

CHILI TOWN BOARD

December 3, 2003

A meeting of the Chili Town Board was held on December 3, 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 Ignatowski, Councilman Slattery, Councilwoman Sperr and Supervisor Hendershott.

ALSO PRESENT: J. Donald Faso, Deputy Supervisor; 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; Dianne O'Meara, Director of Finance.

The invocation was given by Carl Jenks of New Hope Community Church.

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

Supervisor Hendershott stated they are not only fortunate in Chili to have high caliber schools, but to have some great kids that attend them and some outstanding sports teams. He stated last year at Councilman Powers' suggestion, they decided that the Town should recognize the achievement of some of the sports teams that really excelled, and they are back again this year once again recognizing them. Supervisor Hendershott asked Councilman Powers to join him in handing out the trophies.

Supervisor Hendershott recognized the Gates-Chili Boys Varsity Football Team as Section 5 and Class AAA champs. Supervisor Hendershott stated he thought it is a rarity that they have so many high quality athletes at one time in this Town that are excelling. Supervisor Hendershott and Councilman Powers presented the trophies. Supervisor Hendershott stated on behalf of the entire Town Board, the Town wishes to recognize and congratulate all of them on an outstanding season.

Supervisor Hendershott recognized the Gates-Chili Boys Varsity Soccer Team as Section 5 and Class AAA champs and State champions. Supervisor Hendershott and Councilman Powers presented trophies. Supervisor Hendershott stated again, it is really significant to have such a high caliber number of athletes coming from their Town, especially at the same time. Supervisor Hendershott congratulated the team on an outstanding season and for an outstanding representation of the Town of Chili.

Supervisor Hendershott recognized the Churchville-Chili Girls Varsity Soccer Team as Section 5 Class AA champs. Supervisor Hendershott stated Coach Thornton was also recognized as Section 5 Coach of the Year and they are certainly proud of that. Supervisor Hendershott and Councilman Powers presented trophies. Supervisor Hendershott asked Coach Thornton to pass onto the players and athletes that the Town is very proud of their athletic skills. He stated he

knows that there are also academic skills required to go along with that. He stated they are proud of them on all accounts.

Supervisor Hendershott recognized the Churchville Chili Boys Varsity Volleyball Section 5 Class A champs and State champs. Supervisor Hendershott stated on behalf of the Town Board they would like to congratulate all of the players. Supervisor Hendershott and Councilman Powers presented trophies. Supervisor Hendershott stated it is really an outstanding achievement for them individually and as a team representing Churchville-Chili and really representing the Town of Chili, too.

Supervisor Hendershott recognized the Caledonia Mumford Boys Football Team as Section 5 Class C champs and as New York State champs. He stated many people in Chili don't realize that Caledonia Mumford is a part of Chili in the school district. Supervisor Hendershott and Councilman Powers presented trophies. Supervisor Hendershott stated it is a great honor for all of the team members, for the school and for the Town of Chili.

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Trophies were presented to the following area schools for achieving Section V Champions:

Gates- Chili Boys Varsity Football as Section V, Class AAA champs:

Coaches: Jason Benham, Al Pannoni and Jim Babiarz.

Athletes: Nicholas Assini, Kyle Baker, Michael Bell, Alan Bennett, Justin Bugajski, Phillip Byers, Joseph Cantella, Jonathan Castillo, Dennis Cervini, Brian Clar, William Cook Jr., Justin Daniel, Zachary Degen, Sam Duritz, Terry Easton Jr., Derek Fitzgerald, Aaron Goodfellow, Shawn Harris, Nicholas Herman, Bryonne Herring, Donald Hills Jr., Kevin Hollfelder, Timothy Hurley, Ernest Jackson, Alex Jimenez, James Johnson, Constantine Kapatos, Kasey Kryder, Edward Leoni, Jonathon LePore, Christopher Loan, Stephen O'Riley, Andrew Panas, Anthony Perrone, Daniel Petrone, David Postwaite Jr., Daniel Resch, Jopseph Roides Jr., Pedro Sosa II, David Street, Richard Tatar, Jimmy Thammakhanti, Aaron Tyo, Matthew Valerio, Joseph Vieira, Raheem Webb, Timothy Weber, Robert White and Mark Williams II.

