

CHILI TOWN BOARD
December 28, 2007

A meeting of the Chili Town Board was held on December 28, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 12:00 p.m. The meeting was called to order by Supervisor Tracy Logel.

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

ALSO PRESENT: Richard Brongo, Town Clerk; Joseph Carr, Commissioner of Public Works/Highway Superintendent; John Ferlicca, Deputy Town Supervisor; Dawn Forte, Supervisor's Secretary; Chris Karelus, Building Department Manager; Dianne O'Meara, Director of Finance; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor.

Supervisor Logel recognized Judge Pietropaoli in attendance.

The invocation was given by Richard Brongo.

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

ANNOUNCEMENTS:

1. The Library will host the Monroe County Clerk's Office to have Passport Services to the Community on Wednesday, January 16, 2008 from 5:30pm-8:30pm in the Multipurpose Room. Those interested, please contact the library beginning Thursday December 27, 2007 to make an appointment.

REPORTS SUBMITTED:

Community Center Revenue Report – November 2007
Recreation Center Revenue Report – November 2007
Senior Center Revenue Report – November 2007
Conservation Board Minutes – 11/5/07
Drainage Committee Minutes – 11/6/07
Zoning Board of Appeals – 11/27/07

CORRESPONDENCE:

1. Mr. Brongo has received formal notification that Richard Perry has resigned from the Zoning Board of Appeals, effective 12/10/07.

SUPERVISOR LOGEL: Dianne (O'Meara) requests to move to 350 and 351 so her office can begin running checks today.

The Board began the business portion of the meeting discussing Resolution 350.

RESOLUTION #337 RE: Authorization of Attendance to NYS Division of Code Enforcement Training Program

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Schulmerich

BE IT RESOLVED that Chris Karelus, Building Department Manager be authorized to attend a Building Code Enforcement Training Program on January 8 – 10, 2008, February 19 – 21, 2008, March 25 – 27, 2008, April 29 – 30, 2008, May 1, 2008 and June 3 – 5, 2008 at the Monroe County Department of Public Safety Building 1190 Scottsville Road, Rochester, NY 14624. There is no charge for this training.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING TWO RESOLUTIONS:

COUNCILWOMAN IGNATOWSKI: I'm curious why they're not taking the same opportunity to go in January and February that Mr. Karelus is going to.

CHRIS KARELUS: They already have their level of certification.

COUNCILWOMAN IGNATOWSKI: So they're --

CHRIS KARELUS: Or in Pat (Sheridan)'s case, when he was hired, he didn't have the opportunity to take the A course, so he has to take something out of sequence, so he is out of sequence with January. The first available, to best optimize it.

RESOLUTION #338 RE: Authorization of Attendance to NYS Division of Code Enforcement Training Program

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

BE IT RESOLVED that David Saur, Deputy Fire Marshal be authorized to attend a Building Code Enforcement Training Program on March 25 – 27, 2008, April 29 – 30, 2008, May 1, 2008 and June 3 – 5, 2008 at the Monroe County Department of Public Safety Building 1190 Scottsville Road, Rochester, NY 14624. There is no charge for this training.

UNANIMOUSLY APPROVED

RESOLUTION #339 RE: Authorization of Attendance to NYS Division of Code Enforcement Training Program

OFFERED BY: Councilwoman Ignatowski SECONDED BY: Councilman Schulmerich

BE IT RESOLVED that Patrick Sheridan, Asst. Building & Plumbing Inspector be authorized to attend a Building Code Enforcement Training Program on March 11 – 13, 2008, April 15 – 17, 2008 and May 20 - 22, 2008 at the Monroe County Department of Public Safety Building 1190 Scottsville Road, Rochester, NY 14624. There is no charge for this training.

UNANIMOUSLY APPROVED

RESOLUTION #340 RE: Transfer to Workers' Compensation Reserve

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilman Sperr

WHEREAS, the Workers' Compensation Reserve Fund was established by December 1, 2004 Resolution 360;

NOW, THEREFORE, BE IT RESOLVED, to transfer any unexpended amounts from the General and Highway Funds Workers' Compensation budget line (9040.8) to the Workers' Compensation Reserve Fund.

UNANIMOUSLY APPROVED

RESOLUTION #341 RE: Transfer to Insurance Reserve Fund

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED to transfer the unexpended amount from A1910.4 (Unallocated Insurance) to the Insurance Reserve Fund as established by December 31, 2003 Resolution #407.

UNANIMOUSLY APPROVED

RESOLUTION #342 RE: Purchase of Plow Set, Dump Body and Salt Spreader

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Schulmerich

WHEREAS, included in the approved 2008 budget is the purchase of one (1) new plow truck replacement.

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase from Henderson Equipment Company, from 2007 bids received on December 27, 2006, and awarded under Resolution #103 on January 17, 2007 one plow set and one 14' dump body at a cost of \$54,137.00, and one 14' salt spreader at a cost of \$11,949.00 to be paid from account #DA 5130.2.

UNANIMOUSLY APPROVED

RESOLUTION #343 RE: County All Seasons Agreement

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

BE IT RESOLVED to authorize the Town Supervisor to execute an Agreement between the Town of Chili and the County of Monroe. The term of the Agreement is from January 1, 2008

through December 31, 2008 with additional one-year term extensions upon mutual written consent of the parties for additional one-year terms for a maximum agreement term of ten years ending December 31, 2016. Said Work Agreement covers work on County highways performed by the Town and paid for by the County of Monroe.

UNANIMOUSLY APPROVED

RESOLUTION #344 MONROE COUNTY SNOW & ICE AGREEMENT

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

BE IT RESOLVED to authorize the execution of an amendatory agreement with the County of Monroe for the Town to provide snow and ice control service on County roads. The present agreement is a ten-year agreement, which runs from October 1, 2003 through September 30, 2013. The amendatory agreement establishes a total estimated payment to the Town for the 2007/2008 snow season of \$189,397.00.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN IGNATOWSKI: Monroe County Planning Department, did we receive the feedback? Was that given to the Planning Board? I didn't see the results.

SUPERVISOR LOGEL: Mr. Karelus, did you hear her question?

COUNCILWOMAN IGNATOWSKI: Monroe County Planning Department, it was referred to there. I was curious if we received feedback from them.

CHRIS KARELUS: I have not received referral back from the County DRC.

COUNCILWOMAN IGNATOWSKI: Does that impact the SEQRA?

SUPERVISOR LOGEL: Rich (Stowe)?

RICHARD STOWE: No.

COUNCILMAN SLATTERY: I think it was very good discussion this morning. A lot of good points were brought up. People from the audience and so forth.

RESOLUTION #345 RE: SEQRA for 1420 Scottsville Road

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Sperr

WHEREAS, the University of Rochester (the "University") has proposed to construct and operate a temporary off-site parking facility pursuant to an incentive zoning plan (the "Project") on property located at and adjacent to 1420 Scottsville Road (the "Property"); and

WHEREAS, the University has applied to the Town of Chili Town Board ("Town Board") for the requisite land use and zoning approvals for the Project; and

WHEREAS, representatives of the University met with the Town Board at its regularly scheduled meetings on August 1, 2007 and December 28, 2007 to discuss the Project at which times the Town Board solicited and received public comment; and

WHEREAS, the Town Board has reviewed the Project and the University's submitted materials, including the Full Environmental Assessment Form, site plan, description of the Project amenities and incentives, and all other materials submitted in connection therewith; and

WHEREAS, the Town Board is fully familiar with the proposed location, the surrounding parcels, and the larger neighborhood; and

WHEREAS, the Project was duly referred to the Monroe County Planning Department, pursuant to General Municipal Law § 239-m; and

WHEREAS, the Town Board is duly appointed Lead Agency in accordance with the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Project is an Unlisted action pursuant to SEQRA, and this Board has taken a "hard look" at all potentially adverse environmental impacts as set forth in SEQRA; and

WHEREAS, the Town Board referred the Project to the Town of Chili Planning Board for its review, comment and recommendation; and

WHEREAS, by this resolution the Town Board sets forth the negative declaration in writing, and sets forth its written findings which served as the basis for the negative declaration.

NOW, THEREFORE, BE IT RESOLVED by the Town Board that: Based upon the Town Board's thorough and careful review of the Project and the submitted materials, including the Full Environmental Assessment Form and all other materials submitted in connection with this application, the Town Board's intimate knowledge of the proposed location, the surrounding parcels, and the larger neighborhood, and the Town's master plan, the Town Board hereby determines that the Project will not result in any significant adverse environmental impacts and hereby issues a SEQRA negative declaration for the Project.

REASONS SUPPORTING THE NEGATIVE DECLARATION:

1. Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects:

The Project will not create any adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project will produce a minimal disturbance of soil and vegetation, with minimal storm run-off. There will be no adverse impacts regarding drainage from the Property. Stormwater management areas will be designed in accordance with the State Pollutant Discharge Elimination System ("SPDES") permit requirements, promulgated by the New York State Department of Environmental Conservation.

