

## VICTOR TOWN BOARD MEETING, MONDAY APRIL 26, 2021

A Meeting of the Victor Town Board was held on April 26, 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 Dave Condon                      Councilman Drew Cusimano  
 Councilman Ed Kahovec                      Councilman Mike Guinan

**OTHERS PRESENT:** Roxann Ammerman- Deputy Town Clerk; Frank Pavia- Town Attorney; Mark Years-Highway Superintendent; Steve Metzger & Wes Pettee and Mark Tayrien (via zoom)- LaBella Associates; Rich O'Donnell – Finance Director; Suzy Mandrino- IT; Marlene Murnan- Assessor; Erin Brandt- New Assessor Aide; and Nick Bodine- Light MEO.

**Supervisor's Announcements:**

Town Employee Birthday's for Month May

Mother's Day May 9<sup>th</sup>

Barb Cole was given the night off, Rich O'Donnell representing Finance Office

Roxann Ammerman filling in for Town Clerk Karen Bodine

**RESOLUTION # 123 APPROVAL OF MINUTES**

Approval of the April 12, 2021 Regular Town Board meeting minutes (with Correction needed to be made as an error was made with the title of Resolution #117- it should read License Agreement Extension- TLC Adventures in Childcare for Sublease of the Victor Recreation Building)

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

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

RESOLVED that the minutes for April 12, 2021 be adopted.

**RESOLUTION # 124 PAYMENT OF BILLS**

On motion of Councilman Cusimano, 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 #8 in the amount of \$92,417.24

Documentation for these expenditures can be found on vouchers filed by numbers #20210699-2021076.

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	Manifest #8
General Townwide	\$54,291.03
General Outside Village	4,281.99
Highway Townwide	15,470.92
Sanitary Conveyance Capital Improvement Project	508.92
Total of Lighting Districts	5,237.38
SS Consolidated Sewer Fund	95.00
Trust & Agency	12,532.00

Supervisor Marren reviewed the following expenditures for Manifest#8 that were in the range or exceeded \$10,000.00.

- B & M International LLC- May Court Facility Rent
- Bluestone Creek Development LLC- May Rent Parks & Recreation Facility
- Labella Associates PC- March Engineering Fees
- Harris Beach- March Attorney Fees
- RG&E- Gas & Electric

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

#### **Labella- Wes Pettee, Mark Tayrien (via zoom)**

A presentation was given for the Town to consider and deliberate for a new commercial zoning district; a commercial center zoning district which both have the same boundary as a mixed use overlay district. Discussion presented to the Board about the existing zoning map in Chapter 211 of the Victor Town Code. Zoning distinguishes land use designated for residential vs. non-residential use and regulates the use, density of use and location of development. In section 211-22 there are broad ranges of commercial goods and services. The New Zoning district would provide for expanded opportunities by not limiting height to 2 stories in building height or 35 feet. The height limitation would be established in the Zoning Code by the Town Board.

Supervisor Marren wanted to make a point by asking other Board Members who wear different hats during the day. Supervisor Marren asked Councilman Cusimano what is the ladder truck height at this point if we go with the height of 90 feet for buildings. He explained that the area ladder truck is 100' but for reference it seems like it could cover a six story building, but again it would depend on where the truck is set, and what reach you actually have. A good reference for this is the four story building at High Point depending on where the setup is the backside is five stories and not reachable so very limited to where the truck can be setup. Counsel weighed in and possibly the Town could require some type of fire suppression system. Supervisor Marren suggested putting some kind of language or host agreement in the code.

Mark Tayrien noted this was an excellent and helpful discussion. Mark suggested identifying a threshold below which these issues do not come up and then make heights above that subject to a special use permit.

Wes Pettee brought up the presentation from the last meeting on residential density overlays in regards to the Sewer Master Plan and wanted to know if the Board members had any additional questions about this or maybe the plan of action they wanted to take on this. Supervisor

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Marren commented they will hold off on the adoption of the Sewer Master Plan until further feedback from the Board. Pump Station 7 on East Victor Road is in need of an upgrade and Supervisor Marren is looking for feedback from the Board on the Riedman parcel and Strong Road and other areas so this can be done all at once. Councilman Guinan agreed to make this process more modular so the pump stations can accommodate a bigger district. Supervisor Marren suggested possibly setting up a workshop prior to a Town Board Meeting for the Board to review.

