

## CHILI TOWN BOARD

February 5, 2003

A meeting of the Chili Town Board was held on February 5, 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; David Lindsay, Engineer Representative  
for the Town; Joseph Carr, Commissioner of Public Works/Superintendent  
of Highways; Dianne O'Meara, Director of Finance.

The invocation was given by Reverend Rodney Jones of Grace Covenant Church.

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

The meeting was paused for a moment of silence in honor of the seven astronauts who lost their lives in the space shuttle Columbia tragedy.

### PRESENTATION

Supervisor Hendershott stated the Town Board wanted to make a special presentation regarding a certificate of recognition for Robert Munger, who is the leader of the Town's special police force. Supervisor Hendershott stated Robert Munger has been with the Town's special police force for 17 years. Supervisor Hendershott stated some of the things that Mr. Munger and his crews are involved in are working for traffic control at the Easter Egg Hunt, the Chil-E Fest, the Haunted Hay ride. He stated sometimes they actually get called to assist with traffic control at accidents. He stated there is a lot of dedication involved, because if it is snowing and blowing like this year and something happens, Mr. Munger grabs his coat and rushes right to the scene.

Supervisor Hendershott presented Mr. Munger with a certificate of recognition from the Town honoring Mr. Munger's 17 years of service to the Town of Chili. Supervisor Hendershott stated on behalf of the Town Board and all of the residents, they really wanted to thank Mr. Munger for that service. Mr. Munger stated it has been a pleasure to work with the Supervisor and all the Town Board and past Supervisors he has worked with.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. Five speakers addressed the Town Board on various subjects, and the Public Forum concluded at 7:26 p.m.

The 1/2/03 and 1/15/03 Town Board minutes were approved as submitted.

### REPORTS SUBMITTED:

Examining Board of Plumbers Year End Report  
Examining Board of Plumbers - 1/6/03

# CHILI TOWN BOARD

February 5, 2003

Zoning Board of Appeals - 12/17/02  
Traffic & Safety Committee - 1/6/03  
Senior Center Year End Report  
Recreation Advisory Committee - 1/8/03  
Historic Preservation Board - 1/13/03  
Drainage Committee - 1/7/03  
Planning Board - 12/10/02 and 1/14/03  
Town Clerk Report - January 2003

## COUNCIL MEMBERS' REPORT:

Richard Brongo stated they have had a number of requests from their constituency that they would like to see Town Board minutes posted on their website. He stated they have looked into that, and Supervisor Hendershott and he have talked about it, and they feel it is a good idea. He stated so once they get the official Town Board minutes in, they are going to look to post them on the website for a period of time. He stated it will not be archived up there, but hopefully they will leave them up for a month or so so that residents will have the opportunity of looking at those Town Board minutes. He stated they will start with the January minutes of this year, as soon as they get the approved ones in. He stated so hopefully by the time the next meeting rolls around, they will have posted Town Board minutes.

Councilwoman Sperr asked if they will post them once they're approved at their Town Board meeting by the Board. Richard Brongo stated that was correct.

Supervisor Hendershott stated the disk golf seems to be the topic tonight. He stated as the Board and members of the public know, he has requested that their Recreation Department assess the program. He stated they did do that. He stated they have the data. He stated they are analyzing the data, and they should have a report to the Board very soon on that, on the disk golf program over there.

Supervisor Hendershott stated it is a public park. He stated any member of the public can go there and play disk golf or go on the property, whether they have a little event or not. He stated it is public property, whether someone is a Chili resident or not. He stated they can't restrict that any more than they can restrict Davis Park or any of the others. He stated but they will have a report for the Board to review once they are finished looking at this data.

## CORRESPONDENCE:

- \* Letter dated January 16th from Richard J. Brongo, Town Clerk, stating that he received notification from Colon Management, Inc. Goody Goodies Shoppe Ltd., 1200 Brooks Ave. that they have applied for a Liquor License Renewal.
- \* Letter dated January 24th from Richard J. Brongo, Town Clerk, stating that he had received notification from Chili Country Club, Inc. that they have applied for a Liquor License Renewal.
- \* Letter dated January 3rd from Jack Doyle, County Executive, stating the County is in receipt of our request to be lead agency under SEQRA for Local Law #1 of 2003 regulating signs and

that

they do consent to us serving in that capacity.

\* Letter dated January 10th from Jack Doyle, County Executive, stating the County is in receipt of our request to be lead agency under SEQRA for the Chili Avenue Improvement Project and that they do consent to us serving in that capacity.

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Councilman Slattery made a motion to rescind Resolution #63, and Councilwoman Sperr seconded the motion. All Board members voted yes on the motion.

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**RESOLUTION #135 RE: Assistant Assessor**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Sperr**

**BE IT RESOLVED** that Jennie Miller be reappointed as Assistant Assessor and shall be paid an annual salary of \$35,788 (27D) effective Pay Period 1, 2003, expenses to be paid by Voucher as incurred.

UNANIMOUSLY APPROVED

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**RESOLUTION #136 RE: Set Public Hearing for March 5, 2003 at 6:00 p.m.**

**Offered by: Councilwoman O'Connor**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** that a Public Hearing be set for March 5, 2003 at 6:00 p.m. to consider the adoption of Local Law #1 of 2003, as modified, amending the existing Section 115-34 of the Code of the Town of Chili entitled "Sign Regulations."

**BE IT FURTHER RESOLVED** that the Town Board has previously declared itself lead agency for SEQRA review purposes and has sent notification of such designation to all interested and affected agencies.

UNANIMOUSLY APPROVED

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**RESOLUTION #137 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 the VanBlargan Subdivision located at 360 Humphrey Road. The tax account number is 173.01-1-1. The Applicant/Owner is Nancy Kita.

UNANIMOUSLY APPROVED

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Planning for the year 2003 in which the Town will receive reimbursement of \$18,308.00.

