

CHILI TOWN BOARD

December 7, 2005

A meeting of the Chili Town Board was held on December 7, 2005 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: Councilman Powers, Councilwoman Ignatowski, Councilman Slattery and Supervisor Logel. Councilwoman Sperr was excused.

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

The invocation was given by Richard Brongo.

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

PRESENTATIONS:

Supervisor Logel stated the Town Board wanted to present a plaque to their esteemed colleague who is going to be retiring at the end of this month, Mr. Powers. Supervisor Logel stated in 1971, James J. Powers served the Town of Chili as an elected Town Councilman. She stated then in 1972 to 1985, he served as Town Supervisor. She stated in 1994 to 2005, he served as Chili Town Councilman. She stated in addition, he has a long list of things that he was liaison to: Conservation Board, Parks and Recreation, Traffic Safety for at least the last six years.

Supervisor Logel stated they wanted to congratulate Councilman Powers, wishing him the best and thanking him.

There was a standing ovation.

Supervisor Logel stated after the meeting there would be a soda and cookie reception for Mr. Powers.

Councilman Powers stated it has been a long wonderful trip. He stated he has thoroughly enjoyed his stay with the Town of Chili. He stated he has met a lot of new acquaintances and friends over the years, and he has had the opportunity to work with some great men and women, this Town Board included, over the years.

Councilman Powers stated he feels that his life is much richer for having had that particular opportunity.

Councilman Powers stated he was going to miss this group of people. He stated it's the last Town Board, maybe, that he will sit with. He stated they have had a lot of fun. He stated he has thoroughly enjoyed this group.

Councilman Powers stated Councilman Slattery has a sense of humor at times. He stated Councilman Slattery told him he was getting a 3 by 3 plaque. He stated he told Councilman Powers that is pretty big. Councilman Powers stated Councilman Slattery said, "No; 3 inches by 3 inches."

Councilman Powers stated he wanted to wish the Board well. He stated there will be a new councilman sitting on the Town Board come the 1st of January, a gentleman by the name of Dennis Schulmerich, and he will serve well with this Town Board. He stated he will represent the citizens of Chili well. He stated he is a good choice.

Councilman Powers thanked everyone and Supervisor Logel. He wished Supervisor Logel well in

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her new term, and he hopes she and her husband Pete enjoy their new home for many, many years.

Councilman Powers stated he almost forgot someone very important that came with him in this evening, his wife Kathy. He stated he wanted to thank Kathy, because she has been his heartened supporter through all of the years, and all his shenanigans. He stated right now she is probably very concerned as to what in God's name she is going to do with him being home every night, but they will work that out.

At this point, a Public Agenda Forum was conducted to allow public speakers to address the Town Board. Five speakers addressed the Town Board on various subjects, and the Public Agenda Forum concluded at 8:31 p.m.

TOWN LIAISON REPORTS:

Conservation Report by Virginia Ignatowski

Councilwoman Ignatowski stated she asked the Conservation Board about the open space index. She stated it is still a work in progress and just a tremendous effort for two people.

Councilwoman Ignatowski stated the Conservation Board spent some time discussing their adopted project assignment. She stated various proposals that come through the Planning Board, the individual members go through to make sure that the landscaping plans are adhered to. She stated so they spent some time discussing their various projects they were looking at. She stated they reviewed the Planning Board agenda, and they felt the Walgreens landscaping was acceptable.

Supervisor Logel stated she hopes they're noting cemeteries are open space, officially. Councilwoman Ignatowski stated they indicated actually they were aware that cemeteries are considered open space, yes.

Drainage Report by Virginia Ignatowski

Councilwoman Ignatowski stated they met last night. She stated some work has been done on Indian Hill, Chili Avenue. She stated the first phase has been completed. She stated they were able to extend drainage to a house on Hay Market because of the new housing subdivision that came in, so they were able to tie into that drainage.

Councilwoman Ignatowski stated they have been busy keeping the leaves out of the drainage courses, and they have done some survey work out on Red Leaf and exploring possibilities to correct that situation. She stated they also spent some time discussing options for vegetation and ponds, most specifically the Whispering Winds, because it is shallow with some vegetation. She stated they received some suggestions from the Monroe County Soil Conservation as to what should be done, and that will be forwarded onto the homeowner most affected by that.

Councilwoman Ignatowski stated beyond that, they reviewed the Planning Board agenda and discussed the drainage concerns on that.

Historic Preservation Report by Mary Sperr

Mary Sperr was excused.

Library Report by Michael Slattery

Councilman Slattery stated Friends of the Library, their junior friends, volunteers, young high school kids, young adults, they're working on their goals and needs. He stated they are moving forward and it is great to see them volunteer.

Councilman Slattery stated volunteers of the friends are creating a scholarship for a volunteer, one of the high school students, for college. He stated that has been discussed, and they're working out the details.

Councilman Slattery stated Target has donated \$1,000 for a grant for the library to be used towards Books for Babies Program. He stated there has been an application made for a \$500 Home Depot youth garden grant.

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Councilman Slattery stated also the Chili Public Library has received \$425 from the Ruth B. Lenhart's Memorial. He stated also the library system is working on creating a new library card, and hopefully that will be taking place in the near future.

Councilman Slattery stated the Library purchased six Hewlett Packard PCs with 17 inch monitors, so they're pretty excited about that. He stated he was up at the library over the last holiday they had, and the library actually was pretty busy, which was normal and good to see.

Councilman Slattery stated the Library Board also would like to thank the Town Board for their cooperation and commitment to the library with the funding for the next year's budget.

Recreation Report by Jim Powers

Councilman Powers stated they did have Breakfast with Santa Saturday, and they have one coming up again this Saturday. He stated everything apparently he thought went pretty good.

Traffic & Safety Report by Jim Powers

Councilman Powers stated the Traffic Safety Committee basically discussed The Father's House and the parking lot they will be putting in, the road cut they're using up there now just temporarily.

Councilman Powers stated the Traffic Safety Committee spent considerable time discussing 741 Paul Road, where Mr. Fallone was going to be coming in, for concerns about the sidewalks, possibility of sidewalks on Paul Road, how it would impact some of the intersections in Chili, particularly the Chili Avenue and Archer Road, Paul Road and Archer. He stated there was some discussion about the widening of Paul Road and turning lanes.

Councilman Powers stated the Traffic Safety Committee spent quite a bit of time discussing the Walgreens going in North Chili, and their concern with the traffic flow in and around the building, where they indicate the driveway is going to be, and removing trash.

Councilman Powers stated they spent quite a bit of time on signs that they are having Joe Carr follow through on. Councilman Powers stated the young lady on that committee spent quite a bit of time on the colors. He stated he thought possibly they will have four single signs. He stated for example a sign could read, "Are you speeding?"

Councilman Powers stated there is one that dealt with intersections, or possibly speed on other roads. He stated but they're kind of clever. He stated they're going to be a little different color than state signs, and they're going to be portable so that they can move them around all over the town, and the color they hope will attract attention, and people will read and obey.

MATTERS OF THE SUPERVISOR:

Supervisor Logel stated under Correspondence they need to add a letter of resignation received from James Manion for the Drainage Committee. She stated that came in this afternoon. She stated and there is Mr. Hendrickson's letter which he gave to Mr. Brongo late this afternoon, so there will be the four openings on the Boards to be filled the beginning of the 1st of the year.

Supervisor Logel stated Breakfast with Santa for this Saturday, she thought, was sold out with 150 places sold, so they are going to be busy serving.

The 11/2/05 Town Board meeting minutes were approved as modified.

The 11/16/05 Town Board meeting minutes were approved as submitted.

