

This meeting will be held in person at the Victor Town Hall and live streamed via YouTube with text commenting available. Go To:
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**Victor Town Board Meeting Agenda
Monday, February 13, 2023
DRAFT RESOLUTION PACKET**

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

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 27, 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 was rescheduled from January 23.

Approval of the January 23, 2023 Regular Town Board meeting

Payment of Bills

Privilege of the Floor

- Morrell Builders & Pride Mark Homes, (Peter Vars) - 7200 Rawson Road PDD

Public Comments and Concerns

Reports of Town Officials

- Ontario County Humane Society Director
- Finance
- Parks & Recreation
- Traffic
- Victor Fire Chief

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Resolutions

Finance

1. Budget transfers operating funds
2. Amend resolution No. 264-2022 Lane Road Sidewalk Project to increase amount of contract to support additional work required
3. Amend resolution town hall painting
4. Amend resolution No. 8 increase investment limits at our financial institutions

Highway

5. Amend 2023 Freightliner resolution
6. 2023 John Deere 5015M utility tractor
7. 2023 Alamo 24" Maverick 2 boom and rotary blade for 2019 John Deere
8. 2023 Milton Cat 938M HL wheel loader
9. 2024 International CV515
10. 2023 Chevrolet Silverado

Human Resources

11. Appoint Janene Sweet, Board of Assessment Review & Appoint Karen Polidori, Chair, Board of Assessment Review
12. Acceptance of resignation of Sarah Mitchell from the Zoning Board of Appeals
13. Appoint Lya Theodoratos – Zoning Board of Appeals
14. Amend Resolution #343-21 – Appoint Ontario County Public Health Director Mary Beer as local health officer and Kate Ott, Deputy
15. Amend resolution designation of full-time employees
16. EAP agreement

Parks & Recreation

17. Agreement – Frederick Seager (Wheeler Station)
18. Agreement – Mary Slaughter for instruction in gymnastics, sports and games for youth
19. Agreement – Maureen Unterborn for instruction in yoga
20. Agreement – Melissa McCabe for instruction in running for youth
21. Agreement – Sharon Mikulec for instruction in a lego club for youth
22. Agreement – Yelena Shapiro for instruction in music for preschool age children and parents
23. Agreement – Epic Trainings for instruction in babysitting, home alone and first aid for youth

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Parks & Recreation continued

- 24. Agreement – Elise Cade, Grounded by Yoga
- 24.5 Agreement - Vera Forster, management/direction - Victor Community Chorus
- 25. Request for Certificate of Liability Insurance (COLI) Waivers – Slaughter, Unterborn, Seager, Shapiro, McCabe, Mikulec, Forster, Epic trainings

Supervisor

- 26. Willis Hill Road bid award
- 27. Create a Cannabis Retail Dispensary Overlay Zoning District

Town Clerk

- 28. Evaluate speed limit 444
- 29. Southgate 2 grading release #3
- 30. Willis Hill release #4
- 31. Victor Jeep release #2
- 32. Victor Jeep dedication & maintenance bond
- 33. Victor Square Expansion LOC

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 February 13, 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 February 13, 2023. The meeting will also be live streamed via YouTube at <https://www.youtube.com/c/townofvictornewyork> with text commenting available.

Dated: January 25, 2023

Karen C. Bodine, Town Clerk

TOWN OF VICTOR

PROPOSED LOCAL LAW NO. __ OF 2023

**A LOCAL LAW TO AMEND THE ZONING LAW TO CREATE A
CANNABIS RETAIL DISPENSARY OVERLAY ZONING DISTRICT**

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

Section 1. Intent.

It is the intent of the Town of Victor Town Board to amend Chapter 211 of the Town Code to allow adult-use cannabis retail dispensaries in accordance with the Cannabis Law Article 4, Section 131 (“the Cannabis Law”). The amendments set forth herein are necessary and desirable to protect the public health, safety, welfare, and environmental resources, provide a consistent regulatory framework for the cannabis industry consistent with state regulations, foster a healthy, diverse and economically viable cannabis industry that contributes to the local economy, and ensure that environmental, public health, safety and nuisance factors related to the cannabis industry are adequately addressed.

Section 2. Authority.

This Local Law is enacted pursuant to the Cannabis Law which expressly authorizes the Town Board to enact local laws and regulations governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries.

Section 3. Local Law.

The Town Board of the Town of Victor hereby amends Chapter 211 to read as follows:

Article II, Chapter 211, Section 12 of the Zoning Law entitled “Definitions” is hereby amended by adding a new definition for “Cannabis Retail Dispensaries” as follows:

Cannabis Retail Dispensaries – a retail facility that sells at retail any cannabis product authorized for sale under the New York State Marijuana Regulation and Taxation Act (hereinafter referred to in this Chapter as the “Cannabis Law”), and the sale for which a license is required for an adult-use cannabis retail dispensary under the provisions of the Cannabis Law.

Article III, Chapter 211, Section 15 (B) of the Zoning Law entitled “Zoning Districts” is hereby amended by adding a new zoning district for “Cannabis Retail Dispensaries” as follows:

District Table	Zoning District
CRD-O	Cannabis Retail Dispensary Overlay District

Article III, Chapter 211 of the Zoning Law entitled “Zoning” is hereby amended by adding a new zoning district entitled “Cannabis Retail Dispensary District” as follows:

§ 211-27.16 Cannabis Retail Dispensary Overlay District

A. Purpose.

The purpose of the Cannabis Retail Dispensary Overlay District is to establish a zoning district for adult-use cannabis retail dispensaries to operate in the Town in accordance with the Cannabis Law.

B. General Guidelines.

- (1) The Cannabis Retail Dispensary Overlay District shall be established in the Commercial District, a portion of the High Point Business Park Planned Development District (Retail Phases), and a portion of the Eastview Commons Planned Development District.
- (2) The Zoning District Map shall be amended to depict the Cannabis Retail Dispensary Overlay District.
- (3) The Cannabis Retail Dispensary Overlay District is comprised of multiple contiguous parcels, or portions of parcels, by the following tax map numbers, street addresses and acreages:
 - a. Tax Map No. 6.04-1-80.000, Commerce Drive, 0.89 acres
 - b. Tax Map No. 6.04-1-78.000, portion of 400-441 Commerce Drive, 48.3737.62 acres
 - c. Tax Map No. 6.00-1-10.200, 300 Eastview Mall Drive, 8.45 acres
 - d. Tax Map No. 6.00-1-11.000, 100 Eastview Mall Drive, 15.86 acres
 - e. Tax Map No. 1.02-1-8.000/PLZA, 100-190 Cobblestone Court Drive, 12.34 acres
 - f. Tax Map No. 6.00-1-16.110, 7637 St Route 96, 5.31 acres
 - g. Tax Map No. 6.00-1-7.131, 8055 St Route 96, 4.46 acres
 - h. Tax Map No. 6.00-1-7.110, St Route 96, 0.83 acres
 - i. Tax Map No. 6.04-1-79.000, 7620 St Route 96, 1.08 acres

- j. Tax Map No. 6.00-1-67.000, 7651 St Route 96, 1.95 acres
- k. Tax Map No. 6.00-1-12.700, 600 Eastview Mall Drive, 10.78 acres
- ~~l. Tax Map No. 6.02-2-47.100, 4-20 Commerce Drive, 7.95 acres~~
- ~~m.l.~~ Tax Map No. 6.02-2-49.000, 300 High Street, 4.32 acres
- ~~n.m.~~ Tax Map No. 1.02-1-9.100, 10-80 Cobblestone Court Drive, 22.64 acres
- ~~o.n.~~ Tax Map No. 6.00-1-12.400, 50-52 Eastview Mall Drive, 20.16 acres
- ~~p.o.~~ Tax Map No. 6.02-2-51.000, 7720 St Route 96, 2.99 acres
- ~~q.p.~~ Tax Map No. 6.00-1-12.210, 40 Eastview Mall Drive, 3.56 acres
- ~~r.q.~~ Tax Map No. 6.02-2-48.000, 7724 St Route 96, 1.67 acres
- ~~s.r.~~ Tax Map No. 6.00-1-7.210, 8045 St Route 96, 8.50 acres
- ~~t.s.~~ Tax Map No. 6.00-1-12.600, 700 Eastview Mall Drive, 8.45 acres
- ~~u.t.~~ Tax Map No. 6.00-1-66.100, 7635 St Route 96, 3.45 acres
- ~~v.u.~~ Tax Map No. 6.00-1-12.500, 70 Eastview Mall Drive, 14.20 acres
- ~~w.v.~~ Tax Map No. 6.00-1-8.000, 8025 St Route 96, 1.05 acres
- ~~x.w.~~ Tax Map No. 6.00-1-12.800, St Route 96, 1.86 acres
- ~~y.x.~~ Tax Map No. 6.00-1-7.120, 8053 St Route 96, 1.32 acres
- ~~z.y.~~ Tax Map No. 6.00-1-66.200, 7633 St Route 96, 4.16 acres
- ~~aa.z.~~ Tax Map No. 6.00-1-12.310, 38 Eastview Mall Drive, 0.83 acres
- ~~bb.aa.~~ Tax Map No. 6.00-1-9.000, 200 Eastview Mall Drive, 13.66 acres
- ~~cc.bb.~~ Tax Map No. 6.00-1-12.100, 100-1020 Eastview Mall Drive, 93.55 acres
- ~~dd.cc.~~ Tax Map No. 6.00-1-3.310, 7550-7560 Commons Blvd, 7.14 acres
- ~~ee.dd.~~ Tax Map No. 6.00-1-3.410, 7500 Commons Blvd, 8.77 acres
- ~~ff.ee.~~ Tax Map No. 6.00-1-3.500, Commons Blvd, 2.26 acres
- ~~gg.ff.~~ Tax Map No. 1.02-1-13.000/RETL, 240 High Street Ext, 1.38 acres
- ~~hh.gg.~~ Tax Map No. 1.02-1-13.000/COBL, 236 High Street Ext, 0.44 acres