UNANIMOUSLY APPROVED

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**RESOLUTION #142 RE: Purchase of Popcorn Machine & Supplies**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman O'Connor**

**WHEREAS**, Tricia Schirmer, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, request the purchase a popcorn popper for the Senior Center;

**NOW, THEREFORE, BE IT RESOLVED** that the Director of Programs for the Aging is authorized to purchase a popcorn machine and supplies at a cost not to exceed \$600 from fundraising revenues.

UNANIMOUSLY APPROVED

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**RESOLUTION #143 RE: Motor Coach and Professional Services for Chili Senior Center**

**Offered by: Councilwoman Sperr**

**Seconded by: Councilman Slattery**

**WHEREAS**, proposals were obtained to provide services for six (6) day trips for senior citizens. Two proposals were received as follows: Koning Day Tours for \$352.00 per person and AAA for \$393.00 per person;

**WHEREAS**, the Director of Programs for the Aging and a committee of volunteers have reviewed all information received and have made a recommendation for award,

**NOW, THEREFORE, BE IT RESOLVED** to award professional services requested to Koning Day Tours.

UNANIMOUSLY APPROVED

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**RESOLUTION #144 RE: Midway Rides of Utica for "Chil-E Fest"**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Sperr**

**BE IT RESOLVED** that per recommendation of Eric Bacon, Director of Recreation, Supervisor Hendershott is hereby authorized to enter into a contract with Midway Rides of Utica for the provision of Amusement Rides at the 2003 "Chil-E Fest", Thursday, July 17 - Sunday, July 20 2003. The contract is subject to review by the Town's Attorney.

UNANIMOUSLY APPROVED

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**RESOLUTION #145 RE: Fireworks for 2003 "Chil-E Fest"**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman O'Connor**

**WHEREAS**, four proposals were received for providing a fireworks display at the 2003 "Chil-E Fest" each in the amount of \$6,000 from the following vendors:

Young Explosives Corporation, American Fireworks, Pyrotecnico, and Chili Pyrotechnics

**NOW, THEREFORE, BE IT RESOLVED**, that per recommendation of Eric Bacon, Director of Recreation, that Supervisor Hendershott is hereby authorized to enter into a contract with Young Explosives Corporation for the provision of professional fireworks displays at the 2003 "Chil-E Fest" on Sunday, July 20, 2003, in the amount of \$6,000.

UNANIMOUSLY APPROVED

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**RESOLUTION #146 RE: Authorizing the Commencement of Eminent Domain Proceedings and the Retaining of Legal Counsel for Related Services in Connection with the Chili Avenue Improvement Project**

**Offered by: Councilman Slattery**

**Seconded by: Councilwoman Sperr**

**WHEREAS**, the Town of Chili (the "Town") has deemed it necessary to construct the Chili Avenue Improvement Project; and

**WHEREAS**, in order to construct the improvements it shall be necessary to acquire lands or rights in lands from private landowners; and

**WHEREAS**, the acquisition of such lands or rights in lands may require direct negotiation with landowners or appropriation through eminent domain; and

**WHEREAS**, it shall be necessary to engage legal counsel to represent the Town in any eminent domain proceedings (the "proceedings"); and

**WHEREAS**, the construction of the Chili Avenue Improvement Project and the acquisition of the lands or land rights incident thereto are for a public use.

**NOW, THEREFORE**, the Town Board of the Town of Chili does hereby resolve as follows:

1. The acquisition of lands or rights in lands for the improvements is necessary for a public use.
2. The commencement of eminent domain proceedings in furtherance of the project are hereby

authorized, if necessary.

3. The Town Supervisor is authorized to engage the Law Firm of Underberg & Kessler LLP, 1800 Chase Square, Rochester, NY 14604, to represent the Town in the proceedings.
4. The compensation for said representation shall be on an hourly basis pursuant to the following schedule: Partners: \$195                      Associates: \$160                      Paralegals: \$90
5. The total compensation for the legal services authorized hereby shall not exceed the sum of \$15,000.

UNANIMOUSLY APPROVED

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**RESOLUTION #147 RE: Set Public Hearing for March 5, 2003 at 6:00 P.M.**

**Offered by: Councilwoman O'Connor                      Seconded by: Councilman Slattery**  
**BE IT RESOLVED** that a Public Hearing be set for March 5, 2003 at 6:00 p.m. to consider extension of the Consolidated Drainage District to serve the properties located at 93 and 97 Ballantyne Road. The tax account numbers are 147.19-1-55 and 147.19-1-56. The Applicant/Owner, Steven Rosati, has paid the requested fees.

UNANIMOUSLY APPROVED

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**RESOLUTION #148 RE: Set Public Hearing for March 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 March 5, 2003 at 6:00 p.m. to consider extension of the Consolidated Drainage District to serve Zukatis-Town Line Subdivision located at 12, 14 & 16 Chili-Riga Town Line Road. The tax account numbers are 171.020-02-001.000, 171.020-02-002.000 and 171.020.02-010.000. The Applicant/Owner, Eilleen A. Zukaitis, has paid the requested fees.

UNANIMOUSLY APPROVED

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**RESOLUTION #149 RE: Set Public Hearing for March 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 March 5, 2003 at 6:00 p.m. to consider extension of the Consolidated Drainage District to serve property located at 816 Ballantyne Road. The tax account number is 159.03-1-9.11. The Applicant/Owner, Mark Corio, has paid the requested fees.

