

6:00PM the Victor Town Board entered into Executive Session.

RESOLUTION #448
MOVE TO EXECUTIVE SESSION

Time: 6:03 PM

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

4 Ayes: Marren, Condon, Guinan, Kahovec

RESOLVED that the Victor Town Board enter into Executive Session for discussion of medical, financial and employment history of particular persons. Financial Director Barb Cole, Justice Toby Reh and Justice Reid Holter were also present. Councilman Tantillo was necessarily absent.

Justice Reh and Justice Holter departed at 6:32 PM.

RESOLUTION #449
MOVE TO CLOSE EXECUTIVE SESSION

On motion of Councilman Kahovec, seconded by Councilman Guinan, the Executive session of the Victor Town Board was closed @ 6:57 PM.

4 Ayes: Marren, Condon, Guinan, Kahovec

The regular meeting of the Victor Town Board was held on September 10, 2018 starting at 7:05 PM with the following members present:

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

ABSENT:

OTHERS PRESENT: Karen Bodine-Town Clerk, Frank Pavia-Attorney Harris Beach, Barb Cole-Finance Director, Mark Years-Highway Superintendent, Barb Cole-Finance Director, Brian Emelson-Parks & Recreation Director, Lee Wagner, David Nankin, Dave Williams, Holly Graff, Russ Graff, Neil Stein, Steve Metzger, Tim Brown, Allen Johnson, Kevin Fleig, Dan Duprey, Laurie Lavery, Philip Lavery, Wes Pettee,

Supervisor Marren called the meeting to order at 7:05 PM, and made the following announcements:

- Everyone was asked to sign in on the attendance sheet, cell phones & all electronic devices were requested to be turned off, and any private conversations 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 declared Councilman Tantillo necessarily absent.
- The flag was saluted, led by American Legion Post 931. A moment of silence was observed for all the lives lost in 9/11.

RESOLUTION #450

APPROVAL OF MINUTES

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

4 Ayes: Marren, Condon, Guinan, Kahovec

RESOLVED, to approve the minutes from the regular meeting of August 13 and August 20, 2018 as submitted.

Noted: Supervisor Marren abstained from voting on the August 13th approval due to his absence.

RESOLUTION #451

PAYMENT OF BILLS

Councilman Guinan made a motion, seconded by Councilman Kahovec to approve the payment of bills for Manifest #16 with vouchers totaling \$ 218,206.76.

4 Ayes: Marren, Condon, Guinan, Kahovec

RESOLVED that the bills be paid on Manifest #16 in the amount of \$218,206.76.

These expenditures can be found on vouchers filed by numbers: # 20181773 - 20181873.

A-General Townwide	\$ 70,000.87
B-General Outside Village	\$ 18,891.13
DB-Highway Townwide	\$ 122,515.06
H21-Community Connectivity Project	\$ 1,237.20
TA-Trust & Agency	\$ 5,562.50

Supervisor Marren reviewed each of the six large expenses that were in the range of, or exceeded \$10,000.00 included in Manifest #16.

- Harris Beach, Legal Services for the Month of May
- MVP Employee Health Care for the Month of September
- Lehigh Hanson – Binder for the Whistlestop project
- Villager Construction – Paver & Operator for the five Town Roads
- Griffith Energy- diesel fuel

PRIVILEGE OF THE FLOOR:

Holly Graff, Russ Graff-Finance Officer, Tim Brown, Dan Williams-Commander and Al Johnson from the American Legion Post 931 addressed the Board about the Veterans Memorial in front of the Town Hall. The concern is that where the memorial is now, you can't see it from the road or sidewalk and many residents don't know it is there.

Holly Graff-presented some ideas gathered of Veteran Memorials -from surrounding towns and they would like to see the five plaques for service on the memorial.

Tim Brown-noted that there are over 13,000 American Legion Posts, including the Town of Victor and have been around since 1919 by an act of Congress.

