

**This meeting will be held in person at the Victor Town Hall and live streamed via YouTube with text commenting available. Go To:**  
<https://www.youtube.com/c/townofvictornewyork>



## **Victor Town Board Meeting Agenda – Monday, July 25, 2022**

### **Regular Meeting – Call to Order**

Flag Salute

**Public Hearings** start at 7:00 PM

**Approval of the June 27 & July 11, 2022, Regular Town Board meeting minutes**

### **Payment of Bills**

### **Privilege of the Floor**

- Jeff Smith, Woodstone – to discuss an amendment to the Conservation Easement language for Willis Hill Estates
- Brian Emelson - dog park plan

### **Public Comments and Concerns**

### **Reports of Town Officials**

- ❖ Finance
- ❖ Highway
- ❖ IT

### **Resolutions**

#### **Finance**

1. Acceptance of Special Events Donations
2. Renewal of Municipal Advisors Contract (Town Bond Counsel Bernard Donegan, Inc.)
3. Receipt of ARPA Funds

#### **Highway**

4. Authorization to petition the New York State Department of Transportation to evaluate the speed limit on Lynaugh Road from the Village line to County Road 9

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**Human Resources**

5. Authorization To Create Planning & Building Department Construction Inspector Position
6. Climb Aboard Victor event, Saturday, September 3

**Supervisor**

7. Set Public Hearing - Code amendment Chapter 90 Dogs and Chapter 148 Parks
8. Set Public Hearing - DIA for Southgate Hills Phase 1 & 2
9. Set Public Hearing - Local Law change for Chapter 188 – Taxation

**Town Clerk**

10. Approval of Acquisition of an Easement by The Monroe County Water Authority Pursuant to §1096(6-A) of New York's Public Authorities Law
11. Blumont Rise Subdivision Letter of Credit Release 3
12. Willis Hill Estate Phase 2 Letter of Credit Release 3
13. Southgate Hill 2 Grading Letter of Credit Release 2
14. Appointment of JoAnn Henry, Part-Time Deputy Town Clerk

**PUBLIC COMMENT**

**ADJOURN**

# #1

## RESOLUTION NO. ACCEPT SPECIAL EVENTS DONATIONS

WHEREAS, the Departments of Economic Development and Parks and Recreation organize a variety of seasonal and community-wide special events; and

WHEREAS, the activities have realized recent donations from 2022 community partners in the amount of Ten Thousand Six Hundred Dollars (\$10,600.00) as follows from:

Wegmans	\$5,000.00
Harris Beach	\$1,000.00
Integrated Systems	\$1,000.00
Canandaigua National Bank	\$1,000.00
DiFelice Development	\$ 500.00
Howard Hanna	\$ 500.00
LaBella Associates	\$ 500.00
Lyons National Bank	\$ 500.00
Mattiaccio Orthodontics	\$ 500.00
Barn Door Events	\$ 100.00

and,

WHEREAS, the Directors of Economic Development and Parks and Recreation recommend that we accept and deposit these donations in support of these community events which will incur costs and require expenditures within the 2022 Budget Line A.7550.400 Celebrations Contractual; now, therefore be it

RESOLVED that the Town Board accepts the above partnership donations in the amount of Ten Thousand Six Hundred Dollars (\$10,600.00) and authorizes the Finance Director to increase the revenue line A.2705 Gifts and Donations by Ten Thousand Six Hundred dollars (\$10,600.00) in the 2022 Budget. All budget entries to be done upon board approval; and further

#1

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

## #2

RESOLUTION NO.      EXTEND EXISTING PROFESSIONAL AGREEMENT – BERNARD P. DONEGAN, INC. MUNICIPAL ADVISOR

WHEREAS, Bond Counsel had advised that a Post-Issuance Tax Compliance and Continuing Disclosure Policy and Procedure for Tax-Exempt Notes & Bonds be adopted by the Victor Town Board, now, therefore, be it

WHEREAS, the Town Board re-adopted the Town of Victor Post-Issuance Tax Compliance and Continuing Disclosure Policy and Procedure for Tax-Exempt Notes & Bonds at the annual Organizational Meeting on January 3, 2022, and

WHEREAS, this contract will expire on December 31, 2024; and

WHEREAS, Bernard P. Donegan, Inc. has submitted pricing for the extension of services until December 31, 2024; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to extend the Professional Municipal Advisor Services Agreement with Bernard P. Donegan, Inc. at an annual rate not to exceed Seventy-Five Hundred dollars (\$7,500.00) annually under the fee schedule included in the terms and conditions as provided in the 2022 contract, and be it further

RESOLVED, fees to be paid from Budget line-item A.1989.400 Government Contractual; and be it further

RESOLVED, that a copy of this resolution be forwarded to Bernard P. Donegan, Inc., Finance Director and Town Clerk.