UNANIMOUSLY APPROVED

**RESOLUTION #150 RE: Special Prosecutor for Code Violations**

**Offered by: Councilwoman O'Connor**

**Seconded by: Councilwoman Sperr**

**WHEREAS**, the Town Board of the Town of Chili, Monroe County has been advised that in order to properly prosecute certain violations of the Town of Chili Ordinances and Local Laws, it is necessary to obtain the appointment of the Assistant Counsel of the Town as Special Prosecutor; and

**WHEREAS**, the Town Board desires the Assistant Counsel for the Town, Keith O'Toole, Esq., be appointed as Special Prosecutor for this purpose, and,

**WHEREAS**, the Town Board, once it has so appointed the Assistant Counsel for the Town, would ask the District Attorney of the County of Monroe to approve the appointment and take whatever steps are necessary to authorize the Assistant Counsel for the Town to act as Special Prosecutor for these purposes.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Chili hereby appoints Assistant Counsel for the Town, Keith O'Toole, Esq., to act as a Special Prosecutor for the purpose of prosecuting any alleged violations of or offenses against the Ordinances, Local Laws and Code of the Town of Chili, in and for the Town of Chili, in the County of Monroe and requests the District Attorney of the County of Monroe to approve the appointment made herein and take whatever steps are necessary to properly authorized Keith O'Toole, Esq. to act as a Special Prosecutor as set forth herein.

UNANIMOUSLY APPROVED

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**RESOLUTION #151 RE: Letter of Credit Release for Whispering Winds IIIB**

**Offered by: Councilman Powers**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** that per recommendation of the Town Engineer, \$23,300.27 be released from Letter of Credit #SDCMTN541339 with HSBC Bank, leaving a balance of \$0.00; subject to payment of engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

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**RESOLUTION #152 RE: Letter of Credit Release for Springbrook Section G**

**Offered by: Councilman Powers**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** that per recommendation of the Town Engineer, \$30,504.35 be released from Letter of Credit #SDCMBF540685 with HSBC Bank, leaving a balance of \$0.00; subject

to payment of engineering fees and street light bills to the Town.

UNANIMOUSLY APPROVED

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**RESOLUTION #153 RE: Establish Letter of Credit for Paul Road  
Industrial Park Subdivision, Phase A**

**Offered by: Councilman Powers**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** that per recommendation of the Town Engineer a letter of credit be established for Paul Road Industrial Park Subdivision, Phase A, in the amount of \$255,494. Items within the letter of credit to include, but are not limited to, full depth construction of approximately 1,400 linear feet of roadway, construction of an internal storm sewer system, erosion control measures, earthwork, street trees, right-of-way monumentation, removal of existing facilities not compatible with the proposed site work 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 #154 RE: Payment of Claims**

**Offered by: Councilman Powers**

**Seconded by: Councilman Slattery**

**BE IT RESOLVED** to pay vouchers 263 - 557 totaling \$331,043.04 from the Distribution Account as presented to the Town Board by Richard J. Brongo, Town Clerk:

GENERAL FUND	\$ 82,565.32
HIGHWAY FUND	96,631.69
UNEMPLOYMENT INSURANCE	5,670.00
H35 CHILI AVE. DO17381	10,528.37
H36 CHILI SEWER IMPROVEMENT BENEFIT #1	1,550.00
H38 ANNUAL 2002-03 REASSESSMENT PROGRAM	6,203.00
CONSOLIDATED DRAINAGE	596.99
CLIFTON FIRE PROTECTION	109,555.00
CHILI-SCOTTSDALE FIRE PROTECTION	17,631.00
SPECIAL LIGHT DISTRICTS	<u>111.67</u>
TOTAL ABSTRACT	\$331,043.04

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 February 5, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:08 p.m. actual time) to consider extension of the Consolidated Drainage District to serve the Van Blargan Subdivision located at 360 Humphrey Road.

Attendance as previously noted in the 2/5/03 Chili Town Board meeting minutes.

No one was present to represent the Van Blargan Subdivision.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed at 6:08 p.m.

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PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on February 5, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:09 p.m. actual time) to consider extension of the Consolidated Drainage District to serve the property located at 4215 Buffalo Road owned by Richard Gilmore.

Attendance as previously noted in the 2/5/03 Chili Town Board meeting minutes.

No one was present to represent Richard Gilmore

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Jerry Brixner - 14 Hartom Road

He asked where 4215 Buffalo Road is. Supervisor Hendershott stated it is on the corner of the street that goes into the Mayflower Subdivision, opposite where the Sheriff's Department substation is. Mr. Brixner asked on the north side. Supervisor Hendershott stated south side of Buffalo Road, west side of Fox Tail.

The Public Hearing was closed at 6:10 p.m.

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PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on February 5, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:00 p.m. (6:10 p.m. actual time) to consider the proposed Chili Avenue roadway widening project, including the impacts of the proposed construction and the impacts of necessary right-of-way acquisitions.

Attendance as previously noted in the 2/5/03 Chili Town Board meeting minutes.

Supervisor Hendershott stated present this evening were representatives from Passero Associates, who is the engineer on the project. He stated John Caruso was present to give a presentation on this. He stated over on the wall of the meeting room was a drawing of this project. Supervisor Hendershott invited anyone to walk over and take a look at the drawing while the presentation is going on.

Mr. Caruso stated it has been a long time coming for them to go through the process of preparing construction drawings to the degree that they have, and they are at about the 50 percent mark. He stated he wanted to describe a little bit to the public about how does this come to be and what is driving them and what they are proposing.

Mr. Caruso stated they are sort of glad to see that the Supervisor has, in his wisdom, found a way to get New York State D.O.T. to help create a pass-through project, and that is what really drives this. He stated without the funds to do anything, nothing happens. Mr. Caruso stated so it is really good what they have done, gone out and sought to get New York State D.O.T. to bring this as a pass-through project to the Town of Chili, because D.O.T. wasn't just going to go and do this on their capital improvement list.

Mr. Caruso stated so in looking at a project like this, they actually do a needs assessment, and they go down Chili Avenue and look to see what needs to be improved along this area, and they look at traffic volumes and traffic accidents. Mr. Caruso stated what they found in their preliminary design report was that the accident rates were pretty high, higher than normal in a corridor of this size and with a populous around the Chili Center area.

