

## CHILI TOWN BOARD

July 12, 2006

A meeting of the Chili Town Board was held on July 12, 2006 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor Logel.

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

**ALSO PRESENT:** Richard Brongo, Town Clerk; Richard Stowe, Counsel for the Town; 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:**

Craig Stevens from the Bonadio Group was present to give a presentation on the Year End Financial Report.

Mr. Stevens stated the audit was recently completed in March. He stated this is the first opportunity they have had to get to the Board. He stated the audit continues to be performed very smoothly and efficiently. He stated the books and records are in excellent shape.

Mr. Stevens stated a couple of items are of note: The fact there were no material weaknesses in the internal control structure and no evidence of any type of fraud or irregularities. He stated they have issued a management letter that the Town Board has been provided with. He stated all of those points have been addressed with management and procedures are in place to implement those points in the coming year.

Mr. Stevens stated with respect to the financial statement itself, they are issuing an unqualified audit report. He stated the audit report is voluminous, about 35 pages long. He stated in the interest of time he won't go through all of the detail. He stated it has been reviewed in great detail with management and discussed with certain members.

Mr. Stevens stated the one thing he did want to point out is the Town continues to have a very healthy fund balance, approximately a \$5.5 million fund balance. He stated a couple of the items that are of note are the budgeted fund balance for both the General Fund and the Highway Fund were \$1.6 and \$376,000 respectively. He stated the actual results of the Highway Fund resulted in a fund balance just under \$700,000, a difference of \$350,000 in a positive variance. He stated whereas, the General Fund ended with a fund balance of \$2.9 million, a positive variance of almost \$1.3 million dollars, keeping in mind obviously that the General Fund is their main operating fund of the Town.

Mr. Stevens stated so once again, the operating results of the Town were very good in fiscal '05, and as far as the fund balance, it remains healthy, as well as the balance sheet is very healthy.

Councilman Slattery asked how far back did they go for this audit. Mr. Stevens stated it is an audit of the calendar year starting January 1st, '05 through December 31st of '05. He stated that is the period under audit. He stated but the report is dated in March, so they are actually responsible for significant events up to the report date, sometime in late March.

Councilman Slattery stated he has not seen the draft report. He stated he was a little familiar with it. He asked for the community's input, could Mr. Stevens give them a little background and explain some of the things they were looking at, the normal concerns they have and so forth. He asked and then with the

audit that they did do in their practices, have they changed from the past year or years and are they consistent with where they have been and where they are going.

Mr. Stevens stated those were good questions. He stated each year as part of the audit process they do a management letter. He stated he thought to a point, all of the points from the previous year, the '04 audit, were addressed this year, which is a good sign. He stated the suggestions for consideration of the management were addressed by the management of the Town.

Mr. Stevens stated the audit procedures are not changed from year to year. He stated they're fairly standard. He stated they do alter them in some respects with respect to certain fraud procedures. He stated they try to be a little bit random or unpredictable in some of the tests that they do so that the Accounting doesn't become too familiar with what is being involved in the audit.

Mr. Stevens stated a basic audit of the financial statements involves looking at primarily their balance accounts, their cash receivables, insuring they do exist, through looking at bank statements and a number of transactions, a sampling of transactions. He stated keeping in mind that an audit is not a review of all of the transactions. He stated they do have a sampling, a methodology, looking at certain transactions.

Mr. Stevens stated the audit is based on materiality. He stated each of the individual funds of the Town have a different materiality, be it General Fund, Highway Fund, capital projects, et cetera. He stated so they take a sample of transactions based on materiality and go through the process looking for support for those transactions.

Councilman Slattery asked have the State requirements changed from year to year, or from last year to this year, something that the Town would have to comply with, anything along those lines. Mr. Stevens stated nothing of any significance that would have to be reported.

Supervisor Logel stated they would have a second presentation by Benderson Development Company, Mr. Donald Robinson.

Mr. Robinson stated he is a Senior Vice President with Benderson Development Company. He stated they have offices in Rochester, Buffalo and their headquarters were recently moved to Sarasota, Florida. He stated he is a lifelong resident of the Rochester area himself.

Mr. Robinson stated their company got its start here in Western New York over 50 years ago and one of the first places they went to work after the Buffalo area was in Rochester. He stated they have done a lot of work in communities around town.

Mr. Robinson stated it wasn't long ago that they actually purchased a very unsightly property in the center of this town, which is occupied by K Mart. He stated it was sold in foreclosure by a bank. He stated they bought it and expanded the K Mart. He stated they renovated the parking lot, relandscaped it, restriped it and made it an attractive part of their retail core.

Mr. Robinson stated in Westgate Plaza they took over a largely defunct mall, raised it, and built what is there today, which is a combination of a Wal-Mart Super Center and another 125,000 square feet or so of retail space, which is largely fully occupied, and a credit to the community, they believe.

Mr. Robinson stated they are currently doing a project over in Henrietta, where they took over the RG&E property, which was an environmental challenge, so to speak, and they demolished the property in its entirety. He stated they are bringing in a bunch of new tenants, some new to the Rochester area like the Christmas Tree Shops and others just new to the Henrietta market.

Mr. Robinson stated some years ago they were named developer of the year in Henrietta for some other projects they did. He stated and they also won an award for the redevelopment of Culver Ridge Plaza up in Irondequoit.

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Mr. Robinson stated in redeveloping Westgate Plaza, they took a town facility, similar in some circumstances to what they are proposing they do in this town, and they took over the old Westgate Park, and they expanded Westgate Plaza into the park. He stated they had bought significant acreage across the street and they created a park more than double in size to the one they took over with many more facilities, lighting, parking, picnic facilities, both enclosed and open air, and then that facility is well utilized by the Town today, and they enjoy it and they will enjoy it for many years to come.

Mr. Robinson stated when they did that, they spared no expense. He stated when the Supervisor asked them to add more lighting or add some additional parking or come back and reseed the lawns because there was a dry summer after the spring when they planted the baseball and soccer fields, they came back that fall and redid it. He stated they didn't ask for more money, but they just did it because they wanted it to be a park that everyone would be proud to use and happy to have in their town.

Mr. Robinson stated they established a very important relationship in that community, and even today, he would say that the Supervisor in Henrietta, Mr. Breese; and the Supervisor in Gates, Mr. Esposito are very happy that they came to their towns and would speak very well of them should anyone decide to make a call in that direction.

Mr. Robinson stated the Supervisor of the Town of Irondequoit was pleased with what they did at Culver Ridge Plaza, but he has been replaced and the new Supervisor doesn't have much familiarity with them.

Mr. Robinson stated he would tell them how he came to be here this evening. He stated they became aware that Chili was becoming an attractive market to national tenants, and they started nosing around for a development opportunity. He stated those activities became known to some of the residents here in Chili and they were contacted by some of them who suggested that they might take a look at some of the Town facilities in the center of town and do something similar to what they did at Westgate. He stated they also advised them that there was a master plan in progress, and so they kind of waited for that Master Plan Update to become public with its recommendations.

Mr. Robinson stated the proposal that he would like to introduce this evening follows in large measure a lot of what the Master Plan Update Committee has suggested. Mr. Robinson stated he did want to say at the outset, that it is not their intention to interfere with anyone else's proposal or suggestion, and it is certainly not their intention to try to tell the Board what is best for their town. He stated that is part of why they waited to see what the recommendations would be by the Master Plan Committee so they could look to situate a retail project in an area with which they were comfortable.

Mr. Robinson showed the Board a couple of exhibits he had. Mr. Robinson stated they have a piece of property at 177 Archer Road, which is a little over 47 acres, and they have that under contract. He stated the Town property and that which belongs to the Fire Department totals just about 37 acres. He stated so they have an opportunity to create larger and better facilities on the relocation site for whatever facilities the Town would like to locate there.

Mr. Robinson stated they have taken the opportunity to do a first draft of a proposed park, because they have some experience with that, but they have just identified some other land without attempting to lay it out, because they really don't know what the Town or the Fire Department would like, and quite frankly, they don't know if other facilities would be appropriate for the Archer Road property.

Mr. Robinson showed the audience the plans.

Mr. Robinson stated he would not get into too much detail because he promised the Supervisor he would not speak for more than 15 minutes.

Mr. Robinson stated on the Town property, they would propose a retail shopping center with main entrance off Chili Avenue opposite the retail plaza across the street. He stated large tenants would be in

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the rear and smaller, freestanding facilities suitable for banks, restaurants or even small tenants who might combine and take a given building would be in the front.

Mr. Robinson showed on the plans where the retail center would be, the proposed entrance, an existing plaza across the street and the rear of the plaza with the large tenants in the back, and the smaller tenants clustered in the front.

Mr. Robinson stated the final exhibit shows what they think a park could look like. Mr. Robinson stated there would still be land available for the DPW, the Community or Senior Center. He stated they could have tennis courts, eight of them. He stated they have shown bocce courts, horseshoe pits, basketball courts. He stated they have one, two, three, four, five, six baseball fields and a multipurpose football and soccer field.

Mr. Robinson stated there could be an additional 9 ½ acres that could be made available for whatever the Town would like to use it in terms of additional park facilities or facilities such as the Senior Center or DPW.

Mr. Robinson further explained a proposed layout.

Mr. Robinson stated tonight was not a night for entertaining questions from the audience, but he would be happy to meet with any groups that would like to meet with him to talk about the project and also to give him input what they would like to see in a new park or how that other land might be utilized.

Mr. Robinson stated how he sees this plan unfolding is he thought the first thing that has to happen, they have to form a collaborative relationship with Town government and its departments as well as, and very importantly, the Fire Department, because they act independently from the Town government. He stated they need to get everyone on board behind them, this proposal, and they have to decide where is the best long-term location for retail and where is the best long-term location for Town facilities that would be dislodged if this proposal were to go forward. He stated then they have to design and build the new park facility. He stated that has to be done first and foremost, because there are some other things that could be built simultaneously.

