

A Joint Public Hearing and Meeting of the Victor Town Board and the Village of Victor Board was held on June 25, 2018 starting at 6:00 PM in the Victor Town Hall with the following members present:

PRESENT:	Supervisor	Jack Marren	Mayor Gary Hadden
	Councilman	David Condon	Trustee Mike Crowley
	Councilman	David Tantillo	Trustee Bob Kelly
	Councilman	Mike Guinan	Trustee Michelle Chalupa
	Councilman	Ed Kahovec	
ABSENT:	Trustee	Carol Commisso	

OTHERS PRESENT: Karen Bodine, Town Clerk; David Hou, Reid Holter, Village Attorney; Pam Hogenes, Village Clerk; Mark Years, Highway Superintendent; Brian Emelson, Parks & Recreation Director; Mary Masciangelo, Jean Kelly, Calvin Nichols, Lee Wagner, David Nankin, Steve Metzger, Wes Pettee, Neil Stein, David Graham, Stephen Graham, Edwin Rueda, Al Gallina, Jane Gallina, Gerald Barry, Jason Sheldon, Mark Militello, David Zugnor, Glenn Lockwood, Melody Burri, Sean McAdoo, Peg Foust, Greg Foust, Fred Rainaldi, Jon McConnell, Linsey McConnell, Joe Murphy, Roxann Ammerman, Linda Tice, Kyleigh Tice, William Patterson, Tom Simonds, Kevin McDonald, Ryan DelRae.

Supervisor Marren called the meeting to order at 6:00 PM and the flag was saluted.

The Town Clerk was asked to read the Public Hearing Notice.

RESOLUTION #367

JOINT PUBLIC HEARING AND JOINT BOARD MEETING OF THE TOWN BOARD OF THE TOWN OF VICTOR AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF VICTOR TO CONSIDER THE FORMATION OF A JOINT FIRE DISTRICT

Motion to move to the Scheduled Joint Public Hearing was made by Mayor Hadden, and seconded by Councilman Condon with a vote as follows:

All in Favor: Ayes 9 Opposed: 0

Fire Chief Sean McAdoo gave a brief recap since the Townwide Emergency Services study was done in 2017. The report listed six options for the Fire Service:

(1) Maintain the status quo, (2) The Town could expand rolls into the fire protection area of support, (3) Create a single joint district for Victor Fire Department, (4) Create a Townwide Joint Fire District, (5) Create a regional Fire District with Fishers and Farmington, (6) Town expanding rolls in the fire protection support by actually having administrative staff on the payroll for the Town that did work on behalf of the fire districts. Both Farmington and Fishers have declined to join in these efforts. Chief McAdoo expressed how times have changed in the way Fire Fighting operates, not only fighting fires, but responding to car crashes, rescues, hazardous materials spills, medical calls, gas leaks, building collapses, carbon monoxide alarms and natural disasters, also known as the all hazard response model. Chief McAdoo noted the steady decline of volunteers especially during the daytime and how we cannot go back to the simpler times to keep the status quo. Chief McAdoo expressed the need for the model to change and it is changing across the country. We need a dedicated Board to focus on looking at the challenges facing the fire department and adjusting what is necessary to meet the needs while keeping the cost effective. Chief McAdoo was very clear that replacing volunteers with paid fire fighters was not the intent, but help is needed with paid staff during the day due to the lack of availability of volunteers. He also expressed that the Board of Commissioners would be uncompensated positions.

Currently the Victor Fire Department has 53 members, nights and weekends they turn out an average of 12 to 14 fire fighters. The Victor Fire Department wants to keep this base strong and go with a standalone district. Chief McAdoo has a proposed budget for the new commission for their consideration which includes putting two daytime fire fighters on duty, Monday-Friday, but also expands recruitment and retention programs for the volunteers. Chief feels the current tax cap would hold for at least 5 years, maybe even longer. If the budget is accepted without change, depending on how the assessment and tax values go through for 2019, the cost would range right now between \$1.50- \$1.60 per thousand.

Mayor Hadden asked about the mutual agreement and Chief McAdoo said it would stay in effect and it is in writing.

There was some discussion as to why Fishers did not want to merge with Victor, noting there were a variety of issues. The feeling was that Fishers wanted to keep their own identity, they had monies in reserves and Victor still had debt for a few more years. They like the concept of a joint district, they just weren't ready at this point.

Trustee Crowley wanted to let the record show that Fishers Fire District came to the Village of Victor prior to the publication of the emergencies study requesting a joining of the two departments.

Mayor Hadden commented that Fishers felt uneasy about the fact that Victor Fire Department has such a strong volunteer staff and they are basically a paid staff and they believe paid staff is the way to go. Mayor Hadden expressed that he is very pleased with Chief McAdoo's approach to this proposition because he intends to keep the volunteer force going. Mayor Hadden commented to the fire fighter volunteers that were in attendance how proud the Village is of what has been accomplished over all these years and the Town of Victor. Mayor Hadden also brought up maybe approaching the State of New York with concerns and is there some kind of legislative action to help with the oversight issues.

Supervisor Marren asked for any Public Comments. There were no public comments and then the Board was asked:

Councilman Tantillo stated for the record that he is in support of a joint district, but he had a couple of concerns and asked David Hou to explain how if both boards approve it, how would a new taxing district work with a permissive referendum. David Hou explained that a new legal governing entity would be created that would be separate and distinct from a town or village, governed by the Board of Commissioners.

Trustee Crowley supports the creation of a new district as he feels a place in time has been reached where volunteerism isn't going to cut the need for services and he doesn't feel the Village is equipped to hire and professionally manage full time fire fighters. He also stated that the tax rate will increase whether or not there is a joint district, noting that the increase is for the potential fire fighters that Chief McAdoo is proposing.

Councilman Condon commented that more people need to be involved and he supports the joint fire district and agreed with Trustee Crowley we are moving our tax rate whether there is a consolidation or not. He feels this is a step in the right direction as far as the fire district being their own entity.

Motion was made by Councilman Kahovec, seconded by Councilman Guinan to close the Joint Public Hearing at 6:32PM

RESOLUTION #368

LEAD AGENCY DETERMINATION - JOINT FIRE DISTRICT

On motion of Councilman Kahovec, seconded by Councilman Guinan, the following resolution was

ADOPTED: (Marren, Guinan, Condon, Tantillo, Kahovec, Hadden, Crowley, Kelly, Chalupa)

AYES 9

NAYS 0

WHEREAS, the Village Board of the Village of Victor (the "Village"), and the Town Board of the Town of Victor (the "Town", and collectively as the "Boards") desire to conduct a coordinated environmental review procedure for the establishment of a joint fire district for the Village and the Town; and

WHEREAS, the Town previously indicated its intent to act as lead agency for the purposes of environmental review; and

WHEREAS, the Village has indicated its consent to the Town acting as lead agency; and

WHEREAS, the Town and Village are the only interested or involved agencies in the proposed action; now, therefore, be it

RESOLVED, that the Boards hereby agree to the following terms and conditions as part of compliance with the State Environmental Quality Review Act, Article 8, NYS Environmental Conservation Law, and the implementing regulations set forth in Title 6 NYCRR Part 617; and be it further

RESOLVED, that the Town Board shall serve as lead agency for all actions involving the Boards; and be it further

RESOLVED, that the Lead Agency shall complete Environmental Assessment Form (EAF) Part II and shall make a determination of significance in accordance with 6 NYCRR §§ 617.1 et seq.; and be it further

RESOLVED, that the determination of the Lead Agency shall be binding on the Involved Agencies pursuant to 6 NYCRR § 617.6(b) (3) (iii); and be it further

RESOLVED, that this agreement is authorized pursuant to 6 NYCRR § 617.6(b) (2) (i) and pursuant to the vote of the respective Boards; and be it further

RESOLVED that a copy of this resolution be forwarded to the Victor Fire Department, Village Clerk and the Town Clerk

Discussion before the vote:

David Hou noting that each Board Member had a copy of the environmental review form that was required with a list of questions regarding whether or not this action to form the joint fire district will have any environmental impact on the Town. He has reviewed this and indicates that there is no or small impacts from an environmental stand point.

RESOLUTION #369

ISSUING NEGATIVE DECLARATION RELATIVE TO THE TOWN AND VILLAGE OF VICTOR FOR THE PROPOSED VICTOR FIRE DISTRICT

On motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Village Board of the Village of Victor (the "Village"), and the Town Board of the Town of Victor (the "Town", and collectively as the "Boards") desire to establish a joint fire district for the Village and the Town (the "Action"); and

WHEREAS, the Town Board has been established as the lead agency for purposes of the environmental review pursuant to New York State Environmental Quality Review Act ("SEQR"); and

WHEREAS, pursuant to SEQR, the Action is an Unlisted Action; and

WHEREAS, the Town Board has carefully considered and taken a hard look at all potential environmental impacts of the Action; and

WHEREAS, the Town Board has completed Parts 2 and 3 of the EAF, which are kept in the subject file in the Town Clerk's office, and has carefully considered the information contained therein; now, therefore, be it

RESOLVED, that pursuant to SEQR, the Town Board hereby adopts and approves the attached Parts 2 and 3 of the EAF; and, be it further

RESOLVED, that after examining the relevant issues by taking a hard look and engaging in reasoned elaboration, the Town Board of the Town of Victor determines that the Action will not have a potentially significant adverse impact on the environment, and hereby issues a negative declaration; and, be it further

RESOLVED that a copy of this resolution be forwarded to the Victor Fire Department, Village Clerk and the Town Clerk.

RESOLUTION #370

CLOSE JOINT BOARD MEETING OF THE TOWN BOARD OF THE TOWN OF VICTOR AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF VICTOR

On motion by Councilman Kahovec, seconded by Councilman Tantillo, the Joint Board Meeting of the Town Board and the Village of Victor Board of Trustees was adjourned at 6:35PM.

The regular meeting of the Victor Town Board was called to order at 7:03PM

PRESENT: Supervisor Jack Marren
Councilman David Condon
Councilman David Tantillo
Councilman Mike Guinan
Councilman Ed Kahovec

OTHERS PRESENT: Karen Bodine, Town Clerk; Joseph Picciotti, Town Attorney; Mark Years, Highway Superintendent; Brian Emelson, Parks & Recreation Director; David Nankin, Lee Wager, Roxann Ammerman, Melody Burri, Neil Stein, Bob Senn, Deborah Davis, Donna Cornett, James A. Cornett, Stephanie Richards, Liam Richards, Wes Pettee, Edwin Rueda, Matthew Loomis, Kate Crowley, Dan Williams, Tim Potter and Doug Eldred.

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 and all were asked to join in a salute to the flag.

Supervisor Marren asked Post 931 Honor Flight members to lead everyone in the pledge of allegiance.

PRIVILEGE OF THE FLOOR

Mike Stockman gave a brief summary of Honor Flight Rochester which started back in October 2008 and by the fall of this year there will be about 3000 veterans who will have gone on the Honor Flight Mission.

Rich Stewart, Jim Beebe, George Haines spoke and presented the Board with a couple of Honor Flight memorabilia.

The Davis family presented the Honor Flight with a check for \$15,011.00 from the APD Memorial Fund, which was founded in memory of his son. Mr. Davis shared a poem that his son had written about remembering our veterans.

Supervisor Marren thanked the Davis family for their continued support of this great mission. He also spoke about going to the Rochester airport to welcome the Honor Flight mission home on Father's Day.

RESOLUTION #371

MOVE TO SCHEDULED PUBLIC HEARINGS @7:38PM

On motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

PUBLIC HEARING – LOCAL LAW NO. 2018 TO AMEND CHAPTER 150 PEDDLING AND SOLICITING IN ORDER TO REVISE PROVISIONS RELATED TO THE REGULATION OF PEDDLING AND SOLICITING ACTIVITIES IN THE TOWN

Public Hearing was opened at 7:38 PM.

Legal Notice was read into the record by the Town Clerk.

Supervisor Marren called for comments.

No one wished to comment.

Public Hearing closed 7:40 PM

PUBLIC HEARING LOCAL LAW NO. 2018 TO AMEND CHAPTER 211 ZONING, SECTION 211-12B WORD USAGE: DEFINITIONS, RELATIVE TO THE NATIVE PLANT MANUAL

Public Hearing was opened at 7:40 PM.

Legal Notice was read into the record by the Town Clerk.

Supervisor Marren called for comments.

Kate Crowley Chairman of the Conservation Board, expressed to the Board that since the Native Plant Manual was presented to the Planning Board there have been many positive comments. Mrs. Santoro, who is a proof reader by trade, edited the document. The Plant Manual will be distributed to garden clubs, developers, and nurseries in the area. The Board gave kudos to Kate and all who worked on the Native Plant Manual.

