it happened quickly.

In the Town of Henrietta, there is an experience where it has taken two years now and they still haven't gotten it removed yet. I would have to weigh the options. Sometimes it works quickly and sometimes it won't. I had to go with the worse case. We were not trying to comment on somebody else's experiences, and they may be able to do it quicker. We did it based on our initial investigation, and I want to clarify that.

COUNCILMAN SLATTERY: You're correct. We don't have rule over New York. As you know, they're trying -- they will do a road transfer, Paul Road from the State to the County. That has been in there two years.

MR. PAPE: Exactly.

COUNCILMAN SLATTERY: But there are other instances where things are done quickly. That is why I was – jokingly asked if it was an election year.

MR. PAPE: Exactly. It does have a huge impact, it does.

COUNCILMAN SLATTERY: Next would be -- I -- \$20 million tax bond, that concerns me when I hear that figure. I look at that as -- it -- it scares people, especially when you have seniors who are on fixed incomes and so forth, young couples starting out. They -- people don't want to pay more taxes. New York State, we're very heavily taxed, and -- that scares people. Just seeing that there, and putting that scare on people -- it concerns me.

Um, I want to mention in your advertisement, it says, "Third, the Paul Road site. Retailer after retailer and restaurant after restaurant continue to identify the Paul Road site as the ideal location..."

I have been on this Board for several years. I know in the previous Supervisor's term we went out to different locations, talking to, you know, different restaurants, people, trying to bring them into Town. I tell you what, if we're that much of a hot button, where are these people? They haven't shown up yet. So if there are that many out there, I would expect this room to be full, Planning Board, their agenda would be lengthy.

MR. PAPE: We feel there is enough interest to fill up the project we're proposing, but those individual tenants won't come individually. If they know there is a project, they will come. If there is not a project with the retail density we'll create, they won't come.

COUNCILMAN SCHULMERICH: It's a package deal.

MR. PAPE: Exactly.

COUNCILMAN SLATTERY: Um, I apologize. I'm just going -- some of these we already talked about.

One was the Chili Master Plan, future land use map. That is something that we need to get clarification on.

MR. PAPE: Right. We would be happy, again, to participate in any additional meetings to talk about maps and our evaluation.

COUNCILMAN SLATTERY: You know you said this earlier tonight. Chili Center Cold Water Creek Road. Is there a creek --

MR. PAPE: You know, I -- I always say that because of Cold Water Creek store. I always

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add that on the end.

COUNCILMAN SLATTERY: It was in the paid advertisement. I thought I missed something.

MR. PAPE: We can't get retailers off our mind. Sorry.

COUNCILMAN SLATTERY: That is okay. I'm not perfect either. I make mistakes. Just don't tell my wife.

COUNCILWOMAN IGNATOWSKI: I think she knows already.

COUNCILMAN SLATTERY: Yes, she does. Don't say she made one.

(Laughter.)

COUNCILMAN SLATTERY: Basically that was – the final highlights I had in here was "...still no action by the Town Board" and "Our patience is thinning. More importantly, Target's patience is running out. If the Paul Road project does not move forward immediately, Chili will lose its opportunity with Target, now and in the future."

Don't want to, you know, kick a dead horse, but we discussed that, and I think we all realize that it could have been worded a lot better.

MR. PAPE: Correct.

COUNCILMAN SCHULMERICH: Might I make a comment about that?

COUNCILMAN SLATTERY: Certainly.

COUNCILMAN SCHULMERICH: Thank you. I appreciate that.

Um, I think one of the elements -- folks that aren't sitting in our position find it fairly easy to make a decision in terms of what should or shouldn't happen here, and from my point of view, the challenge and the dilemma is trying to insure that any development, any commercial development we do in this Town is aligned with a concrete, a specific and a well, thought-out plan, not just a reaction to an application from a developer.

Now, if, in fact, the Master Plan and our plan for the future is aligned with this applicant's proposal, that is fine. But if it is not a simple decision, and that -- that is the reason why this is taking the time it is taking. And the due diligence that is being conducted with Benderson through the proposal they have in front of us, is not the -- it is not to pit one against the other. It is essentially due diligence to understand what would the cost of the -- relocating the facility to be, because we'll have that question face us with time. The fact we have a developer that has thoughts and an approach and can bring the numbers to us only educates us all the much more in our ability to make a decision.

One final comment I would like to make, I very much appreciate the fact you have asked questions about what do we need to do to be successful in Town. You have reflected a lot of that thinking in your presentation tonight compared to the prior plans that have been presented, and our frustration and my personal frustration aside with how your communications plan was done, I do appreciate the initiative you're taking to try to work in our Town, and should this come to fruition, it will -- it will happen because it is the right thing for Chili.

So with that said, I guess I am --

COUNCILMAN SLATTERY: Actually, Denny (Schulmerich), if I can, Jeff (Pape). I did highlight your number two, in your advertisement at the time, and -- and my comment, that -- I was going to read tonight or state was we have heard from many residents time and time again about piecemeal development in Chili and that is why I think we stopped and we had the Master Plan Update Committee get involved. It was that word, "moratorium" and so forth. So we have piecemeal development. We, as a Board, do not want to see that, do not want to be criticized for just jumping on one developer and saying yeah, let's go for it without looking at full scope of the Town, so I think that is very important that we do that. I do appreciate, you know, all of the -- all of the hard work.

MR. PAPE: Thank you. That is logical and we understand, and it is expected from the Town Board.

Just to respond a little bit to Dennis (Schulmerich)'s comment. We -- you know we have had meetings with the community. We'll have more meetings with the community if that is the desire. We're here and open to meet with anybody. I will make myself available for that. We want to continue to hear the concerns and make every effort to create a project if it does move forward that everybody will be happy with or as many people as possible. We recognize there are some people that simply don't want it, and we respect that opinion, as well.

SUPERVISOR LOGEL: Thank you.

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COUNCILMAN SCHULMERICH: Thank you, Mr. Pape.
COUNCILWOMAN SPERR: Thank you, Jeff (Pape).

3. The Town Clerk, Richard J. Brongo presented the tentative budget for the year 2007 to the Town Board Members as per Town Law Section 106(3) on September 29, 2006.

SUPERVISOR LOGEL: The third item on here is really not a presentation but an announcement that Town Clerk Richard Brongo presented the tentative budget for the year 2007 to the Town Board members as per Town Law Section 106-3 on September 29th, 2006.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Eight speakers addressed the Town Board on various subjects, and the Public Forum concluded at 8:55 p.m.

SUPERVISOR LOGEL: Because I'm going to ask for a break, I will have Mr. Stowe answer out of order the question regarding the money only because I think then when we take a public break -- generally people leave and I want you to know why the figures are different, the dollar figures.

RICHARD STOWE: Under the Matters of the Supervisor, the notification for me was check payable to the Town of Chili after my attendance at the closing and my payment from my attorney trust account of some of the expenses associated with the closing that were required according to the contracts that were approved by this Board. They weren't the same for the two real estate transactions. \$30,000 was the contract price, in the one. And there was \$125 worth of expenses that were paid from that. Whatever the difference is, without my calculator in front of me, 122,910 accounted for the other expenses. I believe they were abstract of title, survey and some recording expenses associated with that transaction.

