

# VICTOR TOWN BOARD MEETING AGENDA – **TUESDAY**, NOVEMBER 13, 2018

## **PUBLIC HEARINGS start at 7:00 PM**

- *None Scheduled*

## **REGULAR MEETING starts at 7:00 PM**

### **CALL TO ORDER**

#### **1) FLAG SALUTE**

#### **2) APPROVAL OF THE October 9, 2018 TOWN BOARD MEETING MINUTES**

#### **3) PAYMENT OF BILLS**

#### **4) PRIVILEGE OF THE FLOOR**

*Speakers are requested to limit comments to 3 minutes and will be asked to conclude comments at 15 minutes*

- *None Scheduled*

#### **5) PUBLIC COMMENTS AND CONCERNS**

*Speakers are requested to limit comments to 3 minutes and will be asked to conclude comments at 5 minutes*

#### **6) REPORTS OF TOWN OFFICIALS**

- *Sean McAdoo, Code Enforcement Officer -Report of an Unsafe Structure -1244 Heather Lane*

#### **7) BUSINESS**

- A. SOUTHGATE HILLS (FORMALLY EAST VICTOR ROAD) SUBDIVISION - ACCEPTANCE OF DEDICATION (Karen Bodine)
- B. SOUTHGATE HILLS (FORMERLY EAST VICTOR ROAD) SUBDIVISION, LETTER OF CREDIT, RELEASE 7 (FINAL) (Karen Bodine)
- C. ANTON VALLEY SUBDIVISION, LETTER OF CREDIT, RELEASE 2 (Karen Bodine)
- D. ANTON VALLEY SUBDIVISION, LETTER OF CREDIT, RELEASE 3 (Karen Bodine)
- E. LUBIN REALTY, LLC - EASTVIEW MANOR APARTMENTS, ESCROW RELEASE FINAL (Karen Bodine)
- F. BUDGET TRANSFER TO SANITARY CONVEYANCE CAPITAL IMPROVEMENT PROJECT (H24) FROM THE SEWER SPECIAL DISTRICT (SS) (Barb Cole)
- G. AUTHORIZATION TO ENTER INTO AGREEMENT - YOUR DAY MUSIC (Brian Emelson)

- H. AUTHORIZATION TO TRANSFER DELINQUENT SEWER DOLLAR AMOUNTS TO ONTARIO COUNTY – TAX PASS (Karen Bodine)
- I. AUTHORIZATION TO ACCEPT DONATION FOR BENCH AT BOUGHTON PARK (Barb Cole)
- J. AUTHORIZATION FOR DEPARTMENT OF PARKS AND RECREATION TO ACCEPT AND EXPEND FUNDS ASSOCIATED WITH VICTOR FARMINGTON ROTARY GRANT FOR ACCESSIBLE SEATING AREA AND UNIVERSAL ACCESS PICNIC TABLES (Brian Emelson)
- K. AUTHORIZATION TO ENTER INTO AN ADDITIONAL SNOW PLOW AGREEMENT 2018-2019 SEASON (LIABILITY WAIVER) (Mark Years)
- L. AUTHORIZATION FOR THE TOWN SUPERVISOR TO CONTRACT WITH MVP TO PROVIDE HEALTH CARE INSURANCE FOR TOWN OF VICTOR EMPLOYEES AND RETIREES (Tina Kolaczyk)
- M. APPROVAL FOR 2018 EMPLOYEE HEALTH CARE CONTRIBUTION RATES (Tina Kolaczyk)
- N. AUTHORIZATION TO FUND FLEXIBLE SPENDING ACCOUNTS FOR TOWN OF VICTOR EMPLOYEES ENROLLED IN THE 2019 HYBRID HEALTH PLAN (Tina Kolaczyk)
- O. AUTHORIZATION TO FUND HEALTH SAVINGS ACCOUNTS FOR TOWN OF VICTOR EMPLOYEES ENROLLED IN THE 2019 HIGH DEDUCTIBLE HEALTH PLAN (HDHP) (Tina Kolaczyk)
- P. AUTHORIZATION FOR TOWN SUPERVISOR TO CONTRACT WITH GUARDIAN DENTAL FOR DENTAL INSURANCE FOR TOWN EMPLOYEES (Tina Kolaczyk)
- Q. AUTHORIZATION FOR SUPERVISOR TO ENTER INTO A CONTRACT WITH NEW YORK MUNICIPAL INSURANCE RECIPROCAL (NYMIR) AND EASTERN SHORE ASSOCIATES FOR TOWN MUNICIPAL INSURANCE COVERAGE AND SERVICES (Tina Kolaczyk)
- R. REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS - SHELDON “SCOTT” HOPKINS (Tina Kolaczyk)
- S. AUTHORIZATION FOR THE SUPERVISOR TO ENTER INTO A CONTRACT WITH SHELDON “SCOTT” HOPKINS TO PROVIDE AS-NEEDED NEW EMPLOYEE SAFETY ORIENTATION TRAINING FOR THE HIGHWAY AND RECYCLE DEPARTMENTS (Tina Kolaczyk)
- T. AUTHORIZATION FOR SUPERVISOR TO SOLICIT PROPOSALS FOR PROFESSIONAL SAFETY CONSULTING SERVICES (Tina Kolaczyk)
- U. AUTHORIZATION FOR SUPERVISOR TO ENTER AGREEMENT WITH ADP FOR ON-LINE PAYROLL ARCHIVING SERVICE (Tina Kolaczyk)

- V. AUTHORIZATION FOR SUPERVISOR TO ENTER INTO CONTRACT FOR ACTUARY TO COMPLY WITH GASB 45 – GOVERNMENTAL ACCOUNTING STANDARDS BOARD (Tina Kolaczyk)
- W. AUTHORIZATION FOR SUPERVISOR TO ENTER INTO A CONTRACT WITH VERIZON CONNECT FOR GPS SYSTEMS FOR ALL TOWN-OWNED VEHICLES (Tina Kolaczyk)
- X. AUTHORIZATION FOR SUPERVISOR TO ENTER INTO A CONTRACT WITH ROCHESTER REGIONAL DISTRIBUTORS FOR THE CENTRALIZED PURCHASING OF CLEANING SUPPLIES AND PAPER PRODUCTS
- Y. APPROVAL OF TOWN OF VICTOR WAGE/PAY SCALE CHARTS FOR 2019 (Tina Kolaczyk)
- Z. AUTHORIZATION TO EXTEND STIPEND FOR BRIAN EMELSON FOR OUT-OF-TITLE SPECIAL TOWN PROJECT WORK (WALKABLE COMMUNITIES AND TRANSPORTATION GRANTS) (Tina Kolaczyk)
- AA. AUTHORIZATION FOR STIPEND FOR BRIAN EMELSON FOR OUT-OF-TITLE SPECIAL TOWN PROJECT WORK ON THE VICTOR COMMUNITY CONNECTIVITY CAPITAL PROJECT (Tina Kolaczyk)
- BB. AUTHORIZATION FOR STIPEND FOR STEPHEN HENDRICKSON (Tina Kolaczyk)
- CC. ACKNOWLEDGEMENT OF THE RESIGNATION OF SHARON KAISEN FROM PARKS & RECREATION DEPARTMENT (Tina Kolaczyk)
- DD. APPOINTMENT OF MARLENE MURNAN TO REAL PROPERTY APPRAISAL AIDE TITLE (Tina Kolaczyk)
- EE. DECLARING PROPERTY AT 1244 HEATHER LANE AS UNSAFE AND ORDER FOR PUBLIC HEARING (Kim Kinsella)
- FF. SET PUBLIC HEARING – LOCAL LAW NO. \_\_\_ -2018 TO IMPLEMENT CHAPTER 103 ENERGY SYSTEMS, ARTICLE I, SOLAR PHOTOVOLTAIC SYSTEMS (Kim Kinsella)

8) PUBLIC COMMENT

*Speakers are requested to limit comments to 3 minutes and will be asked to conclude comments at 5 minutes*

9) ADJOURN

## 7A

### **SOUTHGATE HILLS (FORMALLY EAST VICTOR ROAD) SUBDIVISION - ACCEPTANCE OF DEDICATION**

WHEREAS, BRW of Greece LLC, developer of Southgate Hills Subdivision (formerly East Victor Road Subdivision), has offered to dedicate to the Town of Victor Southgate Hills Drive constructed in Southgate Hills Subdivision, as described in the right-of-way description, and the associated sidewalks, and the storm sewer system as set forth in the Town Engineer's letter of October 24, 2018; and

WHEREAS, the Engineer for the Town has indicated by letter dated October 24, 2018 that Southgate Hills Subdivision, has offered to dedicate to the Town of Victor Southgate Hills Drive constructed in Southgate Hills Subdivision, as described in the right-of-way description, and the associated sidewalks, and the storm sewer system are acceptable to be dedicated to the Town; and,

WHEREAS, BRW of Greece LLC, has posted a Maintenance Bond No. \_\_\_\_\_ in the amount of \$34,780.80 as recommended by the Town Engineer in a letter dated October 24, 2018 to be held for two (2) years after the acceptance of the dedicated facilities and roadway; now, therefore, be it

#### RESOLVED AS FOLLOWS:

1. That the Town of Victor hereby accepts dedication of Southgate Hills Drive roadway constructed in Southgate Hills Subdivision, as the same is known and is described in the deed of dedication to be executed by BRW of Greece LLC., a copy of which is on file in the Town Clerk's Office.
2. That the Town of Victor hereby accepts dedication of the portion of Southgate Hills Drive constructed in Southgate Hills Subdivision, as described in the right-of-way description, the associated sidewalks and the storm sewer system located within the right-of-way as they either lie within the dedicated right-of-way or the Town has previously been granted easements.
3. That the dedication of the said roadway and systems shall be effective upon the executed deeds being filed in the Ontario County Clerk's Office.

AND FURTHER RESOLVED that a copy of this resolution be forwarded to the Planning Dept., the Highway Superintendent, the Code Enforcement Officer, Engineer for the Town, BME Associates, and BRW of Greece LLC.

7B

**SOUTHGATE HILLS (FORMERLY EAST VICTOR ROAD) SUBDIVISION, LETTER OF CREDIT, RELEASE 7 (FINAL)**

WHEREAS, BRW of Greece, LLC, received Planning Board approval for Southgate Hills Subdivision (Formerly East Victor Road Subdivision) with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, the Bank of Castile Bank Irrevocable Letter of Credit No. 520005439 was previously posted with the Town; and

WHEREAS, the Engineer for the Town has reviewed the Developer's Request for Release of Funds and Statement of Construction No. 7 (Final) dated September 26, 2018 and recommends in his letter October 24, 2018 that \$84,055.32, be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 7 (Final) on the Bank of Castile Bank Irrevocable Letter of Credit No. 520005439 in the amount of \$84,055.32, as recommended by the Town Engineer conditioned upon payment of all engineering and inspection fees owed to the Town and providing a maintenance bond in the amount of \$34,780.80 for a period of two years for the roadway, sidewalks and storm sewer; and further

RESOLVED that given said release there now remains \$0.00 in said Letter of Credit after acceptance of the dedicated facilities in accordance with the Town Engineer's letter dated October 24, 2018; and, further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, BRW of Greece, and BME Associates.

7C

**ANTON VALLEY SUBDIVISION, LETTER OF CREDIT, RELEASE 2**

WHEREAS, Antonelli Development, LLC, received Planning Board approval for Anton Valley Subdivision with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, Genesee National Bank Irrevocable Letter of Credit No. 180012791 was previously posted with the Town; and

WHEREAS, the Engineer for the Town has reviewed the Developer's Request for Release of Funds and Statement of Construction No. 2 dated October 2, 2018 and recommends in his letter October 26, 2018 that \$161,041.08, be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 2 on the Genesee National Bank Irrevocable Letter of Credit No. 180012791 in the amount of \$161,041.08, as recommended by the Town Engineer and conditioned upon payment of all engineering and inspection fees owed to the Town; and further

RESOLVED that given said release, there now remains \$516,273.34 in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, Antonelli Development, LLC, and Parrone Engineering.

