

A regular meeting of the Victor Town Board was held on July 25, 2016 starting at 7:00 PM with the following members present:

PRESENT:                      Supervisor      Jack Marren  
    Councilman      Mike Guinan  
    Councilman      Silvio Palermo  
    Councilman      Dan Crowley

ABSENT:                      Councilman      David Tantillo

OTHERS PRESENT: Debra Denz, Town Clerk; David Hou, Town Attorney; Mark Years, Highway Superintendent; Brian Emelson, Parks & Recreation Director; Steve Metzger, Town Engineer; Mary Duprey, Deam R. Newcomb, Dan Duprey, Patty Duprey, Datmi Antonokokis, David Nankin, Jerry Goldman, Kent Kiikka, Marilyn Duvall, Melody Burri, Josh Dawson, Brian Reh, Karen Kelliher, Tim Brown, Bill & Kris Smith, Mitch Donovan, Rebecca Donovan, Paul Colucci, Spencer Read, Rick Mitchell, Neil Stein, Robert Hamby and one unreadable names.

Supervisor Marren called the meeting to order at 7:00 PM, and made the following announcements:

- 1) Everyone was asked to sign in on the attendance sheet, cell phones were requested to be turned off, and any private conversations or interviews to be conducted in the hallway or outside. Emergency exit locations were pointed out to the left and right sides of the Main Meeting Room.
- 2) Councilman Tantillo is necessarily absent.
- 3) Amendment was made to agenda item 8p.
- 4) Agenda items 8q, r and s regarding Old Dutch Easements were pulled from the agenda.
- 5) Resolution added for the sale of a Town of Victor truck to the Village of Victor.

The flag was saluted.

#### RESOLUTION #279

##### APPROVAL OF MINUTES

On motion of Councilman Palermo, seconded by Councilman Crowley, the following resolution was ADOPTED      AYES    4 (Marren, Palermo, Crowley, Guinan)      NAYS    0

RESOLVED that the minutes of the regular meeting of June 27, 2016 be approved.

#### RESOLUTION #280

##### PAYMENT OF BILLS

On motion of Councilman Crowley, seconded by Councilman Palermo, the following resolution was ADOPTED      AYES    4 (Marren, Palermo, Crowley, Guinan)      NAYS    0

RESOLVED that the bills be paid on Manifest #14 in the amount of \$435,529.93. Documentation for these expenditures can be found on vouchers filed by numbers #20161520-20161678.

A- General Townwide	\$225,942.36
B- General Outside Village	\$15,632.12
DB – Highway Townwide	\$140,622.84
H22 –Acquisition of Equipment	\$34.75
SL1 –Fishers Light	\$5.81
SL2 –Brookwood Meadows Light	\$5.00
SL3 –High Point Light	\$12.91
SL4 –Cobblestone Light	\$64.37
SL5 –Quail Ridge Light	\$11.65
SL6 –Rolling Meadows Light	\$14.42
SL7 –Legacy at Fairways	\$8.88
SL8 –Stoneleigh Light	\$4.83
SS –S5 CVS Sewer	\$18,202.49
TA –Trust & Agency	\$34,967.50

Supervisor Marren reviewed each of the nine large expenses that were included in Manifest #14.

#### TOWN OFFICIALS

##### PROCLAMATION – VICTOR GATEWAY SIGN PROJECT

Supervisor Marren read a “Proclamation to Recognizing Donations to the Victor Gateway Sign Project by Various Parties and distributed framed recognition to Mary Duprey and the Victor Garden Club on behalf of the Town and Village for spearheading this project. Mary Duprey and Brian Emelson noted that this Project was supported by donations totaling \$8,100 from the following individuals, businesses and organizations: Victor Garden Club, Gorbel Inc, Integrated Systems, LSI Solutions, Daniel & Mary Duprey, the DiMarco Family & Group, Peter & Renee Paulsen, Heritage Packaging, Tambe Electric Inc, Sage Financial, LLC, Victor Chamber of Commerce, Victor Hiking Trails, O’Connell Electric Co, David & Sue Reh, Brite Computers, Bundschuh’s Greenhouses, APD Engineering and Architecture, John & Dafni Antonakakis, Zoetek Medical Sales & Service Inc, Logical Control Solutions. All received framed recognition and a thank you. Town Board and everyone applauded.

Katie Evans, Director of Development reviewed an overhead presentation for the Lands to be dedicated for the proposed East Victor Road Subdivision consisting of 28 single family homes on 56 acres of land. She noted that the Planning Board has reviewed the application and has requested feedback from the Town Board for accepting lands to correct an obscure right of way along East Victor Road and lands to enable future improvements to the Auburn Trail before they consider approval of the final subdivision plat. Ms. Evans advised that the Highway Superintendent and the Director of Parks & Recreation are recommending acceptance of the lands for dedication. The Town Board supported acceptance.

Katie Evans, Director of Development presented an overview for the Route 96 Infrastructure Plan study, the purpose is for improvements, building on the work completed by the Transportation Committee in the Comprehensive Plan. She advised that the Town of Victor, Village of Victor, Victor Local Development Corp., Ontario County, and the NYS Dept. of Transportation supported submission of a Consolidated Funding Application, however, she was notified that \$30,000 of funding previously approved from NYS Empire State Development was retracted. She requested using funds from the Comprehensive Plan budget line to make up the difference, and noted that resolution 8 P for soliciting proposals from consultants was revised for Town Board consideration.

