

VICTOR TOWN BOARD MEETING, MONDAY, JANUARY 25 2021

A Meeting of the Victor Town Board was held on January 25, 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 – Moment of Silence for the three National Guard Servicemen that were killed in the helicopter crash on Wednesday January 20, 2021.

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; Brian Emelson – Parks & Recreation; Barb Cole- Finance Director; Suzy Mandrino- IT; and Tim Brown.

Public Hearing start at 7:00 PM

The Town Clerk read aloud the Public Hearing Notice

- Proposed Local Law to Override the Tax Levy Limit for 2021 – Town of Victor

**Barb Cole- Director of Finance gave a brief overview and explained that the tax cap override is done as a precautionary measure. If the tax cap limit is exceeded all of the funds that exceed the tax cap amount must be put into reserves and there would be restrictions on the money during that fiscal year. There are no penalties if the Local Law is passed.*

**One email was received by David Welsh 80 Church Street against the tax cap override.*

Public Hearing Closed @ 7:05PM

RESOLUTION #40 MOTION TO CLOSE THE PUBLIC HEARING AND CONTINUE WITH THE REGULAR TOWN BOARD MEETING

On motion of Councilman Condon, seconded by Councilman Kahovec, 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 Marren explained moving forward that this would be the procedure when holding Public Hearings to keep a regular flow of the meetings.*

Supervisor's Announcements:

- February 15th- all town facilities will be closed for President's Day
- Employee Birthdays for the month of February
- Vaccine Distribution for Ontario County – Supervisor Marren did observe the drive-thru for vaccinations and they could accommodate 100 cars an hour. There is a limited supply right now so people need to be patient. Things to consider with an elderly population, they may not have access to computers and transportation. The county is looking at other potential sights to give the vaccines.

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- The Finger Lakes region is now the third best performing region in the state with positivity rates for COVID. Our county is at 3.5% for a 7 day average right now with positivity rates trending down. We need more vaccines and continue to maintain social distancing to keep our numbers under control.

RESOLUTION #41 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 December 21, 2020 and January 4, 2021 be adopted in one resolution.

RESOLUTION #42 PAYMENT OF BILLS

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

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

RESOLVED that the bills be approved for Manifest #2 in the amount of \$354,618.39. Documentation for these expenditures can be found on vouchers filed by numbers #20210072-20210222.

Manifest #2	
General Townwide	184,404.22
General Outside Village	1,494.30
Highway Townwide	147,941.65
Sanitary Conveyance Capital Improvement	772.00
Total of Lighting Districts	535.20
Trust & Agency	19,471.02

Supervisor Marren reviewed the following expenditures for Manifest #2 that were in the range or exceeded \$10,000.00.

- American Rock Salt Company, LLC – road salt
- Sunoco & Noco – Winter mix diesel fuel and gasoline
- Integrated Systems – January hosting, service hours, switches, security cameras
- Bluestone Creek Development, LLC – Parks & Recreation Rental for February
- Victor Local Development Corporation – Annual contract
- Harris Beach PLLC – Legal fees for December
- Labella Associates PC – Engineering fees for December
- Ontario County Treasurer – 3rd quarter enhanced court security
- B & M International, LLC – Court facility Rental for February
- Ontario County Treasurer – Dog Control Contract 2021
- Village of Victor – Split purchase of bucket truck

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- Rochester Gas & Electric – Utility services for the town

NO PRIVILEGE OF THE FLOOR: None

PUBLIC COMMENT: None

REPORTS OF TOWN OFFICIALS:

*Justice – Supervisor Marren noted letter received from former Justice Toby Reh
Parks & Recreation- Jeff Rader will be out due to an injury possibly two months
Planning & Building*

IT

Town Engineer

Supervisor – Discussion of unsafe structure at 7395 Modock Road. After Board discussion, it was agreed that the structure should come down. Barb Cole weighed in noting that any expense that the town incurs would eventually be applied to the taxes of the property owner. The expense to the town would be recovered.

Supervisor Marren noted that Mark and the highway crew helped to clean up the house on Brace Road after it was used for a training exercise for the fire department.

RESOLUTIONS

Town Clerk

RESOLUTION #43 ESCROW – SCOUT CROSSING SUBDIVISION - RELEASE 4

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 DeHollander Design Inc. receiving Planning Board approval for Scout Crossing Subdivision a Canandaigua National Bank Escrow Account was posted with the Town to cover the cost of improvements and infrastructure; and

WHEREAS, in their January 18, 2021 letter the Town Engineer recommended that \$9,584.00 minus all fees owed the Town be released from said Escrow; now, therefore, be it

RESOLVED that the Town Board hereby approves the request for Release No. 4 on the Canandaigua National Bank Escrow Account in the amount of \$9,584.00 minus all fees owed the Town; and further

RESOLVED that given said release, there now remains \$4,962.83 in said Escrow Account; and further

RESOLVED that a copy of this resolution be forwarded to the Town Engineer, DeHollander Design Inc., Finance Director, and the Town Clerk.

