

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, September 26, 2022

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 – 7:00 PM

Flag Salute

Public Hearings start at 7:00 PM

Approval of the September 12, 2022 Regular Town Board meeting minutes and the August 29th & September 6th Budget Workshop minutes

Payment of Bills

Privilege of the Floor

- BME Associates, Linc Swedrock – Open space area Southgate Hills, Section 3
- Robert Cain, CSD Housing, LLC – Proposed Apartment/Townhouse Concept for a Planned Development District on Route 96
- Wes Pettee – Update on Sewer Master Plan

Public Comments and Concerns

Reports of Town Officials

- ❖ Finance
- ❖ Highway
- ❖ IT
- ❖ Town Clerk - Present tentative budget

Resolutions

Highway

1. 2022/2023 Intermunicipal Agreement - Ontario County Municipal Snow and Ice Agreement

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Historian

2. Authorization to Enter into a Contract with The Landmark Society of Western New York for Historic Barns Survey

Human Resources

3. Standard Workday and Reporting Resolution for Elected and Appointed Officials for Retirement Purposes
4. Videoconferencing Policy

Parks & Recreation

5. Request for Certificate of Liability Insurance Waivers
6. Agreement, Mark Rust
7. Agreement, OTBI Entertainment Group / The Happy Pirates c/o Matthew Roy

Supervisor

8. Boughton Park Dam Contract
9. Set Public Hearing to Establish Fairways Phase 3 Lighting District

Town Clerk

10. Proposed Local Law to Expand Use of Videoconferencing
11. Southgate Hills Section 2, Utility LOC Release 2

PUBLIC COMMENT

ADJOURN

#1

RESOLUTION NO. 2022/2023 INTERMUNICIPAL AGREEMENT - ONTARIO COUNTY - MUNICIPAL SNOW AND ICE AGREEMENT

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

WHEREAS, the current agreement expires on September 30, 2022; and

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

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

RESOLVED that the Supervisor for the Town of Victor is authorized to enter into Agreement for the Municipal Snow and Ice Agreement with the County of Ontario to provide snow and ice control services by the Town of Victor on County Road 9, County Road 42, and the portion of County Road 41 from Mertensia Road to the Monroe County line, said Agreement to expire September 30, 2023; and further

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

#2

RESOLUTION NO. AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE LANDMARK SOCIETY OF WESTERN NEW YORK FOR HISTORIC BARN SURVEY

WHEREAS, the Town Historian, Planning Board, and Zoning Board of Appeals wish to document the community's historic barns to incorporate them into local planning efforts, and

WHEREAS, the Landmark Society of Western New York is the only local entity with expertise in this specific area, and

WHEREAS, the Landmark Society of Western New York has submitted a proposal for the barn documentation survey at a cost not to exceed \$16,000.00 and to be completed by January 2024; now, therefore be it

RESOLVED that the Supervisor is authorized to enter into a contract with the Landmark Society of Western New York for the Survey of Historic Barns Project at a cost not to exceed \$16,000.00 and to be completed by January 2024, and be it further

RESOLVED that the funding for this project will be from the 2023 Town Budget Line Item A.7510.400 – Historian.Contractual, and be it further

RESOLVED that a copy of this resolution be sent to the Town Historian, the Landmark Society of Western New York, the Historic Advisory Committee, and the Finance Director.

#3

RESOLUTION NO. STANDARD WORKDAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS FOR RETIREMENT PURPOSES

WHEREAS, the New York State and Local Employees' Retirement System requires that a standard workday be established for retirement credit purposes; now therefore be it

RESOLVED that this Board hereby establishes the following as the standard workdays for elected and appointed officials; and be it further

RESOLVED that this Board will report the following days worked in the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials, who are members of the retirement system, as stated in the New York State and Local Retirement System Standard Workday and Reporting Resolution for Elected and Appointed Officials (Form RS2417-A), labelled as "Schedule A" and kept in the subject file in the Town Clerk's office; and be it further

RESOLVED that a certified copy of this resolution be posted on the Town of Victor website at www.victorny.org for a minimum of 30 days for public comment; and be it further

RESOLVED that the completed New York State and Local Retirement System Standard Workday and Reporting Resolution for Elected and Appointed Officials (Form RS2417-A) transmitted by the Human Resources Office to the New York State Comptroller; and be it further

RESOLVED that a copy of this resolution be forwarded to Human Resources, Finance Director, Town Clerk.

