

CHILI TOWN BOARD
September 16, 2015

A meeting of the Chili Town Board was held on September 16, 2015 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 Brown, Councilwoman DiFlorio; Councilman Slattery, Councilwoman Sperr and Supervisor David Dunning.

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 and Building Department Representative; Councilman Slattery, Deputy 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. The following speaker addressed the Town Board on various subjects: Dorothy Borgus. The Public Forum concluded at 7:03 p.m.

MATTERS OF THE SUPERVISOR:

New Matters:

SUPERVISOR DUNNING: I would just like to say -- offer a thanks to the Chili Fire Department for just an absolutely wonderful ceremony that they put on on September 11th, last Friday night. It was a really beautiful ceremony.

And I also want to thank Dawn (Forte). I know she worked very, very hard with them trying to put the program together, keep things coordinated. Things went off very well. One of those moments you're really proud to be a Chili resident and proud to be part of it. I just want to thank them for that ceremony. It was wonderful.

Besides that, I really have nothing additional.

Pending Matters:

1. Vacancy BAR (Temp Member) Committee, Ethics Committee.

SUPERVISOR DUNNING: There are pending vacancies on the Board of Assessment Review (temp member), as well as on the Ethics Committee.

MATTERS OF THE TOWN COUNCIL:

COUNCILWOMAN DIFLORIO: Just real briefly, the Chili Rec Department is doing their Fall Family Fun Day at Davis Park on the 26th at 11:30, so 11:30 to 2:30. All of the rides and activities for the kids are free, but -- there are some vendors with food options and things, but the activities themselves are all free. So always a fun event. I know we don't have any kids in the audience, but we do have people that watch at home.

The 8/12/15 Town Board meeting minutes were approved as modified.

REPORTS SUBMITTED:

Advanced Payment of Claims – August 2015
Architectural Advisory Committee Minutes – 7/14/2015
Building Department Report – August 2015
Chili Parks & Recreation Minutes – 6/16/2015, (No July Meeting)
Dog Control Reports – August 2015
Drainage Committee Minutes – 7/7/2015, 8/4/2015
Monthly Financial Statement – July 2015, August 2015
Planning Board Minutes – 7/14/2015
Recreation Center Report – August 2015
Senior Center Report – August 2015
Town Clerk Report – August 2015
Traffic & Safety Minutes – 8/6/2015, (No July Meeting)

CORRESPONDENCE:

1. Virginia Ignatowski, Town Clerk has received notification that Randy Ackley, Highway Department is resigning; effective 9/29/2015.
2. Virginia Ignatowski, Town Clerk has received notification that Pat Sheridan, Building Department is resigning; effective 9/25/2015.

RESOLUTION #243 RE: Rezoning of 404 Chili - Scottsville Road from PRD (Planned Residential Development) to RA-10 (Rural Agricultural - 10)

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Brown

WHEREAS, the Planning Board at public hearing meeting held on July 14, 2015 approved by a unanimous vote of seven recommended approval for the rezoning the property located at 404 Chili - Scottsville Road from PRD (Planned Residential Development) to RA-10 (Rural Agricultural - 10) and that the Town Board of the Town of Chili act as lead agency for the SEQR process; and

WHEREAS, a Public Hearing as required by its Zoning Local Law on the matter was duly held by the Town Board on the 12th of August 2015, commencing at 7:00 P.M. at the Town Hall in the said Town and discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

WHEREAS, the Town Board, as lead agent for State Environmental Quality Review Act purposes, has reviewed the environmental record with regard to this application and determined it to be an unlisted action and made a determination of no significant environment impact; and

NOW, THEREFORE, BE IT RESOLVED, that the recommendation of the Planning Board to rezone the property located at 404 Chili - Scottsville Road, from PRD (Planned Residential Development) to RA-10 (Rural Agricultural - 10) is hereby approved and the Town Clerk is directed to amend the Official Town Zoning Map, accordingly.

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

SUPERVISOR DUNNING: Congratulations seeing this addition to the beautiful project you already have over there.

