

CHILI TOWN BOARD
July 14, 2010

A meeting of the Chili Town Board was held on July 14, 2010 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 David Dunning.

PRESENT: Councilwoman DiFlorio; Councilwoman Ignatowski, Councilman Slattery, Councilwoman Sperr and Supervisor David Dunning.

ALSO PRESENT: Richard Brongo, Town Clerk; Jordon Brown, Deputy Town Supervisor; Dawn Forte, Supervisor's Secretary; Sandra Hewlett, Stenographer; David Lindsay, Commissioner of Public Works/Highway Superintendent and Building Department Representative; Dianne O'Meara, Director of Finance; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor.

The invocation was given by Richard Brongo.

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

PRESENTATIONS/ANNOUNCEMENTS:

1. Presentation to Glenda Melville.

SUPERVISOR DUNNING: I don't see one of our people here -- for presentations. So I guess Laura -- Laura Landers from Freed Maxick, if you would, it is all yours.

2. Freed, Maxick & Battaglia, Financials Y/E 12/31/2009.

MS. LANDERS: Thank you, Supervisor Dunning. Good evening, Council Members. I'm going to make this -- this very brief. My name is Laura Landers, and I'm a partner with Freed, Maxick & Battaglia, and we performed the audit of the Town for the fiscal year ending 12/31/09, issued an unqualified opinion on the current year.

Our audit was conducted in accordance with generally accepted auditing standards, and the financial statements present fairly in all material respects of financial position of all of the government activities, each major fund and the aggregate non-major fund information.

All of the Council Members should have received copies of any of the financial statements and the management report.

The management discussion and analysis, which is part of those financial statements, was prepared by Dianne O'Meara and contains all of the required elements in accordance with the governmental accounting standards boards.

Included are comparative charts which utilize condensed financial information from the government wide financial statements, and those statements are presented on -- in detail on pages A1 and A2 of the financial statements that you received. And they incorporate all of the operations of the Town and activities, including the capital asset net of depreciation and long-term liabilities. Fund basis financial statements, as a measure of the fiscal stability of the Town, one of those measures is a percent of fund balances to expenditures. And fund balances that have 5 percent or less would typically indicate possible fiscal stress and fund balances should average somewhere in the range of 10 to 25 percent.

That -- given that, the General Fund for the Town of Chili, undesignated fund balance represents 35 percent of expenditures and total fund balance, which includes the undesignated and the reserves is -- total equals 118 percent of the current year expenditures.

Reserves in the General Fund include capital, insurance and Workers' Comp. Reserve.

Highway Town wide undesignated fund balance represents around 21 percent of the current expenditures, and total fund balance represents about 33 percent. And there is one reserve in the Highway Fund, and that is a capital reserve. All of the non-major funds of the Town, the two I have mentioned before, General and Highway are the major funds of the Town. All of the non-major funds of the Town ended the year with positive fund balances.

Briefly, you also received our management report. Those are -- those contain our required communications under statement of auditing standards Number 114. Specifically, I would like you to note there are no other adjustments or uncorrected misstatements, which indicates in our terms that the internal reports that the Board is receiving on an interim basis are accurate. So -- so those things -- those budgetary reports and the financial reports that you're receiving, given that we had no audit entries or uncorrected misstatements.

Also included with the management report is an attachment, what we call our representation letter, and as a continuing effort towards transparency, that representation letter which is presented and signed by the Director of Finance at the conclusion of the audit, um, and

it contains several representations related to our audit is included in that management report for the governing Board's review.

And that is briefly it in a nutshell. Nutshell, the -- the -- the Town is in a strong financial position. As you can see from looking at what those percentages were for your fund balances in your two major funds and also that of your non-major funds, all ended the year with positive fund balances.

Any questions?

COUNCILMAN SLATTERY: When you state that the Town is in strong financial shape, can you elaborate on that a little bit? I believe people can take it different ways.

MS. LANDERS: Strong financial position, I would say because the average fund balance is about 10 to 25 percent, at that measure, that I went through, and your undesignated in the General Fund represents 35 percent. So when I say "strong," I mean that if there was an unexpected occurrence, an -- unanticipated ice storm, um, snowstorm, something that was unanticipated, the Town has the funding available to be able to cover those costs.

COUNCILMAN SLATTERY: Okay. Thank you.

SUPERVISOR DUNNING: Laura (Landers), thank you very much.

MS. LANDERS: And thank you, Dianne (O'Meara). Dianne (O'Meara) and her staff, as always, were very helpful during the audit process in getting us the information that we needed. So thank you.

SUPERVISOR DUNNING: Thank you.

I still don't see our other presentation tonight. Maybe we can reschedule that.

3. John Caruso - re: Rezoning of 3763 and 3765 Chili Avenue.

SUPERVISOR DUNNING: However, we do have one that was not listed on the schedule, and being that this is directly related to a Public Hearing, I would actually, if I could, like to introduce John Caruso from Passero Associates. He would like to do a brief presentation in regards to the Public Hearing -- one of the public hearings we'll have this evening for the rezoning of 3763 and 3765 Chili Avenue.

If I could, he would like to give a brief overview of what that project is for the benefit of those that may not have seen this. I know the Board was -- hopefully the Board was there for the Planning Board meeting.

All yours, John (Caruso).

MR. CARUSO: I will be brief.

Just for -- because I know some of your eyes -- I know your eyes aren't as good as mine.

RICHARD STOWE: I appreciate that.

MR. CARUSO: This is just a blowup of what you are seeing over there. I just wanted to take a second and just thank you for the opportunity, Mr. Supervisor, just to give you five minutes of what we're proposing to do. You know, what is our justification, what is driving this. I know communities and Boards that are in the process of zoning or rezoning, you know, like to hear some of this stuff, and I thought I would put it out there to the public.

So with that, um -- I'm here on behalf of Lou Bivone who bought this parcel. It is located on the south side of Chili Avenue, immediately east of Byrne Dairy. It is west of Willowbend. And if you -- Willowbend Drive is really a private street, private road. It's a driveway, essentially, that serves two cottages that are back on the -- on the creek.

And so that runs through the property, and it would be maintained or continue to serve those properties.

And we would -- we would just reconstruct that driveway, which is stone and gravel, to a more commercial driveway, but continue their rights through an easement to those properties in the back. That is-- of course, would have to be maintained.

But what is really driving the -- this project is that Lou (Bivone) wants to do a small commercial building in the -- in the area. He lives in the area. It is something that he will own personally, through whatever corporation he develops, but he lives around the corner from it, so he can monitor it, and -- and most importantly, is that he has potential tenants, and to a high level of degree. I mean he can't write contracts right now, but -- and that is what is driving this. And I put that out there, the finances up front, is because the finances today drive projects. And we don't want to be proposing an empty shell that you might see of a commercial facade, commercial building sitting there and you look in the window and you see there is no fit-out or build-out we call it. That is not the case here.

Lou (Bivone) has tenants. The financial part of that is what is driving the project. So that is very good news, to bring you a project that is not on spec.

Secondly is, I want to go through a handful of zoning justifications that we would like to put in as proofs that any Zoning Board -- or rezoning application. So the first is, whenever you want to rezone a parcel, you want to show those -- that entity, that -- that it is contiguous or compatible with the adjacent zoning. So this area of -- of West Chili is considered Sub Area 4 in the Town's Comprehensive Plan. And it is a little commercial node. In that commercial node, um, he wants to expand immediately adjacent to it. And if you don't do that, someone might consider that spot zoning. So we don't want to be arguing with the Board about that. You have to touch the property line, and this is the property that is immediately adjacent to the commercial zoning that is there now. So that is good.

The other thing we look for is compatibility. So we look around the neighborhood, and if you have had a chance to read our study, we try to do a good job showing you what is going on

around the neighborhood, are we compatible or are we incompatible. I think we try to prove we are.

I think just from the nodal definition of what is going on there, we are compatible.

One thing we -- I -- I want to point out is the definition of this nodal development is, has a small predictable expansion of what commercial exists. So what you're seeing here, and this is right out of your Comprehensive Plan, is it reasonable to expect that a commercial, a small commercial node would expand over time, over decades.

That is exactly what you're seeing here. It is a small reasonable expansion, and I'm sure the Planning Board will make sure what we propose there is reasonable. So right here, we're just looking on land.

So -- and I think we are. So we look for that in this justification for rezoning.

Can we provide the appropriate buffers? And yes, we can. There is buffering all of the way around the property. It is also required in the code, but we want to make sure that that is there, and it is.

Does a development like this have adequate utilities, sewers? Mainly we talk about sanitary sewers. We don't like proposing rezoning for a commercial use on something that has a septic system. So the utilities are here to support the project. That's important.

And the last two bullet points, is the zoning reflected in any current land use studies? Is it recommended for its future use? And we're very fortunate to have the Chili Avenue Corridor Study which recommends the southeast corner of Chili Avenue and actually recommends it be commercially zoned.

