CHILI TOWN BOARD February 8, 2023

A regular meeting of the Chili Town Board was held on February 8, 2023 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 DeCory; Councilman Slattery, Councilwoman Sperr, Councilman Valerio and Supervisor David 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.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. No speakers addressed the Town Board. The Public Forum concluded at 7:02 p.m.

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: I really don't have anything new to share at this point. I think I'm pretty good. So we'll go onto Matters of the Council? Anybody?

MATTERS OF THE TOWN COUNCIL:

COUNCILWOMAN SPERR: Snow ball fight? COUNCILMAN SLATTERY: No update. SUPERVISOR DUNNING: Very good.

The 1/3/2023 and 1/11/2023 Town Board meeting minutes were approved.

REPORTS SUBMITTED:

Advanced Payment of Claims – January 2023 Building Department Report – January 2023 Conservation Board Minutes – 12/15/2022 Dog Control Reports – January 2023 Recreation/Senior Center Report – January 2023 Town Clerk Report – January 2023 Traffic & Safety Minutes – 1/5/2023 Zoning Board Minutes – 12/20/2022

CORRESPONDENCE:

1. The Town of Chili has received notification from Nathan Adams, Highway Department that he is resigning; effective January 29, 2023.

RESOLUTION #83 RE: SEQR – Declaration of Intent for Lead Agency Status to consider the Incentive Zoning Proposal of 269 Ballantyne Road

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Sperr

WHEREAS, Turner Underground has requested an Incentive Zoning approval for a property located at 269 Ballantyne Road (Tax ID: 160.01-1-15.11); and

WHEREAS, the Town Board of the Town of Chili (hereinafter referred to as Town Board) has reviewed Part 1 of the Full Environmental Assessment Form, dated February 3, 2023 and prepared by DDS Companies for Turner Underground, for the incentive zoning proposal of 269 Ballantyne Road (Tax ID: 160.01-1-15.11) (hereinafter referred to as Action); and

WHEREAS, the Town Board considers said Action to be classified as a Type 1 Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, that the Chili Town Board does hereby declare its intent to be designated the lead

agency to conduct the coordinated review for the incentive zoning of 269 Ballantyne Road (Tax ID: 160.01-1-15.11) and to make the necessary determination of significance under SEQR; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept the Part 1 of the Full Environmental Assessment Form, referenced above herein; and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to provide notice hereof to the involved and affected agencies as necessary.

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

RESOLUTION #84 RE: Intermunicipal Agreement(s)

OFFERED BY: Councilman DeCory SECONDED BY: Councilman Slattery

WHEREAS, On February 18th the Town of Chili will be hosting an event which aims to set a world record for the largest snowball fight. The event includes a full day of winter activities and entertainment; and

WHEREAS, In the interest of public safety and traffic control the Town desires to retain bus services from the Churchville Chili School District and the Gates Chili School District.

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

RESOLUTION #85 RE: Purchase of Mower for Parks

OFFERED BY: Councilman Valerio

SECONDED BY: Councilwoman Sperr

WHEREAS, included in the approved 2023 budget is the purchase of one (1) new mower for the Parks Department; and

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase a Groundsmaster 4000-D (T4) from Toro Corp, off the NYS Contract, PC69682, Group 40625 for a cost not to exceed \$93,000.00 to be paid from #A7110.2 (Parks-Equipment).

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

RESOLUTION #86 RE: Purchase of Roadside Tractor for Highway

OFFERED BY: Councilman Valerio SECONDED BY: Councilman DeCory

WHEREAS, included in the approved 2023 budget is the purchase of one (1) new roadside tractor for the Highway Department; and

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase a MX6000HSTC Tractor from Saxby Implement Corp off the NYS Contract, PC69404, for a cost not to exceed \$65,000.00 to be paid from #DA5130.2 (Machinery-Equipment).

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

RESOLUTION #87 RE: Letter of Credit Release #1 for 39 Jetview (Sydor Optics)

OFFERED BY: Councilman Slattery

SECONDED BY: Councilman Valerio

WHEREAS, that per recommendation of the Commissioner of Public Works and Town Engineer that \$62,727.00 be released from the letter of credit #SB2422950001with M&T Bank for 39 Jetview (Sydor Optics) leaving a balance of \$22,327.00; subject to engineering fees and street light bills to the Town.

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

RESOLUTION #88 RE: Use of the Insurance Reserve

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

WHEREAS, the Insurance Reserve was established by the Town Board in 2003 in accordance with the terms and conditions as outlined in General Municipal Law §6-n to fund certain expenditures incurred from a loss or claim against the Town that are not covered by the Town's insurance policies; and

BE IT RESOLVED, to utilize funds from this reserve to cover losses experienced due to an equipment accident, expenses not to exceed \$15,000.00, to be paid from A1620.4003.0089 (Building – Insurance Reserve).