**7D**

**ANTON VALLEY SUBDIVISION, LETTER OF CREDIT, RELEASE 3**

WHEREAS, Antonelli Development, LLC, received Planning Board approval for Anton Valley Subdivision with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, Genesee National Bank Irrevocable Letter of Credit No. 180012791 was previously posted with the Town; and

WHEREAS, the Engineer for the Town has reviewed the Developer's Request for Release of Funds and Statement of Construction No. 3 dated October 25, 2018 and recommends in his letter October 31, 2018 that \$177,741.52, be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 3 on the Genesee National Bank Irrevocable Letter of Credit No. 180012791 in the amount of \$177,741.52, as recommended by the Town Engineer and conditioned upon payment of all engineering and inspection fees owed to the Town; and further

RESOLVED that given said release, there now remains \$338,531.82 in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, Antonelli Development, LLC, and Parrone Engineering.

**LUBIN REALTY, LLC - EASTVIEW MANOR APARTMENTS, ESCROW RELEASE FINAL**

WHEREAS, on February 17, 2006 an agreement between Lubin Realty, LLC and the Town of Victor was entered into regarding a violation relating to waste water discharge on the property of Eastview Manor Apartments; and

WHEREAS, said agreement, in part, required Seven Thousand Five Hundred dollars (\$7,500.00) be placed in an escrow agreement; and

WHEREAS, Canandaigua National Bank and Trust Company Escrow Account #1102735484 was previously posted with the Town; and

WHEREAS, one of the conditions of the agreement is that if the Town fails to provide a sewer connection to the property within three (3) years, upon written demand by Lubin Realty, LLC the Town shall return the Seven Thousand Five Hundred dollars (\$7,500.00) plus any accrued interest; and

WHEREAS, written demand for the return of the funds was received on October 26, 2018; now, therefore, be it

RESOLVED that per the conditions of the agreement, a release on the Canandaigua National Bank and Trust Company Escrow Account #1102735484 in the amount of \$7,858.41 was completed and returned to Lubin Realty, LLC c/o East Avenue Management; and further

RESOLVED that given said release, there now remains \$0.00 in said Escrow Account; and further

RESOLVED that a copy of this resolution be forwarded to Lubin Realty, LLC c/o East Avenue Management, Planning and Building Department, and the Town Clerk.



**BUDGET TRANSFER TO SANITARY CONVEYANCE CAPITAL IMPROVEMENT PROJECT (H24)  
FROM THE SEWER SPECIAL DISTRICT (SS)**

WHEREAS, the Town planned to issue a Bond Anticipation Note (BAN) in 2018 for expenses related to the Sanitary Conveyance Capital Improvement Project (H24); and

WHEREAS, funds were budgeted in the 2018 Budget for principal in line SS.9730.600 (BAN.Principal) in the amount of Two Hundred Forty Five Thousand dollars (\$245,000.00) and interest in line SS.9730.700 (BAN.Interest) in the amount of Three Hundred Twenty Four Thousand dollars (\$324,000.00) for anticipated expenses on a Bond Anticipation Note; and

WHEREAS, the Town will not be issuing a Bond Anticipation Note until early 2019; and

WHEREAS, engineering expenses have been incurred in the Sanitary Conveyance Capital Improvement Project; and

WHEREAS, payment of engineering expenses with available funds will result in the requirement for less borrowing; now, therefore, be it

RESOLVED that the following 2018 budget transfer be approved from the Sewer Special District to the Sanitary Conveyance Capital Improvement Project as recommended by the Finance Director; and

	TO:			FROM:	
H24.5031.000	Interfund Transfers	\$245,000	SS.9730.600	BAN Principal	\$245,000
H24.5031.000	Interfund Transfers	\$324,000	SS.9730.700	BAN Interest	\$324,000

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 Karen Bodine, Town Clerk and Barbara Cole, Finance Director.

**7G**

**AUTHORIZATION TO ENTER INTO AGREEMENT - YOUR DAY MUSIC**

WHEREAS, the Department of Parks and Recreation would like to have a disc jockey provide musical entertainment at dances and special events for its Friday Night Social program for adults and Ontario County ARC staff; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Your Day Music to provide disc jockey services at a cost of Three Hundred Fifty Dollars per event (\$350.00); and

WHEREAS, Your Day Music has provided the Town with all the appropriate documents to support the proposed service agreement; and

WHEREAS, funds are included and available in the 2018 and 2019 Operating Budgets line item A7020.4 Recreation Administration Contractual; now, therefore, be it

RESOLVED, that this resolution is conditioned upon receiving approvals from the Town's Insurance Broker, or an insurance waiver from the Town Board, and the Attorney to the Town; and further

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Your Day Music to provide a disc jockey services at a cost not to exceed Three Hundred Fifty Dollars (\$350.00) per event, said funds are included and available in the 2018 and 2019 Operating Budget line item A7020.4 Recreation Administration Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Barb Cole, Director of Finance; Karen Bodine, Town Clerk, and Wade Coleman, Your Day Music.

**7H**

**AUTHORIZATION TO TRANSFER DELINQUENT SEWER DOLLAR AMOUNTS TO ONTARIO COUNTY – TAX PASS**

RESOLVED, that the Town Clerk is authorized to transfer delinquent sewer accounts in the amount of Seventy Eight Thousand Four Hundred Four dollars and Twelve cents (\$78,404.12) to the Ontario County Real property Tax Office for inclusion on the January tax roll of the property owners involved; and further

RESOLVED, that a copy of this resolution be forwarded to the Town Clerk, the Finance Director, and Ontario County Real Property.

**AUTHORIZATION TO ACCEPT DONATION FOR BENCH AT BOUGHTON PARK**

WHEREAS, the Department of Parks and Recreation has received a donation of Three Hundred Twenty dollars and Seven cents (\$320.07) from the Outhouse Family for the purchase of supplies for the installation of a bench to be placed in Boughton Park; and

WHEREAS, the Director of Parks and Recreation has determined the cost of the supplies to be Three Hundred Twenty dollars and Seven cents (\$320.07) for installation in accord with the donation at the request of the family; and

WHEREAS, the Director of Parks and Recreation recommends that we accept and deposit this donation in support of the purchase of supplies for the installation of the bench which will incur costs and require expenditures within Budget Line A7110.4 Parks Contractual; now, therefore be it

RESOLVED that the Town Board accepts the donation in the amount of Three Hundred Twenty dollars and Seven cents (\$320.07) and authorizes the Director of Finance to increase the revenue line A2705 Gifts and Donations by Three Hundred Twenty dollars and Seven cents (\$320.07) in the 2018 Budget in addition to an offsetting increase in the expense line A7110.4 Parks Contractual of Three Hundred Twenty dollars and Seven cents (\$320.07) with the budget entry to be done upon Town Board approval; and further

RESOLVED that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Barbara Cole, Director of Finance; Peg Beaulieu, Finance Clerk; and Karen Bodine, Town Clerk.

**AUTHORIZATION FOR DEPARTMENT OF PARKS AND RECREATION TO ACCEPT AND EXPEND FUNDS ASSOCIATED WITH VICTOR FARMINGTON ROTARY GRANT FOR ACCESSIBLE SEATING AREA AND UNIVERSAL ACCESS PICNIC TABLES**

WHEREAS, the Department of Parks and Recreation received a grant from the Victor Farmington Rotary to construct an accessible and inclusive seating area at the Victor Municipal Park Bandshell and for the purchase of several universal access picnic tables for Victor and Farmington parks; and

WHEREAS, the Department of Recreation and Parks will be reimbursed by the Victor Farmington Rotary in the amount of Three Thousand Five Hundred Dollars (\$3,500.00) for costs associated with the project; and

WHEREAS, the Director of Parks and Recreation will be responsible for submitting receipts, photographs, and a letter to the Victor Farmington Rotary noting that the project had been completed in accord with the grant; and

WHEREAS, the Victor Farmington Rotary will issue a check for Three Thousand Five Hundred Dollars (\$3,500.00) to the Town of Victor for reimbursement of said materials used to construct the accessible seating area and picnic tables; and

WHEREAS, the Director of Parks and Recreation recommends that we accept these funds in support of this grant and community partnership; now, therefore be it

RESOLVED that the Town Board accepts reimbursement of the funds associated with the project and in the spirit of the grant in the amount of Three Thousand Five Hundred Dollars (\$3,500.00) to be deposited in the 2019 budget line item A2705 Gifts and Donations and authorizes the Director of Finance to increase the revenue line A2705 Gifts and Donations by Three Thousand Five Hundred Dollars (\$3,500.00) in the 2019 Budget in addition to an offsetting increase in the expense line A7110.4 Parks Contractual of Three Thousand Five Hundred Dollars (\$3,500.00) with the budget entry to be done on January 1, 2019 per Town Board approval; and further

RESOLVED that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Galen Powers, Victor Farmington Rotary; Barbara Cole, Director of Finance; and Karen Bodine, Town Clerk.

7K

**AUTHORIZATION TO ENTER INTO AN ADDITIONAL SNOW PLOW AGREEMENT 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
RainBros Associates, LLC/ High Point Retail, LLC	High Point Business Park	High Point Drive	1 <sup>st</sup>

RESOLVED, that a copy of this resolution be forwarded to Building & Planning, Town Clerk, Highway Superintendent, and RainBros Associates, LLC/ High Point Retail, LLC.

**AUTHORIZATION FOR THE TOWN SUPERVISOR TO CONTRACT WITH MVP TO PROVIDE HEALTH CARE INSURANCE FOR TOWN OF VICTOR EMPLOYEES AND RETIREES**

WHEREAS, the Town of Victor wishes to provide affordable health care insurance to Town employees and retirees; and

WHEREAS, the Town of Victor is a member of the Finger Lakes Municipal Health Insurance Trust, per Resolution # 385-10; and

WHEREAS, the Finger Lakes Municipal Health Insurance Trust has worked with Brown & Brown Associates as their health care benefits broker, and MVP Health Care to provide affordable health care insurance for Town employees and retirees for 2019; and

WHEREAS, MVP has negotiated the following rates with the Finger Lakes Municipal Health Insurance Trust for under age 65 employees and retirees for 2019:

<u>Plan Type</u>	<u>Mid-Plan cost/month</u>	<u>Core Plan cost/month</u>	<u>Hybrid Plan cost/month</u>	<u>\$1800/\$3600 High Deductible Health Care cost/month</u>	<u>\$3000/\$6000 High Deductible Health Care cost/month</u>	<u>\$6000/\$12000 High Deductible Health Care cost/month</u>
Single	\$847.45	\$812.84	\$718.99	\$556.11	\$535.67	\$454.84
2-Person	\$1906.82	\$1828.95	\$1617.78	\$1251.29	\$1205.31	\$1023.44
Family	\$2230.68	\$2139.59	\$1892.55	\$1463.81	\$1410.02	\$1197.26

And

WHEREAS, MVP has negotiated the following rates with the Finger Lakes Municipal Health Insurance Trust for Age 65+ employees and retirees for the MVP GoldAnywhere PPO Standard Plan for 2018:

Single	\$350.34/month
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now, therefore be it

RESOLVED that the Town Supervisor be authorized to enter into a contract with MVP Healthcare as the 2017 health care provider for the Town of Victor under age 65 employees and retirees at a cost not to exceed the following:

<u>Plan Type</u>	<u>Mid-Plan cost/month</u>	<u>Core Plan cost/month</u>	<u>Hybrid Plan cost/month</u>	<u>\$1800/\$3600 High Deductible Health Care cost/month</u>	<u>\$3000/\$6000 High Deductible Health Care cost/month</u>	<u>\$6000/\$12000 High Deductible Health Care cost/month</u>
Single	\$847.45	\$812.84	\$718.99	\$556.11	\$535.67	\$454.84

2- Person	\$1906.82	\$1828.95	\$1617.78	\$1251.29	\$1205.31	\$1023.44
Family	\$2230.68	\$2139.59	\$1892.55	\$1463.81	\$1410.02	\$1197.26

And be it further

RESOLVED that the Town Supervisor be authorized to enter into a contract with MVP Healthcare as the 2018 health care provider for the Town of Victor age 65+ employees and retirees for the MVP GoldAnywhere PPO Standard Plan at a cost not to exceed the following:

Single	\$350.34/month
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And be it further

RESOLVED that a copy of this resolution be sent to the Human Resources Department, MVP, Brown & Brown, Town Clerk, and the Finance Department.