Dan Williams- proposed putting the plaques of the five services mounted in a small monument with the words VICTOR VETERANS MEMORIAL and maybe eventually a park bench. The estimated cost is \$4,000.00-\$6,000.00 and they would like the Town and Village to help with the cost.

Also noted by Dan Williams that Post 931 is the only American Legion in Ontario County that fields a baseball team, feeling this is important for the young people.

Councilman Condon volunteered to help with contacting people for designs and ideas.
Russ Graff- gave a brief overview of the budget for the American Legion.

RESOLUTION #452

MOVE TO SCHEDULED PUBLIC HEARINGS

Motion by Councilman Condon, seconded by Councilman Kahovec, the following resolution was adopted:

4 Ayes: Marren, Condon, Guinan, Kahovec

RESOLVED that the regular meeting of the Victor Town Board be interrupted to hold the scheduled Public Hearings:

Public Hearings opened at 7:30 PM

The Town Clerk read the following notices:

A) ROUTE 96 TRANSFORMATIVE CORRIDOR STRATEGIC INFRASTRUCTURE PLAN, DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT, TOWN OF VICTOR

Closed at 7:31 PM - No Public Comment

Public Hearing Opened at 7:32 PM

B) PUBLIC HEARING – ADOPT LOCAL LAW NO. -2018 TO OVERRIDE THE TAX LEVY LIMIT FOR 2019 – TOWN OF VICTOR

Closed at 7:33 PM – No Public Comment

RESOLUTION #453

RE-OPEN REGULAR MEETING OF THE VICTOR TOWN BOARD

Motion by Councilman Guinan, seconded by Councilman Kahovec, to re-open the regular meeting of the Victor Town Board:

4 Ayes: Marren, Condon, Guinan, Kahovec

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

PUBLIC CONCERNS & COMMENTS: No one wished to address the Board.

SUPERVISOR'S REPORT

Supervisor Marren distributed information in a submitted report to Town Board.

TOWN OFFICIALS REPORTS

Highway Superintendent	Director of Parks & Recreation
Planning/Building	Town Historian
IT/Website	Economic Development/VLDC
Victor Fire Department	

TOWN BOARD LIASION COMMITTEE REPORTS:

Councilman Kahovec commented that the ZBA is continuing to work with residents so that legally they can have their concerns addressed. He also noted that Al Benedict is doing a nice job of working with residents so they are understanding procedures when applying for a building permit.

BUSINESS:

RESOLUTION #454

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 IN TRADE FOR THE 2017 E45 BOBCAT EXCAVATOR

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

4 Ayes: Marren, Condon, Guinan, Kahovec

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

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

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

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

RESOLVED, that the Town Board authorizes the Highway Superintendent to purchase the 2018 E55 Bobcat Compact Excavator after trade-in on the 2017 E45 Bobcat Excavator, for the balance of Twenty Two Thousand One Hundred Fifty Nine Dollars and Ten cents (\$22,159.10); and further

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

RESOLUTION #455

ACCEPTANCE OF LETTER OF CREDIT, ANTON VALLEY SUBDIVISION

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

4 Ayes: Marren, Condon, Guinan, Kahovec

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

WHEREAS, the Engineer for the Town reviewed the developer's estimate of construction costs which includes 10% contingencies, 10% developer's assurance and 4% Town Engineering fees

in his letter dated April 10, 2018 and has recommended a Letter of Credit totaling \$1,035,024.57; and,

WHEREAS, Antonelli Development, LLC. has submitted Genesee Regional Bank Irrevocable Letter of Credit No. 180012791 in favor of the Town of Victor in the amount of \$1,035,024.57 as recommended by the Town Engineer and is due to expire August 23, 2019 ; now, therefore, be it

RESOLVED that the Victor Town Board does hereby accept Genesee Regional Bank Irrevocable Letter of Credit No. 180012791 in the amount of \$1,035,024.57 with the condition that should this Letter of Credit not be renewed at least ten (10) days prior to its expiration date of August 23, 2019, the Town Clerk is authorized to draw the balance of this Letter of Credit and place said funds in an Escrow Account in the Town official depository until such time as the Engineer for the Town recommends dedication of the infrastructure and release of the remaining funds; and, be it further

RESOLVED that a copy of this resolution be forwarded to the Planning Board, Finance, Codes and Development, LaBella, Parrone Engineering, and Antonelli Development, LLC.