And then finally, the nail in our coffin was -- you know, we close in this document, that I pointed out, the 2010 Comprehensive Plan identifies the land between Byrne Dairy and Willowbend, which is this property, to be General Business zoned. And at first we were looking at that property to be -- to zone it to General Business, but we realize in trying to keep with any rezoning application, you want to transition or fit in the transition, and General Business is there. We should be transitioning now to Neighborhood Business and then Residential, which is the case. So we adjusted our application and we are asking for Neighborhood Business.

Then the final bullet point we look for in any rezoning justification is are the local, um -- Planning entities in agreement, and so you should have a copy of Monroe County Planning's -- that it is a local matter and they make some comments on technical stuff, but more importantly is that we went to the Planning Board on May 14th, and we received a positive referral for rezoning. So we try to go right down the points that make sense to give you the ability to evaluate what we're asking for and rezone to NB.

So with that, I'm -- I will be available. I will be listening and taking notes during the Public Hearing. If you would like for me to respond to any questions or rebut, I would be happy to.

SUPERVISOR DUNNING: John (Caruso), actually, if you don't mind, I would like to ask one question about some of the way you have outlined the -- the transition down from more intense General Business use down to Residential.

What -- what do you see or what -- as far as this being -- spreading out in the next property then being requested for Neighborhood Business, what do you -- one of the things that personally I wouldn't like to see is -- is this continue on and keep continuing on down Chili Avenue. What -- what have you seen in your research of this study or anything that would prevent that from happening?

MR. CARUSO: Well, a couple things.

One is Willowbend Drive is sort of a natural barrier, and it has taken almost ten years to get over one more property. And I think that the next -- the next expansion may be on the north side of Chili Avenue, and it may be over by the expressway. That is where lands are available. It isn't rocket science. It is sort of where is the opportunity for it to expand. I don't think the neighborhood, um -- further to the east is compatible. It doesn't really meet the compatible requirement, so what I am seeing is -- the northwest corner and -- and across the street and contiguous. But it is -- but it is right by definition out of the Comprehensive Plan, a small predictable growth.

It has to make sense. Is there a reason why, and can you do it well? Can you do it well and still maintain the integrity of the adjacent residential property, which we propose to do.

SUPERVISOR DUNNING: Thank you.

MR. CARUSO: You're welcome. Thank you.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. The following speakers addressed the Town Board on various subjects: Dorothy Borgus. The Public Forum concluded at 7:59 p.m.

SUPERVISOR DUNNING: (In reference to the Black Creek Water Shed Coalition meetings) I thought we were going.

DAVID LINDSAY: I have attended the meetings in the past.

Dorothy (Borgus), there was a period of time where you were absent where I attended those meetings.

MS. BORGUS: Not often.

DAVID LINDSAY: I haven't made the last several -- if I may finish.

I do get the minutes from the meetings and I do review those. Um, when I have availability, I do make the meetings.

COUNCILWOMAN SPERR: I would like to know where it is advertised, the dates of the -- and when the meetings are planned. You can't attend a meeting when you're not aware.

MR. LINDSAY: I can't tell you where it is advertised, but I do get the agendas. As a matter of fact, I just got one from George Squires recently for the next meeting coming up.

SUPERVISOR DUNNING: I will make a commitment right here and now that that will change effective immediately, that the Town will have some type of representation at every meeting, if possible, and we will work that out internally to make that happen.

But I also do want to say that it is not a matter of no one doesn't care. And I think that is a really unfair representation --

COUNCILWOMAN SPERR: Exactly.

SUPERVISOR DUNNING: -- for anybody working for the Town of Chili. It is not that we don't care. I think it is just a lack of understanding and knowledge of what is really happening. So --

DAVID LINDSAY: If I could add to that, too, I would agree with you, because I know Pat Tindale and myself helped out significantly with the map that was prepared by the Black Creek Watershed Coalition, the ones that are on display out front and handed out. Maybe you have seen them yourself, Mr. Supervisor.

So I would agree that -- it is not because no one cares. I am familiar with Black Creek and why it's -- DMVLs and how it is associated with the New York State DEC and Phase II storm water. So we're not unaware of what the concerns are with Black Creek.

SUPERVISOR DUNNING: I don't want to get into a big dialogue over this, but is Pat Tindale at those meetings?

MS. BORGUS: She is sometimes. She is not an elected official. She is there as I am. She is just a resident.

SUPERVISOR DUNNING: Wait. I don't want to get into dialogue about this.

Again, I make the commitment here and now we will make sure we have representation in some way, shape or form at these meetings.

COUNCILWOMAN IGNATOWSKI: Sounds like David (Lindsay) has been attending and keeping apprised of it by reading the minutes, but certainly if he cannot, perhaps you can have an alternate.

SUPERVISOR DUNNING: I will work with David (Lindsay) and we'll get this resolved, immediately.

COUNCILWOMAN IGNATOWSKI: I know that Pat Tindale does often attend them.

SUPERVISOR DUNNING: And Pat (Tindale) is paid by the Town. Pat (Tindale) is on our Conservation Board and gets a stipend from there. She -- and she also works for the Library. So it is not like she is not a paid employee of the Town of Chili.

COUNCILWOMAN IGNATOWSKI: If I could, too, I don't want the impression the Town of Chili is the only one polluting into Black Creek. Certainly we are the end of it, and there are many communities prior to us that are -- that would be taking in water from those communities.

COUNCILWOMAN SPERR: Farming communities in addition to that. I agree. There is no requirement -- I want to make this clear, too -- that elected officials are the experts and are the -- are the best person to send to those meetings.

If we send a representative such as David Lindsay with his expertise and Pat Tindale, Chair of the Conservation Board, we're sending good people from Chili to those meetings. I have full confidence in both of them.

COUNCILMAN SLATTERY: And, Supervisor, if we can, we did apply and receive grant money from the State to do clean up in Black Creek, so it is not as if we're just turning a blind eye to it. I know we all know, appreciate and are very willing to do whatever it takes, but also at the same time, as it was mentioned by one of the Council Members, we are the downstream point for where everything else is dumped into it, and we have spent thousand -- over hundreds of thousands of dollars cleaning up Black Creek through the State, with financial assistance.

So to state that we don't care, I -- once again, I think we're talking with emotion and let's talk about the facts. So things have been done in the past.

I am slightly surprised to hear -- well, more than slightly that we don't have anybody at the meetings. I think we need to make the point that if somebody can't make it, somebody else does attend and that we also get meeting minutes from this. I think it is important that we're able to see that and know what is going on, as with other committees and so forth. So I don't -- I don't appreciate sitting up here being blind sided by this in a sense. I would like to see the feedback that comes back to the Town. If we're going to do something about something, we need to know about it. So I think it is important to get that information. So I appreciate your comments.

I appreciate David (Lindsay) and what he has done with his schedule and the workload that he has, but I think we also have to have somebody there, and -- if he is unable to.

Let's reiterate, we have done stuff in the past. We will do more things in the future, but we also need the assistance of other municipalities.

That's all I have.

SUPERVISOR DUNNING: And just if I could take you back a little back, what you just said, I attend several meetings regarding Black Creek but not around the Black Creek Watershed specifically. Through the Genesee Transportation Council and other initiatives through the Monroe County and New York State. I attend at least once a month a meeting regarding other things going on that -- that -- opportunities for the Black Creek area, just not specifically on the pollutants. So I'm very familiar with the tremendous asset we have in Black Creek and very

interested in making sure Black Creek remains an asset for the Town.

So again, I said we'll get this taken care of and this will be addressed, immediately.
David (Lindsay) you can go to the meeting now if you would like to. (Laughter.)

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: I really don't have anything additional.

Pending Matters:

1. Vacancy on Recreation Advisory Committee.

SUPERVISOR DUNNING: We do have a couple of vacancies. We do have a vacancy on the Rec Advisory Committee.

2. Vacancy on Architectural Advisory Committee.

SUPERVISOR DUNNING: As you see under Correspondence, we have vacancy under the Architectural Advisory Committee. So I encourage people to fill out applications for those. We would love to see other people with interests.

MATTERS OF THE TOWN COUNCIL:

COUNCILWOMAN DI FLORIO: I have two things actually. I just want to say what a tremendous success the Chil-E Fest was.

SUPERVISOR DUNNING: No, it is okay. I just thought about it after I said --

COUNCILWOMAN DI FLORIO: One, it was fabulous. I have gotten feedback from people out in the community as I'm out and about. Nothing but positive things have been said and how much people enjoyed attending. So that was Number 1.

I don't know if you want to add to that piece or should I go on?

SUPERVISOR DUNNING: I would just like -- Mike Curley did a -- as well as the -- the Chil-E Fest Committee, just did a fantastic job putting that all together and coordinating that.

COUNCILWOMAN DI FLORIO: I actually had somebody ask me to join the Committee for next year already, because they're so excited and had some ideas and want to be a part of it.

SUPERVISOR DUNNING: So you're joining the Committee?

COUNCILWOMAN DI FLORIO: Not me. Not me.

COUNCILWOMAN SPERR: It was a lot of fun.

COUNCILWOMAN DI FLORIO: There was a lot of fun. Good time.

