

VICTOR TOWN BOARD MEETING MONDAY APRIL 25, 2022

A Special Meeting of the Victor Town Board was held on April 25, 2022, at 6:30PM in the Victor Town Hall.

Special Meeting called to order at 6:30PM

PRESENT: Supervisor Marren, Councilman Guinan, Councilman Kahovec, Councilman Cusimano and Rich O'Donnell- Finance Director; Frank Pavia- Attorney

ABSENT: Councilman Condon

RESOLUTION NO. 148 MOTION TO OPEN EXECUTIVE SESSION

Time: 6:30PM

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

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

RESOLVED that the Victor Town Board move to Executive Session for medical, financial, credit or employment history of a particular person/corporation, or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion, or suspension.

RESOLUTION NO. 149 MOTION TO CLOSE EXECUTIVE SESSION

Time: 6:59PM

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

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

RESOLVED that the Executive Session closed, and the Board continued with the regularly scheduled Town Board meeting.

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 or outside. Emergency exits can be found to your right and left. The meeting was also live streamed via YouTube with text commenting available.

Flag Salute

PRESENT: Supervisor Jack Marren
Councilman Guinan
Councilman Cusimano

Councilman Dave Condon
Councilman Kahovec

ALSO PRESENT: Roxann Ammerman - Deputy Town Clerk; Frank Pavia- Attorney; Mark Years-Highway Superintendent; Rich O'Donnell – Finance Director; Suzy Mandrino-IT; Lisa Boughton; David Nankin, Jason Ebbs, Peter Ingalsbe-Farmington Supervisor; Laurie Billett; Daniel Wojick; Keith Maynard- Stormwater Officer.

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Supervisor Marren asked the Deputy Town Clerk to read aloud the Public Hearing Notice:

1. Victor Consolidated Sewer District 2022 Pump Station Improvement

Supervisor Marren thanked Keith Maynard for working with Jason Ebbs and all the individuals from LaBella Associates on this project and noted Keith has been attending the Farmington Public Works meetings to get updates. He also recognized Town of Farmington Supervisor Peter Ingalsbe for joining the meeting tonight.

Jason Ebbs with LaBella Associates provided an overview of the improvements to the Consolidated Sewer District to the Town Board which included the need for the project along with the anticipated costs. The project involves the replacement of PS5, PS7, Pump Station 11, along with the generator improvements at PS7, PS12, PS16 & PS17.

Supervisor Marren noted that a cost analysis will be done for the generators by LaBella for the grant application that may assist with the overall cost.

No Public Comments.

RESOLUTION NO. 150 MOTION TO CLOSE THE PUBLIC HEARING AND RECONVENE WITH THE REGULAR MEETING

On motion of Councilman Condon seconded by Councilman Kahovec, to close the Public Hearing and reconvene with the regular meeting.

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

SUPERVISOR'S ANNOUNCEMENTS:

- Employee Birthdays for the Month of May
- Mother's Day May 8th
- All Town Facilities will be closed on Memorial Day May 30th.
- Two Town Board meetings in the Month of May on the 9th and 23rd.
- Memorial Day Parade will be held on May 30th with more information on this

RESOLUTION NO. 151 APPROVAL OF MINUTES

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

4 Ayes (Marren, Kahovec, Cusimano, Guinan) 0 Nays 1 Abstain (Condon)

RESOLVED that the minutes for the April 11, 2022, regular Town Board meeting be accepted as presented.

RESOLUTION NO. 152 PAYMENT OF BILLS

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

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

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RESOLVED that the bills be approved for Manifest #8 in the amount of \$169,497.90. Documentation for these expenditures can be found on vouchers filed by numbers #20220734-20220820.

General Townwide	\$104,286.28
General Outside Village	15,500.63
Highway Townwide	44,420.69
Total of Lighting Districts	5,290.30

Supervisor Marren reviewed the following expenditures for Manifest #8 that were in the range or exceeded \$5,000.00.

