

CHILI TOWN BOARD  
June 15, 2016

A meeting of the Chili Town Board was held on June 15, 2016 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor David Dunning.

**PRESENT:** Councilman DeCory; Councilman Slattery, Councilwoman Sperr and Supervisor David Dunning. Councilman Brown was excused.

**ALSO PRESENT:** Dawn Forte, Supervisor's Secretary; Sandra Hewlett, Stenographer; Virginia Ignatowski, Town Clerk; Daniel Knapp, Director of Finance; David Lindsay, Commissioner of Public Works/Highway Superintendent; Councilman Slattery, Deputy Town Supervisor; Richard Stowe, Counsel for the Town; Eric Vail, Insurance Counselor.

The invocation was given by Virginia Ignatowski.

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

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. There were no speakers to address the Town Board. The Public Forum concluded at 7:01 p.m.

**MATTERS OF THE SUPERVISOR:**

**SUPERVISOR DUNNING:** I just want to say the opening of the Spray Park Saturday was quite the success. It turned out to be an absolutely beautiful day. It was a nice event. I was glad to see all of the kids and parents out there having some fun and even the big kids out there having a little fun, Councilman, but it was really a nice event. I think we have a true gem out there for that park.

New Matters:

1. Chil-E Fest 7/4/2016.

**SUPERVISOR DUNNING:** Coming up we have the Chil-E Fest. July 4th is Chil-E Fest. That event does take place, I believe, starting around noon. We start with bands and car shows and finish off with a really, really nice fireworks show.

**COUNCILWOMAN SPERR:** Parade.

**SUPERVISOR DUNNING:** Parade begins at 5 p.m., I believe. So hopefully everyone will be there.

The other thing not on agenda but I would like to bring up, I believe on the July -- or June 30th that we have -- Lifetime Assistance has made application for a group home at 231 Fisher Road. They are going to hold a public meeting here in this room. They will be sending out notices to the neighbors and things like that, but just to let everybody know what that group home is, what it is all about.

**DAWN FORTE:** I think it was the 7th.

**SUPERVISOR DUNNING:** Okay. July 7th at 7 p.m. in this room. So anybody interesting in hearing what Lifetime is doing with this particular group home, they're more than welcome to come see what -- and be heard.

Pending Matters:

1. Vacancy BAR (Perm. & Temporary Member) Committee, Ethics Committee.

**SUPERVISOR DUNNING:** We still have vacancies on the Board of Assessment Review for a temporary member, and also I believe we have one for a regular member now also. And we do have room on the -- we're looking for an additional member for the Ethics Committee also.

**MATTER OF THE TOWN COUNCIL:** Nothing to report.

**REPORTS SUBMITTED:**

Advanced Payment of Claims – May 2016  
Architectural Advisory Committee Minutes – 4/12/2016  
Building Department Report – May 2016  
Chili Parks & Recreation Minutes – 4/19/2016  
Drainage Committee Minutes – 4/5/2016  
Historic Preservation Board Minutes – 5/9/2016

Monthly Financial Statement – May 2016  
Planning Board Minutes – 4/12/2016  
Recreation Center Revenue Report – May 2016  
Senior Center Revenue Report – May 2016  
Town Clerk Report – May 2016  
Traffic & Safety Minutes – 4/7/2016  
Zoning Board Minutes – 4/26/2016

**CORRESPONDENCE:**

1. Virginia Ignatowski, Town Clerk has received notification that Rockwell Yarid, Board of Assessment Review will be resigning at the end of 2016.

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**RESOLUTION #186 RE: Road Closure Pearce Memorial Church**

**OFFERED BY: Councilman Slattery      SECONDED BY: Councilwoman Sperr**

**WHEREAS**, Pearce Memorial Church has asked for the Town's permission to hold the annual Fall Kick-off event on Sunday, September 11, 2016 from 11:00 am – 1:30 pm; and

**BE IT RESOLVED**, that the Town Board hereby authorizes Pearce Memorial Church to hold their annual fall kick-off event on September 11, 2016, as outlined in their correspondence, provided they notify the residents of Orchard Street, Monroe County Sheriff's Office at Zone C, the Chili Fire Department and Ambulance and provide a certificate of insurance naming the Town as an additional insured prior to the event; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall send notification of this resolution to Pearce Memorial Church.

Councilman Brown - (Absent/Excused)  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #187 RE: Donation to the Senior Center Trust and Agency Account**

**OFFERED BY: Councilman DeCory      SECONDED BY: Councilwoman Sperr**

**WHEREAS**, The Senior Center Trust and Agency Account was established in the year 2000 to hold proceeds from fundraising activities to benefit the Chili Senior Center; and

**WHEREAS**, Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, wish to accept a \$100 donation from Lisa and Peter Darling to be deposited in the Senior Center Trust and Agency.