**7M**

**APPROVAL FOR 2019 EMPLOYEE HEALTH CARE CONTRIBUTION RATES**

WHEREAS, on November 12, 2018 the Victor Town Board passed Resolution # \_\_\_\_\_ - Authorization for the Town Supervisor to Enter Into a Contract with MVP to Provide Health Care Insurance for Town of Victor Employees and Retirees for 2019; and

WHEREAS, the Town Board has requested that employees who are enrolled in the Town’s health care plans share in the cost of the plans as follows for 2019:

Employees hired before January 1, 2010 – 10% employee contribution

Employees hired after January 1, 2010 – 25 % employee contribution (as per Resolution #388-12 entitled Amendment to Resolution #463-09 – Town Employee Health Care Policy), and

WHEREAS, MVP has negotiated the following rates with the Finger Lakes Municipal Health Insurance Trust for under age 65 employees and retirees for 2019:

<u>Plan Type</u>	<u>Mid-Plan cost/month</u>	<u>Core Plan cost/month</u>	<u>Hybrid Plan cost/month</u>	<u>\$1800/\$3600 High Deductible Health Care cost/month</u>	<u>\$3000/\$6000 High Deductible Health Care cost/month</u>	<u>\$6000/\$12000 High Deductible Health Care cost/month</u>
Single	\$847.45	\$812.84	\$718.99	\$556.11	\$535.67	\$454.84
2-Person	\$1906.82	\$1828.95	\$1617.78	\$1251.29	\$1205.31	\$1023.44
Family	\$2230.68	\$2139.59	\$1892.55	\$1463.81	\$1410.02	\$1197.26

And

WHEREAS, the Town Board requests that the employees enrolled in the health care benefits for 2018 share in the payments for their health care benefits, as follows:

**For employees hired before January 1, 2010**

<u>Plan Type</u>	<u>Mid-Plan Bi-Weekly Employee Contribution</u>	<u>Core Plan Bi-Weekly Employee Contribution</u>	<u>Hybrid Plan Bi-Weekly Employee Contribution</u>	<u>All High Deductible Health Plans Bi-Weekly Employee Contribution</u>
Single	\$53.49	\$37.52	\$0	\$0
2-Person	\$120.35	\$84.41	\$0	\$0
Family	\$307.61	\$98.75	\$0	\$0

**For employees hired on or after January 1, 2010**

<u>Plan Type</u>	<u>Mid-Plan Bi-Weekly Employee Contribution</u>	<u>Core Plan Bi-Weekly Employee Contribution</u>	<u>Hybrid Plan Bi-Weekly Employee Contribution</u>	<u>All High Deductible Health Plans Bi-Weekly Employee Contribution</u>
Single	\$109.76	\$93.79	\$50.47	\$0
2-Person	\$246.97	\$211.03	\$113.57	\$0
Family	\$455.73	\$246.88	\$132.86	\$0

Now, therefore be it

RESOLVED that Town of Victor employees enrolled in the Town’s 2019 health care plans will contribute the following amounts for health care coverage, dependent on employee plan choice:

For employees hired before January 1, 2010

<u>Plan Type</u>	<u>Mid-Plan Bi-Weekly Employee Contribution</u>	<u>Core Plan Bi-Weekly Employee Contribution</u>	<u>Hybrid Plan Bi-Weekly Employee Contribution</u>	<u>All High Deductible Health Plans Bi-Weekly Employee Contribution</u>
Single	\$53.49	\$37.52	\$0	\$0
2-Person	\$120.35	\$84.41	\$0	\$0
Family	\$307.61	\$98.75	\$0	\$0

For employees hired on or after January 1, 2010

<u>Plan Type</u>	<u>Mid-Plan Bi-Weekly Employee Contribution</u>	<u>Core Plan Bi-Weekly Employee Contribution</u>	<u>Hybrid Plan Bi-Weekly Employee Contribution</u>	<u>All High Deductible Health Plans Bi-Weekly Employee Contribution</u>
Single	\$109.76	\$93.79	\$50.47	\$0
2-Person	\$246.97	\$211.03	\$113.57	\$0
Family	\$455.73	\$246.88	\$132.86	\$0

And be it further

RESOLVED that a copy of this resolution be sent to all Town employees, the Human Resources Department, and the Finance Department.

7N

**AUTHORIZATION TO FUND FLEXIBLE SPENDING ACCOUNTS FOR TOWN OF VICTOR EMPLOYEES ENROLLED IN THE 2019 HYBRID HEALTH PLAN**

WHEREAS, on November 12, 2018 the Victor Town Board passed Resolution # \_\_\_\_\_ - Authorization for the Town Supervisor to Enter Into a Contract With MVP to Provide Health Care Insurance for Town of Victor Employees and Retirees for 2019; and

WHEREAS, the Town Board has agreed to offer a Hybrid Plan as a health care option for current employees; and

WHEREAS, the Hybrid Plan has a lower premium cost than the Core plan, but has increased out of pocket annual deductibles; and

WHEREAS, the Town wishes to establish Flexible Spending Accounts (FSA) for all employees hired before January 1, 2010 choosing to enroll in the 2019 Hybrid Plan option for 2019; and

WHEREAS, the estimated cost savings to the Town of Victor per employee choosing the Hybrid Plan option as compared to the Core Plan are:

Plan Type for employees contributing 10% towards health care costs (hired before 1/1/2010)	Hybrid Plan Cost Savings to the Town Per Month Per Employee	Hybrid Plan Cost Savings to the Town Per Year Per Employee
Single	\$12.57	\$150.79
2-Person	\$28.28	\$339.30
Family	\$33.08	\$396.97

And

WHEREAS, the Town Board would like to fund the 2019 Flexible Spending Accounts for Town employees hired before January 1, 2010 and electing the 2019 Hybrid Plan as follows:

Plan Type	2019 FSA annual amounts for employees contributing 10% towards health care costs (hired before 1/1/2010) for Hybrid Plan
Single	\$150.79
2-Person	\$339.30
Family	\$396.97

Now, therefore be it

RESOLVED, that the Town Board authorizes the establishment of Flexible Spending Accounts for Town employees hired before January 1, 2010 and enrolled in the 2019 Hybrid Health care Plan for the following 2019 amounts:

Plan Type	2019 FSA annual amounts for employees contributing 10% towards health care costs (hired before 1/1/2010) for Hybrid Plan
Single	\$150.79
2-Person	\$339.30
Family	\$396.97

And be it further

RESOLVED, that the FSA accounts be loaded with the funded amount on January 1, 2019; and be it further

RESOLVED, that the Victor Town Board will re-evaluate the funding of FSA accounts for Town employees electing the Hybrid Health Care options on an annual basis; and be it further

RESOLVED, that a copy of this resolution be forwarded to all Town of Victor employees, Brown & Brown of New York, Inc., Human Resources, and Finance Department.

**AUTHORIZATION TO FUND HEALTH SAVINGS ACCOUNTS FOR TOWN OF VICTOR EMPLOYEES ENROLLED IN THE 2019 HIGH DEDUCTIBLE HEALTH PLAN (HDHP)**

WHEREAS, on November 12, 2018 the Victor Town Board passed Resolution # \_\_\_\_\_ - Authorization for the Town Supervisor to Enter Into a Contract With MVP to Provide Health Care Insurance for Town of Victor Employees and Retirees for 2019; and

WHEREAS, the Town Board has agreed to offer High Deductible Health Plans (HDHP) as a health care option for current employees; and

WHEREAS, the HDHP’s have significantly lower premium costs than other plans, but have out of pocket annual deductibles; and

WHEREAS, the Town wishes to establish Health Savings Accounts (HSA) for all employees choosing to enroll in the 2019 High Deductible Health Plans (HDHP’s) options for 2019; and

WHEREAS, the estimated cost savings to the Town of Victor per employee choosing the HDHP options as compared to the Core Plan are:

Plan Type for employees contributing 10% towards health care costs (hired before 1/1/2010)	\$1800/\$3600 HDHP Plan Cost Savings to the Town Per Month Per Employee	\$1800/\$3600 HDHP Plan Cost Savings to the Town Per Year Per Employee	\$3000/\$6000 HDHP Plan Cost Savings to the Town Per Month Per Employee	\$3000/\$6000 HDHP Plan Cost Savings to the Town Per Year Per Employee	\$6000/\$12000 HDHP Plan Cost Savings to the Town Per Month Per Employee	\$6000/\$12000 HDHP Plan Cost Savings to the Town Per Year Per Employee
Single	\$175.45	\$2105.35	\$195.89	\$2350.63	\$276.72	\$3320.59
2-Person	\$395.19	\$4737.18	\$440.75	\$5288.94	\$622.62	\$7471.38
Family	\$461.81	\$5541.85	\$515.61	\$6187.33	\$728.37	\$8740.45

Plan Type for employees contributing 25% towards health care costs (hired after 1/1/2010)	\$1800/\$3600 HDHP Plan Cost Savings to the Town Per Month Per Employee	\$1800/\$3600 HDHP Plan Cost Savings to the Town Per Year Per Employee	\$3000/\$6000 HDHP Plan Cost Savings to the Town Per Month Per Employee	\$3000/\$6000 HDHP Plan Cost Savings to the Town Per Year Per Employee	\$6000/\$12000 HDHP Plan Cost Savings to the Town Per Month Per Employee	\$6000/\$12000 HDHP Plan Cost Savings to the Town Per Year Per Employee
Single	\$53.52	\$642.24	\$73.96	\$887.52	\$154.79	\$1857.48
2-Person	\$120.42	\$1445.07	\$166.40	\$1371.71	\$365.85	\$4179.27
Family	\$140.88	\$1690.59	\$194.67	\$2336.07	\$407.43	\$4889.19

And

WHEREAS, the Town Board would like to fund the 2019 Health Savings Accounts for Town employees electing the 2019 HDHP plan as follows:

Plan Type	2018 HSA annual amounts for employees contributing 10% towards health care costs (hired before 1/1/2010) for all HDHP's	2018 HSA annual amounts for employees contributing 25% towards health care costs (hired after 1/1/2010) for \$1800/\$3600 HDHP	2018 HSA annual amounts for employees contributing 25% towards health care costs (hired after 1/1/2010) for \$3000/\$6000 HDHP	2018 HSA annual amounts for employees contributing 25% towards health care costs (hired after 1/1/2010) for \$6000/\$12000 HDHP
Single	\$1,750.00	\$624.24	\$887.52	\$1,750.00
2-Person	\$3,500.00	\$1,445.07	\$1,996.83	\$3,500.00
Family	\$3,500.00	\$1,690.59	\$2,336.07	\$3,500.00

Now, therefore be it

RESOLVED, that the Town Board authorizes the establishment of Health Savings Accounts for Town employees enrolled in the 2019 High Deductible Health Plans (HDHP) for the following 2019 amounts:

Plan Type	2019 HSA annual amounts for employees contributing 10% towards health care costs (hired before 1/1/2010) for all HDHP's	2019 HSA annual amounts for employees contributing 25% towards health care costs (hired after 1/1/2010) for \$1800/\$3600 HDHP	2019 HSA annual amounts for employees contributing 25% towards health care costs (hired after 1/1/2010) for \$3000/\$6000 HDHP	2019 HSA annual amounts for employees contributing 25% towards health care costs (hired after 1/1/2010) for \$6000/\$12000 HDHP
Single	\$1,750.00	\$624.24	\$887.52	\$1,750.00
2-Person	\$3,500.00	\$1,445.07	\$1,996.83	\$3,500.00
Family	\$3,500.00	\$1,690.59	\$2,336.07	\$3,500.00

And be it further

RESOLVED, that the HSA accounts be loaded with the funded amount on a per paycheck basis, with the ability to request full HSA funding due to extreme medical necessity; and further

RESOLVED, that the Victor Town Board will re-evaluate the funding of HSA accounts for Town employees electing the HDHP Health Care options on an annual basis; and be it further

RESOLVED, that a copy of this resolution be forwarded to all Town of Victor employees, Brown & Brown of New York, Inc., Human Resources, and Finance Department.

