

Chili Town Board Meeting

June 14, 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:

1. Incentive Zoning Request for 50 Airpark Drive – Jeff Cook.

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

1. Incentive Zoning Request for 296 Fisher Road – John Sciarabba - LandTech.

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 30 seconds remaining so that you can conclude your comments within the allotted time.

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H. *Matters of the Supervisor* –

New Matters:

1. Chil E-Festival & 5K Race 6/24/2023.

Pending Matters:

Matters of the Town Council –

New Matters:

Pending Matters:

I. Approval of Minutes – 5/17/2023

Reports Submitted –

- Advanced Payment of Claims – May 2023
- Building Department Report – May 2023
- Conservation Board Minutes – 5/1/2023
- Dog Control Reports – May 2023
- Historic Preservation Board Minutes – 5/8/2023
- Library Board minutes – 4/25/2023
- Monthly Financial Statement – May 2023
- Recreation/Senior Center Report – May 2023
- Town Clerk Report – May 2023
- Zoning Board Minutes – 3/28/2023, 4/25/2023

J. Correspondence –

1. The Town of Chili has received notification from Judith Bugajski, School Crossing Guard, that she is retiring; effective June 21, 2023.

K. Pending Business

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L. Old Business

BE IT RESOLVED, to remove from the table resolution #152 tabled on May 17, 2023.

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

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

OFFERED BY: Councilman Valerio SECONDED BY: Councilwoman Sperr

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 \$35,000.00; and

BE IT FURTHER RESOLVED, to amend the General Fund appropriated fund balance to \$1,945,000.00 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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M. New Business

RESOLUTION #158 RE: Lead Agency and SEQR Determination for the 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 District)

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

WHEREAS, the Chili Town Board ("Town Board") on the 12th of April, 2023 did declare its intent to be designated the lead agency for purposes of the State Environmental Quality Review Act ("SEQR") relative to the proposed rezoning of the Westerly portion of 4415 Buffalo Road GB (General Business) (Tax Id No. 130.20-1-057) and 4423 Buffalo Road R-1-15 (Residential Single Family 15,000 SF min. lot) (Tax Id. No. 131.20-1-58) to RM (Residential Multiple-Family District) (the "Action"); and

WHEREAS, in accordance with the Zoning Code of the Town of Chili a Public Hearing was duly held by the Town Board on May 17, 2023, commencing at 7:00 P.M. at the Town Hall in the Town and discussion upon the Action having been had and all persons desiring to be heard having been duly heard; and

WHEREAS, the Town Board determined that it was the most appropriate agency to insure the coordination of the Action and the Town Board having provided written notifications to all involved agencies for the purposes of conducting a coordinated review and making the determination of significance thereon under SEQR; and

WHEREAS, the Town Clerk has submitted a memo to the Town Supervisor indicating that the Town did not receive any correspondence from any of the involved agencies indicating an objection to the Town Board acting as Lead Agency for the Action and the Town Board has otherwise given consideration to comments received from involved and interested agencies, if any; and

WHEREAS, the Action is deemed to be an Unlisted Action pursuant to SEQR; and

WHEREAS, the Town Board has reviewed Part 1 of the Full Environmental Assessment Form pursuant to the New York Environmental Conservation Law, Article 8, and the regulations promulgated pursuant thereto in 6 NYCRR Part 617 ("SEQR Regulations"); and

WHEREAS, the Town Board has carefully considered the criteria for determining significance as set forth in the SEQR Regulations; the EAF, the application materials, and all documents, correspondence, testimony, and other information supplied to the Town Board, as well as input obtained during the Public Hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby designate itself as the Lead Agency for the Action; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board has considered the list of potential environmental effects listed in 6 NYCRR Part 617.7, has taken a hard look and engaged in a reasoned elaboration of the submitted information, has conducted its own analysis and thoroughly reviewed all supporting documentation and has concluded that the action will NOT result in a significant adverse environmental impact; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board adopts Part 2 (Impact Assessment) and Part 3 (Determination of Significance) of the Full Environmental Assessment Form attached and hereby makes a "negative declaration" under SEQR, which constitutes a finding of no significant adverse environmental impacts from the Action and directs the Town Supervisor to complete, sign and date the Full Environmental Assessment Form and the Negative Declaration Form.