RESOLUTION #456

RESCIND RESOLUTION #526-17 DORCHESTER PARK SUBDIVISION, SECTION 2, PHASE 1 LETTER OF CREDIT, RELEASE 8

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

4 Ayes: Marren, Condon, Guinan, Kahovec

WHEREAS, on December 27, 2017 the Town Board approved Resolution #526 Dorchester Park Subdivision, Section 2, Phase 1 Letter of Credit, Release 8; and

WHEREAS, as of September 7, 2018 the payment of outstanding engineering and inspection fees owed to the Town has not been received; now, therefore, be it

RESOLVED that the Town Board hereby rescinds approval of Release No. 8 on the Genesee Regional Bank Irrevocable Letter of Credit No. 408432 in the amount of \$39,232.76; and further

RESOLVED, that a copy of this resolution be forwarded to the Town Clerk, Finance Department, Engineer for the Town, BME and Dorchester Park, LLC.

RESOLUTION #457

REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS

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

4 Ayes: Marren, Condon, Guinan, Kahovec

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

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

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

<u>Vendor</u>	<u>Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>	<u>Reason for Exemption</u>
Alexandra Barbato	Chorus Accompanist	7891 Lehigh Crossing	\$1,800	September 30, 2019	Insufficient Coverage

Now, therefore be it

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

<u>Vendor</u>	<u>Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>	<u>Reason for Exemption</u>
Alexandra Barbato	Chorus Accompanist	7891 Lehigh Crossing	\$1,800	September 30, 2019	Insufficient Coverage

And be it further

RESOLVED that a copy of this resolution be sent to Brian Emelson, Director of Parks and Recreation; Finance Dept., Karen Bodine, Town Clerk; and Alexandra Barbato.

RESOLUTION #458

AUTHORIZATION TO ENTER INTO AGREEMENT - ALEXANDRA BARBATO AS ACCOMPANIST OF COMMUNITY CHORUS

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

4 Ayes: Marren, Condon, Guinan, Kahovec

WHEREAS, the Department of Parks and Recreation seeks to have offer a community chorus; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Alexandra Barbato as Accompanist of the Community Chorus to be held at various times and dates for an amount not to exceed One Thousand Eight Hundred Dollars, (\$1,800.00); and

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

WHEREAS, funds are included and available in the 2018 Operating Budget line item A6772.4 Programs for the Aging Contractual; now, therefore, be it

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

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Alexandra Barbato as Accompanist of the Community Chorus to be held at various times and dates for an amount not to exceed One Thousand Eight Hundred Dollars, (\$1,800.00), said funds are included in the 2018 Operating Budget line item A6772.4 Programs for The Aging Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Mike Stockman, Assistant Director of Parks and Recreation; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Alexandra Barbato.

RESOLUTION #459

APPOINTMENT OF KEVIN FLEIG TO THE MOTOR EQUIPMENT OPERATOR POSITION FOR THE HIGHWAY DEPARTMENT

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

4 Ayes: Marren, Condon, Guinan, Kahovec

WHEREAS, a vacancy exists in the Town of Victor Highway Department due to the resignation of an employee; and

WHEREAS, the position was advertised, and candidates were interviewed on August 23, 2018 by an interview committee consisting of Mark Years – Highway Superintendent, Randy Radar – Deputy Highway Superintendent, and Councilman David Condon; and

WHEREAS, it was decided by the interview team that Kevin Fleig possesses the qualifications necessary to fill this position; now, therefore be it