- B & M International LLC – May Rent Courts facility - \$10,275.00
- Bluestone Creek Develop. – May Rent Parks/Rec. facility - \$13,750.00
- Guardian Insurance – May Employee/Retiree Dental - \$4,852.33
- Labella Associates PC – CDBG Grant Admin. – \$5,461.34
- MVP Health – May Healthcare Employees/Retirees - \$66,818.86
- Nocco Energy – Diesel Fuel for March/April - \$9,328.56
- RG&E – March/April Electric - \$6,952.83
- Tracey Equipment – Truck Repairs and Inspection- \$5,932.18

PRIVILEGE OF THE FLOOR

1. **Laurie Billett**-1186 Louise Way addressed the Board asking for a Hold Harmless Agreement to install a raised bed garden on the far side of the pond from their house. Laurie explained the raised bed is approximately 75' away from the drainage pipe that is located between the two ponds. The Board had no objection to granting the Hold Harmless Agreement.
2. **Tom Zuber** – Mengal Metzger & Barr gave highlights from the 2021 Audit which included a quick executive summary of some of the key items. He was pleased to report that the town continues to be in good financial position.
Councilman Kahovec asked what the Town's time frame of obligation is for Modock Springs. The Town's obligation will be complete in 2025.
3. **Keith Maynard** Stormwater Manager presented the Annual MS4 Report to the Board. The draft report is currently available on the Town of Victor website for public comment until May 31, 2022, at which time it will be finalized. Roughly, 200 miles of roads have been swept by the highway department and 195 catch basins were inspected and required maintenance and cleaning from the inspections completed. DEC will be issuing the new MS4 permit sometime this year. With this permit will come new requirements for all MS4s and Keith will continue to work with LaBella to make sure the town is complying when the new permit comes out. Keith thanked all involved for their collaboration and team effort working on the MS4 program. Supervisor Marren and the other Board members thanked Keith for a thorough job and noted it has made a huge difference with completion of the town's stormwater

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projects. The Board also thanked Mark and his highway department for their work with Keith and the stormwater projects.

Public Comments and Concerns: None

Report of Town Officials:

- ✓ Highway
- ✓ IT
- ✓ Victor Farmington Ambulance
- ✓ Victor Fire District

Supervisor's Verbal Report:

- ✓ Casey Paige will be putting together a booth for the Victor Hiking Trails event on June 4th with information about the Transfer Station.
- ✓ Board maybe look into a code for illegal dumping by residents due to the items that have been left at the transfer station such as tv's, computer screens and etc. It does cost the town money to dispose of these items. Board discussed the idea of security cameras and would like to see what the cost may be.
- ✓ Email sent to the State and Greg Trost at the County about roadside cleanup. Supervisor Marren saw about 6 DOT trucks and workers picking up Route 96 trash. Wellness Committee would like to do something like this on Earth Day next year. Supervisor Marren also reached out to Sheriff Povero about having the Corrections facility do this as in the past, but due to shortage of staff it has not been done. Sheriff noted as soon as they get their numbers up at the County the inmate detail will continue again. Councilman Condon will reach out to the school to see if there are any organizations that could participate in the roadside cleanups.
- ✓ Councilman Cusimano was recognized as being appointed to a 1-year term on the Ontario County EMS Advisory Board.
- ✓ NYS Open Meeting Laws on Video Conferencing- County is moving the process to pass a resolution and hold a Public Hearing on this.
- ✓ Email sent out by IT about the Veterans Room Projector removal/Economic Development will be moving to that room due to noise from the air handler on the roof.
- ✓ Link from the Town Assessor about the whole assessment process for website
- ✓ There are four different types of libraries. The Victor/Farmington Public Library is an association, and the officials are appointed and can make decisions.
- ✓ CDC now urges masks in 23 NY Counties due to high COVID levels.

RESOLUTIONS

RESOLUTION NO. 153 LICENSE AND HOLD HARMLESS AGREEMENT – 1186 LOUISE WAY TO ALLOW ENCROACHMENT INTO DRAINAGE EASEMENT

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

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

WHEREAS, Jonathan D. Billett and Laurie J. Billett are the record owners (the "Owners") of the premises at 1186 Louise Way, Tax Map #28.08-1-59.000, (the "Property") in the Town of Victor; and

WHEREAS, the Town is the owner of a drainage easement, as shown in Book 1368 of Deeds at page 388 in the Ontario County Clerk's Office, which drainage easement is situated running in an east - west direction along the northern side of the Property approximately thirty (30) feet wide as shown on Map #34873 filed in the Ontario County Clerk's Office ("Drainage Easement"); and

WHEREAS, the Owners of the property propose to install a raised bed garden (the "Raised Bed Garden") on the northern side in the Drainage Easement; and