2. Traffic.

As part of its Project, the University has offered to and will be undertaking substantial roadway improvements along Scottsville Road (the "Roadway Improvements"). Specifically, but subject to further input from the NYS DOT, the University will be:

- Widening Scottsville Road from the Paul Road intersection to approximately three hundred fifty (350) feet north of the Old Beahan Road intersection. This results in a widening of approximately eleven hundred (1,100) feet.
- Adding turn lanes and re-striping the intersection of Scottsville Road and Old Beahan Road.
- Adding turn lanes and re-striping the intersection of Scottsville Road and Paul Road.
- The Roadway Improvements have an estimated dollar value of five hundred thousand dollars (\$500,000.00).

The Roadway Improvements will help to facilitate safer and more efficient traffic movements, and will accommodate any increase in traffic to the area as a result of the Project. Even without the Roadway Improvements, however, the Town Board finds that the Project would not cause a significant adverse environmental impact.

3. Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community, Neighborhood Character or Property Values: The Project will not adversely affect agricultural, archeological, historical, natural, or cultural resources. A portion of the Property has been used as a parking facility for some time. Further, given the highly commercial and industrial nature of the general area, and the temporary nature of the use of the Property as an off-site parking facility, there will be no adverse impacts to the character of the neighborhood. Additionally, the University will be adding a landscaped berm and decorative fencing along the Project area on Scottsville Road, as shown on the site plan. Furthermore, the University will be adding landscaped islands throughout the parking lot, and will preserve existing trees to the extent practical. These landscaping features will enhance and actually improve the existing viewshed of the Property, and will help to screen the parking facility from Scottsville Road, to the extent practical.

4. Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species. No plant or animal life will be adversely affected by the Project.

5. Community Plans, Use of Land or Natural Resources. The Project is in keeping with official community plans and goals and will have no adverse effects on land-use or the use of natural resources by or in the community. Additionally, the Project is in accordance with the Town of Chili's Comprehensive Plan, which states that the Town should "[w]ork with other municipalities, major employers, and institutions" to promote and develop park and ride lots and encourage commuter carpools and vanpools. Comprehensive Plan § 4-21.

6. Growth, Subsequent Development, etc. The Project will not induce any significant or adverse growth or have any significant adverse affect on subsequent development.

7. Long Term, Short Term, Cumulative, or Other Effects. The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.

8. Critical Environmental Area. The Project will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, subdivision 617.14(g).

Further, the Board finds that none of the criteria for determining significance set forth in § 617.7(c)(1)(i)-(xii) would be implicated as a result of this Project.

IN WITNESS WHEREOF, this Resolution was properly adopted by the Town Board at its

regularly scheduled meeting, the date of which is listed above.

TOWN OF CHILI TOWN BOARD

DATE: December 28, 2007

UNANIMOUSLY APPROVED

RESOLUTION #346 RE: Incentive Zoning for 1420 Scottsville Road

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

WHEREAS, the University of Rochester (the "University") has proposed to construct and operate a temporary off-site parking facility pursuant to an incentive zoning plan (the "Project") on property located at and adjacent to 1420 Scottsville Road (the "Property"); and

WHEREAS, the University, by letter dated July 27, 2007, has applied to the Town for the requisite land use and zoning approvals for the Project and submitted a site plan prepared by MRB Group, dated July 19, 2007; and

WHEREAS, the Town of Chili, in its Comprehensive Plan, recommended that the Town encourage fuel efficient forms of transportation and work with major employers and institutions to promote and develop park and ride lots and encourage commuter carpools and vanpools; and

WHEREAS, representatives of the University met with the Town Board at its regularly scheduled meetings on August 1, 2007, at which time the Town Board solicited and received public comment; and

WHEREAS, the Town Board, by letter dated August 16, 2007, provided its written comments to the University regarding the Project; and

WHEREAS, the University, by letter dated September 13, 2007, provided its response to the Town Board's August 16, 2007 letter; and

WHEREAS, the Town Board, at its regularly scheduled meeting on or about October 3, 2007, passed a resolution deeming the Project worthy of further consideration, in accordance with the Incentive Zoning requirements as set forth in Article XVI of the Town of Chili Zoning Ordinance ("Zoning Code"); and

WHEREAS, the Town Board, at its regularly scheduled meeting on or about October 3, 2007 in accordance with § 115-88(B) of the Zoning Code, referred the Project to the Town of Chili Planning Board (the "Planning Board"); and

WHEREAS, the University submitted a revised site plan for the Project, prepared by MRB Group, dated October 19, 2007;

WHEREAS, the Planning Board, at its regularly scheduled meeting on or about November 13, 2007, reviewed the Project and recommended that the Town Board approve the proposed incentive zoning plan; and

WHEREAS, the Town Board has reviewed the Project and the University's submitted materials, including the Full Environmental Assessment Form, site plan, description of the Project amenities and incentives, and all other materials submitted in connection therewith; and

WHEREAS, the Town Board, at its regularly scheduled meeting on or about December 28, 2007, as lead agency for purposes of complying with the State Environmental Quality Review Act ("SEQRA"), issued a negative declaration for the Project; and

WHEREAS, the Town Board, on or about December 28, 2007, held a public hearing on the Project pursuant to Zoning Code § 115-88(D), whereby the public was afforded the opportunity to speak; and

WHEREAS, after carefully studying and investigating potential adverse impacts, as well as identifying beneficial impacts through the SEQRA process, culminating in the above referenced SEQRA Negative Declaration, it is the opinion of this Board that the Project is appropriate, worthy of further consideration and by this Resolution the incentive zoning plan is hereby approved.

NOW, after due deliberation and on motion duly made and seconded, it is,

RESOLVED, that the Town Board of the Town of Chili hereby approves the incentive zoning

plan for the Project upon the following findings:

1. The Project will serve a Town public purpose and a regional public purpose. It will allow the University to accommodate its increased short-term parking demands while the University develops a permanent, on-site parking facility, and will allow the University to properly develop its on-site institutional facilities to enhance its status as a world class educational, medical and research institution.
2. Overall, the Project is consistent with and furthers the goals of the Town Chili Comprehensive Plan.
3. The proposed use as a temporary parking facility is appropriate for the Property.
4. The Project presents economic and social benefits to the Town and its citizens, including, but not limited to, the roadway improvements and cash in lieu of amenity. Additionally, the durational limitations of the Project ensure that the Property will not be used as an off-site parking facility in perpetuity.
5. The Town and the University hereby agree to memorialize the terms and conditions of the incentive zoning plan pursuant to the agreement attached hereto as Exhibit A and incorporated as part of this Resolution.
6. The amenities provided by the University, as set forth in Exhibit A, provide sufficient public benefit to warrant the requested incentives.
7. The Town Board will cause this incentive zoning plan to be noted on the official Town Zoning Map or otherwise as deemed appropriate.

IN WITNESS WHEREOF, this Resolution was properly adopted by the Town Board at its regularly scheduled meeting, the date of which is listed above.

TOWN OF CHILI TOWN BOARD

DATE: December 28, 2007

UNANIMOUSLY APPROVED

RESOLUTION #347 RE: Budget Transfer

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Ignatowski

BE IT RESOLVED to transfer \$7,310.00 from DA5142.499 (Miscellaneous Snow Removal-Contractual) to DA5110.4 (General Repairs-Contractual); and

BE IT FURTHER RESOLVED to transfer \$4,579.00 from DA5142.499 (Miscellaneous Snow Removal-Contractual) to DA5130.4 (Machinery-Contractual); and

BE IT FURTHER RESOLVED to transfer \$16,855.00 from DA5142.499 (Miscellaneous Snow Removal-Contractual) to DA5142.4 (Snow Removal-Contractual).

UNANIMOUSLY APPROVED

RESOLUTION #348 RE: Budget Transfers

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Schulmerich

BE IT RESOLVED to transfer funds as follows:

1. \$56.00 to A1490.4 (DPW-Contractual) from A1490.1 (DPW-Personnel);
2. \$546.00 to A3620.4 (Safety Inspection-Contractual) from A3620.1 (Safety Inspection-Personnel);
3. \$900.00 to A5132.4 (Garage-Contractual) from A5410.4 (Sidewalks-Contractual);
4. \$513.00 to A7110.1 (Parks-Personnel) from A7110.4 (Parks-Contractual);
5. \$300.00 to A8160.4 (Refuse & Garbage-Contractual) from A8160.1 (Refuse & Garbage-Personnel);
6. \$1,300.00 to A8540.4 (Drainage-Contractual) from A8160.1 (Refuse & Garbage-Personnel);
7. \$1,000.00 to DA5110.4 (General Repairs-Contractual) from DA5110.1 (General Repairs-Personnel);
8. \$15,000.00 to DA5130.4 (Machinery-Contractual) from Highway Fund Unexpended Surplus;
9. \$15,256.00 to DA5142.4 (Snow & Ice-Contractual) from DA5142.299 (Snow & Ice-Miscellaneous);

10. \$40,000.00 to DA5142.4 (Snow & Ice-Contractual) from Highway Fund Unexpended Surplus.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

SUPERVISOR LOGEL: Before I read it and second it, there is A7519.4 Historic Preservation Board, 1500. \$1500. So on resolution 349, encumbered 2007 funds.

