

THE CHILI TOWN BOARD MEETING  
December 13, 2023

CHILI TOWN BOARD  
December 13, 2023

A regular meeting of the Chili Town Board was held on December 13, 2023 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Supervisor David Dunning.

**PRESENT:** Councilman DeCory, Councilwoman Sperr, Councilman Slattery, Councilman Valerio and Supervisor Dunning

**ALSO PRESENT:** Dawn Forte, Supervisor's Secretary; Sandra Hewlett, Stenographer; Jared Hirt, Counsel for the Town; Virginia Ignatowski, Town Clerk; Daniel Knapp, Director of Finance; David Lindsay, Commissioner of Public Works/Highway superintendent; Michael Slattery, Deputy Town Supervisor.

The invocation was given by Virginia Ignatowski.

The Pledge of Allegiance was cited. The fire safety exits were identified for those present.

At this point, a Public Forum was conducted to allow public speakers to address the Town Board. No speakers addressed the Town Board. The Public Forum concluded at 7:01 p.m

**MATTERS OF THE SUPERVISOR:**

**SUPERVISOR DUNNING:** Just want to say -- thank everybody in the Recreation Department that put on a great, great breakfast -- well, the tree lighting ceremony was a little -- a little off this year because of the rain, but the vendors that showed up and the way the Community Center was set up was really -- I think a tremendous success. A lot of things were going on there.

And as well, Breakfast with Santa, we had 280, I believe, people that ended up showing in two sittings there. It was great.

Thank you to the Town Board for coming to help.

Thank you to the Grinch for -- for being there.

**COUNCILWOMAN SPERR:** And Santa.

**SUPERVISOR DUNNING:** Santa Clause was great. Very nice event. So I thank everybody involved in putting that together and making that work. It was just a really nice, nice event.

So -- with that also before we leave tonight I would just like to say to everybody, Merry Christmas, Happy Holidays, whatever it is you celebrate this time of year. I hope you and your families have a safe and wonderful holidays. I want to make sure I did that before I forget later.

**MATTERS OF THE TOWN COUNCIL:**

**COUNCILWOMAN SPERR:** At the end of the year there will be an open position for the Library Board of Trustees. If anyone is interested in submitting information to the library, they will be doing interviews for that.

**SUPERVISOR DUNNING:** Thanks.

The 11/15/2023 Town Board meeting minutes were approved.

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**REPORTS SUBMITTED:**

2023 Y/E Report Architectural Advisory Committee  
2023 Y/E Report Assessor  
2023 Y/E Report BAR  
2023 Y/E Report Building Department  
2023 Y/E Report Conservation Board  
2023 Y/E Report Ethics  
2023 Y/E Report Finance  
2023 Y/E Report Historian  
2023 Y/E Report Historic Preservation Board  
2023 Y/E Report Library  
2023 Y/E Report MIS  
2023 Y/E Report Planning Board  
2023 Y/E Report Recreation Department & Senior Center  
2023 Y/E Report Town Clerk  
2023 Y/E Report Traffic & Safety  
2023 Y/E Report Zoning Board  
2030 Comprehensive Plan – Y/E Report  
2023 Advanced Payment of Claims – November  
2023 Architectural Advisory Committee Minutes –  
Building Department Report – November 2023  
Conservation Board Minutes – 11/6/2023  
Dog Control Reports – November 2023  
Historic Preservation Board Minutes – 11/13/2023  
Library Board Minutes – 11/24/2023  
Monthly Financial Statement – November 2023  
Planning Board Minutes – 10/10/2023  
Recreation/Senior Center Report – November 2023  
Town Clerk Report – November 2023  
Zoning Board Minutes – 10/24/2023

**CORRESPONDENCE:**

1. Virginia Ignatowski, Town Clerk has received notification from Matthew Valone, Recreation Department, that he has resigned; effective November 19, 2023.
2. The Town of Chili has received notification from Michael DaVia, Highway Department, that he is retiring; effective December 26, 2023.
3. Virginia Ignatowski, Town Clerk has received notification from Lori Hahn, Library Board of Trustees, that she is resigning; effective December 31, 2023.