Public Hearing closed 7:43 PM

RESOLUTION #372

RE-OPEN THE REGULAR MEETING OF THE VICTOR TOWN BOARD @ 7:43PM

On motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

Supervisor Marren made the following announcements:

- Birthdays for the Month of July
- Town Hall will be closed on Wednesday July 4th
- Town Board Meetings for July on the 9th and 23rd

RESOLUTION #373

APPROVAL OF MINUTES

On motion of Councilman Tantillo, seconded by Councilman Condon, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

RESOLVED that the minutes of the regular meeting of May 14, 2018 be approved.

The Town Clerk was asked to read aloud the Abstract of Claims.

RESOLUTION #374

PAYMENT OF BILLS

On motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

RESOLVED that the bills be paid on Manifest #11 in the amount of \$254,388.77.

These expenditures can be found on vouchers filed by numbers: # 20181089-20181237.

A- General Townwide	\$184,793.13
B- General Outside Village	\$ 15,240.49
DB – Highway Townwide	\$ 51,080.34
SL1 –Fishers Light	\$ 8.55
SL2 –Brookwood Meadows Light	\$ 7.35
SL3 –High Point Light	\$ 50.69
SL4 –Cobblestone Light	\$ 93.95
SL5 –Quail Ridge Light	\$ 17.15
SL6 –Rolling Meadows Light	\$ 21.23
SL7 –Legacy at Fairways	\$ 18.79
SL8 –Stoneleigh Light	\$ 7.10
TA –Trust & Agency	\$ 3,050.00

Supervisor Marren reviewed each of the five large expenses that were in the range of, or exceeded \$10,000 included in Manifest #11.

- Harris Beach, Legal Services for the Month of May
- Office of the State Comptroller for Fines & Fees Victor Town Courts
- B & M International Rental of Town Courts

- Bluestone Creek Development Rental for Parks & Recreation
- MVP Employee Health Care for the Month of July

PRIVILEGE OF THE FLOOR

Matt Loomis – 909 Fenwick Lane came before the Board to ask approval to install a privacy fence within a utility/water easement. The Board had no issues and Supervisor Marren explained he will need a Hold Harmless Agreement with the Town and there is a cost involved which includes a filing fee with the county. Mrs. Loomis will need to go back to the Zoning Board for their final approval.

PUBLIC CONCERNS & COMMENTS: NONE

SUPERVISOR'S REPORT

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

- Nims-(Neighbors in Ministry to our Seniors) – A letter was received from Bob Pippin inquiring about waving the rental fee for the use of the VMP Lodge this year for their luncheon. After Board discussion, they felt if the fee was waved for this volunteer group it would set a precedent for all other volunteer groups. *Supervisor Marren* reached out to the Walmart manager and got contact information for Bob Pippin. They may offer some financial support to them. *Supervisor Marren* would like to see this group be under the Office of the Aging umbrella as a service county wide for Ontario County.
- Incentive Zoning- There was discussion by the Board and they are in full support of this.
- Thanked the Board members and Town Clerk for participating in the Memorial Day parade and ceremony.
- Supreme Court has cleared the way for sales tax on internet merchants to be collected.

REPORTS FROM:

Parks & Recreation

Fiscal Manger

Economic Development

Town Engineer

Victor Fire Department

Supervisor Marren thanked Casey Paige for sending an activity report from the Highway Department, detailing roads that will be worked on in the next couple of weeks.

The Town Clerk informed the Board that India House has applied for a liquor license. The Board had no objections. The Board also agreed to approve the liquor license for Pinnacle, for the Acorn Café, with the stipulation that there is no outside deck or patio at this time. The Town Clerk thanked Brian Emelson for putting a coat of polyurethane on the Victor bench which is now located outside in front of the Town Hall in the Veterans Civic Park area.

TOWN BOARD LIASION COMMITTEE REPORTS:

- **Councilman Tantillo** reported the launch of the Victor Parks and Recreation Master Plan survey. It will be online as well as paper copy and will go until August 31, 2018.
- **Councilman Kahovec** reported things are going well at the Recycling Center.
- **Councilman Condon** reported that the Boughton Park Commission is looking for a part time person to help with security, due to the summer months getting busy at the park.

BUSINESS:

RESOLUTION #375

APPROVING THE ESTABLISHMENT OF JOINT FIRE DISTRICT, TO BE KNOWN AS THE VICTOR FIRE DISTRICT

On motion of Councilman Condon, seconded by Councilman Guinan, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, Section 189-a of the New York Town Law authorizes the Town of Victor (the "Town") and the Village of Victor (the "Village") to establish a joint fire district in the manner provided in said statute for the purposes and in the manner therein stated, and provided that all of the territory in such joint fire district shall be continuous and not within the limits of a city; and

WHEREAS, the Town and the Village propose to establish a joint fire district, to be named the Victor Fire District ("Victor Fire District"), that encompasses a portion of the Town currently in the Victor Fire Protection District and the whole of the Village, as set forth in Schedule "A" kept on file in the Town Clerk's office, and made a part hereof, in order to better serve the public interest, health, safety, and welfare; and

WHEREAS, all territory in the Victor Fire District is contiguous and not within a city or other village; and

WHEREAS, it has heretofore been determined to be in the public interest that the Town Board and the Village Board of Trustees hold a joint public hearing on the proposed establishment of the Victor Fire District; and

WHEREAS, the said establishment of the Victor Fire District has been determined by the Victor Town Board as designated lead agency to be an "Unlisted Action" for the purposes of the State Environmental Quality Review Act and regulations promulgated thereunder, and has been determined by the Town Board to not result in any significant adverse environmental effects; and

WHEREAS, a joint resolution was duly adopted by a joint meeting of the Village Board of Trustees and the Town Board on June 4, 2018, setting June 25, 2018, at 6:00 p.m., at the Victor Town Hall, 85 East Main Street, Victor, New York, within said proposed Victor Fire District, as the time and place where the Town Board and the Village Board of Trustees would meet for the purpose of holding a public hearing to consider the establishment of the Victor Joint Fire District; and

WHEREAS, notice of the aforesaid joint public hearing was duly published and posted in the manner and within the time prescribed by the applicable sections of law; and

WHEREAS, said joint public hearing was duly held at the time and place as noticed, at which time all persons interested, who desired to be heard, were duly heard, and whereat said public hearing was closed; and

WHEREAS, the Town Board having duly considered the evidence at said joint public hearings and having duly deliberated; now, therefore, be it

RESOLVED, that the proposed joint fire district shall be named and hereinafter be referred to as the "Victor Fire District"; and it is further

RESOLVED, that the Town Board determines that the notice of public hearing on the formation of the proposed Victor Fire District has been properly published, posted and served, and it is further

RESOLVED, that such public hearing was duly held, jointly with the Village Board of Trustees; and it is further

RESOLVED, that the Town has complied with the provisions of the State Environmental Quality Review Act ("SEQR"), has determined that the establishment of the proposed Victor Fire District is an "Unlisted Action" pursuant to SEQR, and that upon completion and consideration of Parts 2 and 3 of an Environmental Assessment Form and after examining the relevant issues by taking a hard look and engaging in reasoned elaboration, the Town Board determined that the formation would not have a potentially significant adverse impact on the environment, and issued a negative declaration; and it is further

RESOLVED, that all property and owners in the proposed district are benefited; and it is further

RESOLVED, that all benefited property and owners are located within the proposed district; and it is further

RESOLVED, that establishment of proposed Victor Fire District is in the public interest; and it is further

RESOLVED, that the establishment of the Victor Fire District, having boundaries encompassing a portion of the Town and the whole of the Village, as shown on Schedule "A", is approved, subject to permissive referendum as provided by law; and it is further

RESOLVED, that the Victor Fire District shall have all the powers enumerated in Article 11 of the Town Law, not inconsistent with Article 11-A of the Town Law; and

RESOLVED, that the establishment of the Victor Fire District is approved, subject to the approval by the Village of a similar resolution approving the establishment of the Victor Fire District; and it is further

RESOLVED, that the assets of the Victor Fire Department shall be transferred to the Victor Fire District as provided pursuant to Town Law 189-b, and the terms of which shall be set forth in an intermunicipal agreement between the Village and the Victor Fire District, which will include (without limitation) the following terms and conditions:

- 1) A lease agreement between the Village and the Victor Fire District for the Village fire station property (the "Property") at 34 Maple Avenue in the Village, for a term to extend until thirty (30) days after the discharge of the underlying existing bond on the fire station. The Victor Fire District will pay rent in twelve monthly installments equal to the Village's bond payments due in each calendar year. Upon the expiration of the aforementioned thirty (30) day period, the Property shall immediately be transferred to the Victor Fire District without further consideration. Additionally, the lease terms and obligations shall terminate, and the possession of the Property shall revert to the Village, if the principal use of the Property as a fire station by the Victor Fire District ceases (except due to *force majeure*) prior to the

discharge of the bond. After the District assumes fee ownership of the Property, in the event that the District ceases to use the Property as a fire station (except due to *force majeure*), the Village shall have a right of first refusal to purchase the property upon terms to be mutually agreed upon.

2) A lease agreement between the Village and the Victor Fire District for the quint fire apparatus (i.e. ladder truck), for a term to extend until thirty (30) days after completion of the Village's underlying lease payment obligations for the quint. The Victor Fire District will pay rent for the quint in twelve monthly installments minimally equal to the Village's lease payments due on the underlying lease agreement in each calendar year. Any additional monies paid by the Victor Fire District to the Village beyond the minimum amounts due under the Village's underlying lease agreement in each calendar year shall be directly and immediately applied to the underlying lease. Upon the expiration of the aforementioned thirty (30) day period, the quint shall immediately be transferred to the Victor Fire District without further consideration.

3) Regarding the existing radio tower and associated enclosure (collectively as the "Tower") on the Property: for the duration of the aforementioned lease of the Property by the Victor Fire District, and thereafter, the portion of the Tower currently used for public safety communications equipment shall remain under the exclusive control of the Victor Fire District, and the Village will retain the ability to use the Tower and/or receive income for any other lawful non-public safety related communications use (ex. third-party cellular telecommunications leases). However, any additions or alterations to the Tower are subject to the approval of the Victor Fire District, and the Village shall be solely responsible for any and all maintenance costs and required annual inspections of the Tower. In the event that the Village ceases to use the Tower for non-public safety related communications purpose, the Victor Fire District shall assume full and exclusive use and ownership of the Tower. Concurrent with the conveyance of the Property to the Victor Fire District as contemplated above, the Victor Fire District will grant to the Village a license to access the Property in order to maintain the Tower, for so long as the Tower is in use by the Village; and it is further

RESOLVED that the assets of the Victor Fire Department shall be transferred to the Victor Fire District as provided pursuant to Town Law 189-b; and

RESOLVED, that the Length Of Service Awards Program ("LOSAP") plan administered by the Village of Victor shall be continued by the Victor Fire District, and, pursuant to General Municipal Law Section 216-b, as of the date of the first organization meeting of the Board of Fire Commissioners of the Victor Fire District, the Village shall have no further responsibility for administering or funding the LOSAP and the Victor Fire District shall assume responsibility for such obligations; and it is further

RESOLVED, that the Victor Fire District shall be governed by a Board of Fire Commissioners to be five (5) in number and shall be elected in the manner described in Town Law Section 189-e and Town Law Article 11, and it is further

RESOLVED, that the Treasurer shall be initially appointed by the Town Board as provided for herein, and then thereafter elected pursuant to Town Law 189-e and Town Law Article 11; and it is further

RESOLVED, that the Secretary of the Victor Fire District shall be appointed by the Board of Fire Commissioners pursuant to Town Law 189-g; and it is further

RESOLVED, that the provisions of Town Law 189-f pertaining to the acquisition of real property or easement shall not apply; and it is further

RESOLVED, that the provisions of Town Law 173(2) pertaining to the proposed expenditures financed by the issuance of bonds, notes, certificates, or other evidences of indebtedness upon the establishment of a fire district do not apply in this circumstance; and it is further

RESOLVED, that within ten (10) days of the establishment of the Victor Fire District, the Town Board will by resolution appoint residents of the Victor Fire District to act as the initial Board of Fire Commissioners of the Victor Fire District; and it is further

RESOLVED, that the secretary of the Victor Fire District shall be appointed by the Board of Fire Commissioners pursuant to Town Law 189-g; and it is further

RESOLVED, that the effective date for the establishment of the Victor Fire District and the appointment of Fire District officers shall be 12:01 a.m. of the day immediately following the fulfillment of all of the conditions precedent set forth herein; and it is further

RESOLVED, that upon the establishment of the Victor Fire District as provided for herein and the aforementioned appointment of the initial Board of Fire Commissioners, the Town Clerk is directed to notify each of the appointees of their respective appointments to such Board of Fire Commissioners and as Treasurer, and that the Board of Fire Commissioners shall conduct its First Organizational Meeting within ten (10) days of the effective date of the establishment of the Victor Fire District as provided for herein, at the Village of Victor Fire Station, 34 Maple Avenue, Victor, New York on such date and time as the Town Clerk shall so designate, at which meeting the appointed Treasurer shall preside until such time as a chairman of the Board of Fire Commissioners shall be chosen; and it is further

RESOLVED, that the Town Clerk is authorized and directed and shall cause to be recorded a certified copy of this resolution establishing the Victor Fire District with the Ontario County Clerk within ten (10) days hereof and that when so recorded it shall be presumptive evidence of the regularity and validity of the creation of the Victor Fire District and of the acts of the Town Board related thereto, and it is further

RESOLVED, that the Town Clerk is further authorized and directed and shall cause to be filed a certified copy of this resolution establishing the Victor Fire District with the office of the State Comptroller department of audit and control in Albany, New York within ten (10) days; and it is further

RESOLVED, that the Town Clerk is authorized and directed to publish and post a notice of adoption of this resolution subject to permissive referendum; and it is further

RESOLVED, that upon expiration of the referendum period, if no petition for permissive referendum is filed, the Town Clerk is authorized and directed to record an affidavit with the Ontario County Clerk and filing a copy of such affidavit in the office of the State Comptroller department of audit and control showing that no petition requesting a referendum has been filed and the time to so file has expired, all in compliance with applicable law; and it is further

RESOLVED that a copy of this resolution be forwarded to the Victor Fire Department, Village Clerk, and the Town Clerk.