Mr. Robinson stated they could build a new retail store while they are building the Fire Department, for example and then knock down the building at the end of the construction of both, but they have to invade the park immediately and it is not fair to ask any of the residents or youth groups, et cetera, that use that park to wait 18 months or 2 years before their park is built, so they would have to get started on that right away.

Mr. Robinson stated they would have to find a suitable new facility for the Fire Department, and that is assuming that the Fire Department wants to move. He stated he has not heard any burning desire from the Fire Department to move, but that doesn't mean that might not be forthcoming.

Mr. Robinson stated they also need to find a new location for DPW, and he would say that could be filled with potholes along the way, but they do have to find them a new home.

Mr. Robinson stated the whole goal and desire here is to do two things simultaneously, to strengthen the retail core of the community and let existing retailers play off the new project, and at the same time, give the service providers, the Fire Department, the DPW, the Recreation Department, et cetera, give them an opportunity to improve the quality of life and quality of services that they provide to their constituents.

Mr. Robinson stated once that is done, they need to relocate all necessary parties, and then they need to build the retail shopping center.

Mr. Robinson stated this proposal could take longer than some other proposals the Town might be considering. Mr. Robinson stated that lengthier time could be shortened if everyone gets behind it; for

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example, the folks from the No Mall on Paul organization, if they find this acceptable. He stated if the folks at the Fire Department find this is a good idea for them. He stated the Town of Gates relocated its firehouse, and they have a wonderful facility, and there is no reason why the Town of Chili shouldn't have a similar facility. He stated the Master Plan Committee needs to like what they see. Mr. Robinson stated so there is no reason to think that it has to be enormously lengthy, assuming that they find it acceptable and their constituents do likewise.

Mr. Robinson stated the final piece of the puzzle is money. He stated clearly, the retail project can't cover everything. Mr. Robinson stated they will donate the land for whatever facilities one wants. Mr. Robinson stated they will build the park the way the Town wants it, with the facilities he showed or some additional facilities if that is what one wants.

Mr. Robinson stated they are telling the Board now that in addition to that, they will have some money left over to contribute to build some other things for the users that he mentioned. He stated they also know that there will be 80 to \$90,000 a year of net tax revenue to the Town of Chili.

Mr. Robinson stated the question is when you get past those and you have to reach into the Town coffers to pay for the remaining projects that would have to be accomplished, the question is would those be done anyway, and would they be done down the road without the impetus and without the financial backing that they can offer.

Mr. Robinson stated in the master plan draft there are references to the fact that the DPW is considering and has needed a better facility for quite some time. He stated out in Ogden the DPW built a new facility for somewhere in excess of \$4 million, so they have a sense for what that might cost. He stated the Gates fire hall was a little over six million. He stated they are looking at 10 million for those two, and then they have to figure out where the other groups, the recreation, the seniors would go to, whether they go to this campus or to the land that they would donate.

Mr. Robinson stated he would just ask the Board members and Supervisor, does this merit a hard look. He asked does it merit a dialogue between the Town and them and the others that needed to be contacted, the departments and the Fire Departments.

Mr. Robinson asked could they reach a real thought-out decision that could be an easy yes or a no. He stated he would just like to know what the Board members, what would they like more to know from them about them, how they would like to proceed.

Mr. Robinson stated he would conclude what he hoped to be tonight merely an introductory effort to share with the Town Board their thoughts, and to share with them a proposal which obviously would be very far-reaching and have a dramatic impact on a lot of the aspects of the quality of life in their town.

Mr. Robinson stated as he said before, he was not suggesting he knows what is good for the Town. He stated he was just providing an option, something for them to think about and see if they would like to explore it with them. He stated they would be happy to do that.

Councilwoman Sperr stated it was a good presentation, very thought-provoking. She stated she would have to think about it.

Councilman Schulmerich stated it is interesting. He stated he thought one of the things that will be helpful as this moves forward is more clarity on the cost and what type of costs would be incurred by the Town to make all of the moves in conjunction with what would be provided by Benderson. He stated he thought that will be an education to help them in this process overall.

Mr. Robinson stated he would just say as a comment to their question, that he thought they would have to sit down with the appropriate people and understand what their needs will be going forward, where they want to be, how big a building they need and then get the cost together. He stated it doesn't mean

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they can pay for everything, but they can go a long way to figure out what the costs of those things would be.

Councilwoman Ignatowski stated she thought they had mentioned the DPW as being on the parcel that they have right there. Mr. Robinson stated they have room for them. Councilwoman Ignatowski asked how much acreage was that going to be. Mr. Robinson stated that really comes back to Councilman Schulmerich's comment, he did not know how much they need. He stated but clearly they have more than they occupy now, and he did not think that the space they use now is really economically used. He stated it is spread out more than it needs to be, but they have 9 ½ acres of unaccounted space.

Mr. Robinson stated in addition to that, they have an area designated of a couple acres for them. He stated they have the room. He stated it is just a question how much they need.

Councilwoman Ignatowski stated she has the same sentiments that Councilman Schulmerich said, they will need to know the financial picture of this, which certainly is in the recommendations of the Master Plan Update, was to explore the feasibility of this, so it is going to actually be accomplishing that particular recommendation from the update by going through this process.

Councilwoman Ignatowski stated that is her biggest issue. Councilwoman Ignatowski asked if the Fire Department matter, if that is something that is not feasible to move, would a proposal still be able to be looked at, minus the Fire Department land. Mr. Robinson stated they have looked at it. He stated there is some potential there. He stated he has reached out to both the Chief and the President of the Fire Department Corporation, and they have not spoken yet. He stated they have exchanged voice mails, but he did not expect that they can have an answer real quickly as to whether they would like to move, and if so, where would they like to be and what a new facility would cost. He stated the only thing he can draw upon is what the Gates experience was.

Councilwoman Ignatowski stated she appreciates this is just an overview, a concept at this point and they will need additional detail before they can make any decisions.

Councilman Slattery stated first he would like to start out by saying he thought with the Fire Department, it is very critical to have their input. He stated they're a great neighbor, provide a great service to this community as volunteers. He stated he truly appreciates them, being a parent that had to utilize their services for his daughter.

Councilman Slattery stated one thing he would like to touch on is a comment Mr. Robinson made, that the Master Plan Update Committee is only in draft form. He stated he just received an e-mail from their consultant, and not all of the members were copied in on it and had, as far as he knows, a copy of the Master Plan Update. He stated so it is still in draft form, and from what he understands, the Board members received it, but the Committee still needs to review it from the modifications that were made by their consultant. He stated so they still need to meet again.

Mr. Robinson asked if anyone had any sense for when the Master Plan might be adopted formally. Supervisor Logel stated what she was told by Mr. Mueller in a series of e-mails to her today is that they had finalized that. She stated this is something she was hearing for the first time, that they had not finalized it.

Councilman Slattery stated as liaison to the Master Plan Update, a Town Board member, he has not received it and finds it strange the Supervisor would receive the e-mails and he wouldn't and he was not copied in on that. He stated he knows Mr. Mueller has met with Supervisor Logel privately.

Supervisor Logel stated the documents were dropped off in her office and put in everybody's box a week ago. Councilman Slattery stated right around the holiday. Supervisor Logel stated right now, that still needs clarification between the consultant and the committee.

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Councilman Slattery stated another comment was made, the Master Plan Committee likes this proposal. He stated this Master Plan Committee will be disbanding in the near future. He stated they will not take a look at this. He stated but even if they were to be a committee for a longer period of time, as with the first proposal that came in, they will not look at individual proposals. He stated they do not want to get into those proposals. He stated they want to look at the area as a whole and so forth. He stated so they will not take a look at one proposal over another. He stated that is not their charge.

Councilman Slattery stated they mentioned 80 to \$90,000 for property taxes. He asked did they have the overall figure of property taxes, and then the breakdown of that that would go to the County, the School District and so forth. Mr. Robinson stated he did have those. He stated he didn't come prepared with that kind of detail. He stated he seems to recall that overall there was about \$750,000 approximately in property taxes of which the lion's share goes to the School District, somewhat less to the County, and then the Town gets a little over 10 percent, he thought is the way it works from the formulas they looked at.

Councilman Slattery stated as with their property taxes, the School District has roughly \$20 per thousand; Town taxes are \$3.78 cents per thousand. He stated so right there, the School District ultimately gets a lot more than what the Town does.

Councilwoman Ignatowski asked which school district would that be. Councilman Slattery stated Churchville-Chili is the one he was referring to. He stated Chili has four school districts.

Supervisor Logel stated this property is Gates-Chili. She stated the Town property is Churchville-Chili. She stated this would be taken off the tax rolls. She stated the Archer Road property would come off the tax rolls, so they would be removing from the Gates-Chili School District and putting on it the Churchville-Chili School District. Councilman Slattery stated Churchville-Chili is the Memorial Park. Supervisor Logel stated that was correct. She stated Wegmans is divided right in the middle.

Councilman Slattery stated another comment was made about does this merit taking a hard look. He stated he thought any proposal that comes in, they have a responsibility to the residents of this community to consider it. He stated they elected them to work to their best interest. He stated any proposal that comes before this Board they need to take a hard look at. He thanked Mr. Robinson for that opportunity.

Councilman Slattery stated people have read things that are in the media, and sometimes what you read in the media is slanted or doesn't say the full picture. He stated he just wanted to say, just be careful what you read in the media. He stated it may not be the true picture or the true story.

Supervisor Logel stated she thought the only question she had, before anybody could go further, is to look at the total cost that it would cost the taxpayers. She stated when they built this facility, and the library, they had to go out to a vote to do that; it went out for bonding. She stated so they would have to go out to the community and say, the voters would have to vote to say it is okay to bond. She stated so she thought they have to have a true cost, which they don't have at this point. Supervisor Logel stated so she thought that if they are going to go forward, they have to go that route.

Supervisor Logel stated then what she didn't see on there was a location for the Fire Department. She asked if they were relocating them, was any consideration given to where they would go. She stated she knows they have quite a bit of acreage there. She stated the only thing they said to her was they would have to grandfather in everything. She stated they would want to grandfather in their training tower. She stated they would want to grandfather in their cell tower. She stated everything that is there that they would need to take. She stated that is a considerable piece of land.

