

# Chili Town Board Meeting

October 12, 2022

## 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 **James V. Valerio**  
Supervisor **David J. Dunning**

### D. Officials/Advisors:

Town Clerk **Virginia Ignatowski**  
Deputy Town Supervisor **Councilman Slattery**  
Counsel for the Town **Jared Hirt**  
Commissioner of Public Works/Superintendent  
Of Highways **David P. Lindsay, P.E.**  
Director of Finance **Daniel Knapp**  
Insurance Counselor **Scott Bonnewell**  
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:

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

1. 2023 Budget hearing to consider the following:
  - 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 2023

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#### G. Public Forum

The Public Forum is intended to provide an opportunity for people to address the Town Board on any topic. 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. For those who will be addressing the Town Board through our Live Streaming, may enter their comments on the live feed. Those comments will be read by the Supervisor once all who are physically present have been heard. During the Public Forum period, each person will be allowed to comment for up to five 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 Public Forum time, if at all possible. Virginia L. Ignatowski, Town Clerk, or her designee will keep the time and notify you when you have seconds remaining so that you can conclude your comments within the allotted time.

#### H. *Matters of the Supervisor* –

New Matters:

Pending Matters:

#### *Matters of the Town Council* –

New Matters:

Pending Matters:

#### I. Approval of Minutes – 9/14/2022

##### Reports Submitted –

Advanced Payment of Claims – September 2022

Building Department Report – September 2022

Dog Control Reports – September 2022

Historic Preservation Board Minutes – 8/8/2022

Library Board Minutes – 8/23/2022

Recreation/Senior Center Report – September 2022

Town Clerk Report – September 2022

Traffic & Safety Minutes – 8/4/2022, 9/1/2022

Zoning Board Minutes – 8/23/2022

#### J. Correspondence –

#### K. Pending Business

#### L. Old Business

#### M. New Business

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**RESOLUTION #223 RE: Lead Agency and SEQR Determination for the Rezoning of L.I. (Limited Industrial) to R-1-15 (Residential Single Family 15,000 SF min. lot)**

**OFFERED BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

**WHEREAS**, the Chili Town Board (hereinafter referred to as Town Board) on the 17<sup>th</sup> of August, 2022 did declare its intent to be designated the lead agency in regards to SEQR for the rezoning of 18 Beaver Road extension (Tax ID 146.04-1-26), 16 Beaver Road Extension (Tax ID 146.04-1-25), 14 Beaver Road Extension (Tax ID 146.04-1-24), 12 Beaver Road Extension (Tax ID 146.04-1-23), 10 Beaver Road Extension (Tax ID 146.04-1-22), 4 Beaver Road Extension (Tax ID 146.04-1-21), 257 Archer Road, (Tax ID 146.04-1-20) from Limited Industrial (L.I.) to R-1-15 (Residential Single Family, 15,000 SF Min Lot Area), hereinafter referred to as the "Action" and accepting out zoning of said property at 243 Archer Road (Tax ID 146.04-1-30) shall remain as L.I.; and

**WHEREAS**, a Public Hearing as required by the Town's Zoning Code on the matter was duly held by the Town Board on September 14, 2022, 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 determined that it was the most appropriate agency to insure the coordination of that Action and did provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations; and

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

**WHEREAS**, the Action is deemed to be a Type 1 Action pursuant to the SEQR Regulations; and

**WHEREAS**, the Town Board has reviewed Part 1 of the Full Environmental Assessment Form 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 Full Environmental Assessment Form attached and hereby makes a "negative declaration" under the State Environmental Quality Review Act, which constitutes a finding of no significant adverse

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environmental impacts from the Action and directs the Town Supervisor to complete, sign and date the Full Environmental Assessment Form and the Negative Declaration Form.

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### **RESOLUTION #224 RE: Rezoning of L.I. (Limited Industrial) to R-1-15 (Residential Single Family 15,000 SF min. lot).**

**OFFERED BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

**WHEREAS**, the Town Board conducted a public hearing as required by the Town's Zoning Code on the rezoning of L.I. (Limited Industrial) to R-1-15 (Residential Single Family 15,000 SF min. lot) for the rezoning of 18 Beaver Road extension (Tax ID 146.04-1-26), 16 Beaver Road Extension (Tax ID 146.04-1-25), 14 Beaver Road Extension (Tax ID 146.04-1-24), 12 Beaver Road Extension (Tax ID 146.04-1-23), 10 Beaver Road Extension (Tax ID 146.04-1-22), 4 Beaver Road Extension (Tax ID 146.04-1-21), 257 Archer Road, (Tax ID 146.04-1-20) and accepting out zoning of said property at 243 Archer Road (Tax ID 146.04-1-30) shall remain L.I. was duly held by the Town Board on the 14th of September, 2022, 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, which concluded with a "Recommend Vote" (5-0); 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 a Type 1 action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; 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 L.I. to R-1-15 for the properties listed above and 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 properties located in the L.I. zoning district shall now be placed within the R-1-15 (Residential Single Family 15,000 SF min. lot) zoning district is hereby now 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 #225 RE: Recreation Department**

**OFFERED BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

**BE IT RESOLVED**, that Julianna Lisak be appointed provisionally Recreation Leader and shall be paid an annual salary of \$40,905.00 (PG 26) effective October 24, 2022 pending background check, expenses to be paid by voucher as incurred.

