

CHILI TOWN BOARD
October 11, 2017

A meeting of the Chili Town Board was held on October 11, 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.

PRESENTATIONS/ANNOUNCEMENTS:

1. Cub Scout Pack #178 (Presentation of the Flag).

SUPERVISOR DUNNING: Could one of you please do the pleasure of explaining why -- what this means to you and why you did this this evening for us. Is this for a badge? Do you work on badges in government and things like that?

UNIDENTIFIED BOY SCOUT: Yes. I remember you came in and talked to us about -- about all this.

COUNCILMAN BROWN: He got a badge.

SUPERVISOR DUNNING: I -- I flipped the coin. I got the wrong side. No. It was good. Can you introduce yourself and tell us what you do?

UNIDENTIFIED SCOUT LEADER: I will save you guys. So -- this is the Webelos -- the second-year Webelos from Pack 178 over at St. Pius and we're working on our Building a Better World Achievement right now and learning about government and how you participate in government and what government does in all of our daily lives and the role of government is what we're studying right now.

So we met with Mr. Dunning a few weeks back and he explained what his role is as a government leader and shared with the boys what it takes to run our local government in Town.

And today we took a tour of the facility here and got to lead you guys with the -- this is what we do to lead off all our meetings when we present our colors, so they came here today to share that with all of you.

COUNCILMAN SLATTERY: Thank you.

SUPERVISOR DUNNING: Thank you, gentlemen, for doing this for us.

COUNCILWOMAN SPERR: Great job. (Applause.)

SUPERVISOR DUNNING: Before we get into too much this evening, I just wanted -- a couple procedural things. We do have two Public Hearings this evening.

For the Public Hearings, if you would, we would ask you stay on the specific topic that the Public Hearing is for. But you're welcome if you would come up to the podium, clearly state your name and address for the record and we'll continue with the Public Hearings.

We have two other resolutions here that are for incentive zoning applications. These will be treated similarly -- something new we haven't done this way before. But the Town -- what I will ask -- those people here for incentive zoning, when that resolution is called, I'm going to ask that you then come up and give us a brief presentation, if you would, of what the -- what you're asking for in incentive and what you're offering for the incentive. We can have a discussion here with the Board. Those are not Public Hearings. Those are just for the applicant to then talk to us and then the Town Board will then determine whether or not they want to send this to the next step, which would be send those particular applications to the Planning Board to be vetted for their worthiness, if you will, for the incentive they propose. I just wanted to make -- because it's a little different than what we have done in the past.

With that, I will go ahead.

We have had the presentations from the Cub Scouts. Thank you again, gentlemen. Greatly appreciate you coming here tonight and your parents for bringing you here.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on October 11, 2017 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:05 p.m. to discuss Incentive Zoning for 515 Paul Road.

Attendance as previously noted in the October 11, 2017 Chili Town Board meeting minutes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

GEORGE EMENS, 861 Morgan Road

MR. EMENS: So our Special Districts, excluded from the tax incentive ---

SUPERVISOR DUNNING: This is not what this is. Incentive zoning.

COUNCILMAN SLATTERY: David (Dunning), name and address for the record.

MR. EMENS: George Emens, 861 Morgan Road.

SUPERVISOR DUNNING: George (Emens), what this is -- incentive zoning is when an applicant is asking for forgiveness from a particular part of our code as a part of an application they have for a development, for all intents and purposes. So they're saying they would like for example, relief from a setback. So they are coming to the Town Board -- probably not a good example, but coming to the Town Board for consideration to offer us an incentive, some type of amenity, whether that be improvements to the Town elsewhere or a cash incentive or in order for us to then send it to the Planning Board.

It has nothing to do with any of the budget items at all or anything to do with any special districts or anything else.

MR. EMENS: Okay.

SUPERVISOR DUNNING: It's tied directly to a development project typically.

MR. EMENS: Thank you.

CHRISTOPHER MCCULLOUGH, 12 Boneset Trail, Apartment F

MR. MCCULLOUGH: Christopher McCullough, 12 Boneset Trail, Apartment F, North Chili 14514.

Um, I noticed -- I didn't see any literature on what the incentives are asking for on this piece of property. Is that something that will be discussed tonight or is that something that should have been presented to the people before we -- before we have questions in regards to this matter?

SUPERVISOR DUNNING: The -- the application for this was -- when the Public Hearing was set, this information was made available to the public at that very night.

MR. MCCULLOUGH: That's correct. But I didn't see it on the list on the agenda tonight what it specifically was covering. It just gave the address and not what the incentives were.

SUPERVISOR DUNNING: Because that was already given out at a previous meeting. When we set the Public Hearing, we're required to have what the incentive is available to the public and we had it available that night and has been available every night since at the Town Clerk's Office.

MR. MCCULLOUGH: Wouldn't you think it would be good to maybe add that to the agenda so that people who aren't familiar with it who visit the website could become familiar with it? It's only another form of communication, David (Dunning).

SUPERVISOR DUNNING: Thank you. I'll take it into consideration.

The Public Hearing was closed at 7:08 p.m.

PUBLIC HEARING

A Public Hearing was held by the Chili Town Board on October 11, 2017 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:09 p.m. to discuss the following:

Water District Assessment Rolls (Hynes Tract, 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 Districts (Park Place, Vistas at the Links)

Park District (Lexington)

Consolidated Drainage District

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

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

Proposed contracts for Ambulance Districts

Proposed contracts for Fire and Fire Protection Districts

Preliminary Budget 2018

Attendance as previously noted in the 10/11/17 Chili Town Board meeting minutes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

GEORGE EMENS, 861 Morgan Road

MR. EMENS: George Emens, um, 861 Morgan Road, but I'm here on behalf of the Clifton Fire District as President of that organization.

Um, ourselves and Chili Fire Department met with the Town Board in a budget workshop. We expressed some of our concerns in upcoming huge financial burdens that are going to be coming upon us, presented some potential solutions to the -- to you folks to consider for the -- for the -- just to rectify those. So anyway, um, I'm here to speak publicly so the public gets an opportunity to hear what we discussed that evening.

Um, Number 1, you -- it's my understanding you're removing \$80,000 from the CHS, Chili Henrietta Scottsville Ambulance District or corporation or whatever they are that provide ambulance service to that area.

Is that correct?

SUPERVISOR DUNNING: Roughly. A little less than that but roughly.

MR. EMENS: Okay. So in that general area. My understanding is that evening Dan Knapp also said the \$3.85 figure that the Town's current tax rate is is approximately a half a percent below the State cap that the Town could be legally at.

Is that a true statement?

SUPERVISOR DUNNING: Might be roughly about that amount.

DANIEL KNAPP: Half percent of what?

MR. EMENS: I believe you said there was a half a percent left on the table, so to speak.

SUPERVISOR DUNNING: I don't think it was quite that much. But the -- the tax cap is 1.87.

MR. EMENS: The point is there is money, David (Dunning), right?

SUPERVISOR DUNNING: There -- we are -- yes. We're below the tax cap. Correct.

MR. EMENS: And you remember the conversation continued along the fact that you had some wage increases from contractual agreements with the Union, um, regular employees. Um, health care increase. Retirement costs and so on and so forth. Some of that money could be used for that. However, because the Chili and Clifton Fire Departments provide emergency medical service to the residents of the Town, we felt that we were entitled to a portion of that residual monies.

Right now, we're -- we're experiencing an upcoming -- we have got until January of 2020 to implement a new radio system. The cost to the Clifton Fire Department will be approximately 175,000 and to the Chili Fire Department 450,000 plus. That's a lot of money. I'm not exactly sure what Chili Fire Department's budget is.

