

VICTOR TOWN BOARD MEETING, MONDAY, FEBRUARY 22, 2021

A Meeting of the Victor Town Board was held on February 22, 2021 in the Victor Town Hall Main Meeting Room starting at 7:00PM and also live streamed via YouTube.

Supervisor Marren called the meeting to order @ 7:00PM

Flag Salute

PRESENT: Supervisor Jack Marren Councilman Drew Cusimano
 Councilman Dave Condon Councilman Ed Kahovec
 Councilman Mike Guinan

OTHERS PRESENT: Karen Bodine-Town Clerk; Kevin Overton- Town Attorney; Mark Years-Highway Superintendent; Steve Metzger- LaBella Associates; Barb Cole- Finance Director; Suzy Mandrino- IT; Fred and Jan Cleveley; Stewart Pedersen; and Roxann Ammerman.

Public Hearing start at 7:00 PM

The Town Clerk read aloud the Public Hearing Notice

- Unsafe Structure at 7395 Modock Road

*Stewart Pedersen the owner of the property at 7395 Modock Road addressed the Board about the unsafe structure. Mr. Pederson explained that he has had an ongoing dispute with the engineers from Rochester Gas & Electric concerning the electric to the property. Supervisor Marren asked his intension with the property and he stated he would like to get rid of the unsafe structure. After Board discussion, it was agreed to give a **JUNE 1, 2021** deadline for removal of the structure at the owner's expense. He will need to get a demolition permit, quotes on removal and or dumpsters for removal of the debris. Supervisor Marren will follow-up with Al Benedict to see if he may have a contact at Rochester Gas & Electric to have a conversation about this property on Mr. Pedersen's behalf. Supervisor Marren thanked Mr. Pedersen for coming to the Public Hearing.

**Two emails received from John Williamson and Mr. & Mrs. Ted Snavlin with concerns about the property at 7395 Modock Road.*

Public Hearing Closed @ 7:29PM

RESOLUTION #62 MOTION TO CLOSE THE PUBLIC HEARING AND CONTINUE WITH THE REGULAR TOWN BOARD MEETING

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

5 Ayes: 0 nays (Marren, Condon, Kahovec, Guinan, Cusimano)

RESOLVED that the Public Hearing now close and the regular board meeting convene.

Supervisor's Announcement:

- Employee Birthday's for the month of March

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RESOLUTION #63 APPROVAL OF MINUTES

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

5 Ayes: 0 nays (Marren, Condon, Kahovec, Guinan, Cusimano)

RESOLVED that the minutes for February 8, 2021 be adopted.

RESOLUTION #64 PAYMENT OF BILLS

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

5 Ayes: 0 nays (Marren, Condon, Kahovec, Guinan, Cusimano)

RESOLVED that the bills be approved for Manifest #4 in the amount of \$256,076.09.

Documentation for these expenditures can be found on vouchers filed by numbers #20210324-20210413.

Manifest #4	
General Townwide	99,537.52
General Outside Village	14,542.25
Highway Townwide	131,770.64
Sanitary Conveyance Capital Project	390.00
Total of Lighting Districts	580.68
SS Consolidated Sewer Fund	255.00
Trust & Agency	9,000.00

Supervisor Marren reviewed the following expenditures for Manifest #4 that were in the range or exceeded \$10,000.00.

- American Rock Salt Company, LLC – Road Salt
- Springbrook Holding company, LLC – Annual KVS software support
- Noco- Winter Mix diesel fuel
- Bluestone Creek Development, LLC – Lease for Parks & Recreation Building
- Harris Beach, PLLC – January Legal Fees
- LaBella Associates, PC – January Engineering Fees
- Northern Highway Supply – Wing/plow supplies and road sign materials
- B & M International, LLC – Lease for March Courts facility
- Rochester Gas & Electric – Utility Services throughout the town
- MVP Health Care – Employee and Retiree Health insurance for March

PRIVILEGE OF THE FLOOR:

- ❖ Fred & Jan Cleveley of 562 Valley Court addressed the Board with a request to mow a section of their Conservation Easement just to keep the weeds down. Supervisor Marren