None of them were Richard E. Stowe fee expenses. All of them were expenses per the contract. Dianne (O'Meara) has a closing statement for each one of those if you want to review that to see which ones were associated with which transaction. That is why there is a difference.

SUPERVISOR LOGEL: Thank you.

There was a recess in the meeting.

TOWN LIAISON REPORTS:

Conservation Report by Virginia Ignatowski

COUNCILWOMAN IGNATOWSKI: They reviewed the Planning Board agenda. One thing they had, Comfort Windows, they -- the vehicles being parked up by the building are not in compliance with the previous agreement, so they did not want to support their warehouse addition. I don't know if you have traveled down Scottsville Road, but they have all of their trucks right there and they're supposed to be, I guess, in the back so they didn't really rule.

SUPERVISOR LOGEL: Is the new agreement -- is the warehouse --

COUNCILWOMAN IGNATOWSKI: No. It was previous. When they had come in before, it was part of the previous agreement to have the trucks parked in the back and not up by the road. They're saying they're not really in compliance with that. Otherwise there was also inadequate maintenance of the planters.

And then, of course, there was two Dunkin' Donuts that came in, but the one there by McDonald's, they would like to see the foundation plantings, landscape island, something along those lines, either along -- either along the building or an island, I should say.

Drainage Report by Councilwoman Ignatowski

COUNCILWOMAN IGNATOWSKI: Drainage met last night, and Joe Carr went over the completed work that has been done the past month. They -- there really wasn't anything on the

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Planning Board agenda that -- where they took -- that really took the agenda of the Drainage Committee.

They had a guest that came in with a pretty incredible water situation on his property that we're going to be investigating.

SUPERVISOR LOGEL: (Inaudible.)

COUNCILWOMAN IGNATOWSKI: A person on Chili Avenue. The pipe is coming out so the water is coming right out --

SUPERVISOR LOGE: I had -- somebody stopped in my office saying they had a backyard drainage problem, and I don't think there is anybody in Chili right now that doesn't have a backyard drainage problem.

COUNCILWOMAN IGNATOWSKI: With all of the rain. They still have -- the Drainage Committee still has a vacancy on it. I know we have discussed this before. I know the other boards have had it. Is there going to be any chance of possibly advertising to try to get some interest again?

SUPERVISOR LOGEL: We can advertise.

COUNCILWOMAN IGNATOWSKI: I know -- what was it around, last year at this time, we put it out and interviewed a whole bunch of people.

SUPERVISOR LOGEL: We could do a press release and ask them to put it -- do another press release.

COUNCILWOMAN IGNATOWSKI: Also, I know the last Town Board meeting I had asked about if we could pursue doing an Architectural Review Board, and I don't know if there has been any work that has been accomplished towards meeting that goal.

SUPERVISOR LOGEL: That is something we're going to have to discuss and start working on. I don't even know what the details are to go into an Architectural Review Board. The only thing I know is I did take it to the Supervisors Association, this inquiry about Architectural Review Boards and I got an earful. It is something we really need to get together to discuss.

COUNCILWOMAN IGNATOWSKI: Okay. Well, that and along with maybe an Ethics Board, as well, should be considered. So I am sorry, I'm out of --

COUNCILWOMAN SPERR: Ginny (Ignatowski), can I ask a quick question? I don't know if anyone here is might be aware of where Dunkin' Donuts was. You mentioned two sites.

COUNCILWOMAN IGNATOWSKI: Two Dunkin' Donuts being proposed. One location next to the current McDonald's, it will be right in that parking lot, right next to it. The other one actually is going to be -- being proposed in the Rice's Mobil Gas Station, the service bays, he is looking to transfer one over into a -- into a drive-through type Dunkin' Donuts.

SUPERVISOR LOGEL: So the Dunkin' Donuts at that location is an inside, wouldn't be a separate building?

COUNCILWOMAN IGNATOWSKI: No. It is within.

SUPERVISOR LOGEL: The campus they have.

COUNCILWOMAN IGNATOWSKI: Yes.

COUNCILMAN SCHULMERICH: So our donut establishments are starting to rival our pizza establishments?

(Laughter.)

COUNCILWOMAN IGNATOWSKI: You won't have to make a left-hand turn to get donuts. Only a right-hand turn.

COUNCILMAN SLATTERY: Maybe those were the restaurants we were talking about earlier.

(Laughter.)

Historic Preservation Report by Councilwoman Sperr

COUNCILWOMAN SPERR: Yes. At the last meeting, it was a very spirited meeting, one of the longest we have had. Many of the topics that were touched on, I will review. Very disappointed in the Chil-E Festival. The Board had put together a quite detailed slide presentation that had a disk with over 100 pictures of eligible landmark houses in Chili, and because of the weather and lack of planning, there was no tent available for them to be under and they couldn't fit them in the Senior Center where all

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of the crafters were then placed. They were forced to pack up their tent and go home. So all of their work to try to show the Town what the Historic Preservation Board is all about, um, they weren't able to do. So they have -- in -- if you look at the minutes that were put in your boxes, there are some suggestions by the Historic Preservation Board for next year's Chil-E Fest so hopefully when Tracy (Logel) -- when you're at Rec Advisory and there's an opportunity to talk to -- for us to come and discuss our thoughts on next year's Chil-E Festival, I would like to be in attendance there.

Also, the Cabot House, um, which has been restored with a front Italianate porch and brick center entrance will receive a certificate award from the Preservation Board.

Carl Moore, the late husband of Bonnie Moore, who is on the History Preservation Board, there will be a certificate prepared and he will be acknowledged for many of his past works with -- I'm sorry, I have a cold, too. Um, there is a suggestion that there may be something placed in the Roberts Wesleyan Library honoring Carl.

Under the new business for the Board, they are going to work on all their plans to host other historic groups, historic societies and other Historic Preservation Boards across the County. They have not set the date, but I will pass it along as soon as it is determined to have a meeting here at the Town Hall to show case preservation issues and to compare notes, and they're also going to contact Cynthia Houck to possibly come in and do a presentation.

The topic of an associate membership was also discussed. It is an opportunity to get people involved in wanting to showcase their historic properties as a way to soften up people who may be then interested in putting their house in as a landmark.

I think that was about it.

Library Report by Councilman Slattery

COUNCILMAN SLATTERY: Yes. Quite a bit of discussion regarding the budget and so forth, how they came to the figures that they did submit to the Town, and we have talked about some of the long-range planning and some of the budget items, looking at -- they're also looking for grant money, to help them for this coming here, with some of the purchases that they would like to -- to make. That is pretty much it.

SUPERVISOR LOGEL: Okay.

Recreation Report by Supervisor Logel

SUPERVISOR LOGEL: We talked about the fall brochure, and that -- we thought it should have been out sooner, earlier, and definitely need to look at getting that out ahead of time. They talked about the Haunted Hay Ride, and there were several groups there that are working on doing different scare setups, you know, acting out scenes, I guess you would call them, along the Haunted Hay Ride on the Baker property. They are going to -- they were going to call the lawyer for the cemetery to see if this year they could continue to use some of Stryker Road, and I doubt very much that they will have a problem. I don't see a reason -- he had said that they didn't figure they would be doing too much building of the cemetery until about five years out.