COUNCILWOMAN SPERR: I will move.

COUNCILWOMAN IGNATOWSKI: 1500 for what?

COUNCILWOMAN SPERR: LCD projector.

COUNCILMAN SCHULMERICH: Second.

RESOLUTION #349 RE: Encumber 2007 Funds

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Schulmerich

BE IT RESOLVED to encumber the following from 2007 budgets:

1. A1620.401 (Buildings-Town Hall) \$2,800 for painting maintenance;
2. A1620.402 (Buildings-Recreation) \$15,000 to replace chair lift at Community Center;
3. A1680.4 (MIS-Contractual) \$3,600 for fiber optic project; and
4. A7310.4 (Youth-Contractual) \$3,000 for blinds at the Community Center.
5. A7519.4 Historic Preservation Board, \$1500.

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: We're getting into budget transfers, I believe.

SUPERVISOR LOGEL: Yes. There are some on the agenda.

COUNCILMAN SLATTERY: Do we need to move those? Do we need to move the budget transfers before we move the abstracts?

DIANNE O'MEARA: That would probably be a very good idea.

SUPERVISOR LOGEL: Okay. We have this moved and seconded.

DIANNE O'MEARA: Just hold it temporarily.

SUPERVISOR LOGEL: Hold it temporarily. You sure you want us to still take this out of order?

SUPERVISOR LOGEL: I think we better keep them in order. Is that -- it that crucial? Can we go back to keeping the agenda in order?

DIANNE O'MEARA: Sure. Go ahead.

SUPERVISOR LOGEL: Okay.

The Board returned to the top of the business agenda, Resolution 337.

COUNCILMAN SLATTERY: Supervisor, page five -- oh, I'm sorry, the 19th abstract, correct. Um, page one, Parks and Recreation program fees, the -- that was one of the budget transfers, correct?

SUPERVISOR LOGEL: Page -- I don't --

COUNCILMAN SLATTERY: Page Number 1. For the 19th. Revenue -- I'm sorry.

SUPERVISOR LOGEL: Here it is. Okay. I see it.

COUNCILMAN SLATTERY: Um, I think Ginny (Ignatowski) just helped me. Number -- page six, the Building General Fund. Are we waiting for any big ticket items to come in under that account for -- down at the bottom for a total -- the 016204.01?

DIANNE O'MEARA: Yes.

COUNCILMAN SLATTERY: Okay. I was looking at the gap in the budget. And it is something I didn't have a chance to compare it with the next abstract. Is it on there?

DIANNE O'MEARA: No. Included in this budget amount is a portion of the Alessi grant for building improvements, and there is \$39,000, I believe, for parks garage.

COUNCILMAN SLATTERY: So we're waiting for that.

Then on page 14, down at the bottom, the Bonadio Group, meeting with OSC (inaudible). Is there an update on that in regards to them, or is that something that you could --

DIANNE O'MEARA: Yes.

COUNCILMAN SLATTERY: -- present to us?

DIANNE O'MEARA: Yes.

COUNCILMAN SLATTERY: Thank you.

COUNCILWOMAN IGNATOWSKI: I just have a quick question. On page four, it was blank. Um, it -- 60 -- 6579. I'm assuming it is training for her.

DIANNE O'MEARA: No. It's, um --

COUNCILWOMAN IGNATOWSKI: Or 0.

DIANNE O'MEARA: Yes, it -- during the data entry, if you tab too much, you get zeroes in there. I try to go through and correct them and get the zeroes out, but I missed that one.

RESOLUTION #350 RE: December 19, 2007 Abstract

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman Ignatowski

WHEREAS, January 3, 2007 Resolution #1 authorized vouchers to be paid December 19, 2007 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 6536-6826 totaling \$192,846.87 to be paid from the Distribution Account as presented by Richard Brongo, Town Clerk

NOW, THEREFORE, BE IT RESOLVED, to note for the record vouchers 6536-6826 were paid from the following funds:

General Fund	\$115,529.05
Highway Fund	\$ 70,061.48
Chili Fire Protection District	\$ 2,329.60
Special Light Districts	\$ 1,447.74
Consolidated Drainage	\$ 3,479.00
Total for Abstract	\$192,846.87

UNANIMOUSLY APPROVED

TOWN BOARD DISCUSSION RELATING TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: On page five -- page five, is that another one of those -- were we anticipating a big ticket item there?

DIANNE O'MEARA: Are we talking about the same --

RICHARD BRONGO: Same number.

COUNCILMAN SLATTERY: Yep. So that answers --

DIANNE O'MEARA: Same answer.

COUNCILMAN SLATTERY: Yep.

Page 12, for the top -- that was one of the transfers?

DIANNE O'MEARA: Correct.

COUNCILMAN SLATTERY: 17 is the same. The budget transfer?

DIANNE O'MEARA: Correct.

COUNCILMAN SLATTERY: Page 19, same...

COUNCILMAN SLATTERY: Page 20. At the top. Is there a heading that we're missing there?

DIANNE O'MEARA: Um, it would have been coming over from page 19 --

COUNCILMAN SLATTERY: Or is it --

DIANNE O'MEARA: If you look at page 19, it carries over.

COUNCILMAN SLATTERY: Just carries it over?

DIANNE O'MEARA: Yes.

COUNCILMAN SLATTERY: Okay. Okay. I'm all set. Thank you.

RESOLUTION #351 RE: December 28, 2007 Abstract

OFFERED BY: Councilman Schulmerich SECONDED BY: Councilwoman Sperr

BE IT RESOLVED to pay vouchers 6890-7085 totaling \$123,230.25 to be paid from the Distribution Account as presented to the Town Board by Richard Brongo, Town Clerk:

General Fund	\$ 73,824.11
Highway Fund	\$ 34,931.10
Library Fund	\$ 4,834.88 Per request of Library Director
Consolidated Drainage	\$ 81.62
Special Light Districts	\$ 9,558.54
TOTAL	\$123,230.25

APPROVED BY A VOTE OF 4 YES TO 1 NO (Councilman Slattery)

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on December 28, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 12:00 p.m. to discuss the Incentive Zoning Proposal for 1420 Scottsville Road.

Attendance as previously noted in the 12/28/07 Chili Town Board meeting minutes.

Tom Greiner, Mr. Nearpass and Mark Schwartz were present to represent the University of Rochester.

MR. GREINER: Tom Greiner with Mr. Nearpass for the University. We also have Mark Schwartz from the University, as well.

This project has been in front of the Town for several months now, and formally, the University has submitted incentive zoning proposal for the project. The Town Board has looked at it a couple of times. The Town Board deemed it worthy of consideration for an incentive zoning at one of its meetings, referred it under the ordinance to the Planning Board which looked at the project and issued a favorable recommendation at its November 13th meeting.

Um, briefly, the project involves the Logan Party House, which is closed. You can see we have an aerial as well as a site plan there. I think you have seen both of those before. But briefly the project would involve turning the property into a parking lot for the University's use, and as we have said before, this would be on a temporary basis. And what our request is, is up to ten years incentive zoning to permit the University to use the property as one of its parking lots.

As you know, the University is expanding; it's growing. It has severe parking issues both for itself and its affiliates, but especially right there for the Medical Center and the University. This parking lot would be an important factor while the University implements its Master Plan.

Now, in the Master Plan there are called for improved parking facilities on campus, which is why we offer this up to a ten-year project because the University would not anticipate the need for this beyond that period.

In terms of the amenities which the University has offered, one would be enhanced landscaping with a decorative fence with a setback that would be greater than what is currently on the property. The parking would be further setback from Scottsville Road than it is now.

In addition, the University has offered under the incentive zoning ordinance both the Town ordinance and the State law permits cash in lieu of particular property amenities, and that is one of them. There would be a payment of 33,000 a year guaranteed for five years, which is \$165,000, and then a similar amount as of when the University would reup for another five years if it needs to do that.

In addition to that, the University has proposed a series of roadway improvements to Scottsville Road. When we were talking about this at one point I think somebody said, "Well, why is that an amenity? Why isn't that something that the DOT is requiring?" And that is a good question.

I think the answer is that although we wouldn't quantify it, certainly the Project Engineers felt that the improvements were beyond what would reasonably be required for the traffic, so kind of an incoey (phonetic) benefit that I don't think we can quantify. But I think certainly the project civil engineers felt that what was being required by the State really out stripped what was -- should have been. Just looking at -- you know, the traffic impact.

