

CHILI TOWN BOARD
February 8, 2017

A meeting of the Chili Town Board was held on February 8, 2017 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, Councilman DeCory; 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; 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. The following speakers addressed the Town Board on various subjects: Christopher McCullough, Jack Beattie, Laurel Turner, Linda Beattie, Crystal Mosher, Gene Foster and Barb Myers. The Public Forum concluded at 7:18 p.m.

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: I would like to, before we move along too far, address the Mile Wood -- these items that are -- that are agenda items that we can discuss when we get into that particular agenda item.

I know this doesn't make any of you happy. Ms. Turner and Ms. Foster, we have talked to you on numerous occasions about this.

For point of clarity and for the record, Mile Wood Road is not a Town road. It -- it is private property that we have limited availability to do anything to without the property owner's permission. And to this point, to this day, I don't know that we have ever gotten property owner's permission to do much different than what we currently do with the road.

Now Mr. Lindsay -- I know you have spoken with Mr. Lindsay. I don't know if you all have spoken with Mr. Lindsay at some point in time, but the way -- David (Lindsay), I don't know if you want to clarify the -- the complications with -- when you go in and fill and you get rain and you get freeze and the next day everything is all torn up again, can you touch on that just a little bit before we move on?

DAVID LINDSAY: Certainly. This time of year is very challenging for us in providing some maintenance on Mile Wood. Especially when we have a winter like we are now going through freeze and thaw cycles and the surface is wet out there. If we go out and try to grade it in wet conditions, we really just kind of create a bigger mess. It turns into kind of a muddy and mucky mess out there because we're not able to roll it properly to get it to sit in it properly.

We -- and even when it's, um, in a frozen condition in the winter months, it is difficult to fill in the holes and have them last any more than just a day or two because you can't get the material to bond together well, and we tried that on a couple of occasions at their request and it was really -- it would last like a day. We expended time, money and resources to go down there and it would last about a day.

We also went down there in probably less than perfect conditions at the residents' request when we typically wouldn't, when it was wet, trying to facilitate the requests and we created a bigger mess because it was too wet to do anything.

So, you know, I'm sensitive to what their concerns are. We do our best and we will get down there as soon as we can to address those needs, as soon as the weather will permit us to.

SUPERVISOR DUNNING: Thank you.

And I would just like to reiterate, it is not a Town road. The Town does not own that road any in way, shape or form own that road. It is -- it is private property.

From that, I will then move on under Matters of the Supervisor, I really don't have anything additional.

Pending Matters:

1. Vacancy BAR (1 - Permanent & 1 - Temp Member) Committee.

SUPERVISOR DUNNING: Pending matters we do have vacancies on the Board of Assessment Review for one permanent member and one temporary member. And I'll move it over to Matters of the Council.

MATTERS OF THE TOWN COUNCIL:

COUNCILWOMAN SPERR: Um, I am immediate past President of the Gates-Chili Chamber of Commerce, so I wanted to use this platform to make an announcement for the Chamber on their behalf.

The Chamber is celebrating their 50 Year Anniversary this year and one of our major events that we hold every year is an awards dinner. And the recipients of these awards are nominated by not just Chamber members but any residents. And there is a whole bunch of awards here, Beautification Awards, Culture and Arts, Outstanding Citizen. There is a new award called Young Professional.

All this information will be posted on the Chamber's website and you will see forms that look like this around the Town Hall (indicating). I will leave them there tonight. If you see this, this is an invitation to the dinner which is held on May 11th -- Thursday, May 11th, held at the Italian American Community Center.

Here is what I'm asking for by bringing this announcement up is if you know a business or individual that you would like to see receive an award and would like to nominate someone, that we're looking for nominations and we just opened that process up. So if you're interested in that or you have any questions, feel free to give me a call. Thank you.

The 1/4/17 and 1/18/17 Town Board meeting minutes were approved as modified.

