

Chili Town Board Meeting

September 13, 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 4400 Buffalo Road from RM (Residential Multiple-Family District) to GB (General Business).

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 – 8/16/2023

Reports Submitted –

Advanced Payment of Claims – August 2023

Building Department Report – August 2023

Dog Control Reports – August 2023

Library Board minutes – 7/25/2023

Monthly Financial Statement – July 2023

Recreation/Senior Center Report – August 2023

Town Clerk Report – August 2023

Zoning Board Minutes – 7/25/2023

J. Correspondence –

1. Virginia Ignatowski, Town Clerk has received notification from Jose G. Leon Ramirez, DBA Coronas III Mexican Restaurant, LLC located at 3240 Chili Avenue, Unit B11, Rochester, NY 14624; that they have applied for a liquor license in the Town of Chili.

K. Pending Business

L. Old Business

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M. New Business

RESOLUTION #213 RE: SEQR Determination for Incentive Zoning of 50 Airpark Drive

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

WHEREAS, the Cook Properties (“Owner”) has proposed to construct and operate a public storage facility pursuant to an incentive zoning plan (the “Project”) on property located at 50 Airpark Drive (Tax ID: 135.03-1-16.122); (the “Property”); and

WHEREAS, the Planning Board, at its regularly scheduled meeting on July 11, 2023 reviewed the Project and recommended that the Town Board approve the proposed incentive zoning plan; and

WHEREAS, representatives of Cook Properties met with the Town Board at its regularly scheduled meeting on August 16, 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 Part 1 of 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 does hereby declare itself Lead Agency in accordance with the New York State Environmental Quality Review Act (“SEQRA”) and determines the project to be an Unlisted Action; and

WHEREAS, the Town Board has reviewed and does hereby accept Part 2 of the Short Environmental Assessment Form, dated September 13, 2023 and prepared by the Town Supervisor; and

WHEREAS, the Town Board has conducted an Uncoordinated Review, in accordance with the SEQRA Regulations, such that each and any other involved agency review the impacts of the proposed action independently and make its own determination of significance about the Action; 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

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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.

RESOLUTION #214 RE: 50 Airpark Drive - Incentive Zoning

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

WHEREAS, On June 14, 2023, Cook Properties, appeared before the Town Board for consideration of Incentive Zoning for 50 Airpark Drive 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 July 11, 2023, where the application for incentive zoning received a unanimous vote in favor of the incentive; and

WHEREAS, On August 16, 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 50 Airpark Drive as follows; and

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

BE IT FURTHER RESOLVED, that incentive payment(s) will be deposited into the Town Recreation Facility Reserve Fund.

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RESOLUTION #215 RE: Board of Assessment Review

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

BE IT RESOLVED, that Teresa Bill & Timothy Flanagan be reappointed to the Board of Assessment Review for a five (5) year term from October 1, 2023 to September 30, 2028; and

BE IT RESOLVED, that Teressa Perrone be reappointed to the Board of Assessment Review as a temporary member for a one (1) year term from October 1, 2023 to September 30, 2024.

RESOLUTION #216 RE: Set Public Hearing on the 2024 Preliminary Budget

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

BE IT RESOLVED, in accordance of Section 108 of the Town Code the Town Board establishes the date, place and time for the Public Hearing on the 2024 Preliminary Budgets as follows and directs the Town Clerk to publish notice of same, in accordance with Section 108, in the Town's official designated newspaper:

DATE: October 11, 2023
PLACE: Town Hall, 3333 Chili Avenue, Rochester, NY 14624

BE IT FURTHER RESOLVED, that a Public Hearing be set for October 11, 2023 at 7:00 p.m. for the purpose of considering:

- Lighting Districts** (Consolidated Lighting District #1, Chili Industrial, Pumpkin Hill, Blueberry Hill, Parklands of Chili)
- Sidewalk Districts** (Park Place, Vistas at the Links, Rose Hill)
- Park District** (Lexington)
- Consolidated Drainage District**
- Assessment Rolls for Fire and Fire Protection Districts** (Chili, Gates-Chili, Clifton)
- Assessment Rolls for Ambulance District** (CHS Ambulance)
- Proposed contracts for Ambulance District**
- Proposed contracts for Fire and Fire Protection Districts**
- Preliminary Budget 2024**

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to publish notice of same, in accordance with Section 108, in the Daily Record is hereby ratified.

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RESOLUTION #217 RE: Training Policy

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

BE IT RESOLVED, that the Training Policy originally adopted by Resolution #215 on October 20, 2010 was reposted with revisions on August 16, 2023, without any comments or objections and shall remain in effect dated September 13, 2023 by Resolution #217.

