

## VICTOR TOWN BOARD MEETING, MONDAY SEPTEMBER 27, 2021

Town of Victor Budget Workshop- 6:00PM was held in the Main Meeting Room of the Victor Town Hall.

**ATTENDEES:** Supervisor Jack Marren; Councilman Dave Condon, Councilman Ed Kahovec, Councilman Mike Guinan, Councilman Drew Cusimano, Rich O'Donnell – Finance Director; David Nankin.

Supervisor Marren opened the workshop at 6:00PM

**Rich O'Donnell** presented the Board with the 2020 & 2021 Adopted Budget summary pages for their review along with a 10 year review of sales tax revenue by quarter and how the 2022 sales tax was projected for the budget. Rich also included an 8 year review of mortgage tax revenue and how the amount was projected for the 2022 budget.

- Rich noted that the tax rate will remain the same. He explained that the revenues are strong due to sales tax and mortgage tax increases. This is primarily due to the increase in home sales over the last year and the internet sales tax. Rich noted that the budget is still conservative and projection for next year looks good. He commented that every department put good thought into their budgets for 2022.

**Discussion items by Board in the Budget:**

- ✓ Victor/Farmington Ambulance- Supervisor Marren mentioned that Councilman Cusimano did an outstanding job putting the analysis together for the Board. The Board discussed the amount to be given to the Victor/Farmington Ambulance and agreed they would like the money earmarked for specific use and accountability. Counsel suggested to put in writing to monitor use of the money. The Board agreed on \$150,000 and if Farmington agrees to the same amount, the \$300,000 from both communities based on population seems like a fair amount. Looking for a commitment from the V/F Ambulance that the money will go towards manpower for recruitment and the additional unit for a 3<sup>rd</sup> daytime ambulance Monday thru Friday and an overnight ambulance from 11PM till 6AM seven days a week.
- ✓ Lane Road Sidewalk Project – Brian Emelson gave an estimate on the cost to continue the sidewalks. \$25,000 for asphalt and \$52,000 for concrete. The Board agreed to get this project completed.
- ✓ Future Budget Meetings – Board agreed to cancel October 4<sup>th</sup> and October 18<sup>th</sup>
- ✓ November 8<sup>th</sup> Meeting at 6:00PM to pay bills only (Supervisor Marren & Councilman Condon will be out of town.
- ✓ Fund Balance Meeting in November
- ✓ The Board discussed donation bundling – By law the town cannot solicit donations and this was something Mike Stockman did for the Town in prior years. The Parks & Recreation Department still needs donations to offset the cost of putting on these programs and events. The idea is to hire someone at 10 hours per week either through LDC or the Chamber or someone outside to solicit donations. The town would increase the contribution given to LDC and they would take care of the donations. The Board was in agreement with this concept



**Jeff Smith** -Woodstone Customs Homes updated the Board and public with changes made to the concept plan since the August 23<sup>rd</sup> meeting. Jeff explained that the public hearing on August 23, 2021 provided very valuable input regarding the concept design presented. The three areas of focus: **1)** Increased traffic- particularly through the existing streets of Sunray Crest and Fieldcrest. **2)** Stormwater drainage in the rear yards of Fieldcrest and **3)** Inner connectivity of sidewalks and safe access to the Auburn Trail. They specifically addressed these concerns in a redesign of the project. For traffic, alternative means were analyzed of secondary access which is required by NYS Fire Code. Reduction in the total number of lots from 92 to 85 and redesign of the cul de sac to improve traffic. Stormwater concerns from the neighbors on Fieldcrest, Jeff explained the majority of the water drains directly to Mud Creek and approximately 12 acres in the left hand portion of the subdivision does drain to the field in back of the homes along Fieldcrest. Jeff proposed that a majority of the drainage of the 12 acres would be captured in their detention facilities and will be redirected away from Boca Estates. To address inner connectivity and safe access to the Auburn Trail the concept now includes sidewalks to interconnect Sunray Crest all the way around the loop and to the entrance at the East Victor Road as well as extending to Auburn Trail. Jeff also noted this will provide an opportunity of nearly 70 acres of parkland. This is only one of a few parcels that remain in Victor that can be directly served by gravity sewer discharging to the Farmington Sewer treatment plant without a pump station. Woodstone Custom Homes is asking the Board to approve a change in the overlay district from A to C with the understanding that they would proceed with the concept plans as were presented tonight with some fine tuning.

