

## CHILI TOWN BOARD

January 15, 2003

A meeting of the Chili Town Board was held on January 15, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. The meeting was called to order by Supervisor Hendershott.

PRESENT: Councilman Powers, Councilwoman O'Connor, Councilman Slattery,  
Councilwoman Sperr and Supervisor Hendershott.

ALSO PRESENT: Richard Brongo, Town Clerk; Richard Stowe, Counsel for the Town;  
Eric Vail, Insurance Counselor; Joseph Lu, Engineer for the Town;  
Joseph Carr, Commissioner of Public Works/Superintendent of Highways.

The invocation was given by Reverend Charles Bixby of Clifton Baptist Church.

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

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Four speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:13 p.m.

The 12/4/02 and 12/31/02 Town Board minutes were approved as submitted.

### PRESENTATIONS:

Reverend Bixby, of the Clifton Baptist Church, stated at a meeting of the Chili Town Board on December 3rd, 1997 a public hearing was held which resulted in the designation of the Clifton Baptist Church as a landmark. He stated he was pleased to be at that public hearing and to listen to Rona Pearce, head of the Chili Historic Preservation Board, as she shared some of the history of this church and its beautiful building.

Reverend Bixby stated since then, the landmark status has assisted them in preserving their building through a grant toward the repair of their stained glass windows from the New York Landmarks Conservative. He stated they have been also pleased to have the Chili Historic Society meet frequently in their church building. He stated on November 10th last year their Clifton Baptist Church celebrated their sesquicentennial with a program that included readings from Rona Pearce on behalf of the Chili Historic Society and Peter Widener, Town Historian on behalf of the Chili Preservation Board. Reverend Bixby stated he also received a letter from their Supervisor Steve Hendershott.

Reverend Bixby stated on September 2001, in response to the 911 event, their church hosted a neighborhood church bell ringing at noon on September 14th and approximately 25 people took part in this. He stated as individuals and as communities, they have received a great heritage from faithful people who have proceeded them. He stated they continue to face the challenges of their time and to build on the foundations of their faith.

Supervisor Hendershott asked Councilman Slattery, the Town Board liaison to Recreation, and Councilman Powers, who put forth the great idea about this presentation to join him at the table

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of trophies in honoring some of the fine young people present from the Churchville Chili School District for their roles in their Section V Class A Championships.

Supervisor Hendershott stated also in attendance this evening from the Churchville-Chili School was Superintendent Ann Marie Spadafora and the Director of Athletics, Neil Barton.

Supervisor Hendershott stated it is almost unprecedented to have actually three teams out of one school that won championships in Section V all around the same time, and even though Chili is only a part of the Churchville-Chili School District, they feel quite honored in the Town that the students that actually live in the Town excelled in athletics to the point of becoming champions in Section V.

Supervisor Hendershott stated as a result the Town would like to recognize the members of these teams and their coaches for this fine outstanding effort by presenting trophies to them. Supervisor Hendershott read the following list of teams and team members, followed by a presentation of their respective trophies.

### Girls Soccer

Nancy Thornton (Coach) and Nadine Allen, Sarah Begley, Meredith Bidzerekowny, Laura Bojko, Lauren Burakowski, Karli Calabria, Jane Capotosto, Jaime Eisenhauer, Nicole Emiliano, Jaclyn Fafinski, Kimmie Hill, Kelly Jackson, Kathryn Knowles, Joanna Patalano, Ashley Pilcher, Emilie Rowe, Kristina Schneider, Jenna Stevens, Soultana Strembenis, Renee Strobel, Katie Sullivan, Melissa Urban, Julie Vislay, Katie Voorheis, Amanda Wagner, Elizabeth Zorn

### Boys Cross Country

Gary Boyce (Coach) and Eric Cleary, Ryan Dooling, Phil Ingrassia, Chad Powley, Dan Spaulding, Matt St. James and Kyle VanPeursen

### Boy's Volleyball

Joe Eschberger and Lindsey Barton (Coaches), and Tim Bowman, Jim Clar, Chris DeHority, Colin Dooling, Mark Manthei, Randy Mathews, Keith Neumann, Zach Owen, Eric Palumbo, Brian Rebman, Andrew Reff, Jeremy Rossignolo, Bryan Saeva, Christopher Shekell, Phil Smith, and Andrew Zess

### REPORTS SUBMITTED:

Conservation Board Year End Report

Conservation Board - 11/25/02

Town Clerk Report - December 2002

Dog Control Year End Report

Dept. of Planning, Zoning & Development Year-End Report

Finance & Payroll Year End Report

Historian Year End Report

Information Technology Year End Report

Building Permit Report - December 2002

Recreation Dept. Monthly Report - December 2002

Senior Center Revenue Report - December 2002

Community Center Revenue Report - December 2002  
Building Permit Year End Report  
Library Year End Report  
Court Year End Report

**COUNCIL MEMBERS' REPORTS:**

Councilman Slattery stated he would like to comment on the awards given out tonight. He stated himself and Councilman Powers were at the girls soccer game in Albion. He stated they played under difficult conditions with the weather. He stated the wind was very strong that night, but they played a heck of a game. He stated they have some young players on that team, a couple freshman that played on varsity. He stated they did a fabulous job.

Councilwoman Sperr stated at their Historic Preservation Board meeting on Monday, they discussed their next recipient for the preservation award from that board and the Alexander house has been selected to receive the next award. She stated a certificate and letter will be sent to them and hopefully they will have some notification in the paper.

Councilwoman Sperr stated they are also adding, making some additions to the Town website, which she thought will be pretty interesting, all about properties that are currently designated as historic properties that will be featured on the website so people will be able to log on, see a picture of the home, a brief paragraph with some interesting aspects of those houses that are designated. She stated each Historic Preservation Board member has taken one or two of those homes and is creating a paragraph. She stated they will meet next month, go over what is written. She stated Chris Levy has been very, very helpful in adding the information to the Town's website for Historic Preservation and everyone is very much appreciative of that.