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welcomed the Cleveley's to the Victor community and thanked them for coming before the Board to ask about this, noting the Board faces many challenges when residents disregard these conservation easements. Mr. Cleveley explained that he did ask the Planning department about mowing and the developer told them they could not build or put anything in the Conservation easement. Counsel asked about the distance from the wetland area on the property. Supervisor Marren read aloud from the Conservation easement #15, there shall be no mowing, including but not limited to any mowing of wetlands with in the conservation easement maintaining a 75ft. buffer from the wetland or any stream. Counsel's concern is that the area identified may be within the 75ft. buffer so the Board cannot grant any type of relief due to being close to a federal wetland. Counsel explained it becomes problematic for the Board from a legal prospective to allow some homeowners to do things in the Conservation easements and not others. From a legal standpoint, it is Counsel's advice to prohibit any activity in the Conservation easement because the Town has had to enforce others to comply and the potential impact on other neighbors. Councilman Condon echoed Supervisor Marren's comments and was impressed that the Cleveley's took the proper channels to ask and come before the Board, noting that the Town has had many issues with residents violating these easements. Mr. Cleveley also asked about a drainage area in his backyard and Counsel explained he can utilize that area as long as it does not adversely impact the drainage. Councilman Guinan suggested checking with the builder who submitted a plan for stormwater management for the final product. Councilman Condon also suggested checking with the Codes department about the many different classifications of easements.

PUBLIC COMMENT: *None*

REPORTS OF TOWN OFFICIALS:

- ✓ Planning & Building- Keith mailed out 105 letters to all commercial and residential properties regarding maintenance of stormwater management facilities located on their property that were outside the Drainage Improvement Area and has had good success.
- ✓ Highway- Councilman Kahovec commented on Casey's report considering what the town has gone through this past year, all costs have been covered and moving in the right direction. Nice job on her reports.
- ✓ IT
- ✓ Town Engineer

Supervisor Verbal:

- ✓ Grand Opening for Dick's Sporting Goods - April 9th
- ✓ Zoom Meeting about the "Direct Support for Communities Act". This bill if passed, would include direct local aid in the amount of \$350 billion dollars throughout the states.
- ✓ Vaccine distribution – Patience. Due to the weather storm patterns throughout the country delivery of vaccines were impacted.

RESOLUTIONS

Town Clerk

RESOLUTION #65 LETTER OF CREDIT – PIPER MEADOWS SUBDIVISION - RELEASE 8

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

5 Ayes: 0 nays (Marren, Condon, Kahovec, Guinan, Cusimano)

WHEREAS, upon S & J Morrell Inc. receiving Planning Board approval for the Piper Meadows Subdivision, a Five Star Bank Irrevocable Letter of Credit was posted with the Town to cover the cost of improvements and infrastructure; and,

WHEREAS, in their February 15, 2021 letter, the Town Engineer recommended that \$7,075.51 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. 8 on the Five Star Bank Irrevocable Letter of Credit in the amount of \$7,075.51 conditioned upon payment of all fees owed to the Town; and further

RESOLVED that given said release, there now remains \$652,060.68 in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Town Engineer, S & J Morrell, Finance Director, and Town Clerk.

IT

Councilman Condon asked about using the E-Waste disposal to get rid of surplus equipment that is sponsored by the Ontario County Recycling at different locations in the county. It may only be for residential and not businesses.

RESOLUTION #66 SURPLUS COMPUTER EQUIPMENT DECLARATION & DISPOSITION

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

5 Ayes: 0 nays (Marren, Condon, Kahovec, Guinan, Cusimano)

WHEREAS, the IT Department maintains the inventory of computer & technology equipment for the Town of Victor and has advised the Town Board of equipment that has been taken out of service and held in storage in the Town Hall; and

WHEREAS, it has been determined that the equipment no longer meets minimum standard requirements and any hardware that can be used has been salvaged; and

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WHEREAS, it has been recommended by the IT Department and determined by the Town of Victor that it is in the best interests of the Town that this out of service computer & technology equipment be declared surplus and disposed of per Resolution #352, Town of Victor Technology Hardware and Software Disposal Policy, which was approved on October 12, 2010; now, therefore, be it

RESOLVED, that the equipment be picked up and disposed of by EWaste+ for a cost not to exceed Two Hundred Eighty dollars (\$280.00), said funds are available in the 2021 Budget line item A.1680.400, Central Data Processing Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Bernie Ward, Account Manager EWaste+, the IT Dept.; Finance Director; and the Town Clerk.

