

CHILI TOWN BOARD
September 18, 2019

A regular meeting of the Chili Town Board was held on September 18, 2019 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.

SUPERVISOR DUNNING: Welcome back to our stenographer, Sandy Hewlett.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. The following speakers addressed the Town Board on various subjects: Tina Carney and Brennan Carney. The Public Forum concluded at 7:08 p.m.

SUPERVISOR DUNNING: Tina (Carney), as you know, we have spoken before. I did get your email in reference to what you have spoken about here this evening, and I will be back in touch with you on that. I'm just not sure -- I'm -- what and how that all would happen and work.

But please know I think -- I have responded to you usually fairly quickly. I know I was a little lax in getting back to you on this particular instance, but I will get back to you likely before the end of the week.

But right now, as it stands today, I don't have any brilliant ideas how that all happens, but we can talk about that.

And thank you (to Brennan Carney) for your -- for stepping up. It's all too often that young people don't get involved with their Town, especially with Town government and get up and speak what they would like to see and -- how they would like to see things done. I admire your courage in doing that and your -- and I'm sure your mom is very proud of you, and you should be very proud of yourself for getting up and speaking your mind.

So thank you for doing that and thank you for coming here.

I would ask, have you talked to Mr. Baker at all in the library? Usually we don't carry dialogue here, but I will do that tonight. Have you talked to Mr. Baker in the library about this at all and about helping maybe with some of the reading?

MS. CARNEY: Not yet.

SUPERVISOR DUNNING: I did make a note of this, and I will talk to Mr. Baker and see if there is anything out there the Library can provide or some help with that, but I will speak with him tomorrow if he is here. I did make a note of that. So we'll put some special attention on that and certainly I know we'll have an opportunity to talk very soon in the future, too. Okay?

So thank you, again.

COUNCILMAN SLATTERY: Good job.

COUNCILWOMAN SPERR: Thank you.

SUPERVISOR DUNNING: With that, we'll move right along.

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: I know on the agenda we have a motion here to establish a moratorium, and I would like to just kind of catch the Town Board up. We have now met twice on a solar code. I think we're very close to coming up with something that works based on the model that is given to us -- I think it was NYSERTA that that put it out, but there is a model code we have been working with. I really feel we'll get a code in place, but I do believe when we get to this moratorium, it's still necessary to -- to help protect the Town from -- or enable the Town to be able to provide a code to protect all of the residents of the Town of Chili.

So with that, I do not have anything else. And we'll move onto Matters of the Council.

MATTERS OF THE TOWN COUNCIL:

COUNCILMAN DECORY: This Saturday, Mr. Supervisor, is Fall Fun Day. Mark your calendar. 11 to 2 at Davis Park. Weather is supposed to be gorgeous. A fun time with rides, all kinds of stuff. So 11 to 2 this Saturday.

SUPERVISOR DUNNING: Excellent.

The 8/14/19 Town Board Meeting Minutes were approved.

REPORTS SUBMITTED:

Advanced Payment of Claims – August 2019
Building Department Report – August 2019
Dog Control Report – August 2019
Drainage Committee Minutes – 5/7/2019
Historic Preservation Minutes – 8/12/2019
Library Board Minutes – 7/23/2019
Monthly Financial Statement – August 2019
Parks & Recreation Minutes – 6/18/2019, (No Quorum for July)
Planning Board Minutes – 6/11/2019, (No July Meeting), 8/13/2019
Recreation Center Report – August 2019
Senior Center Report – August 2019
Town Clerk Report – August 2019
Traffic & Safety Minutes – 8/1/2019

RESOLUTION #223 RE: SEQR Determination – Local Law #2 of 2019 for the Introductory Local Law #2 of the year 2019 which would Establish a Six Month Moratorium on Ground Mounted Solar Equipment Approvals in the Town of Chili

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Brown

WHEREAS, the Chili Town Board has received the proposed Local Law #2 of 2019 for the adoption of a six month moratorium on Ground Mounted Solar Equipment Approvals; and

