

Chili Town Board Meeting

July 17, 2019

Agenda

A. Call to Order

B. Invocation

Pledge of Allegiance

C. Roll Call

Councilman	Mark L. DeCory	_____
Councilwoman	Mary C. Sperr	_____
Councilman	Michael S. Slattery	_____
Councilman	Jordon I. Brown	_____
Supervisor	David J. Dunning	_____

D. Officials/Advisors:

Town Clerk **Virginia Ignatowski**
 Deputy Town Supervisor **Councilman Slattery**
 Counsel for the Town **Richard Stowe**
 Commissioner of Public Works/Superintendent
 Of Highways **David P. Lindsay, P.E.**
 Director of Finance **Daniel Knapp**
 Insurance Counselor **Eric Vail**
 Supervisor’s Office **Dawn Forte**
 Stenographer **Sandy Hewlett**

FIRE SAFETY ANNOUNCEMENT: In the event of an emergency requiring the evacuation of the building, please use the indicated exits to my right, left and rear of the room to exit the building.

CELLULAR PHONES: Please turn off all cell phones or put them on silent mode.

E. Presentations/announcements:

1. PNOD – Greenwood Townhomes.

F. Public Hearings: **Anyone wishing to be heard at a public hearing, please step up to the podium.**

1. Historic Landmark Status for 745 Ballantyne Road, Scottsville, NY 14546.

G. Public Forum

Those wishing to be heard may raise their hand once the public forum starts, The Supervisor will call upon those who desire to address the Town Board until all have been heard. During the Public Forum period, each person will be allowed to comment for up to 5 minutes. Comments should be addressed directly to the Supervisor. Be respectful and courteous keeping comments as concise as possible. Questions pertaining to Agenda items will be answered when the Resolution is moved and seconded. Questions on topics not pertaining to the Agenda will be addressed at the conclusion of the speaker’s time, if at all possible. Virginia L. Ignatowski, Town Clerk, will keep the time and notify you when you have 30 seconds remaining so that you can conclude your comments within the allotted time.

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H. *Matters of the Supervisor* –

New Matters:

1. Clifton Parade 8/2/2019 at 7:00 pm.

Pending Matters:

Matters of the Town Council –

New Matters:

Pending Matters:

I. Approval of Town Board Minutes – 6/12/2019

Reports Submitted –

- Advanced Payment of Claims – June 2019
- Architectural Advisory Committee Minutes – 6/11/2019
- Building Department Report – June 2019
- Dog Control Reports – June 2019
- Historic Preservation Minutes – 6/10/2019
- Library Board Minutes – 5/28/2019
- Recreation Center Report – June 2019
- Senior Center Report – June 2019
- Town Clerk Report – June 2019
- Zoning Board Minutes – 4/23/2019

J. Correspondence –

1. The Town of Chili has received notification that Gerry Sauer, Highway Department is retiring effective July 30, 2019.
2. The Town of Chili has received notification that Marty Mass, Highway Department is retiring effective June 19, 2019.

K. Pending Business

L. Old Business

M. New Business

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RESOLUTION #195 RE: Reappointment of Jennie Miller as Assessor

OFFERED BY: _____ **SECONDED BY:** _____

WHEREAS, Real Property Law 310 requires that the Town Board appoint an Assessor every six years; and

WHEREAS, the six year term of Jennie Miller as Assessor expires on September 30, 2019; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Chili hereby appoints Jennie Miller as Assessor for a six year term from October 1, 2019 through September 30, 2024; and

BE IT FURTHER RESOLVED, that the State of New York Office of Real Property Services be notified of such reappointment.

RESOLUTION #196 RE: Donation to the Senior Center Trust and Agency Account

OFFERED BY: _____ **SECONDED BY:** _____

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

WHEREAS, Mary Anne Sears, Director of Programs for the Aging, and the Voices and Visions Committee, a volunteer group of senior citizens, wish to accept a \$450 donation from Sam Montante to be deposited in the Senior Center Trust and Agency.

RESOLUTION #197 RE: Modification to overall PNOD (Planned Neighborhood Overlay District) development plan, 751 Paul Rd.

OFFERED BY: _____ **SECONDED BY:** _____

WHEREAS, on 6/17/2019 the project manager appeared before the Planning Board and presented a modified overall development plan for 751 Paul Rd; and

WHEREAS, on 6/17/2019 the Planning Board determined the modified plan is in keeping with the intent of the zoning and provides a transition from heavier commercial use; and

WHEREAS, on 6/17/2019 the Planning Board, by a vote of 7 (seven) in favor, 0 (none) opposed, affirmatively recommended the particulars of the proposed modifications; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with §500-23 (K) of the Town of Chili Town Code, the Town Board approves of the modifications as submitted conditioned upon site plan approval and hereby directs the applicant to appear before the Planning Board for site plan approval.