WHEREAS, the Town Board wishes to enter into a License and Hold Harmless Agreement ("Agreement") to allow the Raised Bed Garden to encroach onto the Drainage Easement, said License and Hold Harmless Agreement to be recorded with the Ontario County Clerk's Office; and

WHEREAS, the Agreement would permit the Raised Bed Garden to be constructed, but would require the Owners to remove and/or repair said Raised Bed Garden, hold the Town harmless, and return the Property within the Drainage Easement to its pre-alteration condition should the Town need to exercise its rights relating to the Drainage Easement in a manner which would require removal of the Raised Bed Garden, and the Town was induced into entering into the Agreement based on said representations; and

WHEREAS, the Town Building Department and Town Engineer have reviewed the proposed Raised Bed Garden and have indicated that the aforementioned proposed encroachment into the Drainage Easement would not materially adversely affect the integrity, purpose, or function of the Drainage Easement, including but not limited to drainage, or be a hindrance in gaining access to any facilities or other infrastructure located within the Drainage Easement to effect repairs, maintenance, and/or improvements, and have no objection to the Town Board entering into the Agreement; now, therefore, be it

RESOLVED that the Supervisor is authorized to execute the License and Hold Harmless Agreement with Jonathan D. Billett and Laurie J. Billett, in a form approved by the Attorney for the Town, to allow the proposed raised bed garden to encroach into the Drainage Easement, and any other document reasonably necessary to effect said Agreement; and

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RESOLVED that upon filing with the Ontario County Clerk's office, a copy of the filed License and Hold Harmless Agreement with Jonathan D. Billett and Laurie J. Billett will be provided to the Town Clerk; and further

RESOLVED that a copy of this Resolution be provided to the Town Planning and Building Department, the Town Clerk, and the Owners.

****Councilman Kahovec gave an overview of the process for the CDBG.***

RESOLUTION NO. 154 ACCEPTANCE OF A COMMUNITY DEVELOPMENT BLOCK GRANT AWARDED THROUGH THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL

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

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

WHEREAS, on July 26, 2021, the Town Board approved Resolution No. 204-2021 After Public Hearing – Community Development Block Grant (CDBG) Cares Act Funding authorizing the submission of a grant application on behalf of the Town of Victor to the Office of Community Renewal to assist businesses in the Town of Victor impacted by the COVID-19 pandemic; and

WHEREAS, the Town Board of the Town of Victor is aware the Town of Victor has been awarded a Community Development Block Grant (CDBG) in the amount of Five Hundred Thousand dollars (\$500,000.00) from the NYS office of Community Renewal to assist local businesses impacted by COVID-19 (CDBG Project #1179CVSB25-21); and

WHEREAS, the funds awarded are for the purpose of providing financial assistance, in the form of grants to local businesses in the Town and Village of Victor; and

WHEREAS, the grant requires the Town to establish a separate non-interest bearing checking account for the exclusive use of this project; and

WHEREAS, the Town will establish a Committee to review all applications to ensure each meet the established criteria required by NYS Homes and Community Renewal and work with Labella Associates to administer the Grant; and

WHEREAS, the Town Board understands projects need to be disbursed by October 31, 2022; now, therefore, be it

RESOLVED the Town Board does hereby authorize the Town Finance Director to create (CDBG) account lines for the distribution separate from the Town's annual budget; and further

RESOLVED the Town Clerk is directed to provide a copy of this resolution to the Town Finance Director, Economic Development Director, and Town Clerk.

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RESOLUTION NO. 155 UTILIZATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

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

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

WHEREAS, the Town of Victor has been awarded a Community Development Block Grant (CDBG) in the amount of Five Hundred Thousand dollars (\$500,000.00) from the NYS office of Community Renewal to assist local businesses impacted by COVID-19 (CDBG Project #1179CVSB25-21); and

WHEREAS, the Committee has reviewed and approved the (9) applicants listed below that have met the established criteria required by NYS Homes and Community Renewal (OCR) and each business will be awarded a Thirty-Five Thousand dollars (\$35,000.00) Grant upon final approval from NYS

Apparel Printer Plus
 A&E Gifts & Clothing
 Tambe Self Storage
 Twin Elder Brewery
 Bistro 11
 Group Tours
 Victor Music Experience
 Breathe Yoga
 Sweet Basil; now, therefore, be it

RESOLVED that the Town Board does hereby authorize the Finance Director to submit for distribution of funds received from NYS Office of Community Renewal upon final approval; and further