Secondly, I think the -- the importance on that one is the fact that the roadway improvements will be permanent, but the use really is up to a ten-year use. We're not taking the roadway improvements with us when we leave. So there is some incremental subsisting value in that. We offer it as an amenity to the Town, take it for what it is worth.

I think the whole package together is something that would be attractive to the Town for the ten-year use of the land for the parking lot.

In terms of SEQR, this Board is the lead agency under a coordinated review of the Planning Board, and as of when you would be ready, you could make a SEQR determination as lead agency on the project. We think it would be a negative declaration. That is that there is no significant adverse environmental impact as a result of your actions, but obviously that is your decision to make.

That's a brief presentation. I would be happy to answer any questions or get into more detail as the Board desires.

COUNCILWOMAN IGNATOWSKI: So you have not heard back yet from the Department of Transportation as to what would be necessary for this project?

MR. GREINER: I think we have. I think the improvements that we are suggesting here are the ones that -- that the DOT has said it would want for this project. The -- the -- the ones we have talked about before, the widening, which is about 1100 feet, turn lanes, restriping the intersection of Scottsville and old Beahan Road and the turning lanes and restriping of Scottsville and Paul Roads are all in -- are all improvements, highway work improvements that the DOT has specified. We don't have a final highway work permit, but we wouldn't expect to get that until after we move ahead with the Town. But that is exactly what the DOT has been talking about.

COUNCILMAN SLATTERY: So basically you're required to do this by New York State?

MR. GREINER: Correct.

COUNCILMAN SLATTERY: You don't have a choice if you want to move forward with this project, without fighting it long-term, delaying the project?

MR. GREINER: I don't know if "fighting" is the right word, but certainly this is something -- this is why I said, you know, we could consider this an amenity because we think it goes beyond what the impact is, but that is something that the project engineers -- it's more of a gut feel rather than anything, you know, dollar for dollar, so we're willing to -- we're not fighting the DOT. We're going along with it. We think there is incremental value to what we're doing, but as I said, if our use is only up to ten years, these will be improvements that will last much, much longer, and we think that there is also an incremental amenity in that, because we're -- we'll

have a short term use, long-term improvements.

COUNCILMAN SLATTERY: I will change that word from "fight" to go challenge. The State has requirements for the certain type of vehicles per day trip generation and so forth. So this is what their standards are, telling you your project needs to do to meet their specifications?

MR. GREINER: That's right.

COUNCILMAN SLATTERY: Thank you.

COUNCILWOMAN SPERR: I just have one comment, question. Regarding the roadway improvements. If your program here is estimated to run ten years, my question, I guess, is to whoever can answer this for me, who is responsible for maintaining that over that ten-year period?

MR. GREINER: The roadway improvements, that would be the State.

COUNCILWOMAN SPERR: The State would turn over maintenance of that.

COUNCILMAN SLATTERY: Dedicated.

COUNCILWOMAN SPERR: Thought so. Just wanted it clarified.

SUPERVISOR LOGEL: Any other questions?

COUNCILWOMAN IGNATOWSKI: I guess it is just splitting hairs for my part, that really isn't -- I mean the amenity then is that it is existing for other future projects. It is not the fact that that is the amenity that is there for future projects as opposed to that they're doing this as an amenity for now.

COUNCILMAN SCHULMERICH: I think from our point of view, at least from my point of view, it is not obvious it is an amenity. It's something if they need to do, they believe they're going to be going above and beyond possibly what the DOT is going to require, it sustains beyond the life of the parking lot, so I can see post five years, post ten years when they exit the project, one could imagine it as an amenity, but I mean it has no real value to the Town as I can see it, except it enables them to move forward with the project.

MR. GREINER: Consider it for what it is offered as. We think you can consider it as an amenity. We're certainly not resting on that one.

SUPERVISOR LOGEL: I guess I would like to ask Counsel whether it's splitting hairs or an amenity or not, it's irrelevant to the package, right? I mean it doesn't -- it is an incentive in the future, so why not list it, I guess is what I am saying?

RICHARD STOWE: I have no problem considering it as an amenity the way it has been presented.

COUNCILMAN SLATTERY: Also, when I look at the volume of traffic that is coming in, that will be coming in and what is coming in when it is a party house, I think standards have changed over the years, where if the party house was built today, they probably would be required to do the same thing. So I think it is something that is going to improve the traffic flow, and quality of life for people that travel in that area.

COUNCILMAN SCHULMERICH: Actually 5 to 10 years down the road when the U of R determines if they love being in Chili and they put a new building in there, they will need that turning lane anyway.

MR. GREINER: That very well could happen.

COUNCILMAN SCHULMERICH: So I applaud your thinking ahead like that.

(Laughter.)

MR. GREINER: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I wholeheartedly agree with Mr. Schulmerich's comment. I worked for the University some 34 years ago, and -- 34 years ago they were having such severe parking problems that, you know, you had to share a spot, a parking spot. It is 34 years later, and believe it or not, the University has the same problem, because they're growing constantly, and I don't believe it is going to stop.

And if we -- if the Town Board approves this incentive zoning agreement and goes forward with this, I can pretty much vouch from my past history with the U of R, that they won't be leaving. So what you're doing is not temporary. History has borne that out. It's a fact.

And I also have a little bit of a problem with the idea that this is -- this is an amenity. This is not an amenity. The Town doesn't own that land, so any access to it off a State highway is not a benefit to the Town. If it's a benefit to anybody, it will be the owner of the property. So let's not sell ourselves short there.

The other thing I would like to comment on is that I don't believe there is anybody in -- on the Board or in Town that doesn't realize that Chili is -- is growing and has more and more need yearly for commercial real estate. Zoned commercial. In a spot that is going to benefit incoming businesses and the Town.

This property is on a main road, and from my point of view, we are going to in essence give it away because we won't be able to go back to the zoning that we need to really use it for what the Town's needs will be in the future. Here we are, we're going to turn land that is a -- is a commercial -- viable commercial space into another non-profit arrangement, and we have done this too many times in the past. I think this is a foolish, foolish move. We need that commercial space. Here we are giving away another piece of land to a non-profit for its use while all of the time we are entertaining the idea of selling our own Town Hall and our parks to gain commercial space. How can this be a good idea? We're going to sell what we have in the middle of our

Town to get more commercial space, and yet when we have zoning that is in place to allow for commercial enterprises on Scottsville Road, in the same area, we're going to give it away. I mean this is a circular thing. We're gaining on one hand, hopefully giving away on the other hand and the Town ends up in a no-win situation.

COUNCILWOMAN IGNATOWSKI: Dorothy (Borgus), if I may, Supervisor, correct me if I am wrong, but we're not changing the zoning on this. The zoning still stays in place.

SUPERVISOR LOGEL: It is not zoned commercial to begin with. It is Light Industrial.

MS. BORGUS: Light Industrial, commercial, I don't care what you call it. We need that and down the line, don't worry, the University will be back. I -- with ten years -- I mean, I worked there. I know how they are.

SUPERVISOR LOGEL: But the thing is, Mrs. Borgus, one of the things they have offered in this is in ten years they would be looking at it to establish -- they're building a high-rise parking garage that will offset this. They're looking to then turn that into potential business offices or doctors' offices or some kind of treatment places. We basically asked them if they would consider that in ten years.

And remember the other thing is Logan's is privately owned and that man has the right to sell to it whomever he wants. He could sell it to a church or whoever wants to buy it, and then would it be off the tax rolls completely. So you -- you -- you have to look at a bird in the hand is oftentimes worth two in the bush.

MS. BORGUS: I don't agree in this case. That will never in my mind, having worked for the University, in an administrative position and knowing how they think, this will never go back to anything other than a non-profit site.

COUNCILWOMAN IGNATOWSKI: If I -- you keep on saying giving away. This is not giving away. We're recapturing more than what the taxes were before. This is not giving away. I don't see how \$33,000 a year is giving away.

MS. BORGUS: We're giving away a potential use that could make money for this Town and provide the means for us to have a commercial enterprise there that would bring in taxes over the long haul. This is not --

SUPERVISOR LOGEL: If somebody is willing to buy it.

COUNCILWOMAN SPERR: If someone is willing to buy it. But if you look at it from the flip side, we're maintaining \$33,000 a year for the first five years guaranteed so that if the Logan's Party House was sold to a church, which would take it off the tax rolls, we would lose that entirely which is a possibility.

So I also feel that what you're overlooking is the benefit to the businesses that surround this property. There are restaurants nearby that will benefit from people stopping in before and after work, and other businesses that they will support as they come down that stretch to go to that parking lot to park their cars. So those are -- hard to capture a number of how it will support those businesses, but you cannot overlook the -- that benefit to this.

