

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

Everyone was asked to sign in on the attendance sheet, cell phones were requested to be turned off and any private conversations or interviews to be conducted in the hallway outside. Emergency exits were pointed out.

Also noted the meeting room is equipped with the induction loop hearing assistance system, explaining conversations can be heard through the microphones on hearing aids with a t-switch. Emergency exits were pointed out. The meeting was also live streamed via YouTube with text commenting available to the public.

### **Flag Salute**

**PRESENT:** Supervisor Marren                      Councilman Guinan  
                 Councilman Kahovec                      Councilman Cusimano  
                 Councilman Condon

**ALSO PRESENT:** Karen Bodine, Town Clerk; Frank Pavia, Attorney; Mark Years, Highway Superintendent; Rich O'Donnell, Finance Director; Suzy Mandrino, IT; Wes Pettee, LaBella Associates; David Nankin; Peter Vars, BME; Bill Arieno, Morrell Builders; and Jim Barbato, Pride Mark Homes; Janene Sweet; Alexis Ogra; Lya Theodoratos; Marsha Senges

### **SUPERVISOR'S ANNOUNCEMENTS:**

- All Town facilities will be closed on Monday, February 20<sup>th</sup> for Presidents Day
- Reminder under Public Comment portions of all agendas, comments are limited to three minutes.

### **PUBLIC HEARING BEGINS @ 7:00PM** (*Clerk read the notice aloud*)

- Proposed Local Law to Amend Chapter 211 Zoning to Create a Cannabis Retail Dispensary Overlay Zoning District  
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.*

### *Public Comments:*

*Lee Wager residing on Beauchamp Way expressed she is not in favor of this. For the record, if we already have one in the Village, we don't need two. She asked if the funds/tax dollars would be used for a specific use. Supervisor Marren explained that the funds would be rededicated to Public Safety if they did come back to the Town.*

*David Nankin residing on Chaucer Court also expressed he is opposed to the dispensaries. He feels there are several reasons, noting one that the location of Victor is too accessible to the Thruway. He listened to a report from Colorado where half of the dispensaries are closed.*

*Lya Theodoratos echoed the two residents who spoke against this. She served in the military for 33 years. She explained in the military you were out if you used marijuana because it was contrary to good order and discipline. She moved upstate from Westchester County in New York City to have a*

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*better quality of life. She has seen where drugs deter the quality of life. People here want a good quality of life. We have one here in Victor, why do we need another one?*

**MOTION TO CLOSE THE PUBLIC HEARING**

On motion of Councilman Kahovec, seconded by Councilman Condon the Public Hearings were closed and the regular meeting reconvened. Motion carried.

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

**APPROVAL OF MINUTES**

On motion of Councilman Condon, seconded by Councilman Kahovec, the January 23, 2023 the Regular Town Board meeting minutes were approved as presented. Motion Carried.

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

**PAYMENT OF BILLS**

On motion of Councilman Cusimano, seconded by Councilman Guinan Manifest #3 in the amount of \$2,309,182.88 was approved. Motion carried.

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

Documentation for these expenditures can be found on vouchers filed by numbers #20230177-20230335.

General Townwide	\$1,734,608.03
General Outside Village	26,522.90
Highway Townwide	406,596.64
Lighting Districts	6,162.15
SS Consolidated Sewer Fund	109,860.66
Trust & Agency	25,432.50

**Supervisor Marren** reviewed the following expenditures for Manifest #3 that were in the range of or exceeded \$5,000.00.

- American Rock Salt – Road salt for winter - \$73,510.40
- CDW Government – New Computer Hardware - \$27,639.03
- Guardian Insurance – Feb. Dental - \$5,139.22
- Harris Beach – January Legal Services - \$22,496.50  
(chargeback \$14,354.00, cost to the Town \$8,142.50)
- Integrated Systems – Feb. Host & 2023 Professional Services - \$45,307.84
- Labella Associates PC – Professional Services for December – \$74,917.05  
(chargeback to developers \$24,542.50, cost to the Town \$50,374.55)
- MVP Health – Feb. Healthcare employees/retirees - \$73,870.07
- Northern Supply – Road Signs - \$6,623.75
- Nocco Energy – Diesel Fuel for January - \$14,662.06
- Ontario County Treasurer – 2023 Sermar PILOT funds - \$11,667.22
- Ontario County Sheriff – Oct.-Dec. Sheriff Patrol & Court Security - \$6,349.78
- Ontario County Treasurer – 2023 Dog Control - \$32,369.00
- RG&E – January Electric – \$10,743.23

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- Springbrook Software – 2023 KVS Support Contract - \$9,670.76
- Tracey Road Equipment – 2023 Freightliner Plow Truck - \$269,152.00
- Victor Fire District – 2023 Tax Levy - \$1,410,165.00
- Victor Sewer District – 2022 Delinquent Taxes (re-levied) - \$85,385.76
- Victor Central School District – 2023 Sermar PILOT Funds - \$29,349.31
- Village of Victor – 2023 Sermar PILOT Funds and Sewer Relevy - \$11,125

The total of the above-mentioned expenditures is \$2,220,142.98.