REPORTS SUBMITTED:

Town Clerk Report- October 2005

Comprehensive Plan Update Committee- November 14, 2005

Historic Preservation Board- 2005 End of the Year Report, and November 14, 2005 minutes

Library Board of Trustees- October 25, 2005

Chili Zoning Board of Appeals- November 22, 2005

Traffic and Safety report- 2005 Year End Report

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Examining Board of Plumbers- November 7, 2005
Chili Planning Board- November 15, 2005
Zoning Board of Appeals- 2005 Year End Report

CORRESPONDENCE:

1. Letter of resignation- Joseph Schweigert from the Recreation Advisory Committee
2. Letter of resignation- Steve Grogan from the Historic Preservation Board
3. Letter of resignation- James Manion from the Drainage Committee
4. Letter of resignation- Gerry Hendrickson from the Zoning Board of Appeals

RESOLUTION #318 RE: Transfer to Workers' Compensation Reserve

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

WHEREAS, the Workers' Compensation Reserve Fund was established by December 1, 2004 Resolution 360;

NOW, THEREFORE, BE IT RESOLVED to transfer any unexpended amounts from the General and Highway Funds Workers' Compensation budget line (9040.8) to the Workers' Compensation Reserve Fund.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #319 RE: Transfer to Insurance Reserve Fund

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

BE IT RESOLVED to transfer the unexpended amount from A1910.4 (Unallocated Insurance) to the Insurance Reserve Fund as established by December 31, 2003 Resolution #407.

UNANIMOUSLY APPROVED

RESOLUTION #320 RE: Budget Transfers

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Slattery

BE IT FURTHER RESOLVED, to transfer \$1,500.00 from A1410.4 (Town Clerk-Contractual) to A1989.4 (Other General Government Support); and

BE IT RESOLVED to transfer \$63.00 from A1990.4 Contingency to A6510.4 (Veterans Service-Contractual); and

BE IT RESOLVED to transfer \$9,600 from account DA 5142.499 (Snow Miscellaneous) to account DA 5110.1 (General Repairs - Labor); and

BE IT RESOLVED to transfer \$45,000 from account DA 5142.499 (Snow Miscellaneous) to DA 5142.1 (Town Snow – Labor); and

BE IT RESOLVED to transfer \$6,000 from account A 8160.4 (Refuse and Garbage - Contractual) to account A 1640.462 (Central Garage - Refuse and Garbage); and

BE IT RESOLVED to transfer \$1,100 from account A 8540.4 (Town Drainage - Contractual) to account A 1640.461 (Central Garage – DPW); and

BE IT RESOLVED to transfer \$6,000 from account A 7110.4 (Parks – Contractual) to account A

1640.455 (Central Garage – Parks); and

BE IT RESOLVED to transfer \$2,200 from account SD 8540.4 (Consolidated Drainage – Contractual) to account SD 8540.461 (Consolidated Drainage – Vehicle Maintenance).

APPROVED BY A VOTE OF 4 YES

RESOLUTION #321 RE: Contract with Burke Group

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Slattery

WHEREAS, the last employee compensation review occurred in 1996; and

WHEREAS, it is desirable to review and update job descriptions, wage structure and administrative guidelines, and the performance evaluation process;

NOW, THEREFORE, BE IT RESOLVED to contract with Burke Group for compensation consulting services at a cost not to exceed a total of \$10,000.00; and

BE IT FURTHER RESOLVED to transfer \$10,000.00 from A1990.4 Contingency to A1430.4 (Personnel-Contractual).

APPROVED BY A VOTE OF 4 YES

RESOLUTION #322 RE: Letter of Credit Release for Park Place, Section 6

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

BE IT RESOLVED that per recommendation of the Town Engineer, \$136,108.35 be released from the Letter of Credit with Canandaigua National Bank (#1102515514) for Park Place Section 6, leaving a balance of \$183,609.80; subject to engineering fees and street light bills to the Town.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #323 RE: Letter of Credit Release for Maple Hollow Subdivision

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

BE IT RESOLVED that per recommendation of the Town Engineer, \$146,011.70 be released from the Letter of Credit with Ontario National (#1013) for Maple Hollow subdivision, leaving a balance of \$158,713.66; subject to engineering fees and street light bills to the Town.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #324 RE: Approving Extension of Chili Consolidated Drainage District To Serve The Schickler Re-Subdivision Located at 870 and 860 Chili-Scottsville Road, Scottsville, NY 14546 in the Town of Chili, County of Monroe and State of New York.

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Powers

WHEREAS, a petition for the extension of the Chili Consolidated Drainage District to serve the Schickler Re-Subdivision located at 870 & 860 Chili Scottsville Road, Scottsville, NY 14546 Tax ID#s 172040-01-018.100 & 172040-01-018.200 a territory located within the Town of Chili,

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Monroe County, New York, the said petition being dated the September 6, 2005, was duly presented to the Town Board together with the necessary map and plan attached thereto; and

WHEREAS, an order was duly adopted by the Town Board on November 2, 2005, 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 December 7th, 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 7th day of December, 2005, commencing at 7:00 P.M. at the Town Hall in the said Town and discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

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

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

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

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

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

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

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

RESOLVED that the Town Clerk, within ten (10) days of the adoption of this resolution, shall cause to be published and posted, as required by law, a notice setting forth an abstract of this

resolution, the date that it was adopted and a statement that it is subject to a permissive referendum.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #325 RE: Approving Extension of the Chili Consolidated Drainage District to Serve the Property Located at 11 Chestnut Ridge, Road, Rochester, NY 14624 in the Town of Chili, County of Monroe and State of New York. Tax ID# 133.19-3-12.

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Powers

WHEREAS, a petition for the extension of the Chili Consolidated Drainage District to serve 11 Chestnut Ridge Road, Rochester, NY 146.24. Tax ID# 133.19-3-12 within the Town of Chili, Monroe County, New York, the said petition being dated being dated the 6th day of October, 2005, was duly presented to the Town Board together with the necessary map and plan attached thereto; and

WHEREAS, an order was duly adopted by the Town Board on November 2, 2005, 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 December 7, 2005 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 7th day of December, 2005, commencing at 7:00 P.M. at the Town Hall in the said Town and discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

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

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

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

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

RESOLVED AND DETERMINED that the extension of the Chili Consolidated Drainage District as proposed in said petition be approved; that cost of the formation of the district extension shall be paid by the petitioners; and that such district shall be bounded and described as set forth in Schedule A, attached hereto and incorporated herein by reference; and be it further,

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

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

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

APPROVED BY A VOTE OF 4 YES

RESOLUTION #326 RE: Approving Extension of Chili Consolidated Drainage District to Serve The Archer Meadows Subdivision Located on a Portion of 177 Archer Road, N. Churchville, NY 14428. TAX ID # 146.14-01-1.11.

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Powers

WHEREAS, a petition for the extension of the Chili Consolidated Drainage District to serve 177 Archer Road, Churchville Tax Map No. 146.14-01-1.11, located on a portion of the property 177 Archer Road, Churchville, NY 14428 a territory located within the Town of Chili, Monroe County, New York, the said petition being dated the September 20, 2005, a territory located within the Town of Chili, Monroe County, New York, the said petition being dated the 20th day of September, 2005, was duly presented to the Town Board together with the necessary map and plan attached thereto; and

WHEREAS, an order was duly adopted by the Town Board on October 12, 2005, 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 December 7th, 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 7th day of December, 2005, commencing at 7:00 P.M. at the Town Hall in the said Town and discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

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

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

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

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

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

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

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

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

APPROVED BY A VOTE OF 4 YES

RESOLUTION #327 RE: Approving Extension of Chili Consolidated Drainage District to Serve the Property Located at 3532-3536 Union Street N. Chili, NY 14514

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Powers

WHEREAS, a petition for the extension of the Chili Consolidated Drainage District to serve the Edward C. Van De Water Property, Tax Map No. 145.030-01-009.000, located at 3532-3536 Union Street, N. Chili within the Town of Chili, Monroe County, New York, the said petition being dated being dated the September 28, 2005, was duly presented to the Town Board together with the necessary map and plan available in the Town Clerk's Office; and

WHEREAS, an order was duly adopted by the Town Board on October 12, 2005, 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

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December 7, 2005 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 7th day of December, 2005, commencing at 7:00 P.M. at the Town Hall in the said Town and discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

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

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

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

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

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

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

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

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

APPROVED BY A VOTE OF 4 YES

RESOLUTION #328 RE: Approving Extension of Chili Consolidated Lighting District #1 to Serve the Archer Meadows Subdivision Located on a Portion of 177 Archer Road, N. Churchville, NY 14428, Tax ID # 146.14-01-1.11.