Mr. Caruso stated they looked to see what was causing that, and mostly it was turning movements and rear-end collisions in and around the corridor of this section. He stated so they looked at how could they improve that, and if they were to add an extra lane in this area, would that resolve these issues, and they found that yes, it would. He stated it would improve the safety and improve some of the traffic flow.

Mr. Caruso stated when they did that, and they have looked at the alternative analysis, they found that some of the objectives they set up front in the project were to improve pavement geometry and to improve traffic capacity so that safety to the Chili Avenue corridor was met. He stated and by adding the extra lane, they found that that was the alternative that they were looking to achieve.

Mr. Caruso stated they are proposing to add an 11-foot lane on the north side of Chili Avenue, and that would give them a new pavement section going from the south curb. He stated there would be an eastbound travel and then there would be a center turn lane. He stated then there would be the existing westbound travel lane, and then there would be a new westbound travel lane. He stated in order to accommodate that, they need to shift the pavement, the sidewalk and tree lawn over about 11 feet. He stated in doing so, they will be putting back the tree lawn, a new sidewalk. He stated the telephone poles will stay where they are and they will move the trees from where they are right now to the curb, to the back side of the sidewalk.

Mr. Caruso stated so when it is all said and done, it will look like it was supposed to have been

done ten years ago when they cut this lane out. He stated they found out during the course of their design, this was planned for ten years ago approximately. He stated what they did is when they found there was a need for pedestrian traffic in the corridor center, they opted to put the sidewalk in rather than the lane they are looking to put back in now. He stated hindsight is 20/20 and they can see now they can achieve both the same thing and only ten years later, they will have what they should have had ten years ago.

Mr. Caruso stated other improvements along the corridor with the new travel lane will be the bus shelter that they are proposing to be moved on the other side of the Town Hall entrance to Public Works and the Senior Center. He stated there is a bus shelter there now. He stated it is sort of in the wrong position because it creates a bit of a safety issue. He stated so again, in the name of safety, they are moving the bus shelter on the east side of the entrance to the old Town Hall.

Mr. Caruso stated they will put a signalized intersection, they are proposing at this time, at that intersection with the plaza and the old Town Hall, and then they will have a pedestrian crosswalk there moving park-and-ride motorists from parking over at the plaza over to get onto the bus. He stated it is similar to what they have now, except it will be protected with a light. He stated so that is the very short version of what they propose to do.

Mr. Caruso stated there will be a right-of-way taking that needs to be done on the north side. Mr. Caruso stated he has met with many of the business people along that corridor and explained it to them, and everyone indicated this has been needed. He stated then they would like to know what is the impact to their property.

Mr. Caruso stated the impact they can generally describe now is about a taking of about 10 feet. He stated it varies along the corridor, but generally it is an average of a 10-foot taking. Mr. Caruso stated then there is some disturbance to their driveway.

Mr. Caruso stated during construction there will be an on-site representative, a construction inspector, engineer, who will see to it that the contractor pays attention to the property owners' needs of getting in and out so the businesses can function. He stated that was really the biggest criticism that they got when the D.O.T. ran the project along Chili Avenue, that some of these people weren't coordinated with. He stated their water was shut off and they didn't know it was going to be shut off and things like that. Mr. Caruso stated they got very good feedback and input from meeting with these people so that they don't make these same mistakes as they move the project forward.

Mr. Caruso stated the process from here on in is they need to finish their final decision report, and when they do, they will present it to the Board. He stated the Town's consultants will have reviewed it and recommended that they accept it or not. He stated if they do accept it, they will finish the construction drawings, and then they will have those properties appraised by their appraisers.

Mr. Caruso stated after the appraisers appraise the property, they'll give it to another set of appraisers. He stated that way they are double covering, they are double accurate that everybody is fairly compensated for their parcel. He stated and the second set of appraisers will make sure

the appraisal is accurate, and only after D.O.T. and the Town accepts the final documents, will then they make an offer through the Town Council, working with them, on the land.

Mr. Caruso stated when the land is then turned back to them and they have a whole composite strip of land that they can then give to the State, then they can bid the project out and go to construction. He stated and with all that said, they are anticipating doing that after the Chil-E Festival, plus or minus July.

Supervisor Hendershott stated in '89 when they first started this project, when D.O.T. did it the first time, they did not go around and have personal meetings with the individual property owners. Supervisor Hendershott stated he has spoken to the owners of Chili Liquor, the manager of the Bank of Castile, and they were just so thrilled that Mr. Caruso's team took the time to go and talk with them about the project. Supervisor Hendershott stated on behalf of all of the property owners, he wanted to thank them for that effort.

Councilman Slattery stated he hopes the construction will be after the Chil-E Fest. Mr. Caruso stated they wouldn't do it until after the Chil-E Fest.

Councilman Slattery stated at the Genesee Transportation Council, a lot of public came out in support of this project, from not only the effort by the Town, but by the citizens, as well, to enlighten the Transportation Council. He stated he wanted to thank the public that did come out, as well.

Councilman Slattery asked if they are going to have continuous two-way traffic going through there. Mr. Caruso stated they will. He stated one of the good things about the project is the westbound lane will continue to allow traffic to move through there. He stated they have the center turn lane in the event they have to go north or south because of pavement construction, but they have plenty of room to keep travel in each direction and allow safe turns out there.

Councilman Slattery stated they need to have communication with the Fire Department. He stated because of their response, their need to get out to serve the public, the coordination with them would be great.

Councilman Slattery asked if there will be public meetings throughout the project, or before it begins, will there be informational meetings. Mr. Caruso stated there will be one more informational meeting. He stated he did not know if it will be with the final construction drawings being done or with the neighbors prior to construction, but it will be in the spec book that they're required to notify them of any changes.

Mr. Caruso stated the project isn't really that big of a job where they can't coordinate with the dentist office doing his driveway on Saturday, when he is not open. He stated fortunately, Chili Liquor has two driveways. He stated they can work on one when the other one needs to be left open and vice-versa. He stated the same with the plaza. He stated the residents need some special attention because they only have one driveway, but the Bank of Castile has a back door entrance off the plaza. Mr. Caruso stated they have a lot of good back-up.

