

**This meeting will be held in person at the Victor Town Hall and live streamed via YouTube with text commenting available. Go To:**  
<https://www.youtube.com/c/townofvictornewyork>

**Victor Town Board Meeting Agenda  
Monday, January 23, 2023  
DRAFT RESOLUTION PACKET**

*“Town Board Draft Resolutions are in **draft** form and are subject to change prior to or during the public meeting.”*

**Executive Session, 6–7PM** (Supervisor’s conference room) - proposed acquisition/sale/lease of real property

**Regular Meeting, 7PM**

**Flag Salute**

**Public Hearings** start at 7:00 PM

- Proposed Local Law to Amend Chapter 211 Zoning to Create a Cannabis Retail Dispensary Overlay Zoning District  
*Legal Notice was posted & published in the Daily Messenger on January 13, 2023.*  
Resolution No. 314 was adopted on December 12, 2022 for the Town Board to Act as Lead Agency Relating to the Adoption of the Cannabis Local Law  
***Public Hearing is rescheduled for February 13 and will be renoticed.***
  
- Proposed Local Law to Override the NY Tax Levy Limit For 2024 – Town of Victor  
*Legal Notice was posted & published in the Daily Messenger on January 13, 2023.*

**Approval of the January 9, 2023 Regular Town Board meeting**

**Payment of Bills**

**Privilege of the Floor**

**Public Comments and Concerns**

**Reports of Town Officials**

- Highway
- Historian
- IT
- Planning & Building

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## **Resolutions**

### **Parks & Recreation**

1. Agreement – Proctor Enterprises, replacement of garage roof at Mary Frances Bluebird Haven
2. Agreement - Brian Petty, comic book art/cartooning, drawing and watercolor painting
3. Agreement – Sharon McGrain (Mojo Blue Band)
4. COLI Waiver – Brian Petty & Sharon McGrain (MoJo Blue Band)
5. Agreement – Pamela Warren, ice skating instruction
6. Authorization for the Purchase of Land Pride / Kubota Tractor Grapple Bucket from Saxby Implement Corporation Piggybacking from Land Pride Sourcewell Contract # 070821-LPI
7. Authorization for the Purchase of Toro Turbo Force 60" Zero-Turn Mower for Parks and Trails Operation Piggybacking from New York State Contract PC69682

### **Supervisor**

8. Authorization for the Town Supervisor to enter into a lease and service agreement with Toshiba Business Solutions for (2) color copiers for Town Hall
9. Designation of Voting Delegate for Association of Towns
10. After Public Hearing - Adopt Local Law to Override the NY Tax Levy Limit for 2024 – Town of Victor

## **PUBLIC COMMENT**

## **ADJOURN**

NOTICE OF PUBLIC HEARING  
PROPOSED LOCAL LAW TO AMEND CHAPTER 211 ZONING TO CREATE A  
CANNABIS RETAIL DISPENSARY OVERLAY ZONING DISTRICT

PLEASE TAKE NOTICE that a draft Local Law has been introduced to the Town Board of the Town of Victor, New York, on December 12, 2022, to amend the Town's Zoning Law allowing adult-use cannabis retail dispensaries in accordance with the Cannabis Law Article 4, Section 131 and pursuant to same create a Cannabis Retail Dispensary Zoning District.

PLEASE TAKE FURTHER NOTICE that said Local Law is on file in the Victor Town Clerk's Office located at 85 East Main Street, Victor, New York, where it is available for public inspection during regular business hours.

PLEASE TAKE FURTHER NOTICE that a public hearing upon said Local Law has been scheduled for January 23, 2023 at 7:00 PM, to be held by the Victor Town Board at the Victor Town Hall, 85 East Main Street, Victor, NY 14564 at which time all interested parties will be given an opportunity to be heard. Written comments may also be directed to the Victor Town Clerk on or before 12:00 PM on January 23, 2023. The meeting will also be live streamed via YouTube at <https://www.youtube.com/c/townofvictornewyork> with text commenting available.