RESOLUTION #376

HIGH POINT DRIVE - ACCEPTANCE OF DEDICATION

On motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS RainBros Associates, LLC and Woods at Valentown, LLC, developer of High Point Business Park, has offered to dedicate to the Town of Victor a portion of High Point Drive constructed in High Point Business Park, as described in the right-of-way description, as set forth in the Town Engineer's letter of May 25, 2018, pursuant to the terms and conditions set forth in that certain Agreement Relating to High Point Drive dated as of May 18, 2018, by and among, the Town of Victor, RainBros Associates, LLC, Woods at Valentown, LLC, et al., and

WHEREAS, the Engineer for the Town has indicated by letter dated May 25, 2018, that a portion of High Point Drive constructed in High Point Business Park, as described in the right-of-way description, is acceptable to be dedicated to the Town; and,

WHEREAS, in lieu of a Maintenance Bond, High Point 200, LLC, has posted Letter of Credit No. SB2158910001 in the amount of \$37,931.90, as maintenance surety, which is the amount recommended by the Town Engineer in a letter dated May 25, 2018, to be held for two (2) years after the acceptance of the dedicated facilities; now, therefore, be it

RESOLVED, AS FOLLOWS:

1. That the Town of Victor hereby accepts dedication of a portion of High Point Drive constructed in High Point Business Park, as described in the right-of-way description, as the same is known and is described in deeds of dedication to be executed by RainBros Associates, LLC and Woods at Valentown, LLC, copies of which are on file in the Town Clerk's Office.
2. That the Town of Victor hereby accepts dedication of a portion of High Point Drive constructed in High Point Business Park, as described in the right-of-way description.
3. That the dedication of the said roadway 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 and Building Dept., Highway Superintendent, Engineer for the Town, Finance Department, RainBros Associates, LLC and Woods at Valentown, LLC.

RESOLUTION #377

AMEND RESOLUTION #236-18 HIGH POINT BUSINESS PARK, HIGH POINT DRIVE EXTENSION (UTILITIES) - ACCEPTANCE OF DEDICATION

On motion of Councilman Condon, seconded by Councilman Guinan, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, on June 4, 2018 the Town Board approve Resolution # 236 High Point Business Park, High Point Drive Extension (Utilities) - Acceptance Of Dedication; and

WHEREAS, an error was made; now, therefore, be it

RESOLVED that Resolution #236-18 be amended to read as follows:

HIGH POINT BUSINESS PARK, HIGH POINT DRIVE EXTENSION (UTILITIES) -
ACCEPTANCE OF DEDICATION

WHEREAS Rainbros Associates, LLC, developer of the High Point Business Park, High Point Drive Extension (Utilities), has offered to dedicate to the Town of Victor the storm and sanitary sewer systems as set forth in the Town Engineer's letter of May 24, 2018; and

WHEREAS, the Engineer for the Town has indicated by letter dated May 24, 2018, the storm and sanitary sewer systems are acceptable to be dedicated to the Town; and,

WHEREAS, in lieu of a Maintenance Bond, the Developer has requested that a balance of \$18,100.50 remain in the M & T Bank Letter of Credit No. SB1859600001 which is the amount recommended by the Town Engineer in a letter dated May 24, 2018, to be held for two (2) years after the acceptance of the dedicated facilities; now, therefore, be it

RESOLVED, AS FOLLOWS:

1. That the Town of Victor hereby accepts dedication of the storm and sanitary sewer systems located within the right-of-way as they either lie within the dedicated right-of-way or the Town has previously been granted easements.
2. That this Resolution shall constitute the written consent of the Town Board of the Town of Victor to the dedication of the said systems.

AND FURTHER RESOLVED, that a copy of this resolution be forwarded to the Planning and Building Dept., Highway Superintendent, Engineer for the Town, Finance Department, and Rainbros Associates, LLC.

RESOLUTION #378
AUTHORIZATION FOR TOWN SUPERVISOR TO ENTER INTO A CONTRACT WITH THE
ONTARIO COUNTY YOUTH BUREAU FOR FUNDING OF THE VICTOR PARKS AND
RECREATION "COUNSELOR IN TRAINING" PROGRAM

On motion of Councilman Condon, seconded by Councilman Tantillo, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Ontario County Youth Bureau has recommended the approval of the Victor Parks and Recreation's "Counselor in Training" Program, which has also been approved by the New York State Office of Children and Family Services; and

WHEREAS, Ontario County wishes to enter into a one-year contract with the Town of Victor, from January 1, 2017 through December 31, 2017, to provide funding not to exceed One Thousand Five Hundred dollars (\$1,500.00) for the Victor Parks and Recreation's Counselor in Training program; now, therefore be it

RESOLVED that the Town Board authorizes the Town Supervisor to enter into a contract with Ontario County who will provide funding not to exceed One Thousand Five Hundred dollars (\$1,500.00) for the Victor Parks and Recreation’s Counselor in Training program; and be it further

RESOLVED that a copy of this resolution be sent to The Ontario County Youth Board, Brian Emelson, Director of Parks & Recreation; Town Clerk, Finance Office, and Human Resources.

RESOLUTION #379

AUTHORIZATION TO ACCEPT SPECIAL EVENT AND VICTOR GARDEN CLUB SPONSORSHIP DONATIONS

On motion of Councilman Kahovec, seconded by Councilman Guinan, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Department of Parks and Recreation organizes numerous community-wide special events; and

WHEREAS, the Victor Garden Club donated a tree to the Department of Parks and Recreation to be planted at Victor Municipal Park in honor of a member of their club; and

WHEREAS, the activities have realized recent donations from 2018 sponsors and partners in the amount of Three Thousand One Hundred Forty Nine dollars and Ninety Five cents (\$3,149.95) as follow from:

Canandaigua National Bank and Trust	\$1,500.00
The David H. Wager Agency L.L.C. (Farmers Insurance)	\$1,000.00
Monro Inc. (Mr. Tire)	\$500.00
Victor Garden Club	\$149.95
TOTAL	\$3,149.95

And

WHEREAS, the Director of Parks and Recreation recommends that we accept and deposit these donations in support of these community events which will incur costs and require expenditures within Budget Line A7550.4 Celebrations Contractual and A7110.4 Parks Contractual; now, therefore be it

RESOLVED that the Town Board accepts the above sponsorship donations in the amount of Three Thousand One Hundred Forty Nine dollars and Ninety Five cents (\$3,149.95) and authorizes the Director of Finance to increase the revenue line A2705 Gifts and Donations by Three Thousand One Hundred Forty Nine dollars and Ninety Five cents (\$3,149.95) in the 2018 Budget in addition to an offsetting increase in the expense line A7550.4 Celebrations Contractual of Three Thousand dollars (\$3,000.00) and A7110.4 Parks Contractual of One Hundred Forty Nine dollars and Ninety Five cents (\$149.95). All budget entries to be done upon 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.

RESOLUTION #380

STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS FOR RETIREMENT PURPOSES

On motion of Councilman Condon, seconded by Councilman Tantillo, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the New York State and Local Employees' Retirement System requires that a standard workday be established for retirement credit purposes; now therefore be it

RESOLVED that this Board hereby establishes the following as the standard work days for elected and appointed officials; and be it further

RESOLVED that this Board will report the following days worked in the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials, who are members of the retirement system, as stated in the New York State and Local Retirement System Standard Work Day and Reporting Resolution for Elected and Appointed Officials (Form RS2417-A), labelled as "Schedule A" and kept in the subject file in the Town Clerk's office; and be it further

RESOLVED that a certified copy of this resolution be posted on the Town of Victor website at www.victorny.org for a minimum of 30 days for public comment; and be it further

RESOLVED, that the completed New York State and Local Retirement System Standard Work Day and Reporting Resolution for Elected and Appointed Officials (Form RS2417-A) transmitted by the Human Resources Office to the New York State Comptroller; and be it further

RESOLVED that a copy of this resolution be forwarded to Tina Kolaczyk, Karen Bodine, and Mary Lyng.

RESOLUITON #381

APPOINTMENT TO PARKS AND RECREATION CITIZENS' ADVISORY COMMITTEE – LIAM RICHARDS, STUDENT REPRESENTATIVE

On motion of Councilman Condon, seconded by Councilman Guinan, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, there is an existing Student Representative vacancy on the Town of Victor Parks and Recreation Citizens' Advisory Committee; and

WHEREAS, according to the By-Laws of the Parks and Recreation Citizens' Advisory Committee, it is required that one Student Representative be present on the committee; and

WHEREAS, Liam Richards, Victor, New York has forwarded a letter to the Human Resources Department and to the Chairperson of the Parks and Recreation Citizens' Advisory Committee indicating an interest in serving on the Committee; and

WHEREAS, it is the recommendation of the Committee that Liam Richards be appointed to the Committee as a Student Representative; now, therefore be it

RESOLVED, that the Town Board hereby appoints Liam Richards to the Parks and Recreation Citizens Advisory Committee as a Student Representative with a term ending on June 30, 2019; and be it further

RESOLVED, that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Lawrence Fisher, Chairperson of the Parks and Recreation Citizens' Advisory Committee; Town Clerk; Human Resources, and Liam Richards.

RESOLUTION #382

AMEND THE GENERAL FUND REVENUE BUDGET TO REFLECT STATE AID FOR FIRE HYDRANT MARKERS (A.3089) AND AMEND THE GENERAL FUND EXPENSE BUDGET TO REFLECT EXPENSE FOR THE PURCHASE OF FIRE HYDRANT MARKERS (A.3989)

On motion of Councilman Kahovec, seconded by Councilman Tantillo, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Town of Victor (Town) has received a state grant for the purchase of fire hydrant markers in the amount of Twenty Five Thousand Dollars (\$25,000.00); and

WHEREAS, the Town will be expending this grant money Twenty Five Thousand Dollars (\$25,000.00) for the purchase of these fire hydrant markers; and

WHEREAS, the Town must amend the budget to demonstrate both the revenue and expense of the above-mentioned funds; now, therefore be it

RESOLVED that the Town Board approves amendment of the General Fund (A Fund) budget in the amount of Twenty Five Thousand Dollars (\$25,000.00) as indicated below:

Account Number	Type	Account	Amount
A.3089	Revenue	State Aid, Other (Fire Hydrant Markers)	+\$25,000
A.3989.400	Expense	Other Public Safety	-\$25,000

And

RESOLVED that the Finance Director is to ensure budget amendments reflecting the information provided above are made in the General Fund (A Fund) upon board approval; and be it further

RESOLVED that copies of this resolution be forwarded to Karen Bodine, Town Clerk; Kathy Rayburn, Director Economic Development; and Barbara Cole, Finance Director.

