

Chili Town Board Meeting
April 10, 2024
Agenda

A. Call to Order

B. Invocation

Pledge of Allegiance

C. Roll Call

Councilman **Mark L. DeCory**

Councilwoman **Mary C. Sperr**

Councilman **Michael S. Slattery**

Councilman **James V. Valerio**

Supervisor **David J. Dunning**

D. Officials/Advisors:

Town Clerk **Virginia Ignatowski**

Deputy Town Supervisor **Councilman Slattery**

Counsel for the Town **Jared Hirt**

Commissioner of Public Works/Superintendent

Of Highways **David P. Lindsay, P.E.**

Director of Finance **Daniel Knapp**

Insurance Counselor **Scott Bonnewell**

Supervisor's Office **Dawn Forte**

Stenographer **Sandy Hewlett**

FIRE SAFETY ANNOUNCEMENT: In the event of an emergency requiring the evacuation of the building, please use the indicated exits to my right, left and rear of the room to exit the building.

CELLULAR PHONES: Please turn off all cell phones or put them on silent mode.

E. Presentations/announcements:

1. Brent Jensen, EFPR Group, LLP – 2023 Financial Statements

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

G. Public Forum

The Public Forum is intended to provide an opportunity for people to address the Town Board on any topic. Those wishing to be heard may raise their hand once the public forum starts, The Supervisor will call upon those who desire to address the Town Board until all have been heard. For those who will be addressing the Town Board through our Live Streaming, may enter their comments on the live feed. Those comments will be read by the Supervisor once all who are physically present have been heard. During the Public Forum period, each person will be allowed to comment for up to five minutes. Comments should be addressed directly to the Supervisor. Be respectful and courteous keeping comments as concise as possible. Questions pertaining to Agenda items will be answered when the Resolution is Moved and Seconded, Questions on topics not pertaining to the Agenda will be addressed at the conclusion of the Public Forum time, if at all possible. Virginia L. Ignatowski, Town Clerk, or her designee will keep the time and notify you when you have 30 seconds remaining so that you can conclude your comments within the allotted time.

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H. *Matters of the Supervisor* –

New Matters:

Pending Matters:

Matters of the Town Council –

New Matters:

Pending Matters:

I. Approval of Minutes – 3/13/2024

Reports Submitted –

Advanced Payment of Claims – March 2024

Building Department Report – March 2024

Conservation Board – 3/4/2024

Dog Control Reports – March 2024

Library Board Minutes – 2/27/2024

Monthly Financial Statement – January 2024, February 2024

Planning Board –

Recreation/Senior Center Report –

Town Clerk Report – March 2024

Traffic & Safety Minutes – 2/1/2024

Zoning Board Minutes – 2/27/2024

J. Correspondence –

1. The Town of Chili has received notification from Nathaniel Harding, Highway Department; that he is resigning effective March 29, 2024.

K. Pending Business

L. Old Business

M. New Business

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RESOLUTION #111 RE: Library Board of Trustees

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

BE IT RESOLVED, that Caitlin Lindenhovius & Aubrey Mowers be appointed to the Library Board of Trustees for a five (5) year term to expire on December 31, 2028.

RESOLUTION #112 RE: Training Policy

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

BE IT RESOLVED, that the Training Policy originally adopted by Resolution #217 on September 13, 2023 was reposted with revisions on March 11, 2024, without any comments or objections and shall remain in effect dated April 10, 2024 by Resolution #112.

RESOLUTION #113 RE: FFRPL Grant

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

WHEREAS, the Chili Public Library has been awarded a grant through the Friends and Foundation of the Rochester Public Library (FFRPL), in the amount of \$22,093.43, an increase of \$13,591.43 over the expected amount and adopted budget of \$8,502.00; and

NOW, THEREFORE, BE IT RESOLVED, to accept the donation and to amend revenue account L2705 (Gifts & Donations – Other) by an increase of \$13,591.43; and to amend expense account L7410.4 (Library- Books) by an increase of \$8,154.99; expense account L7410.4 (Library- Discs/Tapes/Audio Books – Adult/Teen) by an increase of \$1,359.11; and expense account L7410.4 (Library- Overdrive) by an increase of \$4,077.33.

RESOLUTION #114 RE: Establish Letter of Credit for Rose Hill Estates - Section 4

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

BE IT RESOLVED, that per the recommendation of the Commissioner of Public Works/Superintendent of Highways and Town Engineer that a letter of credit be established for Rose Hill Estates, Section 4 in the amount of \$1,027,420.00.

Items within the letter of credit include, but are not limited to storm sewers, roadway work, street trees, street lights, storm water control and erosion and sediment control.

