

THE CHILI TOWN BOARD MEETING
February 14, 2024

CHILI TOWN BOARD
February 14, 2024

A regular meeting of the Chili Town Board was held on February 14, 2024 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, Councilman Slattery, Councilwoman Sperr, 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; Councilman Slattery, Deputy Town Supervisor; Scott Bonnewell, Insurance Counselor.

The invocation was given by Virginia Ignatowski.

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

SUPERVISOR DUNNING: Happy Valentine's Day, Everybody.

PUBLIC HEARING (Held open from the January 17, 2024 Meeting).

A Public Hearing was held by the Chili Town Board on February 14, 2024 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. to discuss Local Law __ of 2024 for Smoke & Vape Shops in the Town of Chili.

Attendance as previously noted in the 2/14/24 Chili Town Board meeting minutes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

SUPERVISOR DUNNING: This is a continuation and reopening of the Public Hearing for the Local Law of 2024 for smoke and vape shops in the Town of Chili.

As I see no one is present in the audience here, I'm going to assume there's no further discussion.

Is there anything from the Town Board before we move on?

COUNCILMAN SLATTERY: Supervisor, actually real quick question in regards to how many -- how many AUO districts are there?

SUPERVISOR DUNNING: There are none.

COUNCILMAN SLATTERY: There are none. And then there's, I believe, three smoke shops currently in the Town of Chili?

SUPERVISOR DUNNING: That is correct. That we're aware of.

COUNCILMAN SLATTERY: That we're aware of. And looking at the area that they could be -- proximity to the schools and daycare and so forth, are they going to be grandfathered in, the existing ones?

SUPERVISOR DUNNING: Yes. Yes. There is a -- at the very last part of the Local Law you will see that there is -- there was issued -- you should have gotten a copy of it.

COUNCILMAN SLATTERY: I got it. It is a question that I know the answer.

SUPERVISOR DUNNING: Oh, I'm sorry. Yes. Okay. Yes. They do have to come in and do a non-conforming certificate, so there will be some things that have to be filled out through the Building Department.

But yes, it -- it is hard to pull something up that's already existing.

COUNCILMAN SLATTERY: But then they have -- I think it is three years that they have to reapply?

SUPERVISOR DUNNING: I don't believe that was the case.

COUNCILMAN SLATTERY: What is the three years -- what did I read for the three years? Or was that the other one?

COUNCILMAN DECORY: I don't see the three years.

COUNCILMAN SLATTERY: Could have been the other one.

JARED HIRT: Special Use Permit.

COUNCILMAN SLATTERY: Special Use Permit. That's it.

JARED HIRT: That's the three-year period.

COUNCILMAN SLATTERY: That's the three-year period. So it is in there.

JARED HIRT: Not as to the current existing ones.

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COUNCILMAN SLATTERY: Right.

JARED HIRT: So if you were to get approval for a new one, and have a Special Use Permit issued, then that is subject to three years.

COUNCILMAN SLATTERY: The three years. Because that was my -- my comment about the grandfathering.

And under penalties, when you talk about the violation and the owner, it says, "The" -- "The violation of this article constitutes an offense, and the owner, person or...Shop violating this article shall be subject to a fine."

Is the owner the property owner or is it the business owner?

SUPERVISOR DUNNING: Could be both.

JARED HIRT: Could be both, depending on the circumstances.

SUPERVISOR DUNNING: Correct me if I am wrong, Counsel, but I believe property owners have some responsibility over the tenants in which -- occupy their buildings.

COUNCILMAN SLATTERY: And that's what --

SUPERVISOR DUNNING: You could -- you could probably go after both.

JARED HIRT: Yes. It's the -- it's a Property Maintenance Code is what it is under. You would hold the owner responsible, but the tenant himself or herself also could be held responsible.

COUNCILMAN SLATTERY: Should we clarify that in here or --

JARED HIRT: No.

COUNCILMAN SLATTERY: -- or do we think "owner" is fine?

JARED HIRT: No. "Owner" is fine.

COUNCILMAN SLATTERY: I figured you would be good with that. And then, too, it says the \$500 per day per -- for the day the violation exists. So is it from the "exist" of when they originally opened? Or is it when it was brought to the Town?