So -- and there was representatives there from the Girl Scouts and there were representatives there from the Gates-Chili School District students who are going to be doing different things.

They also asked if anybody has any scene that they would like to set up out there with their family and put together a scare scene along the route, that they would definitely be interested in looking at that.

I had a complaint that there were tire tracks and problems at the Baker Property and apparently it was when they went out to look -- they road around and there was a lot of wet ground, and so they had some -- that is what the tire tracks were, to be fixed by the recreation group.

And there's -- oh, we also talked about the date, the September 25th, because that was coming up, the public hearing, for the parks and recreation, which we had -- which has now passed, but at that meeting we talked about that.

COUNCILWOMAN IGNATOWSKI: Can I go back to the Haunted Hay Wagon Ride? There is a structure that -- that's on what would now be the Grove Place Cemetery parcel, Stryker

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Road, kind of falling apart. They have Chili Highway Department cones and stuff to try to block access to it. Do you know if it – is that going to be removed? It is falling down. Do you know what I am talking about?

SUPERVISOR LOGEL: If you go on the Baker Property, if you go along, um, the --

COUNCILMAN SLATTERY: South.

COUNCILWOMAN IGNATOWSKI: The right-hand side. If you were to go right -- where the stuff is stored, keep on traveling back and look up on the hill, there is a structure there. It is starting to fall down, and I know it is not on our property any more, but that was constructed for the hay wagon ride, and I can't see it will be utilized this year because it is collapsing in.

SUPERVISOR LOGEL: You should call Mr. --

COUNCILWOMAN IGNATOWSKI: And see what they're going to do with that.

COUNCILWOMAN SPERR: I have a question -- I wondered if you could give an update on the haunted house?

SUPERVISOR LOGEL: They're in the plaza, in the -- the plaza, Mr. Brad Kuskin (phonetic) was more than willing to work with them in the section that is right next to the Leaf & Bean. They have a very nice set-up in there. The Boy Scouts have been working diligently to get that together. They had -- in fact, they had signs over some of your lawn signs because I saw your lawn signs out there.

COUNCILWOMAN SPERR: We donated them to the Boy Scouts.

SUPERVISOR LOGEL: They must have fell off. They have their sign up. I noticed tonight the arrow, and they have got -- I had suggested that the Cub Scouts -- and I'm hoping they took a suggestion. I will follow through to find out -- because Leaf & Bean is there with the tea, that they might switch from selling coffee, which they have done in past, to selling cider, cold and hot, and donuts.

And -- the last I knew, everybody was very excited about it and it is working out very, very well, and our Fire Department, our Fire Marshals were very pleased because it is a sprinkler system, and if you know with the haunted houses, they hang all of those sheets of plastic, which although they say they're fire retardant, they melt very quickly, and -- and our -- one of the reasons -- and I mentioned this at the last Town Board meeting -- that the state -- when the fire took place in Rhode Island, at the disco, one of the things that our Governor said, that this would no longer happen where public gathered in any large amount of people where there was not a sprinkler system, and so it is something that we really need to be cognizant of, and I think that the way it is looking -- I haven't gone through it yet. We should all go and see how it is working. I think it will certainly be warm and dry. In light of the rain that we have had this year, I think it is going to work out as a win-win for them.

Traffic Safety Report by Councilwoman Sperr

COUNCILWOMAN SPERR: Yeah. Um, following down our agenda, following along with it, the striping has been done in front of the Ar -- they're looking at striping on Archer Road. I'm sorry.

They did put some four-way stop signs up at near -- based on conversations with the Chestnut Homeowners Association of Hunt Hollow and Southerly Place. Those will come down by Friday.

Our Fathers House has asked for a stop sign and Joe (Carr) has offered to give them a stop sign there to help with traffic as they come out of their services.

Um, Joe (Carr) sent a letter to the State and we -- the State D.O.T., and we have received a response back. Looking for improvements to the intersection of Union Street, past 490, as we exit on Chili Avenue, which is a major -- major headaches for most of us who travel through on a regular basis and it needs attention.

Let's see. They responded to a second entrance to install a traffic light on Willow Brook Sports Center on Ballantyne Road, and that is being discussed at the Planning Board.

Um, at Fulham Place and Bolton Trail, they're agreeing to -- Committee has agreed to use a cross traffic do not stop signs for inbound Fulham Place. That is pretty much it.

They take issues and follow up regularly on those issues.

And I know there is a note from Dorothy (Borgus). She had been in an accident on that intersection by -- by Union Street there. She went to go right. A lot of people take that right trying to get through that intersection. You can sit through it at several sessions.

I'm sorry to hear you got in an accident, but it would – will help us improve that intersection and

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go to the numbers. So thank you.

COUNCILMAN SCHULMERICH: Just one more way that Dorothy Borgus helps the Town of Chili.

MS. BORGUS: At any cost.

SUPERVISOR LOGEL: I just wanted to say I have a flyer. I didn't realize the back side of it was the Haunted House. The dates for this, the first open date for the Haunted House is Friday the 13th, and then there is going to be four -- no, five week nights it is going to be opened, so you might want to pick up one of these flyers. It is open on the weekends, all three weekends and an additional five week nights. The week nights, it closes at 8:30. The weekends it is open 6 to 10. The week nights, 6 to 8:30. Okay?

And if your scout comes in uniform, you get to go a little cheaper. Okay?

COUNCILMAN SCHULMERICH: I'll get my wife to dress up as a scout.

(Laughter.)

Planning & Zoning Report by Councilman Schulmerich

COUNCILMAN SCHULMERICH: Planning and zoning. Start with zoning first.

They had three variances. One for sign variance, one lot line variance and one driveway variance. All were -- all were passed unanimously, and then two conditional use permits applied for. One was a new business, and another one was a renewal of a home office. Um, those were approved. And then they had one conditional use for animals increasing from one horse to two and still retaining six ducks. That passed unanimously.

The Chili Planning Board, I was out of town for that meeting on September 13th. There were five applications, four of them were subdivision approvals. They were all passed unanimously with conditions, and there was one conditional use application for a multi-family dwelling, two-family home that was tabled until next month. So that is it for Chili Zoning and Planning.

SUPERVISOR LOGEL: Thank you.

MATTERS OF THE SUPERVISOR:

1. Received notification from Town Attorney Richard Stowe of the sale of 60 Stryker Road for \$122,910.00.
2. Received notification from Town Attorney Richard Stowe of the sale of 49 Sequoia Drive for \$29,875.00.

SUPERVISOR LOGEL: Under Matters of the Supervisor, I already addressed the difference in the amounts of the saled properties versus the expenses that had to be deducted from it and the checks that came and have been deposited.

COUNCILMAN SLATTERY: Actually, Supervisor, I have a couple of questions, if I could, while we're still under that. This is going back to that greenhouse in North Chili.

SUPERVISOR LOGEL: Yes.

COUNCILMAN SLATTERY: That -- that complaints were -- do we have an update on that? I know we have been waiting.