**AUTHORIZATION FOR THE TOWN SUPERVISOR TO CONTRACT WITH GUARDIAN TO PROVIDE DENTAL HEALTH INSURANCE FOR TOWN OF VICTOR EMPLOYEES AND RETIREES FOR 2019**

WHEREAS, the Town of Victor wishes to provide affordable dental insurance to Town employees and retirees; and

WHEREAS, the Human Resources Department worked with Brown & Brown of New York Inc. as the Town’s dental insurance benefits broker to receive bids for the Town’s dental insurance; and

WHEREAS, Brown & Brown of New York Inc. solicited insurance companies for rate quotes for a policy with coverage for both Town of Victor Employees and Retirees; and

WHEREAS, the Human Resources Department and Brown & Brown of New York Inc. both recommend to the Town Board that the Guardian plan, would be the best policy for the Town of Victor employees and retirees for both plan costs and plan benefits as follows:

Single	\$29.67/month
2-Person	\$60.23/month
Employee + Children	\$69.30/month
Family Plan	\$105.96/month

And

WHEREAS, full-time employees will still be required to pay 10% of their plan costs, permanent part-time employees will be required to pay 100% of their plan costs, and retirees pay the costs of their plan according to their retirement benefit schedule; now, therefore be it

RESOLVED that the Town Supervisor be authorized to enter into a one-year contract with Guardian as the 2019 dental insurance provider for the Town of Victor at a cost not to exceed the following:

Single	\$29.67/month
2-Person	\$60.23/month
Employee + Children	\$69.30/month
Family Plan	\$105.96/month

And be it further

RESOLVED that the full-time employees will still be required to pay 10% of their plan costs, permanent part-time employees will be required to pay 100% of their plan costs, and retirees pay the costs of their plan according to their retirement benefit schedule; and be it further

RESOLVED that a copy of this resolution be sent to the Human Resources Department, Finance Department, Guardian, and Brown & Brown of New York Inc.



7Q

**AUTHORIZATION FOR SUPERVISOR TO ENTER INTO A CONTRACT WITH NEW YORK MUNICIPAL INSURANCE RECIPROCAL (NYMIR) AND EASTERN SHORE ASSOCIATES FOR TOWN MUNICIPAL INSURANCE COVERAGE AND SERVICES**

RESOLVED, that the Town Supervisor be authorized to contract with New York Municipal Insurance Reciprocal (NYMIR) for the Town of Victor's municipal insurance needs for the 2019 calendar year in the amount of One Hundred Eight Thousand Nine Hundred Fifty Five dollars and Eighty Three cents (\$108,955.83) plus an additional Two Thousand Eight Hundred Nineteen dollars (\$2,819.00) for the Excess Employer's Liability Policy, for a total not to exceed One Hundred Eleven Thousand Seven Hundred Seventy Four dollars and Eighty Three cents (\$111,774.83) to be charged to the 2019 Town Budget line items A.1910.400 , B.1910.400, DB.1910.400 – Unallocated Insurance.Contractual; and be it further

RESOLVED, that the Town will utilize Eastern Shore Associates as the insurance broker for the Town's municipal insurance needs for the 2019 calendar year; and be it further

RESOLVED, that a copy of this resolution be forwarded to all Department Heads, the Finance Department, Human Resources, and Jackie Shaffer, Eastern Shore Associates, for New York Municipal Insurance Reciprocal (NYMIR).

7R

**REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS**

WHEREAS, the Town Board adopted the Resolution # 234 - Town of Victor Contract Procedures on June 13, 2016; and

WHEREAS, per the Contract Process, contractors and vendors who cannot obtain a Certificate of Liability Insurance which is in accordance with the Town’s insurance requirements in order to perform their contracted service for the Town of Victor may appeal to the Victor Town Board for a Waiver of the Certificate of Liability Insurance; and

WHEREAS, the Town wishes services to be provided by the following vendors, who are requesting the waiver of providing a Certificate of Liability Insurance to the Town of Victor:

<u>Vendor</u>	<u>Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>	<u>Reason for Exemption</u>
Sheldon (Scott) Hopkins	As-Needed New Employee Safety Training for Highway and Recycle Departments	60 Rawson Road	\$28.86/hour	October 16, 2019	Insufficient Coverage

Now, therefore be it

RESOLVED that the Town Board grants the Certificate of Liability Waivers for the following service provider:

<u>Vendor</u>	<u>Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>	<u>Reason for Exemption</u>
Sheldon (Scott) Hopkins	As-Needed New Employee Safety Training for Highway and Recycle Departments	60 Rawson Road	\$28.86/hour	October 16, 2019	Insufficient Coverage

And be it further

RESOLVED that a copy of this resolution be sent to Sheldon (Scott) Hopkins, Human Resources, Highway Superintendent, Town Clerk, and the Finance Department.

**AUTHORIZATION FOR THE SUPERVISOR TO ENTER INTO A CONTRACT WITH SHELDON  
"SCOTT" HOPKINS TO PROVIDE AS-NEEDED NEW EMPLOYEE SAFETY ORIENTATION TRAINING  
FOR THE HIGHWAY AND RECYCLE DEPARTMENTS**

WHEREAS, Sheldon (Scott) Hopkins resigned from his position as the Town of Victor Safety Regulations Officer on August 3, 2018; and

WHEREAS, Scott wrote the new employee safety training manual for the Town of Victor Highway and Recycle Departments; and

WHEREAS, the Town of Victor currently does not have a Safety Regulations Officer on staff to do the safety training for new employees in these areas; and

WHEREAS, a need exists to train new employees in the Highway and Recycle departments in the safe work practices and equipment operation; and

WHEREAS, the Human Resources Director has recommended that the Town utilize Scott Hopkins on an as-needed basis to assist with the safety training of new employees in the Highway and Recycle Departments; now, therefore be it

RESOLVED, that the Supervisor is authorized to enter into a one-year contract with Sheldon (Scott) Hopkins to provide new employee safety training on an as-needed basis for the Highway and Recycle Departments, effective from October 17, 2018 to October 16, 2019 at a cost of Twenty Eight dollars and Eighty Six cents per hour (\$28.86/hour) to be taken from the 2018-2019 Town of Victor Budget line items A.8160.100 – Refuse & Garbage.Personal Service or DB.5110.100 – General Repairs.Personal Services; and be it further

RESOLVED that a copy of this resolution be sent to Sheldon (Scott) Hopkins, Human Resources, Finance Dept., Town Clerk, and the Highway Superintendent

**AUTHORIZATION FOR SUPERVISOR TO SOLICIT PROPOSALS FOR SAFETY CONSULTANT SERVICES FOR TOWN FACILITIES**

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

WHEREAS, Sheldon (Scott) Hopkins resigned from his position as the Town of Victor Safety Regulations Officer on August 3, 2018; and

WHEREAS, the need exists for safety expertise within the Town's facilities in order to maintain compliance with PESH and OSHA requirements, as well as to maintain safe work practices and conditions through all Town buildings and operations; and

WHEREAS, the Town Board wishes to contract safety consulting services for all Town facilities; now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to solicit proposals for safety consultant services for Town facilities; and be it further

RESOLVED that a copy of this Resolution be forwarded to Human Resources, Finance Department, and the Town Clerk.

7U

**AUTHORIZATION FOR SUPERVISOR TO ENTER INTO A CONTRACT WITH ADP FOR WORKFORCE NOW PAYROLL SOLUTIONS "IARCHIVE" MODULE**

WHEREAS, the Town of Victor is a current ADP customer and has implemented a series of Workforce Now payroll, Affordable Care Act, and timekeeping modules; and

WHEREAS, ADP continues to streamline their services into on-line, cloud-based features; and

WHEREAS, the Finance Department has been receiving archived payroll reporting and information at the end of each year on a CD from ADP, which will no longer be available as of 12/31/2018; and

WHEREAS, ADP is providing all of their customer's annual payroll report histories on their new iArchive cloud-based program, which will enable paydata histories to be retained for many years; and

WHEREAS, the Finance Department wishes to enter into a contract with ADP for this service, at a cost not to exceed Five Hundred Thirty Six dollars and Eighty Eight cents (\$536.88) for 2018 for the annual fee and set-up charge, and Three Hundred Eighty Six dollars and Eighty Eight cents (\$386.88) for 2019 for the annual fee of the iArchive service, to be taken out of the 2018 and 2019 Budget Line Item A.1220.400 Supervisor.Contractual; now, therefore be it

RESOLVED, that the Supervisor is authorized to enter into a contract with ADP for the purchase of the iArchive payroll history services, at a cost not to exceed Five Hundred Thirty Six dollars and Eighty Eight cents for 2018 for the annual fee and set-up charge, and Three Hundred Eighty Six dollars and Eighty Eight cents (\$386.88) for 2019 for the annual fee for the iArchive service, to be taken out of the 2018 and 2019 Budget Line Item A.1220.400 Supervisor.Contractual, and be it further

RESOLVED that a copy of this resolution be forwarded to ADP, Suzy Mandrino, Mary Lyng, Human Resources, Town Clerk, and the Finance Department.

**AUTHORIZATION FOR SUPERVISOR TO ENTER INTO CONTRACT FOR ACTUARY TO COMPLY WITH GASB 75 – GOVERNMENTAL ACCOUNTING STANDARDS BOARD**

WHEREAS, an actuary is needed to determine the costs of GASB 75 – Governmental Accounting Standards Board for expense for fiscal year ending December 31, 2018; and

WHEREAS, the Burke Group had provided these services for the Town of Victor in the 2016 fiscal year, and has provided a quote of Three Thousand Seven Hundred Fifty dollars (\$3,750.00) for the 2018 valuation; and

WHEREAS, the funds are included and available in the 2018 Town Budget Line Item A.1989.400 Special Items Contracted Costs; now, therefore be it

RESOLVED, that the Town Board authorizes the Supervisor to enter into a contract with The Burke Group as an actuary to comply with GASB 75 at a cost not to exceed Three Thousand Seven Hundred Fifty dollars (\$3,750.00) for the 2018 valuation, said funds are available in the 2018 Town Budget Line Item A.1989.400 Special Items Contracted Costs, and it be further

RESOLVED, that a copy of this resolution be sent to Vince Cassano -The Burke Group; Finance Office, Town Clerk, and Human Resources.