#4

RESOLUTION NO. TOWN OF VICTOR VIDEOCONFERENCING POLICY AND PROCEDURE

WHEREAS, a public hearing was duly held on September 12, 2022 at 7:00 PM at the Victor Town Hall for Proposed Local Law No. 6-2022, entitled, "A Local Law Authorizing the Town Board and the Other Public Bodies of the Town to Use Videoconferencing Technology to Participate in Public Meetings";

The following public policy shall apply to the public bodies of the Town of Victor relative to public meetings thereof, all consistent with NY Open Meetings Law and the Town of Victor Videoconferencing Local Law:

- 1. Physical Presence of Members Unless Extraordinary Circumstances.** In order to participate as a member of a public body during a public meeting, such member shall be physically present at the public meeting unless such member is unable to be physically present at any meeting location due to **extraordinary circumstances** such as: disability, illness, caregiving responsibilities, or any other **significant or unexpected factor or event** which precludes a member's physical attendance at such meeting, in which case the member may participate via videoconferencing as set forth herein. Physical absence and request to participate via videoconference due to extraordinary circumstances shall be noticed to the Board Chair and Town Clerk as soon as reasonably practicable.
- 2. Legal Notice Requirements. Notice.** If videoconferencing is used to conduct a meeting, the Town Clerk will issue public notice for such meeting and shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and identify the physical location for the meeting where the public can attend. The Town Clerk will identify any Board member(s) who will be attending virtually, and the address that they will be attending from, pursuant to POL §103-a, in order to establish a quorum with all members having legal voting rights during the meeting.
- 3. Physical Location Quorum for Videoconferencing.** A public body may, in its discretion, use videoconferencing to conduct its meetings, provided that a minimum number of members are physically present to fulfill the public body's quorum requirement in the same physical location or locations where the public can physically attend, as identified in the Legal Notice, and all other requirements set forth herein have been met.
- 4. Members Viewable and Audible.** Except during an executive session, the public body shall ensure that the members of the public body can be heard, seen and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon, whether such member(s) are physically present or participating via videoconferencing.

#4

5. **Public Participation in Videoconference.** If videoconferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized, including that the videoconferencing authorizes the same (except in the case of executive sessions).
6. **Minutes.** Minutes of any meetings which involves videoconferencing shall include which, if any, members participated remotely and shall be made available to the public pursuant to NY Open Meetings Law.
7. **Recordings and Transcription.** Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the Town's website within five (5) business days following the meeting, and shall remain so available for a minimum of five (5) years thereafter. Such recordings shall be transcribed upon request.
8. **State of Emergency.** Provisions of this Policy may be waived or altered during a State of Emergency, all in accordance with NY Open Meetings Law.
9. **Policy on Website.** This Policy shall be posted on the Town of Victor website.

Now therefore be it;

RESOLVED that the Town Board of the Town of Victor hereby adopts this public policy which shall apply to the public bodies of the Town of Victor relative to public meetings thereof, all consistent with NY Open Meetings Law and the Town of Victor Videoconferencing Local Law: and be it further

RESOLVED that a copy of this resolution be forwarded to the Town Clerk & Human Resources Director.

#5

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>
Mark Rust	Veterans Appreciation Concert	Victor Town Hall	\$750.00	December 31, 2022	Insufficient Coverage
OTBI Entertainment Group	Halloween Party Show	Victor Recreation Center	\$450.00	December 31, 2022	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>
Mark Rust	Veterans Appreciation Concert	Victor Town Hall	\$750.00	December 31, 2022	Insufficient Coverage
OTBI Entertainment Group	Halloween Party Show	Victor Recreation Center	\$450.00	December 31, 2022	Insufficient Coverage

And be it

RESOLVED that a copy of this resolution be sent to Director of Parks and Recreation, Town Clerk, Mark Rust and OTBI Entertainment Group c/o Matthew Roy.

#6

RESOLUTION NO. AGREEMENT – MARK RUST

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Mark Rust for a Veterans Appreciation Luncheon concert at the Victor Town Hall on Thursday, November 10, 2022; 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 authorize the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Mark Rust 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 Seven Hundred Fifty Dollars (\$750.00) to be paid from the 2022 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 Mark Rust.