Gates- Chili Boys Varsity Soccer as Section V, Class A champs and State Champions:

Coaches: Chris Mandarano and Dan Hickey.

Athletes: Casey Acker, Francis Battaglia Jr., Mark Capellazzi, Daniel Clauss, Wells Crawley, Jeffrey Dougherty, Salvatore Golino, William Gustafson, Jason Hantes, Sean Hantes, Trevor Ianni, David Jovcevski, David Kroening, Peter Leoni, Adam Lobene, Daniel Lobene, Christopher Maggioli, Joseph Mancarella, Jordan Maupin, Andrew Mcentee, David Pendino, Justin Slifka, Timothy Storie and Marco Viana.

Churchville-Chili Girls Varsity Soccer as Section V, Class AA champs:

Coaches: Nancy Thornton, David Cassidy and Mary Kay Maslanka.

Athletes: Jane Capotosto, Brianna Diaz, Kristina Schneider, Melissa Rider, Lauren Kuter, Amanda Wagner, Nicole Emiliano, Mary Carol Graby, Jaime Eisenhauer, Julie Presler, Laura Bojko, Kelly Jackson, Lauren Burakowski, Laura Graby, Sara Zorn, Kirstie Linza, Kathryn Knowles, Emilie Rowe, Katie Coyne, Rebecca Wagner, Sara Begley, Renee Strobel, Elizabeth Zorn, Ashley Pilcher, Ashley Vail & Katie Voorheis.

Churchville-Chili Boys Varsity Volleyball as Section V, Class A champs & State Champions:

Coaches: Joe Eschberger, Lindsey Peet and Brett Machovec.

Athletes: Zach Owen, Brian Rebman, Bryan Saeva, Randy Mathews, Eric Palumbo, Peter Bartell, Colin Dooling, Jeremy Rossignolo, Andrew Zess, Chris Shekell, Chris DeHority, Brian Kelvie, Jim Clar, Andy Reff, Kevin Speares and Mike Fink.

Caledonia-Mumford Boys Football as Section V, Class C champs:

Coaches: Mike Monacelli, Todd Walker, Eric Amorese, Dan Dickens, Lee Staley, Gary Fredericks, Brian Palone and Scott Henrey.

Athletes: Jamie Fitch, Paul Keeley, Bob Toland, Evan Schiedel, Jeff Grattan, Jeremy Darron, Chris Parker, Kyle Mynter, Chad Pieri, Zach Nothnagle, Chris Harmon, Nate Rodger, Tim Criscaden, Chris Tomasso, John Truscott, Rick Riggi, Jeff Boop, Joe Darron, Mitch Atwell, Tim Gordon, Jeff Wilken, Tom Shepard, Chris Paladino, Tom Lauffer, Ryan Sherman, Justin Walsh and Mike Atwell.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Six speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:04 p.m.

### REPORTS SUBMITTED:

Recreation Advisory Committee - 10/8/03

Conservation Board - 9/29/03

Drainage Committee - 10/7/03

Planning Board - 10/14/03

Traffic & Safety Committee - 11/6/03

Examining Board of Plumbers 11/3/03

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**COUNCIL MEMBERS' REPORT:**

Councilwoman Sperr commended Peter Widener for an excellent presentation on historic preservation. She stated she gets to see behind the scenes and watch them in action as they get ready to do this.

Councilwoman Ignatowski stated she does not interfere when someone is up for public forum comments because she doesn't want to take their time out addressing the Town Board. She stated if people have comments, she addresses them at the time they come to that matter on the agenda. She stated it is not a lack of response to the questions. She stated she just does not want to take away from the people's time.