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Powers

WHEREAS, a petition for the extension of the Chili Consolidated Lighting District #1 to serve a portion of the property located at 177 Archer Road, Churchville Tax Map No. 146.14-01-1.11, located on a portion of the property 177 Archer Road, Churchville, NY 14428 a territory located within the Town of Chili, Monroe County, New York, the said petition being dated the September 20, 2005, was duly presented to the Town Board together with the necessary map and plan available in the Town Clerk's Office; and

WHEREAS, an order was duly adopted by the Town Board on October 12, 2005, reciting the filing of said petition, the boundaries of the proposed district extension, the proposed improvements to be constructed therein, the estimated costs of the Chili Consolidated Lighting District #1, as extended, to the typical property, or if different, to the typical one or two family home, within the Chili Consolidated Lighting District #1, as extended, and specifying December 7th at 7:00P.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 7th day of December, 2005, commencing at 7:00 P.M. at the Town Hall in the said Town and discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

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

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

RESOLVED AND DETERMINED that the proposed extension of the Chili Consolidated Lighting District #1 is not likely to result in the creation of potentially significant adverse environmental impacts and therefore, this Town Board does hereby make a Determination of Non Significance, or a "Negative Declaration" (as the same is defined for purposes of SEQRA); and be it further

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

RESOLVED AND DETERMINED that the extension of the Chili Consolidated Lighting District #1 as proposed in said petition be approved; and the petitioners shall pay all costs relating to the formation of the proposed district extension, as well as the construction and installation of all poles, wires, lights, manholes, connections and related equipment and improvements therein in accordance with the map and plans filed with the petition; and be it further

RESOLVED AND DETERMINED that, except as otherwise provided above, all expenses of the Chili Consolidated Lighting District #1, including this extension and all other extensions heretofore and hereafter created, shall be a charge against the entire area of the district, as extended,; and be it further

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

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

APPROVED BY A VOTE OF 4 YES

RESOLUTION #329 RE: Authorize Purchase of Plow Truck

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

WHEREAS, the approved year 2006 Town Budget includes funds for the purchase of a plow truck,

NOW, THEREFORE, BE IT RESOLVED to authorize the purchase off of the New York State Bids, a new 10-wheel cab and chassis from Rochester International Corp. at a cost of \$89,585.60.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #330 RE: Authorization to Advertise for Bids and to Obtain Quotes for Vehicles and Equipment

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

WHEREAS, the approved year 2006 Town Budget includes funds for the purchase of certain replacement vehicles and equipment.

NOW, THEREFORE, BE IT RESOLVED to authorize the advertisement for bids for a sewer cleaner truck and a plow set.

BE IT FURTHER RESOLVED to authorize to obtain written sealed quotes for a leaf machine, a 9-ton trailer, a 14' salt spreader, 500 gallon hydro seeder, a 60" cut lawn tractor, and a 14' dump body.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #331 RE: Planning Clerk for the Department of Planning and Zoning

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Slattery

BE IT RESOLVED to create the position of Planning Clerk in the Department of Planning and Zoning; and,

BE IT FURTHER RESOLVED that Mary Lander is appointed Planning Clerk provisionally and shall be paid an annual salary of \$22,959 (23entry) effective December 5, 2005, expenses to be paid by voucher as incurred.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #332 RE: Clerk IV Part-Time (Substitutes)

Offered by: Councilman Slattery

Seconded by: Councilwoman Ignatowski

BE IT RESOLVED that Sherry Thrash be appointed substitute part-time Clerk Typists/Switchboard Operator for the year 2005, and shall be paid at the rate of \$7.63 per hour effective December 5, 2005; expenses to be paid by voucher as incurred.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #333 RE: Support for the Quality Communities Grant Proposal

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Slattery

WHEREAS, the aim of the Quality Communities Program is to improve the quality of life through economic development and environmental protection measures; and

WHEREAS, the Quality Communities Grant Program provides tools and assistance to municipalities to encourage good land use and development strategies; and

WHEREAS, the grant proposal complements the strategic plan of the Chili Comprehensive Master Plan and the active Master Plan Update Committee for the Town of Chili; and

NOW, THEREFORE, the Town Board of the Town of Chili duly convened does hereby

BE IT RESOLVED that the Town Board hereby supports the above- subject grant proposal;

BE IT RESOLVED that the total grant amount needed is \$60,540 where \$42,672 will be covered by the grant award and \$17,868 will be matched by the Town of Chili.

BE IT RESOLVED that the Town Board of the Town of Chili hereby authorizes the submission of an application to the Department of State Quality Communities Program for the year 2006 for environmental Protection Funds to support the Corridor Study.

BE IT RESOLVED that the Supervisor of the Town of Chili is hereby authorized to execute all financial and/or administrative paperwork necessary.

APPROVED BY A VOTE OF 4 YES

RESOLUTION #334 RE: December 7, 2005 Abstract

Offered by: Councilwoman Ignatowski

Seconded by: Councilman Slattery

BE IT RESOLVED to pay vouchers 5780-6197 totaling \$536,854.12 to be paid from the Distribution Account as audited by Dianne O'Meara, Comptroller:

General Fund	\$299,150.43
Highway Fund	\$187,039.19
Library Fund	\$ 35,174.00
H32 Union Station Park	\$ 2,635.94
H35 Chili Avenue D01781	\$ 1,169.38
H39 Union Street Highway	\$ 8,429.38
Consolidated Drainage	<u>\$ 3,255.80</u>
TOTAL ABSTRACT	\$536,854.12

APPROVED BY A VOTE OF 3 YES TO 1 NO (Councilman Powers voted no.)

CHILI TOWN BOARD MEETING - December 7, 2005

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on December 7, 2005 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:11 p.m. to consider extension of the Chili Consolidated Drainage District to serve the Schickler resubdivision located at 870 and 860 Chili-Scottsville Road, Scottsville, NY 14546.

Attendance as previously noted in the 12/7/05 Chili Town Board meeting minutes.

No one was present to represent the property at 870 and 860 Chili-Scottsville Road, Scottsville, NY 14546.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 7:11 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on December 7, 2005 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:12 p.m. to consider extension of the Chili Consolidated Drainage District to serve the property located at 11 Chestnut Ridge, Road, Rochester, NY 14624.

Attendance as previously noted in the 12/7/05 Chili Town Board meeting minutes.

No one was present to represent the property at 11 Chestnut Ridge, Road, Rochester, NY 14624.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 7:12 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on December 7, 2005 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:12 p.m. to consider extension of the Chili Consolidated Drainage District to serve the Archer Meadows Subdivision located on a portion of 177 Archer Road, Churchville, New York 14428.

Attendance as previously noted in the 12/7/05 Chili Town Board meeting minutes.

No one was present to represent the property at 177 Archer Road.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 7:13 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on December 7, 2005 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:13 p.m. to consider extension of the Chili Consolidated Drainage District to serve the property located at 3532-3536 Union Street, N. Chili, New York 14514.

Attendance as previously noted in the 12/7/05 Chili Town Board meeting minutes.

CHILI TOWN BOARD MEETING - December 7, 2005

No one was present to represent the property at 3532-3536 Union Street, N. Chili, New York 14514.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 7:13 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on December 7, 2005 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:14 p.m. to consider extension of the Chili Consolidated Lighting District #1 to serve the Archer Meadows Subdivision located on a portion of 177 Archer Road, Churchville, New York 14428.

Attendance as previously noted in the 12/7/05 Chili Town Board meeting minutes.

No one was present to represent the property at 177 Archer Road, Churchville, New York 14428.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 7:14 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on December 7, 2005 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:14 p.m. to consider the rezoning of 275 Archer Road from R-1-20 to RB.

Attendance as previously noted in the 12/7/05 Chili Town Board meeting minutes.

Robert Avery, Don Avery, Robert Fitzgerald, Kip Finley, Justin Myers and Laurie Wilson were present to represent the property at 275 Archer Road.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: .

Robert Avery was present to represent the matter for rezoning.

Mr. Robert Avery stated with him, part of their staff this evening, was his father, Don Avery; Robert Fitzgerald; Kip Finley; Justin Myers; their Office Manager, Laurie Wilson.

