

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

A Workshop on the Marijuana Regulation and Taxation Act was held at 6:00PM on June 28, 2021 prior to the regular Town Board meeting in the Victor Town Hall Main Meeting Room. This was also live streamed via YouTube.

**Supervisor Marren** called to order the regular meeting of the Victor Town Board @ 7:12PM.

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

**OTHERS PRESENT:** Karen Bodine - Town Clerk; Kevin Overton- Town Attorney; Mark Years- Highway Superintendent; Steve Metzger- LaBella Associates; Rich O'Donnell- Finance Director; Suzy Mandrino- IT; Brian Emelson- Parks Director; Gregg Richards; David Nankin; Randy Shea; Mike Stockman; Mary Duprey; Mayor Gary Hadden; Bob Miller; Troy Shelton; Bob Haggett; Dan Williams; Lisa Hagen; Amy LaDow; Steve Hendrickson; Adam Ryczek; Lucretia Potter; Kelly Pappajohn.

**Flag Salute** was let by members of the American Legion Post 931

**Supervisor's Announcements:**

- Town Employee Birthdays for the month of July
- All Town Facilities will be closed on Monday July 5<sup>th</sup> for Fourth of July Holiday
- Town Board Meetings for the summer are scheduled for one meeting a month at the end of the month and payment of bills in the beginning of the month. If Town Board action is needed at the first meeting, it will be made public prior to the meeting.
- Concert series at the Victor Municipal Park begins this Thursday from 7-8:30pm.
- Open Meetings – Governor's' orders expired on June 25<sup>th</sup> and all levels of government have to go back to in person meetings.

**RESOLUTION #174 APPROVAL OF MINUTES**

On motion of Councilman Condon, seconded by Councilman Cusimano, the following resolution was adopted:            5 Ayes 0 nays (Marren, Condon, Kahovec, Guinan, Cusimano)

RESOLVED that the minutes for May 24, 2021 and June 14, 2021 be adopted as one resolution. Noted: Councilman Kahovec recused himself from the June 14<sup>th</sup> vote on minutes due to his absence.

**RESOLUTION #175 PAYMENT OF BILLS**

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

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

RESOLVED that the bills be approved for Manifest #12 in the amount of \$336,184.86 Documentation for these expenditures can be found on vouchers filed by numbers #20211072-20211182.

Manifest #12

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

General Townwide	\$132,189.40
General Outside Village	23,190.40
Park Land Trust Fund	5,143.19
Highway Townwide	148,798.62
Sanitary Conveyance Capital Project	1,709.87
Total of Lighting Districts	5,283.43
SS Consolidated Sewer Fund	795.00
Trust & Agency	17,045.00

Supervisor Marren reviewed the following expenditures for Manifest #12 that were in the range or exceeded \$10,000.00.

- B & M International LLC– July rent Court facility - \$9,375.00
- Bluestone Creek Development LLC – July rent Parks & Rec. facility - \$13,750.00
- Guardian Insurance – June/July Dental - \$7,958.72
- Labella Associates PC – May engineering fees – \$25,191.25
- Lehigh Hanson – Fishers Park Tennis/Pickleball courts surface - \$5,143.19
- MVP Health – June Employee & Retiree health insurance - \$62,104.58
- MVP Health – July Employee & Retiree health insurance - \$65,034.33
- RG&E – May/June utility charges - \$ 10,919.52
- Suit-Kote Corporation – Phillips Road Resurface Project - \$ 85,942.92
- Terry Tree Service – Town tree work - \$ 7,000.00

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

**Lisa Hagen** – Lisa is a resident of the Town of Victor who addressed the Board on the reopening of the Victor Parks & Recreation Programs. Lisa explained since her boys have been toddlers, they have participated in many programs through the Parks & Recreation Programs. The objective tonight was to demonstrate the importance of the Parks & Recreation Department to the community and to have the Town Board consider opening up more opportunities for residents. She expressed her disappointment in the Spring Parks & Recreation Programs, noting there were limited amounts of classes.

**Supervisor Marren** thanked Lisa for her conversation before and bringing awareness to the public and also welcomed Coach Steve and Mike Stockman to the meeting. He explained back in April of 2020 when the mall was closed and the predictions for sale tax revenue had dropped 50% which is 46% of our revenue stream, other revenue sources came in like Target, Home Depot, Walmart, BJ's and Wilkens RV. The sale of homes brought in Mortgage tax and bank refinancing helped as well, but the Town was faced with eliminating about 1.6 million dollars in the budget and unfortunately many of those decisions made had to do with cutting staff and cutting Capital Projects. Also noted that in the fall of 2020 our Town was close to a yellow zone and the Town put a moratorium on spending in the first three months of the 2021 Budget just in case things went dark.