Whether they stay or not for the long-term, I'm not so sure. We won't know that for certain. We won't know that for 5 to 10 years. But we can't make a decision based on whether they stay for ten years or whether they don't. Today it looks to be to a well-thought-out-plan.

MS. BORGUS: I'm telling you that 34 years ago they had that the same parking problem they claim to have today. If they haven't solved that problem in 34 years, I don't think they will be solving it in next ten years.

COUNCILWOMAN SPERR: I also feel the fact that U of R has grown to the size that it is today, and how it currently enhances the community and provides many jobs is not something as a negative to the community. Because that -- what comes with it is a parking problem.

MS. BORGUS: The University and the hospital are not in Chili. And I am interested in the Town of Chili. We have given away or sold off, I don't care what you call it, a lot of Town property. We have given -- we have sold what should have been a park. It's going to be a cemetery.

COUNCILWOMAN SPERR: That is not pertinent to this discussion.

MS. BORGUS: This is a history of the way this Town has been going. We had a park that we sold for a housing lot. We had -- we had recreation land we sold for a cemetery, and now we have a business that we're going to hand over to a non-profit.

SUPERVISOR LOGEL: Dorothy (Borgus), we don't own this land.

MS. BORGUS: I'm aware of that.

SUPERVISOR LOGEL: You keep saying we're selling, we're selling. We are not selling anything. We are -- we are looking legitimately, which is our job as a Board, at an offer that has been made to this Town privately sold by Logan's to the University who is the County's largest employer and somebody that is not -- not somebody that I would put up, as you are seemingly doing, and saying they're the worst people in the word. We're bringing into our community the County's largest employer and working together hand in hand hopefully for a benefit in the future.

And we don't own this land. So for the television and for whoever is filming this or taping it, it is not our land. We are not selling it. And this gentleman can sell it. He has already moved to Florida, the one that owns the land. He is going to sell it to somebody. And it's a choice here, and this is our decision to decide on this issue, not on who they sell it to, and we can't block it.

MS. BORGUS: I'm aware of all those facts, Madam Supervisor, but I am also saying that this Board -- if you step aside with this today, although the Town doesn't own it, you have -- you have put your blessing on this, and it's not -- it's not in the -- in the best interest of commercial development in this Town to keep allowing non-profits to come in and take over our Town.

We're not getting any money from the cemetery. I mean, although that was Town property, this is different in that way, but we keep just giving up on this -- on our land. And then in the back of our mind, we're ready to sell the Town Hall and parks to make more land for what we just -- to compensate for what we just -- you stepped aside and let happen. This is not in the best interest of the Town. I'm sorry. That's my opinion.

COUNCILMAN SLATTERY: Supervisor, if I could also, The Party House on Beahan Road, that was sold to a church. So it went from a private tax-paying business to non-for-profit, not paying taxes. Similar situation. Except in this case, we are actually bringing in some revenue to the Town. I think we're doing our due diligence in looking out for the best interest in the Town of Chili.

SUPERVISOR LOGEL: And we're not changing the zoning.

COUNCILMAN SLATTERY: That's correct. We're not changing the zoning, which is key.

And also for the U of R to be the largest employer in Monroe County, the individuals that work there need a place to live, eat, shop, go to restaurants, fuel for the vehicles and so forth. Chili is a growing community. It's close to the U of R. That is why this is convenient for them. So I think it is also going to help the tax base in Town by these people that are going to our stores, restaurants, gas stations and so forth. So I think it is a benefit to this community.

SUPERVISOR LOGEL: I agree. Thank you.

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: And I agree in principal with Mrs. Borgus. I also agree with a couple members of the Town Board people who state that it's up to the individual to be able to sell something to his own -- at his discretion.

My name is Jerry Brixner, 14 Hartom Road.

But I would like to remind the Town Board, immediately I hadn't been prepared to introduce this bit of information, but I will right now, because I think it is extremely important. That information is, that, in -- for the three years of 2003, through 2006, the assessed valuation of that property, which is Logan's Party House as we all know was \$636,000, and a total taxes collected in 2006 was \$2,427.60. Now, that particular valuation stays constant from 2003 to 2006, \$636,000. However, in 2007, the assessed valuation for Logan's Party House was increased to \$795,200. Now that is an increase in assessed valuation of \$159,200 or 26.2 -- or 25 percent increase.

Now, as to the taxes of that, the Logan's people, Bob and Richard, I believe it is O'Connor, paid in taxes \$2,427.60 in 2006, but in 2007, they were assessed an amount of \$3,063.99 or taxes were increased 26.2 percent.

Now obviously you can see the Town did something to either encourage or discourage this particular sale, in my opinion.

One of the things I noted when I first started reviewing this particular proposal, and it was this morning, to be honest with you. I did not attend any Planning Board meetings. But I noticed that every title of -- of reference to this particular project is referred to -- and I can get it right off your -- off of your agenda, incentive zoning proposal for 1420 Scottsville Road. You notice there is no mention of Robert or Richard O'Connor, and there is no mention of the Logan's Party House as a name. And I think that is a name. It's a party house.

And to answer Mr. Slattery's question a moment or so ago, if I'm not mistaken, I also picked up from my own information yesterday the -- the -- the -- the tax assessment for the Turkish Group Society on Beahan Road. And what I noticed, that they were being taxed for the year 2007. I was quite surprised, because I thought they were a church and a non- -- a non-profit situation. Now, I haven't looked at it from that aspect, but I just seem to feel that they were taxed, and they have been there a good 2000 -- before 2007, I am sure. That is information.

Just allude to the fact that Logan's Party House is not named by name on the first page of our agenda, 1420 Scottsville Road. An address only. And there is no mention of this property as a party house. The reference of incentive zoning proposal for 1420 Scottsville Road, unquote, is noted again for Resolution Number 34, regarding SEQR, for 1420 Scottsville Road, and I quote. In this resolution, 1420 Scottsville Road, the property, is referenced numerous times. Resolutions 346 regarding incentive zoning and the one that you will probably approve tonight on your vote, 1420 Scottsville Road is also the reference. No indication that it is Logan's Party House. And think of it. You have lost two party houses within the past several months. A party house on Paul Road -- on Beahan Road, and this particular party house on Scottsville Road.

Now my attention to these references is my point that not once is there a reference to Logan's party house. I believe this is an obviously attempt by the Town of Chili to exclude from the public record and public at large today and for the future, that what is being acted on tonight is that we are dealing here with a party house business, well established and identified with the Town of Chili from the public and obviously an attempt to -- to eradicate from public record the reference and accomplishments that Robert and Richard O'Connor have done with their party house at 1420 Scottsville Road as owners of this property.

This is a valuable service. A party house is a valuable service, well known. It gave to the Town of Chili instant recognition and through the County of Monroe, instant recognition as a party house over the period, I would indicate, approximately 26 years that I have been in knowledge of Richard and Robert O'Connor.

I don't know one brother from the other, other than hello, but I have first met them in the early 1980s. Everyone knew Logan's Party House. It's business, employment opportunities for

the community, for -- for employees and individuals residing in Monroe County or wherever they reside. And of course, what this business of Robert and Richard O'Connor attributed both to the Town of Chili and the greater Monroe County community.

I first met the O'Connors, as I noted, in the late '70s after they had taken over the -- a former party house at that location. I was on the Youth and Recreation Advisory Committee at that particular time and served on the Town Board immediately after that occasion.

So I have had a chance to watch and know Richard and Robert O'Connor. So what I would like to establish here is Logan's Party House had been extremely important to the well-being of the Town of Chili financially, business wise, informational wise, whatever.

As to whether private businesses also through its taxes have supported the Town's tax base, through the opportunity of a Freedom of Information request, I have found, if as I noted to you earlier, the record of payment of taxes that the Logan's Party House had attained or had been -- or had complied with. Starting with \$636,000 valuation in 2003, kept constant in 2004, kept constant in 2005, kept constant in 2006, and then all of a sudden 2007, increased to \$795,200. I note that the taxes were in 2003, 2004, \$104. And 2004, \$2,093.37. '05, \$2,391.81. \$2,427.16 in 2006. And finally this current year's taxes on the Logan's Party House was \$3,063.99, or as I noted, approximately an increase of 26 percent over that period of time.

I want to know one thing. I am a record -- I am an owner -- a shareholder in the Rochester Community Baseball, Incorporated and for the past 30 years, as I can remember, 29, 25, whatever it is, the Rochester Community Baseball, Incorporated had used the Logan's Party House as a -- as their official annual meeting site. And this past week I received my letter of notification of proxy to return to the baseball community, and I noted that this year, because Logan's will not be there, that the -- that event is to be held on January 26th, Diplomat Banquet Center, 1 Diplomatic Way. We know that's on Lyell Road in Gates. And so therefore, one party house's business, even today, as -- it is -- we have lost a patron that has come every year to the community of Chili.

So I want to be very concerned. I want to be very concerned that the Town of Chili not forcing these people out by increasing their taxes. I would give them encouragement to -- if that is the best buy they have and the best offer they have for their business, then -- then they should accept.

