

THE CHILI TOWN BOARD MEETING
JANUARY 11, 2023

CHILI TOWN BOARD
January 11, 2023

A regular meeting of the Chili Town Board was held on January 11, 2023 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The resumption of the meeting was called to order by Supervisor David Dunning.

PRESENT: Councilman DeCory, Councilman Slattery, Councilwoman Sperr, Councilman Valerio and Supervisor Dunning

ALSO PRESENT: Dawn Forte, Supervisor's Secretary; Sandra Hewlett, Stenographer; Jared Hirt, Counsel for the Town; Virginia Ignatowski, Town Clerk; Daniel Knapp, Director of Finance; David Lindsay, Commissioner of Public Works/Highway Superintendent; Councilman Slattery, Deputy Town Supervisor; Scott Bonnewell, 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. John Sciarabba, LandTech, Incentive Zoning proposal 296 Fisher Road.

John Sciarabba and Dan Thomas were present to represent the matter.

MR. SCIARABBA: Good evening, Mr. Supervisor, members of the Board. My name is John Sciarabba with LandTech representing Taouk Development this evening. And Dan Thomas, who is the President of Taouk Development, is here this evening that can answer any questions I cannot. What we're asking for this evening is to give a brief overview of this property located at 296 Fisher Road.

This site is located on the east side of Fisher Road, about 2,000 feet north of Beahan Road right where the RG&E substation is. It is currently zoned Rural Conservation. But it's really an industrial area with a substation there. You have Wegmans' facilities close by. Mr. Thomas bought this property late last year in hopes of developing it. Historically looks low and there is always this rumor of wetlands. A wetland delineation was done and jurisdictional determination by Army Corps was given and there are no wetlands on this property. A benefit of the property is that it has access to all public utilities. There's sanitary sewer, water, gas and electric and it is really slated for development.

It is relatively low but well-drained. We have a tributary to Little Black Creek that is to our northeast and the drainage generally runs in that direction.

What Mr. Thomas would like to do is create a flex space project. If the Town is not familiar with this project, this is -- it is kind of going on in numerous towns in the County. Town of Webster, Town of Avon we've designed these. It's a large building. We're proposing a 60-foot-deep by 250-foot building. Three of them, cut into different suites. These suites are set up for contractors and hobbyists. Anybody like landscapers, pavers, woodworkers, things such as that where they come in and utilize the facility and -- but for -- for storage, for a phone, answering machine, to clean up and they're really working off site.

This is a non-retail operation. It's not really an employee aggressive area. So these are generally set up for people that are going to be working off site but they need a place for storage for their tools and some light work on vehicles and lawn mowers and things like that. We feel this is a great site for this due to the fact of it -- its location next to RG&E.

The concept that we did, if you look at it quickly, there are three buildings oriented well off the road. The closest building is over 200 feet from the road. So they're set back. We're proposing to have this well screened with proposed landscaping. It will be gated for the security of our tenants and to keep anybody else out.

We'll work closely with the neighbors. We really only have one neighbor to the north and most of the development is proposed way in the back.

But our -- our approach to the Town Board is really looking to get some feedback regarding incentive zoning. We feel that this is a good use of the property. But it's not a large piece of property. So other features such as open space, things like that or trails could not be afforded to the Town.

And we did work with the Supervisor and Building Inspector about a need for a dog kennel. I know the Supervisor can probably talk more eloquently about that than I can. What we propose is possibly on an end cap -- is to do a full build-out for the Town of Chili, a dog kennel internally to their needs. Also have an outdoor facility, outdoor kennel for the dogs, as well. And incorporate that into a lease agreement, a long-term lease agreement with the Town of Chili.

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So I know I have kind of gone quick. I know you have a lot going on tonight, but it's kind of a brief overview of what we're really proposing to do. I think it's a really good use of the property. It will put it on the tax rolls and I can answer any questions at this time.

SUPERVISOR DUNNING: John (Sciarabba), as far as -- if this is to move forward -- obviously the process is after this we would then decide whether or not this is worthy of sending to the Planning Board for consideration for incentive zoning and it comes back to the Town Board.

But if it gets through all this planning process, what do you see as the time frame for something like this to actually be up and functional?

MR. SCIARABBA: Well, outside of the pace of the Town and the County agencies, Mr. Taouk is really pushing me and would like to have something going in this summer. Pretty aggressive schedule.

SUPERVISOR DUNNING: I want to thank Mr. Taouk on this, too. I know in our conversations when we sat down to discuss this, for your -- your openness to do something like this and also your love for the animals that -- that you share with us with the love for the animals, that this -- this would serve and provide us with a much -- much needed, much better place to -- to shelter -- shelter dogs. I want to thank you for at least the consideration of that. I will leave this -- anything from the Board?

COUNCILMAN VALERIO: I know it's very early and obviously we have to go through this process, but has there been any contact with the neighbor to the north or the south?

MR. SCIARABBA: We mentioned early on we have not at this time. We thought we would get through this meeting and it's kind of an aggressive schedule, but we plan on doing that before it's going to the Planning Board.

COUNCILMAN SLATTERY: John (Sciarabba), thank you very much for the detailed information in regards to this.

Can we touch a little bit when you look at where your access -- I don't want to get into Planning Board -- their role in this, as well -- but where the -- what is the large structure that is on the property that is to -- it would be on the bottom right-hand side of that drawing that you have?

MR. SCIARABBA: So when you first come in that driveway, which is that -- actually, I don't know if -- it is hard to see. I have some extra copies.

SUPERVISOR DUNNING: I only had one copy and we have been passing it around.

MR. SCIARABBA: I apologize.

SUPERVISOR DUNNING: That's okay.

MR. SCIARABBA: So, Mr. Slattery, the game plan really is --

COUNCILMAN SLATTERY: If I could -- just referring to this property, what is down there?

MR. SCIARABBA: Further south?

COUNCILMAN SLATTERY: Yes.

MR. SCIARABBA: I'm really not familiar. I think it is residential in nature, though.

COUNCILMAN SLATTERY: Isn't that RG&E?

MR. SCIARABBA: That's to the east. To that driveway -- this access road to the substation along our south property line.

COUNCILMAN SLATTERY: So RG&E has a large area then that they -- they have developed for whatever use they're utilizing it for.

MR. SCIARABBA: Yes. The high-tension wires, the Niagara Mohawk easement through there.

COUNCILMAN SLATTERY: Do you know, does RG&E own more of that land there? Do you know if they plan on doing anything there?

MR. SCIARABBA: I think they're -- I don't believe they own any more land. And any land they own is further north, to Little Black Creek. So it's on flood plain and I don't think they can develop it anymore.

COUNCILMAN SLATTERY: Ideally, it is not like Mr. Thomas could take that land and -- you know, as far as residential in that area?

MR. SCIARABBA: Yeah. Didn't seem like a well-suited area for residential. You have the airport right there.