**Supervisor Marren** thanked Jeff for listening to the concerns of the residents. He also mentioned for public awareness, there may be opportunity for a signal light by Auction Direct and the medical buildings. Also, the Town may be looking at widening or adding a turning lane by East Victor and Route 96. Additionally, have Wes work with the Planning and Building department showing the potential build out with the number of projects to petition the state for a speed reduction on East Victor Road.

**Councilman Guinan** expressed concern about the land that is land locked behind the homes being built and is there a plan in place as to what would happen with the land. If the town doesn't agree to take this land on, it becomes inaccessible land. Jeff explained there are trails and places to get to this land with potential trail development.

**Brian Emelson** noted this land is not identified in the 2019 Parks Master Plan and it would have to be seen as valuable park land. Right now the amount of dedicated park land is twice the amount of acreage per capita in Victor. Typically the Town does not

look at acquiring park land that is in people's backyards and also noting there is a cost to maintaining and keeping the land in its natural state.

**Bob Bringley** explained this piece of property is actively being used by the public now. The farmer has allowed hiking around the property and noted this is a unique property. Jeff commented they can certainly subdivide the Victor parcel and do what the Town Board would prefer with this land.

**Councilman Cusimano** recapped on the public comments. He feels comfortable with the extra work that has been done on the stormwater. With the addition of the sidewalks and trail access the compatibility of the neighborhood was addressed. He appreciates cutting the homes from 92 to 85 and still would like to see the number of homes cut back to the high 70's or low 80's. He would feel more comfortable with that and maybe take into consideration cutting back the units at the street side. He would like to advocate to bring the size of the community down. He feels that the concerns that were brought forth by the public have been addressed. He thanked Jeff for addressing the stormwater concerns and acting on them.

**Jeff** commented that he is willing to look at lowering the number of units and also noting there is no overlay zoning that allows 80 units.

**Councilman Kahovec** explained that he was originally against the large gap from A to C overlay district as a matter of principal. He appreciates the fact that Jeff went back and looked and dropped the number of units down. He took the feedback from residents and acted on it.

**Councilman Guinan** noted that more than twenty years ago when the comp plan was being put together with overlay districts, farmers were still farming these farms. He struggles with whether the Town is prepared to take this on and label it a nature preserve or just take 50% of the parcel.

**Supervisor Marren** would like to get some feedback from the CAC and Victor Hiking Trails.

**Wes Pettee** offered a few thoughts mainly about the 50% open space requirement. For a major subdivision, 50% of the land area needs to be preserved for open space per Town Code. There are three options; establish the conservation easement and keep it in private ownership; dedicate the land to the Town; some other option that would be approved by the Town Planning Board and or Town Board. Maybe the developer could talk with the Finger Lakes Land Trust or an organization that might take the land in dedication on their own. Wes also noted after being on the site a few weeks back that this is a very unique area with the nature preserve and offers some great educational opportunities for students. Maybe an ecology or environmental class at Victor School could study the stream or vegetation that is back there.

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**Brian Emelson** commented that the Parks Advisory Committee meets next week and they can schedule a site walk of this property to see if this is something of value to them.

**Gregg Richards** asked if the Farmington Town Board had been approached about the part of the parcel that is actually in Farmington. He also thanked Jeff Smith for addressing the concerns of the public.

**Diedra Kirk** expressed three comments online: This new plan does not address the increased traffic on East Victor Road nor address the drastic change in the character of our neighborhood. We can't turn left off of East Victor Road onto 96 or Boughton Hill it is impossible for the people that already live on the road adding 200 plus more cars will make it ten times worse. We were told that Southgate wouldn't have houses right on the road and that a berm would be at roadside to create a visual barrier and it wasn't done that way. Our neighborhood is being ruined.

**RESOLUTION NO. 254 MOTION TO CLOSE THE PUBLIC HEARING @ 8:14PM AND CONTINUE WITH THE REGULAR MEETING**

On motion of Councilman Cusimano seconded by Councilman Condon, the Public Hearing was closed and the Board reconvened to the regular meeting.