Supervisor Hendershott stated at the last meeting, Councilman Slattery brought forward a calendar regarding the local bridges that includes the Stuart Road Bridge. He stated it took quite a bit of tracking down, but they did get to the source of it, and they have purchased a number of the calendars to resell at their cost to the public. He stated they are available in his office if anyone is interested in them, and they are \$10 a piece. Supervisor Hendershott they're a nice calendar. He stated the pictures are great on it. Supervisor Hendershott thanked Councilman Slattery for bringing that to their attention.

**CORRESPONDENCE:**

Letter dated December 1, 2003 from J. Donald Faso, Chair of the Planning Board, stating that Dario Marchioni's term on the Planning Board will be expiring on 12/31/03 and recommending he be re-appointed for another term to expire 12/31/10.

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**RESOLUTION #392 RE: Rezoning of 741 Paul Road (Chili Meadows) from RB to PNOD**

**Offered by: Supervisor Hendershott**

**Seconded by: Councilwoman Sperr**

**WHEREAS**, the Planning Board at their meeting of September 16, 2003 approved by a vote of 5 Aye to 0 Nay to recommend to the Town Board that 741 Paul Road be rezoned from RB (Restricted Business) to PNOD (Planned Neighborhood Overlay District); and

**WHEREAS**, the Town Board declared itself lead agency for SEQRA review purposes at their meeting on September 17, 2003 and the Town Clerk was ordered to send notification of such designation to all affected agencies; and

**WHEREAS**, a Public Hearing was held on October 15, 2003 at 6:00 p.m. at the Chili Town Hall to consider the rezoning application for Chili Meadows, located at 741 Paul Road, owned by Fallone Enterprises, Inc.; and

**WHEREAS**, the Town Board finds that the development shall be served by both public water and sanitary sewer; and that the overall development of the site meets the long-term needs of both the PNOD site and the neighborhood; and that the development will not result in any major or potentially significant adverse environmental effects, in particular adverse effects on traffic safety and significantly increased noise levels, and

**WHEREAS**, the Town Board has reviewed the record and considered all the input concerning the environmental impact of the proposed rezoning;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board makes a determination of no significant Environmental impact concerning said rezoning; and

**BE IT FURTHER RESOLVED** that the Chili Meadows property located at 741 Paul Road is hereby rezoned from RB (Restricted Business) to PNOD (Planned Neighborhood Overlay District) and orders the Town Clerk to send notification of the rezoning to all interested and involved agencies.

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**Motion to table:**

**Offered by: Councilman Powers**

**Seconded by: (no second)**

Motion dies for lack of a second.

UNANIMOUSLY APPROVED

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**RESOLUTION #393 RE: Extension of Consolidated Drainage District**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**BE IT RESOLVED** that the Consolidated Drainage District be extended to serve property located at 236 Old Chili-Scottsville Road. The tax account number is 158.020-01-010.000 and the applicants/owners are Glenn and Jane Schneider.

UNANIMOUSLY APPROVED

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**RESOLUTION #394 RE: Extension of Consolidated Drainage District**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Sperr**

**BE IT RESOLVED** that the Consolidated Drainage District be extended to serve property located at 210 Krenzer Road. The tax account number is 173.020-01-007.000 and the applicant/owner is Marjorie S. Wehle.

UNANIMOUSLY APPROVED

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**RESOLUTION #395 RE: Landmark Status for the Moffett/Dasson House**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilwoman Ignatowski**

**BE IT RESOLVED** that the premises known as the Moffett/Dasson House located at 3017 Chili Avenue is hereby designated a "Landmark" as recommended by the Historic Preservation Board and as per Local Law #3 of 1993. The tax account number is 146.07-1-63.

UNANIMOUSLY APPROVED

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**RESOLUTION #396 RE: Establishment of Sidewalk District for the Vista at the Links Subdivision**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Sperr**

**BE IT RESOLVED** that a sidewalk district be established for the Vistas at the Links Subdivision located at 210, 230, 252 and 280 Archer Road; 573, 555, 553, 549, 413 and 411 Paul Road and 420 Ballantyne Road. The tax account numbers are 146.04-01-019, 146.04-01-018, 146.04-01-013, 146.04-01-008, 146.04-01-007, 146.04-01-006, 146.04-01-005, 146.04-01-002.2, 146.03-01-031, 146.03-01-030 and 159.02-01-004. The Applicant/Owner is William Howard of Ballantyne Development LLC.