Dated: January 10, 2023

Karen C. Bodine,  
Town Clerk

NOTICE OF PUBLIC HEARING  
PROPOSED LOCAL LAW TO OVERRIDE THE NY TAX LEVY LIMIT FOR 2024 –  
TOWN OF VICTOR

PLEASE TAKE NOTICE that a Local Law has been introduced by the Town Board of the Town of Victor, New York, on January 9, 2023, designated as a Local Law to Override the NY Tax Levy Limit for 2024 – Town of Victor.

PLEASE TAKE FURTHER NOTICE that said Local Law is on file in the Victor Town Clerk's Office located at 85 East Main Street, Victor, New York where it is available for public inspection during regular business hours.

PLEASE TAKE FURTHER NOTICE that said Local Law would permit the Town of Victor to increase the Town's tax levy beyond that amount otherwise permitted by the NY Tax Levy Limit Legislation (at NY General Municipal Law Section 3-C).

PLEASE TAKE FURTHER NOTICE that a public hearing upon said Local Law has been scheduled for January 23, 2023 at 7:00 PM, to be held by the Victor Town Board at the Victor Town Hall, 85 East Main Street, Victor, NY 14564, at which time all interested parties will be given an opportunity to be heard. Written comments may also be directed to the Victor Town Clerk on or before 12:00 PM on January 23, 2023. The meeting will also be live streamed via YouTube at <https://www.youtube.com/c/townofvictornewyork> with text commenting available.

Dated: January 10, 2023

Karen C. Bodine, Town Clerk

# #1

## RESOLUTION NO. AGREEMENT – PROCTOR ENTERPRISES, REPLACEMENT OF GARAGE ROOF AT MARY FRANCES BLUEBIRD HAVEN

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with a contractor for the replacement of the garage roof at Mary Frances Bluebird Haven; and

WHEREAS, the Director of Parks and Recreation has received the following quotes for the project:

VENDOR	PRICE QUOTE
Proctor Enterprises	\$4,875.00
Roof Rangers	\$12,100.00

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; now, therefore, be it

RESOLVED that the Town Board authorizes the Town Supervisor to enter into agreement with Proctor Enterprises under the terms and conditions as provided for in the contract kept in the subject matter file in the Town Clerk's Office for a fixed fee of Four Thousand, Eight Hundred and Seventy-Five dollars (\$4,875.00) to be paid from the 2023 Budget Line item A.7110.400ARP – American Rescue Plan Contractual; and further

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 a copy will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Jerry Proctor.

## #2

### RESOLUTION NO. AGREEMENT – BRIAN PETTY

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Brian Petty for instruction in comic book art / cartooning, drawing and watercolor painting for youth and adults; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; now, therefore, be it

RESOLVED that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Brian Petty under the terms and conditions as provided for in the contract kept in the subject matter file in the Town Clerk's Office for a fixed fee of One Hundred Sixty dollars (\$160.00) per four-week session/ per program to be paid from the 2023 Budget Line item A.7020.400 Celebrations Contractual; and further

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 a copy will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Brian Petty.

# #3

## RESOLUTION NO. AGREEMENT – SHARON MCGRAIN (MOJO BLUE BAND)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Sharon McGrain (MoJo Blue Band) for a concert at its Sid Partington Memorial Concert in the Park event on June 29, 2023 at Victor Municipal Park; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; now, therefore, be it

RESOLVED that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Sharon McGrain (MoJo Blue Band) under the terms and conditions as provided for in the contract kept in the subject matter file in the Town Clerk's Office for a fixed fee of Eight Hundred Dollars (\$800.00) to be paid from the 2023 Budget Line item A.7550.400 Celebrations Contractual; and further

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 a copy will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Sharon McGrain.