Councilman Slattery stated they should be in contact with the youth groups, because of the south side of the project affecting Memorial Park. He stated Chili Baseball and Chili Soccer have some upcoming meetings. He stated the Town has one coming up, a joint one with those two organizations and they will spread the word. Mr. Caruso stated they will coordinate anything that needs to be done through Recreation. Mr. Caruso stated the Board should feel free to give anyone in charge there his name and number and that way they can further coordinate with them about scheduling as things start to develop towards those big dates and starting of construction in the summertime.

Councilman Powers stated in regards to the Fire Department, for years they have tried to get a light there at the firehouse, like the one over in Gates. He asked has any consideration been given to putting one in here. Mr. Caruso stated the problem they have with that is it would be absolutely too close to the signal light at the Chili Plaza entrance in alignment with the Town Hall. He stated the signal lights in that close proximity actually create conflict and havoc. He stated what they are thinking of is that by the placement of a signal light at that driveway, it will actually create gaps for the whole corridor for people to get in and out, as people move through that signal light. He stated it will be a gap generator. He stated they did not look to try to put a signal light there for them to get out just because they know it would conflict with the other one.

Councilman Powers stated if they look at the one other in Gates, Fisher Road comes out into Chili Avenue, and it is not that far. He stated there is not much difference in distance than would be here in the center. Mr. Caruso stated he would be happy to bring it up to the State representatives who review their plans and actually issue the warrants for the lights and talk with them to see if it is viable, but he knows it would be a hard sell. He stated it is worth asking. Councilman Powers stated he thought the Fire Department would appreciate it.

Councilman Powers asked do they have a ball-park figure in mind as far as land acquisition goes. Mr. Caruso stated they do not. He stated he is not an expert in that. He stated when he met with the people, he would have loved to be able to say their land is worth so much money, but he did not know the answer to that yet.

Mr. Caruso stated they have two professionals they hired, and that is where their expertise is. He stated so they are just finishing up how much of their land that they need, through the design. He stated that is a big step for them, because they need to get how much of one's land do they need once they build the road and then they can quantify it. He stated it is an acreage thing. He stated all of the pieces of land along the road, including the residential homes near Rose Road are commercially zoned, not residentially zoned. He stated so he thought if anybody had any preconceived notions of the value of their land, they may be surprised to see what it is worth, because it is commercially zoned.

Councilman Powers stated he was assuming that those monies would come out of the 690,000. Supervisor Hendershott stated the right-of-way acquisitions are built into the total cost of the project.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Irene Brixner - 14 Hartom Road

She stated she had a question about the money being given to the owners of the land. She asked will they be getting that money immediately, before they do the project, or will they be getting that money way down the road sometime in the future. Mr. Caruso stated he thought the actual transaction has to take place before they can start to do work on their property, so he is assuming it is up front. Ms. Brixner asked is that true of all projects in the Town. Supervisor Hendershott stated he did not know if he could answer that, but on this one, that is certainly the case.

Ms. Brixner asked just exactly how many feet of ripping apart Chili and replacing it is this going to entail. Mr. Caruso stated approximately 2200 feet, about half a mile. Ms. Brixner stated there was a map in the newspaper that was very misleading about the project starting where Coldwater Road is. Supervisor Hendershott stated it is not starting at Coldwater Road.

Ms. Brixner stated Mr. Slattery brought up that people were for this project, they came out in support of this project. She stated she certainly thought it was a good idea, too. Ms. Brixner asked however, at that time, did they ever say they were going to advance the money for the project, \$1,100,000. She stated she never remembers hearing anything like that.

Supervisor Hendershott asked if she meant as far as the pass-through project. Ms. Brixner indicated she meant that the Town was going to advance this money. Supervisor Hendershott stated he could not remember at what point that that happened, but certainly when they made the original application, that was not the case. He stated in order to get the project at some point along there, this is what it had to be. He stated so it changed in that, but he couldn't say if that was before or after that meeting because he just doesn't recall.

Ms. Brixner stated there are a lot of roads in this Town that need fixing. She stated the Union Street/Buffalo Road intersection is such a terrible situation. She stated she knows this is more for design than for anything else. She stated they have lived with it quite well for ten years, and there is not a pothole in that street, not a pothole. She stated it just floors her that in Town that with the State and federal government complaining about not having money to pay for things, and the big deficits in the paper today, that the spending keeps going. She stated Patacki still wants 6 percent more, increased his budget from last year. She asked what are they doing. She asked are they just advancing money and not being concerned about when they get it back. She stated that is what bothers her.

Ms. Brixner stated \$1.1 million isn't like \$10,000 they might be giving to fix the sidewalks on Buffalo and Union Street, which she thinks is a good idea, because there is a lot of traffic there. She stated it has to be done.

Ms. Brixner stated she is totally disappointed in this Town Board for releasing that kind of money so urgently and readily like they have got it to spend. She stated she wished she knew what their budget was really like, but this Town Board doesn't seem to want to tell people about the money part. She stated the Town Board alienates itself from the people. She asked why don't they inform them. She asked why did they wait until now, and all of a sudden, \$1.1 million, like it is a small amount of money.

Ms. Brixner asked do they have any idea when they will get the money back. Supervisor Hendershott stated it is a pass-through project. He stated this is dedicated funding. He stated 80 percent of it is federal money. He stated 20 percent of it is State money. He stated it is not dependent upon a budget. He stated it is capital money set aside in previous transportation appropriations. He stated they submit the billing on it, and then they get refunded within months.

Ms. Brixner asked have they gotten any payments as of now. She stated she knows they have paid some engineering fees. Supervisor Hendershott stated he would have to look at that.