RESOLUTION #383

ACCEPTANCE OF GRANT FROM FINGER LAKES MUNICIPAL HEALTH INSURANCE TRUST (FLMHIT) FOR THE 2018 CORPORATE CHALLENGE

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Town of Victor Wellness Committee works cooperatively with the Finger Lakes Municipal Health Insurance Trust (FLMHIT) to maintain and enhance employee health through various programs provided through the Wellness Committee; and

WHEREAS, employees of the Town of Victor and guests participated in the 2018 Corporate Challenge Fundraiser at a cost of Thirty Seven dollars (\$37.00) per person; and

WHEREAS, the Finger Lakes Municipal Health Insurance Trust (FLMHIT) has provided a grant to the Town of Victor in the amount of One Hundred Eighty Five dollars (\$185.00), toward the cost of participation in the 2018 Corporate Challenge Fundraiser held May 22, 2018; and

WHEREAS, the Chairman of the Wellness Committee recommends that we accept and deposit this grant in support of this project and, in turn, reimburse each of the ten participants in the amount of Eighteen dollars and Fifty cents (\$18.50); now, therefore be it

RESOLVED that the Town Board accepts the 2018 Corporate Challenge grant in the amount of One Hundred Eighty Five dollars (\$185.00) from the Finger Lakes Municipal Health Insurance Trust (FLMHIT) and authorizes the Finance Director to increase the revenue line Gifts and Donations (A.2705) by One Hundred Eighty Five dollars (\$185.00) in the 2018 budget in addition to an offsetting increase in the expense line Other General Government Wellness Committee (A.1989.420) of One Hundred Eighty Five dollars (\$185.00). All budget entries to be done upon board approval; and be it further

RESOLVED that upon above-mentioned budget entries, the Finance Director is authorized to reimburse each of the ten participants (Jack Marren, Suzy Mandrino, Chauncy Young, Kim Kinsella, Kathy Rayburn, Roxann Ammerman, Brian Emelson, Marty Avila, Mary Lyng and Christine Winter) in the 2018 Corporate Challenge in the amount of Eighteen dollars and Fifty cents (\$18.50) from the Other General Government Wellness Committee (A.1989.420) line; and be it further

RESOLVED that a copy of this resolution be forwarded to Michael Stockman, Chairman Wellness Committee; Barbara Cole, Finance Director; Karen Bodine, Town Clerk; and Jack Marren, Supervisor/FLMHIT Liaison.

RESOLUTION #384

GENERAL RESOLUTION FOR THE PURPOSE OF PARTICIPATING IN A COOPERATIVE BID COORDINATED BY THE MUNICIPAL ELECTRIC & GAS ALLIANCE (MEGA) FOR COOPERATIVE NATURAL GAS BID FOR THE PERIOD OF 10/1/2018-9/30/2020

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Town of Victor desires to participate in a Cooperative Bidding Program conducted by the Municipal Electric & Gas Alliance (MEGA) from year to year or until this Resolution is rescinded, for the purchase for supply of natural gas; and

WHEREAS, the Town of Victor is desirous of participating with the Municipal Electric & Gas Alliance (MEGA) in the joint bid of the commodities and/or services mentioned below as authorized by General Municipal Law, Section 119-o; and

WHEREAS, the Town of Victor has appointed the Municipal Electric & Gas Alliance (MEGA) as representative to assume the responsibility for drafting of specifications, advertising for bids, accepting and opening bids, tabulating bids, and making recommendations thereon; now, therefore, be it

RESOLVED, that the Town of Victor and the Municipal Electric & Gas Alliance (MEGA) hereby accepts the appointment of the Municipal Electric & Gas Alliance (MEGA) to represent it in all matters related above; and further

RESOLVED, that the Town of Victor authorizes the above-mentioned Municipal Electric & Gas Alliance (MEGA) to represent it in all matters regarding the entering into contract for the purchase of the below-mentioned commodities and/or services; and further

RESOLVED, that the Victor Town Supervisor on behalf of the Town of Victor hereby is authorized to participate in cooperative bidding conducted by the Municipal Electric & Gas Alliance (MEGA) for supply of natural gas. The Municipal Electric & Gas Alliance (MEGA) is hereby authorized to award cooperative bids to the bidder deemed to be the lowest responsive and responsible meeting the bid specifications and otherwise complying with Article 5-A of the General Municipal Law of the State of New York relating to public bids and contracts; and further

RESOLVED, that a copy of this resolution be forwarded to Karen Bodine, Town Clerk; Barbara Cole, Finance Director; and the Municipal Electric & Gas Alliance (MEGA).

RESOLUTION #385

GENERAL RESOLUTION FOR THE PURPOSE OF PARTICIPATING IN A COOPERATIVE BID COORDINATED BY THE MUNICIPAL ELECTRIC & GAS ALLIANCE (MEGA) FOR COOPERATIVE ELECTRICITY BID FOR THE PERIOD 1/1/2019-11/11/2020

On motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Town of Victor desires to participate in a Cooperative Bidding Program conducted by the Municipal Electric & Gas Alliance (MEGA), from year to year or until this Resolution is rescinded, for the purchase for supply of electricity; and

WHEREAS, the Town of Victor is desirous of participating with the Municipal Electric & Gas Alliance (MEGA) in the joint bid of the commodities and/or services mentioned below as authorized by General Municipal Law, Section 119-o; and

WHEREAS, the Town of Victor has appointed the Municipal Electric & Gas Alliance (MEGA) as representative to assume the responsibility for drafting of specifications, advertising for bids, accepting and opening bids, tabulating bids, and making recommendations thereon; now, therefore, be it

RESOLVED, that the Town of Victor hereby accepts the appointment of the Municipal Electric & Gas Alliance (MEGA) to represent it in all matters related above; and further

RESOLVED, that the Town of Victor authorizes the above-mentioned Municipal Electric & Gas Alliance (MEGA) to represent it in all matters regarding the entering into contract for the purchase of the below-mentioned commodities and/or services; and further

RESOLVED, that the Victor Town Supervisor on behalf of the Town of Victor hereby is authorized to participate in cooperative bidding conducted by the Municipal Electric & Gas Alliance (MEGA) for supply of electricity. The Municipal Electric & Gas Alliance (MEGA) is hereby authorized to award cooperative bids to the bidder deemed to be the lowest responsive

and responsible meeting the bid specifications and otherwise complying with Article 5-A of the General Municipal Law of the State of New York relating to public bids and contracts; and further

RESOLVED, that a copy of this resolution be forwarded to Karen Bodine, Town Clerk; Barbara Cole, Finance Director; and the Municipal Electric & Gas Alliance (MEGA).

RESOLUTION #386

AMEND RESOLUTION #220-18 - AUTHORIZATION OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM MAPPING CAPITAL PROJECT (H25)

On motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, Resolution # 220-18 – Authorization of the Municipal Separate Storm Sewer System Capital Project was passed on May 14, 2018; and

WHEREAS, one of the 2018 Budget line item codes was incorrectly listed as “H23” Fund 5110.200 Maintenance of Roads. Capital Outlay and needs to be amended to “H25” Fund 8140.200 Stormwater Management. Capital Outlay, now therefore be it

RESOLVED that Resolution #220-18 be amended to read as follows:

AUTHORIZATION OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM MAPPING CAPITAL PROJECT (H25) (WQIP)

WHEREAS, the Department of Environmental Conservation (DEC) has mandated Municipal Separate Storm Sewer System Mapping; and

WHEREAS, the anticipated cost of the Municipal Separate Storm Sewer System Mapping is One Hundred Twenty Thousand Dollars (\$120,000.00); and

WHEREAS, the Town of Victor (Town) has been selected to receive a Water Quality Improvement Plan (WQIP) Round 14 state assistance award from New York State in the amount of Ninety Thousand Dollars (\$90,000.00) to support the Municipal Separate Storm Sewer System Mapping; and

WHEREAS, the Town will provide Thirty Thousand Dollars (\$30,000.00) in matching In-kind services for the remaining portion of the total cost of One Hundred Twenty Thousand Dollars (\$120,000.00); and

WHEREAS, temporary advances from the Town Outside Village Fund (B Fund) to the Municipal Separate Storm Sewer System Capital Project (H25) may be required prior to receipt of award proceeds described above; now, therefore, be it

RESOLVED that the Town Board hereby authorizes and approves creation of the Municipal Separate Storm Sewer System Capital Project; and be it further

RESOLVED the Municipal Separate Storm Sewer System Capital Project shall have a maximum value of One Hundred Twenty Thousand Dollars (\$120,000.00), which maximum amount is hereby approved by the Town Board; and be it further

RESOLVED that the maximum cost of One Hundred Twenty Thousand Dollars (\$120,000.00) for the Municipal Separate Storm Sewer System Capital Project shall be financed as follows:

H25.3089	State Aid, Other – Storm Sewer System Mapping (WQIP assistance)	\$90,000.00
H25.5031	Interfund Transfers	\$30,000.00
	Total Revenues	\$120,000.00
H25.8140.200	Capital Outlay	\$120,000.00
	Total Appropriations	\$120,000.00

and be it further

RESOLVED that the expenditures set forth herein are subject to the authorization of the Town Supervisor; and be it further

RESOLVED that the Town Clerk requests authorization from the Town Supervisor for the expenditures authorized herein; and be it further

RESOLVED that the Finance Department is authorized to make the necessary accounting and budget entries to effect the intent of this resolution including advance of funds as needed from the Town Outside Village Fund (B Fund) to the Municipal Sanitary Storm Sewer System Capital Project (H25) pending receipt of the award described herein; and be it further

RESOLVED that copies of this resolution be forwarded to Labella Associates, DPC; Karen Bodine, Town Clerk; Kathy Rayburn, Director Economic Development; Kim Kinsella, Project Coordinator; and Barbara Cole, Finance Director.

RESOLUTION #387

BUDGET TRANSFER TO FUND ACCESS MANAGEMENT PLAN FOR THE TOWN OF VICTOR

On motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS the Finance Director has determined a budget transfer is required for the expenses associated with the development of the Access Management Plan; now, therefore, be it

RESOLVED that the following 2018 budget transfer be approved as recommended by the Finance Director; and

ACCOUNT NO.	TO: DESCRIPTION	AMOUNT	ACCOUNT NO.	FROM: DESCRIPTION	AMOUNT
B.8020.440.ACC	Planning.Engineering. Access Management	\$30,000	B.3650.400	Demolition of Unsafe Buildings	\$30,000.00

B.8020.440.ACC	Planning Engineering. Access Management	\$11,155	B.9010.800	State Retirement	\$11,155.00
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RESOLVED that a copy of this Resolution be forwarded Karen Bodine, Town Clerk; and Barbara Cole, Finance Director.

RESOLUTION #388

AUTHORIZATION FOR SUPERVISOR TO ENTER INTO AN AGREEMENT WITH LABELLA ASSOCIATES DPC FOR THE DEVELOPMENT OF AN ACCESS MANAGEMENT PLAN – PHASE I FOR THE TOWN OF VICTOR

On motion of Councilman Tantillo, seconded by Councilman Kahovec, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, pursuant to New York’s Town Law, including Section 64(6) and Section 20(2), the Town Board has the power to approve contracts for Town services, including but not limited to contracts for legal, consulting, accounting, and engineering services prior to the execution of such contracts by the Town Supervisor; and

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, a Request for Proposals was advertised for the Development of an Access Management Plan – Phase 1 for the Town of Victor; and

WHEREAS, the proposals were evaluated by the Access Management Committee, and interviews were conducted of selected candidates on May 29, 2018 by committee members Councilman David Tantillo, Kimberly Kinsella, Planning & Building; Thomas Harvey, Ontario County Planning Department; Linda Phillips, Ontario County Planning Department; Joseph Bovenzi, Genesee Transportation Council; Kathryn Crowley, Town Conservation Board; Meg Chaides, Village Planning Board; and

WHEREAS, Labella Associates DPC has been identified by this interview committee as having the appropriate services to develop the phase 1 access management plan for the Town of Victor; now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into a contract with Labella Associates DPC for the development of the Phase 1 Access Management Plan for the Town of Victor, for a limited term from June 25, 2018 to December 31, 2019 under the terms and conditions as provided in the 2018 contract at a fee not to exceed Forty One Thousand One hundred Fifty Five dollars (\$41,155.00) to be funded from the 2018 Budget line item B.8020.440.ACC – Planning Engineering Access Management; and be it further

RESOLVED that a copy of this Resolution be forwarded Labella Associates DPC, the Ontario County Planning Department, Kimberly Kinsella, Kathy Rayburn, Finance Department, and the Town Clerk.

RESOLUTION #389

AUTHORIZATION TO REIMBURSE PREPAYMENTS ON COMPLETED OR INACTIVE CHARGEBACK ACCOUNTS

On motion of Councilman Guinan, seconded by Councilman Condon, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Finance Director, in coordination with the Planning & Building Department Project Coordinator, has reviewed developer chargeback accounts with prepayment (credit) balances; and

WHEREAS, several accounts have been identified that have prepayment balances and no further engineering or legal charges are anticipated to apply to against these prepayment balances; and

WHEREAS the Finance Director and the Project Coordinator agree it is in the best interest of the Town of Victor and the Developer to reimburse prepayments and close these chargeback accounts; now, therefore be it

RESOLVED that upon Board approval the Finance Director will reimburse the developers identified below:

Auction Direct Overflow Parking

Fairways Townhomes LLC

Heritage Packaging

Impact Church

Jonathan Friedlander

Michael Leo

Steve VanVoorhis, for any remaining prepaid (credit) balances, and close these inactive accounts; and

RESOLVED that a copy of this resolution will be forwarded to Kim Kinsella, Project Coordinator; Karen Bodine, Town Clerk; and Barbara Cole, Finance Director.