Councilman Powers stated he was asked to bring to the Board a suggestion that they look at doing something with the parking on their streets, particularly with the snowplowing they have this year. He stated some of the boys out there plowing have had a heck of a time because people choose to park in the streets. Supervisor Hendershott asked if he was speaking about during the daytime or overnight. Councilman Powers stated day and night. He stated the only one he thought that can do anything about it, he believes, is the sheriff. Councilman Powers stated he did not know what legal aspects there are, but maybe their zoning enforcement officers could be added to that so that they can ticket these vehicles. He stated the fire lanes and handicapped parking areas are tremendously abused in this Town.

Supervisor Hendershott stated they will take a look at that. He stated regarding the snowplowing, they do restrict parking on the Town streets from midnight until 7 a.m. during snow time, but they will take a look at that. Councilman Powers stated he thought some people choose not to leave.

Supervisor Hendershott stated they do leave something on the windshields giving a warning and then they call the sheriff after that. He stated he thought for the most part, once the warning is put on there, that seems to do the trick, but he does know there are some circumstances where that has not done the trick. He stated they will take a look at that.

Supervisor Hendershott stated the last time Chili Avenue was reconstructed, the major construction project was 1989 he believes, and it lasted for about 14 or 15 months. He stated so it has been quite some time since that was done.

Supervisor Hendershott stated he wanted to point out, so there is no confusion amongst Board members, there is no proposed restriction on the number of political signs on any parcel.

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**RESOLUTION #111 RE: Extension of Consolidated Drainage District**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman O'Connor**

**BE IT RESOLVED** that the Consolidated Drainage District be extended to serve the Nina Ball property located at 3497 Union Street. The tax account number is 144.020-02-005. The Applicant/ Owner is Nina Ball.

UNANIMOUSLY APPROVED

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**RESOLUTION #112 RE: Extension of Consolidated Drainage District**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman O'Connor**

**BE IT RESOLVED** that the Consolidated Drainage District be extended to serve the Leo Bean Subdivision located at 2771 and 2781 Chili Avenue. The tax account numbers are 134.170-01-002.000 and 134.170-01-001.000. The Applicant/Owner is Leo Bean.

UNANIMOUSLY APPROVED

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**RESOLUTION #113 RE: Extension of Consolidated Drainage District**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman O'Connor**

**BE IT RESOLVED** that the Consolidated Drainage District be extended to serve the Glidden-King Subdivision located at 147 King Road. The tax account number is 145.050-01-037.000. The Applicant/ Owner is Gilbert Glidden.

UNANIMOUSLY APPROVED

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**RESOLUTION #114 RE: Acceptance of Environmental Record and Determination of Non-significance on Local Law No. 1 of 2003**

**Offered by:**

**Seconded by:**

**WHEREAS**, the Town Board is the only Involved Agency, as defined in the State Environmental Quality Review Regulations, for the Action identified as Local Law No. 1 of 2003; and

**WHEREAS**, the Town Board has reviewed the Environmental Record on said Action and has found the Environmental Record adequately identifies the anticipated environmental impacts likely to result from the adoption of said Local Law; and

**WHEREAS**, the Town Board has reviewed the Determination of Non-Significance and has found it properly summarizes the pertinent information from the Environmental Record.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby accepts the environmental Record; determines the action to adopt Local Law No. 1 of 2003 will have no significant adverse impact on the environment and does hereby make a Determination of Non-Significance; and directs the Town Supervisor to sign, date and file said record with the public file on said action.

HELD

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**RESOLUTION #115 RE: Adoption of Local Law #1 of 2003 "Amending the existing Section 115-34 of the Code of the Town of Chili entitled "Sign Regulations"**

**Offered by:**

**Seconded by:**

**WHEREAS**, a proposed Local Law #1 of 2003 "Amending the existing Section 115-34 of the Code of the Town of Chili entitled "Sign Regulations" was introduced to the Town Board of Town of Chili by Counsel on the 4th day of December 2002; and

**WHEREAS**, at a meeting of the Chili Town Board held at the Town Hall in the Town of Chili, New York of the 15th day of January 2003, a public hearing was held at 6:00 p.m. to consider adoption of the proposed Local Law #1 of 2003 "Amending the existing Section 115-34 of the Code of the Town of Chili entitled "Sign Regulations"

**NOW, THEREFORE, BE IT RESOLVED**, Local Law #1 of 2003 is hereby enacted by the Town Board of the Town of Chili.

**BE IT FURTHER RESOLVED** that said local law shall take affect upon filing with the Secretary of State by the Town Clerk.

HELD

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**RESOLUTION #116 RE: Set Public Hearing for February 5, 2003 at 6:00 p.m.**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Sperr**

**BE IT RESOLVED** that a Public Hearing be set for February 5, 2003 at 6:00 p.m. to consider extension of the Consolidated Drainage District to serve the VanBlargan Subdivision located at 360 Humphrey Road. The tax account number is 173.01-1-1. The Applicant/Owner, Nancy Kita, is to be responsible for cost of Legal Notice and filing fee with Monroe County Clerk.

UNANIMOUSLY APPROVED

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**RESOLUTION #117 RE: Set Public Hearing for February 5, 2003 at 6:00 p.m.**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman O'Connor**

**BE IT RESOLVED** that a Public Hearing be set for February 5, 2003 at 6:00 p.m. to consider extension of the Consolidated Drainage District to serve the property located at 4215 Buffalo Road. The tax account number is 132.14-1-54. The Applicant/Owner, Richard Gilmore, is to be responsible for cost of Legal Notice and filing fee with Monroe County Clerk.