Mr. Robinson stated they have not had a serious sit-down with the folks of the Fire Department yet. He stated he thought it was most appropriate that he start with the elected officials before rumors started getting started and conversations are started about property that the Town owned and they have

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not even talked yet. He stated so he reached out to the Fire Department and told them they were not presuming anything as far as they're concerned, but he thought the best place to start was with the Town Board. He stated he told them he would like to sit down with them.

Mr. Robinson stated he had kind of indirect input suggesting that the Archer Road property, even though there is room there for the Fire Department, probably is not the right spot for them. He stated but that being said, that is all he knows. He stated and that is why he said before that this whole project only gets going with a collaborative effort between the developer, the Town and the Fire Department, as well as the key departments in their administration. He stated that is the only way they can arrive at the numbers that Councilman Schulmerich mentioned and were referred to. He stated they can't get there until they have a dialogue. He stated he just thought tonight was the way to start the dialogue, do it publicly and openly and let anyone who wanted to know about it find out about it.

Councilwoman Sperr asked is this property that they are showing on Archer Road the same piece of property that a developer had come before the Planning Board with approval to put a housing development on. Mr. Robinson stated it is.

Councilwoman Sperr stated it was Archer Meadows. She stated that is the same parcel. Mr. Robinson stated it is. He stated it is his understanding if this idea that their company has, if this doesn't go any place with the Town Board, he thought they will follow through and develop what was approved. He stated they approached them because they needed a large piece of property that they could start laying out first of all the park. He stated he thought it is a good site for the park. He stated and whatever other facilities would fit, they needed a large piece of property. He stated he does not think they're backing away from their intention, but they're willing to participate in this the same way others will be asked to participate in it if it is to become a reality.

Councilwoman Sperr stated there have been several comments about the cost of moving the facilities, but the taxpayers will need concrete information from them as to what they think it will cost to move facilities. She stated one of the key components of the proposal is the time it will take to change a park over to something else. She asked how long it took for them to change the park in Gates. Mr. Robinson stated the way it happened, the Town Board passed what they referred to as an enabling resolution which allowed their representatives to go to Albany with the proposal and ask for permission to sell. He stated from the time that enabling legislation was passed, it took four months.

Councilwoman Sperr stated Mr. Robinson threw out figures of 4 million for DPW for Ogden and 6 million for a fire hall. She stated from her background, it could be just a million dollars to move a cell tower. She stated she thought everyone needs to be aware just how much this will cost the Town to do this. Mr. Robinson stated it might cost a million to relocate, but he did not think it costs that much to build them, so maybe they build a new one.

Councilwoman Sperr stated that is just her major consideration, how long it would take to do this, and if it is the same retailers that they are talking to or that they have been speaking with that are also involved in the other proposal. She stated timing is an issue there, too. Mr. Robinson stated he thought timing is an issue for everyone. He stated no one wants to delay anything more than necessary, but this Town will be making a far-reaching decision about a lot of aspects of Town life, and he did not know that when they talk about a few months or the better part of a year, the difference between one scenario and another, he did not know if that is what anyone should base their decision on. He stated he did not want to meddle in their affairs. He stated if timing is more important to them than that, so be it. He stated if at some point they have to fold up their tents and walk away because it doesn't make sense, they understand that, too.

Councilman Slattery stated the last presentation they heard in regards to a proposed development, they said that Target will not go on any other site; they will only go on Paul Road.

Mr. Robinson stated he thought he shared with everyone a letter from Target. He stated he did not

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want this meeting to be about Target, but they have a very good relationship with Target. He stated they have done a lot of work with them all across the country, and they have looked at their concept, and they understand it. He stated they appreciate what could come about as a result of it, the synergies and the improvements, et cetera, for a lot of the areas other than the retail component, too. He stated they indicated they're very willing to participate in the project situated on this location. He stated they're concerned about cost. He stated they have some concerns about timing, but they are very willing to consider the project, and that doesn't mean that they're abandoning anyone else's project. He stated he did not speak for them, but he did provide a copy of a letter.

Supervisor Logel stated what Mr. Slattery was referring to is a letter that they received from Target back in February or March, which she was asked to keep confidential at the time, that they were not interested in considering other sites.

Councilman Slattery stated actually that is not what he was referring to. He stated he was referring to North American Properties making a comment that their client is not interested. Supervisor Logel stated that was the letter that they sent them. Councilman Slattery stated but he was referring to the North American Properties.

Mr. Robinson stated he did not want to contradict what anyone else says. He stated he thought the Target letter they have is very recent and it speaks for itself. He stated he thought they would be very happy to be part of their project.

Supervisor Logel stated there was only one other thing that came up that she was surprised to learn that they might want to investigate further. She stated she thought the ball fields, one of the ball fields has federal dollars in it. She stated she has not pursued that further. She stated that is what she has been told recently.

Councilman Schulmerich stated from his point of view, speaking for himself, if he were to assume that they move the resources that they have, as they sit today, with no enhancements, that would be a cost estimate that would give him an as-is scenario in terms of their being relocated somewhere else.

Councilman Schulmerich stated now actually if they choose to move something, they may choose to enhance it. He stated that is a discussion they may have down the road. He stated but for an apples-to-apples comparison, it seems fair for him to ask if in their initial assessment they assume they build a similar size Highway Department, they relocate the same number of bays, they build the same size Senior Center they have today and they have the same size recreation, court, and so on.

Councilman Schulmerich stated to him, if they can provide that clarity and if there is general agreement to that position, it seems enough direction to have the dialogue start. He stated from that point of view, that is a good place to start, and if they do any enhancements after this, they have that dialogue.

Councilman Schulmerich stated the second question he would have is, they are running into this issue with the other applicant, as well. He asked what kind of timing issue do they have where they need to see some movement or action by the Town so that there is some level of interest or they fold up their tent and walk away. He asked what kind of time frame are they talking about.

Mr. Robinson stated he would hesitate to put any kind of deadline on anyone. He stated he would just say if they are talking, and are providing him with information that he can analyze and give them back information and they come back on a monthly basis and talk about it, they will be making progress towards a goal of a final number, what they are contributing, what the Town has to raise, and the staging of it, he would be comfortable with that. He stated he would not put a deadline on it, but obviously if they don't have any talks or if there is a general feeling that half of the people in the room like the idea and half don't, that is something else. He stated they need a lot of people on board for something as far reaching as this.

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Councilman Schulmerich stated he did not ask that question to put Mr. Robinson on the spot. He stated from a project planning perspective, they can start dumping funds into this, and if there is no commitment from their part to go forward with it, they will get to a point to say enough is enough, and that is not fair.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Nine speakers addressed the Town Board on various subjects, and the Public Forum concluded at 8:28 p.m.

### **TOWN LIAISON REPORTS:**

#### Conservation Report by Virginia Ignatowski

Councilwoman Ignatowski stated she was away on vacation for the last Conservation Board meeting, but she did speak with Pat Tindale today and went over some of the things they had discussed at their meeting. She stated Pat Tindale said there were a number of proposals going to the Planning Board that had to deal with flood plain, and they were expressing their concern and dissatisfaction with development going in in areas that have flood plains on them.

Councilwoman Ignatowski stated the Conservation Board also had some drainage concerns apparently from the Rod & Gun Club. She stated there is a farmer that is being affected because of the runoff. She stated she did not know what the resolution of that will be.

Councilwoman Ignatowski stated the Conservation Board also had concerns about the wetlands once again regarding the Baptist Church application.

Councilwoman Ignatowski stated the Conservation Board did approve Metalico's plans.

#### Drainage Report by Virginia Ignatowski

Councilwoman Ignatowski stated the Drainage Committee meeting was canceled for this month.

Councilwoman Ignatowski stated she wanted to say to the man from disk golf, even though he left the meeting, she has always supported disk golf and has made public comments as such. She stated she never had conversations with the Disk Golf Association. She stated so any of the comments that he had levied against anybody in particular, certainly was not directed at her. She stated she does not have any negative relationship with the Disk Golf Association. She stated it is something that she has always supported.

Councilwoman Ignatowski stated lead agency, she was going to question that herself. Supervisor Logel stated they were discussing the reports of committees right now. Councilwoman Ignatowski stated there was other stuff she wanted to bring up.

#### Historic Preservation Report by Mary Sperr

Councilwoman Sperr stated since she wasn't present for the Town Board meeting last month, she had both the May and June meetings to report on.

Councilwoman Sperr stated at the May meeting, there was a lot of praise for the updates that have been put on the website by that board, and they were very pleased to see that. She stated at the May meeting, they discussed hosting a meeting and inviting members of other historic preservation boards and historical societies to Chili to discuss how they're handling issues in their town and to have an open discussion, or to bring in one of the speakers like Cynthia Houck from the Landmark Society to host that. She stated that will be discussed further in the coming meetings.

Councilwoman Sperr stated in June, a presentation was made by Carol Thoms regarding opportunities for the Stage Coach Inn that are being presented to Walgreens.

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Councilwoman Sperr stated the cabin house will receive a preservation award.

Councilwoman Sperr stated the Historic Preservation Board will be participating in the Chili Festival this coming July with an arts and crafts table.

### Library Report by Michael Slattery

Councilman Slattery stated the Library Board held a quick meeting. He stated one of the hot topics was they're beginning to look at the budget.

Councilman Slattery stated the second issue continuing, ongoing is the audit. He stated they're trying to find somebody to come in to do the audit. He stated the problem they're running into is the cost associated with that. He stated they spoke with Dianne O'Meara in regards to trying to find out what was done in the past with the Town, the people that did the Town audit and did they have anything to do with the library.