~~ii~~hh. Tax Map No. 1.02-1-14.000, 235-237 High Street Ext, 3.52 acres

~~jj~~ii. Tax Map No. 1.02-1-12.100/REST, 204 High Point Dr, 1.72 acres

~~kk~~jj. Tax Map No. 1.02-1-12.100/RETL, 202 High Point Dr, 0.67 acres

~~ll~~kk. Tax Map No. 1.02-1-12.100/COBL, 200 High Point Dr, 0.92 acres

~~mm~~ll. Tax Map No. 1.02-1-9.200, High Point Drive, 0.62 acres

- (4) For a site within the Cannabis Retail Dispensary Overlay District, in addition to uses listed as a permitted use or as a special permit use within the underlying Commercial District base zone, the types of uses to be made of sites within the Overlay District shall include Cannabis Retail Dispensaries approved by a resolution of the Town Board.

C. Special Conditions.

All Cannabis retail dispensaries are subject to the requirements of the Cannabis Law and with the additional special conditions:

- (1) A Cannabis Retail Dispensary shall not open or conduct any business prior to 9 AM nor remain open or conduct any business after 9 PM Mondays through Saturdays and shall not open or conduct any business prior to 12 PM nor remain open or conduct any business after 6 PM on Sundays.
- (2) No portion of a Cannabis Retail Dispensary or the real property (lot) on which it is sited shall be located closer than 1,500 feet from any other Cannabis Retail Dispensary, such distance measured on a straight line from the nearest property line of the lot on which any other existing Cannabis Retail Dispensary to the nearest property line of the lot to be occupied by the proposed Cannabis Retail Dispensary.
- (3) Consistent with buffering provisions in Section 211-22, Paragraph C (6) of this Chapter, whenever a Cannabis Retail Dispensary is located adjacent to a Residential Zoning District, a fully landscaped 100-foot buffer shall be provided along the full length of the adjacent residential district. This buffer area shall be planted and perpetually maintained with live trees and shrubs at least six feet in height and shall have such other grading and landscaping as necessary to visually and audibly screen the commercial activity from the adjacent residential district. The design and maintenance plan shall be approved by the Planning Board during its review of the site plan. Fences, walls or hedge or screen plantings may be required by the Planning Board, such as may be deemed necessary to protect the residential quality of adjacent property in any residential district.
- (4) Subject to applicable law, a Cannabis Retail Dispensary shall provide to the Town copies of all information and documentation submitted to the State of New York in application for a license to operate under the Cannabis Law.

- (5) A Cannabis Retail Dispensary shall not operate until the dispensary has obtained all licenses and permits required for it to conduct any business issued by the State of New York and any of its agencies for Cannabis Retail Dispensary operations.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Repeal.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

#1

RESOLUTION NO. FINANCE - BUDGET TRANSFERS OPERATING FUNDS

WHEREAS, the Finance Director has determined budget transfers are required in the Operating Funds including the General (A) Fund, Town Outside Village (B) Fund and the Highway (DB) Fund, and

WHEREAS, there are available funds within the respective Operating Funds to cover these transfers, now, therefore, be it

RESOLVED that the following 2022 budget transfers be approved in the Operating Funds as recommended by the Finance Director as listed below,

	TO:			FROM:	
ACCOUNT NO.	DESCRIPTION	AMOUNT	ACCOUNT NO.	DESCRIPTION	AMOUNT
A.1220.100	Supervisor Personal Services	\$7,952.68	A.1220.110	Supervisor Office Staff Personal	\$7,952.68
A.6420.100	Economic Development Personal	\$9,687.02	A.1110.400	Justice Contractual	\$9,687.02
A.6420.400	Economic Development Contractual	\$38,380.27	A.1110.400	Justice Contractual	\$38,380.27
A.7020.400	Rec. Administration Contractual	\$5,589.99	A.1220.800	Supervisor Staff Benefits	\$5,589.99
A.8160.100	Recycle Personal Services	\$5,412.05	A.1220.800	Supervisor Staff Benefits	\$5,412.05
A.9030.800	Social Security Benefits	\$18,079.64	A.1220.800	Supervisor Staff Benefits	\$18,079.64
B.8020.100	Planning Personal	\$17,018.45	B.8010.100	Zoning Personal	\$17,018.45
DB.5112.400	Improvements Contractual	\$127,994.84	DB.5110.400	General Repairs Contractual	\$127,994.84

#1

DB.5130.100	Machinery Personal	\$15,000.22	DB.5140.100	Brush/Weeds Personal	\$15,000.22
DB.5142.150	Snow Removal Personal Overtime	\$10,034.39	DB.5142.100	Snow Removal Personal	\$10,034.39
DB.5142.400	Snow Removal Contractual	\$29,479.21	DB.5142.100	Snow Removal Personal	\$29,479.21
DB.5142.410	Snow Removal Fuel	\$11,796.20	DB.5142.100	Snow Removal Personal	\$11,796.20
SS.8120.440	Sanitary Sewers Engineering	\$17,187.50	SS.8120.400	Sanitary Sewers Contractual	\$17,187.50

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 Town Clerk and Finance Director.

#2

RESOLUTION NO. TO AMEND RESOLUTION NO. 264-2022
LANE ROAD SIDEWALK PROJECT TO INCREASE AMOUNT OF CONTRACT
TO SUPPORT ADDITIONAL WORK REQUIRED

WHEREAS, on October 11, 2022 the Town Board approved Resolution No. 264-2022 Lane Road Sidewalk Project Bid Award to Keeler Construction; and

WHEREAS, a change order was needed in the amount of Four Thousand Six Hundred and Forty-Four dollars and Seventy-Five cents (\$4,644.75) to adhere to NYS DOT standards for concrete along with adding additional curbing at the Victor Schools entrance now, therefore, be it

RESOLVED that the change order in the amount of Four Thousand Six Hundred Forty-Four dollars and Seventy-Five cents (\$4,644.75) be added to the Keeler Construction award.

RESOLUTION NO. 264-2022 LANE ROAD SIDEWALK PROJECT – BID AWARD

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

5 Ayes 0 Nays (Marren, Condon, Guinan, Kahovec, Cusimano)

WHEREAS, the Town of Victor has received federal funding from the American Rescue Plan for the design and construction of a 1,000 L.F. section of sidewalk adjacent to Lane Road which will connect to the existing sidewalk system on Lane Road, High Street, and the Victor Central School District Campus; and

WHEREAS, the Department of Parks and Recreation and the Town Engineer have been working on a plan to design and construct said sidewalks; and

WHEREAS, the Department of Parks and Recreation has the need to hire a contractor to complete the installation of the stone subbase, sidewalk forms, concrete, flatwork finishing and all item necessary for the construction of these sidewalks in accord with the design and specifications outlined in the contract documents; and

WHEREAS, the Town Clerk advertised an invitation to bid; and

WHEREAS, on Thursday, September 22, 2022, all bids were opened and read publicly with the following results:

BIDDER	BASE BID AMOUNT
Keeler Construction	\$69,850.00
Pooler Enterprises	\$71,300.00
Villager Construction	\$210,000.00
Nardozzi Paving & Construction	\$474,000.00

and

WHEREAS, the Town's Project Engineer at Labella Associates and the Director of Parks and Recreation have reviewed and tabulated the bids and found no discrepancies in the bids; now, therefore, be it

RESOLVED that it is the recommendation of the Project Engineer and the Director of Parks and Recreation that Keeler Construction 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 Keeler Construction be awarded this bid at a total cost of Sixty-Nine Thousand Eight Hundred Fifty dollars (\$69,850.00) for the purchase and installation of said items in the Bid to be paid from the Budget Line-item A.7110.400 ARP; and further

RESOLVED that a copy of this resolution be forwarded to the Director of Parks and Recreation, Project Engineer LaBella Associates, Director of Finance, Town Clerk, and Keeler Construction.