**PUBLIC COMMENT:** *None*

**REPORTS OF TOWN OFFICIALS:**

Economic Development/LDC                      Finance                      IT                      Planning & Building

Supervisor Marren noted that while he was away several emails circulated in regards to the Economic Development Office and Victor Chamber combined working in the Town Hall. He apologized for this not being clear in the beginning that this was the intention to bring the Chamber into the Town Hall when this concept was presented.

Councilman Kahovec explained that he was not aware that the intent was for the Victor Chamber to physically move into Town Hall. He did understand that it was to be an umbrella concept with Economic Development. He was concerned that the Chamber serves its members and when the proposal came out for equipment for this concept, he did not want the tax payers funding the equipment needed. Kathy Rayburn explained to the Board that they are not merging financially. Audio issues and Kathy was not coming in clear so it was hard to hear at this point. Board discussion followed about working out some kind of agreement between the Chamber of Commerce and the Town with regards to a percentage to cover costs for utilities.

Supervisor Marren informed the Board that Marty Avila will be going to part-time for the Town Codes office. He also thanked Mark Years for purchasing the battery operated LED Radar Sign. Mark noted that they are working on getting the software uploaded. Supervisor Marren will share the annual citation report from the county with Mark to see where the sign could go. Councilman Condon thanked Suzy Mandrino for working with Integrated Systems on scamming with the elderly in our community.

Councilman Cusimano commented on an accident that he responded to in which the guardrail that the highway installed saved a person's life.

## RESOLUTIONS

### Human Resources

**RESOLUTION # 125 PROVISIONAL APPOINTMENT- ERIN BRANDT TO ASSESSOR'S AIDE**

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

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

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WHEREAS, a vacancy exists in the Assessor's Office for an Assessor's Aide position; and

WHEREAS, interviews were held and the interview committee selected Erin Brandt as having the necessary qualifications for the Assessor's Aide position; now, therefore be it

RESOLVED that Erin Brandt be appointed to the position of Assessor's Aide for the Town of Victor at a Grade 2, step A salary of Nineteen dollars and Forty Five cents (\$19.45)/hour to be charged to the 2021 Town Budget Line Item #A.1355.100 – Assessor. Personal Services, with a starting date of May 10, 2021; and be it further

RESOLVED that this is a provisional appointment pending the taking of the Ontario County Assessor's Aide Civil Service exam when it is offered, and possessing the required scores per Civil Service rules in order to retain this position with the Town of Victor; and be it further

RESOLVED that a copy of this resolution be forwarded to Erin Brandt, Assessor, Human Resources, Town Clerk, and the Finance Office.

**RESOLUTION #126 ADJUST SALARY FOR NICHOLAS BODINE- MOTOR EQUIPMENT OPERATOR- LIGHT**

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

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

WHEREAS, Nicholas Bodine has been a full-time Motor Equipment Operator – Light for the Town of Victor Parks Department since 2018; and

WHEREAS, he has recently completed his Commercial Driving License course and has received his Class B CDL, and

WHEREAS, Nicholas Bodine recently received his Class B CDL and the Board wishes to change his Motor-Equipment Operator –Light salary classification to a Grade 3, Step A classification at a rate of Twenty One dollars and Ninety cents (\$21.90)/hour; now, therefore be it

RESOLVED that the Board approves the change in classification and pay rate for Nicholas Bodine's Motor-Equipment Operator –Light salary classification from a Grade 2, Step B salary of Twenty dollars and Thirteen cents (\$20.13)/hour to a Grade 3, Step A classification at a rate Twenty One dollars and Ninety cents (\$21.90)/hour to be charged to the 2021 Budget Line Item # A.7110.100 Parks. Personal Services; and be it further

RESOLVED that a copy of this resolution be sent to Nicholas Bodine, Director of Parks & Recreation, Finance Department, Town Clerk, and the Human Resources Department.

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**Parks & Recreation****RESOLUTION #127 REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS**

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

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

WHEREAS, the 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 services 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 and Sports Instruction	Varies Parks & Facilities	70% Contractor/ 30% Town	December 31, 2021	Insufficient Coverage

Now, therefore be it

RESOLVED that the Town Board grants the certificate of Liability 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 and Sports Instruction	Varies Parks and Facilities	70% Contractor/ 30% Town	December 31, 2021	Insufficient Coverage

And be it further

RESOLVED that a copy of this resolution be sent to the Director of Parks and Recreation, Town Clerk, and Mary Slaughter.