#7

RESOLUTION NO. AGREEMENT – OTBI ENTERTAINMENT GROUP

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with OTBI Entertainment Group / The Happy Pirates c/o Matthew Roy for a concert at the Monster Mash Halloween Party at the Victor Recreation Center on Saturday, October 29, 2022; 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 OTBI Entertainment Group / The Happy Pirates c/o Matthew Roy under the terms and conditions as provided for in the contract kept in the subject matter file in the Town Clerk's Office for a fixed fee of Four Hundred Fifty Dollars (\$450.00) to be paid from the 2022 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 OTBI Entertainment Group, c/o Matthew Roy.

#8

RESOLUTION NO. TO SUPPORT ENGINEERING AT BOUGHTON PARK

WHEREAS, Boughton Park Commission requested the ponds & dams upgrades, be managed by the three town supervisors along with one board member from each town, and

WHEREAS, the newly updated group includes Frank Fessner, Dave Condon and Scott Harmon as well as Jack Marren, Todd Campbell, and Fred Wille, and

WHEREAS, the next phase proposal from Gomez & Sullivan has been approved, and

RESOLVED that this Board approve this next phase project taken together amount of \$50,000.00, and

RESOLVED that copies of this resolution be forwarded to all appropriate parties.

- The Town of Victor has applied for grant funding for the total cost of this phase.

RESOLUTION NO. SET PUBLIC HEARING TO ESTABLISH THE FAIRWAYS PHASE 3 LIGHTING DISTRICT EXTENSION

WHEREAS, the Town Board of the Town of Victor ("the Town") has received a request (the "Petition") from Fairview Ponds, LLC (the "Petitioner") requesting the establishment of the Fairways Phase 3 Lighting District as an extension of the "Fairways Phase 1 & 2 Lighting District, which extension would complete the district along the entirety of Championship Drive in the Town of Victor; and

WHEREAS, on September 1, 2022, the Petitioner along with Passero Associates (the consulting engineers) filed a map, plan and report for the Fairways Phase 3 Lighting District Extension and the boundaries are as follows: the lands comprising lots 530 through lots 607 on Championship Drive in the Town of Victor, which lands are more fully described in the metes and bounds description of which is set forth at in the Map, Plan and Report referred to herein; and

WHEREAS, the proposed improvements include a total of 15 streetlights and the associated conduit to be installed along Championship Drive within the frontage of 15 lots for this project, as described in the Map, Plan and Report which are on file with the Victor Town Clerk and available for public review; and

WHEREAS, the maximum amount proposed to be expended by the Town for the Fairways Phase 3 Lighting District and associated improvements is the sum of zero dollars (\$0.00), as the Petitioner and/or Rochester, Gas and Electric will pay for the capital cost of the Fairways Phase 3 Lighting District; and

WHEREAS, since there will be no capital cost to the Town for the Fairways Phase 3 Lighting District, no financing will be employed and it is therefore not necessary to obtain the approval of the New York State Comptroller's Office; and

WHEREAS, the Petitioner in accordance with Lighting District Formation – Article 12 of Victor Town Law desires to establish a lighting district extension to serve the properties located along Championship Drive, a newly developed public roadway, within the Fairways Phase 3 project. A lighting district was previously established for the Fairways Phase 1 project, with an extension for Phase 2 provided to the Town of Victor in 2017 and which were combined to form a single Lighting District to be referred to as the "Consolidated Fairways Lighting District"; now therefore be it

RESOLVED that, pursuant to Article 12 of the Town Law, the Town Board of the Town of Victor, shall meet at the Town Hall, 85 East Main Street, Victor, New York, on the 11th day of October, at 7:00 PM for the purpose of conducting a public hearing at which time and place all interested persons may be heard regarding Fairview Ponds, LLC requesting the establishment of the Fairways Phase 3 Lighting District as an extension of the Fairways Phase 1 & 2 Lighting District and part of the Consolidated Fairways Lighting District, which extension would complete the district along the entirety of Championship Drive in the Town of Victor; and it is further

ORDERED and RESOLVED that the Town Board hereby authorizes and directs the Town Clerk to duly advertise this public hearing as is required by Town Law.