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

RESOLUTION #89 RE: Establish Replacement Letter of Credit for Gilead Pond Subdivision and Final Release of LNB Letter of Credit

OFFERED BY: Councilman Slattery SECONDED BY: Councilman DeCory

WHEREAS, the developer for the Gilead Pond Subdivision project has requested to replace the current letter of credit secured with LNB Bank and provide a replacement letter of credit for same the amount remaining in the original Letter of Credit for Gilead Pond Subdivision: And

WHEREAS, there have been two releases approved to date, leaving a remaining balance of \$76,635.79; and

NOW, THEREFORE, BE IT RESOLVED, that a replacement letter of credit be established for Gilead Pond Subdivision in the amount of \$76,635.79. Items within the letter of credit include, but are not limited to storm sewers, roadway work, street trees, street lights, storm water control and erosion and sediment control; and

BE IT FURTHER RESOLVED, that upon providing to the Town an acceptable replacement Letter of Credit, that \$76,635.79 be released from Letter of Credit #467 with LNB Banking for Gilead Pond, leaving a balance of leaving a balance of \$0.00.

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

RESOLUTION #90 RE: ARPA/ SLFRF Funds

OFFERED BY: Councilwoman Sperr

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 investing in a new cloud based software for the Building Department, making workflows for Building, Code Enforcement and Planning easier and more modernized for both the Town staff and the residents which we serve; and

NOW, THEREFORE, BE IT RESOLVED, to amend revenue account A4089 (Federal Aid - Other) by an increase of \$32,500.00; and to amend expense account #A3620.4 (Safety Inspection – Software Support/ Maintenance) by an increase of \$32,500.00.

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

RESOLUTION #91 RE: Building Department Software

OFFERED BY: Councilman Valerio

SECONDED BY: Councilman DeCory

WHEREAS, the Town utilizes software to manage Building Department operations and interactions with the public; and

WHEREAS, though critical to Building Department operations the software currently used is more than 20 years old, has far exceeded its intended useful life, and is far behind today's technology and usability standards; and

WHEREAS, the Building Department Manager, Director of Information Services, Commissioner of Public Works, and Town Supervisor have reviewed a number of software solutions and have determined the solution selected is the best solution both financially and in meeting the operational needs of the Building Department; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to enter an initial 5-year software as a service contract with Cloudpermit for an annual cost of \$20,000.00 to be paid from account A3620.4 (Safety Inspection-Software Support/Maintenance); and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to engage Cloudpermit to migrate the Town's existing data to the new software platform, setup and configure the software to meet the needs of Town workflows, and provide end-user training on the software for a one-time fee of \$10,000.00 to be paid from #A3620.4 (Safety Inspection-Software Support/Maintenance); and

BE IT FURTHER RESOLVED that the Town Supervisor is authorized to subscribe to ESRI ArcGIS Online Services to provide web-based GIS data hosting services to compliment the functionality of Cloudpermit and provide GIS data to the public for an annual cost not to exceed \$1,000.00 to be paid from #A3620.4 (Safety Inspection-Software Support/Maintenance).

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

RESOLUTION #92 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 February 6, 2023:

Gary Galetta

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

RESOLUTION #93 RE: Chili Fire Department Remove from Active List

OFFERED BY: Councilman Slattery SECONDED BY: Councilman Valerio

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

Michelle Angie (11/7/22), Jake Giovati (7/23/2022), Jacob Morales (10/3/2022), Zachary Newnham (12/7/2022), Mitchell Sauer (1/9/2023)

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

RESOLUTION #94 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 January 1, 2023:

Ormond (John) Dailey

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

RESOLUTION #95 RE: Use of Admin Facility Reserve – Records Storage

OFFERED BY: Councilwoman Sperr

SECONDED BY: Councilman DeCory

WHEREAS, on October 18, 2000, on Resolution #356, the Town Board established the Admin Facility Reserve, for the purpose of financing the cost of equipment, construction, reconstruction, acquisition or renovation of the administrative building at 3333 Chili Ave; and

WHEREAS, as part of the current effort to provide appropriate storage space and equipment for the purpose of record retention the Town Clerk has requested the use of a portion of the unused space from the Library/Court renovation; and

WHEREAS, upon review of various storage systems, and available vendors on State Contract, the Town has selected ASR Systems Group to provide a storage system and installation of said system: And

WHEREAS, it is anticipated there will be a need for additional supplies to complete the renovation; and

WHEREAS, additionally, the Town wishes to use funds from the Admin Facility Reserve for the purchase and installation of a storage system and related supplies; and

NOW, THEREFORE, BE IT RESOLVED, that funds in an amount not to exceed \$55,000.00 from the Admin Facility Reserve be used to pay for the costs related to the purchase and installation of a storage system and related supplies, and the utilization of reserve funds set aside for such purposes are subject to permissive referendum all in accordance with Sections 220, 80 and 90 of the Town Law of the State of New York, to be paid from account A1620.2000.0033 (Buildings – Equipment – Admin 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; and

BE IT FURTHER RESOLVED, pending successful passing of the Permissive Referendum period, that the Supervisor be authorized to execute agreement with ASR Systems Group for the purchase and installation of a storage system and any necessary supplies not to exceed

\$55,000.00.

