

VICTOR TOWN BOARD MEETING MONDAY, APRIL 10, 2023

A regular meeting of the Victor Town Board was held on April 10, 2023, starting at 7:00 PM in the main meeting room of the Victor Town Hall, 85 East Main Street.

**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:** Kim Reese, Deputy Town Clerk; Kevin Overton, Attorney; Steve Metzger, LaBella Associates; Mark Years, Highway Superintendent; Rich O’Donnell, Finance Director; Brian Emelson, Parks & Recreation; Suzy Mandrino, IT; Alexis Ogra; David Nankin

**SUPERVISOR’S ANNOUNCEMENTS:**

Supervisor Marren stated that Resolution number 2 on the agenda regarding air duct cleaning is being pulled from the agenda until further notice.

**APPROVAL OF MINUTES**

On motion of Councilman Condon, seconded by Councilman Cusimano, the March 27, 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 Kahovec, seconded by Councilman Guinan Manifest #7 in the amount of \$203,422.70 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 #20230641 - 20230749.

General Townwide	\$124,276.69
General Outside Village	2,629.67
Highway Townwide	51,206.48
Lighting Districts	487.12
Consolidated Sewer Fund	13,685.24
Trust & Agency	11,137.70

Supervisor Marren reviewed the following expenditures for Manifest #7 that were in the range of or exceeded \$5,000.00.

- American Rock Salt – Road salt for winter - \$24,686.60
- Civic Recreation – Annual Software Subscription - \$14,817.83
- Environmental Equipment – New Recycle Compactor - \$45,078.00
- Harris Beach – March Legal Services - \$5,670.77
- Hometown Energy – Unleaded Fuel - \$8,204.70
- Integrated Systems – April Hosting - \$5,230.76
- Labella Associates PC – Professional Services for February – \$39,925.00  
(Chargeback to developers \$10,217.50, cost to the Town \$29,707.50)
- Nocco Energy – Diesel Fuel for March - \$7,638.25
- Proctor Enterprises – Roof for Mary Frances Park - \$4,875.00

The total of the above-mentioned expenditures is \$156,126.91. Total Town expenditures minus the previous mentioned expenditures equals \$47,295.79.

Supervisor Marren confirmed with the Highway Superintendent that we have reached our 70 percent of salt usage for the season.

Councilman Condon commented that the roof at Mary Frances Park looked really nice and is a big improvement.

Councilman Kahovec asked the Highway Superintendent about how the new compactor at the transfer station was working. Mr. Years said they worked out the issues and it seems to be working fine now.

**PRIVILEGE OF THE FLOOR:**

Tom Zuber from Mengel Metzger Barr presented the December 31<sup>st</sup>, 2022 basic financial statements. He referenced the executive summary projected on the screens. The statements include their audit opinion and highlights some of the key items that took place during the year. There are challenges to the property tax cap. Inflation is going to be a factor going forward, as well as uncertainties related to employee benefits and benefit costs and the federal stimulus funds.

The town is in a very good financial position. One of the strongest areas across the board with municipal clients ends up being the sales tax and the mortgage tax revenues. This is an area that should be continually monitored. The town does a good job with long-term financial planning (looking at year-end financial results). The Town of Victor has a fund balance policy that is monitored and reevaluated each year. This year some of the positive fund balances were allocated into different reserves, which is a very positive long-term financial plan. Items noted: Ended the year with a little over 9.2 million in total fund balances which include the reserves and what is being appropriated to support the 2023 budget with about \$600,000 from 2022. The equity has increased about \$540,000 from last year to this year. There was a spike in the revenues and expenditures from 2021 to 2022. This is really a reallocation of some of the sales tax the part time highway fund back into the general fund. The town did make a 1.7 million-dollar property purchase. New community development block grant monies were received which was part of the municipality stimulus package so there were some additional revenues and corresponding expenditures relating to that program.

Part town fund (B Fund) is the dollars outside the village. There are no property taxes used to support this fund. It is solely supported by sales tax revenue and user charges and it is fairly consistent with last year. Highway part town fund (DB Fund) is 8.6 million dollars in total fund balances. Revenue was down primarily because of the reallocation of sales tax, Phillips Road project was completed last year and there were substantial equipment purchases and increases to the snow and ice.

There is a positive unrestricted net position which says the town has done a very good job with items like retiree health.

The internal control communication was reviewed. This is the different checks & balances the town has over the different financial cycles. There are no material weaknesses or significant deficiencies and there are no procedural recommendations.