### Recreation Report by Supervisor Logel

Supervisor Logel stated Parks and Recreation was meeting right at the moment, so next month she will not have been there. She stated she would have to assume the meeting will be centered around the Chil-E Fest. Supervisor Logel stated the last meeting was centered around the Chil-E Fest. She stated the flyers are out. She stated the posters are out. She stated most of the information is on the website. She stated there have been several different articles about it.

Supervisor Logel stated the only thing that she knows that seems to be wrong is that the flyers say it is 2 o'clock for the chili cook-off and she understands it is 1 o'clock because of the close proximity to the parade. She explained people wanting to be in the parade may want to enter the Chili contest, and they could not be at the tasting and lining up for the parade if the two events were so close together in time.

Supervisor Logel stated she will be one of the judges of the chili cook-off.

Supervisor Logel stated they are getting a lot of positive comments about the Chil-E Fest. She stated there was a nice article in today's Our Towns about it. She stated it is something that they are all looking forward to. She stated people think the entertainment is going to be great and there has been a positive response about not having the carnival but having the craft show. She stated the response has been more than double what they anticipated for the craft show.

### Traffic & Safety Report by Mary Sperr

Councilwoman Sperr stated the Traffic Safety Committee has received a note about the King Road railroad crossing to be repaired, and the date has changed. She stated it will now be Sunday and Monday, July 16th and 17th.

Councilwoman Sperr stated the Traffic Safety Committee is working with the State D.O.T. to get curve markers placed on Chili Avenue at the approach to the bridge over Black Creek, and they're trying to resolve the traffic back-ups on Union Street at Chili Avenue. She stated at 5 o'clock it backs up all of the way down the ramp.

Councilwoman Sperr stated they're working with the Monroe County D.O.T. to add deer crossing signs on Morgan Road and Union Street.

Councilwoman Sperr stated they are monitoring various concerns about speeding and noise in the suburban areas. She stated there are temporary signs. She stated she did not know if anyone has seen them. Supervisor Logel stated they're moving signs. Councilwoman Sperr stated there are different types of signs: Residential Neighborhood; Please Slow Down; Are You Speeding; Protect Your Neighbors; Drive With Caution; Intersection Ahead; Approach With Caution; and Stop Sign Means Stop. Councilwoman Sperr stated they are bright, neon yellow and pink signs, and they're going to move them around in various neighborhoods where people have complained that people speed through the neighborhoods or don't stop at the stop signs. She stated there is a series of intersections that

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they're utilizing for these signs. She stated they want to move them around so people don't become blind to them. She stated they will put them up and then rotate them around. She stated that is one of the ways they are trying to address some of the problems people have had. She stated they are getting a lot of positive feedback on it.

Councilwoman Sperr stated they also received a request for a streetlight to be added at the intersection of Brook Road and Ballantyne Road and they will look into that. Supervisor Logel asked why would they want a streetlight there. Councilwoman Sperr stated a resident requested that they look into it. Councilwoman Ignatowski stated she has seen many cars that don't even slow down. She stated they go right through that stop sign. Supervisor Logel stated a red light will not make a difference.

Councilwoman Sperr stated as a member of the Gates-Chili Chamber of Commerce Board, she just wanted to mention they will be holding what they call their Tenth Annual Battle of the Burbs Golf Tournament between a lot of the members of the community on Monday, July 24th at the Brooklea Country Club. She stated if anyone was interested in participating, she has details for that.

### Planning and Zoning Boards Report by Dennis Schulmerich

Councilman Schulmerich stated the June Zoning Board agenda had 12 applications. He stated there were nine variance applications. He stated there were two applications for shed variances; five lot line variances; one signage variance. He stated those were each approved. He stated there was one dumpster enclosure variance application that was denied. He stated there were three conditional use permits: one renewal and two new, each approved.

Councilman Schulmerich stated the July Planning Board meeting was held last night. He stated he was unable to attend that because he had transportation issues; i.e. no car. Councilman Schulmerich stated he talked to Mr. Martin before the meeting, walked through the agenda and he talked to him again this evening. He stated they had five applications. He stated one was a subdivision approval that was tabled due to inappropriate or no signage for the appropriate amount of time prior to the meeting. He stated there were two conditional use permits and two preliminary site plan approvals. He stated the plans were approved.

Councilman Schulmerich stated there were two points associated with planning and zoning he wanted to touch upon. He stated the first the issue was brought up during the public hearing. He stated the Planning Board on or about June 19th did document its intention to be a lead agency for SEQR, and that was related to the rezoning of Paul Road. He stated interested and/or involved agencies did have 30 days to respond. Councilman Schulmerich stated his understanding and conversation with counsel, prior to this evening, was that no response from the Town Board defaulted to their acceptance of that position of them being the lead agency. He stated he was simply raising this issue for everyone's attention so that they have an awareness by their not writing a letter back to the Town Board, indicates that they are in acceptance of their taking the lead agency.

Councilman Schulmerich stated the second point he wanted to raise that he has raised and he will continue raising it so it stays on their radar screen is a question around the code status and when they might expect to see something from General Code Publishers in terms of marked-up copies. Supervisor Logel stated sections are in they could look at. Richard Stowe stated he has finished two or three sections and sent them back. Supervisor Logel stated they are funneling them through Richard Stowe when they get them from General Code. She stated everything right now is piecemeal, but there are many sections that came in. She stated if the Board members want to, they can start going through them.

Councilman Schulmerich stated he was particularly interested in the zoning and planning portion so he can work with the Chairs from both of the boards and in an ad hoc way start understanding it as they do. He stated if the zoning and planning sections are available in a marked-up sense, he would appreciate it, whenever they're available.

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Supervisor Logel asked if the Town Board members want them that way, in a piecemeal fashion. Councilwoman Sperr stated she does not mind taking them that way, as long as the Supervisor can keep track of what portions she has given us them. Councilman Schulmerich stated that could be handled with the Supervisor's secretary and an Excel spreadsheet.

Richard Stowe stated correspondence comes to this Board. He stated there was a comment made earlier about the status of this Board being an involved agency rather than an interested agency. He stated he believes that to be correct. He stated he believes this Board as a rezoning authority is an involved agency. He stated if, in fact, this Board is content with the Planning Board's designation of itself as lead agency for review of the applications before it, including rezoning and the site plan and subdivision, then it will be the lead agency after its declared intention unless this Board wants to notify it that it would prefer to be the lead agency for some or all of it.

Councilman Slattery stated to follow up with that, the comment was made about being an involved agency. He asked are they okay with that. Richard Stowe stated it's the characterization in the letter of their status. He stated he was simply clarifying for this Board, that they are involved, not just interested. He stated that's a correct characterization. He stated the letter is incorrect. He stated the property can't be rezoned without this Board rezoning it.

Councilman Schulmerich stated he has also asked the question around precedence or prior experience of the Planning Board taking the lead agency for issues that could be the Town's. He stated there is precedence of that happening. He stated this is not precedent setting.

Councilman Schulmerich stated there was one question whether it belonged with the Town Board or the Planning Board. He stated the Planning Board has participants that handle SEQR process applications on a regular basis. He stated they're experienced at it. He stated he was personally comfortable with them taking the lead agency.

Supervisor Logel stated the only comment she had regards the disk golf course comment. She stated Mr. Mulligan lives near her, and they have had several discussions. She stated one of the discussions she was picking up on is, apparently over the course of the years, there were pictures turned in of trash and cans and problems around not having bathroom facilities, et cetera, over the many years. She stated she has assured him and Mr. Schulmerich that when they are looking at the Baker property, that disk golf is central and key to being part of the discussions when they are looking at all of this.

Councilman Schulmerich stated in the meetings that they have started to have regarding the Parks and Recreation Master Plan Update, the intention is to have interested organizations come before that committee to present their interest, their desires. He stated they have consciously chosen not to put any of the vested groups on as a member of the committee so that they didn't have a bias of one sport over the other. He stated they wanted a well-rounded position. He stated with that said, they will, however, have representative groups come in and present to them. He stated so number one, they are going in with an open mind around all activities. He stated number two, the organizations will have an opportunity to come in to present to them, and number three, as they have mentioned in the past, all of the sessions are open to the public and they will be looking for their input, as well.

Supervisor Logel stated she got input today from Bob King from the Cooperative Extension. She stated they were very interested in having input into the potential of a public market that was brought up at one point. She stated they thought that would be a great addition to complementing ag districts and incentive for locals to bring produce there. She stated so they would like to have some input and make comments in regards to that. Supervisor Logel stated Councilman Schulmerich could contact Bob King at the Cooperative Extension in regard to that

Councilwoman Ignatowski stated in following up again with the Master Plan Update, she recognizes now that perhaps they need to be waiting because of the fact that the committee itself has not had a

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chance to committee sign off on it yet. She stated there is some confusion on that.

Councilwoman Ignatowski stated she has asked this question in the past, but can they look forward to having some sort of a resolution regarding this Comprehensive Plan Update. She asked since it is not going to be occurring at this meeting, will it be occurring at the next one, once they get this issue resolved with whether the committee itself has signed off on the final report.

Councilman Slattery asked Supervisor Logel would the Parks and Recreation Master Plan be a master plan that the Town Board is going to adopt in replace of the existing Master Plan. Supervisor Logel stated she would defer to counsel. Richard Stowe stated it is his understanding from the committee that their intention out of the gate is to have that component of the Master Plan as it currently exists be amended at the end of their process. Councilman Schulmerich stated he believes that is an accurate representation.

Councilman Slattery stated they are hiring a consultant as they did with the Master Plan Update that he was involved with, and they are going to adopt the Parks and Recreation Master Plan to replace the existing Parks and Recreation Master Plan.

Councilman Slattery stated in regards to the Master Plan that he was involved with, that he is still the liaison to, he stated he would ask the Supervisor directly, does she plan on adopting that plan or not. Supervisor Logel stated she has deferred to counsel and she will defer to counsel again on that issue.

Richard Stowe stated the resolution that established that body had language in it that referred to it as an update of a portion of the plan, but it had no direction, and as it was explained to him during the process of that committee's work, it had no intention to take an entire component of the Master Plan document that they have today and specifically bring it up and adopt a component of it like the Parks and Recreation Master Plan effort is a component of the plan today.