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

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN VALERIO: I would ask for motion to table this agenda item. I would like to make a motion to table this.

COUNCILWOMAN SPERR: I'll second.

SUPERVISOR DUNNING: There has been a motion to table this resolution.

Motion to table: Offered by: Councilman Valerio Seconded by: Councilwoman Sperr On the motion to table: Unanimously approved to table

RESOLUTION #96 RE: Purchase and Sale Agreement for the sale of 3235 Chili Avenue, Rochester, New York 14624 (SBL: 146.13-1-19.1)

OFFERED BY:

SECONDED BY:

WHEREAS, the Town previously listed for sale the property located at, and commonly as, 3235 Chili Avenue, Rochester, NY 14624 (SBL: 146.13-1-19.1) ("Property"); and

WHEREAS, the Town has been presented with a certain proposed Purchase and Sale Agreement ("PSA") from a Buyer that desires to purchase the Property; and

WHEREAS, the Town desires to sell the Property upon terms that are satisfactory and acceptable to the Town; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor to negotiate and execute the PSA for the sale of the Property: (A) upon such terms acceptable to the Supervisor, (b) in such form approved by Counsel for the Town, and (b) subject to full and complete satisfaction and compliance with all applicable local and state laws regarding the sale of municipal owned real property, including, but not limited to New York State Town Law § 64 and any requirement and/or condition for a permissive referendum.

SUPERVISOR DUNNING: At this point I would like to set a date and time to reopen this. This is a little time sensitive. I would like to get a feel from the Town Board at this time on when would be a good time to reconvene to bring this resolution back to -- for consideration.

COUNCILMAN SLATTERY: Supervisor, there was no ask for comment. Was there any comment in regards to this? SUPERVISOR DUNNING: I would be happy to take any comments if anybody would

like to provide some, sure.

COUNCILMAN SLATTERY: Just the reason -- I understand it was short notice, but just --

SUPERVISOR DUNNING: Maybe -- maybe I should -- maybe I should do that, Councilman. Because this was short notice.

This was added to the agenda today. Didn't give the Town Board, I don't believe, enough time to really consider the resolution. So I would like to make sure that -- and thank you for -- Councilman Valerio for stepping up on that.

I think it is fair you be given a little more time than a few hours to review a resolution and its impact on the Town of Chili.

COUNCILMAN SLATTERY: And I -- I agree 100 percent in regards to that, but I also wish that we were in the position and had the resources -- as you and I talked about in the past if we had -- if we had all of the Town facilities, you know, offices on one complex. So I think that would have been great if we could have the community -- or the Town Hall in that -- where the old Town Hall used to be. Unfortunately, we don't have the means for that. Unless Washington sends some more money from that money tree they keep sending stuff out for. I --I'll stop there.

SUPERVISOR DUNNING: Please do.

So the resolution has been tabled. A roll call has been taken. So again, I would like to -- I want to announce publicly when we will meet again, date and time, that we'll meet again to hear this -- bring this resolution back up for consideration.
COUNCILWOMAN SPERR: Evening? You're looking at evening?
SUPERVISOR DUNNING: That would be preferable.
COUNCILWOMAN SPERR: I'm open Wednesday, the 15th.
COUNCILMAN SLATTERY: Week from today?

COUNCILWOMAN SPERR: Week from today open. COUNCILMAN SLATTERY: I'm available.

COUNCILMAN DECORY: Me, too. COUNCILMAN VALERIO: Can do -- can we do like 6 o'clock?

SUPERVISOR DUNNING: We can do 6.

COUNCILMAN SLATTERY: On the 15th. COUNCILMAN DECORY: 15th. SUPERVISOR DUNNING: Can we do 5 o'clock?

COUNCILMAN VALERIO: 6 would be better for me, but I could probably figure out 5. COUNCILMAN SLATTERY: 5:30? Compromise? COUNCILMAN VALERIO: Probably.

SUPERVISOR DUNNING: Just thinking we'll be keeping some people over rather than --COUNCILMAN SLATTERY: Staff members. COUNCILMAN VALERIO: That's true. I will figure it out.