SUPERVISOR DUNNING: When the violation was -- when a violation was issued. So the Code Enforcement Officer, New York State Police, Monroe County Sheriff's issue a violation of that code, it's from that date forward.

COUNCILMAN SLATTERY: From that date and not when they opened?

SUPERVISOR DUNNING: That's correct.

COUNCILMAN SLATTERY: Okay. Just a little clarification.

SUPERVISOR DUNNING: I had a good memory.

COUNCILMAN SLATTERY: That's all I have. Thank you.

SUPERVISOR DUNNING: Anybody else?

COUNCILWOMAN SPERR: So just to clarify for my own -- will our Code Enforcement Department be going around to all of the places that are currently selling paraphernalia to -- or is there a different agency --

SUPERVISOR DUNNING: The Code Enforcement Officers will be doing their due diligence to enforce this code.

COUNCILWOMAN SPERR: Thank you.

COUNCILMAN SLATTERY: There is a reason why that, you know, when you look at like a Wegmans and you -- or a grocery store where they could sell cigarettes and so forth why they don't do it any longer.

SUPERVISOR DUNNING: They -- some of those places have backed out a long time ago --

COUNCILMAN SLATTERY: Right. Exactly.

SUPERVISOR DUNNING: -- for whatever reasons.

COUNCILMAN SLATTERY: Generally people are looking at the income revenue that they were making and -- so that's it. Thank you.

SUPERVISOR DUNNING: Then I will close the Public Hearing.

The Public Hearing was closed at 7:06 p.m.

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 7:07 p.m.

MATTERS OF THE SUPERVISOR:

SUPERVISOR DUNNING: I just want to -- there -- there is a resolution on here to be considered by the Town Board this evening to reject the bids for the veterans memorial. And I would like to give you some more -- a little bit more background on that.

It's not that we're scrapping the whole veterans memorial idea and the plans for it. The intent is to -- you will see in the resolution -- is we are going to rebid this out. We're going to change the specification.

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When we got -- opened the bids late last week it was -- I believe they were more than double what we expected the cost to be. And it put it over -- way over what we budgeted. So Adam Cummings and Dave Lindsay took a look at the bids to see what was in there driving the costs. Talked to some of the people who submitted. And we found out that the bollards that were going to have the names of each one of the veterans who were killed in service was half that cost.

So we think unfortunately that's likely going to have to get scrapped from the proposal because of that cost and -- and then go back out to bid.

And because we're changing the specification, in all fairness to those who bid, we need to make sure that everybody gets a fair shot back at the thing. Which is why we need to go out and rebid. So we really just kind of went through this late last week and early this week after -- after discussion on is this really where we can spend the money and -- as much as we would like to honor each and every one of those -- it equates to almost a quarter million dollars.

COUNCILWOMAN SPERR: Can we still put their names on in a different way?

SUPERVISOR DUNNING: We can discuss that, yes.

COUNCILWOMAN SPERR: Okay.

SUPERVISOR DUNNING: But I think that is after the fact of this -- in this particular bid. I think it's in our best interest to get the -- the nice, very nice memorial built and done. We won't be able to have it for Veterans' Day this year -- or I'm sorry -- for Memorial Day. It is just not -- because of the timing when we send out the bid, the time we have to give them, have to get it back and open up and just get things going, it's not feasible likely to have it open by Memorial Day.

But again, we are moving forward with a memorial. It would be absent the bollards in this next bid.

COUNCILMAN SLATTERY: I think the design we have minus that is a very nice design.

SUPERVISOR DUNNING: Beautiful.

COUNCILMAN SLATTERY: But it just -- and that is something -- you talk about the names, somehow having them there, Mary (Sperr). I think that is something in the future we could do. It is just a matter of how we would like to do it design-wise. There's different options.

COUNCILWOMAN SPERR: Okay.

SUPERVISOR DUNNING: And we -- we have time.

COUNCILMAN VALERIO: Were all of the bidders notified of the reason -- of the issue?

SUPERVISOR DUNNING: I don't know if --

DAVID LINDSAY: They will be pending this resolution.

SUPERVISOR DUNNING: We have to pass a resolution first to reject it and then David (Lindsay) will notify the bidders.

COUNCILMAN VALERIO: They will all be notified?