REPORTS SUBMITTED:

Advanced Payment of Claims – January 2017
Building Department Report – January 2017
Chili Parks & Recreation Minutes – 11/15/2016, (No December 2016 Meeting).
Historic Preservation Board Minutes – 12/12/2016
Library Board Minutes – 12/13/2016
Planning Board Minutes – 12/13/2016
Recreation Center Report – January 2017
Senior Center Report – January 2017
Town Clerk Report – January 2017
Zoning Board Minutes – 12/20/2016

CORRESPONDENCE:

1. Virginia Ignatowski, Town Clerk has received notification from Abuelo & Abuela Enterprises, LLC, trade name Irvings' Place that they are applying for a liquor license located at 1440 Scottsville Road.

RESOLUTION #106 RE: Donation to the Senior Center Trust and Agency Account

OFFERED BY: Councilman Brown SECONDED BY: Councilwoman Sperr

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

BE IT RESOLVED, Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, to accept a \$300.00 donation from Dorothy Alcock to be deposited in the Senior Center Trust and Agency; and

BE IT RESOLVED, Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, to accept a \$150.00 donation from Brian & Michelle Pragle to be deposited in the Senior Center Trust and Agency.

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

RESOLUTION #107 RE: Senior Center Trust and Agency Account

OFFERED BY: Councilman Slattery SECONDED BY: Councilman DeCory

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

BE IT RESOLVED Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, to purchase a new gas grill for the Senior Center, amount not exceed \$500.00; and

BE IT RESOLVED Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, to purchase new card tables for the Senior Center, amount not exceed \$1,000.00.

BE IT RESOLVED Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, to use funds from said account to offset the cost of the following activity: Marcy Downey, "The Fabulous 50's" to be held on Friday, May 26, 2017 at the Senior Center, amount not to exceed \$500.00.

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

RESOLUTION #108 RE: College Green Rental Associates, L.P. PILOT Agreement Extension

OFFERED BY: Councilman DeCory SECONDED BY: Councilman Brown

BE IT RESOLVED that Supervisor Dunning is authorized to execute an amendment to the College Green Rental Associates, L.P. PILOT Agreement extending it for nine (9) years, commencing January 1, 2018 with re-negotiated terms, subject to the approval of the Counsel to the Town.

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

RESOLUTION #109 RE: Union Meadows PILOT Agreement Amendment

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, Union Meadows Housing Development Fund Company and the Town of Chili have an existing PILOT Agreement; and

WHEREAS, Union Meadows has proposed an amendment to the PILOT to resolve existing issues with its ownership and tax exempt status; and

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Dunning be authorized to execute an amendment for the balance of the PILOT's term.

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

RESOLUTION #110 RE: 2017 Budget Amendments – Senior Center

OFFERED BY: Councilman DeCory SECONDED BY: Councilman Slattery

WHEREAS, the Town of Chili has and desires to continue to host the ABVI Lunch Club 60, providing affordable meals for our Senior Citizens. Filling a much needed service to our community; and

WHEREAS, effective January 1, 2017, Monroe County has changed the process for which expenses for the ABVI Lunch Club 60 senior meal programs are paid for, and the Town must now pay the expenses upfront and get reimbursement from the County afterwards; and

BE IT RESOLVED, to amend the 2017 revenue budget A2351 (Programs for Aging – Other Governments) by an increase of \$36,912.00; amend the 2017 expense budget A6772.4 (Programs for Aging - Nutrition) by an increase of \$36,912.00.

Councilman Brown - Aye
Councilman DeCory - Aye

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

RESOLUTION #111 RE: Set Public Hearing to consider adoption of Local Law # _____ of 2017 amending the Code of the Town of Chili to add a new Article VII to Chapter 451 Taxation Entitled "Solar/Wind, Farm Waste Energy Opt Out".

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Brown

WHEREAS, a Local Law to amend the Town Code to add a new Article VII to Chapter 451 Taxation Entitled "Solar/Wind, Farm Waste Energy Opt Out" has been advanced and introduced; and

NOW, THEREFORE, BE IT RESOLVED, that Local Law # _____ of 2017 of the Town of Chili entitled a Local Law amending the Code of the Town of Chili to add a new Article VII to Chapter 451 Taxation entitled "Solar/Wind, Farm Waste Energy Opt Out" as it relates to §487 of the Tax Law is introduced; and

BE IT FURTHER RESOLVED, that a Public Hearing is hereby scheduled for March 8, 2017 at 7:00 p.m. at the Town Hall Main Meeting Room, 3333 Chili Avenue, Rochester, NY 14624 to consider the adoption of Local Law # _____ of 2017.