COUNCILMAN SLATTERY: Right. And then Mr. -- if I could go to Mr. Lindsay, John (Sciarabba) brought up some issues, talked about drainage and being wetlands. Are you aware of any drainage complaints that is in that area at all?

DAVID LINDSAY: No. We're not aware of any. And we did speak with Mr. Sciarabba about the wetlands and I think he indicated he had it delineated and whatever concurrence basically indicating that there are none there.

And I think that grassy area behind the RG&E substation is mainly used for some of their post-construction storm water facilities for the various improvements they have done throughout the Town so they wouldn't be looking to develop that any further.

COUNCILMAN SLATTERY: Thank you, David (Lindsay). I appreciate it. I know David (Lindsay) has knowledge with the Drainage Committee that has now been disbanded and that we had for the Town -- because we have the Town Wide Drainage District. He is pretty aware of the drainage throughout our whole community.

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So speaking then -- I'm sure it looks like you're going to have a buffer, proposing a buffer in the front with landscaping and so forth.

And just as Councilman Valerio mentioned, one thing that I sort of stress is that when a development comes in, they come before the Town Board, I like to see them speak with the neighbors just to try to, you know, calm those flames before they get going.

MR. SCIARABBA: Most definitely. That was our game plan. You know, we really appreciate the time this evening. Kind of came up late this afternoon we had an opportunity to come see you.

COUNCILMAN SLATTERY: Sure.

MR. SCIARABBA: That's why we're here. We'll do that before we go to any other Public Hearings. We'll make sure we talk to the neighbors to the north.

And just to talk about drainage a little bit, as well. I'm not a drainage expert, but obviously this is over 1-acre disturbance so there will be a storm water -- DEC storm water compliant plan and that is kind of that blue blob you see in that northeast corner. So that is our intention to obviously develop something more in the future with bigger, better plans.

COUNCILMAN SLATTERY: I see the parking spaces that are on the interior and a little bit on the exterior is there. Do you foresee overnight parking -- or like RVs and storage of boats and things like that on the property?

MR. SCIARABBA: We're not proposing any outdoor storage like that where it is a rental situation for outdoor storage, but there would be maybe trucks from a contractor that parks there overnight.

COUNCILMAN SLATTERY: Actually, I know some contractors and they have a tough time finding space for their business and they rent storage facility space. So -- so -- is that something that you're looking to do a little bit?

MR. SCIARABBA: When you look at these buildings, they look like mini storage facilities, but it's really a mini storage facility on steroids. They're going to have a 14-foot man -- a garage door, a man door, a bathroom in each of their suites so that they can really operate there. They can pull their truck in if they have to change a tire or sharpen blades or whatever they do.

So it is not really set up for storage for residential -- or residential uses. More definitely industrial. There isn't going to be -- there is no sales going on out here. This is really flex space for contractors. They really fill up quick. The ones we've done in Webster, Avon -- another one going on in Gates right now. There is a waiting list to get in.

MR. VALERIO: That was going to be my question. Do you have a list of people on demand already?

MR. SCIARABBA: Yes.

COUNCILMAN SLATTERY: Which doesn't surprise me. They're very popular.

SUPERVISOR DUNNING: It seems -- when we think -- in talking with Paul (Wanzenried) and talking about some of the issues and challenges that we have sometimes from home-based businesses, so to speak, and -- not trying to throw anybody under the bus or anything, but you might have a guy who does driveway sealing. He keeps that big, black truck with all of the goop dripping off it in his driveway and it's unsightly for the neighbors to see.

This would provide an opportunity for him to take that truck to a different spot, get it out of a residential neighborhood. So I think that that has a huge benefit to the neighbors around and also to the business to have that location where they can -- they can basically just work out of a hub.

COUNCILMAN SLATTERY: Recently I just read the meeting minutes from the Zoning Board and there was somebody looking to do something on his residential property. And I think this would be an ideal situation for that individual and it would actually, I think, eliminate some of the hostility with his neighbors. So -- if he just saw that.

COUNCILMAN DECORY: I have a question just to follow up on Councilman Slattery's regarding overnight vehicles or storage of vehicles. I realize it's not a very large parking lot. So the size of the vehicles is going to be limited.

MR. SCIARABBA: Correct.

COUNCILMAN DECORY: We don't anticipate seeing things like dump trucks parked overnight.

MR. SCIARABBA: Yes and no. I mean -- there might be a dump truck associated with a small landscaping -- a trailer and dump truck associated with his business. But we're not renting outdoor spacing to individuals that don't have a unit. I guess that is the way I would phrase it.

COUNCILMAN SLATTERY: I could almost see something like that there. Towing their trailer or what have you.

COUNCILMAN DECORY: Oh, yeah. That's smaller scale, though.

MR. SCIARABBA: The way we set it up is really the screen -- is there is minimal access from Fisher Road. Let's call it 100 feet. And then set back over 200 feet. You know, we have the opportunity to screen it. I think we're going to be able to buffer any of the views from the public.

COUNCILMAN SLATTERY: Absolutely. John (Sciarabba), I appreciate your time coming in here with the information, as well.

MR. SCIARABBA: Thank you.

COUNCILMAN DECORY: Thank you.

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SUPERVISOR DUNNING: Any other questions from the Board? So I guess at this point would be -- the next step in this process is if the Board -- if the Board recommends sending this over to Planning Board for their review where they would then render their decision whether or not they felt it was worthy of the -- of the incentive and -- so I would ask the Board, is there any objections to sending them to the Planning Board at this point in time? No?

Seeing none, then you're free to make application to go to the Planning Board. Get with Paul (Wanzenried) and -- Paul (Wanzenried) will be able to help you with that to do a presentation in front of the Planning Board meeting where they will then make a decision and send us back their recommendation to move forward or recommendation to not move forward. So back -- ball is back in your court.

MR. SCJARABBA: Appreciate the opportunity to speak to you. Have a Happy New Year. Looking forward to working with you.

The Daily Record (NY)
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 Rochester, NY, 14614
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Affidavit of Publication

To: TOWN Of Chili - Virginia Ignatowski
 3333 Chili Ave
 Rochester, NY, 146245324

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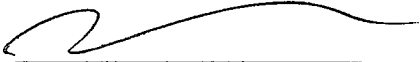
**LEGAL NOTICE
 PUBLIC HEARING
 TOWN OF CHILI**

The Chili Town Board will conduct a Public Hearing on January 11, 2023 at 7:00 p.m. to consider an incentive zoning proposal for property located at 269 Ballantyne Rd.