#### SUPERVISOR

Supervisor Marren distributed information in a submitted report to Town Board members, and discussed the following items:

- 1) Sales Tax Distribution –Ontario County is down 1.6%
- 2) Sent letters to Assemblyman Kolb, Senator Funke and Congressman Collins regarding support for the reduction of speed limit on Strong and Willis Hill Roads.
- 3) Taylor Road Noise Violation – Attorney Hou reviewed his opinion. The Town Code does contain enforcement regulations for excessive noise but can be difficult to enforce due to: it can be subjective, need to be present when it is happening and it can only happen for a brief duration. One direction suggested would be to set a decibel limit and supply equipment for that decibel to be determined. Town Board felt enforcement would be extremely difficult and were not in favor of amending the current code.
- 4) Received a heartfelt letter of resignation from Fiscal Manager Gloria Dunton.
- 5) Senator Funke lending support to try to establish funding for hydrant markers for the unmarked hydrants throughout the Town of Victor.
- 6) Budget Workshops will start August 22 and run through October the 24<sup>th</sup> if need be. Budget meetings have started for departments.
- 7) Tour of the Town roads will start at the Highway Barns at 4pm on August 1<sup>st</sup>. After that, there is a joint workshop with the Village Board on the Franchise Agreement with Vantage TV/Frontier.
- 8) Congressman Collins’s office is working with the Fisher’s Fire Department for funding for training and hiring of staff.
- 9) Attended the Sanitary Sewer Master Plan workshop at the Farmington Town Hall. A presentation will be presented to the Town Board next month.

REPORTS SUBMITTED

Highway  
Fiscal Manager  
Engineer  
Attorney

TOWN CLERK

Debra Denz reported:

1) 30-Day Advanced Notice received from Victor Hills Golf Club, Inc. advising of their application to the NYS Liquor Authority for an alteration for their Liquor, Wine, Beer & Cider license #3012058 allowing for a concession cart for the golf course located at 1460 Brace Road, Victor, NY. **Note: Town Board had no objections.**

COUNCILMAN CROWLEY

1) Planning Board –reviewed 3 projects. Gullace public hearing remains open. Victor Cares Attorney suggested a 4 way stop at the intersection of Lane and County Road 9 as opposed to a rotary.  
2) Zoning Board- approved 5 variances.  
3) Conservation Board –reviewed 2 projects

## RESOLUTION #281

DECLARE AS SURPLUS AND ACCEPTANCE OF OFFER BY THE VILLAGE OF VICTOR TO PURCHASE THE 2008 FORD F150 PICKUP TRUCK

On motion of Councilman Palermo, seconded by Councilman Crowley, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, the Town Highway Department wishes to declare the 2008 Ford F150 Pickup Truck (VIN # 1FTRX14W48FA86977) as surplus equipment; and

WHEREAS, in preparation for being sold, an appraisal was obtained estimating the value of the 2008 Ford F150 Pickup Truck (VIN #1FTRX14W48FA86977) to be between Nine Thousand (\$9,000.00) and Seven Thousand Five Hundred dollars (\$7,500.00); and

WHEREAS, the Village of Victor has offered to purchase this truck from the Town of Victor at a cost of Seven Thousand Five Hundred dollars (\$7,500.00) as approved at the Village Board meeting on June 20th; now therefore, be it

RESOLVED that the 2008 Ford F150 Pickup Truck (VIN #1FTRX14W48FA86977) be declared as surplus equipment; and be it further

RESOLVED, that the Victor Town Board accepts the Village of Victor's offer to purchase the 2008 Ford F150 Pickup Truck (VIN #1FTRX14W48FA86977) for Seven Thousand Five Hundred dollars (\$7,500.00) ; and be it further

RESOLVED that a copy of this resolution be sent to John Turner, Village of Victor, Director of Public Works; Mark Years, Highway Superintendent; Debra Denz, Town Clerk; and Gloria Dunton, Fiscal Manager.

## RESOLUTION #282

HIGH POINT BUSINESS PARK, HIGH POINT DRIVE EXTENSION (UTILITIES), LETTER OF CREDIT, RELEASE 2

On motion of Councilman Palermo, seconded by Councilman Crowley, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

(Resolution #282 con't)

WHEREAS, Rainbros Associates, LLC, received Planning Board approval for High Point Business Park, High Point Drive Extension (Utilities) with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, M & T Bank Irrevocable Letter of Credit No. SB1859600001 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 July 6, 2016 and recommends in his letter July 12, 2016 that \$243,261.89 be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 2 on the M & T Bank Irrevocable Letter of Credit No. SB1859600001 in the amount of \$243,261.89 as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$251,436.27 in said Letter of Credit; and further