Councilwoman Ignatowski stated she would have to disagree. Richard Stowe stated the Board will have some options if it chooses to exercise them. He stated but as the planning group met, they were initiated as an advisory group to this Board with specific charges to look at. Richard Stowe stated as the consultant, Mr. Mueller explained the process to him, and as that process was explained to this Board, as recently as January, he thought, when he was asked to go review the resolutions and look at the status of that committee as an advisory committee to the Town, the review at that time was in connection with whether their meetings were required to be open to the public under the Open Meetings Law. Richard Stowe stated the review at that time, and the status and intention at that time was that they were not going to be updating any specific component of the plan. He stated certainly their work could be incorporated into some sort of an update to the plan, but the SEQR process that is going on with this group out of the gate and the public hearing would have to occur as part of that planning process. He stated that has not yet occurred and it was explained to him, it was not intended to be.

Councilman Slattery asked if that was explained by Mr. Mueller. Richard Stowe stated in part.

Councilwoman Ignatowski stated she was confused. She stated she sees Resolution 271 that was put on, and that she voted on in October of 2005, and all it says is regarding formation of Master Plan Update Committee, be it resolved that the Master Plan Update Committee be established, and it goes down through a listing of the rest of the people.

Councilwoman Ignatowski stated September of 2005 they have Resolution 255 that says contract for Comprehensive Plan Update, be it resolved that the Town Board authorize the Supervisor to enter into a contract with Lu Engineers to update the Town's comprehensive plan. She stated she voted on both of these things, with the intent and the understanding that this was going to be an update to the Master Plan. She stated it was never told to her that the intent had changed. She stated she understood that they were an advisory board, but she understood that to be also quite frankly from the last Master Plan Update that she was on. She stated a Master Plan Committee cannot vote to update the plan. Richard

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Stowe stated they don't adopt the plan. Councilwoman Ignatowski stated the only people that can do that is the Town Board. She stated that was her understanding, when the ruling came down, they were advisory, of course, and because they're advisory, they don't have any voting powers. Councilwoman Ignatowski stated she was never under the impression and she did not recall ever being told that this report was not going to be used to actually update the Master Plan. She stated that really upsets her.

Richard Stowe stated he didn't say that it couldn't be used to update the Master Plan. He stated he said that this Board will have choices when that document comes to the Board and whether they want to utilize that as part of an update to the plan. He stated but that process for updating the Master Plan and utilizing that information has more steps to go through before it can accomplish that.

Councilman Schulmerich stated as he understands the process, if they, in fact, had the intention, and believed that what they were enabling was an update of the Comprehensive Master Plan or an amended portion thereof, and he would say this is an amended portion thereof, he would expect that they would be talking about scheduling a public hearing so that they could then have that public hearing and then entertain discussion around adoption. He stated what he thought he was hearing tonight, for clarification sake, turning to both the Supervisor and their attorney, he was now hearing that it is not a legitimate update of the Comprehensive Master Plan, it is an advisory report only, and that advisory report can then be used as a component to update the Master Plan at some point in the future.

Richard Stowe stated that was correct. Supervisor Logel stated that is the understanding. Richard Stowe stated the answer is yes.

Councilman Schulmerich stated there is no obligation for a public hearing for where they stand right now. Richard Stowe stated that was correct. Councilman Schulmerich asked what would it take for them to make the report as issued an element that could be an amended portion of the Comprehensive Master Plan. Richard Stowe stated it would take the SEQR review of that process and whatever else this Board determined was appropriate for purposes of folding in whatever other elements of the Master Plan it wanted to adopt.

Councilman Schulmerich stated if they chose to take the report as issued, initiate the SEQR process, adopt the report as issued, with whatever modification the Board chose to add to it, they could then amend the Comprehensive Master Plan as the report was essentially issued to them if they so chose. Richard Stowe stated assuming that everything in the advisory report was wanted to be adopted. Councilman Schulmerich stated absolutely, he understood that. He stated there is a de facto assumption there that they are rote accepting what the document is.

Richard Stowe stated the SEQR process and steps to do that and taking those advisory comments of the board and turning it into a Master Plan Update, okay, when they were looking at this area, this area and part of the plan, they would have to determine which parts of the plan one wanted to amend and which ones they didn't and how they wanted to go about it.

Councilman Schulmerich stated so what he was hearing the difference is, is their interpretation of the work that has gone on with the Update Committee work. He stated it is a subset of the portion of the Comprehensive Master Plan and onto itself is not an amended section of the Master Plan. Richard Stowe stated that's correct. Richard Stowe stated as it was explained to him, it was not intended to be. Councilman Schulmerich stated he got it.

Councilwoman Sperr stated she had to agree with Councilwoman Ignatowski. She stated that was exactly her intent when she voted on it to start. She stated if someone else gave that committee or Richard Stowe the impression that this was only going to be an exercise, that was not her intent. She stated she did not vote to spend \$12,000 of the Town's money to create a report to accept. She stated she expected to spend that money on an effort, not to waste valuable citizen's time. She stated they have done an exemplary job at this to put this together.

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Councilwoman Ignatowski stated from what she has read, they did look at the entire Master Plan and if it was their choice, they wanted to focus their attention on areas that were seen as needed to be addressed. She stated if one reads through it, they have decided areas that they did not need to consider. She stated they have repeatedly made statements in there that are, in her opinion, Town wide. She stated everything is not totally specific to one particular area. She stated there are a lot of Town wide statements made in the document.

Councilwoman Sperr asked Richard Stowe are they under an obligation to respond to this report within a 90-day period with the SEQR and everything. Richard Stowe stated they are not.

Councilman Slattery stated he knows Mr. Mueller had meetings with the Supervisor. He stated they were billed for those meetings before the Town Board even voted on forming this committee. He stated he has concerns and comments regarding that. He stated there was, in his personal opinion, an agenda there. He commented they spoke a number of times regarding open meetings. He stated he publicly at a meeting asked for open meetings. He stated he was told that they did not have to be open, by their consultant. He stated the Supervisor did not want those meetings to be opened, per the consultant and the documentation that backed it up. He stated if that was the agenda there, to keep these closed so they wouldn't have to adopt this, then he agrees that they wasted a lot of people's time. He stated there were a lot of accusations going around that were thrown his way because the meetings were closed when he asked for them to be open. He stated he knows Recreation had a committee beforehand and when the committee didn't come back a certain way to the Town, they were told to change their ways. He stated he did not want to see that happen with this committee again. He stated this committee put in a lot of time, a lot of effort. He stated they did a good job. He stated if somebody's agenda is because of the way this report is now, that they do not want to see that, he thought it is an insult to not only them but this community for the work that was done.

Councilman Slattery stated in regards to the Supervisor's comment, he was reading the newspaper story article that she wrote referencing the Master Plan Update Committee and the timing was perfect as the committee would be looking at the entire area. He stated the Supervisor was recognizing them as a Master Plan Update Committee. Supervisor Logel stated she never did say she didn't. Councilman Slattery stated the Update Committee decided to survey the residents of the community. He stated again it was recognized as an Update Committee, not just a group that was going to just meet and then go through the motions and nothing ever be done with it. He stated he thought that is totally inaccurate.

Councilman Slattery stated that is why he was asking the questions earlier, regarding the Parks and Recreation Master Plan. He stated he is going to ask for a resolution tonight that they draft a resolution to start the SEQR process so they can move forward with that. He stated he does not want to see this committee's work go in vein. He stated he does not want future citizens of their community not volunteering when they realize they are going to be doing it for nothing. He stated their names are going to be dragged through the mud.

Councilwoman Ignatowski stated she would concur. She stated she would like to be able to see whatever the next step is in order to validate this as being an update to the Master Plan, whatever that needs to be.

Councilwoman Sperr asked Richard Stowe could a resolution also be done tonight to set a public hearing concurrent with the SEQR process. Richard Stowe stated it could not. Councilwoman Sperr asked what is the process. Richard Stowe stated they don't have a document completed yet. Councilwoman Sperr stated she got a call this afternoon where she was told it was signed off. Supervisor Logel stated she got e-mails from Mr. Mueller that said as far as he knew, it was final. She stated they have a consultant problem, and she would like to have Mr. Mueller come in, if possible, and have him make a presentation to this Board. She stated she will publicly state that she never told him to have closed meetings. She stated she has no idea where that statement is coming from. She stated it is very easy for people to just throw things out.

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Joseph Lu stated if the Town Board sets a date, he would have Mr. Mueller come in.

Councilman Slattery stated he also has an e-mail that was sent out recently with a copy of the so-called final Master Plan that was not addressed to all of the committee members. He stated so all of the committee members did not receive it. Supervisor Logel stated it didn't come from her office. Councilman Slattery stated he was not saying it did.

Richard Stowe stated he did not want whatever comments he made tonight to be characterized as demeaning the work of the committee. Councilman Slattery stated Richard Stowe was great in his leadership of the committee. He stated he knows he spent a number of hours on the phone and corresponded with them, sharing his legal expertise.

Richard Stowe stated the things that he thought this Board needs to recognize with regard to the report, is that it is not a waste of the Town's money with regard to the issues that this committee addressed. He stated it is a question of procedurally, utilizing that information to get where this Board decides it wants to go with a component of the plan.

Councilman Slattery stated he thought part of the problem is the committee hearing the rumors of this report would not be adopted because certain people didn't want it adopted. Supervisor Logel stated rumors are cheap talk.

Councilman Schulmerich stated he was hopeful if Mr. Mueller comes to speak to this Board, it does not come at a cost of the Town of Chili for additional charges. Councilwoman Ignatowski stated it can't be because there was an amount stated not to exceed. Councilman Schulmerich stated he just wanted to be clear.

Councilman Schulmerich stated number two, he would strongly suggest since he was holding a copy that says "final report" on it, the next one either says "final final" or it has a version on it.