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

RESOLUTION NO. 156 AMEND RESOLUTION NO. 103-2022 PURCHASE 2021 FORD F-250 XL SUPERCAB PICK UP TRUCK AND DECLARE 2012 FORD F-350 SUPERDUTY PICK UP TRUCK SURPLUS

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

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

WHEREAS, on February 28, 2022, the Town Board approved Resolution #103-2022 authorizing the Purchase of a 2021 Ford F-250 XL SuperCab Pickup Truck; and

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WHEREAS, this vehicle is available for purchase under NYS Office of General Services Vehicle Marketplace Mini-Bid # through Van Bortel Ford at a cost of Thirty-Three Thousand Eight Hundred and Sixty-Seven Dollars and Ninety One cents (\$33,867.91) and not by piggybacking off of Board of Cooperative Education Services (BOCES) contract at a cost of Thirty-Four Thousand Two Hundred Sixty One Dollars and Forty cents (\$34,261.40); now, therefore, be it

RESOLVED that Resolution No. 103-2022 be amended to read as follows:

PURCHASE 2021 FORD F-250 XL SUPERCAB PICK UP TRUCK AND DECLARE 2012 FORD F-350 SUPERDUTY PICK UP TRUCK VIN #1FTRF3B67CEC99843 SURPLUS

WHEREAS, the Department of Parks and Recreation has the need to purchase a 2021 Ford F-250, XL SuperCab, pick-up truck and declare the 2012 Ford F-350 Super Duty, pick-up truck with VIN# 1FTRF3B67CEC99843 as surplus: and

WHEREAS, this vehicle is available for purchase under NYS Office of General Services Vehicle Marketplace Mini-Bid # through Van Bortel Ford at a cost of Thirty-Three Thousand Eight Hundred and Sixty-Seven dollars and Ninety-One cents (\$33,867.91); now, therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to purchase a 2021 Ford F-250, XL SuperCab, pick-up truck from Van Bortel Ford under NYS Office of General Services Vehicle Marketplace Mini-Bid # at a cost of Thirty-Three Thousand Eight Hundred and Sixty Seven Dollars and Ninety-One cents (\$33,867.91) to be paid from the 2022 Budget Line item A.7110.200 Parks.Equipment and declare the 2012 Ford F-350 Super Duty, pick-up truck with VIN# 1FTRF3B67CEC99843 as surplus; and further

RESOLVED that a copy of this resolution be forwarded to Parks Maintenance Assistant, Director of Parks and Recreation, Town Clerk, Finance Director, and Joshua Relyea, Van Bortel Ford.

RESOLUTION NO. 157 PURCHASE A NEW FLEET MAINTENANCE SYSTEM

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

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

WHEREAS, the Highway Department has the immediate need to implement a fleet maintenance program for the Highway Department; and

WHEREAS, the Highway Superintendent has received the following three quotes for a new fleet maintenance program

System	Cost	Service fee
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FleetSoft	\$710/month for a Total of \$8,520	250 Assets and three users
Autosist, LLC	\$3,990/year	Unlimited assets and four users
Fleetio	\$4,536/year	Sixty assets – will not quote per user

Now, therefore, be it

RESOLVED that the Highway Superintendent be authorized to purchase a new fleet maintenance program from Autosist, LLC for Three Thousand Nine Hundred Ninety Dollars (\$3,990.00) to be paid from the 2022 Budget Line-item A.5132.400 Highway Garage. Contractual; and further

RESOLVED that a copy of this resolution be forwarded to the Finance Department, Highway Superintendent, Town Clerk, and Autosist, LLC.

RESOLUTION NO. 158 AMEND RESOLUTION NO. 140-2022 AWARD OF BID- RACCOON RUN/DEER CROSSING ROAD IMPROVEMENTS

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

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

WHEREAS, on March 11, 2022, the Town Board approved Resolution No. 140-2022 Award of Bid – Raccoon Run / Deer Crossing Road Improvements: and

WHEREAS, an error was made in the listing of the project name; now, therefore, be it

RESOLVED that Resolution No. 140-2022 be amended to read as follows:

AWARD OF BID – RACCOON RUN / DEER CROSSING ROAD REHABILITATION PROJECT

WHEREAS, the Town Highway Superintendent has identified the need for improvements on Raccoon Run and Deer Crossing Road; and