RESOLUTION #390

TOWN OF VICTOR COMMUNITY CONNECTIVITY PROJECT (P.I.N. 4755.95) BID AWARD

On motion of Councilman Kahovec, seconded by Councilman Guinan, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Town of Victor and the Federal Highway Administration (FHWA) and New York State Department of Transportation (NYSDOT) have executed a Master Federal Aid Project Agreement (Resolution #81 – 2015) and Supplemental Agreement #1 (Resolution #509 – 2017) for the Victor Community Connectivity project (P.I.N. 4755.95) in the amount of Two Hundred Forty Seven Thousand, Four Hundred Ninety Three dollars and Thirty Eight cents (\$247,493.38) for the design and construction of a shared use path on Lane Road and a sidewalk on High Street; and

WHEREAS, the project as designed will connect to the existing paved sidewalk and path systems in our Town and Village, which will promote outdoor recreation, bicyclist and pedestrian

safety, and alternative transportation for the residents in our neighborhoods and the students at the Victor Central School District campus; and

WHEREAS, the Department of Parks and Recreation has the need to hire a qualified contractor to construct significant portions of the shared use path and sidewalks in accord with the Design Report which was adopted by the Town of Victor, FHWA and NYSDOT; and

WHEREAS, an amount of Two Hundred Thirty Thousand, Nine Hundred Twenty Five dollars (\$230,925.00) are available in the construction budget for the project and were authorized by the Town Board (Resolution #80) to be allocated from the Victor Community Connectivity Capital Project fund (H21.5410.2); and

WHEREAS, the Town Board authorized the Director of Parks and Recreation to expend funds and to seek competitive bids for the construction of the project; and

WHEREAS, the Town Clerk of the Town of Victor advertised in the Town designated newspaper an invitation to bid on May 18, 2018; and

WHEREAS, on Friday, June 8, 2018, all bids were opened and read publicly with the following results:

BIDDER	BASE BID AMOUNT	BASE BID + ALTERNATE #1 AMOUNT	BASE BID + ALTERNATE #2 AMOUNT	BASE BID + ALTERNATE #1 AND ALTERNATE #2 AMOUNT
Villager Construction	\$295,900.00	\$317,675.00	\$346,150.00	\$367,925.00
Create A Scape Enterprises	\$300,920.00	\$332,745.00	\$297,920.00	\$329,745.00
David E. Stanton Construction	\$406,346.00	\$419,411.00	\$360,746.00	\$373,811.00

And

WHEREAS, the Town's Project Engineer from Fisher Associates has reviewed and tabulated the bids and found no discrepancies in the bids; and

WHEREAS, the Town has funds available in its Capital Parks Trust (CP7183.2) which can be appropriated as necessary to cover the construction budget deficit in an amount not to exceed Fifty Thousand dollars (\$50,000.00), now, therefore, be it

RESOLVED that it is the recommendation of the Project Engineer and the Director of Parks and Recreation that Villager Construction, Inc. meets all specifications as defined in the bid documents; and, further

RESOLVED that pending completion of items called for in the Contract Documents including any insurance certificates and bonding, that Villager Construction, Inc. be awarded this bid at a cost of Two Hundred Ninety Five Thousand, Nine Hundred dollars (\$295,900.00) for the purchase and installation of said items in the Bid; and further

RESOLVED that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation / Responsible Local Official; Barbara Cole, Director of Finance; Karen C. Bodine, Town Clerk; Emily Smith, Fisher Associates; Jay Reisinger, Local Projects Liaison, New York State Department of Transportation, Region 4; and Villager Construction, Inc.

RESOLUTION #391

AUTHORIZATION FOR SUPERVISOR TO SIGN AMENDMENT TO THE 2017/2018 SNOW AND ICE SEASON FOR INDEXED LUMP SUM CONTRACTS FOR WINTER SEVERITY ADJUSTMENT

On motion of Councilman Kahovec, seconded by Councilman Condon, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, The New York State Department of Transportation (NYSDOT) contracts with the Town of Victor to control snow and ice on State Routes 444 and 251 each winter; and

WHEREAS, the Town of Victor entered into the 2018/2019 Snow and Ice Agreement (Contract #D009778) with NYSDOT with Resolution No. 73-17 which expires on June 30, 2019; and

WHEREAS, due to the severity of the winter during 2017/2018 the Municipality requests that the Municipal Snow and Ice Agreement estimated expenditure be revised to reflect the additional lane miles of state roads that were plowed/treated during the winter season; and

WHEREAS, in correspondence dated 6/7/18 the NYSDOT has agreed to an index adjustment increasing the amount due by Forty Four Thousand Five Hundred Eighty Five dollars and Thirteen cents (\$44,585.13); now, therefore, be it

RESOLVED, that the Victor Town Board does hereby authorize the Supervisor to sign the Amendment to the 2017/2018 Snow and Ice Season, which increases the contract amount by Forty Four Thousand Five Hundred Eighty Five dollars and Thirteen cents (\$44,585.13); and further

RESOLVED, that a copy of this resolution be forwarded to the Finance Department, Mark Years, Highway Superintendent; and the New York State Department of Transportation, Ontario/Wayne County Residency.

RESOLUTION #392

CONTINUATION OF PUBLIC HEARINGS - LOCAL LAW NO. ____-2018 TO AMEND CHAPTER 211 ZONING SECTION 211-27.4, DESCRIPTION OF USES IN THE HIGH POINT BUSINESS PARK PLANNED DEVELOPMENT DISTRICT AND LOCAL LAW NO. ____-2018 TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF VICTOR (REZONE A PORTION OF TAX MAP # 1.02-1-2.000) AND CHAPTER 211 ZONING SECTION 211-27.5 CONIFER VILLAGE AT EASTVIEW PLANNED DEVELOPMENT DISTRICT

On motion of Councilman Kahovec, seconded by Councilman Guinan, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Town of Victor has received an amended application (the "Application") from Woods at Valentown, LLC seeking to modify the High Point Business Park Planned Development District to allow for the development of a total of 294 apartment units on lands known as the "HOA Lot" a part of the High Point Business Park PDD as well as additional lands

previously a part of the Conifer at Eastview PDD (the "Property"), to be known as the Woods at Valentown, in lieu of the previously proposed 72 townhouse units; and

WHEREAS, on March 13, 2018 the amended Application was reviewed by the Victor Planning Board; and

WHEREAS, the amended Application was referred to the Ontario County Planning Board; and

WHEREAS, revised draft Local Laws were submitted to the Town Board; said draft Local Laws are on file with the Town Clerk; now, therefore, be it

RESOLVED, by the Town Board of the Town of Victor that a continuation of the open Public Hearings shall be held on the 9th day of July, 2018, at 7:30 p.m., for the purpose of adopting Local Law No. ___ - 2018 to Amend Chapter 211 Zoning, Section 211-27.4 Description of uses in High Point Business Park Planned Development District and Local Law No. ___-2018 to amend the Official Zoning Map of the Town of Victor (rezone a portion of tax map # 1.02-1-2.000) and Chapter 211 Zoning, Section 211-27.5 Conifer Village at Eastview Planned Development District in order to allow for the development of a total of 294 apartment units to be known as the Woods at Valentown; and be it further

RESOLVED, that the Town Clerk advertise for the continued public hearings in a manner consistent with law; and be it further

RESOLVED, that a copy of this resolution and draft Local Laws be forwarded to the Town Engineer, the Town Attorney, the Town Clerk, the Victor Town Planning Board and the owner.

DISCUSSION AND REVIEW BY THE BOARD ABOUT RESOLUTION ON THE NEG-DEC:

Wes Pettee and Joe Picciotti reviewed with the Board Parts 2 & 3 of the EAF, noting there were a few slight revisions and also noting there is no significant adverse impacts.

RESOLUTION #393

TOWN OF VICTOR - ADOPT A NEGATIVE DECLARATION PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR A PROPOSED ZONING AMENDMENT TO THE HIGH POINT BUSINESS PARK PLANNED DEVELOPMENT DISTRICT

On motion of Councilman Tantillo, seconded by Councilman Guinan, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Town of Victor Town Board (the "Board") received two applications on or about May 26, 2017 from BME Associates ("the Applications") on behalf of Woods at Valentown LLC (the "Applicant") seeking to amend the existing High Point Business Park Planned Development District ("High Point Business Park PDD") in the Town of Victor, by which the Applicant petitioned the Board seeking to: (a) amend the preliminary development plan previously approved by the Board for the area identified in Section 211-27.4, Paragraph G of the Victor Town Code ("Town Code") (referred to as "the High Point Business Park Homeowners Association Lot" which is located in the eastern portion of the High Point development); as well as (b) proposing to rezone a portion of Tax Account Parcel No. 1.02-1-2.00 and in particular approximately 5.38 acres of said parcel (the "Additional Property" or the "Conifer Parcel") and requesting the Additional Property be re-zoned from the Conifer Village @ Eastview PDD and added to the High Point Business Park Planned Development District-

Homeowners Association Lot with the Applications proposing as part of the Zoning Amendment the following: (i) the construction of fourteen (14) new buildings, including apartment buildings consisting of two hundred ninety four (294) total residential units in place of the seventy two (72) townhouse units that had been previously approved, with the proposed apartment units to be comprised of 3-story buildings, and constructed in locations where the previously approved plan shows townhouse buildings, and proposing (ii) the construction of a residential clubhouse and pool (hereinafter the plan referenced in the two referenced May 2017 Applications to the Board will be referred to collectively as “the Amended Plan,” please note the Amended Plan as discussed below includes changes the Applicant made subsequent to the filing of the May, 2017 Applications) and the referenced May 26, 2017 Applications for the Amended Plan have been assigned Project Numbers 3-RZ-17 (rezoning of a portion of the referenced Conifer parcel) and 4-RZ-17 (referenced amendment to the PDD) by the Board, and the action on which the Applicant proposes the Board act shall be referred to collectively as the “proposed Zoning Amendment” or “the proposed Amendment” and

WHEREAS, as background, in 2005 the Board issued a resolution adopting a Findings Statement under the New York State Environmental Quality Review Act (SEQRA) following an extensive environmental review and environmental impact statement process that exhaustively identified and analyzed impacts and potential impacts and measures to address and mitigate same that may arise from the creation of the High Point Business Park Planned Development District (“Original High Point PDD”), with such environmental review process including the preparation and review of among other documents, draft and final environmental impact statements, receipt of comments from the public and various agencies and responses to same, review and analysis of various impacts and potential impacts and mitigation measures, and other matters including reasonable alternatives as applicable (hereinafter referred to as the “Previous EIS Process”) and such Findings Statement in sum determined that creation of the Original High Point PDD was consistent with social, economic and other essential considerations, from among reasonable alternatives thereto, and potential adverse environmental effects were to the maximum extent practicable minimized, including those identified during the Previous EIS Process, by incorporating as conditions to such action those mitigation measures which were identified as practicable. Thereafter, the Original High Point PDD was created by the Board by resolution adopted on or about July 25, 2005 pursuant to Town of Victor Resolution No. 194 (subsequent local laws affecting same were enacted in January 2009 and March 2012); and

WHEREAS, an update to the May 2017 Applications dated October 27, 2017 was submitted by the Applicant to reflect economic feasibility issues associated with the Amended Plan, and to respond to concerns about screening in the area where the project contemplated by the Amended Plan is likely to be constructed, with the Amended Plan as revised through the October 27, 2017 submittal now also including changes to the proposed Phase 5 area (formerly referred to as the Forest Park at Eastview application) to include screening to be located in proximity to an adjacent homeowner, which would allow for a total of 294 apartment units contained within fourteen (14) three-story apartment buildings (hereinafter references to “the Amended Plan” will include the changes set out in the October 27, 2017 update to include the fourteen three-story apartment buildings and 294 apartment units and shall also continue to be referred to as the May 2017 Applications); and

WHEREAS, the Town Board referred the Applications, including for the proposed Amended Zoning and the Amended Plan to the Town of Victor Planning Board (“Planning Board”), and in accordance with applicable requirements, including those under the Town Code, the Planning Board has considered the proposed Amended Zoning as a proposed amendment to the High

Point Business Park PDD (including the referenced rezoning and proposed amendment to the PDD) based on the eleven criteria specified in Section 211-27 D (1) (c) of the Town Code entitled "Planned Development District Regulations" (hereinafter the "Development District Regulations") as well as comparing the Amended Plan to the Planning Board's PDD rezoning recommendation and finding dated April 12, 2005 which reviewed the previously submitted development plan for the previously approved rezoning pursuant to the Original High Point PDD (hereinafter referred to as "the 2005 Rezoning Findings"); and,

WHEREAS, in response to Planning Board concerns regarding impact to the referenced adjacent residence (Tax Account Parcel No. 1.02-1-4.000) located southwest of the Forest Park at Eastview parcel, the Applicant submitted a letter dated March 6, 2018 and an updated preliminary development plan to the Planning Board which relocates a 3-story, 21-unit building away from such residence to an area within the northeast portion of the development that is contemplated to be constructed and outlines what the Applicant alleges are the reduced effects to such residence (this revision will hereafter be considered to be part of the Amended Plan as referenced); and