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RESOLUTION #198 RE: 2019 Budget Amendments

OFFERED BY: _____ **SECONDED BY:** _____

BE IT RESOLVED, to transfer \$3,200 from A1990.4 (Contingency) to A1310.4 (Director of Finance – Contractual).

RESOLUTION #199 RE: SET PUBLIC HEARING FOR INTRODUCTORY LOCAL LAW #____ OF THE YEAR 2019 WHICH WOULD ESTABLISH A SIX MONTH MORATORIUM ON GROUND MOUNTED SOLAR EQUIPMENT APPROVALS IN THE TOWN OF CHILI

OFFERED BY: _____ **SECONDED BY:** _____

WHEREAS, Introductory Local Law #____ of the year 2019 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 August 14, 2019 at 7:00 p.m. to consider the adoption of Introductory Local Law #____ of the year 2019 to establish a six month moratorium on ground mounted solar equipment approvals in the Town of Chili.

RESOLUTION #200 RE: Town Court

OFFERED BY: _____ **SECONDED BY:** _____

BE IT RESOLVED, that Julia Van Skiver be appointed provisionally Assistant Clerk to Town Justice, and shall be paid an annual salary of \$29,305.00 (PG 24) effective July 22, 2019, expenses to be paid by voucher as incurred.

RESOLUTION #201 RE: Historic Landmark Designation for 745 Ballantyne Road

OFFERED BY: _____ **SECONDED BY:** _____

BE IT RESOLVED, that the premises located at 745 Ballantyne Road, Scottsville, NY 14546 tax a/c #159.04-1-10; owned by John & Mary Kinton be designated a “Landmark” as per Local Law #3 of 1993 per the recommendation of the Historic Preservation Board.

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RESOLUTION #202 RE: Chili Fire Department Active List

OFFERED BY: _____ **SECONDED BY:** _____

BE IT RESOLVED, that the following individual(s) be added to the Chili Fire Department active list effective July 8, 2019:

Kyle Kelly & Aaron Mance

RESOLUTION #203 RE: Chili Fire Department Remove from Active List

OFFERED BY: _____ **SECONDED BY:** _____

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

Alexia Chatterton 6/17/2019, Calvin Nau 6/17/2019, Joe Wainwright 6/21/2019, David Donovan 6/24/2019

RESOLUTION #204 RE: C.H.I.P.S. Budget Amendment

OFFERED BY: _____ **SECONDED BY:** _____

WHEREAS, the year 2019 budget for the C.H.I.P.S. account included \$140,000.00; and

WHEREAS, the 2019 budget for the C.H.I.P.S. account was amended by Resolution #174 to \$212,280.86 as a result of a change in the 2019 C.H.I.P.S apportionment; and

WHEREAS, the Town of Chili has been informed by the State of New York that it will be receiving additional funding under the Extreme Winter Recovery (EWR) Program in the amount of \$30,911.60; and

NOW, THEREFORE, BE IT RESOLVED, to amend accounts DA3501 (State Aid/CHIPS) and DA 5112.4 (CHIPS-contractual) to \$243,192.46.

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**RESOLUTION #205 RE: Incentive Zoning 219,223,225,227,229 Golden Road & 29,
31 Stone Barn Road**

OFFERED BY: _____ **SECONDED BY:** _____

WHEREAS, on March 14, 2018, resolution #123 was approved by a vote of 5 in favor, none opposed; and

WHEREAS, the Town Board directed the applicant, if it desired to proceed with the incentive zoning request, to submit the necessary Environmental Assessment Form and other documentation necessary for the Town Board to comply with its duties under SEQRA; and

WHEREAS, on the 14th day of May 2019, the applicant did submit 11 copies of a full EAF; and

WHEREAS, copies of the submitted EAF were distributed to the Town Supervisor, 4 Town Council members, Town Attorney, Building Department, Commissioner of Public Works/Superintendent of Highways and Town Engineer for review; and

WHEREAS, the Board's review of the EAF as submitted changes, substantially, the nature of the proposed development and raises environmental concerns and leaves potential impacts unaddressed; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

- (1) The Town Board hereby rejects the submitted EAF form, in its current form.
 - (2) The Town Board directs the applicant, if it desires to proceed with an incentive zoning request, to submit a new application to the appropriate Board for review with a complete Environmental Assessment Form and other documentation necessary for the Town Board to comply with its duties under SEQRA.
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RESOLUTION #206 RE: Lead Agency and SEQR Determination for the Rezoning of 1891 Scottsville Road from AC (Agricultural Conservation) & FPO (Flood Plain Overlay) to LI (Limited Industrial) & FPO (Flood Plain Overlay).