Mr. Robert Avery stated the property in question for the Board tonight is known as number 275 Archer Road. He stated it is a 5 ½ acre vacant parcel located at the northwest corner of Archer and Beaver Roads. He stated it is a triangular-shaped parcel bounded on the north by Beaver Road Extension, on the east by Archer Road, and on the south by Beaver Road.

Mr. Robert Avery stated himself and Mr. Fitzgerald have purchased this property for the purpose of constructing an office building for Avery Engineering. He stated they are a small civil engineering and land surveying firm. He stated they have been located in Chili Center for 20 years. He stated both himself and his dad are lifelong residents of the town, as well.

Mr. Robert Avery stated they have a staff of 11. He stated they provide design and survey services to a residential and commercial client base, both in Chili and across the county. He stated they provide services that range from single lots to multi-phased projects.

Mr. Robert Avery stated and they felt that after leasing office space in Chili Center for 20 years, it was time for them to consider their own space, and this parcel became available actually through a lot of the surveying work that he was doing for Mr. Zuber, as he has been selling off portions of his

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farm.

Mr. Robert Avery stated since offices are not allowed in the current R-1-20 zone of this property, they are then required to seek rezoning. He stated conditionally offices are not allowed in the R-1-20, so they needed to seek another zone to hopefully accomplish their goals.

Mr. Robert Avery stated the R-1-20 zone in this area actually extends south across Beaver Road to Black Creek. He stated the land that is opposite this property on the south side is currently vacant farmland. He stated he believes there are two large acreage parcels that have been purchased from Mr. Zuber, purportedly in the future to construct two family homes on each lot.

Mr. Robert Avery stated the Jehovah's Witness Assembly Hall is located on the south side of Beaver Road. He stated directly across Beaver Road Extension on the northerly side of the extension there are seven residential homes.

Mr. Robert Avery indicated the properties, along with the Case Hoyt property, the former Case Hoyt property which is now the Home Trends site, and all of the land on the west side of Archer Road, up to the West Shore Railroad is currently zoned Limited Industrial, LI.

Mr. Robert Avery stated there is a portion of the Case Hoyt property that encompasses the actual building that has been recently given designation as the Empire Zone. Mr. Robert Avery stated there are eight existing residential properties that are located on the east side of Archer Road that run north from the intersection of Beaver Road Extension, and there are homes on each one of those lots. He stated those eight properties are all zoned R-1-20.

Mr. Robert Avery stated bordering those parcels on the north, south and the east is the new 96-lot residential subdivision currently under construction for quite some time, the Vistas at the Links to include single-family homes, town homes, patio homes, a total of 193 units, and that property is now zoned PRD, Planned Residential Development.

Mr. Robert Avery stated so they feel that since this parcel is essentially at the convergence of at least four different zoning classifications, that an office would be a good fit as a transition.

Mr. Robert Avery stated to give everyone a little bit of a background on what has brought them here to date, they originally appeared before the Planning Board in July of this year, and at that time, they had requested consideration to rezone the property to NB, Neighborhood Business, feeling that it might provide for more flexibility for the parcel as a whole. He stated but due to concerns of the Planning Board, and the neighbors that were in attendance, that this might bring about possibilities for retail ventures that may not be suitable, the Board voted against the recommendation to rezone to Neighborhood Business.

Mr. Robert Avery stated after taking those comments and meeting with all of the property owners in the area at a meeting at the Chili Fire Hall in August, they reapplied to the Planning Board for their consideration to rezone to Restricted Business, which really is more suitable for what they are looking to do with that parcel.

Mr. Robert Avery stated Restricted Business strictly allows licensed professionals and offices, including attorneys, physicians, engineers, architects, accountants. He stated at their September 20th meeting, the Planning Board did vote to make a positive recommendation to the Town Board that the property be rezoned to Restricted Business.

Mr. Finley stated he joined the firm a couple months ago, actually kind of an interesting time to join in.

Mr. Finley stated this parcel is a crossroads of a lot of different zoning. He stated it is kind of an unusual case, because not all of the land uses are even really what it is zoned for. He stated when one drives through there, they don't notice that there is Industrial zoning until really one gets to the Home Trends building. Mr. Finley stated so they have the challenge of trying to find something compatible with the land use but would be a long-term solution if the zoning that is Industrial brought something in the future.

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Mr. Finley stated in a case like that, a professional office is a business type use, but also can look fairly residential. So in this near term, when the neighborhood is Residential, they can fit in with that. He stated in the long-term, if something changes, the zoning near it permits other uses that are business uses, they can fit into that. He stated so this zoning kind of gives them a chance to be a chameleon and fit with the adjacent zoning and whatever changes go on.

Mr. Finley stated basically he would like to present to the public that this is really about the safest zoning change that could be made. He stated the Planning Board, he believes, felt the same way, because they didn't go with a zoning change that would have allowed a lot of other things that don't fit in quite so well. Mr. Finley stated so this is a change that they are going to take seriously.

Mr. Finley stated on this particular property, one of the biggest things is it functions somewhat as a gate way, coming down Archer Road, into the developed part of Chili, from some of the more rural areas, down Ballantyne Road. He stated so when one crosses Black Creek and comes to the woods, they have a really good view of the site. He stated they don't want to put anything there that will embarrass Chili or embarrass them.

Mr. Finley stated Beaver Road has about 10,000 to 12,000 cars a day traveling on it, so it is really a very good location for a business, and there is a lot of traffic there, so whatever a professional offices generates, it will not be much of a change.

Mr. Finley indicated on the plans where they have people living who right now have a meadow and a view of a flood plain area, corn fields. He stated it is really natural. He stated it doesn't look anything like a business area. Mr. Finley stated so right now, they have trees pretty much, where he indicated on the plans, that block some of the view. He stated a lot of those people probably have better views out the backyard than the front yard. Mr. Finley stated the houses there, some of them have a pretty good view across to the creek in the woods.

Mr. Finley stated now, when they go to develop this site, they have a lot of design constraints which will make it a better project, even if it hurts along the way trying to get things to work. Mr. Finley stated they do have setbacks on all three sides, so they have to have something that looks good 360 degrees. He stated houses probably wouldn't be good there because they have backyards and he would not want to barbecue in a backyard while there are 12,000 cars driving past on Beaver Road.

Mr. Finley stated they also have no sewers there, so they have to leave room for septic systems so there is a way to drain that. He stated thankfully with all of the coffee they drink as engineers, they don't need that much for septic systems.

Mr. Finley stated there are storm water regulations there, so they have to put in ponds and wetlands to treat the water. He stated there are parking requirements that have to be met. He stated it doesn't leave them much. He stated the total amount of the square footage they can even fit on this site is about 12,000 square feet.

Mr. Finley stated generally in their business, any kind of firm like theirs with 30, 40 people needs 10 to 15,000 square feet just for their office, the lunch room and all of that. He stated so they are not talking real dense development.

Mr. Finley stated they have been doing environmental investigations, identifying their cultural resources and they are still in the process of coming up with a concept that works. He stated but generally they will probably have two buildings. He stated they will have one for their office, and then since engineers do make good money, but they don't have enough to do their own building without something, they will be selling the other piece of land. He stated they want to try to take this project through at least a preliminary stage so that they can have some say in what goes next door as their neighbor. He stated they're talking when they sell the property of actually having contingencies in there for some design oversight so that whatever goes in next to them looks like them and is compatible.

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Mr. Finley stated so they will have the smaller, maybe 4,000 square feet for their offices, and the other 7,000 or 8,000 will be for someone else or two somebody elses.

Mr. Finley indicated on the plans generally where they will have one building. Mr. Finley indicated on the plans where they are going to have some parking with access, coming off of Beaver Road. He stated Monroe County has jurisdiction on the highway, even though it is a State touring route. He stated they have given them a good driveway location. Mr. Finley indicated on the plans where that will be.

Mr. Finley indicated on the plans where their building will be, about a 4,000 square foot building with access off Beaver Road. He stated they are going to maintain as many of the trees as they can, and clear some out. He stated there are some mature trees there. He stated so there will be some visibility to their building, at least for people to see it.

Mr. Finley stated then somewhere, pretty much opposite the property line, between the two houses, they are going to divide the property and leave about 3 ½ acres on that side that they will get through concept planning so it works with their plan, knowing that there is the view and the woods there and the houses there. Mr. Finley stated knowing that there are views of that area, they are going to try to keep the other building pushed off to the side and have parking where he indicated on the plans. He indicated the parking would be down hill about 4 or 5 feet, so they should be able to look over the tops of that, and then have the building off to the side.