We operate about \$240,000 a year. That -- that figure represents about three-quarters of our budget. Um, we can't pull that money out of our ears here. So we will, you know, go to State sources for possible funding, but that well, as you well know, isn't -- doesn't have much in it. We'll try for FEMA or federal, you know, fire grants. You know, but you can't -- you can't bet the farm on the fact that you will get those. We're running a business and we have to have a plan because that's a drop-dead date. They will flip the switch, the old system will be gone and we'll go back to the tin can method.

So, um, the other thing that is staring the residents of this Town that are not protected by Chili or Clifton is, um, a huge tax increase. And that's coming because calls increase and number of volunteers decrease. If you notice on the agenda tonight, there are five or six Chili firefighters that are being removed from their roster, evidently no longer members. That is five or six less people that would -- that would equal an engine company crew.

Day times are critical. Um, I'm not sure how we did this, but society allowed the public pretty much through the cell phones to start using the emergency system. And we go to -- go to things we have no business being at. People are not self-sufficient. They're -- they can't take care of themselves. And it's just, you know, has created a larger burden on the fire service. So it's not a pretty picture, but your neighbors down in the east side of the Town that have the Gates Fire Protection District for their fire service are paying over \$3.25 a thousand.

Right now you folks that have Clifton and Chili, I believe Chili is at \$1.30 and we're at \$1.20 or something. That makes us a pretty good bargain. The labor is free. The labor is free.

So, um, we would like you to reconsider the budget, offer some of that emergency services money to the two Fire Departments. 80/20 split between the two or 75/25, whatever -- whatever it works out. But we feel we should be at least considered for that money. Thank you for your time.

SUPERVISOR DUNNING: Just to have a point of clarity, if I could, it's not like we're just -- we're taking that money and putting that -- that -- the difference in that, as you kind of alluded to, offsets some of the costs, the rising costs for the Town.

The other thing you need to keep in mind is just -- and please, if I could correct part of what you said, Gates is a Fire District not a Fire Protection District. This Town Board has no governing authority over the Gates District. Their Commissioners decide how to tax -- they vote on their budgets and they can do what they want with the money. The Fire Protection Districts in the Town of Chili are covered by this Town Board for contractual and monetary.

The other thing you need to understand, if the Town then decided and said 80,000, 100,000, whatever it is -- the number I received from the Fire Department was \$300,000 a year for the next ten years. It's just not feasible.

MR. EMENS: I'm not sure what number you're talking about.

SUPERVISOR DUNNING: That is the discussion I had with the President and the Chief in regards to what they need over the course of the next ten years. That is just simply not feasible.

The second part of that, is, though, no matter how you look at it, if I gave -- if this Town Board decided to increase that budget, it does increase property tax. This Board has not been in favor of raising property taxes. Not the Town tax rate, but it does increase the tax rate on the special district. So if it's not -- it's a tax increase. No matter how you look at it -- no matter how much money, whether it was a dollar or \$100,000 or \$300,000, it would raise the property taxes.

MR. EMENS: Sure.

SUPERVISOR DUNNING: And that's -- that's just simply where that has been.

COUNCILMAN SLATTERY: George (Emens), I want to get back to something you said and I don't want to scare the residents either. You're talking about we should beware there is going to be a huge tax increase.

MR. EMENS: First of all, Chili and Clifton Fire Departments with either have been exploring along with an attorney that's specializing in forming Fire Districts -- we're looking into moving possibly to a joint Fire District together. What does that do for us? Well, the first year, the dirty truth of it is we could make our budget whatever we want.

COUNCILMAN SLATTERY: Similar to Gates.

MR. EMENS: That is correct. Um, second year we fall under this tax cap as everyone else does. However, it's easier to break a tax cap with less ramifications my understanding -- I could be 100 percent wrong -- to the general public. If you folks do it, if you exceed the tax cap, it means those rebate checks which is nothing more than your money that Andy (Cuomo) is sending you back, okay, get cut or eliminated. So -- and I'm sure there is in Town monies, other monies and stuff I'm sure affected also. I don't know what they are, but nonetheless, it's not a good thing. It's not a positive outcome in general. So that -- so that is, I guess, what I was talking about.

COUNCILMAN SLATTERY: To actually go and do that, there is a whole timeline and there's a process involved to do that. There is quite a bit.

And also, you know, let's keep in mind with the Town of Gates, they have nothing to say over the Fire Department's budget. Where now, as David (Dunning) mentioned, we do -- we set the budget and so forth. And then you're going to have to have -- go out to vote and the public is going to vote on your budget, vote on who you would have in office for your organizations. So -- and that's is why we just want to be perfectly clear the people understand the whole process --

MR. EMENS: Sure.

COUNCILMAN SLATTERY: -- not just the little bit piece of it and not to scare them saying there is going to be huge taxes. The library could do the same thing. Right now the library is under the Town control. Where we give them money for the budget. Same as the Fire Departments. We cannot tell you how to spend the money. We give you an allocated amount of money and it's up to you all what you do with it. I know there has been certain criticisms in the past on the way certain things are done or certain purchases and we have had to defend those to our constituents, to the public. I don't want to scare people to walk out of there and say, "The guy got up and said there would be a huge tax increase."

MR. EMENS: Not from you. Not from you.

COUNCILMAN SLATTERY: Well, right. From the Fire Department.

MR. EMENS: You're safe. They will vote for you.

COUNCILMAN SLATTERY: I don't know about that.

MR. EMENS: You have to get reelected. I don't. I wish somebody would take my job.

SUPERVISOR DUNNING: The tax -- tax ramifications at this point are completely unknown. If that was to go in that direction, where the taxes would go is the unknown and that's the assumption being made here, too. The taxes would increase based on the departments going full-time paid, and -- correct, that is where that assumption would be made? It doesn't have to happen that way, but it could happen that way. And if it does go that direction, yes, the taxes for the Fire District would go up. But the people would have a choice to vote specifically -- specifically on the Fire Department budget.

MR. EMENS: Correct. On the Fire District's budget.

SUPERVISOR DUNNING: Fire District. I'm sorry.

MR. EMENS: That's correct. That's all part of the process.

But the way I see it happening, you probably wouldn't jump in with eight full-time people. You would probably start out with some part-time covering your short times, your daytime responses and so on and so forth and probably some type of a sharing between Chili and Clifton and so on and so forth.

But then as the need grew -- I love it. We sit in a position where we watch the tsunami coming and it hit Gates and you say, "Okay." Well, fast forward 10, 15 years from now, that water is going to get here. They have a little over a \$7 million budget. That's million. Over five of it -- no, over six of it is payroll and benefits. Payroll. Because nobody volunteers.

COUNCILMAN SLATTERY: Right.

MR. EMENS: Nobody volunteers.

COUNCILMAN SLATTERY: What I would say is this. I have defended the Fire Departments in the past. And looking at the number of volunteers that you have, the age of the volunteers, it's hard to get the younger folks more involved. I mean, whether it's the Boy Scouts -- where are your numbers compared to 15, 20 years ago? You're seeing less people volunteering.

We see it all of the time. We have different committees in the Town. Recreation, Drainage, Historic Preservation and so forth. Just trying to get people involved with the community. It's very challenging. You have both parents working. You may have single parent at home just taking care of the kids, doing after-school activities and so forth. Getting people to come out volunteer. We are a community of about 29,000 people and it's very difficult, as you know, to get volunteers in.

I applaud you guys every year. And I appreciate and thank you for what you do. Volunteer -- volunteering takes a lot of time. There is mandatory training that you have to go through. You know all this. This is more for the public that don't understand that, but it would be great if more people stepped up. Because now when their house is on fire or they have a child injured or there is an emergency at home, who are those people that are showing up at the door? More than likely they're volunteers, doing it out of commitment to the community and their passion and they care and I just wanted to say that I do, I appreciate it and thank you.

And just for the record, I think Gates, it was going to 13 percent this year. You know, 13 percent.

MR. EMENS: And the tax cap is .68. That's a little bit more.