RESOLVED, that Kevin Fleig be appointed to the position of Motor Equipment Operator for the Highway Department at a Grade 4, step A hourly rate salary of Twenty Two dollars and Seventy One cents (\$22.71), to be funded from the 2018 Town Budget Line Item #DB.5110.100 – General Repairs Personal Services and DB.5142.100 Snow removal Personal Services, with a starting date of September 17, 2018; and be it further

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

RESOLUTION #460

AUTHORIZING THE SUPERVISOR TO ENTER INTO A LICENSE AND HOLD HARMLESS AGREEMENT AT 1255 HEATHER LANE TO ALLOW ENCROACHMENT INTO DRAINAGE EASEMENT

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

4 Ayes: Marren, Condon, Guinan, Kahovec

WHEREAS, Troy E. Bamann and Celeste C. Bamann are the record owners (the “Owners”) of the premises at 1255 Heather Lane, Tax Map #27.01-1-56.140, (the “Property”) in the Town of Victor; and

WHEREAS, the Town is the owner of a drainage easement, as shown in Book 967 of Deeds at page 561 in the Ontario County Clerk’s Office, which drainage easement is situated running in an north-south direction along the eastern side of the Property between Lot 14 and Tax Map

#27.01-1-56.99 approximately thirty (30) feet wide as shown on Map #20417 filed in the Ontario County Clerk's Office ("Easement"); and

WHEREAS, the Owners of the property have previously placed a shed (the "Shed") in the Easement on the Property, and

WHEREAS, said Shed would require the approval of an area variance from the Town Zoning Board of Appeals ("ZBA"); and

WHEREAS, the Town Board wishes to enter into a License and Hold Harmless Agreement ("Agreement") to allow the Shed to encroach onto the Easement, (subject to the approval of any area variances required by the ZBA), said License and Hold Harmless Agreement to be recorded with the Ontario County Clerk's Office; and

WHEREAS, the Agreement would permit the Shed to remain, but would require the Owners to remove and/or repair said Shed, hold the Town harmless, and return the Property within the Easement to its pre-alteration condition should the Town need to exercise its rights relating to the Easement in a manner which would require removal of the Shed, and the Town was induced into entering into the Agreement based on said representations; and

WHEREAS, the Town Building Department and Town Engineer have reviewed the proposed Shed and have indicated that the aforementioned proposed encroachment of the Shed into the Easement would not materially adversely affect the integrity, purpose, or function of the Easement, including but not limited to drainage, or be a hindrance in gaining access to any facilities or other infrastructure located within the Easement to effect repairs, maintenance, and/or improvements, and have no objection to the Town Board entering into the Agreement; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the License and Hold Harmless Agreement with Troy E. Bamann and Celeste C. Bamann, in a form approved by the Attorney for the Town, to allow the proposed Shed to encroach into the Easement, and any other document reasonably necessary to effect said Agreement; and

RESOLVED, that said approval and authorization is also subject to the approval of any area variances as may be required by the ZBA; and further be it

RESOLVED, that upon filing with the Ontario County Clerk's office, a copy of the filed License and Hold Harmless Agreement with Troy E. Bamann and Celeste C. Bamann will be provided to the Town Clerk; and further

RESOLVED, that a copy of this Resolution be provided to the Town Planning and Building Department, the Town Clerk and the Owner.

RESOLUTION #461

AUTHORIZATION FOR SUPERVISOR TO SOLICIT BIDS FOR CENTRALIZED PURCHASING OF BULK JANITORIAL SUPPLIES

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

4 Ayes: Marren, Condon, Guinan, Kahovec

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

WHEREAS, cleaning services are now conducted by employees of the Town of Victor and as such, the Town must now supply all of its janitorial supplies; now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to solicit bids for the centralized purchasing of bulk janitorial supplies; and be it further

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

RESOLUTION #462

AUTHORIZATION FOR TOWN SUPERVISOR TO ENTER INTO AGREEMENT - CGI COMMUNICATIONS, INC.

