

6:00 PM –Town Board Budget Workshop #1:

PRESENT: Deputy Supervisor Dave Condon
Councilman Mike Guinan
Councilman Ed Kahovec
Councilman Dave Tantillo

ABSENT: Supervisor Jack Marren

OTHERS PRESENT: Karen Bodine, Town Clerk; Barb Cole, Mark Years, Kathy Rayburn, Lee Wager, Steve Metzger, and David Nankin

Mark Years, Highway Superintendent, presented his proposed Highway/Recycle budget to the Town Board. Mark is looking for increases in the Highway Maintenance/Reconstruction, Highway Engineering for Highway Reconstruction, and Highway Equipment.

Karen Bodine presented the Town Clerk's proposed budget with a total budget decrease of \$33,829.00 and \$16,000.00 of this was the replacement air compressor for the air conditioning unit. Total net decrease in the contractual budget of \$17,829.00

Expenditures:

	Description	Budget Change
A.1410.300	Town Clerk - Legal	-\$4,000.00
A.1410.400	Town Clerk.Contractual	-\$4,325.00
A11460.4	Records Management	+\$700.00
A.1620.400	Buildings.Contractual	-\$6,912.00
A.1670.400	Central Mail & Printing.Contractual	-\$2,000.00

Kathy Rayburn reviewed and clarified her proposed budget for Economic Development and LDC.

Deputy Supervisor Condon noted the next Budget Workshop will be on 8/21/17 at 6:00PM.

A regular meeting of the Victor Town Board was held on August 13, 2018 starting at 7:10PM with the following members present:

PRESENT: Deputy Supervisor Dave Condon
Councilman Mike Guinan
Councilman Ed Kahovec
Councilman Dave Tantillo

ABSENT: Supervisor Jack Marren

OTHERS PRESENT: Karen Bodine-Town Clerk, Frank Pavia-Town Attorney, Mark Years-Highway Superintendent, Brian Emelson-Parks & Recreation Director, Steve Metzger & Wes Pettee- Town Engineers, Lee Wager, David Nankin, Dennis Buchovecky, Kathy Rayburn, and Tim Brown.

Deputy Supervisor Condon called the meeting to order, and made the following announcements:

- 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.
- Supervisor Marren necessarily absent due to the passing of his mother.

The flag was saluted and a moment of silence for Supervisor Marren's family was observed.

RESOLUTION #425

APPROVAL OF MINUTES

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

4 Ayes: Condon, Guinan, Kahovec, Tantillo

RESOLVED that the minutes of the regular meeting of July 9, 2018 be approved.

RESOLUTION #426

PAYMENT OF BILLS

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

4 Ayes: Condon, Guinan, Kahovec, Tantillo

RESOLVED that the bills be paid on Manifest #14 in the amount of \$537,207.04.

Documentation for these expenditures can be found on vouchers filed by numbers #20181497-20181662.

A- General Townwide	\$123,525.22
B- General Outside Village	\$19,950.62
DB – Highway Townwide	\$352,604.23
H21 –Community Connectivity Capital Project	\$5,517.89
H24- Sanitary Conveyance Capital Project	\$4,972.50
H25- Storm Sewer System Mapping Capital Project	\$377.50
SL1 –Fishers Light	\$377.11
SL2 –Brookwood Meadows Light	\$397.65
SL3 –High Point Light	\$823.16
SL4 –Cobblestone Light	\$5,612.48
SL5 –Quail Ridge Light	\$1,105.58
SL6 –Rolling Meadows Light	\$1,172.97
SL7 –Legacy at Fairways	\$1,477.95
SL8 –Stoneleigh Light	\$43.43
SS –S5 CVS Sewer	\$93.75
TA –Trust & Agency	\$19,155.00

Deputy Supervisor Condon reviewed each of the seven large expenses that were included in Manifest #14.

- LaBella Associates for professional services from May 19th – June 22, 2018
- MVP Health Care

- Midland Asphalt Material for Chip Sealing
- Southworth Milton Cat Excavator
- Ontario County Finance for Court Security and Law Enforcement Services
- Hines Concrete for gutters - Whistle Stop Project
- Griffith Energy diesel fuel

PRIVILEGE OF THE FLOOR- None

PUBLIC COMMENTS- None

REPORTS OF TOWN OFFICIALS:

Kathy Rayburn presented the Town Board with an update on the Implementation of the six priority projects identified in the Route 96 Corridor Plan. Kathy noted that these projects take a team of people to see the plan through.

- In March of this year, a draft plan was completed by TY Lin & committee. Now in the process with LaBella & Mark Tayrien to complete the SEQR GEIS. There will be a Public Hearing scheduled for September 10th, once that comment period closes a final draft will be prepared and presented to the Town Board for adoption, targeting October 9th.
- Another piece to this project is the Access Management which will provide the readiness of the town and where the funding will come from. Kathy also explained moving forward with the CFA application through the Finger Lakes Regional Economic Development Council which are due July of 2019.
- Kathy noted that Supervisor Marren was instrumental in gaining priority recommendation of the plan by the infrastructure and transportation team, where several teams meet through the Finger Lakes Regional Economic Development Council and this project is right at the top of the team's list.
- There is also Transportation Improvement Program funding that is managed by Genesee Transportation Council, along with TAP through the DOT.
- Kathy touched on the Transportation Development District where the Town will levy assessments on different development projects to help with some of the funding outside of the grant money.

RESOLUTION #427

MOVE TO SCHEDULED PUBLIC HEARING @ 7:30PM

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

4 Ayes: Condon, Guinan, Kahovec, Tantillo

RESOLVED that the regular meeting of the Victor Town Board be interrupted to hold the scheduled Public Hearing.