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

RESOLUTION #112 RE: Establish Letter of Credit for American Packaging

OFFERED BY: Councilman Slattery SECONDED BY: Councilman DeCory

BE IT RESOLVED that per the recommendation of the Commissioner of Public Works and Town Engineer that a letter of credit be established for American Packaging in the amount of \$175,236.00.

Items within the letter of credit include, but are not limited to storm sewers, storm water control features and erosion and sediment control.

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

RESOLUTION #113 RE: Chili Fire Department Addition to Active List

OFFERED BY: Councilman Brown SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that the following individual(s) be added to the Chili Fire Department active list effective February 13, 2017:

Brandon Statt

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

RESOLUTION #114 RE: Chili Fire Department Remove from Active List

OFFERED BY: Councilman DeCory SECONDED BY: Councilman Slattery

BE IT RESOLVED that the following individual(s) be removed from the Chili Fire Department active list effective January 2017:

Bart Boyce 1/9/2017, Kyle Kelly 1/16/2017

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

RESOLUTION #115 RE: Chili Fire Department Exempt List

OFFERED BY: Councilman Brown

SECONDED BY: Councilwoman Sperr

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 January 2017:

Laurie Schwenzer (King) 1/3/2017, John Sibbald 1/23/2017

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

RESOLUTION #116 RE: Recreation Department

OFFERED BY: Councilman DeCory

SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that Megan Termine is appointed Recreation Assistant and shall be paid an annual salary of \$28,162.00 (PG 24) effective February 27, 2017, pending background check, expenses to be paid by voucher as incurred.

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

SUPERVISOR DUNNING: Megan (Termine), welcome to Chili. Would you like to stand up and say "Hello"?

MEGAN TERMINE: Hi. My name is Megan Termine and I'm going to be working for Recreation Department as a Recreation Assistant.

SUPERVISOR DUNNING: Welcome. Congratulations.

RESOLUTION #117 RE: Authorize Supervisor to Sign Contract for Community Development Block Grant (CDBG) – Hubbard Park Improvement Project

OFFERED BY: Councilman Slattery

SECONDED BY: Councilwoman Sperr

WHEREAS, the Town received notification from Monroe County that the Hubbard Park Improvement Project will be funded by the Community Development Block Grant Program in the amount of \$35,500; and

NOW, THEREFORE, BE IT RESOLVED, to accept the CDBG grant and to authorize the Supervisor to sign the contract and certification subject to the review and approval of Counsel for the Town; and

BE IT FURTHER RESOLVED, to amend the 2017 revenue budget A2706 (Grants from Local Governments) by an increase of \$35,500.00; and amend the 2017 expense budget A7110.4 (Parks - Contractual) by an increase of \$35,500.00.

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

RESOLUTION #118 RE: Lead Agency and SEQR Determination for Rezoning of 100 Trade Court from LI (Limited Industrial) to LI with ADATOD (Airport Development Area Transportation Overlay District).

OFFERED BY: Supervisor Dunning

SECONDED BY: Councilwoman Sperr

WHEREAS, the Planning Board at a public hearing meeting held on November 15, 2016 by a “no action” vote of three to two for the rezoning of properties located at 100, 350, 400 International Blvd and 100, 300 Trade Court from LI (Limited Industrial) to ADATOD (Airport Development Area Transportation Overlay District); and

WHEREAS, the Chili Town Board (hereinafter referred to as Town Board) on November 16, 2016 did declare its intent to be designated the lead agency in regards to SEQR; and

WHEREAS, a Public Hearing as required by its Zoning Local Law on the matter was duly held by the Town Board on the 18th of January 2017, 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 has reviewed Part 1 of the Long Environmental Assessment Form, prepared by Garth Winterkorn (Agent of the Applicant) for the Action pursuant to the New York Environmental Conservation Law, Article 8 (State Environmental Quality Review Act) and regulations promulgated pursuant thereto in 6 NYCRR Part 617 (SEQRA Regulations); and