SUPERVISOR DUNNING: 1.87 actually.

MR. EMENS: You told us at the meeting it was --

SUPERVISOR DUNNING: 1.87 is the tax cap this year.

COUNCILMAN SLATTERY: But still.

SUPERVISOR DUNNING: Or 1.84.

MR. EMENS: However, I would like the record to show the Town Board has always given the Fire Department the 2 percent.

SUPERVISOR DUNNING: Yes.

MR. EMENS: And we appreciate it.

SUPERVISOR DUNNING: Even when the tax cap was .67.

MR. EMENS: We appreciate it.

SUPERVISOR DUNNING: And we did add in the consideration for the Scottsville District for the Town of -- for the Chili Fire Department, which equates to an additional \$18,000 this year. So that will swing over to the Chili Fire Department, which is an additional area to cover and I think they will cover it well.

COUNCILMAN SLATTERY: Explain that for the people that may not understand.

SUPERVISOR DUNNING: There is three -- well, there are two fire protection districts, a Fire District and a village fire department that cover parts of Chili. Of course, the Chili Fire Department covers the Chili Fire Protection District which is the largest portion of fire coverage.

Clifton Fire Protection District covers the Clifton area and South Chili and they have other areas outside of Chili that they work with.

The -- the Town -- the Gates Fire Department takes care of part or the easternmost portion of Chili around the Scottsville Road area, where the -- mostly in the industrial areas down there.

And then Scottsville, the Village of Scottsville has a Fire Department. They are not a district in the Town of Chili. They -- they're contracted to cover a small portion of Chili, the South Chili area through negotiations with the -- it's not a -- we have a contract. We hire them to take care of fire service in very specific boundaries in the South Chili area.

In our discussions with the Chili Fire Department over the course of the past year, we have determined that Chili Fire Department can cover that district very easily based on the amount of homes there, the proximity to which calls can be answered either from Scottsville or Chili and the frequency of -- common frequency of calls in that particular area. So we felt it best that we no longer contract with the Village of Scottsville. We would rather keep the money here in Chili. So we are going to keep the money here in Chili and we will be Chili -- the Chili Fire Department will be covering that portion of Chili.

Of course, there is always mutual aid, so there is times when Clifton may be called be and quite frankly, Scottsville may be called in to assist in the event of an emergency. It will be well covered. I have a lot of faith our guys will take very good care of us there.

COUNCILMAN SLATTERY: For the record, some of people may not know where Clifton is. People think -- they think Clifton Springs, we're going way out there? No. Clifton is an area that is by Union Street and Morgan Road. It's just west of there. It's that little pocket down by Black Creek, south of Black Creek. So it's a great little community, great parade and festival that they have every year, so I recommend you go to that, as well.

MR. EMENS: Thank you for the announcement.

COUNCILMAN SLATTERY: Free plug.

MR. EMENS: So are there any questions from the audience about anything that I have said?

SUPERVISOR DUNNING: The questions would be directed to the Board. And we would direct any questions back. That's okay.

MR. EMENS: I will stand here and help you answer them if you want. I'm good. Thank you.

COUNCILWOMAN SPERR: Thanks, George (Emens).

FRANCES KOVALCIK, 120 Wheatland

MS. KOVALCIK: Frances Kovalcik, 120 Wheatland Center Road, Churchville 14428, but I live in Clifton. I didn't plan on speaking at all here tonight, but, um, I'm interested in -- about the Water District assessment and since we received a letter in the mail, am I right in assuming

this is about the area, Wheatland Center Road that, you know, south of the village where there is no water yet?

SUPERVISOR DUNNING: No. This is --

MS. KOVALCIK: It's not?

SUPERVISOR DUNNING: No. The -- the -- what you're seeing in here, in any of the specific districts and I will talk about the water, is only where water is being served in a specific area. There are a couple different water districts established in the Town of Chili and that's based on when these were installed. There was some water put in some places initially and then added throughout. Our Town Clerk Ginny Ignatowski could probably speak very well on this topic. These are anywhere where it is actually being serviced by public water, and there is varying rates depending on what the services there, what may be owed on any debt service from the water district, because there is still on Benefit Area Number 3 --

VIRGINIA IGNATOWSKI: 2.

SUPERVISOR DUNNING: 2. Thank you.

MS. KOVALCIK: Years ago it came up about plans to put water out there. Is there anything now at all?

SUPERVISOR DUNNING: That got defeated years ago. And what -- I can briefly talk about this. We did put on an active campaign to try to bring water to the remaining areas with only a small, very small -- or one road actually that wasn't going to be covered. There were two areas we looked at. One was your area, to loop it around down to Wickens and back over to you and then over in the Milewood Road area.

The -- some residents supported it. Some residents didn't. We didn't get any -- enough support from the residents to move it forward, which we would need -- have needed the residents to support it. It was a hefty bill and the residents of that specific district would pay for a portion of any debt that was incurred and debt service that was brought on by the addition of that water. If I remember right, it was a million two, million 3? Somewhere in the vicinity.

Mr. Lindsay, is that about right?

That would have gotten divided up amongst those -- that's combined, those two areas. That would have been divided up among the homeowners and, you know, where you live, there is not a lot of homeowners that live next to each around there. Same with Milewood. So that really -- it was pretty costly and I think that is where a lot of residents backed down and said they would live without it.

So unless we had that support -- and if at some point we do, we would be happy to bring it back up. We would have to redo some of the information, but we do have a lot of information we retained for it.

MS. KOVALCIK: For the record, we are in favor of it.

SUPERVISOR DUNNING: If you could rally your neighbors --

COUNCILMAN SLATTERY: Talk to your neighbors.

SUPERVISOR DUNNING: If you could rally your neighborhood and the people on Milewood, we would be happy to revisit it.

MR. EMENS: Excuse me. I do have a question.

Do the Kovalciks not have water?

MS. KOVALCIK: No, we don't. We don't.

MR. KOVALCIK: We don't, but it's out there.

MS. KOVALCIK: And that was something, too. When -- when -- when it was being put out there, we were going to be charged a fee for this. But at that point, it wasn't available. It was ending farther in the Town.

So I went up and had some words with someone about that if we're going to be taxed for this, we should at least have it available to us. So they added one more -- one.

SUPERVISOR DUNNING: So all you would have to do then is tap in from the road to your house.

MS. KOVALCIK: Yes.

SUPERVISOR DUNNING: Which is solely your expense.

MS. KOVALCIK: Except the driveway is 1,000 feet long and that is costly. We could get water out there to make our property more valuable and then we could afford to get water.

CHRISTOPHER MCCULLOUGH, 12 Boneset Trail, Apartment F

MR. MCCULLOUGH: Christopher McCullough, 12 Boneset Trail, Apartment F, North Chili 14514.

The cold hard truth about the money for the Fire Department is the Town of Chili would love the piece of property that the current fire department sits on for their 2030 Comprehensive Plan. We can deny it. We can hide it. It's in the plans for the 2030. It's been in the plans for the 2030. There's reason to believe that -- that redistricting the Fire Department would allow that property to become available.

There's money in the coffers in this Town. Last I checked there is over \$14 million in cash. Another \$8 million conveniently hid away in terms.

Under your tenure Mr. Dunning, assets have gained and services have decreased. Okay? This is a non-profit agency. Last I checked. We're at five figure interest rates every year. I believe under -- under your tenure assets went up 12.1 percent. Don't quote me on that, but it's definitely double digits.

Um, you want the Fire Department. The harsh reality is is if it dissolves and they become paid, the Town's going to absorb the \$1.6 million that you currently give them into your budget.

You're not going to give it back to the taxpayers. Let's be honest. Are you going to give them a refund? Because right now it shows up on your property tax bill.