**Councilman Cusimano** commented that he is the liaison for the Parks & Recreation and he knows the history of family tradition involved with this program and he can appreciate the

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

interest these families have in preserving and rebuilding the program. He shares some of the feelings talked about tonight, but feels there is room for redeveloping the program. Staffing is the core component to the program.

**Supervisor Marren** noted one of the challenges when putting the budget together was where do we focus, if we can't be inside then focus on the outdoor activities. An MEO was hired for Parks & Recreation who works with the Victor Hiking Trails Groups due to many residents and visitors utilizing the trail system. Advocating to hire an engineering firm for a dog park in the Fishers Park and add additional parking at the Victor Municipal Park to support the concerts.

**Councilman Condon** sympathizing with Lisa noted when the programs first began there were people like Keith Shields that worked partially for the town and would open the pool at school for lessons. Agreed with Councilman Cusimano that we need to bring essential services for our community.

**Councilman Guinan** also commented and agreed we need to get back to the way the programs were, but with the process of the last year of not knowing how many instructors per child and sizes of groups was a grey area. It was a difficult time during the budget process and we have to open the programs in the smartest way possible.

**Lisa Hagen** hopes that when planning for next year these concerns are factored in maybe by surveying the community. In the 2019 Master Plan the most used programs were the pool, recreation basketball and the summer camps.

**Councilman Kahovec** agrees and noted the program was very important to his four boys when they were growing up. He explained that decisions were made from a fiscal conservative responsibility and the recreation center was sub-leased to help pay for rental of the building. Looking to next year, the Board does recognize the value of the program and hopefully we will see a different program for the Parks and Recreation.

**Mayor Hadden** thanked Lisa for her presence tonight and feels it is very important for the local governments to hear from their residents. He noted that the Town Board made some difficult decisions a year ago and many employees lost their jobs. He spoke about the 2019 Parks and Recreation Master Plan and the highest priority was a new facility. People in this community want Parks and Recreation and what it has to offer.

**Supervisor Marren** responded to Mayor Hadden's comments noting that a Recreation facility was in the top three listed for the Parks Master Plan, but looking at the abstract presented tonight shows that the town is paying rent for buildings they do not own. Also noted that the highway facility is 70 years old. The Town is working on a Capital Plan for buildings. The Town needs to partner with the growing community of Farmington to build a joint facility.

**Councilman Kahovec** noted that the Dog Park is in the design process.

**Dan Williams** spoke in favor of the Parks and Recreation program and commented how much the staff helped the American Legion. They helped with the Memorial Day Parade, Honor Flight, and Clothing Drive for Vets and families, Veterans Day Ceremony, Wreaths across America and movies in the park where the Vets had a booth to talk with people.

**Randy Shea** was glad he attended the meeting tonight. He commended Lisa for coming to speak tonight as a resident who lives in the community and commended the Board on tough decisions that had to be made during the last budget year. He explained that after coming to

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

this meeting he understands why the decisions were made and wished more residents would get involved and find out what is going on. He brought up the idea of maybe setting up boosters like the school did in the past to help offset the cost of some of the programs for Parks and Recreation.

**Mary Duprey** a resident and member of the Victor Garden Club spoke in support of the Parks and Recreation Department. She explained for 10 years the Garden Club has worked on projects with the Parks and Recreations Department such as planting flowers around the community. She commented that we need to support the Parks and Recreation Programs as it affects everyone in the community old and young.

**REPORTS OF TOWN OFFICIALS:**

Economic Development/LDC

Highway

Historian

IT

Parks & Recreation

Supervisor

Town Clerk- the Town Clerk asked the Board if they had any objection to the 30 day liquor license notice that was sent in by Nocino the new restaurant at the mall. No objection by the Board.

**SUPERVISOR VERBAL REPORT:**

- Thanked the American Legion Post 931 for the Memorial Day Parade
- Calls received about Gypsy Moths – the only Town that sprayed was Canandaigua in a park and Cornell Cooperative Extension did some spraying along with the Fuller family at Bristol Mountain
- Joint Town Board Meeting with Farmington on Tuesday July 27<sup>th</sup> @ 6:00PM at the Farmington Town Hall for a presentation by the Victor/Farmington Ambulance on their budget for 2022.
- Radar sign has been moved to Strong Road and positive feedback from residents that traffic has slowed down.
- Dan Crowley former Town Board Member asked about any new activity with the Civic Park project for the American Legion. Asked the Legion to engage with Mr. Crowley.