Councilman Brown - (Absent/Excused)  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #188 RE: MOU with NYS Taxation & Finance ORPTS**

**OFFERED BY: Councilman Slattery      SECONDED BY: Councilwoman Sperr**

**WHEREAS**, the Supervisor is authorized to sign a MOU (Memo of Understanding) with ORPTS (Office of Real Property Tax Services) on an annual basis to clarify & outline the roles and responsibilities for 2017.

Councilman Brown - (Absent/Excused)  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #189 RE: Transfer to Workers' Compensation Reserve**

**OFFERED BY: Councilman DeCory      SECONDED BY: Councilman Slattery**

**WHEREAS**, the Workers' Compensation Reserve Fund was established December 2004 by Resolution 360 in accordance with General Municipal Law §6-j; and

**WHEREAS**, the Upstate New York Municipal Workers' Compensation Program (UNYMWCP) has completed its 2015 operating expense analysis which revealed a surplus and it has been determined by the UNYMWCP Board to refund to the Town of Chili \$44,399.00; and

**NOW, THEREFORE, BE IT RESOLVED**, to amend revenue budget A2683 (Self Insurance Recoveries) by an increase of \$44,399.00 and amend expense budget A9901.9000 (Interfund Transfers) by an increase of \$44,399.00; and

**BE IT FURTHER RESOLVED**, to transfer \$44,399.00 to the Workers' Compensation Reserve Fund.

Councilman Brown - (Absent/Excused)  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #190 RE: Roberts Wesleyan College Parade**

**OFFERED BY: Councilwoman Sperr      SECONDED BY: Councilman DeCory**

**WHEREAS**, Roberts Wesleyan College has asked for the Town's permission to hold a Homecoming Parade & 150th year celebration on Saturday, September 24, 2016 at 11:00 a.m. to last for approximately one hour; and

**BE IT RESOLVED**, that the Town Board hereby authorizes Roberts Wesleyan College to hold Their Homecoming Parade on September 24, 2016, following the route outlined in their correspondence, provided they notify the Monroe County Sheriff's Office at Zone C, the Chili Fire Department and Ambulance and provide a certificate of insurance naming the Town as an additional insured prior to the parade; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall send notification of this resolution to Roberts Wesleyan College.

Councilman Brown - (Absent/Excused)  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #191 RE: Recreation Staff**

**OFFERED BY: Councilman Slattery      SECONDED BY: Councilwoman Sperr**

**BE IT RESOLVED** that Michael Curley, Parks and Recreation Director, is authorized to hire up to ten (10) Part-Time Recreation Program Staff, as needed, and shall be paid at the rate of \$9.00 per hour, or \$9.75 per hour if working the Before School Care SAFE program, pending background check.

Michael Firnstein  
Anthony Lippa

Councilman Brown - (Absent/Excused)  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #192 RE: Property Appraisal Agreement**

**OFFERED BY: Councilman Slattery      SECONDED BY: Councilman DeCory**

**WHEREAS**, the Town of Chili will be contracting with a professional consultant to provide an on-site inspection and certified appraisal of the Town's buildings/structures and permanent fixtures for the purpose of establishing current insurance valuations; and

**NOW, THEREFORE, BE IT RESOLVED**, that Supervisor Dunning be authorized to enter into an agreement with Industrial Appraisal Company to provide said services at a cost not to exceed \$3,100.00 from A1910.4 (Unallocated Insurance – Building Appraisal); and

**BE IT FURTHER RESOLVED**, to transfer \$3,100 from A1990.4 (Contingency) to A1910.4 (Unallocated Insurance – Building Appraisal).

Councilman Brown - (Absent/Excused)  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #193    RE: Chili Fire Department Addition to Active List**

**OFFERED BY: Councilwoman Sperr      SECONDED BY: Councilman Slattery**

**BE IT RESOLVED** that the following individual(s) be added to the Chili Fire Department active list effective June 6, 2016:

Daniel Dides, Jr., Jacob Mance, Joshua Merrell

Councilman Brown - (Absent/Excused)  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #194    RE: Chili Fire Department Remove from Active List**

**OFFERED BY: Councilman Slattery      SECONDED BY: Councilwoman Sperr**

**BE IT RESOLVED**, that the following individual(s) be removed from the Chili Fire Department active list effective June 6, 2016:

Tracy Colon, Anthony Higgins, Tom McNulty, Matt Morley, Roger Varner

Councilman Brown - (Absent/Excused)  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #195    RE: Clifton Fire Department Addition to Active List**

**OFFERED BY: Councilman Slattery      SECONDED BY: Councilwoman Sperr**

**BE IT RESOLVED** that the following individual(s) be added to the Clifton Fire Department active list effective June 6, 2016:

Kevin Mitchell

Councilman Brown - (Absent/Excused)  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #196    RE: 2016 Budget Amendments**

**OFFERED BY: Councilman DeCory      SECONDED BY: Councilman Slattery**  
**BE IT RESOLVED** to transfer \$25,000 from A3410.1 (Fire Marshal – Personnel) to

A1990.4000 (Contingency); and

**BE IT FURTHER RESOLVED**, to transfer \$25,000 from A1990.4000 (Contingency) to A1110.1 (Justices - Personnel).

Councilman Brown - (Absent/Excused)  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #197 RE: Purchase of Replacement Leaf Machine**

**OFFERED BY: Councilwoman Sperr    SECONDED BY: Councilman DeCory**

**WHEREAS**, included in the approved 2016 budget is the purchase of one (1) replacement leaf machine; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the purchase from Old Dominion Brush Company (ODB) one (1) new trailer mounted vacuum debris collector (Model LCT650) off the National Joint Powers Alliance (NJPA) contract (Contract #060612-ODB) at a cost not to exceed \$37,000; to be paid from the A/C# A01.8160.2000 (Refuse and Garbage – Equipment).

Councilman Brown - (Absent/Excused)  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #198 RE: Establishment of Special Revenue Fund/ Transfer of Trusts**

**OFFERED BY: Councilman Slattery    SECONDED BY: Councilwoman Sperr**

**WHEREAS**, the Park & Recreation (Parkland Deposits) Trust was established per NY municipal law for the collection of fees to be used for park, playground or other recreational purposes, including the acquisition of property; and

**WHEREAS**, the Landscaping Trust Fund was established May 1992 by Resolution 335 for the purpose of purchasing and planting trees, shrubbery, and other such similar landscaping, to improve the Town green spaces; and

**WHEREAS**, the Brick Walk Trust Fund was established November 1998 by Resolution 463 for the purpose of defraying the costs of landscaping the Town Hall/ Library complex, including, but not limited to, the purchase of trees, bushes, plants and flowers and related supplies; and

**WHEREAS**, the Senior Center Fund Raiser Trust Fund was established April 2000 by Resolution 194 for the purpose of collecting donations and proceeds from fundraising efforts to be used for the benefit of the Chili Senior Center; and

**WHEREAS**, the Senior Initiatives Trust Fund was established December 2004 by Resolution 388 for the purpose of collecting a onetime donation from Union Park Housing LP to be used for senior programs, activities and endowments; and

**WHEREAS**, the Historical Property Trust Fund was established February 2005 by Resolution 115 for the purpose of collecting donations and proceeds from fundraising efforts to be used for the benefit of historical properties owned by the Town; and

**WHEREAS**, the Pfrengle Property Trust Fund was established February 2005 by Resolution 123 for the purpose of collecting a onetime donation from the Estate of Gerald C. Pfrengle to be used for the maintenance and/or improvements to the property located at 241 Chili Scottsville Rd; and

**WHEREAS**, GASB 34 made significant changes to the accounting and reporting requirements for trusts. The statement created new funds based on the ability to use these resources for governmental purposes. Expendable trusts to be used for purposes that benefit the municipality, will be reported as a miscellaneous special revenue fund; and

**NOW, THEREFORE, BE IT RESOLVED**, to establish the Miscellaneous Revenue Fund within the Town of Chili's set of funds and accounts; and

**BE IT FURTHER RESOLVED**, to transfer all outstanding balances and activity from the

aforementioned Trust Funds to the Miscellaneous Revenue Fund.

Councilman Brown - (Absent/Excused)  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #199 RE: Ownership and Maintenance of Enclosed Drainage on NYS Route 383**

**OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman DeCory**

**WHEREAS**, Sumket Development, LLC proposes to construct an enclosed drainage connection on the south/east side of New York State Route 383, in the Town of Chili, as shown on the plans approved with NYSDOT Highway Work Permit #20160449369, prepared by BME Associates; and

**WHEREAS**, the State of New York will only allow the enclosed drainage to be constructed and connected to the state highway drainage system if the Town of Chili accepts ownership and responsibility for all maintenance and repairs of the pipe from the manhole at the right of way line to its outlet subject to an agreement with the City of Rochester; and

**WHEREAS**, NYSDOT shall not be liable for any damage or injury to Sumket Development, LLC, its agents, employees, or to any other person, or to any property covered by the NYSDOT Highway Work Permit; and

**NOW, THEREFORE, BE IT RESOLVED,**

- Section 1. That upon construction of the enclosed drainage connection, the Town of Chili agrees to own, maintain and repair the pipe from the manhole at the right of way line to its outlet subject to an agreement with the City of Rochester.
- Section 2. To the fullest extent permitted by law, the Town of Chili agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Sumket Development LLC's activities or operations related to the drainage connection covered by the NYSDOT Highway Work Permit.
- Section 3. That this resolution shall take effect immediately.
- Section 4. That the Town Clerk is hereby directed to transmit two (2) certified copies of the foregoing resolution to the New York State Department of Transportation, 1530 Jefferson Road, Rochester, New York, 14623, Attn. David Goehring, Regional Traffic Engineer.