UNANIMOUSLY APPROVED

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**RESOLUTION #118 RE: Rezoning of 4215 Buffalo Road from R-1-15 (Residential) to GB (General Business)**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilwoman O'Connor**

**WHEREAS**, the Planning Board, at their December 10, 2002 public hearing, unanimously approved, by a vote of five, to recommend rezoning of property located at 4215 Buffalo Road from R-1-15 (Residential) to GB (General Business);

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby declares itself lead agency for SEQRA review purposes and directs the Town Clerk to send notification of such designation to all affected agencies; and

**BE IT FURTHER RESOLVED** that a Public Hearing be set for March 5, 2003 at 6:00 p.m. to consider the rezoning application for the property located at 4215 Buffalo Road from R-1-15 (Residential) to G.B. (General Business). The tax account number is 132.14-1-54. The Applicant/Owner, Richard Gilmore, is to be responsible for cost of Legal Notice and filing fee with Monroe County Clerk.

UNANIMOUSLY APPROVED

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**RESOLUTION #119 RE: County of Monroe All Season's Work Agreement**

**Offered by: Councilman Powers**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** that Supervisor Hendershott is hereby authorized to sign a one year extension to the All Seasons Work Agreement with the County of Monroe, subject to review by

the Town Attorney and Town Insurance Advisor, for the calendar year 2003, said agreement authorizes the Town to do work on County roads for the County of Monroe and establishes criteria by which the Town will be paid for such County work.

UNANIMOUSLY APPROVED

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**RESOLUTION #120 RE: Monroe County Water Authority Retail Lease Agreement for Operation of Water Districts and/or Benefit Areas**

**Offered by: Councilman Slattery**

**Seconded by: Councilman Powers**

**BE IT RESOLVED** that Supervisor Hendershott is hereby authorized to sign a Retail Lease Agreement for Operation of Water Districts and/or Benefit Areas with the Monroe County Water Authority for a period of forty (40) years.

UNANIMOUSLY APPROVED

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**RESOLUTION #121 RE: Authorize Stop Signs**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilwoman O'Connor**

**WHEREAS**, the Town Board passed Resolution #391 on December 4, 1996 authorizing regulatory devices at various locations in the Town as recommended by the Monroe County Department of Transportation; and

**WHEREAS**, Monroe County Department of Transportation has requested that we modify said resolution to include "STOP" signs eastbound at the intersection of Park Creek Lane and Union Street (new town road) and southbound at the intersection of Matlyn Drive and Paul Road (new town road);

**NOW, THEREFORE, BE IT RESOLVED** that to authorize the establishment of "Stop" signs eastbound at the intersection of Park Creek Lane and Union Street and southbound at the intersection of Matlyn Drive and Paul Road.

UNANIMOUSLY APPROVED

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**RESOLUTION #122 RE: Modify Resolution #127, Dated 2-6-02 Disposal of Surplus Equipment**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilman Slattery**

**WHEREAS**, within Resolution #127, authorized by the Town Board on February 6, 2002, vehicle #75, a 1990 Ford F-600 Dump Truck was approved to be disposed of in the fall of 2002,

and

**WHEREAS**, the proposed purchase of an additional dump truck to be used by the Parks Department was deleted from the year 2003 budget request, and in addition it was determined that truck #75 could continue to be used during the fall leaf collection program.

**NOW, THEREFORE, BE IT RESOLVED** that the disposal of truck #75 is hereby delayed until a future date.

UNANIMOUSLY APPROVED

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**RESOLUTION #123 RE: Disposal of Surplus Equipment**

**Offered by: Councilwoman O'Connor**

**Seconded by: Councilwoman Sperr**

**WHEREAS**, the following listed equipment is, in the opinion of the Superintendent of Highways/Commissioner of Public Works, obsolete and of no further use to the Town of Chili; subject to the purchases of replacement vehicles, and

**WHEREAS**, the Town is best served by disposing of these items for their highest value in whatever form attainable;

**NOW, THEREFORE, BE IT RESOLVED** that subject to awarding of bids for new vehicles, the Town Board authorizes disposition of the following vehicles and hereby directs the Superintendent of Highways/Commissioner of Public Works to procure the highest reasonable compensation for such items and apply the proceeds therefrom, if any, in accordance with Section 142(5) of the Highway Law:

1995	Chevy Pickup Truck #6	Spring 2003
1990	Gravely Walk-Behind Mower #101	Spring 2003
1994	Chevy Pickup Truck #8	Spring 2003
1984	Ford 6-Wheel Dump #71	Fall 2003
	45 KV Generator	Spring 2003

UNANIMOUSLY APPROVED

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**RESOLUTION #124 RE: Road Dedication of James Hollow**

**Offered by: Councilman Slattery**

**Seconded by: Councilman Powers**

**BE IT RESOLVED** that James Hollow, as constructed under Section III-B of the Whispering Winds Subdivision, be accepted for road dedication, and

**BE IT FURTHER RESOLVED** that subject to the approval by the Engineer for the Town and

the Counsel for the Town, that the necessary documents be executed and filed.

UNANIMOUSLY APPROVED

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**RESOLUTION #125 RE: Authorize Purchases from NYS Bids Pickup Truck and Lawn Tractor Mower**

**Offered by: Councilman Slattery**

**Seconded by: Councilman Powers**

**WHEREAS**, specific purchases were identified within the year 2003 budget for vehicle replacements, some of which can be purchased through New York State Bids.

**NOW, THEREFORE, BE IT RESOLVED** to authorize the purchase of one 3/4 ton pickup truck from Northtown Dodge, Inc. at a cost of \$16,618.00 and one lawn tractor, model X475 AWS with a 54" mowing deck from the John Deere Company at a cost of \$7,518.00.