PUBLIC HEARING

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

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

Dennis Buchovecky – addressed the Board about Storm Water issues in the Town.

Motion made by Councilman Tantillo, seconded by Councilman Guinan to close the Public Hearing at 7:35 PM

4 Ayes: Condon, Guinan, Kahovec, Tantillo

RESOLUTION #428

RE-OPEN REGULAR MEETING OF THE VICTOR TOWN BOARD

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

4 Ayes: Condon, Guinan, Kahovec, Tantillo

RESOLVED that the regular meeting of the Victor Town Board be reconvened.

SUPERVISOR REPORT:

- Employee of the month Scott Hopkins
- Mobile App up and running, kudos to Suzy Mandrino
- Increase in Sales Tax
- Clean Energy Car Station - Village

TOWN /COMMITTEE REPORTS:

- **Councilman Guinan** commended Kathy Rayburn for her efforts on going after grant money.
- **Councilman Kahovec** congratulated Brian Emelson and Mike Stockman on the great turn out for the concerts at the VMP and noted positive feedback from the community.

BUSINESS:

RESOLUTION #429

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

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

4 Ayes: Condon, Guinan, Kahovec, Tantillo

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

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

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

RESOLUTION # TABLED

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

RESOLUTION #430

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

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

4 Ayes: Condon, Guinan, Kahovec, Tantillo

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

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

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

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

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

WHEREAS, the Highway Superintendent wishes to enter into a three-year contract with GreenRenewable Inc. of Manchester, NY for these services at a cost of Nine Thousand dollars (\$9,000.00) per year with funds available and will be split equally in the 2018 Town Budget lines DB. 5140.400 – Brush & Weeds Contractual and A8160.400 - Refuse & Garbage Contractual; now, therefore be it

RESOLVED that the Supervisor is authorized to enter into a three-year contract with GreenRenewable Inc. of Manchester, NY for brush grinding services as specified at a cost of Nine Thousand dollars (\$9,000.00) per year, said funds are available and will be split equally in the 2018 Town Budget lines DB. 5140.400 – Brush & Weeds Contractual and A8160.400 - Refuse & Garbage Contractual; and be it further

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

RESOLUTION #431**ACKNOWLEDGEMENT OF THE RESIGNATION OF SHELDON "SCOTT" HOPKINS**

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

4 Ayes: Condon, Guinan, Kahovec, Tantillo

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

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

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

RESOLUTION #432**APPOINTMENT OF MICHAEL TILLY TO THE POSITION OF PART-TIME CLEANER**

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

4 Ayes: Condon, Guinan, Kahovec, Tantillo

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

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

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

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

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

RESOLUTION #433**AMEND THE PARKS TRUST BUDGET (CP) TO PROVIDE FUNDS FOR THE VICTOR COMMUNITY CONNECTIVITY CAPITAL PROJECT (H21)**

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

4 Ayes: Condon, Guinan, Kahovec, Tantillo

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

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

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

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

And further

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

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

RESOLUTION #434

BUDGET TRANSFER TO FUND STORMWATER MANAGEMENT PERSONAL SERVICES AND EMPLOYEE BENEFITS

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

4 Ayes: Condon, Guinan, Kahovec, Tantillo

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

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

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

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

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

B.8140.800	Stormwater Management. Employee Benefits	\$6,736.00	B.8140.44 0	Stormwater Management. Engineering	\$6,736.00
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And

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

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

RESOLUTION #435

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

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

4 Ayes: Condon, Guinan, Kahovec, Tantillo

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FURTHER RESOLVED, that the Notice of Completion shall include the name and address of the lead agency; the name, address and telephone number of a person who can provide

additional information; a brief description of the action; the SEQR classification; and, the location of the action, as the same were included and described in the SEQR Positive Declaration filed relative to this Action pursuant to Town Board Resolution No. 408, adopted July 9, 2018; and, be it

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

RESOLUTION #436

AFTER PUBLIC HEARING – ADOPT LOCAL LAW NO. 11-2018 TO AMEND CHAPTER 175 STORM DRAINAGE

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

ADOPTED BY ROLL CALL VOTE:

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

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

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

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

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

LOCAL LAW NO. 11- 2018 TO AMEND CHAPTER 175 STORM DRAINAGE

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

Section I. Authorization

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

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 11-2018 to amend Chapter 175 Storm Drainage. The purpose of this amendment is to clarify the Designated Enforcement Officer.

Section III. Legislative Finding

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

Section IV. Amendment

Chapter 175 Storm Drainage shall be amended as follows:

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

AUTHORIZED ENFORCEMENT OFFICER

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

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

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

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

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

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

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

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

B. Access to facilities.

(1) The Project Coordinator shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before

entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

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

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

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

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

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

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

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

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

with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

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

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

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

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

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

Section V. Validity and Severability

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

Section VI. Repeal, Amendment and Supersession of Other Laws

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

Section VII. Effective Date

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

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

RESOLUTION #437**FINAL AUTHORIZATION OF THE RESOLUTION APPROVING THE ESTABLISHMENT OF JOINT FIRE DISTRICT, TO BE KNOWN AS THE VICTOR FIRE DISTRICT AFTER EXPIRATION OF PERMISSIVE REFERENDUM**

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

4 Ayes: Condon, Guinan, Kahovec, Tantillo

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

WHEREAS, said authorization was subject to permissive referendum; and

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

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

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

PUBLIC COMMENT

Lee Wager- Beauchamp Way asked about Speed Limit Sign for Chapelhill in the Drumlins.

ADJOURNMENT:

With no further business to come before the Board, the meeting was adjourned at 7:48PM on motion by Councilman Tantillo, seconded by Councilman Kahovec. Motion carried.

Respectfully Submitted,

Karen C. Bodine -Town Clerk