**RESOLUTIONS****Economic Development****RESOLUTION #176 SET PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM**

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

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

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

WHEREAS, it is the desire of the Town of Victor to submit a CARES Act funding application for the Program Year 2020 New York State Community Development Block Grant (CDBG) program; and

WHEREAS, the process for CDBG applications involves holding a public hearing prior to submission of any CDBG grant applications to provide residents with information about the CDBG program and to discuss community development needs and priorities; and

WHEREAS, residents are invited to attend the hearing to assist the Town in defining community development priorities; now, therefore, be it

RESOLVED by the Town Board that a Public Hearing on the CDBG program shall be held on July 26, 2021 at 7:00 PM at the Town Hall located at 85 Main Street, Victor, NY and live streamed via YouTube; and further

RESOLVED that the Town Clerk publish or cause to be published a Public Hearing notice in the official newspaper of the Town.

**Finance****RESOLUTION #177 BUDGET TRANSFER TO FUND NEW FUEL MANAGEMENT SYSTEM**

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 May 24, 2021 the Town Board approved Resolution #159 – Purchase New Fuel Management System; and

WHEREAS, the purchase of the new fuel management system was not funded in the 2021 Budget Expenditures and created a budgetary shortfall in line item A.5132.400 Highway Garage.Contractual; and

WHEREAS, the Finance Director has identified available funds in the line 2021 Budget A.1990.400, Contingent Account.Contractual; now, therefore, be it

RESOLVED that the Town Board authorize a budget transfer in the amount of Nine Thousand Five Hundred Dollars (\$9,500.00) from A.1990.400, Contingent Account.Contractual to A.5132.400, Highway Garage.Contractual for the purchase of the new fuel management system and monthly service fee; and further

RESOLVED that all entries to achieve the above-mentioned budget transfers be completed upon Town Board approval of this resolution; and further

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

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

**RESOLUTION #178 CORRECTION OF MANIFEST #11-2021**

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 Finance Department submitted the following voided check to Gatehouse Media NY Holdings Inc. due to a duplicate payment error resulting in the need to correct the corresponding Manifest; now, therefore, be it

RESOLVED that the following Manifest be corrected:

06/14/2021 Manifest # 11-2021 total amount be corrected to \$150,008.08 with the voided check # 63859 (Voucher #s 20210984 & 20211049 & 20210967 & 202111067) in the amount of \$979.07. Check in the amount of \$615.07 was reissued on 6/15/2021

and further

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

**Highway****RESOLUTION #179 PURCHASE AXIS Q1786-LE CAMERA - RAWSON ROAD COMPLEX FUEL ISLAND AREA**

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

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

WHEREAS, the Highway Department has the need to monitor the fuel island for security purposes; and

WHEREAS, this equipment is available for purchase by piggybacking off Broome County Contract CA2362-4 from Integrated Systems; now, therefore, be it

RESOLVED that the Town Board authorizes the Highway Superintendent to purchase an Axis Q1786-LE Camera system to be installed at the Rawson Road complex by piggybacking off Broome County Contract CA2362-4 through Integrated Systems at a cost of Three Thousand Thirty One dollars and One cent (\$3,031.01) to be paid from the 2021 Budget Line item A.5010.400 Highway Superintendent. Contractual; and further

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

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

**RESOLUTION #180 PURCHASE NEW RADIANT TUBE HEATER - TRANSFER STATION**

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

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

WHEREAS, the Transfer Station has the immediate need to replace the radiant tube heater due to the old heater burning out; and

WHEREAS, the Highway Superintendent has received the following quotes for a radiant tube heater:

Company	Cost
Isaac HVACR Commercial & Industrial Services	\$6,800.00
Airquip Heating & Air Conditioning	\$6,483.00
Feldman Heating & Cooling, Inc.	Declined

Now, therefore, be it

RESOLVED that the Town Board authorizes the Highway Superintendent to purchase a new radiant tube heater for the Transfer Station from Isaac HVACR Commercial & Industrial Services due to their familiarity with the heating and air conditioning equipment at the Rawson Road complex, which will include inspection of this unit in our current maintenance contract, which is valid until March 1, 2023, at a cost of Six Thousand Eight Hundred dollars (\$6,800.00) to be paid from the 2021 Budget Line item A.8160.400 Refuse & Garbage.Contractual; and further

RESOLVED that a copy of this resolution be forwarded to the Finance Department, the Highway Superintendent, Town Clerk, and Isaac HVACR Commercial & Industrial Services.