3 YES TO 1 NO (Councilman Powers) WITH 1 ABSTENTION (Councilman Ignatowski)

**RESOLUTION #397 RE: Right-of-Way Acquisition Agreement Buffalo Road - Union Street**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilwoman Ignatowski**

**WHEREAS**, the State of New York intends to improve and widen Buffalo Road and Union Street in North Chili under project Pin #4033, and

**WHEREAS**, the proposed widening of these highways does require the State to acquire additional width of right-of-way along each of these two highways, and

**WHEREAS**, additional right-of-way will be required from two parcels owned by the Town of Chili, the Community Center parcel on Buffalo Road and the Hubbard Park parcel on Union Street.

**NOW, THEREFORE, BE IT RESOLVED** to authorize the Town Supervisor to execute Right-of-Way Acquisition Agreements between the State of New York and the Town of Chili for these two referenced parcels subject to the review and approval of said agreements by the Town Attorney, and

**BE IT FURTHER RESOLVED** that this Resolution shall be effective immediately.

UNANIMOUSLY APPROVED

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**RESOLUTION #398 RE: Capital Assets Accounting Policy for Financial Reporting**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** to adopt the following Capital Asset Accounting Policy for Financial Department Reporting (GASB#34):

**A. Valuation**

All assets will be recorded at cost based on invoice price and include all necessary costs incurred to place the asset in service. Incidental costs may include, but are not limited to shipping, handling, freight, duties, registration fees, installation costs or insurance during transit. All gifts of capital assets will be recorded at fair value at the time received.

**B. Capitalization (\$ Threshold)**

Assets with a useful life of greater than three years will be considered for capitalization. The threshold to be used for the following purposes and or categories of assets as follows:

**Financial Reporting  
(GASB #34)**

|                            |           |
|----------------------------|-----------|
| Land Improvements          | \$ 25,000 |
| Buildings and improvements | 50,000    |
| Furniture and equipment    | 5,000     |
| Infrastructure             | 50,000    |

**C. Depreciation Method and Used Lives**

All assets will be depreciated using the straight-line method and useful lives will be estimated in the year of purchase. Depreciation expense will be calculated beginning in the year after acquisition.

UNANIMOUSLY APPROVED

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**RESOLUTION #399 RE: Haunted Hayride**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Ignatowski**

**BE IT RESOLVED** that, per recommendation of the Recreation Advisory Committee, the following groups be paid out of the net proceeds from the Haunted Hayride Program to help offset their expenses for assisting with the 2003 Hayride:

|   |          |
|---|----------|
| Gates Chili High School Peer Leadership | \$300.00 |
| Boy Scout Troop 275                     | \$150.00 |
| Girl Scout Troop 558                    | \$150.00 |

UNANIMOUSLY APPROVED

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**RESOLUTION #400 RE: Budget Transfers**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Sperr**

**BE IT RESOLVED** to transfer \$1,800 from DA 5142.499 (Misc. Snow) to DA 5110.4 (General Repairs & Contractual); and

**BE IT RESOLVED** to transfer \$9,000 from Highway Surplus to DA 5130.4 (Machinery - Contractual); and

**BE IT RESOLVED** to transfer \$32,000 from Highway Surplus to DA 5142.1 (Town Snow Labor); and

**BE IT FURTHER RESOLVED** to transfer \$8,201 from A1990.4 (Contingency) to A9010.8 (NYSERS); and

**BE IT FURTHER RESOLVED** to transfer \$21,385 from Highway Surplus to DA9010.8 (NYSERS); and

**BE IT FURTHER RESOLVED** to transfer \$9,584 from Chili Fire Protection District Surplus to SF-104-9025.8 (Service Award).