# #4

## RESOLUTION NO. REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS

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

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

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

<u>Vendor</u>	<u>Activity / Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>	<u>Reason for Exemption</u>
Brian Petty	Comic Book Art / Cartooning / Drawing / Watercolor Painting	Victor Recreation Center	\$160.00 / per 4 week session / per program	December 31, 2023	Insufficient Coverage
Sharon McGrain	Summer Concert	Victor Municipal Park	\$800.00	December 31, 2023	Insufficient Coverage

Now, therefore, be it

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

<u>Vendor</u>	<u>Activity / Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>	<u>Reason for Exemption</u>
Brian Petty	Comic Book Art / Cartooning / Drawing / Watercolor Painting	Victor Recreation Center	\$160.00 / per 4 week session / per program	December 31, 2023	Insufficient Coverage
Sharon McGrain	Summer Concert	Victor Municipal Park	\$800.00	December 31, 2023	Insufficient Coverage

And be it further

RESOLVED that a copy of this resolution be sent to Director of Parks and Recreation, Town Clerk, Sharon McGrain and Brian Petty.



## #5

### RESOLUTION NO. AGREEMENT – PAMELA WARREN

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Pamela Warren for instruction in ice skating for preschool age children, youth and adults; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; now, therefore, be it

RESOLVED that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Pam Warren under the terms and conditions as provided for in the contract kept in the subject matter file in the Town Clerk's Office for a sum of Eighty Percent (80%) of the recreation program revenues allocated to the Contractor and Twenty Percent (20%) of the recreation program revenues allocated to the Town to be paid from the 2023 Budget Line item A.7020.400 Recreation Programs - Contractual; and further

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 a copy will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Pamela Warren.

## #6

RESOLUTION NO. AUTHORIZATION FOR THE PURCHASE OF LAND PRIDE / KUBOTA TRACTOR GRAPPLE BUCKET FROM SAXBY IMPLEMENT CORPORATION PIGGYBACKING FROM LAND PRIDE SOURCEWELL CONTRACT # 070821-LPI

WHEREAS, the Department of Parks and Recreation has the need to purchase a Land Pride / Kubota Tractor Grapple Bucket; and

WHEREAS, this piece of equipment is available for purchase from Saxby Implement Corporation (Member #96578) piggybacking from the Land Pride Sourcwell Contract #070821-LPI at a cost of Three Thousand Five Hundred Three dollars and Twenty-Five cents (\$3,503.25); and

WHEREAS, funds are available in the 2023 Budget line item A.7110.400 Parks Contractual for the purchase of a Kubota tractor grapple bucket for the Department of Parks and Recreation; now therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase a 2023 Land Pride / Kubota Tractor Grapple Bucket from Saxby Implement Corporation (Member #96578) piggybacking from the Land Pride Sourcwell Contract #070821-LPI at a cost of Three Thousand Five Hundred Three dollars and Twenty-Five cents (\$3,503.25), said funds are available in the 2023 Budget line item A.7110.00 Parks Contractual; and further

RESOLVED that a copy of this resolution be forwarded to Parks Maintenance Assistant; Director of Parks and Recreation; Town Clerk; Director of Finance; and Don Hill, Saxby Implement Corporation.

## #7

RESOLUTION NO. AUTHORIZATION FOR THE PURCHASE OF TORO TURBO FORCE 60"  
ZERO-TURN MOWER FOR PARKS AND TRAILS OPERATIONS PIGGYBACKING FROM  
NEW YORK STATE CONTRACT PC69682

WHEREAS, the Department of Parks and Recreation has the need to purchase a Toro Turbo Force 60" Zero-Turn Mower for parks and trails operations; and

WHEREAS, this equipment is available for purchase from Grassland Equipment and Irrigation Company by piggybacking from New York State Contract PC69682 at a cost of Sixteen Thousand Two Hundred Twenty-One dollars and Thirty-Three cents (\$16,221.33); and

WHEREAS, funds are available in the 2023 Budget line item A.7110.200 Parks Equipment for the purchase of a Toro Turbo Force 60" Zero-Turn Mower; now therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase a 2023 Toro Turbo Force 60" Zero-Turn Mower for parks and trails operations from Grassland Equipment and Irrigation Company by piggybacking from New York State Contract PC69682 at a cost of Sixteen Thousand Two Hundred Twenty-One dollars and Thirty-Three cents (\$16,221.33), and said funds are available in the 2023 Budget line item A.7110.200 Parks Equipment; and further

RESOLVED that a copy of this resolution be forwarded to Parks Maintenance Assistant, Director of Parks and Recreation, Town Clerk, Director of Finance; and Brent Lewis, Grassland Equipment and Irrigation Company.