SUPERVISOR DUNNING: Yes. It's likely I would guess -- and, David (Lindsay), correct me if I am wrong -- that we would send this back out and those same people will come back with a different figure.

DAVID LINDSAY: Absolutely.

COUNCILWOMAN SPERR: Well, you hope.

SUPERVISOR DUNNING: There were five of them, I believe?

DAVID LINDSAY: Six.

SUPERVISOR DUNNING: So we had a good group.

COUNCILMAN SLATTERY: There was what, over 40 of them?

SUPERVISOR DUNNING: 43 I think we had. But we ordered some extras just to have. We ordered like -- 48, I think, was part of the spec so we would have extras if -- we hopefully don't ever need them, but --

COUNCILWOMAN SPERR: But we still have the previous memorial that we moved from the old --

SUPERVISOR DUNNING: That's still there.

COUNCILWOMAN SPERR: -- original location. It's still there. So we can still be able to honor everyone around that.

SUPERVISOR DUNNING: Correct. Providing that the American Legion -- they're not sure what they're doing either. So that's their --

COUNCILWOMAN SPERR: If they decide not to have a parade.

SUPERVISOR DUNNING: We have no idea what they want to do at this point. So other than that, I don't have anything additional.

MATTERS OF THE TOWN COUNCIL:

SUPERVISOR DUNNING: How was the Valentine's Day Dance? A lot of people?

COUNCILMAN VALERIO: The gym was absolutely packed.

SUPERVISOR DUNNING: I'm referring to the Father/Daughter Valentine's Day Dance.

COUNCILMAN VALERIO: It's amazing what our Community Center and our staff -- it was fully staffed -- I would say everyone from the Rec Department was there and more. And there had to be a couple hundred people there. So it was amazing what we can do at our own facility.

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COUNCILWOMAN SPERR: Great. Your pictures were fantastic. The kids were so cute.
COUNCILMAN SLATTERY: My granddaughter was there. Son-in-law.
SUPERVISOR DUNNING: All on the mother's side. (Laughter).
COUNCILWOMAN SPERR: Oh, gosh.

The 1/17/24 Town Board meeting minutes were approved.

REPORTS SUBMITTED:

Advanced Payment of Claims – January 2024
Building Department Report – January 2024
Conservation Board – 1/8/2024
Dog Control Reports – January 2024
Historic Preservation Minutes – 12/11/2023
Library Board Minutes – 12/19/2023
Recreation/Senior Center Report – January 2024
Town Clerk Report – January 2024
Traffic & Safety Minutes – 12/7/2023
Zoning Board Minutes – 12/19/2023

CORRESPONDENCE:

1. Virginia Ignatowski, Town Clerk has received notification from Frederick Cowley, Court Attendant; that he is resigning, effective January 27, 2024.

**RESOLUTION #84 RE: SEQR Status for Adoption of Local Law # 1 of 2024 Establishing
Videoconferencing use for Public Meetings**

OFFERED BY: Councilman Slattery SECONDED BY: Councilwoman Sperr

WHEREAS, that the Town Board classifies the adoption of proposed Local Law # 1 of 2024 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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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: For sake of people who may be seeing this who are not here, there will be criteria and rules and guidelines around how this actually works. This just gives us the opportunity in the event that we do need to use it. This gives us at least an extra tool to be able to do things. But the policies and procedures around this will be drafted by the Town Board and approved at future meetings.

COUNCILMAN VALERIO: Will part of the policies and procedures be a Town platform that they will be using to video conference in? Like will you use your personal FaceTime? Or will you use the Zoom set up by the Town?

SUPERVISOR DUNNING: Likely be the Town's Zoom account.

COUNCILMAN SLATTERY: And if the person is, you know -- that isn't here and they're away, they have to have their own internet. They have to have their own, you know, computer and so forth.

SUPERVISOR DUNNING: The Town is not providing everybody with iPads and laptops and all those other things. We're not providing all that stuff.

COUNCILMAN SLATTERY: Yeah. In the -- in the law, you know -- this was written up by Counsel and assisted with others, but there -- the information in there about the person's responsibility and, you know -- so.