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

RESOLUTION #283

HIGH POINT BUSINESS PARK, HIGH POINT DRIVE EXTENSION (GRADING), LETTER OF CREDIT, RELEASE 3

On motion of Councilman Crowley, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, Rainbros Associates LLC, received Planning Board approval for High Point Business Park, High Point Drive Extension (Grading) with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, M & T Bank Irrevocable Letter of Credit No. SB1836770001 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 July 6, 2016 and recommends in his letter July 12, 2016 that \$84,039.16, minus engineering and inspection fees, be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 3 on the M & T Bank Irrevocable Letter of Credit No. SB1836770001 in the amount of \$84,039.16, minus engineering and inspection fees, as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$114,518.91 in said Letter of Credit; and further

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

RESOLUTION #284

LEHIGH CROSSING, SECTION 2, LETTER OF CREDIT, RELEASE 3

On motion of Councilman Guinan, seconded by Councilman Palermo, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

(Resolution #284 con't)

WHEREAS, Bluestone Creek Development, LLC, received Planning Board approval for Lehigh Crossing, Section 2 with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and,

WHEREAS, Five Star Bank Irrevocable Letter of Credit No. 7002054929 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 June 29, 2016 and recommends in his letter July 12, 2016 that \$126,697.66, be released from said Letter of Credit; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 3 on the Five Star Bank Irrevocable Letter of Credit No. 7002054929 in the amount of \$126,697.66, as recommended by the Town Engineer; and further

RESOLVED that given said release, there now remains \$477,141.11 in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Engineer for the Town, Bluestone Creek Development, LLC, and BME Associates.

RESOLUTION #285

CORRECTION OF MANIFEST #12

On motion of Councilman Palermo, seconded by Councilman Crowley, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS the Finance Dept. has submitted the following voided check due to error or duplicate payments that were made resulting in the need to correct the corresponding Manifest; now, therefore, be it

RESOLVED, that the following Manifest be corrected:

#12-2016 6/27/16 total amount be corrected to \$633,929.79 void check # 54058 totaling \$57.00 (Voucher #20161346)
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and further

RESOLVED, that a copy of this resolution be forwarded to the Finance Department.

RESOLUTION #286

AUTHORIZATION TO PURCHASE OFFICE PANELS FOR PARKS & RECREATION OFFICES

On motion of Councilman Palermo, seconded by Councilman Crowley, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS the Department of Parks and Recreation has the need to purchase office panels for the common office area in the new facility; and

WHEREAS, the Assistant Director of Parks and Recreation has obtained the following quotes for this service:

OfficeWerks, Rochester, NY	\$2,304.65
KI, Rochester, NY	\$5,250.96

WHEREAS, the Assistant Director of Parks and Recreation recommends that the Town purchase the office panels from OfficeWerks in the amount not to exceed for Two Thousand Three Hundred and Four dollars and Sixty Five cents, (\$2,304.65); and

(Resolution #286 con't)

WHEREAS, the funds are available in the 2016 budget line item A7021.2 Parks & Recreation Department Equipment; now, therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase the office panels in the amount not to exceed Two Thousand Three Hundred and Four dollars and Sixty Five cents, (\$2,304.65), said funds are available in the 2016 budget line item A7021.2 Parks & Recreation Department Equipment; and further

RESOLVED that a copy of this resolution be forwarded to, Brian Emelson, Director of Parks and Recreation; Debra Denz, Town Clerk; Gloria Dunton, Fiscal Manager, and Bret DeVito, OfficeWerks.

RESOLUTION #287

AUTHORIZATION FOR SUPERVISOR TO ENTER INTO CONTRACT WITH YOUNG EXPLOSIVES FOR FIREWORKS FOR VICTORFEST – PARKS AND RECREATION

On motion of Councilman Crowley, seconded by Councilman Palermo, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, the Department of Parks and Recreation has a need for a contractor to deliver a fireworks exhibition for Victorfest on Saturday, September 10, 2016; and

WHEREAS, the Assistant Director of Parks and Recreation has obtained the following quotes for this service:

Contractor	Price Proposal
Young Explosives, Rochester, NY	\$3,500.00
Pyrotecnico, Auburn, NY	No Proposal
Zambelli Fireworks, New Castle, PA	No Proposal

WHEREAS, the Director of Parks and Recreation recommends that the Town enter into a three (3) year contract with Young Explosives for these services and in consideration for performing these services the Town will compensate Young Explosives and amount not to exceed Three Thousand Five Hundred Dollars (\$3,500.00) per year; and

WHEREAS, funds are included and available in the 2016 Budget line item A7550.4 Celebrations Contractual; now therefore, be it

RESOLVED, that the Town Board authorizes the Supervisor to enter into a three (3) year contract with Young Explosives in an amount not to exceed Three Thousand Five Hundred Dollars (\$3,500.00) per year, said funds are included and available in the 2016 Budget line item 7550.4 Celebrations Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Debra Denz, Town Clerk; Gloria Dunton, Fiscal Manager; and James Young, Young Explosives.