Total Town expenditures minus the previous mentioned expenditures equals \$89,039.90.

### **PRIVILEGE OF THE FLOOR:**

➤ Morrell Builders & Pride Mark Homes, (Peter Vars) - 7200 Rawson Road PDD  
Peter Vars addressed the Board to discuss a proposal to rezone 7200 Rawson Road to a Planned Development District. The property is approximately 22.5 acres in size and located on the North side of Rawson Road just outside of the Village Limits. The property is across the street from Wellington Road and Burlington Road in the Drumlins. This property was rezoned to a PDD per Local Law No. 1 of 2015, filed on January 22, 2015. There is currently a section of the Code still reserved for this: Section 211-27-9. This also includes a 3.97 acre parcel which contains a 1½ story industrial building of about 56,000 sq. ft. The remaining land to the west would be 18.5 acres is part of the PDD approved in 2015 and does include residential development. It was approved for 48 detached single homes. The residential development did not proceed and as a result of the PDD zoning sunset clause the property reverted back to light industrial zoning. Morrell and Pride Mark Homes are hoping to obtain the property and develop the 18.5 acres as a residential development with a mix of residential uses. The proposal is reflective of the 2023 real estate market which includes eight single family homes on lots that would range on average about 16,000 sq ft, with 70ft wide lots and sixty-three for sale townhomes with a mix of three-, four-, and five-unit blocks.

The proposed residential use on this property is appropriate for all the same reasons that it was back in 2014-15 when the property at that time was rezoned to a PDD. Peter also noted that this proposal checks a lot of boxes in the 2015 comprehensive plan which was adopted after the previous PDD, and they are looking for positive feedback to proceed with the rezoning application. Bill Arieno with Morrell Builders thanked the Town Board for their time. He gave a presentation on the type of product they would like to build into this community. He explained they designed these single family homes to fit the current market at an affordable price. The townhomes will be a 1½ story, with a master bedroom on the first floor and two bedrooms up. Hoping to bring these in around the \$350,000 price range. This townhome caters to both an empty nester customer and fits a first-time home buyer. The townhomes would have an HOA and do have a full basement.

Supervisor Marren explained he had met previously with the group. This parcel has been entertained as a possible Highway facility and could not come to an agreement with the property owner. The land is under contract with Pride Mark and Morrell right now.

Councilman Cusimano commented he does agree that it fits the characteristic of the neighborhood and existing residential density on the south side of the road. He feels they are compatible communities. He does not like seeing the dead end from an EMS perspective. He also expressed concern about a safety issue with the bend coming from Cork Road to the Village.

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Councilman Kahovec noted the original PDD had been for a total of forty-eight single family homes, compared to now seventy-one units. He expressed concern with the density and the lack of sidewalks. Jim explained the consideration for price points and the impact on density. They will have sidewalks on one side of the street and connection to the Auburn Trail.

Wes Pettee explained the PDD process is a two-step process. There would be two separate distinguishable SEQR reviews. There would be a SEQR component just related to the rezoning alone, which is specified in the Town Code. This allows the applicant to file the rezoning petition and move forward with the conceptual design of the site plan without having major engineering costs. The Town Board will be the SEQR lead agency for the rezoning component. The Town Planning Board would likely be the lead agency for the site plan review, which would be Step 2. If the Town Board is pleased with the concept plan, they would adopt that as a preliminary development plan. This sets in motion for the Planning Board to follow suit. The applicant will need to pay attention to Access Management, considering the guidelines and requirements as part of the rezoning.

Councilman Guinan commented the Board would approve the change in the zoning. When it comes to dedicated roads or site distances or entrances, this would be in the second phase of the process. He also noted there was a minor traffic study a while ago and there were site distances on the curve.

Supervisor Marren brought up the seventy-one units and if the Board moved forward with the PDD, will it be under the jurisdiction of the Planning Board to have that flexibility on whether it continues to be seventy-one units or is it decided by the Town Board?

Wes Pettee commented this is an excellent question and suggested maybe working with Harris Beach to identify the exact parameters. Wes was thinking based on the re-zoning consideration, the Board would have the opportunity to set the maximum density.

Councilman Condon agreed with Councilman Cusimano's concerns with the road. He feels this is a good use of the property but feels the density and what the Board locks into should be fine-tuned. Councilman Guinan feels this is a good use of the property and it blends with what is across the road.

Supervisor Marren commented that the Board agrees this is a good fit for the property and the next step would be to go through the formal application process.