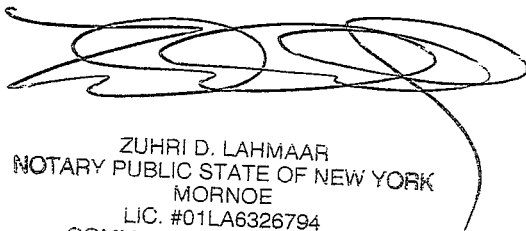
The meeting will be held at the Chili Town Hall, 3333 Chili Avenue, Rochester, NY 14624. Anyone wishing to speak for or against this incentive zoning proposal may do so at this time. Please contact the Chili Town Hall by January 6, 2023 if you require special accommodations for the meeting. The meeting can also be viewed online at: <https://www.youtube.com/channel/UCDPiZ4msE6QKH6Cjz1WSGMw/> featured Virginia L. Ignatowski, Town Clerk Chili, N.Y.
 2460241 12-28-11

I, Ben Jacobs, being duly sworn, depose and say: that I am the Authorized Designee of The Daily Record (NY), a daily newspaper of general circulation in Rochester, County of Monroe, State of NY; that a notice, of which the annexed is a printed copy, has been duly and regularly published in the The Daily Record (NY) once each day for 1 consecutive days; and that the date of the publication were as follows: 12/28/2022.

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By: 
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Sworn to me on this 29th day of
 December 2022


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 COMM. EXP. JUNE 22nd 2023

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PUBLIC HEARING.

A Public Hearing was held by the Chili Town Board on January 11, 2023 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. to discuss Incentive Zoning proposal for 269 Ballantyne Road.

Attendance as previously noted in the 1/11/23 Chili Town Board meeting minutes.

Ed Martin and Rhett Turner were present to represent the incentive zoning proposal.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I read the attachments that came out with the minutes from the computer and I came down today to the Town Hall and had another look at some maps. I kind of came up with a list of questions. In the letter from the applicant, it states -- this is verbatim -- "Some product may be temporarily stored on pallets within the yard until it is required at a jobsite."

I would like to know what "product" is. Pipe? Wire? Gravel? What?

SUPERVISOR DUNNING: Mr. Turner, would you -- would either one of you like to address that?

MR. MARTIN: I think if you're okay with it, I will bring up Rhett.

Ed Martin with DDS. Rhett Turner, who is the applicant.

It is my understanding that there is fittings for the pipe drilling equipment that will be stored there. I think it's fair -- I don't foresee gravel and things of that nature. But why don't you go into a little more detail?

MR. TURNER: A lot of old drill tooling we don't use on a day-to-day basis. You know, some of this stuff might be years before it gets used again. So it -- you know, big steel components that would be on pallets so we can move them around, but it's nothing like gravel or anything like that.

SUPERVISOR DUNNING: It is more like tools?

MR. TURNER: Yes. Drill tooling.

SUPERVISOR DUNNING: Tools of your trade and not necessarily just product?

MR. TURNER: Yes.

COUNCILMAN SLATTERY: Equipment-type thing?

MR. TURNER: Yes.

COUNCILMAN SLATTERY: Attachments for your machine?

MR. TURNER: Yes.

SUPERVISOR DUNNING: A worn bit or something like that?

MR. TURNER: To the average person, you would look at it --

COUNCILMAN SLATTERY: So, Rhett, I'm not sure if Mrs. Borgus knows the type of operation that you do.

MS. BORGUS: I do.

COUNCILMAN SLATTERY: Okay. She does.

So then I think that would help clarify some of what she is asking and the type of equipment and material that you actually have on there. And the stuff that is out there is -- something that you could have in the weather? It's not going to be an issue being out, exposed?

MR. TURNER: No. It's fine out in the weather.

SUPERVISOR DUNNING: Dorothy (Borgus), do you have other questions?

MS. BORGUS: Oh, yes.

SUPERVISOR DUNNING: Please continue. Probably easier, because I figure it is easier to get them answered one at a time as you go through them.

MS. BORGUS: That's fine.

The other -- the other terminology here that really got me a little bit excited was -- I will read verbatim -- "Portable storage units like tractor-trailer boxes will likely be placed within the yard to provide more security for smaller items."

That just sounds terrible in Chili. Tractor-trailer boxes. Haven't we had enough of this? Can't -- I mean if they need a building, they should build a building. But this is obviously meant to be permanent. It's not temporary. This is not just for a little bit.

It doesn't say how many. Are we talking one? Are we talking many over time? These things have got to be clarified and they got to be in writing.

Same with the product. That's -- that is kind of an -- a wide-open phrase. This has to be nailed down better than this.

Is there another plan going forward if this were approved for somebody else by another Board, Planning Board or somebody to lay this out in -- in language that is decipherable later if there is a problem?

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SUPERVISOR DUNNING: I believe they still do have to come to the Planning Board for site plan. So there would be a site plan -- conditions that would be in there.

Ed (Martin), you had mentioned -- did you want to respond?

MR. MARTIN: Do you mind?

COUNCILMAN SLATTERY: See you in a minute, Dorothy (Borgus).

MR. MARTIN: So one of the challenges with this site is that it is encumbered by a flood plain. So we did consider a traditional building. The challenge with that is that the building code requires that the lowest floor be at least 2 feet above the flood plain. We would have to fill it. I don't think you want us filling the flood plain and potentially causing more problems further out.

The tractor-trailer type of storage units are, as you know, raised up above grade so we can stay above any flood issue, even though his equipment wouldn't largely be impacted by it. It is really just meant for the smaller stuff where you know somebody is going along the Greenway and they want to cause trouble, they pop in there and grab something small. We just want to make it more difficult. We're also talking about screening. Which last time I was here, I believe Supervisor Dunning made it a point to -- that we give careful attention to that so that you can't see this from Ballantyne Road. So the Planning Board did ask for more information and when we do make application for that, we will provide more -- more on that. The reality is -- the incentive rezoning really doesn't dive down into those details.

As you mentioned, Supervisor Dunning, it is kind of the Planning Board. The conditions of approval will be on that. Hopefully that answers your question.

MS. BORGUS: Yes.

COUNCILMAN SLATTERY: Actually, Dorothy (Borgus), before you go -- Ed (Martin), one question I had in regards to those trailers.

Do you see utilizing those trailers going in with a tractor and pulling those out and pulling them to a possible jobsite or are those more stationary?

MR. MARTIN: I don't -- I don't envision that, but I would let Rhett -- do you think you would be pulling it?

MR. TURNER: I mean that kind of falls into the same thing with the tooling. Like we have certain, you know, big drill rigs that we don't use very often. We have a whole trailer set up that is basically our shop that we bring to the location. But I mean we -- we don't use them, you know.

COUNCILMAN SLATTERY: Realistically, you're looking at -- knowing your operation, you -- you have your trailers. That is basically your -- your shop on wheels that you're going to pull out to the location. But you're referring to -- and I think Mrs. Borgus is referring to, these tractors -- excuse me -- these trailers you're referring to, these will stay in the yard basically and just house that extra equipment so if you need another something, something breaks in your mobile unit, you can go back to that, pull it out and get it to the job without taking that whole other trailer out there?

MR. TURNER: I mean we're only talking about a few. Not -- you know. You know. We have maybe three or four versus -- it's not like we're looking to go move 20 in there or something like that.

