

**VICTOR TOWN BOARD MEETING
MONDAY, AUGUST 13, 2018
DRAFT RESOLUTION PACKET**

*“Town Board Draft Resolutions are in **draft** form and are subject to change prior to or during the public meeting.”*

REGULAR MEETING starts at 7:00 PM

PUBLIC HEARING starts at 7:30 PM

- A. PUBLIC HEARING – LOCAL LAW NO. ____ - 2018 TO AMEND CHAPTER 175 STORM DRAINAGE IN ORDER TO REVISE CERTAIN PROVISIONS RELATED TO THE ADMINISTRATION AND ENFORCEMENT OF STORMWATER MANAGEMENT REQUIREMENTS

7) BUSINESS

- A. AUTHORIZATION TO ENTER INTO SNOW PLOW AGREEMENTS 2018-2019 SEASON (LIABILITY WAIVER) (Mark Years)
- B. AUTHORIZATION TO PURCHASE 2018 E55 T4 BOBCAT COMPACT EXCAVATOR OFF NEW YORK STATE BID CONTRACT AWARD NUMBER PGB-22792, CONTRACT PC67141 FROM BOBCAT OF FINGER LAKES ON 1 YEAR TRADE PROGRAM FOR THE 2017 E45 BOBCAT EXCAVATOR (Mark Years)
- C. AUTHORIZATION FOR SUPERVISOR TO ENTER INTO A THREE-YEAR AGREEMENT WITH GREENRENEWABLE INC. OF MANCHESTER, NY FOR BRUSH GRINDING SERVICES (Mark Years)
- D. ACKNOWLEDGEMENT OF THE RESIGNATION OF SHELDON “SCOTT” HOPKINS (Tina Kolaczyk)
- E. APPOINTMENT OF MICHAEL TILLY TO THE POSITION OF PART-TIME CLEANER (Tina Kolaczyk)
- F. AMEND THE PARKS TRUST BUDGET (CP) TO PROVIDE FUNDS FOR THE VICTOR COMMUNITY CONNECTIVITY CAPITAL PROJECT (H21) (Barb Cole)
- G. BUDGET TRANSFER TO FUND STORMWATER MANAGEMENT PERSONAL SERVICES AND EMPLOYEE BENEFITS (Barb Cole)
- H. SEQRA NOTICE OF COMPLETION OF A DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR THE ADOPTION AND IMPLEMENTATION OF THE ROUTE 96 TRANSFORMATIVE CORRIDOR STRATEGIC INFRASTRUCTURE PLAN (Jack Marren)
- I. AFTER PUBLIC HEARING – ADOPT LOCAL LAW NO. - 2018 TO AMEND CHAPTER 175 STORM DRAINAGE (Jack Marren)

J. FINAL AUTHORIZATION OF THE RESOLUTION APPROVING THE ESTABLISHMENT OF JOINT FIRE DISTRICT, TO BE KNOWN AS THE VICTOR FIRE DISTRICT AFTER EXPIRATION OF PERMISSIVE REFERENDUM (Jack Marren)

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NOTICE OF PUBLIC HEARING

LOCAL LAW NO. ____ -2018 TO AMEND CHAPTER 175 STORM DRAINAGE IN ORDER TO REVISE CERTAIN PROVISIONS RELATED TO THE ADMINISTRATION AND ENFORCEMENT OF STORMWATER MANAGEMENT REQUIREMENTS

PLEASE TAKE NOTICE that a Local Law has been introduced to the Town Board of the Town of Victor, New York, on July 23, 2018, designated as Local Law No. ____ - 2018 to amend Chapter 175 Storm Drainage, in order to revise certain provisions relating to the administration and enforcement of stormwater management requirements within the Town.

PLEASE TAKE FURTHER NOTICE that said Local Law No. ____ - 2018 is on file in the Victor Town Clerk's Office located at the Victor Town Hall, 85 East Main Street, Victor, New York, where it is available for public inspection during regular business hours.

