

VICTOR TOWN BOARD MEETING, MONDAY MARCH 8, 2021

A Meeting of the Victor Town Board was held on March 8, 2021 in the Victor Town Hall Main Meeting Room starting at 7:00PM and also live streamed via YouTube.

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

**Flag Salute**

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

**OTHERS PRESENT:** Roxann Ammerman-Deputy Town Clerk; Frank Pavia- Town Attorney; Mark Years-Highway Superintendent; Steve Metzger and Mark Tayrien - LaBella Associates; Barb Cole-Finance Director; Suzy Mandrino- IT; Tim Brown, Lisa Roberts, Jessica Evangelista, Carol Fisher, Kyle Korman, and Frank Kacprzyński

**Public Hearing** start at 7:00 PM

*The Town Clerk read aloud the Public Hearing Notice*

**1) One-Time Charge for New Connections to Consolidated Sewer District**

Mark Tayrien from Labella Associates gave a brief overview of the one-time charge for new connections to the Consolidated Sewer District. New connections will utilize and reduce the existing capacity within the sewer district collection system that has been developed with funds collected from parcels within the district over the past ten or eleven years. The parcels beyond the district proposing an extension will have made no contribution to the fund, and parcels already within the district but the unconnected within have contributed to the fund at quite a reduced rate.

There were no public comments.

Supervisor Marren asked Counsel to weigh in on it.

Counsel commented that he was involved in discussions with Mark from Labella and Kim Kinsella from the planning department regarding the connection fee and the factors that were taken into consideration with respect to how these one-time charges were calculated. Based upon our understanding of the law, the research, and the comprehensive process that Labella undertook to determine these one-time fees he finds that these meet the legal requirements of the general municipal law.

Supervisor Marren thanked Deputy Town Supervisor Councilman Dave Condon as he was a champion on moving through this process.

*Public Hearing Closed @ 7:10PM*

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**RESOLUTION #72 MOTION TO CLOSE THE PUBLIC HEARING AND CONTINUE WITH THE REGULAR TOWN BOARD MEETING**

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

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

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

**Supervisor's Announcements:**

Today is day 372 of the Covid-19 pandemic. It was a year ago last Monday that the first positive case in New York State was announced. It's been quite the year with how much we have experienced and how much we have learned. There was a lot in the media and how it has impacted each and every one of us and our families.

**RESOLUTION #73 APPROVAL OF MINUTES**

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

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

RESOLVED that the minutes for February 22, 2021 be adopted.

**RESOLUTION #74 PAYMENT OF BILLS**

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

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

RESOLVED that the bills be approved for Manifest #5 in the amount of \$217,342.58  
Documentation for these expenditures can be found on vouchers filed by numbers #20210414-20210497.

Manifest #5	
General Townwide	\$103,984.97
General Outside Village	\$2,313.84
Highway Townwide	\$97,781.60
Total of Lighting Districts	\$5,262.17
SS Consolidated Sewer Fund	\$8,000.00

Supervisor Marren reviewed the following expenditures for Manifest #5 that were in the range or exceeded \$10,000.00.

- **Noco Energy Corp- Diesel Fuel**
- **RG&E- Townwide Electric & Gas Utilities**

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- **American Rock Salt- Road Salt**
- **Integrated Systems- Additional Sonic Wall Antivirus & March Hosting**
- **Office of State Comptroller- Fines & Fees for December 2020**
- **Boughton Park Corp- 2021 Budget Contribution**
- **Town of Farmington- Town Contribution toward Variable Drive Upgrades**
- **Chalifoux Law, PC- Article 7 Legal Fees**
- **Sunoco- Unleaded Fuel**
- **Harris Beach PLLC- February Legal Fees**

**PRIVILEGE OF THE FLOOR:**

Kyle Korman addressed the board regarding entering into a Hold Harmless Agreement to put up a split rail fence in the Conservation Easement in his back yard. He stated he understands fully why it's there and why it exists.

Supervisor Marren thanked him for his honesty and put any questions to the board members.

Councilman Cusimano suggested instead of maximizing the fence in that area what would preclude you from just having the fence not extend to that line. He also stated that it's too difficult to grant to one and not open the flood gate for others.

Supervisor Marren stated that this is a unique situation no question, public safety and that of a child.