George Barnett

He stated it was indicated earlier that all of the property owners that are going to be affected are quite happy with the project. He stated he would like to know if that is the case, why they still have to retain counsel for Eminent Domain proceedings. Supervisor Hendershott stated he did not know if every property owner is happy with it or not, to be honest. He stated he knows there is a large majority that is happy with it. He stated, however, on any of these projects, they have to plan for the possibility that that is going to happen, and that is how they are moving forward.

Mr. Barnett stated but then it is not true, the previous statement that everybody is happy. Supervisor Hendershott stated he did not think that was the statement made. Mr. Barnett stated he thought it was. Supervisor Hendershott stated then it is not true. He stated it is an error. He stated maybe it is everybody. He stated maybe it is not.

Dorothy Borgus - 31 Stuart Road

Ms. Borgus asked how will Chili finance this expense until they're reimbursed. Supervisor Hendershott asked if she was asking him how they are going to handle the budget account. Ms. Borgus asked where will the money be drawn from. She asked will it be borrowed. Supervisor Hendershott stated it will probably come out of the general fund and get reimbursed. Dianne O'Meara stated that was correct.

Ms. Borgus stated they now have that money invested. Supervisor Hendershott stated that was right. He stated they have monies invested in the Town. Ms. Borgus asked will Chili be reimbursed for the loss of interest on that money while they have it involved in the project. Supervisor Hendershott stated he did not know the answer to that.

Ms. Borgus stated she thought that was something they should look into. Supervisor Hendershott stated he would look into it. Ms. Borgus stated this is a serious cost. She stated with the interest rates today, if they tie up that much money for months, probably more like a year, this is a serious loss to the Town. Ms. Borgus asked has anybody looked into probable interest rates. She stated in the event they could be reimbursed, she thought they should look into the mathematics of this and come up with an estimated cost they would expect to get back from both the federal and the State government to cover their costs.

Steve Ginovsky - 19 Hubbard Drive

Mr. Ginovsky stated Mr. Caruso mentioned that all of the people are happy, business people and

as such. He stated he just heard that that could be in error. Mr. Ginovsky stated Mr. Hendershott made mention that the legality point that would be required to get that position is covered with the \$600,000. He stated he remembers hearing that number. He asked why do they have to put a sum of \$15,000 on additional, if that is included.

Jerry Brixner - 14 Hartom Road

Mr. Brixner stated at this juncture, he would be opposed to the project. He stated there are a number of reasons why he is opposed.

Mr. Brixner asked if one of the members from the consulting firm could go to the map and point out specifically where the project starts, what particular intersection and where it ends, giving him any buildings or any firms around that particular area.

Mr. Caruso indicated on the map Paul Road. He stated they start about 250 feet west of Paul Road. He stated just in front of Pizza Hut and Chili Liquor is where the project will start. He stated it goes down in front of the plaza. Mr. Caruso stated there are a couple residential homes and the Bank of Castile. Mr. Caruso stated right about the third house from Rose Road it starts to taper back in and it ties back into the existing pavement right about Rose Road, and that is all about 2250 feet.

Mr. Brixner stated he was also disturbed by the fact that the Town is quote, advancing the money. He stated the budget was set up on January the 15th for \$1.1 million. He stated this is the Town initiating work on a State and federal project. He stated he hasn't heard in his experience the Town doing a State and federal project at that scope. He stated he was wondering how are they

going to finance \$1.1 million. He asked will they do some short-term borrowing. He asked are they advancing monies that they have now. He stated if it calls for the Town to go out and borrow in some fashion, not knowing when the State and federal or the Genesee region will repay those funds, he thought that is risking the Town's money for this particular project.

Mr. Brixner stated there has been a lot of emphasis on the sidewalk. He stated the sidewalk on the north side of this area is in place now, so they are not adding sidewalks. He stated the sidewalk is there.

Mr. Brixner stated he would also like to state just for publicity purposes that the public hearing notice appeared in the January 22nd issue of the Gates-Chili Post. He asked wouldn't the Town Board approve the advertising for the public hearing for tonight and accept that as a Town Board item.

Mr. Brixner stated he was concerned about the legality of advertising to a public hearing. He stated he was not aware there would be a public hearing on this particular project. Supervisor Hendershott stated he would have to check, but he believed at their last Board meeting they set the public hearing.

Mr. Brixner stated with all of the talk of deficit financing at the State and federal level, compared to a narrowing highway, there are other projects in the community that might be more important

for the Town to advance money for instead of this particular project.

Paul Dobelstein - 32 Parkway Drive

He asked if consideration has been given to this project vis-a-vis its impingement or accoutrements provided for for any of the improvements scheduled for the intersection of Chili Avenue and Union Street. Supervisor Hendershott stated no, there is no relation between the two.

Mr. Dobelstein stated he suspected that, but he wanted to check, because he just heard a few minutes ago in the presentation the fact that this project was going to make Chili Avenue the way it should have been ten years ago. He stated the way his mind works, he considers this a logical extension of Town planning, which incorporates make-shift plans based on master plan overlays before it does any master planning. He stated it strikes him that if the corridor in Chili Avenue develops as anticipated, that all they are doing is moving a bottleneck further to the west as people try to get through to the improvements at Union Street, and of course, if it doesn't result in a greater flow of traffic, then they didn't need it in the first place.

Mr. Dobelstein stated the reason he mentions this is, it boggles his mind that somebody comes in and tears up perfectly good pavement before the road needs resurfacing while they have a severe traffic safety problem right at the corner of Buffalo Road and Union Street. He stated they have broken pavement. He stated they have cars going off practically into ditches on the shoulders and they have a high volume of pedestrian traffic trying to use that intersection. He stated he was wondering what is the hurry.