Mr. Finley stated and then since they have to have storm water management for both of these sites, there is going to be a variety of ponds or wetlands where he indicated on the plans. He stated so that coming into Chili, they are really going to have buildings up on a hill with water features in front, set back quite a ways, that won't be distracting to the intersection but will give a good appearance coming into this part of town when it is a little more developed.

Mr. Finley stated probably the bigger thing that people are interested in is what could the buildings look like. He stated 15 minutes after lunch when they were brainstorming, they drew up a rendering. He stated the rendering is probably not what it will be, but it can give one an idea that at 4,000 square feet, this is just a little bigger than some of the houses one sees, and in fact, is actually smaller than one of the houses at Bellaqua and some of the houses that are going up in Chili.

Mr. Finley stated the building is going to be one story, more than likely. He stated they don't want to deal with elevators. He stated it will probably have some different contoured roofs so it is not one big warehouse looking thing. Mr. Finley stated it will have residential either gable or hip roofs, residential type windows, probably some kind of a portico in the front for the bad weather. He stated the parking will be pretty much up near the building with landscaping. He stated they do plan to put some buffering trees around. Mr. Finley stated he has a background in landscape architecture and they want it to look nice.

Mr. Finley stated the picture kind of looks stucco. He stated they don't know what it is going to be. He stated they can't even decide on what style furniture yet.

Mr. Finley stated Black Creek is a real natural looking area. He stated there are corn fields across the street. He stated this could be some kind of clap board or shingle, or something that really fits into the area really well. He stated they are not supposed to be present to give a full view of what is being built, but just to reassure everyone, they are taking it seriously they have to do something responsible, and also to plead the case that this is really about the safest zoning change that could be done on this property and still be compatible with the land uses now and the land uses that may be there in 20 or 30 years.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

GLENN SAILE, 4 Beaver Road

Mr. Saile stated he is hard of hearing. He stated his wife Dorothy and he, 50 years ago, bought two acres of land on Beaver Road Extension, and it consisted of 240 feet of road frontage, directly

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across from Vic Zuber's 5 acres. He stated when they moved there, it was farm. He stated it was classified farmland and from there it went to Residential, which it is now.

Mr. Saile stated and up to this point, still being Residential, and Mr. Avery knowing it was Residential, he is going through all of these problems to convert this. He stated if one takes a ride up Beaver Road, 500 yards west on Beaver Road, Home Trends is where Case Hoyt was, there are two big signs advertising commercial land for development immediately. Mr. Saile stated they could have bought land there and built all of the buildings they wanted to build and not have to convert anything.

Mr. Saile stated for 50 years, they have enjoyed in the spring and fall thousands of geese, ducks migrating on Zuber's lands. He stated summer and winter, they had deer and turkeys. Mr. Saile stated now they come up with this, and what they are going to end up seeing when they look out their living room and family room windows is a couple of buildings with probably garbage dumpsters in the back.

Mr. Saile stated if it comes to the deal where they're going to put that in, he would request a 10 foot berm on their 240 foot frontage, 10 foot high, road level with on the top of the berm Austrian pines planted every 10 feet. He stated he feels if they're going to take the scenery away from them, at least he would rather see a berm with trees than a bunch of buildings staring them in the face.

Mr. Saile stated he would also request there not be a driveway constructed into the property within 120 feet east and west of his driveway across the road. He stated if this is the way it is going to be, they would appreciate the berm. He stated he could not speak for his neighbors. He stated he was just speaking for himself. He stated he would like to have a berm built and no entrance within 120 feet of either side of his driveway.

Councilman Slattery asked Mr. Saile to indicate on the plans where he resides. Mr. Saile stated their driveway is right in the middle of the two acres.

DOROTHY SAILE

Ms. Saile stated her husband said 50 years. She stated it has been 49 years. She stated she never dreamed this was going to happen. She stated she was a country girl in the beginning, and she thought oh, it is so beautiful. She stated one just has to see that scenery. She stated cars stop and look at that lovely view and she could just visualize a couple nice homes built there with a good creative builder. She stated it is gorgeous.

Ms. Saile stated but one never knows what is going to happen to you when you move. She stated they are never really safe. She stated they knew across the street it was farmland and then Residential. She stated but had they known, she would have moved on Main Street in Rochester.

Ms. Saile stated the traffic is tremendous. She stated no one would believe it. She stated when they first moved there, they had the mailman, the school bus and she thought a milk man and that was all. She stated they have 900 cars go by their home, and fast. She stated it is going to be a very dangerous thing when people want to turn off any one of those roads. She stated they're going to come to a screeching halt. She stated she just prays and hopes no one of gets hurt.

Ms. Saile stated but since it looks like a done deal, looks like they have made all of the plans and they can see all of the signs across the street, as her husband said, if they can be protected by some berms and trees, she guesses she can be blocked in.

Mr. Saile stated he was told by Vic Zuber on the 12th of July, between 3 and 4 o'clock that day, Mr. Avery or his lawyer signed the final closing on this Residential property. He stated 7 o'clock that night Mr. Avery was before the Planning Board wanting to change it from Residential to Neighborhood Business. He stated that didn't sail, and it was voted down. He stated probably a month or so later, he evidently went to the Planning Board again with the special business, whatever it was, and evidently, the Planning Board had a change of heart, because he read in the Gates-Chili News that they voted six to one for the special business. He stated so since then, he feels it is a done deal because they have had surveyors and engineers up there pounding stakes and

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putting flags on it and digging holes.

Mr. Saile stated they will have to settle for the berm.

GEORGE PETERSON, 18 Beaver Road Extension

Mr. Peterson stated he lives on the other end of the street, 18 Beaver Road Extension. He stated he just wanted to reiterate the fact he hopes the Town Board puts some restrictions on it if they do sell it off. He stated he believes if Mr. Avery puts his building up, he will do the best job to make it look nice. Mr. Peterson stated he was concerned for the future of the parcel if Mr. Avery sells it off, who he sells it off to.

Mr. Peterson stated he would be more concerned with a doctor's office because they have a higher volume of traffic than an engineering firm. He stated that is a little bit of a concern for him.

Mr. Peterson stated he hopes they dress the back of the building up nice that faces them.

Mr. Peterson stated he was not sure he agrees with using an Archer Road address as far as fire and emergency response when they have direct access off of Beaver Road. He stated he did not know where that falls, but that needs to be taken into consideration. He stated the address issue isn't quite accurate and needs to be addressed.

Mr. Peterson stated just some contingencies or restrictions on whoever Mr. Avery sells it to that it has to be a nice looking building, can't be a block building, something that totally clashes. He stated that is all he had to say.

Councilman Powers asked if there will be a road cut into Beaver Road. Mr. Robert Avery stated into Beaver Road for their building, there would be a road cut. Councilman Powers asked is that between Archer and the new road cut that the extension has. Mr. Robert Avery stated for their building, which they are proposing on the west side of the site, they are proposing their access onto Beaver Road where he indicated on the plans.

Councilman Powers asked where does the extension come into Beaver Road. Mr. Robert Avery indicated on the plans. Mr. Robert Avery indicated on the plans where the right-of-way line is actually way back. He stated but the road Ts and intersects Beaver Road way down where he indicated on the plans. He stated they have targeted the area for the driveway. He stated they have had the Monroe County D.O.T. representative out on the site, checking the sight distance.

Councilwoman Ignatowski asked would that be their sole entry point. Mr. Robert Avery indicated it would for their building. Councilwoman Ignatowski stated she saw a map that was given to them a while ago that had it internally coming off. Mr. Robert Avery stated they have done several concepts with one coming out and through over to the extension, but they have decided for their building it is best to stay off the extension and have the driveway right off of Beaver Road. He stated it makes more sense. He stated and they still need to go through the entire planning process. He stated they have not even begun that actually.

Councilwoman Ignatowski stated she knew a lot of these questions are more Planning Board issues as opposed to Town Board. She stated she just wanted to ask.