UNANIMOUSLY APPROVED

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**RESOLUTION #126 RE: Scoreboard Purchase**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Sperr**

**WHEREAS**, with the assistance of Senator Jim Alesi the Town received funding for a new scoreboard for "Joe Klapp Field", and,

**WHEREAS**, the Director of Recreation received (3) three quotes for a scoreboard as follows:

Electro-Mech Scoreboard Co.	\$5,642
Toth's Sports	\$6,200
Eversan Inc.	\$8,897

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board authorizes the Director of Recreation to purchase a scoreboard from the low-bidder, Electro-Mech Scoreboard Co., at a cost of \$5,642.

UNANIMOUSLY APPROVED

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**RESOLUTION #127 RE: Filling of Vacancies**

**Offered by: Councilwoman O'Connor**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** that Richard Frediani be appointed the Board of Assessment Review for a term to expire September 30, 2007 and,

**BE IT FURTHER RESOLVED** that Pedro Martinez be appointed to the recreation Advisory Committee to fill the vacant term of Kristen Yackett to expire December 31, 2003.

UNANIMOUSLY APPROVED

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**RESOLUTION #128 RE: County Winter 2003 Land Use Decision-Making Training Program**

**Offered by: Councilwoman O'Connor**

**Seconded by: Councilman Powers**

**BE IT RESOLVED** that Pat Tindale and Bill Steimer of the Conservation Board and James Martin of the Planning Board are hereby authorized to attend the County Winter 2003 Land Use Decision-Making Training Program held at Cornell Cooperative Extension January 16 and February 27, 2003 at a cost not to exceed \$150.00.

UNANIMOUSLY APPROVED

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**RESOLUTION #129 RE: Code Enforcement Training**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** that per recommendation of Daniel J. Kress, Director of Planning, Zoning and Development, Dennis Scibetta is hereby authorized to attend the NYS Department of State Code Enforcement Training sessions from January 21 through 23, 2003, total expenses are not to exceed \$125.

UNANIMOUSLY APPROVED

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**RESOLUTION #130 RE: Cleaning Services**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Sperr**

**WHEREAS**, the Town has contracted with The ARC of Monroe County, Brooms Plus program to provide building cleaning services for the Town Hall and Meeting Room; and

**WHEREAS**, the complexity of the services required continue to expand; and

**WHEREAS**, the Town has sought proposals from firms to provide the required expanded services;

**NOW, THEREFORE, BE IT RESOLVED** to terminate the present contract for cleaning services with Brooms Plus effective January 31, 2003 and to authorize the Supervisor to sign a contract with Environmental Services to provide cleaning services at the cost of \$1,480.00 per

month, subject to review by the Counsel for the Town and the Insurance Counselor.

UNANIMOUSLY APPROVED

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**RESOLUTION #131 RE: Establish Letter of Credit for Park Place  
Subdivision Phase 1 and 2**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman O'Connor**

**BE IT RESOLVED** that per recommendation of the Town Engineer a letter of credit be established for Park Place Subdivision in the amount of **\$569,807.54 for Phase 1** and **\$401,512.23 for Phase 2**.

Items within the letter of credit for Phase 1 to include, but are not limited to, full depth construction of approximately 2,065 linear feet of roadway, construction of an internal storm sewer system, erosion control measures, earthwork, street trees, right-of-way monumentation, street lighting poles, asphalt and concrete sidewalks, a per lot fee payable to the Town, a haul road to serve phases 1, 2 and 3 and the preparation of record plans to be submitted to the Town.

Items within the letter of credit for Phase 2 to include, but are not limited to, full depth construction of approximately 2,935 linear feet of roadway, construction of an internal storm sewer system, erosion control measures, earthwork, street trees, right-of-way monumentation, street lighting poles, an 8' wide asphalt access trail to Town property, concrete sidewalks, a per lot fee payable to the Town, a retention pond discharge channel to be constructed on Town property and the preparation of record plans to be submitted to the Town.

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

UNANIMOUSLY APPROVED

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**RESOLUTION #132 RE: Adopt Budget for H35 Chili Avenue Improvement  
Program DO17381**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** to adopt the budget for the H35 Chili Avenue Improvement Project as follows:

Appropriations:

H35-5197.4	Highway, Capital Projects	\$ 690,000
H35-1420.4	Legal	\$ 160,000
H35-1710.4	Administration	\$ 28,000

H35-1440.4	Engineering and Inspection	\$ 185,000
H35-1990.4	Contingency	<u>\$ 33,000</u>
	Total appropriations	\$1,100,000
<u>Revenues</u>		
H35-3597	State Aid, Transportation Capital Projects	\$ 220,000
H35-4597	Federal Aid, Transportation Capital Projects	<u>\$ 880,000</u>
		\$1,100,000

UNANIMOUSLY APPROVED

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**RESOLUTION #133 RE: Budget Transfer**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Sperr**

**WHEREAS**, the 1/2/03 Organizational Agenda provided for the transfer of duties from Town Clerk Department to the Finance Department;

**NOW, THEREFORE, BE IT RESOLVED** to transfer \$13,000 from A1410.1 (Town Clerk - Personnel) to A1310.1 (Finance - Personnel).

Motion to table:

Offered by: Supervisor Hendershott

Seconded by: Councilman Slattery

On the motion to table: UNANIMOUSLY APPROVED

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**RESOLUTION #134 RE: Payment of Claims**

**Offered by: Councilwoman O'Connor**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** to pay vouchers #1 - 171 totaling \$233,400.05 from the Distribution Account as presented to the Town Board by Richard J. Brongo, Town Clerk:

GENERAL FUND	\$191,120.13
HIGHWAY FUND	18,933.09
H-35 CHILI AVE. DO17381	13,478.30
CONSOLIDATED DRAINAGE	148.86
SPECIAL LIGHT DISTRICTS	<u>9,719.67</u>
TOTAL ABSTRACT	\$233,400.05

4 YES TO 1 NO (Councilman Powers voted no.)

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PUBLIC HEARING

CHILI TOWN BOARD MEETING - January 15, 2003

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Attendance as previously noted in the 1/15/03 Chili Town Board meeting minutes.