**RESOLUTION #181 INTER-MUNICIPAL MUTUAL AID AGREEMENT - HIGHWAY PROJECTS AND MAINTENANCE**

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

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

WHEREAS, Highway and Public Works Departments throughout Ontario County and surrounding areas have a long history of cost effective and efficient sharing of labor, materials and equipment to aid each other in the completion of both routine and emergency maintenance activities; and

WHEREAS, it is in the best interest of the Town of Victor and all area municipalities to enter into an extension of the agreement as required by the Highway Law to continue this cooperation without financial and liability risk; now, therefore, be it

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

RESOLVED that the Town Supervisor is hereby authorized to enter into an Inter-Municipal Mutual Aid Agreement for the sharing of highway equipment and labor services; and further

RESOLVED that this Agreement shall be in effect for a contracted period of five years commencing on the date last signed on the Agreement; and further

RESOLVED that certified copies of this resolution and the Mutual Aid Agreement be forwarded to the Ontario County Commissioner of Public Works, Ontario County Administrator, Highway Superintendent, Finance Director and the Town Clerk.

**Human Resources****RESOLUTION #182 ACCEPT BARBARA COLE RETIREMENT**

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

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

WHEREAS, Barbara Cole has worked for the Finance Department of the Town of Victor for 7 years; and

WHEREAS, Barbara Cole submitted her letter of retirement which was effective on May 28, 2021; now, therefore be it

RESOLVED that the Town Board accepts the retirement of Barbara Cole, Finance Director; and be it further

RESOLVED that the Town Board wishes Barbara Cole all the best in her new adventures, and thanks her for her years of dedicated service to both the employees and residents of the Town of Victor.

**RESOLUTION #183 ACCEPT RANDY RADER RETIREMENT**

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

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

WHEREAS, Randy Rader has worked for the Highway Department for 32 years; and

WHEREAS, Randy Rader has submitted his letter of retirement, effective on July 23, 2021, from his position as Deputy Highway Superintendent; now, therefore be it

RESOLVED that the Town Board accepts the retirement of Randy Rader from the Highway Department and his position as Deputy Highway Superintendent; and be it further

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

RESOLVED that the Town Board wishes Randy Rader all the best in his new adventures, and thanks him for his years of dedicated service to both the employees and residents of the Town of Victor.

**RESOLUTION #184 PROVISIONAL APPOINTMENT ADAM RYCZEK - CODE ENFORCEMENT OFFICER**

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

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

WHEREAS, a vacancy exists in the Planning & Building Department for a full-time Code Enforcement Officer; and

WHEREAS, the position was advertised and applicants were interviewed by an interview committee; and

WHEREAS, it was decided by the interview team that Adam Ryczek possesses the qualifications necessary to fill this position; now, therefore be it

RESOLVED that Adam Ryczek be appointed to the position of Code Enforcement Officer for the Town of Victor at a Grade 5, step A salary of Twenty Five dollars and Sixty Nine cents per hour (\$25.69/hour), to be charged to the 2021 Town Budget Line Item #B.3620.100 Building-Safety Inspection. Personal Services, with a starting date of approx. July 6, 2021; and be it further

RESOLVED that this is a provisional appointment pending the taking of the Ontario County Code Enforcement Officer 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 Adam Ryczek, Planning Coordinator, Human Resources, Town Clerk, and the Finance Office.

**Parks & Recreation**

**RESOLUTION #185 REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS**

On motion of Councilman Condon, seconded by Councilman Cusimano, 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

VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

perform their contracted service for the Town of Victor may appeal to the Victor Town Board for a Waiver of the Certificate of Liability Insurance; and

WHEREAS, the Town wishes services to be provided by the following vendors, who are requesting the waiver of providing a Certificate of Liability Insurance to the Town of Victor:

<u>Vendor</u>	<u>Activity / Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>	<u>Reason for Exemption</u>
Bill Tiberio	Concert in the Park	Victor Municipal Park	\$700.00	August 31, 2021	Insufficient Coverage
Dady Brothers Music	Concert in the Park	Victor Municipal Park	\$700.00	August 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>
Bill Tiberio	Concert in the Park	Victor Municipal Park	\$700.00	August 31, 2021	Insufficient Coverage
Dady Brothers Music	Concert in the Park	Victor Municipal Park	\$700.00	August 31, 2021	Insufficient Coverage

and be it further

RESOLVED that a copy of this resolution be sent to Director of Parks and Recreation, Town Clerk, Bill Tiberio and Dady Brothers Music.