JERON ROGERS: I don't have an update for you at this moment.

COUNCILMAN SLATTERY: Oh, okay. You were going to get back to the Board in regards to that, the greenhouse, what was going to take place with it. If you can look into it and just let us know.

SUPERVISOR LOGEL: I thought -- you're talking -- you don't mean --

COUNCILMAN SLATTERY: Green house in North Chili, the one that has been vacant where the windows are broken.

SUPERVISOR LOGEL: That as far as, I understand it --

COUNCILWOMAN SPERR: Across from Hubbard Park. Okay. I was thinking about a greenhouse with plants in it.

SUPERVISOR LOGEL: As I understand it, they're going to be remodeling that.

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COUNCILWOMAN SPERR: No.

COUNCILMAN SLATTERY: With a bulldozer?

SUPERVISOR LOGEL: They said they were going to remodel. We asked them, and they said they were going to remodel.

COUNCILWOMAN SPERR: The windows are out.

SUPERVISOR LOGEL: I know.

COUNCILWOMAN SPERR: I thought the Fire Department were going to use it for a controlled burn. I'm sorry.

COUNCILMAN SLATTERY: If you could, I would appreciate that. Thank you.

Secondly, I see Union Street is done, and if I can refer to Mr. Carr. Um, Joe (Carr), the blackout that was put over the white lines, you had that -- you look like you're aware of, the lines are coming through.

JOSEPH CARR: Yes.

COUNCILMAN SLATTERY: Are we going to be milling that?

JOSEPH CARR: Yes.

COUNCILMAN SLATTERY: Thank you. I came through there the other night during the rain, and actually I can understand, I know we have done that on County roads, but --

JOSEPH CARR: I certainly didn't expect it to wash off that quickly. I have directed the contractor who has a special grinding tool to strip that off as soon as possible.

COUNCILMAN SLATTERY: Thank you, Joe (Carr).

Next would be the Chil-E Fest report. I know we're a little bit away from that now, and are we going to have a report?

SUPERVISOR LOGEL: I would hope so. Mr. Curley was here earlier. I will ask him. I didn't think to ask him at the meeting.

COUNCILMAN SLATTERY: No problem.

One other thing with the Rec. The flyer that did come out, that was -- I have been approached with some concerns regarding lack of programming for our middle young adults, teenagers. There are a lot of toddler and adult programs, but not a lot of teenager programs that have been -- maybe something to bring back to Rec Advisory. Maybe that is something they can look into, and possibly look into for the future.

SUPERVISOR LOGEL: It is not -- they weren't saying something has been cut.

COUNCILMAN SLATTERY: No, there just hasn't been.

SUPERVISOR LOGEL: What age group are we --

COUNCILMAN SLATTERY: From 10, 11 on up.

COUNCILMAN SCHULMERICH: Preteen and the teens.

COUNCILMAN SLATTERY: Preteen and the teens.

COUNCILWOMAN SPERR: In the past, they tried to hold some Friday night events and we haven't seen anything.

SUPERVISOR LOGEL: That is why I asked if it was a cut program, but I didn't think --

COUNCILMAN SLATTERY: No.

COUNCILMAN SCHULMERICH: There is a need there. It is just a matter whether it is being filled.

COUNCILWOMAN IGNATOWSKI: I just had one other question, too. The recodification, how is that progressing?

JERON ROGERS: It is coming along pretty good. We should be getting an update from General Code, probably within the next couple of weeks. The zoning issues or the zoning chapters the Board had to look at. Those changes have been gotten back to General Code and other changes -- it should be coming out pretty soon.

SUPERVISOR LOGEL: They called me and asked for the color for the cover. So I know they will put a cover on it.

COUNCILMAN SLATTERY: We're moving forward.

COUNCILWOMAN SPERR: I think that there is -- this warrants some major discussion yet. I know we have been able to read some decision things and make some changes, but there hasn't been real discussion amongst us, and we only had a portion of that code book. We're not anywhere near --

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JERON ROGERS: You will get a copy of the entire thing in order to look at and make any other changes.

COUNCILWOMAN SPERR: We didn't get previews of the other sections. We have only been given a certain section. So you -- am I understanding that you're past the point where you think we have read the entire book and had a chance to make suggestions to it?

JERON ROGERS: I was under the impression that you had a chance to look at it before changes were submitted, and now other changes -- the entire book will be put together. You will be -- it will be given to the Board to look at for changes, or to make comments on. This is not going to be a final product. This is going to be a draft we look at to make additional comments.

COUNCILWOMAN IGNATOWSKI: Will it be the same where the zoning code did -- where it is marked out what was changed?

JERON ROGERS: It should be, yes.

COUNCILWOMAN SPERR: If it doesn't come that way, please request that they do that. Because it is very difficult to tell what is new and what is old when you're reading that much.

COUNCILWOMAN IGNATOWSKI: You have a code book this thick (indicating). To try to compare line by line --

COUNCILMAN SCHULMERICH: Not with word processing it is not hard.

COUNCILWOMAN SPERR: For them to do, no.

COUNCILMAN SCHULMERICH: It would be hard the other way.

COUNCILWOMAN SPERR: Yes.

COUNCILMAN SCHULMERICH: You would have to sit --

COUNCILWOMAN SPERR: Supervisor, before we run through the agenda, can I ask one more question if you don't mind? Saturday's Fire Department banquet which was very, very nice and we're very thankful that the Fire Department included the Board in their celebration for their 75 years this year, they made a presentation and I thought this Board would pass a resolution on the Fire Department --

SUPERVISOR LOGEL: I thought I would wait to do the resolution the night that we do the presentation to them, the plaque, when it is ordered, the wooden --

COUNCILWOMAN SPERR: When?

SUPERVISOR LOGEL: I would hope by the 18th. Did they give you a time line?

DAWN FORTE: The plaque, I got an e-mail from them yesterday morning and it should be here late next week.

COUNCILWOMAN SPERR: So it would be in time for the 18th. Then we can look --

SUPERVISOR LOGEL: I thought we could put the resolution on the 18th agenda.

COUNCILWOMAN SPERR: Great. Thank you.

SUPERVISOR LOGEL: I didn't know if that was what we normally did, but I just thought it would be a good idea.

COUNCILWOMAN SPERR: We normally do the resolution and present the plaque before we say we're going to do it, so we come and have a plaque and present it at the event. I just wanted to make sure we didn't get past that.

The 9/6/06 Town Board meeting minutes were approved as modified.

REPORTS SUBMITTED:

Community Center Revenue Report – August 2006

Recreation Center Revenue Report – August 2006

Senior Center Revenue Report – August 2006

Conservation Board – 6/5/06, 6/26/06, 7/31/06, 8/28/06

Historic Preservation Board – 6/12/06

Library Board of Trustees – 6/27/06

Monthly Finance Report –August 2006

Town Clerk Report – August 2006

Parks & Recreation Master Plan Update Committee Minutes – 7/10/06, 7/27/06, 8/7/06

Recreation Advisory Committee – 7/12/06

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Traffic & Safety – 8/3/06

CORRESPONDENCE:

1. Correspondence from Fix Spindelman Brovitz & Goldman, P.C. that \$20,000.00 for an Environmental Review of Paul Road (Chili Commons, North American Properties) has been sent to Richard Stowe, Town Attorney.
-

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: Dick (Brongo), would you explain to the audience why we're amending this resolution?