PLEASE TAKE FURTHER NOTICE that a Public Hearing upon said Local Law has been scheduled for the 13th day of August, 2018 at 7:30 PM, to be held by the Victor Town Board at the Victor Town Hall, 85 East Main Street, Victor, New York. An opportunity to be heard in regard thereto will then and there be given. Written comments may also be directed to the Victor Town Clerk, 85 East Main Street, Victor, New York 14564, on or before 4:30 p.m. on the 13th day of August, 2018. The Victor Town Hall has barrier-free access for the physically handicapped, and any such handicapped person seeking transportation to said Public Hearing may contact the Victor Town Clerk during regular business hours.

Date: July 24, 2018

Karen C. Bodine, Town Clerk

Chapter 175. Storm Drainage

Article I. Illicit Discharge and Connection to Stormwater Facilities

Section 175-1. Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of The Town of Victor through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are:

- A. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- B. To prohibit illicit connections and discharges to the municipal separate storm sewer system.
- C. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article.

Section 175-2. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

~~AUTHORIZED ENFORCEMENT AGENCY~~

~~Employees or designees of the director of the municipal agency designated to enforce this article.~~

AUTHORIZED ENFORCEMENT OFFICER

The Town of Project Coordinator as designated to enforce this article.

BEST MANAGEMENT PRACTICES (BMPS)

Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff; spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT

The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY

Activities subject to NPDES construction permits. Currently, these include construction projects resulting in land disturbance of five acres or more. Beginning in March 2003, NPDES Stormwater Phase II permits will be required for construction projects resulting

in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

HAZARDOUS MATERIALS

Any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLEGAL DISCHARGE

Any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in § 175-9 of this article.

ILLICIT CONNECTION

An illicit connection is defined as either of the following:

A. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances which allow any nonstormwater discharge, including sewage, process wastewater, and wash water, to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

B. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY

Activities subject to NPDES industrial permits as defined in 40 CFR 122.26 (b)(14).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT

A permit issued by EPA [or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)] that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NONSTORMWATER DISCHARGE

Any discharge to the storm drain system that is not composed entirely of stormwater.

PERSON

Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT

Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may

cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PREMISES

Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

STORM DRAINAGE SYSTEM

Publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER

Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

STORMWATER POLLUTION PREVENTION PLAN

A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

WASTEWATER

Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Section 175-3. Applicability.

This article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Section 175-4. Responsibility for administration.

The ~~Highway Superintendent~~ **Project Coordinator** shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Section 175-5. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore, this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Section 175-6. Discharge prohibitions.

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A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this article: waterline flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air-conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated, typically less than one ppm chlorine), fire-fighting activities, and any other water source not containing pollutants.

(2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

(4) The prohibition shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

B. Prohibition of illicit connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Section 175-7. Suspension of MS4 access.

A. Suspension due to illicit discharges in emergency situations. The ~~Highway Superintendent~~ **Project Coordinator** may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

B. Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this article may have his/her MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

C. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the authorized enforcement agency.

Section 175-8. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the ~~Highway Superintendent~~ **Project Coordinator** prior to the allowing of discharges to the MS4.

Section 75-9. Monitoring of discharges.

A. Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

B. Access to facilities.

(1) The ~~Highway Superintendent~~ **Project Coordinator** shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(2) Facility operators shall allow the ~~Highway Superintendent~~ **Project Coordinator** ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3) The ~~Highway Superintendent~~ **Project Coordinator** shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The ~~Highway Superintendent~~ **Project Coordinator** has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the ~~Highway Superintendent~~ **Project Coordinator** and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the ~~Highway Superintendent~~ **Project Coordinator** access to a permitted facility is a violation of a stormwater discharge permit and of this article. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

(7) If the ~~Highway Superintendent~~ **Project Coordinator** has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

Section 175-10. Prevention, control, and reduction of stormwater pollutants by use of best management practices.

The ~~Highway Superintendent~~ **Project Coordinator** will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at his/her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises which is, or may be, the source of an illicit discharge may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

Section 175-11. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Section 175-12. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the

event of a release of nonhazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the ~~Highway Superintendent~~ **Project Coordinator** within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 175-13. Enforcement.

A. Notice of violation. Whenever the ~~Highway Superintendent~~ **Project Coordinator** finds that a person has violated a prohibition or failed to meet a requirement of this article, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

B. Abatement of violation. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Section 175-14. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 15 days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or its designee shall be final.