WHEREAS, the Applicants original application requested the rezoning of 100, 350, 400 International Blvd, and 100, 300 Trade Court which would have classified it as a Type 1 Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, at the Applicants request the application has been modified to now only include 100 Trade Court thereby making it an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, for the original application the Town Board determined that it was the most appropriate agency to insure the coordination of that Action and did provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the Town Clerk has submitted a memo to the Town Supervisor indicating that the Town did not receive any correspondences from the involved agencies indicating an objection to the Town Board acting as Lead Agency for the original Action and has given consideration to any comments received from Involved and Interested Agencies; and

WHEREAS, the Town Board has reviewed and does hereby accept Part 2 of the Long Environmental Assessment Form; and

WHEREAS, the Town Board finds that the Full Environmental Assessment Form creates a reasoned elaboration of the impacts likely to result from the Town Board’s action to approve the proposed Action; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQR Regulations and the information contained in Parts 1, 2 and 3 of the Full Environmental Assessment Form; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby designate itself as the lead agency for the Action; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board has considered the list of potential environmental effects set listed in section 617.7, taken a hard look and engaged in a reasoned elaboration of the submitted information, analysis above and all supporting documentation and has concluded that the action will NOT result in a significant adverse environmental impact; and

BE IT FINALLY RESOLVED, that the Town Board does hereby make a Determination of Non-Significance on said Action and directs the Town Supervisor to complete, sign and date the Full Environmental Assessment Form and the Negative Declaration Form.

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

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: To answer the questions, during the Public Hearing, we did hear what everybody had to say and felt that the development of -- or the rezoning of those five lots or -- I believe it was five lots all together was maybe a little too intense at this point in time.

By backing this off to just allowing this -- this one area, um, it would be -- it would be less intense then and you would have less opportunity for things that may be offensive and intrusive to the neighborhood and we really thought that this would -- this would slim down the application and make this less of a problem in the future. And give us better control over what may happen in the future to those other locations. So that is the result of why we -- this just happened -- started happening yesterday which is why you did not see it posted on the website yet. We didn't really get the agenda finalized until earlier today with the changes that we made to this.

But I felt that it was -- it was, you know -- we heard what the public had to say and we wanted to slim this down quite a bit.

So with that, any other comments or questions?

COUNCILMAN BROWN: This is in response to the feedback that we got.

COUNCILMAN SLATTERY: Supervisor, in regards to this, at the public meeting, at the last Town Board meeting, you know, and the combination of getting the emails from people, I went back and I did some research and I looked for the zoning map and I worked with Town Clerk in regards to this.

The -- the best records that we have that were clear was that that has been zoned Limited Industrial since, you know, the -- the strong year that we have is 1973. So it's been like that since 1973. That's 44 years or so.

Listening to the -- the people talk and their issues, their concerns that they have, you know, we had one item tonight that was brought to our attention was about a private road that is not a Town road and the Town taxpayers are out there doing work on it.

Looking at this issue, a resident got up and spoke and talked about now it will take Town tax dollars to do work on this road. I would ask Mr. Lindsay, is this -- is Trade Court a dedicated road?

DAVID LINDSAY: I believe Trade Court is a dedicated Town road, yes.

COUNCILMAN SLATTERY: International Boulevard, as well?

DAVID LINDSAY: Yes, it is.

COUNCILMAN SLATTERY: So they built it to Town specs?

DAVID LINDSAY: They built those roads to Town standards. Yes, that's correct.

COUNCILMAN SLATTERY: It's totally different than what you have for the private drive that isn't ours that we did work on. So people are talking about the tax dollars and where those tax dollars are going, my tax dollars are going. But now the property owners, they have been -- for Trade Court and International Boulevard, they have been paying taxes. They built the road to our standards which cost a lot more than leaving something stone.

So I heard -- in the emails that I got, it talked about the blight on Paul Road. The developer bought it as Limited Industrial. More truck traffic. Housing development across the street. Wildlife. Majority of families choose this area for the neighborhood feel.