7W

**AUTHORIZATION FOR SUPERVISOR TO ENTER INTO A CONTRACT WITH VERIZON CONNECT FOR GPS SYSTEMS FOR ALL TOWN-OWNED VEHICLES**

WHEREAS, the Victor Town Board wishes to install GPS monitoring devices on all Town-owned vehicles for the purpose of recording the location, maintenance needs, and utilization of the vehicle, with the data being used for:

- coordinating personnel and vehicles,
- monitoring utilization of the vehicles,
- scheduling servicing of the vehicles.
- deterring theft, locating a vehicle after theft and recovering a stolen vehicle.
- Improve safety of employees during work hours that are working in isolation
- Protects employees from accusations of misconduct or damage claims in some situations.
- Provide data that can be used to identify efficiencies in Town operations, such as scheduled maintenance, location of plows for resident concerns, etc..
- Improve emergency response times through the dispatch of vehicles/plant closest to the incident.
- Protect the Town against claims of misuse of resources or damage caused by the use of resources, and

WHEREAS, Verizon Connect offers this system through the New York State Office of General Services Contract #PGB-22966; and

WHEREAS, Verizon Connect has provided a pricing proposal of Three Thousand Nine Hundred Twelve dollars and Forty Two cents (\$3,912.42) for the cost of the hardware, and an monthly recurring cost of Seven Hundred Sixteen dollars and Twenty cents (\$716.20) for the GPS monitoring system charges; now, therefore be it

RESOLVED, that the Supervisor is authorized to enter into a one-year, auto-renewing contract with Verizon Connect for the installation of GPS monitoring systems on Town-owned vehicles in an amount not to exceed Three Thousand Nine Hundred Twelve dollars and Forty Two cents (\$3,912.42) for the cost of the hardware, and an monthly recurring cost of Seven Hundred Sixteen dollars and Twenty cents (\$716.20) for the GPS monitoring system charges to be taken from the 2018 Budget line items # A.7110.400 – Parks.Contractual, A.7020.400 – Rec Administration.Contractual, A.8160.00 – Refuse & Garbage.Contractual, B.3620.400 – Building-Safety Inspection.Contractual, and DB.5110.400 – General Repairs.Contractual, and be it further

RESOLVED, that a copy of this resolution be sent to Chris Diaz – Verizon Connect, Highway Superintendent, Director of Parks and Recreation, Town Clerk, Finance Department, and Human Resources

**AUTHORIZATION FOR SUPERVISOR TO ENTER INTO A CONTRACT WITH ROCHESTER REGIONAL DISTRIBUTORS FOR THE CENTRALIZED PURCHASING OF CLEANING SUPPLIES AND PAPER PRODUCTS**

WHEREAS, the Victor Town Board elected to have the cleaning of all buildings done by part-time employees rather than continuing to contract out for this service; and

WHEREAS, in an effort to control the cost of cleaning supplies and paper products, on September 10, 2018 the Town Board approved Resolution #461 - Authorization For Supervisor To Solicit Bids For Centralized Purchasing Of Bulk Janitorial Supplies; and

WHEREAS, the bid for cleaning and paper products was advertised and the following proposals were received on September 28, 2018:

BIDDER	BID	COMMENTS
WB Mason	\$8,996.40	All inclusive of specified materials
All Star Cleaning Supply	\$9,609.04	All inclusive of specified materials
All American Poly	\$747.47	Trash can liners only
Rochester Regional Distributors	\$6,765.70	All inclusive of specified materials
Hillyard, Inc.	\$8,148.98	All inclusive of specified materials
Medco-Performance Health	\$2,138.70	Kleenex, gloves only

Now, therefore be it

RESOLVED, that the Supervisor is authorized to enter into a one-year contract with Rochester Regional Distributors, beginning on October 1, 2018 through September 30, 2019 to provide cleaning supplies and paper products to all Town of Victor buildings through a centralized purchasing contract at an annual cost not to exceed Six Thousand Seven Hundred Sixty Five dollars and Seventy cents (\$6,765.70) to be charged to A.1620.400 – Buildings.Contractual, and is to be administered through the Human Resources office; and further

RESOLVED that a copy of this resolution be forwarded to Rochester Regional Distributors, Human Resources, Town Clerk, and the Finance Department.



7Y

**APPROVAL OF TOWN OF VICTOR WAGE/PAY SCALE CHARTS FOR 2019**

WHEREAS, the Town Board has developed a Wage/Pay Scale chart for 2019 for all Town of Victor civil service and appointed employees, designated as "Schedule "A" and kept in the subject file in the Town Clerk's office; and

WHEREAS, Parks & Recreation and Highway have developed a Wage/Pay Scale chart for part-time/seasonal Parks & Recreation and Highway employees to be in accordance with the recent New York State Minimum Wage Requirements, designated as "Schedule "B" and kept in the subject file in the Town Clerk's office; and

WHEREAS, the 2019 Wage/Pay Scale for all Town of Victor civil service and appointed employees has a 2% Cost of Living Allowance (COLA) increase over the 2018 Wage/Pay Scale, per the 2019 Approved Town of Victor Budget; now therefore be it

RESOLVED that the 2019 Wage/Pay Scales for both civil service and appointed employees and for Parks & Recreation and Highway part-time and seasonal employees be adopted; and further

RESOLVED that the wages, grades, and steps in 2019 the Wage/Pay Scale charts be used to calculate employee salaries for 2019; and further

RESOLVED that a copy of the resolution and wage scales be sent to all Town of Victor employees and to Human Resources.

**AUTHORIZATION TO EXTEND STIPEND FOR BRIAN EMELSON FOR OUT-OF-TITLE SPECIAL TOWN PROJECT WORK (WALKABLE COMMUNITIES AND TRANSPORTATION GRANTS)**

WHEREAS, on January 11, 2016 the Town Board approved Resolution #52-16 Authorization For Stipend For Brian Emelson For Out-Of-Title Special Town Project Work; and

WHEREAS, due to Brian Emelson's continued out-of-title Special Project work for the Town of Victor, the Town Board wishes to extend the One Hundred dollars (\$100.00) per pay period stipend throughout 2019; now, therefore be it

RESOLVED that the One Hundred dollars (\$100.00) per pay period stipend approved by Resolution #52-16, which is currently set to expire on December 31, 2018, will be extended for one (1) year throughout 2019, and will now expire on December 31, 2019, and will be taken from the 2018 Budget Line A.7021.100 Parks & Rec. Dept. Personal Services; and be it further

RESOLVED that a copy of this resolution be sent to Brian Emelson, the Finance Dept., Human Resources, Town Clerk, and Ontario County Human Resources.

**7AA**

**AUTHORIZATION FOR STIPEND FOR BRIAN EMELSON FOR OUT-OF-TITLE SPECIAL TOWN PROJECT WORK ON THE VICTOR COMMUNITY CONNECTIVITY CAPITAL PROJECT**

WHEREAS, the Town Board has requested Brian Emelson to manage and implement the Victor Community Connectivity Capital Project and associated grants for the Town of Victor in 2018; and

WHEREAS, this project was outside of the scope of duties of Brian's current role as Director of Parks & Recreation, and require additional working hours to complete; and

WHEREAS, Brian has been involved in the following activities:

- RFP work
- Preparing, executing, and managing the contracts with the DOT, contractors, engineers, etc. involved in the project
- Managing the Federal Grant Process
- Hiring the consulting engineer
- Project Team organization and management
- Public input meetings
- Public relations with homeowners/landowners
- Project Management activities
- Reviewing documents
- Attending evening meetings; and

WHEREAS, several Monroe County Towns and Ontario County Human Resources were consulted for what they have done in similar situations, and these municipalities do offer a stipend for out-of-title work on special projects; and

WHEREAS, through Brian's management of this project, the Town has saved in excess of Thirty Thousand dollars (\$30,000.00) in outsourced project costs; and

WHEREAS, the Victor Town Board is proposing a Five Thousand dollar (\$5,000.00) stipend as compensation for the additional working hours of out-of-title work throughout the duration of the project to be paid in a one lump sum amount in 2018 from the Budget Line A.7021.100 Parks & Rec. Dept. Personal Services; now, therefore be it

RESOLVED that the Victor Town Board approves the Five Thousand dollar (\$5,000.00) stipend to Brian as compensation for the additional working hours of out-of-title work throughout the duration of the Victor Community Connectivity Capital Project to be paid in a one lump sum amount in 2018 from the Budget Line A.7021.100 Parks & Rec. Dept. Personal Services; and be it further

RESOLVED that a copy of this resolution be sent to Brian Emelson, the Finance Dept., Town Clerk, and Human Resources.

**7BB**

**AUTHORIZATION FOR STIPEND FOR STEPHEN HENDRICKSON – VICTOR PARKS & RECREATION**

WHEREAS, the Town Board wishes to recognize Stephen (Steve) Hendrickson for his continued excellent performance and contributions to the successes of the Victor Parks & Recreation camps and programs; and

WHEREAS, Steve Hendrickson has been a member of the Town of Victor Parks & Recreation staff for a period of 18 years; and

WHEREAS, during that time, Steve has gone above and beyond his role to ensure the successful planning, programming, and staffing to create positive experiences for all of his customers, and in doing so, has averaged well-over 50 hours/week during his programming seasons; and

WHEREAS, Steve has been maxed out in his pay grade for the past several years without the ability for a step increase in recognition for his efforts; and

WHEREAS, the Town Board wishes to provide a Fifty dollar (\$50.00) per pay period stipend to Steve Hendrickson, beginning on January 1, 2019 and ending on December 31, 2019 to be taken from the 2019 from the Budget Line A.7021.100 Parks & Rec. Dept. Personal Services; now, therefore be it

RESOLVED that the Town Board grants a Fifty dollar (\$50.00) per pay period stipend to Steve Hendrickson, beginning on January 1, 2019 and ending on December 31, 2019 to be taken from the 2019 from the Budget Line A.7021.100 Parks & Rec. Dept. Personal Services, in recognition for his continued contributions to the successes of the Victor Parks & Recreation programs; and be it further

RESOLVED that a copy of this resolution be sent to Brian Emelson, the Finance Dept., Human Resources, Town Clerk and Ontario County Human Resources.

7CC

**ACKNOWLEDGEMENT OF THE RESIGNATION OF SHARON KAISEN FROM PARKS & RECREATION DEPARTMENT**

WHEREAS, Sharon Kaisen submitted a letter of resignation from her position as Part-Time Typist for the Victor Parks & Recreation Department on October 1, 2018; and

WHEREAS, Sharon has worked for the Victor Parks & Recreation Department for 5 years, and has provided excellent internal and external customer service to all employees and visitors to the Parks & Recreation facilities and programs; now, therefore be it

RESOLVED that the Town Board acknowledges the resignation of Sharon Kaisen, and thanks Sharon for her hard work and dedication to the employees and residents of the Town of Victor, and her never-ending passion for the Victor Parks & Recreation Department and programs; and be it further

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

**7DD**

**APPOINTMENT OF MARLENE MURNAN TO REAL PROPERTY APPRAISAL AIDE POSITION**

WHEREAS, the Town of Victor has an unfilled Real Property Appraisal Aide position available in its Civil Service position portfolio; and

WHEREAS, Marlene Murnan has taken the Real Property Appraisal Aide Civil Service test for Ontario County, and has scored in the top 3 candidates on the Certification of Eligible list; and

WHEREAS, Marlene's duties in the Assessment Department are more closely aligned with the Real Property Aide position rather than an Assessor's Aide position; and

WHEREAS, Marlene Murnan has submitted her letter of resignation from the Assessor's Aide position, effective on November 13, 2018; now, therefore be it

RESOLVED that the Town Board accepts Marlene Murnan's resignation from the Assessor's Aide position, effective November 13, 2018, and hereby appoints Marlene Murnan to the Real Property Appraisal Aide position, effective November 13, 2018 at a Grade 2, Step D pay rate of Twenty dollars and Seven cents per hour (\$20.07/hour) to be taken from the 2018 Budget line item A.1335.100 Assessor.Personal Services; and be it further

RESOLVED that a copy of this resolution be sent to Marlene Murnan, Wayne Pickering, Finance Department, Human Resources, Town Clerk, and Ontario County Human Resources

7EE

**LEGAL NOTICE – PUBLIC HEARING - TOWN OF VICTOR – PUBLIC HEARING REGARDING UNSAFE STRUCTURE AT 1244 HEATHER LANE**

PLEASE TAKE NOTICE as required by Town Code, Chapter 83 “Construction Codes, Uniform” Section 83-9 “Unsafe Buildings and Structures,” the Code Enforcement Officer has submitted a report finding that the property at 1244 Heather Lane, Victor, NY 14564 (the “Property”), is a danger and unsafe to the public.

PLEASE TAKE FURTHER NOTICE that given the state of structural damage to the Property, the Town Board has found that this Property is dangerous and unsafe and needs immediate repair.