No one was present to represent the Nina Ball property at 3497 Union Street

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Dorothy Borgus - 31 Stuart Road

She stated she believes that this business is operating illegally and has been since October because their permission to operate as a business from the Planning Board expired then. She asked is this an effort to get them within the scope of their law. Supervisor Hendershott stated this is one of the conditions regarding their conditional use permit, and the Town is in the process of working to see that that is completed. He stated this is just one of those items.

Ms. Borgus asked is this the only legal thing that has to be done as far as the Town is concerned. Supervisor Hendershott stated he could not answer that question. He stated but they are working to see that they come into compliance with the conditions of the permit.

The Public Hearing was closed at 6:17 p.m.

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PUBLIC HEARING

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Attendance as previously noted in the 1/15/03 Chili Town Board meeting minutes.

No one was present to represent the Leo Bean Subdivision.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Jerry Brixner - 14 Hartom Road

He stated he noticed that there are two properties included in the proposal, 2771 and 2781 Chili Avenue. He asked are they existing properties that Mr. Bean has already had over the years, or has he purchased additional property. Supervisor Hendershott stated Mr. Bean has acquired a small piece of property to the rear of the parking lot so he can expand some parking. He added as such, Mr. Bean had to come in through the planning process, the Planning Board, for approvals to do that. He stated as part of those conditions he has applied to enter into the drainage district on both properties.

The Public Hearing was closed at 6:18 p.m.

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#### PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on January 15, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:18 p.m. actual time) to consider extension of the Consolidated Drainage District to serve the Glidden-King Subdivision located at 147 King Road.

Attendance as previously noted in the 1/15/03 Chili Town Board meeting minutes.

No one was present to represent the Glidden-King Subdivision located at 147 King Road.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 6:19 p.m.

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#### PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on January 15, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:19 p.m. actual time) to consider adoption of Local Law #1 of 2003 to amend the existing Section 115-34 of the Code of the Town of Chili entitled "Sign Regulations."

Attendance as previously noted in the 1/15/03 Chili Town Board meeting minutes.

Supervisor Hendershott asked Daniel Kress to give a real simple explanation of how they got to the point of having this public hearing tonight regarding the sign law. Daniel Kress stated his understanding is a number of months ago the Board originally hired Mr. Ron Brand to take a look at a number of zoning issues in need of updating, signs being near the top of that list.

Daniel Kress stated subsequently, the Supervisor then delegated to him, when he came on Board with the Town back in July, the job of continuing that process. He stated they met and discussed their existing regulations -- some of the issues in them that they felt needed addressing and how to perhaps best do that -- with Richard Stowe several times to produce the document that is in front of everyone this evening.

Councilwoman O'Connor stated she believes the law is consistent with Gates, which she believes it should be. She stated she feels that would be important. Supervisor Hendershott stated he knows for a fact that there are definitely some similarities with Gates, but he does believe Mr. Brand also looked at a number of different towns when he was going through this update, along with other things.

Councilman Powers stated personally, he would like to see political signs taken right out of this.

Supervisor Hendershott stated there was a period throughout the '80s that by agreement both chairs of the parties agreed to have no signs. Supervisor Hendershott stated unfortunately, the courts don't seem to like that one.

Councilman Powers stated the proposed law says political signs not to exceed 24 square feet, on page 5. He stated then on page 8, residential districts, 16 square foot and also free-standing signs shall not be permitted. He stated if they have a political sign in a residential district, do they have to nail it to the front of one's house. Supervisor Hendershott stated they do not. He stated he thought that is referring to signs that require a permit versus the signs that do not require a permit.

Councilman Powers asked why is there the difference in size from 24 to 16. Supervisor Hendershott stated he did not want to speak for Mr. Brand. He stated he believed it was something customary regarding commercial property. Daniel Kress stated in general, in most of these sorts of ordinances, the sizes and quantities in residential districts tend to be more restrictive than one might see in a commercial district, in an attempt to preserve the general residential character of the neighborhood. He stated that is part of the reason why one will tend to see smaller ones set aside for residential areas.

Councilman Powers stated he noted in the Gates-Chili News that they had received legal opinion on this as far as freedom of speech is concerned, et cetera. Supervisor Hendershott stated when Mr. Brand first put this together, he specifically looked at freedom of speech issues versus commercial and non-commercial signs and all of that stuff, and subsequently Mr. Kress and their Counsel to the Town did work on that to get it into the form that is acceptable. Councilman Powers asked if the legal opinion that they have then is from Richard Stowe. Supervisor Hendershott stated it is.

Councilman Powers stated he thought they are treading on some thin ice, but that is just his opinion.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Beverly Griebel, Chair of the ZBA

She stated she got a copy of the proposed law just recently. She stated presently, freestanding signs are not allowed, only with a request for a variance from the ZBA, so this involves a major change if she was reading it right. She asked if those no longer have to go through the ZBA unless someone can't or doesn't want to comply with the new written regulations. Supervisor Hendershott stated that was correct.

Beverly Griebel stated she had another question on enforcement, especially with the political signs. She asked is there going to be somebody new hired to do this. Supervisor Hendershott stated they are not anticipating on making any additional hires in regard to this. Beverly Griebel stated in her opinion, like with any rule or regulation law, if they are not going to enforce it, across the Board, then they should not do it.

Dorothy Borgus - 31 Stuart Road

Ms. Borgus stated she would like to address page 4. She stated with regard to number 4, on page 4, it seems to her that the 90 days on the third line is an extreme length of time to have a sign up prior to an event, 90 days. She stated that is three months prior to an event that someone could have a sign up. She stated she could see churches, for instance, would put signs up three months prior to a country fair. She stated she thought that is just too long. She stated it seems to her 60 days would be ample, even 45 maybe, but certainly not 90.