Planning & Building

Councilman Cusimano commented this residential property in a residentially zoned area and there are a lot of building materials on the property that are not really compatible with the zoning. He didn't want to lose sight of the concerns of the residents who live near the property. Counsel noted that the structure is separate and distinct from the materials stored on the property.

RESOLUTION #67 DECISION - ORDER TO REPAIR UNSAFE STRUCTURE AT 7395 MODOCK ROAD

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

5 Ayes: 0 nays (Marren, Condon, Kahovec, Guinan, Cusimano)

WHEREAS, as required by the Victor Town Code at Chapter 83, after duly complying with the provisions thereof, on February 8, 2021, the Town Board determined that there is an unsafe structure at 7395 Modock Road, Victor, NY (the "Property") and by Resolution #56 Ordered that it be repaired; and

WHEREAS, in accordance with the Victor Town Code at Chapter 83, proper notices regarding the repair of the unsafe structure at the Property were delivered to the required parties, such notices specifying that a public hearing on the repair of the unsafe structure at the Property was to be had on February 22, 2021; and

WHEREAS, such public hearing was duly held on February 22, 2021; and

WHEREAS, the Town Board has considered whether it should affirm, vacate or modify such February 8, 2021 Order to repair the unsafe structure at the Property; now, therefore, be it

RESOLVED that the Town Board does hereby Modify its February 8, 2021 Order such that, instead of repair, the unsafe structure shall instead be demolished in accordance with the requirements set forth by the Town Board as follows: the Property shall be fully demolished,

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after securing a demolition permit where required by law, and debris removed by June 1, 2021 by the owners at the owners expense; and further

RESOLVED that a copy of this resolution be forwarded to Stewart Pedersen, Canandaigua National Bank, Town Assessor, Planning and Building, and the Town Clerk.

Human Resources

RESOLUTION #68 RECOMMEND MARTIN AVILA - RE- APPOINTMENT TO THE ONTARIO COUNTY PLANNING BOARD

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

5 Ayes: 0 nays (Marren, Condon, Kahovec, Guinan, Cusimano)

WHEREAS, Martin Avila's term as Town of Victor representative to the Ontario County Planning Board expired on September 30,2020; and

WHEREAS, the Ontario County Board of Supervisors requests a formal recommendation from the Town Board as to the name of an individual to represent the Town of Victor for a 5-year term on the Ontario County Planning Board; now, therefore, be it

RESOLVED that the Town Board recommends to the Ontario County Board of Supervisors that Martin Avila be the representative for the Town of Victor on the Ontario County Planning Board for a 5-year term, commencing upon approval from the Ontario County Board of Supervisors; and further

RESOLVED that a copy of this resolution be forwarded to the Ontario County Board of Supervisors, Martin Avila, Human Resources, Planning & Building, Town of Victor Planning Board, Town Clerk, and the Ontario County Planning Board.

RESOLUTION #69 RESCIND RESOLUTION #349-20 REAPPOINT KENNETH KOLACZYK - BOARD OF ASSESSMENT REVIEW

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

5 Ayes: 0 nays (Marren, Condon, Kahovec, Guinan, Cusimano)

WHEREAS, on November 23, 2020 the Town Board approved Resolution #349 Reappoint Kenneth Kolaczyk – Board of Assessment Review; now, therefore be it

RESOLVED that Resolution #349-20 Reappoint Kenneth Kolaczyk – Board of Assessment Review be rescinded, as Kenneth Kolaczyk has decided not to serve a second Board of Assessment Review term; and be it further

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RESOLVED that a copy of this resolution be sent to Board of Assessment Review, Kenneth Kolaczyk, Assessor, Human Resources, Town Clerk, and the Ontario County Office of Real Property.

