

CHILI TOWN BOARD
June 29, 2015

A meeting of the Chili Town Board was held on June 29, 2015 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 David Dunning.

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

ALSO PRESENT: Virginia Ignatowski, Town Clerk, Richard Stowe, Counsel for the Town, in the audience is Dan Knapp, Director of Finance.

The invocation was given by Virginia Ignatowski.
The Pledge of Allegiance was cited.

The fire safety exits were identified for those present.

SUPERVISOR DUNNING: There will be no public comment. This is a special meeting of the Town Board and we are here to talk about resolution #209, for a Pilot Agreement.

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: Did you have a question, I'm sorry did you have a question go ahead? If you have a question, ask it.

COUNCILWOMAN SPERR: One of the questions I did have was um, is the school districts and the other taxing entities don't have any say in this agreement because of the way the law and how structured it is? It is pretty much set and determined any changes that are variables or determined just by us? Is that correct?

SUPERVISOR DUNNING: The agreement that we have in front of us is for the Town of Chili. I have no interest in what the school districts or Monroe County may or may not need to do in regards to agreements to the taxation.

COUNCILWOMAN SPERR: Ok.

SUPERVISOR DUNNING: Rich, did you want to shed any light on that?

RICHARD STOWE: Yea, the agreement does provide the same quarterly payments to be made by the project to the school district and to the county as the assessing unit. The exemption comes from this unit, not from them.

COUNCILWOMAN SPERR: I saw that.

RICHARD STOWE: Just like the Assessor determines exemptions for seniors citizens.

COUNCILWOMAN SPERR: Got it, ok.

RICHARD STOWE: So, the exemption authority is here.

COUNCILWOMAN SPERR: Got it, ok.

RESOLUTION #209 RE: Pilot Agreement

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, the Town Board of the Town of Chili (the “Board”) wishes to approve the Project, as defined below, to be developed by Cedars of Chili LLC (“Cedars”); and

WHEREAS, Cedars intends to preserve and redevelop an affordable housing project located in the Town of Chili, Monroe County, in the Churchville-Chili Central School District at 94 Old Scottsville Chili Road (f/k/a 1 Norfolk Drive, Rochester, New York), Town of Chili, County of Monroe, State of New York (SBL No. 146.03-1-7)(the “Project”); and

WHEREAS, in furtherance of the Project an affiliate or partner of Cedars will sponsor the formation of a housing development fund company (“HDFC”) to be called Cedars of Chili Housing Development Fund Corporation pursuant to the New York Not-For-Profit Corporation Law and Article XI of the New York Private Housing Finance Law (“PHFL”); and

WHEREAS, Cedars of Chili MM LLC will serve as a managing member of Cedars, the beneficial and equitable owner of the Project, and the HDFC will hold fee title to the Project and the land upon which the Project is situated (the “Land”); and

WHEREAS, Section 577 of the PHFL authorizes the Board to exempt the Project from real property taxes; and

WHEREAS, Cedars and the HDFC will be willing to enter into a Payment In Lieu of Taxes Agreement (the “Agreement”), substantially in the form attached hereto as Exhibit A, whereby Cedars will make quarterly payments in lieu of taxes to the Town of Chili, the County of Monroe and the Churchville-Chili Central School District, as more particularly described therein; and

WHEREAS, as permitted by Section 577 of the PHFL and to make the Project economically feasible, the Board is willing to exempt the Land and the Project from real property taxes for a period of forty (40) years commencing on the date the Project is acquired by the HDFC, subject to execution and delivery of the Agreement; and

NOW, THEREFORE, BE IT RESOLVED, that as permitted by Section 577 of the PHFL, the Board hereby (a) exempts the Land and the Project from real property taxes, for a period of forty (40) years commencing on the date the Project is acquired by the HDFC, and (b) approves the Agreement; and

BE IT FURTHER RESOLVED, that Cedars will make quarterly PILOT payments to the Town of Chili, the County of Monroe and the Churchville-Chili Central School District pursuant to the terms of the Agreement; and

BE IT FURTHER RESOLVED, that the Supervisor of the Town of Chili is hereby authorized to execute and deliver the Agreement on behalf of the Town of Chili and all other taxing jurisdictions served by the Town of Chili, including the County of Monroe and the Churchville-Chili Central School District; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, this 29th day of June, 2015.

Aye:

Nay:

Certified by Town Clerk

Councilman Brown - Aye
Councilwoman DiFlorio - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

The next meeting of the Chili Town Board will Wednesday, July 15, 2015 at 7:00 p.m. in the Town of Chili, Town Hall Main Meeting Room.

The meeting was adjourned at 12:15 p.m.