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RESOLUTION #115 RE: Amended and Restated Retail Lease Agreement for Operation of Water Districts

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

WHEREAS, the District (Town of Chili) and the Authority entered into a Retail Lease Agreement for Operation of Water Districts and/or Benefit Areas dated January 16, 2003 (the “Current Agreement”); and

WHEREAS, the District and Authority wish to amend and restate the Current Agreement to: (a) include a license to allow for the installation of radio communication equipment for use by the Town’s Department of Public Works at the Chestnut Ridge Tank site, (b) agree to a new forty (40) year term; and (c) make additional changes to the Current Agreement; and

WHEREAS, the Commissioner of Public Works/Superintendent of Highways coordinated with RadioMax and determined that locating the antenna on a Monroe County Water Authority tower located at 259 Chesnut Ridge Road (Tax ID: 133.17-1-82) was suitable and would provide the needed coverage for the operations of the Public Works and Highway Departments; and

WHEREAS, the Authority has allowed the installation and use of a radio communication equipment on the Chestnut Ridge Water Storage Tank pursuant to a Temporary License Agreement, dated February 8, 2023. The Temporary License Agreement will be superseded by this Agreement; and

WHEREAS, the parties are now making this Agreement pursuant to Section 198, par. 12(b) of the Town Law of the State of New York, to amend, replace, and supersede the Current Agreement in its entirety; and

NOW, THEREFORE, BE IT RESOLVED, that subject to review and approval of the Counsel for the Town that the Supervisor is hereby authorized to execute the Amended and Restated Retail Lease Agreement for Operation of Water Districts with the Monroe County Authority.

RESOLUTION #116 RE: Purchase of Parks Mower

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

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

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase of a John Deere Z950R ZTrak from LandPro Equipment LLC off the Sourcewell Contract 031121-DAC (PG NB CD 70) for a cost not to exceed \$13,000.00 to be paid from A7110.2000.0026 (General Fleet Reserves).

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RESOLUTION #117 RE: Parks Security

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

WHEREAS, the Town of Chili desires to contract with a professional security company to provide seasonal park security; and

WHEREAS, three (3) quotes were solicited with only one (1) submitted response as follows:

<u>Company</u>	<u>Quote</u>
Valor Security Group, LLC	\$35/hr (\$40/hr Holiday Rate)

WHEREAS, the Commissioner of Public Works/Superintendent of Highways has reviewed the submitted quotes and has made a determination that the proposal Valor Security Group, LLC 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 Town Supervisor, to accept the quote from Valor Security Group, LLC to provide parks security for the 2024 season to be paid from A7110.4 (Parks Security Guards).

RESOLUTION #118 RE: Purchase of Parks Utility Vehicle

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

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

NOW, THEREFORE, BE IT RESOLVED, to authorize the purchase of a John Deere Gator HPX615E from LandPro Equipment LLC off the NYS OGS Contract PC69683 (PG XN CG 22) for a cost not to exceed \$12,000.00 to be paid from A7110.2000.0026 (General Fleet Reserves).

RESOLUTION #119 RE: Amendment of New York State Snow and Ice Contract

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

WHEREAS, the Town Board of the Town of Chili on November 10, 2021 approved the Snow & Ice Contract No. D040502 between the State of New York and the Town of Chili for snow and ice control which will expire on June 30, 2026 unless further extended. The contract for the 2023/2024 snow and ice season will be \$440,804.80.

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RESOLUTION #120 RE: Disposal of Surplus Equipment

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

WHEREAS, the following listed equipment is, in the opinion of the Superintendent of Highways/Commissioner of Public Works, obsolete and of no further use to the Town of Chili; and

WHEREAS, the Town is best served by disposing of these items for their highest value in whatever form attainable; and

NOW, THEREFORE, BE IT RESOLVED, that subject to awarding of bids for new vehicles or the purchase of new equipment, the Town Board authorizes disposition of the following vehicles and equipment and hereby directs the Superintendent of Highways/Commissioner of Public Works to procure the highest reasonable compensation for such items and apply the proceeds there from, if any, in accordance with Section 142(5) of the Highway Law:

- #170 - 2013 Jacobsen 311-T Wide Area Mower (Parks)
- #175 - 2013 Exmark Trim Mower (Parks)
- #183 – 2011 John Deere Gator (Parks)
- #182 – New Holland Tractor (Parks)
- #103 - John Deere X734 Mower (Highway)
- # 94 – 2010 International Plow Truck Replacement (Highway)
- #272 - Clipper Cart Saw (Highway)
- #4 - 2016 F-250 Pickup (Highway)
- #3 - 2016 F-250 Pickup (Highway)
- #221 – 2012 Hyundai Loader Replacement (Highway)
- Highway Chain Saw Stihl MS270 (Highway/DPW)