COUNCILMAN SLATTERY: Thank you.

MS. BORGUS: It's kind of a foreign thought for Chili to be thinking about a business expanding and using tractor-trailer boxes. You have to admit. This is kind of different and I'm not sure it's a good different.

SUPERVISOR DUNNING: Well, they're building houses out of them now, so...

MS. BORGUS: Not in Chili.

SUPERVISOR DUNNING: Not yet.

MS. BORGUS: Not yet. You will have a fight the day that happens.

SUPERVISOR DUNNING: If the Governor has her way, we may be.

MS. BORGUS: Well, if that comes before the Planning Board, that would be more of an opportunity to talk about that later.

Fencing -- again, I had so many red flags go up when I read this letter. They have -- owners have not yet decided if the yard will be enclosed by a fence. I would think that would be imperative. If you're going to have things there that are attractive nuisances and they will be to -- to some of these teenagers and not-so-teens these days, I think -- this is something -- again, maybe this is a Planning Board issue, but you can't -- you can't put something that enticing out there for kids to worry about and try to get into and -- and not fence it in.

SUPERVISOR DUNNING: We did discuss that when we talked about this and that is a Planning Board -- that's something the Planning Board will have to look at.

MS. BORGUS: Okay. Landscape berms. Now, where -- these berms would be at the road?

MR. MARTIN: No. I think our plan is to put them more closer towards the -- the yard itself. It would be fairly tall and be planted so literally you can't see the storage yard from Ballantyne Road.

MS. BORGUS: Okay. And in the letter also it said that -- it mentions an existing dilapidated outbuilding that is to be razed. Is that one building that is to be razed, because is there only one that is involved in this site? There is other buildings in that -- right along that strip and I didn't know how many of those buildings were included on -- in this property.

MR. MARTIN: There is only one on our property.

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MS. BORGUS: Okay. The other question I had was, if this is only a proposal at this time, why are - why are there several pieces -- I mean quite a few pieces of equipment already being stored on this land?

SUPERVISOR DUNNING: Which is why they're here. Because that was -- they have been working with the Building Department on this and that -- that has been discussed and addressed through the Building Department and looking at -- at a path forward to correct something that was -- for all intents -- no other way to say it, but it was done when it -- without permission initially and without -- without the proper zoning and things like that to happen and the authorizations. Working with the Building Department, like we always have with anybody that has done something like that. As long as they're working towards a -- there is a path forward, working towards compliance -- we always like to work with people to make sure that that happens. So that is what brings us here today.

MS. BORGUS: So the Building Department is what brought this to the fore?

SUPERVISOR DUNNING: I'm sorry?

MS. BORGUS: The Building Department brought this situation to the fore?

SUPERVISOR DUNNING: Yes.

MS. BORGUS: Good. Okay. If this was -- is to -- would be approved, what would their zoning classification be?

SUPERVISOR DUNNING: Incentive zoning. The incentive zoning is a classification.

MS. BORGUS: In itself?

SUPERVISOR DUNNING: In and of itself, yes.

MS. BORGUS: And what restrictions do they have on that?

SUPERVISOR DUNNING: They can only do what is approved through the incentive zoning. So what we have stressed to people when they come in for this -- and we have done incentive zoning applications before -- is that you tell us everything you want to do with this property and do it now, otherwise you would have to come back at a later time to try and make a modification to it. But so anything and everything that they bring forward to us and tell us these are -- these are what we need incentives for -- and that is so they can use this as a storage yard because it's zoned Agricultural Conversation, I believe, and it's not something that is approved in that district -- um -- however, quite frankly, it's not at all that dissimilar to Terry Tree that is right next door, basically. Very similar in somewhat nature as far as what they store and things like that.

But any ways, they -- they tell us everything they want, what they're going to give us and that's it. They -- so they can't even go in and build a building on that property without coming back to us because that should have been a part of this application.

MS. BORGUS: Okay. Well, my concern, I guess -- I drove by their other location today and it looks to me like there is an awful lot of equipment that is off to the side and that maybe is destined to be moved over to Ballantyne Road. I mean that's an assumption on my part, yes. But they wouldn't be doing all this unless they planned on using the space. All I can say is it's got to be screened. You cannot see this from the road.

SUPERVISOR DUNNING: We don't disagree. That is a Planning Board -- that is a Planning Board issue, but we don't disagree on that.

MS. BORGUS: It is not going to be an attractive site to get a full view of this. It isn't going to be nice like their property on Scottsville Road. It's manicured, nice lawn, beautifully kept. This is not going to be that kind of a situation.

SUPERVISOR DUNNING: But you won't see it, either.

MS. BORGUS: Well, I hope.

SUPERVISOR DUNNING: Screened -- you know, properly screened, which is what has been proposed, that this will be screened -- you -- you really won't see it. And my opinion -- this is only my opinion -- I mean when you go down that area of Scottsville Road, you have a big, huge gas pipe sticking out of the road and it's not very attractive. You -- Terry Tree, I will tell you -- all due respect to Terry Tree, that is not a very attractive site.

MS. BORGUS: It is not.

SUPERVISOR DUNNING: Down the road a little further and you have the one company who does their trucking business that has a land use permit -- Land Use Variance many, many years ago -- who keep those shipping containers sitting out there and tractor-trailer boxes sitting out there -- not necessarily a very attractive spot.

I think this sits back far enough. It's screened. So in some respects -- in my opinion -- this will actually -- you wouldn't see it, so it would be -- it won't stand out as bad as some of the other places do over there. It's become more of a -- that whole area has become probably more industrial than anything else, Dorothy (Borgus).

MS. BORGUS: True.

SUPERVISOR DUNNING: And I know if it was our intent to turn it that way, we should have done it. But really it's not uncharacteristic of other -- other sites in that area.

MS. BORGUS: Some of which, though, in the past we have tried to change or improve. I don't know with how much success, but it isn't as though we have liked --

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SUPERVISOR DUNNING: You drive down, you will see there hasn't been much success.

COUNCILMAN SLATTERY: Where Terry Tree is, they knocked down the barn that was out front. But then Terry Tree also changed owners, as well. I don't believe it's a local company either anymore. Then they moved some of their operations to other areas. So -- and then part of that, I believe, group moved out of there.

SUPERVISOR DUNNING: They finally moved all those -- those --

COUNCILMAN SLATTERY: The wooden --

SUPERVISOR DUNNING: -- the platforms. They had thousands of those sitting out there.

COUNCILMAN SLATTERY: For wet areas.

MS. BORGUS: All I can say about the trucking company is I definitely remember the attempts in years past to get rid of those without success because they're legal to have them there.

But on the other hand, if we have to tolerate something we can't change, I hate to think that we're introducing more tractor-trailer bodies to -- to the Town. It's just a very, very bad thing to start. There is enough problems with storage -- all kind of storage units in this Town now that -- I think it's out of hand. There is so many storage units that aren't temporary. That's the problem. Everybody needs one for a little bit, but this is not a little bit. This is obviously intended to be permanent.