RICHARD BRONGO: Sure. We put -- this original resolution, I believe, was back at the beginning of August, and I needed to put the legal notice in the paper, and it had stated that we would have a public hearing on a particular night, and because the legal notice never made it to the newspaper, we couldn't have the public hearing, so we're essentially starting back to ground zero resetting the dates.

COUNCILWOMAN SPERR: Thank you.

RESOLUTION #241 AMEND RESOLUTION #206 TO READ AS FOLLOWS:

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: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

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:

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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 1st day of November, 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

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

UNANIMOUSLY APPROVED

**RESOLUTION #242 RE: Authorizing Surety, Form, and Amount of Official
Undertaking for the Faithful Performance of the Duties of the
Town Clerk and Receiver of Taxes and Assessments**

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED, as follows:

Section 1. The Town Board hereby approves the surety, form, and amount of the official undertaking for the faithful performance of the duties of the Town Clerk and Receiver of Taxes and Assessments as follows:

Type of Undertaking: _____ Government Form P Faithful Performance
Insurance company: _____ Utica National Insurance Group
Amount: _____ \$500,000

Section 2. A true copy of this resolution shall be affixed to the undertaking to indicate this Board's approval thereon in accordance with Town Law Section 25.

UNANIMOUSLY APPROVED

**RESOLUTION #243 RE: APPROVING EXTENSION CHILI CONSOLIDATED
DRAINAGE DISTRICT TO SERVE THE COSTANZA PROPERTY TAX MAP NO.
160.03-1-15 LOCATED AT 2113 SCOTTSVILLE ROAD, SCOTTSVILLE, N.Y. 14546 AND
TAX MAP NO. 160.03-1-16 LOCATED AT 2117 SCOTTSVILLE ROAD, SCOTTSVILLE,
N.Y. 14546 IN THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW
YORK**

CHILI TOWN BOARD MEETING - October 4, 2006

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

WHEREAS, a petition for the extension of the Chili Consolidated Drainage District to serve the property located at 2113 Scottsville Road, Scottsville, N.Y. 14546 tax map no. 160.03-1-15, and located at 2117 Scottsville Road, Scottsville, N.Y. 14546 tax map no. 160.03-1-16, 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 September 6, 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 October 4, 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 4th day of October, 2006, 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 be 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 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

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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.

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

UNANIMOUSLY APPROVED

RESOLUTION #244 RE: Authorization of Attendance at Professional Development Course on Resolving Land Use Disputes

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that Jeron Rogers, Director of Engineering/Planning, is hereby authorized to attend the Professional Development Course on Resolving Land Use Disputes, Oct 23-24, 2006 at City Hall, Rochester, NY at a cost of \$225.00 plus mileage.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: I'm assuming this is because you just got these figures in from the respective organizations?

SUPERVISOR LOGEL: Fire Department.

RESOLUTION #245 RE: Budget Revision

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

BE IT RESOLVED to revise budget SF-103-9040.8 (Clifton Fire Protection – Workers Compensation) to \$8,883.42; and

BE IT FURTHER RESOLVED to revise budget SF-104-9040.8 (Chili Fire Protection – Workers Compensation) to \$103,412.12; and

BE IT FURTHER RESOLVED to revise budget SF-105-9040.8 (Scottsville Fire Protection – Workers Compensation) to \$1,594.46.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: Could we address the comments that were raised during the Public Forum?

SUPERVISOR LOGEL: Um, she just made a comment. She didn't ask any questions. I have

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the comments here.

COUNCILWOMAN IGNATOWSKI: Well, then I had some. Where is this coming from in our budget, the money?

SUPERVISOR LOGEL: Dianne (O'Meara), what account are you taking it out of?

DIANNE O'MEARA: I determined it -- that we could take it out of the account where we do the legal notices and ads.

RICHARD BRONGO: That's my account.

COUNCILWOMAN IGNATOWSKI: That's your account.

COUNCILMAN SLATTERY: Well, then I guess we'll have another transfer.

COUNCILWOMAN SPERR: In the future when we do these, can we have that information put on the resolution?

DIANNE O'MEARA: You know, yes. I -- at one time, I did do that, and then I was asked not to do that, but yes, I -- I would rather have the account number in the resolution, to be honest with you. So yes, I will do that.

COUNCILWOMAN SPERR: Okay.

COUNCILMAN SCHULMERICH: In terms of doing this, I fully support it. I think it is a good idea. Um, I would suggest that we use these next four meetings as an evaluation period to assess the quality, cooperativeness, timing, get some understanding of when these would be aired, and would suggest that if in the December meeting we can have a conversation about our satisfaction with that, with anticipation of carrying it through the 1st of the year to the Organizational Meeting.

SUPERVISOR LOGEL: Right.

COUNCILMAN SLATTERY: More questions Ginny (Ignatowski)?

COUNCILWOMAN IGNATOWSKI: Other than the amount we paid them already, that does not include the taping.

SUPERVISOR LOGEL: The amount you paid them already is your percentage of the franchise fee that the contracts were signed for in the past, and I am currently investigating or -- I should say, I'm not currently. I am having investigated whether or not we need to be paying that percentage of renewal fee. We have been told by the FCC that that is being paid by Time-Warner and we are -- do not under any circumstances have to be paying that kind of money out, and so I have asked for a complete legal ruling from the FCC, both federal and State. I want to know -- because this money has -- is being paid out, we don't need to pay it out. Because under the law, as it is written, Edu -- or Time-Warner must provide the Town -- where it has infrastructure cable, it must provide public access for that community. So it is -- so it is something that we have been renegotiating the contract -- Chris Levey has been working very hard on the contract. We have met several times with Brian Wirth (phonetic), who is Vice President of Time-Warner, and Chris Mueller, who works for them, and we have a contract already to be signed. It is just getting them to sign it, and it has been ready to go now for two or three months. It is a good agreement, and it is something that we are --

COUNCILMAN SLATTERY: What is this contract for?

SUPERVISOR LOGEL: It's -- you have to -- your contract has been expired for several -- for quite a length of time and Time-Warner has been extending it, extending it, extending it, what they have to pay us for the infrastructure. They keep getting FCC to rule they can continue at the same rates and the same percentages. And this is -- so I will have Chris (Levey) show you -- it is a very -- it's a very large document.

COUNCILMAN SLATTERY: I'm sure we have people. Counsel, I assume, is involved.

RICHARD STOWE: I talked to Chris (Levey).

COUNCILMAN SLATTERY: When you talk FCC, that is federal. Who are you referring to at the State?

SUPERVISOR LOGEL: I --

RICHARD STOWE: The Public Service Commission.

COUNCILMAN SLATTERY: Okay.

RICHARD STOWE: Used to be the -- it is no longer the cable commission. That is the Public Service Commission.