RESOLUTION #288

ACCEPTANCE OF THE RESIGNATION AND RETIREMENT OF GLORIA DUNTON

On motion of Councilman Crowley, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, Gloria Dunton submitted a letter of retirement and resignation from her position as the Fiscal Manager for the Town of Victor's Finance Department on July 18, 2016, with an effective date of August 21, 2016; now, therefore be it

(Resolution #288 con't)

RESOLVED that the Town Board accepts the resignation of Gloria Dunton, and thanks Gloria for her hard work and dedication to the residents of the Town of Victor over the past 6 years, and wishes her all of the best on her retirement; and be it further

RESOLVED that a copy of this resolution be forwarded to Gloria Dunton, Human Resources Department, Finance Department, Town Clerk, and Ontario County Human Resources.

RESOLUTION #289

ABOLISHMENT OF THE FISCAL MANAGER POSITION

On motion of Councilman Palermo, seconded by Councilman Crowley, the following resolution was  
ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, Gloria Dunton, Fiscal Manager for the Town of Victor, will be retiring from her position effective on August 21, 2016; and

WHEREAS, the Town Board has examined the duties and requirements of the Fiscal Manager position and believes that the position is no longer required for the Town; and

WHEREAS, the Town Board has decided to abolish the position of Fiscal Manager for the Town; now, therefore be it

RESOLVED that the Fiscal Manager position be abolished from the Town of Victor, effective August 22, 2016; and be it further

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

RESOLUTION #290

CREATION OF ACCOUNTANT I POSITION FOR FINANCE DEPARTMENT

On motion of Councilman Crowley, seconded by Councilman Guinan, the following resolution was  
ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, the Finance Department has the need to create an Accountant I position due to the review of duties, responsibilities, and needs within the current Finance Department staff; and

WHEREAS, the Town Supervisor and Human Resources have worked with Ontario County Human Resources to define the job description, roles, and responsibilities of this position; now, therefore be it

RESOLVED that the Accountant I position for the Finance Department be created; and be it further

RESOLVED that the position of the Accountant I position be created at a Grade 7 step A annual rate salary rate of Sixty Two Thousand Five Hundred Seventy Six dollars and Twenty Eight cents (\$62,576.28) and is to be funded from the 2016 Operating Budget line A.1220.100 Supervisor Personal Services; and be it further

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

RESOLUTION #291

APPOINTMENT OF BARBARA COLE TO THE ACCOUNTANT I POSITION FOR THE FINANCE DEPARTMENT

On motion of Councilman Palermo, seconded by Councilman Guinan, the following resolution was  
ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

(Resolution #291 con't)

WHEREAS, the Victor Town Board created the Accountant I position for the Finance Department by Resolution #290 on July 25, 2016 due to the realignment of duties and responsibilities within the Finance Department, and due to the retirement of Gloria Dunton, Fiscal Manager; and

WHEREAS, Barbara Cole has resigned her position as the Fiscal Assistant for the Finance Department, effective August 22, 2016; and

WHEREAS the Town Board wishes to appoint Barbara Cole to the position of Accountant I for the Finance Department, effective August 22, 2016; now, therefore be it

RESOLVED that Barbara Cole be appointed to the position of Accountant I for the Finance Department at a Grade 7 step A annual rate salary rate of Sixty Two Thousand Five Hundred Seventy Six dollars and Twenty Eight cents (\$62,576.28) and is to be funded from the 2016 Operating Budget line A.1220.100 Supervisor Personal Services; and be it further

RESOLVED that a copy of this resolution be forwarded to Barbara Cole, Human Resources, Finance Department, Town Clerk, and Ontario County Department of Human Resources.

RESOLUTION #292

ABOLISHMENT OF THE FISCAL ASSISTANT POSITION

On motion of Councilman Crowley, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, Gloria Dunton, Fiscal Manager for the Town of Victor, will be retiring from her position effective on August 21, 2016; and

WHEREAS, the Town Board has examined the duties and requirements of the Fiscal Assistant position for the Finance Department, and believes that the position is no longer required for the Town; and

WHEREAS, the Town Board has decided to abolish the position of Fiscal Assistant; now, therefore be it

RESOLVED that the Fiscal Assistant position be abolished from the Town of Victor, effective August 21, 2016; and be it further

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

RESOLUTION #293

CREATION OF SENIOR ACCOUNT CLERK POSITION FOR FINANCE DEPARTMENT

On motion of Councilman Guinan, seconded by Councilman Crowley, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, the Finance Department has the need to create a Senior Account Clerk position due to the review of duties, responsibilities, and needs within the current Finance Department staff; and

WHEREAS, the Town Supervisor and Human Resources have worked with Ontario County Human Resources to define the job description, roles, and responsibilities of this position; now, therefore be it

RESOLVED that the Senior Account Clerk position for the Finance Department be created; and be it further

RESOLVED that the position of the Senior Account Clerk position be created at a Grade 4 step an annual salary rate of Forty Six Thousand Three Hundred Twenty dollars and Four cents (\$46,320.04) and is to be funded in the 2016 Operating Budget line A.1220.100 Supervisor Personal Services; and be it further

(Resolution #293 con't)

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

RESOLUTION #294

CREATION OF ADDITIONAL TEN (10) NEW CIVIL SERVICE LIFEGUARD POSITIONS FOR THE TOWN OF VICTOR PARKS AND RECREATION DEPARTMENT

On motion of Councilman Crowley, seconded by Councilman Palermo, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, the Town of Victor Parks & Recreation Department and Victor Central School both maintain a staff of lifeguards for pool safety and operation; and