Another comment was did not want to live in a highly commercial industrial area with traffic and industry. Current zoning established businesses seem somewhat appropriate.

One of the emails, they don't want it, but they said the current zoning and established businesses seem somewhat appropriate. They like the parklike feeling.

Another comment was, "When I moved to this side of Town, I knew the area had LI and I accepted that. Existing zones of LI are definitely appropriate for properties along Paul Road," was the quote they sent.

They said it would change the neighborhood feel.

Rezoning means more trucks, tractor-trailers, storage for goods and commercial services. If you look at what Limited Industrial is -- the permitted uses right now, one thing you have to think about is one of them is administrative, educational and other related activity and facilities in conjunction with a permitted use. Educational. If Bryant & Stratton came in, look at the facility they have in Henrietta and in Greece, Long Pond Road. They have over 160 -- over 160 parking spaces.

The business that is proposing -- is going to be limited -- it won't -- there -- there is no near that amount of volume that they're talking about for parking.

COUNCILWOMAN SPERR: 15 employees.

COUNCILMAN BROWN: Nine.

COUNCILWOMAN SPERR: Nine.

SUPERVISOR DUNNING: Roughly.

COUNCILMAN SLATTERY: So -- and then the other uses, you know -- or other comments, I guess when people bought their homes was the land zoned Limited Industrial. More than likely it has been. It's been like that for a while. People don't like change.

Now, when you look at, you know -- they moved into the house, they saw this green field. They didn't know what it was. You know they just thought, you know, it could be more homes. But when you look at the businesses that were already there, look at Carriage House. You had that business that was there and then they built homes around it. Across the street, the subdivision there was built after the business that's there.

American Packaging which was brought up tonight, they are allowed -- they would be permitted to go and build in that area. And when you look at the -- the size of the building, the parking, three different shifts, you know, you got day, evening, overnight shifts, that could go in

there.

SUPERVISOR DUNNING: Not to cut you off, but they did look at that site before they chose the site. They were looking at that site.

COUNCILMAN SLATTERY: And then so getting back to my point about what is allowed in the permitted uses now. Um, manufacture of electronic -- electric and optical instruments and devices. Light manufacturing, assembly and fabricating and packaging of products from previously prepared materials such as cloth, plastic, paper, leather, precious metals and stones.

So when you start thinking about that, what could go in there, and then the volume of traffic, you know, that's one thing that I was looking at.

Jet View Drive, since I have been on the Town Board, I was -- you know, I got a couple years. I was involved with the first proposal for Jet View Drive to connect Jet View to Chili Avenue. It didn't -- it failed. You know, it didn't pass this Board. Not these people up here. Faces have changed.

That was a battle with the people along there. They were concerned about the back-up noises from the Wegmans trucks and other businesses.

I have been back in there a number of times out riding my bike through there and so forth. It is really not as bad as what people thought. I'm not -- I'm just saying that we took the truck traffic. People -- we hear truck traffic on Paul Road. Well, before that was connected, that truck traffic went down Paul Road. That went to Chili Center. You know, it went up to Chili Avenue to 490. So there was a lot more truck traffic there.

So by doing -- by making that connection, you know, that minimized it. You know, we knocked it down.

So I just want people to think about what is already permitted uses there and what could go in there. And when -- when we look to rezone something, we don't look at it -- at individual business. We can't do that. You look at what are -- what is the permitted uses. Currently, and if you modify the zoning.

So I think that is very important for people to keep in mind. So that's all I have.

SUPERVISOR DUNNING: Thank you. Well said. Thank you very much.

COUNCILWOMAN SPERR: I just -- I also wanted to kind of tag along what Councilman Slattery said, that, um, when we do rezone, it's rezoned for the zoning itself, not for the particular applications that may come in. But in this particular instance, we know the type of business that wants to come in there, and, um, in looking at that, and rezoning it for that business, gives us a certain level of control because based on some of the businesses, business types that he listed, they would be far more impactful to the area than the business that has shown an interest in this property.

There is also -- just as a point of information, when this Board does vote to rezone a property, at some point in time, if conditions change, this Board is also able to put forth a resolution and rescind that rezoning. Just to let you know, that is also a possibility.

