

Chili Town Board Meeting
May 17, 2023
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. Rezoning of the westerly portion of 4415 Buffalo Road GB (General Business) & 4423 Buffalo Road R-1-15 (Residential Single Family 15,000 SF min. lot) to RM (Residential Multiple-Family).
2. LL __ of 2023 to amend Chapter 369 Peddling & Soliciting of the Town Code.
3. LL __ of 2023 Amendments to sections of the Town Code to remove Imprisonment from Penalties for Offenses.

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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 – 4/12/2023

Reports Submitted –

Advanced Payment of Claims – April 2023

Building Department Report – April 2023

Conservation Board Minutes – March 6, 2023

Dog Control Reports – April 2023

Library Board minutes – 3/28/2023

Monthly Financial Statement – March 2023, April 2023

Planning Board Minutes – 3/14/2023 (No April Meeting)

Recreation/Senior Center Report – March 2023, April 2023

Town Clerk Report – April 2023

Traffic & Safety Committee Minutes – 4/6/2023

J. Correspondence –

K. Pending Business

L. Old Business

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M. New Business

RESOLUTION #135 RE: SEQR – Declaration of Intent for Lead Agency Status to consider the Incentive Zoning Proposal of 296 Fisher Road.

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

WHEREAS, Taouk Development has requested an Incentive Zoning approval for a property located at 296 Fisher Road (Tax ID: 134.19-1-8); and

WHEREAS, the Town Board of the Town of Chili (hereinafter referred to as Town Board) has reviewed the Part 1 of the Short Environmental Assessment Form dated January 13, 2023, prepared by LandTech for Taouk Development for the incentive zoning proposal of 296 Fisher Road (Tax ID: 134.19-1-8) (hereinafter referred to as Action); and

WHEREAS, the Town Board determines that said Action is classified as an Unlisted action under the State Environmental Quality Review (SEQR) Regulations; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby designate itself as the lead agency for the Action.

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

RESOLUTION #136 RE: Set a Public Hearing to Consider Adoption of Incentive Zoning Proposal for 296 Fisher Road

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

WHEREAS, LandTech along with Taouk Development has requested an Incentive Zoning approval for property located at 296 Fisher Road in the Town of Chili: and

WHEREAS, the Planning Board of the Town of Chili did, at its May 9, 2023 meeting considered said proposal and subsequently provided written comments to the Town Board on the incentive proposal and its amenities as it relates to all aspects of the Project; and

BE IT RESOLVED, that the Town Board will conduct a Public Hearing on said Incentive Zoning Proposal on June 14, 2023 at 7:00 p.m. at the Town Hall Main Meeting Room and that the Town Clerk is hereby directed to publish notice of same.

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RESOLUTION #137 RE: Donation to the Senior Center Trust & Agency Account

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

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

WHEREAS, Michael Curley, Director of Parks & Recreation, and the Voices & Visions Committee, a volunteer group of senior citizens, wish to accept a \$50.00 donation from Mary Lou Heilman and a \$25.00 donation from Marie McGill in Memory of Avana Proctor, to be deposited into the Senior Center Trust & Agency Account.

RESOLUTION #138 RE: Bike Ride for National Center for Missing & Exploited Children

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

WHEREAS, the National Center for Missing & Exploited Children has once again asked for the Town's permission to have their June 9, 2023 one-hundred-mile bike ride come through the Town of Chili on Beahan Road, Fisher Road, Paul Road, Jetview Drive, Archer Road, Chili Avenue, Sequoia Drive, Laredo Drive, Chili Center Coldwater Road, Chestnut Ridge Road, Davis Park, Black Cedar Drive, Union Street, Buffalo Road, Orchard Street, Westside Drive, from approximately 9:40 a.m. – 11:15 a.m. to spread the awareness about the plight of missing children and share abduction and exploitation prevention educational materials with children along with raising funds for their agency services; and

WHEREAS, they must provide a certificate of insurance naming the Town as an additional insured; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the National Center for Missing & Exploited Children to have their bike ride go through the Town of Chili on Friday, June 9, 2023 provided they notify the Monroe County Sheriff's Office at Zone C, the Chili Fire Department and Ambulance prior to the race; and

BE IT FURTHER RESOLVED, that the Town Clerk shall send notification of this resolution to the National Center for Missing & Exploited Children.