Councilman Kahovec as Liaison for the Conservation Board stated they take all of this very seriously. I don't think they are in support of it. I have to agree with that and I am not in support of it.

Supervisor Marren stated that it's a denial to put the fence within the conservation easement.

**PUBLIC COMMENT:**

- Lisa Roberts thanked Brian Emelson for coming up with a plan to reopen Parks & Recreation Programs per New York State guidelines with the flexibility to meet the challenges. He has put together a variety of outdoor programs for all age groups which required great creativity. As the Chair for the CAC and spoke person for others on the committee we request the support and funding necessary on moving forward with these Spring/Summer Programs.
- Jessica Evangelista supports Lisa's comments. Thanked the Town for being proactive when the pandemic happened. Please consider bringing back the programs for the children.
- Carol Fisher stated that there was some talk and desire to put in artificial lighting at courts in Fishers Park. The park is dawn to dusk, that is, natural lighting that dictates the duration of activity. It is within that vein she started a petition against this artificial lighting. If a request

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comes forward please present this petition noting that the local residents are opposed to artificial lighting.

**REPORTS OF TOWN OFFICIALS:**

- ✓ Economic Development/VLDC
- ✓ Parks & Recreation
- ✓ Town Historian

**Supervisor Verbal:**

- Update on vaccine distribution- more available to our local pharmacies. 500 doses were distributed last week to Mead Square and another 100 coming this week.
- Control Room news- nine counties agreed to deny the extension of vaccines to restaurant workers, taxi, uber and lift drivers at this time. Not enough supply to keep up with the demand.
- The first case of the UK Covid 19 strain in Ontario County was reported two weeks ago.
- Steve Metzger CEO of LaBella Associates was recognized in the Rochester Business Power 100. Congratulations Steve!
- Rapid testing for weddings. 150 guests are allowed, but they will need a test before going. Waiting for more guidelines on this.
- The Governor's office to announce a sight within our town for testing. Not free- about \$30 per test.
- February 26- The new county administrator met with all Town of Victor Department Heads. He was very impressed with our operations.
- New state travel guidelines in the works.
- Action items list distributed to the Board.
- Sewer master Plan- Set Public Hearing on March 22<sup>nd</sup> for April 12<sup>th</sup>.
- Eastview Mall Zoning- Presentation from LaBella on March 26<sup>th</sup>, Set Public Hearing for May 24<sup>th</sup>.

**RESOLUTIONS****Finance****RESOLUTION #75 AMEND RESOLUTION NO. 46-21 - LEASE AGREEMENT - PITNEY BOWES POSTAGE METERS**

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

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

WHEREAS, on January 25, 2021, the Town Board approved Resolution 46 Lease Agreement - Pitney Bowes For Postage Meters for a lease agreement for three Pitney Bowes postage meters located in the Courts, Highway, and Town Hall; and

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WHEREAS, upon receipt of the new postage meter in the Highway Department the machine was determined to be inadequate for the needs of the Department; and

WHEREAS, for an additional annual increase of Two Hundred Seventy Eight dollars and Eighty Eight cents (\$278.88) the postage meter in the Highway Department can be upgraded to an acceptable postage meter; now, therefore, be it

RESOLVED that Resolution No. 46-21 be amended to include an upgrade in the Highway postage meter to a SendPro C Series for the 60 month lease-to-own period at a total Town cost of Seven Hundred Twenty dollars and Seventy Two cents (\$720.72) per quarter with the additional Sixty Nine dollars and Seventy Two cent increase per quarter charged to budget line A.5132.400; and further

RESOLVED that Resolution No. 46-21 be amended to read as follows:

LEASE AGREEMENT - PITNEY BOWES FOR POSTAGE METERS

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 Two Hundred Seventy Eight dollars and Eighty Eight cents (\$278.88); 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 Seven Hundred Twenty dollars and Seventy Two cents (\$720.72) per quarter, to be charged to the 2021 Town Budget Lines A.1110.400 Justice Contractual, A.1670.400 Central Mail & Print Contractual, and A5132.400 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.