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

**SUPERVISOR'S ANNOUNCEMENTS:**

- Employee Birthdays for the month of October
- Early Voting begins on October 23 – October 31, 2021
- All town facilities will be closed on October 11<sup>th</sup> in observance of Indigenous Day

**RESOLUTION NO. 255 APPROVAL OF MINUTES**

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

4 Ayes (Condon, Marren, Kahovec, Cusimano) 1 abstain Guinan

RESOLVED that the minutes for August 30, 2021 be approved as written.

**RESOLUTION NO. 256 APPROVAL OF MINUTES**

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

4 Ayes (Condon, Guinan, Kahovec, Cusimano) 1 abstain Marren

RESOLVED that the minutes for September 7, 2021 be approved as written.

**RESOLUTION NO. 257 APPROVAL OF MINUTES**

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

4 Aye (Condon, Guinan, Kahovec, Cusimano) 1 abstain Marren

RESOLVED that the minutes for September 13, 2021 be approved as written.

**RESOLUTION NO. 258 PAYMENT OF BILLS**

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

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

RESOLVED that the bills be approved for Manifest #18 in the amount of \$339,628.35  
Documentation for these expenditures can be found on vouchers filed by numbers #20211717 - 20211824.

Manifest #18	
General Townwide	\$ 102,896.75
General Outside Village	41,623.10
Parkland Trust	30,539.00
Highway Townwide	158,457.04
Sanitary Conveyance Improvement Project	140.00
Lighting Districts	5,280.31

Supervisor Marren reviewed the following expenditures for Manifest #18 that were in the range or exceeded \$5,000.00.

- B & M International LLC– Oct. Rent Courts facility - \$10,275.00
- Bluestone Creek Development LLC – Oct. rent Parks & Rec. facility - \$13,750.00
- Elderlee – Repair Dryer Road Guiderail - \$25,020.00
- Lehigh Hanson – Material for 2 Town Rd. Projects - \$93,787.98
- MVP Health – October Healthcare - \$57,690.75
- MVP Health – October Retiree Healthcare - \$6,435.87
- Northern Supply – 2 New Radar Signs - \$6,800.00
- RG&E – Gas & Electric for Town Buildings - \$10,442.31
- Suit-Kote Corporation – Crack seal Town streets - \$4,983.39
- Super Sealcoating – Fishers Park Pickle ball courts - \$28,280.00
- Van Bortel Ford – New vehicle for Building/Planning - \$20,611.12
- Victor School District – Tax for 7891 Lehigh Crossing - \$18158.54

**PRIVILEGE OF THE FLOOR** - None

**Public Comments and Concerns:** None

**Report of Town Officials:**

Finance

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Highway  
Historian  
IT

Town Clerk presented the Tentative 2022 Budget to the Town Board

**Supervisor Verbal Report:**

- Victor Farmington Rotary Luncheon – gave an update on the state of the Town & County Budget and other initiatives that have been taking place.
- Pickleball Grand Opening at Fishers Park for the new courts – Jerry Colyer and Keith Shields honored for their efforts.
- Report from the Victor/Farmington Ambulance & Victor Fire Department were distributed to Board Members
- Received two thank you letters from the Victor/Farmington Food Cupboard and Serenity House for donations from the Town staff for Friday Jeans Day
- Meeting on Thursday with Mr. & Mrs. Rob about the Conservation Easement at Warters Cove. Frank Pavia, Al Benedict, and Supervisor Marren will be attending.
- Ontario growth is the fastest in the six county region. From a town perspective we are now at 15,860 residents. Victor's population increased by 1585 in a ten year span. Farmington is now the fastest growing town, but Victor is the largest.
- Site of Constellation Brands moving to the City of Rochester. Supervisor Marren has met with Fred Rinaldi, Jr. and he assured him they will have a new tenant. Empire State Development will assist the Town and Ontario County is trying to attract a new company to that site.
- State Comptroller notified the town that for the 3<sup>rd</sup> year in a row we have a 0.0 fiscal distress designation which is outstanding.
- Resident from Setter's Run – wants access through the town property with heavy equipment to bring stone onto his property.