WHEREAS, for scheduling purposes, lifeguard personnel are certified to work both for the Town of Victor Parks & Recreation Department and Victor Central Schools so that the pool can be sufficiently staffed for Parks and Recreation programs; and

WHEREAS, the Town wishes to create ten (10) additional part-time Civil Service lifeguard positions that can be used at various times to staff Parks & Recreation swim programs throughout the year and for summer camps to ensure that we meet the safety staffing requirements for the use of the Victor Central School pool; now, therefore, be it

RESOLVED, that ten (10) Lifeguard positions be added to the Town's Civil Service position listing; and be it further

RESOLVED that the salary ranges for these positions are from Nine dollars (\$9.00)/hour to Ten dollars (\$10.00)/hour, and are charged to the 2016 Town Budget Line Item # A.7020.100 – Recreation Administration Personal Services, and be it further

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

RESOLUTION #295

AUTHORIZATION FOR THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 6404 SUNRAY CREST, VICTOR, NEW YORK 14564 (TAX MAP #28.04-2-37.000) FOR A TEMPORARY LICENSE FOR THE LIMITED PURPOSE OF ALLOWING VEHICULAR INGRESS AND EGRESS OVER TOWN PROPERTY AT SUNRAY CREST (TAX MAP #28.12-1-40.411) TO REMOVE EQUIPMENT FROM OWNER'S PROPERTY BEGINNING ON JULY 29, 2016 AND CONCLUDING ON AUGUST 12, 2016.

On motion of Councilman Palermo, seconded by Councilman Crowley, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

WHEREAS, Dean R. and Argetha V. Newcomb (the "Owners") are the record owners of the premises at 6404 Sunray Crest (the "Premises") in the Town of Victor; and

WHEREAS, the Owners desire to remove equipment from the Premises by obtaining vehicular access to the rear of the Premises, which requires access over adjacent private property and the Town's Property, as set forth in the attached diagram; and

WHEREAS, the Town is the owner of property located behind the Premises that connects to the land of a private third-party who, upon information and belief, has consented to allow the Owner ingress and egress over said property; and

(Resolution #295 con't)

WHEREAS, the Town Board wishes to enter into a License and Hold Harmless Agreement to allow a license to be given to Owner for the limited purpose of allowing vehicular ingress and egress over Town Property to remove equipment from Owner's property beginning on July 29, 2016 and concluding on August 12, 2016; now, therefore, be it

RESOLVED that, upon approval of the License and Hold Harmless Agreement by the attorneys for the Town, the Supervisor is authorized to execute the License and Hold Harmless Agreement with Dean R. and Argetha V. Newcomb to grant a license for the limited purpose and for the limited time described above; and further be it

RESOLVED that a copy of this Resolution be provided to the Town Building Department, Debra Denz, Town Clerk; and Dean R. and Argetha V. Newcomb.

RESOLUTION #296

AUTHORIZATION FOR SUPERVISOR TO SOLICIT PROPOSALS FOR TOWN PROFESSIONAL SERVICES FOR A REAL PROPERTY APPRAISAL CONSULTANT

On motion of Councilman Crowley, seconded by Councilman Palermo, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

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

WHEREAS, the Town requires the assistance of a Real Property Appraiser to evaluate and determine the fair market value of several parcels of land for potential purchase for the expansion of Town facilities and services; now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to solicit proposals for Real Property Appraisal services, and be it further

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

RESOLUTION #297

AUTHORIZATION FOR SUPERVISOR TO SOLICIT PROPOSALS FROM CONSULTANTS FOR ROUTE 96 TRANSFORMATIVE CORRIDOR STRATEGIC INFRASTRUCTURE PLAN

On motion of Councilman Crowley, seconded by Councilman Guinan, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

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

WHEREAS, the Town of Victor, Village of Victor, Victor Local Development Corporation, Ontario County, and NYS Department of Transportation support developing a detailed plan for improving infrastructure and growth management in the Route 96 Corridor to support development that has been approved and will be proposed consistent with the Town's Comprehensive Plan; and

WHEREAS, the Route 96 Corridor in the Town of Victor has been identified as a regional commercial, industrial, and tourism corridor of significance and its continued growth is integral to the continued fiscal stability of the Town, County and the region; and

WHEREAS, in an effort to implement portions of the Town's Comprehensive Plan, a Consolidated Funding Application ("CFA") was submitted on July 31, 2015 to the Finger Lakes Regional Economic Development Council ("FLREDC") for the purpose of developing an Infrastructure and Growth Management Plan for the Route 96 Corridor within the Town of Victor; and

(Resolution #297 con't)

WHEREAS, in an effort to implement portions of the Town's Comprehensive Plan, a Unified Planning Work Program ("UPWP") Application was submitted on October 23, 2015 to the Genesee Transportation Council ("GTC") for the purpose of developing a detailed action plan to improve overall traffic conditions and operations within the Victor Route 96 corridor, including approaches at key intersections; and