The other piece is, and I know Veterans' Day in November is a long way off, but the theme for the Veterans' Day celebration this year is going to be medals for our heroes, and we are looking for Town of Chili medal recipients to honor that day. So if you know of anybody or have somebody that we should know about, to please contact either, um -- Mary Doyle, the Senior Center is collecting names and also the -- somebody can call here to Town Hall, as well.

We would love to have them at our event in November.

COUNCILWOMAN SPERR: I just have one announcement. I usually try to, whenever I have an opportunity, to make announcements about Chamber events.

The next event on Tuesday, July 20th, is a free meet and greet. And it's going to be hosted by -- Jordon (Brown) over here works at Lifetime Assistance. It will be hosted by Lifetime Assistance and Marty Greiner (phonetic) specifically. It starts at 4:30 and there will be signs if you going into the parking lot directing you where to go.

But it's free. Come and meet people in your community, business owners in the community and find out where they're so excited about their businesses. There is an optional tour if you're interested in finding out more about Lifetime Assistance. They will do a tour of that facility at the same time. So if you're interested in going, give me a call or you can always see Jordon (Brown) and tell him you want to come, and we would love to have you.

The 5/19/10 and 6/2/10 Town Board meeting minutes were approved as submitted.

REPORTS SUBMITTED:

Recreation Center Revenue Report – May 2010

Senior Center Revenue Report – May 2010

Monthly Financial Statement – January – April 2010, May 2010

Financial Statements – December 31, 2009 and Report to the Town Board – December 31, 2009

Town Clerk Report – June 2010

Dog Control – May 2010

Audit Report 2009 – Chili Fire Department

Audit Report 2009 – Clifton Fire Department

Architectural Advisory Committee – 3/24/2010

Conservation Board Minutes – 5/3/2010, 5/24/2010

Historic Preservation Board Minutes – 4/12/2010, 5/10/2010

Planning Board Minutes – 5/11/2010, 6/8/2010, No Meeting in July 2010

Traffic & Safety Minutes – 5/6/2010

Zoning Board Minutes – No Meeting in May 2010

CORRESPONDENCE:

1. Mr. Brongo has received formal notification that Steve Hendershott, Planning Board resigned effective 7/1/2010.

SUPERVISOR DUNNING: For his short stay there, it went well. He has moved on.

2. Mr. Brongo has received formal notification that Wendy Cammilleri, Planning Clerk resigned effective 7/9/2010.

SUPERVISOR DUNNING: Mr. Brongo has also received formal notification from Wendy Cammilleri, Planning Clerk. Her resignation was effective July 9th. Wendy worked with Planning and the Building Department for what, nine months. We wish her very well in her new career. She is moving on to another position. She did an excellent job for the Town, and -- it is unfortunate for us that she had to move on.

3. Mr. Brongo has received formal notification that Paul Wanzenried, Architectural Advisory Committee resigned effective 7/13/2010.

SUPERVISOR DUNNING: Paul (Wanzenried) did a great job on Architectural Advisory, but pending the outcome of tonight's meeting, he will be doing more for the Town.

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: There has been some information in the past 24 hours or so that has caused us to review certain portions of this, the training policy, and I think it is important that we -- that we take that time and make sure that we get this right. But I would like to ask, in this, that the issues and concerns that were brought up in this should be done relatively quickly. We will have to repost this throughout the Town, which is a 30-day posting process. I'm going to ask that, um -- I tried to do a little wordsmithing based on the feedback that I got. I wasn't very successful.

So I am going to ask Councilwoman Di Florio, if you would please consider working on drafting the language referring to the suggested changes that you were -- that we're considering here. If you could draft that, share that with the Town Board. I would like to do this within the next -- by the end of next week so that we can reasonably get this posted and get some consensus from the Town Board as far as any changes that need to happen in this, any changes that were suggested. So if you would be kind enough to draft that, I would appreciate that.

COUNCILWOMAN DI FLORIO: I would be happy to.

SUPERVISOR DUNNING: And if you could get that back by the end of next week, that would be great.

So we're holding this resolution. It will be beyond the next Town Board meeting because it has to be posted for 30 days.

RESOLUTION #215 RE: Training Policy

OFFERED BY: _____ **SECONDED BY:** _____

BE IT RESOLVED, to adopt the Training Policy as drafted May 14, 2010.

HELD

RESOLUTION #216 RE: Court Attendant Training

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that Joseph Schweigert, Court Attendant attend yearly re-certification training on August 7, 2010 & September 18, 2010, Training to be split at the Armor Training Center, Rochester, NY and Yates County Gun Range, at a cost not to exceed \$270.00 plus mileage to be paid from account A1110.4 (Court Contractual).

UNANIMOUSLY APPROVED

RESOLUTION #217 RE: Authorization of Attendance to Code Enforcement Training

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that Kristin Yachett, Code Enforcement Assistant be authorized to attend a Building Code Enforcement Training Program on November 8 – 10, 2010 & December 7 – 9, 2010 in Cheektowaga, NY. There is no charge for this training.

UNANIMOUSLY APPROVED

RESOLUTION #218 RE: Authorization of Attendance to Code Enforcement Training

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that Ed Shero, Building & Plumbing Inspector, Pat Sheridan, Assistant Building & Plumbing Inspector, Scott Miller, Fire Marshal and Dave Saur, Deputy Fire Marshal be authorized to attend a Mandatory Building Code Enforcement Training Program depending on availability (August 10 – 12, 2010 or September 7 – 9, 2010 or November 1 – 3, 2010) in Rochester, NY. There is no charge for this training.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Paul (Wanzenried) will be missed on the Architectural Review Committee. He did a fine job, as well as the existing members, so -- but he will be missed.

COUNCILWOMAN IGNATOWSKI: Will be a gain to the Planning Board.

COUNCILMAN SLATTERY: Yes, they will.

SUPERVISOR DUNNING: I am just pleased he is staying on board in some capacity with us.

COUNCILWOMAN SPERR: So am I.

RESOLUTION #219 RE: Planning Board Appointment

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that Paul Wanzenried be appointed to the Planning Board to complete the term of Steve Hendershott, term to expire 12/31/2015 and shall be paid the sum of \$77 per meeting attended for the calendar year 2010; expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: I would just like to say we have spoken with Jill Wynn. I think she will be an excellent addition to the Library Board of Trustees. It will be nice to -- glad to have her on Board.

RESOLUTION #220 RE: Library Board of Trustees

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that Jill Wynn be appointed to the Library Board of Trustees to complete the term of Glenda Melville term to expire 12/31/2012.

UNANIMOUSLY APPROVED

RESOLUTION #221 RE: Zoning Board Appointment

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that Adam Cummings be appointed as the Vice Chairperson of the Zoning Board and shall be paid the sum of \$137 per meeting when served as chair attended for the calendar year 2010; expenses to be paid by voucher as incurred.

UNANIMOUSLY APPROVED

RESOLUTION #222 RE: Senior Center Trust and Agency Account

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

WHEREAS, The Senior Center Trust and Agency Account was established in the year 2000 to hold proceeds from fundraising activities to benefit the Chili Senior Center; and

WHEREAS, Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, wish to use funds from said account to offset the cost of the holiday luncheon, to be held December 10th at the Whittier Party House. Cost will not exceed \$2500.

UNANIMOUSLY APPROVED

RESOLUTION #223 RE: Summer Help

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that per recommendation of Michael Curley, Parks and Recreation Director, the following people be hired for summer employment.

Brasser Playground Counselors (\$7.50/hour)
Erica Tregea
Erin Militello
Stephanie Lander
Christie Altobelli

UNANIMOUSLY APPROVED

RESOLUTION #224 RE: Chili Fire Department, Inc. Exempt List

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that the following individual be added to the Chili Fire Department, Inc. Exempt List effective July 12, 2010:

Laurie Langdon

UNANIMOUSLY APPROVED

RESOLUTION #225 RE: Addition to Chili Fire Department, Inc. Active List

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that the following individuals be added to the Chili Fire Department, Inc. Active List effective July 12, 2010:

David Pontera, Eric Ludwig

UNANIMOUSLY APPROVED

RESOLUTION #226 RE: Chili Fire Department, Inc. Remove From Active List

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that the following individuals to the Chili Fire Department, Inc. Be Removed from the Active List effective July 12, 2010:

David Bagley, Shane Bagley

UNANIMOUSLY APPROVED

RESOLUTION #227 RE: NYS Association of Magistrates Training

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that Judge Patrick J. Pietropaoli and Judge Melvin L. Olver are authorized to attend the NYS Magistrates Association Annual Conference in Callicon, New York on September 26, 2010 through September 29, 2010. Total cost not to exceed \$900.00 per person to be paid from account A1110.4 (Court Contractual).