Councilman Slattery stated the comment that was just made was that they have come up with different drawings and they are not sure what they are going to do. He stated they understand that. He stated they don't want to play Planning Board, but the Town Board wants to protect the people's best interest, so they have to ask these questions. He stated they would like to know these answers. He stated he thought it is important for them to understand what they are proposing. He stated they don't want to say yes to this and then turnaround and have the applicant do something completely different.

Mr. Robert Avery stated they have proposed a driveway for their building solely off of Beaver Road. He stated they have had that checked with a representative from the Monroe County D.O.T. on site. He stated he actually did talk with Joe Carr, the Highway Superintendent, since this is a

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Town highway, and he does have a letter from him indicating that if a driveway is placed onto Beaver Road Extension, that, of course, it be put in with the commercial width standards. He stated he actually had no comment one way or the other as to whether that was bad to position one on Beaver Road Extension.

Councilman Slattery asked if they knew what their sight distance is, for where they are proposing their access. Mr. Finley stated 600 or 700 feet. He stated it is acceptable for that speed limit. Councilman Slattery stated it is not the speed limit. He stated he thought they are well aware it is not the speed limit one looks at, but the 85th percentile. Mr. Finley stated the County came out with their scope and drove up and down one way, scoped it and came back. He stated it is over 700 feet, but he did not remember exactly. Councilman Slattery stated he was sure the County will have comments in regard to that.

Councilman Powers asked how far off of Beaver Road Extension and off Beaver Road would they be, as far as feet. Mr. Robert Avery stated the setback would be in compliance with the minimum off Beaver Road. He stated there is another feature on their parcel that kind of affects positions. He stated there is a 25 foot wide permanent easement to the Monroe County Water Authority that runs adjacent to and parallel with the right-of-ways, and a large water main that runs right through where he indicated on the plans. Mr. Finley stated it is 60 feet. Mr. Finley stated it is 80 feet from the other. Councilman Powers asked from Beaver Road. Mr. Robert Avery stated that was correct. Councilman Powers asked how far from the Extension. Mr. Finley stated 60 feet from Beaver Road Extension, because it is a Town road on the back side, and 80 feet from Beaver Road and Archer Road that are the main roads.

Councilman Powers asked if they will only have access to it from Beaver Road. Mr. Finley stated it would be safer to have two entrances if there was an accident on Beaver Road, to be able to get in a back way. Councilman Powers stated it would make their neighbors happy up there. Mr. Finley stated where they were thinking about putting it, it would be over 120 feet from the driveway. He stated there is flexibility where it can be, but they don't want it across from the existing house with headlights in the windows all of the time. He stated so having it 100 or more feet is fine.

Councilwoman Ignatowski asked where are the sewers now. She asked aren't there some down there because of the housing. Mr. Robert Avery stated there will be. He stated the southern entrance into the Vistas, he believes, will be approximately right where he indicated on the plans with a gravel lane that is indicated that must be the lane way for the construction vehicles to use now with the gate there. He stated there will actually be a gravity sewer running down the road, coming on Archer for the development he indicated on the plans, to a pump station. He stated then it will be pumped back. He stated his review of the preliminary plans for the Vistas indicated that the entire sewer system is private so they wouldn't be able to hook into that.

Councilwoman Ignatowski questioned the homes along Beaver Road Extension. Mr. Robert Avery stated those are currently septic. He stated most of the systems are in the rear yards. Mr. Robert Avery stated they have done their soil percolation tests out there and they have found suitable area for a system adequate for a small office building.

Councilman Slattery asked Superintendent of Highways Joe Carr if he was familiar with the sewer system, the sanitary and is that accurate regarding that being private. Joseph Carr stated what Mr. Avery described is accurate. He stated, however, that area in a future section does not have final approval. He stated that aspect is subject to change before they get to that point.

Councilman Slattery stated obviously it will be a number of years before they get there. Joseph Carr stated he believes it will be.

Supervisor Logel stated when they looked at this, put in the light and reconstructed that whole corner of the highways, it was suggested that that Beaver Road Extension be dead-ended, and at the time the decision was made that it not be. She asked Joe Carr if sometime in the future that is something that would ever be considered. She stated she knows there are about 900 or more cars that go on just the Extension a day, and they race, they don't stop. She stated "stop" is a word that

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people don't do any more in that area. Supervisor Logel stated it is a concern. Supervisor Logel stated so while this whole thing is being looked at, she was just wondering if that needs to be revisited.

Joseph Carr stated they can certainly give that consideration again, but it is his understanding that since the improvement of the realignment of the intersection at the west end of Beaver Road Extension, bringing it to a more T intersection has greatly improved the safety of that whole area. He stated he thought the preponderance of interest was to keep it as two-way traffic. Supervisor Logel stated she he would just like it to be in the background, as to what works best. Joseph Carr stated they can always review those at any time.

Councilman Slattery stated there were concerns. He stated Mr. Peterson had some concerns at the time regarding the configuration of that intersection. Councilman Slattery stated he watched the school bus do a rolling stop at the stop sign before. He stated one can see it does work. He stated it does work very well. He stated for fire emergency purposes, it does serve the purpose, as well.

Councilman Slattery stated having the intersection there basically would work, as Mr. Avery mentioned, for an ingress/egress on the north and south side of his property the same as if they had a problem down at the intersection to get the traffic around there. He stated so there is a route to go to move.

Councilman Slattery asked the zoning of the property now, what could go there. He asked if they apply for Neighborhood Business, what could go there. He stated he wanted the public to have a clear understanding of the uses, if they kept it as is, or if they changed it. He stated that would help them get a better feel for what could take place.

Richard Stowe stated the R-1-20 zoning would allow residential development as of right with the 20,000 square foot lots. He stated he would ask Mr. Avery how many lots he could get on that parcel. Mr. Robert Avery stated with sewer, they could get ten. Councilman Slattery stated right now they have septic. He stated they do not have sewer now. With septic, Mr. Finley stated four or five.

Richard Stowe stated that would be allowed as a matter of right, subject to a Planning Board subdivision and site plan approval. He stated the conditional uses that would be allowed are: churches, nursing homes, convalescent homes, things that would need special permission as a conditional use from the Planning Board in that zone. He stated that is R-1-20.

Richard Stowe stated the Neighborhood Business that they heard that they went to the Planning Board for initially, and the Planning Board didn't feel they could recommend, authorizes as a matter of right: grocery stores, barber shops, beauty shops, clothes cleaning and pickup agencies, drugs stores, soda fountains, dog grooming establishments. He stated it allows conditional uses for residential units, public and private utility business buildings, professional or business offices as a conditional use, funeral homes and mortuaries and similar uses.

Richard Stowe stated what he was hearing, although he wasn't present at the Planning Board, was that the Planning Board thought that was too broad and instead recommended that the applicant apply for a Restricted Business district use. He stated and as a matter of right, if the Town Board were to rezone this, there is authorized the licensed professionals and offices including attorneys, physicians, architects, accountants, specialized business, commercial schools, employment agencies, credit bureaus, data processing, management consultants, manufacturers' representatives and commercial arts or other licensed professionals like engineers. He stated conditional uses would include the Planning Board reviewing and approving a hospital, equipment supply offices, and medical and dental labs, in addition to the professional uses.

Richard Stowe stated so the Restricted Business use that is being considered in this application would limit it to professional offices, as opposed to the drugstore convenience store things that were in the Neighborhood Business up from however many residential 20,000 square foot lots they could get in there today.

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Councilman Slattery stated he just wanted to help the community, the public, the people that were present to understand, as well.

Councilman Slattery stated one thing he was concerned about is when Mrs. Saile mentioned that there are 900 vehicles driving through there, and the Supervisor mentioned that number as well, he would be a little concerned with the homes that were in that area, if that was his house, kids and so forth.

Councilman Slattery asked the meeting at the fire hall, the people that were there, were they residents from along Beaver Road Extension. Mr. Robert Avery stated they invited all of the folks on the north side of the Extension, and the folks on the east side of Archer, and the one property owner of the large agricultural piece on the south side of Beaver Road.

Councilman Slattery asked if the people on Beaver Road Extension were there. Mr. Robert Avery stated not everyone that they invited appeared, but they did send a letter to every single one and they had no return mail pieces. He stated they had seven to eight total households that were represented at the meeting. Councilman Slattery stated what he was looking for is the response from the people.