OFFERED BY: _____ **SECONDED BY:** _____

WHEREAS, the Planning Board at a public hearing meeting held on May 14, 2019 recommended the rezoning of the property located at 1891 Scottsville Road (Tax ID #160.01-1-10) from AC (Agricultural Conservation) & FPO (Flood Plain Overlay) to LI (Limited Industrial) & FPO (Flood Plain Overlay) (hereinafter referred to as the "Action"); and

WHEREAS, the Chili Town Board (hereinafter referred to as Town Board) on the 15th of May, 2019 did declare its intent to be designated the lead agency in regards to SEQR for the Action; and

WHEREAS, a Public Hearing as required by its Zoning Local Law on the matter was duly held by the Town Board on the 12th of June, 2019, 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 Action is deemed to be an Unlisted Action pursuant to the SEQR Regulations; and

WHEREAS, the Town Board has reviewed the Short Environmental Assessment Form, prepared by Robert Winans, Senior Project Manager of DDS Engineers, LLP (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 Town Board has carefully considered the criteria for determining significance as set forth in the SEQR Regulations; the EAF, the application materials, and all documents, correspondence, testimony, and other information supplied to this Board, including correspondence and communication from the Monroe County Department of Planning and Development, Town staff, Town Planning Board, and input obtained during the public hearing; 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

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board adopts the Part 2 (Impact Assessment) and Part 3 (Determination of Significance) of the Environmental Assessment Form attached and hereby makes a "negative declaration" under the State Environmental Quality Review Act, which constitutes a finding no significant adverse environmental impacts from the Action.

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RESOLUTION #207 RE: Rezoning of 1891 Scottsville Road from AC (Agricultural Conservation) & FPO (Flood Plain Overlay) to LI (Limited Industrial) & FPO (Flood Plain Overlay).

OFFERED BY: _____ **SECONDED BY:** _____

WHEREAS, the Planning Board conducted a public hearing at its meeting held on May 14, 2019 for the rezoning of property located at 1891 Scottsville Road from AC (Agriculture Conservation) & FPO (Flood Plain Overlay) to LI (Limited Industrial) & FPO (Flood Plain Overlay), which concluded with a “Recommend Vote” (7-0); 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 12th of June, 2019, 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 AC & FPO to LI & FPO 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 1891 Scottsville Road (Tax ID #160.01-1-10) shall be removed from the AC (Agriculture Conservation) & FPO (Flood Plain Overlay) to LI (Limited Industrial) & FPO (Flood Plain Overlay) 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.

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RESOLUTION #208 RE: June 19, 2019 Abstract

OFFERED BY: _____ **SECONDED BY:** _____

WHEREAS, January 2, 2019 Resolution #1 authorized vouchers to be paid June 19, 2019, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 31445, 31470, 31693-31701, 31706, 31709, 31713-31714, 31723-31727, 31730-31763, 31765-31767, 31769, 31771-31774, 31776, 31778-31805, 31807-31833, 31835-31837 totaling \$612,646.04 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 the above listed vouchers were paid from the following funds:

General Fund	\$	98,712.81
Highway Fund		266,541.38
H60 Community Center		244,861.05
Drainage District		884.06
Park Districts		323.70
Miscellaneous Special Revenue		1,323.04
Total Abstract	\$	<u>612,646.04</u>

RESOLUTION #209 RE: July 3, 2019 Abstract

OFFERED BY: _____ **SECONDED BY:** _____

WHEREAS, January 2, 2019 Resolution #1 authorized vouchers to be paid July 3, 2019, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 31702, 31704, 31715-31722, 31834, 31844-31853, 31855-31861, 31865-31873, 31875-31876, 31878, 31881-31883, 31885-31889, 31891-31905, 31909-31910, 31916, 31923-31925, 31928-31934, 31936-31960, 31962-31980 totaling \$251,986.21 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 the above listed vouchers were paid from the following funds:

General Fund	\$	93,412.90
Assessment Reserve		500.00
Highway Fund		105,046.09
Library Fund		1,797.25
H60 Community Center		37,417.48
Drainage District		945.82
Street Lighting Districts		12,866.67
Total Abstract	\$	<u>251,986.21</u>

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RESOLUTION #210 RE: July 17, 2019 Abstract

OFFERED BY: _____ **SECONDED BY:** _____

BE IT RESOLVED, to pay vouchers 31703, 31705, 31984-31994, 31997-32000, 32005-32027, 32034-32094, 32096-32098, 32100, 32102-32113, 32115-32121, 32123 totaling \$1,290,032.99 to be paid from the Distribution Account as presented to the Town Board by Virginia Ignatowski, Town Clerk:

General Fund	\$ 70,733.54
Highway Fund	145,379.63
Library Fund	103.40
H60 Community Center	1,073,548.47
Drainage District	<u>267.95</u>
Total Abstract	<u>\$ 1,290,032.99</u>

The next regular meeting of the Chili Town Board will be on Wednesday August 14, 2019 at 7:00 p.m. in the Chili Town Hall Main Meeting Room.

Budget Workshop Meetings on August 28, 2019 & August 29, 2019 at 5:00 pm in the Chili Town Hall Main Meeting Room.