SUPERVISOR DUNNING: It's the --

MR. MCCULLOUGH: And if they redistrict, it will be financed through where, the State and you will get a separate bill just like we do now for the ambulance. You're not going to pay the 80,000, but how much does it cost -- now, it might not show up in taxes, but when you get your bill in the mail, it's double and triple what it used to be.

SUPERVISOR DUNNING: If you will allow me to respond? May I? Just want to make sure.

MR. MCCULLOUGH: I want to make sure that I was finished before you conveniently interrupted me.

SUPERVISOR DUNNING: During the Public Hearing, there can be dialogue. There is dialogue during Public Hearing. We don't allow it during Public Forum, but during Public Hearing there is dialogue. So I don't want to get lost in some of your questions.

MR. MCCULLOUGH: Perfect.

SUPERVISOR DUNNING: I would like to be able to answer them as you go along.

First of all, you're completely -- it is completely inaccurate to think that the Town keeps the money. The Town doesn't get this money to begin with. It's a special district tax. The money, the \$1.24 or whatever it is -- or \$1.288112 that the Chili Fire Department will -- the fire protection gets is a special district tax. That would be -- that gets collected by the Town, gets paid by a check over to the Fire District. The Fire Department, Chili Fire Department gets that.

If this was to go to a district, that money doesn't come back to the Town. There is no way that that would even come back to the Town.

COUNCILWOMAN SPERR: Separate thing.

SUPERVISOR DUNNING: It's a completely separate line item on a tax bill. So that would remain -- providing that the -- if they formed a district, if the district kept the same budget, the tax rate would be exactly the same and -- and that would be that.

MR. MCCULLOUGH: That tax rate wouldn't come through your property taxes through the Town, would it?

SUPERVISOR DUNNING: No.

MR. MCCULLOUGH: Where would it come from?

SUPERVISOR DUNNING: It's a special district tax that gets onto your tax bill that the people who reside in that special -- in the -- in the Fire Protection District pay for.

MR. MCCULLOUGH: Currently it's on your property tax bill; is that correct?

SUPERVISOR DUNNING: It's a special district tax that comes along with your tax bill, yes.

MR. MCCULLOUGH: It is listed on your property tax bill sent out by the Town of Chili?

SUPERVISOR DUNNING: It's a special district.

MR. MCCULLOUGH: Is it a separate bill, David (Dunning). Is it a separate piece of paper or is it a separate line?

SUPERVISOR DUNNING: It's a separate line item on the --

MR. MCCULLOUGH: So all we're doing is changing lines, but we'll increase that by more than one -- it is 1.86 percent.

SUPERVISOR DUNNING: I don't know where you get that.

MR. MCCULLOUGH: From redistricting.

SUPERVISOR DUNNING: Redistricting doesn't do anything unless the Fire Department decides to raise the rate from which they want to charge.

MR. MCCULLOUGH: Well, that's what you're forcing them to do, isn't it, by not giving them the money? You have \$330,000 for parkland, but you don't have \$330,000 for fire protection? You got \$125 [sic] to reconfigure this Town Hall, which is the second newest building in Chili, but you don't have money for fire protection? I don't get it. It doesn't make sense.

SUPERVISOR DUNNING: Point taken.

MR. MCCULLOUGH: Thank you.

The Public Hearing was closed at 7:33 p.m.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. No speakers addressed the Town Board. The Public Forum concluded at 7:34 p.m.

MATTERS OF THE SUPERVISOR:

New Matters:

1. Road Closure - Ballantyne Road Railroad Crossing

SUPERVISOR DUNNING: I want to make mention Ballantyne Road, if you have not seen, it will be closed starting on Friday, and will be closed at the railroad tracks until Tuesday morning, I believe it is.

Following that, Fisher Road will be closed briefly for a few days, I believe, for the same thing, railroad track repair. So those of you who travel in that area from -- from Chili to perhaps

Henrietta, that area, you may want to think about an alternate route this weekend and into Monday. It should be interesting.

Just want to make sure -- I have a couple other notes here -- that I'm covering everything I want to go forward. Yes. We're good.

Pending Matters:

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

SUPERVISOR DUNNING: Under pending matters, we have vacancy on Board of Assessment Review. One more permanent member and one also for temporary member.

MATTERS OF THE TOWN COUNCIL: Nothing to report.

The 9/13/17 Town Board meeting minutes were approved as submitted.

REPORTS SUBMITTED:

Advanced Payment of Claims – September 2017
Architectural Advisory Committee Minutes –
Building Department Report – September 2017
Chil E-Fest Report - 2017
Chili Parks & Recreation Minutes – 8/15/2017
Dog Control Reports – September 2017
Drainage Committee Minutes – 8/1/2017, 9/5/2017
Historic Preservation Minutes – 8/14/2017
Library Board Minutes – 8/22/2017
Monthly Financial Statement – August 2017
Planning Board Minutes – 8/8/2017
Recreation Center Report – September 2017
Senior Center Report – September 2017
Town Clerk Report – September 2017
Zoning Board Minutes – 7/25/2017, 8/22/2017

CORRESPONDENCE:

1. Virginia Ignatowski, Town Clerk has received notification that Colleen Betters, Traffic & Safety Committee is resigning, effective October 6, 2017.

RESOLUTION #225 RE: Periodic Assessment Roll Update

OFFERED BY: Councilman DeCory SECONDED BY: Councilman Slattery

WHEREAS, the Town of Chili has submitted a plan for Cyclical Reassessments in accordance with Section RP1573 undertaken its annual update of its assessment roll to maintain equity; and

WHEREAS, the Assessor has recommended the Town of Chili engage AVS Assessment Services; and

NOW, THEREFORE, BE IT RESOLVED, pending successful passing of the Permissive Referendum from Resolution #211, that the Supervisor be authorized to execute a professional services agreement with AVS Assessment Services to assist the Assessor with the 2018 Assessment Roll Update at a cost not to exceed \$6,000.00 and to include optional additional man days if needed at a rate of \$575 per day.

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: At this time I ask a representative from the University of Rochester please introduce yourself and tell us what we're looking at.

MS. CHAMPION: Good evening. My name is Ashley Champion, an attorney with Nixon, Peabody here on behalf of the University of Rochester for the incentive zoning application regarding the parking facility at 420 Scottsville Road. Joining me tonight is a fine group of folks from the University here in the back row. They are here to help me answer any specific questions that the Board may have on the specifics of the facility or the application.

So a brief overview what we are proposing here. As some of you may recall or know, the University of Rochester entered into an incentive zoning agreement with this Board in 2007 for use of the parking facility at 1420 Scottsville Road as an accessory offsite use for University of Rochester purposes. That incentive zoning agreement expires at the end of this year, end of December, 2017. So what we are looking for is to extend the term of that existing agreement for another five-year term with a five-year renewal which is similar to the way the term was formed -- formulated for the prior 2007 approval. Otherwise, the terms of the incentive zoning agreement would be completely consistent with the existing incentive zoning agreement except that the current fixed annual \$33,000 a year payment that University of Rochester makes as a cash in lieu of amenities payment would increase 2 percent year over year, so there is that additional 2 percent escalation. Otherwise, the terms are consistent. The use of the parking facility will remain the same. No significant improvements or other alterations proposed. Just a continuation of the existing use.

So we are hoping tonight that the Board will deem this proposal worthy of further consideration and refer it onto the Planning Board. I know your regulations require for any incentive zoning application, even an extension like this one, a review and report from the Planning Board, so we're hoping that would be the action of the Board tonight.

Also, given the timing of the December expiration of the current agreement, um, we think it would be great if the Board could set the Public Hearing for this application for November. Understand you may want more time with the Planning Board report, so if not November, then hopefully December we would be able to be back here for the Public Hearing and have a vote so we don't have any lapse in time as far as the existing term. We can answer any questions that you have on the proposal.

SUPERVISOR DUNNING: Just for the Board's clarity, I did see a request to set a Public Hearing this evening for the November meeting. I did get back -- I don't know if you -- anybody got back.