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**RESOLUTION #226 RE: Setting Public Hearing for Demolition or Repair of Structure at  
768 Marshall Road, Rochester, NY 14624**

**OFFERED BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

**WHEREAS**, the Building Department Manager of the Town of Chili has filed his report in writing with the Town Board of the Town of Chili containing his findings and recommendations regarding certain structures situated on premises at 768 MARSHALL ROAD, TOWN OF CHILI, NY 14624 designated by Tax Map No. 134.17-3-91, in which report said Building Department Manager states his opinion that said structures are unsafe and dangerous to the public and recommends their immediate demolition and removal; and

**WHEREAS**, the Town Board of the Town of Chili after reviewing said report and after hearing said Building Department Manager in regard thereto and after having duly deliberated upon the same, having determined that said report warrants the securing of said structures or their removal; and

**NOW, THEREFORE, BE IT RESOLVED**, that: (1) notice be given to the property owner(s) of the structures situate on premises at 768 MARSHALL ROAD, TOWN OF CHILI, NY 14624 designated by Tax Map No. 134.17-3-91, as well as all others required in accordance with New York law (if any), in the manner required by Chapter 205 of the Code of the Town of Chili, (2) said notice to be served upon said property owner(s) personally or by first class mail to their last known residences as shown by the Official Assessment Roll of the Town of Chili, and by affixing a copy thereof upon said structures, (3) said notice shall notify the property owner(s) that the Town Board has scheduled a Public Hearing to consider whether or not an ORDER should be made with regard to the structures on the property ORDERING their REPAIR if the same is feasible, or ORDERING their DEMOLITION and REMOVAL. At the Public Hearing the report of the Building Department Manager shall be considered. Said report recommends that the structures on the property be DEMOLISHED AND REMOVED ("the work"), and all work to be commenced within twenty (20) days of the service of said ORDER and to be completed within forty-five (45) days thereafter, (4) If said work is not commenced within 20 days, said Order may provide that the Town of Chili may perform the work at the expense of the property owner(s), and (i) be assessed & levied against the land on which said structures are located along with legal expenses and/or (ii) to be collected by special proceeding along with legal expenses. (5) A public hearing has been scheduled on November 16, 2022 at 7:00 p.m. at 3333 Chili Avenue, Rochester, NY 14624, to consider said ORDER, and (6) the Building Department Manager of the Town of Chili be and he hereby is directed to prepare said notice and arrange for the service thereof in accordance with the requirements of said Chapter 205. The Town Clerk is hereby directed to publish notice of public hearing in accordance with Section 108, in the Town designated official newspaper.

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**RESOLUTION #227 RE: Justice Court Assistance Program**

**OFFERED BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

**WHEREAS**, the Chief Administrative Judge of the State of New York is entertaining applications for the next cycle of grants in the Justice Court Assistance Program not to exceed **\$TBD**; and

**WHEREAS**, the Town of Chili Justice Court is in need of items for use in the courtrooms; and

**NOW, THEREFORE, BE IT RESOLVED**, that Supervisor Dunning and Town Justice Evangelista are hereby authorized to sign and submit a grant application to the State of New York Unified Court System.

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**RESOLUTION #228 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 October 3, 2022:

Michaela Geffert

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**RESOLUTION #229 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 October 3, 2022:

Nicole Bramer

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**RESOLUTION #230 RE: Employer Medical Contribution 2023**

**OFFERED BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

**BE IT RESOLVED**, effective January 1, 2023, for the calendar year 2023, the Town will pay the following maximum contribution towards the employee health insurance monthly benefits: Single - \$656.28; two-person - \$1,425.86; or family - \$1,637.44, 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.

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**RESOLUTION #231 RE: 2022 Budget Amendments**

**OFFERED BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

**BE IT RESOLVED**, to transfer \$180,000.00 from A2750 (AIM Related Payments) to A3001 (State Aid, Revenue Sharing); and

**BE IT FURTHER RESOLVED**, to transfer \$22,000.00 from A1990.4 (Contingency) to A5182.4 (Street Lighting – Street Lights); and

**BE IT FURTHER RESOLVED**, to transfer \$8,600.00 from SD8540.4 (Consolidated Drainage – Contractual) to SD8540.2 (Consolidated Drainage - Equipment); and

**BE IT FURTHER RESOLVED**, to transfer \$5,000.00 from SD8540.4 (Consolidated Drainage - Vehicles) to DD8540.2 (Consolidated Drainage - Equipment); and

**BE IT FURTHER RESOLVED**, to transfer \$16,000.00 from DA5142.4 (Snow Removal - Miscellaneous) to DA5130.2 (Machinery - Equipment).