# #3

## RESOLUTION NO. ACKNOWLEDGEMENT OF RECEIPT OF FINAL ARPA FUNDS FOR THE TOWN OF VICTOR

WHEREAS, the Town Board of the Town of Victor is aware the Town of Victor was awarded \$1,266,970.55 from the Federal government associated with the ARPA (American Rescue Plan Act) Coronavirus Local Fiscal Recovery Fund; and

WHEREAS, the Town Board is aware the funds were distributed to the Town of Victor in three installments, two in the summer of 2021 and final on July 18, 2022; and

WHEREAS, the Town of Victor received one installment of \$630,909.42 on July 21, 2021 and \$2,575.86 received August 27, 2021 and the remaining balance of \$633,485.27 was received by the Town of Victor on July 18, 2022; and

WHEREAS, in guidance issued by the NYS Comptroller June 2021, the NYS Comptroller classified these funds as non-recurring revenues which are not repeatedly received by local governments and directed local governments to submit a budget amendment; and

WHEREAS, the Town Board understands funds can generally be used to cover permissible costs that were incurred after March 3, 2021, and the deadline to obligate funds is December 31, 2024, and the deadline to spend funds is December 31, 2026; and

WHEREAS, the Town Board understands the monies may be used for the following categories:

- To respond to the COVID-19 public health emergency or its negative economic impacts;
- To provide premium pay to essential workers;
- To cover loss of revenue to provide government services;
- To make necessary investments in building improvements, water, sewer, and broadband infrastructure; and

NOW THEREFORE BE IT RESOLVED, the Town Finance Director created Capital Project (ARPA) for accounting of ARPA revenues and expenditures separate from the Town's annual budget; and

### #3

BE IT FURTHER RESOLVED, the Town Board acknowledges receipt of the final distribution of \$630,909.42 and following the GASB standards to credit other liability A.0688 until expenditures are incurred at which time the revenue will be recorded; and

BE IT FINALLY RESOLVED, the Town Clerk to provide a copy of this resolution to the Town Finance Director and Town Clerk.

## #4

RESOLUTION NO. \_\_\_\_\_ AUTHORIZATION TO PETITION THE NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION TO EVALUATE THE SPEED LIMIT ON  
LYNAUGH ROAD FROM THE VILLAGE LINE TO COUNTY ROAD 9

WHEREAS, the Highway Superintendent has concerns regarding residential development and increased traffic due to the new round-about, he is requesting an evaluation of the speed limit on Lynaugh Road from the Village of Victor line to County Road 9; now, therefore, be it

RESOLVED the Highway Superintendent proceed with petitioning the State Department of Transportation for evaluation of Lynaugh Road between the Village of Victor line and County Road 9 within the Town of Victor, for a reduced speed limit; and further

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



## #5

### RESOLUTION NO. AUTHORIZATION TO CREATE PLANNING & BUILDING DEPARTMENT CONSTRUCTION INSPECTOR POSITION

WHEREAS, the Town has the need to create one full-time position in its Planning & Building Department for a Construction Inspector, as described on the Ontario County Human Resources job description; and

WHEREAS, the position will replace the construction inspection duties currently being done by the Town's engineering firm, and as such, funds are provided for in the Planning & Building Department 2022 Operating Budget line B.3620.100 Building-Safety Inspection Personal Services at a Grade 4, Step A hourly rate of twenty-five dollars and fifty-four cents per hour (\$25.54 / hour); now therefore, be it

RESOLVED, that the position of Construction Inspector for the Planning & Building Department be created at a Grade 4, step A hourly salary rate of \$24.42 / hour (twenty-four dollars and forty-two cents per hour) and is to be funded from line B.3620.100 Building- Safety Inspection Personal Services in the 2022 Operating Budget; and be it further

RESOLVED, that a copy of this resolution be forwarded to the Planning & Building Department, Human Resources Department, Finance Department, and the Town Clerk.

## #7

### RESOLUTION NO. SET PUBLIC HEARING – PROPOSED LOCAL LAW TO AMEND CHAPTERS 90 DOGS & 148 PARKS

WHEREAS, the Town Board has identified the need to amend Chapter 90 Dogs and Chapter 148 Parks; and

WHEREAS, a proposed Local Law has been submitted for the Town Board's review and is on file with the Town Clerk; now, therefore, be it

RESOLVED that a Public Hearing regarding the Local Law being proposed to amend Chapters 90 Dogs & 148 Parks shall be held on August 22, 2022, at 7:00 p.m., at the Victor Town Hall located at 85 E. Main Street, Victor, NY and live streamed via YouTube; and be it further

RESOLVED that the Town Clerk shall provide and publish such notice(s) of the Public Hearing(s) scheduled herein as are required under the New York Town Law and the New York Municipal Home Rule Law; and further

RESOLVED that the Town Clerk advertise for said Public Hearing in a manner consistent with prescribed law.