RICHARD STOWE: I did.

MS. CHAMPION: Yes.

SUPERVISOR DUNNING: It's not typically something we would entertain. We don't know what the Planning Board is going to say.

MS. CHAMPION: Sure.

SUPERVISOR DUNNING: We have no idea. The Planning Board meets the day before our next Town Board meeting. Now, providing that the Planning Board, um, set -- does that, they do -- and sets -- you know and approves this, if it goes to the Planning Board -- I'm assuming some things, but if it does go to the Planning Board and they hear it, I would have no problem putting a -- setting -- setting a Public Hearing, putting that on the agenda for -- in November, but for a December Public Hearing at which time -- again, it's not typical of this Board to vote on an application that night, so the possibility of this going on into the -- we have a close-of-business meeting on December 31st which is a possibility or then our Organizational Meeting in January. I don't think we're at risk of any issues, and you would know of any issues prior to that happening anyway.

So I -- so I think you would be in good position as far as the sequence of things providing everything goes well with the Planning Board and this Town Board.

COUNCILMAN SLATTERY: Generally we don't hold any other business on an Organizational Meeting.

SUPERVISOR DUNNING: I think we could consider it.

COUNCILMAN SLATTERY: Or the end-of-the-year meeting, I think that would be almost a better time for that.

SUPERVISOR DUNNING: I would make that exception or ask that we make that exception.

COUNCILMAN SLATTERY: Let's get to that point first.

SUPERVISOR DUNNING: Right. We have to get there.

MS. CHAMPION: That would be great. We appreciate that.

SUPERVISOR DUNNING: Does this Board have any questions?

COUNCILWOMAN SPERR: I have one. I'm trying to recall when we first set this into motion, and I believe that there was a -- something.

RICHARD STOWE: 2007.

COUNCILWOMAN SPERR: 2007, right. But there was something from the University about how the \$33,000 or how the money had to be spent. In a sense, it couldn't just be put into the General Fund and spent on expenses. And I wasn't sure if that was part of this agreement. I'm ---

SUPERVISOR DUNNING: No. It is not a part of the agreement. It was the Town Board's decision what to do with the money. However, based on amenities in the incentive zoning laws, we needed to make sure that this money was going -- doesn't just go in the General Fund to pay bills. It's actually meant for -- to provide an amenity to the Town of Chili. In this case, and as we have in the past ten years, this money has been going into the sidewalk fund to help --

COUNCILWOMAN SPERR: Planning --

SUPERVISOR DUNNING: We have done -- all of this for the most part has gone into the sidewalk fund to support the installation of sidewalks which is a great amenity and meets the criteria which the incentive is being offered.

MS. CHAMPION: That is my understanding.

COUNCILWOMAN SPERR: I just wanted to make sure it was discussed.

SUPERVISOR DUNNING: That is our decision how that goes, what amenity we choose. They tell us how much they are willing to do and we talk about that, and --

MS. CHAMPION: Yes.

COUNCILMAN SLATTERY: There is a huge need for sidewalks out there.

MS. CHAMPION: That is consistent with our understanding. This amendment will read the same as the initial agreement where the money is to be used by the Board for whatever purposes are deemed desirable under your incentive zoning.

SUPERVISOR DUNNING: The other amenities that were offered initially are no longer -- because they have been done. There were road improvements and things that were a part of the initial amenities being offered as part of the incentive. Those things have been accomplished and done and will forever survive this agreement.

MS. CHAMPION: That's correct.

RICHARD STOWE: Not really a question. I don't know. There are a couple people up here that have been around since 2007, but the address doesn't mean much to a lot of people. 1420 Scottsville Road. But this is the old Logan Party House property and had a lot of parking spaces associated with it, and at the time in 2007, it was my understanding that the University of Rochester needed additional parking space and was in a crunch on their site, so they run shuttle buses back and forth from their main campus and other sites to this spot for parking not just for employees, but University of Rochester and facility-related parking; is that correct?

MS. CHAMPION: The -- the lot is primarily used, and correct me if I am wrong, but it's employees of specifically the Medical Center. So that's the -- the way it's been used and the way it will continue to be used. But you're right, Counselor, it is a shuttle service. Employees park there and they're shuttled to the med center.

RICHARD STOWE: Back at the University of Rochester people said they were trying to address in their Master Plan additional parking facilities onsite and they didn't know how long this would be necessary as overrun parking, if you will.

MS. CHAMPION: Yes.

RICHARD STOWE: I take it, that that hasn't changed?

MS. CHAMPION: We are in a consistent situation. The University, they're -- they're continually assessing their parking demands, as you can imagine, with the school and the med center always evolving and expanding and getting better and tracking more people and requiring more parking. So that effort continues and so that is why we're looking to extend the current agreement here and we'll see what the future brings as far as long-term layout.

RICHARD STOWE: My real purpose in doing that is to reestablish the initial need. It is more than exceeding what was there, but it goes to the point that that is why they came here in 2007. And you want an extension because the need still exists and nothing has really changed as far as the need for that auxiliary parking --

MS. CHAMPION: Exactly. The incentives would be based on the same criteria.

COUNCILMAN SLATTERY: Also the road improvements you had to do on Scottsville Road, the turning lane --

RICHARD STOWE: As part of that.

COUNCILMAN SLATTERY: There was an initial cost associated with it besides just the incentive part.

MS. CHAMPION: Correct.

RICHARD STOWE: That just needed to be reestablished.

SUPERVISOR DUNNING: Ashley (Champion), thank you very much.

RESOLUTION #226 RE: Incentive Zoning Agreement Renewal University of Rochester, Parking Facility, Scottsville Road

OFFERED BY: Councilman Brown

SECONDED BY: Councilwoman Sperr

WHEREAS, the applicant has submitted a proposal to renew the incentive zoning agreement due to expire at the end of December 2017; and

WHEREAS, the applicant has appeared before the Town Board on this date, the 11th day of October, 2017 to discuss its proposal; and

WHEREAS, the Town Board has reviewed the applicant's proposal to determine whether it is worthy of further consideration; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby determines that said proposal is worthy of further consideration and authorizes the applicant to submit its proposal to the Planning Board for its review, evaluation and report to the Town Board in accordance with §115-88; and

BE IT FURTHER RESOLVED, that the Town Board declares itself lead agency for SEQR purposes and determines this to be a Type II Action and directs the Clerk of the Town of Chili to advise agencies according.

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

MS. KENDALL: Amy Kendall. I live on Bishopgate Drive, but that's not really why I'm here tonight. I'm an attorney with Knauf Shaw. I'm here tonight representing Ignazio Battisti and 221 Golden Road, LLC. I'm here joined tonight by Mr. Battisti and Joseph Ardieta of Vanguard Engineering, PC will provide an overview of the project we'll be discussing in a moment.

I just wanted to give a little bit of background. This proposal concerns property on Stone Barn Road and Golden Road. We were last before this Board in July of 2016. At that point, I explained, and this is still true, that the properties are zoned R1 and RA10. There is an approved single-family subdivision for the properties at this time. And without going into a lot of detail, we have covered this before, a couple of the properties were previously used by a prior owner for solid waste disposal. As a result, the Monroe County Health Department has advised that a Soil Management Plan would have to be in place. That would mean practically speaking for single-family homes, that each family purchasing the property would have to comply with a Soil Management Plan, which is -- practically speaking, doesn't work.

Since that time, though, the State Legislature has enacted the Brownfield Cleanup Law which supports the redevelopment of contaminated properties. The applicants would like to apply for the Brownfield Cleanup Program for these properties. This will assist with the additional investigation and remediation that is required for the properties.

Knauf Shaw, my firm, practices in this area. It's our firm's experience that a single-family subdivision, it rarely gets into the Brownfield Cleanup Program and has a much more difficult time getting through the program for a variety of reasons.