RESOLUTION #85 RE: Adoption of Local Law # 1 of 2024 Establishing Videoconferencing use for Public Meetings

OFFERED BY: Councilman Valerio

SECONDED BY: Councilman DeCory

WHEREAS, a proposed Local Law # 1 of the year 2024 to the Code of the Town of Chili, Establishing Videoconferencing use for Public Meetings in the Town of Chili was introduced to the Town Board of the Town of Chili on the 29th day of December, 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 January, 2024 a public hearing was held at 7:00 p.m. to consider the adoption of a proposed Local Law # 1 of the year 2024 to the Town Code of the Town of Chili, Establishing Videoconferencing use for Public Meetings 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, BE IT RESOLVED, that Local Law # 1 of 2024 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

LOCAL LAW ESTABLISHING VIDEOCONFERENCING USE FOR PUBLIC MEETINGS

BE IT ENACTED, by the Town Board of the Town of Chili, Monroe County, New York as follows:

Section 1. Legislative Intent. It is the intent of this local law to authorize the use of videoconferencing to conduct public meetings, in accordance with Public Officers Law § 103-a.

Section 2. Definitions. Defined terms used in this local law shall have the same meaning as ascribed to them in Article 7 of the Public Officers Law, except as set forth below:

- A. "Town Public Body" shall mean the Town of Chili Town Board, the Town of Chili Planning Board, and/or any other Town of Chili entity, for which a quorum is required in order to conduct public business, and which consists of two or more members, and which is subject to New York Open Meeting Law.

- B. "Extraordinary Circumstances" shall include disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at a meeting.

Section 3. Use of Videoconferencing by Town Public Body. Members of a Town Public Body are hereby permitted to participate in public meetings remotely by videoconference from a location not open to the public upon the following conditions:

- A. A quorum of members of the Town Public Body are gathered together at a physical location or locations otherwise open to the public;
- B. The Town Public Body has established written procedures governing member and public attendance consistent with Public Officers Law § 103-a, and such written procedures are conspicuously posted on the Town's Website;
- C. Members of the Town Public Body shall be physically present at meetings unless such member is unable to be physically present due to Extraordinary Circumstances;
- D. Except in the case of executive sessions conducted pursuant to Public Officers Law § 105, the Town Public Body ensures that members of the Town Public Body can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and other matters formally discussed or voted upon;
- E. The minutes of the meetings involving videoconferencing state which, if any, members participated via videoconference and are available to the public pursuant to Public Officers Law § 106;
- F. If videoconferencing is used to conduct a meeting, the public notice for the meeting informs the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and identifies the physical location for the meeting where the public can attend;
- G. The Town Public Body provides that each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the Town Public Body within five (5) business days following the meeting, and shall remain so available for a minimum of five (5) years thereafter. Such recordings shall be transcribed upon request;
- H. If videoconferencing is used to conduct a meeting, the Town Public Body provides the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment and/or participation is authorized, and ensures that videoconferencing authorizes the same public participation and/or testimony as in person participation and/or testimony;
- I. The Town Public Body electing to utilize videoconferencing to conduct its meetings maintains an official website; and
- J. Open meetings of the Town Public Body that are broadcast and/or that use videoconferencing utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act, as amended.

Section 4. Public Emergencies. The in-person participation requirements of Section 3(A) and 3(C) of this Local Law shall not apply during a state of emergency declared by New York State, Monroe County, or the Town, if the Town Public Body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Town Public Body to hold an in-person meeting.

Section 5. Severability. If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity, or

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circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this local law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. Effective Date. This local law shall that effect immediately upon filing with the Secretary of State.

RESOLUTION #86 RE: SEQR Status for Adoption of Local Law # 2 of 2024 for Smoke & Vape Shops in the Town of Chili

OFFERED BY: Councilman Slattery

SECONDED BY: Councilman Valerio

WHEREAS, that the Town Board classifies the adoption of proposed Local Law # 2 of 2024 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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TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

SUPERVISOR DUNNING: Before I present this next resolution, I want to -- for clarification, typically the evening we do a Public Hearing, we do not pass -- or move a resolution. However, we did have a -- hold a Public Hearing previously. There were no comments at that Public Hearing. There was no comments at this evening's Public Hearing. So with that, I will present Resolution 87.

