

Chili Town Board Meeting

October 11, 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. 2024 Budget hearing to consider the following:

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

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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 30 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 – 9/6/2023, 9/13/2023

Reports Submitted –

Advanced Payment of Claims – September 2023

Architectural Advisory Committee Minutes – 6/13/2023 (No Mtgs. 1/2023 - 5/2023)

Conservation Board Minutes – 8/7/2023, 9/11/2023

Building Department Report – September 2023

Dog Control Reports – September 2023

Library Board Minutes – 8/22/2023

Monthly Financial Statement – August 2023

Recreation/Senior Center Report – September 2023

Town Clerk Report – September 2023

Traffic & Safety Minutes – 8/3/2023 (No July Meeting)

Zoning Board Minutes – 8/22/2023

J. Correspondence –

K. Pending Business

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L. Old Business

M. New Business

RESOLUTION #229 RE: Lead Agency and SEQR Determination for the Rezoning of 4400 Buffalo Road from RM (Residential Multiple-Family) to GB (General Business)

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

WHEREAS, the Chili Town Board (hereinafter referred to as Town Board) on the 16th of August, 2023 did declare its intent to be designated the lead agency in regards to SEQR for the rezoning of 4400 Buffalo Road (Tax ID #131.20-1-20) for the portion of the property from RM (Residential Multiple-Family) to make the entire parcel GB (General Business) which coincides with the Town of Chili 2030 Master Plan.; and

WHEREAS, a Public Hearing as required by the Town’s Zoning Code on the matter was duly held by the Town Board on September 13, 2023, commencing at 7:00 P.M. at the Town Hall in the said Town and discussion upon the matter 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 that Action and did provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations; 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 for the Action and has given consideration to any comments received from Involved and Interested Agencies; and

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

WHEREAS, the Town Board has reviewed the submitted materials including Part 1 of the Short Environmental Assessment Form pursuant to the New York Environmental Conservation Law, Article 8 (State Environmental Quality Review Act) and regulations promulgated pursuant thereto in 6 NYCRR Part 617 (SEQRA 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 this Board, including correspondence and communication from the Monroe County Department of Planning and Development, Town staff, Town Planning Board, and input obtained during the public hearing; and

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WHEREAS, the Town Board has reviewed and does hereby accept Part 2 of the Short Environmental Assessment Form, dated October 11, 2023 and prepared by the Town Supervisor; 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 finds that 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

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 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 #230 RE: Rezoning of 4400 Buffalo Road

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

WHEREAS, the Town Board conducted a public hearing as required by the Town’s Zoning Code on the rezoning of 4400 Buffalo Road (Tax ID #131.20-1-20); to rezone the portion of the property from RM (Residential Multiple-Family) to make the entire property GB (General Business) and that a public hearing was duly held by the Town Board on the 13th of September, 2023, commencing at 7:00 P.M. at the Town Hall in the said Town and discussion upon the matter having been had and all persons desiring to be heard having been duly heard, which concluded with a “Recommend Vote” (5-0); and

WHEREAS, the Town Board, as lead agent for State Environmental Quality Review Act purposes, has reviewed the environmental record with regard to this application and determined it to be an Unlisted action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; 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 of RM to GB for the property listed above and does not conflict with the stated goals of the 2030 Comprehensive Master Plan; 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 owner, his 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 #231 RE: Record of Work Activities

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

WHEREAS, New York State Town Law regulates additional reporting for elected and appointed officials who are members of the NYS retirement system; and

WHEREAS, a Record of Work Activities must be completed by those employees that are not paid hourly or participate in the Town’s time keeping system in order to either establish days/month or days/meeting; and

NOW, THEREFORE, BE IT RESOLVED, that the town of Chili hereby establishes the following standard work day for the listed appointed official and will report the following days worked to the New York State Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/Day)	Term Begins/Ends	Participates in Employer’s Time Keeping System	Days/Month or meeting (based on Record of Activities)
APPOINTED	OFFICIAL				Days/Meeting
AAC Member	James Ignatowski	6	01/01/2023 – 12/31/2027	N/A	0.33

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RESOLUTION #232 RE: In Memory of Therese Spurling

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

WHEREAS, we the Town Board of the Town of Chili find it befitting to extend our deepest sympathy to the Spurling family during the passing of Therese Spurling, who on September 24, 2023 passed away; and

WHEREAS, Therese Spurling served from 8/21/1989 – 3/20/2023 as a Library Clerk, PT in the Chili Library; 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 her honor and takes a moment of silence in Therese Spurling’s memory. The Town Clerk is hereby directed to send a copy of this resolution to the Spurling family.