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**Supervisor****RESOLUTION #76    TERMINATION OF ENGBRECHT CONSERVATION EASEMENT - TAX MAP #5.00-1-86.200 - MAIN STREET FISHERS - (16.5 ACRES)**

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

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

WHEREAS, on November 24, 2008 the Town Board approved Resolution # 404 - Acceptance of Engebrecht Conservation Easement - Tax Map #5.00-1-86.200 – Main Street Fishers - (16.5 Acres); and

WHEREAS, the Term Conservation Easement (“Easement”) between the Town of Victor and Patricia A. Engebrecht was for a period of 20 years upon the filing and recording of the easement, said easement was filed on January 27, 2009; and

WHEREAS, the current owners, Jeff Engebrecht and Jodi Engebrecht (“Owners”), have submitted a petition to cancel as required by Town Code, Chapter 16 Conservation Easements, Term; and

WHEREAS, the Owners are requesting the cancellation of the Term Conservation Easement in order to receive subdivision approval on a 2 acre lot; and

WHEREAS, the Owners agree to pay penalties determined by the Town Assessor, in an amount equivalent to the abatement granted pursuant to the conservation easement agreement, plus a penalty assessed on the basis of the cumulative taking into consideration a multiplication factor as reasonably determined by the Town Assessor as required in Town Code Section 16-8; and

WHEREAS, the penalties will be payable by the Owners to the Town upon demand; now, therefore, be it

RESOLVED that the Town Board approves the cancellation of the Term Conservation Easement between the Town of Victor and the current owners, Jeff Engebrecht and Jodi Engebrecht, conditioned upon the receipt of payment of all penalties as required in Town Code Section 16-6F in the amount determined by the Assessor per Town Code Section 16-8; and further be it

RESOLVED that the copies of this resolution be forwarded to the applicant, Assessor, Conservation Board, and the Town Clerk.

**RESOLUTION #77    SET PUBLIC HEARING – PROPOSED LOCAL LAW TO AMEND CHAPTER 211 ZONING SECTION 211-24 LIGHT INDUSTRIAL DISTRICT REGULATION**

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

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

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WHEREAS, the Town Board has identified the need to amend Chapter 211 Zoning Section 211-24 Light Industrial District Regulations in order to update Special Use Permits to include health & wellness uses; and

WHEREAS, a proposed Local Law has been submitted for the Town Board's review and is on file with the Town Clerk; and

WHEREAS, Zoning Code Section 211-6 A requires the Town Board to hold a public hearing prior to amendments of Zoning Code text or maps; and

WHEREAS, as required by Zoning Code Section 211-6 B the proposed amendment to the Town of Victor Zoning Code has been referred to the Town Planning Board for a report prior to the Public Hearing thereon; and

WHEREAS, as required by General Municipal Law Section 239-m the amendment to the Town of Victor Zoning Code has been referred to the Ontario County Planning Board before taking final action; and

WHEREAS, the Municipal Home Rule Law requires that a public hearing be held on each proposed local law; now, therefore, be it

RESOLVED that the Town Board has determined the action being proposed does not involve any other agencies and makes a classification of the action as Type II and exempt from SEQR; and further

RESOLVED that a Public Hearing regarding the Local Law being proposed to amend Chapter 211 Zoning Section 211-24 Light Industrial District Regulations shall be held on March 22, 2021, at 7:00 p.m., at the Victor Town Hall located at 85 E. Main Street, Victor, NY or live streamed via YouTube; and be it further

RESOLVED that the Town Clerk shall provide and publish such notice(s) of the Public Hearing(s) scheduled herein as are required under the Town Zoning Code, the NY Town Law and the NY Municipal Home Rule Law.

**RESOLUTION #78 AFTER PUBLIC HEARING – ONE-TIME CHARGE FOR NEW CONNECTIONS TO THE CONSOLIDATED SEWER DISTRICT**

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

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

**ROLL CALL VOTE:** Supervisor Marren aye Councilman Kahovec aye

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Councilman Condon aye      Councilman Guinan aye  
Councilman Cusimano aye

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

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

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

WHEREAS, the one-time charge will be collected and retained by the Town of Victor on behalf of the District; and

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

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

RESOLVED that the Town Board determines that the establishment of the new sewer connection fees constitutes a Type II action exempt from review pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA") since it represents an instance of "routine or continuing agency administration and management" that does not include new programs or major reordering of priorities that may affect the environment as defined in 6 N.Y.C.R.R. § 617.5 [c][26]; and, be it further

RESOLVED that a one-time charge for new connections to the Consolidated District sewer collection system, as described in the table that follows immediately below, is hereby set by the Town Board pursuant to Chapter 27 of the Victor Town Code (entitled "Fees") and shall be included among those referenced in Section 27-8 of the Town Code ('Fees Enumerated') as fees

