

Chili Town Board Meeting

July 12, 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. Senator Pam Helming.

2. Presentation to Judith Bugajski.

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

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:

Pending Matters:

Matters of the Town Council –

New Matters:

Pending Matters:

I. Approval of Minutes – 6/14/2023, 6/29/2023

Reports Submitted –

Advanced Payment of Claims – June 2023

Building Department Report – June 2023

Dog Control Reports – June 2023

Library Board minutes – 5/23/2023

Planning Board Minutes – 5/9/2023

Town Clerk Report – June 2023

J. Correspondence –

1. The Town of Chili has received notification from Brandon Ferris, Highway Department that he has resigned; effective June 25, 2023.
2. The Town of Chili has received notification from Carter Damiano, Highway Department that he is resigning; effective July 6, 2023.

K. Pending Business

L. Old Business

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M. New Business

RESOLUTION #180 RE: Dog Control Boarding Fee

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

WHEREAS, the Town of Chili is required under Article 7, Section 114 of the NYS Agriculture & Markets Law to maintain a pound or shelter for seized dogs; and

WHEREAS, under Article 7, Section 118.4 the municipality ‘may set the impoundment fee *in any amount* by local law or ordinance; and

WHEREAS, the impoundment fee, herein also known as “boarding fee” had previously been set via Town Board resolution #339 on December 3, 2008; and

WHEREAS, due to the increasing cost of shelter maintenance and standards set forth by New York State Agriculture & Markets, it necessary to align the boarding fee to meet current costs; and

NOW, THEREORE, BE IT RESOLVED, that Supervisor Dunning hereby authorizes to set the new boarding fee for the Office of Dog Control at the rate of \$30.00/per day to be paid by the dog owner.

RESOLUTION #181 RE: Emergency Evacuation Plan

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

BE IT RESOLVED, that the Emergency Evacuation Plan originally adopted by Resolution #104 on February 12, 2014 was reposted with revisions on June 14, 2023, without any comments or objections and shall remain in effect dated July 12, 2023 by Resolution #181.

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RESOLUTION #182 RE: SEQR Determination for Incentive Zoning of 296 Fisher Road

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

WHEREAS, the Taouk Development (“Owner”) has proposed to construct and operate a “flex space” consisting of three buildings divided into individual lease spaces with parking & outdoor storage of vehicles and trailers; pursuant to an incentive zoning plan (the “Project”) on property located at 296 Fisher Road (Tax ID: 134.19-1-8); (the “Property”); and

WHEREAS, the Planning Board, at its regularly scheduled meeting on May 9, 2023 reviewed the Project and recommended that the Town Board approve the proposed incentive zoning plan; and

WHEREAS, the Chili Town Board (“Town Board”) on the 17th of May, 2023 made a determination that said Action is classified as an Unlisted Action and did declare itself lead agency for purposes of the State Environmental Quality Review Act (“SEQR”) relative to the proposed incentive zoning of property located at 296 Fisher Road (Tax ID: 134.19-1-8) (the "Action"); and

WHEREAS, representatives of Taouk Development met with the Town Board at its regularly scheduled meeting on June 14, 2023 to discuss the Project at which time the Town Board conducted a public hearing on said action, solicited and received public comment and has given consideration to the comments provided at said public hearing; and

WHEREAS, the Town Board has reviewed the Project and submitted materials, including the Short Environmental Assessment Form, site plan, description of the Project amenities and incentives, and all other materials submitted in connection; and

WHEREAS, the Town Board is fully familiar with the proposed location, the surrounding parcels, and the larger neighborhood and the Town’s master plan; and

WHEREAS, the Project was duly referred to the Monroe County Planning Department, pursuant to General Municipal Law § 239-m; and

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

WHEREAS, the Town Board has reviewed and does hereby accept Part 2 of the Short Environmental Assessment Form, dated July 12, 2023 and prepared by the Town Supervisor; and

WHEREAS, the Town Board finds that the Short Environmental Assessment Form, Parts 1 and 2, provides a reasoned elaboration of the impacts likely to result from the Town Board's action to approve the proposed Action; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in the SEQR Regulations and the information contained in Parts 1 and 2 of the Short Environmental Assessment Form; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board determines the action to be an Unlisted Action for the purposes of SEQR and based on the information and analysis above and the supporting documentation referenced above that the proposed action WILL NOT result in any significant adverse environmental impacts and directs the Town Supervisor to sign and date Part 3 of the Short Environmental Assessment form.