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RESOLUTION #159 RE: 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 District)

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

WHEREAS, in accordance with the Zoning Code of the Town of Chili a Public Hearing was duly held by the Town Board on May 17, 2023, commencing at 7:00 PM at the Town Hall in the Town addressing the rezoning of the Westerly portion of 4415 Buffalo Road GB (General Business) (Tax Id No. 130.20-1-057) and 4423 Buffalo Road R-1-15 (Residential Single Family 15,000 SF min. lot) (Tax Id. No. 131.20-1-58) to RM (Residential Multiple-Family District) and a discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

WHEREAS, the Town Board, as Lead Agency for State Environmental Quality Review Act (“SEQR”) purposes, has reviewed the environmental record with regard to this application and determined it to be an Unlisted action under Part 617 of SEQR; and

WHEREAS, the proposed Zoning Map Amendment has been reviewed by the Monroe County Department of Planning and Development for comment; and

WHEREAS, the Town Board has carefully reviewed and considered the Town’s 2030 Comprehensive Plan and has determined that the rezoning from the Westerly portion of 4415 Buffalo Road GB (General Business) (Tax Id No. 130.20-1-057) and 4423 Buffalo Road R-1-15 (Residential Single Family 15,000 SF min. lot) (Tax Id. No. 131.20-1-58) to RM (Residential Multiple-Family District), does not conflict with the stated goals of the 2030 Comprehensive Master Plan; and

NOW, THEREFORE, BE IT RESOLVED, that the Official Zoning Map of the Town of Chili is amended such that the Westerly portion of 4415 Buffalo Road GB (General Business) (Tax Id No. 130.20-1-057) and 4423 Buffalo Road R-1-15 (Residential Single Family 15,000 SF min. lot) (Tax Id. No. 131.20-1-58), shall now be placed within the RM (Residential Multiple-Family) zoning district; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to enter said rezoning into the minutes of this meeting and to give due notice of the adoption of this zoning map amendment according to law; and

BE IT FURTHER RESOLVED, that the Town Clerk shall direct that the Official Zoning Map of the Town of Chili be amended consistent with this resolution; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the property owners, their representatives, the Town Planning Board, Town Zoning Board of Appeals, Town Director of Public Works, Town Engineer, Town Attorney and Associate Town Attorney.

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RESOLUTION #160 RE: Recreation Department

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

BE IT RESOLVED, that Michael Morrisette be appointed Recreation Attendant F/T and be paid an annual salary of \$36,979.00 (PG 24) effective July 10, 2023, pending background check, expenses to be paid by voucher as incurred.

RESOLUTION #161 RE: SEQR Status for Adoption of Local Law # _____ of 2023 to Amend Chapter 369 Peddling & Soliciting of the Town Code

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

WHEREAS, that the Town Board classifies the adoption of proposed Local Law # _____ of 2023 to be a Type II action under the provisions of Section 617.5 of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder; and

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

RESOLUTION #162 RE: Adoption of Local Law # _____ of 2023 to Amend Chapter 369 Peddling & Soliciting of the Town Code

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

WHEREAS, a proposed Local Law # _____ of the year 2023 to the Code of the Town of Chili, “to Amend Chapter 369 Peddling & Soliciting was introduced to the Town Board of the Town of Chili on the 12th day of April, 2023; and

WHEREAS, at a meeting of the Chili Town Board held at the Town Hall in the Town of Chili, New York on the 17th day of May, 2023 a public hearing was held at 7:00 p.m. to consider the adoption of a proposed Local Law # _____ of the year 2023 to the Town Code of the Town of Chili, to Amend Chapter 369 Peddling & Soliciting and discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

NOW, THEREFORE, upon the evidence obtained by the Town Board at said public hearing and upon all other information obtained and reviewed by the Board; it is

NOW, THEREFORE, RESOLVED, that Local Law # _____ of 2023 is hereby enacted by the Town Board of the Town of Chili.

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RESOLUTION #163 RE: Agreement with IntelliCorp

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

WHEREAS, the Town of Chili modified Chapter 369 – Peddling and Soliciting to add a background check requirement for applicants; and

WHEREAS, the vendor the Town of Chili currently uses for employee background checks declined providing this service for these applicants; and

WHEREAS, Town Clerk Ignatowski researched other companies that Monroe County Towns used for this purpose and found IntelliCorp to be the least expensive option that met the Town’s needs; and

NOW, THEREFORE, BE IT RESOLVED, that Town Clerk Ignatowski is hereby authorized to enter into an agreement, subject to Town Attorney approval, with IntelliCorp, for Peddler and Solicitor background checks, expenses to be paid by voucher as incurred from Account 1410.4 Town Clerk.