No findings with the justices' accounts either.

Supervisor Marren said he and Rich O'Donnell met with Mr. Zuber and staff and had a nice overview and the town is in good shape.

Mr. O'Donnell added that at one of May meetings he is going to put together a presentation to do a deep dive into the fund balance and reserves (and investment update) and the future plans. Mengel Metzger Barr gave some good suggestions on using some reserves in the B Fund where we won't need any money. Some appropriations can be done differently to work the fund balances down just a little bit to help build some of the other funds especially the A Fund, with some things that are planned with Highway and Parks and Recreation.

**Public Comments or Concerns:** There were none.

**Report of Town Officials:**

- ❖ Assessor
- ❖ Farmington Fire Chief
- ❖ Finance
- ❖ Parks & Recreation
- ❖ Planning & Building
- ❖ Town Clerk
- ❖ Ontario County Sheriff Traffic

**SUPERVISOR'S ANNOUNCEMENTS:**

Brian Emelson, Parks and Recreation Director reported on the Easter egg hunt. There were well over a thousand participants. It was a big success, good weather. There was a car count of over 100 cars, a full parking lot. It was the largest crowd to date, so the event will be restructured a little bit to accommodate a variety of families that came late and had to park on the road. They will debrief and look at the timing of the different age groups.

Thanks to Councilman Cusimano and another fire department member that was there to greet people and help with some of the traffic control.

Councilman Cusimano commented that these townwide events have had tremendous growth. He thought the event was wonderful. This speaks to the interest in these events and noted that investing in that infrastructure is important for the enjoyment and safety of the community (specifically the money spent on the parking lot improvements which is a big ticket item). Thanks to Brian.

Mr. Emelson thanked the sponsors - Victor Chrysler Dodge Jeep and Ram, Reliant Credit Union and Bright Raven Gymnastics. There was also a new bunny courtesy of Howard Hanna Realtors. Also, thanks to the staff, Steve Hendrickson and Mike Stockman.

Councilman Condon asked for an update on the CE-200 process (NYS exemption from worker's comp and/or disability insurance). He noted the paper copy (versus online) could take up to six weeks to obtain. He asked if the process still needed to be streamlined. Mr. Emelson said he will offer a hybrid of the paper and online versions of the CE-200. He explained that he sends out the summer band contracts in January in order to get them booked. These are one-time events. The paper copy gives the entertainers the flexibility and they have time to complete them. The balance are annual contracts – January through December. Those people are accustomed to going on-line and typically have the ability to complete the online form.

Supervisor Marren added that in addition to the town, the courts and the LDC were also audited. He also congratulated our finance director for sending off the annual updated report (AUD) required by New York State that outlines in detail the financial situation of the town and has to be completed by March 31<sup>st</sup>. Not every town has turned in this report.

He also noted from the Town Clerk's report that the banks do not have as many notaries available. Notary appointments have increased in the clerk's office.

Supervisor Marren asked our IT staff, Suzy Mandrino to put information he received from City of Canandaigua Fire Department on our website (Facebook and Nextdoor). They are offering a hearing-impaired smoke alarm program.

Also, the Town met with Victor Central Schools, Highway Superintendent, LaBella and others regarding the young student hit by a car on High Street. At the next town board meeting we will have a petition to change the speed limit. We sent correspondence on the 6<sup>th</sup> of April from the school district and residents for the expansion of a school speed zone in that area. The Highway Superintendent said the developer is going to pay for the painting of the crosswalk once the pavement warms up a little bit.

A few weeks ago supervisors from a few different counties were invited to a meeting in Geneva with NYSEG and RGE to talk about a number of their programs and the monthly costs, power outages and tree trimming. It was a pretty good meeting overall and they were receptive to questions asked.

On March 29 there was a high-tech roundtable at Finger Lakes Community College. There were a number of Victor businesses there. It was a nice event. Thanks to Kathy Rayburn, Director of Economic Development and the Ontario County Chamber of Commerce.

The Potter family was recognized on March 30, 2023 with a prestigious award held at the McDonald's near Eastview Mall. The family owns 13 McDonald's restaurants and they have an Archway to Opportunity program. They introduced Supervisor Marren to two employees who started in high school and went through this program and have been working there 15 years.

The 2022 Ontario County Economic Development report showcased a few Victor business and their success stories.