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RESOLUTION #233 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 October 9, 2023:

Brennan Brown, Andrew Eschner, John Phillips-Farrell, Zach Newnham, Timothy Relyea, Jr.

RESOLUTION #234 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:

Kyle Kelly 9/25/2023

RESOLUTION #235 RE: ARPA/ SLFRF Funds and MVP Grant

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

WHEREAS, on Resolution # 142 from May 17, 2023, the Town Board accepted a grant from MVP in addition to the utilization of ARPA/ SLFRF Funds to be used towards the installation of outdoor fitness equipment at Union Station Park; and

WHEREAS, the MVP grant was paid directly to National Fitness Campaign, and the Town wishes to use SLFRF proceeds to cover the Town portion of the expenses; and

NOW, THEREFORE, BE IT RESOLVED, to amend revenue account A2089 (Other Culture and Recreation) by a decrease of \$50,000.00; to amend revenue account A4089 (Federal Aid – Other) by an increase of \$50,000.00.

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RESOLUTION #236 RE: Brickwalk Fund Reserve

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

WHEREAS, on Resolution # 463 from November 18, 1998, the Town Board created the Brickwalk Fund to account for the sale of memorial bricks, the proceeds of which were to be used for the beatification of the Brickwalk at the Town Hall and surrounding area; and

WHEREAS, all of the funds from this reserve have been spent, and the Town Board no longer feels that this reserve is needed; and

NOW, THEREFORE, BE IT RESOLVED, to close the Brickwalk Fund Reserve.

RESOLUTION #237 RE: General Repairs and Maintenance for Town Roadways Reserve

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

WHEREAS, on Resolution # 403B from November 5, 1997, the Town Board created the General Repairs and Maintenance for Town Roadways Reserve for the purpose of general repairs and maintenance for Town roadways; and

WHEREAS, all of the funds from this reserve have been spent, and the Town Board no longer feels that this reserve is needed; and

NOW, THEREFORE, BE IT RESOLVED, to close the General Repairs and Maintenance for Town Roadways Reserve.

RESOLUTION #238 RE: Town-wide Drainage Reserve

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

WHEREAS, on Resolution # 403C from November 5, 1997, the Town Board created the Town-wide Drainage Reserve for the purpose of drainage improvements as part of the Town capital improvement program; and

WHEREAS, all of the funds from this reserve have been spent, and the Town Board no longer feels that this reserve is needed; and

NOW, THEREFORE, BE IT RESOLVED, to close the Town-wide Drainage Reserve.

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RESOLUTION #239 RE: Employer Medical Contribution 2024

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

BE IT RESOLVED, effective January 1, 2024, for the calendar year 2024, the Town will pay the following maximum contribution towards the employee health insurance monthly benefits: Single - \$723.93; two-person - \$1,574.62; or family - \$1,811.57, and the full-time non-union employee will pay, by payroll deduction, the balance of the premium cost, if any; or if they wish to pay the Town directly, the premium must be paid in advance by the 20th of each month preceding the period coverage.

RESOLUTION #240 RE: Flexible Spending Account for Town Employees for 2024

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

WHEREAS, the Town of Chili Flexible Spending Account (The “Plan”) was adopted by an April 19, 1995 Resolution #203, and modified by December 11, 2013 Resolution #261 and maintained by the Town pursuant to Section 125 of the Internal Revenue Code; and

WHEREAS, the Town employees have found the Plan to be beneficial; and

NOW, THEREFORE, BE IT RESOLVED, to continue the Plan in 2024, open to full-time non-bargaining personnel and Union full-time personnel, subject to the bargaining contract, and open to employees working for the Town for a minimum of six (6) consecutive months; and

BE IT FURTHER RESOLVED, the maximum for both Health Care and Dependent Care reimbursement accounts be set at the amount allowable by the Internal Revenue Code; and

BE IT FURTHER RESOLVED, that the Flexible Spending Accounts will be funded from participating employee payroll deductions; but where the Health Care Flexible Spending Account may show a negative balance, the FSA shall be temporarily funded from the appropriate Employer FICA account and shall be reimbursed as participating employee deductions are received; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to enter into a contract with Lifetime Benefit Solutions, Inc. to administer the Plan reimbursements.