**RESOLUTIONS**

**RESOLUTION NO. 259 SWITCH VENDORS FOR PROCESSING CREDIT CARD PAYMENTS - PARKS AND RECREATION**

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 Parks and Recreation Department currently receives numerous program payments into their respective department by credit cards thru Civic Plus Software and

WHEREAS, Civic Plus processes the acceptance of credit cards for payment thru 3<sup>rd</sup> party provider Municipay to Town provided bank account and

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WHEREAS, Civic Plus passes along the 2.5% processing charge to the consumer signing up for the Program and

WHEREAS, Civic Plus will no longer support our current gateway provided by Municipay ending 10/15/21 and partners with CGS Forte to provide this service and

WHEREAS, Civic Plus will provide at no cost to the Town all migration services and documentation into CGS Forte gateway on 10/15/21 with no loss of service and

RESOLVED that the Town Supervisor be authorized to sign a contract, in accordance with General Municipal Law sections 5 and 5b, to accept credit card payments at no fee to the Town, however, there will be a convenience fee charged back to the consumer, and further

RESOLVED, that a copy of this resolution be sent to the Finance Director, Town Clerk, Information Technology, and Civic Plus.

**RESOLUTION NO. 260 BUDGET TRANSFER TO FUND EQUIPMENT PURCHASE FOR THE HIGHWAY DEPARTMENT**

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 approved the purchase of a used Skyjack Scissor Lift per Resolution No. **261** dated September 27, 2021; and

WHEREAS, the purchase of the used Skyjack Scissor Lift was not part of the anticipated 2021 budget expenditures; and

WHEREAS, a budgetary shortfall is anticipated in 2021 Budget Line item DB.5130.200 Highway Machinery.Equipment in the amount of Four Thousand Nine Hundred Fifty Dollars (\$4,950.00) prior to yearend based on the purchase of the Scissor Lift; and

WHEREAS, available funds have been identified in the line DB.5140.100 Brush & Weeds.Personal Services; now, therefore, be it

RESOLVED the Town Board authorize a budget transfer in the amount of Four Thousand Nine Hundred Fifty Dollars (\$4,950.00) from DB.5140.100 Brush & Weeds.Personal Services to DB.5130.200 Highway Machinery.Equipment for the purchase of the used Scissor Lift; and

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

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

**RESOLUTION NO. 261 PURCHASE SCISSOR LIFT - HIGHWAY DEPARTMENT**

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 purchase a used Skyjack Scissor Lift; and

WHEREAS, a request for proposal was sent to two (2) supply companies for quotes on a used Scissor Lift; and

WHEREAS, the following vendors responded to the Request for Proposal as follows:

Company	Model	Price
Duke Company	Genie GS1930	\$ 5,900.00
Admar Equipment & Supplies	Skyjack SJIII-3219	\$ 4,950.00

Now, therefore, be it

RESOLVED that the Town Board authorizes the Highway Superintendent to purchase the Skyjack Model SJIII-3219 for Four Thousand Nine Hundred and Fifty dollars (\$4,950.00) including freight to be paid from the 2021 Budget Line item DB.5130.200 Machinery. Equipment; and further

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

**RESOLUTION NO. 262 2021/2022 INTERMUNICIPAL AGREEMENT ONTARIO COUNTY - MUNICIPAL SNOW AND ICE AGREEMENT**

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

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

WHEREAS, Ontario County desires to obtain snow and ice control services from the Town of Victor in an Agreement for County Road 9, County Road 42, and a portion of County Road 41 from Mertensia Road to the Monroe County line; and

WHEREAS, the current agreement expired on September 30, 2021; and

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WHEREAS, this Agreement is consistent with the Agreement by Ontario County Department of Public Works, Bureau of Highways, and the Town of Victor in the past; and

WHEREAS, the Town of Victor is willing to provide said service, and the Highway Superintendent approves of this Agreement; now, therefore, be it

RESOLVED that the Supervisor for the Town of Victor is authorized to enter into Agreement for the Municipal Snow and Ice Agreement with the County of Ontario to provide snow and ice control services by the Town of Victor on County Road 9, County Road 42, and the portion of County Road 41 from Mertensia Road to the Monroe County line, said Agreement to expire September 30, 2022; and further

RESOLVED that a copy of this resolution be forwarded to the Highway Superintendent, Town Clerk, Finance Department, and the Ontario County Department of Public Works.