Ms. Borgus stated she would like to address Number 8 on page 4. She stated garage sales signs are a real problem in probably most neighborhoods but she is very conscious of it in theirs because they used to live in what was the country and now they find themselves surrounded by many, many homes and it seems every third one has a garage sale, so it is a new phenomena to them and they are not used to all of the clutter that comes along with the advertising. She stated the 72 hours seems appropriate, and the ten days for the sale, she does not have a problem with that. She stated what she does have a problem with is some homes out their way have multiple sales within two months. She stated she can think of one on Chili Avenue that has a garage sale every weekend for a good share of the summer. She stated so it seems to her that they should limit the number of sign postings that a taxpayer can put up in a year. She stated they're free to have all of the garage sales they want; they can't legislate that. She stated but she does think they should be limited in the number of postings that they can have. She stated so if they have six garage sales in eight weeks, they should be limited to the number of times they can put up signs. She stated they don't take them down. She stated that is the big problem. She stated as Mrs. Griebel pointed out, the enforcement here is going to be tough.

Ms. Borgus stated on number 12, on the same page, she really feels 12 feet is too high, in the second last line. She stated in the case of nonresidential property, the height of the sign shall not exceed 12 feet above grade. She stated she thought that is a little high. She stated if they want to go higher, then maybe 10 feet. She stated it seems to her they should come in for a variance if they need something higher. She stated they would not be prevented from doing it, but they would have to go through some supervision in doing it. She stated 12 foot is extremely high.

Ms. Borgus stated on page 5, that she thought 13 needs to be clarified. She stated with the apartments that are being built at the corner of Union Street and Chili Avenue presently, she thought one of their other apartment owners, apartment complex owners is quite fearful of losing his tenants. She stated what he does is he puts his signs up advertising his apartments at the corner of Union and Chili, which is some three miles from his own complex. She stated so unless they limit somehow within that 13, the radius of miles, when they can post signs at intersections, they are going to have a proliferation of signs that is unreal. She stated she thought it would be simply solved by saying a radius of so many miles, because otherwise they can put a sign at every intersection for miles around to try to preserve their own tenancy.

Ms. Borgus stated on number 14, on page 5, there is no height there. She stated she thought a height needs to be included. She stated she does not mind the 32 square feet, but as in number 12, on the preceding page, there should be a height.

Ms. Borgus stated on number 15, also on page 5, she does not have a problem with the 24 square feet. She stated what she has a problem with is the 31 days. She stated she thought this gives an

awful lot of clout to incumbents. She stated when they have unknowns, it doesn't give them a lot of time for name recognition when they only have 31 days prior to election to put up signs. She stated 60 days seems appropriate and certainly not a problem for the Town. She stated she thought 60 days is probably sufficient, and when she ran in the past, she would have felt that that was fine. She stated so she would think that that would suit everybody, and it isn't prejudicial.

Ms. Borgus referred everyone to page 7, to 6 and/or 9. She stated they haven't dealt with neon signs in this ordinance anywhere. She stated case and point would be the new pizza place at the corner of Rose Road and Chili Avenue. She stated that is very objectionable. She stated she knows under the present law there isn't anything that can be done about the proliferation of neon signs that grace that establishment. She stated she was sure nobody knew that person was going to do that and he is within his rights to have the neon signs within the building, but she thought if they are doing this law, now is the time to make sure they don't have that in Town again because it doesn't add anything to their main thoroughfare. She stated she did not know how it would be worded, but she thought somewhere probably under 6 or 9, they ought to be able to work in some kind of wording so that neon signs inside a building that show through a plate glass window can be addressed.

Ms. Borgus stated on number 10 on page 7, she has a problem with the 20 foot. She stated it reads freestanding signs shall be set back a minimum of 15 feet from a lot line and not exceed 20 feet in height measured from the ground to the top of the sign. She stated the 20 feet is too high. She stated in most cases if they feel they need 20 feet, she thought they should apply for a variance from the ZBA. She stated 20 feet should not be the norm. She stated that is too high.

Ms. Borgus stated then she would like to address D on page 9, which is removal of signs. She stated she thought it is wonderful that they have a provision in the law so that signs can be removed by the Town employees, but she questions who is going to bear the cost of this. She stated there ought to be some provision in there that this cost can be charged back to the person who owns the sign. She stated she does not think the Town, even though the sign is removed, should bear the expense of removal of the sign itself. She stated there should be some provision for that.

Ms. Borgus stated she just had a few general comments on the law in general. She stated as Mrs. Griebel pointed out, they have to put some enforcement in this law. She stated she did not see anything in here about how they are going to enforce this law. She stated they already have laws on the books and the one that governs snowmobiles comes to mind most readily because that doesn't seem to have stopped the problem out their way, and she does notice that the people in Town seem to have such total disregard for the law, the snowmobile law that they now even ride them on Town property, right on Town Hall premises, right past the Town Hall. She stated without provisions in these laws for enforcement, they might just as well go home.

Ms. Borgus stated she thought the name on any freestanding sign should be the same as the sign on the building. She stated she would point out the business at the corner of Rose Road and Chili Avenue. She stated the owner has one name on the building and another name on his freestanding sign. She stated the name should be the same business, or at least a business address by the same title. She stated if they don't have it written down, they are not going to be

able to enforce this either.

Ms. Borgus stated she would like to see this whole proposal hopefully tabled tonight so the Board could take time to digest the public comments that are received and not act hastily. She stated she has seen times when they had a public hearing and within minutes, it has come on the table and this Board has passed it without further adieu. She stated she thought it is time to take the comments of the public under consideration to see if this doesn't have to be fine-tuned a little bit. She stated there is no rush. She stated they have been without this law for a long time, although she has been a proponent for a long time getting it in place. She stated now is not the time to make haste. She stated they should digest this thing and see if it can't be perked up, fixed up so when they are through, they have a law that means something to the people of the Town.