UNANIMOUSLY APPROVED

RESOLUTION #228 RE: Active Military Duty in Connection with Military Actions

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman DiFlorio

WHEREAS, Town of Chili employees may be called to active duty in connection with possible wars and military hostilities; and

WHEREAS, the Town of Chili supports these employees and their families during the military call-up to active duty; and

NOW, THEREFORE, BE IT RESOLVED, that Section 19 (Military Duty) of the Employee Personnel Policy be amended so that the following employee benefits be continued for affected Town of Chili employees called to active duty in connection with possible wars and military hostilities:

1. Employee shall have the option to use accumulated vacation and compensatory time leave credits after paid military leave is exhausted.
2. The Town of Chili shall continue to provide medical and dental insurance benefits for dependent family members for the duration of the call-up, under the same terms and conditions for active employees.

BE IT FURTHER RESOLVED, the employee benefits contemplated in this resolution are not permanent benefits and are offered only for military call-up to active duty relating to the possible war or military actions involving war hostilities for the year 2010; and

BE IT FURTHER RESOLVED, the Supervisor is hereby authorized to execute any necessary agreement or memorandum of understanding with any employee union if needed.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Very thankful we're getting more money from the State. How often does that happen?

RESOLUTION #229 RE: C.H.I.P.S. Budget Revision

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

WHEREAS, the year 2010 budget for the C.H.I.P.S. account included \$125,000.00; and

WHEREAS, the Town of Chili received a letter from the State of New York dated June 14, 2010 indicating 2010 C.H.I.P.S. apportionment for Chili will be \$136,568.29; and

NOW, THEREFORE, BE IT RESOLVED, to revise account DA 5112.4 (CHIPS-contractual) to \$136,568.29.

UNANIMOUSLY APPROVED

RESOLUTION #230 RE: South Chili Water Improvement Benefit Area #3

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

WHEREAS, pursuant to Article 12-C of the Town Law, the Town Board of the Town of Chili is considering construction of water improvements (water mains, fire hydrants, and all related equipment) in a portion of the Town of Chili currently without public water and located on Wickens Rd.; Wheatland Center Rd. From the South Chili Water Improvement Benefit Area No. 1 to the NYS Thruway; Union St. From the South Chili Water Improvement Benefit Area No. 1 to the NYS Thruway; and Milewood Rd., said area to be known as the South Chili Water Improvement Benefit Area No. 3; and

WHEREAS, as part of the approval process for said project, the Town must comply with the provisions of the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Town must also comply with the Notice of Intent filing provisions of Section

305 of the Agriculture and Markets Law since a portion of the project area is located within an Agricultural District; and

WHEREAS, this Board, pursuant to Section 209-q of Town Law, may appropriate a specific amount to pay the cost of preparing a general map, plan and report for providing water improvements in any portion of the Town of Chili that is not located within a village; and

NOW, THEREFORE, BE IT RESOLVED, that the sum of Ten Thousand Five Hundred Dollars (\$10,500) is hereby appropriated to pay the cost of preparing a general map, plan and report, a Full Environmental Assessment Form (EAF), and Notice of Intent filings for construction of water improvements in the Town of Chili in the areas described above. The proposed water improvements shall be placed within, or parallel to, road right of ways, and shall consist of water mains, fire hydrants and all necessary appurtenances and equipment. The map, plan and report shall include cost estimates for the project. The funds appropriated herein shall be paid from Account #A1440.4 (Engineer Contractual); and

BE IT FURTHER RESOLVED, that Lu Engineers, the Town Engineer, is hereby authorized and directed to supervise the preparation of such map, plan and report within the limits of the amount appropriated therefore, and upon the completion thereof, file the same in the Office of the Town Clerk of the Town of Chili; and

BE IT FURTHER RESOLVED, that said general map, plan and report shall conform with the requirements of Section 209-c of the Town Law entitled, "Map, Plans and Reports"; and

BE IT FURTHER RESOLVED, that the Board hereby determines that the proposed water improvement project shall be treated as a Type I action under the provisions of the State Environmental Quality Review Act ("SEQRA") and hereby directs that the Town Engineer prepare a Full Environmental Assessment Form (EAF) for said project. Upon completion of Part 1 of the EAF, the Town Clerk shall cause a copy of Part 1 of the EAF to be mailed to all involved agencies with such notices as required by law; and

BE IT FURTHER RESOLVED, that the Town Engineer shall prepare the Preliminary Notice of Intent required to be filed under Section 305 of the Agriculture and Markets Law, and submit the same to the Town Board for approval and filing with the Commissioner of the Department of Agriculture and Markets and the Monroe County Farmland Protection Board; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to accept, on behalf of the Town, Lu Engineers Scope of Services - Professional Engineering Services for the proposed South Chili Water Improvement Benefit Area No. 3 which is designated as "P10-141" and dated June 22, 2010; and

BE IT FURTHER RESOLVED, that in the event that the Town Board approves the formation of South Chili Water Improvement Benefit Area No. 3, said Account #A1440.4 (Engineer Contractual) shall be reimbursed from future project funds for engineering fees paid hereunder to the extent permitted by law.

UNANIMOUSLY APPROVED

RESOLUTION #231 RE: Counsel South Chili Water Improvement Benefit Area #3

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that Marcia A. Havens, Esq., shall be retained by the Town of Chili as Special Counsel relating to the formation of a water improvement benefit area and the construction of water improvements therein within a portion of the Town of Chili currently without public water and located on Wickens Rd.; Wheatland Center Rd. From the South Chili Water Improvement Benefit Area No. 1 to the NYS Thruway; Union St. From the South Chili Water Improvement Benefit Area No. 1 to the NYS Thruway; and Milewood Rd., said area to be known as the South Chili Water Improvement Benefit Area No. 3. Said legal services shall be rendered in accordance with the proposed Retainer Agreement dated July 15, 2010. The rate of compensation set forth in said Retainer Agreement is \$195.00 per hour, and shall be paid from Account #A1420.4 (Attorney Contractual). In the event that the Town Board approves the formation of the South Chili Water Improvement Benefit Area No. 3, said Account # A1420.4 (Attorney Contractual) shall be reimbursed from the future project funds for legal fees paid hereunder to the extent permitted by law; and

BE IT FURTHER RESOLVED, that the Supervisor of the Town of Chili is hereby authorized to execute and deliver said proposed Retainer Agreement.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Thank you for bringing him in to give a demonstration on the package. Seems it will do many things we were asking for.

SUPERVISOR DUNNING: In the long run we'll be all very, very pleased as everyone will be very, very pleased with what we get.

COUNCILWOMAN SPERR: All I could think of Monday night -- Historic Preservation Board was going over their budget, and all I could think is was too bad we don't have this yet because it will be helpful. I'm really looking forward to having the new software as we go through the budget process.

COUNCILMAN SLATTERY: I bet you're just thankful that it will mean less questions from me.

SUPERVISOR DUNNING: Dianne (O'Meara), it is worth twice the price. (Laughter.)

COUNCILWOMAN SPERR: But we'll have real time data.

RICHARD STOWE: This is all it takes?

SUPERVISOR DUNNING: That's it? (Laughter.)

COUNCILMAN SLATTERY: Hey, let's -- let's see if it works.

SUPERVISOR DUNNING: Any other questions or comments?

COUNCILMAN SLATTERY: Dianne (O'Meara) probably would have paid for it herself. (Laughter.)

RESOLUTION #232 RE: Purchase Enterprise Edition Financial Accounting Software Package

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED to purchase from KVS Information Systems, Inc through the OGS State Bid Contract PT63243 the Enterprise Edition Financial application software modules General Ledger, Budget Preparation, Accounts Payable Purchase Orders and Approval Workflow at a cost not to exceed \$23,870 to included licenses for five (5) concurrent users, Oracle standard Edition One system software for fifteen (15) named users, project management, conversion and training; and

BE IT FURTHER RESOLVED, to subscribe for annual support services at a cost of \$4,494; and

BE IT FURTHER RESOLVED, to transfer \$23,870 from A1990.4 (Contingency) to A1310.2 (Director of Finance – Equipment) and to transfer \$4,494 from A1990.4 (Contingency) to A1310.4 (Director of Finance – Contractual).

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Very impressed with his enthusiasm during the interview. Looking forward to having him on board. I'm sure so is Dave (Lindsay).

COUNCILMAN SLATTERY: Hey, guess who is going to the water shed meetings. (Laughter.)

SUPERVISOR DUNNING: I was just thinking of that myself. He is not here to defend himself right now, so. (Laughter.)

Rich (Stowe), you want to go?

RICHARD STOWE: No, thanks.

SUPERVISOR DUNNING: Just a question.

RESOLUTION #233 RE: Deputy Commissioner of Public Works

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that Alfred Brian Ostling be provisionally appointed to the Deputy Commissioner of Public Works position pending the approval of Civil Service, and shall be paid at an salary of \$58,000 effective 7/19/2010.

UNANIMOUSLY APPROVED

RESOLUTION #234 RE: Award of Equipment Bid for Dump Body and Plow Package

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman DiFlorio

WHEREAS, bids for dump body and plow package were received by the Town Clerk on June 30, 2010 as follows:

Thruway Spring \$16,248.00

WHEREAS, the Commissioner of Public Works has reviewed the submitted bid and has made a determination that the proposal from Thruway Spring meets the intent of the written specification and is acceptable for the intended use; and

NOW, THEREFORE, BE IT RESOLVED, to award the bid for the purchases of one (1) dump body and fully detachable plow package to Thruway Spring at a cost of \$16,248.00 to be paid from the Account #A7110.2 (Parks).