Councilman Slattery stated there were a number of conversations going back along with their Director of Information Services regarding the maps that they have on their website. He stated if one looks in the final copy, there are maps in there that clearly state where the PNOD piece is. He stated he thought the Town Board needs clarification, as some of the people within the Town do. He stated he spoke to their planner who worked on the last Master Plan and so forth about which piece is the PNOD piece. He stated it is the piece directly next to Wegmans, the wooded area. He stated they need that clarified, because the maps that are on the website are inaccurate. He stated if there are more questions, then they need to bring Ron Brand in.

Councilman Schulmerich stated he was down in the Building Department conference room tonight looking at the maps they have on the wall. He stated there are two maps. He stated one is specifically a zoning map and the other is a color-coded map that also calls out the zoning. He stated both of those maps identify the property in question as being both PNOD Restricted Business and then the immediate adjacent property as Residential R-1-20 or R-1-13.

Councilman Schulmerich stated he would also say in his tenure with both the Zoning Board and the Planning Board, every application that has come before them that represents any property in that area has been called out as Restricted Business or PNOD or Residential. He stated he does not believe in his tenure he ever saw any of the property referred to as GB with the exception of what he sees on their website.

Councilman Schulmerich stated he understands all of the complexities they are dealing with here. He stated these are not simple issues. He stated he was increasingly concerned with the time element that this Board is taking in dealing with the issues associated with the zoning of the property. He stated if they lose a developer because they make a decision not to have that land developed and they have consciously done their job, he has no problem with that. He stated if they lose a potential for

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development because they are not paying attention to detail, and they are not making decisions in a timely fashion, he has a serious problem with that.

Councilwoman Sperr stated she was concerned when she hears they have to have Mr. Mueller come in and make a presentation, if that is going to take an extra month. She stated they only have the one meeting a month until they get to the fall. Supervisor Logel stated they could do a special meeting.

Councilman Slattery stated he thought they should do that. He stated one thing he wants to do is go back to the maps. He stated he wants to make sure what they have on their website are accurate maps and they need somebody to take a look at that. He stated the Supervisor agreed the PNOD piece is the piece directly next to Wegmans. He stated he thought that needs to be relayed to the people that put the things on their website so they have up-to-date information.

Supervisor Logel stated the maps that are on the website are maps she understands have been on there for eons. Councilman Slattery stated that is incorrect. He stated Mr. Levy has updated them. He stated he has correspondence from Mr. Levy. Councilman Slattery stated he went through the Building Department. He stated that is why they need to talk to Kathy Reed in the Building Department.

Councilman Schulmerich stated there clearly is different information in different locations. He stated one question is, is when they have duplicity, or they have confounded information in different locations, is the Town open to any liability associated with a developer's interpretation of a map that may sit on a website versus other maps that may sit in other locations. He asked are they looking at an Article 78 as a consequence of having confounded information.

Richard Stowe stated the official zoning map of the Town is what controls. Councilwoman Ignatowski asked what is the official map. Richard Stowe stated the one maintained by the Town Clerk.

Councilwoman Sperr stated so the document that was published, that is their official and approved Master Plan, that includes published maps. Richard Stowe stated he did not know what that is. Councilwoman Sperr stated it is in the library. Richard Stowe stated he did not know what that is. He stated the answer to the question does not change. He stated it is the official zoning map of the Town.

Councilman Schulmerich stated he wanted to be clear, when he was commenting about the time issue, the time element, he was not implying that by their indicating this is not the final, he was not implying that they are dragging their feet. Councilman Slattery indicated that was understood.

Councilman Schulmerich stated he was concerned about the number of months this issue has been on the table, that they have a job to do. He stated he does not know what the belaboring issues are. Councilman Schulmerich stated he would like this to move forward. Councilman Slattery stated the committee is with Councilman Schulmerich 100 percent.

Supervisor Logel asked Joseph Lu to expedite the final with Mr. Mueller. Councilman Slattery stated he would talk to Mike Nyhan, the Chair of the committee, to make sure that everybody has it, and everybody had an opportunity to review it. He stated the last correspondence he saw was that Mr. Mueller was adding something to it, and if he is adding something to the draft that the committee approved, then the committee needs to review what he is adding. Supervisor Logel stated she would think so. Councilman Schulmerich stated absolutely. Councilwoman Sperr stated that is why it was questioned.

Supervisor Logel stated she would have to pull up the e-mails where he said this was the final and it had Mr. Nyhan's comments. Supervisor Logel asked Joseph Lu to have Mr. Mueller get this resolved immediately.

Joseph Lu stated he did not know what is going. He stated Mr. Mueller talked to him about it. He stated he thought maybe he made a mistake without going back, but he is faced with the job of putting all of the comments into the draft, which he gave to all of the members and the committee.

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Councilman Slattery stated he would recommend if Mr. Mueller is going to correspond with the Supervisor, which he does not have a problem with, he should correspond with the liaison and the Chair so they know what is taking place, so they are not sitting at a Town Board meeting discussing it for an hour.

Joseph Lu stated he would ask Mr. Mueller to come in. Supervisor Logel stated they have to set a date.

Councilwoman Ignatowski asked what is the status on the North Chili properties. Councilman Slattery stated the greenhouse next to Pizza Shack. Councilwoman Ignatowski asked what is the Building Department doing about those various code violations. She stated they do seem to have issues around Town that don't seem to be addressed.

Jeron Rogers stated today they met with Dorothy Borgus and another lady. He stated they are addressing those issues. He stated the information he received from Dorothy (Borgus), they will be looking into it. He stated it will be addressed in a timely fashion.

Councilman Slattery stated he knows at the last Town Board meeting they asked for those to be looked into. He stated he did not know if anything was done. Jeron Rogers stated something has been done. He stated he could not recall right now, but he knows people have addressed it.

Supervisor Logel stated all of the pictures and things that were turned in were taken to their Code Enforcement Officer, David Sauer. Councilman Slattery stated he would like the Board to be involved with the correspondence to let them know what is going on. Jeron Rogers stated he would get something to the Board. Councilwoman Ignatowski stated she wanted status on that.

Supervisor Logel stated the letters went out immediately, by that Friday. She stated then they have so many days after that to respond. Councilman Slattery stated the only updates they are getting is at the Town Board meeting.

Councilman Slattery asked Mr. Carr, regarding the Union Street traffic signal for Buffalo Road, the improvements, there being only one arrow, was he going to look into that and get an update for them. Joseph Carr stated apparently it was their misunderstanding. He stated there was not an intent based on the volumes recorded, the studies, the traffic analysis, the warrant studies. He stated it resulted in only the one left turn arrow. He stated it was not a part of their design to put the left turn arrow on the other three corners. He stated and the information has not changed that would support adding an arrow in any of the other three directions.

Councilwoman Sperr stated it was asked for on behalf of the Fire Department to please put arrows on all of them. She stated it doesn't surprise her they did not approve it, but they had requested they do it.

Councilwoman Ignatowski stated she recalled at the beginning that the residents noticed that as well, there was only one arrow, but they said no at that point.

Councilman Slattery asked for an update for the Chili Avenue sidewalk, right outside the Town Hall. Joseph Carr stated it is going to take them quite a bit more time to finish. He stated the reason is, they are right now in the middle of their road repairing. He stated they are doing milling. He stated they did milling the last three days. He stated two weeks from now they will be doing paving. He stated then they start another cycle. He stated they have some more County work to do. He stated they didn't get as far as they had hoped, and unfortunately, they will have to see that uncompleted section for several more weeks. He stated they are continuing to work on the Union Street improvement project. He stated they have crews there now, and they will be there working in the roadway as well as the sidewalk extension there. He stated unfortunately, they just have a large amount of work to do, and it is going to

CHILI TOWN BOARD MEETING - July 12, 2006

take them more time. He stated the intent is, to finish to the intersection, and then extend the walk from Chili Avenue, to the entrance driveway of the Town Hall. He stated he hopes to have that completed by early fall.

Councilman Slattery stated in regard to disk golf, the gentleman that spoke, he has never spoken to him. He stated the ill feeling he spoke about, he does not know where that is coming from. He stated it is not coming from himself.

Councilman Slattery stated if that gentleman that spoke and then left and/or anyone else has additional comments or were not able to speak, they can always send them into the Town. He stated they would be more than willing to read them and respond to them.

Councilman Slattery stated they were talking about scheduling a Special Town Board meeting. He asked who coordinates that. Supervisor Logel stated she does. Councilman Slattery stated a Special Town Board meeting was called and he was given less than 24 hours notice of it. He stated he was not asked what date he was available. He stated first somebody called his office, but he was off on vacation and was not available. He stated then he gets two e-mails later on which he was not able to retrieve and a phone call never came to his house. He stated the only way he was notified of it was by a letter that came to his house, telling him there was going to be a special Town Board meeting, less than 24 hours notice of the meeting.

Supervisor Logel stated they were told that he was out of town. Councilman Slattery stated well, somebody was wrong. He stated if they called his house, they would have found out. He stated he was on vacation but at home. Supervisor Logel stated that is what they were told, he was on vacation. She stated there was an assumption made. Councilman Slattery stated he has that e-mail that was sent.

Councilman Slattery stated the policy, he would hope, would be that they would call somebody's home and not their place of employment. Supervisor Logel stated she agreed. She stated they assumed because he was on vacation, he was not in town. She stated that was wrong.

Councilwoman Sperr stated she had a question under Correspondence. She stated she was under the impression that a petition had been submitted to the Planning Board with signatures on it in favor of the Paul Road project. She asked if such a document exists.

Supervisor Logel stated she has not seen a copy of it. She stated as she understands it, it was submitted to the Planning Board.

Councilman Schulmerich stated he was informed that a box of post cards in favor of the mall, some in excess of a thousand, somewhere in the neighborhood of 1200 to 1300 cards, was brought in and was to be presented to Mr. Brongo. He stated now whether they ever found their way to his office, he did not know.