Councilman Brown - (Absent/Excused)  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #200 RE: Set Public Hearing for July 13, 2016 at 7:00 p.m. to Consider Rezoning of 4330, 4332, 4334 & 4336 Buffalo Road from R-1-15 (Residential) to G.B. (General Business).**

**OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr**

**WHEREAS**, the Planning Board at their June 14, 2016 meeting recommended that the applicant petition the Town Board to rezone the property(s) located at 4330, 4332, 4334 & 4336 Buffalo Road from R-1-15 (Residential) to G.B. (General Business); and

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

**BE IT FURTHER RESOLVED**, that a Public Hearing be set for July 13, 2016 at 7:00 p. M. At

the Town Hall Main Meeting Room, 3333 Chili Avenue to consider the rezoning application for the parcel(s) located at 4330 Buffalo Road Tax ID #132.13-1-32, 4332 Buffalo Road Tax ID #132.13-1-31, 4334 Buffalo Road Tax ID# 132.13-1-30 & 4336 Buffalo Road Tax ID#132.13-1-29 from R-1-15 (Residential) to G.B. (General Business).

Councilman Brown - (Absent/Excused)  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #201 RE: May 18, 2016 Abstract**

**OFFERED BY: Councilman DeCory      SECONDED BY: Councilwoman Sperr**

**WHEREAS**, January 4, 2016 Resolution #1 authorized vouchers to be paid May 18, 2016, by all Council signing a waiver form; and

**WHEREAS**, Council did authorize by a majority vote vouchers 21049, 21127, 21129, 21151-21152, 21192-21197, 21204, 21209, 21216-21235, 21238-21308, 21310-21316 totaling \$117,026.54 to be paid from the Distribution Account as presented by Virginia Ignatowski, Town Clerk; and

**NOW, THEREFORE, BE IT RESOLVED**, to note for the record vouchers 21049, 21127, 21129, 21151-21152, 21192-21197, 21204, 21209, 21216-21235, 21238-21308, 21310-21316 were paid from the following funds:

General Fund	\$	89,180.07
Highway Fund		16,137.10
H57 Spray Park at Union Station Park		9,440.00
Drainage District		1,769.37
Private Purpose Trust		<u>500.00</u>
Total Abstract	\$	117,026.54

Councilman Brown - (Absent/Excused)  
Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #202 RE: June 1, 2016 Abstract**

**OFFERED BY: Councilman Slattery      SECONDED BY: Councilwoman Sperr**

**WHEREAS**, January 4, 2016 Resolution #1 authorized vouchers to be paid June 1, 2016, by all Council signing a waiver form; and

**WHEREAS**, Council did authorize by a majority vote vouchers 21050-21051, 21319-21325, 21333-21338, 21350-21351, 21360-21362, 21366-21385, 21388-21437, 21439-21441 totaling \$212,438.12 to be paid from the Distribution Account as presented by Virginia Ignatowski, Town Clerk; and

**NOW, THEREFORE, BE IT RESOLVED**, to note for the record vouchers 21050-21051, 21319-21325, 21333-21338, 21350-21351, 21360-21362, 21366-21385, 21388-21437, 21439-21441 were paid from the following funds:

General Fund	\$	50,363.64
Workers' Comp Reserve		127,022.00
Highway Fund		17,038.06
Library Fund		1,517.51
H56 Annual Assessment Project		3,687.50
Drainage District		983.69
Street Lighting District		<u>11,825.72</u>
Total Abstract	\$	212,438.12

Councilman Brown - (Absent/Excused)

Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #203 RE: June 15, 2016 Abstract**

**OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr**

**BE IT RESOLVED** to pay vouchers 21081, 21438, 21445-21450, 21454-21517, 21519-21522, 21524, 21526-21527, 21532-21538 totaling \$106,464.41 to be paid from the Distribution Account as presented to the Town Board by Virginia Ignatowski, Town Clerk:

General Fund	\$	88,476.06
Highway Fund		<u>17,988.35</u>
Total Abstract	\$	106,464.41

The next meeting of the Chili Town Board will be Wednesday, July 13, 2016 at 7:00 p.m. in the Town of Chili, Town Hall Main Meeting Room.