

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 27, 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

Approval of the February 13, 2023, Regular Town Board meeting

Payment of Bills

Privilege of the Floor

Public Comments and Concerns (*3 minutes, please*)

Reports of Town Officials

- Highway
- IT
- Mercy Flight

Resolutions

Finance

1. Budget transfers operating funds
2. Amend 2022 budget to include associated expense for purchase of 11 Framark Drive
3. Amend 2022 budget to include associated revenue and expense items for 2022 ARPA expenditures

Human Resources

4. Roxann Ammerman retirement

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Parks & Recreation

5. Authorization for the purchase of stackable chairs for Parks and Recreation department
6. Agreement with Richard DeLaney (Mambo Kings) for a concert
7. Agreement with Allyson Nutting for instruction in preschool children's dance and creative movement
8. Request for Certificate of Liability Insurance (COLI) waivers
9. SEQR for the Harlan Fisher Park Dog Park project
10. Authorization to seek bids for Dryer Road Park and Victor Municipal Park parking lot renovation
11. SEQR, acceptance of Part 1 EAF for Dryer Road Park parking lot renovation
12. Authorization for purchase of flowers and plant material

Supervisor

13. Set Public Hearing for March 13 proposed amendment to Zoning Code
14. Authorization for Supervisor to extend existing professional environmental attorney consulting agreement with Nixon Peabody LLP

PUBLIC COMMENT

ADJOURN

#1

RESOLUTION NO.
FINANCE - BUDGET TRANSFERS OPERATING FUNDS

WHEREAS, on February 13, 2023 the Town Board approved Resolution No. 43 authorizing Budget Transfers of Operating Funds; and

WHEREAS, a need has been identified to adjust the amounts in three-line items and add one additional item due to recent 2022 expense items processed in each; and

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,

Adjusted	TO:			FROM:	
ACCOUNT NO.	DESCRIPTION	AMOUNT	ACCOUNT NO.	DESCRIPTION	AMOUNT
A.6420.400	Economic Development Contractual	\$38,484.20	A.1110.400	Justice Contractual	\$38,484.20
A.7020.400	Rec. Administration Contractual	\$7,494.86	A.1220.800	Supervisor Staff Benefits	\$7,494.86
A.5142.410	Snow Removal Fuel	\$9,713.18	DB.5142.100	Snow Removal Personal	\$9,713.18
New A.1110.400	Justice Contractual	\$7,173.42	A.1220.110	Supervisor Personal	\$7,173.42

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 the Town Clerk and Finance Director.

#2

RESOLUTION NO.
AMEND 2022 BUDGET TO INCLUDE THE ASSOCIATED EXPENSE FOR THE PURCHASE OF
11 FRAMARK DRIVE

WHEREAS, the Town Board approved the purchase of 11 Framark Drive, Victor, New York per Resolution No. 223, dated August 9, 2022 using funds from Capital Reserve-R1 Building and Land (A.0978.001) in the amount of One Million Seven Hundred Sixty-Five Thousand dollars (\$1,765,000.00), and

WHEREAS, funds need to be appropriated in the 2022 Budget to reflect the movement to Appropriated Fund Balance from Capital Reserve-R1 Buildings and Land along with the associated increase in the Expense account as indicated below:

Increase Revenue	A.5900	Fund Balance	\$1,765,000.00
Increase Expense	A.1940.200	Purchase Building & Land	\$1,765,000.00

NOW, THEREFORE, BE IT RESOLVED that the Town Board approve appropriation of Capital Reserve-R1 Buildings and Land (A.0978.001) to Appropriated Fund Balance (A.091.000) with the associated increase in Revenue and Expense accounts as indicated above, and

RESOLVED that a copy of this Resolution be provided to the Town Clerk and Finance Director.

#3

RESOLUTION NO.