COUNCILMAN SLATTERY: Dorothy (Borgus), go back to the comment you made earlier when you said you drove by their existing facility and how it was manicured and looked decent.

MS. BORGUS: It is.

COUNCILMAN SLATTERY: I would sort of give them, Turner Underground, the benefit of the doubt in regards to that. You see how they take care of something existing. And hopefully they will carry that over to the new facility, as well.

MS. BORGUS: Hopefully. Hopefully. On the other hand --

SUPERVISOR DUNNING: Councilman, I trust our Planning Board --

COUNCILMAN SLATTERY: Right.

SUPERVISOR DUNNING: -- our Planning Board to make them get this right.

COUNCILMAN SLATTERY: Right.

MS. BORGUS: And then on this driveway, there is just going to be a gate? Just a gate?

SUPERVISOR DUNNING: Ed (Martin)?

MR. MARTIN: There will be. It's -- so the -- so the land on either side of the driveway is not easily accessible. So a simple gate with a KnoxBox to allow emergency vehicles -- or emergency services in there will be provided.

SUPERVISOR DUNNING: I think that was also a recommendation that came out of our meeting initially to make sure that people can't --

COUNCILMAN SLATTERY: It's a secure location.

SUPERVISOR DUNNING: -- people can't drive back in there and do what they want to do and hide. MS. BORGUS: Right. Right.

COUNCILMAN SLATTERY: That is what I brought up in the last meeting because I talked about the Greenway Trail. I ride down there quite a bit and I see -- there is hunters back in there and different people that just walk in there. That was brought to Ed (Martin)'s attention at our last meeting in regards to just having that secure.

MS. BORGUS: Now, the other -- the other incentive zoning property that comes to mind is the one the U of R has over on Scottsville Road and that's an annual payment. And this is not. This is a one-time only payment?

SUPERVISOR DUNNING: That's correct.

MS. BORGUS: For a reason?

SUPERVISOR DUNNING: Yeah. It is a completely different use. Um, and quite frankly, Turner Underground isn't charging their employees to park their -- park the equipment that belongs to Turner Underground over there. The University of Rochester profits by that parking lot.

MS. BORGUS: Oh, they do?

SUPERVISOR DUNNING: Yes. They charge their employees and the people that work there to park there and take their shuttles in, yes.

COUNCILMAN SLATTERY: Also, Dorothy (Borgus) --

SUPERVISOR DUNNING: It's a for-profit-type operation over there. And while Turner makes money doing what they do, this yard isn't designed to be making money for them.

COUNCILMAN SLATTERY: Also, Dorothy (Borgus), in regards to that, that agreement with the U of R was -- as you know, that was a party house. That's in lieu of taxes. The Party House used to pay taxes. Where this property, there is a structure on there that is coming down and some other things over there, but it's -- you know, so there -- they're different. I say they're apples and oranges in that regard, too. Because the amount of taxes that -- was it Logan's Party House, I believe?

MS. BORGUS: Yes.

COUNCILMAN SLATTERY: So that -- that was part of the reasoning behind that.

MS. BORGUS: Well, the only thing I have to say about incentive zoning is it was a thing we didn't know about too many years ago and now -- I hope it's not going to be a regular occurrence. Our zoning

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code is there for a reason. And after personally sitting on a Comprehensive Planning Committee for how long? Two years?

SUPERVISOR DUNNING: As long as I have been here, Dorothy (Borgus), I think we have been working on it in one way, shape or form.

MS. BORGUS: We have worked so hard on the current plan and it's a wonderful plan. I mean -- not because I worked on it. Because it was just a good plan. Everybody worked hard. A lot of -- a lot more with other people than me. But I put a lot of hours into it. I would hate to think our zoning code could just be bought away. And -- you know, in another setting, that is what this looks like.

SUPERVISOR DUNNING: I will -- to that I will say, incentive zoning is actually a great tool for areas, perhaps, Dorothy (Borgus), that we didn't -- through the Comprehensive Planning, we didn't necessarily have the ability or think through -- you know, these things are living documents. They change all of the time. Circumstances change all of the time.

There is opportunities in other areas. And unlike this area over here that we're talking about, up on Fisher Road -- I mean that -- that is kind of -- it's off the beaten-path-type area. It's a property that likely would never have anything happen to it. It would sit there and -- and why would we not want to entertain something? And it's in a district that actually we talked about in the Comprehensive Plan about changing the zoning of that particular area into more something that would more -- more fit this type of application.

But nonetheless, incentive zoning is a great tool to allow things that are perhaps similar in nature but maybe just enough different and that aren't necessarily identified in our zoning code as a permitted use. And as you know, through -- you know, we spent seven, eight years revising our zoning code. We can't possibly identify every single possible variable of a business or an operation that might want to come in or -- or -- or resident, for that matter, that might want to come in and locate in a particular spot that really blends with the environment around it and -- and is something that works and -- and -- you know, why -- why not to help that -- bring -- again, bring a business in, expand a business, bring in a new resident -- whatever it is -- where it benefits the Town and -- in a lot of different ways.

So -- I don't know. I think incentive zoning is a great tool. But yes, I wouldn't want to use it all of the time. But then we -- then again, we can then be very particular because we have control over that and whether or not they move forward. The Planning Board obviously has a say and helps us out from a Planning side of things, but we have the ability to -- at the end of the day to say no if something doesn't really work. So I think it's a good tool. I -- I understand what you're saying and I -- but it's a good tool.

COUNCILMAN SLATTERY: Actually, Dorothy (Borgus), if we can -- Supervisor, I'm glad you mentioned -- because we just did this with another application recently. They came in before us. They presented something. The Board took a look at it and said, "We really don't think that is in the best interest of our constituents." So we said, "No," or "Go back to the Planning Board" -- or "Go back to the drawing board" -- excuse me -- in regards to what they proposed. And we're working through that now. So --

MS. BORGUS: It just worries me a little bit that I have heard incentive zoning on this -- this hearing, if you want and -- and another proposal all in one Town Board meeting.

COUNCILMAN SLATTERY: Well, you know how long I have been on the Town Board and -- I have heard incentive zoning for quite a few years, so...

MS. BORGUS: Well, then all I can say is we should have covered that in the Comprehensive Plan.

SUPERVISOR DUNNING: It's covered in our code. You can't -- in a Comprehensive Plan you can't necessarily -- because -- it's a blanket-type -- I don't know how to best describe it. It can be done anywhere. So in order to -- to look at -- when you start looking at the Comprehensive Plan, do you -- can't really apply it to the -- to the Comprehensive Plan and say where would you like -- where would you use incentive zoning and where you wouldn't. Every single circumstance is different. You just don't know until the applicant comes and knocks on your door and says, "I want to do this. What do you think?"