RESOLUTION #87 RE: Adoption of Local Law # 2 of 2024 for Smoke & Vape Shops in the Town of Chili

OFFERED BY: Councilman DeCory

SECONDED BY: Councilwoman Sperr

WHEREAS, a proposed Local Law # 2 of the year 2024 to the Code of the Town of Chili, for Smoke & Vape Shops in the Town of Chili was introduced to the Town Board of the Town of Chili on the 29th day of December, 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 January, 2024 a public hearing was held at 7:00 p.m. & the public hearing remained open on the 14th day of February, 2024; the public hearing was held at 7:00 p.m. to consider the adoption of a proposed Local Law # 2 of the year 2024 to the Town Code of the Town of Chili, for Smoke & Vape Shops 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, BE IT RESOLVED, that Local Law # 2 of 2024 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

SECTION 1. TITLE

This Local Law shall be known as Smoke & Vape Shops within the Town of Chili.

SECTION 2. STATUTORY AUTHORITY; PURPOSE AND INTENT.

§ **Smoke Shops.**

A. Purpose. To further the goals of New York State's tobacco use prevention and control program, as identified in New York State Public Health Law § 1399-ii., the Town of Chili finds that: (a) tobacco is a leading cause of preventable death and disease in New York State; (b) adolescent brains are uniquely vulnerable to the effects of nicotine and the formation of nicotine dependence; (c) tobacco and vapor/e-cigarette retail outlet density is associated with high rates of youth and adult tobacco use, as well as higher rates of initiation of nicotine use among adolescents and young adults; (d) tobacco and vapor products usage is linked to an increased incident in cancers and disease and therefore is harmful to the public health; and (e) restricting the sale of tobacco and vapor/e-cigarette products to certain zoning districts and reducing the concentration of sale locations will reduce the availability of tobacco and nicotine to residents, including adolescents, improving public health and lessening the incidence of various cancers and diseases.

B. Definitions.

SMOKE SHOP(S)

Smoke Shop(s) shall be defined as any shop, store or business which 2% or more of its retail floor space is dedicated to the sale of Tobacco Products and/or Smoking Paraphernalia, as herein defined.

TOBACCO PRODUCTS

Tobacco Products shall mean tobacco, tobacco products, including but not limited to cigarettes, chewing tobacco, cigars, electronic cigarettes, vape pens, vapors, e-liquids,

e-vaporizers and other like substances, CBD (cannabidiol), and CBD products, including but not limited to CBD gummies and/or CBD oil.

SMOKING PARAPHERNALIA

Smoking Paraphernalia shall mean all equipment, products, and materials, of any kind, which are used, intended for use, or designed and/or adapted for use in packaging, repackaging, storing, containing, injecting, ingesting, inhaling and/or otherwise introducing into the human body Tobacco Products.

C. General regulations.

- (1) Smoke Shop locations may only operate between the hours of 8:00 a.m. and 8:00 p.m.
- (2) A special use permit (§ 500-29) and rezoning (§ 500-26) is required for each and every Smoke Shop. No Smoke Shop may open, operate, or exist in the Town without first obtaining a special use permit from the Planning Board following a public hearing. A property owner and/or landlord shall not permit a tenant or subtenant to open or operate a Smoke Shop within the Town unless a special use permit has been obtained for the demised premises.

A Smoke Shop is only allowable, subject to a special use permit, on a parcel of land in the AUO Adult Use Overlay Zoning District. A Smoke Shop may not open, operate, or exist in the Town without first applying for and obtaining approval by the Town Board to re-zone and establish any such location/parcel of land as an AUO Overlay District pursuant to § 500-26 of the Town Code. A property owner and/or landlord shall not permit a tenant or subtenant to open or operate a Smoke Shop within the Town unless the Town Board has zoned such parcel of land as part of the AUO Overlay District, and unless a special use permit has been obtained.

- (3) It is unlawful for a Smoke Shop to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any Smoke Shop.
- (4) Each and every Smoke Shop shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. One (1) said sign, measuring approximately 144 square inches, shall be placed in a conspicuous location near each public entrance to each and every Smoke Shop. It shall be unlawful for a Smoke Shop to fail to display and maintain, or fail to cause to be displayed or maintained, said signage.
- (5) Attention-getting devices including, but not limited to, LED signs, flashing lights, flags, and banners which display and/or reference Tobacco Products and/or Smoking Paraphernalia shall be prohibited outside of the structure of a Smoke Shop. No internal exterior facing advertising of any kind is permitted other than name, address, or those identifications of the premise required for emergency services.
- (6) No more than one (1) Smoke Shop per every 8,000 residents (as reported by the latest U.S. Census data) of the Town of Chili shall be allowed at one time.