Thank you very much for listening to me.

COUNCILWOMAN IGNATOWSKI: Supervisor, if I may, I recall reading on a number of occasions that they were going out of business because of the lack of patronage. They had seen just a tremendous decrease in that, and I think that is why it went.

I imagine -- I can't speak for our Assessor, but probably their assessment was part of a reassessment that many residents have seen also across the Town.

And one last thing, whenever I'm reading from any Planning Board or Zoning Board, I don't think I have ever seen a reference to when there is a new business moving in, they just give a location of the address. They don't give what the old business is that they're relocating to. Do they? Do they say it is occupying the old FedEx building?

SUPERVISOR LOGEL: No. We're dealing with 1420 Scottsville Road.

COUNCILWOMAN SPERR: And I thought the assessment was based on the land.

SUPERVISOR LOGEL: And the location.

COUNCILWOMAN SPERR: The land value had gone up.

MR. BRIXNER: I didn't hear the comment from Mrs. --

COUNCILWOMAN SPERR: The assessment was based on the land value. From my opinion, the -- I'm not an Assessor, but I know -- but I was told when I was reassessed, that my land value went -- is what caused my increase.

MR. BRIXNER: (Inaudible).

COUNCILWOMAN SPERR: I can't speak to that Jerry (Brixner). I'm just saying that I know that the land contributed to the increase.

MR. BRIXNER: I made my point.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: Good afternoon. To back up what Mr. Brixner said, I happened to get the assessment for the said piece of property. He is correct. It is \$795,200 as of less than an hour ago, right from our Assessors's Office. I pulled that.

Also, the tax assessment, yes, it is \$31,630.95. That is school and County. Also, I did hear the attorney here for the University of Rochester that is representing saying that yes, we will guarantee five years with a possible, and I repeat, possible a second five-year for a full ten.

COUNCILMAN SLATTERY: Excuse me, Mr. Ginovsky, can you repeat that number you just stated in regard -- I believe you said 31?

SUPERVISOR LOGEL: Uh-huh.

MR. GINOVSKY: If I may hand this up to you, sir, the information I have with the school and the Monroe County tax.

COUNCILMAN SLATTERY: Okay. That was a little different from what I heard -- yes.

SUPERVISOR LOGEL: What he was only giving you --

MR. GINOVSKY: I am giving -- if I may, and I will go back to my podium, I just pulled these this morning. I want the correct number. I might have had it wrong, but I don't believe so.

COUNCILMAN SLATTERY: No problem. I just heard two different figures. That is why I was trying to verify it.

MR. GINOVSKY: You can review it. I would appreciate it -- I just received that from the

Town within the last hour.

COUNCILMAN SLATTERY: You're a good man.

MR. GINOVSKY: The point that I'm making is five years we're guaranteed that we'll get \$330,000, if my memory is correct. For five years only.

SUPERVISOR LOGEL: At the end of those five years, it will be recessed to -- to allow for increase or inflation.

MR. GINOVSKY: Possibly.

SUPERVISOR LOGEL: Well, it won't go down.

MR. GINOVSKY: Possibly, the gentleman said. Possibly pay it. I would like to have some type of guarantee that it will be for a full ten years. I think towards -- if -- the O'Connors want to sell the property and the University wants to do these improvements, as a parking lot, which is needed, a big employer of the County, well, that's nice. But what is in it for the rest of us Town residents that are paying our fair share?

And to expand on it, um, the dollar amount. I think a full ten-year, including any projected amount out as assessment increases, everything, hopefully will go and increase. The rest of us all have it. I think it should be based on, even though it is a non-profit organization and as such as good faith, they should be doing their fair share also. Besides giving employment to hopefully Town residents, I would hope. Definitely Monroe County residents, but we need to have some more guarantees instead of selling ourselves out short.

COUNCILWOMAN IGNATOWSKI: Steve (Ginovsky), it says for an initial term of five years with the right of the University to extend the initial term up to another five years. That is why there is a maximum of \$330,000.

MR. GINOVSKY: I would like to see a guarantee of a ten-year point at the 30 --

COUNCILMAN SCHULMERICH: We have that.

SUPERVISOR LOGEL: It is in there.

MR. GINOVSKY: As a guarantee.

COUNCILMAN SCHULMERICH: We have that. It is in writing.

MR. GINOVSKY: But when it says possible. They can pay the five-year, and then all of a sudden if they renew for the second five years, it comes with that payment. If they don't renew for the second five years and they vacate the property, they're not obligated to make the payments. If they renew for the second five years, they're obligated to make the payments.

MR. BRIXNER: Mrs. Supervisor, why is a Councilperson arguing with a speaker?

COUNCILMAN SCHULMERICH: Mr. Brixner, I'm not arguing. I'm providing information. I'm providing information.

SUPERVISOR LOGEL: Okay, guys.

COUNCILMAN SCHULMERICH: I'm not arguing. I have a right to respond, Mr. Brixner. I have that right.

SUPERVISOR LOGEL: Thank you.

MR. GINOVSKY: I believe I had the table, and I would like to continue on this.

SUPERVISOR LOGEL: I think -- just a minute, Mr. Ginovsky. I think Mr. Schulmerich's answer was correct, though.

COUNCILMAN SCHULMERICH: I'm just trying to reinforce you -- for you that it is a commitment for the second five years. You're asking for the commitment. I'm telling you it is there. I'm not arguing.

MR. GINOVSKY: I'm not. Just what I read there, and I have a very short period of time to read the document that was in the back --

COUNCILMAN SCHULMERICH: You can take whatever time you need. It is a public hearing.

MR. GINOVSKY: And I know you folks don't want to spend the whole day here.

But I did some research. I did check the assessment. I'm looking for the Town's best interest, as well as you folks are, and being a Town resident, I'm going to make sure that we're getting the most for it. We're going to lose this property basically to a non-profit. We're going to lose it on the tax point, and it is going to increase. Hopefully we'll get something out of it and get the best we can, the best deal cut.

Also, the roadway improvements, I hear on -- I heard from the University's representative, that's a requirement. That is not even negotiable. That is what is required if they want to use it for a parking lot, and we're changing our ordinance to allow this? It's the cost of doing business. That should not even come to play. It's a requirement, period. It's got to be done. They can't tear up the road afterwards. It's not going to happen. And don't hold the Town as hostage.

Also, Scottsville Road, last few years, I would say within the last three has been done over. And it looks halfway decent. And it's about time. It's a main thoroughfare.

Also, with the improvements that are even down farther on Scottsville Road at Ballantyne, we have a new bridge. That's what, five-, six-lane? It's going to improve our roadway going down Ballantyne to Beaver Road. With what we're going to be doing here on Archer Road. I wish Archer Road Ballantyne was widened, but that is besides the point. That needs to be done.

Also our Paul Road here, it's a real Master Plan that we're looking at. Not just short term. And I know we're talking just Scottsville Road here. But it all folds in together. We need to really broker, I think, maybe a little bit better deal.

And getting commercial properties in the Town, to increase funds coming here, we have got to do it. Even though our economy -- we all have to face it, has been diminishing over the last few years. A lot of people have lost their jobs, foreclosures and as such. And with businesses, it's kind of put the squeeze, I firmly do believe, to the O'Connors on this. If they had

an increase of 25 percent assessed value, an increase -- and businesses aren't doing the parties like they used to, they still have to make a living and pay their bills. I think we're doing a -- kind of a short change on this. We need to really lock stuff in and project it out a little bit better than what we have been.

Also on the Scottsville Road side, going into this piece of property, I'm going to make a guess that the University, besides having a parking lot there, will be putting a building there, probably, and I will make a guess. I'm not disputing with these folks. I want them to make money. Probably a dialysis or something similar there. I foresee this coming in because the University of Rochester has no room to do buildings. This is a low level. It would be an excellent location for a relocation there. And I think they will be doing that there. But the Town's taking lead agency. I want to see us get our best deal we can.

Also, another part on here, as the incentive, we do have many employees here with the Town. We do have Blue Cross/Blue Shield, and I did name a company there. The University does have their own medical insurance. Was any thought ever given to broker a better deal with medical care through the University of Rochester and Strong Hospital, which this organization happens to be, to get us a better deal where we can -- we're giving something up, but we're getting something in return, financially. I don't see anything like that there on this paper as an incentive, as a little extra perk. We're giving up. What's in it for us? And being a Town resident and a taxpayer, I think we need to look at those details a little bit tighter.

And just passing this, as it says, and I still, you know -- I will read this over again, I guarantee ten years and any increase -- guarantee, not possibly. When I hear "possibly," it scares me, because that ain't ever going to happen.

Thank you very much.