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**RESOLUTION #266 RE: Fire and Ambulance Contracts**

**OFFERED BY: Councilman Slattery**

**SECONDED BY: Councilman DeCory**

**BE IT RESOLVED** that Supervisor Dunning be authorized to sign Fire and Ambulance Contracts in accordance with the 2024 Budget, pending review of Counsel.

Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Councilman Valerio - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #267 RE: Chili Fire Department Active List**

**OFFERED BY:** Councilman Slattery                      **SECONDED BY:** Councilman DeCory

**BE IT RESOLVED** that the following individual(s) be added to the Chili Fire Department active list effective December 11, 2023:

Dominic J. Steiner

Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Councilman Valerio - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #268 RE: Letter of Credit Release #2 (Final Release) for Victory Express, 350 International Blvd**

**OFFERED BY:** Councilman Valerio                      **SECONDED BY:** Councilwoman Sperr

**BE IT RESOLVED** that per recommendation of the Town Engineer and Commissioner of Public Works that, \$38,384.77 be released from Letter of Credit #1109090730 with Canandaigua National Bank (CNB) for Victory Express, 350 International Blvd. Said release leaves a balance of \$0.00, resulting in said Irrevocable Letter of Credit being closed out; subject to any outstanding engineering fees to be paid to the Town for the project.

Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Councilman Valerio - Aye  
Supervisor Dunning - Aye

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**TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:**

**SUPERVISOR DUNNING:** Right now, Counsel and I have met. We have gone over this and we should have something in place hopefully very soon to be able to get things moving along with this one. So any -- yeah.

**RESOLUTION #269 RE: SEQR Status for Adoption of Local Law #\_\_\_ of 2023 for the Extension of a Six-Month Moratorium for Smoke & Vape Shops of the Town Code**

**OFFERED BY:** Councilwoman Sperr                      **SECONDED BY:** Councilman DeCory

**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.

Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Councilman Valerio - Aye  
Supervisor Dunning - Aye

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SECTION 1. TITLE This Local Law shall be known as the "Extension of Moratorium on Smoke & Vape Shops within the Town of Chili."

SECTION 2. STATUTORY AUTHORITY; PURPOSE AND INTENT.

1. There is a substantial likelihood of the establishment, operation and expansion of smoke shops, tobacco stores, vape shops and stores that are dedicated to the retail sale of tobacco and tobacco related products/paraphernalia, nicotine and nicotine related products/paraphernalia, vape related products, e-cigarettes, e-vaporizers, waterpipes, electronic nicotine delivery systems, hookahs, pipes, bongs and similar manufactured devices used for holding burning material ("Smoke and Vape Shops").
2. The Town of Chili has determined that the establishment, operation and expansion of Smoke and Vape Shops in the Town of Chili will result in undesirable changes to the community, including, but not limited to, increased potential for sales to minors, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, the heightened risk of negative aesthetic impacts, blight and the loss of property values of residential neighborhoods and businesses in close proximity to Smoke and Vape Shops.
3. The current Zoning Code for the Town of Chili does not have specific regulations and provisions applicable to Smoke and Vape Shops.
4. The Town of Chili has determined that the regulation of Smoke and Vape Shops is necessary and in the interest of the public health, safety and general welfare of the community and the residents of the Town of Chili.
5. The Town of Chili has therefore concluded that it is proper and warranted to impose a six (6) month temporary moratorium: (a) on the issuance of all new building permits, certificates of occupancy/compliance and land use approvals for the construction, establishment and operation of new Smoke and Vape Shops in the Town of Chili; and (b) on the issuance of all new building permits, certificates of occupancy/compliance and land use approvals for the expansion of existing Smoke and Vape Shops in the Town of Chili. Said moratorium will provide the Town of Chili with time to review and consider potential zoning changes and amendments to the Town Code and to otherwise consider specific regulations for Smoke and Vape Shops.