RESOLUTION #218 RE: Transfer to Archer Rd Park Project

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

WHEREAS, the Town of Chili is in the process of developing the Archer Rd Park property into usable park space for the community; and

WHEREAS, as of December 31, 2022, the Town had funds set aside in the General Fund Assigned Unappropriated Fund Balance for use towards a series of ongoing and upcoming projects, including the Archer Road Park development; and

WHEREAS, in an effort to reduce the fiscal burden on the current and future budgets, the Town wishes to use funds from the General Fund Assigned Unappropriated Fund Balance for the costs related to the development of the Archer Road Park property; and

NOW, THEREFORE, BE IT RESOLVED, to amend expense budget A9950.9 (Transfers to Capital Projects) by an increase of \$200,000.00; and

BE IT FURTHER RESOLVED, to transfer \$200,000.00 from the General Fund Assigned Unappropriated Fund Balance to the Archer Road Park project.

RESOLUTION #219 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 September 11, 2023:

Chris Cody, Erik Margolin, Eagan Woodward

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RESOLUTION #220 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 below:

Nicholas Estratti 8/14/2023, Steve Gumberts 8/6/2023, David Rich 8/24/2023

RESOLUTION #221 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 August 28, 2023:

Matt Teagarden

RESOLUTION #222 RE: 2023 Budget Amendments

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

BE IT RESOLVED, to transfer \$3,000.00 from A8160.4 (Refuse/Garbage – Temp Labor) to A7110.2 (Parks – Equipment).

RESOLUTION #223 RE: Purchase of Pickup for Parks

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

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

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase of one (1) Chevrolet Silverado 2500 from Jim Barnard Chevrolet off the NYS OGS Award 23166, PC68975 for a cost not to exceed \$50,746.93, with \$45,000.00 to be paid from #A7110.2000.0026 (General Fleet Reserve) and \$5,746.93 to be paid from #A7110.2 (Parks-Equipment).

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RESOLUTION #224 RE: Release Portion of Storm Drainage Easement

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

WHEREAS, Five Star Properties of Chili, LLC (the “Applicant”) are owners of property located at 13 West Bellaqua Estates Drive (Tax ID 145.04-2-24), Lot R-1 of the Bellaqua Estates Subdivision, Town of Chili, New York (the “Property”); and

WHEREAS, the storm drainage easement owned by the Town of Chili would be impacted by the Applicants’ future development of the Lot and it unnecessarily restricts the current development and future owner’s enjoyment of the property; and

WHEREAS, the Applicant has applied to the Town Board for a partial release of easement for that portion of a storm drainage easement owned by the Town of Chili which is illustrated on a map prepared by Nicola R. Montanaro, L.S., a licensed surveyor in the State of New York, dated August 2023 and titled, “Proposed Easement Area To Be Abandoned; and

NOW, THEREFORE, BE IT RESOLVED, subject to a permissive referendum, that upon approval of the Commissioner of Public Works and Attorney for the Town Board of the Town of Chili, the Town of Chili shall release to the above named Applicants that portion of the Town's storm drainage easement as shown on the attached survey map of the property made by Nicola R. Montanaro, L.S., a licensed surveyor in the State of New York, dated August 2023 and titled, “Proposed Easement Area To Be Abandoned; and

BE IT FURTHER RESOLVED, the Supervisor of the Town of Chili, is hereby authorized and directed to execute, on behalf of the Town of Chili, all necessary documents in furtherance of this resolution relating to the property after the release of easement has been approved by the Commissioner of Public Works and the Attorney for the Town Board; and

BE IT FURTHER RESOLVED, that the Applicants shall pay to the Chili Town Clerk all costs incurred or to be incurred by the Town in this matter including, but not limited to: engineering review costs (if an engineering review is deemed necessary by the Commissioner of Public Works) legal review costs, publication costs and recording fees; and

BE IT FURTHER RESOLVED, that within (10) days hereof the Town Clerk shall publish and post a notice of the adoption of this resolution, and an abstract thereof, as required by law.

RESOLUTION #225 RE: Letter of Credit Release Bellaqua Estates Phase II – Final

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

BE IT RESOLVED, that per the recommendation of the Town Engineer and Commissioner of Public Works and in accordance with that certain Release of Letter of Credit executed by Klem LLC, the balance remaining on the Irrevocable Letter of Credit No. 39007 (being approximately \$16,698.98) currently held by Genesee Regional Bank regarding Bellaqua Estates Subdivision Phase II be released and received by the Town of Chili, thereafter leaving a balance of \$0.00 and resulting in said Irrevocable Letter of Credit being closed out.

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RESOLUTION #226 RE: September 6, 2023 Abstract

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

WHEREAS, January 2, 2023 Resolution #1 authorized vouchers to be paid September 6, 2023, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 44304-44305, 44308-44312, 44315-44319, 44331, 44333-44398, 44401-44422, 44424-44441 totaling \$482,564.47 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	\$	141,058.40
Admin Facility Reserve		1,480.27
Highway Fund		300,963.15
Library Fund		3,160.55
H61 Archer Rd Park		20,054.69
Drainage District		1,010.20
Street Lighting Districts		14,837.21
Total Abstract	\$	<u>482,564.47</u>

The next regular scheduled meeting of the Chili Town Board will be October 11, 2023 at 7:00 PM in the Town of Chili, Town Hall, Main Meeting Room 3333 Chili Avenue, Rochester, NY 14624.