COUNCILMAN SLATTERY: Are other municipalities looking into that? With the Supervisors' Association --

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SUPERVISOR LOGEL: I brought it up at the Supervisors' Association, and some were very interested, and some were under the mind set that -- that we were under, that you have to do it. So now it's a -- it's a subject that was brought up last month.

COUNCILMAN SLATTERY: That is good. It is going to be interesting to see if all town --

SUPERVISOR LOGEL: Chris (Levey) can be commended for doing a tremendous amount of work on it.

COUNCILMAN SLATTERY: And the Association of Towns, as well. Because I'm sure getting their input would be very important, as well.

COUNCILMAN SCHULMERICH: The contract that we have with them expires December 31st, 2006, and requires a 3 percent payment for --

SUPERVISOR LOGEL: That is with Educable.

COUNCILMAN SCHULMERICH: Right.

SUPERVISOR LOGEL: I was talking about Time-Warner cable. The Time-Warner franchise.

COUNCILMAN SCHULMERICH: I understand. I am moving onto -- all I'm referencing is in the contract I was reading to see if there was any provision that videotaping on site will be part and parcel to the fee that we pay them annually and it is not. So it's an additional charge.

SUPERVISOR LOGEL: It would certainly be a tremendous financial savings if, indeed, it does fall under Time-Warner's fees that they're paying.

COUNCILMAN SCHULMERICH: If -- that's a big "if."

RICHARD STOWE: If it does, it would.

COUNCILWOMAN SPERR: It was a little over \$11,000. It is worth asking.

SUPERVISOR LOGEL: It's worth pursuing anyway.

RESOLUTION #246 RE: Educable Channel 12 Cable Access

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

BE IT RESOLVED that Supervisor Logel is hereby authorized to negotiate and sign a contract with Educable to video tape Town Board meetings for the remainder of 2006. The cost per meeting will be \$200.00 - \$250.00 and will cover the 10/18/06, 11/1/06, 11/15/06, 12/6/06 meetings.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: The Town's not spending this money. We're being reimbursed for it.

SUPERVISOR LOGEL: Right.

COUNCILWOMAN IGNATOWSKI: I just want to make sure that's clear.

RICHARD STOWE: Yes, I think -- I think properly the resolution ought to not show this money going into a contingency account. That -- there is a -- the correspondence that was noted earlier was, in fact, sent to me through Fix, Spindelman, Brovitz, the attorneys for NAP. And it's sort of an escrow fashion, pending how the resolution is passed or not. I think more properly, the resolution ought to say that Town of Chili accepts for deposit the \$20,000 check submitted through Fix, Spindelman to be billed against by the consultant for SEQR services regarding this specific application. Okay?

COUNCILWOMAN IGNATOWSKI: I would feel better.

RICHARD STOWE: That is the intention.

I will give that to Sandy (Hewlett), but I suggest you amend your resolution so it doesn't say transfer 19,5 from contingency and instead say, Be it further resolved that the Town of Chili accept for deposit the \$20,000 check submitted through Fix, Spindelman to be billed against by the consultant for SEQR services regarding this application.

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COUNCILWOMAN IGNATOWSKI: Then further on this, as well, um, voting on the SEQR process is not something that is saying "yes" or "no." To any particular project. It is just saying that we are pursuing the SEQR just to have this process continue.

RICHARD STOWE: Right. The -- the applicant is making this deposit in furtherance of the Town's engaging a SEQR consultant to help the Town review its SEQR responsibilities and this individual contracts with the Town, but at no expense to the Town. Using this \$20,000 deposit.

SUPERVISOR LOGEL: Do we have a motion to amend?

COUNCILMAN SCHULMERICH: So moved.

COUNCILWOMAN SPERR: Second.

COUNCILMAN SCHULMERICH: Do we have opportunity for discussion?

SUPERVISOR LOGEL: You want to discuss the amendment?

COUNCILMAN SCHULMERICH: No. I want opportunity to discuss prior to the vote.

SUPERVISOR LOGEL: Let's move the amendment. Role call.

(The amendment to the resolution was unanimously approved at this point.)

SUPERVISOR LOGEL: Now, the resolution as amended, would you like to discuss--

COUNCILMAN SCHULMERICH: The only comment I would like to make, I would want to make it clear to those in the audience and North American Properties, in the interest of being efficient and try to move this along, it is important that we pass this resolution so we can get SEQR completed, thereby allowing us to move this to a vote as soon as possible, so I would concur with Mrs. Ignatowski that our adopting this resolution is not part and parcel to saying that we are in support of the project for or the rezoning.

RESOLUTION #247 RE: Planning Board Consultant

OFFERED BY: Councilman Schulmerich

SECONDED BY: Councilwoman Sperr

WHEREAS, the Planning Board has declared itself Lead Agency under SEQR relative to the application of North American Properties for a number of land development permits from various State ad local governmental agencies;

WHEREAS, FES Associates has offered to provide environmental consulting services to the Planning Board so it can effectively discharge its responsibilities under SEQR;

BE IT RESOLVED that FES Associates be retained by the Town at a rate not to exceed \$125.00 per hour and not to exceed a total cost of \$19,500.00 consistent with its offer of September 6, 2006 and is subject to the approval of the Counsel for the Town;

BE IT FURTHER RESOLVED to transfer \$19,500.00 from A1990.4 (Contingency) to A8020.4 (Planning Board Contractual).

Amendment:

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Sperr

WHEREAS, the Planning Board has declared itself Lead Agency under SEQR relative to the application of North American Properties for a number of land development permits from various State ad local governmental agencies;

WHEREAS, FES Associates has offered to provide environmental consulting services to the Planning Board so it can effectively discharge its responsibilities under SEQR;

BE IT RESOLVED that FES Associates be retained by the Town at a rate not to exceed \$125.00

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per hour and not to exceed a total cost of \$19,500.00 consistent with its offer of September 6, 2006 and is subject to the approval of the Counsel for the Town;

BE IT FURTHER RESOLVED that the Town of Chili accept for deposit the \$20,000 check submitted through Fix, Spindelman to be billed against by the consultant for SEQR services regarding this application.

On the amendment: UNANIMOUSLY APPROVED

On the original resolution as amended: UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Just once again, budget item coming from?

DIANNE O'MEARA: Coming from the garage equipment account.

RESOLUTION #248 RE: Highway Garage Heating System

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

WHEREAS, problems have developed with the heating system in the Highway Garage and components must be replaced in order to operate the system this season,

NOW, THEREFORE, BE IT RESOLVED to authorize EDS Mechanical Services to furnish all labor, parts, and equipment to repair the heating system at a cost not to exceed \$15,000.00.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Joe (Carr), in regards to this, I believe this was discussed, and in looking at the agreement that we have with the Town of Gates, who's going to house it, where is it going to -- who is going to maintain it, when it comes to resale, you know, when we send it to the auction, if we send it to the auction, you know, who is going to benefit? So forth. Operators. Are they -- I'm sure we have people that will be trained on this piece of equipment. Maybe you can just give us some information and then –

JOSEPH CARR: What our intent is, that if we're successful in getting this grant, then we would ask legal counsel to draft an agreement and it would be specific for the shared use of this piece of equipment. We talk about the maintenance, the house, the shared cost to repair, the operation. We would have an agreement between the two Towns that would spell out all of those details.