RESOLUTION #164 RE: Peddling and Soliciting Fee Schedule and Application Form

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

WHEREAS, in reviewing other Town fee schedules for peddlers and solicitors it was determined that the Town of Chili’s fees are lower than most other towns in Monroe County; and

WHEREAS, the Town of Chili wishes to have a fee schedule that is fair to applicants, but also better reflects the business activity that is gained by them conducting their door-to-door sales; and

WHEREAS, modifications made to Chapter 369 – Peddlers and Solicitors of the code of the Town of Chili necessitated that the application form be updated to reflect the modifications; and

NOW, THEREFORE, BE IT RESOLVED, that the updated application form be adopted; and

BE IT FURTHER RESOLVED, the following fee schedule be adopted:

Business Application Fee	- \$250 annually
Peddler License Fee	- \$30/month
Peddler Background Check Fee	- \$20 annually

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RESOLUTION #165 RE: SEQR Status for Adoption of Local Law # _____ of 2023 to Amend Sections of the Town Code to remove Imprisonment from Penalties for Offenses

OFFERED BY: _____ SECONDED BY: _____

WHEREAS, that the Town Board classifies the adoption of proposed Local Law # _____ of 2023 to be a Type II action under the provisions of Section 617.5 of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder; and

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

RESOLUTION #166 RE: Adoption of Local Law # _____ of 2023 to Amend Sections of the Town Code to remove Imprisonment from Penalties for Offenses

OFFERED BY: _____ SECONDED BY: _____

WHEREAS, a proposed Local Law # _____ of the year 2023 to the Code of the Town of Chili, “to Amend Sections of the Town Code to remove Imprisonment from Penalties for Offenses was introduced to the Town Board of the Town of Chili on the 12th day of April, 2023; and

WHEREAS, at a meeting of the Chili Town Board held at the Town Hall in the Town of Chili, New York on the 17th day of May, 2023 a public hearing was held at 7:00 p.m. to consider the adoption of a proposed Local Law # _____ of the year 2023 to the Town Code of the Town of Chili, to “Amend Sections of the Town Code to remove Imprisonment from Penalties for Offenses” and discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

NOW, THEREFORE, upon the evidence obtained by the Town Board at said public hearing and upon all other information obtained and reviewed by the Board; it is

NOW, THEREFORE, RESOLVED, that Local Law # _____ of 2023 is hereby enacted by the Town Board of the Town of Chili.

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RESOLUTION #167 RE: ARPA/ SLFRF Funds – World’s Largest Snowball Fight

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

WHEREAS, on Resolution 79, from January 11, 2023, the Town Board authorized the use of SLFRF Funds to be used towards expenses for the World’s Largest Snowball Fight, and this event has since been canceled; and

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

RESOLUTION #168 RE: 2023 Budget Amendments

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

BE IT RESOLVED, to amend revenue account A2001 (Recreation Program Fees) by an increase of \$10,000.00; and to amend expense account A7020.4 (Rec Admin – Office Supplies) by an increase of \$10,000.00.

RESOLUTION #169 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 June 12, 2023:

Celia Bachmann, Micaela Foster

RESOLUTION #170 RE: Establish Letter of Credit for Kings Crossing Self Storage

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

BE IT RESOLVED, that per the recommendation of the Commissioner of Public Works/Superintendent of Highways and Town Engineer that a letter of credit be established for Kings Crossing Self Storage in the amount of \$101,131.12.

Items within the letter of credit include, but are not limited to storm sewers, post construction storm water control features and erosion and sediment control.

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RESOLUTION #171 RE: Transfer to Equipment Reserves

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

WHEREAS, an auction of equipment was held in May 2023 and the Town received proceeds of \$39,710.00 for the sale of that equipment; and

WHEREAS, it has been advantageous to transfer the auction proceeds to equipment reserves for future use; and

NOW, THEREFORE, BE IT RESOLVED, to amend revenue budget A2665 (Sales of Equipment) by an increase of \$39,710.00 and amend expense budget A9901.9 (Interfund Transfers) by an increase of \$39,710.00; and

BE IT FURTHER RESOLVED, to transfer \$39,710.00 to the General Fleet Reserve.

RESOLUTION #172 RE: ARPA/ SLFRF Funds – Senior Bus

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 purchasing a new bus for the senior center; and

NOW, THEREFORE, BE IT RESOLVED, to amend revenue account A4089 (Federal Aid - Other) by an increase of \$105,000.00; and to amend expense account A6772.2 (Programs for the Aging - Equipment) by an increase of \$105,000.00; and

BE IT FURTHER RESOLVED, to authorize the purchase of one (1) Ford E350 Senior Lift Bus off NYS OGS Contract PC69530 SB from Coach & Equipment Bus Sales for a cost not to exceed \$105,000.00 to be paid from A6772.2 (Programs for the Aging - Equipment).