Therefore, the Town Board has ORDERED, that the owner, executor, administrator, mortgagee, lessee or any other person who may have a recorded vested or recorded contingent interest in the unsafe Property, secure the Property and to obtain all permits necessary, at the owners expense, in order to repair the structure; and it further

ORDERED, that the Code Enforcement Officer is to install the unsafe structure placards as provided by law; and it further

ORDERED, that the Property be fully repaired by the property owners to commence within THIRTY (30) days after service of notice and to be complete within SIXTY (60) days at the owners’ expense; and it further

ORDERED, that a public hearing will be held before the Town Board of the Town of Victor on November 26, 2018 at 7:00 PM at the Victor Town Hall, 85 East Main Street, Victor, New York, to determine whether this order shall be affirmed, modified, or vacated and also at which time the owners or occupants, or other persons having an interest in said Property shall have the right to contest this Order of the Town Board. Written comments may also be directed to the Victor Town Clerk, Victor Town Hall, 85 East Main Street, Victor, New York 14564, on or before 4:30 PM on the 26<sup>th</sup> day of November, 2018; and it further

ORDERED that in the event such owners, executor, administrator, mortgagee, lessee or other persons who may have a recorded vested or recorded contingent interest in said Property shall fail to contest such order, and fail to comply with the same, that the Town Board will order the repair of such Property by the Town and that the Town will assess all costs and expenses incurred against the land on which such Property is located.

DATED:

Karen C. Bodine, Town Clerk

**DECLARING PROPERTY AT 1244 HEATHER LANE AS UNSAFE AND ORDER FOR PUBLIC HEARING**

WHEREAS, as required by Town Code, Chapter 83 “Construction Codes, Uniform” Section 83-9 “Unsafe Buildings and Structures,” the Code Enforcement Officer has submitted a report finding



that the property at 1244 Heather Lane (Tax Map #27.01-1-56.061) (the "Property"), shall be deemed dangerous and unsafe to the public; and

WHEREAS, such report and supporting documentation, including photographs and the Town Board has reviewed and considered the report of the Code Enforcement Officer, identified as Schedule "A" and kept in the subject file in the Town Clerk's Office; now, therefore, be it

RESOLVED, that given the state of the structural damage to the Property, the Town Board finds that this Property is dangerous and unsafe and needs immediate repair; and be it

ORDERED, that the owner, executor, administrator, mortgagee, lessee or any other person who may have a recorded vested or recorded contingent interest in the unsafe Property, secure the Property and to obtain all permits necessary, at the owners expense, in order to repair the structure; and be it further

ORDERED, that the Code Enforcement Officer is to install the unsafe structure placards as provided by law; and be it further

ORDERED, that the Property be fully repaired by the property owners to commence within THIRTY (30) days after service of notice and to be complete within SIXTY (60) days at the owners' expense; and be it further

ORDERED, that a public hearing will be held before the Town Board of the Town of Victor on November 26, 2018 at 7:00 PM at the Victor Town Hall, 85 East Main Street, Victor, New York, to determine whether this order shall be affirmed, modified, or vacated and also at which time the owners or occupants, or other persons having an interest in said Property shall have the right to contest this Order of the Town Board. Written comments may also be directed to the Victor Town Clerk, Victor Town Hall, 85 East Main Street, Victor, New York 14564, on or before 4:30 PM on the 26<sup>th</sup> day of November, 2018; and be it further

ORDERED that in the event such owners, executor, administrator, mortgagee, lessee or other persons who may have a recorded vested or recorded contingent interest in said Property shall fail to contest such order, and fail to comply with the same, that the Town Board will order the repair of such Property by the Town and that the Town will assess all costs and expenses incurred against the land on which such Property is located; and be it further

ORDERED that a copy of this resolution be forwarded to Christopher A. & Courtney A. Harris, Landmark Builders of Rochester, Planning and Building Department, and the Town Clerk.

**SET PUBLIC HEARING – LOCAL LAW NO. -2018 TO IMPLEMENT CHAPTER 103 ENERGY SYSTEMS, ARTICLE I, SOLAR PHOTOVOLTAIC SYSTEMS**

WHEREAS, the Planning and Building Department has identified the need to implement new code to encourage and promote safe, effective, and efficient use of installed solar photovoltaic (PV) systems which reduce on-site consumption of utility-supplied energy and to protect the health, safety and welfare of adjacent and surrounding land uses and properties in the Town of Victor; and

WHEREAS, the Planning and Building Department for the Town has submitted a draft Local Law to the Town Board and said draft Local Law is on file with the Town Clerk; and

WHEREAS, the Town Board seeks to set a public hearing with respect to the adoption of said local law; now, therefore, be it

RESOLVED, by the Victor Town Board that a Public Hearing shall be had on the 26<sup>th</sup> day of November, 2018, at 7:00 p.m., for the purpose of adopting a local law to implement Chapter 103 Energy Systems, Article I, Solar Photovoltaic Systems of the Town of Victor; and

RESOLVED, that the Town Board hereby directs the Town Clerk to refer the Local Law to the Ontario County Planning Board pursuant to NY General Municipal Law Section 239-m; and be it further

RESOLVED, that the Town Clerk advertise for said Public Hearing in a manner consistent with law; and be it further

RESOLVED, that a copy of this resolution be forwarded to the Planning Board, Town Planning and Building Department and the Town Clerk.

**LOCAL LAW NO. -2018 TO IMPLEMENT CHAPTER 103 ENERGY SYSTEMS, ARTICLE I, SOLAR PHOTOVOLTAIC SYSTEMS**

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 implement Chapter 103 Energy Systems, Article I, Solar Photovoltaic Systems of the Town of Victor. The purpose of this Local Law is to implement Chapter 103 Energy Systems, Article I, Solar Photovoltaic Systems in order to encourage and promote safe, effective, and efficient use of installed solar photovoltaic (PV) systems which reduce on-site consumption of utility-supplied energy and to protect the health, safety and welfare of adjacent and surrounding land uses and properties.

Section III. Intent

A. Meet goals of Town Comprehensive Plan to: enhance agricultural viability; preserve productive agricultural land resources; and, provide public utilities, facilities and services; and

B. Support green economy innovations; and

C. Support New York State in meeting renewable energy goals established by the 2015 New York State Energy Plan.

Section IV. Applicability

A. Roof-mounted, building-integrated and ground-mounted solar PV systems installed/constructed after the effective date of this Code.

B. Any upgrade, modification or structural change that alters physical size, generation capacity, location or placement of existing PV system.

C. Non-conforming PV systems. Non-conforming PV systems existing on the effective date of this Code may be altered or expanded provided alteration or expansion does not increase the extent of non-conformity.

D. Properties with approved site-plan. Notwithstanding requirements of §211-9, and §211-31, for any lot or parcel that has an approved site plan, the installation of “by-right” PV system on the lot shall not be considered a change to the approved site plan.

E. Prohibition. In order to reduce nuisance reflection and glare, solar PV systems attached vertically to the side of a building are prohibited unless they are designed as a building-integrated system.

Section V. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURAL LAND, PRIME OR IMPORTANT

Three (3) acres or more of Prime Farmland, Farmland of Statewide Importance or soils classified as Class 1 through 4 as documented in the Soil Group Worksheets prepared by the Ontario County Soil and Water Conservation District and used by the Town Assessor in calculation of agricultural use exemption values, that has been used for agricultural production during the past five years and/or is suitable for use in agricultural production.

#### BUILDING-INTEGRATED SOLAR PV SYSTEM

A solar PV system that is designed and constructed as an integral part of a principal or accessory structure. Components of a building-integrated system are designed to replace or substitute for architectural or structural elements of a building and generally complement, blend with or form part of a structure's architectural appearance. Such components will generally maintain a uniform plane with and/or form a part of the walls, window openings, roofing and/or other building elements into which they are integrated. A building-integrated system may occur: within vertical façades; replacing view-glass, spandrel glass or other façade material; within semitransparent skylight systems; within roofing systems, replacing traditional roofing materials; or within other building envelope systems.

#### ENVIRONMENTAL MANAGER (EM)

An individual possessing the skills and knowledge to effectively develop a site for use as a solar PV system and then reclaim the site restoring it, to the greatest extent practical, to its original use.

#### FARMLAND OF STATEWIDE IMPORTANCE

Land, designated as "Farmland of Statewide Importance" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey based on soil characteristics that is of state wide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law.

#### GROUND-MOUNTED SOLAR PV SYSTEM

A solar PV System, including its specialized racking or other mounting system(s), which is installed on the ground and not attached to any other structure.

#### GROUND-MOUNTED SOLAR PV SYSTEM, LARGE-SCALE

A ground-mounted solar PV system that has a system capacity greater than 25 kilowatts (kW) and/or generates more than 110% of kilowatt-hours (kWh) of electricity consumed over previous 12-month period by land use(s) existing on the lot or parcel of land where system is located. In applying this standard, electricity consumption shall be determined by submission of utility bills showing electrical usage over said 12-month period, or by another means deemed acceptable by the Code Enforcement Officer.

#### GROUND-MOUNTED SOLAR PV SYSTEM, SMALL-SCALE

A ground-mounted solar PV system that is limited to a system capacity of 25kW and/or generated no more than 110% of the kWh's of electricity consumed over the previous 12-month period by land use(s) existing on the lot or parcel of land where system is located. In applying this standard, electricity consumption shall be determined by submission of utility bills showing electrical usage over said 12-month period, or by another means deemed acceptable by the Code Enforcement Officer.

#### NET METER

A meter used to measure the flow of electricity from the solar PV system to the electric utility grid for the purpose of net metering.

#### ON-SITE NET ENERGY METERING

An arrangement accepted by the public utility whereby a customer-sited renewable energy system is connected to the utility grid through a customer's utility meter ("behind-the-meter generation.") At any given moment, if the site is using more electricity than the system is producing, all the electricity produced by the system is used on-site and the site's electricity needs are supplemented from the grid. If the site is using less electricity than the system is producing, the excess electricity is exported to the grid and the customer receives a credit.

#### PRIME FARMLAND

Land, designated as "Prime Farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey based on soil characteristics that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

#### PV SYSTEM COVERAGE

The entire surface area covered by a solar panel, or physically connected group of panels, regardless of the method by which the panels are supported or attached to the ground, as measured on a horizontal plane projected from the perimeter of said panel, or group of panels, vertically to the ground. For tilting panels, PV system coverage shall be determined by the tilt angle producing the greatest PV system coverage.

#### REMOTE NET METERING

An arrangement with public utility that allows for the kilowatt-hours (kWh) generated from a solar PV system located at a specific site to be credited towards kWh of consumption at a different location.

#### ROOF-MOUNTED SOLAR PV SYSTEM

A solar PV system that is attached to the roof of a building.

#### SOLAR ARRAY

Any number of electrically connected solar photovoltaic (PV) panels that are connected to the same inverter.

## SOLAR PANEL

A device containing photovoltaic cells capable of collecting and converting solar energy into electrical energy.

## SOLAR PHOTOVOLTAIC (PV) SYSTEM

A solar energy collection system consisting of solar photovoltaic cells, panels and/or arrays, and other related equipment, which rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar PV system may be building-mounted, ground-mounted or building-integrated.

### Section VI. Solar PV Systems Permitted by Right

A. By-right Solar PV Systems. The following systems shall be permitted by right in any zoning district in the Town, provided the system is generating electricity primarily for the land use(s) located on the same lot as the system, and the system meets the standards for by-right systems identified below. By-right systems shall require a building permit.

(1) Building-integrated PV systems. Permitted to face any rear, side and/or front yard area.

(2) Roof-mounted PV systems. Permitted to face any rear, side and/or front yard area.

(3) Small Scale Ground-mounted PV Systems.

B. Standards for by-right systems.

(1) Accessory use. Roof-mounted by-right PV systems shall be considered an accessory use.

(2) Only small-scale ground-mounted PV systems shall be considered as by-right systems. Such by-right systems shall be limited to a capacity of 25 kW or less and generate no more than 110% of the kWh's of electricity consumed over the previous 12-month period by land use(s) existing on the lot or parcel where the system is located.