WHEREAS, following careful and deliberate review of the Amended Plan, and other factors and information, including consideration of the referenced criteria under the Town Code, the Planning Board by resolution dated March 13, 2018 and as reflected in the meeting minutes of said Planning Board meeting held on that date (with such minutes and resolution incorporated herein by reference) voted to recommend to the Board that it enact the proposed Zoning Amendment with certain conditions; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law and associated regulations including, 6 NYCRR § 617.1 et seq. ("SEQRA"), the Board is required to undertake a review of potential environmental impacts associated with the proposed Zoning Amendment (and Amended Plan), including comparing the impacts associated with the Original High Point PDD as evaluated pursuant to the Previous EIS Process and determined to be appropriately mitigated as referenced, and comparing such impacts to those associated with the proposed Zoning Amendment and Amended Plan prior to taking any action on the May 2017 Applications, and the Board has determined such proposed Amendment constitutes a Type I action under SEQRA; and

WHEREAS, pursuant to the requirements under SEQRA the Board reviewed the completed part I of the Full Environmental Assessment Form for the action which consists of the proposed Zoning Amendment including considering pertinent information provided in the additional studies, analyses and documents provided by the Applicant in support of the Applications, and as the Amendment is limited to a rezoning and in particular a proposed amendment to zoning under the PDD, the Board is the only involved agency; and

WHEREAS, pursuant to the required SEQRA review to be undertaken for the proposed Zoning Amendment, the Board reviewed the Full Environmental Assessment Form, including Part 1 prepared by the Applicant, and parts 2 and 3 of it that were prepared based on the Board's review of applicable information concerning the proposed Zoning Amendment and with the assistance of the Board's land use and traffic consultant (hereinafter the Full Environmental Assessment Form together with the completed and, pursuant to this resolution, adopted Parts 1, 2 and 3 for the proposed Amendment may be referred to as the "EAF") as well as reviewing supplementary studies and other information provided by the Applicant filed with the May 2017 Applications, including but not limited to those related to traffic and other impacts, marketing

studies and other information submitted with said applications, and the Board also reviewed pertinent information associated with the Previous EIS Process completed in 2005 which documents are incorporated by reference herein, including comparing the studies analyses and other information provided with the May 2017 Applications and referenced above to pertinent documents, studies and other information reviewed and made part of the Previous EIS Process; and

WHEREAS, the Board resolves based upon the information contained in the completed EAF and the attachments and additions to it, as well as based on the other information summarized above and herein comprising the administrative record in this matter, and based upon the notice and determination of negative declaration made herein, the Board determines that the proposed Zoning Amendment proposed by the May 2017 Applications will not result in any significant adverse impact to the environment for the following reasons:

Name of Action: Proposed amendment to the High Point PDD, and in particular an amendment to the PDD as described herein pursuant to the May 2017 Applications

Applicant: Woods at Valentown LLC

Type of Action

(SEQRA Classification): Type I

Description of Action (Summary):

The action consists of the proposed Zoning Amendment to be undertaken pursuant to the Amended Plan as set out in the May 2017 Applications as further identified in the "Whereas" clauses on pages 1-3 of this resolution.

Location of Action (Project Work):

The location of the property subject to the proposed Zoning Amendment is High Point Drive, Victor, New York 14564 including parcels associated with Tax Account Nos. 1.02-1-2.000, 1.07-1-4.005 to 1.07-1-4.028, 1.07-1-4.00 and 1.07-1-5.00 ("the Site").

NOW THEREFORE BE IT RESOLVED:

Upon a thorough review and due consideration by the Board of the completed Full Environmental Assessment Form (previously referred to as the "EAF" and which may be subsequently referred to as the EAF), for the proposed Zoning Amendment to be undertaken pursuant to Amended Plan as set out in the May, 2017 Applications, including reviewing and adopting the completed answers to Parts 1, 2 and 3 of it, and in consideration of other information associated with the completed EAF including the studies, analyses and other information provided by the Applicant and the comments received by the Board and by the Board's consultants, including its land use and traffic consultant, and received from other agencies (including during the Previous EIS Process) and other available documentation, and other information contained in the administrative record in this matter, including the recommendation on this matter by the Planning Board, the Board makes the following findings:

1. The Board has considered the proposed Zoning Amendment pursuant to the parameters and criteria set forth in applicable law and regulations, including but not limited to those set forth in 6 NYCRR §§617.1 and 617.3.

2. The Board has classified its review and approval of the Project as a Type I Action pursuant to the SEQRA regulations.
3. The Board adopts each of the matters set forth in the whereas clauses contained in this resolution as part of this resolution and shall have the same force and effect of each of the other findings hereunder.
4. The Board has considered the significance of the potential environmental impacts of the proposed Zoning Amendment by: (i) carefully reviewing and examining the responses to the Full EAF, including the information in Part 1 of the Full EAF, as well as considering that information set out in the completed Parts 2 and 3 of the EAF, together with examining other available information and documents concerning the proposed Zoning Amendment, as well as reviewing pertinent documents from the Previous EIS Process completed in 2005 and the Planning Board's recommendation as referenced issued by resolution dated March 13, 2018, as well as considering information and documentation provided by the public in the form of comment, and consideration of information provided by the Board's consultants, and the Board has reviewed impacts and potential impacts from the proposed Zoning Amendment to land, stormwater and groundwater, wetlands, historic, archaeological and other recognized and/or protected resources, impacts to threatened or endangered species, impacts from and to transportation and traffic, impacts to community character and cumulative impacts, if any, and other potential impacts as required by applicable regulation; (ii) considered the criteria set forth in 6 NYCRR § 617.7(c); and (iii) thoroughly analyzed the identified areas of relevant environmental concern.
5. The Board has not identified any significant adverse environmental impact associated with the proposed Zoning Amendment and based on its review, the Board approves, adopts, and incorporates by reference the responses to the Full EAF, including Parts 1, 2 and 3 thereof with its supporting written elaboration, and finds that the proposed Zoning Amendment will not result in any significant adverse impact on the environment for the following reasons:

Preliminarily it should be noted that a separate, environmental review is required and will be completed under the New York State Environmental Quality Review Act in conjunction with additional approvals that are needed to undertake any development, construction or operation on the Site subject to the Applications, including site plan and subdivision approval. At this time, the Applications are limited to the proposed Zoning Amendment and no application has been filed seeking site plan review and approval or subdivision approval. As part of the Applications, the Applicant has submitted a proposed development plan and same has been reviewed as part of the SEQRA review process for the proposed Zoning Amendment. At such time when the Applicant seeks site plan and subdivision approval, as required pursuant to pertinent Town Code provisions and otherwise, a thorough site plan and subdivision review will be undertaken, including required SEQRA reviews that will be undertaken pursuant to a coordinated review process. At this time, the SEQRA review completed is limited the proposed Zoning Amendment and required SEQRA reviews associated with site plan and subdivision approvals will be undertaken when such applications are filed by the Applicant and the approach undertaken to complete SEQRA will be no less protective of the environment.

Impacts to Land including Agricultural Uses as well as to Community Character and Cumulative Impacts:

As indicated in the Part 2 of the EAF for the May 2017 Applications there will be impact to land from the development and construction of the fourteen (14) three-story apartment buildings associated with the Amended Plan which it should be noted is a reduction of six units

from the plan provided with the initial applications submitted in May 2017. In addition, in response to Planning Board concerns associated with the Amended Plan, one of the apartment buildings has been moved away from a private residence located near the proposed development associated with the Amended Plan. The Amended Plan contemplates substantial development and there have been material changes made to the previously approved development associated with the Original High Point PDD in regards to the Homeowners Association (HOA) Lot located on the eastern portion of the Original High Point PDD. In particular, the approved development plan associated with the Original High Point PDD contemplated seventy two (72) townhouse units, while the Amended Plan provides for fourteen three-story apartment buildings containing 294 units.

One of the principal differences between approved development plan under the Original High Point PDD and the one submitted as part of the proposed Amended Zoning pursuant to the Applications is the additional height associated with the apartment buildings identified in the proposed development plan for the Applications. As background, the Site includes certain natural and other screening features associated with existing vegetation and forestation. The Amended Plan associated with the proposed Zoning Amendment provides for the retention and enhancement of such natural features, and while some vegetation and forested areas will be removed pursuant to the development plan for the Zoning Amendment, as much of these features will be maintained as is practicable, and as a result, any visual impacts associated with the Amended Plan compared to that which was approved pursuant to the Original High Point PDD are not anticipated to result in any significant adverse impact to the surrounding area or to the community.

In addition, it was noted by the Applicant pursuant to the review process associated with the May 2017 Applications that the total square footage of building footprint associated with the Amended Plan is similar to although slightly in excess of what was contemplated under the approved development plan under the Original High Point PDD. Further, while the Amended Plan calls for some additional square footage in build out compared to the previously approved plan under the Original High Point PDD, the Board finds any potential impact associated with the additional square footage to be completed is offset by the addition of the so-called Conifer Parcel (5.38 acre) as part of the proposed Zoning Amendment, such that density associated with buildout of the Amended Plan will not be significantly increased from what was provided in the previously approved development plan. Further, impervious surfaces as well as green space and open space associated with the proposed Amended Plan is not materially or significantly decreased compared to the plan approved as part of the Original High Point PDD.

Further, the proposed Zoning Amendment including the development anticipated under the Amended Plan is not inconsistent with adopted land use plans including the previously approved development for the property associated with the Original High Point PDD. Indeed, the proposed Zoning Amendment and anticipated development under the Amended Plan supports the PDD regulations that provide for transition between the active, commercial uses around Eastview Mall to the Valentown Historic District uses on the south and to the single family residential uses on the east and north sides of the area. In addition, the proposed Zoning Amendment and anticipated development associated with same and the Amended Plan will not have a significant adverse impact on any noted geological features, as no such features have been identified which are designated on any national natural landmarks list or otherwise.

In addition, no adverse impact to agricultural uses is anticipated, as though some soils of significance were identified, the area to be developed is not in an agricultural district and is not presently being used for such purposes. For the reasons set forth above, no significant adverse

impact is anticipated to community character. It should be noted that the first phase of the proposed development plan associated with the proposed Zoning Amendment is anticipated to begin a year following the issuance all approvals, and that among other things, existing steep slopes (greater than 15 percent) will be avoided to the extent practicable, but such steep slopes cannot be avoided altogether as the development contemplated will result in some loss of such slopes, but any such loss of them is more than off-set by among other features, the clustering of the parking areas and by aggregating the development into 14 apartment buildings (as opposed to 72 townhome units) thereby to the extent feasible and prudent, minimizing the areas impacted and maximizing open space and green space to be maintained, with such open and green space features significant components in the walkable community aspect of the Amended Plan, which includes among other things, the extension and supplement of existing pedestrian trails in the area.

In addition, no significant adverse impacts from cumulative impacts are anticipated, as development has already occurred in areas associated with the proposed Amended Zoning and additional significant development is not anticipated at this time, nor is it believed that the nature of the development associated with the Zoning Amendment will result in significant anticipated development that has not been previously approved and undertaken.

Groundwater/Stormwater Impacts, Wetland Impacts and Impacts to Waterbodies and Floodplains:

The proposed Zoning Amendment will not have any significant adverse environmental impact on water or from water, including surface or ground water, or stormwater, and there will be no significant adverse impact to wetlands. As discussed above, while site plan review will encompass specific measures that would be undertaken to address surface water as well as stormwater and any wetlands issues, the Applicant has committed to implementation of site specific erosion control measures and to obtain coverage under the New York State Department of Environmental Conservation's ("DEC") State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharge for construction as part of any buildout that is undertaken as part of the Amended Plan. It should be noted that some modification of an approximately .52 acre area of wetlands and a stream location was previously completed pursuant to the Previous FEIS process and buildout of features associated with the Original High Point PDD, which buildout also included the implementation of certain mitigation measures that included the Applicant creating a wetland area that is currently being monitored by the United States Army Corps of Engineers. In addition, pursuant to the discussion above regarding the implementation of the DEC's SPDES permit the Applicant has committed to ensuring that a Stormwater Pollution Protection Plan ("SWPPP") is implemented in accordance with such regulations.

Furthermore, the proposed Zoning Amendment and the anticipated development associated with same will not have a significant adverse environmental impact on flooding as the development proposed by it does not involve development or construction on lands subject to flooding, nor is the area to be developed located within a designated floodway or within a 500 year or 100 year floodplain. While any development plan associated with the Amended Plan will increase impervious area resulting in higher stormwater volumes, the Applicant has committed to implementation of appropriate facilities to be utilized the mitigate such volumes and will be further detailed as part of site plan review and environmental review associated with same. To the extent the proposed Amended Zoning includes development of areas that are located over a primary aquifer, given the nature and extent of the development, no significant impact to such aquifer from such construction, development or operation is anticipated, including because adequate public water is available to meet the needs of the development, and further as

discussed, adequate sewerage is also available that meets applicable requirements for such development.