At this time, um, not -- not knowing if we're going to get the grant or not, this is just to submit the grant. We would then, if we're successful, come back and there would be a resolution to accept the grant, and at that point is when we would need the details of that information.

COUNCILMAN SLATTERY: Okay. Insurance for that, as well.

JOSEPH CARR: Insurance, yes.

COUNCILMAN SLATTERY: I just got to throw Eric (Vail) in. I had an opportunity.

JOSEPH CARR: One of the very quick ways to assess those things, all of those would have to be identified, and then as you know, that type of a machine has an hour meter. We could log the number of hours used by each Town, and we could use that as a way to divide the costs based on the use program.

COUNCILMAN SLATTERY: Thank you, Joe (Carr).

RICHARD STOWE: Councilman Slattery, there actually are form agreements that many municipalities use -- I'm sure Joe (Carr) has seen at the highway school, depending upon the nature of

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the equipment, address all those issues, and we would probably start with one of those.

COUNCILMAN SLATTERY: Monroe County has a shared-equipment program. Thank you.

**RESOLUTION #249 RE: Application for a New York State Shared
Municipal Services Incentive Grant**

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

The Town Board of the Town of Chili hereby authorizes Joseph L. Carr, Commissioner of Public Works/Superintendent of Highways to submit an application to the New York State Shared Municipal Services Incentive Grant Program for the 2006-2007 program year. The Town of Chili, as co-applicant, will support the Town of Gates, lead applicant, in all grant administration matters pertaining to this application.

The purpose of the application is to secure funds to purchase an excavator, to be shared/jointly used by both the Town of Gates and the Town of Chili to reduce equipment costs to both municipalities.

The maximum amount of funds applied for, through this program, is \$60,000. The Town of Chili will contribute one-half of the required 10% cash match (\$3,000.00) required, should an award be made.

Approved by the Town Board of the Town of Chili this date: 10-4-06 Certification by Clerk:

UNANIMOUSLY APPROVED

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TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: I don't think there is anything other than a moment of silence that should go along with this.

COUNCILWOMAN SPERR: Other than the moment of silence, he was a dedicated public servant. We'll miss him.

RESOLUTION #250 RE: In Memory of Donald W. Ramsey

OFFERED BY: Supervisor Logel

SECONDED BY: Council members
Ignatowski, Schulmerich,
Slattery and Sperr

WHEREAS, on September 27, 2006 Donald W. Ramsey passed away and we are deeply saddened by his loss;

AND WHEREAS, Mr. Ramsey served as a Town Justice from 6/1/1970 – 8/1/1973, served on the Town Board from 1974-1981 and served as Town Supervisor from 1990-1991;

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

UNANIMOUSLY APPROVED

CHILI TOWN BOARD MEETING - October 4, 2006

**RESOLUTION #251 RE: Letter of Credit Release Maple Grove Subdivision
Release No. 3**

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that per recommendation of the Town Engineer, \$33,826.41 be released from the letter of credit with Ontario National (#1013) for Maple Grove Subdivision, leaving a balance of \$124,887.25; subject to engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

**RESOLUTION #252 RE: Letter of Credit Release Park Place, Section 6
Release No. 3**

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that per recommendation of the Town Engineer, \$111,969.65 be released from the letter of credit with CNB (1102515514) for Park Place, Section 6, leaving a balance of \$71,640.15; subject to engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: This is a different firm than we have used in the past, isn't it?

SUPERVISOR LOGEL: Linda (Leach) submitted this verbiage, and -- I don't know if it is something they're doing new.

COUNCILWOMAN SPERR: You didn't discuss it with her?

SUPERVISOR LOGEL: I didn't discuss it with her. Actually, what we discussed was the certificate that can be found in your mailboxes today, recognizing the Town for its efforts in providing fair and equitable assessments. No, we didn't discuss the change in this. Actually, I didn't recognize the change. Good catch. I'm not sure what it is.

RESOLUTION #253 RE: Periodic Assessment Roll Update

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

WHEREAS, the Town of Chili has, according to New York State law, undertaken its periodic update of its assessment roll to maintain equity, and,

WHEREAS, the Assessor has recommended the Town of Chili engage AVS Assessment Services, Rochester NY to assist and provide said services,

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NOW, THEREFORE, BE IT RESOLVED that the Supervisor be authorized to execute a professional services agreement with AVS Assessment Services to assist the Assessor with the Annual 2006-07 Assessment Equity Program at a cost not to exceed \$13,138; and, to include OPTIONAL additional man days IF needed at a rate of \$450.00 per day up to 10 days maximum.

BE IT FURTHER RESOLVED that the project budget shall be established at \$25,100 and expenses paid for from New York State maintenance aid from budgeted funds allocated to the project.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Before we move, that should be called the Chili Center Comprehensive Plan. That is what the actual title --

SUPERVISOR LOGEL: I didn't write the resolution.

RICHARD STOWE: If that is the title of the report, that is fine.

COUNCILWOMAN IGNATOWSKI: So call it that, and also, on the resolution itself.

COUNCILMAN SCHULMERICH: Chili Center Comprehensive Plan Update.

COUNCILMAN SLATTERY: Which we went through in depth at the last meeting.

SUPERVISOR LOGEL: Right. But the thing was I asked Dawn (Forte) and I contacted Mr. Stowe and he wrote this.

RICHARD STOWE: The final report is what we ought to be accepting, the document, that is dated June 2006. That's fine. Chili Center Comprehensive Plan Update Report, final June 2006. I didn't have the report with the date on it.

COUNCILWOMAN IGNATOWSKI: And the resolution, within that resolution, number 271 was not adopted on the – November 2nd. It was in October.

RICHARD STOWE: Okay. That was left blank.

SUPERVISOR LOGEL: It's off the minutes.

COUNCILWOMAN IGNATOWSKI: In November we were beyond 271.

SUPERVISOR LOGEL: Dawn (Forte), did you pull that from Mr. Brongo's office?

DAWN FORTE: I didn't put -- it was from our agendas in our office.

SUPERVISOR LOGEL: Off the agendas in our office.

RICHARD STOWE: As -- as authorized by Resolution -- it is 271, adopted in 2005. Take the date out. The Resolution Number will speak for itself.

COUNCILWOMAN IGNATOWSKI: I just want it on the minutes --

RICHARD STOWE: That's fine. The resolution, as amended.

Take the date out. Resolution 271 will get you to where you got to go. In 2005.

SUPERVISOR LOGEL: So we need to amend -- we didn't --

COUNCILWOMAN IGNATOWSKI: No. We did it before so we didn't have to amend it.

COUNCILMAN SLATTERY: Moved.

COUNCILWOMAN IGNATOWSKI: Second.

COUNCILMAN SCHULMERICH: The only question I had, which is not specific to this resolution, but who would be the follow-up on in terms of making sure that we have clear understanding in terms of what we need to do to incorporate any of a portion of this report into the Master Plan, what specific actions and time frames? If, for instance, we choose to select six or seven bullets from this report and have them incorporated into the Master Plan, what is the process and what is the time? Or are we just simply accepting this report and this is a report advisement?