The applicant is requesting a decision on the applicability of incentive zoning at this time in order to meet the requirements to apply for the Brownfield Cleanup Program. The applicants initially proposed to the Town Board a zoning change for the properties and offered a transfer of 30 acres to the Town for preservation. Initial discussions with Town officials led the applicants to alter the proposal to request incentive zoning and to offer to place a restrictive covenant on 30 acres which we'll discuss in a moment to prevent future development of that parcel, the wetland area, so that would provide some good benefit which I know is contained in -- I think there is actually a separate plan for it, but in any event, it's in the Comprehensive Plan.

Um, and also, to offer 450 -- 450,000 per unit as a cash incentive. At this point, there is 52 units, so the math, um -- I can't do it in my head. That's why I became a lawyer.

In July 2016, the applicants provided a concept sketch plan together with other supporting documents or discussion was really that you needed to see more information. Apparently there was some miscommunication, misunderstanding at that time. We understood that the Town Board had determined that the project was quote, "worthy of further consideration" as contemplated by Town Law 500-106(B) and directed the applicants to proceed to the Planning Board with a sketch plan described in that section.

Um, the Town Code doesn't require the Town Board to accept the proposal in its entirety before referring it to the Planning Board for a report. Indeed, as we have already heard tonight -- I didn't anticipate there would be a whole discussion on incentive zoning so I'm sort of repeating what we already heard.

The Town Board needs the Planning Board to report before making a final determination on the amenity. So to the extent that we misunderstood the directive of the Town Board, I just want to apologize. We only recently learned that there was confusion when the applicants attempted to submit documents -- for the review for the Planning Board. So the applicant at this point has prepared the sketch plans that are required by 500-106(B) and conducted surveying and wetland delineation that we discussed at the last meeting which -- which took some time with the surveying and the wetlands delineation took some time.

We provided copies of the recent application to both the Planning Board and the Town Board and we will need the Town Board's feedback concerning the cash amenity. The code at 500-107 -- we have already kind of talked about this tonight -- states that the Town Board must first determine that an onsite amenity is not suitable or cannot be reasonably provided, and I assume they do that in connection with the Planning Board's report, and that such funds have to be placed in a trust and used only for the specific amenities that the Town Board describes in advance. And again, that's 500-107. So the applicants will need to understand from the Town Board what amenities will be paid for with the cash incentive, which we were actually just discussing in connection with another application.

And at that point, the applicant is more than willing to work with the Town to amend it's proposal. I'm sure it will be amended further through the Planning Board process. So the applicant will request leave of the Town Board to present the sketch plans to the Planning Board, and with that, I will turn it over to Mr. Ardieta to describe the proposal itself.

MR. ARDIETA: Good evening. Joe Ardieta, Vanguard Engineering, tonight representing Ignazio Battisti in his application.

The application that we put forward is essentially a four-unit -- 13 four-unit buildings constructed on a private road that would loop back from Stone Barn Road to Golden. The purpose for this layout is to, one, move all development away from existing wetlands and the existing buffers that are to the west.

Also, this proposal would significantly diminish the amount of disturbance that would occur, should this be a single-family development which is currently under code. In fact, the disturbance would probably be in the area of half.

Also, the length of road for this -- for this proposal is roughly 1800 square feet. Whereas, the layout that we provided to the Town for the conventional plan was over 600 feet, which would be a Town road.

So I believe that -- for that reason alone, um, it would cost less for the Town to not own this road for this complex. If they did, and they went by code, they would have significantly more expenses for the structure and road length.

Of course, you get the incentive of the 30 acres on the west side which can be relegated for wetland use preservation.

SUPERVISOR DUNNING: Okay. First of all, we -- I -- I won't want to -- I want to correct something. We have no interest in the land. The Town will not be taking the land by easement or any other --

MR. ARDIETA: Well, a covenant.

SUPERVISOR DUNNING: You can do what you want with the land. That's -- that is Mr. Battisti's decision what he wants to do with that. He can put whatever he wants on it, but the Town is not accepting any part of that land as a part of the incentive.

MR. ARDIETA: Let me clarify. If there is a covenant placed on that 30 acres and the land stays as is, it is still a carrot for the Town in that you have undeveloped --

SUPERVISOR DUNNING: I just want it very clear for members of the audience and everyone else that we are not taking that piece of land as Town property under any -- any circumstances.

MS. KENDALL: Respectfully, that is not part of the proposal. We understand it.

SUPERVISOR DUNNING: I just want to make sure -- it sounded differently and I want to make sure the audience and the Town Board understood completely what we're looking at here.

MR. ARDIETA: She is the attorney, she states the legalities. I'm the engineer. I give the numbers.

SUPERVISOR DUNNING: Ms. Kendall, we're looking at the changes in density requirements including both residential and non-residential uses as items stated in the original proposal, changes in lot coverage, changes in lot dimension, setbacks requirements, changes in building height limitation and floor area requirements and any other changes to existing provisions specified in Chapter 439 Subdivision of Land and Chapter 500 Zoning Code of Chili.

Is that all part of this request -- this request remains the same, correct?

MS. KENDALL: Yes. The use -- it would be basically a cluster zoning type of scenario. We are looking for a -- a -- an incentive with respect to the density, so -- because single-family homes are not, um, going to work for the Brownfield Cleanup Program, we are looking for a change in density. Because this is an R1 district, the area where these would be constructed are all R1, that necessarily affects square footage and those other things, as well. I don't believe that there is a height.

MR. ARDIETA: To clarify, the 30 acres to the west are -- is actually RA10 district. So they're under a different code, zone, but in our conventional, the layout we were able to fit three homes in that area.

SUPERVISOR DUNNING: The other thing I would like to just bring up for the Board's benefit and the benefit of the public here, the original proposal was, as mentioned by Ms. Kendall, the \$450 per unit. After discussion, I have discussed with Mr. Battisti and I believe it also may have been discussed with you, that that number was not going to be sufficient for this Board to consider. And that this Board would consider an amount of \$1,000 per unit, and that would be consistent with what other incentive zoning applications we have looked at similar to this type of thing. So that is what we would be looking at. We would be amending -- your application would need to be amended to the \$1,000, providing that the Board is okay with that. If anybody has any thoughts or -- I guess I will give you time to mention it, but that would remain consistent with what we have done.

MS. KENDALL: With respect to the cash amenity, um, as I just mentioned, we do have to direct that to something.

SUPERVISOR DUNNING: We know that.

MS. KENDALL: Right. And --

SUPERVISOR DUNNING: We have to direct it to something. We know that. We have been through that.

MS. KENDALL: Understood.

So that I anticipated would be -- need to be part of the application, because the Planning Board has to determine whether or not ---

SUPERVISOR DUNNING: Not at this point in time it does not need to be determined.

MS. KENDALL: If the amenity can be onsite?

RICHARD STOWE: It -- before we turned it into cash, there has to be a determination made --

SUPERVISOR DUNNING: Correct.

RICHARD STOWE: -- versus onsite amenities.

Is that the point you're making?

MS. KENDALL: Yeah. That's exactly it. And --

RICHARD STOWE: That's part of why we're having the Planning Board review the plan and make a recommendation to this Board with regard to the site plan aspects.

SUPERVISOR DUNNING: Once the Planning Board has an opportunity to vet this and provided we sent it there, once they have their own opportunity to vet it and looking at that \$1,000 threshold, if you're talking 52 units, that's easy math, \$52,000. Whether that's an onsite

amenity or an amenity that goes into our sidewalk fund or some other fund would be entirely up to this Board to determine once we know what we're looking at for a --

MS. KENDALL: Right. So I just want to make sure that I don't misunderstand anything that is being said, because obviously I did previously.