Ms. Borgus stated the only other comment that she would like to make is not about the law itself, but she thought they have got to make sure that the Zoning Board understands their responsibility when they "yes" too many people that come in and want sign variances. She stated she is a frequent attendee at ZBA meetings and she does not see many people being told no. She stated the law they have now and this law, too, are to benefit the Town. She stated it is for the betterment of their community, and when they have a law that is so easily tossed aside, it really sends a bad message to the people who would seek to break it. She stated they have to be firm and have good reason when they grant variances for the laws they establish.

Irene Brixner - Hartom Road

Mrs. Brixner stated Dorothy Borgus pointed out so many good points regarding the regulated aesthetics in the Town of Chili. She stated the signs are helter-skelter. She stated one particular target of the proposed sign law that bothers her are the political signs. She stated those political signs help the people. She stated they reveal the names of people, possible candidates who, if they win, run Town government.

Mrs. Brixner states she objects to the proposed law denying her the right to put up a political sign on her property earlier than 31 days before the election. She asked why are they passing a law squelching the rights of the people to give them time limits regarding the use of signs on their property with the lame excuse to regulate the aesthetics of the Town.

Mrs. Brixner stated Supervisor Hendershott said in the Gates-Chili Post, January 15th, the change is not an attempt to limit free speech but to regulate the aesthetics of the Town. She stated what she would like to ask is would a political sign on her property be less aesthetically regulated if she had it 62 days rather than 31 days before an election. She stated it just doesn't make sense to her. She stated she would not put some political sign on her property if it wasn't properly positioned. She stated it would be back from the road. She stated it would be proper. She stated she would hope they would have that much faith in homeowners.

Mrs. Brixner stated she was impressed to hear about the concern over the aesthetics of the Town of Chili. She stated if the Town Board is so concerned about aesthetics of their Town, she would like to advise this Board to do something more to the 49 Sequoia Drive entrance. She stated that entrance shows total neglect. She stated its signs are falling over because of a total lack of maintenance for years. She stated they might want to touch up those signs in the park. She

stated she agrees with this Board that the signs are put too close to the roads and they might endanger traffic. She stated this proposal would be necessary for the endangerment to public safety.

Mrs. Brixner stated the proposed law obviously seems to show control and suppression of people's right of expression. She stated it denies opportunity for unknown candidates running for political office, while it unfairly gives the greater opportunity for incumbents. She stated she wonders if some of the current Board members plan to be future incumbents.

Steve Ginovsky - 19 Hubbard Drive

Mr. Ginovsky stated he did run for office. He stated he thought that 90 days would be probably the max that they would want it for signs in front of residential R-1 areas. He stated as the law is written right now, it says they can have only one. He stated if there are a number of candidates that one wants to support or believes in, and the candidates ask permission before those signs are put on their property, in their yard, this would limit that.

Mr. Ginovsky stated also, on the commercial end, as stated for the shopping centers, they can have a large one. He stated now, if the owner of that plaza or whatever does not agree with one's thinking and says no, then their sign doesn't go there. He stated it is respect. He stated it is his prerogative. He stated so it is going both ways.

Mr. Ginovsky stated but what he has a problem with is limiting it on the residential area. He stated also on the commercial end, such large signs and the time period that they can have theirs up is longer. He stated what agitates him even more is right up on the wall, (referring to the Constitution). He stated that is giving a voice to everyone to vote for who they want to vote for. He stated it gives a choice. He stated and it does give someone who is not an incumbent a chance to get his name out. He stated that person is not known. He stated that is what they're trying to present.

Mr. Ginovsky stated on the commercial end, he has a problem with the large ones there. He stated they're more of an eyesore. He stated in North Chili, for example, there were two big signs there, one on the parking lot, one on the side, property for rent. He stated they want to build a structure there. He stated the one that was over in the grass area, the wind knocked it over. He stated the one in the parking lot was blown over towards Eckerd's. He stated he called the Town and said someone is going to get hurt on that.

Mr. Ginovsky stated the Constitution chokes him up. He stated he thought the Board is wrong. He stated he would table this. He stated they are treading on thin ice, and they are getting into a Constitutional problem. He stated he thought the Town Attorney is wrong on this.

Mr. Ginovsky stated he felt the time period should be 90 days max for political signs. He stated but on the rest of the signs on the commercial, he thought it should be renewable every year and there should be a permit fee to get something back to the Town.

Jerry Brixner - 14 Hartom Road

Mr. Brixner stated Mrs. Griebel opened her discussion this evening and she identified herself as

Chair of the ZBA. He stated he just wanted to make it clear, the ZBA means the Zoning Board of Appeals. He stated since the Zoning Board of Appeals, a good portion of their judicial work revolves around hearing cases relative to signs, he would ask the Chili Town Board to consider her comments very seriously tonight and, in fact, if they pick up any questions off her comments, he would ask that they ask her how she feels on certain areas or how her Board may feel on certain areas.

Mr. Brixner stated as to political signs, they have had them on their property. He stated he does not feel that there should be any time limitation placed on a political sign. He stated one may interpret that to mean, well, one year, permanently. He stated he was not sure how he would state a total time appearance on a given property, but he does not feel that there should be any individual time limitation of political advertising signs.

Mr. Brixner stated, however, he would oppose placing political signs on intersections, public property, farms, agricultural lands and those sorts of things.

Bernice Wilcox- Stuart Road

Mrs. Wilcox stated on the political signs, people generally shouldn't be restricted under the Freedom of Information Law. She stated she remembers that in the late 1980s, the Town tried to tinker with political signs and the ACLU got into the act and turned things around for them. She stated she does not think that it is wise to try to limit this because people are already campaigning. She stated she questions how they can restrict someone from putting signs on the property and limiting the days when they can't limit the campaigning they do in the media.