WHEREAS, that the Town Board classifies the adoption of proposed Local Law #2 of 2019 which would establish a six month moratorium on ground mounted solar equipment approvals in the Town of Chili (hereinafter referred to as Action) to be a Type II Action under the provisions of State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

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

RESOLUTION #224 RE: Adoption of Local Law #2 of 2019 for the Adoption of a Six Month Moratorium on Ground Solar Equipment Approvals to the Town Code, Town of Chili

OFFERED BY: Councilman DeCory SECONDED BY: Councilwoman Sperr

PURSUANT TO A CALL OF A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF CHILI, COUNTY OF MONROE AND STATE OF NEW YORK, WHICH WAS DULY HELD AT THE TOWN HALL, 3333 CHILI AVENUE, ROCHESTER, NEW YORK 14624 ON THE 14th DAY OF AUGUST 2019, AT 7:00 P.M

WHEREAS, a proposed Local Law #2 of 2019 was introduced to the Town Board of the Town of Chili, by Councilwoman Sperr on the 17th day of July 2019; and

WHEREAS, at a meeting of the Chili Town Board held at the Town Hall in the Town of Chili, New York on the 14th day of August, 2019, a public hearing was held at the 7:00 p.m. to consider adoption of the proposed Local Law #2 of 2019 for a six-month moratorium on Ground Solar Equipment Approvals; and

NOW, THEREFORE, BE IT RESOLVED, that the Local Law #2 of 2019 is hereby enacted by the Town Board of the Town of Chili.

Duly put to a vote as follows:

Present: Supervisor Dunning voting aye

Councilman Brown	voting aye
Councilman DeCory	voting aye
Councilman Slattery	voting aye
Councilwoman Sperr	voting aye

RESOLUTION #225 RE: Set Public Hearing for Local Law ____ of 2019 to Over Ride NYS Tax Cap for the 2020 Budget Year

OFFERED BY: Councilman Slattery SECONDED BY: Councilman DeCory

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 October 16, 2019 at 7:00 p.m. to consider the adoption of Local Law # ____ of the year 2019 to Over Ride NYS Tax Cap for the 2020 Budget Year in the Town of Chili.

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

RESOLUTION #226 RE: Set Public Hearing on the 2020 Preliminary Budget

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Slattery

BE IT RESOLVED in accordance of Section 108 of the Town Code the Town Board establishes the date, place and time for the Public Hearing on the 2020 Preliminary Budgets as follows and directs the Town Clerk to publish notice of same, in accordance with Section 108, in the Gates-Chili Post:

DATE: October 16, 2019
PLACE: Town Hall, 3333 Chili Avenue, Rochester, NY 14624

BE IT FURTHER RESOLVED, that a Public Hearing be set for October 16, 2019 at 7:00 p.m. for the purpose of considering:

Water Districts Assessment Rolls (South Chili Benefit Area #2)
Sewer Districts (Chili Sewer Improvement Benefit Area #1)
Lighting Districts (Consolidated Lighting District #1, 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)
Assessment Rolls for Ambulance District (CHS Ambulance)
Proposed contracts for Ambulance District
Proposed contracts for Fire and Fire Protection Districts
Preliminary Budget 2020

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

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

RESOLUTION #227 RE: Transfer to Debt Service Fund

OFFERED BY: Councilman DeCory SECONDED BY: Councilwoman Sperr

WHEREAS, funds were obtained via bond issue to expand the town-wide water district, specifically for an area referred to as the Black Creek Extension No. 2; and

WHEREAS, work has been completed on this project and the Town does not foresee any further expansion of the town-wide water district; and

WHEREAS, no further debt service exists for this project and there is an outstanding fund balance from excess bonds in the Special Water District Fund of approximately \$61,000.00; and

NOW, THEREFORE, BE IT RESOLVED, to transfer all of the excess funds from the Special Water District Fund to the Debt Service Fund, to be used against future Town debt.