HEATH MILLER, 69 Bellmawr Drive

MR. MILLER: There were two comments I wanted to make about this application. The first is more just a -- an observation and that is that the total Town -- total taxes for this property, including the Town and the County and the Wheatland Chili School District total a little more than \$31,000 this year. And it appears now with this property, if this is approved tonight, this property will come off the tax rolls and the School District will not be getting any taxes from that. It is just an observation. They were getting about \$20,000 in property taxes from this property. It -- it's -- it is almost -- this deal has the same effect -- has a similar effect to if the Town was just taking over that portion of the property taxes, from the School District.

The second comment I wanted to make regards the actual agreement. Had any consideration been given to in five years from now, looking to reassess the amount of payment that the University makes to this Town? And the reason I ask, is because I have noticed in looking at the total tax history for this property over the last -- over the last five years, since 2002, um, the tax -- the property taxes have increased a total of \$7,000. And I am just wondering if five years from now, if it wouldn't be prudent to reassess how much -- if the University decides that they want to renew and have this parking lot in existence for another five years, if it would be in the Town's best interest to at that point look at the payment in lieu of -- this payment and perhaps revise it to a different figure. Just based upon the fact that the property taxes have increased over the last five years by \$7,000.

In 2002, the total taxes were \$24,224, and in 2007, the total taxes were \$31,359. That was all.

Thank you.

DAVID DUNNING, 2 Wheat Hill

MR. DUNNING: I guess I might be one of the few here that is in full support of this incentive package. The University of Rochester has been a good neighbor in many communities, and I believe they will be a good neighbor in the Town of Chili. The improvements that they intend to make on this property -- and I mean no disrespect to the Logan's organization, but these will be improvements. The property will actually look at a lot nicer when this is all done.

I think the Town should not only embrace but welcome the University of Rochester to Chili, and I hope when we get to this resolution you will seriously consider passing this resolution and allowing the University of Rochester to come to Chili. The potential that they bring to Chili for the future, I believe, is immense, what they can do for us. We need to let them know that they're welcome here.

Thank you.

IRENE BRIXNER, 14 Hartom Road

MS. BRIXNER: Well, I wasn't going to speak, because -- I came today to speak, however, all of the things that were said by members in this room, um, enlightened -- enlightened me. That's a very good point that Mr. Heath Miller, brought up. Yeah, is 33,000 enough? Why shouldn't that go up? My taxes go up. My house taxes went up 10 percent. Why should it be stable?

And Jerry (Brixner) is right. If taxes jump for a business, does -- is -- that business has to go. It's too much. Just like a lot of people are leaving the Town of Chili. And people have to settle for selling their houses a lot cheaper because it's a -- they're assessed high, but they can't get that kind of money to sell their houses, so they're -- so it is getting less.

I see some people smirking because I said what I said, but I do have great admiration for Mr. Ginovsky, Dorothy Borgus. A lot of the expressions that were brought up today, I think it

has enlightened me, but I don't think this Town Board should sit up there and think these are not all good ideas. These people have had experience, too.

I -- I don't agree that -- I don't like this, this contract. I don't -- it's very loose. Very, very loose. I wish it were a little tighter, and I wish it could change in five years where we could increase that 33,000. It will benefit the Town of Chili. I'm not concerned about the whole County. My taxes pay for what is in Chili.

Thank you.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Couple of questions for verification from the Board. Do I understand that the present property value assessment for this is \$795,000? Is that correct?

SUPERVISOR LOGEL: As I understand it, yes.

MR. RETTIG: Well --

SUPERVISOR LOGEL: Our Assessor is not here to -- I mean -- we -- we have it here.

MR. RETTIG: This Board should know what they're doing and know what the figures are.

SUPERVISOR LOGEL: Yes, we do. I meant I don't have the Assessor here to verify.

RICHARD BRONGO: 795,2

SUPERVISOR LOGEL: 795,2.

SUPERVISOR LOGEL: It is right here in print.

MR. RETTIG: Thank you very much.

All I am saying is not just one person, but this whole Board should know what figures they're dealing with, know the whole story here and not just be tagging along.

Question, will the restaurant structures all be taken down?

SUPERVISOR LOGEL: Yes.

MR. RETTIG: Okay. There was a mention of a November 3rd Planning Board meeting. Was a site plan presented at that time?

SUPERVISOR LOGEL: Mr. Karelus?

CHRIS KARELUS: Yes. Mrs. Supervisor, they were required to present the project's proposal to show build-out of the site as of right by current zoning. That is one of the balances of the incentive zoning, and they also provided the Planning Board the current site plan that is before you this evening.

The Planning Board reviewed the amenities and offered incentives and they gave a favorable recommendation to the Town Board after that meeting for this project's proposal.

MR. RETTIG: Was this a presentation other than an informal presentation? Because I didn't recall other than informal.

CHRIS KARELUS: It was a plan review as required by the Town's incentive zoning, which was a site plan review of the zoning -- incentive zoning package presented.

MR. RETTIG: Was there a SEQR and a site plan approval of that at that time?

CHRIS KARELUS: Lead agent on the project SEQR determination is the Town Board.

MR. RETTIG: Was there a public hearing at the Planning Board?

CHRIS KARELUS: No. By code it is not required.

MR. RETTIG: Pardon?

CHRIS KARELUS: By code it is not required. This public hearing is for the incentive package.

MR. RETTIG: I understand this public hearing for that reason.

My question is, in regard to the site plan, for which the public did not have an opportunity to speak or comment; is that correct?

CHRIS KARELUS: Mrs. Supervisor if I could, this project is going through its review process for its use. That is what the incentive process is for. It is for the project's use. It is not permitted under the current zoning of the property. And this project will, if it is favorably voted on by the Board, have a site plan review process with the Planning Board. It will have a public hearing for site plan review. This is the use, because it is not permitted in the Town's current zoning. This is the use application. There will be a site plan review for this project if a favorable vote comes from this Board.

MR. RETTIG: Okay. Thank you, Mr. Karelus. I appreciate the review and the additional comments for clarification.

And that is why I brought it up, because this has not been reviewed to date in detail before the public. And I wanted to make that clear, as Mr. Karelus also did, in regard to the fact that this is for a use review at this time.

The -- the property is now zoned Light Industrial. The proposed contract you have in front of you is for temporary parking for five years plus an additional five-year possible extension.

Beyond that, if the U of R keeps the property, they don't have to pay any taxes on the property, as I understand it, since they're -- can you clarify that Mr. Schulmerich.

COUNCILMAN SCHULMERICH: My response to that would be incentive zoning is only in place for up to ten years with two five-year renewable terms. At end of the five years, the incentive zoning is lifted, it goes back to Light Industrial unless there is some extension of the incentive zoning that would then result in another compensation package. If not, they would not continue using it.

MR. RETTIG: I appreciate your comment there.

Can you go to contract there, what it he says, in the contract, on the temporary as to the lifting of the incentive package? Can you -- is there a statement in there? Can you read that?

RICHARD STOWE: The temporary use provision in B-1 says that it is a temporary use

for five years. It expires after five years. The use would no longer be permitted on that site unless the University exercised its option to continue that use for another five years, with the required payments as stated in the agreement also being made for the extended period. It would no longer be utilized as a parking lot lawfully.

MR. RETTIG: After a potential maximum ten years; is that correct?

RICHARD STOWE: Yes. The second five being at the option of the University.

MR. RETTIG: Because I don't know where I picked it up that after that period of time, ten years, the University could apply for change of use, other than Light Industrial, for which it is, according to our Master Plan; is that correct?

RICHARD STOWE: Phone -- upon expiration of the initial term, or if exercised, the extended term, the temporary use automatically terminates. The project will no longer be a permitted use, and the University shall examine all available options, including, without limitation, changing the use to a permitted use or selling its interest in the property. That's what is in the agreement.

MR. RETTIG: To a permitted use.

RICHARD STOWE: Permitted use.

MR. RETTIG: The reason why I am asking, and I appreciate your reading that specifically, is because otherwise, I could assume -- and I won't assume. I'm not trying to assume anything. That is why I am asking. That it could be used for another purpose with the University asking for other than Light Industrial for which they're required to go back to or sell, other options, because I would otherwise have no other comment, but that's potential, future spot rezoning without that clause being followed. And I know it's been stated before by others, Chili is a lawless Town. I don't want to see that sort of thing happen to where Chili doesn't get the advantage of Light Industrial and they need that in the future after this particular temporary parking lot contract is -- is over. Is that a fair statement?

RICHARD STOWE: May I?

SUPERVISOR LOGEL: Yes, you may.

RICHARD STOWE: The underlying zoning on this property does not change. This --

MR. RETTIG: I understand that now.

RICHARD STOWE: Fine. They're -- then your assumption is correct, and -- and to have this incentive zoning proposal contemplated by our code, utilized by this particular applicant for this temporary use does not change the underlying zoning of this parcel. When it terminates, as this agreement clearly states, they will need to either have their use of the property be a permitted use, or come back to this Board under any of our local laws, including this incentive package, for some other use. All right?