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RESOLUTION #121 RE: ARPA/ SLFRF Funds – Paul Rd Sidewalk

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

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 preparing building plans and specs for the construction of a sidewalk on Paul Rd; and

NOW, THEREFORE, BE IT RESOLVED, to amend revenue account A4089 (Federal Aid - Other) by an increase of \$77,423.00; and to amend expense account A5410.2 (Sidewalks - Equipment) by an increase of \$77,423.00.

RESOLUTION #122 RE: Authorization to Hire Lu Engineers for the Preparation of Bid Documents for Paul Road Concrete Sidewalk Project

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

WHEREAS, the Town intends to install concrete sidewalks on Paul Road from approximately Paul Road Square west to Chestnut Ridge Road; and

WHEREAS, the preparation of detailed building plans and specifications are required for bidding purposes for this project; and

NOW, THEREFORE, BE IT RESOLVED, to hire Lu Engineers to prepare the necessary plans, specifications, bidding documents and project estimates at a cost not to exceed \$77,423.00 to be paid from A5410.2 (Sidewalks – Equipment).

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RESOLUTION #123 RE: SEQR – Notice of Intent to Serve as Lead Agency for the Paul Road Sidewalk Extension

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

WHEREAS, the Town Board of the Town of Chili (hereinafter referred to as Town Board) would like to undertake an extension to the sidewalk network near Chili Avenue at Paul Road; and

WHEREAS, the Town Board, with the assistance of Town staff, has prepared the concept plan and environmental documentation in support of the project listed above; and

WHEREAS, pursuant to the Notice annexed here to, in accordance with the provisions of 6 NYCRR Part 617, the Town Board intends to serve as Lead Agency for the SEQRA review of this Unlisted Action utilizing a coordinated review; and

WHEREAS, the Lead Agency will undertake a coordinated review of this action; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby designates its intention to serve as Lead Agency for the SEQRA Coordinated Review of this Unlisted Action, and will circulate the SEQR Lead Agency Coordination Notice, environmental documentation and Project Concept Plan, to all Involved and Interested Agencies for the environmental assessment review process pending a 30-day response period by all Involved Agencies.

RESOLUTION #124 RE: Award of Bid – Fitness Court Installation

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

WHEREAS, bids for installation of the Outdoor Fitness Court® Studio were received by the Town Clerk on March 27, 2024 as follows:

<u>Bidder</u>	<u>Base Bid</u>
Level Up	\$34,500.00
Whitney East Inc.	\$56,500.00
Rochester Earth Inc	\$59,500.00

WHEREAS, the bids and qualification were reviewed by the Commissioner of Public Works and a determination has been made that the Bid from Level Up 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 Level Up for a cost of \$34,500.00 to be paid from A7110.2 (Parks - Equipment).

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RESOLUTION #125 RE: ARPA/ SLFRF Funds – Veteran’s Memorial

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

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; and

NOW, THEREFORE, BE IT RESOLVED, to amend revenue account A4089 (Federal Aid - Other) by an increase of \$177,000.00; and to amend expense account A7110.2 (Parks - Equipment) by an increase of \$177,000.00.

RESOLUTION #126 RE: Award Bid – Veteran’s Memorial

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

WHEREAS, bids (rebid) for the construction of a Veteran’s Memorial were received by the Town Clerk on April 2, 2024 as follows:

<u>Bidder</u>	<u>Base Bid</u>
Milestone Construction Partners, Inc.	\$177,000.00
Whitney East, Inc.	\$185,000.00
Double A Services	\$207,000.00
Thompson Builds, Inc.	\$213,900.00
Rochester Earth, Inc.	\$214,000.00
Millennium Construction	\$370,327.00

WHEREAS, the bids and qualification were reviewed by the Town Engineer and Commissioner of Public Works and a determination has been made that the Bid from Milestone Construction Partners, Inc. 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 per the recommendation of the Town Engineer and David P. Lindsay, P.E, Commissioner of Public Works, to award the Veteran’s Memorial bid to Milestone Construction Partners, Inc. for a cost not to exceed \$177,000.00, to be paid from account A7110.2 (Parks – Equipment); and

NOW, THEREFORE, BE IT RESOLVED, to authorize the Supervisor to sign the contract with Milestone Construction Partners, Inc. subject to the approval of the Counsel for the Town.