As will be detailed below, significant adverse groundwater impacts are also not anticipated. Although there will be an increase in water use of approximately over 9,000 gallons per day onsite associated with the anticipated development under the Amended Plan, there is sufficient water supply associated with public water supplies in the area to handle such increased demand.

Air Quality Impacts and Impacts on Health and Safety:

The proposed Zoning Amendment will not result in any significant adverse impact to air quality from traffic or operations associated with the anticipated development that is proposed under the proposed Zoning Amendment, including under the Amended Plan, including from construction vehicles during construction should subsequent approvals be issued so as to authorize same. It should also be noted that the anticipated development associated with the proposed Zoning Amendment will not create a State regulated air emissions source and as discussed, while construction will have an effect on air emissions including those from construction equipment and related portable generators and material delivery vehicles, such impacts are not anticipated to be significant but rather short-term and relatively discreet. As will be discussed below regarding traffic and transportation impacts, any increase in vehicular traffic associated with the anticipated development under the proposed Zoning Amendment is not expected to have a significant detrimental impact traffic and transportation operations and as such, is also not anticipated to result in a significant adverse impact to air quality.

No significant impact to health or safety is anticipated from the development which is proposed to occur as a result of the proposed Zoning Amendment. Health and safety impacts under SEQRA have been interpreted as those that may occur due to the location of contamination on or near property subject to the action at issue, such as closed spill areas, inactive hazardous waste sites, and other open contamination matters, including those identified in the DEC database. Based on DEC filings, including DEC's EAF Mapper, no such contamination has been identified on the Site, or in close proximity the area associated with the proposed Zoning Amendment. Further, the Applicant has reviewed the potential impact of electromagnetic occurrences from the New York State Power Authority transmission line that is located in the area where some portion of the development at issue will occur, including as reviewed in the Previous EIS Process, and the separation distance proposed as part of the anticipated development demonstrates that significant adverse impacts to health are not anticipated therefrom.

Impacts to Plants and Animals Including to Threatened or Endangered Species:

The proposed Zoning Amendment including the anticipated development associated with same under the Amended Plan is not anticipated to result in any significant adverse impact on plants or animals, including to threatened or endangered species based on available information, including from among other sources, the DEC's EAF Mapper for the Site.

While anticipated development will result in loss of some vegetation and where land disturbance is anticipated to be undertaken, including the removal of approximately four acres of wooded area, there are no endangered, threatened or rare animals or plants associated with the Site and areas to be developed under the proposed Zoning Amendment pursuant to the Amended

Plan. Furthermore, the Amended Plan provides that the disturbances to wooded areas anticipated will be minimized to the greatest extent practicable, while at the same time balancing the needs associated with the development under the Amended Plan. Furthermore, the Applicant has specifically committed to leaving in place to the extent practicable the butterfly-weed in areas where no disturbances are proposed as same has been identified as a vulnerable Species.

Impacts of Aesthetic Resources:

The proposed Zoning Amendment including the anticipated development under the Amended Plan will not have any significant adverse impact on aesthetic resources associated with the Site. As discussed in detail above regarding impacts to land, the development associated with the proposed Zoning Amendment is different from that which was to be constructed under the Original High Point PDD, but for the reasons discussed above, it is not anticipated that the differences of potential significance, including apartment buildings that will replace the townhouse units will have a significant adverse impact on aesthetics (i.e. due to screening on Site associated with vegetation and forested areas, as well as due to the aggregation of the development which results in increased separation of apartment buildings planned, and parking areas, and the addition of the Conifer Parcel etc.).

Further, it should be noted that the proposed apartment buildings (as with the previously approved townhouses) are generally not visible from the Route 96 corridor and should not result in a significantly adverse visual change while looking at the anticipated development associated with the proposed Zoning Amendment, including compared to the approved development under the Original High Point PDD. Further, as discussed in more detail below concerning impacts to historic resources, including the historic area and resources associated with Valentown Hall, while the previously approved townhouse units would have been somewhat visible from residential areas to the east of Valentown Road, there will be fewer buildings associated with the Amended Plan compared to what was approved under the Original High Point PDD, and although the 14 buildings will be taller than the townhouses previously approved, such buildings will be spaced further apart within the area anticipated to be developed, including the Site. Further, the increased building height as part of the proposed Amended Plan is offset by the vegetation, and forested areas to be retained, and is also offset by acreage associated with the addition of the Conifer Parcel to be added as part of the proposed Zoning Amendment.

Impacts to Archeological and Historic Resources:

The proposed Zoning Amendment including the anticipated development under the Amended Plan is not anticipated to have a significant impact on archeological or historic resources. In accordance with required guidance and regulations, areas associated with the proposed Zoning Amendment including the so-called Phase 5 area has been reviewed pursuant to studies completed under the auspices of the New York State Office of Parks Recreation and Historic Preservation ("OPRHP"). Archeological Phase 1 studies were completed as well as subsequent Phase 2 studies in those areas subject to development under the Amended Plan pursuant to the Amended Zoning proposed, and no material impact of significance was identified to any resources located on the land to be developed (including to the so-called Conifer Parcel or HOA Parcel comprising the Site) Further, the Applicant reports that OPRHP has issued correspondence to it indicating no significant impacts to any historic resources are anticipated due to the proposed Zoning Amendment, including the buildout associated with the Amended Plan.

In addition, no significant adverse impact to historic resources is anticipated including to any designated or recognized historic properties, including those associated with the Valentown Hall and area associated with same. The Board has considered comments from the public and other agencies on this issue, and it is satisfied that the anticipated development associated with the apartment buildings to be constructed as part of the Amended Plan will be developed and constructed so as to avoid impacts to the historic resources identified. Further, the Board has carefully reviewed concerns raised regarding potential impacts to such resources from traffic, including construction traffic, and other operations and based on among other considerations, road capacity, as well as routes anticipated to be used for construction vehicles, no significant adverse impact to historic resources is anticipated.

Impacts on Open Space and Recreation:

The proposed Zoning Amendment will not have any significant adverse impact on existing open space and recreation, as the land which will be subject to such proposed Zoning Amendment and anticipated development, including the Site is privately owned and does not currently provide any uses for public activities including recreation. Indeed, the proposed Zoning Amendment does not create a loss of recreational opportunities or reduction of an open space resource as designated in any manner by the Town or any adopted open space plan.

It should also be noted that the Applicant intends to continue to develop the pedestrian trail as part of the anticipated development under the Amended Plan which will be undertaken pursuant to the proposed Zoning Amendment which will enhance open space and recreation for those living and working in the areas to be developed under the proposed Zoning Amendment.

Impacts on Critical Environmental Areas:

The proposed Zoning Amendment including the anticipated development under the Amended Plan will not have any significant adverse impact on any Critical Environmental Area based upon review of available information including the EAF Mapper associated with the Site.

Impacts on Transportation (Traffic):

The proposed Zoning Amendment including anticipated development associated with the Amended Plan is not anticipated to have any significant adverse impact on transportation including existing traffic patterns and flow. Several traffic analyses including significant studies were undertaken pursuant to the Original High Point PDD and were reviewed extensively pursuant to the Previous EIS Process. As a result of those studies and analyses, the development approved with the Original High Point PDD included certain traffic improvements that have been completed, including to area roadways and same were completed to mitigate traffic associated with future conditions, including based on the assumption of significant increases in background traffic. In fact, updated studies completed following construction of the improvements associated with the Original High Point PDD show that background traffic did not increase at the levels projected, and in fact such increases were materially less than anticipated, which resulted in more than sufficient roadway capacity to address the operation of the apartments associated with the proposed Zoning Amendment and Amended Plan. Moreover, an updated traffic study completed in April 2017 (including traffic counts taken at numerous intersections) indicates that impacts associated with the proposed Zoning Amendment and Amended Plan including changes associated with the construction of fourteen apartment buildings instead of the townhouses will not have a significant adverse impact on

traffic, and will not cause material increases to traffic which cannot be reasonably accommodated by the current roadway network which includes road and intersection improvements previously completed pursuant to the Previous EIS Process and approval of the Original High Point PDD.

In addition, the Town had its own traffic consultant review the results associated with the original April 2017 study (associated with the May 2017 Applications) and the Town's traffic consultant concurs with the conclusions stated which is that traffic operations will not suffer significant adverse traffic or transportation system impacts due to the buildout anticipated from the proposed Zoning Amendment. Also an updated traffic study was completed by Bergman showing under full build-out associated with the proposed Zoning Amendment, levels of service for each turning movement are consistent with what was anticipated and approved as part of the Previous EIS Process. In sum, no significant adverse impact to traffic or transportation is anticipated. In addition, the pedestrian trails to be developed will help facilitate pedestrian access and travel through the area anticipated to be developed under the proposed Zoning Amendment.

Impacts Related to Noise and Odors and Impacts from Light:

The proposed Zoning Amendment will not have any significant adverse impact from objectionable noise and odor. While anticipated development associated with the proposed Zoning Amendment and Amended Plan may result in an increase in noise from construction, including from equipment and construction operations above ambient noise levels, the impact will be relatively short in duration and relatively discrete because the noise will be limited to typical construction times and some buffering to adjacent properties will be provided by retained vegetation in the area including perimeter vegetation. In addition, any such noise from construction will be undertaken during work hours as prescribed by the Town Code. No undue odors are anticipated from construction or development under the proposed Zoning Amendment.

Pedestrian trail lighting and parking lighting are to be provided within the anticipated development under the Amended Plan pursuant to the proposed Zoning Amendment. The Applicant has committed to construction of such lighting so as to be dark sky compliant and to prevent light splash, while also providing for appropriate safety and security. Further, vegetation in the area will be retained in part to allow for screening and to prevent light splash.

Impacts on Local Utilities and Energy:

No significant adverse impacts based on utility and energy usage are anticipated from the proposed Zoning Amendment, including anticipated development pursuant to the Amended Plan. As discussed, there is adequate water associated with the current infrastructure. In addition, sewerage facilities associated with a previously planned Auburn Trail Sanitary Sewer project will be completed and same are anticipated to be more than adequate to address the needs of the anticipated development associated with the proposed Zoning Amendment under the Amended Plan.

Further, the increase use of energy from the anticipated development associated with the proposed Zoning Amendment is anticipated to be comparatively minor as there is more than sufficient capacity to address such needs.

NOW THEREFORE BE IT FURTHER RESOLVED:

Based on the foregoing, the Board finds that the proposed Zoning Amendment, including the development associated with the Amended Plan will not result in any significant adverse impact on the environment in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and, in particular, pursuant to the criteria set forth at 6 NYCRR § 617.7(b)-(c) of the SEQRA regulations. The Board thus issues this Negative Declaration pursuant to SEQRA which will also serve as notice of same, and directs the following be undertaken and/or makes the following additional findings:

1. A Notice of Negative Declaration shall be filed and/or published to the extent required by the SEQRA regulations, and as the Board may deem advisable. The findings and conclusions relating to the determination of significance contained herein which also serves as a Notice of Negative Declaration are hereby adopted and incorporated by reference into this Resolution as applicable, including the Board adopting by reference the completed EAF (including parts 1, 2 and 3 of it).
2. This Resolution has been prepared in accordance with Article 8 of the New York Environmental Conservation Law, by Town Board of the Town of Victor with offices located at 85 East Main Street, Victor, New York 14564.
3. The Town Clerk and/or those persons whom The Board may designate or has designated for such purpose is authorized to file this Negative Declaration in accordance with the applicable provisions of the law and this resolution shall constitute a notice of Negative Declaration.
4. The requirements of SEQRA have been satisfied. This resolution and notice of negative declaration shall take effect immediately; and be it further

RESOLVED that copies of this resolution be forwarded to the Town Clerk, Planning Department and the Applicant.

RESOLUTION #394
AFTER PUBLIC HEARING – ADOPT LOCAL LAW NO. _____ - 2018 TO AMEND CHAPTER 150
PEDDLING AND SOLICITING

On motion of Councilman Condon, seconded by Councilman Guinan, the following resolution was

ADOPTED BY ROLL CALL VOTE:

Supervisor Marren	Aye	Councilman Condon	Aye	Councilman Guinan	Aye
		Councilman Kahovec	Aye	Councilman Tantillo	Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor on the 4th day of June, 2018, calling for a Public Hearing to be held by the Town Board of the Town of Victor on the 25th day of June, 2018, at the Victor Town Hall, 85 East Main Street, at 7:30 PM, to hear all interested parties on a proposed Local Law to amend Chapter 150 Peddling and Soliciting; 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 25th day of June, 2018, at 7:30 PM, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any parts thereof; and

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

WHEREAS, the Town Board of the Town of Victor finds that Chapter 211, Section 211-25 shall be amended; now, therefore be it

RESOLVED by the Town Board of the Town of Victor that the Town Board hereby adopts said Local Law to amend Chapter 150 Peddling and Soliciting as follows:

LOCAL LAW NO. 7 - 2018 TO AMEND CHAPTER 150 PEDDLING AND SOLICITING

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

Section I. Purpose

This Local Law shall be known as and may be cited as Local Law No. 7-2018 of the Town of Victor. The purpose of this Local Law is to amend the Victor Town Code at Chapter 150 Peddling and Soliciting in order to revise provisions related to the regulation of peddling and soliciting activities in the town.