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

RESOLUTION #228 RE: Building Department

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

BE IT RESOLVED that Kathryn Rogers shall be appointed as Planning Clerk and shall be paid an annual salary of \$32,268.00 (PG 25) effective September 23, 2019, pending background check, expenses to be paid by voucher as incurred.

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

RESOLUTION #229 RE: Marriage Licenses & Marriage Certificate Fees for Active Military

OFFERED BY: Councilman Slattery SECONDED BY: Councilman DeCory

WHEREAS, on August 20, 2019 the Governor signed an amendment to subdivision 3(B) & 4(II) of section 14-a of the domestic relations law to permit towns and cities to waive the fees they charge for marriage licenses & marriage certificates for active duty members of the U.S. armed forces or their spouses; and

WHEREAS, the Town Board wishes to support this amendment; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the waiver of marriage licenses and marriage certificate fees for active members of the US military and their spouses.

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

RESOLUTION #230 RE: Authorizing Legal Services – Recover Cost of Demolition

OFFERED BY: Councilman DeCory SECONDED BY: Councilwoman Sperr

WHEREAS, on or about May 1, 2019 the Town of Chili executed an order to demolish the structures at 2852 Chili Ave.; and

WHEREAS, the Town has taken appropriate measures to attempt to recover the cost of the demolition from the property owner; and

WHEREAS, recent court rulings will prevent the Town from recovering the costs by way of an addition to the tax levy on the property; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor to retain the services of Evans & Fox LLP to represent the Town in the recovery of all costs associated with the demolition.

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

RESOLUTION #231 RE: Chili Fire Department Active List

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Brown

BE IT RESOLVED that the following individual(s) be added to the Chili Fire Department active list effective September 9, 2019:

Helen Campbell, Jesus Castro, Terrell Dudley, Regina Hines, Akhil Sondhi, Alex Wasmuth

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

RESOLUTION #232 RE: Chili Fire Department Remove from Active List

OFFERED BY: Councilman DeCory SECONDED BY: Councilman Brown

BE IT RESOLVED that the following individual(s) be removed from the Chili Fire Department active list effective September 9, 2019:

John Varrone

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

RESOLUTION #233 RE: Chili Fire Department Exempt List

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Brown

BE IT RESOLVED that the following individual(s) be removed from the Chili Fire Department active list to the exempt list effective August 19, 2019:

Erik Margolin, Erik Schwenzer

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

RESOLUTION #234 RE: Letter of Credit Release #1 for American Packaging

OFFERED BY: Councilman DeCory SECONDED BY: Councilman Slattery

WHEREAS, that per recommendation of the Commissioner of Public Works and Town Engineer that \$141,828.00 be released from the letter of credit #SB-2022820001 with M&T Bank for American Packaging, leaving a balance of \$33,408.00; subject to engineering fees and street light bills to the Town.

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

Supervisor Dunning - Aye

RESOLUTION #235 RE: 2019 Budget Amendments

OFFERED BY: Councilwoman Sperr SECONDED BY: Councilman Slattery

BE IT RESOLVED to transfer \$447.00 from A1010.1 (Town Board – Personnel Services) to A1010.4 (Town Board - Contractual); and

BE IT FURTHER RESOLVED, to transfer \$447.00 from A8010.1 (Zoning – Personnel Services) to A8010.4 (Zoning – Interpreters/ Stenographers); and

BE IT FURTHER RESOLVED, to transfer \$994.00 from A8020.1 (Planning – Personnel Services) to A8020.4 (Planning – Contractual); and

BE IT FURTHER RESOLVED, to transfer \$80,000.00 from DA5142.4 (Snow Removal – Snow Miscellaneous) to DA5110.4 (General Repairs – Asphalt and Stone).

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

RESOLUTION #236 RE: Authorizing alienation of 4400 Buffalo Rd. Tax Acct.# 131.20-1-20 (Recreation Department) & Portions of 3235 Chili Ave. Tax Acct.# 146.13-1-18, 146.13-1-19 & 146.13-1-19/Cell (Court & Senior Center).