**RESOLUTION #270 RE: Adoption of Local Law #\_\_\_ of 2023 for an Extension of a Six-Month Moratorium for Smoke & Vape Shops of the Town Code**

**OFFERED BY: Councilman Valerio**

**SECONDED BY: Councilman Slattery**

**WHEREAS**, a proposed Local Law #\_\_\_ of the year 2023 to the Code of the Town of Chili, for an extension on a Six Month Moratorium for Smoke & Vape Shops in the Town of Chili was introduced to the Town Board of the Town of Chili on the 11th day of October, 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 15th day of November, 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, for an Extension of a Six Month Moratorium for Smoke & Vape Shops approvals and discussion upon the matter having been had and all persons desiring to be heard having been duly heard; and

**WHEREAS**, the Town of Chili has been actively reviewing and composing local codes for Smoke and Vape Shops and requires additional time to complete the composition and approvals for said code; and

**NOW, THEREFORE, BE IT RESOLVED**, upon the evidence obtained by the Town Board at said public hearing and upon all other information obtained and reviewed by the Board; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that Local Law #\_\_\_ of 2023 is hereby enacted by the Town Board of the Town of Chili.

Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr - Aye  
Councilman Valerio - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #271 RE: 2023 Budget Amendments**

**OFFERED BY:** Councilman Slattery                      **SECONDED BY:** Councilwoman Sperr

**BE IT RESOLVED** to transfer \$1,500.00 from A1110.1 (Justices - Personnel) to A1310.1 (Director of Finance - Personnel); and

**BE IT FURTHER RESOLVED**, to transfer \$2,000.00 A1110.1 (Justices - Personnel) to A1330.1 (Tax Collector - Personnel); and

**BE IT FURTHER RESOLVED**, to transfer \$3,000.00 from A1110.1 (Justices - Personnel) to A1410.1 (Town Clerk - Personnel); and

**BE IT FURTHER RESOLVED**, to transfer \$1,500.00 from A1110.1 (Justices - Personnel) to A1430.1 (Personnel - Personnel); and

**BE IT FURTHER RESOLVED**, to transfer \$3,000.00 from A3620.1 (Safety Inspection - Personnel) to A3410.1 (Fire Marshal - Personnel); and

**BE IT FURTHER RESOLVED**, to transfer \$2,000.00 from A1490.1 (Dept. Of Public Works - Personnel) to A5010.1 (Supt. of Highway - Personnel); and

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

**BE IT FURTHER RESOLVED**, to transfer \$12,000.00 from DA5142.4 (Snow Removal - Miscellaneous) to DA5130.4 (Machinery - Parts); and

**BE IT FURTHER RESOLVED**, to transfer \$12,000.00 from DA5142.4 (Snow Removal - Miscellaneous) to DA5130.4 (Machinery – Equipment Repairs); and

**BE IT FURTHER RESOLVED**, to transfer \$9,000.00 from DA5142.4 (Snow Removal - Miscellaneous) to DA5130.2 (Machinery - Equipment).

Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr- Aye  
Councilman Valerio - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #272 RE: ARPA/ SLFRF Funds – Network Security Enhancements**

**OFFERED BY: Councilman Slattery**

**SECONDED BY: Councilman Valerio**

**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 implementing multi-factor authentication for users wishing to gain network access; and

**NOW, THEREFORE, BE IT RESOLVED**, to amend revenue account A4089 (Federal Aid - Other) by an increase of \$29,900.00; and to amend expense account A1680.2 (Information Technology – Equipment) by an increase of \$9,900.00 and expense account A1680.4 (Information Technology - Professional Services) by an increase of \$20,000.00.

Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr- Aye  
Councilman Valerio - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #273 RE: Network Security Enhancement**

**OFFERED BY: Councilman Slattery**

**SECONDED BY: Councilman Valerio**

**WHEREAS**, the Director of Management Information Services has requested that the Town increase network security by implementing multi-factor authentication for users wishing to gain network access; and

**WHEREAS**, the Director of Management Information Services wishes to engage a local technology services vendor to provide implementation and oversight of the deployment of security enhancements to the Town network; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Director of Management Information Services is hereby authorized to purchase multi-factor authentication hardware, software, and a 5-year subscription to a multi-factor authentication service from ePlus Technology, Inc. Under NCPA Contract 01-96 for a sum not to exceed \$9,400.00 from A1680.2 (Information Technology – Equipment); and

**BE IT FURTHER RESOLVED**, that the Director of Management Information Services is hereby authorized to purchase a 3-year VPN licensing subscription from ePlus Technologies, Inc. Under NYS OGS Contract PM20800 for a sum not to exceed \$500.00 from A1680.2 (Information Technology – Equipment); and

**BE IT FURTHER RESOLVED**, that the Director of Management Information Services is hereby authorized to engage ePlus Technology, Inc. To provide professional services for network and security enhancements for a cost not to exceed \$20,000.00 to be paid from A1680.4 (Information Technology – Professional Services) with expenses paid as incurred.

Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr- Aye  
Councilman Valerio - Aye  
Supervisor Dunning - Aye

**RESOLUTION #274 RE: Email Perimeter Protection**

**OFFERED BY: Councilman DeCory                      SECONDED BY: Councilwoman Sperr**

**WHEREAS**, the Town receives thousands of emails every day, many of which are of malicious intent; and

**WHEREAS**, the Director of MIS has determined the current security systems in place are insufficient in protecting the Town communications from viruses, phishing expeditions, scams, and other materials that pose a risk; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Director of Management Information Services is hereby authorized to purchase a subscription to a new antivirus system geared toward email communications from ePlus Technologies under NYS OGS contract PM68178 for a term of one year for \$2,520.07 to be paid from A1680.4 (Information Technology – Support/Maintenance).

Councilman DeCory    - Aye  
Councilman Slattery   - Aye  
Councilwoman Sperr-   Aye  
Councilman Valerio    - Aye  
Supervisor Dunning -   Aye

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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILWOMAN SPERR: This will be a really nice idea for our veterans and thank you -- they need something like this. It is a great way to say thanks.

**RESOLUTION #275 RE: ARPA/ SLFRF Funds – Polished Granite Monuments**

**OFFERED BY: Councilman Valerio                      SECONDED BY: Councilman Slattery**

**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, including the purchase and installation of polished granite monument stones; and

**NOW, THEREFORE, BE IT RESOLVED**, to amend revenue account A4089 (Federal Aid - Other) by an increase of \$69,448.00; and to amend expense account A7110.2 (Parks - Equipment) by an increase of \$69,448.00.

Councilman DeCory    - Aye  
Councilman Slattery   - Aye  
Councilwoman Sperr-   Aye  
Councilman Valerio    - Aye  
Supervisor Dunning -   Aye

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**RESOLUTION #276 RE: Award Bid – Polished Granite Monuments**

**OFFERED BY: Councilman Valerio**

**SECONDED BY: Councilman Slattery**

**WHEREAS**, bids for furnishing and installation of six (6) polished granite monument stones were received by the Town Clerk on December 11, 2023 as follows:

<u>Bidder</u>	<u>Base Bid</u>
Rochester Monument	\$69,448.00

**WHEREAS**, the bids and qualification we reviewed by the Town Engineer and the Commissioner of Public Works and a determination has been made that the Bid from Rochester Monument best meets the intent of the Contract Documents, Specifications and requirements of the town and is acceptable and therefore recommends that it be accepted; and

**NOW, THEREFORE, BE IT RESOLVED**, to authorize the Commissioner of Public Works to accept the Bid from Rochester Monument for a cost of \$69,448.00 to be paid from A7110.2 (Parks - Equipment).

Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr- Aye  
Councilman Valerio - Aye  
Supervisor Dunning - Aye

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**RESOLUTION # 277 RE: In Memory of Marcia Marks**

**OFFERED BY:** Supervisor Dunning

**SECONDED BY:** Councilman DeCory  
Councilman Slattery  
Councilwoman Sperr  
Councilman Valerio

**WHEREAS**, we the Town Board of the Town of Chili find it befitting to extend our deepest sympathy to the Marks family during the passing of Marcia Marks, who on November 20, 2023 passed away; and

**WHEREAS**, Marcia Marks served from 9/11/1987 – 9/21/1988 as a Clerk Typist for the Town Court and from 9/22/1988 – 5/31/2012 as an Office Clerk IV for the Recreation 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 her honor and takes a moment of silence in Marcia Marks memory. The Town Clerk is hereby directed to send a copy of this resolution to the Marks family.

Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr- Aye  
Councilman Valerio - Aye  
Supervisor Dunning - Aye

COUNCILWOMAN SPERR: She was pretty cool. I liked Marcia (Marks).

COUNCILMAN SLATTERY: Supervisor, as well. I had the opportunity, pleasure to know Marcia (Marks). Worked with her.

One thing that always stood out was her desire and her enthusiasm when it came to individuals with special needs. I remember the Easter Egg Hunt, softball program and various things that she did.

And I think that was -- one thing that -- the community, even though it's a small percentage, they grasp -- and I remember doing it up by the old Town Hall and there is actually a Chili resident, Chris Taylor who, you know, went on to play professional hockey and so forth with a son with special needs. Marcia (Marks) was there with them. And her -- her special -- you see it in her how she cared. This is what she did.

COUNCILWOMAN SPERR: Can't you hear her laughing, too? She had a unique laugh. Can you just hear it? I can hear it in my head.

SUPERVISOR DUNNING: I can hear exactly what was on her mind. Marcia (Marks) was very well known for letting you know exactly what she was thinking.

COUNCILWOMAN SPERR: That was okay.

SUPERVISOR DUNNING: It was beautiful. It was perfect. Certainly not always politically correct, but always spot on with what she had to say. I really loved that about her. She was great to work with. Unfortunately, I only worked with her for a few years because she was in Recreation, but she was a tremendous asset to that Department.

COUNCILMAN SLATTERY: When you looked at it, it was basically Marcia (Marks) and Paula. We didn't have the staff that we do today.

SUPERVISOR DUNNING: And the job title isn't really fitting for what she did. Civil Service gave us a job title to work with and that was it. But she really was --

COUNCILWOMAN SPERR: She did so much more.

SUPERVISOR DUNNING: It wasn't like an office clerk. It was not bookkeeping. It was taking care of people, creating programs and working with our -- you know, the kids and our residents. The Valentine's dances. I mean she was really big with that. That was always a lot of fun. She -- a great contribution to the Town of Chili. Okay. So we're good there.

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**RESOLUTION #278 RE: Amend Resolution #216 from September 14, 2022 Town Board Meeting –  
Purchase of One (1) Six Wheel Dump with Plow Package**

**OFFERED BY: Councilman Slattery                      SECONDED BY: Councilwoman Sperr**

**WHEREAS**, Resolution #216 approved an expense of \$251,000 for one (1) new replacement six (6) wheel dump with plow package for highway; and

**WHEREAS**, the purchase price of said vehicle has changed to \$254,421.19; and

**NOW, THEREFORE, BE IT RESOLVED**, to re-authorize the purchase of one (1) new 2024 HV507 SFA International from Regional International off the Onondaga County Bid #8996 at a cost not to exceed \$260,000.00 to be paid from DA5130.2 (Machinery Equipment).

Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr- Aye  
Councilman Valerio - Aye  
Supervisor Dunning - Aye

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**RESOLUTION #279 RE: December 6, 2023 Abstract**

**OFFERED BY: Councilman Valerio                      SECONDED BY: Councilman DeCory**

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

**WHEREAS**, Council did authorize by a majority vote vouchers 45019, 45033-45035, 45039-45084, 45087-45097, 45100-45102, 45110, 45113-45123, 45127-45182, 45184-45196 totaling \$427,425.20 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	\$	216,657.84
Highway Fund		189,453.02
Library Fund		2,959.62
Drainage District		3,340.59
Street Lighting Districts		<u>15,014.13</u>
Total Abstract	\$	427,425.20

Councilman DeCory - Aye  
Councilman Slattery - Aye  
Councilwoman Sperr- Aye  
Councilman Valerio - Aye  
Supervisor Dunning - Aye

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This meeting of the Chili Town Board will be recessed until Friday, December 29, 2023 at 12:00 p.m. in the Town of Chili, Town Hall Main Meeting Room.

The Town Board meeting was adjourned at 7:12 p.m.

*Steno by Sandra Hewlett*

*Virginia Ignatowski*