D. Location.

- (1) A Smoke Shop shall be allowable only in the AUO Adult Use Overlay District § 500-26, subject to the issuance of a special use permit, and subject to the regulations set forth herein.
- (2) No Smoke Shop shall be permitted within 1,000 feet of another Smoke Shop.
- (3) No Smoke Shop shall be permitted within 1,000 feet of a school, nursery school, daycare, playground, public library, municipal park, or other similar uses where children regularly gather.
- (4) No Smoke Shop shall be permitted within 300 feet of the lot line of any lot zoned for residential use.
- (5) No Smoke Shop shall be permitted within 200 feet of a house of worship.
- (6) Said distances shall be measured from property line to property line.

E. Penalties

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A violation of this article constitutes an offense, and the owner, person, or Smoke Shop violating this article shall be subject to a fine of no less than \$500.00 per day for each and every day that the violation exists. This article shall be enforced by the Town of Chili Code enforcement officer, Monroe County Sheriff, and/or the New York State Police.

F. Duration and renewal of special use permits.

Special use permits issued pursuant to this section shall be effective for a period of three (3) years from the date of filing with the Secretary of the Planning Board. Each application for a renewal of a special use permit issued pursuant to this section shall include all of the information required under § 500-29 and identify any material changes relating to the operation or ownership of the subject Smoke Shop relative to any prior application(s). Special use permits shall not be transferrable from one owner to another.

G. Existing Smoke Shop.

The provisions of Article VIII of Chapter 500 of the Town Code concerning nonconforming uses in existence at the time of the adoption of this section shall apply to Smoke Shops. In addition to the provisions of Article VIII of Chapter 500 of the Town Code, if there is any change in the ownership of an existing Smoke Shop after the adoption of this section, then any further use of such property as a Smoke Shop shall be required to conform to this section and be required to apply for a special use permit and/or rezoning, as applicable. No existing Smoke Shop shall be permitted to expand the square footage of its existing footprint without conforming to this section and obtaining a special use permit and/or rezoning, as applicable.

All Smoke Shops covered under this section and in existence at the time it is enacted shall be required to apply for a certificate of nonconformity within six (6) months of the date of enactment hereof. The burden of establishing that said Smoke Shop is lawfully existing under the provisions of this section shall, in all cases, be upon the owner of such Smoke Shop and not upon the Town. The owner of a Smoke Shop in existence at the time this section is enacted shall apply to the Code Enforcement Officer for a certificate of nonconformity to establish the legality of the nonconforming Smoke Shop as of a specified date. Such application shall contain such information as may be required by the Code Enforcement Officer as necessary to establish the legality of the preexisting Smoke Shop. If, upon review of the application for a certificate of nonconformity, the Code Enforcement Officer shall determine that the Smoke Shop was lawfully existing at the time of the adoption of this section creating the nonconformity and remains lawfully existing subject only to the nonconformity at the time of such application, the Code Enforcement Officer shall issue a certificate evidencing the facts and setting forth the nonconforming Smoke Shop; otherwise the Code Enforcement Officer shall decline to issue such certificate and shall declare such preexisting Smoke Shop and/or property to be in violation of this section. If such Code Enforcement Officer declines to issue a certificate of nonconformity, then any further use of such property as a Smoke Shop shall be required to conform to this section and be required to apply for the special use permit and/or rezoning, as applicable. Any certificate of nonconformity issued to a preexisting Smoke Shop shall be immediately revoked in accordance with any discontinuance, change of use, and/or destruction in accordance with Article VIII of Chapter 500 of the Town Code concerning nonconforming uses, or any change in ownership of the Smoke Shop as set forth herein above.

H. Severability.

If any section, subdivision, or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision, or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances.

THE CHILI TOWN BOARD MEETING
February 14, 2024

RESOLUTION #88 RE: Conservation Board

OFFERED BY: Councilman DeCory

SECONDED BY: Councilman Valerio

BE IT RESOLVED that Daryl Odhner be appointed to the Conservation Board for a two (2) year term to expire on December 31, 2025; expenses to be paid by voucher as incurred.