Section 175-15. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within 15 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Section 175-16. Cost of abatement of violation.

Within 45 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the town by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 9% per annum shall be assessed on the balance beginning on the first day of the month following discovery of the violation.

Section 175-17. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Section 175-18. Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this article, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Section 175-19. Violations deemed public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Section 175-20. Criminal prosecution.

Any person that has violated or continues to violate this article shall be liable to criminal prosecution to the fullest extent of the law and shall be subject to a criminal penalty of \$500 per violation per day and/or imprisonment for a period of time not to exceed 15 days. The authorized enforcement agency may recover all attorney's fees, court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

Section 175-21. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

7 A

RESOLUTION #
AUTHORIZATION TO ENTER INTO SNOW PLOW AGREEMENTS 2018-2019 SEASON
(LIABILITY WAIVER)

RESOLVED, that pursuant to Resolution No. 320 adopted on October 15, 1996 and amended by Resolution No. 61 adopted on January 11, 1999; Resolution No. 419-12 adopted on December 7, 2012; and Resolution No. 314 adopted on August 8, 2016, the Supervisor is hereby authorized to enter into Snow Plow Agreements (Liability Waivers) as follows:

DEVELOPER	SUBDIVISION	STREET NAME	2018
7203 Rawson Road, LLC	Drumlins, Section 3, Phase 2	Chapelhill Drive	6 th
	Drumlins, Section 3, Phase 3	Chapelhill Drive	2 nd
S & J Morrell, Inc	Silverton Glenn, Section 4	Ashwood Lane	4 th
Affronti Development LLC	Ballerina Court, Phase 3	Erica Trail	2 nd
Antonelli Development, LLC	Anton Rise	Anton Rise	4 th
Dorchester Park, LLC	Dorchester Park, Section 2	Bradhurst Street	4 th
Riedman Development	Southgate Hills	Southgate Hills Dr	2 nd

RESOLVED, that a copy of this resolution be forwarded to Building & Planning, Town Clerk, Highway Superintendent, 7203 Rawson Road, LLC; S & J Morrell Inc.; Affronti Development, LLC; Antonelli Development, LLC; Dorchester Park, LLC; and Riedman Development.

7 B

RESOLUTION #

AUTHORIZATION TO PURCHASE 2018 E55 T4 BOBCAT COMPACT EXCAVATOR OFF NEW YORK STATE BID CONTRACT AWARD NUMBER PGB-22792, CONTRACT PC67141 FROM BOBCAT OF FINGER LAKES ON 1 YEAR TRADE PROGRAM FOR THE 2017 E45 BOBCAT EXCAVATOR

WHEREAS, the Highway Department has the need to purchase a 2018 E55 Bobcat Compact Excavator for highway operations and trade the 2017 E45 Bobcat Excavator with bucket (B2VY13243) on a 1 year trade program; and

WHEREAS, this equipment is available for purchase off New York State Bid Contract Award Number PGB-22792, Contract PC67141 from Bobcat of Finger Lakes; and

WHEREAS, funds are available in the 2018 Budget line DB.5130.200 Highway Equipment for the purchase of equipment for the operations of the Highway Department to replace an existing 2017 E45 Bobcat Excavator on the 1 year trade program; now, therefore, be it

RESOLVED, that the Town Board authorizes the Highway Superintendent to trade the 2017 E45 Bobcat Excavator for the amount of Forty Five Thousand Dollars (\$45,000.00); and further

RESOLVED, that the Town Board authorizes the Highway Superintendent to purchase the 2018 E55 Bobcat Compact Excavator after trade-in on the 2017 E45 Bobcat Excavator, for the balance of Twenty One Thousand Five Hundred Twelve Dollars and Ninety Eight cents (\$21,512.98), said funds are available in the 2018 Budget line DB.5130.200 Highway Equipment; and further

RESOLVED, that a copy of this resolution be forwarded to Mark Years, Highway Superintendent; Finance Department, Town Clerk, and Bobcat of the Fingerlakes.