AMEND 2022 BUDGET TO INCLUDE ASSOCIATED REVENUE AND EXPENSE ITEMS FOR 2022 ARPA EXPENDITURES

WHEREAS, the Town Board approved the receipt of the final awarded amount of \$633,485.27 bringing the total awarded amount received to \$1,266,970.55 from the Federal government associated with the American Rescue Plan Act (ARPA) Coronavirus Local Fiscal Recovery Fund per Resolution No. 211, dated July 25, 2022; and

WHEREAS, in guidance issued by the NYS Comptroller June 2021, the NYS Comptroller classified these funds as non-recurring revenues which are not repeatedly received by local governments and directed local governments to submit a budget amendment; and

WHEREAS, the Town Board understands funds can generally be used to cover permissible costs that were incurred after March 3, 2021, and the deadline to obligate funds is December 31, 2024, and the deadline to spend funds is December 31, 2026; and

WHEREAS, the Town Board understands the monies may be used for the following categories:

- To respond to the COVID-19 public health emergency or its negative economic impacts;
- To provide premium pay to essential workers;
- To cover loss of revenue to provide government services;
- To make necessary investments in building improvements, water, sewer, and broadband infrastructure; and

WHEREAS, the Town Finance Director created Capital Project (ARPA) for accounting of ARPA revenues and expenditures separate from the Town's annual budget; and

WHEREAS, funds need to be appropriated in the 2022 Budget to reflect the revenue and expense items for the current year as indicated below:

Revenue:

A.4490.000	Federal Aid – ARPA	\$237,473.73
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Expense:

A.1620.400.ARP	Buildings Contractual - ARPA	\$ 3,837.02
A.1680.200.ARP	Central Data Processing, Equipment - ARPA	\$ 117,221.86
A.7110.400.ARP	Parks Contractual - ARPA	\$ 116,414.85
	Total Expense	\$ 237,473.73

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approve appropriation of Federal Aid – ARPA Revenue (A.4490.000) in the amount of Two Hundred Thirty-Seven Thousand Four Hundred Seventy-Three dollars and Seventy-Three cents (\$237,473.73) with the associated increase in Revenue and Expense accounts as indicated above; and

BE IT FURTHER RESOLVED that a copy of this resolution be provided to the Town Finance Director and Town Clerk.

#4

RESOLUTION NO. ACCEPT ROXANN AMMERMAN RETIREMENT

WHEREAS, Roxann Ammerman has worked for the Town Clerk's Department of the Town of Victor for 18 years; and

WHEREAS, Roxann Ammerman submitted her letter of retirement which was effective on February 2, 2023; now, therefore be it

RESOLVED that the Town Board accepts the retirement of Roxann Ammerman, Deputy Town Clerk; and be it further

RESOLVED that the Town Board wishes Roxann Ammerman all the best in her new adventures, and thanks her for her years of dedicated service to both the employees and residents of the Town of Victor.

#5

RESOLUTION NO.
AUTHORIZATION FOR THE PURCHASE OF STACKABLE CHAIRS FOR
DEPARTMENT OF PARKS AND RECREATION

WHEREAS, the Department of Parks and Recreation has the need to purchase twenty-five fabric covered, stackable chairs for the Recreation Center; and

WHEREAS, this equipment is available for purchase from Uline Corporation at a cost of One Thousand Six Hundred and Twenty-Nine dollars and Fifty-Seven cents (\$1,629.57) per the attached price proposal; and

WHEREAS, funds are available in the 2023 Budget line item A.7021.400 Parks and Recreation Department - Contractual for the purchase of twenty-five, fabric covered, stackable chairs; now therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase twenty-five fabric covered, stackable chairs from Uline Corporation at a cost of One Thousand Six Hundred and Twenty-Nine dollars and Fifty-Seven cents (\$1,629.57), and said funds are available in the 2023 Budget line item A.7021.400 Parks and Recreation Department - Contractual; and further

RESOLVED that a copy of this resolution be forwarded to the Director of Parks and Recreation; Town Clerk; Director of Finance; and Uline Corporation.

#6

RESOLUTION NO. AGREEMENT – RICHARD DELANEY (MAMBO KINGS)

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Richard DeLaney (Mambo Kings) for a concert at its Sid Partington Memorial Concert in the Park event on July 6, 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 Richard DeLaney (Mambo Kings) 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 Richard DeLaney.

#7

RESOLUTION NO. AGREEMENT – ALLYSON NUTTING

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Allyson Nutting (the "Contractor") for instruction in preschool children's dance and creative movement; 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 Allyson Nutting 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 Allyson Nutting.