And that is where that kind of starts.

MS. BORGUS: Well, in the plan we had labeled it Restrictive Business. I believe.

SUPERVISOR DUNNING: Up in that area -- for this -- this spot?

MS. BORGUS: Uh-huh. I believe so.

SUPERVISOR DUNNING: I'm not going to argue with you because I don't recall.

MS. BORGUS: I looked it up. You know me. I looked it up.

SUPERVISOR DUNNING: I'm sure --

COUNCILMAN SLATTERY: Yes, we do know you.

SUPERVISOR DUNNING: That's why I'm not going to argue with you.

MS. BORGUS: So -- well, I'll be back when it comes before the Planning Board because -- let me ask you one last question. Supposing they were -- this was to go forward and -- and the business people delineated and explained and everybody agreed as to what they needed and it was written into these incentive zonings that they could do this and this and this but not that. Let's say -- let's just take the worse possible scenario. It turns into a place for old equipment to go die. And it begins to be just a scrap yard.

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Can the Town do anything about that?

SUPERVISOR DUNNING: Mr. Hirt?

JARED HIRT: It would ultimately fall to the Building Department and the Code Enforcement Officer because they wouldn't be in compliance with the code. The incentive zoning -- assuming that it gets approved -- is going to have very specific conditions as to what the applicant can and cannot do. So if he falls outside of those parameters, then that would make him subject to Code Enforcement and then he would be subject to fines through the Town Justice.

MS. BORGUS: Maybe I -- I just have a different way of looking at it, but I can hear the response if that -- if that scenario came to be, the -- the business owner is going to say, "But that isn't junk. I mean I'm saving that for parts."

That could go on forever and get much, much worse before it ever got better. I mean I just think that this is kind of a -- a weak position to be in.

JARED HIRT: We begin going down a rabbit hole when we do that because you could make that argument for any resident within the Town in terms of, you know, what they have in their yard, whether it be permitted, permitted under the code and their interpretation of it. Ultimately it will be treated like any other property in the sense of if they're not complying with the Town Code, it will fall back on the Code Enforcement Office.

SUPERVISOR DUNNING: Jared (Hirt), doesn't that really fall to the Judge?

JARED HIRT: Yes.

SUPERVISOR DUNNING: The interpretation then is the Judge. The Town can say you're in violation of your agreement, your incentive zoning. And Mr. Turner -- in this case he could come back and say, "No, I'm not. I do this" and then -- it's up to the Judge what happens from there.

JARED HIRT: Ultimately.

SUPERVISOR DUNNING: Correct?

JARED HIRT: Ultimately, yes.

MS. BORGUS: How would this be taxed? As a business?

SUPERVISOR DUNNING: I don't know -- that would be a question for Mary Lander. I don't -- assessed. I don't know. Taxes are different. So from an assessment standpoint -- I know they're tied together to a certain degree, but I don't know that answer, Dorothy (Borgus). Mary Lander would probably be best to give you an idea what -- how this could be taxed.

MS. BORGUS: Basically still just land?

SUPERVISOR DUNNING: I don't -- I don't know. I -- I don't. You -- I would really want to consult Mary Lander on that to see.

MS. BORGUS: Well, I shall see. Thank you very much for your time. I'm not -- I'm not a big fan of incentive zoning. As you can tell. Okay.

SUPERVISOR DUNNING: So noted. Thank you, Dorothy (Borgus).

Anyone else that would like to speak at the Public Hearing?

The Public Hearing was closed at 7:43 p.m.

At this point, a Public Forum was conducted to allow public speakers to address the Town board. The following speaker addressed the Town Board: Elaine Sauer. The Public Forum concluded at 7:45 p.m.

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: Answer to your question, it is going to be a park. It is still going to be a park. We're working with a firm right now who are in -- are in the late design phases for the park. But it -- but yes, it is going to be a park. There -- yeah.

COUNCILMAN SLATTERY: That's it.

SUPERVISOR DUNNING: I don't know what else to say. That's it. It's going to be a park.

MS. SAUER: Thank you.

SUPERVISOR DUNNING: Going back, Matters of the Supervisor, I'm trying to think. I'm probably forgetting something I'm sure. Right now I don't think I have much of anything. Other than to mention -- I don't want to take anything away from -- from Councilman Slattery, but we spent a fair amount of time over the past couple of -- or several weeks together with -- helping to promote this -- our snowball fight. I want to thank again the Pirate Toy Fund for all of the work -- and Councilman Slattery -- and all of the work that is being put into the snowball fight.

February 18th at -- from 8 a.m. to 4 p.m. And Dorothy (Borgus) said she is going to be there. So we will have -- we are going to look to set the world record for the largest snowball fight. We hope that everybody and anybody that is -- that you know can come out and help us out.

They will be shuttling people from a variety of different places to -- to bring people in here. There will be no parking onsite. We'll be shuttling people, but there will be entertainment, warm tents. Great places for people who are even with special needs, whether you would be a senior or an infant

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with special needs -- like me, they will be able to get you -- get people in and out of there. It's going to be a great -- just a fun day. A really, really fun day. I'm looking forward to it. I thank everybody that has been involved with that so far.

And, of course, certainly one of -- the biggest promoters here from the Town would be my secretary, Dawn Forte who has been working tirelessly helping to promote this in her own time with that and getting this out there and getting the message out.

That might be what you saw, was a sign out there. That is just for the snowball fights. It's going to be on that property where the park is going to be. But any ways, other than that, I don't know that I have anything else.

COUNCILMAN SLATTERY: It's a one-day event is all it is. Trying to bring the community together. As David (Dunning) -- we have talked before, there is so much -- so many issues going on with -- throughout the community and the country and so forth and just one way to try to bring the community together and do something positive. Try to set the world's record for the largest snowball fight. Canada has the record right now. It is 7,600 and something people. So -- you know, we're just trying to doing something positive.

There -- as David (Dunning) mentioned, there is also going to be a wagon -- a -- horse-drawn wagon rides. There is going to be -- maybe some characters, you know, in costume out there besides politicians. There is -- you will be seeing some stuff on the news. Various -- 8 -- people are -- are out there supporting it and just trying to get the word out.

People should preregister before the event so then this way they know where the numbers are. So -- because we want to get to that 8,000, 9,000.

Monroe County Sheriff's Department will be present. The New York State Police will be present. Various law enforcement agencies across the county will be out there. They will be setting up recruitment tables, as well. Chili Volunteer Fire Department who, as you know, are always in need of volunteers, because of the amount of training that they have to do -- they will be out there just looking to recruit people to join their cause. Because they're a great organization. Chili -- Chili Henrietta Scottsville Ambulance. CHS, they will be out there, as well.

So -- traffic will be disturbed on Archer Road. So -- just to give you a heads-up that day. You might just want to try to avoid that area in regards to it. But any questions, you can just -- contact the Town or -- or the Supervisor's Office, I would say, and then -- or myself and we'll try to answer them the best we can. But -- just looking to do something positive.