7 C

RESOLUTION #

AUTHORIZATION FOR SUPERVISOR TO ENTER INTO A THREE-YEAR AGREEMENT WITH GREENRENEWABLE INC. OF MANCHESTER, NY FOR BRUSH GRINDING SERVICES

WHEREAS, pursuant to New York's Town Law, including Section 64(6) and Section 20(2), the Town Board has the power to approve contracts for Town services prior to the execution of such contracts by the Town Supervisor; and

WHEREAS, pursuant to General Municipal Law 103 and the Town's Procurement Policy, the Town Board may direct a policy for the acquisition of the Town's services; and

WHEREAS, GreenRenewable Inc. of Manchester, NY has submitted a proposal for brush grinding services for the grinding of the brush pile located on Dryer Road; and

WHEREAS, GreenRenewable Inc. of Manchester, NY will provide the grinder and operator to process the brush, and will remove all processed brush material at a later date; and

WHEREAS, the Town of Victor will provide a loader and operator for assistance while grinding, will provide all fuel for the grinder, and will provide a loader and operator for loading trucks at a later date; and

WHEREAS, the Highway Superintendant wishes to enter into a three-year contract with GreenRenewable Inc. of Manchester, NY for these services at a cost of Nine Thousand dollars (\$9,000.00) per year, said funds are available in the 2018 Town Budget line item # DB. 5140.400 – Brush & Weeds Contractual; now, therefore be it

RESOLVED that the Supervisor is authorized to enter into a three-year contract with GreenRenewable Inc. of Manchester, NY for brush grinding services as specified at a cost of Nine Thousand dollars (\$9,000.00) per year, said funds are available in the 2018 Town Budget line item # DB. 5140.400 – Brush & Weeds Contractual; and be it further

RESOLVED that a copy of this Resolution be forwarded to GreenRenewable Inc. of Manchester, NY, the Finance Department, Town Clerk, the Highway Superintendent, and the Human Resources Department.

7 D

RESOLUTION #

ACKNOWLEDGEMENT OF THE RESIGNATION OF SHELDON "SCOTT" HOPKINS

WHEREAS, Sheldon Hopkins submitted a letter of resignation from his position as Motor Equipment Operator/Safety Regulations officer for the Town of Victor on July 19, 2018, with an effective date of August 3, 2018; now, therefore be it

RESOLVED that the Town Board acknowledges the resignation of Sheldon Hopkins, and thanks "Scott" for his hard work and dedication to the employees and residents of the Town of Victor, and his never-ending passion for the safety of our employees; and be it further

RESOLVED that a copy of this resolution be forwarded to Sheldon Hopkins, Human Resources, Finance Department, Highway Superintendent, Town Clerk, and Ontario County Human Resources.

7 E

RESOLUTION #

APPOINTMENT OF MICHAEL TILLY TO THE POSITION OF PART-TIME CLEANER

WHEREAS, on July 9, 2018 the Town Board passed Resolution No. 404 Creation of Two Part-Time Cleaner Positions; and

WHEREAS, Michael Tilly has been cleaning Town of Victor buildings for the past 3 years as a contracted cleaner with outside agencies; and

WHEREAS, Michael Tilly has prior cleaning experience and is knowledgeable regarding Town buildings and operations; now, therefore be it

RESOLVED that Michael Tilly be appointed to the position of Part-Time Cleaner for the Town of Victor, effective August 14, 2018, at a Grade 1 step A hourly rate salary of Fifteen dollars and Thirteen cents per hour (\$15.13/hour) to be funded from line A.1620.100 Buildings. Personal Services in the 2018 Operating Budget; and be it further

RESOLVED that a copy of this resolution be forwarded to Michael Tilly, Human Resources, Finance Department, Mary Lyng, Town Clerk, and the Ontario County Department of Human Resources

7 F

RESOLUTION #
AMEND THE PARKS TRUST BUDGET (CP) TO PROVIDE FUNDS FOR THE VICTOR
COMMUNITY CONNECTIVITY CAPITAL PROJECT (H21)

WHEREAS, on June 25, 2018, the Town Board approved Resolution No. 390 - Town of Victor Community Connectivity Project (P.I.N. 4755.95) Bid Award; and

WHEREAS, in Resolution No. 390, the Town Board identified available funds in the Parks Trust Fund (CP) to cover the deficit in the Victor Community Connectivity Project (VCCCP) construction budget; now, therefore be it