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RESOLUTION #241 RE: SET PUBLIC HEARING FOR THE ADOPTION OF AN EXTENSION OF A SIX MONTH MORATORIUM ON SMOKE & VAPE SHOPS IN THE TOWN OF CHILI.

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

WHEREAS, on June 29, 2023 the Town Board of the Town of Chili adopted resolution # 179, a local law establishing a six-month moratorium on certain land use applications for Smoke & Vape Shops, in the Town of Chili; and

WHEREAS, the Town Board has been actively reviewing and composing local codes for Smoke & Vape Shop businesses; and

WHEREAS, the Town of Chili requires additional time to complete the composition and approvals for said code; and

NOW, THEREFORE, BE IT RESOLVED, that a Public Hearing be set for November 15, 2023, at 7:00 p.m. to consider the adoption of a six-month extension of Local Law #3 of the year 2023; and

BE IT FURTHER RESOLVED, that by this resolution all terms and conditions set forth by Local Law #3 of the year 2023 be continued until such time the matter is brought before the Town Board for further consideration.

RESOLUTION #242 RE: Purchase of Pickup Trucks for Highway

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

WHEREAS, included in the approved 2023 budget is the purchase of one (1) new replacement pickup truck and one (1) new one-ton dump for highway; and

WHEREAS, the Superintendent of Highways has made the determination that due to a recent staffing addition and crew transportation needs to substitute the one-ton vehicle with a replacement pickup; and

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase of one (2) Chevrolet Silverado 2500's from Jim Barnard Chevrolet off the NYS OGS Award 23166 (PC68975) at a cost not to exceed \$52,000.00/each to be paid from A/C #DA5130.2 (Machinery-Equipment).

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RESOLUTION #243 RE: Letter of Credit Release #1 for Victory Express, 350 International Blvd

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

WHEREAS, that per recommendation of the Commissioner of Public Works and Town Engineer that \$154,007.21 be released from the letter of credit #1109090730 with CNB for Victory Express, 350 International Blvd leaving a balance of \$38,384.78; subject to engineering fees and street light bills to the Town.

RESOLUTION #244 RE: September 20, 2023 Abstract

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

WHEREAS, January 2, 2023 Resolution #1 authorized vouchers to be paid September 20, 2023, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 44423, 44442-44449, 44451-44452, 44456-44473, 44478-44490, 44493-44501, 44503-44536, 44538-44552 totaling \$171,841.58 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	\$ 124,941.06
Admin Facility Reserve	2,701.85
Highway Fund	36,372.08
Library Fund	3,316.38
Drainage District	3,123.42
Fire Protection Districts	240.50
Miscellaneous Special Revenue	1,146.29
Total Abstract	<u>\$ 171,841.58</u>

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RESOLUTION #245 RE: October 4, 2023 Abstract

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

WHEREAS, January 2, 2023 Resolution #1 authorized vouchers to be paid October 4, 2023, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 44555-44558, 44562-44563, 44571-44581, 44592-44609, 44613-44615, 44617, 44619-44646 totaling \$113,441.72 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	\$	70,261.55
Highway Fund		24,168.76
Library Fund		2,983.40
Drainage District		1,000.00
Street Lighting Districts		14,591.70
Miscellaneous Special Revenue		436.31
Total Abstract	\$	<u>113,441.72</u>

The next regular scheduled meeting of the Chili Town Board will be November 15, 2023 at 7:00 PM in the Town of Chili, Town Hall, Main Meeting Room 3333 Chili Avenue, Rochester, NY 14624.