RESOLUTION #44 LETTER OF CREDIT – PIPER MEADOWS SUBDIVISION - RELEASE 7

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On motion of Councilman Cusimano, 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 January 15, 2021 letter, the Town Engineer recommended that \$59,616.23 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. 7 on the Five Star Bank Irrevocable Letter of Credit in the amount of \$59,616.23 conditioned upon payment of all fees owed to the Town; and further

RESOLVED that given said release, there now remains \$659,136.19 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.

Finance

**Barb explained that this was a grant received in 2020 and monies not spent will roll into fund balance. The budget needs to be re-established to put the grant money back into the current budget.*

RESOLUTION #45 ESTABLISH BUDGET - BENEFITS AND AWARDS CONTRACTUAL 2021

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 Human Resource Director applied for and was awarded a financial wellness grant in 2020 to provide programs to employees and retirees to enhance financial wellness; and

WHEREAS, this program will continue into early 2021 and a 2021 budget was not established for this fund as it was not expected to exist; now, therefore be it

RESOLVED the Town Board authorizes the Finance Director to make the following journal entry to establish the 2021 budget with remaining grant funds for the Benefits and Awards account in the A Fund:

FROM: A.0917.000	Unassigned Fund Balance	\$15,234.51
TO: A.0914.000	Assigned Appropriated Fund Balance	\$15,234.51

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With related budget amendment to increase revenues and expenditures as indicated below:

Revenue – A.5900	Fund Balance	+\$15,234.51
Expense – A.1720.400	Benefits & Awards.Contractual	+\$15,234.51

And further

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

RESOLUTION #46 LEASE AGREEMENT - PITNEY BOWES FOR POSTAGE METERS

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

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

WHEREAS, the Town has the need to replace a postage meter located in the Courts due to the approaching end of an existing lease and has been advised that the Town Hall and Highway postage meters will no longer be supported due to age; and

WHEREAS, lease agreements for three replacement postage meters are available through Sourcewell (formerly NJPA) on a 60 month lease-to-own basis with a total annual cost increase of approximately One Hundred Twenty Five dollars (\$125.00); and

WHEREAS, after a review of all considerations and support from the Courts, Highway, and Town Hall departments for this upgrade, the Finance Director recommends the Town enter into a contract with Pitney Bowes for three (3) lease-to-own postage meters with terms as identified in "Schedule A" kept in the subject file in the Town Clerk's office; now, therefore be it

RESOLVED that Pitney Bowes be awarded the contract for three (3) lease-to-own postage meters, based on pricing through Sourcewell for a 60 month term at a cost of Six Hundred Fifty One dollars (\$651.00) per quarter, to be charged to the 2021 Town Budget Lines A.1110.400 Justice Contractual, A.1670.400 Central Mail & Print Contractual, and A.5132.400 Highway Garage Contractual; and further

RESOLVED that Pitney Bowes is to remove and dispose of three postage meters at no extra charge; and further

RESOLVED that copies of this resolution be forwarded to the Finance Department, Town Clerk, Courts, and Highway Department, and Pitney Bowes.

RESOLUTION #47 BUDGET TRANSFERS - INSURANCE

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

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

WHEREAS, the Town of Victor is planning to increase its cybersecurity insurance and additional insurance expenses are anticipated throughout 2021 as new equipment is received; and

WHEREAS, the Finance Director has determined the need for two budget transfers to cover these anticipated expenses; and

WHEREAS, there are available funds in personal services accounts to cover these transfers due to budgeted but vacant positions; now, therefore, be it

RESOLVED that the following 2021 budget transfers be approved as recommended by the Finance Director as listed below:

TO:		FROM:			
ACCOUNT NO.	DESCRIPTION	AMOUNT	ACCOUNT NO.	DESCRIPTION	AMOUNT
A.1910.400	Unallocated Insurance. Contractual	\$2,000.00	A.7110.100	Parks.Personal Services	\$2,000.00
B.1910.400	Unallocated Insurance. Contractual	\$3,000.00	B.3620.100	Bldg-Safety Insp. Personal Services	\$3,000.00

And further

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 the Finance Director.