**RESOLUTION #186 AGREEMENT - BILL TIBERIO**

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 Department of Parks and Recreation seeks to offer a concert in the park 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 Bill Tiberio to provide music and a sound system for a concert to be held on Thursday, July 15, 2021 from 7:00 pm – 8:30 pm; and

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

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 Bill Tiberio 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 for the sum of Seven Hundred dollars (\$700.00) to be paid from the 2021 Operating Budget line item A7550.400 Celebrations.Contractual; and further

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's Insurance Broker or an insurance waiver from the Town Board, and the Attorney for the Town; and further

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

**RESOLUTION #187 AGREEMENT - DADY BROTHERS MUSIC**

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

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

WHEREAS, the Department of Parks and Recreation seeks to offer a concert in the park 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 Dady Brothers Music to provide music and a sound system for a concert to be held on Thursday, July 6, 2021 from 11:00 am – 12:00 pm; 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 Dady Brothers Music 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 for the sum of Seven Hundred dollars (\$700.00) to be paid from the 2021 Operating Budget line item A7550.400 Celebrations.Contractual; and further

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's Insurance Broker or an insurance waiver from the Town Board, and the Attorney for the Town; and further

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

RESOLVED, that a copy will be forwarded to Director of Parks and Recreation, Finance Director, Town Clerk, and John Dady.

**RESOLUTION #188 RENTAL OF TENTING - SUNSHINE AND SMILES CHILDREN'S AND FAMILIES CONCERT SERIES**

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

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

WHEREAS, the Department of Parks and Recreation has the need to rent a 30' by 45' frame tent for its' Sunshine and Smiles Children's and Families Concert Series on July 6<sup>th</sup> and August 10<sup>th</sup> in Mead Square and the Victor-Farmington Library parking lot; and

WHEREAS, the Director of Parks and Recreation has received a proposal from Spatola's Party Rentals for the tenting of the two events identified as Schedule A and kept on file in the Town Clerk's office; now, therefore, be it

RESOLVED that the Town Board authorizes the Director of Parks and Recreation to rent a 30' x 45' frame tent for the Sunshine and Smiles Children's and Families Concert Series for the amount of One Thousand Four Hundred dollars (\$1,400.00) to be paid from the 2021 Budget Line item A7550.400 Celebrations.Contractual; and further

RESOLVED that a copy of this resolution be forwarded to the Director of Parks and Recreation, Town Clerk, Finance Director, and Spatola's Party Rental.

**RESOLUTION #189 PURCHASE 2021 FORD ESCAPE S**

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

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

WHEREAS, the Planning & Building Department has the need to purchase a 2021 Ford Escape S for Building Inspector operations; and,

WHEREAS, this vehicle is available for purchase under NYS Office of General Services Vehicle Marketplace Mini-Bid #7162, Contract #23166 through Van Bortel Ford, Inc.; now therefore be it

RESOLVED that the Town Board authorizes the Planning & Building Department to purchase a 2021 Ford Escape S from the NYS Office of General Services Vehicle Marketplace Mini-Bid #7162, Contract #23166 through Van Bortel Ford, Inc. at a cost of Twenty Thousand Six Hundred Eleven dollars and Twelve cents (\$20,611.12) to be paid from the 2021 Budget Line item B.3620.200 Building-Safety Inspection.Equipment; and further

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

RESOLVED that a copy of this resolution be forwarded to the Project Coordinator, Town Clerk, Finance Department, and Josh Relyea, Van Bortel Ford Inc.

**Supervisor****RESOLUTION #190 HIGHLINE PARK PLANNED DEVELOPMENT DISTRICT – REZONING EXTENSION**

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 June 22, 2020 the Town Board adopted Resolution #226 - Local Law to amend the Official Zoning Map and Chapter 211 Zoning, Section 211-13 Establishment, Section 211-14 Mapped Zoning Districts Designated, and create Section 211-27.12 Highline Park Planned Development District; and

WHEREAS, Section 211-27.12A requires that an application for site plan and/or subdivision approval in relation to the parcel must be submitted to the Town within one year of the effective date of this section;

WHEREAS, an application for the site plan and/or subdivision approval of the Highline Park Planned Development District has not been submitted; now, therefore be it

RESOLVED that Morrell Builders be granted a six month extension for the approval of the site plan and/or subdivision application per Section 211-27.12A; and further

RESOLVED that a copy of this resolution be forwarded to the Planning Board, Project Coordinator and the Town Clerk.