#8

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>
Allyson Nutting	Preschool Dance Instruction	Victor Recreation Center	70% / 30%	December 31, 2023	Insufficient Coverage
Richard Delaney (Mambo Kings)	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>
Allyson Nutting	Preschool Dance Instruction	Victor Recreation Center	70% / 30%	December 31, 2023	Insufficient Coverage
Richard Delaney (Mambo Kings)	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, Richard Delaney, and Allyson Nutting.

#9

RESOLUTION NO.

SEQR: Harlan Fisher Park, Dog Park Construction

WHEREAS, the Town Board of the Town of Victor (the "Town Board") adopted the Town of Victor Parks and Recreation Master Plan Update (the "Master Plan") on August 26, 2019; and

WHEREAS, the Town Board intends to move forward with implementation of Priority Project 3 identified in the Master Plan, specifically, construction of a Dog Park at Harlan Fisher Park (the "Project"); and

WHEREAS, the Project consists of three (3) phases, including development of a dog park area on the north end of the park, park entrance improvements, including replacement of the existing parking area with a new parking surface, installation of pathways, installation of park furnishings including benches and picnic tables, all of which are more fully described in Part I of the Environmental Assessment Form; and

WHEREAS, the Project can be classified as an Unlisted Action, as the Project does not fit within the list of Type I or Type II actions identified in Sections 617.4 and 617.5 of the State Environmental Quality Review Act ("SEQRA") regulations; and

WHEREAS, the SEQRA review and subsequent Negative Declaration (Resolution 301 of 2019) associated with the adoption of the 2019 Master Plan excluded and segmented projects or physical activities, including construction associated with projects identified in the Master Plan, as incomplete information was available or uncertainties existed related to design of such projects; and

WHEREAS, the Town Board caused to be prepared Part 1 of the Short Environmental Assessment Form ("EAF") for the Project in accordance with SEQRA, and also caused to be prepared Parts 2 and 3 of the EAF; and

WHEREAS, the Town Board has conducted a careful review of the potential adverse environmental impacts associated with the construction of the proposed Project, including review of Parts 2 and 3 of the EAF, and attachments thereto.

NOW, THEREFORE, BE IT RESOLVED that no potential significant adverse environmental impacts were identified with the proposed Project using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3), and the Town Board hereby finds and concludes that the proposed Project will not present a potential significant adverse environmental impact and hereby issues a Negative Declaration; and,

BE IT FURTHER RESOLVED, A Notice of Negative Declaration shall be filed and/or published to the extent required by the SEQRA regulations, this resolution has been prepared in accordance with Article 8 of the New York Environmental Conservation Act.

#10

RESOLUTION NO.

AUTHORIZATION TO SEEK BIDS FOR DRYER ROAD PARK AND VICTOR MUNICIPAL PARK – PARKING LOT RENOVATION PROJECT

WHEREAS, the Town Board has recommended that the Director of Parks and Recreation and Town Engineer develop a plan for parking area improvements at Dryer Road Park and Victor Municipal Park to increase the parking capacity at each park while promoting public safety and the enjoyment of these spaces; and

WHEREAS, federal funding is available for the project from the Town's allocation through the American Rescue Plan (A.7110.400 ARP); and

WHEREAS, the Director of Parks and Recreation presented the preliminary design and scope of the plans to the Parks and Recreation Citizens' Advisory Committee and Town Board in July and August, 2022; and

WHEREAS, revisions have been made to the plan based on these comments as well as comments from the Department of Parks and Recreation staff, the Town Board, and the Director of Finance; and

WHEREAS, the Department of Parks and Recreation has the need to hire a contractor to complete construction of portions of the project including earthwork, drainage, pavement subsurface, asphalt paving, asphalt striping and site lighting based on the designs, drawings, specifications and opinion of probable costs from the Town Engineer; now, therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation and Town Engineer to seek bids for the Town of Victor Parking Lot Renovation Project for Dryer Road Park and Victor Municipal Park, 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, and Town Clerk.

#11

RESOLUTION NO.