(3) By-right facilities shall comply with all applicable New York State Uniform Fire Prevention and Building Codes.

(4) In no event shall the combined total of PV system coverage and building coverage exceed forty percent (40%) of the total lot area.

C. Roof-mounted PV Systems

(1) Roof-mounted PV system installed on a sloped roof:

(a) Highest point of system shall not exceed the highest point of the roof to which it is attached.

(b) Solar panels shall be parallel to the roof surface or tilted with no more than 18" gap between the module frame and the roof surface. This measurement shall not be taken from any parapet which might be considered part of a roof.

(2) Roof-mounted PV system installed on a flat roof:

(a) Shall not extend more than 5 feet above the height of the roof.

## Section VII. Solar PV Systems Requiring a Special Use Permit

A. Except for by-right PV systems described above, no other type of ground-mounted PV system shall be constructed without obtaining a special use permit and site plan approval from the Planning Board pursuant to § 211-9. Solar PV systems requiring a Special Use Permit shall be permitted in all zoning districts except the Limited Development District. All ground-mounted PV systems shall require a Building Permit. Solar PV systems requiring a special use permit and site plan approval shall include:

(1) Large-scale ground-mounted PV systems

(2) Roof-mounted and building-integrated PV systems having a system capacity greater than 25 kW and/or generating more than 110% of the kWh's of electricity consumed over a 12-month period by land use(s) existing on the lot or parcel.

(3) PV systems, regardless of size, generating and providing electricity through a remote net metering agreement or other arrangement to an off-site user.

(4) PV systems, regardless of size, mounted on carports or canopy structures covering parking facilities.

B. Classifications: PV systems requiring a special use permit and site plan approval may be classified as either an accessory use or a principal use as set forth:

(1) Principal Use – PV system constructed on a lot or parcel providing electricity to an off-site user through remote net metering agreement (large-scale PV system) shall be considered a principal use. All ground-mounted PV systems classified as a principal use shall adhere to the area and height requirements of the zoning district in which the system is located, unless modified herein.

(2) Accessory Use/Accessory Structure – PV system generating electricity for the sole consumption of a principal use or building(s) located on the same lot or parcel as the system shall be considered an accessory use/accessory structure.

## VIII. Standards for Facilities Requiring a Special Use Permit

A. Setbacks. Subject to the minimum yard and setback requirements for the zoning district in which the system is located. No part of a ground-mounted systems shall extend into the required yards and/or setbacks due to a tracking system or seasonal adjustment in the location, position or orientation of solar PV related equipment or parts.

(1) Setbacks in Residential Districts. Location of large-scale ground-mounted solar collectors shall meet all applicable setbacks for accessory structures in the zoning district in which the project is located, but not less than 25 feet from any public highway right-of-way or utility easement. Natural vegetation shall be preserved within this 25 foot buffer and if possible augmented.

(2) Screening. The setback is intended to provide a visual buffer between the PV system and adjacent dwellings. Plantings within this area are to be at a height so as to provide, as much as practicable, a visual screen of the large-scale ground-mounted system from residential uses. The species, type, location and height of such landscaping shall be consistent with the Town of Victor Native Plant Manual and subject to the approval of the Planning Board.

B. Utility Connections. Utility lines from large-scale ground-mounted PV system shall be installed underground unless determined otherwise by the Planning Board for: poor soil conditions, topography, or requirements of utility provider. Transformers for interconnection may be above ground if required by the utility provider.

C. Fences. Fences not exceeding 8' in height shall be permitted for the purpose of screening or enclosing a large-scale ground-mounted PV system regardless of the zoning district in which the system is located, provided the system is classified as a principle use

D. Barbed Wire. Fences intended to enclose a large-scale ground-mounted PV system may contain barbed wire canted out.

E. Height. Large-scale ground mounted PV systems may not exceed 12 feet in height.

F. Minimum Lot Size. Large-scale ground-mounted PV systems shall adhere to the minimum lot size requirements for the zoning district in which the system is located. Except for residential districts, the minimum lot size shall be one acre.

G. Lot Coverage. Large-scale ground-mounted PV systems shall adhere to maximum lot coverage requirements for principal uses within the zoning district in which they are located.

H. Signs. Large-scale ground-mounted PV systems classified as a principal use shall adhere to the sign requirements for the zoning district in which they are located, in addition to the following specific requirements:



(1) No signage or graphic content shall be displayed on the Solar Energy Systems except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information.

(2) As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

I. Location in front yard. Notwithstanding the requirements regulating location of accessory structures found in the Zoning Chapter, large-scale ground-mounted PV systems classified as an accessory use shall be prohibited in a front yard, including any front yard of a corner lot.

J. Tree cutting. Removal of existing trees larger than [6] inches in diameter should be minimized to the extent possible.

K. Farmland Protection. Large-scale ground-mounted solar PV systems proposed upon prime or important agricultural land as defined herein shall be allowed if the Planning Board determines there are no feasible alternative locations for PV system siting on the lot in question.

L. The following standards are to apply to the construction, restoration, and follow-up monitoring of solar energy projects impacting prime or important agricultural land. An Environmental Monitor (EM) shall be hired by the applicant to oversee construction, restoration and follow-up monitoring.

(1) For projects involving less than 10 acres of prime or important agricultural land, the Construction Manager or some other on-site personnel may serve as the EM. The EM must be on site whenever construction or restoration work is occurring on agricultural land.

(2) For projects involving 10 acres or more of prime or important agricultural land the EM shall be on site whenever construction or restoration work is occurring on agricultural land and shall coordinate with the New York State Department of Agriculture and Markets, Division of Land and Water Resources to develop an appropriate schedule for project inspections.

(3) The EM shall contact the New York State Department of Agriculture and Markets, Division of Land and Water Resources, if farm resource concerns or management matters pertinent to the agricultural operation and site-specific implementation conditions found below cannot be resolved.

(a) Construction Requirements:

[1] The surface of access roads constructed through agricultural fields shall be level with the adjacent field surface.

[2] Access roads shall be located along the edge of agricultural areas, in areas next to hedgerows and field boundaries, and in nonagricultural areas of the site to the greatest extent practicable.

[3] The width of access roads across or along agricultural fields shall be no wider than 20 feet so as to minimize the loss of agricultural lands while maintaining compliance with New York State Uniform Fire Prevention and Building Codes for emergency vehicle access.

[4] Culverts and waterbars shall be installed, where necessary, to maintain natural drainage patterns.

[5] All topsoil from agricultural areas used for vehicle and equipment traffic, parking, and equipment laydown and storage areas shall be stripped and stockpiled. All vehicle and equipment traffic and parking shall be limited to the access road and/or designated work areas, such as laydown areas. Vehicles and equipment shall not be allowed outside the work area without prior approval from the landowner and, when applicable, the Environmental Monitor.

[6] Topsoil stripped from work areas (parking areas, electric cable trenches, along access roads) shall be stockpiled separately from other excavated material (rock and/or subsoil). A minimum of 50 feet of temporary workspace shall be provided along "open-cut" electric cable trenches for proper topsoil segregation. All topsoil shall be stockpiled immediately adjacent to the area where stripped/removed and shall be used for restoration on that particular site. Topsoil stockpile areas shall be clearly designated in the field and on construction drawings.

[7] Electric interconnect cables and transmission lines installed above ground can create long term interference with mechanized farming on agricultural land. Therefore, interconnect cables shall be buried in agricultural fields wherever practicable. Interconnect cables and transmission lines installed above ground shall be located outside field boundaries wherever possible. When above ground cables and transmission lines must cross farmland, minimize agricultural impacts by using taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable.

[8] All buried electric cables in cropland, hayland and improved pasture, shall have a minimum depth of forty-eight inches of cover. In unimproved grazing areas and land permanently devoted to pasture, the minimum depth of cover shall be thirty-six inches. In areas where the depth of soil over bedrock ranges from zero to forty-eight inches, the electric cables shall be buried entirely below the top of the bedrock or at the depth specified for the particular land use, whichever is less. At no time shall the depth of cover be less than twenty-four inches below the soil surface.

[9] When buried electric cables alter the natural stratification of soil horizons and natural soil drainage patterns the effects shall be rectified with measures such as subsurface intercept drain lines. Ontario County Soil and Water Conservation District shall be consulted concerning the type of intercept drain lines to be installed to prevent surface seeps and the seasonally prolonged saturation of the cable installation zone and adjacent areas. All drain lines shall be installed in accordance with Natural Resource Conservation Service standards and specifications. Drain tile shall meet or exceed the AASHTO M252 specifications.

[10] Existing drainage and erosion control structures, such as diversions, ditches, and drain tile shall remain undamaged and protected. Where existing drainage and erosion control infrastructure must be removed, appropriate measures shall be taken to maintain the design and effectiveness of the originally installed structures. Drainage and erosion control structures disturbed during construction shall be repaired or replaced to as close to original condition as possible, unless said structures are to be eliminated based upon the large-scale ground-mounted solar PV system site plan approval.

[11] All excess subsoil and rock shall be removed from the site. On-site disposal of such material shall only be allowed if approved by the landowner, with appropriate consideration given to any possible agricultural or environmental impacts. Any permits necessary for disposal under local, State and/or federal laws and regulations shall be obtained by the contractor, with the cooperation of the landowner when required.

[12] All pieces of unused wire, bolts, and other metal objects shall be removed and properly disposed of as soon as practical to prevent mixing with any topsoil.

[13] Excess concrete shall not be buried or left on the surface in active agricultural areas. Concrete trucks shall be required to use designated washout stations located outside of agricultural areas.

[14] In pasture areas, it may be necessary to construct temporary or permanent fences around work areas to prevent livestock access, consistent with landowner agreements.

(b) Restoration Requirements – All agricultural areas temporarily disturbed by construction shall:

[1] Be decompacted to a depth of 18 inches with a deep ripper or heavy-duty chisel plow. Soil compaction results should be no more than 250 pounds per square inch (PSI) as measured with a soil penetrometer. In areas where the topsoil was stripped, soil decompaction should be conducted prior to topsoil replacement. Following

decompaction, remove all rocks four inches and larger in size from the surface of the subsoil prior to replacement of topsoil. Replace the topsoil to original depth and reestablish original contours where possible. Remove all rocks four inches and larger from the surface of the topsoil. Subsoil decompaction and topsoil replacement shall be avoided between the months of October and May unless favorable soil moisture conditions exist.

[2] Regrade all access roads to allow for farm equipment crossing and to restore original surface drainage patterns, or other drainage pattern incorporated into site plan design, approved by the Planning Board.

[3] Seed all restored agricultural areas with the seed mix specified by the landowner, in order to maintain consistency with the surrounding areas.

[4] All surface or subsurface drainage structures damaged during construction shall be repaired to as close to preconstruction conditions as possible, unless said structures are to be removed as part of the site plan approval. All surface or subsurface drainage problems resulting from construction of the large-scale ground-mounted solar PV system shall be corrected with the appropriate mitigation as determined by the EM, Ontario County Soil and Water Conservation District and the landowner.

[5] Restoration practices shall be postponed until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration is not to be conducted while soils are in a wet or plastic state. Stockpiled topsoil shall not be regraded and subsoil shall not be decompacted until plasticity, as determined by the Atterberg field test, is adequately reduced. No project restoration activities shall occur in agricultural fields between the months of October and May unless favorable soil moisture conditions exist.

[6] Following site restoration, all construction debris shall be removed from the site.

(c) Monitoring and Remediation Requirement – Immediately following site restoration, the applicant shall provide a monitoring and remediation period of no less than two years. The monitoring and remediation period allows for the effects of climatic cycles such as frost action, precipitation and growing seasons to occur, from which various monitoring determinations can be made. The monitoring and remediation phase is used to identify any remaining agricultural impacts associated with construction that may be in need of mitigation and to implement the follow-up restoration.