### **Public Comments or Concerns:**

Marsha Senges, who lives in the Drumlins, commented it looks like a workable plan. She feels it is important to realize that across the street where the townhomes and residential homes are, there is only one unit that is a three-unit home, the others are old fashioned duplexes. One of her concerns is the number of units proposed do not seem similar to the units in her neighborhood. She is also concerned about the size of the units and wondered why they are only proposing eight single family homes. She also mentioned the creek that flows on the property and the need for extra overflow parking.

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David Nankin asked if any fill would be added to this area. There will be fill added, but they do not know at this time how much will be needed. He mentioned when fill was brought in to his development, it lasted over a two-month period of time and made a mess. He asked for consideration when it is time for hauling the fill to this site. He noted snow can be an issue when there is no place to move it.

Marsha Senges asked about the process from here. Supervisor Marren explained: there will be a formal application for request for rezoning for this property. A notice will go out to the public through the Clerk's office. There will be a Town Board resolution to set the Public Hearing date and the intent. The notices will be sent out to residents within a certain mile radius of the project.

### **Report of Town Officials:**

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

### **SUPERVISOR'S ANNOUNCEMENTS:**

- March 11<sup>th</sup> - Assemblywomen Marjorie Byrnes will have visiting hours at the Town Hall from 10:00am-2:00pm
- Victor/Farmington Volunteer Ambulance organizational chart
- Homes sales were down 40 homes sold in 2022 compared to 2021. Sales of homes increased by \$60,000 in 2022.
- Property tax exemption information for volunteer firefighters and ambulance personnel
- Parks and Recreation Winter Fest - attendance was down this year.
- 2023 County Special Collection Events
- Letter from Sue Stehling: Supervisor thanked her for her service to the Town.
- March 13<sup>th</sup> – Sewer Master Plan presentation and May 8<sup>th</sup> Eastview Mall zoning height presentation by LaBella.

Councilman Condon mentioned latex and oil-based paint can be taken to Hadlock's to dispose of. If they are still liquid, they can be recycled there.

Councilman Cusimano thanked the Town Clerk for reaching out to the Humane Society for a Dog report of calls taken in Victor.

### **BUSINESS:**

Supervisor Marren announced Resolution No. 33 is tabled until possibly the next meeting on February 27<sup>th</sup>.

#### RESOLUTION NO. 43

#### FINANCE - BUDGET TRANSFERS OPERATING FUNDS

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

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

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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	\$9,999.08	A.1220.110	Supervisor Office Staff Personal	\$9,999.08
A.6420.100	Economic Development Personal	\$10,968.22	A.1110.400	Justice Contractual	\$10,968.22
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.7021.100	Parks & Recreation Personal	\$5,265.00	A.1110.400	Justice Contractual	\$5,265.00
A.8160.100	Recycle Personal Services	\$8,120.71	A.1220.800	Supervisor Staff Benefits	\$8,120.71
A.9030.800	Social Security Benefits	\$18,079.64	A.1220.800	Supervisor Staff Benefits	\$18,079.64
B.8020.100	Planning Personal	\$19,470.05	B.8010.100	Zoning Personal	\$19,470.05
DB.5112.400	Improvements Contractual	\$127,994.84	DB.5110.400	General Repairs Contractual	\$127,994.84
DB.5130.100	Machinery Personal	\$17,364.22	DB.5140.100	Brush/Weeds Personal	\$17,364.22
DB.5142.150	Snow Removal Personal Overtime	\$10,034.39	DB.5142.100	Snow Removal Personal	\$10,034.39

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DB.5142.400	Snow Removal Contractual	\$32,217.83	DB.5142.100	Snow Removal Personal	\$32,217.83
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 the Town Clerk and Finance Director.

RESOLUTION NO. 44  
TO AMEND RESOLUTION NO. 264-2022  
LANE ROAD SIDEWALK PROJECT TO INCREASE AMOUNT OF CONTRACT  
TO SUPPORT ADDITIONAL WORK REQUIRED

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

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

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

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

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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.

RESOLUTION NO. 45

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

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

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

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



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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

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

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.

RESOLUTION NO. 46  
AMEND RESOLUTION NO. 8  
INCREASE INVESTMENT LIMITS AT OUR FINANCIAL INSTITUTIONS

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

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

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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

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.

RESOLUTION NO. 47

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

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

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

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 Two 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.

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RESOLUTION NO. 48

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

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

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

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.

RESOLUTION NO. 49

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

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

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

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

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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.

RESOLUTION NO. 50

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

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

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

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.

RESOLUTION NO. 51

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

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

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

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.

RESOLUTION NO. 52

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

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

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

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;

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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.

RESOLUTION NO. 53

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

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

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

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.

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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.

RESOLUTION NO. 54

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

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

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

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.

RESOLUTION NO. 55

APPOINT LYA THEODORATOS – ZONING BOARD OF APPEALS

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

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

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.