RESOLUTION #139 RE: Library Board of Trustees

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

BE IT RESOLVED, that Brian Hart be appointed to the Library Board of Trustees for a five (5) year term to expire on December 31, 2027; expenses to be paid by voucher as incurred.

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RESOLUTION #140 RE: Sexual Harassment Prevention Policy

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

WHEREAS, on April 12, 2018, New York State amended the state’s labor law by requiring all employers to adopt a “sexual harassment prevention policy” as well as a “sexual harassment prevention training program”; and

WHEREAS, the bill further directed the New York State Department of Labor and the New York State Division of Human Rights to publish a model sexual harassment prevention policy and a model prevention program that employers may utilize, rather than creating their own policies and programs; and

WHEREAS, the amended law also requires employers to provide the new written policies to their employees and to conduct annual sexual harassment prevention training; and

WHEREAS, on April 11, 2023, the New York Department of Labor published a final version of its revised sexual harassment prevention model policy which contains several substantive updates from the prior 2018 version; and

NOW, THEREFORE, BE IT RESOLVED, that the Sexual Harassment Prevention Policy originally adopted by Resolution #220 on October 9, 2018, shall be updated to the revised New York State Department of Labor’s model policy; and

BE IT FURTHER RESOLVED, that this policy replaces Section 201 – Sexual Harassment, of the Town’s Personnel Policy, as adopted on March 15, 2023, Resolution #104.

RESOLUTION #141 RE: Records Management Policies & Procedures

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

BE IT RESOLVED, that the Records Management Policies & Procedures adopted by Resolution #52 on January 12, 2019 was reposted with revisions on March 14, 2023, without any comments or objections and shall remain in effect dated May 17, 2023 by Resolution #141.

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RESOLUTION #142 RE: ARPA/ SLFRF Funds and MVP Grant

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

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 outdoor fitness equipment to be installed at Union Station Park; and

WHEREAS, the Town has been awarded a \$50,000.00 grant from the 2023 MVP campaign NY & VT to help cover the cost of National Fitness Campaign services and a fitness court to be installed at Union Station Park; and

NOW, THEREFORE, BE IT RESOLVED, to accept the MVP grant and authorize the Supervisor to sign any documentation necessary to facilitate this award and the project; and

BE IT FURTHER RESOLVED, to amend revenue account A2089 (Other Culture and Recreation) by an increase of \$50,000.00; to amend revenue account A4089 (Federal Aid – Other) by an increase of \$200,000.00; and to amend expense account A7110.2 (Parks - Equipment) by an increase of \$250,000.00; and

BE IT FURTHER RESOLVED, to authorize \$165,000.00 of the project funds to be paid to the National Fitness Campaign upon receipt of invoice. All other projects costs to be paid as expenses incurred.

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RESOLUTION #143 RE: Charging Stations

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

WHEREAS, the Town is looking to install a series of electric vehicle charging stations across five different Town owned properties, including the Union Station Park, Davis Park, Widener Park, Town Hall, and the Highway facility, as well as upgrading an existing station at the Community Center; and

WHEREAS, the total project cost for the new charging stations and replacement of the existing station will be \$203,340.00; and

WHEREAS, the Town has been awarded \$99,216.00 through the RG&E Make Ready Incentive program, as well as \$89,463.00 from the NYS Department of Environmental Conservation through Round 6 of the Municipal Zero-emission Vehicle (ZEV) Infrastructure Grant program, making the net cost to the Town for this project \$14,661.00; and

NOW, THEREFORE, BE IT RESOLVED, to accept the RG&E Make Ready Incentive Award and NYS Department of Environmental Conservation Municipal Zero-emission Vehicle Infrastructure Grant, and authorize the Supervisor to sign any documentation to facilitate these awards and the project; and

BE IT FURTHER RESOLVED, to amend the 2023 revenue budget A3910 (State Aid – Conservation Programs) by an increase of \$89,463.00; and amend the 2023 expense budget A1620.2 (Buildings - Equipment) by an increase of \$89,463.00; and

BE IT FURTHER RESOLVED, to transfer \$14,661.00 from A1990.4 (Contingency) to A1620.2 (Buildings - Equipment).