RESOLVED that the Town Board approves amending the Parks Trust (CP Fund) budget in the amount of Fifty Thousand Dollars (\$50,000.00) as indicated below:

Account Number	Type	Account	Amount
CP.5900.000	Fund Balance	Assigned Appropriated Fund Balance	+\$50,000
CP.9901.000	Expense	Interfund Transfers. Transfer	+\$50,000

And further

RESOLVED that the Finance Director is to ensure budget amendments and any necessary journal entries reflecting the information provided above are made in the Parks Trust (CP Fund) and the VCCCP (H21 Fund) upon board approval; and be it further

RESOLVED that copies of this resolution be forwarded to Brian Emelson - Director Parks and Recreation, Karen Bodine - Town Clerk, and Barbara Cole - Finance Director.

7 G

RESOLUTION

BUDGET TRANSFER TO FUND STORMWATER MANAGEMENT PERSONAL SERVICES AND EMPLOYEE BENEFITS

WHEREAS, on May 14, 2018, the Town Board approved Resolution No. 212 Creation of Stormwater Program Manager Position; and

WHEREAS, this position is to be funded in the Town Outside Village Fund (B); and

WHEREAS, the Finance Director has determined a budget transfer is required for the expenses associated with personal services and the related employee benefits for the remainder of 2018; now, therefore, be it

RESOLVED that the following 2018 budget transfer be approved in the Town Outside Village Fund (B) as recommended by the Finance Director:

	TO:			FROM:	
ACCOUNT NO.	DESCRIPTION	AMOUNT	ACCOUNT NO.	DESCRIPTION	AMOUNT
B.8140.100	Stormwater Management. Personal Services	\$12,000.00	B.1990.400	Contingent. Contractual	\$12,000.00
B.8140.100	Stormwater Management. Personal Services	\$9,000.00	B.8140.440	Stormwater Management. Engineering	\$9,000.00
B.8140.800	Stormwater Management. Employee Benefits	\$6,736.00	B.8140.440	Stormwater Management. Engineering	\$6,736.00

And

RESOLVED that all entries to achieve the above-mentioned budget transfers be completed upon Town Board approval of this resolution; and

RESOLVED that a copy of this Resolution be forwarded to Kim Kinsella, Director of Planning & Building; Karen Bodine, Town Clerk; and Barbara Cole, Finance Director.

7 H

RESOLUTION #

SEQRA NOTICE OF COMPLETION OF A DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR THE ADOPTION AND IMPLEMENTATION OF THE ROUTE 96 TRANSFORMATIVE CORRIDOR STRATEGIC INFRASTRUCTURE PLAN

WHEREAS, the Town Board has been presented with the “Route 96 Transformative Corridor Strategic Infrastructure Plan” (“the Plan”) which the Town will now consider both adopting and implementing; and

WHEREAS, the Plan calls for the development of six “High Priority Projects” (“the Projects”) as well as the potential establishment of a Transportation Development District (“the TD District”, a type of Development Facilitation Improvement District under NYS law), and the Town Board is therefore considering undertaking, funding and/or approving the Projects and establishment of the TD District in addition to formal adoption of the Plan; and

WHEREAS, in order to comply with the NY State Environmental Quality Review Act and its regulations promulgated at 6 N.Y.C.R.C. Part 617 (collectively referred to as “SEQRA”), the Town Board has initiated an environmental review of a proposed action (“the proposed Action”) that includes all of the foregoing components, namely, 1) formal adoption of the Plan, 2) approving, undertaking and/or funding of the Projects, and 3) establishment of the TD District; and

WHEREAS, construction of the Projects would likely require approval, undertaking and/or funding from other local, regional and state government agencies needing to comply with SEQRA, including the Village of Victor, the County of Ontario, the New York State Department of Transportation (NYS DOT), and the New York State Department of Environmental Conservation (NYS DEC); and

WHEREAS, on June 4, 2018 (Resolution No. 233), the Town Board accepted the Part 1 Environmental Assessment of the proposed Action, prepared by LaBella Associates, and determined that the proposed Action is a Type I action as defined under SEQRA; and