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**RESOLUTION #232 RE: Flexible Spending Account for Town Employees for 2023**

**OFFERED BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

**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 2023, 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. to administer the Plan reimbursements.

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**RESOLUTION # 233    RE: Authorize Supervisor to Sign Contract for Community Development Block Grant (CDBG) – Archer Road Sidewalk**

**OFFERED BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

**WHEREAS**, the Town has received notification from Monroe County that the Archer Road Sidewalk Project will be funded by the 2022 Community Development Block Grant Program (CDBG) in the amount of \$51,121.00; and

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

**BE IT FURTHER RESOLVED**, to amend the 2022 revenue budget A2706 (Grants from Local Governments) by an increase of \$51,521.00; and amend the 2022 expense budget A5410.4 (Sidewalks - Contractual) by an increase of \$51,521.00.

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**RESOLUTION #234    RE: Purchase of One-Ton Dump for Public Works**

**OFFERED BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

**WHEREAS**, included in the approved 2022 budget is the purchase of one (1) new replacement 1-Ton Dump Truck for Public Works; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the purchase of one (1) Chevrolet Silverado 3500 with a Stainless Steel Dump from Joe Basil Chevrolet off the NYS OGS Mini Bid 10962 for a cost not to exceed \$69,700.00, to be paid from SD06.8540.2 (Consolidated Drainage -Equipment).

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**RESOLUTION #235    RE: Purchase of Pickup Truck for Highway**

**OFFERED BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

**WHEREAS**, included in the approved 2022 budget is the purchase of one (1) new replacement pickup trucks for highway; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the purchase of one (1) Chevrolet Silverado 2500's from Jim Barnard Chevrolet off the NYS OGS Mini Bid 7484 at a cost not to exceed \$47,000.00 to be paid from DA5130.2 (Machinery-Equipment).

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**RESOLUTION #236 RE: Purchase of One-Ton Dump for Highway**

**OFFERED BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

**WHEREAS**, included in the approved 2022 budget is the purchase of one (1) new replacement 1-Ton Dump Truck for Highway; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the purchase of one (1) Chevrolet Silverado 3500 with a Stainless Steel Dump from Joe Basil Chevrolet off the NYS OGS Mini Bid 10961 for a cost not to exceed \$69,700.00, to be paid from DA5130.2 (Machinery -Equipment).

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**RESOLUTION #237 RE: September 21, 2022 Abstract**

**OFFERED BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

**WHEREAS**, January 3, 2022 Resolution #1 authorized vouchers to be paid September 21, 2022, by all Council signing a waiver form; and

**WHEREAS**, Council did authorize by a majority vote vouchers 41609, 41643, 41687-41689, 4169341715, 41719-41761 totaling \$244,911.08 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               | \$ | 64,014.56         |
| Townwide Drainage Reserve  |    | 1,152.50          |
| Admin Facility Reserve     |    | 14,600.78         |
| Comprehensive Plan Reserve |    | 2,340.00          |
| Highway Fund               |    | 135,649.25        |
| Library Fund               |    | 3,290.53          |
| H61 Archer Rd Park         |    | 23,533.91         |
| Fire Protection Districts  |    | 329.55            |
| Total Abstract             | \$ | <u>244,911.08</u> |

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**RESOLUTION #238 RE: October 5, 2022 Abstract**

**OFFERED BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

**WHEREAS**, January 3, 2022 Resolution #1 authorized vouchers to be paid October 5, 2022, by all Council signing a waiver form; and

**WHEREAS**, Council did authorize by a majority vote vouchers 41762-41775, 41778, 41781-41782, 41784, 41796-41799, 41806-41809, 41812-41821, 41828, 41832-41886 totaling \$325,451.86 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              | \$ | 239,522.03        |
| Townwide Drainage Reserve |    | 645.45            |
| Admin Facility Reserve    |    | 36,173.13         |
| Highway Fund              |    | 27,025.26         |
| Library Fund              |    | 3,849.42          |
| Drainage District         |    | 2,089.48          |
| Street Lighting Districts |    | 16,147.09         |
| Total Abstract            | \$ | <u>325,451.86</u> |

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The next meeting of the Chili Town Board will be on November 16, 2022 at 7:00 PM both meetings in the Town of Chili, Town Hall Main Meeting Room 3333 Chili Avenue, Rochester, NY 14624.