WHEREAS, the CFA application was partially funded and the UPWP application was fully funded, due to the overlapping scopes of work for both applications Empire State Development ("ESD") and GTC have permitted the Town to do one project with two funding sources thereby reducing the overall local match by Fifty Thousand dollars (\$50,000.00) and Five Thousand dollars (\$5,000.00) of in-kind work, for a total project cost of One Hundred Twenty Five Thousand dollars (\$125,000.00);

WHEREAS, ESD required an "Incentive Proposal" to be executed by the Town of Victor which was authorized by the Town Board on July 11, 2016 and mailed to ESD on July 12, 2016; and

WHEREAS, GTC requires a scope of work to be approved by the GTC Planning Committee prior to soliciting proposals from consultants and said scope of work received approval from the GTC Planning Committee on July 14, 2016; and

WHEREAS, on July 17, 2016, the Town requested permission to use the Thirty Thousand dollars (\$30,000.00) CFA funds to focus on transportation infrastructure within the Route 96 Corridor; and

WHEREAS, on July 25, 2016, ESD notified the Town the request for the change of scope is denied and the funding was retracted, therefor the Town hereby deems this project as one of importance to the goals and objectives of the Comprehensive Plan and authorizes a fund transfer from the Comprehensive Plan budget line to the Route 96 Infrastructure budget line to make up for the difference in funding; and WHEREAS, it is the intention of this study to use the work of the Traffic Task Force incorporated into Chapter 7 of the Town's adopted Comprehensive Plan as a spring board to work from, to identify realistic and obtainable solutions, rank alternatives to identify those which anticipate to have the greatest return on investment, and to identify sources of funding to implement the outcome of this study; and

WHEREAS, the Town of Victor wishes to request proposals from consultants for the completion of this described study described; now, therefore be it

RESOLVED that the Victor Town Board authorizes the Supervisor to solicit proposals for the completion of a study to develop a detailed plan for improving infrastructure and growth management in the Route 96 Corridor to support development that has been approved and will be proposed consistent with the Town's Comprehensive Plan, GTC's Long Range Transportation Plan, and the FLREDC's Upstate Revitalization Initiative Plan; and be it further

RESOLVED that a copy of this Resolution be forwarded to Gloria Dunton, Barb Cole, Tina Kolaczyk, Debra Denz, and Katie Evans.

RESOLUTION #

AUTHORIZATION FOR THE TOWN OF VICTOR TO ENTER INTO A PURCHASE OFFER FOR A PORTION OF REAL PROPERTY LOCATED AT 8037 MAIN STREET FISHERS

Pulled

RESOLUTION #

AUTHORIZATION FOR THE TOWN OF VICTOR TO ENTER INTO A PURCHASE OFFER FOR A PERMANENT EASEMENT OVER A PORTION OF REAL PROPERTY LOCATED AT 657 OLD DUTCH ROAD

Pulled

## RESOLUTION #

AUTHORIZATION FOR THE TOWN OF VICTOR TO ENTER INTO A PURCHASE OFFER FOR A PORTION OF REAL PROPERTY AND TEMPORARY EASEMENTS OVER REAL PROPERTY LOCATED AT 660 OLD DUTCH ROAD

Pulled

## RESOLUTION #298

AFTER PUBLIC HEARING – ADOPT LOCAL LAW NO. \_\_\_\_\_-2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED “ZONING,” SECTION 211-3B ENTITLED “GENERAL REGULATIONS FOR LAND USE,” AND SECTION 211-24C(8) ENTITLED “LIGHT INDUSTRIAL DISTRICT REGULATIONS,” TO PERMIT PRIOR NONCONFORMING SINGLE AND TWO-FAMILY USES IN COMMERCIAL, COMMERCIAL/LIGHT INDUSTRIAL, AND LIGHT INDUSTRIAL DISTRICTS TO HAVE CUSTOMARY ACCESSORY USES AND STRUCTURES

On motion of Councilman Crowley, seconded by Councilman Palermo, the following resolution was ADOPTED BY ROLL CALL VOTE:

Supervisor Marren	AYE
Councilman Guinan	AYE
Councilman Crowley	AYE
Councilman Palermo	AYE

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor on the 13<sup>th</sup> day of June, 2016, calling for a Public Hearing to be held by the Town Board of the Town of Victor on the 27<sup>th</sup> day of June, 2016, at the Victor Town Hall, 85 East Main Street, at 7:30 p.m., to hear all interested parties on a proposed Local Law to amend the Victor Town Code at Chapter 211 Section 211-3B and Section 211-24C(8) in order to permit prior nonconforming single and two-family uses in Commercial, Commercial/Light Industrial, and Light Industrial Districts to have customary accessory uses and structures; and

WHEREAS, pursuant to General Municipal Law Section 239-m, the Town Board has referred the proposed Local Law to the County of Ontario Planning Board, which returned the proposed Local Law with a recommendation of approval, and the Town Board has reviewed and considered any comments received in response thereto; and

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

WHEREAS, said Public Hearing was duly held at the Victor Town Hall on the 27<sup>th</sup> day of June, 2016, at 7:30 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any parts thereof; and

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

WHEREAS, the Town Board of the Town of Victor finds that Chapter 211 Section 211-3B and Section 211-24C(8) of the Victor Town Code should be amended as set forth herein; now, therefore be it