We need to go to the Planning Board. The Planning Board needs to review the -- the site plan sort of aspects of this, make a determination regarding whether onsite amenities are possible, make a recommendation to the Town Board. The Town Board then holds the Public Hearing, moves on and makes a determination concerning the amenity.

SUPERVISOR DUNNING: Incentive.

MS. KENDALL: And do we need to put into the application the -- or is that something that the Planning Board does, what the onsite amenity -- what the cash amenity would be replacing in terms of an onsite amenity? Counsel, do --

SUPERVISOR DUNNING: It wouldn't be replacing anything. The cash amenity could be -- could be -- go ahead. I know you're dying.

RICHARD STOWE: No, I'm not dying. Not yet.

There -- there can be a combination of onsite amenities and cash amenities. As you heard with the previous application, there were parking requirements, there were lane requirements within the New York State DOT right-of-way in order to make that work. There were onsite improvements that got categorized as amenities and there was a cash amenity. Okay?

If I cut to the chase, this Board wants to hear from the Planning Board what the nature, if any, is of onsite amenities. And then what you're hearing is this Board's desire to have those considered and any cash amenities considered, and I think this Board is telling you there -- there is a desire to remain consistent depending what the Planning Board says about onsite amenities.

How is that?

SUPERVISOR DUNNING: The one onsite amenity I thought I heard is not going to be amenity that we're going to consider and that's the Town is not doing any snowplowing or would consider that an amenity.

RICHARD STOWE: You mean a private road?

COUNCILMAN SLATTERY: It's not a dedicated road.

SUPERVISOR DUNNING: It's not a dedicated road. That's not an amenity. I just want --

RICHARD STOWE: He is trying to tell you that doesn't count.

MS. KENDALL: So I will ---

SUPERVISOR DUNNING: Wow, that's a first, the lawyer cut to the chase and made it real simple.

MS. KENDALL: So I was informed about the \$1,000 threshold after we had prepared this application, and I want to --

RICHARD STOWE: That's okay. That's part why we're here.

MS. KENDALL: I wanted to confirm to the Board that \$1,000 is acceptable to my client. Um, and you know, hopefully we can move this forward to the Planning Board.

And -- and just to clarify, I don't need to amend the application in order to talk about the onsite amenities?

RICHARD STOWE: I don't believe so.

SUPERVISOR DUNNING: So that dollar amount doesn't need to be amended in the application? Because the application still says \$450.

MS. KENDALL: I -- I'm happy to do this.

SUPERVISOR DUNNING: I will make this simple. You two work that out. Before it goes to Planning Board.

RICHARD STOWE: Okay.

SUPERVISOR DUNNING: You two figure that out.

RICHARD STOWE: We can meet.

SUPERVISOR DUNNING: If it needs to be amended, amend it. It is two pages.

RICHARD STOWE: I understand.

MS. KENDALL: Or I could provide a confirming letter --

RICHARD STOWE: Or both.

SUPERVISOR DUNNING: Whatever you two decide works. You don't have to work it out here.

RICHARD STOWE: We're both grateful for that.

COUNCILWOMAN SPERR: So I just want -- one more clarification on the road. Was the private road something that you proposed to us or did we -- we -- we --

COUNCILMAN SLATTERY: No. Per Joe (Ardieta). Joe (Ardieta) actually mentioned -- he said for the old proposal, it was going to be a dedicated road and now with this new proposal, it's going to be a private road that now the Town will not have to go in and maintain. They do not have to build it to the Town specs and so forth.

MR. ARDIETA: Strictly a difference going from single-families layout to multi-family layout in the private -- on a private property.

MS. KENDALL: Under common ownership.

MR. ARDIETA: What happens is -- I'm not saying it's an incentive we're proposing as part of the incentive zoning, but it is an incentive in that you have more constituents with less encumbrance on the tax rolls. That's all.

COUNCILWOMAN SPERR: I understand that part. I'm not Planning Board, so it is outside my purview, but one of the comments that I hear as being liaison to Traffic and Safety, one of the comments that does come up every once in a while is a development that moved

forward with a private road and it's not built to the Town specs and then at some point down the road they come to the Town and they want the Town to help maintain it --

COUNCILMAN SLATTERY: To maintain it.

COUNCILWOMAN SPERR: -- to maintain and plow and we have difficulty with our plows to be able to get down the roadway because it's not made to Town specs. Just a cautionary comment I would like to pass back to you.

MS. KENDALL: I will add in terms of the layout, um, obviously there would be sight -- I mean there is a lot of additional procedures, but one of those procedures is the DEC being okay with whatever their remediation and the layout is. So, um, there -- there is still a lot of balls in the air.

RICHARD STOWE: This application is a bit unique from some others in that regard. We haven't had a DEC remediation plan play a significant role on this incentive zoning conversation before. We have also not had it play such a significant threshold role in how the applicant is trying to determine how to construct the proposed development to take to the Planning Board.

MS. KENDALL: Right.

RICHARD STOWE: So there is some new ground here. But -- to be brutally candid and clear, the Planning Board is going to decide whether the proposal is okay or not.

MS. KENDALL: Certainly.

RICHARD STOWE: The Planning Board will have an opinion on whether a private road is a good idea or bad idea. This Board is not going there. That's all.

COUNCILWOMAN SPERR: That is why I stated it's outside my purview, but just a comment.

SUPERVISOR DUNNING: You're right. Any other questions before we move on?

RESOLUTION #227 RE: Incentive Zoning 219, 223, 225, 227, 229 Golden Road & 29, 31 Stone Barn Road

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Brown

WHEREAS, the applicant has submitted a proposal to the Town Board; and

WHEREAS, the applicant has appeared before the Town Board on this date, the 11th day of October, 2017 to discuss its proposal; and

WHEREAS, the Town Board has reviewed the applicant's proposal to determine whether it is worthy of further consideration; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby determines that said proposal is worthy of further consideration and authorizes the applicant to submit its proposal to the Planning Board for its review, evaluation and report to the Town Board in accordance with §115-88.

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

RESOLUTION #228 RE: SET PUBLIC HEARING FOR INTRODUCTORY LOCAL LAW # _____ OF THE YEAR 2017 WHICH WOULD ESTABLISH A SIX-MONTH MORATORIUM ON MASSAGE THERAPY BUSINESS APPROVALS IN THE TOWN OF CHILI.

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman DeCory

WHEREAS, Introductory Local Law # _____ of the year 2017 has been introduced; and

WHEREAS, the Town Board, prior to its final deliberations regarding the merits of said local law, wishes to offer the members of the public an opportunity to be heard; and

NOW, THEREFORE, BE IT RESOLVED, that a Public Hearing be set for November 15, 2017 at 7:00 p.m. to consider the adoption of Introductory Local Law # _____ of the year 2017 to establish a six-month moratorium on Massage Therapy Business approvals in the Town of Chili.

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

RESOLUTION #229 RE: Flexible Spending Account for Town Employees for 2018

OFFERED BY: Councilman Brown

SECONDED BY: Councilman DeCory

WHEREAS, the Town of Chili Flexible Spending Account (The "Plan") was adopted by an April 19, 1995 Resolution #203, and modified by December 11, 2013 Resolution #261 and maintained by the Town pursuant to Section 125 of the Internal Revenue Code; and

WHEREAS, the Town employees have found the Plan to be beneficial; and

NOW, THEREFORE, BE IT RESOLVED, to continue the Plan in 2018, open to full-time non-bargaining personnel and Union full-time personnel, subject to the bargaining contract, and open to employees working for the Town for a minimum of six (6) consecutive months; and

BE IT FURTHER RESOLVED, the maximum for both Health Care and Dependent Care reimbursement accounts be set at the amount allowable by the Internal Revenue Code; and

BE IT FURTHER RESOLVED, that the Flexible Spending Accounts will be funded from participating employee payroll deductions; but where the Health Care Flexible Spending Account may show a negative balance, the FSA shall be temporarily funded from the appropriate Employer FICA account and shall be reimbursed as participating employee deductions are received; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to enter into a contract with Lifetime Benefit Solutions, Inc. (Formerly EBS-RMSCO, Inc.) To administer the Plan reimbursements.