UNANIMOUSLY APPROVED

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**RESOLUTION #401 RE: Payment of Claims**

**Offered by: Councilwoman Ignatowski**

**Seconded by: Councilwoman Sperr**

**BE IT RESOLVED** to pay vouchers #6101 - 6237 totaling \$355,198.25 from the Distribution Account as presented to the Town Board by Richard J. Brongo, Town Clerk:

|                                |                   |
|--------------------------------|-------------------|
| GENERAL FUND                   | \$102,357.10      |
| HIGHWAY FUND                   | 89,777.96         |
| LIBRARY FUND                   | 21,434.07         |
| CONSOLIDATED DRAINAGE          | 30.67             |
| CHILI FIRE PROTECTION DISTRICT | <u>141,598.45</u> |
| TOTAL ABSTRACT                 | \$355,198.25      |

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

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### PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on December 3, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:14 p.m. actual time) to consider extension of the Consolidated Drainage District to serve the Schneider property located at 236 Old Chili-Scottsville Road.

Attendance as previously noted in the 12/3/03 Chili Town Board meeting minutes.

No one was present to represent the Schneider property located at 236 Old Chili-Scottsville Road.

**COMMENTS OR QUESTIONS FROM THE AUDIENCE:** None.

The Public Hearing was closed at 6:14 p.m.

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### PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on December 3, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:15 p.m. actual time) to consider extension of the Consolidated Drainage District to serve the Wehle property located at 210 Krenzer Road.

Attendance as previously noted in the 12/3/03 Chili Town Board meeting minutes.

No one was present to represent the Wehle property located at 210 Krenzer Road.

**COMMENTS OR QUESTIONS FROM THE AUDIENCE:** None.

The Public Hearing was closed at 6:15 p.m.

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### PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on December 3, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:16 p.m. actual time) to consider landmark status for the Moffett/Dasson House located at 3017 Chili Avenue.

Attendance as previously noted in the 12/3/03 Chili Town Board meeting minutes.

Mr. Widener stated he is Chairman of the Chili Historic Preservation Board and the Historian for the Town of Chili. He stated history and antiques are like ice cream and cake to him; he really likes them a lot. He stated this job is really a pleasure for him to do.

Mr. Widener stated tonight he would like to address the Moffett/Dasson House at 3017 Chili Avenue. He stated about two years ago, he received a phone call from Scott Dasson asking about the requirements for the landmark status of his home. Mr. Widener stated he sent him the information and talked to him on the phone, and at the end of that, the time seemed to lapsed by and he got concerned. He stated about two years later he has an application in front of him during May of 2003. Mr. Widener stated Mr. Dasson said because of career changes and personal life style changes, and the cost to renovate a house, they had to put it on the back burner until now.

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Mr. Widener stated the house is a circa date about 1840. Mr. Widener read the following report:

"In 1993, Scott and Catherine Dasson purchased 3017 Chili Avenue. The purchase consisted of a half acre of land, a barn and a two-story house. Their vision was of restoration. However, as of all great plans and finances, this venture turned several corners to become both restoration and renovation. The modest home, a simple structure included a rubble stone foundation in the original part of the house. Beams were of round logs and hand hewn with straight cut and circular cut floor joists. Post World War II a full basement was added under the house with cinder blocks. The windows were replaced in the 1930s and some of the interior doors are not original to the house. Several of these doors, although not original to the house, are all period type doors bought from Ron Pikuet at one of his barn sales. The first floor consists of five rooms and the second floor has three rooms. Typical of the natural progression of older homes, Scott and Catherine found the rooms very small and began the renovation process of this house with quality additions to their living space. The exterior premises consists of a two-story post-and-beam barn with batten board siding and wood floors. There is a 25 foot hand dug and rock-lined well which is identified by the cast iron pump still sitting on it. During the research of the abstracts, he found the deeds and title dotted with several old family names of the early Chili. To mention just but a few of them: The Groves family, the Tesch family, the Kibbie family, the Moffett family and most recent the Dasson family. In the 1858 mapping location, a Mr. G. Groves owned 95 acres of land to these premises. It is with the aforementioned criteria that he recommends this house, barn and half acre of real estate to become their 11th landmark status home of the Chili Historic Preservation Board."