#3

RESOLUTION NO.

AMEND RESOLUTION NO. 302 TO INCREASE AGREEMENT WITH RED TRUCK PAINTING FOR ADDITIONAL PAINTING TO COMPLETE TOWN HALL AND AMEND BUDGET LINE ITEM

WHEREAS, on November 28, 2022 the Town Board approved Resolution No. 302 to enter into an Agreement with Red Truck Painting for several rooms within Town Hall; and

WHEREAS, the original agreement was based upon satisfactory completion of several projects to insure high standard of work performance, pricing and budget; and

WHEREAS, all work performed met and exceeded standards set by the Town and continue to complete all additional Town Hall rooms and hallways; and

WHEREAS, funding for the painting is available in the 2022 and 2023 Town Budget Line-Item A.1620.400 Buildings Contractual and not A.1410.400 Town Clerk Contractual now, therefore, be it

RESOLVED the agreement be increased in an amount not to exceed an additional Fifteen Thousand One Hundred dollars (\$15,100.00)

RESOLUTION NO. 302

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH RED TRUCK PAINTING FOR TOWN HALL PAINTING

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

5 Ayes (Marren, Condon, Cusimano, Guinan, Kahovec) 0 Nays

WHEREAS, various rooms and hallways in the Town Hall are in need painting upgrades since not done since construction was completed in 2008, and

WHEREAS, written proposals were received from Art Prentice Painting, Level Up Painting and Red Truck Painting, and

Art Prentice Painting	\$23,975.00
Level Up Painting	\$25,032.00
Red Truck Painting	\$7,431.25

#3

WHEREAS, it is determined that the Red Truck Painting was qualified to complete the work and most willing to work within the Town's scope, by completing the first phase of the work as quoted above and the second phase will begin in the new year. The Red Truck Painting quote for both phases came in below the quotes received by the other two bids, and

WHEREAS, funding for the painting is available in the 2022 Town Budget Line-Item A.1410.400 Town Clerk Contractual now, therefore, be it

WHEREAS, the Town Board gives authorization to enter into a contract with Red Truck Painting for the painting of the identified rooms for Seven Thousand Four Hundred Thirty-One dollars and Twenty-Five cents (\$7,431.25), and further

RESOLVED that a copy of this resolution be forwarded to the Finance Director; Town Clerk; and Wade Granger at Red Truck Painting.

#4

RESOLUTION NO.
AMEND RESOLUTION NO. 8
INCREASE INVESTMENT LIMITS AT OUR FINANCIAL INSTITUTIONS

WHEREAS, on January 9, 2023 the Town Board approved Resolution No. 8 Authorizing Financial Institutions and Investment Limits; and

WHEREAS, a need has been identified to increase our limits due to the timing of the collection of Property Taxes combined with the Town's current investments resulting in exceeding our limits during that timeframe; and

RESOLVED that Resolution No. 8 be amended as follows:

<i>Financial Institution</i>	<i>Investment Limits</i>
Canandaigua National Bank	\$35 million
Lyons National Bank	\$20 million
Five Star Bank	\$15 million

RESOLUTION NO. 8 - AUTHORIZED FINANCIAL INSTITUTIONS AND INVESTMENT LIMITS

WHEREAS, Chapter 32, Section 10, of the Victor Town Code requires the Town "shall maintain a list of financial institutions approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution"; and

WHEREAS, the intent of this Policy is to maintain cash controls and accountability for Town funds; and

WHEREAS, the proposed limits account for the total sum deposits and transfers from Real Property tax collection, average collected balances and bond monies; and

WHEREAS, the Finance Director has proposed the following Financial Institutions and Investment Limits:

<i>Financial Institution</i>	<i>Investment Limits</i>
Canandaigua National Bank	\$20 million
Lyons National Bank	\$15 million
Five Star Bank	\$15 million

#4

now, therefore be it

RESOLVED that the Financial Institution and Investment Limits recommended by the Finance Director be approved and reviewed annually at each Town Board Organizational Meeting; and further

RESOLVED that a copy of this resolution be sent to the Finance Director, Senior Account Clerk, Finance Clerk, Human Resources, Town Clerk, Canandaigua National Bank, Lyons National Bank, and Five Star Bank.

#5

RESOLUTION NO.

AMEND RESOLUTION NO. 360-21 FOR A SECOND TIME TO PURCHASE 2023 WESTERN STAR TANDEM AXLE TRUCK WITH TENCO PLOW EQUIPMENT, PIGGYBACKING OFF OF THE ONONDAGA COUNTY CONTRACT BID AND DECLARE THE 2013 WESTERN STAR TANDEM AXLE TRUCK SURPLUS

WHEREAS, on March 28, 2022 the Town Board approved Resolution No. 118 Amended Resolution No. 360-21 Purchase 2023 Western Star Tandem Axle Truck with Tenco Plow Equipment, piggybacking off of the Onondaga County Contract bid and declare the 2013 Western Star Tandem Axle truck surplus; and

WHEREAS, the Western Star Tandem Axle Truck is no longer available; and

WHEREAS, there has been a price increase from the original quotation dated March 31, 2022 of Two Hundred Sixty-Five Thousand Three Hundred Fifty-Two dollars (\$265,352.00) to Three Hundred Sixty-Nine Thousand One Hundred Fifty-Two dollars (\$269,152.00) for the 2023 Freightliner for a difference of Three Thousand Eight Hundred dollars (\$3,800.00) now, therefore, be it

RESOLVED that Resolution No. 360-21 be amended for a second time to read as follows:

PURCHASE 2023 FREIGHTLINER TANDEM AXLE TRUCK WITH TENCO PLOW EQUIPMENT, PIGGYBACKING OFF OF THE ONONDAGA COUNTY CONTRACT BID AND DECLARE THE 2013 WESTERN STAR TANDEM AXLE TRUCK SURPLUS

WHEREAS, the Highway Department has the need to purchase a 2023 Freightliner Tandem Axle Truck with Tenco plow equipment for highway operations and declare the 2013 Western Star Tandem Axle truck surplus (VIN #5KKHAVDV6DPFH5586); and

WHEREAS, this vehicle is available for purchase by piggybacking off from the Onondaga County Contract #8996 for heavy duty trucks and #1989 for the Tenco plow equipment; now, therefore, be it

RESOLVED that the Town Board authorizes the Highway Superintendent to purchase a 2023 Freightliner Tandem Axle Truck with Tenco plow equipment in the amount not to exceed Two Hundred Sixty-Nine Thousand One Hundred Fifty-Two dollars (\$269,152.00) by piggybacking off from the Onondaga County Contract #8996 for heavy duty trucks and #1989 for the Tenco plow equipment to be paid from the 2022 Budget Line item DB.5130.200 Machinery Equipment; and further

RESOLVED that the 2013 Tandem Axle Western Star (VIN #5KKHAVDV6DPFH5586) be declared surplus and sold at auction; and further

RESOLVED that a copy of this resolution be forwarded to the Highway Superintendent, Finance Director, Town Clerk, Tracey Road Equipment, and Tenco Industries, Inc.

#6

RESOLUTION NO.

PURCHASE OF 2023 JOHN DEERE 5105M UTILITY TRACTOR WITH ALAMO 74" RIGHT HAND INTERSTATER AND ALAMO 96" REAR FLAIL OFF SOURCEWELL CONTRACT 110719-JDC (PG 1P CG 70) AND DECLARE THE 2008 NEW HOLLAND MOWER WITH BOOM SURPLUS

WHEREAS, the Highway Department has the need to purchase a John Deere utility tractor with Alamo interstater and Alamo rear flail for highway operations and declare the 2008 New Holland Mower with boom (Z8BD12032), as surplus; and

WHEREAS, this vehicle is available for purchase off Sourcewell Contract 110719-JDC (PG 1P CG 70) from Deer and Company; now, therefore, be it

RESOLVED, that the Town Board authorizes the Highway Superintendent to purchase a 2023 John Deere 5105 Utility Tractor with 74" Right Hand Interstater and Alamo 96" Rear Flail in an amount not to exceed One Hundred Forty-Five Thousand One Hundred Forty-Two dollars and Seven cents (\$145,142.07) off Sourcewell Contract 110719-JDC (PG 1P CG 70), said funds are available in the 2023 Budget line item DB.51320.200 Highway Equipment; and further

RESOLVED the 2008 New Holland Mower with Boom (Z8BD12032), be declared surplus; and further

RESOLVED, that a copy of this resolution be forwarded to the Highway Superintendent, Finance Department, Town Clerk, and Deere & Company 2000 John Deere Run, Cary, North Carolina 27513.