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RESOLUTION NO. 56

AMEND RESOLUTION #343-21 – APPOINT ONTARIO COUNTY PUBLIC HEALTH DIRECTOR AS LOCAL HEALTH OFFICER

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

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

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 nuisances arising with

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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.

RESOLUTION NO. 57

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

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

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

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

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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.

RESOLUTION NO. 58

AGREEMENT - ESI – EMPLOYMENT SERVICES EMPLOYEE ASSISTANCE PROGRAM

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

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

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

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

RESOLUTION NO. 59

AGREEMENT – FREDERICK SEAGER (WHEELER STATION)

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

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

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.

RESOLUTION NO. 60

AGREEMENT – MARY SLAUGHTER

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

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

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

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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.

RESOLUTION NO. 61

AGREEMENT – MAUREEN UNTERBORN

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

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

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.

RESOLUTION NO. 62

AGREEMENT – MELISSA MCCABE

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

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

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

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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.

RESOLUTION NO. 63

AGREEMENT – SHARON MIKULEC

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

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

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.

RESOLUTION NO. 64

AGREEMENT – YELENA SHAPIRO

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

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

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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.

RESOLUTION NO.65  
AGREEMENT – EPIC TRAININGS

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

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

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.

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RESOLUTION NO. 66

AGREEMENT – ELISE CADE (GROUNDED BY YOGA)

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

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

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.

RESOLUTION NO. 67

AGREEMENT – VERA FORSTER

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

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

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



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RESOLVED that a copy will be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Vera Forster.

RESOLUTION NO. 68

REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS

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

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

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

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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.

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RESOLUTION NO. 69

AWARD OF BID - WILLIS HILL INTERSECTION IMPROVEMENTS

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

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

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.

RESOLUTION NO. 70

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

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

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

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

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 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

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WHEREAS, the Town Board has further caused to be prepared Parts 2 and 3 of the FEAFF 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 FEAFF, 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 FEAFF 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

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.

**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.

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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
  - 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

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- 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
  - 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:



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- (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.

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.

RESOLUTION NO. 71

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

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

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

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.

Mr. Marren:

My name is Jim McElhenny. I am President of the BOD of the Silverton Glenn HOA. We are located off Rt.444 just South of Dryer Rd. We are very concerned about the speed limit between Dryer Rd and Boughton Hill Rd. and the lack of a safety barrier between the road and the walking trail on community property that parallels Rt. 444. We think the speed limit needs to be reduced because there are many Silverton Glenn residents that use the crosswalk to access the walking trail across the street from Silverton Glenn. There also needs to be a safety barrier between the road and the

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community walking path that runs from Wyndham Hill Rd to Silverton Glenn. Here are two scenarios that illustrate our concerns.

1. Cars making a left turn into Silverton Glenn are approached from the rear by cars going at high rates of speed trying to pass on the right. Most recently a car making a left-hand turn onto Silver Glenn at a high rate of speed (probably trying to beat traffic heading North on Rt. 444) wiped out a mailbox on Silverton Glenn. The speed limit between Dryer Rd. and Boughton Hill Rd. needs to be reduced from 55 mph to 25mph.
2. There is a walking trail that parallels Rt. 444 and runs between Wyndham Hill Rd. and Silverton Glenn that is frequently used by Silverton Glenn residents. Should a car traveling on Rt. 444 lose control and leave the road, it would almost certainly cross the drainage ditch and land on the walking trail severely injuring anyone in its path. There needs to be a barrier between the road and the path.

We have communicated our safety concerns to the NYS Dept. of Transportation. They have responded that they will study the matter. I am hoping that your influence and support could elevate our concerns to the point where something will get done.

Thanks very much for your consideration.

Jim McElhenny – President BOD Silverton Glenn HOA

RESOLUTION NO. 72

SOUTHGATE HILLS 2 (GRADING ONLY) RELEASE 3

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

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

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, 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

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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.

RESOLUTION NO. 73

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

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

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

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.

RESOLUTION NO. 74

VICTOR CHRYSLER DODGE RAM JEEP SURETY RELEASE 2 (FINAL)

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

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

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,

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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), plus any interest 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 interest; 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.

RESOLUTION NO. 75

VICTOR CHRYSLER DODGE RAM JEEP DEDICATION & MAINTENANCE BOND

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

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

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

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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.

**Pulled** RESOLUTION TO ACCEPT LETTER OF CREDIT – VICTOR SQUARE EXPANSION

**Public Comments or Concerns:** None

**ADJOURNMENT:**

With no further business to come before the Board tonight, a motion was made by Councilman Guinan, seconded by Councilman Cusimano to adjourn the regular Town Board meeting at 8:07PM.

Respectfully submitted,

Karen C. Bodine  
Town Clerk