MR. RETTIG: Okay. I understand a what you're saying. Just to reiterate, and correct me if I am wrong, that what you're saying is the intent is not to have this rezoned after this time period under any circumstances.

RICHARD STOWE: Right.

COUNCILWOMAN SPERR: Correct.

COUNCILMAN SCHULMERICH: Any applicant can come regarding any parcel regarding an application for rezoning, anywhere. They can always make that application, but that is not the intent.

RICHARD STOWE: That is not what we're doing today.

MR. RETTIG: Agreed. I understand. I just want to make it clear, because there's been enough slide by, slip through and I don't think -- even though this is ten years in the future, um, I want to make sure that this does not happen, which is not what this Board wants. It is not what the citizens want from a standpoint of what is of value to the Town, Town of Chili, with this incentive package, and that we leave open the option for this to potentially go back to Light Industrial, either by University of Rochester, or others to be properly used according to our Master Plan and our zoning proposed. Is that a fair statement?

RICHARD STOWE: Yes, it is. But I'm concerned about two things that you're including in your reassessment of your statement.

One is that your reference to the fact that some level of lawlessness is involved in this whole thing. And that concerns me. Anything but that is here. This is -- this is clearly contemplated by our existing code, and utilized by this particular applicant in a consistent and lawful manner.

Number 2 is that there is nothing in here that doesn't mean that the underlying zoning on this property couldn't be contemplated by some future Town Board to change. This -- this particular use is authorized at this time by this Board pursuant to this agreement. That doesn't mean it is going to be always and forever Light Industrial property. That could always change.

MR. RETTIG: Understood.

RICHARD STOWE: I want to clarify that.

MR. RETTIG: I appreciate that. What I am getting at is, whether or not would this agreement, as has already been mentioned, that with increasing land values, this Board might deem it more reasonable to put in an expansion or inflation potential clause that after five years, to review this \$33,000 per year PILOT in lieu of the fact that property values are potentially advancing. Is that a fair statement to ask that the -- that the Chili taxpayers be given a reasonable fair assessment of their land value?

RICHARD STOWE: Do you want me to respond to that? I think what this agreement contemplates and what it is being covered by this particular Town Board to consider, has cash in lieu of amenities language in it, and a potential for extending that at the University's option so

that they pay over a ten-year period a maximum of \$330,000.

If you're asking was any of that ever contemplated in the conversation and in the offers from the applicant, I think it is a fair assessment to say yes, that was contemplated.

I suppose it is also a fair assessment to say that reasonable minds can probably differ with regard to how much or how little ought to be included in this agreement. This is the one that is the subject of our agreement today.

MR. RETTIG: Understand. But after ten years, we, the people, the citizens of the Town of Chili, realize that U of R can still own it, still use it for an approved purpose, according to what this Board will be voting on today, but will not be paying any taxes as a non-profit organization; is that correct?

RICHARD STOWE: Is that a possibility?

MR. RETTIG: Yes.

RICHARD STOWE: I suppose the answer technically is yes. I suppose the University of Rochester could have -- could have approached the O'Connors, bought the site and used it for some totally not-for-profit use of their very own allowed otherwise under our code and we would never be having this public hearing or this conversation. So I don't know why that wouldn't be just as much an option ten years from now at the end of this as it is now today.

MR. RETTIG: But it can be approached at that time; is what you're saying? By a future Board?

RICHARD STOWE: Yes.

MR. RETTIG: Yes. Okay. Of course, I'm asking the question as to where this is a financially advantaged decision of this Board.

RICHARD STOWE: Right. That is the subject of the hearing.

MR. RETTIG: And this Board is saying this is of a financial advantage why?

RICHARD STOWE: I'm not sure this Board is taking the position on whether it is or isn't. It is interested in the public's input on the whole thing. The offer that is before the Board --

MR. RETTIG: But you're voting on it. I'm asking if you're going to vote on it, hopefully you will vote for the advantage of Chili. Why is this Board, its individual members saying this is a good advantage? That is a fair statement. Fair question.

RICHARD STOWE: I don't know they have made their expression on the value of this until they vote for or against it.

MR. RETTIG: Okay. Fair statement.

Thank you for answering questions and being open on it.

I hope that this project, if it is voted on, goes forward to the advantage of the Town to where this does definitely revert back to Light Industrial and is used for that purpose in the future.

Thank you.

MR. GREINER: I just wanted to make a couple remarks right now, Supervisor.

One, just to clear something up, because I believe I heard it said, and I just want to make sure of this. If after ten years -- well, at the end of ten years, if the University extends for the five-year extension, if this property is no longer permitted as a parking lot and the University still owns it, it would go back on the tax rolls unless the University used it for a purpose consistent with its charter, and not-for-profit use. And that has nothing to do with the Town. That is State Law. That is Section 420-A, as you know, of the Real Property Tax Law. But I just wanted to clear that up, because I did hear if the University just owned it, it would be off the tax rolls, and that is not actually accurate. I wanted to clear that up.

We also heard from people who say we shouldn't do this at all and we should do this for ten years guaranteed. In my mind, they sort of cancel each other out.

I'm kind of reminded at this time of the year of the movie "It's a Wonderful Life" with Jim Stewart. What happens if George Bailey hadn't existed and Pottersville is just a terrible place. What happens if this plan is not approved, not guaranteed to happen, but one possible outcome is that this property -- the only other party that was interested, as far as we can determine, in purchasing this property was a church. And so what would happen if the University didn't exist, like George Bailey, um, you would have it off the tax rolls for sure.

There wouldn't be the landscaping improvements. I'm sorry, a church has a special status in New York State Law, as Mr. Stowe will tell you, under the First Amendment, under the highest case -- the case of the highest court in the State, the Diocese of Rochester versus the Planning Board of the Town of Brighton. Not to mention federal statute dealing with land use and zoning for churches, and that you would not be able to make a church do the kinds of landscaping and fencing improvements, road improvements, any of that would be out the door as well as any payments in lieu of taxes would be out the door, as well. So if you look at it in that light, I think it becomes a bit more attractive.

You also look at the fact -- and I think it was Mr. Miller, if not Mr. Ginovsky who brought this up, and that is just in terms of payment -- I hear people talking why don't we make them pay more the second five years? When you look at the overall payments versus what the Town is deriving from taxes, it is, I think, ten times the amount. I mean it is -- it is a huge percentage increase in what the Town derives as taxes. So if you a look at it that way, it's of more benefit to the Town in that respect.

Again, if the University used this for a University purpose or if a church used it for a church purpose, it would be off the tax rolls entirely. That may still happen. As Mr. Stowe said, after ten years, this can no longer be used as a parking lot under this incentive zoning proposal. The University or anyone is free to try to do anything they can with it consistent with the Town's

controls that it has. And that is the same as it is today.

Um, the fact is, is that the Party House doesn't exist any more. It has nothing to do with this proposal. It may have to do with maybe changing tastes. People have made -- Mapledale Party House, I never thought that would close either. It just seems people are doing different things. Watching more DVDs. I don't know what they're doing. But they're obviously doing something that doesn't make these party houses as profitable as they might have been at one time.

So respectively, I think is a good proposal. The Town is not giving anything away here. The Town is the steward of the Town, but this is private property. The proposal here, in a sense, freezes things while the University can meet its needs and the Town is more than made whole in many respects under the incentive zoning package.

All due respect to Mrs. Borgus, I don't know what she was doing at the University 34 years ago or how long she was at the University. I don't think it is fair to say that she knows how they were then and so they must be -- whatever they were then, they must be now.

What I stated earlier, and I think if you look at the University's Master Plan, is that -- and the reason this is only for a maximum of ten years, is that the University's Master Plan contemplates building parking structures in the next number of years. Right now it needs this shuttle for its employees, but within the next ten years, the vast probability here, otherwise we would have asked for more time, I think, is to make this kind of an investment.

The vast probability is that the University -- and again, Mrs. Borgus is right. It always has had parking problems. It happened ever since I came to the Town years ago. But they're continually trying to address it. In one sense, it is a good problem. It means they're growing and doing very well. But the plan, the Master Plan is to build parking structures that should take care of the parking.

Thank you.

MR. BRIXNER: Thank you, Madam Supervisor. Just as a rebuke to the attorney, and I appreciate the fact that he is clarifying some issues that have been answered or brought up earlier. I would like to note, and make it imperative to note that Logan's Party House as a party house is an employer. It hires waitresses. It hires cooks. It is a job for people, and I haven't heard too many about the fact that it is a job opportunity for people. And I just wanted to clarify my thinking on that particular issue.

Thank you.

The Public Hearing was closed at 1:15 p.m.

The next meeting of the Chili Town Board is scheduled for Wednesday, January 2, 2008 at 7:00 p.m. at the Chili Town Hall meeting room.

The meeting ended at 1:28 p.m.