MR. BRYAN PELKEY: Thank you very much for your support.

RESOLUTION#244 RE: Intermunicipal Agreement-Monroe County Energy Aggregation Group

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilwoman Sperr

BE IT RESOLVED to authorize Supervisor Dunning to sign the Intermunicipal Co-Operative Purchasing Agreement between the Town of Chili and Monroe County for the acquisition costs of electricity and natural gas for the five year period commencing September 1, 2015 and ending August 31,2020 as reviewed by Counsel for the Town.

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

RESOLUTION #245 RE: Penflex Inc. Agreement

OFFERED BY: Councilman Brown SECONDED BY: Councilman Slattery

BE IT RESOLVED that Supervisor Dunning is authorized to enter into a Service Fee Agreement with Penflex, Inc. To perform standard administrative services for the Chili Fire Department Inc Service Award Program for the term November 1, 2015 to October 31, 2016.

Councilman Brown - Aye
Councilwoman DiFlorio - Aye

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

RESOLUTION #246 RE: Transfer of Assessment Reserve Funds

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

WHEREAS, the Town of Chili has reserved funds to assist in reassessments of the Town as needed to maintain equity; and

BE IT RESOLVED that funds in the amount of \$16,650 from the Assessment Reserve be transferred to the Annual Assessment Project, for the 2016 Assessment Roll Update, subject to Permissive Referendum; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk is hereby authorized and directed to give notice in the official newspaper of the Town.

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

RESOLUTION #247 RE: 2015 Part Time Recreation Staff

OFFERED BY: Councilman Brown SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that per the recommendation of Michael Curley, Parks and Recreation Director, the following people be appointed Part-Time Recreation Program Staff, as needed, and shall be paid at the rate of \$8.75 per hour, or \$9.50 per hour if working the Before School Care SAFE program, effective 9/17/2015; expenses to be paid by voucher as incurred:

Hannah Snyder
Hannah Thomas
Gina Pellerino
Kimberly Miller
Brianna Brown

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

RESOLUTION #248 RE: Chili Fire Department Removal from Active List

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Brown

BE IT RESOLVED that the following individual(s) be removed from the Chili Fire Department active list effective September 6, 2015:

Michael Cantatore

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

RESOLUTION #249 RE: Chili Fire Department Exempt List

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED that the following individual(s) be removed from the CFD active list and be

added to the Chili Fire Department exempt list effective September 8, 2015:

Richard Welch

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

RESOLUTION #250 RE: Set Public Hearing on the 2016 Preliminary Budget

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

BE IT RESOLVED in accordance of Section 108 of the Town Code the Town Board establishes the date, place and time for the Public Hearing on the 2016 Preliminary Budgets as follows and directs the Town Clerk to publish notice of same, in accordance with Section 108, in the Gates-Chili Post:

DATE: October 14, 2015

PLACE: Town Hall, 3333 Chili Avenue, Rochester, NY 14624

BE IT FURTHER RESOLVED, that a Public Hearing be set for October 14, 2015 at 7:00 p.m. for the purpose of considering:

Water District Assessment Rolls (Hynes Tract, S Chili Benefit Area #1, S Chili Benefit Area #2)

Sewer Districts (Chili Sewer Improvement Benefit Area #1)

Consolidated Lighting District #1

Lighting Districts (Chili Industrial, Pumpkin Hill, Blueberry Hill, Parklands of Chili)

Sidewalk District (Park Place, Vistas at the Links)

Park District (Lexington)

Consolidated Drainage District

Assessment Rolls for Fire and Fire Protection Districts (Chili, Gates-Chili, Clifton, Scottsville)

Assessment Rolls for Ambulance Districts (Chili, Gates-Chili, Clifton, Scottsville)

Proposed contracts for Ambulance Districts

Proposed contracts for Fire and Fire Protection Districts

Preliminary Budget 2016

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to publish notice of same, in accordance with Section 108, in the Gates-Chili Post is hereby ratified.

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

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: There -- I'm sorry. There was a question before. I do want to answer that question. The question was about is this a different method. I don't believe it is, but certainly Ginny (Ignatowski) can answer this.