In two weeks (April 24) we will hold the public hearing for the Eminent Domain procedural law which will take place at the town hall at 7PM. There is a follow-up meeting next week with the team and we are in a much better position to present this time around.

Supervisor Marren asked if there were any liaison reports from the board members for the committees they sit on. Councilman Condon wanted to share that Planning Board chair, Joe Logan did a really nice job of diffusing a situation between two neighbors at the last Planning Board meeting.

**BUSINESS:**

RESOLUTION NO. 118  
CORRECTION OF MANIFEST NO. 5-2023

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

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

WHEREAS the Finance Dept. has submitted the following voided check due to the amount of the payment made was added twice on the check resulting in the need to correct the corresponding Manifest; now, therefore, be it

RESOLVED that the following Manifest be corrected:

Town Board Meeting held on 03/13/2023 Manifest #5-2023 the total amount was \$20,970.00. This amount should be corrected to \$14,970.00 with the voided check #00067033 (Voucher # 20230520) Vendor - Red Truck Painting

and further

RESOLVED that a copy of this resolution be forwarded to the Finance Department and the Town Clerk.

*TABLED: RESOLUTION #2 Accept quotation for Townwide Air Duct Cleaning*

RESOLUTION NO. 119  
ACCEPT QUOTATION FOR THE HIGHWAY IT AND SECURITY UPGRADES

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

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

WHEREAS, the Highway Department has the need to upgrade its IT infrastructure and install new security cameras; and

WHEREAS, the IT upgrades and security camera were not part of the 2023 Budget expenditures, and

WHEREAS, the Town is able to piggyback off the Broome County Contract CA2362-4 for these services with Integrated Systems, Inc. the Towns IT Support Vendor; and

WHEREAS, the ARPA funds being used to fund this project will need to be appropriated in the 2023 Budget to reflect the revenue and expense items for the current year that will be utilized for funding this project thru A.1680.200.ARP - Central Data Processing Equipment and A.1680.400 ARP - Central Data Processing Contractual, in the amount of Forty-Nine

Thousand Eight Hundred Three dollars and Thirty-Eight cents (\$49,803.38) as outlined below, now, therefore, be it

Revenue:

A.4490.000	Federal Aid – ARPA	\$49,803.38
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Expense:

A.1680.200.ARP	Central Data Processing, Equipment – ARPA	\$29,673.38
A.1680.400.ARP	Central Data Processing, Contractual – ARPA	\$20,130.00

RESOLVED that the Town Board authorizes the contract to Integrated Systems for Forty-Nine Thousand and Eight Hundred Three dollars and Thirty-Eight cents (\$49,803.38) paid from the 2023 Budget Line-item A.1680.200 ARP Central Data Processing, Equipment and A.1680.400 ARP Central Data Processing, Contractual; and further

RESOLVED that a copy of this resolution be forwarded to the Town Highway Superintendent, Finance Director, IT Director, Town Clerk, and Integrated Systems.

RESOLUTION NO. 120  
ACCEPTANCE OF THE 2022 VICTOR TOWN COURT AUDIT  
REPORT FROM MENGEL, METZGER, BARR & CO., LLP

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

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

WHEREAS, an audit of the Victor Town Court was conducted by Mengel, Metzger, Barr & Co., LLP for the fiscal year ending December 31, 2022; and

WHEREAS, the findings of the audit were received and reviewed with the Victor Town Board on April 10, 2023; now, therefore be it

RESOLVED that the 2022 Victor Town Courts Audit, conducted by Mengel, Metzger, Barr & Co., LLP be accepted; and be it further

RESOLVED that a copy of this resolution be sent to the Finance Director, Town Clerk, Tom Zuber, CPA, and the New York State Unified Court System.

RESOLUTION NO. 121  
ACCEPTANCE OF THE 2022 TOWN OF VICTOR FINANCIAL AUDIT REPORT FROM MENGEL,  
METZGER, BARR & CO., LLP

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

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

WHEREAS, a financial audit of the Town of Victor was conducted by (MMB) Mengel, Metzger, Barr & Co., LLP for the fiscal year ending December 31, 2022; and

WHEREAS, the findings of the audit were received and reviewed with the Victor Town Board on April 10, 2023; now, therefore be it

RESOLVED, that the 2022 Town of Victor Financial Audit, conducted by Mengel, Metzger, Barr & Co., LLP be accepted; and be it further

RESOLVED, that a copy of this resolution be sent to the Finance Director, Town Clerk, and Tom Zuber, CPA.