Supervisor**RESOLUTION #70 PAYMENT TO TOWN OF FARMINGTON - UPGRADES TO PS11 AND PS5 VARIABLE DRIVES**

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

5 Ayes: 0 nays (Marren, Condon, Kahovec, Guinan, Cusimano)

WHEREAS, the Town of Farmington identified the need to perform upgrades to PS 11 and PS 5 variable drives in the Town of Victor as part of the Farmington Sewer District capital plan; and

WHEREAS, Labella Associates supports the recommended improvements; and

WHEREAS, the Town of Farmington received estimates from Colacino Industries Inc. for these upgrades and the Town of Victor has agreed to pay Four Thousand dollars (\$4,000.00) toward the cost of each of the variable drives for a total of Eight Thousand dollars (\$8,000.00) upon satisfactory completion of improvements; and

WHEREAS, the above-mentioned funds have been encumbered from the 2020 budget; now, therefore, be it

RESOLVED that the Town Board authorizes the payment to the Town of Farmington for the Town's portion of Eight Thousand Dollars (\$8,000.00) based on satisfactory completion of the PS11 and PS5 variable drive upgrades, to be charged to the 2020 Budget line SS.8120.400 Sanitary Sewers Contractual; and be it further

RESOLVED that a copy of this resolution will be sent to the Finance Director, Farmington Town Clerk, Victor Town Clerk, and Town of Farmington Supervisor.

RESOLUTION #71 SET PUBLIC HEARING – SET A ONE-TIME CHARGE FOR NEW CONNECTIONS TO CONSOLIDATED SEWER DISTRICT

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

5 Ayes: 0 nays (Marren, Condon, Kahovec, Guinan, Cusimano)

WHEREAS, new connections to the sewer district utilize (and thereby reduce) existing capacity within the Consolidated District collection system which has been developed with funds collected from parcels within the district; and

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WHEREAS, parcels located beyond the district and proposing to enter via an extension will have made no contributions to the funds used to develop the capacity such connections will utilize and parcels already within the district but unconnected will have contributed at only a reduced rate; and

WHEREAS, the Town will consider implementing a requirement for payment of a one-time charge for any new connection so as to reconcile these inequities; and

WHEREAS, the one-time charge would be calculated as the difference between an estimate of the amount that would have been collected from the connecting parcel over ten years had it been both within the district and connected and an estimate of the amount that actually was collected over ten years from such a parcel; and

WHEREAS, the one-time charge would also be calculated in a manner that is affected by a parcel's use classification, development status, sewer district history, and the number of living quarters or commercial businesses connected on a single parcel similar to how those same factors affect annual assessments now being collected on behalf of the Consolidated District from all parcels within the district; now, therefore, be it

RESOLVED that the Town Board has made a preliminary classification under SEQR of this action as a Type II action not subject to review under SEQR; and, be it further

RESOLVED that a Public Hearing regarding the Resolution now being considered to set a one-time charge for new connections to the Consolidated District sewer collection system pursuant to Chapter 27 Fees of the Town Code and to include the proposed charge among those referenced in Town Code Section 27-8 Fees Enumerated as fees set by resolution by the Town Board and on file in the office of the Town Clerk where they are available for examination during regular business hours, shall be held on March 8, 2021 at 7:00 PM EST at the Victor Town Hall located at 85 E. Main Street, Victor, NY; and it is further

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

PUBLIC COMMENT or ANY UNFINISHED BUSINESS: Councilman Kahovec asked about replacements for the Board of Assessment Review and other Boards vacancies.

ADJOURNMENT:

With no further business to come before the Board tonight, motion was made by Councilman Guinan, seconded by Councilman Cusimano to adjourn the meeting at 8:00PM.

Respectfully submitted,

Karen C. Bodine/Town Clerk