The world record is going to be -- try to be set -- supposed to go off about 11 o'clock, but knowing people and -- they're going to think they have plenty of time -- since there is no parking onsite, they have to be shuttled over. But the years -- you know, once that record is set, you know, within that -- if it goes like two minutes, that -- you know, the snow balls are being thrown. There is monitors out there watching for -- every certain amount of people, there has to be one monitor, one volunteer watching to make sure that they do it. And -- so that is why it is so important to -- to have the structure that we do in regards to it. So there is going to be two registration tents. One on the east side of the property. One on the west side of the property.

But please, check out the -- check out the website. You will see it on the banner out there on the property. But it is just a one-day event.

And Supervisor and I -- and I know Superintendent of Highways, Dave Lindsay, has been very involved with looking at the park design, as well as, you know, some other staff members. But -- you know, we're excited about that. But -- but we're waiting for the final design to come back from the engineering firm in regards to that.

SUPERVISOR DUNNING: Okay. Very good. Anything else?

The 12/14/2022 and 12/30/2022 Town Board meeting minutes were approved.

REPORTS SUBMITTED:

Building Department Report – December 2022, 2022 Y/E Report
Dog Control Reports – December 2022, 2022 Y/E Report
Planning Board Minutes – 12/13/2022
Recreation/Senior Center Report – December 2022
Town Clerk Report – December 2022
Traffic & Safety Minutes – 12/1/2022

THE CHILI TOWN BOARD MEETING
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RESOLUTION #68 RE: Budgeted Use of Town-wide Drainage Improvement Reserve Funds

OFFERED BY: Councilman Slattery

SECONDED BY: Councilman Valerio

WHEREAS, on November 16, 2022 on Resolution #242, the Town Board adopted the 2023 Annual Town Budget, which noted the desire to utilize reserve funds for the purchase of materials needed for drainage improvement projects; and

WHEREAS, the Town-wide Drainage Improvement Reserve has been established to aid in making improvements to the town-wide drainage system; and

NOW, THEREFORE, BE IT RESOLVED, that funds in an amount not to exceed \$22,600.00 from the Town-wide Drainage Improvement Reserve be used towards the purchase materials needed in improving the town-wide drainage system, subject to Permissive Referendum; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to give notice in the official newspaper of the Town.

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

RESOLUTION #69 RE: Budgeted Use of General Fleet Reserve Funds

OFFERED BY: Councilman DeCory

SECONDED BY: Councilman Slattery

WHEREAS, on November 16, 2022 on Resolution # 242 the Town Board adopted the 2023 Annual Town Budget, which noted the desire to utilize reserve funds to purchase specific pieces of equipment; and

WHEREAS, the General Fleet Reserve has been established to aid in the acquisition of vehicles and equipment for the Town which is outside the parameters of equipment reserves already established for Highway Department vehicles and equipment; and

NOW, THEREFORE, BE IT RESOLVED, that funds in an amount not to exceed \$45,000.00 from the General Fleet Reserve be used to purchase a new pick-up truck for the Parks Department, subject Permissive Referendum; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to give notice in the official newspaper of the Town.

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

THE CHILI TOWN BOARD MEETING
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RESOLUTION #70 RE: Budgeted Use of Recreation Facility Reserve Funds

OFFERED BY: Councilman Valerio

SECONDED BY: Councilman DeCory

WHEREAS, on November 16, 2022 on Resolution # 242 the Town Board adopted the 2023 Annual Town Budget, which noted the desire to utilize reserve funds towards the repaving of the Union Station Park parking lot; and

WHEREAS, the Recreation Facility Reserve has been established to aid in the financing of equipment, construction, reconstruction, acquisition or renovation of Park and Recreation facilities or grounds; and

NOW, THEREFORE, BE IT RESOLVED, that funds in an amount not to exceed \$80,000.00 from the Recreation Facility Reserve be used to repave the Union Station Park parking lot, subject Permissive Referendum; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to give notice in the official newspaper of the Town.

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

RESOLUTION #71 RE: 2023 Budget Amendments – Grants

OFFERED BY: Councilman Slattery

SECONDED BY: Councilman DeCory

WHEREAS, on October 12, 2022, on Resolution #232, the Town Board accepted a Community Development Block Grant from Monroe County which is to be used for the Archer Road Sidewalk Project, and work had not been completed as of December 31, 2022; and

BE IT RESOLVED to amend the 2023 revenue budget A2706 (Grants from Local Governments) by an increase of \$51,521.00 and the 2023 expense budget A5410.4 (Sidewalks - Contractual) by an increase of \$51,521.00.

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

RESOLUTION #72 RE: Budgeted Use of Workers' Compensation Reserve

OFFERED BY: Councilman Valerio

SECONDED BY: Councilman DeCory

WHEREAS, the Workers Compensation Reserve was established in 2004 in accordance with General Municipal Law §6-j; and

WHEREAS, in an effort to reduce the tax burden and utilize the Town's reserves, the 2023 budget for workers' compensation was lowered, and excessive premiums were to be paid from the Workers' Compensation Reserve; and

NOW, THEREFORE, BE IT RESOLVED, to amend expense budget A9040.8000.0090 (Workers' Compensation – Reserve) by an increase of \$60,000.00.

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

THE CHILI TOWN BOARD MEETING
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RESOLUTION #73 RE: Community Center Debt Service

OFFERED BY: Councilman Slattery **SECONDED BY:** Councilman DeCory

WHEREAS, the Town has \$164,000.00 in its Debt Service Fund, which accounts for the accumulation of resources for the payment of Town debt; and

WHEREAS, as of December 31, 2022, the Town had \$836,000.00 in the General Fund Assigned Unappropriated Fund Balance for use towards payment of the Town's Bond Anticipation Note (BAN), which was obtained for the construction of the new Community Center; and

WHEREAS, as part of the 2023 budget the Town budgeted \$1,000,000.00 for payment against the BAN's principal, which was obtained for the construction of the new Community Center; and

WHEREAS, in an effort to reduce the fiscal burden on future budgets by minimizing future debt service expenses, the Town wishes to use funds from the Debt Service Fund and the General Fund Assigned Unappropriated Fund Balance for the costs related to paying off the Town's BAN; and

NOW, THEREFORE, BE IT RESOLVED, to amend revenue budget A5031 (Inter-fund Transfers) by an increase of \$164,000.00; and amend expense budget A9730.6 (Bond Anticipation Note – Principal) by an increase of \$1,000,000.00; and

BE IT FURTHER RESOLVED, to transfer \$164,000.00 from the Debt Service Fund to the General Fund for the payment of the Town's BAN; and

BE IT FURTHER RESOLVED, to expend \$836,000.00 from the General Fund Assigned Unappropriated Fund Balance for the payment of the Town's BAN.