**RESOLUTION #128 AGREEMENT- MARY SLAUGHTER**

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

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

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WHEREAS, the Department of Parks and Recreation seeks to offer gymnastics, sports, and games instruction for youth if it is able to under the health and safety guidelines and protocols of New York State related to the COVID-19 pandemic; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Mary Slaughter to provide instruction in gymnastics, sports, and games for youth at dates, times and locations which are mutually agreed upon by the Contractor and the Director of Parks and Recreation; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; now 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 2021 contract, identified as Schedule A and kept in the subject matter file in the Town Clerk's Office with Seventy percent (70%) of the recreation program revenues allocated to the Contractor and Thirty (30%) of the recreation program revenues allocated to the Town, said funds are included and available in the 2021 Operating Budget line item A7020.400 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 of this resolution be forwarded to the Director of Parks and Recreation, Finance Director, Town Clerk, and Mary Slaughter.

**Supervisor****RESOLUTION #129 COMMENCEMENT OF CIVIL ENFORCEMENT PROCEEDINGS AGAINST OWNER(S) OF 31 COBBLE CREEK ROAD REGARDING ILLEGAL REFUSE STORAGE/DISPOSAL**

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

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

WHEREAS, as a result of complaints received from neighboring property owners and inspections performed by the Town of Victor Code Enforcement Officer, it has come to the attention of the Town Board of the Town of Victor that an improper accumulation of garbage bags and waste has been occurring at residential property located at 31 Cobble Creek Road in the Town of Victor (the "Property"); and

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WHEREAS, pursuant to Section 155-4(A) of the Code of the Town of Victor (the "Code"), "[n]o person shall place or deposit refuse on a premises, whether owned by such person or not, except in such a manner that will prevent refuse from being carried or deposited by the elements upon any street, sidewalk or other public place or private property"; and

WHEREAS, pursuant to Section 155-4(l) of the Code, "[n]o person shall place, throw, deposit, dump or cause to be placed, thrown, deposited or dumped any refuse in or upon any premises, street, sidewalk, park, litter basket, recycling bin or container or refuse receptacle, or any other place unless in accordance with . . ." the requirements of Chapter 155 of the Code; and

WHEREAS, the owner(s) of the Property has refused to comply with the requirements of Chapter 155 of the Code despite numerous attempts by the Town of Victor Code Enforcement Office to convince the owner to remove the accumulated garbage and waste; and

WHEREAS, pursuant to Chapter 155 of the Code, the Town Board has the authority to authorize the Town of Victor Code Enforcement Office to commence all appropriate civil enforcement actions and proceedings to bring the Property into compliance with the requirements of Chapter 155 of the Code; now, therefore, be it

RESOLVED that pursuant to Chapter 155 of the Code, the Town of Victor Code Enforcement Office is authorized to commence all appropriate actions and proceedings by law or in equity to restrain, prevent and/or cure all present and future violations and offenses of Chapter 155 of the Code from occurring at the Property, as well as seek penalties and/or the recovery of damages and expenses for all past, current and future violations occurring at the Property; and be it further

RESOLVED that the Town Supervisor and the Town of Victor Code Enforcement Office are authorized to retain the services of a private waste hauler company or a municipally-owned waste disposal service to remove the accumulation of residential garbage and waste located at the Property, as well as to remove all future accumulations of residential garbage and waste at the Property, the cost of such waste removal efforts to be recovered by the Town of Victor from the owner(s) of the Property pursuant to all applicable means, including but not limited to, those actions set forth in Chapter 155 of the Code; and be it further

RESOLVED that the commencement of civil enforcement proceedings pursuant Chapter 155 of the Code is exempt from the requirements of the New York State Environmental Quality Review Act ("SEQRA") pursuant to 6 N.Y.C.R.R. § 617.5(c)(35); and be it further

RESOLVED that the Town of Victor Town Clerk shall cause a copy of this Resolution to be duly recorded in the Town Clerk's Office within five (5) days of the adoption of this Resolution, as well as a copy to be sent by certified mail to the owner(s) of the Property.