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, the Town anticipates relocating the Recreation Department and Senior Center; and

WHEREAS, it is the intent of the town to eventually sell the properties on which these are located which will be contingent upon obtaining all necessary approvals for alienation; and

WHEREAS, additionally, the subject parcel/s may constitute park land which requires special state legislation approving the alienation of the parcel/s and alienation is expressly conditioned upon obtaining such legislation as well as any and all other incidental relief, local or state, necessary in connection with conveyance of park land by the Town to a private entity; and

WHEREAS, the Town wishes to retain portions of 3235 Chili Ave. which will require subdivision of that parcel; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor to:

- 1) Obtain property appraisals 4400 Buffalo Rd & 3235 Chili Ave.
- 2) Retain Surveyor Services (3235 Chili Ave)
- 3) Identify appropriate subdivision (3235 Chili Ave)
- 4) Seek Necessary approvals, State & Local where appropriate
- 5) Entertain purchase offers, subject to obtaining all necessary approvals

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

RESOLUTION #237 RE: August 21, 2019 Abstract

OFFERED BY: Councilman DeCory SECONDED BY: Councilman Brown

WHEREAS, January 2, 2019 Resolution #1 authorized vouchers to be paid August 21, 2019, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 32028, 32140, 32142, 32168, 32274-32275, 32278-32285, 32293-32298, 32301, 32303, 32308-32312, 32314-32365, 32374-32403, 32410-32429, 32433-32447, 32449-32450 totaling \$780,752.73 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	\$	66,222.73
Highway Fund		89,319.70
H60 Community Center		619,072.04
Drainage District		<u>6,138.26</u>
Total Abstract	\$	780,752.73

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

RESOLUTION #238 RE: September 4, 2019 Abstract

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, January 2, 2019 Resolution #1 authorized vouchers to be paid September 4, 2019, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 31806, 31935, 32292, 32448, 32454-32456, 32462-32469, 32475-32481, 32483, 32485, 32491-32499, 32501-32512, 32515-32567, 32570-32571 totaling \$272,485.92 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	\$	72,678.47
Assessment Reserve		1,750.00
General Fleet Reserve		39,000.00
Highway Fund		84,092.63
Library Fund		1,924.18
H60 Community Center		57,684.13
Drainage District		2,398.46
Street Lighting Districts		<u>12,958.05</u>
Total Abstract	\$	272,485.92

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

RESOLUTION #239 RE: September 18, 2019 Abstract

OFFERED BY: Councilman Brown SECONDED BY: Councilman DeCory

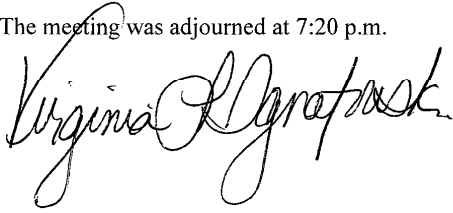
BE IT RESOLVED to pay vouchers 32313, 32500, 32572-32589, 32593-32598, 32602-32605, 32607, 32609, 32611-32656, 32658-32677, 32683-32690, 32692-32693 totaling \$623,746.99 to be paid from the Distribution Account as presented to the Town Board by Virginia Ignatowski, Town Clerk:

General Fund	\$	71,916.91
Comprehensive Plan Reserve		3,480.00
Highway Fund		37,357.13
H60 Community Center		508,260.96
Drainage District		<u>2,731.99</u>
Total Abstract	\$	623,746.99

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

The next regular meeting of the Chili Town Board will be on Wednesday October 16, 2019 at 7:00 p.m. in the Chili Town Hall main meeting room.

The meeting was adjourned at 7:20 p.m.

A handwritten signature in black ink, appearing to read "Virginia R. Grotz". The signature is written in a cursive style with a large initial "V" and a long, sweeping underline.