But I just wanted to make sure that we let everyone know that we did listen when you came before us, with your comments, which are always good comments. There -- everyone was very well spoken. But I just wanted to let you know we did hear what you had to say and that was one of reasons why the resolution has changed and we did go to the Supervisor and let him know our thoughts and he changed the resolution when some of us gave our feedback.

I just wanted to let you know and I appreciate the input and receptiveness back.

SUPERVISOR DUNNING: Thank you. Any other questions or comments?

RESOLUTION #119 RE: Rezoning of 100 Trade Court from LI (Limited Industrial) to LI with ADATOD (Airport Development Area Transportation Overlay District).

OFFERED BY: Supervisor Dunning SECONDED BY: Councilman Brown

WHEREAS, the Planning Board conducted a public hearing at its meeting held on November 15, 2016 for the rezoning of properties located at 100, 350, 400 International Blvd and 100, 300 Trade Court from LI (Limited Industrial) to ADATOD (Airport Development Area Transportation Overlay District), which concluded with a "No Action Vote" (3-2); and

WHEREAS, a Public Hearing as required by the Town's Zoning Code on the matter was duly held by the Town Board on the 18th of January 2017, 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

WHEREAS, the proposed Zoning Map Amendment has been reviewed by the Monroe County Department of Planning and Development for comment; and

WHEREAS, the Town Board has carefully reviewed and considered the Town's 2030 Comprehensive Plan and has determined that the rezoning of this parcel from LI to LI with ADATOD does not conflict with the stated goals of the 2030 Comprehensive Master Plan; and

NOW, THEREFORE, BE IT RESOLVED, that the Official Zoning Map of the Town of Chili is amended such that the property located at 100 (Tax ID #147.01-1-8.1) Trade Court shall be removed from the Limited Industrial zoning district and placed within the Limited Industrial with ADATOD (Airport Development Area Transportation Overlay District) zoning district is hereby adopted; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to enter said rezoning into the minutes of this meeting and to give due notice of the adoption of this zoning map amendment according to law; and

BE IT FURTHER RESOLVED, that the Town Clerk shall direct that the Official Zoning Map of the Town of Chili be amended consistent with this resolution; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the property owner, his representatives, the Town Planning Board, Town Zoning Board of Appeals, Town Director of Public Works, Town Engineer, Town Attorney and Associate Town Attorney.

Councilman Brown - Aye
Councilman DeCory - No
Councilman Slattery - No
Councilwoman Sperr - Aye
Supervisor Dunning - Aye

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: There were questions on this. At this point we don't know specifically the value of the building and the value of the incentives specifically as of yet from COMIDA, from the Industrial Development Agency and developer.

We don't know why they don't have signs out there yet. I don't have any clue. That's a personal choice and a business choice. We don't force people to put signs "coming soon" or anything like that to say that a particular property is being -- so I don't have any specific numbers nor do I have by -- obviously by this resolution any agreement to any numbers and any agreements that are put before this Town will be reviewed by the Town Board and Counsel prior to signing those.

COUNCILWOMAN SPERR: I would only say that I sat and listened to the first resident get up and speak and allude to the fact that there was some coincidence between paying Cuomo some money. So I don't really necessarily appreciate the inference that this Board would be involved in any way, shape or form.

If you think we have that sort of a relationship with Cuomo, have at it. I just wanted to make a comment. It's a little bit unfair and I just can't let the comment lay there with someone thinking we would be involved with something like that.

Thank you.

RESOLUTION#120 RE: County of Monroe Industrial Development Agency and American Packaging Tax Agreement

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, American Packaging Corporation has announced its plan to acquire property at 100 Beaver Road in the Town of Chili and construct an approximately 215,000 square foot building; and

WHEREAS, the County of Monroe Industrial Development Agency is proposing to grant American Packaging Corporation a PILOT with a standard Enhanced Jobs Plus PILOT and an additional PILOT abatement for property acquisition costs; and

WHEREAS, the form of the PILOT shall be as submitted to the Town Board and shall be subject to the review and approval of counsel for the Town; and

WHEREAS, pursuant to General Municipal Law Section 858 (15), the Tax Agreement requires the consent of the Town; and

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Dunning is authorized to execute and deliver the Tax Agreement as presented to the Town Board, subject to review and approval of Counsel for the Town.