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

4 Ayes: Marren, Condon, Guinan, Kahovec

WHEREAS, the Victor Town Board approved Resolution #309-14 on October 14, 2014, whereby entering into a contract with CGI Communications, Inc. ("CGI") to provide a Community Video Program ("Program") to be made available for viewing via a link on the Town's website homepage free of charge to the Town; and

WHEREAS, the Town Board still believes that the availability of accessing the Program on the Town's website is a community service that is in the best interests of the Town in promoting the community and providing information to Town residents that will showcase various aspects of the community; and

WHEREAS, the 2018 Community Showcase Video Program Agreement ("Agreement") has been drafted and executed by CGI, which among other things, provides in pertinent part that the content of the Program is subject to the approval of the Town, that CGI will provide the Town with a disclaimer that clearly states that online visitors are leaving the Town's official website, and that the Program will be at no cost to the Town; now therefore be it

RESOLVED that the Town Supervisor is hereby authorized to execute and enter into the three-year Agreement on behalf of the Town; and it is further

RESOLVED that a copy of this resolution be forwarded to CGI Communications Inc, Human Resources, Economic Development, Suzy Mandrino, and the Town Clerk.

RESOLUTION #463

AUTHORIZATION FOR SUPERVISOR TO ENTER INTO AGREEMENT WITH ONTARIO COUNTY - MUNICIPAL SNOW AND ICE AGREEMENT FOR 2018/2019

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

4 Ayes: Marren, Condon, Guinan, Kahovec

WHEREAS, Ontario County desires to obtain snow and ice control services from the Town of Victor in an Agreement for County Road 9, County Road 42, and a portion of County Road 41 from Mertensia Road to the Monroe County line; and

WHEREAS, the current agreement is set to expire on September 30, 2018; and

WHEREAS, this Agreement is consistent with the Agreement by Ontario County Department of Public Works, Bureau of Highways, and the Town of Victor in the past; and

WHEREAS, the Town of Victor is willing to provide said service, and the Highway Superintendent approves of this Agreement; now, therefore, be it

RESOLVED, that the Supervisor for the Town of Victor is authorized to enter into Agreement for the Municipal Snow and Ice Agreement with the County of Ontario to provide snow and ice control services by the Town of Victor on County Road 9, County Road 42, and the portion of County Road 41 from Mertensia Road to the Monroe County line, said Agreement to expire September 30, 2019; and, further

RESOLVED, that a copy of this resolution be forwarded to the Highway Superintendent, Town Clerk, and the Ontario County Department of Public Works.

RESOLUTION #464

APPROVING THE DIMINUTION OF THE BOUNDARIES OF THE VICTOR FIRE PROTECTION DISTRICT

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

4 Ayes: Marren, Condon, Guinan, Kahovec

WHEREAS, the Town Board of the Town of Victor has begun the process to establish a joint fire district to be known as the Victor Fire District ("Fire District"); and

WHEREAS, the diminution of the Victor Fire Protection District would be necessary upon the establishment of the Fire District; and

WHEREAS, the boundaries of the Victor Fire Protection District are proposed to be diminished by the same area as would be covered by the establishment of the Fire District, as set forth on the town maps labeled as Schedule "A" and kept in the subject file in the Town Clerk's office and made a part hereof; now, therefore, be it

RESOLVED that the Town Board of the Town of Victor, County of Ontario, New York, hereby determines that the diminishment is in public interest; and it is further

RESOLVED that the diminishment of the boundaries of the Victor Fire Protection District is necessary for the establishment of the Fire District; and it is further

RESOLVED that diminishment of the boundaries of the Victor Fire Protection District as shown on the town maps labeled as Schedule "A" is approved, subject to permissive referendum as provided by law; and it is further

RESOLVED that the diminishment of the boundaries of the Victor Fire Protection District shall not take effect until the later of the expiration of the referendum period as provided by law, and the approval of the establishment of the Fire District by the Village of Victor Board of Trustees; 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 diminishing the boundaries of the Victor Fire Protection District with the County of Ontario and 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.