Mr. Robert Avery stated their concerns included access to Beaver Road. He stated they seemed quite happy that, of course, they had reapplied for the Restricted Business. He stated it was just solely for office buildings. Councilman Slattery stated so they are better off than if they put a gas station in there. Councilman Slattery stated he spoke to some of the neighbors that live down the street from there that would be traveling through there on a daily basis seeing a convenience store gas station type thing that was a concern. He stated he applauds the applicant for going back to the Planning Board for the change.

Councilman Slattery stated it was mentioned a number of times this is something they take very seriously. He stated the Town Board wants to make sure the best use for that property is what they find.

Councilman Slattery stated Councilwoman Ignatowski mentioned sewers. He asked if they can have four or five residential homes, now with their development, what are they proposing or where do they foresee this going. Mr. Finley stated as far as the size of the buildings or number of buildings, they are showing two, one here for them, one somewhere on the property. He stated with contrast to homes, professional offices, they need a certain amount of space to have one, and they are usually into the 5,000 square feet before they have a building. He stated so they are limited to 12,000 from all of the other criteria. He stated they wouldn't even really have 3 5,000 square foot buildings, so they are probably in the two category.

Councilman Slattery stated one concern he has is the view that was spoken of earlier. He stated they are talking about clearing trees and so forth. He stated he would hope, if they have the sight distance now, those trees obviously aren't a problem. He stated he knows these are Planning Board issues, but he would hope they look at the trees and so forth to try to maintain those as much as possible.

Councilman Slattery stated one concern he has regards the office buildings that are in front of Wegmans. He stated when one drives down Paul Road, people look at roof tops. He stated he does not want to see these folks have to do that, as well.

Councilman Slattery stated if this does go forward, the Planning Board will be looking at it, as well. Councilman Slattery stated volume of traffic, once again, that is key, and that is why he believes that the State is planning on taking over that road down the road. He stated Albany didn't do it last year, and they may this year. He stated that is a concern going from the County to the State. He stated the State taking it over, that doesn't mean traffic is decreasing. He stated it means traffic is increasing. He stated there are other reasons why, as well.

Councilman Slattery stated there was a comment made by somebody at the Planning Board, that when he read the meeting minutes, he was a little concerned with, a comment about this Town

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Board being in somebody's pocket. He stated that is not the case and he was offended when he read that. Mr. Robert Avery stated he was very offended by that, as well. Councilman Slattery stated that was very inappropriate. He stated he was disturbed to see that and hear that especially when he got a call from somebody. Mr. Robert Avery stated he was, as well.

Councilman Powers asked if the sanitary sewer line is north of the railroad track. Mr. Robert Avery stated it is. Councilman Powers asked how is the Vistas project going to hook into that. Mr. Robert Avery stated they have already bored under the railroad, just east of Archer Road. He stated they have gone and extended it up into the first phase of their development, so they're able to run gravity sewer to a point, but once they get down into the southern phase of the Vistas, they'll have to use pump stations.

Mr. Finley stated as long as they are talking the bigger picture, the long-term, the one thing he would like to just comment to the Board and the citizens, is that they are in the predicament of their land use now is not really what it is going to be in 20 or 30 years because of zoning that is in place right now. Mr. Finley stated Mr. Stowe read the things that could happen if this was one thing or another thing. He stated they haven't read the list of what could be built right now. He stated a Planning Board application could come in tomorrow for Light Industrial with sewer at the railroad that would just blow their minds. He stated they are making a simple change to something very prescribed. He stated they are only allowed to do just exactly an office building. He stated he just wanted to make the case, this is about the safest possible thing that could happen over the next five, ten years, just with natural attrition of what is built and what developers come in with ideas for. He stated they are looking at a long-term solution that will go with things that are already in place.

The Public Hearing was closed at 8:04 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on December 7, 2005 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 8:04 p.m. to consider rezoning of 60 Stryker Road from PRD (Planned Residential District) to R.A. (Rural Agricultural).

Attendance as previously noted in the 12/7/05 Chili Town Board meeting minutes.

Mr. Pelkey was present to represent the Grove Place Cemetery.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

HEATH MILLER, 69 Bellmawr Drive

Mr. Miller stated he speaks tonight regarding the public hearing for the rezoning of 60 Stryker Road. He asked why this is a Type I action for SEQR.

Richard Stowe stated he believes that is what the applicant has identified with the rezoning of the number of acres and the use that it is proposed to be put to. Mr. Pelkey stated he believes that is accurate. Heath Miller stated he didn't understand that. Richard Stowe stated the applicant, in making their application for the rezoning, has identified the number of acres, its current zoning and he was told has reviewed the SEQR criteria to make their determination of how this action is apt to be characterized as an environmental action. He stated that is the applicant's doing.

Heath Miller stated he thought it was the responsibility of the lead agency to determine the action. Richard Stowe stated the lead agency determines its role as the lead agent in the environmental review and whether any other agencies want to be involved. He stated but the applicant is the one who characterized it as a Type I action, not this Board.

Heath Miller asked is the applicant the lead agency. Richard Stowe stated it is not. He stated this Board is the lead agency in the review. He stated it is the applicant's application. Heath Miller stated he understands that, and they usually fill out part one of the environmental assessment form, but it is the responsibility of the lead agency to fill out parts two, and if necessary, part three. Richard Stowe stated that was correct.

Richard Stowe asked isn't it designated in part one, it is a Type I action, by the applicant. Heath Miller stated he did not believe so. Richard Stowe stated that was his understanding. Heath Miller stated he had a list of Type I actions before him. He asked is this a Type I action because it's the granting of a zoning change at the request of an applicant for an action that meets or exceeds one or more of the thresholds given elsewhere in the list of Type I actions. Richard Stowe stated that is his assumption.

Heath Miller stated he was trying to determine what the other threshold is in the list. Richard Stowe stated he was deferring to the person who filled out the application.

Supervisor Logel asked was the application filled out by Mr. Pelkey. Mr. Pelkey stated that portion was filled out by Mr. Avery. Mr. Finley stated because that was a month or so ago, he was trying to remember why it was, but it is because it is a zoning change, and now he could not remember offhand if it is because it is conversion of land that is in an agricultural district or the disturbance of over ten acres, which ultimately overtime there would be the disturbance, over ten acres.

Heath Miller asked was it at all because it was located next to either like substantially contiguous to any publically owned or operated park land, recreation area or designated open space, which would have reduced the threshold to 25 percent. Mr. Finley stated it's also abutting the Town property to the north, the Baker farm. Mr. Finley stated going through it, he remembers there were

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a couple of reasons why it made sense that it needed to be there.

Mr. Miller stated he was not questioning that it is a Type I action. He stated he was just trying to understand why it was a Type I action, if it was in part because it neighbors the Baker property or Baker Park, which is a park, or a recreational area, and therefore, the threshold, gets reduced to 25 percent, and one of the actions that would be a Type I action would be the acquisition, sale, lease, annexation or other transfer of 100 and more contiguous acres of land by a State or local agency. He stated if this gets lowered to 25 percent then, then it only refers to 25 acres, and this property, 60 Stryker Road is 26.7 acres. He stated he was just trying to determine why it was listed as a Type I.

IRENE BRIXNER, 14 Hartom Road

Ms. Brixner stated first of all she is not against cemeteries. She stated that is not the reason she went out and sought signatures against the selling of that property. She stated there were other reasons.

Ms. Brixner stated while she was out getting signatures, she didn't realize that they were selling this land. She stated on June 1st, 2005, there appeared a resolution to authorize the sale of Stryker Road to Grove Place Cemetery Association for a purchase offer of \$125,000. She stated there was no public hearing on this purchase offer until this evening, December the 7th. She stated they knew nothing about what was going on. She stated they were worried about this property was next door to recreation land, et cetera. She stated the Board voted for the sale the same night it was presented. She stated therefore, tonight is the only public hearing offered to the community on this issue.

Ms. Brixner stated her review of the State Audit Report of Examination of Chili finances back in 1993 encourages her not to support the rezoning resolution for Stryker Road. She stated she has reviewed that report carefully. She stated she would like to go on record to oppose this rezoning resolution. She stated she believes the Town Board's vote of this rezoning resolution will be showing the Town Board's lack of due diligence regarding the property value of the Stryker Road highway property.