# #8

## RESOLUTION NO. AUTHORIZATION FOR THE TOWN SUPERVISOR TO ENTER INTO A LEASE AND SERVICE AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS FOR (2) COLOR COPIERS FOR TOWN HALL

WHEREAS, the Town Hall has the need to replace two existing central copiers located on the first and second floors in Town Hall due to age and deterioration of the equipment; and

WHEREAS, the Finance Department has received written Lease and Service proposals for (2) copiers from Eastern Managed Print, Lineage and Toshiba Business Solutions to include:

Eastern Managed Print	\$1,028.73 per month for 60 months
Lineage	\$512.03 per month for 63 months
Toshiba Business Solutions	\$450.70 per month for 60 months

WHEREAS, the Finance Department and IT Department have assessed the functions and capabilities of these multifunction copiers to meet the Town's needs and recommends that the proposal from Toshiba Business Solutions for (2) Toshiba E6516ACT Color copiers with printing, scanning, faxing capability at a lease cost for two copiers for Four Hundred Fifty dollars and Seventy cents (\$450.70) per month for a 60 month term and Service Agreement including supplies with a cost of \$.0065 per page for black and white copies and \$.0423 per page for color copies be awarded; and

WHEREAS, Toshiba Business Solutions currently has lease agreements for copiers with other Ontario County Government agencies as well as other local municipalities to supply equipment for their agencies and departments; and

RESOLVED funding for the copiers is available in the 2023 Town Budget from the operating budget line A.1680.400 Central Data Processing Contractual; and further

RESOLVED that the Town Board authorizes the Town Superintendent to enter into a (60) month lease agreement with Toshiba Business Solutions in an amount not to exceed Four Hundred Fifty dollars and Seventy cents (\$450.70) per month for (2) Toshiba E6516ACT Color copiers and Service Agreement including supplies with a cost of \$.0065 per page for black and white copies and \$.0423 per page for color copies; and further

RESOLVED that a copy of this resolution be forwarded to Town Clerk; IT Department, Finance Department, and Donald Mongeon, Toshiba Business Solutions, Inc.

#9

RESOLUTION NO. DESIGNATION OF VOTING DELEGATE FOR ASSOCIATION OF TOWNS

RESOLVED that Victor Town Supervisor Jack Marren be designated as the Voting Delegate representing the Town of Victor at the Association of Towns 2023 Training School and Annual Meeting on February 19-22, 2023 in New York City, NY.

# #10

## RESOLUTION NO. \_\_\_\_\_ AFTER PUBLIC HEARING ADOPTING LOCAL LAW TO OVERRIDE THE 2024 TAX LEVY LIMIT FOR THE TOWN OF VICTOR

WHEREAS, a resolution was duly adopted by the Town Board on the 9<sup>th</sup> day of January, 2023, calling for a Public Hearing to be held by the Town Board on the 23<sup>rd</sup> day of January, 2023, at the Town Hall at 7:00 PM, to hear all interested parties on a proposed local law to Override the Tax Levy Limit for 2024 – 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 Town Hall on the 23<sup>rd</sup> of January, 2023, at 7:00 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, after due deliberation, finds it in the best interest of the Town to adopt said local law; now, therefore be it

RESOLVED, that the Town Board hereby adopts said Local Law as follows:

### LOCAL LAW TO OVERRIDE THE NY TAX LEVY LIMIT FOR 2024 – 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. \_\_\_-2023 Override the NY Tax Levy Limit for 2024 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

# #10

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 2024 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.

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.