WHEREAS, on July 9, 2018 (Resolution No. 408), the Town Board determined that, in accordance with New York’s SEQRA regulations, the Town Board was established as the SEQR Lead Agency empowered to conduct a coordinated environmental review of the proposed Action under SEQRA; and

WHEREAS, on July 9, 2018 (Resolution No. 408), the Town Board determined that, in accordance with New York’s SEQRA regulations, the proposed Action may result in one or more significant adverse impacts on the environment, as described in the Environmental Assessment Parts 2 and 3 prepared by LaBella Associates, and that an environmental impact statement must therefore be prepared to further assess the impacts and possible mitigation and to explore alternatives to avoid or reduce those impacts, and that a Positive Declaration would therefore be issued; and

WHEREAS, on July 9, 2018 (Resolution No. 408), the Town Board determined that, in accordance with New York’s SEQRA regulations, the environmental impact statement to be prepared would be a “Generic” environmental impact statement, as defined under SEQRA; and

7 H

WHEREAS, LaBella Associates, the Town Engineer, in conjunction with CPL, the Town Traffic Engineer, has now prepared for consideration by the Town Board a proposed Draft Generic Environmental Impact Statement (“DGEIS”) consistent with the Environmental Assessment Parts 2 and 3 accepted by the Town Board on July 9, 2018 (Resolution No. 408); and

WHEREAS, the Town Board has now reviewed the DGEIS prepared by LaBella Associates and CPL; now, therefore, be it

RESOLVED, that the Town Board hereby accepts, in accordance with New York’s SEQRA regulations, the DGEIS prepared by LaBella Associates and CPL as adequate with respect to its scope and content for the purpose of commencing public review; and, be it

FURTHER RESOLVED, that the Town Clerk shall, on the Town Board’s behalf and assisted by the Town Engineer, prepare, in accordance with New York’s SEQRA regulations, a Notice of Completion of the Draft Generic Environmental Impact Statement (“Notice of Completion”) prepared in accordance with Article 8 of the Environmental Conservation Law; and, be it

FURTHER RESOLVED, that the Town Board hereby determines, in accordance with New York’s SEQRA regulations, to hold a SEQR Public Hearing given the extent to which a public hearing can aid the agency decision-making processes by providing a forum for, or an efficient mechanism for the collection of, public comment; and, be it

FURTHER RESOLVED, that the Notice of Completion shall indicate that the period during which comments on the DGEIS will be accepted by the Town Board shall commence immediately with the adoption of this resolution and shall cease as of 5:00 pm EDT on September 20, 2018; and, be it

FURTHER RESOLVED, that the Notice of Completion shall further indicate that a Public Hearing to receive comments on the DGEIS shall be held on September 10 at 7:30 pm EDT at the Town of Victor Town Hall located at 85 E. Main Street, Victor, NY; and, be it

FURTHER RESOLVED, that the Notice of Completion shall further indicate that copies of the DGEIS can be obtained at the office of the Town of Victor Town Clerk at the Victor Town Hall located at 85 E. Main Street, Victor, NY and at the Victor Farmington Library located at 15 W Main Street, Victor, NY; and, be it

FURTHER RESOLVED, that the Notice of Completion shall include the name and address of the lead agency; the name, address and telephone number of a person who can provide additional information; a brief description of the action; the SEQR classification; and, the location of the action, as the same were included and described in the SEQR Positive Declaration filed relative to this Action pursuant to Town Board Resolution No. 408, adopted July 9, 2018; and, be it

FURTHER RESOLVED, that the Town Clerk, assisted by the Town Engineer, shall file, in accordance with New York’s SEQRA regulations, the prepared Notice of Completion: 1) with the Chief Executive Officer of any political subdivision within which the proposed Action would be principally located; 2) with other involved agencies; and, 3) with the Environmental Notice Bulletin at <http://www.dec.ny.gov/enb/enb.html>.