Parks

RESOLUTION #48 ACCEPT DONATION

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

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

WHEREAS, the Town offers many park facilities within the community; and

WHEREAS, due to the COVID pandemic cost-saving efforts the use of portable restroom facilities was scaled back in 2020; and

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WHEREAS, Chauncy Young has made a donation in the amount of Two Hundred Dollars (\$200.00) to the Victor Parks Department to assist in the resumed placement of portable restroom facilities throughout Town parks; and

WHEREAS, the Director of Parks and Recreation recommends that we accept and deposit this donation in support of our Parks facilities which will incur costs and require expenditures within the 2021 Budget line A.7110.4 Parks Contractual; now, therefore be it

RESOLVED that the Town Board accepts the donation of Two Hundred Dollars (\$200.00) to be deposited in the 2021 Budget line A.2705 Gifts and Donations, with corresponding increase in the revenue budget and offsetting increase in the expense budget A.7110.4 Parks Contractual, in the amount of Two Hundred Dollars (\$200.00) to offset a portion of the expenses incurred; and further

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

Human Resources

RESOLUTION #49 AGREEMENT - ESI – EMPLOYMENT SERVICES EMPLOYEE ASSISTANCE PROGRAM

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

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

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, 2020, and the renewal agreement will be in effect from January 1, 2021 to December 31, 2021; 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, 2021 to December 31, 2021 under the terms

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and conditions as provided in the 2021 contract, at an annual fee not to exceed Nine Hundred Seventy Two dollars and Thirty Two cents (\$972.32) to be charged to the 2021 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.

RESOLUTION #50 STANDARD WORKDAY AND REPORTING - ELECTED AND APPOINTED OFFICIALS

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

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

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 standard workday for elected and appointed officials; and be it further

RESOLVED that this Board will report the 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 Work Day 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 Work Day 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 Department, and Town Clerk.

Supervisor

RESOLUTION #51 AFTER PUBLIC HEARING – ADOPT LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT FOR 2022 – TOWN OF VICTOR

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

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

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ROLL CALL VOTE: Supervisor Marren aye Councilman Kahovec aye
 Councilman Condon aye Councilman Guinan aye
 Councilman Cusimano aye

WHEREAS, a resolution was duly adopted by the Town Board on the 4th day of January, 2021, calling for a Public Hearing to be held by the Town Board on the 25th day of January, 2021, at the Town Hall at 7:00 PM, to hear all interested parties on a proposed local law to Override the Tax Levy Limit for 2022 – Town of Victor; and

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

WHEREAS, said Public Hearing was duly held at the Town Hall on the 25th of January, 2021, at 7:00 PM, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any parts thereof; and

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

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

LOCAL LAW TO OVERRIDE THE NY TAX LEVY LIMIT FOR 2022 – TOWN OF VICTOR

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

Section I. Authorization

This Local Law is in accordance with New York General Municipal Law at Section 3-c.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 1-2021 Override the NY Tax Levy Limit for 2022 of the Town of Victor. The purpose of this local law is to override the NY Tax Levy Limit, pursuant to NY General Municipal Law Section 3-c.

Section III. Legislative Findings

The Victor Town Board finds and hereby determines that the Town has continued to experience rapid growth. In connection with such growth, along with development in technology, increases in health care costs, etc., the Town is facing increased costs including, but not limited to, costs related to sewer and water infrastructure, highway costs, employee payroll and benefits costs, technology costs, etc. In part because of the Town's historically low tax rate, the Town's ability to increase

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revenues via taxation to cover increased costs is severely limited due to the NYS Tax Levy Limit (which limits increase in taxation to a percentage of historic taxes). Therefore, in order to maintain the high level of services and the high standard of living in the Town of Victor, it may be necessary to increase taxation beyond the level otherwise permitted by the NYS Tax Cap at NY General Municipal Law Section 3-c.

Section IV. Amendment

The Town Board of the Town of Victor, County of Ontario, is hereby authorized to adopt a budget for the fiscal year of 2022 which requires a real property tax levy increase in excess of the limit set by NY General Municipal Law Section 3-c.

Section V. Validity and Severability

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

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Victor which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

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

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

PUBLIC COMMENT or ANY UNFINISHED BUSINESS:

The Town Clerk addressed the Supervisor and Town Board:

I would like to recognize my two deputies in the Town Clerk's office for their hard work and dedication. Since the beginning of this pandemic in March, both deputies stayed diligent and worked through each and every day never complaining about taking on new duties under the circumstances.

We have accomplished many tasks together as a team and will continue to do so. Even with the loss of one full time person and taking on new challenges the office is running smoothly. Both

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Renee and Roxann have been a shining example of what it means to serve our residents here in the Town of Victor.

Sandy is a great addition to our office and she brings a world of knowledge when it comes to record keeping. We are very lucky to have someone so dedicated.

I am grateful and feel very fortunate to have such a competent and dedicated team in my office.

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 7:27PM.

Respectfully submitted,

Karen C. Bodine
Town Clerk