UNANIMOUSLY APPROVED

RESOLUTION #235 RE: Establish Letter of Credit for Choice One Development-Unity II, LLC

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilman Slattery

BE IT RESOLVED that per the recommendation of the Town Engineer, a letter of credit be established for Choice One Development-Unity II, LLC in the amount of \$28,265.00.

Items within the letter of credit include, but are not limited to, rough grading and construction of a retention pond, erosion control measures, Phase II inspections, storm sewer construction and preparation of record plans to be submitted to the Town.

Additional provisions included within the letter of credit are 10% construction contingency, a 5% contingency for Town Engineering inspection services and a 1% contingency for Town Administration.

UNANIMOUSLY APPROVED

RESOLUTION #236 RE: Establish Letter of Credit for Microtel Inn and Suites

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that per the recommendation of the Town Engineer, a letter of credit be established for Microtel Inn and Suites in the amount of \$24,336.80.

Items within the letter of credit include, but are not limited to, rough grading and construction of a retention pond, erosion control measures, Phase II inspections, storm sewer construction and preparation of record plans to be submitted to the Town.

Additional provisions included within the letter of credit are 10% construction contingency, a 5% contingency for Town Engineering inspection services and a 1% contingency for Town Administration.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: I just was curious why we have a gap, because this went through March 10th and now it is July. 2009 actually.

COUNCILWOMAN DI FLORIO: It says 2000. I'm sorry.

SUPERVISOR DUNNING: March --

COUNCILWOMAN IGNATOWSKI: Through March 10th, 2009. We're in July 2010 and was just curious why the gap.

DAVID LINDSAY: The original agreement did expire, but the Coalition operated under the guidelines and the requirements of that agreement for a period of time until they worked through the issues of the new agreement with the County Legal Departments in various towns.

COUNCILWOMAN IGNATOWSKI: Okay. Thank you.

SUPERVISOR DUNNING: Legal slowing it up?

RICHARD STOWE: Hard to believe.

COUNCILMAN SLATTERY: They may need a new office in Town. (Laughter.)

RESOLUTION #237 RE: Extension of Intermunicipal Agreement for Phase II Stormwater

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

WHEREAS, the Town of Chili entered into a Municipal Agreement by Resolution #190, dated March 19, 2003, between the County of Monroe and all towns and villages within Monroe County. The period of said Agreement and subsequent extensions was through March 10, 2009. The purpose of the Agreement is to facilitate the collaborative efforts of municipalities toward compliance with the Federal Stormwater regulations and the MS4 permit, which each Town is required to follow; and

NOW, THEREFORE, BE IT RESOLVED, to authorize the Supervisor to execute an extension to the Intermunicipal Agreement, subject to the review of the council to the Town, for the period of January 1, 2010 through December 31, 2014.

UNANIMOUSLY APPROVED

RESOLUTION #238 NYS ASSESSORS ASSOCIATION TRAINING

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that Linda Leach is authorized to attend the NYSAA Annual Fall Conference and Training Session, September 26-29, 2010 in Lake Placid, NY. Total cost not to exceed \$900.00 to be paid from #A1355.4 (Assessor Contractual).

UNANIMOUSLY APPROVED

RESOLUTION #239 RE: Roberts Wesleyan College Parade

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

WHEREAS, Roberts Wesleyan College has asked for the Town's permission to hold a Homecoming Parade on Saturday, September 25, 2010 at 11:00 a.m. to last for approximately one hour; and

BE IT RESOLVED, that the Town Board hereby authorizes Roberts Wesleyan College to hold Their Homecoming Parade on September 25, 2010, following the route outlined in their Correspondence, provided they notify the Monroe County Sheriff's Office at Zone C, the Chili Fire Department and Ambulance and provide a certificate of insurance naming the Town as an Additional insured prior to the parade; and

BE IT FURTHER RESOLVED, that the Town Clerk shall send notification of this resolution to Roberts Wesleyan College.

UNANIMOUSLY APPROVED

RESOLUTION #240 RE: SET PUBLIC HEARING FOR August 4, 2010 AT 7:00 P.M.

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that a Public Hearing be set for August 4, 2010 at 7:00 p.m. to Consider the adoption of Local Law # _____ of 2010 entitled "The Text Amendments to Chapter 500, Articles III and XV of the Town of Chili Town Code relating to "Adult Use Entertainment." Which amends the Code of the Town of Chili as it relates to adult use entertainment in the Town Of Chili.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

RICHARD BRONGO: Because it's --
RICHARD STOWE: You're done.
RICHARD BRONGO: We have done it?
RICHARD STOWE: You're done.
RICHARD BRONGO: Thank you. That is all I wanted to know.
SUPERVISOR DUNNING: Okay.
RICHARD STOWE: The Type II determination means you don't have to send out the letters that Dick (Brongo) normally sends out that he always asks, "When do I have to send these out and get them back?"

He is done.

RICHARD BRONGO: Thank you.

COUNCILMAN SLATTERY: He is so efficient, he doesn't know it.

RICHARD STOWE: We understood one another.

COUNCILMAN SLATTERY: David (Dunning), since he is done, can he call the roll?
(Laughter.)

**RESOLUTION #241 RE: SEQR STATUS FOR ADOPTION OF LOCAL LAW# _____
OF 2010 ENTITLED " The Text Amendments to Chapter 500, Articles III
and XV of the Town of Chili Town Code relating to Adult Use Entertainment."**

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that the Town Board classifies the adoption of proposed Local Law # _____
Of 2010 to be a Type II Action under Section 617.5 of the SEQR regulations; and

BE IT FURTHER RESOLVED, that a Type II classification concludes the Town Board's
obligations under SEQR.

UNANIMOUSLY APPROVED

RESOLUTION #242 RE: Training Deputy Town Clerks

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED that Suzanne Camarata, Deputy Town Clerk & Rose Rozzo, Deputy Town
Clerk is authorized to attend the BAS Clerk Licensing System Training on July 29, 2010 in
Perinton, NY, at a zero cost, mileage to be paid from #A14104.4 (Town Clerk Contractual).

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: One comment. I wanted to thank everyone for their
involvement in this process. We have received some outstanding proposals, and this is a really
difficult decision, but we are looking forward to finally moving forward on our project, so...

COUNCILWOMAN IGNATOWSKI: Tremendous amount of work, but looking forward
to that next step.

SUPERVISOR DUNNING: Yes.

**RESOLUTION #243 RE: Authorize Engineering and Architectural Services Agreement
for Highway Garage/Public Works Facility**

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

WHEREAS, the Town Board has previously authorized the request for proposals from
architectural and design professionals by Resolution #378 on 12/31/2009 in connection with the
project; and

WHEREAS, the Town did receive proposals and did conduct interviews with various
architectural and engineering firms within the Rochester area for design services; and

WHEREAS, the Town intends to proceed with the design of a new Highway/Public Works
Facility and the Town Board as previously authorized up to \$450,000, Resolution #213 on
6/2/2010 to be appropriated from H48 Highway Building construction to cover the costs of Phase
I of the Project.

NOW, THEREFORE, BE IT RESOLVED, to authorize the Supervisor to sign a design
services agreement, subject to review by the Town Attorney, with the firm of Bergmann
Associates for design and construction management services at a cost not to exceed \$400,000.

UNANIMOUSLY APPROVED

RESOLUTION #244 RE: Budget Transfer

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Sperr

BE IT RESOLVED to transfer \$5,407 to A1950.4 (Taxes on Municipal Property) from A1990.4
(Contingency) for 200 Beaver Road and for the Wegmans land donation.

UNANIMOUSLY APPROVED

RESOLUTION #245

RE: Budget Transfer

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED to transfer \$400 from A1410.4 (Town Clerk-Contractual) to A1330.4 (Tax Receiver-Contractual) for purchase of pre-inked stampers and daters and for office supplies; and

BE IT FURTHER RESOLVED, to transfer \$35 from Lexington Park surplus funds to SP-601-7110.4 (Lexington Park – Contractual).

UNANIMOUSLY APPROVED

RESOLUTION #246

RE: June 16, 2010 Abstract

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

WHEREAS, January 6, 2010 Resolution #1 authorized vouchers to be paid June 16, 2010 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 2113-2275 totaling \$107,557.10 to be paid from the Distribution Account as presented by Richard Brongo, Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, to note for the record vouchers 2113-2275 were paid from the following funds:

General Fund	\$ 79,221.72
Highway Fund	\$ 16,132.79
Consolidated Drainage	\$ 901.41
Special Light Districts	\$ 11,301.18
Total for Abstract	\$107,557.10

APPROVED BY A VOTE OF 4 YES WITH 1 ABSTENTION (Councilwoman Ignatowski)

RESOLUTION #247

RE: July 7, 2010 Abstract

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilman Slattery

WHEREAS, January 6, 2010 Resolution #1 authorized vouchers to be paid July 7, 2010 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 2348-2602 totaling \$289,576.60 to be paid from the Distribution Account as presented by Richard Brongo, Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, to note for the record vouchers 2348-2602 were paid from the following funds:

General Fund	\$103,390.79
Highway Fund	\$148,079.21
Library Fund	\$ 817.00
Consolidated Drainage	\$ 1,313.85
Fire Protection Districts	\$ 35,200.75
Special Park – Lexington	\$ 250.00
Special Light Districts	\$ 525.00
Total for Abstract	\$289,576.60

APPROVED BY A VOTE OF 4 YES WITH 1 ABSTENTION (Councilwoman Ignatowski)

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on July 14, 2010 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:10 p.m. to discuss rezoning of 3763 and 3765 Chili Avenue and 2 Willowbend Drive from R-1-15 and FPO to NB and FPO.