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RESOLUTION #183 RE: 296 Fisher Road - Incentive Zoning

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

WHEREAS, on June 14, 2023, Land Tech, representing Taouk Development, appeared before the Town Board for consideration of Incentive Zoning for 296 Fisher Road in the Town of Chili; and

WHEREAS, the Town Board voted unanimously in favor of consideration and pursuant to §500-106 of the Chili Town Code, referred the matter to the Planning Board for review and recommendation; and

WHEREAS, the applicant appeared before the Planning Board on May 9, 2023, where the application for incentive zoning received a unanimous vote in favor of the incentive; and

WHEREAS, on June 14, 2023, a public hearing was held by the Town Board and after due consideration of the comments at the public hearing and Planning Boards recommendation; and

BE IT RESOLVED, pursuant to §500-107 of the Chili Town Code, the Town Board hereby approves the incentive zoning for 296 Fisher Road as follows; and

The applicant will provide an incentive payment in the amount of \$40,000.00 in exchange for the Incentive Zoning request, funds to be used towards the construction of a new dog kennel for the Town, and the payment will be remitted to the Town before the building permit is issued.

BE IT FURTHER RESOLVED, to amend revenue account A1989 (Other Economic Assistance & Opportunity) by an increase of \$40,000.00, and to amend the General Fund appropriated fund balance for the 2023 adjusted budget by a reduction of \$40,000.00.

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RESOLUTION #184 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 July 12, 2023:

Nicholas Estratti, Alex Martin, David Rich, Jacob Wine

RESOLUTION #185 RE: Chili Fire Department Remove from Active List

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

BE IT RESOLVED, that the following individual(s) be removed from the Chili Fire Department active list effective June 23, 2023:

Abigail Sauer

RESOLUTION #186 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 June 23, 2023:

Mike Saporito

RESOLUTION #187 RE: School Traffic Guard – Full Time

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

BE IT RESOLVED, that Kimberly Farmer shall be appointed to the School Traffic Guard Full Time position and shall be paid at the rate of \$60.09 per day, expenses to be paid by voucher as incurred.

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RESOLUTION #188 RE: Substitute School Traffic Guard Part Time

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

BE IT RESOLVED, that Raymond Ward, Jr. shall be appointed to the Substitute School Traffic Guard part Time position and shall be paid at the rate of \$60.09 per day, expenses to be paid by voucher as incurred.

RESOLUTION #189 RE: Purchase and Sale Agreement for the sale of 4400 Buffalo Road, North Chili New York 14624 (SBL: 131.20-1-20)

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

WHEREAS, the Town previously listed for sale the property located at, and commonly as, 4400 Buffalo Road, North Chili, NY 14624 (SBL: 131.20-1-20) (“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.

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RESOLUTION #190 RE: June 21, 2023 Abstract

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

WHEREAS, January 2, 2023 Resolution #1 authorized vouchers to be paid June 21, 2023, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 43714-43718, 43723-43724, 43727-43746, 43748, 43751-43772, 43776-43824, 43826, 43828-43835 totaling \$176,821.70 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	\$	96,862.89
Townwide Drainage Reserve		5,403.50
Highway Fund		69,476.40
Library Fund		3,598.76
Drainage District		1,235.85
Fire Protection Districts		244.30
Total Abstract	\$	<u>176,821.70</u>

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RESOLUTION #191 RE: July 5, 2023 Abstract

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

WHEREAS, January 2, 2023 Resolution #1 authorized vouchers to be paid July 5, 2023, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 43827, 43836-43837, 43849, 43853-43854, 43860-43873, 43880-43889, 43891, 43893-43896, 43899-43931, 43935-43959, 43961-43962 totaling \$219,427.82 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	\$	57,298.71
Highway Facility Reserve		854.41
Townwide Drainage Reserve		11,754.00
Highway Fund		53,054.26
Library Fund		2,710.93
H61 Archer Rd Park		77,801.75
Drainage District		1,464.46
Street Lighting Districts		14,489.30
Total Abstract	\$	<u>219,427.82</u>

The next meeting of the Chili Town Board will be on August 16, 2023 at 7:00 PM in the Town of Chili, Town Hall Main Meeting Room 3333 Chili Avenue, Rochester, NY 14624.