Mr. Widener stated they also have a plaque that they will present to the homeowner that designates the date. He stated the Historic Preservation Board requires or requests that they attach this to their house or their premises somehow.

Supervisor Hendershott thanked Mr. Widener for a great presentation.

### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

#### JERRY BRIXNER, 14 Hartom Road

Mr. Brixner stated they are honoring their youth and honoring individuals who have excelled in sports on a statewide level, but certainly they recognize the historic interest of their community. He stated a little later they will probably deal with some environmental aspects. He stated as he sees it, living in Chili is a good combination of all facets of life.

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 December 3, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:20 p.m. actual time) to consider establishment of the Vistas at the Links sidewalk district for properties located on Archer, Paul and Ballantyne Roads.

Attendance as previously noted in the 12/3/03 Chili Town Board meeting minutes.

No one was present to represent the Vistas at the Links.

Supervisor Hendershott stated this is an application just to establish a sidewalk district which is a special district. He stated when this is created, those properties within the district will be responsible for paying the cost of maintaining the sidewalks in there. He asked Mr. Faso if this has been granted preliminary. Don Faso stated that was correct.

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Councilman Powers asked if the second phase of the archeological study has been done yet. Don Faso stated he could not answer that. Councilman Powers asked is there going to be a Phase 2 on that site, the Vistas, an archeological study. Don Faso stated he thought it depends on what Phase 1 found. He stated if there is something that needs investigation, that is what Phase 2 is.

Councilman Powers stated they did find something. Don Faso stated apparently the engineer said that it was forwarded for study. He stated he also made a comment that a lot of times they get the stuff and say well, they don't need it; they already have one like it. Councilman Powers asked if there has been indication that the DEC is going to request a Phase 2, or have they. Don Faso stated not to his knowledge.

### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

#### PAUL DOBELSTEIN, 32 Parkway Drive

Mr. Dobelstein it seems to him notwithstanding the question just answered about the archeological study, it seems to be premature for the Board to be taking up a resolution to deal with a sidewalk district when they don't even know what the project is going to entail. He stated there seems to be a great deal of concern on the part of the DEC about the golf course. He stated the housing development seems to depend in some way on the golf courses being built. He stated they don't know if the golf course is going to be built. He stated they don't know if the homes as they are envisioned to go with the golf courses are going to be built. He stated they don't really know anything about any plans to alter the site plan applications for these homes at the Links at Black Creek, and it seems a little premature to be talking about establishing districts for something they don't even know is going to be approved.

Mr. Dobelstein asked if anyone would care to comment on that. He stated it seems as though they are taking a lot of things recently out of sequence. He stated he would just question the Board as to whether the Board actually feels that this is a just and toward action to be trying to establish, trying to usher the project along before they even know if it is going to get SEQR approval.

#### BERNICE WILCOX, Stuart Road

Mrs. Wilcox stated she would like to agree with Mr. Dobelstein that this is certainly out of order at the present time. She stated she was at the Conservation Board meeting, and Mr. Howard was supposed to be there. She stated Mr. Faso at the Planning Board said he was going to be there, but neither of them showed up. She stated it seems to her that they should pay more attention to the Conservation Board. She stated the Conservation Board is supposed to inform, notify, apprise, look at, consider and to recommend their ideas to the Planning Board, but it seems to her that at the Planning Board, the Conservation Board has been brushed aside. She stated they have not given their approval of this project.

Mrs. Wilcox stated she did not understand how they are going to talk about sidewalks when all of these problems are still looming. She stated this is completely out of order, and they shouldn't address it at this time.

Mrs. Wilcox stated she had documents to prove that these people have a very poor track record for doing what they are supposed to do according to the Army Corps, New York State Department of Environmental Conservation. She stated they thought this was going to be a great project in Chili, but as it turns out, it has become very questionable.