VIRGINIA IGNATOWSKI: This is a method that we have always have done whenever someone is going to be coming into a new position. Because Ken (Kraus) was appointed in May, we needed to establish his days per month, so we had to keep his three-month calendar, as did Councilman/Deputy Supervisor Michael Slattery in order to come up with their record of activities along with their dates per month to record back to the -- to the State.

Um, and then Sandy (Hewlett), she had an addition of the AAC that is on top of her Planning and Zoning, so she needed to do a record of activities for what she was doing for the Architectural Advisory Committee that will now get added to the current Planning and Zoning positions.

So one little difference, I removed from the bottom of the resolution all of the language that is on the form that I sent to the State because it's really my affirmation that doesn't need to be part of the resolution.

RESOLUTION #251 RE: Standard Work Day and Reporting Resolution for Elected and Appointed Officials

OFFERED BY: Councilwoman DiFlorio

SECONDED BY: Councilman Brown

BE IT RESOLVED that the Town of Chili hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs./Day)	Term Begins/Ends	Participates in Employer's Time Keeping System	Days/Month (based on Record of Activities)
ELECTED Town Justice	OFFICIALS Kenneth Kraus	6	05/01/2015 – 12/31/2015	N	11.67
Town Councilman/ Deputy Supervisor	Michael Slattery	6	05/01/2015 – 12/31/2015	N	5.60
APPOINTED AAC stenographer*	OFFICIALS Sandy Hewlett	6	05/12/2015 – 12/31/2015	N	.48*

*added to her other steno position

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

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: They are not related in any way shape or form. Dan (Knapp), do you want to go ahead and explain a little bit about what this resolution is about?

DANIEL KNAPP: Sure. This -- the only purpose of this measurement referred to here is -- stems from the Affordable Care Act passed back five, six years ago whatever it is. It is to determine who we, as an employer, have to offer insurance to under the -- under the regulations of that act. It has no tie to absolutely anything else that we do as an employer, whether it be the retirement reporting or terms or anything else. It's purely just for the purpose of determining who is -- who are we required to offer insurance to or not.

MS. BORGUS: Thank you.

SUPERVISOR DUNNING: The conflicting timeframes are strictly the regulation set by the State. It has nothing to do with anything else, any other resolutions here.

RESOLUTION #252 RE: Establishment of Affordable Care Act Measurement Periods

OFFERED BY: Councilman Brown

SECONDED BY: Councilwoman DiFlorio

Standard Periods for Ongoing Employees

WHEREAS, the Patient Protection and Affordable Care Act (the "Act") and the regulations promulgated thereunder authorize employers to utilize measurement, administrative, and stability periods to determine whether ongoing employees constitute full-time employees under the Act; and

WHEREAS, the Town of Chili wishes to adopt measurement, administrative, and stability periods for the purposes of determining whether ongoing employees constitute full-time employees under the Act; and

NOW, THEREFORE, BE IT RESOLVED, that the standard measurement period for ongoing employees shall be a period of twelve (12) months from October 3rd to October 2nd; and

BE IT FURTHER RESOLVED, that the administrative period for ongoing employees shall be a period of ninety (90) days from October 3rd to December 31st; and

BE IT FURTHER RESOLVED, that the stability period for ongoing employees shall be a period of twelve (12) months from January 1st to December 31st.

Initial Periods for New Variable Hour, Part-Time, and Seasonal Employees

WHEREAS, the Patient Protection and Affordable Care act (the “Act”) and the regulations promulgated thereunder authorize employers to utilize initial measurement, administrative and stability periods to determine whether new variable hour, part-time, and seasonal employees constitute full-time employees under the Act; and

WHEREAS, the Town of Chili wishes to adopt initial measurement, administrative, and stability periods for the purposes of determining whether new variable hour, part-time, and seasonal employees constitute full-time employees under the Act; and

NOW, THEREFORE, BE IT RESOLVED, that the initial measurement period for new variable hour, part-time, and seasonal employees shall be a period of twelve (12) months that commences on the first day of the calendar month following an employee’s first day of work; and

BE IT FURTHER RESOLVED, that the administrative period for new variable hour, part-time, and seasonal employees shall commence on the day after the end of the employee’s initial measurement period and continue until the last day of the first calendar month beginning on or after the first anniversary of the employee’s start date; and

BE IT FURTHER RESOLVED, that the stability period for new variable hour, part-time, and seasonal employees shall be a period of twelve (12) months commencing on the day after the end of the employee’s administrative period.