RESOLUTION #465
SET PUBLIC HEARING TO DIMINISH THE BOUNDARIES OF THE VICTOR FIRE PROTECTION DISTRICT IN ANTICIPATION OF THE FORMATION OF THE VICTOR FIRE DISTRICT

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

4 Ayes: Marren, Condon, Guinan, Kahovec

WHEREAS, on June 25, 2018, the Victor Town Board adopted a resolution establishing a joint fire district to be known as the Victor Fire District, subject to a similar approval by the Village of Victor, as provided by New York Town Law Section 189-a; and

WHEREAS, the area to be served by the Victor Fire District would overlap a portion of the existing Victor Fire Protection District, necessitating a reduction in the Fire Protection District's boundaries; now, therefore, be it

RESOLVED, by the Town Board of the Town of Victor that a Public Hearing shall be had on the 24th day of September, 2018, at 7:00 p.m., for the purpose of approving a resolution to diminish the boundaries of the Victor Fire Protection district to exclude the area of the Town that would be served by the Victor Fire District; and be if further

RESOLVED, that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

RESOLUTION #466
AFTER PUBLIC HEARING – ADOPT LOCAL LAW NO. 12 -2018 TO OVERRIDE THE TAX LEVY LIMIT FOR 2019 – TOWN OF VICTOR

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

ADOPTED BY ROLL CALL VOTE:

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

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor on the 27th day of August, 2018, calling for a Public Hearing to be held by the Victor Town Board on the 10th day of September, 2018, at the Victor Town Hall, 85 East Main Street, Victor, New York, at 7:30

PM, to hear all interested parties on a proposed local law to “Override The Tax Levy Limit For 2019 – Town of Victor”; 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 10th day of September, 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; now, therefore be it

RESOLVED, by the Town Board of the Town of Victor that the Town Board hereby adopts said “Local Law No. 12-2018 to Override the Tax Levy Limit For 2019 – Town of Victor”, as follows:

LOCAL LAW NO. 12 -2018 TO OVERRIDE THE TAX LEVY LIMIT FOR 2019 – TOWN OF VICTOR

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 in accordance with New York General Municipal Law at Section 3-c.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 12-2018 of the Town of Victor. The purpose of this local law is to override the NY Tax Levy Limit, pursuant to NY General Municipal Law Section 3-c.

Section III. Legislative Findings

The Victor Town Board finds and hereby determines that the Town has continued to experience rapid growth. In connection with such growth, along with development in technology, increases in health care costs, etc., the Town is facing increased costs including, but not limited to, costs related to sewer and water infrastructure, highway costs, employee payroll and benefits costs, technology costs, etc. In part because of the Town’s historically low tax rate, the Town’s ability to increase revenues via taxation to cover increased costs is severely limited due to the NYS Tax Levy Limit (which limits increase in taxation to a percentage of historic taxes). Therefore, in order to maintain the high level of services and the high standard of living the Town of Victor, it may be necessary to increase taxation beyond the level otherwise permitted by the NYS Tax Cap at NY General Municipal Law Section 3-c.

Section IV. Amendment

The Town Board of the Town of Victor, County of Ontario, is hereby authorized to adopt a budget for the fiscal year of 2019 which requires a real property tax levy increase in excess of the limit set by NY General Municipal Law Section 3-c.

Section V. Validity and Severability

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

Section VI. Repeal, Amendment and Supersession of Other Laws

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

Section VII. Effective Date

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

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

PUBLIC COMMENTS & CONCERNS: Neil Stein asked a question about the diminution of the boundaries of the Fire District. Supervisor Marren explained that this is part of the process, noting that the boundaries are set right now allowing the contract with the Village Fire Department and once a district is established the boundaries would go away. He also asked if there would be another chance to re-visit the consolidation of the Victor-Fishers Fire Districts.

ADJOURNMENT:

With no further business to come before the Board, the meeting was adjourned at 7:43PM on motion by Councilman Kahovec, seconded by Councilman Condon. Motion carried.

Respectfully Submitted,

Karen C. Bodine -Town Clerk