Councilwoman Sperr asked Richard Brongo if he has received any. Richard Brongo stated he has not received them. Richard Brongo stated last month they were to present them to the Planning Board. He stated they brought them into the office and they said they were bringing them to the Planning Board. He stated he said if one wants them on file, then after they're presented to the Planning Board, they have to get back to his office. He stated he believes that they tabled that matter at the last Planning Board meeting. Councilman Schulmerich stated they did. He stated he did not know what happened last night, but as of yet, he has not received that box of cards. Councilman Schulmerich stated so the conclusion one might draw, which might be incorrect, is that they're holding onto those cards until this item actually ends up on the Planning Board agenda. Richard Brongo stated he couldn't answer that, but it is quite possible.

The 6/7/06 and 6/23/06 Town Board meeting minutes were approved as submitted.

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**REPORTS SUBMITTED:**

Community Center Revenue Report – May 2006  
Recreation Department Revenue Report – May 2006  
Senior Center Revenue Report – May 2006  
Chili Center Comprehensive Plan Update – June 2006  
Conservation Board – April 26, 2006  
Drainage Committee – May 2, 2006  
Historic Preservation Board – May 8, 2006  
Library Board of Trustees – April 25, 2006, May 23, 2006  
Monthly Finance Report – January 2006 – May 2006  
Town Clerk Report – June 2006

**CORRESPONDENCE:**

1. Petition with 95 signatures against the removal of the Stagecoach Inn by Walgreens.
2. Letter from Benderson Development Company requesting the opportunity to make a presentation to the Town Board for a proposed development on Town of Chili property.

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**RESOLUTION #184 RE: Clerk IV Part-Time (Receptionist)**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilman Schulmerich**

**BE IT RESOLVED** that Karen Paxon shall be appointed as Clerk IV, Part-time and paid an hourly rate of \$8.70 effective July 13, 2006 not to exceed 20 hours per week.

UNANIMOUSLY APPROVED

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**RESOLUTION #185 RE: Clerk IV Part-Time (Substitutes)**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilman Schulmerich**

**BE IT RESOLVED** that the following individuals be added to the substitute Clerk IV, Part-time for the year 2006, and shall be paid at the rate of \$7.63 per hour effective July 13, 2006; expenses to be paid by voucher as incurred.

Regina Doran  
Madeline Herbert

UNANIMOUSLY APPROVED

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**RESOLUTION #186 RE: Transfer to General Fleet Reserve**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilman Slattery**

**WHEREAS**, an auction of general equipment was held on May 20, 2006; and

**WHEREAS**, it has been advantageous to transfer the auction proceeds to the General Fleet Reserve for future use;

**NOW, THEREFORE, BE IT RESOLVED** to increase the General Fund budget A2665 (Sales of Equipment) and A9950.9 (Interfund Transfer) by \$5,625.00, and,

**BE IT FURTHER RESOLVED** to transfer \$5,625.00 to the General Fleet Reserve.

UNANIMOUSLY APPROVED

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**RESOLUTION #187 RE: Transfer to Highway Equipment Reserve**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, an auction of highway equipment was held on May 20, 2006; and

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

**NOW, THEREFORE, BE IT RESOLVED** to increase the Highway Fund budget DA2665 (Sales of Equipment) and DA9950.9 (Interfund Transfer) by \$5,967.00, and,

**BE IT FURTHER RESOLVED** to transfer \$5,967.00 to the Highway Equipment Reserve.

UNANIMOUSLY APPROVED

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**RESOLUTION #188 RE: Gerald Carberry Service Award Benefit**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilman Schulmerich**

**WHEREAS**, Penflex, Inc has advised the Town of Chili and the Chili Fire Department that in accordance with NYS General Municipal Law Article 11-A, a volunteer firefighter joining the fire department over the age of 65 is entitled to service credit; and

**WHEREAS**, the Town of Chili has received communication from the Chili Fire Department that Gerald Carberry joined the fire department after the age of 65 and earned sufficient points in 2004 to qualify him for service credit; and

**WHEREAS**, Penflex, Inc requires Town Board approval to begin Gerald Carberry's monthly benefit;

**NOW, THEREFORE, BE IT RESOLVED** Penflex, Inc is authorized to issue monthly benefit checks in accordance with the plan document.

UNANIMOUSLY APPROVED

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**RESOLUTION #189 RE: Budget Transfer**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilman Schulmerich**

**BE IT RESOLVED** to transfer \$2,160.00 from H35-1990.4 (Chili Avenue Widening Contingency Account) to H35-1710.4 (Chili Avenue Widening Administration); and

**BE IT FURTHER RESOLVED** to transfer \$6,600.00 from H35-1990.4 (Chili Avenue Widening Contingency Account) to H35-5197.4 (Chili Avenue Widening Highway Construction).

UNANIMOUSLY APPROVED

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**RESOLUTION #190 RE: Letter of Credit Release For Park Place Section 3**

**Release No. 6 - Final**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilman Schulmerich**

**BE IT RESOLVED** that per recommendation of the Town Engineer, the remaining balance of \$36,848.44 should be released from the letter of credit with Canandaigua National Bank (#1101968477) for Park Place Section 3; subject to engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

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**RESOLUTION #191 RE: Letter of Credit Release For Park Place Section 4  
Release No. 7 - Final**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilman Schulmerich**

**BE IT RESOLVED** that per recommendation of the Town Engineer, the remaining balance of \$26,436.92 should be released from the letter of credit with Canandaigua National Bank (#1101943679) for Park Place Section 4; subject to engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

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**RESOLUTION #192 RE: Letter of Credit Release For Park Place Section 5  
Release No. 9 - Final**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilman Schulmerich**

**BE IT RESOLVED** that per recommendation of the Town Engineer, the remaining balance of \$52,982.41 should be released from the letter of credit with Canandaigua National Bank (#1101943733) for Park Place Section 5; subject to engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

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**RESOLUTION #193 RE: Letter of Credit Release Park Place, Sections 7 & 8  
Release No. 3**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilman Schulmerich**

**BE IT RESOLVED** that per recommendation of the Town Engineer, \$112,621.00 be released from the Letter of Credit with Canandaigua National Bank (#1102617457) for Park Place Sections 7 & 8, leaving a balance of \$233,770.65; subject to engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

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**RESOLUTION #194 RE: Approving Extension Chili Consolidated Drainage District to  
Serve the Property Located at 2652 Chili Avenue., Rochester, New York 14624,  
Tax Map No. 134.13-01-015**

**Offered by: Councilwoman Sperr**

**Seconded by: Supervisor Logel**

**WHEREAS**, a petition for the extension of the Chili Consolidated Drainage District to serve the

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property located at 2652 Chili Avenue Rochester, NY 14624, tax map no. 134.13-01-015, a territory located within the Town of Chili, Monroe County, New York, the said petition being dated the May 11, 2006, 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 June 7, 2006 reciting the filing of said petition, the boundaries of the proposed district, the proposed services to be provided, the fact that no drainage improvements are proposed to be constructed therein by the Chili Consolidated Drainage District at this time, the estimated costs of the Chili Consolidated Drainage District, as extended, to the typical property, or if different, to the typical one or two family home, within the Chili Consolidated Drainage District, as extended, and specifying July 12, 2006 at 7:00 P.M. as the time and the Town Hall in the said Town of Chili as the place where the said Town Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same; and

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

**WHEREAS**, a hearing on the matter was duly held by the Board on the 12th day of July, 2006, commencing at 7:00 P.M. at the Town Hall in the said Town and discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

**WHEREAS**, this Board has duly reviewed and considered the short Environmental Assessment Form submitted in this matter, as well as all other information obtained at the public hearing referred to above; and the Board has duly considered the impacts which may reasonably 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.

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

Motion to table:

Offered by: Councilwoman Sperr

Seconded by: Councilwoman Ignatowski

On the motion to table: Unanimously approved

**RESOLUTION #195 RE: Order Setting Public Hearing on the Proposed Extension of the Chili Consolidated Drainage District to Serve the Donald S. & Candice R. Property Tax Map No. 146.080-01-039.201 Located At 803 Marshall Road, Rochester, N.Y. 14624 and Tax Map No. 146.080-01-039.121 located at 807 Marshall Road, Rochester, N.Y. 14624 and Tax Map No. 146.080-01-039.111 located at 809 Marshall Road, Rochester, N.Y. 14624 in the Town of Chili, County of Monroe and State of New York**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, a written petition, dated July 6th, 2006, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Chili, Monroe County, New York for the extension of the Chili Consolidated Drainage District to serve the property located at 803 Marshall Road, Rochester, N.Y. 14624 tax map no. 146.080-01-039.201, and located at 807 Marshall Road, Rochester, N.Y. 14624 tax map no. 146.080-01-039.121 and located at 809 Marshall Road, Rochester, N.Y. 14624 tax map no. 146.080-01-039.111 more particularly described in **Schedule A (Property Description)** on file in the Town Clerk's Office; and

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

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

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

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

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

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

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

**NOW, THEREFORE**, it is hereby,

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

**ORDERED**, that a meeting of the Town Board of the said Town of Chili shall be held at the Chili Town Hall, 3333 Chili Avenue, Town of Chili, New York on the 2nd day of August, 2006, at 7:00 p.m. to consider the said Petition and to hear all persons interested in the subject thereof and for such other action on the vote of said Town Board in relation to the said Petition as may be proper or required by law; and it is further

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

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

UNANIMOUSLY APPROVED

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**RESOLUTION #196 RE: Consultant for Parks & Recreation Master Plan**

**Offered by: Councilman Schulmerich**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, the Town of Chili will be contracting with a professional consultant to assist with the update of the Parks and Recreation Master Plan, and its portion of the Town's Comprehensive master Plan, and

**WHEREAS**, the Town Board hereby declares itself Lead Agency for purposes of updating this plan and its component portion of the Comprehensive Master Plan.