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RESOLUTION #127 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 April 8, 2024:

Michelle Angie, Jordan Cochenour, Zach Miller, Brendan C. Shaw

RESOLUTION #128 RE: Set a Public Hearing for Local Law #__ of 2024 to Consider the Repeal of Chapter 127 “ Parks & Recreation Committee” of the Town Code of the Town of Chili

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

WHEREAS, Local Law #____ of the year 2024 has been introduced; and

WHEREAS, changes in staffing, programming and facilities negates the need of the Parks and Recreation Committee; and

WHEREAS, the Town Board desires to repeal Chapter 127 of the Town Code of the Town of Chili in its entirety; and

WHEREAS, the Town Board, prior to its final deliberations regarding the merits of said local law, wishes to offer the members of the public an opportunity to be heard; and

BE IT RESOLVED, that the Town Board will conduct a Public Hearing on the above-referenced local law to consider the Repeal of Chapter 127 “Parks & Recreation Committee” on May 15, 2024 at 7:00 p.m. at the Town Hall Main Meeting Room located at 3333 Chili Avenue, Rochester, New York 14624; and

BE IT RESOLVED, that the Town Clerk is hereby directed to publish notice in the Town’s official designated newspaper and to make the aforementioned amendments available to the public for review at the Town Clerk’s Office and to otherwise post the same on the Town’s website.

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RESOLUTION #129 RE: Set a Public Hearing to consider an increase in the Limited Income Senior Citizen Exemption

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

WHEREAS, New York State Real Property Tax Law §467 establishes the towns authority to allow for certain exemptions from real property taxation, and;

WHEREAS, the Town Code of the Town of Chili §451-2 and §467 of New York Real Property Tax Law authorizes the Town Board to change by resolution the amount of assessed valuation exemption, and;

WHEREAS, pursuant to §467 of the Real Property Tax Law, a public hearing shall be conducted prior to consideration of a resolution to modify the Senior Citizen Exemption, and;

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Chili shall conduct a Public Hearing at Chili Town Hall 3333 Chili Ave. on the 15th day of May 2024 at 7:00 p.m. to hear all persons interested in the subject thereof.

RESOLUTION #130 RE: Purchase of Kitchen Range for Senior Center

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

WHEREAS, on December 31, 2004, on Resolution #388, the Town Board established the Senior Initiative Programs Fund, to be used for senior programs, activities and endowments; and

WHEREAS, the Town needs to replace the kitchen range in the Senior Center, and in an effort to reduce the fiscal burden on the current and future budgets, wishes to use funds from the Senior Initiative Programs Fund towards the purchase of a new kitchen range; and

NOW, THEREFORE, BE IT RESOLVED, to transfer \$3,950.00 from A1990.4 (Contingency) to A6772.2 (Programs for Aging – Equipment); and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to purchase a new kitchen range for a cost not to exceed \$9,000.00, with \$3,950.00 to be paid from account A6772.2 (Programs for the Aging – Equipment) and \$5,050.00 to be paid from account CM7180.2000.0008 (Special Rec Facility – Equipment – Senior Initiative Fund).

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RESOLUTION #131 RE: March 20, 2024 Abstract

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

WHEREAS, January 2, 2024 Resolution #1 authorized vouchers to be paid March 20, 2024, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 45899-45922, 45924, 45927-45958, 45961-45976, 45978-45990, 45991-46005 totaling \$303,395.31 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	\$ 220,597.79
Workers' Comp Reserve	18,215.00
Highway Fund	57,933.90
Library Fund	3,565.95
Drainage District	631.33
Sidewalk Districts	2,451.34
Total Abstract	<u>\$ 303,395.31</u>

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RESOLUTION #132 RE: April 3, 2024 Abstract

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

WHEREAS, January 2, 2024 Resolution #1 authorized vouchers to be paid April 3, 2024, by all Council signing a waiver form; and

WHEREAS, Council did authorize by a majority vote vouchers 46006-46007, 46010-46011, 46020, 46031-43036, 46038-46050, 46052-46054, 46061-46077, 46081-46092, 46094-46096, 46098-46099, 46101-46107, 46109-46110 totaling \$503,284.14 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	\$ 306,727.86
Highway Fund	22,421.94
Library Fund	3,802.08
Drainage District	195.85
Fire Protection Districts	153,976.00
Street Lighting Districts	16,160.41
Total Abstract	<u>\$ 503,284.14</u>

The next meeting of the Chili Town Board will be on May 15, 2024 at 7:00 PM in the Town of Chili, Town Hall Main Meeting Room 3333 Chili Avenue, Rochester, NY 14624.