Councilman Brown - Aye
Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye

Supervisor Dunning - Aye

RESOLUTION #121 RE: Use of Parks and Recreation Reserve for the Acquisition of Real Property

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Brown

WHEREAS, the Town Board of the Town of Chili has determined that acquiring land in furtherance of our adopted Parks & Recreation and Chili Center Master Plans is in the best interest of Chili’s resident taxpayers, and

WHEREAS, the Parks and Recreation Reserve Fund has been established by the Town Board of the Town of Chili pursuant to 277 of Town Law of the State of New York to be held in trust and utilized for the acquisition, development and improvement of Town parks and delivery of recreational services in the Town; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

- (1) That the Board authorizes the acquisition of approximately forty eight (48) acres of land located at 177 Archer Rd. In the Town of Chili, from Perl Land Development for the purchase price of Three Hundred and Fifty Thousand (\$350,000) based upon mutually agreed upon terms and contingencies authorizes the Supervisor to execute all documents related thereto, and,
- (2) That the Board declares itself lead agency for SEQRA review purposes and directs the Town Clerk to forward any required notices to interested or affected agencies, and
- (3) That the Board authorizes the withdrawal and utilization from the Parks & Recreation Reserve Fund, account # CM7989.2 of up to \$350,000.00 to pay for the land acquisition, and
- (4) That any approval of funds from said Reserve Fund held in trust is subject to a permissive referendum; and
- (5) That pursuant to Sections 82 and 90 of the Town Law, within ten (10) days of the date of the adoption of this resolution, the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of this resolution shall contain an abstract of such Resolution, shall specify that this Resolution was adopted subject to a Permissive Referendum and shall publish same to the Gates-Chili Post, the official newspaper of the Town of Chili, and in addition thereto, that the Town Clerk shall post or cause to be posted on the sign board of the Town, a copy of said notice within ten (10) days of the adoption of this Resolution.

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

RESOLUTION #122 RE: February 1, 2017 Abstract – 2016 Payables

OFFERED BY: Councilman DeCory SECONDED BY: Councilwoman Sperr

WHEREAS, January 4, 2017 Resolution #1 authorized vouchers to be paid February 1, 2017, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 23877-23879, 23910, 23921-23922, 23942, 23955, 23967, 23971-23977, 23981 totaling \$60,434.50 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 23877-23879, 23910, 23921-23922, 23942, 23955, 23967, 23971-23977, 23981 were paid from the following funds:

General Fund	\$	45,828.36
Library Fund		1,714.30
Street Lighting Districts		<u>12,891.84</u>
Total Abstract	\$	60,434.50

Councilman Brown - Aye
Councilman DeCory - Aye
Councilman Slattery - Aye
Councilwoman Sperr - Aye

Supervisor Dunning - Aye

RESOLUTION #123 RE: February 1, 2017 Abstract – 2017 Payables

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Brown

WHEREAS, January 4, 2017 Resolution #1 authorized vouchers to be paid February 1, 2017, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 23876, 23881-23882, 23886-23887, 23892-23894, 23898, 23908-23909, 23915, 23917-23920, 23923-23941, 23943-23954, 23956-23966, 23968-23970 totaling \$538,378.68 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 23876, 23881-23882, 23886-23887, 23892-23894, 23898, 23908-23909, 23915, 23917-23920, 23923-23941, 23943-23954, 23956-23966, 23968-23970 were paid from the following funds:

General Fund	\$	67,843.18
Workers' Comp Reserve	\$	23,000.00
Highway Fund	\$	295,154.94
Library Fund	\$	4,075.56
Fire Protection Districts	\$	148,305.00
Total Abstract	\$	538,378.68

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

The next meeting of the Chili Town Board will be Wednesday, March 8, 2017 at 7:00 p.m. in the Town of Chili, Town Hall Main Meeting Room.

The meeting was adjourned at 7:40 p.m.