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

RESOLUTION #230 RE: Chili Fire Department Remove from Active List

OFFERED BY: Councilman Brown

SECONDED BY: Councilwoman Sperr

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

Brett Huff 6-3-2017, Juliana Humnicky 8-9-2017, John Bowensmith 8-12-2017, Chris Tarantino 9-10-2017, Josh Merrell 9-17-2017, Joshua Von Cannon 9-18-2017

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

RESOLUTION #231 RE: Chili Fire Department Exempt List

OFFERED BY: Councilman DeCory

SECONDED BY: Councilman Slattery

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 9/12/2017:

Andrea Testa

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

RESOLUTION #232 RE: Independent CPA Services

OFFERED BY: Councilman Brown

SECONDED BY: Councilwoman Sperr

WHEREAS, the Director of Finance sent Requests for Proposal for Professional Services to four firms, one of which did not submit a bid; and

WHEREAS, the Director of Finance has completed the review of the three proposals that were received, and the fully costed three-year proposals were as follows:

The Bonadio Group \$61,950
Freed Maxick \$47,595
Raymond F. Wager CPA, PC \$73,050

NOW, THEREFORE, BE IT RESOLVED, on the recommendation of the Director of Finance, to accept Freed Maxick's proposal to provide independent CPA auditing services for the Town's 2017 financial statements, which includes procedures to satisfy the requirements of the Uniform Justice Court Act §2019A, the LOSAP audit of service points, and certain Library filings, in an amount not to exceed \$15,865 per year; and

BE IT FURTHER RESOLVED, based on performance, to continue services with Freed Maxick for fiscal years 2018 and 2019.

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

RESOLUTION #233 RE: Employer Medical Contribution 2018

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

BE IT RESOLVED effective January 1, 2018, for the calendar year 2018, the Town will pay the following maximum contribution towards the health insurance monthly premium: Single - \$591.42; two-person - \$1,277.16; or family - \$1,453.30, and the full-time non-union employee will pay, by payroll deduction, the balance of the premium cost, if any; or if they wish to pay the Town directly, the premium must be paid in advance by the 20th of each month preceding the period coverage.

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

RESOLUTION #234 RE: Penflex Inc. Agreement

OFFERED BY: Councilman Brown SECONDED BY: Councilwoman Sperr

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, 2017 to October 31, 2018.

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

RESOLUTION #235 RE: Acceptance of Quote for Town Hall Renovation

OFFERED BY: Councilman DeCory SECONDED BY: Councilman Slattery

WHEREAS, two (2) quotes were received for the Town Hall Renovation work; and

WHEREAS, the quotes were tabulated as follows:

<u>Bidder</u>	<u>Total Bid</u>
Lighting Darkness	\$18,336.00
DeRooy Contractors	\$21,600.00

WHEREAS, the Commissioner of Public Works/Superintendent of Highways has reviewed the

submitted quotes and have made the determination that the proposal from Lighting Darkness best meets the intent of the specification and requirements of the town and is acceptable for the intended use and recommends that it be accepted; and

NOW, THEREFORE, BE IT RESOLVED, pending successful passing of the Permissive Referendum as indicated in Resolution 221, to authorize the Commissioner of Public Works, to accept the quote for the Town Hall Renovations from Lighting Darkness for a cost to not exceed \$22,000.00 to be paid from Acct: 01.1620 (Buildings – Equipment).

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

RESOLUTION #236 RE: Letter of Credit Release #7 for Rose Hill, Phase 1

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Slattery

WHEREAS, that per recommendation of the Commissioner of Public Works and Town Engineer that \$18,756.92 be released from the letter of credit #520005477 with Bank of Castile for Rose Hill, Phase 1, leaving a balance of \$529,142.03; subject to engineering fees and street light bills to the Town.

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

RESOLUTION #237 RE: Letter of Credit Release #4 for Carriage House, Section 3

OFFERED BY: Councilman Brown SECONDED BY: Councilwoman Sperr

WHEREAS, that per recommendation of the Commissioner of Public Works and Town Engineer that \$33,862.50 be released from the letter of credit #520005347 with Bank of Castile for Carriage House, Section 3, leaving a balance of \$184,250.20; subject to engineering fees and street light bills to the Town.

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

RESOLUTION #238 RE: Bids for Sidewalk Plowing

OFFERED BY: Councilman DeCory SECONDED BY: Councilman Brown

WHEREAS, on October 2, 2017, the Chili Town Clerk received written sealed proposals for the plowing of sidewalks for the 2017/2018 season. The proposals identified a total cost for the main general sidewalk areas, and for Sections 1-10 of the Park Place sidewalk district. Three proposals were received as follows:

J. Scott Krenzer	
Bid Item #1	General Sidewalks
Bid Item #2	Park Place
Bid Item #3	Vista Villa's
Total Bid Amount	\$1,389.00

Chris Krenzer	
Bid Item #1	General Sidewalks
Bid Item #2	Park Place
Bid Item #3	Vista Villa's
Total Bid Amount	\$977.00

David Krenzer	
Bid Item #1	General Sidewalks
Bid Item #2	Park Place

Bid Item #3 Vista Villa's
Total Bid Amount \$896.00

NOW, THEREFORE, BE IT RESOLVED, to award the sidewalk plowing bid to the low bidder, David Krenzer at a cost of \$896.00 per trip for general area sidewalks, the Park Place Sidewalk District, and Vista Villa's.

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

RESOLUTION #239 RE: Traffic & Safety Committee

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Brown

BE IT RESOLVED that Robert Mulcahy be appointed to the Traffic & Safety Committee to complete the term of Colleen Betters, term to expire on December 31, 2019.

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

SUPERVISOR DUNNING: I would like to welcome Mr. Mulcahy back to the Town. He was serving to the Town for a while on our Zoning Board and we appreciate seeing him back in this capacity. So welcome back.

RESOLUTION #240 RE: September 20, 2017 Abstract

OFFERED BY: Councilman DeCory SECONDED BY: Councilwoman Sperr

WHEREAS, January 4, 2017 Resolution #1 authorized vouchers to be paid September 20, 2017, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 25649, 25729, 25733-25762, 25764, 25769-25771, 25778-25847 totaling \$183,563.38 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 25649, 25729, 25733-25762, 25764, 25769-25771, 25778-25847 were paid from the following funds:

General Fund	\$	56,387.02
Highway Fund		123,294.40
Drainage District		3,381.96
Private Purpose Trust		<u>500.00</u>
Total Abstract	\$	183,563.38

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

RESOLUTION #241 RE: October 4, 2017 Abstract

OFFERED BY: Councilman Brown SECONDED BY: Councilman DeCory

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

WHEREAS, Council did authorize by a majority vote vouchers 25855-25865, 25868-25870, 25876-25889, 25894-25895, 25905, 25913, 25915-25967 totaling \$439,448.78 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 25855-25865, 25868-25870, 25876-25889, 25894-25895, 25905, 25913, 25915-25967 were paid from the

following funds:

General Fund	\$	47,797.08
Highway Fund		374,925.46
Library Fund		2,238.81
H56 Annual Assessment Project		750.00
Drainage District		938.40
Street Lighting Districts		<u>12,799.01</u>
Total Abstract	\$	439,448.78

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

SUPERVISOR DUNNING: I would like to remind the Board there is an abstract out there to be reviewed. Came out today.

The next meeting of the Chili Town Board will be Wednesday, November 15, 2017 at 7:00 p.m. in the Town of Chili Town Hall Main Meeting Room.

The meeting was adjourned at 8:10 p.m.