RESOLVED, that the Town Board has reviewed the potential environmental impacts of the proposed Local Law and related actions pursuant to SEQR, has duly assumed Lead Agency status in relation thereto, has determined that said Local Law and related actions will have no significant adverse environment impacts and thus approves Parts 2 and 3 of the SEQR EAF and approves a negative declaration; and be it further

RESOLVED, by the Town Board of the Town of Victor that the Town Board hereby adopts said Local Law No. \_\_\_\_\_-2016 to amend the Town Code at Chapter 211 Section 211-3B and Section 211-24C(8) in order to permit prior nonconforming single and two-family uses in Commercial, Commercial/Light Industrial, and Light Industrial Districts to have customary accessory uses and structures, as follows:

LOCAL LAW NO. \_\_\_\_\_ -2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED "ZONING," SECTION 211-3B ENTITLED "GENERAL REGULATIONS FOR LAND USE," AND SECTION 211-24C(8) ENTITLED "LIGHT INDUSTRIAL DISTRICT REGULATIONS," TO PERMIT PRIOR NONCONFORMING SINGLE AND TWO-FAMILY USES IN COMMERCIAL, COMMERCIAL/LIGHT INDUSTRIAL, AND LIGHT INDUSTRIAL DISTRICTS TO HAVE CUSTOMARY ACCESSORY USES AND STRUCTURES

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

Section I. Authorization

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. \_\_\_\_\_-2016, to amend Chapter 211 "Zoning", Section 211-3B, entitled "General Regulations For Land Use", and Section 211-24C(8), entitled "Light Industrial District regulations" of the Town Code of the Town of Victor. This law is adopted in order to permit prior nonconforming single and two-family uses in Commercial, Commercial/Light Industrial, and Light Industrial Districts to have customary accessory uses and structures.

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby makes the following determination:

- that under the existing Town Code, owners of prior nonconforming single and two-family uses in non-residentially zoned districts in the Town, specifically, in Commercial, Commercial/Light Industrial, and Light Industrial Districts, where residential uses are not otherwise permitted, are disadvantaged in not being able to use and derive a benefit from the nonconforming residential use that is comparable to similar residential uses in other districts where residential uses are permitted; and
- that permitting some limited expansion of prior nonconforming residential uses for customary accessory uses and structures, as set forth herein, would allow such owners to continue to reasonably benefit from their ongoing use of the property in a manner more equivalent with existing residential uses in other districts, and that such limited expansion would achieve a fair balance between the Town's policy of regulating and ultimately abolishing nonconforming uses and allowing an existing residence to reasonably benefit from the ongoing residential use; and
- that the Town Code should be amended to permit prior nonconforming residential uses in Commercial, Commercial/Light Industrial, and Light Industrial Districts to have customary accessory uses and structures.

Section IV. Amendment

Chapter 211-3 entitled "Zoning" Section 211-3B entitled "General Regulations For Land Use" shall be amended as follows:

(5) Notwithstanding the foregoing provisions of this Section 211-3(B), prior nonconforming single and two-family dwelling uses in Commercial, Commercial/Light Industrial, and Light Industrial Districts shall be entitled to customary accessory uses and structures as follows:

- (a) Customary accessory uses and structures, such as garages and storage sheds, as set forth in Section 211-19. Any proposed accessory uses or structures must comply with the requirements

of Chapter 83, where applicable, and must comply with current dimensional area and height requirements of the district in which the property is located.

(6) Any structure destroyed by fire or other calamity may be restored within 12 months of such destruction and the former use continued, provided that the reconstruction shall not exceed the dimensions of the destroyed property.

(7) Failure to exercise any nonconforming use for a period of 12 months or more shall terminate such nonconforming use of the structure or premises, and thereafter such structure or premises shall be used only in conformity with the provisions of this chapter.

Chapter 211 entitled "Zoning" Section 211-24C(8) entitled "Light Industrial District regulations" shall be amended as follows:

(8). Residential uses.

Section V. Validity and Severability

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

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Victor which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

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

And be it further, RESOLVED, that the Town Clerk of the Town of Victor be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Zoning Board of Appeals, Planning Board, Planning and Building Department, and Secretary of State of the State of New York.

DISCUSSION- LOCAL LAW NO. \_\_\_\_\_ - 2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED "ZONING" IN ORDER TO MODIFY THE PLANNED DEVELOPMENT DISTRICT KNOWN AS "EASTVIEW COMMONS"

Town Board discussion held with clarification presented by Atty. Jerry Goldman, representing the applicant, and Atty. David Hou relating to sprinklers. After it was noted that a meeting was held with Town staff and received approval from both of the Fire Chiefs, the Town Board considered the proposed local law without amendment.