Attendance as previously noted in the 7/14/10 Chili Town Board meeting minutes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

RICK TAUBOLT

MR. TAUBOLT: I'm Rick Taubolt, and I own the property adjacent to that 3753 Chili Avenue. And -- first my concern is, my biggest concern is, specifically what type of business is going in here. That is what I would like to know, because it is going to affect everything around.

How this business benefits the community of Chili? How will this business benefit the neighborhood in particular?

I know the gentleman just talked about expanding, but if you're going to expand, you have to have a reason. Why do you want to add a business? There are lots of properties around. I mean, do you say just because we have got some -- some commercial property here, does that automatically mean, "Oh, we should expand because expansion is the thing"?

Doesn't make sense to me.

If you're going to put something there, make sure it is going to benefit the people who are nearby in the neighborhood. That's -- that to me just makes a whole lot of -- whole lot of sense.

The other thing that would be a concern, whatever type of business is going in there. What is the anticipated volume of noise and traffic?

The gentleman also mentioned buffer zones there, but I would like to know more specifics of the buffer zone, because right now the only buffer between our property and that property is that access road. And a little bit of -- oh, about 20, 30 feet to the east of that access road is a strip of land, some of which is ours, and some of which belongs to whoever owns that 2 Willowbend. We cut the grass on there because no one else does, but technically it is not our property and we want to see that maintained and also want to know what kind of buffer will be protecting from traffic or anything that is coming in there. Because it is a very nice, quiet area.

We know that also there is a required 30 foot green zone. We would like to know where does that green zone begin? Because if the -- again, we don't know if the -- if the purchaser of the property in question also purchased 2 Willowbend, which would be going with it. So you're going to put a 30 foot green area, which I know is required by the code in there, then that means 2 Willowbend is part of that 30 feet. So that needs to be considered. And it does have to be a substantial green zone. I did do my research on that.

So my wife and I, who is also here with me, we're not against progress, but we are against ill-considered commercial sprawl and opening up residential areas to waves of short-term businesses as seems to be more the rule than the exceptions lately. So consider why you're rezoning.

You know, the gentleman also mentioned that domino effect of going down. Well, what is the next property, the next one going commercial. We don't want to see that happen. The purpose of rezoning should be first to bring value to the community. Not simply claim it is inevitable or no one would buy it for residential purposes otherwise. If we're going to destroy a neighborhood or alter a neighborhood -- maybe "destroy" is a little strong -- let's acknowledge that is what we're doing and let's consider this isn't some run-down neighborhood we're trying to revitalize or reclaim.

This a vital neighborhood right now. Let's try to keep it that way a little longer. Let's keep -- it is a nice quiet neighborhood. The people there are wonderful. Let's not ruin it. That's all we're asking.

Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I live one mile from this intersection. My family or my husband's family has been there for five generations, so we're not newcomers. We certainly would expect that some progress along the development lines would happen at that corner over time.

But frankly, in my widest imagination, I would never have dreamt that we would have a strip small there, and that is what this is, pure and simple.

I haven't seen the plan, but I can envision it. You know, glass all down the front. That sounds okay when you start, but within months, weeks, maybe, those glass windows are covered with advertising, signs, you name it. You can't see in. All you got to do is look across on the other side of Chili Avenue, on the northeast corner to see just what I mean. You can't even see in those stores. They're a mess.

Um, Mr. Caruso mentioned that we should expect small, predictable growth in such a node, as he calls it. Well, to me that sounds like sprawl.

Small expansions expected to go on over the years is sprawl. I agree with the prior speaker that we should know -- have some inkling of what is going in there. It does matter, as he pointed out. It matters for noise, traffic, lighting, the hours these places will be open. I understand it is possibly to be four businesses. This has had -- this could have a tremendous impact on the neighborhood. And since so many businesses have already tried to do -- conducted their affairs on that corner prior -- in prior years and have failed -- I have lived there long enough. I have seen failure after failure after failure on that corner. Everything that goes in there is not a success. It is more likely not to make it than to work.

What are we going to do when -- West Chili we have empty store fronts?

Another thing I'm considered -- I'm concerned about is the fact that the developer or one of his representatives mentioned that he had possible tenants lined up and he was pretty sure of them because they already were located within the Town of Chili and were ready to relocate to that corner once the buildings were put up. What are we gaining here? What are we gaining

here? If we're going -- we're going to cannibalize our business base, we haven't gone anywhere. We haven't progressed. We just got more businesses, we have more stores.

COUNCILWOMAN IGNATOWSKI: I didn't hear that comment.

MS. BORGUS: I did.

COUNCILWOMAN DI FLORIO: Tonight? Or at Planning?

MS. BORGUS: No. No. At Planning. Uh-huh.

Now, if we're just going to move a business from somewhere else into newer quarters at West Chili because they see the traffic counts for that corner, we're not accomplishing anything here. Not at all.

We should know what is going in there. We should have some kind of a clue what we're going to have to look at and contend with at that corner. That corner already has a tremendous traffic problem. It is certainly not new. You all know about it. And when the -- all of the houses were built south of Union -- of Chili and Union many years ago, one of the members of the Planning Board sat right in the seat that Ms. Ignatowski sits in right now and said, "We know the traffic is horrible now. We're going to add hundreds and hundreds of new homes and you know what? When it gets just bad enough, somebody will have to do something about it."

You know what? We have passed that a long time ago. And the State came around with their lousy little band-aid and tried to patch up that corner. We have succeeded in doing nothing that was beneficial. It is no better than it was. It's -- it's a nightmare on that corner, morning and night, and now we want to put four more stores there.

I -- I can't imagine rezoning that piece of land at this point in time until that intersection is fixed and fixed right. And I don't know when that is going to be, and I'm sure you don't either, but until that time comes, I think that land might just as well sit there right the way it is because we can't keep just thinking we can make things worse and worse and worse and then quote, "Eventually somebody will have to do something."

We already know they don't have to do anything.

In this Town, in any Town, zoning should drive development. Development should go where we have proper zoning. In this case, development is driving zoning. That -- that's backwards. I don't want to see this happen.

Thank you.

SUPERVISOR DUNNING: Thank you.

COUNCILWOMAN SPERR: I have some questions. I apologize if I didn't see this in the Planning Board minutes, but, Mr. Taubolt, did you get an opportunity to attend the Planning Board meeting and express your views to them?

MR. TAUBOLT: No. We were not at the Planning Board meetings.

COUNCILWOMAN SPERR: I know it is hard to make all of the meetings. Just wanted to know if those feelings had been expressed to members of the Planning Board.

And I -- and some of his comments, John (Caruso), would -- are questions I would also like to see answers to, if you don't mind.

I also live relatively nearby that intersection, and was instrumental along with Councilwoman Di Florio in working with the DOT to make improvements to that intersection. So I would -- I appreciate your comments, would beg to differ that there has been no improvement. I have been repeatedly thanked by people that -- that that intersection -- the changes that they did make, while we weren't able to do all four corners on that, we were able to improve the traffic flow as you come off the expressway and come down Union Street. So I really feel that that has improved.

But I do have a concern that, John (Caruso), maybe you could address, too. If you're interested in putting a plaza of that sort, where you have it and you're right next to a current business, um, it makes sense to me to not have to come out onto Chili Avenue to go back into that business, if you choose to go from a store or plaza should this come to fruition and then turn into Byrne Dairy. I didn't know if this had been discussed, whether or not you planned to have an access from your plaza into Byrne Dairy, because that is a -- that is a difficult intersection sometimes more than others. Certain times of day. And I would imagine there would be people using that around the 5 o'clock rush hour time when Chili Avenue is pretty busy, along with Union Street. That is one question I had. I will hold for others.

COUNCILWOMAN IGNATOWSKI: Were you looking for him to make those answers right now?

COUNCILWOMAN SPERR: Whenever you wanted.

MR. CARUSO: It's up to you.

Mary (Sperr), I don't disagree with you that cross access may be a good idea there. There is a significant terrain drop.

COUNCILWOMAN SPERR: I know. I just didn't know if you thought it was feasible.

MR. CARUSO: I'm not certain of that right at this moment, but it's sort of -- it is sort of a Planning Board thing that we would discuss there, not at rezoning.

COUNCILWOMAN SPERR: I know.