#7

RESOLUTION NO.

PURCHASE OF 2023 ALAMO 24" MAVERICK 2 BOOM ATTACHMENT AND ALAMO 60" SEVERE DUTY ROTARY BLADE FOR 2019 JOHN DEERE 6110M TRACTOR OFF SOURCEWELL CONTRACT AL 070821-AGI AND DECLARE THE DIAMOND MOWER SIDE FLAIL SURPLUS

WHEREAS, the Highway Department has the need to purchase 2023 Alamo 24" Maverick 2 Boom Attachment and a 60" Severe Duty Rotary Blade for the 2019 John Deere 6110M utility tractor for highway operations and declare the 2019 Diamond 75" side mount flail mower (#25943), as surplus; and

WHEREAS, this equipment is available for purchase off Sourcewell Contract AL 070821-AGI from Deer and Company; now, therefore, be it

RESOLVED, that the Town Board authorizes the Highway Superintendent to purchase a 2023 Alamo 24" Maverick 2 Boom attachment and Alamo 60" severe duty rotary blade for the John Deere 6110M Tractor in an amount not to exceed One Hundred One Thousand Nine Hundred Thirty dollars and Fifteen cents (\$101,930.14) off of Sourcewell Contract AL 070821-AGI, said funds are available in the 2023 budget line item DB.5130.200 Highway Equipment; and further

RESOLVED the 2019 Diamond 75" side mount flail mower (#25943), be declared surplus; and further

RESOLVED, that a copy of this resolution be forwarded to the Highway Superintendent, Finance Department, Town Clerk, and Deere & Company 2000 John Deere Run, Cary, North Carolina 27513.

#8

RESOLUTION NO.

AUTHORIZATION TO PURCHASE 2023 MILTON CATERPILLAR 938M HL WHEEL LOADER, OFF NEW YORK STATE BID CONTRACT AWARD NUMBER PGB-22792, CONTRACT PC69406 FROM MILTON CAT IN TRADE FOR THE 2008 VOLVO WHEEL LOADER

WHEREAS, the Highway Department has the need to purchase a 2023 Milton Caterpillar 938M HL Wheel Loader for highway operations and trade the 2008 Volvo Loader L120F (Serial Number 66530); and

WHEREAS, this vehicle is available for purchase off New York State Bid Contract Award Number PGB-22792, Contract PC69406 from Milton Cat; and

WHEREAS, funds are available in the 2023 Budget line DB.5130.200 Highway Equipment for the purchase of equipment for the operations of the Highway Department to replace an existing 2008 wheel loader (Serial Number 66530); now, therefore, be it

RESOLVED that the Town Board authorizes the Highway Superintendent to trade the 2008 Volvo L120F Wheel Loader (Serial Number 66530) in the amount of Seventy Thousand dollars (\$70,000.00); and further

RESOLVED that the Town Board authorizes the Highway Superintendent to purchase a 2023 Milton Caterpillar 938M HL Wheel Loader in the amount of Two Hundred Twenty-Seven Thousand Five Hundred Eighty-Nine dollars (\$227,589.00) less the trade-in value of the 2008 Volvo L120F Wheel Loader (Serial Number 66530) of Seventy Thousand dollars (\$70,000.00), for a final cost not to exceed One Hundred Fifty-Seven Thousand Five Hundred Eighty-Nine dollars (\$157,589.00); and further

RESOLVED that a copy of this resolution be forwarded to Highway Superintendent, Town Clerk, the Finance Department, and Milton Cat, 4610 East Saile Drive, Batavia, NY 14020.

#9

RESOLUTION NO.

AUTHORIZATION FOR PURCHASE OF 2024 INTERNATIONAL CV515 SFA DUMP TRUCK PIGGYBACKING OFF ONONDAGA COUNTY BID PROPOSAL NO. 106-19 AND DECLARE THE 2019 FORD F550 SURPLUS

WHEREAS, the Highway Department has the need to purchase a 2024 International CV515 SFA Dump Truck for Highway Department operations and declare the 2019 F550 XLT Dump (VIN#1FDUF5HT1KDA00902) as surplus, and;

WHEREAS, this vehicle is available for purchase by piggybacking off the Onondaga County Bid No. 106-19 through Regional International Corporation at a cost of One Hundred Thirty-Two Thousand Eight Hundred Thirty-Five dollars and Sixty-Five cents (\$132,835.65); and

WHEREAS, funds are available in the 2023 Budget line-item DB.5130.200 Highway Equipment for the purchase of a dump truck for Highway Department operations to replace an existing vehicle, which will be declared surplus and sold at auction; now, therefore, be it

RESOLVED that the Town Board authorizes the Highway Superintendent to purchase a 2024 International CV515 SFA Dump Truck in an amount not to exceed One Hundred Thirty-Two Thousand Eight Hundred Thirty-Five dollars and Sixty-Five cents (\$132,835.65) by piggybacking Onondaga County Bid Proposal No. 106-19; and further

RESOLVED that the 2019 F550 XLT Dump Truck VIN#1FDUF5HT1KDA00902 be declared as surplus; and further

RESOLVED that a copy of this resolution be forwarded to Highway Superintendent; Town Clerk, Finance Department and Regional International Corporation, 1007 Lehigh Station Road, Henrietta, NY 14467.

#10

RESOLUTION NO.

AUTHORIZATION FOR PURCHASE OF 2023 CHEVROLET SILVERADO 1500 OFF NEW YORK STATE BID AWARD NUMBER #23166 CONTRACT PC68975 AND DECLARE THE 2018 FORD F150 SURPLUS

WHEREAS, the Highway Department has the need to purchase a 2023 Chevrolet Silverado 1500 for Highway Department operations and declare the 2018 F150 (VIN#1FTFX1E54JKE96250) as surplus, and;

WHEREAS, this vehicle is available for purchase off New York State Bid Award #23166 Contract PC68975 through Jim Barnard Chevrolet at a cost of Forty-Five Thousand Eight Hundred Ninety-Nine dollars and Forty-Three cents (\$45,899.43); and

WHEREAS, funds are available in the 2023 Budget line item DB.5130.200 Highway Equipment for the purchase of a pick-up truck for Highway Department operations to replace an existing vehicle, which will be declared surplus and sold at auction; now, therefore, be it

RESOLVED that the Town Board authorizes the Highway Superintendent to purchase a 2023 Chevrolet Silverado pick-up truck in an amount not to exceed Forty-Five Thousand Eight Hundred Ninety-Nine dollars and Forty-Three cents (\$45,899.43) through New York State Bid Award #23166 Contract PC68975; and further

RESOLVED that the 2018 F150 pick-up truck VIN#1FTFX1E54JKE96250 be declared as surplus; and further

RESOLVED that a copy of this resolution be forwarded to Highway Superintendent; Town Clerk, Finance Department and Jim Barnard Chevrolet, 7101 West Buffalo Road, Churchville, NY 14428.

#11

RESOLUTION NO.

APPOINT JANENE SWEET – BOARD OF ASSESSMENT REVIEW & APPOINT KAREN POLIDORI, CHAIR – BOARD OF ASSESSMENT REVIEW

WHEREAS Rebecca Melton's term to the Board of Assessment Review expired on December 31, 2022, and

WHEREAS, this board position was advertised and applications for this open position were received, and

WHEREAS, interviews were conducted of the candidates and Janene Sweet is being recommended by the interview committee for this position; now, therefore be it

RESOLVED that Janene Sweet be appointed to the Board of Assessment review for a five-year term, beginning on February 14, 2023 and ending on September 30, 2027, and be it further

RESOLVED that the Board thanks Rebecca Melton for her 8 years of service, hard work, and dedication to our community and to the residents of Victor, and be it further

RESOLVED that Karen Polidori be appointed as Board of Assessment Review Chair, with her term ending September 30, 2025.

RESOLVED that a copy of this resolution be sent to Human Resources, Janene Sweet, Rebecca Melton, Karen Polidori, Marlene Murnan, Town Clerk, and Suzy Mandrino.

#12

RESOLUTION NO.