COUNCILMAN VALERIO: That's true. I will figure it out. SUPERVISOR DUNNING: So 5 o'clock? COUNCILMAN SLATTERY: You sure? COUNCILWOMAN SPERR: 5 o'clock? SUPERVISOR DUNNING: Yes. So Wednesday, February 15th, at 5 p.m. this Town Board will reconvene for a Special Town Board meeting to hear this resolution and this resolution only. No other business will be conducted at this meeting.

I ask that the Town Clerk do whatever necessary to post notice of this meeting as well as anything from my office that needs to get posted publicly for the purpose of that meeting.

We all good? COUNCILMAN DECORY: Yep.

SUPERVISOR DUNNING: Any other questions? COUNCILMAN VALERIO: Will there be a Public Hearing? SUPERVISOR DUNNING: No. There will be no public forum. Just open the meeting -we'll open the meeting, do the resolution and we'll move on. COUNCILMAN SLATTERY: Are you going to adjourn this meeting or are you going to

just close this one and just have a brand new one?

SUPERVISOR DUNNING: No. This -- this resolution has been tabled. COUNCILMAN SLATTERY: Right. SUPERVISOR DUNNING: This will come up in --COUNCILMAN SLATTERY: In a special meeting. SUPERVISOR DUNNING: We're not adjourning this meeting. That is a whole brand

new meeting. COUNCILMAN SLATTERY: Just wanted to confirm. COUNCILWOMAN SPERR: Got you. SUPERVISOR DUNNING: Everybody on board? COUNCILMAN DECORY: Yes. SUPERVISOR DUNNING: Very good.

RESOLUTION #97 RE: January 18, 2023 Abstract – 2022 Payables

OFFERED BY: Councilman DeCory SECONDED BY: Councilwoman Sperr

WHEREAS, January 2, 2023 Resolution #1 authorized vouchers to be paid January 18, 2023, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 42607, 42616, 42620-42626, 42644-42646, 42650, 42652-42658, 42664, 42666-42668, 42671, 42673-42675, 42685-42690, 42692, 42699-42701, 42708 totaling \$151,563.55 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	\$ 109,232.84
Highway Fund	41,608.57
Library Fund	342.50
Fire Protection Districts	<u>379.64</u>
Total Abstract	\$ 151,563.55

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

RESOLUTION #98 RE: January 18, 2023 Abstract – 2023 Payables

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

WHEREAS, January 2, 2023 Resolution #1 authorized vouchers to be paid January 18, 2023, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 42627-42639, 42647-42649, 42651, 42659-42660, 42662-42663, 42665, 42669-42670, 42672, 42676-42681, 42684, 42691, 42693-42698, 42702-42707 totaling \$267,948.25 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	\$ 216,520.24		
Highway Fund	28,645.83		
Library Fund	22,280.00		
Drainage District	502.18		
Total Abstract	\$ 267,948.25		
	Councilman DeCory - Aye Councilman Slattery - Aye		
	Councilwoman Sperr - Aye		
	Councilman Valerio - Ave		

RESOLUTION #99 RE: February 1, 2023 Abstract – 2022 Payables

OFFERED BY: Councilwoman Sperr **SECONDED BY:** Councilman DeCory

Supervisor Dunning - Aye

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

WHEREAS, Council did authorize by a majority vote vouchers 42712, 42718, 42723, 42725-42732, 42759-42760, 42764, 42800, 42817 totaling \$64,949.21 to be paid from the Distribution Account as presented by Virginia Ignatowski, Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, to note for the record the above listed vouchers were paid from the following funds:

General Fund Library Fund Street Lighting Districts Total Abstract	\$ 44,347.05 3,207.92 <u>17,394.24</u> \$ 64,949.21	
	Councilman DeCory - Aye Councilman Slattery - Aye Councilwoman Sperr - Aye Councilman Valerio - Aye Supervisor Dunning - Aye	

RESOLUTION #100 RE: February 1, 2023 Abstract – 2023 Payables

OFFERED BY: Councilman Valerio SECONDED BY: Councilman DeCory

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

WHEREAS, Council did authorize by a majority vote vouchers 42710-42711, 42713, 42733-42745, 42749-42753, 42756-42757, 42765-42784, 42788-42799, 42801-42815 totaling \$2,976,211.74 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	\$ 2,702,556.78
Workers' Comp Reserve	60,000.00

Highway Fund Library Fund Drainage District Fire Protection Districts Total Abstract

3,008.00 239.96 <u>89,587.00</u> 2,976,211.74 \$ Councilman DeCory - Aye Councilman Slattery - Aye Councilwoman Sperr - Aye Councilman Valerio - Aye Supervisor Dunning - Aye

120,820.00

SUPERVISOR DUNNING: Next meeting of the Chili Town Board will be Wednesday, February 15th, at 5 p.m. in this meeting room. Following that, the next full meeting of the full agenda will be March 15th, 2023. This meeting is adjourned.

The meeting was adjourned at 7:12 p.m.