MR. CARUSO: But it does not mean that -- just as this gentleman had suggested that we look into the buffering between his property and the next, um, it is something that I -- that I have written down and we'll look for a -- cross access opportunities.

COUNCILWOMAN SPERR: Certainly wouldn't hurt if you found an opportunity to grant cross access, and Byrne Dairy, I think they have their propane tanks -- you could always work with them. I don't know. Just a thought. To keep the traffic from having to try to get out, I think it would wouldn't hurt both businesses.

COUNCILMAN SLATTERY: Dumpsters.

COUNCILWOMAN SPERR: Are the dumpsters there?

COUNCILMAN SLATTERY: Yes, right there.

COUNCILWOMAN SPERR: Sorry. Yeah.

COUNCILWOMAN IGNATOWSKI: I thought she was also questioning the types of businesses.

COUNCILWOMAN SPERR: The -- we haven't got more information.

MR. CARUSO: The types of businesses -- before we go into that specifically, with respect to the rezoning, um, the types of businesses in the Neighborhood Business are relatively soft and are supportive of the neighborhood. So what the gentlemen was asking is appropriate. But they will be the ones that support. They will be the ones right out of the code otherwise they will require a special permit. So to be a rezoning application to be specific is -- is almost moot, because what happens if the pizza guy moves out and someone comes in a year later? Does that change what we approve for rezoning? And it doesn't. It is really what is appropriate there is the Neighborhood Business, and that we're following the -- we're following the way we do that by the justification, the transitioning and so on.

So we're sort of crossing over a little bit to the Planning Board side of things, but it is a good question. I guess to generalize, everything under the Neighborhood Business category that is allowable in our code is a permitted use is -- is supportive of the neighborhood. And we have to select from them. Otherwise, we have to ask for an additional approval.

COUNCILWOMAN SPERR: Will you remind the audience some of the types of businesses that are in the code for discussion?

MR. CARUSO: Sure. I will try to recall --

COUNCILWOMAN IGNATOWSKI: I have right here.

COUNCILMAN SLATTERY: There is a pizzeria going in there that you mentioned? I think you should be careful of that.

COUNCILWOMAN IGNATOWSKI: I have it right here. In our current code, permitted uses are any permitted use in the Restricted Business District: Grocery stores; barber shops and/or beauty shops; cloth cleaning pickup agency, including self-cleaning establishments; drugstore, including soda fountain; and dog grooming establishments, excluding boarding facilities or kennels.

Then special permit uses are residential units not on the ground floor of the building; conversion of an existing dwelling unit to a permitted use; public and private utility buildings; structures and uses but not including construction storage or repair yards; warehouses; power plants and similar uses.

MR. CARUSO: So essentially you're trying to get small uses, in 2500, 3,000 square feet. The size of the property, the building in itself limits the grocery store that was listed there. The CVSes and the pharmacies, we're not looking to do that here. Those businesses want -- you saw Walgreens is 15,000 square feet. They just won't go there. Our building won't even get that size.

I didn't get into use, because it is not part of this, but I will tell you that this parcel has some severe development limitations to it. It drops 15 feet in elevation from the street to the back of it. It has a wetland, a flood plain, a creek running through it, and it is developed all around except for Chili Avenue. We have the setbacks of neighborhood commercial zoning in this code, off of Chili Avenue. Puts everything back into the property.

Then we have the issues where do we want to have our building to -- near the street or do we want it in line with the other commercial businesses, and do we want to have it behind this gentleman's house, or do we want to have it in front of his house?

So all things we're working under, but right now I want to get down the Neighborhood Business is an appropriate use as dictated in the Town's Planning documents, and that is where we're sort of going. So the good news is -- is that the things that, um, you may have heard from the adjacent resident -- and I don't know him very well, but we soon will because we told the Planning Board that we would meet with him to design the buffer, to give him input to the buffer. The buffer that currently exists off his property line, to answer one of his questions, is we give them a full 30 feet and then we'll relocate the road into our property. So right now his question was, how can you have a 30 foot buffer and the road right now that sits there, and that -- that is the answer. We're going to construct a new 30 foot buffer and we're going to move the roadway into our property.

SUPERVISOR DUNNING: Go ahead because I was going to ask you a question. You go ahead because you may answer my question already.

RICHARD STOWE: When Councilwoman Ignatowski read the permitted uses in the Neighborhood Business zone, she read them correctly, it is what was there. But the first one said any permitted use in the Restricted Business Zone. So that that list is included in the Neighborhood Business Zone, and I think it is instructive when you're talking about a rezoning to know that any use in the lesser intensive Restricted Business Zone, could also be utilized in that paragraph, to be allowed in this district.

MR. CARUSO: Well said.

RICHARD STOWE: That consists of essentially licensed professionals and offices, office space for professional offices, and there is a list in our code of the sorts of offices that would be utilized and fit as of right: Attorneys, physicians, architects, accountants, specialized business schools, employment agencies, credit bureaus, management consultants, manufacturers' agents and commercial artists. Often space within -- within an entity for those sorts of purposes would also be allowed because it was included in the first statement that Councilwoman Ignatowski

read. So in order to get all of them read, you really ought to go back and read those, as well. That is all.

COUNCILWOMAN IGNATOWSKI: Sorry I was remiss.

RICHARD STOWE: You weren't remiss.

MR. CARUSO: Is there a reason they don't say Engineering Offices?

RICHARD STOWE: I saw attorneys were first.

SUPERVISOR DUNNING: There is a reason they don't say that (Laughter.)

RICHARD STOWE: It says licensed professionals. I think you fit there.

That wasn't your question, I take it.

SUPERVISOR DUNNING: No. I guess what -- what -- as far as what this Board is charged with in this particular application, is to look at a -- a zoning of a particular piece of property, and I think Mr. Caruso has touched on it and there has been a little bit said, when we consider this, can we even really consider what could -- outside of what is described in our code, is that really a consideration in the process of allowing or deciding whether or not we would like to rezone this property, or is our charge basically to look at it and say the zone is -- is recommended in our Comprehensive Plan, irregardless of all other factors that we should only be -- consider whether rezoning this piece of property is right for the Town.

RICHARD STOWE: B.

SUPERVISOR DUNNING: Regardless of the property owner, the engineer, or the -- what is going to go in there.

RICHARD STOWE: B.

COUNCILWOMAN SPERR: It's B.

RICHARD STOWE: A was --

SUPERVISOR DUNNING: I didn't think I did A and B, but go ahead.

RICHARD STOWE: And B was, or should be B, looking at the code provided uses generically so that you're sure and satisfied that in considering the rezoning, it's congruent with the Comprehensive Plan and you're satisfied that that is the right fit of potential uses for that area.

The -- human nature being what it is, everybody wants to know what is going to happen there and what is envisioned. You're -- your charge is to step back and -- and look at what it is that is allowed not only in this area, but in the less intensive one, which is why I was trying to read those uses, as well, because those are the ones that are -- as Mr. Caruso pointed out, if rezoned, allowed to be there, as a matter of right. Doesn't mean they don't have to go to the Planning Board with their Planning considerations and buffers and all of the other things that our code requires, but for uses, those are the ones that you are contemplating when you rezone the property.

Not a specific tenant, not a specific use, because any of those theoretically could change, but rather those that are permitted in your code.

SUPERVISOR DUNNING: What I -- what I did here, and it is very valid comments from -- from the residents, about -- about a lot of Planning issues in this. And I want to make sure some of these Planning issues really shouldn't be a part of the consideration necessarily, but the Planning Board will have a Public Hearing, if this is proceed -- and this goes forward, the Planning Board would then in the planning process go through some of this, and a lot of it -- the buffer and some of the noise and traffic, um, and things, um -- intersections and all those things would -- would come into play in the planning process and not necessarily what we can control here. Or rezoning process.

COUNCILWOMAN DI FLORIO: What about in terms of traffic for the area, though, because I know it was mentioned several times? Is it something that we can consider in weighing this? Or should we be looking at it in a vacuum?

RICHARD STOWE: Presumably --

SUPERVISOR DUNNING: Again?

RICHARD STOWE: No. Yes and no.

Presumably this Board and Boards proceeding this Board, when they reviewed and adopted the Comprehensive Planning document, did their review and their -- their discernment on those transportation corridors and where things logically land and where they don't. When -- when you get to the specific question of how many parking spaces are we going to have, what is the traffic count at this intersection, what about access in and out of this particular parcel for development. All those sorts of things, those are all Planning Board issues that the Planning Board and -- and our Town engineering staff and their Department of Highway -- and its Commissioner and those people that review that, that -- the charge is to not approve a plan that doesn't work for the property. Your charge is is it -- is this plan to rezone this site fit with that Comprehensive Plan document, and does it make good sense for the Town of Chili to -- to change the zoning.

It -- the applicant has come to the Board with an application to rezone. The Town could theoretically on its own motion rezone this property if it -- if it felt it was ready for that. That is not what we have.