**WHEREAS**, the Town of Chili reviewed three RFP's from (EDR, McCord Landscape and Passero), therefore,

**BE IT RESOLVED** that per the recommendation of the Parks and Recreation Master Plan Committee, Supervisor Logel is hereby authorized to sign a contract with Passero Associates to provide consultant services, with the amount of contract not to exceed \$15,000.00, and

**BE IT FURTHER RESOLVED** that the Town Clerk notify appropriate agencies of the Town Board's Lead Agency status and that the consultant work with the Update Committee to comply with SEQRA requirements to update a portion of the Comprehensive Master Plan.

UNANIMOUSLY APPROVED

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**RESOLUTION #197 RE: June 21, 2006 Abstract**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilman Schulmerich**

**WHEREAS**, January 4, 2006 Resolution #1 authorized vouchers to be paid June 21, 2006 by all Council signing a waiver form; and

**WHEREAS**, Council did authorize by a majority vote vouchers 2813-3050 totaling \$388,747.32 to be paid from the Distribution Account as presented by Richard Brongo, Town Clerk

**NOW, THEREFORE, BE IT RESOLVED** to note for the record vouchers 2813-3050 were paid

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from the following funds:

General Fund	\$ 85,044.79
Highway Fund	\$127,834.15
Library Fund	\$ 965.00
H35 Chili Avenue Widening D017381	\$ 15,575.20
H39 Union Street Improvement	\$ 4,447.06
H42 Annual 2005-6 Reassessment	\$ 1,397.25
Consolidated Drainage	\$ 1,913.61
Chili Fire Protection District	\$141,525.36
Special Light Districts	<u>\$ 10,044.90</u>
Total for Abstract	\$388,747.32

UNANIMOUSLY APPROVED

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**RESOLUTION #198 RE: July 5, 2006 Abstract**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilman Schulmerich**

**WHEREAS**, January 4, 2006 Resolution #1 authorized vouchers to be paid July 5, 2006 by all Council signing a waiver form; and

**WHEREAS**, Council did authorize by a majority vote vouchers 3238-3417 totaling \$175,012.60 to be paid from the Distribution Account as presented by Richard Brongo, Town Clerk

**NOW, THEREFORE, BE IT RESOLVED** to note for the record vouchers 3238-3417 were paid from the following funds:

General Fund	\$ 72,520.06
Highway Fund	\$ 64,960.51
H39 Union Street Improvement	\$ 37,159.93
Consolidated Drainage	\$ 266.74
Brick Walk	\$ 51.00
Special Light Districts	<u>\$ 54.36</u>
Total for Abstract	\$175,012.60

UNANIMOUSLY APPROVED

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PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on July 12, 2006 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:50 p.m. to consider extension of the Chili Consolidated Drainage District to include the property located at 2652 Chili Avenue, Tax Map No. 134.13-01-015.

Attendance as previously noted in the 7/12/06 Chili Town Board meeting minutes.

No one was present to represent the property at 2652 Chili Avenue.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

KATHI SWEETMAN, 51 Kuebler Drive

Ms. Sweetman asked is this the property that came before the Planning Board to rezone last month.

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Councilman Schulmerich stated yes, it is. Councilwoman Sperr stated they requested a rezoning.

Ms. Sweetman stated she was just trying to understand what exactly is going on with this property really. She stated they brought in a request to rezone from Residential to General Business, and he wanted to rezone a number of houses. She stated some of the people didn't want them rezoned. She stated it was a little bizarre.

Ms. Sweetman stated she was just wondering why they were going to extend the drainage if that was sort of up in the air and they don't really understand what he is doing.

Joseph Carr asked what is the question. Supervisor Logel stated 2652 apparently came in and requested rezoning. Richard Stowe stated they wanted site plan approval.

Councilman Schulmerich stated the question they are asking he thought is, is the consolidated drainage public hearing that they are hearing about tonight linked in any way to a request for rezoning that would allow them to have a site adjustment for more parking on the property.

Ms. Sweetman stated that was the question. Councilman Schulmerich stated he thought the question to Mr. Carr is, is this drainage public hearing related in any way, shape or form to the application by the owner for the rezoning. Joseph Carr stated the reason they're asking to be included in the drainage district is because they have an application before the Town, and it is their policy and rule that they must make that application. Joseph Carr stated the fact of whether they decide to put them in the drainage district or not has no bearing on their request, whatever their requests are before for the rezoning. He stated from that standpoint, the two are unrelated.

Ms. Sweetman stated she was wondering why all of a sudden they're applying for drainage. Richard Stowe stated their drainage application that is the subject of this public hearing would not have occurred had they not made an application to the Planning Board. Richard Stowe stated it is a condition of that process that they also make an application to this Board to take their property and put it in the consolidated drainage district. He stated the fact that this Board may consider to put their property in that district is a consideration independent of the other board's considerations of the applications that were tabled.

DOROTHY BORGUS, 31, Stuart Road

Ms. Borgus stated she also was at those hearings, and it was brought out that this piece of land has considerable drainage problems, and it appeared to her as a member of the audience that water is kind of in a bowl there on this property. Ms. Borgus stated so the Town better be prepared if they want to put it in a drainage district to find a way to make water run uphill. She stated they should be careful what they wish for here. She stated for a few tax dollars, they could be inheriting a problem that they can't solve. She stated it is very complicated, as she understands it, to get that water to move off his property, so they should just be careful.

Councilman Slattery asked have they had complaints in the past in regard to this property, and if so, have they looked into this and are they getting in over their head. Joseph Carr stated they are aware of this issue. He stated he has been talking to the property owner for over a year and he has been asking for them to look into some ways to help solve that problem.

Joe Carr stated he thought the description is accurate, the backyard of his property which fronts on Westside Drive and the neighbors's property, the neighbor to the east, their property also is shaped in a bowl. He stated it holds the water. He stated there is no outlet, and his investigation and their Town engineer's investigation is, is there is not a readily available outlet for that water. He stated there is not an easy way to solve it.

Joseph Carr stated he would, however, point out that by merely putting this property in the drainage district, which is a common practice which they do, it doesn't certainly in his opinion say that they inherit

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the problem and inherit the need to find the solution or to invest in the solution. He stated he does not see it that way. Joseph Carr stated it is more of a legal question. He stated merely being in the drainage district to him does not mean that they have to solve a problem. He stated that is not how they make improvements. Joe Carr stated they have a drainage committee. He stated they view complaints. He stated they make decisions on what they might be able to do.

Councilman Slattery stated a follow-up to that would be, yes, there is a problem. He stated no, he is not in the drainage district. He stated if they put this property in the drainage district now, they would be paying into it. He stated they do not do work outside of the drainage district with drainage district funds. He asked would they be responsible now legally to go in there and perform maintenance issues and corrective measures.

Richard Stowe stated the statement they don't go spend drainage district monies on properties that are not within the drainage district, he believes that to be a true statement. He stated if, in fact, this property were not in the drainage district and they had the request to go do something on it, they couldn't use drainage district funds to do that. He stated if the question is does that eliminate that reason not to do anything, the answer is yes. He stated he thought that Joe (Carr)'s point is a different one with regard to the application, to go do it, and there are properties within the consolidated drainage district that have continuing unresolved issues beyond the capacity of the drainage district's financial ability to fix. He stated this may be one of them. He stated they don't have the reason that it is not in the district as a reason not to go do something. He stated it does not obligate them to do it today. He stated it does not obligate them to do work in the future. He stated it certainly makes that an option that was not there before, and as a property owner paying those funds into the district, yes, he has an argument to make that he ought to be able to get services. He stated that does not obligate them to do things that they cannot afford to do.

Councilwoman Sperr stated she did read the minutes from that last Planning Board and the applicant had requested that he put a parking lot in. She asked if the Planning Board were to go ahead and approve his application to change the site plan and put a parking lot in, would that further complicate the situation and make it more difficult to solve, or really not change it at all and keep it as difficult to fix the drainage problem that he has today. She asked what effect will that parking lot have on this discussion moving forward if they approve it.

Joseph Carr stated this is all a part of that site plan review, engineering review of that plan. He stated what they discussed in their DRC meeting was they clearly recognize that there is a drainage problem there now. He stated they did not speak as to whose responsibility it is to solve it, but the direction was that if there was to be an approval of that proposal, there has to be included a resolution of that problem. Councilwoman Sperr stated they have to address the problem to improve the parking the lot. Joseph Carr stated any final approval would have to include resolution of the existing problem. Councilwoman Sperr asked if it would involve the drainage district funds then. Joseph Carr stated he was suggesting that the developer, the property owner, as a part of his improvement proposal, would have to solve that problem. Councilwoman Sperr stated that is what she wanted to hear.

Councilwoman Ignatowski stated which is the case in many Planning Board processes.

Richard Stowe stated to play Devil's advocate for just a second, that assumes that these boards entertain these applications and that the applicant goes forward with the applications. Richard Stowe stated if the applicant withdraws the application, they are left with the situation they have today. He further stated and if this Board decides to go forward and put it in the consolidated drainage district, it then would not be with any site planned, engineered improvements to the site necessarily. He commented possibly, but not necessarily. He stated he thought that was the question that was being asked earlier.

Ms. Borgus stated she did not think it takes a rocket scientist to figure out any time a parking lot of an impervious surface is put in, it is will complicate drainage problems Councilwoman Sperr stated

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depending how he addresses it. Ms. Borgus stated anyone at the meeting that saw the maps and heard all of the discussions could see it is all downhill into there and there is no place for that water to go. Councilwoman Sperr stated she understands that. She stated it creates a gap in the pipe.

Ms. Borgus stated if she were the applicant and were requesting this, admission to the drainage district, she would assume then he was just unloading his problem onto the Town. She stated she was sure he is going to expect services. She stated that is her point to the Board, be careful what they do here.

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

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

Supervisor Logel stated no action would be taken upon the Town Board's return. She stated they would be adjourning the meeting at that point.

The Town Board went into Executive Session at 9:59 and returned at 10:30 p.m.

The next meeting is Wednesday August 2, 2006 at 7:00 p.m. The meeting will be held in the Chili Town Hall Main meeting room.

The meeting was adjourned at 10:30 p.m.