RESOLUTION #299

AFTER PUBLIC HEARING - LOCAL LAW NO. \_\_\_\_\_ - 2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED "ZONING" IN ORDER TO MODIFY THE PLANNED DEVELOPMENT DISTRICT KNOWN AS "EASTVIEW COMMONS"

On motion of Councilman Palermo, seconded by Councilman Crowley, the following resolution was ADOPTED BY ROLL CALL VOTE:

Councilman Palermo	AYE
Councilman Crowley	AYE
Supervisor Marren	AYE
Councilman Guinan	AYE

WHEREAS, the Victor Town Board duly called for a public hearing and held the same on June 27, 2016, where all interested parties were permitted to speak on a proposed Local Law to amend the Town Code at Chapter 211 entitled "Zoning" in order to "Modify the Planned Development District Known as 'Eastview Commons';" and

WHEREAS, the Victor Town Board has referred the Application to the Victor Town Planning Board and the County of Ontario Planning Board and has reviewed and considered any comments received in response thereto; and

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

RESOLVED, that the Town Board has reviewed the potential environmental impacts of the proposed Local Law and related actions pursuant to SEQR, has duly assumed Lead Agency status in relation thereto, has determined that said Local Law and related actions will have no significant adverse environment impacts and thus approves Parts 2 and 3 of the SEQR EAF and approves a negative declaration; and be it further

RESOLVED, by the Town Board of the Town of Victor that the Town Board hereby adopts said Local Law to modify the Eastview Commons Planned Development District, as follows:

LOCAL LAW NO. \_\_\_ - 2016 TO AMEND THE VICTOR TOWN CODE AT CHAPTER 211 ENTITLED "ZONING" IN ORDER TO MODIFY THE PLANNED DEVELOPMENT DISTRICT KNOWN AS "EASTVIEW COMMONS"

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 10 and in accordance with the Victor Town Code at Section 211-27.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. \_\_\_ - 2016 to amend the Town Code at Chapter 211 entitled "Zoning" in order to modify the Planned Development District Known as "Eastview Commons." The purpose of this amendment is to modify the existing PDD to allow for the construction and operation of a self-storage facility as well for the relocation of business offices related to a small business, all in an area formerly occupied by an asphalt plant.

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that the applicant has submitted an application in compliance with the Victor Town Code at Section 211-27 to amend the Eastview Commons Planned Development District, that the Town Board has reviewed said application and has otherwise duly complied with the procedures set out at Section 211-27 of the Victor Town Code, and that it is in the public interest to grant the relief requested by applicant, so that the subject PDD and related improvements, business, etc. that are a part thereof can continue to thrive, providing valued business and office opportunities in the Town as well as tax revenues, among other benefits. The Town Board further finds that the re-implementation of the site as a mixed small business office and self-storage business use is a benefit to the Town of Victor as it replaces an unused and abandoned site formerly the home of an asphalt plant.

Section IV. Amendment

Chapter 211 entitled "Zoning," Section 27.10 entitled "Eastview Commons Planned Development District" shall be established and shall read as follows:

Eastview Commons Planned Development District Regulations.

The rules, regulations, restrictions and conditions of the Eastview Commons Planned Development District are set forth in Local Law No. 14 of 1997 of the Town of Victor and Resolution # 310 of 1997 of the Town of Victor, which documents incorporate a number of requirements and conditions that also comprise the rules, regulations, restrictions and conditions of the Eastview Commons Planned Development District. Said Local Law, Resolution, all amendments thereto and all related documents are fully incorporated herein and are made a part of these Planned Development District Regulations.

A map filed with the Victor Town Clerk and entitled "Site Plan, Victor Self Storage East, 7606 Commons Blvd, Victor, NY 14564" drawn by Mitchel Design Build, Project No. 15.031, dated February 23, 2016, shall comprise further regulations of this PDD applicable to the lands depicted thereon, said lands being commonly known as 7606 Commons Blvd., Lot #8, Tax #6.00-1-3.100, comprising approximately 6.983 acres (the "Victor Self Storage Lands"). The Victor Self Storage Lands (which are a part of the Eastview Commons PDD) shall fully comply and be consistent with all aspects of said 2016 map. Said 2016 map is fully incorporated herein and made a part of these Eastview Commons Planned Development District regulations. To the extent said 2016 map conflicts with the prior regulations formerly established via the aforementioned local law and resolution, the 2016 map shall control.

Section V. Validity and Severability

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

Section VI. Repeal, Amendment and Supersession of Other Laws

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

Section VII. Effective Date

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

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

PUBLIC COMMENT

Neil Stein-thanked the Town Board for pursuing the Strong Road speed limit issue.

RESOLUTION #300

MOVE TO EXECUTIVE SESSION

On motion of Councilman Crowley, seconded by Councilman Palermo, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

RESOLVED that the Victor Town Board enter into Executive Session for discussion of the proposed acquisition/sale/lease of real property. The Town Attorney and Highway Superintendent were requested to stay, the Town Clerk was excused. No Town Board action to take place following the Executive Session

Time: 8:20 PM

RESOLUTION #301

RE-OPEN OPEN MEETING

On motion of Councilman Crowley, seconded by Councilman Palermo, the following resolution was ADOPTED AYES 4 (Marren, Palermo, Crowley, Guinan) NAYS 0

RESOLVED that the open meeting of the Victor Town Board be reconvened. Time: 9:19 PM.

On motion of Councilman Guinan, seconded by Councilman Crowley, the meeting was adjourned at 9:19 PM.

Respectfully submitted, \_\_\_\_\_ Debra J. Denz, Town Clerk