ACCEPTANCE OF THE RESIGNATION OF SARAH MITCHELL FROM ZONING BOARD OF APPEALS

WHEREAS, Sarah Mitchell was appointed to the Zoning Board of Appeals effective January 1, 2020, and

WHEREAS, Sarah Mitchell has submitted her letter of resignation from the Zoning Board of Appeals effective on January 6, 2023; now, therefore be it

RESOLVED that the Board accepts the resignation of Sarah Mitchell from the Zoning Board of Appeals effective on January 6, 2023, and be it further

RESOLVED that the Board thanks Sarah for all of her hard work and dedication to the Victor community, and wishes her well in her future endeavors, and be it further

RESOLVED that a copy of this resolution be sent to Human Resources, Sarah Mitchell, Zoning Board of Appeals, Town Clerk, and Suzy Mandrino.

#13

RESOLUTION NO. APPOINT LYA THEODORATOS – ZONING BOARD OF APPEALS

WHEREAS the Zoning Board of Appeals has a current vacancy due to the resignation of Sarah Mitchell, and

WHEREAS, this board position was advertised and applications for this open position were received, and

WHEREAS, interviews were conducted of the candidates and Lya Theodoratos is being recommended by the interview committee for this position; now, therefore be it

RESOLVED that the Board appoints Lya Theodoratos to the Zoning Board of Appeals beginning on February 14, 2023 until December 31, 2024, and be it further

RESOLVED that a copy of this resolution be sent to Human Resources, Lya Theodoratos, Zoning Board of Appeals, Town Clerk, and IT department.

#14

RESOLUTION NO. AMEND RESOLUTION #343-21 – APPOINT ONTARIO COUNTY PUBLIC HEALTH DIRECTOR AS LOCAL HEALTH OFFICER

WHEREAS, Resolution #343-21 – Appoint Ontario County Public Health Director as Local Health Officer – was adopted on December 13, 2021, and

WHEREAS, Ontario County requires that the resolution be amended to specifically include the names of the Public Health Officers in order to be in compliance with the Department of Health requirements; now, therefore be it

RESOLVED that Resolution #343-21 – Appoint Ontario County Director of Community Public Health as the Local Health Officer - as follows:

WHEREAS, in an effort to comply with the Shared Services Initiative, Ontario County and the Town of Victor opt to extend the opportunity to share and coordinate the services of the Director of Community Public Health of Ontario County, to act as the Local Health Officer for the Town of Victor; and

WHEREAS, the Town of Victor wishes to continue the appointment of the Director of Community Public Health of Ontario County, *Mary Beer, RN MPH*, as the Town's Local Health Officer; and

WHEREAS, the Town of Victor would also like to include *Kate Ott, Deputy Director of Community Public Health*, to serve on the Town of Victor's behalf in this capacity if Director Mary Beer is unavailable; and

WHEREAS, the *Director of Community Public Health of Ontario County, Mary Beer, RN MPH and the Deputy Director of Community Public Health, Kate Ott*, agree to act as the Local Health Officers for the Town of Victor, thereby eliminating the need for the Town to appoint and pay a local health officer; and

WHEREAS, part BBB of Chapter 59 of the Laws of 2017 specifically authorizes cooperating municipalities to enter into shared services agreements; and

WHEREAS, the Parties wish to extend the Shared Services Agreement providing for the appropriate service; now therefore, be it,

RESOLVED in consideration of the preceding, and pursuant to New York Public Health Law §320, it is mutually agreed upon between Ontario County and the Town of Victor that the Ontario County Public Health Director; and be it further

RESOLVED in furtherance of this appointment, the Director and/or Assistant Director of Community Public Health of Ontario County will investigate complaints of public health

#14

nuisances arising with the Town and when necessary to resolve said nuisances will present the facts and recommendations to the Town Board for their decision and enforcement action; and be it further

RESOLVED the payment of any costs to abate a public health nuisance shall be a Town cost; and be it further

RESOLVED the duration of appointment will begin January 1, 2022 and will end on December 31, 2025; and be it further

RESOLVED that a copy of this resolution be sent to the Director of Community Public Health of Ontario County, Mary Beer, RN MPH and the Deputy Director of Community Public Health, Kate Ott, CEMP Chair, Finance Director, Human Resources, Town Clerk, and New York State Department of Health.

#15

RESOLUTION NO.
AMEND RESOLUTION NO. 15-2023 DESIGNATION OF FULL-TIME EMPLOYEES

WHEREAS, at the January 9 Organizational meeting, a resolution was passed designating full-time employees; and

WHEREAS the designation list needs to be corrected; and therefore be it

RESOLVED that the designation of full-time employees will be as follows:

Sole Assessor
Assessor's Aide
Code Enforcement Officer (2)
Fire Marshal
Secretary to Zoning Board of Appeals
Secretary to Planning Board
Stormwater Program Manager
Development Coordinator
Court Clerks (2)
Court - Account Clerk
Deputy Town Clerks (2)
Town Clerk
Highway Superintendent
Deputy Highway Superintendent
Hourly Highway Employees (11) working 40 hours per week
Highway/Transfer Station Account Clerk
Highway/Transfer Station/Court Account Clerk
Highway Mechanics (2)
Highway/Stormwater Motor Equipment Operator
Recycling Operators (1)
Town Supervisor
Finance Director
Manager of Technology Support
Senior Account Clerks (2)
Administrative Aide
Parks Maintenance Assistant
Parks Motor Equipment Operators– MEO (3)
Parks & Recreation Director
Recreation Supervisors (2)
Parks & Recreation Typist (1)
Director of Economic Development
Economic Development Typist (1)

RESOLVED that a copy of this resolution be forwarded to Human Resources and Town Clerk.

#16

RESOLUTION NO. AGREEMENT - ESI – EMPLOYMENT SERVICES EMPLOYEE ASSISTANCE PROGRAM

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, ESI has been identified by the Human Resources Department as having appropriate assistance programs and services for the Town of Victor, and has been providing assistance program services to Town of Victor employees; and

WHEREAS, the Town's contract with ESI expired on December 31, 2022, and the renewal agreement will be in effect from January 1, 2023 to December 31, 2023; now, therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into a contract with ESI Employee Services Employee Assistance Program for Professional Consulting Services, for a limited term of one year in effect from January 1, 2023 to December 31, 2023 under the terms and conditions as provided in the 2023 contract, at an annual fee not to exceed One Thousand One Hundred Eighty-Nine dollars and Ninety-Two cents (\$1,189.92) to be charged to the 2023 Budget line A.1989.400 Special Items Contracted Costs; and further be it

RESOLVED that a copy of this resolution be forwarded to ESI Employee Services Employee Assistance Program, Finance Department, Town Clerk, and Human Resources.

#17

RESOLUTION NO.

AGREEMENT – FREDERICK SEAGER (WHEELER STATION)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Frederick Seager (Wheeler Station) for a concert at its Taco Tuesday at Dryer Road Park event on September 19, 2023; 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 Frederick Seager (Wheeler Station) 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 Five Hundred dollars (\$500.00) 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 Frederick Seager.

#18

RESOLUTION NO. AGREEMENT – MARY SLAUGHTER

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Mary Slaughter for instruction in gymnastics, sports and games for youth; 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 Mary Slaughter 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 Seventy Percent (70%) of the recreation program revenues allocated to the Contractor and Thirty Percent (30%) 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 Mary Slaughter.

#19

RESOLUTION NO. AGREEMENT – MAUREEN UNTERBORN

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Maureen Unterborn for instruction in yoga; 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 Maureen Unterborn 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 Seventy Percent (70%) of the recreation program revenues allocated to the Contractor and Thirty Percent (30%) 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 Maureen Unterborn.

#20

RESOLUTION NO. AGREEMENT – MELISSA MCCABE

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Melissa McCabe for instruction in running for youth; 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 Melissa McCabe 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 Seventy Percent (70%) of the recreation program revenues allocated to the Contractor and Thirty Percent (30%) 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 Melissa McCabe.

#21

RESOLUTION NO.
AGREEMENT – SHARON MIKULEC

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Sharon Mikulec for instruction in a Lego Club for youth; 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 Mikulec 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 Seventy Percent (70%) of the recreation program revenues allocated to the Contractor and Thirty Percent (30%) 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 Sharon Mikulec.

#22

RESOLUTION NO. AGREEMENT – YELENA SHAPIRO

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Yelena Shapiro for instruction in music for preschool age children and parents; 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 Yelena Shapiro 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 Seventy Percent (70%) of the recreation program revenues allocated to the Contractor and Thirty Percent (30%) 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 Yelena Shapiro.

#23

RESOLUTION NO. AGREEMENT – EPIC TRAININGS

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Epic Trainings for instruction in babysitting, home alone and first aid for youth; 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 Epic Trainings 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 Forty-Eight dollars (\$48.00) – Babysitting Training (In Person) or Thirty-Two dollars (\$32.00) Babysitting Training (Virtual), Twenty-Eight dollars (\$28.00) Home Alone (In Person) or Twenty-Five dollars (\$25.00) Home Alone (Virtual), and Twenty-Five dollars (\$25.00) First Aid for Kids (In Person) or Twenty dollars (\$20.00) First Aid for Kids (Virtual) 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 Lynn Fulmore, Epic Trainings.