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

RESOLUTION #253 RE: 2015 Budget Amendments

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilwoman DiFlorio

BE IT RESOLVED to transfer \$400 from A7620.4797 (Adult Recreation – Events/ Trips) to A8989.4032 (Special Reserves – Town Newsletter).

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

RESOLUTION #254 RE: Amend Resolution No. 179

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, the bid for a trailer mounted brush chipper was awarded to Niagara Frontier at the May 13, 2015 meeting of the Town Board but incorrectly applied to Account #A 8160.2000 (Refuse/Garbage - Equipment); and

NOW, THEREFORE, BE IT RESOLVED, to apply the Niagara Frontier chipper cost of \$36,300 to Account #DA 5140.2000 (Brush & Weeds Equipment).

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

RESOLUTION #255 RE: August 19, 2015 Abstract

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilman Brown

WHEREAS, January 2, 2015 Resolution #1 authorized vouchers to be paid August 19, 2015 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 17897, 18500, 18503-18504, 18506-18524, 18526-18584, 18586-18654 totaling \$284,149.44 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 17897, 18500, 18503-18504, 18506-18524, 18526-18584, 18586-18654 were paid from the following funds:

General Fund	\$	67,138.63
Highway Fund		216,038.49
Consolidated Drainage Fund		472.32
Private Purpose Trust		<u>500.00</u>
Total Abstract	\$	284,149.44

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

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: We're almost done. This will be closed out by the end of this budget here and we will not be carrying anything over to the 2016 budget.

Is that okay?

MS. BORGUS: That's good.

RESOLUTION #256 RE: September 2, 2015 Abstract

OFFERED BY: Councilman Brown SECONDED BY: Councilwoman Sperr

WHEREAS, January 2, 2015 Resolution #1 authorized vouchers to be paid September 2, 2015 by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 18505, 18525, 18655-18664, 18669-18670, 18683-18686, 18691, 18699-18705, 18710-18714, 18716, 18726-18732, 18734-18737, 18739, 18743-18752, 18754-18770, 18772-18801 totaling \$123,249.71 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 18505, 18525, 18655-18664, 18669-18670, 18683-18686, 18691, 18699-18705, 18710-18714, 18716, 18726-18732, 18734-18737, 18739, 18743-18752, 18754-18770, 18772-18801 were paid from the following funds:

General Fund	\$	72,407.78
Highway Fund		29,929.10
Library Fund		1,807.01
H48 Beaver Road Facility		4,400.00
H56 Annual Assessment Project		1,750.00
Consolidated Drainage Fund		1,386.77
Street Lighting Districts		<u>11,569.05</u>
Total Abstract	\$	123,249.71

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

RESOLUTION #257 RE: September 16, 2015 Abstract

OFFERED BY: Councilwoman DiFlorio SECONDED BY: Councilman Slattery

BE IT RESOLVED to pay vouchers 17898, 18753, 18802-18806, 18808-18827, 18836-18911, 18913-18915 totaling \$183,800.17 to be paid from the Distribution Account as presented to the Town Board by Virginia Ignatowski, Town Clerk:

General Fund	\$	67,472.04
Highway Fund		108,605.36
H59 Sidewalk Extension		3,488.00
Drainage District		3,894.07
Private Purpose Trusts		<u>340.70</u>

Total Abstract \$ 183,800.17

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, October 14, 2015 at 7:00 p.m. in the Town of Chili, Town Hall Main Meeting Room.

The meeting was adjourned at 7:13 p.m.