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<b>ONE-TIME CHARGES FOR NEW CONNECTIONS TO THE TOWN CONSOLIDATED SEWER DISTRICT</b>				
<b>For Parcels With Only a Single Living Quarters or Single Commercial Business <sup>1</sup></b>				
<b>Parcel Use Classification, Development Status and Sewer District History</b>		<b>Estimate of Contributions Over 10 Years by a Comparable Parcel Within the District, Connected &amp; Developed</b>	<b>Estimate of What the Unconnected Parcel Did Pay over Ten Years</b>	<b>Required Connection Charge</b>
<b>A</b>	<b>Residential Parcels <i>Within</i> the Consolidated District and Developed, <i>but Unconnected</i></b>	\$967.50	\$645.00	\$322.50
<b>B</b>	<b>Residential Parcels <i>Within</i> the Consolidated District, <i>but Undeveloped and Unconnected</i></b>	\$967.50	\$482.00	\$485.50
<b>C</b>	<b>Residential Parcels Not <i>Within</i> the Consolidated District and Entering Via an Extension</b>	\$967.50	\$0.00	\$967.50 <sup>2</sup>
<b>D</b>	<b>Commercial Parcels <i>Within</i> the Consolidated District, <i>but Undeveloped and Unconnected</i></b>	\$2,825.00	\$1,420.00	\$1,405.00
<b>E</b>	<b>Commercial Parcels Not <i>Within</i> the Consolidated District and Entering Via an Extension</b>	\$2,825.00	\$0.00	\$2,825.00 <sup>2</sup>
1. For parcels with more than one living quarters or commercial business being connected on a single parcel, the one-time charge shown above in the last column shall be increased by: 1/3 <sup>rd</sup> of the amount shown multiplied by the number of additional living quarters or commercial businesses being connected on the parcel. New connection charges for parcels proposed to be subdivided to create multiple parcels shall be calculated as if the proposed subdivision were complete, i.e., a separate charges shall be calculated for each derivative parcel.				
2. For parcels entering the Consolidated District through an extension, in instances where the Victor Town Board, as part of an approval of the proposed extension has agreed to or required the construction of improvements to Consolidated District collection system infrastructure existing within the Consolidated District in lieu of payment of connection charges, the Victor Town Board may waive collection of the connection charges that would otherwise be required.				

set by resolution by the Town Board and on file in the office of the Town Clerk where they are available for examination during regular business hours;

And, be it further

RESOLVED that the copies of this resolution be forwarded to the Finance Director, Planning and Building, and the Town Clerk.

**PUBLIC COMMENT or ANY UNFINISHED BUSINESS:**

Frank Kacprzynski- came to Town Board about the Swap Shop opening

- He's been a volunteer for about 7 years.

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- Understands the swap shop will open sometime in June.
- Policy protocols, Customers at one time, how many Volunteers.

Supervisor Marren stated that it would be 2 volunteers at all times in the building and maybe up to 4 individuals at one time.

- No logging all the items that come in.
- They are still working out the details; place to wash hands, consider wearing gloves.
- Still need to take a look at different protocols and the safety of volunteers and residents that will be using the swap shop, and no registration. We are working through some of these things.

**RESOLUTION #79    MOVE TO EXECUTIVE SESSION    Time: 8:05PM**

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

**5 Ayes:    0 nays            *unanimously approved***

RESOLVED that the Victor Town Board enter into Executive Session for:

1. Employment history of a particular person/persons leading to the appointment, employment, of a particular person/persons.

2 The proposed acquisition/sale/lease of real property when publicity might affect the value.

Attendees: The Town Board, Barb Cole- Director of Finance.

No Action Taken

**RESOLUTION #80    MOTION TO CLOSE THE EXECUTIVE SESSION**

On motion of Councilman Condon, seconded by Councilman Kahovec, the executive session of the Victor Town Board was closed.

**5 Ayes:    0 nays            *unanimously approved***

**ADJOURNMENT:**

With no further business to come before the Board tonight, motion was made by Councilman Cusimano, seconded by Councilman Guinan to adjourn the meeting at 9:09PM.

Respectfully submitted,

Roxann K. Ammerman  
Deputy Town Clerk