#24

RESOLUTION NO. AGREEMENT – ELISE CADE (GROUNDED BY YOGA)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Elise Cade for instruction in yoga; 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 Elise Cade 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 Seventy Percent (70%) of the recreation program revenues allocated to the Contractor and Thirty Percent (30%) 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 Elise Cade.

#24.5

RESOLUTION NO. AGREEMENT – VERA FORSTER

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Vera Forster for management and direction of the Victor Community Chorus; 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 Vera Forester 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 Two Thousand dollars (\$2,000.00) to be paid from the 2023 Budget Line item A.6772.400 Programs for the Aging - 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 Vera Forster.

#25

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>
Mary Slaughter	Gymnastics / Sports & Games Instruction	Victor Recreation Center	70% / 30%	December 31, 2023	Insufficient Coverage
Maureen Unterborn	Yoga Instruction	Victor Recreation Center	70% / 30%	December 31, 2023	Insufficient Coverage
Frederick Seager (Wheeler Station)	Summer Concert	Dryer Road Park	\$500.00	December 31, 2023	Insufficient Coverage
Yelena Shapiro	Music Instruction	Victor Recreation Center	70% / 30%	December 31, 2023	Insufficient Coverage
Melissa McCabe	Running Instruction	Varies	70% / 30%	December 31, 2023	Insufficient Coverage
Sharon Mikulec	Lego Club Instruction	Victor Recreation Center	70% / 30%	December 31, 2023	Insufficient Coverage
Vera Forster	Victor Community Chorus	Varies	\$2,000.00 / annual	December 31, 2023	Insufficient Coverage
Epic Trainings	Babysitting, Home Alone & First Aid Trainings for Youth	Victor Recreation Center	\$20.00 - \$48.00 per participant based on program fee	December 31, 2023	Insufficient Coverage

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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>
Mary Slaughter	Gymnastics / Sports & Games Instruction	Victor Recreation Center	70% / 30%	December 31, 2023	Insufficient Coverage
Maureen Unterborn	Yoga Instruction	Victor Recreation Center	70% / 30%	December 31, 2023	Insufficient Coverage
Frederick Seager (Wheeler Station)	Summer Concert	Dryer Road Park	\$500.00	December 31, 2023	Insufficient Coverage
Yelena Shapiro	Music Instruction	Victor Recreation Center	70% / 30%	December 31, 2023	Insufficient Coverage
Melissa McCabe	Running Instruction	Varies	70% / 30%	December 31, 2023	Insufficient Coverage
Sharon Mikulec	Lego Club Instruction	Victor Recreation Center	70% / 30%	December 31, 2023	Insufficient Coverage
Vera Forster	Victor Community Chorus	Varies	\$2,000.00 / annual	December 31, 2023	Insufficient Coverage
Epic Trainings	Babysitting, Home Alone & First Aid Trainings for Youth	Victor Recreation Center	\$20.00 - \$48.00 per participant based on program fee	December 31, 2023	Insufficient Coverage

And be it

RESOLVED that a copy of this resolution be sent to Director of Parks and Recreation, Town Clerk, Mary Slaughter, Maureen Unterborn, Yelena Shapiro, Melissa McCabe, Sharon Mikulec, Vera Forster, Epic Trainings - Lynn Fulmore and Frederick Seager.

#26

RESOLUTION NO.

AWARD OF BID - WILLIS HILL INTERSECTION IMPROVEMENTS

WHEREAS, the Town of Victor identified the need for improvements to include the reconstruction of the asphalt concrete pavement for a total length of 900+/- feet of Willis Hill Road at two intersections. The work includes removal of existing asphalt pavement, replacement and widening of the road subbase, construction of surface storm water inlets and 370 feet of storm sewer and repaving the roadway. Grading, seeding, and driveway adjustments required by the widening are included.

WHEREAS, the Town Clerk advertised an invitation to bid on the Willis Hill Intersection Improvements; and on Wednesday, January 18, 2023 at 10:00 AM all bids were opened and read publicly with the following results:

Bidder	Bid
CP Ward, Inc.	\$587,453.20
Seneca Stone Corp.	\$599,158.00
Villager Construction	\$649,900.00
Keeler Construction Co. Inc.	\$669,705.50
Ramsey Constructors, Inc.	\$769,982.25

and

WHEREAS, the Town Engineer has reviewed the submitted bids and recommends that this Contract be awarded to the low bidder, CP Ward, Inc. in the amount of Five Hundred Eighty-Seven Thousand Four Hundred Fifty-Three dollars and Twenty cents (\$587,453.20); now, therefore, be it

RESOLVED that the bid for the Willis Hill Improvements be awarded to CP Ward, Inc. in the amount of Five Hundred Eighty-Seven Thousand Four Hundred Fifty-Three dollars and Twenty cents (\$587,453.20) to be paid from the DB.5110.400.WHR General Repairs.Contractual; and further

RESOLVED that a copy of this resolution be forwarded to C. P. Ward Inc, LaBella PC, Finance Director, Stormwater Program Manager, Highway Superintendent, and Town Clerk.

#27

RESOLUTION NO.

AFTER PUBLIC HEARING – TO ADOPT A LOCAL LAW TO AMEND CHAPTER 211 OF THE TOWN CODE TO CREATE A CANNABIS RETAIL DISPENSARY OVERLAY ZONING DISTRICT IN THE TOWN OF VICTOR

WHEREAS, a resolution was duly adopted by the Town Board on the 23rd day of January, 2023, calling for a Public Hearing to be held by the Town Board of the Town of Victor (the "Town Board") on the 13th day of February, 2023 to hear all interested parties on a proposed Local Law to amend the Code of the Town of Victor (the "Code") creating a cannabis retail dispensary overlay zoning district in the Town of Victor (the "Town") to allow adult-use cannabis retail dispensaries in accordance with the New York Cannabis Law, Article 4, Section 131; and

WHEREAS, the Cannabis Law expressly authorizes the Town Board to enact local laws and regulations governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries; and

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

WHEREAS, said Public Hearing was held at the Victor Town Hall on the 13th day of February, 2023 at 7:00 PM, and all parties in attendance were permitted an opportunity to speak in support of or in opposition to said proposed Local Law, or any parts thereof; and

WHEREAS, on the 16th day of January, 2023, the proposed Local Law was referred to the Town of Victor Planning Board for a report and to the Ontario County Planning Department in accordance with law; and

WHEREAS, the Town Board has declared its intent to act as lead agency for the purposes of conducting a review of the proposed Local Law pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations promulgated therein at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), and preliminary classified the adoption of the proposed Local Law as a Type I action; and

WHEREAS, the Town Board caused to be prepared Part 1 of the Full Environmental Assessment Form ("FEAF") in accordance with SEQRA; and

WHEREAS, the Town Board forwarded notifications of its intent to act as lead agency in order to conduct a SEQRA review of the adoption of the proposed Local Law to all

#27

involved agencies, and provided thirty (30) days' notice that the Town Board intended to act as lead agency pursuant to SEQRA, and no objection was made by any of the involved agencies to the Town Board acting as lead agency; and

WHEREAS, the Town Board has received the Town Planning Board's report and the Ontario County Planning Department's comments regarding the proposed Local Law and has reviewed same; and

WHEREAS, the Town Board has further caused to be prepared Parts 2 and 3 of the FEAF and conducted a review of the potential adverse environmental impacts associated with the adoption of the proposed local law.