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RESOLUTION #173 RE: Letter of Credit Release #1 for Greenwood Townhomes Phase 3

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

WHEREAS, that per recommendation of the Commissioner of Public Works and Town Engineer that \$135,057.00 be released from the letter of credit #1107971801 with Canandaigua National Bank for Greenwood Phase 3, leaving a balance of \$49,609.00; subject to engineering fees and street light bills to the Town.

RESOLUTION #174 RE: Contract Amendment – Archer Road Municipal Park Project

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

WHEREAS, the Town received proposals for Architectural & Engineering on January 5, 2021 by the Town Clerk; and

WHEREAS, on February 12, 2020, by Resolution #128 the town accepted a SAM Grant from the Dormitory Authority State of New York (DASNY) in the amount of \$500,000.00 to be used towards the creation of a town park on Archer Road; and

WHEREAS, on February 10, 2021, by resolution #106 the Town Board awarded Architectural & Engineering to Barton & Loguidice in an amount not to exceed of \$133,200.00 to be paid from H7110.2000.0061 (Rec Facility - Archer Rd Park); and

WHEREAS, the scope of the final site plan has changed; and

NOW, THEREFORE, BE IT RESOLVED, to amend the Architectural & Engineering contract with Barton & Loguidice in accordance with Amendmant number 2 in the amount not to exceed \$80,000.00 to be paid from H7110.2000.0061 (Rec Facility - Archer Rd Park); and

BE IT FURTHER RESOLVED, that Supervisor Dunning be authorized to sign the necessary documents to approve the additional scope of work.

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RESOLUTION #175 RE: Set a Public Hearing for Local Law # ____ of 2023 on a Six Month Moratorium for Smoke and Vape Shops in the Town of Chili.

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

WHEREAS, Local Law # ____ of the year 2023 has been introduced; and

WHEREAS, the Town Board, prior to its final deliberations regarding the merits of said local law, wishes to offer the members of the public an opportunity to be heard; and

NOW, THEREFORE, BE IT RESOLVED, that a Public Hearing be set for June 29, 2023 at 7:00 p.m. at the Town of Chili, Main Meeting Room, 3333 Chili Avenue, Rochester, New York 14624 to consider the adoption of Local Law No. __ thereby adopting and approving the aforementioned amendments; and

BE IT RESOLVED, that the Town Clerk is hereby directed to publish notice in the Town's official designated newspaper and to make the aforementioned amendments available to the public for review at the Town Clerk's Office and to otherwise post the same on the Town's website.

RESOLUTION #176 RE: Use of the Brick Walk Fund

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

WHEREAS, the Brick Walk Fund was established by Town Board resolution #463 on November 18, 1998, authorizing the sales of bricks to defray the cost of constructing a brick walkway at the Town Hall building with additional proceeds to be utilized to defray the costs of landscaping of the Town Hall including, but not limited to, the purchase of trees, bushes, plants and flowers and related supplies; and

WHEREAS, the Town is in the process of having the brick walk and surrounding area revitalized to update and restore it and wishes to use the funds from the Brick Walk Fund towards this project; and

NOW, THEREFORE, BE IT RESOLVED, to utilize funds from the Brick Walk Fund, towards the revitalization of the existing brick walk and surrounding area, in an amount not to exceed \$3,200.00 to be paid from CM1620.4000.0087 (Buildings – Brick Walk Fund).

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RESOLUTION #177 RE: June 7, 2023 Abstract

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

WHEREAS, January 2, 2023 Resolution #1 authorized vouchers to be paid June 7, 2023, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 43518, 43582-43589, 43597, 43600-43612, 43620-43621, 43626-43629, 43631-43691, 43693-43713 totaling \$840,222.71 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	\$ 410,692.73
Highway Facility Reserve	14,860.46
Admin Facility Reserve	37,884.00
Highway Fund	352,775.30
Library Fund	3,711.53
Drainage District	5,444.63
Street Lighting Districts	14,854.06
Total Abstract	<u>\$ 840,222.71</u>

This next meeting of the Chili Town Board will be on July 12, 2023 at 7:00 PM in the Town of Chili, Town Hall Main Meeting Room 3333 Chili Avenue, Rochester, NY 14624.