Mrs. Wilcox stated she believes Mr. Hendershott is already campaigning. She stated he has had his picture in the Chili Times five times this year at taxpayer's expense. She stated she does not think that they need this restriction.

George Bartnett

Mr. Bartnett stated he objects to the 31 days. He stated he thought that should be increased at least to 60. He asked from the enforcement end of it, who is going to be the responsible party to enforce it. He stated they have an ordinance right now that says a person has to have a 4 or 6-inch black number on the front of one's house. He stated that was passed. He stated he did not think it has ever been enforced. He stated that is a waste and this is going to be a waste. He stated the only time it is going to be enforced is if the incumbent loses and the signs are not taken down, they're going to go around making sure that the law is enforced. He stated he thought it is a political move. He stated they have enough laws. He stated he is a conservative. He stated they have enough rules and regulations. He stated this is just totally a political move.

Charles Rettig - 1032 Coldwater Road

Mr. Rettig stated he and other Town citizens have addressed the noise law to request decibel levels to put some teeth into the law and their voices were ignored. He stated that ineffective law was passed by this Town Board, excepting Mr. Powers. He stated the new Town Law on motorcycles, snowmobiles, on racetracks was addressed by many people as having poor definition, other problems and this Board again, except Mr. Powers, rushed to approve it in spite

of its deficiencies.

Mr. Rettig stated now they have this sign law hearing, also with many problems: Unfair political signage, as others have mentioned, just to mention a few, the length of time the political signs can be up, the distance from corners, the neon signs, the maintenance and cost of signage, and whether or not the maintenance might be borne back to the owner is another additional one that he had that he didn't hear before. He stated the enforcement, the name of the business has all been pointed out, just to name a few. He stated they, again, ask this Town Board with its logic and reason, to see the light, to see the problems, address the issues, review the issues, make changes to this law to make it reasonable and to correct its many faults which he has just enumerated. He stated they can do it now, tonight, by properly tabling this law tonight until it has been reviewed and changed, and only by tabling this law can this Board and its Supervisor show any fairness to this Town, its citizens and its taxpayers.

Ron Pikeut - 1030 Paul Road

He stated he would agree with the consensus amongst the public this evening about the political signage. He stated he does not think 30 days is long enough. He stated he thought it should be a minimum of 60. He stated he agrees with Mr. Barnett that he thought they have enough laws without adding so many more, but he thought this could be cleaned up quite a bit. He stated his parents and his grandparents have lived on Paul Road, and he always takes great pride in putting political signs out in both his yards, and he considers the people that he endorses and their signs to be aesthetically pleasing and entirely complimentary to a 150-year-old building. He stated he thought it carries a strong message that he stands for good government in the Town, and he gives his endorsement very carefully to the candidates he allows to put signs in his yard. He stated he thinks 60 days is a minimal amount of time.

Mr. Pikeut stated as a long time resident of the Town of Chili, he does not appreciate having his free speech denied when he cannot put a sign on his property for at least 60 days prior to the event of the election.

Tracy Logel, County Legislator - 39 Red Bud Road

Tracy Logel stated she wasn't aware of this law and has not seen a copy of it but for glancing at it a few minutes ago. She stated the only thing she would speak to is strictly from a practical standpoint, 30 days is a good idea, but it is not workable in the fact that they don't suddenly go out and put 60 or 70 signs up for a political candidate in one day. She stated at least when she has campaigned, it has taken her a couple of weeks, putting up three or four at a time, maybe five or six at a time, so it takes two weeks. She stated so if they have just 30 days, by the time one has all their signs up, they maybe have a week and a half before election. She stated she would ask this Board if they would just seriously consider either 45 days or 60 days as a practical application of the law. She stated she thought they will have a hard time enforcing it. She stated she would be very hard pressed like anyone else that wants to run to get all of her signs up within eight hours of daylight.

Paul Dobelstein - 32 Parkway Drive

Mr. Dobelstein mentioned an editorial in today's Gates-Chili Post. He stated he would recommend the Board table any action on this law until each and every one of the members

could confirm that they have all read that editorial. He stated it is excellent. He stated he thought it gets right to the heart of the matter. He stated he thought that rather than waiting for support at election time from the media, perhaps some candidates and ruling legislators would do well to heed the advice of the media at times. He stated it is sort of like that old adage in retailing: The customer is always right, sometimes. He stated this makes an excellent point, and after reading that article, he would like each and every one of the Board members to ask themselves do they believe in the consent of the governed, do they believe in freedom of speech, do they believe in Americans to generally do the right thing.

Mr. Dobelstein stated he did not see that political signs are that big a problem. He stated there are atrophy issues with political signs such as vandals, snowstorms and wind, and kids that cut the lawns and get tired of replacing the signs, just running them down. He stated eventually the ones that would be obstructive to the human eye as far as aesthetics go sort of fade away in summertime amidst all of the dandelions, so he did not see what the big deal is about.

Mr. Dobelstein stated Mr. Hendershott, his administration takes advantage of well over \$30,000 every year in name recognition paid for by the taxpayers when they publish the Chili Times. He stated challengers have no such budget, have no such entree with the public. Mr. Dobelstein stated he gets the Chili Times in the mail regularly as clock work and he pays for it, and he sure as hell is not going to let somebody tell him how many political signs he can put up and how long they can stay.

Mr. Dobelstein stated he urges the Board to consider that which he has said when they read the article and table this silly notion about controlling political signs at this time.

The Public Hearing was closed at 6:58 p.m.

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NEXT MEETING:

Town Board - 6:00 p.m. Wednesday, February 5, 2003 at the Town Hall