Mrs. Wilcox stated they recently had a very heavy rain this past Friday, and the creek was over its banks for three days up at their place, so they are concerned about what is going on there. She stated until all these environmental problems are solved, they should just hold off on any further discussion about sidewalks.

#### DOROTHY BORGUS, 31 Stuart Road

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Ms. Borgus stated she would echo what Mrs. Wilcox and Mr. Dobelstein have just said. She stated they are experiencing very rapid fluctuations in the creek levels since all this filling and development has taken place on Ballantyne Road. She stated it seems to her that they should be dealing with some important issues before they worry about sidewalks.

Ms. Borgus stated she supposes there is no harm in passing this sidewalk provision tonight, but she really does not see any point in it because they have to deal with the major issues before they deal with these smaller ones. She stated this is a big problem down there. She stated she thought that the DEC and maybe the Army Corps of Engineers will finally have decided it is a problem, and until that is settled, she thought these things should be pushed back.

### GAIL LYLE, 736 Paul Road

Ms. Lyle stated she would echo basically what they have all said except for one thing. She stated someone recently asked her why did the builder go from Phase 1 of the golf course to turning around and suddenly be doing the homes. She asked is it maybe the possibility that the golf course is not going to exist.

Ms. Lyle stated she wanted to talk about some of the things they have asked them to do. She stated they are going to have special grasses grow in that area. She stated special grasses take a lot of fertilization, different chemicals. She stated they also require a lot of water. She stated they say they're going to draw the water out of the creek which is going to affect the environment doing that. She stated at the same time, when they start watering all this grass and the chemicals, it is going to wash it right into the water. She stated what it does in the water is it creates too much phosphorus, which is too much algae, and algae blossoms which will spread on into the water and they will have the problem with the quality of water in that area.

### IRENE BRIXNER, 14 Hartom Road

Ms. Brixner stated she thought in the November 17th letter from the New York State Department of Environmental Conservation, Peter Lent, it was suggested that the Town Board rescind its negative impact on their project and make it a positive impact. She stated she was also at the Conservation Board and she heard one gentleman describe how the water was running down, right straight into Black Creek, and they were just astounded at the flow of water and what was happening over there. She stated she thought the statements that were made tonight should be taken into consideration.

Ms. Brixner stated this Town Board is really putting together so much in such a short period of time and the water level is really rising. She stated Archer Road already has water in it, and usually it freezes and they wait until spring and they see the water. She stated now it is even higher. She stated it is high.

Ms. Brixner stated she really thinks that all of the comments made tonight are legitimate and the Board should really think hard before they make a decision like this.

### CHARLES RETTIG, Coldwater Road

Mr. Rettig stated he again would like to state that he thought the Board is putting the cart before the horse by the fact that they have no final site plan approval. He stated they have a developer that hasn't proven himself. He stated they have no sidewalks that have been built, or they could be changed with the final site plan approval. He stated nothing has been built. He stated they don't know if they're built or will be built to standards or what standards.

Mr. Rettig stated there is a November 17th, 2003 letter from the New York State DEC, Peter Lent, to the Planning Board, Don Faso. Mr. Rettig stated Councilman Powers did ask a question in regard to a Phase 2 archeological study. He stated that letter does propose that there would be a possible Phase 2 archeological study. He stated and if there is that final request by the State for an archeological study, that that has to be done before sidewalks are built.

Mr. Rettig stated the second part is the storm water study for sidewalks, streets, and buildings, that

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does need to be done with an engineering study. He stated they have no firm documentation on sidewalks to date. He stated it is putting the cart before the horse. He stated if this Board, and its members are looking at this carefully, there should be no rush to judgment here by the towns people, or the Board. He stated this should be tabled at this time.

The Public Hearing was closed at 6:32 p.m.

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**NEXT MEETING:**

Town Board - 12:00 noon on December 31, 2003 to pay year-end bills and other business as needed.

The meeting was adjourned at 7:47 p.m.