**RESOLUTION #191 ACCEPTANCE OF PETITION BY REIDMAN ACQUISITIONS, LLC TO RECLASSIFY NORTHWEST CORNER OF EAST VICTOR ROAD AND BOUGHTON HILL ROAD COMMONLY KNOWN AS SOUTHGATE HILLS PHASE 2 FROM A RESIDENTIAL OVERLAY DISTRICT "A" TO A RESIDENTIAL OVERLAY DISTRICT "B" AS COMPLETE AND SCHEDULING OF PUBLIC HEARING**

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

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

WHEREAS, the Town Board of the Town of Victor (the "Town Board") has received from Reidman Acquisitions, LLC (the "Petitioner") a petition to reclassify the zoning designations on the Official Residential Overlay Zoning District Map, Map Z-02, of the Town of Victor (the "Zoning Map") of certain properties Petitioner owns bearing tax map numbers 28.04-01-44.111, 28.04-01-44.200, 28.04-01-45.000, and 28.04-01-48.000 comprising Southgate Hills Phase 2 located on the

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

northwest corner of East Victor Road and Boughton Hill Road in the Town of Victor (the "Subject Properties") from a Residential Overlay District "A" to a Residential Overlay District "B" (collectively referred to as the "Petition"), along with a letter of intent signed by Petitioner as owner of the Subject Properties supporting the reclassification, a map showing the Subject Properties to be reclassified, and a legal description of the Subject Properties, all of which are available for public inspection at the Victor Town Clerk's Office; and

WHEREAS, the Comprehensive Plan of the Town of Victor, dated August 24, 2015, sets forth a land use policy supporting the reclassification of the Subject Properties from "Least Density" to "Medium Density"; and

WHEREAS, the potential environmental impact of a reclassification of the Subject Properties from "Least Density" to "Medium Density" was assessed in the Generic Environmental Impact Statement ("GEIS") prepared for the 2015 Comprehensive Plan of the Town of Victor pursuant to the New York State Environmental Quality Review Act, Article 9 of the Environmental Conservation Law and the regulations promulgated therein at 6 N.Y.C.R.R. Part 617 ("SEQRA"); and

WHEREAS, pursuant Section 211-6(A) of the Town of Victor Zoning Code (the "Zoning Code"), the Town Board, upon receipt of a petition, may reclassify residential overlay zoning districts and revise the Zoning Map to reflect the reclassification after public notice and hearing and upon prior receipt of a report on the reclassification from the Town of Victor Planning Board, now, therefore be it

RESOLVED that the Town Board accepts the Petition and deems it complete for the purpose of proceeding with the applicable procedures set forth in Section 211-6(A) of the Zoning Code; and be it further

RESOLVED that pursuant to Section 211-6(A) of the Zoning Code, the Town Board refers the Petition and accompanying materials to the Town of Victor Planning Board for review at its July 13, 2021 meeting in order for the Planning Board to provide the requisite report on the Petition to the Town Board prior to July 26, 2021; and be it further

RESOLVED that pursuant to Section 239-m of the New York General Municipal Law, the Town Board refers the Petition to the Ontario County Planning Board for review and comment at its July 14, 2021 meeting; and be it further

RESOLVED that pursuant to Section 211-6(A) of the Zoning Code the Town Board shall meet at the Town Hall, 85 East Main Street, Victor, New York, on July 26, 2021, at 7:00 p.m. for the purpose of conducting a public hearing on the Petition, at which time and place all persons interested in the subject thereof may be heard concerning the same.

**RESOLUTION #192 ACCEPT VICTOR CONSOLIDATED SEWER DISTRICT EXTENSION ENGINEERS REPORT - PROPOSED VICTOR JEEP SEWER DISTRICT AS COMPLETE AND SCHEDULING OF PUBLIC HEARING**

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 of the Town of Victor ("the Town") has received from Victor East Holding Co. LLC a Consolidated Sewer District Extension Engineers Report containing, in part, a map, Short Form Environmental Assessment Form, and a proposed sewer extension plan (the "Report") requesting an extension of the Town of Victor Consolidated Sewer District (the "Sewer District") to include 6.090+/- acres of lands located on the north side of NYS Route 96, more specifically depicted on the map contained in the Report, the metes and bounds description of which is also set forth in the Report (the proposed extension to the Sewer District is hereinafter referred to as the "Victor Jeep Sewer District"), all of which is available for public inspection at the Victor Town Clerk's Office; and

WHEREAS, given the nature of the Report and the policy of the Town of Victor with respect to sewer districts, the Report has been converted to one for the proposed establishment and consolidation of the Victor Jeep Sewer District into the Sewer District; and