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

RESOLUTION #74 RE: 2023 Budget Amendments

OFFERED BY: Councilman Valerio **SECONDED BY:** Councilman Slattery

BE IT RESOLVED to transfer \$3,500.00 from A1990.4 (Contingency) to A1330.4 (Tax Collector - Contractual).

The next meeting of the Chili Town Board will be on January 3, 2023 at 5:00 PM in the Town of Chili, Town Hall Main Meeting Room 3333 Chili Avenue, Rochester, NY 14624. No public comment will be taken at this meeting.

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

RESOLUTION #75 RE: Purchase of Sweeper for Highway

OFFERED BY: Councilman DeCory SECONDED BY: Councilman Valerio

WHEREAS, included in the approved 2023 budget is the purchase of one (1) new sweeper for highway; and

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase of one (1) Tymco 600 BAH Sweeper off the Onondaga State Wide Contract, Bid #7974 for a cost not to exceed \$333,000.00; to be paid from Account DA5130.2 (Machinery-Equipment).

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

RESOLUTION #76 RE: Letter of Credit Release Union Street Industrial, Phase II – Final

OFFERED BY: Councilman Slattery SECONDED BY: Councilman DeCory

WHEREAS, that per recommendation of the Commissioner of Public Works and Town Engineer that \$143,494.02 be released from the letter of credit #SB2409200001 with M&T Bank for Union Street Industrial, Phase II, leaving a balance of leaving a balance of \$0.00; subject to engineering fees to the Town.

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

RESOLUTION #77 RE: Chili Fire Department Active List

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Valerio

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

Anthony Raymond 1/9/2023, Justin Carlson 11/14/2022

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

THE CHILI TOWN BOARD MEETING
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RESOLUTION #78 RE: Chili Fire Department Exempt List

OFFERED BY: Councilman Slattery

SECONDED BY: Councilman Valerio

BE IT RESOLVED that the following individual(s) be added to the Chili Fire Department exempt list from the CFD active list effective December 19, 2022:

Chuck Keiser

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

RESOLUTION #79 RE: ARPA/ SLFRF Funds

OFFERED BY: Councilman DeCory

SECONDED BY: Councilman Slattery

WHEREAS, in 2021, the Federal Government passed the American Rescue Plan Act (ARPA), which included the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program, to deliver funds to state, local and tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency; and

WHEREAS, the SLFRF program provides governments the resources needed to fight the pandemic and support families and businesses struggling with its public health and economic impacts, maintain vital public services, and build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity; and

WHEREAS, the Town of Chili has received funding from the SLFRF program and wishes to use proceeds from that program for the benefit of the community by sponsoring the World's Largest Snowball Fight in an effort to bring families together and support the local community; and

NOW, THEREFORE, BE IT RESOLVED, to amend revenue account A4089 (Federal Aid - Other) by an increase of \$30,000.00; and to amend expense account A7550.4 (Celebrations - Contractual) by an increase of \$30,000.00.

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

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: Do you have a timeline in regards to when this could possibly be done?

SUPERVISOR DUNNING: Mr. Lindsay?

DAVID LINDSAY: We have a 30-day waiting period on the permissive referendum and we're doing some preliminary work in there now. We're going to try to do this ourself with Highway staff. So it will probably take us -- it will be a little bit of a weather impact. Maybe -- maybe impacted by the weather, but we're hoping to be done within two months starting with it. So getting the site completely demoed, cleared out and stabilized again.

COUNCILMAN SLATTERY: Follow up to that -- thank you, David (Lindsay). In regards to that, I know you -- when we talked about selling the old Town Hall and so forth and how this property -- some of it will still remain the Town's. What are we planning on doing with that?

SUPERVISOR DUNNING: Grass.

COUNCILMAN SLATTERY: Grass. Because I know parking is an issue for the sports fields.

SUPERVISOR DUNNING: I don't know. We would have to talk about that, whether or not there is enough there to do anything with parking. But we can look into it. We can take a look at the spot and see if there is any possible opportunity there.

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COUNCILMAN SLATTERY: Thank you. Appreciate it.

SUPERVISOR DUNNING: I do get first swing with the excavator, right? That is the way that is going to work.

COUNCILMAN SLATTERY: It's a Tonka toy

RESOLUTION #80 RE: Use of Highway Facility Reserve – Highway Garage Demo

OFFERED BY: Councilman Valerio

SECONDED BY: Councilman Slattery

WHEREAS, on December 31, 1969, on Resolution #347, the Town Board established the Highway Facility Reserve, Pursuant to §6-c of the General Municipal Law, as amended, for the purpose of financing the cost of equipment, construction, reconstruction, acquisition or renovation of Chili Highway Facilities; and

WHEREAS, as part of the costs of constructing a new highway facility, which was completed in 2012, included the demolition of the old facility; and

WHEREAS, in an effort to reduce the fiscal burden on the current and future budgets, the Town wishes to use funds from the Highway Facility Reserve for the costs related to the demolition of the old highway facility; and

NOW, THEREFORE, BE IT RESOLVED, that funds in an amount not to exceed \$60,000.00 from the Highway Facility Reserve be used to pay for the costs related to the demolition of the old highway facility, subject to permissive referendum, to be paid from account A1620.4000.0009 (Buildings – Contractual – Highway Facility Reserve); and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to give notice in the official newspaper of the Town.

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

RESOLUTION #81 RE: University of Rochester Incentive Zoning

OFFERED BY: Councilman DeCory

SECONDED BY:

Councilman Valerio

WHEREAS, December 28, 2007, Resolution #346 accepted the Incentive Zoning Agreement with the University of Rochester, and on December 5, 2012, Resolution #322 extended the agreement through 2017, and on December 29, 2017, Resolution #284 extended the agreement through 2022, and on December 14, 2022, Resolution #270 extended the agreement through 2027; and

WHEREAS, Section A(3) of the agreement states the incentive zoning funds are to be used in accordance with the terms of the current section 115-89 Zoning Code; and

NOW, THEREFORE, BE IT RESOLVED, incentive zoning funds received in 2023 shall be deposited into the Recreation Facility Reserve Fund.

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

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RESOLUTION #82 RE: January 4, 2023 Abstract – 2022 Payables

OFFERED BY: Councilman Slattery

SECONDED BY: Councilman DeCory

WHEREAS, January 2, 2023 Resolution #1 authorized vouchers to be paid January 4, 2023, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 42317-42319, 42552-42553, 42558, 42564-42571, 42574-42591, 42593-42599, 42602-42606, 42608-42615 totaling 153,001.92 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	\$	46,181.85
Highway Fund		88,306.41
Library Fund		3,002.47
Drainage District		228.06
Street Lighting Districts		<u>15,283.13</u>
Total Abstract	\$	153,001.92

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

The next meeting of the Chili Town Board will be on February 8, 2023 at 7:00 p.m. in the Chili Town Hall Main Meeting Room.

The meeting was adjourned at 7:56 p.m.