[1] General conditions to be monitored shall include topsoil thickness, relative content of rock and large stones, trench settling, crop production, drainage and repair of severed subsurface drain lines, fences, and any other conditions the Planning Board shall deem appropriate.

[2] Topsoil deficiency and trench settling shall be mitigated with imported topsoil that is consistent with the quality of topsoil on the affected site. All excess rocks and large stones are to be removed from the site.

(d) Decommissioning – If the use of the solar arrays is discontinued:

[1] All aboveground solar array structures shall be removed and all areas previously used for agricultural production shall be restored to conditions accepted by the landowner, the Ontario County Soil and Water Conservation District and the State Department of Agriculture and Markets.

[2] All concrete piers, footers, or other supports shall be removed to a depth of 48 inches below the soil surface. Underground electric lines shall be abandoned in place. Access roads in agricultural areas shall be removed, unless otherwise specified by the landowner.

IX. Placement on Non-conforming Buildings

Notwithstanding the area, lot and bulk requirements of the Zoning Chapter, roof-mounted and building-integrated PV systems may be installed on non-conforming buildings as follows:

A. On the roof of a non-conforming building that exceeds the maximum height restriction. System may not extend above the peak of highest point of the roof to which it is mounted.

B. On a building that does not meet the minimum setback or yard requirements, provided there is not increase in the extent or degree of non-conformity.

C. On a building that exceeds the maximum lot coverage requirements, provided there is no increase in the extent or degree of non-conformity.

X. Abandonment and Decommissioning

A. Applicability and Purpose – This section shall apply to large-scale ground-mounted PV systems with a rated capacity of 25 kW or more. The purpose of this section is to provide for the safety, health, protection and general welfare of persons and property in the Town by requiring abandoned large-scale PV systems to be removed pursuant to a decommissioning plan. The anticipated useful life of such systems, as well as the volatility of the recently emerging solar industry, where multiple solar companies have filed for bankruptcy, closed or been acquired creates an environment for systems to be abandoned, creating a negative visual and environmental impact on the Town. Abandoned large-scale PV systems may become unsafe by reason of their energy-producing capabilities and may become an “attractive nuisance.”

B. Abandonment. A large-scale ground-mounted PV system shall be deemed abandoned if the system fails to generate and transmit electricity at a rate of more than 10% of its rated capacity over a continuous period of 12-months. A large-scale PV system shall be deemed abandoned if following site plan approval, initial construction of the system has been commenced and is not completed within 18 months of issuance of the first building permit.

C. Extension of time. The time at which the large-scale PV system shall be deemed abandoned may be extended by the Planning Board for one additional period of one year, provided the system owner presents to the Board a viable plan outlining steps and schedules for placing the system in service or back in service within the time period of the extension. Application for and extension of time shall be made to the Planning Board by the PV system owner prior to abandonment.

D. Removal required. A large-scale PV system which has been abandoned shall be decommissioned and removed. The PV owner and/or owner of the land upon which the system is located shall be held responsible to remove all components of the system within one year of abandonment. Removal of the PV system shall be in accordance with the decommissioning plan approved by the Planning Board.

#### E. Decommissioning and Removal

(1) Decommissioning Plan. All applications for large-scale PV systems shall be accompanied by a decommissioning plan. The decommissioning plan shall address the following items.

(2) Decommissioning and removal of a large-scale PV system shall consist of:

(a) Physical removal of all aboveground and below-ground equipment, structures and foundations. (Solar arrays, buildings, security barriers, fences, electric transmission lines and components, roadways, other physical improvements to the site)

(b) Disposal of all solid and hazardous waste in accordance with local, State and Federal waste disposal regulations.

(c) Restoration of the ground surface and soil to conditions existing prior to the PV system installation.

(d) Stabilization and revegetation of the site with native seed mixes and/or plant species, consistent with the Town of Victor Native Plant Manual, to minimize erosion.

(3) The Planning Board may permit the system owner to leave certain underground or aboveground improvements in place provided the owner can show that such improvements are part of a plan to redevelop the site and are non-detrimental to redevelopment and have no adverse effect to community character or the environment.

F. Special Use Permit Conditions. The following conditions shall apply to all special use permits issued for a large-scale ground-mounted PV system. No special use permit shall be issued unless the Planning Board finds that the conditions have been or will be met.

- (1) A licensed Engineer's estimate of the anticipated operational life of the system.
- (2) Identification of the party responsible for decommissioning.
- (3) Descriptions of any agreement regarding decommissioning between the responsible party and the land owner.
- (4) A schedule showing the time frame over which decommissioning will occur and for completion of site restoration work.
- (5) A cost estimate prepared by a licensed Engineer estimating the full cost of decommissioning and removal of the PV system.
- (6) A financial plan to ensure that financial resources will be available to fully decommission the site.
- (7) An acceptable form of surety to be approved by the Town Engineer, accepted by the Town Board, and filed with the Town Clerk in an amount specified in the above referenced financial plan. Surety is to remain in effect for the above referenced anticipated operational life of the system. If the anticipated operational life of the system is amended, then a revised acceptable form of surety is to be approved by the Town Engineer, accepted by the Town Board and filed with the Town Clerk.
- (8) Financial surety. Prior to the issuance of a building permit and every three years thereafter, the large-scale PV system owner and/or landowner shall file with the Town Clerk evidence of financial surety to provide for the full cost of decommissioning and removal of the PV system in the event the system is not removed by the system owner and/or landowner. Evidence of financial surety shall be in effect throughout the life of the system and shall be in the form of an irrevocable acceptable form of surety or other form of surety acceptable to and approved by the Town Board. The Town shall be entitled to draw upon the acceptable form of surety in the event that the large-scale PV system owner and/or landowner is unable or unwilling to commence decommissioning activities within the time periods specified herein. No other parties, including the owner and/or landowner, shall have the ability to demand payment under the letter of credit. Upon completion of decommissioning, the owner and/or landowner may petition the Town Board to terminate the acceptable form of surety. In the event ownership of the system is transferred to another party, the new owner shall file evidence of financial surety with the Town Board at the time of transfer, and every three years thereafter, as provided herein.

(9) Amount. The amount of the surety shall be determined by the Town Engineer based upon a current estimate of decommissioning and removal costs as provided in the decommissioning plan and subsequent annual reports. After review of an annual report the Town Board may adjust the amount of the surety to reflect any changes in the estimated cost of decommissioning and removal. Any revised surety is to be filed with the Town Clerk's office.

(10) Annual report. The large-scale PV system owner shall, on a yearly basis from the Certificate of Compliance issued by the Code Enforcement Officer, provide the Town Code Enforcement Officer a written report showing the rated capacity of the system and the amount of electricity that was generated by the system and transmitted to the grid over the most recent twelve-month period. The report shall also identify any change of ownership of the solar PV system and/or the land upon which the system is located and shall identify any change in the party responsible for decommissioning and removal of the system upon its abandonment. The actual report shall be submitted no later than 45 days after the end of the calendar year. Every third year, to coincide with the filing of evidence of financial surety, the annual report shall also include a recalculation of the estimated full cost of decommissioning and removal of the large-scale solar PV system. The Town Board may require an adjustment in the amount of the surety to reflect any changes in the estimated cost of decommissioning and removal. Failure to submit a report as required herein shall be considered a violation subject to the penalties this chapter.

(11) Decommissioning and removal by Town. If the large-scale PV system owner and/or landowner fails to decommission and remove an abandoned facility in accordance with the requirements of this section, the Town may enter upon the property to decommission and remove the system.

G. Determination of abandonment. Upon a determination by the Code Enforcement Officer that a large-scale solar PV system has been abandoned, the Code Enforcement Officer shall notify the system owner, landowner and permittee by certified mail:

(1) In the case of a facility under construction, to complete construction and installation of the facility within 180 days; or

(2) In the case of a fully constructed facility that is operating at a rate of less than 10% of its rated capacity, to restore operation of the facility to no less than 80% of rated capacity within 180 days, or the Town will deem the system abandoned and commence action to revoke the special use permit and require removal of the system.

H. Failure to perform notification. If deemed abandoned, and if either the system owner, landowner and/or permittee fails to perform as directed by the Code Enforcement Officer within the 180 day period, the Code Enforcement Officer shall notify the system owner, landowner and permittee, by certified mail, that the solar PV system has been deemed abandoned and the Town intends to revoke the special use permit within 60 days of mailing



said notice. The notice shall also state that the permittee may appeal the Code Enforcement Officer's determination to the Planning Board and request a public hearing upon the matter.

(1) Said appeal and request for hearing must be made and received by the Planning Board within 30 days of mailing notice. Failure by the permittee to submit an appeal and request for hearing within the 30 day period will result in the special use permit being deemed revoked as stated herein.

(2) In the event the permittee appeals the determination of the Code Enforcement Officer and requests a hearing, the Planning Board shall schedule and conduct said hearing within 60 days of receiving the appeal and request. In the event a hearing is held, the Planning Board shall determine whether the solar PV system has been abandoned, whether to continue the special use permit with conditions as may be appropriate to the facts and circumstances presented to the Board or whether to revoke the special use permit and order removal of the solar PV system.

(3) Upon a determination of abandonment by the Code Enforcement Officer and the subsequent revocation of the Special Use Permit by the Planning Board, the decommissioning plan must be implemented and the system removed within one year of having been deemed abandoned or the Town Board may cause the removal at the owner's and/or landowner's expense. If the owner and/or landowner fails to fully implement the decommissioning plan within one year of abandonment, the Town Board may collect the required surety and use said funds to implement the decommissioning plan.

(4) Removal by Town and reimbursement of Town expenses. Any costs and expenses incurred by the Town in connection with any proceeding or work performed by the Town or its representatives to decommission and remove a large-scale PV system, including legal costs and expenses, shall be reimbursed from the surety posted by the system owner or landowner as provided herein. Any costs incurred by the Town for decommissioning and removal that are not paid for or covered by the required surety, including legal costs, shall be assessed against the property, shall become a lien and tax upon said property, shall be added to and become part of the taxes to be levied and assessed thereon and shall be enforced and collected, with interest, by the same officer and in the same manner, by the same proceedings, at the same time and with the same penalties as are provided by law for the collection and enforcement of real property taxes in the Town.

XI. Enforcement; penalties for offenses.

A. Enforcement official. It shall be the duty of the Code Enforcement Officer to enforce this chapter and to bring to the attention of the Town Board any violations or lack of compliance herewith.

B. Enforcement of open space, natural resource and landscaping requirements. All open space, natural resource and landscaping requirements, including conservation easements and deed

restrictions required by the Town, are enforceable by the Town Code Enforcement Officer. Failure to comply with said requirements shall be a violation of this chapter, subject to penalties as set forth herein.

C. Violations. Any person, firm or corporation who or which fails to comply with or violates any of the provisions of this chapter shall be guilty of an offense and subject to the penalties for that offense or offenses.

D. Penalties. For each violation, any person, firm, company or corporation who or which neglects or refuses to do any act required by this chapter shall be guilty of an offense and shall be punishable as follows:

(1) For the first offense, for each violation: a fine of up to \$500 or imprisonment for up to six months, or both. Each day that a violation continues shall constitute a separate offense punishable by the foregoing fine.

(2) For the second offense within five years, for each violation: a fine of \$500 to \$1,000 or imprisonment for up to six months, or both. Each day that a violation continues shall constitute a separate offense punishable by the foregoing fine.

(3) For the third and subsequent offense(s) within five years, for each violation: a fine of \$1,000 to \$2,000 or imprisonment for up to six months, or both. Each day that a violation continues shall constitute a separate offense punishable by the foregoing fine.

E. Civil enforcement. Appropriate actions and proceedings may be taken by law or in equity proceedings to prevent any violation of this chapter, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of a building, structure or premises. These remedies shall be in addition to the penalties described above. Consequently, the Town Board may institute any appropriate action or proceeding to prevent and to restrain, correct or abate such violation or to prevent any illegal act, conduct, business or use in and about such premises.