WHEREAS, the Town of Victor proposes to consolidate the Victor Jeep Sewer District into the Sewer District, so as to eliminate the additional administrative burden and costs associated with the operation of multiple sewer districts; and

WHEREAS, pursuant to New York General Municipal Law Article 17-A, the Town of Victor Town Board, acting jointly as the governing body of the Sewer District as well as what will be the governing body of the proposed Victor Jeep Sewer District, has prepared a "Proposed Joint Consolidation Agreement between the Victor Consolidated Sewer District and the Victor Jeep Sewer District" (the "Agreement"), a copy of which is on file with the Victor Town Clerk for public viewing, now, therefore be it

RESOLVED that the Town Board of the Town of Victor deems the Report as complete for the purposes of proceeding with the necessary procedures pursuant to New York General Municipal Law Article 17-A to consider the proposed consolidation of the Sewer District and the proposed Victor Jeep Sewer District; and be it further

RESOLVED that the Town Board hereby authorizes and directs the Town Clerk to duly post a copy of the proposed Agreement at the Victor Town Hall, publish a summary of the proposed Agreement in the official Town newspaper once a week for four (4) consecutive weeks, and

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

publish a copy of the proposed Agreement on the official Town of Victor website; and be it further

RESOLVED that pursuant to Article 17-A of the Town Law, the Town Board of the Town of Victor shall meet at the Town Hall, 85 East Main Street, Victor, New York, on September 13, 2021, at 7:00 p.m. for the purpose of conducting a public hearing on the proposal to consolidate the Victor Jeep Sewer District with the Sewer District, at which time and place all persons interested in the subject thereof may be heard concerning the same.

**RESOLUTION #193 ACCEPT VICTOR CONSOLIDATED SEWER DISTRICT EXTENSION ENGINEERS REPORT - PROPOSED WILLIS HILL ESTATES SEWER DISTRICT AS COMPLETE AND SCHEDULING OF PUBLIC HEARING**

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

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

WHEREAS, the Town Board of the Town of Victor ("the Town") has received from Woodstone Custom Homes a Consolidated Sewer District Extension Engineers Report containing, in part, a map, Short Form Environmental Assessment Form, and a proposed sewer extension plan (the "Report") requesting an extension of the Town of Victor Consolidated Sewer District (the "Sewer District") to include 162+/- acres of lands located on the east side of Strong Road, more specifically depicted on the map contained in the Report, the metes and bounds description of which is also set forth in the Report (the proposed extension to the Sewer District is hereinafter referred to as the "Willis Hill Estates Sewer District"), all of which is available for public inspection at the Victor Town Clerk's Office; and

WHEREAS, given the nature of the Report and the policy of the Town of Victor with respect to sewer districts, the Report has been converted to one for the proposed establishment and consolidation of the Willis Hill Estates Sewer District into the Sewer District; and

WHEREAS, the Town of Victor proposes to consolidate the Willis Hill Estates Sewer District into the Sewer District, so as to eliminate the additional administrative burden and costs associated with the operation of multiple sewer districts; and

WHEREAS, pursuant to New York General Municipal Law Article 17-A, the Town of Victor Town Board, acting jointly as the governing body of the Sewer District as well as what will be the governing body of the proposed Willis Hill Estates Sewer District, has prepared a "Proposed Joint Consolidation Agreement between the Victor Consolidated Sewer District and the Willis Hill Estates Sewer District" (the "Agreement"), a copy of which is on file with the Victor Town Clerk for public viewing, now, therefore be it

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

RESOLVED that the Town Board of the Town of Victor deems the Report as complete for the purposes of proceeding with the necessary procedures pursuant to New York General Municipal Law Article 17-A to consider the proposed consolidation of the Sewer District and the proposed Willis Hill Estates Sewer District; and be it further

RESOLVED that the Town Board hereby authorizes and directs the Town Clerk to duly post a copy of the proposed Agreement at the Victor Town Hall, publish a summary of the proposed Agreement in the official Town newspaper once a week for four (4) consecutive weeks, and publish a copy of the proposed Agreement on the official Town of Victor website; and be it further

RESOLVED that pursuant to Article 17-A of the Town Law, the Town Board of the Town of Victor shall meet at the Town Hall, 85 East Main Street, Victor, New York, on September 13, 2021, at 7:00 p.m. for the purpose of conducting a public hearing on the proposal to consolidate the Willis Hill Estates Sewer District with the Sewer District, at which time and place all persons interested in the subject thereof may be heard concerning the same.