It is -- it is dangerous for this Board to consider any one perspective end-user. I mean I don't -- I don't -- your client is Mr. Bivone. I don't know Mr. Bivone. I don't know what his plans are for this property. You should not rezone this property because -- for Mr. Bivone's use. Mr. Bivone may not own this property by the time it gets developed. You're rezoning a parcel. Not for an individual application, not for an individual use, but rather as a parcel. That is not a vacuum, but you have to move the process and your consideration away from this specific application and focus on the property.

COUNCILWOMAN IGNATOWSKI: Tracy (DiFlorio), if I could, there is a good

example -- a recent one, we rezoned PNOD, the parcel over on Paul Road to PNOD with one applicant and now it has changed. But that rezoning has changed to a different project. And -- and time and again, I have been through a number of rezones on this Board and it is very tempting to try to play Planning Board up here. That is why we have the Master Plan. That Master Plan is really the important document that drives the decisions, and there has been times I may not be crazy about the business that is currently being proposed in a particular rezoning. I can think of another one that happened, but it -- but it was supported by the Master Plan. And that to me is key.

MR. TAUBOLT: Just kind of a general question. The Planning Board are not elected officials, are they? They're appointed; am I correct?

SUPERVISOR DUNNING: That's correct.

MR. TAUBOLT: You are our elected officials. Therefore, I think the onus would be on you to make some of these decisions, not -- you know, more specific ones. We elect you to represent us to do what we think and what you think is best for the Town. Now, if you're -- while I totally understand that you need to take that step back and think there, but can you just say in a vacuum we're going to do this and assume the Planning Board, who does not answer to the public, is going to be doing its job right? We have no say in what the Planning Board does, because we don't elect them. I mean, they may listen to us, but you're the ones that listen to us.

So regardless of what we say or feel here, you're still our elected officials, so therefore, I think you should probably be taking a step in, and like you mentioned, you weren't always in agreement with what the businesses were there, but that should be part of your responsibility, as elected officials, not just say, okay, we just approved the zoning and whatever goes in this is not our responsibility any more.

You're elected. They aren't. The Planning Board isn't. Maybe I'm wrong here, but again, this is a democratic society. You're representing us.

SUPERVISOR DUNNING: I understand that the -- the question, the concern, and what I am confused on, though, it's -- we don't have a Planning application in front of us to look at to -- to make that -- that I think what you're asking us to consider. We don't have a site plan, or all these other things that -- that quite frankly I don't know about. I won't speak for the rest of the Board, but we don't necessarily have that experience in that site plan work that somebody like the Planning Board has to make those type of determinations based on the site.

Yes, you're absolutely right. We are your elected officials and we do answer to you. The decision that we make, whatever that is -- as Counsel has pointed out, is within the scope of what is allowed in that zoning, um, is what we need to consider. Because anything in there could happen. So we have to basically -- when we consider this, think of worse-case scenarios. What is the worse case within the permitted uses there that could possibly happen, and is this what we really want to allow to happen in this spot.

So I -- so I don't know that -- I don't know that we can accomplish what you're asking us to do. But I -- but I will say, with -- with -- without a doubt, that I have extreme faith in our Planning Board. I -- I think our Planning Board is -- is -- is very good. They are very thorough. When -- and I encourage anyone, if you have -- if this does move forward and goes back to the Planning Board to be heard in front of them for site plan, that you come out and be heard during that process, because that is the only opportunity to really control that.

So I don't know if I satisfied your -- your -- your concern there, but I -- we can only go so far.

MR. TAUBOLT: As long as there is another stage in there. When we first heard about the Planning Board meeting, we just didn't know that much. It was brought to our attention later that we better get involved in this.

SUPERVISOR DUNNING: And I also probably will go out on a little bit of a limb here to say that if this application does happen to go forward, Mr. Caruso has been very good with working with people in the community, and I know we have had a very intense interest in making sure that as developers are -- or development happens in the Town, that the neighbors have an opportunity to sit down in an informal setting with that developer and understand what your issues are, what their concerns are and hopefully come together and meld and come up with something that everybody can be happy with.

Mr. Caruso has done a lot of work in the Town of Chili. Very familiar with the Town. He is also a Town resident, so he is concerned about what happens here in the Town. I would think he would give you that opportunity, and I believe he already said that earlier in part of his statement that they would do that, and I trust that they will. So you will have more than one opportunity to be heard again, if this application does happen to move forward.

COUNCILWOMAN SPERR: I just wanted to add to what the Supervisor is saying. He is exactly right. We do have a lot of confidence -- I can second his statement on that -- in our Planning and Zoning Boards.

But when we make decisions like this, we have to take the emotion out of it. While I can listen to everything Mrs. Borgus states, a lot of it is emotional. We can't base the decision based on emotion.

Having said that, it doesn't preclude us from stopping to think what types of businesses -- even though we're not the Planning Board, what types of businesses would go in there. And based on the list and what our code states, it doesn't look like the types of businesses that would go in there have enough room for parking to generate -- to have -- to house the number of cars that would be required in a high traffic generator type of business.

So it looks to me like if they're -- in the space that is there -- because I live around the

corner and go by there almost every day -- in the space that is given to put that project or any type of project there, there won't be enough space to put four businesses with a lot of parking. They will have to be the type of businesses that you come and go quickly. You can't put 40 cars there.

So I just think that when you look at that from a purely strict standpoint of what will actually and can actually fit there, I don't think that you're going to have the types of businesses that would be a huge concern, and I'm happy to hear that Mr. Caruso is going to visit with you about the berm and make sure that that is accomplished for you.

There is a -- is there a high flood plain back there, so to position that building in the right spot will be interesting.

I don't know if your basement floods.

MR. TAUBOLT: We sit high enough it doesn't.

COUNCILWOMAN SPERR: Because there are a few -- the cottages behind there are under water a lot in the spring. So -- so I'm sure that they will fix that. But I can't make a decision based on the emotion.

RICHARD STOWE: I want to -- only for purposes of trying to clarify the process. I heard that residents heard about this Planning Board meeting and came here and the distinction between elected and appointed. And it may be helpful to understand the way the code is written, for a rezoning application, is on purpose.

Any applicant, including this one, that wants to approach the Town Board, with a specific application to consider rezoning a parcel, needs to have a Planning Board review and recommendation favorable or unfavorable as part of the process before the elected Board makes any determination.

The -- each Town Board -- well, not all Town Boards in all towns across the State, but most have comprised separate Planning Boards to whom they have delegated the planning, subdivision and site plan review responsibilities that might otherwise reside with the elected Board. People, specific talents, specific procedures being followed that take advantage of their expertise.

The process that we're following is one that has those people review the application, in this case, that -- it doesn't always happen this way -- but in this case, the Planning Board looked at and reviewed the application first and made a recommendation favorable, as Mr. Caruso indicated to, for the Town to consider rezoning this parcel, so that this Board -- and the way that the code has been structured before any of these people sat on this Board, envisioned getting the input from the folks who do the planning and review the other applications for site plan, subdivision and all of the things that go with it that you heard mentioned. They want their input on this rezoning before this Board makes it determination.

The Planning Board has, on other applications that come before the Town Board of the Town of Chili, said no, won't work, doesn't fit.

It doesn't mean that they have already approved Mr. Bivone's application or anybody else's, because in -- in nine cases out of ten, the developer hasn't done enough engineering and work to be able to do the formal application to the Planning Board because they don't want to invest that money if this Board doesn't think it has got a chance to rezone the property.

So they do their initial conceptual thing, take it to the Planning Board, get their review recommendation, yes or no, and then it comes to this Board.

Your point about the elected officials is correct. What -- the only point I'm attempting to make, perhaps not artfully, is that the elected officials and the elected officials ahead of them have taken that into consideration in their adoption of the process that involves the folks that know that process, being involved early on, with a recommendation, "yes" or "no," before they even get here to consider it in most cases, including this one. It is not that it can't start and go the other way, because it can technically. This Board prefers to have their input before they ever hear an application, and that is what they have got.

If this -- if this application goes forward, and if this Board approves this application, that does not mean that the Planning Board cannot still modify, deny, or otherwise have issues with a specific application for a specific project on this parcel zoned NB, if that is how it comes out. They have every right to do that. It doesn't mean they have already approved it. Couldn't be further from that.

All they have done is make a recommendation on the list of uses, this particular site, for this Board to consider in its process, which is kind of where we are now.

If it is helpful. If it isn't, I will just be quiet.

SUPERVISOR DUNNING: Very helpful.

Anyone else that has anything to say in regards to the Public Hearing on this?

At this time I will close the Public Hearing.

The Public Hearing was closed at 7:54 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on July 14, 2010 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:55 p.m. to discuss Local Law of 2010 to Amend the Zoning Local Law.

Attendance as previously noted in the 7/14/10 Town Board meeting minutes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 7:55 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on July 14, 2010 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:55 p.m. to discuss Local Law of 2010 to Amend the code Chapter 110 Department of Public Works.

Attendance as previously noted in the 7/14/10 Chili Town Board meeting minutes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 7:56 p.m.

The next meeting of the Chili Town Board will be Wednesday, August 4, 2010 at 7:00 p.m. at the Chili Town Hall main meeting room.

The meeting was adjourned at 8:26 p.m.