DRYER ROAD PARK PARKING LOT RENOVATION PROJECT

SEQRA RESOLUTION – ACCEPTANCE OF PART 1 EAF

WHEREAS, the Town of Victor is developing plans to improve the public parking lot at Dryer Road Park in order to reduce the number of cars parked alongside or within roadways; and

WHEREAS, the project will provide additional parking spaces and site lighting; and

WHEREAS, the proposed site work includes regrading of parking surfaces and areas of new asphalt; and

WHEREAS, the proposed area of disturbance is less than 1 acre; and

WHEREAS, the Town Board has reviewed the scope of the project and has further received and considered the advice of its environmental specialists and engineers with respect to the classification of the Proposed Action in accordance with the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Proposed Action is an Unlisted Action under SEQRA; and

WHEREAS, the Town Board has commissioned LaBella Associates, D.P.C. to prepare Part 1 of the Short EAF for the project; now, therefore, be it

RESOLVED that in accordance with SEQRA, the Town Board accepts the completed Part 1 EAF for the project, and further

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

#12

RESOLUTION NO.

AUTHORIZATION FOR PURCHASE OF FLOWERS AND PLANT MATERIAL

WHEREAS, the Department of Parks and Recreation is responsible for the care and maintenance of the flower and shrub beds at the Town Hall, the Park Maintenance / Highway / Recycle Center Complex, and the intersection of New York State Route 96, County Road 42 and Rowley Road in Victor; and

WHEREAS, the Director of Parks and Recreation has obtained a written quotation for the purchase of said flowers and plant material from Bundschuh Greenhouses at an anticipated cost of Two Thousand One Hundred Sixty-Six dollars (\$2,166.00); now, therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to order and purchase flowers and plant material for the Town Hall, the Park Maintenance / Highway / Recycle Center Complex, and the intersection of New York State Route 96, County Road 42 and Rowley Road in Victor in a total amount not to exceed Two Thousand One Hundred and Sixty-Six dollars (\$2,166.00) to be charged to the 2023 Budget line item A.7110.400 Parks Contractual; and further

RESOLVED that a copy of this resolution be forwarded to the Director of Parks and Recreation, Town Clerk, Director of Finance, and Bob Bundschuh, Bundschuh Greenhouses.

#13

RESOLUTION NO.

SET PUBLIC HEARING – PROPOSED LOCAL LAW TO AMEND CHAPTERS R-1, R-2 & R-3 RESIDENTIAL ZONING DISTRICTS AND LIMITED DEVELOPMENT DISTRICT

WHEREAS, a proposed Local Law amending Chapters R-1, R-2 & R-3 Residential Zoning Districts and Limited Development District has been submitted for the Town Board's review and is on file with the Town Clerk; now therefore, be it

RESOLVED that a Public Hearing regarding the Local Law amendments being proposed shall be held on March 13, 2023, at 7:00 p.m., at the Victor Town Hall, 85 East Main Street, Victor, NY and live streamed via YouTube; and be it further

RESOLVED that the Town Clerk shall provide and publish such notice of the Public Hearing scheduled herein as required under the New York Town Law and the New York Municipal Home Rule Law.

#14

RESOLUTION NO.

AUTHORIZATION FOR SUPERVISOR TO EXTEND EXISTING PROFESSIONAL ENVIRONMENTAL ATTORNEY CONSULTING AGREEMENT WITH NIXON PEABODY LLP

WHEREAS, the Town Board passed Resolution #501-16 – Authorization for Supervisor to Enter into a Professional Environmental Attorney Consulting Agreement with Nixon Peabody LLP on December 16, 2016, and

WHEREAS, this contract expired on December 31, 2022, and

WHEREAS, the Town Board wishes to extend the Professional Environmental Attorney Services Agreement with Nixon Peabody LLP for the Town of Victor until December 31, 2025; and

WHEREAS, Nixon Peabody LLP has submitted pricing for the extension as noted in the attachments marked as "Schedule A" and kept on file in the Town Clerk's office; now, therefore, be it

RESOLVED that the Town Board hereby authorizes the Supervisor to extend the contract with Nixon Peabody, LLC for Environmental Attorney Professional Consulting Services related to the development, negotiation, and implementation of the Modock Springs Value Protection Plan, for a limited term through December 31, 2025 under the terms and conditions as provided in the contract, at \$564.00 (Five Hundred Sixty-Four dollars) per hour, as specified in the contract, to be charged to the Victor Town Budget Account # A.1931.400 – Modock Springs Value Protection Plan, and be it further

RESOLVED that copies of this resolution be forwarded Dana Stanton – Nixon Peabody , Human Resources, Town Clerk, and the Finance Office.