Mr. Dobelstein stated if this Town feels the wherewithal to mount an attack based on dollars to solve the minuscule problems by comparison that Chili Avenue presents, he wonders why the Town can't cough up the money to front something that even Mr. Hendershott has admitted in his writings to the community has been a problem for many, many years. Mr. Dobelstein stated he would ask the Town Board to address some of those concerns, because frankly, the people in North Chili have got a lot of questions, one way or another, and he is afraid except for meetings of this type, they have no recourse to get answers. He stated those of them in North Chili got Supervisor Hendershott's apology about the rotten old State won't see their project through. He stated that is the message they got in North Chili. He stated they want to know why this Town isn't working on that just as hard as it seems to bull this project through to completion.

Supervisor Hendershott stated the two projects involve two completely different funding sources. He stated the project in North Chili has been funded. He stated it has been designed. Supervisor Hendershott stated he thought it is further along than what this project is in terms of design. Supervisor Hendershott stated the State has the money and they have decided to delay that project for six months. Supervisor Hendershott stated that is the answer on it. He stated he finds that unacceptable, but it is funded and it is pretty much designed.

Mr. Dobelstein asked Supervisor Hendershott if he was maintaining his position that the delay in that very critical Union Street/Buffalo Road area is due to the State's lassitude on the project. Supervisor Hendershott stated that was correct.

Dennis Cozan - 45 Stottle Road

Mr. Cozan asked if the funding for this project has already been approved by the State and the federal government, why the Town finds it necessary to front the money in the first place. Supervisor Hendershott stated the project was approved as a pass-through project because New York State D.O.T. was not capable of overseeing the project due to their other commitments. He stated so in order to get approval for the project, the Town had to agree to manage the project, and that includes doing the pass-through. He stated that is why.

Mr. Cozan asked the pass-through is the project, is it not. Supervisor Hendershott stated that is a term for the financing, a pass-through. Supervisor Hendershott stated they are managing the project, not the New York State D.O.T. He stated they have agreed to manage the project, because they were essentially too busy to do it. He stated since they were too busy, it would not have happened, so they decided that they were capable of managing the project. He stated part of that management is the pass-through on the funding.

Mr. Cozan asked and what assurances does the Town have of repayment. Supervisor Hendershott stated it's part of the award on the project. He stated it is 80 percent federal money. He stated it is out of a TIP funding, which stands for Transportation Improvement Program. He stated he thought the source of that funding is the big federal transportation appropriation which is referred to as T 21. Supervisor Hendershott stated the other 20 percent of the project is New York State funding.

Mr. Cozan stated a lot of the questions were surrounding the Buffalo Road/Union Street intersection versus this project over here. He stated he is very familiar with both of them. Mr. Cozan asked is the Buffalo Road/Union Street intersection in the same boat as the Chili Avenue project is.

Supervisor Hendershott stated it is not. He stated he would repeat himself and he wants to move on, because this public hearing is about the Chili Avenue project. He stated they are two different funding sources completely. He stated the North Chili project is going to be managed by New York State D.O.T. He stated the funding has been set aside for it. He stated they're well into the design work. He stated he believes they're further along than what the Chili Avenue project is. Supervisor Hendershott stated, however, they have delayed construction from starting in August of 2003 until April or May of 2004. He stated the funding is there. He stated the design work is there. He stated these two projects, there is no relationship between them in either funding sources or management or anything.

Charles Rettig - 1032 Coldwater Road

Mr. Rettig asked is the engineering contract already let. Supervisor Hendershott stated it is. Mr. Rettig asked will the final design be required to be reviewed for New York State D.O.T. approval. Supervisor Hendershott stated he believes that is the case. Mr. Caruso stated that was correct.

Mr. Rettig asked could Mr. Caruso state or the Town identify who the two parties are that will be doing the double appraisal process. Mr. Caruso stated they will be Bruckner Associates and Valuation Associates.

Mr. Rettig asked does that have any association with a Resolution in tonight's Town Board meeting with Underberg & Kessler. Supervisor Hendershott stated there could be a relationship, he supposed. He stated the Resolution regarding Underberg & Kessler is they would be the attorneys that would represent the Town, should the need arise for Eminent Domain. He stated as part of any Eminent Domain proceeding, there have to be appraisals, so there could be a tie-in with that, but other than that, the answer is no.

Mr. Rettig asked so therefore, if they don't need that legal process, that isn't necessarily money spent unless needed. Supervisor Hendershott stated that was absolutely correct. Mr. Caruso stated more to add to that, the appraisal consultants are part of the engineering fees. He stated they work for them as a subconsultant. He stated they are not an additional cost to the project.

Mr. Rettig asked are there any sidewalks that will be ripped up and will need replacement as a result of this project widening. Supervisor Hendershott stated yes. He stated the sidewalks on the north side of Chili Avenue, during the course of that project, will be moved approximately 11 feet to the north. He stated there are sidewalks there now, and there will be sidewalks there when the project is done.

Mr. Rettig asked if there are any signal lights on this project. Supervisor Hendershott stated there is one signal light which will be at the entrance to the Senior Center and opposite to the plaza. Mr. Rettig asked will that be a stoplight or flashing light. Supervisor Hendershott stated a stoplight, three-color signal.

Mr. Rettig asked will there be any crosswalks, hatched crosswalk cross-ways at the Old Scottsville Road, Old Scottsville Chili Road intersection. Mr. Caruso stated there is one now and they will be keeping that one, putting it back.

Mr. Rettig stated they mentioned an informational meeting. He asked will that information be published. Supervisor Hendershott stated it would. Mr. Rettig asked if the dates of construction, the start and finish, will those be officially published. Supervisor Hendershott stated they are not sure exactly what they are yet. Supervisor Hendershott stated tentatively they are starting on July 21st, but they don't have an exact date yet. Supervisor Hendershott stated it is the idea they want to publicize this as much as possible and make everyone aware of it that comes through there.

Mr. Caruso stated as time gets near where they will start construction, they will probably contact the newspaper and ask them to run an article on it or something to that effect. He stated they want everybody to know.

Mr. Rettig asked do they have a specific location for construction equipment. Mr. Caruso stated not yet, but they will. Mr. Rettig asked is that something else that they can inform the public as far as what is approved and be part of the informational meeting. Mr. Caruso stated when he knows when it is, sure.