#10

RESOLUTION NO. AUTHORIZING ADOPTION BY THE VICTOR TOWN BOARD OF LOCAL LAW NO. 6-2022 TO EXPAND USE OF VIDEOCONFERENCING

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor for a public hearing to be held on September 12, 2022 at 7:00 PM at the Victor Town Hall, 85 East Main Street to hear all interested parties on a proposed local law authorizing the Town Board and other public bodies of the Town to use videoconferencing technology to participate in public meeting; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Victor on September 2, 2022 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on September 12, 2022 at 7:00 PM at the Victor Town Hall and interested parties were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law; and

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

RESOLVED that the Town Board of the Town of Victor hereby adopts said Local Law No. 6-2022, entitled, "A Local Law Authorizing the Town Board and the Other Public Bodies of the Town to Use Videoconferencing Technology to Participate in Public Meetings", a copy of which is attached hereto and made a part of this resolution, and be it further

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

NOTICE OF PUBLIC HEARING

PROPOSED LOCAL LAW TO EXPAND USE OF VIDEOCONFERENCING

PLEASE TAKE NOTICE that a Local Law authorizing the Town Board and other public bodies of the Town to use videoconferencing technology to participate in public meetings has been proposed.

PLEASE TAKE FURTHER NOTICE that a public hearing has been scheduled for September 12, 2022, at 7:00 PM, to be held by the Town Board at the Victor Town Hall, 85 East Main Street, Victor, NY. An opportunity to hear all interested parties will then and there be given. Written comments may also be directed to the Victor Town Clerk on or before 12:00 PM on September 12, 2022. The meeting will also be live streamed via YouTube at <https://www.youtube.com/c/townofvictornewyork>.

Dated: August 26, 2022

Karen C. Bodine, Town Clerk

Local Law No. 6 of the year 2022

Amending Part I: Administrative Legislation/Policy by adding section, Videoconferencing

Authorizing the Town Board or Other Public Bodies of the Town Victor to Expand Use of Videoconferencing

SECTION I. Legislative Intent

It is the intent of this local law to authorize the Town Board and other public bodies of the Town (as defined in Public Officers Law § 102) the authority to participate in meetings via videoconference in a manner consistent with the town's videoconference policy and the authority granted in Public Officers Law §103-a; and

Section II. Authority

This local law is adopted pursuant to Public Officers Law §103-a which expressly authorizes the town board to adopt a local law giving the town board and the town's other public bodies the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the board/body participates from locations where the public may be physically present and other conditions, as may be set by resolution of the Town Board, are met.

Section III. Supersession of New York State Town Law Section 62

Paragraph 2 of Section 62 of the New York State Town Law requires, in part, that "All meetings of the town board shall be held within the town at such place as the town board shall determine by resolution..." To the extent that this local law permits members of the Town Board to participate in meetings of the Town Board via videoconference, this local law shall supersede this requirement of Town Law Section 62 in that those Town Board members permitted by this local law to participate in meetings of the Town Board via videoconference are permitted to participate from locations that are not within the town.

Section IV. Videoconferencing for Public Meetings

In extraordinary circumstances, which include, but are not limited to, disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event that preclude physical attendance, The Town Board of the Town of Victor hereby authorizes members of the town board and all members of the town's other public bodies to participate in meeting using videoconferencing technology in a manner consistent with Public Officers Law §103-a and the town's videoconferencing policy adopted by resolution of the town board and conspicuously posted on the Town website, with such members participating in meetings via videoconference being permitted to participate via videoconference from locations not accessible to the public so long as a quorum of the board/body participates from locations where the public may be physically present.

Section V. Validity and Severability

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

Section VI. Effective Date

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

DRAFT

#11

RESOLUTION NO. LETTER OF CREDIT – SOUTHGATE HILLS 2 (UTILITY ONLY) RELEASE 2

WHEREAS, upon Riedman Acquisitions LLC (BRW of Greece LLC) 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, in their September 19, 2022, letter, the Town Engineer recommended that One Hundred Twelve Thousand Three Hundred Forty-Eight dollars and Ten cents (112,348.10) 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. 2** on the Tompkins Community Bank Irrevocable Letter of Credit in the amount of One Hundred Twelve Thousand Three Hundred Forty-Eight dollars and Ten cents (112,348.10) conditioned upon payment of all fees owed to the Town; and further

RESOLVED that given said release, there now remains Three Hundred Eighty-Two Thousand Five Hundred Twenty-Nine dollars and Fifty-six cents (\$382,529.56) in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Town Engineer, Riedman Acquisitions LLC (BRW of Greece LLC), Finance Director, and Town Clerk.