NOW, THEREFORE, BE IT RESOLVED by the Town of Victor Town Board as follows:

THAT, the Town Board hereby declares itself as lead agency and classifies the adoption of the Local Law as a Type I action pursuant to the 6 NYCRR § 617.4(b)(2) of the SEQRA regulations; and

THAT, the Town Board thoroughly reviewed and considered the adoption of the Local Law pursuant to the parameters and criteria set forth in 6 N.Y.C.R.R. §§ 617.2(b) and 617.3(g) of the SEQRA regulations; and

THAT, the Town Board adopts each of the matters set out in the "Whereas" clauses herein as part of this resolution and adopts same as findings with the same force and effect of any other findings and determinations set out herein; and

THAT, the Town Board has considered the significance of the potential adverse environmental impacts of the adoption of the Local Law by: (i) carefully reviewing and examining the responses to the FEAF, including the information in the completed Parts 1, 2 and 3, which the Town Board hereby adopts and incorporates each of the parts of the FEAF by reference with the enactment of this resolution, as well as assessing the potential impacts from the Local Law to land, stormwater and groundwater, wetlands, other water resources, agriculture to historic, archaeological and other recognized and/or protected resources, threatened or endangered plant and animal species, transportation, traffic, community character and cumulative impacts if any, and other impacts and potential impacts as required, and considered each of the other potential impacts as required by applicable regulation; (ii) considered the criteria set forth in 6 NYCRR § 617.7(c) in light of such impacts or potential impacts; and (iii) thoroughly analyzed the identified areas of relevant environmental concern in issuing this Negative Declaration and finding that the Local Law will not result in a potential significant adverse impact on the environment; and

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THAT, based on the foregoing, the Town Board finds that the adoption of the Local Law will not have a potential 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 N.Y.C.R.R. § 617.7(b) of the SEQRA regulations. The Town Board thus issues a Negative Declaration pursuant to SEQRA; and

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

A LOCAL LAW TO AMEND THE ZONING LAW TO CREATE A CANNABIS RETAIL DISPENSARY OVERLAY ZONING DISTRICT

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

Section 1. Intent.

It is the intent of the Town of Victor Town Board to amend Chapter 211 of the Town Code to allow adult-use cannabis retail dispensaries in accordance with the Cannabis Law Article 4, Section 131 (“the Cannabis Law”). The amendments set forth herein are necessary and desirable to protect the public health, safety, welfare, and environmental resources, provide a consistent regulatory framework for the cannabis industry consistent with state regulations, foster a healthy, diverse and economically viable cannabis industry that contributes to the local economy, and ensure that environmental, public health, safety and nuisance factors related to the cannabis industry are adequately addressed.

Section 2. Authority.

This Local Law is enacted pursuant to the Cannabis Law which expressly authorizes the Town Board to enact local laws and regulations governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries.

Section 3. Local Law.

The Town Board of the Town of Victor hereby amends Chapter 211 to read as follows:

Article II, Chapter 211, Section 12 of the Zoning Law entitled “Definitions” is hereby amended by adding a new definition for “Cannabis Retail Dispensaries” as follows:

Cannabis Retail Dispensaries – a retail facility that sells at retail any cannabis product authorized for sale under the New York State Marijuana Regulation and Taxation Act (hereinafter referred to in this Chapter as the “Cannabis Law”), and the sale for which a license is required for an adult-use cannabis retail dispensary under the provisions of the Cannabis Law.

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Article III, Chapter 211, Section 15 (B) of the Zoning Law entitled “Zoning Districts” is hereby amended by adding a new zoning district for “Cannabis Retail Dispensaries” as follows:

District Table	Zoning District
CRD-O	Cannabis Retail Dispensary Overlay District

Article III, Chapter 211 of the Zoning Law entitled “Zoning” is hereby amended by adding a new zoning district entitled “Cannabis Retail Dispensary District” as follows:

§ 211-27.16 Cannabis Retail Dispensary Overlay District

A. Purpose.

The purpose of the Cannabis Retail Dispensary Overlay District is to establish a zoning district for adult-use cannabis retail dispensaries to operate in the Town in accordance with the Cannabis Law.

B. General Guidelines.

- (1) The Cannabis Retail Dispensary Overlay District shall be established in the Commercial District, a portion of the High Point Business Park Planned Development District (Retail Phases), and a portion of the Eastview Commons Planned Development District.
- (2) The Zoning District Map shall be amended to depict the Cannabis Retail Dispensary Overlay District.
- (3) The Cannabis Retail Dispensary Overlay District is comprised of multiple parcels, or portions of parcels, by the following tax map numbers, street addresses and acreages:
 - a. Tax Map No. 6.04-1-80.000, Commerce Drive, 0.89 acres
 - b. Tax Map No. 6.04-1-78.000, portion of 400-441 Commerce Drive, 37.62 acres
 - c. Tax Map No. 6.00-1-10.200, 300 Eastview Mall Drive, 8.45 acres
 - d. Tax Map No. 6.00-1-11.000, 100 Eastview Mall Drive, 15.86 acres
 - e. Tax Map No. 1.02-1-8.000/PLZA, 100-190 Cobblestone Court Drive, 12.34 acres
 - f. Tax Map No. 6.00-1-16.110, 7637 St Route 96, 5.31 acres
 - g. Tax Map No. 6.00-1-7.131, 8055 St Route 96, 4.46 acres
 - h. Tax Map No. 6.00-1-7.110, St Route 96, 0.83 acres

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- i. Tax Map No. 6.04-1-79.000, 7620 St Route 96, 1.08 acres
- j. Tax Map No. 6.00-1-67.000, 7651 St Route 96, 1.95 acres
- k. Tax Map No. 6.00-1-12.700, 600 Eastview Mall Drive, 10.78 acres
- l. Tax Map No. 6.02-2-49.000, 300 High Street, 4.32 acres
- m. Tax Map No. 1.02-1-9.100, 10-80 Cobblestone Court Drive, 22.64 acres
- n. Tax Map No. 6.00-1-12.400, 50-52 Eastview Mall Drive, 20.16 acres
- o. Tax Map No. 6.02-2-51.000, 7720 St Route 96, 2.99 acres
- p. Tax Map No. 6.00-1-12.210, 40 Eastview Mall Drive, 3.56 acres
- q. Tax Map No. 6.02-2-48.000, 7724 St Route 96, 1.67 acres
- r. Tax Map No. 6.00-1-7.210, 8045 St Route 96, 8.50 acres
- s. Tax Map No. 6.00-1-12.600, 700 Eastview Mall Drive, 8.45 acres
- t. Tax Map No. 6.00-1-66.100, 7635 St Route 96, 3.45 acres
- u. Tax Map No. 6.00-1-12.500, 70 Eastview Mall Drive, 14.20 acres
- v. Tax Map No. 6.00-1-8.000, 8025 St Route 96, 1.05 acres
- w. Tax Map No. 6.00-1-12.800, St Route 96, 1.86 acres
- x. Tax Map No. 6.00-1-7.120, 8053 St Route 96, 1.32 acres
- y. Tax Map No. 6.00-1-66.200, 7633 St Route 96, 4.16 acres
- z. Tax Map No. 6.00-1-12.310, 38 Eastview Mall Drive, 0.83 acres
- aa. Tax Map No. 6.00-1-9.000, 200 Eastview Mall Drive, 13.66 acres
- bb. Tax Map No. 6.00-1-12.100, 100-1020 Eastview Mall Drive, 93.55 acres
- cc. Tax Map No. 6.00-1-3.310, 7550-7560 Commons Blvd, 7.14 acres
- dd. Tax Map No. 6.00-1-3.410, 7500 Commons Blvd, 8.77 acres
- ee. Tax Map No. 6.00-1-3.500, Commons Blvd, 2.26 acres
- ff. Tax Map No. 1.02-1-13.000/RETL, 240 High Street Ext, 1.38 acres
- gg. Tax Map No. 1.02-1-13.000/COBL, 236 High Street Ext, 0.44 acres

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- hh. Tax Map No. 1.02-1-14.000, 235-237 High Street Ext, 3.52 acres
- ii. Tax Map No. 1.02-1-12.100/REST, 204 High Point Dr, 1.72 acres
- jj. Tax Map No. 1.02-1-12.100/RETL, 202 High Point Dr, 0.67 acres
- kk. Tax Map No. 1.02-1-12.100/COBL, 200 High Point Dr, 0.92 acres
- ll. Tax Map No. 1.02-1-9.200, High Point Drive, 0.62 acres

- (4) For a site within the Cannabis Retail Dispensary Overlay District, in addition to those uses listed as a permitted use within a planned development district or as a special permit use within the underlying Commercial District base zone, the types of uses to be made of sites within the Overlay District shall include Cannabis Retail Dispensaries approved by a resolution of the Town Board.

C. Special Conditions.

All Cannabis retail dispensaries are subject to the requirements of the Cannabis Law and with the additional special conditions:

- (1) A Cannabis Retail Dispensary shall not open or conduct any business prior to 9 AM nor remain open or conduct any business after 9 PM Mondays through Saturdays and shall not open or conduct any business prior to 12 PM nor remain open or conduct any business after 6 PM on Sundays.
- (2) No portion of a Cannabis Retail Dispensary or the real property (lot) on which it is sited shall be located closer than 1,500 feet from any other Cannabis Retail Dispensary, such distance measured on a straight line from the nearest property line of the lot on which any other existing Cannabis Retail Dispensary to the nearest property line of the lot to be occupied by the proposed Cannabis Retail Dispensary.
- (3) Consistent with buffering provisions in Section 211-22, Paragraph C (6) of this Chapter, whenever a Cannabis Retail Dispensary is located adjacent to a Residential Zoning District, a fully landscaped 100-foot buffer shall be provided along the full length of the adjacent residential district. This buffer area shall be planted and perpetually maintained with live trees and shrubs at least six feet in height and shall have such other grading and landscaping as necessary to visually and audibly screen the commercial activity from the adjacent residential district. The design and maintenance plan shall be approved by the Planning Board during its review of the site plan. Fences, walls or hedge or screen plantings may be required by the Planning Board, such as may be deemed necessary to protect the residential quality of adjacent property in any residential district.
- (4) Subject to applicable law, a Cannabis Retail Dispensary shall provide to the Town copies of all information and documentation submitted to the State of New York in application for a license to operate under the Cannabis Law.