## #8

### RESOLUTION NO. SET PUBLIC HEARING – SOUTHGATE HILLS 1 & 2 TOWN OF VICTOR DRAINAGE IMPROVEMENT AREA

WHEREAS, on behalf of Riedman Acquisitions LLC, BME Associates submitted information for Southgate Hills Section 1 and 2 in support of the subdivisions to be included in the Town's Drainage Improvement Area; and

WHEREAS, LaBella Associates reviewed and commented on the Special District Application dated 3/25/22, Drainage Improvement Area report, dated 3/28/22 and Short Environmental Assessment Form and responses were supplied by BME Associates on 5/31/2022; and now, therefore, be it

RESOLVED by the Victor Town Board, that a Public Hearing shall be scheduled on the 22nd day of August 2022, at 7:00 p.m., at the Victor Town Hall, 85 East Main Street, Victor, NY, for the purpose of considering Southgate Hill Subdivision Sections 1 & 2 to be included in the Town of Victor Drainage Improvement Area; and further

RESOLVED that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

## #9

### RESOLUTION NO. SET PUBLIC HEARING – PROPOSED CHANGE TO LOCAL LAW CHAPTER 188, ARTICLE I SENIOR CITIZENS EXEMPTION

WHEREAS, the Town Assessor has informed the Town Board of a series of changes taking place in the New York State Legislature affecting property tax–related bills; and

WHEREAS, the Town Board currently allows for senior citizen exemptions based on income, medical expenses, veterans’ disability payments, a sliding tax scale for residents who are age 65 before 12/31, late filings up to and including on Grievance Day, and provides the highest current exemption rate in Ontario County; and

WHEREAS, the current Local Law, Chapter 188.Taxation, Article I Senior Citizens Exemption, §188-2 Exemptions Granted, subsection B currently states that the “exemptions for senior citizen ownership status, residency, occupancy and income as set forth in §467 of the New York State Real Property Tax Law, as amended from time to time, *which shall be construed to provide the maximum tax relief permissible*”; and

WHEREAS, it is the recommendation of our Town Assessor to amend Local Law, Chapter 188.Taxation, Article I. Senior Citizens Exemption, §188-2 Exemptions Granted to read that the “exemptions for senior citizen ownership status, residency, occupancy and income as set forth in §467 of the New York State Real Property Tax Law, as amended from time to time, *at the discretion of the Town Board*”; and

WHEREAS, a draft Local Law has been submitted to the Town Board implementing the change to Local Law, Chapter 188.Taxation, Article I Senior Citizens Exemption, §188-2 Exemptions Granted; said draft Local Law is on file with the Town Clerk where it is available for public review.

NOW, THEREFORE BE IT:

RESOLVED, by the Town Board of the Town of Victor, that a Public Hearing shall be held on the 22nd day of August 2022, at 7:00 p.m., at the Victor Town Hall, 85 East Main Street, Victor, NY, for the purpose of considering the adoption of such Local Law to amend Chapter 188.Taxation, §188-2 Exemptions Granted, subsection B; and be it further

RESOLVED, that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

# #10

RESOLUTION NO. APPROVAL OF ACQUISITION OF AN EASEMENT BY THE  
MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW  
YORK'S PUBLIC AUTHORITIES LAW

WHEREAS, The Monroe County Water Authority ("Authority") is responsible for the future replacement of the existing water main throughout the Town of Victor; and

WHEREAS, the acquisition of one (1) easement per property is necessary for the construction, installation, operation, and maintenance of a future replacement water main; and

WHEREAS, the approximately 15' wide frontage easements necessary for the future replacement water main are located along the frontage of 6485 Break of Day Road (Tax Acct. No. 28.04-1-31.110), which is owned by Brett Jones and Laci Paluck; 7241 Valentown Road (Tax Acct. No. 1.02-1-21), which is owned by CoMarkholdings, LLC; 7731 NYS Route 251 (Tax Acct. No.s 15.1-1-60 & 15.1-1-61), which is owned by Pet Pride of NY; 0 County Road 41 (Tax Acct. No. 40.0-1-6.000), which is owned by Roger and Christine Morrison, and

WHEREAS, the acquisition is necessary to allow for the completion of the construction, installation, operation, and maintenance of the future replacement water main which will allow the Authority to continue to provide potable water supply and fire protection to the area; and

WHEREAS, §1096(6-a) of New York's Public Authorities Law requires the Authority to obtain the prior approval of the above-referenced acquisition by the Town Board.