RESOLUTION NO. 122

APPOINTMENT OF LENORE SHIELDS TO THE VICTOR  
CEMETERY PRESERVATION & RESTORATION COMMITTEE

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

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

WHEREAS, Lenore Shields has approached the Victor Cemetery Preservation and Restoration Committee with an interest in becoming a member, and

WHEREAS, the Victor Cemetery Preservation and Restoration Committee reviewed Lenore Shields' background and voted that she would be a welcome addition to this committee; now, therefore be it

RESOLVED that Lenore Shields be appointed to the Victor Cemetery Preservation and Restoration Committee, and be it further

RESOLVED that a copy of this resolution be sent to Lenore Shields, Babette Huber, Robert Kelly, Suzy Mandrino, and Human Resources.

RESOLUTION NO. 123

APPOINT SCOTT UHL - PART-TIME TRANSFER STATION LABORER

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

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

WHEREAS, the Town of Victor has an opening for a Part-Time Laborer position in the Transfer Station due to the resignation of Brian Boudreau; and

WHEREAS, the position was advertised, and Scott Uhl is being recommended for this position; now, therefore be it

RESOLVED that Scott Uhl be appointed to the Part-Time Laborer position for the Transfer Station at an hourly rate of twenty dollars and fifty-four cents (\$20.54) to be charged to the



2023 Town Budget Line A.8160.100 with a retroactive starting date of April 5, 2023; and be it further

RESOLVED that a copy of this resolution be sent to Scott Uhl, Highway/Recycle Department, Finance Department, and Human Resources.

RESOLUTION NO. 124  
DRYER ROAD PARK AND VICTOR MUNICIPAL PARK PARKING LOT IMPROVEMENTS  
PROJECT – BID AWARD

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

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

WHEREAS, the Town of Victor has received federal funding from the America Rescue Plan for the re-design and construction of the parking lots at Dryer Road Park and Victor Municipal Park to accommodate additional parking and lighting in these community facilities; and

WHEREAS, the Department of Parks and Recreation and the Town Engineer have been working on a plan for said parking lots; and

WHEREAS, the Department of Parks and Recreation has the need to hire a contractor to complete the excavation, paving, installation of lighting poles and fixtures and all items necessary for the construction of these parking lots in accord with the design and specifications outlined in the contract documents; and

WHEREAS, the Town Clerk of the Town of Victor advertised in the Town designated newspaper an invitation to bid on March 10, 2023; and

WHEREAS, on Tuesday, March 21, 2023, all bids were opened and read publicly with the following results:

BIDDER	BASE BID AMOUNT
Road Tek LLC	\$498,222.00
Pooler Enterprises, Inc.	\$578,000.00
TME Excavating Corp.	\$608,220.00
Rochester Earth Inc.	\$634,000.00
DiFiore Construction	\$688,000.00
Ruston Paving Co., Inc.	\$699,500.00
Villager Construction	\$785,000.00

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 Road Tek LLC meets all specifications and qualifications 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 Road Tek LLC be awarded this bid at a total cost of Four Hundred Ninety-Eight Thousand Two Hundred Twenty-Two dollars (\$498,222.00) for work in association with the terms of the Agreement as described 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 Road Tek LLC.

RESOLUTION NO. 125

AGREEMENT – JEFFREY SMITH (LEGENDARY MOBILE LASER TAG)

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

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

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Jeffrey Smith (Legendary Mobile Laser Tag) for supervision and equipment associated with the Department's April Recess Camp; 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 Jeffrey Smith (Legendary Mobile Laser Tag) 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 Hundred Fifty dollars (\$250.00) 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 Jeffrey Smith.

**Public Comments or Concerns:** None

At 7:30PM, on motion of Councilman Condon, seconded by Councilman Kahovec the Town Board entered into an Executive Session, Rule #2, the employment of a particular person, matters leading up to the promotion, appointment.

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

VICTOR TOWN BOARD MEETING MONDAY, APRIL 10, 2023

Attendees: Town Board members; Highway Superintendent Mark Years; Deputy Highway Superintendent

Highway Superintendent Mark Years exited at 7:50PM.

On motion of Councilman Guinan, seconded by Councilman Kahovec the Town Board closed the Executive Session at 8:16PM.

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

A motion was made by Councilman Cusimano, seconded by Councilman Kahovec to adjourn the Town Board meeting at 8:16PM.

Respectfully submitted,

Kim Reese  
Deputy Town Clerk