RESOLUTION #
AFTER PUBLIC HEARING – ADOPT LOCAL LAW NO. - 2018 TO AMEND CHAPTER 175
STORM DRAINAGE

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor on the 23rd day of July, 2018 calling for a Public Hearing to be held by the Town Board of the Town of Victor on the 13th day of August, 2018 at the Victor Town Hall, 85 East Main Street, at 7:30 PM, to hear all interested parties on a proposed Local Law to amend Chapter 1175 Storm Drainage to designate the Project Coordinator as the Designated Enforcement Officer; and

WHEREAS, notice of said Public Hearing was duly advertised in accordance with law, and

WHEREAS, said Public Hearing was duly held at the Victor Town Hall on the 13th day of August, 2018 at 7:30 PM, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any parts thereof; and

WHEREAS, the Town Board of the Town of Victor, after due deliberation, finds it in the best interest of the Town to adopt said Local Law amendment; now, therefore, be it

RESOLVED by the Town Board of the Town of Victor that the Town Board hereby adopts said Local Law No. __-2018 to amend Chapter 175 Storm Drainage as follows:

LOCAL LAW NO. - 2018 TO AMEND CHAPTER 175 STORM DRAINAGE

BE IT ENACTED, by the Town Board of the Town of Victor, Ontario County, State of New York, as follows:

Section I. Authorization

This Local Law is adopted pursuant to the authority granted to the Town of Victor at Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. __ - 2018 to amend Chapter 175 Storm Drainage. The purpose of this amendment is to clarify the Designated Enforcement Officer.

Section III. Legislative Finding

The Town Board finds that it is necessary to designate the Project Coordinator as the Designated Enforcement Officer.

Section IV. Amendment

Chapter 175 Storm Drainage shall be amended as follows:

Section 175-2 Definitions, shall be amended to delete and replace the definition for Authorized Enforcement Agency and with the following:

AUTHORIZED ENFORCEMENT OFFICER

The Town of Victor Project Coordinator as designated to enforce this article.

Section 175-4. Responsibility for administration, shall be amended to read as follows:

The Project Coordinator shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Section 175-7A Suspension of MS4 access, shall be amended to read as follows:

A. Suspension due to illicit discharges in emergency situations. The Project Coordinator may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

Section 175-8 Industrial or construction activity discharges shall be amended to read as follows:

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Project Coordinator prior to the allowing of discharges to the MS4.

Section 175-9B Monitoring of discharges shall be amended to read as follows:

B. Access to facilities.

(1) The Project Coordinator shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(2) Facility operators shall allow the Project Coordinator ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3) The Project Coordinator shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The Project Coordinator has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Project Coordinator and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the Project Coordinator access to a permitted facility is a violation of a stormwater discharge permit and of this article. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

(7) If the Project Coordinator has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

Section 175-10 Prevention, control, and reduction of stormwater pollutants by use of best management practices shall be amended to read as follows:

The Project Coordinator will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at his/her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises which is, or may be, the source of an illicit discharge may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

Section 175-12 Notification of spills shall be amended to read as follows:

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Project Coordinator within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain

an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 175-13A Enforcement shall be amended to read as follows:

A. Notice of violation. Whenever the Project Coordinator finds that a person has violated a prohibition or failed to meet a requirement of this article, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other Ordinances or Local Laws of the Town of Victor which are in conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect during its effective period.

Section VII. Effective Date

This Local Law, after its adoption by the Town Board of the Town of Victor, shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York.

RESOLVED that the Town Clerk of the Town of Victor be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Laws to the Secretary of State of the State of New York.

7 J

RESOLUTION #

FINAL AUTHORIZATION OF THE RESOLUTION APPROVING THE ESTABLISHMENT OF JOINT FIRE DISTRICT, TO BE KNOWN AS THE VICTOR FIRE DISTRICT AFTER EXPIRATION OF PERMISSIVE REFERENDUM

WHEREAS, on June 25, 2018, the Victor Town Board adopted a resolution approving the establishment of a joint fire district, to be known as the Victor Fire District; and

WHEREAS, said authorization was subject to permissive referendum; and

WHEREAS, the Town Clerk did duly post and publish a notice specifying that the resolution approving the establishment of the joint fire district was adopted subject to a permissive referendum; and

WHEREAS, the permissive referendum period has run and no petition in opposition to the establishment of the Victor Fire District has been filed; now, therefore be it

RESOLVED, that the establishment of the joint fire district, to be known as the Victor Fire District, as set forth in the resolution, be finally approved, and subject only to the conditions precedent set forth therein.