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- (5) A Cannabis Retail Dispensary shall not operate until the dispensary has obtained all licenses and permits required for it to conduct any business issued by the State of New York and any of its agencies for Cannabis Retail Dispensary operations.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Repeal.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

THAT, this resolution has been prepared in accordance with Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 by the Town Board of the Town of Victor, with offices located at 85 E. Main Street, Victor, New York 14564.

THAT, the Town Board hereby directs the Town Clerk to file and/or publish this resolution and the adoption of the Local Law to the extent required by any and all applicable laws and regulations and as the Town Board may deem advisable; and

THAT, the Town Board hereby directs the Supervisor and/or the Supervisor's designee to take any additional steps needed to carry out the items referenced in this Resolution.

THAT, this Resolution shall take effect immediately.

#28

RESOLUTION NO.

AUTHORIZATION TO PETITION THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO REDUCE THE SPEED LIMIT ON STATE ROUTE 444

WHEREAS, the Highway Superintendent has concerns regarding increased pedestrian traffic along State Route 444 due to the crosswalk to the trail connection and multiple residential townhomes along this road. He is requesting a reduction of the speed limit on State Route 444 between Dryer Road and Boughton Hill Road; now, therefore, be it

RESOLVED the Highway Superintendent proceed with petitioning the State Department of Transportation to reduce the speed limit on State Route 444 between Dryer Road and Boughton Hill Road, within the Town of Victor; and further

RESOLVED that a copy of this resolution be forwarded to the Highway Superintendent and Town Clerk.

#29

RESOLUTION NO. SOUTHGATE HILLS 2 (GRADING ONLY) RELEASE 3

WHEREAS, upon Riedman Companies receiving Planning Board approval for the Southgate Hills 2 Subdivision, a Tompkins Community Bank Irrevocable Letter of Credit was posted with the Town to cover the cost of improvements and infrastructure: and,

WHEREAS, the Town Engineer reviewed the request for release of funds from Letter of Credit and Statement of Construction Completed No. 3 prepared by BME Associates and dated February 1, 2013 with revisions; and

WHEREAS, in their February 2, 2023 letter, the Town Engineer recommends that Twenty-One Thousand Nine Hundred Twenty-Six dollars and Sixty-Seven cents (\$21,926.67) be released from said Letter of Credit conditioned upon payment of all fees owed the Town; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 3 on the Tompkins Community Bank Irrevocable Letter of Credit in the amount Twenty-One Thousand Nine Hundred Twenty-Six dollars and Sixty-Seven cents (\$21,926.67) be conditioned upon payment of all fees owed to the Town; and further

RESOLVED that given said release, there now remains Fifty-Eight Thousand Eight Hundred Sixty dollars and Fifty-One cents (\$58,860.51) in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Town Engineer, Riedman Companies, Finance Director, and Town Clerk.

#30

RESOLUTION NO.

LETTER OF CREDIT – WILLIS HILL ESTATES PHASE 2, RELEASE 4

WHEREAS, upon Woodstone Custom Homes LLC receiving Planning Board approval for Willis Hill Estates Phase 2 a Canandaigua National Bank Irrevocable Letter of Credit was posted with the Town to cover the cost of improvements and infrastructure; and

WHEREAS, the Town Engineer reviewed the request for release of funds from Letter of Credit and Statement of Construction Completed No. 4 prepared by Marathon Engineering dated January 13, 2023; and

WHEREAS, in their February 2, 2023 letter, the Town Engineer recommended that Sixty-Seven Thousand Six Hundred Eleven dollars (\$67,611.00) be released from said Letter of Credit conditioned upon payment of all fees owed the Town; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 4 on the Canandaigua National Bank Irrevocable Letter of Credit in the amount of Sixty-Seven Thousand Six Hundred Eleven dollars (\$67,611.00) conditioned upon payment of all engineering and inspection fees owed to the Town; and further

RESOLVED that given said release, there now remains Two Hundred Twenty Thousand Three Hundred Fifty-Eight dollars (\$220,358.00) in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Town Engineer, Woodstone Custom Homes LLC, Finance Director, and Town Clerk.

#31

RESOLUTION NO.

VICTOR CHRYSLER DODGE RAM JEEP SURETY RELEASE 2 (FINAL)

WHEREAS, upon Victor East Holding Company receiving Planning Board approval for the project Victor Chrysler Dodge Ram Jeep a Canandaigua National Bank Irrevocable Letter of Credit was posted with the Town of Victor to cover the cost of construction; and,

WHEREAS, in their February 3, 2023 letter the Town Engineer has reviewed Statement of Construction No. 2 prepared by Passero Associates, last revised November 16, 2022 and record drawings have also been reviewed with no comment;

WHEREAS the Town Engineer recommends the Town Board approve a two-year maintenance surety of \$679.00 for the project representing 10% of the construction cost of the sanitary sewer to be offered for dedication; and

WHEREAS the Town Engineer also recommends that One Hundred Twelve Thousand Three Hundred Seventy-Eight Hundred dollars and Fifteen cents (\$112,378.15) be released from said Letter of Credit and that given said release, there now remains \$0.00 in the Canandaigua National Bank Irrevocable Letter of Credit; and now, therefore, be it

RESOLVED that the Victor Town Board hereby approves Release No. 2 (Final) on the Canandaigua National Bank Irrevocable Letter of Credit in the amount of One Hundred Twelve Thousand Three Hundred Seventy-Eight Hundred dollars and Fifteen cents (\$112,378.15); and further

RESOLVED that in accordance with the Town Engineer's letter dated February 3, 2023, a condition of the release requires the Developer to provide a two-year maintenance surety; and further

RESOLVED that a copy of this resolution be forwarded to the Town Engineer, Passero Associates, Finance Director, and Town Clerk.

#32

RESOLUTION NO.

VICTOR CHRYSLER DODGE RAM JEEP DEDICATION & MAINTENANCE BOND

WHEREAS, the developer has requested to dedicate to the Town of Victor the portion of the sanitary sewer utilities within the New York State Route 96 right-of-way for Victor Chrysler Dodge Ram Jeep; and

WHEREAS, the Stormwater Management Officer, Code Enforcement Officer, Town Engineer and the Town of Farmington Sanitary Sewer Inspector have reviewed the constructed works to be dedicated and have found them to be substantially in accordance with the approved plans and Town standards; and

WHEREAS, that in accordance with the request from the developer, the Town Engineer's letter dated February 7, 2023 recommends dedication to the Town following the review and approval of record drawings and the posting of a two-year maintenance security for the dedicated portion in the amount of Six Hundred Seventy-Nine dollars (\$679.00); therefore be it

RESOLVED that upon the developer providing a two-year maintenance surety in the amount of Six Hundred Seventy-Nine dollars (\$679.00) the Town of Victor accept dedication of the portion of the sanitary sewer utilities within the New York State Route 96 right-of-way for Victor Chrysler Dodge Ram Jeep; and be it further

RESOLVED that a copy of this resolution be forwarded to the Town Engineer, Passero Associates, Finance Director, and Town Clerk.

#33

RESOLUTION NO.

ACCEPT LETTER OF CREDIT – VICTOR SQUARE EXPANSION

WHEREAS, Benderson Development Co. LLC received Planning Board approval for Victor Square Retail Expansion with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and

WHEREAS, the Town Engineer reviewed Costich Engineering's estimate of construction costs dated October 11, 2022 and recommends a surety in the amount of Twenty-Four Thousand Seven Hundred Forty-Two dollars and Sixty-Eight cents (\$24,742.68); now, therefore, be it

RESOLVED that the Town Board accepts the Irrevocable Letter of Credit in the amount of Twenty-Four Thousand Seven Forty-Two dollars and Sixty-Eight cents (\$24,742.68), with the condition that should this Letter of Credit not be renewed at least ten (10) days prior to the expiration date of February 13, 2023 the Town Clerk is authorized to draw the balance of the Letter of Credit and place said funds in an Surety Account until such time as the Town Engineer 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 Planning and Building, LaBella, Town Clerk, and Benderson Development.