**RESOLUTION NO. 263 AFTER PUBLIC HEARING - RECLASSIFICATION OF 1403 EAST VICTOR ROAD COMMONLY KNOWN AS STONE BROOK SUBDIVISION FROM A RESIDENTIAL OVERLAY DISTRICT "A" TO A RESIDENTIAL OVERLAY DISTRICT "C"**

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

4 Ayes (Marren, Condon, Kahovec, Cusimano) 1 Nay Guinan

WHEREAS, the Town Board of the Town of Victor ("the Town Board") received from Woodstone Custom Homes, Inc (the "Petitioner") a petition to reclassify the zoning designations on the Official Amended Zoning Map of the Town of Victor (the "Zoning Map") of a certain property bearing tax map number 28.04-2-62.000 comprising Stone Brook Subdivision located on the east side East Victor Road south of the NYS Route 96 intersection in the Town of Victor (the "Subject Property") from a Residential Overlay District "A" to a Residential Overlay District "C" (collectively referred to as the "Petition"), along with a letter of intent signed by Petitioner as authorized Petitioner by the Owner of the Subject Property supporting the reclassification, a map showing the Subject Property to be reclassified, and a legal description of the Subject Property, 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 "Highest Density"; and

WHEREAS, the potential environmental impact of a reclassification of the Subject Properties from "Least Density" to "Highest 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

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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; and

WHEREAS, the Planning Board has provided a report to the Town Board supporting the reclassification of the Properties consistent with the Petition; and

WHEREAS, pursuant to Section 239-m of the New York General Municipal Law, the Ontario County Planning Board at its August 11, 2021 meeting issued an approval of the re-classification of the Subject Properties from a Residential Overlay District "A" to a Residential Overlay District "C" ; and

WHEREAS, the Town Board duly held a public hearing in accordance with Section 211-6(A) of the Zoning Code at the Town Hall, 85 East Main Street, Victor, New York on the 23<sup>rd</sup> day of July, 2021 at 7:30 p.m. for the purpose of hearing from any and all members of the public interested in the Petition; and

WHEREAS, after due deliberation, the Town Board finds it in the best interest of the Town to re-classify the Subject Properties from a Residential Overlay District "A" to a Residential Overlay District "C" in accordance Section 211-6(A) of the Zoning Code; now, therefore, be it

RESOLVED that no further assessment of the Petition pursuant to SEQRA is required since the re-classification of the Subject Properties is being carried out in conformance with the conditions and thresholds established in the GEIS that was prepared for the 2015 Comprehensive Plan of the Town of Victor; and be it further

RESOLVED that notice of the public hearing conducted by the Town Board on August 23, 2021 was duly provided; and be it further

RESOLVED that the Town Board hereby approves and authorizes the re-classification of the Subject Properties from a Residential Overlay District "A" to a Residential Overlay District "C" as those designations are defined in the Zoning Code; and be it further

RESOLVED that the Town Clerk of the Town of Victor be, and hereby is directed, to enter the re-classification of the Subject Properties into the minutes of this meeting and to modify the Zoning Map to reflect the re-classification of the Subject Properties consistent with this resolution, and to give due notice of the same as necessary; and be it further

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

**RESOLUTION NO. 264 ACCEPT LETTER OF CREDIT – WILLIS HILL ESTATES PHASE 2**

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

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

WHEREAS, Woodstone Custom Homes, LLC received Planning Board approval for Willis Hill Estates Phase 2 project 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 24, 2021, recommends a surety in the amount of One Million Three Hundred Fifty Eight Thousand Three Hundred Ninety Two dollars (\$1,358,392.00); 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 One Million Three Hundred Fifty Eight Thousand Three Hundred Ninety Two dollars (\$1,358,392.00), with the condition that should this Letter of Credit not be renewed at least ten (10) days prior to the expiration date of September 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, Marathon Engineering, Town Clerk, and Woodstone Custom Homes, LLC.

**ADJOURNMENT:**

With no further business to come before the Board tonight and on motion from Councilman Cusimano, seconded by Councilman Guinan the meeting was adjourned at 8:32PM.

Respectfully submitted,

Karen C. Bodine  
Town Clerk