NOW, THEREFORE, let it be

RESOLVED, that the Town hereby approves of the Authority's acquisition of the frontage easements at 6485 Break of Day Road, 7241 Valentown Road, 7731 NYS Route 251, and 0 County Road 41 in accordance with §1096(6-a) of the New York Public Authorities Law and be it further

RESOLVED that a copy of this resolution be provided to the Authority.

# #11

## RESOLUTION NO. LETTER OF CREDIT – BLUMONT RISE SUBDIVISION - RELEASE 3

WHEREAS, upon Woodstone Custom Homes receiving Planning Board approval for the Blumont Rise Subdivision, a Canandaigua National Bank Irrevocable Letter of Credit was posted with the Town to cover the cost of improvements and infrastructure; and,

WHEREAS, in their July 20, 2022 letter, the Town Engineer recommended that One Hundred Thousand Four Hundred Eighty-Five dollars (\$100,485.00) be released from said Letter of Credit conditioned upon payment of all fees owed the Town; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 3 on the Canandaigua National Bank Irrevocable Letter of Credit in the amount of One Hundred Thousand Four Hundred Eighty-Five dollars (\$100,485.00) conditioned upon payment of all fees owed to the Town; and further

RESOLVED that given said release, there now remains Three Hundred Thirty-Seven Thousand Sixty-One dollars (\$337,061.00) in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Town Engineer, Woodstone Custom Homes, Finance Director, and Town Clerk.

# #12

## RESOLUTION NO. LETTER OF CREDIT – WILLIS HILL ESTATES PHASE 2 - RELEASE 3

WHEREAS, upon Woodstone Custom Homes LLC, receiving Planning Board approval for Willis Hill Estates Phase 2 a Canandaigua National Bank Irrevocable Letter of Credit was posted with the Town to cover the cost of improvements and infrastructure; and

WHEREAS, in their July 21, 2022 letter, the Town Engineer recommended that One Hundred Sixteen Thousand Eight Hundred Eighty-Eight dollars (\$116,888.00) be released from said Letter of Credit conditioned upon payment of all fees owed the Town; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 3 on the Canandaigua National Bank Irrevocable Letter of Credit in the amount of One Hundred Sixteen Thousand Eight Hundred Eighty-Eight dollars (\$116,888.00) conditioned upon payment of all engineering and inspection fees owed to the Town; and further

RESOLVED that given said release, there now remains Two Hundred Eighty-Seven Thousand Nine Hundred Sixty-Nine (\$287,969.00) in said Letter of Credit; and further

RESOLVED that a copy of this resolution be forwarded to the Town Engineer, Woodstone Custom Homes LLC, Finance Director and Town Clerk.

# #13

## RESOLUTION NO. LETTER OF CREDIT – SOUTHGATE HILLS 2 GRADING ONLY - RELEASE 2

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

WHEREAS, in their July 21, 2022 letter, the Town Engineer recommended that One Hundred Ten Thousand Eight Hundred Forty-Nine dollars and Sixty cents (110,849.60) be released from said Letter of Credit conditioned upon payment of all fees owed the Town; now, therefore, be it

RESOLVED that the Town Board hereby approves Release No. 2 on the Tompkins Community Bank Irrevocable Letter of Credit in the amount of One Hundred Ten Thousand Eight Hundred Forty-Nine dollars and Sixty cents (110,849.60) conditioned upon payment of all fees owed to the Town; and further

RESOLVED that given said release, there now remains Eighty Thousand Seven Hundred Eighty-Seven dollars and Eighteen cents (\$80,787.18) in said Letter of Credit; and further

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



# #14

## RESOLUTION NO. APPOINTMENT OF JOANN HENRY PART-TIME DEPUTY TOWN CLERK

WHEREAS, JoAnn Henry was interviewed for the Part-Time Deputy Town Clerk position on July 18, 2022 by the Victor Town Clerk, and

WHEREAS, JoAnn Henry has 27 years experience as a Town Clerk with the Town of Manchester, and

WHEREAS, the Victor Town Clerk wishes to appoint JoAnn Henry to the Part-Time Deputy Town Clerk position with a starting date of July 18, 2022 at a rate of Twenty-Two dollars and Forty-Six cents (\$22.46/hour) to be charged to the 2022 Town Budget account #A.1410.100 – Town Clerk. Personal Services; now, therefore be it

RESOLVED that JoAnn Henry be appointed to the Deputy Town Clerk position with a starting date of July 18, 2022 at a rate of Twenty-Two dollars and Forty-Six cents (\$22.46/hour) to be charged to the 2022 Town Budget account #A.1410.100 – Town Clerk. Personal Services, and be it further

RESOLVED that a copy of this resolution be sent JoAnn Henry, Town Clerk, Finance Department, and Human Resources.