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

RESOLUTION #89 RE: ARPA/ SLFRF Funds – Veteran’s Memorial

OFFERED BY: Councilman Slattery

SECONDED BY: Councilwoman Sperr

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 a statue and plaque; and

NOW, THEREFORE, BE IT RESOLVED, to amend revenue account A4089 (Federal Aid - Other) by an increase of \$8,695.00; and to amend expense account A7110.2 (Parks - Equipment) by an increase of \$8,695.00.

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

RESOLUTION #90 RE: Tree Planting Policy

OFFERED BY: Councilman Valerio

SECONDED BY: Councilman DeCory

WHEREAS, the Town of Chili Conservation Board has developed a tree planting policy; and

WHEREAS, the Chili Town Board recognizes the long term impact of the loss of many trees on town properties, and believes it in the best interest of the town to begin a replanting policy; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board adopts the Tree Planting Policy.

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

THE CHILI TOWN BOARD MEETING
February 14, 2024

RESOLUTION #91 RE: Clifton Fire Department Active List

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

BE IT RESOLVED that the following individual(s) be added to the Clifton Fire Department active list effective February 5, 2024:

Heidi Hartley

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

RESOLUTION #92 RE: Chili Fire Department Active List

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

BE IT RESOLVED that the following individual(s) be added to the Chili Fire Department active list effective February 12, 2024:

Josiah Coon, Colin Coykendall

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

RESOLUTION #93 RE: Chili Fire Department Remove from Active List

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

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

Kevin Hall 2/5/2024, Nicholas Jobe 2/5/2024

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

RESOLUTION #94 RE: Chili Fire Department Exempt List

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

BE IT RESOLVED that the following individual(s) be added to the Chili Fire Department exempt list from the CFD active list effective 1/29/2024:

Brian Mocharie

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

RESOLUTION #95 RE: 2024 Budget Amendments

OFFERED BY: Councilman Slattery

SECONDED BY: Councilman Valerio

BE IT RESOLVED to transfer \$10,000.00 from A2565 (Plumbing Permits) to A2555 (Licenses & Permits).

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

RESOLUTION #96 RE: Purchase of Small Diameter Pipe Camera

OFFERED BY: Councilman Valerio

SECONDED BY: Councilman Slattery

WHEREAS, included in the approved 2024 budget is the purchase of one (1) new small diameter pipe camera for the Highway Department and Public Works; and

WHEREAS, three (3) quotes were received as follows:

| <u>Company</u> | <u>Amount</u> |
|-------------------|---------------|
| Hanes Supply Inc. | \$12,435.00 |
| Ferguson | \$16,616.17 |
| Colony Hardware | \$16,391.95 |

WHEREAS, the Commissioner of Public Works/Superintendent of Highways has reviewed the submitted quotes and has made a determination that the proposal from Hanes Supply Inc. Best meets the intent of the specification and requirements of the Town and is acceptable for the intended use and recommends that it be accepted; and

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase a small diameter pipe camera from Hanes Supply Inc. For a cost not to exceed \$13,000.00 to be paid from account DA5130.2 (Machinery-Equipment).

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

RESOLUTION #97 RE: Purchase of Loader for Highway

OFFERED BY: Councilwoman Sperr

SECONDED BY: Councilman Slattery

WHEREAS, included in the approved 2024 budget is the purchase of one (1) new loader for the Highway Department; and

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase a 2024 John Deere 544 P-Tier Loader from Five Star Equipment, off the Sourcewell/Omnia Contract 011723-JDC for a cost not to exceed \$236,000.00 to be paid from account DA5130.2 (Machinery-Equipment).

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

THE CHILI TOWN BOARD MEETING
February 14, 2024

TOWN BOARD DISCUSSION RELATED TO THE FOLLOWING RESOLUTION:

COUNCILMAN SLATTERY: That's why our Highway Department is always so efficient. And they also do a great job maintaining the older equipment that we have for the longevity.

RESOLUTION #98 RE: Purchase of Tractor

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

WHEREAS, included in the approved 2024 budget is the purchase of one (1) new parks tractor; and

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase of a John Deere 4075R Compact Utility Tractor from LandPro Equipment off the Sourcewell/Omnia Grounds Maintenance Contract 031121-DAC (PG NB CG 70) at a cost not to exceed \$81,542.00 to be paid from the Account #A7110.2 (Parks Equipment).