#### **Town Clerk**

#### **RESOLUTION #194 ACCEPT ESCROW - VICTOR CHRYSLER DODGE RAM JEEP**

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

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

WHEREAS, Victor East Holding Company, LLC received Planning Board approval for Victor Chrysler Dodge Ram Jeep with the condition that a form of surety be submitted to cover the cost of infrastructure, some of which may be dedicated to the town; and

WHEREAS, it is the desire of Victor East Holding Company, LLC to enter into an escrow agreement with the Town of Victor in favor of the Town of Victor as a form of surety as prescribed for in Section 184-14 Section C (9)(b)(c) of the Town of Victor Subdivision Regulations in lieu of a letter of credit; and

WHEREAS, the Engineer for the Town reviewed the developer's estimate of construction costs which includes 10% contingencies, 10% developer's assurance and 4% Town Engineer fee and has recommended a surety totaling \$294,076.25; and

WHEREAS, Victor East Holding Company, LLC has submitted Canandaigua National Bank and Trust Company Escrow Account in favor of the Town of Victor in the amount of \$294,076.25 as recommended by the Town Engineer; now, therefore, be it

RESOLVED that the Town Board hereby authorizes the Town Clerk to execute the Escrow Agreement as described above; and further

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

RESOLVED that a copy of this resolution be forwarded to Codes & Development, the Engineer for the Town, Finance Director, Town Clerk, and Victor East Holding Company, LLC.

**RESOLUTION #195 ACCEPT LETTER OF CREDIT – THE FAIRWAYS PHASE III**

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

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

WHEREAS, Fairview Ponds LLC Inc. received Planning Board approval for The Fairways Phase III with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and

WHEREAS, the Town Engineer reviewed the developer's estimate of construction costs which includes contingencies, developer's assurance, and Town Engineering fees, and in his letter dated May 18, 2021, recommends a surety in the amount of Fifty One Thousand Five Hundred Sixty Four dollars (\$51,564.00); now, therefore, be it

RESOLVED that the Town Board accepts the Canandaigua National Bank and Trust Co. Irrevocable Letter of Credit in the amount of Fifty One Thousand Five Hundred Sixty Four dollars (\$51,564.00), with the condition that should this Letter of Credit not be renewed at least ten (10) days prior to the expiration date of May 25, 2022 the Town Clerk is authorized to draw the balance of the Letter of Credit and place said funds in an Escrow Account until such time as the Town Engineer recommends dedication of the infrastructure and release of the remaining funds; and, be it further

RESOLVED that a copy of this resolution be forwarded to Planning and Building, LaBella, Town Clerk, and Fairview Ponds LLC Inc.

**RESOLUTION #196 ACCEPT LETTER OF CREDIT – BLUMONT RISE SUBDIVISION**

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

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

WHEREAS, Woodstone Custom Homes received Planning Board approval for Blumont Rise with the condition that a form of surety be submitted to cover the cost of improvements and infrastructure; and

WHEREAS, the Town Engineer reviewed the developer's estimate of construction costs which includes contingencies, developer's assurance, and Town Engineering fees, and in his letter dated August 13, 2020, recommends a surety in the amount of One Million Six Hundred Seventy Seven Thousand Eighty dollars (\$1,677,080.00); now, therefore, be it

## VICTOR TOWN BOARD MEETING, MONDAY JUNE 28, 2021

RESOLVED that the Town Board accepts the Canandaigua National Bank and Trust Co. Irrevocable Letter of Credit in the amount of One Million Six Hundred Seventy Seven Thousand Eighty dollars (\$1,677,080.00), with the condition that should this Letter of Credit not be renewed at least ten (10) days prior to the expiration date of June 10, 2022 the Town Clerk is authorized to draw the balance of the Letter of Credit and place said funds in an Escrow Account until such time as the Town Engineer recommends dedication of the infrastructure and release of the remaining funds; and, be it further

RESOLVED that a copy of this resolution be forwarded to Planning and Building, LaBella, Town Clerk, and Woodstone Custom Homes.

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

**RESOLUTION #197 MOTION TO MOVE TO EXECUTIVE SESSION @ 8:12PM**

On motion of Councilman Condon, seconded by Councilman Kahovec, for the Town Board to move into executive session for the rule #2 and #3

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

Present: Board Members and Brian Emelson.

Brian left meeting at 8:35PM

**RESOLUTION #198 MOTION TO END 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 (Marren, Condon, Kahovec, Guinan, Cusimano)

**ADJOURNMENT:**

With no further business to come before the Board tonight, motion was made by Councilman Condon, seconded by Councilman Guinan to adjourn the meeting at 9:34PM.

Respectfully submitted,

Karen C. Bodine  
Town Clerk