**RESOLUTION #130 AFTER PUBLIC HEARING – LOCAL LAW TO AMEND CHAPTER 211 ZONING AT SECTION 211-24 LIGHT INDUSTRIAL DISTRICT REGULATIONS**

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

Roll Call Vote:

Supervisor Marren	aye
Councilman Condon	aye
Councilman Kahovec	aye
Councilman Guinan	aye
Councilman Cusimano	aye

WHEREAS, the Victor Town Board ("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 that would amend the Town Zoning Code so as to allow health and wellness uses within the Light Industrial District subject to being reviewed and approved by the special use permit review process has been prepared and submitted for the Town Board's review, which Local Law the Town Board is now considering for adoption (the "Action"); and

WHEREAS, the Town Board has scheduled, noticed, held and closed the Public Hearing(s) required relative to the proposed amendment to the Zoning Code; and

WHEREAS, the Town Board classified the Action as a Type I Action pursuant to the State Environmental Quality Review Act ("SEQRA"), Section 617.4, paragraph (b)(2), which indicates the following to be Type I: "the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district"; and

WHEREAS, the Town Board conducted the required Lead Agency Coordination process pursuant to Section 617.6, paragraph (b)(3) of the SEQRA regulations; and

WHEREAS, the Town Board has referred the proposed amendment of the Zoning Code to both the Town Planning Board and the Ontario County Planning Board for their review, comments and recommendations thereon; now, therefore, be it

RESOLVED the Town Board affirms their status as Lead Agency, as no Involved Agencies objected to the Town Board's notification indicating the Town Board's intent to be Lead Agency, and more than 30 calendar days has passed from the date the EAF and notification was transmitted to involved agencies; and be it further

RESOLVED that Town Board has reviewed Parts 1, 2 and 3 of the Full Environmental Assessment Form ("EAF"), and attachment which sets forth the basis and for identification of no potential

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significant adverse environmental impacts, and the Town Board has evaluated the Action using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3), and no significant adverse environmental impacts were identified with this action

RESOLVED that the Town Board authorizes the Town Supervisor to execute Part 3 of the EAF and directs that the Negative Declaration be filed and noticed in accordance with SEQRA regulations; and be it further, and hereby issues a Negative Declaration; and be it further

RESOLVED that the Town Board hereby adopts said Local Law to amend Chapter 211 Zoning at Section 211-24 Light Industrial District Regulations as follows:

LOCAL LAW TO AMEND CHAPTER 211 ZONING AT SECTION 211-24 LIGHT INDUSTRIAL DISTRICT REGULATIONS

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

Section I. Authorization

The adoption of this Local Law is in accordance with New York Municipal Home Rule Law Section 10.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 2-2021 to amend Chapter 211 Zoning at Section 211-24 Light Industrial District Regulations. The purpose of this Local Law is to update Special Use Permits.

Section III. Legislative Finding

The Town Board of the Town of Victor finds and hereby determines that Health and Wellness uses under Special Use permits needs to be added.

Section IV. Amendment

Chapter 211 Zoning at Section 211-24 Special Use permits shall be amended as follows:

Section 211-24 Light Industrial District regulations.

LI Districts are districts created for light industrial use. It is the intent of this district to provide areas for research or development of materials, methods or products and for compatible high

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technology and light manufacturing uses that are environmentally compatible with the physical and natural environment of the neighborhood or such services enumerated in the Special Use Permits section hereof. It is the intent of this district to permit industries which are compatible with those industries and businesses located in various industrial neighborhoods. The integrity of the Town's industrial base will be maintained by restricting the district to land uses which are strictly industrial in nature or which provide a service directly related to the primary administration of the industrial organization.

B. Special use permits. The Planning Board may issue special use permits for the following:

(8) Health and wellness uses that are intended to facilitate mind and body wellness promoting healthy lifestyles for individuals, including, but not limited to, martial arts studios, yoga studios, and fitness centers.

(9) Any permit granted may be revoked by the Planning Board after due hearing on not less than 10 days' notice to the person holding such permit in the event that the use violates any of the conditions or restrictions imposed by the Planning Board upon the issuance of such permit or shall have become a nuisance.

Section V. Validity and Severability

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

Section VI. Repeal, Amendment and Supersession of Other Laws

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

Section VII. Effective Date

This Local Law, after its adoption by the Town Board of the Town of Victor, shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York; and

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

**PUBLIC COMMENT or ANY UNFINISHED BUSINESS:** *None*

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**RESOLUTION #131 MOTION TO MOVE TO EXECUTIVE SESSION @ 8:23PM**

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

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

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

Also, the proposed acquisition/sale/lease of real property when publicity might affect value.

*No Board Action Taken*

**RESOLUTION #132 MOTION TO END EXECUTIVE SESSION**

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

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

**ADJOURNMENT:**

With no further business to come before the Board tonight, motion was made by Councilman Cusimano, seconded by Councilman Kahovec to adjourn the meeting at 8:56PM.

Respectfully submitted,

Roxann K. Ammerman  
Deputy Town Clerk