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

RESOLUTION #99 RE: Purchase of Mower for Highway

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

WHEREAS, included in the approved 2024 budget is the purchase of one (1) new mower for the Highway Department; and

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase a 60 in Lazer X QK Rake from Brodner Equipment off the Sourcewell/Omnia Contract #2469 for a cost not to exceed \$15,800.00 to be paid from account DA5130.2 (Machinery-Equipment).

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

RESOLUTION #100 RE: Purchase of Skid Steer

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

WHEREAS, included in the approved 2024 budget is the purchase of one (1) new skid steer for the Highway Department; and

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase a T76 T4 Bobcat Compact Loader from Bobcat of the Finger Lakes off the NYS Contract PC69396 for a cost not to exceed \$83,490.66 with \$81,000.00 to be paid from account SD8540.2 (Consolidated Drainage – Equipment) and \$2,490.66 to be paid from account DA5110.2 (General Repairs – Equipment).

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

THE CHILI TOWN BOARD MEETING
February 14, 2024

RESOLUTION #101 RE: Veteran's Memorial at Community Center – Public Bid

OFFERED BY: Councilman Slattery

SECONDED BY: Councilwoman Sperr

WHEREAS, on January 22, 2024, the Town of Chili issued bid documents for a new Veteran's Memorial at the Community Center; and

WHEREAS, the bid submission deadline date was February 6, 2024; and **WHEREAS**, six bids were submitted for this public bid project whose sealed bids were opened and read aloud in public on February 6, 2024 at 3:00 pm; and

WHEREAS, each of the six bids were above the budgeted funding appropriation for this project; and

NOW, THEREFORE, BE IT RESOLVED, that all of the bids submitted in response to the request for bids for the Veteran's Memorial at the Community Center be and hereby are rejected; and

BE IT FURTHER RESOLVED, that the professionals for the Town of Chili shall review the bid documents and make any revisions necessary and that the Commissioner of Public Works is hereby authorized to issue new bid documents and general requirements for a revised design for the Veteran's Memorial; and

BE IT FURTHER RESOLVED, that notice shall be provided to the six contractors that all bids were rejected and that this project will be rebid.

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

RESOLUTION #102 RE: February 7, 2024 Abstract – 2023 Payables

OFFERED BY: Councilman Valerio

SECONDED BY: Councilwoman Sperr

WHEREAS, January 2, 2024 Resolution #1 authorized vouchers to be paid February 7, 2024, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 45510, 45550, 45553-45555, 45569-45570, 45679 totaling \$65,447.37 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 | \$ | 37,659.79 |
| Highway Fund | | 7,875.00 |
| Library Fund | | 3,258.27 |
| Street Lighting Districts | | <u>16,654.31</u> |
| Total Abstract | \$ | 65,447.37 |

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

THE CHILI TOWN BOARD MEETING
February 14, 2024

RESOLUTION #103 RE: February 7, 2024 Abstract – 2024 Payables

OFFERED BY: Councilman DeCory

SECONDED BY: Councilman Slattery

WHEREAS, January 2, 2024 Resolution #1 authorized vouchers to be paid February 7, 2024, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 45511-45514, 45519-45522, 45524-45527, 45544-45547, 45551-45552, 45556-45563, 45566-45568, 45571-45645, 45647-45660, 45664-45666, 45668-45678, 45680-45686, 45689-45691 totaling \$3,470,083.86 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 | \$ | 3,118,790.03 |
| Workers' Comp Reserve | | 55,000.00 |
| Highway Fund | | 191,804.39 |
| Library Fund | | 3,519.09 |
| Drainage District | | 970.00 |
| Fire Protection Districts | | 93,872.00 |
| Sidewalk Districts | | <u>6,128.35</u> |
| Total Abstract | \$ | 3,470,083.86 |

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

The next meeting of the Chili Town Board will be on March 13, 2024 at 7:00 PM in the Town of Chili, Town Hall Main Meeting Room 3333 Chili Avenue, Rochester, NY 14624.

The meeting was adjourned at 7:20 p.m.

Virginia Ignatowski, Town Clerk