Ms. Brixner stated the Town Board members are not professional land appraisers. She stated she believes the only way to find value of property is to put it up for sale to the highest bidder and not to give it away to the first purchaser as it might suggest favoritism. Ms. Brixner stated she cannot believe 26.7 acres of Stryker Road highway property did not increase in value since 1989, 16 years. She stated it was never put up for sale.

Ms. Brixner stated by voting for this rezoning resolution of Stryker Road, they would be affirming that this property was sold based on an old assessment rate of \$57,000. She stated in her opinion, they would be neglect in not getting at least the total amount of money the Town invested in this property, which was \$128,000. She stated accepting this rezoning for \$125,000 would be a \$3,000 loss to the Town, and to her, that is irresponsible and absurd. Ms. Brixner stated their homes and properties are being reassessed to update property values. She asked why didn't they consider having their Town-owned asset be professionally appraised before they sold it.

Ms. Brixner stated in her opinion, the State Examination Report of 1993 suggests that Chili's purchased payment for Stryker Road highway property was paid out of highway reserve funds, \$99,000 for the property, plus \$29,000 for highway blueprint plans. She stated the purchase obviously was \$128,000. She stated State auditors in 1993 indicated that any purchase over \$100,000 required a mandatory vote. She stated the Town Board does not state in its rezoning resolution that the people, due to the opportunity of a permissive referendum, voted for the Stryker Road sale of Town highway property. She asked why don't they include that. She asked why don't they show the people everything. She asked why is the Town Board so anxious to sell this property for \$125,000, \$3,000 less than the price the Town paid for it 16 years ago.

Ms. Brixner asked why wouldn't the sale of Town property, over \$100,000, require a mandatory vote, as per the 1993 State audit report of examination when the purchase of the same Town property, over \$100,000, required a mandatory vote 16 years ago. She stated they didn't even have

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a mandatory vote, she understands, and that's why they were being reprimanded, so to speak.

Ms. Brixner asked if the property is over \$100,000, does the sale, the Town's sale of a property require a mandatory vote. She asked is that the reason why it had to stay under \$99,000. She asked how did it reach \$125,000 that they paid for that property. She asked was it interest money or what was it. She asked or was the total \$125,000, the total amount they paid for the property. She stated that is what she was trying to find out.

JERRY BRIXNER, 14 Hartom Road

Mr. Brixner stated he wanted to speak in opposition to this proposed rezoning. He stated first of all, he wished to note, this is the first public hearing that the Chili Town Board has conducted on the June 1st, 2005 sale of the Chili highway property of 60 Stryker Road to the Grove Place Cemetery Association.

Mr. Brixner stated the June 1st resolution read, Resolution Number 212, regarding authorizing sale of 60 Stryker Road, "Whereas, the Town of Chili has been approached by the Grove Place Cemetery Association to purchase the property located at 60 Stryker Road for \$125,000.00

Whereas, it is the intent of the purchaser to utilize the property for cemetery proposes and the purchase offer is contingent upon obtaining with all reasonable due diligence and efforts, all necessary development, environmental approvals and N.Y.S, Division of cemetery approvals for locating a cemetery at 60 Stryker Road,

Now, therefore, be it resolved, that the Town Board determines that it has no plans for utilization of 60 Stryker Road and deem it surplus property and,

Now, therefore, be it resolved, that the Town Board accepts the purchase offer made by the Grove Place Cemetery Association for 60 Stryker Road, upon its meeting stated contingencies and upon approval by the Attorney for the Town, and authorizes the Supervisor to execute the proper agreements as necessary; and

Be it further resolved this resolution is subject to permissive referendum and according to Section 82 and Section 90 of the Town Law, within ten (10) days of the date of this resolution, the Town Clerk shall post and publish a Notice which shall set forth the date of the adoption of the resolution, shall contain an abstract of such resolution, shall specify that this resolution was adopted subject to a permissive referendum; and shall publish such notice in the official newspapers of the Town of Chili, and in addition thereto, that the Town Clerk shall post or cause to be posted on the signboard of the Town a copy of said Notice within ten (10) days of the adoption of this resolution."

Mr. Brixner stated Chili citizens such as himself started circulating a petition seeking such a referendum. He stated they then filed with the Town Clerk sufficient signatures that the Town set up a referendum for September 13th, 2005.

Mr. Brixner stated before that date in September he expressed his position on the issue in the Gates-Chili Post. Mr. Brixner read a portion of his editorial. In the editorial he thanked the 87 Chili residents who signed his permissive referendum to score a public vote on whether to sell the Stryker Road highway property to the Grove Place Cemetery. In the editorial he indicated there are numerous reasons why he believes that the sale proposed should be questioned, including the fact that Chili Supervisor Tracy L. Logel and the Town Board majority refused the Chili public a public hearing. He indicated in the editorial they never put this property up for sale to allow other bidders to apply and never got a formal appraisal that would establish a realistic up-to-date value for this potential value of Town property. In the editorial he indicated in his opinion they are not making a decision just on this Chili highway piece of property, but also whether Baker Park, on Chili Scottsville Road, which is now a famous disk golf course, recognized as one of the country's best disc golf courses. He stated the two properties on straight roads are joined in the back on the respective property lines. In the editorial, he indicated that Chili Superintendent of Highways

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Joseph Carr has been encouraged to remove excess highway items from Stryker Road and store it on Baker Park, making it look, what he referred to, as a Scottsville Road scrap yard.

Mr. Brixner stated he would like to review the Resolution 271 regarding an order setting a public hearing on the rezoning property located at 60 Stryker Road from PRD, Planned Residential District to RA, Rural Agricultural. He stated this was the November 2nd resolution: "Whereas, the Planning Board has scheduled for November 15th a public hearing regarding the property located at 60 Stryker Road and its rezoning from PRD, Planned Residential District, to RA, Rural Agricultural;

Now, therefore, be it resolved that the Town Board hereby declares itself lead agency for SEQR review purposes and finds this application to be a Type I action for SEQR review and directs the Town Clerk to send notification to all affected agencies;

And be it further resolved that the public hearing be set for December 7th, 2005, at 7 p.m. to consider the rezoning application for the property located at 60 Stryker Road tax account," whatever it is, "from PRD, Planned Residential District, to RA, Rural Agricultural."

Mr. Brixner stated he points out in this November 2nd, 2005, resolution, setting tonight's Town Board meeting, there is no reference at all to the Grove Place Cemetery Association and he did not know why.

Mr. Brixner stated he wanted to address the State audit covering the period that roughly started in 1989 through March 13th, 2003 that Mrs. Brixner spoke on. He stated he is familiar with that, because he had just taken Town office as Town Supervisor on January 1st, 1992 when the State Audit Team came in. He stated his Town Board included Tracy Logel, James E. Powers, Steven Hendershott and Robert Criddle.

Mr. Brixner stated the State Audit Team came into the Town soon after his term started and concluded its audit in early 1993. He stated on page 11 there is a direct reference to the Chili Town administration of Former Supervisor John Hanna, and also the next administration of Donald Ramsey who preceded his term as Chili Town Supervisor. Mr. Brixner stated the years 1990 and '91 are referenced on the page 11 that Mrs. Brixner has read, indicating that it was highway property that the State Audit Team at that point criticized that particular earlier administration of 1989 for not conducting either a permissive or mandatory referendum on the purchase.

Mr. Brixner stated with these reasons stated, he would be opposed to the rezoning.

PETER WIDENER, 4280 Union Street, North Chili

Mr. Peter Widener stated he was the President of the Stryker Road Number 3 Cemetery, and he was speaking on behalf of his Trustees this evening. He stated he does not fear competition from another cemetery across the road from them on the same road. He stated he speaks in favor of this rezoning.

The Public Hearing was closed at 8:23 p.m.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Four speakers addressed the Town Board on various subjects, and the Public Forum concluded at 9:12 p.m.

The meeting was adjourned until Friday, December 30, 2005 at 12:00 p.m. The meeting will be held in the Chili Town Hall Main meeting room.

The meeting was adjourned at 9:12 p.m.