RICHARD STOWE: For now you're just accepting. If you decide that you want to go forward with accepting those bullets, and act enacting those, those would be either in the form of a local law that would require a separate resolution, public hearing and SEQR determination on the adoption of a local law. Or it could be modified much the same way you're doing your park update.

COUNCILMAN SCHULMERICH: All right. Understand.

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COUNCILMAN SLATTERY: So go through the whole SEQR process.

RICHARD STOWE: Yeah.

COUNCILMAN SCHULMERICH: So we should probably think about how we want to proceed with that down the road?

COUNCILMAN SLATTERY: Right. Well, I think that we had a discussion on that at the previous meetings, and I -- I would like to move forward with it, and, you know, start that process. So I guess we -- Supervisor, would -- what do you recommend then in regard to --

SUPERVISOR LOGEL: I would defer to our attorney's advice, because he had been advising me all of the way through on this.

RICHARD STOWE: Well, no, we're not talking about the resolution now. We're talking about --

COUNCILMAN SLATTERY: How you want to move?

SUPERVISOR LOGEL: But you were --

RICHARD STOWE: Next steps.

SUPERVISOR LOGEL: So we --

RICHARD STOWE: If it is the Board's consensus, you want to take those bullets and adopt pieces of those, you know, direct myself, Keith (O'Toole), General Code, whoever you want to to adopt the local laws or move forward with the local laws or put them in your planning process, your code book and go forward.

COUNCILMAN SLATTERY: Okay. I think --

COUNCILWOMAN IGNATOWSKI: I guess the confusing thing, as I have said before, is Resolution 271 called this a Master Plan Update and now it is being called a Chili Center Comprehensive Plan, so there is just that disconnect between those two resolutions and what they were called. I can understand that the contract that was signed did not actually ask for a comprehensive update. I was not aware of that, though, until after the fact. So I am accepting the report, since a lot of time and effort went into it and I appreciate that, and the -- there will be a -- be a supplement in my find to the Master Plan we can use in making decisions for the Chili Center area.

COUNCILMAN SCHULMERICH: So maybe what we can do off line on one-on-one conversations is query each others' thoughts in terms of what we think should happen next, so if -- if we're content to take this as a Comprehensive Plan Update, accept it and internalize it, fine, that is one panel. If there is specific interest in taking all or a portion of the report and proceeding along the SEQR process as we are with the recreation update, that is another action, but we're going to need to make a conscious decision to move it forward if we choose to do that. Maybe we should have one-on-one discussion that could be more appropriate.

SUPERVISOR LOGEL: More appropriate. Do you want to leave the November 2nd date in seeing how it was of --

COUNCILWOMAN IGNATOWSKI: That says that, but the meeting minutes on line shows it being in October. That is confusing.

COUNCILMAN SLATTERY: Another problem with our stuff on line?

COUNCILWOMAN IGNATOWSKI: Yes.

RICHARD STOWE: I think the resolution that --

SUPERVISOR LOGEL: The only thing you can do --

COUNCILMAN SLATTERY: I think Richard (Stowe), Counsel, had a point earlier, take the date out.

RICHARD STOWE: Resolution 271 is Resolution 271.

COUNCILMAN SLATTERY: No matter how you look at it.

SUPERVISOR LOGEL: Let's go with the roll call.

**RESOLUTION #254 RE: Chili Center Comprehensive Plan Update Report
(Final June 2006)**

OFFERED BY: Councilman Slattery

SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that the Town Board acknowledges receipt of the report dated June 2006, from

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the Committee authorized by resolution #271 adopted in 2005.

UNANIMOUSLY APPROVED

RESOLUTION #255 RE: September 20, 2006 Abstract

OFFERED BY: Councilman Schulmerich

SECONDED BY: Councilman Slattery

WHEREAS, January 4, 2006 Resolution #1 authorized vouchers to be paid September 20, 2006 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 4613-4793 totaling \$150,481.25 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 4613-4793 were paid from the following funds:

General Fund	\$ 53,481.58
Highway Fund	\$ 51,433.75
Library Fund	\$ 964.00
H42 Annual 2005-6 Reassessment	\$ 1,750.00
H39 Union Street Improvement	\$ 870.71
Consolidated Drainage	\$ 1,214.88
Clifton Fire Protection	\$ 8,883.42
Chili Fire Protection	\$ 17,996.12
Scottsville Fire Protection	\$ 1,594.46
Special Light Districts	<u>\$ 12,292.33</u>
Total for Abstract	\$ 150,481.25

UNANIMOUSLY APPROVED

RESOLUTION #256 RE: October 4, 2006 Abstract

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

BE IT RESOLVED to pay vouchers 4944-5237 totaling \$208,553.18 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$ 89,553.99
Highway Fund	\$ 44,991.31
H36 Chili Sewer Improvement #1	\$ 50.00
Consolidated Drainage	\$ 1,861.48
Hynes Tract Water	\$ 12.02
S Chili Water Benefit Area #1	\$ 694.55
S Chili Water Benefit Area #2	\$ 127.37
Chili Sewer Improvement #1	<u>\$ 151.41</u>
TOTAL	\$137,442.13

UNANIMOUSLY APPROVED

CHILI TOWN BOARD MEETING - October 4, 2006

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on October 4, 2006 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 8:35 p.m. to consider extension of the Chili Consolidated Drainage District to serve the Costanza property, tax map no. 160.03-1-15, 2113 Scottsville Road property; tax map no. 160.03-1-16, 2117 Scottsville Road property.

Attendance as previously noted in the 10/4/06 Chili Town Board meeting minutes.

No one was present to represent the property at 2113 and 2117 Scottsville Road.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 8:35 p.m.

COUNCILMAN SLATTERY: Tracy (Logel), I did call for an Executive Session.

SUPERVISOR LOGEL: Yes. Mr. Slattery is requesting an Executive Session.

COUNCILMAN SLATTERY: Briefly.

SUPERVISOR LOGEL: Who would you like?

RICHARD STOWE: Regarding?

COUNCILMAN SLATTERY: Counsel, personnel issue. Just Counsel.

COUNCILMAN SCHULMERICH: Council plus attorney?

COUNCILMAN SLATTERY: The Counsel is the attorney.

COUNCILMAN SCHULMERICH: I meant Town Council. Wow. Communication is important.

COUNCILMAN SLATTERY: Pronunciation, as well.

COUNCILMAN SCHULMERICH: Motion so moved.

COUNCILMAN SLATTERY: Second.

Councilman Schulmerich made a motion to go into Executive Session to discuss a personnel matter, and Councilman Slattery seconded the motion. All Board members were in favor of the motion to go into Executive Session.

Supervisor Logel stated the Town Board would go into Executive and would return to the meeting for the purposes of adjourning the meeting only, and that no further business would be handled at that point in time.

The Town Board went into Executive Session at 10:03 p.m.

The Town Board returned from Executive Session at 10:23 p.m.

The Town Board meeting was adjourned at 10:23 p.m.

The next meeting is Wednesday, October 18, 2006 at 7:00 p.m. The meeting will be held in the Chili Town Hall Main meeting room.

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