Mr. Rettig stated he understood the total cost of this project is \$1.1 million. Supervisor

Hendershott stated he did not have the exact number in front of him. He stated it is approximately \$1.1 million.

Councilman Powers stated questions have come up about the financing on this project. He asked Dianne O'Meara is there an account set up for the \$1.1 million anywhere. Dianne O'Meara stated there is not. Councilman Powers asked as monies are spent for this project, where are they getting the monies from. Dianne O'Meara stated as they spend, reimbursement vouchers are being submitted and the Town is being reimbursed.

Councilman Powers stated he asked back at the January 15th meeting had they received any monies back from the State or the feds and the answer at that time was no. Dianne O'Meara stated they have gotten some back. Councilman Powers asked how fast is the turn-around. Supervisor Hendershott stated it is a couple months. Dianne O'Meara stated initially it took a while. She stated in talking with the D.O.T., it is hoped now that the process is started, the turnaround time will be much quicker than it was initially.

Councilman Powers stated there is a bill they have paid for the design work they're doing. He asked is then that voucher or whatnot forwarded to the State. Dianne O'Meara stated that was right. She stated there is a packet of information that needs to go to the State, along with a copy of the voucher, showing the check number, the date paid.

Councilman Powers asked so does the Town pay the engineer and then they get reimbursed. Dianne O'Meara stated that was correct. Councilman Powers asked where are they getting the monies that they paid to Mr. Caruso. Dianne O'Meara stated that is being advanced through the General Fund. Councilman Powers asked from where. Dianne O'Meara stated she did not understand his question.

Supervisor Hendershott stated he thought Councilman Powers was asking if there is a particular account that this is coming out of, and what Ms. O'Meara is saying is she is advancing it out of the General Fund. He stated there is not a specific account set up.

Councilman Powers asked where in the General Fund is it coming from. Dianne O'Meara stated not from a particular budget account. She stated the budget is set up in the capital project. She stated it is being paid through the capital project. Councilman Powers asked were there monies in the capital project for the 2003 budget. Dianne O'Meara stated there were not. She asked if he meant cash in the bank. Councilman Powers stated he did not. He asked was there any figure in the 2003 budget under this project. Dianne O'Meara stated the budget was set up at the last meeting she believed.

Councilman Powers asked where could he go to find somewhere where this money is coming from and how much. Dianne O'Meara stated everything is being coded to the budget for the capital project, and as reimbursements are coming in, they're coming back in through the General Fund and then to the project.

Supervisor Hendershott suggested Councilman Powers and Dianne O'Meara get together and if there is still some discrepancy or not clear facts, he would be more than happy to be involved in

that, because he was hearing two different things coming from one way or the other.

Mr. Caruso stated Passero Associates also does work for the State. He stated they do several different types of projects for the State, and when they do a new project, any new project with them, it takes a while when they submit an invoice for it to get into their system, sometimes up to three months. He stated after the third month, once they receive the first check and they send the invoices subsequently thereafter, they get paid within four weeks and it comes like clock work. Mr. Caruso stated he hoped that the Town would also see that in their process, but it does take time to get into their system.

Mr. Caruso stated he heard everybody also tonight talk about how this is being financed. He stated he thought they are overlooking one of the benefits is the Chili residents will benefit from this project at a cost to Chili of all they had to do was manage it and take it on as their own responsibility. Mr. Caruso stated because when this is all said and done, what it did cost the Town of Chili is almost nothing.

Councilwoman Sperr stated she has lived in Town since 1985 when they bought their house, and she has watched the first project go up where the road was done, approximately ten years ago. She stated at that time, after the project was finished, she recalls reading the paper and having there be several letters to the editor and comments about residents that were disappointed that the road ended there and narrowed down just before the plaza, and why didn't they do it past the plaza, and the bottleneck it created with the then Town Hall. She stated now they have evolved into having a new Town Hall, having additional traffic coming through that intersection and the Town Hall replaced by a Senior Center. She stated she, this last year as a Board member, has listened to people express concerns, private citizens express concerns about the seniors and their safety in pulling in and out of that Senior Center into that traffic because of the way it narrows down there, and they were afraid people were going to be in accidents. She stated some of the very people who are here tonight expressing concerns about financing for this project were those people that stood up and expressed concerns about safety for seniors. Councilwoman Sperr stated if all this Town has to do is approve this pass-through funding to make this project become a reality, sign her up. She stated if all it costs is a possible loss of interest for a few months, if it does come to just a few months, then this is a good project for the Town of Chili. She stated if the Supervisor hadn't found a new way to make it happen by thinking out of the box, they wouldn't have this construction project to completion. She stated if they only stayed with the funding that the D.O.T. offers them like for the Buffalo Road project, they run the risk of those types of projects being stalled, as is the case today. She stated that is her personal opinion and having listened to several comments, she really feels that this will be a good project. She stated no one wants to have to be inconvenienced by construction on a road site as busy as this one, but she thought the results will be well worth it.

Mr. Rettig asked who is the New York State D.O.T. liaison in this project. Mr. Caruso stated the gentleman's name is Richard Papich (phonetic).

Mr. Brixner asked if the Town itself and the Chili Highway Department will be doing this project. Supervisor Hendershott stated they will not. Mr. Brixner asked if it will be done by the State. Supervisor Hendershott stated it will not. Supervisor Hendershott stated it will be put out

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for bid. Mr. Brixner asked if private firms will be doing the project. Supervisor Hendershott stated that was correct.

The Public Hearing was closed at 7:03 p.m.

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NEXT MEETING:

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

NOTICE OF SPECIAL MEETING:

Supervisor Hendershott has scheduled a Special Town Board Meeting on Wednesday, February 19, 2003 at 7:00 p.m. to present the annual State of the Town Report in the Town Hall Meeting Room.

The meeting ended at 7:55 p.m.