WHEREAS the Town Board classifies the Raccoon Run / Deer Crossing Road rehabilitation project as a Type II Action per Section 617.5 subparagraph (c)(5) of SEQRA’s implementing regulations, which indicates “repaving of existing highways not involving the addition of new travel lanes”, and such classification of Type II are not subject to further SEQRA review and concludes the SEQRA process; and

WHEREAS, the Town Clerk advertised an invitation to bid on the Raccoon Run / Deer Crossing Road Rehabilitation project which consisted of the reconstruction of the concrete gutters and closed storm sewer system for a total length of 4,150+/- feet of Raccoon Run and Deer Crossing Road. The work includes removal and replacement of existing concrete gutters, cross culverts, and storm sewer systems; and

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WHEREAS, on Thursday, March 24, 2022, at 10:00 AM all bids were opened and read publicly with the following results:

Bidder	Total Bid
CP Ward, Inc.	\$988,375.31
DiFiore Construction	\$1,248,800.00
Pooler Enterprises, Inc.	\$1,072,959.70
Randsco Pipeline	\$731,083.00
Macedon Landscaping, Inc.	\$711,564.50

and

WHEREAS, the Town Engineer has reviewed the submitted bids and recommends that this Contract be awarded to the low bidder, Macedon Landscaping, Inc. in the amount of Seven Hundred Eleven Thousand Five Hundred Sixty-Four dollars and Fifty cents (\$711,564.50); now, therefore, be it

RESOLVED that the bid for the improvements to Raccoon Run / Deer Crossing Road Rehabilitation project be awarded to Macedon Landscaping in the amount Seven Hundred Eleven Thousand Five Hundred Sixty-Four dollars and Fifty cents (\$711,564.50) to be paid from the 2022 Budget line item DB.5110.400.RRD General Repairs Contractual Raccoon Run/Deer Crossing Project; and further

RESOLVED, that a copy of this resolution be forwarded to the Macedon Landscaping Inc.; Labella, PC., Highway Superintendent, Finance Director, and Town Clerk.

RESOLUTION NO. 159 LETTER OF CREDIT – PIPER MEADOWS SUBDIVISION - RELEASE 9

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

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

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

WHEREAS, in their April 19, 2022, letter, the Town Engineer recommended that One Hundred Nine Thousand Five Twenty-Six dollars and Seventy-Two cents (\$109,526.72) be released from said Letter of Credit conditioned upon payment of all fees owed the Town; now, therefore, be it

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RESOLVED that the Town Board hereby approves Release No. 9 on the Five Star Bank Irrevocable Letter of Credit in the amount of One Hundred Nine Thousand Five Twenty-Six dollars and Seventy-Two cents (\$109,526.72) conditioned upon payment of all fees owed to the Town; and further

RESOLVED that given said release, there now remains Five Hundred Forty-Two Thousand Five Hundred Thirty-Three dollars and Ninety-Six cents (\$542,533.96) in said Letter of Credit; and further

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

RESOLUTION NO. 160 LETTER OF CREDIT – SOUTHGATE HILLS 2 SUBDIVISION – GRADING ONLY - RELEASE 1

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

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

WHEREAS, upon Reidman Acquisitions LLC (BRW of Greece LLC) receiving Planning Board approval for the Southgate Hills 2 Subdivision – Grading Only, a Tompkins Community Bank Irrevocable Letter of Credit was posted with the Town to cover the cost of improvements and infrastructure: and,

WHEREAS, in their April 19, 2022, letter, the Town Engineer recommended that Sixty-Five Thousand Five Hundred dollars and Thirty-One cents (\$65,500.31) 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. 1 on the Tompkins Community Bank Irrevocable Letter of Credit in the amount of Sixty-Five Thousand Five Hundred dollars and Thirty-One cents (\$65,500.31) conditioned upon payment of all fees owed to the Town; and further

RESOLVED that given said release, there now remains One Hundred Ninety-One Thousand Six Hundred Thirty-Six dollars and Seventy-Eight cents (\$191,636.78) in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Town Engineer Reidman Acquisitions LLC (BRW of Greece LLC), Finance Director, and Town Clerk.

ADJOURNMENT:

With no further business to come before the Board tonight, motion was made by Councilman Guinan, seconded by Councilman Kahovec to adjourn the regular Town Board meeting at 8:04PM.

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Respectfully submitted,

Roxann Ammerman, Deputy Town Clerk