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RESOLUTION #144 RE: ARPA/ SLFRF Funds – Veteran’s Memorial

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

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 constructing a new veteran’s memorial at the community center, and to begin that process by engaging in concept designs, specs and cost estimates; and

NOW, THEREFORE, BE IT RESOLVED, to amend revenue account A4089 (Federal Aid - Other) by an increase of \$26,000.00; and to amend expense account A7110.2 (Parks - Equipment) by an increase of \$26,000.00.

RESOLUTION #145 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 May 8, 2023:

Andrew Romano, Andrew Snios, Zechariah Stahl

RESOLUTION #146 RE: Chili Fire Department Exempt List

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

BE IT RESOLVED, that the following individual(s) be added to the Chili Fire Department exempt list from the CFD active list effective April 25, 2023:

Jason Elliotto

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RESOLUTION #147 RE: C.H.I.P.S. Budget Amendment

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

WHEREAS, the year 2023 budget for the C.H.I.P.S. account included \$175,000.00; and

WHEREAS, the Town of Chili was informed by the State of New York that the 2023 C.H.I.P.S. apportionment for Chili will be \$248,591.19; and

WHEREAS, the Town of Chili will be receiving funding under the PAVE NY Program for the rehabilitation and reconstruction of local highways in the amount of \$59,062.64; and

WHEREAS, the Town of Chili will be receiving funding under the Extreme Winter Recovery (EWR) Program in the amount of \$47,556.30; and

WHEREAS, the Town of Chili will be receiving funding under the Pave Our Potholes (POP) Program in the amount of \$39,375.10; and

NOW, THEREFORE, BE IT RESOLVED, to amend accounts DA3501 (State Aid/CHIPS) and DA 5112.4 (CHIPS-contractual) to \$394,585.23.

RESOLUTION #148 RE: Highway Floor Repair

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

WHEREAS, the Town of Chili desires repair portions of the concrete floor along the center drain in the main truck garage to mitigate future deterioration as a result of exposure to salts and other items, and:

WHEREAS, three (3) quotes were solicited with only one (1) submitted response as follows:

<u>Company</u>	<u>Quote</u>
Simon Surfaces	\$19,985.00

WHEREAS, the Commissioner of Public Works/Superintendent of Highways has reviewed the submitted quotes and has made a determination that the proposal Simon Surfaces best meets the intent of the specification and requirements of the Town and is acceptable for the intended use and recommends that it be accepted; and

NOW, THEREFORE, BE IT RESOLVED, to authorize the Highway Superintendent to accept the quote from \$19,985.00 to complete the repair and to be paid from Acct: A1620.4000.0009 (Buildings – Contractual – Highway Facility Reserves).

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RESOLUTION #149 RE: Authorization to Hire Lu Engineers for the Preparation of Bid Documents for Cold Storage Renovations

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

WHEREAS, the Town intends to renovate the existing cold storage barn located at 177 Archer Road; and

WHEREAS, the preparation of detailed building plans and specifications are required for bidding purposes for this project; and

NOW, THEREFORE, BE IT RESOLVED, to hire Lu Engineers to prepare the necessary plans, specifications, bidding documents and project estimates at a cost not to exceed \$30,000.00 to be paid from H7110.2000.0061 (Special Rec Facility – Equipment – Archer Rd Park).

RESOLUTION #150 RE: Authorization to Hire Lu Engineers for the Preparation of Bid Documents for Veterans Memorial

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

WHEREAS, the Town intends to construct a veteran’s memorial on the Community Center campus; and

WHEREAS, the preparation of detailed building plans and specifications are required for bidding purposes for this project; and

NOW, THEREFORE, BE IT RESOLVED, to hire Lu Engineers to prepare the necessary plans, specifications, bidding documents and project estimates at a cost not to exceed \$18,000.00 to be paid from A7110.2 (Parks - Equipment).

RESOLUTION #151 RE: 2023 Summer Camp

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

WHEREAS, that per the recommendation of Michael Curley, Parks & Recreation Director, that Lauren Jarvis & John Bagley be appointed Summer Camp Site Leaders and be paid \$15.50 per hour.