Section II. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that the Victor Town Code should be revised in order to better regulate peddling and soliciting activities in the Town.

Section III. Amendment

Chapter 150 entitled "Peddling and Soliciting" Section 150-4 shall be amended to read as follows:

Chapter 150. Peddling and Soliciting.

150-1. Purpose.

The purpose of this chapter is to prevent fraud, crime and unethical and dishonest business practices and to protect the health, safety and welfare of the residents of the Town of Victor.

150-2. Applicability.

This chapter shall apply to the entire area of the Town of Victor, excluding the area within the corporate limits of the Village of Victor.

150-3. Definitions.

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

PEDDLER (PEDDLING)

Any person, either principal or agent, who, in any public street or road or highway or public place or from any vacant property, whether publicly or privately owned, or by going from place to place or house to house, delivers or distributes advertising matter,

literature, pamphlets, samples or handbills or sells or offers for sale, barter or exchange any goods, wares, merchandise, service or any other article or thing whatsoever, either in his possession or not in his possession, either for immediate or future delivery.

PERSON

Includes an individual, corporation, partnership, association or any other organizational group of persons or representative of any of the foregoing.

SOLICITOR (SOLICITING)

Any person, either principal or agent, who, in any public street, road or highway or public place or from any vacant property, whether publicly or privately owned, or by going from place to place or house to house, requests or accepts a contribution.

150-4. Restricted areas.

A. Peddling and soliciting shall not be allowed in any Town or county rights-of-way.

B. In addition to the foregoing and excluding those areas defined in § 1157(C) of the Vehicle and Traffic law of the State of New York, soliciting and peddling shall not be allowed on any public lands or in any public places, nor shall the same be allowed on Town-owned property unless approval is secured from the Town Board. As a condition for approval, the Town Board shall require adequate surety in an amount that will ensure that the activities authorized will not jeopardize the position of the Town or the protection of the Town residents.

150-5. License required.

In all areas of the Town of Victor, exclusive of those listed in § 150-4 of this chapter and the Village of Victor, it shall be unlawful to peddle, vend or solicit without first having obtained and paid for, and having in force and effect, a license issued by the Town Clerk's office.

150-6. Provisions applicable to veterans.

Honorably discharged members of the Armed Forces of the United States, who obtain a license pursuant to the provisions of § 32 of the General Business Law, shall file a copy of the license issued by the county with the Town Clerk of the Town of Victor provided such license states the veteran's name, residence at the time of the application and nature of goods to be sold; and, if the applicant is working on a commission or percentage basis for any person, firm or corporation, the name and business address of such person, firm or corporation. The Town Clerk, when satisfied, shall issue to such former member of the Armed Forces of the United States a license, without charge, certifying him to be entitled to the benefits of this chapter; provided, however, that nothing in this chapter shall prevent or in any manner interfere with the soliciting or peddling without the use of any but a hand-driven vehicle in a street, avenue, alley, lane or park of the Town by any honorably discharged member of the Armed Forces of the United States who is disabled as a result of injuries received while in the service of said Armed Forces and who is the holder of a license granted pursuant to § 32 of the General Business Law.

150-7. Exemptions.

Exemptions shall be as follows:

- A. Peddling or soliciting for charitable, political, educational or not-for-profit organizations.
- B. Delivery of newspapers or periodicals.

- C. Sale of newspapers from coin-operated vending machines.
- D. Activities limited to three days or less per month on privately owned property.
- E. Any person or proprietor soliciting on residential property at the express invitation of the person, serving an established customer or for the express purpose of providing a product or products to a not-for-profit organization.
- F. Those activities defined in Article IV of Chapter 211, Zoning, § 211-38, Roadside stands.
- G. This chapter shall not apply so as to interfere unlawfully with interstate commerce.
- H. Activities that would otherwise require a peddler's/solicitor's license shall be exempt if there is in existence a valid license or permit issued by the Town Board relating to similar or associated activities.

150-8. Licensing application procedure.

Application for license. Every applicant for a license to peddle or solicit or a renewal thereof shall be required to submit a written application, and addendum to original application for additional applicants, supplying, under oath, the information requested in a form prescribed by the Town Clerk. The applicants must submit all required documentation, including a Request for Release of Information with a copy of a state issued photo ID.

The application shall include, but not necessarily be limited to:

- (1) The name, home address and local address, if any, of the applicant.
- (2) The name and address of the person, firm or corporation for whom or through whom orders are to be solicited or cleared.
- (3) Goods, wares or merchandise for which orders are to be solicited.
- (4) That the applicant(s) has never been convicted of a felony or misdemeanor.
- (5) Such other information as the Town Clerk shall reasonably require.

150-9. Fees.

A. A license fee for peddlers or solicitors shall be in such amount as the Town Board of the Town of Victor may, from time to time, establish by resolution.

B. No fee shall be required by a veteran who has obtained a license pursuant to Article 4 of the General Business Law of the State of New York.

150-10. License issuance or denial; appeals.

A. Issuance. Upon the receipt of a properly filled out application and the license fee, the Town Clerk shall review the application, and, if granted, shall issue the license specifying the particular business authorized to the applicant. The Town Clerk shall have fourteen (14) days from the date of the acceptance of the application to conduct the background investigation. However, the issuance of the license may be delayed for a longer period if the Town Clerk cannot, for good reason, complete the investigation and review in a timely manner.

(1) Age restriction.

No license for peddling or soliciting shall be issued under this chapter to any person under the age of eighteen (18) years.

B. Denial. The Town Clerk may deny the application; in which case, the Clerk shall specify to the applicant the reason or reasons therefor. Such decision must relate to the protection of the public safety, health, morals or general welfare of the residents of the Town. The Town Clerk

may also deny any application by any person who shall have been convicted of any crime or of any violation of this chapter.

C. Appeals. Any person aggrieved by the action of the Town Clerk in the denial of a license shall have the right of appeal to the Town Board. Such appeal shall be taken by filing with the Board, within fourteen (14) days after the notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for such appeal. The Town Board shall set a time and place for a hearing on such appeal, and notice of such hearing shall be sent by certified mail to the applicant at his last known address at least fifteen (15) days prior to the date set for the hearing. The decision and order of the Town Board on such an appeal shall be final and conclusive.

150-11. Display; transfer of license.

This license shall be in possession of the licensee or posted while engaged in the business licensed. The license shall be produced upon the demand of any Town official, prospective buyer or police officer. This license shall be nontransferable.

150-12. Expiration of license.

Peddling and soliciting licenses shall expire one (1) year from the date of issuance of said license.

150-13. Renewal of license.

A valid peddling/soliciting license may be renewed for a period of one (1) year at a time by following the license application procedures in § 150-8 above. Such renewal application must be submitted at least thirty (30) days prior to the expiration of the current license.

150-14. Hours of operation.

Within the Town of Victor, exclusive of the Village of Victor, soliciting or peddling door to door shall be prohibited before 9:00 a.m. and after 7:00 p.m., Monday through Saturday. No peddling shall be permitted on Sundays.

150-15. Suspension of license.

A. Suspension. Whenever the Town Clerk shall have probable cause to believe that any person to whom a license has been issued under this chapter has violated any of the provisions of this chapter or that any peddler, solicitor or his agents have misrepresented the purpose of their activities, the Town Clerk shall immediately suspend the license temporarily and give the license holder notice by telephone along with written notice by certified mail giving the date, time and place of a hearing to be held before the Town Board of such temporary suspension to determine whether or not the license should be revoked. This notice must contain a statement of the facts upon which the Town Clerk has acted in suspending the license. If, after such hearing, the Town Board finds that this chapter has been violated or the activities of the peddler or solicitor have been misrepresented, the Board may, within two (2) days after the hearing, revoke the license and give the applicant written notice of the revocation and the reasons therefor. Any conviction of the license holder, its employees, agents or representatives of a violation of any provisions of this chapter shall be prima facie grounds for temporary suspension.

150-16. Revocation of license.

A. In addition to the process set forth in § 150-15, such license may also be revoked by the Town Board of the Town of Victor after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for the license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on business as a peddler or solicitor.
- (3) Any violation of this chapter.
- (4) Conviction for a felony or misdemeanor, which misdemeanor or felony, in the judgment of the Town Board, renders the applicant unfit or undesirable.
- (5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a menace to health, safety or general welfare of the public.
- (6) Upon the recommendation of the New York State Department of Health that the sale of food or food products or other edibles is being conducted under unsanitary conditions or that there is a violation of law regulation, code or ordinance cited by the New York State Department of Health.

B. Notice for a hearing for the revocation of a license pursuant to this section shall be given by the Town Clerk, in writing, setting forth specifically the grounds of the complaint and the time and date of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his/her last known address at least ten (10) days prior to the date set for hearing.

C. If the licensee has one or more employees, the revocation hereunder shall apply to the licensee and all employees if either he or any one or more of the employees are determined to be in violation of this chapter.

§ 150-17. Penalties for offenses.

Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a penalty not to exceed two hundred fifty dollars (\$250.00) or to imprisonment for a term not to exceed fifteen (15) days, or both. The continuance of an offense for each twenty-four-hour period shall be a distinct and separate violation.

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.

RESOLUTION #395

AFTER PUBLIC HEARING – ADOPT LOCAL LAW NO. ____ - 2018 TO AMEND CHAPTER 211 ZONING SECTION 211-12B WORD USAGE: DEFINITIONS RELATIVE TO THE NATIVE PLANT MANUAL

On motion of Councilman Condon, seconded by Councilman Kahovec, the following resolution was

ADOPTED BY ROLL CALL VOTE:

Supervisor Marren Aye Councilman Condon Aye Councilman Guinan Aye
Councilman Kahovec Aye Councilman Tantillo Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor on the 4th day of June, 2018, calling for a Public Hearing to be held by the Town Board of the Town of Victor on the 25th day of June, 2018, at the Victor Town Hall, 85 East Main Street, at 7:30 PM, to hear all interested parties on a proposed Local Law to amend Chapter 211 Zoning, Section 211-12B Word Usage: Definitions, relative to the Native Plant Manual; 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 25th day of June, 2018, at 7:30 PM, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any parts thereof; and

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

WHEREAS, the Town Board of the Town of Victor finds that Chapter 211, Section 211-25 shall be amended; now, therefore be it

RESOLVED by the Town Board of the Town of Victor that the Town Board hereby adopts said Local Law to amend Chapter 211 Zoning, Section 211-12B Word Usage: Definitions, as follows:

LOCAL LAW NO. ____ - 2018 TO AMEND CHAPTER 211 ZONING, SECTION 211-12B WORD USAGE: DEFINITIONS, RELATIVE TO THE NATIVE PLANT MANUAL

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

Section I. Purpose

This law shall be known as and may be cited as Local Law No. ____-2018 of the Town of Victor. The purpose of this local law is to amend the Victor Town Code at Chapter 211 Zoning, Section 211-12B Word Usage: Definitions, relative to the Native Plant Manual.

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that it is necessary to update the Native Plant Manual.

Section IV. Amendment

Chapter 211 entitled "Zoning," Section 211-12B entitled "Word Usage: Definitions" shall be amended as follows:

NATIVE PLANT MANUAL - The manual entitled "Town of Victor Native Plant Manual", 2nd edition updated by the Conservation Board in 2018, and all future editions; based on the manual entitled "Using Native Plants in Commercial, Urban and Suburban Landscapes" written by James P. Engel. This manual is made part of the Town of Victor Design and Construction Standards for Land Development and is available for review at the Town Clerk's Office and is also available electronically via the Town of Victor website.

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.

RESOLUTION #396

AMEND THE TOWN OF VICTOR DESIGN AND CONSTRUCTION STANDARDS RELATING TO THE NATIVE PLANT MANUAL

On motion of Councilman Condon, seconded by Councilman Tantillo, the following resolution was

ADOPTED AYES 5 (Marren, Guinan, Condon, Tantillo, Kahovec) NAYS 0

WHEREAS, the Town Board has identified the need to amend the Design and Construction Standards of the Town of Victor so that the revised Town of Victor Native Plant Manual is included therein; now, therefore be it

RESOLVED that Appendix A be wholly comprised of the amended 2018 Town of Victor Native Plant Manual, Second Edition; and be it further

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

PUBLIC CONCERNS AND COMMENTS:

Neil Stein- 1722 Strong Road expressed his concern with regards to the request for a liquor license at Pinnacle, noting with youth sports going on there he didn't feel this was appropriate.

With no further business before the Board, the meeting was adjourned at 8:45PM, on motion by Councilman Condon and seconded by Councilman Tantillo.

Respectfully submitted:

Karen C. Bodine
Town Clerk