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RESOLUTION #152 RE: Demolition Award for 768 Marshall Road Tax Map No. 134.17-3-91

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

WHEREAS, the Town Board of the Town of Chili in Resolution #264 dated December 14, 2022 authorized the demolition of structure(s) at 768 Marshall Road; and

WHEREAS, Three quotes requested where received for the work; and

WHEREAS, the quotes are as follows:

<u>Contractor</u>	<u>Quote</u>
Frederico Demolition	\$42,983.40
Expert Environmental & Construction Group	\$49,900.00
Sessler Environmental Services	\$27,750.00

WHEREAS, the Building Department Manager has reviewed the submitted quotes and has made the determination that the proposal from Sessler Environmental Services best meets the intent of the specification and requirements of the town and is acceptable and hereby recommends that it be accepted; and

NOW, THEREFORE, BE IT RESOLVED, to increase expense budget A3620.4 (Safety Inspection - Contractual) by \$27,750.00; and

BE IT FURTHER RESOLVED, to amend the General Fund appropriated fund balance to \$1,937,750.00 from the 2023 revised budget amount of \$1,910,000.00; and

BE IT FURTHER RESOLVED, to accept the quote from Sessler Environmental Services for a cost to not exceed \$27,750.00 and authorize Supervisor Dunning to sign the necessary paperwork, to be paid from A3620.4 (Safety Inspection – Contractual).

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RESOLUTION #153 RE: In Memory of Joseph Sherwood

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

WHEREAS, we the Town Board of the Town of Chili find it befitting to extend our deepest sympathy to the Sherwood family during the passing of Joseph Sherwood, who on May 9, 2023 passed away; and

WHEREAS, Joseph Sherwood served from 4/22/1963 – 7/3/1995 as a MEO I for the Highway Department; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Chili hereby sets aside this special page of their minutes from this Town Board Meeting in his honor and takes a moment of silence in Joseph Sherwoods’s memory. The Town Clerk is hereby directed to send a copy of this resolution to the Sherwood family.

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RESOLUTION #154 RE: April 19, 2023 Abstract

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

WHEREAS, January 2, 2023 Resolution #1 authorized vouchers to be paid April 19, 2023, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 43258, 43262-43269, 42373-43280, 43283-43296, 43300-43360 totaling \$104,098.92 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	\$	60,858.74
Admin Facility Reserve		12,003.00
Highway Fund		27,007.77
Library Fund		3,728.74
Drainage District		191.64
Fire Protection Districts		309.03
Total Abstract	\$	<u>104,098.92</u>

RESOLUTION #155 RE: May 3, 2023 Abstract

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

WHEREAS, January 2, 2023 Resolution #1 authorized vouchers to be paid May 3, 2023, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 43365-43367, 43370-43373, 43375-43376, 43379, 43383, 43385, 43388-43391, 43398-43403, 43408-43433, 43437-43460 totaling \$570,361.53 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	\$	540,064.69
Insurance Reserve		9,500.00
Highway Fund		2,685.70
Library Fund		3,147.77
Drainage District		17.92
Street Lighting Districts		14,945.45
Total Abstract	\$	<u>570,361.53</u>

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RESOLUTION #156 RE: May 17, 2023 Abstract

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

BE IT RESOLVED, to pay vouchers 43461-43476, 43480-43494, 49496, 43501-43502, 43507-43545, 43547-43550, 43552-43564, 43566-43582 totaling \$198,086.93 to be paid from the Distribution Account as presented to the Town Board by Virginia Ignatowski, Town Clerk:

General Fund	\$	88,420.31
Admin Facility Reserve		798.90
Insurance Reserve		8,708.00
Highway Fund		94,924.74
Library Fund		3,539.98
Drainage District		1,494.00
Fire Protection Districts		201.00
Total Abstract	<u>\$</u>	<u>198,086.93</u>

The next meeting of the Chili Town Board will be on June 14, 2023 at 7:00 PM in the Town of Chili, Town Hall Main Meeting Room 3333 Chili Avenue, Rochester, NY 14624.